



Agenda Item B.3
CONSENT CALENDAR
Meeting Date: January 18, 2022

TO: Mayor and Councilmembers

FROM: Charles W. Ebeling, Public Works Director

CONTACT: Melissa Nelson, Environmental Services Coordinator

SUBJECT: SB 1383 Organics Ordinance—2nd Reading

RECOMMENDATION:

1. Conduct second reading (by title only and waive further reading) and adopt Ordinance No. 22- ____, entitled An Ordinance Adding Article V. Mandatory Organic Waste Disposal Reduction Ordinance, Sections 8.10.810 to 8.10.890 to Chapter 8.10 of the Goleta Municipal Code and Amending Certain Sections of Chapter 8.10 Regarding Integrated Waste Management for Consistency.”
2. Direct staff to file a Notice of Exemption determining that the Ordinance is categorically exempt from CEQA.

BACKGROUND:

At the December 21, 2021, meeting, the City Council unanimously introduced Ordinance No. 22-____, an Ordinance of the City Council of the City of Goleta, California, adding Article V, Mandatory Organic Waste Disposal Reduction to Chapter 8.10 (Integrated Waste Management) of the Goleta Municipal Code.

The purpose of the proposed ordinance is to ensure the City is in compliance with Senate Bill (SB) 1383 that mandated public agencies to reduce organic waste disposal by 75% and increase edible food recovery by 25% by 2025 and establish programs for the collection and recycling of organic waste in residential and commercial sectors. The Ordinance establishes parameters and program requirements for residential and commercial generators, requirements for edible food recovery organizations, waste haulers, waste facility operators, community composting, self-haulers, issuance of waivers, requirements for education and outreach, procurement, inspections and investigations, enforcement, and annual reporting.

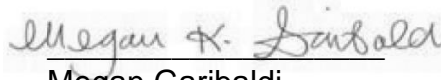
The City Council must conduct a second reading of the Ordinance prior to the Ordinance going into effect on February 17, 2022.


Reviewed By:

Legal Review By:

Approved By:


Kristine Schmidt
Assistant City Manager


Megan Garibaldi
City Attorney


Michelle Greene
City Manager

ATTACHMENTS:

1. Ordinance 22-____ entitled "An Ordinance Adding Article V. Mandatory Organic Waste Disposal Reduction Ordinance, Sections 8.10.810 to 8.10.890 to Chapter 8.10 of the Goleta Municipal Code and Amending Certain Sections of Chapter 8.10 Regarding Integrated Waste Management for Consistency."
2. Notice of Exemption

ATTACHMENT 1

SB1383 Ordinance

ORDINANCE NO. _____

AN ORDINANCE ADDING ARTICLE V. MANDATORY ORGANIC WASTE DISPOSAL REDUCTION ORDINANCE, SECTIONS 8.10.810 to 8.10.890 TO CHAPTER 8.10 OF THE GOLETA MUNICIPAL CODE AND AMENDING CERTAIN SECTIONS OF CHAPTER 8.10 REGARDING INTEGRATED WASTE MANAGEMENT FOR CONSISTENCY.

The City Council of the City of Goleta does ordain as follows:

SECTION 1: The City Council finds and declares as follows:

- A. State recycling law, Assembly Bill 939 of 1989, the California Integrated Waste Management Act of 1989 (California Public Resources Code Section 40000, et seq., as amended, supplemented, superseded, and replaced from time to time), requires cities and counties to reduce, reuse, and recycle (including composting) solid waste generated in their jurisdictions to the maximum extent feasible before any incineration or landfill disposal of waste, to conserve water, energy, and other natural resources, and to protect the environment.
- B. State recycling law, Assembly Bill 341 of 2011 (approved by the Governor of the State of California on October 5, 2011, which amended Sections 41730, 41731, 41734, 41735, 41736, 41800, 42926, 44004, and 50001 of, and added Sections 40004, 41734.5, and 41780.01 and Chapter 12.8 (commencing with Section 42649) to Part 3 of Division 30 of, and added and repealed Section 41780.02 of, the Public Resources Code, as amended, supplemented, superseded and replaced from time to time), places requirements on businesses and multifamily property owners that generate a specified threshold amount of solid waste to arrange for recycling services and requires the City to implement a mandatory commercial recycling program.
- C. State organics recycling law, Assembly Bill 1826 of 2014 (approved by the Governor of the State of California on September 28, 2014, which added Chapter 12.9 (commencing with Section 42649.8) to Part 3 of Division 30 of the Public Resources Code, relating to solid waste, as amended, supplemented, superseded, and replaced from time to time), requires businesses and multifamily property owners that generate a specified threshold amount of solid waste, recycling, and organic waste per week to arrange for recycling services for that waste, requires the City to implement a recycling program to divert organic waste from businesses subject to the law, and requires the City to implement a mandatory commercial organics recycling program.
- D. SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires CalRecycle to develop regulations to reduce organics in landfills as a source

of methane. The regulations place requirements on multiple entities including the City, residential households, commercial businesses and business owners, commercial edible food generators, haulers, self-haulers, food recovery organizations, and food recovery services to support achievement of statewide organic waste disposal reduction targets.

- E. SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires the City to adopt and enforce an ordinance or enforceable mechanism to implement relevant provisions of SB 1383 Regulations. This Ordinance will also help reduce food insecurity by requiring commercial edible food generators to arrange to have the maximum amount of their edible food, that would otherwise be disposed, be recovered for human consumption.
- F. The requirements in this Ordinance are consistent with other adopted goals and policies of the City, such as trash pollution reduction goals referenced in the City's Creek and Watershed Management Plan, climate pollutant reduction and renewable energy goals outlined in the City's Strategic Energy plan.

SECTION 2: Article V, Mandatory Organics Waste Disposal Reduction Ordinance, Sections 8.10.810 to 8.10.890 are hereby added to Chapter 8.10 ("Integrated Waste Management") of the Goleta Municipal Code and shall read as follows:

"Article V. Mandatory Organics Waste Disposal Reduction Ordinance

8.10.810 Requirements for Single-Family Generators.

Single-family organic waste generators shall comply with the following requirements except for single-family generators that meet the self-hauler requirements in Section 8.10.870:

A. Generators shall subscribe to the City's organic waste collection services for all organic waste generated as described below in Subsection B. The City shall have the right to review the number and size of a generator's containers to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, a generator shall adjust its service level for its collection services as requested by the City. Generators may additionally manage their organic waste by preventing or reducing their organic waste, managing organic waste on site, and/or using a community composting site pursuant to 14 CCR Section 18984.9(c).

B. Generators shall participate in the City's organic waste collection services by placing designated materials in designated containers as follows:

1. Generators shall place source separated green container organic waste, except food waste, in the green container; source separated recyclable materials in the blue container; and mixed waste, including food waste, in the gray container. Generator shall not place materials designated for the green containers or blue containers in the gray containers.

2. Generators shall not place prohibited container contaminants in collection containers.

8.10.820 Requirements for Commercial Businesses.

Generators that are commercial businesses, including multifamily residential dwellings with five (5) or more dwelling units (“multifamily residential dwellings”), shall:

A. Subscribe to the City’s three-container collection services and comply with requirements of those services as described below in Subsection B, except commercial businesses that meet the self-hauler requirements in Section 8.10.870. The City shall have the right to review the number and size of a generator’s containers and frequency of collection to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, commercial businesses shall adjust their service level for their collection services as requested by the City.

B. Except commercial businesses that meet the self-hauler requirements in Section 8.10.870, participate in the City organic waste collection services by placing designated materials in designated containers as follows:

1. Generator shall place source separated green container organic waste, except food waste, in the green container; source separated recyclable materials in the blue container; and mixed waste, including food waste, in the gray container.

2. Generator shall not place materials designated for the green containers or blue containers in the gray containers.

C. Supply and allow access to adequate number, size and location of collection containers with sufficient labels or colors (conforming with Subsections D.1 and D.2 below) for employees, contractors, tenants, and customers, consistent with the City’s blue container, green container, and gray container collection service or, if self-hauling, per the commercial businesses’ instructions to support its compliance with its self-haul program, in accordance with Section 8.10.870.

D. Excluding multifamily residential dwellings, provide containers for the collection of source separated green container organic waste and source separated recyclable materials in all indoor and outdoor areas where disposal containers are provided for customers, for materials generated by that business. Such containers do not need to be provided in restrooms. If a commercial business does not generate any of the materials that would be collected in one type of container, then the business does not have to provide that particular container in all areas where disposal containers are provided for customers. Pursuant to 14 CCR Section 18984.9(b), the containers provided by the business shall have either:

1. A body or lid that conforms with the container colors provided through the collection service provided by the City, with either lids conforming to the color requirements or bodies conforming to the color requirements or both lids and bodies

conforming to color requirements. A commercial business is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the requirements of the subsection prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first.

