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Glenn Shephard, Director

October 12, 2021

Board of Supervisors
County of Ventura
800 South Victoria Avenue
Ventura, CA 93009

Subject: Receive and File a Presentation Regarding New State of California Solid Waste Legislation and Regulations: Senate Bill 1383 (Lara, 2016), Short-lived Climate Pollutants and Organic Waste Reductions. All Supervisorial Districts.

Recommendations:

Receive and file a presentation regarding State of California solid waste legislation and regulations.

Fiscal/Mandates Impact:

None

Discussion:

The following information is intended to prepare your Board for future presentations from Public Works Agency, Water and Sanitation (PWA-WS) addressing local compliance requirements for Senate Bill 1383 (SB 1383), which takes effect on January 1, 2022.

The most significant waste reduction mandate to be adopted in California in the last 30 years, SB 1383 requires the state to reduce landfill disposal of organic waste (i.e., food waste, green waste, and paper products) by 75 percent by 2025. In other words, the state must reduce organic waste disposal by more than 20 million tons annually by 2025. The law also requires the state to increase edible food recovery by 20 percent by 2025. Consequently, the law has significant impacts on local governments.

PWA-WS follows the “reduce, reuse, recycle” list of priorities first established by California legislation in 1989. “Reduce” and “reuse” are accomplished through public education and outreach, specifically through presentations to schools and businesses, special events, and a weekly column in the Ventura County Star.



To increase recycling and control disposal of problematic waste in local landfills, PWA-WS operates several programs focusing on construction and demolition debris recycling, household hazardous waste collection and recycling, and community clean-up events. PWA-WS also oversees funding from state grants to improve recycling in public buildings, parks, and public spaces in the unincorporated area (UA).

PWA-WS administers agreements establishing, among other things, maximum rates for recycling, composting, and disposal facilities in the UA. By administering the Recycling Market Development Zone (RMDZ), PWA-WS helps make recycling viable by funding companies using recycled material to manufacture products. Besides financing, the RMDZ assists businesses with permitting, site selection, obtaining materials, and planning.

PWA-WS responsibilities related to landfills include ensuring at least 15 years of disposal capacity for Ventura County. Ventura County currently has more than 40 years of disposal capacity.

Legislation/Regulation:

Recycling is included in the Ventura County General Plan goals, is central to the County's greenhouse gas reduction plans, and is expected by the public as a basic service. Some recycling programs, and certain waste reduction targets, are also required by California legislative and regulatory provisions.

California's recycling legislation began in 1989 after the passage of Assembly Bill 939 (Sher), which required 25 and 50 percent waste diversion rates by 1995 and 2000, respectively. Jurisdictions failing to comply face the threat of \$10,000 per day fines. Additional solid waste management-related requirements followed in subsequent years.

The latest state legislation, SB 1383, is unlike any prior requirements. Although previous penalties for non-compliance with state recycling legislation included potentially large fines, the state rarely imposed these monetary penalties, relying instead on measures such as increasingly severe compliance orders. In contrast, SB 1383 places enforcement responsibilities on the local jurisdictions, requiring adoption of local ordinances with specific requirements for residents, businesses, institutions, solid waste collection companies, and food recovery organizations by January 1, 2022. After January 1, 2024, significant fines can be levied against non-compliant communities by the California Department of Resources Recycling and Recovery (CalRecycle).

The County's responsibilities include the following:

- Provide organic waste collection to all residents and businesses
- Establish an edible food recovery program that recovers edible food from the waste stream



- Conduct outreach and education to all organics waste generators, solid waste collection companies, organics waste processing facilities, edible food recovery organizations, and city/county departments
- Capacity Planning (i.e., evaluating our local readiness to manage organics and recover edible food waste)
- Procure recycled organic waste products like compost, mulch, and renewable natural gas (RNG)
- Inspect and enforce compliance with SB 1383
- Maintain accurate and timely records of SB 1383 compliance

Upcoming Board Items:

Last year, PWA-WS retained R3 Consulting (R3) to help the County with SB 1383-related compliance and other matters, including: 1) analyzing existing residential and commercial solid waste collection agreements for the UA; 2) ensuring all County-administered compostable materials facility agreements align with SB 1383 requirements; and 3) facilitating collaboration among the multiple County agencies which must also comply with specific SB 1383 requirements. In addition, the County's contract with R3 includes R3 suggesting draft ordinance revisions to enable the County to comply with multiple new state legislative requirements, recommending updates to the construction and demolition (C&D) recycling ordinance code, and identifying potential improvements to the County's C&D program.

Existing UA commercial and residential franchised solid waste collection agreements expire on December 31, 2023. SB 1383 requirements are stringent and will need to be included within new collection agreements. There are two ways in which new collection agreements with integrated SB 1383 requirements can be established: 1) negotiate with current UA franchised solid waste companies to establish new agreements; or 2) issue a competitive request for proposals to allow the most qualified solid waste companies in the southern California marketplace to propose their services. In addition to the SB 1383 requirements, PWA-WS intends to include feedback from the public gathered through a customer satisfaction survey administered by PWA-WS over the summer. As of September 7, 2021, 320 surveys have been completed by UA county residents. The results of this survey indicated that cost is the most important element of concern for UA solid waste customers. The full results of this survey are available for review in the attached Exhibit 2.

The state regulator (CalRecycle) currently interprets a legislative provision in SB1383 – requiring jurisdictions to “provide” organics collection service as *mandating* that residents and businesses subscribe to collection service. Such a mandate would require a significant change to the current refuse and recycling solid waste collection program for



the UA, where subscription to collection service is currently voluntary. Many jurisdictions across the state disagree with CalRecycle's interpretation, since the regulations do not include an explicit mandatory collection requirement; accordingly, this issue is under review by County Counsel. Based on a recent GIS mapping project, PWA-WS determined approximately ten percent (10%) of UA residences (approximately 2000) are not subscribed to collection service and instead self-haul their waste to a disposal facility.

PWA-WS will also present proposals relating to the SB 1383 requirement for edible food waste recovery for consideration by your Board. PWA-WS currently has a contract with OneOC to produce a required report defining existing food recovery resources and other potentially required actions. Upon completion of the report, PWA-WS will present its findings to your Board in mid-2022.

Increasing the collection of organic material will require new organics processing facilities throughout the state. Consequently, local projects such as Agromin's organics processing facilities at Ormond Beach and facilities currently in the permitting process, such as the reopening of Ojai Valley Organics Recycling Center and Agromin's expanded facility at Limoneira, will come before your Board for consideration in the coming months.

