

GETTING TO NEUTRAL OPTIONS FOR NEGATIVE CARBON EMISSIONS IN CALIFORNIA

LAWRENCE LIVERMORE NATIONAL LABORATORY

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Sustainable Organics Recycling

STUCK IN CARBON NEUTRAL

California enacted some of the nation's most aggressive climate measures in history as Governor Gavin Newsom signed a sweeping package of 2022 legislation to cut pollution and accelerate the state's transition to clean energy. The Governor partnered with legislative leaders to advance groundbreaking measures to achieve carbon neutrality no later than 2045 and 90% clean energy. AB 1279 (Muratsuchi and C. Garcia, 2022) codifies the statewide carbon neutrality goal to dramatically reduce climate pollution and establishes a clear goal for California to achieve statewide carbon neutrality as soon as possible, and no later than 2045, and establishes an 85% GHG emissions reduction target as part of that goal.

Lawrence Livermore Lab (LLL) released, "[Getting to Neutral – Options for Negative Carbon Emissions in California](#)", which featured natural solutions, where compost and biochar are sequestered in the soils, and biomass is converted into transportation fuels. These programs are noted as the most cost-effective solutions using current technologies to convert food waste, green waste, and wood waste into carbon negative products such as renewable natural gas and biochar from biomass gasification. If California is to be carbon neutral by 2045, proven and current carbon negative programs need to be expanded utilizing SB 1383 organic waste. Instead, the Governor and CARB are promoting a global linear ZEV economy that is not zero emissions and does not even call for the end-of-life recycling of those batteries.

California approved a record \$54 billion investment in climate action funding that exceeds what most countries are spending and advances economic opportunity and environmental justice in communities across the state. The 2021 Budget Act committed \$10 billion toward ZEV acceleration. Alongside the huge and unconditional investments in ZEVs, the 2022 Budget includes a \$13.8 billion one-time General Fund item and bond funds over two years for transportation programs and projects that align with climate goals, and advance public health and equity. Our RNG Coalition group worked hard to allocate \$100 million to fund low-NOx truck incentives with in-state RNG use but lost out to ZEVs. AB 2836 (Garcia) was passed to extend the Carl Moyer program another 10 years to replace older diesel vehicles where some funding will continue. Our industry gets near-zero funding as early adopters of carbon negative fuel production and use to implement SB 1383 and got little respect until the last CARB Board meeting.

The Scoping Plan and the Advanced Clean Fleet Rule dominated the regulatory landscape in 2022. With the hard work of CleanFleets.net and company, there is an opportunity over the next few months to carve out refuse fleets with near-zero NOx trucks and in-state RNG from being electrified. CARB has been stuck in a carbon neutral mentality, deferring to 2045 instead of expanding on the carbon negative organic circular economy of today. The double negatives of RNG and biochar today are leading to positive near-term GHG reduction solutions that can't wait for an electric dream in 2045.

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SB 1383 SHOWDOWN

SB 1383 was passed in 2016 and the regulations were adopted in 2020 with an effective date of January 1, 2022. SB 619 (Laird, 2021) bought one year to January 1, 2023, with proper filing. There are expectations from CalRecycle that programs should be underway within a few months, or a substantial effort must be shown to avoid penalties and fines. CalRecycle has been nudging enforcement of AB 1826 and developing SB 1383 Corrective Action Plans for those that filed a Notice of Intent to Comply. SB 1383 will not rolled back but is being phased in since the passage in 2016 with SB 619 and AB 1985 (Rivas, 2022). Procurement targets of just 30% in 2023 and 65% in 2024 and full implementation in 2025 are being embraced as more guidance from CalRecycle is being distributed.

