

Welcome to the Morgan Hill & Gilroy Business Community Meeting

Mandatory Organic Waste Disposal Reduction Ordinance:

Required by the State of California for adoption in both Morgan Hill and Gilroy

Refuse and Recycling Enclosure Ordinance:

This ordinance is being proposed by the City of Morgan Hill only

Draft Ordinances and Supporting Materials are Posted Online

Morgan Hill: bit.ly/BusinessCommunityMeeting

Gilroy: rebrand.ly/OrganicWasteDisposal

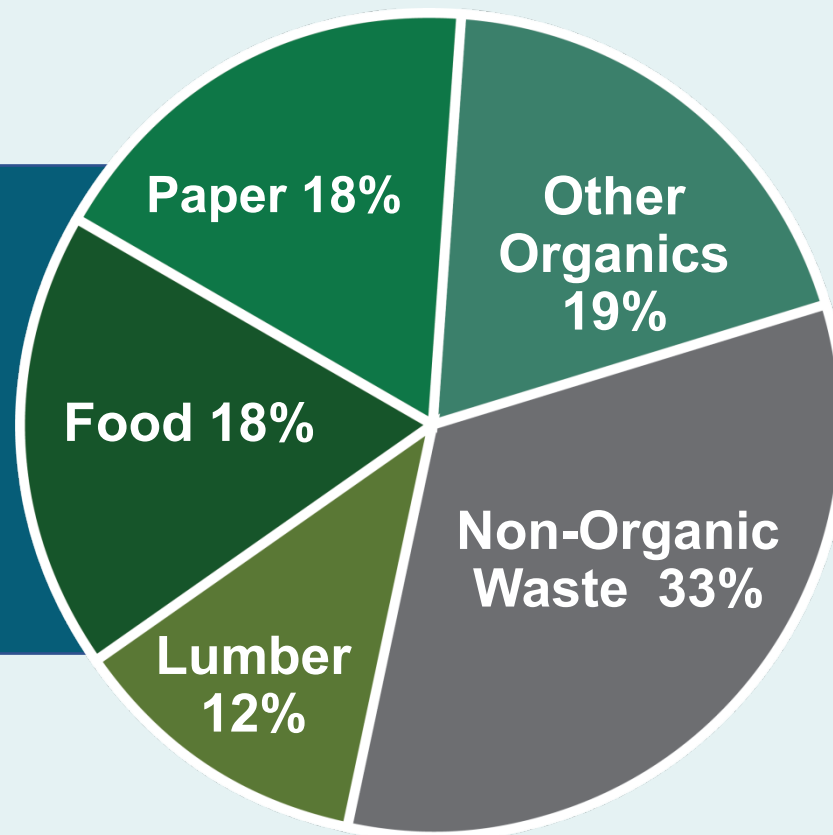
If you have questions or comments that come up after this meeting, please reach out to: tanya.carothers@morganhill.ca.gov

Today's Presentation

- Background on SB 1383
- Overview of 1383 Requirements
- Requirements of the Organic Waste Disposal Reduction Ordinance
- Questions (Round 1)
- Overview of the Refuse and Recycling Enclosure Ordinance
- Questions (Round 2)

Organic Waste Is the Largest Waste Stream in California

CALIFORNIA DISPOSED OF APPROXIMATELY **27** MILLION TONS OF ORGANIC WASTE IN 2017



California's Waste Stream

IN CALIFORNIA, MILLIONS ARE
FOOD INSECURE

1 IN 8 CALIFORNIANS
1 IN 5 CHILDREN



CALIFORNIA THROWS AWAY
MORE THAN 6 MILLION TONS
OF FOOD WASTE EVERY YEAR!

CLIMATE CHANGE NEGATIVELY IMPACTS CALIFORNIA

Landfilled Organic Waste Emits
Methane Gas—
A Super Pollutant
More Powerful than CO₂

