



**TOWN OF LOS GATOS  
COUNCIL AGENDA REPORT**

MEETING DATE: 12/17/2019

ITEM NO: 11

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DATE: December 5, 2019  
TO: Mayor and Town Council  
FROM: Laurel Prevetti, Town Manager  
SUBJECT: Receive Report on Senate Bill (SB) 1383 and impacts on the Town's Garbage and Recycling Program

**RECOMMENDATION:**

Receive Report on Senate Bill (SB) 1383 and impacts to the Town's Garbage and Recycling Program.

**BACKGROUND:**

SB 1383 refers to regulations specific to trash reduction in California with the goal of reducing methane emissions. For the Town, solid waste (trash) collections are managed by the West Valley Solid Waste Management Authority (Authority) where Councilmember Spector has represented the Town for 2019. This item will be discussed with the Authority in the course of that agency's regular business. Staff felt it appropriate to provide an update to the entire Town Council as the regulations prescribe actions that will likely require Town resources.

SB 1383 was signed by Governor Jerry Brown on September 16, 2016 with final regulations due to be finalized in January 2020. SB 1383 is the most significant waste reduction mandate to be adopted in California in the last 30 years, establishing targets to achieve a 50 percent reduction in the level of statewide disposal of organic waste from 2014 levels by 2020 and a 75 percent reduction by 2025. Additionally, the law grants CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets and establishes an additional target that not less than 20 percent of current disposed edible food is recovered for human consumption by 2025. The law focuses on both residential and commercial generators. The law comes with both performance targets and the potential for penalties levied against the jurisdiction for non-

**PREPARED BY:** Jim Harbin  
Superintendent

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Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Director of Parks and Public Works

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BACKGROUND (continued):

compliance. Enforcement and penalties for non-compliance begin January 1, 2022 for jurisdictions.

DISCUSSION:

The Town of Los Gatos has been working closely with the Authority to stay informed on SB 1383 regulation updates and to begin to explore available options for program implementation. Identified options will be presented to the Authority Board over the course of the next six months.

The following is a summary of the main requirements of SB 1383 by category to be in place by January 1, 2022 and the Town's current state of compliance.

***Recycling and Organic Waste Collection Services (Partially Compliant)***

All residential and commercial organic waste generators must divert organics materials, including food waste, green waste, and paper from landfill disposal. While the authority currently offers a 3-container collection program (one container each for garbage, recycling, and green waste), the current program will need to be expanded to include food waste in residential organics collection. Additionally, containers will need to meet labeling and color requirements. This is significant as the compost from material with food scraps must meet different regulations than that which contains only yard waste.

***Ordinances (Non-Compliant)***

Jurisdictions must adopt enforceable ordinances or similar mechanisms to achieve local compliance with SB 1383, including ordinances for recycling/organics, self-haul/back-haul, edible food recovery, hauler regulations, and enforcement. Currently, there are no ordinances in place that meet SB 1383 compliance. Model Ordinances will be released by CalRecycle in early 2020 for use by jurisdictions.

***Education and Outreach***

***Food Recovery (Non-Compliant)***

Jurisdictions will need to provide businesses that generate edible food waste with information regarding the jurisdiction's edible food recovery program, generator requirements, reduction of edible food, and food recovery organizations.

***Residential, Commercial, and Multi-Family Organics (Partially Compliant)***

Jurisdictions will need to provide information on properly separating materials, organic waste prevention, on-site recycling, methane reduction benefits, public health and environmental impacts, how to recycle organic waste, a list of approved haulers, and information related to food recovery. Currently West Valley Collection & Recycling

DISCUSSION (continued):

provides a quarterly newsletter to commercial or residential subscribers detailing recycling information.

*Self-Haul Organics (Non-Compliant)*

Large generators may choose to haul organics themselves or through separate contract to appropriate facilities. Self-haulers must be provided with information regarding their requirements to either source-separate organic waste or bring it to a high diversion organic waste processing facility and keep records of organics delivered unless they are a residential organics hauler. Education and outreach provided by organic waste generators will need to include information regarding self-haul requirements.

