



Agenda Date: 12/20/2021

Agenda Placement: 6C

Upper Valley Waste Management Agency Board Agenda Letter

TO: Board of Directors

FROM: Steven Lederer - Manager
Upper Valley Waste Management Agency

REPORT BY: Steven Lederer, Director, Public Works - 259-8228

SUBJECT: Adoption of MOUs Between the Agency and each of it's members in support of SB 1383

RECOMMENDATION

ADOPTION OF SB 1383 MEMORANDUMS OF UNDERSTANDING (MOU)

DISCUSSION AND REQUESTED ACTION: Agency Manager requests discussion and adoption of MOUs between the Agency and each of its members in support of implementation of SB 1383 (Organics Diversion).

EXECUTIVE SUMMARY

The Agency's operations and powers are governed by the JPA Formation Agreement. The Agency is authorized to enter into franchises for solid waste handling services and to establish, among other things, fees in connection with those services. The Agency's members include the County of Napa, the City of Calistoga, the City of St. Helena, and the Town of Yountville. Its operations are governed by state law and the Joint Powers Agreement between the members.

The Joint Powers Agreement authorizes the Agency to enter into agreements with each of its members to allow the Agency to assume certain responsibilities for the members in order to implement the requirements of SB 1383 (Organics Diversion and Reduction). Agency staff worked with each of its members to prepare MOUs, which have been adopted by the elected bodies of each of those members. Said MOUs are attached to this agenda item, and are presented to this Board for Agency approval.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact? No

County Strategic Plan pillar addressed:

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable. To the extent this is a project under CEQA, it is exempt under 14 California Code of Regulations 15061(b)(3).

BACKGROUND AND DISCUSSION

In 2016, Governor Brown signed into law Senate Bill 1383 (Lara, Chapter 395, Statutes of 2016) (“SB 1383”), establishing methane emissions reduction targets in a statewide effort to reduce emissions of short-lived climate pollutants (SLCP) in various sectors of California's economy. SB 1383 is the State’s most aggressive waste reduction law in the last 30 years and enacts the following targets to reduce organic waste in landfills:

- A. Achieve a 50% reduction in statewide disposal of organic waste from 2014 levels by 2020 and a 75% reduction by 2025; and
- B. Recover at least 20% of currently disposed surplus food by 2025.

Landfills are the third largest producer of methane. Food scraps, green waste, paper, and wood are organic materials that account for a significant portion of California's overall waste stream that is ultimately disposed in landfills. As a result, the State’s SLCP strategy includes managing disposal of organic waste to reach the reduction targets noted above. Increasing food waste prevention, encouraging edible food rescue, and expanding the composting and in-vessel digestion of organic waste will reduce methane from landfill operations. In addition to setting specific emissions reduction goals, SB 1383 and its implementing regulations mandate that cities and counties:

1. Provide organic waste collection services to all residents and businesses;
2. Develop and adopt an enforcement mechanism or ordinance by January 2022;
3. Establish an edible food recovery program;
4. Update the County’s procurement policy to purchase recycled content paper and recycled organic waste products (e.g., compost, mulch, and renewable natural gas) at a volume of 0.08 tons/resident;
5. Provide outreach and education for generators, haulers, facilities, edible food recovery organizations, and municipal departments;
6. Plan and secure access for recycling and edible food recovery capacity;
7. Monitor compliance and conduct enforcement; and
8. Maintain accurate compliance records.

As of the date of writing this report, each of the Members of Agency had adopted an SB 1383 ordinance for their jurisdiction, except for SH which was scheduled to have a first reading on their ordinance on 12/14. The ordinance must be adopted by January 1, 2022 to mandate that organic waste generators, haulers, facility operators, and other entities subject to the requirements of SB 1383 and its implementing regulations comply with the law. It may also help reduce food insecurity by requiring Commercial Edible Food Generators to arrange for the maximum amount of their edible food that would otherwise be disposed, to be recovered for human consumption.

The UVWMA members include the County of Napa, the City of Calistoga, the City of St. Helena, and

the Town of Yountville. Its operations are governed by state law and the Joint Powers Agreement between the members. In early 2021, the members amended Section 6.1 of the Joint Powers Agreement to allow UVWMA to assist members in complying with state organic waste diversion mandates. Specifically, UVWMA is authorized to:

“...undertake or assist with implementation and enforcement of state organic waste recycling mandates, as they may change from time to time and including, but not limited to, AB 341, AB 1826, and SB 1383...”

The amendment authorizes UVWMA to enter into franchises and memoranda of understanding with members for this purpose, or directly implement and enforce these laws. It also gives UVWMA the authority to enter into agreements for procurement of recovered organic waste products and implementation and administration of food recovery programs.

The attached MOUs authorize UVWMA to assume most SB 1383 requirements for its members, except the members remain responsibility for enforcement (imposing civil penalties), and to purchase products required to be purchased by SB 1383. The responsibilities of the Agency include monitoring, reporting, education and outreach, and ensuring compliance by the hauler, among others. As stated, the responsibilities of procuring recycled-content paper and organic products and enforcing the Ordinance through civil penalties remains with the Member.

The Agency will delegate some of its responsibilities under SB 1383 to its recycling and waste services provider franchisee, UVDS and CFL, as authorized by the SB 1383 Regulations. (Cal. Code. Regs., Tit. 14, § 18981.2). This will ensure implementation of AB 1383 programs throughout the area and relieve much of the administrative burden of implementing SB 1383, which would otherwise be borne by the UVWMA or its members.

SUPPORTING DOCUMENTS

- A . Yountville MOU
- B . Calistoga MOU
- C . County MOU
- D . SH MOU

Recommendation: Approve

Reviewed By: Steven Lederer