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October 12, 2021

Board of Supervisors
County of Ventura
800 South Victoria Avenue
Ventura, CA 93009

Subject: Receive and File a Presentation Regarding New State of California Solid Waste Legislation and Regulations: Senate Bill 1383 (Lara, 2016), Short-lived Climate Pollutants and Organic Waste Reductions. All Supervisorial Districts.

Recommendations:

Receive and file a presentation regarding State of California solid waste legislation and regulations.

Fiscal/Mandates Impact:

None

Discussion:

The following information is intended to prepare your Board for future presentations from Public Works Agency, Water and Sanitation (PWA-WS) addressing local compliance requirements for Senate Bill 1383 (SB 1383), which takes effect on January 1, 2022.

The most significant waste reduction mandate to be adopted in California in the last 30 years, SB 1383 requires the state to reduce landfill disposal of organic waste (i.e., food waste, green waste, and paper products) by 75 percent by 2025. In other words, the state must reduce organic waste disposal by more than 20 million tons annually by 2025. The law also requires the state to increase edible food recovery by 20 percent by 2025. Consequently, the law has significant impacts on local governments.

PWA-WS follows the “reduce, reuse, recycle” list of priorities first established by California legislation in 1989. “Reduce” and “reuse” are accomplished through public education and outreach, specifically through presentations to schools and businesses, special events, and a weekly column in the Ventura County Star.



To increase recycling and control disposal of problematic waste in local landfills, PWA-WS operates several programs focusing on construction and demolition debris recycling, household hazardous waste collection and recycling, and community clean-up events. PWA-WS also oversees funding from state grants to improve recycling in public buildings, parks, and public spaces in the unincorporated area (UA).

PWA-WS administers agreements establishing, among other things, maximum rates for recycling, composting, and disposal facilities in the UA. By administering the Recycling Market Development Zone (RMDZ), PWA-WS helps make recycling viable by funding companies using recycled material to manufacture products. Besides financing, the RMDZ assists businesses with permitting, site selection, obtaining materials, and planning.

PWA-WS responsibilities related to landfills include ensuring at least 15 years of disposal capacity for Ventura County. Ventura County currently has more than 40 years of disposal capacity.

Legislation/Regulation:

Recycling is included in the Ventura County General Plan goals, is central to the County's greenhouse gas reduction plans, and is expected by the public as a basic service. Some recycling programs, and certain waste reduction targets, are also required by California legislative and regulatory provisions.

California's recycling legislation began in 1989 after the passage of Assembly Bill 939 (Sher), which required 25 and 50 percent waste diversion rates by 1995 and 2000, respectively. Jurisdictions failing to comply face the threat of \$10,000 per day fines. Additional solid waste management-related requirements followed in subsequent years.

The latest state legislation, SB 1383, is unlike any prior requirements. Although previous penalties for non-compliance with state recycling legislation included potentially large fines, the state rarely imposed these monetary penalties, relying instead on measures such as increasingly severe compliance orders. In contrast, SB 1383 places enforcement responsibilities on the local jurisdictions, requiring adoption of local ordinances with specific requirements for residents, businesses, institutions, solid waste collection companies, and food recovery organizations by January 1, 2022. After January 1, 2024, significant fines can be levied against non-compliant communities by the California Department of Resources Recycling and Recovery (CalRecycle).

The County's responsibilities include the following:

- Provide organic waste collection to all residents and businesses
- Establish an edible food recovery program that recovers edible food from the waste stream



- Conduct outreach and education to all organics waste generators, solid waste collection companies, organics waste processing facilities, edible food recovery organizations, and city/county departments
- Capacity Planning (i.e., evaluating our local readiness to manage organics and recover edible food waste)
- Procure recycled organic waste products like compost, mulch, and renewable natural gas (RNG)
- Inspect and enforce compliance with SB 1383
- Maintain accurate and timely records of SB 1383 compliance

Upcoming Board Items:

Last year, PWA-WS retained R3 Consulting (R3) to help the County with SB 1383-related compliance and other matters, including: 1) analyzing existing residential and commercial solid waste collection agreements for the UA; 2) ensuring all County-administered compostable materials facility agreements align with SB 1383 requirements; and 3) facilitating collaboration among the multiple County agencies which must also comply with specific SB 1383 requirements. In addition, the County's contract with R3 includes R3 suggesting draft ordinance revisions to enable the County to comply with multiple new state legislative requirements, recommending updates to the construction and demolition (C&D) recycling ordinance code, and identifying potential improvements to the County's C&D program.

