Date of Hearing: July 7, 2025

ASSEMBLY COMMITTEE ON NATURAL RESOURCES
Isaac G. Bryan, Chair
SB 279 (McNerney) – As Amended June 30, 2025

SENATE VOTE: 38-0

SUBJECT: Solid waste: compostable materials

SUMMARY: Reduces the regulatory requirements for small composting operations and agricultural operations.

EXISTING LAW:

1) Requires the Air Resources Board (ARB) to develop a comprehensive strategy to reduce the emissions of short-lived climate pollutants (SLCP) to achieve a 40% reduction in methane emissions, 40% reduction in hydrofluorocarbon gases, and 50% reduction in anthropogenic black carbon below 2013 levels by 2030. (Health and Safety Code (HSC) 39730-39730.5)

2) Requires the state to reduce the disposal of organic waste by 40% from the 2014 level by 2020 and 75% by 2025 to help achieve the state's methane reduction goal. (HSC 39730.6)

3) Establishes regulatory tiers for composting facilities based on size and materials, including:

    a) Excluded Activities Tier, which excludes the following activities from the Department of Resources Recovery and Recycling's (CalRecycle's) composting regulatory requirements:

        i) Composting green material, agricultural material, food material, and vegetative food material if the total amount of feedstock and compost on-site at any one time does not exceed 100 cubic yards (CY) and 750 square feet. Specifies that individuals composting these materials are obligated to obtain all permits, licenses, and other clearances that may be required by other regulatory agencies, including, but not limited to, local health entities and local land use authorities.

        ii) An activity that handles agricultural material, derived from an agricultural site if no more than 1,000 CY of compost product are given away or sold annually from this operation.

        iii) Vermicomposting operations.

        iv) Mushroom farming.

        v) Storage of bagged compost material if such bags are no greater than 5 cubic yards. (California Code of Regulations (CCR) 17855)

    b) Enforcement Agency Notification Tier, which requires notification of the operation to local enforcement agencies (LEAs) and other specified criteria. This tier includes agricultural material composting operations, green material composting operations,

biosolids composting operations at publicly owned treatment works, research composting operations less than 5,000 CY, chipping and grinding operations less than 200 tons per day, and land application, as specified. (CCR 17854.1)

c) Registration Permit Tier, which requires operators to submit specified information, including a Report of Facility Information (RFI) and pertinent California Environmental Quality Act (CEQA) documents. Compost operations in the registration tier may be approved or denied a permit based on the content of their registration tier application. This tier includes vegetative food material composting facilities that process up to 12,500 CY and chipping and grinding facilities from 200 tons per day to 500 tons per day. (CCR 18104.1 and 17854.1)

d) Full Solid Waste Facilities Permit Tier, which requires operators to submit specific information in an RFI and pertinent CEQA documents and, for landfills, to include a complete closure plan, financial assurance, and operating liability. This tier includes composting facilities, green material composting facilities over 12,500 CY, vegetative food material composting facilities over 12,500 CY, and chipping and grinding facilities over 500 tons per day. (CCR 21570 and 17854.1)

e) Authorizes operations located on land that is zoned for agricultural uses that sell or give away less than 1,000 CY of compost per year to handle an unlimited amount of agricultural material and green material, but authorizes the LEA to limit the amount of green material feedstock to 12,500 CY upon making a written finding that handling the excess material may pose a risk to public health and safety or the environment. Authorizes operations that sell or give away 1,000 CY or more of compost per year to handle an unlimited amount of agricultural material, but may not stockpile more than 12,500 CY of green material feedstock on the site at any time. (CCR 17856)

THIS BILL:

1) Specifies that the following activities are excluded activities for purposes of CCR 17855:

   a) Composting green material, agricultural material, food material, and vegetative food material activities, alone or in combination, if the total amount of feedstock and compost onsite at any one time does not exceed 500 CY.

   b) The composting is of agricultural materials and residues that are from a large-scale biomass event, such as removing a whole orchard or vineyard, at an agricultural facility that does not otherwise operate as a solid waste facility. Materials or residues from a large-scale biomass management event do not include whole or partial animal carcasses or animal byproducts other than manure.

      i) Allows the composting to include the acquisition and use of agricultural materials, agricultural byproduct materials, and agricultural manure from an agricultural site to blend with those onsite agricultural materials and residues resulting from the large-scale biomass event.

      ii) Requires specified recordkeeping.

iii) Allows for is exclusion to be used not more than once every 10 years for a period not to exceed 24 months.

