

TOWN COUNCIL STAFF REPORT

Title: Waive the reading and adopt the ordinance amending Municipal Code Chapter 8.13, Construction and Demolition Waste Management and Chapter 3.20, Purchases.

Meeting Date: December 15, 2021

Prepared by: Pam Kobylarz, Assistant to the Town Manager
Daniel C. Holler, Town Manager

RECOMMENDATION:

Waive the reading and adopt by title only the ordinance amending Municipal Code Chapter 8.13, Construction and Demolition Waste Management and Chapter 3.20, Purchases.

BACKGROUND:

In September 2016, the State set methane emission reduction targets for California in Senate Bill 1383, intended as a statewide effort to reduce emissions of short-lived climate pollutants (like organic waste) in various sectors of California's economy. SB 1383 establishes statewide targets to reduce the amount of organic waste disposed of in landfills (50% reduction by 2020 and 75% by 2025). It also sets a goal to rescue at least 20% of currently disposed edible food by 2025 and redirect that food to people in need.

Landfills are the third largest source of methane emissions in California. When buried in landfills, organic waste (including paper, cardboard, food scraps, food-soiled paper products, yard trimmings and other organic-based wastes) emit 20% of the state's methane (a climate super pollutant 84 times more potent than carbon dioxide) and air pollutants like PM 2.5 (which contributes to health conditions like asthma). Organics waste make up half of what Californians send to landfills. Reducing the amount of organic waste in landfills can have a direct impact on the climate crisis, which is the purpose of SB 1383. The final rulemaking for SB 1383 was completed by CalRecycle on November 3, 2020 and will take effect in January 2022.

ANALYSIS:

There are several components of SB 1383. This report includes a brief summary of each element along with the Town's obligations and response to each.

Organics and Recycling Collection

SB 1383 requires all jurisdictions to provide organic waste collection services to all residents and businesses and recycle these organic materials using recycling facilities. Organic waste includes food, green material, landscape and pruning waste, lumber, wood, and paper products such as cardboard, newsprint, paper towels, and copy paper.

Town Response: The Town’s recycling ordinance (Municipal Code Chapter 8.14) already requires all commercial and multi-family customers to provide containers for designated recyclable materials and to subscribe to recycling service through Mammoth Disposal or apply for a self-hauling exemption. The Town’s construction and demolition (C&D) ordinance (Municipal Code Chapter 8.13) requires a waste management plan and C&D dumpsters for all covered projects. Additionally, Mammoth Disposal provides containers at the transfer station for all self-hauling customers to dispose of organic wastes including cardboard, paper, and yard waste. These requirements meet or exceed the mandates of SB 1383.

One minor update to the Town’s C&D ordinance is required due to a change in the diversion requirements. The required diversion rate is now 65% for covered construction projects rather than the 50% currently included in our code. The attached ordinance reflects this update.

The Town is subject to an elevation waiver for some SB 1383 requirements due to our elevation of more than 4,500 feet. This exempts us from the requirement to separate and recover food waste and food-soiled paper. The Town has also applied for a rural exemption as permitted by SB 1383 guidelines, providing a similar waiver of certain requirements.

Education and Outreach

SB 1383 regulations will require the Town to conduct specific outreach to residents, schools, businesses, and edible food generators on an annual basis.

Town Response: The Town’s Franchise Agreement with Mammoth Disposal requires education and outreach regarding recycling and state diversion requirements but does not specifically reference SB 1383. To ensure compliance with this requirement, the Town will coordinate with Mammoth Disposal and document in writing specific expectations regarding education and outreach for SB 1383.

Procurement Requirements

Beginning January 1, 2022, the Town will be required to purchase recycled-content paper products. Additional requirements exist for the procurement of recovered organic waste products such as compost, mulch, and renewable energy.

Town Response: The Town has developed a Sustainable Purchasing and Practices Policy to supplement our existing purchasing ordinance (Municipal Code Chapter 3.20). This policy outlines the specific requirements for the procurement of paper products to comply with SB 1383. As a rural jurisdiction, the Town is exempt from the procurement requirements for recovered organic waste products until January 1, 2027. The Sustainable Purchasing and Practices Policy is included as a separate council action item for approval.

A minor update to the Town’s purchasing ordinance is required to make the Sustainable Purchasing and Practices Policy enforceable. A reference to the Sustainable Purchasing and Practices Policy has been included in MC 3.20 in the attached ordinance.

Model Water Efficient Landscaping Ordinance (MWELO) Requirements

SB 1383 includes some requirements to supplement the State's MWELO.

Town Response: The Town has a MWELO (Municipal Code Chapter 17.40). Town staff has reviewed the SB 1383 requirements against the Town's current code and Chapter 17.40 currently meets or exceeds all SB 1383 requirements in this area.

LEGAL CONSIDERATIONS:

The Town is required to comply with SB 1383 by January 1, 2022. The complexity of SB 1383, defining which elements apply to the Town, submittal of relevant waivers, and review of Town existing ordinances and processes has resulted in a finding that minor revisions to the Town's Municipal Code will be required to ensure the Town has enforceable mechanisms in place for certain provisions of SB 1383. SB 1383 requires these changes to be effective January 1, 2022. In order for the changes to be effective on January 1, 2022, the proposed ordinance will need to be adopted as an urgency ordinance. This will require the Council to find that there is the immediate need to adopt the ordinance to be in compliance with provisions of State law designed to protect health and welfare of the State. The ordinance must be passed by a 4/5 affirmative vote of the Council.

Attachments:

Draft ordinance