

**Committee Members**

Shelia Young, **Chair**  
Oro Loma Sanitary District  
Jerry Pentin, **Vice Chair**  
City of Pleasanton  
Keith Carson, County of Alameda  
Kriss Worthington, City of Berkeley  
Dave Sadoff, Castro Valley Sanitary District  
Melissa Hernandez, City of Dublin  
Vinnie Bacon, City of Fremont  
Bob Carling, City of Livermore  
Mike Hannon, City of Newark  
Dan Kalb, City of Oakland  
Deborah Cox, City of San Leandro  
Lorrin Ellis, City of Union City  
Wendy Sommer, Executive Director

**AGENDA**  
**ALAMEDA COUNTY WASTE**  
**MANAGEMENT AUTHORITY MEETING**  
**OF THE**  
**PROGRAMS AND ADMINISTRATION COMMITTEE**

**Thursday, October 11, 2018**

**9:00 A.M.**

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

- 1. Convene Meeting**
- 2. Public Comments**  
Open public discussion from the floor is provided for any member of the public wishing to speak on any matter within the jurisdiction of the Programs & Administration Committee, but not listed on the agenda. Each speaker is limited to three minutes unless a shorter period of time is set by the Chair.
- Page 1 3. Approval of the Draft Minutes of the September 13, 2018 meeting (Pat Cabrera)**
- 7 4. Mandatory Recycling Ordinance Project Update (Rachel Balsley)**  
This item is for information only.
- 13 5. SB 1383 Short Lived Climate Pollutant Plan: Rulemaking Overview and Implications (Kelly Schoonmaker)**  
This item is for information only.
- 6. Member Comments**
- 7. Adjournment**

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The Programs & Administration Committee is a Committee that contains more than a quorum of the Board. However, all items considered by the Committee requiring approval of the Board will be forwarded to the Board for consideration at a regularly noticed board meeting.

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**DRAFT**

**MINUTES OF THE ALAMEDA COUNTY WASTE  
MANAGEMENT AUTHORITY MEETING  
OF THE  
PROGRAMS AND ADMINISTRATION COMMITTEE**

**Thursday, September 13, 2018**

**9:00 A.M.**

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

**Teleconference  
Lorrin Ellis  
Long Beach Convention Center  
300 E Ocean Blvd  
Long Beach, CA 90802  
510-675-5621**

**Members Present:**

Castro Valley Sanitary District  
County of Alameda  
City of Berkeley  
City of Newark  
Oro Loma Sanitary District  
City of Pleasanton  
City of San Leandro  
City of Union City

Dave Sadoff  
Keith Carson  
Kriss Worthington  
Mike Hannon  
Shelia Young  
Jerry Pentin  
Pauline Cutter  
Lorrin Ellis (teleconference)

**Absent:**

City of Dublin  
City of Fremont  
City of Livermore  
City of Oakland

Melissa Hernandez  
Vinnie Bacon  
Bob Carling  
Dan Kalb

**Staff Present:**

Wendy Sommer, Executive Director  
Pat Cabrera, Administrative Services Director  
Tom Padia, Deputy Executive Director  
Cassie Bartholomew, Program Manager  
Meghan Starkey, Senior Management Analyst  
Justin Lehrer, Senior Management Analyst  
Arliss Dunn, Clerk of the Board

**Other's Participating:**

Leslie Lukacs, SCS Engineers  
Stacey Demers, SCS Engineers

## DRAFT

### 1. Convene Meeting

Chair Shelia Young called the meeting to order at 9:00 a.m.

### 2. Public Comments

There were none.

### 3. Approval of the Draft Minutes of July 12, 2018 (Pat Cabrera)

Board member Sadoff made the motion to approve the draft minutes of July 12, 2018. Board member Worthington seconded and the motion carried 7-0 (Ayes: Carson, Ellis, Hannon, Pentin, Sadoff, Worthington, Young. Nays: None. Abstain: None. Absent: Bacon, Cutter, Hernandez, Kalb).

### 4. ReThink Disposable Update (Cassie Bartholomew) – (moved to hear after Item #5)

This item is for information only.

Cassie Bartholomew 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. Bartholomew stated that we are looking for businesses that may be interested in switching from disposables to reusables and invited the Committee 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, locally owned and operated, and have issues with food waste contaminating the organics or recycling streams. Board member Hannon inquired if there has been any success in reaching out to fast food establishments such as McDonalds, Burger King, etc. Ms. Bartholomew stated that it has been a struggle in reaching out to franchises due to standardized branding. There is a local McDonald's franchise that is interested but barriers include installing the proper dishwashers, which would be a significant investment. However, we do have a local Subway franchise coming onboard. Board member Carson inquired about how the video was developed and how it is being marketed. Ms. Bartholomew stated that the Clean Water Fund has a grant through the Ocean Protection Council and Unpacking Alameda. The video was produced by Clean Water Fund as part of their marketing campaign and the video is currently being marketed via YouTube to a targeted audience. Chair Young thanked Ms. Bartholomew for her report.

