



Meeting Date: October 12, 2017

Honorable Board of Directors  
Sacramento Regional County Solid Waste Authority  
Sacramento, California

**Board of Directors**

**Eric Guerra**  
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(City of Sacramento)

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(County of Sacramento)

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(City of Sacramento)

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(County of Sacramento)

**Phil Serna**  
(County of Sacramento)

**Don Nottoli**  
Alternate  
(County of Sacramento)

**Michael Penrose**  
Administrator

**Douglas Sloan**  
General Manager/Engineer

**SUBJECT: RESOLUTION EXEMPTING FOOD WASTE RECYCLING HAULERS FROM FRANCHISE REQUIREMENT**

**RECOMMENDATION**

It is recommended that the Board adopt the attached resolution exempting food waste haulers, with provisions, from the requirement that they obtain a SWA Franchise in order to haul food waste for recycling.

**BACKGROUND**

At its September 14<sup>th</sup> meeting, the SWA Board heard a brief staff presentation on food waste recycling in the region and conducted a workshop on rules that apply to businesses that collect food waste, defined in SWA Code and California Law as solid waste, for recycling. Staff had conducted a series of four stakeholder meetings over the summer and discussed the issues surrounding food waste collection and recycling with franchisees, facility operators, food waste recyclers, and interested government agencies.

The following alternatives emerged from stakeholder discussions and were presented to the Board for the September workshop:

**1. Leave the program as it is.** Under this alternative, SWA franchises would be required of numerous parties, including an unknown number of agricultural operators collecting food scraps to feed their livestock. SWA regulations governing putrescible material would expand to existing businesses operations where they have not historically been applied.

**2. Redefine food waste as recyclable material.** Under this alternative, food waste redirected from traditional solid waste storage, collection, and transportation equipment would be treated in the same manner as single-stream recyclables, i.e. with very little SWA oversight.

**3. Exempt food waste haulers from franchise requirement as long as no nuisances are created.**

Under this alternative, food waste can be collected with specific provision for the SWA to act, in coordination with City and County Code Enforcement as necessary, if nuisances occur.

**4. Exempt food waste recycling facilities from franchise requirement if source-hauling.**

Under this alternative, food waste continues to be defined as solid waste, but collection is exempt from the SWA franchise requirement if food waste recyclers participating in the SWA certification program dispatch their own vehicles to collect food waste and return it to their facility for recycling.

**5. Exempt "grandfathered" haulers.**

Under this alternative, the franchise requirement would be waived for food waste haulers that demonstrated they had been in the business of collecting and diverting food waste prior to the effective date of SWA Code changes, provided they were subject to some other regulatory oversight.

**DISCUSSION**

Of the abovementioned alternatives, #1, #2, and #5 are the most problematic to implement at the present time. Of the remaining two alternatives, #3 (exempting recyclers with a provision for protection against nuisances) is generally, slightly preferable to the community of food waste recyclers and #4 (exempting recycling facilities from collecting material for their own use) is generally, slightly preferable to the community of franchisees. But no franchisees presented objections at the workshop.

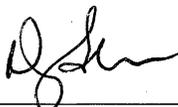
Pursuant to feedback from the stakeholders at the Board workshop in September (or lack thereof) and following input from a number of Board members, Alternative #3 is presented as the attached SWA Resolution 2017-01.

**CONCLUSION**

It is recommended that the Board adopt the attached resolution exempting food waste haulers, with provisions, from the requirement that they obtain a SWA Franchise to haul food waste for recycling.

Respectfully submitted,

Michael Penrose,  
Administrator



By: Douglas A. Sloan  
General Manager/Engineer

Attachment: Resolution 2017-01

Contact for additional information: Dave Ghirardelli, SWA staff, 916-875-4557



**RESOLUTION NO. 2017-01**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE SACRAMENTO  
REGIONAL SOLID WASTE AUTHORITY EXEMPTING FOOD RECYCLING WASTE  
HAULING FROM SWA FRANCHISE REQUIREMENTS**

**WHEREAS**, the term “solid waste” is defined by the United States Code of Federal Regulations (40 CFR Part 248), the California Public Resources Code section 40191,; and the Sacramento Regional Solid Waste Authority (SWA) Code section 1.01.010 to include all putrescible solid, semisolid and liquid wastes, including food waste; and

**WHEREAS**, recent California legislation, including Assembly Bills 1826, 1045, 876, 341 and 1383, provide for the diversion of food waste from traditional solid waste collection systems and landfilling; and

**WHEREAS**, Assembly Bill 901 further imposes new reporting requirements on waste, recycling, and compost facilities as well as exporters, brokers, and transporters of recyclables or compost; and

**WHEREAS**, the California Department of Resources Recycling and Recovery (CalRecycle) is in the process of developing regulations to implement these new requirements and anticipates that such regulations will not be adopted until 2018; and

**WHEREAS**, many businesses in the Sacramento region have historically collected and repurposed food waste in a manner that does not typically fit within the scope of traditional solid waste collection, but that involves similar practices and equipment that often meet the standards applicable to the provision of mainstream solid waste collection services; and

**WHEREAS**, the SWA Board of Directors desires to implement a temporary policy that recognizes the contributions of businesses that collect and repurpose food waste to achieve clarity and consistency in the administration of SWA requirements while the CalRecycle regulations are still pending.

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** by the Board of Directors of the Sacramento Regional Solid Waste Authority that:

The collection of source-separated food waste for recycling shall be exempt from the

franchise requirement set forth in section 2.01.040 of the SWA Code if the following conditions are satisfied:

1. Food waste is the only type of waste collected;
2. The collected food waste is processed for recycling;
3. The storage, containerization, collection, transportation, transfer, and recycling of food waste is conducted in a manner that does not create a public nuisance including but not limited to the generation of noxious odors, leakage, and the creation of conditions for the harboring of rats, vermin and vectors; and
4. The person collecting the food waste is one of the following:
  - A. A transporter of agricultural and food manufacturing byproducts that are destined for use as either animal feed or for final disposition on land in a manner that is specifically authorized by the State Water Resources Control Board or a Regional Water Quality Control Board, provided such final disposition does not adversely affect public health and safety or the environment.
  - B. A person that transports less than one (1) cubic yard of food waste per vehicle trip.
  - C. A licensed renderer lawfully operating pursuant to Chapter 5 (commencing with Section 19200) of Part 3 of Division 9 of the Food and Agricultural Code.

On a motion by Director \_\_\_\_\_, seconded by Director \_\_\_\_\_,  
the foregoing Resolution was passed and adopted by the Board of Directors of the Sacramento  
Regional Solid Waste Authority this 12th day of October, 2017, by the following vote, to wit:

AYES: Directors,

NOES: Directors,

ABSENT: Directors,

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Chair of the Board of Directors  
Sacramento Regional Solid Waste Authority

(SEAL)

ATTEST: \_\_\_\_\_  
Clerk of the Board of Directors