



# STAFF REPORT

## CITY of YORBA LINDA

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### PUBLIC WORKS DEPARTMENT

**DATE:** NOVEMBER 16, 2021

**TO:** HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

**FROM:** JAMIE LAI, P.E., DIRECTOR OF PUBLIC WORKS/ CITY ENGINEER

**SUBJECT:** INTRODUCE (1ST READING) ORDINANCE NO. 2021-1087 AMENDING CHAPTER 8.20 OF THE YORBA LINDA MUNICIPAL CODE PERTAINING TO THE REGULATION OF SOLID WASTE INCLUDING ORGANIC WASTE

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### **RECOMMENDATION**

It is recommended that the City Council:

- 1) Introduce Ordinance No. 2021-1087 Amending Chapter 8.20 of the Yorba Linda Municipal Code to address state organics recycling mandates; and
- 2) Direct Staff to schedule a second reading and adoption of the proposed Ordinance amending Chapter 8.20 for the December 7, 2021, regular City Council meeting.

### **BACKGROUND**

On September 19, 2016, Governor Brown signed into law Senate Bill (SB) 1383 establishing methane emissions reduction targets in a statewide effort to reduce emissions of short-lived climate pollutants (SLCP) in various sectors of the California economy. The goal of SB 1383 is to reduce organic waste disposal by 75% and increase edible food recovery by 20%, by 2025. SB 1383 is the most significant waste reduction mandate to be adopted in the State of California in the last 30 years and requires all jurisdictions to implement a mandatory organic recycling ordinance by January 1, 2022. This legislation requires all businesses, residents, and multi family apartments to have access to recycling programs that capture food scraps, landscaping waste, and other organic waste materials.

Since landfills are the third largest producer of methane, the State's SB 1383 mandate and strategy includes managing organic waste such as food scraps, green waste, paper and cardboard for a significant portion of California's overall waste stream which includes both the commercial and residential sectors.

As a result of SB 1383, the California Department of Resources Recycling and Recovery (CalRecycle), which is the state department tasked with administering California's waste and recycling programs, developed prescriptive regulations to achieve the State's outlined

organic waste disposal goals by 2025. In November 2020, Cal Recycle released the final regulations for SB 1383.

This item is before the City Council to consider introducing Ordinance No. 2021-1087 (Attachment A) amending Chapter 8.20 of the Yorba Linda Municipal Code to comply with the state mandated organic waste disposal requirements.

## **DISCUSSION**

To meet the SB 1383 regulations, jurisdictions throughout the State are required to adopt an ordinance or other similarly enforceable mechanism by January 1, 2022. The ordinance will mandate that organic waste generators, haulers, and other entities subject to the requirement of SB 1383 must comply with SB 1383 regulatory requirements. In summary, SB 1383 mandates cities to:

- Provide organic waste collection services to all residents and businesses
- Develop and adopt an enforceable mechanism or ordinance by January 1, 2022
- Establish an edible food recovery program
- Update the City's procurement policy to purchase recycled content paper and recycled organic waste products (ex: compost, mulch, renewable natural gas) at a volume of 0.08 tons/resident
- Provide outreach and education for generators, facilities, edible food recovery organizations and municipal departments
- Plan and secure access for recycling and edible food recovery capacity
- Monitor compliance and conduct enforcement
- Maintain accurate compliance records

Other portions of the existing ordinance have also been modified, updated, and aligned with current law and the City's current franchise agreements. The City is currently undergoing negotiations with its hauler, Republic Services to align to the requirements of SB 1383 and other related legislation.

The proposed Ordinance (incorporating SB 1383 Organics Recycling) amends in its entirety Title 8, Chapter 8.20 of the Yorba Linda Municipal Code pertaining to solid waste regulations and is recommended for approval. In addition to updating the Municipal Code to address the requirements of SB 1383, the proposed Ordinance also updates provisions of Chapter 8.20 to make them consistent with the City's franchise agreement with Republic Services and current statutory and case law.

## **FISCAL IMPACT**

There is no direct fiscal impact as a result of this item.

### **ALTERNATIVES**

Do not introduce first reading of the ordinance and provide direction to staff. Doing so, will delay the second reading and thus risking non-compliance with meeting the State mandate deadline of January 1, 2022.

### **ATTACHMENTS**

1. Attachment A – Proposed Ordinance No. 2021-1087 Amending Municipal Code Chapter 8.20
  2. Attachment B – Exhibit A
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