

AMENDMENTS TO SENATE BILL NO. 1020
AS AMENDED IN ASSEMBLY JUNE 26, 2007

Amendment 1

Strike out lines 1 to 3, inclusive, of the title, and insert:

An act to amend Section 41780 of, and to add Sections 40103, 40149, 41780.01, 41783.4, 41783.5, and 42649 to, the Public Resources Code, relating to solid waste.

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.



SEC. 2. Section 40103 is added to the Public Resources Code, to read:

40103. (a) "Anaerobic digestion" means the production of methane fuel or chemical feedstock from the bacterial breakdown of biodegradable organic and biomass derived material from urban waste, agricultural residues, and forestry sources that involves the natural biodegradation of organic materials in the absence of oxygen to produce methane and carbon dioxide in an engineered and controlled environment.

(b) For the purposes of Part 4 (commencing with Section 43000) and Part 5 (commencing with Section 45000), "anaerobic digestion" shall be considered to be a type of composting.

(c) "Anaerobic digestion" is not a form of transformation, as defined in Section 40201.

SEC. 3. Section 40149 is added to the Public Resources Code, to read:

40149. (a) "Lignocellulosic ethanol processing" means the production of ethanol for chemical feedstock from lignocellulose, a structural material comprised primarily of cellulose, hemicellulose, and lignin, contained in organic and biomass residue streams found in urban waste, agricultural residues, organic materials, and forestry sources that 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.

(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. 4. Section 41780 of the Public Resources Code is amended to read:

41780. (a) Each city or county 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 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, and 41785~~, for the first and each subsequent revision of the element, the city or county 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 source reduction and recycling element, made by a jurisdiction on and after January 1, 2015, the jurisdiction shall divert 60 percent equivalent per capita disposal of all solid waste, through source reduction, recycling, and composting activities.

(b) Nothing in this part prohibits a city or county from implementing source reduction, recycling, and composting activities designed to exceed these requirements.

SEC. 5. 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) On or after January 1, 2015, divert 60 percent, or achieve the per capita disposal reduction equivalent, of solid waste from landfill disposal or transformation through source reduction, recycling, and composting.

(b) On or after January 1, 2020, divert 75 percent, or achieve the per capita disposal reduction equivalent, of solid waste from landfill disposal or transformation through source reduction, recycling, and composting.

SEC. 6. Section 41783.4 is added to the Public Resources Code, to read:

41783.4. 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 anaerobic digestion, as defined in Section 40103.

SEC. 7. 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.

SEC. 8. 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 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, consistent with an ordinance adopted pursuant to this section.

(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 to source separate specified recyclable materials from solid waste.

(2) Enforceable requirements requiring commercial generators to subscribe to a basic level of recycling service that includes, at a minimum, the collection of recyclable materials or specific provisions for authorized self-hauling.

(3) 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 apply to an owner or operator of a business that meets one or more of the following criteria:

(1) The business meets specific exemption criteria or criteria contained in a local commercial recycling ordinance for an alternative type of recycling service due to space constraints for recycling containers.

(2) The business is subject to a locally adopted commercial recycling ordinance that is equivalent to, or more stringent than, the requirements prescribed by this section.

(f) 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.

(g) This section does not modify or abrogate in any manner either 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.

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.

Amendment 3

On page 2, strike out lines 1 to 19, inclusive, and strike out pages 3 and 4