Because SB 1383 impacts multiple County agencies, your Board may be asked to consider county-wide policies and actions to ensure compliance with SB 1383. For example, requirements to purchase specific amounts of products made from recycled organic material (compost, mulch, or energy generated in a specified manner) will primarily affect the General Services Agency's Procurement Division but will also affect all other agencies that procure goods. PWA-WS is currently working directly with GSA and other agencies to align proposed policies with compliance requirements.

In November, PWA-WS also intends to bring to your Board proposed amendments to the current Ventura County solid waste-related ordinance code reflecting both SB 1383-related and, other, non-SB 1383-related changes.

Future Related Board Dates and Purpose:

November 9, 2021

First public hearing to amend Ventura County solid waste-related ordinance code

December 7, 2021

Second public hearing to amend Ventura County solid waste-related ordinance code

Mid-2022 – TBD

Edible Food Waste Recovery Compliance and Program establishment decisions

Mid-2023 – TBD

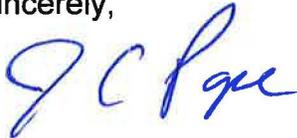
Award new UA commercial and residential franchised solid waste collection agreements



This item has been reviewed by the County Executive Office, the Auditor-Controller's Office, and County Counsel.

If you have any questions concerning this item, please contact the undersigned at (805) 654-2373.

Sincerely,



Joseph C. Pope, P.E.
Director, Water and Sanitation

Exhibit 1 – PowerPoint Presentation (Update on State of California Solid Waste
Legislation and Regulations)

Exhibit 2 – Residential Solid Waste Service Survey and Results





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Solid Waste Study Session & Update on State of California Solid Waste Legislation and Regulations

October 12, 2021

Joe Pope, Director, Water and Sanitation



Reduce, Reuse, Recycle, & Beyond



A Few PWA-WS Responsibilities...



Outreach & Education



Grant Funding



Trash & Recyclables Collection



Landfill Capacity Assurance



Construction & Demolition
Debris Diversion



HHW Programs



Business Development



Meet ALL State Mandates



Community Clean Up Events

California Solid Waste Governance

Assembly Bill 939
Integrated Waste
Management Act

Assembly Bill 341
Mandatory
Commercial
Recycling

Assembly Bill 1826
Mandatory
Commercial
Organics Recycling

Senate Bill 1383
Mandatory
Organics
Collection



Video Link: <https://youtu.be/7ZoiQVyIW3M>

SB 1383: New State Law effective Jan 1, 2022

To reduce methane emissions from short-lived climate pollutants, SB 1383 (Lara, Chapter 395, Statutes of 2016) was signed into law to:

- Reduce organic waste disposal 50% by 2020 and 75% by 2025*
- Rescue *at least* 20% of viable, landfill-bound food for human consumption by 2025*

(*Statewide Goals)



SB 1383 Requirements

- Trash, Recycling and Organics Waste Collection
- Food Recovery
- Education and Outreach
- Procurement of Recycled Organic Products
- Capacity Planning
- Enforcement
- Reporting and Recordkeeping



SB 1383 - Upcoming



- Update Solid Waste Ordinance 4445
- Mandatory Collection Requirement - Regulation vs. CalRecycle's "intent"
- New residential and commercial solid waste collection agreements for Ventura County's unincorporated areas (UA)
- Develop Edible Food Recovery Program
- New County-administered compostable materials handling facility agreements

Trash, Recycling & Organic Waste Collection



- Jurisdictions to provide trash, recycling and organics collection service to residential and commercial customers
- Standardized colors for collection containers
- Contamination monitoring in curbside collection
- Waivers may be issued by the jurisdiction to eligible commercial generators

Mandatory Collection vs. No Mandatory Collection

- County of Ventura UA residents currently have the option of subscribing to collection service or self-hauling
- CalRecycle leaning on “intent” of ambiguously written regulation to require mandatory collection
- Mandatory Collection could trigger Prop. 218
- Many jurisdictions are not in agreement with this interpretation
- County Counsels/City Attorneys across the state are currently evaluating
- Current percentage of UA residences NOT subscribing: less than 10% (i.e., < 2000 residences)



Collection Agreements



- Stringent SB 1383 requirements will impact County residential and commercial solid waste collection agreements
- New requirements must be added into collection agreements
- Residential & commercial collection agreements expire 12/31/23

Options:

- Negotiate new agreements with current UA solid waste companies
- Issue Request for Proposals for new agreements effective 1/1/24 allowing current agreements to expire 12/31/23

Food Recovery

Establish a food recovery program:

- Assess capacity of existing edible food recovery
- Expand existing infrastructure as needed
- Inspect Tier 1 and Tier 2 generators
- Education and outreach

Key next steps and actions:

- Complete Capacity Study
- Collaborate with jurisdictions and food recovery organizations
- Identify Tier 1 and Tier 2 generators



Education and Outreach



Jurisdictions required to educate:

- Generators
- Edible food recovery organizations
- County staff

Required elements:

- Prevention of organic waste
- Recycling/composting organic waste options
- Food donation programs to food donors
- Outreach material in multiple languages

Procure Recycled Organic Products

Responsible for procuring recycled organic waste products:

- Compost
- Renewable gas
- Electricity from biomass conversion

CalRecycle to calculate the County's *minimum* procurement target based on population, with notification prior to 1/1/22

Other mandatory requirements:

- Paper purchases must contain post-consumer content & be recyclable
- Keep records of purchases for state reporting



- Collaboration efforts underway with GSA
- Procurement Policy for all County Agencies needed

Capacity Planning

Each County must:

- Collect organic recycling capacity data
- Identify jurisdictions short on capacity
- Develop new capacity
- Submit capacity reports to CalRecycle



Current Facilities – Tons received FY 20-21:

- Simi Valley Landfill & Recycling Center (Agromin) – **99,893**
- Limoneira (Agromin) – **102,286**
- Shoreline/Ormond Beach (Agromin) – **53,587**
- American Soil Amendment Products – **3,164**
- Peach Hill Soils – **18,751**
- Farms, on-site options, etc. – unknown additional

Proposed Facilities Coming Online or in Permitting:

- Limoneira Expansion – 300,000 tons/year (tpy) likely
- Ojai Valley Organics - 6,000 tpy likely
- Mountainview Food Waste to Animal Feed – 109,500 tpy possible

Next steps for 370,000 tpy VC generation in 2035:

- Public and private collaboration to develop and expand capacity
- Collection of data for reports to state

Enforcement

- Enforceable ordinance must be in place by 1/1/22
- Education period for non-compliance: 1/1/22 through 12/31/23
- Required to conduct inspections and monitor organic waste collection service contamination
- Violations may be subject to administrative civil penalties starting 1/1/24



Key next steps:

- Revisions to Solid Waste Ordinance 4445 to your Board on November 9 and December 7, 2021
- Continue collaboration with other agencies to develop an enforcement mechanism

