

# Procurement Questions and Answers

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For the full regulatory requirements of procurement, please review the [SB 1383 Article 12 regulations](#).

## Procurement Overview

- 1. Q: Who is required to comply with the SB 1383 procurement requirements? Do any of the procurement requirements pertain to special districts?**

A: The procurement requirements regarding recovered organic waste products (14 CCR Sections 18993.1 and 18993.2) apply to jurisdictions such as cities, counties, or cities and counties, but not to special districts [see definition of “jurisdiction” in 14 CCR Section 18993.1(a)]. The recycled-content paper procurement requirements (14 CCR Sections 18993.3 and 18993.4), however, apply to all types of jurisdictions [see 14 CCR Section 18982(a)(36)], including special districts that provide solid waste collection services.

- 2. Q: Are jurisdictions required to adopt specific procurement policies to comply with the SB 1383 procurement obligations?**

A: No, jurisdictions are not required to adopt specific procurement policies in order to comply with the procurement requirements. It is up to each jurisdiction to determine its strategy for implementation and whether the SB 1383 requirements can be incorporated into new or existing local policies, ordinances, and programs. However, adoption of a policy (such as CalRecycle’s [Model Procurement Policy](#)) or changes to an existing policy may assist jurisdictions with implementation. Jurisdictions may also choose to adopt an ordinance such as CalRecycle’s [Model Mandatory Organic Waste Disposal Reduction Ordinance](#) to help enforce a procurement policy on their jurisdiction departments, direct service providers, and recycled-content paper vendors.

Please note that an ordinance, or other enforceable mechanism, must be adopted if a jurisdiction plans to procure mulch to comply with its procurement obligations under SB 1383 [see 14 CCR Section 18993.1(f)(4)(A)]. The ordinance must require that the mulch procured by the jurisdiction comply with specific land application standards [14 CCR Section 18993.1(f)(4)(A)]. This is important to prevent the application of contaminated material and to ensure that the mulch procured meets public health and safety standards.

**3. Q: What if a jurisdiction already has procurement programs in place? Can that procurement count towards meeting the SB 1383 procurement requirements?**

A: If a jurisdiction is already procuring recovered organic waste products that meet the requirements (14 CCR Section 18993.1), these can count towards its procurement target. A jurisdiction is not required to prove additional procurement beyond any other mandatory or voluntary procurement programs if its target is met.

For example, a city may use mulch in a city landscaping project or give away compost to its residents and these end uses may count towards the city's SB 1383 procurement target, regardless of whether these are already required by existing city programs.

**4. Q: Do recovered organic waste products that a jurisdiction procures need to be sourced from the jurisdiction's generated organic waste, produced in the jurisdiction, or used within the jurisdiction?**

A: No, jurisdictions are not required to procure recovered organic waste products made from "their" organic waste to satisfy the procurement requirements, nor do the products need to be produced or consumed within their jurisdiction. They may purchase or acquire products from any entity, or produce it themselves, and use or giveaway these products to count toward their procurement targets, provided the end products meet the definition of "recovered organic waste products" [14 CCR Section 18982(a)(60)]. The jurisdiction may use the end products in a way that best fits local needs, which may include use or free distribution within its jurisdiction or other jurisdictions.

**5. Q: Can regional agencies and special districts coordinate procurement requirements on behalf of their individual member jurisdictions?**

A: Nothing in the regulatory text prohibits a regional agency or special district from coordinating resources for procurement. Jurisdictions are encouraged to work with special districts and similar entities to meet the jurisdiction's procurement targets, provided this is accomplished through a direct service provider contract or written agreement.

Special districts or regional agencies may be considered direct service providers to the jurisdiction, provided that a contract or other written agreement, such as a memorandum of understanding (MOU), is in place to prove the direct service provider relationship. Without said contract or agreement, any entities that are not part of the jurisdiction's departments or divisions would not, by default, be considered part of the jurisdiction, nor would their procurement count towards the jurisdiction's procurement target.

**6. Q: What should be included in a jurisdiction's written agreement or contract with its direct service provider?**

A: The regulations do not have explicit content requirements other than the implicit requirement that they reflect the direct service provider relationship. A jurisdiction may utilize a direct service provider to help meet its procurement target. This is accomplished through a written contract or agreement requiring the direct service provider to [14 CCR Section 18993.1(e)]:

- Procure recovered organic waste product(s) on behalf of the jurisdiction, and
- Provide written documentation of such procurement to the jurisdiction.

Direct service provider agreements and contracts are intended to be in place prospectively in order for procurement to take place while subject to contractual control by the jurisdictions.

To ensure compliance with the regulations, CalRecycle encourages jurisdictions to seek counsel from their legal advisors when developing a direct service provider agreement. It will be important to ensure the direct service provider can meet all regulatory requirements to count its procurement towards meeting the jurisdiction's procurement target. This includes the product requirements and standards (14 CCR Section 18993.1) and all procurement records required (14 CCR Section 18993.2).

