



AGENDA REPORT

TO: Edward D. Reiskin
City Administrator

FROM: G. Harold Duffey
Director, Oakland Public
Works

SUBJECT: Apply for, Accept, and Appropriate
Funds from CalRecycle Payment
Programs and Grants and SB 1383
and ECAP Compliance Grants

DATE: September 2, 2022

City Administrator Approval

Date: Sep 20, 2022

RECOMMENDATION

Staff Recommends That The City Council Adopt The Following Pieces Of Legislation:

- 1. A Resolution Authorizing The City Administrator To Apply For, Accept, And Appropriate Funds From California Department Of Resources Recycling And Recovery Payment Programs Beginning With Fiscal Year 2022/2023 And Effective Until Rescinded By The City Council**
- 2. A Resolution Amending Resolution No. 86915 C.M.S. And Resolution No. 87623 C.M.S. To Authorize The City Administrator To Apply For, Accept, And Appropriate Funds From California Department Of Resources Recycling And Recovery Competitive And Non-Competitive Grants Beginning With Fiscal Year 2022/2023 And Effective For Five (5) Years**
- 3. A Resolution Authorizing The City Administrator To Apply For, Accept, And Appropriate Funds From Grants For Which The City Is Eligible To Support Compliance With Senate Bill 1383, The Short-Lived Climate Pollutant: Organic Waste Methane Emissions Reduction Act Of 2016, And Oakland 2030 Equitable Climate Action Plan Programs Beginning With Fiscal Year 2022/2023 And Effective For Five (5) Years**

EXECUTIVE SUMMARY

Adopting these three resolutions will authorize the City Administrator to apply for, accept, and appropriate funds from all California Department of Resources Recycling and Recovery (CalRecycle) grants and direct payment programs as well as all non-CalRecycle grant opportunities to support the City of Oakland (City) recycling programs and compliance with The Short-Lived Climate Pollutant: Organic Waste Methane Emissions Reduction Act of 2016 (SB 1383) and Oakland's 2030 Equitable Climate Action Plan (ECAP).

City Council
October 4, 2022

Over the past decade, the City has accepted CalRecycle funding annually to enhance recycling programs in the City. One CalRecycle program that the City depends on is the City/County Payment Program (CCPP) fund. The funding is used to promote beverage-container recycling, provide recycling-focused technical assistance to City residents and businesses, and install touchless water dispensers in City facilities. Without this CalRecycle funding, these recycling activities would not continue. At CalRecycle's recommendation, the first proposed resolution regarding CalRecycle payment program does not have an expiration date to avoid the need of returning to Council to seek reauthorization every few years.

Under the authority of Resolution No. 87623 C.M.S. (**Attachment A**) and Resolution No. 86915 C.M.S. (**Attachment B**), staff obtained authorization to apply for grants. Now authorization is required to appropriate said grants. Therefore, the second proposed resolution regarding CalRecycle competitive and non-competitive grants resolution will amend these two existing resolutions to specifically authorize the City Administrator to accept and appropriate CalRecycle grant funding.

Finally, to support the City's need for external funding to achieve the waste reduction goals of the ECAP and to meet the required mandates of SB 1383, the third proposed resolution provides authorization for the City Administrator to apply for, accept and appropriate relevant grant funding.

Adoption of the three proposed resolutions will allow staff to pursue external funding to sustain critical recycling programs, comply with regulatory mandates to reduce waste and greenhouse emissions, and help protect the City from possible fines from the State for non-compliance.

BACKGROUND / LEGISLATIVE HISTORY

The California Beverage Container Recycling and Litter Reduction Act (Public Resources Code Division 12.1, Chapter 1290, Statutes of 1986, amended January 2010) established a beverage container redemption and recycling program to reduce litter and support the goal of recycling at least 80% of beverage containers sold in California. CalRecycle promotes these efforts by administering the CCPP.