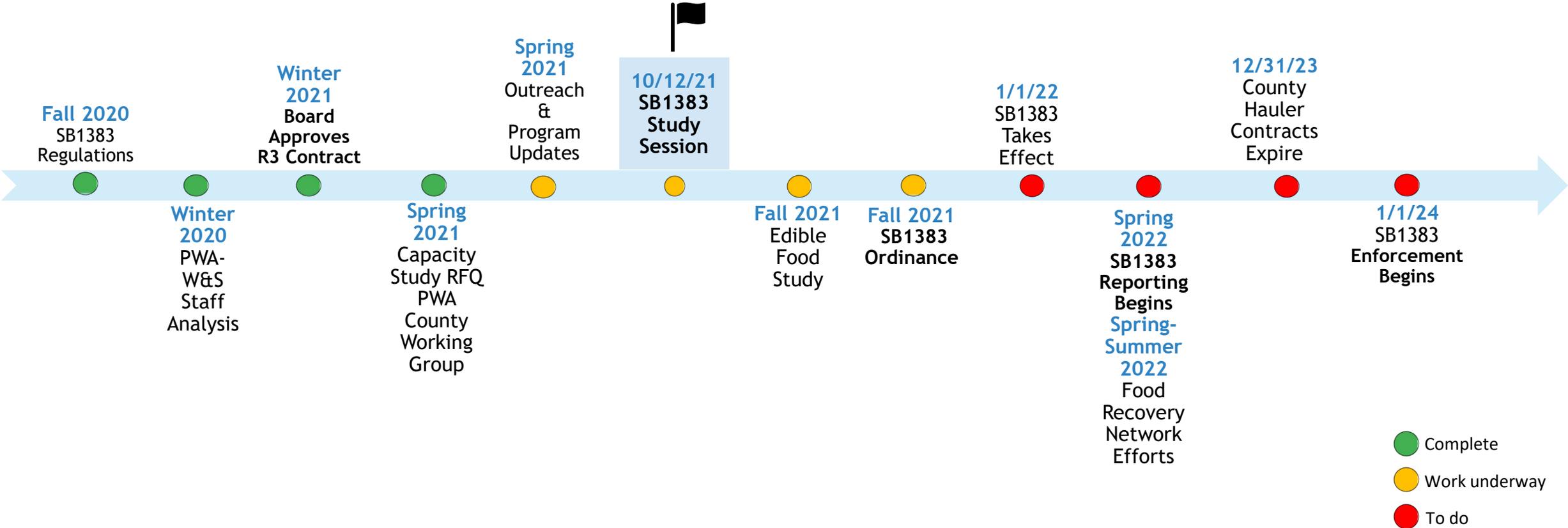
Reporting and Recordkeeping



Requirement:

- Maintain accurate and timely records of SB 1383 compliance & reporting (available to CalRecycle)
- Report annually to CalRecycle on implementation & compliance with SB 1383

Timeline



Recommended Board Action

- Receive and file staff report and presentation.



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Questions & Answers

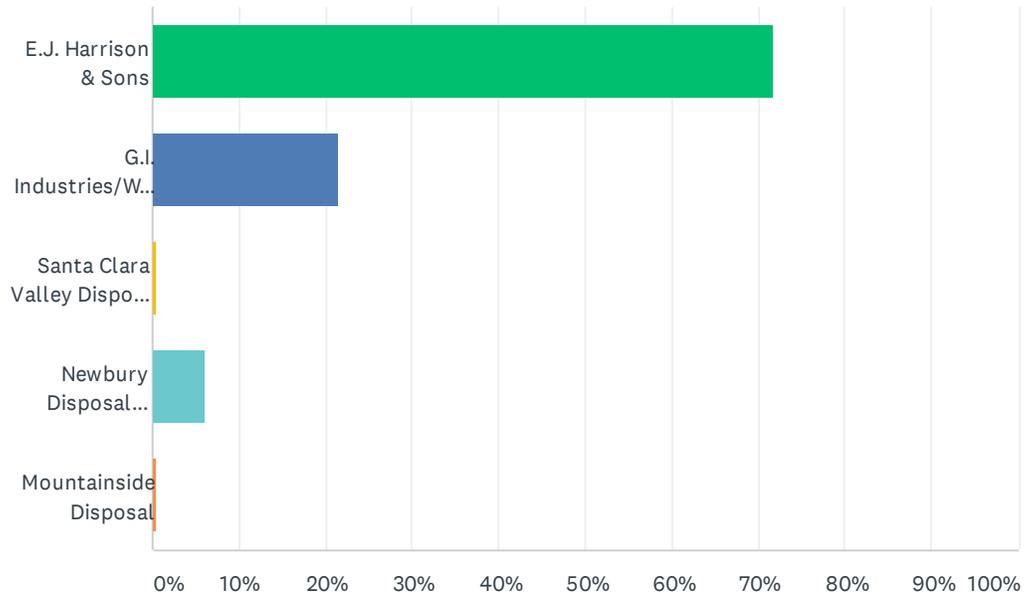
EXHIBIT 2

RESIDENTIAL SOLID WASTE SURVEY AND RESULTS

(RECEIVED AS OF SEPTEMBER 7, 2021)

Q1 Who is your trash and recycling service provider?

