Scrap Your Fears About Food Waste Regulations: Preparing for SB1383

March 19, 2020
Monterey, California

Nicole Enright
Associate Program Manager
WELCOME
ILG is Connected to Key Local Gov Groups

ILG is the non-profit training and education affiliate of...
What Does ILG Do?

Promoting good government at the local level

Program Areas
- Leadership & Governance
- Sustainable Communities
- Public Engagement
- Youth & Civics Education

Services
- Education & Training
- Technical Assistance
- Capacity Building
- Convening

www.ca-ilg.org
ILG Recycling Resource Center

Resources, webinars, case examples to help your agency expand your programming and build additional infrastructure:

- Funding and Financing Recycling Infrastructure
- Planning and Siting Recycling Infrastructure
- Commercial Recycling

ca-ilg.org/recycling-resource-center
Our Speakers

Nicole Enright
Associate Program Manager
Institute for Local Government

Cara Morgan
Branch Chief
CalRecycle

Jennifer Chong
Public Works Program Manager
City of Half Moon Bay

Chuck Helget
Director of Government Affairs
Republic Services
Session Objectives

Understand how the regulations of SB 1383 will impact your city services and delivery.

Learn promising practices about how to develop, create, and implement local programs to reach the statewide goals to reduce organic waste.
Setting the Stage: What Does SB 1383 Mean For Your Agency?

**SB 1383**

- Requires the state to reduce organic waste [food waste, green waste, paper products, etc.] disposal by 75% by 2025
- Establishes a statewide target and not a jurisdiction organic waste recycling target
- Your agency is required to take action
- Jurisdictions must have programs in place on January 1, 2022
Who’s In the Room?

• Meeting Sift – informal, real time polling

Please Participate

1. open smartphone browser
2. go to sift.ly
3. enter participant code MBYN
SB 1383
Reducing Short-Lived Climate Pollutants in California

An Overview of SB 1383’s Organic Waste Reduction Requirements
Organic Waste Is the Largest Waste Stream in California


In California, millions are food insecure. 1 in 8 Californians and 1 in 5 children.

California throws away more than 6 million tons of food waste every year!
CLIMATE CHANGE NEGATIVELY IMPACTS CALIFORNIA

Landfilled Organic Waste Emits Methane Gas—A Super Pollutant
More Powerful than CO2

Methane Gas Contributes to Climate Change in California

CALIFORNIA is already experiencing the impacts of CLIMATE CHANGE

IN 2015 THE DROUGHT COST THE AGRICULTURE INDUSTRY IN THE CENTRAL VALLEY AN ESTIMATED $2.7 BILLION & 20,000 JOBS
<table>
<thead>
<tr>
<th>Year</th>
<th>Requirement</th>
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<tbody>
<tr>
<td>2020</td>
<td><strong>50% Reduction in Landfilled Organic Waste</strong>&lt;br&gt;(11.5 Million Tons Allowed Organic Waste Disposal)</td>
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<tr>
<td>2022</td>
<td><strong>Regulations Take Effect</strong></td>
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<tr>
<td>2025</td>
<td><strong>75% Reduction in Landfilled Organic Waste</strong>&lt;br&gt;(5.7 Million Tons Allowed Organic Waste Disposal)</td>
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<tr>
<td>2025</td>
<td><strong>20% Recovery of Currently Disposed Edible Food for Human Consumption</strong></td>
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SB 1383 Key Implementation Dates

- **September 2016**: SB 1383 Adopted
- **Jan. 2016**: SB 1383 Adopted
- **Late 2019/Early 2020**: Regulations Adopted
- **Jan. 1, 2020**: 50% Reduction in Organic Waste Disposal
- **Jan. 2019**: Two Years of Informal Rulemaking Ends. Formal Rulemaking Begins
- **Late 2019/Early 2020**: Regulations Take Effect and State Enforcement Begins
- **Jan. 1, 2022**: 75% Reduction in Organics Disposal
- **Jan. 1, 2022**: 20% Increase in Edible Food Recovery
- **Jan. 1, 2024**: Regulations Require Local Governments to Take Enforcement
- **June 1, 2025**: Regulations Require Local Governments to Take Enforcement

**Timeline**

- **2016-2019**: Implementation Period
- **2020**: 50% Reduction in Organic Waste Disposal
- **2021**: Regulations Adopted
- **2022**: Regulations Take Effect and State Enforcement Begins
- **2023**: 75% Reduction in Organics Disposal
- **2024**: 20% Increase in Edible Food Recovery
- **2025**: Regulations Require Local Governments to Take Enforcement
# SB 1383 Key Jurisdiction Dates

