

DECEMBER 2015

CITY OF ESCALON

2060 McHenry Ave.

Escalon CA 95320

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# AB 1826: Mandatory Commercial Organics Recycling Plan



*Prepared by*

DEVELOPMENT SERVICES DEPARTMENT, CITY OF ESCALON

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# 1. Introduction

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## BACKGROUND AND OVERVIEW

In October of 2014, Governor Brown signed [AB 1826 Chesbro \(Chapter 727, Statutes of 2014\)](#), requiring businesses to recycle their organic waste on and after April 1, 2016, depending on the amount of waste they generate per week. This law also requires that on and after January 1, 2016, local jurisdictions across the state implement an organic waste recycling program to divert organic waste generated by businesses, including multifamily residential dwellings that consist of five or more units (please note, however, that, multifamily dwellings are not required to have a food waste diversion program). Organic waste (also referred to as organics throughout this resource) means food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste. This law phases in the mandatory recycling of commercial organics over time. In particular, the minimum threshold of organic waste generation by businesses decreases over time, which means that an increasingly greater proportion of the commercial sector will be required to comply.

**Why Organics?** Mandatory recycling of organic waste is the next step toward achieving California's aggressive recycling and greenhouse gas (GHG) emission goals. California disposes approximately 30 million tons of waste in landfills each year, of which more than 30 percent could be used for compost or mulch (see the [2008 Waste Characterization Study](#)). Organic waste such as green materials and food materials are recyclable through composting and mulching, and through anaerobic digestion, which can produce renewable energy and fuel. Greenhouse gas (GHG) emissions resulting from the decomposition of organic wastes in landfills have been identified as a significant source of emissions contributing to global climate change. Reducing the amount of organic materials sent to landfills and increasing the production of compost and mulch are part of the [AB 32 \(California Global Warming Solutions Act of 2006\) Scoping Plan](#).

## IMPLEMENTATION DATES AND THRESHOLDS

The law phases in the requirements on businesses, including multifamily residential dwellings that consist of five or more units (such as apartments),\* over time based on the amount and type of waste the business produces on a weekly basis, with full implementation realized in 2019. Additionally, the law contains a 2020 trigger that will increase the scope of affected businesses, if waste reduction targets are not met. The implementation schedule is as follows:

- **January 1, 2016:** Local jurisdictions shall have an organic waste recycling program in place. Jurisdictions shall conduct outreach, education to inform businesses how to recycle organic waste in the jurisdiction, and monitoring to identify those not recycling and inform them of the law and how to recycle organic waste.
- **April 1, 2016:** Businesses that generate eight cubic yards of organic waste per week shall arrange for organic waste recycling services.
- **January 1, 2017:** Businesses that generate four cubic yards of organic waste per week shall arrange for organic waste recycling services.

- **August 1, 2017 and Ongoing:** Jurisdictions shall provide information about their organic waste recycling program implementation in the annual report submitted to CalRecycle. (See above for description of information to be provided.)
- **Fall 2018:** After receipt of the 2016 annual reports submitted on August 1, 2017, CalRecycle shall conduct its [formal review of those jurisdictions that are on a two-year review cycle](#).
- **January 1, 2019:** Businesses that generate four cubic yards or more of commercial solid waste per week shall arrange for organic waste recycling services.
- **Fall 2020:** After receipt of the 2019 annual reports submitted on August 1, 2020, CalRecycle shall conduct its formal review of all jurisdictions.
- **Summer/Fall 2021:** If CalRecycle determines that the statewide disposal of organic waste in 2020 has not been reduced by 50 percent of the level of disposal during 2014, the organic recycling requirements on businesses will expand to cover businesses that generate two cubic yards or more of commercial solid waste per week. Additionally certain exemptions, previously discussed, may no longer be available if this target is not met.

\*Note: Multifamily dwellings are not required to have a food waste diversion program.

## LOCAL GOVERNMENT REQUIREMENTS

Local jurisdictions shall implement an organic waste recycling program (program) on and after January 1, 2016, to divert organic waste generated by businesses. Each jurisdiction is unique and shall adopt a program that suits its specific local needs, e.g., depends on type of organic materials that businesses generate, etc. If a jurisdiction, on and after January 1, 2016, has in place an organic waste recycling program that meets the requirements of this section, it is not required to implement a new or expanded organic waste recycling program.

A jurisdiction's organic waste recycling program targeted to commercial organic waste generators may include, but is not limited to, one or more of the following key elements:

- Implementing a mandatory commercial organic waste recycling policy or ordinance.
- Enforcement provisions, including a structure for fines and penalties.
- Requiring a mandatory organic recycling program through a franchise contract or agreement.
- A requirement that organic waste go through a source separated system that diverts organic waste from disposal.
- Certification requirements for self-haulers.
- Charging and collecting a fee from an organic waste generators to recover the jurisdictions' cost complying with the law.

