CALIFORNIA COMPOST COALITION

THE LEGISLATION EDITION

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Sustainable Organics Recycling

RURALS COMING OUT OF THE WOODS AND FIELDS

California draws strength from water, timber, and food, which are among the many invaluable resources coming from rural communities that are critical in supporting robust agriculture, small businesses, and industry statewide. As Politico reports, it's the first time in decades that both of California's legislative leaders hail from rural districts. Local politicians accustomed to being on the outskirts of Sacramento policymaking are enjoying the view from the inside where business moderates were assigned key leadership roles. Leaders with rural interests, particularly in agriculture but also in forestry and local government, see an opening to finally make their mark on nation-leading policies. From Senator Pro-Tem Mike McGuire's sprawling winery and redwood North Coast district to Assembly Speaker Robert Rivas' Central Coast region, known as the salad bowl of America, things are not so urban at the Capitol. Rivas, who grew up in farmworker housing, named climate resilience as one of his top priorities, giving land management a particular shout-out. With the McGuire and Rivas leadership team, new chairs were named for the Legislative Committees, which reflect their roots.

In this election year forest biomass and agricultural carbon farming are being addressed but under a backdrop of severe budget deficits. Rurals are coming out of the woods and fields to help combat climate change with their natural and working lands, sinking carbon from urban emitters. With a pitchfork rebellion splintering the nation with each presidential election cycle, it is time for the urban and rural divide to heal with healthy soils and sustainable forests.

The budget deficit could be up to $73 billion as funding will be scarce and cost-effective regulations and programs should now be required. The proposed Budget has delayed and deferred some one-time costs and many climate resiliency programs. An early action plan was just announced to tackle the $17.3 billion gap before the regular budget process later this spring. Help is on the way to fund some of the forest and agricultural climate programs that may be cut with a Priority Climate Action Plan that could pump in over $1 billion in federal EPA dollars this fall.

The California Legislature has set forth with 2,124 bills this year that include 1,505 in the Assembly and 619 in the Senate. The rurals will be rurals with SB 1383 and get their exemptions and waivers with 3 bills in play. There are several bills supporting composting including SB 1135, proposing the California Compost Tax Credit; SB 1046 promoting a Program EIR for Compost; SB 1045 for compost permitting streamlining, AB 2346 on compost procurement; and AB 2400 that extends sales and use tax exclusions for recycling and compost equipment. There are several bills on voluntary carbon credits.

California is awash with biomass that has no home where we cannot compost the world of waste. A biomass to hydrogen plan is an obvious solution to continue the organic circular economy where the industry can produce renewable hydrogen via non combustion thermal bioconversion technologies such pyrolysis. AB 2514 proposes a technology that can destroy PFAS and produce hydrogen with an SB 1383 procurement pathway. SB 1420 plans to define 'renewable hydrogen' by its carbon intensity following the Low Carbon Fuel Standard. We can take biomass from the Stump to Pump, avoid the dump, and fuel our next generation of ZEV fleets with hydrogen fuel cell technology.

Over the past 40-plus years, U.S. economic policies have widened the gaps between rich and poor, black and white, and rural and urban. Americans are more politically polarized than they used to be as the politics of rural voters don't always fit neatly into partisan categories. Rural Americans value the protection of their air, water, and soil as much — or even more — than their urban counterparts, but they use different words for it. It's time to cowboy up for climate change. That means carbon farming our fields and making hydrogen out of dead wood will be the change the urbanites need and the rurals can deliver on.

Hoover Down

The Little Hoover Commission adopted the SB 1383 Implementation Report in May 2023 that had 11 recommendations that we supported, but we opposed the top one to PAUSE SB 1383. SB 1383 will not be delayed for urban jurisdictions, but there is planned clean-up legislation underway. While the rural will be rurals with AB 2902 (Woods) to allow further exemptions and relief, many of the other recommendations are going down in legislation this year. Permit streamlining is needed for compost and anaerobic digestion facilities where SB 1045 (Blakespear) will attempt to bring some statutory deadlines to air permitting which currently takes years instead of months for proven technology. Years ago, CalRecycle developed a Program EIR for anerobic digestion facilities, where SB 1046 (Laird) plans to develop a Program EIR for compost facilities, which needs to also include food waste in covered aerated static pile facilities, as well as green waste.

