

SB 1383 Summary Checklist

This SB 1383 Jurisdictional Checklist was prepared by HF&H Consultants, LLC based on CalRecycle's

SB 1383 Short-Lived Climate Pollutant regulations ("SB 1383") approved on November 3, 2020. HF&H provides this as a guidance document to highlight key requirements for jurisdiction compliance; however, it does not reflect all requirements. In this checklist, "jurisdiction" means city or county. Requirements that pertain only to counties are labeled accordingly. Several items in the checklist may be assigned to a jurisdiction's designee, but it is ultimately the responsibility of a jurisdiction to comply with SB 1383 pursuant to 14 CCR Section 18981.2.c. Unless otherwise stated, jurisdiction compliance with SB 1383 shall occur by January 1, 2022. SB 1383 also includes requirements for generators, haulers, food recovery services, food recovery organizations, and facility operators; however, these are not summarized in this checklist.

Ordinances & Policies

- Adopt enforceable ordinance(s) or similar mechanism(s) requiring compliance with various SB 1383 requirements, including but not limited to: 14 CCR 18984.9.a-e, 18984.9-11, 18988.1-3, 18989.1-3, 18991.5, and 18993.1.a (14 CCR 18981.2.a)
- Require organic haulers to identify their organics facilities as a condition of their contract or other authorization (14 CCR 18988.1)

Collection & Processing

- Provide organic waste collection services (including paper and cardboard collection) to all organic waste generators, except self-haulers, using compliance options listed below (14 CCR 18984)
 - Three-container collection system (14 CCR 18984.1)
 - ◇ Green container for organics; delivery to organics recovery facility
 - ◇ Blue container for paper, wood, dry lumber, and nonorganic recyclables; delivery to facility for recovery
 - ◇ Gray container for nonorganic waste for disposal; may include organics if taken to high diversion organics processing facility
 - Two-container collection systems – select one option below (14 CCR 18984.2)
 - ◇ Green and gray containers: Green for organics; delivery to organics facility; gray for other materials, including organic waste not designated for the green container; delivery to high diversion organic waste processing facility
 - ◇ Blue and gray containers: Blue for paper products, printing and writing paper, wood, and lumber, and textiles (optional), and nonorganic waste; gray for all other materials, including organic waste not designated for the blue container; delivery to high diversion organics processing facility
 - Unsegregated single-container collection system (14 CCR 18984.3)
 - ◇ Gray container for all materials; delivery to high diversion organics processing facility
- Conduct route reviews of randomly selected containers for contaminants with all routes inspected annually, or conduct waste evaluations twice a year for blue, green, and gray containers (quarterly for gray containers in performance-based approach) (14 CCR 18984.5)
- Notify generators of recycling requirements if contamination is found (14 CCR 18984.5.b, 18984.5.c)
- Provide collection containers to generators that comply with color requirements when replacing containers after January 1, 2022 or by January 1, 2036, whichever comes first (Note: Use of containers purchased prior to January 1, 2022 is allowed) (14 CCR 18984.7)
- Label all new containers or lids with SB 1383-compliant labels commencing January 1, 2022 (14 CCR 18984.8)
- Allow limited generator waivers for de minimis volumes and physical space constraints; maintain related records (14 CCR 18984.11)
- Determine if jurisdiction meets CalRecycle criteria for low-population, high elevation, or rural waivers; in which case, jurisdiction does not need to perform the above tasks in those geographic regions (14 CCR 18984.12)

Edible Food Recovery

- Implement food recovery program that educates commercial edible food generators and increases access to food recovery programs (14 CCR 18991.1)
- Identify Tier One and Tier Two commercial edible food generators (14 CCR 18991.1)
- Increase edible food recovery capacity if current capacity is insufficient (14 CCR 18991.1)
- Prior to February 1, 2022, annually thereafter, maintain list of food recovery organizations/services (14 CCR 18985.2.a)
- Prior to February 1, 2022, annually thereafter, provide Tier One/Tier Two commercial edible food generators with information on their requirements, food recovery programs, and food recovery organizations/services (14 CCR 18985.2.b)