- Implementation or enforcement of organic waste recycling requirements that are more stringent or comprehensive than the minimum requirements outlined here.

The law also requires that each jurisdiction’s program contain certain common elements. These requirements are applicable whether or not the jurisdiction meets its 50 percent per capita disposal target:

- Identifying the businesses that meet the applicable thresholds.
- Conducting annual education and outreach to inform businesses about the law and how to recycle organics in the jurisdiction. Jurisdictions can build on their education, outreach and monitoring activities into the activities that they are doing to implement the Mandatory Commercial Recycling law. A jurisdiction could incorporate information about how to recycle organics into its existing education/outreach activities via using electronic tools, e.g., the jurisdiction’s and the hauler’s websites; providing written materials, e.g., a brochure; and making direct contact with businesses, e.g., on waste assessments or presentations to business organizations.
- Implementing annual monitoring activities to identify those not recycling and to inform them of the law and how to recycle organics in the jurisdiction. Jurisdictions can build on their monitoring activities for Mandatory Commercial Recycling. For example, the hauler may be responsible for identifying those not recycling organics and the jurisdiction may contact those not recycling organics via a letter, phone call, and/or site visit.

Note: The authority of a local governmental agency to adopt, implement, or enforce a local organic waste recycling requirement, or impose a condition upon a self-hauler, that is more stringent or comprehensive than the requirements of this law is not limited. Additionally, the following are not modified, limited, or abrogated in any manner by this law:

- A franchise granted or extended by a city, county, city and county, or other local governmental agency.
- A contract, license, or permit to collect solid waste previously granted or extended by a city, county, city or county, or other local governmental agency.
- The existing right of a business to sell or donate its recyclable organic waste materials.
- The authority of a local jurisdiction with respect to land use, zoning, or facility siting decisions by or within that local jurisdiction.

**Exemptions.** On a case-by-case basis, a jurisdiction may exempt individual businesses from the organic waste recycling requirements. Jurisdictions must include their rationale for allowing exemptions in the electronic annual report (EAR) they submit to CalRecycle. Certain exemptions (denoted below with an asterisk) will not be allowed on and after January 1, 2020, if CalRecycle determines that statewide disposal of organic waste has not been reduced to 50 percent of the level of disposal during the 2014 calendar year. Exemptions may include, but are not limited to the following:

- Lack of sufficient space in multifamily complexes or businesses to provide additional organic material recycling bins.
- The current implementation by a business of actions that result in the recycling of a significant portion of its organic waste.
- The business or group of businesses does not generate at least one-half of a cubic yard of organic waste per week.
- Limited-term exemptions for extraordinary and unforeseen events.
- \*The business or group of businesses does not generate at least one cubic yard of organic waste per week (if the local jurisdiction provides CalRecycle with information that explains the need for this higher exemption).

**Reporting.** Beginning with the submission of the 2016 [Electronic Annual Report](#) (EAR), which is due August 2017, to CalRecycle (and covers calendar year 2016 recycling activities and programs), jurisdictions will be required to report on progress on the implementation of the organic waste recycling program. Each jurisdiction’s annual report must include the following information in the 2016 EAR and subsequent EARs:

- Existing local organic waste recycling facilities and the respective capacities available for materials to be accepted.
- Existing solid waste and organic waste recycling facilities within the jurisdiction that may be suitable for potential expansion or colocation of organic waste processing or recycling facilities.
- Efforts underway to develop new private or public regional organic waste recycling facilities that may serve some or all of the organic waste recycling needs of the commercial waste generators within the jurisdiction, and the anticipated timeframe for completion of those facilities.
  - Closed or abandoned sites that might be available for new organic waste recycling facilities.
  - Other nondisposal opportunities and markets.
  - Appropriate zoning and permit requirements to site new organic waste recycling facilities.
  - Incentives available, if any, for developing new organic waste recycling facilities within the jurisdiction.
  - Barriers to siting new or expanded composting, anaerobic digestion and chip and grind facilities and a plan to remedy those barriers that are within the control of the local jurisdiction.
- Report on the identification, education, outreach and monitoring activities, including the number of businesses that are not recycling organics and what was done to inform them of the law. Providing tonnage on the amount of material that is recycled is optional.
- Rationale for allowing exemptions, and, if applicable, report on enforcement efforts.

