



Legislation Details (With Text)

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On agenda: 1/18/2022 **Final action:** 1/18/2022

Title: Adopt Ordinance No. 4245 amending Ch. 3.02 of the Huntington Beach Municipal Code, Ordinance No. 4246 adding Ch. 17.52 to the Huntington Beach Municipal Code, and Ordinance No. 4247 amending Chapter 8.21 and adding Ch. 8.22 of the Huntington Beach Municipal to comply with State Mandated Organics Collection and Recycling Services, Edible Food Recovery, and Procurement As Required by CalRecycle
Approved for Introduction December 21, 2021 - Vote: 7-0

Attachments: 1. Att#1 Ordinance No 4245, 2. Att#2 Ordinance No 4246, 3. Att#3 Ordinance No 4247, 4. Att#4 PowerPoint Presentation, 5. 12/21 SC - Crumby PPT

Date	Ver.	Action By	Action	Result
1/18/2022	1	City Council/Public Financing Authority		

REQUEST FOR CITY COUNCIL ACTION

SUBMITTED TO: Honorable Mayor and City Council Members

SUBMITTED BY: Sean Joyce, Interim City Manager

PREPARED BY: Sean Crumby, Director of Public Works

Subject:

**Adopt Ordinance No. 4245 amending Ch. 3.02 of the Huntington Beach Municipal Code, Ordinance No. 4246 adding Ch. 17.52 to the Huntington Beach Municipal Code, and Ordinance No. 4247 amending Chapter 8.21 and adding Ch. 8.22 of the Huntington Beach Municipal to comply with State Mandated Organics Collection and Recycling Services, Edible Food Recovery, and Procurement As Required by CalRecycle
Approved for Introduction December 21, 2021 - Vote: 7-0**

Statement of Issue:

Senate Bill 1383 (Lara, Chapter 395, Statutes of 2016) codifies and creates regulations that local jurisdictions must implement to achieve reduction in the emission of greenhouse gas from solid wastes, specifically organic materials. Under these regulations, by January 1, 2022 the City of Huntington Beach is required to adopt an ordinance that establishes the mandated organics collection service requirements and enforcement protocols, including a schedule of fines for non-compliant entities. The proposed ordinances provide the mandated updates to the Huntington Beach Municipal Code.

Financial Impact:

There is no immediate financial impact as a result of this action. There may eventually be an increase in revenue in FY 2023-2024 and beyond as enforcement programs are implemented. This would be the result of fines issued to non-compliant entities. This revenue may be offset by the expense of enforcing the regulations.

Recommended Action:

A) Adopt Ordinance No. 4245, “An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 3.02 of the Huntington Beach Municipal Code Purchase of Goods and Services;” and,

B) Adopt Ordinance No. 4246, “An Ordinance of the City Council of the City of Huntington Beach Adding Chapter 17.52 to the Huntington Beach Municipal Code Green Building Standards Code;” and,

C) Adopt Ordinance No. 4247, “An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 8.21 of the Huntington Beach Municipal Code Refuse Management and Adding Chapter 8.22 Mandatory Organic Waste Disposal Reduction.”

Alternative Action(s):

Do not approve one or more of the above actions. Direct staff to proceed differently.

Analysis

Several years ago, Governor Brown signed into law SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, the most significant waste reduction mandate adopted in California in 30 years. The law focuses on reduction of methane waste, which is known as a climate “super pollutant.” Landfills are the third largest source of methane in the state due to the decomposition of organic waste (i.e., food scraps, yard trimmings, paper, and cardboard), which makes up approximately half of total landfill disposal. Accordingly, SB 1383 established methane emissions reduction targets to reduce emissions of short-lived climate pollutants (SLCP) as follows:

- A 50% reduction in statewide disposal of organic waste from 2014 levels by 2020.
- A statewide 75% reduction in organic waste to the landfill from 2014 levels by 2025, which equates to over 20 million tons annually.
- 20% recovery of edible food currently disposed for distribution to hungry people by 2025.

SB 1383 also required CalRecycle to develop regulations to implement the law. On November 3, 2020, the California Office of Administrative Law approved lengthy, specific and comprehensive regulations that stipulate the implementation of residential and commercial organics recovery programs and make local jurisdictions responsible to ensure 100% compliance. Under these regulations, the City is responsible for:

- Evaluating its readiness and capacity to implement SB 1383, including organics collection, recycling, and edible food recovery capacity.
- Providing organic waste collection to all residents and businesses, which means providing service automatically and not relying on the generator to subscribe or “opt-in.”
- Establishing an edible food recovery program that recovers edible food from the waste stream.

