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CalRecycle

SB 1383 Implementation Tools

Model Recovered Organic Waste
Product Procurement Policy

**DRAFT
DATE**

Prepared by
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in conjunction with
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# Disclaimer

This Model Tool is for informational and example purposes only. It should not merely be duplicated without consideration of an individual jurisdiction’s particular needs or circumstances. It is not intended to cover each and every situation, nor can it anticipate specific needs. In developing this Model Tool, CalRecycle and its consultants (HF&H Consultants in conjunction with Debra Kaufman Consulting) have attempted to ensure that the language herein aligns with the SB 1383 regulations; however, in the event of any conflict, the language in the regulations shall prevail over language in the Model Tool and determination of regulatory intent and interpretation should be appropriately guided by the regulatory language and the official rulemaking record of which this Model Tool is not a component. CalRecycle and its consultants make no representation that use of this Model Tool will ensure compliance with regulatory requirements. This Model Tool does not constitute legal advice. Jurisdictions are encouraged to seek legal counsel appropriate to their particular circumstances regarding compliance with regulatory requirements.

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GUIDANCE ON THE
MODEL RECOVERED ORGANIC WASTE PRODUCT PROCUREMENT POLICY

INTRODUCTION

The California Department of Resources Recycling and Recovery (CalRecycle) oversees a variety of programs and policy initiatives to reduce the amount of solid waste sent to landfills and to promote recycling in California, including organic waste recycling under SB 1383. SB 1383, as enacted in 2017 (Lara, Chapter 395, Statutes of 2016), establishes Statewide targets to reduce the Statewide disposal of organic waste by 50 percent by 2020 and 75 percent by 2025; and requires that not less than 20 percent of edible food that is currently disposed be recovered for human consumption by 2025. For the purposes of this document, “SB 1383 regulations” or “SB 1383 regulatory” requirements refer to the Short-Lived Climate Pollutants (SLCP): Organic Waste Reductions regulations developed by CalRecycle and adopted in 2020 that created Chapter 12 of Title 14, Division 7 of the California Code of Regulations (CCR), and amended portions of regulations of Title 14 CCR and Title 27 CCR. The SB 1383 regulations set forth a variety of programmatic and policy-related requirements for jurisdictions, generators, and other entities to support the Statewide goals of SB 1383.

To support jurisdictions and other regulated entities with implementing programs and policies to reach compliance with SB 1383 regulations, CalRecycle offers four Model Implementation Tools including a Model Franchise Agreement, Model Mandatory Organic Waste Disposal Reduction Ordinance, Model Recovered Organic Waste Product Procurement Policy, and Model Food Recovery Agreement. These tools are available for jurisdictions to use and customize to meet their unique needs.

This Guidance supports the use of the Model Recovered Organic Waste Product Procurement Policy (Model Policy). While adopting a recovered organic waste product procurement policy is not an SB 1383 regulatory requirement, the Model Policy was created recognizing that such a policy will help jurisdictions throughout the State meet their annual recovered organic waste product procurement target, as well as the recycled-content paper procurement requirements as described in SB 1383 regulations (14 Division 7, Chapter 12, Article 12). The Model Policy has been developed to provide an easy-to-use and customizable template for jurisdictions creating their procurement policy. The guidance provided herein highlights important considerations to keep in mind when using the Model Policy; customization strategies to adapt the Model Policy to fit jurisdictions’ unique conditions; and tips and a list of additional resources.

Note: SB 1383 regulations do not require jurisdictions to adopt a recovered organic waste product procurement policy; however, jurisdictions may find adopting such a procurement policy will support its obligation to comply with the recovered organic waste product procurement requirements of SB 1383 regulations.

SB 1383 regulations (14 CCR Section 18993.1(a)), require a jurisdiction, as of January 1, 2022, to annually procure a CalRecycle-defined quantity of recovered organic waste products. Each jurisdiction’s annual recovered organic waste product procurement target will be calculated by multiplying the jurisdiction’s population by 0.08 tons of organic waste per California resident. Note that for the purposes of the recovered organic waste product procurement target requirement, a jurisdiction means a city, a county, or a city and county. Entities that are not a city or county or a city and county should take note of this and may exclude a portion of the Model Procurement Policy (Section 3) related to achieving the recovered organic waste product procurement target and can strike associated definitions. The Model Policy also addresses SB 1383 regulatory requirements that jurisdictions purchase, and vendors supply, paper that meets specified recycled-content standards pursuant to 14 CCR Section 18993.3. Note that the recycled-content paper requirements apply to all jurisdictions, including special districts that provide solid waste collection services. The SB 1383 regulatory requirement to purchase recycled-content paper products and printing and writing paper applies to all departments in a jurisdiction that purchase such paper, and shall not be limited to the department tasked with obtaining records to confirm compliance with the SB 1383 regulatory requirements and the jurisdiction’s procurement policy. Conversely, a jurisdiction’s compliance with the annual recovered organic waste product procurement target may be achieved through the applicable departments that will use such products (e.g., departments of parks and recreation, public works, transportation).

Since a jurisdiction has flexibility on how to meet their annual recovered organic waste product procurement target, none of the sections in the Model Policy are mandatory and should be considered as suggested ways to achieve the jurisdiction’s annual recovered organic waste product procurement target. Jurisdictions may choose to include all of the sections, or only some, depending upon their circumstances. Jurisdictions will need to maintain records, however, to show that they have met their annual recovered organic waste product procurement target, and that they have purchased paper meeting the specified recycled-content and recyclability standards. The Model Policy includes language on reporting requirements related to obtaining the information necessary to demonstrate compliance.

It is important to note that under SB 1383 regulations, the “procurement of recovered organic waste products” is not limited to the purchase of material by the jurisdiction, but also includes production or acquisition (e.g., free delivery or free distribution from a hauler or other entity via an agreement) and end use by the jurisdiction or direct service providers through an agreement with the jurisdiction. The procurement target can be fulfilled directly by the jurisdiction or by direct service providers through contracts or agreements for procurement of recovered organic waste products at the jurisdiction’s behest. The Model Policy includes sections to cover these possibilities.

The Model Policy is intended to provide multiple options for jurisdictions to consider to meet their annual recovered organic waste product procurement target, which may be reached through procurement of four product types: (i) Compost; (ii) Renewable gas derived from organic waste at an in-vessel digestion facility used for transportation fuel, electricity, or heating; (iii) Electricity from biomass conversion; and, (iv) Mulch. Each of these product types must meet specific requirements outlined in SB 1383 regulations and also described in the Model Policy. In the case of mulch, the jurisdictions must have an enforceable ordinance or similarly enforceable mechanism that requires the mulch to meet specific contamination standards. A jurisdiction may meet their annual procurement target with one product or through a combination of the four allowable recovered organic waste products. SB 1383 regulations (14 CCR Section 18993.1(k)) specify that a jurisdiction shall identify additional procurement opportunities within the jurisdiction’s departments and divisions for expanding the use of recovered organic waste products. The Model Policy was designed to provide options so that jurisdictions could include product procurement requirements that make the most sense for their particular conditions.

Jurisdictions that are part of a joint powers authority (JPA) may consider requesting the support of their existing JPAs in adopting and/or implementing parts of a procurement policy. For example, JPAs may support jurisdictions by focusing on procurement areas that the JPA may normally participate in, such as procurement of compost or mulch through contracts with collection and processing service providers. The SB 1383 regulations state that the jurisdiction itself remains ultimately responsible for compliance with the procurement-related requirements contained in SB 1383 regulations (14 CCR Division 7, Chapter 12, Article 12); however, a jurisdiction may delegate authority to the JPA, by entering into an agreement or amending an existing agreement to formalize this delegation. It is intended that the obligations undertaken by a special district or a JPA that has been delegated authority will be the responsibility of the special district or JPA and those entities would be subject to any enforcement action. However, for areas of a jurisdiction that are not within the authority of a special district or JPA, compliance with these regulations would remain the ultimate responsibility of the jurisdiction.

