**T&E AGENDA: 02/06/23**
**ITEM: (d) 1**

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

# Memorandum

**TO:** TRANSPORTATION AND ENVIRONMENT COMMITTEE

**FROM:** Kerrie Romanow

**SUBJECT: STATUS REPORT ON SOLID WASTE PROGRAMS**

**DATE:** January 18, 2023

Approved

Date 1/30/23

## RECOMMENDATION

Accept this status report on San José solid waste programs, including residential and commercial recycling and solid waste collection programs, the local state of recycling, and the Recycle Right Public Outreach Program.

## SUMMARY AND OUTCOME

This report provides a summary and update of various initiatives and projects relating to solid waste management in San José that help maintain a healthy, safe, and clean environment within the City. San José has the reputation of being an environmental leader in recycling and has one of the largest solid waste management programs in the country. In Fiscal Year (FY) 2021-2022, the City's overall rate of diverting waste from landfills was 62 percent, continuing to surpass the 50 percent state diversion mandate.

The Transportation and Environment Committee will develop an understanding of how City programs are addressing the requirements of Senate Bill (SB) 1383 regulation implementation, recycling contamination, and greenhouse gas (GHG) reduction efforts.

Acceptance of this report will inform the Committee on the City's solid waste programs, including public outreach. Staff will continue to refine these programs and pursue initiatives that will help the City achieve its goals as part of the emerging new Zero Waste Element of Climate Smart San José.

## BACKGROUND

***San José's Solid Waste Program***

The Environmental Services Department (ESD) Integrated Waste Management (IWM) Division oversees solid waste collection, processing and disposal for residential, commercial, and City facilities operations. IWM develops and implements programs to meet or exceed state regulations, provide ease of use and exceptional value to customers, and improve and protect the environment by reducing GHGs. According to the State's Resource Recycling and Recovery Department (CalRecycle), organic waste in landfills account for approximately 20 percent of the methane emissions in California. One ton of methane in the atmosphere has approximately 80 times the warming impact of one ton of carbon dioxide, making it a particularly destructive GHG. Reducing solid waste related GHGs can provide additional opportunities to further develop the City's Climate Smart San José Plan through the Zero Waste Element and minimize our impact on the climate.

IWM's initiatives are implemented through two sections: Residential Services and Business & Civic Services. Residential Services oversees the Residential Garbage and Recycling program, which provides curbside garbage, recycling, junk pickup, and yard trimmings collection services to approximately 216,500 single-family dwelling and 118,400 multi-family dwelling households. This section also oversees garbage, recycling, and yard trimmings collection at City facilities. Business & Civic Services manages the City's commercial garbage, recycling, and construction and demolition program, reporting of citywide data to CalRecycle, the City's solid waste enforcement program, management of San José's Environmental Innovation Center, waste-related legislative analysis, development plan review, grants, and policy review. IWM is actively involved in county, regional, state, and national industry networks to better understand industry trends and inform actions, including: CalRecycle's Recycling Market Development Zone program; Californians Against Waste Local Government Collaborative, Bioenergy Association of California; Government Reuse Forum and California Product Stewardship Council's Policy and Education Advisory Committee. IWM staff serve on various technical organizations, including: Santa Clara County Recycling & Waste Reduction Commission; California Resource Recovery Association; Solid Waste Association of North America; Bay Area Recycling Outreach Coalition; and the Bay Area Deconstruction Workgroup. Furthermore, San José is currently an "observing city" as part of San Francisco's Game Changers Fund grant from Carbon Neutral City Alliance which builds an Online Materials Exchange that best supports secondary market for salvage/surplus building materials.

***Solid Waste Regulations***

The City's solid waste program complies with multiple solid waste regulations centered around waste reduction, recycling, organics diversion, and climate change. The list below displays key regulations related to solid waste and recycling:

- *Assembly Bill (AB) 939* (1989), the Integrated Waste Management Act, requires California jurisdictions to divert a minimum of 50 percent of material from the landfill each year. Jurisdictions provide the State with this information through an annual report.
- *AB 32* (2006), the Global Warming Solutions Act, requires a reduction in GHG emissions throughout the state to 1990 levels by 2020, and to 80 percent below 1990 levels by 2050.

- *AB 341* (2011), Mandatory Commercial Recycling, was one of the measures adopted in the AB 32 Scoping Plan by the California Air Resources Board. AB 341 requires recycling by all businesses that generate four or more cubic yards of garbage per week and multi-family dwellings with five or more units.
- *AB 1826* (2014), Mandatory Organics Recycling, requires businesses that generate two cubic yards of total waste per week and multi-family dwellings with five or more units to recycle their organic waste. This law phased in the mandatory recycling of organics from these sectors over time.
- *SB 1383* (2016), Short-Lived Climate Pollutants Organic Waste Reductions, set methane emissions reduction targets for California in a statewide effort to reduce emissions of short-lived climate pollutants and includes waste-related targets to achieve a 75 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2025. An additional target requires that not less than 20 percent of currently disposed edible food is recovered for human consumption by 2025. Local jurisdictions are required to implement specific actions to help the state meet these targets.
- *AB 827* (2019), Customer Access to Recycling, requires businesses and multi-family dwellings with five or more units to provide indoor solid waste, recycling and compost receptacles. These receptacles must be easily accessible to customers, clearly marked and labeled with signage indicating the receptacle's purpose and acceptable materials.

