

	ACTION ITEMS/NOTES
<p style="text-align: center;">Assembly Bill No. 1045</p> <p style="text-align: center;">CHAPTER 596</p> <p>An act to add and repeal Sections 42649.87 and 43032 to the Public Resources Code, relating to solid waste.</p> <p style="text-align: center;">[Approved by Governor October 8, 2015. Filed with Secretary of State October 8, 2015.]</p> <p style="text-align: center;">LEGISLATIVE COUNSEL’S DIGEST</p> <p>AB 1045, Irwin. Organic waste: composting.</p> <p>(1) The existing California Integrated Waste Management Act of 1989, which is administered by the Department of Resources Recycling and Recovery, establishes an integrated waste management program. Existing law requires each city, county, city and county, and regional agency, if any, to develop a source reduction and recycling element of an integrated waste management plan. Those entities are required to divert 50% of all solid waste through source reduction, recycling, and composting.</p> <p>This bill would require the California Environmental Protection Agency, in coordination with the department, the State Water Resources Control Board, the State Air Resources Board, and the Department of Food and Agriculture, to develop and implement policies to aid in diverting organic waste from landfills by promoting the composting of specified organic waste and by promoting the appropriate use of that compost throughout the state. The bill would require the agency to promote a goal of reducing at least 5 million metric tons of greenhouse gas emissions per year through the development and application of compost on working lands, and would require the agency to work with the Department of Food and Agriculture to achieve this goal. The bill would also require the Secretary for Environmental Protection and the Secretary of Food and Agriculture to ensure proper coordination of agency regulations and goals to implement these requirements and would require the agency and the Department of Food and</p>	<p>Prepared by Edgar & Associates for the California Compost Coalition. December 21, 2016</p> <ul style="list-style-type: none"> • Promote compost use (current law) <ul style="list-style-type: none"> ○ CALTRANS ○ General Services • GHG Goal of 5 million metric tons of GHG <ul style="list-style-type: none"> ○ AB 32 Scoping Plan 2008 goals ○ Need 14 million tons by 2025 for SB 1383 ○ Almost 3 times more

Agriculture, with the department, the State Water Resources Control Board, and the State Air Resources Board, to perform other specified functions. The bill would repeal these provisions on January 1, 2021.

(2) Existing law requires the Department of Resources Recycling and Recovery to adopt regulations relating to waste management, including standards for the design, operation, maintenance, and ultimate reuse of solid waste facilities, and for solid waste handling, transfer, composting, transformation, and disposal. Existing law prohibits the solid waste handling, transfer, composting, transformation, and disposal standards from including any requirement that is under the authority of the State Air Resources Board for the prevention of air pollution or the State Water Resources Control Board for the prevention of water pollution and prohibits the solid waste facilities standards from including aspects of solid waste handling and disposal that are within the jurisdiction of the State Air Resources Board, air pollution control districts, and air quality management districts, or the State Water Resources Control Board or a regional water district.

Existing law prohibits a person from discharging a quantity of air contaminants or other material that causes injury, detriment, nuisance, or annoyance to the public, or that endangers the comfort, repose, health, or safety of the public, or that causes injury or damage to business or property, except as provided.

Under existing law, the Porter-Cologne Water Quality Control Act, the State Water Resources Control Board and the California regional water quality control boards are the principal state agencies with responsibility for the coordination and control of water quality in the state. The act, with certain exceptions, requires a waste discharger to file certain information with the appropriate regional board and to pay an annual fee.

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.

- Policy and regulatory coordination by Cal-EPA, CDFA, CARB, SWRCB by 2021
 - Need more players – local APCDs, Caltrans, General Services, etc.

Regulatory Barriers; Existing laws have placed many regulatory barriers to permit compost facilities as noted in several CalRecycle documents over the years

- Compost and Mulch Infrastructure Assessments of 2000, 2003, 2008
- Organic Road Map 2010
- State of Recycling 2015 and 2015
- 75% Recycling Plan to the Legislature

There are several reports clearly stating the problem, the barriers, and some offering solutions. Regulations since then haven't become more stringent in 2016 and local air districts are stifling, and are not part of this conversation

- Policy and regulatory coordination by CalRecycle, CARB, SWRCB by 2021
 - Need more players – CDFA and local APCDs,

The people of the State of California do enact as follows:

SECTION 1.

The Legislature finds and declares all of the following:

(a) With the enactment of the California Integrated Waste Management Act of 1989 (Division 30 (commencing with Section 40000) of the Public Resources Code), the Legislature declared that the Department of Resources Recycling and Recovery and local agencies shall promote composting.

(b) Since the enactment of the act, local governments and private industries have worked jointly to create an extensive material collection infrastructure and have implemented effective programs to achieve a statewide diversion rate greater than 50 percent.

(c) Although California now leads the nation in waste reduction and recycling, the state continues to dispose of more than 15 million tons of compostable organics each year in solid waste landfills.

(d) Composting organic materials results in substantial environmental and agricultural benefits, including the reduction of naturally occurring volatile organic compounds and ammonia.

