

**Planning Committee/
Recycling Board Members**

Darby Hoover, **President**
Environmental Organization

Francisco Zermeno, **1st Vice President**
ACWMA

Laura McKaughan, **2nd Vice President**
Source Reduction Specialist

Bob Carling, ACWMA

Deborah Cox, ACWMA

Eric Havel, Environmental Educator

Dan Kalb, ACWMA

Tianna Nourot, Solid Waste Industry Representative

Dave Sadoff, ACWMA

Recycling Materials Processing Industry, Vacant

Recycling Programs, Vacant

Wendy Sommer, Executive Director

AGENDA

**MEETING OF THE
PLANNING COMMITTEE
AND**

ALAMEDA COUNTY RECYCLING BOARD

Thursday, March 11, 2021

4:00 P.M.

TELECONFERENCE MEETING

Teleconference/Public Participation Information to Mitigate the Spread of COVID-19.

This meeting will be entirely by teleconference. All Board members, staff, and the public will only participate via the Zoom platform using the process described below. The meeting is being conducted in compliance with the Governor's Executive Order N-29-20 suspending certain teleconference rules required by the Ralph M. Brown Act. The purpose of this order is to provide the safest environment for the public, elected officials, and staff while allowing for continued operation of the government and public participation during the COVID-19 pandemic.

Members of the public and staff who are not presenting an item may attend and participate in the meeting by:

1. Calling US: +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 929 205 6099 or 1 301 715 8592 or +1 312 626 6799 and using the webinar id 860 7031 7267
2. Using the [Zoom](#) website or App and entering meeting code 860 7031 7267

Board members and any other individuals scheduled to speak at the meeting will be sent a unique link via email to access the meeting as a panelist. All Board members **MUST** use their unique link to attend the meeting. During the meeting the chair will explain the process for members of the public to be recognized to offer public comment. The process will be described on the StopWaste website at <http://www.stopwaste.org/virtual-meetings> no later than noon, Thursday, March 11, 2021. The public may also comment during the meeting by sending an e-mail to publiccomment@stopwaste.org prior to the close of public comment on the item being addressed. Each e-mail will be read into the record for up to three minutes.

In accordance with the Americans with Disabilities Act and the Governor's Executive Order, if you need assistance to participate in this meeting due to a disability, please contact the Clerk of the Board at (510) 891-6517. Notification 24 hours prior to the meeting will enable the agency to make reasonable arrangements to ensure accessibility to this meeting.

AGENDA

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 February 11, 2021 (Timothy Burroughs)

5 2. Board Attendance Record (Timothy Burroughs)

7 3. Written Report of Ex Parte Communications (Timothy Burroughs)

VI. REGULAR CALENDAR

9 1. Multi-Year Fiscal Forecast (Pat Cabrera)

This item is for information only, in preparation for the budget discussion in April.

17 2. SB 1383 implementation – Proposed roles for StopWaste and member agencies (Timothy Burroughs)

This item is for information only.

VII. MEMBER COMMENTS AND COMMUNICATIONS FROM THE EXECUTIVE DIRECTOR

VIII. ADJOURNMENT

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

Thursday, February 11, 2021

7:00 P.M.

TELECONFERENCE MEETING

I. CALL TO ORDER

President Darby Hoover called the meeting to order at 7:00 p.m. Timothy Burroughs explained the process that would be utilized during the meeting. A link to the process is available here: [Virtual-Meetings-Instructions](#)

II. ROLL CALL OF ATTENDANCE

Bob Carling, ACWMA
Deborah Cox, ACWMA
Eric Havel, Environmental Educator
Darby Hoover, Environmental Organization
Dan Kalb, ACWMA
Laura McKaughan, Source Reduction Specialist
Tianna Nourot, Solid Waste Industry Representative
Dave Sadoff, ACWMA
Francisco Zermeño, ACWMA
Vacant, Recycling Materials Processing Industry
Vacant, Recycling Programs

Staff Present:

Wendy Sommer, Executive Director
Timothy Burroughs, Deputy Director
Pat Cabrera, Administrative Services Director
Jeff Becerra, Communications Manager
Justin Lehrer, Operations Manager
Meri Soll, Senior Program Manager
Alma Freeman, Program Manager
Michelle Fay, Program Manager
Arliss Dunn, Clerk of the Board
Farand Kan, Deputy County Counsel

III. ANNOUNCEMENTS BY THE PRESIDENT

There was none.

IV. OPEN PUBLIC COMMENT

There were no public comments on the remote call and there were no public comments received in the public comment email address.

V. CONSENT CALENDAR

- 1. Approval of the Draft PC & RB Minutes of January 14, 2021 (Jeff Becerra)**
- 2. Board Attendance Record (Jeff Becerra)**
- 3. Written Report of Ex Parte Communications (Jeff Becerra)**

There were no public comments for the consent calendar. Board member McKaughan made the motion to approve the consent calendar. Board member Zermeño seconded and the motion carried 8-0.

The Clerk called the roll:

(Ayes: Carling, Cox, Havel, Hoover, Kalb, McKaughan, Sadoff, Zermeño. Nays: None. Abstain: None. Absent: Nourot. Vacant: Recycling Programs)

VI. REGULAR CALENDAR

- 1. Recycling Commission Report Recommendations (Alma Freeman & Michelle Fay)**

This item is for information only.

Timothy Burroughs provided background on the Recycling Commission's work and introduced Alma Freeman and Michelle Fay, StopWaste Program Managers. Ms. Freeman and Ms. Fay presented an overview of the Recycling Commission's recommendations and outlined areas where StopWaste and local jurisdictions could have influence and opportunities for leadership. A link to the staff report and the presentation is available here: [Recycling-Commission-Presentation.pdf](#)