Procurement has been a key issue where AB 1985 (Rivas, 2022) phased in procurement to 65% in 2024 and 100% in 2025. AB 2346 (Lee) may allow direct service providers to bank future compost production to backfill the previous years until their facility is operating. AB 2514 (Aguiar-Curry) plans to add both PUC pipeline methane and hydrogen to the SB 1383 procurement options.

There are two spot bills on methane that may take twists and turns. SB 972 (Min) may assist the League of Cities on SB 1383 implementation with tools and resources after CalRecycle distributed $110 million to help the cause last year. AB 3208 (Boerner) is spotting enough to Watch. There are several climate change bills to watch including AB 2372 (Bains), AB 2569 (Connolly), AB 3230 (Petrie-Norris), and SB 1136 (Stern) – which have to do with reporting, cost, and state agencies.

SB 1383 Bill Watch

SB 1045 (Blakespear)

POSITION – Sponsor – Support

TOPIC: Composting facilities: zoning: air and water permits. This bill, on or before June 1, 2026, would require the Office of Planning and Research, in consultation with the CalRecycle to develop a model zoning ordinance that facilitates the siting of composting facilities by cities or counties to meet the organic waste reduction goals. The Planning and Zoning Law authorizes the legislative body of any city or county to adopt ordinances regulating zoning by, among other things, regulating the use of buildings, structures, and land, as specified. This bill, beginning on the date of completion of the model zoning ordinance, and before January 1, 2027, would require a city or county, upon amending any zoning ordinance, to additionally amend an appropriate zoning ordinance to allow composting facilities based on the model ordinance developed by the Office of Planning and Research.

This bill would require, no later than 30 calendar days after a district or a regional board, as applicable, has received a permit application for a new or revised permit for a compost facility, the district or regional board to determine in writing whether the permit application is complete and correct and to immediately transmit the determination to the applicant for the permit. The bill would further require, no later than 60 calendar days after acceptance of a permit application for a new or revised permit for a compost facility as complete and correct, the district or regional board to conduct a review of the permit and accept or deny the permit. The bill would require the fee to be collected as part of the application fee charged for the permit. By imposing a higher level of service on air pollution control districts and air quality management districts, the bill would impose a state-mandated local program.

STATUS: April 3, 2024 – Double refereed to Senate EQ and Local Government Committees

NOTE: Satirically, AB 1045 (Irwin, 2015) our first permit streamlining bill, had Cal-EPA administering this legislation that sunsetted in 2021 with only one meeting, and a hastily written report. Cal-EPA never even posted up their recommendations on their website as required.

SB 1046 (Laird)

POSITION: Support

TOPIC: Organic waste reduction: program environmental impact report: green material composting operations. Existing law requires CalRecycle, in consultation with CARB, to adopt regulations to achieve certain reduction targets in the organic waste disposed in landfills and to analyze the progress that the waste sector, state government, and local governments have made in achieving those reduction targets, as provided. Existing law authorizes the department to provide incentives to facilitate progress toward the reduction targets if the department determines that sufficient progress has not been made.

The California Environmental Quality Act (CEQA), requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect, as provided. Existing regulations describe the advantages and uses of a program environmental impact report.

For the purposes of this bill, “green material composting operation” means a composting operation that has no more than 12,500 cubic yards of feedstock, chipped and ground material, amendments, additives, active compost, and stabilized compost onsite at any one time, and that complies with the enforcement agency notification requirements set forth in Article 3.0 (commencing with Section 18100) of Chapter 5 of Division 7 of Title 14 of the California Code of Regulations and with the applicable requirements specified in Chapter 3.1 (commencing with Section 17850) of Division 7 of Title 14 of the California Code of Regulations.

This bill would require CalRecycle to prepare and certify, by January 1, 2027, a program environmental impact report that streamlines the process with which jurisdictions can develop and site green material composting operations, as defined, for processing organic waste, as specified. This bill will need to be amended for food waste CASP projects.

STATUS: Senate Appropriations Committee Hearing on April 8, 2024

SB 1383 Bill Watch

AB 2902 (Wood)

POSITION: Watch Rurals Being Rurals

TOPIC: Organic waste: reduction regulations: rural exemptions. This bill would extend the rural jurisdiction exemption indefinitely, except as provided, and would require, commencing January 1, 2027, those jurisdictions to take specific actions to help reduce, divert, or recycle organic waste. The bill would require the department to exclude residents included in department-issued low population or elevation waivers from the population in determining a local jurisdiction's organic waste procurement target. The bill would require a jurisdiction that no longer qualifies for a rural exemption due to an increase in population to have 3 years from the date of that population increase to comply with the organic waste collection services and procurement requirements, as specified. The bill also would authorize nonexempt counties that generate less than 200,000 tons of solid waste annually to request the department's approval of a different organic waste diversion and recycling program. The bill would authorize a nonexempt jurisdiction to request a waiver from CalRecycle from a requirement to separate and recover food waste and food-soiled paper if there are significant public safety issues associated with food waste collection as a result of local bear populations, as provided.

