



Thank you for inviting us to be with you today.

The presentation today will be a deep dive into the Capacity Planning requirements with particular emphasis on explaining the roles of the county versus each of the jurisdictions located within the county.



California has approx. 186 active compost facilities with 35 permitted to accept food waste

- We have 13 AD facilities accepting solid waste.
- There is also a significant number of Waste Water Treatment Plants that could be leveraged to use for co-digestion of food waste.
- It will take a significant number of new facilities to recycle an additional 20-25 million tons of organic waste annually.
- CalRecycle estimates we will need 50-100 new or expanded facilities (depending on the size of each new facility this number could fluctuate).
- This emphasizes the huge importance of organic capacity planning for jurisdictions to meet this need
- Expanding edible food recovery capacity will also be necessary in a number of jurisdictions

### **Edible Food Recovery – From 2020 SB 1383 Market Analysis**

- The CalRecycle 2018 Waste Characterization Study estimated that approximately 1.1 million tons of potentially donatable food is currently disposed of in landfills.
- The study results suggest that at least 225,000 tons of edible food would need to be recovered in 2018 to meet the SB 1383 metric.

- Future waste characterization studies, data reported under SB 1383, and additional analyses will be necessary to determine how much food was edible and could have been consumed at the time of disposal.
- Organizations that received food recovery grants from CalRecycle provided information that report the capacity to rescue at least 80,000 tons of edible food per year statewide.



## SECTION 18992.1

### ORGANIC WASTE RECYCLING CAPACITY PLANNING

The county, and each city, Regional Agency, and special district that provides solid waste collection services within the county **must plan for adequate capacity for recycling organic waste and edible food recovery.**

- The **county will lead this effort by coordinating** with the cities, regional agencies, and special districts that provide solid waste collection services that are located within the county.
  - *Note that when there is a CalRecycle approved Regional Agency, that Regional Agency functions as the main coordinating entity with the unincorporated county and cities. The proposed references for counties to coordinate with Regional Agencies negates the concept and responsibilities of a Regional Agency. All references in Article 11 and the entire packet should recognize that role of a Regional Agency in coordinating with the county and cities. A Regional Agency is allowed to act on behalf of the jurisdiction depending on the specificity in the Regional Agreement. A Regional Agency may act on behalf of a county.*
  - *Note that the JPA for the regional agency will need to be revised to incorporate 1383 responsibilities.*

- The County **is responsible for:**
  - **Establish a collaborative approach to this planning**, including setting a timeline, identifying tasks, determining what each jurisdiction tasks are
  - **Collecting the organic waste recycling capacity planning information from each jurisdiction,**
  - **Submitting the organic waste recycling and edible food capacity report to CalRecycle,**
  - **Identifying any jurisdiction, including itself, that does not have enough organic waste recycling capacity,** and
  - **Informing that applicable individual jurisdiction that does not have capacity about the timeline for submitting the implementation schedule** which is within 120 days from when the County submits the report to CalRecycle
- The County **is not responsible for:**
  - **Ensuring and enforcing that each of the cities that are located within the county conduct the organic waste recycling capacity planning that is required**
  - I will discuss this in more detail as well as what each individual jurisdiction is responsible for completing.
- **This coordination might be done in different ways** depending on what the needs are, what the availability for resources are, etc. For example:
  1. The **County might lay out all of the tasks that need to be accomplished by each jurisdiction and the timelines.**
    - a. The **County might organize initial planning meetings with all of the jurisdictions.** During these meetings the **jurisdictions might determine tasks that could be conducted by a smaller team.**
    - b. The **County might schedule a meeting to provide an overview of the CalRecycle tools and discuss what other data is available amongst the jurisdictions.**
  2. The **County might check in with each of the jurisdictions to check on the status** so they know what will be submitted in time for the County to complete the report to CalRecycle.
  3. The **County might set up a process so that each jurisdiction can submit the data to the County,** e.g., using Google docs or some other system to submit the needed information.
  4. The **County might identify some tasks that it will complete for each jurisdiction:**
    - a. For example, the **County might take the lead on coordinating with some of the required entities,** e.g., the County might reach out to the LEA for information about all proposed projects that the LEA is aware of in the jurisdictions.

Counties, in coordination with cities, special districts that provide solid waste collection services, and regional agencies located within the county, are required to:

- ✓ Estimate the amount of organic waste that will be disposed
- ✓ Identify available verifiable existing organic waste recycling infrastructure capacity (inside and outside of the county)



First, I will cover the requirements for organic waste recycling capacity planning

- The **purpose of this planning is for each county, and cities, special districts that provide solid waste collection services, and regional agencies, located within the county**, to determine for each entity **how much organic waste will be disposed and how much existing, planned, or new organics waste recycling capacity is needed for the organic waste material that is collected from its collection program.**
- Note: The capacity planning requirements do not **require estimates to be exact or absent of any error or uncertainty.**-Rather it requires that **each estimate is conducted in compliance with the requirements of this section.**

Counties, in coordination with cities, special districts that provide solid waste collection services, and regional agencies located within the county, are responsible for conducting the requirements shown on this and the next slide.

