

# SB 1383

## Reducing Short-Lived Climate Pollutants in California

An Overview of SB 1383's Organic Waste Reduction Requirements



- SB 1383 (Lara, Chapter 395, Statutes of 2016) is the most significant waste reduction mandate to be adopted in California in the last 30 years.
- SB 1383 requires California to reduce organic waste (food waste, green/yard waste, paper products, etc) disposal in landfills by 75% by 2025.
  - In other words, California must reduce organic waste disposal by more than 20 million tons annually by 2025.
- The law also requires California to increase edible food recovery by 20% by 2025.
- This has significant policy and legal implications for the state and local governments.
- SB 1383 establishes a statewide target and not a jurisdiction organic waste recycling target.

### Additional Resources

- CalRecycle's Short-Lived Climate Pollutants (SLCP): Organic Waste Methane Emissions Reductions webpage has more information: <https://www.calrecycle.ca.gov/Climate/SLCP/>
  - CalRecycle's SB 1383 Rulemaking webpage as more information about the status of 1383 regulations: <https://www.calrecycle.ca.gov/laws/rulemaking/slcp>
- *This presentation was provided by CalRecycle for local jurisdiction use, edits to the presentation were made by Upper Valley Waste Management Agency staff.*

## Organic Waste Is the Largest Waste Stream in California

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



IN CALIFORNIA, MILLIONS ARE

### FOOD INSECURE

1 IN 8 CALIFORNIANS

1 IN 5 CHILDREN



CALIFORNIA THROWS AWAY

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

CalRecycle

- Organic waste (for the purposes of SB 1383) is green/yard waste, wood waste, food waste and fibers (such as paper and cardboard)
- SB 1383 also requires California to recover 20% of currently disposed edible food.
  - CalRecycle currently doesn't know how much of the food waste stream is edible.
  - CalRecycle is conducting a waste characterization study that is taking a closer look at the food waste stream.
  - The results of this study will help determine how much edible food waste is landfilled on average throughout the state.

## 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

CalRecycle

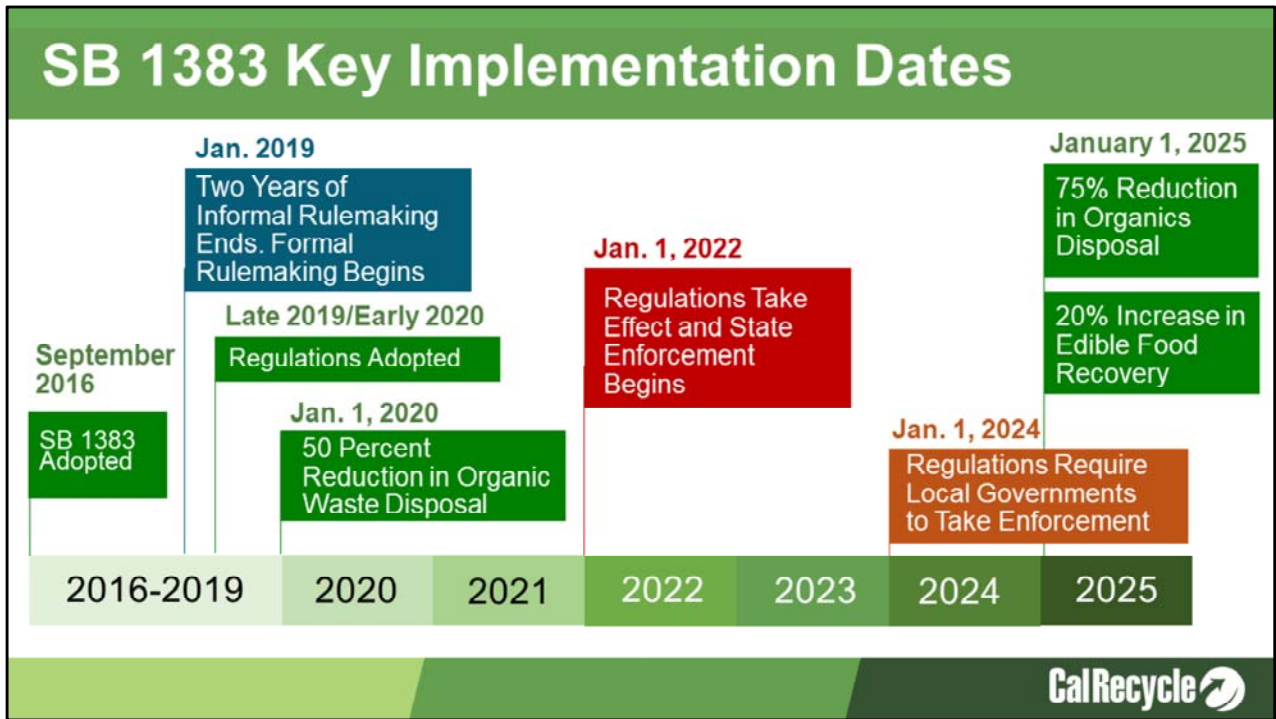
- Landfilling organic waste leads to the anaerobic breakdown of that material, which creates methane.
- Landfills are responsible for 21% of the state's methane emissions. Landfills are the third largest producer of methane.
- Methane is 72 times more potent than Carbon Dioxide (CO<sub>2</sub>) over a 20-year horizon.
- Environmental impacts associated with landfill disposal of organic waste have immediate negative impacts on local communities.
  - Landfilling organic waste is a significant source of local air quality pollutants (NO<sub>x</sub> and PM<sub>2.5</sub>).
  - These pollutants have an immediate negative impact on air quality and it can cause respiratory issues and hospitalizations.
  - Diverting organic waste to recycling can significantly reduce these local air quality emissions and the associated negative impacts.
- SB 1383 is designed to reduce the global warming gasses like methane, which are the most potent and are "short-lived".