**7. Q: Are there any allowances to exempt a jurisdiction from meeting its procurement requirements?**

A: The regulations do not authorize waivers or exemptions for the recovered organic waste product procurement requirements, unless the jurisdiction is rural. Rural jurisdictions may delay their implementation of these requirements until January 1, 2027, if granted an exemption from the SB 1383 organic waste collection requirements. To apply for a rural exemption, please see CalRecycle's [webpage on Department Issued Waivers and Exemptions](#). All jurisdictions, however, including rural jurisdictions, must comply with the recycled-content paper procurement requirements beginning January 1, 2022.

CalRecycle also recognizes that, in some extraordinary cases, the procurement target may exceed a jurisdiction's need for recovered organic waste products. The regulations [14 CCR Section 18993.1(j)] also provide jurisdictions with a method to potentially lower their procurement targets to ensure they do not procure more recovered organic waste products than they can use.

## **Procurement Target**

### **8. Q: How is a jurisdiction's procurement target calculated?**

A: A jurisdiction's procurement target is calculated by multiplying the per capita procurement target (0.08 tons of organic waste per California resident per year) by the jurisdiction population, as reported by the California Department of Finance (DOF): [Population Estimates for Cities, Counties, and the State](#) [see 14 CCR Section 18993.1(c)]. See the [Recovered Organic Waste Product Procurement web page for more information](#).

For the first year of compliance, 2022, jurisdictions' procurement targets will utilize the January 1, 2021, population estimates reported by the DOF. Jurisdiction procurement targets will be recalculated every five years to reflect population changes. As such, [annual procurement targets](#) for the 2022 compliance year will be in effect from January 1, 2022, through December 31, 2026.

### **9. Q: If a jurisdiction disagrees with the California Department of Finance (DOF) population estimate with which its procurement target is calculated, can different population data be used?**

A: No, each jurisdiction's procurement target must be calculated using the jurisdiction population reported by the California Department of Finance (DOF): [Population Estimates for Cities, Counties, and the State](#) [14 CCR Section 18993.1(c)]. The regulations do not provide CalRecycle with a mechanism to approve or utilize a different data set for calculating a jurisdiction's procurement target.

For questions on how the DOF population projections are developed, please contact the DOF at [ficalpop@dof.ca.gov](mailto:ficalpop@dof.ca.gov).

### **10. Q: How can a jurisdiction determine the quantities of recovered organic waste products it needs to procure to meet its annual procurement target?**

A: A jurisdiction's procurement target is multiplied by the recovered organic waste product conversion factors included in 14 CCR Section 18993.1(g) to calculate the quantities of recovered organic waste products that would need to be procured. See a hypothetical example of these calculations on the [Recovered Organic Waste Product Procurement web page](#).

The calculated product totals in the example referenced above assume the jurisdiction would fulfill 100 percent of its procurement target through the procurement of one single product (e.g., 168,000 DGE of transportation fuel or 4,640 tons of compost). However, the procurement requirements are designed to provide flexibility and a jurisdiction may instead procure a mix of products to fulfill 100 percent of the procurement target.

CalRecycle has created a [Procurement Calculator Tool](#), which may be helpful to a jurisdiction in planning for its procurement of recovered organic waste products and in calculating the quantities of products it may procure to meet its annual procurement target.

**11. Q: How and when will a jurisdiction be notified of its procurement target? Where can procurement target information be found?**

A: Each jurisdiction may find its annual procurement target posted on [CalRecycle's website](#). By January 1 each year, CalRecycle will also provide direct written notification to each jurisdiction of where it may find its unique recovered organic waste product procurement target.

Jurisdiction procurement targets will be recalculated every five years to reflect population changes. As such, jurisdictions' annual procurement targets for the 2022 compliance year will be in effect from January 1, 2022, through December 31, 2026.

**12. Q: How can a jurisdiction meet its procurement target?**

A: Jurisdictions can meet their procurement target through their own direct procurement or through a direct service provider working on the jurisdiction's behalf. Direct procurement involves a jurisdiction's procurement of products for its own use or giveaway. Examples of direct procurement could include:

- A jurisdiction's procurement of compost or mulch for use in parks, community gardens, landscaping, or erosion control along roadways
- A jurisdiction's giveaway of compost or mulch at community events
- A jurisdiction's procurement of transportation fuel for use in its vehicles, such as city buses or fleets
- A jurisdiction's publicly owned treatment works (POTW) producing and using eligible renewable gas or electricity
- A biomass facility providing SB 1383-eligible electricity to a jurisdiction-owned operation

Procurement through a direct service provider requires that the jurisdiction have a written contract or agreement with the direct service provider to procure recovered organic waste product(s) on behalf of that jurisdiction and provide written documentation of such procurement to the jurisdiction [14 CCR Section 18993.1(e)]. Examples of procurement through a direct service provider could include the following, provided a direct service provider agreement is in place with the jurisdiction:

- An in-vessel digestion facility that is producing and using SB 1383-eligible renewable gas or electricity on-site
- A transfer station procuring SB 1383-eligible electricity from a neighboring biomass conversion facility
- A farmer, local parks association, school, or golf course using SB 1383-eligible compost or mulch

For more information, please visit the [Recovered Organic Waste Product Procurement web page](#).

