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14 CAADC § 18993.1

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Title 14. Natural Resources

Division 7. Department of Resources Recycling and Recovery

Chapter 12. Short-Lived Climate Pollutants

Article 12. Procurement of Recovered Organic Waste Products

14 CCR § 18993.1

**§ 18993.1. Recovered Organic Waste Product Procurement Target.**[Currentness](#)

(a) Except as otherwise provided, commencing January 1, 2022, a jurisdiction shall annually procure a quantity of recovered organic waste products that meets or exceeds its current annual recovered organic waste product procurement target as determined by this article. For the purposes of this section, "jurisdiction" means a city, a county or a city and county.

(b) On or before January 1, 2022, and on or before January 1 every five years thereafter, the Department shall recalculate the annual recovered organic waste product procurement target for each jurisdiction according to the requirements of Subdivision (c).

(c) Each jurisdiction's recovered organic waste product procurement target shall be calculated by multiplying the per capita procurement target by the jurisdiction population where:

(1) Per capita procurement target = 0.08 tons of organic waste per California resident per year.

(2) Jurisdiction population equals the number of residents in a jurisdiction, using the most recent annual data reported by the California Department of Finance.

(d) Annually, the Department shall provide notice to each jurisdiction of its annual recovered organic waste product procurement target by posting such information on the Department's website and providing written notice directly to the jurisdiction.

(e) A jurisdiction shall comply with Subdivision (a) by one or both of the following:

(1) Directly procuring recovered organic waste products for use or giveaway.

(2) Requiring, through a written contract or agreement, that a direct service provider to the jurisdiction procure recovered organic waste products and provide written documentation of such procurement to the jurisdiction.

(f) For the purposes of this article, the recovered organic waste products that a jurisdiction may procure to comply with this article are:

(1) Compost, subject to any applicable limitations of Public Contract Code Section 22150, that is produced at:

(A) A compostable material handling operation or facility permitted or authorized under Chapter 3.1 of this division; or

(B) A large volume in-vessel digestion facility as defined and permitted under Chapter 3.2 of this division that composts on-site. [NOTE: Digestate, as defined in Section 18982(a)(16.5), is a distinct material from compost and is thus not a recovered organic waste product eligible for use in complying with this Article.]

(2) Renewable gas used for fuel for transportation, electricity, or heating applications.

(3) Electricity from biomass conversion.

(4) Mulch, provided that the following conditions are met for the duration of the applicable procurement compliance year:

(A) The jurisdiction has an enforceable ordinance, or similarly enforceable mechanism, that requires the mulch procured by the jurisdiction to comply with this article to meet or exceed the physical contamination, maximum metal concentration, and pathogen density standards for land application specified in Section 17852(a)(24.5)(A)1. through 3. of this division; and

(B) The mulch is produced at one or more of the following:

1. A compostable material handling operation or facility as defined in Section 17852(a)(12), other than a chipping and grinding operation or facility as defined in Section 17852(a)(10), that is permitted or authorized under this division; or

2. A transfer/processing facility or transfer/processing operation as defined in Sections 17402(a)(30) and (31), respectively, that is permitted or authorized under this division; or

3. A solid waste landfill as defined in Public Resources Code Section 40195.1 that is permitted under Division 2 of Title 27 of the California Code of Regulations.

(g) The following conversion factors shall be used to convert tonnage in the annual recovered organic waste product procurement target for each jurisdiction to equivalent amounts of recovered organic waste products:

(1) One ton of organic waste in a recovered organic waste product procurement target shall constitute:

(A) 21 diesel gallon equivalents, or "DGE," of renewable gas in the form of transportation fuel.

(B) 242 kilowatt-hours of electricity derived from renewable gas.

(C) 22 therms for heating derived from renewable gas.

(D) 650 kilowatt-hours of electricity derived from biomass conversion.

(E) 0.58 tons of compost or 1.45 cubic yards of compost.

(F) One ton of mulch.

(h) Renewable gas procured from a POTW may only count toward a jurisdiction's recovered organic waste product procurement target provided the following conditions are met for the applicable procurement compliance year:

(1) The POTW receives organic waste directly from one or more of the following:

(A) A compostable material handling operation or facility as defined in Section 17852(a)(12), other than a chipping and grinding operation or facility as defined in Section 17852(a)(10), that is permitted or authorized under this division; or

(B) A transfer/processing facility or transfer/processing operation as defined in Sections 17402(a)(30) and (31), respectively, that is permitted or authorized under this division; or

(C) A solid waste landfill as defined in Public Resources Code Section 40195.1 that is permitted under Division 2 of Title 27 of the California Code of Regulations.

