



CITY COUNCIL STAFF REPORT



July 13, 2021

ITEM TITLE

Solid Waste and Recycling: Amend the Chula Vista Municipal Code Regarding the Definition of Organic Waste, Enforcement Procedure to Prevent Disposal of Organic Waste, and Modification to the Processing of Delinquent Collection Payments

Report Number: 21-0097

Location: No specific geographic location

Department: Economic Development

Environmental Notice: The activity is not a "Project" as defined under Section 15378 of the California Environmental Quality Act State Guidelines; therefore, pursuant to State Guidelines Section 15060(c)(3) no environmental review is required. Notwithstanding the foregoing, the activity qualifies for an Exemption pursuant to Section 15061(b)(3) of the California Environmental Quality Act State Guidelines.

Recommended Action

Place an ordinance on first reading amending various sections of Chula Vista Municipal Code Chapters 8.24 and 8.25 to update the definition of organic waste, authorize the City Manager to develop an enforcement procedure to prevent the landfill disposal of organic waste, and modify the processing of delinquent waste collection payments **(First Reading)**.

SUMMARY

Recently approved regulations related to California Senate Bill 1383 (Lara, Chapter 395, Statutes of 2016) (SB 1383) require cities and counties to expand recycling programs to include the diversion of all compostable organic materials from landfill disposal. Organic waste recycling will help the state achieve greenhouse gas reduction targets and will help local cities achieve their own Climate Action Plan goals. Methane from decomposing organic waste in landfills is a significant source of greenhouse gas emissions and these new regulations require municipal agencies to modify solid waste management programs to achieve new organic waste reduction targets. If approved, this ordinance will amend Chula Vista Municipal Code (CVMC) chapters 8.24 and 8.25 to comply with SB1383 regulations which require jurisdictions to define all compostable organic waste as recyclable and have enforcement procedures to ensure that waste generators assist respective cities to comply with the landfill diversion regulation. Staff is also requesting to amend language in CVMC 8.24 on the City's management of delinquent waste and recycling collection accounts.

ENVIRONMENTAL REVIEW

The proposed activity has been reviewed for compliance with the California Environmental Quality Act (CEQA) and it has been determined that the activity is not a “Project” as defined under Section 15378 of the state CEQA Guidelines because it will not result in a physical change in the environment; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines, the activity is not subject to CEQA. Notwithstanding the foregoing, it has also been determined that the activity qualifies for an Exemption pursuant to Section 15061(b)(3) of the California Environmental Quality Act State Guidelines. Thus, no environmental review is required.

BOARD/COMMISSION/COMMITTEE RECOMMENDATION

The Sustainability Commission discussed the changes proposed in their July 2021 meeting.

DISCUSSION

SB1383 codified the California Air Resources Board's Short-Lived Climate Pollutant Reduction Strategy, as it relates to reduction in the emissions of short-lived climate pollutants such as methane from solid wastes. The regulation was approved by the State's Office of Administrative Law in November 2020 and prescribes specific actions local jurisdictions must take to reduce short-lived climate pollutants related to solid waste collection and processing. The regulation requires municipal agencies to modify solid waste management programs to achieve new organic waste reduction targets.

Upon review of the regulation, staff determined that some amendments are needed to municipal code chapters in order to comply with the newly adopted regulation. If approved, this resolution amends CVMC 8.24 and 8.25 to comply with SB1383 regulation which requires jurisdictions to define all compostable organic waste as recyclable and having enforcement procedures to ensure that waste generators assist respective cities and counties comply with the landfill diversion regulation. Proposed changes give the authority to the City Manager or its designee to create an enforceable procedure akin to the City of Chula Vista's current code enforcement process to ensure compliance with the regulation. Staff is also requesting to amend language in CVMC 8.24 on the City's management of delinquent waste and recycling collection accounts.

Staff recommends this change because it will streamline the collections process to improve customer experience, which will benefit constituents and alleviate complaints, resistance and confusion. This change will allow city staff the opportunity to focus on other customer-centric matters, and resulting in a decrease in response time to all customer inquiries and quicker resolutions not only to ancillary issues handled by the Finance Department but also to delinquent trash related inquiries handled by Republic Services. Furthermore, the new process will minimize costly technical errors and open better lines of communication between the City and Republic Services.

Staff request to amend some portions of CVMC to achieve compliance with SB1383 to include the following and as shown in Attachment 1 – *Ordinance – Redline version*

CVMC 8.24 – Changing the definition of “green waste” to organic waste mentioned in various sections in the municipal code.

8.24.080 - Deleting the use of standard containers

8.24.090 – Deleting mention of a \$10 penalty per incident to be assessed as part of the regular solid waste disposal bill and replacing with additional notification of a Chula Vista municipal code violation.

8.24.180 – Payment of solid waste collection charges processing of delinquent payments

Changes to CVMC 8.25 – Definition changes; changing the definition of green waste to organic waste, omitting putrescible and food waste from the definition of garbage

8.25.040 – Separation of recyclable material to include organic waste

8.25.060 – Mandatory recycling to include organic waste and authorize the City Manager or its designee to develop and implement and amend a necessary code compliance procedure for compliance of this section with all applicable municipal code enforcement requirements.

8.25.070 – Changing the name of Conservation Coordinator to Environmental Services Manager

8.25.090 – Eliminating the 1,000 square foot minimum requirement for tenant improvement projects to the list of defined projects while only requiring a Waste Management Report but not a deposit, in compliance with the California Green Building Code.

DECISION-MAKER CONFLICT

Staff has reviewed the decision contemplated by this action and has determined that it is not site-specific and consequently, the real property holdings of the Chula Vista City Council members do not create a disqualifying real property-related financial conflict of interest under the Political Reform Act (Cal. Gov't Code § 87100, et seq.).

Staff is not independently aware and has not been informed by any Chula Vista City Council member, of any other fact that may constitute a basis for a decision-maker conflict of interest in this matter.)

CURRENT-YEAR FISCAL IMPACT

There is no fiscal impact to the General Fund as a result of the proposed code amendments.

ONGOING FISCAL IMPACT

There are no on-going fiscal impacts to the General Fund as a result of the proposed code amendments.

ATTACHMENTS

None.

Staff Contact: Eric Crockett, Deputy City Manager, Manuel Medrano, Environmental Services Manager