Meanwhile the Scoping Plan 2022 Update will be considered by CARB in December 2022, while at the same time, the Little Hoover Commission will be issuing their SB 1383 Report with a focus on good government, costs, and rate impacts. The CARB Scoping Plan has been under development over the last 18 months with several dozen workshops for each sector and the four modeling scenarios. At first, SB 1383 with the plan to mitigate methane as a short-lived climate pollutant was shorted and barely mentioned by CARB. It took a lobbying effort with the Bioenergy Association of California (BAC), the California Association of Sanitation Agencies (CASA) with the CCC to make SB 1383 count at CARB.

AB 1985 (Rivas)

TOPIC: Organic waste: recovered organic waste product procurement targets. This bill would require any penalties imposed by CalRecycle on a local jurisdiction that fails to meet its recovered organic waste procurement target to be imposed pursuant to a specified schedule based on the percentage of the local jurisdiction's recovered organic waste product procurement target achieved.

Notwithstanding any other law, administrative civil penalties for a local jurisdiction that fails to procure a quantity of recovered organic waste products that meets or exceeds its recovered organic waste product procurement target established by CalRecycle shall be imposed pursuant to the following schedule:

- (i) On or after January 1, 2023, each jurisdiction shall procure a quantity of recovered organic waste products that meets or exceeds 30 percent of its recovered organic waste product procurement target.
- (ii) On or after January 1, 2024, each jurisdiction shall procure a quantity of recovered organic waste products that meets or exceeds 65 percent of its recovered organic waste product procurement target.
- (iii) On or after January 1, 2025, each jurisdiction shall procure a quantity of recovered organic waste products that meets or exceeds 100 percent of its recovered organic waste product procurement target.

We had hoped to add more options for low carbon transportation fuels besides renewable natural gas based upon a low carbon intensity score, such as hydrogen or other biomass-based fuels made from gasification.

Little Hoover Commission

The Little Hoover Commission is an independent state oversight agency created in 1962. The Commission is studying SB 1383 and has held 4 workshops since July 2022. The Commission's mission is to investigate state government operations and policy, and – through reports and legislative proposals – make recommendations to the Governor and Legislature to promote economy, efficiency and improved service in state operations. The Commission has broad and independent authority along with the policies and methods for appropriating and administering funds.

The Little Hoover Commission has been studying SB 1383 and will assess how California's organics recycling law is implemented, examine what impact it has on the state's environmental goals, and provide recommendations for any changes. During Fall 2020, CalRecycle reported that the state does not have the organics recycling infrastructure necessary to fully support compliance with the new law for 50% reduction in 2020 and is investigating how to reach a 75% reduction in 2025.

The 4 workshops have included the major stakeholders throughout California, with one hearing in LA and the remainder digital. The cost impact and cost-effectiveness has been the central theme of the Commissioners. The California Compost Coalition has provided key testimony and interviews with documentation and references. We have shown that the implementation of SB 1383 has provided value in a cost-effective manner at just \$55/ton of GHG reduced of the cap-and-trade money invested. The Report will be published in December 2022, coming just in time for the legislative year.



NOVEMBER 2022 DOUBLE EDITION

BEING COMMISSIONED

In 2019, Governor Newsom signed into law The California Recycling Market Development Act (AB 1583, Eggman) that required CalRecycle to convene a Statewide Commission on Recycling Markets and Curbside Recycling consisting of expert representatives to be appointed by CalRecycle. The Commission was seated in June of 2020 and their charge was to provide policy recommendations and define what is recyclable or compostable and regularly collected in curbside recycling programs, and they published the much needed [Recyclables List](#) to move beyond Wishful Recycling.

The Chair, Heidi Sanborn, is extremely proud of the Commission's work over the last two years. They provided [34 policy recommendations](#) to the state with unanimous votes and provided sage advice to solve every question they were asked to address. Many of their policy recommendations have already become law including defining compostable (AB 1201 in 2021) and recyclable (SB343 in 2001) and banning mercury containing fluorescent lamps from sale (AB2208 2022), but there are many recommendations yet to be implemented. Heidi is the founding director of the National Stewardship Action Council and hopes to work with the Legislature and CalRecycle to implement the remaining recommendations and ensure the goals set in California for reduction of waste, contamination, and toxics, among other goals, are finally met. The Commission has not met since June 2022.

