

*In accordance with City Council Resolution No. 1995-21, the minutes of meetings of the City Council and the Boards, Commissions, and Committees of the City shall be prepared as Action Minutes.*

MINUTES  
CITY COUNCIL  
BANNING, CALIFORNIA

10/08/2019  
SPECIAL MEETING - WORKSHOP

COUNCIL/BOARD MEMBERS PRESENT: Councilmember Happe  
Councilmember Peterson  
Councilmember Wallace  
Mayor Pro Tem Andrade  
Mayor Welch

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT: Douglas Schulze, City Manager  
Kevin G. Ennis, City Attorney  
Sonja De La Fuente, Deputy City Clerk  
Art Vela, Director of Public Works/City Engineer  
Holly Stuart, Management Analyst  
Adam Rush, Community Development Director  
Suzanne Cook, Interim Administrative Services Director  
Tom Miller, Electric Utility Director

**I. CALL TO ORDER**

A special meeting of the Banning City Council was called to order by Mayor Welch on October 8, 2019 at 4:01 P.M. at the Banning City Council Chambers, 99 E. Ramsey Street, Banning, California.

**II. WORKSHOP**

1. Senate Bill (SB) 1383 Organics Diversion.

Art Vela, Public Works Director/City Engineer provided a brief background and introduced presenters Kyle Rodriguez, Staff Analyst for the Western Riverside Council of Governments (WRCOG), and Holly Stuart, Management Analyst for the City of Banning who both provided presentations (Attachments 1 & 2).

**III. PUBLIC COMMENTS**

None

#### IV. ADJOURNMENT

By consensus, the meeting adjourned at 4:32 p.m.

Minutes Prepared by:

A handwritten signature in blue ink, appearing to read 'Sonja', is written over a horizontal line.

Sonja De La Fuente, Deputy City Clerk

The entire discussion of this meeting may be viewed here:  
<https://banninglive.viebit.com/player.php?hash=CuEijoa4li9I> and related documents  
can be viewed here: <https://banningca.gov/ArchiveCenter/ViewFile/Item/2160>  
or by requesting a CD or DVD at Banning City Hall located at 99 E. Ramsey Street.

# **ATTACHMENT 1**

## **(WRCOG Presentation)**

## **Western Riverside Council of Governments (WRCOG) Workshop: California's Recycling Requirements**



Banning Workshop  
October 8, 2019

## What we will cover...

1. WRCOG's Solid Waste Committee
2. California's New Recycling Requirements
3. Jurisdiction Responsibilities



Banning Workshop  
October 8, 2019

## Solid Waste Committee

- WRCOG's Solid Waste Committee was established after the adoption of AB 939 "*The Integrated Waste Management Act*" in 1989, to regionally addresses waste diversion goals in the Western Riverside County
- The Solid Waste Committee works with its member jurisdictions, its partners, and the California Department of Resources Recycling and Recovery (CalRecycle), meeting quarterly to discuss solid waste, environmental, and recycling issues and ways to address requirements
  - Develop workshops for businesses sharing the benefits of recycling
  - Attend community events providing education opportunities
  - Prepare and submit CalRecycle's Electronic Annual Reports



Banning Workshop  
October 8, 2019

## California's New Recycling Requirements

Recently, the State of California has passed three major pieces of legislation to phase in recycling requirements for businesses and multi-family dwellings

1. Mandatory Commercial Recycling (AB 341)
2. Mandatory Organics Recycling (AB 1826)
3. Short Lived Climate Pollutants (SB 1383)



Banning Workshop  
October 8, 2019

## Overview of AB 341 & AB 1826

Jurisdictions must have a Recycling and Organics Recycling Program for businesses and multi-family dwellings

- Effective as of January 1, 2019:
  - Businesses and public agencies that generate four cubic yards or more of solid waste per week shall arrange for recycling
  - Multi-family dwellings with 5+ units regardless amount of waste generated shall arrange for recycling services



