

**CITY OF SEBASTOPOL
CITY COUNCIL
AGENDA ITEM**

Meeting Date: March 16, 2021
To: Honorable Mayor and Honorable City Councilmembers
From: Councilmember Diana Rich
City Manager McLaughlin
Zero Waste Sonoma
Subject: Informational Presentation from Zero Waste Sonoma on SB 1383; SB 1383 requires a 50 percent reduction in organic waste disposal from 2014 levels by 2020, and a 75 percent reduction by 2025. In addition, SB 1383 requires that not less than 20 percent of edible food that is currently disposed be recovered for human consumption by 2025
Recommendation: City Council Receive the Presentation
Funding: Currently Budgeted: Yes No N/A

Account Code (If Applicable) authorized in City Approved Budget AK (N/A) (verified by Administrative Services Department)

INTRODUCTION/PURPOSE:

This item is for City Council Receive an Informational Presentation from Zero Waste Sonoma on SB 1383; SB 1383 requires a 50 percent reduction in organic waste disposal from 2014 levels by 2020, and a 75 percent reduction by 2025. In addition, SB 1383 requires that not less than 20 percent of edible food that is currently disposed be recovered for human consumption by 2025.

BACKGROUND:

Since the beginning of 2021, Zero Waste Sonoma and Recology have started informing Sebastopol businesses about the requirements of SB 1383.

SB 1383 was signed by the Governor 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 bill 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.

In addition to the statewide requirements to reduce organic material disposal by 75% and increase edible food recovery by 20% by 2025, there are specific implementation tasks required of local governments. The City must do the following 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 municipal 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.

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. As such, ZWS is leading SB 1383 implementation efforts and plans to assume responsibility for a significant portion of the requirements. However, the City of Sebastopol will need to implement the remaining requirements. Over the course of the past year, ZWS has been working with staff from all the jurisdictions to prepare a Memorandum of Understanding (MOU) which outlines the roles and responsibilities between the two entities. ZWS will be hiring a full-time staff person to assist with implementation of SB 1383. Please note that the state shall ultimately hold each member jurisdiction responsible for compliance with SB 1383.

DISCUSSION:

The following summarizes the portions of the SB 1383 that are relevant to solid waste and recycling planning and services in the City of Sebastopol. The regulations will become effective on January 1, 2022. In addition, SB 1383 authorizes local jurisdictions to charge fees to recover the costs incurred in complying with the regulations.

Edible Food Recovery Requirements for Jurisdictions/ZWS

Jurisdictions/ZWS will be required to develop a list of food recovery services and organizations within their jurisdiction. Additionally, they must develop a food donation guide that includes information on:

- Safe edible food donation and food safety training materials;
- Foods most needed;
- Foods that organizations will not accept; and
- The CA Good Samaritan Food Donation Act of 2017. This is a recent law that expanded liability protections for food facilities that donate food to persons and gleaners.

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; and
- 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.

Enforcement over Jurisdictions

The regulations also provide that if CalRecycle finds that a jurisdiction is not fulfilling one of more of its responsibilities to implementation 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; and/or
- Seeking administrative penalties.

Potential Impacts for Sebastopol

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

ENVIRONMENTAL STEWARDSHIP: SB 1383 sets requirements to reduce waste and increase recycling and composting.

PUBLIC COMMENT:

As of the writing of this staff report, the City has not received any public comment. However, staff anticipates receiving public comment from interested parties following the publication and distribution of this staff report. Such comments will be provided to the City Council as supplemental materials before or at the meeting. In addition, public comments may be offered during the public comment portion of the agenda item.

PUBLIC NOTICE:

This item was noticed in accordance with the Ralph M. Brown Act and was available for public viewing and review at least 72 hours prior to schedule meeting date.

FISCAL IMPACT:

There is no fiscal impact associated with this item tonight. SB 1383 makes very specific requirements which will have costs to both to the City directly and to all of the community through future rate increases.

RECOMMENDATION:

That the City Council Receive an Informational Presentation from Zero Waste Sonoma on SB 1383.

ATTACHMENTS:

Presentation

SB 1383

Reducing Short-Lived Climate Pollutants in California



An Overview of SB 1383's Organic Waste Reduction Requirements



CLIMATE CHANGE NEGATIVELY IMPACTS CALIFORNIA

Landfilled Organic Waste Emits Methane Gas—

**A Super Pollutant
More Powerful than CO2**

CALIFORNIA DISPOSED
APPROXIMATELY **27**
MILLION TONS OF
ORGANIC WASTE IN
2017

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

**IN CALIFORNIA, MILLIONS ARE
FOOD INSECURE**

**1 IN 8 CALIFORNIANS
1 IN 5 CHILDREN**

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



SB 1383 REQUIREMENTS

2022

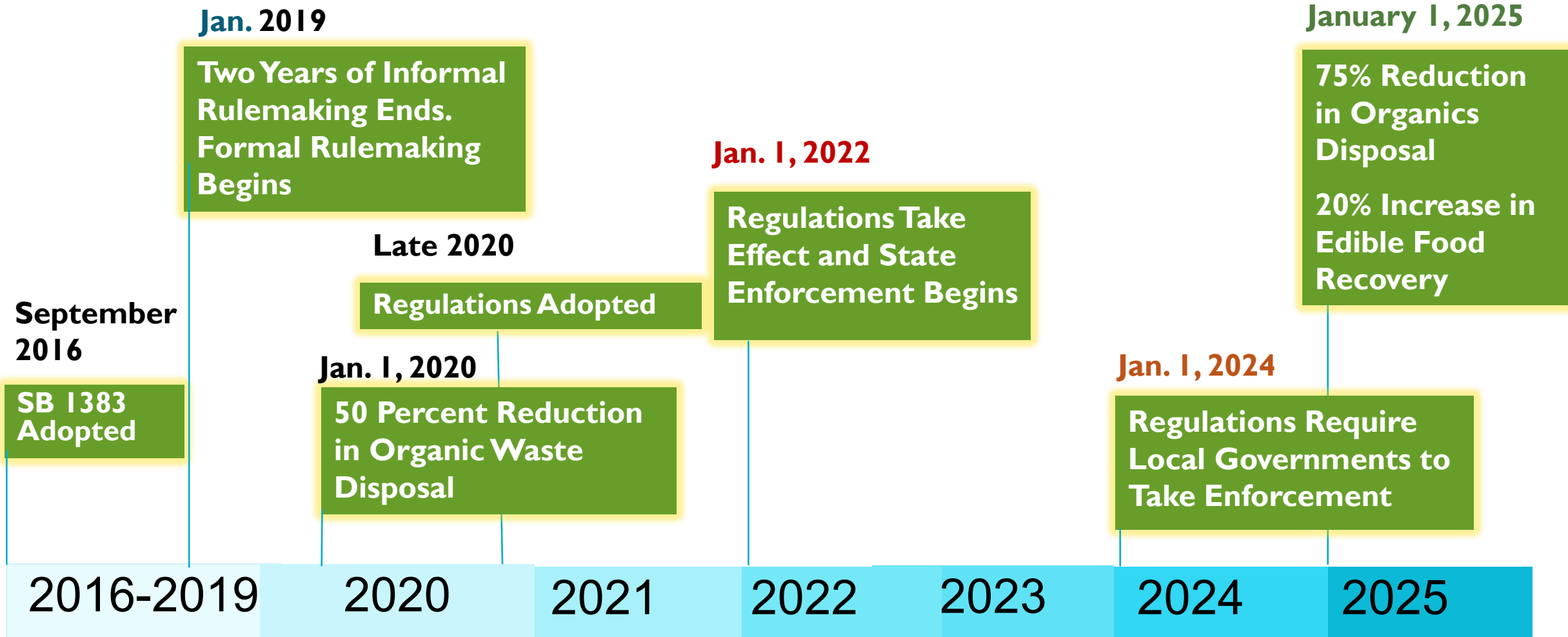
- REGULATIONS TAKE EFFECT

2025

- 75% REDUCTION IN LANDFILLED ORGANIC WASTE
- (5.7 Million Tons Allowed Organic Waste Disposal)

