



CITY OF SAN MATEO

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Agenda Report

Agenda Number: 22

Section Name: {{section.name}}

Account Number: 21-4678

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TO: City Council
FROM: Alex Khojikian, City Manager
PREPARED BY: Public Works Department
MEETING DATE: November 20, 2023

SUBJECT:

Municipal Code Clean Up Amendments for San Mateo Municipal Code Chapter 7.35 "Mandatory Organic Waste Disposal Reduction Ordinance" – Ordinance Introduction

RECOMMENDATION:

Introduce an Ordinance to amend San Mateo Municipal Code Chapter 7.35, "Mandatory Organic Waste Disposal Reduction Ordinance" to Update the Title and Code References in Preparation for Enforcement Beginning January 1, 2024.

BACKGROUND:

Approximately 20 million tons of organic debris goes into landfills in California every year. As this material decomposes, it releases methane (a potent greenhouse gas), accounting for 20% of the state's methane gas emissions. In September 2016, SB 1383 (Lara) titled "California's Short-Lived Climate Pollutants Reduction Act" was passed and established statewide methane gas emission reduction targets. SB 1383 is the largest waste diversion legislation passed in the last thirty years and the most innovative climate change legislation ever. It will reduce greenhouse gas emissions, improve our soil, reduce the impact of drought and wildfire, and increase the life of landfills.

Regulations to implement SB 1383 (California Code of Regulations, Title 14, Section 18981 et seq.) were adopted on November 3, 2020. SB 1383 regulations require each jurisdiction in California to provide organic collection services to all residents and businesses, establish an edible food recovery program, conduct public education and outreach about the mandates, purchase recycled and recovered organic products to create an organics circular economy, monitor compliance and conduct enforcement, maintain records, and report to CalRecycle.

SB 1383 regulations also required jurisdictions to establish enforceable requirements for organic waste generators, haulers, and other entities subject to City authority by January 1, 2022. More information regarding SB 1383 regulations can be found online at www.calrecycle.ca.gov/organics/slcp/.

On December 6, 2021, the City adopted San Mateo Municipal Code (SMMC) Chapter 7.35, titled "Mandatory Organic Waste Disposal Reduction Ordinance" (Ordinance) in compliance with SB 1383. SB 1383 allows the City to designate a public or private entity to fulfill some of its SB 1383 regulatory responsibilities via contracts or written agreements. The City has executed agreements with both the County of San Mateo and South Bayside Waste Management Authority (SBWMA) to assist in implementation and compliance. The City also has a franchise agreement with Recology San Mateo County.

Pursuant to SB 1383, and SMMC Section 7.35.130(h)-(i), an education period for non-compliance with the Ordinance was established from January 1, 2022 through December 31, 2023, and since then the City has been engaged with our partners Recology San Mateo County, Rethink Waste, and the County of San Mateo Office of Sustainability to provide a robust public education and outreach campaign including on-site visits, bill inserts, phone calls, emails, and letters. This has been

a successful campaign; however, many residential and commercial accounts are out of compliance. Enforcement, which is mandated by the legislation, including the potential imposition of penalties, begins on January 1, 2024.

In a recent review of the Ordinance, staff has found a few references in SMMC Section 7.35.130 "Enforcement" which require updating prior to January 1, 2024, to ensure effective enforcement of the Ordinance. In addition, this amendment makes a minor correction to the title of the Ordinance to ensure consistent formatting within the SMMC. A copy of the proposed amendments to Ordinance is attached hereto as Attachments 1 (clean version) and 2 (redlined version).

Based on the above, staff recommends the City Council approve introduction of the proposed amendments to SMMC Chapter 7.35.

BUDGET IMPACT:

There is no corresponding budget impact with the amendment of the Ordinance.

ENVIRONMENTAL DETERMINATION:

The City Council finds that the City's amendment of the Mandatory Organic Waste Disposal Reduction Ordinance does not require further environmental review because 1) in accordance with CEQA Guidelines Section 15168, the activities described in this Ordinance are entirely within the scope of a program Environmental Impact Report prepared by CalRecycle concerning the SB 1383 Regulations (PEIR) and the PEIR adequately described the activities described in this Ordinance; and 2) in accordance with CEQA Guidelines Section 15168 and 15162, no conditions exist necessitating supplemental or subsequent environmental review. Additionally, this action is categorically exempt from CEQA as it is an action taken to protect the environment. (CEQA Guidelines Section 15308.)

NOTICE PROVIDED

All meeting noticing requirements were met.

ATTACHMENTS

Att 1 - Proposed Ordinance Amendments

Att 2 - Proposed Ordinance Amendments – Track Changes

STAFF CONTACT

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