



# CITY of BRISBANE

## Infrastructure, Utilities & Franchise Subcommittee Agenda

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Tuesday, January 26<sup>th</sup>, 2021 at 1:00 PM • Virtual Meeting

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*This meeting is compliant with the Governors Executive Order N-29-20 issued on March 17, 2020 allowing for deviation of teleconference rules required by the Brown Act. The purpose of this is to provide the safest environment for staff, subcommittee members and the public while allowing for public participation. The public may address the subcommittee using exclusively remote public comment options.*

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**Text:** 415-407-2675

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**SUBCOMMITTEE MEMBERS:**

Councilmember O'Connell, Councilmember Mackin

**PRESENTATIONS AND DISCUSSION ITEMS**

- A. Update on SB 1383
- B. Update on Water and Wastewater Rate Study

**PUBLIC COMMENT****ADJOURNMENT**

A.

**File Attachments for Item:**

A. Update on SB 1383



## CITY OF BRISBANE

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### M E M O R A N D U M

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**To:** Infrastructure, Utilities & Franchise Subcommittee  
**From:** Randy Breault, Director of Public Works/City Engineer  
**Subject:** SB 1383 Update  
**Date:** January 26, 2021

SB 1383 (Lara, 2016) is a prescriptive organic waste reduction mandate intended to reduce short-lived climate pollutants (primarily methane) that are produced from the degradation of organics in landfills. While the prescriptive nature of this law provides less leeway in the actions cities may take, it is generally seen as an improvement over AB 939 (California Integrated Waste Management Act, Sher, 1989), which simply mandated that cities reduce their diversion of solid waste to landfills by 50 percent.

There is an exceptionally detailed PowerPoint provided by CalRecycle attached to this report for the interested reader. In simplest terms, the efforts required of the city and its solid waste franchisees are as follows:

1. Provide organic collection to ALL residents and businesses
2. Participate in an edible food recovery program
3. Conduct education and outreach
4. Procure recyclable and recovered organic products
5. Monitor compliance and conduct enforcement

The city and South San Francisco Scavenger are already well on the path to accomplishing these items. Scavenger already offers an on request three-container “source separated” collection service to satisfy item 1, and is ready to expand that to all addresses. Similarly, city and Scavenger staff already cooperate in outreach programs, which will be continued to satisfy item 3. With regards to item 4, Scavenger already produces enough diesel gallon equivalents of renewable natural gas to satisfy our required procurement, and the city will further comply by meeting the recycled paper procurement requirements. Circling back to item 2, city staff will liaison with San Mateo County staff, who have taken the lead in establishing an edible food recovery program.

The final item to be addressed is compliance and enforcement. There are prescriptive items required of the franchisee (e.g., they are required to list their landfill for organics disposal) and of the city (recordkeeping requirements, the authority to cite noncompliant parties, etc.). Implementation of all of these requirements will require modification to the city's municipal code, and some minor revisions to the current franchise agreements.

SB 1383's inspection and enforcement requirements dictate adoption of an ordinance with enforceable mechanisms by 2022, compliance monitoring and education from 2022-2024, and enforcement in 2024. Staff's question for the subcommittee is whether to proceed with the 2-year education period before commencing enforcement, or if the education period should be shortened to 1-year. Our recent experience with the "education and encouragement" required by AB 341 (Chesbro, 2011 mandatory commercial recycling) and AB 1826 (Chesbro, 2014, mandatory organic recycling) is that voluntary compliance and change of behavior is limited to a surprisingly small percentage of addresses. Staff's recommendation is that the education period be shortened to 1 year, and compliance to be required at the end of that 1<sup>st</sup> year.

