

AB 32 to AB 144

SCOPING PLAN

CARBON
NEGATIVE
RNG

100%
RPS

DOUBLE
EFFICIENCY

MITIGATE
METHANE

HEALTHY
SOILS

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Sustainable Organics Management

Organic Waste Scoping Plan to Break Down the Silos

The AB 32 Scoping Plan Update was adopted in 2017 and placed organic waste, biomass energy, and compost use in all sectors and provided cross-sector relationships with example interactions (See Table 16 insert). The power of organics is in the energy, transportation, industry, water, waste management, agricultural, and natural and working lands sectors. Since 2006, when AB 32 was adopted, the process has initiated dozens of studies that have been specific to a sector, prepared by their respective oversight agency, sometimes competing with other plans without fully recognizing these cross-sectional relationships. An overarching Organic Waste Scoping Plan is needed to take these studies and provide an implementation and strategic action plan to achieve the goals of AB 32 to manage organic waste from the urban, agricultural, and forest sources. Whereas SB 1383 is a Short-lived Climate Pollutant strategy to reduce methane, the benefits of using the resulting compost to implement the Healthy Soils Initiative needs to be fully realized. The Plans before a Ban on organic wastes have been prepared, now they need to be optimized and executed.

We have seen delay at the local level, where a City Planning Department prepares their Climate Action Plans which promote low carbon fuel use in their fleets, renewable energy production, waste diversion, and compost use, but City Public Works and Parks and Recreation departments are not in the loop. When fully actualized and coordinated among City departments, these Climate Action Plans with their land use policies have been a boon for the development of anaerobic digestion facilities in some cities such as South San Francisco and Napa. Silos can be broken down at the local level, and need to be broken down at the state level.

Established as the Sustainable Communities Program, the [Strategic Growth Council](#) has been investing in projects that reduce GHG emissions, tying land use to transportation as well as and protecting agricultural lands; this can mean opportunities for renewable energy production, low carbon fuel

production, and compost use. Their [Sustainable Agricultural Lands Conservation Program](#) utilizes Cap-and-Trade proceeds to protect agricultural lands on the outskirts of cities and near residential neighborhoods from development. Strategic Growth Council coordinates activities of State agencies and partners to promote sustainability, economic prosperity, and quality of life for all Californians.

AB 144 (Aguiar-Curry) would have the Strategic Growth Council evaluate the completed work by CARB, CalRecycle, CDFA, Resources Agency, CalFire, Office and Planning and Research, and other entities to assess opportunities and challenges for multi-sector organic waste management, primarily in forestry, agriculture, and municipal solid waste. Outcomes would include coordination of infrastructure development, which could serve communities to manage waste across sectors by establishing local circular economies, limiting transportation and other impacts on communities, creating local green jobs, and creating local co-benefits. Outcomes would also include identification and establishment of funding gaps and potential new sources of revenue for infrastructure development, identification of gaps in academic study of organics management strategies such as scientific verification of co-benefits, identification of potential unintended impacts, identification of potential mitigation measures, and identification of market-based solutions, incentives, and market development opportunities.

California has been highly successful with its gross domestic product, growing significantly as greenhouse gases have reduced drastically, by promoting energy and transportation policies. California has aspirational goals in place and volumes of studies to progress forward to achieve 100% renewable energy and decrease diesel pollution. Having the Strategic Growth Council prepare the Organic Waste Scoping Plan to implement and execute a comprehensive strategy will be the technology-neutral and carbon-neutral California Green Dream.

Legislation

California has a new Governor and a new Legislature and 2,750 bills have been introduced and are now being assigned to committees. The California Compost Coalition has taken a leadership position on AB 144 (Aguiar-Curry) that would require the Strategic Growth Council to develop an Organic Waste Scoping Plan to create an implementation and action strategy for closing the loop on carbon-neutral, carbon negative, and and net-zero management practices among the urban, forestry and agricultural sectors. We are looking at how to build capacity for all of those SB 1383 new tons, where McCarty (who had authored AB 876 to identify 15-years of organic processing capacity) is back with a spot bill AB 689.

AB 1583 (Eggman) would establish a Paper Recycling Incentive Program that makes incentive payments to in-state processors of waste paper and would establish an Organic Waste Recycling Incentive Program that makes incentive payments to in-state organic waste recycling facilities that process organic waste collected from municipal sources. The bill would require the department to convene a Statewide Commission on Recycling Markets and Curbside Recycling. Tip fee reform could also be placed in this bill, where it's been stuck at \$1.40/ton since 1993, and with a simple CPI would have been at \$2.42/ton.

There are two packaging bills, SB 54 (Allen) and AB 1080 (Gonzalez). These bills will establish the California Circular Economy and Plastic Pollution Reduction Act and require CalRecycle to develop criteria to determine which types of single-use packaging or products are reusable, recyclable, or compostable.

