



Legislation Details (With Text)

File #: 22-027
Type: Report **Status:** Passed
File created: 1/5/2022 **In control:** Town Council
On agenda: 1/11/2022 **Final action:** 1/11/2022
Title: Consider introduction of an ordinance amending Chapter 5.03 of the San Anselmo Municipal Code to update the Town's solid waste regulations in accordance with SB 1383 and consider adopt consider approving the First Amendment to the Amended and Restated Franchise Agreement between the Town of San Anselmo and Marin Sanitary Service

Sponsors:

Indexes:

Code sections:

Attachments: 1. Staff Report, 2. Ordinance to Comply with SB 1383, 3. Redline Comparison Solid Waste Ord, 4. Resolution Approving MSS Agreement Amendment

Date	Ver.	Action By	Action	Result
1/11/2022	1	Town Council	approved	Pass

FROM:

David P. Donery, Town Manager, Megan Acevedo, Town Attorney

SUBJECT:

Consider introduction of an ordinance amending Chapter 5.03 of the San Anselmo Municipal Code to update the Town's solid waste regulations in accordance with SB 1383 and consider adopt consider approving the First Amendment to the Amended and Restated Franchise Agreement between the Town of San Anselmo and Marin Sanitary Service

RECOMMENDATION

That the Council take the following actions to bring the Town into compliance with SB 1383:

1. Introduce by title only and waive further reading of an ordinance amending Chapter 5.03 of the San Anselmo Municipal Code to update the Town's solid waste regulations in accordance with SB 1383 (Attachment 1); and
2. Adopt a resolution approving the First Amendment to the Amended and Restated Franchise Agreement between the Town of San Anselmo and Marin Sanitary Service (Attachment 3).

BACKGROUND

Senate Bill 1383 (SB 1383), the Short-Lived Climate Pollutant Reduction Act of 2016, 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 in California to adopt a mandatory organics recycling ordinance by March of 2022. CalRecycle created a model ordinance to satisfy this requirement and staff worked with R3 Consulting Group (R3) and legal counsel to customize the model ordinance for the Town of San Anselmo. The proposed ordinance supports establishment of enforceable SB 1383 related requirements for organic waste generators, haulers, and others and contains similar language to other jurisdictions in Marin County.

DISCUSSION

The proposed ordinance imposes new waste disposal requirements on residents and businesses within the Town as required by SB 1383 (Attachment 1). The ordinance designates the Town as the enforcement agency but allows flexibility for the Town to delegate enforcement responsibility for certain portions of the ordinance to other entities. Staff is continuing to work with R3, Marin Sanitary Service (MSS) and other jurisdictions to determine whether certain SB 1383 responsibilities can be shared through written agreements, however the Town itself remains responsible for SB 1383 compliance.

Key provisions of the proposed ordinance identified by staff and R3 are highlighted below (the list is not comprehensive):

- 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 MSS (or any subsequent franchised waste hauler), an adequate number of labeled, color-coded containers for employees, contractors, tenants, and customers, consistent with the 3-container program provided by MSS (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. Commercial generators must also monitor containers for prohibited contaminants.
- MSS 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, 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 Town’s right to inspect and enforce the requirements are contained in the ordinance.
- Beginning in 2024, violation of any provision of the ordinance may result in a notice of violation and

imposition of fines from the Town.

In addition to adopting an ordinance, SB 1383 regulations also require local jurisdictions to:

- Ensure that collection containers provided by MSS 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.
- 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 that 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.
- Meet and enforce CALGreen and Model Water Efficient Landscape Ordinance (MWELO) requirements.

The Town of San Anselmo and regulated entities (with the exception of Tier 2 commercial edible food generators) must comply with nearly all SB 1383 requirements, with the exception that enforcement actions will not commence until January 1, 2024. More information regarding SB 1383 can be found at:

<https://www.calrecycle.ca.gov/organics/slcp%20>

In addition to the revisions related to SB 1383, Town staff and R3 took this opportunity to update the existing Town Code section to eliminate provisions that are better suited for the franchise agreement. A redline comparison between the existing Code section and the proposed Ordinance is included as Attachment 2 to this staff report.

AMENDMENT TO THE FRANCHISE AGREEMENT FOR SB 1383

Council is also asked to adopt a resolution approving the First Amendment to the Amendment and Restatement of Franchise Agreement between the Town of San Anselmo and Marin Sanitary Service (Attachment 3). San Anselmo's franchise agreement sets the services and standards for MSS to conduct waste management activities and bill customers. SB 1383 establishes specific services and ways to provide those services by waste haulers, and accordingly requires updates to the Franchise Agreement. This amendment reflects the additional requirements related to SB 1383 and makes more explicit many of the services MSS offers.

A summary of the items proposed in the amendment include:

- Full roll-out of three-container waste collection (including garbage, recycling and organics) to all customer types in compliance with SB 1383 requirements by January 1, 2024.
- Container labels to meet SB 1383 standards for all new containers put into service.
- Outreach and education, including development and distribution of materials.

- Evaluation of waiver requests for exemption from the requirement to subscribe to recycling and organics service (the Town retains the responsibility for approving such requests).
- Route reviews and notices for contamination monitoring.
- Site visits to customers to provide educational materials and assistance in proper sorting; and for customers not signed up for recycling or organics service to encourage them to subscribe.
- Reporting to the Town and State on compliance activities; and reports to the Town on observed noncompliance for Town enforcement action.

FISCAL IMPACT

There is no direct fiscal impact as a result of adopting this ordinance and approving the amended agreement. However, the financial impact of implementing SB 1383 may range from small to significant for the Town and its solid waste ratepayers as a result of implementation and enforcement costs and future franchise agreements with waste haulers.

CEQA AND CLIMATE ACTION PLAN CONSISTENCY

Adoption of the ordinance and approval of the amended agreement are exempt from California Environmental Quality Act (CEQA) review because it does not constitute a project under CEQA pursuant to Guideline 15378 (b)(5), which provides that organizational and administrative activities of governments that will not result in physical changes in the environment are not considered projects for CEQA purposes.

Attachments:

1. Proposed Ordinance Amending Chapter 5.03 of the San Anselmo Municipal Code to Update the Town's Solid Waste Regulations in Accordance with SB 1383
2. Redline Comparison of Existing Code and Proposed Ordinance
3. Proposed Resolution Approving the First Amendment to the Amended and Restated Franchise Agreement between the Town and MSS