- Note that **each of these tasks is expected to be done by each individual jurisdiction**, meaning the county, and the cities, and the special districts that provide solid waste collection services, and any regional agencies that are located within the county.
- The **County is the coordinating entity for all of the capacity planning tasks because the County is responsible for submitting a report on capacity planning to CalRecycle** (jurisdictions that lack capacity

will be required to report an implementation schedule directly to the department).

- Capacity planning efforts will be crucial to the state achieving SB 1383's targets and the capacity planning requirements were intended to be a cooperative and communicative effort throughout the entities in the county.

1. Estimate the **amount of all organic waste in tons that will be disposed** by each of the **jurisdictions within the county**.

- The regulations outline **two ways that each jurisdiction in the county can do this**.
  - SKIP during presentation: Extra notes on the two methods:
    - *Multiplying the percentage of organic waste reported as disposed in the Department's most recent waste characterization study by the total amount of landfill disposal attributed to the county and each jurisdiction located within the county by the Recycling and Disposal Reporting System*
    - *Using a waste characterization study or studies performed by jurisdictions located within the county and applying the results of those studies to the total amount of landfill disposal attributed to the county and each jurisdiction located within the county by the Recycling and Disposal Reporting System. Local studies may be used if they meet certain criteria.*
    - *A county may incorporate the findings of a published report generated by the appropriate solid waste management entities within the county that provides organic waste disposal tonnages or percentages for specific organic waste material types that are not covered in the Department's most recent waste characterization study.*
      - *This flexibility is needed because statewide or regional studies may not capture certain data such as biosolids or digestate disposed in the county.*
      - *This information should be limited to using a published report or another form of data generated by the appropriate solid waste management entities within the county that provides organic waste disposal tonnages or percentages for digestate/biosolids.*
      - *This data would be used in addition to either statewide or local characterization studies.*
      - *The Recycling and Disposal Reporting System will have some reporting of the disposal and other end destinations for some digestate and biosolids (if the reporting entity is over the tonnage thresholds and is not just sending it to another*

*POTW or if they are using it onsite).*

2. Identify the amount in tons of **existing** organic waste recycling infrastructure capacity, located in the county and outside of the county, that is **verifiably available to each of the jurisdictions** located in the county:

- **Each jurisdiction can demonstrate the capacity is verifiably available through a contract, franchise, or other documentation of existing, new, or expanded capacity at a facility, activity, operation or property** that recovers organic waste that will be available to the county or its jurisdiction prior to the end of the reporting period.
  - **Reminder that it is all of the individual jurisdictions located in the county that are demonstrating this—it is not the just the county unincorporated alone.**
  - Note that a **facility permit is not an indication of capacity available** to a jurisdiction, but instead is just a statement of the amount of material an individual facility is authorized to process, and it is not linked to individual jurisdictions.



Counties, in coordination with cities, special districts that provide solid waste collection services, and regional agencies located within the county, are required to:

- ✓ Estimate the amount of new or expanded organic waste recycling facility capacity needed



- 3. Estimate the amount of new or expanded organic waste recycling facility capacity that will be needed by each of the jurisdictions located in the county to process the organic waste estimated to be disposed by each of the jurisdictions located in the county**
- This requirement provides jurisdictions with the ability to identify **how much additional capacity they will need at new or existing facilities that are inside or outside of its boundaries, and assist in identifying capacity at facilities that may become oversubscribed if other jurisdictions identify the same facilities.**

Because this **effort requires regional coordination:**

- Each of the cities that are **contacted by County staff must respond to the request for information within 120 days.**
  - This timeline ensures that the county staff can submit all of the capacity planning information to CalRecycle in the time required by the regulation.
  - If this **timeline is not met, the county does not need to include estimates for that City/RA/special district that provides solid waste collection services in its report to CalRecycle.** However, the **county must include in its report any cities that did not provide the necessary information to comply with the requirements.**
  - This is needed because **the county can be penalized financially** for failing to estimate organic waste capacity, and this clarifies that the County is not liable if

of the cities located in the county fail to respond within the given time frame.

- Later I will talk about the Capacity Planning tools that will be made available to jurisdictions in the 4<sup>th</sup> quarter of 2021.

