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COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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August 18, 2022

IN REPLY PLEASE

REFER TO FILE: **EP-4**

TO: All County Departments

Attention Organic Waste Liaisons,
Recycling Coordinators, and Facility Managers

FROM: Emiko Thompson *Emiko Thompson*
Assistant Deputy Director
Los Angeles County Public Works

COUNTY DEPARTMENT COMPLIANCE WITH ORGANIC SOLID WASTE POLICY, LAWS, AND REGULATIONS

Over the last decade, the State has enacted several laws to mitigate the impacts organic waste has on our environment, including climate change and landfill capacity. To help meet the State's goals, the Board of Supervisors adopted a policy in November 2021 for managing organic waste at County facilities.

The attached Organic Waste Policy established implementation requirements for County departments to properly manage organic waste to maximize organic waste diversion, procure organic waste products, and achieve compliance with Senate Bill 1383 requirements. In alignment with the goals of Senate Bill 1383, this policy requires County facilities to subscribe to organic waste collection service or self-haul organic waste. Alternatively, facilities are allowed to comply by managing organic waste on-site.

Public Works has provided informational updates and presentations to County Recycling Coordinators regarding the policy and related State laws including SB 1383. The Organic Waste Policy requires each department to assign an Organic Waste Liaison. It is highly recommended that liaisons coordinate with their Recycling Coordinator, Facility Manager, and Procurement Manager to plan and take the necessary steps to implement solid waste management programs, including organic waste collection, edible food recovery, and recycling. It is also recommended that facilities annually evaluate their waste collection and recycling needs and work directly with their waste hauler to make any necessary changes.

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Public Works and Internal Services Department are ready to assist departments with subscribing to organic waste collection and recycling services. Public Works is also available to conduct visits to your County facilities to assist with evaluation of waste and recycling needs as well as provide other assistance in complying with the policy and laws. More information on this policy and laws, including implementing a food waste recovery program, and outreach materials to assist in conveying these recycling requirements to employees and visitors can be viewed and downloaded from the County Facilities Organic Waste Management website: pw.lacounty.gov/epd/organics/index.cfm.

If you have any questions or need additional information, please contact Nilda Gemeniano of my staff at (626) 418-1550 or ngemenia@pw.lacounty.gov.

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Attach.

3.190 Organic Waste

Effective Date: 11/16/21

PURPOSE

Establishes requirements for County departments to implement organic waste management programs, donate excess edible food, collect and divert organic waste from landfills, and procure certain products made from organic waste.

REFERENCE

November 25, 2008, County Utilization of Recycled-Content Paper Board Motion

October 2014, AB 1826 signed into law

October 21, 2014, Board adopted County Roadmap to a Sustainable Waste Management Future

October 9, 2017, AB 1219 signed into law

September 18, 2018, AB 2178 signed into law

March 6, 2018, Board proclaimed Food Waste Prevention Week

August 2019, OurCounty Sustainability Plan

October 2, 2019, AB 827 signed into law

November 2019, Staff Report on Food Recovery and Distribution in Los Angeles County

November 2020, CalRecycle adopts SB 1383 regulations

May 4, 2021, Reducing Single Use Plastics in County Facilities Board Motion

June 8, 2021, Enhancing Countywide Solid Waste Management Through Expanded Program Board Motion

November 16, 2021, Board Order No. 3

POLICY

All County departments must take the necessary steps to comply with requirements of State regulations for Senate Bill (SB) 1383 (Lara, 2016). This policy provides uniform guidelines across all County departments regarding the diversion of organic waste generated by County operations and facilities from landfill disposal.

Organic Waste Recycling

County facilities must implement the following measures by January 1, 2022:

- Subscribe to organic waste collection services from a waste hauler, manage organic waste on-site, or self-haul to an organic waste recycling facility and comply with all other requirements of SB 1383 such as providing information to employees regarding source separating organic waste.
- Provide recycling and organic waste bins for customers and employees as required by SB 1383 and AB 827.
- Provide appropriate signage and educational material to encourage proper use of recycling and organic waste bins.

