



SB 1383 Proposed Regulations - Top Down Review

This newsletter presents a top down review of the January 18, 2019 proposed Short-Lived Climate Pollutant (SLCP) Regulations prepared for the Organic Management Group meeting on February 19, 2019. Detailed comments are due on March 4, 2019 with a CalRecycle Workshop scheduled for March 12, 2019 in Sacramento. Graphics have been prepared by Edgar & Associates and are included as an attachment.

Article 1

Definitions

The “organic waste” definition should focus on methane-generating waste, since SB 1383 is a short-lived climate pollutant strategy and should exclude carpets and textiles, which do not have posted emission reduction factors. Methane yield for solid waste components has MSW at 1.62 metric tons of carbon dioxide equivalents per wet short ton, where OCC is 2.62, magazines are 2.59, office paper is 3.89 and newspaper is 1.05. Food waste is 1.75 and yard trimmings vary from 0.57 to 0.85. Wood is low at 0.17.

Carpets and textiles are wastes that cannot be composted, anaerobically digested, or qualify as biomass conversion, and should be removed from the definition. Carpet has its own EPR program with Carpet Care. Textiles should also have a program outside of SB 1383.

Article 2

Landfill Disposal and Reductions

CCC supports technologies that constitute a reduction of landfill disposal, using composting as a benchmark technology. The industry should have the flexibility to investigate emerging technologies that constitute reduction in disposal based upon reducing methane generation.

Article 3

Organic Waste Collection Services

The three-container organic waste collection service is fantastic and has become the default collection service for most of California. With the China Sword, Californians learned that wishful recycling by placing most dry material in the blue cart backfired because off-shore remanufacturing has lowered contamination limits for feedstock. ‘When in doubt, generators are now throwing it out’ to keep the recyclables cleaner. We cannot embark upon wishful composting with these new organic tons needing to be diverted, where anything that claims to be ‘compostable’ or ‘biodegradable’ is placed in the green cart. Standardized labeling throughout California on what is really compostable is needed. In concert with SB 1383, new packaging laws are needed on what is truly compostable so

as not to contaminate the compost or greenwash generators. Registered “organic” composters need to be careful on feedstock types to maintain their status.

The three-container organic waste collection services will be able to meet the target of reducing organic wastes by 50% sometime past 2020. Since the reduction disposal targets are not on a jurisdiction or a landfill, CalRecycle will measure the program implementation based on statewide waste characterization studies to determine if the target has been met. California will be able to claim statewide success with source-separation and the three-container system and should not back down.

The three-container system alone will probably not be able to meet the target of reducing organic waste by 75%, based upon evaluations of current programs and recent Request for Proposals. Since this is a statewide target - not on a jurisdictional level with proper program implementation or a landfill mandate - other programs are needed (such as high-diversion organic waste processing) in addition to the three-container system, in order to eventually get to 75%. There are hybrid programs that maintain the ability for a facility to process source-separated organics, and in addition process the gray cart with new MSW processing technologies to achieve the 75% recovery rate.

Proposed SLCP Regulation Review by Article

Container contamination minimization starts with proper container labeling and education to not fall into the trap of wishful composting. Whereas initial training and auditing is needed for new programs, the number of inspections and auditing can attenuate over time to reduce the frequency for programs that have reached the lower contamination rate or are already in place with proven results.

Container labeling and color requirements will standardize the industry, especially for new packaging products and compost operators that want to maintain their registered organic input material status. Keep in mind the cart color does not need to be replaced until the end of the useful life of the containers, or prior to 2032, whichever comes first.

Waivers and exemptions should be granted by CalRecycle for cities with less than 5,000 tons disposed of in 2014, and less than 5,000 people. County areas having census tracts with less than 50 people per square mile can request waivers, but they are only good for up to 2 years. Rural exemptions are good until 2025, or for 5 years after CalRecycle determines that the 50% statewide reduction goals have not been achieved.

Article 4 Education and Outreach

AB 1826 has been phased in since 2016 for commercial generators, where regulations could have been adopted in the past following the AB 341 Mandatory Commercial Recycling law. Education and outreach will now have to be expanded to the residential sector where there are many proven co-collection programs in place to learn from for education and outreach materials. Many proactive jurisdictions and haulers are already promoting programs for the donation of edible food from the commercial sector, utilizing the CalRecycle Food Waste Prevention and Rescue Grant Program.