## Planning includes consultation with the following:

- ✓ The Enforcement Agency and the local task force
- ✓ Haulers and owners of facilities, operations, and activities that recover organic waste
- ✓ Community composting operators



- As mentioned earlier, the County, and cities, RAs, and special districts that provide solid waste collection services located within the county will need to **decide** if these tasks will be conducted **by each individual jurisdiction** or if there are some tasks that could be conducted by the County or by a group of **cities/jurisdictions**.
- While this planning effort is intended to be a **collaborative effort**, the county and each city, RA, and special district that provide solid waste collections services within the County is **required to gather certain information**.
- In complying with this section the county in coordination with cities, RAs, and special districts that provide solid waste collection services located within the county is **required to engage with important entities that play a role in organic waste recycling capacity planning efforts**.
  - Such engagement will **provide more accuracy** in determining the organic waste capacity needed to meet the reduction in organic waste disposal goals required by statute.
- The county, cities, RAs, and special districts that provide solid waste collection

**services located within the county should determine who will contact the following important entities: LEA, facility operators, community composting operations.**

- **For example:** It might be efficient if the County contacted the Local Enforcement Agency and Local Task Force to find out about any planned or expanding facilities or operations in any of the jurisdictions , including the potential capacity increase each facility may provide if approved, instead of every city also contacting these entities.
  - This consult was included because the jurisdictions might not be aware of changes with existing facilities or new facilities that are being built and the LEA and Local Task Force can be a good resource for this info.
  - This also ensures that jurisdictions are engaging with the LEA that have the primary responsibility for ensuring the correct operation and closure of solid waste facilities in the state and for guaranteeing the proper storage of and transportation of solid waste, as well as engaging with the group that assists in coordinating the development of local jurisdictional planning documents related to solid waste and recycling.
- **Consult with haulers and owners of facilities/operations/activities** that recover organic waste is also required. If **certain cities/RAs/special districts that provide solid waste collection services utilize the same** existing facility or planned facility, then **they may want to identify one person to consult with** these entities to gather information on the **existing and potential new or expanded capacity** at those facilities.
  - This was **included in the regulations because a hauler or owner might be planning a project and the jurisdictions in the county may not be aware, haulers/owners might be planning a project and may not be aware of what other projects are happening, and this facilitates conversations with haulers/owners to identify opportunities for securing feedstock agreements, etc.**
  - This ensures that jurisdictions are **receiving information from the businesses and other local entities that may control the operational infrastructure** needed to recycle organic waste and **sufficiently plan for additional infrastructure** that may be needed
  - **Note that jurisdictions that host facilities** that generate digestate (e.g., in-vessel digester) and biosolids (waste water treatment plants) **are required to have to plan for the recycling capacity for these materials**
- Any of the entities **contacted by the county, city, RA, or special district that provides solid waste collection services must respond within 60** days and including **information about throughput and permitted capacity** necessary for planning purposes.

- This **ensures** that the **capacity planning requirements can be met in a timely manner with appropriate information.**
- **Consult with community composting operations is also required.** Depending on how many community composting operations there are the cities/county/RA/special districts that provide solid waste collection services may want **to determine who will contact the operations** to find out how much capacity will be handled by these operations.
  - The **county and jurisdictions might decide that each jurisdiction (cities/county/RA/special districts that provide solid waste collection services) should contact the community composting operations in their particular jurisdiction** and **if there is a community composting organization that operates countywide, then maybe the county would be the point** for contacting the organization to get capacity information.
  - This provides an **opportunity to consult with small-scale community composting operators that may be able to recycle additional organic waste outside of conventional organic waste processing infrastructure** that may be available.
  - Requiring collaboration with community composting operations is necessary to provide CalRecycle with the ability **to ensure that jurisdictions are involving local communities in their organic waste recycling capacity planning efforts.**

Planning also includes community outreach for planned new or expanding facilities.



- Counties, in coordination with cities, special districts that provide solid waste collection services, and regional agencies located within the county, are required to **conduct community outreach** regarding locations being considered for new or expanded facilities, operations, or activities to seek feedback on the benefits and impacts that may be associated with new or expanded facilities, operations, or activities.
- **The intention for the community outreach is that it would be conducted by the jurisdiction in which the expanded or new facility/operation/activity is located.**
- With that said, as with the other consultations, **the county and the cities/RA/special districts that provides solid waste collection services should decide how and by whom community outreach will be handled** if there is a new or expanded facility/operation/activity.
- **Note: Counties can work in coordination with cities to provide this outreach.** Nothing precludes cities from providing outreach on their own.
  - For example, the county and the cities/RA/special districts that provides solid waste collection services may find it best to have the **jurisdiction that the new or planned facility is locating in to conduct the community outreach** and the county and cities may want to create some common approaches for conducting the outreach.

- This outreach requirement was **included in the regulations to facilitate feedback from the community during the planning process** and to provide CalRecycle with the ability to ensure that counties are **involving local communities in their organic waste recycling capacity planning efforts**.
- The **community outreach must meet certain specifications** to ensure **thorough and authentic engagement** on this requirement
- The **regulation specifies**:
  - the **information and process** for this outreach including **options for the format of outreach**,
  - **other entities that could be involved**,
  - **details for outreach to disadvantaged communities that may or may not include outreach in additional languages**,
- Community outreach is intended for the facilities or activities **located within the county**

# QUIZ QUESTION

Who is the responsible entity for capacity planning?