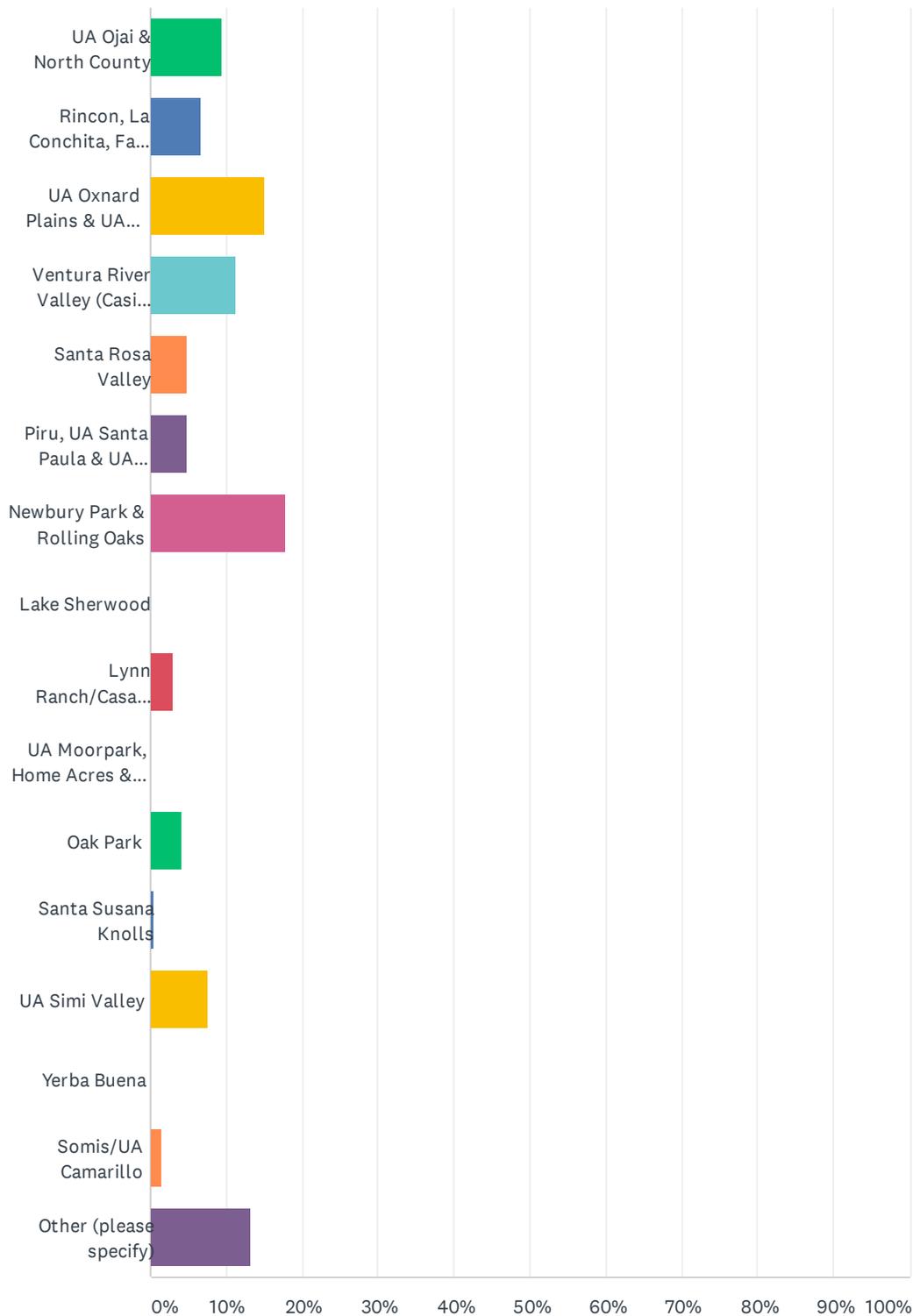
Answered: 315 Skipped: 5



ANSWER CHOICES	RESPONSES	
E.J. Harrison & Sons	71.75%	226
G.I. Industries/Waste Management	21.59%	68
Santa Clara Valley Disposal Company	0.32%	1
Newbury Disposal Company	6.03%	19
Mountainside Disposal	0.32%	1
TOTAL		315

Q2 What unincorporated area (UA) service area do you live in?

Answered: 265 Skipped: 55

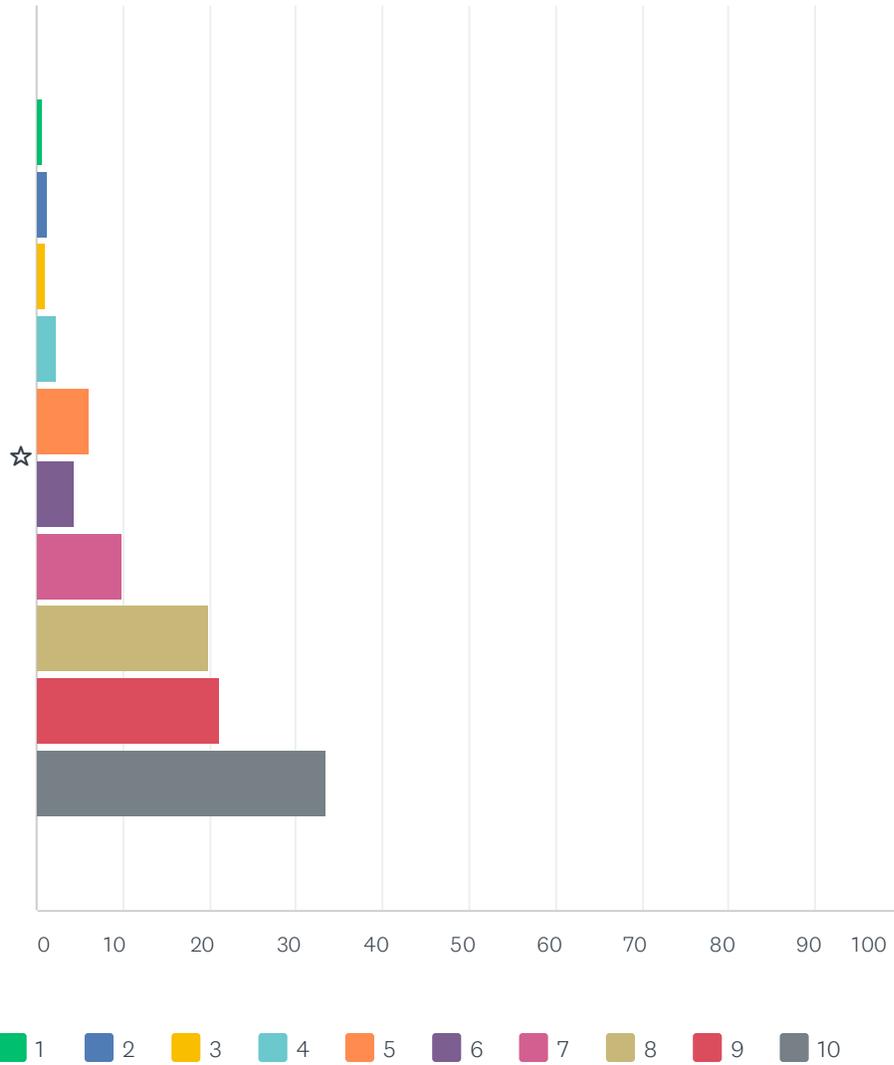


Ventura County Residential Solid Waste Services Survey

ANSWER CHOICES	RESPONSES	
UA Ojai & North County	9.43%	25
Rincon, La Conchita, Faria Beach, Solimar, UA Ventura & Saticoy	6.79%	18
UA Oxnard Plains & UA Camarillo (including El Rio, Nyeland Acres, Strickland)	15.09%	40
Ventura River Valley (Casitas Springs, Oak View, Meiners Oaks & Mira Monte)	11.32%	30
Santa Rosa Valley	4.91%	13
Piru, UA Santa Paula & UA Fillmore	4.91%	13
Newbury Park & Rolling Oaks	17.74%	47
Lake Sherwood	0.00%	0
Lynn Ranch/Casa Conejo	3.02%	8
UA Moorpark, Home Acres & Lexington Hills	0.00%	0
Oak Park	4.15%	11
Santa Susana Knolls	0.38%	1
UA Simi Valley	7.55%	20
Yerba Buena	0.00%	0
Somis/UA Camarillo	1.51%	4
Other (please specify)	13.21%	35
TOTAL		265

