

SB 1383 Implementation

Organics Diversion Mandates

What is SB 1383?

SB 1383 (Lara), signed into law September 2016, requires a 40% reduction in methane emissions in California by 2030 below the levels emitted in 2013. In order to achieve these emission reductions, the legislation requires a 75% diversion of organic waste (including biosolids) from landfills by 2025, using 2014 levels as the baseline. This means that in 2025 and beyond, a maximum of 5.7 million tons of organic waste will be allowed to be disposed of in landfills, regardless of increases in population or waste generation. CalRecycle is the regulatory agency charged with developing and implementing regulations to achieve the mandates of SB 1383, in close coordination with the California Air Resources Board (CARB), State Water Resource Control Boards (SWRCB), and the California Department of Food and Agriculture (CDFA).



Do the regulations incentivize action by POTWs to assist in meeting these mandates?

Yes, but with limitations. In order for co-digestion and co-composting to be successful, public wastewater plants and partners need assurance of markets for the products produced. This includes biomethane, biosolids, and compost. CalRecycle's implementing regulations attempt to specifically provide two distinct incentives. First, the regulations require every jurisdiction (City or County) that must divert organic waste to also procure products of that diversion, thereby creating an expanded market for these products. Second, the regulations include language disallowing local ordinances which prohibit, or otherwise unreasonably restrict the land application of biosolids.

What role do wastewater agencies play in implementation of SB 1383?

The state recognizes the wastewater sector is critical to the achievement of the landfill reduction and organics diversion mandates. Existing infrastructure at POTW's, with relatively minor upgrades to anaerobic digestion systems, can accept diverted food waste for co-digestion, and diverted green waste can be added to biosolids composting facilities. Many wastewater agencies already accept food waste and organics for co-digestion, and others have the capacity to accept more under the right circumstances.



How do the Procurement Requirements Apply to POTWs?

- 1** Beginning in January 2022, each jurisdiction must procure products of organic diversion at a specified rate. For example, if a jurisdiction has a population of 8,000 residents, it would need to procure 640 tons of “recovered products” each year. This target rate will be re-evaluated every 5 years.
- 2** “Recovered products” include biosolids compost. According to a set formerly and using the example above, if a jurisdiction needs to procure 640 tons of recovered products, it could procure 371 tons of compost to satisfy the requirement. Unfortunately, land applied biosolids (other than compost) are not eligible, nor are any other biosolids products used for any purpose.
- 3** Beneficial use of biomethane is also an “eligible product” that can be used to meet the procurement mandate, subject to the following conditions:
 - a** Only the biogas produced from diverted organic waste is eligible. The biogas produced from the sewage sludge component in co-digestion is **NOT** eligible.
 - b** A POTW cannot send more than 25% of the biosolids it produces to an end use which constitutes landfill disposal.
 - c** Conversion of biogas products to other forms such as transportation fuel, electricity, or heat are subject to conversion rates specified in the regulations.



Categorization of biosolids management activities under the new regulations:

1. Biosolids that are anaerobically digested and/or composted and land applied constitute a reduction in landfill disposal for purposes of the regulations;
2. All other biosolids treated in alternative ways or managed through incineration, pyrolysis, or surface disposal, is considered landfill disposal.
3. Notwithstanding the above, biosolids managed or treated through alternative means may be considered as a reduction in landfill disposal, but the applicant must quantify reduced methane emissions.

Are there any reporting requirements for POTWs and biosolids managers?

Yes, however these are existing reporting requirements. Each wastewater treatment facility or other entity managing biosolids must report to CalRecycle the quantity and disposition of biosolids every quarter in conformance with AB 901 requirements.

Are there any exemptions from these regulations specific to POTWs?

POTWs and biosolids managers are excluded from much of the regulation, including specifically the load-checking for organics recovery and measurement requirements. They are also exempt from the organic waste generator requirements. Rural jurisdictions may also be exempt from certain requirements through 2026.

Is there an enforcement mechanism that applies to POTWs?

No. There are no enforcement provisions in the regulations that apply directly to POTWs or biosolids managers. Nothing in the regulations requires the diversion of biosolids from landfills per se. However, given that biosolids are likely the cleanest organic waste which can be diverted, they will be among the easiest to divert and thus will be a likely first target of landfill operators, solid waste management entities, and local jurisdictions responsible for meeting procurement mandates.

There are, however, direct enforcement requirements on jurisdictions which include Cities and Counties. In their capacity as responsible jurisdictions, Cities and Counties should review the regulations and seek further clarification on their other responsibilities not directly tied to biosolids management.

Please contact [Greg Kester](#) with any questions or comments regarding SB 1383 and its implementation.
gkester@casaweb.org