

**Sierra County
Board of Supervisors'
Agenda Transmittal &
Record of Proceedings**

MEETING DATE: April 7, 2020	TYPE OF AGENDA ITEM: <input checked="" type="checkbox"/> Regular <input type="checkbox"/> Timed <input type="checkbox"/> Consent
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DEPARTMENT: Public Works and Transportation
APPROVING PARTY: Tim H. Beals, Director
PHONE NUMBER: 530-289-3201

AGENDA ITEM: Approval of letter to in support for your Senate Bill 1191, related to organic waste management.

SUPPORTIVE DOCUMENTS ATTACHED: Memo Resolution Agreement Other

BACKGROUND INFORMATION: At the March Board Meeting, RCRC's Board of Directors voted to sponsor SB 1191 (Dahle), which provides greater flexibility for local implementation of CalRecycle's new SB 1383 organic waste regulations and requires CalRecycle to consider a jurisdiction's "good faith efforts" to implement its organic waste recycling program before issuing a compliance order or imposing penalties on that jurisdiction. We discussed this bill at length at our March ESJPA Board of Directors meeting as well. RCRC is requesting that Boards of Supervisors send SB 1191 support letters to Senator Brian Dahle. The bill has been referred to the Senate Environmental Quality Committee and is expected to be heard once the Legislature reconvenes in mid-April. We would love to have your help in elevating the bill to your respective Boards for their support.

FUNDING SOURCE:

GENERAL FUND IMPACT: No General Fund Impact

OTHER FUND:

AMOUNT: \$ N/A

ARE ADDITIONAL PERSONNEL REQUIRED? <input type="checkbox"/> Yes, -- -- <input checked="" type="checkbox"/> No	IS THIS ITEM ALLOCATED IN THE BUDGET? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No IS A BUDGET TRANSFER REQUIRED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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SPACE BELOW FOR CLERK'S USE

BOARD ACTION: <input type="checkbox"/> Approved <input type="checkbox"/> Approved as amended <input type="checkbox"/> Adopted <input type="checkbox"/> Adopted as amended <input type="checkbox"/> Denied <input type="checkbox"/> Other <input type="checkbox"/> No Action Taken	<input type="checkbox"/> Set public hearing For: _____ <input type="checkbox"/> Direction to: _____ <input type="checkbox"/> Referred to: _____ <input type="checkbox"/> Continued to: _____ <input type="checkbox"/> Authorization given to: _____	Resolution 2020- _____ Agreement 2020- _____ Ordinance _____ Vote: Ayes: Noes: Abstain: Absent: <input type="checkbox"/> By Consensus
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COMMENTS:

CLERK TO THE BOARD

DATE

Miriam Dines

From: Tim Beals
Sent: Wednesday, March 25, 2020 8:44 AM
To: Miriam Dines
Subject: FW: RCRC-Sponsored Senate Bill 1191 (Dahle) - Request for Support Letters-April 3 BOS Item
Attachments: SB_1191_Ltr_to_Auth_03232020.pdf; SB_1191_County_Template_Ltr.docx; SB 1191 alternative compliance sample board memo - Approved.doc; Roadmap for SB 1383 Implementation.docx; SB 1191 Dahle Text.pdf

[April 3 BOS item](#)

From: Staci Heaton [mailto:sheaton@rcrcnet.org]
Sent: Wednesday, March 25, 2020 8:34 AM
To: Staci Heaton <sheaton@rcrcnet.org>
Cc: John Kennedy <jkennedy@rcrcnet.org>
Subject: RCRC-Sponsored Senate Bill 1191 (Dahle) - Request for Support Letters

Good morning!

At the March Board Meeting, RCRC's Board of Directors voted to sponsor SB 1191 (Dahle), which provides greater flexibility for local implementation of CalRecycle's new SB 1383 organic waste regulations and requires CalRecycle to consider a jurisdiction's "good faith efforts" to implement its organic waste recycling program before issuing a compliance order or imposing penalties on that jurisdiction. We discussed this bill at length at our March ESJPA Board of Directors meeting as well.

RCRC is requesting that Boards of Supervisors send SB 1191 support letters to Senator Brian Dahle. The bill has been referred to the Senate Environmental Quality Committee and is expected to be heard once the Legislature reconvenes in mid-April. We would love to have your help in elevating the bill to your respective Boards for their support!

Please find the following materials that may be of assistance attached:

- Copy of SB 1191 (Dahle)
- RCRC's Support/Sponsor letter for SB 1191
- SB 1191 support letter template
- SB 1191 support letter sample board memo
- Rural Counties Environmental Services Joint Powers Authority "Roadmap for SB 1383 Implementation" summarizing what the regulation is expected to require

Given the tremendous burden that SB 1383 implementation will impose on local governments, we strongly suggest submitting letters expressing support for SB 1191.

