

## **AB 2902 and AB 2346 Guidance**

### **Background**

**AB 2902** ([Wood, 2024](#)) and **AB 2346** ([Lee, 2024](#)) were enacted to give jurisdictions:

- Added flexibility for adjusting procurement targets, and
- Expanded recovered organic waste products that are eligible procurement options.

The following information provides jurisdictions with an overview of these changes and guidance so that they can begin implementation:

### ***Rural Exemption***

- Pursuant to [Public Resources Code \(PRC\) Section 42652.5\(a\)\(9\)](#), a jurisdiction in possession of a rural exemption ([14 CCR Section 18984.12\(c\)](#)), as of January 1, 2024, shall remain exempt from complying with the organic waste collection services requirements specified in [14 CCR Section 18984](#) et seq., and the procurement requirements specified in [14 CCR Section 18993.1](#) et seq. until January 1, 2037.
- Rural jurisdictions do not need to take any action to extend the rural exemption. Rural jurisdictions that are exempted will be updated on the CalRecycle website and in the 2025 Electronic Annual Report.
- At a future time CalRecycle will establish through regulations a process to renew the exemptions after January 1, 2037, for periods of up to five years.

### **Adjusted Targets**

#### **Low population/elevation waivers**

- A jurisdiction in possession of a low population waiver or elevation waiver pursuant to [14 CCR Sections 18984.12\(a\)](#) and [18984.12\(d\)](#) as of January 1, 2024, will have a reduced recovered organic waste procurement target ([PRC Section 42652.5\(a\)\(8\)](#)) that will be in effect for the next five years.
  - CalRecycle will revise the target by removing the population that was waived per the low population and/or elevation waiver.
- Jurisdictions are not required to submit anything to CalRecycle. CalRecycle will calculate and inform the jurisdiction of its new recovered organic waste procurement target.

If a jurisdiction wants to estimate its new target before hearing from CalRecycle information can be found on the [Procurement Targets and Recovered Organic Waste Products - CalRecycle Home Page](#).

#### **Waste Characterization Studies ([PRC, Section 42652.5 \(m\)\(1\)\(2\)](#))**

One or more local jurisdictions within the same county may determine a local per capita procurement target using information from a local disposal facility-based waste characterization study for a period not to exceed five years after the completion of the study. A disposal facility-based waste characterization study shall be performed by the local jurisdiction or jurisdictions, which shall apply the results of a study to the total

amount of landfill disposal attributed to the local jurisdiction or jurisdictions by CalRecycle's Recycling and Disposal Reporting System.

### **Disposal facility-based waste characterization study best practices:**

Based on past completed waste characterization studies, CalRecycle suggests the following strategies to ensure a robust, relevant and representative study meeting the requirements of AB 2346:

1. Be representative of the disposed waste originating from the specific jurisdictions(s). To achieve this, sampling should be conducted in such a way that it appropriately characterizes the waste composition of the jurisdictions in question.
2. Be representative of the waste disposed during the time the study was completed. To achieve this, the study should be designed to account for seasonal variations in waste composition.
3. Attempt to use the material type list from the latest CalRecycle [\*Disposal Facility-based Characterization of Solid Waste in California\*](#) study. If it is not possible to have a 1 for 1 match of the CalRecycle material type list, the material type list used in the study must be sufficient to accomplish the goal of the study.
  - a. For example, if the goal of the study is to conduct a disposal facility-based waste characterization study to revise the procurement target then the study material type categories must align sufficiently so that CalRecycle can compare statewide SB 1383 organics directly with the results from the study.
4. Clearly demonstrate that sufficient sampling was conducted to achieve at least a 90% confidence interval for the relevant material types. See the following section titled "*Estimating the composition of a waste sample*" for example and details.
5. Follow the newest publicly available version of ASTM D 5231-92 "Standard Test Method for Determination of the Composition of Unprocessed Municipal Solid Waste". The newest version of this document is ASTM D5231-92R24, which was updated in 2024.

### **Estimating the composition of a waste sample**

The following method was used to estimate the composition of a waste sample belonging to a specific stratum (*that is, for the samples belonging to the same waste sector. The CalRecycle statewide waste characterization studies collect samples from the following sectors: single-family residential, commercial and multi-family residential, self-hauled, and mixed waste sectors*).

For a given stratum, the composition estimate denoted by  $r_j$  represents the ratio of the component's weight to the total weight of all the samples in the stratum. This estimate was derived by summing each component's weight across all of the selected samples belonging to a given stratum and dividing by the sum of the total weight of waste for all of the samples in that stratum, as shown in the following equation:

where:

- $c$  = weight of particular component
- $w$  = sum of all component weights
- $i = 1$  to  $n$ , where  $n$  = number of selected samples
- $j = 1$  to  $m$ , where  $m$  = number of components

$$r_j = \frac{\sum_i c_{ij}}{\sum_i w_i}$$

Example:

The following simplified scenario involves three samples. For the purposes of this example, only the weights of component X are shown.