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# SB 1383

## Reducing Short-Lived Climate Pollutants in California

An Overview of SB 1383's  
Organic Waste Reduction  
Requirements

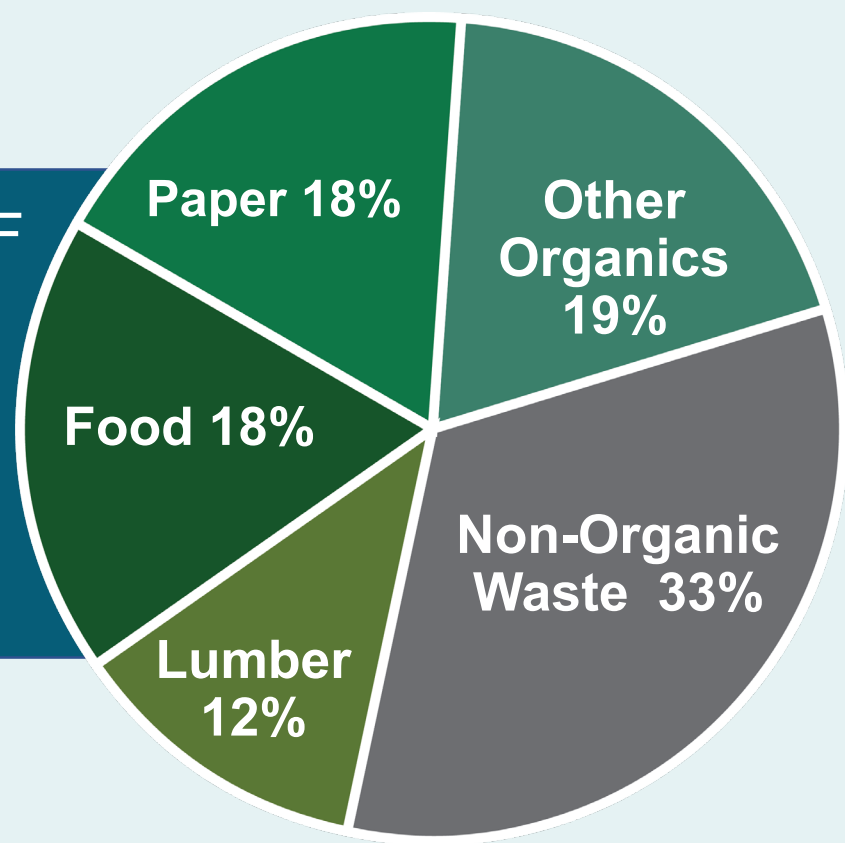
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# Organic Waste Is the Largest Waste Stream in California

CALIFORNIA DISPOSED OF APPROXIMATELY **27 MILLION TONS** OF ORGANIC WASTE IN 2017



California's Waste Stream

IN CALIFORNIA, MILLIONS ARE **FOOD INSECURE**

1 IN 8 CALIFORNIANS  
1 IN 5 CHILDREN



CALIFORNIA THROWS AWAY **MORE THAN 6 MILLION TONS** OF FOOD WASTE EVERY YEAR!

# A. CLIMATE CHANGE NEGATIVELY IMPACTS CALIFORNIA

Landfilled Organic Waste Emits  
**Methane Gas—**  
**A Super Pollutant**  
More Powerful than CO<sub>2</sub>

