



# Memorandum

Date: November 17, 2021  
To: Utilities Commission  
From: Jennifer Gilbert, Conservation Coordinator  
Adrienne Heinig, Assistant to the Director, Public Works Utilities and Operations  
Subject: Senate Bill 1383 Implementation Planning

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**NOTE:** This report is almost identical to the report provided to the Natural Resources Commission on Friday, October 22, with some updates for the Utilities Commission (including a summary of the Natural Resources Commission discussion on October 25) and a revision on page 10 (procurement table corrected)

## **Recommendations**

1. Receive the SB 1383 Implementation Plan for the City of Davis developed by SCS Engineers, and the Yolo County Edible Food Capacity Report; and
2. Consider providing recommendations to Council on the following elements of the report:
  - a. Standard Collection Service vs. Performance-Based Collection Service;
  - b. Recology vs. Staff performing contamination monitoring of collection routes;
  - c. Options for organic waste product procurement;
  - d. Support for or feedback on the County Staff and Yolo County Board of Supervisors approach to the Countywide Food Recovery Program, to share with City Council, specifically:
    - i. The proposed network approach of supporting food recovery organizations electing to participate in the effort, to spread out the resources amongst organizations throughout the county. Based on the findings of the study, this approach would cost the City \$155,799 in the first year of program operation.

## **Background**

As the Commission is aware, landfills are the third largest source of methane emissions in California. When buried in landfills, organic waste (including paper, cardboard, food

scraps, food-soiled paper products, yard trimmings and other organic-based wastes) emit 20% of the state's methane (a climate super pollutant 84 times more potent than carbon dioxide) and air pollutants like PM 2.5 (which contributes to health conditions like asthma). Organics wastes make up half of what Californians send to landfills. Reducing the amount of organic waste in landfills can have a direct impact on the climate crisis, which is the purpose of Senate Bill 1383: Short-Lived Climate Pollutants.

The final rulemaking for SB 1383 was completed by the Department of Resources, Recycling and Recovery (CalRecycle) on November 3, 2020, with the final text of the regulations published in February 2021. With the delays in finalizing the SB 1383 regulations, CalRecycle has prioritized three components of the regulations that must be in place prior to January 2022: *an enforceable ordinance, an edible food recovery program, and mandatory organics collection.*

Enforceable Ordinance: The Municipal Code update is being presented to the Commission concurrent to this effort. Although the update to the Municipal Code and implementation plan complement each other, it is important that each effort remains separate to avoid confusion on primary goals and discussion points.

Edible Food Recovery Program: The City implemented a mandatory organics program in 2016 and has been working collaboratively the last two years with Yolo County, West Sacramento, Woodland and Winters staff to develop a county-wide Edible Food Recovery Program. Greater detail on this effort is included in this memo.

Mandatory Organics Collection: Davis has had mandatory organics waste collection for all customers since 2016.

Fortunately for Davis, solid waste programs and policies already in place contribute to the community being well on the way toward compliance with SB 1383. However, there are many elements to SB 1383 and many sections that the City has been working to address, especially key with these regulations as they are extremely specific in how organics waste diversion programs should be operated.

The prescriptive requirements in the SB 1383 regulations are part of what makes the development of an implementation plan both complicated, yet straightforward. There are aspects of the SB 1383 regulations that are required independent of City input. For example, CalRecycle has already determined what waste collection bins should look like (color and labeling), where they are to be placed (each location where each type of waste is generated), and exactly how often and what kind of education should be

provided to all customers regarding waste sorting. While staff were aware that the regulations contained a degree of detail not generally seen in solid waste regulations, the last 7 months of exploring the details of the regulations and working through the roadmap has highlighted the extremely limited flexibility the City will have to implement the regulations. This regulation creates a fairly uniform waste sorting program, implemented state-wide (as was the goal).

With that being said, there are a few opportunities for the City to review in determining how to implement the regulations.