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- Amend all existing service contracts related to cafeteria or food services, janitorial services, and landscaping services to include provisions for the collection and recycling of organic waste and proper reporting of quantities recycled.
 - Include provision in all new service contracts related to cafeteria or food services, janitorial services, and landscaping services for the collection and recycling of organic waste and proper reporting of quantities recycled.

Edible Food Recovery

County facilities that are Tier 1 commercial edible food generators, such as facilities in which vendors provide cafeteria services, must amend contracts related to food service to include provisions for the recovery and donation of surplus edible food and fulfill SB 1383 reporting requirements. Efforts shall be made to amend such contracts by January 1, 2022, or as soon thereafter as feasible.

County facilities that are Tier 2 commercial edible food generators, such as health facilities, large events and large venues, must update their contracts related to food service to include provisions for the recovery and donation of surplus edible food and fulfill SB 1383 reporting requirements by January 1, 2024.

County facilities must coordinate with the County Food DROP program to donate edible surplus food after meal service or at end of day.

Procurement

County facilities and County-sponsored events that use compost or mulch in their operations must procure SB 1383-compliant products created from municipal organic waste produced within California and produced at a facility located within California. Departments must procure additional organic waste products, such as biomethane and electricity, as needed until the minimum procurement requirements of SB 1383 are met.

In addition, County Departments must:

- Ensure all new service contracts related to landscaping include provisions for procurement of SB 1383-compliant organic waste products such as compost or mulch as well as proper reporting of quantities purchased.
- Amend all existing service contracts related to landscaping to include provisions for procurement of SB 1383-compliant organic waste products such as compost or mulch as well as proper reporting of quantities purchased.
- Amend purchasing agreements/service contracts that use printing and writing paper products to require that products have a minimum recycled content of 30 percent (by fiber weight, postconsumer fiber) and require written documentation showing the products are recyclable and eligible to be labeled with an "unqualified recyclable label," as defined in the Federal Trade Commission's *Guides for the Use of Environmental Marketing Claims*.
- Maintain records certifying the minimum recycled content and recyclability of paper purchases.

Data Collection

To document the management of organic waste:

- Each County department is required to collect data and report to Public Works monthly on the organic waste diverted from landfill through landscaping-related service contracts, including quantities of organic waste diverted and hauling cost.
- Public Works shall be responsible for compiling data from Facility Ancillary Services Master Agreement (FASMA) waste haulers regarding facilities serviced, level of service, volume and/or tonnage of waste taken to each disposal facility, transfer station, material recovery facility, recycling facility, and/or organic waste processing facility, and annually report the list of facilities to which recyclable nonorganic and organic waste has been taken to for diversion or processing.

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- Each County department will be responsible for compiling data from facilities that do not sign up for waste hauling service using the County FASMA contracts and shall report to Public Works the facilities being serviced, level of service, volume and/or tonnage of waste taken to each disposal facility, transfer station, material recovery facility, recycling facility, and/or organic waste processing facility monthly.
 - Each County department, with their respective food service contracts, shall be responsible for compiling data and reporting to Public Works monthly regarding edible surplus food diverted from landfill, including quantities diverted and hauling costs.

Sample Language to be Included in County Service Contracts

Organic Waste Recycling (Landscaping Services)

As of January 1, 2022, all organic waste including green waste must be diverted from landfills and recycled per Senate Bill (SB) 1383.

The contractor shall not dispose of green waste material(s) in a landfill. The contractor shall identify means for proper management, through composting, recycling, or reuse, of green waste materials, such as vegetative cuttings, shrubs, brushes, grasses, tree trimmings, and pruning.

All such materials collected must be managed on-site or taken to an approved organic waste processing facility. If using an off-site organic waste processing facility, then the contractor shall provide the County with contact and location information for the facility. If the organic waste is managed on-site at the generating facility, the contractor shall train facility staff in managing the green waste to compost the acceptable materials.

