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# Agenda Report

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**TO:** CCCSWA BOARD OF DIRECTORS  
**FROM:** DAVID KRUEGER, EXECUTIVE DIRECTOR  
JUDITH SILVER, SENIOR PROGRAM MANAGER  
**DATE:** DECEMBER 14, 2023

**SUBJECT:** 2024 PRIORITIES, PLANNING AND PROGRAMS

## SUMMARY

Priority projects for 2024 include:

- New franchise agreement procurement
- SB 1383 enforcement
- SB 1383 local assistance grant projects
- Refuse vehicle impact fee studies

Potential additional projects include:

- Ordinances to discourage the use of disposable foodware
- Lobbying for State legislation to reduce waste

## RECOMMENDED ACTION

1. Review the report and provide direction to staff.

## DISCUSSION

### New Franchise Agreement Procurement

On May 25 and September 28, 2023, the Board adopted recommendations from the Franchise Design Ad Hoc Committee that established the following process and timeline:

Step	Timeline
Sole source negotiations with Republic for disposal services at the Keller Canyon Landfill	October 1 2023 - March 28, 2024
Concurrent negotiations with Republic and MDRR for transfer station services	October 1, 2023 - March 28, 2024
Competitive post-collection RFP for recyclables processing, organics composting, and mixed waste processing	November 1, 2023 – October 24, 2024
Sole source negotiations with MDRR for Reuse & Cleanup Days Services	December 1, 2023 – October 24, 2024
Competitive RFP for Collection Services	April 1, 2023 – September 1, 2025

Key Dates in 2024

Award Disposal and Transfer Agreement(s)	March 28
Issue Post-Collection RFP	March 29
Post Collection Proposals Due	June 1
Award Post Collection Agreement(s)	October 24
Award Reuse & Cleanup Days Agreement	October 24
Issue Collection RFP	October 25

If negotiations with Republic and MDRR for disposal and transfer services are unsuccessful, those services will be added to the post-collection RFP. If negotiations with MDRR for Reuse & Cleanup Days services are unsuccessful, those services will be added to the collection RFP.

Potential Significant Program Changes

- Adding to or removing items from the list of recyclable materials accepted in our blue containers (see Agenda item 5b)
- Adding large bulky items (furniture, appliances, mattresses) to the Reuse & Clean-up Days program
- Expanding the Reuse & Cleanup Days program to include multi-family dwellings
- Adding a reuse component to the annual on-call landfill materials collection
- Collecting reusable and cleanup items on the same day
- Transitioning to Zero Emissions Vehicles (ZEVs) per State regulations
- Obtaining new carts and bins (existing carts and bins have Republic’s name and number on them)
- Changing the methodology for sharing recyclables revenue with the recyclables processor
- Determining whether any or all contractors will pay each other at our contracted rates (e.g., Republic currently pays EBMUD to convert food to energy, at the rate specified in the contract between the Authority and EBMUD), or if the Authority will directly pay any or all contractors (e.g., the Authority, not Republic, currently pays MDRR for recyclables processing)

## **SB 1383 Enforcement**

The Authority has been planning for SB 1383 and providing updates to the Board since 2018. The Authority's Mandatory Organic Waste Disposal Reduction Ordinance (Ordinance No. 21-1) codifies a significant portion of the SB 1383 requirements for organic waste generators (homes and businesses) and allows the Authority to enforce the ordinance on behalf of the member agencies. While enforcement actions are required beginning January 1, 2024, the Authority believes that the number of Notices of Violation required will be minimal.

