

POLICY TITLE: RECOVERED ORGANIC WASTE PRODUCT PROCUREMENT POLICY

Section 1. PURPOSE.

A. It is the policy of the City of Santa Cruz (“City”), applicable to all departments and divisions, to incorporate environmental considerations including recycled-content and recovered organic waste product use into purchasing practices and procurement to the extent practically feasible. This recovered organic waste product procurement policy (“Policy”) will help the City to:

1. Protect and conserve natural resources, water, and energy;
2. Minimize the City’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.
4. Comply with Santa Cruz Municipal Code Section 3.08.260, which is consistent with SB 1383 requirements.

SECTION 2. DEFINITIONS.

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 City 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 City’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 City.

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 which is 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.

C. "Direct Service Provider" means a person, company, agency, district, or other entity that provides a service or services to the City 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 City'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. "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.

F. "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 City or others. The City's annual recovered organic waste product procurement target can be fulfilled directly by the City or by direct service providers through written contracts or agreements for procurement of recovered organic waste products at the City's behest.

G. "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 City of Santa Cruz Waste Water Treatment Plant.

H. "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.

I. "Recordkeeping Designee" means the public employee appointed by the Director of Public Works or their designee to track procurement and maintain records of recovered organic waste product procurement efforts both by the City and others, if applicable, as required by 14 CCR, Division 7, Chapter 12, Articles 12 and 13.

J. “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).

K. “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.

L. “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.

M. “State” means the State of California.

SECTION 3. RECOVERED ORGANIC WASTE PRODUCT PROCUREMENT.

3.1 Procurement Target

A. The City 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. Renewable Gas (in the form of transportation fuel, electricity, or heat) (as defined in Section 2.O).
3. Electricity Procured from Biomass Conversion (as defined in Section 2.D).

3.2 Requirements for City Departments

A. City divisions and departments shall comply with this policy to the extent practically feasible. This policy does not prohibit the purchase or procurement of recovered organic waste products that do not meet specific SB 1383 standards. However, products that do not meet SB 1383 standards cannot be used to fulfill the City’s annual recovered organic waste product procurement target.

B. Compost procurement. Divisions and departments responsible for landscaping, maintenance, renovation, or construction shall:

1. Use compost produced from recovered organic waste, as defined in Section 2.B of this Policy, for landscaping, maintenance, renovation, or construction, to the extent practicable or feasible, whenever available, or capable of meeting quality standards and criteria specified.

2. Keep records, including invoices or proof of applicable recovered organic waste product procurement (either through purchase or acquisition), and submit records to the Recordkeeping Designee, on a schedule to be determined by Recordkeeping Designee.

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.

b. For Compost provided to residents through giveaway events or other types of distribution methods, keep records of the compost 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.

3. 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 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.

B. Renewable Gas procurement (used for fuel for transportation, electricity, or heating applications). For Renewable Gas procurement, the City 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 City 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 City, including the general procurement record

information specified in Section 3.2.A.3.a, and submit records to the Recordkeeping Designee on a schedule to be determined by Recordkeeping Designee. The City shall additionally obtain the documentation and submit records specified in Section 3.2.B.3 below, if applicable.

3. If the City 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. The City shall submit these records to the recordkeeping designee on a schedule to be determined by Recordkeeping Designee

C. Electricity Procured from Biomass Conversion. For electricity procured from biomass conversion, the City 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 City 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

- A. Direct Service Providers shall comply with this policy to the extent practically feasible. This policy does not prohibit the use of recovered organic waste products that do not meet specific SB 1383 standards. However, products that do not meet SB 1383 standards cannot be used to fulfill the City's annual recovered organic waste product procurement target.
- B. Direct Service Providers of landscaping maintenance, renovation, and construction shall:
 1. Use compost, 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 City, whenever available, and capable of meeting quality standards and criteria specified.
 2. Keep and provide records of Procurement of Recovered Organic Waste Products (either through purchase or acquisition) to Recordkeeping Designee, on a schedule to be determined by Recordkeeping Designee. Information to be provided shall include:
 - 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.

SECTION 4. RECORDKEEPING RESPONSIBILITIES

A. The Public Works 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.

B. The Recordkeeping Designee will do the following to track Procurement of Recovered Organic Waste Products:

1. 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 City to develop evidence of the City meeting its Annual Recovered Organic Waste Product Procurement Target. These records must be kept as part of the City's documentation of its compliance with 14 CCR Section 18993.1.

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

3. Compile an annual report on the City's direct procurement, and vendor/other procurement on behalf of the City, of Recovered Organic Waste Products, consistent with the recordkeeping requirements contained in 14 CCR Section 18993.2 for the Annual Recovered Organic Waste Product Procurement Target. This report shall be made available to the City'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 the City Council or other regulating body annually as evidence of implementing this Policy.

SECTION 5. EFFECTIVE DATE OF POLICY

This Policy shall go into effect immediately.

AUTHORIZATION: Resolution No. NS-29,889 adopted 10/09/21