



City Council Agenda Item

City Council Meeting Date: April 5, 2022

TO: Dean Albro, City Manager

FROM: Keith Quinlan, Solid Waste Superintendent
K_quinlan@ci.lompoc.ca.us

SUBJECT: Adoption of Resolution No. 6485(22) Authorizing Participation in a Memorandum of Understanding with the County of Santa Barbara, and the cities of Buellton, Carpinteria, Goleta, Santa Barbara, and Solvang to Share the Cost of the Development and Implementation of the “Santa Barbara County Regional SB 1383 Food Recovery Plan”

Recommendation:

Staff recommends the City Council adopt Resolution No. 6485(22) (attached) approving, and directing the Mayor to sign, a Memorandum of Understanding (MOU) with the County of Santa Barbara (County), and the cities of Buellton, Carpinteria, Goleta, Santa Barbara, and Solvang to share the cost of the development and implementation of the “Santa Barbara County Regional SB 1383 Food Recovery Plan”, which includes a financial contribution from the City of \$11,274.56.

Background:

Senate Bill (SB) 1383, the Short-Lived Climate Pollutant Reduction Act of 2016 is the most significant waste reduction mandate to be adopted in California in the last 30 years. SB 1383 requires reduction of organic waste (food waste, green waste, paper products, etc.) disposed in landfills by 75% by 2025 (20 million tons annually). The law also requires that, by 2025, 20% of currently disposed edible (unexpired) food be recovered and distributed to food recovery organizations – such as food banks or food donation centers – recovering the maximum amount of edible food that would otherwise be disposed of for human consumption. To achieve those goals, SB 1383 mandates jurisdictions enact ordinances that establish new programs, monitoring, enforcement, and reporting. **This law has significant policy and legal implications for the state and local governments, including the City of Lompoc.**

To comply with SB 1383, the City adopted Ordinance No. 1691(22) on March 15, 2022, that is consistent with regulatory requirements. The Ordinance requires the City to

adequately resource (i.e., fund, develop, implement, monitor, and report) the following programs related to SB 1383:

- (1) Mandatory organic waste curbside collection services to all residents and businesses:
 - A. In addition to current trash, recycling, and green waste collections, a collections program is required for all organic waste, including food waste, wood waste, manure, fibers, etc.,
 - B. The current collections container inventory must be converted to colors prescribed (gray for trash, blue for recycling, and green for organics),
 - C. Containers must be labeled and monitored for contamination,
 - D. Current collections programs must be assessed and evaluated for any necessary amendment or expansion;
- (2) Edible food recovery program for all commercial edible food generators such as supermarkets, food distributors, wholesale food vendors, and restaurants:
 - A. Commercial edible food generators execute agreements with edible food recovery organizations to recover the maximum amount of edible food that would otherwise be disposed, as well as keeping records,
 - B. Annual reporting on commercial edible food generators, including which food recovery organization received the food, the types of food, frequency of collection, and quantities of food recovered,
 - C. Annual reporting on food recovery organizations, including the total pounds of edible food recovered from each commercial edible food generator,
 - D. Edible food recovery capacity planning and implement a schedule demonstrating how it will ensure adequate capacity if additional capacity is needed. This may entail providing funding to ensure there is adequate capacity and collection services for edible food recovery;
- (3) Education and outreach to all organics generators;
- (4) Certain levels of recovered organic waste such as recycled content paper and paper products, mulch, compost, renewable gas used for transportation fuels, electricity, heating applications, or electricity from biomass conversion produced from organic waste regardless of cost¹;
- (5) Compliance monitoring and enforcement:
 - A. Monitoring and education begins as soon as the Ordinance takes effect (early 2022),
 - B. Violations after January 1, 2024, require enforcement;
- (6) Lompoc City Landfill requirements:
 - A. Quarterly audits of refuse containers,
 - B. Submission of annual Organic Disposal Status Reduction Impact Reports to the State beginning January 1, 2023,

¹ The City's Purchasing Guidelines will require updating to meet this requirement.

- C. Implementation of organic waste recovery activities that divert organic waste from landfill disposal;
- (7) An enforceable mechanism that complies with baseline requirements of the Model Water Efficient Landscape Ordinance (MWELO)²;
- (8) An enforceable mechanism pursuant to the California Green Building Standards Code related to:
 - A. Construction and demolition (C&D) material recycling requirements for organic waste commingled with C&D; and
 - B. Adequate space for recycling for multi-family and commercial premises.³

On January 1, 2022, SB 1383 went into effect. The intent of the legislation is to substantially reduce greenhouse gas emissions. SB 1383 directs CalRecycle, by 2025, to divert 75% of methane-producing organics from landfills and recover 20% of edible food that would otherwise be disposed for human consumption. Edible food is defined as food intended for human consumption that meets the food safety requirements of the California Retail Food Code; that code establishes uniform statewide health and sanitation standards.

The City is responsible for the implementation and enforcement of SB 1383. All organic waste generators in the residential and commercial sectors have obligations under the law and the City has adopted an Ordinance requiring organic waste generators to comply with the regulations.

Currently, State law (under Assembly Bill 1826), requires all businesses that generate two or more cubic yards of solid waste per week to divert their organic waste from landfills. Starting January 1, 2022, under SB 1383, the two cubic yard threshold was eliminated, meaning all businesses are required to participate. In addition, large food-generating businesses, such as grocery stores, food wholesalers, and large restaurants, are required to donate edible food to food recovery organizations, which will direct it to those in need.

Discussion:

To assist jurisdictions with the Food Recovery Plan required by the new legislation, the County is working with participating cities to develop and implement a County-wide Food Recovery Plan. The total cost of the Plan is \$86,633.62. The County and participating cities will contribute funds based on population.

Fiscal Impact:

The City's financial contribution of \$11,274.56 is based on its population of 43,644 and would come from the budgeted Recycle Processing Funds. There is no expected fiscal impact to the General Fund.

² The City previously adopted a MWELO (LMC Section 15.52.020 Specific Landscape Design Standards).

³ The City previously adopted the California Green Building Code (LMC Section 15.68.010 California Green Building Standards Code, 2016 Edition, Adopted).

Conclusion:

By adopting Resolution No. 6485(22), this would allow the City to partner with the County and other cities to fulfill the Food Recovery Plan required by the new legislation without paying the full cost of developing and implementing a program on its own; thus saving the City from unnecessarily spending funds on the extra time and staff it would have taken to develop and implement the program on its own.

Respectfully submitted:

Keith Quinlan, Solid Waste Superintendent

APPROVED FOR SUBMITTAL TO THE CITY MANAGER:

Charles J. Berry, Utility Director

APPROVED FOR SUBMITTAL TO THE CITY COUNCIL:

Dean Albro, City Manager

Attachment: Resolution No. 6485(22)