



August 5, 2026

Office of Administrative Law
300 Capitol Mall, Suite 1250
Sacramento, CA 95814

Subject: Justification of Changes Without Regulatory Effect – Title 14, California Code of Regulations Section 18993.1(f)(2)

The Department of Resources Recycling and Recovery (CalRecycle) requests that the Office of Administrative Law (OAL) approve the enclosed changes without regulatory effect pursuant to California Code of Regulations (CCR), Title 1, Section 100. The proposed regulatory change is appropriate under Section 100 because, as described below, it is required for a regulation to be consistent with a recent change to the statute that the regulation implements. As required by Section 100, CalRecycle has no discretion to adopt a change that differs in substance from the one proposed.

And the proposed amendment is nonsubstantial and can be considered “changes without regulatory effect” as it does not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any CCR provision.

Statutory Change Necessitating Changes Without Regulatory Effect

Senate Bill 1383 required CalRecycle, in consultation with the Air Resources Board, to adopt regulations that achieve specified targets for reducing organic waste in landfills. In response, CalRecycle developed regulations (hereafter “1383 regulations”) that, among other things, establish requirements on jurisdictions to meet an annual recovered organic waste procurement target, and identify the specific recovered organic waste products that jurisdictions may procure to comply with the targets. One set of recovered organic waste products that may meet procurement targets is renewable gas used for electricity and heating applications, as described in 14 CCR Section 18993.1(f)(2).

In October 2025, the Governor signed Assembly Bill 70 (hereafter “AB 70”) into law. AB 70 requires CalRecycle to amend the 1383 Regulations in 14 CCR Section 18993.1. Recovered Organic Waste Product (ROWP) Procurement Target, to include pipeline biomethane in the list of ROWPs that jurisdictions may procure to comply with Article 12. Specifically, AB 70 states:

“(12) No later than January 1, 2027, the department shall amend subdivision (f) of Section 18993.1 of Title 14 of the California Code of Regulations to include in the recovered organic waste products that a jurisdiction may procure to comply with Article 12 (commencing with Section 18993.1) of Chapter 12 of Division 7 of Title 14 of the California Code of Regulations pipeline biomethane converted exclusively from organic waste that is diverted from a landfill pursuant to Section 39730.6 of the Health and Safety Code and is consistent with Article 10 (commencing with Section 650) of Chapter 3 of Part 1 of Division 1 of the Public Utilities Code.”

Including pipeline biomethane in the list of ROWPs that jurisdictions may procure to comply with Article 12 does not have a material regulatory effect on SB 1383 Regulations. The bill does not direct CalRecycle to add additional end uses of biomethane to the list of eligible ROWPs (i.e., transportation, electricity, or heating applications) as pipeline biomethane is a means of conveying biomethane as opposed to an end use. The bill does not direct CalRecycle to establish new conversion factors for biomethane end uses, and the bill does not include new reporting or recordkeeping requirements.

AB 70 directs CalRecycle to add the term “pipeline biomethane” to the SB 1383 Regulations; however, the existing SB 1383 regulations already allow biomethane conveyance via pipeline to an eligible end use (i.e., transportation, electricity, or heating applications).

Renewable natural gas (hereafter “RNG”) is an eligible ROWP when used as fuel for transportation, electricity, or heating applications regardless of whether it was used on site or injected into a pipeline and used at another location. AB 70 added “pipeline biomethane” to the list of ROWPs, which is a term often used synonymously with “RNG.” Specifically, 14 CCR Section 18982(a)(62) currently defines renewable gas 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.” And AB 70 defines pipeline biomethane as, “converted exclusively from organic waste that is diverted from a landfill pursuant to Section 39730.6 of the Health and Safety Code and is consistent with Article 10 (commencing with Section 650) of Chapter 3 of Part 1 of Division 1 of the Public Utilities Code.”

