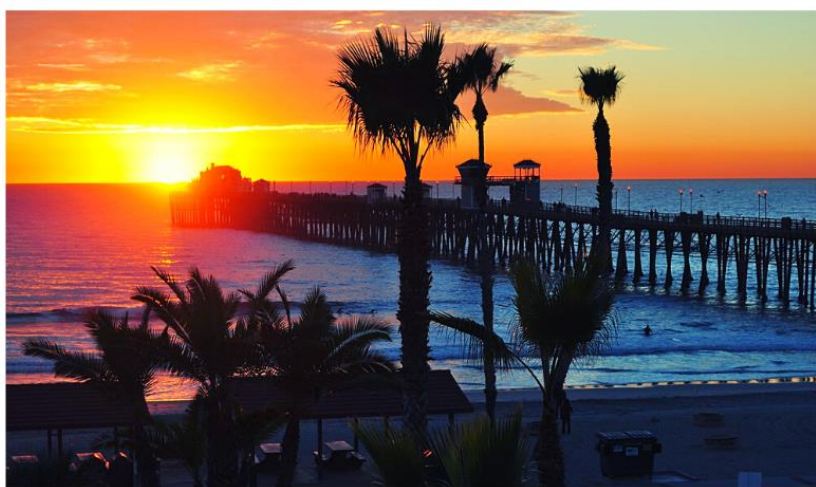




City of Oceanside

2020 Zero Waste Plan Update



November 4, 2020

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EXECUTIVE SUMMARY

This 2020 Zero Waste Plan Update is intended to extend the planning (started in 2010, adopted in 2012) related to the City of Oceanside's Council-adopted Zero Waste Goal of achieving seventy-five percent (75%) to ninety percent (90%) landfill diversion by 2020. The City's current State reported diversion rate is at sixty-seven percent (67%) as of the most recent reporting year (2018). The City anticipates a significant increase in diversion rates within the 2020, 2021 reporting periods due to the recent roll-out of commercial food scraps recycling. In order to achieve and maintain the target diversion rates, support the community in compliance with state regulations, and responsibly plan for the investment of ratepayer money into a new franchise agreement, HF&H recommends that the City:

1. Reassess 2010 Zero Waste Plan elements that are outdated or inapplicable and add new policy areas and programs to address priorities for waste reduction, reuse, repair and recovery (see Section 2.1 for details). Key program recommendations include:
 - a. Adopting a legislative slate that supports state and national level policy initiatives around topics such as extended producer responsibility and take-back programs.
 - b. Expanding the organics program in line with state requirements and creating a culture of organics separation and edible food recovery throughout the City.
 - c. Updating the City's purchasing policy to include requirements for environmentally-preferable purchasing that meets state requirements in addition to the City's needs and goals.
 - d. Implementing modern reuse and repair programs and initiatives through inter-departmental cooperation such as fixit clinics.
 - e. Expanding education and outreach efforts for ongoing and new programs.
2. Implement the SB 1383 Action Plan and adopt mandatory ordinances in order to comply with state law and avoid enforcement action/financial penalties (see Section 2.2 and Appendix A for details). Key implementation recommendations include:
 - a. Delegating expanded organic waste collection and processing programs to franchisee(s) through a competitive procurement process (see d. below for additional information).
 - b. Providing enhanced education and outreach to residents and businesses by leveraging franchisee(s)'s avenues of communication and requiring franchisee(s)'s funding of additional City-led programs.
 - c. Delegating route monitoring, and waste evaluation documentation to franchisee(s).
 - d. Requiring use of California recovered organic waste products by franchisee(s) to meet Senate Bill (SB) 1383 (Lara, Chapter 395, Statutes of 2016) SB 1383-mandated procurement target.

- e. Amending ordinances and policies related to solid waste, construction and demolition, water efficient landscaping, and environmentally-preferable purchasing.
 - f. Expanding reporting and recordkeeping requirements for franchisee(s) and internal City departments.
 - g. Increasing staffing by 3.8 full-time equivalents (FTEs) internally in addition to third party contractors, to support SB 1383 implementation and on-going programs that may not be reasonably delegated to franchisee(s). The 3.8 FTEs will be a combination of positions and classifications, including but not limited to, Environmental Specialists, Environmental Officer, Code Enforcement Officers, Financial Analysts, and the City Attorney, to name a few. It is important to note that the staffing demand will vary based on program selection, delegation of roles, staffing assignments, and multiple other factors that will be solidified throughout the RFP process and implementation of this Zero Waste Plan Update.
3. Consider the adoption of a Marine Debris Reduction Ordinance (MDRO) that reduces the impacts of single-use plastics and polystyrene (as contemplated in the original 2010 Zero Waste Plan), while minimizing the impact of such a policy on local businesses, especially in light of challenges businesses may face as a result of public health or safety emergencies, such as the COVID-19 public health orders. A draft ordinance is provided for City Council consideration as Appendix B to this report.
 4. Issue a Request for Proposals (RFP) for recycling, organics, and solid waste collection, organics processing, and collection, processing, and disposal of solid waste. The contract resulting from this RFP process is necessary to replace current services and would include the implementation of several of the programs identified in items 1 and 2 above.
 5. Eliminate outdated or inapplicable zero waste objectives and prioritize and establish clear program guidelines around the following as the City continues to look for future disposal reduction opportunities: 1) facilitate food waste prevention and recovery; 2) enhance upstream Extended Producer Responsibility (EPR) solutions to mitigate difficult to recycle materials; 3) enhance waste reduction, reuse, and repair opportunities; and, 4) expanding and deepening participation in both existing and new recycling and organics programs.

SECTION 1. 2020 ZERO WASTE PLAN UPDATE CONTEXT & SCOPE

In 2010, the City of Oceanside initiated passed a Zero Waste Resolution with a goal of reaching seventy-five percent (75%) to ninety percent (90%) landfill diversion by 2020. This goal was supported by a “Zero Waste Strategic Resource Management Plan” or “Zero Waste Plan” that laid out a roadmap of policies and programs for the City to implement in order to achieve the City’s ambitious goal. The City has since implemented nearly all of those policies and programs with many great success stories along the way, including City-wide recycling services, the Zero Waste Schools Program, and recovering edible food that might otherwise be wasted to assist feeding the food-insecure. This 2020 Zero Waste Plan Update will assess the City’s implementation of the prior plan, including whether remaining and ongoing action items from that plan are still relevant, as well as recommend new or replacement actions to support the City’s Zero Waste Goals for the next ten (10) years.

The City became an early champion and advocate for Zero Waste when it joined a select few hundred governments around the world to adopt and commit resources to a Zero Waste Goal. Part of that goal, especially for coastal communities like Oceanside, related to the impacts of discharging litter and waste on the land and marine environments. This is clear in the fact that the City's 2010 Zero Waste Plan includes a recommendation that the City adopt policies to mitigate the impact of single-use plastic and polystyrene as litter in order to protect the marine environment. Over the past five (5) years, this has been a particular priority, with dozens of local, state, and national governments around the world adopting policy measures to reduce the impact of single-use plastics and polystyrene. Many of the City's stakeholders have expressed their desire for prioritization and local action on this issue. To achieve this goal, the 2020 Zero Waste Plan Update will provide the City with a draft MDRO framework for City Council consideration (see Appendix B).

In the ten (10) years since the original goal and Zero Waste Plan were developed, there have been dynamic changes both in the City and within the recycling, organics, and solid waste industry. These changes include significant redevelopment and economic revitalization in the City following the great recession. They also include a complete change in recycling markets, as international markets imposed dramatic new quality requirements on recyclable materials exported from the U.S. In California, the period from 2010 to 2020 resulted in a historical number of recycling and solid waste bills out of the state capitol. These bills include increasing requirements on local governments, recycling and solid waste service providers, businesses, and residents to do more to reduce waste, increase recycling and composting, and report their progress to the public and state regulators. The most significant of these new requirements is SB 1383, which requires the City to implement mandatory programming, education, monitoring, reporting, and enforcement actions for organics recycling. This 2020 Zero Waste Plan Update will assess the City's compliance with existing and upcoming regulatory requirements and develop specific recommendations for the actions and resources needed to maintain compliance for the City as well as support the City's residents and businesses in their compliance.

The City is also approaching the end of a long-term franchise agreement with the City's recycling, organics, and solid waste collector, Waste Management. In January 2024, the City will need to have a new franchise agreement in place to provide solid waste, organics, and recycling collection services for the City's residents and businesses. Like prior franchise agreements, the terms and conditions of the upcoming agreement will last for ten (10) years, and the services provided under that agreement will be the primary vehicle for accomplishing the City's Zero Waste Goal. With that in mind, it is critical to plan for that agreement along with the planning for the broader Zero Waste system in the City.

SECTION 2. ANALYSIS

1. 2010 Zero Waste Plan Review

This section outlines the progress made on the main objectives in the 2010 Zero Waste Plan. The shifting legislative landscape in the past ten (10) years has influenced how programs in the 2010 Zero Waste Plan were prioritized and implemented in the ensuing years. The following tables and descriptions summarize the status of the following:

- City-wide recycling efforts
- Local ordinances and policies
- Infrastructure for food recovery

- Construction and demolition program promotion and policy updates
- Organics programs
- Reuse programs
- Take-back and Extended Producer Responsibility (EPR) programs and policies
- Waste characterization
- Public education and outreach
- Zero Waste Schools Program

A. City-Wide Recycling Efforts

The City was able to successfully implement single-stream recycling for residents and commercial businesses by: updating source-separated recycling containers to a more efficient automated commingled system; implementing City-wide education campaigns promoting acceptable items for recovery; and, passing an ordinance requiring recycling service for commercial customers. The City's public education and outreach programs will always be a continuous and ongoing effort in order to maintain participation and minimize contamination.

While deploying a new City-wide food scraps recycling program in 2020, staff discovered that several hundred customers lacked recycling service, despite prior reports from the franchisee indicating that all customers had such service. Efforts to implement recycling service for these customers has begun. To mitigate future gaps in service, additional hauler reporting and contract oversight will be included in the new franchise agreement.

The 2010 Zero Waste Plan recommended placing recycling containers at all public facilities, wherever trash containers were located. City Staff reviewed the feasibility of a City-wide roll-out and determined that a full roll-out would be cost prohibitive, and may potentially exacerbate contamination and illegal dumping issues at some sites. These concerns led to a much more focused roll-out of public recycling containers, including provision of recycling containers in commercial and tourist areas, while minimizing public nuisance and prohibitive operational costs. Through the City's First Amendment to the Contract for Provision of Solid Waste Services (First Amendment), the City established the value of City services being provided by Waste Management at no charge to the City, and included a mechanism for directing service level changes at the City's discretion. In the event that service level changes result in a service charge that exceeds the agreed upon value of services to be provided by Waste Management at no charge, the City would be responsible for remitting any charges over the agreed upon value of services. The flexibility of this First Amendment allows the City to identify further diversion opportunities and provide services congruent with the City's evolving waste stream.

Figure 1: City Wide Recycling Efforts

Action Item	Status	Next Steps/Recommendations
Implement single-stream recycling.	Complete/Ongoing	Continue public education and outreach efforts.
Public recycling containers at public facilities.	Complete	Monitor containers for contamination and public nuisance hazards.

B. Ordinances and Policies

The City demonstrated leadership and responded to community concerns regarding single-use plastic bags by passing the Single-Use Carryout Bags ordinance in 2016. The ordinance aligns with goals of the 2010 Zero Waste Plan to reduce the number of plastic carryout bags being used in the City. The City ordinance was then replaced by the state enactment of SB 270, which superseded ordinances passed after 2014. The City now follows the state's model.

In addition to single-use plastic bags, the 2010 Zero Waste Plan suggested phasing out other single-use plastic items, such as polystyrene. Reducing the use of polystyrene containers was cited as a priority by City residents. Since the adoption of the 2010 Zero Waste Plan, marine debris and beach litter have become an even higher priority on the local, national, and international stage. As such, the City is including a draft MDRO and initiative as part of this update in order to align with the City's original goals and support the international campaign on reducing marine plastic pollution. See Section 2.3 for details and Appendix B for the draft ordinance.

The City adopted and revised an Environmentally Preferable Purchasing Practices and Policy (EPPP Policy) directive in 2012 and revised it in 2013. The EPPP Policy prioritizes environmentally-preferable products and services to be acquired by City staff in order to align with the 2010 Zero Waste Plan and support state legislations. SB 1383 outlines a number of requirements for agencies regarding the purchasing of organic products including mulch, compost, renewable energy, and paper products, as well as recordkeeping requirements. The City's current purchasing policy already includes requirements for paper products. It will need to be updated to include more specific measures on compost and mulch purchases and to better align with other City goals on climate action and energy developments. Some updates are detailed in the Procurement Section of the SB 1383 Action Plan located in Appendix A of this report. Additionally, the City should review the state's model EPP policy tool and incorporate changes and other standards into the current EPP.

Figure 2: Ordinance and Policies

Action Item	Status	Next Steps/Recommendations
Update recycling ordinance for AB 341 compliance.	Complete	Adopted in 2017.
Adopt a plastic bag reduction ordinance.	Complete	Adopted in 2016. Consider adopting a MDRO in accordance with modern policy trends. See Section 2.3 for details and Appendix B for draft ordinance language.

Action Item	Status	Next Steps/Recommendations
Develop and adopt an environmentally-preferable purchasing policy.	To be updated	Adopted in 2012/2013. Moderate amendments to be made to be in compliance with state requirements and updated Zero Waste Plan objectives based on state’s model EPP policy tool.

C. Construction and Demolition

SB 1383 requires that cities adopt local policies for certain aspects of the California Green Building Standards (CALGreen). The City has unilaterally adopted the most recent version of CALGreen as part of its building code. Procedural changes related to program enforcement are being assessed to ensure that they meet the state’s requirements. Details on these program updates can be found in Section 2.2.

Figure 3: Construction and Demolition

Action Items	Status	Next Steps/Recommendations
Develop and adopt a C&D recycling ordinance.	To be updated	Amend ordinance to comply with state requirements. See Section 2.2 for details.
Expand education and outreach around CALGreen requirements.	Complete	City provides materials on current requirements.

D. Organics Programs

In the last ten (10) years, the state has passed a number of laws in order to reduce organic materials in landfills and achieve the state’s seventy-five percent (75%) diversion goal. In 2014, AB 1826 was passed, which mandated that generators with four (4) cubic yards or more of commercial solid waste per week receive organic waste recycling services. In 2016, the state passed SB 1383, which dramatically shifted the City of Oceanside’s prioritization and focus to organics programs as it mandated, among other regulatory and reporting obligations, that all generators have access to an organics collection program, including food waste. This monumental piece of legislation has created a resource and staff-intensive program development process. With regulations going into effect January 1, 2022, and local enforcement set to begin in January 2024, organics recovery has become a cornerstone of this 2020 Zero Waste Plan Update. Complying with SB 1383 will require both City Staff and the contracted hauler to develop and implement programs. Therefore, details on program implementation can be found in Section 2.2 and Appendix A.

A main highlight and point of pride for the City of Oceanside is the opening and operation of the Green Oceanside Kitchen. Operated through a public-private partnership, the specially-designed commercial kitchen space supports the rescue and use of edible food that would otherwise go to waste and to landfill. Not only does this program help fulfill regulatory obligations under SB 1383, but it also assists some of Oceanside’s most vulnerable and food insecure populations.

“The Green Oceanside Kitchen is a state-of-the-art food recovery and preservation facility designed to foster a sustainable food system and offer culinary learning opportunities dedicated to wasting nothing and feeding our community.” –Mission Statement

As part of the education and outreach program, the Green Oceanside campaign expanded the backyard composting and green waste recycling program. In addition to offering free compost bins to residents, staff executed a series of videos for the City website to provide digital technical assistance to residents who choose to participate in backyard composting. Residents can also utilize virtual training(s) and one-on-one assistance to be successful self-composters. While backyard composting effects a small percentage of the waste stream, these resources will be beneficial as City-wide organics collection rolls out in line with SB 1383 and residents become more engaged with their food waste and green waste.

In addition to supporting and expanding the educational offerings and services at the Green Oceanside Kitchen, the City should encourage and expand other edible food recovery opportunities. This includes partnering with fruit gleaning organizations who educate and organize residential back yard gleaning events, and further developing infrastructure aimed at capturing edible food and directing it towards human consumption instead of disposal.

Figure 4: Organics Programs

Action Items	Status	Next Steps/Recommendations
Evaluate options for going beyond composting of just vegetative food scraps.	In progress	Program roll-out and planning began in 2019 in line with SB 1383. Details in Section 2.2.
Develop plans and timelines for implementing residential and/or commercial food scrap programs.	In progress	Program roll-out and planning has begun in line with SB 1383. Details in Appendix A.
Encourage food donation of edible food	In progress	Continue to implement edible food recovery program in line with SB 1383 mandates. Expand food recovery network through partnerships and education.
Educate landscapers working in the City on benefits of local composting.	Complete	Partnered with Agri Service for education and outreach.

E. Reuse

The City, in partnership with the existing contracted hauler and local non-profits, introduced the “Donation Weeks” program - a new way to promote the donation of household items for reuse. Designated weeks throughout the year are focused on pickup of gently used items suitable for others to reuse (e.g., furniture, sporting equipment, electronics, and appliances). Furthermore, items not designated for donation are relabeled as “Landfill” to help educate residents that items they put out will be sent to landfill and not reused. Additional promotion of this program, and additional contract language in the upcoming franchise agreement, is needed moving forward to expand participation and enhance services provided.

Since the development of the 2010 Zero Waste Plan, there has been significant innovation and attention given to repair and reuse practices. The movement towards durability and longer-lasting products has become more popular through the use of pop-up fixit clinics and online do-it-yourself tutorials.

