



April 1, 2022

## **City of Fowler AB1826 Mandatory Commercial Organics Recycling (MORe) Customer Participation and Enrollment Strategy for Continued Compliance**

### **BACKGROUND**

In 2017 the Fowler City Council passed a Mandatory Commercial Organics Recycling (MORe) AB1826 ordinance, this ordinance provides for the mandatory collection of organic material from threshold meeting generators.

This ordinance was adopted to help achieve compliance with Cal Recycle and the State of California's Climate Action Goals. It requires that business generating certain levels of organics and/or meeting minimum subscription levels begin source separating their organics for separate processing.

The schedule which generators would be phased into the program is;

<b>Program Year</b>	<b>Customers generating:</b>
<b>2016</b>	8 cubic yards of organic waste per week shall arrange for organics recycling service
<b>2017</b>	4 cubic yards of organics waste per week shall arrange for organics recycling service
<b>2018</b>	4 cubic yards of <i>solid waste</i> per week shall arrange for organics recycling service
<b>2019</b>	4 cubic yards of solid waste per week shall arrange for organics recycling service
<b>2020*</b>	2 cubic yards of <i>solid waste</i> per week shall arrange for organics recycling service

\*In September of 2020 the thresholds were increased to include 2 cubic yard generators. The impacts of this subset represent the majority of commercial customers which are targeted by this plan.

In February of 2022, Cal Recycle requested a routine update to customer participation for this program. After discussion Cal Recycle Representatives informed WM that under new executive directive, any jurisdiction without 95-100% compliance will likely be placed on informal noticing to achieve the highest levels of participation.

Until this communication, WM participation rates have always met the department's fully compliant standard. WM has presented the following plan in avoidance of formal noticing from Cal Recycle.

### **ACTION PLAN**

For the City of Fowler to remain compliant, the City and WM must increase participation in MORe subscribers. City Administration and WM agreed that the letter attached with a 90-day action period would allow customers adequate time to review the legislative standard, assess their own business practices and apply for a waiver if applicable.

Approximately 105 commercial customers across Fowler will begin receiving the direct mailer the week of April 1<sup>st</sup> and have until May 15<sup>th</sup> to apply for waivers. This will allow City Staff approximately 45-days to review waiver applications and determine eligibility.

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Waivers may only be granted by the City, an applicant for waiver must prove they meet one of the following criteria for their request to be granted;

- business does not generate organic waste
- business self-hauls to a drop-off/3<sup>rd</sup> party compost facility
- business contracts with a person or firm who provides this service for free
- business who may prove this program is infeasible and would result in undo/unreasonable hardship

Customers who do not apply for a waiver or who are deemed ineligible by City Staff will be automatically enrolled, charged and delivered a collection cart for this service on July 1, 2022.

Customers granted a waiver are exempt from program participation for 5-years, or until found to be generating significant amounts of recoverable organic material. The city may review these periodically and at the request of the hauler when organic materials are found in the MSW stream.

A copy of the letter, accompanying public education and waiver have been attached.

If you have any questions on the information above or attached, please do reach out to either:

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