

CHAPTER ONE. GENERAL PROVISIONS

COLMA ADMINISTRATIVE CODE SUBCHAPTER 1.15

ENVIRONMENTALLY PREFERABLE & RECOVERED ORGANIC WASTE PRODUCT PROCUREMENT POLICY

1.15.10 Purpose and Findings

It is the policy of the Town of Colma (Town) to purchase environmentally preferable products to conserve natural resources and reduce greenhouse gas emissions (GHG) to meet GHG reduction targets of Colma's Climate Action Plan 2030. The purpose of this Environmentally Preferable and Recovered Organic Waste Product Procurement Policy (Policy) is to require sustainable purchasing practices and comply with State requirements per 14 CCR Division 7, Chapter 12, Article 12 (SB 1383 Procurement Regulations) to procure a specified amount of Recovered Organic Waste Products to support Organic Waste disposal reduction targets, support markets for recovered Organic Waste products, and purchase Recycled-Content Paper Products.

[History: Res 2014-10, 2/13/14; Res 2021-40, 12/8/21]

1.15.020 Subchapter Amended

Subchapter 1.15 of the Colma Administrative Code is hereby repealed and restated in its entirety to read as provided herein.

1.15.030 Definitions

"Annual Recovered Organic Waste Product Procurement Target" means the amount of Organic Waste in the form of a Recovered Organic Waste Product that the Town is required to procure annually under 14 CCR Section 18993.1. This target shall be calculated by multiplying the per capita procurement target, which shall be 0.08 tons of Organic Waste per California resident per year, times the Town's residential population using the most recent annual data reported by the California Department of Finance. Annually, CalRecycle will provide notice to the Town of its Annual Recovered Organic Waste Product Procurement Target by posting such information on CalRecycle's website and providing written notice directly to the Town.

"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 which 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, Division 7, Chapter 3.1 or produced at a large volume in-vessel digestion facility that composts on-site as defined and permitted under 14 CCR Division 7, Chapter 3.2. Compost shall meet the State's composting operations regulatory requirements.

"Consider" means to actively and in good faith seek the stated objectives of purchasing recycled content or environmentally preferable products.

“Direct Service Provider” means a person, company, agency, district, or other entity that provides a service or services to the Town pursuant to a contract or other written agreement or as otherwise defined in 14 CCR Section 18982(a)(17).

“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 Jurisdiction’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).

“Feasible” means whenever possible and compatible with local, state, and federal law, without reducing safety, quality, or effectiveness, and where the practice, product or service is available at a reasonable cost in a reasonable period of time. Reasonable cost shall be no more than 10% of the less sustainable product.

“Leadership in Energy and Environmental Design (LEEDTM) Rating System” means the green building assessment system developed by the U.S. Green Building Council designed for rating new and existing commercial, institutional, and high-rise residential buildings.

Mulch” means mulch eligible to meet the Annual Recovered Organic Waste Product Procurement Target, pursuant to 14 CCR, Division 7, Chapter 12. Mulch must meet the following conditions for the duration of the applicable procurement compliance year, as specified by 14 CCR Section 18993.1(f)(4):

(a) Be produced at one of the following facilities:

(1) Compostable material handling operation or facility as defined in 14 CCR Section 17852(a)(12), that is permitted or authorized under 14 CCR, Division 7, other than a chipping and grinding operation or facility as defined in 14 CCR Section 17852(a)(10); Mulch excludes mulch from chipping and grinding operations.

(2) 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,

(3) A solid waste landfill as defined in Public Resources Code Section 40195.1 that is permitted under 27 CCR, Division 2.

(b) Meet or exceed the physical contamination, maximum metal concentration, and pathogen density standards for land application specified in 14 CCR Sections 17852(a) (24.5) (A)(1)- (3).

“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.

"Paper Products" include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, toweling; or as otherwise defined in 14 CCR Section 18982(a)(51). Printing/writing paper include, but are not limited to, copy paper, envelopes, envelopes, writing tablets, newsprint, uncoated writing papers, posters, brochures, magazines, and publications; or as otherwise defined in 14 CCR Section 18982(a)(54).

