

COUNTY OF SACRAMENTO ENVIRONMENTALLY PREFERABLE PURCHASING POLICY

Attachment 4

SB 1383 RECOVERED ORGANIC WASTE PRODUCT PROCUREMENT REQUIREMENTS

Each year, the County is required to procure for use or giveaway a quantity of Recovered Organic Waste Products that meets or exceeds its 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 Attachment 2 of this Policy):

1. SB 1383 Eligible Compost
2. SB 1383 Eligible Mulch
3. SB 1383 Eligible Renewable Gas (in the form of transportation fuel, electricity, or heat)
4. SB 1383 Eligible Electricity Procured from Biomass Conversion

The Annual Recovered Organic Waste Products Target is 0.08 tons of Organic Waste per County resident per year. The most recent jurisdiction population annual data is reported by the California Department of Finance:

<https://www.sacounty.net/Government/Pages/DemographicsandFacts.aspx>
<http://www.dof.ca.gov/Forecasting/Demographics/>

REQUIREMENTS

- A. **SB 1383 Eligible Compost and SB 1383 Eligible Mulch procurement.** County Departments responsible for and Direct Service Providers of landscaping, maintenance, renovation, or construction, shall:

1. Use SB 1383 Eligible Compost and SB 1383 Eligible Mulch produced from Recovered Organic Waste, as defined in Attachment 2 of this Policy, for landscaping maintenance, renovation, or construction, 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 SB 1383 Eligible Compost and SB 1383 Eligible Mulch is used in applications that are subject to the County's Office of Planning and Environmental Review process comply with 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".
 - 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).

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, within thirty (30) days of purchase, or as directed by County.

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 SB 1383 Eligible Compost and SB 1383 Eligible Mulch provided to residents through giveaway events or other types of distribution methods, keep records of the SB 1383 Eligible 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 1.A.3.
- c. For procurement of SB 1383 Eligible Mulch, maintain an updated copy of the County's EPP policy and County contract or agreement requiring that the mulch procured by the County 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.

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, SB 1383 Eligible Compost, SB 1383 Eligible Renewable Gas, and/or SB 1383 Eligible 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.
5. If County contracts directly with an end user for procurement and/or use of Recovered Organic Waste Products, records shall be kept in accordance with 3.a. above.

B. **SB 1383 Eligible Renewable Gas procurement** (used for fuel for transportation, electricity, or heating applications).

1. County shall:

- a. Procure SB 1383 Eligible Renewable Gas made from recovered Organic Waste for transportation fuel, electricity, and heating applications to the degree that it is appropriate and available to the County and to help meet the Annual Recovered Organic Waste Product Procurement Target, which requires compliance with criteria specified in 14 CCR Section 18993.1.
- b. Keep records in the same manner indicated in Section 1.A.3 for the amount of SB 1383 Eligible Renewable Gas procured and used by the County, including the general procurement record information specified in Section 1.A.3.a, and submit records to the Recordkeeping Designee within thirty (30) days of purchase, or as directed by County. County shall additionally obtain the documentation and submit records specified in Section 1.B.3, if applicable.

2. Direct Service Providers:

- a. Direct Service Providers transporting solid waste, organic materials, and/or recyclable materials may be required to procure a percentage of their fuel as SB

1383 Eligible Renewable Gas if specified in RFPs and RFQs released by the County for such services or as required by permit, license, written agreement, or written contract with the County.

- b. Departments releasing RFPs and RFQs for contractors that procure fuel in the course of their services to the County may include a price preference to contractors that propose to use the amount or percentage of SB 1383 Eligible 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.
- c. If SB 1383 Eligible Renewable Gas made from recovered Organic Waste is used by Direct Service Providers, Direct Service Providers shall submit information listed in section 1.3.B.2.a-e on a schedule to be determined by County, but not less than annually to the Recordkeeping Designee.
- d. SB 1383 Eligible Renewable Gas used by Direct Service Providers under Sections 1.3.A and 1.3.B shall comply with criteria specified in 14 CCR Section 18993.1.

C. **SB 1383 Eligible Electricity Procured from Biomass Conversion.** For SB 1383 Eligible Electricity Procured from Biomass Conversion, County 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 1.A.3 of this Policy for the amount of SB 1383 Eligible Electricity Procured from Biomass Conversion

facilities, including the general procurement record information specified in section 1.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.

D. Direct Service Providers of Organic Waste collection services shall:

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

Keep and provide records to the County including the following:

- 1. Dates provided;
- 2. 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;
- 3. Type of product;
- 4. Quantity provided; and,
- 5. Invoice or other record or documentation demonstrating purchase, procurement, or transfer of material to giveaway location. Other record or documentation can include franchise agreement provisions, written contracts, MOUs, or other written documentation demonstrating such agreement.