### **Consultant Reports**

SCS Engineers has generated the nine separate reports listed below (collectively “the Roadmap”), which are included as attachments to this memo. The majority of the reports are guidance documents that point out the City’s requirements and what is needed to fill any gaps in compliance with the regulations. Due to the prescriptive nature of the regulations, only two reports from SCS identified where the City has discretion on implementation: the SB 1383 Collection Service Option Comparison, and the Recovery Rates, Pricing Adjustments and Every-Other-Week Program Options Report.

While the report provided by SCS on edible food recovery offers some best practices to consider when evaluating partnership opportunities for SB 1383 compliance, and suggests some possible funding opportunities, based on the discussions around beneficiaries of the edible food recovery program, and opportunities for funding from social service programs, it is anticipated that the deep-dive into the topic will be with the City’s Social Services Commission in November. The report is best viewed in conjunction with the County’s Edible Food Capacity Study that was presented to the Board of Supervisors on October 12, 2021 (included as Attachment 2).

A summary of the reports prepared by SCS, and information on key points from each is included here:

- **Implementation Plan Report:** The final report combines the main elements of the other reports to provide an overview of where the City is in regard to compliance with the regulations and the key steps that need to be taken to achieve compliance.
- **SB 1383 Programs List:** This shows the gap analysis of the requirements of SB 1383. It includes the current City programs that are already in place, and the areas that will need to be addressed for compliance. This gap analysis showed that the City is largely in compliance in a programs-level look at the regulations. Specific changes and new programs that need to be implemented include:

- Establish protocols for self-hauling and back-hauling of organic waste
- Increase outreach for the diversion of carpet, textiles, and clean wood waste from the landfill
- Increase food waste prevention outreach materials and place on website, including information on ways to prevent food waste at home
- Develop an edible food recovery program: create and distribute outreach, ensure Tier 1 generators have required food recovery contracts, receive annual inspection reports from the County, ensure required capacity, etc.
- Provide specific SB 1383 outreach to all customers and edible food generators
- Update labeling used on Recology bins and replace the lids and/or the entire bin for all Recology Davis recycling and organics bins (this does not need to be done until 2036, but all new bins purchased after January 1, 2022 need to be compliant)
- Updating the City recycling webpage and Recology Davis' webpage to include the SB 1383 requirements
- Work with the schools to ensure they have the right level of service for their organic waste stream
- Provide compliant bins for waste diversion at all City facilities.
- Provide regular outreach to City employees and contractors on waste sorting
- Update the Davis Municipal Code to be compliant with the SB 1383 regulations, including the organics collection, edible food recovery, and Model Water Efficient Landscape Ordinance requirement portions
- Amend the Recology Davis agreement to be in compliance with the regulations
- Develop noncompliance outreach and a process to follow-up on any residential and commercial violations
- Develop and plan and procure the required amount of organic waste products (5,534.6 tons per year)
- Update special event permits for proper waste separation and food recovery
- Develop a records collection process for all aspects of the regulations and keep copies of all documents and records in the Implementation Record (IR). (Notices of Violations, outreach collateral, documentation of complaints and resolutions, etc.)
- **SB 1383 Road Map and Timeline:** This document takes the gap analysis and breaks it out into a timeline for compliance, assigning roles to who will perform each task (City departments, hauler, etc.).

- Update to Organics Report: This report provides an update to the organic waste generation data from the 2017 Organic Waste Feasibility Study, to provide a high-level update on organics tonnages, programs that will affect organic tonnage and quality, estimates of the amount of organics in the disposed waste stream that could be recovered, and verification of the total organic waste capacity that the City will need to secure (via contracts) with an organic waste processing facility. The report also gives a brief update on the organic waste infrastructure that is present and in development near the City.
- Organics Collection Service Options Report: This report gives an overview of the two organic waste service options available (Standard Collection Service and Performance-Based Service) as well as a cost analysis of both options for consideration. It provides the City with details to consider before choosing which option it prefers to implement. This report also offers the City options for how the City will perform the required contamination monitoring, either with route reviews or waste evaluations.
- Edible Food Recovery Report: This report reviews the City's requirement for a food recovery program and serves as a companion piece to the County Edible Food Recovery Capacity Analysis. This is discussed in detail elsewhere in this report and will be discussed with the Social Services Commission as well.
- Recovery Rates, Pricing Adjustments and Every-Other-Week Program Options Report: This report offers the City additional items that it can consider for solid waste collection and rates that are available under the SB 1383 regulations. These are all additional items that the City can consider implementing and are not strict requirements of SB 1383.
- Cost Analysis: This provides a basic cost analysis of various components of implementing the SB 1383 regulations.