City staff determined the cost, infrastructure needs, development, and staff demands needed for a reuse warehouse space and a Resource Recovery Park were prohibitive and that neither program were feasible ventures for the City to undertake. Private and non-profit infrastructure are available in the region for these sorts of activities and the City replicating that infrastructure would be inefficient and, perhaps, less effective.

In lieu of these resource-intensive projects, HF&H recommends that the City reprioritize more modern and innovative reuse and repair practices and programs. Partnering with Makerspaces¹, the Parks and Recreation Department, or Library services to host regularly scheduled fixit clinics allows the community to learn how to prevent waste by keeping products longer. In addition, the partnership enhances STEM educational programming, provides opportunities for the community to interact and engage with one another, promotes job and skill development, fosters intergenerational programming, and expands the City's educational activities. Tapping into the global network of fixit clinic resources, the existing fixit clinics network in San Diego County, and partnering with other City departments, make hosting fixit clinics a feasible reuse and repair program to help achieve the City's Zero Waste Goal.

Pivoting from the development of a regional Resource Recovery Park, the City should instead focus on supporting other regional diversion activities. Since 2010, there has been a tremendous drop in the number of local recycling centers around the state. The abrupt closure of the state's largest recycling company, the enactment of China's National Sword policy, and COVID-19 have exacerbated the state-wide issue of limited recycling center access to California residents. City Staff believe the best course of action is to increase recycling access for residents by pushing and supporting state-level initiatives to improve and expand recycling center access. Additionally, collaborating with other nearby agencies to create a regional infrastructure improvement plan can create more stability and is a more effective use of resources over the development of a Resource Recovery Park supported solely by the City.

Figure 5: Reuse

Action Items	Status	Next Steps/Recommendations
Support and expand reuse opportunities.	Complete/Ongoing	Further develop Donation/Landfill Weeks program under new hauler contract.
Develop a reuse warehouse to help support and store products.	Reprioritized	Refocus on fixit clinics and other community driven initiatives.
Support the development of more Resource Recovery Parks in the region.	Reprioritized	Refocus on state-wide recycling center access through state-level policy support and regional initiatives.

¹ Makerspaces are collaborative work spaces outfitted with high tech and no tech tools to facilitate making, learning, or sharing technical and/or handicraft skills among community members.

F. Take-back and EPR Programs

City efforts towards the promotion and development of extended producer responsibility (EPR) programs and take-back programs has evolved in the last decade in a number of ways. City Staff determined it would be most effective for the City to actively engage in and support EPR programs and organizations at the state and national level where upstream producer change would be the most substantial. Supporting EPR programs places the financial responsibility for end-of-life management on the producers of products, and forces producers to rethink how their products are designed and manufactured to better be recovered. EPR limits the burden on local jurisdictions to handle hard-to-dispose of products and an ever-evolving waste stream. To this end, the City actively participates in the California Product Stewardship Council (CPSC), an organization that supports legislative action and policies where producers share in the responsibility for managing their products at the end-of-life stage. CPSC serves as an outlet for the City to voice support of far-reaching legislation that will have state-wide impacts in lieu of local resolution adoption. One such bill is SB 212. Enacted in 2018, it established safe and convenient collection and disposal for covered pharmaceuticals and sharps. It is currently in the formal rule-making process and regulations are anticipated to be adopted in 2021. Tracking this, and other similar policies, will be important for the City moving forward to ensure that any jurisdiction requirements are met through City or hauler-driven programs, or that collaborations with the County or regional agencies are efficiently implemented.

Since 2010, the City has expanded household hazardous waste (HHW) collection through the relationship with the contracted hauler. Drop-off services for HHW, pharmaceuticals, sharps, and batteries are available to all residents. The City also promotes the used oil and oil filter collection program by specifically targeting the car and classic car community through public service announcements and advertisements, and partnering with local certified collection centers in town for drop-off services. The residential HHW program will continue to expand collection efforts through outreach and education under the new contract agreement with a focus on expanding access to the program for seniors and disabled persons by offering limited curbside pickup for qualifying residents.

Figure 6: Take-back and EPR Programs

Action Item	Status	Next Steps/Recommendations
Develop take-back policies or industry-sponsored program for diapers.	Reprioritized	Support state and national EPR legislation and advocacy.
Develop and adopt take-back policies for sharps, mercury batteries, light bulbs, and pharmaceuticals.	Reprioritized	Support state and national EPR legislation and advocacy, including the formal rule making process for SB 212. Expand HHW collection education and outreach efforts through the new franchise agreement.
Develop and adopt an EPR resolution to support phasing out toxic products and products that cannot be reused, recycled, or composted.	Reprioritized	Support state and national EPR legislation and advocacy. Update the City's purchasing policy to limit or eliminate toxic products, and

Action Item	Status	Next Steps/Recommendations
		prioritize recycled content, recyclable, reusable, and compostable products.

G. Waste Characterization Study

As part of a commissioned Organics Feasibility Study in 2018, a waste characterization was used to establish a baseline for the amount of materials available for recovery. The study focused on the approximately ninety thousand (90,000) tons per year of materials collected by the contracted hauler and sent for landfill disposal. The study found that food and other organics (e.g., compostable paper and yard trimmings) made up a significant portion of the waste stream, followed by plastics. The waste characterization results can be found in Section 2.4, alongside an analysis of the potential additional diversion the City can achieve based on the success of the expanded organics program. If the City diverts 75% of organics in the disposal stream through source reduction, food recovery, and organics processing (SB 1383’s statewide goal), the City will achieve a City-wide diversion level of 78.4%. Please refer to Figure 13 for further detail on the impacts of various organics diversion rates.

Figure 7: Waste Characterization Study

Action Items	Status	Next Steps/Recommendations
Conduct a waste generation/characterization study to provide a solid baseline for measuring progress towards the Zero Waste Goal.	Complete	Completed as part of organics feasibility study in 2018.

H. Education and Outreach

The success of Oceanside’s 2010 Zero Waste Plan is due in large part to the substantial education and outreach campaigns the City has conducted to increase resident and business participation. Programs such as the City’s Green Oceanside and Green Oceanside Business Campaign were established to combine all of the City’s environmental efforts into a more cohesive resource and community engagement program. A large part of the success was due to the development of the Green Oceanside branding that helped create memorable recycling and source-reduction campaigns for residents.

These programs depend on community support to be effective. Just as the Oceanside community evolves, so must the City’s programs, which makes education and outreach a constant and ongoing effort. As additional regulations come into play, a unified message from the City and its hauler will help instill the behavioral changes needed in the community to allow the City to progress and achieve its Zero Waste Goals.

Figure 8: Education and Outreach

Action Item	Status	Next Steps/Recommendations
Develop a program for business and institution waste reduction services.	Complete	Continue support of the Green Oceanside Business Network.
Enhance outreach, education, training, and enforcement/reinforcement programs.	Ongoing	Expand education and outreach efforts through the new franchise agreement.

I. Zero Waste Schools Program

A highly-successful and award-winning Zero Waste program was launched thanks to a partnership with the City and the Oceanside Unified School District (School District) called Zero Waste Schools Program. This program and its Zero Waste Goal was memorialized by resolution in 2014. With support from the City, the program entailed an intense educational program on finding the highest and best use for resources, source reduction, waste prevention, and recycling. Following an eight (8) step plan to increase diversion from landfill, the program incorporates Zero Waste objectives in both operations and curriculum. Developing a strong relationship with the School District was imperative in ensuring the success of the program. In the wake of the COVID-19 pandemic and its quick and drastic effect on the School District in 2020, the program will need to be reconfigured and rebooted to achieve the same level of success it previously accomplished. To maximize the synergetic relationship between the City and the School District, resources and time will mostly fall on City staff for Zero Waste program implementation. Provisions in the new franchise agreement will describe a potential collaboration and supportive role from the selected future franchisee(s) that could support City staff in re-instituting the Oceanside Zero Waste Schools program in a post COVID-19 era. Even with a successful partnership with the City, franchisee(s), and School District, the program will still need oversight by City staff.

Figure 9: Zero Waste Schools Program

Action Item	Status	Next Steps/Recommendations
Launch, support, and expand school program.	Started. To be updated.	Reestablish connection with School District and reboot program with support from new franchisee(s). Expand program to include composting, food waste reduction, and food recovery topics among other waste diversion topics.

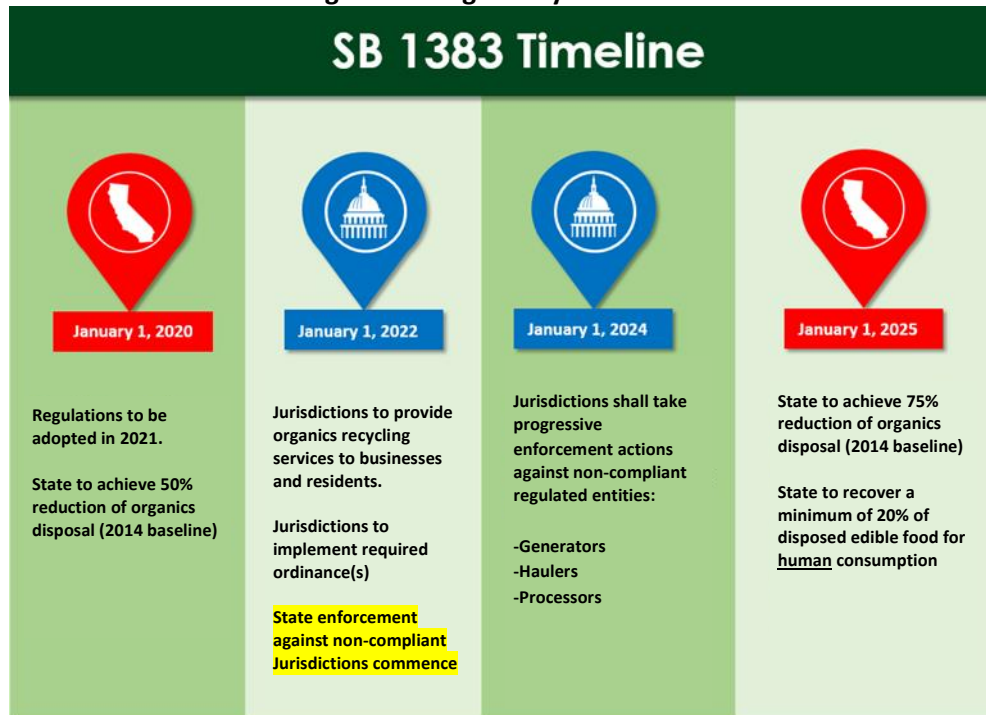
2. Regulatory Requirements

A. SB 1383 – Driving Change

On September 19, 2016, Governor Brown signed into law Senate Bill No. 1383 (Chapter 395, Statutes of 2016) that established methane emissions reduction targets in an effort to reduce emissions of short-lived climate pollutants. According to the California Department of Resources Recycling and Recovery

(CalRecycle) “[a]ctions to reduce short-lived climate pollutants are essential to address the many impacts of climate change on human health, especially in California’s most at-risk communities, and on the environment.” The statute dictates compliance by January 1, 2022 for most programs, and January 1, 2024 for others, with final rules adopted in 2020. Please see Figure 10 below for further information on the SB 1383 regulatory timeline.

Figure 10: Regulatory Timeline ⁽¹⁾



(1) All references to the compliance deadline of January 1, 2022 within this 2020 Zero Waste Plan Update may be subject to extension via the Corrective Action Plan described in Section 2.2.D.

B. Organic Landfill Reduction Targets

SB 1383 identifies organic materials as a significant focus for methane emission reductions because methane emissions from landfills amount to twenty percent (20%) of the 2013 methane emissions sources in the State; and, organics are approximately sixty-seven percent (67%) of the materials disposed annually statewide (see Figure 12 for Oceanside-specific generation data). SB 1383 includes statewide goals to reduce landfill disposal of organic material by fifty percent (50%) by 2020 and seventy-five percent (75%) by 2025, and to recover twenty percent (20%) of currently-disposed edible food for human consumption by 2025. SB 1383 does not include jurisdictional targets for organics reduction. **Instead, the regulations include separate, specific, and prescriptive program requirements for jurisdictions, generators, haulers, and processors.** To comply, the City will need to expand the scope of its current diversion policies and programs, supplement staff with a minimum of 3.8 FTEs, increase funding to support programs, and update existing contracts and agreements to ensure compliance. Section 2.2.C provides a brief overview of the expanded scope, while Appendix A provides a detailed SB 1383 Action Plan.

C. Significant Changes for Jurisdictions and Others

SB 1383 is being compared to AB 939 in its magnitude and potential scope of requirements for jurisdictions and generators and in its inclusion of penalties for non-compliance, which extend to jurisdictions,

generators, facilities, and haulers. The SB 1383 organics definition differs significantly from definitions in AB 939 and AB 1826. While it encompasses “traditional” organics such as yard trimmings, food waste, and wood waste, it is much broader by including paper products, cardboard, textiles, carpet, biosolids, digestate, and manure. As a result, SB 1383 impacts both recyclables and organics reduction, collection, and processing programs.

SB 1383 expands beyond AB 341 and AB 1826 mandatory commercial recycling and organics diversion requirements through its broad organics definition and its applicability to all single-family, multi-family, and commercial generators regardless of the amount of organics or solid waste generated. In addition, SB 1383 establishes jurisdictional reporting requirements, most of which are not covered under current reporting for AB 939, AB 341, or AB 1826. Details of reporting requirements, along with the additional monitoring, enforcement, education and collection requirements can be found in Appendix A.

D. CalRecycle Regulatory Authority

SB 1383 grants CalRecycle regulatory authority to achieve SB 1383 organic waste reduction targets. CalRecycle established a timeline for compliance that requires jurisdictions to have SB 1383 compliant programs and policies in place on or before January 1, 2022. Entities who do not comply by January 1, 2022 will receive a Notice of Violation (NOV) from CalRecycle and will be required to correct the violation within ninety (90) days (CalRecycle retains the ability to extend the timeframe for correction by up to ninety (90) days for a total of one hundred and eighty (180) days to correct). For violations outside of a jurisdiction’s control, where substantial effort is made by the jurisdiction, the jurisdiction may be placed on a Corrective Action Plan (CAP) for up to twenty-four (24) months; inability to increase rates or adequately staff SB 1383 programs does not qualify a jurisdiction for a CAP. If local infrastructure capacity is inadequate, the CAP may be extended for an additional twelve (12) months, not to exceed a total of thirty-six (36) months from issuance of the initial NOV. SB 1383 differs from AB 939 from a compliance standpoint as SB 1383 does not include a “good faith effort” related to compliance. Please see Appendix C for a memo from CalRecycle that further details the enforcement and CAP process.

E. SB 1383 Action Plan

As described above, SB 1383 is building upon prior legislation to continue a migration from the traditional “garbage” business to a more comprehensive multi-stream environmental sustainability exercise. Furthermore, the lack of jurisdiction-specific recovery targets has necessitated that CalRecycle impose extensive and comprehensive program standards upon jurisdictions. For further details please refer to the SB 1383 Action Plan located in Appendix A that describes the programmatic regulatory requirements, explores compliance pathways, contemplates the impacts on the City of Oceanside, and provides a roadmap for compliance.

3. Draft Marine Debris Reduction Ordinance

A. Introduction and Goals

As demonstrated through the City’s 2016 single-use plastic bag ban, development of the 2010 Zero Waste Plan, and other sustainability and public health initiatives, the City has a strong interest in: regulatory compliance, reducing marine debris and beach litter; protecting the environment; conserving resources; and, increasing the overall quality of life for Oceanside business owners, residents, and visitors. The City is taking the next steps to achieve these goals through the consideration of a draft Marine Debris Reduction Ordinance (MDRO), which targets certain types of disposable food service ware that commonly end up as marine debris and beach litter, such as expanded polystyrene foam products (polystyrene), and

shifts toward more sustainable alternatives and practices. The first draft of the MDRO is attached as Appendix B.

The draft ordinance aligns with standard practice of current policy trends, presents cost-efficient solutions that help protect the environment, and places a strong focus on flexibility and support for the local business community in light of COVID-19. There has been a high level of support and continued requests from community stakeholders for the City to take action and pass a marine debris reduction ordinance.

The goals and anticipated impact of the draft MDRO span a variety of sectors and stakeholders, as described in the list to the right. This Section 2.3 will outline some of the factors that influenced the development of the draft MDRO, details of the policy, and a summary of the potential impact.

Potential MDRO Goals and Impact

- Reduce marine debris & protect the environment
- Increase City cleanliness & quality of life
- Align with current policy trends & standard practices
- Support needs of local businesses
- Align with the City's Zero Waste Plan
- Reduce City costs for litter clean-up
- Conserve resources and increase diversion
- Support the City's recycling & organics program & reduce contamination risk
- Stimulate local economy

B. Draft Ordinance Development Factors

In addition to alignment with the City's Zero Waste Plan and historical goals, a variety of other trends and factors have shaped the draft MDRO.

Community Support

One of the main driving factors behind the draft MDRO is the high level of support and continued requests from community stakeholders, such as school groups, concerned residents, and community activists, for the City to take action on marine debris and the use of single-use disposable items. Additionally, many businesses in the City have already phased out the use of certain single-use items such as polystyrene, demonstrating the precedent for this practice and the shift in customer demand toward more sustainable alternatives.

In the summer of 2019, the City created the "Be Disposable-Free" campaign in response to the community interest and support for reduction of single-use disposable items and marine debris in the City. City staff created a public comment card to gather feedback from stakeholders on solutions such as enhanced education, cooperative purchasing strategies, and ordinance development. The City received over two thousand (2,000) comment cards, with the majority of participants in favor of a City ordinance banning single-use disposable items and requiring certain single-use items to be provided upon request only. After the implementation of the Be Disposable-Free campaign and overwhelming support for a potential ordinance, City staff received approval from City Council in 2019 to move forward with the development of a draft Marine Debris Reduction Ordinance. Throughout 2020 and during COVID-19 City Staff worked with community stakeholders and business associations via multiple online workshops and direct calls to solicit input for the draft MDRO with consideration for flexibility due to the impacts of COVID-19.