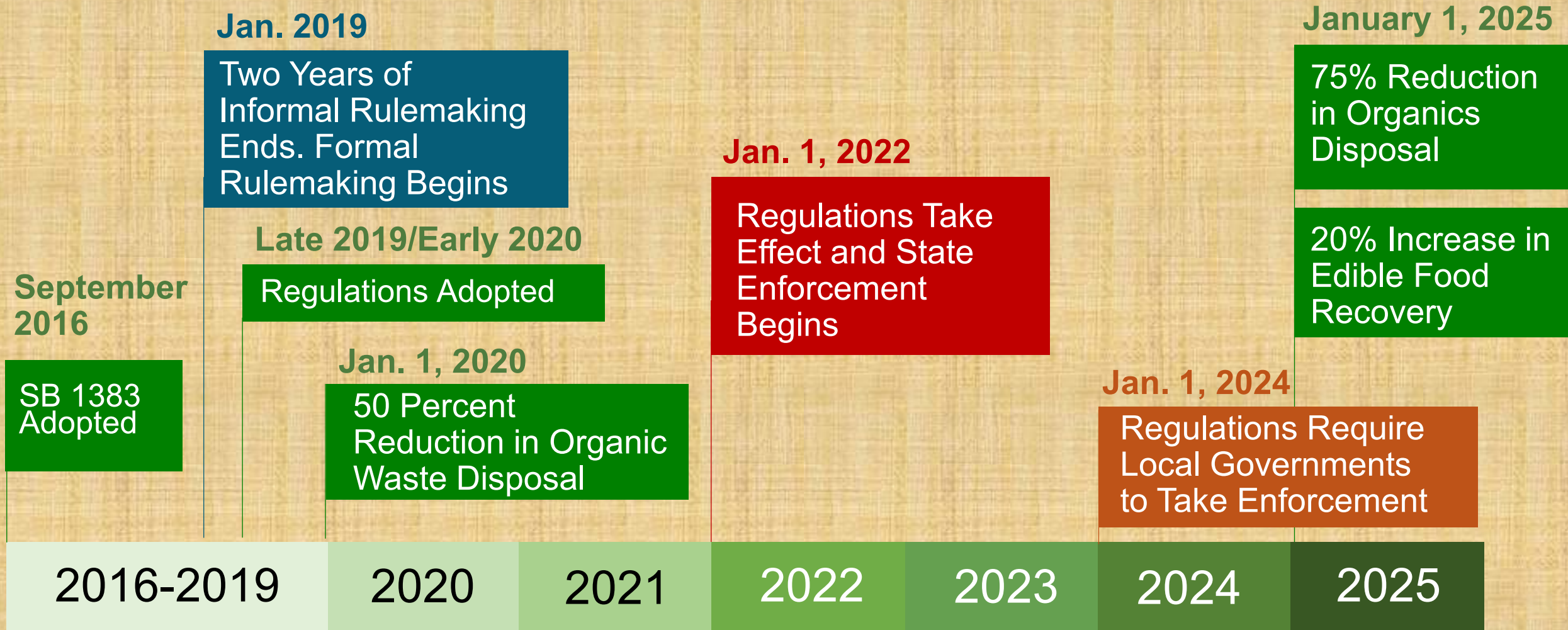
Methane Gas Contributes to
Climate Change in California



CALIFORNIA
is already experiencing
the impacts of
CLIMATE CHANGE

IN 2015 THE DROUGHT COST THE AGRICULTURE INDUSTRY IN THE CENTRAL VALLEY AN ESTIMATED \$2.7 BILLION & 20,000 JOBS

SB 1383 Key Implementation Dates



Jurisdiction Responsibilities

**Provide Organics
Collection Services to All
Residents and Businesses**



**Conduct Education and
Outreach to Community**



**Secure Access to
Recycling and Edible
Food Recovery Capacity**



**Establish Edible Food
Recovery Program**



**Procure Recyclable and
Recovered Organic
Products**



**Monitor Compliance
and Conduct
Enforcement**



SB 1383 IN ACTION

INSPECTION AND ENFORCEMENT REQUIREMENTS



Monitor Compliance and Conduct Enforcement

JURISDICTION REQUIREMENTS

Ordinance 2022



Adopt an Ordinance
(Enforceable
Mechanism)
Including
Enforcement

Compliance Monitoring & Education 2022-2024



Annual
Compliance
Reviews, Route
Reviews,
Inspections

Educate Violators

Compliance Monitoring & Enforcement 2024



Annual Compliance
Reviews
Route Reviews,
Inspections,
Notice of Violations,
Penalties for
Violators

Single-Family Organic Waste Generators

Shall subscribe to city's Organic Waste collection services for all Organic Waste generated.

Provisions:

1. RIGHT TO OVERSIGHT

City or designated representative(s) shall have the right to review the number and size of a generator's containers to evaluate adequacy of capacity provided for each type of collection service to ensure proper separation and containment of materials.

2. ADJUST SERVICE LEVEL UPON REQUEST

Single-Family generators shall adjust its service level for its collection services as requested by the city or designated representative(s) .

3. MANAGE ORGANIC WASTE

Generators may additionally manage their Organic Waste by preventing or reducing their Organic Waste, managing Organic Waste on site, and/or using a Community Composting site.



Commercial Business Organic Waste Generators

Commercial Businesses, including Multi-Family Residential Dwellings (> 5 units) shall subscribe to city's Organic Waste collection services for all Organic Waste generated.



Provisions:

1. RIGHT TO OVERSIGHT

City or designated representative(s) shall have the right to review the number and size of a generator's containers to evaluate adequacy of capacity provided for each type of collection service to ensure proper separation and containment of materials.