"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 Town or others. The Town's Annual Recovered Organic Waste Product Procurement Target can be fulfilled directly by the Town or by Direct Service Providers through written contracts or agreements for Procurement of Recovered Organic Waste Products at the Town's request.

"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.

"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, 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.

"Recordkeeping Designee" means the staff person appointed by the City Manager or their designee track procurement and maintain records of Recovered Organic Waste Product procurement efforts both by the Town and others, if applicable, as required by 14 CCR, Division 7, Chapter 12, Articles 12 and 13.

"Recyclability" means that the Paper Products and Printing and Writing Paper offered or sold to the Town are eligible to be labeled with an unqualified recyclable label as defined in 16 Code of Federal Regulations Section 260.12.

"Recycled-Content Paper Products" and "Recycled-Content Printing and Writing Paper" means such paper products that consist of at least 30%, by fiber weight, postconsumer fiber, consistent with the requirements of Public Contract Code Sections 22150 to 22154, 12200 and 12209, and as amended.

"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).

"SB 1383" means Senate Bill 1383 (Chapter 395, Statutes of 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.

"SB 1383 Regulations" 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 14 CCR, Division 7, Chapter 12 and amended portions of regulations of 14 CCR and 27 CCR.

"State" means the State of California.

[History: Res 2014-10, 2/13/14, Res 2021-40, 12/8/21]

1.15.040 Recovered Organic Waste Product Procurement Requirements

(a) Annual Recovered Organic Waste Product Procurement Target

(1) The Town will 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 implementation of 1.15.040 – 1.150.60 of this Policy.

(2) 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 definitions in Section 1.15.030 of this Policy):

- (A) Compost.
- (B) Mulch.
- (C) Renewable Gas (in the form of transportation fuel, electricity, or heat).
- (C) Electricity Procured from Biomass Conversion.

(b) Requirements for Town Departments

(1) Town department staff that are responsible for landscaping maintenance, renovation, construction, or related activity are to prioritize the use of Compost and Mulch produced from recovered Organic Waste for landscaping maintenance, renovation, or construction. SB 1383 Eligible Mulch used for land application 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)-(3).

(2) Town projects that are subject to the Water Efficient Landscaping Ordinance (WELO), 23 CCR, Division 2, Chapter 2.7, as amended September 15, 2015, are to keep records of Recovered Organic Product procurement. For all mulch that is land applied, procure Mulch that meets or exceeds the physical contamination, maximum metal concentration, and pathogen density standards for land applications specified in 14 CCR

Section 17852(a) (24.5) (A)(1)-(3). Town staff are required to keep records, including invoices or proof of Recovered Organic Waste Product procurement (either through purchase or acquisition), and submit records to the Recordkeeping Designee, upon completion of project.

(c) Procedures & Recordkeeping Requirements for Procured Organic Products Town Projects

(1) Town staff are required to keep records, including invoices or proof of Recovered Organic Product procurement (either through purchase or acquisition), and submit records to the Recordkeeping Designee, upon completion of project. Records shall include:

- (A) General description of how and where the product was used and applied, if applicable.
- (B) Source of product, including name, physical location, and contact information for each entity, operation, or facility from whom the Recovered Organic (3) Waste Products were procured.
- (C) Type of product and quantity of each product.
- (D) Invoice or other record demonstrating purchase or procurement.

(d) Requirements for Compost and or Mulch Giveaway Events or Other Distribution Events

(1) For Compost and Mulch provided to residents, businesses or other organizations through giveaway events or other types of distribution methods, the Town will require that the Direct Service Provider (including the Town's franchised hauler) maintain an accurate record of the quantity of Compost and/or Mulch that is distributed.

These records will include:

- (A) General description of how/where product was used and or applied, as applicable
- (B) Source of product (physical location), type of product and quantity of product
- (C) Invoice or other record demonstrating purchase, distribution event or giveaway

(2) The Town's Recordkeeping Designee will keep records of Compost and Mulch provided for SB 1383 reporting purposes, and for the procurement of Mulch, report that mulch procured by the Town or Direct Service Provider meets the land application standards specified in 14 CCR Section 18993.1, as it may be amended from time to time.