**13.Q: Are jurisdictions required to purchase recovered organic waste products to fulfill their procurement targets? Can the sale of recovered organic waste products count towards a jurisdiction's procurement target?**

A: The intent of the procurement requirements is to drive demand for the use of recovered organic waste products, as this is where most of the environmental benefits are realized. Recovered organic waste products do not have to be obtained solely through purchasing. A jurisdiction or its direct service provider may acquire products in another way (e.g., production, free delivery or free distribution from a hauler or other entity via an agreement). Note that the production, purchase, or receipt alone of an eligible recovered organic waste product does not contribute to meeting a jurisdiction's procurement target. It is the amount of recovered organic waste products that is procured and either used or donated that counts towards a jurisdiction's procurement target.

The regulations limit procurement to "use or giveaway," and do not include the sale of products [14CCR Section 18993.1(e)(1)]. Procuring recovered organic waste products, such as compost, and then selling it via a third party does not meet the intent of these regulations, which is to build markets for the use of recovered organic waste products.

**14.Q: A jurisdiction sends its organic waste, such as food scraps and yard waste, to a facility that will recycle this organic waste and produce eligible recovered organic waste products. For example, a jurisdiction's collected organic waste produces eligible compost or renewable gas. Does this count towards a jurisdiction's procurement target?**

A: No, the production alone of an eligible recovered organic waste product or the recycling of diverted organic waste do not contribute to meeting a jurisdiction's procurement target. It is the amount of recovered organic waste products that is either used or donated that counts towards a jurisdiction's procurement target [see 14 CCR Section 18993.1(e)].

**15.Q: Will the use of recovered organic waste products by entities external to city or county operations count toward a jurisdiction's procurement target? For example, does it count toward the jurisdiction's procurement target if its regional transit provider or solid waste hauler's refuse fleet runs on fuel from renewable gas, if a local wastewater treatment facility co-digests food waste and uses renewable gas for on-site electricity needs, or if a local parks association uses SB 1383-eligible compost or mulch in park and trail maintenance?**

A: In order for the procurement of recovered organic waste products by an external entity to be eligible towards a jurisdiction's procurement target, there must be a direct service provider relationship between the external entity and the jurisdiction, established through a contract or written agreement [14 CCR Section 18993.1(e)]. This agreement must detail the requirement that the direct service provider (i.e., the external entity) will:

- Procure recovered organic waste products on behalf of the jurisdiction, and
- Provide written documentation of such procurement to the jurisdiction.

Without a contract or written agreement, any entities that are not part of the jurisdiction's departments or divisions would not, by default, be considered part of the jurisdiction, nor would their procurement count towards the jurisdiction's procurement target.

**16.Q: Does a jurisdiction have to procure specific products, such as compost and mulch, to meet its procurement target?**

A: No, the regulations provide flexibility for jurisdictions to choose a combination of the types of recovered organic waste product(s) defined in the regulations that best fit local needs to meet their procurement targets. A jurisdiction has the option to meet its procurement target by procuring enough of one product or a mix of products.

**17.Q: What if the jurisdiction's calculated procurement target exceeds the quantity of recovered organic waste products that it is able to use?**

A: The procurement requirements are designed to build markets for recovered organic waste products, which is an essential component of achieving the

organic waste diversion targets mandated by SB 1383. The regulations specify a wide variety of eligible recovered organic waste products that may be procured in order to give jurisdictions flexibility to choose products that fit their local needs.

However, CalRecycle also recognizes that, in some extraordinary cases, the procurement target may exceed a jurisdiction's need for recovered organic waste products. The regulations [14 CCR Section 18993.1(j)] provide jurisdictions with a method to potentially lower their procurement targets to ensure they do not procure more recovered organic waste products than they can use.

**18.Q: How can a jurisdiction determine if it qualifies for a reduced procurement target?**

A: A jurisdiction may qualify to reduce its procurement target if its procurement target, based on population size, exceeds the total amount of transportation fuel, electricity, and gas used for heating applications procured in the previous year (i.e., the calendar year prior to the applicable reporting period), as converted into tons of organic waste [14 CCR Section 18993.1(j)]. Please note that this is based on the total amount of these energy products; it is not exclusive to the sum of SB 1383 recovered organic waste energy products.

For example, each jurisdiction has a procurement target for the first year of compliance in 2022 that is based on population size and measured in tons of organic waste. To determine if a jurisdiction may qualify to use a reduced target for 2022, it will look to its total procurement of energy products in 2021 (transportation fuel, electricity, and gas used for heating applications) and convert these to their organic waste equivalent, using the conversion factors outlined in the regulations [see 14 CCR Section 18993.1(g)]. If this quantity of tons of organic waste is lower than the jurisdiction's calculated procurement target based on its population, the jurisdiction may reduce its procurement target for the upcoming compliance year (i.e., 2022) to equal this lower amount.

