



CITY OF CLEARLAKE

City Council

STAFF REPORT

SUBJECT: Second reading of Ordinance No. 262-2022 Adding Chapter 11-6 of the Clearlake Municipal Code / Establishing Edible Food Recovery Regulations in Accordance with SB 1383

MEETING DATE: May 19, 2022

SUBMITTED BY: Ryan Jones, City Attorney, and Acting Public Works Director, Dave Swartz

PURPOSE OF REPORT: ☐ Information only ☒ Discussion ☒ Action Item

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to adopt an ordinance establishing regulations related to the establishment of an edible food recovery program that recovers edible food from commercial edible food generators for human consumption. The proposed ordinance is related to the requirements of SB 1383.

BACKGROUND/DISCUSSION:

In September 2016 the State adopted SB 1383 (Lara) which 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.

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.

As previously reported to the City Council, 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 which is known to be a major contributor to greenhouse gas emissions.

Edible food recovery is an important component of the SB 1383 legislation. Although the City and other Lake County jurisdictions received Rural Jurisdiction waivers from CalRecycle for certain components of the SB 1383 regulations (through December 31, 2026), edible food recovery is not an exempted program.

SB 1383 requires counties to take the lead collaborating with the jurisdictions located within the county in planning for the food recovery capacity needed to recover and redistribute 20 percent of edible food that would have otherwise been sent to landfills. The law also directs the following:

- Jurisdictions must establish edible food recovery outreach and inspection programs, help connect mandated edible food generators with food recovery organizations/services, and ensure there is sufficient county-wide capacity for all the recovered edible food.
- Mandated edible food generators must arrange to recover the maximum amount of their edible food that would otherwise go to landfills. They must establish contracts with food recovery organizations/services that will accept their edible food and keep records of all edible food recovery donations.
- Food recovery organizations and services that work with mandated edible food generators must maintain and submit records of edible food recovery receivables.

The County of Lake is currently working with the City of Clearlake, Lakeport, and other stakeholders to establish a formal food recovery program. We are early in the process, but site inspections and some of the recordkeeping duties are expected to be coordinated by County staff from the Environmental Health and Public Services Departments, respectively.

Each jurisdiction is required by state law to adopt its own edible food recovery regulations and related enforcement mechanism, such as an ordinance, in order to comply with the CalRecycle regulations.

The proposed edible food recovery ordinance is provided for the Council's consideration (Attachment 1 and Exhibit A/Attachment 2). The regulations were modeled after portions of a recent ordinance adopted by a similar rural northern California city which has an SB 1383 Rural Jurisdiction waiver and is working with their County to establish a formal multi-jurisdictional food recovery program. The ordinance will add Chapter 11-6 of the Clearlake Municipal Code which sets forth the City's Solid Waste, Garbage Collection and Disposal regulations.

The third attachment (Attachment 3) is a handout prepared by City staff which includes additional background information regarding edible food recovery, including definitions and requirements of Tier 1 and Tier 2 Edible Food Generators who are the focus of the proposed regulations. At the present time there are three Tier 1 Food Generators in the city limits of Lakeport and no Tier 2 generators.

Environmental Considerations: Adoption of this ordinance is exempt from review under the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

OPTIONS:

1. Approve the ordinance as presented.
2. Request revisions to the ordinance.
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 waive full reading of the ordinance, read by title only Ordinance No. 262-2022, which adds the Clearlake Municipal Code by establishing regulations related to the establishment of an edible food recovery program, adopt ordinance.

ATTACHMENTS:

1. Ordinance No. 262-2022
2. Exhibit A – Amendments to Clearlake Municipal Code Ch. 11-6
3. SB 1383 Food Recovery Information Handout