(3) When Procurement of Recovered Organic Waste Products occurs through a

Direct Service Provider, the Town will require a written contract or agreement, or execute a purchase order with enforceable provisions that states mulch procured by the Direct Service Provider meets land application standards specified in 14 CCR Section 18993.1, as it may be amended from time to time.

(e) Requirements for Procurement of Renewable Gas, Electricity Procured from Biomass Conversion

(1) When Town procures Recovered Organic Waste Products that include Renewable Gas and/or Electricity Procured from Biomass Conversion occurs through a Direct Service Provider, Town shall enter into a written contract or agreement or execute a purchase order with enforceable provisions that includes: (i) definitions and specifications for Renewable Gas and/or Electricity Procured from Biomass Conversion and, (ii) an enforcement mechanism (e.g., termination, liquidated damages, etc.) in the event the Direct Service Provider is non-compliant with the requirements.

(2) When the Town has a Renewable Gas procurement (used for fuel for transportation, electricity, or heating applications), the Town shall ensure compliance with criteria specified in 14 CCR Section 18993.1., keep records for Renewable Gas procured and used by the Town and provide records to the Recordkeeping Designee, on a suitable schedule as determined, but not less than annually.

(3) If the Town procures Renewable Gas from a POTW, the Town will 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 Town shall 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. The Town shall require that the POTW annually provide documentation of the percentage of biosolids that the POTW produced and transported to activities that constitute landfill disposal to demonstrate that the POTW transported less than twenty-five percent (25%) of the biosolids it produced to activities that constitute landfill disposal. 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.

The Town will also require annual 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). The Town will ensure records are submitted to the Recordkeeping Designee on an annual basis.

When the Town procures electricity from Biomass Conversion the Town will maintain records detailing the amount of Electricity Procured from Biomass Conversion facilities and 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). The Town will provide these records to the Recordkeeping Designee on an annual basis.

[History: Res 2014-10, 2/13/14, Res 2021-40, 12/8/21]

1.15.050 Requirements for Procurement of Recycled Content Paper Products

(a) Town staff shall purchase Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper that consists of at least fifty percent (50%) recycle content whenever the total cost is the same cost, lesser cost or not more than 10% of the non-recycled content alternative, consistent with the requirements of the Public Contract Code, Sections 22150 through 22154 and Sections 12200 and 12209, as amended. 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.

(b) Town staff are to maintain records of all Paper Products and Printing and Writing Paper purchases and provide sufficient records to the Recordkeeping Designee at an agreed upon schedule, but not less than annually to enable the Recordkeeping Designee to complete the required documentation for CalRecycle. Town staff shall provide a copy of the invoice/documentation of purchases, vendor name, purchaser name, date and quantity purchased, recycled content information. If non-Recycled-Content Paper Products and/or non-Recycled-Content Printing and Writing Paper are purchased, Town staff is to detail why Recycled-Content Paper Products and/or Recycled-Content Printing and Writing Paper were not purchased.

Town Vendor Procurement Requirements

(1) All vendors that provide Paper Products (including janitorial Paper Products) and Printing and Writing Paper to the Town are to Provide Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper that consists of at least fifty percent (50%) recycle content whenever the total cost is the same cost, lesser cost or not more than 10% of the non-recycled content alternative, consistent with the requirements of the Public Contract Code, Sections 22150 through 22154 and Sections 12200 and 12209, as amended. Vendors are to only provide Paper Products and Printing and Writing Papers that meet Federal Trade Commission Recyclability standard as defined in Title 16 CFR Section 260.12.

(2) Vendors are to 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 Town. 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. Vendors are to certify in writing, under penalty of perjury, that the Paper Products and Printing and Writing Paper offered or sold to the Town are eligible to be labeled with an unqualified recyclable label as defined in Title 16 CFR Section 260.12.

