

CALIFORNIA COMPOST COALITION



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Sustainable Organics Recycling

TOP 10 FOR 2020

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We Are an Essential Public Service

California approached 2020 with a huge budget surplus and high hopes. Then the pandemic ripped the heart out of budgets far and wide. When it was all over, the state was broke. What was most notable, as the Legislative Session ended, was an eerie sense of hopelessness for some and defiance by others, all with a feeling of absence. Lawmakers ghosted their major responsibilities, with their accomplishments outmatched by the deep troubles facing California. In a twisted and truncated Legislative session, you would think that things could not get worse, until the largest wildfires in the state's history struck another massive blow.

The year 2020 was supposed to be a breakthrough year, not a breakdown. California had already met their greenhouse gas reduction goals and their renewable portfolio standard, and made great progress on the low carbon fuel standard. Bold plans to be carbon neutral by 2045 were floated. Among all of the progress and chaos, the statewide recycling rate kept falling and CARB stepped over carbon-negative fuel technology to aggressively pursue electrification, placing further burdens on local government and the solid waste industry.

As CARB doubled down in the middle of the pandemic, essential workers stepped up on the frontlines at hospitals and emerged as heroes. The solid waste industry was recognized as an essential public service and quickly adapted to the new reality. During these uncertain times, the solid waste industry believes it is important to do their part in the effort to fight COVID-19, as well as protect public health and provide a sense of routine to California.

That empty void you feel could be regulatory fatigue coupled with lack of funding resources. With a third wave surging into this winter of discontent, a new Legislature will be seated, faced with great challenges that we have not seen in generations. With lost opportunities lingering, we look forward to 2021, which will blossom in the spring with new convictions and vaccinations. With a new CARB Board, we need cost-effective regulations and job-creating programs, with further oversight from the Legislature, to believe in near-zero and in-state RNG production. With the Recycling Commission making bold recommendations, CalRecycle needs to move beyond wishful recycling and promote compostability and recyclability standards.

The world and California suffered in 2020 and will continue to grapple for months and years to come. We may feel that we cannot rely upon our elected leader or our regulators at these critical times, but we can depend upon our families, our community, and our essential public services to survive.

2020 TOP 10 STORIES

10 : PERMIT COORDINATION

AB 1045 (Irwin, 2015) was passed over five years ago to assess the state's progress in developing the required compost infrastructure, assisting in developing the compost industry through permit coordination, and promoting compost use. There has been no progress on reducing regulatory barriers as the AB 1045 permit coordination process stopped in November 2018 without even discussing composting as an essential public service. AB 1045 sunsets this year without delivering. Cal-EPA was put in charge with the California Department of Food and Agriculture to meet quarterly, develop recommendations and post them on their website no later than January 1, 2017, and update annually thereafter to January 2021. It is past 10:45, and Cal-EPA has not posted anything on their website on composting, with only one rushed meeting during the holidays a few years ago.

05 : CARB ZEVS UP

CARB unanimously approved a new rule in June 2020, mandating truck manufacturers to increase the proportion of electric trucks they sell in the state through 2035 without addressing the costs of required infrastructure. The Advanced Clean Truck rule is designed to put more zero-emission vehicles on the road to help meet the state's ambitious goals for reducing greenhouse gases and improve air quality. The rule will start in 2024 with requirements for zero-emission trucks to make up 5 to 9 percent of sales and gradually increase through 2035, when 55 percent of sales of light trucks, 75 percent of medium- and heavy-duty trucks and 40 percent of tractor-trailers will have to be zero-emissions. This upsets the circular economy play of using carbon negative RNG in Near-Zero CNG engines and contradicts SB 1383 policy goals.

09 : BIDEN ELECTION

President-elect Joe Biden's climate change initiatives include a national plan on reducing greenhouse gas emissions. Biden plans to rejoin the Paris Agreement on day 1. Biden's plan would represent "the largest-ever investment in clean energy research and innovation," at an estimated cost of \$400 billion over 10 years. His plans ensure the U.S. achieves a 100% clean energy economy and reaches Net-Zero emissions no later than 2050, five years after California. Biden plans to build a stronger, more resilient nation making "smart infrastructure investments to rebuild the nation" and to ensure that our buildings, water, transportation, and energy infrastructure can withstand the impacts of climate change. Biden plans to fulfill our obligation to workers and communities who powered our industrial revolution and subsequent decades of economic growth.