2. Container labels that include language or graphic images, or both, indicating the primary material accepted and the primary materials prohibited in that container, or containers with imprinted text or graphic images that indicate the primary materials accepted and primary materials prohibited in the container. Pursuant 14 CCR Section 18984.8, the container labeling requirements are required on new containers commencing January 1, 2022.

E. Multifamily residential dwellings are not required to comply with container placement requirements or labeling requirement in Subsection D, above, pursuant to 14 CCR Section 18984.9(b).

F. To the extent practical through education, training, inspection, and/or other measures, excluding multi-family residential dwellings, prohibit employees from placing materials in a container not designated for those materials per the City's blue container, green container, and gray container collection service or, if self-hauling, per the commercial businesses' instructions to support its compliance with its self-haul program, in accordance with Section 8.10.870.

G. Excluding multifamily residential dwellings, periodically inspect blue containers, green containers, and gray containers for contamination and inform employees if containers are contaminated and of the requirements to keep contaminants out of those containers pursuant to 14 CCR Section 18984.9(b)(3).

H. Annually provide information to employees, contractors, tenants, and customers about organic waste recovery requirements and about proper sorting of source separated green container organic waste and source separated recyclable materials.

I. Provide education information before or within fourteen (14) days of occupation of the premises to new tenants that describes requirements to keep source separated green container organic waste and source separated recyclable materials separate from mixed waste (when applicable) and the location of containers and the rules governing their use at each property.

J. Provide or arrange access for the City or its agent to their properties during all inspections conducted in accordance with Section 8.10.880 to confirm compliance with the requirements of this article.

K. Accommodate and cooperate with the City's remote monitoring program for inspection of the contents of containers for prohibited container contaminants, which may be implemented at a later date by resolution, to evaluate generator's compliance with Subsection B, above. If implemented by the City, the remote monitoring program shall involve installation of remote monitoring equipment on or in the blue containers, green containers, and gray containers.

L. At commercial business's option and subject to any approval required from the City, implement a remote monitoring program for inspection of the contents of its blue containers, green containers, and gray containers for the purpose of monitoring the contents of containers to determine appropriate levels of service and to identify prohibited container contaminants. Generators may install remote monitoring devices on or in the blue containers, green containers, and gray containers subject to written notification to or approval by the City or its designee.

M. If a commercial business wants to self haul, it must meet the self-hauler requirements in Section 8.10.870.

N. Nothing in this section prohibits a generator from preventing or reducing waste generation, managing organic waste on site, or using a community composting site pursuant to 14 CCR Section 18984.9(c).

O. Commercial businesses that are tier one or tier two commercial edible food generators shall comply with food recovery requirements, pursuant to Section 8.10.840.

8.10.830 Waivers for Generators.

A. De Minimis Waivers. The City may waive a commercial business' obligation (including multifamily residential dwellings with five (5) or more dwelling units) to comply with some or all of the organic waste requirements of this article if the commercial business provides documentation that the business generates below a certain amount of organic waste material as described in Subsection A.2 below. Commercial businesses requesting a de minimis waiver shall:

1. Submit an application specifying the services that they are requesting a waiver from and provide documentation as noted in Subsection A.2 below.

2. Provide documentation that either:

- a. The commercial business' total solid waste collection service is two cubic yards or more per week and organic waste subject to collection in a blue container or green container comprises less than 20 gallons per week per applicable container of the business' total waste; or,

- b. The commercial business' total solid waste collection service is less than two cubic yards per week and organic waste subject to collection in a blue container or green container comprises less than 10 gallons per week per applicable container of the business' total waste.

3. Notify the City if circumstances change such that commercial business's organic waste exceeds threshold required for waiver, in which case waiver will be rescinded.

4. Provide written verification of eligibility for de minimis waiver every 5 years, if the City has approved a de minimis waiver.

B. Physical Space Waivers. The City may waive a commercial business' or property owner's obligations (including multifamily residential dwellings with five (5) or more dwelling units) to comply with some or all of the recyclable materials and/or organic waste collection service requirements of this article if the City has evidence from its own staff, a hauler, licensed architect, or licensed engineer demonstrating that the premises lacks adequate space for the collection containers required for compliance with the organic waste collection requirements of Section 8.10.820.

A commercial business or property owner may request a physical space waiver through the following process:

1. Submit an application form specifying the type(s) of collection services for which they are requesting a compliance waiver.

2. Provide documentation that the premises lacks adequate space for blue containers and/or green containers including documentation from its hauler, licensed architect, or licensed engineer.

3. Provide written verification to the City that it is still eligible for physical space waiver every five years, if the City has approved an application for a physical space waiver.

C. Collection Frequency Waiver. The City, at its discretion and in accordance with 14 CCR Section 18984.11(a)(3), may allow the owner or tenant of any residence, premises, business establishment or industry that subscribes to the City's three-container organic waste collection service to arrange for the collection of their blue container, gray container, or both once every fourteen days, rather than once per week.

8.10.840 Requirements for Commercial Edible Food Generators.

A. Tier one commercial edible food generators must comply with the requirements of this section commencing January 1, 2022, and tier two commercial edible food generators must comply commencing January 1, 2024, pursuant to 14 CCR Section 18991.3.

B. Large venue or large event operators not providing food services, but allowing for food to be provided by others, shall require food facilities operating at the large venue or large event to comply with the requirements of this section, commencing January 1, 2024.

C. Commercial edible food generators shall comply with the following requirements:

1. Arrange to recover the maximum amount of edible food that would otherwise be disposed.

2. Contract with, or enter into a written agreement with food recovery organizations or food recovery services for: (i) the collection of edible food for food

recovery; or, (ii) acceptance of the edible food that the commercial edible food generator self-hauls to the food recovery organization for food recovery.

3. Shall not intentionally spoil edible food that is capable of being recovered by a food recovery organization or a food recovery service.

4. Allow the City's designated enforcement entity or designated third party enforcement entity to access the premises and review records pursuant to 14 CCR Section 18991.4.

5. Keep records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:

a. A list of each food recovery service or organization that collects or receives its edible food pursuant to a contract or written agreement established under 14 CCR Section 18991.3(b).

b. A copy of all contracts or written agreements established under 14 CCR Section 18991.3(b).

c. A record of the following information for each of those food recovery services or food recovery organizations:

i. The name, address and contact information of the food recovery service or food recovery organization.

ii. The types of food that will be collected by or self-hauled to the food recovery service or food recovery organization.

iii. The established frequency that food will be collected or self-hauled.

iv. The quantity of food, measured in pounds recovered per month, collected or self-hauled to a food recovery service or food recovery organization for food recovery.

6. No later than June 30th of each year commencing no later than January 1, 2022, for tier one commercial edible food generators and January 1, 2024, for tier two commercial edible food generators, provide an annual food recovery report to the City that includes: a summary of the records and information listed above (in 8.10.840 Section C1 through C5), a summary of food recovery activities, copies of contracts or written agreements with food recovery organizations.

D. Nothing in this chapter shall be construed to limit or conflict with the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance pursuant to Senate Bill 557 of 2017 (approved by the Governor of the State of California on September 25, 2017, which added Article 13 [commencing with Section 49580] to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, and to amend Section

114079 of the Health and Safety Code, relating to food safety, as amended, supplemented, superseded and replaced from time to time).

8.10.850 Requirements for Food Recovery Organizations and Services.

A. Food recovery services collecting or receiving edible food directly from commercial edible food generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(1):

1. The name, address, and contact information for each commercial edible food generator from which the service collects edible food.

2. The quantity in pounds of edible food collected from each commercial edible food generator per month.

3. The quantity in pounds of edible food transported to each food recovery organization per month.

4. The name, address, and contact information for each food recovery organization that the food recovery service transports edible food to for food recovery.

B. Food recovery organizations collecting or receiving edible food directly from commercial edible food generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(2):

1. The name, address, and contact information for each commercial edible food generator from which the organization receives edible food.

2. The quantity in pounds of edible food received from each commercial edible food generator per month.

3. The name, address, and contact information for each food recovery service that the organization receives edible food from for food recovery.

C. Food recovery organizations and food recovery services shall inform generators about California and Federal Good Samaritan Food Donation Act protection in written communications, such as in their contract or agreement established under 14 CCR Section 18991.3(b).

