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CalRecycle

SB 1383 Implementation Tools
Model Recovered Organic Waste
Product Procurement Policy

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Prepared by
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in conjunction with
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DISCLAIMER

This Model Tool is for informational and example purposes only. It should not merely be duplicated without consideration of an individual jurisdiction's particular needs or circumstances. It is not intended to cover each and every situation, nor can it anticipate specific needs. In developing this Model Tool, CalRecycle and its consultants (HF&H Consultants in conjunction with Debra Kaufman Consulting) have attempted to ensure that the language herein aligns with the SB 1383 regulations; however, in the event of any conflict, the language in the regulations shall prevail over language in the Model Tool and determination of regulatory intent and interpretation should be appropriately guided by the regulatory language and the official rulemaking record of which this Model Tool is not a component. CalRecycle and its consultants make no representation that use of this Model Tool will ensure compliance with regulatory requirements. This Model Tool does not constitute legal advice. Jurisdictions are encouraged to seek legal counsel appropriate to their particular circumstances regarding compliance with regulatory requirements.

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GUIDANCE ON THE MODEL RECOVERED ORGANIC WASTE PRODUCT PROCUREMENT POLICY

INTRODUCTION

The California Department of Resources Recycling and Recovery (CalRecycle) oversees a variety of programs and policy initiatives to reduce the amount of solid waste sent to landfills and to promote recycling in California, including organic waste recycling under SB 1383. SB 1383, as enacted in 2017 (Lara, Chapter 395, Statutes of 2016), establishes Statewide targets to reduce the Statewide disposal of organic waste by 50 percent by 2020 and 75 percent by 2025; and requires that not less than 20 percent of edible food that is currently disposed be recovered for human consumption by 2025. For the purposes of this document, “SB 1383 regulations” or “SB 1383 regulatory” requirements refer to the Short-Lived Climate Pollutants (SLCP): Organic Waste Reductions regulations developed by CalRecycle and adopted in 2020 that created Chapter 12 of Title 14, Division 7 of the California Code of Regulations (CCR), and amended portions of regulations of Title 14 CCR and Title 27 CCR. The SB 1383 regulations set forth a variety of programmatic and policy-related requirements for jurisdictions, generators, and other entities to support the Statewide goals of SB 1383.

To support jurisdictions and other regulated entities with implementing programs and policies to reach compliance with SB 1383 regulations, CalRecycle offers four Model Implementation Tools including a Model Franchise Agreement, Model Mandatory Organic Waste Disposal Reduction Ordinance, Model Recovered Organic Waste Product Procurement Policy, and Model Food Recovery Agreement. These tools are available for jurisdictions to use and customize to meet their unique needs.

This Guidance supports the use of the Model Recovered Organic Waste Product Procurement Policy (Model Policy). While adopting a recovered organic waste product procurement policy is not an SB 1383 regulatory requirement, the Model Policy was created recognizing that such a policy will help jurisdictions throughout the State meet their annual recovered organic waste product procurement target, as well as the recycled-content paper procurement requirements as described in SB 1383 regulations (14 Division 7, Chapter 12, Article 12). The Model Policy has been developed to provide an easy-to-use and customizable template for jurisdictions creating their procurement policy. The guidance provided herein highlights important considerations to keep in mind when using the Model Policy; customization strategies to adapt the Model Policy to fit jurisdictions’ unique conditions; and tips and a list of additional resources.

Note: SB 1383 regulations do not require jurisdictions to adopt a recovered organic waste product procurement policy; however, jurisdictions may find adopting such a procurement policy will support its obligation to comply with the recovered organic waste product procurement requirements of SB 1383 regulations.

SB 1383 regulations (14 CCR Section 18993.1(a)), require a jurisdiction, as of January 1, 2022, to annually procure a CalRecycle-defined quantity of recovered organic waste products. Each jurisdiction's annual recovered organic waste product procurement target will be calculated by multiplying the jurisdiction's population by 0.08 tons of organic waste per California resident. Note that for the purposes of the recovered organic waste product procurement target requirement, a jurisdiction means a city, a county, or a city and county. Entities that are not a city or county or a city and county should take note of this and may exclude a portion of the Model Procurement Policy (Section 3) related to achieving the recovered organic waste product procurement target and can strike associated definitions. The Model Policy also addresses SB 1383 regulatory requirements that jurisdictions purchase, and vendors supply, paper that meets specified recycled-content standards pursuant to 14 CCR Section 18993.3. Note that the recycled-content paper requirements apply to all jurisdictions, including special districts that provide solid waste collection services. The SB 1383 regulatory requirement to purchase recycled-content paper products and printing and writing paper applies to all departments in a jurisdiction that purchase such paper, and shall not be limited to the department tasked with obtaining records to confirm compliance with the SB 1383 regulatory requirements and the jurisdiction's procurement policy. Conversely, a jurisdiction's compliance with the annual recovered organic waste product procurement target may be achieved through the applicable departments that will use such products (e.g., departments of parks and recreation, public works, transportation).

Since a jurisdiction has flexibility on how to meet their annual recovered organic waste product procurement target, none of the sections in the Model Policy are mandatory and should be considered as suggested ways to achieve the jurisdiction's annual recovered organic waste product procurement target. Jurisdictions may choose to include all of the sections, or only some, depending upon their circumstances. Jurisdictions will need to maintain records, however, to show that they have met their annual recovered organic waste product procurement target, and that they have purchased paper meeting the specified recycled-content and recyclability standards. The Model Policy includes language on reporting requirements related to obtaining the information necessary to demonstrate compliance.

It is important to note that under SB 1383 regulations, the "procurement of recovered organic waste products" is not limited to the purchase of material by the jurisdiction, but also includes production or acquisition (e.g., free delivery or free distribution from a hauler or other entity via an agreement) and end use by the jurisdiction or direct service providers through an agreement with the jurisdiction. The procurement target can be fulfilled directly by the jurisdiction or by direct service providers through contracts or agreements for procurement of recovered organic waste products at the jurisdiction's behest. The Model Policy includes sections to cover these possibilities.

The Model Policy is intended to provide multiple options for jurisdictions to consider to meet their annual recovered organic waste product procurement target, which may be reached through procurement of four product types: (i) Compost; (ii) Renewable gas derived from organic waste at an in-vessel digestion facility used for transportation fuel, electricity, or heating; (iii) Electricity from biomass conversion; and, (iv) Mulch. Each of

these product types must meet specific requirements outlined in SB 1383 regulations and also described in the Model Policy. In the case of mulch, the jurisdictions must have an enforceable ordinance or similarly enforceable mechanism that requires the mulch to meet specific contamination standards. A jurisdiction may meet their annual procurement target with one product or through a combination of the four allowable recovered organic waste products. SB 1383 regulations (14 CCR Section 18993.1(k)) specify that a jurisdiction shall identify additional procurement opportunities within the jurisdiction's departments and divisions for expanding the use of recovered organic waste products. The Model Policy was designed to provide options so that jurisdictions could include product procurement requirements that make the most sense for their particular conditions.

Jurisdictions that are part of a joint powers authority (JPA) may consider requesting the support of their existing JPAs in adopting and/or implementing parts of a procurement policy. For example, JPAs may support jurisdictions by focusing on procurement areas that the JPA may normally participate in, such as procurement of compost or mulch through contracts with collection and processing service providers. The SB 1383 regulations state that the jurisdiction itself remains ultimately responsible for compliance with the procurement-related requirements contained in SB 1383 regulations (14 CCR Division 7, Chapter 12, Article 12); however, a jurisdiction may delegate authority to the JPA, by entering into an agreement or amending an existing agreement to formalize this delegation. It is intended that the obligations undertaken by a special district or a JPA that has been delegated authority will be the responsibility of the special district or JPA and those entities would be subject to any enforcement action. However, for areas of a jurisdiction that are not within the authority of a special district or JPA, compliance with these regulations would remain the ultimate responsibility of the jurisdiction.

IMPORTANT CONSIDERATIONS

- **New Policy or Amendment of Existing Policy.** The Model Policy is designed to be customizable for jurisdictions, providing options to address a range of procurement choices. It can be used by jurisdictions drafting a new procurement policy and those amending an existing procurement policy. The Model Policy is focused on the SB 1383 regulatory procurement requirements for recovered organic waste products, as well as the purchase of recycled-content paper and paper products. Jurisdictions may want to expand their procurement policy to cover non-organic recycled-content products and products with other environmentally preferable traits. If the jurisdiction already has a procurement policy, it could be modified to include some or all of the suggested requirements related to recovered organic waste product procurement and the recycled-content paper procurement requirements below. If a jurisdiction doesn't have a procurement policy and chooses to adopt one using this Model Policy as a starting point, it may consider including other procurement policies to encourage waste prevention, water conservation, energy conservation, and toxicity reduction to its procurement policy. For example, these policies could include requiring the purchase of recyclable, reusable, compostable, and Green-Seal certified products, Energy Star products, and products that are low in volatile organic compounds (VOCs), per- and

polyfluoroalkyl substances (PFAS), chlorofluorocarbons (CFCs), and formaldehyde, as well as other recycled-content paper products, such as transportation and construction products.

