

El Dorado County SB 1383 Ordinance Conceptual Review

Proposals for new ordinances and ordinance amendments shall first be presented to the Board for conceptual review and authorization to prepare the draft ordinance or ordinance.

Summary:

The California Department of Resources Recycling and Recovery (CalRecycle) oversees a variety of programs and policy initiatives to reduce the amount of solid waste sent to landfills and promote recycling in California, including organic waste recycling under SB 1383.

SB 1383, as enacted in 2017 (Lara, Chapter 395, Statutes of 2016), establishes statewide targets to reduce the statewide disposal of organic waste by 50 percent by 2020 and 75 percent by 2025; and requires that no less than 20 percent of edible food that is currently disposed be recovered for human consumption by 2025.

The SB 1383 regulations set forth a variety of programmatic and policy-related requirements for jurisdictions, generators, and other entities to support the Statewide goals of SB 1383.

Why is a local ordinance needed?

The adoption of a local ordinance is seen as a key requirement for compliance with state regulations. Section 18981.2(a) Implementation Requirement on Jurisdictions states:

By January 1, 2022, a jurisdiction shall adopt enforceable ordinance(s), or similarly enforceable mechanisms that are consistent with the requirements of this chapter, to mandate that organic waste generators, haulers, and other entities subject to the requirements of this chapter that are subject to the jurisdiction's authority comply with the requirements of this chapter.

What Does SB 1383 Require?

Jurisdictions will provide organic waste collection services to all residents and businesses who qualify. Jurisdictions will process the organic materials using recycling facilities such as aerobic or anerobic composting facilities.

Jurisdictions will be required to recoup the aerobic or anaerobic compost and use the recycled organic material for renewable energy, compost, and/or mulch.

Qualified food service businesses will be required to donate edible food to food recovery organizations.

Counties specifically, must coordinate with jurisdictions to plan for the necessary organic waste recycling and food recovery capacity needed to divert organic waste from landfills into recycling activities and food recovery organizations.

Jurisdictions are required to maintain records for compliance of SB1383. These records will assist regulated entities with preparing for compliance inspections required by local and state agencies. Jurisdictions are to report on program implementation. CalRecycle may issue waivers and exemptions to jurisdictions, local education agencies, and non-local entities that will exempt them from some or all of these collection requirements for a period of time.

Creating the Ordinance

This ordinance will be created by the Environmental Management Department, with assistance from CalRecycle, the franchise waste haulers, County Counsel, and the Chief Administrative Office. CalRecycle's "model ordinance" will be used as a template for creating a version for El Dorado County.

What's included in the Ordinance?

Included in the new ordinance will be definitions, requirements, and enforcement. The Ordinance will be designed to ensure the El Dorado County is compliant with SB 1383 regulations.

SECTION 1. PURPOSE AND FINDINGS

This section covers the State legislation that made the ordinance a requirement and the purpose of the ordinance.

SECTION 2. TITLE OF ORDINANCE

The title of the Ordinance.

SECTION 3. DEFINITIONS

A series of definitions, some critical to defining the parameters of the ordinance.

SECTION 4. AB 341 AND AB 1826

Legacy legislation that is still legally required, but in many ways superseded by the passage of this ordinance.

SECTION 5. REQUIREMENTS FOR SINGLE-FAMILY GENERATORS

SECTION 6. REQUIREMENTS FOR COMMERCIAL BUSINESSES

SECTION 7. REQUIREMENTS FOR SELF-HAULERS

SECTION 8. REQUIREMENTS FOR HAULERS AND FACILITY OPERATORS

SECTION 9. REQUIREMENTS FOR COMMERCIAL EDIBLE FOOD GENERATORS

SECTION 10. REQUIREMENTS FOR FOOD RECOVERY ORGANIZATIONS AND SERVICES, JURISDICTIONS, AND REGIONAL AGENCIES

These sections focus on the specific requirements for these entities. This covers the bulk of the ordinance requirements.

SECTION 11. WAIVERS

A section that covers waivers and exemptions from the ordinance.

SECTION 12. COMPLIANCE WITH CALGREEN RECYCLING REQUIREMENTS

SECTION 13. MODEL WATER EFFICIENT LANDSCAPING ORDINANCE REQUIREMENTS

SECTION 14. PROCUREMENT REQUIREMENTS FOR JURISDICTION DEPARTMENTS, DIRECT SERVICE PROVIDERS, AND VENDORS

These sections are special requirements that are going to be required by other County departments such as Building and Planning, the CAO's office, Facilities, and more.

SECTION 15. INSPECTIONS AND INVESTIGATIONS BY COUNTY OF EL DORADO

SECTION 16. ENFORCEMENT

An inspection and enforcement section for the ordinance.

SECTION 17. EFFECTIVE DATE

An effective date.

FINANCIAL IMPACT:

CEQA:

The recommended ordinance does not constitute a project under CEQA because it does not have a potential for resulting in direct or reasonably foreseeable indirect physical change to the environment.