

**Planning Committee/
Recycling Board Members**

Jim Oddie, **President**
ACWMA

Sarah Vared, **1st Vice President**
Source Reduction Specialist

Peter Maass, **2nd Vice President**
ACWMA

Jillian Buckholz, Recycling Programs

Bernie Camara, Recycling Materials Processing Industry

Nancy Deming, Environmental Educator

Sara Lamnin, ACWMA

Dianne Martinez, ACWMA

John Moore, Environmental Organization

Tim Rood, ACWMA

Vacant, Solid Waste Industry Representative

Wendy Sommer, Executive Director

AGENDA

**MEETING OF THE
PLANNING COMMITTEE
AND
ALAMEDA COUNTY RECYCLING BOARD**

Thursday, October 11, 2018

4:00 P.M.

**StopWaste Offices
1537 Webster Street
Oakland, CA 94612
510-891-6500**

**Teleconference
Tim Rood
San Jose City Hall
3rd Floor Tower
200 East Santa Clara St
San Jose CA 95113
408-535-8122**

Meeting is wheelchair accessible. Sign language interpreter may be available upon five (5) days' notice to 510-891-6500.

I. CALL TO ORDER

II. ROLL CALL OF ATTENDANCE

III. ANNOUNCEMENTS BY PRESIDENT

IV. OPEN PUBLIC COMMENT

An opportunity is provided for any member of the public wishing to speak on any matter within the jurisdiction of the Board, but not listed on the agenda. Each speaker is limited to three minutes.

Page V. CONSENT CALENDAR

- 1 1. Approval of the Draft Minutes of September 13 , 2018 (Tom Padia)**
- 5 2. Board Attendance Record (Tom Padia)**
- 7 3. Written Report of Ex Parte Communications (Tom Padia)**
- 9 4. Grants Issued Under Executive Director Signature Authority (Wendy Sommer)**

VI. REGULAR CALENDAR

- 11 1. Mandatory Recycling Ordinance Project Update (Rachel Balsley)**
This item is for information only.

- 17 2. **SB 1383 Short Lived Climate Pollutant Plan: Rulemaking Overview and Implications
(Kelly Schoonmaker)**

 This item is for information only.

VII. MEMBER COMMENTS AND COMMUNICATIONS FROM THE EXECUTIVE DIRECTOR

VIII. ADJOURNMENT

DRAFT

**MINUTES OF REGULAR MEETING OF THE
PLANNING COMMITTEE
AND
ALAMEDA COUNTY RECYCLING BOARD**

Thursday, September 13, 2018

7:00 P.M.

**City of Dublin Civic Center
Regional Room
100 Civic Plaza
Dublin, California 94568
(925) 833-6645**

**Teleconference
Jim Oddie
The Westin Long Beach
333 East Ocean Boulevard
Long Beach, California 90802
(562) 436-3000**

I. CALL TO ORDER

Peter Maass, Second Vice, President, called the meeting to order at 7:01 p.m.

II. ROLL CALL OF ATTENDANCE

Jillian Buckholz, Recycling Programs
Bernie Camara, Recycling Materials Processing Industry
Nancy Deming, Environmental Educator
Sara Lamnin, ACWMA
Peter Maass, ACWMA
Dianne Martinez, ACWMA
John Moore, Environmental Organization
Jim Oddie, ACWMA (teleconference)
Tim Rood, ACWMA
Matthew Southworth (Interim), Source Reduction Specialist

Absent:

Vacant, Solid Waste Industry Representative

Staff Present:

Tom Padia, Deputy Executive Director
Wendy Sommer, Executive Director
Meghan Starkey, Senior Management Analyst
Farand Kan, County Counsel
Arliss Dunn, Clerk of the Board

Others Participating:

Leslie Lukacs, SCS Engineers
Stacey Demers, SCS Engineers

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III. ANNOUNCEMENTS BY PRESIDENT

There were none.

IV. OPEN PUBLIC COMMENT

There was none.

V. CONSENT CALENDAR

1. **Approval of the Draft Minutes of August 9, 2018 (Tom Padia)**
2. **Board Attendance Record (Tom Padia)**
3. **Written Report of Ex Parte Communications (Tom Padia)**

There were no public comments on the Consent Calendar. Board member Rood made the motion to approve the Consent Calendar. Board member Martinez seconded and the motion carried 9-0. (Ayes: Buckholz, Camara, Deming, Maass, Martinez, Moore, Oddie, Rood, Southworth. Nays: None. Abstain: None. Absent: Lamnin. Vacant: Solid Waste Industry Representative).

VI. REGULAR CALENDAR

1. **ReThink Disposable Update (Wendy Sommer & Cassie Bartholomew)**

This item is for information only.

