



City of Culver City

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Staff Report

File #: 22-148, **Version:** 1

Item #: A-3.

CC - (1) Introduction of an Ordinance Amending, Title 5, Public Works, of the Culver City Municipal Code (CCMC) to Add a New Chapter 5.08 Entitled "Mandatory Organic Waste Disposal Reduction Regulations"; and (2) Adoption of a Categorical Exemption Relating Thereto, Pursuant to the California Environmental Quality Act (CEQA).

Meeting Date: August 23, 2021

Contact Person/Dept: Chanel Kincaid/ Public Works EPO
Phone Number:

Fiscal Impact: Yes ☒ No ☐

General Fund: Yes ☐ No ☒

Public Hearing: ☐ **Action Item:** ☒ **Attachments:** ☐

Commission Action Required: Yes ☐ No ☐ **Date:**

Public Notification: (E-Mail) Meetings and Agendas - City Council (08/18/2021);

Department Approval: Charles D. Herbertson Public Works Director/City Engineer (08/11/2021)

RECOMMENDATION

Staff recommends the City Council (1) introduce an Ordinance amending, Title 5, Public Works, of the Culver City Municipal Code (CCMC) to add a new Chapter 5.08 entitled "Mandatory Organic Waste Disposal Reduction Regulations"; and (2) adopt a Categorical Exemption relating thereto, pursuant to the California Environmental Quality Act (CEQA).

BACKGROUND

Senate Bill (SB) 1383 (Lara, Chapter 395, Statutes of 2016, Short-Lived Pollutants: Methane Emissions Reductions) was signed by then Governor Jerry Brown on September 19, 2016, to reduce organics in landfills, which is a source of methane emissions. According to the Department of Resources Recovery and Recycling (CalRecycle), organic waste accounts for more than a third of the material in California's waste stream. A landfill is an anaerobic environment (without oxygen). When organic materials decompose in an anaerobic environment, methane gas is produced. In 2019, methane accounted for 10 percent of all U.S. greenhouse gas emissions from human activities (US EPA).

SB 1383 sets aggressive organic waste reduction targets to combat methane created by landfilled organics. Regulations place requirements on multiple entities including municipalities, residential households, commercial businesses and business owners, commercial edible food generators, haulers, food recovery organizations, and food recovery services to support achievement of Statewide Organic Waste disposal reduction targets. Specifically, SB 1383 adds Sections 39730.5, 39730.6, 39730.7, and 39730.8 to the California Health and Safety Code, and adds Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30 of the California Public Resources Code. Regulations also established the following state-wide methane emissions reduction targets:

1. Reduce state-wide organic waste disposal 50% by 2020.
2. Reduce state-wide organic waste disposal 75% by 2025. These disposal reductions are expected to reduce at least 4 million metric tons of greenhouse gas emissions annually by 2030.
3. By 2025, recover, for human consumption, 20% of edible food currently being disposed.

DISCUSSION

SB 1383 requires that municipalities adopt and enforce an ordinance to implement relevant provisions of SB 1383 Regulations by January 1, 2022. To meet this requirement, the City has drafted the proposed Mandatory Organic Waste Disposal Reduction Regulations Ordinance (Attachment A) with the following provisions:

- 5.08.005 Definitions
- 5.08.010 Requirements for Single-Family Generators
- 5.08.015 Requirements for Commercial Businesses
- 5.08.020 Waivers for Generators
- 5.08.025 Requirements for Commercial Edible Food Generators
- 5.08.030 Requirements for Food Recovery Organizations and Services
- 5.08.035 Requirements for Facility Operators
- 5.08.040 Compliance with CalGreen Recycling Requirements
- 5.08.045 Model Water Efficient Landscaping Ordinance Requirements
- 5.08.050 Procurement Requirements for Jurisdiction Departments, Direct Service

Providers and Vendors

- 5.08.055 Inspections and Investigations by City
- 5.08.060 Enforcement

The proposed Mandatory Organic Waste Disposal Reduction Regulations Ordinance was prepared by researching SB 1383 provisions, educational materials and a model ordinance developed by

CalRecycle.

