

Date of Hearing: April 9, 2025

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Juan Carrillo, Chair

AB 436 (Ransom) – As Amended March 10, 2025

SUBJECT: Composting facilities: zoning

SUMMARY: Requires the Office of Land Use and Climate Innovation (LCI) to develop and post on its website a technical advisory on best practices to facilitate the siting of compost facilities, and requires cities and counties to consider updating the land use element to identify areas where it may be appropriate for compost facilities to be an allowable use. **Specifically, this bill:**

- 1) Requires LCI to develop, in consultation with the Department of Resources Recycling and Recovery (CalRecycle), a technical advisory that reflects best practices to facilitate the siting of composting facilities to meet the state’s organic waste reduction goals, and to post the advisory on LCI’s website, by June 1, 2027.
- 2) Specifies that the technical advisory must include sample general plan goals, policies, and implementation measures and a model ordinance, all of which shall be suitable for adoption or modification by a city, county, or city and county.
- 3) Requires LCI to consult with representatives of urban, suburban, and rural counties and cities, operators of composting facilities, and private and public waste services throughout the development of the technical advisory.
- 4) Requires, upon a substantive revision of the land use element on or after January 1, 2029 and after the technical advisory is publically posted, a city, county, or city and county to consider:
 - a) The best practices, sample general plan, and model ordinance reflected in the technical advisory; and,
 - b) Updating the land use element to identify areas where composting facilities may be appropriate as an allowable use, which may vary based on the types or sizes of the facilities.
- 5) Specifies that no reimbursement is required by the bill pursuant to Section 6 of Article XIII B of the California Constitution, as specified.

EXISTING LAW:

- 1) Allows, under the California Constitution, cities and counties to “make and enforce within its limits, all local, police, sanitary and other ordinances and regulations not in conflict with general laws.” (California Constitution, Article XI, Section 7)
- 2) Requires every county and city to adopt a general plan with seven mandatory elements: land use, circulation, housing, conservation, open space, noise, and safety. General plans must also either include an eighth element on environmental justice, or incorporate environmental justice concerns throughout the other elements. (Government Code Section 65300 et seq.)

- 3) Establishes, as part of a broader strategy to reduce short-lived climate pollutants, targets to achieve a 50% reduction in the level of statewide disposal of organic waste from the 2014 level by 2020, and a 75% reduction by 2025. (Health and Safety Code Section 39730.6)
- 4) Requires CalRecycle, in consultation with the California Air Resources Board (CARB), to adopt regulations to achieve those targets for reducing organic waste in landfills. (Public Resources Code Section 42652.5)
- 5) Creates LCI as the state's comprehensive planning agency and allows LCI to offer technical assistance and information to local agencies regarding land use planning. (Government Code Section 65040)

FISCAL EFFECT: This bill is keyed fiscal and contains a state-mandated local program.

COMMENTS:

- 1) **Bill Summary.** This bill requires LCI to develop a technical advisory, in consultation with CalRecycle, and to post the advisory on LCI's website, by June 1, 2027. This advisory must reflect best practices for siting composting facilities to meet California's organic waste reduction goals. It must include sample general plan goals, policies, and implementation measures, and a model ordinance. LCI must consult with representatives from various counties and cities, composting facility operators, and waste services during this process.

Starting January 1, 2029, upon any substantive revision of a land use element, cities and counties must consider the best practices, sample general plan, and model ordinance reflected in the technical advisory and must consider updating their land use elements to identify suitable areas for composting facilities.

This bill is sponsored by the California Compost Coalition.

- 2) **Author's Statement.** According to the author, "California's ambitious organic waste diversion goals require local jurisdictions to divert 75% of organic waste from landfills. CalRecycle estimates that the state needs around 100 new or expanded organic waste recycling facilities to ensure enough capacity to actually divert 75% of organic waste.

"Assembly Bill 436 (AB 436) will assist local jurisdictions in California in meeting our organic waste diversion targets by expediting the siting and permitting of composting facilities. AB 436 would provide local governments with an additional tool to help more easily site these facilities, mitigating an existing permitting barrier that does not impact environmental standards. This is a commonsense approach that assists local government and helps achieve our environmental goals."

- 3) **Land Use Authority.** The California Constitution allows cities and counties to "make and enforce within its limits, all local, police, sanitary and other ordinances and regulations not in conflict with general laws." It is from this fundamental power (commonly called the police power) that cities and counties derive their authority to regulate behavior to preserve the health, safety, and welfare of the public—including land use authority.

Every county and city must adopt a general plan with seven mandatory elements: land use, circulation, housing, conservation, open space, noise, and safety. General plans must also

either include an eighth element on environmental justice, or incorporate environmental justice concerns throughout the other elements. Cities' and counties' major land use decisions—including zoning ordinances and development permitting—must be consistent with their general plans. In this way, the general plan is a blueprint for future development.

To help local officials interpret these statutory requirements, LCI publishes General Plan Guidelines. LCI's General Plan Guidelines recommend the information that local planners should collect, suggest goals, policies, and objectives that local general plans could adopt, and list a wide range of potential implementation measures to carry out those local goals. State law requires LCI to periodically revise the General Plan Guidelines. LCI's last comprehensive update of the General Plan Guidelines occurred in 2017. LCI also releases subject-specific updates and technical advisories.

