



Legislation Text

File #: 20-0139, **Version:** 1

Environmental Management Department recommending the Board receive a presentation by the California Department of Resources Recycling and Recovery on the requirements of Senate Bill 1383 - Short-Lived Climate Pollutants: Organic Waste Methane Emissions Reductions. (Est. Time: 1 Hr.)

FUNDING: Non-General Fund. County Service Area No. 10 - Solid Waste funds.

DISCUSSION / BACKGROUND

On September 28, 2014, Governor Brown signed Assembly Bill 1826, known as Mandatory Commercial Organics Recycling (MORe), establishing implementation phases over time for the program including, but not limited to, the following: required businesses recycle their organic waste based on the amount and type of waste the business generates on a weekly basis; and after January 1, 2016, directed that local jurisdictions across the State implement organic waste recycling programs to divert organic waste generated by businesses, including multifamily residential dwellings that consist of five (5) or more units; and as updated on January 2, 2017, required businesses that generate four (4) cubic yards or more of organic waste per week to arrange for organic waste recycling services; and with full implementation of organic waste recycling services by January 1, 2019 for businesses that generate four (4) cubic yards or more of commercial solid waste. If by January 1, 2020, the California Department of Resources Recycling and Recovery (CalRecycle) determines that the statewide disposal of organic waste has not been reduced by fifty percent (50%) of the level of disposal during 2014, businesses that generate two (2) or more cubic yards of commercial solid waste will be required to arrange for organic waste recycling services.

On September 19, 2016, Governor Brown signed Senate Bill 1383 - Short-Lived Climate Pollutants: Organic Waste Methane Emission Reductions (SB 1383), establishing methane emissions reduction targets in a statewide effort to reduce emissions of short-lived climate pollutants in various sectors of California's economy. Relevant to CalRecycle's diversion of solid waste from landfilling goals, SB 1383 establishes targets to achieve a fifty percent (50%) reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020, and a seventy-five percent (75%) reduction by 2025. State law provides CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets, and establishes an additional target of not less than twenty percent (20%) of edible food that is currently disposed of be recovered for human consumption by 2025.

CalRecycle has been engaged in the SB 1383 rulemaking and regulations development process since 2016. While SB 1383 regulations were formally adopted by CalRecycle on December 30, 2019, they have not yet been made public. It is the Environmental Management Department's (Environmental Management) understanding that the latest draft (Attachment C) of the regulations will not significantly change. The draft regulations define organic waste as, "Solid wastes containing material originated from living organisms and their metabolic waste products, including but not limited to, food, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, paper products, printing and writing paper, manure, biosolids, digestate, and sludges."

No later than January 1, 2022, the current draft of CalRecycle's SB 1383 regulations will require the

County to:

- Amend solid waste franchise agreements to incorporate the mandated provisions of the regulations;
- Amend County Ordinance Code Chapter 8.42, Solid Waste Management, to incorporate mandated provisions of the regulations, including enforcement and monetary penalties for businesses and residents that fail to comply;
- Conduct extensive education and outreach to all affected parties, including generators (i.e., residents and businesses), haulers (including self-haulers), franchisees, edible food recovery organizations, and city/county departments;
- Provide “curbside” collection of organic waste to residential customers and the remaining businesses not captured under AB 1826, including food waste, yard/green waste, manure, etc., including container/lid color coding and labeling and require self-haulers to manage their organics;
- Initiate compliance monitoring of franchisees, businesses, and residences;
- Initiate extensive record keeping and reporting requirements demonstrating compliance with the regulations to CalRecycle;
- Ensure franchisees have secured necessary capacity from processing facilities that will be accepting organic waste;
- Establish an edible food recovery program that recovers edible food from Tier 1 food facilities, such as large supermarkets and grocery stores, and conduct onsite visits to verify participation (Note: this requirement is expanded to Tier 2 facilities, such as restaurants with greater than 250 seats and hotels with greater than 200 rooms and an onsite food facility, effective January 1, 2024);
- Ensure compliance with CalGREEN building requirements related to recycling and the Model Water Efficient Landscaping Ordinance; and
- Procure CalRecycle determined quantities of recycled organic waste products such as compost, mulch, or renewable natural gas.

It should be noted that the SB 1383 regulations include two (2) potential types of waivers that, upon review and approval by CalRecycle, would relieve portions of the County from certain implementation requirements. It is uncertain at this time if CalRecycle will approve the County’s request of said waivers.

Effective January 1, 2024, the County will be required to take progressive, punitive enforcement action against residential and commercial organic waste generators that do not comply with SB 1383 regulations and the County’s revised Solid Waste Management Ordinance.

Since the passage of Assembly Bill 939 in 1989, which, among other things, required jurisdictions to divert 25% of solid waste from landfilling by 1995 and 50% by the year 2000, CalRecycle has measured jurisdictional compliance using a, “Good faith effort” methodology. If the County fails to implement and enforce the regulations adopted pursuant to the passage of SB 1383, CalRecycle will take progressive enforcement action, up to and including \$10,000 per violation per day. A good faith effort by a jurisdiction to implement the regulations will not be considered.

While no Board action is being requested at this time, the purpose of this presentation is to provide the Board with an overview of the implementation requirements of SB 1383 in order to evaluate the

ramifications of SB 1383 and begin the implementation planning process that will impact Environmental Management and other County departments, such as the Planning and Building Department and the Chief Administrative Office, Procurement and Contracts Division. Environmental Management will be returning to the Board later in 2020 with an SB 1383 Implementation Plan, followed by revised franchise agreements for the County's three (3) franchise haulers, a revised Solid Waste Management Ordinance, and funding options for the Board's consideration necessary for SB 1383 implementation as well as ongoing administration and enforcement.

ALTERNATIVES

N/A

PRIOR BOARD ACTION

N/A

OTHER DEPARTMENT / AGENCY INVOLVEMENT

N/A

CAO RECOMMENDATION / COMMENTS

It is recommended that the Board receive the presentation.

FINANCIAL IMPACT

There is no change to Net County Cost associated with this item at this time. Potentially significant financial impacts are anticipated as result of the state-mandated implementation of the SB 1383 regulations. As part of the implementation planning process, Environmental Management will return to the Board at a later date regarding financial impacts.

CLERK OF THE BOARD FOLLOW UP ACTIONS

N/A

STRATEGIC PLAN COMPONENT

Healthy Communities

CONTACT

Greg Stanton, REHS, Director
Environmental Management Department