(2) The POTW is in compliance with the exclusion described in Section 17896.6(a)(1).

(3) The jurisdiction receives a record from the POTW documenting the tons of organic waste received by the POTW from all solid waste facilities described in subsection (h)(1) above.

(4) The amount of renewable gas a jurisdiction or jurisdictions procured from the POTW for fuel, electricity or heating applications is less than or equal to the POTW's production capacity of renewable gas generated from organic waste received at the POTW

directly from solid waste facilities as determined using the relevant conversion factors in Subdivision (g).

(5) The POTW transported less than 25 percent of the biosolids it produced to activities that constitute landfill disposal.

(i) Electricity procured from a biomass conversion facility may only count toward a jurisdiction's recovered organic waste product procurement target if the biomass conversion facility receives feedstock directly from one or more of the following during the duration of the applicable procurement compliance year:

(1) A compostable material handling operation or facility as defined in Section 17852(a)(12), other than a chipping and grinding operation or facility as defined in Section 17852(a)(10), that is permitted or authorized under this division; or

(2) A transfer/processing facility or transfer/processing operation as defined in Sections 17402(a)(30) and (31), respectively, that is permitted or authorized under this division; or

(3) A solid waste landfill as defined in Public Resources Code Section 40195.1 that is permitted under Division 2 of Title 27 of the California Code of Regulations.

(j) If a jurisdiction's annual recovered organic waste product procurement target exceeds the jurisdiction's total procurement of transportation fuel, electricity, and gas for heating applications from the previous calendar year as determined by the conversion factors in Subdivision (g), the target shall be adjusted to an amount equal to its total procurement of those products as converted to their recovered organic waste product equivalent from the previous year consistent with Subdivision (g).

(k) A jurisdiction shall identify additional procurement opportunities within the jurisdiction's departments and divisions for expanding the use of recovered organic waste products.

(l) Rural counties, and jurisdictions located within rural counties that are exempt from the organic waste collection requirements pursuant to Section 18984.12(c), are not required to comply with the procurement requirements in this Section from January 1, 2022-December 31, 2026.

## Credits

NOTE: Authority cited: Sections 40502, 43020, 43021 and 42652.5, Public Resources Code. Reference: Section 42652.5, Public Resources Code; and Sections 39730.6 and 39730.8, Health and Safety Code.

## HISTORY

1. New article 12 (sections 18993.1-18993.4) and section filed 11-3-2020; operative 1-1-2022 pursuant to Public Resources Code section 42652.2(a)(6) (Register 2020, No. 45).

This database is current through 5/9/25 Register 2025, No. 19.

Cal. Admin. Code tit. 14, § 18993.1, 14 CA ADC § 18993.1

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*§ 18993.2. Recordkeeping Requirements For Recovered Organic Waste Procurement Target.* 14 CAADC § 18993.2

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14 CCR § 18993.2

**§ 18993.2. Recordkeeping Requirements For Recovered Organic Waste Procurement Target.**

[Currentness](#)

(a) A jurisdiction, as defined in 18993.1(a), shall include all documents supporting its compliance with this article in the implementation record required by Section 18995.2 of this chapter including, but not limited to, the following:

- (1) A description of how the jurisdiction will comply with the requirements of this article.
- (2) The name, physical location, and contact information of each entity, operation, or facility from whom the recovered organic waste products were procured, and a general description of how the product was used, and if applicable, where the product was applied.
- (3) All invoices or similar records evidencing all procurement.
- (4) If a jurisdiction will include procurement of recovered organic waste products made by a direct service provider to comply with the procurement requirements of Section 18993.1(a), the jurisdiction shall include all records of procurement of recovered organic

waste products made by the direct service provider on behalf of the jurisdiction including invoices or similar records evidencing procurement.

(5) If a jurisdiction will include renewable gas procured from a POTW for any of the uses identified in 18993.1(f)(2) to comply with the procurement mandate of Section 18993.1(a), a written certification by an authorized representative of the POTW, under penalty of perjury in a form and manner determined by the jurisdiction, attesting to the following for the applicable procurement compliance year:

(A) That the POTW was in compliance with the exclusion in Section 17896.6(a)(1);

(B) The total tons of organic waste received from the types of solid waste facilities listed in Section 18993.1(h)(1); and

(C) The percentage of biosolids that the POTW produced and transported to activities that constitute landfill disposal.