Policy Trends

Policy trends at the local, state, and national levels have been increasingly trending toward reduction of single-use plastics. According to Californians Against Waste, at least one hundred and twenty (120)

jurisdictions throughout the state have already taken action and passed polystyrene reduction ordinances. Single-use plastic reduction policies are becoming standard practice, particularly in coastal communities and including multiple jurisdictions in San Diego County (e.g., City of San Diego, Encinitas, Del Mar, Imperial Beach, and Solana Beach).

The California state legislature officially found and declared that littered plastic products have caused, and continue to cause, significant environmental harm and have burdened local governments with significant environmental cleanup costs. Each year we see new state legislation proposed that targets single-use plastics (e.g., AB 1080 and SB 54 in 2019-2020) and this trend is anticipated to continue. Additionally, state regulatory programs are now being implemented to control the release of littered plastic products to waterways from municipal stormwater systems. The Statewide Water Quality Control Plans for Trash were adopted by the State Water Resources Control Board in 2015. The policy establishes a regulatory framework that requires cities to implement storm drain filtration controls to remove litter from stormwater. The requirement to control trash in stormwater will be phased and enforced through National Pollutant Discharge Elimination System (NPDES) permits that are issued to municipal operators of stormwater drainage systems, including the City of Oceanside.

Proposed federal legislation targeting single-use plastics and marine debris has also increased (e.g., the “Break Free from Plastic Pollution Act” and the “Save Our Seas 2.0 Act” in 2020), which demonstrates a broader shift in public awareness and desire to reduce the harmful effects of these materials on a national scale.

These policy shifts demonstrate the need for the City to come up to speed with standard practice already in place in other jurisdictions in the county and state. It is also important that the City not fall behind and is prepared for future potential state and federal legislation.

Supporting Local Businesses

One of the main priorities in implementing the draft MDRO is to ensure that local businesses are supportive of the ordinance and feel that their unique needs are being addressed in the implementation process. The draft MDRO structure does this in a few key ways. The draft language provided in the draft shows that the ordinance would begin with a voluntary compliance period, giving businesses ample time to implement service changes in a way that fits their unique businesses conditions. During the voluntary compliance period, the City would be conducting robust education for generators and businesses to ensure they are supported every step of the way.

Unlike similar ordinances in other jurisdictions, the draft language of the MDRO provides more flexibility for businesses. For example, accessory food service ware items (such as straws, utensils, stirrers, etc.) would not be banned, but rather be provided only upon request of the customer. This reduces additional burden on businesses and saves them money in the long run by conserving inventory and reducing unnecessary product loss. Similarly, certain polystyrene items are not a part of the scope of the draft ordinance at this time, including: egg cartons and meat trays for retail sale; ice chests and coolers; pool toys and navigational markers; and, packing peanuts and blocks. By focusing on disposable food service ware, the City can make great strides in reducing marine debris and litter while also understanding the need to provide flexibility for businesses, particularly for unique items.

Some ordinances only provide a narrow range of options for alternative material types (e.g., only fiber-based compostables). The language in the draft ordinance allows and encourages the transition to reusable, recyclable, or compostable items. Recyclable or compostable items would be defined as

materials accepted in the City's recycling and organics programs. This would provide businesses with a large variety of affordable material alternatives other than polystyrene, while also integrating with the City's existing and future collection system. To further assist businesses, the City may create an aggregate purchasing program to provide Oceanside businesses with access to recyclable, compostable, and reusable food service ware and accessory food service ware from selected suppliers at a competitive or lower cost. If created, the City would work with business associations like MainStreet Oceanside and the Oceanside Chamber of Commerce to provide these resources.

Reducing beach litter and improving City cleanliness increases the desirability of the City as a tourist destination, which stimulates the local economy and supports businesses.

Environmental Protection and Improved Recycling Programs

Overall, approximately eighty percent (80%) of debris in oceans comes from land. In California, single-use disposable materials for food and beverage consumption make up approximately twenty-five percent (25%) of the waste produced. A study from San Diego Coastkeeper found that fifty-three percent (53%) of the collected beach litter samples on the San Diego coastline was plastics, much of which was made of polystyrene. Polystyrene is a particularly harmful pollutant that easily breaks down into smaller pieces, is easily carried by wind onto beaches and waterways, harms wildlife, and persists in the marine environment.

Polystyrene, especially food containers, and small single-use plastic items such as utensils and straws are difficult and often not economically or technically feasible to recycle in local programs. These materials are not accepted in the City's recycling program and become problematic contaminants that inhibit the success of the City's program. Regulating the use of materials that are not accepted in the City's recycling and organics programs would support the operating life of landfills and the reduction of contamination in the City's collection programs. A common issue for the City, as a popular coastal destination, is contamination caused from tourists that are not familiar with the City's recycling program rules (e.g., placing polystyrene containers in the recycling bin). This contamination not only harms the City's recycling program, but also harms businesses by increasing their risk of contamination notices. Aligning the materials provided by businesses with the materials accepted in the City's programs aims to provide clarity for residents and visitors, reduce the number of contamination fees for businesses, and support waste haulers and processing facilities by reducing the risk for contamination of the City's collection streams.

City Program Benefits

If implemented, a MDRO could not only improve the City's recycling program and stimulate the local economy, as previously mentioned, but could also provide specific programmatic benefits to City departments. The California state legislature officially found and declared that littered plastic products have burdened local governments with significant environmental cleanup costs. According to a 2013 report by Natural Resources Defense Council, communities on the west coast with populations ranging from seventy-five thousand (75,000) to two hundred and fifty thousand (250,000) spend an average of eight dollars and ninety-four cents (\$8.94) per capita on cleaning up litter and preventing it from entering waterways, which for the City of Oceanside (with a population of approximately 176,080) amounts to over one and one-half million dollars (\$1.5M). While this statistic is from 2013, it is a helpful depiction of the cost burden to the City, especially considering that the amount of plastic, as well as the City population, has only increased since that time. Reducing litter and marine debris not only protects the environment and improves quality of life, but may also provide substantial cost savings for the City. These cost savings

could provide an opportunity for the City to direct more funding to important programs that benefit Oceanside residents and business.

As mentioned in the policy trends section, state regulations and legislation are increasingly trending toward reducing single-use disposable products and protecting waterways. The draft language in the MDRO supports the City's ability to successfully comply with current state requirements, such as NPDES permit requirements for reducing pollution in stormwater systems, and, stay ahead of the planning curve for anticipated legislation on single-use disposable products in the future. Successful regulatory compliance and funding availability supports the City's ability to focus resources on programs that support the resilient and thriving communities of the City of Oceanside.

C. Ordinance Details

Material Types

The draft MDRO focuses on types of disposable food service ware that commonly end up as marine debris, such as polystyrene. The draft language in the MDRO states that disposable food service ware (e.g., containers, cups, plates, and similar items) may not be made of polystyrene and must be made of reusable, recyclable, or compostable materials. As mentioned, compostable and recyclable materials are defined as materials accepted in the City's recycling and organics programs. The polystyrene restriction would only apply to disposable food service ware, as defined in the draft ordinance, and would not include items such as: egg cartons or meat trays sold in retail grocery stores; polystyrene coolers, ice chests; pool toys; buoys/navigational markers; or, packing peanuts and blocks.

The draft language in the MDRO also states that material type restrictions would not apply to accessory food service ware (e.g., straws, plastic utensils, stirrers, and similar items). These items would not be banned nor restricted in material type, but would only be provided upon request from the customer or upon offer from the food service provider with confirmation by the customer. In the draft ordinance, this provision applies both for in-person orders as well as orders made via web, phone, and delivery apps and services.

The draft language supports source reduction by strongly encouraging food service providers to provide reusable or refillable food service ware where practical, but this is not mandatory under the draft ordinance.

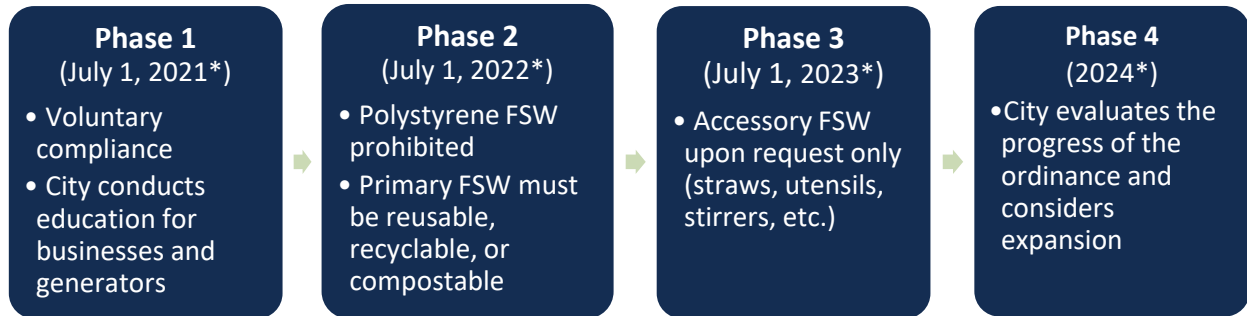
Regulated Entities

The draft ordinance would apply to "food service providers," which may include entities such as restaurants, coffee shops, cafes, grocery stores with prepared food, hotels/lodging facilities that provide or sell prepared food, mobile food vendors, caterers, and similar entities that serve prepared food within the City. Note that food service providers would have to comply with the ordinance requirements for all methods of customer orders, such as in-person, telephone, or web orders (which includes orders through a third party delivery service/application).

City facilities and departments may plan to implement initiatives that align with the goals of the draft MDRO, but this would be achieved through the City's Environmentally Preferable Purchasing Policy and other programs, rather than the draft MDRO.

Draft Implementation Timeline

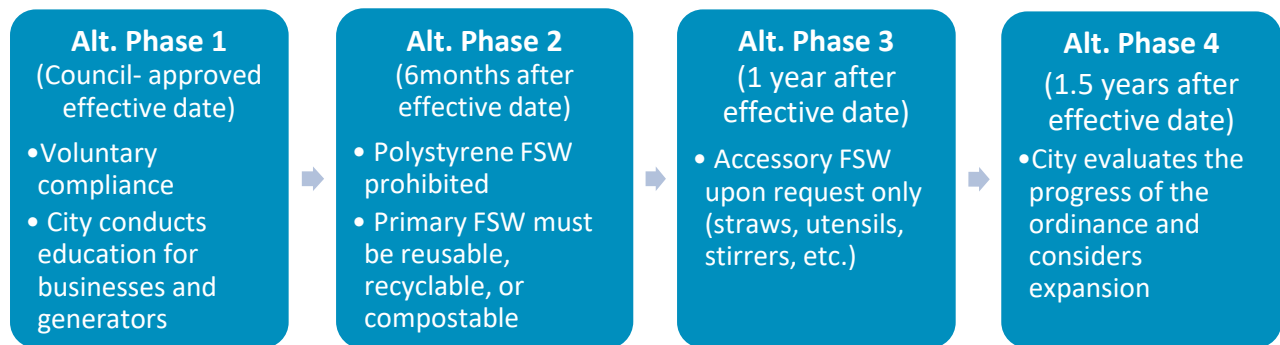
As previously mentioned, the draft language states that the ordinance could be implemented using a phased-in approach in order to support businesses with successful implementation, as depicted below. After a three- (3-) year phase-in process of each food service ware (FSW) requirement, the City may review the progress of the ordinance and consider whether or not to expand the ordinance, such as adding new items to the regulated materials list.



***Pending adoption from City Council.**

Alternative Draft Implementation Timeline

The draft language in the ordinance also includes flexibility for a shifted timeline if needed, as determined by City Council, in order to respond to the needs of public health or safety emergencies, such as COVID 19. The City recognizes that businesses and residents may face immense challenges during a public health or safety emergency, and would be committed to responding to and supporting the community with these challenges. As business owners navigate changing service restrictions during shelter in place orders and concern for public health increases, the City may prioritize an implementation strategy that is safe, effective, and sensitive to the needs of businesses and residents during the COVID 19 pandemic. If the City Council determines that a delayed effective date would be needed, the Council would select a new effective date and the proceeding phases will be implemented in six- (6-) month intervals thereafter, as depicted below. Note that only the timeline would be shifted and the requirements and activities in each phase would remain the same.



Waivers and Exemptions

- Emergency Exemptions. The draft language in the ordinance includes an exemption provision that may allow the City to suspend some or all of the requirements of the ordinance in response to a public health or safety emergency. The City would continuously monitor emergency circumstances, and use this provision if needed.

- **Other Exemptions.** In addition to emergency exemptions, the draft ordinance leaves room for waivers/exemptions such as: City determination that no reasonable alternative exists for a regulated material type; waivers for customers with a disability or medical condition; and, potential for the City to provide additional waivers in the future.
- **Coordination with State Legislation.** For the draft MDRO, the City would be interested in using a similar approach to the City's 2016 plastic bag ordinance, which included a clause stating that if state legislation regulating plastic bags was enacted (i.e., SB 270), that the state legislation would supersede the City's ordinance. The draft language in the MDRO includes a similar provision, stating that state legislation passed for a similar purpose could supersede the City's local ordinance, upon approval by City Council. This uniformity with state regulations would help create consistency for generators and business owners, particularly those that occupy multiple jurisdictions.

D. Summary of Impact

As depicted in Section 2.3.A, the draft MDRO is anticipated to have a positive and interwoven impact for businesses, residents, visitors, waste haulers and facilities, City leadership, policy trends, and the environment as a whole. Anticipated impacts are as follows:

- **Reduce marine debris and protect the environment** by targeting materials that commonly end up as marine debris, particularly materials such as polystyrene that degrade into small pieces and are a pervasive pollutant that harm wildlife.
- **Increase City cleanliness and quality of life** by reducing unsightly and harmful litter on City beaches and public areas.
- **Support local businesses** through phased-in implementation, education, and flexibility of requirements based on material type; while also aligning with trends in consumer behavior toward more sustainable alternatives.
- **Stimulate the local economy** by creating a more desirable environment for coastal tourists, which supports local businesses.
- **Conserve natural resources** by requiring more sustainable alternatives and encouraging the use of reusable rather than disposable food service ware.
- **Support the City's 2020 Zero Waste Plan Update** by implementing and expanding on the single-use plastic reduction goals set forth in the original plan.
- **Reduce costs for the City** to clean up and prevent litter from entering waterways by reducing the amount of litter and marine debris.
- **Improve City's Recycling and Organics Programs** by ensuring that materials provided are specifically accepted in the City's collection program. This helps reduce confusion for residents and visitors; helps reduce risk of contamination fees for businesses; supports haulers and processing facilities by reducing contaminants in the City's recycling and organics collection stream; and, helps achieve City-wide and state-wide diversion goals.
- **Align with policy trends and standard practice** that are being set at the local, state, and national levels. By implementing an MDRO, the City would be catching up to the **standard** set by over one hundred and twenty (120) jurisdictions around the state, including many in San Diego County and surrounding regions; and, stay ahead of the curve on state and national policy, which is increasingly tackling single-use plastics and disposable items.

4. Waste Characterization

One of the elements of the City's 2010 Zero Waste Plan was to perform a waste characterization study to understand how much of the materials sent to landfill could be prevented, reused, or recovered. In 2017, the City, Waste Management, and HF&H Consultants cooperated in the performance of a waste characterization study specific to the City's single-family, multi-family, and commercial waste generators. The waste characterization study focused on the approximately ninety thousand (90,000) tons per year of materials collected by Waste Management and sent for landfill disposal, as opposed to materials sent for recycling or composting. This study was originally performed to support the City's 2018 Organics Feasibility Study, but was deliberately designed in a manner that provided high-quality data for broader planning purposes (e.g., this 2020 Zero Waste Plan Update and RFP process).

This study demonstrates that the volume of food waste in the disposal stream is larger than any other category of materials. When food and compostable paper are added together, they comprise more of the disposal stream than all of the traditional recyclable materials categories combined (33.9% for food and compostable paper versus 33.1% for paper, metal, plastic, and glass). This demonstrates that the City's programs for recycling green waste and traditional recyclable materials have successfully reduced those materials as a portion of the disposal stream and resulted in the City's achievement of a sixty-eight percent (67%) diversion rate.

Key Findings

As the City looks for future opportunities to reduce disposal, clear program priorities should be established around:

1. Food waste prevention and recovery; and,
2. Expanding and deepening participation in both existing and new recycling and organics programs.

Combined, the materials targeted by those priorities could represent a sixty-seven percent (67%) reduction in disposal. If the City diverts fifty-five percent (55%) of the currently disposed organics (based on 2018 baseline) they will achieve their Zero Waste Goal of seventy-five percent (75%).

Figure 11: 2018 Summary Composition of Franchised Disposal Stream (Tons per Year) below illustrates the summary findings of the waste characterization, conducted in 2018, in terms of annual tonnage by material type.