IMPORTANT CONSIDERATIONS

* **New Policy or Amendment of Existing Policy.** The Model Policy is designed to be customizable for jurisdictions, providing options to address a range of procurement choices. It can be used by jurisdictions drafting a new procurement policy and those amending an existing procurement policy. The Model Policy is focused on the SB 1383 regulatory procurement requirements for recovered organic waste products, as well as the purchase of recycled-content paper and paper products. Jurisdictions may want to expand their procurement policy to cover non-organic recycled-content products and products with other environmentally preferable traits. If the jurisdiction already has a procurement policy, it could be modified to include some or all of the suggested requirements related to recovered organic waste product procurement and the recycled-content paper procurement requirements below. If a jurisdiction doesn’t have a procurement policy and chooses to adopt one using this Model Policy as a starting point, it may consider including other procurement policies to encourage waste prevention, water conservation, energy conservation, and toxicity reduction to its procurement policy. For example, these policies could include requiring the purchase of recyclable, reusable, compostable, and Green-Seal certified products, Energy Star products, and products that are low in volatile organic compounds (VOCs), per- and polyfluoroalkyl substances (PFAS), chlorofluorocarbons (CFCs), and formaldehyde, as well as other recycled-content paper products, such as transportation and construction products.
* **SB 1383 Requirements**. Each jurisdiction is responsible for understanding and achieving compliance with SB 1383 regulations. Use of the Model Policy does not exempt a jurisdiction from complying with all SB 1383 regulatory requirements. The Model Policy includes example language that supports compliance with many SB 1383 procurement-related regulatory requirements. Jurisdictions should, however, review all the procurement-related requirements in SB 1383 Regulations (14 CCR, Division 7, Chapter 12, Article 12 (Procurement of Recovered Organic Waste Products) and Article 13 (Reporting)). The Model Policy is designed to enable the jurisdiction to require reporting from regulated entities that it will need to meet jurisdictional procurement-related recordkeeping and reporting requirements in SB 1393 regulations. It is advised that jurisdictions thoroughly review the SB 1383 regulations and take necessary actions to ensure full compliance.

In instances where language from the SB 1383 regulatory text is incorporated into the Model Policy, the language is shown in blue font. The SB 1383 regulations-specific content in blue font follows closely with SB 1383 regulatory language; however, in many cases, the wording of SB 1383 regulatory requirements was adapted to fit the context of the Model Policy, conform with defined terms, or be framed with sufficient detail for the Model Policy. Additional information on SB 1383 regulations is imbedded in many of the guidance notes.

Black font identifies language that is not specific to SB 1383 regulations. In most cases, it relates to the requirements of SB 1383 regulations and has been included to provide the context to understand how SB 1383 regulations-related provisions can be integrated into a procurement policy. In other cases, it presents example language to provide the framework of a typical procurement policy and guidance notes within this Model Policy generally indicate that it is example language that is not required by SB 1383 regulations.

* **Involve Legal Counsel**. Any procurement policy that results from use of the Model Policy shall not be considered to have undergone legal counsel review. Each jurisdiction is responsible for involving its legal counsel to perform legal review and approval processes typically required by the jurisdiction for approval of such policies.
* **Engage with Affected Parties**. When adopting a new or amended policy, it is advised that the review and adoption process involve engagement with the affected parties, which will help with the implementation process as they will be more aware of the upcoming requirements. For the procurement of recovered organic waste products, SB 1383 regulations (14 CCR Section 18993.1(k)) require that a jurisdiction identify procurement opportunities within the jurisdiction’s departments and divisions for expanding the use of recovered organic waste products. For example, when jurisdictions are preparing their procurement policy, engagement is warranted with various departments within the jurisdiction that procure and/or use recovered organic waste products (e.g., compost, mulch, renewable natural gas) and with contractors or direct service providers that may supply such products and/or may use the products to support fulfillment of the jurisdiction’s annual recovered organic waste product procurement target. For recycled-content paper procurement, engagement is warranted with all departments and vendors that will need to meet the recycled-content paper procurement and reporting requirements.
* **Example Language Only**. The provisions in the Model Policy are examples of how the SB 1383 regulatory requirements may be integrated and worded in a jurisdiction’s procurement policy. Jurisdictions are not required to use this exact language. All language should be considered in the context of the specific requirements contained in the SB 1383 regulations and the jurisdiction’s unique conditions.

CUSTOMIZATION CONSIDERATIONS

The Model Policy is designed to be customizable for a diverse range of jurisdictions, while providing flexibility for each jurisdiction using the Model Policy to reflect their needs. For example, some jurisdictions will meet their recovered organic waste product procurement target by using only compost or only renewable gas for transportation fuel and can delete the other requirements related to mulch and electricity. Jurisdictions may choose to include more procurement requirements than necessary to meet other environmental goals of the jurisdiction.

Each jurisdiction will want to capture its local systems and unique approach to its recovered organic waste product procurement. As such, jurisdictions are advised to consider the following general items when crafting their procurement policy. More specific guidance is included in the Model Policy.

1. Guidance and Option Notes

Guidance notes are integrated into the Model Policy to explain how specific sections and provisions of the Model Policy can be customized for a jurisdiction’s needs. General guidance notes are highlighted green. Notes in blue identify various options or areas where specific information is to be inserted or selected.

The Model Policy addresses common uses of recovered organic waste products; however, addressing all jurisdictional scenarios was not practical. Given this, most jurisdictions will need to customize some sections of the Model Policy to reflect their conditions by drawing on example provisions in the Model Policy as a starting point.

2. Type of Jurisdiction

SB 1383 regulations (14 CCR Section 18993.1(a)), clarify that only jurisdictions that are a city, a county, or a city and county are subject to the recovered organic waste product procurement target requirements. Other entities covered in the SB 1383 regulatory definition of “jurisdiction,” such as special districts that provide solid waste collection services, are not required to comply and may delete related language. Note that all types of jurisdictions must comply with the recycled-content paper procurement requirements specified in SB 1383 regulations (14 CCR Section 18993.3). Jurisdictions should choose the customization options that best match the requirements of their jurisdiction type (e.g., city or county).

Rural counties and jurisdictions located within rural counties that are exempt from the organic waste collection requirements pursuant to 14 CCR Section 18984.12(c) are not required to comply with SB 1383 recovered organic waste product procurement regulatory requirements from January 1, 2022 through December 31, 2026 pursuant to 14 CCR Section 18993.1(l). As a result, these rural jurisdictions may choose to delay adoption of a procurement policy for recovered organic waste product procurement until January 1, 2027. The recycled-content paper requirements, however, do apply to these jurisdictions commencing January 1, 2022, and, therefore, the jurisdiction may choose to adopt a recycled-content paper procurement policy on or before January 1, 2022 to support their compliance.

3. Procurement of Recovered Organic Waste Products

The Model Policy includes two sections related to compliance with SB 1383 regulatory requirements for recovered organic waste product procurement. The first section is an optional section for departments that might use recovered organic waste products to do so, and to keep records of such to support the jurisdiction’s recordkeeping requirements and attainment of its recovered organic waste product procurement target. The second section is an optional section for direct service providers of various types (e.g., providers of landscaping maintenance, renovation, construction, or organic waste collection services) to use and report the use of specified recovered organic waste products. These provisions do not reflect SB 1383 regulatory requirements, but are included to offer jurisdictions a flexible strategy for meeting their recovered organic waste product procurement target and reporting requirements. Jurisdictions may choose to reduce or expand the type of direct service providers that must use specified recovered organic waste products, depending upon their particular circumstances, and the type of direct service providers that use or could use these products on behalf of the jurisdiction.

