



AGENCY: City Council
MEETING DATE: March 28, 2022
DEPARTMENT: Public Works
PRESENTED BY: A. Huerta
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AGENDA ITEM SUMMARY

TITLE:

Receive Report and Consider Introducing by Title Only and Waiving the First Reading of Ordinance 978-2022 Adding Chapter 6.09 (Organic Waste Disposal Reduction) to Title 6 (Health and Sanitation) of the Fort Bragg Municipal Code in Compliance with SB 1383

ISSUE:

Senate Bill 1383, as enacted in 2017, established statewide targets to reduce the statewide disposal of organic waste by 50% from 2014 levels by 2020 and 75% by 2025; and requires that not less than 20% of edible food that is currently disposed be recovered for human consumption by 2025. Jurisdictions throughout the state are required by SB 1383 regulations to adopt a mandatory organic recycling ordinance or other similarly enforceable mechanism to mandate that waste generators and haulers comply with SB 1383 regulatory requirements.

ANALYSIS:

As a result of SB 1383, the California Department of Resources Recycling and Recovery ("CalRecycle"), the state department tasked with administering California's waste and recycling programs, developed prescriptive regulations to achieve the State's outlined organic waste disposal goals by 2025. Fortunately for the City, solid waste programs and policies already in place contribute to the community being well on the way toward compliance with SB 1383. However, there are many other parts of SB 1383 that the City has been working to address.

SB 1383 requires the City to adopt an enforceable ordinance to compel city residents and business owners to recycle their organic waste. The City could face fines for failing to comply and must have corrective actions in place to ensure compliance during the calendar year of 2022 to avoid these fines. Adoption of the Ordinance is the first step toward compliance. Compliance requirements will include providing mandatory mixed organic waste collection services for all residents and businesses, establishing an edible food recovery program, monitoring and reporting compliance efforts to CalRecycle, providing education and outreach procurement, and enforcement of the Ordinance. From January 1, 2022 to December 31, 2023, the City will be allowed to take non-punitive, education-based enforcement actions against non-compliant entities. Starting January 1, 2024, the City must take punitive enforcement actions against non-complying entities.

RECOMMENDED ACTION:

Staff recommends that Council introduce by title only and waive the first reading of Ordinance No. 978-2022.

ALTERNATIVE ACTION(S):

Provide direction to staff for further revision of the municipal code.

FISCAL IMPACT:

The City is responsible for the funding, providing administrative services, and implementation. The City could face fines of \$10,000.00 per day for failing to comply with SB 1383. To avoid these fines, on February 28, 2022, the City Council reviewed and adopted Resolution 4514-2022, authorizing submittal of Notice of Intent to Comply with SB1383 Regulations. The City Council also reviewed and adopted Resolution 4508-2022 on February 14, 2022, authorizing submittal of an Application(s) for CalRecycle Grants. The Public Works department, on behalf of the City of Fort Bragg, has applied for the SB1383 Local Assistance Grant Program, which provides one-time funding in the amount of \$20,000.00 to assist with the implementation of regulation requirements associated with SB 1383. The City has not identified any additional funding for implementation and compliance with SB1383 mandates.

GREENHOUSE GAS EMISSIONS IMPACT:

Organic waste in landfills emits 20% of the state’s methane. Organics like food scraps, yard trimmings, paper, and cardboard make up half of what Californians dump in landfills. Reducing short-lived climate super pollutants like organic waste will have a significant impact on the climate crisis and is one of the key climate change strategies necessary to meet California’s target to reduce greenhouse gas emissions.

CONSISTENCY:

SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires Jurisdictions to adopt and enforce an ordinance or enforceable mechanism to implement relevant provisions of SB 1383 Regulations. This ordinance will also help reduce food insecurity by requiring Commercial Edible Food Generators to arrange to have the maximum amount of their Edible Food, that would otherwise be disposed, be recovered for human consumption. SB1383 Regulations refers to the Short-Lived Climate Pollutants (SLCP): Organic Waste Reductions regulations developed by CalRecycle and adopted in 2020 that created Chapter 12 of Title 14, Division 7 of the California Code of Regulations (CCR), and amended portions of regulations of Title 14 CCR and Title 27 CCR. Adoption of the ordinance ensures consistency with state law.

Adoption and Implementation of the SB1383 through adoption of Chapter 6.09 (Organic Waste Disposal Reduction) to Title 6 (Health and Sanitation) of the Fort Bragg Municipal Code fulfills the following Goals, Policies, and Programs in the City’s General Plan Sustainability Element:

Goal S-4 Reduce, recycle, and reuse solid waste generated in the City.

Policy S-4.1 Recycling: All commercial, office, and multi-family residential developments shall provide a centralized drop-off location for recyclables and compostable materials.

Policy S-4.2 Recycling and Reuse of Solid Waste: Comply with State requirements to reduce the volume of solid waste through recycling and reduction of solid waste.

Program S-4.2.1: Continue to participate in the County’s Integrated Waste Management Plan operated by the Mendocino Solid Waste Management Authority.

Program S-4.2.2: Continue to implement the City's Construction and Demolition Waste Recycling Ordinance. Periodically review the ordinance and consider increasing the target diversion amounts.

IMPLEMENTATION/TIMEFRAMES:

If approved, Ordinance No. 978-2022 will be adopted on April 11, 2022 and made effective thirty (30) days after.

ATTACHMENTS:

1. Ordinance No. 978-2022

NOTIFICATION:

1. Climate Action Plan Notify Me subscribers
2. Solid Waste Franchise Notify Me subscribers