



Date: September 12, 2023

Honorable Mayor and Council Members:

Author and title: Erin Brewster, Sustainability Program Manager

Title: **Introduction of Ordinance Amending Solid Waste and Recycling Requirements**

Jen Callaway, Town Manager

Recommended Action:

- (1) Introduce Ordinance 2023-09 amending Chapter 6.01 of the Truckee Municipal Code Regarding Solid Waste and Recycling Management.
- (2) Find the adoption of the Ordinance exempt from CEQA pursuant to CEQA guidelines sections 15061(b)(3), 15307 and 15308.

Discussion: In September 2016, Governor Brown signed into law Senate Bill 1383, which intends to reduce short-lived climate pollutants such as methane by reducing the amount of landfilled organic waste. SB 1383 set a target to reduce organic waste disposal 75% and increase edible food recovery 25% by 2025. In November 2020, CalRecycle adopted regulations to implement SB 1383, which went into effect on January 1, 2022. The state anticipates that these requirements will reduce at least 4 million metric tons of greenhouse gas emissions annually by 2030.

These regulations require jurisdictions to adopt an ordinance prior to January 1, 2022, to create an enforceable mechanism for the SB 1383 requirements on residential and commercial generators, including mandatory recycling and organic waste diversion. The Town adopted such an ordinance on November 9, 2021. The Town is required to report annually to CalRecycle on implementation and enforcement of SB 1383 requirements, as well as keep a detailed Implementation Record available for periodic inspection by CalRecycle, which will occur at least once every four years.

Through Keep Truckee Green's work implementing SB 1383 and conversations with CalRecycle, staff have determined that some additional minor amendments are necessary to fully meet the adopted regulations. Most notably, the Town needs to have a waiver process for the allowable exemptions to the State's mandatory recycling and organic waste diversion requirements. Currently, Chapter 6.01 of the Town's Municipal Code includes these exemptions, but does not create a process for a business to apply for a waiver. While Town staff have conducted audits of businesses to determine if they meet the criteria for the allowable exemptions, CalRecycle requires the Town to have a copy of each waiver as part of its SB 1383 Implementation Record.

This ordinance would make the following amendments to the Town's municipal code, all of which are required to be in the Town's enforceable mechanism by Public Resources Code section 42652.5:

- Create a formal waiver process for the de minimis and physical space constraints waivers allowed under the state's mandatory commercial recycling and mandatory organics diversion laws.
- Add the required self-haul criteria for businesses self-hauling recyclables or organic material.
- Add the requirements for businesses to provide sorting containers that meet CalRecycle's color-coding and/or labelling requirements for recycling and organic material, when applicable, for employees and customers.

If these amendments are adopted, Keep Truckee Green staff will develop the necessary waiver forms and reach out to all businesses that meet the exemption criteria to obtain a signed waiver. The other amendments are required by the CalRecycle regulations to be included in the Town's ordinance, but do not create additional reporting or enforcement requirements.

Priority:

<input type="checkbox"/>	Enhanced Communication	<input type="checkbox"/>	Climate and Greenhouse Gas Reduction	<input type="checkbox"/>	Housing
<input type="checkbox"/>	Infrastructure Investment	<input type="checkbox"/>	Emergency and Wildfire Preparedness	<input checked="" type="checkbox"/>	Core Service

Fiscal Impact: Additional staff time is needed to implement and enforce the full requirements of SB 1383, which has been accounted for in the Solid Waste Program budget. These amendments do not change the Town's obligations under SB 1383.

Public Communication: Agenda posting.

Attachments:

1. Ordinance 2023-09