SB 1383 is the most significant waste reduction mandate to be adopted in California in the last 30 years. Environmental benefits associated with the implementation of SB 1383 include fighting climate change, improving air quality, donating edible food to those in need, and decreasing tons of organic material landfilled. Most importantly, SB 1383 aligns with Climate Smart San José by reducing GHG emissions and it helps the City achieve its zero waste goals through waste diversion and by supporting local recycling markets. The regulations were finalized by CalRecycle in November 2020 and went into effect on January 1, 2022. This has significant policy and legal implications for state and local governments.

***Recycling Infrastructure***

San José is unique in the amount of solid waste facility infrastructure located within city and county limits. This aligns with the goals of Climate Smart San José by keeping the carbon emissions associated with transport of solid waste low since waste does not have to be hauled over long distances for processing or disposal. Five materials recovery facilities utilized for the City's residential and commercial programs are in San José (GreenWaste Recovery, California Waste Solutions, Zanker Recycling, Newby Island Resource Recovery Park, and Zero Waste Energy Development). Most of the compostable organics from these waste streams, such as food waste, yard waste, and compostable paper, are processed by the Z-Best Composting Facility (Z-Best) located in south Santa Clara County. Some of the above-mentioned facilities are among the most advanced in the country and serve as national benchmarks. Most facilities also serve other local jurisdictions and provide employment opportunities for San José.

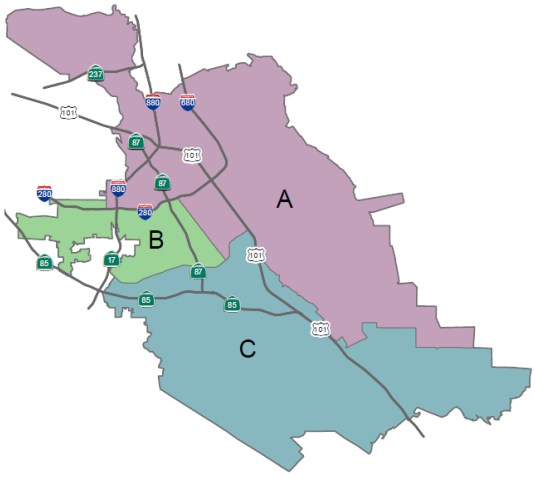
## *Overview of San José Solid Waste Programs*

Residential Program

The Residential Garbage and Recycling Program provides collection service through four contracted service providers: California Waste Solutions, Garden City Sanitation Inc., Green Team of San José, and GreenWaste Recovery. As shown in Figure 1, the City is divided into three solid waste collection Service Districts: District A (Downtown, East, and North San José), District B (West San José), and District C (South San José). Since 2007, California Waste Solutions and Garden City Sanitation have served Districts A and C, representing 75 percent (162,400) of the City's single-family dwellings. GreenTeam has served District B, representing 25 percent (54,100) of the City's single-family dwellings since 2002, and all its multi-family dwellings (118,400 units) since 1993. GreenWaste Recovery has served Districts A, B, and C since 2000. Combined, this system is one of the largest privatized solid waste systems in the nation with an annual budget of approximately $183 million.

**Figure 1: Residential Service Providers, Services and Service Districts**

| | |
|---|---|
| CALIFORNIA WASTE SOLUTIONS ZERO WASTE SPECIALISTS | • Single-family recycling<br>**District A** **District C** |
| GARDEN CITY SANITATION INC. | • Single-family garbage<br>**District A** **District C** |
| Green Team | • Single-family garbage & recycling<br>**District B**<br>• Citywide Multi-family & City Facilities garbage & recycling |
| greenwaste a brighter shade of green | • Citywide yard trimmings<br>• Citywide garbage processing<br>• Citywide street sweeping |




| **Single-family Households** | **Multi-family Households** |
|---|---|
| A: 95,900<br>B: 54,100<br>C: 66,500 | Citywide:118,400 |

The Residential Program provides single family dwellings with garbage and recycling carts, and an optional yard trimmings cart. Multi-family dwellings utilize large garbage bins and both carts and bins for recycling. San José has a unique yard trimmings collection system, where most of the material is collected in loose piles set out on the street, rather than in a container. Garbage is collected and processed to recover organics (food scraps, compostable paper items and food-soiled items), which are sent to the Z-Best facility for composting. Recyclables are collected and processed at the California Waste Solutions and GreenWaste Recovery facilities, and separated material commodities are sold on the recycling market. Yard trimmings are also collected, processed, and sent to the Z-Best facility for composting. Lastly, the Residential Program

includes a free unlimited Junk Pickup program, which provides residents with a convenient, curbside service. All City residents can schedule free appointments to have large items (such as mattresses, sofas, refrigerators, and tires) picked up by their recycling service provider.