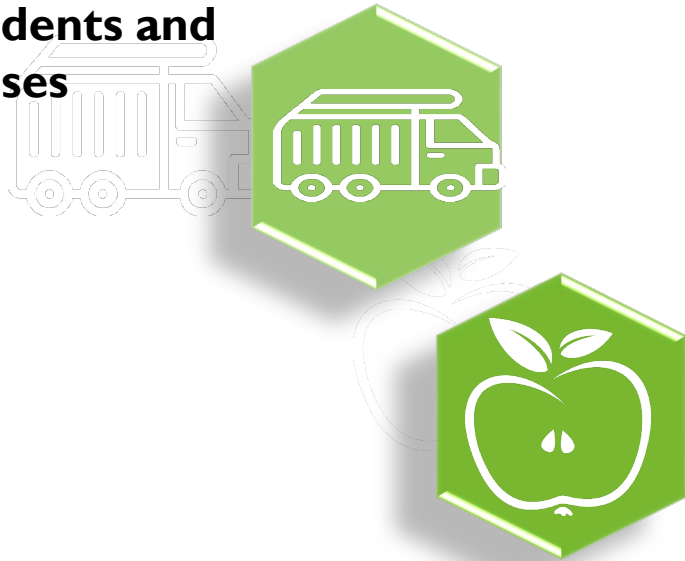
2025

20% INCREASE IN RECOVERY OF CURRENTLY
DISPOSED EDIBLE FOOD



JURISDICTION RESPONSIBILITIES

**Provide Organics
Collection Services to
All Residents and
Businesses**



**Establish Edible
Food Recovery
Program**

**Conduct Education and
Outreach to Community**



**Procure Recyclable and
Recovered Organic
Products**

**Secure Access to Recycling and
Edible Food Recovery Capacity**



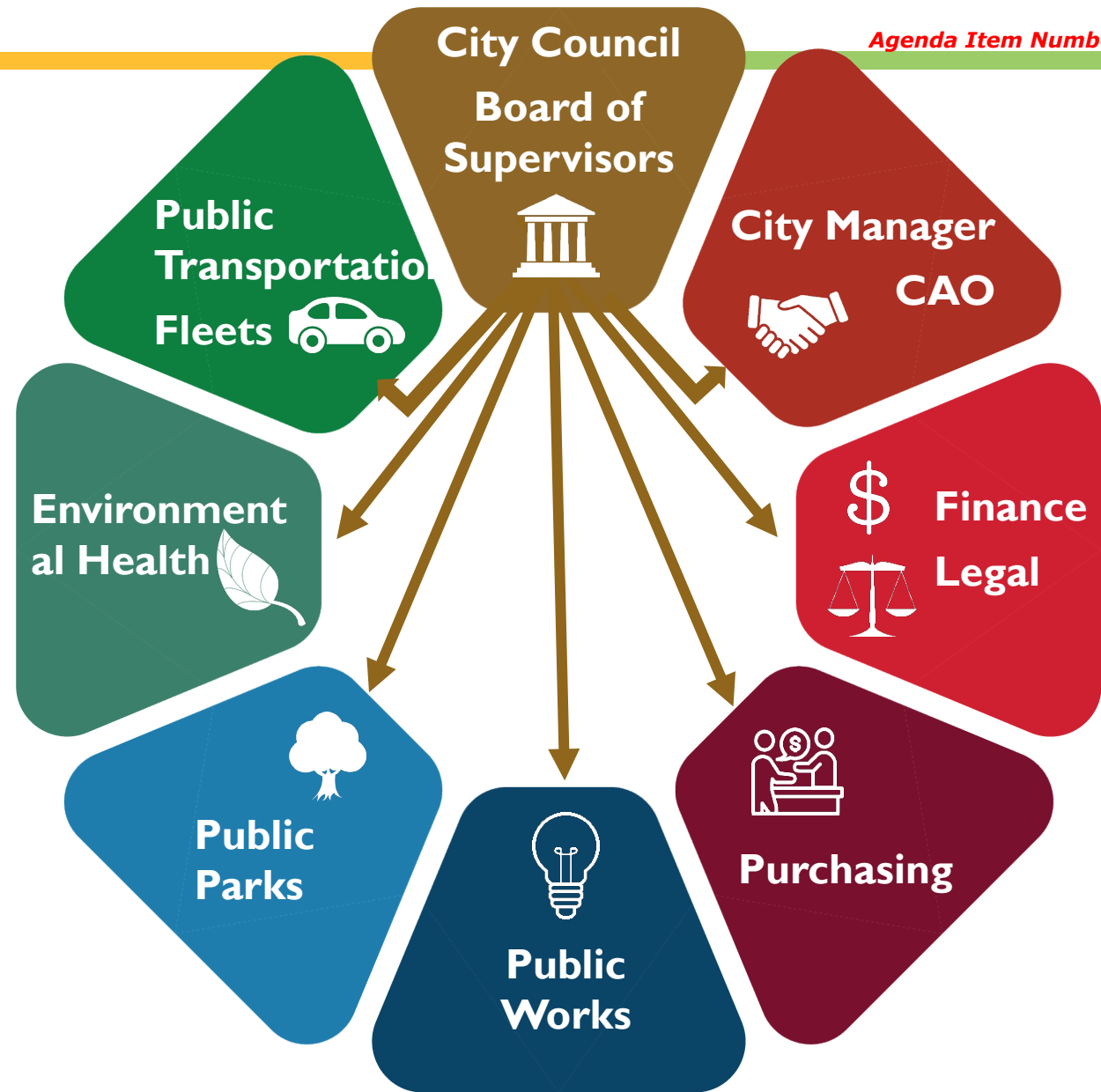
**Monitor Compliance and
Conduct Enforcement**

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.



