



DATE: July 8, 2019

TO: Council Sustainability Committee

FROM: Director of Public Works

SUBJECT: SB 1383: The Short-Lived Climate Pollutants Act – New Regulations to Reduce Methane Emissions from Organic Waste

RECOMMENDATION

That the Committee reviews and comments on this report and directs staff to send a comment letter to CalRecycle.

SUMMARY

In September 2016, Governor Brown signed SB 1383 establishing methane emissions reduction targets in a statewide effort to reduce emissions of short-lived climate pollutants in various sectors of California's economy. SB 1383 requires the state to reduce disposal of organic waste by 50% by 2020 and 75% by 2025. The law grants CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets and establishes an additional target that not less than 20% of currently disposed edible food is recovered for human consumption by 2025.

CalRecycle is currently in the final stages of the SB 1383 rule-making process. The agency recommends jurisdictions begin preparing for SB 1383 implementation now as the regulation's major components are not expected to change. In order to comply with SB 1383 regulations, the City of Hayward will need to update current commercial and residential waste management programs, adopt ordinances that mandate qualifying entities comply with CalRecycle regulations, establish enforcement protocol, and develop an edible food recovery program no later than January 1, 2022.

BACKGROUND

Why Focus on Organic Material and Food Recovery?

Each year in California, 20-23 million tons of organic material is sent to the state's landfills.¹ This organic material accounts for two thirds of all landfilled material in

¹ Number as reported via the 2014 CalRecycle Waste Characterization Report. Full report can be found at <https://www2.calrecycle.ca.gov/WasteCharacterization/Study>

California. Sending organic material to the landfill leads to the anaerobic breakdown of that material, which produces methane, a greenhouse gas (GHG) 25 times more effective at trapping atmospheric heat than carbon dioxide over a 100-year period. According to the California Air Resource Board, California landfills emitted 338,619 tons of methane in 2016 alone² (the equivalent of 8,465,463 tons of carbon dioxide or the GHG emissions of 1,797,342 passenger vehicles driven for one year.³)

Wasted food makes up the largest waste stream in the state accounting for 18% of the total mass Californians send to landfills each year, or nearly 6 million tons of potentially edible food annually. Wasting food indirectly wastes the water, energy, fertilizer, and the human labor that went into producing, transporting, and preparing that food. Additionally, in California 1 in 8 residents are food insecure. By developing food recovery capacity California can reduce methane emissions, conserve resources, and expand access to food resources for food insecure residents.

Alameda County's Mandatory Recycling Ordinance

In January 2012, the Alameda County Waste Management Authority (also known as StopWaste) Board approved a mandatory recycling ordinance, which included a goal to ensure that recyclables and compostables make up less than 10% of material sent to landfill by 2020. In 2018, 36% of the material landfilled in Alameda County was recyclable or compostable. In 2008, the county-wide percentage was 60%.

Wasted Food and Food Recovery in Alameda County

A 2017 study conducted by the Northern California Recycling Association (NCRA) in coordination with StopWaste found that 36,000-58,500 tons of excess edible food is sent to landfills in Alameda County each year.⁴ Of that total, food recovery organizations and services operating in the county rescue nearly 3,000 tons for redistribution to Alameda County community members. To meet SB 1383's edible food recovery targets, food recovery in Alameda County will have to double or triple by 2025.

Waste Food in Hayward

The EPA Excess Food Opportunities Map⁵ estimates that Hayward's 70 plus Tier 1 edible food generators⁶ produce as much as 7,500 tons of excess edible food every year. Hayward's location in the heart of the Bay Area makes it a hotspot for wholesale food vendors and food distributors. These types of businesses produce larger quantities of excess edible food than restaurants or small retail stores. StopWaste and CalRecycle are both currently conducting waste characterization studies that will provide the City of Hayward with more accurate data on the amount of excess edible food generated by

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https://www.arb.ca.gov/cc/inventory/doc/docs4/4a1_landfills_landfillgasgeneration_landfillgas_ch4_2016.htm

³ Numbers determined using the EPA GHG Equivalency Calculator at <https://www.epa.gov/energy/greenhouse-gas-equivalencies-calculator>

⁴ https://ncrarecycles.org/wp-content/uploads/2017/07/NCRA_Food_Report_June_2017.pdf

⁵ <https://www.epa.gov/sustainable-management-food/excess-food-opportunities-map>

⁶ See footnote #8

Hayward businesses and institutions. The results of these studies are expected to become available at the beginning of 2020.

Food Recovery in Hayward

Organizations such as Hope 4 the Heart, Alameda County Community Food Bank, the Salvation Army, St. Vincent De Paul, and All In Alameda County operate some type of food recovery and/or food redistribution in Hayward. The City may be able to partner with some or all of these organizations to develop a SB1383 mandated food recovery program.

DISCUSSION

CalRecycle is currently in the final stages of the SB 1383 rule making process. CalRecycle's most recent draft of regulations was released June 17, 2019 with a 15-day comment period. On July 1, 2019, CalRecycle extended the comment period to July 17, 2019. During the Committee meeting, staff will present recommended comments on the draft regulations that may be submitted to CalRecycle.

