

SB 1383

Reducing Short-Lived
Climate Pollutants in
California



SB 1383 Model Mandatory Organics Disposal Reduction Ordinance

SBWMA Board of Directors Meeting

July 22, 2021



A Public Agency

SB 1383 Requirements

2020

50 PERCENT REDUCTION IN LANDFILLED ORGANIC WASTE

2022

REGULATIONS TAKE EFFECT

2025

75 PERCENT REDUCTION IN LANDFILLED ORGANIC WASTE

2025

20 PERCENT INCREASE IN RECOVERY OF CURRENTLY DISPOSED EDIBLE FOOD



SB 1383 Key Jurisdiction Dates

2022



Provide Organics Collection Service to All Residents and Businesses



Establish Edible Food Recovery Program



Conduct Education and Outreach



Procurement



Capacity Planning

2024



Starting January 1, 2024 Jurisdictions must take action against non compliant entities

Objectives of the Model

- Support SBWMA Member Agencies with planning, implementation, and compliance with SB 1383
- Provide resources and guidance
- Increase understanding of regulations and compliance strategies
- Present an example ordinance that allows for customization unique to each Member Agency



Model Ordinance

- Ordinance and policies can stand-alone
 - Member Agencies may amend their existing language and use Model provisions
- Regulatory language reflected
- Guidance notes



Important Considerations

- Review SB 1383 requirements while using Model
 - Each Member Agency is responsible for achieving compliance
- Recognize the Model provides example language ONLY
 - Customization and modification is expected

General Guidance and Member Agency Content

General guidance notes

Member Agency specific content

Guidance: Most of the following definitions are excerpted from the SB 1383 Regulations (14 CCR Section 18982). There are additional definitions in the SB 1383 Regulations that are not included here. Jurisdiction may want to review that list of definitions in 14 CCR Section 18982 to determine whether it wants to add any additional definitions to its ordinance. Jurisdiction may also choose to delete definitions not appropriate for its conditions and/or to include additional definitions that are appropriate for its ordinance.

- (a) “Blue Container” has the same meaning as in 14 CCR Section 18982.2(a)(5) and shall be used for the purpose of storage and collection of Source Separated Recyclable Materials or Source Separated Blue Container Organic Waste.
- (b) “Black Container” has the same meaning as in 14 CCR Section 18982.2(a)(28) and shall be used for the purpose of storage and collection of Black Container Waste.

Delegation of Responsibilities

- Enforcement by Member Agency or another public agency
- Penalties for non-enforcement



Organization of the Model Ordinance

Section 1: Purpose and Findings

Focus

- Purpose, highlights applicable laws (AB 939; AB 341; AB1826; and SB 1383)
- Ordinance is broadly stated; not limited to SB 1383 requirements

Guidance and Customization

- Member Agencies may customize language based on specific diversion goals and/or policies (e.g., zero waste goals, greenhouse gas reduction policies)

Section 2: Title of Ordinance



Focus

- Ordinance title provided: "Mandatory Organics Disposal Reduction Ordinance"
- Ordinance title not specific to SB 1383 requirements

Section 3: Definitions

Focus

- Reflective of SB 1383 definitions; not comprehensive
 - Key terms based on container color and material type
 - Commercial businesses include multi-family dwellings with 5+ units
- Intentionally broad to allow for customization

Guidance and Customization

- Tailor (add or delete) based on jurisdiction needs
- Review non-local entities definition



Section 4: Single Family Standard Compliance Approach

Focus

- Framework for compliant collection system
- Service to residents
- Source separation requirements based on collection system type

Guidance and Customization

- Modify based on allowance of organic material self-hauling

Section 5: Commercial Businesses– Standard Compliance Approach

Focus

- Framework for compliant commercial businesses, including multi-family (five or more units) collection system
- Service to commercial businesses

Guidance and Customization

- Modify based on allowance of organic material self-hauling



Section 6: Generator Waivers

Focus

- Offer applicable collection waivers, as stated in SB 1383

Guidance and Customization*

- Document waivers for the standard compliance approach
- Note generator waivers are optional; not required by SB 1383
- Waiver verification must be retained in writing for reporting

