



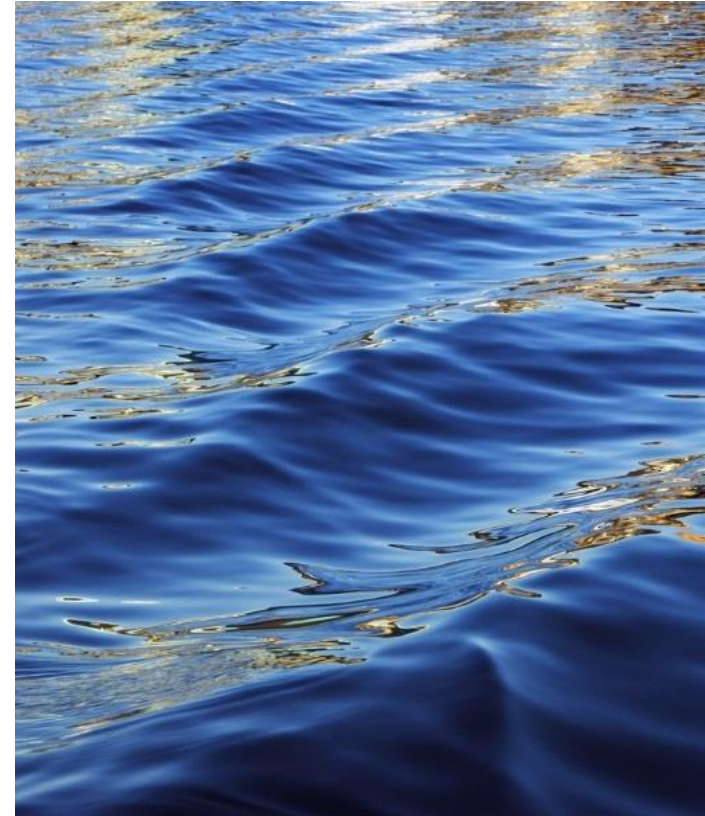
Senate Bill 1383

The “Short-Lived Climate Pollutant Reduction Law”

