



CITY OF

NEWPORT BEACH

City Council Staff Report

November 30, 2021
Agenda Item No. 5

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

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TITLE: Ordinance No. 2021-25: Solid Waste and Divertible Material
Container and Bulky Item Requirements

ABSTRACT:

City of Newport Beach (City) staff has been working in coordination with the City Council Solid Waste Working Group to meet the new requirements imposed by the California Department of Resource Recycling and Recovery's (CalRecycle) implementation of Senate Bill 1383 (SB 1383). To do so, Newport Beach Municipal Code (NBMC) Chapter 6.04 (Garbage, Refuse and Cuttings), Chapter 6.06 (State Mandated Municipal Solid Waste Diversion Programs) from Title 6, Health and Sanitation, and Chapter 14.17 (Water-Efficient Landscaping) from Title 14, Water and Sewers will need to be amended. Updates to NBMC Chapter 6.04 will improve operations and general city cleanliness, and will reduce costs by requiring that all waste and recycling material must be placed within the appropriate provided collection carts. Updates to NBMC Chapter 6.06 will codify enforcement to achieve the State of California's goal of achieving 75 percent organic waste diversion by 2025 and establishing mandated food recovery programs to help feed people in need. Updates to Chapter 14.17 will contribute to additional water-efficient landscaping and water savings by incorporating more composting and mulching into landscape projects that, in turn, will improve water conservation, carbon sequestration, erosion control and storm water management.

On November 16, 2021, the City Council held a public hearing to consider adopting Ordinance No. 2021-25 amending Chapter 6.04 (Garbage, Refuse, Cuttings), Chapter 6.06 (State Mandated Municipal Solid Waste Diversion Programs) and Chapter 14.17 (Water-Efficient Landscaping) of the Newport Beach Municipal Code. For the City Council's consideration is the adoption of Ordinance No. 2021-25, granting the amendment to municipal code chapters 6.04, 6.06, and 14.17.

RECOMMENDATION:

- a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
- b) Conduct second reading and adopt Ordinance No. 2021-25, *An Ordinance of the City Council of the City of Newport Beach, California, Amending Chapter 6.04 (Garbage, Refuse, Cuttings), Chapter 6.06 (State Mandated Municipal Solid Waste Diversion Programs), and Chapter 14.17 (Water-Efficient Landscaping) of the Newport Beach Municipal Code Necessary to Implement Senate Bill 1383 (Short-Lived Climate Pollutant Reduction Act of 2016) State Mandates.*

DISCUSSION:

In September 2016, the State of California (State) signed into law SB 1383, establishing methane emission reduction targets in a statewide effort to reduce emissions of short-lived climate pollutants. This resulted in CalRecycle establishing targets to achieve a 50 percent reduction in statewide disposal of organic waste from the 2014 level by the year 2020, and a 75 percent reduction by the year 2025. SB 1383 is the most significant waste reduction mandate to be adopted in the state in the last 30 years, and requires all jurisdictions to implement a mandatory organics recycling ordinance by January 1, 2022. This legislation requires all businesses, residents and multi-family apartments to have access to recycling programs that capture food scraps and landscaping waste, among other organic waste materials.

SB 1383 builds upon Assembly Bill 1826 (AB 1826), which went into effect on April 1, 2016. AB 1826 required any business generating two or more cubic yards of solid organic waste per week, and multi-family properties with five or more units, to recycle their organic waste (under AB 1826, multi-family properties are only required to recycle landscape debris). Additionally, AB 1826 required the City to implement an organic waste recycling program, which includes identifying non-compliant businesses and notifying them of these new organic recycling requirements.

In September 2019, the City Council approved NBMC updates based off AB 1826, effective January 1, 2020. This resulted in a successful implementation of an organic waste program by the City's non-exclusive, commercial franchise haulers. Since January 1, 2020, the City has worked diligently to put a plan in place to meet the compliance requirements of SB 1383. Part of that plan is to update NBMC Chapter 6.06 from Title 6 per SB 1383 requirements. The proposed municipal code updates will meet the primary goals of SB 1383, which are the codification of enforcement to achieve the State's 75 percent organic waste diversion goal by 2025 and to establish food recovery programs to help feed people in need. All changes associated with SB 1383 can be found in Attachment B.

In a parallel effort, the City Council Solid Waste Working Group has been looking at ways to improve program efficiency and reduce both program costs and impacts to residents through incorporation of new or improved collection and processing methods or technologies. The City Council directed staff to proceed with preparation of an amended Residential Solid Waste Franchise contract with CR&R to replace the two existing Residential Solid Waste Collection & Recycling Contracts (C-5649 & C-3942). In the preparation of an amended residential solid waste collection contract, staff asked CR&R to provide pricing based on industry standards. Industry standards include requiring that all waste and recycling material be placed within the appropriate provided collection carts, or “containerized”. This means the hauler would no longer manually collect waste placed on the ground in streets or alleyways outside of trash cans so as to further automate the collection process, increase the amount of materials being recycled, and to enable organics to be processed in the least expensive, acceptable option. Updating requirements in NBMC Chapter 6.04 for residents to containerize their waste will improve program efficiency and has been identified as cost saving in the negotiations process with CR&R for the amended combination of contracts C-5649 and C-3942. This will also provide improved sanitation and cleanliness on city streets and alleys by deterring pests, reducing waste contaminant runoff, and preventing scattering of loose debris by wind or other sources. Proposed changes to the NBMC related to containerization can be found in Attachment C.

An additional requirement per SB 1383 is related to the enforcement of water-efficient landscaping projects. SB 1383 Article 8 requires the implementation of the Model Water Efficient Landscape Ordinance (MWELO). MWELO sets standards for new development and retrofitted landscape projects to improve water conservation, carbon sequestration, erosion control, storm water management as well as provide habitat for beneficial insects and other wildlife.

FISCAL IMPACT:

Containerization improves operations, allowing for more efficient refuse collection. Negotiated contract pricing with CR&R is based on containerization. If the proposed amendments to NBMC Chapter 6.04 are not adopted, contract pricing would be higher and require additional negotiation.

ENVIRONMENTAL REVIEW:

Staff recommends the City Council find this action is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

ATTACHMENTS:

- Attachment A – Ordinance No. 2021-25
- Attachment B – Newport Beach Municipal Code Chapter 6.06 and 14.17 Redlines
- Attachment C – Newport Beach Municipal Code Chapter 6.04 Redlines