



BOARD AGENDA ITEM

BOARD DATE: March 1, 2022
TO: Board of Supervisors
FROM: Dana S. Hertfelder, Director of Public Works
SUBJECT: Introduction of an Ordinance adding Chapter 9.06 – Organic Waste Disposal Reduction to Title 9 of the Merced County Code in Compliance with Senate Bill 1383

RECOMMENDED ACTION(S):

- 1) Introduce an ordinance entitled “An Ordinance Adding Chapter 9.06--Organic Waste Disposal Reduction to Title 9 of the Merced County Code”, and waive further reading; and
- 2) Set possible adoption of said ordinance on the March 22, 2022 Board agenda.

EXECUTIVE SUMMARY:

Senate Bill 1383 (SB 1383) was signed into law on September 19, 2016 to reduce organic waste disposal by 75% and increase edible food recovery by 20% by 2025. SB 1383 established methane emission reduction targets in a statewide effort to address the impacts of climate change on human health and the environment. SB 1383 contains provisions for organic waste recycling and edible food recovery, including a requirement that jurisdictions adopt ordinances and implement programs to ensure compliance by January 1, 2022.

Because the County was not in a position to be in full compliance with SB 1383 by January 2022, the Board approved the County’s submission to the State of a Notification of Intent to Comply (NOIC). The NOIC outlines the County’s plan to become compliant by January 2023, and if accepted, will prevent the County from incurring State fines and fees for not being in full compliance.

(Summary Continued on Page 2)

STAFFING IMPACT: None by this action.

FISCAL IMPACT: None by this action.

ATTACHMENTS:

Attachment A – Proposed Ordinance

REQUIRED REVIEW: Auditor Admin Services Risk Counsel CEO

DEPARTMENT CONTACT: Oscar Ortiz, Ext. 4678

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The purpose of this agenda item is to introduce an ordinance updating Title 9, General Health and Safety, of the Merced County Code, by adding a new Chapter 9.06—Organic Waste Disposal Reduction. The proposed Ordinance is based largely on the Model Mandatory Organic Waste Disposal Reduction Ordinance (Model Ordinance) released by CalRecycle in January 2021, but has been modified to reflect the input of the multiple County departments that would be responsible for carrying out and enforcing the ordinance's requirements. Adoption of this Ordinance would move the County toward greater compliance with SB 1383.

The timely adoption of this Ordinance is important, as it will help prevent any delays in performing the activities outlined in the NOIC and will make the County eligible for implementation assistance as soon as possible.

Merced County staff have been working in conjunction with franchise solid waste haulers to plan for and implement this legislation and its imposed requirements on the County. The franchise haulers will further explore the changes they need to make to their operations related to SB 1383 once the County adopts the Ordinance for Organic Waste Disposal Reduction. Any delays in the adoption of the Ordinance will push back the timeline for haulers to finalize their plans.

Also, to assist with the costs associated with implementation of SB 1383, the County applied for \$122,000 in CalRecycle's Local Assistance Grant in January 2022. If awarded, these funds will be used to pay for a consultant to help with hauler negotiations, as well as education and outreach efforts. One of the criteria for receiving funds in the first round is that the County adopt an Ordinance for Organic Waste Disposal Reduction by April 1, 2022. If the Ordinance is not adopted by April 1, 2022, the County will have to wait for the second round of funding in September 2022. Waiting for the second round of funding could cause delays in completing the County's obligations outlined in the NOIC.

The Ordinance being introduced is scheduled for possible adoption on March 22, 2022, but would not go into effect until January 1, 2023. Because the Ordinance will not go into effect until January 2023, the Board has the ability to amend the Ordinance, if necessary, as implementation efforts progress and negotiations with haulers takes place.