



RURAL COUNTY REPRESENTATIVES
OF CALIFORNIA

March 23, 2020

The Honorable Brian Dahle
Member, California State Senate
State Capitol, Room 2054
Sacramento, CA 95814

**RE: Senate Bill 1191 – SUPPORT/SPONSOR
As Amended March 23, 2020**

Dear Senator Dahle:

On behalf of the Rural County Representatives of California (RCRC), I am writing to affirm our sponsorship of your Senate Bill 1191, related to organic waste management. RCRC is an association of thirty-seven rural California counties, and the RCRC Board of Directors is comprised of elected supervisors from those member counties.

SB 1191 allows low population counties and rural jurisdictions to develop and implement alternative organic waste management programs in place of the rigid and costly Senate Bill 1383 (Lara; 2016) mandates. Additionally, SB 1191 aligns the California Department of Resources Recycling and Recovery's (CalRecycle) organic waste management statute to conform it to long-standing provisions that require CalRecycle to consider whether a jurisdiction made a "good faith" effort to implement its recycling program before issuing a compliance order or imposing penalties on that jurisdiction.

SB 1383 requires the state to reduce landfill disposal of organic waste 75 percent by 2025 and to increase edible food waste recovery 20 percent. CalRecycle is on the verge of adopting far-reaching regulations to achieve those objectives and has estimated that it will cost as much as \$40 billion over the next decade and will require adding 50-100 new organic waste recycling facilities. These requirements pose many financial and implementation challenges for local governments across the state.

The new SB 1383 regulations will impose a host of costly new requirements on local governments and will substantially drive up residential service rates – especially in low-population and rural areas that lack the population density or economies of scale often found in urban areas. Unfortunately, there is little flexibility built into the regulations to let smaller, rural jurisdictions and low population counties develop innovative approaches that will contribute to the state's organic waste reduction objectives at far lower cost. While these jurisdictions may not have the economic resources to fully implement the SB 1383 regulations, they can play a key role in developing the organic waste recycling capacity

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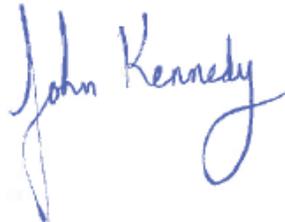
necessary to meet the overarching objectives and increasing the utilization of organic waste on working lands. SB 1191 will temporarily allow rural jurisdictions (those 19 counties with a population under 70,000 residents and the cities within those counties – just 1.5 percent of the state’s population) and low population counties (13 counties with between 70,000 and 250,000 residents) to implement alternative organic waste management programs that recover edible food waste, evaluate collaborative approaches to organic waste recycling for animal feed and compost production, and explore opportunities for siting new regional organic waste facilities and markets.

California’s ambitious solid waste diversion and recycling requirements have long required CalRecycle to consider whether a jurisdiction made a “good faith effort” to implement its solid waste diversion program before imposing penalties or a compliance order on that jurisdiction. Unfortunately, SB 1383’s placement of organic waste reduction requirements in the Public Resources Code made those existing requirements for CalRecycle to consider “good faith efforts” inapplicable to the ambitious new organics mandate. This leaves CalRecycle with little flexibility to consider a host of internal and external factors that impact a jurisdiction’s ability to implement the new regulatory requirements. SB 1191 reasonably aligns CalRecycle’s organic waste management statute with those long-standing requirements.

Finally, CalRecycle’s new SB 1383 regulations exempt high altitude elevations (over 4,500’) from food waste separation and recovery requirements to avoid bear-related public safety problems. Unfortunately, bear populations aren’t confined to areas above 4,500’ and the regulations fail to offer similar relief for those communities with nearby bear populations below that altitude. SB 1191 provides a similar exemption for residential and small commercial generators below 4,500’ in elevation where nearby bear populations pose a risk to public safety.

For these reasons, we support your SB 1191. If you should have any questions, please do not hesitate to contact me at jkennedy@rcrcnet.org or (916) 447-4806.

Sincerely,



JOHN KENNEDY
Legislative Advocate

cc: Members of the Senate Environmental Quality Committee
Genevieve Wong, Consultant, Senate Environmental Quality Committee
Scott Seekatz, Consultant, Senate Republican Caucus