Methane Gas Contributes to  
Climate Change in California



**CALIFORNIA**  
is already experiencing  
the impacts of  
**CLIMATE CHANGE**

IN 2015 THE DROUGHT COST THE  
AGRICULTURE INDUSTRY IN THE  
CENTRAL VALLEY AN ESTIMATED  
\$2.7 BILLION & 20,000 JOBS





# **SB 1383 Requirements**

**2020**

**50 PERCENT REDUCTION IN LANDFILLED ORGANIC WASTE**  
(11.5 Million Tons Allowed Organic Waste Disposal)

**2022**

**REGULATIONS TAKE EFFECT**

**2025**

**75 PERCENT REDUCTION IN LANDFILLED ORGANIC WASTE**  
(5.7 Million Tons Allowed Organic Waste Disposal)

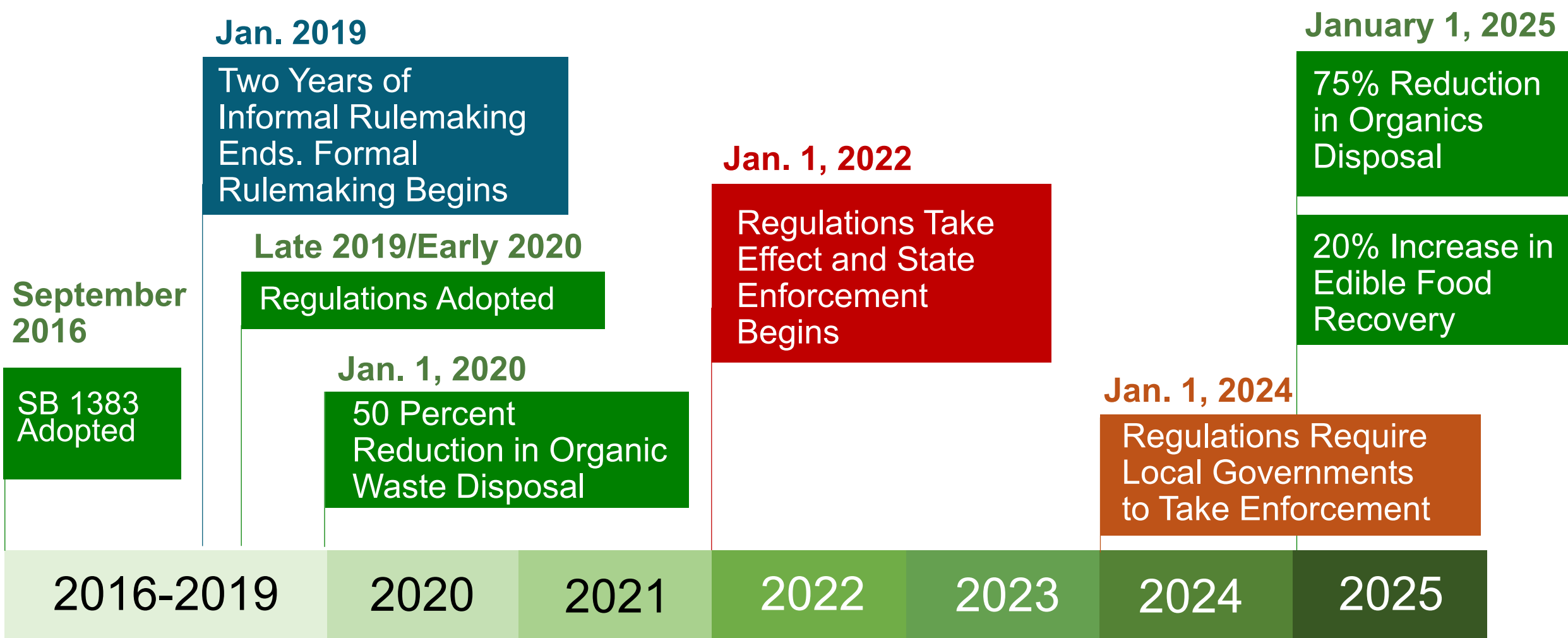
**2025**

**20 PERCENT INCREASE IN RECOVERY OF CURRENTLY  
DISPOSED EDIBLE FOOD**



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# SB 1383 Key Implementation Dates





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# SB 1383 Key Jurisdiction Dates

## 2022



Provide Organics Collection Service to All Residents and Businesses



Establish Edible Food Recovery Program



Conduct Education and Outreach



Procurement



Capacity Planning

## 2024



Starting January 1, 2024  
Jurisdictions must take  
action against non  
compliant entities

# A. Jurisdiction Responsibilities

**Provide Organics  
Collection Services to All  
Residents and Businesses**



**Conduct Education and  
Outreach to Community**



**Secure Access to  
Recycling and Edible  
Food Recovery Capacity**



**Establish Edible Food  
Recovery Program**



**Procure Recyclable and  
Recovered Organic  
Products**



**Monitor Compliance  
and Conduct  
Enforcement**



# SB 1383 IN ACTION

## LOCAL GOVERNMENT ROLES AND RESPONSIBILITIES

SB 1383 doesn't just apply to waste management and recycling departments.

Every local department plays a role in SB 1383 implementation.





## A. SB 1383 IN ACTION

### JURISDICTION REQUIREMENTS



**Provide organics collection service to all residents and businesses**

## Organic Waste Collection Services



### Three-Container “source separated” Collection Service

- Organics prohibited from black container
- All organic waste segregated for collection and recycling



### Two-Container Collection Service

- One container for collection of segregated organic waste
- One container for collection of mixed waste (subject to 75% organic content recovery standard)



### One-Container Collection Service

- One container for collection of mixed waste (subject to 75% organic content recovery standard)

- Minimum contamination monitoring and reduction requirements
- Collection waivers authorized for certain documented circumstances





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# SB 1383 IN ACTION

## EDIBLE FOOD RECOVERY PROGRAM



Establish Edible Food Recovery Program

## JURISDICTION REQUIREMENTS

Identify Existing Food Recovery Capacity

Expand Existing Food Recovery Capacity (if needed)

Monitor Commercial Edible Food Generators for Compliance

Ensure Commercial Edible Food Generators Have Access to Food Recovery Services





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# SB 1383 IN ACTION

## EDUCATION REQUIREMENTS



Conduct Education and Outreach to Community

## JURISDICTION REQUIREMENTS

Annually educate all organic waste generators, commercial edible food generators, and self-haulers about relevant requirements

Jurisdictions must provide print or electronic communication.



