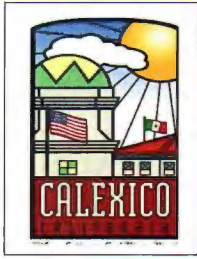


**AGENDA
ITEM**


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AGENDA STAFF REPORT

DATE: June 1, 2022

TO: Mayor and City Council

APPROVED BY: Diego Favila, Interim City Manager 

PREPARED BY: Lilliana Falomir, Public Works Manager – Administrative 

SUBJECT: Adopt Resolution No. 2022-____ of the City Council of the City of Calexico Adopting the City of Calexico Environmentally Preferable Procurement Policy.

=====

Recommendation:

Adopt Resolution No. 2022-____ of the City Council of the City of Calexico Adopting the City of Calexico Environmentally Preferable Procurement Policy.

Background:

SB 1383 was signed by the Governor on September 19, 2016 and addresses short-lived climate pollutants, namely methane emissions created by organic materials (food scraps, yard debris, paper products). California Senate Bill (SB) 1383 “Short-lived Climate Pollutants” went into effect on January 1, 2022. SB 1383 is the most significant waste reduction mandate to be adopted in California in the last 30 years. The bill sets targets for reducing the amount of organic materials sent to landfills and will have a significant impact on the solid waste services provided throughout the State and in our city and region.

SB 1383 requires a 75% reduction of organic material disposed in landfills and a 20% increase in edible food recovery. In addition to the statewide requirements to reduce organic material disposal by 75% and increase edible food recovery by 20% by 2025, there are specific implementation tasks required of local governments. The City must do the following to comply with SB 1383.

- Provide organic material collection to all residents and businesses.
- Establish a food recovery program to recover edible food from the landfill.
- Conduct outreach and education to all affected parties, including generators, haulers, facilities, edible food recovery organizations, and city departments.

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- Estimate organic material processing and food recovery capacity available to the City and create a plan to fund expansion if capacity is not sufficient.
- Procure organic waste products such as compost, mulch, and renewable natural gas.
- Inspect covered entities and enforce compliance with SB 1383 by adopting an enforcement ordinance before April 1, 2022.
- Maintain accurate and timely records of SB 1383 compliance.

Discussion & Analysis:

Public Works staff is recommending that the City Council of the City of adopt the Environmentally Preferable Procurement Policy in order to comply with the procurement of organic waste requirement under SB 1383, which is one of the law's requirements as shown underlined in the background section of this report. It establishes procedures to procure a specified amount of Recovered Organic Waste Products to support Organic Waste disposal reduction targets and markets for products made from recycled and recovered Organic Waste materials, and to purchase Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper.

Fiscal Impact:

No fiscal impact to the General Fund at this time.

Coordinated With:

City Attorney.
City Manager's Office.
Public Works Department.

Attachment(s):

1. Resolution No. 2022-_____ of the City Council of the City of Calexico Adopting the City of Calexico Environmentally Preferable Procurement Policy.

RESOLUTION NO. 2022-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALEXICO ADOPTING THE CITY OF CALEXICO ENVIRONMENTALLY PREFERABLE PROCUREMENT POLICY

WHEREAS, the City of Calexico is now required to comply with the provisions of SB 1383 and the implementing CalRecycle regulations contained in 14 CCR Division 7, Chapter 12, Article 12 (SB 1383 procurement regulations) to procure a specified amount of Recovered Organic Waste Products to support Organic Waste disposal reduction targets and markets for products made from recycled and recovered Organic Waste materials, and to purchase Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper; and

WHEREAS, SB 1383 requires a 75% reduction of organic material disposed in landfills and a 20% increase in edible food recovery. In addition to the statewide requirements to reduce organic material disposal by 75% and increase edible food recovery by 20% by 2025, there are specific implementation tasks required of local governments; and

WHEREAS, the City Council of the City of Calexico, California (“the City Council”), desires to approve the adoption and implementation of the Policy.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CALEXICO DOES HEREBY RESOLVE, DECLARE, AND DETERMINE AND ORDER AS FOLLOWS:

1. That the foregoing is true, correct, and adopted.
2. That the City Council hereby adopts the Environmentally Preferable Procurement Policy (Attachment A).

PASSED, APPROVED AND ADOPTED this 1st day of June 2022.