Board member Cox commented on the volume of useful and important information that StopWaste offers and inquired about the most effective methods for communicating this information to the public. Ms. Freeman stated that by carving a path for more cohesive and collective messaging we have the opportunity to have a more powerful voice as a county as well as provide transparency to the public. Board member Carling stated that he agrees that communication is vital but more important is uniformity across jurisdictions and franchise agreements as to which materials are accepted. Board member Carling inquired as to the next steps in having the state create standards for what is acceptable. Ms. Fay replied that some jurisdictions are starting to negotiate their franchise agreements and this new information provides an opportunity to have conversations with haulers about recyclability and make modifications to agreements when appropriate. Board member Zermeño asked for clarity on whether or not the berry containers are recyclable. Ms. Fay stated that the commission is still reviewing certain products such as thermoform plastic containers for their July report and staff will provide an update to the board once that is available. Board member Zermeño commented that two significant challenges are working upstream with the manufacturers and communication with the public. Board member Sadoff stated that he supports limiting the use of the chasing arrows symbols on products that are not considered truly recyclable and is looking forward to any efforts from StopWaste that seek alignment across jurisdictions. Board member McKaughan commented on the confusion and misinformation regarding the chasing arrows symbol and supports efforts to regulate items at the manufacturing level. Board member McKaughan commented on the recommendation to monitor where franchise haulers are taking their materials and recommended to also include self-haulers to better understand the seepages in the system. Board member Havel stated his support for StopWaste's mission for landfill obsolescence, upstream efforts to limit the variety of packaging in the waste stream as well as transparency and truth telling with regard to where the materials are going and disposal practices. President Hoover commented that she is pleased to see the critical shift in focus on the environmental impacts of how materials are manufactured as opposed to keeping materials out of the landfill.

DRAFT

There were no public comments on this item. President Hoover thanked staff for the presentation.

2. Revisions to Recycling Board Resolution RB 2014-2 to address accumulated Measure D fund balances (Meri Soll)

Provide direction to staff on policy revisions to Resolution 2014-2.

Timothy Burroughs introduced the item. Meri Soll provided an overview of the staff report and presented a PowerPoint presentation. A link to the report and the presentation is available here: [RB-Policy-Revision.pdf](#)

Board member Carling inquired if there appeared to be any common threads among the jurisdictions that are having problems with spending the funding. Ms. Soll stated that a couple of member agencies have shared that they are waiting for the SB 1383 requirements to be finalized so that they may ascertain the expenditures associated with the implementation of the requirements. Additionally, the impacts of COVID-19 have contributed to hiring freezes for staff that would be working in the area of recycling and other Measure D activities. Board member Carling stated that he is leaning towards option A and inquired if the policy includes consequences for member agencies that do not submit yearly reports to the Recycling Board. Ms. Soll stated not currently but it can be added to the policy. Board member Cox inquired about the number of agencies that are requiring expenditure plans. Ms. Soll stated that over the past two fiscal years, three member agencies requested and were granted expenditure plans by the Recycling Board. Staff is in frequent contact with them regarding their fund balances. Board member Cox inquired if there were issues with Measure D fund balances prior to SB 1383 and COVID-19. Ms. Soll stated the auditors have had ongoing concerns about fund balances being too high and the lack of adequate monitoring and tracking mechanisms for the board to take action. Board member Cox inquired if the member agencies are currently required to submit quarterly reports. Ms. Soll stated it is not currently in the existing policy but we can make it a requirement when seeking an expenditure plan. Board member Kalb inquired if this is a serious issue or prescriptive in response to the auditors and does StopWaste provide assistance in helping to keep the fund balances under the threshold. Ms. Soll stated that in November 2020, the board directed staff to modify and strengthen the existing policy. Ms. Soll added yes, staff works throughout the year with member agency staff advising them on how to effectively utilize the funds. Board member Zermeño stated that in consultation with the City of Hayward staff, they would recommend option A with the addition of the reporting requirement. Board member McKaughan stated that she would support option B but would not want to impose additional work for the jurisdictions by requiring quarterly reporting. Ms. Sommer clarified that the jurisdiction would not be required to submit a lengthy written report but StopWaste staff would request quarterly check-ins with the jurisdiction. Board member Sadoff stated his support for option B and added encumbering three years of Measure D funding is more than enough time to implement programs. Board member Cox stated that although a majority of the member agencies is complying with the policy she would support option B as it adds checks and balances that deter non-compliance. Board member Carling stated that he would lend his support for option B but has concerns about requiring a member agency to forfeit funding that is above the threshold. Ms. Soll stated that staff and the TAC (Technical Advisory Committee) would need to work on establishing protocols to implement that measure, with guidance from legal counsel. Board member Havel stated that the impacts of COVID-19 and SB 1383 should be considered but the board also has to implement policies to ensure that the funding is being spent appropriately and in a timely manner.

There were no public comments on this item. President Hoover thanked the board for its direction to staff and thanked staff for the report.

DRAFT

VII. MEMBER COMMENTS AND COMMUNICATIONS FROM THE EXECUTIVE DIRECTOR

Ms. Sommer announced that the Waste Prevention Grants Round for FY 20/21 is now open. For FY 2021 StopWaste is offering up to \$475K in funding for innovative projects that prevent waste in Alameda County. Grant amounts per funded project range from \$10K to \$20K. Ms. Sommer asked the board to notify businesses and nonprofits located in their communities. The application deadline is March 15, 2021.

VIII. ADJOURNMENT

The meeting adjourned at 8:28 p.m.

2021 - ALAMEDA COUNTY RECYCLING BOARD ATTENDANCE

	J	F	M	A	M	J	J	A	S	O	N	D
REGULAR MEMBERS												
B. Carling	X	X										
L. Carrell	X											
D. Cox	X	X										
E. Havel	X	X										
D. Hoover	X	X										
D. Kalb	X	X										
L. McKaughan	X	X										
T. Nourof	X	X										
D. Sadoff	X	X										
F. Zermeño	X	X										
Vacant, Recycling Materials Processing Industry												
Vacant, Recycling Programs												
INTERIM APPOINTEES												

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: March 11, 2021
TO: Recycling Board
FROM: Jeff Becerra, Communications Manager
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: March 11, 2021

TO: Programs and Administration Committee
Planning Committee/Recycling Board

FROM: Pat Cabrera, Administrative Services Director

SUBJECT: Multi-Year Fiscal Forecast

SUMMARY

Starting in 2016, staff committed to presenting a revised multi-year fiscal forecast on an annual basis in preparation for budget development. At both the March 11, 2021 Programs and Administration Committee and the Planning Committee/Recycling Board meetings, staff will present a multi-year forecast based on updated core revenue estimates and a stable core expenditure plan.

