



CITY COUNCIL AGENDA STATEMENT



January 19, 2021

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TITLE

REPORT TO CHULA VISTA CITY COUNCIL ON CALIFORNIA SENATE BILL 1383 AND RECENTLY ADOPTED ORGANIC WASTE REDUCTION REGULATIONS, ITS IMPACT TO WASTE COLLECTION SERVICES AND CITY OPERATIONS

RECOMMENDED ACTION

Council receive the report.

SUMMARY

California disposes of approximately 30 million tons of waste in landfills each year, of which more than 34 percent is organic waste. Organic waste is defined as lawn and garden waste, wood waste, food waste, food soil paper and food-soiled cardboard. Decomposition of organic waste in landfills is a significant source of greenhouse gas (GHG) emissions that contributes to climate change. Landfilling organic material also wastes valuable resources that could be used to improve soil conditions, conserve water and feed people and animals. In 2016 California Senate Bill 1383 was signed into law to address some of the challenges regarding organic waste materials in the state. SB 1383 issues a requirement to all cities and counties in California to divert organic waste from landfill disposal as a critical component toward achieving California's aggressive recycling and GHG reduction goals.

ENVIRONMENTAL REVIEW

The Development Services Director has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a "Project" as defined under Section 15378 of the State CEQA Guidelines because it will not result in a physical change in the environment; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines, the activity is not subject to CEQA. Thus, no environmental review is required.

BOARD/COMMISSION/COMMITTEE RECOMMENDATION

A similar presentation was made to the Sustainability Commission during its meeting of November 9, 2020

DISCUSSION

SB1383 (Lara, Chapter 395, Statutes of 2016) is the most significant waste reduction mandate to be adopted in California in the last 30 years. The regulation related to this legislation were just recently adopted, in December 2020, and it requires the State of California to reduce organic waste disposal by 75% by 2025. The regulation also establishes an additional target of not less than 20 percent of currently disposed edible food to be recovered for human consumption in the same year. Organic waste for the

purposes of SB 1383 is defined as lawn and garden waste, wood waste, food waste, food soil paper and food-soiled cardboard. Organic waste encompasses a high percentage of our state's waste stream. According to a 2018 statewide waste characterization study, organic waste comprised 34 percent of the state's overall waste stream. The City of Chula Vista deployed its own waste characterization study in 2016 and determined that our organic waste makes up a similar amount of the waste stream.

In the state's efforts to reduce organic waste disposal by 20 million tons in 2025 the law granted CalRecycle the regulatory authority to enforce the regulations on cities. SB 1383 also established a statewide target which requires a more prescriptive approach on each requires jurisdictions to adopt specific programs, reporting and enforcement regulations.

According to CalRecycle, landfills represent 21% of California's methane emissions, making them the third largest producer of methane in the state. Methane emissions are 72 times more potent than Carbon Dioxide (CO₂) and are significant source of local air quality pollutants (NOX and PM_{2.5}). These pollutants have an immediate negative impact on the air quality of California communities and can cause respiratory issues and hospitalizations. Diverting organic waste from our landfills can significantly reduce local air quality emissions and the associated negative impacts on climate change. CalRecycle expects that these disposal reductions will reduce at least 4 million metric tons of GHG emissions annually by 2030.

SB 1383 requirements on local governments:

1. Provide an organic waste collection program by 2022

The City is required to provide collection for all organic waste to residents and businesses by January 1, 2022. A jurisdiction may comply with this requirement by implementing an organic waste collection service either by providing an additional collection service or allow generators to combine food waste and other organic waste inside existing lawn and garden waste containers. The law requires that contents are transported to an alternative facility that recovers organic waste to convert into compost, mulch or a facility that converts the waste into a renewable fuel that is not at an existing landfill.

2. Establish a food recovery program by 2022

The City is required to establish a food recovery program that recovers edible food from the waste stream by January 1, 2022. This requires City staff to coordinate with food waste generators to donate food as well as with local edible food recovery organizations like food banks to assure that they have enough capacity and collection services.

3. Establish an outreach and education program by 2022

Cities and counties are also required to conduct education and outreach to all residents and businesses on compliance of the regulation, collection service requirements, contamination standards, and overall compliance with SB1383. Additional outreach is also required to provide education to commercial edible food generators on food donation requirements with recommendations on how to establish partnerships with food recovery organizations. Educational material must also be made available in languages spoken in a region other than English.