Javier Moreno, Mayor

Attest:

Gabriela Garcia, City Clerk

Approved as to Form:

Carlos Campos, City Attorney

State of California)
County of Imperial) ss.
City of Calexico)

I, Gabriela Garcia, Deputy City Clerk of the City of Calexico do hereby certify the above Resolution No. 2022-__ was approved at a regular City Council meeting held on the 1st day of June, 2022, by the following vote to-wit:

AYES:

NOES:

ABSTAIN:

Gabriela Garcia, City Clerk

ATTACHMENT A

**CITY OF CALEXICO
ENVIRONMENTALLY PREFERABLE
PROCUREMENT POLICY**

SECTION 1. PURPOSE

- A. It is the policy of the City of Calexico, applicable to all departments, to incorporate environmental considerations including recycled-content and recovered organic waste product use into purchasing practices and procurement. This Environmentally Preferable Procurement Policy (the “Policy”) will help the City to:
1. Protect and conserve natural resources, water, and energy;
 2. Minimize the City’s contribution to climate change, pollution, and solid waste disposal; and,
 3. Assure compliance with the required Annual Recovered Organic Waste Product Procurement Target mandated by 14 CCR Section 18993.1 et seq.

SECTION 2. DEFINITIONS

The following terms, whenever used in this Policy, shall be defined as follows, unless otherwise indicated or unless the context otherwise requires:

- A. “Annual Recovered Organic Waste Product Procurement Target” means the amount of Organic Waste in the form of a Recovered Organic Waste Product that the City is required to procure annually under 14 CCR Section 18993.1. This target shall be calculated by multiplying the per capita procurement target, which shall be 0.08 tons of Organic Waste per California resident per year, times the City’s residential population using the most recent annual data reported by the California Department of Finance. Annually, CalRecycle will provide notice to each City of its Annual Recovered Organic Waste Product Procurement Target by posting such information on CalRecycle’s website and providing written notice directly to the City.
- B. “City” means the City of Calexico.
- C. “Compost” means the product resulting from the controlled biological decomposition of organic solid wastes that are source separated from the municipal Solid Waste stream which are separated at a centralized facility or as otherwise defined in 14 CCR Section 17896.2(a)(4). Compost eligible for meeting the Annual Recovered Organic Waste Product Procurement Target must be produced at a compostable material handling operation or permitted or authorized under 14 CCR Division 7, Chapter 3.1 or produced at a large volume in-vessel digestion facility that composts on-site as defined and permitted

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under 14 CCR Division 7, Chapter 3.2. Compost shall meet the State’s composting operations regulatory requirements.

- D. “Direct Service Provider” means a person, company, agency, district, or other entity that provides a service or services to the City pursuant to a contract or other written agreement or as otherwise defined in 14 CCR Section 18982(a)(17).
- E. “Electricity Procured from Biomass Conversion” means electricity generated from biomass facilities that convert recovered Organic Waste, such as wood and prunings from the municipal stream, into electricity. Electricity procured from a biomass conversion facility may only count toward the City’s Annual Recovered Organic Waste Product Procurement Target if the facility receives feedstock directly from certain permitted or authorized compostable material handling operations or facilities, transfer/processing operations or facilities, or landfills, as described in 14 CCR Section 18993.1(i).
- F. “Mulch” means mulch eligible to meet the Annual Recovered Organic Waste Product Procurement Target, pursuant to 14 CCR Division 7, Chapter 12. This Mulch shall meet the following conditions for the duration of the applicable procurement compliance year, as specified by 14 CCR Section 18993.1(f)(4):
 - 1. Produced at one of the following facilities:
 - i. A compostable material handling operation or facility as defined in 14 CCR Section 17852(a)(12), that is permitted or authorized under 14 CCR Division 7, other than a chipping and grinding operation or facility as defined in 14 CCR Section 17852(a)(10);
 - ii. A transfer/processing facility or transfer/processing operation as defined in 14 CCR Sections 17402(a)(30) and (31), respectively, that is permitted or authorized under 14 CCR Division 7; or,
 - iii. A solid waste landfill as defined in Public Resources Code Section 40195.1 that is permitted under 27 CCR Division 2.
 - 2. Meet or exceed the physical contamination, maximum metal concentration, and pathogen density standards for land application specified in 14 CCR Sections 17852(a)(24.5)(A)(1) through (3).
- G. “Organic Waste” means Solid Wastes containing material originated from living organisms and their metabolic waste products including, but not limited to, food, yard trimmings, organic textiles and carpets, lumber, wood, Paper Products, Printing And Writing Paper, manure, biosolids, digestate, and sludges, or as otherwise defined in 14 CCR Section 18982(a)(46). Biosolids and digestate are as defined in 14 CCR Section 18982(a)(4) and 14 CCR Section 18982(a)(16.5), respectively.