## 2. Implementing Program Requirements

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### **IDENTIFYING BUSINESSES**

The City of Escalon is currently under contract with Gilton Solid Waste to provide trash removal services within City limits. The customer list for residents and businesses that use 90 gallon totes or less is held by the City of Escalon. The customer list for those using containers over 90 gallons is maintained and billed by Gilton. Staff will annually coordinate with Gilton Solid Waste to obtain customer information for those meeting the applicable organic recycling thresholds. As needed, staff will also utilize the business license department and utility billing department to identify applicable businesses.

### **CONDUCTING ANNUAL EDUCATION AND OUTREACH**

The City of Escalon will provide an informational flyer on AB 1826 Mandatory Commercial Organics Recycling to all commercial businesses, regardless of level of trash service, via their business license renewal packet. For those businesses meeting the threshold, a detailed letter, brochure, and questionnaire will be mailed explaining the law and the specific requirements they must meet. This informational packet will be sent annually to those meeting the threshold. The City of Escalon will utilize the City website and Facebook page to post information relating to AB1826 and its requirements. All new in town businesses applying for a business license will receive the informational brochure.

Gilton Solid Waste issues the billing for all bin users. An informational memo will be placed on the billing at least once per year highlighting the AB 1826 law. Gilton will also place information on their website.

### **ANNUAL MONITORING ACTIVITIES**

Based on responses from the annual questionnaire, the City of Escalon will track, via an Excel spreadsheet, which businesses meet the threshold and what method of organic recycling they have chosen. If they utilize a method other than Gilton Solid Waste for recycling, they will be required to annually complete a self-certification form. Businesses required to complete a self-certification form will be contacted via mail three times. The third notification will be sent certified mail. If the business is non-responsive to completing the form via mail, they will be contacted via a phone call or site visit.

### **EXEMPTIONS**

A business must make a formal request for an exemption utilizing an *Exemption Request Form* provided by the City. All exemptions are reviewed by the Development Services Manager for recommendation to the City Manager.

### **ANNUAL REPORTING**

City of Escalon staff will report progress in implementing AB 1826 beginning with the submission of the 2016 Electronic Annual Report (EAR).

# California Businesses and Multifamily Complexes Will Soon Be Required to Recycle Their Organic Waste



## Contact Information

City of Escalon  
2060 McHenry Ave  
Escalon CA 95320

209-691-7422

## Resources Local Resources

City of Escalon  
<http://cityofescalon.org/?p=8327>

Gilton Solid Waste  
209-527-3781

## State Resources

1. CalRecycle Local Assistance and Market Development (LAMD) Staff Contacts ([www.calrecycle.ca.gov/lgcentral/reports/Contacts.aspx](http://www.calrecycle.ca.gov/lgcentral/reports/Contacts.aspx)). LAMD staff is available to assist local governments with planning and implementing Mandatory Organics Recycling programs.
2. Mandatory Organic Recycling (MORe) Home Page <http://www.calrecycle.ca.gov/Recycle/Commercial/Organics/>
3. Mandatory Organic Recycling (MORe) Frequently Asked Questions (FAQs). <http://www.calrecycle.ca.gov/Recycle/Commercial/FAQ.htm>
4. CalRecycle Food Scrap Management Home Page at <http://www.calrecycle.ca.gov/organics/Food/default.htm>
5. CalRecycle tool for jurisdictions to determine how many businesses (when available).
6. California Air Resources Board (ARB) Small Business Toolkit ([www.CoolCalifornia.org](http://www.CoolCalifornia.org)).



With the passage of AB 1826, new organic recycling requirements will be phased in over several years and will help the state meet its goal to recycle 75 percent of its waste by 2020.

Businesses, including public entities, and multifamily complexes of 5 units or more are required to recycle their organic waste on and after April 1, 2016, depending on the amount of waste they generate per week.

City of Escalon and Gilton Solid Waste hauling company are here to help you comply with the new state requirements. Read this brochure to learn more about organic waste collection and recycling options available to you.

**DID YOU KNOW?** Recyclable organic waste accounts for about 40 percent of the material Californians dispose in landfills annually.<sup>1</sup> Recycling organic waste can save Escalon businesses money by reducing disposal costs while supporting green jobs in our community.



## Regulatory Requirements

The law requires that businesses arrange for recycling services for the following types of organic waste: food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper.<sup>2</sup> Multifamily complexes must arrange for recycling services for the same material with the exception of food waste and food-soiled paper. Most organic waste is recyclable through methods such as composting, mulching, and anaerobic digestion. Organic recycling services often accept a wide variety of different types of organic waste. Check with Gilton Solid Waste to learn how to arrange for recycling.