Counties, cities, special districts that provide solid waste collection services and RAs—the county leads the collaboration but all of the jurisdictions within a county are responsible for gathering data, conducting the analyses, etc.



If the county determines that organic waste recycling capacity is needed, the county must notify any jurisdiction that lacks capacity that it is required to:

- Submit an implementation schedule to CalRecycle
- Identify proposed new or expanded organic waste recycling facilities that will be used to process the organic waste



- As I mentioned earlier, the **County's role** is to:
  - **Aggregate the data from all of the jurisdictions** that are located in the county
  - **Identify if any jurisdiction lacks capacity**
  - **Report to CalRecycle** and
  - **Inform the applicable jurisdiction that lacks capacity of their responsibility and timeframe for submitting an implementation schedule**
- If a jurisdiction's data determines that organic recycling capacity is needed, the **county is required to notify the cities/RA/special districts that provides solid waste collection services** that lack sufficient capacity on or before the date that the county submits the report to CalRecycle that the jurisdiction is required to:
  - Submit an implementation schedule to CalRecycle that demonstrates **how the jurisdiction will ensure available capacity to recover the organic waste disposed by generators within their jurisdiction by the end of the report period.**
  - The implementation schedule must include **timelines and milestones** for planning efforts to access capacity, including:

1. **Obtaining funding** for infrastructure **through modifying franchise agreements or other means of financially supporting the expansion of organic waste recycling**

2. **Identifying existing locations that could be used for additional capacity, and identifying locations for proposed new or expanded organic waste recycling facilities** that will be used to recycle organic waste.

✓ If a jurisdiction is required to submit an implementation schedule then the implementation schedule shall be **submitted 120 days** following the date the county submitted the report to CalRecycle.

- The county is required to notify the city/RA/special district that provides solid waste collection services that lacks sufficient capacity that the county has reported a list of these jurisdictions to CalRecycle.
- This is needed to provide CalRecycle with the ability to ensure that jurisdictions that have been identified as having a lack of capacity are participating in an individual organic waste capacity planning process.
- A county must provide notice to these entities within a specific timeframe as this ensures that the capacity planning requirements can be met in a timely manner with appropriate information.

## Material Types and Waivers

- Capacity planning includes the following materials:

- *food, green waste, landscape and pruning waste, wood, paper products, printing and writing paper, digestate, and biosolids.*



- Regarding waived jurisdictions:

- *A jurisdiction that has a waiver does not have to plan for organic waste capacity for the area that is waived.*
- *A county is not required to obtain information from a jurisdiction that is waived from all of the organic waste collection requirements*



- For capacity planning organic waste shall only include the following types of materials: **food, green waste, landscape and pruning waste, wood, paper products, printing and writing paper, digestate, and biosolids.**
  - When jurisdictions are engaged in organic waste recycling capacity planning outlined within this section, the **focus is on these particular organic waste types rather than the larger group** of materials that comprise “organic waste” [as defined in Article 1, Section 18982(a)(46) of this chapter].
  - **As mentioned earlier**, jurisdictions that host facilities that generate digestate (e.g., in-vessel digester) and biosolids (waste water treatment plants) are required to have to plan for the recycling capacity for these materials
- A **jurisdiction that has a waiver does not have to plan for organic waste capacity for the area that is waived.** The following are a couple of scenarios:
  - If an **entire county and the jurisdictions that are located within the county have a waiver, such as a rural or low population**, that covers the entire county and the jurisdictions **then they would not have to conduct the organic waste capacity planning.** This would be in effect as long as the jurisdictions have the waiver.
  - A **county may subtract the waste generated in an area subject to a waiver granted by the department for capacity planning purposes.**

- **A county is not required to obtain information from a jurisdiction that is waived from all of the organic waste collection requirements**
  - Capacity planning for locations that are exempted from providing required collection services by the Department, are not to be included in the county's capacity planning estimates **since those locations will not necessarily be contributing to the county's organics waste totals.**

# QUIZ QUESTION

What percent of total organics should jurisdictions plan for?

Jurisdictions need to plan for all of the organics.

For capacity planning organic waste shall only include the following types of materials: **food, green waste, landscape and pruning waste, wood, paper products, printing and writing paper, digestate, and biosolids.**



## SECTION 18992.2

### EDIBLE FOOD RECOVERY CAPACITY

The county, and each city, RA, and special district that provides solid waste collection services within the county must plan for adequate capacity for edible food recovery.

