



DATE: November 15, 2023

TO: Waste Management Authority Board & Recycling Board/Planning Committee

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SUBJECT: SB 1383/ORRO Implementation Update

SUMMARY

State law SB 1383 and the Organics Reduction and Recycling Ordinance (ORRO) took effect on January 1, 2022 to reduce the amount of food and other compostable materials sent to landfill. StopWaste is supporting member agencies with various implementation activities including compliance monitoring/enforcement, reporting to CalRecycle, outreach and education, edible food recovery, recycled organics product procurement, and more. At the November 15 Joint WMA and Recycling Board meeting, staff will provide a summary update of those efforts.

DISCUSSION

Compliance Monitoring and Enforcement

StopWaste is taking the lead on behalf of member agencies to conduct compliance monitoring and enforcement of the compost and recycling collection service requirements at commercial and multifamily properties. In partnership with members agencies, StopWaste's first objective is to provide assistance to businesses to achieve compliance with the requirements. Enforcement in the form of Notices of Violation and Citations are also being issued as needed.

Official enforcement activities began in October 2022 with the first mailing of Notice of Violation (NOV) letters to notify generators of potential fines if they do not subscribe to service or have an approved waiver. Citations started in March 2023 to accounts that did not come into compliance within 60 to 75 days of their NOV. Fines for these larger generators start at \$100 and increase to \$250, then \$500 for continued non-compliance (sites with less than 2 cubic yards of weekly garbage service have fines that start at \$50 and increase to \$250 per violation).

In the last year, 4,120 Notices of Violations and 1,530 Citations have been issued, with 425 sites having been issued multiple Citations. We estimate that approximately half of the accounts come

into compliance after receiving an enforcement letter either through adding the required service(s) or by obtaining a waiver or properly documenting compliant alternative recycling services such as self-haul, back-haul, or shared service.

Significant Increase in Compliant Accounts

Baseline collection service compliance data captured in December 2022 compared to compliance data to date indicates that approximately 4,130 accounts have come into compliance with the recycling and compost collection service requirements within the last year. Countywide, 89 percent of commercial/business accounts with two or more cubic yards of total weekly collection service are in compliance with the collection service requirements, and 71 percent of all sized commercial and multifamily accounts are in compliance.

There are several ways commercial and multifamily accounts can come into compliance: they can order the required service, submit a request for a waiver (accounts that generate less than 10 gallons of organics or have a city-approved space constraint), or by submitting documentation to StopWaste that an alternative method of collection is used to comply with the recycling and compost service requirements (self-haul, back-haul, or shared service). Within the last year, approximately 2,400 waivers have been approved for de minimus generation of materials, bringing the total approved from January 2022 through October 2023 to a little over 3,400 accounts. This equates to approximately 17 percent of the roughly 20,000 commercial garbage accounts countywide. Approximately 3 percent of accounts have an approved “Certification of Recycling Service” on file for alternative collection arrangements.

While there has been a significant increase in compliant accounts, the rate of Citation payments has been low at roughly 33 percent. We are implementing a number of initiatives to increase the payment rate, such as revisions to the Citation letter giving clearer payment instructions and new envelope design to clearly communicate that an enforcement letter is enclosed.

Outreach, Education, and Technical Assistance

StopWaste continues to offer a suite of services and materials to educate sites about the SB 1383/ORRO requirements and help with compliance. We work closely with member agencies, chambers, and business associations to amplify our messaging.

The SB 1383/ORRO webpages at www.StopWaste.org/rules provide streamlined access to information on the requirements and free resources. We recently added “widgets” on the ordinance webpages to provide city-specific information regarding various compliance steps. For example, users can now select their city from drop-down menus to get their hauler’s contact information, guides/brochures, information about rates (including discounted or free recycling and compost service where available), as well as posters, signs, and free indoor bins.

Website translation functionality provides accessibility in five different languages and many resources are offered in multiple languages, such as the new printable “[overview flyers](#)” for businesses and multifamily properties.

In FY 2022-23, our contracted technical assistance (TA) team reached out to approximately 460 accounts to offer assistance and provided either virtual or in-person assistance to 260 businesses and multifamily properties. TA representatives assist accounts with coming into compliance by helping them subscribe to collection service, setting up indoor recycling/composting stations, assessing needs and assisting with surplus edible food recovery program set-up, training staff, and/or submitting documentation or waiver applications on their behalf, if applicable.

StopWaste also continues to provide indoor food scrap bins valued at up to \$500 per site as well as stickers to label indoor bins. In FY 2022-23, over 200 sites were approved for free green bins, and almost 300 sites received StopWaste's free stickers to label indoor bins.

