

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

Amendment 1

In line 1 of the title, after "add" insert:

Sections 40103, 40113, 41783.4, 41783.5, 41783.6, and 42649 to, and to add

Amendment 2

On page 2, before line 1, insert:

SECTION 1. Section 40103 is added to the Public Resources Code, to read:
40103. "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. The process involves the natural biodegradation of organic materials in the absence of oxygen to produce methane and carbon dioxide in an engineered and controlled environment. Anaerobic Digestion is not a form of transformation as that term is defined pursuant to Section 40201.

SEC. 2. Section 40113 is added to the Public Resources Code, to read:
40113. "Lignocellulosic ethanol processing" means the production of ethanol fuel or chemical feedstock from lignocellulose, a structural material comprised primarily from cellulose, hemicellulose and lignin, contained in organic and biomass-residue-streams found in urban waste, agricultural residues, organic materials, and forestry sources. The process involves in-vessel enzymatic or chemical hydrolysis of cellulose to produce free sugars, which in turn are biologically fermented to produce ethanol in an engineered and controlled environment. Lignocellulosic ethanol processing is not a form of transformation as that term is defined pursuant to Section 40201.

SEC. 3. Article 4 (commencing with Section 40520) is added to Chapter 3 of Part 1 of Division 30 of the Public Resources Code, to read:

Article 4. Statewide Recycling

40520. The Legislature finds and declares all of the following:
(a) Since the enactment of this division, local governments and private industry 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.

(b) 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.

(c) Solid waste diversion and disposal reduction requires the availability of adequate waste processing and composting capacity. Existing capacity represents a



valuable asset that must be sustained and expanded to provide the additional processing infrastructure necessary to meet the needs of a growing population.

(d) To meet the objectives of the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500) of the Health and Safety Code), there is an urgent need to reduce greenhouse gas emissions from all aspects of solid waste handling through increased source reduction, reuse, recycling, composting, and those new emerging technologies that the California Integrated Waste Management Board and the Legislature determine to be appropriate in meeting California's environmental and greenhouse gas reduction goals.

(e) The siting of solid waste processing and composting facilities would benefit from life-cycle and multimedia analyses that identify both environmental impacts and the benefits of proposed projects. It is a primary purpose of this legislation 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 facilities that meet and exceed their capacity needs.

(f) It is the intent of the Legislature that the board:

(1) Work with stakeholders to refine a disposal reduction measurement system in order to reduce administrative burdens on the board and local governments and to provide an improved measurement system for accurately determining the state's progress in reducing disposal.

(2) Work with stakeholders to develop a mechanism for recognizing local agencies that make significant contributions to the state's overall waste reduction and recycling objectives through the siting of facilities for the processing, recycling, and composting of materials diverted from the solid waste stream.

(3) Continue to encourage all commercial generators to work with their service providers to increase recycling and discourage illegal scavenging.

(4) Develop state disposal-reduction requirements that cap disposal at 2006 levels until 2012, and then reduce disposal from 2006 levels so that by 2013 the state's disposal is 25 percent lower (equivalent to 60 plus percent) and by 2020 the state's disposal is 50 percent lower (equivalent to 75 percent) than 2006 disposal levels.

(g) The provision in existing law that confers broad discretion on local agencies to determine aspects of solid waste handling that are of local concern has 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. By setting new statewide disposal reduction requirements in Section 40522, 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.

(h) The state is dedicated to the wise use of public funds and the conservation of natural resources. In order to lead the way for local governments, private industry, and California's citizens, state agencies shall achieve the waste reduction, recycling, and composting requirements at least three years in advance of the dates set forth in Section 40522.

40522. (a) At least 60 percent of all solid waste generated in this state shall be source reduced, recycled, or composted by December 31, 2012.

(b) It is the objective of the state to ensure that adequate capacity is available so that at least 75 percent of all solid waste generated in this state shall be source reduced, recycled, or composted by January 1, 2020, and thereafter.

SEC. 4. Section 41783.4 is added to the Public Resources Code, to read:

41783.4. For any city, county, or regional agency source reduction and recycling element updated and submitted to the board after January 1, 2008, the 50 percent diversion requirement specified in paragraph (2) of subdivision (a) of Section 41780 may include anaerobic digestion, as defined in Section 40103. Anaerobic digestion shall not be considered disposal under a future disposal based compliance system.

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

41783.5. (a) For any city, county, or regional agency source reduction and recycling element updated and submitted to the board after January 1, 2008, the 50 percent diversion requirement specified in paragraph (2) of subdivision (a) of Section 41780 may include lignocellulosic ethanol processing, as defined in Section 40113, if the board finds both of the following:

(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 California's greenhouse gas reduction targets and the July 2006 Bioenergy Action Plan for California.

(2) The organic feedstock for any 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 or used for beneficial reuse at a solid waste landfill, including the use as alternative daily cover, which constituted diversion through recycling pursuant to Section 41781.3.

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

(b) Lignocellulosic ethanol processing that complies with this section shall not be considered disposal under a future disposal based compliance system.

SEC. 6. Section 41783.6 is added to the Public Resources Code, to read:

41783.6. For purposes of meeting the statewide requirements set forth in Section 40522, the board shall include anaerobic digestion, as defined in Section 40103, and lignocellulosic ethanol processing, as defined in Section 40113, if the lignocellulosic ethanol processing projects meet the requirements of Section 41783.5.

SEC. 7. Section 42649 is added to the Public Resources Code, to read:

42649. (a) On or before January 1, 2010, 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 recyclables per week, and is located in a county with a population of 200,000 or more shall implement a recycling program in accordance with a recycling ordinance lawfully adopted by a city, county, city and county, regional agency, or solid waste authority, or other joint powers authority.

(b) Commercial recycling ordinances 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 recycling materials or specific provisions for authorized self-hauling.

(3) Education, implementation, and enforcement provisions.

(c) On or before July 1, 2008, the board shall make one or more model commercial recycling ordinances available to local agencies to facilitate compliance with this section.

(d) On or before July 1, 2009, each city, county, city and county, solid waste authority, or other joint powers agency located within counties with a population of 200,000 or more shall have an adopted commercial recycling ordinance that is consistent with this section.

(e) 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. "Business" does not include multifamily dwelling units.

(f) This section does not apply to owners or operators of businesses that meet one or more of the following criteria:

(1) Meet 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) Are subject to a locally adopted commercial recycling ordinance that is equivalent to or more stringent than the requirements prescribed by this section.

(g) Nothing in this section is intended to limit the authority of local agencies to adopt, implement, or enforce local commercial recycling ordinances that are more stringent or comprehensive than the requirements of this section or limit the authority of local agencies in counties with a population of less than 200,000 to require commercial recycling.

(h) Nothing in this section modifies or abrogates in any manner either of the following:

(1) Any franchise previously granted or extended by any county or other local government agency.

(2) Any contract, license, or permit to collect solid waste previously granted or extended by a city, county, city or county, or other local government agency.

SEC. 8. 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 to 6, inclusive