

## NEW SOLID WASTE LEGISLATION

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The month of November 2014 was one of the most active in recent years for passage of new solid waste legislation. By signing these bills, Governor Jerry Brown has shown his support of advancing organics diversion, development of new waste conversion technologies, and materials reuse.

The first organics related bill, **AB 1594 - Waste Management**, eliminates the recycling diversion credit for using green materials as alternative daily cover (ADC), and instead considers it as disposal. The law will not go into effect until January 1, 2020. However,

beginning in August 2018 (with the 2017 CalRecycle Annual Report), local jurisdictions that have used green waste ADC to meet their diversion requirements must include information on how they intend to divert green material that is being used as ADC in the future. Furthermore, if a jurisdiction does not meet mandated diversion requirements as a result of not being able to claim diversion for the use of green material as ADC, they will have to identify the barriers to recycling green material and, if sufficient capacity at facilities that recycle green material is not expected to be operational before a certain date, include a plan to address those barriers.



The second organics bill, **AB 1826 – Organic Waste**, implements mandatory organics recycling for commercial generators. Beginning April 1, 2016, businesses that generate eight cubic yards of organic waste per week must arrange for recycling services for the organic waste. On or after January 1, 2017, businesses that generate four cubic yards or more of organic waste will be included in the requirement. The bill will require all businesses that generate four cubic yards or more of commercial solid waste per week to arrange for organic waste recycling services on or after January 1, 2019.

In order to ensure compliance with the bill, jurisdictions must implement an organic waste recycling program beginning January 2016 for those businesses subject to the act. As part of their responsibilities, each jurisdiction will be required to report to CalRecycle on its progress in implementing the organic waste recycling program, and CalRecycle will review whether a jurisdiction is in compli-



ance with the act through the Annual Reporting process. Local government agencies are authorized by the act to charge and collect a fee from organic waste generators, in order to recover their costs incurred in complying with the requirements of the mandatory commercial organics act.

The third organics related bill is **SB 498 - Biomass Conversion**. This bill adds non-combustion conversion technologies, such as gasification, pyrolysis, and anaerobic digestion, to the biomass conversion definition. Biomass is organic materials--such as wood,

lawn and garden clippings, agricultural waste, leaves, and tree prunings, as well as non-recyclable paper--when separated from other solid waste and used for producing electricity or heat. This act will allow 10% diversion credit for AB 939 compliance to include non-combustion conversion technologies, the same allowance for waste-to-energy facilities that has been included in AB939 since its passage. SB 498 will essentially allow for cleaner and more efficient non-combustion technologies to be used to make low carbon

fuels as well as renewable energy from biomass waste. Several conversion technology projects are already being planned for Southern California, and passage of the act should help to support the development of more of these facilities throughout the State.

The final solid waste bill to be signed by the Governor was **SB 270 - Single Use Grocery Bags**. This law phases out the distribution of single-use plastic grocery bags, and requires only reusable, paper, and (in certain jurisdictions) compostable plastic bags to be distributed. Each bag will come with a minimum 10 cent charge. The bill will go into effect on July 2015 for supermarkets and drugstores and in

July 2016 for convenience and liquor stores. Local ordinances adopted before September 1, 2014, will be protected under a grandfathering clause. Although the act includes standards and financial incentives for plastic bag manufacturers to transition to making reusable bags, the plastic bag manufacturing industry continues to fight its implementation, and has been attempting to gain signatures for a ballot measure referendum to overturn the act.