DISCUSSION

Fiscal Year 2019-2020 Revenues and Expenditures

In FY 2019-20 (ending June 30, 2020), the Agency spent about 96% of core budgeted expenses, and collected 8.2% more revenue than projected at the beginning of the fiscal year. The surplus is due to several reasons: an increase in in-county tonnages (explained more below), better overall interest yields, a combination of salary and hard-cost savings, and continued reduction in end-of-year encumbrances as we move away from the “use it or lose it” mindset of past budget practices.

	FY 19-20 Actuals	FY 19-20 Budget ¹	Difference
Core expenditures	\$10,615,002	\$11,005,928	(\$390,926)
Core revenues			
Tonnage: facility fee	\$5,517,577	\$5,254,017	\$263,560
Tonnage: mitigation	\$444,211	\$557,199	(\$112,988)
Tonnage: Measure D	\$4,723,025	\$4,483,471	\$239,554
Tonnage: fee enforcement (out of county)	\$484,879	\$300,000	\$184,879
Property and interest	\$1,122,833	\$825,297	\$297,536
Miscellaneous and citations	\$143,988	\$75,000	\$68,988
Total core revenues	\$12,436,513	\$11,494,984	\$941,529

¹ Includes the board approved budget amendment for the single-use disposable foodware ordinance and EIR.

These surpluses increased the ending available core fund balance to \$18.8M in FY 19-20. The Agency maintains a healthy fund balance, along with reserves, to cover any unforeseeable budget gaps, and to make any pension related lump-sum payments in conjunction with our long-term expenditure plan. This approach ensures the ongoing operation of the Agency without the need to increase fees in the near future.

Revenue Projections Associated with Landfill Tonnage

Based on historic trends, the Agency has based its revenue forecasts on an annual tonnage decline averaging approximately 3%. In fact, as shown in Attachment B1, in-county tonnage disposed at the Altamont and Vasco landfills between FY 05-06 and FY 15-16 declined by an annualized average of 4.2%. However, beginning in FY 16-17 through FY 19-20, tonnages increased an annualized average of 6.1%. These increases can be attributed to a very robust economy, as well as large one-time disposal tonnages of special waste, such as the salt clean-up project. As shown in Attachment B2, tonnage has since leveled off once again during the pandemic, and consistent with information provided to the Committees in December, we are projecting a modest decline in tonnages overall this fiscal year. Contributing to the modest decline is a decrease in out-of-county tonnage (i.e., disposal generated out-of-county but disposed of in an Alameda County landfill).

In FY 19-20, tonnage-based fees (including fee enforcement efforts) comprised almost 90% of the Agency's core revenues. The remaining 10% of core revenue came from property-related revenues, interest, and mandatory recycling enforcement activities. For the current fiscal year (FY 20-21), we are estimating that actual tonnage revenues will total \$10.2M, which represents a decrease of approximately \$200,000 (2%) compared to the budgeted amount. Property and enforcement related fees are projected to match budgeted figures, whereas interest revenue is projected to come in slightly lower than budget. As such, core revenues in FY 20-21 are estimated to total approximately \$11.0M. This revised projection is still higher than the Agency's core budget for FY 20-21 set at \$10.9M. In addition, we are anticipating a significant surplus this year of at least \$300,000 resulting from staff vacancies and hard cost savings.

The new budgeted core revenue for FY 21-22 is reset at approximately \$10.8M. This decrease reflects both estimated reduced tonnages resulting from the Organics Materials Compost Facility (OMCF) at Davis Street in San Leandro, our ongoing programmatic efforts, and our intention to budget conservatively due to the uncertainty associated with the pandemic. Unlike previous forecasts, we have not made any revenue changes beyond next fiscal year as there is too much uncertainty with respect to the pandemic, specifically regarding economic recovery and its impact on disposal trends. As always, we will continue to monitor these trends carefully and apprise the boards as needed.

Core Expenditures

Staff is in the process of developing the FY 21-22 budget in alignment with the Board-approved guiding principles and our commitment to support member agencies' compliance with SB 1383. The Agency is fully committed to matching ongoing expenditures with ongoing revenues, and has done so since FY 16-17. We estimate that annual core budgets will total approximately \$10.8M in FY 21-22 through FY 24-25, realizing that these projections will be updated as we get more revenue information. Given that we have accumulated both significant fund balances and reserves that can be used for one-time expenditures or to prudently fill in any budgetary gaps, we are confident in our ability to address any financial contingency and to continue to submit

balanced budgets.

At the end of FY 20-21, we project combined available core fund balances and reserves to total over \$28M, which is over 2.5 times our average core budget.

Multi-Year Fiscal Forecast

Attachment A1 (Prior Year Multi-Year Forecast) shows core revenue exceeding expenditures by approximately \$1.7M in FY 19-20 (actuals totaled \$1.8M) with expenditures matching revenues through FY 23-24. This was based on core expenditures fluctuating between \$11.0M and \$10.7M per year.

Attachment A2 (Revised Multi-Year Forecast) shows revenue exceeding expenditures by approximately \$400,000 in FY 20-21 and matching expenditures from FY 21-22 through the end of FY 24-25. This projection is based on annual core expenditures of \$10.8M beginning in FY 21-22.

RECOMMENDATION

This item is for information only, in preparation for the budget discussion in April.