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- H. “Paper Products” include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling; or as otherwise defined in 14 CCR Section 18982(a)(51).
- I. “Post-Consumer Recycled Materials” means finished products that have served their intended use and would normally be disposed of as Solid Waste. Examples of post-consumer recovered materials include old newspapers, office paper, yard waste, steel, glass, aluminum cans, plastic bottles, oil, asphalt, concrete, and tires.
- J. “Printing and Writing Papers” include, but are not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and other uncoated writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications; or as otherwise defined in 14 CCR Section 18982(a)(54).
- K. “Procurement of Recovered Organic Waste Products” shall mean purchase or acquisition (e.g., free delivery or free distribution from a hauler or other entity via a written agreement or contract), and end use by the City or others. The City’s Annual Recovered Organic Waste Product Procurement Target can be fulfilled directly by the City or by Direct Service Providers through written contracts or agreements for Procurement of Recovered Organic Waste Products at the City’s behest.
- L. “Publicly-Owned Treatment Works” or “POTW” has the same meaning as in 40 CFR Section 403.3(r). For the purposes of this Policy, the POTW shall be the City of Calexico Waste Water Treatment Plant located at 298 W. 2nd Street, Calexico, CA 92231.
- M. “Recordkeeping Designee” means the public employee appointed by the City Manager or his or her designee to track procurement and maintain records of Recovered Organic Waste Product procurement efforts both by the City and others, if applicable, as required by 14 CCR, Division 7, Chapter 12, Articles 12 and 13.
- N. “Recovered Organic Waste Products” means products made from California, landfill-diverted recovered Organic Waste processed at a permitted or otherwise authorized operation or facility, or as otherwise defined in 14 CCR Section 18982(a)(60). Products that can be used to meet the Annual Recovered Organic Waste Product Procurement Target shall include Compost, Mulch, Renewable Gas from an in-vessel digestion facility, and Electricity Procured from Biomass Conversion as described herein and provided that such products meet requirements of 14 CCR, Division 7, Chapter 12, Article 12.
- O. "Recyclability" means that the Paper Products and Printing and Writing Paper offered or sold to the City are eligible to be labeled with an unqualified recyclable label as defined in 16 CFR Section 260.12.
- P. “Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper” means such products that consist of at least thirty percent (30%), by fiber weight,

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postconsumer fiber, consistent with the requirements of Public Contract Code Sections 12200, 12209, 22150, and 22154, and as amended from time to time.

- Q. “Recycled Material” means waste and by-products that have been recovered or diverted from the Solid Waste Stream and that can be utilized in place of raw material in the manufacturing of a product. Recycled materials may consist of materials derived from post-consumer waste, manufacturing waste, industrial scrap, agricultural waste, and other items, all of which can be used in the manufacture of new products.
- R. “Renewable Gas” means gas derived from Organic Waste that has been diverted from a landfill and processed at an in-vessel digestion facility that is permitted or otherwise authorized by 14 CCR to recover Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(62).
- S. “SB 1383” means Senate Bill 1383 (Chapter 395, Statutes of 2016), which established methane emissions reduction targets in a statewide effort to reduce emissions of short-lived climate pollutants, as amended from time to time.
- T. “SB 1383 Regulations” or “SB 1383 Regulatory” means or refers to, for the purposes of this policy, the Short-Lived Climate Pollutants (SLCP): Organic Waste Reductions regulations developed by CalRecycle and adopted in 2020 that created Chapter 12 of 14 CCR, Division 7 and amended portions of regulations of 14 CCR and 27 CCR.
- U. “State” means the State of California.
- V. “Ton” or “Tonnage” for purposes of calculating compliance with the Annual Recovered Organic Waste Product Procurement Target will be calculated based on the assumption that one (1) Ton of Organic Waste constitutes:
1. Twenty-one (21) diesel gallon equivalents (“DGE”) of renewable gas in the form of transportation fuel;
 2. Two hundred forty-two (242) kilowatt-hours of electricity derived from renewable gas;
 3. Twenty-two (22) therms for heating derived from renewable gas;
 4. Six hundred fifty (650) kilowatt-hours of electricity derived from biomass conversion;
 5. Zero point fifty-eight (0.58) tons of Compost **or** one point forty-five (1.45) cubic yards of Compost; or
 6. Two thousand (2,000) pounds (i.e. one (1) “ton”) of Mulch.

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- W. “Water Efficient Landscaping Ordinance” means the State’s Model Water Efficient Landscaping Ordinance (California Code of Regulations, Title 23, Section 490, et seq.).

