

SB 1383

Reducing Short-Lived Climate Pollutants in California

Amador County 2021

An Overview of SB 1383's
Organic Waste Reduction
Requirements



Thank you for **inviting us to present today.**

- This presentation provides a very high-level overview of the requirements for compliance with 1383 for Amador County.
- **Next**

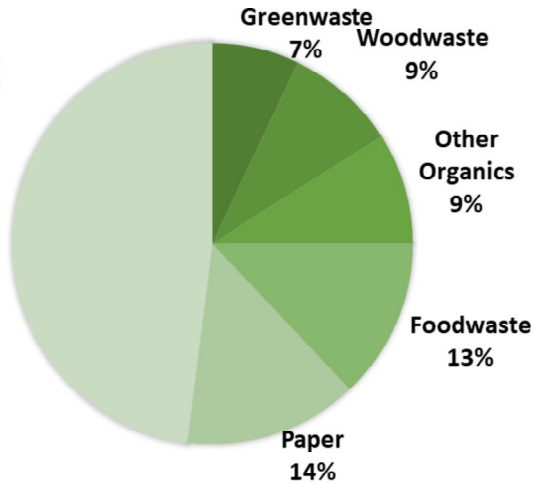
Organic Waste Is the Largest Waste Stream in California

1 IN 5 CALIFORNIANS ARE
FOOD INSECURE



CALIFORNIA THROWS AWAY MORE THAN 6 MILLION TONS OF FOOD WASTE EVERY YEAR!

Non Organic waste
48%



CALIFORNIA DISPOSED OF APPROXIMATELY 24 MILLION TONS OF ORGANIC WASTE IN 2018

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Why is 1383 important?

- Organic waste comprises half of CA's disposed waste stream
 - Foodwaste comprises 13% of the state's disposed waste.
- This is **happening while so many Californians go hungry every night in California**

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

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- Another important reason that this is so important is the fight against climate change.
- SB 1383 passed in 2016 as part of California's larger strategy to combat climate change.
- The law was designed to reduce global warming super pollutants like methane, which is up to 84 times more potent than carbon dioxide.
- Landfills are one of the three largest producers of methane in the state.
- When organic material breaks down in the landfill methane is generated. So we need to move away from landfilling organic waste (like food, paper, and yard waste).

SB 1383 Requirements

2020	50% REDUCTION IN LANDFILLED ORGANIC WASTE (11.5 Million Tons Allowed Organic Waste Disposal)
2022	REGULATIONS TAKE EFFECT
2025	75% REDUCTION IN LANDFILLED ORGANIC WASTE (5.7 Million Tons Allowed Organic Waste Disposal)
2025	20% RECOVERY OF CURRENTLY DISPOSED EDIBLE FOOD FOR HUMAN CONSUMPTION



- SB 1383 is a statewide target that requires CA to **reduce organic waste disposal by 75% by 2025** and **increase edible food recovery by 20% by 2025**.
- **Organic waste is defined broadly in the regs and includes food waste, paper, cardboard, green waste, organic textiles and carpets, lumber, wood, biosolids, digestate, manure, and sludges.**
- CalRecycle has been collaborating with jurisdictions and other stakeholders over the past 3 ½ years to complete the regulations that are final as of 11/3/2020
- While the regulations take effect in 2022, **jurisdictions have to plan now** so they can be in compliance by January 1, 2022.
- **Next**