Commercial Program

Republic Services, under an exclusive franchise agreement, provides commercial solid waste collection services to about 7,600 accounts at business sites in San José. Republic collects the material by using three separate waste streams: Dry (mixed recyclables and non-recyclables), Customized (recyclables only), and Wet (organic material). The Dry and Customized material are taken to Newby Island Resource Recovery Park for processing and disposal, Wet is sent to the Zero Waste Energy Development Company (ZWED) for processing into energy and compost, and a fraction of Dry material is processed at ZWED and/or landfilled depending on contractual limits at ZWED and Newby Island Resource Recovery Park.

IWM Enforcement Program

IWM Environmental Inspectors perform inspections and utilize education and enforcement tools to facilitate compliance with San José Municipal Code section 9.10 to maintain a healthy, safe, and clean environment. Inspectors investigate reports of non-compliance related to solid waste management and solid waste hauling. They issue Inspection Reports, Warning Notices, or Administrative Citations in accordance with the Schedule of Fines. Inspectors utilize multilingual (English, Spanish and Vietnamese) outreach to encourage proper solid waste management at residential and commercial facilities and inform residents about City-provided programs, such as the Junk Pickup program. The program also performs proactive inspections throughout the City for issues like unauthorized hauling, dangerous accumulation, and no-collection service.

Household Hazardous Waste Program

San José participates in the Santa Clara County Household Hazardous Waste (HHW) Program. The City's permanent and state-of-the-art HHW drop-off facility, located at the Environmental Innovation Center, opened in September 2014 and has been the primary drop-off location ever since for countywide residents and small businesses, excluding Palo Alto. Hazardous materials such as batteries, paint, pesticides, household cleaners, electronic waste, and other items containing harmful substances such as lead and mercury cannot be placed into garbage or recycling containers, but are accepted for free with a residential drop-off appointment. Residents can also drop off HHW with retail partners located countywide. Small businesses are able to drop off their HHW for a nominal fee.

City Facilities Program

IWM supports waste and recycling programs at approximately 150 city-owned and operated facilities. Waste collected from these facilities is delivered to the GreenWaste Recovery solid waste processing facility where recyclables such as cans, bottles, and paper are removed for recycling. Remaining material, consisting largely of food waste and soiled paper, is composted at the Z-Best Composting Facility in Gilroy. The City Facilities program consists of two basic

streams: recycling and garbage. All facilities receive standardized, central station containers in sufficient quantities to capture the volumes generated; the containers are configured to meet each facility's particular requirements.

Public Litter Can Program

IWM's Public Litter Can program currently maintains 1,328 Public Litter Cans throughout the City and oversees their collection and processing. Public Litter Cans maintained through this program are primarily located in the City's business districts and exclude those located at Valley Transportation Authority stops, parks, community centers, and libraries. Public Litter Can maintenance includes graffiti abatement, painting of cans, repair of non-functioning equipment, and replacement of broken or damaged Public Litter Cans.

Recycle Right Public Outreach Program

Solid waste and recycling-related outreach responsibilities transitioned from the Residential service contractors to the City in July 2019. Since then, ESD has added staff to conduct comprehensive solid waste and recycling outreach including deploying a major Recycle Right public education campaign. The primary goal of the campaign is to reduce contamination in residential recycling by educating residents and changing behavior to place correct items in the recycling container and in the garbage. Collecting clean, high-quality recyclables helps service providers meet strict contamination requirements in international recycling markets and sends fewer non-recyclables to the landfill. To support this critical objective, key campaign messages focus on which items are recyclable and eliminating food and liquids from the recycling stream.

ESD is committed to executing a multi-lingual (English, Spanish, Vietnamese) Recycle Right public education campaign to engage San José's diverse community. The goal of the campaign is to change recycling behavior and decrease recycling contamination in residential recycling containers.

The campaign includes more than 80 proven marketing tactics to reach residents. To help enhance community access to recycle right information, staff provided information through direct mail postcards, digital ads, videos on social media and streaming platforms, and tabling activities. Staff also has enhanced City department partnerships to share recycling information at libraries and community centers/senior nutrition programs.

All campaign messages direct residents to visit ESD's Recycle Right data-driven website, SanJoseRecycles.org. Since its launch in 2019, website users continue to grow. As of late November 2022, more than 877,849 residents have visited the website, with over 2 million web views.