4. Establish a capacity planning and implementation readiness program

Each jurisdiction must plan for adequate capacity for recycling organic waste and for edible food recovery. California counties will lead this effort by coordinating with their respective cities to estimate existing, new and/or expanded capacity. Cities and counties must demonstrate that the capacity for recycling organic waste is guaranteed to be accessible by contracts, permits, franchise agreements or other documents. If capacity cannot be guaranteed, then each jurisdiction within the county that lacks capacity must submit an implementation schedule to CalRecycle that includes specified timelines and milestones, including funding for the necessary recycling or edible food recovery facilities. Counties must collect data from the cities on a specified schedule and report to CalRecycle and cities are required to provide the data to the County. Planning and reporting will begin in 2022 and the reports must cover 2022-2025.

5. Establish a procurement plan for recycled organic waste products

The City is required to procure, and use recycled organic waste products like compost, mulch and/or renewable energy or renewable natural gas (RNG) from organic waste sources. The City will be required to purchase and could be use as much as 21,000 tons of compost, mulch or a factored equivalent of renewable fuels produced from organic waste. Examples of compost use are erosion control, soil amendment, soil cover, parks/open spaces and or compost giveaways events. A jurisdiction can use RNG to fuel their fleets or can also use procurement credits from a service provider under contract that is uses RNG to fuel their vehicles. CalRecycle will officially notify jurisdictions of their target prior to January 1, 2022 based on target to be determined on results from the most recent census.

6. Establish an inspection and enforcement compliance program

City staff is required to monitor homes and businesses for compliance beginning in 2022 and to take enforcement actions starting January 1, 2024. Jurisdictions will be required to determine if a violation occurred within a determined prescribed time and issue a *Notice of Violation*. If the generator still has not complied within 150 days from the issuance of the notice, then the jurisdiction is responsible to issue penalties. The regulations also require City staff to conduct residential and commercial waste route reviews. This entails monitoring that a home or business has the appropriate external containers and that the proper material is being placed in the organic waste containers to avoid contamination. Inspections on edible food generators are also required to verify that they have arrangements with a food recovery organization and that food generators are not intentionally disposing of food that can be recovered.

SB 1383 compliance & enforcement by the State:

SB 1383 regulations will become enforceable by CalRecycle in 2022. Under the SB 1383 regulations, if CalRecycle determines that a jurisdiction is violating one or more of the requirements it will notify the city or county giving them 90 days to correct the violation/s. For violations that are due to barriers outside the jurisdictions control, the regulations allow for up to 24 months to comply.

Compliance with SB1383

The City of Chula Vista is currently working with Republic Services on a draft proposal to provide organic waste collection services for all Chula Vista homes and businesses, assist in the monitoring and

enforcement efforts and help the City obtain compost and mulch. A rate increase on waste collection services is anticipated for implementation of a future organic waste collection services program and is currently being evaluated. The draft proposal will be brought to Council for consideration during the first quarter of 2021. In preparation of the new regulation we have started an education campaign aimed at residents and businesses on the new requirements via the City's website, the Office of Sustainability's CLEAN social media accounts, community newsletters and direct mail flyers. City staff is working with local edible food rescue organizations in preparation for the record-keeping and program ramp-up as this regulation begins to take effect. Staff is will train on code enforcement policy and procedures in order to use compliance mechanisms for residents and businesses with the new organic waste diversion regulation. Finally, staff will be coming forward with a Zero Waste plan for consideration that will be closely associated with the above-mentioned actions.

DECISION-MAKER CONFLICT

Staff has reviewed the decision contemplated by this action and has determined that it is not site-specific and consequently, the real property holdings of the City Council members do not create a disqualifying real property-related financial conflict of interest under the Political Reform Act (Cal. Gov't Code § 87100, et seq.).

CURRENT-YEAR FISCAL IMPACT

There is no current-year fiscal impact with this report.

ONGOING FISCAL IMPACT

There is no on-going fiscal impact, future budget impacts with this report.

ATTACHMENTS

1. SB1383 Regulations Short-lived Climate Pollutants (SLCP) Organic Waste Reductions
2. SB1383 Compliance Process

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