Wendy Sommer provided an overview of the staff report and showed a video from the ReThink Disposables campaign. The video was developed by the Clean Water Fund and is being shown in The Alameda Theater. A link to the staff report is available here: [ReThink-Disposable-Memo-09-13-18.pdf](#). A link to the video is available here: [ReThink-Disposable-Video](#). Ms. Sommer stated that we are looking for businesses that may be interested in switching from disposables to reusables and invited the Board to submit any companies in their jurisdictions that may be interested. The companies should utilize food ware in their establishments, have current dishwashing capacity, hand out excessive amounts of disposables, are locally owned and operated, and have issues with food waste contaminating the organics or recycling streams. (Board member Lamnin arrived during the presentation).

Board member Maass shared a story on PBS News Hour about a company in Durham North Carolina. The company, Green to Go, started a program that allows restaurants to stack green containers and customers receive their food in the containers. The customers then return the containers to stations across the city. Green to Go volunteers retrieve the containers, wash and sterilize them and redistribute them to the restaurants. A link to the story is available here: [PBS.Video.Green.to.Go](#). Board member Maass stated that a program could exist locally where there is a concentration of restaurants. Board member Rood stated that there was a similar type program in Oakland called Go Box but it did not catch on. Board member Lamnin commented that possibly staff can present to merchant associations about the program. Ms. Sommer stated that she would consult with Cassie Bartholomew, ReThink Disposable Program Manager. Vice President Maass thanked Ms. Sommer for her report.

2. **Discards Behavior and Markets (Tom Padia)**

This item is for information only.

Tom Padia provided an overview of the staff report. A link to the report is available here: [Discards-Behavior-Memo-09-13-18.pdf](#). Board member Deming commented that the lack of coordination countywide with regard to consistency in sorting and recycling of materials, e.g. milk

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cartons, creates confusion. Mr. Padia stated in addition to China adopting such a low threshold for contamination in recyclables there is zero tolerance for food. The Carton Council has been trying to convince certain recycling programs to install new high technology sorting machines that will separate poly coated aseptic and gabletop milk and juice cartons from the mixed-paper recycling. They will then arrange to pick up the cartons within a specified timeframe. Recology is the only local processor that has adopted the process. Board member Deming inquired about the cost of the equipment. Mr. Padia stated that it is a significant investment and requires adequate space. The Carton Council has offered to offset the cost for some facilities. Board member Rood inquired if the milk carton can be recycled without the plastic spout. Mr. Padia stated no. None of the plastic coated cartons are recyclable. Vice President Maass asked what is occurring in the markets that previously received Chinese recyclable materials. Mr. Padia stated that as China is becoming a more consumer driven economy they are generating their own scrap and are not as dependent on US markets. Vice President Maass inquired if we may be headed towards more restrictive sorting and regulations on product content. Mr. Padia stated yes, there may be many different measures on different fronts and there are increased discussions about going back to dual stream collection. Board member Lamnin commented that coordinated discussions are needed to address illegal dumping and furniture set out issues, e.g. designating actual drop off locations. Mr. Padia stated that other than more strongly highlighting the bulky waste pick-up service offered under the franchise agreements there are little other remedies. Board member Buckholz stated that renters can speak with their landlord regarding arranging for a bulky pick-up. However, there is a need to communicate this information to renters. Vice President Maass thanked Mr. Padia for his report.

3. Waste Characterization Study 2017-18 (Meghan Starkey)

This item is for information only.

Meghan Starkey provided an overview of the staff report and presented a PowerPoint presentation. A link to the report and the presentation is available here: [WCS-Report-Presentation-09-13-18.pdf](#). Ms. Starkey introduced Leslie Lukacs and Stacey Demers of SCS Engineers. They were contracted to complete the study. Ms. Starkey acknowledged Tom Padia for his assistance.

Board member Martinez inquired if coated paper such as ice cream cartons was categorized as food soiled paper in the study. Ms. Starkey stated yes. Board member Martinez stated that she contacted Wasted Management last year and was informed that milk cartons should be recycled. Board member Rood commented that it appears that the mandatory recycling ordinance was successful. Board member Buckholz inquired about what is characterized in the “other” category. Ms. Starkey stated that the “other” category includes items such as toys, furniture, diapers, and other items not included in the recycling or organics stream. Mr. Padia noted that the planned Organics Materials Processing Facility (OMRF) at Davis Street is not operational and they are still using the C&D line for sorting. Mr. Padia suspects that this contributed to the higher percentages of good stuff in the garbage as the planned OMRF is anticipated to process materials more efficiently. Vice President Maass thanked Ms. Starkey for her report.

VII. COMMUNICATIONS/MEMBER COMMENTS

Ms. Sommer announced that Board member Vared had given birth to a baby girl, Sophie, and is looking forward to returning to the Board in October. Ms. Sommer pointed out that reusable water bottles are now available for offsite Recycling Board meetings.

VIII. ADJOURNMENT

The meeting adjourned at 8:13 p.m.