New Statewide Programs to Reduce Super Pollutants

Food & Organics Waste Collection



Edible Food to Food Insecure

Millions of meals to 1 in 5 food insecure in CA



New and Expanded Recycling

15,000 green jobs



Recycled Organics Products

10,000 refuse trucks or 5,700 buses powered by renewable fuels



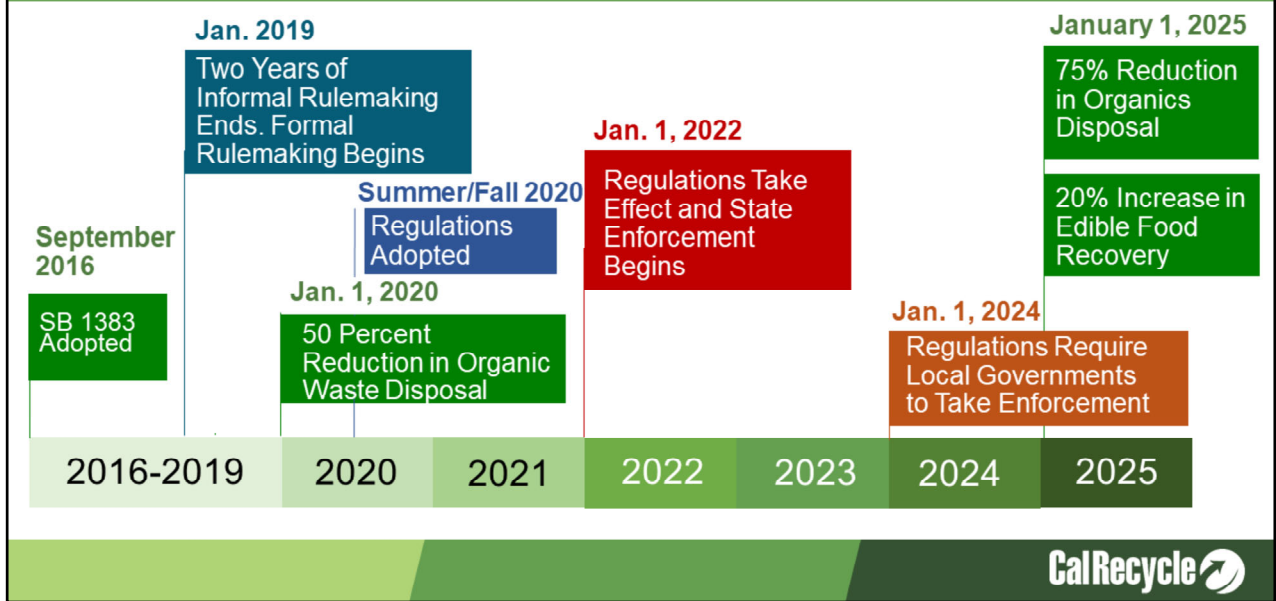
Lower GHGs =
1.7 million fewer cars a year

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There are many benefits if we successfully implement California's super pollutant reduction strategy including:

- Environmental benefits, such as **fighting climate change, improved air quality** and **less landfilled waste**
- **Providing millions of meals to Californians without enough to eat and**
- **Creating thousands of new green jobs.**

SB 1383 Key Implementation Dates



Here are some key implementation dates throughout the rulemaking process.

Department Issued Waivers

Rural Exemption
Low-Population Waiver
Elevation Waiver



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Before I provide a general overview of the regulation requirements let's first discuss the department issued waivers and how this relates to the County.

- There are three types of waivers that the department can issue that relieves a jurisdiction from certain requirements in the regulations—Rural Exemption, Low Population Waiver, and Elevation Waiver.
- These waivers ensure that counties can conserve resources by focusing on collecting organic waste from high-density areas where the most organic waste can be collected for recovery.

1. Amador County will apply for the rural exemption. Jurisdictions that were granted an AB 1826 waiver will submit a resolution and the exemption will be valid until end of 2026.
 - The County may apply in 2026 for a low-population or high elevation waiver if it meets the thresholds.

Next

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Department Issued Waivers

- Which regulatory requirements would be waived for a rural county that receives a rural exemption from CalRecycle?



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Amador County currently has a rural exemption under **AB 1826** and thus will qualify for a **SB 1383** rural exemption that covers the timeframe of **Jan. 1 2022 through Dec. 31, 2026**. Let me share the requirements that Amador will be waived from by having a rural exemption:

Article 3:

Jurisdictions that receive a **rural exemption**, including some or all of its generators, are exempt from some or all of the requirements outlined in **Article 3**. **These are the mandatory organic waste collection services requirements.**

Below is an overview of the other requirements that are waived during the waiver period.

Article 4:

Regarding Section 18985.1 (Article 4 education and outreach), a jurisdiction would not have to provide the **information required in Section 18985.1(a)(1) regarding the collection service.**

Article 7:

The County is not subject to Article 7 so it does not have to have requirements on haulers or self-haulers. And haulers and self-haulers that operate or are located within the county, are not required to comply with the requirements of Article 7.

Article 11:

Because the county will have a **rural exemption it does not have to plan for organic waste capacity from 2022-end of 2026. This will also continue if the entire county is approved for a low population waiver at the end of 2026.** As long as the waiver is in effect the jurisdiction does not have to plan for organic waste capacity.