Please contact John Kennedy, RCRC Legislative Advocate, at jkennedy@rcrcnet.org or (661) 805-2697 with any questions.

Thank you!

Staci Heaton
Program Manager
Environmental Services Joint Powers Authority
(916) 447-4806
www.esjpa.org

SIERRA COUNTY

Board of Supervisors
P.O. Drawer D
Downieville, California 95936
Telephone (530) 289-3295
Fax (530) 289-2830



April 7, 2020

The Honorable Brian Dahle
Member, California State Senate
State Capitol, Room 2054
Sacramento, CA 95814

**RE: Senate Bill 1191 – SUPPORT
As Amended March 23, 2020**

Dear Senator Dahle:

On behalf of the County of Sierra I am writing to express our support for your Senate Bill 1191, related to organic waste management.

Senate Bill 1383 (Lara) of 2016 requires the state to reduce landfill disposal of organic waste 75 percent by 2025 and to increase edible food waste recovery 20 percent. The California Department of Resources Recycling and Recovery's (CalRecycle) is on the verge of adopting far-reaching regulations to achieve those objectives and has estimated that it will cost as much as \$40 billion over the next decade and will require adding 50-100 new organic waste recycling facilities. These requirements pose many financial and implementation challenges for local governments across the state.

SB 1191 allows low population counties and rural jurisdictions to develop and implement alternative organic waste management programs in place of the rigid and costly SB 1383 mandates. Additionally, SB 1191 aligns CalRecycle's organic waste management statute to conform it to long-standing provisions that require CalRecycle to consider whether a jurisdiction made a "good faith" effort to implement its recycling program before issuing a compliance order or imposing penalties.

The new SB 1383 regulations will impose a host of costly new requirements on local governments and will substantially drive up residential service rates – especially in areas that lack the population densities. While these jurisdictions may not have the economic resources to fully implement SB 1383, they can play a key role in developing the organic waste recycling capacity and markets to meet the overarching objectives. SB 1191 will temporarily allow those jurisdictions to implement alternative organic waste management programs that recover edible food waste, evaluate collaborative

approaches to organic waste recycling for animal feed and compost production, and explore opportunities for siting new regional organic waste facilities and markets.

Additionally, SB 1191 appropriately requires CalRecycle to consider whether a jurisdiction made a “good faith effort” to implement its organic waste recycling program before issuing a compliance order or imposing penalties on that jurisdiction. This “good faith” evaluation has long been a part of the state’s solid waste diversion program.

For these reasons, we support your SB 1191.

Sincerely,

SIERRA COUNTY
BOARD OF SUPERVISORS

James Beard
Chairman



RURAL COUNTY REPRESENTATIVES
OF CALIFORNIA

March 23, 2020

The Honorable Brian Dahle
Member, California State Senate
State Capitol, Room 2054
Sacramento, CA 95814

**RE: Senate Bill 1191 – SUPPORT/SPONSOR
As Amended March 23, 2020**

Dear Senator Dahle:

On behalf of the Rural County Representatives of California (RCRC), I am writing to affirm our sponsorship of your Senate Bill 1191, related to organic waste management. RCRC is an association of thirty-seven rural California counties, and the RCRC Board of Directors is comprised of elected supervisors from those member counties.

SB 1191 allows low population counties and rural jurisdictions to develop and implement alternative organic waste management programs in place of the rigid and costly Senate Bill 1383 (Lara; 2016) mandates. Additionally, SB 1191 aligns the California Department of Resources Recycling and Recovery's (CalRecycle) organic waste management statute to conform it to long-standing provisions that require CalRecycle to consider whether a jurisdiction made a "good faith" effort to implement its recycling program before issuing a compliance order or imposing penalties on that jurisdiction.

SB 1383 requires the state to reduce landfill disposal of organic waste 75 percent by 2025 and to increase edible food waste recovery 20 percent. CalRecycle is on the verge of adopting far-reaching regulations to achieve those objectives and has estimated that it will cost as much as \$40 billion over the next decade and will require adding 50-100 new organic waste recycling facilities. These requirements pose many financial and implementation challenges for local governments across the state.