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2018 - ALAMEDA COUNTY RECYCLING BOARD ATTENDANCE

	J	F	M	A	M	J	J	A	S	O	N	D
REGULAR MEMBERS												
J. Buckholz				X	X	X	X	X	X			
B. Camara	X	X	A	I	X	X	X	X	X			
N. Deming							X	X	X			
S. Lamnin		X	X	X	X	X	X	X	X			
K. Lewis	X	X	A	A								
P. Maass	X	X	X	X	I	X	X	I	X			
D. Martinez	X	X	X	X	X	X	X	X	X			
J. Moore	X	X	X	X	X	X	X	X	X			
J. Oddie	X	X	X	A	X	X	X	X	X			
T. Rood	X	X	X	X	A	X	X	X	X			
T. Stein	X	X	X	X	X	A						
S. Vared	X	X	A	X	X	X	I	I	I			
INTERIM APPOINTEES												
M. Southworth				X			X	X	X			
J. Pentin					X							
D. Kalb								X				

Measure D: Subsection 64.130, F: Recycling Board members shall attend at least three fourths (3/4) of the regular meetings within a given calendar year. At such time, as a member has been absent from more than one fourth (1/4) of the regular meetings in a calendar year, or from two (2) consecutive such meetings, her or his seat on the Recycling Board shall be considered vacant.

X=Attended

A=Absent

I=Absent - Interim Appointed

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DATE: October 11, 2018

TO: Recycling Board

FROM: Tom Padia, Deputy Executive Director

SUBJECT: Written Reports of Ex Parte Communications

BACKGROUND

Section 64.130 (Q)(1)(b) of the Alameda County Charter requires that full written disclosure of ex parte communications be entered in the Recycling Board's official record. At the June 19, 1991 meeting of the Recycling Board, the Board approved the recommendation of Legal Counsel that such reports be placed on the consent calendar as a way of entering them into the Board's official record. The Board at that time also requested that staff develop a standard form for the reporting of such communications. A standard form for the reporting of ex parte communications has since been developed and distributed to Board members.

At the December 9, 1999 meeting of the Recycling Board, the Board adopted the following language:

Ex parte communication report forms should be submitted only for ex parte communications that are made after the matter has been put on the Recycling Board's agenda, giving as much public notice as possible.

Per the previously adopted policy, all such reports received will be placed on the consent calendar of the next regularly scheduled Recycling Board meeting.

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Date: October 11, 2018

TO: Source Reduction and Recycling Board

FROM: Wendy Sommer, Executive Director

SUBJECT: Grants Issued Under Executive Director Signature Authority

SUMMARY

The purchasing and grant policies were amended to simplify paperwork and Board agendas by giving the Executive Director authority to sign contracts and grant agreements less than \$50,000. A condition of the grant policy is that staff informs the Board of recently issued grants.

Grants: September – October 2018

PROJECT NAME	GRANT RECIPIENT	PROJECT TYPE/DESCRIPTION	LOCATION	VERIFICATION	GRANT AMOUNT	BOARD
Community Outreach Mini-grant	A-1 Community Housing Services	Stop Food Waste awareness. The grantee will engage 20 members to conduct the fridge reality check and share 5 reminders to their community of food waste prevention tips – through social media, e-newsletters, in-person meetings	Hayward	September 2018	\$5,000	RB

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DATE: October 11, 2018

TO: Programs & Administration Committee
Planning Committee/Recycling Board

FROM: Rachel Balsley, Senior Program Manager

SUBJECT: Mandatory Recycling Ordinance Project Update

SUMMARY

This memo provides an update of the Mandatory Recycling Ordinance (MRO) and highlights some of the progress through Fiscal Year 2017/18. Staff will also share a presentation at the October 11, 2018, Programs & Administration and Planning Committee/Recycling Board meetings.

DISCUSSION

Program Overview

Ordinance 2012-01, the Mandatory Composting and Recycling Ordinance, was adopted in January 2012. Phase 1 was effective July 1, 2012, with recycling requirements for commercial accounts with four or more cubic yards of weekly garbage service and multifamily properties (five or more units). Phase 2 started July 1, 2014, in participating jurisdictions,¹ adding discarded food and compostable paper to the list of covered materials and expanding to all businesses.

The WMA has a routine inspection program with progressive enforcement, meaning regulated parties receive two notices before a citation (and fine) is issued:

- Official Notification Letter – informs covered accounts of the ordinance requirements; may or may not be the result of an observed violation
- Notice of Violation/Warning Letter – sent after an official notification has been issued, and upon observation of a violation

Before a citation is issued, it is reviewed and approved by the member agency's Primary Enforcement Representative. Fines range from \$100 to \$150 per violation for the first citation. Fine amounts increase on subsequent citations at the same account within 12 months.

¹ Member Agencies were given the option to opt-out or delay aspects of each Ordinance phase.

The WMA has prioritized enforcement of commercial accounts with one or more cubic yard of weekly garbage service, about 69% of covered commercial accounts. Smaller commercial accounts (once a week garbage *cart* customers) are not currently being inspected. Accounts with consecutive compliant inspections receive inspections less frequently than accounts found in violation of the ordinance, freeing up inspection resources for non-compliant accounts.