SB 54

Composters work hard to get plastics out of our finished compost and worked in coalition with so many others to limit single use plastics. With a strict deadline to avoid a ballot initiative in November 2022, on June 30, 2022, California passed the Plastic Pollution Prevention and Packaging Producer Responsibility Act (SB 54), setting aggressive targets for reducing and recycling single-use packaging, also requiring plastics producers to create a \$5 billion fund to help low-income communities impacted by the effects of plastic pollution. That's \$500 million per year from 2027 to 2037. SB 54 requires that California achieve both:

1. 25% reduction of plastics in single-use products by 2032; and
2. 30% recycling, reuse, or composting rate for single-use plastics used in the state by 2028, followed by targets of 40% by 2030 and 65% by 2032.

AB 1857

AB 939 requires jurisdictions to divert 50% of the solid waste and allows the 50% diversion requirement to include not more than 10% through transformation. AB 1857 repealed the provision authorizing the inclusion of not more than 10% of the diversion through transformation. For those still depending on the archaic waste-to-energy incinerators in Long Beach and Stanislaus County to get to the byzantine 50% diversion requirement, that will finally change on January 1, 2023. The author wanted to correct a deficiency in waste management law that has caused harm in overburdened communities for over three decades.

Statewide Recycling Rate

Pounds Per Person Per Day (PPD) - CalRecycle

2012 | 4.3 PPD

29.3 MSW disposal tons
50% statewide recycling rate

2013 | 4.4 PPD

30.2 MSW disposal tons
50% statewide recycling rate

2014 | 4.5 PPD

31.2 MSW disposal tons
50% statewide recycling rate

2015 | 4.7 PPD

33.2 MSW disposal tons
47% statewide recycling rate

2016 | 4.9 PPD

35.2 MSW disposal tons
44% statewide recycling rate

2017 | 5.2 PPD

37.8 MSW disposal tons
42% statewide recycling rate

2018 | 5.6 PPD

40 MSW disposal tons
40% statewide recycling rate

2019 | 6.0 PPD

43.5 MSW disposal tons
37% statewide recycling rate

2020 | 5.6 PPD

40.0 MSW disposal tons
42% statewide recycling rate



Turner the Turtle
took out Recycle
Rex in 2022!



Food Waste Not

NOVEMBER 2022 DOUBLE EDITION

TAKE OUT ORDERS

The Sustainable Packaging for the State of California Act of 2018 (SB 1335) set the table for recyclability and compostability standards for food service packaging at state-owned facilities with CalRecycle publishing a list of acceptable materials. AB 1201 takes the compostable standard state-wide to all entities with regulations to be adopted by CalRecycle on or before 2024. With SB 54, CalRecycle is required to adopt regulations by January 1, 2025, to phase out single-use plastics starting 2027. Putting these puzzle pieces together will require vigilance and diligence to curtail greenwashing attempts of the plastic industry to migrate to other forms of packaging. One word: Are you listening plastic industry? One word: Compostable!! Not biodegradable, not bio-plastics, but Compostable.

In March 2022, CalRecycle funded 22 of the 40 eligible food recovery grant applicants over two fiscal years; 13 projects will be funded with FY 2021–22 funds for \$2.85 million, and 9 projects will be funded with FY 2022–23 funds. There were 40 complete and eligible applications, requesting a total of \$9,317,556. In October 2022, local governments had to report on their edible food recovery programs for SB 1383 compliance as part of the Electronic Annual Reports where we hope that CalRecycle aggregates that information. In 2023, sustainable funding for these programs will need to become a priority.

SB 1335 Packaging

CalRecycle approved the Materials List for SB 1335, the Sustainable Packaging for the State of California Act of 2018. This Act requires a food service facility located in a state-owned facility that dispenses prepared food use food service packaging that is reusable, recyclable, or compostable. This should roll over to all operations soon, with AB 1201 becoming effective in 2024, and will be the foundation for what is truly compostable in SB 54 that becomes effective in 2027.

