



Date: April 20, 2020  
TO: Interested Parties  
FROM: Ashlee Yee, SB 1383 Implementation Manager

The California Department of Resources Recycling and Recovery (CalRecycle) has released a revised draft of the SB 1383 regulatory text and the final, identified list of documents it relied upon for the rulemaking for a 30-day public review and comment period. **As noted below, CalRecycle is only required to respond to comments on the regulatory text that are directed at the changes in this draft.**

This comment period will run from **April 20, 2020 – May 20, 2020**. Comments must be submitted by 5:00 PM on **May 20, 2020** and may be submitted to:

Ashlee Yee  
Materials Management and Local Assistance Division  
California Department of Resources Recycling and Recovery  
P.O. Box 4025  
Sacramento, CA 95812  
PHONE: (916) 327-8824  
FAX: (916) 319-7233  
E-MAIL: [SLCP.Organics@calrecycle.ca.gov](mailto:SLCP.Organics@calrecycle.ca.gov)

\*\*\*In order to be compliant with Section 508 accessibility requirements, CalRecycle requests the submission of public comment letters in **Microsoft Word DOC** format in addition to other electronic formats (PDF, etc.).

#### **Document Availability:**

The updated regulatory language, itemized list of documents relied upon, as well as the entire rulemaking file, including documents relied upon and all information that provides the basis for the proposed regulation, are available for inspection and copying throughout the rulemaking process.

The updated regulatory language and a portion of the documents relied upon for the rulemaking are posted on the CalRecycle website at:  
<https://www.calrecycle.ca.gov/Laws/Rulemaking/SLCP/>

The entire rulemaking record, including those listed documents relied upon that are not posted to the CalRecycle website, is available for review upon a written request to Ashlee Yee at the email address listed above.

**Comments on the regulatory text should only be directed at language changes reflected in this revised regulatory draft. Comments on regulatory text that was not changed in this latest draft is not germane to this comment period and, per Government Code Section 11346.8(c), CalRecycle is not required to respond to such comments.** Revisions to the regulatory text that are subject to the requirement of a summary and response to comment are shown by deletions in **strikeout text in fuchsia** and additions in **purple underline italics**. All comments submitted during previous comment periods will be included and responded to in the rulemaking record and these prior comments do not need to be resubmitted. In order to focus stakeholder and CalRecycle resources, CalRecycle requests that stakeholders only focus their comments on items subject to comment during this comment period.

Please note that the documents relied upon are not new to the rulemaking record, were all available during prior comment periods, and most were already identified to the public. However, a portion of these documents were not explicitly identified consistent with the requirements of the California Administrative Procedure Act (APA). Therefore, for purposes of APA compliance and transparency, CalRecycle has released a single, collated list of all the documents relied upon for the rulemaking that are part of the existing record. The list is provided below. The list includes documents previously identified during the rulemaking process as technical, theoretical, and empirical studies and reports on pages 6 and 7 of the Initial Statement of Reasons (ISOR) as well as source documents listed in the Appendix to the ISOR which was made available from November 26 to December 13, 2019.

Thank you for your interest and participation in this process.

### **Final List of Technical, Theoretical and Empirical Study, Reports, or Documents Relied Upon:**

1. ASTM International: *Standard Test Methods:*
  - a. *Standard Test Methods for Determination of the Composition of Unprocessed Municipal Solid Waste; Designation: D-5231-92 (Reapproved 2003)*
  - b. *Standard Specification for Labeling of Plastics Designed to be Aerobically Composted in Municipal or Industrial Facilities. Designation: D6400 – 12*
2. Biosolids use and disposal for 2014- 2017. Data provided by California Association of Sanitation Agencies (CASA).