**19.Q: If a jurisdiction is eligible for a reduced procurement target, how long is the reduced procurement target in effect?**

A: The reduced procurement target is only in effect for the applicable compliance year, as it is based on the jurisdiction's procurement of energy products in the year prior to the compliance year.

For example, for the first year of compliance in 2022, a jurisdiction qualifying for a reduced target would base its procurement target on its total procurement of energy products in 2021 (i.e., transportation fuel, electricity, and gas for heating applications). For the following compliance year of 2023, if still qualifying for a reduced procurement target, it would base this off the energy procured in 2022.



**20. Q: What recordkeeping and reporting are required to support the use of a reduced procurement target?**

A: To support the use of a reduced procurement target, a jurisdiction must maintain records documenting the previous year's total procurement of transportation fuel, electricity, and gas used for heating applications and report these quantities to CalRecycle annually [see 14 CCR Section 18993.2(a)(7) and 18994.2(j)(2), respectively].

For example, for the first year of compliance in 2022, jurisdictions must maintain documentation in their Implementation Record of their total energy procurement in 2021 to support their use of a reduced procurement target for 2022 and must report these quantities to CalRecycle in their annual report.

**21. Q: Can a jurisdiction request a reduced procurement target from CalRecycle? Will CalRecycle pre-approve a jurisdiction's reduced procurement target, if it qualifies for and plans to implement this option?**

A: No, jurisdictions will not have an option to request a reduced procurement target, as the regulations do not provide CalRecycle with a mechanism to review or pre-approve a jurisdiction's reduced procurement target. However, CalRecycle staff can provide technical assistance to ensure that a jurisdiction is understanding this mechanism correctly.

**22. Q: Is the method to reduce a jurisdiction's procurement target based on the previous year's procurement of SB 1383 recovered organic waste products, or the jurisdiction's total procurement of energy products, regardless of product eligibility?**

A: The method to calculate a reduced procurement target is based on the jurisdiction's total procurement of energy products and is not exclusive to the SB 1383 recovered organic waste energy products. Therefore, the calculation may include energy sources such as solar, hydroelectric, or wind power; landfill gas; fossil fuels; and SB 1383 eligible energy products.

**23. Q: The method to reduce a jurisdiction's procurement target is based on the quantity of energy products procured. Why does this method not include compost and mulch?**

A: Compost and mulch are not included in the method to lower a jurisdiction's procurement target due to the potential difficulty of determining conversion factors for comparable products (e.g., liquid chemical fertilizers compared to solid compost), whereas energy products—such as electricity, heat, and transportation fuel—have readily available organic waste conversion factors. Ineligible energy products can be quantified relatively easily and replaced with an eligible

recovered organic waste product (e.g., replacement of fossil-based natural gas with renewable gas derived from organic waste generated within California).

The focus on energy products is intended to simplify the process by which a jurisdiction can lower its procurement target. For more information, please see the [Final Statement of Purpose and Necessity](#) (pages 182-183). Although a jurisdiction may only use its previous year's procurement of energy products to lower its target, the jurisdiction can still meet its lowered target with any recovered organic waste products, including compost and mulch.

## **General Product Eligibility**

### **24. Q: What products can a jurisdiction procure to meet its procurement target?**

A: To meet its procurement target, a jurisdiction may procure one or more of the following eligible recovered organic waste products:

- Compost
- Mulch
- Renewable gas used for transportation fuel, electricity, or heating applications
- Electricity from biomass conversion

These products must meet the requirements and standards of the regulations in order to count towards meeting the jurisdiction's procurement target [see 14 CCR Section 18993.1]. Eligible recovered organic waste products are limited to those that are derived from California, landfill-diverted recovered organic waste processed at a permitted or otherwise authorized operation or facility.

For example, compost may be eligible for procurement if it is produced at an authorized compostable material handling operation or facility or at a permitted in-vessel digestion facility that composts on-site. Similarly, a publicly owned treatment works (POTW) that is authorized to co-digest organic waste may produce renewable gas eligible for procurement if the organic waste is received from a compostable material handling operation or facility, landfill, or transfer/processing facility or operation.

This is necessary to ensure that the procurement and use of the end-product (e.g., compost or renewable gas) helps reduce the disposal of organic waste and supports the goals of SB 1383. Additional requirements for recovered organic waste product eligibility (14 CCR Section 18993.1).

**25. Q: Can CalRecycle approve additional types of landfill-diverted organic waste products to count towards a jurisdiction's procurement target (e.g., biochar, biosolids products, other soil amendments or fertilizers, pyrolysis oils, etc.)?**

A: No, the regulations do not provide a mechanism for CalRecycle to approve or allow additional product types to count towards a jurisdiction's procurement obligations. Eligible recovered organic waste products that may be procured to count towards a jurisdiction's procurement target are limited to those defined in the regulations and that meet the defined requirements and standards [see 14 CCR Section 18993.1].