- **SB 1383 Requirements.** Each jurisdiction is responsible for understanding and achieving compliance with SB 1383 regulations. Use of the Model Policy does not exempt a jurisdiction from complying with all SB 1383 regulatory requirements. The Model Policy includes example language that supports compliance with many SB 1383 procurement-related regulatory requirements. Jurisdictions should, however, review all the procurement-related requirements in SB 1383 Regulations (14 CCR, Division 7, Chapter 12, Article 12 (Procurement of Recovered Organic Waste Products) and Article 13 (Reporting)). The Model Policy is designed to enable the jurisdiction to require reporting from regulated entities that it will need to meet jurisdictional procurement-related recordkeeping and reporting requirements in SB 1393 regulations. It is advised that jurisdictions thoroughly review the SB 1383 regulations and take necessary actions to ensure full compliance.

In instances where language from the SB 1383 regulatory text is incorporated into the Model Policy, **the language is shown in blue font**. The SB 1383 regulations-specific content **in blue font** follows closely with SB 1383 regulatory language; however, in many cases, the wording of SB 1383 regulatory requirements was adapted to fit the context of the Model Policy, conform with defined terms, or be framed with sufficient detail for the Model Policy. Additional information on SB 1383 regulations is imbedded in many of the guidance notes.

Black font identifies language that is not specific to SB 1383 regulations. In most cases, it relates to the requirements of SB 1383 regulations and has been included to provide the context to understand how SB 1383 regulations-related provisions can be integrated into a procurement policy. In other cases, it presents example language to provide the framework of a typical procurement policy and guidance notes within this Model Policy generally indicate that it is example language that is not required by SB 1383 regulations.

- **Involve Legal Counsel.** Any procurement policy that results from use of the Model Policy shall not be considered to have undergone legal counsel review. Each jurisdiction is responsible for involving its legal counsel to perform legal review and approval processes typically required by the jurisdiction for approval of such policies.
- **Engage with Affected Parties.** When adopting a new or amended policy, it is advised that the review and adoption process involve engagement with the affected parties, which will help with the implementation process as they will be more aware of the upcoming requirements. For the procurement of recovered organic waste products, SB 1383 regulations (14 CCR Section 18993.1(k)) require that a jurisdiction identify procurement opportunities within the jurisdiction's departments and divisions for expanding the use of recovered organic waste products. For example, when jurisdictions are preparing their procurement policy, engagement is warranted with various departments within the jurisdiction that procure and/or use recovered organic

waste products (e.g., compost, mulch, renewable natural gas) and with contractors or direct service providers that may supply such products and/or may use the products to support fulfillment of the jurisdiction's annual recovered organic waste product procurement target. For recycled-content paper procurement, engagement is warranted with all departments and vendors that will need to meet the recycled-content paper procurement and reporting requirements.

- **Example Language Only.** The provisions in the Model Policy are examples of how the SB 1383 regulatory requirements may be integrated and worded in a jurisdiction's procurement policy. Jurisdictions are not required to use this exact language. All language should be considered in the context of the specific requirements contained in the SB 1383 regulations and the jurisdiction's unique conditions.

CUSTOMIZATION CONSIDERATIONS

The Model Policy is designed to be customizable for a diverse range of jurisdictions, while providing flexibility for each jurisdiction using the Model Policy to reflect their needs. For example, some jurisdictions will meet their recovered organic waste product procurement target by using only compost or only renewable gas for transportation fuel and can delete the other requirements related to mulch and electricity. Jurisdictions may choose to include more procurement requirements than necessary to meet other environmental goals of the jurisdiction.

Each jurisdiction will want to capture its local systems and unique approach to its recovered organic waste product procurement. As such, jurisdictions are advised to consider the following general items when crafting their procurement policy. More specific guidance is included in the Model Policy.

1. GUIDANCE AND OPTION NOTES

Guidance notes are integrated into the Model Policy to explain how specific sections and provisions of the Model Policy can be customized for a jurisdiction's needs. **General guidance notes are highlighted green.** Notes in blue identify various options or areas where specific information is to be inserted or selected.

The Model Policy addresses common uses of recovered organic waste products; however, addressing all jurisdictional scenarios was not practical. Given this, most jurisdictions will need to customize some sections of the Model Policy to reflect their conditions by drawing on example provisions in the Model Policy as a starting point.

2. TYPE OF JURISDICTION

SB 1383 regulations (14 CCR Section 18993.1(a)), clarify that only jurisdictions that are a city, a county, or a city and county are subject to the recovered organic waste

product procurement target requirements. Other entities covered in the SB 1383 regulatory definition of “jurisdiction,” such as special districts that provide solid waste collection services, are not required to comply and may delete related language. Note that all types of jurisdictions must comply with the recycled-content paper procurement requirements specified in SB 1383 regulations (14 CCR Section 18993.3). Jurisdictions should choose the customization options that best match the requirements of their jurisdiction type (e.g., city or county).

Rural counties and jurisdictions located within rural counties that are exempt from the organic waste collection requirements pursuant to 14 CCR Section 18984.12(c) are not required to comply with SB 1383 recovered organic waste product procurement regulatory requirements from January 1, 2022 through December 31, 2026 pursuant to 14 CCR Section 18993.1(l). As a result, these rural jurisdictions may choose to delay adoption of a procurement policy for recovered organic waste product procurement until January 1, 2027. The recycled-content paper requirements, however, do apply to these jurisdictions commencing January 1, 2022, and, therefore, the jurisdiction may choose to adopt a recycled-content paper procurement policy on or before January 1, 2022 to support their compliance.

3. PROCUREMENT OF RECOVERED ORGANIC WASTE PRODUCTS

The Model Policy includes two sections related to compliance with SB 1383 regulatory requirements for recovered organic waste product procurement. The first section is an optional section for departments that might use recovered organic waste products to do so, and to keep records of such to support the jurisdiction’s recordkeeping requirements and attainment of its recovered organic waste product procurement target. The second section is an optional section for direct service providers of various types (e.g., providers of landscaping maintenance, renovation, construction, or organic waste collection services) to use and report the use of specified recovered organic waste products. These provisions do not reflect SB 1383 regulatory requirements, but are included to offer jurisdictions a flexible strategy for meeting their recovered organic waste product procurement target and reporting requirements. Jurisdictions may choose to reduce or expand the type of direct service providers that must use specified recovered organic waste products, depending upon their particular circumstances, and the type of direct service providers that use or could use these products on behalf of the jurisdiction.

4. PROCUREMENT OF RECYCLED-CONTENT PAPER

The Model Policy includes a section to implement SB 1383 regulations (14 CCR Section 18993.3), related to recycled-content paper procurement requirements. This section reiterates pre-existing requirements on paper products and printing and writing paper to contain recycled content (Sections 22150-22154 of the Public Contract Code), when available, at no greater cost (although price preferences are not prohibited). SB 1383 regulations (14 CCR Section 18993.3(b)) also require that paper

products and printing and writing paper be eligible to be labeled with an unqualified recyclable label. The Model Policy language helps to put these requirements into practice and enables the jurisdiction to collect records they will need to show compliance with SB 1383 regulations.

5. RESPONSIBILITIES

Jurisdictions may want to assign a designee to be responsible for collecting and maintaining the documents needed to support and demonstrate compliance with the SB 1383 regulatory target for recovered organic waste product procurement and the SB 1383 recycled-content paper regulatory requirements. The Model Policy contains a section for jurisdictions to identify a department to take this responsibility and identifies the responsibilities of a recordkeeping designee.

6. ALIGNMENT OF DEFINED TERMS

The Model Policy includes defined terms, many of which were obtained from SB 1383 regulatory definitions. The nuances of defined terms and their relationship to one another can have a significant impact on the meaning of the provisions of the procurement policy. For this reason, jurisdictions are advised to carefully review the definitions they are using in existing ordinances, franchise and processing agreements, and their municipal/county code; align them with the definitions in SB 1383 regulations; and, modify existing definitions, delete non-applicable definitions, and integrate new ones where needed. It is likely that some of the definitions in the Model Policy can be used without modification, while others will need to be tailored to the jurisdiction's unique conditions.

While the user may modify or create their own definitions, the jurisdiction must ensure that all SB 1383 regulatory requirements are met.