### **SB 1383 Program Options For Consideration**

SCS, through their reports to the City, explored where the City has choices in program implementation, to provide data for the Commissions, City staff and the City Council to determine the best path toward implementation. These choices will need to be made in the coming months, as they will be key elements to how the City will ultimately implement the SB 1383 regulations starting in January 2022.

Three main implantation options that will be required immediately by SB 1383 are described below for consideration by the UC.

### **Organics Collection: Standard Collection versus Performance-Based Collection**

In writing the organic waste regulations, CalRecycle gave jurisdictions two options for compliance with organics collection: Standard Collection Service and Performance-Based Collection Service. The City needs to decide which option it wants to pursue.

Standard Collection Service includes extensive outreach, contamination monitoring and associated bolstered staffing requirements. However, there is no performance metric for the jurisdiction. As long as the jurisdiction performs all the required organic waste collection, education and outreach, waivers, enforcement, and recordkeeping requirements of SB 1383, the jurisdiction cannot “fail” this compliance option. Challenges for this option include the necessity of regular bin inspections, and violation notices and fees for contamination.

Performance-Based Service is an option for jurisdictions to prove, through waste evaluations that are performed twice a year, that the municipal solid waste (MSW) that is sent to landfills has low levels of organic waste (no more than 25% of the total). These waste evaluations involve getting samples of MSW from the jurisdiction and sorting through it to determine the amount of organic waste it contains. The benefit to this option is service waivers, enforcement and recordkeeping related to organic waste collection service. Challenges for this option include the cost of waste evaluations (they are expensive, estimated at \$350k-\$400k per year), and if the jurisdiction were to find more than 25% organic waste in the MSW at the landfill (by an annual average), the City would be required to switch to Standard Collection Service. This makes this option both more expensive than the Standard Collection Service option and a higher risk.

The cost comparison between the Standard Collection and Performance-Based Service is shown in the table below (from the Organic Collection Service Options Report).

Estimated Range in Annual Cost Comparison

Compliance Activity	Standard Collection Service			Performance-based Service
	Route Reviews by City Staff	Route Reviews by Hauler	Waste Evaluations	Waste Evaluations
Contamination Monitoring (Minimum)	\$26,200	\$11,600	\$257,300	\$352,700

Contamination Monitoring (Maximum)	\$43,400	\$16,500	\$293,300	\$400,700
City Staff Time for Supporting Compliance Activities*	\$14,500	\$14,500	\$14,500	\$6,400
<b>Total Minimum Estimated Cost</b>	<b>\$40,700</b>	<b>\$26,100</b>	<b>\$271,900</b>	<b>\$359,000</b>
<b>Total Maximum Estimated Cost</b>	<b>\$57,900</b>	<b>\$31,000</b>	<b>\$307,800</b>	<b>\$407,100</b>

\*Only includes estimated staff time for compliance activities that differ between the service options

The City has three options that were called out by SCS:

- **Option 1: Conduct a waste evaluation before choosing which collection service option to implement in 2022.** While this option is expensive, it may provide data to inform if the City would qualify for Performance-Based Collection Service.
- **Option 2: Implement Standard Collection Service and waste evaluations in 2022.** This is the most expensive option of the three. The waste evaluations could allow the city to switch to the Performance-Based Collection Service at a later date, while the data from the evaluations can inform the City of the effectiveness of the Standard Collection Service activities and direct any needed outreach/programs.
- **Option 3: Proceed with Standard Collection Service and route reviews in 2022.** This is the lowest cost option, but would not provide detailed data from waste evaluations to help support program evaluations and decision-making. This would also place more emphasis on monitoring sorting behavior of individual service accounts and addressing contamination immediately where it is found, rather than a broader view of City-wide contamination.