Starting in 2008, City Council adopted several resolutions authorizing staff to apply for, accept, and appropriate CalRecycle CCPP funds. The fourth such resolution, Resolution 86914 C.M.S. (**Attachment C**), expired in June 2022.

At CalRecycle staff's recommendation, the proposed CalRecycle Payment Program resolution under consideration does not contain an expiration date and will remain effective until rescinded and will cover application requirements for CCPP and any future CalRecycle Payment Program funds for which the City may become eligible.

In addition to Payment Program funding, CalRecycle opens grant cycles periodically throughout the year for competitive and non-competitive grants. Council adopted Resolution No. 86915 C.M.S. (**Attachment B**) that authorized the City Administrator to apply for any competitive

CalRecycle grant. Similarly, in 2019, Council adopted Resolution No. 87623 C.M.S. (**Attachment A**) that authorized the City Administrator to apply for all CalRecycle grants, both competitive and non-competitive, and to execute all grant documents. Neither resolution included authorization to accept and appropriate funds if awarded.

In 2018 and early 2019, City Council adopted four resolutions that formed the mandate for the 2030 Equitable Climate Action Plan, culminating in Resolution No. 88267 C.M.S., which formally adopted the 2030 ECAP in 2020.

In 2021, City Council approved Ordinance No. 13671 C.M.S. to adopt Alameda County Waste Management Authority's Organics Reduction and Recycling Ordinance and to amend Oakland Municipal Code Chapter 8.28 in conformance with SB 1383. SB 1383 regulations went into effect January 1, 2022 and include mandates for organic waste reduction and landfill diversion, the development and implementation of a citywide edible food recovery program, municipal compost and mulch procurement, robust education to food-generating businesses on food waste reduction, enforcement, and record keeping. Funding to meet these requirements will need to be sought. Non-compliance can result in the City being issued financial penalties ranging from \$500 to \$10,000 per violation per day by CalRecycle.

ANALYSIS AND POLICY ALTERNATIVES

Adoption of the proposed resolutions will support the citywide priority of building **vibrant, sustainable infrastructure**. CalRecycle Payment Program funding, competitive and non-competitive grant funding and funding from other sources will support SB1383 required programs and projects as well as help staff to implement initiatives outlined in the ECAP, in addition to sustaining existing critical recycling programs.

CCPP funds have allowed the City to purchase and install equipment such as street litter cans with recycling tops that provide recycling opportunities for the public along City streets and in City parks. Funds have also been used to purchase "recycling stations" used at community events, allowing event promoters to comply with SB 1383 requirements for recycling at large events and venues. Most recently, CCPP funds were used to purchase and install touchless water dispensers at Oakland libraries and recreation centers to reduce the use of single-use plastic water bottles. These annually disbursed CCPP funds support the City's ECAP waste reduction goals and help provide recycling opportunities in City parks and public spaces. Without these funds, this work will not continue.

Advanced authorization to apply for, accept, and appropriate funds from grants, especially those from CalRecycle, allows staff time to strategically plan and prepare competitive applications and gives the City the ability to immediately deploy the awarded funds for critical activities. The alternative is to apply for grants when the Notice of Funds Available is announced which may have a timeline that does not track with the City's process for gaining Council approval or meet the requirements for program/project implementation, resulting in lost opportunities.

Adoption of these proposed resolutions is critical to ensuring that the City has access to funding for existing recycling programs while also providing staff with the ability to secure external resources in a timely manner to meet challenges posed by SB 1383 and the climate crisis.

Staff recommend that the City Council adopt resolutions to authorize quick response to funding opportunities to support critical and mandated recycling programs, SB 1383 compliance, and ECAP implementation.

FISCAL IMPACT

CCPP funds will be appropriated to the California Department of Conservation Fund (2139), Environmental Services: Recycling Solid Waste Organization (30682), Recycling and Solid Waste Program (SC17), Services: Miscellaneous Contract Account (54919), and a Project Number to be determined.