Article 5 Generators of Organic Waste

It is important to call on the non-local entities to comply with SB 1383.

Article 6 Biosolids Generated at POTWs

Biosolids used as ADC create methane within the landfill, need to be reduced, and would count as disposal as an ADC material.

Article 7 Regulations of Haulers

AB 1826 has been phased in since 2016 for commercial generators where regulations could have been adopted in the past following the AB 341 Mandatory Commercial Recycling law for haulers. The hauling requirement will now have to be expanded to the residential sector where there are many proven co-collection programs that are following these proposed regulations already.

Article 8 Cal-Green Building Standards

Many jurisdictions already have a C&D Ordinance where CalRecycle has provided model ordinances in the past. CalRecycle should supply guidance in the form of model ordinance language.

Article 9 Locally Adopted Standards & Policies

This article maintains local land use control and provides the flexibility for local government on many fronts, as well as allows industry to utilize emerging technologies and solicit new organic tons at regional facilities within their permit limits. This article also supports and prohibits certain actions by local

government on permitting facilities, as well as explicitly states what this article does not do.

Article 10 Jurisdiction Edible Food Recovery Programs, Food Generators, and Food Recovery

The CalRecycle Food Waste Prevention and Rescue Grant Program has provided financial incentives and is generating program metrics to further develop these programs. Monitoring these grants, CalRecycle should provide model programs and documents for jurisdictions to utilize.

Article 11 Organic Waste Recycling Capacity Planning

The Electronic Annual Report (EAR) is the platform that the jurisdiction provides each year on August 1; it includes the newer programs and is disconnected from the older County Integrated Waste Management Plans (CIWMP). Now Article 13 describes the Jurisdiction Compliance Report. CalRecycle has had two years of annual filings for AB 876 and should have evaluated those results while gauging the preparation of SB 1383 Infrastructure and Market Analysis. While drafting this article, CalRecycle recognized that a more robust process (such as being proposed) is needed to identify organic waste recycling capacity. AB 939 was a huge lift and required a set of regulations and the preparation of the CIWMP that has since waned into a simplified process without much more new substance. Some Local Task Force (LTFs) have not met in a decade and would not be a good reference for new organic waste capacity. AB 341 adopted a set of regulations for MCR with simple EAR filing. An overarching sustainable organic management plan is needed instead of cobbling the older CIWMP with EARs and now the new Jurisdiction Compliance Reporting. For the time being, this article is needed to determine 15-year capacity.

The CalRecycle Food Waste Prevention and Rescue Grant Program has provided financial incentives and

Proposed SLCP Regulation Review by Article

is generating program metrics to determine capacity data. Monitoring these grants, CalRecycle should provide industry metrics to determine edible food recovery capacity.

Article 12 Procurement of Recovered Organic Waste Products

The proposed regulations offers the flexibility of procuring renewable natural gas (RNG) or compost. Anaerobic digestion (AD) operators offer closed loop system fuels, where internal off-take agreements can be realized by using your own carbon negative RNG fuel, in your CNG fleet, produced from your organic wastes, while cutting NOx to near-zero with the new CNG engines. One ton of organic waste can produce 19 diesel gallon equivalents (dge). The average collection truck uses 13,000 dge per year. With 8 million tons of food waste and green waste (not including wood or compostable paper) targeted for diversion by 2025; and with one-third allocated to AD and two-thirds allocated to composting, over 50 million dges can be produced per year to fuel 4,000 CNG trucks.

Article 13 Reporting

The County Integrated Waste Management Plans (CoIWMP) for AB 939 included the Source Reduction and Recycling Element (SRRE) with a Compost Component, the Non-Disposal Facility Element (NDFE), Education and Public Information Element, and 15-years of Landfill Capacity, among other elements. The CoIWMP is updated every five years in a simplified manner without fanfare and does not include the newer AB 341, AB 1826, AB 1594, AB 876 programs as that is part of the EAR filing on August 1, and appears will now include some SB 1383 reporting. Article 14 has an Implementation Record. An overarching sustainable organic management plan is needed instead of cobbling the older CoIWMP

with EARs and Implementation Records, as there is reporting but without a plan.

