

SB 1383: Short-Lived Climate Pollutants









- **January 1, 2022:** Regulations go into effect
- **January 1, 2024:** The City must begin enforcement
- **What needs to be in place by January:**
 - Enforceable ordinance
 - ✓ Compliance with AB 341 and AB 1826
 - Food Recovery Program
- AB 619: Delays violation fees



SB 1383: Short-Lived Climate Pollutants

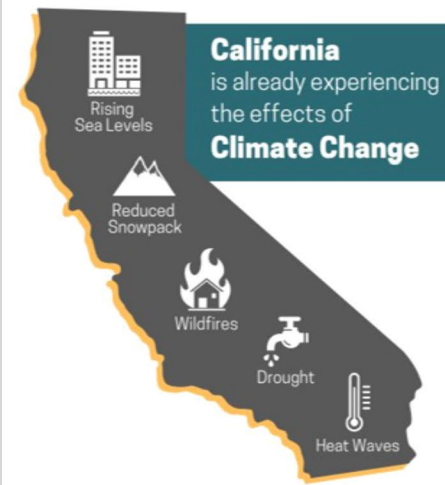
Guidance for Elected Officials



 <p>City Councils and Boards of Supervisors will need to pass local ordinances to require all residents and businesses to subscribe to services.</p>	 <p>Public Works staff are involved with hauler agreements, local waste management processing facilities, organic waste recycling facilities, and civil engineering activities where compost may be utilized.</p>
 <p>City Managers and Chief Administrative Officers will be involved in capacity planning, directing procurement, and establishing edible food recovery programs.</p>	 <p>Public Parks staff may be involved with assessing the need for local compost application to parks and city landscaped areas.</p>
 <p>Finance and Legal staff will be involved in local enforcement ordinances, new collection fees, and ensuring programs are adequately resourced.</p>	 <p>Environmental Health staff may be tasked with enforcement duties, including inspecting commercial food generators for compliance with edible food recovery requirements.</p>
 <p>Purchasing staff will be central to procuring recycled organic waste products and recycled-content paper and paper products.</p>	 <p>Public Transportation and Fleet departments could be involved in procuring renewable natural gas for city and county owned vehicles.</p>

Guidance for Elected Officials

Senate Bill 1383 (Lara, Chapter 395, Statutes of 2016) passed in 2016 as part of California's larger strategy to combat climate change. This law is the largest and most prescriptive waste management legislative update in California since AB 939.



Fight Climate Change's Impact on Californians by Recycling Organic Waste

Organics like food scraps, yard trimmings, paper, and cardboard make up half of what Californians dump in landfills. Organic waste recycling can help reduce climate change and improve air quality.

- 20% of organic waste is recycled, less than other states
- Air pollution from landfills contributes to climate change

California's Super-Pollutant Reduction Strategy Benefits Our Communities

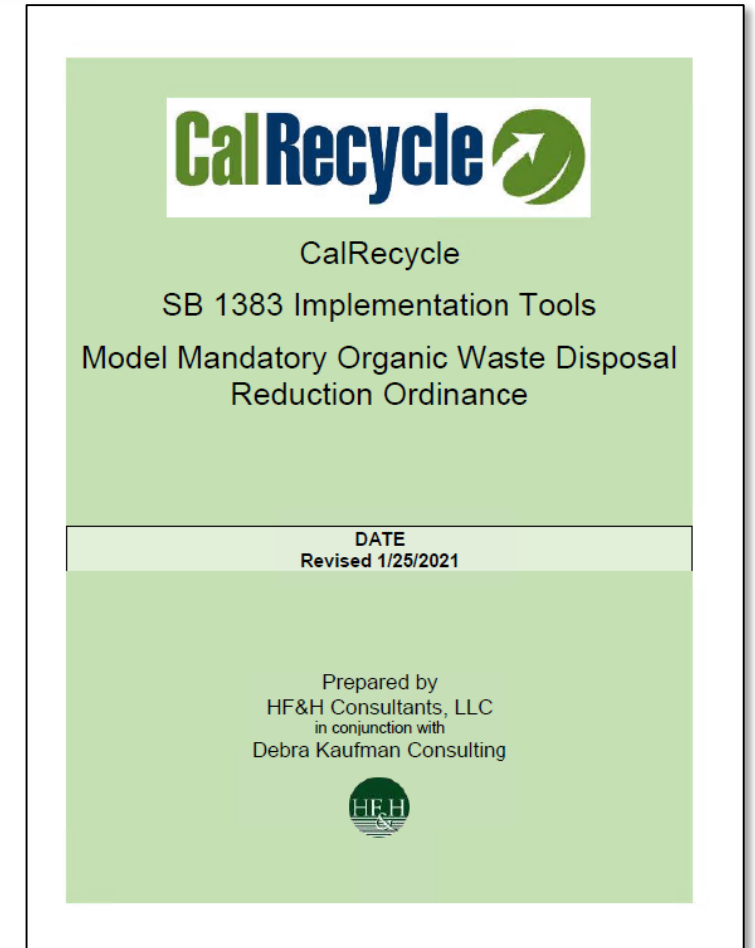
There are many benefits if we successfully implement California's super pollutant reduction strategy, including:

 <p>Environmental benefits, such as fighting climate change and improving air quality</p>	 <p>Less recyclable material in landfills</p>	 <p>Millions of meals directed to the 1 in 5 Californians without enough to eat</p>
 <p>15,000 new permanent green jobs</p>	 <p>New recycled products like electricity from biomass conversion</p>	 <p>Lowered greenhouse gas emissions equivalent to removing 1.7 million cars off the road a year</p>

<https://www.calrecycle.ca.gov/organics/slcp/electedofficials>

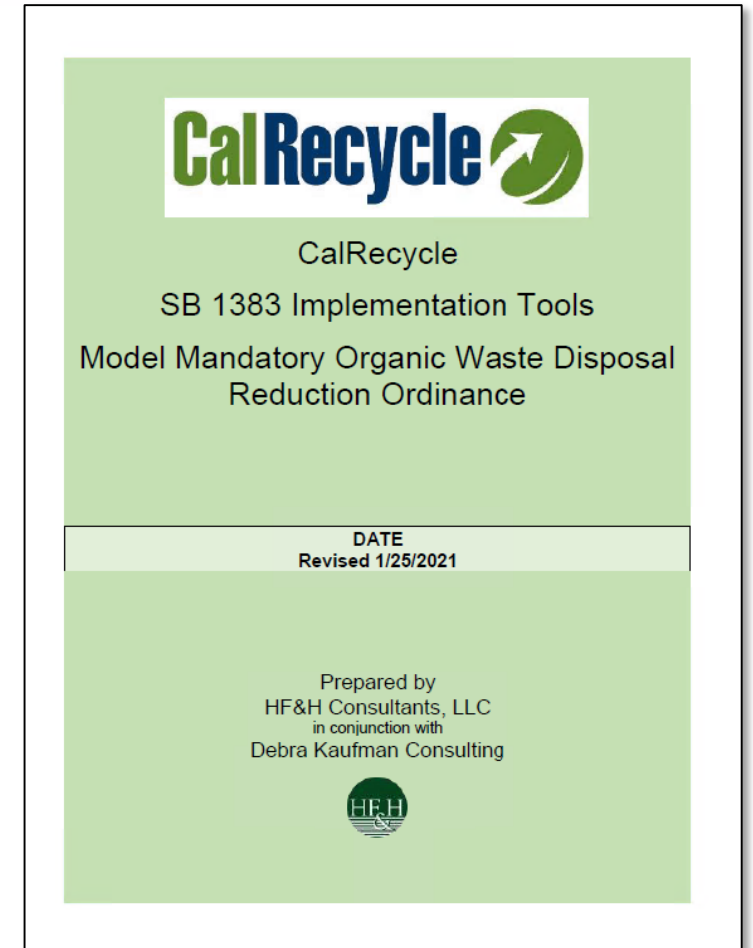
Decision-Making Limitations

- SB 1383 is Purposefully Prescriptive
 - Creation of statewide uniformity in waste diversion
- Few places in the Ordinance where the City has choice
 - Separate article/chapter for SB 1383 or incorporate into the existing DMC
 - Using language from the CalRecycle model ordinance
- Process thus far:
 - City staff draft
 - Consultant review and edit
 - City attorney review and edit
 - Natural Resources Commission review
 - Did not see redline changes, but agree with regulatory updates and updates outside of regulations in concept



Establishing the Foundation

- Updating the Ordinance adds necessary definitions and specifications
- Provides foundation for development of program and policies
- Ordinance does not set the policy or the approach to compliance with SB 1383
- Implementation Plan will be presented soon, sets program and policy approach



Why Not Just New Article?

