



SB 1383 Rulemaking Overview

Recycling and Waste Reduction Commission of Santa Clara County
Study Session – June 20, 2018





Key Points of SB 1383 (Lara)

- Signed 2016 by Governor Brown
- Codifies CARB Short-lived Climate Pollutants (SLCP) Strategy
- Statewide goals
 - 50% “organics” disposal reduction by 2020 (2014 baseline)
 - 75% reduction by 2025
 - 20% reduction in “current” edible food disposal by 2025
- Authorizes CalRecycle/CARB rulemaking to meet goals



CalRecycle Rulemaking Steps

- Seven informal workshops
- First informal draft, comments by Nov. 15, 2017
- Second informal draft in May 2018
 - May 8 Workshop – “*Regs 90% complete*” – CalRecycle staff
 - Comments by May 16
- Formal Draft Regs – Date TBD



Second Informal Draft

- 93 pages, very prescriptive
 - Standard colors, labels statewide for carts, dumpsters, debris boxes, compactors for garbage, recycling, organics
 - Rigid rules on which items may/may not go in containers
- 34 reasons CalRecycle may cite, fine jurisdictions
 - Process “fails,” not goal “fails”
- 32 reasons cities/counties must cite and fine residents, businesses
 - Changes from service provider/customer to cop/criminal



Jurisdiction concerns - Definitions


Definitions

- “Organic waste generator” – person, entity responsible for initial creation of organic waste – i.e. every person, entity in CA
- “Organic” definition – narrow, e.g. remove carpet, plastics, biosolids, sludge
- Separate multi-family homes from Commercial Business category
 - More differences than similarities
- Add “mulch” definition – made from post-consumer materials, aged and/or composted material




Jurisdiction concerns – cont'd.

- Requires source-separation or “high diversion processing facility”
 - Combination is best path to goal—not allowed
 - Allow measurement of combined system, not just one or the other
 - Staff biased against use of technology?
- Standardized colors of entire containers impractical
 - Split carts, dumpsters, debris boxes
- 75% in 2025 probably not achievable
- Cost of replacing/standardizing container colors better spent on programs, outreach
- Color standards not possible for split cart bodies (just lids).



Jurisdiction concerns - Compliance and Enforcement

- Too prescriptive, process-, punishment-focused
- Electronic record keeping template should be provided; reporting should be summarized in AB 939 reports;
- Fold reporting in existing Annual Report; Quarterly reporting within 30 days not feasible
- High staff cost to track, implement process steps
 - Inspections
 - Re-inspections
 - Reporting
 - Enforcement, etc.



Jurisdiction concerns - Compliance and Enforcement

- Goal is good – verify diversion claims, tighten tracking
 - But methods not science-based
- Requires multiple very large, daily samples/analysis for each process, material type
 - Large daily space needs at processing facilities, additional staff
- Information has little value
- CalRecycle should revise with assistance from statistics expert



Summary of jurisdiction's concerns – Local Procurement Requirement

- New concept in second informal draft
- City/county must procure compost, RNG based on employee head count
 - Reduce or remove procurement requirement for city/county compost/RNG fuel procurement
 - Allow existing reuse by jurisdiction to count toward its requirement
- If requirement stays, use blend of factors to calculate (e.g. population, land area, climate type)
- Allowable renewable Natural Gas (RNG) sources should include landfill gas, POTW methane



Summary of jurisdiction's concerns - Education and Outreach

- CalRecycle should provide sample, compliant outreach material annually, present on public website and through statewide media campaign
- Translated material required by this section shall be available via website; web address and statement of availability of translated materials should accompany English version of outreach materials.



Summary of jurisdiction's concerns - Food Recovery

- Rules require tracking, reporting by jurisdiction, but sources and hungry people are often in different jurisdictions
- Countywide programs such as the Food Rescue Initiative currently underway should count towards food recovery requirement for each jurisdiction.



Discussion/Next Steps

Staff recommendations

- Ask each jurisdiction to closely review current draft, prepare to review/comment to CalRecycle on next/final(?) draft
- Inform CalRecycle that at a strategic level these regulations will require resources that are out of scale with the benefit. Proposed process steps not related to the outcome.



RWRC Options for Action on Formal Draft

- Inform your jurisdiction and those you represent
- Have individual jurisdictions comment to legislators or Governor?
- Agendize for Cities Association?
- Send joint letter from Commission?