**26. Q: If a jurisdiction or its hauler produces its own recovered organic waste products (e.g., compost) to use toward its procurement target, do those products have to meet the same standards as products they might purchase elsewhere?**

A: Yes, to count towards the jurisdiction's procurement target, the recovered organic waste products procured must meet all regulatory requirements (14 CCR Section 18993.1). The method of obtaining a product—whether it be produced, purchased, or acquired in another way by the jurisdiction—does not change the standards and requirements that the recovered organic waste products must meet.

## **Compost and Mulch**

**27. Q: Can biosolids or digestate produced from anaerobic digestion count as compost and as eligible recovered organic waste products for procurement?**

A: Biosolids and/or digestate from anaerobic digestion may count as compost, an eligible recovered organic waste product for procurement, if these materials have been composted and meet the definition of compost. Compost is an eligible recovered organic waste product if the final product meets the definition of compost [per 14 CCR Section 17896.2(a)(4)] and is produced either at a compost operation or facility or large volume in-vessel digestion facility that composts on-site [see 14 CCR Section 18993.1(f)(1)(A) and (B)]. Biosolids and/or digestate that do not meet the compost definition or have not undergone composting at these types of facilities or operations will not count towards the procurement target.

**28. Q: What if a jurisdiction procures blended compost products, such as those mixed with topsoil, sand, gypsum, etc.? Would the entire amount of the compost product count towards the jurisdiction's procurement target or only the portion of the mix that is compost?**

A: Only the portion of the product blend that meets the definition of compost will count towards a jurisdiction's procurement target [see 14 CCR Section 18982(a)(10)]. Jurisdictions procuring compost blends should quantify and document, as part of their Implementation Record, the total amount of eligible compost in the blended products and prorate this amount to count towards their procurement target.

**29. Q: Can jurisdictions use existing mandatory or voluntary policies to procure compost and mulch to meet their procurement target?**

A: Yes, jurisdictions may choose to include their annual procurement obligations in any mandatory or voluntary programs that identify the use of recycled organic products, such as their Climate Action Plan or Model Water Efficient Landscape Ordinance (MWELo) policies or projects, to assist with their procurement of recovered organic waste products.

For example, jurisdictions are already required to adopt MWELo in their municipal code and SB 1383 requires jurisdictions to create an enforceable plan to implement and report MWELo projects to CalRecycle [14 CCR Section 18989.2]. Provided all procurement requirements are met, a project subject to MWELo and implemented by the jurisdiction could potentially be used to meet their procurement target and comply under both programs. A jurisdiction could also have a contract or written agreement with a direct service provider that is complying with MWELo to procure compost or mulch on their behalf through these projects. CalRecycle's [Model Procurement Policy](#) also includes examples of policy language that may help a jurisdiction meet both its procurement requirements and MWELo policies.

**30. Q: Do compost or mulch products have to be made with California recovered organic waste or produced at California facilities or operations to be eligible to fulfill a jurisdiction's SB 1383 procurement requirements?**

A: Yes, compost or mulch must be made from California recovered organic waste [per 14 CCR Section 18982(a)(60)] and must be produced at facilities or operations in California, as they must be permitted or authorized through Title 14 of the California Code of Regulations [see 14 CCR Section 18993.1(f)].

**31. Q: If a jurisdiction chips green material on-site at its parks, would that mulch product be eligible to use toward its procurement target?**

A: No, green waste chipped on-site at a park to produce mulch would not count towards the jurisdiction's procurement target. Mulch may count only if it meets the regulatory requirements [14 CCR Section 18993.1(f)(4)] which require, among other things, that the mulch be produced at specific permitted or otherwise authorized solid waste facilities or operations and comply with land application standards. This is to ensure that material eligible for procurement is

derived from solid waste diverted from landfill disposal consistent with the purpose of SB 1383 and is used in a way that complies with environmental health standards.

**32. Q: Why can't mulch derived from chipping and grinding facilities or operations count toward a jurisdiction's procurement target?**

A: Chipping and grinding facilities and operations are excluded because the feedstock entering these facilities is not typically landfilled, and therefore does not contribute to organic waste being diverted from landfill disposal consistent with the intent of SB 1383. For more information, please see the [Final Statement of Purpose and Necessity](#) (pages 175-176). Mulch is an eligible recovered organic waste product for procurement, provided it is derived from certain solid waste facilities [see 14 CCR Section 18993.1(f)(4)(B)].

**33. Q: Are jurisdictions required to procure compost or mulch directly from an eligible compost or mulch producer to count towards their procurement target, or can jurisdictions procure these products from a broker or reseller?**

A: The regulations do not require that jurisdictions or their direct service providers procure compost or mulch directly from an eligible compost or mulch producer to count towards their procurement targets. They may choose to procure products through a broker or reseller; however, all products procured must meet the regulatory requirements and standards (14 CCR Section 18993.1), including that they are produced at specific permitted or otherwise authorized solid waste facilities or operations, in order to count towards their procurement targets. Jurisdictions should also be prepared to maintain all necessary documents in their Implementation Record to demonstrate compliance with the procurement requirements.