Edible Food Recovery Outreach, Inspections, and Reporting

StopWaste continues our food recovery compliance work in partnership with the Alameda County Department of Environmental Health (ACDEH) which is assisting with education and compliance monitoring at Tier One (e.g., grocery stores and markets) and Tier Two (e.g., restaurants and entities serving prepared food) commercial edible food generator permitted sites in the county. All member agencies have signed MOUs with ACDEH and letter agreements with StopWaste, formally designating each to assist with implementation and enforcement of selected food recovery activities and conduct inspections of commercial edible food generators.

ACDEH started outreach and inspections of Tier One generators in April 2022, with over 280 facilities inspected or reinspected through June 2023. The type of sites inspected included large grocery stores and supermarkets that typically generate fresh produce and shelf stable items. In January 2023, StopWaste started outreach and inspections of additional Tier One generators that fall outside of the purview of ACDEH – those that hold food permits through the state which are primarily wholesale food vendors and distributors. StopWaste has reached out to over 137 of these generators, inspecting 10 through September 2023.

We continue to work closely with ACDEH and other coalitions throughout the state to develop safe food handling practices and guidance tools for donors. We have also identified 87 active food recovery partners operating in the County and now have a public list of over 30 food recovery organizations and services available to pick up or receive donated food from Alameda County's food generating businesses. The list is integrated with the Agency's RE:Source tool available at resource.stopwaste.org/food-recovery-organizations. Stopwaste continues to support these food recovery partners through monthly Alameda County Food Recovery Network meetings and the agency's annual grant funding program.

Procurement

A priority for FY 2022-23 was to make common sense legislative changes to SB 1383, including the procurement requirements. Last year StopWaste convened a stakeholder group made up of other Bay Area jurisdictions, composters, and large users of compost. The goal was to develop and

propose an alternate pathway(s) to compliance for jurisdictions that have had organics collection in place for many years and, as a result, already have mature markets that would be disrupted by the current procurement requirements. The group developed concepts and shared them with CalRecycle staff to identify any barriers. StopWaste anticipates a bill being introduced this legislative session.

Meanwhile, StopWaste is working with member agencies on compliance strategies to support implementation, including:

- Conducting a pilot agreement with Zero Foodprint to support grants to farmers and ranchers to procure 3,300 tons of compost on behalf of StopWaste's member agencies;
- Identifying the potential for compost and mulch use on agricultural land in Alameda County;
- Working with the Alameda County Resource Conservation District and County of Alameda to pilot a Compost for Agriculture program to provide compost to farms, ranches, and vineyards in support of member agency compliance with procurement requirements;
- Continuing to expand compost distribution through compost hubs at urban farms and other locations;
- Continuing to provide individual compost and mulch use education and technical assistance to member agencies' landscape staff and contractors;
- Continuing to develop additional tools and resources as needed, and;
- Continuing to monitor the potential of compliance through electricity from biomass and renewable natural gas.

Record-keeping and Data Reporting

Member agencies and their hauler representatives have access to real-time account-level activity data that StopWaste or its consultants are doing in their jurisdiction through a Member Agency Data Portal that connects with StopWaste's CRM database. This includes information on enforcement letters, waivers, submissions for certification of recycling services and proof of service, technical assistance activities, and food recovery organization annual reporting. StopWaste also provides support to member agencies with their SB 1383 annual reporting to CalRecycle by compiling summary level data in a format that matches the questions asked in the CalRecycle Electronic Annual Report (EAR), which was due this year in August.

Another way StopWaste supported member agencies is by facilitating the first full year of Edible Food Recovery Reporting for 2022. There were 86 food recovery organizations or services that reported over 5,879,740 pounds of food recovered from 285 businesses with written agreements. An additional 5,879,439 pounds of food was also recovered from businesses without a written agreement during the 2022 calendar year. The total pounds of food recovered from all Tier 1 and Tier 2 donors reported is 11,759,180 pounds (about 5,880 tons).

Capacity Planning

StopWaste will conduct a new round of Capacity Planning for Edible Food Recovery and Organic Waste Recycling, as required by SB 1383 in coordination with member agencies, the County and

other partners. The capacity plans will cover the period from January 1, 2025, through December 31, 2034.

The Edible Food Recovery Capacity Plan will:

- Update the list of Tier One and Tier Two Commercial Edible Food Generators (CEFGs) and Food Recovery Organizations and Services
- Estimate the amount of edible food disposed of by CEFGs located in the county
- Identify existing capacity at food recovery organizations that's available to CEFGs
- Identify or propose new or expanded food recovery organizations or services that will be used to recover food
- Identify the amount of new or expanded capacity if there's a lack of capacity identified, to recover edible food estimated to be disposed of by CEFGs

SB 1383 and other state laws require that counties demonstrate sufficient organics processing capacity. StopWaste will continue to provide this information to the County in 2024. All previous analyses, which have relied on Alameda County waste characterization study information, have shown that there is sufficient capacity to meet countywide organics processing needs.

RECOMMENDATION

This item is for information only.