The new SB 1383 regulations will impose a host of costly new requirements on local governments and will substantially drive up residential service rates – especially in low-population and rural areas that lack the population density or economies of scale often found in urban areas. Unfortunately, there is little flexibility built into the regulations to let smaller, rural jurisdictions and low population counties develop innovative approaches that will contribute to the state's organic waste reduction objectives at far lower cost. While these jurisdictions may not have the economic resources to fully implement the SB 1383 regulations, they can play a key role in developing the organic waste recycling capacity

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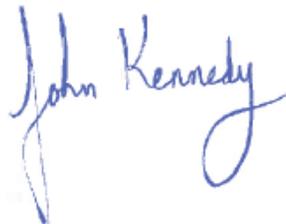
necessary to meet the overarching objectives and increasing the utilization of organic waste on working lands. SB 1191 will temporarily allow rural jurisdictions (those 19 counties with a population under 70,000 residents and the cities within those counties – just 1.5 percent of the state’s population) and low population counties (13 counties with between 70,000 and 250,000 residents) to implement alternative organic waste management programs that recover edible food waste, evaluate collaborative approaches to organic waste recycling for animal feed and compost production, and explore opportunities for siting new regional organic waste facilities and markets.

California’s ambitious solid waste diversion and recycling requirements have long required CalRecycle to consider whether a jurisdiction made a “good faith effort” to implement its solid waste diversion program before imposing penalties or a compliance order on that jurisdiction. Unfortunately, SB 1383’s placement of organic waste reduction requirements in the Public Resources Code made those existing requirements for CalRecycle to consider “good faith efforts” inapplicable to the ambitious new organics mandate. This leaves CalRecycle with little flexibility to consider a host of internal and external factors that impact a jurisdiction’s ability to implement the new regulatory requirements. SB 1191 reasonably aligns CalRecycle’s organic waste management statute with those long-standing requirements.

Finally, CalRecycle’s new SB 1383 regulations exempt high altitude elevations (over 4,500’) from food waste separation and recovery requirements to avoid bear-related public safety problems. Unfortunately, bear populations aren’t confined to areas above 4,500’ and the regulations fail to offer similar relief for those communities with nearby bear populations below that altitude. SB 1191 provides a similar exemption for residential and small commercial generators below 4,500’ in elevation where nearby bear populations pose a risk to public safety.

For these reasons, we support your SB 1191. If you should have any questions, please do not hesitate to contact me at jkennedy@rcrcnet.org or (916) 447-4806.

Sincerely,



JOHN KENNEDY
Legislative Advocate

cc: Members of the Senate Environmental Quality Committee
Genevieve Wong, Consultant, Senate Environmental Quality Committee
Scott Seekatz, Consultant, Senate Republican Caucus



**Rural Counties
Environmental Services
Joint Powers Authority**

ESJPA

**Planning for Implementation of SB 1383
February 27, 2020**

- Determine the Scope of SB 1383 requirements for your jurisdiction.
- Determine and map applicable organic collection waivers/exemptions from CalRecycle that may apply to the jurisdiction:
 - Counties with a population of less than 70,000 may apply for a rural exemption from complying from the organic waste collection requirements of Article 3 through December 31, 2026.
 - The Board of Supervisors must adopt a resolution that includes a finding as to the purpose of and need for the exemption prior to January 1, 2022.
 - Procurement requirements are delayed until January 1, 2027.
 - The first capacity planning report for infrastructure is delayed two years, until August 1, 2024.
 - Counties with a population of 70,000 or more may apply for low population waivers for up to five years for some or all its generators from some or all of the organic waste collection requirements of Article 3.
 - Low populations are census tracts with less than 75 persons per square mile or cities with less than 7,500 persons that had less than 5,000 tons of waste in 2014.
 - A jurisdiction may apply to renew this waiver at anytime up to 180 days prior to the expiration of the existing waiver.
 - Determine areas within the County that are at or above the 4,500-foot elevation for *food waste* collection waivers.
 - Determine the remaining population subject to organic waste collection requirements.
 - Apply for the waivers/exemptions right away, as it will impact the extent of your requirements.
- Determine the number of Tier 1 and Tier 2 businesses subject to the edible food recovery requirements.
 - Tier 1 – Supermarket (gross annual sales of at least \$2 million), grocery store (facility size 10,000 square feet), food service provider, food distributor, and wholesale food vendor.
 - Tier 2 – Restaurant with 250 or more seats, or a total facility size of 5,000 square feet, hotel with an on-site food facility and 200 or more rooms, health facility with an on-site food facility and 100 or more beds, large venues (e.g. county fair with more than 2,000 individuals per day), large events (e.g. sporting events or flea market with more than 2,000 individuals per day), a state agency with a cafeteria with 250 or more seats or a total cafeteria facility size at least 5,000 square feet, a local education agency with an on-site food facility.
 - The number of qualifying businesses may impact how you would like to proceed with your program.
- SB 1383 extends beyond the Solid Waste Management Department and Programs. Boards of Supervisors will need to determine what Department will take responsibility to implement the various requirements contained in these regulations.
 - The CalGreen Construction and Demolition Debris and Model Water Efficient Landscape Ordinance is generally administered by the Building Department. Should the Building Official

be directly responsible to meet the requirements of Article 8 of this Chapter implementing the CALGreen Building Standards and the Model Water Efficient Landscape Ordinance (MWELO), including the reporting requirements?