All CalRecycle non-competitive and competitive grant funds will be appropriated to the California Integrated Waste Management Board Fund (2154), Environmental Services: Recycling Solid Waste Organization (30682), Recycling and Solid Waste Program (SC17), Services: Miscellaneous Contract Account (54919), and a Project Number to be determined.

All private, State, or Federal grant funds will be appropriated to the Recycling Program Fund (1710), Environmental Services: Recycling Solid Waste Organization (30682), Recycling and Solid Waste Program (SC17), Services: Miscellaneous Contract Account (54919), and a Project Number to be determined.

There is no impact on the General Purpose Fund and no additional funding is requested. Staff will seek future Council approval for matching funds for grants, where required, through the normal budgeting process.

PUBLIC OUTREACH / INTEREST

No public outreach was conducted in the development of these proposed resolutions. However, staff engage with the public in the implementation of the work funded by these grants and payment programs by, for example, educating them on proper sorting and recycling practices. Staff also maintain a Recycling Hotline to receive public inquiries and feedback.

The State of California conducted a two-year iterative process in developing the SB 1383 regulations. They received comments and modified draft regulations in response to comments from haulers, food recovery organizations, cities, joint power authorities, commercial organizations, disposal facility operators, compost facility operators and others. Recycling Program staff actively participated in that public review process. Staff are also engaged in a working group organized by the Alameda County Waste Management Authority to develop public outreach materials to help jurisdictions comply with the law.

Extensive public outreach was also conducted as part of the development and adoption of the 2030 ECAP, including policy areas that align with SB 1383's central requirements to eliminate disposal of compostable organic material and to promote edible food recovery efforts.

COORDINATION

Recycling Program staff in the Oakland Public Works (OPW) Department coordinate with various OPW work units, including Keep Oakland Clean and Beautiful, the Bureau of Maintenance and Internal Services, and others, to promote recycling opportunities using CalRecycle Payment Program funds and to implement waste reduction programs that support compliance with SB1383 and the 2030 ECAP. In addition, this report and resolutions have been reviewed for form and legality by the Office of the City Attorney and the Budget Bureau of the Finance Department.

SUSTAINABLE OPPORTUNITIES

Economic: External funding opportunities alleviate demands on limited City resources and make it possible for the City to support programs in recycling and waste reduction that can provide green-collar jobs in the community.

Environmental: Activities supported by these funding opportunities have a direct impact on waste diversion citywide. CalRecycle Payment Program funding supports education and implementation including, but not limited to, proper recycling of materials such as beverage containers, and general waste reduction activities which conserve natural resources and reduce packaging contamination of the City's natural areas including parks and waterways. Recycling and composting also reduce greenhouse gas emissions.

Race and Equity: External funding can increase recycling and composting opportunities throughout the City while abating nuisance conditions in traditionally underserved communities. Programs that support SB 1383 compliance and ECAP implementation can mitigate the adverse effects of short-lived climate pollutants and reduce food insecurity in frontline communities. As staff implement these initiatives, available resources such as the Oakland Equity Indicator Report and Oakland Department of Transportation's Geographic Equity Toolbox will be used to identify Oakland's most burdened census tracts to ensure that there is no disparity in accruing benefits to Oakland communities.

ACTION REQUESTED OF THE CITY COUNCIL

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For questions regarding this report, please contact Julia A. Heath, Recycling Program Specialist II, at (510) 238-6221 or jheath@oaklandca.gov.

Respectfully submitted,



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Edward D. Reiskin, City Administrator

Subject: Apply for, Accept, and Appropriate Funds from CalRecycle Payment Programs and Grants and SB 1383 and ECAP Compliance Grants

Date: September 2, 2022

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Prepared by:

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Attachments (3):

A: Resolution No. 87623 C.M.S.

B: Resolution No. 86915 C.M.S.

C: Resolution No. 86914 C.M.S.