

AMENDMENTS TO SENATE BILL NO. 1252  
AS AMENDED IN ASSEMBLY JUNE 30, 2008

Amendment 1

Delete all references to the current version of SB 1252 and add Senators Perata as coauthor.

Amendment 2

On page 2, before line 1, insert:

*SECTION 1 (a) The Legislature finds and declares both of the following:*

*(1) Since the enactment of the California Integrated Waste Management Act of 1989 (Division 30 (commencing with Section 40000) of the Public Resources Code), local governments and private industries have worked jointly to create an extensive material collection and recycling infrastructure and have implemented effective programs to achieve a statewide diversion rate above 50 percent.*

*(2) Although the state now leads the nation in waste reduction and recycling, the state continues to dispose of more than 40 million tons of waste each year, which is more than the national average on a per capita basis. Additional efforts must be undertaken to divert more solid waste from disposal in order to conserve scarce natural resources.*

*(b) The Legislature further finds and declares all of the following:*

*(1) Approximately 64 percent of the state's solid waste disposal is from commercial sources, including commercial, industrial, construction, and demolition activities. In addition, 8 percent of the state's solid waste disposal is from multifamily residential housing that is often collected along with the commercial waste stream.*

*(2) The state's local governments have made significant progress in reducing the amount of disposal from single-family residential sources that make up 28 percent of the state's disposal, but have faced more challenges in reducing disposal from the commercial and multifamily sources.*

*(3) The disposal of commercial solid wastes harms natural resources, negatively impacts the state's environment, prevents materials from circulating in the state economy to produce jobs and new products, and contributes to global warming.*

*(4) The state has long been a national and international leader in environmental stewardship efforts and mandating the diversion of solid waste away from disposal. Bold environmental leadership and a new approach are needed to divert commercial solid waste away from disposal.*

*(5) By exercising a leadership role, the state will lead the business community toward a future in which the environment and the economy both grow stronger together by recycling materials, which creates new jobs, instead of burying resources, which exit the economy forever.*

*(6) By requiring commercial recycling, the state will help businesses reduce costly disposal fees and reclaim valuable resources.*

*(7) Solid waste diversion and disposal reduction requires the availability of adequate waste processing and composting capacity. The existing network of public and private waste processing and composting facilities provides a net environmental benefit to the communities served, and represents a valuable asset and resource of this state, one that must be sustained and expanded to provide the additional waste processing capacity that will be required to achieve the additional diversion mandates expressed in Section 41780. It is the intent of the Legislature to encourage the development of the additional waste processing and composting capacity that is needed to meet state objectives for decreasing disposal by identifying incentives*

*for local governments to locate and approve new or expanded facilities that meet and exceed their capacity needs, and to recognize local agencies that make significant contributions to the state's overall waste reduction and recycling objectives through the siting of facilities for the processing and composting of materials diverted from the solid waste stream.*

*(8) The provisions in existing law that confer broad discretion on local agencies to determine aspects of solid waste handling that are of local concern have significantly contributed to the statewide diversion rate exceeding 50 percent, and further progress toward decreasing disposal requires that this essential element of local control be preserved. Accordingly, by setting new statewide diversion requirements in Section 41780, new waste diversion targets in Section 41780.01, and new commercial waste recycling requirements in Section 42649, the Legislature does not intend to limit the rights afforded to local governments pursuant to Section 40059, nor does it intend to modify or abrogate in any manner the rights of either party to any solid waste handling franchise or contract previously granted.*

*SEC. 2. Section 40149 is added to the Public Resources Code, to read:*

*40149. (a) "Lignocellulosic ethanol processing" means the production of ethanol or chemical feedstock from lignocellulose, a structural material comprised primarily of cellulose, hemicellulose, and lignin, contained in biodegradable organic material which is not a hazardous waste. The process involves in-vessel enzymatic or chemical hydrolysis of cellulose to produce free sugars, that are biologically fermented to produce ethanol in an engineered and controlled environment.*

*(b) For the purposes of Part 4 (commencing with Section 43000) and Part 5 (commencing with Section 45000), a "lignocellulosic ethanol processing facility" shall be considered a transfer or processing station as defined pursuant to 40200.*

*(c) "Lignocellulosic ethanol processing" that meets the requirements in paragraphs (1) and (2) of subdivision (a) of Section 41783.5 is not a form of transformation, as defined pursuant to Section 40201.*

*SEC. 3. Section 41780 of the Public Resources Code is amended to read:*

*41780. (a) Each ~~city or county jurisdiction~~'s source reduction and recycling element shall include an implementation schedule that shows both of the following:*

*(1) For the initial element, the ~~city or county jurisdiction~~ shall divert 25 percent of all solid waste from landfill disposal or transformation by January 1, 1995, through source reduction, recycling, and composting activities.*