January 2019

Created stakeholder group to respond to rulemaking process: Jurisdictions, haulers, composters, LEA, industry experts

February 2019

Presentation to LTF

October 2019

Presentation to City Managers

January 2020

Meeting every other month with Jurisdiction and quarterly with stakeholders

July 2021

Draft MOU created

Sept. 2021

Franchise revisions

January 2021

Meeting monthly with member Jurisdictions. Determine compost procurement per jurisdiction

February 2021

- Presentation to City Councils and Board of Supervisors
- Jurisdiction meetings on implementation timeline

2019

2020

2021

Timeline for Remainder of 2021

Feb 2021

- Send letters to commercial/multi-family generators. Provide model franchise agreement to jurisdictions.

Mar 2021

- Provide model enforcement ordinance, environmental purchasing policy (EPP) and edible food recovery agreement. Identify Tier I and II food recovery generators.

Apr 2021

- Finalize Agency FY 21-22 budget with SB 1383 funding. Start WCS. Announcement of CalRecycle Food Recovery Grant.

June 2021

- MOU finalized and signed. Initiate food recovery capacity study.

July 2021

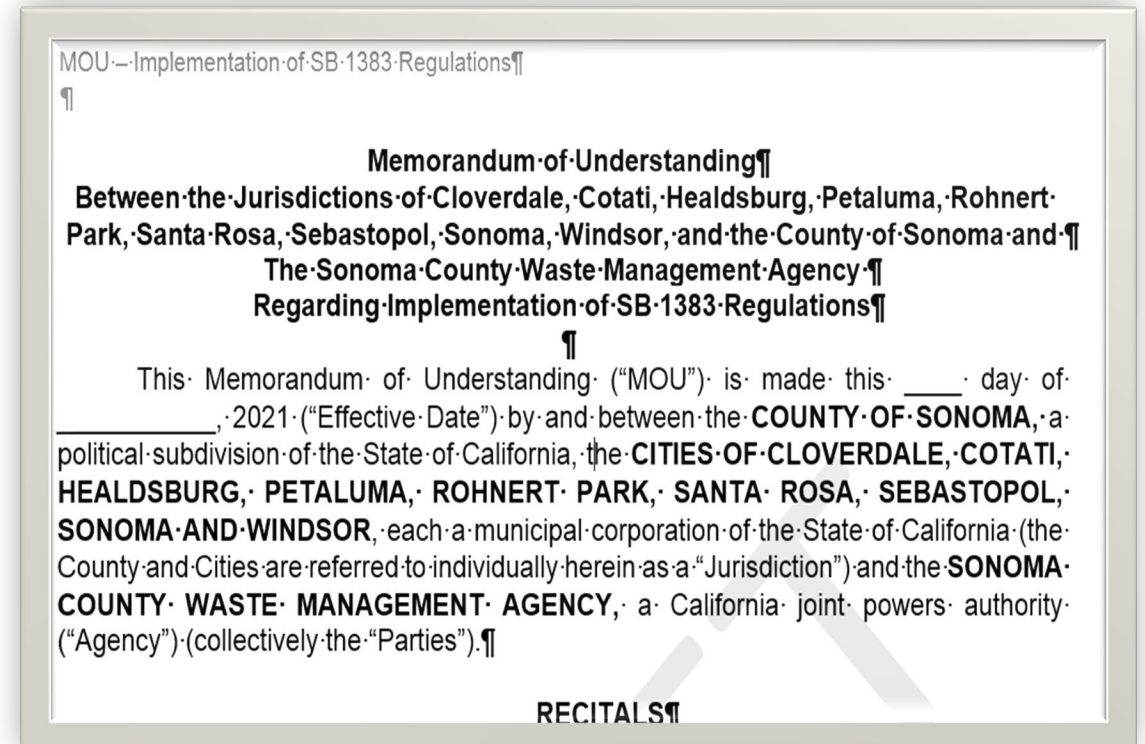
- Send letters to commercial, multi-family, and single-family generators

Oct – Dec
2021

- Initiate compliance activities

MEMORANDUM OF UNDERSTANDING WITH MEMBER JURISDICTIONS

- Addendum to JPA agreement
- Responsibilities of the Agency
 - Education and outreach
 - Procurement
 - Reporting and record keeping
 - Organic waste processing capacity and diversion planning
 - Model Tools



JURISDICTION ACTIONS - JAN 1, 2022 DEADLINE

- Have Enforcement Ordinance in place
- Provide organics collection service for all SF, MF, and commercial generators (franchise agreement amendment)
- Notify all generators about SB 1383 requirements
- Have procurement policy/EPP in place; first year to start meeting procurement targets
- Have plan for funding future enforcement and increasing food recovery capacity

FUNDING IMPACTS

**Compost
Procurement
(\$2,1000 -
\$2,700)**

**Food Recovery
Capacity
Expansion**

**Staff Time
(meetings,
reporting,
ordinances)**

**Recology's
Franchise Fee
Increase**

**Enforcement of
Regulations**



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