



**Contra
Costa
County**

To: Board of Supervisors

From: John Kopchik, Director, Conservation & Development Department

Date: January 17, 2023

Subject: Memorandum of Understanding with Central Contra Costa Solid Waste Authority

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Conservation and Development Director, or designee, to execute a Memorandum of Understanding (MOU) with the Central Contra Costa Solid Waste Authority (RecycleSmart) requiring RecycleSmart to perform some of the County's regulatory obligations pertaining to reduction of organic waste disposal within the unincorporated portion of the RecycleSmart solid waste collection service area and requiring the County to pay RecycleSmart \$60,000 toward the cost of applicable activities.

FISCAL IMPACT:

There is no impact to the General Fund. Under the proposed MOU, the County would pay RecycleSmart \$60,000 from the County's one-time, \$246,842, Local Assistance Grant provided by California's Department of Resources Recycling and Recovery (CalRecycle).

BACKGROUND:

In 2016, Governor Jerry Brown signed into law the Short-lived Climate Pollutant Reduction Act ("SB 1383"). SB 1383 required CalRecycle to develop regulations to reduce organics in landfills as a source of methane. The regulations developed by CalRecycle under SB 1383 will be referred to as the "SB 1383 Regulations".

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY

☐ RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **01/17/2023** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor

Candace Andersen, District II
Supervisor

Diane Burgis, District III Supervisor

Ken Carlson, District IV Supervisor

Federal D. Glover, District V
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: January 17, 2023

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

Contact: David Brockbank,
925-655-2911

By: Antonia Welty, Deputy

cc:

The SB 1383 Regulations require counties, cities and other local jurisdictions to adopt enforceable ordinances or other enforceable mechanisms to mandate that organic waste generators, haulers, and other entities comply with various requirements aimed at reducing the disposal of organic waste. The requirements in the SB 1383 Regulations applicable to jurisdictions generally address requirements applicable to organic waste collection services, inspection of waste containers for prohibited contaminants, regulation of commercial edible food generators, provision of education and outreach information to generators, reporting to CalRecycle on compliance with the SB 1383 Regulations, and maintenance of records of compliance with SB 1383 Regulations.

RecycleSmart is a joint powers authority that represents six member agencies: five cities and the County. RecycleSmart is currently the solid waste franchising authority within its territory, and is already engaged in a number of activities to comply with several requirements contained in the SB 1383 Regulations on behalf of its members.

BACKGROUND: (CONT'D)

Under the SB 1383 Regulations, the County may designate a public or private entity to fulfill certain of its responsibilities under the SB 1383 Regulations through an agreement such as a memorandum of understanding. This MOU delegates to RecycleSmart the County's obligations related to organic waste collection service requirements, inspection of waste containers for prohibited contaminants, regulation of commercial edible food generators, provision of education and outreach information to generators, enforcement, assistance with capacity planning, reporting to CalRecycle on compliance with the SB 1383 Regulations, and maintenance of records of compliance with SB 1383 Regulations. In return, the County is required under the MOU to transfer \$60,000 to RecycleSmart from its \$246,842 SB 1383 Local Assistant Grant awarded by CalRecycle to fund costs of activities described in or otherwise provided for under the MOU.

The RecycleSmart Board of Directors approved this MOU at its December 8, 2022, meeting.

CONSEQUENCE OF NEGATIVE ACTION:

If the Board does not approve the MOU, RecycleSmart will not be obligated to provide needed SB 1383 regulatory compliance assistance in the unincorporated portion of its territory. The County would then be fully obligated to perform all the associated work instead.

ATTACHMENTS

MOU Between CCC and Central Contra Costa Solid Waste Authority