Figure 11: 2018 Summary Composition of Franchised Disposal Stream (Tons per Year)

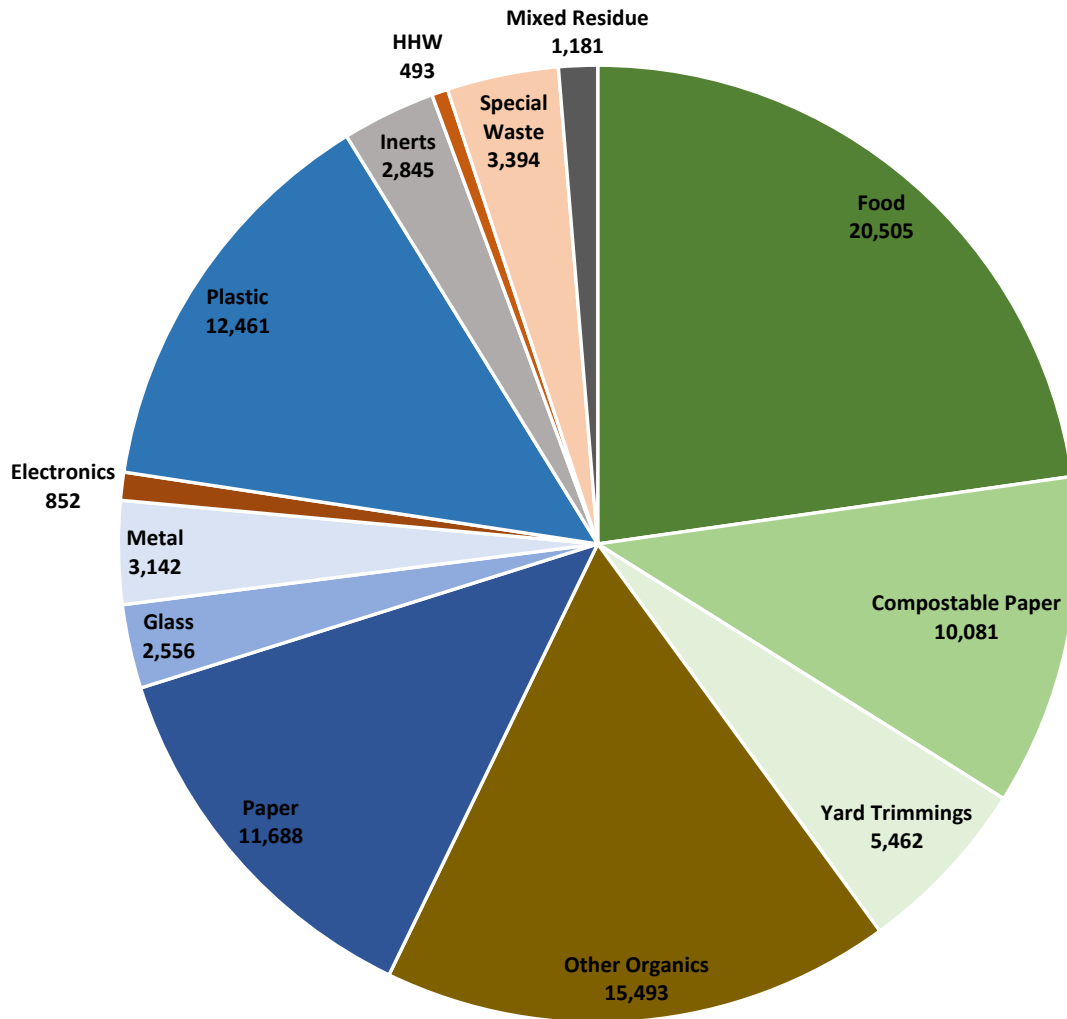


Figure 12 below details the material characterization by sector. This waste characterization was done to support the organics feasibility study; therefore, more detailed material type information is presented here for the organic materials.

Figure 12: Detailed Characterization of Waste Stream by Sector

Category	Material	SINGLE FAMILY		MULTI FAMILY		COMMERCIAL		CITYWIDE	
		%	Tons	%	Tons	%	Tons	%	TONS
Organics	Food	21.0%	8,299.26	21.4%	2,582.16	24.9%	9,623.97	22.7%	20,505.39
	Other Miscellaneous Paper - Compostable	0.2%	69.79	0.4%	44.30	0.5%	206.73	0.4%	320.82
	Remainder / Composite Paper - Compostable	10.6%	4,165.62	8.4%	1,013.28	11.9%	4,581.51	10.8%	9,760.41
	Leaves and Grass	3.6%	1,425.95	3.8%	458.06	2.4%	910.05	3.1%	2,794.06
	Prunings and Trimmings	3.6%	1,438.89	1.2%	145.83	1.0%	373.46	2.2%	1,958.18
	Branches and Stumps	1.4%	562.06	0.4%	52.90	0.2%	94.68	0.8%	709.64
	Manures	0.2%	88.18	0.0%	-	0.1%	20.15	0.1%	108.33
	Textiles	3.9%	1,554.51	5.8%	701.25	3.2%	1,222.31	3.9%	3,478.07
	Carpet	1.6%	635.89	0.4%	50.36	0.5%	199.05	1.0%	885.30
	Clean Dimensional Lumber	1.8%	715.69	0.6%	66.76	0.5%	179.47	1.1%	961.92
	Clean Engineered Wood	1.1%	426.10	0.1%	16.90	0.3%	128.89	0.6%	571.89
	Clean Pallets & Crates	0.3%	100.62	2.1%	255.21	2.9%	1,105.26	1.6%	1,461.09
	Other Wood Waste	3.0%	1,165.20	2.2%	270.52	1.7%	646.20	2.3%	2,081.92
Remainder / Composite Organic	6.8%	2,677.04	7.7%	934.74	6.0%	2,332.37	6.6%	5,944.15	
SUBTOTAL All Organics		59.1%	23,324.80	54.6%	6,592.27	56.0%	21,624.10	57.2%	51,541.17
SUBTOTAL Paper		9.3%	3,651.86	14.2%	1,712.80	16.4%	6,323.38	13.0%	11,688.04
SUBTOTAL Glass		3.0%	1,190.20	3.4%	412.60	2.5%	953.45	2.8%	2,556.25
SUBTOTAL Metal		3.5%	1,381.72	3.3%	403.87	3.5%	1,356.09	3.5%	3,141.68
SUBTOTAL Electronics		1.0%	409.26	1.2%	142.31	0.8%	300.07	0.9%	851.64
SUBTOTAL Plastic		12.0%	4,743.49	13.1%	1,583.05	15.9%	6,134.74	13.8%	12,461.28
SUBTOTAL Inerts and Other Material		3.5%	1,373.59	3.2%	383.47	2.8%	1,088.02	3.2%	2,845.08
SUBTOTAL HHW		0.7%	290.30	0.3%	35.60	0.4%	166.78	0.5%	492.68
SUBTOTAL Special Waste		5.6%	2,225.98	4.9%	593.79	1.5%	574.37	3.8%	3,394.14
Mixed Residue		2.2%	883.72	1.7%	208.27	0.2%	88.75	1.3%	1,180.74
GRAND TOTAL - All Materials		100.0%	39,474.91	100.0%	12,068.00	100.0%	38,609.75	100.0%	90,152.66

Utilizing the waste characterization data, Figure 13 summarizes a sensitivity analysis assessing the potential increases in City-wide diversion based on the currently disposed organics materials covered under SB 1383. To achieve seventy-five percent (75%) diversion City-wide, at least fifty-five percent (55%) of all organic material would need to be reduced through waste prevention, redirected for food recovery efforts, or processed as organic waste. Figure 13 below showcases potential City-wide diversion based on organic materials diverted from the solid waste stream at various levels.

As City residents begin to shift their behavior and engage in the organics program, the amount of diverted material will rise. Investing in the staff time and resources needed for a successful implementation and maintenance of the organics program will help the City move towards its Zero Waste Goal.

Figure 13: Sensitivity Analysis of Increased Organic Material Diversion to Showcase City-wide Diversion Potential

Reduction in Currently Disposed Organic Waste (1)	% increase in Citywide Diversion	Overall Citywide Diversion
0%	0%	67%
25%	3.8%	70.8%
30%	4.6%	71.6%
35%	5.3%	72.3%
40%	6.1%	73.1%
45%	6.8%	73.8%
50%	7.6%	74.6%
55%	8.3%	75.3%
60%	9.1%	76.1%
65%	9.9%	76.9%
70%	10.6%	77.6%
75%	11.4%	78.4%
80%	12.1%	79.1%
85%	12.9%	79.9%
90%	13.7%	80.7%

(1) Organic waste only includes materials covered by SB 1383. Current Disposal data based on 2018 waste characterization study.

5. Franchise Agreement

The City's current franchise agreement for collection, processing, and disposal services with Waste Management will expire on December 31, 2023. The next franchise agreement is valued at over four hundred million dollars (\$400M) and will impact services and rates for every resident and business in the City. The City's franchise agreement represents the primary vehicle for implementing most programs and services that are covered in the other sections of this 2020 Zero Waste Plan Update as well as the SB 1383 compliance plan.

A. Procurement Process

HF&H has reviewed the City's current franchise agreement, interviewed staff and management responsible for the programs to discuss dozens of specific issues related to the design of a new franchise agreement, and analyzed the potential for improved business and service terms. Based on the review, interviews, and analysis, HF&H recommends that the City conduct a competitive RFP process, starting immediately, to secure a new franchise agreement. HF&H believes that a competitive RFP process will:

- Assure the City and the public of the "best value" for the services, especially given the risk and uncertainty surrounding economic recovery post COVID-19 and within recycling markets;
- Identify innovative and cost-efficient options for implementing the City's desired services;
- Provide the greatest flexibility for the City in implementing the requirements of SB 1383; and,

- Improve the City's bargaining position as it seeks to change terms and add important accountability provisions to ensure that the new contract delivers on the value paid for by the City's ratepayers.

B. Franchise Business Terms

HF&H's review of the City's current contract and comparison with standard franchise agreement terms that HF&H sees in negotiating these contracts throughout California indicates that there are significant opportunities for improving the business terms in the City's favor. Several key proposed/recommended terms of the Agreement include:

- Contract Term:
 - Base Proposal: Seven (7) year term with three (3) years of City extension options.
 - Alternative Proposal: Ten (10) year term with two (2) years of City extension options.
- Continue City option for separate organics processing contract or a joint processing facility with the City's San Luis Rey Water Reclamation Facility.
- Option to transition billing services to Contractor for all customers.
- Require high-quality, local, customer service representatives and enhanced direct customer outreach capability.
- Contractor Compensation:
 - Annual COLA increases based on labor, fuel, and general inflation indices.
 - Cost-of-service and revenue audit to set rates for years four (4) and eight (8).
 - Extraordinary rate increases subject to cost of service and revenue audits.
- City Cost Reimbursements:
 - City's procurement-related expenses (including, but not limited to, staff time, legal costs, and consulting fees).
 - City to be reimbursed with a lump sum due after the execution date of the new Franchise Agreement.
- Regulatory compliance: Delegate portions of SB 1383 operation, education, monitoring, and reporting obligations to the franchisee(s).
- Significantly enhance the City's contract management tools, including:
 - Incorporating and funding two performance reviews during the contract term.
 - Incorporating and funding two billing/revenue audits during the contract term.
 - Establishing clear performance standards and liquidated damages provisions.
 - Modernizing and expanding the City's rights related to contract termination in the event of severe conditions.

C. Franchise Services

HF&H and City staff have reviewed the current programs and services, along with the City's and customers' needs related to state regulations. The proposed RFP and franchise agreement were scoped

to respond to those needs and generally require minimal programming changes. Several of the key proposed/recommended services for the new agreement include:

- **Expanding service level offerings** for single- and multi-family, and commercial customers by increasing the range of container sizes available. Smaller cart sizes for solid waste will be incentivized through the rate structure.
- **Expanding organics collection** to include food scrap collection for all residential and commercial customers.
- **Adding backyard and side yard solid waste and recycling services to customers** at an increased rate, and to disabled and seniors at no additional charge.
- **Providing containers for illegal dumping clean-ups** (alternative proposal) that the City periodically performs. Containers are needed when conducting monthly targeted clean-up efforts with City crews removing litter, illegal dumping, homeless encampment debris, or other materials from public spaces.
- **Providing household hazardous waste pickups** (alternative proposal) to all residents. Residents can currently drop-off household hazardous waste materials. Extending pick-up service, on a limited basis, to residents over sixty-five (65) years of age and disabled residents, will help keep more of these materials out of landfill and recycling recovery facilities where they pose potential hazards, and provide easier access to collection to the City's less-mobile populations.
- **Providing a SB 1383 compliant 4-stream collection proposal** (alternative proposal) provides options for a collection system in the event that the City must separately process food waste from yard trimmings.
- **Delegating billing services to the franchisee** (alternative proposal) as a potential cost-saving measure by having all services for residential and commercial customers billed by the franchisee directly.
- **Distributing bulk compost and mulch** (alternative proposal) to City facilities and residents. SB 1383 requires that the City procure a specified quantity of recovered organic products through RNG, electricity, or compost distribution. This can be done in a number of ways through the franchisee by providing bulk compost and mulch for use in City parks and facilities and compost give-away events to City residents.

CONCLUSION

In the past ten (10) years, the City of Oceanside has made great strides towards achieving their Zero Waste Goal. The City has expanded recycling access and began expansion of organics collection; dramatically increased its capacity to recover edible food and establish a program to address food insecurity and skills training; engaged in state-wide regulatory efforts and updated local policies; found a feasible way to implement a reuse program; supported an expansive school education program; and, maintained a high standard for education and outreach to ensure the success of these programs. As of the most recently state-published data (2018), the City has achieved a diversion percentage of sixty-seven percent (67%). By supplementing the pending franchise agreement(s) with additional staffing (either City Staff or third party contractors), the City of Oceanside will be well positioned to attain its Zero Waste Goal, comply with legislative requirements, and further enhance quality of life throughout the community.

While the organics program will require substantial financial and staffing resources, adopting the SB 1383 Action Plan will greatly contribute towards achieving the City's Zero Waste goal of reaching seventy-five percent (75%) diversion. For the City to achieve its ninety percent (90%) diversion goal, additional

programs outlined in this plan will need to be implemented. It is recommended that the City adopt the draft MDRO and other reuse programs to further increase their diversion. Leveraging relationships with the franchise hauler and/or processor will be paramount to the success of expanded organics, recycling, and reuse programs. City staff will need to devote additional time to ensuring the franchisee(s) meets the City's standard for service excellence, outreach programming, and regulatory compliance. To do this, it is estimated that 3.8 FTEs and eight hundred fifteen thousand dollars (\$815,000) will be needed annually to enhance existing programs, and implement and run state-mandated programs to avoid State issued financial penalties ranging from five hundred (\$500) to ten thousand dollars (\$10,000) per day and per violation . Exact staffing demands will be influenced by program selection, delegation of roles, staffing assignments, and multiple other factors that will be determined throughout the RFP process and implementation of this Zero Waste Plan Update. With adequate staffing and resources, the City can achieve their Zero Waste Goals in the next ten (10) years through the implementation of this 2020 Zero Waste Plan Update.

**APPENDIX A:
SB 1383 ACTION PLAN**

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EXECUTIVE SUMMARY

On September 19, 2016, Governor Brown signed into law Senate Bill No. 1383 (Chapter 395, Statutes of 2016) that established methane emissions reduction targets in an effort to reduce emissions of short-lived climate pollutants. SB 1383 is the largest and most prescriptive waste management legislative update since AB 939. In addition to the prescriptive programmatic requirements, the inclusion of penalties for non-compliance extends to jurisdictions, generators, facilities, and haulers, making compliance a priority to avoid financial repercussions. **Ultimately, the City of Oceanside is responsible for generators' compliance, and the City may be fined or penalized by CalRecycle for non-compliant programs.** As such, it is critical that the City mitigate risk through robust contracting provisions (e.g., performance standards, liquidated damages indemnification) and appropriate oversight of franchise collection and processing contractors (Franchisees), consultants and other third-party entities (Contractors), and partners.

The City of Oceanside will need to increase funding and staffing resources across multiple departments and divisions to support their respective roles in implementing and maintaining SB 1383-compliant programs. **It is projected that the City will incur on-going costs of eight hundred fifteen thousand dollars (\$815,000) per year, with an additional staffing demand of 3.8 FTEs.** Please note that these are planning level estimates that may be subject to change based on the City's decisions throughout the RFP process and implementation of this SB 1383 Action Plan. Additional information regarding staffing and funding estimates are incorporated throughout each Section of this Exhibit.

This Exhibit emphasizes the prescriptive requirements of SB 1383 and provides a planning-level action plan for carrying out the requirements. To organize the wide scope of SB 1383 into a more digestible format, this action plan is divided into six (6) Sections: Collection and Processing, Monitoring and Enforcement, Product Procurement, Ordinances and Policies, Education and Outreach, and Reporting and Recordkeeping. Each Section outlines the policy, staffing, funding, enforcement, reporting, and educational changes needed to meet the requirements of that Section. Additionally, each Section highlights the requirements that may be achieved through third party contracting arrangements; a summary of the requirements and responsible party are outlined in the following subsection labeled SB 1383 Requirements Summary. It is important to note that while the City may leverage contracting arrangements and partnerships for some regulatory requirements, the City will require additional staffing resources to oversee and manage the franchise agreement(s) to ensure that delegated tasks are completed in accordance with SB 1383 requirements and the City's service standards, as well as to provide supplemental programs that cannot be delegated to a third party.