<table>
<thead>
<tr>
<th>2022</th>
<th>2024</th>
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<tbody>
<tr>
<td>Provide Organics Collection Service to All Residents and Businesses</td>
<td>Starting January 1, 2024 Jurisdictions must take action against non compliant entities</td>
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<tr>
<td>Establish Edible Food Recovery Program</td>
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<tr>
<td>Conduct Education and Outreach</td>
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<tr>
<td>Procurement</td>
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<tr>
<td>Capacity Planning</td>
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</table>
Monitor Compliance and Conduct Enforcement

Secure Access to Recycling and Edible Food Recovery Capacity

Provide Organics Collection Services to All Residents and Businesses

Conduct Education and Outreach to Community

Procure Recyclable and Recovered Organic Products

Establish Edible Food Recovery Program

Monitor Compliance and Conduct Enforcement

Jurisdiction Responsibilities
SB 1383 doesn’t just apply to waste management and recycling departments. Every local department plays a role in SB 1383 implementation.
Organic Waste Collection Services

Three-Container “source separated” Collection Service
- Organics prohibited from black container
- All organic waste segregated for collection and recycling

Two-Container Collection Service
- One container for collection of segregated organic waste
- One container for collection of mixed waste (subject to 75% organic content recovery standard)

One-Container Collection Service
- One container for collection of mixed waste (subject to 75% organic content recovery standard)

• Minimum contamination monitoring and reduction requirements
• Collection waivers authorized for certain documented circumstances

SB 1383 IN ACTION
JURISDICTION REQUIREMENTS

Provide organics collection service to all residents and businesses
Ensure Commercial Edible Food Generators Have Access to Food Recovery Services

SB 1383 IN ACTION

EDIBLE FOOD RECOVERY PROGRAM

Establish Edible Food Recovery Program

JURISDICTION REQUIREMENTS

Identify Existing Food Recovery Capacity

Monitor Commercial Edible Food Generators for Compliance

Expand Existing Food Recovery Capacity (if needed)

Local Governments

Commercial Generators

Food Banks and Pantries

Health Department

Food Recovery Services

Food Delivery Services

Local Food Policy Council

Identify Existing Food Recovery Capacity

Expand Existing Food Recovery Capacity (if needed)

Ensure Commercial Edible Food Generators Have Access to Food Recovery Services

Monitor Commercial Edible Food Generators for Compliance

Establish Edible Food Recovery Program

SB 1383 IN ACTION
**SB 1383 in Action**

**EDUCATION REQUIREMENTS**

Conduct Education and Outreach to Community

**JURISDICTION REQUIREMENTS**

Annually educate all organic waste generators, commercial edible food generators, and self-haulers about relevant requirements.

Jurisdictions must provide print or electronic communication.

Jurisdictions May Supplement with Direct Communication.

Appropriate educational material must be provided to linguistically isolated households.
SB 1383 in Action

Procurement Requirements

Procure Recycled and Recovered Organic Products

Jurisdiction Requirements

Compost, RNG & Electricity

- Minimum Procurement

Paper Procurement Requirements

- Recycled Content
- Recyclability

01 Collection
02 Recycling/Recovery
03 End-Use
04 Procurement

Close the Loop
Model Water Efficient Landscape Ordinance (MWELO) requirements for compost and mulch application.

Recycling organic waste commingled with C&D debris, to meet CalGreen 65% requirement for C&D recycling in both residential and non-residential projects.
SB 1383 IN ACTION

INFRASTRUCTURE REQUIREMENTS

Evaluating Current Infrastructure and Planning New Compost and AD Facilities and Edible Food Recovery
## JURISDICTION REQUIREMENTS

<table>
<thead>
<tr>
<th>Ordinance</th>
<th>Compliance Monitoring &amp; Education</th>
<th>Compliance Monitoring &amp; Enforcement</th>
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<td><strong>2022</strong></td>
<td><strong>2022-2024</strong></td>
<td><strong>2024</strong></td>
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### Adopt an Ordinance (Enforceable Mechanism)
- Monitor Compliance and Conduct Enforcement

### Annual Compliance Reviews
- Route Reviews, Route Reviews, Inspections

### Educate Violators
- Notice of Violations, Penalties for Violators

### Ordinance 2022

### Compliance Monitoring & Education 2022-2024

### Compliance Monitoring & Enforcement 2024

**SB 1383 IN ACTION**

**INSPECTION AND ENFORCEMENT REQUIREMENTS**

- Adopt an Ordinance (Enforceable Mechanism)
- Including Enforcement

**JURISDICTION REQUIREMENTS**

**Compliance Monitoring & Education 2022-2024**

**Compliance Monitoring & Enforcement 2024**
Must Have Enforcement and Inspection Program that Includes:

- Annual Compliance Review
  - Commercial Businesses that Generate > 2 Cubic Yards/week
  - Verify Businesses are:
    - Subscribed to Service or Self-hauling