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Procurement Requirements

- Procure a quantity of recovered organic waste, such as compost, mulch, renewable natural gas, or electricity from biomass, that meets or exceeds the annual organic waste product procurement target determined by CalRecycle and where products meet standards specified in SB 1383; procurement may be satisfied by direct service provider(s) to the jurisdiction (Note: Rural jurisdictions do not need to comply until after December 1, 2026 **(14 CCR 18993.1)**)
- Purchase paper products and printing and writing paper with at least 30% post-consumer, recycled-content fibers, that are recyclable; require businesses from whom it purchases these products to certify in compliance in writing **(14 CCR 18993.3)**

Enforcement & Penalties

- Implement desk-top compliance monitoring program for multi-family and commercial organic waste generators with two cubic yards or more of materials per week and inspection program for Tier One/Tier Two edible food generators, and food recovery organizations and services by January 1, 2022 **(14 CCR 18985.1.a)**
- Provide educational materials to regulated entities not in compliance in 2022 and 2023 **(14 CCR 18995.1.a)**
- Investigate and maintain records of all complaints received alleging non-compliance with SB 1383 **(14 CCR 18995.3)**
- Take enforcement actions, including issuing notices of violations and assessing penalties in amounts consistent with those specified in SB 1383 by January 1, 2024 **(14 CCR 18995.1.a.5, 18997.2)**
- Pay penalties if assessed by CalRecycle **(14 CCR 18997.3)**

Education & Outreach

- Prior to February 1, 2022 and annually thereafter, provide generators using two or three-container systems with information on properly separating materials, organic waste prevention, on-site recycling, methane reduction benefits, how to recycle organic waste, approved haulers, self-haul requirements, and edible food donation **(14 CCR 18985.1.a)**
- Prior to February 1, 2022 and annually thereafter, provide generators using single-container system information on organic waste prevention, on-site recycling, methane reduction benefits, how to recycle organic waste, a list of approved haulers, self-haul requirements, edible food recovery donation information, and information that waste is processed at a high diversion organic waste processing facility **(14 CCR 18985.1.b)**
- Provide communications in non-English languages spoken by a substantial number of the public that are provided organic waste collection services, consistent with requirements of Government Code Section 7295 **(14 CCR 18985.1.e)**
- Annually, commencing in 2022, provide Tier One and Tier Two commercial edible food generators with information on jurisdiction's edible food recovery program, generator requirements, and food recovery organizations **(14 CCR 18985.2)**

Record Keeping & Reporting

- By April 1, 2022, file initial compliance report containing ordinance(s) or other enforceable mechanism(s) adopted and reporting items listed in the annual reporting section **(14 CCR 18994.1)**
- By October 1, 2022, and August 1 annually thereafter, submit annual SB 1383 compliance report **(14 CCR 18994.2)**
- Maintain all implementation records in a central location (physical or electronic) that can be made available to or accessed by CalRecycle within ten business days **(14 CCR 18995.2)**
- Report *(by counties only)* on capacity planning activities conducted in accordance with 14 CCR 18992.1, 18992.2, 18992.3 beginning August 1, 2022, then August 1, 2024, 2029, and 2034 **(14 CCR 18992.3, 18994.2.i)**

Capacity Planning

- Counties*, in coordination with jurisdictions and regional agencies, are responsible for the following activities
 - Conduct organics waste recycling and edible food recovery capacity planning described below **(14 CCR 18992.1, 18992.2, 18992.3)**
 - Estimate amount of organic waste disposed, identify amount of verifiable organic waste recycling capacity available to the jurisdiction, and estimate amount of new or expanded capacity required **(14 CCR 18992.1)**
 - Estimate amount of edible food that will be disposed by Tier One/Tier Two commercial edible food generators; identify food recovery capacity available; identify new or expanded capacity; and calculate minimum capacity needed for edible food recovery from Tier One/Tier Two commercial edible food generators **(14 CCR 18992.2.a)**
- If County *determines* existing, new, or planned organic waste recycling or edible food recovery capacity is insufficient for one or more jurisdiction's needs, notify jurisdiction(s); jurisdictions shall submit an implementation schedule (including timelines and milestones) demonstrating how capacity will be secured by the end of the reporting period **(14 CCR 18992.1, 14 CCR 18992.2.c)**

