

Summary of Changes Made to the Proposed Organic Waste Reduction Regulations

CalRecycle has posted a revised draft of the Proposed Organic Waste Reduction Regulations designed to implement the statutory provisions of SB 1383. The revised draft includes regulatory changes made in response to stakeholder comments received during the formal 45-day comment period.

The proposed changes contained in the revised regulatory text are subject to a formal 15-day comment period. The 15-day comment period will run from 6/19/2019-7/3/2019. Written comments on the new changes in the second draft of the Proposed Organic Waste Reduction Regulations will be considered as a part of the formal rulemaking process and receive a written response in the final rulemaking package. Comments should only be made the new proposed changes for this comment period. CalRecycle staff is only required to respond to comments related to the newly proposed changes to the regulations

Key Policy Changes

(A) Organic Waste Collection Services

a. Collection

- i. Reduced contamination route review frequency from quarterly to annually.
- ii. Authorized a jurisdiction to meet its contamination monitoring requirements through a facility based monitoring program.
- iii. Clarified that a jurisdiction is allowed to provide an “uncontainerized” green waste collection service.
- iv. Added provisions relative to the use of plastic bags for organic waste collection.
- v. Added provisions relative to the collection of compostable plastics with organic waste.

b. Containers

- vi. Delayed container color standardization date to 2036.
- vii. Changed “yellow container” to “brown container” for jurisdictions providing an additional container for food waste and specified colors that may be used if additional container separation is provided.
- viii. Revised the two-container collection service containers to be either green and gray, or blue and gray.

(B) Waivers And Emergency Circumstances

b. Low Population Waivers

- i. Increased incorporated city population waiver eligibility to 7,500.
- ii. Increased census tract density waiver eligibility to 75 people per square mile.

c. Elevation Waivers

- i. Added waivers exempting areas located at an elevation of 4,500 feet above sea level from the requirement to include food waste and food soiled paper in their organic waste collection service.

d. Emergency Circumstances

- i. Clarified that disaster waivers apply to organic waste collection services in impacted jurisdictions.

- ii. Added provisions exempting debris from homeless encampments from recovery requirements.
- iii. Added provisions authorizing disposal of quarantine material under limited circumstances.

(C) Performance-Based Source-Separated Organic Collection Service

- a. Authorized jurisdictions, in-lieu of implementing specified provisions of the regulation, to implement a performance-based source separated organic collection service.
 - i. A Jurisdiction implementing a performance-based source separated organic collection service, shall achieve the following:
 1. Provide a three-container organic waste collection service to 90 percent of generators subject to the jurisdictions authority.
 2. Transport all source separated organic waste collection containers to designated source separated organic waste recovery facility that recovers 75 percent of all organic content.
 3. Demonstrate that less than 25 percent of the content of gray (disposal) containers is organic waste.
 - ii. A jurisdiction implementing a performance-based source separated organic collection service is not required to comply with specified aspects of the regulation related to contamination monitoring, enforcement, education and outreach, reporting and other provisions.

(D) Education and Outreach

- a. Revised outreach requirements to require use of print or electronic media.
- b. Revised requirements for providing organic waste collection educational materials to non-English speaking residents.

(E) Publicly Owned Treatment Works (POTWs)

- a. Deleted requirement that biosolids can only be sent to a recovery facility.

(F) Edible Food Recovery Programs and Services

- a. Added provisions clarifying that commercial edible food generators must recover edible food unless specified “extraordinary circumstances” exist.
- b. Eliminated threshold for record keeping for food recovery services and organizations.

(G) Organic Waste Recycling Capacity Planning

- a. Clarified the requirements for using a local waste characterization study.
- b. Clarified the role of cities, counties, and other entities involved in capacity planning process.

(H) Procurement of Recovered Organic Waste Products

- a. Added that jurisdictions must adopt an ordinance or other enforceable requirement that requires compliance with the applicable sections of the Model Water Efficient Landscape Ordinance (MWELO).
- b. Expanded the range of renewable natural gas uses that count towards a jurisdiction’s procurement target.

- c. Added electricity derived from biomass conversion facilities to the range of uses that counts toward a jurisdiction's procurement target.
- d. Added provisions specifying that POTWs and biomass conversion facilities must source material from solid waste facilities in order for their products to count toward jurisdiction's procurement target.
- e. Added provisions specifying that renewable gas derived from POTWs is only eligible to count toward a jurisdiction's procurement target if the POTW recovers 75 percent of its biosolids.
- f. Aligned paper procurement requirements with the Public Contracts Code.

(I) Jurisdiction Reporting Requirements

- a. Limited initial compliance report to information relevant to organic waste collection service requirements and moved report date back to April 1, 2022.
- b. Moved initial capacity planning report date back to August 1, 2022.

(J) Enforcement and Oversight

1. Jurisdiction Enforcement Requirements

- a. Eliminated the requirement that jurisdictions impose per-day penalties.
- b. Revised penalty timeframes to define a "second and subsequent offense" as an offense that occurs within 12 months of the original offense.

2. CalRecycle Enforcement

- a. Authorized an initial Corrective Action Plan issued due to inadequate capacity to be extended by a period of up to 12 months.
- b. Revised penalty calculations for violations of recovered organic waste product procurement requirements.

(K) Requirements for Solid Waste Facilities

a. Organic Waste Recovery and Processing Standards

- i. Replaced daily sampling frequency with quarterly sampling periods.
- ii. Replaced daily contamination load checking requirements with periodic gray container waste evaluations.
- iii. Added recordkeeping and Local Enforcement Agency (LEA) monitoring requirements for compostable material sent to land application.
- iv. Added reporting requirements for recovery efficiency measurements for the source separated organic waste collection stream.
- v. Eliminated requirements for LEAs to observe at least one sample of each measurement per quarter at every solid waste facility.

b. Solid Waste Landfills

- i. Eliminated long term cover requirements.
- ii. Replaced daily contamination load checking requirements with periodic gray container waste evaluations.
- iii. Revised Status Impact Report (SIR) to require an analysis on effectiveness of intermediate cover that is used for a period of more than 12 months.