



COUNTY OF NEVADA
COMMUNITY DEVELOPMENT AGENCY
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NEVADA COUNTY BOARD OF SUPERVISORS
Board Agenda Memo

MEETING DATE: February 22, 2022 (Adoption)
February 8, 2022 (Introduction)

TO: Board of Supervisors

FROM: Panos Kokkas, Director of Public Works

SUBJECT: Second Reading and Adoption of an Ordinance Amending and Restating Title 2, Chapter IV, Article 8 (Solid Waste) of the Nevada County Code

RECOMMENDATION: Adopt the Resolution

FUNDING: There is no fiscal impact to the General Fund or other budgets.

BACKGROUND: In 2016, Governor Edmund Brown, Jr. signed Senate Bill (SB) 1383 in a statewide effort to reduce emissions of short-lived climate pollutants (SLCP). SB 1383 is administered by the California Department of Resources, Recycling and Recovery (CalRecycle) and requires the cities and counties in California to implement mandatory organic waste collection programs. Under SB 1383 Nevada County is required to adopt an enforceable ordinance to ensure that all covered residential and commercial generators are compliant with SB 1383 regulations and enable to County to enforce the regulations and assess penalties on noncompliant generators, beginning in 2024.

SB 1383 builds on existing legislation, AB 341, and AB 1826. The stated purpose of SB 1383 is to reduce organic waste disposal, recover edible food from the waste stream, and reduce methane emissions by diverting organic material from landfills. The responsibility of compliance rests largely with the County. If the County does not comply with the regulations, it may face hefty penalties or enforcement action imposed by CalRecycle – up to \$10,000 per violation per day. In order to achieve the reduction of landfilled organic waste, and to increase recovery, the State has mandated the following:

- Provide organics collection services to all residents, multi-family complexes, and businesses.
- Establish edible food recovery programs;
- Conduct education and outreach to the community;
- Procure recyclable and recovered organics products; and
- Monitor compliance and conduct enforcement.

The revised ordinance maintains the same structure as the existing code, but adds and addresses the required elements of SB 1383, including:

- **Collection Services:** Curbside trash, recyclable and organic collection services will be provided for all commercial, multi-family and residential properties; except those properties where it is reasonably determined to be impractical or impossible to access with curbside collection vehicles, where residents meet the self-hauler requirements identified in SB1383, or properties covered under a waiver(s) based on criteria outlined in SB1383.
- **Commercial Edible Food Generator:** These generators are required to recover the maximum amount of edible food that would otherwise be disposed in the waste stream and implement related programs. These generators shall maintain and provide record access to County staff.
- **Food Recovery Organizations:** Organizations shall maintain and provide records to County staff.
- **Inspections and Investigations:** County Environmental Health representatives are authorized to conduct inspections and investigations to confirm compliance of commercial generators. Regulated entities shall provide access and cooperate with County staff during the process.
- **Enforcement:** Violation of any provisions of the ordinance shall be a misdemeanor that may be enforced by the County in any manner authorized by law, including, but not limited to, an administrative citation, criminal citation, nuisance abatement action, or civil action.

The revised ordinance contains the necessary provisions and enforcement mechanisms to ensure that residents and property owners, as well as the County's franchisee, Waste Management of Nevada County, comply with the state law requirements concerning solid waste including SB 1383, Short-Lived Climate Pollutants mandate.

The Short-lived Climate Pollutants (SLCP): Organic Waste Reductions, Final Regulation Text, is available at: www.calrecycle.ca.gov/organics/slcp.

On February 8, 2022, the Board of Supervisors held a public hearing and first reading of the proposed Amended and Restated Ordinance. Staff Recommends adoption of the proposed Ordinance.

Item Initiated by: David A. Garcia, Jr., Solid Waste Program Manager

Approved by: Panos Kokkas, PE, Director of Public Works

Submittal Date: January 28, 2022

Revision Date: February 4, 2022