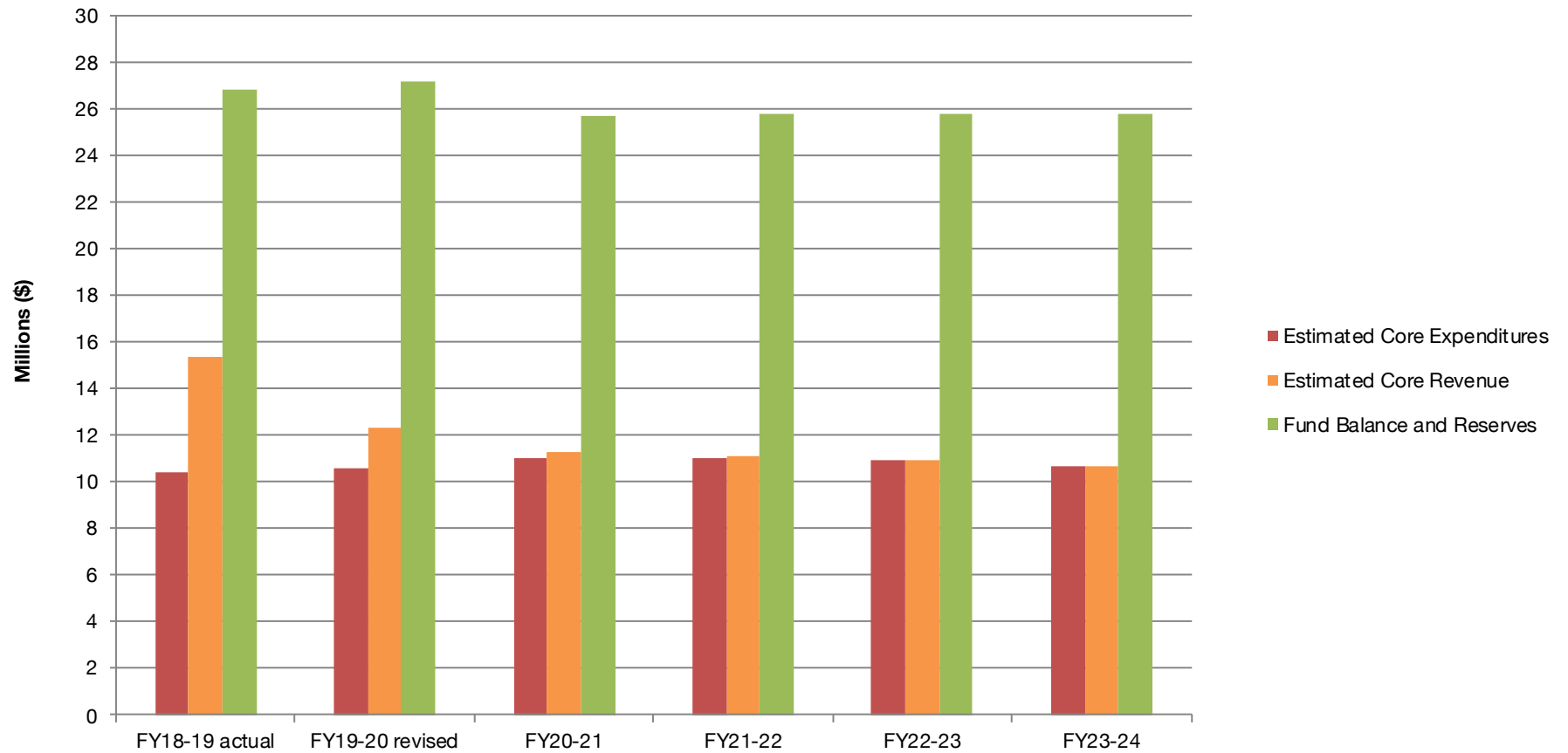
Attachment A1: Prior Year Multi-Year Forecast Through FY 23-24

Attachment A2: Revised Multi-Year Forecast Through FY 24-25

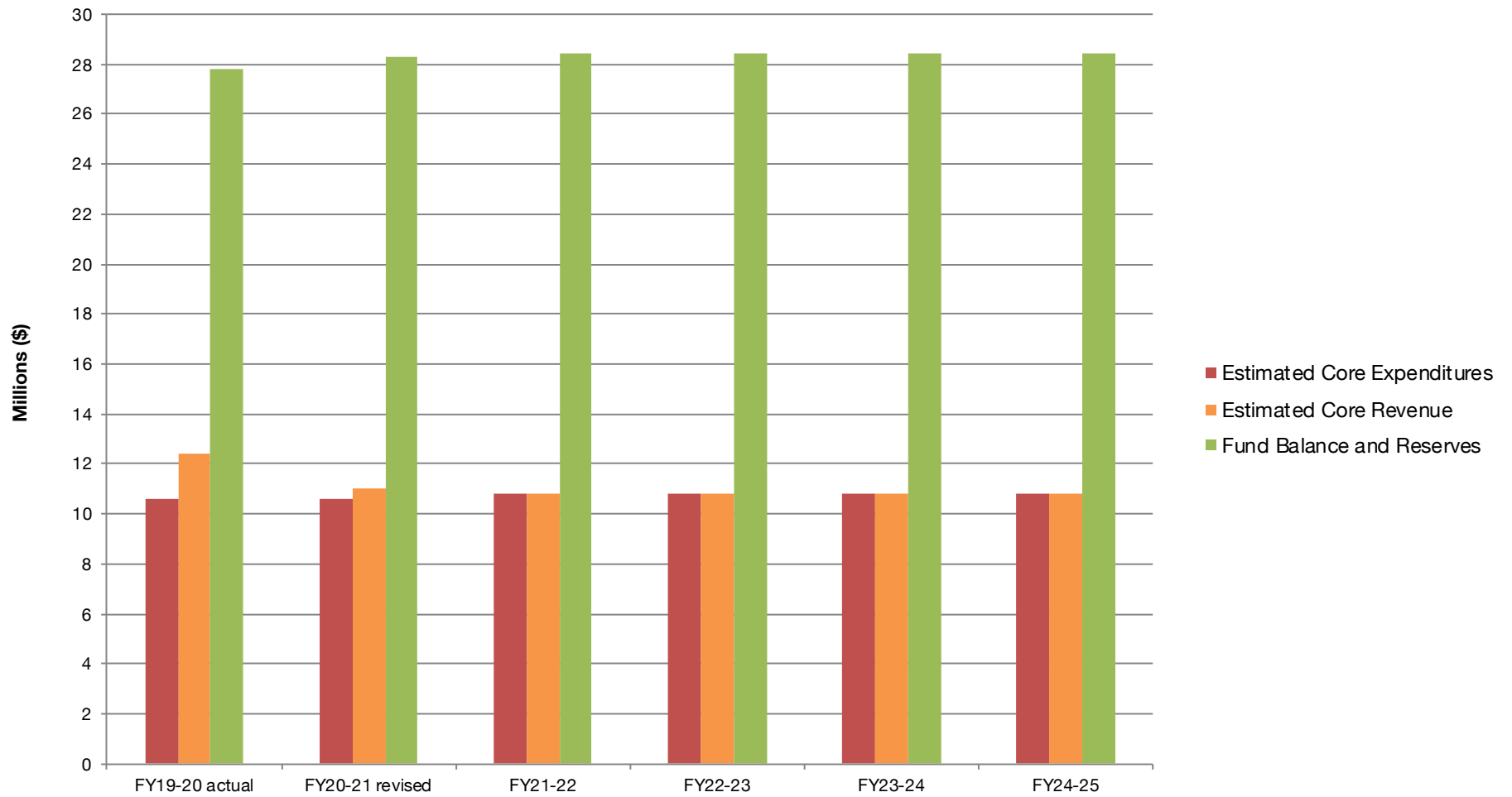
Attachment B1: Historical Disposal Trends in Alameda County (2006-2020)