Q3 How would you rate your trash & recycling service provider's customer service on a scale of 1-10 (1-lowest; 10-highest)

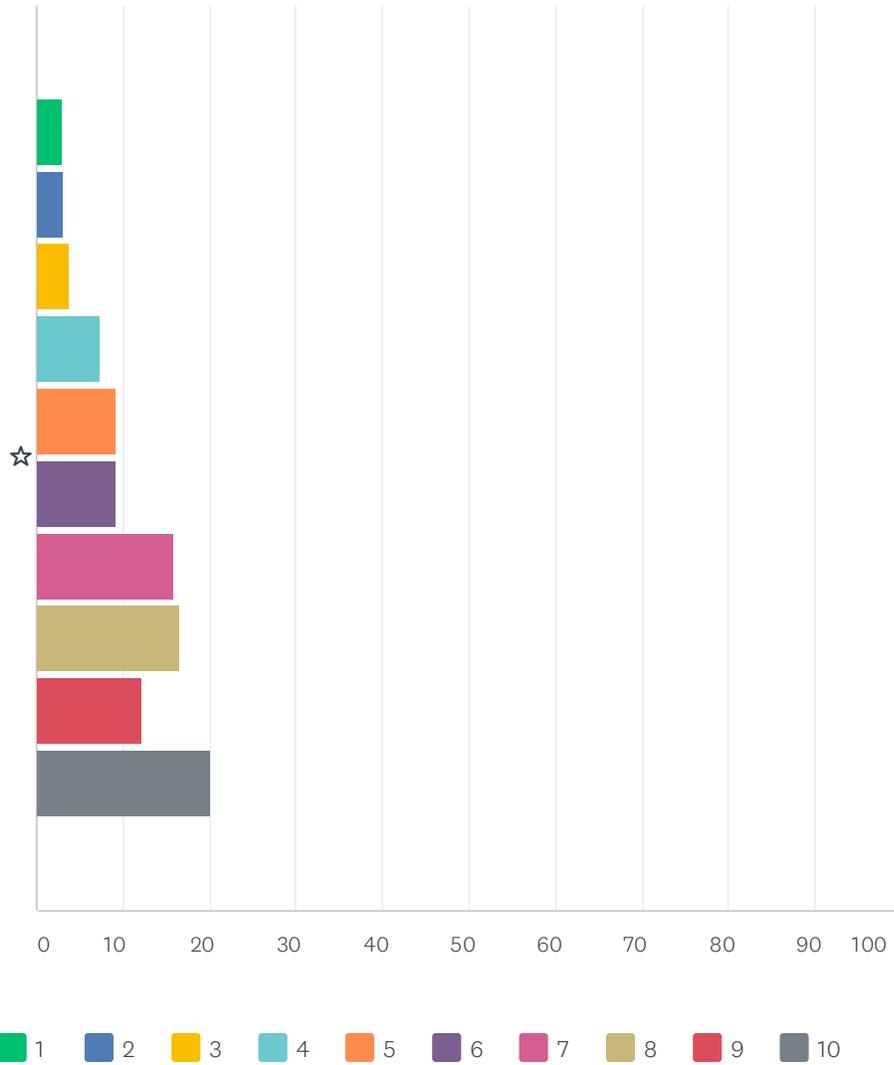
Answered: 313 Skipped: 7



	1	2	3	4	5	6	7	8	9	10	TOTAL	WEIGHTED AVERAGE
☆	0.64%	1.28%	0.96%	2.24%	6.07%	4.47%	9.90%	19.81%	21.09%	33.55%	313	8.25
	2	4	3	7	19	14	31	62	66	105		

Q4 How would you rate the “value”(cost) of your trash & recycling service on a scale of 1-10?

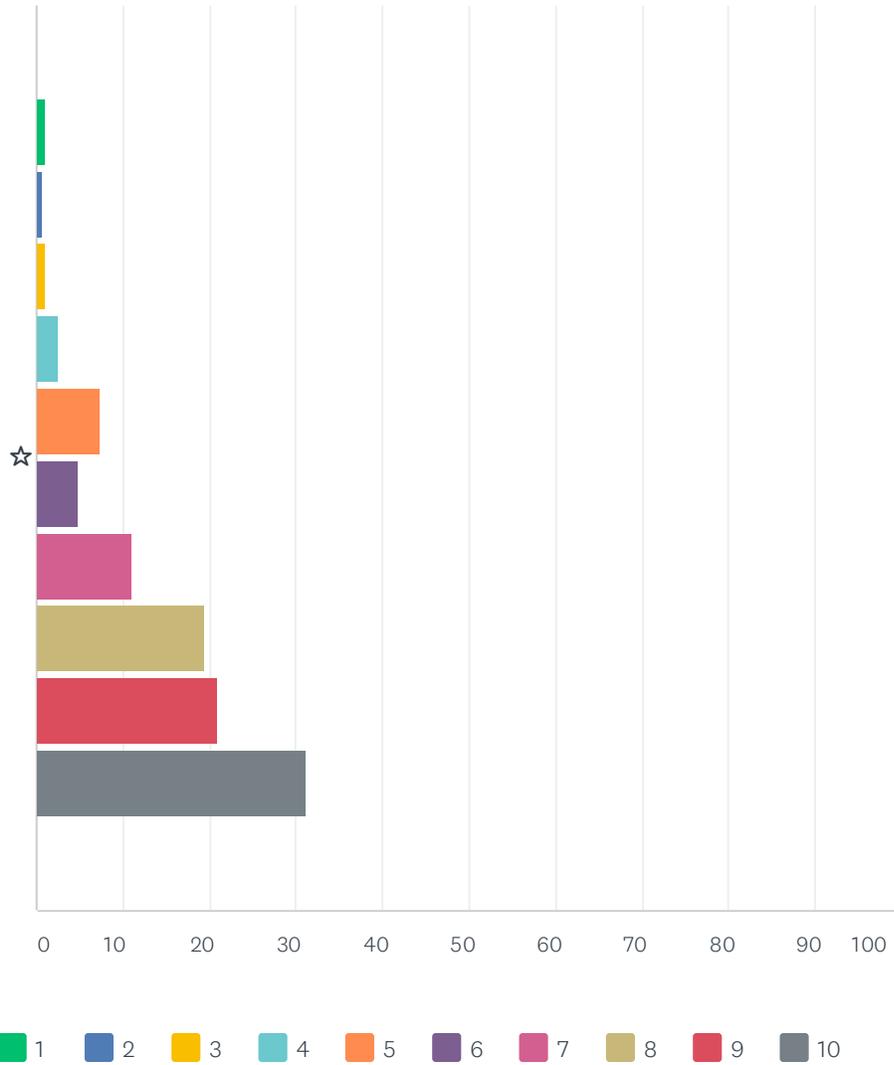
Answered: 315 Skipped: 5



	1	2	3	4	5	6	7	8	9	10	TOTAL	WEIGHTED AVERAGE
☆	2.86% 9	3.17% 10	3.81% 12	7.30% 23	9.21% 29	9.21% 29	15.87% 50	16.51% 52	12.06% 38	20.00% 63	315	7.03

Q5 How would you rate your overall experience with your trash & recycling service on a scale of 1-10?

