



**Contra
Costa
County**

To: Board of Supervisors

From: John Kopchik, Director, Conservation & Development Department

Date: November 16, 2021

Subject: Introduction of Organic Waste Disposal Reduction Ordinance No. 2021-38, Adding Chapter 418-20 to Title 4 of the County's Ordinance Code

RECOMMENDATION(S):

INTRODUCE Ordinance No. 2021-38, to implement state regulations to reduce the disposal of organic waste in landfills by regulating the collection and hauling of organic waste and recovering edible food, WAIVE reading, and FIX November 23, 2021, for adoption.

FISCAL IMPACT:

There will be no impact to the general fund from adopting the proposed ordinance. The Conservation and Development Director is authorized to collect fees if/when approved by the Board by resolution and to use revenues from the fees to fund regulatory costs incurred in the enforcement of the ordinance. Some costs may also be paid for by an increase in solid waste collection rates for implementing new/modified services, however such action would be separately considered by the Board. In addition, the ordinance has provisions to impose fines ranging from \$100 to \$500 per violation on or after January 1, 2024.

BACKGROUND:

Senate Bill 1383, Short-lived Climate Pollutants Reduction, as enacted in 2017 (Lara, Chapter 395, Statutes of 2016), establishes targets to reduce the statewide disposal of organics by 50% by 2020 and 75% by 2025; and requires that not less than 20% of edible

☒ APPROVE

☐ OTHER

☐ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **11/16/2021** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: November 16, 2021

Contact: David
Brockbank, 925-655-2911

Monica Nino, County Administrator and Clerk of the Board of
Supervisors

By: , Deputy

cc:

food that is currently disposed be recovered for human consumption by 2025. The state has adopted comprehensive regulations as a result of the passage of SB 1383, which impose a wide range of requirements on local jurisdictions (hereinafter referred to as the

BACKGROUND: (CONT'D)

SB 1383 Regulations).

The SB 1383 Regulations require that each jurisdiction develop methods for: recovering organics, procuring recycled organics, recovering edible food, regulating haulers, planning for adequate edible food and organics waste processing capacity, and conducting education/outreach, inspections and enforcement. In addition, it also requires adoption of local ordinances that are consistent with the state's Model Water Efficient Landscape standards and CalGreen, California's green building standards code.

REQUIREMENTS INCLUDED IN THE PROPOSED ORDINANCE

The SB 1383 Regulations require cities, counties, and special districts providing solid waste collection services to adopt an enforceable ordinance (or other enforceable mechanism) by January 1, 2022, applicable to organic waste generators (residents and businesses), large edible food generators, food recovery services/organizations and organic waste haulers. The State can impose significant penalties if a jurisdiction fails to adopt the required ordinance.

The existing County Ordinance Code providing for the regulation of solid waste within the unincorporated area does not adequately address the requirements in the SB 1383 Regulations. In order to comply with the state mandates, staff is proposing to incorporate a new, Chapter 418-20 "Organic Waste Disposal Reduction Ordinance".

Elements of the proposed ordinance include:

Organic Waste Generators:

- * All businesses, single-family residences, and multi-family residential dwellings are required to separate organics (plant debris, food waste, food soiled papers, untreated wood waste) and recyclables from trash.
- * All generators must subscribe to a franchised hauler's organic waste collection service or self-haul organic waste in a manner that complies with Section 418-20.212(b).
- * Businesses are required to make indoor recycling and organics collection containers available to customers for any materials generated in self-serve areas.

Waivers:

- * Businesses and multi-family residential dwellings (5 or more units) that generate minimal amounts of organics or don't have the space to place organics containers may apply for waivers from these requirements.

Haulers:

- * Haulers (including self-haulers) are required to take organic materials to authorized organic waste recovery facilities.
- * Construction and demolition debris must be managed in compliance with California

Green Building Standard Code.

- * Businesses and multi-family residential dwellings who self-haul, are required to keep a record of the amount of organic waste delivered to each solid waste facility.

Edible Food Recovery:

- * Commercial Edible Food Generators are required to: recover edible food, have a contract in place with a food recovery organization or service to accept the surplus edible food, and maintain records of the recovery organizations that collect their edible food and the amount of food donated.

- * This requirement goes into effect on January 1, 2022, for Tier One Commercial Edible Food Generators (including but not limited to large grocery stores and supermarkets) and January 1, 2024, for Tier Two Commercial Edible Food Generators (including but not limited to large restaurants and other large scale food providers).

- * Food recovery organizations, such as food banks, are required to keep records and report annually to their jurisdictions the commercial edible food generators that donated food and the amount of food collected.

Capacity Planning:

- * Food recovery organizations are required to provide the jurisdiction information about the existing and available, or proposed new or expanded capacity for storage of recovered edible food upon request.

Inspections & Enforcement:

- * When there is cause to believe that a violation of this ordinance exists on any property, the Department of Conservation & Development (DCD) may enter the property to inspect and gather evidence, if a violation has been determined, DCD will serve written notice on the responsible person before taking any other enforcement action.

- * Beginning in 2024, violation of any provision of the proposed ordinance will be subject to fines ranging from \$100 to \$500 per violation.

REQUIREMENTS NOT INCLUDED IN THE PROPOSED ORDINANCE

The SB 1383 Regulations include other requirements that are not included in the proposed ordinance but are required for SB 1383 compliance. Additional elements mandated under the SB 1383 Regulations include but are not necessarily limited to required collection container colors and container labeling, reviews of collection routes to identify container contamination, procurement of recovered organic products (e.g., compost, mulch, specific renewable energy products made from organic waste) and recycled content paper, as well as annual reporting to CalRecycle. Staff will address container colors & labeling, collection route reviews and contamination monitoring through franchise hauler negotiations as new/modified collection services that need to be implemented will impact collection rates. Staff intends to prepare several options for the Board to consider at one or more future meetings. Additionally, staff will prepare an update to the County's procurement policy for the Board's consideration at a subsequent meeting to ensure compliance with this mandate.

CONSEQUENCE OF NEGATIVE ACTION:

The ordinance will not be introduced. If the ordinance is not introduced, it cannot be adopted. If the County does not adopt this ordinance, the County will be out of compliance with state regulations and subject to penalties, including being fined up to \$10,000 a day for every day the County is out of compliance.

CLERK'S ADDENDUM

RELISTED to a future date uncertain.

ATTACHMENTS

Ordinance No. 2021-38 "Organic Waste Disposal Reduction"