4. Procurement of Recycled-Content Paper

The Model Policy includes a section to implement SB 1383 regulations (14 CCR Section 18993.3), related to recycled-content paper procurement requirements. This section reiterates pre-existing requirements on paper products and printing and writing paper to contain recycled content (Sections 22150-22154 of the Public Contract Code), when available, at no greater cost (although price preferences are not prohibited). SB 1383 regulations (14 CCR Section 18993.3(b)) also require that paper products and printing and writing paper be eligible to be labeled with an unqualified recyclable label. The Model Policy language helps to put these requirements into practice and enables the jurisdiction to collect records they will need to show compliance with SB 1383 regulations.

5. Responsibilities

Jurisdictions may want to assign a designee to be responsible for collecting and maintaining the documents needed to support and demonstrate compliance with the SB 1383 regulatory target for recovered organic waste product procurement and the SB 1383 recycled-content paper regulatory requirements. The Model Policy contains a section for jurisdictions to identify a department to take this responsibility and identifies the responsibilities of a recordkeeping designee.

6. Alignment of Defined Terms

The Model Policy includes defined terms, many of which were obtained from SB 1383 regulatory definitions. The nuances of defined terms and their relationship to one another can have a significant impact on the meaning of the provisions of the procurement policy. For this reason, jurisdictions are advised to carefully review the definitions they are using in existing ordinances, franchise and processing agreements, and their municipal/county code; align them with the definitions in SB 1383 regulations; and, modify existing definitions, delete non-applicable definitions, and integrate new ones where needed. It is likely that some of the definitions in the Model Policy can be used without modification, while others will need to be tailored to the jurisdiction’s unique conditions.

While the user may modify or create their own definitions, the jurisdiction must ensure that all SB 1383 regulatory requirements are met.

In addition, jurisdictions may need to amend the definitions in their municipal/county code to align with updated definitions in their procurement policy, ordinance, and franchise agreement. Jurisdictions should attempt to coordinate definitions used in all of these documents where the same terms are being defined.

7. Document Structure

The Model Policy is structured to include sections on definitions; requirements for direct service providers, jurisdiction departments, and vendors; and designation of a responsible party for tracking and recordkeeping. The Model Policy is intended to be implemented jurisdiction-wide to meet SB 1383 regulatory requirements.

ADDITIONAL TIPS
FOR USING THE MODEL POLICY

1. **Modify Language.** Adjust the Model Policy language to fit the jurisdiction’s specific needs. For example, a jurisdiction that does not plan to use electricity from biomass facilities to meet its recovered organic waste product procurement target should delete that option and related definitions.
2. **Change Jurisdiction.** The term “jurisdiction” is used throughout this Model Policy; however, the entity responsible for adopting a procurement policy will need to change “jurisdiction” throughout the document to the appropriate term, which may be City, County, City and County, Special District that provides solid waste collection services, Joint Powers Authority, Regional Agency, etc. For the recovered organic waste product procurement target requirements, the term “jurisdiction” may be limited to City, County, or City and County, per 14 CCR Section 18993.1(a). Other entities covered in the SB 1383 regulatory definition of “jurisdiction,” such as special districts that provide solid waste collection services, are not required to comply with the recovered organic waste product procurement target requirements; however, all types of jurisdictions must comply with the recycled-content paper requirements specified in 14 CCR Section 18993.3.
3. **Delete Guidance Notes and Unused Options.** Green highlighting identifies guidance notes presented in the Model Policy for reference only, which are to be removed by the user when preparing its procurement policy. In cases where the Model Policy offers multiple options, blue highlighting identifies optional provisions and areas where customization is advised. Options and customization items that are not selected are to be deleted and section numbers must be modified accordingly.
4. **Blend Existing Requirements with Model Policy Requirements**. When using the Model Policy, users may want to blend requirements from both the Model Policy and existing procurement policy(s) or administrative guidelines on procurement to create a policy that best suits their needs and requirements.
5. **Style and Design.** The use of multiple font colors and highlighting to differentiate content in the Model Policy, as described above, is not required in any final document produced, and the colors should be eliminated or made consistent with the user’s standard document styles. The Model Policy has been designed in accordance with CalRecycle’s accessibility guidelines. SB 1383 regulations do not require specific styles or design to be used for policies, and the final document style is at each jurisdiction’s discretion.

ADDITIONAL CALRECYCLE RESOURCES

1. SB 1383 General Information: <https://www.calrecycle.ca.gov/organics/slcp>
2. SB 1383 Final Regulations (including relevant 14 CCR Sections): [Insert Link]
3. SB 1383 Model Implementation Tools: <https://www.calrecycle.ca.gov/organics/slcp/education>

This webpage includes the following Model Tools:

* Model Franchise Agreement
* Model Mandatory Organic Waste Disposal Reduction Ordinance
* Model Recovered Organic Waste Product Procurement Policy
* Model Food Recovery Agreement
1. Other Recovered Organic Waste Product Procurement Resources:
* Calculator for Annual Recovered Organic Waste Product Procurement: [Insert Link]
1. SB 1393 Case Studies: <https://www.calrecycle.ca.gov/organics/slcp/education>

Eight case studies are available including two each on franchise agreements, mandatory organic waste landfill reduction ordinances, recovered organic waste product procurement, and food recovery programs and policies.

1. Other Relevant SB 1383 CalRecycle Reports:
* SB 1383 Local Services Rates Analysis: [Insert Link]
* SB 1383 Infrastructure and Market Analysis: <https://www2.calrecycle.ca.gov/Publications/Details/1652>
1. Relevant Regulations Referenced in the Model Policy:
* Title 14 of California Code of Regulations, Division 7, Department of Resources Recycling and Recovery:
<https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=IFF17BBCC72F5412C8FEEF78290C1526E&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default)>
* Title 27 of California Code of Regulations, Division 2, Environmental Protection, Solid Waste (27 CCR Division 2):
<https://www.calrecycle.ca.gov/laws/regulations/title27>
* Model Water Efficient Landscape Ordinance, Title 23, Division 2, Chapter 2.7 of California Code of Regulations:
<https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I55B69DB0D45A11DEA95CA4428EC25FA0&transitionType=Default&contextData=%28sc.Default%29>
* Public Contract Code (including recycled-content paper requirements):
<https://leginfo.legislature.ca.gov/faces/codes_displayexpandedbranch.xhtml?tocCode=PCC&division=2.&title=&part=2.&chapter=&article=&goUp=Y>
* Public Resources Code: <http://leginfo.legislature.ca.gov/faces/codes_displayexpandedbranch.xhtml?lawCode=PRC&division=30.&title=&part=1.&chapter=2.&article=&goUp=Y>
* Code of Federal Regulations, Title 16 (including relevant definitions):
<https://www.govinfo.gov/app/details/CFR-2013-title16-vol1/CFR-2013-title16-vol1-sec260-12/context>
* Code of Federal Regulations, Title 40 (including relevant definitions): <https://www.govinfo.gov/content/pkg/CFR-2019-title40-vol31/xml/CFR-2019-title40-vol31-part403.xml>

MODEL RECOVERED ORGANIC WASTE PRODUCT PROCUREMENT POLICY

## Section 1. Purpose

A. It is the policy of the Jurisdiction, applicable to all departments and divisions, to incorporate environmental considerations including recycled-content and recovered Organic Waste product use into purchasing practices and procurement. This Recovered Organic Waste Product Procurement Policy (Policy) will help the Jurisdiction to:

1. Protect and conserve natural resources, water, and energy;

2. Minimize the Jurisdiction’s contribution to climate change, pollution, and solid waste disposal; and,

3. Comply with State requirements as contained in 14 CCR Division 7, Chapter 12, Article 12 (SB 1383 procurement regulations) to procure a specified amount of Recovered Organic Waste Products to support Organic Waste disposal reduction targets and markets for products made from recycled and recovered Organic Waste materials, and to purchase Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper.

Guidance: Jurisdictions may wish to expand this section beyond the items listed above to address other benefits of their procurement policy such as supporting their Climate Action Plans and other environmental initiatives.

## Section 2. Definitions

Guidance: Most of the following definitions are excerpted from the SB 1383 regulations, and as such are subject to change as the regulations and resulting code shall subsequently be amended or reorganized.

