



STAFF REPORT
2/9/2022

TO: Honorable Mayor and City Council Members

FROM: Maritza Martinez, Public Works Director

SUBJECT: Approve Ordinance 1192 Amending Chapter 8.44 of the City Municipal Code regarding Solid Waste Collection (second reading).

STAFF RECOMMENDATION:

Approve Ordinance 1192 Amending Chapter 8.44 of the City Municipal Code regarding Solid Waste Collection (second reading).

BACKGROUND:

AB 939, known as the Integrated Waste Management Act of 1989, was passed because of an increase in the waste stream and the decrease in landfill capacity. As a result, the California Integrated Waste Management Board (CIWMB), now known as Department of Resources Recycling and Recovery (CalRecycle), was established and an integrated framework for program implementation, solid waste planning and solid waste facility and landfill compliance created. AB 939 mandated local jurisdictions to meet solid waste diversion goals of 25% by 1995 and 50% by 2000. Diversion goals and program requirements are implemented through a disposal-based reporting system by local jurisdictions under CalRecycle regulatory oversight.

Since 1989, AB 341(2011) and AB 1826(2014) were approved additions to the regulations established within AB 939. Assembly Bill 341 (AB 341) of 2011, also called the "Mandatory Commercial Recycling Regulation," requires businesses and multi-family residential dwellings of five units or more, that generate four or more cubic yards of commercial solid waste per week to implement recycling programs, on or after July 1, 2012. AB 1826, the mandatory Commercial Organic Waste Recycling Law, became effective on January 1, 2016; requiring businesses and multi-family complexes (with 5 or more units) that generate specified amounts of organic waste (compost) to arrange for organics collection services.

DISCUSSION/ANALYSIS:

Most recently, SB 1383 (Short Lived Climate Pollutants Regulation) was passed that further enhances AB 939 and mandates organics waste disposal/recovery by cities, residential households, commercial businesses, commercial edible food generators, haulers and food recovery organizations. SB 1383 was passed in a statewide effort to reduce emissions of short-lived climate pollutants (SLCP). The targets set by SB 1383 include: 1) statewide reduction of organic waste

disposal of 75% by 2025 and 2) statewide food rescue efforts that will rescue at least 20% of currently disposed surplus food by 2025.

SB 1383 applies to local agencies and in order to comply with regulations established by SB 1383 staff is recommending adoption of the attached Ordinance 1192 that will amend the City's Municipal Code Chapter 8.44 Solid Waste. Currently, the chapter has Sections 8.44.010 – 8.44.130. Adoption of the proposed ordinance will amend the current chapter by adding Sections 8.44.140-8.44-240 (listed below):

- 8.44.140 Requirements for Single-Family Generators.
- 8.44.150 Requirements for Commercial Businesses.
- 8.44.160 Waivers for Generators.
- 8.44.170 Requirements for Commercial Edible Food Generators.
- 8.44.180 Requirements for Food Recovery Organizations and Services.
- 8.44.190 Requirements for Haulers, Facility Operators, and Community Composting Operations.
- 8.44.200 Self-hauler Requirements.
- 8.44.210 Compliance with CALGreen Recycling Requirements.
- 8.44.220 Model Water Efficient Landscaping Ordinance Requirements.
- 8.44.230 Inspections and Investigations by the City.
- 8.44.240 Enforcement.

The above additions to Chapter 8.44 will address the SB 1383 requirements placed on cities and in summary will require the following:

1. Organics collection services to all residents, multi-family and businesses.
 - a. Staff is working in partnership with Burrtec to roll these programs out by Fall 2022.
2. Establishment of Food Recovery Program
 - a. The State has divided Commercial Food Generators into two tiers. Those generators that fall into Tier 1 must comply beginning January 1, 2022 and these large generators have already implemented food recovery programs. Staff is working with the County Public Health Department on the collection and reporting of this data, which will be included within the City's Annual Report to CalRecycle. Tier 2 generators must comply by January 1, 2024 and staff will continue to work on outreach and education to these generators in partnership with Burrtec.
3. Establishment of Self- Hauler Requirements
 - a. All self-haul must register with the city and be able to provide receipts/weight tickets of its source separated waste.
4. Monitoring, reporting and enforcement of all of the above programs.
 - a. Monitoring and reporting will be conducted in collaboration with Burrtec who will perform waste audits; if needed the ordinance will give the City the authority to enforce the SB 1383 regulations.

In addition to the above requirements, SB 1383 also requires local agencies to provide:

5. Education and Outreach
 - a. Staff will work continue to with Burrtec to develop and distribute information on organics waste recycling and edible food recovery programs.
6. Procurement
 - a. Staff will be bringing back a separate resolution that will amend the City's purchasing policy to address the SB 1383 purchasing requirements.

FISCAL IMPACT:

None.

Attachment:
Ordinance 1192