Article 14 Enforcement Requirements

CalRecycle should supply model inspection and enforcement programs, model ordinances and model format for the Implementation Record. This follows the long established AB 939 enforcement requirements, but without good faith efforts starting in 2022. The Initial Statement of Reasons, on page 5, reviews alternatives with and without enforcement. It was concluded without enforcement, the SB 1383 mandates would not be met. Historical precedent supported this conclusion as both AB 341 and AB 1826 did not require the jurisdictions undertake enforcement, but for those who did, the participation rates are substantially higher. Enforcement poses greater benefits and greater costs, and does allow exemptions and waivers where approximately 5% of organic waste that is disposed of will be waived from collection requirements.

Article 15 Enforcement Oversight by Department

CalRecycle has been following this general process for AB 341 and AB 1826 compliance and enforcement, and now extends to generators and state agencies.

Article 16 Administrative Civil Penalties

The Initial Statement of Reasons, on page 5, reviews alternatives with and without enforcement. It was concluded without enforcement, the SB 1383 mandates would not be met.

There are six levels of Violations ranging from \$50 to \$10,000 per day in a complex progressive matrix from the first violation to the third and subsequent violation.

Regs Watch

SB 1383 REGULATIONS

CalRecycle's proposed regulations were officially noticed by the Office of Administrative Law (OAL) on January 18, 2019. The proposed regulations implement the department's responsibilities established by SB 1383 (Lara, Chapter 395, Statutes of 2016) Public Resources Code (PRC) Sections 42652-42654, and 41780.01, and Health and Safety Code (HSC) Sections 39730.5 - 39730.6. This rulemaking implements regulatory requirements to reduce landfill disposal of organic waste in order to achieve the greenhouse gas emissions reductions required by SB 1383. This action initiates the formal 45-day comment period.

45-Day Formal Comment Period:
January 18, 2019 – March 4, 2019

Comments must be submitted by 5 PM March 4, 2019. Comments may be submitted via e-mail to: SLCP.Organics@calrecycle.ca.gov (additional methods for submitting written comments are identified in the NOPA). Comments must be submitted during the appropriate comment period in order to be considered.

Please note: to ensure accurate guidance and consistent responses, CalRecycle staff will not be providing written responses directly to individual commenters at this time. Instead, all comments submitted during the appropriate rulemaking comment periods will be catalogued and responded to as a part of the final rulemaking package submitted to the Office of Administrative Law.

Any substantial changes to the initial regulatory language will be subject to additional notice and public comment. A Formal Hearing will be held on March 12, 2019, where stakeholders and the public can make comments on the regulatory text.

AB 901 REGULATIONS

After 1,130 comments and several years, at the December 18, 2018 monthly meeting, CalRecycle staff have determined that no additional modifications to the proposed rulemaking text implementing the AB 901 Recycling and Disposal Reporting System (DRS) are needed and have delivered a completed package to the Office of Administrative Law for approval on January 18, 2019 for publication in the California Regulatory Notice Register.

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
Atlas Disposal
Burrtec Waste Industries
Caglia Environmental
California Waste Recovery Systems
California Wood Recycling
CleanFleets.net
Clean Fleets Advocates
Clover Flat Compost
Cold Canyon Compost
GreenWaste Recovery
Marin Sanitary Service
Mt. Diablo Resource Recovery
Napa Recycling Compost
Northern Recycling Compost
Phoenix Energy
Quackenbush Mt. Compost
Recology Blossom Valley Organics
Recology Feather River Organics
Recology Jepson Prairie Organics
ReFuel Energy Partners
Soiland Co, Inc.
Sonoma Compost
Tracy Material Recovery Compost
Upper Valley Recycling
Vision Recycling
Zanker Road Resource Management
Z-Best Compost Facility
Zero Waste Energy Development
Zero Waste Energy, LLC

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Greg Kelley, *Northern Recycling*
Eric Potashner, *Recology*
Greg Pryor, *Recology*
Will Bakx, *Sonoma Compost*
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Neil Edgar, Executive Director
Evan Edgar, Regulatory Affairs
Steve Peterson, Financial Advisor
Monica White, Sustainability Advisor
Sean Edgar, Fleet Advisor

CCC Legislative Affairs

Justin Malan, EcoConsult
Neil Edgar, Edgar & Associates Inc.

