

## ESSENTIAL PUBLIC SERVICE



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2020 SPECIAL EDITION

Sustainable Organics Recycling

## END OF SESSION – NOT END OF HOPE

California approached 2020 with a huge budget surplus and high hopes about easing the state's homelessness and housing crises, mitigating climate change, and addressing education while acting as a nation-state, taunting the Federal Government. Then the pandemic ripped the heart out of budgets and demands for racial justice stirred soul searching. When it was all over, the state was broke, facing the next wave. 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.

The Capital was empty, being zoomed out of relevancy with lawmakers wondering about what did not happen and what should have happened. 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, 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. With holes in so many

budgets, any new regulations need to be cost-effective and promote proven programs with job creation.

As CARB doubled down in the middle of the pandemic, essential workers stepped up on the frontlines at hospitals and essential workers 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 into 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 legislators or our regulators at these critical times, but we can depend upon our families, our community, and our essential public services to survive.

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## HAVING FAITH

SB 1383 Regulations were adopted by the Office of Administrative Law on November 3, 2020 and we all have a sprint to January 1, 2022, when they become effective. The SB 1383 Tools are published, have been webcast, with another series of [workshops](#) by Diversion Strategies scheduled. 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. In 2018, AB 3178 (Rubio) attempted to add some good faith into SB 1383, but was vetoed by then Governor Brown. Possible efforts to roll back SB 1383 would likely meet a veto from the current Governor since he banned food waste from landfills when he was Mayor of San Francisco in 2010.

CalRecycle published the much-needed [SB 1383 Compliance Process](#) a few months ago, describing a regulatory relief valve, based upon a jurisdiction making a 'Substantial Effort', where a jurisdiction could be eligible for the 2-3-year extended compliance deadlines. Substantial effort is where a Jurisdiction has done everything within its authority and ability to comply but does not include failure to provide staff resources, failure to provide sufficient funding, or failure to adopt an ordinance or other similar enforcement mechanism. For violations due to barriers outside a jurisdiction's control and when a substantial effort is made toward compliance, Jurisdictions can be placed on a 24 to 36 month Corrective Action Plan.

### SB 1383 Tools

CalRecycle has published new SB 1383 webpages which include a new homepage, documents included in the final rulemaking package (such as the final and approved regulatory text) webpages dedicated to collection, procurement, food recovery, and resources for jurisdictions, food donors, and food recovery organizations and services. The webpages will be updated as new resources are made available. Here is the link: <https://www.calrecycle.ca.gov/organics/slcp>

We are grateful that CalRecycle released a series of SB 1383 tools, as an immense amount of work that needs to occur over the next 12 months on program development, franchise negotiations, and ordinance review.

- Model Franchise Agreement - Addresses many SB 1383 requirements related to the collection, processing, collection containers, contamination monitoring, and more.
- Model Mandatory Organics Disposal Reduction Ordinance - Establishes enforceable SB 1383-related requirements for organic waste generators, haulers, and other regulated entities
- Model Edible Food Recovery Agreement - Assists Jurisdictions to provide a tool for commercial edible food generators and food recovery organizations
- Model Procurement Policy - Assists jurisdictions with their requirements related to the procurement of recovered organic waste products.

Diversion Strategies is hosting a free [6-session program series](#) December through January on Innovative Solutions for SB 1383 Compliance.

### OAL Approval

On November 3, 2020, this action established policies and requires the implementation of programs that divert organic waste from landfill disposal with recovery activities to reduce methane gas generation, which would otherwise occur, with changes to Title 27, California Code of Regulations Adopt sections: 20750.1 and 21695, and amend sections: 21570, 21590, 21650 and 21660.2. OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 1/1/2022 pursuant to Public Resources Code section 42652.5(a)(6).