- SB 1383 requires the Authority to provide three container (organics, recycling, landfill) collection services to all residential and commercial generators, with some exceptions. The carts must be in specific colors and have labels to help generators sort properly. The Authority has been using the required cart colors since 2015 (green for organics, blue for recycling, black or gray for landfill).
  - The Authority may grant waivers to commercial and multi-family generators who do not generate sufficient organics, or who do not have adequate space to separate their organics. Some generators may also achieve compliance through an alternative compliance method such as self-hauling organics to a diversion facility, back-hauling to a distribution center, or on-site composting.
  - Staff has been working to ensure that every commercial/multifamily account has service or a waiver or is identified as an entity that engages in self/back haul to reach compliance. For any accounts not yet in compliance, letters explaining the requirements and warning them of the 2024 enforcement requirements of SB 1383 were sent out to multifamily accounts in May and September 2023, and to commercial accounts in November 2023. Ten letters were sent to multifamily accounts in September and 13 letters were sent to commercial accounts in November 2023.
- The Authority is required to develop and maintain a list of Tier One and Tier Two Commercial Edible Food Generators, provide outreach and education annually, monitor compliance (which is being accomplished through a contract with County Health Services), and increase food recovery capacity and access to edible food recovery organizations.
- Each year, the Authority is required to educate the public about SB 1383. Among other methods of outreach, this year the Authority sent letters explaining relevant SB 1383 requirements to every commercial account, every multifamily account, every townhome account that began organic service in 2022, every school, and every covered Commercial Edible Food Generator in our service area.
- The Authority has descriptions of our enforcement procedures in our SB 1383 Implementation Record.
- Attachment A summarizes the process to issue notices of violation and assess penalties.

**SB 1383 Local Assistance Grant Funds**

CalRecycle allocated \$90,000,000 of the \$180,000,000 identified in the 2022 Amended Budget Act for a second round of SB 1383 Local Assistance funding. This noncompetitive grant program will provide funding to local jurisdictions to assist with the implementation of regulatory requirements associated with SB 1383. For this new round of funding, the Authority was able to apply on behalf of the member agencies; the County submitted a separate application and will share some of its grant award with the Authority through a Memorandum of Understanding agreement. The grant application was submitted by staff on November 15, 2023.

The total grant amount available to the Authority directly is \$447,638, with \$60,000 additional dollars expected to come from the County. The funding will be used to cover SB 1383-related expenses in Fiscal Years 2024-2025 and 2025-2026. See **Table 1** for the funding allocation set by CalRecycle based on population for each member agency plus the County’s contribution.

**Table 1 – Funding by Member Agency**

<b>Member Agency</b>	<b>Amount Allocated by CalRecycle</b>
Danville	\$ 89,801.00
Orinda	\$ 75,000.00
Moraga	\$ 75,000.00
Walnut Creek	\$ 132,837.00
Lafayette	\$ 75,000.00
Subtotal	\$ 447,638.00
(Less 10% Indirect Costs)	\$ (44,764.00)
County contribution (after grant submittal)	\$ 60,000.00
<b>Total: 2 - Year SB 1383 Budget</b>	<b>\$ 462,874.00</b>

**Grant Related Program Options**

Grant funds must be expended no later than April 1, 2026. Certain projects such as annual route monitoring and annual Tier One and Tier Two inspections of covered Commercial Edible Food Generators, including school districts, in fiscal years 2025 and 2026 are already planned for. These projects total \$185,000 leaving \$277,874 for other projects, approximately \$138,937 in each fiscal year.

Below are brief descriptions of project ideas that have been identified by staff and/or suggested by member agency liaisons. Staff is seeking the Board’s input and welcomes additional suggestions. Based on the Board’s guidance, staff will further refine these program concepts and bring them to the Finance Committee in the spring as a part of the FY 2024-25 budget process.

Offset Existing Staff Salaries

Available grant funds can be used to offset existing staff salaries for staff time used to implement SB 1383. Applying all or part of the \$277,874 in remaining grant funds to existing staff salaries would save the Authority from having to fund this portion of staff salaries through the garbage rates. \$277,874 represents approximately 0.4% of the total expenses (Republic, MDRR, Member Agency fees, Authority costs) funded through the rates.

Waste Characterization Study

A waste characterization study identifies predominant materials in the waste stream. In this type of analysis, the contractor takes multiple samples of residential, multi-family and commercial trash, recycling and organics streams and sorts the collected samples into specified categories. It is a tool that can help refine programs and track progress toward long term goals. Having a better understanding of the contamination found in recycling and organics streams can lead to targeted outreach and result in increased recovery rates. Currently, the Authority, along with most jurisdictions in the state, relies on statewide information that can be somewhat tailored to a particular jurisdiction based on population but that does not reflect regional differences. The latest statewide study was completed in 2021; however, it looked only at the disposal stream.