Recyclable Materials

1. PET #1 (non-thermoform)
2. HDPE #2
3. Paperboard – Uncoated
4. Paperboard – Clay-coated
5. Aluminum

Compostable Materials

1. Paperboard – Uncoated
2. Paperboard – Clay-coated
3. Fiber – Sugarcane/Bagasse
4. Fiber - Bamboo

AB 1201

AB 1201 (Ting, 2021) was sponsored by CCC. This bill prohibits a person from selling or offering for sale a product that is labeled with the term “compostable” unless the product satisfies specified criteria. As part of that criteria, the bill would require CalRecycle, by January 1, 2024, to make a specified determination, and on or before January 1, 2026, to achieve acceptance within National Organic Program standards. CalRecycle has one full time staff in this year’s budget for AB 1201 regulations.

SB 54

SB 54 (Allen, 2022) establishes the Plastic Pollution Prevention and Packaging Producer Responsibility Act, which would cover certain single-use packaging and plastic single-use food service ware and requires the reporting, packaging, and plastic food service ware. This bill is 57 pages of text that will take approximately \$3.6 million and 22 new positions in fiscal year (FY) 2022-23. These costs are expected to increase to approximately \$5.1 million and 32 positions in FY 2023-24 and FY 2024-25.

With that, CalRecycle shall establish a Producer Responsibility Advisory Board on or before July 1, 2023, for the purpose of identifying barriers and solutions to creating a circular economy consistent with this chapter and advising CalRecycle, producers, and producer responsibility organizations in the implementation of this chapter. The advisory board shall be composed of 13 voting and 3 nonvoting members. One representative must be from the composting industry operating in the State of California. The compost industry must remain vigilant in defending the AB 1201 definition of compostability, as to not allow the packaging industry phase out plastics and invent some bio-plastic that do not compost and that can contaminate the compost and compromise the certification as an organic product with CDFA.

CalRecycle is required to adopt regulations January 1, 2025, necessary to implement and enforce the Act. SB 54 will raise \$5 billion over 10 years.

WOODAGEDDON

NOVEMBER 2022 DOUBLE EDITION

‘WOOD’ HAVE

The last time California took a comprehensive look at biomass from the urban, agricultural and forest sectors was 10 years ago. Since then, supply and regulatory mandates have both significantly increased. The 2012 Bioenergy Action Plan outlined strategies, goals, objectives, and actions that California state agencies should take to increase bioenergy development in California.

Several legislative efforts have been attempted to update the Bioenergy Action Plan with a more comprehensive Organic Waste Scoping Plan. Three Aguiar-Curry bills: AB 144 (2019), AB 1567 (2020) and AB 1086 (2021-22) failed at multiple scenarios to develop funding and find a responsible agency to provide this type of leadership. These bills were killed in Appropriations by state agencies with inflated budget estimates to prepare such study that had been prepared with existing staff in the past. The anticipated outcome was to reduce conflict among State policies intended to reduce net air and climate pollution while balancing the immediate needs of local communities. By default, biomass from the urban, ag and forest sectors are now competing. Instead there should be harmonizing policies to harness the biomass for biofuels and for a bioenergy baseload for when the sun does not shine and when the wind does not blow.

Chips Down

SB 498 (Lara, 2014) requires that the operator or owner of a biomass energy facility provide an [Annual Report to CalRecycle](#) regarding the total amount and type of biomass material accepted by the facility, starting with calendar year 2015 data. The SB 498 annual reporting for 2021 shows how 3.9 million total tons were accepted in 2021. The urban sector provided 1.76 million tons for biomass energy in 2015, which has steadily declined to just 888,000 tons in 2021 (a loss of 872,000 tons over 7 years, losing about half the market). Urban wood chips are being crowded out by the forest and agricultural wood chips. We had hoped that those tons would go to mulch or bulking agents.