Monday, May 16, 2022

Montclair City Council

First Reading — Ordinance No. 22-1001

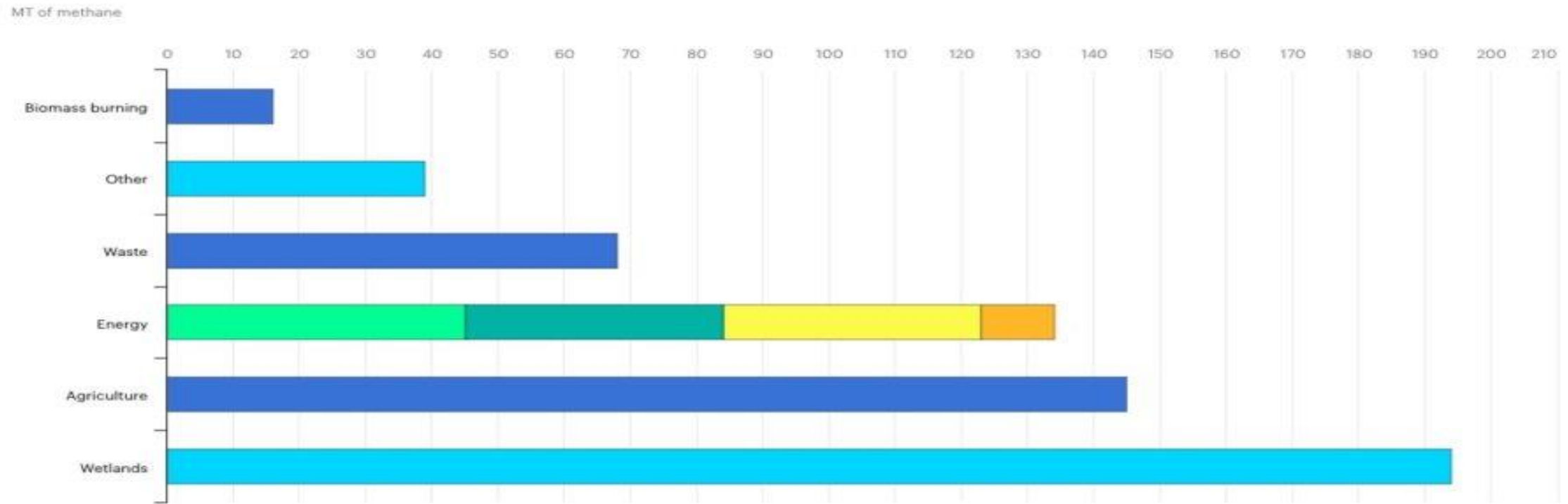


Senate Bill 1383 – Short-Lived Climate Pollutant Reduction Law

- Adopted in September 2016.
- Establishes statewide targets to reduce emissions of greenhouse gasses, such as methane and other byproducts of organic waste to combat climate change.
- Organic waste is defined as: food, landscape and pruning trimmings, lumber, wood, manure, cardboard, paper products, printing and writing paper, and other plant and animal-based products.
- Establishes the following goals:
 - Reduce organic waste disposal in landfills by:
 - 50% by 2020
 - 75% by 2025
 - Recover at least 20% of edible food that is thrown away by 2025 through donation to people in need

Senate Bill 1383 – Short-Lived Climate Pollutant Reduction Law

- Top anthropogenic (human-related) producers of methane, as indicated in the following chart, are Agriculture, Energy, and Waste production.



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- Methane escaping into the atmosphere is a climate pollutant up to 80 times more potent than carbon dioxide in warming the planet over a 20-year period.
- Decomposition of organic waste in landfills produces an estimated 21% of anthropogenic methane.
- According to the International Energy Agency, the current concentration of methane in Earth's atmosphere is 2.5 times greater than pre-industrial levels, and is steadily increasing.
- Natural (wetland) sources of methane emissions represent 40% of emissions, and anthropogenic sources represent the remaining 60%, of which an estimated 35% is from agriculture, 25% from energy production, and 21% from landfills, with the balance from other sources.

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- 2016-2020, California Department of Resources, Recycling and Recovery (CalRecycle) developed regulations to achieve the goals of SB 1383.
- CalRecycle Regulations took effect in January 2022.
 - As long as a local agency has a plan in place to implement the requirements of SB 1383, including development and adoption of a regulatory ordinance, CalRecycle will provide compliance assistance rather than violation enforcement action against the local agency.
- All local jurisdictions are required to adopt an organic waste disposal reduction ordinance that enforces the purpose and intent of SB 1383 and CalRecycle regulations.
- Local enforcement of SB 1383 and CalRecycle regulations is mandated to begin no later than January 1, 2024.

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- CalRecycle will impose penalties on any jurisdiction that fails to have an ordinance for organic waste disposal reduction and edible food recovery as follows:
 - Major Violation - \$7,500 to \$10,000 per violation per day, not to cumulatively exceed \$10,000 per day, including the following violations:
 - Failure to have a provision in a contract/franchise agreement that requires a waste hauler to comply with CalRecycle regulations.
 - Failure to have an edible food recovery program.
 - Failure to have a record of implementation of SB 1383 and CalRecycle Regulations.
 - Failure to properly enforce a local ordinance.
 - Allow violations prohibited under CalRecycle regulations.
 - Failure to properly submit reports required under CalRecycle regulations.
 - Willful misconduct.

Senate Bill 1383 – Short-Lived Climate Pollutant Reduction Law

- Under Ordinance No. 22-1001, the City of Montclair's compliance responsibilities include:
 - Provide organic waste collection services to residents and Commercial/Multi-Family housing generators.
 - Establish and edible food recovery program.
 - Conduct annual education and outreach to all generators of organic waste.
 - Procure certain levels of recovered organic waste products such as compost, mulch and renewable natural gas (RNG).
 - Maintain records for SB 1383 annual reporting requirements.
 - Establish an inspection, investigation and enforcement program.
 - Comply with CALGreen Building Standard Code and Model Water Efficient Landscaping Ordinance Requirements.
 - Establish a waiver program for De Minimis use and Physical Space Limitations.

