



City of Rialto

Legislation Text

File #: 21-0770, **Version:** 2

For City Council Meeting [November 9, 2021]

TO: Honorable Mayor and City Council

APPROVAL: Marcus Fuller, City Manager

FROM: Michael Tahan, Interim Public Works Director

Request City Council Adopt **Resolution No. 7798** Requesting that the State of California Legislature Delay Implementation of SB 1383 By Five Years.

BACKGROUND

The Legislature of the State of California, by enactment of the California Integrated Waste Management Act of 1989, ("AB 939" or the "Act") (codified at Public Resources Code §§ 4000 et seq.) established a solid waste management process which requires cities and other local jurisdictions to implement plans for source reduction, reuse and recycling as integrated waste management practices for solid waste attributed to sources within their respective jurisdictions.

Senate Bill 1383 (2015-2016), the short-lived climate pollutants bill, builds on existing legislation. The stated purpose of SB 1383 is to reduce organic waste disposal, recover edible food waste from the waste stream and reduce methane emissions. The goal of SB 1383 is to reduce greenhouse gas emissions to 40% below 1990 levels by the year 2030. To achieve this, the target is to reduce organic waste that ends up in the landfill by 50% by the year 2020 and 75% by the year 2025. In addition to reducing landfilled organics by 75%, the State will also be required to recover edible food that is currently thrown away by 20% through programs such as establishing edible food recovery programs.

Over the past several years, CalRecycle has been developing regulations to implement statewide organic waste diversion goals set forth in SB 1383 ("Regulations"). Although the Regulations have been in development for several years, they were not finalized until November 2020, only giving local governments thirteen months to fully implement various facets of the regulations that are to be effective January 1, 2022.

ANALYSIS/DISCUSSION

The timelines contemplated in SB 1383 and the Regulations do not take into consideration the COVID-19 pandemic, the associated shifting of city staff and resources to protect public health and safety, and the economic hardship of the pandemic on residents and businesses in our communities.

To implement SB 1383 and the Regulations, the City through its solid waste hauler (Burrtec) will need

to establish a new waste stream related to organics (food) waste recovery and disposal. It is anticipated that this expansion of the solid waste and recycling program will significantly increase the rates on residential and commercial solid waste services.

As a result of the pandemic and economic downturn, many residents and businesses in the City are in severe economic distress. Residents are on the verge of losing their homes, many businesses have closed or are on the verge of closing, and residents are recovering from the loss of family members who contributed to the financial wellbeing of the household.

A previous effort to delay implementation of SB 1383 resulting in Senate Bill 619 (SB 619) was sponsored for these reasons. Regretfully, the final version of SB 619 that was approved failed to delay implementation of this costly expansion of solid waste and recycling programs mandated by the state, and merely changed the jurisdictional penalty element by “accruing penalties” rather than directly “imposing penalties.”

The financial impact to local government in implementing SB 1383 remains the same, and this impact imposed on residents and businesses still struggling in the post-COVID 19 pandemic economy comes at the worst time. A delay in the implementation of SB 1383 and the Regulations is still necessary to allow sufficient time for the City’s residential and commercial solid waste customers to recover from the economic impacts of the COVID-19 pandemic is essential to the economic health of the City.

ENVIRONMENTAL IMPACT

This action 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 and Resolution.

FINANCIAL IMPACT

Operating Budget Impact

A delay in implementing SB 1383 will defer increased operational costs that will occur due to the expansion in the City’s solid waste and recycling programs necessary to comply with SB 1383.

Capital Improvement Budget Impact

None.

Licensing

Not applicable.

RECOMMENDATION

Staff recommends that the City Council adopt a Resolution Requesting an Additional 5-year Delay for the SB 1383 Food Waste Program.