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October 8, 2019



## Requirements of AB 341 & AB 1826 (cont.)

### Business Requirements

- Apply any one or combination of the following actions in order to divert solid waste from disposal:
  - Self-haul
  - Subscribe to a waste hauler
  - Arrange for pickup of recyclables
  - Subscribe to a recycling service that may include mixed-waste processing



Banning Workshop  
October 8, 2019

## Requirements of AB 341 & AB 1826 (cont.)

### Jurisdictional Requirements

- Each jurisdiction shall implement a recycling and organic solid waste program for businesses only:
  - Consists of **education, outreach** and **monitoring**
  - Reports on activities in CalRecycle's Electronic Annual Reports



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October 8, 2019

## Requirements of AB 341 & AB 1826 (cont.)

### Education and Outreach

- Can be done by waste hauler, city, regional JPA, or regional educational cooperative
- A variety of electronic, print, and direct contact methods to reach desired audience
- The most successful outreach efforts are done by all entities in a variety of formats to target the regulated business community and multi-family complexes



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October 8, 2019

## Requirements of AB 341 & AB 1826 (cont.)

### Annual Reporting

- Identify:
  - Total number of businesses within each city
  - Total number of businesses recycling
  - Total number of businesses not in compliance
- Conduct direct follow-up to those businesses **not** in compliance with information about the requirements



## Overview of SB 1383

### Reducing Short-Lived Climate Pollutants

SB 1383 builds upon AB 341 & AB 1826 recycling requirements

1. Requires the state to reduce organic waste disposal 75% (roughly 20 million tons) by 2025
2. Requires the state to increase edible food recovery 20% by 2025
3. Disposal reductions will reduce at least 4-million metric tons of greenhouse gas emissions annually by 2030



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## Requirements of SB 1383

### Jurisdiction Requirements

1. Require all businesses and residents to have organic waste collection
2. Pass local enforcement ordinances to require businesses to subscribe to organic recycling services
3. Establish an edible food recovery program that recovers edible food from the waste stream
4. Conduct education and outreach to: commercial businesses, waste haulers, food recovery organizations, and city/county departments



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## Requirements of SB 1383 (cont.)

### Jurisdiction Requirements

5. Evaluate current infrastructure and plan for new compost and edible food recovery
6. Procure recycled organic waste products like compost and Renewable Natural Gas (RNG)
7. Inspect and enforce compliance of SB 1383
8. Maintain accurate and timely records of compliance

***Meeting SB 1383 requirements complies with AB 341 and AB 1826***



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## Requirements of SB 1383 (cont.)

### Implementation Considerations

CalRecycle advises that SB 1383 doesn't apply to only waste haulers and recycling departments, local resources will play a role in SB 1383 implementation, staff will need to be decide who will be involved in the following:

- Developing the design and content for public education materials
- Local enforcement ordinances, new collections fees, and ensuring programs are resourced
- Working with waste hauler, processing & organic facilities, and finding available locations where compost may be utilized



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## Requirements of SB 1383 (cont.)

### Implementation Considerations

- Tasking enforcement duties, including inspection of commercial food businesses
- Assessing the need for local compost and the application to parks and city landscaped areas
- Procuring recycled organic products and aware of current compost, Renewable Natural Gas, and paper purchases



