



SB 1383 Updates

Organic Waste Reduction

February 10, 2022

SB 1383 Organic Waste Reduction

Overview of Item

1. **Workshop:** Updates on City of Fresno's compliance status
2. **Ordinance Updates:** Amend FMC Article 2 – Waste Collection and Disposal
3. **Notice of Intent to Comply:** Approve a resolution authorizing DPU to submit a Notice of Intent to Comply (NOIC) with SB 1383
4. **Grant Application:** Approve a resolution authorizing DPU to submit an application for SB 1383 Local Assistance Grant Program funding

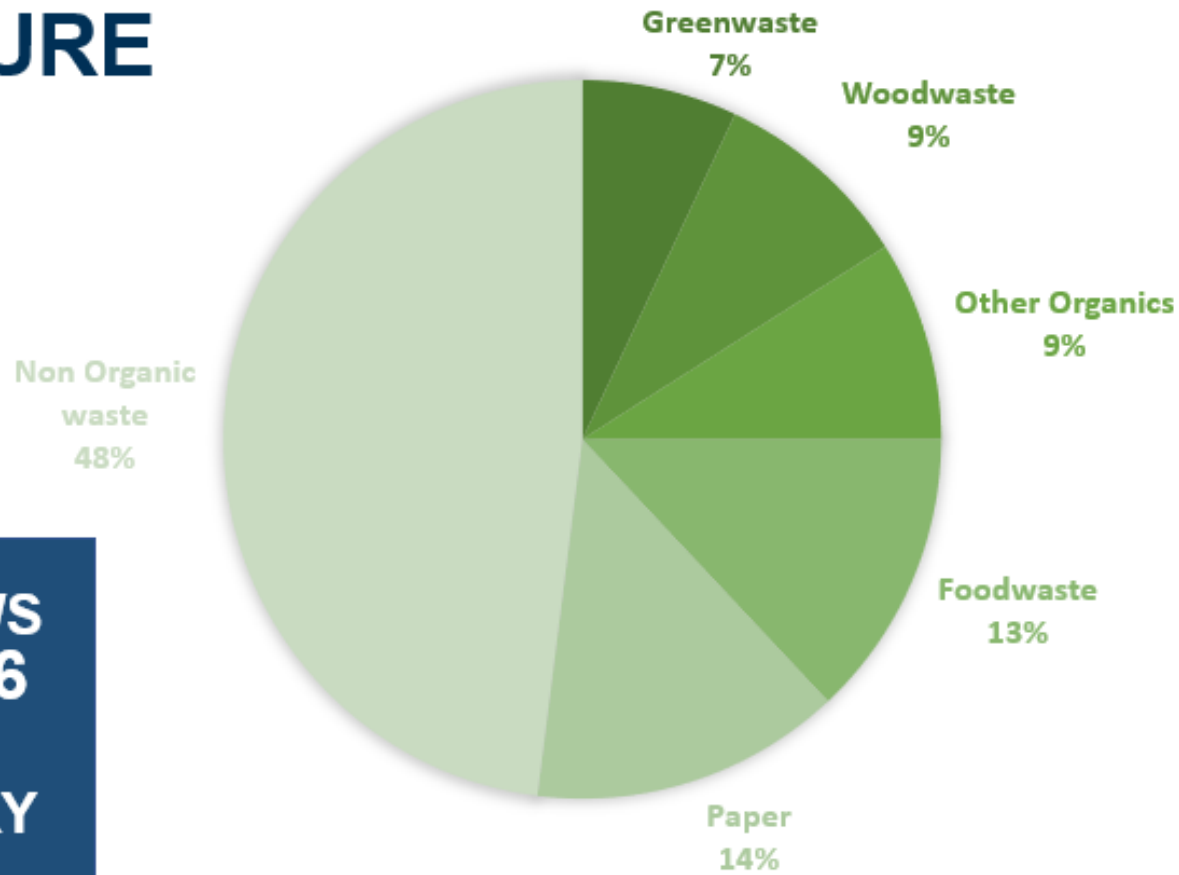
Organic Waste Is the Largest Waste Stream in California

1 IN 5 CALIFORNIANS ARE

FOOD INSECURE



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



CALIFORNIA
DISPOSED OF
APPROXIMATELY **24
MILLION TONS** OF
ORGANIC WASTE IN
2018

SB 1383 Organic Waste Reduction

Regulation Overview

- **Organic Waste:**
 - Includes green waste, wood waste, food waste, and fibers such as paper and cardboard
- **By 2025:**
 - 75% reduction in landfilled organic waste statewide
 - 20% increase in edible food recovery statewide
- **There are no individual jurisdiction targets**
 - Instead, jurisdictions are required to implement specific actions
- **Regulations took effect January 1, 2022**

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Jurisdiction Responsibility #1

Organic Waste Collection Services

- **Residential service:**
 - City currently provides 3-container “source separated” collection service to all residential customers
- **Commercial service:**
 - City contracts with commercial franchise haulers for multifamily and commercial collection service
 - Not all multifamily and commercial customers have green waste carts
 - Must negotiate amendments to commercial hauler agreements

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Jurisdiction Responsibility #2