### SB 1383 Progress Report

In consultation with CARB, CalRecycle staff identified and analyzed data and information to gauge the progress that has been made toward achieving 2020 and 2025 goals, concluding the following:

1. Organics recycling and recovery infrastructure is growing, but still needs significant expansion to provide the recycling capacity necessary to meet SB 1383 disposal and GHG reduction goals.
2. Mandatory collection programs are critical for organics recycling and recovery infrastructure development and to help attract private investments.
3. The permitting and regulatory requirements in place are necessary to protect human health and the environment and to ease community concerns regarding organics recycling facilities.
4. The procurement requirements in SB 1383 regulations are necessary to develop markets for compost and biomethane and are essential components of achieving the overall methane reduction goals.





## OCTOBER 2020 – END OF SESSION

### 33% BY 2020

[Rachel Wagoner](#) was appointed Director of CalRecycle on November 24, 2020. She spent 10 years as chief consultant for the Senate Committee on Environmental Quality before joining the governor's staff last year. We welcome her to CalRecycle and wish her success. The statewide recycling rate dipped from 50% in 2014 to 37% in 2019 and could go as low as 33% in 2020 with China banning recyclable paper and plastic exported. CalRecycle is mounting a \$12.8 million recycling outreach campaign to assist in cleaning up the feedstock and is procuring resources to assist cities and counties in maintaining a diversion rate to comply with AB 939. The industry is adjusting with technology, generator education, and rate increases against the overwhelming COVID challenge.

The Statewide Commission on Recycling Markets and Curbside Recycling has been working hard since July 2020 to develop a draft Report to the Legislature by January 1, 2021. Assembly member Eggman has been working on landfill tip fee reform for years to raise revenue earmarked for composting and remanufacturing facilities located in California. Any tax increase requires a 2/3 vote in the Legislature, where transportation and Cap-and-Trade funding became law in previous years and a water tax failed passage in 2019. Wishful recycling has almost become passé; where it should not be passed over once again, as it was in 2020; albeit facing much larger issues with a curtailed legislative process. California will meet the renewable energy, low carbon fuel standard, and greenhouse gas reduction goals in 2020, but will regress on the 75% recycling target.

#### Tip Fee Reform

Reform of the \$1.40/ ton state tipping fee (previously \$1.75/ton from 1990-1993) to fund the Integrated Waste Management Act (IWMA) should be discussed, as presented to the Recycling Commission by Edgar & Associates. Edgar & Associates' [detailed Policy Proposal](#) should be added to their draft Report due on January 1, 2020. If the simple CPI factor had been applied, the IWMA tip fee could have been \$2.50 per ton and could have added \$48 million to this year's budget. There has been over a decade of legislative attempts on tipping fee reform without any success. A \$10/ ton tip fee would bring in \$400 million per year, which is the most robust and obvious mechanism, as 12.3 million more tons have been disposed of since 2014, and considering that the state recycling rate was only 37% in 2019 (and could drop to 33% in 2020). The increase in tip fee would discourage cheaper landfill disposal, provide incentives to local government for SB 1383 infrastructure, and stimulate the economy. Organic processing facilities designated in the counties' and cities' 15-year Capacity Analysis would be eligible for funding. The awarded \$75.7 million from cap-and-trade dollars over 6 years in CalRecycle grants for anaerobic digestion projects and composting projects is not enough or predictable enough to bank on in the future, where tip fee reform is needed for sustainable funding to implement SB 1383.

CalRecycle released, '[Landfill Tipping Fees in California](#)' in February 2015, which supports the general conclusion that tipping fees in California are lower than would be expected in a progressive state with effective programs and ambitious waste management goals.

