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**DATE:** November 16, 2022

**TO:** Waste Management Authority Board

**FROM:** Rachel Balsley, Senior Program Manager  
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**SUBJECT:** SB 1383/ORRO Implementation Update

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**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 16 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 ultimately Citations are also being issued as needed.

Official enforcement activities began in October of this year 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. Letters are being sent in weekly batches starting with the largest garbage generators and sites that have a food permit, with approximately 1,000 accounts expected to be under official enforcement by the end of the calendar year. Starting in January, citations will be sent to accounts that have not come into compliance within 60 days of their NOV. Fines for these larger generators start at \$100 and increase to \$250, then \$500 for continued non-compliance.

Additionally, StopWaste will send notification letters to the remaining non-compliant accounts with two or more cubic yards of total weekly service that have not recently received a city non-compliance letter. This mailing is separate from the official enforcement letters described above and supports member agencies with the requirement to notify all noncompliant accounts at least annually.

StopWaste is also the lead for processing business and multifamily property requests for SB 1383 waivers and documentation of alternative methods of recycling and composting such as through self-hauling, back-hauling, and shared service. Approximately 1,400 waiver requests have been submitted for de minimus generation of materials with a little over 1,000 approved to date. This equates to approximately 5% of the roughly 20,000 commercial garbage accounts countywide.

### **Advocacy and Reporting to CalRecycle**

Jurisdictions recently submitted their Electronic Annual Reports (EAR) to CalRecycle with significant data required for the first six months of SB 1383 implementation (January through June 2022). To support member agencies with the state recordkeeping and reporting requirements, StopWaste provided jurisdictions with summary level data and developed a Member Agency Data Portal that provides a window into our tracking system for assistance and enforcement activities provided to accounts in their jurisdiction.

In addition, StopWaste continues to work closely with member agencies and other local government groups to communicate with CalRecycle about the importance of clear, collaborative communication and reasonable expectations and enforcement related not only to SB 1383 implementation, but also to older state requirements such as AB 1826, which requires businesses and multifamily properties with two or more cubic yards of total weekly collection service to subscribe to compost collection service.

### **Outreach, Education, and Technical Assistance**

StopWaste continues to offer a suite of services and materials to educate businesses about the SB 1383/ORRO requirements and help with compliance. We work closely with chambers and business associations to amplify our messaging, including a new partnership formed this year with the Oakland Chinatown Chamber of Commerce. Through this partnership, we expanded our reach into the Chinese community by offering our first-ever webinar and in-person workshop for businesses presented entirely in Chinese. A general overview webinar for businesses was also conducted in English earlier this year.

The SB 1383/ORRO webpages at [www.StopWaste.org/rules](http://www.StopWaste.org/rules) were recently re-designed to provide streamlined access to information on the requirements and free resources, and new guidance was added on the steps to take after receiving an enforcement letter. Google translate functionality has been added to provide accessibility in seven different languages.

In FY 2021-22, our contracted technical assistance (TA) team reached out to 285 accounts to offer assistance and provided either virtual or in-person assistance to 230 businesses and multifamily properties. A Request for Proposals (RFP) was recently conducted for consulting services and as a result, StopWaste expects to enter into a new contract with Cascadia Consulting Group, as well as smaller TA contracts with Jesse Tieger Consulting and Daily Bowl.

StopWaste also continues to provide indoor food scraps bins valued at up to \$500 per site as well as stickers to label indoor bins. Over 220 sites were approved for free green bins since January 2022, and over 250 sites received StopWaste's free stickers so far this year.

### **Pilot Testing**

As the agency implements various aspects of the new law, the team continues to look at ways to improve effectiveness and efficiency. To that end, testing was done to analyze two different messaging tactics for non-compliance letters. In June 2022, approximately 560 commercial accounts that have a food permit were sent one of two letters: approximately half received a letter with a strong enforcement focus, while the second test group received a more prosocial letter urging compliance because it's "the right thing to do." The enforcement-focused letters were shown to be significantly more effective, yielding a service uptake rate more than double that of the softer, prosocial-centered letter. The team also looked at the impact of follow up calls and emails conducted by hauler and Cascadia TA reps. The study found that follow up to letters did not significantly increase the number of accounts that came into compliance, however, when comparing phone calls vs. email follow up, calls appeared to be twice as effective as emails.

