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# Implementation of SB 1383

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## Town of Atherton



# PRIMARY FOCUS AREAS

**SB 1383 Refresher** \_\_\_\_\_



**Policies & Programs** \_\_\_\_\_



**San Mateo County's Role** \_\_\_\_\_



**Monitoring & Enforcement** \_\_\_\_\_



**Town Offices / Facilities** \_\_\_\_\_



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# SB 1383 – REVIEW

- Sets **statewide mandates** for organics recovery efforts
- Builds on AB 1826 to **incrementally reduce disposal** of organic waste
- Requires **all generators** to be provided organic waste recycling services
- **Edible food recovery**
- **Unfunded** State mandate

## WHAT ARE ORGANICS?

- *Food*
- *Green waste*
- *Landscape & Pruning*
- *Organic Textiles Carpets*
- *Paper products*
- *Printing/ Writing paper*
- *Lumber*
- *Wood*
- *Manure*
- *Digestate*
- *Biosolids*
- *Sludges*



**Implementation Schedule:**





» **Expectations**

- Regulations are written to meet the statewide targets, regardless of local cost
- Requirements are extensive and penalties for non-compliance are high (for generators & the Town)
- “Good Faith Effort” not allowed
- Diversion programs are mandatory

» **SB 619**

- Delays CalRecycle enforcement
- If 1/1/2022 deadline will not be met, submit a Notice of Intent to Comply (implementation schedule) by 3/1/2022

*CalRecycle has the discretionary authority to assess penalties up to \$10k per day on the Town for non-compliance.*



# NEW POLICIES & PROGRAMS

## »» ORDINANCE: SOLID WASTE COLLECTION SERVICE

**18.02.010**

- All organic waste generators must subscribe to collection service and separate waste materials

**18.02.020**

- Commercial generators and specific multi-family dwellings must provide containers and education for employees, tenants and customers

**18.02.060**

- The Town may issue a waiver for businesses that do not generate organics or have space for containers

**18.04.010**

- The Town and designees are authorized to conduct compliance inspections

**18.02.070**

- Self-haulers must separate materials and/or use appropriate facilities for recycling or disposal



### » ORDINANCE: EDIBLE FOOD RECOVERY

**18.03.010**

- Commercial edible food generators must contract with a food recovery organization and keep records of donations

**18.03.020**

- Food recovery organizations located in Atherton must annually provide records of donations



## Commercial Edible Food Generators

### Tier 1

January 1, 2022

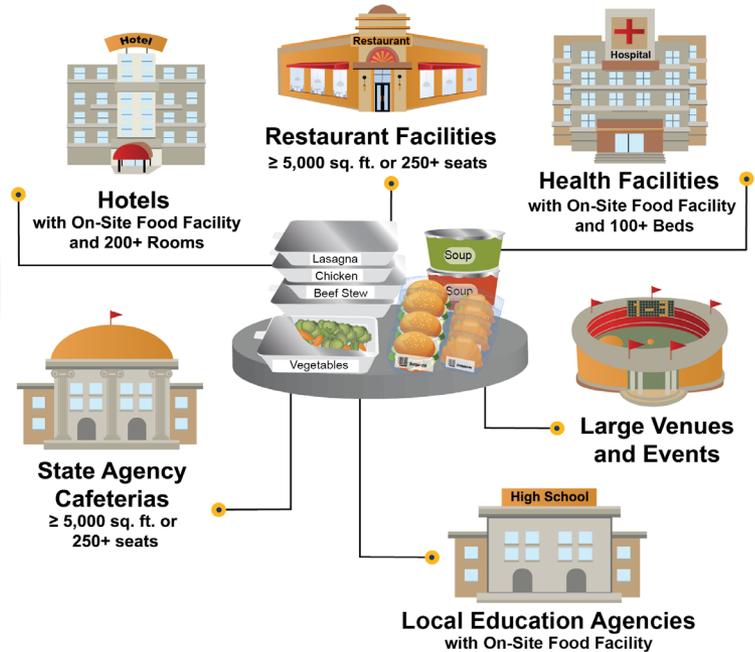
Tier one businesses typically have more produce, fresh grocery, and shelf-stable foods to donate.