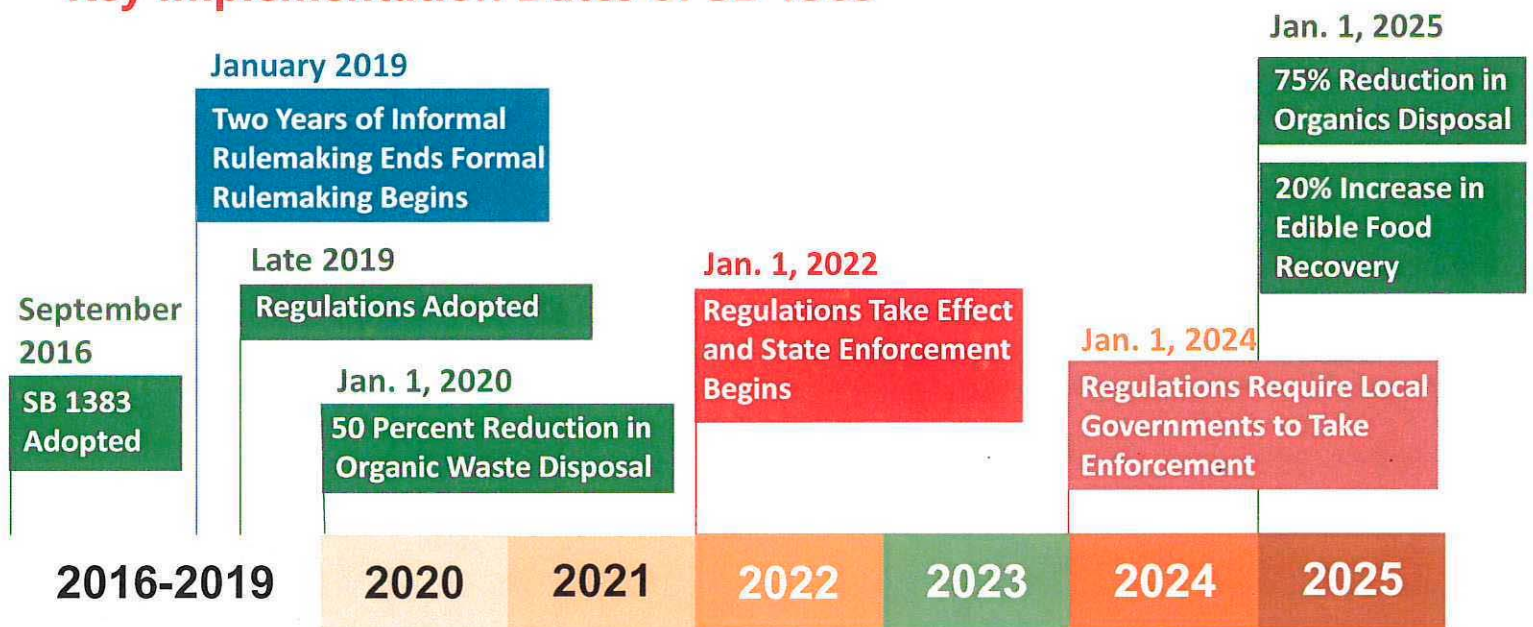
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October 8, 2019

## WRCOG's Role in SB 1383

- Provide members with best practices and resources across the state
- Act as a liaison between CalRecycle and member jurisdictions
- Survey Solid Waste Committee to identify the top two SB 1383 items that members need assistance with
  1. Developing an inspection and enforcement program to review commercial solid waste accounts; and
  2. Identify inspectors for eligible food generators and food recovery facilities
- Potentially apply for CalRecycle's Food Waste grant to help meet member's edible food recovery requirements



## Key Implementation Dates of SB 1383



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## Contacts

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Director of Energy & Environmental Programs

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### **Tyler Masters**

Program Manager

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### **Kyle Rodriguez**

Staff Analyst

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## Additional Resources



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## **SB 1383 IN ACTION**

### **LOCAL GOVERNMENT ROLES AND RESPONSIBILITIES**

**SB 1383 doesn't just apply  
to waste management and  
recycling departments.**

**Every local department  
plays a role in SB 1383  
implementation.**





## SB 1383 IN ACTION

### JURISDICTION REQUIREMENTS



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

## ORGANIC WASTE COLLECTION SERVICES



### **Three-Container “source separated” Collection Service**

- Organics prohibited from black container
- All organic waste segregated for collection and recycling