StopWaste has played an active role in the SB 1383 rulemaking process. StopWaste hosts regular SB 1383 Task Force meetings, bringing together staff from cities across Alameda County to provide recommendations to CalRecycle on the draft SB 1383 regulations. These recommendations primarily urge CalRecycle to create regulations that will be practical for jurisdictions, generators, haulers, facilities, and food recovery organizations. The Task Force will continue in this capacity for the remainder of the SB 1383 rulemaking process.

The following is a summary of the proposed regulations for SB 1383 published by CalRecycle as of June 18, 2019 with a focus on information relevant to Hayward. Please note that the details of regulations are subject to change until regulations are finalized.

Collection Services

Jurisdictions must provide organic waste collection services and mandate all residential, commercial, and government entities either subscribe to that service or self-haul their organic waste by January 1, 2022. CalRecycle also requires jurisdictions color-coordinate and label any new waste collection bin offered to customers. New organics bins must have a green body and lid, new recycling bins must have a blue body and lid, and new landfill bins must have a grey or black body and lid. Existing bins need not be replaced until the end of their useful life until after January 1, 2036.

Hayward has provided an organics collection service since 2009. To meet SB 1383 regulations the City will have to coordinate with its waste haulers to assure new collection bins comply with CalRecycle's coloring and labeling requirements.

Contamination Management

Jurisdictions or their franchised haulers will be required to complete regular "route reviews" that verify commercial, residential, and government entities subscribe to an organic waste collection service or self-haul their organic waste. Route reviewers will also monitor for contamination via visual or mechanical inspection.

Edible Food Recovery Requirements

CalRecycle's draft SB 1383 regulations include several sections covering the requirements for edible food recovery for jurisdictions, generators, and food recovery organizations as summarized in the sections below.

Jurisdictions

Jurisdictions are responsible for implementing Edible Food Recovery Programs in their communities. Edible Food Recovery Programs must:

1. Assess the amount of excess edible food generated in the jurisdiction and the available food recovery capacity of existing food recovery organizations or services.
2. Establish or expand food recovery capacity in the jurisdiction to assure at least 20% of excess edible food is recovered.
3. Educate commercial food generators of SB 1383 food recovery requirements and food recovery organizations/services operating in the jurisdictions.
4. Inspect commercial edible food generators and enforce compliance when necessary.

Food recovery programs can be administered by individual jurisdictions or by counties in coordination with their jurisdictions as is being done in San Mateo County. StopWaste could administer one food recovery program that fulfills SB 1383 food recovery requirements for every jurisdiction in Alameda County. This approach could minimize the administrative costs and staff resources needed to create, implement, and enforce SB 1383 food recovery programs in Hayward and across Alameda County.

Commercial Food Generators

CalRecycle has identified two tiers of commercial food generators⁷. Tier 1 and 2 generators will be required to contract with food recovery organizations or services to recover and distribute as much of the generator's excess edible food as possible. Both tiers of generators will be required to track the total weight of their excess and will be prohibited from intentionally spoiling any edible food.

Food Recovery Organizations and Services

SB 1383 requires food recovery organizations and services track the amount of food they receive and distribute by January 1, 2022. The regulations do not mandate food recovery organizations accept any amount or type of food nor augment their services to help jurisdictions or commercial food generators comply with their SB 1383 food recovery requirements.

ECONOMIC IMPACT

SB 1383's overall impact on Hayward's economy should be minimal. SB 1383 primarily reallocates where resources end up but does not limit production. For example, Waste

⁷ Tier 1 commercial edible food generators include supermarkets, food service distributors, and wholesalers. Tier 2 commercial edible food generators include restaurants and cafeterias that seat 250 or more individuals; large venues or individual events that serve over 2000 individuals; and education institutions, hotels, or hospitals with onsite food facilities.

Management Inc. may see their bottom line impacted as Hayward businesses and residents send less organic material to landfills but any lost revenue will be realized by food recovery organizations or other organics recycling operations. Food recovery programs are expected to have a positive impact on Hayward's food insecure community members.

FISCAL IMPACT

The full scope of implementing SB 1383's specific fiscal impacts are unknown at this time, largely because this law's enforcement regulations are not yet finalized, and staff lack the data to gauge the costs of additional programming. The regulations do allow flexibility to fund new programs through adjusting franchise fees, local assessments, or other funding mechanisms.

STRATEGIC INITIATIVES

SB 1383 does not directly relate to one of Council's three Strategic Initiatives.

SUSTAINABILITY FEATURES

CalRecycle's SB 1383 regulations are intended to reduce GHG emissions, develop markets for recycled organic material, and encourage more efficient use of edible food resources across the state. If new regulations achieve their intended goals, then California and Hayward will decrease their contribution to climate change and consumption of resources.

PUBLIC CONTACT

There has been no public contact made regarding SB 1383.

NEXT STEPS

Upon direction from the Committee, staff may send a comment letter to CalRecycle prior to the July 17, 2019 deadline. Staff will continue to work with StopWaste's 1383 Task Force to stay apprised of any changes as the regulations are finalized and will report back to the Committee as appropriate. CalRecycle requires jurisdictions comply with SB 1383 regulations no later than January 1, 2022. Staff will recommend actions Council should take in order to assure Hayward meets the compliance deadline.

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