



DATE: November 10, 2025

TO: Council Sustainability Committee

FROM: Director of Public Works

SUBJECT Update on Implementation of Solid Waste and Recycling Franchise Agreement and Update on Evaluation by CalRecycle of Hayward's Compliance with SB 1383– Review and Comment

RECOMMENDATION

That the Council Sustainability Committee (CSC) receives an update on the implementation of the Solid Waste and Recycling Franchise Agreement between Hayward and Waste Management of Alameda County (WMAC) as well as an update on CalRecycle's evaluation of Hayward's Compliance with SB 1383 and provides comments to staff.

SUMMARY

The City holds a franchise agreement with WMAC to provide solid waste, recycling, and organic materials collection, and processing services. The ten-year franchise agreement was approved by Council on June 28, 2022, and became effective on March 1, 2023. This report provides an update on some key elements of the contract, including some of those that help the City comply with SB 1383 such as the, the procurement of compost and mulch, and surcharges for contamination and overages. This report also provides an update on CalRecycle's ongoing evaluation of Hayward's compliance with SB183 as per a compliance review being conducted by CalRecycle's Jurisdiction and Agency Compliance and Enforcement (JACE) Branch.

FISCAL IMPACT

This agenda item has no negative impact on the General Fund or Measure C.

The Franchise Agreement generates Franchise Fees and direct impact mitigation fees for the City, which benefit the City's General Fund, Recycling Fund, Stormwater Fund, and Street System Improvement Fund.

BACKGROUND

WMAC has been the City's solid waste and recycling services franchisee since at least the mid-1970s and has, in the past thirty years, subcontracted with Tri-CED Community Recycling for

residential recycling services. On June 28, 2022¹, Council approved the new franchise agreement with WMAC as well as adjustments to the refuse, recycling and organics rates. The new agreement contained several elements to help the City comply with SB 1383 and subsequent regulations developed by CalRecycle². On March 1, 2023, the new franchise agreement commenced.

On January 1, 2022, California's Short-Lived Climate Pollutant Reduction Strategy (SB 1383) came into effect. The bill's main goal is to reduce greenhouse gas emissions by keeping organic waste out of landfills. SB 1383 and Hayward's plans to meet its requirements have been discussed by the CSC during the May 8, 2023³, meeting as well as during the March 11, 2024⁴ meeting.

Over the past two years JACE has begun to conduct evaluations of jurisdictions to monitor compliance with SB 1383 and other state recycling laws. In 2023, JACE started the evaluation of about 25 jurisdictions. In 2024, JACE started another round of evaluations for SB 1383 compliance that included about 55 jurisdictions, including Hayward. Four other Alameda County jurisdictions were included in the 2024 JACE evaluations: Oakland, Berkeley, Fremont and San Leandro. As of October 2025, only three of the approximately 80 jurisdictions selected by JACE in 2023 and 2024 for evaluation have received a final evaluation findings report.

DISCUSSION

The current franchise agreement with WMAC includes new elements to achieve compliance with SB 1383 as well as to improve service and reduce litter. Updates on some of the new elements that WMAC started implementing on March 1, 2023, are listed below.

Surcharges for Contamination and Overages

SB 1383 requires monitoring customers' containers for contamination and applying surcharges for contamination. Hayward's franchise agreement with WMAC includes a program in which WMAC uses cameras on their trucks to perform the monitoring for Hayward. The cameras monitor recycling and organics containers for contamination and simultaneously look for overfilled containers.

Contamination is defined as 10% by volume of non-recyclable material in a recycling container or non-compostable material in an organics container. The primary contaminant WMAC looks for is plastic bags. Plastic bags don't get recycled, and often clog sorting equipment, creating delays on the sorting lines as workers untangle and remove the bags

In April of 2025:

- 40% of commercial accounts received a warning or violation for contamination of recycling; and

¹ <https://hayward.legistar.com/LegislationDetail.aspx?ID=5709695&GUID=E5867537-1E85-495D-95E4-BB7A6B590715&Options=&Search=>

² <https://www.calrecycle.ca.gov/organics/slcp/>

³ <https://hayward.legistar.com/LegislationDetail.aspx?ID=6197740&GUID=FDAC80A0-404D-4E93-9D9F-5A21833E3469&Options=&Search=>

⁴ <https://hayward.legistar.com/LegislationDetail.aspx?ID=6569386&GUID=17C85A74-6873-41C9-8C09-9243DED58872&Options=&Search=>

- 4% of commercial accounts received a warning or violation for contamination of organics.
- 1% of residential accounts received a warning or violation for contamination of organics.

