



SB 1383 Enforcement Ordinance Success Story

City of San Francisco

Enforcement Ordinance

Contact: Jack Macy, Zero Waste Coordinator, Jack.macy@sfgov.org SF Environment Website with Ordinance: www.sfenvironment.org City Population: 883,305 (2018 Census estimate)

SB 1383 Requirements

“By January 1, 2022, a jurisdiction shall adopt enforceable ordinance(s), or similarly enforceable mechanisms that are consistent with the requirements of this chapter, to mandate that organic waste generators, haulers, and other entities subject to the requirements of this chapter that are subject to the jurisdiction’s authority comply with the requirements of this chapter.”

– California Code of Regulations, Title 14, Section 18981.2(a)

Ordinance Synopsis

The City of San Francisco’s Mandatory Recycling and Composting Ordinance requires residents and businesses to properly sort their recyclables, compostables (including food scraps), and trash. The ordinance also requires building managers to provide adequate recyclables and compostables collection service to their tenants. The ordinance allows the city to issue fines against noncompliant entities for contamination (across all three streams) and for inadequate service. The city recently amended the ordinance to strengthen compliance requirements among “large refuse generators” (identified as accounts with 40 cubic yards or more of service a week (all streams) or roll-off compactor service).

Enforcement Ordinance Milestones

- 2000** City establishes three-bin collection system for single-family residences; some multi-family and many commercial premises opt to participate.
- 2009** Ordinance signed into law; San Francisco becomes first city in California to adopt mandatory recycling and composting (with food scraps) enforcement ordinance.
- 2019** Ordinance amended to require audits for large refuse generators and follow-up

engagement of zero waste facilitators as needed.

Ordinance Adoption and Amendment Process

- Before the ordinance, the city was achieving significant material recovery through its single-family three-bin collection system; however, it realized a mandatory recycling and composting ordinance for all generators was needed to achieve the city's zero waste goals.
- City staff kept the 2009 ordinance simple and comprehensive: everyone would be required to source separate their recyclables, compostables, and trash into designated containers, and all property managers would be required to provide appropriate collection containers for such service.
- About ten years after the adoption of the ordinance, over 99% of all properties are compliant for adequate mandatory composting and recycling service; however, city staff found that more than half of the trash being sent to the landfill was still comprised of recoverable materials. Audits also showed that many of the largest refuse generators had significant cross-contamination especially in the trash stream. These factors led the city to amend the ordinance in 2019 to focus greater compliance enforcement efforts on the largest refuse generators.

Ordinance Language

"All persons located in San Francisco [shall] separate recyclables, compostables, and landfilled trash and participate in recycling and composting programs." Chapter 19, City Ordinance"

Enforcement Process

- Contamination monitoring is primarily done by collection vehicle drivers. For generators with contamination, drivers issue contamination notices; multiple notices will trigger a more detailed inspection by an auditor. If the inspection is failed, then a warning letter is issued to the generator and assistance is offered; if a subsequent second inspection is failed, then a notice from the city is issued to the generator about increased contamination charges to be levied on the generator's refuse bill or removal of the recovery rate discount offered to each generator.
- City staff conduct compliance reviews to ensure adequate collection service is provided to multi-family and commercial premises.
- Large refuse generators are required to undergo a refuse audit every three years. Refuse audits are conducted by city staff and involve a visual inspection of materials in all three types of collection containers. If excessive contamination is found, large refuse generators are given a compliance order. It requires them to designate staff or hire a "zero waste facilitator" to properly sort discarded materials for 24 consecutive months, or face large fines.

Lessons Learned

- While the ordinance empowers the city to levy fines against non-compliant entities, the city has relied on financial incentives tied to its pay-as-you-go rate structure as a

means of promoting program participation. Under the city's rate structure, greater volume percentage of recovered material translates into greater cost savings. Instead of issuing fines to noncompliant entities (a process that can be administratively burdensome), the city leverages its rate structure. Businesses and large multi-family premises that do not sort materials properly or provide adequate service are at risk of losing their recovery rate discount, an outcome that could result in hundreds to thousands of dollars in additional refuse costs for business or apartment building customers.

- Zero waste facilitators are extremely effective at assisting large commercial premises to properly sort their discarded materials, greatly improving overall material recovery.
- When rolling out a new enforcement program, Jack Macy of SF Environment says, "You can't do too much education," and sees a new program as a great opportunity to reinvigorate a city's collection program. He also sees patience and persistence as keys to success.
- The city instituted a multi-faceted educational approach, including mailing of fact sheets and educational materials, available in multiple languages, as well as presenting at community meetings and visiting businesses. Ongoing education is needed with tenant turnover.

Next Steps

The city is considering ways to broaden its contamination monitoring efforts, including expanding contamination noticing to single family residents



Figure 1 The City of San Francisco requires subscription to a three-container collection system. Photos: City of San Francisco

By the Numbers

San Francisco's Mandatory Recycling, Composting, and Refuse Separation Compliance Ordinances

99%

Approximate % of all properties that have adequate, mandatory collection.

25,000

Number of multi-family buildings and commercial accounts with mandatory collection.

\$1,000

Potential daily fines for large generators