SECTION 3. POLICY

- A. It is the Policy of the City of Calexico to purchase recycled products whenever possible and use or give away a quantity of Recovered Organic Waste Products that meets or exceeds its Annual Recovered Organic Waste Product Procurement Target.
- B. It is the Policy of the City of Calexico to comply with Article 12 of the SB 1383 Regulations to procure a specified amount of Recovered Organic Waste Products to support Organic Waste disposal reduction targets and markets for products made from recycled and recovered Organic Waste materials, and further to purchase Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper.
- C. Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper shall be purchased and used in: (1) all copy machines which will accept it; (2) all printing purposes; and (3) all stationary and envelopes used by City departments and employees in the course and scope of their official duties.
- D. City departments shall examine their purchasing specifications and, where feasible, restructure them to require the use of products which incorporate recycled materials in their manufacture.
- E. If fitness and quality of Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper are equal to that of non-recycled items, all departments of the City shall purchase such Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper that consists of at least thirty percent (30%) postconsumer fiber, measured by fiber weight—provided that the total cost is the same or less than the total cost of non-recycled items, consistent with the requirements of the Public Contract Code, sections 22150 through 22154, and sections 12200 and 12209, as amended.
- F. All Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper shall be eligible to be labeled with an unqualified recyclable label as defined in 16 CFR section 260.12.
- G. City departments shall provide records to the Recordkeeping Designee of **all** Paper Products and Printing and Writing Paper purchases within thirty (30) days of such purchase (whether or not composed of recycled content) made by a department or employee of the City. Records shall include: (1) a copy of the invoice or other documentation of purchase; (2) written certifications as required by this policy for recycled-content purchases; (3) vendor name; (4) purchaser name; (5) quantity purchased; (6) date purchased; and (7) recycled content (including whether no recycled

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material was used). Further, if non-Recycled-Content Paper Products and/or non-Recycled-Content Printing and Writing Paper are provided, include a description of why Recycled-Content Paper Products and/or Recycled-Content Printing and Writing paper were not so provided.

- H. The City shall cooperate with the County of Imperial, other Imperial County cities, and other governmental agencies in the development of programs and procedures which further this Policy.

SECTION 4. RECOVERED ORGANIC WASTE PRODUCT PROCUREMENT

4.1 Procurement Target

- A. City will annually procure for use or giveaway a quantity of Recovered Organic Waste Products that meets or exceeds its Annual Recovered Organic Waste Product Procurement Target through the implementation of this Policy.
- B. To be eligible to meet the Annual Recovered Organic Waste Product Procurement Target, products that may be procured include the following (provided that each product meets the criteria included in their respective definition):
 - 1. Compost;
 - 2. Mulch;
 - 3. Renewable Gas in the form of transportation fuel, electricity, or heat; and
 - 4. Electricity Procured From Biomass Conversion.

4.2 Requirements for City Departments

- A. **Compost and Mulch Procurement.** Departments responsible for landscaping maintenance, renovation, or construction shall:
 - 1. Use Compost and Mulch produced from recovered Organic Waste for landscaping maintenance, renovation, or construction, as practicable, whenever available, and capable of meeting quality standards and criteria specified. Mulch used for land application must meet or exceed the physical contamination, maximum metal concentration and pathogen density standards specified in 14 CCR Section 17852(a)(24.5)(A)(1) through (3).
 - 2. When City uses Compost and Mulch and the applications are subject to the State Water Efficient Landscaping Ordinance (“MWELO”), all departments and employees shall comply with the MWELO’s requirements, including the following:

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- i. For landscape installations, Compost at a rate of a minimum of 4 cubic yards per 1,000 square feet of permeable area shall be incorporated to a depth of six (6) inches into the soil. Soils with greater than six percent (6%) organic matter in the top six (6) inches of soil are exempt from adding Compost and tilling.
 - ii. Apply a minimum three- (3-) inch layer of Mulch on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where Mulch is contraindicated. To provide habitat for beneficial insects and other wildlife, leave up to five percent (5%) of the landscape area without Mulch. Designated insect habitat must be included in the landscape design plan as such.
 - iii. Procure Organic Mulch materials made from recycled or Post-Consumer Materials rather than inorganic materials or virgin forest products unless the recycled Post-Consumer Organic Products are not locally available. Organic mulches are not required where prohibited by local Fuel Modification Plan Guidelines or other applicable local ordinances.
 - iv. For all mulch that is land applied, procure Mulch that meets or exceeds the physical contamination, maximum metal concentration, and pathogen density standards for land applications specified in 14 CCR Section 17852(a)(24.5)(A)(1) through (3).
 3. Keep records, including invoices or proof of Recovered Organic Waste Product procurement (either through purchase or acquisition), and submit records to the Recordkeeping Designee, upon completion of a project. Records shall include:
 - i. General procurement records, including:
 - a. A general description of how and where the product was used and applied, if applicable;
 - b. The source of the product, including the name, physical location, and contact information for each entity, operation, or facility from whom the Recovered Organic Waste Products were procured;
 - c. The type of product;
 - d. The quantity of each product; and,
 - e. All invoices or other records demonstrating purchase or procurement.