- 2 or 3 Container Collection Service: Route Reviews of Commercial/Residential Areas to Verify Service and Inspect for Contamination

- Single Unsegregated Collection Service: Verify Businesses are subscribed to a service that is Transporting Contents to a High Diversion Organic Waste Processing Facility

Requirements Harmonize with AB 1826 and Don’t Establish a Minimum Quantity of Physical Inspections
Commercial Edible Food Generator Inspections Can Be Combined with Existing Mandatory Inspections

Must Have Enforcement and Inspection Program that Includes:

- Inspections to verify:
  - Edible food Recovery arrangements

- Tier 1 Commercial Edible Food Generators by 2022

- Tier 2 Commercial Edible Food Generators by 2024

Commercial Edible Food Generator Inspections Can Be Combined with Existing Mandatory Inspections
Recordkeeping Requirements:

- Maintain Records and Report to CalRecycle
- Organic Collection Services
- Hauler Program
- Contamination Minimization
- Waivers
- Education & Outreach
- Edible Food Recovery Program
- Recycled Organic Waste Procurement
- Recycled Paper Procurement
- Commercial Edible Food Generators
- Jurisdiction Inspection & Enforcement
CALRECYCLE OVERSIGHT (BEGINS IN 2022)

STATE ENFORCEMENT

Authorize Waivers
- Low Population
- Rural Areas

Emergency Circumstances

Oversee and Monitor
- State Agencies and Facilities
- Local Education Agencies

Oversee and Monitor for Compliance
- Conduct joint inspections with jurisdictions
- Review Implementation Record

If Violations
- Issue Notices of Violation
- May Authorize Corrective Action Plan
- Allows up to 24 months to address barriers outside of a jurisdiction’s control
# Statewide Public Education Campaign

<table>
<thead>
<tr>
<th>Goals</th>
<th>Deliverables</th>
<th>Funding</th>
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<tbody>
<tr>
<td>• Increase Recycling Rate</td>
<td>• Research</td>
<td>• 3-Year contract for up to $15.9 Million</td>
</tr>
<tr>
<td>• Clean Up Recycling System</td>
<td>• Messaging and Branding</td>
<td></td>
</tr>
<tr>
<td>• Making Organics Recycling Routine</td>
<td>• Translation</td>
<td></td>
</tr>
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<td></td>
<td>• Assistance to Jurisdictions</td>
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Market Development Opportunities

- Greenhouse Gas Grant & Loan Programs
- Recycling Market Development Zone (RMDZ) Program
- Partnership with the Governor’s Office of Business and Economic Development
STAY ENGAGED

https://www2.calrecycle.ca.gov/Listservs/Subscribe/152

https://www.calrecycle.ca.gov/organics/slcp

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City of Half Moon Bay – An SB1383 Case Study

Jennifer Chong
Public Works Program Manager
Jurisdiction Responsibilities

- Provide Organics Collection Services to All Residents and Businesses
- Conduct Education and Outreach to Community
- Secure Access to Recycling and Edible Food Recovery Capacity
- Establish Edible Food Recovery Program
- Procure Recyclable and Recovered Organic Products
- Monitor Compliance and Conduct Enforcement
Context

- Population: ~ 13,000
- Businesses: ~ 1,100
- Waste Hauler: Republic Services
- Franchise Agreement: 10-year with a 5-year extension, at City’s option
- Franchise Agreement Start Date: April 1, 2018
Highlights of Franchise Agreement

• Reestablished exclusive franchise with Republic Services with strict reporting and diversion goals

• Established a base level services that included three streams
  - Added food scraps to green waste collection

• Required consistent coloring for carts and bins with labeling

• Annual Education and Outreach Plan
Success Through Rate Structures: Single-Family Dwellings

One rate, three streams

• Rate based on garbage cart size
• Garbage options: 20, 32, 64 gallon

➢ Comes with 64-gal recycling, 96-gal organics
Success Through Rate Structures: Multi-Family Dwellings

All-inclusive base level service

- Garbage service includes...
  - 20-gallon organics per MFD unit*
  - 32-gallon recycling per MFD unit*
- Recycling free up until 10 CY Debris Boxes
- Additional organics cost $

*Services can be combined into larger bin
Success Through Rate Structures: Commercial Businesses

All-inclusive base level service

- Garbage service includes...
  - 32-gallon organics
  - 96-gallon recycling

- Recycling free up until 10 CY Debris Boxes

- Additional organics cost $
New Carts and Refurbished Bins
Cart and Bin Labeling

Garbage/Basura
650-592-2411 | InfoHMB@RepublicServices.com

Recycle/Reciclado
650-592-2411 | InfoHMB@RepublicServices.com

Compost/Abono
650-592-2411 | InfoHMB@RepublicServices.com
Education and Outreach

**Bilingual Mailers and Community Meetings**

- Post Implementation Workshops
- Bi-lingual Posters
- Bi-lingual Brochures
Next Steps

- Partner with County of San Mateo on food recovery program
  - Jack Johnson, Senior Sustainability Specialist, Waste Diversion,
    jejohnson@smcgov.org
- Enforce AB 1826 – letters, audits, business mixers
- Update municipal codes
  - June 2020 - CalRecycle model ordinance
Questions?