## SB 1383 - Overall Requirements for California

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



- SB 1383 establishes aggressive organic waste reduction targets.
- SB 1383 builds upon the Mandatory Commercial Organics Recycling law (AB 1826). The Upper Valley Waste Management Agency has been implementing this law since 2016.
- SB 1383 requires Californians to reduce organic waste disposal by 50% by 2020 and 75% by 2025.
- Additionally as a part of the disposal reduction targets, the Legislature directed CalRecycle to increase edible food recovery by 20% by 2025.



**Formal Rulemaking**

- CalRecycle started the formal regulation rulemaking in January 2019. The current comment period ended in October 2019. CalRecycle is not expecting another draft to be released. The regulations will be finalized when the Office of Administrative Law approves them, which CalRecycle anticipates to be late February/early March 2020.

**Regulations Take Effect**

- Jurisdictions\* must have their programs in place on January 1, 2022.
- CalRecycle can begin enforcement actions on jurisdictions\* and other entities starting on January 1, 2022.
- The enforcement process on jurisdictions is different than under AB 939:
  - A regulated entity (such as a city or county) can be issued a violation and be subject to enforcement for failure to comply with any individual aspect of the regulation. This is different from the unique AB 939 enforcement structure where a jurisdiction’s overall efforts to achieve specific target are reviewed.
  - CalRecycle will have the discretion to determine the level of penalty necessary to remedy any given violation. E.g. A reporting violation may be considered less severe than a failure to provide organics collection services to all generators.
  - CalRecycle will consider certain mitigating factors which are specifically enumerated in the regulation. This is not the same as good faith effort but includes similar considerations.

**Jurisdictions\* Must Take Progressive Enforcement Actions Against Non-Compliant Regulated Entities:**

- In 2024 Jurisdictions\* will be required to take enforcement against noncompliant entities (E.g.

businesses or organic waste generators not separating organic waste for composting).

**In 2025 California as a whole must achieve the 75% reduction in organic waste disposal and 20% food recovery for human consumption targets.**

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## SB 1383 Key Jurisdiction Dates

2022



Provide Organics Collection Service to All Residents and Businesses



Establish Edible Food Recovery Program



Conduct Education and Outreach



Procurement



Capacity Planning

2024



Starting January 1, 2024 Jurisdictions must take action against non compliant entities

CalRecycle

- To meet the deadline of January 1, 2022, CalRecycle expects that jurisdictions\* will be planning and making programmatic and budgetary decisions regarding the requirements in advance of the deadline.
- In early 2020 CalRecycle will have a number of tools that jurisdictions\* can begin utilizing, such as a model enforcement ordinance, franchise agreement models, and education materials.
- Although the regulations are not finalized the major components are not expected to change.

