



City of Emeryville

CALIFORNIA

MEMORANDUM

DATE: February 16, 2021
TO: Christine Daniel, City Manager
FROM: Mary Grace Houlihan, Public Works Director
SUBJECT: Study Session: SB 1383 (Short-Lived Climate Pollutants: Organic Waste Methane Emissions Reductions) Implementation Update

RECOMMENDATION:

Staff recommends that the City Council receive this informational update on the status of implementation in the City of Emeryville of SB 1383, Short-Lived Climate Pollutants (SLCP): Organic Waste Methane Emissions Reductions.

BACKGROUND

In September 2016, Governor Brown signed into law SB 1383 (Lara, Chapter 395, Statutes of 2016), establishing methane emissions reduction targets in a statewide effort to reduce emissions of short-lived climate pollutants. SB 1383 establishes targets of a 75 percent reduction in the level of the statewide disposal of organic waste from 2014 levels and a 20 percent increase in recovery of currently disposed by 2025.

The law does not set specific jurisdictional targets but grants the California Department of Resources Recycling and Recovery (CalRecycle) the authority to promulgate regulations to achieve the overall reduction targets. In November 2020, CalRecycle finished promulgation of rules, with most sections taking effect January 1, 2022 and mandatory enforcement actions beginning January 1, 2024.

As it pertains to Emeryville, requirements can generally be divided into six categories including Collection and Processing, Outreach and Education, Enforcement, Procurement, Edible Food Recovery, and Recordkeeping. These requirements are further detailed in the attached materials and discussion below.

DISCUSSION

Staff has prepared a presentation (Attachment 1) outlining requirements as well as current planning progress and potential issues. A draft summary checklist of the requirements for jurisdictions has also been developed by the firm HF&H Consultants and can be referenced in Attachment 2. Staff has also been working in collaboration with partners on implementation planning, including the regional joint powers authority (JPA) Alameda County Waste Management Authority (StopWaste), and a draft memo outlining their proposed implementation responsibilities can be found in Attachment 3.

Despite the relatively short timeline and lack of additional funding provided by CalRecycle for implementation, the City of Emeryville is relatively far along in preparation for implementation of the new requirements due to our recent waste hauler franchise

agreement extension and ongoing participation in StopWaste's Technical Advisory Committee.

General requirements for jurisdictions under SB 1383 can be organized into the following categories:

Collection & Processing

Jurisdictions must provide organic waste collection service to all residents and businesses. Bins must be updated to conform with a standardized statewide color and labeling scheme. Additionally, jurisdictions must perform annual reviews of each stream (waste, recycling, organics) to ensure sorting requirements are being met.

Edible Food Recovery

Jurisdictions must complete a capacity study detailing the amount of organic waste disposed and capacity for future organic waste and edible food diversion. Jurisdictions must identify businesses with high organic material or edible food generating potential and provide annual outreach on diversion opportunities.

Procurement

Jurisdictions must annually procure a set amount of organic waste material (or equivalent) at a rate of .08 tons per resident per year (Attachment 4). All paper products procured by the jurisdiction must consist of at minimum 30% post-consumer recycled content and be recyclable as defined by CalRecycle.

Ordinance/Enforcement

Jurisdictions must adopt an ordinance for enforcement of SB 1383 requirements within their boundaries, including both inspection and compliance programs for high organics waste generators.

Education & Outreach

Jurisdictions must annually provide information to organics generators on proper sorting of waste materials, benefits of methane reduction, and edible food recovery programs. Specific generators of high organics materials must receive additional information on edible food diversion and recovery options locally.

Recordkeeping & Reporting

Jurisdictions must maintain an "implementation record" of all aspects of their compliance with SB 1383 requirements and be able to provide it to CalRecycle within ten days, upon request. Additionally, jurisdictions must make annual reports to CalRecycle on SB 1383 implementation.

The majority of these requirements take effect in 2022 with enforcement mechanisms in place by 2024. Standardized bin requirements must be fulfilled before 2036.

StopWaste has recently proposed to take lead responsibility on several of the SB 1383 requirements, details of which can be found in Attachment 3. Their proposal includes the following:

- Developing a regional enforcement ordinance that jurisdictions can then individually adopt to comply with enforcement requirements. They will take lead on partnering with the Alameda County Health Department to perform inspection of high organics generators.
- Administratively enforce requirement for provision of organics services through waste hauler records reviews.
- Development of most edible food recovery programming including capacity study, outreach messaging, and technical assistance helpline.
- Organize regional opportunities to achieve organics procurements targets.
- Develop an umbrella reporting system for implementation record requirements that allows for multiple partners including jurisdictions, haulers, and StopWaste to update records accordingly.

Staff is continuing to clarify roles and responsibilities and plan for implementation and expects to bring an additional informational update on implementation at the end of 2021.

FISCAL IMPACT

Current fiscal impacts to the City are unknown. However, additional costs are expected to satisfy annual procurement requirements, maintain record-keeping software, and provide waste stream route reviews.

STAFF COMMUNICATION WITH THE PUBLIC

Staff presented SB 1383 information at the February Sustainability Committee meeting.

CONCLUSION

Staff recommends that the City Council accept the update on SB 1383 and attached documents and clarify any questions with staff.

PREPARED BY: Matt Anderson, Environmental Programs Technician

REVIEWED BY: Nancy Humphrey, Environmental Programs Supervisor

**APPROVED AND FORWARDED TO THE
CITY COUNCIL OF THE CITY OF EMERYVILLE:**



Christine Daniel, City Manager

ATTACHMENTS:

- Attachment 1: SB 1383 Staff Presentation
- Attachment 2: HF&H Draft SB 1383 Requirements
- Attachment 3: StopWaste SB 1383 Implementation Proposed Roles
- Attachment 4: Organics Procurement Handout