Edible Food Recovery Program

- **Food to Share Program:**
 - Fresno Metro Ministry's program
 - Highlighted as case study on CalRecycle website
 - Need to partner with Fresno Metro Ministry to assess future capacity and expansion
- **Commercial Edible Food Generators:**
 - **Tier 1** Commercial Edible Food Generators = Grocery stores, food distributors, wholesale food vendors
 - **Tier 2** Commercial Edible Food Generators = Restaurants, schools, hotels & hospitals with on-site cafeterias, large entertainment venues
 - Need to create program for inspection and enforcement

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Jurisdiction Responsibility #3

Education and Outreach

- **Residential Service:**

- Need to prepare education & outreach plan
- Materials will be available in multiple languages
- Will utilize multiple avenues of communication

- **Commercial Service:**

- Need to amend contracts with commercial haulers to ensure that outreach and educational materials are provided to all customers
 - Collection service requirements, contamination standards, overall compliance
 - Edible food recovery requirements for all commercial edible food generators

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Jurisdiction Responsibility #4

Procurement

- **Recovered Organic Waste Products:**
 - Compost, mulch, renewable energy
 - City doesn't have access to qualified renewable energy
- **Minimum Procurement Target:**
 - City of Fresno = 43,741.6 tons of recovered organic waste products
 - DPU will coordinate with other City departments to meet procurement target (i.e. – PARCS, Public Works for landscape use of mulch)
 - Need to coordinate citywide reporting of all applicable procurement activities
 - Need to update Administrative Order 8-13 (City's Use of Environmentally Preferable Products)

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Jurisdiction Responsibility #5

Infrastructure

- **Organic Waste Recycling Capacity:**
 - City must demonstrate adequate access to recycling capacity through existing contracts, franchise agreements, or other documented arrangements
 - Need to amend agreements with green waste haulers to incorporate processing of food waste in the organics waste stream
- **Edible Food Recovery Capacity:**
 - Fresno Metro Ministry's Food to Share Program
 - Need to partner with Fresno Metro Ministry to assess future capacity and expansion

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Jurisdiction Responsibility #6

Inspection and Enforcement

- **Ordinance Update (2022):**
 - Must adopt an ordinance or other enforceable mechanism
 - Introduction of ordinance February 17; adoption on March 10
- **Compliance Monitoring and Education (2022-2024):**
 - Focus on educating all generators (residential & commercial) and providing opportunity for compliance prior to enforcement
 - Residential inspection program to include “lid-flip” inspections
 - Need to develop commercial collection inspection program
 - Need to develop commercial edible food generator inspection program
- **Compliance Monitoring and Enforcement (2024):**
 - Progressive enforcement – only the most egregious violators will need to be fined

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Jurisdiction Responsibility #7

Recordkeeping

- **Implementation Record:**

- Need to implement recordkeeping program to incorporate all required elements:
 - Organic collection services (residential & commercial)
 - Edible food recovery
 - Education & outreach
 - Procurement
 - Hauler programs
 - Commercial edible food generators
 - Contamination minimization
 - Waivers
 - Inspection & enforcement

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SB 619 – Notice of Intent to Comply

Notification of Intent to Comply (NOIC)

- Jurisdictions that are struggling to implement the regulations due to the COVID-19 pandemic, and are facing continuing violations and administrative civil penalties, may submit to CalRecycle a NOIC **by March 1, 2022**
- Must include a resolution approved by City Council affirming the contents and timeline of the NOIC
- CalRecycle to provide determination within 45 days of application
- When approved, a jurisdiction may be eligible for:
 - Administrative civil penalty relief for the 2022 calendar year
 - A corrective action plan

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Key Tasks

The City must:

- Negotiate amendments to agreements with commercial haulers, green waste processors, and non-exclusive roll-off (NERO) haulers
- Develop edible food generator inspection plan
- Develop outreach & education plan
- Develop procurement plan and update City's procurement policy
- Develop recordkeeping system
- Complete rate study to include costs related to SB 1383 compliance

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Key Milestones

Proposed Timeline – 2022

- **February 17, 2022:**
 - Introduction of updates to FMC Article 2 – Waste Collection and Disposal (adoption on March 10, 2022)
 - Approve a resolution authorizing DPU to submit a NOIC
 - Approve a resolution authorizing DPU to submit an application for SB 1383 Local Assistance Grant Program funding
- **July 1, 2022:**
 - Develop residential education & outreach plan

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Key Milestones

Proposed Timeline – 2023

- **January 1, 2023:**
 - Amend agreements with haulers
 - Including commercial haulers, green waste processors, non-exclusive roll-off haulers
 - Complete rate study for residential collection services
- **March 1, 2023:**
 - Implement commercial organics collection
 - Implement edible food generators inspection program
- **September 1, 2023:**
 - Implement residential organics collection

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SB 1383 Local Assistance Grant Program

Available Funding:

- One-time funding to local jurisdictions to assist with the implementation of regulation requirements associated with SB 1383
- City of Fresno estimated funding amount: **\$718,149**
 - To be used specifically for SB 1383 implementation
 - City will use these funds for personnel, consultants, education, outreach, public outreach materials, record keeping/tracking software, inspections, enforcement, training, safety, personal equipment/devices, etc.

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Next Steps

February 17th City Council Action Items:

- Amend FMC Article 2 – Waste Collection and Disposal
- Approve a resolution authorizing DPU to submit a Notice of Intent to Comply
- Approve a resolution authorizing DPU to submit an application for SB 1383 Local Assistance Grant Program funding

Notice of Intent to Comply:

- Submit by March 1, 2022

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Questions?