Attachment B2: Current 2 Year Disposal Trend in Alameda County (2020-2022)

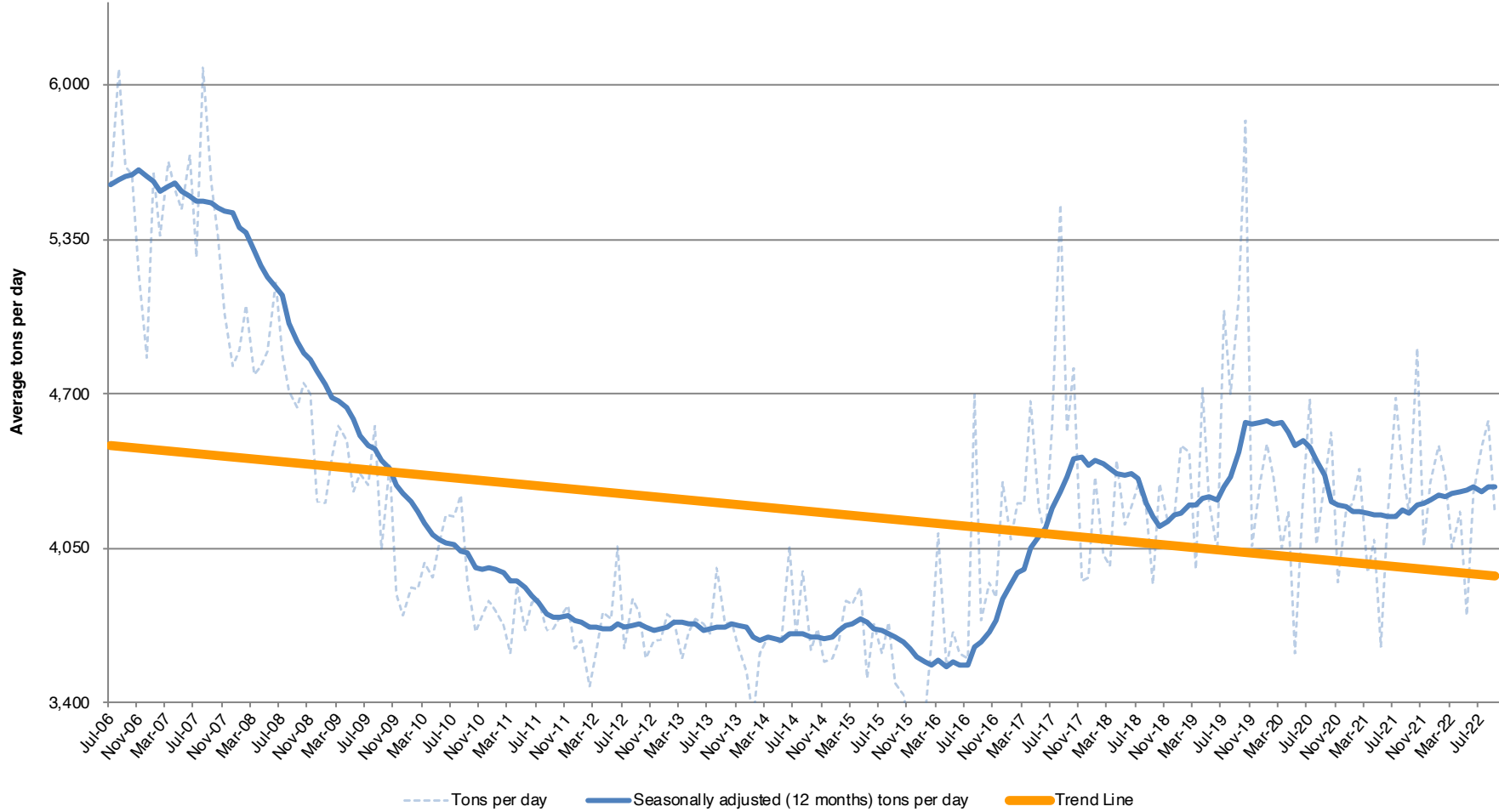
Attachment A1: Prior Year Multi-Year Forecast Through FY 23-24