Proposed SLCP Regulation Review by Title

Title 14

Amendments to Existing Regulations

Of “incompatibles”, “remnants” and “contamination”. The industry has been dealing with residuals for years, tracking the residual amount at MRFs and composting facilities at the point of processing. Title 14 is being updated to define “contamination”, “incompatibles”, “incompatible materials”, and “remnants”. Contamination is being defined at the point of collection in the container and incompatible materials is inert stuff that ends up at a processing facility that is not designed to be recovered. “Remnant organic material” is the organic waste at the point of collection in the gray container, where you may think it could be left over after MSW processing but not recovered as the stuff left in the waste stream on the way to disposal. However, that concept is still called “residual”, and needs to have no more than 10% of the residual sent to disposal from a compost facility or AD facility be organic waste. If more than 10% of this residual is organic waste, then the facility can have no more than 10% of the feedstock be incompatible materials. If you need a flow chart, check out our graphics.

Measuring the organic waste recovered from the mixed waste organic collection stream and from the source-separated organic waste collection stream, where one cubic yard sample for each organic waste type after processing per each operating day is being proposed, and would be considered as over regulation and costly. This also rolls over to determining incompatible materials but not remnant organic materials. Whereas, as new and poor performing programs may need a higher frequency of sampling, the frequency of sampling needs to be modified based upon the proven performance of the operating facility, how a new facility operates, and the sources of the waste stream. The same can be said about measuring organic residual removed from the mixed waste organic collection stream, where once a facility shows sustained performance, the

frequency of sampling should be far less than being required as daily sampling of one cubic yard.

CalRecycle recognizes that source-separated organic waste handling may happen at the same location as mixed waste organic waste processing, where the outbound material may be combined after sampling. The three-cart organic waste collection service can recover 50% of the organic waste, and without backing down on the three-cart system, a mixed organic waste processing system can be co-located in order to achieve a 75% recovery rate for a facility.

At landfills and transfer station there may be a loadcheck per day or per week that are random, or more frequent on problematic generators. Loadchecking for every 500 tons can lead to two loadchecks per day for a 1,000 TPD facility, and against intuition, CalRecycle is requiring 2 loadchecks per days for facilities under 500 TPD, and loadchecking for remnant organic material. Alternative frequencies could be established for programs with clean feedstocks.

Title 27

Amendments to Existing Regulations

CalRecycle is requiring that all new or expanding solid waste landfills implement organic waste recovery activities in a manner that does not interfere with disposal operations. Changing the hours of operations for that organic waste recovery activity does not constitute an expansion. Loadchecking every 500 tons is required to identify the amount of visible contamination in the SSO.

Organic Disposal Reduction Status Impact Reports for landfills will be required by July 1, 2022, that provide an analysis of the potential impacts resulting from the implementation of the organic disposal reduction requirement of losing up to 75% of organics by 2025. CalRecycle determines completeness in 30 days, and then within 60 days determines whether a JTD Amendment is needed. Within a 120 days, the JTD Amendment and Closure Plan updates are submitted.



Section 18984.7 - Cart/Lid Color Requirements:
New Carts By 2032, or Useful Life

Section 18984.3 - Labeling Requirements:
New Carts by 2022, Existing Carts by 2025

SB 1383 - Section 18984.1: Three-Cart System Options

Three-Cart Organic Waste Collection Services (Residential)

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Transfer/Processing Facility

Incompatible Material

Processing Facility

Contamination/Residual

Markets

Source Separated Organics (SSO)

1
CART

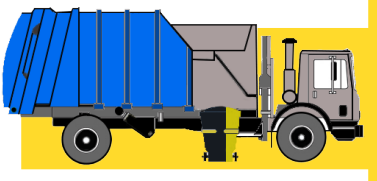
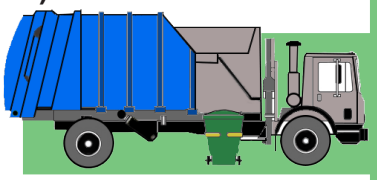
No Textiles, Carpets, Plastic Coated Paper, Human Waste, Pet Waste, or Treated Wood Waste.