The contractor shall identify methods of preventing contamination, segregating paper and plastic found in landscaping waste, and removing debris such that those items do not end up contaminating green waste. The contractor shall provide a report to the Contract Manager as to methods they have used to prevent contamination of green waste. As needed, Contractor shall train Contractor's staff on measures needed to comply with County's directive to prevent contamination of green waste.

Procurement of SB 1383-Compliant Compost and Mulch (Landscaping Services)

Any compost or mulch purchased by the Contractor shall be SB 1383-compliant. Contractor is responsible for verifying that any compost or mulch comes from an SB 1383-compliant source prior to purchasing. Contractor shall provide documentation showing the quantity of mulch or compost purchased, the date of purchase, and the name and address of the facility where the compost or mulch was produced.

Edible Food Donation (Food Services)

The food service contractor shall recover the maximum amount feasible of Edible Food, consistent with food safety requirements, and arrange to provide such Edible Food to a Food Recovery Organization/Service.

The food service contractor shall not intentionally cause or allow the spoilage of Edible Food capable of being recovered.

The food service contractor shall keep records of the following and provide them to the contract monitor on a quarterly basis:

1. The name, address, and point of contact of each Food Recovery Organization/Service that has collected Edible Food from the food service contractor.
2. Copies of all contracts, agreements and written communications with each Food Recovery Organization/Service that has collected Edible Food from the food service contractor.
3. The types, established frequency, and quantity, measured in pounds, of Edible Food that has been provided to each Food Recovery Organization/Service each month.

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4. The types and amounts, measured in pounds, of Edible Food that has been made available to, but that was not accepted by a Food Recovery Organization/Service.

Department Responsibilities

Departments are responsible for assigning a liaison to support the implementation of the Organic Waste Policy. The liaison may be their representative on the County Sustainability Council. The liaison must attend meetings, trainings and workshops; coordinate efforts to amend their respective contracts; and ensure their department's organic waste diversion and purchasing data is collected and reported.

Each County Department, with their respective service contracts is responsible for including provisions for the collection and recycling of organic waste, donation of edible food, and proper reporting.

Public Works, in collaboration with the Chief Sustainability Office of the Chief Executive Office, will coordinate education and outreach to departments regarding the new policy.

Definitions

"County-sponsored events" include, but are not limited to, community meetings, workshops, dedication ceremonies, and fairs such as health fairs, resource fairs, and job fairs, where the County is the lead organizer and/or funder of the event.

"Edible food generators":

"Tier 1 commercial edible food generator" means a commercial edible food generator that is one of the following:

- (A) Supermarket.
- (B) Grocery store with a total facility size equal to or greater than 10,000 square feet.
- (C) Food service provider - entity primarily engaged in providing food services to institutional, governmental, commercial, or industrial locations of others based on contractual arrangements with these types of organizations.
- (D) Food distributor - company that distributes food to entities including, but not limited to, supermarkets, and grocery stores.
- (E) Wholesale food vendor.

"Tier 2 commercial edible food generator" means a commercial edible food generator that is one of the following:

- (A) Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.
- (B) Hotel with an on-site food facility and 200 or more rooms.
- (C) Health facility with an on-site food facility and 100 or more beds.
- (D) Large venue - permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. A venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. A site under common ownership or control that includes more than one large venue that is contiguous with other large venues in the site is a single large venue.
- (E) Large event - event that charges an admission price or is operated by a local agency and serves an average of more than 2,000 individuals per day of operation of the event, including, but not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event, including, but not limited to, a sporting event or a flea market.
- (F) A State agency with a cafeteria with 250 or more seats or a total cafeteria facility size equal to or greater than 5,000 square feet.

(G) A local education agency with an on-site food facility.

"Organic waste processing facility" includes recycling centers, composting facilities, anaerobic digestion facilities, biomass conversion facilities, and other operations that recover organic waste.

"Organic waste" includes, but is not limited to, food, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, paper products, printing and writing paper, manure, biosolids, digestate, and sludges.

RESPONSIBLE DEPARTMENT

Public Works

Chief Executive Office

Internal Services Department

DATE ISSUED/SUNSET DATE

Issue Date: November 16, 2021	Sunset Date: November 20, 2025
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