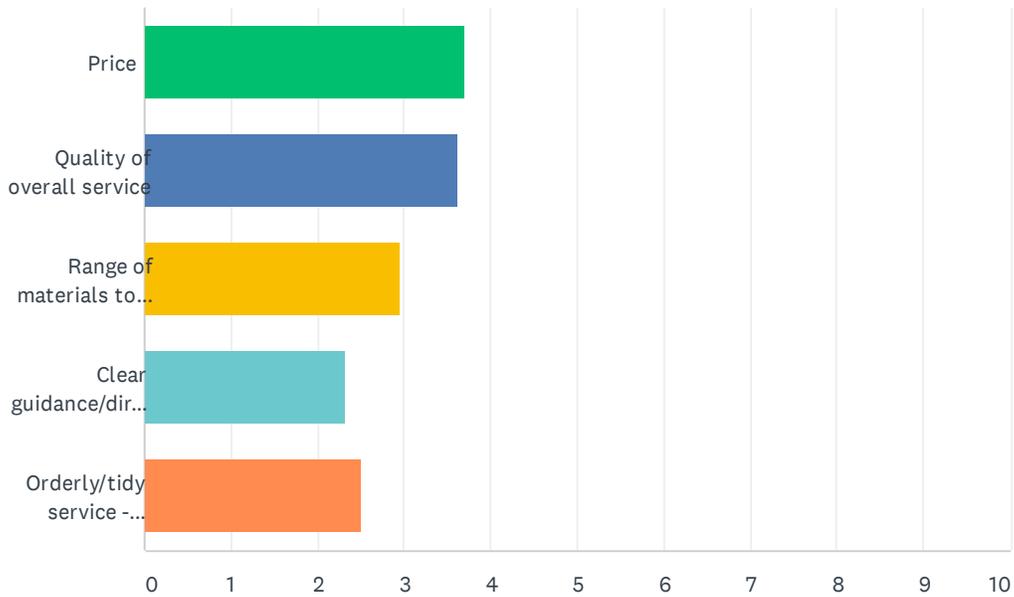
Answered: 314 Skipped: 6



	1	2	3	4	5	6	7	8	9	10	TOTAL	WEIGHTED AVERAGE
☆	0.96% 3	0.64% 2	0.96% 3	2.55% 8	7.32% 23	4.78% 15	11.15% 35	19.43% 61	21.02% 66	31.21% 98	314	8.15

Q6 Rank the following in order of importance to you, as they relate to your trash & recycling service (1-most important; 5-least important)

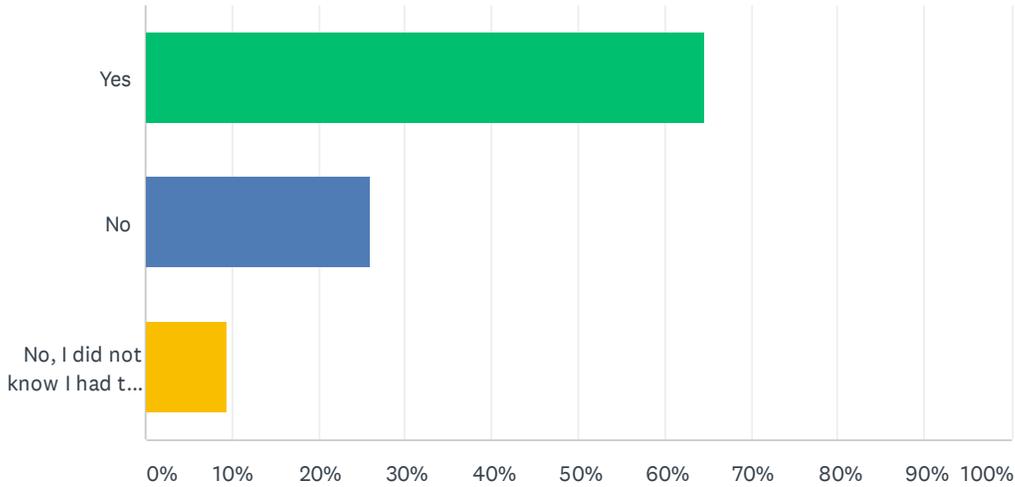
Answered: 315 Skipped: 5



	1	2	3	4	5	TOTAL	SCORE
Price	35.88% 108	26.58% 80	18.60% 56	9.30% 28	9.63% 29	301	3.70
Quality of overall service	29.90% 90	30.23% 91	18.94% 57	13.62% 41	7.31% 22	301	3.62
Range of materials to be recycled	19.41% 59	17.11% 52	19.74% 60	25.99% 79	17.76% 54	304	2.94
Clear guidance/direction on what materials should be placed in which containers	4.97% 15	12.25% 37	22.19% 67	31.46% 95	29.14% 88	302	2.32
Orderly/tidy service - containers properly set down after service, ensuring no debris has escaped	11.15% 34	14.75% 45	21.31% 65	19.67% 60	33.11% 101	305	2.51

Q7 Do you utilize the bulky item program (pickup of larger, bulky items that will not fit in your trash cart)? Single family residences with regular trash & recycling service receive 2 free bulky item pickups per year.