Businesses and multifamily complexes must start recycling organic waste by the following dates:

- April 1, 2016 – generators of 8 or more cubic yards of organic waste per week;**
- January 1, 2017 – generators of 4 or more cubic yards of organic waste per week;**
- January 1, 2019 – generators of 4 or more cubic yards of solid waste per week;**
- \*January 1, 2020 – generators of 2 or more cubic yards of solid waste per week, if statewide disposal of organic waste is not decreased by half.**

## Organic Recycling Services

The requirement to recycle organic waste can be met by taking one or any combination of the following actions, provided that the action is in compliance with local ordinances and requirements.<sup>3</sup>

- 1. Source-separate organic waste from other waste and subscribe to an organic waste recycling service that specifically includes collection and recycling of organic waste.**
- 2. Recycle organic waste onsite (limited)**
- 3. Donate the generated organic waste.**

Prior to the deadline to start recycling their organic waste, every local jurisdiction is required to implement an organic waste recycling program to provide organic recycling options, educate businesses and multifamily complexes about their local organic recycling options, and monitor implementation.

## Success Stories

Albertson's grocery stores in San Diego have participated in the collection of food scraps for compost and food rescue for disadvantaged communities since 2011. Edible food is donated to the Feeding America food bank, and inedible food is sent for composting at the Miramar Greenery, operated by the City of San Diego. Fifteen stores participate in this program, resulting in 58 tons of edible food donations and 37 tons of food scraps composted annually.

The Hyatt Regency hotel in Sacramento began a food and green waste collection program in 2011. This high-rise hotel has 503 guest rooms, 4 restaurants, and a main kitchen serving about 1,975 meals daily. In the first year, the hotel diverted more than 243 tons of food waste to Clean World Partners, an anaerobic digestion facility, where it is converted into renewable natural gas for fuel.

<sup>2</sup> Food-soiled paper includes items such as wax coated food containers and soiled napkins mixed with food waste. Food-soiled paper does not include paper products with a plastic coating, e.g., paper cups with a polyethylene coating.

<sup>3</sup> Prior to taking action to recycle organic waste, a business should check with the City of Escalon recycling coordinator for more information about local requirements. See the next page for specifics on local recycling options.



# CITY OF ESCALON

## DEVELOPMENT SERVICES

2060 McHenry Avenue ▪ Escalon, California 95320 ▪ Office 209.691.7400 Fax 209.691.7439

February 26, 2016

### **IMPORTANT NOTICE REGARDING NEW MANDATORY COMMERCIAL ORGANIC RECYCLING REQUIREMENTS IN CALIFORNIA: STATE LAW AB 1826**

Dear ,

We are writing to inform you of new Mandatory Commercial Organic Waste Recycling requirements in California due to the enactment of Assembly Bill 1826 (Chesbro, 2014). These new requirements are designed to move California to its statewide goal of a 75% recycling rate, including a reduction in the level of organic waste disposal by 50% from its current levels. Cities are required to provide programs to assist businesses in meeting these requirements. **Your establishment has been identified as requiring participation in recycling all of the organic waste you generate.** The overall requirements are described below, and also a copy of the bill can be found at:

<http://www.calrecycle.ca.gov/Recycle/Commercial/Organics/>.

#### **Organic Waste**

Organic waste is defined in the bill as including food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste.

#### **Covered Businesses**

The law sets forth a gradual increase in the number of businesses subject to these requirements.

<i>Effective date</i>	<i>Businesses must arrange for recycling services for organic waste, if they generate more than:</i>	
April 1, 2016	8 cubic yards per week	of organic waste
January 1, 2017	4 cubic yards per week	of organic waste
January 1, 2019	4 cubic yards per week	of commercial solid waste
January 1, 2020*	2 cubic yards per week	of commercial solid waste
<i>*The 2020 provision only takes effect if CalRecycle determines that statewide organics disposal has not been reduced to 50% of 2014 levels.</i>		

<TURN OVER>

## Required Recycling

Since your location has been identified as generating enough waste to be subject to the thresholds noted above, you are required to take at least one of the following actions:

- 1) Separate organic waste from other waste and subscribe to organic waste recycling service. You will contact Gilton Solid Waste to arrange for these services 209-527-3781.
- 2) Recycle organic waste onsite (Must receive prior approval from the City)
- 3) Donate recyclable organic waste materials.

## Additional Information on the Requirements and Tools for Complying

Additional points related to businesses:

1. A business that is a property owner may require a lessee or tenant of that property to source separate their organic waste to aid in compliance.
2. Additionally, all businesses that contract for gardening or landscaping services must stipulate that the contractor recycle the resulting gardening or landscaping waste (Contact City for list of approved recycling locations)
3. A multifamily complex is not required to arrange for recycling services for food waste but must recycle green waste.

