



Agenda Report

MEETING DATE: Tuesday, April 12, 2022

TO: City Council

FROM: PUBLIC WORKS & UTILITIES DIRECTOR DI RENZO
TAMI STOLZENTHALER, SR. ENVIRONMENTAL PROJECTS
ANALYST

SUBJECT: ADDING NEW CHAPTER 10 TO TITLE 6 AND ADDING
SECTIONS 6-3.803 AND 8-15.03 OF THE WATSONVILLE
MUNICIPAL CODE TO COMPLY WITH STATE-MANDATED
ORGANICS WASTE DISPOSAL REQUIREMENTS PER SENATE
BILL 1383

STATEMENT OF ISSUES:

The State's adoption of the Short-Lived Climate Pollutants Reduction Strategy (SB1383) requires that the State reduce its organic waste disposal 50% by 2020 and 75% by 2025 as well as recover 20% of disposed edible food by 2025. The regulation will require the City to launch an organics collection service in addition to countless programmatic functions. One of the tasks is to adopt an enforceable ordinance.

RECOMMENDED ACTION:

It is recommended that the City Council introduce, for first reading by title only with a second reading on April 26, 2022, an Ordinance adding Chapter 10 (Mandatory Organic Waste Disposal Reduction) to Title 6 (Sanitation and Health) of the Watsonville Municipal Code for Organic Waste Disposal Reduction; adding section 6-3.803 Model Water Efficient Landscaping to Title 6; and section 8-15.03 Compliance with CalGreen Recycling Requirements to Title 8 (Building Regulations) to meet the state requirements of SB 1383.

DISCUSSION:

SB1383 was signed into law in 2016 to reduce organic waste disposal by 75% and increase edible food recovery by 20% by 2025. SB1383 is the most significant waste reduction mandate to be adopted by the State in the last 30 years and requires all jurisdictions to implement a mandatory organic recycling ordinance by January 1, 2022. This Legislation requires all businesses, residents, and multi-family complexes to have access to recycling programs that capture food scraps, landscaping waste, and other organic waste materials.

As a result of SB1383, the California Department of Resources Recycling and Recovery (CalRecycle) tasked with administering California's waste and recycling programs, developed prescriptive regulations to achieve the State's outlined organic waste disposal goals by 2025.

The action before the City Council is to introduce three ordinances Chapter 6.10, Sections 6-3.803 and 8-15.3 of the Watsonville City Municipal Code to comply with state-mandated organic waste disposal requirements.

To meet SB1383 and the regulations established by CalRecycle, the City will have to implement the following practices to be considered compliant:

- Provide organic waste recycling services to all residents and businesses;
- Inspect and enforce compliance with SB1383 by adopting enforceable ordinances;
- Implement an edible food recovery program that recovers edible food from the waste stream for donation;
- Conduct outreach and education to all affected parties, including generators, haulers, facilities, and edible food recovery organizations;
- Procure recycled organic waste products like compost, mulch, and renewable natural gas;
- Maintain accurate and timely records of SB 1383 compliance for annual reporting requirements; and
- Starting 2024, begin enforcement of these requirements.

On January 1, 2022, CalRecycle's regulations became enforceable, and required each jurisdiction to adopt a mandatory recycling ordinance. SB1383 allows cities to take an educational and non-punitive approach to enforcement for the first two years of the ordinance being in effect (up to December 2023). Taking an educational approach will allow staff to work with residents and businesses to inform them of the requirements.

While the City expects to gain compliance from residents and businesses, SB1383 regulations do provide CalRecycle with the ability to engage in enforcement actions of its own if the designated level of compliance is not met. These actions may include:

- Conducting more frequent inspections;
- Taking over direct enforcement on non-compliant businesses within the City;
- Establishing a schedule for City compliance and a probationary period, requiring a work plan and that the jurisdiction demonstrates it has sufficient staffing to implement the requirements of the law; and/or
- Seek administrative penalties against the City of up to \$10,000 per day.

The City is in a strong position to meet the requirements set forth in SB1383, and with the adoption of these ordinances, will be one step closer to becoming compliant. Staff has filed a Notice of Intent to Comply (NOIC) with CalRecycle which will waive state penalties for 2022. The NOIC was approved by City Council on February 22, 2022 by Resolution No. 33-22 (CM).

SB 1383 requires the City to adopt an enforceable ordinance to compel businesses and residents to recycle their organic waste and to comply with other requirements of State Law.

In order to meet this requirement, the municipal code must be updated. The attached ordinances include the required provisions.

The City's current regulations regarding garbage are intertwined with other Municipal Code items including those not directly related to the SB1383 Regulations. Given this, the complexity of the proposed ordinance, and pending deadlines for SB1383 compliance, staff felt it would be simplest to add a completely new chapter for Organics Waste Reduction rather than attempt to blend the proposed ordinance with the current language in the Municipal Code. The proposed ordinance contains language specifying that it prevails in the event of a potential conflict between the new and existing language. The "Water Efficient Landscaping" and "Construction Waste Diversion" directly relate to established code sections, therefore sections 6-3.803 and 8.15.03 are code section amendments.

CEQA

The City Council finds that this Ordinance is exempt from the provisions of the California Environmental Quality Act ("CEQA") pursuant to Section 15060(c) (2) and 15060(c) (3) of the State CEQA Guidelines, because it will not result in a direct or reasonably foreseeable indirect physical change in the environment and is not a "project," as defined in Section 15378 of the CEQA Guidelines.

STRATEGIC PLAN:

The project supports Strategic Plan Goal:

- 3 - Infrastructure & Environment
- 5 - Community Engagement & Well-Being

FINANCIAL IMPACT:

The capital cost for organics services collection was incorporated into the fees approved by the City Council on May 25, 2021, based on a formal rate study conducted by Raftelis. The City will incur additional administrative, record keeping, compliance review, and other costs associated with the implementation of this program at an undetermined scale and will, when necessary, seek budgetary appropriations in support of these efforts.

ALTERNATIVE ACTION:

No alternative actions are being recommended. The Ordinance and Municipal Code amendments have been prepared in consultation with the City Attorney's Office in order to ensure it adheres to the requirements prescribed in the regulations.

ATTACHMENTS AND/OR REFERENCES:

None.