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- ii. For Compost and Mulch provided to residents through giveaway events or other types of distribution methods, keep records of the Compost and Mulch provided to residents. Records shall be maintained and submitted to the Recordkeeping Designee.
 - iii. For procurement of Mulch, maintain an updated copy of the ordinance or enforceable mechanism(s) requiring that the mulch procured by the City or Direct Service Provider meets the land application standards specified in 14 CCR Section 18993.1, as it may be amended from time to time.
 - 4. When Procurement of Recovered Organic Waste Products occurs through a Direct Service Provider, enter into a written contract or agreement or execute a purchase order with enforceable provisions that includes: (i) definitions and specifications for Mulch, Compost, and/or Renewable Gas; and, (ii) an enforcement mechanism (e.g., termination, liquidated damages) in the event the Direct Service Provider is non-compliant with the requirements.
- B. Renewable Gas Procurement.** For Renewable Gas procurement to be used for fuel for transportation, electricity, or heating applications, the City, its departments and employees shall:
- 1. Procure Renewable Gas made from recovered Organic Waste for transportation fuel, electricity, and heating applications to the degree that it is appropriate and available for the City and to help meet the Annual Recovered Organic Waste Product Procurement Target, which requires compliance with criteria specified in 14 CCR Section 18993.1.
 - 2. Keep records of the amount of Renewable Gas procured and used by the City, including the general procurement record information specified in Section 4.2(A)(3)(i), and submit records to the Recordkeeping Designee on a quarterly schedule. The quarterly schedule shall be as follows: Renewable Gas records are to be provided to the Recordkeeping Designee by April 15 for January 1 through March 31, July 15 for April 1 through June 30, October 15 for July 1 through September 30, and January 15 for October 1 through December 31. City shall additionally obtain the documentation and submit records specified in Section 4.2(B)(3) below, if applicable.
 - 3. If the City procures Renewable Gas from a POTW:
 - i. Annually verify that the Renewable Gas from the POTW complies with the requirements specified in 14 CCR Section 18993.1(h), including, but not limited to the exclusion in 14 CCR Section 17896.6(a)(1) and the items listed in this Section.

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- ii. Annually receive a record from the POTW documenting the amount of Organic Waste, in Tons, received from the POTW from a compostable material handling operation or facility as defined in 14 CCR Section 17852(a)(12) (other than a chipping and grinding operation or facility as defined in 14 CCR Section 17852(a)(10)) that is permitted or authorized under 14 CCR Division 7; a transfer or processing facility or operation as defined in 14 CCR Sections 17402(a)(30) and (31), respectively, that is permitted or authorized under 14 CCR Division 7; or a solid waste landfill as defined in Public Resources Code Section 40195.1, as permitted under 27 CCR Division 2.
- iii. Annually receive documentation from the POTW of the percentage of biosolids that the POTW produced and transported to activities that constitute landfill disposal in order to demonstrate that the POTW transported less than twenty-five percent (25%) of the biosolids it produced to activities that constitute landfill disposal. For the purposes of this Policy, landfill disposal is defined pursuant to 14 CCR Section 18983.1(a) and includes: final disposition at a landfill; use of material as alternative daily cover or alternative intermediate cover at a landfill; and other dispositions not listed in 14 CCR Section 18983.1(b). Alternative daily cover or alternative intermediate cover are defined in 27 CCR Sections 20690 and 20700, respectively.
- iv. Annually receive documentation that the POTW receives vehicle-transported Solid Waste that is an anaerobically digestible material for the purpose of anaerobic co-digestion with POTW treatment plant wastewater to demonstrate that the POTW meets the requirements of 14 CCR Section 18993.1(h)(2).
- v. City shall submit these records to the Recordkeeping Designee on an annual basis, not to exceed thirty (30) days from receipt of notification from the POTW.

