El Cerrito City Council

Ordinance Implementing Mandatory Organic Waste Reduction Programs in Compliance with SB 1383

November 16, 2021
PRESENTATION OUTLINE

- Background
- Reasons for Updating Ordinance
- Key Changes & Amendments
- Process & Public Outreach
- Consistency with City Policies & Financial Considerations
- Requested Council Action
What Are Organics?

- Yard clippings and vegetative matter
- Leftover food scraps
- Food soiled paper like coffee filters and pizza boxes
- Clean paper and cardboard (collected as recyclables)

The City’s organic materials recycling program includes the collection and recycling of these materials
Organic Waste Is the Largest Waste Stream in California

California Generates Approximately 20-23 Million Tons of Organic Waste Every Year

That’s Two-Thirds of Our Waste Stream!

In California, Millions Are Food Insecure

1 in 8 Californians
1 in 5 Children

California Throws Away 5.6 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
SB 1383: Short Lived Climate Pollutants Act

- Unfunded State Mandate
- Extensive local government requirements & requirements on businesses
- Sets Statewide targets for organics recovery efforts
- Builds on AB 1826 to incrementally reduce disposal of organic waste
- Requires ALL generators to be provided organic waste recycling services
- Edible food recovery & procurement
- CALGreen & Model Water Efficient Landscape Ordinance (MWELO)
Local Agency Responsibilities

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

Most requirements match and expand AB 1826
Organics Collection Service – Business & Multi-Family Compliance

- Have organics service
- Back-Haul or Self-Haul organics*
- Apply for a waiver*

*Forms and waivers will be available in early 2022
Edible Food Recovery

➢ Qualifying businesses
  - Recover maximum amount of edible food
  - Need a contract/written agreement with a food recovery organization
  - Maintain records

➢ City/RecycleMore to coordinate with regional stakeholders
Compliance Monitoring
- Businesses and Multi-Family
- Tier 1 and Tier 2 Commercial Edible Food Generators

Route Reviews
- Lid flips, hauler audits

Violations
- Beginning in 2024, violations may result in notice and potentially issuance of fines
Procure Recycled & Recovered Organic Products

- Compost, Renewal Gas, or Electricity
  - Minimum Procurement

- Paper Procurement Requirements
  - Recycled Content
  - Recyclability
Mandatory Recycling and Organics Recycling
- Waivers for lack of space, no organics
- Self-haul regulation
- Requirements for signage, indoor bins
- Subscription to garbage, recycling, and organics is already required by the City’s Municipal Code

Edible food recovery requirements for Tier 1 and Tier 2 Commercial Food Generators
Noticing for contamination
Penalties for non-compliance beginning 1/1/2024
Program Changes and Compliance

- Businesses and residents without recycling and/or organics service should reach out to the City and East Bay Sanitary (EBS) by **December 2021** to subscribe.

- The City may choose to deliver a green waste container to all non-exempt accounts, to ensure compliance.

- Containers will have new standard colors and graphic-rich labeling.

- Exemption/Waiver applications, due to not generating organics or lacking space, will be available online in early 2022.

- City will be providing outreach and education to all generators in the next year and beyond.
  - RecycleMore will send out postcard by early 2022.
# Responsibilities As Proposed

<table>
<thead>
<tr>
<th>RecycleMore</th>
<th>City</th>
<th>East Bay Sanitary</th>
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</thead>
<tbody>
<tr>
<td>Generator outreach</td>
<td>Ordinance adoption</td>
<td>Generator outreach</td>
</tr>
<tr>
<td>Coordinate waiver process</td>
<td>Generator outreach (additional to RecycleMore and hauler's outreach)</td>
<td>Monitoring service levels to identify compliance and providing account and service levels to City and RecycleMore</td>
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<tr>
<td>Edible food recovery program (possibly together with the County)</td>
<td>Enforce non-compliant referrals from RecycleMore</td>
<td>Identifying non-compliant accounts</td>
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<td>Organic waste capacity and edible food capacity reporting</td>
<td>Adopt MOU with RecycleMore</td>
<td>Providing the required service and color-coded and labeled containers</td>
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<td>Inspections and compliance monitoring</td>
<td>Implement exemption process and monitor self haulers to ensure compliance with code requirements</td>
<td>Contamination monitoring, issuing contamination notices to non-compliant generators, and documenting non-compliance</td>
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<tr>
<td>Enforcement</td>
<td>Comply with recycled paper and paper product procurement requirements</td>
<td>Route audits or waste evaluations</td>
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<tr>
<td>Recordkeeping and Reporting</td>
<td>Comply with organic waste procurement target requirements (to buy a specified amount of compost or mulch or other products made from organic waste materials, per year)</td>
<td>Maintaining implementation records</td>
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<td>Complaint investigation</td>
<td>CalGreen and MWELO implementation</td>
<td>Recommend and refer accounts that meet waiver requirements</td>
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<td>Self haul monitoring</td>
<td>Provide labels and compliant containers for recycling (in coordination with EBS)</td>
<td>Inspecting accounts requesting waivers</td>
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Upcoming Items for Council Consideration

- Staff will be bringing forward an MOU for City Council consideration to delegate certain responsibilities to RecycleMore.

- Staff will be bringing forward a proposed agreement with East Bay Sanitary to add activities among other changes.
City staff has done a variety of different outreach to residents and businesses

- Letters to all businesses
- Bill inserts sent out to all businesses and residents
- Articles in a variety of city publications
- Updated information on the City’s website
- Public meetings in September 2021 at the Economic Development Committee, Environmental Quality Committee, and Chamber of Commerce
Consistency with City Policies

Climate Action Plan
- **Waste Goal**: Reduce waste going to the landfill

Strategic Plan
- **Goal A**: Deliver Exemplary Government Services by ensuring the City’s solid waste programs, including its recycling and organics collection services are reliable and are operating in compliance with State law
- **Goal E**: Ensuring the public’s health and safety by supporting initiatives that decrease pollution
- **Goal F**: Foster environmental sustainability by reducing the amount of waste generated in El Cerrito
There will be a fiscal impact from adopting the proposed Ordinance and complying with SB 1383. The exact amount of that impact is unknown.

City Staff are striving to leverage existing resources internally, with RecycleMore, and as part of a proposed amended and restated agreement with East Bay Sanitary (EBS).

Cost will depend on what responsibilities are carried out by the City, EBS, RecycleMore, and others.

Any additional City costs would be covered under the City’s Integrated Waste Management Fund, not the General Fund.

City Staff are closely monitoring developments in regards to State funding that may be available (e.g., SB 170, 2021).

Some of the costs to comply with these new requirements will be paid for by an increase in solid waste rates as early as 2022.

Failure by a local jurisdiction to enact and undertake all SB 1383 responsibilities could result in significant fines from CalRecycle.
☑ Adopt the amended Chapter 8.12 to meet the requirements of SB 1383
QUESTIONS & COMMENTS