- The **county will lead this effort by coordinating** with the cities.
- As I mentioned for organic waste recycling, the County **is responsible for:**
  - **Collecting the edible food recovery capacity planning information from each jurisdiction,**
  - **Submitting the report to CalRecycle** for both edible food recovery and organic waste recycling capacity,
  - **Identifying any jurisdiction, including itself, that does not have enough edible food recovery capacity,** and
  - **Informing that applicable individual jurisdiction** that does not have capacity **about the timeline for submitting the schedule** which is within 120 days from when the County submits the report to CalRecycle
- The County **is not responsible for:**
  - **Ensuring and enforcing** that each of the cities conduct the edible food recovery capacity planning that is required
  - I will discuss this in more detail as well as what each individual

jurisdiction is responsible for completing.

- As we discussed previously, the **coordination might be done in different ways depending on what the needs are, what the availability for resources are, etc.**
  - The key is that the **County and the cities, Ras, and special districts that provides solid waste collection services within the county need to develop a plan for the tasks and timelines** so the County can submit the report to CalRecycle by the due date.
  - The ideas on coordination with organic waste capacity planning also are applicable to edible food recovery capacity planning
    - In addition, the jurisdictions might decide who will contact the food recovery organizations and edible food recovery services that collect material across the county and the individual jurisdictions would contact smaller edible food recovery organizations and services that support only that particular jurisdiction

Counties, in collaboration with cities, special districts that provide solid waste collection services, and regional agencies located in the county, are required to:

- ✓ Estimate the amount of edible food that will be disposed by Tier 1 and 2 commercial edible food generators



Now I will review the capacity planning requirements for edible food recovery.

- The **purpose of this planning is for the County and each city, regional agency (RA), and special district that provides solid waste collection services located within the county** to determine for the specified planning period **how much edible food will be disposed of by commercial edible food generators, and how much existing, planned, or new edible food recovery capacity is needed to recover the edible food generated by the commercial edible food generators.**
- Note that the capacity planning requirements do not **require estimates to be exact or absent of any error or uncertainty.**-Rather it requires that **each estimate is conducted in compliance with the requirements of this section.**
- The County and each city, RA, and special district that provides solid waste collection services located within the county are required to **work in collaboration to collect critical information that will help produce an impactful edible food recovery capacity planning analysis.**
- However, though collaboration is needed, the county and each city, RA, and special district that provides solid waste collection services located within the county is responsible for conducting the requirements shown on this slide, and which we will cover in detail.



The County and each city, RA, and special district that provides solid waste collection services located within the county must do the following:

- 1) Estimate the **amount of edible food that will be disposed of by commercial edible food generators located within each of the unincorporated county and jurisdictions within the county.**
  - a. An estimate of the amount of edible food that will be disposed of by Tier 1 and 2 commercial edible food generators will allow each jurisdiction to make a meaningful and impactful assessment of how much additional capacity (if any) is needed to meet their edible food recovery needs.
  - b. Although implementation by Tier 2 generators is not until 2024, jurisdictions are still required to develop a list of both Tier 1 and Tier 2 generators and plan for capacity, as well as provide these generators with education and outreach by February 1, 2022.
  - c. To calculate this **one of the first steps will be to identify the Tier 1 and 2 commercial edible food generators that are located in the jurisdiction.**
  - d. CalRecycle **will be providing a guidance document in Spring 2021 to jurisdictions** on approaches they could use to identify Tier 1 and 2 generators.
    - a. Consider using the County Environmental Health Department food permit list to create your initial list of generators.
    - b. If your jurisdiction has **access to business license data, it may help to crosscheck the County Health Department food permit list to identify if there are any additional key metrics needed to determine if generators meet the applicable thresholds.**
    - c. **You can also search the companies** on the County Environmental Health Department food permit list in a **NAICS code database or a purchased business list to find the NAICS code which will identify what generator category that business falls under** (i.e. grocery store, food service provider, food distributor, wholesale food vendor etc.). **You can filter businesses by city, type of business, and revenue.**
    - d. **Then you can refine that list using the specified tools and tips throughout the guidance document.**

Counties, in collaboration with cities, special districts that provide solid waste collection services, and regional agencies located in the county, are required to identify within each jurisdiction:

- ✓ Identify existing capacity at food recovery organizations and services
- ✓ Identify proposed new or expanded food recovery organizations and services that will be used
- ✓ Identify, if any, the amount of new or expanded capacity needed



2) Identify **existing capacity** at food recovery organizations and food recovery services available to commercial edible food generators located within each of the jurisdictions within the county.

- a. This is critical information that must be collected in order to be able to identify if additional edible food recovery capacity will be needed to recover the amount of edible food that is estimated to be disposed of by commercial edible food generators located within the county.
- b. CalRecycle will be providing jurisdictions with guidance on how to do a survey to collect information from food recovery organizations and food recovery services**
- c. If you want to **get started sooner**, you can **begin contacting your food recovery organizations and food recovery services located in your jurisdiction** to find out **how much the collect now, if they could collect more, if they currently collect from any of the Tier 1/2 generators in your jurisdiction, and what would be needed to expand, if needed.**

3) Identify **proposed new or expanded** food recovery organizations and services that will be used to recover the edible food estimated to be disposed

- a. This is critical information that must be collected in order to identify if

additional edible food recovery capacity will be needed to recover the amount of edible food that is estimated to be disposed.