**34. Q: Can a jurisdiction's compost facility sell its compost through a broker to count towards its procurement target?**

A: No, a jurisdiction's sale of compost through a broker, or otherwise, cannot count towards its procurement target. Selling recovered organic waste products, such as compost, does not meet the intent of the regulations, which is to build end markets for the use of recovered organic waste products. Jurisdictions may meet their procurement obligations through the "use or giveaway" of recovered organic waste products; the sale of products is not included [14 CCR Section 18993.1(e)(1)].

## **Renewable Gas**

**35. Q: What resources can help jurisdictions find renewable gas that is eligible to count toward a jurisdiction's procurement target?**

A: CalRecycle maintains resources, such as a [list of anaerobic digestion facilities in California](#), that may help jurisdictions find renewable gas that may be eligible towards their SB 1383 procurement obligations. Please note it will be important for jurisdictions to verify and ensure all products and facilities considered meet the regulatory requirements and standards for the procurement to count towards their procurement targets.

Renewable gas from anaerobic digestion may be procured and used for electricity, transportation fuel, or heating applications to fulfill a jurisdiction's procurement target [see 14 CCR Section 18993.1(f)]. Renewable gas is defined as gas derived from organic waste that has been diverted from a landfill and processed at an in-vessel digestion facility that is permitted or otherwise authorized by Title 14 to recover organic waste [see 14 CCR Section 18982(a)(62)]. To see if the in-vessel facility in question is permitted or otherwise authorized to recover organic waste, jurisdictions may find the permitting status through CalRecycle's [Solid Waste Information System \(SWIS\)](#).

**36.Q: How can a jurisdiction procure SB 1383-eligible renewable gas to meet its procurement target?**

A: Jurisdictions have flexibility in how they procure recovered organic waste products, as the regulations do not specify the contracting mechanisms or methods of conveyance by which products must be procured. Jurisdictions can receive credit for procuring SB 1383-eligible gas by claiming the product's procurement compliance attribute towards their procurement target.

In order to be eligible, the renewable gas must be derived from California landfill-diverted organic waste that has been processed at an in-vessel digestion facility. One way a jurisdiction could procure eligible renewable gas is through a contract with an in-vessel digestion facility producing renewable gas and supplying that gas to the utility pipeline. A written agreement between the in-vessel digestion facility injecting into the gas utility pipeline and the jurisdiction purchasing gas from its natural gas utility could document that the jurisdiction claims some portion of the renewable gas toward its procurement target, not exceeding the amount that the jurisdiction consumes from the utility for its municipal operations. This option may provide an opportunity to procure renewable gas without having a direct physical connection to the in-vessel digestion facility.

The gas must be procured by the jurisdiction for its own municipal operations. Gas that is procured by entities located in the jurisdiction, such as residents or businesses, would not count toward a jurisdiction's procurement target unless there is a direct service provider relationship with the jurisdiction per 14 CCR 18993.1(e)(2).

Jurisdictions should be prepared to have all documentation that demonstrates to CalRecycle that renewable gas has been legitimately procured in compliance

with the terms of the regulations (14 CCR Section 18993.2). In the case of renewable gas procured via the utility pipeline, CalRecycle, in a compliance review, would be looking for:

- Records substantiating that the gas procured is eligible for procurement, specifically renewable gas made by an in-vessel digestion facility.
- Documentation that the renewable gas has legitimately been procured and can be counted towards the jurisdiction's procurement target. This could include, in addition to other relevant records, documentation that:
  - The procurement compliance attribute is being supplied exclusively to the jurisdiction and there are no duplicate sales or double counting of the same renewable gas to other jurisdictions.
  - The total quantity of renewable gas supplied to the gas utility pipeline system and the total quantity procured to demonstrate that the quantity procured is not in excess of the actual pipeline supply.
  - The total quantity procured does not exceed the amount used for municipal operations.

**37.Q: If a jurisdiction procures renewable natural gas for its operations from a gas utility, can it count this towards its annual procurement target?**

A: Not all sources of renewable natural gas will be eligible to count towards a jurisdiction's procurement obligations. Only the portion of gas procured that meets the requirements outlined in 14 CCR Section 18993.1 can count towards the jurisdiction's annual procurement target. These requirements include that the gas meet the definition of renewable gas, i.e., gas produced from landfill-diverted organic waste at an in-vessel digestion facility [14 CCR Section 18982(a)(62)].

Jurisdictions should be prepared to document in their implementation record all details and records necessary to demonstrate compliance with the procurement requirements (14 CCR Section 18993.2).

**38.Q: Are all types and sources of renewable fuels eligible to count towards a jurisdiction's procurement target, such as biofuel made from fats, oils, and grease (FOG); renewable diesel fuels; and gas produced from dairy digesters?**

A: No, not all types and sources of renewable fuels are eligible to meet a jurisdiction's procurement target. Renewable fuels, such as biofuel and gas from dairy digesters, may be eligible products for procurement if they are produced from renewable gas, i.e., gas derived from organic waste that has been diverted

from a landfill and processed at an in-vessel digestion facility that is permitted or otherwise authorized by Title 14 to recover organic waste [see 14 CCR Section 18982(a)(62)], and meet all other regulatory requirements. To see if the facility in question is an in-vessel digestion facility permitted or otherwise authorized to recover organic waste, you may see the permitting status of this facility or operation at CalRecycle's [Solid Waste Information System \(SWIS\)](#).