SB 1383 Requirements Summary

SB 1383 Requirement	Primary Performing Party	Party Subject to Financial Penalty	Additional Staff Oversight Required (Y/N)?
Collection and Processing Page A-4			
Provide organic waste collection and recycling services to all generators using a compliant container collection system.	Hauler	City	Yes
Provide collection containers that comply with color and labeling requirements.	Hauler	City	Yes
Ensure organic waste is sent to an approved and compliant facility.	Hauler	City	Yes
Monitoring and Enforcement Page A-8			
Conduct contamination monitoring for prohibited container contaminants and notify generators if contamination is found.	Hauler	City	Yes
Implement an inspection and compliance program for commercial and multi-family accounts, and tier one commercial edible food generators, food recovery organizations, and food recovery services.	Hauler	City	Yes
Provide non-compliant generators with educational material.	Hauler	City	Yes
Issue NOVs and imposing penalties for non-compliant generators, haulers, self-haulers, commercial edible food generators, or other regulated entities.	City	City	Yes
Conduct a sufficient number of route reviews, inspections, and compliance reviews to determine compliance, and generate an electronic or written record for each inspection or review.	Hauler	City	Yes
A procedure for the receipt and investigation of complaints.	Hauler	City	Yes
Pay penalties assessed by CalRecycle for the City's failure to comply, which includes many possible violations, ranging from minor, moderate, or major, and with associated penalties ranging from \$500 per violation to \$10,000 per violation per day.	City	City	No
Product Procurement Page A-14			
Annually procure recovered organic waste products for City use, giveaway, or through a direct service provider.	Hauler	City	Yes

CITY OF OCEANSIDE
SB 1383 ACTION PLAN
EXECUTIVE SUMMARY
2020 – 2025



SB 1383 Requirement	Primary Performing Party	Party Subject to Financial Penalty	Additional Staff Oversight Required (Y/N)?
Calculate the annual recovered organic waste product procurement target based on the per capita procurement target and City population.	City	City	Yes
Procure paper products, and printing and writing paper consistent with the requirements of Section 22150-22154 of the Public Contracts Code.	City	City	Yes
Ordinances and Policies Page A-17			
Adopt enforceable ordinances (or similarly enforceable mechanisms), requiring compliance by generators, haulers, and other entities regulated under the SB 1383 regulations.	City	City	Yes
Adopt an ordinance that requires generators to subscribe to organics collection programs, annually provide information about organics requirements, provide new information to tenants, and arrange for access to their properties for inspections.	City	City	Yes
Adopt an ordinance that requires commercial organic waste generators to provide internal containers for the collection of organic waste and recyclables for customers.	City	City	Yes
Adopt an ordinance that prohibits organic waste generator’s employees from placing organic waste in a container not designated to receive organic waste.	City	City	Yes
Adopt an ordinance that requires self-haulers to comply with SB 1383 requirements, if allowed in City	City	City	Yes
Adopt an edible food recovery ordinance for Tier 1 and Tier 2 Commercial Edible Food Generators to recover the maximum amount of edible food for human consumption.	City	City	Yes
Adopt an edible food recovery ordinance requiring edible food recovery services and organizations to maintain records of the contact information and the quantity of edible food collected.	City	City	Yes
Adopt an ordinance to regulate haulers collecting organic waste requiring compliance with SB 1383 regulations.	City	City	Yes
Adopt enforceable ordinance(s), or similarly enforceable mechanisms requiring compliance with the State’s Model Water Efficient Landscape Ordinance.	City	City	Yes



SB 1383 Requirement	Primary Performing Party	Party Subject to Financial Penalty	Additional Staff Oversight Required (Y/N)?
Education and Outreach Page A-20			
Provide education and outreach materials to all generators on how to sort materials, methods for organic waste prevention, methane reduction benefits, edible food donation programs, etc.	Hauler/City	City	Yes
Provide outreach and education through print and/or electronic media, or direct contact with generators.	Hauler/City	City	Yes
Translate educational materials into any non-English language spoken by a substantial number of the public provided organic waste collection services.	Hauler/City	City	Yes
Provide Commercial Edible Food Generators with the following information about the City's edible food recovery program for generators and recovery organizations.	Hauler/City	City	Yes
Reporting and Recordkeeping Page A-24			
Submit an initial compliance report with a copy of adopted ordinances, reporting items, and contact information of the City's designated employee for compliance-related issues.	Hauler/City	City	Yes
Submit an Annual Report to CalRecycle.	Hauler/City	City	Yes
Maintain records including ordinances, contracts, franchise agreements, policies, procedures, or programs and a description of hauler programs.	Hauler/City	City	Yes
Maintain an Implementation Record that is stored in a central location so it is available to CalRecycle within 10 business days of their request.	Hauler/City	City	Yes



COLLECTION AND PROCESSING

Program Summary

Commencing January 1, 2022, the state requires that jurisdictions provide organic waste collection and processing services to all residential, multi-family, and commercial generators; **failure to provide services or implement other required programs by this date may subject the City to state-imposed fines.** The SB 1383 organic waste definition differs significantly from definitions in prior legislation, such as AB 939 and AB 1826, requiring an expansion of current collection and processing programs (as well as other supporting programs that are addressed throughout this action plan). While the revised definition of organic waste encompasses “traditional” organics such as yard trimmings, food waste, and wood waste, it incorporates a wider array of recoverable commodities, including paper products, cardboard, textiles, carpet, biosolids, digestate, and manure. As a result, SB 1383 impacts both recyclables and organics reduction, collection, and processing programs. The City of Oceanside (City) currently offers residents and multi-family customers refuse, recycling, and green waste collection. The commercial sector receives refuse, recycling, green waste, and source-separated food waste (inclusive of food-soiled paper) collection. The City began rolling-out the commercial organics program to commercial customers in CY 2020 with anticipated completion in CY 2021. While it is expected that the commercial organics program will be fully implemented prior to SB 1383’s regulatory deadline of January 1, 2022, provision of an expanded organics collection and processing service for residential and multi-family customers will be required of the City.

For generator convenience and City-wide fiscal responsibility, it is recommended that the existing residential and multi-family green waste collection programs be expanded to include the required additional organic materials (i.e., 3-container collection system), opposed to implementing a 4-container collection system which requires a fourth collection cart for food scraps and food soiled-paper. This recommendation would require residential and multi-family customers to place additional organic material, food scraps and food-soiled paper into their current green waste cart, thereby reducing the residential curbside footprint to help minimize impacts of on-street parking, mitigate traffic and vehicle impacts on transportation infrastructure, reduce overall greenhouse gas emissions, and reduce capital investment in collection containers and vehicles. Recognizing the inherent benefits of a 3-container collection system for the residential and multi-family sector, it is recommended that the City incorporate an alternative bid option in the City’s competitive procurement process to obtain market pricing for both options given local processing infrastructure challenges.

In addition to the collection and processing requirements detailed above, there are also specific requirements surrounding container colors and labeling standards. These requirements, which are summarized below, will be primarily delegated to a Franchisee(s) via the competitive procurement process described within the Zero Waste Plan Update. **However, compliance with SB 1383 is ultimately the responsibility of the City, necessitating that the City implement robust internal programs to oversee and supplement Franchisee activity.** If the City elects to allow generators to self-haul or back-haul their waste, the City will be required to expand its self-haul registration and reporting requirements, as well as provide specific educational materials to those generators. In addition to collection and processing



programs, SB 1383 requires that the City implement a robust organics education program, organics collection contamination monitoring program, commercial generator inspection program, food recovery programs, and maintain records of compliance; these additional programs are detailed throughout the other Sections of this SB 1383 Action Plan.

State SB 1383 Requirements for Jurisdictions – Collection and Processing

- ✓ Provide organic waste collection and recycling services to all generators using a 4-, 3-, 2-, or 1-container collection system, with the exception of self-haulers or back-haulers (§18984.1-18984.3, & §18998.1).
- ✓ Jurisdictions may allow limited waivers for commercial generators with de minimis volumes and/or physical space constraints; furthermore, if waivers are issued, jurisdictions may face increased cost and workload due to reverification inspections, records maintenance, and report submittals (§18984.11, §18984.14, & §18995.1.a).
- ✓ Provide collection containers to generators that comply with color and labeling requirements whenever containers are replaced, or by January 1, 2036, whichever comes first (§18984.7).
- ✓ Ensure organic waste is sent to a facility or operation deemed to constitute a reduction in landfill disposal (§18983.1).

State SB 1383 Requirements for Generators

- ✓ Subscribe to organics collection services provided by jurisdiction (§18984.9) or self-haul organics to facility that processes source-separated organic waste (§18984.9).
- ✓ For commercial businesses (excluding multi-family dwellings) provide organic waste and non-organic waste containers for customers and employees; require employees to source separate organic materials; periodically inspect organics containers for contamination; and, educate employees on source separation if contamination observed (§18984.9).
- ✓ For commercial businesses self-hauling, record and report self-hauling activities (§18988.3).

Ordinance and Policy Needs

The City will need to amend its current Municipal Code to include provisions requiring compliance with SB 1383, including the new collection and processing programs and requirements described in this SB 1383 Action Plan, and other applicable law (e.g., Mandatory Commercial Recycling (AB 341), Mandatory Organics Recycling (AB 1826), AB 827, and AB 1594). Necessary ordinances and policy actions are further described in the Ordinances and Policies Section of this SB 1383 Action Plan.

Contracting Implications

The City is in the process of developing a Request for Proposals (RFP) to begin a new franchise agreement that will include SB 1383-compliant provisions. The City is anticipating that the successful proposer will provide commingled organic waste collection and processing to the residential and multi-family sectors, which will allow the City to provide a three-container collection system. It is also recommended that the



City maintain the source-separated commercial organics program that launched in 2020. Critical provisions that are included in the new franchise agreement include, but are not limited to: expansion of organic materials and recyclables collection services; specifications of allowable containers and labels; new inspection provisions; data collection and contamination monitoring; increased record keeping and reporting; distribution of education and outreach materials; recovered organic product procurement; and, other supporting programs. See Section 5 of the 2020 Zero Waste Plan Update for further details on services anticipated to be delegated via the franchise agreement.

Infrastructure Needs

The implementation of new collection programs and processing requirements will necessitate increased processing capacity and infrastructure. The City has included provisions for organics processing in the RFP for both facilities that process source separated food waste and yard trimmings, as well as facilities that process commingled food waste and yard trimmings. Requesting proposals on both options, separately from collection proposals, provides the City with the greatest flexibility to have a compliant collection program, while utilizing existing and/or planned infrastructure in the region.

The City is also exploring the expansion of the San Luis Rey Water Reclamation Facility (SLRWRF) capabilities to receive process pre-treated commercial organic waste into renewable energy. This approach would require a pre-processing plant that can remove contaminants such as grit, plastic, metal, glass, wood, and other physical contaminants. As part of the RFP, the City has asked potential processors to propose on an implementation plan, operation plan, and cost for a pre-processing facility to treat commercial organic waste that could then be brought to SLRWRF. The ability to receive and process pre-treated organic waste locally would create local renewable energy and potentially help increase the regional capacity for organics processing, while simultaneously assisting in the recovered organic product procurement requirements of SB 1383 (please see the Product Procurement Section of this SB 1383 Action Plan for further detail).

Staffing and Budget Considerations

The City will encounter increased staffing demands and costs associated with implementing and maintaining programs, on both an up-front and on-going basis. Up-front staffing demands and costs for implementing the collection and processing requirements will be primarily related to the competitive procurement and will include tasks such as program planning, stakeholder feedback, drafting a franchise agreement, negotiating with proposers, and consulting fees. It is recommended that the City seek reimbursement for the costs associated with issuing a competitive RFP from the successful proposer; it is typical in the industry that a jurisdiction's procurement costs are remitted by the successful proposer as a lump sum upon contract award.

As mentioned above, the City will be ultimately responsible for SB 1383 compliance; therefore, a robust oversight program will be required. The City currently oversees their solid waste collection and processing Franchisee's collection programs, and anticipates that these programs will remain relatively consistent into the foreseeable future (e.g., commingled organics for residential and multi-family customers and source-separated organics collection for commercial customers). The majority of increased staffing and costs related to SB 1383 will be focused around education and outreach, monitoring and enforcement,



product procurement, and reporting and recordkeeping; these staffing and funding requirements are detailed in the subsequent Sections of this SB 1383 Action Plan.

Timeline

ID#	Action Item (1)	Collaborators	Timeframe
1	Release RFP for collection and processing services	City	December 2020
2	Proposers submit written questions on RFP	Proposer(s)	January 2021
3	City issue response to proposer questions regarding RFP	City	January 2021
4	RFP proposals due to City	Proposer(s)	March 2021
5	City to evaluate proposals for collection and processing services	City	April 2021 – June 2021
6	Negotiate with shortlisted proposer(s)	City & Contractor(s)	July 2021 – September 2021
7	City Council selects collection and processing Franchisee(s)	City	July 2021 – December 2021
8	Final negotiations with Franchisee(s)	City & Contractor(s)	December 2021
9	City Council approves negotiated franchise agreement	City	December 2021
10	Majority of SB 1383 requirements go into effect	---	January 1, 2022
11	Plan roll-out of new program(s)	City & Franchisee(s)	January 2022 – July 2023
12	Pre-implementation education of generators about new organics program and mandatory service requirements	City and/or Franchisee(s)	July 2023 – December 2023
13	Selected Franchisee(s) commence(s) service	Franchisee(s)	January 1, 2024

(1) Information related to monitoring and enforcement, product procurement, ordinances and policies, education and outreach, and reporting and recordkeeping are included in subsequent Sections of this SB 1383 Action Plan.



MONITORING AND ENFORCEMENT

Program Summary

Commencing no later than January 1, 2022, state regulations require that jurisdictions enforce SB 1383 requirements through adoption of ordinances and/or other enforceable policies and procedures; and through development of an inspection and enforcement program. To meet these requirements, the City's enforcement obligations will include verification of SB 1383 compliance by generators, self-haulers (including back-haulers), construction and demolition debris haulers, food recovery organizations and services, and other entities. The program will include provisions for notices of violations and fines (or penalties) for non-compliant regulated entities, which shall be actively enforced commencing no later than January 1, 2024.

A key focus of the enforcement program is ensuring that each residential, multi-family and commercial generator subscribe to refuse, recyclables, and organic waste collection services, or complies with self-hauling requirements. SB 1383 requires an annual desktop compliance review of all commercial garbage accounts generating over two cubic yards of solid waste, and all multi-family garbage accounts with over five (5) units to ensure compliance with the collection requirements. By imposing mandatory service of all three (3) waste streams and providing the appropriate containers to all generators, the City can minimize the effort required to complete desktop compliance reviews. Currently, all single-family generators receive refuse, recyclables, and green waste collection service, and the City provides technical assistance to commercial businesses on organics implementation. It is anticipated that the roll-out of the City's commercial source-separated organic waste program will be completed in 2021. As such, the City's early enforcement efforts will be focused on ensuring multi-family generators are subscribed to, and participating in, the appropriate organics diversion services, as well as on-going monitoring of the commercial program. Further technical assistance for the commercial and multi-family sector will assist generators with proper separation of materials, minimize contamination, and reduce the impact on customer bills. The RFP for collection and processing services delegates technical assistance responsibility to the successful proposer, but ultimately a successful technical assistance program will require a dual effort by the successful proposer and City Staff. Historically, the City has provided significant resources to supplement Franchisee roll-out of, and technical assistance to, the commercial organics program, and it is anticipated that City resourcing needs will be expanded as programs are implemented across other sectors. Please see the Education and Outreach Section of this SB 1383 Action Plan for further details on the technical assistance program.

Additionally, the City will be required to monitor all waste streams for container contaminants via on-route monitoring or waste characterization studies. SB 1383 requires non-compliant entities to receive additional education and issuance of Notices of Violations (NOVs) and/or fines (see below for further details on requirements). This level of monitoring and enforcement will require additional staff time to ensure the City is in full compliance, and that the Franchisee is completely and effectively implementing the monitoring, enforcement and technical assistance program outlined in the franchise agreement. Similarly, a robust education program will help raise awareness of the requirements and attempt to minimize the amount of violations and instances of continued container contamination. As contemplated



in the collection and processing RFP, it is recommended that the City delegate contamination monitoring to their Franchisee in the form of annual route reviews to alleviate some, but not all, impacts on the City’s budget and staffing. In addition to contamination monitoring, the new franchise agreement will require that the Franchisee(s) implement monitoring programs to support enforcement efforts in conjunction with City Staff through additional education and technical assistance. As such, the City will require additional staffing to support the Franchisee’s inspection program by offering additional touches, to ensure SB 1383 compliance and minimize liability to the City. Despite delegation of the initial route monitoring for prohibited container contaminants, the City will be required to issue NOVs and fines beginning January 1, 2024 through its code enforcement procedures.

Additionally, SB 1383 also requires implementation of an edible food recovery monitoring program to ensure Tier One and Tier Two Commercial Edible Food Generators comply with SB 1383 (please reference the chart below for a description of Tier One and Tier Two Commercial Edible Food Generators). Beginning January 1, 2022, the City will be required to inspect Tier One Commercial Edible Food Generators for compliance, and beginning January 1, 2024, the City must inspect Tier One and Tier Two Commercial Edible Food Generators. While the regulations do not specify the frequency of inspections, they state that the enforcement program shall be “designed to ensure overall compliance.” As such, the City may choose to inspect a statistically valid sample of edible food generators, or the City could inspect all generators to further assist with recovery of edible food for human consumption. During these inspections, the City will be required to verify that Tier One and Tier Two Commercial Edible Food Generators have contracted with a Food Recovery Service (FRS) or Food Recovery Organization (FRO), or that they self-haul their edible food to an organization that will accept it for recovery. Additionally, the City will have to ensure that Tier One and Tier Two Commercial Edible Food Generators maintain records of edible food recovered.

Tier One Edible Food Generators	Tier Two Edible Food Generators
Supermarket	Restaurant (250+ Seats or 5,000+ Sq. Ft.)
Grocery Store (10,000+ Sq. Ft.)	Hotel with On-site Food Facility (200+ Rooms)
Food Service Provider	Large Venue
Food Distributor	Large Event
Wholesale Food Vendor	State Agency with Cafeteria (250+ Seats or 5,000+ Sq. Ft.)
	Education Facility with On-site Food Facility

State SB 1383 Requirements for Jurisdictions – Monitoring & Enforcement

- ✓ Conduct contamination monitoring either through route reviews for prohibited container contaminants such that all routes are inspected annually or through twice yearly waste evaluation studies of all container types; and, notify generators if contamination is found (§18984.5).



