



STAFF REPORT	
SUBJECT: Adoption of Resolution Opting to Affirm an Exemption from the Requirements of Mandatory Organics Collection Services Associated with SB 1383	MEETING DATE: December 16, 2021
SUBMITTED BY: Dale Goodman, Director of Public Works	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to adopt a resolution opting to affirm an exemption from the mandatory organics collection requirements of SB 1383.

BACKGROUND/DISCUSSION:

In 2015 the City of Clearlake and the County of Lake received exemption from all requirements of AB 1826 requiring local jurisdictions to implement an organics recycling program for businesses by January 1, 2016, from the State. The waivers initially expired in early 2020 but were extended by CalRecycle until December 31, 2026. In September 2016, the State adopted SB 1383, which expanded the scope of AB 1826 and established methane emissions reduction targets in a statewide effort to reduce emissions of short-lived climate pollutants (SLCP) in various sectors of California's economy. As it pertains to solid waste management, SB 1383 establishes aggressive targets to achieve by year 2025 a 75 percent reduction in the level of the statewide disposal of organic waste from the 2014 level; and establishes an additional target that not less than 20 percent of currently disposed edible food is recovered for human consumption by 2025. SB 1383 is intended to alleviate the impact of short-lived climate pollutants, namely methane emissions created by dairy and livestock as well as organic waste. Organic waste is food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste. Landfilling of organic waste leads to the anaerobic breakdown of that material, which in turn creates methane. SB 1383 includes significant implications for most local governments that provide solid waste collection services and facilities involved in the disposal of organic waste. Responsibilities placed upon local governments include:

- Provide organic waste (including food waste) collection to all residents and businesses;
- Assess current organics recycling capacity, and develop plans to expand if needed
- Procure recycled organic waste products like compost, mulch, and renewable natural gas (RNG) at state mandated levels based on population;
- Establish an edible food recovery program that recovers edible food prior to going into the waste stream;

- Conduct outreach and education to all affected parties, including generators, haulers, facilities, edible food recovery organizations, and city/county departments;
- Analyze the potential impacts to the landfill resulting from the implementation of SB 1383; and
- Maintain accurate and timely records of SB 1383 compliance.

In recognition of the substantial challenges of implementing organics collection and expanding recycling facilities in rural areas, the regulations offer exemptions to counties with populations less than 70,000. This would exempt such counties from the requirements to provide organic waste collection services to all commercial and residential generators, organic waste capacity planning, and procurement of organic waste products. The entirety of Lake County (unincorporated and incorporated) is eligible for this exemption.

However, other components of SB 1383 are still applicable to the City and other Lake County jurisdictions and extend beyond the solid waste arena. To that end various City and County departments are moving forward with steps to be in compliance with the non-exempt components of the law that fall in their area of responsibility, including:

- Edible Food Recovery Program (Public Works/Compliance in cooperation with the County of Lake)
- CalGreen Building Standards and Model Water Efficient Landscaping Ordinance (Community Development)
- Recycled Paper Product Procurement (Administration)
- Records maintenance and submittal of reports to CalRecycle (Public Works/Compliance)
- Landfill Status Impact Report (County of Lake)

In order to take advantage of the rural jurisdiction exemption offered by CalRecycle, the City Council must pass a resolution including findings as to the purpose and need for the exemption.

A resolution is provided for the Council's consideration (Attachment 1). The resolution affirms the City's desire for an exemption from the organic waste collection service requirements for commercial and residential generators and has been reviewed, edited and approved by CalRecycle's Local Assistance liaison.

If approved by CalRecycle, the exemption waiver be valid until December 31, 2026, which is consistent with the expiration date of the existing AB 1826 exemption waiver.

The County of Lake has also initiated the process for applying for a waiver. A copy of the County's recent SB 1383 PowerPoint presentation to the Board of Supervisors is attached (Attachment 2). The presentation provides a basic overview of the legislation and related mandated activities by local jurisdictions.

The final attachment (Attachment 3) is the draft SB 1383 Rural Exemption Application which will be submitted to CalRecycle if the proposed resolution is adopted.

OPTIONS:

1. Approve the resolution as presented.
2. Request revisions to the resolution.
3. Do not approve but provide direction to staff

FISCAL IMPACT:

None Budgeted Item? Yes No

Budget Adjustment Needed? Yes No If yes, amount of appropriation increase: \$

Affected fund(s): General Fund Measure P Fund Measure V Fund Other:

Comments: There is no direct fiscal impact related to this action. In the absence of this resolution, there would be unknown but likely significant costs to the General Fund to develop and implement an organics recycling and collection program in cooperation with our franchise hauler. The organics collection program must include all commercial and residential customers as required by SB 1383.

STRATEGIC PLAN IMPACT:

- Goal #1: Make Clearlake a Visibly Cleaner City
- Goal #2: Make Clearlake a Statistically Safer City
- Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- Goal #4: Improve the Image of Clearlake
- Goal #5: Ensure Fiscal Sustainability of City
- Goal #6: Update Policies and Procedures to Current Government Standards
- Goal #7: Support Economic Development

SUGGESTED MOTIONS:

Move to adopt the resolution opting to affirm an exemption from the mandatory organics collection requirements of SB 1383.

ATTACHMENTS:

1. Resolution 2021-63
2. SB 1383 Presentation (County of Lake)
3. Draft SB 1383 Rural Exemption Application