Residential single-family recycling was not monitored by means of video in April 2025 because Tri-CED was still equipping its trucks with the technology.

Overage is defined as a container's lid being open by 12 inches or more. If an unacceptable amount of non-recyclable or non-organic material is noticed, or if a container is considerably overfilled, the customer will receive a warning letter informing them about the contamination or overage issue. Customers will receive two warning letters before being charged a fee. If no violations occur for a year, then the customer's account resets, and they will once again receive two warning letters before being charged a fee.

In April of 2025, the following customers received a warning or violation for an overage:

- 10% of commercial landfill accounts
- 7% of commercial recycling accounts
- 1% of commercial organics accounts

For residential accounts, 1% received a warning or violation for overage of a landfill container. Residential accounts are not assessed overages for recycling or organics containers.

Procurement of Recycled Organic Material

The franchise agreement helps Hayward meet the SB 1383 requirement for annually procuring a minimum quantity of organic material that is made from recycled organic waste. SB 1383 was amended in 2024 through SB 2346, resulting in Hayward's annual target to be reduced by about 66% to 4,268 tons per year starting in 2025. The franchise agreement annually provides Hayward with 10,000 bags of compost to provide residents, which is done through compost giveaways; as well as 13,750 cubic yards of mulch or compost for the City's general use for the purpose of meeting the SB 1383 requirement. The City has been working with HARD to use mulch and compost on City parks and has also been coordinating with the Hayward Unified School District (HUSD) to use mulch or compost at schools.

New Public Litter Cans

Hayward will increase the total number of public litter cans citywide from about 300 to more than 400 over the course of the new franchise agreement. In the first two years of the contract, a total of 137 new litter cans were deployed. In years three through four of the contract, 35 new cans will be added each year. In years five through ten of the contract, ten cans are scheduled to be added each year, for a total of 267 new litter cans during the term of the contract. Staff has focused on replacing the majority of the black metal cans and deteriorating aggregate cans in the Downtown area with new Big Belly dual containers. As of October 2025, most damaged old metal cans Downtown have been replaced, however staff will continue to replace damaged and deteriorating cans throughout the City with Big Bellies as needed.

Staff continually updates a GIS map of the public litter cans throughout the City to streamline the installation of new cans. Staff is also developing a request for qualifications for a contractor to maintain the City's Big Belly cans, as some cans have been damaged and vandalized and recycling funds can pay for maintenance.

Vehicles

Tri-CED's new fleet of route collection trucks fueled by compressed natural gas (CNG) started operating in 2024. The trucks were paid for through the rates, but their deployment was delayed about 18 months. Tri-CED's old fleet had become obsolete and was requiring frequent maintenance. The new fleet has been recently equipped with a camera system so that the Tri-CED trucks can monitor the recycling carts in the same manner WMAC's trucks monitor carts. Tri-CED had been monitoring contamination by having the drivers regularly monitor cans on certain routes. Tri-CED will roll out the video monitoring system in the same manner WMAC began its monitoring system in 2023; by initiating a four-month outreach period in which residents will receive courtesy letters and information about the new system and proper recycling before any warnings or surcharges are applied to accounts. Electric-powered route trucks will likely become more common near the end of the term of the franchise agreement, as new state regulations require transitioning to zero-emission trucks and vans over the next decade.⁵

