



**DATE:** November 18, 2020

**TO:** Waste Management Authority Board

**FROM:** Timothy Burroughs, Deputy Director  
Kelly Schoonmaker, Program Manager

**SUBJECT:** Status Update – SB 1383

**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. By statute, regulations become effective on or after January 1, 2022, and the final regulations were just approved earlier this month. At the November 18 WMA Board meeting, staff will provide an update on the rule-making process, an overview of implications of the regulations for StopWaste and jurisdictions, and steps StopWaste is taking now to assist member agencies to prepare for compliance.

**DISCUSSION**

According to the California Air Resources Board (CARB), emissions of methane are responsible for one fifth of the global warming now driving climate change. Signed into law in 2016, SB 1383 is intended to reduce methane emissions from landfills, which are responsible for 21 percent of the total methane emissions statewide (CARB). To accomplish this goal, SB 1383 requires diversion of 75% of organics from landfill and recovery of 20 percent of surplus edible food, statewide. Although both the diversion and edible food recovery goals are for the state as a whole, local jurisdictions are the primary entities responsible for implementation and enforcement of SB 1383 requirements, which affect all generators in the residential and commercial sectors. Due to the law’s scope, waste haulers, food recovery organizations, composters, users of compost and mulch, and direct service providers to the jurisdiction will all have significant roles to play to ensure compliance.

Specifically, local jurisdictions will be responsible for:

- Edible Food Recovery and Capacity Planning
- Organic Waste Collection Services
- Contamination Minimization
- Procurement of Recycled Organics Products

- Education and Outreach
- Organics Processing Capacity Planning
- Monitoring and Enforcement
- Record-keeping and Reporting
- Enforcement of CALGreen and Model Water Efficient Landscape Ordinance

The final regulations were approved by the Office of Administrative Law on November 3. Despite ongoing advocacy by many (including StopWaste), the implementation date of January 1, 2022 has not changed, regardless of a one-year delay in releasing the regulations and the significant hardships experienced by jurisdictions and generators due to COVID-19.

As discussed at previous Board meetings, StopWaste has been involved throughout the rulemaking process, submitting written and in-person comments, and meeting with CalRecycle staff. Many of our recommendations have been incorporated into the regulations, such as increasing flexibility in record-keeping, including language to prevent “donation dumping” on food recovery organizations, and expanding the pool of products to meet procurement requirements. While we continue to advocate for postponing enforcement, StopWaste is also communicating with CalRecycle to clarify the details of the regulations so that we can best support implementation by member agencies.

#### StopWaste’s Role: Assisting Member Agencies with Compliance

StopWaste is working closely with TAC members and other member agency staff to identify how best to leverage our collective capacity and individual strengths to support SB 1383 implementation. Staff is also in consultation with city managers, haulers, edible food recovery organizations, organics processing facilities, waste consultants, and other cities and stakeholders to learn how they plan to approach achieving SB 1383 compliance.

In coordination with member agencies, StopWaste will undertake the following activities to assist with SB 1383 compliance:

- Conduct the required Edible Food Recovery Capacity Study and generate a list of edible food recovery organizations and services
- Develop SB 1383-compliant countywide or model ordinance for organics collections and edible food recovery
- Work with partners to identify paths for enforcement
- Develop policies and agreements to facilitate procurement requirements
- Act as a hub to pool funding for countywide efforts and economy of scale

In addition, we will continue to play other important roles, such as:

- Convening stakeholders to build partnerships to facilitate compliance
- Providing grants to expand edible food recovery capacity
- Providing technical assistance
- Piloting innovative strategies that support SB 1383 compliance and intent
- Assisting with community outreach and education
- Advocating at the state level for relief for cities to recover from COVID-19 effects

StopWaste is working with member agencies to identify how best to support compliance and enforcement in other ways, such as in cases when it is not possible for the agency to take on a direct role in implementation. For example, regulations require jurisdictions to procure a minimum amount of recovered organic waste products (i.e., compost, mulch, renewable natural gas, or electricity from biomass) on an annual basis. While StopWaste will not directly procure these products, we can help develop policies and funding strategies for member agencies to do so.

#### SB 1383: Alignment with MRO

StopWaste has compared SB 1383 requirements for organics service collection and contamination minimization to existing Mandatory Recycling Ordinance (MRO) enforcement to determine whether and how well they align. SB 1383 requires route reviews to identify and minimize contamination on all hauler routes: commercial, multi-family residential, and single-family residential. StopWaste's MRO enforcement will not meet this requirement due to the following reasons: our inspections cover only a small subset of affected commercial generators; our program specifically excludes residential generators; return visits to violators are not frequent enough to meet requirements; and we cannot update the many sources of data from haulers with sufficient frequency to align our inspections with hauler routes. Given that haulers have immediate access to their own route data, direct contact with generators, control provision of collection services, and will be providing SB 1383 services to jurisdictions outside Alameda County, they are positioned to perform the required tasks more cost-effectively and efficiently than StopWaste.

However, StopWaste is continuing to consult with member agencies and other stakeholders to identify how to best leverage our collective capacity to support enforcement activities at scale. Examples include providing technical assistance and training to generators and providing member agencies with tools to support their development of SB 1383-compliant updates to franchise agreements.

Given that CalRecycle designed many of the requirements to be most efficiently implemented by haulers, integrating SB 1383 requirements into franchise agreements will be a key part of compliance. A survey of member agency staff showed that most have either not started or are in early stages of working with their service providers to update their franchise agreements.

#### **RECOMMENDATION**

This item is for information only.

#### **LINK:**

Short-lived Climate Pollutants (SLCP): Organic Waste Reductions Proposed Regulation Text:  
<https://www2.calrecycle.ca.gov/Docs/Web/118125>