## ANALYSIS

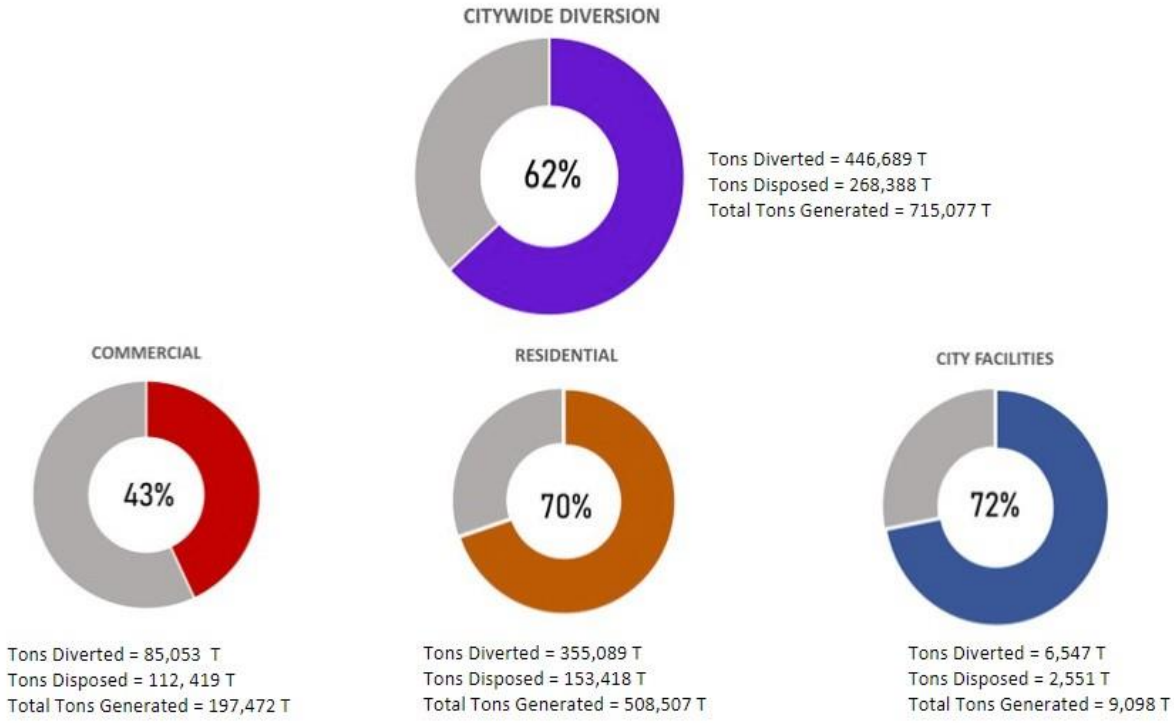
### *Waste Diversion*

IWM oversees a variety of waste management programs that serve the community and leads the way in diverting waste from landfills. These policies, programs and infrastructure have produced a high citywide diversion rate. Diversion rates are typically represented as the percentage of material prevented from going to the landfill, as expressed in the formula below:
Diversion rate = Total tons diverted/Total tons generated
Tons generated = Total tons diverted + Total tons disposed

The following programs are included in the City's Waste Diversion calculations: Residential, Commercial, and City Facilities. The citywide diversion rate for FY 2021-2022 was 62 percent (See Figure 2 below), a minor decrease compared to the 68 percent that was reported for the previous fiscal year. However, most programs within the City continue to yield high diversion rates, at or above 60 percent. San José is compliant with state diversion requirements and continues in its efforts to increase the amount of material that is reused, recycled, or composted.

For FY 2021- 2022, slight decreases in diversion were recorded across all IWM programs. Thesecan be attributed to contractual and procedural updates made to both the Residential and Commercial processing agreements.

**Figure 2: FY 2021-2022 IWM Programs and Citywide Diversion**



The City Facilities program recorded the most substantial rate decrease in diversion, from 85 percent to 72 percent and the Residential program diversion rate decreased from 75 percent to 70 percent. These declines in diversion can be attributed to a new methodology for estimating municipal solid waste diversion and processing residue in the recently executed contract with GreenWaste Recovery. Although this drop is significant, the new methodology provides a more accurate measure of residue in the waste stream.