- Could append Chapter 32 with the regulations to begin with:
 - Staff does not support, regulations impact each area of the Chapter and an additional article would require incorporation at a later date
 - Important that Chapter changes reflect requirements on the outset, to prevent confusion with future changes



Required Changes

- Utilizing CalRecycle Model Ordinance Language
 - Adds new definitions, updates existing definitions
 - Adds language associated with collection, contamination monitoring, self-haul allowances and requirements
 - Adds new program foundations for Edible Food Recovery
 - Incorporates requirements related to Model Water Efficient Landscaping Ordinance (MWELO), CalGreen standards
 - Incorporates procurement requirements
 - Renames sections to reflect organic waste
- NRC agreed with goals of regulations, discussed issues with bin variety & diversion



Above and Beyond SB 1383: Go Beyond Organics

- Expand the requirements of SB 1383 to cover all recyclables, not just organics
 - Include recyclable plastics, metals and glass
- This would require:
 - Bins must be set up to collect recyclables
 - Recyclables would need to be sorted properly
 - Bins would need to be monitored for contamination
 - All generators would need to have collection service or self-haul (and report)

SB 1383 “Organic Waste” under SB 1383 means:

- Food scraps
- Food-soiled paper
- Yard materials
- Paper
- Cardboard
- Textiles
- Carpet
- manure
- Other materials derived from plants and animals

Above and Beyond SB 1383: Include Restrooms

- SB 1383 exempts restrooms from having organics bins
 - Large amounts of paper towel waste from restrooms
- City ordinance: restrooms with paper towels must have an organics bin to collect the paper towels
 - Paper towels are considered a contaminate in trash bins and would be flagged during contamination monitoring



Above and Beyond SB 1383: Cardboard Recycling

- SB 1383 requires cardboard to be diverted from the landfill
 - Identified barrier to collecting cardboard: lack of an existing bin or location to place cardboard
- City ordinance: Require that businesses and multi-family properties have either a bin or a designated space for cardboard recycling



Outside SB 1383: Other Improvements to Program

Containers

- Compactors only acceptable with City staff approval
 - Deterrent to waste sorting
 - Contamination monitoring difficult
- Not using Recology containers?
 - City & Recology would not be held liable for damage
- Clean your containers safely, keep them covered
 - Ensure stormwater protection
 - Lids should be in place at all times

Service/Waste Management

- Proper labeling of assisted service
- Including Cannery in list of locations with no on-street collection service
- Listing of variety of cart sizes
- Require new developments to ensure all bins are in the same location for proper waste sorting



Stay tuned for future ordinance update discussions, focused on trash enclosures

Above and Outside SB 1383: NRC Discussion

- Focus on cardboard
- Concerns with trash enclosures (future effort)
- Notices for customers out of compliance should include:
 - Name/contact information for staff
 - Timeline for compliance
 - Timeline commensurate with type of violation
- Education a must



Enforcement

Major Change

- Fines related to violations of SB 1383 regulations are required starting in 2024
 - Not jurisdictional discretion
 - Adjustments to City process will likely meet requirements
 - SB 1383-related violations require compliance in 60 days. Existing City process generally takes about 30 days. Staff approach to enforcement would depend on the violation, but would be within required timeline

Option for Education-Only Approach Until 2024

- Not recommended for incorporation into the ordinance by staff, have already had organics programs in place since 2016
 - Already have education-first approach to addressing violations

CalRecycle Programs Recycle Government

Davis California Reminder Notice
This is not a citation

Please note that on _____ we responded to _____ for the following:

- Yard material pile placed out on the wrong day. Yard material piles may NOT be placed in the street more than 7 days before a scheduled collection day. Please move the pile off the street.
- Access to yard material pile is blocked. Recology Davis cannot access the yard material pile. Please remove the obstruction immediately. Vehicles may not park on top of or too close to yard piles.
- Grass clippings, weeds, and vines must be placed in the organics cart and are not acceptable in yard material piles. Please remove restricted materials from the pile.
- Soil, rock, animal waste, large amounts of sod, stumps, and drain pipe. Please move the pile so it does not impede storm water drainage.
- Yard material pile restricts gutter drainage or blocks the storm water from the property. Please remove the restricted materials from the pile.
- Yard material pile is not placed in front of the property it originated from. Please move the yard material pile so it is adjacent to your property.
- Yard material pile is in the bicycle lane. Yard material piles cannot be placed in any portion of a bike lane. Please move the pile so it is not placed in the bike lane.
- Yard material pile is too large. Each yard material pile must be no larger than 10' x 5' x 5'. Please break the pile up into smaller piles so it can be collected.
- Cart(s) were left out in the street. Trash, recycling and organics carts may not be placed out at the curb earlier than 5 PM the day before collection and must be removed no later than 7 AM the day following collection.

If the problem is corrected within one week of the date written above, no further action will be taken by the city. If the problem is not corrected, or if there is another violation within 12 months, a Notice of Violation will be issued.

Thank you for your assistance. Issued by _____

Enforcement

The enforcement provisions in SB 1383 will assist jurisdictions, non-local entities, local education districts, state, federal facilities, and CalRecycle to achieve the state's climate goals and the 75 percent organic waste diversion goal by 2025 and into the future.

New web page coming soon!

Davis Municipal Code

Up Previous Next Main Collapse Search Print No Frames

Chapter 1 GENERAL PROVISIONS

Article 1.02 ADMINISTRATIVE CITATIONS

1.02.010 Purpose and applicability.

(a) To address the variety of circumstances that may arise in conjunction with addressing violations of the Davis Municipal Code, including, but not limited to, nuisance regulations, such as difficult and/or recurrent cases. The following mechanisms shall facilitate a prompt and responsive code compliance program. The city council finds that there is a need to establish several mechanisms, including fines.

(b) This chapter provides for administrative citations as provided in [Government Code](#) Section 53069.4.

(c) The remedies provided by this chapter are in addition to all other legal remedies, administrative, criminal and/or civil, which may be pursued by the city to address any violation of this Code.

(d) Use of this chapter shall be at the sole discretion of the city. (Ord. 2222 § 1, 2005)

Enforcement – Amount of Fines

Fines

- Regulation Fine Range:
 - First Violation \$50.00 – \$100.00
 - Second Violation \$100.00 – \$200.00
 - Third Violation \$250.00 – \$500.00
- Current City Fines
 - First Violation – \$100.00
 - Second Violation – \$200.00
 - Third Violation – \$500.00

NRC suggestion: set fine at lower limit of range.

Council considerations:

- Use existing fines, or adjust?
- For all solid waste violations, or just SB 1383?



CalRecycle Programs Recycle Government

Davis CALIFORNIA Reminder Notice
This is not a citation

Please note that on _____ we responded to _____ for the following:

- Yard material pile placed out on the wrong day. Yard material piles may NOT be placed in the street more than 7 days before a scheduled pick-up day. See the backside of this notice for your next scheduled pick-up day. Please move the pile off the street.
- Access to yard material pile is blocked. Recology Davis cannot access the yard material pile. Please remove the obstruction immediately. Vehicles may not park on top of or too close to yard piles.
- Yard material pile includes restricted materials:
 - Grass clippings, weeds, and vines must be placed in the organics cart and are not acceptable in yard material piles. Please remove the restricted items and place them in your organics cart for collection.
 - Soil, rock, animal wastes, large amounts of soil, stumps, and branches greater than 6" in diameter are not acceptable in yard material piles. Please remove the restricted materials from the pile.
 - Yard material pile illegally placed.
 - Yard material pile restricts gutter drainage or blocks the storm drain line. Please move the pile so it does not impede storm water drainage.
 - Yard material pile is not placed in front of the property.
 - Yard material pile is in the bicycle lane. Yard material piles cannot be placed in any portion of a bike lane. Please move the pile so it is not placed in a bike lane.
 - Yard material pile is on the sidewalk. Yard material piles cannot be placed in any portion of sidewalk. Please move the pile so it is not placed on the sidewalk.
 - Yard material pile is too large. Yard material piles cannot be larger than 4' x 5'. Please break the pile up into smaller piles so it can be collected.
 - Yard material pile is left out in the street. Trash, recycling and organics carts may not be placed out at the curb earlier than 5 PM the day before collection and must be removed no later than 7 AM the day following collection.