2. ADJUST SERVICE LEVELS UPON REQUEST

Commercial generators shall adjust its service level for its collection services as requested by the city or designated representative(s).

3. MANAGE ORGANIC WASTE

Generators may additionally manage their Organic Waste by preventing or reducing their Organic Waste, managing Organic Waste on site, and/or using a Community Composting site.

Commercial Business

Organic Waste Generators *con't*

Commercial Businesses, including Multi-Family Residential Dwellings (> 5 units) shall:

Provisions *con't*:

4. SUPPLY AND ALLOW ACCESS

Supply and allow access to adequate number, size and location of collection containers with sufficient labels and colors as required under 1383 for employees, contractors, tenants, and customers.

5. PROVIDE COLLECTION CONTAINERS IN USER SPACES

Excluding Multi-Family Residential Dwellings, provide containers for the collection of Green Container Organic Waste and Recyclable Materials in all indoor and outdoor areas where disposal containers are provided for customers, for materials generated by that business.



Commercial Business

Organic Waste Generators *con't*

Commercial Businesses, including Multi-Family Residential Dwellings (> 5 units) shall:

Provisions *con't*:

6. PROVIDE NEW TENANT EDUCATION

Provide education information before or within fourteen (14) days of occupation of the premises to new tenants that describes requirements to keep Green Container Organic Waste and Recyclable Materials separate from Gray Container Waste, and the location of containers and the rules governing their use at each property.

7. PROVIDE ANNUAL NOTICING

Annually provide information to employees, contractors, tenants, and customers about Organic Waste Recovery requirements and about proper sorting.



Waivers for Generators

The following waivers may be issued for this program upon review and approval by the City:

- De Minimus Waiver
- Physical Space Waivers



Commercial Edible Food Generator Requirements

Edible food generators will be required to arrange food recovery through a contract or written agreement with food recovery organizations or services, who will collect or accept self-hauled edible food for food recovery.

Recording and Reporting will be required as specified in the ordinance and 1383 regulations.

Tier 1 start date: January 1, 2022.

Tier 2 start date: January 1, 2024.



Commercial Edible Food Generator Requirements

Tier 1 includes:

- wholesale food vendors
- food service providers and distributors
- grocery stores over 10,000 sf
- supermarkets

Tier 2 includes:

- restaurants over 5,000 sf
- hotels with on-site food facilities/200 + rooms
- local education agencies with on-site food facilities
- large venues/events
- health facilities with at least 100 beds and on-site food facilities



Other Entities Regulated by the Ordinance



Food Recovery Organizations and Services receiving or coordinating the collection of Edible Food directly from Tier 1 or Tier 2 Commercial Edible Food Generators via a contract or written agreement, will have their own set of record keeping and reporting requirements.

Haulers including Self-Haulers must follow requirements related to sorting, selection of facility for material drop-off, reporting, education, equipment, signage, container labeling, container color, contamination monitoring, and recording and reporting.

Facility Operators and Community Composting Operations must provide information on capacity and operations upon City request for planning purposes.

Inspection Program

Inspection Program becomes effective starting in 2022.



- The city or designated inspection representative(s) are authorized to conduct any inspections or other investigations as reasonably necessary to ensure compliance with the ordinance.
- Regulated entities shall provide or arrange for access during all inspections (with the exception of residential property interiors) and shall cooperate with the city and/or its designated inspection representative(s) during inspections and investigations.
- Inspections may include confirmation of proper placement of materials in containers through Route Reviews, in-person or electronic review of Edible Food Recovery arrangements and activities, review of records, annual compliance reviews, complaint investigations, or any other inspection to ensure compliance with the requirements of the ordinance.

Enforcement

Violation of any provision of the ordinance shall constitute grounds for issuance of a Notice of Violation.



- If recipient of a Notice of Violation is not in compliance by the date of the deadline set forth in the Notice of Violation, city or designated representative shall commence an action to impose penalties via an administrative citation and fine.
- The amount of the administrative fine for each violation of the ordinance shall be as follows:
 1. For a first violation, the amount of the base penalty shall be \$50 to \$100 per violation.
 2. For a second violation, the amount of the base penalty shall be \$100 to \$200 per violation.
 3. For a third or subsequent violation, the amount of the base penalty shall be \$250 to \$500 per violation.

Next Steps

- Ordinance goes to City Council in both cities in November/December.
- Ordinance becomes effective in early 2022.



QUESTIONS?



Draft ordinances and supporting materials are posted online.

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Gilroy: rebrand.ly/OrganicWasteDisposal

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Refuse and Recycling Enclosure Ordinance



- The Mandatory Organic Waste Disposal Reduction Ordinance will result in the need for space to store organic waste collection bins.
- Amongst other things, the proposed Refuse and Recycling Enclosure Ordinance will address this need.