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**DATE:** March 23, 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, and StopWaste is supporting member agencies with various implementation activities, including ordinance adoption, organics procurement, outreach and education, edible food recovery, and more. At the March 23 meeting, staff will provide a summary update of those efforts.

## **DISCUSSION**

### **Ordinance/Enforceable Mechanism Adoption**

A foundational requirement in the SB 1383 regulations is that jurisdictions had to adopt an ordinance or other enforceable mechanisms that incorporates the SB 1383 regulations by January 1, 2022. At its July 28, 2021, WMA Board meeting, StopWaste adopted the Organics Reduction and Recycling Ordinance (ORRO) to provide an ordinance for countywide consistency that member agencies could opt-in to. From August to December, StopWaste staff provided guidance to member agency staff and attended City Council and District Board meetings to support ordinance adoption. All member agencies have either formally opted-in to ORRO or passed an ordinance that essentially mirrored the ORRO language. On-time adoption of the ordinances/enforceable mechanisms allowed StopWaste member agencies to be eligible for potential first round funding of CalRecycle SB 1383 Local Assistance grant funds. Letter agreements between StopWaste and member agencies formally designate StopWaste to assist in implementation and enforcement of selected activities.

### **Outreach and Education**

To assist member agencies, and in an effort to create consistent messaging across the county, StopWaste took a lead role in the development and initial dissemination of public education and outreach materials as required by the SB 1383 regulations. StopWaste mailed letters to five audience segments to notify them of the new law: businesses, multifamily properties, Tier 1/Tier 2 commercial edible food generators, food recovery organizations, and K-12 school districts. Chambers and business associations were engaged to help spread the word and several new

landing pages were added to StopWaste.org to serve as a central landing place for more information and quick access to a variety of free resources. Materials were translated into four languages in addition to English—Chinese, Korean, Spanish, and Vietnamese.

Additional resources include a template residential bill insert and outdoor cart/bin decals, which help to reinforce message consistency across the county. Webinars have been another successful channel to communicate. A training webinar was conducted for hauler field and customer service representatives, and a webinar for businesses was held recently with more than 120 attendees. Building off of this success, the team plans to host additional sector-specific webinars in the coming months to reach edible food generators and multifamily property owners and managers.

### **Food Recovery**

StopWaste successfully negotiated a Memorandum of Understanding (MOU) with the Alameda County Department of Environmental Health (ACDEH) to assist with education and compliance monitoring at Tier One and Tier Two commercial edible food generator permitted sites in the county. The SB 1383/ORRO food recovery requirements will be incorporated into their existing food safety inspections. A MOU template was provided to StopWaste's member agencies and now most have signed MOUs in place allowing for inspections to begin. StopWaste is working closely with ACDEH to train their inspectors on the requirements and resources, and to provide consistent education and messaging to sites they inspect.

Edible food capacity planning activities were conducted to better understand the existing and potential capacity of the food recovery organizations and services operating in Alameda County, as well as to estimate the amount of edible surplus food generated by Tier One and Tier Two accounts. StopWaste continues to convene the Alameda County Food Recovery Network, which has expanded to include new members representing more food recovery organizations and services in the county. We continue to provide grants to food recovery organizations and services to help build capacity to recover more donated food. Our team worked closely with ACDEH to develop safe food handling practices and guidance for food donors. A list of organizations and services is now available online to help food generating businesses identify partners to pick up or receive their surplus edible food at <https://resource.stopwaste.org/food-recovery-organizations>.

### **Procurement**

The WMA Board identified a legislative or regulatory fix to the procurement targets as a priority for 2022. StopWaste's efforts are focused on identifying potential adjustments to procurement requirements that benefit Alameda County and other areas with robust compost markets and established organics programs. Staff is working with other counties, the composting industry, and the state on this issue.

In the meantime, StopWaste is supporting member agencies' compliance with the procurement requirements in several ways. We contracted with PlaceWorks, a landscape architecture and planning firm, to work with member agencies to inventory the amount of landscape area available for compost and mulch application in Alameda County jurisdictions. This information was then used to determine the amount of compost and mulch that can be used annually. StopWaste is currently

exploring opportunities to use the information in the landscape area inventory to create a tracking and record-keeping tool to facilitate reporting.

StopWaste is supporting member agencies to distribute more compost by piloting compost hubs at urban farm partners. Urban farms will receive large donations of compost that they can use on the farm on the condition that they make the compost available to the community. The first compost hub is in Alameda located at the Bay Area Maker Farm, serving the nearby community. Compost distributed via hubs can be attributed to the host jurisdiction's procurement requirements.

Stopwaste is also developing and testing direct service provider agreements to help member agencies attribute compost used in agriculture and landscape construction to their procurement targets. Staff will discuss the direct service provider agreement with Zero Foodprint to work toward member agencies' procurement targets while expanding carbon sequestration statewide. We will also discuss the concept of attributing compost used on non-municipal landscape construction projects to jurisdictions' procurement targets by leveraging member agencies' existing Water Efficient Landscape Ordinance enforcement.

### **Other Support**

StopWaste launched new website forms for SB 1383/ORRO businesses and multifamily properties to request waivers or provide documentation of alternative recycling such as self-haul, back-haul, and shared service to support member agencies with countywide processing of these requests. As of early March, 345 waiver requests have been submitted for de minimus generation and are in various stages of review or approval. This is approximately 2% of the ~20,000 commercial garbage accounts countywide.

StopWaste will also be taking the lead on sending non-compliance letters to commercial and multifamily properties that do not have the required organics or recycling collection service. These letters are expected to start in late April or May.

To assist businesses and multifamily properties with compliance, StopWaste continues to provide countywide technical assistance services via a consulting contract with Cascadia Consulting Group that coordinates TA activities with member agency and hauler outreach staff.

StopWaste also recently launched a Member Agency Data Portal to provide information on activities that StopWaste is conducting on behalf of member agencies to support the jurisdiction recordkeeping and reporting requirements of SB 1383.

Lastly, StopWaste SB 1383/ORRO staff are supporting TAC SB 1383 sub-groups that started in 2021 that facilitate sharing among member agencies on Enforcement, Outreach and Education, Food Recovery, and Procurement.

### **RECOMMENDATION**

This item is for information only.