When comparing CalRecycle Waste Characterization Studies, there were 2.68 million tons of urban wood waste disposed of in 2014, and 3.16 million tons disposed of in 2018, an increase of 18%, or 490,000 tons that could have been biomass fuel and were instead landfilled. Meanwhile, as SB 1383 is being phased in, we have to make up for those 490,000 old biomass tons that were disposed of, plus 1.67 million tons of new wood waste that will need to be diverted by 2025. SB 1383 has organic product procurement options, and if it all went toward bioenergy, 2.16 million tons could produce 237 MW and power 3.1 million homes! CalRecycle needs to publish the ‘Non Yard Wood Waste Disposal Minimization’ strategy as part of their statutory obligation that has not been fulfilled in decades.

SB 1109 (Caballero)

TOPIC. California Renewables Portfolio Standard Program: bioenergy projects.

This bill would extend the electrical corporations’ obligation to collectively procure their proportionate share of 125 megawatts of cumulative rated generating capacity from bioenergy projects to December 31, 2023, through financial commitments of 5 to 15 years, inclusive. The bill would exempt from these requirements a local publicly owned electric utility that previously entered into a 5-year financial commitment under existing law under certain conditions. The bill would require any incremental procurement of electricity products from bioenergy resources by a new contract or contract extension of 5 years or longer in duration to be from a resource that meets emission limits equivalent to, or more stringent than, the best available retrofit control technology determined at the time of procurement by a new contract or contract extension.

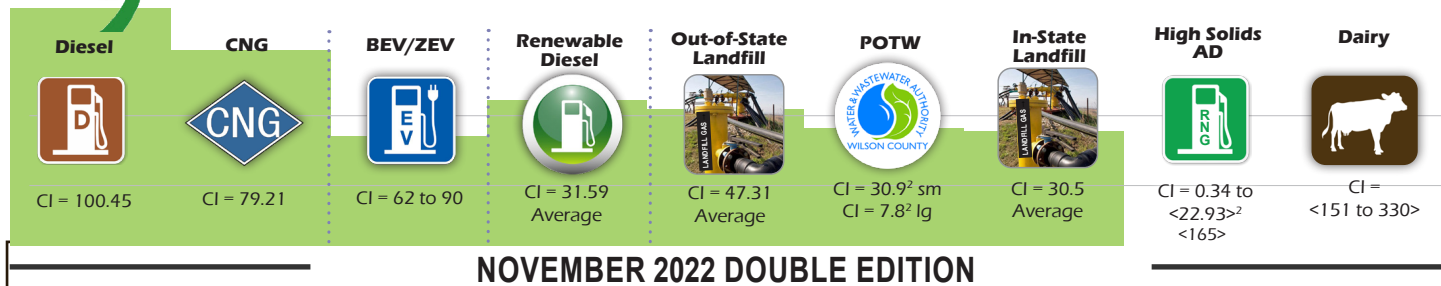
This bill would require those entities with a contract to procure electricity generated from biomass that expires on or before December 31, 2028, to seek to amend the contract to include, or seek approval for a new contract that includes, an expiration date 5 years later than the expiration date in the contract that was operative in 2022. The sponsors argue that the procurement of biomass electricity is beneficial to the state in helping to reduce wildfire risks, while providing reliable and renewable energy resources.

STATUS – Approved by the Governor on Sept. 16, 2022

CALIFORNIA COMPOST COALITION

FUELS - CARBON INTENSITY

Certified Pathways (2020)



ELECTRIC KOOL-AID

The Governor is proposing to invest \$10 billion over six years in ZEVs, with a focus on disadvantaged communities that are most impacted, while shorting the carbon-negative solutions of today. California politics is fixated on ZEVs, betting heavily on what they think the perfect carbon neutral future may be and skipping over 2030 goals when extreme climate change is inevitable. The Administration has drank the electric Kool-Aid without any conditions on sourcing or end-of-life recycling.

