



County of Monterey

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Board Report

File #: ORD 22-008, **Version:** 1

Adopt an ordinance of the County of Monterey, State of California, adding Chapter 10.45 to Title 10 of the Monterey County Code establishing regulations for the implementation of Senate Bill 1383 Short Lived Climate Pollutants Act in the unincorporated area.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

Adopt an ordinance of the County of Monterey, State of California, adding Chapter 10.45 to Title 10 of the Monterey County Code establishing regulations for the implementation of Senate Bill 1383 Short Lived Climate Pollutants Act in the unincorporated area.

SUMMARY:

This ordinance adds Chapter 10.45 to Title 10 of the Monterey County Code to establish regulations for disposal of food waste as mandated by California's Department of Resources Recycling and Recovery (CalRecycle) in compliance with state laws aimed at reducing short-lived climate pollutants such as methane, which is a byproduct of food decomposition. The new chapter requires residential premises and commercial businesses to separate food waste and place in the appropriate bin, and for waste haulers to bring such waste to appropriate facilities. The new chapter also requires food recovery organizations to assess capacity and develop plans in conjunction with the County and cities for expansion to capture more edible food for distribution. The County will be required to perform compliance inspections and prepare annual reports for CalRecycle. Certain entities and businesses will be required to maintain records of organic waste disposal. This chapter establishes enforcement procedures, including fines, for violation of this chapter.

DISCUSSION:

Senate Bill 1383 (Lara, Chapter 395, Statutes of 2016), addressing Short Lived Climate Pollutants, is the most significant waste reduction mandate to be adopted in California in the last 30 years. It requires the state to reduce organic food waste disposal by 75% by 2025, which is equivalent to approximately 20 million tons of food waste. On January 5th, 2021, the County Board of Supervisors directed staff to develop an interdepartmental coordination plan and coordinate with external County agencies in the solid waste management industry to achieve the goals of SB1383. An update on the progress of the interdepartmental coordination efforts was presented to the Alternative Energy and Environment Committee on August 26, 2021, and to the Board of Supervisors on September 28, 2021.

The County must adopt an enforceable ordinance for organic waste generators, haulers, and other entities subject to the jurisdiction's authority, such as residents and businesses. County staff has been meeting regularly to integrate the required regulations language into our code. SB1383 regulations are relatively prescriptive, however there are some areas where the County has discretion such as in whether to allow self-hauling of organic waste and in whether to use the state's suggested fee structure for establishing the County's fees for violations. At the September 28, 2021, Board meeting, staff were directed to include in the Ordinance the allowance for self-hauling of organic waste and to adopt the state's suggested fee structure for violations. This ordinance was introduced on February 1, 2022 and is scheduled for consideration by the Board for adoption on March 1, 2022.

CEQA:

This ordinance is being adopted pursuant to CalRecycle’s SB 1383 regulations. The SB 1383 regulations were the subject of a program environmental impact report (“EIR”) prepared by CalRecycle, and the activities to be carried out under this ordinance are entirely within the scope of the SB 1383 regulations and that EIR. No mitigation measures identified in the EIR are applicable to the County’s enactment of this ordinance. Moreover, none of the conditions requiring a subsequent or supplemental EIR, as described in Public Resources Code section 21166 and California Environmental Quality Act (“CEQA”) Guidelines Sections 15162 and 15163, have occurred. The EIR therefore adequately analyzes any potential environmental effects of the ordinance and no additional environmental review is required. On a separate and independent basis, 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.

This work supports the Monterey County Health Department 2018-2022 Strategic Plan Initiative: 1. Empower the community to improve health through programs, policies, and activities. It also supports one of the ten essential public health services, specifically: 6. Enforce laws and regulations that protect health and ensure safety.

OTHER AGENCY INVOLVEMENT:

The County Administrative Office, Environmental Health Bureau, Office of Procurement and Public Works, Facilities and Parks, Salinas Valley Solid Waste Authority and Monterey Regional Waste Management District have worked collaboratively on SB1383 implementation.

FINANCING:

SB1383 is a state law that the County is mandated to implement and will require resources to implement this unfunded mandate. The state estimates that the cost to implement SB1383 to the County will be approximately \$1million at its outset and about \$200,000 annually going forward. The bulk of the initial costs are in education and outreach and staff believes these costs could be reduced through streamlining efforts, web-based outreach and sharing costs with the jurisdictions within the County. Environmental Health continues to explore revenue-generating options to offset some of these costs however has not identified a revenue stream to compensate for these costs at this time. A portion of the budgeted administrative fee from the Unified Franchise Agreement was utilized to execute a Fair Share Agreement with MRWMD to share certain costs of SB1383 implementation.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Check the related Board of Supervisors Strategic Initiatives:

Economic Development:

- Through collaboration, strengthen economic development to ensure a diversified and healthy economy.

Administration:

- Promote an organization that practices efficient and effective resource management and is recognized for responsiveness, strong customer orientation, accountability and transparency.

Health & Human Services:

- Improve health and quality of life through County supported policies, programs, and services; promoting access to equitable opportunities for healthy choices and healthy environments in collaboration with communities.

Infrastructure:

- Plan and develop a sustainable, physical infrastructure that improves the quality of life for County residents and supports economic development results.

Public Safety:

- Create a safe environment for people to achieve their potential, leading businesses and communities to thrive and grow by reducing violent crimes as well as crimes in general.

Prepared by: Robin Kimball, Management Analyst, 796-1297

Approved by:

Date: _____

Elsa Mendoza Jimenez, Director of Health, 755-4526

Attachments:

Board Report

Proposed Ordinance