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California Public Resources Code Definitions that Discourage Technologies for the Recovery of Energy, Fuels and Chemicals from Residual Solid Waste

40120.1. “Disposal” or “dispose” has the same meaning as “solid waste disposal” as defined in Section 40192.

(Amended by Stats. 2008, Ch. 500, Sec. 3. Effective January 1, 2009.)

40192. (a) Except as provided in subdivisions (b) and (c), “solid waste disposal,” “disposal,” or “dispose” means the final deposition of solid wastes onto land, into the atmosphere, or into the waters of the state.

(b) For purposes of Part 2 (commencing with Section 40900), “solid waste disposal,” “dispose,” or “disposal” means the management of solid waste through landfill disposal, transformation, or EMSW conversion, at a permitted solid waste facility, unless the term is expressly defined otherwise.

(c) For purposes of Chapter 16 (commencing with Section 42800) and Chapter 19 (commencing with Section 42950) of Part 3, Part 4 (commencing with Section 43000), Part 5 (commencing with Section 45000), Part 6 (commencing with Section 45030), and Chapter 2 (commencing with Section 47901) of Part 7, “solid waste disposal,” “dispose,” or “disposal” means the final deposition of solid wastes onto land.

(Amended by Stats. 2013, Ch. 411, Sec. 4. (AB 1126) Effective January 1, 2014.)

40201. “Transformation” means incineration, pyrolysis, distillation, or biological conversion other than composting. “Transformation” does not include composting, gasification, EMSW conversion, or biomass conversion.

(Amended by Stats. 2013, Ch. 411, Sec. 7. (AB 1126) Effective January 1, 2014.)

40131.2. (a) “Engineered municipal solid waste conversion” or “EMSW conversion” means the conversion of solid waste through a process that meets all of the following requirements:

(1) The waste to be converted is beneficial and effective in that it replaces or supplements the use of fossil fuels.

(2) The waste to be converted, the resulting ash, and any other products of conversion do not meet the criteria or guidelines for the identification of a hazardous waste adopted by the Department of Toxic Substances Control pursuant to Section 25141 of the Health and Safety Code.

(3) The conversion is efficient and maximizes the net calorific value and burn rate of the waste.

- (4) The waste to be converted contains less than 25 percent moisture and less than 25 percent noncombustible waste.
- (5) The waste received at the facility for conversion is handled in compliance with the requirements for the handling of solid waste imposed pursuant to this division, and no more than a seven-day supply of that waste, based on the throughput capacity of the operation or facility, is stored at the facility at any one time.
- (6) No more than 500 tons per day of waste is converted at the facility where the operation takes place.
- (7) The waste has an energy content equal to, or greater than, 5,000 BTU per pound.
- (8) The waste to be converted is mechanically processed at a transfer or processing station to reduce the fraction of chlorinated plastics and materials.
- (b) “Engineered municipal solid waste conversion facility” or “EMSW facility” means a facility where municipal solid waste conversion that meets the requirements of subdivision (a) takes place.
- (c) Notwithstanding Section 40201, a transformation facility where solid waste conversion takes place that meets all of the requirements of subdivision (a) may elect to be considered an EMSW facility for purposes of this division and Division 31 (commencing with Section 50000), except that if a portion of a transformation facility’s operations does not meet the requirements of subdivision (a), the facility shall be considered to be a transformation facility.
(Added by Stats. 2013, Ch. 411, Sec. 2. (AB 1126) Effective January 1, 2014.)

40106. (a) “Biomass conversion” means the production of heat, fuels, or electricity by the controlled combustion of, or the use of other noncombustion thermal conversion technologies on, the following materials, when separated from other solid waste:

- (1) Agricultural crop residues.
 - (2) Bark, lawn, yard, and garden clippings.
 - (3) Leaves, silvicultural residue, and tree and brush pruning.
 - (4) Wood, wood chips, and wood waste.
 - (5) Nonrecyclable pulp or nonrecyclable paper materials.
- (b) “Biomass conversion” does not include the controlled combustion of recyclable pulp or recyclable paper materials, or materials that contain sewage sludge, industrial sludge, medical waste, hazardous waste, or either high-level or low-level radioactive waste.

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

- (1) Paper products or fibrous materials that cannot be technically, feasibly, or legally recycled because of the manner in which the product or material has been manufactured, treated, coated, or constructed.
- (2) Paper products or fibrous materials that have become soiled or contaminated and as a result cannot be technically, feasibly, or legally recycled.

(Amended by Stats. 2014, Ch. 746, Sec. 1. (SB 498) Effective January 1, 2015.)

40116.1. “Composting” means the controlled or uncontrolled biological decomposition of organic wastes.

(Added by Stats. 2008, Ch. 500, Sec. 2. Effective January 1, 2009.)

40117. “Gasification” means a technology that uses a noncombustion thermal process to convert solid waste to a clean burning fuel for the purpose of generating electricity, and that, at minimum, meets all of the following criteria:

(a) The technology **does not use air or oxygen in the conversion process**, except ambient air to maintain temperature control.

(b) The technology produces **no discharges of air contaminants or emissions, including greenhouse gases**, as defined in subdivision (g) of Section 38505 of the Health and Safety Code.

(c) The technology produces **no discharges to surface or groundwaters** of the state.

(d) The technology produces no hazardous waste.

(e) To **the maximum extent feasible, the technology removes all recyclable materials and marketable green waste compostable materials** from the solid waste stream prior to the conversion process and the owner or operator of the facility certifies that those materials will be recycled or composted.

(f) The facility where the technology is used is in compliance with all applicable laws, regulations, and ordinances.

(g) The facility certifies to the board that any local agency sending solid waste to the facility is in compliance with this division and **has reduced, recycled, or composted solid waste to the maximum extent feasible, and the board makes a finding that the local agency has diverted at least 30 percent of all solid waste through source reduction, recycling, and composting.**

(Amended by Stats. 2008, Ch. 179, Sec. 192. Effective January 1, 2009.)

40180. “Recycle” or “recycling” means the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise become solid waste, and returning them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace. **“Recycling” does not include transformation, as defined in Section 40201 or EMSW conversion.**

(Amended by Stats. 2013, Ch. 411, Sec. 3. (AB 1126) Effective January 1, 2014.)

AB 939 Diversion Goal -- 41780. (a) Each jurisdiction’s source reduction and recycling element shall include an implementation schedule that shows both of the following:

(1) For the initial element, the jurisdiction shall divert 25 percent of all solid waste by January 1, 1995, through source reduction, recycling, and composting activities.

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

(b) This section does not prohibit a jurisdiction from implementing source reduction, recycling, and composting activities designed to exceed the requirements of this division.

(Amended by Stats. 2009, Ch. 643, Sec. 33. (SB 832) Effective November 2, 2009.)

AB 341 Recycling Goal -- 41780.01. (a) The Legislature hereby declares that it is the **policy goal of the state** that not less than **75 percent of solid waste generated be source reduced, recycled, or composted** by the year 2020, and annually thereafter.

(b) Notwithstanding subdivision (a), the department shall not establish or enforce a diversion rate on a city or county that is greater than the 50 percent diversion rate established pursuant to Section 41780.

(Added by Stats. 2011, Ch. 476, Sec. 9. (AB 341) Effective January 1, 2012.)