



Contra Costa County  
Recovered Organic Waste Product and Recycled Paper  
Procurement Policy

September 12, 2023

**RECOVERED ORGANIC WASTE  
PRODUCT AND RECYCLED PAPER PROCUREMENT  
POLICY  
TABLE OF CONTENTS**

<b>SECTION 1. PURPOSE .....</b>	<b>1</b>
<b>SECTION 2. DEFINITIONS.....</b>	<b>1</b>
<b>SECTION 3. RECOVERED ORGANIC WASTE PRODUCT PROCUREMENT .....</b>	<b>4</b>
3.1 Procurement Target.....	4
3.2 Requirements for County Departments .....	4
3.3 Requirements for Direct Service Providers.....	7
<b>SECTION 4. RECYCLED-CONTENT PAPER PROCUREMENT .....</b>	<b>11</b>
4.1 Requirements for County Departments .....	11
4.2 Requirements for Vendors.....	12
<b>SECTION 5. RECORDKEEPING RESPONSIBILITIES.....</b>	<b>13</b>
<b>SECTION 6. EFFECTIVE DATE OF POLICY.....</b>	<b>14</b>

# **RECOVERED ORGANIC WASTE PRODUCT PROCUREMENT POLICY**

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## **SECTION 1. PURPOSE**

- A. It is the policy of Contra Costa County (County), applicable to all departments and divisions, to incorporate environmental considerations including recycled-content and recovered Organic Waste product use into purchasing practices and procurement. This Recovered Organic Waste Product Procurement Policy (Policy) will help the County to:
1. Protect and conserve natural resources, water, and energy;
  2. Minimize the County's contribution to climate change, pollution, and solid waste disposal; and,
  3. Comply with State requirements as contained in 14 CCR Division 7, Chapter 12, Article 12 (SB 1383 procurement regulations) to procure Recovered Organic Waste Products to support Organic Waste disposal reduction targets and markets for products made from recycled and recovered Organic Waste materials, and to purchase Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper.

## **SECTION 2. DEFINITIONS**

- A. "Annual Recovered Organic Waste Product Procurement Target" means the amount of Organic Waste in the form of a Recovered Organic Waste Product that the County is required to procure annually under 14 CCR Section 18993.1. Annually, CalRecycle will provide notice to the County of its Annual Recovered Organic Waste Product Procurement Target by posting such information on CalRecycle's website and providing written notice directly to the County.
- B. "Compost" means the product resulting from the controlled biological decomposition of organic solid wastes that are source separated from the municipal solid waste stream or are separated at a centralized facility or as otherwise defined in 14 CCR Section 17896.2(a)(4).

Compost eligible for meeting the Annual Recovered Organic Waste Product Procurement Target must be produced at a compostable material handling operation or facility permitted or authorized under 14 CCR Chapter 3.1 of Division 7 or produced at a large volume in-vessel digestion facility that composts on-site as defined and permitted under 14 CCR Chapter 3.2 of Division 7. Compost shall meet the State's composting operations regulatory requirements.

