

SENATE THIRD READING
SB 279 (McNerney)
As Amended September 2, 2025
Majority vote

SUMMARY

This bill lowers the regulatory requirements for certain composting operations, including agricultural operations.

Major Provisions

- 1) Excludes the following activities from specified composting regulatory requirements:
 - 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 200 cubic yards (CY) or 500 CY for an activity owned by a public agency, as specified. Authorizes the Department of Resources Recycling and Recovery (CalRecycle) to increase the amount of feedstock by regulation.
 - b) Subject to specified requirements, the composting of agricultural materials and residues from a large-scale biomass management event, as specified, at an agricultural facility that does not otherwise operate as a solid waste facility.
- 2) Specifies that materials or residues from a large-scale biomass management event do not include whole or partial animal carcasses or animal byproducts other than manure.
- 3) Provides that the excluded large-scale biomass event activities may include acquiring and using agricultural materials, agricultural byproduct materials, and manure from an agricultural facility to blend with the onsite agricultural materials and residues resulting from the large-scale biomass management event. Specifies that this offsite material shall not include whole or partial animal carcasses or animal byproducts other than manure. Requires specified recordkeeping and provides that this exclusion may not be used more than once every 10 years for a period not to exceed 24 months.
- 4) Requires a person handling compostable material under the exclusions provided by this bill to obtain all permits, licenses, or other clearances that may be required by other regulatory agencies.
- 5) Authorizes a composting operation to give away or sell up to 5,000 CY of compost product annually, as specified; and, authorizes CalRecycle to increase, by regulation, the amount of material a composting activity may give away or sell when the composting is of agricultural materials and residues from a large-scale biomass management event at an agricultural facility, as specified.
- 6) Defines "agricultural byproduct material," "agricultural facility," "agricultural material," "large-scale biomass event," and "manure" for purposes of the bill.

COMMENTS

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.

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.

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.

This bill. This bill is intended to ease the regulatory burdens on small scale community compost operations and agricultural composting activities for large-scale biomass events. These changes are likely to help those entities comply with complex state regulatory requirements and potentially increase composting capacity in the state. 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.

According to the Author

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 of 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.

Arguments in Support

Writing in support, a coalition of organizations contends this bill will "expand composting capacity, divert more food scraps from landfills, and provide California growers with a sustainable, climate-friendly alternative to open burning." The coalition writes: "By allowing growers and community composters to meaningfully participate in the state's compost market, SB 279 will increase organics diversion and accelerate progress towards the state's climate goal."

Further, the organizations note that the ability of community composters to establish sites in places where a larger processing capacity is feasible "is currently limited by an inconsistent and unfounded regulatory cap of 100 cubic yards on-site before triggering costly and complex compost facility permitting requirements."

Arguments in Opposition

Writing in an oppose-unless-amended position, the Solid Waste Association of North America's California Chapters Legislative Task Force argues this bill "goes beyond allowing the onsite composting of agricultural waste to also include offsite organic waste as well." The organization contends that allowing farms and other locations to accept offsite organic or agricultural waste would divert feedstock away from permitted solid waste facilities and composters in the area – which have "extensive permitting requirements leading to a costly process which can take years."

FISCAL COMMENTS

According to the Assembly Appropriations Committee:

- 1) Costs of an unknown amount, likely over \$150,000, for CalRecycle to reopen and amend its composting regulations in accordance with the requirements of this bill, provide ongoing compliance-related assistance to stakeholders, review permitting and inspection reports, and conduct oversight, among other tasks (Integrated Waste Management Account (IWMA)).
- 2) For its part, CalRecycle estimates ongoing annual costs beginning in fiscal year 2025-26 of approximately \$327,000 to hire two staff to implement this bill (IWMA). However, it is not clear to this committee that the workload created by this bill alone necessitates two permanent positions.
- 3) According to CalRecycle, based on current accounting data through June 2025, the fund balance in IWMA is approximately \$45 million. CalRecycle notes this figure is subject to change once the department closes out its year-end reports in the coming weeks.

VOTES**SENATE FLOOR: 38-0-2**

YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

ABS, ABST OR NV: Limón, Reyes

ASM NATURAL RESOURCES: 14-0-0

YES: Bryan, Alanis, Connolly, Ellis, Flora, Garcia, Haney, Hoover, Kalra, Muratsuchi, Pellerin, Schultz, Wicks, Zbur

ASM APPROPRIATIONS: 11-0-4

YES: Wicks, Arambula, Calderon, Caloza, Elhawary, Fong, Mark González, Ahrens, Pacheco, Pellerin, Solache

ABS, ABST OR NV: Sanchez, Dixon, Ta, Tangipa

UPDATED

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CONSULTANT: Elizabeth MacMillan / NAT. RES. / (916) 319-2092

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