CalRecycle has prepared responses to a number of Frequently Asked Questions (FAQs) regarding all aspects of the new requirement. This information can be found at <http://www.calrecycle.ca.gov/Recycle/Commercial/Organics/FAQ.htm>. In addition, CalRecycle has developed a number of tools to assist businesses in assessing their current practices and how to comply with this law. This information can be found at: <http://www.calrecycle.ca.gov/Recycle/Commercial/Organics/>.

Please take a moment to read the enclosed brochure and questionnaire. **The questionnaire is not due at this time, but will provide you with the questions you will be asked at the end of each year. The reverse side of the questionnaire lists the approved recycling facilities should your landscaper haul green waste off site.**

If you have any questions, please feel free to contact City Staff at 209-691-7422.

Sincerely,

Diana Trejo  
Planning Technician



# CITY OF ESCALON

DEVELOPMENT SERVICES

2060 McHenry Avenue • Escalon, California 95320 • Office 209.691.7422 Fax 209.691.7409

## AB 1826 Compliance Form - 2016

**Please submit questionnaire within 15 days to the address above**

<b>Business Name:</b>			
<b>Owner Name:</b>		<b>Phone Number:</b>	
<b>Mailing Address:</b>		<b>Physical Address(es):**</b>	
<b>Contact Name:</b>		<b>E-mail Address:</b>	

**1) What type of organic waste is generated by your business? (mark all that apply)**

- food waste                       food-soiled paper waste mixed in with food waste                       landscape and pruning waste  
 green waste                       nonhazardous wood waste

**2) Which method is your business selecting to comply with AB 1826 Mandatory Commercial Organic Recycling?**

- Rent organic recycling containers from Gilton Solid Waste (209) 527-3781  
 Recycle organic waste onsite: **Must receive prior approval from the City - provide details; use additional paper as necessary:**

\_\_\_\_\_

\_\_\_\_\_

- Donate the generated organic waste

**Must provide name, address, and phone number of organization and describe how they dispose of the organic waste:**

\_\_\_\_\_

\_\_\_\_\_

**3) Annual Tonnage of Recycled Organics:** \_\_\_\_\_

**4) Statement of Compliance**

I, \_\_\_\_\_, certify that I am a duly authorized representative of the above named entity

Please print first and last name

for purposes of regulatory compliance reporting and that the foregoing information is true and correct to the best of my knowledge.

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

This information will be used to determine compliance with AB1826 and will be reported to the State of California. For questions or concerns, please call the City of Escalon at (209) 691-7422. Additional information about California's Mandatory Commercial Organic Recycling legislation can be found on the enclosed information sheet or by visiting the California Department of Recycling Resources and Recovery's webpage at:

<http://www.calrecycle.ca.gov/Recycle/Commercial/Organics/>

**\*\* Note: If you have multiple locations, complete one survey for each of your locations in Escalon.**



# CITY OF ESCALON

DEVELOPMENT SERVICES

2060 McHenry Avenue ▪ Escalon, California 95320 ▪ Office 209.691.7422 Fax 209.691.7409

***Please call the facility before bringing organic waste to ensure they can accommodate capacity and type of material***

<b><u>Facility/Location</u></b>	<b><u>Phone Number</u></b>	<b><u>Materials Accepted</u></b>
Harvest Power 920 West Frewert Road Lathrop, CA 95330	(209) 982-1381	Food Wastes (only when combined with green waste), Green Materials, Agricultural
Recology Stockton 250 Port Road 23 Stockton, CA 95203	(209) 751-4076	Green Materials, Wood waste
Tracy Material Recovery & T.S. 30703 S. Macarthur Drive Tracy, CA 95376	(209) 835-0601	Food Wastes, Green Materials
Central Valley Agricultural Grinding, Inc 5707 Langworth Road Riverbank, CA 95361	(209) 869-1721	Green Materials, Wood Waste
City Of Modesto Compost Project 7001 Jennings Road Modesto, CA 95358	(209) 577-5494	Food Wastes, Green Materials
Recology Blossom Valley Organics N Vernalis 3909 Gaffery Road Vernalis, CA 95385	(209) 833-3392	Food Wastes, Green Materials
Recology Blossom Valley Organics N Hamme 6131 Hammet Road Modesto, CA 95358	(209) 545-7718	Green Materials
Gilton Resource Recovery 800 South McClure Modesto, CA 95354	(209) 527-3781	Food Waste, Green Materials, Non Hazardous Wood Waste

Sample - DO NOT