- C. “Direct Service Provider” means a person, company, agency, district, or other entity that provides a service or services to the County pursuant to a contract or other written agreement or as otherwise defined in 14 CCR Section 18982(a)(17).
- D. “Electricity Procured from Biomass Conversion” means electricity generated from biomass facilities that convert recovered Organic Waste, such as wood and prunings from the municipal stream, into electricity. Electricity procured from a biomass conversion facility may only count toward the County’s Annual Recovered Organic Waste Product Procurement Target if the facility receives feedstock directly from certain permitted or authorized compostable material handling operations or facilities, transfer/processing operations or facilities, or landfills, as described in 14 CCR Section 18993.1(i).
- E. “Organic Waste” means solid wastes containing material originated from living organisms and their metabolic waste products including, but not limited to, food, yard trimmings, organic textiles and carpets, lumber, wood, Paper Products, Printing And Writing Paper, manure, biosolids, digestate, and sludges, or as otherwise defined in 14 CCR Section 18982(a)(46). Biosolids and digestate are as defined in 14 CCR Section 18982(a)(4) and 14 CCR Section 18982(a)(16.5), respectively.
- F. “Paper Products” include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling; or as otherwise defined in 14 CCR Section 18982(a)(51).
- G. “Printing and Writing Papers” include, but are not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and other uncoated writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications; or as otherwise defined in 14 CCR Section 18982(a)(54).
- H. “Procurement of Recovered Organic Waste Products” shall mean purchase or acquisition (e.g., free delivery or free distribution from a hauler or other entity via a written agreement or contract), and end use by the County or others.
- I. “Publicly-Owned Treatment Works” or “POTW” has the same meaning as in Section 403.3(r) of Title 40 of the Code of Federal Regulations.
- J. “Recovered Organic Waste Products” means products made from California, landfill-diverted recovered Organic Waste processed at a permitted or otherwise authorized operation or facility, or as otherwise defined in 14 CCR Section 18982(a)(60). Products that can be used to meet the Annual Recovered Organic Waste Product Procurement Target shall include Compost, SB 1383 Eligible Mulch, Renewable Gas from an in-vessel digestion facility, and Electricity Procured from Biomass Conversion as described herein and provided that such products meet requirements of 14 CCR, Division 7, Chapter 12, Article 12.

- K. “Recordkeeping Designee” means the Public Works Purchasing Manager and Deputy Public Works Director responsible for tracking procurement and maintaining records of Recovered Organic Waste Product procurement efforts both by the County and others, if applicable, as required by 14 CCR, Division 7, Chapter 12, Articles 12 and 13.
- L. “Recyclability” means that the Paper Products and Printing and Writing Paper offered or sold to the County are eligible to be labeled with an unqualified recyclable label as defined in 16 Code of Federal Regulations Section 260.12 (2013).
- M. “Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper” means such products that consist of at least thirty percent (30%), by fiber weight, postconsumer fiber, consistent with the requirements of Sections 22150 to 22154 and Sections 12200 and 12209 of the Public Contract Code, and as amended.
- N. “Renewable Gas” means gas derived from Organic Waste that has been diverted from a landfill and processed at an in-vessel digestion facility that is permitted or otherwise authorized by 14 CCR to recover Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(62).
- O. “SB 1383” means Senate Bill 1383 of 2016 approved by the Governor on September 19, 2016, which added Sections 39730.5, 39730.6, 39730.7, and 39730.8 to the Health and Safety Code, and added Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30 of the Public Resources Code, establishing methane emissions reduction targets in a statewide effort to reduce emissions of short-lived climate pollutants, as amended, supplemented, superseded, and replaced from time to time.
- P. “SB 1383 Eligible Mulch” means mulch eligible to meet the Annual Recovered Organic Waste Product Procurement Target, pursuant to 14 CCR Chapter 12 of Division 7. This SB 1383 Eligible Mulch shall meet the following conditions for the duration of the applicable procurement compliance year, as specified by 14 CCR Section 18993.1(f)(4).
- Q. “SB 1383 Regulations” or “SB 1383 Regulatory” means or refers to, for the purposes of this policy, the Short-Lived Climate Pollutants (SLCP): Organic Waste Reductions regulations developed by CalRecycle and adopted in 2020 that created Chapter 12 of 14 CCR, Division 7 and amended portions of regulations of 14 CCR and 27 CCR.
- R. “State” means the State of California.

## **SECTION 3. RECOVERED ORGANIC WASTE PRODUCT PROCUREMENT**

### **3.1 Procurement Target**

- A. **The** County may annually procure for use or giveaway a quantity of Recovered Organic Waste Products that meets or exceeds its Annual Recovered Organic Waste Product Procurement Target through the implementation of Section 3 of this Policy. The County's Annual Recovered Organic Waste Product Procurement Target can be fulfilled directly by the County or by Direct Service Providers through written contracts or agreements for Procurement of Recovered Organic Waste Products at the County's behest.
- B. To be eligible to meet the 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 Section 2 of this Policy):
  - 1. SB 1383 eligible Compost (as defined in Section 2.B).
  - 2. SB 1383 Eligible Mulch (as defined in Section 2.P)
  - 3. Renewable Gas (in the form of transportation fuel, electricity, or heat) (as defined in Section 2.N).
  - 4. Electricity Procured from Biomass Conversion (as defined in Section 2.D).

