


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 in various sectors of California’s economy. The new law codifies the California Air Resources Board’s [Short-Lived Climate Pollutant Strategy](#) to achieve reductions in the statewide emissions of short-lived climate pollutants.

SUMMARY

As it pertains to solid waste, SB 1383 establishes the following targets:

SB 1383 REQUIREMENTS	
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

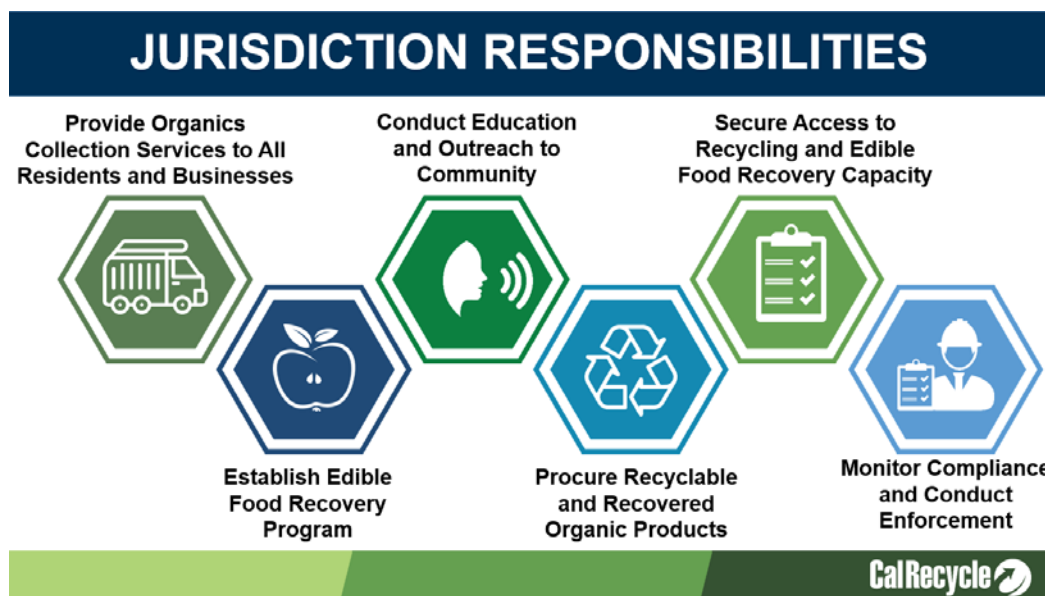
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The table below lists the various requirements of the regulations. Each area of regulation is then described in further detail below:

Regulation Category	Requirement
Collection Services – Recycling and Organics (compost)	Provided service to every resident and business
Mandatory Participation	Adopt some type of mandatory participation mechanism
Inspection and Enforcement	Include enforcement mechanism to ensure participation
Container Colors	Meet color requirements – green for organics, blue for recycling and grey or black for garbage
Education	Provide annually to all businesses and residents – specifies what must be included
Edible Food Recovery	Establish a food recovery program for certain businesses
Procurement	Procure targeted amounts of compost and/or renewable natural gas and paper products
Capacity Planning	Plan for adequate capacity for organic waste processing and edible food recovery
Record Keeping	Maintain an Implementation Record
Annual Reporting	Annual reports due to State
City Violations	City subject to violation for failure to comply

PROPOSED REGULATIONS

The reduction targets established by SB 1383 are statewide. Since the targets don't apply directly to individual jurisdictions, the regulations developed by CalRecycle are very prescriptive. Under these regulations, jurisdictions are required to implement specific actions, rather than achieve set targets. This is a significant departure from the prior waste reduction mandate imposed by AB 939 to reduce landfill disposal by 50 percent, but which allowed cities to choose their own actions to achieve that goal. The required actions are shown below and summarized in the sections that follow.



Organic Waste Collection Services

Organics Defined: Organics are defined very broadly: food, landscape and pruning waste, wood, paper products, and organic textiles and carpets.

Collection Services: Collection services must be provided to every resident and business for all organic waste. Participation is mandatory. Three methods of collection are allowed - Mountain View currently utilizes a three-container “source-separated” system.

