



# County of San Mateo

## Inter-Departmental Correspondence

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**Department:** OFFICE OF SUSTAINABILITY

**File #:** 22-136

Board Meeting Date: 2/22/2022

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**Special Notice / Hearing:** None  
**Vote Required:** Majority

**To:** Honorable Board of Supervisors  
**From:** Carolyn Bloede, Director, Office of Sustainability  
**Subject:** Approval of Notification of Intent to Comply with SB 1383

**RECOMMENDATION:**

Adopt a resolution authorizing and directing the Director of the Office of Sustainability, or the Director's designee, to submit a Notification of Intent to Comply with Senate Bill 1383 regulations to CalRecycle for approval.

**BACKGROUND:**

In September 2016, California Senate Bill 1383 (Lara, Chapter 395, Statutes of 2016), also known as SB 1383, established statewide emissions reduction targets for short-lived climate pollutants such as methane, a powerful greenhouse gas, which results from the landfilling of organic waste. SB 1383 requires the State to reduce the amount of organic waste disposed of in landfills by 75 percent from 2014 levels by 2025. Given that SB 1383 includes statewide targets, the California Department of Resources Recycling and Recovery, also known as CalRecycle, proposed regulations that require a more prescriptive approach for local jurisdictions to achieve specific requirements for reducing the amount of organic waste, such as food waste, that goes to landfill.

On December 7, 2021 the Board adopted Ordinance No. 4857 adding Chapter 4.106, Establishing an Edible Food Recovery Program, to the San Mateo County Ordinance Code and adopted Ordinance No. 4856 amending Chapter 4.04, Solid Waste Collection, Transport, Storage and Disposal, of the San Mateo County Ordinance Code to meet the requirements of SB 1383 for the unincorporated areas of the county. With these two items, the County made significant progress towards compliance with SB 1383, especially given the accelerated timeline set out by CalRecycle.

**DISCUSSION:**

The SB 1383 regulations adopted by CalRecycle created prescriptive mandates for jurisdictions to comply with the law. These regulations require all cities and counties in California to do the following: provide organic waste collections to densely populated areas, establish an edible food recovery program, provide extensive education and outreach about the requirements of SB 1383, procure recovered organic waste products, evaluate the capacity for managing organics, conduct

enforcement and inspections, and implement recordkeeping and reporting programs by January 1, 2022. The regulations also specify that no penalties will be levied until January 1, 2024.

CalRecycle adopted these regulations on November 3<sup>rd</sup>, 2020. This created an aggressive timeline for jurisdictions to come into compliance. Recognizing that many jurisdictions would have difficulties meeting the deadlines set forth in the regulations, legislators passed Senate Bill 619 (SB 619), which established a process for jurisdictions to apply for administrative civil penalty relief from CalRecycle for SB 1383 violations in calendar year 2022.

The regulations were also finalized in the midst of several major emergencies in San Mateo County. Throughout the past two years, the County has diverted resources and staff to address immediate and urgent concerns around the COVID-19 pandemic, CZU complex fires, and the economic recovery initiative. As a result, there was diminished staff capacity to adequately address all the requirements of SB 1383 by January 1, 2022.

Despite these challenges, substantial progress has been made by the County to comply with SB 1383, including the adoption of ordinances on organic waste collection and edible food recovery, the creation of a countywide edible food recovery pilot program, and the development of a draft policy for County procurement of products such as recycled paper and compost. However, there are a few additional aspects of SB 1383 which require additional time to develop. As such, staff recommends approval of the attached Notification of Intent to Comply (NOIC) (Attachment A) to request relief from administrative civil penalties from CalRecycle while the following elements of the SB 1383 policies and programs are developed in calendar year 2022:

- A system of non-exclusive franchise agreements with waste haulers and self-haulers in the unincorporated areas of the county currently not served by an existing franchise agreement,
- Memorandums of Understanding with jurisdictions who manage waste collection in unincorporated franchised areas to formally establish roles and responsibilities of the County and the jurisdictions around SB 1383 requirements in those areas (e.g. City of Daly City for Broadmoor and unincorporated Colma),
- Inspection and enforcement protocols for the new organics collection program,
- Procurement of required recovered organic waste and post-consumer recycled content paper products
- Recordkeeping of recycled content paper product procurements

To apply for administrative civil penalty relief under SB 619, jurisdictions need to submit a Notification of Intent to Comply, approved via resolution by their governing body for CalRecycle's approval by March 1, 2022. CalRecycle's approval of this NOIC will allow the County the required time to develop and implement programs to fully comply with the state requirements under SB 1383.

County Counsel has reviewed and approved the resolution as to form.

**FISCAL IMPACT:**

There is no Net County Cost associated adopting the recommended resolution.

**ATTACHMENTS:**

- A. Notification of Intent to Comply Form and Supporting Documents

