February 8, 2022

Board of Supervisors
3501 Civic Center Drive
San Rafael, CA 94903

SUBJECT: Introduce an ordinance amending Chapter 7 of the Marin County Municipal Code implementing requirements of Senate Bill 1383 – California’s Short Lived Climate Pollutant Reduction Act.

Dear Board Members:

RECOMMENDATION: Introduce an ordinance amending Chapter 7 of the Marin County Municipal Code implementing requirements of Senate Bill 1383 – California’s Short Lived Climate Pollutant Reduction Act.

SUMMARY: SB 1383 is part of a statewide effort to reduce the emissions of short-lived climate pollutants (like methane gas) in various sections of California’s economy. SB 1383 sets a target to divert 75% of organic waste from landfills and recover 20% of edible food for human consumption by 2025.

SB 1383 requires all jurisdictions throughout the State to adopt a mandatory organics recycling ordinance. The State agency, CalRecycle, created a model ordinance to satisfy this requirement and county staff worked with R3 Consulting Group Inc. (R3), County Counsel, and our four waste haulers to customize this ordinance.

Updates to Marin County Municipal Code Section 7, via this proposed ordinance, apply mostly to just the four Unincorporated Areas of the County for which the County holds and manages waste collection franchises – for purposes of SB 1383. However, there is also language remaining in the code that applies to all of Unincorporated Marin related to basic heath and sanitation matters such as anti-littering and limits on waste accumulation periods.

The proposed ordinance establishes enforceable SB 1383 related requirements for organic waste generators, haulers and others. The ordinance supports and addresses the need to further boost the collection and redistribution of edible food to people – benefiting both the hungry and the environment.
Local non-profits already do significant work in that space — and the County and Zero Waste Marin will be working with providers to help support and obtain necessary documentation of that work.

Key provisions of the proposed ordinance are highlighted below:

- Businesses (excluding multi-family) must provide additional labeled or color-coded containers for organic waste and recyclable materials generated by that business in all areas where the business provides disposal containers ("user disposal containers") for employees, tenants, customers, and other users of the premises.

- Aside from specific exemptions related to self-hauling:
  - Single-family, multi-family and businesses must subscribe to solid waste, recyclables and organics collection service and properly sort these materials.
  - Businesses and multi-family buildings must acquire and supply, through one of the four haulers, an adequate number of labeled, color-coded containers for employees, contractors, tenants, and customers, consistent with the 3-container program provided by the haulers (or self-haul) and educate employees and tenants about proper sorting.

- Businesses (excluding multi-family) must provide additional labeled or color-coded containers for organic waste and recyclable materials generated by that business in all areas where the business provides disposal containers ("user disposal containers") for employees, tenants, customers, and other users of the premises.

- Haulers must take organic materials to facilities that recover source-separated organic waste and recyclables to facilities that recover recyclable materials.

- Self-haulers of organic materials must source-separate organics and take them to a facility that recovers organics and keep specified records.

- Large, commercial edible-food generators must divert edible food through a written agreement with food recovery organizations and keep specified records.

- Food recovery organizations and services must maintain certain records, including written agreements with edible food generators.

- The County’s right to inspect and enforce the requirements are contained in the Ordinance, as are penalties for violations, which are consistent with the County’s penalties for other ordinance violations.

- Beginning in 2024, violation of any provision of the Ordinance will result in a notice of violation and imposition of fines from the County.
In addition to adopting a locally enforceable ordinance, SB 1383 regulations also require local jurisdictions to:

- Ensure that collection containers provided by each of the four haulers meet color requirements and are labeled to specify the materials allowed in those containers.
- Develop and implement an edible food recovery program that recovers edible food from designated commercial edible food generators for human consumption.
- Review requests for waivers from organic waste collection requirements and approve commercial waivers that meet requirements.
- Ensure that contamination monitoring of containers to inspect for prohibited contaminants is conducted.
- Procure recycled content paper, and procure recovered organic waste products (i.e., compost, mulch, biomass, and renewable natural gas) at levels prescribed by the state annually.
- Ensure education and outreach is conducted to all affected parties, including generators, haulers, facilities, and edible food recovery organizations.
- Keep specified records and report implementation efforts.

The County and regulated entities (with exception of certain commercial edible food generators) need to comply with nearly all SB 1383 requirements as of January 1, 2022, with the exception that enforcement actions do not need to commence until January 1, 2024. More information regarding SB 1383 can be found at: https://www.calrecycle.ca.gov/organics/slcp

SB 1383 contains many requirements such as educating generators, facilitating compliance, tracking performance and enforcing the requirements. California waste generators and public agencies are now in charge of compliance and violations follow up which is new to the solid waste industry. In the near future, the Department of Public Works will be appearing before your Board with proposed amendments to each of the four County held waste collection franchise agreements to effectuate hauler focused operational modifications necessary to facilitate the community complying with SB 1383.

This ordinance is exempt from CEQA pursuant to Section 15308, Class 8 of the CEQA Guidelines as an action that will not have a significant impact on the environment and as an action taken by a regulatory agency for the protection of the environment, specifically, for the protection of the climate. There are no unusual circumstances that would cause this ordinance to have a significant effect on the environment.
EQUITY IMPACT: A prime focus of SB 1383 implementation, and this ordinance, is prioritizing edible food rescue and donation – even before composting – which has a dual benefit for individuals experiencing food insecurity and benefiting the environment.

FISCAL IMPACT: There will be no increase to the General Fund net County costs as a result of your Board’s action. There is no cost directly associated with this ordinance, at this time. Direct costs for monitoring, tracking and reporting on diversion performance with the four solid waste franchise areas are largely already reflected in those agreements. The additional costs for the waste haulers will be brought forward for Board of Supervisor’s consideration when those individual franchise amendments are considered.

REVIEWED BY: [ X ] County Administrator [ ] N/A
[ ] Department of Finance [ X ] N/A
[ X ] County Counsel [ ] N/A
[ ] Human Resources [ X ] N/A

Respectfully submitted,

[Signature]

Steve Devine
Program Manager

Attachments:

1. R3 Consulting Group Inc. Presentation on SB 1383.

cc: Bay Cities Refuse Service
Marin Sanitary Service
Mill Valley Refuse Service
Recology Sonoma Marin