### **3.2 Requirements for County Departments**

- A. Compost procurement. Divisions and departments responsible for landscaping maintenance, renovation, or construction shall:
  - 1. Use Compost produced from recovered Organic Waste, as defined in Section 2.B of this Policy, for landscaping, maintenance, renovation, or construction, as practicable, whenever available, and capable of meeting quality standards and criteria specified.
  - 2. When County uses Compost and the application is subject to the County's Water Efficient Landscaping Ordinance (WELO), comply with one of the following, whichever is more stringent, (i) the County's WELO, if more stringent than the State's Model Water Efficient Landscape Ordinance (MWELo), or (ii) 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.
  - 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 in a method and on a schedule determined by the Recordkeeping Designee that is no less than every 60

days.

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.
  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, Compost, Renewable Gas, and/or 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.
- B. Renewable Gas procurement (used for fuel for transportation, electricity, or heating applications). For Renewable Gas procurement:
1. May procure Renewable Gas made from recovered Organic Waste for transportation fuel, electricity, and heating applications to the degree that it is appropriate and available for 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.
  2. Keep records in the same manner indicated in Section 3.2.A.3 for the amount of Renewable Gas procured and used by the County, including the general procurement record information specified in Section 3.2.A.3.a, and submit records on a schedule determined by the Recordkeeping Designee. The County shall additionally obtain the documentation and submit records specified in Section 3.2.B.3 below, if applicable.
  3. If the County procures Renewable Gas from a POTW,

- a. Annually verify that the Renewable Gas from the POTW complies with the requirements specified in 14 CCR Section 18993.1(h), including, but not limited to the exclusion in 14 CCR Section 17896.6(a)(1) and the items listed in this Section 3.2.B.3.
- b. Annually receive a record from the POTW documenting the tons of Organic Waste received by the POTW from: (i) a compostable material handling operation or facility as defined in 14 CCR Section 17852(a)(12), other than a chipping and grinding operation or facility as defined in 14 CCR Section 17852(a)(10), that is permitted or authorized under 14 CCR Division 7; (ii) transfer/processing facility or transfer/processing operation as defined in 14 CCR Sections 17402(a)(30) and (31), respectively, that is permitted or authorized under 14 CCR Division 7; or (iii) a solid waste landfill as defined in Public Resources Code Section 40195.1 that is permitted under 27 CCR Division 2.
- c. Annually receive documentation from the POTW of the percentage of biosolids that the POTW produced and transported to activities that constitute landfill disposal in order to demonstrate that the POTW transported less than twenty-five percent (25%) of the biosolids it produced to activities that constitute landfill disposal. For the purposes of this Policy, landfill disposal is defined pursuant to 14 CCR Section 18983.1(a) and includes final disposition at a landfill; use of material as alternative daily cover or alternative intermediate cover at a landfill, and other dispositions not listed in 14 CCR Section 18983.1(b). Alternative daily cover or alternative intermediate cover are defined in 27 CCR Sections 20690 and 20700, respectively.
- d. Annually receive documentation that the POTW receives vehicle-transported solid waste that is an anaerobically digestible material for the purpose of anaerobic co-digestion with POTW treatment plant wastewater to demonstrate that the POTW meets the requirement of 14 CCR Section 18993.1(h)(2).
- e. County shall submit these records to the Recordkeeping Designee on a schedule to be determined by the Recordkeeping Designee.

C. Electricity Procured from Biomass Conversion. For Electricity Procured from Biomass Conversion, County may:

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 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.

2. Maintain records and conduct the following recordkeeping activities:
  - a. Keep records in the same manner indicated in Section 3.2.A.3 of this Policy for the amount of Electricity Procured from Biomass Conversion facilities, including the general procurement record information specified in Section 3.2.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.

