



Legislation Text

File #: 21-0989, Version: 1

**REQUEST FOR CITY COUNCIL AND
CORONA UTILITY AUTHORITY ACTION**

DATE: 11/03/2021

TO: Honorable Mayor and City Council Members
Honorable President and Board Members

FROM: Utilities Department

SUBJECT:

Ordinance amending Chapter 8.20 of the Corona Municipal Code relating to solid waste handling, organics recycling, and edible food recovery.

EXECUTIVE SUMMARY:

An ordinance amending Chapter 8.20 of the Corona Municipal Code for the purpose of updating the solid waste and recycling regulations to implement provisions of Senate Bill 1383.

RECOMMENDED ACTION:

That the City Council introduce, by title only, and waive the full reading of Ordinance No. 3338, amending [Chapter 8.20](#) of the Corona Municipal Code relating to solid waste handling, organics recycling, and edible food recovery.

BACKGROUND & HISTORY:

The California Integrated Waste Management Act of 1989 (the "Act") established a solid waste management process that requires cities and other local jurisdictions to adopt and implement plans to divert the amount of solid waste generated by maximizing reuse and recycling. Over the past decade, the California Legislature has amended and added provisions to the Act to reinforce the ambitious statewide diversion goals. For example, Assembly Bill No. 341 ("AB 341") amended the Act to, among other things, require commercial waste generators to arrange for recycling services. Assembly Bill No. 1826 ("AB 1826") amended the Act to include provisions regarding organic waste recycling for commercial waste generators. Senate Bill No. 1383 ("SB 1383") builds upon AB 1826 and expands mandatory organic waste recycling requirements to all governmental, commercial, and residential entities to support achievement of the statewide organic waste disposal reduction by diverting 75 percent, from 2014 levels, of organic waste from landfills by 2025.

The Corona Municipal Code (CMC) [Chapter 8.20](#) provides waste and recycling requirements for all residents, commercial businesses and establishes administrative and enforcement policies for the City's franchise waste hauler, state authorized haulers, and for City staff to manage the program.

ANALYSIS:

Ordinance No. 3338 will update Chapter 8.20 of the Corona Municipal Code to reflect changes in State law concerning SB 1383 and structure the content within the chapter for better organization. Further, it will simplify some of the language to make it easier for the general community to follow. Chapter 8.20 will be organized into nine main articles containing various sections focusing on specific subjects. The major updates address SB 1383 requirements and create an enforceable mechanism for collection, recycling, and food recovery for implementation by January 1, 2022:

- Residential and Commercial waste generators must subscribe to mandatory organic waste recycling collection services and source separate their organic waste in the appropriate container provided by the waste hauler.
- Allow De Minimis Waivers for commercial waste generators from organic recycling requirements when evidence of the amount of organic waste generated is below a minimum threshold or there is a lack of physical adequate space for the collection containers is provided.
- Standardization of container colors across the state (to be fully implemented by January 1, 2036), and require a jurisdiction to place a label on each new container or lid provided to generators consistent with the container collection requirement. Edible food recovery provisions for Tier I and Tier II commercial edible food generators which requires these generators to arrange to recover the maximum amount of edible food that would otherwise be disposed and to contract with a food recovery organization for food recovery services and keep records of their donated food.
 - Tier I generators include:
 - Supermarket.
 - Grocery store with a total facility size equal to or greater than 10,000 square feet.
 - Food service provider.
 - Food distributor.
 - Wholesale food vendor.
 - Tier II generators include:
 - Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.
 - Hotel with an on-site food facility and 200 or more rooms.
 - Health facility with an on-site food facility and 100 or more beds.
 - Large venue.
 - Large event.
 - A State agency with a cafeteria with 250 or more seats or total cafeteria facility size equal to or greater than 5,000 square feet.
 - A school, college, university, or other educational facility with an on-site food facility.

- City inspection and enforcement provisions to conduct review of commercial business to ensure they are subscribed to organic collection services and monitor contamination.
- Establishing the requirements for the City to procure recycled organic waste products such as compost, mulch, renewable natural gas, electricity and recycled content paper and paper products.

SB 1383 places responsibility on the jurisdiction to ensure the necessary programs and enforcement mechanisms are in place to ensure the requirements of SB 1383. Each jurisdiction must update their ordinance to be in effect by January 1, 2022. Additionally, jurisdictions are required to identify and secure or develop organics capacity through capital investment or agreements. A jurisdiction must also plan, negotiate, and procure services for the required programs, analyze funding, and set rates. This will require the City of Corona to review and renegotiate the current agreement with its franchised waste hauler, USA Waste of California, Inc. (doing business as Waste Management), for the required programs and services needed to implement SB 1383 successfully.

FINANCIAL IMPACT:

If adopted, Ordinance No. 3338 will become effective December 17, 2021. The requirements set forth in this Ordinance will apply to both residential and commercial accounts. Staff anticipates some increase in revenue as a result of the recommended action from franchise fees due to the mandatory organic waste collection services for commercial businesses. However, that value is difficult to calculate at this time since not all commercial businesses have responded to the City's requests to submit their information on how they comply with organic waste recycling requirements. The City, Waste Management, and MSW consultants will be conducting in person waste assessments to assist commercial customers with their compliance requirements, prior to assessing penalties or enforcing mandatory services in 2022. Revenue budget estimates for Fiscal Years 2022 and 2023 will be adjusted accordingly through future council action or the annual budget process.

ENVIRONMENTAL ANALYSIS:

This action is exempt pursuant to Section 15061(b)(3) of the Guidelines for the California Environmental Quality Act (CEQA), which states that a project is exempt from CEQA if the activity is covered by the commonsense exemption that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This action makes changes to the City's rules and regulations pertaining to the recycling of recyclable materials and organic waste in order to better protect the public health, safety, and welfare and to bring the City's rules and regulations into compliance with State law. This Ordinance increases the amount of waste that is required to be diverted from the landfill in accordance with State law, and there is no possibility that adopting this Ordinance will have a significant effect on the environment. Therefore, no environmental analysis is required.

PREPARED BY: JACQUELINE ZUKERAN, BUSINESS MANAGER

REVIEWED BY: TOM MOODY, GENERAL MANAGER

Attachments:

1. Exhibit 1 - Ordinance No. 3338