

R-22

October 19, 2021

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Request the City Attorney to prepare an Ordinance amending Chapters 8.60, 18.67 and 21.42 of the Long Beach Municipal Code to comply with the State-mandated legislation Senate Bill (SB) 1383, the Short-Lived Climate Pollutants: Organic Waste Methane Emissions Reduction. (Citywide)

DISCUSSION

In September 2016, Governor Brown signed into law SB 1383, the Short-Lived Climate Pollutants (SLCP): Organic Waste Methane Emissions Reduction, establishing methane emissions reduction targets in a statewide effort to reduce emissions of SLCP. SB 1383 is the most significant waste reduction mandate to be adopted in California in the last 30 years. It establishes targets to achieve a 75 percent reduction of statewide disposal of organic waste by the year 2025, and no less than 20 percent of currently disposed edible food is recovered for human consumption for 2025. SB 1383 grants CalRecycle the regulatory authority required to achieve these reduction targets.

On June 18, 2021, the Public Works Department submitted a memorandum to the City Council outlining the requirements of the SB 1383. On August 3, 2021, the Public Works Department, along with representatives from CalRecycle and SCS Engineers, presented a Study Session to the City Council further explaining SB 1383 mandates, the City's efforts to reach compliance, and the need to update the Long Beach Municipal Code (LBMC) to reflect the requirements of SB 1383.

As described in the June 18, 2021 memorandum, and as discussed in the August 3, 2021 Study Session, staff reviewed all the requirements of the legislation and highlighted that the City will not be in full compliance by January 1, 2022. This is due to the lack of funding from the State to implement the legislation, lack of public facilities in the State/Southern California to process organic material, industrywide shortages of trucks and containers, and the shift of staffing priorities during the height of the Covid-19 pandemic. This law provides CalRecycle with the authority to fine cities for non-compliance starting on January 1, 2024, with financial penalties that can be back dated to the implementation date of January 1, 2022. It is imperative the City works to implement as much of the legislation as possible, including the adoption of an Ordinance for enforcement by the implementation date to avoid financial penalties.

The City must make changes to the LBMC and develop administrative regulations to ensure compliance. LBMC changes are needed in the following areas: Edible Food Recovery compliance, investigations, and enforcement including financial penalties; CalGreen Building Standards; Water Efficient Landscape; and, Organics Diversion compliance, investigations, and enforcement including financial penalties. Additionally, the development of Administrative Regulations is needed to establish a citywide procurement policy that meets State requirements for procurement of organic waste products and paper products, and for the requirements of food waste diversion and donation of edible food at permitted City Special Events and Large Venues.

CEQA Compliance

City staff are currently preparing the required environmental clearance for these State-mandated LBMC amendments, in compliance with the California Environmental Quality Act (CEQA). The CEQA clearance, which will be driven by the requirements of SB 1383, will be completed in time to accompany the Ordinance when it returns to City Council for final action.

This matter was reviewed by Deputy City Attorney Amy R. Webber on September 20, 2021 and by Budget Management Officer Rhutu Amin Gharib October 4, 2021.

TIMING CONSIDERATIONS

City Council action is requested on October 19, 2021, to continue efforts to reach SB 1383 compliance in a timely manner.

FISCAL IMPACT

The City will incur additional costs related to increased staffing, development of internal processes to manage documentation and reporting requirements, compliance with purchasing requirements of organic material, and development of new programs to comply with this legislation. The Public Works Department has initiated a Cost of Service Study that will identify new service rates for all City-serviced Refuse customers for the required new organics collection service and for other operational needs. All multi-family and commercial customers serviced by private haulers are expected to have rate increases as well as to pay for this new required service. Costs to City departments for additional staffing and resources to complete this work is currently unknown. Any additional enhancements needed to meet the State mandate that requires adjustments to a departments budget will be brought back to City Council for review and approval. Cal Recycle also has the authority to fine the City for non-compliance beginning in 2024 and could be back dated. This recommendation has a significant staffing impact beyond the normal budgeted scope of duties and is consistent with existing City Council priorities. There is no local job impact associated with this recommendation.

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SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



ERIC LOPEZ
DIRECTOR OF PUBLIC WORKS

APPROVED:



THOMAS B. MODICA
CITY MANAGER