#### Statewide Recycling Rate

Pounds Per Person Per Day (PPD) - CalRecycle

##### **2012 | 4.3 PPD**

29.3 million disposal tons  
50% statewide recycling rate

##### **2013 | 4.4 PPD**

30.2 million disposal tons  
50% statewide recycling rate

##### **2014 | 4.5 PPD**

31.2 million disposal tons  
50% statewide recycling rate

##### **2015 | 4.7 PPD**

33.2 million disposal tons  
47% statewide recycling rate

##### **2016 | 4.9 PPD**

35.2 million disposal tons  
44% statewide recycling rate

##### **2017 | 5.2 PPD**

37.8 million disposal tons  
42% statewide recycling rate

##### **2018 | 5.6 PPD**

40 million disposal tons  
40% statewide recycling rate

##### **2019 | 6.0 PPD**

43.5 million disposal tons  
37% statewide recycling rate

##### **2020 Full China Ban (CalRecycle)**

33% statewide recycling rate

##### **2020 | 2.7 PPD (AB 341 Target)**

20.0 million AB 341 disposal tons  
75% statewide recycling rate

#### State of Recycling - 2018

Each year CalRecycle publishes the State of Disposal and Recycling In California, where the statewide recycling rate was 40% in 2018, down from 50% in 2014. We faced some major challenges in 2018, which continued in 2019 and 2020, and now with COVID disrupting of the supply chain.

## Food Waste Not

OCTOBER 2020 SPECIAL EDITION

### FOOD TO GO

With a shifting and fragmented schedule of Executive Orders, shutdowns, and curfews due to COVID, take-out food orders rapidly expanded to save the restaurants that have adapted to this dynamic and constrained market. Single-use packaging has significantly increased with vast waste migration from the commercial to the residential sector. 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 regulation is setting the table for SB 54 and AB 1080, which stalled out in a truncated legislative session. Recology's California Recycling and Plastic Pollution Reduction Act will return soon.

Adding to the supply of commercial food waste packaging will be the lowering of the AB 1826 threshold to 2 cubic yards per week of MSW, starting January 1, 2021. CalRecycle determined that due progress had not been achieved on the 50% organic diversion mandate by 2020 (based on the 2018 data) and lowered the threshold with a good faith phase-in program development. AB 2959 (Calderon) would have clarified the definition of food waste and by-products with an SB 1383 lens for the future but was taken out by an upstart coalition called 'Californians for a Smarter Recycling', with misleading information.

#### AB 2959 (Calderon)

TOPIC: Solid waste: byproducts from the processing of food or beverages. This bill would reauthorize local governmental entities to exercise authority if those byproducts originate from a retail or commercial establishment such as a supermarket, grocer, restaurant, or other retail food establishment. The bill would additionally prohibit those local governmental entities from exercising authority if those byproducts originate from a winegrower or brandy manufacturer, and other industrial sources. This food fight continues to further define AB 3036 (Cooley, 2018) on what is an industrial source.

According to a flawed Cal Matters commentary, the idea behind this bill is to impose a one-size-fits-all approach to disposing of organic waste generated by households and all types of businesses and that it really would allow that material to be removed only by a designated franchise holder where it would be taken to a composting facility. Californians for Smarter Recycling – an upstart coalition of California restaurateurs, grocers and farmers – announced their opposition to AB 2959, with false claims about greenhouse gas-causing food waste being dumped into landfills.

Generators can 'donate or sell' their food waste to animal feed at any time. There is no 'life-cycle analysis' on cows farting after eating food waste, but we know that composting and AD projects are considered carbon negative by Lawrence Livermore Laboratory.

STATUS: Died in Senate. Environmental Quality Committee.

#### SB 1335 Regulations

The Sustainable Packaging for the State of California Act of 2018 requires food service facilities located in a state-owned facility, operating on or acting as a concessionaire on state-owned property, or under contract to provide food service to a state agency to dispense prepared food using food service packaging that is reusable, recyclable, or compostable. CalRecycle must adopt regulations by January 1, 2021 to clarify terms, specify criteria, and outline a process for determining the types of food service packaging that are reusable, recyclable, or compostable. CalRecycle will publish a list of approved food service packaging on its website within 90 days of the regulations being adopted. This will set the platform for private operations later. A 15-day public comment period for the Second Draft occurred from Oct 6-30, 2020. [CCC continues to file comments](#) on behalf of the industry and has met with CalRecycle staff in an effort to clarify composter concerns.

#### DTSC on PFAS

DTSC is weighing a broad plan that could eventually bar the use of a wide range of per- or polyfluoroalkyl substances (PFAS) from use in food packaging while requiring safer alternatives. This is the latest state action to clamp down on use of the class of chemicals in food and other packaging materials. DTSC has presented its proposal to list paper, or "fiber-based," food packaging containing PFAS as a priority product under the state's green chemistry program.