D. Food recovery organizations and food recovery services that have their primary address physically located in the City and contract with or have written agreements with one or more commercial edible food generators pursuant to 14 CCR Section 18991.3(b) shall report to the City it is located in the total pounds of edible food recovered in the previous calendar year from the tier one and tier two commercial edible food generators they have established a contract or written agreement with pursuant to

14 CCR Section 18991.3(b) no later than June 30th of each year and upon the City's request.

E. Food Recovery Capacity Planning. In order to support edible food recovery capacity planning assessments or other studies conducted by the County, City, special district that provides solid waste collection services, or its designated entity, food recovery services and food recovery organizations operating in the City shall provide information and consultation to the City, upon request, regarding existing, or proposed new or expanded, food recovery capacity that could be accessed by the City and its commercial edible food generators. A food recovery service or food recovery organization contacted by the City shall respond to such request for information within 60 days, unless a shorter timeframe is otherwise specified by the City.

8.10.860 Requirements for Haulers and Facility Operators.

A. Requirements for Haulers.

1. Franchised, permitted, or licensed haulers providing residential, commercial, or industrial organic waste collection services to generators within the City's boundaries shall meet the following requirements and standards as a condition of approval of a contract, agreement, or other authorization with the City to collect organic waste:

a. Through written notice to the City on or before June 30, 2022 and each subsequent year identify the facilities to which they will transport organic waste including facilities for source separated recyclable materials, source separated green container organic waste, and mixed waste. In the event another facility will be used at a future date, 30 days advanced written notice must be provided to the City.

b. Transport source separated recyclable materials, source separated green container organic waste, and mixed waste to a facility, operation, activity, or property that recovers organic waste as defined in 14 CCR, Division 7, Chapter 12, Article 2.

c. Obtain approval from the City to haul organic waste, unless it is transporting source separated organic waste to a community composting site or lawfully transporting construction and demolition debris in a manner that complies with 14 CCR Section 18989.1 and the City's construction and demolition waste requirements in Article IV of this chapter.

2. Franchised, permitted, or licensed hauler's authorization to collect organic waste shall comply with education, equipment, signage, container labeling, container color, contamination monitoring, reporting, and other requirements contained within its franchise agreement, permit, license, or other agreement entered into with the City.

B. Requirements for Facility Operators and Community Composting Operations.

1. Owners of facilities, operations, and activities that recover organic waste, including, but not limited to, compost facilities, in-vessel digestion facilities, and publicly-owned treatment works shall, upon the City's request, provide information regarding available and potential new or expanded capacity at their facilities, operations, and activities, including information about throughput and permitted capacity necessary for planning purposes. Entities contacted by the City shall respond within 60 days.

2. Community composting operators, upon the City's request, shall provide information to the City to support organic waste capacity planning, including, but not limited to, an estimate of the amount of organic waste anticipated to be handled at the community composting operation. Entities contacted by the City shall respond within 60 days.

8.10.870 Self-Haulers of Organic Waste.

Self-haulers shall source separate all organic waste generated onsite in a manner consistent with 14 CCR Sections 18984.1 and 18984.2, or shall haul organic waste to a high diversion organic waste processing facility as specified in 14 CCR Section 18984.3.

A. Self-haulers shall haul source separated organic waste to a solid waste facility operation, activity, or property that processes or recovers source separated organic waste.

B. Self-haulers shall keep a record of the amount of organic waste delivered to each solid waste facility, operation, activity, or property that processes or recovers organic waste. Such records shall be subject to inspection by the City and shall be included as part of the report required by the Director, if any. The records shall include the following information:

1. Delivery receipts and weight tickets from the entity accepting the waste.
2. The amount of material in cubic yards or tons transported by the generator to each entity.
3. If the material is transported to an entity that does not have scales on-site, or employs scales incapable of weighing the self-hauler's vehicle in a manner that allows it to determine the weight of materials received, the self-hauler is not required to record the weight of material but shall keep a record of the entities that received the organic waste.

8.10.880 Inspections and Investigations.

A. The City representatives and/or its designated entity, including designees are authorized to conduct inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from generators, or source separated materials to confirm compliance with this article by organic waste generators, commercial businesses (including multi-family residential dwellings with five (5) or more dwelling units), property

owners, commercial edible food generators, haulers, self-haulers, food recovery services, and food recovery organizations, subject to applicable laws. This section does not allow the City to enter the interior of a private residential property for inspection. For the purposes of inspecting commercial business containers for compliance with Section 8.10.820, Subsection B, the City may conduct container inspections for prohibited container contaminants using remote monitoring, and commercial businesses shall accommodate and cooperate with the remote monitoring pursuant to Section 8.10.820, Subsection K.

B. Regulated entity shall provide or arrange for access during all inspections (with the exception of residential property interiors) and shall cooperate with the City's employee or its designated entity/designee during such inspections and investigations. Such inspections and investigations may include confirmation of proper placement of materials in containers, edible food recovery activities, records, or any other requirement of this article described herein. Failure to provide or arrange for: (i) access to an entity's premises; (ii) installation and operation of remote monitoring equipment; or (iii) access to records for any inspection or investigation is a violation of this article and may result in penalties described.

C. Any records obtained by the City during its inspections, remote monitoring, and other reviews shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth in Government Code Section 6250 et seq.

D. City representatives, its designated entity, and/or designee are authorized to conduct any inspections, remote monitoring, or other investigations as reasonably necessary to further the goals, subject to applicable laws.

E. The City shall receive written complaints from persons regarding an entity that may be potentially non-compliant with SB 1383 Regulations, including receipt of anonymous complaints.

8.10.890 Enforcement.

A. Violation of any provision of this article shall constitute grounds for issuance of a notice of violation and assessment of a fine by a City enforcement official or representative. Enforcement actions under this article are issuance of an administrative citation and assessment of a fine, enforced by the City Code Enforcement officers. The City's procedures on imposition of administrative fines are hereby incorporated in their entirety, as modified from time to time, and shall govern the imposition, enforcement, collection, and review of administrative citations issued to enforce this article and any rule or regulation adopted pursuant to this article, except as otherwise indicated in this article. This article shall only apply to those entities subject to the City's regulatory jurisdiction.

B. Other remedies allowed by law may be used, including civil action or prosecution as misdemeanor or infraction. The City may pursue civil actions in the California courts to seek recovery of unpaid administrative citations. The City may choose

to delay court action until such time as a sufficiently large number of violations, or cumulative size of violations exist such that court action is a reasonable use of the City's staff and resources.

C. Responsible Entity for Enforcement. Enforcement pursuant to this article may be undertaken by a City enforcement official, which may be the City Manager or their designated entity, Code Enforcement staff, legal counsel, or combination thereof. City enforcement officials will interpret this article; determine the applicability of waivers, if violation(s) have occurred; implement enforcement actions; and, determine if compliance standards are met. The City's enforcement officials may issue notices of violation(s).

D. Process for Enforcement.

1. The City enforcement officials and/or their designee will monitor compliance with this article randomly and through compliance reviews, route reviews, investigation of complaints, and an inspection program (that may include remote monitoring). Section 8.10.880 establishes the City's right to conduct inspections and investigations.

2. The City may issue an official notification to notify a regulated entity of its obligations under this article.

3. Contamination Processing Fee. For incidences of prohibited container contaminants found in containers, the City will issue a notice of violation to any generator found to have prohibited container contaminants in a container. Such notice will be provided via a cart tag or other communication immediately upon identification of the prohibited container contaminants or within 60 days after determining that a violation has occurred. If the City observes prohibited container contaminants in a generator's containers on more than three (3) consecutive occasion(s), the City may assess contamination processing fees or contamination penalties on the generator.

4. With the exception of violations of generator contamination of container contents addressed under Subsection D.3, above, the City shall issue a notice of violation requiring compliance within 60 days of issuance of the notice.

5. Absent compliance by the respondent within the deadline set forth in the notice of violation, the City shall commence an action to impose penalties, via an administrative citation and fine, pursuant to the procedures set forth in Chapter 1.02 of Goleta Municipal Code. Notices shall be sent to "owner" at the official address of the owner maintained by the tax collector for the City or if no such address is available, to the owner at the address of the dwelling or commercial property or to the party responsible for paying for the collection services, depending upon available information.

E. Penalty Amounts for Types of Violations. The penalty levels are as follows:

1. For a first violation, the amount of the base penalty shall be \$100 to \$200 per violation.

2. For a second violation, the amount of the base penalty shall be \$200 to \$300 per violation.

3. For a third or subsequent violation, the amount of the base penalty shall be \$300 to \$1,000 per violation.

F. Factors Considered in Determining Penalty Amount. The following factors shall be used to determine the amount of the penalty for each violation within the appropriate penalty amount range:

1. The nature, circumstances, and severity of the violation(s).
2. The violator's ability to pay.
3. The willfulness of the violator's misconduct.
4. Whether the violator took measures to avoid or mitigate violations of this chapter.
5. Evidence of any economic benefit resulting from the violation(s).
6. The deterrent effect of the penalty on the violator.
7. Whether the violation(s) were due to conditions outside the control of the violator.

