

AMENDED IN SENATE APRIL 27, 2016
AMENDED IN SENATE APRIL 4, 2016
AMENDED IN SENATE MARCH 28, 2016

SENATE BILL

No. 1294

**Introduced by Senator Pavley
(Coauthor: Senator Hertzberg)**

February 19, 2016

An act to *amend Section 42649.87 of, to add Section 42649.89 to, and to add Division 45 (commencing with Section 75300) to to, the Public Resources Code, relating to the environment.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1294, as amended, Pavley. The Community Climate and Drought Resilience Program of 2016.

Existing law authorizes the Department of Forestry and Fire Protection (CalFire) to implement a program in urban forestry to encourage better tree management and planting in urban areas to increase integrated, multibenefit projects by assisting urban areas with innovative solutions to problems, including greenhouse gas emissions, public health impacts of poor air and water quality, urban heat island effect, stormwater management, water shortages, lack of green space, lack of urban parks that are accessible to pedestrians, vandalism, and insufficient tree maintenance. ~~Existing law authorizes the Department of Resources Recycling and Recovery (CalRecycle) to develop a program to increase the use of compost products in agricultural applications.~~

This bill would enact the Community Climate and Drought Resilience Program of 2016 and would require CalFire to review the urban forestry program and, if necessary, revise the program to provide funding priority

to multibenefit carbon sequestration projects and to establish local or regional targets for urban tree canopy. ~~The bill would require CalRecycle, by July 1, 2017, to develop and implement a program that provides incentives for certain projects that increase drought resilience and result in quantifiable reductions in the emissions of greenhouse gases through increased carbon sequestration in urban and rural areas.~~

Existing law requires the California Environmental Protection Agency, in coordination with the Department of Resources Recycling and Recovery, the State Water Resources Control Board, the State Air Resources Board, and the Department of Food and Agriculture, to develop and implement policies to aid in diverting organic waste from landfills by promoting the composting of specified organic waste and by promoting the appropriate use of that compost throughout the state. Existing law requires the agency and the Department of Food and Agriculture, with the Department of Resources Recycling and Recovery, the State Water Resources Control Board, and the State Air Resources Board, to perform specified functions, including developing recommendations for promoting organic waste processing and recycling infrastructure statewide.

This bill would require the agency and the Department of Food and Agriculture, with the Department of Resources Recycling and Recovery, the State Water Resources Control Board, and the State Air Resources Board, to additionally assess state programs to determine how those programs may increase the use of compost for specified purposes and develop recommendations for promoting the use of compost throughout the state. The bill would require that those recommendations be posted on the agency's Internet Web site no later than January 1, 2018, and be updated annually thereafter. The bill would require an implementing agency, required to be identified with those recommendations, to develop a program to implement policies for promoting the use of compost throughout the state, if recommended, and, for purposes of that program, to prioritize projects that utilize the services of community conservation corps or other local nonprofit entities that employ underprivileged youth.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) California has been a global leader in reducing the emissions
4 of greenhouse gases through the California Global Warming
5 Solutions Act of 2006 (Division 25.5 (commencing with Section
6 38500) of Health and Safety Code) and the Governor’s Executive
7 Orders S-3-05 and B-30-15.

8 (b) The state has developed a comprehensive climate adaptation
9 strategy document titled “Safeguarding California: Implementation
10 Action Plans” and has established the Integrated Climate
11 Adaptation and Resiliency Program to further coordinate local and
12 regional efforts with the state climate adaptation strategies.

13 (c) The state’s existing investment in natural infrastructure,
14 including urban forest canopy, which helps accomplish both carbon
15 sequestration and climate resilience, is at risk due to existing
16 drought conditions.

17 (d) The drought has heightened awareness and underscored the
18 importance of sustainable water management.

19 (e) Improved water retention and infiltration can greatly reduce
20 reliance on potentially energy-intensive long-distance water imports
21 and thereby reduce emissions of greenhouse gases.

22 (f) Through carbon sequestration, the protection and
23 management of natural and working lands and organic waste
24 diversion are both integral to accomplishing the state’s policy to
25 reduce greenhouse gas levels.

26 (g) The state has recently developed a strategy to dramatically
27 increase the diversion of organic waste from landfills, with the
28 organic waste being used to create compost and mulch.