- ✓ Implement an inspection and compliance program including: conducting compliance reviews of all commercial garbage accounts producing over two cubic yards of solid waste and multi-family garbage accounts with over five (5) units; inspecting Tier One Commercial Edible Food Generators, FRO, and FRS; and, conducting generator compliance reviews through route reviews or waste evaluations (§18995.1).
- ✓ Starting January 1, 2022 through December 31, 2023, provide non-compliant generators with educational material (§18995.1).
- ✓ Beginning January 1, 2024, take enforcement action, including issuing NOVs and imposing penalties for non-compliant generators, haulers, self-haulers, commercial edible food generators, or other regulated entities, with the exception of violations of container contamination provisions, for which a penalty is optional (§18995.4; §18997.2).
- ✓ Conduct a sufficient number of route reviews, inspections, and compliance reviews to determine compliance, and generate an electronic or written record for each inspection or review (§18995.1).
- ✓ Provide a procedure for the receipt and investigation of complaints, including the method for notifying the complainant of the result of the complaint; investigate complaints received; and, maintain a record of all complaints and responses (§18995.3).
- ✓ Pay penalties assessed by CalRecycle for the jurisdiction's failure to comply, which includes many possible violations, ranging from minor, moderate, or major, and with associated penalties ranging from \$500 per violation to \$10,000 per violation per day (§18997.3).

Ordinance and Policy Needs

The City will need to amend relevant sections of the Municipal Code to integrate the enforcement process and penalties specified in SB 1383 for non-compliant generators, food recovery organizations, Franchisee(s), and other entities. The City will also develop protocols and policies for customer compliance reviews; route reviews; receipt and investigation of complaints; CalGreen compliance and documentation of its monitoring and enforcement efforts, with the support of the Franchisee(s) where appropriate. Additionally, the City will also need to amend its Environmentally Preferable Purchasing Policy (EPPP), and Municipal Code, to enforce relevant components of the City's recovered organic waste product procurement requirements, as further described in the Product Procurement Section of this SB 1383 Action Plan. For further details on required ordinances and policies, please refer to the Ordinances and Policies Section of this SB 1383 Action Plan.

Contract Implications

The City has included provisions in the collection and processing RFP and franchise agreement requiring the Franchisee(s) to perform the contamination monitoring route reviews. The new franchise agreement also includes adequate record keeping and reporting provisions associated with the contamination route reviews, in order for the City to obtain the information needed to meet its state reporting requirements and monitor program progress. Delegating portions of the monitoring program reduces some of the impacts on the City's budget and staffing requirements (see below section labeled budgetary and staffing considerations for further discussion), but City Staff time will still be needed to oversee the contract and



provide enforcement. In cases where contamination is found, the new franchise agreement outlines a protocol for progressive measures to be taken prior to issuing contamination fees, as allowable by SB 1383 beginning in 2024. These specific measures prioritize generator education and limit punitive misuse of contamination fees by the City's Franchisee(s).

Infrastructure Needs

To comply with SB 1383 implementation record requirements, the City will need to further develop its strategy for documenting monitoring and enforcement efforts. The City currently uses a web-based platform that supports aggregation of data from multiple parties. The new agreement will require that the Franchisee(s) utilize the software for recordkeeping and reporting, which may require that they enter into a separate contract with the software provider. Requiring the successful Franchisee(s) to use this service serves two purposes. First, the City can better track monitoring and enforcement related to activities being carried out by the Franchisee(s) or City Staff. Second, it streamlines the reporting process and makes certain that the City will have accurate and complete reporting for some state reports and requests (as described in the Reporting and Recordkeeping Section of this SB 1383 Action Plan).

Education and Outreach

With the assistance of the Franchisee(s), the City will be required to educate noncompliant customers no later than January 1, 2022 and until December 31, 2023. After this timeframe, the City will initiate an NOV process and take enforcement actions against commercial and multi-family generators. Refer to the Education and Outreach Section for further information regarding ongoing education as well as education prior to program implementation. The Franchisee(s) will be contractually obligated to distribute and track metrics of each material as described in the Education and Outreach Section of this SB 1383 Action Plan.

Understanding that the City places the utmost importance on effective public education and promotion as the key to helping residents and businesses understand more about source reduction, reuse, and recycling, the RFP requires that each proposer shall develop a public education plan. This approach will allow proposers to bring innovative solutions to the City of Oceanside to support businesses and residents.

Budgetary and Staffing Implications

Container Contamination Minimization - Route Monitoring

While the City has included provisions in the RFP and franchise agreement requiring the Franchisee(s) to perform the contamination monitoring route reviews, it is expected that City staff time will be required to oversee the route monitoring program and respond to escalated customer complaints on an on-going basis. City staff time for complaint investigation and issuing NOVs and fines is reflected below in the subsection labeled "Investigation of Complaints and Issuance of NOVs."

Desktop Compliance Review

In addition to contamination monitoring, Oceanside will be required to perform an annual desktop review of all commercial solid waste collection accounts generating over two cubic yards of solid waste and all multi-family garbage accounts with over five (5) units. Again, this activity is partially delegated to the



Franchisee(s) via the franchise agreement, however it will require oversight and follow-up by the City. It is estimated that the one-time implementation cost to the City is approximately six thousand dollars (\$6,000) and the staffing requirement is .03 FTEs. On an on-going basis it will cost the City approximately twenty-seven thousand dollars (\$27,000) and require 0.17 FTEs to follow-up and educate customers deemed non-compliant through desktop compliance reviews.

Investigation of Complaints and Issuance of NOVs

The City will also be required to investigate complaints beginning January 1, 2022. Historically, the City has benefitted from a high level of support from City staff who engage the community to expand participation and resolve customer complaints; additional staffing on an on-going basis will be required to maintain the service standards as additional programs are implemented. It is estimated that the one-time costs associated with implementing this program will be approximately twenty-two thousand dollars (\$22,000) with a one-time staffing equivalent of approximately 0.11 FTEs. On an on-going basis it is estimated that it will cost the City approximately two hundred eighty-four thousand dollars (\$284,000) per year with a staffing requirement of 1.77 FTEs. The actualized cost may vary based on the number of staff trained and/or cross-trained to perform these functions (e.g., it's likely prudent to have more than one Code Enforcement Officer trained in regards to SB 1383 related complaints). Beginning January 1, 2024, the City will be required to issue NOVs and fines, which will require additional program implementation and increased resource demand above the complaint investigation resources. It is estimated that the up-front cost for developing the NOV and fine program will be twenty-five thousand dollars (\$25,000) and require a one-time staff demand of .12 FTEs. On an on-going basis it is projected that the City's NOV and fine program will incur a cost of approximately one hundred ninety-eight thousand dollars (\$198,000) with a staffing demand ranging from 1.08 FTEs to 1.30 FTEs. The range in costs and staffing is a derivative of unpredictable consumer behavior and willingness to participate in programs. Again, the staffing demand will be incurred by multiple departments and is critical to program success.

Edible Food Recovery Inspections

SB 1383 requires implementation of an edible food recovery monitoring program to ensure Tier One and Tier Two Commercial Edible Food Generators comply with SB 1383. It is projected that the up-front cost for implementing this monitoring program will be approximately thirty-six thousand dollars (\$36,000) with a one-time staffing equivalent of approximately 0.18 FTEs. On an on-going basis it is estimated that it will cost the City a minimum of thirty-one thousand (\$31,000) per year with a staffing requirement of 0.19 FTEs.

Program Metrics and Reporting

The City will track the percentage of compliant generators with collection service or self-hauling registration and track the monthly or quarterly number of compliance reviews, route reviews, NOVs issued, penalties assessed, repeat NOVs and penalties, follow-up inspections completed, educational material provided to noncompliant customers, and other metrics. Much of this information may be obtained through reports submitted by the collection and processing Franchisee(s) for relevant requirements as outlined in the new agreement. See the Reporting and Recordkeeping Section of this SB 1383 Action Plan for further information.



Other Considerations

The City must develop its inspection and enforcement program by January 1, 2022. As such, the City will need to provide sufficient staffing to develop and implement the plan, monitor the delegated tasks to the Franchisee(s), as well as manage and perform on-going enforcement activities. The City may consider engaging a Contractor to assist with monitoring efforts, as needed.



PRODUCT PROCUREMENT

Program Summary

Through SB 1383, the state requires jurisdictions to support use of recovered California organic waste products through the procurement of compost, mulch, electricity from biomass conversion, or renewable natural gas (RNG) in quantities that comply with SB 1383 procurement targets. SB 1383 requires procurement of 0.8 tons of recovered organic materials per capita, establishing a baseline procurement target of 14,087 tons of recovered organic waste products per year. Acknowledging that different recovered organic waste products have varying impacts on the environment, the baseline procurement target is multiplied by conversion factors to determine the minimum procurement target for each commodity. The adjacent table lists the various recovered organic commodities and the associated procurement target (please note that the City may choose to use a combination of commodities to meet their procurement target). As contemplated in the RFP, it is recommended that Oceanside delegate the product procurement requirement to their collection and organics processor Franchisee(s) as allowed under SB 1383 Section 18993.1(e) to help meet this target.

Commodity	Procurement Target
Renewable Gas (DGE)	295,828
Electricity from RNG (kWh)	3,409,064
Heating from RNG (therms)	309,915
Electricity from biomass (kWh)	9,156,576
Compost (tons)	8,170
Mulch (tons)	14,087

Additionally, Oceanside will be required to purchase recycled content paper products and writing supplies if they cost the same or less than virgin materials, in accordance with Public Contracts Code Sections 22150-22154. Paper products include, but are not limited to, paper, janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue and toweling. To meet these requirements, Oceanside will amend or adopt procurement policies to comply with SB 1383 requirements surrounding recycled-content paper purchasing requirements by updating the City’s purchasing policy. Additionally, the City will be required to maintain records and documentation of these purchases, including copies of receipts (or other proof of purchases) and the minimum percentage of postconsumer material in the products. Please see the Reporting and Recordkeeping Section of this SB 1383 Action Plan for further details on reporting requirements.

State SB 1383 Requirements for Jurisdictions – Product Procurement

- ✓ Commencing January 1, 2022, a jurisdiction shall annually procure a quantity of recovered organic waste products that meets or exceeds its current annual recovered organic waste product procurement target as determined by Article 12 (§18993.1.a).
- ✓ Beginning on or before January 1, 2022 and every 5 years thereafter, a jurisdiction must calculate the annual recovered organic waste product procurement target based upon multiplying the per capita procurement target by the jurisdiction population (§18993.1.b).
- ✓ A jurisdiction shall comply with the product procurement target by directly procuring recovered organic waste products for use or giveaway and/or requiring, through a written contract or



agreement, that a direct service provider to the jurisdiction procure recovered organic waste products and provide written documentation of such procurement to the jurisdiction (§18993.1.e.1 and §18993.1.e.2).

- ✓ Procure paper products, and printing and writing paper consistent with the requirements of Section 22150-22154 of the Public Contracts Code. These paper products shall be eligible to be labeled with an unqualified recyclable label as defined in 16 C.F.R. 260.12. Jurisdiction shall require all businesses that it purchases paper products and printing/writing paper to certify minimum percentage of postconsumer material in the paper products (§18993.3).

Ordinance and Policy Needs

The City will need to update their EPPP Policy to comply with the aforementioned requirements of SB 1383. Specifically, the City will be required to procure paper products, and printing and writing paper consistent with the requirements of Sections 22150-22154 of the Public Contracts Code. The City may also be required to update Section 28A of their municipal code related to purchases and sales.

Contract Implications

The City has included in the draft franchise agreement the procurement of recovered organic waste products beginning January 1, 2022. This includes a provision that all vehicles under the contract be powered by RNG in order to help the City meet this requirement. The City has also included reporting provisions in the franchise agreement to ensure that the Franchisee(s) is providing documentation necessary for inclusion in the implementation record. Please see the Metrics and Reporting Section below for further detail.

Additionally, the City has opted to require that proposers offer compost giveaway events for residents, and provide compost and mulch for City facilities. While these events will have a minimal impact on the procurement target they may serve as an important touch-point with residents and help educate the community on the benefits of organic diversion. These events could be collocated with other city-sponsored events to minimize costs and increase participation.

Metrics and Reporting

SB 1383 contains robust recordkeeping requirements surrounding recovered organic waste procurement and recycled content paper procurement. Required records for recovered organic waste procurement include:

- ✓ A description of how the jurisdiction will comply with the recovered organic waste procurement targets.
- ✓ The name, physical location, and contact information of each entity from which products are procured.
- ✓ All invoices (or similar) evidencing procurement.



- ✓ If utilizing a direct service provider or designee, records of all recovered organic waste products procured by designee.

Additionally, the City will need to keep invoices and receipts that describe the procurement of paper products by volume and type, as well as copies of certifications verifying post-consumer content in the City's implementation record. Upon request by CalRecycle, the City shall provide access to the Implementation Record within ten business days.

Budgetary and Staffing Implications

Public Contracts Code Section 22150 states "if fitness and quality are equal, each local public entity shall purchase recycled products, as defined in Section 12200, instead of non-recycled products whenever recycled products are available at the same or a lesser total cost than non-recycled items." As such, it is anticipated that there are no additional costs to the City for procuring recovered-content paper products and printing and writing paper. It is projected that the City will incur additional reporting costs related to their procurement which are included in the Reporting and Recordkeeping Section of this SB 1383 Action Plan.

It is anticipated that the City will delegate the procurement of recovered California organic waste products to their collection and organics processing Franchisee(s) as allowed under SB 1383 Section 18993.1(e). This compliance pathway will mitigate any resource requirements on the City, with the exception of reporting resources which are included under the Reporting and Recordkeeping Section of this SB 1383 Action Plan.



ORDINANCES AND POLICIES

Program Summary

Section 18981.2 of SB 1383 states that Jurisdictions shall adopt “enforceable ordinance(s) or similarly enforceable mechanisms” to mandate that organic waste generators, haulers, and other entities that are subject to the requirements of SB 1383 and the jurisdiction’s authority comply with the requirements of SB 1383. As such, the City of Oceanside will be required to amend their municipal code to align with the requirements of SB 1383. Currently, the City has mandatory refuse, recycling and green waste, for residential and commercial generators. These ordinances will need to be amended to include all types of organics materials collection for all generators.

Additionally, SB 1383 specifies that jurisdictions are to adopt ordinances to require construction and demolition contractor compliance with CALGreen’s sixty five percent (65%) C&D recycling requirements and construction of new buildings with sufficient space for recycling. The City of Oceanside has already adopted the 2019 CALGreen standards, which will need to be updated to the 2020 standards. Requirements of CalGreen and SB 1383, as well as abundance of material in waste characterization, indicates the City needs to take more action to monitor generators and increase accountability. Options include, but are not limited to, requiring weight ticket submittal upon project completion or certification of project diversion by the City’s Franchisee(s).

SB 1383 also requires implementation of certain sections from the state’s Model Water Efficient Landscaping Ordinance which the City has already adopted by reference. The City will need to update their oversight and enforcement program to comply with the required enforcement provisions.

Finally, the City will need to update their EPPP Policy to comply with the requirements of SB 1383. Specifically, the City will be required to procure paper products, and printing and writing paper consistent with the requirements of Sections 22150-22154 of the Public Contracts Code as described above in the Product Procurement Section of this SB 1383 Action Plan.

State SB 1383 Requirements for Jurisdictions – Ordinances & Policies

- ✓ By January 1, 2022, a jurisdiction shall adopt enforceable ordinances (or similarly enforceable mechanisms), requiring compliance by generators, haulers, and other entities regulated under the SB 1383 regulations (§18981.2.a).
 - Adopt an ordinance that requires organic waste generators to subscribe to organics collection programs, annually provide information about organics requirements, provide new information to tenants within 14 days of occupation of the premises, and arrange for access to their properties for inspections (§18984.10).
 - Adopt an ordinance that requires commercial organic waste generators to provide containers for the collection of organic waste and non-organic recyclables in all areas where disposal containers are provided for customers, except for restrooms. These containers must comply with SB 1383 regulations (§18984.9.b, §18984.9.d, and §18984.9.e).



- Adopt an ordinance that prohibits organic waste generator employees from placing organic waste in a container not designated to receive organic waste (§18984.1(a)(5) and §18984.2(a)(5)). Jurisdiction shall inspect containers for contamination.
- If jurisdiction allows self-hauling, jurisdiction shall adopt an ordinance that requires self-haulers to comply with SB 1383 requirements (§18988.1.b and §18988.3).
- ✓ Adopt an edible food recovery ordinance or similarly enforceable mechanism requiring Tier One commercial edible food generators to comply with the following by January 1, 2022, and Tier Two commercial edible food generators to comply with the following by January 1, 2024 (§18991.3):
 - Arrange to recover the maximum amount of edible food for human consumption that would otherwise be disposed by contracting with a food recovery organization or service, or by self-hauling edible food to a food recovery organization.
 - Prohibit a commercial edible food generator from recovering no edible food unless there is insufficient recovery capacity or an act of God.
 - Prohibit a commercial edible food generator from intentionally spoiling edible food that could be recovered for human consumption.
- ✓ Adopt an edible food recovery ordinance or similarly-enforceable mechanism requiring FRS and FRO that collect or receive edible food directly from commercial edible food generators to maintain records of the contact information for each commercial edible food generator that collects and receives food from, the quantity in pounds of edible food collected or received and transported per month, and lastly the contact information for each food recovery service (§18991.5).
- ✓ Adopt an ordinance to regulate haulers collecting organic waste. A jurisdiction's ordinance/mechanism shall require hauler compliance with SB 1383 regulations, including: compliance with collection program requirements and identification of facilities where they will transport organic waste (§18988.1.a, §18988.1.c, and §18988.2).
- ✓ Adopt enforceable ordinance(s), or similarly enforceable mechanisms requiring compliance with Sections 492.6(a)(3)(B)(C), (D), and (G) of the Model Water Efficient Landscape Ordinance, Title 23, Division 2, Chapter 2.7 of the California Code of Regulations (§18989.2).