In addition, jurisdictions may need to amend the definitions in their municipal/county code to align with updated definitions in their procurement policy, ordinance, and franchise agreement. Jurisdictions should attempt to coordinate definitions used in all of these documents where the same terms are being defined.

7. DOCUMENT STRUCTURE

The Model Policy is structured to include sections on definitions; requirements for direct service providers, jurisdiction departments, and vendors; and designation of a responsible party for tracking and recordkeeping. The Model Policy is intended to be implemented jurisdiction-wide to meet SB 1383 regulatory requirements.

ADDITIONAL TIPS FOR USING THE MODEL POLICY

1. **Modify Language.** Adjust the Model Policy language to fit the jurisdiction's specific needs. For example, a jurisdiction that does not plan to use electricity from biomass facilities to meet its recovered organic waste product procurement target should delete that option and related definitions.
2. **Change Jurisdiction.** The term "jurisdiction" is used throughout this Model Policy; however, the entity responsible for adopting a procurement policy will need to change "jurisdiction" throughout the document to the appropriate term, which may be City, County, City and County, Special District that provides solid waste collection services, Joint Powers Authority, Regional Agency, etc. For the recovered organic waste product procurement target requirements, the term "jurisdiction" may be limited to City, County, or City and County, per 14 CCR Section 18993.1(a). Other entities covered in the SB 1383 regulatory definition of "jurisdiction," such as special districts that provide solid waste collection services, are not required to comply with the recovered organic waste product procurement target requirements; however, all types of jurisdictions must comply with the recycled-content paper requirements specified in 14 CCR Section 18993.3.
3. **Delete Guidance Notes and Unused Options.** Green highlighting identifies guidance notes presented in the Model Policy for reference only, which are to be removed by the user when preparing its procurement policy. In cases where the Model Policy offers multiple options, blue highlighting identifies optional provisions and areas where customization is advised. Options and customization items that are not selected are to be deleted and section numbers must be modified accordingly.
4. **Blend Existing Requirements with Model Policy Requirements.** When using the Model Policy, users may want to blend requirements from both the Model Policy and existing procurement policy(s) or administrative guidelines on procurement to create a policy that best suits their needs and requirements.
5. **Style and Design.** The use of multiple font colors and highlighting to differentiate content in the Model Policy, as described above, is not required in any final document produced, and the colors should be eliminated or made consistent with the user's standard document styles. The Model Policy has been designed in accordance with CalRecycle's accessibility guidelines. SB 1383 regulations do not require specific styles or design to be used for policies, and the final document style is at each jurisdiction's discretion.

ADDITIONAL CALRECYCLE RESOURCES

1. SB 1383 General Information: <https://www.calrecycle.ca.gov/organics/slcp>
2. SB 1383 Final Regulations (including relevant 14 CCR Sections): [\[Insert Link\]](#)
3. SB 1383 Model Implementation Tools:
<https://www.calrecycle.ca.gov/organics/slcp/education>

This webpage includes the following Model Tools:

- Model Franchise Agreement
 - Model Mandatory Organic Waste Disposal Reduction Ordinance
 - Model Recovered Organic Waste Product Procurement Policy
 - Model Food Recovery Agreement
4. Other Recovered Organic Waste Product Procurement Resources:
 - Calculator for Annual Recovered Organic Waste Product Procurement: [\[Insert Link\]](#)
 5. SB 1393 Case Studies: <https://www.calrecycle.ca.gov/organics/slcp/education>

Eight case studies are available including two each on franchise agreements, mandatory organic waste landfill reduction ordinances, recovered organic waste product procurement, and food recovery programs and policies.

6. Other Relevant SB 1383 CalRecycle Reports:
 - SB 1383 Local Services Rates Analysis: [\[Insert Link\]](#)
 - SB 1383 Infrastructure and Market Analysis:
<https://www2.calrecycle.ca.gov/Publications/Details/1652>
7. Relevant Regulations Referenced in the Model Policy:
 - Title 14 of California Code of Regulations, Division 7, Department of Resources Recycling and Recovery:
[https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=IFF17BBCC72F5412C8FEEF78290C1526E&originationContext=documenttoc&transitionType=Default&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=IFF17BBCC72F5412C8FEEF78290C1526E&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default))
 - Title 27 of California Code of Regulations, Division 2, Environmental Protection, Solid Waste (27 CCR Division 2):
<https://www.calrecycle.ca.gov/laws/regulations/title27>
 - Model Water Efficient Landscape Ordinance, Title 23, Division 2, Chapter 2.7 of California Code of Regulations:
<https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegul>

[ations?guid=I55B69DB0D45A11DEA95CA4428EC25FA0&transitionType=Default&contextData=%28sc.Default%29](#)

- Public Contract Code (including recycled-content paper requirements):
https://leginfo.legislature.ca.gov/faces/codes_displayexpandedbranch.xhtml?tocCode=PCC&division=2.&title=&part=2.&chapter=&article=&goUp=Y
- Public Resources Code:
http://leginfo.legislature.ca.gov/faces/codes_displayexpandedbranch.xhtml?lawCode=PRC&division=30.&title=&part=1.&chapter=2.&article=&goUp=Y
- Code of Federal Regulations, Title 16 (including relevant definitions):
<https://www.govinfo.gov/app/details/CFR-2013-title16-vol1/CFR-2013-title16-vol1-sec260-12/context>
- Code of Federal Regulations, Title 40 (including relevant definitions):
<https://www.govinfo.gov/content/pkg/CFR-2019-title40-vol31/xml/CFR-2019-title40-vol31-part403.xml>

1 **MODEL RECOVERED ORGANIC WASTE PRODUCT**
2 **PROCUREMENT POLICY**

3 **SECTION 1. PURPOSE**

4 A. It is the policy of the Jurisdiction, applicable to all departments and divisions, to
5 incorporate environmental considerations including recycled-content and
6 recovered Organic Waste product use into purchasing practices and procurement.
7 This Recovered Organic Waste Product Procurement Policy (Policy) will help the
8 Jurisdiction to:

- 9 1. Protect and conserve natural resources, water, and energy;
- 10 2. Minimize the Jurisdiction’s contribution to climate change, pollution, and
11 solid waste disposal; and,
- 12 3. Comply with State requirements as contained in 14 CCR Division 7, Chapter
13 12, Article 12 (SB 1383 procurement regulations) to procure a specified
14 amount of Recovered Organic Waste Products to support Organic Waste
15 disposal reduction targets and markets for products made from recycled
16 and recovered Organic Waste materials, and to purchase Recycled-
17 Content Paper Products and Recycled-Content Printing and Writing Paper.

18 Guidance: Jurisdictions may wish to expand this section beyond the items listed above to
19 address other benefits of their procurement policy such as supporting their Climate Action
20 Plans and other environmental initiatives.

21 **SECTION 2. DEFINITIONS**

22 Guidance: Most of the following definitions are excerpted from the SB 1383 regulations,
23 and as such are subject to change as the regulations and resulting code shall
24 subsequently be amended or reorganized.

25 A. “Annual [Recovered Organic Waste Product Procurement Target](#)” means the
26 amount of Organic Waste in the form of a Recovered Organic Waste Product that
27 the Jurisdiction is required to procure annually under 14 CCR Section 18993.1.
28 This target shall be calculated by multiplying the per capita procurement target,
29 which shall be 0.08 tons of Organic Waste per California resident per year, times
30 the Jurisdiction’s residential population using the most recent annual data reported
31 by the California Department of Finance. Annually, CalRecycle will provide notice
32 to each Jurisdiction of its Annual Recovered Organic Waste Product Procurement
33 Target by posting such information on CalRecycle’s website and providing written
34 notice directly to the Jurisdiction.

35 B. “Compost” means the product resulting from the controlled biological
36 decomposition of organic solid wastes that are source separated from the
37 municipal solid waste stream or which are separated at a centralized facility or as
38 otherwise defined in 14 CCR Section 17896.2(a)(4).

39 Compost eligible for meeting the Annual Recovered Organic Waste Product
40 Procurement Target must be produced at a compostable material handling
41 operation or facility permitted or authorized under 14 CCR Chapter 3.1 of Division
42 7 or produced at a large volume in-vessel digestion facility that composts on-site
43 as defined and permitted under 14 CCR Chapter 3.2 of Division 7. Compost shall
44 meet the State’s composting operations regulatory requirements.

45 Guidance: At its option, Jurisdiction may require that Compost is certified by the
46 Organic Materials Review Institute or is part of the US Composting Council Seal
47 of Testing Assurance Program and meets their Compost parameters, but this is
48 not required by the regulations.

49 C. “Direct Service Provider” means a person, company, agency, district, or other
50 entity that provides a service or services to Jurisdiction pursuant to a contract or
51 other written agreement or as otherwise defined in 14 CCR Section 18982(a)(17).