**39. Q: Why can't all the gas produced at publicly owned treatment works (POTWs) count toward the recovered organic waste product procurement target? Why is it limited to only the gas produced from the digestion of organic waste diverted from landfills?**

A: Renewable gas derived solely from sewage is ineligible for meeting the procurement target because a POTW is not a solid waste facility and therefore not in the scope of the legislative intent of SB 1383. Sewage is also not typically destined for a landfill, so its use does not help achieve the landfill diversion goals.

However, [Title 14](#) explicitly authorizes POTWs to accept food waste without a solid waste facility permit, making it functionally similar to incentivizing biomethane from a solid waste facility. Therefore, it is justifiable to allow the portion of renewable gas resulting from the digestion of food waste at POTWs to count toward the procurement targets, provided the POTW accepts food waste from specified facilities or operations [see 14 CCR Section 18993.1(h)(1)] and meets all other applicable regulatory requirements. For more information, please see the [Final Statement of Purpose and Necessity](#) (pages 178-180).

**40. Q: Does a POTW have to meet certain conditions to produce renewable gas that may count toward a jurisdiction's procurement target?**

A: Yes. These conditions are outlined in 14 CCR Section 18993.1 (h). However, [AB 1985](#) (Rivas, Chapter 344, Statutes of 2022) modified the regulatory requirement for biosolids handling for procurement-eligible renewable gas produced at a POTW.

Under AB 1985, for a three-year period between January 1, 2022, through December 31, 2024, renewable gas produced at a POTW may count towards a jurisdiction's procurement target provided:

- The POTW does not transport more than 50 percent as an annual average of the biosolids produced during the prior calendar year to activities constituting landfill disposal.
- All other regulatory requirements are fully met.

Effective January 1, 2025, however, a POTW must transport less than 25 percent of the biosolids it produces during the applicable procurement compliance year to activities that constitute landfill disposal in order for the renewable gas to be



eligible to count toward a jurisdiction's procurement target [see 14 CCR Section 18993.1 (h)(5)].

**41. Q: Are fats, oils, and grease (FOG) considered organic waste? If so, would renewable gas procured from a POTW that co-digests FOG and meets the requirements of 14 CCR Section 18993.1(h) be eligible to count toward a jurisdiction's procurement target?**

A: Yes, fats, oils, and grease (FOG) are a form of organic waste. The definition of "organic waste" in the SB 1383 regulations [14 CCR Section 18982(a)(46)] includes food waste (e.g., FOG, vegetable scraps). Consequently, the portion of renewable gas produced from the digestion of these landfill-diverted organic wastes at POTWs may be eligible to count toward a jurisdiction's procurement target, provided the POTW accepts the organic waste from specified solid waste facilities or operations [see 14 CCR Section 18993.1(h)(1)] and meets all other applicable regulatory requirements.

**42. Q: Can organic waste, such as FOG, that is direct-hauled or self-hauled to a POTW produce renewable gas, an eligible recovered organic waste product?**

A: No, the POTW must directly receive organic waste, such as FOG, from specific solid waste facilities or operations in order to count as renewable gas that may be procured to meet a jurisdiction's SB 1383 procurement obligations [per 14 CCR Section 18993.1(h)]. These permitted or authorized facility and operation types include: a compostable material handling operation or facility, other than chipping and grinding; transfer/processing facility or operation; and/or solid waste landfill.

**43. Q: Is gas collected by a landfill gas collection system eligible to be procured to count towards a jurisdiction's procurement target?**

A: No, gas collected from landfill gas collection systems would not meet the SB 1383 regulatory definition of renewable gas, i.e., gas produced from landfill-diverted organic waste at an in-vessel digestion facility [see 14 CCR Section 18982(a)(62)]. Therefore, landfill gas is not eligible to count towards a jurisdiction's procurement target. Allowing landfill gas to count towards a jurisdiction's procurement target would not support the organic waste landfill diversion goals of SB 1383.

**44. Q: If a POTW serves more than one jurisdiction and produces SB 1383 eligible renewable gas, which jurisdiction can claim credit for the renewable gas produced and used towards its procurement target? Is the city or county in which the POTW is physically located able to claim the full procurement of products produced? Can the procurement be credited to all the jurisdictions served by the POTW?**

A: Each individual jurisdiction that procures an amount of eligible renewable gas from the POTW would get credit for that amount procured. One or multiple jurisdictions, whether or not they are serviced by the POTW, may procure products from the POTW or may have a direct service provider agreement with the POTW.

## **Electricity from Biomass Conversion**

### **45. Q: What resources can help jurisdictions find electricity from biomass conversion that is eligible to count toward a jurisdiction's procurement target?**

A: The University of California maintains a [list](#) of biomass conversion facilities that produce electricity that may be eligible towards a jurisdiction's SB 1383 procurement obligations. However, it will be important to ensure the biomass electricity meet the regulatory requirements and standards [14 CCR Section 18993.1] for the procurement to count towards meeting a procurement target, which includes that the electricity is produced from biomass from specified solid waste facilities or operations [see 14 CCR Section 18993.1(i)].