## WOODAGEDDON

OCTOBER 2020 SPECIAL EDITION

### TOXIC REFORM

Woodageddon could not get worse in 2020, with the drastic fires, lack of biomass waste policy, dwindling biomass conversion markets, and not having bioenergy be recognized as a baseload or integrated into community-scale micro-grids. In reference to the [September 2020](#) edition of this newsletter, there were some breakthroughs: with AB 3163 (Salas) on biogas from wood waste gasification and with the PUC extension of the BioMAT program. Adding insult to an injured industry, the Governor vetoed SB 68 (Galgiani), which would have removed the January 1, 2021 sunset, which allowed the Department of Substances Control (DTSC) to allow treated wood waste (TWW) to be disposed of in Class 2 composite-lined portions of a solid waste landfill. SB 68 passed unanimously through the Legislature without opposition. [The industry is now mounting a full-court press](#) to have DTSC issue variances to allow TWW be managed under the current alternative management structures and develop a standard regulatory template.

Taking TWW to Class 1 is nearing \$500 per ton, where TWW is a residual component of load checking. DTSC published '[Treated Wood Waste – implementation of AB 162](#)' in March 2019, which was about compliance and does not analyze disposal options and costs.

AB 995 (Garcia) would have reformed DTSC with an oversight Board and Fee Task Force. It was vetoed. CalRecycle also needs an oversight Board and Fee Task Force discussion in 2021.

#### [SB 68 \(Galgiani\)](#)

TOPIC: Hazardous waste: treated wood waste. Existing law, as part of the hazardous waste control laws, requires treated wood waste to be disposed of in either a class I hazardous waste landfill or in a composite-lined portion of a solid waste landfill unit that meets specified requirements. Existing law requires each wholesaler and retailer of treated wood and treated wood-like products to conspicuously post information that contains a specified message, including a certain internet website address at which more information can be found, at or near the point of display or customer selection of treated wood and treated wood-like products, as provided. Existing law requires the wood preserving industry, as defined, to, jointly and in consultation with the Department of Toxic Substances Control, make information available to generators of treated wood waste that describes how to best handle, dispose of, and otherwise manage treated wood waste. Existing law repeals requirements on Jan. 1, 2021.

This bill would remove the January 1, 2021 sunset, and would require the wood preserving industry to annually update and renew the outreach materials, disseminate the outreach materials, and provide a specified update to the department relating to that dissemination, as provided. The industry is now mounting a full-court press to have DTSC issue variances to allow TWW be managed under the current alternative management system and develop a standard template.

STATUS: Enrolled to the Governor on Sept. 3, 2020. Vetoed by the Governor on Sept. 29, 2020.

#### [AB 995 \(Cristina Garcia\)](#)

TOPIC: Hazardous waste. (1) Existing law provides that the Department of Toxic Substances Control (DTSC) regulates the handling and management of hazardous substances, materials, and waste. This bill would create the Board of Environmental Safety in the California Environmental Protection Agency. The bill would provide requirements for the membership of the board and would require the board to conduct no less than 6 public meetings per year.

The bill would provide for the duties of the board, which would include, among others, reviewing specified policies, processes, and programs within the hazardous waste control laws; proposing statutory, regulatory, and policy changes; and hearing and deciding appeals of hazardous waste facility permit decisions and certain financial assurance decisions. This bill would require the Secretary for Environmental Protection to convene a fee task force with specified membership to review the existing fee structure supporting the Hazardous Waste Control Account and the funding structure supporting the Toxic Substances Control Account.

The bill would require the Secretary to provide recommendations to the Legislature by January 10, 2022, as part of the Governor's Budget, on a fee system for the Hazardous Waste Control Account and a funding structure for the Toxic Substances Control Account, as provided.

STATUS: Enrolled to Governor on Sept. 4, 2020. Vetoed by Governor on Sept. 29, 2020.