52 D. “Electricity Procured from Biomass Conversion” means electricity generated from
53 biomass facilities that convert recovered Organic Waste, such as wood and
54 prunings from the municipal stream, into electricity. Electricity procured from a
55 biomass conversion facility may only count toward the Jurisdiction’s Annual
56 Recovered Organic Waste Product Procurement Target if the facility receives
57 feedstock directly from certain permitted or authorized compostable material
58 handling operations or facilities, transfer/processing operations or facilities, or
59 landfills, as described in 14 CCR Section 18993.1(i).

60 E. “Jurisdiction” Guidance: No definition has been included for Jurisdiction. Users of
61 the Model Policy are instructed to replace “Jurisdiction” throughout the Model
62 Policy with the term appropriate to their organization (e.g., City, County, Special
63 District, Agency) and include an appropriate definition placed in alphabetical order
64 in this Section 2.

65 F. “Organic Waste” means solid wastes containing material originated from living
66 organisms and their metabolic waste products including, but not limited to, food,
67 yard trimmings, organic textiles and carpets, lumber, wood, Paper Products,
68 Printing And Writing Paper, manure, biosolids, digestate, and sludges, or as
69 otherwise defined in 14 CCR Section 18982(a)(46). Biosolids and digestate are as
70 defined in 14 CCR Section 18982(a)(4) and 14 CCR Section 18982(a)(16.5),
71 respectively.

72 G. “Paper Products” include, but are not limited to, paper janitorial supplies, cartons,
73 wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and
74 toweling; or as otherwise defined in 14 CCR Section 18982(a)(51).

75 H. "Printing and Writing Papers" include, but are not limited to, copy, xerographic,
76 watermark, cotton fiber, offset, forms, computer printout paper, white wove
77 envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint,
78 and other uncoated writing papers, posters, index cards, calendars, brochures,
79 reports, magazines, and publications; or as otherwise defined in 14 CCR Section
80 18982(a)(54).

81 I. "Procurement of Recovered Organic Waste Products" shall mean purchase or
82 acquisition (e.g., free delivery or free distribution from a hauler or other entity via a
83 written agreement or contract), and end use by the Jurisdiction or others. The
84 Jurisdiction's Annual Recovered Organic Waste Product Procurement Target can
85 be fulfilled directly by the Jurisdiction or by Direct Service Providers through written
86 contracts or agreements for Procurement of Recovered Organic Waste Products
87 at the Jurisdiction's behest.

88 J. "Publicly-Owned Treatment Works" or "POTW" has the same meaning as in
89 Section 403.3(r) of Title 40 of the Code of Federal Regulations. For the purposes
90 of this Policy, the POTW shall be the [redacted] (insert facility name and
91 address).

92 K. "Recovered Organic Waste Products" means products made from California,
93 landfill-diverted recovered Organic Waste processed at a permitted or otherwise
94 authorized operation or facility, or as otherwise defined in 14 CCR Section
95 18982(a)(60). Products that can be used to meet the Annual Recovered Organic
96 Waste Product Procurement Target shall include Compost, SB 1383 Eligible
97 Mulch, Renewable Gas from an in-vessel digestion facility, and Electricity Procured
98 from Biomass Conversion as described herein and provided that such products
99 meet requirements of 14 CCR, Division 7, Chapter 12, Article 12.

100 L. "Recordkeeping Designee" means the public employee appointed by the
101 Jurisdiction Manager or their designee to track procurement and maintain records
102 of Recovered Organic Waste Product procurement efforts both by the Jurisdiction
103 and others, if applicable, as required by 14 CCR, Division 7, Chapter 12, Articles
104 12 and 13.

105 Guidance: A Recordkeeping Designee is not required by SB 1383 regulations. It
106 is included in the Model Policy as a suggested way to assign recordkeeping
107 responsibility to a single point person. This person would assist the Jurisdiction in
108 collecting and maintaining the procurement records that are required in the SB
109 1383 regulations. A Jurisdiction could implement an alternative system such as an
110 electronic tracking system where records could be accessed by as many people
111 as needed. Neither of these options need to be mutually exclusive and other
112 recordkeeping methods that work for the Jurisdiction could also be considered.

113 M. "Recyclability" means that the Paper Products and Printing and Writing Paper
114 offered or sold to the Jurisdiction are eligible to be labeled with an unqualified

115 recyclable label as defined in 16 Code of Federal Regulations Section 260.12
116 (2013).

117 N. “Recycled-Content Paper Products and Recycled-Content Printing and Writing
118 Paper” means such products that consist of at least thirty percent (30%), by fiber
119 weight, postconsumer fiber, consistent with the requirements of Sections 22150 to
120 22154 and Sections 12200 and 12209 of the Public Contract Code, and as
121 amended.

122 O. “Renewable Gas” means gas derived from Organic Waste that has been diverted
123 from a landfill and processed at an in-vessel digestion facility that is permitted or
124 otherwise authorized by 14 CCR to recover Organic Waste, or as otherwise
125 defined in 14 CCR Section 18982(a)(62).

126 P. “SB 1383” means Senate Bill 1383 of 2016 approved by the Governor on
127 September 19, 2016, which added Sections 39730.5, 39730.6, 39730.7, and
128 39730.8 to the Health and Safety Code, and added Chapter 13.1 (commencing
129 with Section 42652) to Part 3 of Division 30 of the Public Resources Code,
130 establishing methane emissions reduction targets in a statewide effort to reduce
131 emissions of short-lived climate pollutants, as amended, supplemented,
132 superseded, and replaced from time to time.

133 Q. “SB 1383 Regulations” or “SB 1383 Regulatory” means or refers to, for the
134 purposes of this policy, the Short-Lived Climate Pollutants (SLCP): Organic Waste
135 Reductions regulations developed by CalRecycle and adopted in 2020 that created
136 Chapter 12 of 14 CCR, Division 7 and amended portions of regulations of 14 CCR
137 and 27 CCR.

138 Guidance: Throughout the Model, Sections of the SB 1383 Regulations are
139 referenced in the format “14 CCR Section XXXX” and “27 CCR Section XXXX,” or
140 are referred to by chapter or article in the format “14 CCR, Division X, Chapter X,
141 Article X,” with the exception of certain cases where a more general reference to
142 “SB 1383 Regulations” was appropriate. “14 CCR” means Title 14 of the California
143 Code of Regulations and “27 CCR” means Title 27 of the California Code of
144 Regulations.

145 R. “SB 1383 Eligible Mulch” means mulch eligible to meet the Annual Recovered
146 Organic Waste Product Procurement Target, pursuant to 14 CCR Chapter 12 of
147 Division 7. This SB 1383 Eligible Mulch shall meet the following conditions for the
148 duration of the applicable procurement compliance year, as specified by 14 CCR
149 Section 18993.1(f)(4):

150 1. Produced at one of the following facilities:

151 i. A compostable material handling operation or facility as defined in
152 14 CCR Section 17852(a)(12), that is permitted or authorized under
153 14 CCR Division 7, other than a chipping and grinding operation or
154 facility as defined in 14 CCR Section 17852(a)(10); Guidance: Note

155 that SB 1383 Eligible Mulch excludes mulch from chipping and
156 grinding operations.

157 ii. A transfer/processing facility or transfer/processing operation as
158 defined in 14 CCR Sections 17402(a)(30) and (31), respectively, that
159 is permitted or authorized under 14 CCR Division 7; or,

160 iii. A solid waste landfill as defined in Public Resources Code Section
161 40195.1 that is permitted under 27 CCR Division 2.

162 2. Meet or exceed the physical contamination, maximum metal concentration,
163 and pathogen density standards for land application specified in 14 CCR
164 Sections 17852(a)(24.5)(A)1 through 3, as enforced by Jurisdiction Code
165 Section _____. Guidance: In order for mulch to qualify as a Recovered
166 Organic Waste Product toward the Jurisdiction’s Annual Recovered
167 Organic Waste Product Procurement Target, 14 CCR Section 18993.1
168 requires that Jurisdictions adopt an ordinance or similarly enforceable
169 mechanism to require compliance with the land application standards
170 specified above.

171 S. “State” means the State of California.

172 SECTION 3. RECOVERED ORGANIC WASTE PRODUCT PROCUREMENT

173 Guidance: This Section applies to a Jurisdiction that is a city, county, or city and county.
174 It is not required for other types of Jurisdictions, including special districts that provide
175 solid waste collection services, and as such, may be deleted for these entities. Rural
176 counties and Jurisdictions located within rural counties that are exempt from the Organic
177 Waste collection requirements pursuant to 14 CCR Section 18984.12(c) are not required
178 to comply with SB 1383 regulatory requirements for Recovered Organic Waste Product
179 procurement from January 1, 2022 through December 31, 2026, pursuant to 14 CCR
180 Section 18993.1(l). As a result, these Jurisdictions may delay adoption of the
181 requirements in this Section 3 until January 1, 2027. In such case, the Jurisdiction shall
182 delete Section 3 and related definitions.