Jurisdictions May Supplement with Direct Communication.



Appropriate educational material must be provided to linguistically isolated households



## A. B 1383 IN ACTION

### PROCUREMENT REQUIREMENTS



Procure Recycled and Recovered Organic Products

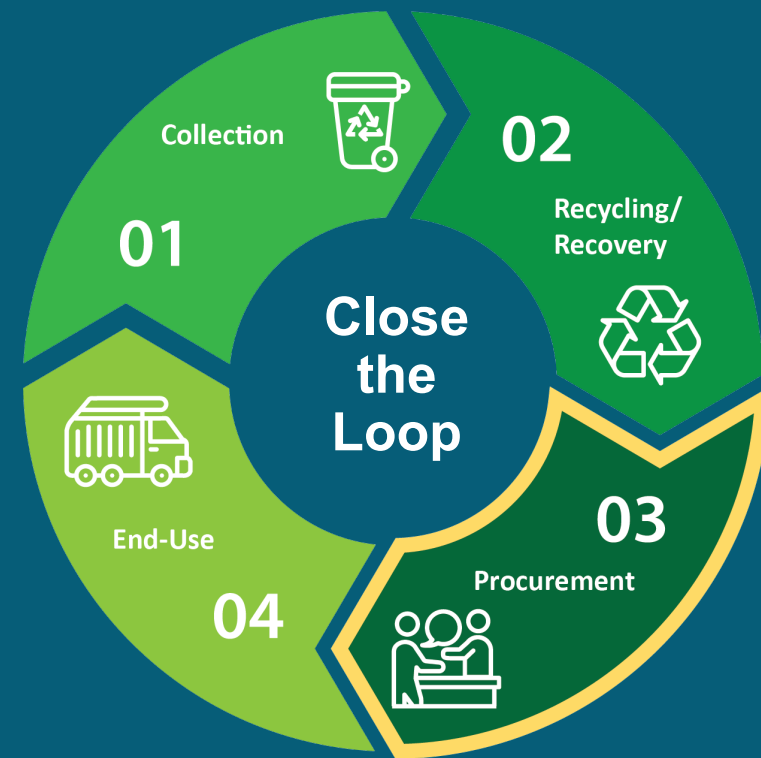
## JURISDICTION REQUIREMENTS

### COMPOST, RNG & ELECTRICITY

- Minimum Procurement

### PAPER PROCUREMENT REQUIREMENTS

- Recycled Content
- Recyclability



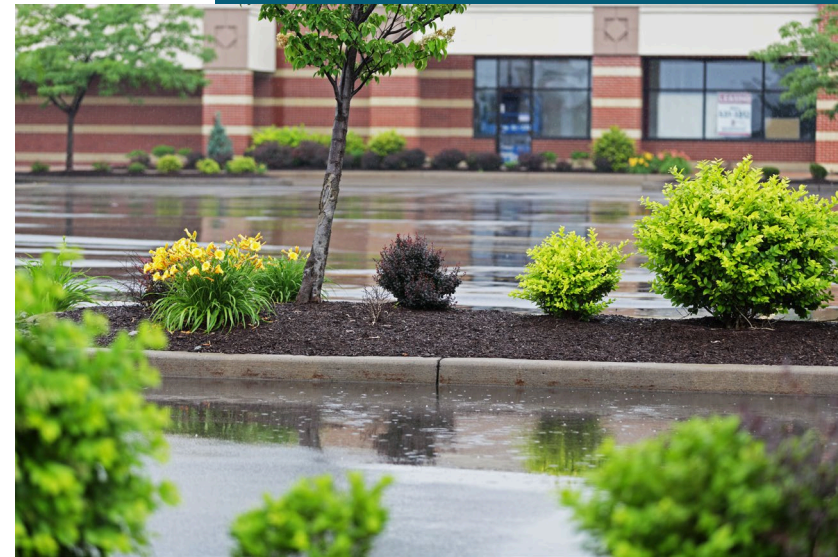
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# Construction & Landscaping Requirements



Recycling organic waste commingled with C&D debris, to meet CalGreen 65% requirement for C&D recycling in both residential and non-residential projects

Model Water Efficient Landscape Ordinance (MWELO) requirements for compost and mulch application.