Cost: A study currently underway in Alameda County is budgeted at \$975,000. The Alameda County study considers all three material streams and includes 500 samples countywide. Based on Alameda County’s population of 1.649 million, a similar project in the Authority area could be expected to cost at least \$150,000.

Compost Hub(s)

Compost Hubs are locations hosting a large, communal pile of free compost for residents and communities. Compost hubs are gaining popularity in the Bay Area. Some hubs are hosted at community gardens, others at city/town corporation yards. A compost hub would supplement the two annual compost giveaway events. Finding a secure location, preparing the location to receive and store compost, determining if the site needs oversight or labor, establishing the hub’s hours of operation and purchasing the finished compost to supply the hub on an ongoing basis are the main program components. Walnut Creek staff has expressed interest in establishing a compost hub in Heather Farm Park, and staff would like to identify a second location as well.

Cost: Finished compost is available from Republic’s Forward Compost Facility for \$25/cubic yard. Beginning in 2027, if asked for in the new franchise, we would be able to get the compost for free. Other costs might include property improvements, ongoing labor to staff the hub and the cost to deliver the compost to the hub. The Authority would pay for one-time site improvements through the grant and secure other sources of funding for ongoing costs such as labor. Approximately \$15,000 – 20,000 per compost hub.

Multifamily “Dehydrator” Pilot

Establishing and maintaining food scraps diversion programs in multifamily complexes, especially larger multi-floor complexes with trash chutes, is challenging. In many cases, multifamily complexes use a landscaper to remove yard trimmings, leaving only food scraps for collection by Republic Services. Food scrap “dehydrators” may provide a solution. Brands such as Mill, Lomi, and others are becoming more prevalent. The machines are placed on the counter or floor of a kitchen and reduce the volume of food scraps, making it easier to bring the finished product to the green cart. A

Walnut Creek resident who resides in a 48-unit multifamily complex approached City and Authority staff expressing interest in their complex serving as a pilot location. Staff would research dehydrator manufacturers, issue an RFP and select a vendor. Grant funds would be used to pilot the machines' effectiveness with a focus on increased participation and food scraps diversion. Pilot costs would include one machine per unit in one complex, promotion, and tracking. Staff would conduct an RFP to select a dehydrator vendor.

Cost: Approximately \$30,000

#### Technical Assistance to Tier One and Tier Two Commercial Edible Food Generators

The Authority has 30 Tier One Commercial Edible Food Generators and 29 Tier Two Commercial Edible Food Generators, excluding school districts. These covered generators are required by SB 1383 to:

- Maintain a contract or written agreement with food recovery organizations that pick up or receive edible food.
- Maintain records indicating all types of food being donated, pounds donated per month, frequency of donations, and the contact information of the contracted Food Recovery Organization(s).
- Not intentionally spoil food that can be recovered to feed people (and not compost edible food).

Staff has observed that developing sustainable food donation programs is challenging for most edible food generators. Using the current round of grant funds, staff has engaged with two contractors, Food Shift and Envirolutions, to assist with food recovery program implementation for Tier One and Tier Two generators in our service area. As the Authority has experienced in the past with recycling and organic programs, providing technical assistance to these generators can serve to build trust, instill best practices, and assist with SB 1383 compliance. Staff would like to continue to provide technical assistance to these generators using the next cycle of funding.

Cost: \$50,000 – two \$25,000 technical assistance contracts; one for Tier One generators and one for Tier Two generators.

#### Internal Containers for Generators

As businesses embrace a three-sort materials management system, the Authority has received an increased number of requests for internal containers to help generators install the necessary infrastructure to comply with SB 1383. While Republic Services provides green internal containers for kitchens in restaurants, hotels and other food generating businesses at no charge, there are also requests for “front of house containers” at venues such as the Leshner Center and the Veteran’s Hall in Danville.

Cost: While the cost of recycling and compost receptacles varies widely, staff believes that setting aside \$15,000 total to address these requests would be sufficient.