A. “Annual Recovered Organic Waste Product Procurement Target” means the amount of Organic Waste in the form of a Recovered Organic Waste Product that the Jurisdiction is required to procure annually under 14 CCR Section 18993.1. This target shall be calculated by multiplying the per capita procurement target, which shall be 0.08 tons of Organic Waste per California resident per year, times the Jurisdiction’s residential population using the most recent annual data reported by the California Department of Finance. Annually, CalRecycle will provide notice to each Jurisdiction of its Annual Recovered Organic Waste Product Procurement Target by posting such information on CalRecycle’s website and providing written notice directly to the Jurisdiction.

B. “Compost” means the product resulting from the controlled biological decomposition of organic solid wastes that are source separated from the municipal solid waste stream or which are separated at a centralized facility or as otherwise defined in 14 CCR Section 17896.2(a)(4).

Compost eligible for meeting the Annual Recovered Organic Waste Product Procurement Target must be produced at a compostable material handling operation or facility permitted or authorized under 14 CCR Chapter 3.1 of Division 7 or produced at a large volume in-vessel digestion facility that composts on-site as defined and permitted under 14 CCR Chapter 3.2 of Division 7. Compost shall meet the State’s composting operations regulatory requirements.

Guidance: At its option, Jurisdiction may require that Compost is certified by the Organic Materials Review Institute or is part of the US Composting Council Seal of Testing Assurance Program and meets their Compost parameters, but this is not required by the regulations.

C. “Direct Service Provider” means a person, company, agency, district, or other entity that provides a service or services to Jurisdiction pursuant to a contract or other written agreement or as otherwise defined in 14 CCR Section 18982(a)(17).

D. “Electricity Procured from Biomass Conversion” means electricity generated from biomass facilities that convert recovered Organic Waste, such as wood and prunings from the municipal stream, into electricity. Electricity procured from a biomass conversion facility may only count toward the Jurisdiction’s Annual Recovered Organic Waste Product Procurement Target if the facility receives feedstock directly from certain permitted or authorized compostable material handling operations or facilities, transfer/processing operations or facilities, or landfills, as described in 14 CCR Section 18993.1(i).

E. “Jurisdiction” Guidance: No definition has been included for Jurisdiction. Users of the Model Policy are instructed to replace “Jurisdiction” throughout the Model Policy with the term appropriate to their organization (e.g., City, County, Special District, Agency) and include an appropriate definition placed in alphabetical order in this Section 2.

F. “Organic Waste” means solid wastes containing material originated from living organisms and their metabolic waste products including, but not limited to, food, yard trimmings, organic textiles and carpets, lumber, wood, Paper Products, Printing And Writing Paper, manure, biosolids, digestate, and sludges, or as otherwise defined in 14 CCR Section 18982(a)(46). Biosolids and digestate are as defined in 14 CCR Section 18982(a)(4) and 14 CCR Section 18982(a)(16.5), respectively.

G. “Paper Products” include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling; or as otherwise defined in 14 CCR Section 18982(a)(51).

H. “Printing and Writing Papers” include, but are not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and other uncoated writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications; or as otherwise defined in 14 CCR Section 18982(a)(54).

I. “Procurement of Recovered Organic Waste Products” shall mean purchase or acquisition (e.g., free delivery or free distribution from a hauler or other entity via a written agreement or contract), and end use by the Jurisdiction or others. The Jurisdiction’s Annual Recovered Organic Waste Product Procurement Target can be fulfilled directly by the Jurisdiction or by Direct Service Providers through written contracts or agreements for Procurement of Recovered Organic Waste Products at the Jurisdiction’s behest.

J. “Publicly-Owned Treatment Works” or “POTW” has the same meaning as in Section 403.3(r) of Title 40 of the Code of Federal Regulations. For the purposes of this Policy, the POTW shall be the \_\_\_\_\_\_\_\_\_\_\_ (insert facility name and address).

K. “Recovered Organic Waste Products” means products made from California, landfill-diverted recovered Organic Waste processed at a permitted or otherwise authorized operation or facility, or as otherwise defined in 14 CCR Section 18982(a)(60). Products that can be used to meet the Annual Recovered Organic Waste Product Procurement Target shall include Compost, SB 1383 Eligible Mulch, Renewable Gas from an in-vessel digestion facility, and Electricity Procured from Biomass Conversion as described herein and provided that such products meet requirements of 14 CCR, Division 7, Chapter 12, Article 12.

L. “Recordkeeping Designee” means the public employee appointed by the Jurisdiction Manager or their designee to track procurement and maintain records of Recovered Organic Waste Product procurement efforts both by the Jurisdiction and others, if applicable, as required by 14 CCR, Division 7, Chapter 12, Articles 12 and 13.

Guidance: A Recordkeeping Designee is not required by SB 1383 regulations. It is included in the Model Policy as a suggested way to assign recordkeeping responsibility to a single point person. This person would assist the Jurisdiction in collecting and maintaining the procurement records that are required in the SB 1383 regulations. A Jurisdiction could implement an alternative system such as an electronic tracking system where records could be accessed by as many people as needed. Neither of these options need to be mutually exclusive and other recordkeeping methods that work for the Jurisdiction could also be considered.

M. "Recyclability" means that the Paper Products and Printing and Writing Paper offered or sold to the Jurisdiction are eligible to be labeled with an unqualified recyclable label as defined in 16 Code of Federal Regulations Section 260.12 (2013).

N. “Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper” means such products that consist of at least thirty percent (30%), by fiber weight, postconsumer fiber, consistent with the requirements of Sections 22150 to 22154 and Sections 12200 and 12209 of the Public Contract Code, and as amended.

O. “Renewable Gas” means 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 14 CCR to recover Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(62).

P. “SB 1383” means Senate Bill 1383 of 2016 approved by the Governor on September 19, 2016, which added Sections 39730.5, 39730.6, 39730.7, and 39730.8 to the Health and Safety Code, and added Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30 of the Public Resources Code, establishing methane emissions reduction targets in a statewide effort to reduce emissions of short-lived climate pollutants, as amended, supplemented, superseded, and replaced from time to time.

Q. “SB 1383 Regulations” or “SB 1383 Regulatory” means or refers to, for the purposes of this policy, the Short-Lived Climate Pollutants (SLCP): Organic Waste Reductions regulations developed by CalRecycle and adopted in 2020 that created Chapter 12 of 14 CCR, Division 7 and amended portions of regulations of 14 CCR and 27 CCR.

 Guidance: Throughout the Model, Sections of the SB 1383 Regulations are referenced in the format “14 CCR Section XXXX” and “27 CCR Section XXXX,” or are referred to by chapter or article in the format “14 CCR, Division X, Chapter X, Article X,” with the exception of certain cases where a more general reference to “SB 1383 Regulations” was appropriate. “14 CCR” means Title 14 of the California Code of Regulations and “27 CCR” means Title 27 of the California Code of Regulations.

R. “SB 1383 Eligible Mulch” means mulch eligible to meet the Annual Recovered Organic Waste Product Procurement Target, pursuant to 14 CCR Chapter 12 of Division 7. This SB 1383 Eligible Mulch shall meet the following conditions for the duration of the applicable procurement compliance year, as specified by 14 CCR Section 18993.1(f)(4):

1. Produced at one of the following facilities:

i. A compostable material handling operation or facility as defined in 14 CCR Section 17852(a)(12), that is permitted or authorized under 14 CCR Division 7, other than a chipping and grinding operation or facility as defined in 14 CCR Section 17852(a)(10); Guidance: Note that SB 1383 Eligible Mulch excludes mulch from chipping and grinding operations.

ii. A transfer/processing facility or transfer/processing operation as defined in 14 CCR Sections 17402(a)(30) and (31), respectively, that is permitted or authorized under 14 CCR Division 7; or,

iii. A solid waste landfill as defined in Public Resources Code Section 40195.1 that is permitted under 27 CCR Division 2.