### **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 of this year, with over 200 facilities inspected through August 2022. The type of sites inspected included large grocery stores and supermarkets that typically generate fresh produce and shelf stable items. By January, StopWaste will begin outreach and inspections of additional Tier One generators that fall outside of the purview of ACDEH – those that hold food permits through the state such as primarily wholesale food vendors and distributors.

Our team has worked closely with ACDEH and other health departments throughout the state to develop safe food handling practices and guidance tools for donors. We've also worked to identify active food recovery partners in the County and now have a 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](https://resource.stopwaste.org/food-recovery-organizations).

StopWaste developed a new reporting module in the agency's CRM system for Food Recovery Organizations and Services (FROS) to submit total pounds of food recovered and total donors with a written agreement or contract. StopWaste provided training for FROS through our Food Recovery Network several months prior to launching the ORRO reporting portal.

### **Food Donation Webinar**

More than 80 participants attended the webinar "Donating Surplus Food @ Work" earlier this month, which provided an overview of the SB 1383 Edible Food Donation requirements for Tier One and Tier Two edible food generators. Staff gave an in-depth presentation covering food waste prevention tips, how to locate a food recovery partner, safe food handling considerations, resources to help establish a food donation program, and local examples of donation partnerships. A recording of the webinar can be found at [www.StopWaste.org/rules-food-recovery](https://www.StopWaste.org/rules-food-recovery).

### **Alameda County Food Recovery Network and Funding Opportunities**

Over a year before SB 1383 implementation, StopWaste formed the Alameda County Food Recovery Network to increase coordination, transparency, and communication between organizations addressing food insecurity in our county. The Network has been integral in facilitating two-way dialogue and has grown into a true partnership with now over 50 member organizations across the county. The group meets monthly to explore topics such as best practices for weighing and tracking donations, edible food recovery capacity planning, volunteer needs, and written agreements with donors.

Through these discussions, StopWaste identified that many organizations lack the capacity to weigh recovered food, making it challenging to keep accurate records to meet SB 1383's record keeping and reporting requirements. In response, StopWaste offered funding to ACFRN participants to purchase weight-based scales to help better track and report recovered food.

### **Procurement**

As discussed in the legislative update at the October WMA meeting, a priority for FY 2022-23 is to make common sense changes to SB 1383, including the procurement requirements. StopWaste is working to convene a stakeholder group made up of other Bay Area jurisdictions, composters, and large users of compost to develop and propose an alternate pathway(s) to compliance. The goal is to create a solution 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.

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

- Identifying the potential for compost and mulch use within city/county-managed landscapes through a comprehensive landscape inventory;
- Connecting member agencies to potential users in farming and ranching through direct service provider agreements and grant programs with partners Zero Foodprint and the Alameda County Resource Conservation District;
- Expanding and streamlining compost distribution through small-scale compost hubs at urban farms and other locations;
- Implementing a mechanism to allow member agencies to get procurement credit for compost and mulch used for lawn conversion rebates and Water Efficient Landscape Ordinance-compliant construction projects;
- Providing individual compost and mulch use workshops to member agencies' landscape staff;
- Creating and sharing additional tools and resources, such as model specifications and specification review, vendor lists, and direct service provider agreements; and
- Continuing to monitor the potential of compliance through electricity from biomass and renewable natural gas.

### **Capacity Planning**

For August 1, 2022 reporting, SB 1383 required that counties demonstrate sufficient organic waste recycling and edible food recovery capacity for the period covering January 1, 2022, through December 31, 2024. To assist the county in submitting organics processing capacity information, StopWaste compared the necessary capacity using Alameda County waste characterization data to the available capacity and identified that no additional capacity is required at this time.

To support the county with edible food recovery capacity planning, StopWaste identified the number of Tier One and Tier Two commercial edible food generators and food recovery organizations and services operating in the county, estimated the annual quantities of surplus edible food generated, the percentage of that food feasible for donation, and used regional data to calculate estimated existing and new edible food recovery capacity. Through that analysis, it was determined that no additional capacity is required in the county at this time.

### **RECOMMENDATION**

This item is for information only.