

El Cerrito City Council

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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**

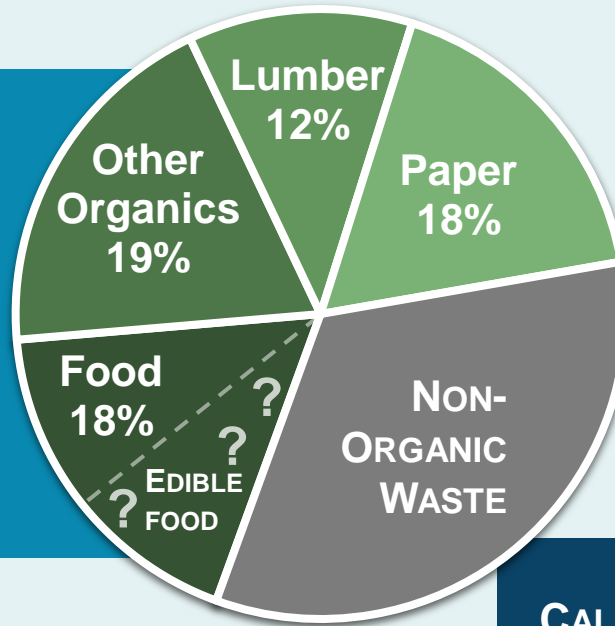
# What Are Organics?

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- 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



IN CALIFORNIA, MILLIONS ARE  
**FOOD INSECURE**



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

*THAT'S TWO-THIRDS  
OF OUR WASTE  
STREAM!*

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 CO<sub>2</sub>

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

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- 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**



**Establish Edible  
Food Recovery  
Program**



**Procure Recyclable  
and Recovered  
Organic Products**



**Monitor Compliance  
and Conduct  
Enforcement**



**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



- **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

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

# Upcoming Items for Council Consideration

- **Staff will be bringing forward an MOU for City Council consideration to delegate certain 1383 responsibilities to RecycleMore**
- **Staff will be bringing forward a proposed agreement with East Bay Sanitary to add 1383 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

# Financial Considerations & Funding

- **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