2) Specifies that the composting activities excluded from regulation by the bill are obligated to obtain all permits, licenses, or other clearances that may be required by other regulatory agencies.

3) Authorizes a composting operation to give away or sell up to 5,000 CY of compost product annually, as specified. Authorizes CalRecycle to increase, by regulation, the amount of material a composting operation may give away or sell.

FISCAL EFFECT: According to the Senate Appropriates committee:

- Ongoing costs in the hundreds of thousands of dollars annually for CalRecycle (Integrated Waste Management Account) to develop compostable material regulation, prepare rulemaking documents, provide ongoing assistance to stakeholders, and implement review of permitting and inspection reports.

- Unknown, potentially significant costs for the State Water Resources Control Board (SWRCB) and other state agencies as a result of additional composting operations as allowed under the provisions of this bill.

COMMENTS:

1) **Organic waste recycling**. Nearly 40 million tons of waste are disposed of in California's landfills annually. Nearly half of those materials are organics (~48%). Organic waste includes food, yard, paper, and other organic materials. As that material decomposes in landfills, it generates significant amounts of methane, a potent greenhouse gas (GHG) with 84 times the climate impact as carbon dioxide. ARB states that about 20% of methane emissions in California comes from landfills.

   SB 1383 (Lara), Chapter 395, Statutes of 2016, requires ARB to approve and implement a comprehensive SLCP strategy to achieve, from 2013 levels, a 40% reduction in methane, a 40% reduction in hydrofluorocarbon gases, and a 50% reduction in anthropogenic black carbon, by 2030. In order to accomplish these goals, the law specifies that the methane emission reduction goals include targets to reduce the landfill disposal of organic waste, including food, 50% by 2020 and 75% by 2025 from the 2014 level. SB 1383 also requires that 20% of edible food that would otherwise be sent to landfills is redirected to feed people by 2025.

   To achieve this, California's waste management infrastructure is going to have to process and recycle much greater quantities of organic materials, involving significant investments in additional processing infrastructure. Organic waste is primarily recycled by composting the material, which generates compost that can be used in gardening and agriculture as a soil amendment and engineering purposes for things like slope stabilization. Composting operations in California range from large-scale commercial operations to onsite agricultural composting activities to backyards. One important component of California's organics management system is community composters. According to the California Alliance for Community Composting, community composting is any organics recovery program for

public benefit and/or for locally-distributed benefits that process locally-generated organic materials, including green materials, agricultural materials, food materials, and vegetative food materials, on a small-scale within the same community where these materials are generated, and which operates to achieve community, social, economic, and environmental well-being and without compounding local or systemic environmental & social justice issues. Anaerobic digestion is also widely used to recycle organic wastes. This technology uses bacteria to break down the material in the absence of oxygen and produces biogas, which can be used as fuel, and digestate, which can also be used as a soil amendment. Tree trimmings and prunings can also be chipped or mulched and applied to agricultural land for beneficial use, known as land application.

2) **SWRCB general order**. In 2020, SWRCB adopted General Waste Discharge Requirements For Commercial Composting Operations State Water Resources Control Board Order WQ 2020-0012-DWQ (General Order), which includes requirements to protect water quality from composting activities while streamlining the permitting process. The General Order classifies compost facilities into two tiers, depending on the feedstock, quantities of materials, and hydrogeologic site conditions. The requirements include lined detention basins, surfaces with low permeability in the areas where composting occurs, and berms and ditches designed to prevent water from running on or off the site for facilities accepting food waste or processing over 25,000 CY at any given time. Regional water boards may require other criteria for compost operations if warranted. The General Order applies to compost facilities that receive, process, and store at least 500 CY of material at any given time.

3) **Burn ban**. Until this year, organic material from a large biomass event, such as clearing a vineyard, was likely to be burned in an open pile. Since the passage of SB 705 (Florez), Chapter 481, Statutes of 2003, the San Joaquin Valley Air Pollution Control District has been required to phase out agricultural burning. Originally required by 2010, the air district was allowed to postpone the ban based on specified criteria, which it did in 2005, 2007, 2010, 2012, 2015, and 2024, when the last postponement ended.