Ordinance and Policy Updates

In order to comply with the requirements of SB 1383, the City will be required to amend existing ordinances and policies. At a minimum this will require implementation of a mandatory refuse, recycling, and organic waste collection ordinance for all generators. The City will need to update its regulation of generators who self-haul and back-haul materials by adding in provisions for exemptions to mandatory service. The City will also need to add or amend their enforcement ordinance, procurement policies, and edible food recovery ordinance. The City's current CALGreen Ordinance and Model Water Efficient Landscaping Ordinance are mostly sufficient for meeting the ordinance requirements of SB 1383, but the programs ensuring local compliance with these ordinances will require expansion. For example, self-certification of CALGreen compliance will need additional documentation to be allowable under SB 1383.



SB 1383 also requires implementation of an edible food recovery ordinance. Tier 1 and Tier 2 Edible Food Generators are required to contract with an FRS or FRO, or to self-haul their edible food to an organization that will accept it for recovery. Additionally, Tier 1 and Tier 2 edible food generators will be required to maintain records of edible food recovered. The responsibilities of these generators will need to be codified to establish legal authority. While not required by SB 1383, it is likely prudent that the City implement an ordinance that Tier 1 and Tier 2 Edible Food Generators are required to report on the quantities of edible food recovered. Ultimately the City is responsible for Edible Food Recovery reporting to CalRecycle and requiring of submission of records will be more efficient than inspecting records at individual businesses (inspections will still be required but staff time will be minimized if records are received in advance).

The City’s current EPPP Policy will need to be amended to align with the Public Contracts Code, requiring that the City purchase recovered organic content paper and writing products if they are the same price or less than comparable virgin materials. Recycled paper products shall consist of at least thirty percent (30%), by fiber weight, postconsumer fiber. In addition to updating the Purchasing Policy, the City will be required to keep records of their purchases in the implementation record (see the Reporting and Recordkeeping Section of this SB 1383 Action Plan for further details).

Budgetary and Staffing Implications

It is estimated that the up-front cost of implementing the required ordinances and policies will be one hundred sixteen thousand dollars (\$116,000), with a one-time staffing demand of 0.29 FTEs. These estimates include City Staff time and assume that the City will hire a Contractor to assist with development of SB 1383, CALGreen, Purchasing Policy, and MWELo compliance programs, as well as drafting the applicable ordinances. It is important to note that the staffing demand for the implementation of ordinances will affect multiple job classifications (e.g. Environmental Specialist I & II, Senior Environmental Specialist, Code Enforcement Officer, Code Enforcement Supervisor, Environmental Officer, Division Manager, Director, City Attorney, etc.) and require interdepartmental cooperation.

Timing

SB 1383 requires that ordinances be implemented by January 1, 2022, therefore requiring that the City update their ordinances during CY 2021. In developing the ordinances and procurement policy, the City will need to consider multiple factors, such as: number of drafts anticipated, number of readings required by City Council for approval, potential stakeholder engagement, and education for regulated entities to support the effectiveness and public receptiveness of the requirements. Included below is a preliminary schedule that may be subject to change.

ID#	Action Item	Collaborators	Timeframe
1	Prepare draft ordinances	City & Contractor	January 2021 – March 2021
2	Solicit stakeholder input and present draft ordinances to Committee, Commission, and Council	City	March 2021 – June 2021
3	Second reading of ordinance at Council	City	August 2021
4	Ordinance become effective	City	Prior to January 1, 2022



EDUCATION AND OUTREACH

Program Summary

The City of Oceanside (City) currently provides minimal education to residential customers in English and Spanish through annual residential service guides and online marketing collateral including up to four billing mailers. The current education and outreach program will need to be supplemented to meet the requirements of SB 1383, and the City's Zero Waste Goals. Generally, SB 1383 requires that jurisdictions annually provide education to all residential and commercial units, commercial edible food generators, franchise haulers, permitted haulers, self-haulers, and food recovery organizations and services on their compliance obligations, as described in the state SB 1383 Requirements for Jurisdictions – Education and Outreach section below. Historically, educational media has been provided sporadically to service accounts, and not to individual units as required by SB 1383. This change in distribution method will necessitate that at least once per year the City, or their Franchisee, utilize the United States Postal Service Every Door Direct Mailer Service (USPS EDDM). Due to the City's high standards for education and outreach materials, the City's Zero Waste Goal, and a robust review process of Franchisee(s)-produced materials, a more collaborative and enhanced approach between the City and Franchisee(s) is required moving forward. The RFP requires that Proposers develop an education and outreach plan. While the City's RFP process encourages each proposer to use their own knowledge and expertise to develop the proposed public education plan, the City requests that each plan at least address the following minimum requirements:

- ✓ Public education programs that will be implemented to educate single-family, multi-family, and commercial customers on the recyclable materials and organics collection programs;
- ✓ Program for providing education and outreach to the school district, including but not limited to, food recovery, source reduction, reuse, recycling, and environmental stewardship as part of a holistic zero waste education program.
- ✓ Plans for complying with the education and outreach requirements of AB 939 and SB 1383;
- ✓ Website or webpage specific to the City that provides customers with access to service information, rates, and other public education information; include links to example websites;
- ✓ Non-collection and courtesy noticing (noting that the City encourages proposers to utilize innovative and proactive strategies for using such notices as public education opportunities)
- ✓ Strategy(ies) for communicating to customers how to properly dispose of household hazardous waste, sharps, and other difficult-to-handle materials;
- ✓ Presentations to schools and other community organizations;
- ✓ Participation at City-sponsored events, such as booths, displays, sponsorship, parade floats, farmers markets, etc.; and,
- ✓ Other aspects or unique features of the proposed public education and outreach plan.



State SB 1383 Requirements for Jurisdictions – Education and Outreach

- ✓ Prior to February 1, 2022, and annually thereafter, jurisdictions shall provide the following education and outreach materials to all generators provided an organic waste collection service (§18985.1.a):
 - The generator’s requirements to properly separate materials.
 - Methods for organic waste prevention, on-site recycling, and community composting.
 - Methane reduction benefits and the method(s) of organic waste recovery used.
 - Information on how to recover organic waste, and a list of approved haulers.
 - Information related to public health and safety benefits and environmental impacts associated with the landfill disposal of organic waste.
 - Information regarding edible food donation programs.
 - Information on self-hauling requirements (if the jurisdiction allows self-hauling).
- ✓ Provide outreach and education through print and/or electronic media, with the option to conduct additional outreach through direct contact with generators through workshops, meetings, or on-site visits. (§18985.1.c)
- ✓ Translate educational materials into any non-English language spoken by a substantial number of the public provided organic waste collection services. (§18985.1.e)
- ✓ At least annually, a jurisdiction shall provide commercial edible food generators with the following education and outreach (§18985.2.b):
 - Information about the jurisdiction’s edible food recovery program.
 - Information about the commercial edible food generator requirements specified in SB 1383.
 - Information about FRO and FRS operating within the jurisdiction, and where a list of those FRO and FRS can be found.
 - Information about actions that commercial edible food generators can take to prevent the creation of food waste.
 - The jurisdiction may provide this information by including it with regularly scheduled notices to those commercial businesses.

Contract Implications

Understanding that effective public education and promotion is a primary factor in the success of programs, a more collaborative approach to education and outreach between the City and its Franchisee(s) is encouraged, particularly regarding new SB 1383 programs. Delegating collateral design internally to the City, and printing and distribution to the Franchisee(s), as outlined in the draft franchise agreement, will ensure that the materials meet the needs of the City’s program and are distributed to each and every generator. Delegating distribution through the franchise agreement will help minimize costs and staffing impacts for the City, while maximizing efficiency through use of the Franchisee(s)’s existing points of contact with generators, such as billing notices and regularly scheduled routes. The new agreement outlines reporting requirements for education and outreach activities, in order to support the



City's mandatory reporting requirements to the state under SB 1383 and to track program progress. Examples of such reporting provisions include, but are not limited to: a description of the types of materials provided; the date materials were provided, posted, or disseminated; the names of generators that received the information; the type and number of accounts that received mass distributed information; and, a copy of all educational materials posted or distributed to generators. Refer to the Reporting and Recordkeeping Section for further information regarding the City's SB 1383 reporting requirements and implementation record.

SB 1383 has different education and outreach content requirements based on the type of regulated entity, and there are a variety of mediums and methods to achieve these requirements. Traditional means of communication through double-sided educational newsletters or postcards that contain all of the SB 1383 education requirements can be sent to every unit within the City, utilizing the USPS EDDM. Utilizing the USPS EDDM will ensure that all entities efficiently receive the mandatory minimum education materials. This approach negates the need for the City or Franchisee(s) to segregate their customers based on entity type and develop various pieces of education. The USPS EDDM will also ensure that every unit within the City receives the information, opposed to using a customer list which likely will include shared service accounts (e.g., multi-family complexes). It is recommended that this educational newsletter be provided both prior to commencing services and on an annual basis thereafter. Additionally, moving towards more modern and virtual educational content such as City and program specific social media accounts and short video clips can have a farther-reach and longer life-span if enough resources are allocated to produce quality content. It is also recommended that the City explore additional collateral that can target specific generators through the use of move-In kits for multi-families and vacation rental kits. Vacation rental kits will help support participation by tourist generators who are more transient or unfamiliar with the City's zero waste program.

Rates and Staffing Impacts

The estimated cost to design, print and distribute an annual mailer via the USPS EDDM to all units is between thirty-nine thousand dollars (\$39,000) and forty-three thousand dollars (\$43,000) per annum, which equates to a cost of approximately seven cents (\$0.07) per unit per month (single-family, multi-family, and commercial). Of this total cost for USPS EDDM, the City will be responsible for approximately six thousand dollars (\$6,000) related to content design, as the Franchisee(s) will be responsible for printing and mailing expenses.

In addition to the USPS EDDM, there will be a significant increase in resources surrounding implementation of the annual education plan. The level of City Staff involvement will vary based on the successful proposer's negotiated education plan and the roles assigned to each party. Any additional staffing and resource requirements surrounding the annual education plan are not included in the 3.8 FTE estimate, as they are highly variable based on the substance of the education plan.

Optional Program

While not required by the timeline of SB 1383, a robust education and outreach campaign prior to implementation of new programs is vital to the success of these programs. Early education provides residents and businesses with important information about their necessary behavior change to comply with the new programs and also informs them that the new programs are mandated by the State of



California. As such, it is recommended that the City of Oceanside require the new Franchisee(s) to distribute at least two (2) newsletters using the USPS EDDM prior to implementing new SB 1383 programs. It is estimated that two newsletters would cost between seventy-eight thousand dollars (\$78,000) and (\$86,000), or approximately fourteen cents (\$0.14) per unit per month when amortized over a ten (10) year service agreement.

Several pre-implementation City-wide workshops, offered in English and Spanish, which will be given jointly by the City and the new Franchisee(s) will aid in the service and collection transition, in the event that a different Franchisee(s) than the incumbent is chosen following the RFP process, and aid in educating the community on the new program offerings and requirements. Additionally, as part of the contract, joint speaker presentations between the City and the Franchisee(s) at various community groups will further engage the community in the upcoming changes to the collection program and service offerings. Finally, the RFP requires that Proposers develop an education and outreach plan, which may include supplemental education and outreach programs, which will require more City Staff time for oversight.



REPORTING AND RECORDKEEPING

Program Summary

SB 1383 contains three primary reporting mechanisms: an Initial Jurisdiction Compliance Report; an Annual Report; and an implementation record. The Initial Jurisdiction Compliance Report is due April 1, 2022 and shall include copies of ordinances and other enforceable mechanisms adopted pursuant to SB 1383, the contact information for the primary City reporting contact, and information on the implementation of organic waste collection programs. For this reason, it is imperative that the City implement an amended or restated franchise agreement, as well as the required ordinances.

The City currently submits Electronic Annual Reports (EARs) to CalRecycle through CalRecycle's Recycling and Disposal Reporting System (RDRS). SB 1383 greatly expands the annual reporting requirements which will require additional budget and potentially additional staffing. The staffing impacts will be determined by whether the City chooses to use internal staff for reporting or outsource this requirement to a third party. Please see the Budgetary and Staffing Implications Section below for further information.

SB 1383 requires that jurisdictions maintain records demonstrating their compliance with SB 1383 in a central location, physical or electronic, that can readily be accessed by CalRecycle within ten business days of request. Required records include, but are not limited to: ordinances, contracts, franchise agreements, a written description of the jurisdiction's inspection and enforcement program, organic waste collection service records, contamination minimization records, waiver and exemption records, education and outreach, edible food recovery program records, recovered organic waste procurement records, recycled content paper purchase records, inspection records, and enforcement records. All records and information required shall be included in the implementation record within 60 days of the event and shall be maintained for a minimum of five (5) years. The City of Oceanside currently receives monthly reports from their Franchisee that will need to be revised for additional information needs to facilitate compliance with SB 1383 implementation record requirements.

Given the large volume of data and multiple stakeholders (Franchise Hauler, Public Works Staff, Code Enforcement, City Attorney's Office, Purchasing, etc.) it is in the best interest of the City to continue using their cloud-based software to maintain and enhance the efficiency of their reporting process. However, additional staff time will be needed to initiate and set up the systems needed to maintain the quantity and quality of data required by the state to support SB 1383 compliance.

State SB 1383 Requirements for Jurisdictions

- ✓ By April 1, 2022, jurisdiction will submit initial Compliance report with a copy of adopted ordinances, reporting items identified in §18994.2, and contact information of the jurisdiction's designated employee for compliance-related issues (§18994.1).
- ✓ Commencing August 1, 2022, submit an Annual Report to CalRecycle containing the information required in §18994.2.b through §18994.2.k. Note that the first report is due October 1, 2022 and will be for the period of January 1, 2022 through June 30, 2022, while subsequent reports will be for the



entire previous calendar year (January 1 through December 31). Some of this information must also be maintained with the jurisdiction's implementation record.

- ✓ Maintain records including ordinances, contracts, franchise agreements, policies, procedures, or programs and a description of hauler programs.
- ✓ Maintain an implementation record that is stored in a central location (either physical or electronic) that must be made available to CalRecycle within 10 business days of their request.

Contract Implications

The City has included enhanced reporting requirements in the drafted franchise agreement. At a minimum, the report submission frequency has been changed to monthly to facilitate timely inclusion of records in the implementation record. Additionally, the volume of records and data required by the Franchisee will be significantly increased and enhanced.

The City may also choose to contract with one or more entities to assist in the facilitation of reporting. For example, the cloud-based software provider greatly enhances the efficiency of reporting and mitigate the risk associated with keeping voluminous records in a typical desktop file structure. Additionally, the City may wish to enter into an agreement with a third party to manage the reporting process, data aggregation, and analytics. Or, the City may determine that an internal data analyst is needed to set-up and maintain the reporting system. A discussion of this option and the impacts on cost and staffing is further described below in the Budgetary and Staffing Implications Section.

Budgetary and Staffing Implications

The City of Oceanside has two staffing options for recordkeeping and reporting: 1) utilize City Staff; or, 2) outsource reporting to a third party, presented as Option 1 and Option 2 respectively in the below figures. Both staffing approaches assume use of a cloud-based reporting software to help mitigate risk and facilitate an efficient data aggregation process. The City may also wish to use a combination of these approaches, utilizing a Contractor to design and implement the reporting program with a transition to City Staff at a later date. This approach may limit the City's learning curve and resource requirements by leveraging Contractor experience in other jurisdictions for initial implementation. If the City chooses to use internal staff, the implementation of a reporting system and on-going reporting is estimated to require an up-front cost of thirty-seven thousand dollars (\$37,000) and 0.21 FTEs. On an on-going basis it is projected that reporting and recordkeeping will cost approximately ninety-one thousand dollars (\$91,000) per year, with a staffing demand of 0.38 FTEs. If the City chooses to use a third-party consultant, the cost may vary significantly based on whether the third-party is hired via a sole-source or competitive procurement, delegation of roles, choice of software solution, and the selected firm's hourly rate, among other considerations.