3. Burger, Zhu and Green: Research to Evaluate Environmental Impacts of Direct Land Application of Uncomposted Green and Woody Wastes on Air and Water Quality. Contractors Report Produced for CalRecycle March 30, 2015
4. Chestnut et al. 2006. *The Economic Value of Preventing Respiratory and Cardiovascular Hospitalizations: Contemporary Economic Policy* (ISSN 1074-3529) doi:10.1093/cep/byj007 Vol. 24, No. 1, January 2006  
<http://onlinelibrary.wiley.com/doi/10.1093/cep/byj007/full>
5. City of Los Angeles *RecyclLA Service Providers (RSPs) and Certified Facilities Waste Composition Study Guidelines*. August 2018
6. CNG NOW *Average CNG Price by State*. <http://www.cngnow.com/average-cng-prices/pages/default.aspx>
7. County Biosolids Ordinance Status 2017. Data provided by California Association of Sanitation Agencies.
8. Fann et. al., 2009. Fann N, Fulcher CM, Hubbell BJ. *The influence of location, source, and emission type in estimates of the human health benefits of reducing a ton of air pollution Air Quality*. Atmosphere & Health. 2:169-176.
9. Fann et. al., 2012. Fann N, Baker KR, Fulcher CM. *Characterizing the PM2.5-related health benefits of emission reductions for 17 industrial, area and mobile emission sectors across the U.S.* Environ Int. 2012 Nov 15;49:141-51.
10. Fann et. al., 2018. Fann N, Baker K, Chan E, Eyth A, Macpherson A, Miller E, Snyder J. *Assessing Human Health PM2.5 and Ozone Impacts from U.S. Oil and Natural Gas Sector Emissions in 2025*. Environ. Sci. Technol. 52 (15), pp 8095–8103.
11. Financial Statements, Consolidated Statements of Financial Position, and Independent Auditors Reports, on the financial records of the following food banks were used to estimate per ton costs for capital expenditures and operations and management for edible food recovery [listed name of organization, auditing entity, date of audit]:
  - a. *Central California Food Bank and Subsidiary*: Moss Adams, November 29, 2018
  - b. *Los Angeles Regional Food Bank*, Singer Lewak May 8, 2018
  - c. *Merced County Food Bank*: David Bruner, March 20, 2018
  - d. *Food Bank For Monterey County*: Hayashi Wayland, September 30, 2016
  - e. *Second Harvest Food Bank of Orange County*: White Nelson Diel Evans, November 12, 2018
  - f. *San Diego Food Bank*: Considine & Considine, October 12, 2018
  - g. *Yolo Food Bank*: Joseph Skowron. December 15, 2018

12. Frasz et al., Food Rescue Services, Barriers, and Recommendations in Santa Clara County, pgs. 19, 26, & 41, 2015,  
<https://www.sccgov.org/sites/rwr/rwrc/Documents/FoodShiftFinalReport.pdf>
13. Gravuer, Kelly: Compost Application Rates for California Croplands and Rangelands for a CDFA Healthy Soils Incentives Program. July 22, 2016.  
[https://www.cdfa.ca.gov/oefi/efasap/docs/CompostApplicationRate\\_WhitePaper.pdf](https://www.cdfa.ca.gov/oefi/efasap/docs/CompostApplicationRate_WhitePaper.pdf).
14. ICF International, 10/30/2009 memo from ICF International to US EPA  
[https://www.epa.gov/sites/production/files/2016-03/documents/warm\\_decay\\_rate\\_structure\\_10\\_30\\_2009.pdf](https://www.epa.gov/sites/production/files/2016-03/documents/warm_decay_rate_structure_10_30_2009.pdf). Referenced in CARB 18983.2 subdivision a3 Appendix Document, footnote 7. Filename: warm\_decay\_rate\_structure\_10\_30\_2009.pdf
15. Institute of Scrap Recycling Industries, Inc., Scrap Specifications Circular, p.62 February 2018, <http://www.scrap2.org/specs>.
16. IPCC Waste Model Volume 5 – Referenced in CARB 18983.2 subdivision a3 Appendix Document, footnote 5. [https://www.ipcc-nggip.iges.or.jp/public/2006gl/pdf/5\\_Volume5/IPCC\\_Waste\\_Model.xls](https://www.ipcc-nggip.iges.or.jp/public/2006gl/pdf/5_Volume5/IPCC_Waste_Model.xls). Filename: IPCC\_Waste\_Model.xls
17. IPCC 2006, 2006 IPCC Guidelines for National Greenhouse Gas Inventories, Prepared by the National Greenhouse Gas Inventories Programme, Eggleston H.S., Buendia L., Miwa K., Ngara T. and Tanabe K. (eds). Published: IGES, Japan. [https://www.ipcc-nggip.iges.or.jp/public/2006gl/pdf/5\\_Volume5/V5\\_3\\_Ch3\\_SWDS.pdf](https://www.ipcc-nggip.iges.or.jp/public/2006gl/pdf/5_Volume5/V5_3_Ch3_SWDS.pdf).
18. Jarvis, CH Stuart, N. 2001. *A comparison among strategies for interpolating maximum and minimum daily air temperatures. Part II: The interaction between number of guiding variables and the type of interpolation method*. J. Appl. Meteor. 40, 1075-1084.
19. Lyons, Dani: Food Forward, E-mail regarding estimated reporting costs for food recovery organizations. July 2019.
20. Pacific Gas and Electric, *Gas Rate Finder*. Volume 47-G, No. 5. May 2019
21. Ibid., *Solar Choice Cost* [https://www.pge.com/en\\_US/residential/solar-and-vehicles/options/solar/solar-choice/rate-calculator.page](https://www.pge.com/en_US/residential/solar-and-vehicles/options/solar/solar-choice/rate-calculator.page) Accessed May 2019
22. Regional Economic Models, Inc (REMI) *Results for CalRecycle*. Economic modeling workbook prepared for CalRecycle by REMI, estimating economic impacts resulting from the regulations.
23. RISI, *Pulp&Paper Week: Monthly Recovered Paper Price Watch*, May and June 2019, RISI, Inc., Downloaded from <https://www.risiinfo.com/>