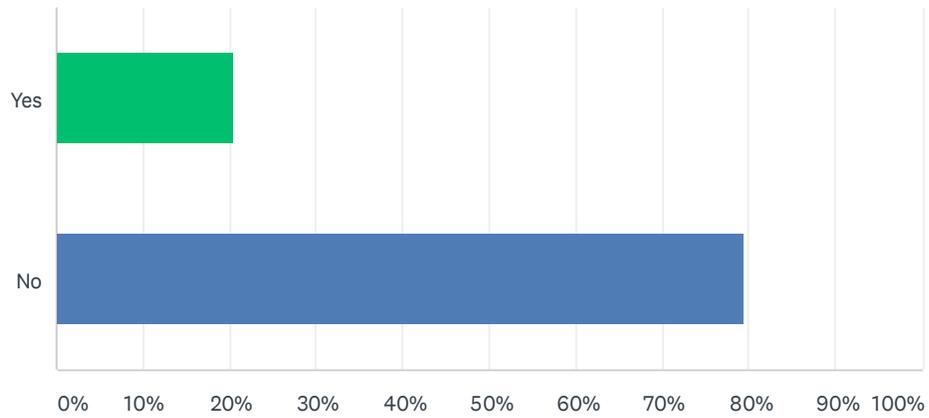
Answered: 320 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	64.69%	207
No	25.94%	83
No, I did not know I had this service.	9.38%	30
TOTAL		320

Q8 Have you ever attended a community beautification event (one-day clean-up event held at a UA community facility)?

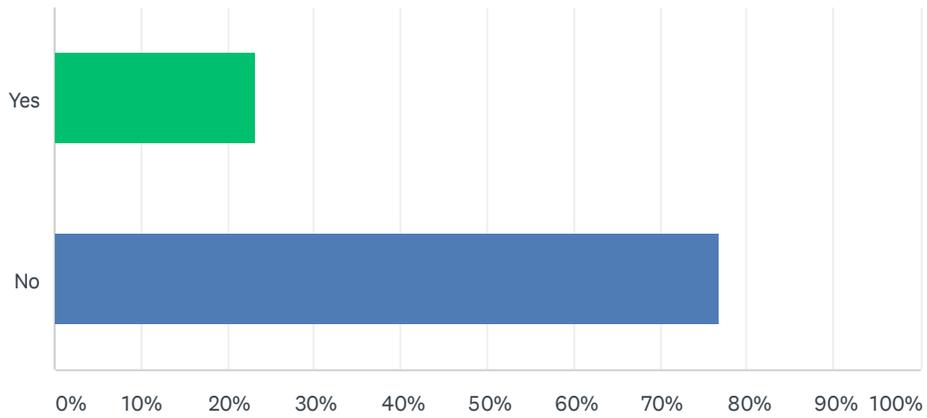
Answered: 317 Skipped: 3



ANSWER CHOICES	RESPONSES	
Yes	20.50%	65
No	79.50%	252
TOTAL		317

Q9 Have you ever attended a free dump day at Simi Valley Landfill or Gold Coast Recycling Center?

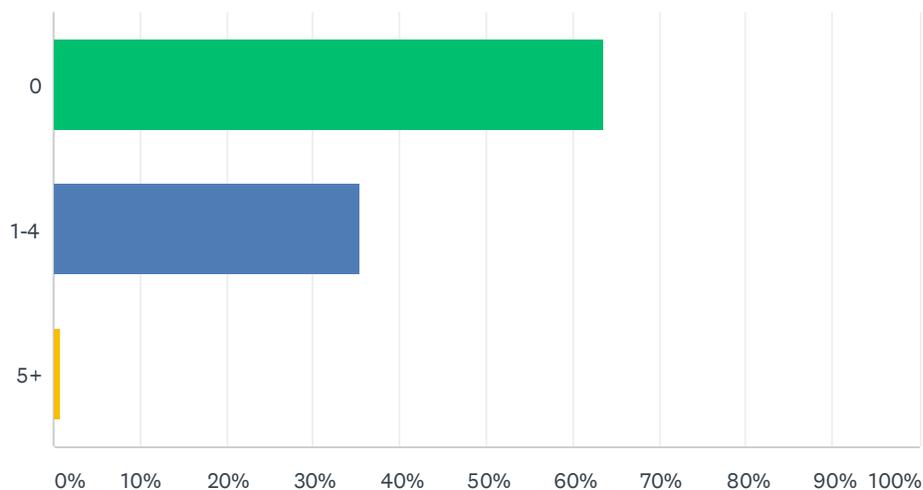
Answered: 319 Skipped: 1



ANSWER CHOICES	RESPONSES	
Yes	23.20%	74
No	76.80%	245
TOTAL		319

Q10 How many times in the last two years have you disposed of Household Hazardous Waste (HHW) at the Ventura County Pollution Prevention Center?

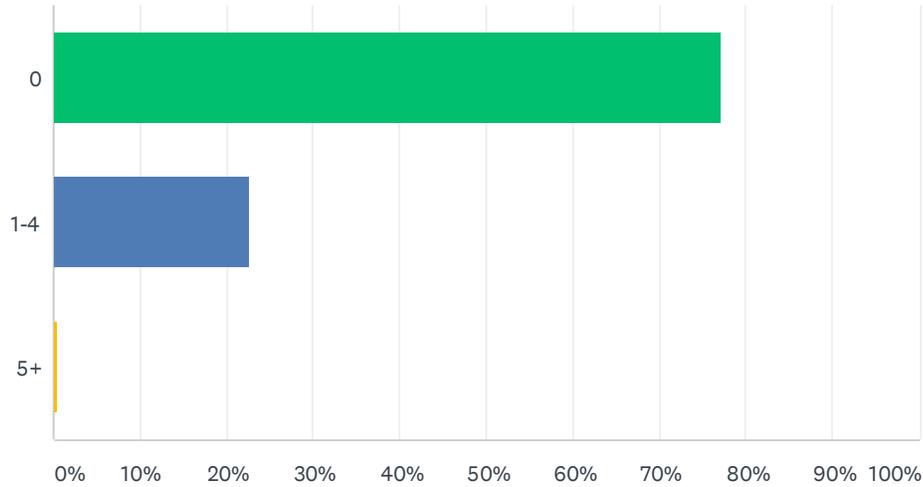
Answered: 319 Skipped: 1



ANSWER CHOICES	RESPONSES
0	63.64% 203
1-4	35.42% 113
5+	0.94% 3
TOTAL	319

Q11 How many times in the last two years have you disposed of HHW at the Thousand Oaks HHW Facility or another County-sponsored mobile event?