04 : RECYCLABILITY/COMPOSTABILITY

With a shifting and fragmented schedule of Executive Orders, shutdowns, and curfews due to COVID, take-out food orders rapidly expanded to save restaurants that have adapted to this dynamic and constrained market. Single-use packaging has significantly increased, with a vast waste migration from the commercial sector to residential. Emerging commercial programs use innovative technology to remove packaging from food waste, but most residential-driven composting programs are wary of this onslaught of packaging which could compromise their organic certification. Wishful recycling continues to plague programs, as confusion over labeling and what is recyclable and compostable is exacerbated. SB 1335 regulations are setting the table for bills like SB 54 and AB 1080, which stalled out in a truncated legislative session this year.

08 : WOODAGEDDON

Woodageddon could not get worse in 2020, with the drastic fires burning over 4 million acres, lack of a biomass waste policy, dwindling bioenergy markets, and not having bioenergy be recognized as baseload, or integrated into community-scale micro-grids. There were some breakthroughs: with AB 3163 (Salas) on biogas from wood waste gasification and with the PUC extension of the BioMAT program. But adding insult to an injured industry, the Governor vetoed SB 68 (Galgiani), which would have removed the January 1, 2021 sunset, and which allowed treated wood waste to be disposed of in Class 2 composite-lined portions of solid waste landfills. SB 68 passed unanimously through the Legislature without opposition. The industry is now mounting a full-court press to have DTSC issue variances under the current alternative management structures.

03 : RECYCLING COMMISSION

The Statewide Commission on Recycling Markets & Curbside Recycling, with Heidi Sanborn as Chair and Richard Valle as Vice-Chair, met an aggressive schedule and issued their draft Commission Report on December 21, 2020, updating it by July 1, 2021. This 97-page report has 19 Policy Recommendations to CalRecycle and the Legislature, capturing many issues in this Top Ten. This was an unfunded, volunteer, 17-member group that had to comply with Bagley-Keene and new posting requirements and issued an impressive report. The statewide recycling rate dropped to 37% in 2019, on the way to 33% in 2020, missing the 75% goal, as the China Sword is being fully implemented. While Scott Smithline resigned at the start of 2020, Rachel Wagoner was appointed as the new Director to end the year.

2020 TOP 10 STORIES

THE COMMISSION

07 : HEALTHY SOILS

The goals to increase public awareness on the many benefits of compost use remain strong, especially making the connection to combat climate change and reduce methane emissions from landfills while building healthy soils and growing nutritious food. We learned self-sufficiency during this pandemic, as America planted Victory Gardens and saw the value of compost. Governor Gavin Newsom issued Executive Order N-82-20, enlisting California's vast network of natural and working lands – forests, rangelands, farms, wetlands, coast, deserts, and urban greenspaces – in the fight against climate change. Within one year of this Order, state agencies must develop a Natural Working Lands Climate Smart Strategy that serves as a framework to advance the state's carbon neutrality goal and builds climate resilience, as studies show that compost use is carbon negative.

02 : SB 1383 REGS.

SB 1383 Regulations were adopted, and we all have to sprint to January 1, 2022 when they become effective. The SB 1383 Tools are published and have been webcast. Since due progress has not been made toward reducing organics by 50% in 2020, the AB 1826 threshold has been lowered to 2 cubic yards of MSW per week by CalRecycle, starting January 1, 2021. CalRecycle will continue to allow Good Faith Efforts with AB 341 and AB 1826 under the AB 939 construct. CalRecycle published the much-needed SB 1383 Compliance Process describing a regulatory relief valve, based upon a jurisdiction making a 'Substantial Effort', where a jurisdiction could be eligible for the 2- to 3-year extended compliance deadlines. Many cities are stepping up and issuing RFPs for collection and consulting services.