183 3.1 Procurement Target

184 A. Jurisdiction will annually procure for use or giveaway a quantity of Recovered
185 Organic Waste Products that meets or exceeds its Annual Recovered Organic
186 Waste Product Procurement Target through the implementation of Sections 3
187 through 5 of this Policy.

188 B. To be eligible to meet the Annual Recovered Organic Waste Product Procurement
189 Target, products that may be procured include the following (provided that each
190 product meets the criteria included in their respective definition in Section 2 of this
191 Policy):

- 192 1. SB 1383 eligible Compost (as defined in Section 2.B).
- 193 2. SB 1383 Eligible Mulch (as defined in Section 2.R).
- 194 3. Renewable Gas (in the form of transportation fuel, electricity, or heat) (as
195 defined in Section 2.O).
- 196 4. Electricity Procured from Biomass Conversion (as defined in Section 2.D).

197 3.2 Requirements for Jurisdiction Departments

198 Guidance: Jurisdictions shall delete sections below that are not relevant to their
199 procurement policy (e.g., delete Subsection A if not procuring Compost or SB 1383
200 Eligible Mulch and/or Subsection B if not procuring Renewable Gas). Some relevant
201 divisions and department activities (landscaping maintenance, renovation, or
202 construction) have been provided as examples, but should be customized as relevant to
203 the Jurisdiction.

204 A. Compost and SB 1383 Eligible Mulch procurement. Divisions and departments
205 responsible for landscaping maintenance, renovation, or construction shall:

206 1. Use Compost and SB 1383 Eligible Mulch produced from recovered
207 Organic Waste, as defined in Section 2.B and 2.R of this Policy, for
208 landscaping maintenance, renovation, or construction, as practicable,
209 whenever available, and capable of meeting quality standards and criteria
210 specified. SB 1383 Eligible Mulch used for land application must meet or
211 exceed the physical contamination, maximum metal concentration and
212 pathogen density standards specified in 14 CCR Section
213 17852(a)(24.5)(A)(1) through (3).

214 2. When Jurisdiction uses Compost and SB 1383 Eligible Mulch and the
215 applications are subject to the Jurisdiction's Water Efficient Landscaping
216 Ordinance (WELO), pursuant to Jurisdiction Code Section _____, comply
217 with one of the following, whichever is more stringent, (i) the Jurisdiction's
218 WELO, Jurisdiction Code Section ____, if more stringent than the State's
219 Model Water Efficient Landscape Ordinance (MWELO), or (ii) Sections
220 492.6 (a)(3)(B), (C), (D), and (G) of the State's Model Water Efficient
221 Landscape Ordinance, Title 23, Division 2, Chapter 2.7 of the CCR, as
222 amended September 15, 2015, which requires the submittal of a landscape
223 design plan with a "Soil Preparation, Mulch, and Amendments Section" to
224 include the following: Guidance: Jurisdictions may, at their option, choose
225 to establish and enforce water efficient landscaping requirements that are
226 more stringent than required by SB 1383 regulations, including enforcement
227 of updates to the MWELO provided that any updated MWELO requirements
228 are more stringent than the September 15, 2015 MWELO requirements
229 identified in the MWELO sections listed above.

230

- 231 a. For landscape installations, Compost at a rate of a minimum of 4
232 cubic yards per 1,000 square feet of permeable area shall be
233 incorporated to a depth of six (6) inches into the soil. Soils with
234 greater than six percent (6%) organic matter in the top six (6) inches
235 of soil are exempt from adding Compost and tilling.
- 236 b. Apply a minimum three- (3-) inch layer of mulch on all exposed soil
237 surfaces of planting areas except in turf areas, creeping or rooting
238 groundcovers, or direct seeding applications where mulch is
239 contraindicated. To provide habitat for beneficial insects and other
240 wildlife, leave up to five percent (5%) of the landscape area without
241 mulch. Designated insect habitat must be included in the landscape
242 design plan as such.
- 243 c. Procure organic mulch materials made from recycled or post-
244 consumer materials rather than inorganic materials or virgin forest
245 products unless the recycled post-consumer organic products are
246 not locally available. Organic mulches are not required where
247 prohibited by local Fuel Modification Plan Guidelines or other
248 applicable local ordinances.
- 249 d. For all mulch that is land applied, procure SB 1383 Eligible Mulch
250 that meets or exceeds the physical contamination, maximum metal
251 concentration, and pathogen density standards for land applications
252 specified in 14 CCR Section 17852(a)(24.5)(A)(1) through (3).

253 Guidance: Section 3.2.A.2.a-c directly above are the MWELO requirements
254 related to Compost and mulch use only, and are excerpted from the
255 MWELO. These requirements do not constitute an inclusive list of MWELO
256 or WELO requirements. Departments subject to the MWELO shall consult
257 the full MWELO or local WELO for all requirements. Section 3.2.A.2.d above
258 is an SB 1383 regulatory requirement. For Jurisdictions to be able to count
259 mulch used by their departments toward their Annual Recovered Organic
260 Waste Product Procurement Target, the mulch must meet the definition of
261 SB 1383 Eligible Mulch in Section 2.R of this Policy.

- 262 3. Keep records, including invoices or proof of Recovered Organic Waste
263 Product procurement (either through purchase or acquisition), and submit
264 records to the Recordkeeping Designee, upon completion of project.

265 Guidance: As an alternative option to “upon completion of projects” in the
266 above sentence, Jurisdiction may replace with “on a schedule to be
267 determined by Recordkeeping Designee” or Jurisdiction may specify the
268 reporting dates and time periods in a manner similar to Section 3.2.B.2.
269 Schedule should allow Jurisdiction to capture procurement compliance
270 records for a full year for reporting purposes.

- 271 Records shall include:
- 272 a. General procurement records, including:
- 273 (i) General description of how and where the product was used
274 and applied, if applicable;
- 275 (ii) Source of product, including name, physical location, and
276 contact information for each entity, operation, or facility from
277 whom the Recovered Organic Waste Products were
278 procured;
- 279 (iii) Type of product;
- 280 (iv) Quantity of each product; and,
- 281 (v) Invoice or other record demonstrating purchase or
282 procurement.
- 283 Guidance: Note that the information to be included in Subsections (i)
284 through (v) above will help Jurisdiction meet the procurement
285 recordkeeping requirements in 14 CCR Sections 18993.2, 18993.4,
286 and 18994.2(j).
- 287 b. For Compost and SB 1383 Eligible Mulch provided to residents
288 through giveaway events or other types of distribution methods, keep
289 records of the Compost and SB 1383 Eligible Mulch provided to
290 residents. Records shall be maintained and submitted to the
291 Recordkeeping Designee in accordance with the requirements
292 specified in Section 3.2.A.3.
- 293 c. For procurement of SB 1383 Eligible Mulch, maintain an updated
294 copy of the ordinance or enforceable mechanism(s) requiring that the
295 mulch procured by the Jurisdiction or Direct Service Provider meets
296 the land application standards specified in 14 CCR Section 18993.1,
297 as it may be amended from time to time, as currently reflected in
298 Jurisdiction Code Section ____.
- 299 4. When Procurement of Recovered Organic Waste Products occurs through
300 a Direct Service Provider, enter into a written contract or agreement or
301 execute a purchase order with enforceable provisions that includes: (i)
302 definitions and specifications for SB 1383 Eligible Mulch, Compost,
303 Renewable Gas, and/or Electricity Procured from Biomass Conversion;
304 and, (ii) an enforcement mechanism (e.g., termination, liquidated damages)
305 in the event the Direct Service Provider is not compliant with the
306 requirements. Guidance: SB 1383 regulations (14 CCR Section
307 18993.1(f)(4)), requires that Jurisdictions have an ordinance or similarly
308 enforceable mechanism that requires the SB 1383 Eligible Mulch to meet

309 certain standards for land application of compostable material under 14
310 CCR Section 17852(a)(24.5) (as referenced in the SB 1383 Eligible Mulch
311 definition). This Section is intended to document the Jurisdiction’s
312 procurement policy for compliance with this requirement when engaging
313 with a Direct Service Provider. This Section also establishes that same
314 requirement for Compost, Renewable Gas, and/or Electricity Procured from
315 Biomass Conversion, although this is not expressly required by SB 1383
316 regulations. As a result, Compost, Renewable Gas, and/or Electricity
317 Procured from Biomass Conversion may be removed from this Section.