Or



Or



SSO Recovery Facility

1% - 5% Residual Industry Average

Food Waste Processing Facility

30% - 40% Residual Industry Average

After 2022, No more than 10% Incompatible Material by Weight
Section 17409.5.8(a)

Landfill

After 2022, No more than 10% Incompatible material by Weight
Section 17409.5.8(a)

Compost Facility

After 2022, no more than 10% of the Residual sent to Disposal are Organic Waste
Section 17409.5.8(c)(2)
Then Not Subject to **Section 17409.5.8(a)**

Compost Markets

0.5% Contamination
Section 17409.5.8(c)(2)

Landfill

Compost/ Anaerobic Digestion/ Feed Facility

After 2022, no more than 10% of the Residual sent to Disposal are Organic Waste
Section 17409.5.8(c)(2)
Then Not Subject to **Section 17409.5.8(a)**

Compost Markets, Feed Markets

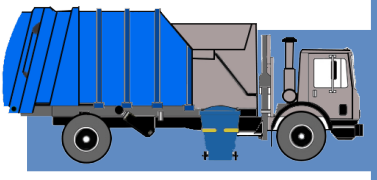
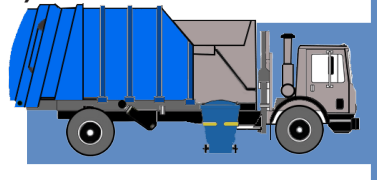
Source Separated Recycling (SR) Dual Stream

2
CART

No Textiles, Carpets, Plastic Coated Paper, Human Waste, Pet Waste, or Treated Wood Waste.



Or SR Single Stream



Recycling Center

Historically Less than 10% Residual - No SWFP
Now 10% - 20%

Landfill

Material Recovery Facility

Greater than 10% Residual - SWFP
Now 30% - 40%

Bales

Less than 0.5% Contamination

China, Oversea Markets

Bales

Less than 0.5% Contamination

China, Oversea Markets

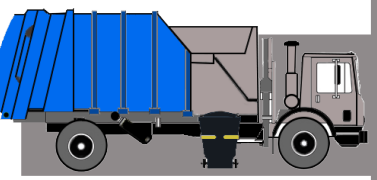
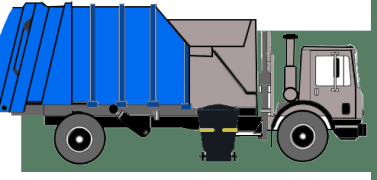
Municipal Solid Waste (MSW)

3
CART

Not Subject to High Diversion Requirement with Three-Cart system



Or



MSW Processing Facility

Not Subject to High Diversion Requirement

Transfer Station or Landfill

If Food Waste Allowed in Gray Can, High Diversion Applies **Section 18984.1(c)**.
After 2022, No more than 10% incompatible material by Weight **Section 17409.5.8(a)**

100% Residual

Compost or Anaerobic Digestion

After 2022, no more than 10% of the Residual sent to Disposal are Organic Waste
Section 17409.5.8(c)(2)

After 2022, no more than 10% of the Residual sent to Disposal are Organic Waste
Section 17409.5.8(c)(2)

Compost Markets

0.5% Contamination
Section 17409.5.8(c)(2)