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# 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**



**CalRecycle** 

Jurisdictions\* will be required to adequately resource these programs:

1. Provide organic waste collection services to all residents and businesses.
  - This means collection service for all organic waste, including green/yard waste, wood waste, food waste, manure, fibers, etc.
  - Containers must have prescribed colors (any shade of grey or black for trash, green for organic waste and blue containers for traditional recyclables)
  - There are container labeling and contamination monitoring requirements.
2. Establish edible food recovery program for all Tier 1 and 2 commercial edible food generators
  - This means ensuring that there are edible food recovery organizations that have enough capacity
  - This may entail providing funding to ensure there is adequate capacity and collection services
3. Conduct education and outreach to all generators
  - This will require education to be provided to all generators, and when applicable education may need to be provided in Spanish and other languages.
4. Jurisdictions\* will be required to procure certain levels of compost, renewable gas used for transportation fuels, electricity, heating applications, or pipeline injection, or electricity from biomass conversion produced from organic waste.
5. Plan and secure access for organics recycling and edible food recovery capacity.



6. Monitor compliance, conduct inspections and conduct enforcement
  - Monitoring and education must begin in 2022
  - Enforcement actions must start January 1, 2024
  - Adopt an ordinance(s), or similarly enforceable mechanism that is consistent with these regulatory requirements prior to 2022.
  
7. Record keeping and reporting – All documents (ordinances, inspections, education, procurement, enforcement, etc) must be stored in one location easily accessed by CalRecycle. Upon request, jurisdictions\* must provide access to CalRecycle within ten business days. All records shall be included within 60 days. Records must be retained for a minimum of five years. There are penalties for the failure to maintain or provide access to records.

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## 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.



CalRecycle 

- This law extends beyond directing waste management and recycling operations and staff.
  - Each department will need to understand how SB 1383 impacts their work.
  - Recordkeeping and reporting requirements extend to all of these departments, and jurisdiction leaders will play a vital role in ensuring compliance with SB 1383.
- City Councils and Boards of Supervisors will need to pass local enforcement ordinances to require all residents and businesses to subscribe to these services.
- City Managers and Chief Administrative Officers will be involved in directing procurement of recycled organic products like compost and renewable natural gas.
- Finance and Legal staff will be involved in local enforcement ordinances, new collection fees, and ensuring programs are adequately resourced.
- Purchasing staff will be central to procuring recycled organic products, including paper.
  - Procure does not necessarily mean purchase, but this department is likely aware of current compost, mulch, RNG, and paper product purchases for the jurisdiction.
- Public Works staff are involved with hauler agreements, local waste management processing facilities, and organic waste recycling facilities (like compost and anaerobic digestion facilities). They may also be involved in civil engineering activities where compost may be utilized (as in erosion control along city streets and embankments).
- Public Parks staff may be involved with assessing the need for local compost application to parks and city landscaped areas.
- Environmental Health staff may be tasked with enforcement duties, including inspecting commercial food generators for compliance with edible food recovery requirements.
- Public Transportation and Fleet departments could be involved in procuring renewable natural gas for city and county owned vehicles.

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**SB 1383 IN ACTION**

**JURISDICTION REQUIREMENTS**






**Provide organics collection service to all residents and businesses**

## Organic Waste Collection Services



**Three-Container “source separated” Collection Service**

- Organics prohibited from black container
- All organic waste segregated for collection and recycling

- Minimum contamination monitoring and reduction requirements
- Collection waivers authorized for certain documented circumstances

