



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL **DATE: JULY 20, 2021**

FROM: PUBLIC WORKS DEPARTMENT **WARDS: ALL**

SUBJECT: AN ORDINANCE OF THE CITY OF RIVERSIDE, CALIFORNIA AMENDING CHAPTER 6.06 OF THE RIVERSIDE MUNICIPAL CODE TO ESTABLISH AN EDIBLE FOOD RECOVERY PROGRAM (SB 1383)

ISSUE:

Amend Chapter 6.06 of the Riverside Municipal Code to introduce and adopt an ordinance to establish an Edible Food Recovery Program (SB 1383).

RECOMMENDATION:

That the City Council introduces and subsequently adopts an ordinance amending Riverside Municipal Code Chapter 6.06 (Commercial Solid Waste, Organic, and Recyclable Material) to include State requirements to establish an Edible Food Recovery Program (SB 1383).

BACKGROUND:

On May 19, 2020, the City Council adopted ordinances to revise Riverside Municipal Code Chapter 6.04 (Residential Solid Waste and Recyclable Material) and to add Chapter 6.06 (Commercial Solid Waste and Recyclable Material) to include State requirements for Organic Waste and Commercial recycling (Assembly Bill 341, Assembly Bill 1826 and Senate Bill 1383). SB 1383 regulations were finalized in January 2021 and require compliance by January 2022.

On June 23, 2021, the State Assembly Committee on Natural Resources unanimously supported Senate Bill 619 – which would delay penalties related to SB 1383 until January 2023, for jurisdictions making good-faith efforts to comply, provide additional funding to jurisdictions to develop programs, and secure resources to assist with their compliance. The dates listed within this report do not reflect the potential full adoption and passage of SB 619, which would provide an additional year for agencies to adhere to SB 1383 if adopted. Current law requires compliance with SB 1393 regulations by January 2022.

DISCUSSION:

Senate Bill 1383 requires the City to establish an Edible Food Recovery Program to prevent edible food from entering the waste stream and instead divert the resources to residents in need. Final revisions to the SB 1383 regulations raised the need for the City to establish the program through an enforceable ordinance. As such, adopting an Edible Food Recovery Program within

the Riverside Municipal Code is an important step toward achieving full compliance with SB 1383 regulations which may go into effect as early as January 2022.

As detailed in SB 1383, the components of a compliant Edible Food Recovery Program include¹:

- Diversion of edible food from potential disposal to landfills
- Creation of new “green collar” jobs
- Strengthened relationships between food donors and food recovery organizations

Food Recovery organizations matter more than ever to communities facing¹:

- High rates of food insecurity and lowered community resilience
- A public health pandemic
- High rates of unemployment
- Climate change impacts

Staff is proposing that the City Council adopt an ordinance revising Riverside Municipal Code Chapter 6.06 (Commercial Solid Waste, Organic, and Recyclable Material) to include State mandated requirements to establish the Edible Food Recovery Program (SB 1383).

Who Must Participate in the Edible Food Recovery Program?

Tier One Commercial Edible Food Generators must comply by January 1, 2022 and Tier Two Commercial Edible Food Generators must comply by January 1, 2024¹.

“Tier One commercial edible food generator” means a commercial edible food generator that is one of the following:

- Supermarket.
- Grocery store with a total facility size equal to or greater than 7,500 square feet.
- Food service distributor.
- Wholesale food market.

“Tier two commercial edible food generator” means a commercial edible food generator that is one of the following:

- Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet. (B) Hotel with an onsite food facility and 200 or more rooms.
- Health facility with an on-site food facility and 100 or more beds.
- Large venue/events with more than 250 attendees.
- A state agency with a cafeteria with 250 or more seats or total cafeteria facility size equal to or greater than 5,000 square feet.
- A Local Education Agency facility with an on-site food facility.

Implementation, Roles and Responsibilities

CalRecycle’s SB 1383 informational page states, “SB 1383 requires counties to take the lead collaborating with the jurisdictions located within the county in planning for the necessary organic waste recycling and food recovery capacity needed to divert organic waste from landfills into recycling activities and food recovery organizations.” Staff is exploring opportunities to work with the County’s Environmental Health Department to assist with responsibilities identified within the edible food recovery program. Additionally, SB 619 as recently considered by the State Assembly

Committee on Natural Resources proposes funding for jurisdictions seeking to comply with SB 1383.

With the assistance from the County Environmental Health Department, the City will seek to complete the following actions¹:

- Provide education and outreach to tier one and tier two commercial edible food generators.
- Assess the community's current food recovery capacity and plan for additional capacity if it is insufficient to accommodate the amount of food that commercial edible food generators must send to food recovery organizations.
- Inspect commercial edible food generators to verify that they have established a contract or written agreement for food recovery and the generator is maintaining records of their food donation activities. Verifying these helps ensure they are sending the maximum amount of edible food they would otherwise send to a landfill.
- Post contact information for food recovery organizations on the jurisdiction's website so that commercial edible food generators can identify which organizations could potentially accept their food.
- Assist in the use of the Riverside County Food Access Sites Map for generators².

The City will be required to monitor Commercial Edible Food Generators' compliance with SB 1383's Edible Food Recovery requirements. The Solid Waste Division will be assigning or hiring an analyst to assist with the program and compliance requirements, including:

- a. Meet with CalRecycle, local businesses, and stakeholders to evaluate the program.
- b. Monitor and report on progress to show good-faith compliance.
- c. Prepare and submit relevant documentation and reports to the State.
- d. Monitor/coordinate enforcement and provide education & resources to local partners.

FISCAL IMPACT:

There is no direct fiscal impact associated with this recommendation.

However, there will be a cost to provide these State mandated services. Resulting from previous Council actions related to SB 1383 and AB 1826, the City has initiated the recruitment of an Environmental Compliance Inspector whose duties will include AB 1826 and SB 1383 compliance and may hire an analyst to assist with the program, both positions are fully funded. Non-compliance with SB 1383 may result in fiscal impacts as the City and covered generators (City businesses) would be subject to significant State fines of up to \$10,000 per violation.

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Approved as to form: Kristi J. Smith, Interim City Attorney

¹www.calrecycle.ca.gov/organics/slcp/foodrecovery/jurisdictions

²www.countyofriverside.maps.arcgis.com/apps/webappviewer/index.html

Attachments:

1. Ordinance-Municipal Code Chapter 6.06- Commercial Solid Waste and Recycling revision to include Edible Food Recovery Program.
2. Riverside County Food Access Sites Map (link is provided)