**APPENDIX B:
DRAFT MARINE DEBRIS REDUCTION ORDINANCE**

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ORDINANCE NO. _____
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
OCEANSIDE AMENDING CHAPTER _____ OF THE
OCEANSIDE CITY CODE

WHEREAS, the City of Oceanside, California (City) has a strong interest in supporting the reduction of marine debris and beach litter in order to: protect the environment; conserve resources; improve cleanliness of the City’s public areas; and, increase the overall quality of life for Oceanside business owners, residents, and visitors by implementing more sustainable practices in the City; and

WHEREAS, this Ordinance aims to align with the goals set forth in the City’s Zero Waste Plan; and

WHEREAS, the California state legislature has found and declared that littered plastic products have caused and continue to cause significant environmental harm and have burdened local governments with significant environmental cleanup costs; and

WHEREAS, approximately eighty percent (80%) of debris in oceans comes from land; and

WHEREAS, a study from San Diego Coastkeeper found that the majority of beach litter collected on the San Diego County coastline was plastics, at fifty three percent (53%) of the total sample, much of which was polystyrene; and

WHEREAS, polystyrene is a particularly harmful pollutant that easily breaks down into smaller pieces, is easily carried by wind onto beaches and waterways, harms wildlife, and persists in the marine environment; and

WHEREAS, single-use disposable materials for food and beverage consumption make up approximately twenty five percent (25%) of the waste produced in California; and

WHEREAS, polystyrene and small single-use plastic items such as straws are often difficult to recycle and are not accepted in the City’s recyclable materials collection program; and

1 WHEREAS, aligning food service ware distributed by food service providers with the materials
2 that are accepted in the City’s recyclable materials and organic materials collection program helps
3 clarify source separation practices for City residents, businesses, and visitors; and, reduces the
4 risk of contamination in the City’s collection programs; and,

5 WHEREAS, reducing risk of contamination of the City’s material streams supports haulers and
6 facility operators with more effective collection and processing; increases waste diversion and
7 supports the operating life of landfills; supports businesses with reducing risk of contamination
8 fees; and, helps the City maintain an overall successful program; and

9 WHEREAS, the City wishes to encourage use of reusable food service ware in order to
10 emphasize the importance of source reduction of wasted materials and align with the City’s zero
11 waste plan goals; and

12 WHEREAS, according to Californians Against Waste, at least 120 jurisdictions in California,
13 including multiple jurisdictions in San Diego County, have already passed ordinances restricting
14 the use of polystyrene and promoting more sustainable food service ware alternatives; and

15 WHEREAS, a variety of stakeholders in the community have continuously expressed their desire
16 for the City to pass a marine debris reduction ordinance; and

17 WHEREAS, the City understands the unique conditions and needs of businesses within the City,
18 and has drafted this Ordinance to provide ample alternative material types, varied requirements
19 based on the unique food service ware types, and an implementation approach that includes
20 multiple phases and potential waiver opportunities in order to support businesses with
21 successfully implementing the new requirements; and,

22 WHEREAS, this Ordinance is exempt from the requirements of the California Environmental
23 Quality Act (CEQA) pursuant to Section 15061(b)(3) of Title 14 of the California Code of
24 Regulations as an activity that will not have a significant adverse effect on the environment; and,
25 pursuant to Section 15307 and Section 15308 of Title 14 of the California Code of Regulations
26 as an activity undertaken by the City for the protection and enhancement of the environment.

27 NOW, THEREFORE, the City Council of the City of Oceanside does ordain as follows:
28

Commented [A1]: Need City Attorney assistance if environmental review requires Neg Dec or something different

1 SECTION 1

2 Article ___ is hereby added to Chapter 13 of the Oceanside City Code and shall read as follows:

3
4 **ARTICLE ___ MARINE DEBRIS REDUCTION - DISPOSABLE FOOD SERVICE**
5 **WARE**

6 **Sec. 1.1 Intent and Purpose**

7 It is the intent of this Article to support the reduction of marine debris and beach litter; conserve
8 resources and protect the environment; improve cleanliness of the City's public areas; and,
9 increase the quality of life for Oceanside business owners, residents, and visitors by
10 implementing more sustainable practices and alternatives for certain Disposable Food Service
11 Ware items in the City.

12
13 **Sec. 1.2 Definitions.**

14 Unless the context otherwise clearly indicates, the words and phrases used in this Article are
15 defined as follows:

- 16 (a) "Accessory Food Service Ware" means Food Service Ware items including, but not
17 limited to: utensils, straws, stirrers, napkins, condiment packets, cup lids, cup sleeves,
18 cocktail picks, spill plugs, and other similar accessory items used as part of, or
19 accompanying, Prepared Food and/or other Food Service Ware.
- 20 (b) "City" means the City of Oceanside, California.
- 21 (c) "Compostable" means items that are accepted for collection within the City's organic
22 materials collection program, as determined by the City.
- 23 (d) "Customer" means any Person purchasing or otherwise receiving food from a Food
24 Service Provider.
- 25 (e) "Disposable Food Service Ware" means Food Service Ware items that are designed for
26 one-time or limited use.
- 27 (f) "Effective Date" means July 1, 2021 unless otherwise specifically provided by City
28 Council in order to allow for reasonable economic recovery following an immediate
emergency situation, such as the COVID-19 pandemic, and associated State, regional, and
local orders and restrictions.
- (g) "Food Service Provider" means any Person or establishment that provides or sells
Prepared Food or beverages on or off its premises within the City including, but not limited
to: (1) a restaurant, café, coffee shop, fast food restaurant, drive-thru service, grocery

1 store, supermarket, convenience store, delicatessen, cafeteria, farmers' market, or similar
2 fixed place where Prepared Food is available for consumption on or off the premises; (2)
3 any mobile store, food vendor, caterer, food truck, or similar mobile food service that
4 provides Prepared Food; and, (3) transient lodging facilities including, but not limited to,
5 hotels, motels, and bed and breakfasts that provide Prepared Food for guests, Customers,
or visitors, regardless of whether the Prepared Food is complementary or available for
purchase by the Customer.

6 (h) "Food Service Ware" means items used for containing, serving, or consuming Prepared
7 Food, including, but not limited to: containers, cups, bowls, plates, trays, cartons, boxes,
8 and Accessory Food Service Ware items. Food Service Ware does not include Polystyrene
9 egg cartons, meat trays, coolers, ice chests, packing materials, buoys, navigational
10 markers, or pool and beach toys.

11 (i) "Person" means any person, business, corporation, or event organizer or promoter; public,
12 nonprofit or private entity, agency or institution; or, partnership, association or other
13 organization or group, however organized.

14 (j) "Polystyrene" means a thermoplastic petrochemical material utilizing the styrene
15 monomer including, but not limited to, polystyrene foam or expanded polystyrene
processed by any number of techniques including, but not limited to, fusion of polymer
spheres (expandable bead polystyrene), injection molding, foam molding, extrusion-blow
molding (extruded foam polystyrene), and clear or solid polystyrene (oriented
polystyrene).

16 (k) "Prepared Food" means food or beverages that are prepared and served by the Food
17 Service Provider using any cooking or food or beverage preparation technique and that
18 are ready to consume, either on or off the Food Service Provider's premises, without
19 further food or beverage preparation or repackaging. Prepared Food does not include raw
20 or uncooked whole fruits or vegetables that are not prepared through chopping, squeezing,
21 blending, mixing, or otherwise altered through food preparation; or, uncooked meat,
poultry, fish, or eggs that are not provided for further consumption without food
preparation.

22 (l) "Recyclable" means items that are accepted for collection within the City's recyclable
materials collection program, as determined by the City.

23 (m) "Reusable Food Service Ware" means Food Service Ware that is manufactured out of
24 durable materials to be used repeatedly over an extended period of time and is able to be
25 washed and sanitized in accordance with applicable laws and regulations.

26 **Sec. 1.3. Polystyrene and Disposable Food Service Ware**

27 (a) On and after the Effective Date specified in Section 1.2(f), Food Service Providers shall
28 be encouraged, but not required, to only use Food Service Ware that is reusable,
Recyclable, or Compostable, and is not made from Polystyrene.

(b) Except as otherwise provided in Section 1.6, on or after July 1, 2022, or six (6) months

1 following the Effective Date pursuant to Section 1.2(f), if different, a Food Service
2 Provider shall be prohibited from providing Prepared Food in Food Service Ware made
3 of Polystyrene, and shall only use Food Service Ware that is reusable, Recyclable, or
4 Compostable. Food Service providers shall comply with this requirement for dine-in,
5 takeout, off-site or event service, and delivery orders placed via any method of customer
6 ordering, including, but not limited to: in-person; telephone; drive-thru; web or other
7 digital order; and, third-party delivery service applications or platforms.

- 8 (c) The provisions of this Section shall not apply to Accessory Food Service Ware, which
9 shall be distributed in accordance with Section 1.4.

10 **Sec. 1.4 Distribution of Accessory Food Service Ware**

- 11 (a) On or after July 1, 2023, or twelve (12) months following the Effective Date pursuant to
12 Section 1.2(f), if different, a Food Service Provider may only distribute Accessory Food
13 Service Ware upon request of the Customer, or upon offer by the Food Service Provider
14 with affirmative confirmation from the Customer. This provision shall apply to dine-in;
15 takeout; off-site or event service; drive-thru; and, delivery orders, including orders through
16 a third-party delivery service.
- 17 (b) A Food Service Provider must provide an option for Customers to affirmatively request
18 Accessory Food Service Ware for all ordering methods, including, but not limited to: in-
19 person; telephone; drive-thru; web or other digital order; and, third-party delivery service
20 applications or platforms.
- 21 (c) Notwithstanding Sections 1.4(a) and 1.4(b), if specifically needed for safety reasons, a
22 Food Service Provider may include lids or spill plugs for beverages that are provided via
23 delivery by the Food Service Provider or a third-party delivery service without request.
24 This Section 1.4(c) does not apply to straws or any other Accessory Food Service Ware,
25 Prepared Food type, or service method other than provision of lids and spill plugs for
26 beverage delivery service.

27 **Sec. 1.5 Other Provisions**

- 28 (a) Food Service Providers are strongly encouraged, but shall not be required, to provide
29 refillable or Reusable Food Service Ware rather than Disposable Food Service Ware for
30 Customers, where practicable.
- 31 (b) Food Service Providers, at their discretion, shall be permitted to charge for Food Service
32 Ware provided, to offset costs of alternative materials, if any, and/or encourage use of
33 Reusable Food Service Ware.

34 **Sec. 1.6 Exemptions**

35 Notwithstanding the requirements contained in Sections 1.3 and 1.4, the following exemptions
36 and waivers may apply:

- 1 (a) In a situation deemed to be an emergency for the immediate preservation of public peace,
2 health, or safety, as determined by the City Manager, Food Service Providers shall be
3 exempt from some or all of the provisions of this chapter for the duration of the
4 emergency.
- 5 (b) If the City determines that no reasonably feasible alternative is available for one or more
6 types of Food Service Ware regulated pursuant to Section 1.3, the City may exempt these
7 item(s) from the provisions of this Article, at its sole discretion, until the City determines
8 that a feasible alternative is available.
- 9 (c) Nothing in this Article shall restrict the provision of Disposable Food Service Ware to
10 individuals who may require specified Food Service Ware accommodations due to a
11 disability or other medical or health conditions.
- 12 (d) The City reserves the right, at its sole discretion, to provide additional temporary waiver
13 opportunities in the future, such as economic hardship or feasibility-based exemptions.

14 **Sec. 1.7 Enforcement and Violations**

- 15 (a) The City Attorney is authorized to pursue all available administrative, civil, and criminal
16 remedies set forth in the Oceanside City Code to enforce this ordinance including, but not
17 limited to, Oceanside City Code Sections 1.7 (criminal remedies), 1.7(g) (injunctive
18 relief), 1.14-1.14.8, (administrative remedies), and 17.3 (specifying that any violation of
19 the Oceanside City Code is a public nuisance). The City Attorney may seek legal,
20 injunctive, or other equitable relief to enforce this Ordinance.
- 21 (b) The City Manager or their designee is authorized to establish regulations and to take any
22 and all actions reasonable and necessary to obtain compliance with this Article.
- 23 (c) The remedies and penalties provided in this Section may be cumulative and not exclusive,
24 and nothing in this Article shall preclude any Person from pursuing any other remedies
25 provided by law.

26 **Sec. 1.8 No Conflict with Federal or State Law.**

27 Nothing in this Article is intended to or shall be interpreted as conflicting with any federal or
28 state law or regulation.

29 **SECTION 2**

30 In the event that the State of California enacts any law or regulation that restricts or requires
31 alternative material types for the types Food Service Ware specified in this Ordinance based on
32 the disposability or material composition of such Food Service Ware items, the State legislation
33 shall supersede this Ordinance and the Ordinance shall have no further force or effect, upon
34 determination and approval of City Council.

1 **SECTION 3**

2 If any section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or
3 unconstitutional by a decision of any court of competent jurisdiction, such decision shall not
4 affect the validity of the remaining portions of this Ordinance. The City Council hereby declares
5 that it would have passed this Ordinance and adopted this Ordinance and each section, sentence,
6 clause or phrase thereof, irrespective of the fact that any one or more sections, subsections,
7 sentences, clauses or phrases be declared invalid or unconstitutional.

8
9 **SECTION 4**

10 The City Clerk of the City of Oceanside is hereby directed to publish this ordinance, or the title
11 hereof as a summary, pursuant to State statute, once within fifteen (15) days after its passage in
12 a newspaper of general circulation published in the City of Oceanside.

13 INTRODUCED at a regular meeting of the City Council of the City of Oceanside, California,
14 held on the [Insert Date], and, thereafter,

15 PASSED AND ADOPTED at a regular meeting of the City Council of the City of Oceanside,
16 California, held on this [Date], by the following vote:

17 AYES:

18 NAYS:

19 ABSENT:

20 ABSTAIN:

21
22
23 _____
24 MAYOR OF THE CITY OF OCEANSIDE

25 ATTEST:

26 APPROVED AS TO FORM:

27 _____
28 CITY CLERK

APPENDIX C: CALRECYCLE SB 1383 COMPLIANCE PROCESS

SB 1383 Compliance Process



California Department of Resources Recycling and Recovery

CalRecycle

CalRecycle Compliance Assistance

California's effort to reduce super pollutants builds on the state's shared commitment to reduce greenhouse gas emissions, improve human health, and create clean jobs that support resilient local economies. Implementing a state-wide plan (SB 1383, Lara, Chapter 395, Statutes of 2016) to reduce short-lived climate pollutants, harmful super pollutants with significant warming impacts, is essential to achieving California's climate goals.

CalRecycle will provide compliance assistance to jurisdictions, including:

- Implementation Checklists
- Training and Guidance
- Model Implementation Tools (Model: Franchise Agreement, Edible Food Recovery Agreement, Enforcement Ordinance, Procurement Policy)

CalRecycle Enforcement Discretion

The SB 1383 enforcement structure allows CalRecycle to focus on compliance assistance first and dedicate enforcement efforts to serious offenders. Regulations allow for flexibility and deadline extensions in some instances when there are extenuating circumstances causing compliance issues despite a jurisdiction's substantial efforts, such as the COVID-19 pandemic and natural disasters.

While the regulations become effective Jan. 1, 2022, the enforcement process is an escalating process and the timelines are not triggered until a Notice of Violation (NOV) is issued.

- CalRecycle has discretion to address compliance issues with a jurisdiction through compliance evaluations prior to moving to enforcement proceedings.
- CalRecycle will consider the totality of circumstances surrounding a jurisdiction's compliance prior to issuing NOVs.
- CalRecycle has discretion to issue NOVs and, depending on circumstances, not seek penalties.

If CalRecycle takes enforcement action, it can consider **extenuating circumstances** as well as **substantial efforts** made by a jurisdiction and place the entity on a Corrective Action Plan (CAP). CalRecycle has enforcement discretion to allow for a longer timeline for compliance.

- Low population and rural waivers also delay or exclude implementation of certain requirements for jurisdictions, or portions of jurisdictions, in particular circumstances.

Regulations allow for extended timelines (under certain circumstances), giving jurisdictions **up to 3 years** to come into compliance before penalties are issued.

APPENDIX C: CALRECYCLE SB 1383 COMPLIANCE PROCESS

SB 1383 Enforcement Process Timeline



Notice of Violation - If CalRecycle determines a jurisdiction is violating one or more requirements and decides to take enforcement action, it must issue an NOV:

- A jurisdiction will have 90 days to correct the violation.
- That timeframe can be extended an additional 90 days to a total of 180 days if the department finds that additional time is necessary.

Corrective Action Plan (CAP) - For violations due to barriers outside a jurisdiction's control (extenuating circumstances) and when a substantial effort is made towards compliance:

- Jurisdictions can be placed on a Corrective Action Plan, allowing up to 24 months (from the date of the NOV issuance) to come into compliance.
- A CAP issued due to inadequate organic waste recycling infrastructure capacity may be extended for a period of up to 12 months if the jurisdiction has demonstrated substantial effort to CalRecycle.

Extenuating circumstances are:

- Acts of God such as earthquakes, wildfires, flooding, and other emergencies (such as pandemics) or natural disasters.
- Delays in obtaining discretionary permits or other government agency approvals.
- An organic waste recycling infrastructure capacity deficiency requiring more than 180 days to cure.

Substantial effort is where a Jurisdiction has done everything within its authority and ability to comply. **Substantial effort** does not include circumstances where a decision-making body of a jurisdiction has not taken the necessary steps to comply with the chapter, including, but not limited to:

- Failure to provide adequate staff resources to meet its obligations, or
- Failure to provide sufficient funding to meet its obligations, or
- Failure to adopt the ordinance(s) or similarly enforceable mechanisms.

If a jurisdiction does not demonstrate that they have made a **substantial effort**, they would not be eligible for the 2-3 year extended compliance deadlines. However, CalRecycle will consider the totality of circumstances surrounding a jurisdiction's compliance prior to issuing NOVs.

APPENDIX C: CALRECYCLE SB 1383 COMPLIANCE PROCESS

Penalties are imposed after all other compliance actions have failed.

- If a jurisdiction does not meet NOV or CAP deadlines, CalRecycle has another opportunity to exercise enforcement discretion by determining when to commence an action to impose penalties.
- When CalRecycle commences an action to impose administrative civil penalties, it shall serve an accusation and hold a hearing—if requested by the respondent (roughly, a 180-day process).

AB 939's Good Faith Effort vs. SB 1383's Compliance Determination

AB 939 established a specified waste diversion target for each jurisdiction.

- A *Good Faith Effort* determination relies upon a suite of indicators to determine if a jurisdiction is actively trying to implement programs and achieve its targets.

SB 1383 establishes a statewide target and prohibits a target for each jurisdiction.

- SB 1383 requires a more prescriptive approach and state minimum standards.
- Jurisdictions must demonstrate compliance with each prescriptive standard.
- Legislators amended SB 1383 to remove the requirement that CalRecycle use the AB 939 *Good Faith Effort* requirement for its enforcement for SB 1383.
- The 75 percent organic waste diversion target in 2025 will not be reachable with the longer compliance process under the *Good Faith Effort* standard.