However, the **capacity planning requirements for edible food recovery would still be required.**

- **The County also will not be required to include organic waste capacity planning data in the report submitted by the County required by Section 18992.1 in the first reporting period and subsequent reporting periods if they continue to have a waiver. The County will have to report on its edible food capacity planning.**

Article 12:

1. Rural counties, and jurisdictions located within rural counties that are exempt from the organic waste collection requirements pursuant to Section 18984.12(c), are not required to comply with the organic waste product **procurement requirements in this Section from January 1, 2022-December 31, 2026.**
2. **Recycled Content Paper Product procurement does apply starting on Jan. 1, 2022.**

Article 13:

If a jurisdiction has a **rural exemption then it would not need to report the information in Article 13, Sections 18994.1(a)(1)(2) and 18994.2 (b), (c), (d)(1-4), (f), (k)(2).**

Article 14:

Section 18995.1(a)(1)(A)(2) would not be applicable as route reviews or waste evaluations would not be conducted in areas that are waived from collection services.

Please note that a waived jurisdiction must implement all other regulatory requirements, unless otherwise specified.

1. Edible food recovery program
2. Capacity planning (if all of the jurisdictions in the county have a waiver from organic waste collection, then the County will only need to lead capacity planning for edible food.
3. Paper and paper product procurement
4. Implementation record and annual reporting information for only the requirements that are not waived.
5. Enforcement and inspections for commercial edible food generators, commercial edible food organizations/services, complaints, etc.
 1. Ordinance or enforceable mechanism must be in place by Jan. 1, 2022.

- In **2026**, the unincorporated county should assess if it will be **eligible in part or entirely for a low population waiver or high elevation waiver.**

Next

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



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Conduct annual education and outreach to all generators

- This includes information on methods for the prevention of organic waste generation, recycling organic waste onsite, and sending organic waste to community composting.
- This also includes information regarding programs for the donation of edible food.
- Must be linguistically accessible

Purchase recycled-content paper and paper products if price and performance is comparable

The County must lead the planning effort to **plan for adequate capacity for edible food recovery**

- Each **county will lead this effort by coordinating** with cities, special districts that provide solid waste collection services, and regional agencies located within the county
- CalRecycle has a **tool and guidance for edible food recovery capacity planning**

Monitor **compliance and conduct enforcement** – for edible food recovery

- Monitoring and education begins in 2022

AB 341

- The County is also required to continue its implementation of AB 341 the mandatory commercial recycling law.

Requirements include **adopting an ordinance or enforceable mechanism** consistent with the regulatory requirements by Jan. 1, 2022.

I will talk about the model tools to help the County with this requirement.

NEXT

IGNORE

The items below would be covered for a jurisdiction that does not have a rural exemption.

This slide provides a brief overview of the program requirements that **jurisdictions will be required to adequately staff and resource**. We will cover briefly some of these requirements in the next few slides.

**Jurisdictions that have received a waiver from the Department (low-pop, rural, or high-elevation) do not need to provide organics collection services to residents and businesses (Article 3 requirements)*

Js will be **required to provide organic waste collection services to all residents and businesses.**

- **These requirement does not apply to waived jurisdictions.*
- **Other than Rural Exemptions, waived jurisdictions still need to implement AB 1826 and plan for the related organics capacity.*
- This is what **we refer to as automatically providing service or universal service**; the **resident or business is automatically provided** the service rather than subscribing to it.
- The regs **standardize container colors across** the state (to be fully implemented by Jan 1, 2036), and require a jurisdiction to **place a label on each new container or lid** provided to generators (starting Jan 1, 2022).
- Js can issue three types of waivers to generators (de minimis, physical space, and collection frequency).
- The **dept can issue waivers to jurisdictions**, which **delay or exclude implementation of some of the requirements**: low population, rural exemption, and high elevation.
- **The regulations also place requirements on residents and commercial businesses.**

Jurisdictions must **conduct annual education and outreach** to all generators

- This includes information on methods for the prevention of organic waste generation, recycling organic waste onsite, and sending organic waste to community composting.
- This also includes information regarding programs for the donation of edible food.