Landfill

Landfill



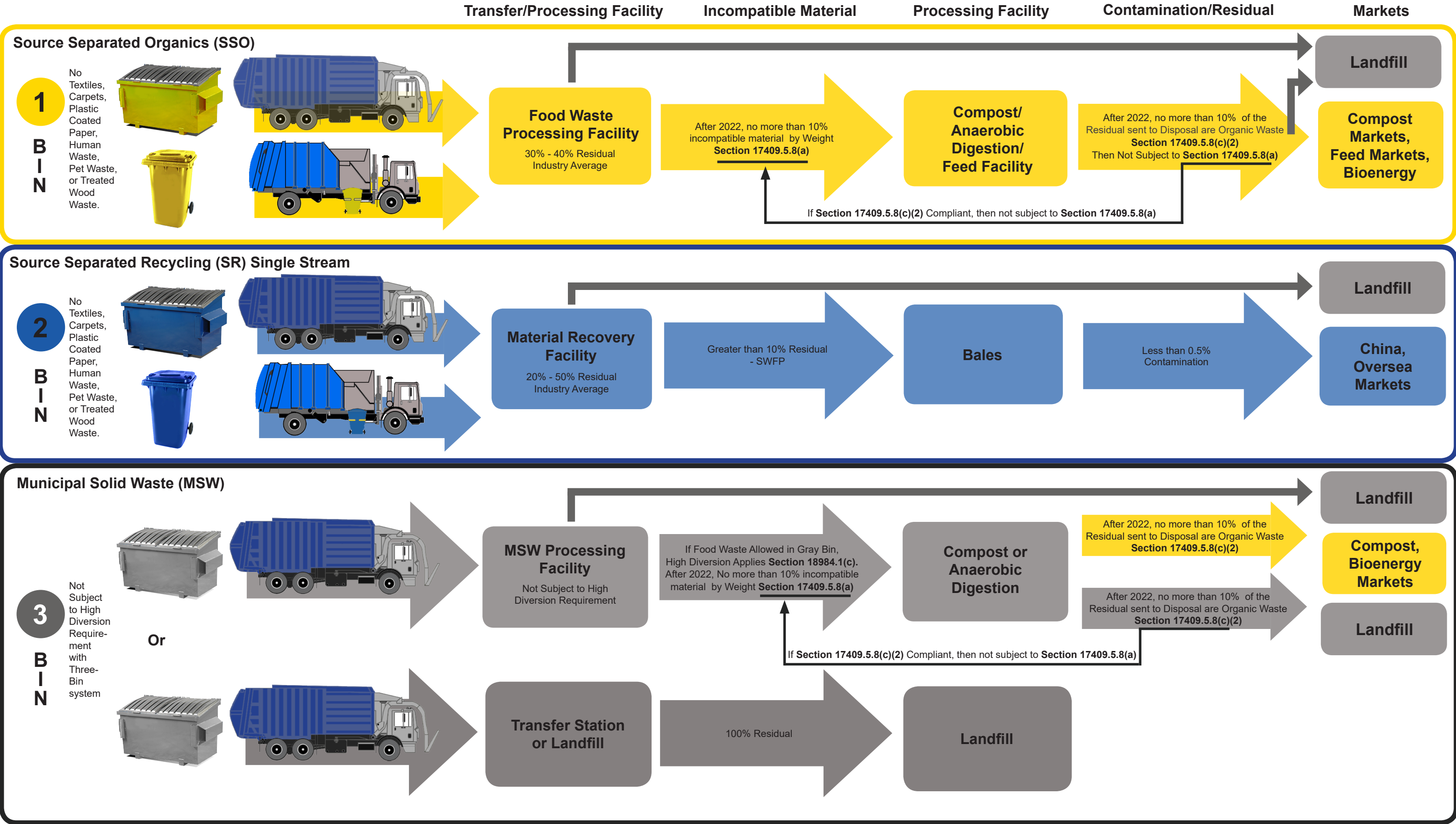
Section 18984.7 - Bin Color Requirements:
New Bins By 2032, or Useful Life

Section 18984.8 - Labeling Requirements:
New Bins by 2022, Existing Bins by 2025

SB 1383 - Section 18984.1: Three-Bin System Options

Three-Bin Organic Waste Collection Services (Commercial)