#### Food Recovery Organization Vehicle

Aiding food recovery organizations to facilitate their ability to collect food for donation supports the goals of SB 1383. For example, Contra Costa Fruit Rescue (CCFR), a local residential gleaning

organization, approached the Authority for assistance with the purchase of a van to help transport equipment to gleaned events, and to transport gleaned fruit to food recovery organizations such as White Pony Express. Forestr, a 501(c)(3) organization based in Alameda County, serves as the fiscal agent for CCFR. CCFR helps reduce the amount of organics being landfilled while providing nourishing, fresh produce to those in our community who are food insecure. CCFR has gleaned over 55,000 pounds of fruit from residential properties in Contra Costa County in 2023 alone. Staff would issue an RFP to food recovery organizations and provide partial funding for one vehicle. Staff would solicit proposals from local food recovery organizations to determine which one should receive the vehicle, with the intent of recovering the most food per dollar spent.

Cost: \$60,000

### **Non Grant Related Program Options**

Other possible programs are considered below.

#### **Refuse Vehicle Impact Fee Studies**

Refuse vehicle impact fees require a periodic nexus studies to determine the cost to repair damage to public roads caused by refuse vehicles. The City of Orinda has requested an updated refuse vehicle impact fee study. Staff's preliminary conversations with two consultants who perform such studies (HF&H and R3) indicate that it would be timely and cost effective to perform these studies for all member agencies at the same time. Staff is proposing to contract with a consultant to perform new refuse vehicle impact fee studies for all Member Agencies in 2024. This would not include the County, which does not have such a fee.

#### **Ordinances to Discourage the Use of Disposable Foodware**

Disposable (single-use) foodware such as utensils, straws, cups, lids, plates, bowls, stir-sticks, clamshells, and condiment packets are often difficult to recycle or compost, contribute to litter, and contaminate recyclable and compostable materials. Many restaurants have found that they can reduce costs overall by shifting from disposable to reusable foodware. There is a movement among local governments to pass ordinances designed to discourage restaurants, food vendors, and consumers from using disposable items, and encourage the use of reusable alternatives. The City of Lafayette is currently drafting such an ordinance, and a recent presentation staff attended stated that 27 California cities and counties have adopted similar policies. The Authority may wish to pursue an Authority-wide disposables ordinance, or the creation of a model ordinance that could be adopted by individual member agencies. Examples of requirements that might be included in such an ordinance are:

- Restaurants must provide reusable utensils, cups, and dishware for all onsite dining
- Restaurants and coffee shops must charge a fee (kept by the store) on all disposable cups given to customers
- Venues and community events must use reusable cups

An Authority-wide disposables ordinance would be enforced by Authority staff. Individual Member Agency ordinances would be enforced by each Member Agency. Staff is seeking Board direction on whether to pursue a model ordinance or an Authority-wide ordinance. In addition, to better

understand the worthiness of such an ordinance, staff is piloting several projects in 2024: an option for reusable foodware for to-go food orders; switching to reusable foodware for onsite dining or at large venues; and providing reusable cups at community events.

Lobbying for State Legislation to Reduce Waste

Many decisions that affect the Authority's efforts to reduce and properly manage solid waste are made at the State level or by product manufacturers over whom we have little control. In addition, many "upstream" waste reduction policies are most effectively implemented at the State or national level as opposed to the local level. Guided by the Legislative Committee, the Authority sends letters to the State legislature and Governor supporting and opposing proposed legislation that affects our mission. Our Member Agencies are represented in State lobbying efforts by the League of California Cities (Cal Cities). Other local solid waste JPAs such as Rethink Waste and StopWaste have taken these efforts a step further and hired lobbying firms to influence legislation that would affect their agencies, and to introduce new legislation furthering their mission and further their programs. Staff meets with representatives of these other JPAs to coordinate our legislative efforts. Staff is seeking Board direction on whether or not to fund lobbying efforts that seek to initiate State legislation in addition to reacting to legislation proposed by others. This could be accomplished by joining already existing lobbying relationships with similar JPAs, or by hiring our own lobbying firm. If so directed, program details would be overseen by the Legislative Committee.

ATTACHMENT

A. SB 1383 Enforcement Process