G. Compliance Deadline Extension Considerations. The City may extend the compliance deadlines set forth in a notice of violation issued in accordance with this section if it finds that there are extenuating circumstances beyond the control of the respondent that make compliance within the deadlines impracticable, including the following:

1. Acts of God such as earthquakes, wildfires, flooding, and other emergencies or natural disasters;
2. Delays in obtaining discretionary permits or other government agency approvals; or,
3. Deficiencies in organic waste recycling infrastructure or edible food recovery capacity and the City is under a corrective action plan with CalRecycle pursuant to 14 CCR Section 18996.2 due to those deficiencies.

H. Appeals Process. Persons receiving an administrative citation containing a penalty for an uncorrected violation may request a hearing to appeal the citation. A hearing will be held only if it is requested within the time prescribed and consistent with City's procedures in Chapter 1.02 of the Goleta Municipal Code. Evidence may be presented at the hearing. The City will appoint a hearing officer who shall conduct the hearing and issue a final written order.

I. Education Period for Non-Compliance. Beginning January 1, 2022 and through December 31, 2023, the City will conduct inspections, may conduct remote monitoring, route reviews or waste evaluations, and compliance reviews, depending upon the type of regulated entity, to determine compliance, and if the City determines that organic waste generator, self-hauler, hauler, tier one commercial edible food generator, food recovery organization, food recovery service, or other entity is not in compliance, it shall provide educational materials to the entity describing its obligations under this article and a notice that compliance is required by January 1, 2022, and that violations may be subject to administrative civil penalties starting on January 1, 2024.

J. Civil Penalties for Non-Compliance. Beginning January 1, 2024, if the City determines that an organic waste generator, self-hauler, hauler, tier one or tier two commercial edible food generator, food recovery organization, food recovery service, or other entity is not in compliance with this article, it shall document the noncompliance or violation, issue a notice of violation, and take enforcement action pursuant to this Section 8.10.890, as needed.

8.10.900 Procurement requirements for city departments, direct service providers, and vendors.

A. City Departments and direct service providers of landscaping maintenance, renovation, and construction, must:

1. Use Compost and SB 1383 Eligible Mulch, as practicable, produced from recovered Organic Waste, for all landscaping renovations, construction, or maintenance performed for the City, whenever available, and capable of meeting quality standards and criteria specified. SB 1383 Eligible Mulch used for land application must comply with 14 CCR Section 18993.1 and following, and must meet or exceed the physical contamination, maximum metal concentration and pathogen density standards specified in 14 CCR Section 17852(a)(24.5)(A)(1) through (3).

2. Keep and provide records of Procurement of Recovered Organic Waste Products (either through purchase or acquisition) to City, upon completion of projects. Information to be provided must include:

a. General description of how and where the product was used and if applicable, applied;

b. Source of product, including name, physical location, and contact information for each entity, operation, or facility from whom the Recovered Organic Waste Products were procured;

c. Type of product;

d. Quantity of each product; and,

e. Invoice or other record demonstrating purchase or procurement.

B. All vendors providing Paper Products and Printing and Writing Paper will:

1. If fitness and quality are equal, provide Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper that consists of at least 30 percent, by fiber weight, postconsumer fiber instead of non-recycled products whenever recycled Paper Products and Printing and Writing Paper are available at the same or lesser total cost than non-recycled items.

2. Provide Paper Products and Printing and Writing Paper that meet Federal Trade Commission recyclability standard as defined in 16 Code of Federal Regulations (CFR) Section 260.12.

3. Certify in writing, under penalty of perjury, the minimum percentage of postconsumer material in the Paper Products and Printing and Writing Paper offered or sold to the City. This certification requirement may be waived if the percentage of postconsumer material in the Paper Products, Printing and Writing Paper, or both can be verified by a product label, catalog, invoice, or a manufacturer or vendor internet website.

4. Certify in writing, on invoices or receipts provided, that the Paper Products and Printing and Writing Paper offered or sold to the City is eligible to be labeled with an unqualified recyclable label as defined in 16 CFR Section 260.12.

5. Provide records to the City's procurement recordkeeping Designee, in accordance with this section within 30 days of the purchase (both recycled-content and non-recycled content, if any is purchased) made by any division or department or employee of the City. Records will include a copy (electronic or paper) of the invoice or other documentation of purchase, written certifications as required in Sections 8.10.900.B.3 and 8.10.900.B.4 of this chapter for recycled-content purchases, purchaser name, quantity purchased, date purchased, and recycled content (including products that contain none), and if non-recycled content Paper Products or Printing and Writing Papers are provided, include a description of why Recycled-Content Paper Products or Printing and Writing Papers were not provided.

SECTION 3: Section 8.10.010 ("Definitions") of Chapter 8.10, Title 8 of the Goleta Municipal Code is hereby amended to read in full as follows:

"8.10.010 Definitions.

For the purposes of this section the following words or phrases are defined as follows, unless a different meaning is expressly stated or clear from the context:

"Act" means the California Integrated Waste Management Act of 1989, California Public Resources Code Section 40000 et seq., as currently in force and as it may hereafter be amended from time to time and as implemented by the regulations of CalRecycle.

"Adequate service" means the combination of the number of collections, the number of containers, and the size of the containers necessary so as not to cause the accumulation of solid waste outside containers or in excess of level full.

“Blue Container” has the same meaning as in 14 CCR Section 18982(a)(5) and shall be used for the purpose of storage and collection of source separated recyclable materials or source separated blue container organic waste.

“Bulky items” means large solid waste or other discarded waste that cannot or would not typically be accommodated within a cart including, but not limited to, furniture (including chairs, sofas, mattresses, and rugs); white goods as they are traditionally recognized in the solid waste industry (including refrigerators, ranges, washers, dryers, water heaters, dishwashers, plumbing and small household appliances); e-waste (including stereos, televisions, laptop computers, computers and computer monitors, video cassette recorders and microwaves); fluorescent bulbs; household batteries; and clothing. Bulky items do not include abandoned automobiles, construction and demolition waste or items requiring more than two persons to remove.

“CalRecycle” means the California Department of Resources, Recycling and Recovery, or any successor agency.

“California Code of Regulations” or “CCR” means the State of California Code of Regulations. CCR references in this chapter are preceded with a number that refers to the relevant Title of the CCR (e.g., “14 CCR” refers to Title 14 of CCR).

“CERCLA” means the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. Section 9601 et seq., as may be amended and regulations promulgated thereunder.

“City” means the City of Goleta, California, a municipal corporation, and all of the territory lying within the municipal boundaries of the City as may be adjusted.

“City solid waste and recycling receptacle” means any mixed waste or recyclables can, cart, container, bin, or roll-off located at a City owned facility for the purpose of serving that facility, or any mixed waste or recyclables can, cart, or container placed within the public right-of-way for the purpose of providing incidental solid waste disposal or recycling options for residents, or tourists.

“Collection” means to take physical possession, transport and remove solid waste, at or near the place of solid waste generation or accumulation, by a solid waste service provider that has made arrangements with the person in charge of day-to-day operations of the premises for the collection of solid waste.

“Commercial business” means, for purposes of implementing Article V of this chapter, a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a multifamily residential dwelling with five (5) or more dwelling units, or as otherwise defined in 14 CCR Section 18982(a)(6).

“Commercial edible food generator” includes a tier one or a tier two commercial edible food generator as defined in this section or as otherwise defined in 14 CCR Section 18982(a)(73) and (a)(74). For the purposes of this definition, food recovery organizations and food recovery services are not commercial edible food generators pursuant to 14 CCR Section 18982(a)(7).

“Commercial premises” means all premises in the City, other than residential premises, where solid waste is generated or accumulated. The term includes, but is not

limited to, stores, offices, Federal, State, County and local governmental buildings and lots, including, but not limited to, schools, school districts, special districts and water districts, restaurants, rooming houses, hotels, motels, offices, manufacturing, processing, or assembling shops or plants, hospitals, clinics, nursing homes, convalescent centers, dormitories, barracks, and card rooms.

“Commercial solid waste” means all types of solid waste, including mixed waste, green waste and recyclables, generated or accumulated at commercial premises and placed in commercial bins for accumulation and collection. “Commercial solid waste” does not include residential solid waste, green waste or recyclables.