Jurisdictions may find the permitting status of these facilities or operations through CalRecycle's [Solid Waste Information System \(SWIS\)](#). Jurisdictions must also obtain and keep record of a written certification from the biomass conversion facility(ies) certifying that biomass feedstock was received from these specified eligible feedstock sources [see 14 CCR Section 18993.2(a)(6)].

### **46. Q: How can a jurisdiction procure SB 1383-eligible biomass electricity from the electric grid to meet its procurement target?**

A: Jurisdictions have flexibility in how they procure recovered organic waste products, as the regulations do not specify the contracting mechanisms or methods of conveyance by which products must be procured. Jurisdictions can receive credit for procuring SB 1383-eligible biomass electricity through the grid by claiming the product's procurement compliance attribute towards their procurement target.

One way a jurisdiction could procure eligible electricity is through a contract with a biomass power plant generating and exporting electricity to the electric grid. A written agreement between the biomass facility exporting electricity and the jurisdiction purchasing electricity from its electric utility could document that the jurisdiction claims some portion of the facility's biomass electricity toward its procurement target, not exceeding the amount that the jurisdiction consumes from the utility for its municipal operations.

The electricity must be procured by the jurisdiction for its own municipal operations. Electricity that is procured by entities located in the jurisdiction, such

as residents or businesses, would not count toward a jurisdiction's procurement target unless there is a direct service provider relationship per 14 CCR 18993.1(e)(2).

Jurisdictions should be prepared to have all documentation that demonstrates to CalRecycle that electricity from biomass conversion has been legitimately procured in compliance with the terms of the regulations (14 CCR Section 18993.2). In the case of electricity from biomass conversion procured via the utility electric grid, CalRecycle, in a compliance review, would be looking for:

- Written certification from the biomass conversion facility certifying that biomass feedstocks were received directly from permitted solid waste facilities and operations, i.e., composting facilities or operations, transfer/processing facilities or operations, and/or landfills [see 14 CCR Section 18993.1(i)].
- Documentation that the electricity from biomass conversion has legitimately been procured and can be counted towards the jurisdiction's procurement target. This could include, in addition to other relevant records, documentation that:
  - The procurement compliance attribute is being supplied exclusively to the jurisdiction and there are no duplicate sales or double counting to other jurisdictions of the generated biomass electricity.
  - The total quantity of biomass electricity exported and the total quantity of electricity procured to demonstrate procurement that the quantity procured is not in excess of actual generated supply.
  - The total quantity procured does not exceed the amount used for municipal operations.

**47. Q: Are all sources of biomass electricity eligible to count towards a jurisdiction's procurement target?**

A: No, not all sources of biomass produce electricity that is eligible to count towards a jurisdiction's procurement target. Electricity from biomass conversion may be eligible if it is produced from biomass received directly from specified solid waste facilities or operations, i.e., composting facilities or operations, transfer/processing facilities or operations, and/or landfills [see 14 CCR Section 18993.1(i)]. This is necessary to ensure that the procurement and use of the biomass electricity helps reduce the disposal of organic waste and supports the goals of SB 1383.

## **Recycled-Content Paper Procurement**

**48. Q: Which types of jurisdictions are required to comply with the SB 1383 recycled-content paper procurement requirements?**

A: The recycled-content paper procurement requirements (14 CCR Sections 18993.3 and 18993.4) pertain to each city, county, city and county, and special district that provides solid waste collection services [14 CCR Section 18982(a)(36)].

**49. Q: Is there a procurement target for recycled-content paper purchases, as there is for recovered organic waste product procurement?**

A: No, there is no quantified procurement target for recycled-content paper purchases. Instead, there is a blanket requirement (see 14 CCR Section 18993.3) that purchases of paper products and printing and writing paper be consistent with existing Public Contract Code (PCC) requirements ([PCC Sections 22150-22154](#)) and be eligible to be labeled with an unqualified recyclable label [[16 Code of Federal Regulations \(CFR\) Section 260.12 \(2013\)](#)]. Jurisdictions must also maintain written certification and other verification from product vendors, as applicable, certifying that the products meet the recycled-content and recyclability requirements.

**50. Q: How can a jurisdiction ensure recycled-content paper products and printing and writing paper meet the recyclability requirements of SB 1383? Do products have to be labeled as “recyclable”?**

A: Jurisdictions must obtain written certification from their paper vendors which states that the paper products and printing and writing papers purchased are eligible to be labeled with an unqualified recyclable label [per 14 CCR Section 18993.3(c)(2)]. Jurisdictions must also keep copies of these certifications in their Implementation Record to support their compliance with this requirement (see 14 CCR Section 18993.4).

Paper products and printing and writing paper do not necessarily need to be labeled with an unqualified recyclable label, but they must be eligible to be labeled as such [per 14 CCR 18993.3(b)].

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