Given the MRO simply requires the *provision* of recycling and/or organics collection service combined with difficulty gaining access at multifamily sites, an administrative process is used to review hauler service data for multifamily enforcement. If an official complaint is submitted through the Ordinance website to inform the WMA of a site that is not providing the required service to residents, that account may receive an on-site inspection. Note, routine on-site inspections were performed at roughly 50% of multifamily sites in each participating jurisdiction during 2013 and 2014.

Ordinance 2008-01, the Plant Debris Landfill Ban, is enforced in conjunction with the MRO.

Technical assistance is provided by WMA's contracted TA provider, Cascadia Consulting Group, focusing primarily on Ordinance compliance. Properties may directly request assistance through the ordinance help line, website, or Free Indoor Food Scrap Bin program. In addition, the TA team proactively contacts many businesses and multifamily properties to offer compliance assistance after they violate the Ordinance.

The MRO website, www.RecyclingRulesAC.org, is the hub of outreach and TA with detailed information about the requirements, support materials, and tools to assist in compliance.

Highlights from Fiscal Year 2017/18

Expanded ordinance requirements in three jurisdictions

In FY 2017/18, Phase 2 MRO organics requirements went into effect in Fremont, Newark, and Union City. All member agencies now have the same MRO requirements, with the exception of the City of Dublin who has opted-out of the MRO.

A high volume of enforcement activities continue

The WMA conducted over 11,000 inspections in FY 2017/18 with three full-time contracted inspectors for the majority of the year. Over 2,200 commercial accounts were sent an enforcement letter based on an observed violation. In addition, close to 7,000 administrative notifications were mailed to accounts officially informing them of the MRO requirements.

Enforcement is progressing

In FY 2017/18, 471 accounts were sent a citation (and fine), compared to 247 accounts in FY 2016/17. Of the nearly 1,200 citations issued to-date, 23 have been appealed by the cited parties and all have been upheld after formal appeal hearings were conducted.

Increased quality control of inspections

Historically, inspectors took photos only when a sorting violation was observed. To have more visibility into what WMA staff were “not seeing,” and to increase the quality control of inspections, a protocol change was made to have inspectors take photos at every inspection effective February 1, 2018. Coupled with increased inspector training, this led to a significant increase in the violation rate for inspections, particularly sorting-based violations. Since the new protocol has been in place, 50% of all completed inspections result in a MRO violation, compared to 18% in calendar year 2017.

Providing more feedback on improper sorting

Increased MRO enforcement and efforts by member agencies and haulers to address contamination is particularly important in light of stricter contamination standards for both international recycling markets and domestic organics processors.

Businesses continue to add recycling and organics service

More businesses subscribe to new recycling service every year, with 70 to 96% of commercial garbage accounts in most member agencies now having some level of recycling service. This is a significant increase when compared to 20 to 82% in 2011, prior to implementation of the MRO. The percentage of commercial garbage accounts that have organics service in most member agencies is now between 9 to 46%² compared to 0 to 17% in 2011, although it’s not expected that all commercial garbage accounts will need organics service.

Enforcement is advancing at multifamily properties

In FY 2017/18, multifamily properties began receiving Notice of Violation/Warning letters sent for a lack of recycling and/or organics collection service. Of the approximately 920 multifamily accounts in five jurisdictions, 170 accounts were sent enforcement letters for lack of service (usually organics service). This city-by-city batched administrative warning process for multifamily properties will continue through FY 2018/19. Member agency reported data for FY 2016/17 indicates approximately 95% of multifamily properties have recycling service and 82% have organics service.

The TA team assisted 769 commercial and multifamily accounts

The Cascadia TA team contacted 918 commercial and multifamily accounts to offer assistance. A total of 686 commercial accounts, and 83 multifamily accounts received on-site, phone, and/or email assistance in FY 2017/18. The TA team documented 142 services changes to start or expand recycling and/or organics collection programs. These service changes equate to approximately 9,100 cubic yards of annual new diversion. A little more than half (54%) of the service changes resulted in a cost savings, while 38% resulted in an increased solid waste bill, and 8% had no change in cost.

² The percentage commercial garbage accounts that have recycling and organics services is based on member agency data submitted for FY 2016/17 in the Fall of 2017 in their Measure D annual report. FY 2017/18 data is expected to be available in November/December 2018.

Additional details regarding technical assistance is in the StopWaste Business Assistance Program Fiscal Year 2017/18 Annual Report. A full copy of the annual report is available [here](#).

Technical assistance needs are shifting

As more accounts add recycling and organics collection services each year, and as enforcement identifies more improper sorting violations, the type of support businesses need is shifting. The team is spending less time advising on service level changes, and more time helping businesses improve indoor infrastructure and training employees how to properly sort.

Sites are utilizing free indoor green bins and support materials

The Free Indoor Food Scrap Bin Program continues to be a popular service. A total of 620 sites were approved to receive free indoor green bins in FY 2017/18. Over 20,000 stickers were mailed to over 500 sites last fiscal year. The new Bags to Bins customizable poster tool, enhanced Sign Maker tool, and Indoor Bin Guide are available on the ordinance website for both the TA team and businesses that opt to tackle compliance on their own.

