

## Legislation Text

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**PREPARED BY:** MATT RODRIGUEZ

**DATE OF MEETING:** 04/19/21

**SUBJECT:**

CITY COUNCIL AUTHORIZATION TO RATIFY LETTER OF CONCEPTUAL SUPPORT FROM SAN PABLO MAYOR PABON-ALVARADO ON STATE OF CALIFORNIA PROPOSED LEGISLATION RELATED TO ORGANICS WASTE AND SB 1383 COMPLIANCE - SENATE BILL 619 (LAIRD)

**CITY MANAGER RECOMMENDATION**

Approve by Minute Order

**COMPLIANCE STATEMENTS**

*Major Policy Goal: Enhanced Community Resilience and Policy No. #202. Develop and implement long-term environmental stewardship goals* are adopted policy item contained in the adopted FY 2021-23 City Council Priority Workplan, effective March 15, 2021.

**CEQA Compliance Statement**

This is not a project as defined by CEQA pursuant to 14 Cal. Code of Regulations section 15378(b).

**BACKGROUND**

Enacted into law in September 2016, SB 1383 establishes targets to achieve a 50 percent reduction in the level of the state-wide disposal of organic waste from the 2014 level by 2020, and a 75 percent reduction by 2025. Additionally, SB 1383 provides Cal-Recycle the full regulatory authority required to achieve the organic waste disposal reduction targets, and establishes an additional target that not less than 20 percent of edible food that is currently disposed of is recovered for human consumption by 2025.

Local cities are working diligently to implement SB 1383 requirements, and the City of San Pablo is committed to fully implementing the new regulatory requirements via the West Contra Costa Integrated Waste Management Joint Powers Authority (RecycleMore JPA) which provides regulatory compliance activities and programs for the cities of El Cerrito, Hercules, Pinole, Richmond, and San Pablo who must adhere to all State regulatory solid waste, diversion and recycling requirements.

Currently, RecycleMore JPA staff have made initial progress toward development of a new procurement policy, and is drafting a new Ordinance for review by all West County member agencies, including the City of San Pablo, for future review and formal adoption prior to January 1, 2022. Therefore, the City of San Pablo has determined the proposed timeline for SB 1383 will be difficult to meet if Cal-Recycle deems a franchise agreement amendment is necessary. In addition, getting local customers/ratepayers in compliance after January 1, 2022 will take tremendous effort and time by individual cities.

**Proposed State Legislation SB 619 (Laird)**

SB 619 (Laird) - Organic Waste: Reduction Regulations, authored by State Senator John Laird (17<sup>th</sup> District), proposes to seek help for local governments on the implementation of SB 1383 by allowing for additional time and flexibility to comply with SB 1383 regulations. Currently, local governments have until January 1, 2022, to implement the requirements outlined in the SB 1383 regulations. Although these current regulations have been in development for several years, they were not finalized by Cal-Recycle until November 2020, giving local governments only thirteen (13) months to fully implement various facets of the SB 1383 regulations in effect.

### **COVID-19 Impacts on SB 1383 Compliance**

With the outbreak of the COVID-19 pandemic shortly after the SB 1383 regulations were finalized by Cal-Recycle, many cities like San Pablo shifted their focus and resources on addressing the community public health crisis and have not been able to concentrate significantly on implementation of the SB 1383 regulations set forth by Cal-Recycle to date.

In addition, the fiscal impacts of the COVID-19 pandemic have impacted many of our City operations and services since March 2020.

These regulatory compliance efforts are further exacerbated given that current SB 1383 regulations do not have a source of state funding to assist local cities to implement, with the burden of paying for the regulatory compliance costs associated with implementing a SB 1383 compliance program to fall directly on local residents and businesses.

In preliminary discussions with RecycleMore JPA staff and other City Managers of West County member agencies, the RecycleMore JPA Board of Directors will also consider formally supporting SB 619 (Laird) at their next regular board meeting scheduled in April 2021.

City staff acknowledges that SB 619 (Laird) is a work in progress. However, local cities, like San Pablo, want to see this proposed legislation move forward to continue the discussions with State legislators and all stakeholders to see what solutions can be reached. As proposed, SB 619 (Laird) will assist local governments get the additional time and flexibility needed to meet the state's ambitious climate and emissions reduction goals. For these reasons, the City of San Pablo conceptually supports SB 619 at this time.

Therefore, on April 5, 2021, a letter of conceptual support was developed and executed by San Pablo Mayor Pabon-Alvarado and transmitted officially via the City's lobbyist, Townsend Public Affairs, to State Senator Ben Allen (26<sup>th</sup> District) who serves as Chair, Senate Environmental Quality Committee who scheduled a hearing on SB 619 (Laird) on April 12, 2021, with an additional hearing scheduled on April 29, 2021.

### **City Manager Recommendation**

This evening, the City Manager requests ratification approval by majority vote (via minute order) of the conceptual letter of support executed and transmitted on April 5, 2021 by Mayor Pabon-Alvarado to the State Senator Ben Allen (26<sup>th</sup> District), Chair of the Senate Environmental Quality Committee, with copies to State Senator John Laird (17<sup>th</sup> District).

### **FISCAL IMPACT**

No fiscal impact associated with this agenda item.

### **ATTACHMENT:**

- 1) Letter of Conceptual Support dated April 5, 2021 re: SB 619 (Laird) transmitted by San Pablo Mayor to State Senator Ben Allen (26<sup>th</sup> District), Chair of the Senate Environmental Quality Committee