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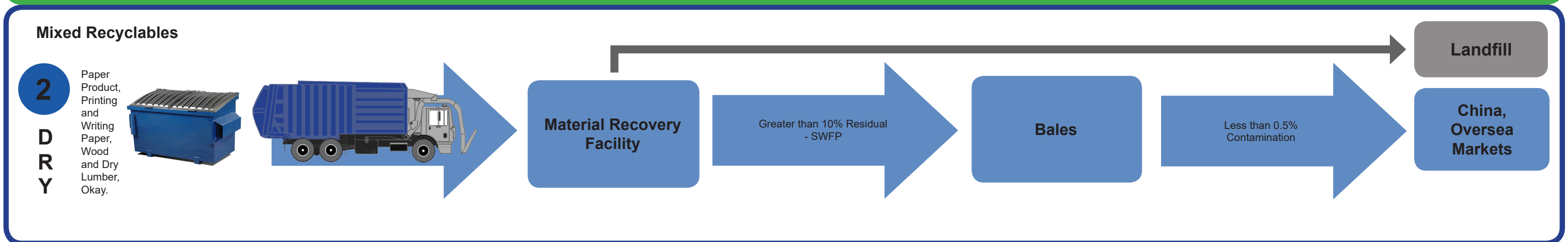
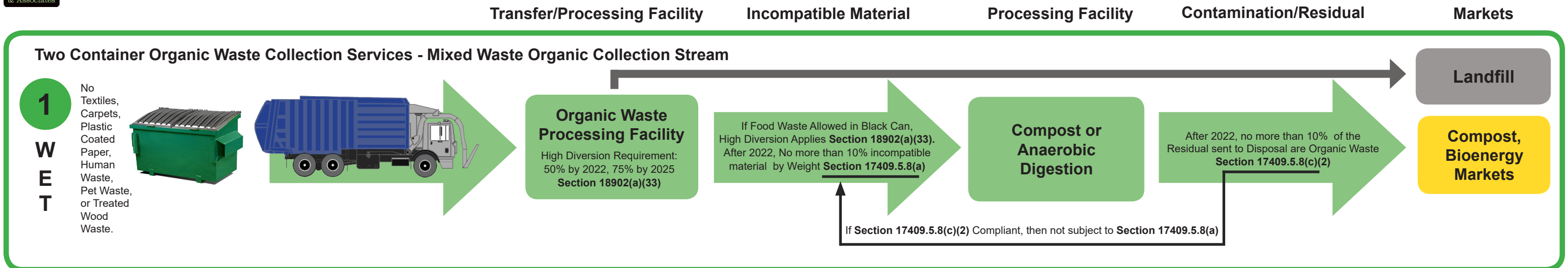
Section 18984.7 - Bin Color Requirements:
New Bins By 2032, or Useful Life

Section 18984.8 - Labeling Requirements:
New Bins by 2022, Existing Bins by 2025

SB 1383 - Section 18984.2: Two-Bin System

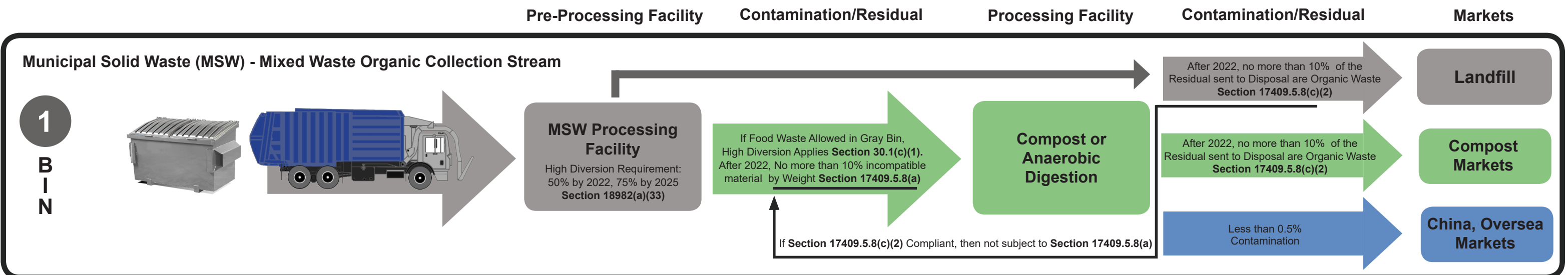
Two-Bin Organic Waste Collection Services (Commercial)

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SB 1383 - Section 18984.3: Unsegregated

Unsegregated Single-Bin Collection System (Commercial)