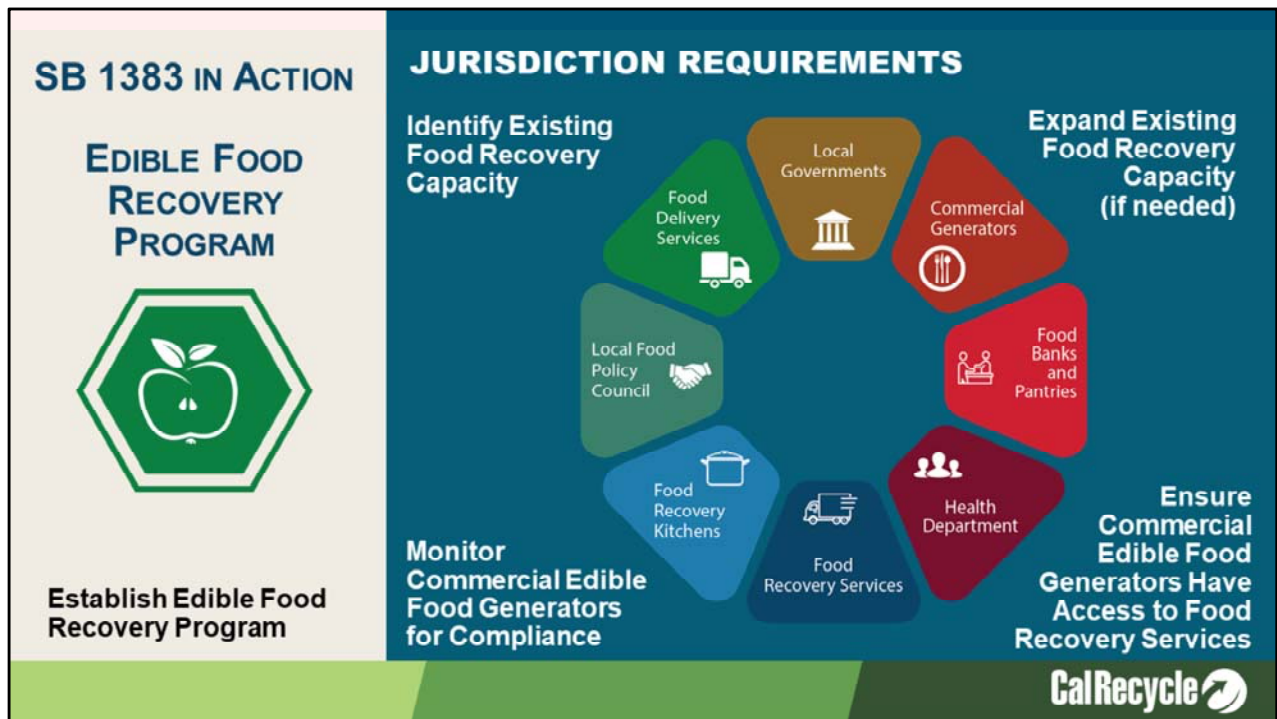


- The most basic element of the regulation is that jurisdictions\* are required to provide an organic waste collection service to each of their residents and businesses.
- Jurisdictions\* must have enforceable requirements on its haulers that collect organic waste in the jurisdiction, and also for commercial and residential generators and self-haulers.
- There is a lot of detail regarding the types of allowable collection programs, these are the high level requirements.
  - Each resident and business, must subscribe to an organic waste collection service that either “source-separates” the waste (e.g. separate bins), or transports all unsegregated waste to a facility that recovers 75% of the organic content collected from the system. Upper Valley Disposal Service will likely provide a “source separated” service.
  - The regulations allow for a menu of collection options. However Upper Valley Disposal Service will likely use the three-can system.
    - A three-can system – organic waste is required to be source separated (organics in green cart, traditional recyclables in blue and trash in grey/black cart).
    - The three-can option also allows additional separation at the hauler/generators discretion... For example some jurisdictions provided separate containers for yard (green) and food (brown) waste so they can be managed separately

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*responsible for compliance.*



- SB 1383 requires strengthening existing infrastructure for edible food recovery and food distribution.
- Jurisdictions\* are responsible for implementing Edible Food Recovery Programs in their communities.
- Jurisdictions\* need to assess the following:
  - How many commercial generators are there? How much edible food could they donate?
  - How many food recovery organizations exist, and what is their capacity to receive this available food?
  - What gaps exist in current infrastructure and needs to be done to close them?
  - How can we fund the expansion of edible food recovery organizations? (Grants, partnerships, sponsorships, etc.)
  - What partnerships currently exist and what new partnerships need to be established?