“Commercial solid waste container” means a solid waste container provided by a solid waste service provider, typically a can or cart with a capacity of 32 to 96 gallons, or a bin with a capacity of one and one-half to four cubic yards, designed for the deposit of solid waste, or recyclable materials placed at commercial premises for the collection of commercial solid waste and charged at commercial rates. “Commercial solid waste container” does not include construction and demolition bins, roll-offs or low-boys placed at residential premises.

“Community composting” means any activity that composts green material, agricultural material, food material, and vegetative food material, alone or in combination, and the total amount of feedstock and compost on-site at any one time does not exceed 100 cubic yards and 750 square feet, as specified in 14 CCR Section 17855(a)(4); or, as otherwise defined by 14 CCR Section 18982(a)(8).

“Compliance review” means a review of records by the City to determine compliance with Article V of this Chapter.

“Compost” means the product resulting from the controlled biological decomposition of organic solid wastes that are source separated from the municipal solid waste stream, or which are separated at a centralized facility or as otherwise defined in 14 CCR Section 17896.2(a)(4).

“Construction and demolition waste,” which may also be referred to as “construction demolition debris” or “construction and demolition material,” means discarded building materials, recyclable construction and demolition materials, wood, packaging, plaster, rock or brick, soil, drywall, cement and rubble resulting from construction, remodeling, repair and demolition operations.

“Container” means any receptacle used for temporary storage of residential or commercial solid waste, recyclables, green waste and other materials to be collected, including, but not limited to, carts, bins, tubs and roll-off boxes.

“Container contamination” or “contaminated container” means a container, regardless of color, that contains prohibited container contaminants, or as otherwise defined in 14 CCR Section 18982(a)(55).

“Covered project” shall have the meaning set forth in Section 8.10.590(A).

“Designee” includes, for purposes of Article V of this Chapter, an entity that the City contracts with or otherwise arranges to carry out any of the City’s responsibilities of Article V as authorized in 14 CCR Section 18981.2. A designee may be a government entity, a hauler, a private entity, or a combination of those entities.

“Director” means the Director of the City’s Public Works Department, or designee.

“Edible food” means food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this chapter or as otherwise defined in 14 CCR Section 18982(a)(18), “edible food” is not solid waste if it is recovered and not discarded. Nothing in this chapter or in 14 CCR, Division 7, Chapter 12 requires or authorizes the recovery of edible food that does not meet the food safety requirements of the California Retail Food Code.

“Electronic waste” or “e-waste” means “covered electronic wastes” as defined in the Act, California Public Resources Code Section 42463, in addition to waste that is powered by batteries or electricity, including electronic equipment such as, but not limited to, television sets, computer monitors, central processing units (CPUs), laptop computers, and other peripherals.

“Enforcement action” means an action taken by the City to address non-compliance with this Article V of this Chapter including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies.

“Excluded waste” means hazardous substance, hazardous waste, infectious waste, designated waste, volatile, corrosive, medical waste, infectious, regulated radioactive waste, and toxic substances or material that facility operators, which receive materials from the City and its generators, reasonably believe(s) would, as a result of or upon acceptance, transfer, processing, or disposal, be a violation of local, State, or Federal law, regulation, or ordinance, including: land use restrictions or conditions, waste that cannot be disposed of in Class III landfills or accepted at the facility by permit conditions, waste that in City’s, or its designee’s reasonable opinion would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose the City, or its designee, to potential liability; but not including de minimis volumes or concentrations of waste of a type and amount normally found in single-family or multi-family solid waste after implementation of programs for the safe collection, processing, recycling, treatment, and disposal of batteries and paint in compliance with Sections 41500 and 41802 of the California Public Resources Code.

“Food distributor” means a company that distributes food to entities including, but not limited to, supermarkets and grocery stores, or as otherwise defined in 14 CCR Section 18982(a)(22).

“Food facility” has the same meaning as in Section 113789 of the Health and Safety Code.

“Food recovery” means actions to collect and distribute food for human consumption that otherwise would be disposed, or as otherwise defined in 14 CCR Section 18982(a)(24).

“Food recovery organization” means an entity that engages in the collection or receipt of edible food from commercial edible food generators and distributes that edible food to the public for food recovery either directly or through other entities or as otherwise defined in 14 CCR Section 18982(a)(25), including, but not limited to:

- (1) A food bank as defined in Section 113783 of the Health and Safety Code;
- (2) A nonprofit charitable organization as defined in Section 113841 of the

Health and Safety code; and,

(3) A nonprofit charitable temporary food facility as defined in Section 113842 of the Health and Safety Code.

A food recovery organization is not a commercial edible food generator for the purposes of this chapter and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7). If the definition in 14 CCR Section 18982(a)(25) for food recovery organization differs from this definition, the definition in 14 CCR Section 18982(a)(25) shall apply to this chapter.

“Food recovery service” means a person or entity that collects and transports edible food from a commercial edible food generator to a food recovery organization or other entities for food recovery, or as otherwise defined in 14 CCR Section 18982(a)(26). A food recovery service is not a commercial edible food generator for the purposes of this chapter and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).

“Food scraps” means all food such as, but not limited to, fruits, vegetables, meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bread, cheese, and eggshells. Food scraps excludes fats, oils, and grease when such materials are source separated from other food scraps.

“Food service provider” means an entity primarily engaged in providing food services to institutional, governmental, commercial, or industrial locations of others based on contractual arrangements with these types of organizations, or as otherwise defined in 14 CCR Section 18982(a)(27).

“Food-soiled paper” is compostable paper material that has come in contact with food or liquid, such as, but not limited to, compostable paper plates, paper coffee cups, napkins, pizza boxes, and milk cartons.

“Food waste” means food scraps and food-soiled paper.

“Franchise” or “solid waste franchise” means the right and privilege granted by the City in the form of a franchise agreement, permit, license, or other document that authorizes a solid waste service provider:

1. To make arrangements for the collection of, and to collect, solid waste;
2. To transport to transfer and processing facilities, landfills, compostable materials handling facility or a green material composting facility, as defined in 14 CCR Section 17852, or other permitted solid waste management facilities; and/or
3. To collect recyclable materials generated with the City for processing.

Any solid waste franchise granted by the City shall be in writing, granted by the City Council, by resolution, specifically identifying the solid waste service provider, and shall be subject to all of the rights, if any, held by any other solid waste service provider pursuant to Public Resources Code Section 49520 et seq. A business license and permit issued pursuant to this municipal code, or any “business license law” of the City of Goleta is not a solid waste franchise and confers no continuation rights under Public Resources Code Section 49520 et seq., or any other law.

“Generator” means any person or other entity that produces solid waste,

recyclables or green waste, or whose act first causes solid waste to become subject to regulation.

“Gray Container” has the same meaning as in 14 CCR Section 18982(a)(28) and shall be used for the purpose of storage and collection of mixed waste

“Green container” has the same meaning as in 14 CCR Section 18982(a)(29) and shall be used for the purpose of storage and collection of source separated green container organic waste.

“Grocery Store” means a store primarily engaged in the retail sale of canned food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area that is not separately owned within the store where the food is prepared and served, including a bakery, deli, and meat and seafood departments, or as otherwise defined in 14 CCR Section 18982(a)(30).

“Gross revenues” means any and all revenue or compensation in any form derived directly or indirectly by a solid waste service provider which holds a solid waste franchise, its affiliates, subsidiaries, parents and any person or entity in which a solid waste service provider has a financial interest, from the collection, transportation, processing, disposal and other services with respect to solid waste, including recyclables and green waste, collected within the City of Goleta, in accordance with generally accepted accounting principles, pursuant to a solid waste franchise, permit, or license. “Gross revenues” include, but are not limited to, monthly customer fees for collection of solid waste, including recyclables, special pickup fees, commercial bin and drop box rental and collection fees, fees for redelivery of commercial bins and drop boxes and revenue from the sale of recyclables, without subtracting Franchise Fees or any other cost of doing business.

“Hauler route” means the designated itinerary or sequence of stops for each segment of the City’s collection service area, or as otherwise defined in 14 CCR Section 18982(a)(31.5).

