



## City Council Agenda Item

**City Council Meeting Date:** October 4, 2022

**TO:** Dean Albro, City Manager

**FROM:** Keith Quinlan, Solid Waste Superintendent  
K\_quinlan@ci.lompoc.ca.us

**SUBJECT:** Adoption of Resolution No. 6548(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 Continuing the Revised Santa Barbara County Regional SB 1383 Food Recovery Plan Extension

---

### **Recommendation:**

Staff recommends the City Council adopt Resolution No. 6548(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 continuing the revised Santa Barbara County Regional SB 1383 Food Recovery Plan Extension (FRP), which includes a financial contribution from the City of \$12,929.47.

### **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 Lompoc.**

**Discussion:**

To comply with SB 1383, the City adopted Ordinance No. 1691(22) on March 15, 2022, 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) The City must provide mandatory organic waste curbside collection services to all residents and businesses.
  - A. In addition to current trash, recycling, and green waste collections, the City must implement a collections program for all organic waste, including food waste, wood waste, manure, fibers, etc.
  - B. The City's current collections container inventory must be converted to colors prescribed (gray for trash, blue for recycling, and green for organics).
  - C. The City must label containers and monitor the containers for contamination.
  - D. The City must assess current collections programs and evaluate for any necessary amendment or expansion.
- (2) The City must implement an edible food recovery program for all commercial edible food generators such as supermarkets, food distributors, wholesale food vendors, and restaurants.
  - A. The City must ensure 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 keep records.
  - B. The City must report annually 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. The City must report annually on food recovery organizations including the total pounds of edible food recovered from each commercial edible food generator.
  - D. The City must participate in 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) The City must conduct education and outreach to all organics generators.
- (4) The City must procure 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 cost. (The City's Purchasing Guidelines will require updating to meet this requirement.)
- (5) The City must monitor compliance and conduct enforcement.
  - A. Monitoring and education begins as soon as the Ordinance takes effect (early 2022).
  - B. Violations after January 1, 2024, require enforcement.
- (6) The City must perform the following at the Lompoc City Landfill:
  - A. Quarterly audits of refuse containers.

- B. Submission of annual Organic Disposal Status Reduction Impact Reports to the State beginning January 1, 2023.
  - C. Implementation of organic waste recovery activities that divert organic waste from landfill disposal.
- (7) The City must have an enforceable mechanism that complies with baseline requirements of the Model Water Efficient Landscape Ordinance (MWELo). The City previously adopted a MWELo (LMC Section 15.52.020 Specific Landscape Design Standards).
- (8) The City must have 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. The City previously adopted the California Green Building Code (LMC Section 15.68.010 California Green Building Standards Code, 2016 Edition, Adopted).

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.

SB 1383 is extensive in that it not only deals with residential customers but commercial customers as well. The entirety of commercial edible food generators, such as supermarkets, food distributors, wholesale food vendors and restaurants, must all participate in the FRP. That entails City staff to contact the correct staff at the businesses, educate them on SB 1383, if they are not already informed, sign them up with an edible food recovery partner such as Catholic Charities, and make sure the established partnership between the two runs smoothly.

In addition, when dealing with hot foods, there is the responsibility to make sure the hot food stays hot by maintaining it at a certain temperature when being delivered to the food

recovery partner. That in itself is extremely challenging as not all food delivery services are willing to deliver hot foods that need to stay at a certain temperature. Under the current MOU, we are vetting different food delivery services that are willing to take on this task. Some of the food delivery services that are being vetted include Goodr and Copia.

Under SB 1383, the onus of fulfilling the Food Recovery Plan does not fall on the businesses but on each jurisdiction's Solid Waste Department. Not only does the City not have the staff to take on this task alone but by partnering with the County and other cities in the extension MOU, the City would be able to avert the full cost of having to fulfill a requirement of SB 1383. The extension MOU would benefit the City as there will be staff from **seven** different jurisdictions tackling this project and as under the current MOU, the resources will be immeasurable when it comes to idea sharing, gathering information and reporting requirements. Those currently participating in the original MOU have all agreed that extending the MOU would be greatly beneficial to not only their respective jurisdictions but to the community itself.

The Santa Barbara County Public Health Department will also be involved in the FRP. Their involvement will be to assist the MOU participants with any necessary health inspections and report back as one of the mandates of SB 1383 is that the jurisdictions report back to the State on any inspections.

**Fiscal Impact:**

To assist jurisdictions with the FRP aspect of the new legislation, the County is working with participating cities to share the cost of continuing the revised FRP program. The total cost of the program is \$99,381.00. The County and participating cities will contribute funds based on population.

The City's financial contribution of \$12,929.47 is based on its population of 43,644 and would come from budgeted Recycle Processing Funds.

**Conclusion:**

By adopting Resolution No. 6548(22), the City will continue to partner with the County and other cities to fulfill the FRP section of the new legislation without paying the full cost of continuing the revised FRP program; thus saving the City from unnecessarily spending funds on the extra time and staff it would have taken to tackle the program on its own.

Respectfully submitted:

---

Keith Quinlan, Solid Waste Superintendent

**APPROVED FOR SUBMITTAL TO THE CITY MANAGER:**

---

Shaun Ryan, Acting Utility Director

**APPROVED FOR SUBMITTAL TO THE CITY COUNCIL:**

---

Dean Albro, City Manager

Attachment: Resolution No. 6548(22)