



# CITY OF CARSON

## Legislation Text

File #: 2021-831, Version: 1

### Report to Mayor and City Council

Wednesday, November 03, 2021

Discussion

#### SUBJECT:

**CONSIDER INTRODUCTION AND FIRST READING OF ORDINANCE NO. 21-2121 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, ADDING CHAPTER 11 TO ARTICLE V (COMMENCING WITH SECTION 51101 ET SEQ.) OF THE CARSON MUNICIPAL CODE, ENTITLED 'SPECIFIC REGULATIONS FOR ORGANIC WASTE DISPOSAL REDUCTION, RECYCLING AND SOLID WASTE COLLECTION,' TO ENACT REGULATIONS IN COMPLIANCE WITH SENATE BILL (SB) 1383 FOR THE IMPLEMENTATION OF FOOD AND ORGANICS RECYCLING AND RELATED SOLID WASTE AND RECYCLING PROCESSING AND REPORTING; ADOPTION OF AN EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CITY COUNCIL)**

#### I. SUMMARY

The Legislature of the State of California enacted AB 939, AB 32, AB 341, AB 1826 and SB 1383 pertaining to the environmental impacts of solid waste. The City is required to comply with these laws and will need to maintain supporting staff positions, as funded through the solid waste franchise. The City's franchised waste hauler will assist the City in meeting its statutory duty in enforcing waste reduction and recycling.

Staff recommends adoption of the proposed ordinance because it will enable the City to (i) comply with new State of California mandates pursuant to SB 1383, (ii) facilitate its successful partnership with its franchised waste hauler, Waste Resources, and (iii) work collaboratively with CalRecycle to meet the recycling and diversion requirements set by the State and SB 1383. Further, it will enable the delivery of enhanced services that benefit the community.

#### II. RECOMMENDATION

TAKE the following actions:

1. INTRODUCE and READ, by Title Only and with Further Reading Waived:

“ORDINANCE NO. 21-2121 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, ADDING CHAPTER 11 TO ARTICLE V (COMMENCING WITH SECTION 51101 ET SEQ.) OF THE CARSON MUNICIPAL CODE, ENTITLED ‘SPECIFIC REGULATIONS FOR ORGANIC WASTE DISPOSAL REDUCTION, RECYCLING AND SOLID WASTE COLLECTION,’ TO ENACT REGULATIONS IN COMPLIANCE WITH SENATE BILL (SB) 1383 FOR THE IMPLEMENTATION OF FOOD AND ORGANICS RECYCLING AND RELATED SOLID WASTE AND RECYCLING PROCESSING AND REPORTING; ADOPTION OF AN EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.”

### **III. ALTERNATIVES**

1. TAKE any other action the City Council deems appropriate and consistent with California state law.

### **IV. BACKGROUND**

The proposed ordinance would add a new chapter to the City of Carson Municipal Code (“CMC”) to address the mandate of organic waste generators, haulers, and other entities subject to the requirements of Senate Bill 1383 (“SB 1383”) and comply with such regulatory requirements.

Model language for the mandatory SB 1383 ordinance was provided by CalRecycle in January 2021. Cities were advised to adjust the language based on their individual needs to meet compliance goals, yet still adhere to the State’s mandates. Such adjustments have been implemented and a draft of the proposed new CMC chapter was shared with the City’s franchised waste hauler, Waste Resources. Waste Resources provided comments on the proposed ordinance, which have been substantially accommodated. Exhibit No. 1 hereto reflects the latest draft of the proposed ordinance implementing SB 1383 compliance.

SB 1383 takes effect January 1, 2022. The proposed ordinance is the City’s first step in creating meaningful enforcement measures to comply with SB 1383. However, although staff and the City Attorney’s office have closely followed direct guidance from CalRecycle with respect to the terms and provisions of this ordinance, the programs enacted by SB 1383 are so new, complex, and comprehensive that there is some uncertainty as to how the programs will function in actual practice. Once staff and Waste Resources have performed actual implementation and work pursuant to the ordinance, we may discover the need for additional fine-tuning in the ordinance to accord with actual practice. Thus, the City Council should expect ordinance revisions in the future.

Furthermore, amendments to the City’s current franchise agreement with Waste Resources will very likely be needed, and in the interest of internal Municipal Code consistency, the City will be required to significantly revise *existing* CMC codes related to solid waste and

recycling. Such actions will be presented to the City Council at a future meeting.