- Conducting outreach and education to all affected parties, including generators, haulers, facilities, edible food recovery organizations and city/county departments.
- Procuring recycled organic waste products such as compost, mulch, renewable natural gas, and electricity. However, procuring does not necessarily mean purchasing.
- Inspecting and enforcing compliance with SB 1383.
- Maintaining accurate and timely records of SB 1383 compliance.

Finally, and as relevant here, the City is also required to adopt an ordinance or similarly enforceable mechanism to implement relevant provisions of the SB 1383 regulations by January 1, 2022.

CalRecycle provides the regulatory oversight for SB 1383 programs and compliance. Failure to enact and undertake all SB 1383 responsibilities will result in CalRecycle taking compliance action, which may include fines up to \$10,000 per day. Due to various implementation setbacks experienced statewide during the COVID-19 pandemic, CalRecycle has indicated its intention to work with jurisdictions who are still implementing their SB 1383 programs in 2022. However, CalRecycle has also recently indicated that it is imperative for jurisdictions to, at a minimum, have the appropriate ordinances and enforcement mechanisms in place by January 2022.

The ordinances being introduced provide for the following changes to the Huntington Beach Municipal Code:

- Ordinance No. 4245 amends Ch. 3.02 Purchases of Goods and Services to enact procurement measures for recycled content paper and recycled compost and mulch.
- Ordinance No. 4246 adds Ch. 17.52 containing the CALGreen provisions for adequate space for recycling storage and collection and for construction and demolition recycling to comply with SLCP requirements for a locally enforceable measure.
- Ordinance No. 4247 adds Ch. 8.22 Mandatory Organics Waste Disposal to the Huntington Beach Municipal Code containing a framework for all newly mandated organics services, inspection, and enforcement; and amends Ch. 8.21 Refuse Management to align definitions with the new regulations along with minor cleanup language.

Once the ordinances are adopted, the City will be able to provide an organics collection service to all residents and businesses. To that end, Public Works staff has been working with a solid waste consultant, HF & H, to develop and negotiate comprehensive franchise agreement updates with Republic Services. Based on preliminary proposals, it is anticipated that Republic will provide a collection program that includes food scraps mixed with landscape materials. For our residential service customers this will work within the framework of our existing 3-container collection system. For businesses and multifamily customers with commercial bins, most will transition to 3-container service for recycling, organics, and trash. All residents and businesses will be required to have the proper containers and to separate their organic materials accordingly.

In order to facilitate the implementation process, the SLCP regulations allow the City to take an educational, rather than punitive approach to enforcement during through 2023. Staff is developing social media and other educational outreach material in anticipation of programs commencing in 2022. The City must begin taking punitive action against non-compliant entities beginning on January 1, 2024.

These proposed amendments and additions to the Huntington Beach Municipal Code will provide the mandated programs and services and enforcement of same as set forth in CalRecycle's SLCP regulations. Staff is recommending City Council approval of this item.

Environmental Status:

SB 1383 Regulations were the subject of a program environmental impact report (EIR) prepared pursuant to the California Environmental Quality Act (CEQA). The proposed amendments to the Huntington Beach Municipal Code are consistent with the SB 1383 Regulations and the Program EIR. No mitigation measures identified in the Program EIR are applicable to the City's enactment of the proposed ordinance amendments. 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. Additionally, the proposed 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. No unusual circumstances exist that would cause the proposed ordinance to have a significant effect on the environment.

Strategic Plan Goal:

Non Applicable - Administrative Item

Attachment(s):

1. Ordinance No. 4245, An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 3.02 of the Huntington Beach Municipal Code Purchase of Goods and Services
2. Ordinance No. 4246, An Ordinance of the City Council of the City of Huntington Beach Adding Chapter 17.52 to the Huntington Beach Municipal Code Green Building Standards Code
3. Ordinance No. 4247, An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 8.21 of the Huntington Beach Municipal Code Refuse Management and Adding Chapter 8.22 Mandatory Organic Waste Disposal Reduction
4. PowerPoint Presentation