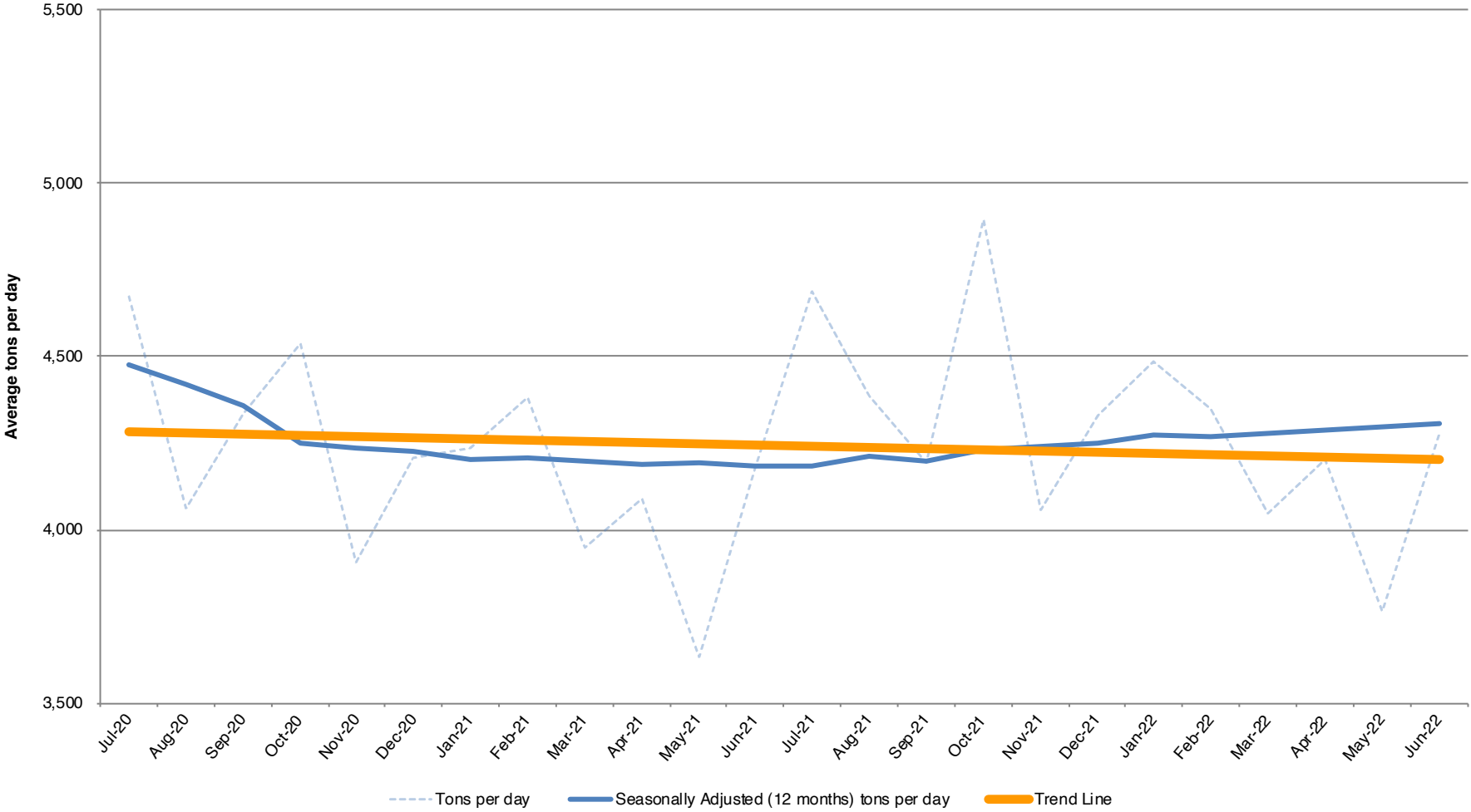
Attachment A2: Revised Multi-Year Forecast Through FY 24-25



Attachment B1: Historical Disposal Trends in Alameda County (2006 - 2022)



Attachment B2: Current 2 Year Disposal Trends In Alameda County (2020 - 2022)



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DATE: March 11, 2021

TO: Planning Committee/Recycling Board

FROM: Timothy Burroughs, Deputy Director

SUBJECT: SB 1383 implementation – Proposed roles for StopWaste and member agencies

SUMMARY

SB 1383, the Short-Lived Climate Pollutant Strategy, directs CalRecycle to divert 75% of organics from landfill and recover 20% of edible food for human consumption by 2025. Regulations become effective on January 1, 2022. Through close and ongoing consultation with member agency staff, StopWaste has identified activities that we propose to undertake to assist member agencies with SB 1383 implementation. At the March 11 Recycling Board meeting, staff will provide an overview of these activities as well as roles that member agencies and other partners will play. This information was shared with the Waste Management Authority at its February meeting. Recycling Board input will be critical as well as this work will be a significant component of our next fiscal year budget.

DISCUSSION

SB 1383 directs CalRecycle to divert 75% of organics from landfill and recover 20% of edible food for human consumption by 2025. The law also establishes procurement requirements for recovered organic waste products and recycled content paper products. Jurisdictions – including solid waste, procurement, environmental health, parks department, and other staff – are the primary entities responsible for implementation and enforcement of SB 1383 requirements, which affect all organic waste generators in the residential and commercial sectors. Waste haulers, food recovery organizations, and procurement partners also have significant roles to play to advance compliance.

From the beginning, when CalRecycle developed initial concepts and then throughout the rulemaking process, StopWaste has worked closely with member agencies to advocate for improvements to the regulations to make them more effective and implementable, as well as gathered member agency input on how StopWaste can assist in ways that make compliance easier, more efficient, and cost effective. Below is a summary of major SB 1383 requirements, along with proposed roles for StopWaste and member agencies.

- **SB 1383 ordinance** – The law requires jurisdictions to adopt an ordinance that incorporates SB 1383 requirements by January 1, 2022. To assist member agencies and to create consistent requirements throughout the county, StopWaste proposes to develop and adopt a countywide ordinance that serves as the enforcement mechanism for Alameda County jurisdictions. The SB

1383 ordinance will supersede the existing Mandatory Recycling Ordinance (MRO). Member agencies would adopt an “opt-in” ordinance.

- **Edible Food Recovery (EFR)** – Jurisdictions must establish an enforcement program for commercial edible food generators (e.g., grocery stores, wholesale food distributors, restaurants, and others) and food recovery organizations (e.g., food banks) to ensure that generators are recovering the maximum amount of edible food that would otherwise be disposed, and have agreements in place with food recovery organizations to recover the edible food. The Alameda County Department of Environmental Health and City of Berkeley Environmental Health Division will integrate EFR enforcement into their inspections of regulated entities. StopWaste will develop MOUs with both agencies to articulate enforcement responsibilities. StopWaste will also take the lead on identifying a countywide list of edible food generators and food recovery organizations, and will implement the required edible food recovery capacity study to assess the capacity/infrastructure within Alameda County to recover edible food.
- **Enforcement of provision of organics service requirement** – Jurisdictions must ensure that all households and businesses have organics and recycling collection service. This activity does not require in-person inspections. Leveraging the experience and systems that StopWaste has developed for MRO enforcement, StopWaste will play the lead role in enforcing the provision of service requirement for commercial and multifamily buildings. Member agencies, in collaboration with their haulers, will be responsible for enforcing this requirement for single family homes beginning in 2024.
- **Contamination monitoring** – Jurisdictions must, on at least an annual basis, monitor for proper sorting to minimize contamination in the garbage, recycling, and organics bins. If container contamination is identified along a given route or through waste evaluation analyses, then jurisdictions are required to conduct additional outreach and education. Given that haulers are responsible for waste collection services, SB 1383 positions them as playing the lead role in monitoring for contamination. Member agencies must work with their haulers to integrate this effort into their operations.
- **Education and outreach** – The regulations require that jurisdictions provide information to all generators about the organics collection requirements, including proper sorting, waste prevention, home and community composting, approved haulers, programs for donation of edible food, self-hauling requirements, and the climate, environmental, and public health benefits of reducing disposal of organic waste. Jurisdictions must translate materials into any non-English language spoken by a substantial number of the public and keep records of and information about the distribution of all materials. StopWaste will assist member agencies by developing outreach templates and other print and electronic resources. Member agencies, in collaboration with their haulers, are the leads for disseminating materials through bill inserts, newsletters, and/or other channels.
- **Organics Processing Capacity Planning** – Beginning August 1, 2022, counties will be required to provide an estimate of the food, green waste, wood, paper products, digestate and biosolids disposed along with an estimate of available organics processing capacity. Counties with insufficient organics processing capacity will be required to submit an implementation schedule

to increase capacity. StopWaste will take the lead on determining available capacity and provide the information to the county for reporting.