What CARB fails to recognize is that using ZEVs is not truly a zero emission practice. The Scoping Plan Statutory Requirement is to minimize leakage, where CARB is picking ZEV as the technology winner while exporting GHG emissions out of State. ZEVs have a carbon intensity of 62 to 90 (gCO₂e/MJ) when combining the energy required to produce electricity to charge the battery and the manufacturing process of the battery.

California's unstable electrical grid has a carbon intensity of 24 (gCO₂e/MJ). The range of emissions from battery manufacturing has a carbon intensity of 38 – 66 (gCO₂e/MJ) as presented by Edgar & Associates' report, '[Life Cycle Greenhouse Gas Impacts of Electric Vehicle Battery Manufacturing](#)'. CARB is blinded by their tailpipe mentality, forgetting that the essence of the Low Carbon Fuel Standard is built upon credible life-cycle analyses which ZEVs should also be evaluated by.

LCFS Revisions for 2022

California plans to finally restart LCFS workshops having been stalled out for two years. CARB Scoping Plan modeling shows more clean fuels need to come online at a faster rate to meet carbon neutrality goals by 2045. ZEV battery use as a transportation fuel needs a full life-cycle analysis under the LCFS but will be given a pass as we are all supposed to look the other way.

The LCFS currently requires the average carbon intensity of California transportation fuels to fall 20% below 2010 levels by 2030, with the current Carbon Intensity (CI) benchmark set at 10% by 2022. However, a flood of renewable diesel and other low-carbon alternatives like ZEVs (without the lifecycle analysis for manufacturing) have caused the average carbon intensity of California's transportation fuel pool to plunge much faster than expected, causing LCFS credit prices to nearly halve over the past two years.

Some LCFS market stakeholders have petitioned CARB to commence a rulemaking process that would strengthen the pre- and post-2030 LCFS CI reduction targets. However, CARB officials have maintained that they want to wait for the 2022 Scoping Plan update to set the table before beginning any formal LCFS rulemaking process to adjust the CI targets or other elements of the LCFS. CARB invites you to participate in a preliminary public workshop to provide input on potential changes to the LCFS on November 9, 2022. The Environmental Justice Advisory Committee wants to remove dairy biogas from the LCFS and be rid of the deep carbon negative scores for RNG.



Napa Recycling and Waste Services

The AD facility is designed to process up to 44,000 tons per year of source-separated organic wastes. The carbon intensity (CI) value was calculated based on life cycle analysis using a modified version of the Board-approved Tier 1 Simplified CI Calculator for Biomethane from Anaerobic Digestion of Organic Waste. RNG produced from food scraps and urban and landscaping waste plans to dispense onsite for transportation use in their near-zero NO_x CNG fleet. CARB has certified that composite carbon intensity score of minus 165.05 CI. This facility was awarded a \$3 million CEC grant and is on the CalRecycle B List for \$1.43 million of organic processing equipment, funded in 2022.



South San Francisco Scavenger Company conducted its analysis of carbon intensity (CI) for their pathway using a modified version of the Tier 1 Simplified CI Calculator for Biomethane from Anaerobic Digestion of Organic Waste. The renewable natural gas produced from food scraps, upgraded at facility, and used for onsite fueling of their near-zero NO_x CNG fleet, received a minus 79.91 carbon intensity. RNG, produced from just urban landscaping waste without any food waste, is just above carbon neutral at 0.28 carbon intensity. This facility was the first carbon negative anaerobic digestion facility certified, with carbon intensity of minus 22.93, as part of a \$2.6 million, 2012 CEC grant.