The SB 1383 Final Statement of Purpose and Necessity for 14 CCR Section 18993.1, Subd. (f)(2) explains that pipeline injection is considered a means of conveyance and not an end use and described how the regulation is flexible and designed to change over time in support of jurisdictions and their unique needs. For example, a jurisdiction could meet its procurement target using existing conversion factors:

- RNG and pipeline biomethane converted to renewable hydrogen used to generate electricity qualifies as procuring electricity.
- RNG and pipeline biomethane used for cooking qualifies as procuring for heating applications.

As a result of the flexibility originally provided in the regulations, existing conversion factors can be used for procurement of ROWPs that use or are derived from pipeline biomethane. Developing new conversion factors is unnecessary.

AB 70 did not establish specific restrictions on the applications or end uses of pipeline biomethane. AB 70 did not have a regulatory effect on the types of feedstocks considered organic waste that can be used to produce renewable gas (pipeline biomethane). The materials must be diverted from landfill and the types of organic waste used to produce “renewable gas” under SB 1383 and “pipeline biomethane” under the Public Utilities Code (hereafter “PUC”). This change does not appear to materially change or have any regulatory effect on the types of organic waste that may be used as feedstocks to produce biomethane. SB 1383 encompasses more materials (i.e., organic textiles and carpets) than those identified in PUC Section 650, but textiles and carpets are not viable feedstocks for producing biomethane via anaerobic decomposition. AB 70 did not have an effect on the regulatory requirement that jurisdictions must directly comply with Article 12 by procuring ROWPs for use or giveaway. AB 70 did not direct CalRecycle to develop Conversion Factors (hereafter “CFs”) for additional end uses or applications of RNG. AB 70 does not address reporting requirements or specific end uses (i.e., types of records that would be needed to demonstrate compliance); thus, does not appear to have a regulatory effect on the record-keeping requirements established by SB 1383 Regulations.

Explanation of Changes

At issue here is 14 CCR Section 18993.1(f) in its current form does not specifically state that pipeline biomethane is in the list of ROWPs that jurisdictions may procure to comply with Article 12. As originally enacted, 14 CCR section 18993.1, Subd. (f) states (in part):

(f) For the purposes of this article, the recovered organic waste products that a jurisdiction may procure to comply with this article are:

* * * *

(2) Renewable gas used for fuel for transportation, electricity, or heating applications.

* * * *

This regulatory provision needs to be amended to be consistent and conform with the statutory requirement of AB 70, and CalRecycle has no discretion to adopt a change which differs in substance from the proposed language.

To conform the regulations to the expanded scope of PRC Section 42652.5, CalRecycle proposes to amend 14 CCR Section 18993.1(f) to specifically include pipeline biomethane in the list of ROWPs that jurisdictions may procure to comply with Article 12. Specifically, Section 18993.1(f) regulations would state as follows (in part) (*change italicized in bold*):

(f) For the purposes of this article, the recovered organic waste products that a jurisdiction may procure to comply with this article are:

* * * *

(2) Renewable gas used for fuel for transportation, electricity, or heating applications.

* * * *

(5) Pipeline biomethane converted exclusively from organic waste that is diverted from a landfill pursuant to Section 39730.6 of the Health and Safety Code and is consistent with Article 10 of Chapter 3 of Part 1 of Division 1 of the Public Utilities Code.

Other than specifically including pipeline biomethane in the list of ROWPs that jurisdictions may procure to comply with Article 12 to accommodate this amendment, CalRecycle is not proposing any other change to 14 CCR Section 18993.1(f).

Conclusion

The proposed change is appropriate pursuant to CCR, Title 1, Section 100 given that AB 70 requires CalRecycle to amend 14 CCR Section 18993.1(f) to specifically include pipeline biomethane in the list of ROWPs that jurisdictions may procure to comply with Article 12. Therefore, (1) CalRecycle must amend the regulation to conform with the mandated statutory language and requirements of AB 70, and the agency has no discretion to have a regulation which differs from the proposed amended regulation, and (2) the proposed amendment is non-substantial and can be considered “changes without regulatory effect” as it does not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any CCR provision.

Sincerely,

Cyrena
Reynolds

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Cyrena Reynolds
Program Attorney
CalRecycle