SB 1383 Coalition Building

Compost Markets

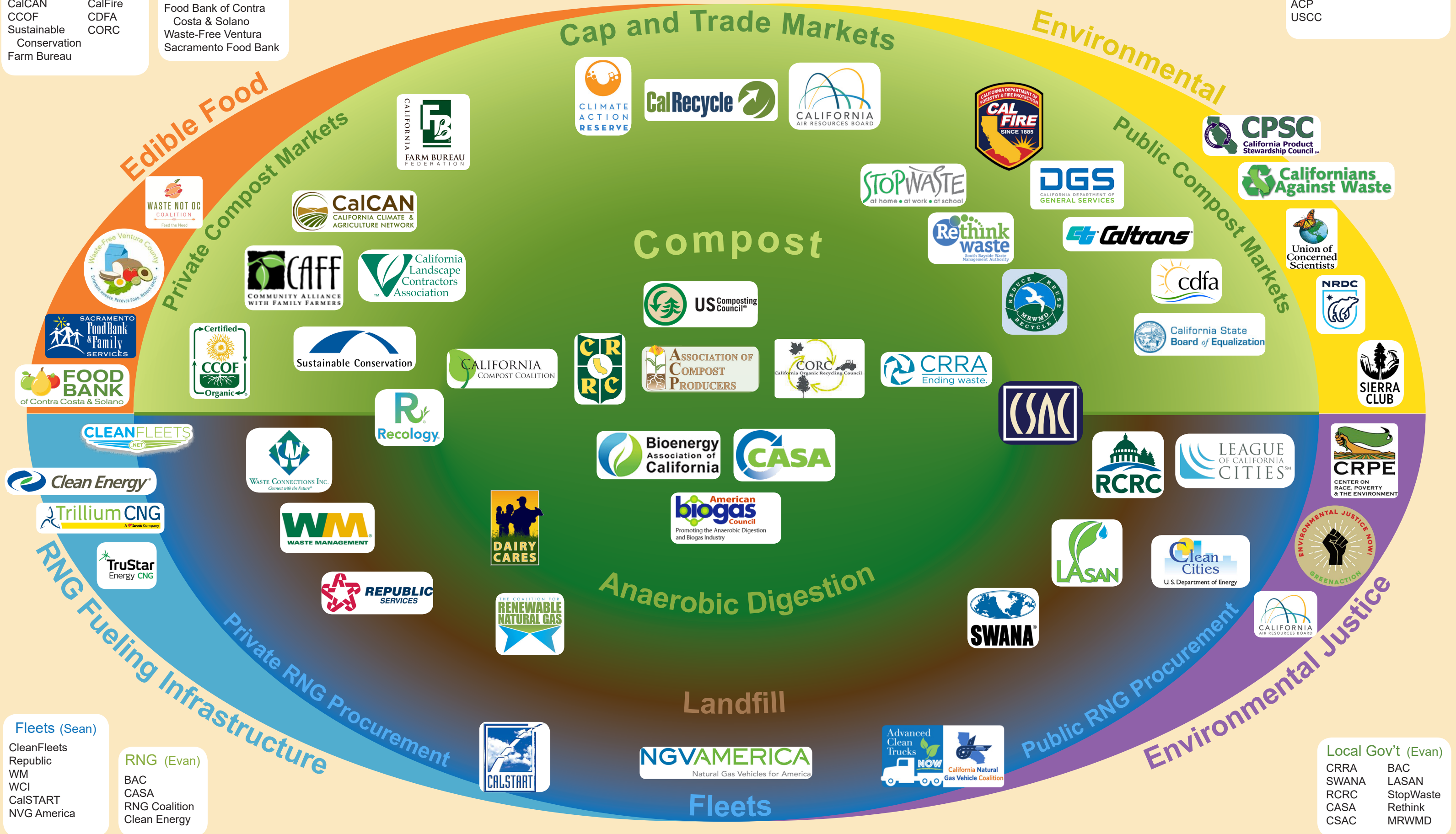
Justin	Neil
CAFF	CalTrans
CalCAN	CalFire
CCOF	CDFA
Sustainable Conservation	CORC
Farm Bureau	

Edible Food (Monica)

Waste Not OC
Food Bank of Contra
Costa & Solano
Waste-Free Ventura
Sacramento Food Bank

Compost Facilities (Neil)

CCC	CORC
CRRC	CAW
ACP	
USCC	



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