The City has not performed a recent waste evaluation (the last one was in 1990), so it is currently unknown how much organic waste is currently in the MSW that is sent to the landfill. However, an audit of the organic waste loads hauled by Davis Waste Removal in 2017 showed that the loads contained only 5% food scraps (and food-soiled paper) and were primarily comprised of yard materials. While City staff do not know how much this may have changed in the last 4 years, this low food-scrap content is likely indicative of a higher-than 25% content of organics in the MSW. This assumption is also reinforced by feedback and communication from customers who are better utilizing

organics carts for yard materials, but remain a little confused by where to dispose of food waste and food soiled papers.

The outreach, education, contamination monitoring and enforcement required by Standard Collection Service should lead to a decreased amount of organics in the waste stream. After a year or more of Standard Collection Service, there may be a significant enough shift in how waste is sorted by customers that the City could consider a waste evaluation to (at the same time) determine the current status of the waste diversion programs, give data to help direct where future improvements are necessary, and consider whether or not to pursue shifting to the Performance-Based Collection option.

As of January 2022, the City will need to start with the Standard method, but if the City completes a waste evaluation, and if the results are favorable with only 25% of the MSW being organics, the City can let CalRecycle know that it wishes to switch to the Performance-Based Collection option.

Staff Recommendation: Given the high degree of population turnover in the City of Davis, it is unlikely that the City could maintain such a high degree of waste diversion without the regular education, outreach, and enforcement that are part of the Standard Collection Service. Staff recommends that the City pursue the Standard Collection Service option for the foreseeable future. Once implementation is in place and has been running for a few years, if fiscally feasible, the City can consider a waste evaluation to determine program effectiveness.

### **Contamination Monitoring**

In order to ensure that the maximum amount of organic waste is diverted from the landfill, the SB 1383 regulations require jurisdictions to monitor recycling, organic, and trash bins for contamination—when items are placed in the wrong bins. Recycling and organics bins can become contaminated when non-recyclable or non-organic waste items are placed inside. Trash bins are considered contaminated when they contain recyclables or organic waste.

If the City were to choose the Performance-Based Collection Service option, the twice-a-year waste evaluations would satisfy the contamination monitoring requirement. If the City chooses the Standard Collection Service option, the City could either perform waste evaluations or annual route reviews (visual inspections of containers along all hauler routes) to check for prohibited container contaminants. These inspections could be done by flipping lids and looking inside the containers, using cameras on collection trucks, or other contamination monitoring technology.



Recology Davis does not have the types of cameras or other technology to video monitor for contamination at the present time. The City has briefly looked into alternative monitoring technologies, none of which appeared to offer much benefit in comparison to the cost and time required to implement.

Contamination monitoring via lid flipping can be performed by either City staff or Recology Davis staff. The SCS report looked into the pros, cons, and costs of both options as well as the minimum number of lid flips required by the regulations, and the maximum required for a statistically valid sampling. These cost estimates, as well as the cost of waste evaluations, are provided in the chart below.

Estimated Annual Cost of Route Reviews Compared to Waste Evaluations

<b>Method</b>	<b>Minimum Annual Cost</b>	<b>Maximum Annual Cost</b>	<b>Weeks of Field Work/Year</b>
<b>Hauler Route Reviews (Standard Collection Service)</b>	\$11,600	\$16,500	3 to 6
<b>City Staff Route Reviews (Standard Collection Service)*</b>	\$26,200	\$43,400	6 to 12
<b>Waste Evaluations (Standard Collection Service)</b>	\$257,300	\$293,300	8 to 10
<b>Waste Evaluations (Performance-based Service)</b>	\$352,700	\$400,700	11 to 13

\*Assumes the City's Environmental Program Specialist conducts field work

Staff Recommendation: City staff recommends that the City start off in 2022 with Recology Davis staff performing the maximum amount of lid flips to monitor for contamination. The higher level of monitoring can help to increase the amount of proper waste sorting and lead to an overall increase in the amount of recyclables and organic materials being diverted from the landfill. This would require an amendment to the Recology contract.