SB 1383 IN ACTION

JURISDICTION REQUIREMENTS

Provide Organics Collection Services 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

Two-Container Collection Service

- One container for collection of segregated organic waste
- One container for collection of mixed waste (subject to 75% organic content recovery standard)

One-Container Collection Service

- One container for collection of mixed waste (subject to 75% organic content recovery standard)

• Minimum contamination monitoring and reduction requirements

• Collection waivers authorized for certain documented circumstances

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- The **City** must ensure that all residents and businesses are subscribed to organics collection service and may approve waivers or exemptions based on de minimis generation of organics (less than 10 or 20 gallons per week based on amount of trash service) or physical space limitations for containers (if documented by supporting evidence).
- **Property and Business Owners** must arrange for organic waste collection services for employees, contractors, tenants and customers. They must provide information about the requirements and proper sorting annually and to new tenants upon occupation of premises.
- If **Business Self-Haul** (some large grocery chains engage in the practice of backhauling waste to their distribution centers) is allowed, the **City** must adopt an ordinance requiring all self-haulers to keep records of the amount and delivery location of self-hauled organic waste and report that information to the jurisdiction annually.

Container Colors: All containers (or their lids) must meet color requirements - green for organics, blue for recycling (split-containers allowed) and grey or black for garbage. Prescribed labeling is also required.

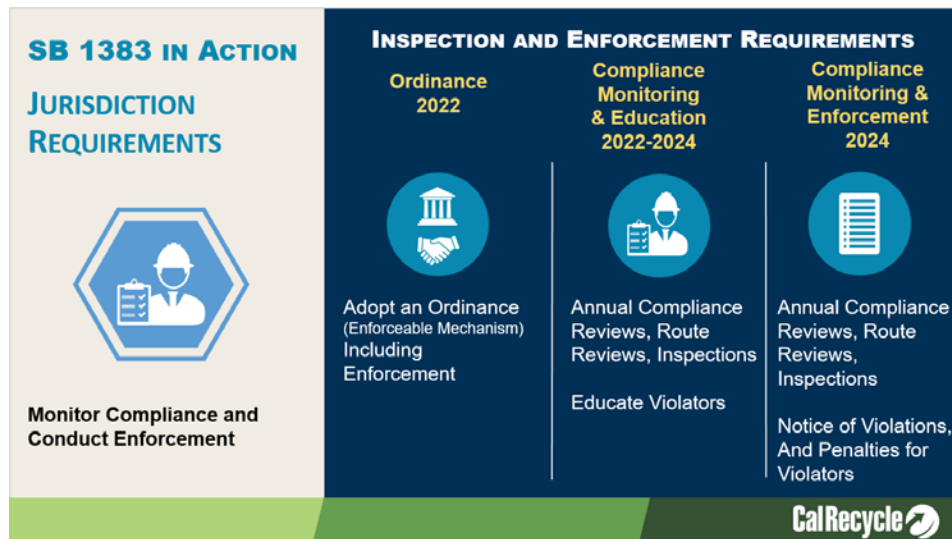
Education, Inspection and Enforcement

Education: Education and outreach must be provided annually to all businesses and residents about participation requirements, contamination standards, methane reduction benefits, prevention of waste and programs for the donation of and to commercial edible food generators about food recovery requirements. Education material must be provided to linguistically isolated households in the appropriate languages.

Mandatory Participation: Participation in the organics diversion program is mandatory for all organics generators (residents, businesses, events, etc.). This mandatory program must be in place (by Ordinance or similar mechanism) no later than January 1, 2022.

Inspection and Enforcement: The ordinance must include enforcement mechanisms, including annual compliance reviews and quarterly inspections for participation and contamination, according to the timeline shown below. There are 30 separate penalties that can apply to residents and businesses, starting at \$50 per day and up to \$500 per day for multiple offenses, and up to \$2,500 per day for continuing violations.

City Violations: The City can also be issued a violation by CalRecycle for failure to comply with any individual aspect of the regulations. There are 51 separate penalties that can be assessed ranging from \$500 to \$10,000 per day.