If the problem is corrected within one week of the date written above, no further action will be taken by the City. If the problem is not corrected, or if there is another violation within 12 months, a Notice of Violation will be issued.

Thank you for your assistance. Issued by _____

Enforcement

The enforcement provisions in SB 1383 will assist jurisdictions, non-local entities, local education districts, state, federal facilities, and CalRecycle to achieve the state's climate goals and the 75 percent organic waste diversion goal by 2025 and into the future.

New web page coming soon!



Davis Municipal Code Next Main Collapse Search Print No Frames

Up Previous

Chapter 1 GENERAL PROVISIONS

Article 1.02 ADMINISTRATIVE CITATIONS

1.02.010 Purpose and applicability.

(a) To address the variety of circumstances that may arise in conjunction with addressing violations of the Davis Municipal Code, including, but not limited to, nuisance regulations, such as difficult and/or recurrent cases. The following mechanisms shall facilitate a prompt and responsive code compliance program. The city council finds that there is a need to establish several mechanisms, including fines.

(b) This chapter provides for administrative citations as provided in [Government Code](#) Section 53069.4.

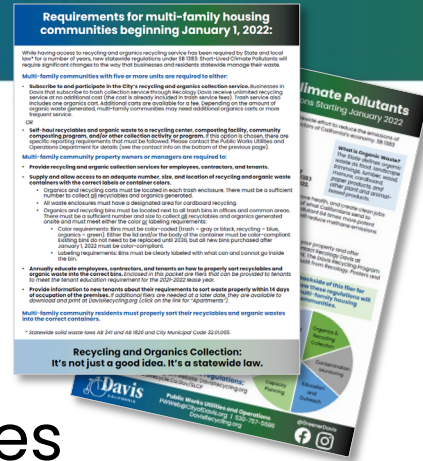
(c) The remedies provided by this chapter are in addition to all other legal remedies, administrative, criminal and/or civil, which may be pursued by the city to address any violation of this Code.

(d) Use of this chapter shall be at the sole discretion of the city. (Ord. 2222 § 1, 2005)

Outreach

Completed

- Webpages
- Utility bill insert
- Greener Davis articles
- For businesses required to participate in food recovery
 - Direct letters, emails and phone calls
 - August county-wide workshop
- Direct fliers and emails
 - Apartment property owners and property management companies



Coming Up

- Direct fliers to all businesses in Downtown Business Improvement District mailing
- Direct mail to all businesses with regulations
- Mailer to all Davis residents with details on regulations
- Meetings and outreach with Downtown Davis Business Association (DDBA), Chamber, and other organizations

Ordinance Updates: Timeline

Condensed timeline – ensures enforceable ordinance in place by January 2022

Action	Timeline
Natural Resources Commission Review	October 25, 2021
City Council Review/First Reading	November 16, 2021
City Council Second Reading	December 7, 2021

From CalRecycle Guidance on the Compliance Process (*pub. August 2020*)

SB 1383 establishes a statewide target and prohibits a target for each jurisdiction.

- SB 1383 requires a more prescriptive approach and state minimum standards.
- Jurisdictions must demonstrate compliance with each prescriptive standard.
- Legislators amended SB 1383 to remove the requirement that CalRecycle use the AB 939 Good Faith Effort requirement for its enforcement for SB 1383.
- **The 75 percent organic waste diversion target in 2025 will not be reachable with the longer compliance process under the Good Faith Effort standard.**



For more information:

DavisRecycling.org

CalRecycle.ca.gov/Climate/SLCP