Resident outreach offered at multifamily properties

New for FY 2017/18, the Cascadia TA team offered resident outreach at multifamily properties with 25 or more units. Door-to-door outreach and/or group presentations were conducted at 12 properties, reaching 323 households with information about proper recycling and composting at their site.

Studies show there's more work to do

A longitudinal study was conducted in FY 2017/18 with a focus on food generating accounts such as restaurants and small markets, to test for before/after effects from MRO actions such as enforcement. The study sampled accounts in Livermore and Dublin, to compare a city with mandatory organics requirements since 2015 (Livermore) and a city without any MRO requirements (Dublin). The study also compared accounts in Newark and Union City both before and after the onset of organics requirements (although before enforcement). No significant differences were detected in the accounts before and after the onset of requirements, with similar high proportions of organics and recyclables in the garbage.

Since the study was conducted before the increased focus on enforcement protocols and inspector training, the next study period will be an opportunity to detect whether this new approach has been effective in changing behavior at these accounts.

Looking Ahead

Stricter enforcement on organics

Historically in MRO enforcement, a commercial account has only been given a violation for lack of organics service if a significant quantity of organics was observed in the garbage during the inspection. Significant quantity is currently defined as 20 gallons in a garbage bin. However, given recent study data showing the continued high amounts of organics going to the landfill and the

state regulation AB 1826 moving down in the threshold of accounts that are expected to have organics service, staff plans to change protocols in January 2019. After inspection, in addition to accounts where a significant quantity of organics is observed, violations for lack of organics service will also be given to accounts that have 4 or more cubic yards of weekly garbage service and that are known to have a food generator permit.

Fewer inspections, but higher quality

In FY 2018/19, the WMA has moved down from three inspectors to two. This was done in part to reduce costs in order to help the agency work toward more closely matching revenues with expenses, but also to have more staff time to focus on quality control, analyzing MRO data from the last five years of implementation and to identify areas for program improvement.

New videos to assist properties with compliance

Two new training videos were released in Q1 2018/19 providing a new format to communicate steps for setting up indoor recycling and organics bins, and how to sort properly for compliance with the MRO. A third video is in progress and will offer viewers an overview of the recycling rules. All videos will be translated into Spanish and Chinese, both in voice over and captioning.

Alignment with SB 1383

A separate SB 1383 presentation will discuss aggressive new state requirements to become effective in 2022, requiring significantly more organics diversion from landfill (including paper and cardboard). Some of the mandates on generators to divert more and on jurisdictions to enforce the requirements are expected to be similar to what the WMA has been doing for MRO implementation. However, based on CalRecycle draft regulations, it is also anticipated that an ordinance amendment will be required to better align the MRO with SB 1383 compliance.

RECOMMENDATION

This report is for information only.

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DATE: October 11, 2018

TO: Programs & Administration Committee
Planning Committee/Recycling Board

FROM: Kelly Schoonmaker, Program Manager

SUBJECT: SB 1383 Short Lived Climate Pollutant Plan: Rulemaking Overview and Implications

SUMMARY

CalRecycle is currently developing regulations to implement the Short-Lived Climate Pollutant Plan (SB 1383) to reduce greenhouse gas emissions, in large part by requiring organics recycling and edible food recovery throughout the state. Taking effect in 2022, these regulations represent a paradigm shift for local solid waste and recycling programs. This report provides an overview of the proposed regulations, rulemaking process, Alameda County's efforts to date, and potential future scenarios.

DISCUSSION

In September 2016, Governor Brown signed SB 1383 into law, with the intent that it would reduce emissions and their associated effects by targeting short-lived climate pollutants (SLCPs), such as methane. Although methane remains in the atmosphere for a relatively short period of time, it is about 80 times more powerful as a global warming pollutant than CO₂ on a 20-year time scale. Methane emissions from organic materials in the landfill constitute 21% of total methane emissions in the state. Statewide, organic materials make up one-third of the waste stream, and food continues to be the greatest single item landfilled. As such, reducing methane emissions in the near term would result in more immediate climate, air quality, and public health benefits than a strategy focused solely on CO₂.

SB 1383 directs the California Air Resources Board (ARB) to cut methane emissions by 40%. To meet this goal, the law requires:

- 50% reduction in the statewide disposal of organic waste from the 2014 level by 2020
- 75% reduction by 2025
- 20% of edible food currently disposed of recovered for human consumption by 2025

While the law establishes statewide targets, cities and counties will be responsible for implementation, enforcement, and funding at the local level. Cities and counties can designate responsibilities to a hauler or other entity, but are still ultimately responsible and accountable to

CalRecycle. The regulations:

- Include many new requirements. Rather than establish a performance-based standard of a minimum 75% reduction in organics at the local level, the regulations are highly prescriptive, with many detailed requirements for cities, generators, haulers, facilities, and food recovery organizations. To ensure jurisdictions comply with the requirements, the state sets numerous penalties on jurisdictions, haulers, and generators, ranging from \$50/violation to \$10,000/day.
- Cover many types of materials. The definition of organics is very broad, and includes paper, cardboard, textiles, carpet, manure, and biosolids, in addition to plant debris and food scraps.
- Cover all types of accounts. All generators are covered by the regulations, including commercial, multifamily, and single-family residential.
- Require cities to fund implementation. The legislation explicitly affirms that State funding is not required as cities can levy fees or other charges to increase services due to the regulations. Implementation will require new revenues, and will have franchise and rate impacts.