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<b>SB 1383 IN ACTION</b>	<b>JURISDICTION REQUIREMENTS</b>	
<b>EDUCATION REQUIREMENTS</b>	Annually educate all organic waste generators, commercial edible food generators, and self-haulers about relevant requirements	
	Jurisdictions must provide print or electronic communication.	Jurisdictions May Supplement with Direct Communication.
<b>Conduct Education and Outreach to Community</b>		
	<b>Appropriate educational material must be provided to linguistically isolated households</b>	
	<b>CalRecycle</b> 	


- Jurisdictions\* must conduct education and outreach to:
  - All businesses and residents regarding collection service requirements, contamination standards, self-haul requirements, and overall compliance with 1383
  - Commercial edible food generators regarding edible food donation requirements, and available edible food recovery organizations
- Educational material must be linguistically accessible to non-English speaking residents.

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## SB 1383 IN ACTION

### PROCUREMENT REQUIREMENTS



**Procure Recycled and Recovered Organic Products**


## JURISDICTION REQUIREMENTS


### COMPOST, RNG & ELECTRICITY

- Minimum Procurement

### PAPER PROCUREMENT REQUIREMENTS

- Recycled Content
- Recyclability





- Each jurisdiction\* will have a minimum procurement target that is linked to its population. CalRecycle will notify jurisdictions of their target Prior to January 1, 2022
  - The jurisdiction\* can decide what mix of compost, mulch, biomass derived electricity, or renewable gas they want to use to meet their target.
- Procurement doesn't necessarily mean purchase.
  - A jurisdiction\* that produces its own compost, mulch, renewable gas, or electricity from biomass conversion can use that toward the procurement target. This also applies for the jurisdiction's direct service providers (for example, its haulers).
    - A jurisdiction\* can use compost or mulch for erosion control, soil amendment, soil cover, parks/open spaces, giveaways.
    - A jurisdiction\* can use renewable gas to fuel their fleets, or a jurisdiction's waste hauler could use renewable gas to fuel their trucks. Renewable gas can be used for transportation fuels, electricity, or heating applications.
- SB 1383 also requires that jurisdictions\* procure recycled-content paper when it is available at the same price or less than virgin material.
- Finally procured paper products must meet FTC recyclability guidelines (essentially products purchased must be recyclable).

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# Construction & Landscaping Requirements



Recycling organic waste commingled with C&D debris, to meet CalGreen 65% requirement for C&D recycling in both residential and non-residential projects

Model Water Efficient Landscape Ordinance (MWELo) requirements for compost and mulch application.



CalRecycle 

Jurisdictions will have to adopt an ordinance or other enforceable requirement that requires compliance with CalGreen and Water Efficient Landscape Ordinance requirements (California Code of Regulations Title 24, Part 11):

- Providing readily accessible areas for recycling containers in commercial and multi-family units
- Recycling organic waste commingled with C&D debris, to meet CalGreen 65% requirement for C&D recycling in both residential and non-residential projects
- Require new construction and landscaping projects to meet Water Efficient Landscape requirements for compost and mulch application.

# ORGANIC WASTE RECYCLING INFRASTRUCTURE



SB 1383 Requires 50-100  
New or Expanded  
Organic Waste Recycling Facilities



In California today there about 180 compost facilities with 34 of them accepting food waste.

It will take a significant number of new facilities to recycle an additional 20-25 million tons of organic waste annually. CalRecycle estimates 50-100 new or expanded facilities are needed (depending on the size of each new facility this number could fluctuate).

## Upper Valley Disposal Service (UVDS)

- UVDS is currently working towards expanding their collection program. When completed, all residents/businesses could put all organic waste (yard, food, food soiled paper) into their yard waste cart.
- Planned UVDS improvements include:
  - Change in air permits at Clover Flat Landfill (CFL) and UVDS
  - Change in solid waste facility permits
  - New aerated static piles (ASP) equipment and systems at both facilities
  - New electronic monitoring systems for heat, airflow and VOC new requirement of air district
  - New system for collection of compost tea (water) at CFL
  - Advanced system for processing and recycling compost tea at UVDS
  - Blending Barn with Bio filter system at UVDS for receiving, cleaning, grinding and mixing organics
  - New electric grinders and screens for processing organics
  - Loaders (equipment)
  - Changes to the C&D processing facility at CFL to better assist in the removal of organics including carpet and other fibers.
  - Additional equipment for processing wood and refining to smaller pieces for compost.
  - Consideration of a wood burn box or biomass plant for onsite power generation. Currently

wood market is nonexistent.