- **Procurement** – Starting January 1, 2022, cities and counties will be required to procure a minimum amount of products made from recycled organic waste annually. Eligible products are compost, mulch, electricity from biomass conversion, and renewable gas (RNG). Cities, counties, and special districts will also be required to meet requirements for recycled content paper products. As discussed at the January 27 meeting of the WMA, the organics products requirements will be a heavy lift for jurisdictions. While StopWaste cannot use its own funds to purchase the required products for member agencies, staff is working with member agencies to develop strategies for meeting procurement requirements, while also providing education, technical assistance and other resources.
- **Record-keeping, reporting, and penalties** – Maintaining detailed records and annual reporting are required for all aspects of SB 1383. CalRecycle has the ability to assess fines on jurisdictions ranging from \$500-\$10,000 per day for non-compliance, depending on the severity of the violation. StopWaste is researching approaches and tools that would help member agencies efficiently and cost-effectively comply with their reporting requirement.

Funding for SB 1383 activities

StopWaste will implement the proposed roles above with existing resources. StopWaste is also in consultation with member agency staff to identify potential opportunities for pooling agency funds. Initial discussions with member agencies are focused on how to design collaborative efforts that add value, enable economies of scale, and ensure equitable use of funds being contributed by member agencies. Ideas include bulk purchasing of compost, making grants to food recovery organizations that serve multiple jurisdictions, or funding shared data and reporting systems. In addition to reducing the administrative burden for member agency staff, activities supported by shared funding would be designed to lower the total cost of compliance and increase efficiency.

StopWaste staff reviewed these proposed roles with member agency city managers and at the Technical Advisory Committee. There is much work to do together between now and when the regulations go into effect in 2022, but member agency staff response to this proposed approach has been positive. In the meantime, even as we continue to prepare for SB 1383 implementation, consistent with WMA direction, StopWaste is working with other partners to introduce and support legislation seeking to modify SB 1383 implementation timelines as long as relief is not prolonged or excessive in nature.

RECOMMENDATION

This item is for information only.

Attachment: CalRecycle summary presentation of SB 1383 requirements

SB 1383

Reducing Short-Lived Climate Pollutants in California

An Overview of SB 1383's
Organic Waste Reduction
Requirements



Jurisdiction Requirements

**Provide Organics
Collection Services
to All Generators**



**Conduct
Education and Outreach**



**Secure Organics
Processing Capacity**



**Establish Edible Food
Recovery Program**



**Procure Recovered
Organic Products**



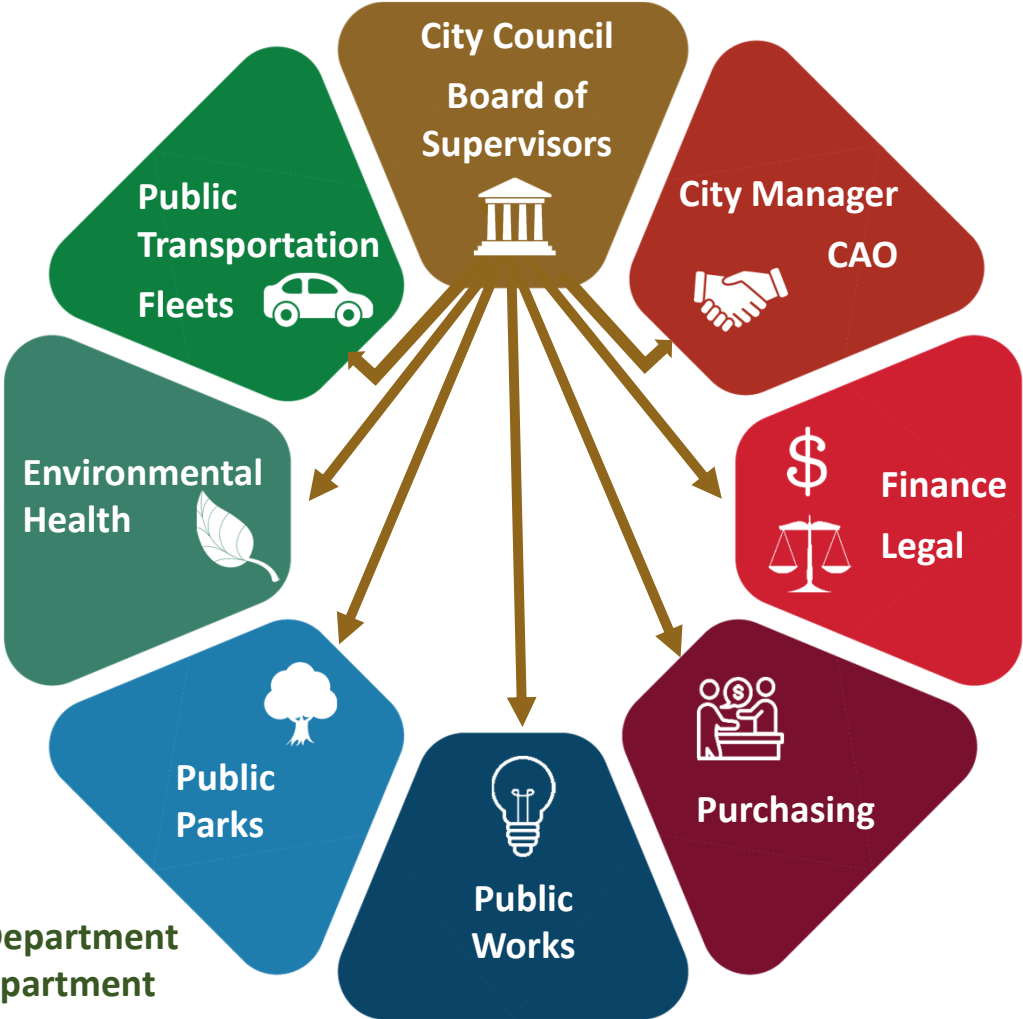
**Monitor Compliance and
Conduct Enforcement**