Timeline

The regulations take effect and are enforceable on January 1, 2022. To allow jurisdictions time to plan and implement budgetary, contractual, programmatic and other changes, the state intends to adopt final regulations in early 2019.

Scope of Regulations and Implications for Alameda County

Until the final regulation package is complete, it is uncertain exactly how SB 1383 will affect Alameda County jurisdictions and StopWaste programs. However, based on current draft, we can offer the following observations and general predictions on the how StopWaste programs align with SB 1383.

Collections, Enforcement, and Outreach Requirements

The Alameda County Mandatory Recycling Ordinance (MRO) shares many of the same generator requirements as SB 1383 for commercial and multifamily accounts, but SB 1383 has different and additional requirements. Changes to the MRO and our internal processes would be needed to comply with SB 1383. For example, SB 1383 requires more frequent inspections of accounts, route inspection for contamination, and more outreach and education.

SB 1383 also includes requirements for single-family generators, such as providing organics service to all customers and requirements for cart/bin labeling and color. Those requirements would fall on the jurisdictions to implement. Compliance will require a significant increase in StopWaste and Member Agency staff time, as well as hard costs.

Edible Food Recovery Requirements

The edible food recovery measures in SB 1383 require cities to implement edible food recovery programs to connect edible food generators with recovery organizations and services. This requirement creates an entirely new scope of work for jurisdictions, as edible food recovery has been conducted largely by non-profit organizations (often staffed by volunteers and typically crossing jurisdiction lines). Proposed requirements for cities are extensive, including conducting a study to estimate edible food disposal and additional capacity needed to reach the 20% goal. In addition, cities will be required to educate generators, maintain lists of edible food generators and recovery organizations, enforce requirements on food generators and recovery organizations, and keep extensive records.

StopWaste works on edible food recovery as part of a larger food waste reduction project that also addresses source reduction by providing grants, technical assistance, education, and outreach to schools, residents, institutional and commercial kitchens, and community organizations. As currently structured, this project would not meet the requirements proposed in SB 1383, but the project could adapt to support member agencies' implementation of the regulations.

Procurement

The current draft of SB 1383 set the following procurement targets for recovered organic waste products:

- Paper products: 75% of jurisdiction purchases must be 30% post-consumer content
- Compost and/or renewable natural gas (RNG) procurement must meet or exceed target as determined by CalRecycle, based on per capita organics generation and number of jurisdiction's employees

In response to feedback from jurisdictions throughout the state, CalRecycle has indicated that they will adjust these procurement goals, but will retain the numerical targets.

StopWaste has supported recycled content paper purchasing and the use of compost/mulch by providing technical assistance, model policy and Measure D funding to member agencies. Even with these efforts, member agencies would need to increase procurement of recycled content paper products, compost and/or RNG to meet SB 1383's goals.

StopWaste Efforts in Rulemaking to Date

In addition to the programmatic work mentioned above, StopWaste has played an active role in the SB 1383 rulemaking process. Some of our recommendations, made via an SB 1383 working group made up of member agencies' TAC members and direct conversations with CalRecycle, have been incorporated into draft language. This working group will continue to provide recommendations to CalRecycle for the remainder of the rulemaking process. We are also convening a group of edible food recovery stakeholders.

Opportunities

It is important for SB 1383 regulations to be practical for jurisdictions, generators, haulers, facilities, and food recovery organizations. Given the concerns outlined above, staff will consider possible

tasks as part of next year's budget (FY 19/20), such as development of countywide or model ordinances for edible food recovery, countywide capacity studies on edible food recovery and organics processing, etc.

RECOMMENDATION

This item is for information only.

ATTACHMENTS

Appendix A: CalRecycle Statutory Background

Appendix B: HF&H Summary of SB 1383

LINKS

Legislative Text:

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB1383

Draft Regulatory Text: [Draft_SB_1383_Regulations_5.1.2018.pdf](#)

SB 1383 Statutory Background and Primary Regulatory Policies

5/1/2018

I. SB 1383 Statutory Guidance and Background

The Legislature directed CalRecycle to adopt regulations to achieve SB 1383's organic waste reduction targets.

(A) The targets and dates established in SB 1383 include:

1. By 2020, reduce organic waste disposal to **50 percent** below 2014 level;
2. By 2025, reduce organic waste disposal to **75 percent** below 2014 level.

The Legislature authorized CalRecycle to implement and enforce the regulations beginning in 2022. To achieve the targets the Legislature provided guidance and direction to the department regarding the design of the regulations.

(B) Legislative guidance directs CalRecycle to:

1. Include requirements to recover at least **20 percent of edible food** that is currently disposed by 2025;
2. Develop requirements consistent with the SLCP Strategy and the 2017 Integrated Energy Policy Report.

