

Composter Considerations with SB 1383 Regulations

Organics Management to Reduce Methane and
Climate Change Workgroup

Neil Edgar

July 22, 2021





Introduction

californiacompostcoalition.org

- a registered Lobbying Coalition created in 2002 by a group of compost operators in response to demands for increased recycling of organic materials and production of clean compost, bioenergy, anaerobic digestion, renewable natural gas, and biochar.
- represents member organic material recyclers and compost operators with a unified voice on many issues: product safety and standards, government regulations, environmental planning, trade, and marketing.
- dedicated to preventing the landfilling of organic resource materials and “closing the loop” by promoting their highest and best use.



Introduction

Policy Drivers

Compost
Facility
Operating
Standards

Jurisdiction
Procurement
Requirements

Model
Procurement
Ordinance

Wrap Up

Policy Drivers

AB 939 (1989) – The Integrated Waste Management Act

Local Mandate for Landfill Diversion

AB 32 – Global Warming Solutions Act of 2006

Landfill Methane Emissions Reduction

- Largest man-made source of methane

AB 341 (2011)

Statewide Goal for 75% Recycling or Composting by 2020

10 million tons of landfilled organics targeted

AB 1826 (2014)

Mandatory Commercial Organics Diversion

- Begins April 2016, phased in until 2020

AB 1594 (2014)

Green Waste – Landfill Alternative Daily Cover

- Diversion credit phased out by 2020

SB 605 (2014)

Short-lived Climate Pollutants

GHG Reduction Funding (2014)

Cap and Trade Auctions

CalRecycle Organics Grant Program

Policy Drivers

SB 1045 (2015)

- This bill would require, until January 1, 2021, the Department of Resources Recycling and Recovery, in coordination with the State Air Resources Board and the State Water Resources Control Board, to develop a policy that promotes the development of coordinated permitting and regulation of composting facilities while protecting the environment.

Healthy Soils Initiative (2015)

SB 1383 (2016)

- Short-lived Climate Pollutants
- Sets statutory standard to target 75% reduction in landfilling of organics by 2025

SB 32 (2016)

- Establishes statutory authority to extend ARB climate change programs beyond 2020

AB 1613 (2016)

- Budget trailer bill allocating \$40 million to CalRecycle to stimulate waste diversion projects which reduce GHG emissions

AB 109 (2017)

- Budget trailer bill allocating \$40 million to CalRecycle to stimulate waste diversion projects which reduce GHG emissions

Introduction

Policy Drivers

Compost
Facility
Operating
Standards

Jurisdiction
Procurement
Requirements

Model
Procurement
Ordinance

Wrap Up

New Standards – Effective Jan 1, 2022

□ Amended Operating Standards:

- Operators are required to determine the quarterly percentage of organic waste contained in materials sent for landfill disposal.
- Determined by taking measurement protocol described in the regulations.
- Operators can request alternative methods to the measurement protocol with EA approval and Department concurrence.
- EA may require operator to increase frequency of measurements and/or revise protocol if measurements do not accurately reflect records.
- Operators are required to report quarterly percentages to CalRecycle.

New Standards – Effective Jan 1, 2022

□ Amended Recordkeeping/Reporting Requirements:

➤ Additional requirements include:

- (1) Quarterly percentage of organic waste contained in material sent to disposal
- (2) The outgoing weights of material sent to disposal.
- (3) Daily outgoing weights of organic waste recovered and produced.
- (4) Daily outgoing weights of salvaged materials.
- (5) Daily incoming weights of material.
- (6) The weight of compostable material sent offsite to any destination(s) other than an authorized permitted solid waste facility or operation.

➤ If records indicate compostable material is sent offsite to destinations other than permitted facilities or operations, the EA shall observe for physical contamination limit exceedance.

Introduction

Policy Drivers

Compost
Facility
Operating
Standards

Jurisdiction
Procurement
Requirements

Model
Procurement
Ordinance

Wrap Up

City of Roseville

CalRecycle will be providing the annual recovered organic waste product procurement for each jurisdiction on or before January 1, 2022 and every five years thereafter, which shall be calculated by multiplying the per capita procurement target of 0.08 tons per resident which may be achieved directly or via a franchise. Jurisdictions have the flexibility to purchase one of the three products below to implement the circular economy locally, and on a statewide basis would create huge markets for a population of 44 million people by 2025. A balanced procurement portfolio would fuel 2,000 trucks, produce 87 MW and amend 100,000 acres of parklands.

Section 18993.1(e) A jurisdiction shall comply with one or both of the following:

- (1) Directly procuring recovered organic waste products for use or giveaway.
- (2) Requiring, through a written contract or agreement, that a direct service provider to the jurisdiction procure recovered organic waste products and provide written documentation of such procurement to the jurisdiction.