If requested by the UC, should this option for monitoring ultimately be chosen by the City, staff can bring the results of the contamination monitoring to the Commission for review as part of the annual Solid Waste Program update for consideration of future outreach focus areas, and to inform future discussions of SB 1383 compliance as the City progresses in implementation over the next few years.

## **Natural Resources Commission Discussions on Implementation Plan**

While the Natural Resources Commission (NRC) did not make formal recommendations on the Implementation Plan at their meeting on October 25, 2021, discussion included suggestions that the City begin January 2022 with the Standard Collection Service Option, and consider the implementation of the Performance-Based option at a future date, after a waste evaluation can be conducted. To that end, the minimum level of lid flipping was suggested for contamination monitoring, so that the City could save funds for waste evaluations once the SB 1383 programs are firmly in place. Furthermore, the NRC discussion included the suggestion that City staff perform the lid flipping rather than Recology, so that staff can better understand the waste sorting practices of the community and be better equipped to address outreach and communications to resolve any issues identified. Commissioners requested that any materials left by staff upon performing the lid flips include the name and contact information for staff, to ensure the customer can reach out for more information on proper waste sorting, and that the “oops tags” that are left behind clearly indicate when the issue must be resolved.

### **Procurement**

The SB 1383 regulations define two different types of procurement that the City is required to implement: the purchase of recycled-content paper and the procurement of organic waste products. The City’s existing purchasing policy already meets the recycled-content purchasing requirements of SB 1383, however program adjustments do need to be made internally to implement the increased recordkeeping requirements. The procurement of organic wastes is a larger consideration.

Organic waste products are defined by the regulations as certain products that are made from organic waste that is diverted from the landfill. This can include compost, mulch, CNG, energy, and other products made from organic waste facilities. This definition does not include wood chips from trees that were trimmed or removed.

CalRecycle sets a certain amount of organic waste product that must be procured by each jurisdiction on a per capita basis—0.08 tons of organic waste per California resident per year. CalRecycle will annually provide the City with its procurement target, which is recalculated every 5 years. The City can determine the amount internally as well, using population data. Using 2019 population data, this equates to 5,535 tons of organic waste products that must be procured by the City. This roughly equates to the amounts in the following table.

<b>Recovered Organic Waste Product</b>	<b>Quantity Procured Annually</b>
Renewable Gas in the form of Transportation Fuel	116,227.4 DGE

Electricity from Renewable Gas	1,339,382.9 kWh
Heat from Renewable Gas	121,762.1 therms
Electricity from Biomass Conversion	3,597,516.0 kWh
Compost (tons)	3,210.1 tons
Compost (cubic yards)	8,025.2 cubic yards
Mulch	5,534.6 tons

As an illustration of context, each year the City offered the compost giveaway (prior to the impacts of the COVID-19 pandemic), City staff distributed 40 cubic yards to the community.

While the procurement requirements are considerable, it is important to note that the City does not need to buy or use the organics products itself to meet this requirement. The City could use a direct service provider to meet the procurement obligation. Some discussion of possible options and challenges is included below:

Vehicle fuel: The City does not have a fleet of vehicles that can meet this requirement via fuels. Recology has their own refueling center and only a small amount of the CNG comes from organic waste. Unitrans has the same fuel.

Energy from renewable gas: The City could explore opportunities for procurement of electricity from organic waste products with community partners including Valley Clean Energy and the Yolo County Landfill.

Compost At the present time, the City’s Parks Division utilizes a few cubic yards of compost per year. The City’s annual compost giveaway event distributes 40 cubic yards at a time. In order to reach the procurement goal, the City would need a significantly larger amount of compost utilized. An organic waste flow agreement could be used to secure the required amount of compost at a discounted rate. This could cost the City up to \$10 per cubic yard of compost, for an annual cost of \$80,250 to purchase the compost. Key considerations with this option would include where the City would store the compost, and how it would ultimately be used.