2. Meet or exceed the physical contamination, maximum metal concentration, and pathogen density standards for land application specified in 14 CCR Sections 17852(a)(24.5)(A)1 through 3, as enforced by Jurisdiction Code Section \_\_\_. Guidance: In order for mulch to qualify as a Recovered Organic Waste Product toward the Jurisdiction’s Annual Recovered Organic Waste Product Procurement Target, 14 CCR Section 18993.1 requires that Jurisdictions adopt an ordinance or similarly enforceable mechanism to require compliance with the land application standards specified above.

S. “State” means the State of California.

## Section 3. Recovered Organic Waste Product Procurement

Guidance: This Section applies to a Jurisdiction that is a city, county, or city and county. It is not required for other types of Jurisdictions, including special districts that provide solid waste collection services, and as such, may be deleted for these entities. Rural counties and Jurisdictions located within rural counties that are exempt from the Organic Waste collection requirements pursuant to 14 CCR Section 18984.12(c) are not required to comply with SB 1383 regulatory requirements for Recovered Organic Waste Product procurement from January 1, 2022 through December 31, 2026, pursuant to 14 CCR Section 18993.1(l). As a result, these Jurisdictions may delay adoption of the requirements in this Section 3 until January 1, 2027. In such case, the Jurisdiction shall delete Section 3 and related definitions.

### 3.1 Procurement Target

A. Jurisdiction will annually procure for use or giveaway a quantity of Recovered Organic Waste Products that meets or exceeds its Annual Recovered Organic Waste Product Procurement Target through the implementation of Sections 3 through 5 of this Policy.

B. To be eligible to meet the Annual Recovered Organic Waste Product Procurement Target, products that may be procured include the following (provided that each product meets the criteria included in their respective definition in Section 2 of this Policy):

1. SB 1383 eligible Compost (as defined in Section 2.B).

2. SB 1383 Eligible Mulch (as defined in Section 2.R).

3. Renewable Gas (in the form of transportation fuel, electricity, or heat) (as defined in Section 2.O).

4. Electricity Procured from Biomass Conversion (as defined in Section 2.D).

### 3.2 Requirements for Jurisdiction Departments

Guidance: Jurisdictions shall delete sections below that are not relevant to their procurement policy (e.g., delete Subsection A if not procuring Compost or SB 1383 Eligible Mulch and/or Subsection B if not procuring Renewable Gas). Some relevant divisions and department activities (landscaping maintenance, renovation, or construction) have been provided as examples, but should be customized as relevant to the Jurisdiction.

A. Compost and SB 1383 Eligible Mulch procurement. Divisions and departments responsible for landscaping maintenance, renovation, or construction shall:

1. Use Compost and SB 1383 Eligible Mulch produced from recovered Organic Waste, as defined in Section 2.B and 2.R of this Policy, for landscaping maintenance, renovation, or construction, as practicable, whenever available, and capable of meeting quality standards and criteria specified. SB 1383 Eligible Mulch used for land application must meet or exceed the physical contamination, maximum metal concentration and pathogen density standards specified in 14 CCR Section 17852(a)(24.5)(A)(1) through (3).

2. When Jurisdiction uses Compost and SB 1383 Eligible Mulch and the applications are subject to the Jurisdiction’s Water Efficient Landscaping Ordinance (WELO), pursuant to Jurisdiction Code Section \_\_\_\_\_, comply with one of the following, whichever is more stringent, (i) the Jurisdiction’s WELO, Jurisdiction Code Section \_\_, if more stringent than the State’s Model Water Efficient Landscape Ordinance (MWELO), or (ii) Sections 492.6 (a)(3)(B), (C), (D), and (G) of the State’s Model Water Efficient Landscape Ordinance, Title 23, Division 2, Chapter 2.7 of the CCR, as amended September 15, 2015, which requires the submittal of a landscape design plan with a “Soil Preparation, Mulch, and Amendments Section” to include the following: Guidance: Jurisdictions may, at their option, choose to establish and enforce water efficient landscaping requirements that are more stringent than required by SB 1383 regulations, including enforcement of updates to the MWELO provided that any updated MWELO requirements are more stringent than the September 15, 2015 MWELO requirements identified in the MWELO sections listed above.

a. For landscape installations, Compost at a rate of a minimum of 4 cubic yards per 1,000 square feet of permeable area shall be incorporated to a depth of six (6) inches into the soil. Soils with greater than six percent (6%) organic matter in the top six (6) inches of soil are exempt from adding Compost and tilling.

b. Apply a minimum three- (3-) inch layer of mulch on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated. To provide habitat for beneficial insects and other wildlife, leave up to five percent (5%) of the landscape area without mulch. Designated insect habitat must be included in the landscape design plan as such.

c. Procure organic mulch materials made from recycled or post-consumer materials rather than inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available. Organic mulches are not required where prohibited by local Fuel Modification Plan Guidelines or other applicable local ordinances.

d. For all mulch that is land applied, procure SB 1383 Eligible Mulch that meets or exceeds the physical contamination, maximum metal concentration, and pathogen density standards for land applications specified in 14 CCR Section 17852(a)(24.5)(A)(1) through (3).

Guidance: Section 3.2.A.2.a-c directly above are the MWELO requirements related to Compost and mulch use only, and are excerpted from the MWELO. These requirements do not constitute an inclusive list of MWELO or WELO requirements. Departments subject to the MWELO shall consult the full MWELO or local WELO for all requirements. Section 3.2.A.2.d above is an SB 1383 regulatory requirement. For Jurisdictions to be able to count mulch used by their departments toward their Annual Recovered Organic Waste Product Procurement Target, the mulch must meet the definition of SB 1383 Eligible Mulch in Section 2.R of this Policy.

3. Keep records, including invoices or proof of Recovered Organic Waste Product procurement (either through purchase or acquisition), and submit records to the Recordkeeping Designee, upon completion of project.

Guidance: As an alternative option to “upon completion of projects” in the above sentence, Jurisdiction may replace with “on a schedule to be determined by Recordkeeping Designee” or Jurisdiction may specify the reporting dates and time periods in a manner similar to Section 3.2.B.2. Schedule should allow Jurisdiction to capture procurement compliance records for a full year for reporting purposes.

Records shall include:

a. General procurement records, including:

(i) General description of how and where the product was used and applied, if applicable;

(ii) Source of product, including name, physical location, and contact information for each entity, operation, or facility from whom the Recovered Organic Waste Products were procured;

(iii) Type of product;

(iv) Quantity of each product; and,

(v) Invoice or other record demonstrating purchase or procurement.

Guidance: Note that the information to be included in Subsections (i) though (v) above will help Jurisdiction meet the procurement recordkeeping requirements in 14 CCR Sections 18993.2, 18993.4, and 18994.2(j).

b. For Compost and SB 1383 Eligible Mulch provided to residents through giveaway events or other types of distribution methods, keep records of the Compost and SB 1383 Eligible Mulch provided to residents. Records shall be maintained and submitted to the Recordkeeping Designee in accordance with the requirements specified in Section 3.2.A.3.

c. For procurement of SB 1383 Eligible Mulch, maintain an updated copy of the ordinance or enforceable mechanism(s) requiring that the mulch procured by the Jurisdiction or Direct Service Provider meets the land application standards specified in 14 CCR Section 18993.1, as it may be amended from time to time, as currently reflected in Jurisdiction Code Section \_\_\_\_.