*Contamination Monitoring (Non-Compliant)*

Annual route reviews or composition studies will be added. The reviews/studies may be performed by the Authority, Town staff, or another designee (i.e. West Valley Collection & Recycling). Non-compliance results in enforcement action and penalties to generators. This will require staffing and residents will see inspectors looking into bins and potentially citing for non-compliance at the household level.

***Procurement of Materials***

*Organic Waste (Partially Compliant)*

Each jurisdiction must procure recovered organic waste products (i.e. compost or renewable transportation fuel) in quantities that comply with SB 1383 requirements. Procurement quantities shall be determined by the State every five years and are to be based on each jurisdiction's population. The total organic waste tons each Member Agency needs to procure is calculated by multiplying the Agency's population by the per capita procurement target as per the most recent draft regulations of 0.08. The target for the Town of Los Gatos is 2,479 tons. While procurement is currently taking place, expansion will need to happen to reach the Town's calculated target.

*Recycled-Content Paper (Compliant)*

Jurisdictions must procure recycled-content paper consistent with the Public Contract Code. Currently, 75% of the Town's paper product purchases contain at least 30% postconsumer recycled content in compliance with maintaining Green Business Certification.

***Edible Food Recovery (Non-Compliant)***

This section mandates that food is used where a business or other entity might currently dispose of it. Jurisdictional responsibility surrounding edible food recovery includes educating generators, increasing access, and enforcing Tier 1 generators (i.e. Supermarkets, Wholesale Food Vendors, Food Service Providers/Distributors, and

DISCUSSION (continued):

Grocery stores (<7,500 sq ft.) and Tier 2 generator's (i.e. Restaurants, Hotels, Event Venues, Education Facilities, and Health facilities based on occupancy) use of food recovery organizations. Tier 1 generators must be in compliance by January 1, 2022 and Tier 2 generators must be in compliance by January 1, 2024. If there is insufficient capacity for recovery, the jurisdiction shall be responsible for increasing capacity. The Town of Los Gatos will need to coordinate with the Public Health Department and the County of Santa Clara in establishing this program.

***Compliance Reporting***

*Implementation Record (Non-Compliant)*

Jurisdictions will report on their implementation and compliance with SB 1383 to CalRecycle. The Implementation Record will contain all actions taken for compliance with SB 1383 and shall be readily available upon request. This includes ordinances adopted, contamination records, education and outreach records, edible food recovery records, procurement records, enforcement records, etc.

*Initial Compliance Report (Non-Compliant)*

The initial Compliance Report details ordinances adopted, and reporting items identified in the Annual Report.

*Ongoing Reporting (Non-Compliant)*

An annual report will need to include all information regarding compliance with SB 1383 (enacted ordinances, organics collections, contamination monitoring, food recovery, volumes, diverted, overall compliance of generators, etc.). Like the current AB 939 reporting, the Authority staff will prepare the Annual Reports on behalf of each agency, including the Town of Los Gatos.

***Penalties***

*Jurisdiction Penalties*

Penalties for non-compliant jurisdictions depend on the severity of a violation. Violations are categorized as "minor," "moderate," or "major" and have associated fees ranging from \$500 to \$10,000 per violation per day.

*Generator Penalties*

Penalties for non-compliant generators and haulers range from \$50 to \$500 per offense.

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CONCLUSION:

Adoption of SB 1383 brings a large workload to the Town and the Authority to achieve compliance. Over the next several months, the Authority will work through what elements can be managed under the contract of the managing consultant and what work will need to be undertaken by the Town. Changes in the program will take adjustment by residents as well, especially with the implementation of organics recycling and inspection of container contents. Additional capacity in commercial organics and recycling programs will be needed to comply with the requirements and ramping up capacity may take time to align with the new supply.

COORDINATION:

This report was prepared by the Parks and Public Works Department with information provided by the West Valley Solid Waste Management Authority as a participating West Valley community.

FISCAL IMPACT:

Fiscal impacts are yet to be determined; however, they will likely create significant rate increases over several years. Increased costs from the waste hauler and for administrative services are to be expected.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.