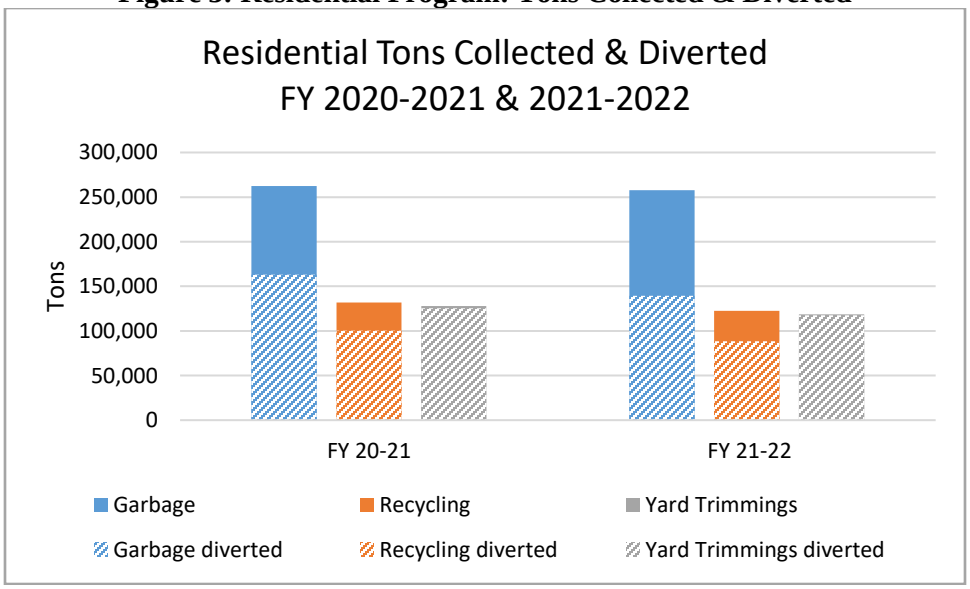
The Commercial program diversion rate decreased from 48 percent to 43 percent. Adjustments were made to the methodology used to calculate overall program diversion when the Amended and Restated Agreement with Republic Services took effect. The new agreement includes the Low Recyclable Content Dry Material Diversion Plan that redirects a small percentage of material previously sorted at the Republic Services material recovery facility to landfill. This program started in phases at the beginning of the fiscal year and was fully implemented by November 2021, doubling the residue tonnage sent to landfill. City staff will continue to work with our commercial service providers on outreach to businesses to address right-sizing of service levels, the importance of proper sorting and reducing contamination in the waste streams.

***Residential Program***

Residential Collection and Diversion

There was a decrease in Residential Program tons collected and diverted from landfill in FY 2021-2022 as compared to FY 2020-2021. This applies to garbage, recycling, yard trimmings and junk pickup as seen in Figure 3 below. Possible reasons for the decrease in tons collected include residents returning to on-site work and school and/or economic fluctuations influencing materials generated, disposed, recycled and set-out for collection.

**Figure 3: Residential Program: Tons Collected & Diverted**



Upcoming Residential Program Transportation and Environment Council Committee Items

Staff will provide updates on the following topics to the Transportation and Environment Committee in April 2023:

- *Single-family Larger Garbage Cart Study* – In July 2022, approximately 4,200 single-family dwellings were given a 96-gallon garbage cart at no additional cost to test whether a larger garbage cart reduces recycling contamination. Recycling contamination levels were measured through a third-party study and visual inspections of recycling cart contents.
- *Single-family Recycling Study* – In Fall 2022, a third-party consultant measured the level of contamination found in recycling carts. Per the Recycling Agreements, City staff will use this information to adjust compensation for its two recycling haulers for processing the collected recyclable material, based on the percentage of Program Materials and Non-Program Materials present. The information will also be used to inform public education and programmatic decisions.
- *Rates* – Staff will provide a report on Residential Garbage and Recycling Rates.

***Recycle Right Outreach***
In post-pandemic 2022, ESD staff continued to find ways to share recycling information meeting where our community is. ESD has ramped up in-person tabling activities from last year, but also continued to give popular quarterly webinars. In 2022, ESD gave approximately 45 in-person presentations to neighborhood association members, seniors, young families, and students. In addition, staff reached low-income communities by working with Project Hope. Staff also worked with five community-based organizations (LUNA, De Colores Consulting LLC, Valley Verde, META, VIVO) who shared recycling information to reach Spanish and Vietnamese speakers along areas that had high recycling contaminated routes.

In addition to in-person community engagement, ESD continues to find ways to engage Spanish speakers through the Recycle Right website (SanJoseRecycles.org). In September 2022, ESD translated the 400 items in the recycling guide (es.sanjoserecycles.org) into Spanish. This provides access to Spanish speakers, who can type in an item into the website search engine to help find whether or not it is recyclable. Staff is translating searchable items in Vietnamese (viet.sanjoserecycles.org) and hope to launch in early 2023.

The City's underserved communities, including low-income households and Spanish- and Vietnamese-speaking residents, are integral in the Recycle Right campaign. Tactics designed for low-income residents and Spanish- and Vietnamese- speakers include direct mail postcards to help address the digital divide, presentations at libraries and senior lunches at community centers, and laundromat ads.

Further, earlier this year, ESD worked with The Behavioral Insights Team, a behavior-change expert consultant, and developed mailings to help change behavior. A graphic label (universal, English, Spanish, Vietnamese languages) and a customized notice to a total of about 220,000

households were distributed in two phases in January and April. The label showed items that can be recycled and those that go into the garbage; the resident can place it in their kitchen for easy reference. The graphic label was based on the successful recycling cart lid replacement pilot graphic in 2021 resulting in a significant drop in 20 percent contamination in four routes tested. The notice provided information about specific neighborhood recycling contamination rate and information about garbage container upsizing, recycling and extra garbage stickers. State funding paid for a portion of these mailings.