### **Two-Container Collection Service**

- One container for collection of segregated organic waste
- One container for collection of mixed waste (subject to 75% organic content recovery standard)



### **One-Container Collection Service**

- One container for collection of mixed waste (subject to 75% organic content recovery standard)
- Minimum contamination monitoring and reduction requirements
- Collection waivers authorized for certain documented circumstances

## SB 1383 IN ACTION

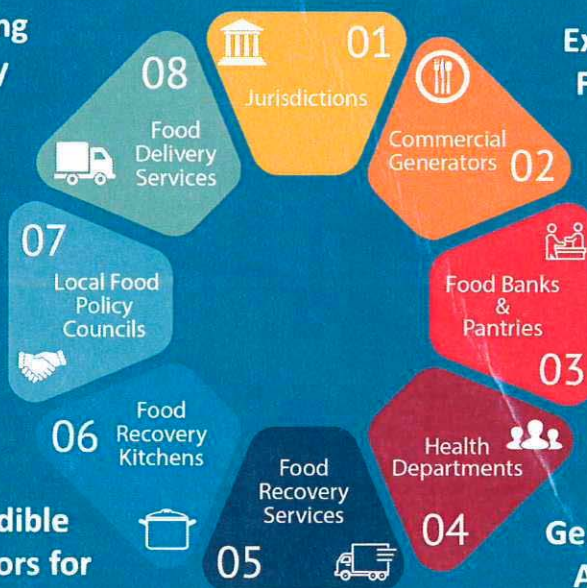
### JURISDICTION REQUIREMENTS



Establish Edible Food  
Recovery Program

## EDIBLE FOOD RECOVERY PROGRAM

Identify Existing  
Food Recovery  
Capacity



Expand Existing  
Food Recovery  
Capacity  
(if needed)

Monitor  
Commercial Edible  
Food Generators for  
Compliance

Ensure  
Commercial  
Edible Food  
Generators Have  
Access to Food  
Recovery Services

CalRecycle



## SB 1383 IN ACTION

### JURISDICTION REQUIREMENTS



Conduct Education and  
Outreach to Community

## EDUCATION REQUIREMENTS

Annually educate all organic waste generators, commercial edible food generators, and self-haulers about relevant requirements

Print



Electronic



Direct Contact



**Appropriate educational material must be provided to  
linguistically isolated households**

## SB 1383 IN ACTION

### JURISDICTION REQUIREMENTS



Procure Recycled and  
Recovered Organic  
Products

## PROCUREMENT REQUIREMENTS

### COMPOST & RNG

Each jurisdiction  
must procure  
minimum amounts  
of compost or  
renewable natural  
gas

### MINIMUM CONTENT

Paper products must  
be 30% recycled  
content



### QUANTITY

Procurement  
levels are based  
on population

### RECYCLABILITY

All procured paper  
products must be  
recyclable



# RECYCLED-CONTENT PAPER PROCUREMENT TARGET

## Requirements

75 Percent of Paper Purchases  
Must Contain 30 Percent  
Postconsumer Recycled Content

Products Must Be Recyclable  
as Defined by FTC "Green  
Guides" (16 CFR 260.12)



Jurisdictions Must Require Vendors to Certify  
Postconsumer Content and Recyclability Claims

STATE OF CALIFORNIA  
Department of Resources Recycling and Recovery (CalRecycle)  
CalRecycle 54 (Revised 01/10 for State Agencies)

**Postconsumer-Content  
Certification**

To be completed by the State agency

State Agency:

Purchasing Agent:

Phone:

PO #:

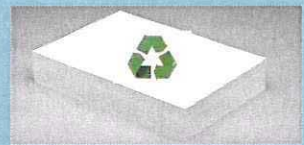
E-mail:

## Eligible Products Include

Paper Products  
(Including  
Janitorial)