Section 18993.2 (a) A jurisdiction shall include all documents supporting its compliance, including, but not limited to, the following:

- (1) A description of how the jurisdiction will comply with the requirements
- (2) The name, physical location, and contact information of the each entity, operation, or facility from whom the recovered organic waste products were procured, and a general description of how the product was used, and, if applicable, where the product was applied.
- (3) All invoices or similar records evidencing all procurement; and
- (4) If a jurisdiction will include procurement of recovered organic waste products made by a direct service provider to comply with the procurement requirements mandate, the jurisdiction shall include all records of procurement of recovered organic waste products made by the direct service provider on behalf of the jurisdiction, such as invoices or similar records evidencing procurement.

Compost Use
1 ton waste = 0.58 tons of compost



Up to
6,479
tons

or

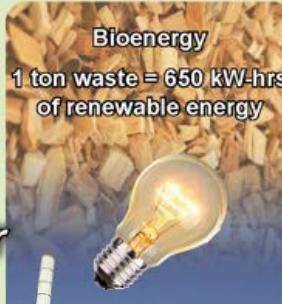
Mulch Use
1 ton waste = 1 ton of mulch



Up to
11,171
tons

or

Bioenergy
1 ton waste = 650 kW-hrs of renewable energy



Up to
0.829
MW

or

Renewable Natural Gas
1 ton waste = 21 diesel gallon equivalents (dge)



Up to
234,600
DGE

City of Roseville

Calculation of Procurement Requirement			
	Amount	Units	Source
Population of Most Recent Year	139,643	People	Department of Finance
Occupied Households in Jurisdiction	51,248	Total Households	Department of Finance
Organic Waste Equivalent Procurement	0.08	Tons/Person/Year	SB 1383 (Section 18993.1)
Organic Waste Procurement Target	11,171	Tons/Year	SB 1383 (Section 18993.1)

Equivalencies - (18993.1)(g)			
Procurement	Ratio	Amount	Units
Diesel Gallon Equivalents - RNG	21	234,600	Diesel Gallon Equivalents (DGE)
kWh RNG electricity	242	2,703,488	Kilowatt-Hours
Heating Derived from Renewable Gas	22	245,772	therms
650 kWh biomass conversion	650	7,261,436	Kilowatt-Hours
0.58 tons of compost	0.58	6,479	tons
1 ton of mulch	1	11,171	tons

Compost

6,479 tons

Application at least
10 tons per acre at a
half inch deep.

Acres Treated:
648

Mulch

11,171 tons

Application at 100
tons per acre at two
inches deep.

Acres Treated:
112

Bioenergy

0.829 MW

680 kWh per
household per year.

Houses Powered:
10,679

RNG

234,600 DGE

13,000 DGE per
truck per year.

Trucks Fueled:
18

Jurisdiction Procurement Benefits

- Fill Market Demand Gap
- Create Feedback Loop on Quality

Introduction

Policy Drivers

Compost
Facility
Operating
Standards

Jurisdiction
Procurement
Requirements

Model
Procurement
Ordinance

Wrap Up

Model Recovered Organic Waste Procurement Policy



Objectives of the Model

- Support jurisdictions with planning, implementation, and compliance with SB 1383
- Provide resources and guidance
- Increase understanding of regulations and compliance strategies
- Present example procurement policy provisions



Model Procurement Policy

- Stand-alone policy
 - Jurisdictions may use Model provisions to amend their existing policy
- Reflective of regulatory language
- Provision of guidance notes
 - Explanation of provisions
 - Highlight applicability to different conditions
- Provision of options
 - Address different conditions



Important Considerations

- Create a new policy or amend an existing policy
- Review SB 1383 requirements while using Model
 - Each jurisdiction is responsible for achieving compliance
- Involve jurisdiction's legal counsel for standard legal provisions and review
- Engage with affected parties to streamline implementation
- Recognize the Model provides example language ONLY
 - Customization and modification is expected

Guidance, Options, and SB 1383 Content

General guidance notes

Guidance: Jurisdiction shall complete the sentence above with one of the following options depending on whether it is using a price preference (see guidance note in Section 4.1).

Option 1: In the blank, insert “available at equal or lesser price”.

Option 2: In the blank, insert “available at equal or lesser price or available at no more than ___ percent (___%) of the total cost for non-recycled Paper Products”.

Option 3: Delete the word “and” at the end of the sentence.

Only provide Paper Products and Printing and Writing Papers that meet Federal Trade Commission Recyclability standard as defined in Title 16 Code of Federal Regulations Section 260.12 (2013).