For the Spanish-speaking audience, this year's campaign has 15 targeted tactics, including digital and radio advertising, television commercials, and interviews. ESD's partnership with the San José Earthquakes includes Spanish language tactics focused on the Earthquakes' key demographic of young, Spanish-speaking males.

The 17 different tactics designated for the Vietnamese-speaking audience target various ages and are in newspaper and online ads, television interviews, and radio spots.

### *Commercial (Republic/ZWED) Program*

Commercial Collection

Staff continues to monitor performance of Republic Services per the Amended and Restated Agreement. It establishes an annual Minimum Diversion Standard of 60 percent measured on a facility-wide basis as reported to CalRecycle. Also pursuant to the agreement, the Republic Services' Outreach and Technical Assistance Plan contains certain benchmarks and requirements with which Republic Services is obligated to comply, including the Outreach Targets. In 2021, Republic's annual diversion rate was 49 percent and some of the Outreach Targets were not met. Republic was also unable to meet performance standards for call center metrics, complaint resolution and reporting. As a result, Notices of Nonperformance were issued and liquidated damages in the amount of $281,400 were imposed. Republic paid the liquated damages and staff continues to work with them towards achieving the required performance.

Through the "Low Recyclable Content Dry Diversion" plan, Republic conducts outreach to accounts that are sent to landfill and ensure that all commercial accounts are compliant with State regulations (AB 939, AB 341, AB 1826, and SB 1383) for recycling and diversion. Staff worked with Republic and their third-party consultant on implementing the first phase of the diversion plan in July 2021. Republic provided the data collected, activities performed, the compliance status of the businesses with state regulations (e.g., how many businesses needed assistance to be compliant), and recommendations for steps to be successful in the ongoing implementation of the plan in San José. Republic has ensured that the Dry material that is directly landfilled does not have a significant amount of recyclable material.

Additionally, City staff and Republic's recycling coordinators continued to work with businesses on reducing contamination in the waste streams. City and Republic staff continued using wet/dry terminology and provided targeted outreach for proper sorting and compliance with state laws and City's municipal code. From July 2021-Dec 2022, there were 35,000 outreach

communications and/or interactions with businesses and commercial properties. Staff will continue to help improve the program's performance using these tactics.

Commercial Organics Processing

The Amended and Restated Organics Processing Services Agreement between ZWED and the City, effective May 1, 2020, stipulates that ZWED process 105,000 tons per year of organic and non-organic waste, delivered by Republic, and establishes an annual Minimum Diversion Standard of 60 percent. In 2021, ZWED's annual diversion rate was lower than 40 percent. For ZWED's failure to comply with the Minimum Diversion Standard (as defined in the Agreement), the City issued ZWED a Notice of Nonperformance and imposed liquidated damages in the amount of $50,000. ZWED paid the liquidated damages and demonstrated their commitment to fulfilling its obligations by continuing to collaborate with the City and Republic. ZWED has also made substantial efforts and capital improvements in an attempt to increase diversion. In 2022, ZWED retrofitted their processing line with a new shredder and new screen to help improve processing. ZWED's recent operational reports are encouraging and show an increase in organic recovery and a decrease in residues.

***IWM Enforcement Program Update***

During FY 2021-2022, the Enforcement team conducted 664 inspections, issued 144 Inspection Reports, 33 Verbal Warnings, 223 Warning Notices, and 10 Administrative Citations. IWM Enforcement continues to plan and prepare for the implementation of SB 1383 and AB 1276 enforcement requirements while also working with the City Attorney's Office to create more effective enforcement tools to reduce instances of unauthorized hauling, such as court injunctions, unfair business practice enforcement, and cease and desist letters.

***Public Litter Can Program Update***

IWM staff continue to provide Public Litter Can maintenance and new Public Litter Can installations throughout the City. During FY 2021-2022, the Public Litter Can maintenance and installation of new Public Litter Cans was able to return to pre-COVID timelines. The program continues to be impacted by extended shipping times for new Public Litter Cans, increased shipment costs, and supply chain issues with litter can repair material such as paint.

***Climate Smart Zero Waste Element***

A Zero Waste Element to Climate Smart San José is being developed to provide a roadmap to reduce solid waste related GHG emissions and reduce material to landfill. This element will assess the City's net GHG emissions resulting from the solid waste sector as well as reevaluate the prioritization of the City's zero waste strategies. It will also address related critical issues regarding changing waste regulations (i.e., SB 1383), reuse potential, local infrastructure related to solid waste, and landfill capacity. There is an ongoing stakeholder engagement component of the Zero Waste Element that will help analyze the City's state of solid waste and the impact it has on San José's community wide GHG emissions, to quantify returns on investment, and to

provide innovative solutions. Internal and external stakeholders are being given the opportunity to contribute to the Zero Waste Element. Staff expects to bring the Zero Waste Element to Council in Fall 2023.

