

Contra Costa County Climate Leaders

A project of Generation Green - a 501(c)3 Nonprofit organization

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www.cccclimateleaders.org



AB 939 (1989)ⁱ the state's waste reduction and recycling law mandated local jurisdictions to meet solid waste diversion goals of 25% by 1995 and 50% by 2000. To help in the increase of diversion rates, each jurisdiction was required to create an Integrated Waste Management Plan that looked at recycling programs, purchasing of recycled products and waste minimization, including "green waste" or organics recycling.

Landfill operators are required to cover the active face of the landfill at the end of every day to prevent odors and risks to public health. The traditional material used for this purpose is soil. The next day, more garbage is placed on the soil. Operators have found that other materials such as processed green waste, auto shredder fluff, and tarps can also be used for this same purpose. This material is called **Alternative Daily Cover (ADC)**.

Under AB 939 the use of alternative daily cover is counted as recycling, and the materials are not considered "landfilled." The problem is that the agencies were receiving diversion credit for green waste that was used as ADC. There are valuable environmentally and economically beneficial markets for green waste and other woody waste materials that are undermined by the use of these materials as landfill cover.

The use of green waste landfill cover increased from 1.9 million tons in 2001 to 2.4 million tons in 2003, an increase of over 20% in two years. During the same period compost production in California decreased almost 30%. A study on compost markets commissioned by the California Integrated Waste Management Board (CIWMB) reported that 46% of the state's collected green waste went to landfill cover, while only 16% was composted. The report also concluded that "ADC (landfill cover) use continues to rise and undoubtedly is having an effect on the viability of the compost market."

The initial rationale for providing diversion credit for green waste used as landfill cover was to create an incentive for collection of green waste at a time when end use markets for green waste composting remained uncertain. However today, the infrastructure has fully matured, and far from providing any benefit to the green waste composting infrastructure, the continued provision of diversion credit for the use of green waste as landfill cover threatens the very existence of the composting industry in California.

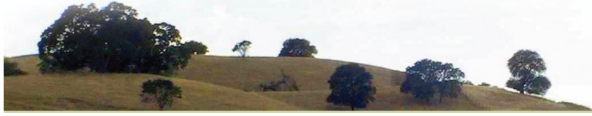
Despite the state's policy to promote green waste composting, landfill cover has become the predominant end market for green waste.



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Solution: 2014 Legislation

While California often leads in progressive environmental policy, in 2014, it was one of the only states in the U.S. to allow green waste to be used as landfill cover and the only state to count that cover material as "diverted." Nearly half the states in the country have banned the landfilling of green waste altogether.

AB 1594: California Assembly member Das Williams (D-Carpinteria) wanted to ensure that organic material, such as yard waste, goes back into the earth as nutrients rather than being sent to landfills, so he authored Assembly Bill 1594 to accomplish that. In Sept. 29, 2014 Governor Brown signed the legislation, eliminating the loophole that was giving recycling credit for sending yard trimmings and other green waste to landfills.

Commencing January 1, 2020, use of green material, as defined, as alternative daily cover (ADC) does not constitute diversion through recycling and would be considered disposal for purposes of compliance with California's mandated 50 percent diversion from disposal (required by AB 939, California's source reduction and recycling law).

Commencing August 1, 2018, the new law requires a local jurisdiction to include information in an annual report on how the local jurisdiction intends to address these diversion requirements and divert green material that is being used as ADC. If sufficient capacity at facilities that recycle green material is not expected to be operational before a certain date, local jurisdictions must include a plan to address those barriers.

California's Department of Resources Recycling and Recovery (Cal Recycle) estimates that recovering organic material through composting and anaerobic digestion can create 14,000 new jobs in the state by 2020.

AB 1826

California Governor Jerry also signed AB 1826, another landmark bill that requires the state's commercial sector, including restaurants, supermarkets, large venues and food processors, to separate their food scraps and yard trimmings and arrange for organics recycling service.

Commencing April 1, 2016, businesses that generate 8 cubic yards (cy) or more a week must source separate food scraps and yard trimmings and arrange for recycling services for that organic waste in a specified manner.

On January 1, 2017, businesses generating 4 cy or more per week of organics are also subject to the diversion requirement. The bill also requires a business that generates 4 cy or more of commercial solid waste per week, on and after January 1, 2019, to arrange for organic waste recycling services and, if the California Department of Resources Recycling and Recovery (CalRecycle) makes a specified determination, would decrease that amount to 2 cubic yards, on or after January 1, 2020.

Each jurisdiction, on and after January 1, 2016, is required to implement an organics recycling program to divert organics from the businesses subject to this act, except as specified with regard to rural jurisdictions, thereby imposing a state-mandated local program by imposing new duties on local governmental agencies.



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Here is a list of the ADC numbers for our Contra Costa County Cities Prior to the Passage of SB 1594 and SB

Jurisdiction of Origin	Commercial & Domestic	Green Waste	Sediment	Compost	Mixed	Sludge	Ash	Other	Total ADC
Pittsburg	31,979.29	116.72	97.48	.	.	.	.	.	32,193.49
CCCSWA	5,892.94	21,091.44	.	10.6	.	.	.	51.73	27,047.49
Antioch	3,829.5	15,281.98	.	.	.	68.82	.	1.46	19,181.76
Brentwood	1,669.47	8,410.87	.	.18	.	5,775.34	495.5	90.37	16,441.73
Contra Costa-Unincorporated	3,040.76	7,989.64	252.25	.	.	2,666.17	.	43.22	13,992.04
Concord	9,088.34	1,442.24	9.84	.	.	.	.	35.62	10,576.04
Martinez	2,504.58	6,336.22	.	.	.	.	.	100.71	8,941.51
WCCIWMA	473.69	6,062.97	133.51	.74	.	.	.	212.95	6,883.86
Oakley	2,913.89	10.07	.	.	.	3,647.11	.	.	6,571.07
Pleasant Hill	839.08	2,363.76	.	.	.	507.24	.	.11	3,710.19
San Ramon	1,197.44	56.77	.	10.95	.	2.78	.	.	1,267.94
Clayton	177.33	2,239.72	.	.	.	.	.	6.95	2,424.
Total	63,606.31	71,402.4	493.08	22.47		12,667.46	495.5	543.12	149,231.12

The Jurisdictions and Agencies above are rated from highest to least according to the levels of Total Alternative Daily Cover.

Moraga, Lafayette, Orinda, Danville, and Walnut Creeks are combined in the Contra Costa Solid Waste Authority (CCCSWA). El Cerrito, Hercules, Pinole, Richmond, San Pablo, and El Sobrante are combined in the West Contra Costa Integrated Waste Authority Management (WCCIWMA).

Please visit our website to see what other cities are doing on Climate Action Planning.

Works Cited

<http://calrecycle.ca.gov/LGCentral/Reports/Viewer.aspx?P=ReportName%3deDRSCountyWideOrigin%26CountyID%3d7%26ReportYear%3d2012>

<http://www.cawrecycles.org/issues/adc>

<http://www.greenwaste.com/residential-services/san-jose>

<http://www.biocycle.net/2014/09/30/californias-new-laws-to-accelerate-organics-recycling/>

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB1594

https://www.edcgov.us/Government/EMD/SolidWaste/The_Intergrated_Waste_Management_Act_AB_939.aspx