(e) The Economic and Technology Advancement Advisory Committee, formed pursuant to the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500) of the Health and Safety Code), has identified composting as a cost-effective technology for reducing greenhouse gas emissions.

(f) The application of compost in agriculture and landscaping has been shown to offer significant soil-carbon sequestration and water quality benefits, provide erosion control, reduce the need for synthetic fertilizers and pesticides, and conserve water and irrigation-associated energy.

(g) In 2007, the department's predecessor agency adopted Strategic Directive 6.1 to reduce the amount of organics in the waste stream by 50 percent by the year 2020.

Implements AB 341 to get to 75% statewide goals, AB 1826 on mandatory commercial organics collections, and SB 1383 on methane mitigation and reducing 75% of organics from landfills by 2025

Compost co-benefits

(h) In 2014, the state required organic waste generators that produce four cubic yards or more of organic waste a week to arrange to recycle this material (Chapter 12.9 (commencing with Section 42649.8) of the Public Resources Code).

(i) To reduce the amount of organics in landfills, the state must promote the development and permitting of composting facilities and ensure that state regulations account for the lifecycle emissions reduction and water quality benefits of compost, while continuing to protect air and water quality.

SEC. 2.

Section 42649.87 is added to the *Public Resources Code*, to read:
42649.87.

(a) The California Environmental Protection Agency, in coordination with the department, the State Water Resources Control Board, the State Air Resources Board, and the Department of Food and Agriculture, shall develop and implement policies to aid in diverting organic waste from landfills by promoting the use of agricultural, forestry, and urban organic waste as a feedstock for compost and by promoting the appropriate use of that compost throughout the state.

(b) In developing policies pursuant to subdivision (a), the California Environmental Protection Agency shall promote a goal of reducing at least five million metric tons of greenhouse gas emissions per year through the development and application of compost on working lands, which include, but are not limited to, agricultural land, land used for forestry, and rangeland. The California Environmental Protection Agency shall work with the Department of Food and Agriculture to achieve this goal.

(c) The California Secretary for Environmental Protection Agency and the Secretary of Food and Agriculture shall ensure proper coordination of agency regulations and goals to implement this section. The California Environmental Protection Agency and the Department of Food and Agriculture, with the department, the State Water Resources Control Board, and the State Air Resources Board shall do all of the following:

Use on working lands could be a minimum of 7 million tons over 1 million acres by 2025 for compost use on irrigated cropland – AB 32 2030 Target Scoping Plan comments by CCC. Baseline use is about 1,000,000 acres use in 2016, and a 4th Compost and Mulch Assessment needs to be performed by CalRecycle.

<p>(1) Assess the state’s progress towards developing the organic waste processing and recycling infrastructure necessary to meet the state goals specified in Assembly Bill 341 (Chapter 476 of the Statutes of 2011), Assembly Bill 1826 (Chapter 727 of the Statutes of 2014), the State Air Resources Board’s May 2015 Short-Lived Climate Pollutant Reduction Strategy concept paper, and the Department of Food and Agriculture’s Healthy Soils Initiative.</p> <p>(2) Meet at least quarterly and consult with interested stakeholders, including, but not limited to, the compost industry, local governments, and environmental organizations, to encourage the continued viability of the state’s organic waste processing and recycling infrastructure.</p> <p>(3) Hold at least one public workshop annually to inform the public of actions taken to implement this section and to receive public comment.</p> <p>(4) Develop recommendations for promoting organic waste processing and recycling infrastructure statewide, which shall be posted on the California Environmental Protection Agency’s Internet Web site no later than January 1, 2017, and updated annually thereafter.</p> <p>(d) This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.</p>	<p>Comments made by CCC at AB 32 Workshop and SB 1383 SLCP on 12/16/2016:</p> <ul style="list-style-type: none"> • Need a 4th Compost and Mulch Assessment needs to be performed by CalRecycle in 2017 • Waste Characterization in 2018 for 2019 Report • Not making 75% goal with 47% in 2015, and SB 1383 tons could get state to 60% <p>Need to expand these meeting to all stakeholders in a noticed public setting once per quarter starting Jan 2017.</p> <p>Need to present actions in advance to receive thoughtful public comments</p> <p>That’s 11 days from now. Not just a repeat of barriers and problems. Promote permitting and compost use.</p> <p>This needs to go out to 2025 when 75% of all organics need to be reduced per SB 1383</p>
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SEC. 3.

Section 43032 is added to the *Public Resources Code*, to read:
43032.

(a) The department, in coordination with the State Air Resources Board and the State Water Resources Control Board, shall develop a policy that promotes the development of coordinated permitting and regulation of composting facilities while protecting the environment.

(b) This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.

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Right-sizing regulations and permitting process that protects the environment is key. Local air boards do not recognize 'baseline' and net-benefits of compost.

Cumulative impacts of waste regulations, water, local air districts, and CDFA labeling, all drive up costs complying with each silo with exponential costs increase.

This needs to go out to 2025 when 75% of all organics need to be reduced per SB 1383