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Scott Smithline, Director  
California Department of Resources Recycling and Recovery  
1001 I Street  
Sacramento, CA 95814

Subject: Comment Letter –CalRecycle Rulemaking on SB 1383 Short-Lived Climate Pollutants:  
Organic Waste Methane Emissions Reductions

Dear Mr. Scott Smithline:

City of Davis staff appreciate the opportunity to provide input on the draft CalRecycle regulations for the SB 1383 Short-Lived Climate Pollutants (SLCP): Organic Waste Methane Emissions Reductions.

We support and appreciate the goals of SB 1383; reducing landfill methane emissions by keeping organic materials out of landfills mirrors our City's goals for waste diversion and GHG emission reductions. Some of the regulations will directly support our current efforts and assist our staff in implementing programs that are already in place. However, City staff have concerns related to some items in the draft regulations.

Specifically, City staff are concerned about the following items:

- **The requirement for black, blue and green bins.** *Article 3, Section 30.1*

The idea of a single color (blue) to depict a recycling cart shows a single-stream recycling bias. The City of Davis has a dual-stream recycling program—paper is collected separately from containers. This process has kept our paper clean and resulted in a higher quality recycled product. Given the current recycling markets driven by China's restriction on the import of recyclable material, high quality recycled paper has never been more essential. The recycling industry as a whole is taking a closer look at how to achieve cleaner recycling and a dual-stream system is one of the ways to reach this goal.

Davis uses a split-recycling cart for curbside recycling service. The cart is emptied into a divided truck, so the paper stays separate from the containers. The top of these carts have two separate lids—a blue lid for containers and a black lid for paper. These two different

colored lids allow residents to easily tell which items go in each side of the cart. Under the proposed regulation, both lids would be required to be blue. This would make it much more challenging to easily differentiate the container side of the cart from the paper side of the cart, particularly if the labels were to come off of it. Having different shades of blue for the lids is not as effective and striking as two completely different colors, especially for residents who have a vision impairment, such as color blindness.

While the City appreciates the benefits of having a consistent color scheme across California, a similar effect can be achieved by simply requiring labeling on all the bins, as is also required by the regulation. The City of Davis is concerned with the cost associated with having to change out all of the carts that are currently being used. None of the carts that we use in Davis conform to the colors identified in the draft regulation. In Davis, commercial recycling carts are green, trash carts are grey, and the split-recycling cart has a grey body with a blue and black lid. Commercial bins 1 yard and larger are tan.

In 2016, the City began a city-wide organics collection program and issued brand new carts to all our customers. The carts are grey with a brown lid. Decades of experience here in Davis has shown us that carts last longer than 15 years. The proposed regulation would require us to change out all of our carts far before the end of their useful life. Not only would this be extremely costly, but wasteful as well.

Even if the deadline to change out carts were expanded beyond the 2032 deadline, we are concerned with the confusion that it would cause. If some customers had the new black, blue and green carts, but others had the old carts, the contamination of the green carts might be substantial (is the cart for paper? containers? organics?). How can we effectively communicate to residents and businesses what a green cart might mean?

In smaller jurisdictions, such as Davis, we have opted to have some waste streams share the same cart body color (grey), while changing out the lid to reflect the waste stream accepted in that cart (brown lid = organics, grey lid = trash). This has led to decreased costs—we can bulk purchase carts and change out lids as required. This cost saving measure is essential for smaller jurisdictions who can't afford to order three separate carts and have them in all the sizes and quantities required.

To this end, the City makes the following requests:

- Add some flexibility to the regulations to allow jurisdictions with existing 3-bin systems to keep their own color schemes, especially if different colors are being used to indicate different waste streams.
- Amend the regulation to only require the bin lid, and not the entire body of the container, to be color coded for the waste stream. As stormwater regulations require bins to be lidded and those lids to remain closed, this seems to be a fair request.
- If CalRecycle will maintain the green, blue and black requirement, consider pushing back the 2032 implementation date as our experience shows that carts can last longer than 15 years.

- Allow increased flexibility for jurisdictions with multiple-stream recycling collection systems to color-code their recycling carts in more than just blue.
- **The requirement for translating outreach materials in any language that is spoken by more than 5% of a population.** *Article 4, Section 40.1(f)*

As the University of California Davis is adjacent to the City of Davis, there are a large number of students and families from all over the world living in Davis.

- In order to supply the information requested in the myriad of languages that this section will require, we request that the State provide translated text for jurisdictions to utilize.
- **Financial burden of the draft regulations.** The extensive requirements for reporting, site visits, checking for contamination, following up on violations, verifications, etc. will be adding a significant burden on staff and on haulers.
  - The City requests that CalRecycle provide grants, payment programs or other financial assistance to assist jurisdictions in complying with the regulations.
  - In addition to financial assistance, please provide sample outreach materials, web-based calculation worksheets, webinar training, and other materials that jurisdictions can use to achieve and maintain compliance.
  - Jurisdictions, including Davis, may need to significantly increase rates to our customers in order to implement these programs. As required by State Law, any utility rate increase is subject to the Proposition 218 process. Under this process, if enough customers protest the rate increase, the increases cannot be implemented. Without the rate increases, we may not be able to fulfill the requirements of these new regulations. CalRecycle should consider options for jurisdictions where this occurs and provide assistance with the 218 process to ensure success of these programs if implemented as in the draft regulation.

Please contact us with any questions regarding our written comments.

Sincerely,

Michael Webb  
City Manager