* Waivers will be managed by SBWMA

Section 7: Commercial Edible Food Generators

Focus

- Define and provide enforceable mechanism for requiring commercial edible food generators to use food recovery programs

Guidance and Customization

- Customize based on San Mateo County Office of Sustainability Edible Food Recovery Ordinance language



Section 8: Food Recovery Organizations/Services

Focus

- Provide guidelines for record keeping of food recovery organizations/services activities



Guidance and Customization

- Customize based on San Mateo County Office of Sustainability Edible Food Recovery Ordinance language

Section 9: Haulers



Focus

- Address specific regulatory requirements that jurisdiction must enforce on haulers to be SB 1383 compliant

Guidance and Customization

- Address some requirements in the franchise agreement rather than the ordinance
- Cross-reference requirements in ordinance to other hauler documents
- Modify the language for exclusive, nonexclusive, and permitted haulers

Section 10: Self-Hauler

Focus

- Address self-hauler regulations for SB 1383 compliance

Guidance and Customization

- Require commercial self-haulers recordkeeping
- Note residential organic self-hauler recordkeeping and reporting is not required by SB 1383



Section 11: Compliance with CALGreen



Focus

- Require a jurisdiction to have an enforceable mechanism to comply with select CALGreen standards

Guidance and Customization

- Exclude if the jurisdiction has an existing CALGreen ordinance
- Refer to Member Agency building and/or planning code for complete compliance with CALGreen
- Incorporate CALGreen updates (optional) in different municipal code section

Section 12: Model Water Efficient Landscape Ordinance (MWELO)



Focus

- Require jurisdiction to meet or exceed select MWELO standards for SB 1383 compliance

Guidance and Customization

- Address MWELO standards (broadly) related to SB 1383
- Incorporate MWELO standards into the building or planning municipal code section, if required

Section 13: Procurement Requirements for Jurisdiction Depts., Direct Service Providers, and Vendors

Focus

- Assist jurisdictions in meeting the procurement requirements contained in SB 1383 regulations
- Specify jurisdiction's departments to comply with procurement policy
- Establish recycled-content paper procurement vendor requirements

Guidance and Customization

- Include requirements in jurisdiction's separate procurement policy
 - Separate procurement policy is not required by SB 1383
- Choose general language with further customization in the policy
- Modify paper purchasing with price preference criteria



Section 14: Inspections by Jurisdiction Representatives



Focus

- Provide enforceable mechanism to perform inspections, as required by SB 1383

Guidance and Customization

- Develop administrative and tracking process to accept and follow-up on anonymous complaints (jurisdiction recommended requirement)

Section 15: Enforcement



Focus

- Provide enforceable mechanism to enact penalties for non-compliance

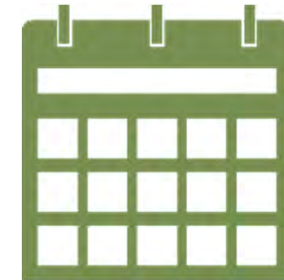
Guidance and Customization

- Establish penalties that meet at least the SB 1383 penalty levels
 - Note enforcement table with penalty amounts in Model is optional
- Consider whom will have enforcement responsibilities
 - City manager or designee, or county agency enforcement official
- Provide education to non-compliant entities in 2022 and 2023
- Assess civil penalties no later than January 1, 2024
- Acknowledge jurisdiction is ultimately responsible for enforcement
- Modify specifics of enforcement to align with jurisdiction practices

Section 16: Effective Date

Focus

- Defines effective date of the ordinance



Guidance and Customization

- Make ordinance effective no later than January 1, 2022
- Include option for earlier effective date to allow more time for implementation and compliance

Customization Tips

- Modify language, particularly defined terms
- Blend existing provisions with the Model provisions, subject to review and revision
- Delete guidance notes and unused options

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