	<b>Sample 1</b>	<b>Sample 2</b>	<b>Sample 3</b>
Weight (c) of X	5	3	4
Total Sample Weight (w)	80	70	90

$$r_x = \frac{5 + 3 + 4}{80 + 70 + 90} = 0.05$$

To find the composition estimate for component X, the weights for that material are added for all selected samples and divided by the total sample weights of those samples. The resulting composition is 0.05, or 5 percent. In other words, 5 percent of the sampled material by weight is component X. This finding is then projected onto the stratum being examined in this step of the analysis.

Precision levels at the 90 percent confidence level were calculated for a component's mean as follows:

- where  $z$  = the value of the z-statistic (1.645) corresponding to a 90 percent confidence level.

$$r_j \pm (z\sqrt{\text{Var}(r_j)})$$

**What to send to CalRecycle for review:**

1. A study design that addresses all the items in [PRC section 42652.5\(m\)](#).
2. Data and corresponding calculations resulting from the study.
3. The re-calculated procurement target for the specific jurisdiction(s).
4. **Please submit all material to CalRecycle via [SLCP.Organics@CalRecycle.ca.gov](mailto:SLCP.Organics@CalRecycle.ca.gov)**

**What to expect after submission to CalRecycle:**

Upon receipt of your study, CalRecycle will take approximately 21 calendar days to review the study, the corresponding results and the calculations yielding the adjusted procurement target.

## ***Bear Bins***

Pursuant to [PRC, Section 42652.5\(a\)\(10\)](#) jurisdictions that provide bins designed to keep bears out of the container(s) are not required to comply with the lid color requirements in [14 CCR Section 18984.7](#).

## ***Direct Service Provider***

- Pursuant to [PRC Section 42652.5\(h\)](#), a local jurisdiction may be credited for the procurement of organic waste products without executing a direct service provider agreement with end users of recovered organic waste products ([14 CCR Section 18993.1](#)) if all the following conditions are met:
  - The use of the recovered organic waste product by any entity is a result of the jurisdiction's adoption or enforcement of ordinances, regulations, resolutions, or policies.
    - A new or revised existing ordinance, regulation, resolution, or policy needs to be in place prior to any procurement taking place. The same applies also if a jurisdiction is utilizing a direct service provider agreement. Please note that if a jurisdiction already has an ordinance that meets the requirements of this section, no revision or new ordinance is necessary.
    - Jurisdictions should consult with their legal counsel regarding the language to authorize this activity.
  - The jurisdiction complied with all other recordkeeping pursuant to [14 CCR Section 18993.2](#), and reporting requirements related to procurement targets, including verification, as determined by the department, that the entity is procuring on behalf of the jurisdiction.
  - The recovered organic waste product is not applied to the recovered organic waste product procurement target of another jurisdiction.
    - Any new or revised ordinances, regulations, resolutions, or policies must be reported to CalRecycle via the Electronic Annual Report. A jurisdiction should also keep in its implementation the related enforceable ordinance or similarly enforceable mechanism and record documentation that substantiates this procurement activity. Please note that jurisdictions may continue using direct service provider agreements under [14 CCR Section 18993.1\(e\)](#).

**New Recovered Organic Waste Products**

- A local jurisdiction may count compost produced and procured from the following compost operations, as described in [14 CCR Section 17852](#), as of January 1, 2024, towards its recovered organic waste procurement target:

Compost Operations	Definition	Ordinance Adoption	Implementation Record	Electronic Annual Reporting
Vermicomposting operations	<p>“Vermicomposting” means an activity that produces worm castings through worm activity.” <a href="#">[14 CCR, Section 17852]</a></p>	<p>The jurisdiction will need to adopt an ordinance or enforceable mechanism requiring compost and/or vermicompost procured by the jurisdiction to be used in a manner that meets the definition of “land application” in <a href="#">14 CCR Section 17852(a)(24.5)(A)</a> and that meets the pathogen, metals, and physical contamination limits that apply to existing composting facilities.</p> <ul style="list-style-type: none"> <li>○ A new or revised existing ordinance, regulation, resolution, or policy needs to be in place prior to any procurement taking place.</li> </ul>	<p>A jurisdiction should keep in its implementation the related enforceable ordinance or similarly enforceable ordinance and record documentation that substantiates this procurement activity.</p>	<p>Any new or revised ordinances, regulations, resolutions, or policies must be reported to CalRecycle via the Electronic Annual Report.</p>
Operations composting green material, agricultural material, food material, and vegetative food material	<p>Operations composting green material, agricultural material, food material and vegetative food material, if the total amount of feedstock and compost onsite at any one time does not exceed 100 cubic yards and 750 square feet. <a href="#">[PRC, Section 42652.5]</a></p>			
Mushroom farm (composting)	<p>"Mushroom Farm" means an activity that produces mushrooms. The handling of compostable material at a mushroom farm prior to and after use as a growth medium is subject to regulation pursuant to this chapter and is not considered mushroom farming.” <a href="#">[14 CCR, Section 17852]</a></p>			