4. When Procurement of Recovered Organic Waste Products occurs through a Direct Service Provider, enter into a written contract or agreement or execute a purchase order with enforceable provisions that includes: (i) definitions and specifications for SB 1383 Eligible Mulch, Compost, Renewable Gas, and/or Electricity Procured from Biomass Conversion; and, (ii) an enforcement mechanism (e.g., termination, liquidated damages) in the event the Direct Service Provider is not compliant with the requirements. Guidance: SB 1383 regulations (14 CCR Section 18993.1(f)(4)), requires that Jurisdictions have an ordinance or similarly enforceable mechanism that requires the SB 1383 Eligible Mulch to meet certain standards for land application of compostable material under 14 CCR Section 17852(a)(24.5) (as referenced in the SB 1383 Eligible Mulch definition). This Section is intended to document the Jurisdiction’s procurement policy for compliance with this requirement when engaging with a Direct Service Provider. This Section also establishes that same requirement for Compost, Renewable Gas, and/or Electricity Procured from Biomass Conversion, although this is not expressly required by SB 1383 regulations. As a result, Compost, Renewable Gas, and/or Electricity Procured from Biomass Conversion may be removed from this Section.

B. Renewable Gas procurement (used for fuel for transportation, electricity, or heating applications). For Renewable Gas procurement, Jurisdiction shall:

1. Procure Renewable Gas made from recovered Organic Waste for transportation fuel, electricity, and heating applications to the degree that it is appropriate and available for the Jurisdiction and to help meet the Annual Recovered Organic Waste Product Procurement Target, which requires compliance with criteria specified in 14 CCR Section 18993.1.

2. Keep records in the same manner indicated in Section 3.2.A.3 for the amount of Renewable Gas procured and used by the Jurisdiction, including the general procurement record information specified in Section 3.2.A.3.a, and submit records to the Recordkeeping Designee on a quarterly schedule. The quarterly schedule shall be as follows: Renewable Gas records are to be provided to the Recordkeeping Designee by April 15 for January 1 through March 31, July 15 for April 1 through June 30, October 15 for July 1 through September 30, and January 15 for October 1 through December 31. Jurisdiction shall additionally obtain the documentation and submit records specified in Section 3.2.B.3 below, if applicable.

Guidance: As an alternative option to specifying the reporting dates and time periods, as included in the above section, Jurisdiction may replace with “on a schedule to be determined by Recordkeeping Designee” or Jurisdiction may specify an alternate reporting schedule that is not less than annually. Schedule should allow Jurisdiction to capture procurement compliance records for a full year for reporting purposes.

3. If the Jurisdiction procures Renewable Gas from a POTW,

a. Annually verify that the Renewable Gas from the POTW complies with the requirements specified in 14 CCR Section 18993.1(h), including, but not limited to the exclusion in 14 CCR Section 17896.6(a)(1) and the items listed in this Section 3.2.B.3.

b. Annually receive a record from the POTW documenting the tons of Organic Waste received by the POTW from: (i) a compostable material handling operation or facility as defined in 14 CCR Section 17852(a)(12), other than a chipping and grinding operation or facility as defined in 14 CCR Section 17852(a)(10), that is permitted or authorized under 14 CCR Division 7; (ii) transfer/processing facility or transfer/processing operation as defined in 14 CCR Sections 17402(a)(30) and (31), respectively, that is permitted or authorized under 14 CCR Division 7; or (iii) a solid waste landfill as defined in Public Resources Code Section 40195.1 that is permitted under 27 CCR Division 2.

c. Annually receive documentation from the POTW of the percentage of biosolids that the POTW produced and transported to activities that constitute landfill disposal in order to demonstrate that the POTW transported less than twenty-five percent (25%) of the biosolids it produced to activities that constitute landfill disposal. For the purposes of this Policy, landfill disposal is defined pursuant to 14 CCR Section 18983.1(a) and includes final disposition at a landfill; use of material as alternative daily cover or alternative intermediate cover at a landfill, and other dispositions not listed in 14 CCR Section 18983.1(b). Alternative daily cover or alternative intermediate cover are defined in 27 CCR Sections 20690 and 20700, respectively.

d. Annually receive documentation that the POTW receives vehicle-transported solid waste that is an anaerobically digestible material for the purpose of anaerobic co-digestion with POTW treatment plant wastewater to demonstrate that the POTW meets the requirement of 14 CCR Section 18993.1(h)(2).

e. Jurisdiction shall submit these records to the Recordkeeping Designee on an annual basis, not to exceed \_\_\_ (\_\_) days from receipt of notification from the POTW.

Guidance: As an alternative option to reporting on an annual basis, as included in the above section, Jurisdiction may replace with “on a schedule to be determined by Recordkeeping Designee” or Jurisdiction may specify an alternate reporting schedule that is not less than annually. Schedule should allow Jurisdiction to capture procurement compliance records for a full year for reporting purposes.

C. Electricity Procured from Biomass Conversion. For Electricity Procured from Biomass Conversion, Jurisdiction shall:

1. Procure electricity from a biomass conversion facility that receives feedstock from a composting facility, transfer/processing facility, a solid waste landfill, and/or receives feedstock from the generator or employees on behalf of the generator of the Organic Waste and to the degree that it is available and practicable for the Jurisdiction and to help meet the Annual Recovered Organic Waste Product Procurement Target, which requires compliance with criteria specified in 14 CCR Section 18993.1.

2. Maintain records and conduct the following recordkeeping activities:

a. Keep records in the same manner indicated in Section 3.2.A.3 of this Policy for the amount of Electricity Procured from Biomass Conversion facilities, including the general procurement record information specified in Section 3.2.A.3.a.

b. Receive written notification by an authorized representative of the biomass conversion facility certifying that biomass feedstock was received from a permitted solid waste facility identified in 14 CCR Section 18993.1(i).

c. Provide these records to the Recordkeeping Designee.

### 3.3 Requirements for Direct Service Providers

Guidance: Note that a Jurisdiction must establish an enforceable mechanism (e.g., ordinance, written agreement or contract, written purchase order) to require compliance by Direct Service Providers with certain sections of MWELO and must include an enforceable mechanism(s) (e.g., withholding certificate of occupancy for non-compliance). Jurisdictions may accomplish this through their procurement policy using example language provided in this Section or through an ordinance or other enforceable mechanism. The Model Policy prepared by CalRecycle includes MWELO provisions that may be considered by Jurisdictions.

Furthermore, Direct Service Providers are not the only entities subject to MWELO. SB 1383 regulations (14 CCR Section 18989.2) require Jurisdictions to enforce Sections 492.6 (a)(3)(B), (C), (D), and (G) of the MWELO, Title 23, Division 2, Chapter 2.7 of the CCR as amended September 15, 2015, which applies to landscape installations.

A. Direct Service Providers of landscaping maintenance, renovation, and construction shall:

1. Use Compost and SB 1383 Eligible Mulch, as practicable, produced from recovered Organic Waste, as defined in Section 2.B and 2.R of this Policy, for all landscaping renovations, construction, or maintenance performed for the Jurisdiction, whenever available, and capable of meeting quality standards and criteria specified. SB 1383 Eligible Mulch used for land application shall comply with 14 CCR, Division 7, Chapter 12, Article 12 and must meet or exceed the physical contamination, maximum metal concentration and pathogen density standards specified in 14 CCR Section 17852(a)(24.5)(A)(1) through (3).

2. If Direct Service Provider is subject to the Jurisdiction’s WELO pursuant to Jurisdiction Code Section \_\_\_\_\_, comply with one of the following, whichever is more stringent: (i) the locally-adopted WELO that is more stringent than the State’s MWELO, or (ii) Sections 492.6 (a)(3)(B), (C), (D), and (G) of the State’s MWELO, Title 23, Division 2, Chapter 2.7 of the CCR, as amended September 15, 2015, which requires the submittal of a landscape design plan with a “Soil Preparation, Mulch, and Amendments Section” to include the following: Guidance: Jurisdictions may, at their option, choose to establish and enforce water efficient landscaping requirements that are more stringent than required by SB 1383 regulations, including enforcement of updates to the MWELO provided that any updates to the MWELO requirements are more stringent than the September 15, 2015 MWELO requirements identified in the MWELO sections listed above.

a. For landscape installations, Compost at a rate of a minimum of 4 cubic yards per 1,000 square feet of permeable area shall be incorporated to a depth of six (6) inches into the soil. Soils with greater than six percent (6%) organic matter in the top six (6) inches of soil are exempt from adding Compost and tilling.

b. Apply a minimum three- (3-) inch layer of mulch on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated. To provide habitat for beneficial insects and other wildlife, leave up to five percent (5%) of the landscape area without mulch. Designated insect habitat must be included in the landscape design plan as such.

c. Procure organic mulch materials made from recycled or post-consumer materials rather than inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available. Organic mulches are not required where prohibited by local Fuel Modification Plan Guidelines or other applicable local ordinances.

d. For all mulch that is land applied, procure SB 1383 Eligible Mulch that meets or exceeds the physical contamination, maximum metal concentration, and pathogen density standards for land applications specified in 14 CCR Section 17852(a)(24.5)(A)(1) through (3).

