



Legislation Text

File #: 21-591, **Version:** 1

An Ordinance Adding Chapter 3-24, Organics Reductions and Recycling, to the San Leandro Municipal Code to Incorporate an Ordinance of the Alameda County Waste Management Authority to Reduce the Amount of Organic and Recyclable Materials Deposited Into Landfills

WHEREAS, the purpose of this Ordinance is to comply with certain state laws requiring cities, counties, and special districts providing solid waste collection services to adopt ordinances and take other measures to reduce the amount of organic and recyclable materials deposited in landfills from commercial and residential generators, more specifically the Short-Lived Climate Pollutants Organic Waste Reduction regulations adopted pursuant to Senate Bill 1383 (Statutes of 2016) set forth in the California Code of Regulations (the "SB 1383 Regulations"); and

WHEREAS, the City of San Leandro ("City") is a member of the Alameda County Waste Management Authority ("WMA"). The WMA is a joint powers agency comprised of all the cities in Alameda County, the County, and two sanitary districts; and

WHEREAS, the SB 1383 Regulations require cities, counties, and special districts providing solid waste collection services to adopt and enforce an ordinance or other enforceable mechanism applicable to residents and businesses generating or processing solid waste to implement relevant provisions of the SB 1383 Regulations; and

WHEREAS, in response to this mandate, the WMA's member agencies requested that it adopt an ordinance to establish a uniform and comprehensive countywide system to establish the local regulations required by the SB 1383 Regulations concerning regulation of organic waste collection services, generators of organic waste, waste haulers, and generators and processors of edible food, together with enforcement mechanisms and administrative civil penalties for violations of local regulations; and

WHEREAS, on July 28, 2021 the WMA adopted the Organics Reduction and Recycling Ordinance ("ORRO"). In order for the ORRO to apply in the City, the City must adopt an ordinance declaring that it will apply within the City of San Leandro; and

WHEREAS, the City Council intends that the ORRO apply in the City of San Leandro; and

WHEREAS, the ORRO provides jurisdictions with the option to grant enforcement authority over various of its provisions to agencies specified in the ORRO;

WHEREAS, the City Council intends to authorize WMA to enforce the ORRO within San Leandro; and

WHEREAS, the SB 1383 Regulations also require cities, counties, and special districts

providing solid waste collection services to adopt and enforce an ordinance or other enforceable mechanism concerning the CALGreen Building Standards and the Model Water Efficient Landscape Ordinance. These requirements are addressed in Article 6, Green Building Code, of San Leandro Municipal Code Chapter 7-5 and San Leandro Zoning Code Chapter 4.16, Landscape Requirements, respectively.

NOW, THEREFORE, the City of San Leandro City Council hereby **ORDAINS** as follows:

SECTION 1. RECITALS. The above recitals are true and correct and made a part of this ordinance.

SECTION 2. MUNICIPAL CODE AMENDMENT. The City Council hereby adds Chapter 3-24, Organics Reduction and Recycling, to the San Leandro Municipal Code, all as depicted and provided in Exhibit A, attached hereto, incorporated herein, and made a part hereof.

SECTION 3. ENFORCEMENT AGENCY AUTHORIZATION.

a. The WMA and the Alameda County Department of Environmental Health (ACDEH) are authorized and designated to carry out the responsibilities specified in Municipal Code Chapter 3-24 effective January 1, 2022 subject to agreement from each of them to do so. The City Manager is authorized to negotiate and execute agreements to implement these authorizations and designations.

b. The authorizations and designations above do not limit the City's authority to independently carry out some or all of the responsibilities designated in Municipal Code Chapter 3-24. The City retains full authority to implement and enforce Municipal Code Chapter 3-24.

c. The City Council may, by resolution, authorize and designate other entities to carry out responsibilities and obligations under Municipal Code Chapter 3-24, and no amendment of Chapter 3-24 shall be required.

SECTION 4. ENVIRONMENTAL REVIEW. This Ordinance is adopted pursuant to CalRecycle's SB 1383 Regulations. The SB 1383 Regulations were the subject of a program environmental impact report (EIR) prepared by CalRecycle, and except for provisions which maintain the already established requirements of the Waste Management Authority's Ordinance Requiring Actions to Reduce Landfilling of Recyclable and Organic Solid Wastes from Businesses, Multifamily Residences, and Self-Haulers (Ordinance 2012-1; also known as the Mandatory Recycling Ordinance) which currently apply in the City, the activities to be carried out under this Ordinance are entirely within the scope of the SB 1383 Regulations and that EIR. No mitigation measures identified in the EIR are applicable to the City's enactment of this Ordinance. 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. The EIR therefore adequately analyzes any potential environmental effects of the Ordinance and no additional environmental review is required. On a separate and independent basis, the 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. There are no unusual circumstances that would cause this Ordinance to have a significant effect on the environment.

SECTION 5. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City of San Leandro City Council hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof is declared invalid or unenforceable.

SECTION 6. EFFECTIVE DATE AND PUBLICATION. This ordinance shall take effect thirty (30) days after adoption or January 1, 2022, whichever occurs later. The City Clerk is directed to publish the title once and post a complete copy thereof on the City Council Chamber bulletin board for five (5) days prior to adoption.