- Pursuant to [PRC 42652.5\(j\)](#) a local jurisdiction may count up to 10 percent of its recovered organic waste product procurement target with mulch produced from tree trimming operations and edible food recovery. Please note that mulch from tree

trimmings and edible food recovered under [14 CCR Section 18991.1](#) may collectively count for up to 10% of a jurisdiction's procurement target, not 10% for each product.

- Mulch produced from tree trimming operations conducted by the jurisdiction or a service provider operating under contract to the jurisdiction when applied to landscape areas owned or managed by the jurisdiction or given away to residents, can be counted if the local jurisdiction does both of the following:
  - Provides documentation of the amount of mulch used and distributed, and where it was applied.
  - Adopts an ordinance or other enforceable mechanism requiring that mulch be used in a manner that meets the definition of “land application” in subparagraph [14 CCR Section 17852\(a\)\(24.5\)\(A\)](#) and that meets the pathogen, metals, and physical contamination limits that apply to existing composting facilities.
    - A new or revised existing ordinance, regulation, resolution, or policy needs to be in place prior to any procurement taking place. Please note that if a jurisdiction already has an ordinance that meets the requirements of this section, no revision or new ordinance is necessary.
  - A jurisdiction should keep in its implementation the related enforceable ordinance or similarly enforceable ordinance and documentation that substantiates this procurement activity.
  - Any new or revised ordinances, regulations, resolutions, or policies must be reported to CalRecycle via the Electronic Annual Report.
- Edible food recovered in compliance with [14 CCR Section 18991.1](#) generated from a commercial food generator located within the jurisdiction.
  - Jurisdictions would need to quantify the edible food recovered from the commercial edible food generators located within their jurisdiction.
    - One ton of edible food shall be considered equivalent to one ton of organic waste products.
    - While the commercial edible food generators are not required to report to the jurisdiction, they are required to keep records of the amount of edible food donated as outlined in [14 CCR Section 18991.4](#).
  - A jurisdiction should also keep in its implementation record documentation that substantiates this procurement activity.
- Pursuant to [PRC Section 42652.5\(l\)](#) a local jurisdiction may count the following direct expenditures towards its recovered organic waste product procurement target until December 31, 2035:
  - Investments for community composting operations serving the jurisdiction, including, but not limited to, an investment made to establish or expand a compostable materials handling operation outlined in [14 CCR Section 17852](#) or community composting operation outlined in [14 CCR Section 18982](#). Examples of investments include purchasing equipment, purchasing land for the operation, etc.
  - Equipment that is used only to apply compost or mulch, limited to the following:
    - Compost spreaders

- Drag harrows
- Chippers
- Stump grinders
- Blowers, including attachments for the blowers such as cones
  - Equipment can be purchased by a jurisdiction, if it chooses to, and provided to other entities, such as farms and ranches located in the jurisdiction.
- Development of compost or mulch distribution sites to make free compost and mulch accessible and available to residents.
- The conversion factor shall be twenty-one dollars and thirty-eight cents (\$21.38) for each ton of organic waste attributed to the target.
- Please note that the above direct expenditures may collectively count for up to 10% of a jurisdiction's procurement target, not 10% for each expenditure.
- If multiple jurisdictions are investing in the same activity, such as establishing a community composting operation or compostable materials handling operation that serve all the jurisdictions or purchasing equipment that is used by a ranch, they will need to maintain the documentation that substantiates each jurisdiction's investment.
  - For example, each jurisdiction's documentation could state the total amount of the project and how much each jurisdiction invested and document how much and when the investment by the jurisdiction was made and what the investment was for, such as purchasing a compost spreader or equipment for an aerated static pile system.
- Investments may only be counted in the year in which the investment is made and do not roll over from year to year.
  - For example, if a jurisdiction purchased a compost spreader that cost \$100,000, but that equates to more organic waste than is needed in that year for the procurement target, the jurisdiction cannot roll over a portion of the investment into the next year to use towards its procurement target.
- A jurisdiction should also keep in its implementation record documentation that substantiates the direct expenditure procurement activity allowed in [PRC Section 42652.5\(I\)](#).