### 5. Discards Behavior and Markets (Tom Padia) – (Item #5 presented first)

This item is for information only.

Tom Padia provided an overview of the staff report. A link to the report is available here: [Discards-Behaviors-Markets-Memo-09-13-18.pdf](#). Mr. Padia informed the Committee that this presentation on discards is part of a series of presentations that will be provided to prepare the Board for the upcoming Priority Setting session in November. (Board member Cutter arrived during the presentation).

Chair Young inquired if there is any good news in the discard markets. Mr. Padia stated that the mixed paper markets have been a concern but paper mills are currently experimenting with blending in mixed paper and demand is slowly creeping up. Board member Hannon stated that we may need to revisit processes on how we recycle and sort as we are not being as effective with respect to materials and

## DRAFT

inquired about capacity in landfills. Mr. Padia stated that the Altamont landfill is currently building its landfill cell and anticipates 30 year capacity at current trends, so landfill capacity is not an issue. Board member Pentin commented that he is a member of the Altamont Community Monitor Committee and Area 2 of the landfill expansion is expected to be completed and used but they are still only using Area 1. Area 2 is expected to have 30-40 year landfill capacity.

Chair Young inquired if we are aware of where haulers are taking their materials. Mr. Padia stated that there are several check points at the local level with the franchisee and sanitary districts. There is also a state regulated disposal reporting system and every landfill has to report by jurisdiction of origin and we consolidate the reports and distribute the information to member agencies quarterly and annually. Mr. Padia added we have not seen disruption in patterns and the franchise collection information remains very consistent. Chair Young commented that the city of Berkeley has dual stream collection and inquired if it is effective for less contamination. Mr. Padia stated yes. Chair Young inquired about the status of the Davis Street OMRF (Organics Material Processing Facility). Mr. Padia stated that all of the equipment is installed and they are working on systemizing the computers. Board member Carson inquired about the amount of funding we are spending on behavior modification, not just marketing and information, but the industry in general. Ms. Sommer stated that the agency priority is currently organics and food waste and the funding for behavior change is currently targeted for that project. However, we can revisit the issue during the priority setting discussion in the fall. Mr. Padia added with revenues plunging in the materials markets there is little effort towards marketing and outreach for behavior change but an increase in efforts towards more effective waste separation and waste prevention.

Board member Carson stated that the County recently launched on a 10 year 2016-2026 Visioning Plan looking at all phases of planning and service delivery from an intergenerational perspective. Ms. Sommer added with respect to illegal dumping, we don't consider that it is not a matter of awareness or linked to behavior but a matter of cost with respect to fees for disposal of materials. Mr. Padia added our angle with respect to illegal dumping is for the possible recovery of recyclable materials such as mattresses, refrigerators, tires, freezers, etc., items that are charged a separate fee at disposal facilities, to work with outlets such as bulky waste pickups or amnesty days, and they are usually imbedded in franchise agreements and rates for which we have no control. Mr. Padia added we provided feedback to the State mattress EPR program that has been heard and adopted by CalRecycle in their comments to the mattress industry to make it more convenient and accessible for residents. Board member Carson stated that Supervisor Nate Miley has taken the lead on illegal dumping in the county and has retained a consulting service to focus on this issue. Mr. Padia stated that he has attended some of the meetings as well as our Communications Director Jeff Becerra, so we are in the loop. Chair Young thanked Mr. Padia for his report.

### **6. 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 Pentin commented that there was a bad economy in 2008 and inquired about any correlation between the bad economy and the spike in disposal numbers. Ms. Starkey stated that there