- Mandatory streamline container lid and cart colors.
- Improved pad (concrete) at both facilities

## SB 1383 IN ACTION

### INFRASTRUCTURE REQUIREMENTS



Evaluating Current Infrastructure and Planning New Compost and AD Facilities and Edible Food Recovery

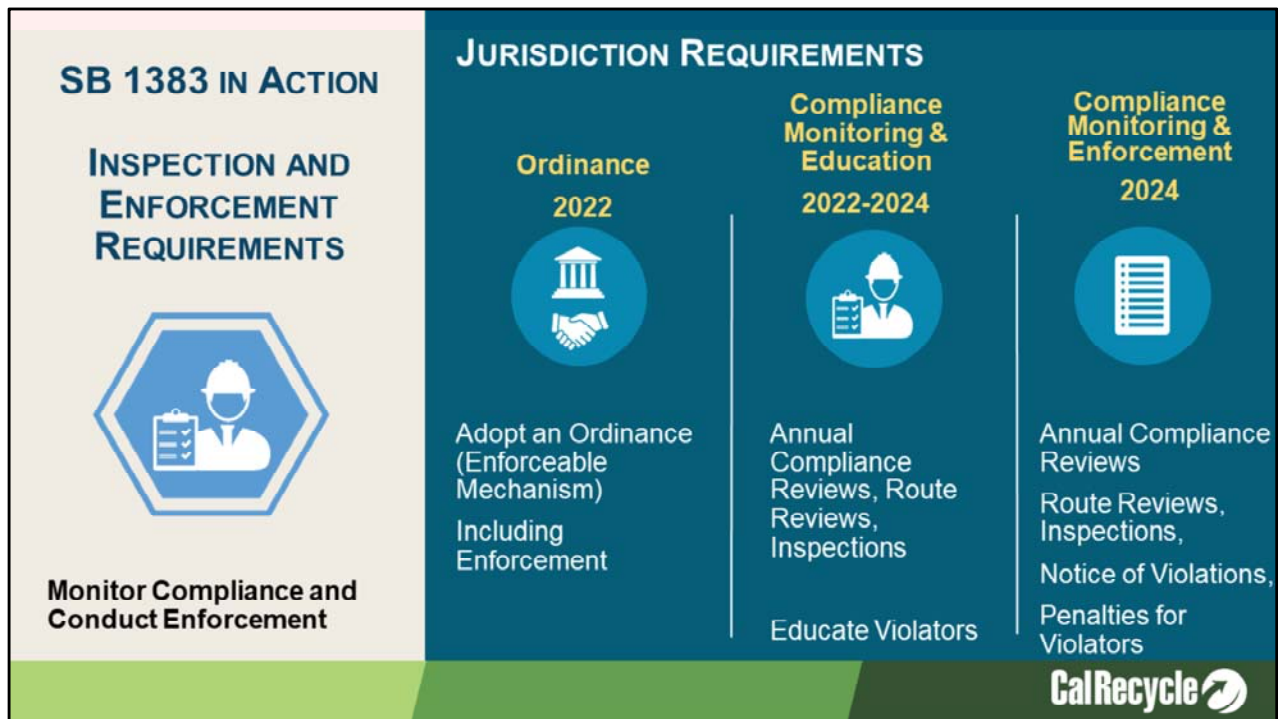


CalRecycle 

- Each jurisdiction\* must plan for adequate capacity for recycling organic waste and for edible food recovery
- Each county will lead this effort by coordinating with the cities in the county to estimate existing, new and/or expanded capacity.
- Jurisdictions\* must demonstrate that they have access to recycling capacity through existing contracts, franchise agreements, or other documented arrangements.
- For edible food recovery, jurisdictions\* must contact edible food recovery organizations that serve the jurisdiction to determine how much existing, new and/or planned capacity is available.
- 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.
- The County must collect data from the cities on a specified schedule and report to CalRecycle. Cities are required to provide the required data to the County within 120 days.