## **DISCUSSION:**

SB 1383 was signed into law on September 19, 2016, directing public agencies to reduce organic waste disposal by 75% and increase edible food recovery by 25%, by 2025. The bill was enacted to reduce greenhouse gas emissions by diverting organic waste from landfills, as the decomposition of such materials emit methane, a climate pollutant 72 times more potent than carbon dioxide. Landfills are the third largest producer of methane and are responsible for 21% of the State's anthropogenic (meaning caused by humans) methane emissions.

In accordance with SB 1383, by January 1, 2022, all jurisdictions must have a mandatory organic waste disposal reduction ordinance in place and include certain procurement provisions for diverting to beneficial use certain organic wastes. Additionally, the bill mandates that all businesses and residents, including multi-family housing, have access to recycling programs that capture food scraps, landscaping debris, and green waste, among other organic waste items.

SB 1383 builds on Assembly Bill 1826 ("AB 1826"), which went into effect on April 1, 2016. AB 1826 currently requires any business generating two (2) or more cubic yards of commercial solid waste per week, and multi-family complexes with five (5) or more units, to recycle their organic waste (under AB 1826, multi-family complexes are only required to recycle landscape debris). Hence, in coordination with Waste Resources, the City continues the expansion of the existing organics program. In short, the AB 1826 program leads into the January 1, 2022 implementation of SB 1383.

The City will be responsible for implementing the following practices to maintain compliance with SB 1383:

- Provide organic waste collection services to all residents and businesses;
- Adopt an ordinance (e.g., the proposed ordinance) to inspect and enforce compliance with SB 1383;
- Establish an edible food recovery program for local food generators;
- Conduct annual outreach to all generators;
- Procure certain levels of recovered organic waste products such as recycled paper, compost, mulch, transportation fuel from anaerobic digestion, electricity from anaerobic digestion, heating from anaerobic digestion, and biomass conversion electricity;
- Coordinate enforcement activities with other CalEPA Departments, CalRecycle and other county level agencies which may influence compliance outcomes with SB 1383 such as Public Health Departments and County Certified Unified Program Agencies (CUPA); and
- Maintain records for SB 1383 compliance, diversion records, vendor agreements and tracking of procurement activities for annual reporting requirements.

Adopting this ordinance will mandate organic waste generators, haulers, and other entities, including the City, as subject to the requirements of SB 1383, complying with the regulatory requirements. In addition to the mandates enumerated above, the proposed ordinance also

includes specific sections to address State mandates, including:

- Recycling requirements for single-family generators and commercial businesses;
- Recovery requirements for commercial edible food generators and food recovery organizations;
- Service requirements for haulers;
- Waivers for commercial waste generators;
- Initial procurement requirements for city departments, service providers, and vendors; and
- Inspections, investigations, and enforcement.

In addition to adopting this organic waste recycling and food recovery ordinance, SB 1383 requires that the City have ordinances or other enforceable mechanisms in place for compliance with the CalGreen Building Standards Code ("CalGreen") and a Model Water Efficient Landscaping Ordinance ("MWELo"). However, the CalGreen and MWELo provisions specific to solid waste and recycling programs are reiterated in this ordinance for clarity and ease of administration and interpretation.

#### **CALIFORNIA ENVIRONMENTAL QUALITY ACT:**

The proposed ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Sections 15061(b)(3) and 15308 on the grounds that it can be seen with certainty that the enhanced solid waste regulations, as provided for in this ordinance, will not have a significant effect on the environment and that the new requirements, which strengthen requirements for the handling of solid waste, organics, and recyclables, represent actions by a regulatory agency (the City) for the protection of the environment. Additionally, the proposed ordinance is not a "Project" for the purposes of CEQA as that term is defined in CEQA Guidelines Section 15378.

#### **V. FISCAL IMPACT**

SB 1383 implementation will entail additional staffing and administrative costs to the City and Waste Resources, as well as capital outlays by Waste Resources and the City, potentially in the form of additional contractual agreements with vendors or cooperative arrangements such as Public-Private Partnerships. At this time, an accurate account of additional costs is not known and will not be known until actual program implementation is undertaken. It is anticipated that a portion of the costs associated with SB 1383 implementation will initially be recovered through a refuse and recycling service rate adjustment to be proposed by Waste Resources in the coming year, and/or the recovery of City-incurred costs through administrative fees to be paid by Waste Resources to the City pursuant to Waste Resources' franchise agreement.

#### **VI. EXHIBITS**

1. Ordinance No. 21-2121 (pgs. 6-9)

A. Text of Proposed New Chapter 11 of CMC Article V (pgs. 10-37)

Prepared by: Eliza Jane Whitman, Director of Public Works; Veronica Rodriguez, Right of Way Operations & Maintenance Superintendent; City Attorney's Office