- SB 1383 requires jurisdictions annually procure a quantity of recovered organic waste products that meets or exceeds its annual procurement target determined by CalRecycle. Qualified products include compost, renewable gas used for fuel for transportation, electricity, heating application, electricity from biomass conversion, and mulch. The procurement requirements impact various departments. Should the procurement requirements including retaining documentation be administered through the County Administrative Office, Purchasing, or individual departments (which can be electronic)?
- SB 1383 includes an edible food recovery program. Should this program be administered through Social Services, Environmental Health, an Edible Food Recovery Task Force/working group that could include representatives from the Social Services Department, Environmental Health Department, Food Banks, Tier 1 and Tier 2 businesses, non-governmental organizations, churches, and other organizations to meet the requirements of Article 10 of this Chapter, including the reporting requirements.
- SB 1383 requires new responsibilities on LEAs.
- Who will be responsible for enforcement for each of the programs?
- Who will be responsible for the Implementation Record that is to gather all reporting requirements and kept in one central location?
- Determine if the Performance-Based Source Separated Organic Waste Collection Service is applicable to your jurisdiction.

➤ Adopt ordinances or enforceable mechanisms for implementation of SB 1383 by January 1, 2022.

- Determine cost and timeline associated with adopting enforceable mechanisms for SB 1383 implementation.
- Determine how to provide the required services and negotiate any necessary changes to existing collection contracts or franchise agreements.
- Components to be addressed are:
 - Organic waste collection service, including self-haul compliance.
 - Education and outreach, monitoring and inspections, enforcement, recordkeeping and reporting.
 - Edible food recovery.
 - Organic waste capacity planning.
 - Procurement.
 - CalGreen Building standards for recycling containers in new commercial and multi-family construction and construction and demolition recycling of residential and non-residential construction debris.
 - Model Water Efficient Landscape Ordinance for new construction to meet Water Efficient Landscape requirement for compost and mulch application.

➤ Provide organic waste collection to residents and remaining small businesses by January 1, 2022 (January 1, 2027, for an approved rural exemption).

- Determine amount of additional organic waste to be collected.
 - Identify the amount of waste disposed in your jurisdiction in 2014 and calculate the amount of organic waste in the waste stream (baseline).
 - Calculate the 50% diversion target for 2020.
 - Calculate the 75% diversion target for 2025.
- Determine types and amounts of organic waste being discarded either through waste composition studies or using CalRecycle's Waste Characterization Estimates tool.

- Food waste
 - Leaves and grass
 - Pruning and trimmings
 - Branches and stumps
 - Lumber
 - Agricultural green waste
 - Organic textiles
 - Organic carpets
 - Paper products
 - Printing and writing paper
 - Manure
 - Biosolids
 - Digestate
 - Sludges
 - Determine potential programs for organic diversion.
 - Reducing food waste
 - Backyard composting
 - Community composting/gardening
 - Animal feed opportunities
 - Land application opportunities
 - Compost operations
 - Anaerobic digestion facilities
 - Identify existing organic processing facilities locations and available organic processing facility capacities.
 - Determine diversion rates for compliance with “high diversion organic waste processing facility” requirements.
 - What types of organics will be accepted?
 - Determine transportation costs and costs associated with the facilities.
 - Determine needed facility capacities and costs associated with new or expanded facilities.
 - Identify existing collection haulers and collection systems.
 - Working with the haulers, determine changes required and the associated cost to the collection system.
 - Route/collection system changes
 - Cart color changes
 - Labeling
 - For 2 or 3 container service, monitoring for container contamination
 - Annual random route reviews, or
 - Waste composition studies two times per year
 - Determine compliance mechanisms and costs for self-haulers.
- Establish an edible food recovery program by January 1, 2022 that recovers 20% edible food from the waste stream by 2025.
- Determine scope of the program
 - Determine which Department is responsible to implement edible food recovery program.
 - Staffing
 - Recordkeeping
 - Enforcement
 - Reporting
 - Decide if the jurisdiction will include a task force/working groups made up of interested parties for edible food recovery for people and edible food recovery for animals
 - Responsibilities and expectations of the body
 - Number and composition of members
 - Number of meetings