Specific customization notes

SB 1383-specific content

Organization of the Model

- 1 Purpose
- 2 Definitions
- 3 Recovered Organic Waste Product Procurement
- 4 Recycled-Content Paper Procurement
- 5 Recordkeeping Responsibilities
- 6 Effective Date

Section 1: Purpose

Focus

- Provides policy purpose
- Explains policy is not required by SB 1383

Guidance and Customization

- Expand purpose as necessary to address climate action plans or other local goals/policies
- Add additional benefits related to the jurisdiction's goals/policies



Section 2: Definitions



Focus

- Reflects SB 1383 definitions
- Allows for customization because not comprehensive

Guidance and Customization

- Review definitions carefully in existing ordinances, franchise, and municipal code
- Modify, delete, and integrate new definitions
- Consider requiring compost of a particular specification
- Consider designee for recordkeeping
- Delete unused definitions

Section 3: Recovered Organic Waste Product Procurement

3.1 Procurement Targets

3.2 Requirements for Jurisdiction Departments

3.3 Requirements for Direct Service Providers



Section 3.1: Procurement Target



Focus

- Requires specified jurisdictions to procure organic waste products to meet or exceed its SB 1383 target

Guidance and Customization

- Specifies that targets are only applicable if the jurisdiction is a city, county, or city and county
- Identifies that rural cities and counties are exempt until January 1, 2027

Section 3.2: Requirements for Departments



Focus

- Details requirements surrounding procurement and recordkeeping

Guidance and Customization

- Suggests record submission upon project completion or subject to recordkeeping designee's timeline
- Identifies mulch from chipping/grinding operations does not count
- Highlights need for ordinance/enforceable mechanism for mulch specifications
- Describes electricity from biomass conversion eligible only if it receives feedstock from specified solid waste facilities

Section 3.3: Requirements for Direct Service Providers



Focus

- Includes Model Water Efficient Landscaping Ordinance (MWELo) requirements
- Presents recovered organic waste product standards
- Details renewable natural gas procurement by direct service providers

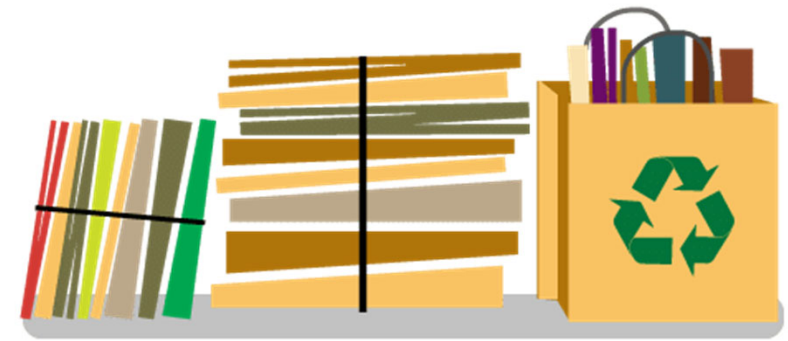
Guidance Notes

- Acknowledges list is not inclusive of all MWELo – includes compost / mulch components only
- Considers haulers/processors providing compost / mulch to jurisdiction and customers
- Considers bid preference for renewable gas transportation services

Section 4: Recycled-Content Paper Procurement

4.1 Requirements for Jurisdiction

4.2 Requirements for Vendors



Section 4.1: Paper Procurement for Jurisdiction Departments



Focus

- Requires jurisdictions to obtain recycled-content paper products
- Options for procurement at no greater cost or within a price differential
- Enables jurisdiction to collect records for compliance

Guidance and Customization

- Identifies that SB 1383 does not prohibit price preferences or flat requirement for recycled-content paper products
- Includes procurement pricing options
 - Price comparable or more favorable
 - Price preference (% above virgin products)
 - No price preference (require recycled-content regardless of price)

Section 4.2: Paper Procurement for Vendors



Focus

- Specifies paper vendor procurement policy

Guidance and Customization

- Allows for pricing preferences, if any, for recycled-content paper products
- Considers requiring extra detail in purchasing records
- Acknowledges that printing vendors must already use recycled-content paper per Public Contracts Code

Section 5: Responsibilities for Tracking Procurement



Focus

- Assigns responsibility for recording jurisdiction's procurement and compiling the annual report

Guidance and Customization

- Designates department responsible for recordkeeping
- Identifies with whom the reports shall be shared

Section 6: Effective Date



Focus

- Allows jurisdictions to enact the policy before or just in time for regulatory compliance

Guidance and Customization

- Specifies no later than January 1, 2022 for all except rural jurisdictions
- Identifies rural jurisdiction organic waste products procurement exemption valid until December 31, 2026
 - Indicates compliance with recycled-content paper procurement by January 1, 2022



Customization Tips

- Modify language to fit jurisdiction's needs
- Delete guidance notes and unused options upon completion
- Blend existing requirements with the Model requirements
- Customize style and design
- Seek legal counsel
- Review organic waste product procurement case studies
 - City of Manteca waste-to-fuel program
 - Hitachi Zosen Inova energy-from-waste facility

www.calrecycle.ca.gov/organics/slcp/education

Introduction

Policy Drivers

Compost
Facility
Operating
Standards

Jurisdiction
Procurement
Requirements

Model
Procurement
Ordinance

Wrap Up

Questions?

Neil Edgar

Executive Director

• neil@edgarinc.org