This bill would require CalRecycle to develop training and technical assistance materials to assist local governments in expanding community composting operations, to create a model ordinance and franchise provisions that exempt small-scale community composting operations from specific regulatory and exclusivity provisions, and to evaluate ways to incentivize local carbon farming efforts, maximize the local benefits of edible food recovery programs, and explore circumstances in which recovered food may be more suitable for use in local animal feed operations.

STATUS: Assembly Natural Resources Committee hearing on April 8, 2024

NOTE: There are several rural exemption and waivers bills introduced with SB 1175 (Ochoa Bogh) and SB 1232 (Grove) to let the rurals be rural. Sponsored by the Regional Council of Rural Counties.

AB 2346 (Lee)

POSITION: Strong Watch

TOPIC: Organic waste reduction regulations: procurement of recovered organic waste products. Existing law requires CARB to complete, approve, and implement a comprehensive strategy to reduce emissions of short-lived climate pollutants in the state to reduce the statewide methane emissions by 40% below 2013 levels by 2030. Existing law requires CalRecycle, in consultation with CARB, to adopt regulations that achieve specified targets for reducing organic waste in landfills, as provided. CalRecycle's organic waste regulations require local jurisdictions to annually procure a quantity of recovered organic waste products and to comply with their procurement targets by directly procuring recovered organic waste products for use or giveaway or by requiring, through a written agreement, that a direct service provider to the jurisdiction procure recovered organic waste products, or both. Those regulations specify the types of recovered organic waste products that a jurisdiction may procure, including compost that is produced at a compostable material handling operation or facility, or a specified digestion facility that composts onsite. Other regulations of the department require all compostable materials handling activities to obtain a facility permit from CalRecycle prior to commencing operations and meet other specified requirements.

This bill would authorize local jurisdictions to be credited for the procurement of recovered organic waste products through an agreement with a direct service provider, as defined, and would allow the direct service provider agreement to include the procurement of recovered organic waste products on a prospective or retrospective basis as long as the purchase of those products occurs during the year for which the local jurisdiction seeks credit. The bill would also authorize local jurisdictions to count towards their procurement targets, compost produced and procured from specified compost operations, as defined, and, until 2030, investments made for the expansion of the capacity of compostable materials handling operations or community composting operations, as provided.

STATUS: Assembly Natural Resources Committee Hearing on April 8, 2024

SB 972 (Min)

POSITION: Watch this Spot Bill by the League of Cities

TOPIC: Methane emissions: organic waste: landfills.

Existing law requires CalRecycle, in consultation with CARB to adopt regulations that achieve the specified targets for reducing organic waste in landfills. The California Global Warming Solutions Act of 2006 designates the State Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases.

The bill would require the CalRecycle and CARB, and the California Environmental Protection Agency to hold at least 2 joint meetings per calendar year to coordinate their implementation of policies that affect those specified targets for reducing organic waste in landfills and the department's regulations adopted to achieve those goals, as specified.

STATUS: Senate Environmental Quality Committee Hearing on April 24, 2024

AB 3208 (Boerner)

POSITION: Watch this Spot Bill

TOPIC: Greenhouse gases: methane. Existing law requires CARB to take certain actions related to methane emissions. CARB shall do all of the following:

(a) Undertake, in consultation with districts that monitor methane, monitoring and measurements of high-emission methane hot spots in the state using the best available and cost-effective scientific and technical methods.

(b) Consult with federal and state agencies, independent scientific experts, and other appropriate entities to gather or acquire the necessary information for the purpose of carrying out a life-cycle greenhouse gas emission analysis of natural gas produced and imported into the state using the best available and cost-effective scientific and technical methods.

(c) Review, in consultation with independent scientific experts, the most recent available scientific data and reports on the atmospheric reactivity of methane as a precursor to the formation of photochemical oxidants.