318 B. Renewable Gas procurement (used for fuel for transportation, electricity, or heating
319 applications). For Renewable Gas procurement, Jurisdiction shall:

320 1. Procure **Renewable Gas** made from recovered Organic Waste **for**
321 **transportation fuel, electricity, and heating applications** to the degree that it
322 is appropriate and available for the Jurisdiction and to help meet the Annual
323 Recovered Organic Waste Product Procurement Target, which requires
324 compliance with criteria specified in 14 CCR Section 18993.1.

325 2. Keep records in the same manner indicated in Section 3.2.A.3 for the
326 amount of Renewable Gas procured and used by the Jurisdiction, including
327 the general procurement record information specified in Section 3.2.A.3.a,
328 and submit records to the Recordkeeping Designee on a quarterly
329 schedule. The quarterly schedule shall be as follows: Renewable Gas
330 records are to be provided to the Recordkeeping Designee by April 15 for
331 January 1 through March 31, July 15 for April 1 through June 30, October
332 15 for July 1 through September 30, and January 15 for October 1 through
333 December 31. Jurisdiction shall additionally obtain the documentation and
334 submit records specified in Section 3.2.B.3 below, if applicable.

335 Guidance: As an alternative option to specifying the reporting dates and
336 time periods, as included in the above section, Jurisdiction may replace with
337 “on a schedule to be determined by Recordkeeping Designee” or
338 Jurisdiction may specify an alternate reporting schedule that is not less than
339 annually. Schedule should allow Jurisdiction to capture procurement
340 compliance records for a full year for reporting purposes.

341 3. If the Jurisdiction procures Renewable Gas from a POTW,
342 a. Annually verify that the Renewable Gas from the **POTW complies**
343 **with the requirements specified in 14 CCR Section 18993.1(h),**
344 including, but not limited to the exclusion in 14 CCR Section
345 17896.6(a)(1) and the items listed in this Section 3.2.B.3.

346 b. Annually receive **a record from the POTW documenting the tons of**
347 **Organic Waste received by the POTW from: (i) a compostable**
348 **material handling operation or facility as defined in 14 CCR Section**

349 17852(a)(12), other than a chipping and grinding operation or facility
350 as defined in 14 CCR Section 17852(a)(10), that is permitted or
351 authorized under 14 CCR Division 7; (ii) transfer/processing facility
352 or transfer/processing operation as defined in 14 CCR Sections
353 17402(a)(30) and (31), respectively, that is permitted or authorized
354 under 14 CCR Division 7; or (iii) a solid waste landfill as defined in
355 Public Resources Code Section 40195.1 that is permitted under 27
356 CCR Division 2.

357 c. Annually receive documentation from the POTW of the percentage
358 of biosolids that the POTW produced and transported to activities
359 that constitute landfill disposal in order to demonstrate that the
360 POTW transported less than twenty-five percent (25%) of the
361 biosolids it produced to activities that constitute landfill disposal. For
362 the purposes of this Policy, landfill disposal is defined pursuant to 14
363 CCR Section 18983.1(a) and includes final disposition at a landfill;
364 use of material as alternative daily cover or alternative intermediate
365 cover at a landfill, and other dispositions not listed in 14 CCR Section
366 18983.1(b). Alternative daily cover or alternative intermediate cover
367 are defined in 27 CCR Sections 20690 and 20700, respectively.

368 d. Annually receive documentation that the POTW receives vehicle-
369 transported solid waste that is an anaerobically digestible material
370 for the purpose of anaerobic co-digestion with POTW treatment plant
371 wastewater to demonstrate that the POTW meets the requirement of
372 14 CCR Section 18993.1(h)(2).

373 e. Jurisdiction shall submit these records to the Recordkeeping
374 Designee on an annual basis, not to exceed ____ (___) days from
375 receipt of notification from the POTW.

376 Guidance: As an alternative option to reporting on an annual basis,
377 as included in the above section, Jurisdiction may replace with “on a
378 schedule to be determined by Recordkeeping Designee” or
379 Jurisdiction may specify an alternate reporting schedule that is not
380 less than annually. Schedule should allow Jurisdiction to capture
381 procurement compliance records for a full year for reporting
382 purposes.

383 C. Electricity Procured from Biomass Conversion. For Electricity Procured from
384 Biomass Conversion, Jurisdiction shall:

385 1. Procure electricity from a biomass conversion facility that receives
386 feedstock from a composting facility, transfer/processing facility, a solid
387 waste landfill, and/or receives feedstock from the generator or employees
388 on behalf of the generator of the Organic Waste and to the degree that it is
389 available and practicable for the Jurisdiction and to help meet the Annual

390 Recovered Organic Waste Product Procurement Target, which requires
391 compliance with criteria specified in 14 CCR Section 18993.1.

392 2. Maintain records and conduct the following recordkeeping activities:

393 a. Keep records in the same manner indicated in Section 3.2.A.3 of this
394 Policy for the amount of Electricity Procured from Biomass
395 Conversion facilities, including the general procurement record
396 information specified in Section 3.2.A.3.a.

397 b. Receive written notification by an authorized representative of the
398 biomass conversion facility certifying that biomass feedstock was
399 received from a permitted solid waste facility identified in 14 CCR
400 Section 18993.1(i).

401 c. Provide these records to the Recordkeeping Designee.

402 3.3 Requirements for Direct Service Providers

403 Guidance: Note that a Jurisdiction must establish an enforceable mechanism (e.g.,
404 ordinance, written agreement or contract, written purchase order) to require compliance
405 by Direct Service Providers with certain sections of MWELo and must include an
406 enforceable mechanism(s) (e.g., withholding certificate of occupancy for non-
407 compliance). Jurisdictions may accomplish this through their procurement policy using
408 example language provided in this Section or through an ordinance or other enforceable
409 mechanism. The Model Policy prepared by CalRecycle includes MWELo provisions that
410 may be considered by Jurisdictions.

411 Furthermore, Direct Service Providers are not the only entities subject to MWELo. SB
412 1383 regulations (14 CCR Section 18989.2) require Jurisdictions to enforce Sections
413 492.6 (a)(3)(B), (C), (D), and (G) of the MWELo, Title 23, Division 2, Chapter 2.7 of the
414 CCR as amended September 15, 2015, which applies to landscape installations.

415 A. Direct Service Providers of landscaping maintenance, renovation, and
416 construction shall:

417 1. Use Compost and SB 1383 Eligible Mulch, as practicable, produced from
418 recovered Organic Waste, as defined in Section 2.B and 2.R of this Policy,
419 for all landscaping renovations, construction, or maintenance performed for
420 the Jurisdiction, whenever available, and capable of meeting quality
421 standards and criteria specified. SB 1383 Eligible Mulch used for land
422 application shall comply with 14 CCR, Division 7, Chapter 12, Article 12 and
423 must meet or exceed the physical contamination, maximum metal
424 concentration and pathogen density standards specified in 14 CCR Section
425 17852(a)(24.5)(A)(1) through (3).

426 2. If Direct Service Provider is subject to the Jurisdiction's WELo pursuant to
427 Jurisdiction Code Section _____, comply with one of the following,

428 whichever is more stringent: (i) the locally-adopted WELO that is more
429 stringent than the State’s MWELO, or (ii) Sections 492.6 (a)(3)(B), (C), (D),
430 and (G) of the State’s MWELO, Title 23, Division 2, Chapter 2.7 of the CCR,
431 as amended September 15, 2015, which requires the submittal of a
432 landscape design plan with a “Soil Preparation, Mulch, and Amendments
433 Section” to include the following: Guidance: Jurisdictions may, at their
434 option, choose to establish and enforce water efficient landscaping
435 requirements that are more stringent than required by SB 1383 regulations,
436 including enforcement of updates to the MWELO provided that any updates
437 to the MWELO requirements are more stringent than the September 15,
438 2015 MWELO requirements identified in the MWELO sections listed above.

439 a. For landscape installations, Compost at a rate of a minimum of 4
440 cubic yards per 1,000 square feet of permeable area shall be
441 incorporated to a depth of six (6) inches into the soil. Soils with
442 greater than six percent (6%) organic matter in the top six (6) inches
443 of soil are exempt from adding Compost and tilling.

444 b. Apply a minimum three- (3-) inch layer of mulch on all exposed soil
445 surfaces of planting areas except in turf areas, creeping or rooting
446 groundcovers, or direct seeding applications where mulch is
447 contraindicated. To provide habitat for beneficial insects and other
448 wildlife, leave up to five percent (5%) of the landscape area without
449 mulch. Designated insect habitat must be included in the landscape
450 design plan as such.

451 c. Procure organic mulch materials made from recycled or post-
452 consumer materials rather than inorganic materials or virgin forest
453 products unless the recycled post-consumer organic products are
454 not locally available. Organic mulches are not required where
455 prohibited by local Fuel Modification Plan Guidelines or other
456 applicable local ordinances.