- Must be linguistically accessible

Jurisdictions must also **procure certain levels of recovered organic waste products (compost, renewable gas, or electricity from biomass conversion).**

- **Rural counties, and jurisdictions located within rural counties that are exempt from the organic waste collection requirements pursuant to Section 18984.12(c), are not required to comply with the procurement requirements in this Section from January 1, 2022-December 31, 2026.**
- Each jurisdiction will have a minimum procurement target that is linked to its population. **requirements to purchase recycled-content paper and paper products if price and performance is comparable**
- **CalRecycle will provide a calculator** for a jurisdiction to use to calculate progress towards meeting their target.
- **CalRecycle will notify jurisdictions of their target Prior to January 1, 2022**

Each jurisdiction **must plan for adequate capacity for recycling organic waste and edible food recovery**

- **Waived jurisdictions do not need to plan for organic waste recycling capacity*
- Each **county will lead this effort by coordinating** with cities, special districts that provide solid waste collection services, and regional agencies located within the county
- CalRecycle will **provide a tool for organic waste capacity planning and edible food recovery capacity planning**

Jurisdictions must monitor **compliance and conduct enforcement** – **for MCR, MORE, if applicable, and edible food recovery*

- Monitoring and education begins in 2022
- Jurisdictions must do an **annual compliance review of commercial businesses to make sure that they have service** (*again, only for MCR, MORE, if applicable, and edible food recovery*)
- There are **contamination monitoring requirements** of the contents of the containers. Jurisdictions will typically delegate this task to their hauler. (*This requirement does not apply to waived jurisdictions*)
- **To reduce reporting, jurisdictions are required to maintain records and keep information in an Implementation Record.**
- Each jurisdiction is **required to report to the Department annually** on its implementation and compliance with the requirements of 1383.

Requirements include **adopting an ordinance or enforceable mechanism** consistent with the regulatory requirements prior to 2022.

I will talk about the model tools to help the City with this requirement.

Next

SB 1383 IN ACTION

LOCAL GOVERNMENT ROLES AND RESPONSIBILITIES

SB 1383 doesn't just apply to waste management and recycling departments.

Every local department plays a role in SB 1383 implementation.



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SB 1383 extends beyond directing waste management and recycling operations and staff. Again since Amador County currently has a rural exemption under AB 1826 it will qualify for a SB 1383 waivers thus most departments as seen on this slide will not be affected or have a role to play.

- This slide shows every dept. within local gov't that could be affected.
- The County will need to determine the staff that are needed to implement the requirements that are not waived, such as the commercial edible food recovery program, paper and paper products purchasing, annual report, enforcement, etc.
- Each affected department will need to understand how SB 1383 impacts their work.
- Jurisdictions should be thinking and planning for the staffing they will need, whether they will task their direct service providers to staff some activities, and whether they will contract with other entities, such as Environmental Health inspectors or consultants.
- The ESJPA has developed a draft implementation plan and staff report to help the County direct the staff that need be involved as many activities would likely not be done by Public Works.
- NEXT

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COMMERCIAL EDIBLE FOOD GENERATORS (ARTICLE 10) (SECTIONS 18991.3 – 18991.5)


Tier 1

-  **Wholesale Food Vendors**
-  **Food Service Providers & Food Distributors**
-  **Grocery Stores**
Facilities ≥ 10,000 sq. ft.
-  **Supermarkets**


Tier 2

Starts 2024

-  **Restaurants**
Facilities ≥ 5,000 sq. ft.
-  **Hotels**
with on-site food facility and ≥ 200 rooms
-  **Local Education Agencies**
with on-site food facility
-  **Large Venues and Events**
-  **State Agencies**
with cafeterias
-  **Health Facilities**
with ≥ 100 beds and on-site food facility