CALIFORNIA COMPOST COALITION



NOVEMBER 2022 DOUBLE EDITION

CARB DIRECTS STAFF TO GIVE SB 1383 FLEETS RELIEF

The highly anticipated Advanced Clean Fleets (ACF) action by the CARB board took place on October 27 in Sacramento. Staff released a very aggressive proposal in late August that would restrict fleets of 50 or more trucks or \$50 million or more in annual revenues from buying diesel or gasoline-powered trucks after 2023 while at the same time forcing the CARB-compliant trucks in the fleet off the road as early as 2024. Haulers below the 50 truck/\$50 million threshold were not initially the target of CARB staff but are now squarely in the crosshairs and the CARB Board confirmed that smaller fleets as low as five trucks will be captured in the Final Regulation. On a positive note, fleets using renewable natural gas (RNG) to implement SB 1383 services will be given “more flexibility” when the final ACF is approved within six months.

The Hearing: In preparation, CleanFleets.net personally met with seven Board members to make the case for the haulers. The Edgar Institute applied pressure at CalRecycle, CARB’s Environmental Justice Advisory Committee, CARB’s Scoping Plan proceedings and the State’s Little Hoover Commission on SB 1383 implementation. There was obvious strength in numbers as well over 150 speakers representing like-minded states, environmental groups and organized labor pushed the Board to forge head faster than proposed by the staff. While they were instrumental

in pushing for smaller haulers to be regulated, they failed to get CARB to ban the use RNG in the future by the waste industry.

SB 1383 Relief: Six of the seven Board members with whom we met supported granting an exemption to fleets using RNG (one supporting an exemption “forever”). How this plays out will be the subject of intense negotiations with CARB over the next few months. This did not happen overnight as it is a credit to the Edgar Institute’s persistence and coalition building over more than four years to help get the messaging to the right Board members at the right time. To utilize the future flexibility, haulers that fit into the new “fleet size” in the Final Regulation should not assume they can run their diesel or gasoline trucks (F250 weight and up) on a “forever” basis as it is clear that CARB will require those phased-out at a future date. Also, enthusiasm is tempered with the knowledge that CARB staff will debate with us the details, such as those that immediately come to mind:

1) source of RNG to qualify, 2) truck types that may or may not qualify, 3) how fast the diesel phase out should occur, 4) when a ZEV collection truck has evolved to the point it may be route ready then at what point does the RNG flexibility end, 5) what documentation and evaluations of ZEVs do they want.

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AB 2836 (Eduardo Garcia)

TOPIC: Carl Moyer Memorial Air Quality Standards Attainment Program: vehicle registration fees: California tire fee.

Existing law, beginning January 1, 2024, limits the Carl Moyer Program to funding projects that reduce emissions of oxides of nitrogen (NOx) from covered sources. Existing law, until January 1, 2024, defines covered source for purposes of the Carl Moyer Program to include any marine vessel and any other category necessary for the state and air districts to meet air quality goals. This bill would extend the current authorization for the Carl Moyer Program to fund a broader range of projects that reduce emissions from covered sources until January 1, 2034.

Existing law, until January 1, 2024, raises the limit on the amount of that surcharge from \$4 to \$6 and requires that \$2 of the surcharge be used to implement the Carl Moyer Program, among other programs. Existing law requires the Department of Motor Vehicles to collect that surcharge if requested by the district, and requires the department, after deducting its administrative costs, to distribute the revenues to the district. Beginning January 1, 2024, existing law returns the surcharge limit to its previous amount of \$4. This bill would extend, until June 30, 2034, the authorization for the San Joaquin Valley Unified Air Pollution Control District to charge an adopted increased surcharge up to, but not exceeding, \$30, through fiscal year 2033–34.

STATUS: Governor approved on September 16, 2022

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, Inc.
Atlas Disposal Industries LLC
BLT Enterprises of Fremont
Burrtec Waste Industries, Inc.
California Waste Recovery Systems
Cedar Ave Recycling and Transfer
Contra Costa Waste Service, Inc.
CR&R Environmental Services
Gilton Resource Recovery
Marin Sanitary Service
Monterey Regional WMD
Napa Recycling and Waste Services
Northern Recycling Compost
Peña's Disposal Service
Pleasanton Garbage Service
Quackenbush Mt. Compost
Recology
San Joaquin County Public Works
Soiland Co., Inc.
Tracy Material Recovery
Upper Valley Recycling
Vision Recycling
Waste Connections - Cold Canyon
WC Wood Industries
Zero Waste Energy, LLC.