06 : EDIBLE FOOD RECOVERY

The pandemic created an unexpected break in our food chain and now we see that industrial agricultural is faltering before our eyes. Throughout the nation there are long lines at food banks which are overwhelmed. CalRecycle stepped up with the Food Waste Prevention and Rescue Program using Cap-and-Trade Funds. CalRecycle issued another \$4 million this year with requested grant amounts at \$150,000 to \$300,000. There have been 64 Food Rescue Grants, with a cost-effective rating of \$47/ton of GHG reduced and with 96% of the money allocated within priority populations. So far, \$20.7 million has been approved for this program. SB 1383 regulations are requiring 20% edible food recovery by 2025, where CalRecycle has issued a Model Edible Food Recovery Agreement to assist jurisdictions to provide a tool for generators and food recovery organizations.

01 : ESSENTIAL PUBLIC SERVICE

The pandemic disrupted the waste stream, migrating from commercial to residential with the stay-at-home orders, and ripped the heart out of everybody's budgets. What was most notable is an eerie sense of hopelessness for some and defiance by others, all with a feeling of absence. The solid waste industry, however, was deemed an essential public service and was on the front lines stepping up. "We will continue to serve Californians" said the member companies of the Resource Recovery Coalition of California and the California Compost Coalition as solid waste and organic waste collection and processing service providers. During these uncertain times, and against all odds, and as an essential industry, we believe it is important to do our part in the effort to fight COVID-19, as well as provide a sense of routine.

The Report

From the outset, the Commission knew addressing these complicated issues would take time. As of the meeting December 18, 2020, they had held 13 full Commission meetings of four hours each, 31 noticed committee meetings and multiple two person meetings to develop ideas to bring to the committees and Commission and write the report. In short, the Commission had volunteered well over 1,200 hours of time to help the great State of California achieve the statewide goals established for waste reduction and recycling. The Commission has given as much as anyone could have asked of a volunteer organization and they hope that their investment in drafting the 19 policy proposals for consideration is met with the same enthusiasm as with which they offered them. Below is the list of 19 Policies in the Order Discussed in the Commission Report delivered to CalRecycle and the Legislature on December 21, 2020:

1. Extended Producer Responsibility for Household Hazardous Wastes
2. Small Propane Cylinders
3. Precautionary Principle
4. Problem Products - Incentives and Disincentives
5. State Agency Buy Recycled Campaign
6. Recycling Market Development Zone Enhancements
7. Consolidated Permit Process Utilization and Enhancement
8. Governor's Office of Business and Economic Development (GO-Biz) Enhanced Role
9. CalRecycle Market Development
10. Controls on Plastic Waste Exports
11. Carpet Stewardship and Flooring
12. Food Recovery Policies
13. Right to Repair
14. Beverage Container Recycling, Changes to the Bottle Bill and Support CalRecycle AB 54 Report
15. What Is Recyclable?
16. Design for Recyclability: Plastic Container Labels and Shrink Sleeves
17. Design for Recyclability: Beverage Containers
18. Label Restriction to Stop Plastic Bag/Film Contamination in Curbside Recycling
19. Compostable Products Certification and Approval for Composting or Anaerobic Digestion

The California Compost Coalition

is a registered Lobbying Coalition with the Fair Political Practices Commission (FPPC), created in 2002 by a group of compost operators in response to demands for increased recycling of organic materials & production of clean compost, bioenergy, anaerobic digestion, renewable natural gas, and biochar.

