

Updates to SB 1383 Procurement Requirements



Since January 1, 2022, SB 1383 regulations have required cities and counties in California to procure a minimum amount of products made from recycled organic waste each year. Eligible products are compost, mulch, renewable natural gas, and electricity from biomass. Jurisdictions can meet the requirement by procuring products for their use or to give away. They can also meet this requirement through direct service providers.

AB 2346 (Lee) took effect on January 1, 2025, and provides flexibility in compliance with procurement requirements in several ways.

New eligible products

New types of compost can contribute up to 100% of procurement target:

- Compost from small/community composters
- Vermicompost
- Mushroom “compost”

Up to 10% of a jurisdiction’s procurement target may be met through a combination of:

- Mulch from jurisdiction tree trimmings
- Edible food recovered from generators in the jurisdiction in compliance with SB 1383

A jurisdiction must adopt an ordinance or other enforceable mechanism requiring that these products (except for edible food) 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. See the FAQ in this document for exclusions to these requirements.

Investments in market development

Through December 31, 2035, the following investments in market development may count for up to 10% of a jurisdiction’s procurement target:

- Investments in new or expanded compostable materials handling facilities serving the jurisdiction
- Investments in development of compost distribution hubs serving the jurisdiction
- Purchase of any of the following equipment:
 - Compost spreader
 - Blowers and attachments
 - Drag rake
 - Chippers/shredders
 - Stump grinders
- The equipment must be used in the year for which a jurisdiction is claiming credit.
- Jurisdictions may provide the equipment to other entities in the jurisdiction.

Ability to use local per capita target based on local waste data

Procurement targets are determined by multiplying the population of the jurisdiction by a per capita target. The statewide per capita target is 0.08 tons/person; this number is based on the amount of organics disposed annually per person statewide. AB 2346 provides jurisdictions the option to right-size their procurement target by basing the per capita target on the actual amount of organics disposed in that jurisdiction, instead of using statewide data.

How it works: One or more jurisdictions within the same county may determine a local per capita procurement target using information from a local waste characterization study. The study must:

- have been completed within the last five years
- include all categories of organic waste in the state's most recent waste characterization study
- include a statistically significant sampling of solid waste disposed by the local jurisdiction(s).

To meet these requirements, CalRecycle suggests some best practices, including:

- The study should be done in a way that appropriately characterizes the composition of the waste going to landfill of jurisdictions included in the study.
- The study should account for season variation to be representative of the waste disposed by the jurisdictions during the time the study was conducted.
- Additional recommendations for a robust study can be found here:

<https://calrecycle.ca.gov/organics/slcp/procurement/>

To be approved for the local per capita target, jurisdictions submit the following to CalRecycle at SLCP.Organics@CalRecycle.ca.gov for review:

1. study design
2. waste characterization data
3. per capita target calculations

Five-year procurement target

AB 2346 provides flexibility over time to account for fluctuations in the market due to weather, economy, and other external forces by enabling jurisdictions to meet the annual target based on an average of their procurement over five years. The option for the “five-year target” begins on January 1, 2027.

How it works: The five-year target is calculated by multiplying the annual target by five. On or before January 1, 2027, a jurisdiction must notify CalRecycle that it intends to comply using a five-year target. Details of this process have not yet been established by CalRecycle.

Streamlining direct service provider requirements

Eliminating the need for a direct service provider agreement with end users of recovered organic waste products when the use is the result of the jurisdiction's adoption or enforcement of regulations or other policies.

How it works: The recovered organic waste products must not be applied to another jurisdiction's target, and the jurisdiction complies with all procurement-related record-keeping and reporting requirements. For example, a jurisdiction may count all compost and mulch used in compliance with the state Water Efficient Landscape Ordinance, provided that it has collected and retained all invoices and other documentation demonstrating compliance.

Updates for rural jurisdictions (AB 2902)

AB 2902 (Wood) also passed in 2024 and took effect on January 1, 2025, and affects procurement requirements for rural areas in the following ways:

- Extends rural and high elevation waivers for compliance with organics collection and procurement requirements through 2036
 - Removes the population of areas with low population or elevation waivers from the calculation for the jurisdiction procurement target.
-

Frequently Asked Questions

What are the requirements for the ordinance about mulch and composts meeting land application standards?

This requirement pertains to the following products:

- Community compost
- Vermicompost
- Mushroom compost
- Mulch from a permitted facility
- Mulch from jurisdiction tree trimmings

The ordinance must be in place before any of the above products are attributed to the jurisdiction's target, and the jurisdiction should keep the ordinance in its implementation record. New ordinances, etc., should be submitted to CalRecycle with the Electronic Annual Report.

What are the exclusions to the land application standards and ordinance requirement?

The land application requirements do **not** apply to:

- the use of compostable material and/or digestate for gardening or landscaping on a parcel of land 5 acres or less in size that receives less than 4,040 cubic yards of material during a 12-month period,
- the final deposition of compostable material and/or digestate spread on land by a Federal, State, or local government entity, provided the material is applied in accordance with applicable law.

In addition, mulch that is chipped and used on site, or chipped, stored, and used on jurisdiction property is not considered solid waste, and therefore is also excluded from this requirement.

This means that no ordinance is required for a jurisdiction to count mulch from tree trimmings toward procurement when:

- it is spread on areas less than 5 acres,
- the application conducted by jurisdiction staff (not contractors), or
- if it is chipped and used on site.

Our tree maintenance staff can measure mulch by volume in cubic yards, but we need to report it to CalRecycle in tons. How do we convert cubic yards to tons?

There are a few ways to estimate tons. The important part is to explain to CalRecycle how you got your results. Here are some methods that jurisdictions are using:

- Use the [EPA's Volume-to-Weight Conversion Factors](#), and select a material type that reflects your conditions, such as "wood chips, green" or "compacted mixed yard waste."
- Calculate the bulk density by hand. One cubic yard is roughly 40 five-gallon buckets.
- Your hauler or tree trimmer may agree to weigh a known volume for you by driving over a scale.

How are investments converted to tons of recovered organic waste products?

Jurisdictions can count one ton of recovered organic waste products for every \$21.38 spent on eligible investments. Investments are capped at 10% of the target. For example, a jurisdiction of 250,000 people has a target of 20,000 tons ROWP. Here's how much of any investment can count toward their target:

$20,000 * 0.10 = 2,000$ tons may be counted in the form of investments

$2,000 \text{ tons} * \$21.38/\text{ton} = \$42,760$ may be counted toward procurement

If a jurisdiction spends more than the equivalent 10% of their target on an eligible investment, can the excess be rolled over to the next year?

Not at this time.

Do the results of a curbside lid flip waste generation study meet the criteria to be used to recalculate the per capita procurement target?

Unlikely. The study needs to capture all the organics going to landfill, and a curbside study will miss some significant sources of waste, such as self-haul.