Senate Bill 1383 – Short-Lived Climate Pollutant Reduction Law

- Under Ordinance No. 22-1001, Montclair’s franchise waste hauler, **Burrtec**, will be required to comply with regulatory requirements, including:
 - Recycling requirements for single-family and commercial/multi-family housing generators of organic waste, including:
 - Provide written notice that “organic waste” recycle programs starts July 1, 2022.
 - Obtain City approvals to haul organic waste.
 - Transport source separated organic waste.
 - Comply with education, equipment, signage, container labeling, container color, contamination, monitoring, and report requirements.
 - Coordinate with facility organic waste recovery/treatment operators and community composting operations.
 - Participate with City in allowing for a self-hauler program for source separation of all organic waste generated on site and hauled to designated facilities, provided self haulers maintain appropriate records of the amount of organic waste delivered to facilities.

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- Under Ordinance No. 22-1001, Montclair’s franchise waste hauler, **Burrtec**, will be required to comply with regulatory requirements, including:
 - Recovery requirements related to commercial edible food generators and food recovery organizations, Tier 1 and Tier 2.
 - Commercial customers to be informed of their ability to donate edible foods.
 - Tier 1 compliance date – July 1, 2022: includes wholesale food vendors, food distributors, grocery stores and food service providers.
 - Tier 2 compliance date – January 1, 2024: includes restaurants, hotels, health facilities, large event venues, and state and education agencies with food facilities.
 - Commercial generators shall:
 - Contract with Food Recovery Organizations/Food Recovery Services to recover the maximum amount of Edible Food.
 - Maintain records, including providing an annual Food Recovery Report to the City.

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- Under Ordinance No. 22-1001, Montclair’s franchise waste hauler, **Burrtec**, will be required to comply with regulatory requirements, including:
 - Assist Montclair with achievement of Procurement targets for City departments, service providers and vendors, e.g., based on current population:
 - Compost – 1,837 tons
 - Mulch – 3,168 tons
 - Renewable natural gas (RNG): Heat – 69,992 Therms; and Vehicle Fuel – 66,525 Diesel Gallon Equivalent (DGE)
 - Electricity generated from biomass conversion of locally derived organic waste – 766,627 KWH
 - Inspections, investigations, and enforcement requirements.
 - Assist Montclair’s enforcement efforts, beginning January 1, 2024.
 - Contamination Prevention.
 - Assist Montclair with Inspections and Investigations – to be operational through existing Code Enforcement Inspection Programs.

Senate Bill 1383 – Short-Lived Climate Pollutant Reduction Law

- SB 1383 mandates that local agencies adopt companion ordinances for compliance with:
 - CalGreen Building Standards Code (“CALGreen”) for design standards consistent with the City’s organic waste recycling program; and
 - Model Water Efficient Landscaping Ordinance (“MWELO”) for incorporation of recycled organic mulch and compost in landscape designs.
- Montclair is in compliance with Code adoption requirements under CalGreen and MWELO.
- Relevant code provisions contained in Montclair’s CalGreen and MWELO ordinances are incorporated into proposed Ordinance No. 22-1001.

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- Other SB 1383 mandates that local agencies are required to comply with include:
 - Annual education and outreach to all generators of organic waste.
 - Achieved through regular inserts placed in sewer and trash billings.
 - Burrtec involvement in, and distribution of materials at, City events including the annual Country Fair Jamboree and National Night Out.
 - The City's Internet homepage, with links to CalRecycle's homepage.
 - Newsletters, automated calls, school presentations and other social media outlets.
 - Feedback from waste hauler route audits.
 - Procurement of targeted amounts of waste products in the form of:
 - Compost
 - Mulch
 - Renewable natural gas (RNG), and
 - Electricity generated from biomass conversion of locally derived organic waste.
 - Burrtec will assist the City in reaching procurement targets.