(3) Vendors are to provide records of all Paper Products and Printing and Writing Paper purchased (both recycled-content and non-recycled content) made by a Town department to the Recordkeeping Designee on a schedule to be determined by the Recordkeeping Designee. Records shall include a copy of the invoice/ documentation of purchase, written certifications as required, purchaser name, quantity/date purchased, and if non-Recycled-Content Paper Products and/or non-Recycled-Content Printing and Writing Paper is purchased include a description of why Recycled-Content Paper Products and/or Recycled-Content Printing and Writing Paper were not purchased.

(4) All vendors providing printing services to the Town via a printing contract or written agreement, shall use Printing and Writing Paper that consists of at least fifty percent (50%), recycle content whenever the total cost is the same cost, lesser cost or not more than 10% of the non-recycled content alternative, consistent with the requirements of the Public Contract Code, Section 12209 or as amended.

[History: Res 2014-10, 2/13/14, Res 2017-23, 5/10/17, Res 2021-40, 12/8/21]

1.15.060 SB 1383 Procurement Recordkeeping Responsibilities

(a) The City Manager or their designee will designate who will be the Recordkeeping Designee and responsible for consolidating information from all Town departments 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 track Procurement of Recovered Organic Waste Products, Recycled-Content Paper Products, and Recycled-Content Printing and Writing Paper and complete the following tasks:

(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 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 Town'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 Town departments procuring Recovered Organic Waste Products and invoices or similar records from vendors/contractors/others procuring Recovered Organic Waste Products on behalf of the Town to ensure compliance in meeting its Annual Recovered Organic Waste Product Procurement Target. These records must be kept as part of the Town's documentation of its compliance with 14 CCR Section 18993.1.

(3) Collect, collate, and maintain documentation submitted by the Town, Direct Service Providers, and/or vendors. Compile an annual report on the Town's procurement, vendor/other procurement on behalf of the Town 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 Town's responsible entity for compiling the annual report to be submitted to CalRecycle (which will include a description of compliance on other SB 1383 regulatory requirements) pursuant to 14 CCR Division 7, Chapter 12, Article 13.

[History: Res 2014-10, 2/13/14; Res 2021-40, 12/8/21]

1.15.070 Other Environmentally Preferable Procurement Products, Services and Practices

(a) Town staff shall prioritize the purchase of environmentally preferable products, services, and practices, whenever feasible, that include the following:

Zero Emission and or Fuel-Efficient Vehicle Fleet. When replacing Town fleet vehicles, Town staff will prioritize zero emission vehicles and or fuel-efficient vehicles, provided the vehicle meets the performance standard needed for its purpose. When replacing vehicles, less-polluting alternatives such as compressed natural gas, bio-based fuels, hybrids, electric batteries, or fuel cell types are to be considered.

Town Landscaping/Maintenance Services. When considering landscape maintenance services, Town staff will prioritize provisions of Sustainable Guidelines for Landscape Professionals (www.bayfriendlycoalition.org) and establish a preferred list of native and drought-tolerant plants for use.

Energy Efficient Electronic Equipment and Solar Installation. When considering purchase of new electronic equipment, Town staff will prioritize products that include the "Energy Star" certification and meet "EPEAT" energy efficiency standards. All employees should maintain equipment on the most energy efficient settings. Town staff will consider solar installation and battery storage on Town properties when deemed economically beneficial.

Water Efficient Products. When considering purchase of water fixtures, plumbing fixtures, and toilets, etc. Town staff will prioritize the purchase of items that include the "Water Sense" certification to maximize water efficiency.

Leadership in Energy and Environmental Design (LEED)/Green Building. When building or renovating Town facilities, staff will prioritize Leadership in Energy and Environmental Design (LEED) green building practices. When exterior hardscape modifications are made to existing Town facilities, staff will consider replacement of impervious surfaces with permeable substitutes such as permeable asphalt, concrete or pavers for walkways, patios, parking lots and driveways.

[History: Res 2014-10, 2/13/14, Res 2021-40, 12/8/21]

1.15.080 Effective Date of Policy

This Policy shall take effect December 20, 2021.

[*History:* Res 2014-10, 2/13/14, 2021-41, 12/8/21]