- Determine Tier 1 and Tier 2 commercial generators edible waste.
 - Determine amount of food currently donated and to whom.
 - Determine amount of food currently discarded.
 - Identify existing food recovery organization and services.
 - Develop and annually maintain list of food recovery organizations within the jurisdiction on the website.
 - Identify existing partnerships.
 - Determine their existing capacity and needs to expand capacity.
 - Determine costs associated with program implementation.
 - Provide education and outreach to commercial edible food generators regarding edible food donation requirement, and available edible food recovery organizations.
 - Identify ways to increase donations.
 - Identify ways to increase potentially new partnerships.
 - Monitor commercial food generators compliance.
 - Conduct appropriate enforcement.
 - Explore funding mechanisms to increase food recovery.
- Conduct outreach and education to all affected parties, including generators, haulers, facilities, edible food recovery organizations, and city/county departments prior to February 1, 2022.
- Determine how and the cost to provide education and outreach.
 - Annually provide information to organic waste generators on the proper segregation for the type of collection service provided, methods for prevention and recycling, methane reduction benefits, public health, safety and environmental impacts, through print or electronic media or direct contact through workshops, meetings, or on-site visits.
 - Develop and maintain a list of food recovery organizations and services operating within the jurisdiction and maintain the list on the jurisdiction's website, updated annually.
 - Annually provide commercial businesses that generate edible food with information about the jurisdiction's edible food recovery collection program, about commercial edible food generators requirements, about food recovery organization and services operating within the jurisdiction, and information about actions that commercial edible food generators can take to prevent the creation of food waste.
 - Translation of education materials into any non-English language spoken by a substantial number of the public provided organic waste collection services is left to the discretion of the local agency.
- Capacity Planning: Evaluating and planning for your jurisdiction's implementation of SB 1383 beginning August 1, 2022 (August 1, 2024, for counties with an approved rural exemption).
- Determine costs associated with capacity planning requirements.
 - Counties shall report the capacity planning for organic waste processing facilities and edible food recovery capacity to CalRecycle by August 1, 2022, for the period covering January 1, 2024, through December 31, 2024 (except for those counties with a rural exemption).
 - Beginning August 1, 2024 and every five years thereafter all counties shall report to CalRecycle the capacity planning for ten-year periods beginning the following January 1.
 - Counties are responsible to coordinate with the cities to estimate existing, new and/or expanded capacity.
 - Counties and cities must demonstrate that they have access to recycling capacity through existing written documented arrangements.
 - If capacity is insufficient, then each jurisdiction that lacks capacity must submit an implementation schedule to CalRecycle that includes specified timelines and milestones, including necessary funding.

- Procure recycled organic waste products like compost, mulch, and renewable natural gas (RNG) beginning by January 1, 2022 (January 1, 2027 for counties with an approved rural exemption).
 - Identify potential costs associated with procurement requirements to the various departments.
 - CalRecycle will provide a minimum procurement target that is linked to the jurisdiction's population.
 - CalRecycle will provide a calculator with the conversion factors for the various products procured.
 - The jurisdiction can decide what mix of products it will purchase or use.
 - A jurisdiction may count procurement from direct service providers (for example, its haulers).

- Monitor and inspect for compliance with SB 1383 beginning January 1, 2022, with enforcement beginning January 1, 2024.
 - Identify staff to conduct monitoring and inspections for various aspects of compliance.
 - Collection service
 - Edible food recovery program
 - Identify costs associated with enforcement against organic waste generators that are not in compliance.

- Maintain accurate and timely records of SB 1383 compliance.
 - Consider purchase of software program.
 - Determine cost to maintain records of all relevant documents supporting compliance with each requirement.
 - Copies of ordinances, contracts, agreements, policies, procedures, and programs.
 - Documentation and correspondence for
 - Organics collection
 - Container contamination minimization
 - Waivers and exemptions
 - Education and outreach
 - Hauler program
 - Edible food recovery program
 - Procurement
 - Enforcement
 - Documentation of which collection method(s) will be used and the geographical area for each collection method; if applicable, a list of all the high diversion organic waste processing facilities used and their quarterly and annual average mixed waste organic content recovery rates; a list of all approved haulers, and the geographical areas the hauler(s) serve; and if applicable, written notification from each facility that can recover compostable plastics to be placed in the green container or organic waste to be collected in plastic bags.
 - Process for determining the level of container contamination and documentation of the route reviews conducted; if applicable documentation of waste composition studies, including information on targeted route reviews conducted as a result of the studies, the dates of the studies, the location of the solid waste facility where the study was performed, routes, source sector, number of samples, weights and ratio of prohibited container contaminants and total sample size; copies of all written notices, violations, education and enforcement orders issued to generators; and documentation of the number of containers disposed of due to observation of prohibited container contaminants.
 - Description of the hauler program including type of hauler systems used, type and conditions of approvals per type of hauler, and criteria for approvals, denials, and revocations; the

jurisdictions process for issuing, revoking, and denying self-hauling and back-hauling; and records of hauler compliance including copies of reports required by haulers, and copies of all written approvals, denials, and revocations.

➤ Reporting requirements commencing 2022, and annually thereafter to the Department.