(6) If a jurisdiction will include electricity procured from a biomass conversion facility to comply with the procurement mandate of Section 18993.1(a), a written certification by an authorized representative of the biomass conversion facility certifying that biomass feedstock was received from a permitted solid waste facility identified in 18993.1(i) shall be provided to the jurisdiction. The certification shall be furnished under penalty of perjury in a form and manner determined by the jurisdiction.

(7) If the jurisdiction is implementing the procurement requirements of Section 18993.1 through an adjusted recovered organic waste product procurement target pursuant to Section 18993.1(j), the jurisdiction shall include records evidencing the total amount of transportation fuel, electricity, and gas for heating applications procured during the calendar year prior to the applicable reporting period.

(8) For jurisdictions complying with the requirements of Section 18993.1, through the procurement of mulch, a copy of the ordinance or similarly enforceable mechanism the jurisdiction has adopted requiring that mulch procured by the jurisdiction or a direct service provider meets the land application standards specified in Section 18993.1.

## Credits

NOTE: Authority cited: Sections 40502, 43020, 43021 and 42652.5, Public Resources Code. Reference: Section 42652.5, Public Resources Code; and Section 39730.6, Health and Safety Code.

## HISTORY

1. New section filed 11-3-2020; operative 1-1-2022 pursuant to Public Resources Code section 42652.2(a)(6) (Register 2020, No. 45).

This database is current through 5/9/25 Register 2025, No. 19.

Cal. Admin. Code tit. 14, § 18993.2, 14 CA ADC § 18993.2

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14 CA ADC § 18993.3

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14 CCR § 18993.3

**§ 18993.3. Recycled Content Paper Procurement Requirements.**[Currentness](#)

(a) A jurisdiction shall procure paper products, and printing and writing paper, consistent with the requirements of Sections 22150-22154 of the Public Contract Code.

(b) In addition to meeting the requirements of Subdivision (a), paper products and printing and writing paper shall be eligible to be labeled with an unqualified recyclable label as defined in 16 Code of Federal Regulations (CFR) Section 260.12 as published January 1, 2013, which is hereby incorporated by reference.

(c) A jurisdiction shall require all businesses from whom it purchases paper products and printing and writing paper to certify in writing:

(1) The minimum percentage, if not the exact percentage, of postconsumer material in the paper products and printing and writing paper offered or sold to the jurisdiction. The certification shall be furnished under penalty of perjury in a form and manner determined by the jurisdiction. A jurisdiction may waive the certification requirement 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.

(2) 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 16 CFR Section 260.12 as published January 1, 2013, which is hereby incorporated by reference.

### **Credits**

NOTE: Authority cited: Sections 40502, 43020, 43021 and 42652.5, Public Resources Code; and Section 39730.6, Health and Safety Code. Reference: Section 42652.5, Public Resources Code; Section 39730.6, Health and Safety Code; and Sections 22150, 22151, 22152, 22153 and 22154, Public Contracts Code.

### **HISTORY**

1. New section filed 11-3-2020; operative 1-1-2022 pursuant to Public Resources Code section 42652.2(a)(6) (Register 2020, No. 45).

This database is current through 5/9/25 Register 2025, No. 19.

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14 CCR § 18993.4

**§ 18993.4. Recordkeeping Requirements for Recycled Content Paper Procurement.**[Currentness](#)

(a) A jurisdiction shall include all documents supporting its compliance with this article in the implementation record required by Section 18995.2 of this chapter including, but not limited to, the following:

- (1) Copies of invoices, receipts or other proof of purchase that describe the procurement of paper products by volume and type for all paper purchases.
- (2) Copies of all certifications or other verification required under Section 18993.3.

**Credits**

NOTE: Authority cited: Sections 40502, 43020, 43021 and 42652.5, Public Resources Code. Reference: Section 42652.5, Public Resources Code; Section 39730.6, Health and Safety Code; and Sections 22150, 22151, 22152, 22153 and 22154, Public Contracts Code.

## HISTORY

1. New section filed 11-3-2020; operative 1-1-2022 pursuant to Public Resources Code section 42652.2(a)(6) (Register 2020, No. 45).

This database is current through 5/9/25 Register 2025, No. 19.

Cal. Admin. Code tit. 14, § 18993.4, 14 CA ADC § 18993.4

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