



COUNTY OF HUMBOLDT

For the meeting of: 6/7/2022

File #: 22-737

To: Board of Supervisors

From: Public Works

Agenda Section: Departmental

SUBJECT:

Introduction of an Ordinance to Repeal Humboldt County Code Sections 521-1 through 521-12 of Chapter 1 of Division 2 of Title V and Replacing it with Sections 521-1 through 521-16 Regarding Solid Waste and Source Separated Materials of the Humboldt County Code

RECOMMENDATION(S):

That the Board of Supervisors:

1. Introduce the attached Ordinance by title (Attachment 4), and waive the first reading;
2. Set the Ordinance for adoption at least one week away;
3. Direct the Clerk of the Board to publish the pre-adoption summary of the Ordinance and to post a certified copy of the full text of the proposed Ordinance in the office of the Clerk of the Board, both publication and posting to be done at least five (5) days prior to the Board meeting at which the Ordinance will be adopted. [Government Code Section 25124 (b)(1)]; and
4. Direct the Clerk of the Board, within 15 days after adoption of the Ordinance, to publish a postadoption summary of the ordinance with the names of the Supervisors voting for and against the Ordinance, and to post in the office of the Clerk of the Board a certified copy of the full text of the adopted Ordinance and amendments along with the names of those Supervisors voting for and against the Ordinance

SOURCE OF FUNDING:

Public Works-Solid Waste (1100 438), Planning and Building- Code Enforcement (1100), and Department of Health & Human Services- Environmental Health (1175)

DISCUSSION:

The Humboldt County Department of Public Works, together with Code Enforcement and the Department of Health & Human Services, Division of Environmental Health proposes repealing and replacing in its entirety, the Humboldt County Code Title V- Health and Safety, Division 2 -Solid Waste and Source Separated Materials, Chapter 1- Regulations of the Storage, Collection, Transportation and Disposal of Solid Waste and Source Separated Materials, §§521-1 to 521-16. Under the new Senate Bill (SB) 1383 Regulations - Short-lived Climate Pollutants: Organic Waste Reductions ("Regulations"), which was initially effective Jan. 1, 2022, the county is required to adopt an

enforceable ordinance to mandate that organic waste generators, haulers and other entities subject to the Regulations, and to the county's authority, comply with the regulations. Through the Notice of Intent (NOI) process that was part of Assembly Bill (AB) 619, a 12-month extension of the implementation of SB 1383 is allowed. The county did file a NOI, which was approved by California Department of Resources Recycling and Recovery (CalRecycle). As many of the new requirements either replace or conflict with older requirements, these departments recommend repealing and replacing this section of County Code in its entirety, in order to bring the solid waste requirements of Humboldt County completely up-to-date and reconcile it with current operations of the county's solid waste system. County staff has prepared a draft Ordinance for the Board's consideration.

Three County Departments will have inspection and/or enforcement duties under this ordinance, Public Works - Solid Waste, Planning and Building - Code Enforcement, and Department of Health and Human Services - Environmental Health. Public Works will be inspecting and enforcing the container inspection and contamination requirements. Environmental Health will be focused on the Food Safety aspects of the Edible Food Program and ensuring that facilities associated with food production and preparation comply with the organics waste reduction, diversion and reporting responsibilities outlined in SB 1383. Code Enforcement will be involved when enforcement action has to be escalated in accordance with the monetary failure to comply penalties.

The County is currently working with a consultant to develop a compliance plan that may further extend the date of implementation if expected supply chain issues delay the ability to procure appropriate trucks and bins.

The proposed Ordinance will facilitate the implementation of the following new SB 1383 regulatory requirements:

- Requirements for source separation and disposal of solid waste, recyclables and organic waste by commercial and residential food generators, unless in an area that has received a low population waiver pursuant to 14 CCR 18984.12(a);
- Requirements for food donation by commercial edible food generators to food recovery organizations and services;
- Requirements for haulers and facility operators related to collection and processing of solid waste, recyclables and organic waste;
- Inspection and enforcement mechanisms for non-compliant entities.

There are other ordinances that will also require review and updating in accordance with SB 1383 including Model Water Efficient Landscaping, purchasing and use of compost and mulch, and Green Building requirements, which will be presented at a later date.

The proposed Ordinance also implements the following regulatory requirements, which became law in 2011 and 2014, respectively, but were never incorporated into Humboldt County Code:

- Mandatory Commercial Recycling (Assembly Bill 341), and
- Mandatory Commercial Organics Recycling (Assembly Bill 1826).

The proposed Ordinance also makes certain changes to Title V, Division 2, Chapter 1, as currently written, to bring it up-to-date and reconcile it with current operations of the county's solid waste system including:

- Updated definitions;
- Removal of references to collection "permits" as opposed to franchises;
- Updated solid waste container requirements; and
- Removal of any conflicts with current regulatory requirements.

The proposed ordinance was assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA) and the State CEQA Guidelines. The proposed Ordinance is exempt from the requirements of CEQA pursuant to CEQA Guidelines Sections 15307 and 15308 as an action by a regulatory agency (the county, in this case) taken to protect the environment and natural resources. The proposed Ordinance represents action taken by the county, requiring compliance with measures consistent with CalRecycle's SB 1383 Regulations, to divert organic waste from landfill disposal, thereby reducing greenhouse gas emissions generated by organic landfill waste as part of a statewide effort to combat climate change. Additionally, the proposed Ordinance requires development projects to comply with specific sections of California Green Building Standards Code and the Model Water Efficient Landscape Ordinance which promote a reduction in natural resource waste through recycling and repurposing of organic waste. Furthermore, none of the exceptions under CEQA Guidelines Section 15300.2 are applicable to the proposed Ordinance. Public Works and Planning and Building will post a notice of exemption in accordance with these findings following the Board's action to adopt the proposed ordinance.

FINANCIAL IMPACT:

There is no financial impact to your Board's adoption of the amendments to Humboldt County Code §§521-1 to 521-16 other than staff time to prepare the agenda items.

STRATEGIC FRAMEWORK:

This action supports your Board's Strategic Framework by providing community-appropriate levels of service .

OTHER AGENCY INVOLVEMENT:

Humboldt County Code Enforcement, Public Health Branch- Division of Environmental Health, and County Counsel

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board could choose not to approve these Code changes, but this could subject the county to fines and penalties.

ATTACHMENTS:

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1. Pre-Adoption Summary
2. Title V, Division 2, Chapter 1, Strikeout
3. Draft Ordinance
4. Title V, Division 2, Chapter 1, Draft

PREVIOUS ACTION/REFERRAL:

Board Order No.: N/A

Meeting of: N/A

File No.: N/A