- Determine costs associated with reporting requirements.
 - Beginning April 1, 2022, report on implementation and compliance with the requirements of this chapter including a copy of enforceable mechanisms adopted to implement the requirements, all reporting items listed in a jurisdiction's annual report, and contact information for the compliance-related responsible person.
 - Commencing August 1, 2022 and annually thereafter submit an annual report. The first report shall cover the period of January 1, 2022 – June 30, 2022 and is due October 1, 2022. Each subsequent report shall cover the entire previous year.
- Each jurisdiction shall report the following:
 - Relative to the collection service: the type of organic waste collection services provided to its generators, the total number of generators receiving each type of organic waste collection service, and the RDRS Number of any high diversion organic waste processing facility it uses. If the jurisdiction allows placement of compostable plastic in green containers or organic waste to be collected in plastic bags, notices from each facility that accepts and recovers that material.
 - Relative to contamination monitoring: the number of route reviews conducted for container contaminants; the number of times notices, violations, or targeted education material were issued; the number of notifications received from a solid waste facility operator regarding container contaminants received at the facility, and the results of waste composition studies performed to meet the container contamination minimization requirement and resulting targeted route reviews.
 - Relative to waivers: the number of days an emergency circumstances waiver in effect and the type of waiver issued, the tons of organic waste that were disposed as a result of waivers, the number of generators issued a physical space waiver, the number of generators waived by the department from the requirements of organic waste collection service.
 - Regarding education and outreach: the number of organic waste generators and edible food generators that received information and the type of education and outreach use and the number of limited English speaking and linguistically isolated households that received information.
 - Regarding the hauler oversight requirements: the number of haulers approved to collect organic waste, the RDRS number of each facility that is receiving organic waste from haulers, and the number of haulers that have had their approval revoked or denied, and the number of self-haulers approved to operate within the jurisdiction.
 - Regarding the CALGreen Building Standards: the number of Construction and Demolition removal activities conducted; and the Model Water Efficient Landscape Ordinance: the number of projects subject to the ordinance.
 - Regarding the edible food recovery: the number of commercial edible food generators, the number of food recovery services and organizations that contract with or have written agreements with commercial edible food generators, and the total amount of edible food recovered by edible food recovery organizations and services.
 - Regarding the organic waste recycling capacity planning and edible food recovery capacity planning: the tons estimated to be generated for disposal, the amount of capacity verifiably available to the county and jurisdictions within the county, the amount of new capacity needed, the location identified for new or expanded facilities, the jurisdictions that are required to submit implementation schedules, and the jurisdictions that did not provide information required to the county within 120 days.

- Regarding the procurement requirements: the amount of each recovered organic waste product procured directly or through direct service providers by the county or cities during the prior calendar year, the total dollar amount spent on all paper purchases, the total dollar amount spent on all recycled content paper purchases, the total amount of transportation fuel, electricity, and gas for heating applications and pipeline injection procured from the previous year if the jurisdiction procures a reduced amount pursuant to section 18993.1. (j), and additional procurement opportunities identified within the jurisdiction's departments.
- Regarding compliance, monitoring, and enforcement: the number of commercial businesses subject to compliance reviews and the number of violations found and corrected; the number of route reviews conducted; the number of inspections conducted by type for commercial edible food generators, food recovery organizations, and commercial businesses; the number of complaints received, investigated, and violations found; and the number of NoVs and penalties issued by type of entity, and the number of enforcement actions that were resolved categorized by type of regulated entity.

➤ Facility monitoring requirements.

- Transfer stations/processing operations or facilities - grey container collection stream waste evaluations
 - Identify manned transfer stations or processing facilities and determine the annual volume going to landfill.
 - Determine the cost of quarterly grey container collection stream waste evaluations for those transfer stations or facilities that receive more than 500 tons of solid waste from at least one jurisdiction annually. (CalRecycle estimated that each sample would require an additional four hours of staff time.)
 - Beginning July 1, 2022, take one random, composite sample taken from various times during the operating day, representative of an operating day, of at least 200 pounds from the incoming gray container collection stream received by the facility.
 - Record the weight of the sample.
 - Remove any remnant organic material and determine the weight of that remnant organic material.
 - Determine the ratio of remnant organic material in the sample.
 - With written notification to the LEA, the gray container waste evaluations may be conducted offsite at an alternative, permitted or authorized solid waste facility or operation provided that the material is not processed prior to its transfer offsite for the waste evaluation.
 - Records of the waste evaluations and training of personnel in evaluating the amount of remnant organic material shall be maintained for 5 years and be available for review.
- Transfer stations/processing facilities
 - Identify organic waste processing facilities (MRFs, compost facilities, AD facilities)
 - Determine the cost of the monitoring requirements of organic waste recovered from mixed waste organic waste collection streams and source separated organic waste collections streams. (CalRecycle based its estimate on sampling 40 days per year and estimated that each sampling event would require two hours of employee time for a total of 80 hours per facility and a facility cost of \$4,560/year.)
 - Quarterly, measurements shall be performed over 10 consecutive operating days.
 - On each sampling day, take one sample of at least 200 pounds from each organic waste type separated after processing, representative of a typical operating day and taken either from various times of the day or from various locations within each pile of each of the organic waste types prior to sending to its destination.
 - Record the weight of each sample from each organic waste type.
 - Remove any incompatible material and determine the remaining weight of organic waste for each sample.
 - Determine the ratio of the remaining weight of organic waste to the total sample for each type of organic waste.