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- By January 1, 2022 jurisdictions\* are required to have an enforcement mechanism or ordinance in place, yet they are not required to enforce until 2024.
- Between Jan 2022 and Dec 2023 jurisdictions\* need to identify businesses in violation and provide educational material to those generators
- After January 2024 jurisdictions\* shall take progressive enforcement against organic waste generators that are not in compliance.
  - The jurisdiction\* has the flexibility to develop its own enforcement process.
  - The regulations set a minimum penalty amount of at least \$50 for the first offense within one year and can go up to \$500 a day for multiple offenses occurring within one year.

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## JURISDICTION ENFORCEMENT REQUIREMENTS



### Must Have Enforcement and Inspection Program that Includes:

- Annual Compliance Review
  - Commercial Businesses that Generate  $\geq 2$  Cubic Yards/week
  - Verify Businesses are:
    - Subscribed to Service or Self-hauling
- Route Reviews of Commercial/Residential Areas to Verify Service
- Inspection for Contamination

Requirements Harmonize with AB 1826 and Don't Establish a Minimum Quantity of Physical Inspections



- If a Jurisdiction\* is using a 3- or 2-bin organic waste collection service (UVDS will likely use a 3 bin collection system) they are required to do:
  - Annual compliance review of commercial businesses, which is currently done for AB 1826 (Mandatory Commercial Organics Recycling)
  - Route reviews of commercial businesses and residential areas. The route reviews can be done by the hauler (UVDS)
  - Monitoring for contamination

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## JURISDICTION ENFORCEMENT REQUIREMENTS ON COMMERCIAL FOOD GENERATORS



## Must Have Enforcement and Inspection Program that Includes:

- Inspections to verify:
  - Edible food Recovery arrangements
- Tier 1 Commercial Edible Food Generators by 2022
- Tier 2 Commercial Edible Food Generators by 2024

Commercial Edible Food Generator Inspections Can Be Combined with Existing Mandatory Inspections



### Edible Food Recovery Program

- Inspections on Tier One edible food generators in 2022 and Tier Two in 2024
  - Verify they have arrangements with a food recovery organization
  - Verify that the food generators are not intentionally spoiling food that can be recovered
- These types of inspections are new for waste management staff.
- Resources will need to be planned to conduct these inspections.

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**SB 1383 IN ACTION**  
**JURISDICTION REQUIREMENTS**



**Maintain Records and Report to CalRecycle**

**Recordkeeping Requirements:**

 Organic Collection Services	 Hauler Program	 Contamination Minimization	 Waivers	 Education & Outreach
 Edible Food Recovery Program	 Recycled Organic Waste Procurement	 Recycled Paper Procurement	 Commercial Edible Food Generators	 Jurisdiction Inspection & Enforcement



- Jurisdictions\* will have to maintain all information in an Implementation Record.
  - Many sections require a minimum level of recordkeeping
  - CalRecycle staff may review the implementation record as part of an audit of our program.
- The Implementation Record needs to be stored in one central location
  - It can be kept as a physical or electronic record
  - It needs to be accessible to CalRecycle staff within ten business days
  - It needs to be retained for five years
- Penalties for failure to maintain or provide access to the Implementation Record

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**CALRECYCLE OVERSIGHT (BEGINS IN 2022)**

**STATE ENFORCEMENT**

**CalRecycle**

**Authorize Waivers**

- Low Population
- Rural Areas

**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

**CalRecycle**

- CalRecycle will evaluate a jurisdiction's\* compliance.
- Under the SB 1383 regulations if CalRecycle determines a jurisdiction\* is violating one or more of the requirements:
  - A jurisdiction\* will be noticed and will have 90 days to correct.
  - Most violations should be able to be corrected in this timeframe. For cases where the jurisdiction\* may need a little additional time, the timeframe can be expanded to 180 days
  - For violations that are due to barriers outside the jurisdictions control and which may take more time to correct, the regulations allow for the jurisdiction to be placed on a Corrective Action Plan (CAP), allowing up to 24 months to comply. In these cases, it must be apparent that the jurisdiction has taken substantial effort to comply but cannot due to extenuating circumstances (such as a lack of capacity, disaster).
  - An initial corrective action plan issued due to inadequate capacity of organic waste recovery facilities may be extended for a period of up to 12 months if the jurisdiction meets the requirements and timelines of its CAP and has demonstrated substantial effort to CalRecycle.

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