

AMENDED IN ASSEMBLY AUGUST 19, 2016

AMENDED IN ASSEMBLY AUGUST 15, 2016

AMENDED IN SENATE APRIL 12, 2016

SENATE BILL

No. 1383

Introduced by Senator Lara
(Coauthors: Senators Allen, Hancock, and Hill)
(Coauthor: Assembly Member Gonzalez)

February 19, 2016

An act to add ~~Section~~ *Sections 39730.5 and 39730.6* to the Health and Safety Code, and to add *Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30 of the Public Resources Code*, relating to ~~greenhouse gases: methane emissions.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1383, as amended, Lara. Short-lived climate ~~pollutants: pollutants:~~ *pollutants: methane emissions: organic waste: landfills.*

The

(1) *The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The state board is required to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020. The state board is also required to complete a comprehensive strategy to reduce emissions of short-lived climate pollutants, as defined, in the state.*

This bill would require the state board, no later than January 1, 2018, to approve and begin implementing that comprehensive strategy to reduce emissions of short-lived climate pollutants to achieve a reduction

in methane by 40%, hydrofluorocarbon gases by 40%, and anthropogenic black carbon by 50% below 2013 levels by 2030, as specified. *The bill also would establish specified targets for reducing organic waste in landfills.*

(2) The California Integrated Waste Management Act of 1989, which is administered by the Department of Resources Recycling and Recovery, establishes an integrated waste management program that requires each county and city and county to prepare and submit to the department a countywide integrated waste management plan.

The bill would require the department, in consultation with the state board, to adopt regulations that achieve the specified targets for reducing organic waste in landfills. The bill would authorize local jurisdictions to charge and collect fees to recover the local jurisdiction’s costs incurred in complying with the regulations. The bill would require, no later than July 1, 2020, the department, in consultation with the state board, to analyze the progress that the waste sector, state government, and local governments have made in achieving the specified targets for reducing organic waste in landfills. The bill would authorize the department, depending on the outcome of that analysis, to amend the regulations to include incentives or additional requirements, as specified. By adding to the duties of local governments related to organic waste in landfills, this bill would impose a state-mandated local program.

(3) 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: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature finds and declares all of the
 2 following:
 3 (a)
 4 (1) Short-lived climate pollutants, such as black carbon,
 5 fluorinated gases, and methane, are powerful climate forces that

1 have a dramatic and detrimental effect on air quality, public health,
2 and climate change.

3 ~~(b)~~

4 (2) These pollutants create a warming influence on the climate
5 that is many times more potent than that of carbon dioxide.

6 ~~(e)~~

7 (3) These toxic air contaminants also are a significant
8 environmental risk factor for premature death.

9 ~~(d)~~

10 (4) Reducing these emissions can have an immediate beneficial
11 impact on climate change and on public health.

12 ~~(e)~~

13 (5) To the extent possible, efforts to reduce emissions of
14 short-lived climate pollutants should focus on areas of the state
15 that are disproportionately affected by poor air quality.

16 *(b) It is the intent of the Legislature to support the adoption of*
17 *policies that improve organics recycling and innovative,*
18 *cost-effective, and environmentally beneficial uses of biomethane*
19 *derived from solid waste facilities.*

20 *(c) It is intent of the Legislature that the disposal reduction*
21 *targets established pursuant to Section 39730.6 of the Health and*
22 *Safety Code shall serve as a statewide average target and not as*
23 *a minimum requirement for each jurisdiction.*

24 SEC. 2. Section 39730.5 is added to the Health and Safety
25 Code, to read:

26 39730.5. (a) No later than January 1, 2018, the state board
27 shall approve and begin implementing the comprehensive
28 short-lived climate pollutant strategy developed pursuant to Section
29 39730 to achieve a reduction in the statewide emissions of methane
30 by 40 percent, hydrofluorocarbon gases by 40 percent, and
31 anthropogenic black carbon by 50 percent below 2013 levels by
32 2030.

33 (b) Prior to approving the short-lived climate pollutant strategy
34 pursuant to subdivision (a), the state board shall do all of the
35 following:

36 (1) Coordinate with other state and local agencies and districts
37 to develop measures identified as part of the strategy.

38 (2) Provide a forum for public engagement by holding at least
39 three public hearings in geographically diverse locations throughout
40 the state.

1 (3) Evaluate the best-available scientific, technological, and
2 economic information to ensure that the strategy is cost effective
3 and technologically feasible.

4 (4) Incorporate and prioritize, as appropriate, measures and
5 actions that provide the following cobenefits:

- 6 (A) Job growth and local economic benefits in the state.
- 7 (B) Public health benefits for residents, particularly in
8 disadvantaged communities identified pursuant to Section 39711.
- 9 (C) Potential for new innovation in technology, energy, and
10 resource management practices.

11 (c) The state board shall publicly notice the strategy described
12 in subdivision (a) and post a copy of that strategy on the state
13 board’s Internet Web site at least one month prior to the state board
14 approving the strategy pursuant to subdivision (a).