Bill Watch

[AB 144 \(Aguiar-Curry\)](#)

TOPIC: Organic waste: Requires the Strategic Growth Council to develop a scoping plan for the state to meet its organic waste management mandates, goals, and targets and would require the scoping plan to include among other things, recommendations on policy and funding support for closing the loop on carbon-neutral or carbon-negative organic waste management practices.

STATUS: Re-referred to ASM Natural Resources Committee. **SUPPORT**

[AB 1583 \(Eggman\)](#)

TOPIC: Requires the department, upon appropriation by the Legislature, to establish a Paper Recycling Incentive Program that makes incentive payments to in-state processors of waste paper and to establish an Organic Waste Recycling Incentive Program that makes incentive payments to in-state organic waste recycling facilities that process organic waste collected from municipal sources. The bill would require the department to convene a Statewide Commission on Recycling Markets and Curbside Recycling.

STATUS: First reading in Assembly on February 25, 2019

[SB 54 \(Allen, Skinner, & Wiener\)](#)

TOPIC: Recycling: Would establish the California Circular Economy and Plastic Pollution Reduction Act, which would require the department, in consultation with the State Water Resources Control Board and the Ocean Protection Council, to adopt regulations to source reduce and recycle 75% of single-use packaging and products sold or distributed in California by 2030.

STATUS: Hearing in Senate Environmental Quality on March 20, 2019

[AB 1080 \(Gonzalez\)](#)

TOPIC: Would establish the California Circular Economy and Plastic Pollution Reduction Act, which would require the department, in consultation with the State Water Resources Control Board and the Ocean Protection Council, to adopt regulations to source reduce and recycle 75% of single-use packaging and products sold or distributed in California by 2030. The bill would require the department to develop criteria to determine which types of single-use packaging or products are reusable, recyclable, or compostable.

STATUS: May be heard in ASM Natural Resources Committee March 24.

[AB 689 \(McCarty\)](#)

TOPIC: This is a spot bill making nonsubstantive change to the provision naming the act, where it may be used for composting. McCarty has authored 15-years organic processing capacity (AB 876) and has attempted to make compost facilities an essential public service over the last two years. With the Program EIR for SB 1383 underway, CCC hopes to provide the community benefits and the metrics in criteria pollutant reductions (both VOCs and NOx) as well as greenhouse gas reduction to prove that composting facilities are an essential public service.

STATUS: May be heard in committee March 21

[SB 44 Skinner](#)

TOPIC: Medium-duty and heavy-duty vehicles: comprehensive strategy. The California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program, upon appropriation from the Greenhouse Gas Reduction Fund, funds zero- and near-zero-emission truck, bus, and off-road vehicle and equipment technologies and related projects. This bill would require CARB no later than January 1, 2021, to develop a comprehensive strategy for the deployment of medium-duty and heavy-duty vehicles in the state that results in bringing the state into compliance with federal ambient air quality standards, a reduction of motor vehicle greenhouse gas emissions by 40% by 2030, and reduction of motor vehicle greenhouse gas emissions by 80% by 2050, as specified. The bill would authorize the state board to establish a process to identify medium-duty and heavy-duty vehicle segments that can more quickly reduce motor vehicle emissions, consistent with the California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program and a beachhead market analysis.

STATUS: Re-referred to Senate Rules Committee

[SB 162 \(Galgiani\)](#)

TOPIC: California Alternative Energy and Advanced Transportation Financing Authority: sales and use taxes: exclusions. This bill would extend the authorization to provide financial assistance in the form of a sales and use tax exclusion for qualifying projects until January 1, 2030, and would extend the sales and use tax exclusion until January 1, 2030.

STATUS: Referred to Senate Governance and Finance

The State of California, CalRecycle, and local government have a fragmented pathway to plan, report, and implement organic waste to resources issues. Within the SB 1383 proposed regulations, CalRecycle is proposing new articles upon local government for planning and reporting on organic waste reduction that does not parlay of the ghost of AB 939 past, somewhat dovetails into the electronic annual reporting (EAR) of the present, but does not coordinate with what is yet to come. With SB 1383 you would think that each jurisdiction would need an Organic Waste Recycling Plan to implement these regulations coupled with their Climate Action Plan, spread across their Planning Departments, Public Works Departments and Parks Department. The State needs an Organic Waste Scoping Plan to implement their many mandated plans siloed among their agencies from CARB's AB 32 Scoping Plan and LCFS program to CEC's integrated Energy Policy Report and RPS program to CDFG's Natural and Working Lands Climate Change Implementation Plan to Cal-EPA's AB 1045 Permit Coordination Plan.

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 or substance, and does not include the newer AB 341 (Mandatory Commercial Recycling), AB 1826, AB 1594, AB 876 programs, as that is part of the EAR filing on August 1 and appears will include some SB 1383 reporting. CalRecycle has begun ramping up program review and enforcement on mandatory commercial recycling and mandatory commercial organic waste collection, but there is no local or state plan, just simple turbo tax-like filing and hitting the easy button of compliance.