“Hazardous waste” means a material or mixture of materials which by reason of its quality, concentration, composition or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious illness or pose a substantial threat or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of or otherwise mismanaged, or any waste which is regulated as a hazardous waste, toxic waste, hazardous chemical substance or mixture, or asbestos under applicable law, including, but not limited to:

1. “Hazardous waste” pursuant to Section 40141 of the California Public Resources Code, regulated under Chapter 7.6 (commencing with Section 25800) of Division 20 of the California Health and Safety Code, all substances defined as hazardous waste, acutely hazardous waste, or extremely hazardous waste by Sections 25110.2, 25115, and 25117 of the California Health and Safety Code (the California Hazardous Waste Control Act), California Health and Safety Code Section 25100 et seq., and future amendments to or recodification of said statutes or regulations promulgated thereunder, including Title 23 of the California Code of Regulations Sections 2521 and 2522;

2. Materials regulated under the RCRA;

3. Materials regulated under the Toxic Substance Control Act;
4. Materials regulated under CERCLA;
5. Materials regulated under any future amended, additional or substitute federal, state, or local laws and regulations pertaining to the identification, transportation, treatment, storage or disposal of toxic substances or hazardous waste; and
6. Household hazardous waste.

Where there is a conflict in the definitions employed by two or more agencies having jurisdiction over hazardous waste, the term “hazardous waste” shall be construed to have the broader, more encompassing definition.

“High diversion organic waste processing facility” means a facility that is in compliance with the reporting requirements of 14 CCR Section 18815.5(d) and meets or exceeds an annual average mixed waste organic content recovery rate of 50 percent between January 1, 2022 and December 31, 2024, and 75 percent after January 1, 2025, as calculated pursuant to 14 CCR Section 18815.5(e) for organic waste received from the “mixed waste organic collection stream” as defined in 14 CCR Section 17402(a)(11.5); or, as otherwise defined in 14 CCR Section 18982(a)(33).

“Inspection” means a site visit where the City reviews, without limitation, records, containers, and an entity’s collection, handling, recycling, or landfill disposal of organic waste or edible food handling or conducts such other actions as necessary to determine if the entity is complying with requirements set forth in this chapter.

“Large event” means an event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event. If the definition in 14 CCR Section 18982(a)(38) differs from this definition, the definition in 14 CCR Section 18982(a)(38) shall apply to this chapter.

“Large venue” means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. For purposes of this chapter and implementation of 14 CCR, Division 7, Chapter 12, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. For purposes of this chapter and implementation of 14 CCR, Division 7, Chapter 12, a site under common ownership or control that includes more than one large venue that is contiguous with other large venues in the site, is a single large venue. If the definition in 14 CCR Section 18982(a)(39) differs from this definition, the definition in 14 CCR Section 18982(a)(39) shall apply to this chapter.

“Level full” means that amount of solid waste deposited in a commercial solid waste container so that it shall not exceed the lowest top edge thereof and still allow the lid thereof to be completely closed.

“Local education agency” means a school district, charter school, or county office

of education that is not subject to the control of city or county regulations related to solid waste, or as otherwise defined in 14 CCR Section 18982(a)(40).

“Materials recovery facility” or “MRF” means a permitted facility where solid waste, recyclables, green waste, and other materials are processed, sorted or separated for the purposes of recovering reusable or recyclable materials. The MRF is the designated transfer and processing facility.

“Mixed waste organic collection stream” or “mixed waste” means organic waste collected in a container that is required by 14 CCR Sections 18984.1, 18984.2 or 18984.3 to be taken to a high diversion organic waste processing facility or as otherwise defined in 14 CCR Section 17402(a)(11.5).

“Multifamily residential dwelling” or “multifamily” means of, from, or pertaining to residential premises with five (5) or more dwelling units. Multi-Family premises do not include hotels, motels, or other transient occupancy facilities, which are considered Commercial Businesses. “Non-compostable paper” includes but is not limited to paper that is coated in a plastic material that will not breakdown in the composting process, or as otherwise defined in 14 CCR Section 18982(a)(41).

“Non-compostable paper” includes but is not limited to paper that is coated in a plastic material that will not breakdown in the composting process, or as otherwise defined in 14 CCR Section 18982(a)(41).

“Non-organic recyclables” means non-putrescible and non-hazardous recyclable wastes including but not limited to bottles, cans, metals, plastics and glass, or as otherwise defined in 14 CCR Section 18982(a)(43).

“Notice of violation (NOV)” means a notice that a violation has occurred that includes a compliance date to avoid an action to seek penalties, or as otherwise defined in 14 CCR Section 18982(a)(45) or further explained in 14 CCR Section 18995.4.

“Organic waste” means solid wastes containing material originated from living organisms and their metabolic waste products, including but not limited to food, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, paper products, printing and writing paper, manure, biosolids, digestate, and sludges or as otherwise defined in 14 CCR Section 18982(a)(46). Biosolids and digestate are as defined by 14 CCR Section 18982(a).

“Organic waste generator” means a person or entity that is responsible for the initial creation of organic waste, or as otherwise defined in 14 CCR Section 18982(a)(48).

“Paper products” include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling, or as otherwise defined in 14 CCR Section 18982(a)(51).

“Person” means any individual, firm, agency, company, limited liability company, cooperative, association, organization, partnership, limited partnership, public or private corporation, consortium, trust, joint venture, commercial entity, regulatory authority, governmental entity, including the United States, the State, counties, towns, cities, or special purpose districts, or any other legal entity.

“Printing and writing papers” include, but are not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes,

manila envelopes, book paper, note pads, writing tablets, newsprint, and other uncoated writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications, or as otherwise defined in 14 CCR Section 18982(a)(54).

“Prohibited container contaminants” means the following: (i) discarded materials placed in the blue container that are not identified as acceptable source separated recyclable materials for the City’s blue container; (ii) discarded materials placed in the green container that are not identified as acceptable source separated green container organic waste for the City’s green container; (iii) discarded materials placed in the gray container that are acceptable source separated recyclable materials and/or source separated green container organic wastes to be placed in City’s green container and/or blue container; and, (iv) excluded waste placed in any container.

“RCRA” means the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as may be amended and related Federal, State and local laws and regulations.

“Recovery” means any activity or process described in 14 CCR Section 18983.1(b), or as otherwise defined in 14 CCR Section 18982(a)(49).

“Recyclable material(s)” means material that can be salvaged or recovered for reuse, or which has some potential economic value, and which is therefore set aside, handled, packaged, or offered for collection in a manner different from other solid waste.

“Remote monitoring” means the use of the internet of things (IoT) and/or wireless electronic devices to visualize the contents of blue containers, green containers, and gray containers for purposes of identifying the quantity of materials in containers (level of fill) and/or presence of prohibited container contaminants.

“Residential” or “residential premises” means of, from or pertaining to single-family residences and multifamily dwellings, including apartments and condominiums (in which each unit has separate cooking and bathing facilities). The terms “residential” or “residential premises” does not include hotels, motels, rooming houses, hospitals, nursing homes, convalescent centers, dormitories or barracks or other group living places using commercial bins for the temporary accumulation and collection of solid waste. “Residential” or “residential premises” is a reference to location, and not to ownership or to an interest in property.

“Residential solid waste container” means a container provided by a service recipient or a solid waste service provider with a residential solid waste franchise granted by the City, used for the accumulation and collection of residential solid waste. The term “residential solid waste containers” does not include commercial bins placed at multifamily units, or those commercial bins used by commercial solid waste service recipients.

“Restaurant” means an establishment primarily engaged in the retail sale of food and drinks for on-premises or immediate consumption, or as otherwise defined in 14 CCR Section 18982(a)(64).

“Roll-off box(es)” means a container with a capacity from 10 to 40 cubic yards, which is typically pulled onto a roll-off vehicle used to transport solid waste. A roll-off box may be open topped or enclosed with or without a compaction unit (compactor).

“Route review” means a visual inspection of containers along a hauler route for the

purpose of determining container contamination, and may include mechanical inspection methods such as the use of cameras, or as otherwise defined in 14 CCR Section 18982(a)(65).

“Salvage” means the controlled removal of construction and demolition waste from a permitted building, construction, or demolition site for the purpose of recycling, reuse, or storage for later recycling or reuse.

“SB 1383” means Senate Bill 1383 of 2016 approved by the Governor on September 19, 2016, which added Sections 39730.5, 39730.6, 39730.7, and 39730.8 to the Health and Safety Code, and added Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30 of the Public Resources Code, establishing methane emissions reduction targets in a Statewide effort to reduce emissions of short-lived climate pollutants as amended, supplemented, superseded, and replaced from time to time.

“SB 1383 Regulations” means or refers to, for the purposes of this chapter, the Short-Lived Climate Pollutants: Organic Waste Reduction regulations developed by CalRecycle and adopted in 2020 that created 14 CCR, Division 7, Chapter 12 and amended portions of regulations of 14 CCR and 27 CCR.

“Scavenging” means the unauthorized removal of recyclables, as prohibited by Public Resources Code Section 41950.