- b. Approaches to identifying new and expanded infrastructure** includes **talking to the existing food recovery organizations and food recovery services** to find out if they plan to expand, **talking to the Health Inspectors that work in your jurisdiction** to see if they know of any new or planned food recovery organizations and food recovery services.

4) Identify the amount, if any, of **new or expanded capacity needed at food recovery organizations and services to recover the edible food estimated to be disposed by commercial edible food generators**

Because this **effort requires the County to submit a report to CalRecycle:**

- Each of the cities/RAs/special districts that provide solid waste collection services located within the county that are **contacted by County staff must respond to the request for information within 120 days.**
  - This timeline ensures that the county staff can submit all of the capacity planning information to CalRecycle in the time required by the regulation.
  - If this **timeline is not met, the county does not need to include edible food recovery estimates for that City/SD/Ra in its report to CalRecycle.** However, the **county must include in its report any cities/SDs/RAs that did not provide the necessary information to comply with the requirements.**
  - This is needed because the county can be penalized financially for failing to estimate edible food recovery capacity, and this clarifies that the County is not liable if of the cities located in the county fail to respond within the given time frame.

*Note: This is for the entire section and not just related to the implementation schedule. We point this out as it can appear that the timeline is only for the implementation schedule so we wanted to clarify.*

Planning includes consultation with the following:

- ✓ Food recovery organizations
- ✓ Food recovery services
  - *Entities must respond within 60 days*



- As I mentioned earlier, the **County and each city, RA, and special district that provides solid waste collection services located within the county need to decide** if these tasks will be conducted **by each individual jurisdiction** or if there are some tasks that could be conducted by the County or by a group of cities.
- In complying with this section the county in coordination with each city, RA, and special district that provides solid waste collection services located within the county is **required to engage with important entities, the edible food recovery organizations and edible food recovery services that play a critical role in edible food capacity planning efforts.**
  - Such engagement will **provide more accuracy** in determining the edible food capacity needed to meet the goals required by statute.
  - Based upon feedback from stakeholders, it is critical that **jurisdictions work closely with edible food recovery organizations and edible food recovery services to understand what infrastructure and capacity is needed most.**
    - With this collaboration, these organizations **can inform the jurisdictions about what is needed to expand or create new**

- capacity** (e.g., types of equipment, staffing, facility needs, etc.).
- This coordination ensures that the county and each city, RA, and special district that provides solid waste collection services located within the county are involving food recovery organizations-and food recovery services in their capacity planning efforts so the state can achieve the 20 percent edible food recovery target set by SB 1383.
  - The county and each city, RA, and special district that provides solid waste collection services located within the county should **determine who will contact the edible food recovery organizations and food recovery services regarding existing, or proposed new and expanded, capacity that could be accessed by each jurisdiction’s commercial edible food generators.**
    - This ensures that **food recovery organizations and food recovery services are involved in and consulted** regarding each edible food recovery capacity planning analysis that is conducted.
    - Entities contacted by a jurisdiction **shall respond to the jurisdiction within 60 days** regarding available and potential new or expanded capacity
      - This helps jurisdictions conduct a collaborative and **impactful edible food recovery capacity planning analysis in a timely manner.**

If the county determines that organic waste recycling capacity is needed, the county must notify any jurisdiction that lacks capacity that it is required to:

- ✓ Submit an implementation schedule to the Department
- ✓ Consult with food recovery organizations and food recovery services



- As I mentioned earlier for organic waste capacity on slide 3, the **County's role** is the same for edible food recovery capacity:
  - **Establish a collaborative approach to this planning, including setting a timeline, identifying tasks, determining what each jurisdiction tasks are**
  - **Aggregate the data from all of the jurisdictions** that are located in the county
  - **Identify if any jurisdiction lacks capacity**
  - **Report to CalRecycle** and
  - **Inform the applicable jurisdiction that lacks capacity of their responsibility and timeframe**
- If a jurisdiction's data determines that edible food recovery capacity is needed, the **county is required to notify** each county, city, RA, and special district that provides solid waste collection services located within the county that lacks sufficient capacity on or before the date that the county submits the report to CalRecycle that it is required to:
  - Submit an **implementation schedule to CalRecycle that demonstrates how it will ensure enough new or expanded capacity to recover the**

**edible food currently disposed by commercial edible food generators within its jurisdiction by the end of the reporting period**