Printing and  
Writing Paper



Similar Requirements as  
State Agency Buy Recycled  
Campaign

## CAL GREEN REQUIREMENTS

Recycling organic waste commingled with C&D debris, to meet CalGreen 65% requirement for C&D recycling in both residential and non-residential projects





# ORGANIC WASTE RECYCLING INFRASTRUCTURE



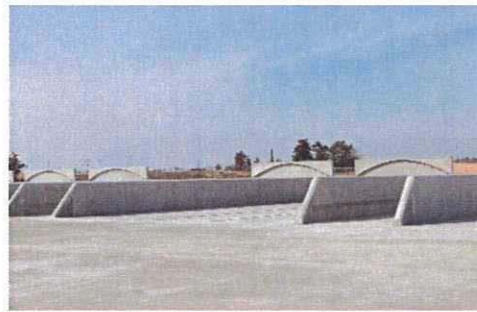
SB 1383 Requires 50-100  
New or Expanded  
Organic Waste Recycling Facilities

## SB 1383 IN ACTION

### CAPACITY PLANNING



Evaluating Current  
Infrastructure and Planning  
New Compost and AD Facilities  
and Edible Food Recovery





**SB 1383 IN ACTION**

**JURISDICTION  
REQUIREMENTS**



**Monitor Compliance and  
Conduct Enforcement**

**INSPECTION AND ENFORCEMENT REQUIREMENTS**

**Ordinance  
2022**



Adopt an Ordinance  
(Enforceable Mechanism)  
Including  
Enforcement

**Compliance  
Monitoring  
& Education  
2022-2024**



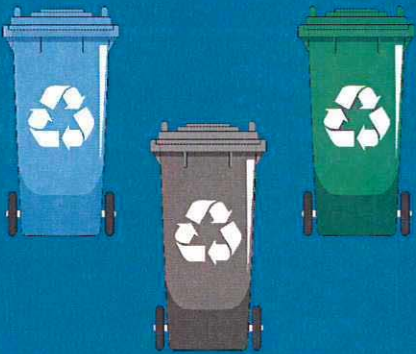
Annual Compliance  
Reviews, Route  
Reviews, Inspections  
  
Educate Violators

**Compliance  
Monitoring &  
Enforcement  
2024**



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

## JURISDICTION ENFORCEMENT REQUIREMENTS



### Must Have Enforcement and Inspection Program that Includes:

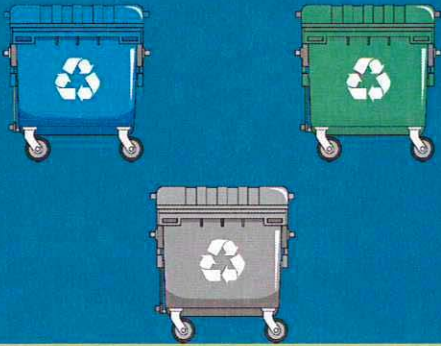
- Annual Compliance Review
  - Commercial Businesses that Generate > 2 Cubic Yards/week
  - Verify Businesses are:
    - Subscribed to Service or Self-hauling
- **2 or 3 Container Collection Service:** Route Reviews of Commercial/Residential Areas to Verify Service and Inspect for Contamination
- **Single Unsegregated Collection Service:** Verify Businesses are subscribed to a service that is Transporting Contents to a High Diversion Organic Waste Processing Facility

Requirements Harmonize with AB 1826 and Don't  
Establish a Minimum Quantity of Physical Inspections

CalRecycle 



# JURISDICTION ENFORCEMENT REQUIREMENTS ON COMMERCIAL FOOD GENERATORS



## Must Have Enforcement and Inspection Program that Includes:

- Inspections are to verify:
  - Edible food Recovery arrangements
- Tier 1 Commercial Edible Food Generators by 2022
- Tier 2 Commercial Edible Food Generators by 2024

Commercial Edible Food Generator Inspections Can Be Combined with Existing Mandatory Inspections