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Chuck Helget
Director, California Government Affairs
Republic Services

March 19, 2020
Monterey, California
<table>
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<tr>
<th>Year</th>
<th>Legislative Action</th>
<th>Details</th>
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| 1989  | **AB 939 (Sher)** sets a diversion rate of solid waste from landfills at: | • 25% by 1995  
• 50% by 2000 |
| 2011  | **AB 341 (Chesbro)** sets a recycling rate of solid waste from landfills at: | • 75% by 2020  
• Requires businesses to arrange for recycling services |
| 2014  | **AB 1826 (Chesbro) requires:** | • Local governments to adopt an organic waste recycling program  
• Generators of organic waste to arrange recycling services by 2019 |
|       | **AB 1594 (Williams) eliminates:** | • Diversion consideration for green waste as alternate daily cover  
• Effective January 1, 2020 |
| 2016  | **SB 1383 (Lara) sets a diversion rate of organic waste from landfills at:** | • 50% by 2020  
• 75% by 2025  
• CalRecycle estimates more than $21 billion to implement |

**CalRecycle estimates more than $21 billion to implement**
Update on Achieving Recycling Milestones

1995  25% diversion of solid waste
2000  50% diversion of solid waste
2016  44% actual diversion rate
2019  Lower projected rate
2020  75% recycling of solid waste
       50% recycling of organic waste
2025  75% recycling of organic waste

2018  China Sword destroys commodity market

HIGHLY UNLIKELY
What Happened?
Major Structural Changes in the Recycling Marketplace

Changes in the Stream
Newsprint has declined from 18 million tons in 2000 to only 2 million tons in 2015.

Material Light-weighting
It takes twice as much effort to recycle 1 ton of plastic bottles in 2015 as it did in 2000.

China Sword (2018)
Total ban of recyclable imports in 2020- US lost 1/3 of our recycling markets – Processing cost double

Commodity Markets Crash
Mixed paper is down 95%, corrugated cardboard is down 70%. Glass has negative value.
SB 1383 Disposal Baseline and Targets*: 50% below 2014 level by 2020
75% below 2014 level by 2025
What Will Happen?
An Unfunded Mandate has Created a Looming Problem

• Achieving California’s organic waste diversion goals will require $41 B to implement SB 1383 Organics diversion goals

• $400 million per year over the next 10 years ($4 billion) for infrastructure/processing upgrades and Markets:

• Local Garbage rates triple!!!

Currently, no funding source has been identified.
Funding Sources for Recycling Renewal—Key Objectives.

- Funding Must Be Adequate To Support State Imposed Recycling Mandates
- Offset Increased Recycling Costs and Declining Commodity Prices
- Fund Upgrades to Recycling Infrastructure and Markets
- Stabile Long-Term Funding Source
Conclusion – Action Needed!

Without a stable state funding source, California will not meet the state imposed recycling and GHG reduction goals!

- $400,000,000 Annually for 10 Years
- 50% of $8B CalRecycle Estimates to Implement SB 1383
- Shared Responsibility
- Recycling is No Longer Free
City of Stockton Contract – It Can Be Done!

- Republic held contract since 1981/Extension Due
  - Escalator of 50% CPI fell far short of cost recovery
  - City Switched billing - led to 15% bad debt on garbage bill
  - Recycling Market collapse – Regional recycler went from paying $40/ton in 2017 to charging $110/ton in 2019
  - Contamination a major issue
  - SB 1383
City of Stockton Contract Terms

- Roughly a 30% Increase
- Commercial Base Rate includes 1 Cu/Yd Recycling /96 Gallon Organics = Automatic Compliance
- Contract Covers SB 1383 Obligation Except:
  - Local Enforcement/Procurement/edible Food Recovery
- Increased Contamination Monitoring Budget
- Bad Debt Costs Millions $$$ – Tax Lien
- Residential/Commercial Bin Replacement
- Contamination Fee BUT...Heavy Focus On Education/Front End Contamination
- Reasonable Annual Increase
THANK YOU!

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o: 916-449-9686 c: 916-257-0472
Questions?
Thank You

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