### **3.3 Requirements for Direct Service Providers**

- A. Direct Service Providers of landscaping maintenance, renovation, and construction shall:
  1. Use Compost and SB 1383 Eligible Mulch, as practicable, produced from recovered Organic Waste, as defined in Section 2.B and 2.P of this Policy, for all landscaping renovations, construction, or maintenance performed for the County consistent with Contra Costa County Landscape Design, Construction, and Maintenance Standards and Guidelines, whenever available, and capable of meeting quality standards and criteria specified. SB 1383 Eligible Mulch used for land application shall comply with 14 CCR, Division 7, Chapter 12, Article 12 and 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. If Direct Service Provider is subject to the County's WELO pursuant to County Code Title 8, Division 82, Chapter 82-26, comply with one of the following, whichever is more stringent: (i) the locally-adopted WELO that is more stringent than the State's MWELO, or (ii) Sections 492.6 (a)(3)(B), (C), (D), and (G) of the State's MWELO, Title 23, Division 2, Chapter 2.7 of the CCR, as amended September 15, 2015.
  3. Keep and provide records of Procurement of Recovered Organic Waste Products (either through purchase or acquisition) to Recordkeeping Designee, on a schedule to be determined by the Recordkeeping Designee, but no less than every 60 days. Information to be provided shall include:
    - a. General description of how and where the product was used and if applicable, applied;
    - b. 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;

- c. Type of product;
- d. Quantity of each product; and,
- e. Invoice or other record demonstrating purchase or procurement.

**B. Renewable Gas procurement by Direct Service Providers**

- 1. Departments releasing RFPs and RFQs for contractors that procure fuel in the course of their services to the County shall consider including a price preference to contractors that propose to use the amount or percentage of 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 or agreement.
- 3. If Renewable Gas made from recovered Organic Waste is used by Direct Service Providers, Direct Service Providers shall submit information listed in Section 3.3.B.2.a-e on a schedule to be determined by the County, but not less than every 60 days.
- 4. Renewable Gas used by Direct Service Providers under Sections 3.3.A and 3.3.B shall comply with criteria specified in 14 CCR Section 18993.1.

**SECTION 4. RECYCLED-CONTENT PAPER PROCUREMENT**

**4.1 Requirements for County Departments**

- A. Paper Product Category/Subcategories and minimum recycled content requirements pursuant to Section 12209 of the PCC.
  - a. Other Paper Products – 30% minimum post-consumer recycled content (PCRC), except as specified below:
    - i. Toilet Paper – 45% PCRC
    - ii. Paper Towels – 40 % PCRC
    - iii. Facial Tissue – 10% PCRC
    - iv. Toilet Seat Covers – 20% PCRC
    - v. General Purpose Paper Wipes – 40% PCRC
    - vi. Food service ware – 40% PCRC

- b. Printing and Writing Paper – 30% minimum post-consumer recycled content (PCRC)
- B. Option 1: Comparable or more favorable pricing: If fitness and quality of Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper are equal to that of non-recycled items, all departments and divisions of the County shall purchase Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper that consists of a specified percentage of post-consumer content – see the list above in 4.1 (A), by fiber weight, postconsumer fiber, whenever available at the same or a lesser total cost than non-recycled items, consistent with the requirements of the Public Contracts Code, Sections 22150 through 22154 and Sections 12200 and 12209, as amended.
- C. All Paper Products and Printing and Writing Paper shall be eligible to be labeled with an unqualified recyclable label as defined in Title 16 Code of Federal Regulations Section 260.12 (2013).
- D. Provide records to the Recordkeeping Designee of all Paper Products and Printing and Writing Paper purchases in a method and on a schedule to be determined by Recordkeeping Designee, but no less than every 60 days (both recycled-content and non-recycled content, if any is purchased) made by a division or department or employee of the County. Records shall include a copy of the invoice or other documentation of purchase, written certifications as required in Section 4.2.A.3-4 for recycled-content purchases, vendor name, purchaser name, quantity purchased, date purchased, and recycled content (including products that contain none), and if non-Recycled-Content Paper Products and/or non-Recycled-Content Printing and Writing Paper are provided, include a description of why Recycled-Content Paper Products and/or Recycled-Content Printing and Writing Paper were not provided.