STATUS: May be heard in Committee

CA Budget

Giveth and Taketh Away

SB 1383 is a huge lift, requiring strong partnerships between local government and industry to invest over $3 billion in infrastructure and $18 billion in operations for years to come. SB 1135 (Limon) could have up to $120 million per year for 10 years to fund the California Compost Tax Credit Fund. This bill would additionally continuously appropriate up to 20% of moneys in the California Compost Tax Credit Fund, not to exceed $24 million per fiscal year, for composting infrastructure and existing healthy soils programs. AB 2400 (Luz Rivas) extends the sales and use tax exclusion for recycling and composting equipment to January 1, 2031, for up to $100 million per year. Whereas the State Treasurer could giveth millions, SB 1426 (Blakespear) could taketh the divertible feedstock away in this franchise busting bill. Without these feedstocks to feed our diversion facilities, others may be eating our lunch in the future. It would be wiser to oppose this bill. SB 1426 is sponsored by both the Recycle Right Coalition and surprisingly by the State Treasurer - Fiona Ma. We hope the amendments narrow the bill. Where there are no free lunches, we are supporting AB 2311 (Bennett) that seeks secured and sustainable funding for the edible food recovery instead of just relying on grants and the community benefit programs that we have established.

CalRecycle distributed over $270 million in grant funding for SB 1383 last year, and this year only $7,000 was budgeted. The budget deficit is growing larger each month, to over $73 billion, where austerity is here. AB 867 (Allen) is a climate bond of $15.5 billion in the making last year that could be whittled down to around $5 billion, and where organic waste infrastructure will need to be added in. A landfill tip fee increase beyond the $1.40/ton is an idea that is over 30 years old and people say has no chance.

Incentives Bill Watch

SB 1135 (Limon)

POSITION: Support

TOPIC: Greenhouse Gas Reduction Fund: income taxes: credit. Existing law, the California Global Warming Solutions Act of 2006, designates CARB as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The act authorizes CARB to include in its regulation of those emissions the use of market-based compliance mechanisms. This bill, in the 2025–26 fiscal year through the 2035–36 fiscal year, would transfer 1% of the annual proceeds of the Greenhouse Gas Reduction Fund, not to exceed $120,000,000 per fiscal year, to the California Compost Tax Credit Fund, which the bill would establish.

Existing law, the Personal Income Tax Law and the Corporation Tax Law, allow various credits against the taxes imposed by those laws. This bill, for taxable years beginning on or after January 1, 2025, and before January 1, 2036, would allow a credit against those taxes for each taxable year to a qualified taxpayer in an amount equal to amounts paid or incurred during the taxable year for the application of compost on agricultural lands, ranchlands, or rangelands to improve soils, sequester carbon, and reduce greenhouse gas emissions. The bill would require the Department of Conservation to allocate the credits to qualified taxpayers through an application process, as specified, and would limit the aggregate amount of credits allocated per fiscal year to the amount appropriated from the Greenhouse Gas Reduction Fund to the California Compost Tax Credit Fund, minus specified distributions, as provided. This bill would additionally continuously appropriate up to 20% of moneys in the California Compost Tax Credit Fund, not to exceed $24,000,000 per fiscal year, for composting infrastructure and existing healthy soils programs, as specified.

STATUS: Senate Natural Resources and Water Committee on April 9, 2024

NOTE: AB 2543 (Arambula) amends the California Carbon Sequestration and Climate Registry that was established with SB 27 (Skinner, 2021).

AB 2400 (Luz Rivas)

POSITION: Support

TOPIC: California Alternative Energy and Advanced Transportation Financing Authority Act. Existing sales and use tax laws impose taxes on retailers measured by the gross receipts from the sale of tangible personal property sold at retail in this state, or on the storage, use, or other consumption in this state of tangible personal property purchased from a retailer for storage, use, or other consumption in this state. The California Alternative Energy and Advanced Transportation Financing Authority Act establishes the California Alternative Energy and Advanced Transportation Financing Authority. The act authorizes, until January 1, 2026, the authority to provide financial assistance to a participating party in the form of specified sales and use tax exclusions for projects, including those that promote California-based manufacturing, California-based jobs, advanced manufacturing, reduction of greenhouse gases, or reduction in air and water pollution or energy consumption. The act prohibits the sales and use tax exclusions from exceeding $100,000,000 for each calendar year, except as provided. The Sales and Use Tax Law, for the purposes of the taxes imposed pursuant to that law, until January 1, 2026, excludes the lease or transfer of title of tangible personal property constituting a project to any contractor for use in the performance of a construction contract for a participating party that will use that property as an integral part of the approved project.