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## GRADUATED BROKE

CARB Staff is recommending to CARB to “Graduate Internal Combustion Engines” from HVIP, which effectively means to remove the 11.9-liter natural gas engine which is certified to the optional 0.02 g/bhp-hr NOx standard. CARB staff has already graduated this engine out of the ‘near-zero’ definition as part of the Advanced Clean Truck (ACT) rule that was adopted in June 2020. The Heavy-Duty Omnibus regulation was heard in August 2020 and is moving forward with a 15-day review process, which had been promised to pay for this graduation. Instead, the Omnibus regulation cut the standard in half to 0.01 g/bhp-hr, without incentives, scaring engine manufacturers to curtail production. The Mobile Source Strategy (MSS) will squeeze out near-zero engines with in-state RNG in next year’s rulemaking.

The [Proposed FY 2020-21 Funding Plan for Clean Transportation Incentives](#) will be heard on [December 10, 2020](#). There is no funding for the near-zero engine, consummating what the industry has suffered through with the ACT, MSS, and Omnibus regulations. It has been a heavy-duty shell game of looking over here, or there, where there is no landing spot to fund the HVIP program.

The Carl Moyer program needs modernization, and the near-zero definition needs to be placed in statute. A CARB Legislative Oversight Hearing is coming soon. With a new Board Chair and new CARB members, there needs to be a near-zero engine funding pathway with in-state RNG use.

### [AB 2285 \(Com. Transportation\)](#)

TOPIC: AB 32 authorizes CARB to include the use of market-based compliance mechanisms, and requires all moneys collected by CARB as part of a market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund and to be available upon appropriation by the Legislature.

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. The program provides that projects eligible for funding include, near-zero-emission and heavy-duty truck technology, and requires, until December 31, 2020, no less than 20% of funding made available for that purpose to support early commercial deployment of existing zero- and near-zero-emission heavy-duty truck technology. This bill would extend the requirement that 20% of that funding be made available for that same purpose until December 31, 2021.

STATUS: Approved by the Governor on September 18, 2020

### [AB 3111 \(Gipson\)](#)

TOPIC: Carl Moyer Memorial Air Quality Standards Attainment Program. This bill would require the state board, by January 1, 2022, to adopt an online application process for the submission of grant applications under the program, and hopes to secure and clarify a funding source for heavy-duty near-zero fleets.

STATUS: Held in ASM. Transportation.

### [Mobile Source Strategy](#)

In recognition of the value of the 2016 Strategy – in relation to the state’s ongoing air quality, climate, and community risk reduction challenges, and the ever-evolving vehicle market – the California Legislature passed Senate Bill 44, which Governor Newsom signed into law on September 20, 2019. SB 44 acknowledged the ongoing need to evaluate opportunities for mobile source emissions reductions and requires CARB to update the 2016 Mobile Source Strategy by January 1, 2021, and every five years thereafter. CARB staff is proposing to further squeeze out near-zero NOx engines, even when coupled with in-state RNG, to promote aggressive electrification.

After continual enlightenment by the industry on this matter, CARB will hear an information update on December 10, 2020 on the Mobile Source Strategy; CARB staff will revise based on Board direction and then release a final version early next year with Board action. The industry plans to preserve a technology pathway for near-zero and RNG.