The following is a summary of SB 1383 and related legislation requirements:

- Provide organic waste collection services to all organic waste generators
- Conduct route reviews of randomly selected containers for contaminants with all routes inspected annually
- Conduct waste characterizations twice per year
- Label all new containers with SB 1383 compliant labels by January 1, 2022
- Implement a food recovery program that educates commercial edible food generators and increases access to food recovery programs
- Identify Tier One and Tier Two commercial edible food generators
- Increase food recovery capacity if current capacity is insufficient
- Maintain a list of food recovery organizations/services and update annually
- Provide Tier One and Tier Two commercial edible food generators with information about requirements applicable to them, food recovery programs and food recovery organizations/services
- Procure a quantity of recovered organic waste, such as compost, mulch, renewable natural gas, or electricity from biomass, that meets or exceeds the annual organic waste product procurement target assigned by CalRecycle
- Purchase paper products and printing and writing paper with at least 30% post-consumer, recycled content fibers and require the vendors that sell these products to the city certify compliance with these requirements in writing
- Implement an inspection program for Tier One and Tier Two edible food generators, and food recovery organizations by January 1, 2022
- Provide educational materials to regulated entities not in compliance with these new requirements during 2022 and 2023
- Investigate and maintain records of all complaints alleging non-compliance with SB 1383
- Take enforcement actions including issuing notices of violations and assessing penalties in amounts consistent with those specified in SB 1383, starting on January 1, 2024
- Pay penalties if assessed by Cal Recycle
- Annually, provide generators with information on properly separating materials, organics waste prevention, on-site recycling, methane reduction benefits, how to recycle organics and edible food donation
- Annually provide Tier One and Tier two commercial edible food generators with information on the city's edible food recovery program, generator requirements and food recovery organizations
- Maintain all records in a central file location

Implementation Efforts and Impact to Residents and Businesses

The City has been proactive and is preparing for these new regulations. The City has been inspecting businesses to determine appropriate organics collection, prepared the attached SB 1383 mandatory Ordinance, identified Tier 1 and 2 businesses, updated the City's Environmental Preferable Purchasing Policy to add SB 1383 components, and is currently developing outreach, updating enforcement tracking mechanisms, finalizing contractual agreements with waste characterization contractor and more.

Environmental Determination

As set forth in Section 3 of the SB 1383 Ordinance, implementation of the regulations does not create any potentially significant adverse impacts on the environment; and adoption of the proposed Ordinance has been determined to be exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15061(b)(3) and Categorically Exempt, pursuant to Section 15308, Class 8 Actions by Regulatory Agencies for Protection of the Environment.

FISCAL ANALYSIS

The League of California Cities distributed a survey to determine the financial impacts of the regulations associated with SB 1383. Data provided from the survey found that nearly all cities anticipate a rate increase. More than seven out of 10 cities anticipate a 1 - 20% rate increase with more than half of those surveyed anticipating an 11 - 20% increase. Factors for the rate increase include SB 1383 implementation costs, lack of recycling and organic waste infrastructure, lack of recycling markets, and franchise fee negotiations. Culver City is projecting that one-time implementation costs associated with SB 1383 will be approximately \$600,000 and annual costs thereafter are projected at \$350,000. These increased costs will be met by a 15% increase in FY 21/22, 10% increase in FY 22/23, 10% increase in FY 23/24, and 2.25% increase in FY 24/25 annually through FY 2030/2031. This option would include funding operational needs, adding new programs resulting from existing and new legislation and reaching 25% reserve over several years.

ATTACHMENTS

1. SB 1383 Draft Mandatory Organic Waste Disposal Reduction Regulations Ordinance

MOTION

That the City Council:

1. Introduce an Ordinance amending, Title 5, Public Works, of the Culver City Municipal Code (CCMC) to add a new Chapter 5.08 entitled "Mandatory Organic Waste Disposal Reduction Regulations"; and
2. Adopt a Class 8 Categorical Exemption (Actions by Regulatory Agencies for Protection of the Environment) pursuant to the California Environmental Quality Act, finding that the proposed Mandatory Organics Waste Disposal Reduction Regulations do not create any potentially significant adverse impacts on the environment.