***SB 1383 Implementation Update***

SB1383 regulations are multi-faceted and impact various departments and services within the City. ESD has taken the lead in the implementation and provided guidance and direction to other departments. ESD staff is engaging in a collaborative approach to comply with SB 1383 regulations. The response includes solid waste program adjustments, interdepartmental and interagency coordination, stakeholder engagement, and public education and outreach.

- Staff continues to work with the haulers, city departments and contractors to discuss cost-effective solutions to comply with container color and labeling requirements, container contamination minimization, data management and reporting, and procurement requirements.
- In April 2022, the City was awarded a $1.45 million CalRecycle SB 1383 Local Assistance grant. The City will utilize the grant funding in key areas to ensure successful implementation of SB 1383, including: outreach and marketing, in-mold cart labeling for single-family and multi-family recycling carts, a data management system, procurement plan for approved products, development of a residential container contamination monitoring program, and the development of an edible food recovery program in partnership with the county. All grant-eligible expenditures and costs must be incurred by May 2, 2024.
- SB 1383 permits the City to issue businesses a waiver for special circumstances (physical space constraints, de minimus generation). Staff developed procedures to issue and monitor waivers and began implementation of these procedures in September 2022.
- According to SB1383 regulations, the City is required to procure a minimum amount of products made from recycled organic waste each year (24,715 tons in 2023; 53,549 tons in 2024 and 82,383 tons from 2025 onwards). ESD staff is working with a third-party consultant to assess the City's current procurements of renewable natural gas, compost, and mulch; and identify opportunities for increased procurement credit of these items.

<u>Outreach</u>

Staff continues to provide outreach to organic waste generators on their requirements to properly separate materials in appropriate containers and methane reduction benefits of reducing the landfill disposal of organic waste. ESD staff is currently finalizing container label designs to install new labels onto single-family recycling, garbage, and yard trimmings carts, multi-family recycling and garbage carts and bins to reduce contamination using grant funds. Staff continues to collaborate with Republic Services' recycling coordinators to update businesses on organics recycling requirements through quarterly postcards, pinpoint problem routes and accounts and address right-sizing of service levels during site visits and audits of the generators.

Multiple outreach pieces are planned for calendar year 2023, including brochures for businesses and residents to inform them of SB 1383 requirements and postcards to multi-family dwelling tenants, property owners and managers.

Container contamination monitoring:
Both Residential and Commercial programs have worked with their respective haulers and third-party consultants to determine cost-effective solutions to comply with SB 1383's container contamination minimization monitoring requirements. In 2022, both programs provided outreach to residents and businesses, conducted visual inspections for each waste stream and provided Non-Collection Notices or Contamination Notices to accounts with medium to high levels of contamination. Data collected during this first year will be used to inform decisions on the procedure to follow in future years.

Edible Food Recovery Program
Joint Venture Silicon Valley was contracted by the County of Santa Clara Recycling and Waste Reduction Commision to design and manage a countywide food recovery program, now known as the Santa Clara County Food Recovery Program. This approach creates a uniform, standardized and coordinated effort throughout the incorporated and unincorporated areas of Santa Clara County. To ensure that all education for edible food generators is uniform across the county, the program maintains and directs edible food generators towards a comprehensive website, www.sccfoodrecovery.org. Beyond informational emails and letters, the program has also provided extensive direct technical assistance for edible food generators as they develop their food recovery programs. All jurisdictions in Santa Clara County passed ordinances that require edible food generators to submit Food Recovery Reports, covering activity during the previous calendar year, on the same schedule as food recovery organizations or services holding contracts with edible food generators in the county: on or before 8/1/22 (for the period of 1/1-6/30/22) and on or before May 1st each year thereafter.

| | |
|---|---|
| Number of commercial edible food generators in San José | 999 |
| Number of food recovery organizations and services located in San José | 37 |
| Total pounds of edible food recovered by food recovery organizations and services in San José for the period 1/1/22-6/30/22* | 8,434,529 |

* The total pounds shown represent food recovered by organizations and services located in San José and reported via Food Recovery Reports for the period 1/1/22-6/30/22.

Based on the first reporting period, an inspection prioritization list was established in November 2022 to include edible food generator locations with the largest expected volume of food surplus, cases of reporting non-compliance, random selection, and other sites based on inspector discretion. The first inspection cycle began in late 2022 and the inspection findings, reporting

information and complaint filings are being recorded in the cloud-based database that can be viewed by each jurisdiction.