#### **4.2 Requirements for Vendors**

- A. All vendors that provide Paper Products (including janitorial Paper Products) and Printing and Writing Paper to County shall:
  - 1. Provide Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper that consists of at least thirty percent (30%), by fiber weight, postconsumer fiber, if fitness and quality are equal to that of non-recycled item.
  - 2. Only provide Paper Products and Printing and Writing Papers that meet Federal Trade Commission Recyclability standard as defined in Title 16 Code of Federal Regulations Section 260.12 (2013).
  - 3. Certify in writing, under penalty of perjury, the minimum percentage of postconsumer material in the Paper Products and Printing and Writing Paper offered or sold to the County. This certification requirement may be waived 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.

4. Certify in writing, under penalty of perjury, that the Paper Products and Printing and Writing Paper offered or sold to the County is eligible to be labeled with an unqualified recyclable label as defined in Title 16 Code of Federal Regulations Section 260.12 (2013).
  5. Provide records to the Recordkeeping Designee of all Paper Products and Printing and Writing Paper purchased from the vendor on a schedule to be determined by the Recordkeeping Designee, but no less than every 60 days (both recycled-content and non-recycled content, if any is purchased) made by a division or department or employee of the County. Records shall include a copy of the invoice or other documentation of purchase, written certifications as required in Section 4.2.A.3-4 for recycled-content purchases, purchaser name, quantity purchased, date purchased, and recycled content (including products that contain none), and if non-Recycled-Content Paper Products and/or non- Recycled-Content Printing and Writing Paper are provided, include a description of why Recycled-Content Paper Products and/or Recycled-Content Printing and Writing Paper were not provided.
- B. All vendors providing printing services to the County via a printing contract or written agreement, shall use Printing and Writing Paper that consists of at least thirty percent (30%), by fiber weight, postconsumer fiber, or as amended by Public Contract Code Section 12209.

## **SECTION 5. RECORDKEEPING RESPONSIBILITIES**

- A. The Public Works Department will be the responsible department for obtaining records pertaining to Procurement of Recovered Organic Waste Products and Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper.
- B. The Recordkeeping Designee will do the following to track Procurement of Recovered Organic Waste Products, Recycled-Content Paper Products, and Recycled-Content Printing and Writing Paper:
1. Collect and collate copies of invoices or receipts (paper or electronic) or other proof of purchase that describe the procurement of Printing and Writing Paper and Paper Products, including the volume and type of all paper purchases; and, copies of certifications and other required verifications from all departments and/or divisions procuring Paper Products and Printing and Writing Paper (whether or not they contain recycled content) and/or from the vendors providing Printing and Writing Paper and Paper Products. These records must be kept as part of the County's documentation of its compliance with 14 CCR Section 18993.3.

2. Collect and collate copies of invoices or receipts or documentation evidencing procurement from all departments and divisions procuring Recovered Organic Waste Products and invoices or similar records from vendors/contractors/others procuring Recovered Organic Waste Products on behalf of the County to develop evidence of the County meeting its Annual Recovered Organic Waste Product Procurement Target. These records must be kept as part of the County's documentation of its compliance with 14 CCR Section 18993.1.
3. Collect, collate, and maintain documentation submitted by the County, Direct Service Providers, and/or vendors, including the information reported to the Recordkeeping Designee in accordance with Sections 3.2.A.3, 3.2.B.2, 3.2.C.2, 3.3.A.3, 3.3.B.2, 3.3.C.3, 4.1.C, and 4.2.A.5.
4. Compile an annual report on the County's direct procurement, and vendor/other procurement on behalf of the County, of Recovered Organic Waste Products, Recycled-Content Paper Products, and Recycled-Content Printing and Writing Paper, consistent with the recordkeeping requirements contained in 14 CCR Section 18993.2 for the Annual Recovered Organic Waste Product Procurement Target and 14 CCR Section 18993.4 for Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper procurement. This report shall be made available to the County's responsible entity for compiling the annual report to be submitted to CalRecycle (which will include a description of compliance on many other SB 1383 regulatory requirements) pursuant to 14 CCR Division 7, Chapter 12, Article 13.

## **SECTION 6. EFFECTIVE DATE OF POLICY**

This Policy shall go into effect September 12, 2023.