LOCAL GOVERNMENT ROLES AND RESPONSIBILITIES

Affects many city
departments beyond
recycling and solid waste

Also:
Building Department
Zoning Department



ORGANIC WASTE COLLECTION SERVICES



**Provide organics collection
service to all residents and
businesses**

Jurisdiction Requirements



Three-Container “source separated” Collection Service

- Provide service to ALL generators
- Organics prohibited from gray container
- All organic waste segregated for collection and recycling
- Collection waivers authorized for certain documented circumstances
- Minimum contamination monitoring and reduction requirements
- Cart color standardization (gray, blue, green)
- Option for additional streams (brown for food, separate paper collection)

EDIBLE FOOD RECOVERY PROGRAM



**Establish Edible Food
Recovery Program**

Jurisdiction Requirements

- Identify existing food recovery capacity and expand if needed (county req)
- Increase commercial edible food generators' access to food recovery orgs and services
- Monitor commercial edible food generators for compliance
- Conduct outreach to generators
- Record keeping and reporting



ORGANICS PROCESSING CAPACITY PLANNING



**Evaluate and Plan for
Adequate Organics
Processing Capacity**

County Requirements

Estimate amount of organics in tons that will be disposed

- Can use state or county* waste characterization studies

Identify tons of existing organics processing capacity

- Consult with LEA, local task force, haulers, facilities about capacity
- Demonstrate verifiable capacity through contract or other document
- Consult with community composters and jurisdictions about how much will be handled in these operations

Reporting starts 2022

PROCUREMENT



**Procure Recovered
Organic Products**

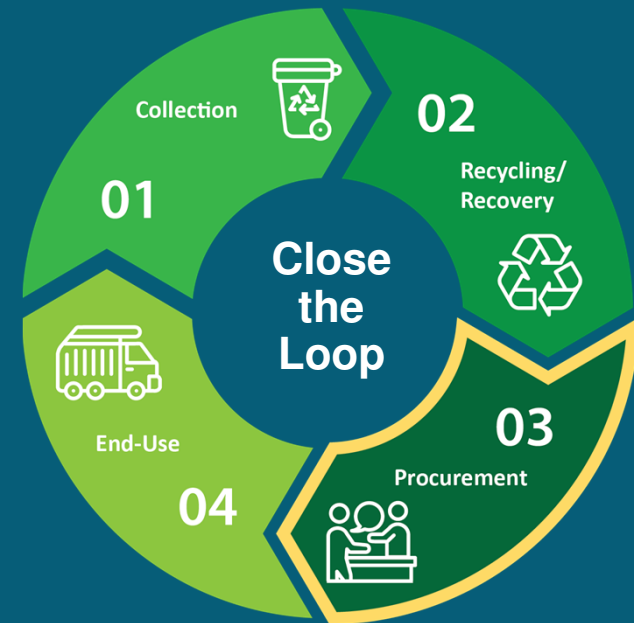
Jurisdiction Requirements

COMPOST, MULCH, RNG & ELECTRICITY

- Minimum procurement amounts
- Targets based on population size and statewide average organics disposal (tons per capita)
- Can use combination of products

PAPER PROCUREMENT REQUIREMENTS

- 30% Post-consumer Recycled Content
- Recyclability
- When it is same price or less



**Can comply
through direct
service provider**

EDUCATION AND OUTREACH



Conduct Education and
Outreach to Community

Jurisdiction Requirements

Annually educate all organic waste generators, commercial edible food generators, and self-haulers about relevant requirements

Jurisdictions must provide print
or electronic communication.



Jurisdictions May Supplement
with Direct Communication.



Jurisdictions shall translate educational materials into any non-English language spoken by a substantial* number of the public provided organic waste collection services by the jurisdiction.

INSPECTION AND ENFORCEMENT



Monitor Compliance and Conduct Enforcement

Jurisdiction Requirements

Ordinance 2022



Adopt an ordinance
(enforceable
mechanism)
Including
enforcement

Compliance Monitoring & Education 2022-2024



Annual
compliance
reviews,
inspections, and
Route reviews
Educate violators

Compliance Monitoring & Enforcement 2024



Annual compliance
reviews
Route reviews,
inspections,
Notice of violations,
Penalties for
violators

ORGANICS COLLECTION ENFORCEMENT



Jurisdiction Requirements

Must Have Enforcement and Inspection Program that Includes:

- Annual Compliance Review
 - Commercial Businesses that Generate ≥ 2 Cubic Yards/week
 - Verify Businesses are:
 - Subscribed to Service or Self-hauling
- Annual Route Reviews of Commercial/Residential Areas to Verify Service and Inspect for Contamination

Requirements Harmonize with AB 1826 and Don't Establish a Minimum Quantity of Physical Inspections

FOOD RECOVERY PROGRAM ENFORCEMENT



Jurisdiction Requirements

Must Have Enforcement and Inspection Program that Includes:

- Inspections to verify:
 - Edible food Recovery arrangements
- Tier 1 Commercial Edible Food Generators by 2022
- Tier 2 Commercial Edible Food Generators by 2024

Commercial Edible Food Generator Inspections Can Be Combined with Existing Mandatory Inspections

RECORD KEEPING AND REPORTING



**Maintain Records and
Report to CalRecycle**

Jurisdiction Requirements



Organic
Collection
Services



Hauler
Program



Contamination
Minimization



Waivers



Education &
Outreach



Edible Food
Recovery
Program



Recycled
Organic Waste
Procurement



Recycled
Paper
Procurement



Commercial
Edible Food
Generators



Jurisdiction
Inspection &
Enforcement



STATE ENFORCEMENT



CALRECYCLE OVERSIGHT (BEGINS IN 2022)



Authorize Waivers

- Low Population
- Rural Areas
- Emergency Circumstances

Oversee and Monitor

- State Agencies and Facilities
- Local Education Agencies



Oversee and Monitor for Compliance

Jurisdiction Review

- Conduct joint inspections with jurisdictions
- Review Implementation Record



If Violations

- Issue Notices of Violation
- May Authorize Corrective Action Plan
- Allows up to 24 months to address barriers outside of a jurisdiction's control