***Policy and Regulation***

IWM staff closely monitors bills in session to track potential impacts on solid waste programs. Staff worked with the City's Intergovernmental Relations team on several support letters for bills introduced in the State Legislature during the 2022 legislative session. The legislature passed landmark extended producer responsibility legislation such as SB 54, AB 2440 and SB 1215 in 2022. SB 54 establishes an aggressive Extended Producer Responsibility program for single-use plastic packaging and plastic single-use food service ware. The two battery recycling bills (AB 2440 and SB 1215) aim to make battery drop-offs easier and reduce fires in collection vehicles and at waste and recycling facilities. AB 2440 establishes an Extended Producer Responsibility program for most batteries, while SB 1215 adds battery-embedded products to the state's e-waste program, meaning consumers will start paying a disposal fee when they purchase such products in 2026 and beyond.

The table below provides a summary of major waste and recycling bills passed in California in 2022:

| Legislation | Description |
|---|---|
| **AB 1985 (Recovered organic waste product procurement targets)** | This bill allows for phasing in of SB 1383's procurement targets and establishes a delayed enforcement timeline for jurisdictions. A jurisdiction shall only be subject to penalties if it fails to meet the following schedule:<br>• 30% of its procurement target by January 1, 2023<br>• 65% of its procurement target by January 1, 2024<br>• 100% of its procurement target by January 1, 2025 |
| **SB 54 (Plastic Pollution Prevention and Packaging Producer Responsibility Act)** | This bill requires all packaging in the state to be recyclable or compostable by 2032, cutting plastic packaging by 25 percent in 10 years and requiring 65 percent of all single-use plastic packaging to be recycled in the same timeframe. The bill creates an Extended Producer Responsibility program for printed paper and plastic packaging, promotes reuse or refill systems, and will raise $5 billion from industry members over 10 years to assist efforts to cut plastic pollution. |
| **AB 2440 (Responsible Battery Recycling Act of 2022)** | This bill enacts the Responsible Battery Recycling Act of 2022, which requires producers to establish a stewardship program for the collection and recycling of covered batteries and battery-embedded products. The bill requires CalRecycle, in consultation with Department of Toxic Substances Control to adopt regulations to implement the act with an effective date of no earlier than April 1, 2025. |

| Legislation | Description |
|---|---|
| **SB 1215 (Electronic Waste Recycling Act of 2003: covered battery-embedded products)** | This bill expands the scope of the Electronic Waste Recycling Act of 2003 to include battery embedded products. The bill requires a consumer, on and after January 1, 2026, to pay a covered battery-embedded waste recycling fee in an amount established by CalRecycle upon the purchase of a new or refurbished covered battery-embedded product and includes provisions regarding the administration and adjustment of this fee. |
| **SB 1046 (pre-checkout and carryout bags)** | This bill prohibits, on and after January 1, 2025, a store from providing a pre-checkout bag to a customer if the bag is not either a compostable bag or a recycled paper bag. The bill would define a "pre-checkout bag" for this purpose to mean a bag provided to a customer, before the customer reaches the point of sale (e.g., produce bags, bulk bags, and others). |
| **SB 1013 (Beverage container recycling)** | This bill includes wine and distilled spirits in the state's container deposit system. The bill establishes a 10-cent redemption value on most of those bottles on Jan. 1, 2024. It also establishes a 25-cent refund on "difficult to recycle" wine sold in boxes, bladders and pouches. |

## EVALUATION AND FOLLOW-UP

Staff will return to Council for consideration of any items in this report requiring Council approval.

## COORDINATION

This memorandum has been coordinated with the City Attorney's Office and City Manager's Budget Office.

## PUBLIC OUTREACH

☒ This memorandum will be posted on the City's Council Agenda website for the February 6, 2023 Transportation & Environment Committee meeting.
☐ Outreach was undertaken for this item in addition to the agenda posting described above. These outreach efforts are described below.

## COMMISSION RECOMMENDATION AND INPUT

☒ No commission recommendation or input is associated with this action.
☐ A commission has taken action on this item. The action is described below.

## CEQA

Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

## PUBLIC SUBSIDY REPORTING

☒ This item does not include a public subsidy.
☐ This item includes a public subsidy of $100,000 or more as defined in California Government Code section 53083. The Director of the Office of Economic Development has been informed of this subsidy to ensure that it is tracked appropriately. Required information is provided below.
☐ This item includes a public subsidy of $100,000 or more to a warehouse distribution center as defined in California Government Code section 53083.1. The Director of the Office of Economic Development has been informed of this subsidy to ensure that it is tracked appropriately. Required information is provided below.
☐ This item includes a public subsidy as defined in the City's Sunshine Resolution section 2.2.10 and is in the amount of $1 million or more. An Informational Memorandum as described in Sunshine Resolution section 2.3.2.6.C was/will be released at least 28 calendar days prior to the City Council meeting at which the subsidy will be considered. The Director of the Office of Economic Development has been informed of this subsidy to ensure that it is tracked appropriately.

/s/
KERRIE ROMANOW
Director, Environmental Services

The principal author of this memorandum is Valerie Osmond, Deputy Director, Environmental Services Department. For questions, please contact valerie.osmond@sanjoseca.gov or (408) 535-8557.