As this component of the regulations is more or less straightforward, and the City wished to focus the efforts of SCS on key areas that were more complex, the reports produced by SCS do not include procurement recommendations. Staff would appreciate any suggestions on avenues for the City to consider from the Commission. The NRC requested that staff return for a procurement-focused discussion in January 2022. Staff recommend that if the UC would like to participate in that discussion, the Commission

appoint a liaison to the NRC to attend the meeting with that discussion in January and report back to the UC at the February 2022 meeting.

### **Other Solid Waste Program options that can be considered at a later date**

Within the reports provided to staff, SCS indicated options that the City could consider as part of its programs to achieve the goals of SB 1383. These options that are available to the city to pursue at any time, although in consideration of the heavy lift that will be required in the next few months for compliance with the required elements of SB 1383, these items are included for consideration after January 2022.

#### Recovery Rate Requirements for Processing Facilities

Recovery rates are specifications and terms that require Material Recovery Facilities (MRF)/processing facilities to recover a certain amount of material from their waste stream or meet a minimum contamination rate. While the City currently does not have enough data on the amount of potentially recoverable materials in the various waste streams and from different customer classes (single-family, commercial, multi-family), this is something that could be considered at a later date.

#### Disposal-pricing adjustments for trash loads with organics

Disposal-pricing adjustments would mean higher pricing, or tiered pricing, for disposal, of MSW loads that contain an excess of the acceptable limit for organics contamination. The pricing adjustment could be levied on the hauler, and the hauler's franchise agreement could be amended to allow Recology to recoup these excess costs by passing them along to the customer to provide a financial incentive for compliance. There are a number of complexities with this type of program that would require additional time and data that the City does not currently have.

#### Bi-Weekly Collection of Trash

State law requires that trash be collected once per week to avoid human health and safety concerns. The revised State solid waste regulations under SB 1383 include a clause that could allow less frequent collection of trash, upon approval of the Local Enforcement Agency (for Davis, this would be the County Dept. of Environmental Health). In order to make this switch, the City would have to prove that the less frequent collection would not violate the State standards for waste collection safety, etc. SCS recommended that a waste characterization study be implemented to evaluate the organic materials in trash from single-family residences to see if a switch to collection of trash every two weeks would make sense. Given the cost of such a study and the time involved in considering this option, staff recommends that this discussion and consideration be held at a later point after the City has completely implemented all the requirements of SB 1383.

## **Edible Food Recovery and Capacity Update**

The main focus of SB 1383 is waste diversion and associated methane reduction. However, a secondary benefit in recovering food that should not go to waste was identified in the regulations, along with the complementary high need for serving those in the community that are food insecure. Recovering the edible food, or “edible food recovery,” is a unique program for solid waste professionals, and County and City staff are in agreement that the development of the program should be a part of a larger and separate conversation from SB 1383 compliance, with inclusion of professionals in the social services sector, who have the most experience with these types of programs.

While the rulemaking for targets related to edible food recovery was not approved until November of 2020, County Integrated Waste Management Division (IWM) staff began working with City staff on SB 1383 Edible Food Recovery in December of 2019. This work included defining the requirements of the new regulations and working closely with CalRecycle to narrow down the list of Tier 1 and Tier 2 Commercial Edible Food Generators that will be required to participate in Edible Food Recovery by January 1, 2022, and January 1, 2024, respectively. Tier 1 Commercial Edible Food Generators include grocery stores, supermarkets and wholesale food distributors. Tier 2 Commercial Edible Food Generators include large hotels, restaurants and health facilities as well as large events and venues, and schools with an on-site food facility.

### *City of Davis Implementation Plan*

SCS reviewed the City’s progress toward compliance with SB 1383’s edible food recovery requirements within the context of countywide program efforts. They reviewed the City’s list of Tier 1 and Tier 2 edible food generators to confirm the list was complete and provided a Matrix of Best Practices for the City to use as criteria to evaluate partnership opportunities with edible food generators, recovery organizations and agencies, and other stakeholders. Potential funding sources were documented for expanding edible food recovery programs. SCS confirmed that Davis has 9 Tier 1 businesses (only two of which do not currently have food recovery programs) and 6 Tier 2 businesses.