- Multiply the ratio for each type of organic waste by the total weight of all of the same type of organic waste separated after processing for its destination.
 - Determine the total weight of organic waste separated from the collection stream by adding the sum of all the weights calculated above.
 - Determine the cost of the monitoring requirements of organic waste removed from mixed waste organic waste collection streams and source separated organic waste collections streams for disposal. (CalRecycle based its estimate on sampling 40 days per year and estimated that each sampling event would require two hours of employee time for a total of 80 hours per facility and a facility cost of \$4,560/year.)
 - Quarterly, measurements shall be performed over 10 consecutive operating days.
 - On each sampling day, take one sample of at least 200 pounds representative of a typical operating day and taken either from various times of the day or from various locations within each pile of each of the organic waste types prior to sending to its destination.
 - Record the total weight of the sample.
 - Remove any incompatible material and determine the remaining weight of organic waste in the sample.
 - Determine the ratio of the organic waste present in the materials removed for disposal to the total sample.
 - Determine the total weight of organic waste removed from the collection stream that is sent to disposal by multiplying the ratio determined above by the total weight of the materials removed from the collection stream for disposal.
 - The measurements shall be conducted in the presence of the EA when requested and the EA may require the operator to increase the frequency of measurements and/or revise the protocol to improve accuracy. An alternative measurement protocol may be approved by the EA with concurrence by the Department.
- Compost facilities
 - Determine the quarterly percentage of organic waste contained in materials sent to landfill disposal.
 - The sampling protocol shall be conducted over 10 consecutive operating days.
 - Each operating day, the sampling protocol is:
 - Take one random, representative sample of at least 200 pounds of materials that is sent to disposal on that operating day, taken either from various times of the day or from various locations.
 - Record the total weight of the sample.
 - Remove any material that is not organic waste and determine the remaining weight of organic waste in the sample.
 - Determine the ratio of the organic waste in the materials by dividing the total from the remaining weight of organic waste by the total weight of the sample.
 - Determine the total weight of organic waste that is sent to disposal by multiplying the ratio determined above by the total weight of the materials sent to landfill disposal.
 - Record the sum of outgoing weights of organic waste present in the material from the 10 sampling days that is sent to landfill disposal each day.
 - Determine the ratio of organic waste sent to disposal by dividing the total from above by the total outgoing weights of material that is sent to disposal each sampling day.
 - Determine the percentage of organic waste present in the material sent to disposal.
 - The measurement shall be conducted in the presence of the EA when requested and the EA may require the operator to increase the frequency of measurements and/or revise the protocol to improve accuracy. An alternative measurement protocol may be approved by the EA with concurrence by the Department.
- In-vessel digestion facilities
 - Determine the quarterly percentage of organic waste contained in materials sent to landfill disposal.
 - The sampling protocol shall be conducted over 10 consecutive operating days.

- Each operating day, the sampling protocol is:
 - Take one random, representative sample of at least 200 pounds of materials that is sent to disposal on that operating day, taken either from various times of the day or from various locations.
 - Record the total weight of the sample.
 - Remove any material that is not organic waste and determine the remaining weight of organic waste in the sample.
 - Determine the ratio of the organic waste in the materials by dividing the total from the remaining weight of organic waste by the total weight of the sample.
 - Determine the total weight of organic waste that is sent to disposal by multiplying the ratio determined above by the total weight of the materials sent to landfill disposal.
 - Record the sum of outgoing weights of organic waste present in the material from the 10 sampling days that is sent to landfill disposal each day.
 - Determine the ratio of organic waste sent to disposal by dividing the total from above by the total outgoing weights of material that is sent to disposal each sampling day.
 - Determine the percentage of organic waste present in the material sent to disposal.
- The measurement shall be conducted in the presence of the EA when requested and the EA may require the operator to increase the frequency of measurements and/or revise the protocol to improve accuracy. An alternative measurement protocol may be approved by the EA with concurrence by the Department.
- Landfills
 - Determine the cost to prepare a Status Impact Report (SIR) that provides an analysis of the potential impact to the landfill resulting from the implementation of the organic disposal reduction requirements.
 - The SIR shall be submitted to CalRecycle within a year of the effective date of this regulation.
 - The SIR shall be prepared by a CA registered civil engineer or certified engineering geologist; and contain specific and detailed information:
 - Site development
 - Waste types/volumes
 - Daily and intermediate cover and beneficial use
 - Volumetric capacity based on reduction requirements
 - Waste handling methods
 - Gas control and monitoring systems
 - Gas generation
 - Operation and closure design
 - Final grading plan
 - Site life estimate
 - Ancillary facilities
 - Cost estimate for closure and postclosure
 - Financial assurance mechanisms for closure, postclosure, and non-water corrective action requirements