- The implementation schedule must include **timelines and milestones** for these planning efforts, including:
  - **Obtaining funding for edible food recovery infrastructure**, through modifying franchise agreements or demonstrating other means of financially supporting the expansion of edible food recovery capacity.
  - **Identification of facilities/operations/activities inside the county that could be used for additional capacity.**
- **Each county, city, RA, and special district that provides solid waste collection services located within the county is required to consult with food recovery organizations and services regarding **existing, new, or proposed capacity** that could be accessed by the jurisdiction's commercial edible food generators. As I mentioned earlier the jurisdictions can decide how to coordinate this activity.**
- This coordination is necessary to **ensure that each county, city, RA, and special district that provides solid waste collection services located within the county has an understanding of the types and amounts of edible food** that can be recovered and distributed for human consumption, as well as the **type of funding needed for increasing or building new capacity.**
- This ensures that individual cities/Ras/SDs are notified if they do not have enough capacity to meet their edible food recovery needs so jurisdictions can plan accordingly.
- It is also necessary so that CalRecycle is aware of the jurisdictions that failed to provide required information to counties for potential enforcement if necessary.
- Note that there are **no waivers for edible food recovery** so all jurisdictions must plan and submit the required data.

# QUIZ QUESTION

Do waived jurisdictions need to plan for edible food recovery capacity?

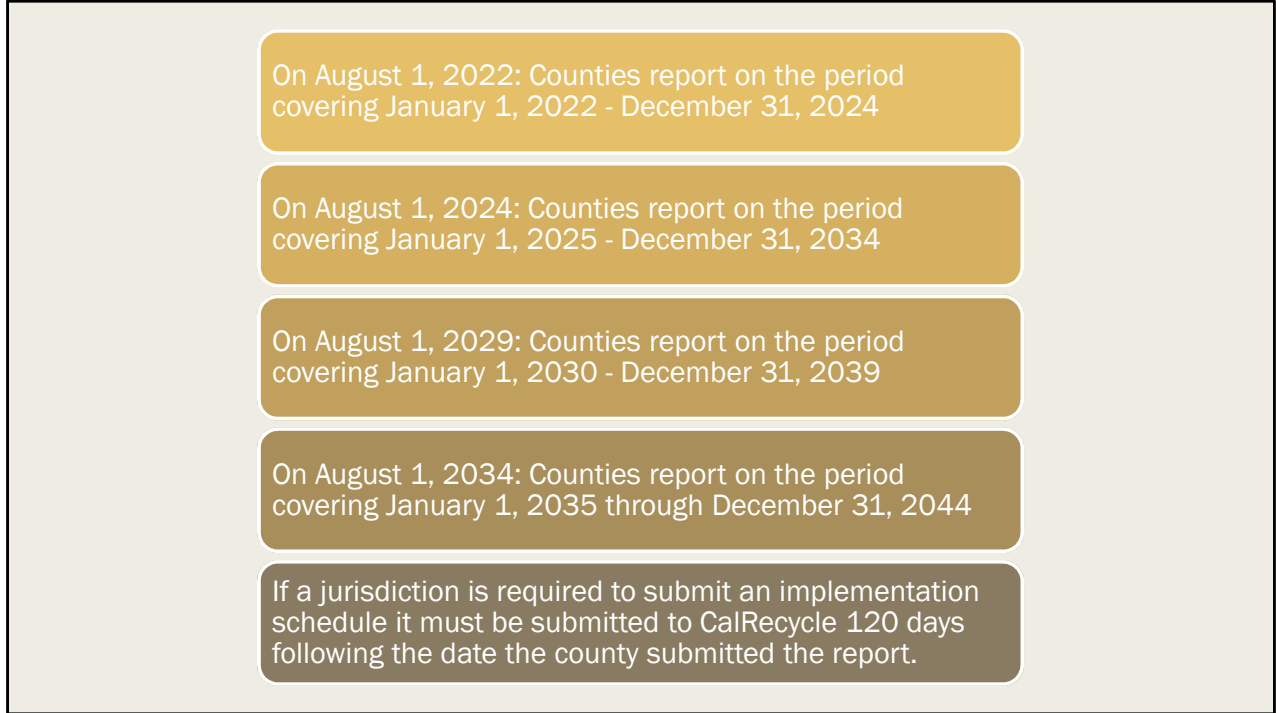
Yes, all jurisdictions are required to plan for edible food capacity even if they receive a low population, high elevation, or rural waiver from the department.