457 d. For all mulch that is land applied, procure SB 1383 Eligible Mulch
458 that meets or exceeds the physical contamination, maximum metal
459 concentration, and pathogen density standards for land applications
460 specified in 14 CCR Section 17852(a)(24.5)(A)(1) through (3).

461 Guidance: Section 3.3.A.2.a-c directly above are the MWELO
462 requirements related to Compost and mulch use only, and are
463 excerpted from the MWELO. These requirements do not constitute
464 an inclusive list of MWELO or WELO requirements. Entities subject
465 to the MWELO shall consult the full MWELO or local WELO for all
466 requirements. Section 3.3.A.2.d above is an SB 1383 regulatory
467 requirement. For Jurisdictions to be able to count mulch used by
468 Direct Service Providers toward their Annual Recovered Organic
469 Waste Product Procurement Target, the mulch must meet the

470 definition of SB 1383 Eligible Mulch in Section 2.R of this Policy.

471 3. Keep and provide records of Procurement of Recovered Organic Waste
472 Products (either through purchase or acquisition) to Recordkeeping
473 Designee, upon completion of projects. Information to be provided shall
474 include:

475 Guidance: As an alternative option to “upon completion of projects” in the
476 above sentence, Jurisdiction may replace with “on a schedule to be
477 determined by Recordkeeping Designee” or Jurisdiction may specify the
478 reporting dates and time periods in a manner similar to Section 3.2.B.2.
479 Schedule should allow Jurisdiction to capture procurement compliance
480 records for a full year for reporting purposes.

481 a. General description of how and where the product was used and if
482 applicable, applied;

483 b. Source of product, including name, physical location, and contact
484 information for each entity, operation, or facility from whom the
485 Recovered Organic Waste Products were procured;

486 c. Type of product;

487 d. Quantity of each product; and,

488 e. Invoice or other record demonstrating purchase or procurement.

489 Guidance: Note that the information to be included in Sections 3.3.A.3.a-e
490 above will help Jurisdiction meet the procurement recordkeeping
491 requirements in 14 CCR Sections 18993.2, 18993.4, and 18994.2(j).

492 B. Direct Service Provider of Organic Waste collection services shall:

493 Guidance: If the Jurisdiction requires its franchised hauler(s) or processor(s) to
494 provide a specified quantity of Compost or SB 1383 Eligible Mulch to the
495 Jurisdiction and/or its customers at no charge via its franchise agreement(s) or
496 processing agreement(s), Jurisdictions may want to include this Section (with
497 modifications as needed to align with its hauling and/or processing agreement
498 provisions). However, note that Direct Service Provider giveaway of Recovered
499 Organic Waste Products is not a regulatory requirement and, as such, is an
500 optional element of this Policy.

501 1. Provide a specified quantity of Compost or SB 1383 Eligible Mulch to
502 Jurisdiction and its customers via periodic “giveaways” as specified in a
503 franchise agreement or other agreement.

504 2. Keep and provide records to the Jurisdiction including the following:

- 505 a. Dates provided
- 506 b. Source of product including name, physical location and contact
507 information for each entity, operation or facility from whom the
508 Recovered Organic Waste Products were procured;
- 509 c. Type of product;
- 510 d. Quantity provided; and,
- 511 e. Invoice or other record or documentation demonstrating purchase,
512 procurement, or transfer of material to giveaway location.

513 Guidance: "Other record or documentation" in Section 3.3.B.2.e above can include
514 franchise agreement provisions, written contracts, MOUs, or other written
515 documentation demonstrating such agreement.

516 Jurisdiction will use the information requested in Section 3.3.B.2.a-e above as part
517 of their implementation record required by SB 1383 regulations and evidence
518 toward meeting its Annual Recovered Organic Waste Product Procurement
519 Target. This will help Jurisdictions meet the procurement recordkeeping
520 requirements in 14 CCR Sections 18993.2, 18993.4, and 18994.2(j).

521 C. Renewable Gas procurement by Direct Service Providers

522 Guidance: A Jurisdiction may be able to partially or fully achieve its Annual
523 Recovered Organic Waste Product Procurement Target by incorporating minimum
524 Renewable Gas procurement requirements in contracts for waste transportation
525 services or other major transportation services. The Jurisdiction shall decide
526 whether it wants to provide a bid preference for vendors providing transportation
527 services that use Renewable Gas and document such use, or mandate that a
528 specified amount or minimum percent of fuel purchases by the contractor are
529 Renewable Gas, or both. Procurement of Renewable Gas by vendors is not a
530 regulatory requirement and, as such, this is an optional provision. If the Jurisdiction
531 chooses to require the use of Renewable Gas, sample language is provided in
532 Subsections 1 and 2 below.

- 533 1. Direct Service Providers transporting solid waste, organic materials, and/or
534 recyclable materials shall procure ___ percent (___%) of their fuel as
535 Renewable Gas if required to do so in RFPs and RFQs released by the
536 Jurisdiction for such services or as required by permit, license, written
537 agreement, or written contract with the Jurisdiction.
- 538 2. Departments releasing RFPs and RFQs for contractors that procure fuel in
539 the course of their services to the Jurisdiction shall include a ___ percent
540 (___%) price preference to contractors that propose to use the amount or
541 percentage of Renewable Gas specified in the RFP or RFQ to be eligible
542 for said price preference. Such use, if it occurs, shall be documented in a

543 written contract or agreement. Guidance: Jurisdiction shall specify the
544 percentage of the price preference or may remove the percentage leaving
545 sentence to read "...shall include a price preference to contractors...."

546 3. If Renewable Gas made from recovered Organic Waste is used by Direct
547 Service Providers, Direct Service Providers shall submit information listed
548 in Section 3.3.B.2.a-e on a schedule to be determined by Jurisdiction, but
549 not less than annually to the Recordkeeping Designee.

550 4. Renewable Gas used by Direct Service Providers under Sections 3.3.A and
551 3.3.B shall comply with criteria specified in 14 CCR Section 18993.1.

552 SECTION 4. RECYCLED-CONTENT PAPER PROCUREMENT

553 4.1 Requirements for Jurisdiction Departments

554 Guidance: Section 22150 of the Public Contract Code requires local governments to
555 purchase recycled products instead of non-recycled products whenever recycled
556 products are available at the same or a lesser total cost than non-recycled items, if fitness
557 and quality are equal. SB 1383 regulations require Jurisdictions to procure Paper
558 Products and Printing and Writing Paper consistent with the requirements of Sections
559 22150 through 22154 of the Public Contract Code. Under SB 1383 regulations,
560 Jurisdictions are not prohibited from either using a price preference (usually 5 to 10
561 percent) for Recycled-Content Paper Products and Recycled-Content Printing and
562 Writing Paper or requiring Recycled-Content Paper Products and Recycled-Content
563 Printing and Writing Paper regardless of price. Options 1 and 2 are presented below for
564 these strategies. Option 3 presents an option in which no price preference is provided
565 such that Recycled-Content Paper Products and Recycled-Content Printing and Writing
566 Paper shall be purchased in all cases when the fitness and quality is equal to that of non-
567 recycled products.

568 A. Option 1: Comparable or more favorable pricing: If fitness and quality of Recycled-
569 Content Paper Products and Recycled-Content Printing and Writing Paper are
570 equal to that of non-recycled items, all departments and divisions of Jurisdiction
571 shall purchase Recycled-Content Paper Products and Recycled-Content Printing
572 and Writing Paper that consists of at least thirty percent (30%), by fiber weight,
573 postconsumer fiber, whenever available at the same or a lesser total cost than
574 non-recycled items, consistent with the requirements of the Public Contracts Code,
575 Sections 22150 through 22154 and Sections 12200 and 12209, as amended.

576 Option 2: Price preference: If fitness and quality of Recycled-Content Paper
577 Products and Recycled-Content Printing and Writing Paper are equal to that of
578 non-recycled items, all departments and divisions of Jurisdiction shall purchase
579 Recycled-Content Paper Products and Recycled-Content Printing and Writing
580 Paper that consists of at least thirty percent (30%), by fiber weight, postconsumer
581 fiber, whenever the total cost is the same or a lesser total cost than non-recycled
582 items or whenever the total cost is no more than ___ percent (___%) of the total

583 cost for the non-recycled items, consistent with the requirements of the Public
584 Contract Code, Sections 22150 through 22154 and Sections 12200 and 12209, as
585 amended.

586 **Option 3: No price preference:** If fitness and quality of Recycled-Content Paper
587 Products and Recycled-Content Printing and Writing Paper are equal to that of
588 non-recycled items, all departments and divisions of Jurisdiction shall purchase
589 Recycled-Content Paper Products and Recycled-Content Printing and Writing
590 Paper (rather than non-recycled items) that consists of at least thirty percent
591 (30%), by fiber weight, postconsumer fiber, consistent with the requirements of the
592 Public Contract Code, Sections 22150 through 22154 and Sections 12200 and
593 12209, as amended.