Guidance: Section 3.3.A.2.a-c directly above are the MWELO requirements related to Compost and mulch use only, and are excerpted from the MWELO. These requirements do not constitute an inclusive list of MWELO or WELO requirements. Entities subject to the MWELO shall consult the full MWELO or local WELO for all requirements. Section 3.3.A.2.d above is an SB 1383 regulatory requirement. For Jurisdictions to be able to count mulch used by Direct Service Providers toward their Annual Recovered Organic Waste Product Procurement Target, the mulch must meet the definition of SB 1383 Eligible Mulch in Section 2.R of this Policy.

3. Keep and provide records of Procurement of Recovered Organic Waste Products (either through purchase or acquisition) to Recordkeeping Designee, upon completion of projects. Information to be provided shall include:

Guidance: As an alternative option to “upon completion of projects” in the above sentence, Jurisdiction may replace with “on a schedule to be determined by Recordkeeping Designee” or Jurisdiction may specify the reporting dates and time periods in a manner similar to Section 3.2.B.2. Schedule should allow Jurisdiction to capture procurement compliance records for a full year for reporting purposes.

a. General description of how and where the product was used and if applicable, applied;

b. Source of product, including name, physical location, and contact information for each entity, operation, or facility from whom the Recovered Organic Waste Products were procured;

c. Type of product;

d. Quantity of each product; and,

e. Invoice or other record demonstrating purchase or procurement.

Guidance: Note that the information to be included in Sections 3.3.A.3.a-e above will help Jurisdiction meet the procurement recordkeeping requirements in 14 CCR Sections 18993.2, 18993.4, and 18994.2(j).

B. Direct Service Provider of Organic Waste collection services shall:

Guidance: If the Jurisdiction requires its franchised hauler(s) or processor(s) to provide a specified quantity of Compost or SB 1383 Eligible Mulch to the Jurisdiction and/or its customers at no charge via its franchise agreement(s) or processing agreement(s), Jurisdictions may want to include this Section (with modifications as needed to align with its hauling and/or processing agreement provisions). However, note that Direct Service Provider giveaway of Recovered Organic Waste Products is not a regulatory requirement and, as such, is an optional element of this Policy.

1. Provide a specified quantity of Compost or SB 1383 Eligible Mulch to Jurisdiction and its customers via periodic “giveaways” as specified in a franchise agreement or other agreement.

2. Keep and provide records to the Jurisdiction including the following:

a. Dates provided

b. Source of product including name, physical location and contact information for each entity, operation or facility from whom the Recovered Organic Waste Products were procured;

c. Type of product;

d. Quantity provided; and,

e. Invoice or other record or documentation demonstrating purchase, procurement, or transfer of material to giveaway location.

Guidance: “Other record or documentation” in Section 3.3.B.2.e above can include franchise agreement provisions, written contracts, MOUs, or other written documentation demonstrating such agreement.

Jurisdiction will use the information requested in Section 3.3.B.2.a-e above as part of their implementation record required by SB 1383 regulations and evidence toward meeting its Annual Recovered Organic Waste Product Procurement Target. This will help Jurisdictions meet the procurement recordkeeping requirements in 14 CCR Sections 18993.2, 18993.4, and 18994.2(j).

C. Renewable Gas procurement by Direct Service Providers

Guidance: A Jurisdiction may be able to partially or fully achieve its Annual Recovered Organic Waste Product Procurement Target by incorporating minimum Renewable Gas procurement requirements in contracts for waste transportation services or other major transportation services. The Jurisdiction shall decide whether it wants to provide a bid preference for vendors providing transportation services that use Renewable Gas and document such use, or mandate that a specified amount or minimum percent of fuel purchases by the contractor are Renewable Gas, or both. Procurement of Renewable Gas by vendors is not a regulatory requirement and, as such, this is an optional provision. If the Jurisdiction chooses to require the use of Renewable Gas, sample language is provided in Subsections 1 and 2 below.

1. Direct Service Providers transporting solid waste, organic materials, and/or recyclable materials shall procure \_\_\_ percent (\_\_\_%) of their fuel as Renewable Gas if required to do so in RFPs and RFQs released by the Jurisdiction for such services or as required by permit, license, written agreement, or written contract with the Jurisdiction.

2. Departments releasing RFPs and RFQs for contractors that procure fuel in the course of their services to the Jurisdiction shall include a \_\_\_ percent (\_\_\_%) price preference to contractors that propose to use the amount or percentage of Renewable Gas specified in the RFP or RFQ to be eligible for said price preference. Such use, if it occurs, shall be documented in a written contract or agreement. Guidance: Jurisdiction shall specify the percentage of the price preference or may remove the percentage leaving sentence to read “…shall include a price preference to contractors….”

3. If Renewable Gas made from recovered Organic Waste is used by Direct Service Providers, Direct Service Providers shall submit information listed in Section 3.3.B.2.a-e on a schedule to be determined by Jurisdiction, but not less than annually to the Recordkeeping Designee.

4. Renewable Gas used by Direct Service Providers under Sections 3.3.A and 3.3.B shall comply with criteria specified in 14 CCR Section 18993.1.

## Section 4. Recycled-content Paper Procurement

### 4.1 Requirements for Jurisdiction Departments

Guidance: Section 22150 of the Public Contract Code requires local governments to purchase recycled products instead of non-recycled products whenever recycled products are available at the same or a lesser total cost than non-recycled items, if fitness and quality are equal. SB 1383 regulations require Jurisdictions to procure Paper Products and Printing and Writing Paper consistent with the requirements of Sections 22150 through 22154 of the Public Contract Code. Under SB 1383 regulations, Jurisdictions are not prohibited from either using a price preference (usually 5 to 10 percent) for Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper or requiring Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper regardless of price. Options 1 and 2 are presented below for these strategies. Option 3 presents an option in which no price preference is provided such that Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper shall be purchased in all cases when the fitness and qualify is equal to that of non-recycled products.

A. Option 1: Comparable or more favorable pricing: If fitness and quality of Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper are equal to that of non-recycled items, all departments and divisions of Jurisdiction shall purchase Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper that consists of at least thirty percent (30%), by fiber weight, postconsumer fiber, whenever available at the same or a lesser total cost than non-recycled items, consistent with the requirements of the Public Contracts Code, Sections 22150 through 22154 and Sections 12200 and 12209, as amended.

Option 2: Price preference: If fitness and quality of Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper are equal to that of non-recycled items, all departments and divisions of Jurisdiction shall purchase Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper that consists of at least thirty percent (30%), by fiber weight, postconsumer fiber, whenever the total cost is the same or a lesser total cost than non-recycled items or whenever the total cost is no more than \_\_\_ percent (\_\_\_%) of the total cost for the non-recycled items, consistent with the requirements of the Public Contract Code, Sections 22150 through 22154 and Sections 12200 and 12209, as amended.

Option 3: No price preference: If fitness and quality of Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper are equal to that of non-recycled items, all departments and divisions of Jurisdiction shall purchase Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper (rather than non-recycled items) that consists of at least thirty percent (30%), by fiber weight, postconsumer fiber, consistent with the requirements of the Public Contract Code, Sections 22150 through 22154 and Sections 12200 and 12209, as amended.