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# ORGANIC WASTE RECYCLING INFRASTRUCTURE



SB 1383 Requires 50-100  
New or Expanded  
Organic Waste Recycling Facilities



# SB 1383 IN ACTION

## INFRASTRUCTURE REQUIREMENTS



**Evaluating Current  
Infrastructure and Planning  
New Compost and AD  
Facilities and Edible Food  
Recovery**







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# SB 1383 IN ACTION

## INSPECTION AND ENFORCEMENT REQUIREMENTS



**Monitor Compliance and Conduct Enforcement**

## JURISDICTION REQUIREMENTS

### Ordinance 2022



Adopt an Ordinance  
(Enforceable Mechanism)  
Including Enforcement

### Compliance Monitoring & Education 2022-2024



Annual Compliance Reviews, Route Reviews, Inspections

Educate Violators

### Compliance Monitoring & Enforcement 2024



Annual Compliance Reviews  
Route Reviews, Inspections,  
Notice of Violations,  
Penalties for Violators

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# JURISDICTION ENFORCEMENT REQUIREMENTS



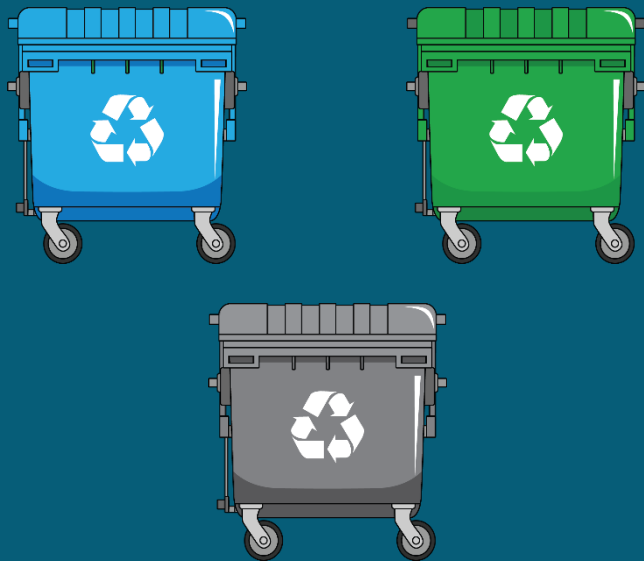
## Must Have Enforcement and Inspection Program that Includes:

- Annual Compliance Review
  - Commercial Businesses that Generate  $\geq 2$  Cubic Yards/week
  - Verify Businesses are:
    - Subscribed to Service or Self-hauling
- 2 or 3 Container Collection Service: Route Reviews of Commercial/Residential Areas to Verify Service and Inspect for Contamination
- Single Unsegregated Collection Service: Verify Businesses are subscribed to a service that is Transporting Contents to a High Diversion Organic Waste Processing Facility

Requirements Harmonize with AB 1826 and Don't Establish a Minimum Quantity of Physical Inspections

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## JURISDICTION ENFORCEMENT REQUIREMENTS ON COMMERCIAL FOOD GENERATORS



## Must Have Enforcement and Inspection Program that Includes:

- Inspections to verify:
  - Edible food Recovery arrangements
- Tier 1 Commercial Edible Food Generators by 2022
- Tier 2 Commercial Edible Food Generators by 2024

**Commercial Edible Food Generator Inspections Can Be  
Combined with Existing Mandatory Inspections**



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# SB 1383 IN ACTION

## JURISDICTION REQUIREMENTS



**Maintain Records and Report to CalRecycle**

### Recordkeeping Requirements:



Organic Collection Services



Hauler Program



Contamination Minimization



Waivers



Education & Outreach



Edible Food Recovery Program



Recycled Organic Waste Procurement



Recycled Paper Procurement



Commercial Edible Food Generators



Jurisdiction Inspection & Enforcement



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# STATE ENFORCEMENT



## CALRECYCLE OVERSIGHT (BEGINS IN 2022)



### Authorize Waivers

- Low Population
- Rural Areas

### Emergency Circumstances

### Oversee and Monitor

- State Agencies and Facilities
- Local Education Agencies



### Oversee and Monitor for Compliance

### Jurisdiction Review

- Conduct joint inspections with jurisdictions
- Review Implementation Record



### If Violations

- Issue Notices of Violation
- May Authorize Corrective Action Plan
- Allows up to 24 months to address barriers outside of a jurisdiction's control