24. RISI, *Pulp&Paper Week: Monthly Recovered Paper Prices*
25. Southern California Edison *Green Rate and Community Renewables Programs*.  
[https://www.sce.com/sites/default/files/inline-files/G18-013\\_Green%2BRate%2BResidential%2BFact%2Bsheet-AA.pdf](https://www.sce.com/sites/default/files/inline-files/G18-013_Green%2BRate%2BResidential%2BFact%2Bsheet-AA.pdf)
26. Southern California Gas Company, *Schedule No. G-10 Core Commercial and Industrial Service, Advice Letter No. 5544*. Filed November 7, 2019.
27. State of California, Air Resources Board, 2010a. *California Air Resources Board, Appendix J of Staff Report, Initial Statement of Reasons for Proposed Rulemaking, "Proposed Amendments to the Truck and Bus Regulation, the Drayage Truck Regulation and the Tractor-Trailer Greenhouse Gas Regulation"* (2010).
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[https://ww3.arb.ca.gov/cc/inventory/doc/methods\\_00-12/ghg\\_inventory\\_00-12\\_technical\\_support\\_document.pdf](https://ww3.arb.ca.gov/cc/inventory/doc/methods_00-12/ghg_inventory_00-12_technical_support_document.pdf). Referenced in CARB 18983.2 subdivision a3 Appendix Document, footnotes 10 and 11. Filename: ghg\_inventory\_00-12\_technical\_support\_document.pdf
29. Ibid, *Biomass Conversion*. September 17, 2013,  
<https://www.arb.ca.gov/cc/waste/biomassconversion.pdf>.
30. Ibid., CA-GREET3.0 Model and Simplified CI Calculators (proposed under 2018 amendments), <https://www.arb.ca.gov/fuels/lcfs/ca-greet/ca-greet.html>.
31. Ibid., *Climate Change Scoping Plan*,  
[https://www.arb.ca.gov/cc/scopingplan/scoping\\_plan\\_2017.pdf](https://www.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf).
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34. Ibid., 2019. *California Air Resources Board's Methodology for Estimating the Health Effects of Air Pollution*. Available at  
<https://ww2.arb.ca.gov/resources/documents/carbs-methodology-estimating-health-effects-air-pollution>.
35. Ibid., *Short-Lived Climate Pollutant Reduction Strategy*. March 14, 2017.
36. Ibid., *\_Staff Guidance Memo Prepared For CalRecycle-document explaining calculations related to Article 2*.

37. State of California, California Energy Commission. 2017 Integrated Energy Policy Report. 2017. Publication Number: CEC-100-2017-001-CMF. [https://www.energy.ca.gov/2017\\_energypolicy/](https://www.energy.ca.gov/2017_energypolicy/).
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40. Ibid., *P-1: State Population Projections 2010-2060*, [www.dof.ca.gov/Forecasting/Demographics/Projections/](http://www.dof.ca.gov/Forecasting/Demographics/Projections/).
41. State of California, Department of Resources Recycling and Recovery, *AB 901 Recycling and Disposal Reporting System Final Statement of Reasons*, January 29, 2019. <https://www.calrecycle.ca.gov/laws/rulemaking/archive/2019/ab901reporting#Documents>
42. Ibid., *Appendix A Cost Update*, November 2019. CalRecycle staff prepared document includes additional analysis of the potential costs and benefits associated with the regulation. *Document and references were released for a 15-day comment period in November of 2019.*
43. Ibid., *California Statewide Per Resident, Per Employee, and Total Disposal Since 1989*. Updated April 25, 2019. <https://www.calrecycle.ca.gov/lgcentral/goalmeasure/disposalrate/graphs/disposal>
44. Ibid., California 2008 Statewide Waste Characterization Study. 2009. Publication no. IWMB-2009-023. Downloadable from <https://www2.calrecycle.ca.gov/Publications/Download/911>. Referenced in CARB 18983.2 subdivision a3 Appendix Document, footnote 4
45. Ibid., *Compilation of Publicly posted Compost Rates* CalRecycle staff compiled publicly posted rates for the cost of product, transportation and application from compost from facilities located in Modesto, San Diego, Ukiah, San Diego and Napa.
46. Ibid., *Cost Study on Commercial Recycling*. Contractor’s Report Produced Under Contract by HF&H Consultants and Cascadia Consulting Group. January 2011.
47. Ibid., *Disposal-Facility-Based Characterization of Solid Waste in California*. 2014 (DRRR-2015-1546). <https://www2.calrecycle.ca.gov/Publications/Details/1546>.