*(2) Except as provided in Sections 41783, and 41784, ~~41785~~, for the first and each subsequent revision of the element, the ~~city or county jurisdiction~~ shall divert 50 percent of all solid waste on and after January 1, 2000, through source reduction, recycling, and composting activities.*

*(3) Except as provided in Sections 41783 and 41784, for each subsequent revision of the element, the jurisdiction shall divert 60 percent of all solid waste on and after January 1, 2015, through source reduction, recycling, and composting activities.*

*(b) ~~Nothing in this part prohibits a city or county~~ This section does not prohibit a jurisdiction from implementing source reduction, recycling, and composting activities designed to exceed ~~these~~ the requirements of this division.*

*SEC. 4. Section 41780.01 is added to the Public Resources Code, to read:*

*41780.01 The following waste reduction targets are hereby established for the state:*

*(a) Except as provided in Sections 41783 and 41784, divert 60 percent of solid waste on or after January 1, 2015, through source reduction, recycling, and composting activities.*

*(b) Except as provided in Sections 41783 and 41784, divert 75 percent of solid waste on or after January 1, 2020, through source reduction, recycling, and composting activities.*

SEC. 5. Section 41783.5 is added to the Public Resources Code, to read:

*41783.5. (a) For a city, county, or regional agency source reduction and recycling element updated as part of the annual report and submitted to the board after January 1, 2009, the diversion requirement specified in subdivision (a) of Section 41780 may include lignocellulosic ethanol processing, as defined in Section 40149, unless the board determines that the processing does not meet both of the following requirements:*

*(1) The lignocellulosic ethanol processing facility will advance the demonstration of commercially viable bioenergy processing technologies to produce renewable transportation fuels or other renewable value-added products consistent with the state's greenhouse gas reduction targets and the Bioenergy Action Plan for California, dated July 2006.*

*(2) The organic feedstock for a lignocellulosic ethanol processing facility is derived from one or more of the following waste materials:*

*(A) Material that was previously used as noncomposted mulch.*

*(B) Material that was previously disposed of or used for beneficial reuse at a solid waste landfill, including use as alternative daily cover, that would otherwise constitute diversion through recycling pursuant to Section 41781.3.*

*(C) Material that is approved for this use by the board.*

*(b) For the purposes of the requirements of Sections 41780 and 41780.01, solid waste that is subject to lignocellulosic ethanol processing shall be considered as being subject to disposal, if the board finds that the processing does not meet the requirements of this section. The Board shall develop procedures to ensure that lignocellulosic ethanol processing that does not meet the requirements of this section shall be considered to be disposal.*

SEC. 6. Section 42649 is added to the Public Resources Code, to read:

*42649. (a) The owner or operator of a business that contracts for solid waste services ~~or~~ and generates more than four cubic yards of total solid waste and recyclable materials that are not solid waste per week shall arrange for recycling services, to the extent that these services are offered and reasonably available from a local service provider.*

*(b) By January 1, 2011, each city, county, solid waste authority, or other joint powers authority located within a county with a population of 200,000 or more shall adopt a commercial recycling ordinance that is consistent with this section.*

*(c) A commercial recycling ordinance adopted pursuant to this section shall include, at a minimum, all of the following:*

*(1) Enforceable requirements that all commercial waste generators either source separate specified recyclable materials from solid waste and subscribe to a basic level of recycling service that includes the collection of such materials or specific provisions for authorized self-hauling, or subscribe to an alternative type of recycling service, which may include mixed waste processing, that yields diversion results comparable to source separation.*

*(2) Education, implementation, and enforcement provisions.*

*(d) For the purposes of this section, "business" means a commercial entity operated by a firm, partnership, proprietorship, joint stock company, corporation, or association that is organized for profit or nonprofit.*

*(e) This section does not limit the authority of a local agency to adopt, implement, or enforce a local commercial recycling ordinance that is more stringent or comprehensive than the requirements of this section or limit the authority of a local agency in a county with a population of less than 200,000 to require commercial recycling.*

*(f) This section does not modify or abrogate in any manner any of the following:*

*(1) A franchise granted or extended by a city, county, or other local government agency on or before January 1, 2009.*

*(2) A contract, license, or permit to collect solid waste previously granted or extended by a city, county, or other local government agency on or before January 1, 2009.*

*(g) (1) When adopting an ordinance pursuant to this section, a local agency may consider the adequacy of areas for collecting and loading recyclable materials.*

*(2) Notwithstanding paragraph (1), a local agency shall not consider the adequacy of areas for collecting and loading recyclable materials for purposes of not complying with this section at a development project, as defined pursuant to Public Resources Code Section 42905, if the development project was approved by the local agency on or after September 1, 1994.*

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