



City of Rialto

Legislation Text

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For City Council Meeting [October 26, 2021]

TO: Honorable Mayor and City Council

APPROVAL: Marcus Fuller, City Manager

FROM: Michael Tahan, Interim Public Works Director

Request City Council to Introduce **Ordinance No. 1664** Amending Chapter 8.08 of the Rialto Municipal Code, Titled "Refuse Collection," to Include Provisions Pertaining to Mandatory Commercial Recycling and Mandatory Commercial Organics Recycling.

(ACTION)

BACKGROUND

Mandatory Commercial Recycling (MCR) was one of the measures adopted in the Assembly Bill 32 Scoping Plan by the Air Resources Board (ARB) pursuant to the California Global Warming Solutions Act (Chapter 488, Statutes of 2006). The MCR Measure focuses on increased commercial waste diversion as a method to reduce greenhouse gas (GHG) emissions. To achieve the measure's objective, an additional 2 to 3 million tons of materials annually needs to be recycled from the commercial sector by the year 2020 and beyond.

The MCR regulation was adopted at CalRecycle's January 17, 2012 Monthly Public Meeting. This regulation reflects the statutory provisions of AB 341 (Chesbro, Chapter 476, Statutes of 2011) and provides additional procedural clarifications. The regulation was approved by the Office of Administrative Law on May 7, 2012 and became effective immediately. On June 27, 2012 the Governor signed Senate Bill 1018 which included an amendment that requires a business that generates 4 cubic yards or more of commercial solid waste per week to arrange for recycling services.

In October 2014, Governor Brown signed AB 1826 Chesbro (Chapter 727, Statutes of 2014), requiring businesses to recycle their organic waste on and after April 1, 2016, depending on the amount of waste they generate per week. This law also requires that on and after January 1, 2016, local jurisdictions across the state implement an organic waste recycling program to divert organic waste generated by businesses, including multifamily residential dwellings that consist of five or more units. Organic waste, for the purposes of AB 1826, means food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste.

The law phased in the requirements for businesses over time, while offering an exemption process for rural counties. Additionally, the law contained a 2020 trigger that further increased the scope of affected businesses. As such, in September of 2020, CalRecycle reduced the threshold to 2 cubic yards of solid waste (solid waste is the total of trash, recycling, and organics) generated by covered

businesses.

ANALYSIS/DISCUSSION

On April 27, 2021, CalRecycle staff made a presentation to the Rialto City Council which addressed the requirements imposed on local jurisdictions by MCR and Mandatory Commercial Organics Recycling (MORE) and the requirements set forth by SB 1383 adopted in September of 2016. This presentation is included as **Attachment 1**. The SB 1383 regulations require that jurisdictions conduct education and outreach on organics recycling to all residents, businesses (including those that generate edible food that can be donated), haulers, solid waste facilities, and local food banks and other food recovery organizations. The SB 1383 enforcement structure allows CalRecycle to focus on compliance assistance first and dedicate enforcement efforts to serious offenders.

The following are key SB 1383 milestones.

- January 1, 2020 - 50% Reduction in Landfilled Organic Waste
- January 1, 2022 - Regulations Take Effect and State Enforcement Begins
- January 1, 2024 - Requires Local Governments Take Enforcement Actions
- January 1, 2025 - 75% Reduction in Landfilled Organic Waste
- January 1, 2025 - 20% Recovery of Currently Disposed Edible Food for Human Consumption

Jurisdiction responsibilities include:

- Provide Organics Collection Services to All Residents and Businesses
- Conduct Education and Outreach to Community
- Secure Access to Recycling and Edible Food Recovery Capacity
- Establish Edible Food Recovery Program
- Procure Recyclable and Recovered Organic Products
- Monitor Compliance and Conduct Enforcement

Since the inception of MCR and MORE, the City of Rialto, along with Burrtec Waste, has focused on education and outreach in the effort to obtain compliance with the mandatory recycling requirements. Additionally, Burrtec has developed and implemented Commercial Recycling and Commercial Organics Recycling collection programs that are available to all businesses. This approach has gained the compliance of many of the Rialto business accounts, but unfortunately, Rialto is still below the compliance threshold expected from CalRecycle.

To address the responsibilities of the jurisdictions and meet the milestones of SB 1383, the Rialto City Attorney has developed an ordinance for Mandatory Commercial Recycling (MCR) and Mandatory Commercial Organics Recycling (MORE). The draft ordinance is included as **Attachment 2**.

ENVIRONMENTAL IMPACT

The approval of a Mandatory Commercial Recycling and Mandatory Commercial Organics Recycling ordinance is exempt from the California Environmental Quality Act (CEQA) review in accordance with Section 15268, Ministerial Projects. Section 15268 allows for public agencies to make non-

discretionary determinations as part of implementing its regulations.

GENERAL PLAN CONSISTENCY

Approval of this action complies with the City of Rialto General Plan] Goals and Policies:

Measure 8.43: Provide Solid Waste and Recycling Programs, which states: continue to meet the community's needs for solid waste disposal and recycling, and provide that operations are done in an efficient and cost-effective manner.

LEGAL REVIEW

The City Attorney has reviewed and supports this staff report.

FINANCIAL IMPACT

Operating Budget Impact

Approval of a Mandatory Commercial Recycling and Mandatory Commercial Organics Recycling ordinance does not impact the operating budget.

Capital Improvement Budget Impact

There is no impact to the Capital Improvement Budget related to the approval of a Mandatory Commercial Recycling and Mandatory Commercial Organics Recycling ordinance.

Licensing

A Business License application and payment of a Business License tax is not required for this action.

RECOMMENDATION

Staff recommends that the City Council introduce **Ordinance No. ____** amending Chapter 8.08 of the Rialto Municipal Code, Titled "Refuse Collection," to Include Provisions Pertaining to Mandatory Commercial Recycling and Mandatory Commercial Organics Recycling."