



DATE: February 24, 2021

TO: Waste Management Authority 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 February 24 WMA Board meeting, staff will provide an overview of these activities as well as roles that member agencies and other partners will play.

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

Provide direction to staff on proposed roles for SB 1383 implementation.

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