“Self-hauler” means any person disposing of solid waste, organic waste, or recyclables which they, or any person controlling the day-to-day activities on a property, have generated. This includes persons who perform gardening and landscaping maintenance services at a location where the gardening and landscaping services are rendered; provided, that they use only labor employed and equipment owned by the service provider. Self-hauler also includes a person who back-hauls waste. Back-haul means generating and transporting organic waste to a destination owned and operated by the generator using the generator’s own employees and equipment. If the definition of self-hauler in 14 CCR Section 18982(a)(66) is broader than this definition, the definition in 14 CCR Section 18982(a)(66)(A) shall apply to this chapter.

“Single-family” means of, from, or pertaining to any residential premises with fewer than five (5) units.

“Solid waste” has the same meaning as defined in State Public Resources Code Section 40191, which defines solid waste as all putrescible and nonputrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semisolid wastes, with the exception that solid waste does not include any of the following wastes:

(1) Hazardous waste, as defined in this chapter or as defined in the State Public Resources Code Section 40141, if such definition is broader than this definition.

(2) Radioactive waste regulated pursuant to the State Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the State Health and Safety Code).

(3) Medical waste regulated pursuant to the State Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the State Health and Safety Code). Untreated medical waste shall not be disposed of in a solid waste landfill, as defined in State Public Resources Code Section 40195.1. Medical waste that has been treated and deemed to be solid waste shall be regulated pursuant to Division 30 of the State Public Resources Code.

“Solid waste service provider” means any person or entity engaged in the collection of solid waste or the placement of containers for the accumulation of solid waste in the City, and is authorized by the City to provide solid waste collection services through an approved franchise agreement, permit or other approved mechanism.

“Source separated” means materials, including commingled recyclable materials, that have been separated or kept separate from the solid waste stream, at the point of generation, for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products, which meet the quality standards necessary to be used in the marketplace, or as otherwise defined in 14 CCR Section 17402.5(b)(4). For the purposes of this chapter, source separated shall include separation of materials by the generator, property owner, property owner’s employee, property manager, or property manager’s employee into different containers for the purpose of collection such that source separated materials are separated from mixed waste or other solid waste for the purposes of collection and processing.

“Source separated blue container organic waste” means source separated organic wastes that can be placed in a blue container, such as cardboard and paper products. that is limited to the collection of those organic wastes and non-organic recyclables as defined in Section 18982(a)(43), or as otherwise defined by Section 17402(a)(18.7).

“Source separated green container organic waste” or “green waste” means source separated organic waste that can be placed in a green container that is specifically intended for the separate collection of organic waste by the generator, excluding source separated blue container organic waste, carpets, non-compostable paper, and textiles. Green waste includes untreated and unpainted wood, leaves, grass clippings, weeds, pruning, brush, branches, dead plants, tree trimmings, dead trees and other organic wastes generated from landscapes and/or gardens. Green waste does not include materials not normally produced from gardens or landscape areas, such as brick, rock, gravel, large quantities of dirt, concrete, sod, non-organic waste, oil, and painted or treated wood.

“Source separated recyclable materials” or “recyclables” means source separated non-organic recyclables and source separated blue container organic waste.

“State” means the State of California.

“Supermarket” means a full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items, or as otherwise defined in 14 CCR Section 18982(a)(71).

“Tier one commercial edible food generator” means a commercial edible food generator that is one of the following:

- (1) Supermarket.
- (2) Grocery Store with a total facility size equal to or greater than 10,000 square feet.
- (3) Food service provider.
- (4) Food distributor.
- (5) Wholesale food vendor.

If the definition in 14 CCR Section 18982(a)(73) of tier one commercial edible food generator differs from this definition, the definition in 14 CCR Section 18982(a)(73) shall apply to this chapter.

“Tier two commercial edible food generator” means a commercial edible food generator that is one of the following:

- (1) Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.
- (2) Hotel with an on-site food facility and 200 or more rooms.
- (3) Health facility with an on-site Food Facility and 100 or more beds.
- (4) Large venue.
- (5) Large event.
- (6) A State agency with a cafeteria with 250 or more seats or total cafeteria facility size equal to or greater than 5,000 square feet.
- (7) A local education agency facility with an on-site food facility.

If the definition in 14 CCR Section 18982(a)(74) of tier two commercial edible food generator differs from this definition, the definition in 14 CCR Section 18982(a)(74) shall apply to this chapter. “Waste management plan” means a completed waste management plan (WMP) form, approved by the City for the purpose of compliance with this chapter, submitted by an applicant for any covered or exempt project that produces construction and demolition waste.

“Wholesale Food Vendor” means a business or establishment engaged in the merchant wholesale distribution of food, where food (including fruits and vegetables) is received, shipped, stored, prepared for distribution to a retailer, warehouse, distributor, or other destination, or as otherwise defined in 14 CCR Section 18982(a)(76).”

SECTION 4: Section 8.10.040 (“Collection Arrangements Required for Residential and Commercial Premises”) of Chapter 8.10, Title 8 of the Goleta Municipal Code is hereby amended to read in full as follows:

“8.10.040 Collection Arrangements Required for Residential and Commercial Premises.

- A. Collection Required. The owner, occupant, or other person responsible for the

day-to-day operation of any developed residential, commercial or industrial property in the City shall make arrangements with a solid waste service provider for the collection of solid waste, including mixed waste, recyclables and/or green waste as set forth in this chapter. No resident or commercial business owner shall enter into an agreement for solid waste collection services with any person, firm, or corporation other than a solid waste service provider authorized by the City to perform such services unless otherwise provided in this chapter.

B. Exemptions and Exclusions.

1. Self-Haul Exemption. Any Self-Hauler may haul generated, solid waste, including mixed waste, green waste, and recyclables, to a permitted solid waste facility; provided, that before collecting or transporting self-haul solid waste, including green waste, any self-hauler shall: (i) obtain self-haul permit or documentation from the City; and (ii) comply with the minimum standards of health, sanitation, and disposal as set forth in this chapter including without limitation the requirements for Self-Haulers of organic waste in Section 8.10.870.

a. Issuance and Reporting. A self-haul permit, for a term determined by the Director, may be issued in lieu of the requirement in Subsection A to subscribe to franchise collection services; provided, that solid waste, including green waste, is source separated and transported to an appropriate, permitted transfer station, processing, or disposal facility in accordance with SB 1383 Regulations. The City retains the right to charge an administrative fee for the issuance of any self-haul permit. Each approved self-hauler shall submit quarterly disposal reports to the City, as determined by the Director, reporting the type, quantity, volume, weight and destination of solid waste, including mixed waste, green waste, and recyclables, collected in the City and transported from the City, and shall present to the Director gate tickets or receipts to substantiate its disposal reports. Failure to submit required reports to the City shall be a basis for revocation of a "self-haul" permit. Any self-haul permit shall be address specific and nontransferable.

2. Residential Temporary Nonoccupancy Exemption. When a single-family residence will be unoccupied for at least 60 consecutive days in a calendar year, upon application by the responsible party, the Director may, in his or her sole discretion, exempt such residential premises from the collection requirements of this chapter for the period of time during which such residential premises are unoccupied. The Director may prescribe the method by which the responsible party may apply for an exemption under this subsection.

3. Residential Household and Commercial Solid Waste Exclusions. An owner or occupant may collect and haul nonputrescible solid waste generated in or on their own residential or commercial premises on an occasional non-regular basis to a permanent site where disposal or processing thereof is pursuant to applicable laws; provided, however, that such person complies with the minimum standards of health, sanitation, and disposal as set forth in this chapter, and no person (other than a solid waste service provider as defined in this chapter) providing a hauling service for a fee, charge, or other consideration, and who disposes of such material at a transfer station or landfill shall be involved.

4. Residential Household Exclusion. No person, except a solid waste service

provider, shall collect recyclable materials from any residential premises in the City. However, no provision of this chapter shall prevent a residential household from donating or selling recyclable materials generated in or on the residential premises.

5. Commercial Exclusion. No business shall employ or use any person other than a solid waste service provider to collect recyclable materials for a fee, charge, or other consideration. However, no provisions of this chapter shall prevent a business from selling or donating to a recyclable collector any source separated recyclable materials generated in or on the premises of the commercial entity.

7. Gardener and Landscaper Exclusion. No provision of this chapter shall prevent a gardener, tree trimmer, landscape maintenance firm, or person engaged in a related trade from acting as a Self-Hauler as set forth in this chapter..

8. Contractor's Exclusion. Licensed primary contractors may transport demolition of construction debris only when the material is generated by their own business at their place of business, or when employed under contract by the owner of a lot or parcel, from said lot or parcel, for demolition or construction services. However, if the licensed primary contractor subcontracts the transporting of demolition or construction debris, such transportation shall be provided by a solid waste service provider. However, no provision of this chapter shall prevent a business from selling or donating a source separated recyclable material generated at the work site."

