

STAFF REPORT

City Council Business Item

DATE: June 20, 2023

TO: Honorable Mayor and Council Members

FROM: Merritt Perry, City Manager

SUBJECT: Organic Waste Disposal Ordinance Revision

STAFF RECOMMENDATION:

Staff recommends that the Council hold a public hearing, conduct a second reading and adopt Ordinance 2023-761, revising Chapter 8.14 to the Fortuna organic waste disposal reduction regulations that implement and enforce CalRecycle organics regulations and SB 1383 compliance date from July 1, 2023 to January 1, 2024.

EXECUTIVE SUMMARY:

In September 2016, Governor Brown signed into law SB 1383 (Lara, Chapter 395, Statutes of 2016), establishing methane emissions reduction targets in a statewide effort to reduce emissions of short-lived climate pollutants (SLCP) in various sectors of California's economy. The new law codifies the California Air Resources Board's Short-Lived Climate Pollutant Reduction Strategy, established pursuant to SB 605 (Lara, Chapter 523, Statutes of 2014), to achieve reductions in the statewide emissions of short-lived climate pollutants. Actions to reduce short-lived climate pollutants are essential to address the many impacts of climate change on human health, especially in California's most at-risk communities, and on the environment.

From 2016-2020, the California Department of Resources, Recycling and Recovery (CalRecycle) worked to develop regulations to achieve the goals of SB 1383. These new regulations were finalized by CalRecycle in November 2020. The regulations went into effect January 1, 2022 and every city and county in California is required to have an enforceable SB 1383 Ordinance in place by this date. The law 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.

The state defines "Organic waste" as food, landscape and pruning trimmings, lumber, wood, manure, cardboard, paper products, printing and writing paper, and other plant and animal- based products. The SB 1383 regulations require that jurisdictions conduct education and outreach on organics recycling to all residents, businesses (including those that generate edible food that can be donated), haulers, solid waste facilities, and local food banks and other food recovery organizations.

There are many parts of SB 1383 that will take time and effort to develop and implement. The City completed an Implementation Plan in collaboration with the HWMA and other jurisdictions in Humboldt County. A part of that effort was the development of a roadmap of options for how we

might look to identify the requirements of the various portions of the new regulations. The City will have to make changes to the City's waste collection, recycling, and organics programs in the next few years to satisfy the requirements of SB 1383.

Ordinance 2022-755 was adopted by the council on June 2nd 2022 to satisfy the City's requirement to adopt an enforceable ordinance, with implementation of the requirements delayed until January 1, 2023. The council subsequently adjusted the timeline to July 1, 2023 by Ordinance 2022-757 due delays in negotiating the franchise agreement and availability of equipment to process the organic waste. Currently staff is still negotiating the franchise agreement changes with our franchise waste hauler (Recology) and do not anticipate being able to complete the franchise agreement changes until sometime within the first six months of 2024. Therefore, staff is recommending that we delay the effective date until July 1, 2024. Additionally, Recology does not anticipate having the necessary equipment to implement mandatory collection (collection bins and trucks) of organic and solid waste, and currently there is not a regional facility that can process the organic waste for recycling. The Humboldt Waste Management Authority (HWMA) is working on a project to create a tipping floor to process and haul organic waste to an approved facility. The soonest a facility would be available is July 1, 2024. Therefore, if the schedule for the HWMA facility is delayed, or Recology continues to experience supply chain delays for equipment, changes may need to be revised again in the future.

RECOMMENDED COUNCIL ACTION:

1. Open the Public Hearing
2. Receive staff presentation and review Council questions with staff
3. Open Public Comment
4. Close Public Comment
5. Motion to conduct a second reading and adopt Ordinance 2023-761, by title only. Roll call vote.

ATTACHMENTS:

- *Ordinance No. 2023-761, An Ordinance Of The City Council Of The City Of Fortuna, California Amending Title 8 – Health and Safety Of The Fortuna Municipal Code By Revising Chapter 8.14– Organic Reduction and Recycling Ordinance*