### Tier 2

January 1, 2024

Tier two businesses typically have more prepared foods to donate, which often require more careful handling to meet food safety requirements (e.g. time and temperature controls).



### » ORDINANCE: OVERSIGHT & ENFORCEMENT

**18.04.020**

- The Town has the authority to use the administrative citation process to enforce these requirements

**18.02.090**

- Collectors must obtain approval from the Town for use of selected organic waste facilities and must keep records



# COLLABORATION WITH SAN MATEO COUNTY (SMC)

- SMC BOS approved the introduction of an SB 1383 related Ordinance on 11/16/21
- The Town and SMC will collaborate to **provide outreach and education** to all generators
- The Town and SMC are collaborating to meet the requirement to **close the loop** by procuring recovered organic products (*e.g., compost*)
- SMC will **plan and secure access** to recycling and recovery facilities and edible food recovery in coordination with the Town
- SMC will **monitor compliance** and conduct inspections for the edible food recovery program
- The Town and GreenWaste Recovery are discussing roles to **monitor compliance**, and manage waivers for organic waste collection service
- The Town and SMC will **keep records** of all programs and purchases
- The Town will **report** compliance to the State



# MONITORING AND ENFORCEMENT

*San Mateo County will fulfill these responsibilities for the edible food recovery program:*

## EDUCATION

- ✓ January 2022 – December 2023
- ✓ Provide outreach and education in response to violations

## INSPECTIONS & INVESTIGATIONS

- ✓ Field audit
- ✓ Edible food generators
- ✓ Edible food recovery organizations
- ✓ Investigate written public complaints

## ENFORCEMENT

- ✓ January 2024 – Ongoing
- ✓ Provide enforcement action in response to repeat offenses

*City Council approved an MOU designating these responsibilities to San Mateo County on July 21, 2021*



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*The Town is currently in conversation with GreenWaste Recovery (solid waste hauler) to clarify roles for completing the following activities:*



### CONTAMINATION MINIMIZATION

- ❑ Route Review v. Waste Evaluation

### CONTAINERS & AUTHORIZED COLLECTOR REQ's

- ❑ Clarification of the types of containers that may be needed
- ❑ Franchise Agreement Review



*Town Staff will need to fulfill these responsibilities:*

**COMPLIANCE REVIEW:**

- ❑ Desk audit
- ❑ Businesses generating 2CY+ of solid waste per week
- ❑ Verify subscribed to service or self-hauling

**PENALTY:**

- ❑ **1<sup>st</sup> Violation:** \$50-100  
*(per violation)*
- ❑ **2<sup>nd</sup> Violation:** \$100-200  
*(per violation)*
- ❑ **3<sup>rd</sup> Violation:** \$250-500  
*(per violation)*
- ❑ *The Town is not required to issue penalties for container contamination*

**NOTICE:**

- ❑ Beginning January 2024
- ❑ Provide Notices of Violation
- ❑ If no response in 60 days, escalate to penalty



# TOWN OFFICES / FACILITIES

- Provide access to containers for **garbage**, **recycling** and **organics**
- Place all three containers where garbage containers are located (*as applicable*)
- Instruct employees how to properly sort materials
- Employees must properly sort their organic waste into the correct container(s)
- Inspect containers for contamination



- Purchase recycled content paper products with 30% or more postconsumer fiber, instead of nonrecycled products, whenever such products are available at the same or a lesser total cost than nonrecycled products
- The Town may give preference to suppliers of recycled products
- Keep records of purchases

### WHAT ARE PAPER PRODUCTS?

- *Printing and writing paper*
- *Paper janitorial supplies*
- *Cartons*
- *Wrapping*
- *Packaging*
- *File Folders*
- *Corrugated boxes*
- *Tissue*
- *Toweling*



# Impacts of SB 1383



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