CCC Partners

California Wood Recycling
Clover Flat Compost
GreenWaste Recovery
ReFuel Energy Partners
Resource Recovery Coalition of CA
Sonoma Compost
Synagro - South Kern
Zanker Road Resource Management
Z-Best Compost Facility
Zero Waste Energy Development

CCC Technology Partners

CleanFleets.net
Compost Manufacturing Alliance
Engineered Compost Systems
JRMA Architects Engineers
Phoenix Energy
Schaefer Systems International, Inc.
Trillium/ Scott's Turbo
Yorke Engineering LLC

CCC Governmental Affairs

Kayla Robinson, EEC
Neil Edgar, Edgar & Associates, Inc.
Evan Edgar, Edgar & Associates, Inc.
Sean Edgar, Clean Fleets Advocates

Advanced Clean Fleets News

CARB DIRECTS STAFF TO GIVE SB 1383 FLEETS RELIEF

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Fleet Size: In a stunning conclusion to a nearly nine-hour public hearing, CARB's environmental justice members asked staff to, "go after those trucks that are the worst actors" by coming back next Spring with a final ACF Regulation that drops the regulated fleet size as low as five truck owners being mandated to purchase only Zero Emissions (ZE) trucks from 2024 onward.

In an exchange of ideas that would not have likely occurred under past Board hearings, new Chair Liane Randolph warned against the possibility of "more burden than necessary" and it might be "counterproductive" to drop the regulated fleet size lower than the 50 truck and larger fleets that staff targeted in the draft regulation language. CARB's Division Chief in charge of mobile source regulation explained to the Board that dropping the limit to ten trucks would add "two to three times" the number of fleets included in the Regulation. Nevertheless, staff was directed to return with analysis for a final regulation that drops the fleet size limit lower than 50 (as low as the five to ten truck fleet size) and make other changes as summarized below. For readers that have not had a recent ACF Impact Analysis done by CleanFleets.net, now is the time to evaluate your fleet size.

Conclusion: The Edgar Institute invested hundreds of hours to produce technical studies ranging from the GHG benefits of SB 1383, the life cycle of ZEV batteries to the deficiencies in the energy sector making ACF impossible to execute by the haulers. CleanFleets provided expert witness review of the CARB ACF Total Cost of Ownership as part of a 50-page legal filing to the CARB official docket that was made through the Western States Trucking

Association (WSTA) We engaged with other associations (e.g. CIAQC, CTA, CalCIMA, Beer & Beverage) and I personally met with seven Board members to make the case that the proposal is nowhere near being ready for implementation due to the obvious lack of infrastructure, lack of ZEV truck technology that can be used profitably as well as legal concerns from our brief. Especially in light of the fleet size discussion this effort needs to be expanded over the next six months through the Final Regulation adoption and beyond that into the expected late 2023 fleet reporting and planning requirements.

For those that supported the WSTA Legal Fund we are grateful as the association has committed over \$100,000 to lead the charge to ensure that the natural gas alternative analysis and other legal comments are filed. The association has commitments of a little more than half that amount. For those haulers that have not yet committed to the request for a \$5,000 maximum commitment to get legal representation and technical support through the Spring 2023 CARB hearing it is requested you consider this now to keep staff's feet to fire on the SB 1383 relief as well as ensure the legal process (e.g. the Environmental Assessment alternatives supporting natural gas trucks) is completed appropriately.

Finally, should the SB 1383 relief not materialize successfully to the haulers' satisfaction we should maintain legal counsel that helped us get here through the possible procedural challenges as the Final Regulation is adopted and implemented. We may need to litigate as we mitigate. Sean Edgar may be reached at (916) 718-7050 with any comments or concerns or to pledge your support to our continuing efforts for the good of our clients and the waste industry at large.