

CITY OF SANTA ROSA
CITY COUNCIL

TO: CITY COUNCIL CLIMATE ACTION SUBCOMMITTEE

FROM: JOEY HEJNOWICZ, ADMINISTRATIVE ANALYST,
TRANSPORTATION & PUBLIC WORKS

SUBJECT: INTRODUCTION TO SB 1383 (SHORT-LIVED CLIMATE
POLLUTANTS – ORGANIC WASTE REDUCTIONS)
REQUIREMENTS AND IMPACTS

AGENDA ACTION: INFORMATIONAL

RECOMMENDATION

It is recommended by the Transportation and Public Works Department that the City Council Climate Action Subcommittee receive information and ask any questions of staff regarding Senate Bill 1383 –Short-lived Climate Pollutants – Organic Waste Reductions.

EXECUTIVE SUMMARY

In September 2016, Governor Brown set methane emissions reduction targets for California (SB 1383 Lara, Chapter 395, Statutes of 2016) in a statewide effort to reduce emissions of short-lived climate pollutants. The targets must reduce organic waste disposal 75% and rescue currently disposed edible food by at least 20% by 2025. SB 1383 is the most significant waste reduction mandate to be adopted in California in the last 30 years.

City of Santa Rosa is working closely with Zero Waste Sonoma (ZWS) on SB 1383 implementation to best determine responsibility for the regulation's various new requirements. Some of the requirements can be handled by ZWS while others will be the responsibility of the City. SB 1383 implementation details are currently being developed in the form of a Memorandum of Understanding (MOU) with ZWS. This informational item is being provided to the Climate Action Subcommittee in order to receive information and ask any questions of staff regarding SB 1383.

BACKGROUND

SB 1383 was signed into law by Governor Brown on September 19, 2016 and addresses short-lived climate pollutants, namely methane emissions created by organic materials (food scraps, yard debris, paper products). SB 1383 is the most significant waste reduction mandate to be adopted in California in the last 30 years. The regulation sets targets for reducing the amount of organic materials sent to landfills and will have a significant impact on the solid waste services provided throughout the State and in Sonoma County.

SB 1383 will require increases in funding in order to develop, implement and administer the program. For example, ZWS will be hiring a full-time staff person to assist with implementation of SB 1383. City of Santa Rosa staffing impacts are currently being evaluated. It should also be noted that Recology will need to increase staffing and purchase capital in order to implement SB 1383's requirements. Amendments to the Solid Waste Collection Services Agreement with Recology are currently being developed and staff will return to City Council with more detailed information later in the year.

On September 9, 1992, the nine Sonoma County Cities and the County of Sonoma created a Joint Powers Authority (JPA) called Zero Waste Sonoma (also known as the Sonoma County Waste Management Agency) to help manage the region's waste management programs and fulfill state reporting requirements. Zero Waste Sonoma (ZWS) has since assisted its member's jurisdictions to collectively address regulatory compliance requirements related to recycling, composting, and household hazardous waste while also providing public education to reduce and divert waste from the landfill.

City of Santa Rosa staff is working closely with ZWS on SB 1383 implementation to best determine responsibility for the regulation's various new requirements. Some of the requirements can be handled by ZWS while others will be the responsibility of the City. SB 1383 implementation details are currently being developed in the form of a Memorandum of Understanding (MOU) with ZWS. Please note that the state shall ultimately hold each member jurisdiction responsible for compliance with SB 1383.

PRIOR CITY COUNCIL REVIEW

None

ANALYSIS

The regulations will become effective on January 1, 2022. SB 1383 authorizes local jurisdictions to charge fees to recover the costs incurred in complying with the regulations. SB 1383 sets forth statewide requirements to reduce organic material disposal by 75% and increase edible food recovery by 20% by 2025 and specific implementation tasks to achieve these goals are required of local governments. The City of Santa Rosa must do the following in order to comply with SB 1383:

- Provide organic material collection to all residents and businesses.

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- Establish a food recovery program to recover edible food from the landfill.
- Conduct outreach and education to all affected parties, including generators, haulers, facilities, edible food recovery organizations, and city/county departments.
- Estimate organic material processing and food recovery capacity available to the City and create a plan to fund expansion if capacity is not sufficient.
- Procure organic waste products such as compost, mulch, and renewable natural gas.
- Inspect covered entities and enforce compliance with SB 1383 by adopting an enforcement ordinance before January 1, 2022.
- Maintain accurate and timely records of SB 1383 compliance.