29 (h) Composting and use of organic waste in improved landscape
30 and healthy soil management have great potential to be cost
31 effective at reducing greenhouse gas levels through improved
32 carbon soil sequestration and may also greatly improve water
33 retention and infiltration of stormwater flows.

34 (i) Composting may also provide important environmental and
35 agricultural cobenefits, including reduction of naturally occurring
36 volatile organic compounds and ammonia, and may help the state
37 address agriculture, dairy, and forestry waste in a proper and
38 environmentally responsible manner.

1 *SEC. 2. Section 42649.87 of the Public Resources Code is*
2 *amended to read:*

3 42649.87. (a) The California Environmental Protection
4 Agency, in coordination with the department, the State Water
5 Resources Control Board, the State Air Resources Board, and the
6 Department of Food and Agriculture, shall develop and implement
7 policies to aid in diverting organic waste from landfills by
8 promoting the use of agricultural, forestry, and urban organic waste
9 as a feedstock for compost and by promoting the appropriate use
10 of that compost throughout the state.

11 (b) In developing policies pursuant to subdivision (a), the
12 California Environmental Protection Agency shall promote a goal
13 of reducing at least five million metric tons of greenhouse gas
14 emissions per year through the development and application of
15 compost on working lands, which include, but are not limited to,
16 agricultural land, land used for forestry, and rangeland. The
17 California Environmental Protection Agency shall work with the
18 Department of Food and Agriculture to achieve this goal.

19 (c) ~~The California~~ Secretary for Environmental Protection
20 Agency and the Secretary of Food and Agriculture shall ensure
21 proper coordination of agency regulations and goals to implement
22 this section. The California Environmental Protection Agency and
23 the Department of Food and Agriculture, with the department, the
24 State Water Resources Control Board, and the State Air Resources
25 Board shall do all of the following:

26 (1) Assess the state's progress towards developing the organic
27 waste processing and recycling infrastructure necessary to meet
28 the state goals specified in Assembly Bill 341 (Chapter 476 of the
29 Statutes of 2011), Assembly Bill 1826 (Chapter 727 of the Statutes
30 of 2014), the State Air Resources Board's May 2015 Short-Lived
31 Climate Pollutant Reduction Strategy concept paper, and the
32 Department of Food and Agriculture's Healthy Soils Initiative.

33 (2) Meet at least quarterly and consult with interested
34 stakeholders, including, but not limited to, the compost industry,
35 local governments, and environmental organizations, to encourage
36 the continued viability of the state's organic waste processing and
37 recycling infrastructure.

38 (3) Hold at least one public workshop annually to inform the
39 public of actions taken to implement this section and to receive
40 public comment.

1 (4) (A) Develop recommendations for promoting organic waste
2 processing and recycling infrastructure statewide, which shall be
3 posted on the California Environmental Protection Agency’s
4 Internet Web site no later than January 1, 2017, and updated
5 annually thereafter.

6 (B) *Develop recommendations for promoting the use of compost*
7 *throughout the state, which shall be posted on the California*
8 *Environmental Protection Agency’s Internet Web site no later than*
9 *January 1, 2018, and updated annually thereafter, and identify an*
10 *implementing agency for purposes of Section 42649.89.*

11 (5) *Assess state programs to determine how those programs*
12 *may increase the use of compost for purposes of increasing carbon*
13 *sequestration in urban and rural areas.*

14 (d) This section shall remain in effect only until January 1, 2021,
15 and as of that date is repealed, unless a later enacted statute, that
16 is enacted before January 1, 2021, deletes or extends that date.

17 SEC. 3. Section 42649.89 is added to the Public Resources
18 Code, to read:

19 42649.89. (a) *The implementing agency identified pursuant*
20 *to paragraph (4) of subdivision (c) of Section 42649.87 shall*
21 *develop a program to implement policies for promoting the use of*
22 *compost throughout the state, if recommended pursuant to*
23 *paragraph (4) of subdivision (c) of Section 42649.87.*

24 (b) *For purposes of the program developed pursuant to*
25 *subdivision (a), the implementing agency shall prioritize projects*
26 *that utilize the services of community conservation corps, as*
27 *defined in Section 14507.5, or other local non-profit entities that*
28 *employ underprivileged youth.*