This bill would extend the authorization to provide financial assistance in the form of a sales and use tax exclusion for qualifying projects to January 1, 2031, and would extend the sales and use tax exclusion to January 1, 2031. The bill would make other conforming changes. This bill would take effect immediately as a tax levy.

STATUS: Assembly Revenue and Taxation Committee on April 15, 2024

NOTE: The inflation Reduction Act of 2022 created the Investment Tax Credit of 30% of the bioenergy facility investment, plus another 10% for American made bioenergy facility investments.

Incentives Bill Watch

SB 867 (Allen)

POSITION: Watch, Include Organic Waste Infrastructure Funding

TOPIC: Drought, Flood, and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, Park Creation and Outdoor Access, and Clean Energy Bond Act of 2024. The California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018, approved by the voters as Proposition 68 at the June 5, 2018, statewide primary election, authorizes the issuance of bonds in the amount of $4,100,000,000 pursuant to the State General Obligation Bond Law to finance a drought, water, parks, climate, coastal protection, and outdoor access for all programs. Article XVI of the California Constitution requires measures authorizing general obligation bonds to specify the single object or work to be funded by the bonds and further requires a bond act to be approved by a 2/3 vote of each house of the Legislature and a majority of the voters.

This bill would enact the Drought, Flood, and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, Park Creation and Outdoor Access, and Clean Energy Bond Act of 2024, which, if approved by the voters, would authorize the issuance of bonds in the amount of $15,500,000,000 pursuant to the State General Obligation Bond Law to finance projects for drought, flood, and water resilience, wildfire and forest resilience, coastal resilience, extreme heat mitigation, biodiversity and nature-based climate solutions, climate smart agriculture, park creation and outdoor access, and clean energy programs.

This bill would provide for the submission of these provisions to the voters at the March 5, 2024, statewide primary election. This bill would become operative only if SB 638 of the 2023–24 Regular Session is enacted and takes effect on or before January 1, 2024.

STATUS: Held in Assembly Natural Resources since June 2023

AB 2311 (Bennett)

POSITION: Support

TOPIC: Greenhouse Gas Reduction Fund: grant program: edible food. The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The act authorizes the state board to include the use of market-based compliance mechanisms. Existing law requires all moneys, except for fines and penalties, collected by the state board as a part of the market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund.

Existing law requires CalRecycle, upon appropriation, to administer a grant program to provide financial assistance to promote the in-state development of infrastructure, food waste prevention, or other projects to reduce organic waste, sort and aggregate or process organic and other recyclable materials into new, value-added products, or divert items from disposal through enhanced reuse opportunities. Existing law requires the grant program to provide eligible financial assistance for certain activities, including activities that expand and improve organic waste diversion and recycling, including, but not limited to, the recovery of food for human consumption and food waste prevention. Existing law specifies eligible infrastructure projects for purposes of the program, including, but not limited to, the construction of facilities to help develop, implement, or expand edible food waste recovery operations.

This bill would expand the grant program to provide financial assistance for the recovery of edible food, as specified. The bill would specify that eligible infrastructure projects includes the construction or expansion of facilities to help develop, implement, or expand edible food waste recovery operations. The bill would require CalRecycle to consider the increased amount of edible food recovery capacity that the project will create when awarding a grant for edible food recovery, and hopefully supplies sustainable funding.

STATUS: Re-referred to Assembly Appropriations on March 20, 2024

Franchise Bill Watch

SB 1426 (Blakespear)

POSITION: Oppose

TOPIC: Waste reduction: undiverted materials. Existing law authorizes each county, city, district, or other local governmental agency to determine aspects of solid waste handling that are of local concern and whether the services are to be provided by means of nonexclusive franchise, contract, license, permit, or otherwise.

This bill would define “diversion services” to mean the collection, transportation, and diversion of materials that would otherwise become solid waste, including through reuse, recycling, manufacturing, anaerobic digestion, or other similar services.

The bill would prohibit a city or county ordinance from precluding the collection, transportation, or diversion of materials not diverted by, or the provision of diversion services using a method or process not offered by, a local governing body’s solid waste handling services, as specified **(i.e. Franchise Busters)**.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

An ordinance adopted by a local governing body, or an ordinance enacted by initiative of the voters of a city or county, shall not preclude the collection, transportation, or diversion of materials not diverted by, or the provision of diversion services using a method or process not offered by, a local governing body’s solid waste handling services.