C. **Electricity Procured from Biomass Conversion.** For Electricity Procured from Biomass Conversion, City, its departments and employees shall:

- 1. Procure electricity from a biomass conversion facility that receives feedstock from a composting facility, transfer/processing facility, a solid waste landfill, and/or receives feedstock from the generator or employees on behalf of the generator of the Organic Waste and to the degree that it is available and practicable for the City, and to help meet the Annual Recovered Organic Waste Product Procurement Target, which requires compliance with criteria specified in 14 CCR Section 18993.1.
- 2. Maintain records and conduct the following recordkeeping activities:

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- i. Keep records of the amount of Electricity Procured from Biomass Conversion facilities, including general procurement record information.
- ii. Receive written notification by an authorized representative of the biomass conversion facility certifying that biomass feedstock was received from a permitted solid waste facility identified in 14 CCR Section 18993.1(i).
- iii. Provide these reports to the Recordkeeping Designee.

4.3 Requirements for Direct Service Providers

A. Direct Service Providers of landscaping maintenance, renovation, and construction shall:

1. Use Compost and Mulch, as practicable, for all landscaping renovations, construction, or maintenance performed for the City, where available and capable of meeting quality standards and criteria as specified by this Policy. Mulch used for land application shall comply with 14 CCR, Division 7, Chapter 12, Article 12 and must meet or exceed the physical contamination, maximum metal concentration and pathogen density standards specified in 14 CCR Section 17852(a)(24.5)(A)(1) through (3).
2. If subject to the MWELo, comply with Sections 492.6 (a)(3)(B), (C), (D), and (G) of the State's MWELo, 23 CCR Division 2, Chapter 2.7, as amended September 15, 2015, which requires the submittal of a landscape design plan with a "Soil Preparation, Mulch, and Amendments Section" to include the following:
 - i. For landscape installations, Compost at a rate of a minimum of 4 cubic yards per 1,000 square feet of permeable area shall be incorporated to a depth of six (6) inches into the soil. Soils with greater than six percent (6%) organic matter in the top six (6) inches of soil are exempt from adding Compost and tilling.
 - ii. Apply a minimum three- (3-) inch layer of mulch on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated. Whenever Mulch is applied in this way, up to five percent (5%) of the landscape area shall be left without mulch to provide habitat for beneficial insects and other wildlife. Designated insect habitat must be included in the landscape design plan as such.
 - iii. Procure Organic Mulch materials made from Recycled Or Post-Consumer Materials rather than inorganic materials or virgin forest products unless the Recycled Post-Consumer Organic products are not locally available. Mulch is not required where prohibited by local Fuel Modification Plan Guidelines or other applicable local ordinances.

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- iv. For all mulch that is land applied, procure Mulch that meets or exceeds the physical contamination, maximum metal concentration, and pathogen density standards for land applications specified in 14 CCR Section 17852(a)(24.5)(A)(1) through (3).
 3. Keep and provide records of Procurement of Recovered Organic Waste Products (either through purchase or acquisition) to Recordkeeping Designee, upon completion of projects, or as directed by Designee, but not less than once annually. Information to be provided shall include:
 - a. A general description of how and where the product was used and if applicable, applied;
 - b. The source of the product, including the name, physical location, and contact information for each entity, operation, or facility from whom the Recovered Organic Waste Products were procured;
 - c. The type of product;
 - d. The quantity of each product; and,
 - e. All invoices or other records demonstrating purchase or procurement.
- B. **Requirements of Direct Service Providers to Procure Compost or Mulch.** Direct Service Providers shall:
 1. Provide a specified quantity of Compost or Mulch to City and its customers via periodic “giveaways” as specified in a franchise agreement or other agreement.
 2. Keep and provide records to the City including the following:
 - a. The dates such services were provided;
 - b. The source of all products, including the name, physical location, and contact information for each entity, operation, or facility from whom the Recovered Organic Waste Products were procured;
 - c. The type of product;
 - d. The quantity of each product provided; and,
 - e. All invoices or other records or documentation demonstrating purchase, procurement, or transfer of material to a giveaway location.

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C. Requirements of Direct Service Providers to Procure Renewable Gas.

1. Direct Service Providers transporting Solid Waste, Organic Materials, and/or recyclable materials shall procure their fuel as Renewable Gas if required to do so in RFPs and RFQs released by the City for such services, or as otherwise required by permit, license, written agreement, or written contract.
2. Departments releasing RFPs and RFQs for contractors that procure fuel in the course of their services to the City may include a price preference to contractors that propose to use the amount or percentage of Renewable Gas specified in the RFP or RFQ in order to be eligible for said price preference. Such use, if it occurs, shall be documented in a written contract or agreement.
3. If Renewable Gas made from recovered Organic Waste is used by Direct Service Providers, such Direct Service Providers shall submit to the Recordkeeping Designee information listed in Section 4.2(B)(3)(v) on a schedule to be determined by the City, but not less than annually.
4. Renewable Gas used by Direct Service Providers shall comply with criteria specified in 14 CCR Section 18993.1.