B. All Paper Products and Printing and Writing Paper shall be eligible to be labeled with an unqualified recyclable label as defined in Title 16 Code of Federal Regulations Section 260.12 (2013).

Guidance: Jurisdictions should note that other required criteria for the provision of Recycled-Content Paper Products and/or Recycled-Content Printing and Writing Paper is included in Section 4.2 below as well as recommended requirements for provision of records from vendors.

C. Provide records to the Recordkeeping Designee of all Paper Products and Printing and Writing Paper purchases within thirty (30) days of the purchase (both recycled-content and non-recycled content, if any is purchased) made by a division or department or employee of the Jurisdiction. Records shall include a copy of the invoice or other documentation of purchase, written certifications as required in Section 4.2.A.3-4 for recycled-content purchases, vendor name, purchaser name, quantity purchased, date purchased, and recycled content (including products that contain none), and if non-Recycled-Content Paper Products and/or non-Recycled-Content Printing and Writing Paper are provided, include a description of why Recycled-Content Paper Products and/or Recycled-Content Printing and Writing Paper were not provided.

Guidance: As an alternative option to reporting within thirty (30) days of purchase, as included in the above section, Jurisdiction may replace with “on a schedule to be determined by Recordkeeping Designee” or Jurisdiction may specify an alternate reporting schedule that is not less than annually. Schedule should allow Jurisdiction to capture procurement compliance records for a full year for reporting purposes.

### 4.2 Requirements for Vendors

A. All vendors that provide Paper Products (including janitorial Paper Products) and Printing and Writing Paper to Jurisdiction shall:

1. Provide Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper that consists of at least thirty percent (30%), by fiber weight, postconsumer fiber, if fitness and quality are equal to that of non-recycled item, and \_\_\_\_\_\_\_\_\_:

Guidance: Jurisdiction shall complete the sentence above with one of the following options depending on whether it is using a price preference (see guidance note in Section 4.1).

Option 1: In the blank, insert “available at equal or lesser price”.

Option 2: In the blank, insert “available at equal or lesser price or available at no more than \_\_\_ percent (\_\_\_%) of the total cost for non-recycled Paper Products”.

Option 3: Delete the word “and” at the end of the sentence.

2. Only provide Paper Products and Printing and Writing Papers that meet Federal Trade Commission Recyclability standard as defined in Title 16 Code of Federal Regulations Section 260.12 (2013).

3. Certify in writing, under penalty of perjury, the minimum percentage of postconsumer material in the Paper Products and Printing and Writing Paper offered or sold to the Jurisdiction. This certification requirement may be waived if the percentage of postconsumer material in the Paper Products, Printing and Writing Paper, or both can be verified by a product label, catalog, invoice, or a manufacturer or vendor internet website.

4. Certify in writing, under penalty of perjury, that the Paper Products and Printing and Writing Paper offered or sold to the Jurisdiction is eligible to be labeled with an unqualified recyclable label as defined in Title 16 Code of Federal Regulations Section 260.12 (2013).

Guidance: In Subsection 5 below, Jurisdiction may want to add “dollars spent for each type of product” to the requirements, but it is not required by SB 1383 regulations.

5. Provide records to the Recordkeeping Designee of all Paper Products and Printing and Writing Paper purchased from the vendor within thirty (30) days of the purchase (both recycled-content and non-recycled content, if any is purchased) made by a division or department or employee of the Jurisdiction. Records shall include a copy of the invoice or other documentation of purchase, written certifications as required in Section 4.2.A.3-4 for recycled-content purchases, purchaser name, quantity purchased, date purchased, and recycled content (including products that contain none), and if non-Recycled-Content Paper Products and/or non- Recycled-Content Printing and Writing Paper are provided, include a description of why Recycled-Content Paper Products and/or Recycled-Content Printing and Writing Paper were not provided.

Guidance: As an alternative option to reporting within thirty (30) days of purchase, as included in the above section, Jurisdiction may replace with “on a schedule to be determined by Recordkeeping Designee” or Jurisdiction may specify an alternate reporting schedule that is not less than annually. Schedule should allow Jurisdiction to capture procurement compliance records for a full year for reporting purposes.

B. All vendors providing printing services to the Jurisdiction via a printing contract or written agreement, shall use Printing and Writing Paper that consists of at least thirty percent (30%), by fiber weight, postconsumer fiber, or as amended by Public Contract Code Section 12209.

Guidance: SB 1383 regulations do not require vendors providing printing services to local governments to use Recycled-Content Printing and Writing Paper, but Public Contract Code Section 22153 does, so it is included in this Subsection B.

## Section 5. Recordkeeping Responsibilities

A. The department will be the responsible department and will select an employee to act as the Recordkeeping Designee that will be responsible for obtaining records pertaining to Procurement of Recovered Organic Waste Products and Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper.

B. The Recordkeeping Designee will do the following to track Procurement of Recovered Organic Waste Products, Recycled-Content Paper Products, and Recycled-Content Printing and Writing Paper:

1. Collect and collate copies of invoices or receipts (paper or electronic) or other proof of purchase that describe the procurement of Printing and Writing Paper and Paper Products, including the volume and type of all paper purchases; and, copies of certifications and other required verifications from all departments and/or divisions procuring Paper Products and Printing and Writing Paper (whether or not they contain recycled content) and/or from the vendors providing Printing and Writing Paper and Paper Products. These records must be kept as part of Jurisdiction’s documentation of its compliance with 14 CCR Section 18993.3.

2. Collect and collate copies of invoices or receipts or documentation evidencing procurement from all departments and divisions procuring Recovered Organic Waste Products and invoices or similar records from vendors/contractors/others procuring Recovered Organic Waste Products on behalf of the Jurisdiction to develop evidence of Jurisdiction meeting its Annual Recovered Organic Waste Product Procurement Target. These records must be kept as part of the Jurisdiction’s documentation of its compliance with 14 CCR Section 18993.1.

3. Collect, collate, and maintain documentation submitted by the Jurisdiction, Direct Service Providers, and/or vendors, including the information reported to the Recordkeeping Designee in accordance with Sections 3.2.A.3, 3.2.B.2, 3.2.C.2, 3.3.A.3, 3.3.B.2, 3.3.C.3, 4.1.C, and 4.2.A.5.

4. Compile an annual report on the Jurisdiction’s direct procurement, and vendor/other procurement on behalf of the Jurisdiction, of Recovered Organic Waste Products, Recycled-Content Paper Products, and Recycled-Content Printing and Writing Paper, consistent with the recordkeeping requirements contained in 14 CCR Section 18993.2 for the Annual Recovered Organic Waste Product Procurement Target and 14 CCR Section 18993.4 for Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper procurement. This report shall be made available to the Jurisdiction’s responsible entity for compiling the annual report to be submitted to CalRecycle (which will include a description of compliance on many other SB 1383 regulatory requirements) pursuant to 14 CCR Division 7, Chapter 12, Article 13. The procurement report shall also be shared with Council, Board of Directors, or Board of Supervisors or other regulating body annually as evidence of implementing this Policy.

## Section 6. Effective Date of Policy

This Policy shall go into effect immediately.

Guidance: If the Jurisdiction’s Policy is not going into immediate effect, Jurisdiction can reword the above sentence to include a later date for effective date, but no later than January 1, 2022, per SB 1383 regulatory requirements, with the following exception. Rural counties and Jurisdictions located within rural counties that are exempt from the Organic Waste collection requirements pursuant to 14 CCR Section 18984.12(c) are not required to comply with the SB 1383 regulatory procurement requirements in 14 CCR Section 18993.1 until January 1, 2027, for the Procurement of Recovered Organic Waste Product requirements (e.g., Section 3 of this Model Policy). These Jurisdictions may delay adoption of those requirements, or voluntarily adopt a procurement policy that is effective prior to that compliance date. However, as previously stated, these Jurisdictions must be in compliance with the recycled-content paper procurement requirements commencing January 1, 2022.