



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 05/04/2021

ITEM NO: 13

DATE: April 28, 2021

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Receive the Report and Presentation from West Valley Solid Waste Management Authority Regarding Senate Bill 1383 Updates and Implementation

RECOMMENDATION:

Receive the report and presentation from West Valley Solid Waste Management Authority regarding Senate Bill 1383 updates and implementation.

BACKGROUND:

The Town of Los Gatos is a member of the West Valley Solid Waste Management Authority, a Joint Power Authority (JPA) composed of the municipalities of Los Gatos, Campbell, Monte Sereno, and Saratoga. The JPA manages both the collection and disposal of trash and recyclables through various agreements. The JPA is managed by a Board with one Town Council representative from each participating city. Beginning January 2021, Town Council Member Mary Badame became the Town of Los Gatos representative serving on the Board. The Parks and Public Works Department provides support to the JPA and the Board.

On September 16, 2016, Governor Jerry Brown signed Senate Bill (SB) 1383 into law; associated regulations were finalized in November 2020. SB 1383 refers to regulations specific to solid waste (trash) reduction in California with the goal of reducing methane emissions. The focus of this law is to target residential and commercial trash generators and includes both performance targets and penalties that could be levied against local jurisdictions for non-compliance.

PREPARED BY: Marina Chislett
Environmental Programs Specialist

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, Finance Director, and Director of Parks and Public Works

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BACKGROUND (continued):

SB 1383 has been a topic of discussion with the JPA Board over the course of the agency's regular business, including JPA meetings, additional meetings with representatives from each of the West Valley municipalities and working closely with CalRecycle on creation of a toolkit for SB 1383 compliance.

Given that the regulations will go into effect on January 1, 2022, both the Town and JPA staff deemed it appropriate to provide an update to the Town Council as the regulations will require Town resources to implement and will directly impact Town residents and businesses. Marva Sheehan represents HF&H as the consultant in charge of the JPA operations and will be providing the presentation to Council.

DISCUSSION:

The implementation of SB 1383 brings a significant workload and additional responsibilities to both the Town and the Authority to achieve compliance. Staff is working closely with the JPA to stay up to date on SB 1383 progress and specific areas of implementation. Identified implementation options have been and will continue to be presented to the JPA Board.

One of the biggest changes from SB 1383 will be the implementation of an organics program (food waste composting) that will provide for collection of compostable materials from all residents and businesses. Implementation will likely occur by allowing the use of the green yard waste bins for all compostable material. By regulation, the introduction of food waste will change the type of facility that can handle the compostable material, resulting in increased costs. A local monitoring element will be put in place as well to ensure residents and businesses are complying with the new regulations.

Another element mandated by SB 1383 is a requirement for each jurisdiction to procure a predetermined (based on population) amount of compost or mulch material. This requirement provides two challenges. Primarily, jurisdictions, including the Town, will have a difficult time using all of the required material. Additionally, the market may not have adequate amounts of material available, potentially leading to price spikes and an inability to meet the requirements. Although not likely to occur in the early years of the program, SB 1383 allows for financial penalties for not achieving the required procurement levels of compost or mulch material. Additional requirements may impact the Town's procurement of other products such as paper and other office supplies. SB 1383 will also have increased reporting requirements that will require additional staff time.

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DISCUSSION (continued):

Other elements of SB 1383 include public outreach and education, establishment of an edible food recovery program. The JPA and Town staff are currently exploring opportunities to implement these elements at the JPA or County level.

CONCLUSION:

Adoption of SB 1383 brings a large workload to the Town and the Authority to achieve compliance. Over the next few months, through negotiating an amendment between the Authority and West Valley Collection & Recycling, elements of SB 1383 that will be managed under the contract will be identified. Any remaining elements will require additional work undertaken by the Town to achieve compliance.

COORDINATION:

This report was prepared by the Parks and Public Works Department with information provided by the West Valley Solid Waste Management Authority, in which the Town of Los Gatos is a participating West Valley community.

FISCAL IMPACT:

The costs of SB 1383 will ultimately be borne by the ratepayers. The initial year of costs are expected to result in a rate increase in excess of \$3.40 a month per household for SB 1383 compliance alone. Other rate increases will add to the total bill. For a typical 35-gallon waste container, the monthly costs will increase from \$35.16 per month to an estimated \$40.07 per month, as currently proposed. These costs will continue to increase in following years as the program reaches full implementation. With such a significant rate increase, staff anticipates an increase in resident inquiries and complaints.

Residential rates in Los Gatos remain competitive with surrounding jurisdictions. Rates in Los Gatos are slightly below the 75th percentile compared to other jurisdictions in the county and below both Saratoga and Monte Sereno. Rates are significantly impacted by the difficulty of collections in the hillside environment in Los Gatos.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.