### [Heavy Duty Omnibus](#)

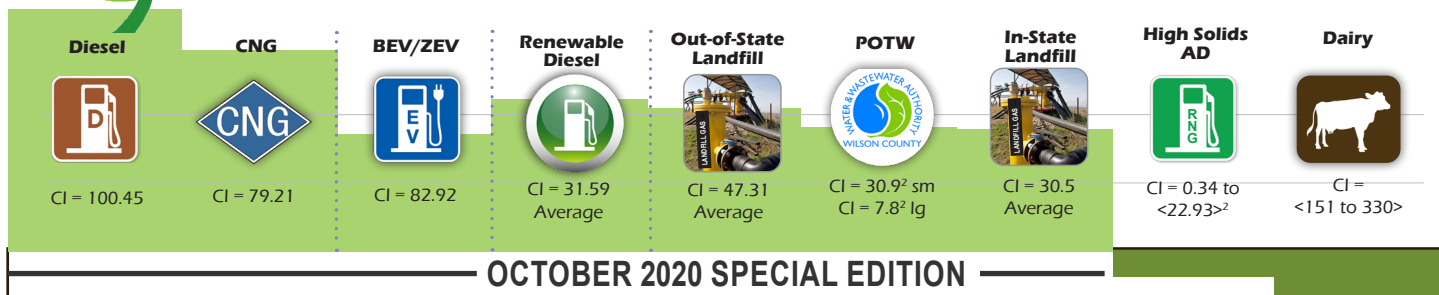
The California Air Resources Board conducted a public hearing on August 27, 2020 regarding the Heavy-Duty Engine and Vehicle Omnibus Regulation and Associated Amendments. CARB passed a resolution to amend the regulations, with a 15-day review process coming soon. This regulation cuts the near-zero emission to the 0.01 g/bhp-hr NOx standard, to meet future federal requirements, and will curtail incentives for HVIP funding now.



# CALIFORNIA COMPOST COALITION

## FUELS - CARBON INTENSITY

Certified Pathways (2020)



### RNG NOW

California should embrace carbon-negative fuel now to help get the entire state to carbon neutral by 2045 and there is no reason to wait. If only CARB could understand that they undermine carbon-negative projects and decrease RNG demand when future electrification is favored over heavy-duty carbon negative fuel. [Lawrence Livermore Labs \(LLL\) released a January 2020 report, "Getting to Neutral – Options for Negative Carbon Emissions in California"](#), which featured the conversion of biomass into transportation fuels and natural solutions where compost and biochar are sequestered in the soils. These programs are noted as the most cost-effective solutions, using current technologies to convert food waste, green waste, and wood waste.

Gladstein Neandross & Associates issued a report, An Assessment: California's [In-State RNG Supply For Transportation 2020 -2024](#) detailing the RNG projects expected to begin producing vehicle fuel from California's organic waste in the next four years. Some of the highlights are; (1) California will have 160 RNG production facilities online by the end of 2024; (2) Those facilities will produce a combined 119 million diesel gallon equivalents of low carbon and carbon negative vehicle fuels, enough to fuel 13,731 natural gas trucks; (3) The average carbon intensity of the California-produced RNG will be negative 101.74 gCO<sub>2</sub>e/MJ; and (4) Over the next 15 years, trucks running on this RNG will cut climate pollution by 51.4 million metric tons and will cut smog-forming pollution by 20.8 thousand metric tons per year.

### AB 3163 (Salas)

TOPIC: Biomethane Procurement. Existing law requires the PUC, in consultation with CARB, to consider adopting specific biomethane procurement targets or goals for each gas corporation so that each gas corporation procures a proportionate share. Existing law defines "biomethane" for that purpose as biogas that meets specified standards adopted by PUC for injection into a common carrier pipeline. This bill would instead define "biomethane" for that purpose as methane produced from an organic waste feedstock, rather than biogas, that meets those specified standards and is either produced from the anaerobic decomposition of organic material or produced from the noncombustion thermal conversion of specified materials.

STATUS: Enrolled to the Governor on August 31, 2020. BAC Sponsor

### CEC Deep Carbon

[The Challenge of Retail Gas in California's Low-Carbon Future](#) was published in April 2020 by the California Energy Commission to evaluate scenarios that achieve an 80 percent reduction in California's greenhouse gas (GHG) emissions by 2050, from 1990 levels, focusing on the implications of achieving these climate goals by reducing natural gas use, taking down RNG at the same time. These scenarios suggest that electrification across all sectors is a lower-risk, long-term strategy compared to RNG, and is skewed by discounting the supply of community-level RNG to tethered fleets, and the near term applicability.

### LCFS Revisions for 2022

CARB staff had proposed an April 8, 2020 meeting to kick off the 2-year regulatory process for the Low Carbon Fuel Standard (LCFS) with a Public Workshop. The first meetings finally happened on [October 14-15, 2020](#). The last LCFS Regulations became effective on January 4, 2019, where prior legacy carbon intensity (CI) pathways are due to expire on December 31, 2020, and inappropriate Temporary Pathways for Fuel Indeterminate CIs were issued. We have been working with Zero Waste Energy and the BAC, meeting with CARB staff over the last 6 months and pushing to remove the use of these temporary carbon intensity, where a design-based pathway model was offered and utilized.