This bill would declare that the collection, transportation, and diversion from the solid waste stream of undiscarded materials that are not diverted by local waste handling services is a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, Section 1 of this act adding Section 40059.5 to the Public Resources Code applies to all cities, including charter cities. State Treasurer Fiona Ma remains co-sponsor with the Recycling Right Coalition.

STATUS: Re-referred to Senate EQ and Local Government Committees

Stump to Pump

There has not been a statewide biomass plan since 2012 for the urban, agricultural, and forestry sectors – each with their own policies, regulations, and incentives. The California Compost Coalition has sponsored 3 bills with Aguiar-Curry over the years to attempt to bring some type of coordination and vision to biomass in California, as each sector competes against each other with forestry crowding out urban at the old line biomass plants, and where Sierra Club thinks we can compost the world regardless of carbon-nitrogen ratios. Each bill failed as we muddle forward every year, trying to convert all that biomass into energy products and develop bioenergy as a baseload for when the sun does not shine, and when the wind does not blow. Wood of Could of Should of. CalRecycle last published a Wood Waste Report in 1995 and they still think chipping and grinding is a market, where it's just a process searching for an end market of mulch, renewable energy, low carbon fuel, and some compost feedstock as a bulking agent.

What is common among all wood waste sectors are the same type of technologies for woody biomass regardless of its source. SB 498 (Lara, 2012) defined biomass conversion using gasification technology as 100% renewable and 100% diversion which launched a community scale industry around the 3 MW BioMAT program. SB 1062 (Dahle) would assist the old line biomass plants of 10 MW or greater to convert to newer advanced bioenergy technology. Biomass to hydrogen is the next frontier using noncombustion thermal conversion advanced technologies such as pyrolysis, steam reformation and gasification. AB 2514 (Aguiar-Curry) would place pyrolysis as a biomass conversion technology that counts as SB 1383 diversion without going through Article 2. Plus, SB 1383 procurement would include both pipeline biomethane and renewable hydrogen.

Biomass Bill Watch

AB 2514 (Aguiar-Curry)

POSTION: Support by Evan Edgar

TOPIC: Solid waste: organic waste. One of the conditions for using biomass conversion to satisfy a portion of the solid waste diversion requirement is that pyrolysis not be included in the source reduction and recycling element. Pyrolysis is not defined for that purpose or for other purposes in the act. This bill would define pyrolysis, for purposes of the act and for the Warren-Alquist State Energy Resources Conservation and Development Act, as the thermal decomposition of organic material at elevated temperatures in the absence of gases such as air or oxygen. "Conversion" would mean the processes by which residue is converted to a more usable energy form, including, but not limited to, combustion, anaerobic digestion, and pyrolysis as defined in Section 40178, and is used for heating, process heat applications, and electric power generation.

Existing law requires CalRecycle, in consultation with CARB to adopt regulations, as specified, to achieve the reduction in the organic waste disposed in landfills. CalRecycle's regulations provide for, among other things, the calculation by the department of recovered organic waste product procurement targets for each local jurisdiction and a list of eligible recovered organic waste products for purposes of the procurement targets. This bill would require CalRecycle, no later than January 1, 2026, to amend those regulations to include, as a recovered organic waste product attributable to a local jurisdiction's procurement target, hydrogen and pipeline biomethane converted from diverted organic waste, as specified. This bill would require the department, when providing incentives to facilitate progress toward the reduction targets, to consider the life-cycle carbon intensity of different projects and then prioritize incentives for landfill diversion projects with the lowest life-cycle carbon intensity.

STATUS: Assembly Natural Resources Committee on April 8, 2024

NOTE: Private refuse fleets on RNG could pivot toward hydrogen fuel cells in 13 to 18 years instead of battery electric.

SB 1062 (Dahle)

POSITION: Watch

TOPIC: Energy: conversion of biomass energy generation facilities. Existing law requires the Public Utilities Commission to direct electrical corporations to collectively procure at least 250 megawatts of cumulative rated generation capacity from developers of bioenergy projects that commence operation on or after June 1, 2013.