RURAL COUNTY REPRESENTATIVES
OF CALIFORNIA

March 23, 2020

The Honorable Brian Dahle
Member, California State Senate
State Capitol, Room 2054
Sacramento, CA 95814

**RE: Senate Bill 1191 – SUPPORT/SPONSOR
As Amended March 23, 2020**

Dear Senator Dahle:

On behalf of the Rural County Representatives of California (RCRC), I am writing to affirm our sponsorship of your Senate Bill 1191, related to organic waste management. RCRC is an association of thirty-seven rural California counties, and the RCRC Board of Directors is comprised of elected supervisors from those member counties.

SB 1191 allows low population counties and rural jurisdictions to develop and implement alternative organic waste management programs in place of the rigid and costly Senate Bill 1383 (Lara; 2016) mandates. Additionally, SB 1191 aligns the California Department of Resources Recycling and Recovery's (CalRecycle) organic waste management statute to conform it to long-standing provisions that require CalRecycle to consider whether a jurisdiction made a "good faith" effort to implement its recycling program before issuing a compliance order or imposing penalties on that jurisdiction.

SB 1383 requires the state to reduce landfill disposal of organic waste 75 percent by 2025 and to increase edible food waste recovery 20 percent. CalRecycle is on the verge of adopting far-reaching regulations to achieve those objectives and has estimated that it will cost as much as \$40 billion over the next decade and will require adding 50-100 new organic waste recycling facilities. These requirements pose many financial and implementation challenges for local governments across the state.

The new SB 1383 regulations will impose a host of costly new requirements on local governments and will substantially drive up residential service rates – especially in low-population and rural areas that lack the population density or economies of scale often found in urban areas. Unfortunately, there is little flexibility built into the regulations to let smaller, rural jurisdictions and low population counties develop innovative approaches that will contribute to the state's organic waste reduction objectives at far lower cost. While these jurisdictions may not have the economic resources to fully implement the SB 1383 regulations, they can play a key role in developing the organic waste recycling capacity

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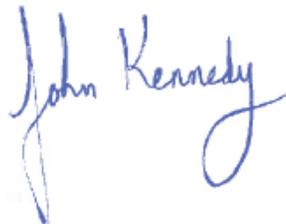
necessary to meet the overarching objectives and increasing the utilization of organic waste on working lands. SB 1191 will temporarily allow rural jurisdictions (those 19 counties with a population under 70,000 residents and the cities within those counties – just 1.5 percent of the state’s population) and low population counties (13 counties with between 70,000 and 250,000 residents) to implement alternative organic waste management programs that recover edible food waste, evaluate collaborative approaches to organic waste recycling for animal feed and compost production, and explore opportunities for siting new regional organic waste facilities and markets.

California’s ambitious solid waste diversion and recycling requirements have long required CalRecycle to consider whether a jurisdiction made a “good faith effort” to implement its solid waste diversion program before imposing penalties or a compliance order on that jurisdiction. Unfortunately, SB 1383’s placement of organic waste reduction requirements in the Public Resources Code made those existing requirements for CalRecycle to consider “good faith efforts” inapplicable to the ambitious new organics mandate. This leaves CalRecycle with little flexibility to consider a host of internal and external factors that impact a jurisdiction’s ability to implement the new regulatory requirements. SB 1191 reasonably aligns CalRecycle’s organic waste management statute with those long-standing requirements.

Finally, CalRecycle’s new SB 1383 regulations exempt high altitude elevations (over 4,500’) from food waste separation and recovery requirements to avoid bear-related public safety problems. Unfortunately, bear populations aren’t confined to areas above 4,500’ and the regulations fail to offer similar relief for those communities with nearby bear populations below that altitude. SB 1191 provides a similar exemption for residential and small commercial generators below 4,500’ in elevation where nearby bear populations pose a risk to public safety.

For these reasons, we support your SB 1191. If you should have any questions, please do not hesitate to contact me at jkennedy@rcrcnet.org or (916) 447-4806.

Sincerely,



JOHN KENNEDY
Legislative Advocate

cc: Members of the Senate Environmental Quality Committee
Genevieve Wong, Consultant, Senate Environmental Quality Committee
Scott Seekatz, Consultant, Senate Republican Caucus