48. Ibid., *Draft Program Environmental Impact Report SB 1383 Regulations Short-Lived Climate Pollutants: Organic Waste Methane Emission Reduction*. CalRecycle, July 30, 2019.
49. Ibid., *Enforcement Review Workbook, 2022-24,2024-25,2026-2030*. CalRecycle staff reviewed existing enforcement programs and projected costs for three periods of regulatory implementation
50. Ibid., Excerpts from *Draft SB 1383 Local Services Rates Analysis*, Contractor's Report Produced Under Contract By: R3 Consulting Group, Inc., October 2019.
51. Ibid., Final Environmental Impact Report: SB 1383 Regulations Short-lived Climate Pollutants: Organic Waste Methane Emission Reduction. Prepared for CalRecycle by Ascent Environmental, Inc and Integrated Waste Management Consulting. December 2019
52. Ibid., *Land application site workbook and Summary*, anonymized data on land application sites by tonnage derived from 2015 reports to the State Water Resources Control Board.
53. Ibid, Organic Waste Recycling Participation data by jurisdiction as reported in Electronic Annual Report pursuant to AB 1826. Filename: 2009023.pdf
54. Ibid., *Staff Disposal Projection Workbooks, 2019-2030*. CalRecycle staff estimates of material that must be recovered under each scenario.
55. Ibid., *Staff prepared Food Rescue Grant Workbook*. Workbook tabulating average projected ton of grantees from three food rescue grant cycles.
56. Ibid., *Staff Surveys of Local Jurisdiction Staff and Solid Waste Facility Operators*. Surveys were conducted with staff from the City and County of San Francisco, City of Los Angeles, Santa Clara County, Alameda County to estimate the direct cost of provisions of the regulation that directly apply to local governments and Solid Waste Facilities to determine potential costs.
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<https://www.calrecycle.ca.gov/lgcentral/basics/standlst>. Accessed 4/11/19
58. Ibid., *Standardized Regulatory Impact Assessment: Proposed Regulation for Short-Lived Climate Pollutants: Organic Waste Methane Emissions*. November 2019
59. Ibid., *Timeline of China's Import Policies and Response from Affected Parties Chart* <https://www.calrecycle.ca.gov/markets/nationalsword/timelinetext> Updated June 4, 2019.
60. Ibid., *Time Task Analysis of Department EA Costs Tuolumne County May 2019, And Summary on facilities in SWIS* CalRecycle Memo and workbook applying

CalRecycle Enforcement Agency Costs to facilities reported in SWIS in May 2019.

61. Ibid., Third Assessment of California's Compost and Mulch Producing Infrastructure – Management Practices and Market Conditions. Prepared for CalRecycle by Integrated Waste Management Consulting LLC. August 2010.
62. State of California, Employment Development Department, Number of Businesses, Number of Employees, and Third Quarter Payroll by Size of Business (Table 1). Sacramento, California, Q3 2018.
63. State of California, Senate Committee on Environmental Quality. *Committee Analysis on SB 1383 (Lara) Hearing Date 8/31/2016. Consultant: Rebecca Newhous.*
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66. United States Department of Labor: Bureau of Labor Statistics *Historical Consumer Price Index for All Urban Consumers (CPI-U): U.S. city average, all items, by month*. CPI data Available through April 2019.
67. United States Energy Information Agency *Electric Power Monthly with Data for March 2019*. <https://www.eia.gov/electricity/monthly/archive/may2019.pdf>
68. Ibid., *Levelized Cost and Levelized Avoided Cost of New Generation Resources in the Annual Energy Outlook* [https://www.eia.gov/outlooks/aeo/pdf/electricity\\_generation.pdf](https://www.eia.gov/outlooks/aeo/pdf/electricity_generation.pdf)
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75. Ibid., *40 CFR Part 82, subpart A, (May 1995)*: Found here: <https://www.law.cornell.edu/cfr/text/40/part-82/subpart-A>
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