CCC Members

Agromin
American Refuse
BLT Enterprises
Burrtec Waste Industries
Caglia Environmental
California Waste Recovery Systems
Cold Canyon Landfill Inc.
Marin Sanitary Service
Monterey Regional WMD
Mt. Diablo Recycling
Napa Recycling and Waste Services
Peña's Disposal Service
Pleasanton Garbage Service
Quackenbush Mt. Compost
Recology
ReFuel Energy Partners
Soiland Inc.
Tracy Material Recovery
Vision Recycling
Zero Waste Energy LLC

CCC Partners

Atlas Disposal
California Wood Recycling
Clover Flat Compost
GreenWaste Recovery
Northern Recycling Compost
Resource Recovery Coalition of CA
Sonoma Compost
Synagro - South Kern
Upper Valley Recycling
Zanker Road Resource Management
Z-Best Compost Facility
Zero Waste Energy Development

CCC Technology Partners

CleanFleets.net
Compost Manufacturing Alliance
Engineered Compost Systems
Filtrexx / Phoenix Energy
Yorke Engineering LLC

CCC Governmental Affairs

Justin Malan, EcoConsult
Neil Edgar, Edgar & Associates, Inc.
Evan Edgar, Edgar & Associates, Inc.
Sean Edgar, Clean Fleets Advocates

0+ : NEAR-ZERO FLEET

The Near-Zero (NZ) NOx natural gas engine by Cummins-Westport was the first midrange engine in North America to receive emission certifications from both the U.S. Environmental Protection Agency (EPA) and the California Air Resources Board (CARB) for meeting the 0.02 g/bhp-hr optional Near-Zero NOx Emissions standards for heavy-duty truck, urban bus, school bus; and has refuse applications. Past Near-Zero fleet legislation and policies have been built around this engine, with a phase-in, using in-state renewable natural gas (RNG) that can be produced by the SB 1383 organic waste stream. CARB ACTed out against this NZ-RNG platform by eliminating HVIP funding and then writing it out of the Near-Zero definition in the adopted Advanced Clean Truck Rule, in favor of total electrification. A large coalition actively worked to try to restore funding and define Near-Zero in regulation and legislation to include the NZ-RNG fleet that can fulfill the goals of SB 1383, obtain huge greenhouse gas reductions now, and significantly reduce NOx to meet near-term goals, instead of waiting until 2045 to be carbon neutral. There will be a new CARB Board and legislation in 2021 to attempt to fix this.

00 : NET-ZERO EMISSIONS

CARB adopted the AB 32 Scoping Plan Update in 2014 that required the Waste Sector to have Net-Zero greenhouse gas emissions by 2035. To achieve Net-Zero, the direct GHG emissions from transportation fuel and electricity use would have to be fully offset by avoided GHG emissions. Avoided GHG emissions are reductions in life-cycle GHG emissions that would occur because waste is shifted from landfilling to alternative non-disposal pathways.

Waste Management Inc. released their Sustainability Report, stating they are 3 times Net-Zero and in 20 years will be 4 times Net-Zero. Many CCC members are 15 to 20 times Net-Zero Now, as verified by The Climate Registry, and could be Net-Zero over 100 times by 2030. CARB will start the next update of the Scoping Plan in 2021 where the Waste Sector will show we are Net-Zero Now. We will be calculating the Net-Zero California Waste Sector GHGs in early 2021.

-165 : CARBON NEGATIVE FUEL

Cal-EPA is spending \$3.0 million in 2019 and 2020 on a Vehicle Emissions Study to identify methods to achieve carbon neutrality and a Fuel Study to determine alternatives to petroleum and natural gas, both by 2045. CARB and CEC are clamoring for Deep Carbon studies and programs to be carbon neutral by 2045 and are favoring total electrification. The refuse sector is Net-Zero Emissions Now and producing Carbon Negative Fuel Now to be used in the Near-Zero NOx fleet, and will be increasing in-state RNG production to achieve SB 1383 goals.

The refuse fleet is winning the race to Deep Carbon Intensity, with fuels being produced from anaerobic digestion that are minus 22.9 to minus 165 on the carbon scale (as determined by Zero Waste Energy on their Napa project). Dairy biomethane could be as low as minus 300 carbon intensity. CARB needs to reward Deep Carbon programs now and not wait until 2045. The Deep Green State of California is letting 2045 climate change goals get in the way of greenhouse gas emissions reductions today. The latest Intergovernmental Panel on Climate Change Report stressed that just over a decade is all that remains to stop irreversible damage from climate change. We are going Deep Carbon Now, with Net-Zero facilities, and carbon negative fuel.