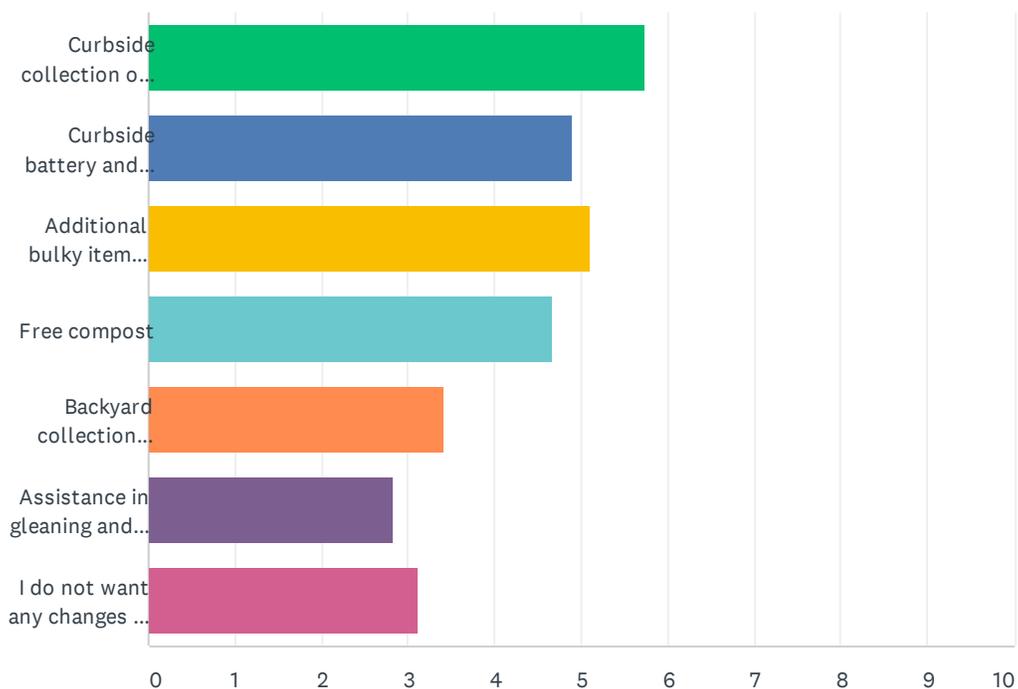
Answered: 315 Skipped: 5



ANSWER CHOICES	RESPONSES
0	77.14% 243
1-4	22.54% 71
5+	0.32% 1
TOTAL	315

Q12 Would you be interested in any of these additional services (possibly with an increase to your service rate)? If so, please rank those applicable in order of importance, leaving those not interested in, blank. If there is a service not listed here that you are interested in, please write your suggestion in Question 13.

Answered: 300 Skipped: 20



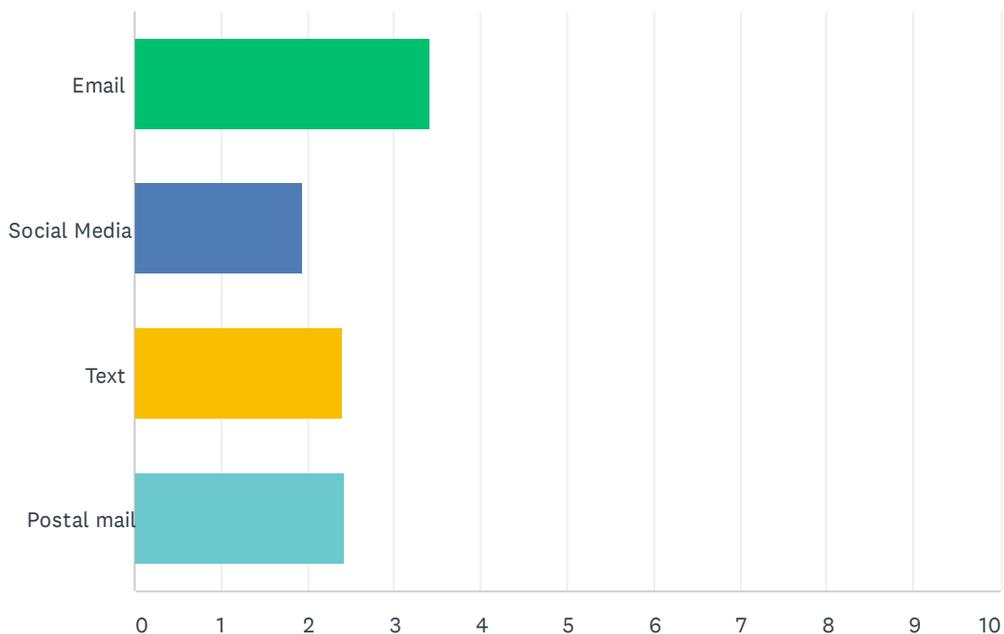
	1	2	3	4	5	6	7	TOTAL	SCORE
Curbside collection of Household Hazardous Waste (HHW)	42.06% 98	25.75% 60	13.73% 32	7.30% 17	5.15% 12	4.72% 11	1.29% 3	233	5.73
Curbside battery and used motor oil collection	16.19% 34	28.10% 59	21.90% 46	13.33% 28	9.05% 19	5.24% 11	6.19% 13	210	4.89
Additional bulky item pickups (more than 2x per calendar year)	20.75% 44	22.64% 48	27.36% 58	15.09% 32	6.13% 13	5.66% 12	2.36% 5	212	5.10
Free compost	20.45% 45	14.55% 32	15.45% 34	23.64% 52	15.91% 35	5.91% 13	4.09% 9	220	4.66
Backyard collection services (i.e. hauler drive-in/walk-in service)	4.52% 9	5.03% 10	11.06% 22	18.59% 37	37.19% 74	15.58% 31	8.04% 16	199	3.42
Assistance in gleaning and/or donating seasonal fruit or vegetable harvests on your property	3.05% 6	7.61% 15	7.11% 14	10.66% 21	12.18% 24	41.12% 81	18.27% 36	197	2.82
I do not want any changes to my services	23.25% 53	5.26% 12	3.51% 8	3.51% 8	5.26% 12	10.96% 25	48.25% 110	228	3.12

Q13 Is there anything else you'd like to share about your trash & recycling service or suggestions for improvement?

Answered: 82 Skipped: 238

Q14 Rank the following forms of communication in order of preference (1-most preferred; 4-least preferred)

Answered: 286 Skipped: 34



	1	2	3	4	TOTAL	SCORE
Email	59.62% 155	26.54% 69	10.00% 26	3.85% 10	260	3.42
Social Media	11.34% 28	15.79% 39	27.94% 69	44.94% 111	247	1.94
Text	16.06% 40	31.73% 79	29.72% 74	22.49% 56	249	2.41
Postal mail	21.51% 57	25.28% 67	27.55% 73	25.66% 68	265	2.43

Q15 If you would like to receive occasional updates regarding the County’s contracted trash and recycling services, please provide:By providing your contact information, you will be automatically entered to win a free sustainably-sourced gift!

Answered: 119 Skipped: 201

ANSWER CHOICES	RESPONSES	
Contact Name	99.16%	118
Business Name	0.00%	0
Address	95.80%	114
Email	0.00%	0
City/Town	0.00%	0
State/Province	0.00%	0
ZIP/Postal Code	0.00%	0
Country	0.00%	0
Email Address	98.32%	117
Phone Number	0.00%	0