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<https://www2.calrecycle.ca.gov/Listservs/Subscribe/152>



<https://www.calrecycle.ca.gov/organics/slcp>



**Presenter's  
Contact Info**



*B.*

**File Attachments for Item:**

B. Update on Water & Wastewater Rate Study



## MEMORANDUM

**To:** Infrastructure, Utilities & Franchise Subcommittee  
**From:** Stuart Schillinger, Deputy City Manager  
**Subject:** Update on Water and Wastewater Rate Study  
**Date:** January 26, 2021

### Community Goal/Result

Fiscal Sustainability

### Purpose

Ensure the City's water and sewer rates reflect the full cost of providing clean water and effective wastewater disposal to the various users while encouraging conservation of resources.

### Recommendation

Receive an update on the Water and Wastewater rate study. Provide feedback as needed.

### Background

On August 13, 2001 the City Council discussed Ordinance No. 458 which set the process for determining future water and sewer rate increases.

Subsequent to passing Ordinance No. 458, the California Supreme Court ruled that water and sewer charges are property related and subject to Proposition 218, the Right to Vote on Taxes Act. As such, we are required to notify property owners regarding any increase and hold a public hearing at least 45 days later to allow time for community input. As a courtesy to our customers, we also notify renters of the forthcoming change in rates.

The last rate study the City had performed was in 2000. The City hired FCSG and Carollo Engineers to complete a rate structure study and Capital Improvement Plan. The City has been working from this rate study for the last twenty years. The City has taken the rates recommended in the Plan and adopted them based on need. The last operational rate increase went into effect in 2012. Additionally, the City has implemented its first capital improvement charge to pay for bonds issued in 2015. This was the first of an anticipated series of Capital Rate Charges in order to pay for the water and wastewater Capital Improvement Plan. The plan is to sell bonds approximately every five years over 20 years. The bonds would have a duration

of 20 years so after 20 years there will be a set Capital Charge that will only be reviewed to ensure it can continue to pay for the necessary Capital Improvements.

A drought reserve charge was implemented in 2019. This would ensure that during a drought the City would not need to raise rates as customers lowered their water usage as other water providers do.

The City has been able to keep operational rates constant due to an increase in usage among users and the use of one-time revenue sources (i.e. Connection fees).

City Council directed staff to begin the process of contracting for a new water and wastewater rate study on September 3, 2020. The anticipated cost of the study is \$65,000.

### **Discussion**

Staff released the Request for Proposals on January 8<sup>th</sup>. The deadline for the return of the proposals is February 16<sup>th</sup> after President's day holiday. Staff contacted BAWSCA (Bay Area Water Supply and Conservation Agency) for a list of companies that provide this type of service. Staff sent the proposal to seven different firms and has heard back from most of them that they will review and submit proposals. Staff is hoping to have the Infrastructure Subcommittee to conduct interviews with the top two or three firms during the week of March 1<sup>st</sup> and then provide a recommendation to City Council at their March 18<sup>th</sup> meeting.

As part of the study, staff included a section on the Baylands. Although the City is not at a point where it can ask a firm to assist in setting rates for the Baylands staff thought it would be good to have the firm that reviewed and assisted with setting rates for the current system be on board to assist with setting rates for the Baylands when that was needed.

### **Fiscal Impact**

The cost of doing the study will be spent from the City's Utility Enterprise Fund. The Enterprise Fund is set up to capture all of the revenues and costs generated by the City's and GVMID's utility system. As such, the Enterprise is self-sufficient and does not rely on the City's General Fund except for the City's Low-Income Rate Assistance program as required by law.

### **Measure of Success**

The City is able to provide clean-safe drinking water and effectively disposes of wastewater as economically as possible while being financially sustainable.

Stuart Schillinger

Stuart Schillinger, Deputy City Manager



Clay Holstine, City Manager