**SB 1383 IN ACTION**

**JURISDICTION  
REQUIREMENTS**



**Maintain Records and  
Report to CalRecycle**

**Recordkeeping Requirements:**



Organic  
Collection  
Services



Hauler  
Program



Contamination  
Minimization



Waivers



Education &  
Outreach



Edible Food  
Recovery  
Program



Recycled  
Organic Waste  
Procurement



Recycled  
Paper  
Procurement



Commercial  
Edible Food  
Generators



Jurisdiction  
Inspection &  
Enforcement





## STATE ENFORCEMENT



### CALRECYCLE OVERSIGHT (BEGINS IN 2022)



#### Authorize Waivers

- Low Population
- Rural Areas

#### Oversee and Monitor

- State Agencies and Facilities
- Local Education Agencies



#### Oversee and Monitor for Compliance

##### Jurisdiction Review

- Conduct joint inspections with jurisdictions
- Review Implementation Record



#### If Violations

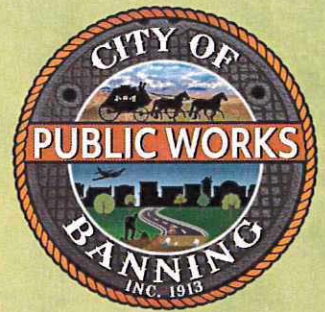
- Issue Notices of Violation
- May Authorize Corrective Action Plan
- Allows up to 24 months to address barriers outside of a jurisdiction's control

# **ATTACHMENT 2**

## **(City Presentation)**

Senate Bill 1383:

# Turning Provisions into Practice



October 8, 2019  
City Council Workshop





# Tackling SB 1383 Requirements



- Evaluation of Current Collection, Transportation, Recycling and Disposal Services
  - Franchise Agreement Executed on July 5, 1993
  - Industry Standards and Trends
  - Legislative Requirements
  - Expires June 30, 2021



# Franchise Agreement: NEGOTIATION SCHEDULE





# Franchise Agreement: FORMAL BID PROCESS SCHEDULE





## Committee Review



- **Presentation to Budget & Finance on March 19, 2019**
  - Timelines and Options
  - Current Franchise Agreement Provisions
  - Legislative Review
  - Industry Trends
  - Direction: Negotiation with the current hauler, Waste Management



## Contract Profiling



- Technical Analysis of current services and practices
- Performance Mechanisms and Service Options
- Industry Standards and Trends
- Legislative Requirements
- Rate Structures







## Jurisdictional Requirements

### ▪ WHAT WILL THE STATE REQUIRE FROM THE CITY?

- Organics Collection
- Public Education
- Record Keeping and Reporting
- Ordinance and Policies
- Inspection and Enforcement
- Organic Waste Procurement
- Edible Food Recovery Programs



## Strain on Local Resources



### 1. Planning

Now

### 2. Educational Programs

January 1, 2022

### 3. Record Keeping

January 1, 2022

### 4. Organics Collection

January 1, 2022

### 5. Ordinances and Policies

January 1, 2022

### 6. Inspection and Enforcement

January 1, 2022 & 2024

### 7. Organics Waste Procurement

January 1, 2022

### 8. Edible Food Recovery

January 1, 2025



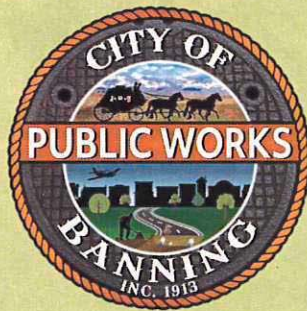


## Next Steps

- **Negotiations with current hauler, Waste Management**
  - October-December 2019
- **Budget and Finance Committee Review**
  - January 2020
- **City Council Review and/or Bidding Process**
  - January 2020



# Thank you



Art Vela  
Public Works Director  
Public Works Department

Holly Stuart  
Management Analyst  
Public Works Department