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is no definitive information. Ms. Starkey stated that there is an increase in organics collection, which speaks to impact of programs. Board member Pentin inquired about what they were seeing at the MRFs because it should be less than 10% coming out of MRFs. Ms. Lukacs stated that they were sorting to a higher degree than the MRFs. Mr. Padia added one of the MRFs that they were sorting at was Davis Street and they are contractually obligated to sort Oakland multi-family garbage. The OMRF is designed to more efficiently fulfill that contractual obligation, but in the interim they are sorting it over the pre-existing C&D dry sort line. Board member Hannon inquired if it is commonplace for MRFs to have garbage come through the lines. Mr. Padia stated that it has not been common locally. Pleasanton had a dirty MRF but phased it out long ago. Board member Hannon commented that it is a good thing that we have decreased to 36% good stuff in the garbage and inquired if it is attributable to the changing market for recyclable goods and more selective materials. Ms. Starkey stated that the MRF study was done prior to full market effects being felt, so the changes in MRF operations occurred later than the study. Ms. Starkey added in 2008, the collapse in the paper market surprisingly did not show up in the waste characterization study. Board member Hannon commented that many residents use a 32 or 64 gallon can and suspects that possibly people are putting bad stuff in the recyclables due to the smaller garbage cans and inquired if there is consideration for offering a uniform bin size at no additional cost. Mr. Padia stated that there is an across the board review of rate structures and service structures but the cost of a truck picking up a smaller can is the same as picking up a larger can. Going forward there may be discussions regarding giving ample capacity and increased education on how to properly sort materials. Board member Hannon inquired if the disposal from residential bulky pick-ups was included in the study. Ms. Starkey stated that a minimal amount was included in self-haul. Board member Sadoff inquired about the time of year that the field studies were conducted. Ms. Starkey stated that they were conducted in the months of August, 2017, and January and February, 2018.

Board member Sadoff stated that the green cart set out less materials in winter and inquired if seasonal differences were included in the study. Ms. Demers stated yes, seasonal differences are accounted for as they targeted sampling in those two periods of time (summer and winter) because it would capture both behaviors. They did compare seasons to seasons and there were slight but not significant differences. Ms. Demers added, the field study was conducted for self-haul, MRFs, roll-off and the commercial sectors and the benchmark study was used to characterize the single family and multi-family sectors, and those studies were taken year round. Chair Young commented that we need more education and Oro Loma Sanitary District is trying to do direct outreach and work with multi-family residences as she suspects that is where a significant volume of contamination occurs, as well as illegal dumping. Chair Young added she is working with Supervisor Miley's office to address the illegal dumping issue. Board member Hannon stated that San Jose has a bulky pick-up for multi-family and inquired if Alameda County has a program. Mr. Padia stated that it has traditionally been for single-family residences but as franchises are renewed there is an increasing trend to include bulky pick-up services for property managers as well as individual tenants within multi-family dwellings. Board member Sadoff stated that he recently learned that bulky pick-up services for multi-family dwellings will be included in their new ACI franchise agreement. Chair Young stated that there was an article in the East Bay Times regarding an organized neighborhood bulky pick-up. Board member Hannon stated that San Jose also offered a neighborhood bulky pick-up where they provided dumpsters onsite and found it to be very effective in the lower-income neighborhoods. Chair Young added it would be a good idea to do a best practices report of activities that jurisdictions offer and stated it could be discussed during the planning session in the fall. Chair Young thanked Ms. Starkey for her report.

## DRAFT

### **7. What Happens to E-Scrap? (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:

[E-Scrap-Memo-09-13-18.pdf](#)

Chair Young inquired about the disposal methods used by organizations that host events for dropping off e-waste. Mr. Padia stated that some may not go through a certified chain of custody and some may deliver materials to E-Recycle of California but he is not certain. Mr. Padia added California has a consumer funded recycling system for video display devices such as televisions of a certain screen size and a fee is paid at the point of purchase. There are markets for cell phones that can be sold or recycled for reuse but there is concern regarding personal information and e-security. Board member Pentin stated that his business uses a degausser or magnetic eraser.

Chair Young thanked Mr. Padia for his report.

### **8. Member Comments**

Board member Cutter commented that Gobble, a food delivery service, has a significant amount of packaging that is non-recyclable nor offers the ability to return the packaging and inquired if staff can look into reaching out to these services. Justin Lehrer stated that there is a proliferation of companies that offer prepared meals that utilize metalized film that is not recyclable. He added that gel packs are not recyclable and should be put in the garbage. We are trying to start a dialogue with the local businesses and actively trying to locate contacts to provide guidance to improve their packaging profile. We were recently contacted by Urban Remedy, a local food delivery service inquiring about a third-party source for their customers to send their packaging for recycling. Staff will update the Board on any new developments.

### **9. Adjournment**

The meeting adjourned at 10:35 a.m.

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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

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## **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,<sup>1</sup> 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.

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<sup>1</sup> 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](http://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%<sup>2</sup> 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.

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<sup>2</sup> 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 CO<sub>2</sub> 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 CO<sub>2</sub>.

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

Draft Regulatory Text: [Draft\\_SB\\_1383\\_Regulations\\_5.1.2018.pdf](#)

## 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 minimums 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)**