JURISDICTION ENFORCEMENT REQUIREMENTS

Must Have Enforcement and Inspection Program that Includes:

- Annual Compliance Review
 - Commercial Businesses that Generate > 2 Cubic Yards/week
 - Verify Businesses are:
 - Subscribed to Service or Self-hauling
- **2 or 3 Collection Service:** Route Reviews of Commercial/Residential Areas to Verify Service and Inspect for Contamination
- **Single Unsegregated Collection Service:** Verify Businesses are subscribed to a service that is Transporting Contents to a High Diversion Organic Waste Processing Facility

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

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Edible Food Recovery

Establish Program: The capacity of existing food recovery programs (discussed more under Capacity Planning below) must be assessed and then a food recovery program established by the City, expanding existing infrastructure if needed. The program must include actions to:

- Educate annually all businesses that generate edible food (unsold or unserved food that is fit for human consumption).
- Increase commercial edible food generators access to edible food recovery organizations and services.
- Maintain lists of edible food recovery organizations and commercial edible food generators that have arrangements with recovery organizations
- Document City actions to increase edible food recovery capacity.
- Inspect and enforce Tier One and Tier Two edible food generator compliance with the requirement to recover edible food, per timeline below:

JURISDICTION ENFORCEMENT REQUIREMENTS ON COMMERCIAL FOOD GENERATORS

Must Have Enforcement and Inspection Program that Includes:

- Inspections are 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




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- * Tier One = supermarkets, grocery stores 7,500 square feet or more, food service distributors, and wholesale food markets.
- * Tier Two = restaurants with 250 or more seats or greater than 5,000 square feet in size, hotels with on-site food facility or 200 or more rooms, health facilities with on-site food facility or 100 or more beds, large venues and events.

Procurement

Compost or Renewable Natural Gas Purchase Targets: The City will be required to purchase a minimum amount of compost and/or Renewable Natural Gas (RNG) transportation fuel. Currently, the regulations base the target amount on population. CalRecycle has received numerous comments about the targets being excessive, the limitation to compost and RNG (as these are not the only products that can be made from organic materials), and about encouraging RNG fuel just as City's are exploring moving to more electric fleets. CalRecycle has already indicated that the procurement targets and products allowed to fulfill the targets may be amended.

Paper Purchases: Procurement of paper products is also required, as outlined below:

RECYCLED-CONTENT PAPER PROCUREMENT TARGET	
Requirements	Eligible Products Include
75 Percent of Paper Purchases Must Contain 30 Percent Postconsumer Recycled Content	Paper Products (Including Janitorial) 
Products Must Be Recyclable as Defined by FTC "Green Guides" (16 CFR 260.12) 	Printing and Writing Paper 
Jurisdictions Must Require Vendors to Certify Postconsumer Content and Recyclability Claims	Similar Requirements as State Agency Buy Recycled Campaign
<small>© 2011 by CALIFORNIA Department of Resources Recycling and Recovery (CalRecycle). All Rights Reserved. This document is the property of CalRecycle. It is loaned to you for your use only.</small> Postconsumer-Content Certification	<small>To be completed by the State agency</small> State Agency: _____ Purchasing Agent: _____ P.O. #: _____ Phone: _____ Email: _____

Capacity Planning

Countywide Plan: The City must plan for adequate capacity for recycling organic waste and for edible food recovery. The County may lead this effort by coordinating with the cities in the county to estimate existing, new and/or expanded capacity. The County and City must demonstrate that the capacity for recycling organics is guaranteed to be accessible by contracts, permits, service agreements or other documents, and that capacity for edible food recovery is available. If capacity cannot be guaranteed, then the City must submit an

implementation schedule that includes specified timelines and milestones, including funding for the necessary recycling or edible food recovery facilities.

Record Keeping and CalRecycle Oversight

Implementation Record: Information and data, for all of the areas shown below, must be maintained in an Implementation Record, stored in one central location, either physically or electronically, and retained for five years.

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

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Annual Reporting: Beginning August 2022, all the information in the implementation record must be reported to CalRecycle in an annual report. At this time, CalRecycle can begin issuing notices of violation and require corrective action plans for any program areas not in compliance with the regulations, including if the City is not issuing notices of violations to residents and businesses for nonparticipation or contamination.

IMPLEMENTATION TIMELINE