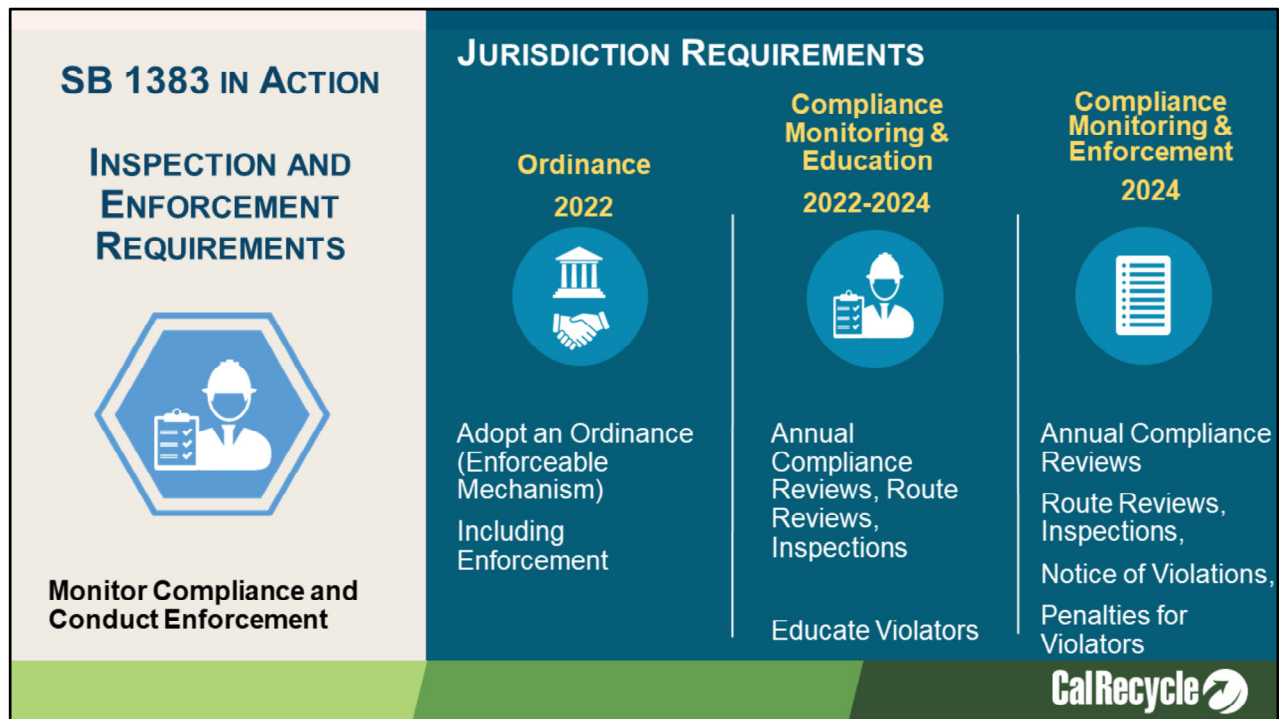
Federal
Facilities

11


The County is **responsible to implement an Edible Food Recovery Program**. This includes:

- **Providing Education and Outreach**
- **Assessing Capacity of Existing Edible Food Recovery (And Expanding Existing Infrastructure if necessary)**
- **Conducting inspections of Tier One commercial edible food generators and food recovery organizations and services, beginning 2022; and inspections of Tier Two commercial edible food generators, beginning January 1, 2024.**
 - Regarding inspections, jurisdictions are required to inspect Tier 1 and Tier 2 commercial edible food generators to verify they are recovering the maximum amount of edible food possible and are not intentionally spoiling edible food that is recoverable.
 - Inspections should be at a level/rate to adequately determine compliance with the requirements; annual inspections of each Tier 1 and Tier 2 commercial edible food generator is not required.
 - Beginning in 2024, jurisdictions must take enforcement action on commercial edible food generators that are out of compliance with the edible food recovery requirements.
- There are also **recordkeeping and reporting requirements**.
- **This slide covers who the Tier 1 and Tier 2 Commercial edible food generators are.**
- I will share later about the tools that CalRecycle is developing to support you.

Next



- **By January 1, 2022**, Jurisdictions are required to have an enforcement mechanism or ordinance in place.
- **Between Jan 2022 and Dec 2023**, jurisdictions need to identify businesses in violation of the regulatory requirements and provide educational material to those generators
- **Beginning January 2024**, jurisdictions **must take progressive enforcement action against organic waste generators that are not in compliance.**
 - The progressive approach **allows for notification** to the generator and provides time for the generator to comply before penalties are required to be issued by the jurisdiction.
 - **CalRecycle sets a maximum timeframe that a jurisdiction has to issue a Notice of Violation and issue penalties to a generator.**
 - The **jurisdiction has the flexibility to develop its own enforcement process within these parameters.**
- An **early robust education program** will minimize the amount of enforcement action needed
- Also, if the jurisdiction is **automatically providing service to its residents and commercial businesses**, this further minimizes the need for enforcement actions.
- **To reduce reporting**, jurisdictions are required to **maintain records and keep information in an Implementation Record.**
- Each jurisdiction is **required to report to the Department annually** on its

implementation and compliance with the requirements of 1383.