SECTION 5: Section 8.10.110 ("Collection of Recyclables") of Chapter 8.10, Title 8 of the Goleta Municipal Code is hereby amended to read in full as follows:

"8.10.110 Collection of Recyclables.

A. Ownership of Recyclables Placed for Collection. Upon placement of recyclables at a designated recycling collection location, or placement of recyclables in a container provided by a solid waste service provider for collection of recyclables, the recyclables become the property of the solid waste service provider. The recycling or disposal of any recyclables which has become part of the solid waste stream by having been discarded shall be in accordance with the provisions of this chapter.

B. Recyclable Material.

1. Except as provided below, nothing in this chapter shall limit the right of any person, organization, or other entity to sell recyclable material owned by that person, organization or other entity or to donate recyclable material to a charity or any other entity other than a solid waste service provider.

2. Recyclable material which is source separated into a blue container for collection by a solid waste service provider shall be considered to have been discarded and to have become source separated recyclable materials.

3. If the seller or donor of recyclables pays the buyer or the donee any consideration for collecting, processing, recycling, transporting or disposing of the recyclables, or providing consultation services which exceed the selling price of the recyclables, the transaction shall not be regarded as a sale or donation of recyclables,

but as an arrangement for the disposal of solid waste and shall be subject to this chapter.

4. A person who receives a discount or reduction in the collection, disposal and/or recycling service rates for unsegregated or segregated solid waste shall not be deemed to be selling or donating recyclables and does not fall within this “donate or sell” exception.”

SECTION 6: Subsection A of Section 8.10.390 (“Nonexclusive Permit for Unscheduled Solid Waste Handling Services”) of Chapter 8.10, Title 8 of the Goleta Municipal Code is hereby amended to read in full as follows:

“A. All unscheduled residential and commercial solid waste handling services shall be provided by a solid waste service provider pursuant to a nonexclusive permit issued by the City that is consistent with the terms and conditions of this chapter and any applicable Federal, State, and local laws and regulations, and any rules, regulations and resolutions of the City.”

SECTION 7: Subsection A of Section 8.10.400 (“Unscheduled Solid Waste Handling Services”) of Chapter 8.10, Title 8 of the Goleta Municipal Code is hereby amended to read in full as follows:

“A. Unscheduled solid waste handling services may not be used for the collection of putrescible solid waste; provided, however, that nothing in this section shall preclude a solid waste service provider pursuant to this chapter from providing unscheduled service for the collection of green waste where that service is provided in strict compliance with Title 14 of the California Code of Regulations Section 17331 (or its successor statute), pertaining to state minimum standards governing the frequency of removal of putrescible solid waste from residential or commercial premises and any applicable SB 1383 Regulations, including without limitation the collection, handling, transfer, processing, storage or disposal of organic waste. It is the responsibility of the solid waste service provider to insure that the requirements of this subsection are adhered to by a responsible party.

SECTION 8: CEQA. The City Council hereby finds that under Section 15061(b)(3) of the State CEQA Guidelines, this Ordinance is exempt from the requirements of CEQA because it can be seen with certainty that the provisions contained herein would not have the potential for causing a significant effect on the environment. It also finds the Ordinance is exempt from the requirements of CEQA pursuant to CEQA Guidelines Sections 15307 and 15308 as an action by a regulatory agency taken to protect the environment and natural resources.

SECTION 9: Severability. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the city council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 10: Effective Date. This Ordinance shall take effect thirty (30) days after its passage and adoption pursuant to California Government Code section 36937.

SECTION 11: Certification. The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2021.

PAULA PEROTTE
MAYOR

ATTEST:

APPROVED AS TO FORM:

DEBORAH S. LOPEZ
CITY CLERK

MEGAN GARIBALDI
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA)
CITY OF GOLETA) ss.

I, DEBORAH S. LOPEZ, City Clerk of the City of Goleta, California, DO HEREBY CERTIFY that the foregoing City Council Resolution No. _____ was duly adopted by the City Council of the City of Goleta at a regular meeting held on the ____ day of _____, 2021, by the following vote of the City Council:

AYES:

NOES:

ABSENT:

(SEAL)

DEBORAH S. LOPEZ
CITY CLERK

ATTACHMENT 2
Notice of Exemption

NOTICE OF EXEMPTION (NOE)

To: ☐ Office of Planning and Research
P.O. Box 3044, 1400 Tenth St. Rm. 212
Sacramento, CA 95812-3044

From: City of Goleta
130 Cremona Drive, Suite B
Goleta, CA 93117

☒ Clerk of the Board of Supervisors
County of Santa Barbara
105 E. Anapamu Street, Room 407
Santa Barbara, CA 93101



Subject: Filing of Notice of Exemption

Project Title:

Ordinance 22-XXX Adding Article V. Mandatory Organic Waste Disposal Reduction Ordinance, Sections 8.10.810 to 8.10.890 to Chapter 8.10 of the Goleta Municipal Code and Amending Certain Sections of Chapter 8.10 Regarding Integrated Waste Management for Consistency

Project Applicant:

City of Goleta

Project Location (Address and APN):

City Limits, City of Goleta

Description of Nature, Purpose and Beneficiaries of Project:

SB 1383 was signed into law September 19, 2016, with the final regulations being released in December 2020, directing public agencies to reduce organic waste disposal by 75% and increase edible food recovery by 25%, by 2025. SB 1383 is the most significant waste reduction mandate to be adopted in California in the last 30 years.

The bill was enacted to reduce greenhouse gas emissions by diverting organic waste from landfills as the decomposition of such materials emit methane, a climate pollutant 72 times more potent than carbon dioxide. Landfills are the third largest producer of methane and responsible for 21% of the state's anthropogenic (caused by humans) methane emissions. Fossil fuel production and agriculture are the two largest sources of methane.

In accordance with SB 1383, by January 1, 2022, all jurisdictions must have a mandatory organic waste disposal reduction ordinance in place. Additionally, the bill mandates that all businesses and residents, as well as multi-family housing, have access to recycling programs that capture food scraps, landscaping debris, among other organic waste items.

The Ordinance presented here, which will enact a new Goleta Municipal Code (GMC) Article V Chapter 8.10, is the key milestone to meeting the requirements of SB 1383. Beginning early 2022, the Ordinance will mandate that organic waste generators, haulers, and other entities are subject to the applicable SB

NOTICE OF EXEMPTION (NOE)

1383 regulations and must comply with the SB 1383 regulations set forth in GMC Article V Chapter 8.10. It will also help reduce food insecurity by requiring Commercial Edible Food Generators to arrange to have the maximum amount of their edible food, which would otherwise be disposed, be recovered for human consumption.

This Ordinance addresses SB 1383's comprehensive regulatory requirements that the City needs to enforce, including requirements for waste generators to participate in organic waste collection programs; multi-family and business owners and property managers to support organic waste disposal reduction; commercial edible food generators to recover edible food through contracts or written agreements with food recovery organizations and services; and more. This ordinance benefits the residents of Goleta, through compliance with regulatory directives, and the public at large, through reduction of short-lived climate pollutants.

Name of Public Agency Approving the Project: City of Goleta

Name of Person or Agency Carrying Out the Project: Public Works Department, City of Goleta.

Exempt Status: *(check one)*

- ☐ Ministerial (Sec. 15268)
- ☐ Declared Emergency (Sec. 15269 (a))
- ☐ Emergency Project (Sec. 15269 (b) (c))
- ☒ Categorical Exemption: §§ 15061(b)(3) , 15307, 15308, 15378

Reason(s) why the project is exempt:

The Ordinance is exempt from the California Environmental Quality act ("CEQA") pursuant to State Guidelines under Section 15061(b)(3). This Ordinance is exempt from the requirements of CEQA because it can be ascertained that the provisions contained herein would not have the potential for causing a significant effect on the environment. The Ordinance is exempt from the requirements of CEQA pursuant to CEQA Guidelines Sections 15307 and 15308 as an action by a regulatory agency taken to protect the environment and natural resources. Lastly, the Ordinance does not qualify as a "project" for the purposes of CEQA because the Ordinance does not result in direct or indirect physical changes in the environment. under CEQA Guidelines sections 15378(a) and 15378(b)(5).

City of Goleta Contact Person, Telephone Number, and Email:

Melissa Nelson, Environmental Services Coordinator
805-961-7565
mnelson@cityofgoleta.org

Charles Ebeling, P.E.

Public Works Director

Date