This bill would require the Department of Conservation to develop the Biomass Technology Transition Program to support the conversion of energy generation facilities using biomass and traditional combustion technologies to newer advanced bioenergy technology facilities that result in reductions in the emissions of criteria pollutants, toxic air contaminants, and greenhouse gases. The bill would require the department, on or before December 1, 2025, to identify generation facilities with a generation capacity of 10 megawatts or greater that uses, or are in the process of recommissioning or the redevelopment of those facilities to use, any type of clean woody biomass and the operators of those facilities have demonstrated to the department their sincere interest, to the satisfaction of the department, in converting the facilities to advanced bioenergy technologies that result in a reduction in emissions of criteria pollutants, toxic air contaminants, and greenhouse gases. The bill would require the department to request the relevant local air pollution control district or air quality management district to provide information for each identified generation facility about best available control technologies, and other potential advanced emission control technologies, that would be required if the generation facility requests a permit, as provided. The bill would require the department, on or before January 1, 2032, to establish a grant program to support the distribution of advanced bioenergy technologies from those identified generation facilities that meet certain requirements.

STATUS: Senate Energy, Utilities and Communications on April 16, 2024

NOTE: The urban wood waste market shrank from 1,760,000 tons in 2015 to just 895,000 tons in 2022, being crowded out by the forest sector.

Hydrogen

Chasing Rainbows

Renewable energy is critical to reducing greenhouse gas emissions contributing to climate change. Hydrogen is a renewable energy source that emits zero carbon emissions — only water vapor, electricity, and heat. Many environmental and eco-justice groups despise hydrogen unless it is purely electrolytic (i.e. powered by the sun and the wind). This notion is held up by their three pillars that they think are fundamental to an emissions accounting system for grid-connected green hydrogen: 1.) temporality (time-matching), 2.) additionality, and 3.) regionality. AB 1550 (Bennett) attempted to achieve that but died in Committee early this year. AB 2204 (Bennett) was gutted and is now making another run at green hydrogen but this time with biomass feedstocks and is still stuck on the idealistic three pillars.

The diversity of hydrogen production is being defined by the rainbow color schemes where green hydrogen is way woke. Gray hydrogen is the most prevalent, made by the steam reformation of natural gas. Blue hydrogen is from fossil natural gas but with carbon capture. Brown hydrogen is from lignite coal. Red hydrogen uses nuclear heat. Gold hydrogen uses microbes inside abandoned oil wells. White Hydrogen is my rap name. Methane pyrolysis is turquoise. While the industry has been chasing rainbows of hydrogen to mitigate climate change, the eco-groups are stuck on electrification and battery electric vehicles, trying to mine our way out of global warming. The circular economy of renewable natural gas and renewable hydrogen is job creating, using our local waste feedstocks, as opposed to a global linear ZEV economy. SB 1420 (Caballero) is being sponsored by the California Hydrogen Council and will define renewable hydrogen based on its carbon intensity being less than the California grid such as the Low Carbon Fuel Standard has demanded for all other transportation fuels.

Hydrogen Bill Watch

SB 1420 (Caballero)

POSITION: WATCH

TOPIC: Hydrogen. This bill would require CARB to adopt regulations requiring that no less than 33.3% of the retail hydrogen produced for, or dispensed by, fueling stations that receive state funds is made from renewable hydrogen, as provided. The bill would also require that no less than 60% of the retail hydrogen produced or dispensed in California for use in transportation is made from renewable hydrogen by December 31, 2030, and that the remainder of the retail hydrogen produced or dispensed in California for use in transportation is made from a mix of renewable hydrogen and clean hydrogen by December 31, 2045, as provided.

This bill would add renewable hydrogen, as defined, that meets certain requirements, including that its use does not result in a net increase in emissions of oxides of nitrogen or other air pollutants and greenhouse gases from the electrical sector to the types of renewable energy a facility may use to qualify as a renewable electrical generation facility.

The bill would delete the exclusion of projects using hydrogen as a fuel from some CEQA provisions and would instead expressly authorize the Governor to certify projects that produce or use renewable or clean hydrogen.

STATUS: Passed Senate EQ on April 3, 2024. Referred to the Senate EU&C

AB 2204 (Bennett)

POSITION: Recommend Oppose

TOPIC: Green hydrogen. This bill would require, on and after an unspecified date, all hydrogen produced or used in California to be green hydrogen that excludes the use of any fossil fuel as a feedstock or as an energy source in the production process and that complies with any applicable requirements to show the use of new and incremental renewable generation resources, temporal matching of renewable generation resources, and geographic deliverability of renewable energy resources.

STATUS: Re-referred to Assembly Committee on Utilities and Energy

NOTE: AB 1550 (Bennett) on green hydrogen died in Committee on Feb 1, 2024. It had a narrow definition of hydrogen, limited to electrolytic generated by solar and wind only.