Next

CALRECYCLE OVERSIGHT (BEGINS IN 2022)

STATE ENFORCEMENT

Authorize Waivers

- Low Population
- Rural Areas
- Elevation

Emergency Circumstances

Oversee and Monitor

- State Agencies and Facilities
- Local Education Agencies

Oversee and Monitor for Compliance

Jurisdiction Review

- 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

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•In the case of entities such as public universities, school districts, federal facilities, which are exempt from local solid waste oversight, **CalRecycle will be directly responsible for ensuring compliance.**

•However, **Jurisdictions are required to provide education and outreach to these entities.**

•**CalRecycle will be evaluating a Jurisdiction's Compliance** and will be **establishing a process for conducting jurisdiction compliance evaluations.**

• **SB 1383 is a Statewide target and not a jurisdiction organic waste diversion target.** the Department has included some aspects of flexibility in enforcement of the regulations that are similar to the AB 939 Good Faith Effort requirements but are tailored to the different nature of the SB 1383 requirements.

Under the regulations if CalRecycle determines a jurisdiction is violating one or more of the requirements:

•**CalRecycle will provide compliance assistance, such as checklists, model tools, and training.**

•Although CalRecycle **may begin** penalty enforcement on regulated entities **starting Jan. 1, 2022**, the **timelines for the enforcement process are not triggered until CalRecycle issues**

a Notice of Violation (NOV).

- Once CalRecycle determines enforcement actions or penalties are necessary, CalRecycle will implement the process outlined in SB 1383.

- The **regulations include a compliance review and enforcement process that allows for extended timelines** for jurisdictions under certain circumstances (this could be up to 3 years from the issuance of an NOV) to come into compliance before penalties are issued.

- Penalties are imposed as a last resort after all other compliance actions have failed**

Model Implementation Tools



Franchise Agreement



Mandatory Organics Disposal Reduction Ordinance



Procurement Policy



Food Recovery Agreement

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- CalRecycle is helping jurisdictions in a number of ways including the recently released **four Model Tools**. These include:
 1. Model franchise agreement;
 2. Model mandatory organics disposal reduction ordinance;
 3. Model organic waste product procurement policy; and,
 4. Model edible food recovery agreement.
- The **R3 Local Jurisdiction Service Rates Study**, which provides guidance on setting organics recycling rates, was made available to jurisdictions in early March.
- We also have **case studies on jurisdictions that have set rates, funded infrastructure, and educated the public and elected officials**

Recently published tools also include:

- A **best management practices guidance document for identifying Tier 1 and 2 commercial edible food generators**.
- In early 2021, we **released the procurement calculator tool** and held an accompanying webinar to help jurisdictions plan and track procurement activities
- If you have a regional agency, we have **model language for amending the JPA** to address 1383 requirements that the JPA will be taking on
- We published **organic waste and edible food recovery calculator tools** to help with

the **capacity planning** requirements, along with **a webinar to cover this guidance**

- We also released a **survey tool** that jurisdictions can use to gather information from food recovery organizations and services about their capacity.

We have many other tools that have been released or are scheduled to be released soon.

- To help jurisdictions with maintaining records on site, we are developing a **Model Implementation Record Keeping Tool**.
- We are developing a tool for **best management practices for conducting route reviews**
- We are developing **series of training videos** to support further developing understanding of the regulation requirements
- Later this year we will be releasing **department issued waiver forms** for jurisdictions that will apply for a waiver
- Later this year we will have a **New Technology Review Process and Application** (Article 2).
- CalRecycle is working with a contractor on the data research for the Statewide education campaign.
 - The focus is using community social based marketing to drive changes in behavior.
 - In late 2021 we expect to start releasing many tools and training for jurisdictions.
- Our **staff can also help individual jurisdictions with the implementation tools**, we can identify funding resources for companies that want to site or expand their recycling manufacturing operations, and we can answer your questions about the regulations
- **If there are other tools that you need, please let us know**

STAY ENGAGED

YouTube Video:

<https://www.youtube.com/watch?v=erExJ0k8Vvw>



SLCP Listserv:

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



SLCP Homepage:

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



Contact your LAMD Liaison or email:

SLCP.Organics@calrecycle.ca.gov



- That is the end of my presentation. Thank you so much for your time. Now I would like open it up for questions.

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