Some of SB 1383's requirements are explained in further detail below:

Edible Food Recovery Requirements for Jurisdictions

Santa Rosa will be required to develop a list of food recovery services and organizations within our jurisdiction and shall implement an edible food recovery program to:

- Educate commercial edible food generators
- Increase access to food recovery organizations and services
- Monitor edible food generator compliance
- Increase edible food recovery capacity if adequate capacity does not currently exist

Jurisdictions may fund actions for food recovery through franchise fees, local assessments, or other local funding mechanisms.

Edible Food Recovery Requirements for Food Generators

Tier One Commercial Edible Food Generators must donate their excess edible food and comply with the associated recordkeeping requirements by January 1, 2022. Tier Two Commercial Edible Food Generators must do the same by January 1, 2024. Tier One and Tier Two Generators must maintain a contract with each food recovery organization that provides a pick-up service or accepts donated food that the generator self-hauls.

Tier One Commercial Generators	Tier Two Commercial Generators
Supermarkets with gross annual sales of \$2 million dollars or more	Restaurants with 250 or more seats, or a total facility size 5,000 sq. ft. or greater
Grocery stores (10,000+ sq. ft.)	Hotels with on-site food facility, and 200 or more rooms
Food service providers	Health facility with on-site food facility, and 100 or more beds
Food distributors	Large venues that annually seat or serve an average of more than 2,000 individuals per day of operation
Wholesale food vendors	Large events that serve an average of more than 2,000 individuals per day of operation

Edible Food Recovery Requirements for Food Recovery Organizations

Food recovery organizations will be required to maintain records of the contact information of each organization they service. Additionally, they must keep records of the kinds and amounts of food collected, delivered, or rejected.

Enforcement Requirements

Each jurisdiction is required to adopt an ordinance imposing requirements for all generators to comply with organic material collection and edible food recovery. Additionally, all jurisdictions must adopt an inspection and enforcement plan for all regulated entities, and the plan must be approved by Council by January 1, 2022. Regulated entities include:

- Commercial business generators
- Multi-family and single-family residential generators
- Annual or regularly scheduled events
- Large venues

The regulations specify that all new businesses shall be inspected within one year of receiving a business license and that no fewer than 20% of regulated entities shall be inspected each year. The records of all inspections and enforcement actions must be maintained for a minimum of five years. The enforcement process shall begin with a Notice of Violation (NOV). Prior to January 1, 2024, anyone in violation of the requirements shall be given educational materials. After January 1, 2024, the enforcement process becomes effective and will involve progressive enforcement action, including monetary penalties if necessary.

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Enforcement over Jurisdictions

The regulations also provide that if CalRecycle finds that a jurisdiction is not fulfilling one of more of its responsibilities to implement and enforce SB 1383, CalRecycle may engage in enforcement actions of its own over the jurisdiction in violation. Those actions may include:

- Conducting more frequent inspections
- Taking over direct enforcement
- Establishing a schedule for compliance and a probationary period, requiring a work plan, requiring the jurisdiction to demonstrate it has sufficient staffing
- Seeking administrative penalties.

Potential Impacts for Santa Rosa

Compliance with SB 1383 will result in increased costs to residents, businesses, Recology, ZWS and the City. Expected costs to implement SB 1383 are for education, outreach, general administration, organic waste product and recycled content paper procurement, inspections, enforcement, and establishing and/or expanding the edible food program for the community. The City, ZWS and Recology are collaborating to determine the full cost plan to implement SB 1383.

FISCAL IMPACT

Approval of this action does not have a fiscal impact on the general fund.

However, SB 1383 has new program and operational requirements which will need to be funded by our community through future solid waste rate increases.

ENVIRONMENTAL IMPACT

This action is exempt from the requirements of the California Environmental Quality Act (CEQA) in accordance with Section 15308 of the CEQA Guidelines as action taken by a regulatory agency as authorized by state or local ordinance to assure the maintenance, restoration, enhancement or protection of the environment where the regulatory process involves procedures for protection of the environment, in that the SB 1383 sets requirements to reduce waste and increase recycling and composting.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not applicable

NOTIFICATION

Not applicable.

ATTACHMENTS

Not applicable

CONTACT

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