(C) Legislative guidance directs CalRecycle not to:

1. Impose organic waste disposal bans on individual landfills;
2. Require jurisdictions to issue penalties prior to 2024;
3. Impose the statewide 50 percent and 75 percent targets on individual jurisdictions;
4. Utilize the "Good Faith Effort" compliance model specified in PRC Section 41825.

(D) Legislative guidance allows CalRecycle regulations to:

1. Impose penalties on regulated entities of up to \$10,000 per day for noncompliance;
2. Require jurisdictions to impose requirements on relevant entities in their jurisdiction;
3. Establish different levels of requirements for jurisdictions;
4. Consider additional incentives and requirements based on a 2020 market analysis by CalRecycle and ARB.

The Legislature further authorized jurisdictions to charge and collect fees to fund compliance with the regulations, and to adopt, implement, and enforce additional requirements.

II. Primary SB 1383 Regulatory Policies

CalRecycle developed a regulatory framework that is consistent with the statutory requirements and direction included in SB 1383. The core aspects of the regulatory framework appear below. (Please see "**Policy Changes to SB 1383 Draft Regulatory Text**" for an outline of changes made to the October draft of the regulatory text).

(A) Activities Constituting a Reduction in Landfill Disposal

1. Disposal activities are actions that incorporate organic waste into a landfill.
2. Recovery activities are actions that remove organic waste from landfills and reduce methane release.

(B) Organic Waste Collection Services

1. Jurisdictions and haulers must provide residential and commercial organic waste collection services.
2. Jurisdictions must conduct minimum levels of education, outreach, and contamination monitoring.
3. Generators must subscribe to collection services for organic waste not reduced or managed on-site.

(C) Edible Food Recovery Programs and Services

1. Jurisdictions must implement and oversee food recovery programs.
2. Commercial edible food generators must establish documented arrangements with food recovery services.

(D) Procurement of Recovered Organic Waste Products

1. Jurisdictions must procure minimum levels of compost, renewable natural gas, or both.
2. Jurisdictions must meet minimum recycled content and recyclability standards for paper products.

(E) Reporting by Regulated Entities

1. Jurisdictions, haulers, and facilities must report annually or quarterly on compliance with the regulations.

(F) Enforcement and Oversight

1. CalRecycle will primarily oversee jurisdictions and entities outside of local government regulatory authority.
2. Jurisdictions will primarily oversee entities subject to their authority (generators, haulers, other entities).

(G) Organic Waste Recovery and Processing Standards for Facilities

1. Facilities must achieve recovery rates for organic waste that is collected with non-organic waste.
2. Facilities must reduce contamination in organic waste prior to sending for additional processing or recovery.

SB 1383 Summary Checklist

This SB 1383 Jurisdictional Checklist was prepared by HF&H Consultants, LLC based on CalRecycle's

May 2018 Draft SB 1383 regulations. HF&H provides this as a guidance document to highlight key requirements for jurisdiction compliance. In this checklist, jurisdiction means city or county. Requirements that pertain only to counties are labeled accordingly. Several items in this checklist may be assigned to a jurisdiction's designee; however, it is ultimately the responsibility of a jurisdiction to comply with SB 1383 pursuant to General Provisions, Section 0.1.2.c. Unless otherwise stated, jurisdiction compliance with SB 1383 shall occur by January 1, 2022. SB 1383 also includes requirements for generators, haulers, food recovery services, food recovery organizations, and facility operators, which are not summarized in this checklist.

Collection & Processing

- ☐ Offer organic waste collection services and recycling **(30.a)**
- ☐ May comply with Section 30.a by offering three-container collection system where **(30.1)**:
 - Green container is for organics and is taken to organics recovery facility
 - Blue container is for paper, wood, dry lumber, and nonorganic recyclables and is taken to facility for recovery
 - Black container is for nonorganic waste; may include organic waste if it is taken to a high diversion organic waste processing facility
- ☐ May comply with Section 30.a by offering two-container collection system where **(30.2)**:
 - Green container is for organics and is taken to organics recovery facility
 - Blue container is for paper, wood, dry lumber, and nonorganic waste
- ☐ May comply with Section 30.a by offering single-container collection system where **(30.3)**:
 - Black container is for all materials and is transported to a high diversion organic waste processing facility
- ☐ Conduct route reviews of randomly selected containers for contaminants such that all routes are inspected quarterly **(30.5)**
- ☐ Contact generator and notify generator of recycling requirements if contamination is found **(30.5.b)**
- ☐ Physically inspect containers along routes if notified by processor that route contains contamination **(30.5.d)**
- ☐ Provide collection containers to generators that comply with color and labeling requirements when replacing containers or by January 1, 2032 **(30.7-30.8)**
- ☐ Place or replace labels on all containers with SB 1383 compliant labels by January 1, 2025 **(30.8)**
- ☐ Allow limited waivers for de minimus volumes and physical space constraints, and maintain records **(30.11)**
- ☐ Apply to CalRecycle for waiver or exemption if jurisdiction qualifies for low population waiver or rural jurisdiction exemption **(30.12)**