SECTION 5. RECYCLED-CONTENT PAPER PROCUREMENT

5.1 Requirements for City Departments

- A. **Comparable or More Favorable Pricing.** If fitness and quality of Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper are equal to that of non-recycled items, all departments of the City shall purchase Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper that consists of at least thirty percent (30%), by fiber weight, postconsumer fiber, whenever available at the same or a lesser total cost than non-recycled items, consistent with the requirements of the Public Contracts Code, Sections 22150 through 22154 and Sections 12200 and 12209, as amended.
- B. **Unqualified Recyclable Label.** All Paper Products and Printing and Writing Paper shall be eligible to be labeled with an unqualified recyclable label as defined in 16 CFR Section 260.12.
- C. **Record Maintenance.** Maintain records of all Paper Products and Printing and Writing Paper purchases (both recycled-content and non-recycled content, if any is purchased) made by a department or employee of the City. Records shall include a copy of the invoice or other documentation of purchase, written certifications as required in Section 5.2(A)(3)–(4) for recycled-content purchases, vendor name, purchaser name, quantity purchased, date purchased, and recycled content (including products that contain none), and if non-Recycled-Content Paper Products and/or non-Recycled-Content Printing and Writing Paper are provided, include a description of why Recycled-Content Paper Products and/or Recycled-Content Printing and Writing Paper were not provided.

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- D. Department heads shall establish and maintain purchase order review procedures to ensure compliance with this Policy by their respective departments.

5.2 Requirements of Transactions with Vendors

- A. All vendors that provide Paper Products (including janitorial Paper Products) and Printing and Writing Paper to the City, its departments, and employees, shall:
1. Provide Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper that consists of at least thirty percent (30%), by fiber weight, postconsumer fiber, if fitness and quality are equal to that of non- recycled item, and available at equal or lesser price.
 2. Only provide Paper Products and Printing and Writing Papers that meet Federal Trade Commission Recyclability standards as defined in 16 CFR Section 260.12.
 3. Certify in writing, under penalty of perjury, the minimum percentage of postconsumer material in the Paper Products and Printing and Writing Paper offered or sold to the City, if not the exact percentage.
 4. Certify in writing, under penalty of perjury, that the Paper Products and Printing and Writing Paper offered or sold to the City is eligible to be labeled with an unqualified recyclable label as defined in 16 CFR Section 260.12.
 5. Provide records to the Recordkeeping Designee of all Paper Products and Printing and Writing Paper purchased from the vendor on a schedule to be determined by Recordkeeping Designee (both recycled-content and non- recycled content, if any is purchased) made by a department or employee of the City. Records shall include a copy of the invoice or other documentation of purchase, written certifications as required in Section 5.2(A)(3)–(4) for recycled-content purchases, purchaser name, quantity purchased, date purchased, and recycled content (including products that contain none), and if non-Recycled-Content Paper Products and/or non- Recycled-Content Printing and Writing Paper are provided, include a description of why Recycled-Content Paper Products and/or Recycled- Content Printing and Writing Paper were not provided.
- B. All vendors providing printing services to the City via a printing contract or written agreement, shall use Printing and Writing Paper that consists of at least thirty percent (30%), by fiber weight, postconsumer fiber, or as amended by Public Contract Code Section 12209.

SECTION 6. RECORDKEEPING RESPONSIBILITIES

- A. The Public Works Department will be the responsible department and will select an employee to act as the Recordkeeping Designee, who will be responsible for obtaining

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records pertaining to Procurement of Recovered Organic Waste Products and Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper.