15 *SEC. 3. Section 39730.6 is added to the Health and Safety*
16 *Code, to read:*

17 *39730.6. Consistent with Section 39730.5, methane emissions*
18 *reduction goals shall include the following targets to reduce the*
19 *landfill disposal of organics:*

- 20 (a) *A 50 percent reduction in the level of the statewide disposal*
21 *of organic waste from the 2014 level by 2020.*
- 22 (b) *A 75 percent reduction in the level of the statewide disposal*
23 *of organic waste from the 2014 level by 2025.*

24 *SEC. 4. Chapter 13.1 (commencing with Section 42652) is*
25 *added to Part 3 of Division 30 of the Public Resources Code, to*
26 *read:*

27
28 *CHAPTER 13.1. SHORT-LIVED CLIMATE POLLUTANTS*
29

30 *42652. (a) The department, in consultation with the State Air*
31 *Resources Board, shall adopt regulations to achieve the organic*
32 *waste reduction goals for 2020 and 2025 established in Section*
33 *39730.6 of the Health and Safety Code. The regulations shall*
34 *comply with all of the following:*

- 35 (1) *May require local jurisdictions to impose requirements on*
36 *generators or other relevant entities within their jurisdiction and*
37 *may authorize local jurisdictions to impose penalties for*
38 *noncompliance.*

1 (2) *Shall include requirements intended to meet the goal that*
2 *not less than 20 percent of edible food that is currently disposed*
3 *of is recovered for human consumption by 2025.*

4 (3) *Shall not establish a numeric organic waste disposal limit*
5 *for individual landfills.*

6 (4) *May include different levels of requirements for local*
7 *jurisdictions and phased timelines based upon their progress in*
8 *meeting the organic waste reduction goals for 2020 and 2025*
9 *established in Section 39730.6 of the Health and Safety Code. The*
10 *department shall base its determination of progress on relevant*
11 *factors, including, but not limited to, reviews conducted pursuant*
12 *to Section 41825, the amount of organic waste disposed compared*
13 *to the 2014 level, per capita disposal rates, the review required*
14 *by Section 42653, and other relevant information provided by a*
15 *jurisdiction.*

16 (5) *May include penalties to be imposed by the department for*
17 *noncompliance. If penalties are included, they shall be imposed*
18 *using the processes authorized by Sections 41825 and 41850.*

19 (6) *Shall take effect on or after January 1, 2022, except the*
20 *imposition of penalties pursuant to paragraph (5) shall not take*
21 *effect until two years after the effective date of the regulations.*

22 (b) *A local jurisdiction may charge and collect fees to recover*
23 *the local jurisdiction's costs incurred in complying with the*
24 *regulations adopted pursuant to this section.*

25 42653. (a) *No later than July 1, 2020, the department, in*
26 *consultation with the State Air Resources Board, shall analyze the*
27 *progress that the waste sector, state government, and local*
28 *governments have made in achieving the organic waste reduction*
29 *goals for 2020 and 2025 established in Section 39730.6 of the*
30 *Health and Safety Code. The analysis shall include all of the*
31 *following:*

32 (1) *The status of new organics recycling infrastructure*
33 *development, including the commitment of state funding and*
34 *appropriate rate increases for solid waste and recycling services*
35 *to support infrastructure expansion.*

36 (2) *The progress in reducing regulatory barriers to the siting*
37 *of organics recycling facilities and the timing and effectiveness of*
38 *policies that will facilitate the permitting of organics recycling*
39 *infrastructure.*

1 (3) *The status of markets for the products generated by organics*
2 *recycling facilities, including cost-effective electrical*
3 *interconnection and common carrier pipeline injection of digester*
4 *biomethane and the status of markets for compost, biomethane,*
5 *and other products from the recycling of organic waste.*

6 (b) *If the department determines that significant progress has*
7 *not been made on the items analyzed pursuant to subdivision (a),*
8 *the department may include incentives or additional requirements*
9 *in the regulations described in Section 42652 to facilitate progress*
10 *towards achieving the organic waste reduction goals for 2020 and*
11 *2025 established in Section 39730.6 of the Health and Safety Code.*
12 *The department may, upon consultation with stakeholders,*
13 *recommend to the Legislature revisions to those organic waste*
14 *reduction goals.*

15 42654. *This chapter shall not limit the authority of a local*
16 *jurisdiction to adopt, implement, or enforce requirements in*
17 *addition to those set forth in the regulations adopted pursuant to*
18 *this chapter.*

19 SEC. 5. *No reimbursement is required by this act pursuant to*
20 *Section 6 of Article XIII B of the California Constitution because*
21 *a local agency or school district has the authority to levy service*
22 *charges, fees, or assessments sufficient to pay for the program or*
23 *level of service mandated by this act, within the meaning of Section*
24 *17556 of the Government Code.*