594 B. All Paper Products and Printing and Writing Paper shall be eligible to be labeled
595 with an unqualified recyclable label as defined in Title 16 Code of Federal
596 Regulations Section 260.12 (2013).

597 **Guidance:** Jurisdictions should note that other required criteria for the provision of
598 Recycled-Content Paper Products and/or Recycled-Content Printing and Writing
599 Paper is included in Section 4.2 below as well as recommended requirements for
600 provision of records from vendors.

601 C. Provide records to the Recordkeeping Designee of all Paper Products and Printing
602 and Writing Paper purchases within thirty (30) days of the purchase (both recycled-
603 content and non-recycled content, if any is purchased) made by a division or
604 department or employee of the Jurisdiction. Records shall include a copy of the
605 invoice or other documentation of purchase, written certifications as required in
606 Section 4.2.A.3-4 for recycled-content purchases, vendor name, purchaser name,
607 quantity purchased, date purchased, and recycled content (including products that
608 contain none), and if non-Recycled-Content Paper Products and/or non-Recycled-
609 Content Printing and Writing Paper are provided, include a description of why
610 Recycled-Content Paper Products and/or Recycled-Content Printing and Writing
611 Paper were not provided.

612 **Guidance:** As an alternative option to reporting within thirty (30) days of purchase,
613 as included in the above section, Jurisdiction may replace with “on a schedule to
614 be determined by Recordkeeping Designee” or Jurisdiction may specify an
615 alternate reporting schedule that is not less than annually. Schedule should allow
616 Jurisdiction to capture procurement compliance records for a full year for reporting
617 purposes.

618 4.2 Requirements for Vendors

619 A. All vendors that provide Paper Products (including janitorial Paper Products) and
620 Printing and Writing Paper to Jurisdiction shall:

621 1. Provide Recycled-Content Paper Products and Recycled-Content Printing
622 and Writing Paper that consists of at least thirty percent (30%), by fiber

623 weight, postconsumer fiber, if fitness and quality are equal to that of non-
624 recycled item, and _____:

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

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

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

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

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

636 3. Certify in writing, under penalty of perjury, the minimum percentage of
637 postconsumer material in the Paper Products and Printing and Writing
638 Paper offered or sold to the Jurisdiction. This certification requirement may
639 be waived if the percentage of postconsumer material in the Paper
640 Products, Printing and Writing Paper, or both can be verified by a product
641 label, catalog, invoice, or a manufacturer or vendor internet website.

642 4. Certify in writing, under penalty of perjury, that the Paper Products and
643 Printing and Writing Paper offered or sold to the Jurisdiction is eligible to be
644 labeled with an unqualified recyclable label as defined in Title 16 Code of
645 Federal Regulations Section 260.12 (2013).

646 Guidance: In Subsection 5 below, Jurisdiction may want to add “dollars
647 spent for each type of product” to the requirements, but it is not required by
648 SB 1383 regulations.

649 5. Provide records to the Recordkeeping Designee of all Paper Products and
650 Printing and Writing Paper purchased from the vendor within thirty (30) days
651 of the purchase (both recycled-content and non-recycled content, if any is
652 purchased) made by a division or department or employee of the
653 Jurisdiction. Records shall include a copy of the invoice or other
654 documentation of purchase, written certifications as required in Section
655 4.2.A.3-4 for recycled-content purchases, purchaser name, quantity
656 purchased, date purchased, and recycled content (including products that
657 contain none), and if non-Recycled-Content Paper Products and/or non-
658 Recycled-Content Printing and Writing Paper are provided, include a
659 description of why Recycled-Content Paper Products and/or Recycled-
660 Content Printing and Writing Paper were not provided.

661 Guidance: As an alternative option to reporting within thirty (30) days of
662 purchase, as included in the above section, Jurisdiction may replace with
663 “on a schedule to be determined by Recordkeeping Designee” or
664 Jurisdiction may specify an alternate reporting schedule that is not less than
665 annually. Schedule should allow Jurisdiction to capture procurement
666 compliance records for a full year for reporting purposes.

667 B. All vendors providing printing services to the Jurisdiction via a printing contract or
668 written agreement, shall use Printing and Writing Paper that consists of at least
669 thirty percent (30%), by fiber weight, postconsumer fiber, or as amended by Public
670 Contract Code Section 12209.

671 Guidance: SB 1383 regulations do not require vendors providing printing services
672 to local governments to use Recycled-Content Printing and Writing Paper, but
673 Public Contract Code Section 22153 does, so it is included in this Subsection B.

674 **SECTION 5. RECORDKEEPING RESPONSIBILITIES**

675 A. The [redacted] department will be the responsible department and will select
676 an employee to act as the Recordkeeping Designee that will be responsible for
677 obtaining records pertaining to Procurement of Recovered Organic Waste
678 Products and Recycled-Content Paper Products and Recycled-Content Printing
679 and Writing Paper.

680 B. The Recordkeeping Designee will do the following to track Procurement of
681 Recovered Organic Waste Products, Recycled-Content Paper Products, and
682 Recycled-Content Printing and Writing Paper:

683 1. Collect and collate copies of invoices or receipts (paper or electronic) or
684 other proof of purchase that describe the procurement of Printing and
685 Writing Paper and Paper Products, including the volume and type of all
686 paper purchases; and, copies of certifications and other required
687 verifications from all departments and/or divisions procuring Paper Products
688 and Printing and Writing Paper (whether or not they contain recycled
689 content) and/or from the vendors providing Printing and Writing Paper and
690 Paper Products. These records must be kept as part of Jurisdiction’s
691 documentation of its compliance with 14 CCR Section 18993.3.

692 2. Collect and collate copies of invoices or receipts or documentation
693 evidencing procurement from all departments and divisions procuring
694 Recovered Organic Waste Products and invoices or similar records from
695 vendors/contractors/others procuring Recovered Organic Waste Products
696 on behalf of the Jurisdiction to develop evidence of Jurisdiction meeting its
697 Annual Recovered Organic Waste Product Procurement Target. These
698 records must be kept as part of the Jurisdiction’s documentation of its
699 compliance with 14 CCR Section 18993.1.

- 700 3. Collect, collate, and maintain documentation submitted by the Jurisdiction,
701 Direct Service Providers, and/or vendors, including the information reported
702 to the Recordkeeping Designee in accordance with Sections 3.2.A.3,
703 3.2.B.2, 3.2.C.2, 3.3.A.3, 3.3.B.2, 3.3.C.3, 4.1.C, and 4.2.A.5.
- 704 4. Compile an annual report on the Jurisdiction’s direct procurement, and
705 vendor/other procurement on behalf of the Jurisdiction, of Recovered
706 Organic Waste Products, Recycled-Content Paper Products, and Recycled-
707 Content Printing and Writing Paper, consistent with the recordkeeping
708 requirements contained in 14 CCR Section 18993.2 for the Annual
709 Recovered Organic Waste Product Procurement Target and 14 CCR
710 Section 18993.4 for Recycled-Content Paper Products and Recycled-
711 Content Printing and Writing Paper procurement. This report shall be made
712 available to the Jurisdiction’s responsible entity for compiling the annual
713 report to be submitted to CalRecycle (which will include a description of
714 compliance on many other SB 1383 regulatory requirements) pursuant to
715 14 CCR Division 7, Chapter 12, Article 13. The procurement report shall
716 also be shared with Council, Board of Directors, or Board of Supervisors or
717 other regulating body annually as evidence of implementing this Policy.

718 **SECTION 6. EFFECTIVE DATE OF POLICY**

719 This Policy shall go into effect immediately.

720 Guidance: If the Jurisdiction’s Policy is not going into immediate effect, Jurisdiction can
721 reword the above sentence to include a later date for effective date, but no later than
722 January 1, 2022, per SB 1383 regulatory requirements, with the following exception. Rural
723 counties and Jurisdictions located within rural counties that are exempt from the Organic
724 Waste collection requirements pursuant to 14 CCR Section 18984.12(c) are not required
725 to comply with the SB 1383 regulatory procurement requirements in 14 CCR Section
726 18993.1 until January 1, 2027, for the Procurement of Recovered Organic Waste Product
727 requirements (e.g., Section 3 of this Model Policy). These Jurisdictions may delay
728 adoption of those requirements, or voluntarily adopt a procurement policy that is effective
729 prior to that compliance date. However, as previously stated, these Jurisdictions must be
730 in compliance with the recycled-content paper procurement requirements commencing
731 January 1, 2022.