- B. The Recordkeeping Designee will do the following to track Procurement of Recovered Organic Waste Products, Recycled-Content Paper Products, and Recycled-Content Printing and Writing Paper:
1. Collect and collate copies of invoices or receipts (paper or electronic) or other proof of purchase that describe the procurement of Printing and Writing Paper and Paper Products, including the volume and type of all paper purchases; and, copies of certifications and other required verifications from all departments procuring Paper Products and Printing and Writing Paper (whether or not they contain recycled content) and/or from the vendors providing Printing and Writing Paper and Paper Products. These records must be kept as part of the City's documentation of its compliance with 14 CCR Section 18993.3.
 2. To develop evidence of the City meeting its Annual Recovered Organic Waste Product Procurement Target, collect and collate copies of invoices or receipts or documentation evidencing procurement from all departments procuring Recovered Organic Waste Products and invoices or similar records from vendors/contractors/others procuring Recovered Organic Waste Products on behalf of the City. These records must be kept as part of the City's documentation of its compliance with 14 CCR Section 18993.1.
 3. Collect, collate, and maintain documentation submitted by the City, Direct Service Providers, and/or vendors, including the information reported to the Recordkeeping Designee in accordance with this Policy.
 4. Compile an annual report on the City's direct procurement, and vendor/other procurement on behalf of the City, of Recovered Organic Waste Products, Recycled-Content Paper Products, and Recycled-Content Printing and Writing Paper, consistent with the recordkeeping requirements contained in 14 CCR Section 18993.2 for the Annual Recovered Organic Waste Product Procurement Target and 14 CCR Section 18993.4 for Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper procurement. This report shall be made available to the City's responsible entity for compiling the annual report to be submitted to CalRecycle (which will include a description of compliance on many other SB 1383 regulatory requirements) pursuant to 14 CCR Division 7, Chapter 12, Article 13. The procurement report shall also be shared with Council annually as evidence of implementing this Policy.

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SECTION 7. CRITERIA FOR SELECTING RECYCLED MATERIALS FOR PURCHASE

- A. If a decision has been made to purchase recycled materials, the recommended products should contain, in order of preference, the highest percentage of recycled content of post-consumer recovered material available in the marketplace.
- B. Recycled products should also be expected to perform as well as non-recycled products, to be purchased at a reasonable price and to be available within a reasonable time period. In addition to the recovered material content of a product, important criteria in selecting products should also be the ability of the product and its packaging to be reused, reconditioned for use, or recycled through existing recycled collection programs. Preferred products and packaging are those designed to minimize waste and toxic by-products in their manufacture, use, and disposal.
- C. In addition to the above requirements of this Policy, the City of Calexico encourages each department and employee to purchase recycled products wherever it is feasible and fiscally prudent to do so.

SECTION 8. WASTE PREVENTION / RECYCLING

A. Guidelines

- 1. Staff should use e-mail or digital media where practical and effective for all communication.
- 2. All photocopying should be double-sided when documents are greater than one page in length unless precluded by other valid requirements.
- 3. All City of Calexico forms greater than one page in length shall contain information on both sides unless not possible or precluded by other valid requirements.
- 4. Each department should eliminate duplicate or unnecessary subscription copies of professional journals, magazines, and other correspondence and when possible, request digital versions of the documents.
- 5. Papers and correspondence that have not been marked or printed on both sides should be used as scratch or note paper made into notepads or used as draft copies for computer printers or copy machines prior to recycling. Each employee is encouraged to maintain an area at his or her desk for storing this scratch paper and using it for appropriate purposes.
- 6. Recyclable materials should not be placed in trash cans or waste baskets. The custodial staff should not empty trash cans or waste baskets that contain significant amounts of recyclable material and will notify the City Manager's Office of any

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location where this is observed. The City shall provide training and information on recycling.

B. Responsibilities

1. All employees and those persons using City facilities are required to use their best efforts to recycle papers and other recyclable materials where possible, and may not dispose of such materials in non-recyclable waste baskets, bins, or containers. Each employee shall have ready access to a container for the collection of recyclable materials, separate from any containers for the collection of trash.
2. All recyclable materials shall be placed in the appropriate containers.
3. The City Manager's Office will coordinate with Imperial Valley Resource Management Agency (IVRMA) staff or City Environmental Compliance staff, to arrange for periodic inspection of centralized trash bins to determine if recyclable materials are being separated from the trash.
4. All of the following material generated by City employees shall be recycled: mixed paper (white, colored, newspaper, envelopes, telephone books, catalogs, magazines), and cardboard.
5. Each department will make it convenient for individuals to recycle paper and cardboard at their desks or other work spaces. This will be accomplished by using a separate recycling container near the desk for these items. Custodial staff will collect paper and cardboard at desk or employees can empty their bin into the centralized recycling containers.

SECTION 9. HAZARDOUS WASTE

- A. All City departments shall properly dispose of hazardous waste. These items include but are not limited to: fluorescent light bulbs, paints, solvents, pesticides, acids, items containing mercury or Freon, and automotive products (motor oil, oil filters, and antifreeze). For a more complete list of hazardous wastes, contact the IVRMA staff or log onto the IVRMA website: www.IVRMA.org.
- B. Hazardous waste identified under this section can be taken to the hazardous waste collection facility at 500 W. 5th Street in Calexico. The facility is open every other Sunday from 8am to noon. The City must call 1-877-RECYCLE to make an appointment.

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