



CITY OF FORT BRAGG

Incorporated August 5, 1889
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Fort Bragg, California 95437
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MEMORANDUM

DATE: October 29, 2021
TO: Tabatha Miller, City Manager
FROM: Heather Gurewitz, Associate Planner
SUBJECT: City of Fort Bragg Solid Waste Franchise Agreement CEQA Exemption Class 1 Existing Facility, Class 8 Actions Taken by Regulatory Agencies for the Protection of the Environment, and 15061(b)(3) Common Sense Exemption.

Project Background

On June 14, 2021, the City Council approved issuing a Joint County of Mendocino and City of Fort Bragg RFP for Solid Waste Refuse Collections. On June 15, 2021, the Joint RFP was issued with a closing date of August 3, 2021. As expected, the City and the County received three responses from:

- C&S Waste Solutions of California, Inc. (C&S)
- Solid Waste of Willits, Inc. (SWOW)
- Waste Management Collection and Recycling, Inc. (WM)

The City Council Solid Waste Franchise Agreement Ad Hoc Committee, comprised of Mayor Bernie Norvell, Councilmember Lindy Peters and the City Manager, reviewed the responses and rated each proposal based on predetermined criteria. On September 27th, the Committee recommended that the City Council authorize the City Manager to enter into negotiations with C&S Waste Solutions of California, Inc. for residential and commercial garbage, recyclable materials and organic waste collection under an exclusive 10-year Franchise Agreement, which was approved.

The proposal from which the City will negotiate proposes the provision of “like-for-like” services for the collection, transportation, and management of solid waste for the City of Fort Bragg, with the exception that, the proposal selected for further negotiation and potential award includes the following changes:

- Provision of carts and bins made from 20% post-consumer recycled content

- Purchase of new California Air Resources Board (CARB) compliant vehicles including seven split-body design trucks that will reduce the number of trips to each neighborhood for the collection of waste.
- Outreach and education regarding waste collection, diversion, and reduction

The potential siting of a new transfer station is not identified within the terms of the Franchise Agreement and is a distinct and separate action. The City has received and is processing an application for the siting of a new transfer station within city limits. The siting of a new transfer station in City limits is subject to a Use Permit, which is a discretionary action, and is subject to the California Environmental Quality Act (CEQA). As part of the transfer station application review and processing a CEQA analysis will be completed and brought forward for consideration by decision makers prior to acting on the Use Permit.

Project Description

The proposed project consists of the potential award for a Franchise Agreement to provide waste collection and hauling services using CARB compliant vehicles, and cars and bins made from 20% post-consumer recycled content. Awarding a contract for a Franchise Agreement is a discretionary action and subject to review under CEQA. As documented herein award of the Franchise Agreement and subsequent waste collection and hauling service is eligible for one or more CEQA exemption.

Applicable Exemptions

The City of Fort Bragg has reviewed the proposed change in service provider for solid waste collection and transportation. The awarding of a new Franchise Agreement will not result in significant environmental impacts and is categorically exempt from CEQA under Section 15301 Class 1 Existing "Facilities," Section 15308 Class 8 "Actions By Regulatory Agencies for Protection of the Environment," and 15061(b)(3) the common sense exemption because the change in Franchise Agreement is essentially a "like-for-like" service provided by a different organization.

15301 Existing Facilities

The 15301(b) of the Class 1 categorical exemption which includes existing facilities of both investor and publicly owned utilities used to provide electrical power, natural gas, sewerage, or other public utility services. The project is a new Franchise Agreement for the collection and transfer of solid waste, recycling, and organic material for the City of Fort Bragg. It will be the same accounts as currently exist and the processing locations in Willits and Ukiah will be the same. Therefore, the awarding of the new Franchise Agreement to a different operator does not expand or materially change the current operation of solid waste collection and transportation and it is exempt as an existing "facility."

There are no applicable exceptions to this exemption.

15308 Actions By Regulatory Agencies For Protection of the Environment

Class 8 Actions Taken by Regulatory Agencies for Protection of the Environment includes action by regulatory agencies, *“as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for the protection of the environment.”*

The California Integrated Solid Waste Management Act of 1989 (AB 9369) requires cities to permit and regulate solid waste handling and declares that there is an urgent need for regulation to avoid an adverse environmental impact from the amount of waste generated in the state. Several subsequent bills have been passed to address other environmental issues including AB 341, AB 1826, AB 1594, and SB 1383, and the California Electronic Waste Recycling Act of 2003. The Franchise Agreement requires the franchisee to comply with both State and local regulations for hauling and disposing of waste. The City’s action assures the protection of the environment since the Agreement contains several regulatory mandates for complying with state law for the disposal of multiple waste streams in a manner that ensures the protection of the environment.

