



# Santa Clara Valley Water District

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**File No.:** 20-0492

**Agenda Date:** 6/23/2020

**Item No.:** 7.1.

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## BOARD AGENDA MEMORANDUM

### **SUBJECT:**

Adopt Recommended Positions on State Legislation: SB 54 (Allen) Solid Waste Packaging and Products; and Other Legislation Which May Require Urgent Consideration for a Position by the Board.

### **RECOMMENDATION:**

Adopt a Position of "Support" on: SB 54 (Allen) Solid Waste Packaging and Products.

### **SUMMARY:**

**SB 54 (Allen) Solid Waste Packaging and Products (A-09/10/19)**

**Position Recommendation: Support**

**Priority: 3**

SB 54 would enact the California Circular Economy and Pollution Reduction Act to achieve a 75% reduction in single-use packaging and priority single-use products, by 2030.

This bill would impose a new comprehensive regulatory scheme on producers, retailers, and wholesalers of single-use packaging, and priority single-use products, to be administered by the Department of Resources, Recycling and Recovery (CalRecycle) which includes numerous changes to the single-use product market.

Some of the most significant changes are:

- Requires the development of regulations by CalRecycle, that includes stakeholder input and consideration, to achieve a 75% waste reduction goal by 2030. These regulations would require large scale changes to the current single-use product market.
- Requires that single-use packaging material products produced after January 1, 2030, are recyclable or compostable.
- Requires producers of priority single-use products, which includes food service ware, including plates, bowls, cups, utensils, stirrers, and straws, to source products that are recyclable or compostable after January 1, 2030.
- Requires producers to achieve and maintain a 75% reduction in waste generated by

single-use products through source reduction, recycling, and composting.

- Requires achievement of recycling rates for the years 2026, 2028, and 2030 at 30%, 40%, and 75% respectively. Allows CalRecycle to impose higher rates within specified parameters, which can be reviewed every two years.
- Provides CalRecycle with the authority to impose administrative civil penalties on producers of up to \$50,000 a day for non-compliance.
- Prohibits local agencies from requiring grocery stores to use a type of food packaging for which the community lacks a curbside program for recycling or composting, sunseting in 2030 to allow the regulatory process to be implemented uniformly.
- Prohibits a local agency from requiring a grocery store to use food packaging that does not meet the compostability standard of the American Society for Testing Material, also sunseting in 2030 to allow the regulatory process to be implemented uniformly.

The regulatory scheme created by SB 54 would also include registration, reporting, and recordkeeping requirements. This bill also provides CalRecycle with a variety of tools to achieve those goals and has the potential to preserve California's position as a leader on preventing plastic pollution and protecting the environment.

### *Importance to Valley Water*

The Regional Water Quality Control Board's San Francisco Bay Water Quality Control Plan prohibits the discharge of rubbish, refuse, or other solid waste into surface waters or any place where they will eventually be transported to surface waters. This requirement makes Valley Water one of the entities responsible for the cleanup of rubbish and for preventing other solid waste from entering Valley Water-controlled waterways.

Valley Water's costs for cleaning up litter from homeless encampments has been rising rapidly. In 2013 the annual cleanup costs were about \$500,000 per year, increasing to a peak of about \$1.4 million in 2017. Today, funds earmarked for this purpose from the 2012 Safe, Clean Water property tax measure have been fully expended, and Valley Water is now seeking other funding to continue our efforts. Regardless of the funding available, the need for litter cleanup to protect water quality has not abated and continues to be a key concern for Valley Water, the Regional Water Quality Control Board, and the California Department of Fish and Wildlife.

SB 54 seeks to reduce the amount of waste that burdens taxpayers and local governments, negatively impacts human health, and pollutes our natural environment by decreasing single-use packaging, and the most problematic plastic products sold in California, while ensuring the remaining items can be effectively composted and recycled.

The U.S. alone discards 30 million tons of plastic each year, and global production of plastics has reached an annual tally of 335 million tons, a number expected to more than triple by 2050. These plastics fragment into smaller particles, known as microplastics, that attract and

concentrate toxic chemicals in water, further contaminating our food and drinking water sources, harming wildlife, and degrading habitat.

Roughly two-thirds of all plastic ever produced has been released into the environment and remains in our landfills or pollutes cities, wildlands, rivers, streams, and oceans. Even though the State of California and local governments have implemented numerous programs to reduce the burden from single-use packaging since the 1980s, taxpayers and local governments still spend hundreds of millions annually to clean up and prevent this type of litter on streets and roads, in stormwater, and in waterways.

Existing recycling infrastructure cannot keep pace with the continued growth in single use plastic waste. Less than nine percent of plastic is recycled, and unfortunately, that number is dropping with the implementation of China's National Sword policy, which severely restricts the importation of post-consumer packaging.

Valley Water is committed to protecting the environment and ensuring the continued supply of safe, clean water for the people of Santa Clara County. Reducing the volume of single-use packaging that is littered and transited by stormwater to natural waterways is important to fulfilling that mission.

Staff recommends that the Board adopt a position of "Support" on SB 54.

*Pros*

- Decreases amount of plastic pollution in waterways, which also leads to an improvement in water quality and to habitat and wildlife along and in waterways.
- Reduces Valley Water's costs for cleanups.
- Reduces regional efforts needed to comply with litter reduction requirements of waste discharge permits.

*Cons*

- Increased state costs to the Integrated Waste Management Account for positions to administer the program, contracts to develop database systems, and database service and support.
- Increased costs to single-use packaging and product producers

**FINANCIAL IMPACT:**

There is no financial impact associated with this item.

**CEQA:**

The recommended action does not constitute a project under CEQA because it does not have a potential for resulting in direct or reasonably foreseeable indirect physical change in the environment.

**ATTACHMENTS:**

None.

**UNCLASSIFIED MANAGER:**

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