

EL DORADO COUNTY

SB 1383 ORDINANCE SUMMARY

Section 1. Purpose and Findings

The County of El Dorado finds and declares:

- A.** Assembly Bill 1826 of 2014, which added Chapter 12.9 (commencing with Section 42649.8) to Part 3 of Division 30 of the Public Resources Code, requires businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste, Recycling, and Organic Waste per week to arrange for recycling services for that waste, requires local jurisdictions to implement a recycling program to divert Organic Waste from businesses subject to the law, and requires local jurisdictions to implement a mandatory Commercial Organics Recycling program.
- B.** Senate Bill 1383, the Short-lived Climate Pollutant Reduction Act of 2016, set statewide methane emissions reduction targets and required CalRecycle to develop regulations to reduce organics in landfills as a source of methane (SB 1383 Regulations).
- C.** SB 1383 Regulations, require local jurisdictions to adopt and enforce an ordinance or similarly enforceable mechanism to implement relevant provisions of SB 1383 Regulations.
- D.** For consistency and to develop a comprehensive ordinance for organic waste reduction in the County, this ordinance implements requirements from AB 1826 and SB 1383.
- E.** This ordinance will also help reduce food insecurity by requiring Commercial Edible Food Generators to arrange to have the maximum amount of their Edible Food, that would otherwise be disposed, be recovered for human consumption.
- F.** Requirements in this ordinance are consistent with other adopted goals and policies of the County of El Dorado including:
 - 1.** The Solid Waste Management Plan (Plan). The Plan was designed to assist the County in reaching a future 75% landfill diversion goal in the most cost-effective, systematic, cohesive, and strategic manner. The Plan provides a strategic roadmap to use in planning for: coordinated, countywide, jurisdiction cooperation and initiating near, intermediate, and long-term program and infrastructure strategies.
 - 2.** The County Solid Waste Management Ordinance, Chapter 8.42, which establishes requirements for the storage, handling, and disposal of Solid Waste within the unincorporated areas of the County.

3. The County Construction and Demolition Debris Recycling Ordinance, Chapter 8.43, which establishes requirements for the recycling of construction and demolition (C&D) debris generated within the unincorporated area of the County.

Summary

This Ordinance adds several new sections to Chapter 8.45, entitled “Organic Waste Disposal and Diversion Ordinance.” These additions include the following provisions, summarized herein, the full text of the proposed ordinance is available from the County.

This Ordinance includes the definitions of relevant terms taken from Title 14 of the California Code of Regulations.

This Ordinance includes compliance requirements for single family organic waste generators, including changes to the self-haul requirements, and for commercial business organic waste generators. Unless exempted, commercial organic waste generators will be required to subscribe to organic waste collection services or meet the self-haul requirements. Business and commercial organic waste generators shall also allow access to an adequate number, size, and location of collection for employees, contractors, tenants, and customers. They are also required to periodically inspect containers for contamination and inform employees if containers are contaminated and of the requirements to keep contaminants out of those containers. Multi-family Residential Dwellings are excluded from this requirement.

Self-haulers shall source separate all recyclable materials and organic waste generated on-site. Commercial self-haulers must maintain records of the amount of organic waste distributed to each disposal site.

The Ordinance will establish standards as a condition of approval of a contract, agreement, or other authorization with the county for Franchise haulers and permitted haulers that provide residential, commercial, or Organic Waste collection services within the County, including the identification of facilities to which they will transport organic waste, comply with education, equipment, signage, container labeling, container color, contamination monitoring, reporting, and other requirements contained within its franchise agreement, permit, license, or other agreement entered into with County.

Owners of facilities and operations that recover organic waste, shall, upon County request, provide information regarding available and potential new or expanded capacity at their facilities, operations, and activities.

Commercial edible food generators are required to arrange to recover the maximum amount of edible food that would otherwise be disposed, to enter into contracts with food recovery organizations, and keep records of the food recovered.

Food recovery organizations and services shall maintain records of the edible food they collect and how that food is processed.

The County may issue waivers pursuant to 14 CCR Section 18984.11, obtain waivers from CalRecycle pursuant to 14 CCR Section 18984.12, or grant exemptions pursuant to Public Resources Code Section 42649.82(e)(3), for residential or commercial generators to comply with some or all of organic waste reduction requirements. The County will establish procedures for applying for a waiver.

The Ordinance will require that persons applying for a permit from the County for new construction and building additions and alternations shall comply with all required components of the California Green Building Standards Code, 24 CCR, Part 11, known as CALGreen, as amended, if their project is covered by the scope of CALGreen. This includes the construction and maintenance of a readily accessible area for storage and collection of waste container bins.

The Ordinance authorizes the County to conduct inspections of any container, collection vehicle, load, or transfer or disposal facility for materials collected from generator or source separated materials to confirm compliance with the Ordinance. Entities governed by the Ordinance shall provide or arrange for access during all inspections and shall cooperate with County during the inspections or investigations.

The County shall set up a process for the acceptance and investigation of complaints from persons regarding any potentially non-compliant entity.

Violations of this Ordinance subject the violator to the issuance of a Notice of Violation and assessment of a fine by the County. Fines may vary from \$50.00 to \$500.00 per violation, depending upon the nature of the infraction and the number of violations. Persons receiving an administrative citation containing a penalty for an uncorrected violation may request a hearing to appeal the citation.

From the effective date of the Ordinance through December 31, 2023, the County will focus on education of non-compliant persons and entities. Administrative and civil penalties will start January 1, 2024.

Violations of this Ordinance may be treated as a public nuisance and may be prosecuted as such. The County may bring a civil action against any Person that violates any provision of this chapter, including but not limited to a civil action seeking an injunction.

This ordinance is effective thirty (30) days after adoption of this ordinance by the Board of Supervisors.