### *Countywide Edible Food Recovery Planning*

Yolo County hired a consultant to perform the edible food capacity study, the completion of which is a specific requirement every 5 years under the SB 1383 regulations. The consultants' work included engagement with 30 food recovery organizations in Yolo County, as well as various Tier 1 and Tier 2 generators. County and City staff also hosted a stakeholder meeting on August 25, 2021, to engage the Tier 1 generators in this process, as each generator will be required to comply with this portion of the regulations. In an effort to be ahead of the rollout, IWM worked with Yolo County

Environmental Health to develop an inspection checklist and review protocol that will be needed to ensure food is recovered in a safe manner. Each step of this process has been reviewed by CalRecycle, who has been in support of the County efforts and regularly applauds Yolo County as leading the pack in terms of compliance preparations.

Upon the completion of the study, County IWM staff worked with city recycling program and management staff from Davis, West Sacramento, Winters, and Woodland to review the edible food capacity report. Collectively the city staff supported the recommended actions and funding allocations for year one of SB 1383 Edible Food Recovery requirements:

- Contribute funding to support the network of 9 food recovery organizations outlined on Page 17 of the Edible Food Recovery Capacity Study and Funding Assessment, as well as the Yolo Food Bank (YFB) at a level that has been verified and is consistent with SB1383 requirements. This funding would be split equally by all Yolo jurisdictions based on the number of Tier 1 businesses they have. Davis' portion of this funding is \$155,799.
- Recommend that Tier 1 generators work with the 9 food recovery organizations highlighted in capacity study, two of which are located in Davis. These 9 organizations are being recommended because they already use approved food recovery safety guidelines, they have existing capacity available to take on additional recovered food, and they have been reviewed and approved by the Yolo County Environmental Health (EH) for meeting health and safety requirements. This list is not static and other organizations can be added at any time with Yolo Environmental Health approval.
- The consultant looked at three different models to estimate the potential recoverable food in the County (as is required by SB 1383 in order to determine the current edible food recovery capacity within the County) and determined that the CalRecycle Model Calculator was the best estimate for the County to use on the outset of program development.
- Recommend that the County create an Edible Food Recovery MOU with all the Cities and the County to identify jurisdictional responsibilities, roles and the division of expenses for the county edible food recovery program.

These actions were presented along with the Edible Food Recovery Capacity Study and Funding Assessment to the Yolo County Board of Supervisors at their October 12 meeting and the Board was in full support, making the following motions:

- A. Direct County staff to finalize an MOU between the five jurisdictions to secure the staff recommendation;

- B. Direct County staff to secure agreements with each of the nine food recovery organizations identified as having the capacity and with the Yolo Food Bank; and
- C. Direct County staff to establish long-term goals to assist Tier 2 Edible Food Generators in gaining compliance by 1/1/24 and come back to the Board with a "beyond the requirements" proposal by 1/1/26 based upon the diversion efforts achieved with Tier 1 and Tier 2 Generators.

The County's current recommendation on a course of action requires commitment from a number of agencies, and County and City staff are working with the identified food recovery organizations. Staff is fully supportive of the network approach to program development, particularly with consideration of the lack of food recovery organizations in some areas of the County, and in preparation for the collection of prepared food from Tier 2 generators starting in 2024, as discussed in the next section.

#### *Edible Food Recovery - Solid Waste Service & Social Service Overlap*

An important consideration for jurisdictions throughout the planning process of developing edible food recovery programs will be to determine (if and when applicable) when edible food recovery services are a *solid waste* program (through the requirements within SB 1383) and when the service (should it supersede the requirements) becomes a *social service* program. This is an important consideration as the City revisits the SB 1383 regulations in the future to discuss possible funding opportunities.