LCFS fuel pathways are generally developed based on 24 months of operational data, and when Temporary Pathways are used instead, there could be a 2 to 3 quarter lag in receiving the carbon incentives, which are much needed to fund the facility. However, in order to encourage the development of innovative fuel technologies such as high-solids anaerobic digestion, an applicant may submit a Design-based pathway application for a fully engineered and designed facility with no operational data. Applications for design-based pathways must include a detailed life cycle analysis of the anticipated pathway performed using the CA-GREET3.0 model, and an LCA report detailing facility plans and specifications expected during commercial operation. Zero Waste Energy is completing this process now and all other AD developers are highly encouraged to follow this process to fully optimize the LCFS2 and RIN potential.

## FUELS AND FLEETS AT A NEW AIR BOARD

### **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  
Filtrex / 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

The California Compost Coalition is a registered Lobbying Coalition with the Fair Political Practices Commission and was created in 2002 by a group of compost operators in response to demands for increased recycling of organic materials and production of clean compost. CCC has expanded the Mission Statement over the years to include bioenergy, anaerobic digestion, renewable natural gas, and biochar. We dove deep into Cap-and-Trade allocation and grant funding, low carbon transportation strategies, SB 1383 regulations, and regional air quality permitting.

California's organic recyclers and compost operators have created a sustainable, scalable industry model for the State, the Nation, and the world to demonstrate that putting clean, recycled, composted organic materials back into the soil is the most predictable, cost-effective, productive, and eco-friendly use of a natural resource.

We will continue to implement our Vision by assembling permitted organics recyclers and compost operators into a direct lobbying organization that represents them with a unified, statewide voice on issues of importance: product and safety standards, government regulations, environmental planning, trade, and marketing development. We will promote composting, wood sorting and grinding, and other methods of producing value-added services and recycled products that are long-term, earth friendly solutions generating the greatest good versus conventional, outmoded, and competing waste handling alternatives. We will develop markets to increase sales of clean compost, mulch, and wood products, RNG, bioenergy, and biochar. We will foster cooperation among public and private organizations involved in sustainable organics recycling and have been supported the SB 1383 procurement of recovered waste products.

Governor Newsom wants California to

be carbon neutral by 2045, where our industry is Net-Zero Now and producing carbon negative fuel. CCC will continue to play Carbonopoly, provide the carbon math, and author White Papers to demonstrate our members' ability to deliver on programs to meet state goals years in advance, promoting an industry that has been misunderstood. CARB still thinks that we only operate compost facilities and does not fully understand the scope of managing organics in California. We are the fleet owners that collect organics. We are organic facility operators that produce bioenergy and renewable natural gas. We are Net-Zero Facilities making carbon negative fuels, and we haul compost and wood chips to markets. Over the years, CCC has co-branded with [CleanFleets](#) on White Papers, staff meetings, and public testimony at the California Air Resources Board and local air districts.

As we deploy a reliable, cost-effective, carbon-negative low NOx program now in good faith, CARB fails to see the value proposition and is playing a regulatory shell game on definitions and funding. As the industry gears up to produce RNG from organic waste, as part of the SB 1383 Short-Lived Climate Pollutant Strategy, CARB is instituting a series of regulatory barriers to achieving SB 1383 mandates by levying the huge cost of electrification, without adequate incentives to fund near-zero NOx heavy-duty vehicles with in-state RNG Fuel.

With a new CARB Chair and members, CCC and CleanFleets, along with a large industry coalition (California Natural Gas Vehicle Coalition, Bioenergy of California, California Waste Haulers Council, Resource Recovery Coalition of California, Clean Energy, and Trillium) will have to double down in 2021 to define near-zero in statute, obtain funding for the heavy-duty program, and increase the demand for carbon negative RNG made from SB 1383 diverted organics.