Edible Food Recovery

- ☐ Implement edible food recovery program that educates commercial generators and increases access to edible food recovery **(10.1)**
- ☐ Increase edible food recovery capacity if current capacity is insufficient **(10.1)**
- ☐ Develop and maintain list of food recovery organizations by February 1, 2022 **(40.2.a)**
- ☐ Annually provide Tier One and Two edible food generators with information about food recovery program, generator requirements, and food recovery organizations **(40.2.b)**

Procurement Requirements

- ☐ Procure a quantity of recovered organic waste, such as compost and renewable natural gas, that meets or exceeds the organic waste product procurement target as determined by CalRecycle (procurement may be satisfied by direct service provider to the jurisdiction) **(12.1)**
- ☐ Purchase at least 75% of paper products with recycled content of at least 30 percent (by fiber weight, postconsumer fiber) **(12.3)**

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Ordinances & Policies

- ☐ Adopt enforceable ordinance or similar mechanism requiring compliance with SB 1383 (Title 14, Division 7, Chapter 12) **(0.1.2.a)**
- ☐ Require organics haulers to identify facilities they will utilize as a condition of contract or agreement authorization **(70.1)**
- ☐ Adopt ordinance(s) or similar mechanism(s) requiring compliance with Sections **30.9, 70.3, 80.1, 9, 10.1, 12 and 16.1.b**

Enforcement & Penalties

- ☐ Implement inspection and compliance program for organic waste generators, edible food generators, and edible food recovery organizations by January 31, 2022 **(14.1)**
- ☐ Provide educational materials to regulated entities not in compliance from January 1, 2022 through January 1, 2024 **(14.1.a.4)**
- ☐ Investigate and maintain records of all complaints received **(14.3)**
- ☐ Take enforcement actions, including issuing notices of violations and penalties equivalent to or greater than those outlined in Articles 14 and 16 by January 1, 2024 **(14.4)**
- ☐ Pay penalties if assessed by CalRecycle **(15)**
- ☐ Impose penalties on non-compliant entities **(16.2)**

Education & Outreach

- ☐ By February 1, 2022, annually provide generators utilizing two or three-container system with information on properly separating materials, organic waste prevention, on-site recycling, methane reduction benefits, how to recycle organic waste, a list of approved haulers, and information related to food recovery **(40.1.a)**
- ☐ By February 1, 2022, annually provide self-haulers with information regarding their requirements (outlined in Section 70.3) **(40.1.b)**
- ☐ By February 1, 2022, annually provide generators utilizing single-container system information on organic waste prevention, on-site recycling, methane reduction benefits, how to recycle organic waste, a list of approved haulers, and information that their waste is processed at a high diversion organics facility **(40.1.c)**
- ☐ If more than five percent of jurisdiction's generators are "Limited English Speaking Households" or "Linguistically Isolated", outreach must be in a language or languages that assure information is understood by that community. **(40.1.f)**
- ☐ By February 1, 2022, annually provide businesses that generate edible food waste with information regarding the jurisdictions edible food recovery program, generator requirements, and food recovery organizations **(40.2.b)**

Record Keeping & Reporting

- ☐ By February 1, 2022, file an initial compliance report containing the ordinance(s) adopted, the date when containers will comply with standards in Sections 30.7-30.8, and the reporting items listed in the annual reporting section **(13.1, 13.2)**
- ☐ Commencing August 1, 2022, shall submit an annual report relative to their compliance with SB 1383 **(13.2)**
- ☐ Maintain all implementation records in a central location (physical or electronic) that can be made available to or accessed by CalRecycle within one business day **(0.1.d, 30.4.a, 30.6, 30.14, 40.3, 70.4, 10.2, 12.2, 14.2)**
- ☐ Counties shall report on capacity planning activities conducted in accordance with Sections 11.1, 11.2, and 11.3 beginning February 1, 2022. **(13.2.i)**

Capacity Planning

- ☐ Conduct organics waste recycling and edible food recovery capacity planning described below and report in 2022, 2024, 2029, and 2034 **(11.3)**
- ☐ Estimate the amount of organic waste disposed, verifiable organic waste recycling capacity available to the jurisdiction, and estimate the amount of new or expanded capacity required **(11.1)**
- ☐ If verifiable available organic waste recycling capacity is insufficient for jurisdiction's needs, submit an implementation schedule (including timelines and milestones) demonstrating how capacity will be secured by the end of the reporting period **(11.1)**
- ☐ Estimate the edible food that will be disposed by applicable generators, identify existing food recovery capacity available, identify new planned capacity, and calculate minimum capacity necessary to recover 20% of edible food disposed **(11.2.a)**
- ☐ If existing and planned edible food recovery capacity is insufficient for jurisdiction's needs, submit an implementation schedule (including timelines and milestones) demonstrating how capacity will be secured by the end of the reporting period **(11.2.b)**