The next slides will cover the reporting schedule for Counties to report to CalRecycle on capacity planning

- These **timelines were developed based upon stakeholder’s input** on what they felt were reasonable to gather the required data and still provide long term planning to ensure adequate capacity as the population increases for organics recycling and edible food recovery.
- These timeframes were developed recognizing the time necessary for **gathering the required data and collaborating with affected entities**, such as organic waste recycling facilities, small-scale community composting organizations, and edible food recovery organizations.
- The **timelines for planning and reporting on organic waste and edible food recovery capacity are necessary to ensure that there is adequate organics recycling and edible food recovery capacity into the future.**



- The county and each city, RA, and special district that provides solid waste collection services located within the county must conduct the capacity planning requirements so that the county can report to CalRecycle on the schedule shown on the slide.
- Jurisdictions that are exempt from the organic waste collection requirements **due to a waiver (pursuant to Section 18984.12)** are not required to conduct the capacity planning required in Section 18992.1 (organic waste) and are not required to include capacity planning data in the report submitted by the County required by Section 18992.1 **in the first reporting period and subsequent reporting periods if they continue to have a waiver.**
  - *SKIP - Regarding subsequent reporting periods, this is clarified in the Final Statement of Reasons and will also be a Frequently Asked Question. The regulations state that jurisdictions that are exempt don't have to do capacity planning. **It's implicit that they wouldn't report in ANY reporting period that they have a waiver because there's nothing to report.***
- However, **all are required to plan and report on edible food in every reporting period.**
- Note that the **individual county** is reporting the required capacity planning information to the department on the schedule shown on the slide.
- However, if a county, city, special district that provides solid waste collection services, or RA located within the county is **required to submit an implementation schedule, the schedule must be submitted by each individual jurisdiction to CalRecycle within 120 days following**

**the date the county submits its report to the department.**

- Based upon the above schedule the information **that needs to be reported by the County** to CalRecycle in the electronic annual report regarding the implementation of the organic waste recycling capacity planning **and** edible food recovery capacity planning requirements of Article 11 of this chapter:
  - The **tons estimated to be generated for landfill disposal.**
  - The **amount of existing capacity verifiably available to the county and cities within the county.**
  - The **amount of new capacity needed.**
  - The **locations identified for new or expanded facilities.**
  - The **jurisdictions that are required to submit implementation schedules.**
  - The **jurisdictions that did not provide information required by Article 11 of this chapter to the county within 120 days.**
  
- Note that there is no Implementation Record for Article 11.

SKIP – Reporting Schedule (Shown on Slide)

- *August 1, 2022, counties report to CalRecycle on the period covering January 1, 2022 through December 31, 2024.*
  - *Note: For the other reporting requirements, jurisdictions submit the first annual report in April and Oct. 2022. Then it is Aug. 1 each year starting in 2023.*
- *August 1, 2024 counties report to CalRecycle on the period covering January 1, 2025 through December 31, 2034.*
- *August 1, 2029 counties report to CalRecycle on the period covering January 1, 2030 through December 31, 2039.*
- *August 1, 2034 counties report to CalRecycle on the period covering January 1, 2035 through December 31, 2044.*

# QUIZ QUESTIONS

Who reports on capacity planning to  
CalRecycle?

How often does this entity report?

Counties must report and Js that do not have capacity must submit an implementation schedule to CalRecycle.

Counties: Every 5 years after the first two reporting years (Aug 22 and Aug 2024) with a 10 year look ahead

Jurisdictions that must submit an implementation schedule: Js must submit w/in 120 days of the county reporting to CalRecycle

## Capacity Planning Tools

- Organics capacity planning tool will be similar to AB 876 tool
- Edible food capacity planning tool will help determine potentially donatable food
- Tools will be available Q2 2021
- CalRecycle will plan a webinar in 2021 to train jurisdictions on the tools

**These tools are in the early design stages.**

### **Organic waste capacity planning tool:**

- The tool will be similar to the AB 876 calculator tool that we currently have, but will account more for a larger disposal of organics
- For the organic waste capacity planning tool we will need to address if a jurisdiction can waive a certain area so the tool can reduce the amount

### **RE: Special districts (CSD):**

- The **tool will not be able to provide specific data for special districts that provide solid waste collection services** as rDRS does not allow for this specific jurisdiction of origin data (the data is reported for the either the city or county in which the special district is located within)
- We will **provide guidance for how the County determines the special districts that provide solid waste collection services data to determine if an implementation schedule is needed**
- Note: CSDs under 939 already report data to the County

**Edible food recovery capacity planning tool:**

- Staff is determining what data will be used for the capacity planning tool
  - The tool will help determine the amount of potentially donatable food
  - If the county has the number of Tier 1 and Tier 2 generator types, the tool willd calc the amount and types of potentially donatable food
  - CalRecycle will also provide guidance on how to identify Tier 1 and Tier 2 commercial edible food generators and how to survey edible food recovery organizations and edible food recovery services to gather capacity data
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- Our CalRecycle team has begun to develop the tools.
  - The plan is to have the tools available in the **second quarter of 2021**.
  - We will **plan a webinar when the tools are ready to train jurisdictions on how to use the tools**.



**STAY  
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- Now I would like to **open it up to questions.**
- Thank you!