Existing UA commercial and residential franchised solid waste collection agreements expire on December 31, 2023. SB 1383 requirements are stringent and will need to be included within new collection agreements. There are two ways in which new collection agreements with integrated SB 1383 requirements can be established: 1) negotiate with current UA franchised solid waste companies to establish new agreements; or 2) issue a competitive request for proposals to allow the most qualified solid waste companies in the southern California marketplace to propose their services. In addition to the SB 1383 requirements, PWA-WS intends to include feedback from the public gathered through a customer satisfaction survey administered by PWA-WS over the summer. As of September 7, 2021, 320 surveys have been completed by UA county residents. The results of this survey indicated that cost is the most important element of concern for UA solid waste customers. The full results of this survey are available for review in the attached Exhibit 2.

The state regulator (CalRecycle) currently interprets a legislative provision in SB1383 – requiring jurisdictions to “provide” organics collection service as *mandating* that residents and businesses subscribe to collection service. Such a mandate would require a significant change to the current refuse and recycling solid waste collection program for



the UA, where subscription to collection service is currently voluntary. Many jurisdictions across the state disagree with CalRecycle's interpretation, since the regulations do not include an explicit mandatory collection requirement; accordingly, this issue is under review by County Counsel. Based on a recent GIS mapping project, PWA-WS determined approximately ten percent (10%) of UA residences (approximately 2000) are not subscribed to collection service and instead self-haul their waste to a disposal facility.

PWA-WS will also present proposals relating to the SB 1383 requirement for edible food waste recovery for consideration by your Board. PWA-WS currently has a contract with OneOC to produce a required report defining existing food recovery resources and other potentially required actions. Upon completion of the report, PWA-WS will present its findings to your Board in mid-2022.

Increasing the collection of organic material will require new organics processing facilities throughout the state. Consequently, local projects such as Agromin's organics processing facilities at Ormond Beach and facilities currently in the permitting process, such as the reopening of Ojai Valley Organics Recycling Center and Agromin's expanded facility at Limoneira, will come before your Board for consideration in the coming months.

Because SB 1383 impacts multiple County agencies, your Board may be asked to consider county-wide policies and actions to ensure compliance with SB 1383. For example, requirements to purchase specific amounts of products made from recycled organic material (compost, mulch, or energy generated in a specified manner) will primarily affect the General Services Agency's Procurement Division but will also affect all other agencies that procure goods. PWA-WS is currently working directly with GSA and other agencies to align proposed policies with compliance requirements.

In November, PWA-WS also intends to bring to your Board proposed amendments to the current Ventura County solid waste-related ordinance code reflecting both SB 1383-related and, other, non-SB 1383-related changes.

Future Related Board Dates and Purpose:

November 9, 2021

First public hearing to amend Ventura County solid waste-related ordinance code

December 7, 2021

Second public hearing to amend Ventura County solid waste-related ordinance code

Mid-2022 – TBD

Edible Food Waste Recovery Compliance and Program establishment decisions

Mid-2023 – TBD

Award new UA commercial and residential franchised solid waste collection agreements



This item has been reviewed by the County Executive Office, the Auditor-Controller's Office, and County Counsel.

If you have any questions concerning this item, please contact the undersigned at (805) 654-2373.

Sincerely,

A handwritten signature in blue ink, appearing to read "JC Pope".

Joseph C. Pope, P.E.
Director, Water and Sanitation

Exhibit 1 – PowerPoint Presentation (Update on State of California Solid Waste
Legislation and Regulations)

Exhibit 2 – Residential Solid Waste Service Survey and Results