SB 1383's Article 13 now describes the Initial Jurisdiction Compliance Report that needs to be filed in 2022. 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 Article 13, 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 CoIWMP that has since waned into a simplified process without much more new analysis. Some Local Task Forces (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 mandatory commercial recycling with simple EAR filing. An overarching Organic Waste Recycling Plan is needed instead of cobbling the older CoIWMP with EARs and now the new Jurisdiction Compliance Reporting and Implementation Record.

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.

There was a 45-Day Formal Comment Period on January 18, 2019 – March 4, 2019

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 regulatory text.

AB 901 REGULATIONS

The AB 901 Recycling and Disposal Reporting System (DRS) was approved by the Office of Administrative Law on March 5, 2019. Reporting begins on July 1, 2019. This was delayed 18 months and now it's time to face the reporting where we had hoped to beta-test the new DRS system. Workshops have been scheduled as follows:

[Sacramento Workshop:](#)

1:30pm to 4:00pm, March 20, 2019 at the Cal/EPA Building, Coastal Hearing Room [1001 I Street, Sacramento, CA 95814](#)

[Los Angeles Workshop:](#)

1:30pm to 4:00pm, March 21, 2019 at the South Coast Air Quality Management District Auditorium [21865 Copley Drive, Diamond Bar, CA 91765](#)



Edgar & Associates has prepared 'Organic Waste Recycling Plans' for 30 jurisdictions throughout the state on behalf of their clients and they have been readily accepted by CalRecycle staff to implement AB 1826 and address SB 1383 while integrating the local Climate Action Plan goals into the plan. These plans determine the fair-share SB 1383 organic waste diversion targets for both the commercial and residential waste sectors to 2020, 2025, and 2030, and provide an eligible business list. There are no requirements to prepare Organic Waste Recycling Plans now, as Electronic Annual Reporting is the reporting pathway, but SB 1383 will require that an Initial Jurisdictional Compliance Report and an Implementation Record be prepared in 2022, but jurisdictions should not wait that long.

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

CCC Executive Committee

- Bill Camarillo, *Agromin*
- Vince Colvis, *Mt. Diablo Recycling*
- Greg Kelley, *Northern Recycling*
- Eric Potashner, *Recology*
- Greg Pryor, *Recology*
- Will Bakx, *Sonoma Compost*
- Christy Pestoni Abreu, *UVR Compost*
- Michael Gross, *Z-Best Compost*

CCC Team

- 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.

CCC Member Plans

What's in Your Climate Action Plan ???

Climate Action Plans are comprehensive roadmaps that outline the specific activities that a City or County will undertake to reduce greenhouse gas emissions. Climate Action Plans build upon the information gathered by greenhouse gas (GHG) inventories and generally focus on those activities that can achieve the relatively greatest emission reductions in the most cost effective manner, such as waste diversion through anaerobic digestion and composting, renewable energy production, and the use of alternative fuels for the public fleet as well as the refuse fleet.

SB 375 supports the State's climate action goals to reduce GHG emissions through coordinated transportation with the use of low carbon fuels and land use planning with the goal of more sustainable communities. Established as the Sustainable Communities Program to further the purposes of AB 32 and SB 375, the Strategic Growth Council is investing in projects that reduce GHG emissions and vehicle miles traveled by supporting compact, infill development patterns that increase affordable housing, encourage active transportation, and protect agricultural land from sprawl development. This means the use of low carbon fuels and the use of compost to protect agricultural lands. Climate Action Plans are part of the General Plan or a Sustainability Plan and guides land use decisions and project development in the community. Many GHG inventories were prepared in the late 2000's with Plans adopted in the early 2010's. What's in Your Climate Action Plan?



Blue Line Transfer, Inc. with Zero Waste Energy received a \$2.6 million California Energy Commission grant for their Blue Line Biogenic CNG Facility Project. Because policies were in place and a Program EIR had been prepared by CalRecycle for anaerobic digestion facilities, the conditional use permit and CEQA documents were approved readily. The City's Climate Action Plan

was adopted in 2014 with the purpose of reducing energy usage and GHGs community-wide. The Climate Action Plan promoted the use of alternative fuels and waste diversion. The City of South San Francisco is committed to sustainability, environmental preservation while retaining a high quality of life, and thriving employment and industrial centers.



The City of Napa with Napa Recycling & Waste Services received a \$3.0 million California Energy Commission grant for their Napa Renewable Resources Project. Because the Napa Sustainability Plan was adopted in 2012, the project was poised to receive a grant, with land use and local CEQA permitting was streamlined.

The Plan is a reflection of the City's initial attempt to compile a comprehensive list of voluntary actions that can be taken in the City and community to enhance the quality of life, protect the environment, and in many cases save money. Many initiatives have complementary benefits that also reduce GHG emissions, strengthen community networks, enable collaboration with neighboring jurisdictions and other partners, and inform revisions to the General Plan or other applicable City policies that can assist with the implementation of Sustainability Plan initiatives.



California's 2017 Climate Change Scoping Plan

Executive Summary

The strategy for achieving California's
2030 greenhouse gas target