



Legislation Details (With Text)

File #: 22-1188 **Version:** 2

Type: Agenda Item **Status:** Approved

File created: 6/23/2022 **In control:** Board of Supervisors

On agenda: 8/30/2022 **Final action:** 8/30/2022

Title: Environmental Management Department recommending the Board approve the Final Passage (Second Reading) of Ordinance 5164, as required for compliance with SB 1383, amending Title 8 of the El Dorado County Ordinance Code to add a new Chapter 8.45, County Organic Waste Disposal and Diversion, establishing regulations and requirements for the reduction of organic waste in landfills. (Cont. 8/23/2022, Item 25)

FUNDING: County Service Area No. 10 - Solid Waste.

Sponsors:

Indexes:

Code sections:

Attachments: 1. A - Counsel Approval, 2. B - Ordinance, 3. C - Presentation, 4. D - Summary Ordinance EMD SB 1383 Ordinance, 5. Executed Ordinance 5164

Date	Ver.	Action By	Action	Result
8/30/2022	2	Board of Supervisors	Approved	Pass
8/23/2022	1	Board of Supervisors	Continued	Pass

Environmental Management Department recommending the Board approve the **Final Passage** (Second Reading) of Ordinance **5164**, as required for compliance with SB 1383, amending Title 8 of the El Dorado County Ordinance Code to add a new Chapter 8.45, County Organic Waste Disposal and Diversion, establishing regulations and requirements for the reduction of organic waste in landfills. (Cont. 8/23/2022, Item 25)

FUNDING: County Service Area No. 10 - Solid Waste.

DISCUSSION / BACKGROUND

On August 23, 2022, the Board approved the Introduction (First Reading) of Ordinance 5164 as required for compliance with SB 1383, amending Title 8 of the El Dorado County Ordinance Code to add a new Chapter 8.45, County Organic Waste Disposal and Diversion, establishing regulations and requirements for the reduction of organic waste in landfills and Continued the matter to August 30, 2022 for Final Passage (Second Reading),

Senate Bill 1383, titled the “Short-lived Climate Pollutant Reduction Act of 2016,” was signed into law on September 19, 2016, by Governor Brown modifying Chapter 395 of the Statutes of 2016 and requiring local jurisdictions under the regulatory authority of CalRecycle to develop regulations to reduce organics in landfills as a source of methane, and achieve the statewide reduction targets established in the law. The goal of the law is to reduce emissions of short-lived climate pollutants in various sectors of California’s economy. Similarly, Assembly Bill 1826 which passed in 2014, added Chapter 12.9 to the Public Resources Code, requiring businesses and multi-family property owners who generate a specified threshold of Solid Waste, Recycling and Organic Waste per week to arrange for appropriate recycling services for said waste, and requiring local jurisdictions to

implement a mandatory Organics Recycling program.

In an effort to establish a comprehensive ordinance for organic waste reduction in El Dorado County, Environmental Management has drafted this Ordinance to include and implement the required relevant provision of both AB 1826 and SB 1383. The SB 1383 statute sets statewide targets to reduce landfill disposal of organic material compared to 2014 baseline data (50% reduction by 2020 and 75% reduction by 2025), and to recover 20% of currently disposed of edible food for human consumption by 2025.

SB 1383 sets statewide reduction targets, instead of jurisdiction-specific targets, for organics reduction. CalRecycle developed the Short-Lived Climate Pollutants: Organic Waste Reductions requirements in Title 14, California Code of Regulations (SB 1383 Regulations) to include prescriptive program requirements for all California jurisdictions, generators, waste haulers, and waste processors that were deemed necessary in order to meet the statewide organics reduction targets.

SB 1383 Regulations require the County to establish legal authority to implement and mandate programs through the adoption of ordinances, policies, or similarly enforceable mechanisms. On February 22, 2022, Environmental Management sought and was granted Board approval (Item# 22-0242) of a Notice of Intent to Comply with Senate Bill 1383 requirements, including the adoption of an ordinance. Board policy A-3 requires "Proposals for new ordinances and ordinance amendments (to) first be presented to the Board for conceptual review and authorization to prepare the draft ordinance or ordinance amendment (be given)."

On July 26, 2022, the Board approved Environmental Management's request (item 22-1239), granting conceptual approval of the drafting of the SB1383 Ordinance.

Environmental Management Staff have completed the draft Ordinance and request approval of the first reading on August 23, 2022, and to continue this matter to August 30, 2022 for Final Passage (Second Reading). The Ordinance would go into effect 30 days following final passage.

Environmental Review:

This Ordinance is 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 section 15162 and 15163, have occurred. The EIR therefore adequately analyzes any potential environmental effects of the Ordinance and no additional environmental review is required.

The County finds that this Ordinance is not subject to CEQA pursuant to sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15061(b)(3) (there is no possibility the activity in question may have a significant effect on the environment.).

In addition to the foregoing general exemptions, and as a separate and independent basis, the following categorical exemptions apply: this Ordinance is exempt from CEQA pursuant to Class 7, 14 CCR section 15307 (actions taken as authorized by local ordinance to assure protection of natural

resources) as an action that will not have a significant impact on natural resources and as an action taken by a regulatory agency for the protection of natural resources, specifically, for the protection of the climate; and this Ordinance is exempt from CEQA pursuant to Class 8, 14 CCR section 15308 (actions taken as authorized by local ordinance to assure protection of the environment) 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.

ALTERNATIVES

The Board may deny approval of the Ordinance and any suggested amendments would be taken under review with County Counsel prior to the request for Adoption.

PRIOR BOARD ACTION

Item 22-1239 Conceptual SB 1383 Drafting Approval.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel has approved the Ordinance Draft.

CAO RECOMMENDATION / COMMENTS

Approve as recommended.

FINANCIAL IMPACT

None. Any potential increases to the public for waste collection will be during the interim year rate increase in 2023 as an increased cost of disposal.

CLERK OF THE BOARD FOLLOW UP ACTIONS

N/A

STRATEGIC PLAN COMPONENT

Healthy Communities

CONTACT

Jeffrey Warren, REHS
Director of Environmental Management Department