



City of Grass Valley City Council Agenda Action Sheet

Title: Public Hearing and First Reading of an Ordinance Amending Chapter 8.24 (Garbage Collection and Recycling) of the City of Grass Valley Municipal Code to ensure compliance with Senate Bill 1383 mandates.

Recommendation: That Council conduct the public hearing, introduce the ordinance which amends Chapter 8.24, and waive the reading ordinance in its entirety and read by title only.

Prepared by: Thomas Last, Community Development Director

Council Meeting Date: 1/11/2022

Date Prepared: 1/04/2022

Agenda: Public Hearing

Background Information: Senate Bill 1383 legislation from the California Department of Resources, Recycling and Recovery (CalRecycle) requires all cities and counties in California to implement mandatory organic waste collection programs. The intent is to dispose of organic waste in other manners rather than in a landfill. Grass Valley must adopt an enforceable ordinance to ensure that all residential and commercial generators are compliant with SB 1383 regulations. It also requires the City to enforce the regulations and assess penalties on noncompliant generators, beginning in 2024.

SB 1383 builds on existing legislation, AB 341 and AB 1826. The stated purpose of SB 1383 is to reduce organic waste disposal, recover edible food from the waste stream, and reduce methane emissions. The State's goal is to reduce organic waste that ends up in the landfill, from 2014 levels, 50 percent by 2020 and 75 percent by 2025. Additionally, there is a requirement to increase the recovery of edible food currently taken to landfills by 20 percent by 2025. The responsibility of compliance rests largely with the City. If the City does not comply with the regulations, it may face penalties or enforcement action imposed by CalRecycle - up to \$10,000 per violation per day.

To achieve the reduction of landfilled organic waste, and to increase recovery, the State has mandated the following:

1. Provide organics collection services to all residents, multi-family complexes, and businesses;
2. Establish edible food recovery programs;
3. Conduct education and outreach to the community;
4. Procure recyclable and recovered organics products; and
5. Monitor compliance and conduct enforcement.

The revised ordinance maintains the same structure as the existing code, but adds and addresses the required elements of SB 1383, including:

Collection Services: Trash, recyclable and organic collection services for all commercial, multi-family and residential accounts are required unless a waiver is granted.

Commercial Edible Food Generator: These generators are required to recover the maximum amount of edible food that would otherwise be disposed in the waste stream and implement related programs. These generators shall maintain and provide record access to City or County staff.

Food Recovery Organizations: Organizations shall maintain and provide record access to City or County staff.

Inspections and Investigations: City or County representatives are authorized to conduct inspections and investigations to confirm compliance. Regulated entities shall provide access and cooperate with City or County staff during the process.

Enforcement: Violation of any provisions of the ordinance shall be a misdemeanor that may be enforced by the City in any manner authorized by law, including, but not limited to, an administrative citation, criminal citation, nuisance abatement action, or civil action.

The City awarded a 20-year franchise agreement to Waste Management of Nevada County for the collection of garbage, recycling, and green waste collection services, which ends on June 30, 2032. To comply with SB 1383, the City is negotiating a contract amendment with WM to provide several of the required services including weekly collection of organics from all covered generators. The amendment will need to include an updated container color and signage, education and outreach, collaboration with inspection and enforcement, reporting, and assistance with other SB 1383 tasks (e.g., edible food recovery, capacity planning) as feasible.

Attached is a redline version of the ordinance that contains the necessary provisions and enforcement mechanisms to ensure that residents and property owners, as well as the City's franchisee, Waste Management of Nevada County, comply with the state law requirements concerning solid waste including SB 1383, Short-Lived Climate Pollutants mandate.

Council Goals/Objectives: This action implements a state unfunded mandate that does not implement any specific goal or project in the Strategic Plan.

Fiscal Impact: These amendments are state unfunded mandates, and the City will need to fund implementation through its General Fund, fees, and/or with fines.

Funds Available: TBD

Account #: TBD

Reviewed by: ___ City Manager

Attachments: Redlined Version of Chapter 8.24