Senate Bill 1383 – Short-Lived Climate Pollutant Reduction Law

- Other SB 1383 mandates that local agencies are required to comply with include:
 - Procurement of targeted amounts of recycled paper products that contain at least 30% of post-consumer recycle content.
 - Recordkeeping and reports provided to CalRecycle on all aspects of SB 1383-mandated programs including:
 - Organic waste collection services
 - Waste hauler programs
 - Contamination minimization (reducing waste contamination)
 - Program waivers
 - Education and outreach
 - Edible food recovery program
 - Recycled organic waste procurement
 - Recycled paper procurement
 - Commercial edible food generators
 - Jurisdiction inspection and enforcement
 - Burretec and City staff will use database software designed to address and track SB 1383 mandates and reporting requirements.

Senate Bill 1383 – Short-Lived Climate Pollutant Reduction Law

- Burrtec’s Commercial/Multi-Family and Single-Family Residential Organics Collection Program.
 - Residential – Subscribe to the City’s “at-least-three container collection system”:
 - Green container – source separated organic waste, including food
 - Blue container – source separated recyclable materials
 - Black container – household non-organic solid waste
 - Organic food waste shall be source separated, stored in a plastic bag or other container that is tied or secured to prevent leakage/spillage, and placed in the green container.
 - Residents are required to subscribe to the City’s Organic Waste collection services for all Organic Waste.
 - At its option, the City may implement the “at-least-four container” collection system – using a “brown” container for food waste.

Senate Bill 1383 – Short-Lived Climate Pollutant Reduction Law

- Burrtec’s Commercial/Multi-Family and Single-Family Residential Organics Collection Program.
 - Commercial/Multi-Family (5 units or more) – Subscribe to the City’s “at-least-three container collection system”:
 - Green container – source separated organic waste
 - Blue container – source separated recyclable materials
 - Black container – non-organic solid waste
 - Plus Brown container – source separated food waste – if determined necessary.
 - Organic food waste shall be source separated, stored in a plastic bag or other container that is tied or secured to prevent leakage/spillage, and placed in the green container. Alternatively, organic food waste would be deposited in the brown container where required by the City.
 - Commercial/Multi-Family generators are required to subscribe to the City’s Organic Waste collection services for all Organic Waste.
 - At its option, the City may implement the “at-least-four container collection system – using a “brown” container for food waste.

Senate Bill 1383 – Short-Lived Climate Pollutant Reduction Law

- Burrtec’s Commercial/Multi-Family and Single-Family Residential Organics Collection Program.
- Commercial/Multi-Family (5 units or more):
 - De Minimis Waivers – The City may waive a commercial business’ organic waste collection requirements if the amounts of organic waste are as follows:
 - Less than 20 gallons for businesses that produce two cubic yards or more of total solid waste per week
 - Less than 10 gallons for businesses that produce less than two cubic yards of total solid waste per week.
 - Burrtec will provide a list of businesses eligible for De Minimis waivers.
- Physical Space Waivers - Businesses with legitimate space constraints can be exempted from the obligation to recycle organic waste.
 - City’s building standards will be revised to address adequate container space requirements for all forms of waste collection.

Senate Bill 1383 – Short-Lived Climate Pollutant Reduction Law

- **FISCAL IMPACT:**

- Adoption of Ordinance No. 22-1001 would have no readily identifiable impact to the City's General Fund.
- SB 1383 language amendments will be required for the existing franchise agreement between the City and Burrtec.
- Future franchise fee rate adjustments approved by the City Council must comply with Proposition 218 hearing requirements, and are pass-thru costs between Burrtec and the rate payer.

- **RECOMMENDATION:**

- Introduce and conduct First Reading of Ordinance No. 22-1001; and
- Set a public hearing for Monday, June 6, 2022, at 7:00 p.m. in the City Council Chambers to consider second reading and adoption of Ordinance No. 22-1001.



End of Presentation

