



INTRODUCTION OF AN ORDINANCE OF THE
COUNCIL OF THE CITY OF SANTA ROSA AMENDING
TITLE 9 OF THE SANTA ROSA CITY CODE BY
AMENDING CHAPTER 9-12 REFUSE AND
SANITATION AND CHAPTER 9-14 CONSTRUCTION
AND DEMOLITION DEBRIS BY ADDING PROVISIONS
AND REQUIREMENTS OF SENATE BILL 1383 SHORT-
LIVED CLIMATE POLLUTANTS: ORGANIC WASTE
REDUCTIONS

City Council

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BACKGROUND

- California is now experiencing the effects of a climate crisis: hotter summers with record-breaking temperatures, devastating fire seasons, extreme droughts, and rising sea levels that erode our coastlines
- Scientists tell us that greenhouse gases released by human activities, like landfilling food and yard waste, cause climate change
- Organic waste in landfills emits 20 percent of the state's methane, a climate super pollutant 84 times more potent than carbon dioxide

BACKGROUND

- Organics like food scraps, yard trimmings, paper, cardboard, etc. make up nearly half of what Californian's dump in landfills
- Reducing short-lived climate pollutants like organic waste will have the fastest impact on the climate crisis
- To respond to this climate crisis, California is implementing statewide organic waste recycling and surplus food recovery

BACKGROUND

- 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 statewide targets enact policies designed to:
 - Reduce organic waste disposal 75% by 2025
 - Rescue for people to eat at least 20% of currently disposed surplus food by 2025

ACTION REQUIRED

- The City of Santa Rosa must adopt an enforceable ordinance or similar mechanism requiring compliance with the various SB 1383 regulation requirements no later than the regulations implementation date of January 1, 2022
- The proposed City Code amendments will codify the provisions and requirements of SB 1383

ANALYSIS

- SB 1383 regulations become effective January 1, 2022
- SB 1383 authorizes local jurisdictions to charge fees to recover the costs incurred in complying with the regulations
- SB 1383 outlines specific implementation tasks required of local governments to achieve the goals of SB 1383

ANALYSIS

- 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
 - 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 departments

ANALYSIS

- The City of Santa Rosa must do the following in order to comply with SB 1383:
 - 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 recyclable and recovered organic waste products such as compost, mulch, and/or renewable natural gas
 - Monitor compliance and conduct enforcement of covered entities
 - Maintain accurate and timely records of SB 1383 compliance

EDIBLE FOOD RECOVERY REQUIREMENTS

- Required to develop a list of food recovery services and organizations within Santa Rosa and 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

EDIBLE FOOD RECOVERY REQUIREMENTS FOR FOOD GENERATORS

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 GENERATORS

- Tier 1 Edible Food Generators must donate their excess food and comply with the associated recordkeeping requirements as of January 1, 2022
- Tier 2 must do the same as of January 1, 2024
- Both must maintain a contract with each food recovery organization that provides a pick-up service or accepts donated food that the generator self-hauls
- Food Recovery Organizations are required to keep records on each organization they service

PROCUREMENT OF RECOVERED ORGANIC WASTE PRODUCTS

- Required to procure organic waste products that may include compost, renewable natural gas, electricity from biomass conversion and/or mulch
- Based on initial calculations compost procurement would be approximately 8,201 tons annually at a cost of approximately \$400,000
- Zero Waste Sonoma and jurisdictions are exploring a compost rebate program to lessen financial and compost availability burden

CALGREEN CONSTRUCTION AND DEMOLITION DEBRIS

- SB 1383 requires full adoption of California Green Building Standards Code (CALGreen), Title 24, Part 11
- CALGreen requires construction and demolition debris recycling of at least 65%
- Current Santa Rosa City Code requires construction and demolition debris recycling of at least 50%
- Proposed adjustments to the Construction and Demolition Debris City Code (Chapter 9-14) will update and align with requirement

CITY ENFORCEMENT REQUIREMENTS

- Must adopt an ordinance imposing requirements for all generators to comply with organic material collection and edible food recovery
- Regulations specify that a sufficient number of businesses should be inspected each year to confirm compliance
- 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 administrative penalties if necessary

CALRECYCLE ENFORCEMENT REQUIREMENTS

- Regulations provide that if CalRecycle finds that a jurisdiction is not fulfilling one or more of its responsibilities to implement and enforce SB 1383, CalRecycle may engage in enforcement actions of its own
- Those actions may include:
 - Conducting more frequent inspections
 - Taking over direct enforcement
 - Establishing a schedule for compliance, requiring a work plan and demonstration City has sufficient staffing
 - Seeking administrative penalties

PENALTIES ISSUED BY JURISDICTION

- Jurisdiction shall impose penalties for violations of the requirements of SB 1383 as of January 1, 2024
- Penalty levels shall be as follows:
 - 1st violation – \$50 - \$100
 - 2nd violation – \$100 - \$200
 - 3rd or subsequent violation - \$250 - \$500

PENALTIES ISSUED BY CALRECYCLE

- CalRecycle may impose administrative penalties against non-compliant jurisdictions
- Penalty levels shall be as follows:
 - *Minor violation* – minimum deviation from requirements - \$500 - \$4,000 per violation per day
 - *Moderate violation* – moderate deviation from requirements - \$4,000 - \$7,500 per violation per day
 - *Major violation* – substantial deviation from requirements - \$7,500 to \$10,000 per violation per day

PENALTIES ISSUED BY CALRECYCLE

- Once the penalty range has been determined, various factors would be used to determine the amount of the penalty for each violation within that range including:
 - The nature, circumstances, and severity of the violation(s)
 - Violator's ability to pay
 - The willfulness of the violator's misconduct
 - Whether the violator took measures to avoid or mitigate the violations
 - Evidence of any economic benefit resulting from the violation(s)
 - The deterrent effect of the penalty on the violator
 - Whether the violation(s) were due to conditions outside the control of the violator

SANTA ROSA IMPACTS

- SB 1383 compliance will come with increased costs (education/outreach, general administration, organic waste product procurement, inspections, enforcement, capital costs and establishing and/or expanding the edible food recovery program)
- City of Santa Rosa, Zero Waste Sonoma and Recology all have a part in SB 1383 implementation
- Zero Waste Sonoma – assist with education and outreach, organic waste procurement, reporting & recordkeeping, organic waste processing and diversion planning and initial administration of complaints, violations, and waivers

SANTA ROSA IMPACTS

- Recology will assist with the capital requirements (bins, cans, decals, etc.), route reviews, contamination monitoring, education and outreach, recordkeeping, and reporting
- Santa Rosa, as the jurisdiction, is ultimately responsible to ensure all SB 1383 requirements and conditions are met
- Santa Rosa is the ultimate enforcement authority for non-compliant entities resulting in administrative penalties

SANTA ROSA IMPACTS

- Complete costs to implement SB 1383 will not be fully known until at least a year into implementation (where costs are actualized)
 - Zero Waste Sonoma – Agency Fee
 - Recology collection rates
- Initial cost projections for SB 1383 reveal approximately 5% increases to solid waste collection rates
- Staff to bring forward agreements with Zero Waste Sonoma (MOU) and Recology (4th Amendment to Solid Waste Collection Services Agreement)

QUESTIONS?