While the City's Solid Waste program will oversee the required elements of the food recovery program, the food recovery portion is better served through a social service program-lens. Staff discussed the countywide food recovery program approach with the Social Services Commission on November 15, and will return with additional discussion in future months. The staff report for that item can be found here:

<https://www.cityofdavis.org/city-hall/commissions-and-committees/utilities-commission/agendas> (in the November 15, 2021 meeting packet).

#### *Edible Food Recovery - The Question of Funding*

There is currently ambiguity of whether solid waste rate funds can be used towards food recovery service under Proposition 218 regulations. Under SB 1383, the regulations do permit recovery organizations to charge distributors for services, however a funding mechanism for an edible food recovery program has not yet been identified by the jurisdictions as the County's capacity study has only been very recently completed, and conversations around the development of the program are ongoing. While the jurisdictions are required to increase the edible food recovery capacity if required, the State has made it clear that the cost of the program does not need to be carried by any

particular entity. Staff will work with the Social Services Commission on exploring potential funding opportunities.

### **Impact on Solid Waste Rates**

As is evident in the next steps section below, and touched on earlier in the this report, there are a number of programmatic and policy determinations that must be made by the City Council in the short term and the long term, to ensure the City of Davis is compliant with SB 1383. Estimates on costs have been identified through the implementation plan process to aid in the discussion of the programmatic options (as limited as they are), however the ultimate determination of how the implementation of SB 1383 will impact ratepayers likely will not materialize for a number of years, until full program operation.

City staff continues to be on the watch for any possible funding assistance for SB 1383 implementation, and understand that funding assistance has also been discussed at the State level. At a West Sacramento City Council meeting on November 3, while speaking about the West Sacramento's progress towards SB 1383 implementation, CalRecycle management staff made the announcement that as part of the Governor's budget, a certain amount of funds have been earmarked for a payment program to assist jurisdictions with SB 1383 compliance. It is unknown at this time how much funding will be available and how it can be spent. Current CalRecycle payment program funds, for beverage container recycling and used oil recycling, are given to all jurisdictions that apply and funds are distributed based on population. It is likely the program would follow the existing models.

On November 4, CalRecycle announced a grant for food recovery programs. Staff will work with countywide jurisdictional staff to see if this grant can assist with the county's edible food recovery programs.

### **Next Steps**

#### **Implementation Plan**

The Implementation Plan was reviewed by the NRC on October 25 and will be reviewed again, with a focus on Edible Food Recovery, on November 29 (after their appointed liaison participates in a more detailed food recovery discussion at the November Social Services Commission meeting), followed-up by the procurement focus in January 2022.

Staff plans to bring the Implementation Plan to City Council on December 7.

#### **Organics waste flow agreement**



This is required to be in place by August 2022. The City is working with the County to secure a short-term agreement (5 years). UC Davis is completing their internal review of the UCD/City Organics Feasibility Study, after which staff will bring it forward to commissions and council for review and discussion of a longer-term organic waste management plan.

#### Recology contract amendment

Several elements of the SB 1383 regulations require that the City to amend the agreement with Recology Davis to include certain collection and hauling elements. The City is still reviewing these requirements.

#### Municipal Code update

The NRC reviewed a separate item on the required updates to the Davis Municipal Code and the timeline for the updates at their meeting on October 25. The introduction of the ordinance changes was presented to Council on November 16.

#### Additional Actions Needed for Compliance

As called out in the SCS implementation plan, there are various internal City policies (City bin systems, facility rentals, long-term rental agreements/contracts, etc.) that are in the process of being updated to be in compliance with SB 1383. Recycling program staff are working closely with staff from other City departments to ensure that these updates are made.

#### **Attachments**

1. SB 1383 Implementation Plan Report (with Attachments)
  - A. SB 1383 Road Map and Timeline
  - B. SB 1383 Programs List
  - C. Organics Report Update
  - D. Organics Collection Service Options Report
  - E. Edible Food Recovery Report
  - F. Recovery Rates, Pricing Adjustments and Every-Other-Week Program Options Report
  - G. Implementation Cost Analysis
2. Yolo County Edible Food Recovery Capacity Study and Funding Assessment