AB 2204 amendments may allow biomass based hydrogen generated by non-combustion thermal conversion technologies. However, the limiting factors of the three pillars of hydrogen that the other side think are fundamental to an emissions accounting system for grid-connected green hydrogen are: 1.) temporality (time-matching), 2.) additionality, and 3.) regionality.

California has received $1.2 billion from the Feds and a Production Tax Credit. The CARB Scoping Plan has been very supportive of renewable hydrogen where there will need to be a 1,700 times increase in hydrogen production.

CALIFORNIA COMPOST COALITION

PFAS

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.
Sustainable Organic Solutions (SOS)
Tracy Material Recovery
Upper Valley Recycling
Vision Recycling
Zero Waste Energy, LLC.

CCC Partners
California Wood Recycling
GreenWaste Recovery
ReFuel Energy Partners
Resource Recovery Coalition of CA
Sonoma Compost
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 / Yorke Engineering
Schaefer Systems International, Inc.
World Centric

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

Pyrolysis Destroys PFAS

The U.S. Food and Drug Administration announced on February 28, 2024, that grease-proofing materials containing per- and polyfluoroalkyl substances (PFAS – the forever chemicals) are no longer being sold for use in food packaging in the U.S. This means the major source of dietary exposure to PFAS from food packaging like fast-food wrappers, microwave popcorn bags, take-out paperboard containers and pet food bags is being eliminated. Exposure to some types of PFAS has been linked to serious health effects. The FDA helps to safeguard the food supply by evaluating the use of chemicals as food ingredients and substances that come into contact with food, such as through food packaging, storage or other handling to ensure these uses are safe. The Federal EPA is committed to conduct a biosolids risk assessment of PFAS in biosolids. The assessment is currently underway and is expected to be published by the end of 2024. After the risk assessment is complete, the EPA will engage in risk management to decide how to manage PFAS in biosolids, if necessary. EPA will use the results of the risk assessment in addition to other factors including economics and technological feasibility in the risk management process.

Scientific research has demonstrated that PFAS is eliminated by the process of pyrolysis. Pyrolysis systems offer the ability to destroy PFAS, especially when coupled with a thermal oxidizer for off-gas treatment. PFAS waste management has increasingly focused on final fate and the need to destroy (mineralize) these chemicals to avoid potential future liability associated with the potential for re-release to the environment. High-temperature technologies are the only PFAS destruction technologies currently applied on a large scale (e.g., over 100 tons of material per day) and operate at temperatures of over 1,000°C. Federal EPA published new monitoring rules in 2021 consistent with the EPA's PFAS strategic road map that highlighted the need for PFAS destruction in biosolids requiring companies to re-evaluate the oil extraction from pyrolysis. Pyrolysis was evaluated to pyrolyze Class A dried biosolids into biochar which destroys PFAS.

SB 903 (Skinner)

POSITION: Watch

TOPIC: Environmental health: product safety: perfluoroalkyl and polyfluoroalkyl substances. Existing law prohibits the distribution, sale, or offering for sale in the state of **certain food packaging** that contains regulated PFAS. Existing law prohibits the sale or distribution in commerce in the state of any new, not previously owned, juvenile product, as defined, that contains regulated perfluoroalkyl and polyfluoroalkyl chemicals.

This bill would, beginning January 1, 2030, prohibit a person from distributing, selling, or offering for sale a product that contains intentionally added PFAS, as defined, unless the Department of Toxic Substances Control (DTSC) has made a determination that the use of PFAS in the product is a currently unavoidable use, the prohibition is preempted by federal law, or the product is used. The bill would specify the criteria and procedures for determining whether the use of PFAS in a product is a currently unavoidable use, for renewing that determination, and for revoking that determination.

The bill would require DTSC to maintain on its internet website a list of each determination of currently unavoidable use, when each determination expires, and the products and uses that are exempt from the prohibition. The bill would impose a civil penalty for a violation of the prohibition, as specified.

This bill would require DTSC, on or before January 1, 2027, to adopt regulations to carry out the provisions of this bill. The bill would require the regulations to establish and provide for the assessment of an application fee. The bill would create the PFAS Oversight Fund and require all application fees to be deposited into the fund. The bill would require moneys in the account, upon appropriation by the Legislature, to be used to cover the department's reasonable costs of administering this act.

STATUS: From Senate Environmental Quality committee: Do pass (Ayes 4. Noes 2.) (April 3). Re-referred to Senate Judiciary Committee