Outreach

Hayward and WMAC create an outreach plan every year to help residents and businesses understand what goes in which container and also to ensure Hayward customers are aware of all the services the franchise agreement offers them. Services such as the compost giveaway, bulky collection program, dump coupons, holiday tree collection, free kitchen pails, and low-income assistance program. In 2025 Hayward increased its use of on-line and streaming ads. A new element to the outreach that launched in late 2025 is an artificial intelligence (AI) chatbot dedicated to answering Hayward customers' questions about sorting material. The chatbot is named Lottie Sortwell and has been made available to Hayward residents and businesses through the City's website, the City's Facebook page and through QR codes distributed in the recycling brochure mailed to all residents in October 2025 as well as the environmental newsletter, the Leaflet. Hayward's 2026 outreach plan is being developed and will further increase the use of digital channels

⁵ <https://ww2.arb.ca.gov/resources/fact-sheets/advanced-clean-fleets-regulation-summary>

JACE Compliance Evaluation

In July of 2024, Hayward was informed that JACE would be conducting an evaluation of the City's compliance with SB 1383. As part of the review, CalRecycle staff evaluate various aspects of a jurisdiction's waste management program including, but not limited to the following:

- Organic waste collection services
- Edible food recovery program
- Education and outreach
- Procurement (Including mandatory compost and mulch)
- CalGreen
- MWELO (Model Water Efficiency Landscaping Ordinance)
- Recordkeeping
- Reporting
- Enforcement

From August 2024 through April 2025 JACE representatives reviewed the City's implementation records as well as the City's waste management system. The implementation record is a comprehensive list of documents prescribed by SB 1383 that each jurisdiction must keep in order to demonstrate compliance with SB 1383. After reviewing the City's electronic records, JACE representatives asked several clarifying questions and conducted site visits that included touring the Davis Street Resource Recovery Complex, reviewing Waste Management truck routes, and checking that Hayward's carts complied with the SB 1383 color scheme and labeling rules.

The JACE representatives conducting Hayward's review have not indicated when a final evaluation of findings report might be expected. None of the other four jurisdictions in Alameda County have received a final evaluation of finding report from JACE nor an estimate on when a final report might be completed.

ECONOMIC IMPACT

The franchise agreement includes a reduced cost of recycling bins for multi-family dwellings, retains the smallest, lowest cost garbage cart rate and continues to offer bulky collection for multi-family dwellings. The low-income rate assistance program remains part of the agreement. Maintaining reasonable solid waste and recycling service fees and improving service levels can have a positive impact on the community.

If the JACE review determines Hayward failed to comply with elements of SB 1383, CalRecycle will grant an implementation period to correct the violations. Should the City continue to be out of compliance after the implementation period, Hayward can be fined from \$500-\$10,000 per violation per day depending on the severity and frequency of the violations. As of October 2025, JACE has not fined any jurisdiction in the state for non-compliance with SB 1383.

STRATEGIC ROADMAP

This agenda item does not directly relate to any of the projects listed in the Council's Strategic Roadmap, however, the recycling and litter prevention programs that are part of the WMAC franchise agreement support the priorities to *Support Quality of Life* and *Confront Climate Crisis & Champion Environmental Justice*.

SUSTAINABILITY FEATURES

Solid waste management involves the safe and responsible management of discarded material from generation through processing to disposal. Reducing waste landfilled by maximizing the reuse, recycling, and composting of materials increases diversion, conserves natural resources, and plays an important role in making a community sustainable.

PUBLIC CONTACT

WMAC mailed Hayward customers introductory information regarding the new contract as well as the truck video contamination and overage surcharge program and included information about rates with the March bill. In addition, WMAC sent mailers to customers regarding the cart exchange procedures and sent two robo-phone messages to customers regarding the cart exchange process.

NEXT STEPS

Staff will continue to work with WMAC to implement the franchise agreement, including installing new litter cans, conducting outreach to residents and businesses about proper recycling as well as the contamination and overage program.

Prepared by: Jeff Krump, Solid Waste Program Manager
Erik Pearson, Environmental Services Manager

Recommended by: Alex Ameri, Director of Public Works

Approved by:



Jayanti Addleman, Interim City Manager