There are no applicable exceptions to this exemption.

15061(b)(3) Common Sense Exemption

The project is exempt under the “Common Sense” exemption Section 15061(b)(3). The collection and disposal of solid waste is not only mandated and regulated by state law, but an essential service for the public health, safety, and welfare. The proposed change in service providers or awarding of a new franchise agreement for existing services. This change in service provider will not result in significant impacts on the environment and is eligible for the common sense exemption.

Furthermore , the Franchise Agreement qualifies for a CEQA exemption because it will have no environmental impacts individually or cumulatively:

Aesthetics

The project will not impact the aesthetics of the community because the community already uses waste bins and the proposed provider is not proposing a significant visual change to the waste bins. Additionally, there are already solid waste, recycling, and organic waste collection trucks and as noted in the proposal submitted, the only visible change to the public will be “the color of the trucks,” which is not a significant aesthetic impact.

Air Quality, Energy, Transportation, Greenhouse Gas Emissions, Noise

The proposed project is a change in the service provider for solid waste collection and transportation. All locations in the City that will be served by the new provider are already served by the current provider. The services are essentially “like for like,” except that the new service provider is proposing to purchase all new collection trucks with the highest tiered engines available to meet CARB compliance, increase fuel efficiency and

lower emissions. The new trucks will be “split body” trucks that can collect both waste and recycling in one trip, which reduces the number of vehicle trips.

The proposed “split-body” vehicles will reduce the overall number of trips made to each neighborhood for residential collection of solid-waste and recycling. The current provider has nine solid waste routes, nine recycling routes, and nine green waste routes. The proposal is that the new trucks would only do one trip for solid waste and recycling which would reduce the number of collection trips from 27 by the current provider to 18 by the new provider.

The current provider estimates that they can collect 77 containers per hour. There are an estimated 1,851 accounts in Fort Bragg spread over an approximate 27 miles of roads. Based on these numbers, it is possible to estimate that it takes the current provider an estimated 53 minutes to collect solid waste and 53 minutes to collect recycling on each of the nine routes with an average of 3 miles each. During that time, the trucks are either driving or idling which results in emissions. Because the trucks are running the whole time it is important to consider the idling time as well as the actual vehicle miles traveled (VMT) to determine whether there will be significant impacts.

Based on 77 containers per hour, the “split-body” trucks will reduce total trips from 27 to 18. It takes the current provider a total of 24 hours to cover the 1,851 residential accounts in the City of Fort Bragg. If the new provider covers the same 1,851 accounts with split body vehicles also collecting 77 containers/hour there would be an associated reduction in VMT, emissions, greenhouse gases, and energy usage, and noise generated by large diesel trucks in neighborhoods.

Using the information provided by the current provider and the proposed provider, the new Franchise Agreement would result in a reduction in the number of trips to each neighborhood resulting in a reduction in time that waste hauling vehicles are operating and creating emissions and noise by an estimated 30%. Therefore, the new Franchise Agreement will result in no impacts to air quality, energy, transportation, greenhouse gas emissions, or noise.

Biological

The proposed service provider will be using the same kind of covered waste, recycling, and organic waste bins as are currently used and will provide the same kind of collection service as is currently provided. The collection and transfer of waste, recycling, and organics by the new provider will have no impact on biological resources.

Cultural, and Tribal Cultural Resources, Geology and Soils, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Recreation, and Wildfire

The new Franchise Agreement does not involve construction, ground disturbance, or any physical changes to the land and the service provided will be the same as what is currently provided. Therefore, it will have no impact on these resources.

Hazards and Hazardous Materials

The proposed project is for a new Franchise Agreement. The new service provider will not handle hazardous waste. The management protocols outlined in their proposal states:

“Route collectors who observe hazardous waste (including u-waste and e-waste) in bins or carts will be instructed to leave containers unemptied, leave a notice for the customer indicating why it was not collected, and contact the Route Supervisor. The Route Supervisor will attempt to determine the generator of the material and return these improper materials to the appropriate person.”

