



**Contra
Costa
County**

To: Board of Supervisors

From: John Kopchik, Director, Conservation & Development Department

Date: December 14, 2021

Subject: Adoption of Ordinance No. 2021-38, Implementing State Regulations to Reduce Organic Waste Disposal and Recover Edible Food

RECOMMENDATION(S):

1. FIND that the adoption of Ordinance No. 2021-38 is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15308 of the CEQA Guidelines.
2. ADOPT Ordinance No. 2021-38, Organic Waste Disposal Reduction Ordinance, to implement state regulations to reduce the disposal of organic waste in landfills by regulating the collection and hauling of organic waste and to recover edible food.
3. DIRECT the Director of Conservation and Development, or designee, to file a Notice of Exemption with the County Clerk, and pay any required fee for the filing.

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 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.

☒ APPROVE

☐ OTHER

☐ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **12/14/2021** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I
Supervisor
Candace Andersen, District II
Supervisor
Karen Mitchoff, District IV
Supervisor
Federal D. Glover, District V
Supervisor

ABSENT: Diane Burgis, District III
Supervisor

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: December 14, 2021

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

By: June McHuen, Deputy

Contact: David Brockbank,
925-655-2911

cc:

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 food that is currently disposed be recovered for human consumption by 2025.

CalRecycle has adopted comprehensive regulations as a result of the passage of SB 1383 (SB 1383 Regulations), which imposes a wide range of requirements on local jurisdictions, including the County. Among other things, 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. The proposed ordinance, which was introduced by the Board on December 7, 2021, is intended to comply with this requirement.

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 into the Ordinance Code entitled, “Organic Waste Disposal Reduction” (Chapter 418-20).

CALIFORNIA ENVIRONMENTAL QUALITY ACT

For the purposes of compliance with CEQA, adoption of the ordinance is the project. Based on the record before the County, staff has determined that this project is categorically exempt from environmental review under CEQA Guidelines Section 15308 - Actions by Regulatory Agencies for Protection of the Environment. Section 15308 covers Class 8 categorical exemptions, which consist of actions taken 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 protection of the environment. This proposed ordinance includes numerous procedures designed to protect the environment, including requirements for organic waste collection subscription and recovery of organic waste and edible food, the regulation of haulers and planning, and inspections and enforcement.

CONSEQUENCE OF NEGATIVE ACTION:

If the County does not adopt this ordinance, the County will be out of compliance with the SB 1383 Regulations and subject to penalties, including a fine of up to \$10,000 a day for every day the County is out of compliance.

CHILDREN'S IMPACT STATEMENT:

ATTACHMENTS

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