29 ~~SEC. 2.~~

30 SEC. 4. Division 45 (commencing with Section 75300) is added
31 to the Public Resources Code, to read:

32
33 DIVISION 45. COMMUNITY CLIMATE AND DROUGHT
34 RESILIENCE PROGRAM OF 2016

35
36 CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

37
38 75300. In enacting this division, it is the intent of the
39 Legislature to do both of the following:

1 (a) Establish an innovative natural resource management
2 program that improves carbon sequestration, improves drought
3 preparedness, and helps California communities address the effects
4 of climate change through increased urban forest canopy, carbon
5 soil sequestration, multibenefit stormwater management, organic
6 waste diversion, and community greening.

7 (b) Enable opportunities for employment of California’s at-risk
8 youth in climate-friendly landscape management strategies,
9 especially in disadvantaged communities.

10 75301. The Department of Forestry and Fire Protection and
11 the Department of Resources Recycling and Recovery, in
12 implementing this division, shall promote policies and incentives
13 that advance all of the following:

14 (a) Help urban and rural communities adapt to the effects of
15 climate change.

16 (b) Improve water management and drought preparedness.

17 (c) Provide workforce training to young men and women in
18 disadvantaged communities.

19 (d) Maximize carbon sequestration and ensure the associated
20 greenhouse gas reduction benefits are maintained through both of
21 the following:

22 (1) Improvement and continued management of urban forest
23 canopy and carbon soil sequestration.

24 (2) Development and application of compost made from organic
25 waste that is diverted from landfills.

26 75305. For purposes of this division, the following definitions
27 apply:

28 (a) “CalFire” means the Department of Forestry and Fire
29 Protection.

30 (b) “CalRecycle” means the Department of Resources Recycling
31 and Recovery.

32 (c) “Disadvantaged communities” means communities identified
33 pursuant to Section 39711 of the Health and Safety Code.

34

35 CHAPTER 2. URBAN FORESTRY

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37 75310. (a) CalFire shall review the urban forestry program
38 implemented pursuant to the California Urban Forestry Act of
39 1978 (Chapter 2 (commencing with Section 4799.06) of Part 2.5

1 of Division 4), and revise the program, if necessary, to do both of
2 the following:

3 (1) Provide funding priority to multibenefit carbon sequestration
4 projects. Eligible project categories shall include, but are not
5 limited to, all of the following:

6 (A) Mulching, watering, or pruning.

7 (B) The use of onsite water capture, recycled water, and other
8 local water sources.

9 (C) Emergency drought response measures that reduce tree
10 mortality, ensure optimal tree health, and preserve the carbon
11 sequestration and climate resilience benefits of the urban forest.

12 (2) Establish local or regional targets for urban tree canopy,
13 especially in disadvantaged communities that tend to be most
14 vulnerable to urban heat island effect. These targets shall include
15 urban forest diversity, tree species’ adaptability to anticipated
16 climate change impacts, and other relevant factors.

17 (b) CalFire shall develop or update its regulations, as necessary,
18 to implement the requirements of the chapter and shall provide
19 both of the following:

20 (1) Planning and technical assistance for eligible applicants
21 assisting disadvantaged communities.

22 (2) Guidance to grantees and local governments regarding best
23 practices and metrics for maintaining urban forest health.

24

25 ~~CHAPTER 3. THE USE OF COMPOST IN FARMING AND~~
26 ~~LANDSCAPING PRACTICES~~

27

28 ~~75320. (a) By July 1, 2017, CalRecycle, in consultation with~~
29 ~~relevant state agencies, shall develop and implement a program~~
30 ~~that provides incentives for the use of compost from organic waste~~
31 ~~in farming and landscaping practices that increase drought~~
32 ~~resilience and result in quantifiable reductions in the emissions of~~
33 ~~greenhouse gases through increased carbon sequestration in urban~~
34 ~~and rural areas.~~

35 ~~(b) In implementing this program, CalRecycle shall enter into~~
36 ~~an agreement with state-certified conservation corps to assist~~
37 ~~community outreach, compost delivery and application, and other~~
38 ~~urban greening projects that are eligible under the program.~~

- 1 (e) ~~CalRecycle shall develop and update regulations for the~~
- 2 ~~implementation of this chapter.~~

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