- 4) **Organic Waste.** Organic material accounts for more than a third of California's waste stream: food waste accounts for approximately 18% of landfilled material, and yard waste accounts for another 7% of the total waste stream. According to CalRecycle, methane emissions from decomposing organic waste in landfills account for approximately 20% of the state's total methane emissions. Methane is 84 times more potent than carbon dioxide as a climate pollutant over a 20-year timescale.
- 5) **SB 1383 Regulations.** In 2016, the Legislature enacted SB 1383 (Lara), Chapter 395, Statutes of 2016, which established emission reduction targets for short-lived climate pollutants, including hydrofluorocarbon gasses, anthropogenic black carbon, and methane. Among other requirements, SB 1383 directed CARB to approve and implement a comprehensive short-lived climate pollutant strategy that included a 2030 target of reducing methane emissions by 40% relative to 2013 levels. In order to achieve these reductions in methane emissions, SB 1383 set goals of reducing landfill disposal of organic waste by 50% before 2020 and by 75% before 2025 from 2014 levels, and redirecting at least 20% of currently disposed of surplus food for meals by 2025. SB 1383 gave CalRecycle the authority to adopt regulations to meet these organic waste reduction requirements, which were finalized in November 2020 and became effective on January 1, 2022.
- 6) **City and County Responsibilities under SB 1383.** Local governments play a key role in achieving the SB 1383 targets, as outlined in the regulations developed by CalRecycle (California Code of Regulations, Title 14, Division 7, chapter 12). These regulations require cities, counties, and special districts that provide solid waste collection services to take a variety of actions, including to, among other things:
 - a) Establish an organic waste collection program, including mandatory curbside collections for certain waste generators, that require sorting of organic waste into proper containers; and
 - b) Enforce organic waste collection requirements by monitoring and inspecting commercial businesses and reviewing waste routes for compliance, notifying entities in violation, providing a deadline to comply, and if necessary, assessing penalties and fines for continuous violations.

Local governments must also plan for adequate capacity to ensure that there are sufficient facilities for processing the organic waste collected. Specifically, every city, county, special district, and regional agency that provides waste collection services must:

- a) Estimate the amount of organic waste that will be disposed of within its jurisdiction annually;
- b) Identify the amount of existing organic waste recycling infrastructure capacity that is verifiably available to the jurisdiction through a contract or other similar means of documentation; and
- c) Estimate the amount of new capacity needed to process all of the estimated organic waste from the jurisdiction. If there isn't enough capacity, local governments must also submit an implementation schedule to reach sufficient capacity, including a schedule of actions needed to obtain funding for the necessary organic waste recycling infrastructure and identifying the facilities and activities that could be used to provide additional capacity.

Counties are further responsible for compiling the data above for local governments within their boundaries and filing capacity reports with CalRecycle on a prescribed schedule.

Local governments that don't comply with the SB 1383 regulations are subject to fines ranging from \$500 to \$10,000 per day, depending on the severity of the violation. However, CalRecycle must first attempt to work with local governments to bring them into compliance. Additionally, a local government may be eligible for an exemption or temporary waiver from some portions of the SB 1383 regulations if they have small populations, are located in rural areas or at high elevations, or generate small amounts of waste.

- 7) **Organic Waste Recycling Facilities.** CalRecycle's SB 1383 regulations require local governments to divert organic waste from landfills to other facilities to process that waste in accordance with the law. These facilities can include composting, mulching, biomass energy plants, and anaerobic digestion facilities that break organic waste down and recycle it into usable products. The state currently does not possess sufficient capacity to process the amount of waste that needs to be diverted from landfills to meet the SB 1383 goals. Specifically, the Little Hoover Commission, in a June 2023 report on the status of SB 1383 implementation, noted that the state currently only has the capacity to process a little over half of the estimated 18 million tons of organic waste that will need to be diverted to organic waste recycling facilities in 2025. According to CalRecycle, the state needs approximately 50-100 new or expanded facilities to process the organic waste diverted from landfills under SB 1383.
- 8) **Arguments in Support.** The California Compost Coalition, the sponsor of this bill, writes, "The siting and permitting of composting facilities is currently unnecessarily complicated and time-consuming – taking over a decade to finalize, in some cases. Composters recognize that state and local officials are balancing a complex web of important environmental regulations. However, building critical SB 1383 infrastructure in a timely manner will require the state to mitigate existing permitting barriers that do not impact our environmental standards.

“Meeting the state’s SB 1383 targets will require state and local regulators to recognize that building new organic waste recycling infrastructure is essential, and to remove permitting barriers where possible. Otherwise, the state risks sending thousands of tons of recyclable food waste to our landfills to decompose and release damaging methane into the atmosphere for years to come.”

9) **Arguments in Opposition.** None on file.

10) **Previous Legislation.** SB 1045 (Blakespear) of 2024 was nearly identical to this bill. SB 1045 was held in the Assembly Appropriations Committee.

11) **Double-Referral.** This bill is double-referred to the Natural Resources Committee, where it passed on a 13-0 vote on March 24, 2025.

REGISTERED SUPPORT / OPPOSITION:

Support

California Compost Coalition [SPONSOR]
California State Grange
CR&R, Inc.
Housing and Economic Rights Advocates
Recology Waste Zero
Republic Services INC.
Resource Recovery Coalition of California
Rethink Waste
Waste Connections, INC.

Opposition

None on file

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