Additionally, the proposed service provider will offer a robust education and public outreach plan to help customers understand what can be disposed of in which type of bin. The service provider currently offers an interactive, mobile-friendly, cloud-based diversion tool for Mendocino County and the City of Fort Bragg at RedwoodRecycles.com. The tool allows customers to look up the appropriate disposal option for the item in question and should reduce issues with improper placement of waste.

The proposed service provider is offering a service that is comparable as “like-for-like” to the existing service provider and has precautions in place to prevent impacts from hazards and hazardous waste. Therefore, the change in service provider will have no impacts on the environment in relation to hazards or hazardous material.

Population and Housing

The change in provider of solid waste collection and hauling services will not result in increased population growth or displacement of people. The proposed service provider is planning to recruit as many existing employees of the current provider as possible to prevent the displacement of local residents working for the current provider. The project is essentially a “like for like” service that will not induce any unplanned substantial growth either directly or indirectly. Therefore, the change in solid waste collection and transportation service providers will have no impacts on population or housing.

Public Services, Utilities and Service Systems

The proposal for the new Franchise Agreement states that the operator, C&S Waste Solutions already holds the California permits necessary for the collection, processing, and marketing of materials including permits for volume transfer station, recycling processing, green waste composting, small volume wood debris chipping and grinding, construction and demolition waste processing, and compostable materials processing.

The same sites in Willits and Ukiah are used by both C&S Waste Solutions and the current service provider for waste diversion and inland transfer of waste. These sites include Solid Waste of Willits in Willits, Pacific Recycling Solutions in Ukiah, and Pacific Organic Solutions in Ukiah. Because they are the same sites and processors that will be used, the new Franchise Agreement will not impact public services, utilities and service systems.

Notice of Exemption

Appendix E

To: Office of Planning and Research
 P.O. Box 3044, Room 113
 Sacramento, CA 95812-3044
 County Clerk
 County of: Mendocino
501 Low Gap Rd.
Ukiah, CA 95482

From: (Public Agency): City of Fort Bragg
430 N. Franklin St.
Fort Bragg, CA 95437
 (Address)

Project Title: Franchise Agreement for Residential and Commercial Garbage, Recyclable Material, and Organic Waste Collection Services.

Project Applicant: City of Fort Bragg

Project Location - Specific:

Citywide

Project Location - City: Fort Bragg Project Location - County: Mendocino

Description of Nature, Purpose and Beneficiaries of Project:

The proposed project consists of the potential award for a Franchise Agreement to provide waste collection and hauling services using CARB compliant vehicles, and cars and bins made from 20% post-consumer recycled content. Awarding a contract for a Franchise Agreement is a discretionary action and subject to review under CEQA. As documented herein award of the Franchise Agreement and subsequent waste collection and hauling service is eligible for one or more CEQA exemption.

Name of Public Agency Approving Project: City of Fort Bragg, CA

Name of Person or Agency Carrying Out Project: City of Fort Bragg

Exempt Status: **(check one):**

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: 15061, 15301, 15308
- Statutory Exemptions. State code number: _____


Reasons why project is exempt:

The City of Fort Bragg has reviewed the proposed change in service provider for solid waste collection and transportation. The awarding of a new Franchise Agreement will not result in significant environmental impacts and is categorically exempt from CEQA under Section 15301 Class 1 Existing "Facilities," Section 15308 Class 8 "Actions By Regulatory Agencies for Protection of the Environment," and 15061(b)(3) the common sense exemption because the change in Franchise Agreement is essentially a "like-for-like" service provided by a different organization.

Lead Agency
 Contact Person: Heather Gurewitz Area Code/Telephone/Extension: (707) 961-2827x118

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature:  Date: 11/2/2021 Title: Assoc Planner

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code. Date Received for filing at OPR: _____
 Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.



Document Root (Read-Only)

Selected Document

(New SCH Number) - NOE - Franchise Agreement for Residential and Commercial Garbage, Recyclable Material, and Organic Waste Collection Services

City of Fort Bragg
Created - 11/3/2021 | Submitted - 11/3/2021
Heather Gurewitz

Document Details

Attachments

Contacts

Regions

Counties

Cities

Location Details

Notice of Exemption

County Clerk(s)

Signature

Title

Date