



Board Agenda Item 56

DATE: February 22, 2022

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director
Department of Public Works and Planning

SUBJECT: Submittal of Notification of Intent to Comply with Senate Bill 1383 Regulations

RECOMMENDED ACTION(S):

Adopt a Resolution authorizing the Director of Public Works and Planning or his/her designee(s) to submit a Notification of Intent to Comply with Senate Bill 1383 Regulations to the State of California's Department of Resources Recycling and Recovery.

Approval of the Recommended Action will provide relief from administrative civil penalties due to non-compliance with Senate Bill 1383 regulations and provide the County with additional time to implement organic waste management programs required by those regulations. This item is countywide.

ALTERNATIVE ACTION(S):

There are no viable alternative actions for this item. Declining to approve the recommended action may result in the issuance of a Notice of Violation to the County, resulting in significant administrative civil penalties up to \$10,000 per day for continued non-compliance.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended action. Implementation of organic waste management programs are funded through ongoing solid waste surcharges and Exclusive Service Area Program (ESAP) service fee revenues. Sufficient appropriations have been included in the Resources Org 9015 Adopted Budget for FY 2021-22.

DISCUSSION:

In September 2016, the State Legislature set Short-Lived Climate Pollutants reduction targets for California through the enactment of Senate Bill 1383 (SB 1383), as a statewide effort to reduce emissions of greenhouse gasses (such as methane, a byproduct of organic waste decomposition) to combat climate change. SB 1383 is the most significant landfill waste reduction mandate adopted in California in the last 30 years and establishes statewide targets to reduce the amount of organic waste disposal in landfills. SB 1383 requires jurisdictions to achieve a 50% reduction in organic waste disposal by 2020 and increase that reduction to 75% by 2025. It also sets a goal to recover at least 20% of edible food from landfill disposal by 2025 by donating it to people in need. From 2016-2020, the California Department of Resources, Recycling and Recovery (CalRecycle) worked to develop regulations to achieve the goals of SB 1383. These new regulations were not finalized by CalRecycle until November 2020 and took effect in January 2022.

On March 17, 2021, County staff submitted a Board Briefing Report to your Board providing an overview of

SB 1383 key requirements and jurisdictional responsibilities. In an effort to meet SB 1383 mandates, the County contracted with solid waste consulting firm Stearns, Conrad, and Schmidt Consulting Engineers (SCS). SCS, on the County's behalf, has completed an organic waste recycling capacity study, facilitated meetings with our ESAP solid waste haulers, provided resources and guidance to implement a regional edible food recovery program, and will continue to assist the County with SB 1383 implementation and other major solid waste planning matters. Remaining actions to be taken include the adoption of an organic waste disposal reduction ordinance, a revision of the County's ESAP organic rates, and amendment of the existing ESAP agreements to include organic waste contamination monitoring, proper cart/bin labeling, record keeping requirements, and other necessary organic waste management provisions.

In October 2021, due to the ongoing COVID-19 pandemic, Governor Newsom signed Senate Bill 619 (Chapter 508, Statutes of 2021) which allows jurisdictions to submit a Notification of Intent to Comply (NOIC) to Cal Recycle. The NOIC provides jurisdictions with relief from administrative civil penalties for calendar year 2022 and grants jurisdictions with additional time to implement SB 1383 mandates.

REFERENCE MATERIAL

BBR, Senate Bill 1383 Implementation, March 17, 2021

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolution Authorizing Submittal of NOIC

CAO ANALYST:

Ron Alexander