   The material that is no longer allowed to be burned will need alternative management options. The scale of material is significant: according to the Almond Board, an estimated 71,000 acres of orchards will be removed by the end of the crop year. The most environmentally sound option is generally composting. Composting agricultural waste has fewer emissions than open-pile burning, and compost is also one of the highest and best uses for recycling organic material. However, composting, especially large-scale composting, does have environmental impacts, including emissions of air pollutants, odors, and the potential for leaching into the groundwater. The potential impacts increase dramatically if compost facilities are not operated properly. In addition to making large-scale composting of agricultural material an excluded activity in CalRecycle's regulatory tiers, SB 279 also allows off-site material, including manure, to be brought onto farms to mix with the material from a "large-scale biomass management event" like removing an orchard. Mixing in other agricultural materials can be necessary to create healthy and robust compost. However, because there is no size constraint on the amount of material from a large-scale biomass event that can be composted, there is also no constraint on the amount of agricultural material that could be brought in to blend with that material. This means that large quantities of manure, which can have health and nuisance smell impacts on nearby communities, could be brought into areas and still be considered an excluded activity under the bill.

4) **Enforcement challenges**. The infrastructure needed to implement the requirements of SB 1383 has not kept pace with the increased materials that need to be recycled. This is, in part, due to the costs and timelines associated with facility siting and construction. As a result, some parts of the state are facing increased illegal disposal. According to the Los Angeles Times, more than 80 unpermitted sites in the Antelope Valley appear to be accepting some forms of organic waste for "land application;" however, the materials contain significant amounts of solid waste, including plastics. In some cases, the property owners are the victims of illegal dumping by third parties; in others, landowners are charging to accept illegally disposed material. At least one site is located in sensitive Joshua Tree habitat. News reports state that some of these sites cover hundreds of acres and are dozens of feet deep. Residents in the area complain of toxic odors and worry about fire risk.

   In response to the deluge of illegal dumping activity, CalRecycle adopted emergency regulations in February of this year. The regulations define land application activities as "the final deposition of compostable material and/or digestate spread on a parcel of land that meet the conditions for physical contamination, metals concentrations, pathogen levels, application frequency and depth, and includes the act of incorporating the material into the soil." The regulations incorporate land application activities into CalRecycle's compost facility tiers and subject them to the appropriate operator filing requirements, state minimum standards, record keeping, and LEA inspection requirements to ensure that LEAs are able to appropriately regulate and enforce these activities.

   While this bill is focused on composting operations rather than land application activities, increasing the size and number of operations that will be excluded from CalRecycle regulatory oversight may make it more challenging for CalRecycle and LEAs to ensure that these facilities are operated properly.

5) **Author's statement**:

> Now that California has banned nearly all burning of agricultural waste, the state's farmers and winegrape growers need assistance in dealing with large amounts of organic material. Currently, farms and vineyards ship large amounts of agricultural waste to offsite composting facilities, often hundreds of miles away, rather than composting the green waste themselves onsite in a sustainable way. SB 279 will help farmers and winegrape growers by allowing them to compost agricultural waste onsite when they have a large biomass removal event, like the removal or an orchard or vineyard. It will also benefit community composters, urban farms and school farms by allowing them to compost larger amounts of green waste and food scraps onsite.

REGISTERED SUPPORT / OPPOSITION:

Support
Climate Health Now Action Fund
Climate Reality Project - Silicon Valley Chapter
Community Alliance With Family Farmers
Courage California
Democrats of Rossmoor
Ecology Center

Elders Climate Action NorCal Chapter
Elders Climate Action SoCal Chapter
Endangered Habitats League
Friends Committee on Legislation of California
Garden School Foundation
Glendale Environmental Coalition
Green Policy Initiative
Living Classroom
Los Angeles Waterkeeper
National Resources Defense Council
Northern California Recycling Association
Oakland Recycles
Pacific Beach Coalition
People Food and Land Foundation
People, Food and Land Foundation
Plastic Pollution Coalition
Regen Monterey
Salinas Valley Solid Waste Authority
San Francisco Baykeeper
Santa Cruz Climate Action Network
Save Our Shores
Save the Albatross Coalition
See (social Eco Education)
Sierra Club California
Sierra Harvest
SoCal 350 Climate Action
Solana Center for Environmental Innovation
StopWaste
Sustainable Rossmoor
The Climate Center
The Climate Reality Project Los Angeles Chapter
The Climate Reality Project Orange County Chapter
The Last Plastic Straw
U.S. Green Building Council, California
Ventura County Farm to School
Western Growers Association
Western Tree Nut Association
Wildcoast
Wine Institute
Zero Waste Marin
Zero Waste San Diego
Zero Waste Sonoma

Opposition

California Compost Coalition
SWANA California Chapters Legislative Task Force

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