



CITY OF GLENDALE, CALIFORNIA REPORT TO THE CITY COUNCIL

AGENDA ITEM

Report: Ordinance for Introduction to amend Glendale Municipal Code Chapters Related to Refuse, Yard Trimmings and Recyclable Material Collection and Disposal and Solid Waste Disposal

- 1) Ordinance for Introduction to amend Chapter 8.44 and 8.56 of the Glendale Municipal Code to address state mandated refuse diversion and organics management requirements
- 2) Resolution adding and modifying citations and fines in the Citywide Fee Schedule for enforcement of waste management protocols

COUNCIL ACTION

Item Type: Action Item

Approved for January 9, 2024 **Calendar**

EXECUTIVE SUMMARY

Due to changes in state law as well as discrepancies in the existing code, minor “clean-up” language is needed for Sections 8.44 and 8.56 of the Glendale Municipal Code (GMC). Regulations for organics handling and self-disposal will be clarified. Additionally, staff proposes to omit enforcement protocols from the Chapter 8.44 and modify and add citation fines to the Citywide Fee Schedule for enforcement of waste management protocols.

RECOMMENDATION

Introduce an ordinance amending the Glendale Municipal Code (“GMC”) to address state mandated refuse diversion and other organics management requirements. Additionally, that the Council approve a resolution adding and modifying administrative citations and fines in the Citywide Fee Schedule for enforcement of solid waste management protocols.

ANALYSIS

Revisions to Title 8 of the GMC pertaining to Health and Safety are needed to comply with State law, namely SB 1383 Mandatory Organics Recycling requirements. SB 1383 targets reductions in organic waste methane emissions in residential and commercial generators by instituting organics collection services, requiring standardized container colors and labelling, establishing food recovery programs, performing education and outreach, and ensuring certain levels of recyclable and recovered organic products are procured by the city. The California Department of Resources Recycling and Recovery (CalRecycle) is charged with enforcing and monitoring local compliance with SB 1383 requirements.

In 2021, the city passed an ordinance establishing an exclusive commercial waste franchise system that was assigned to four private solid waste haulers. Since this system promotes conformity of compliance for commercial waste generators, it affords the city with greater controls to meet CalRecycle Mandatory Commercial Recycling and Mandatory Organics Recycling requirements. With the implementation of programs under both ordinances, certain provisions have been found to require minor modification or clarification.

Clarification on Self-Hauling

Under the existing GMC, self-hauling of all streams (refuse, recyclables, organics) is allowed under Section 8.44.080.C and Section 8.44.082.M. This potentially conflicts with the requirement that all commercial generators must subscribe to and pay for collection services under Section 8.44.082.A. Allowing self-hauling of refuse provides commercial generators an option to not participate in the city’s franchise system and creates a loophole to encourage illegal dumping. Consequently, the self-hauling allowance is clarified to apply to recyclables and organics streams only. Generators may self-haul their recyclables or organics to help with diversion of materials, but refuse would not be allowed to be self-hauled due to health and safety concerns.

Fees for Non-compliance

Enforcement language provided in Section 8.44.180 was created using the model ordinance language provided by CalRecycle; however, the model language includes provisions for determining the penalty amounts that would be challenging to apply such as determining the willfulness of the generator’s misconduct or figuring the economic benefit of the violation. The city’s approach is to determine the appropriate fee amounts then apply those amounts equally in the Citywide Fee Schedule that is publicly available. Consequently, the language in this section is being removed. The provisions in the revised Citywide Fee Schedule, include a tiered fine of \$100 for the first offense, \$200 for the second offense and \$500 for the third offense. In the Citywide Fee Schedule, seven

citations/fines are being eliminated while fourteen citations/fines are being added that are consistent with SB 1383 and are intended to promote the safe, sanitary, and proper storage of materials.

Other modifications

Clean-up language is also recommended for the following:

- Clarification on term definitions
- Alignment of timeline for storing organic waste from one month to fifteen days consistent with Los Angeles County health regulations (8.44.030)
- Clarification on managing dead animals (8.44.060)
- Consistent use of language related to property owners and generators (8.44.070, .081, .094, 8.56.170, and .180)
- Consistent use of language related to containers and material streams (green material versus organics)
- Clarification on billing protocols for residential and commercial generators (8.44.111 and .112)
- Elimination of redundant or unnecessary language

STAKEHOLDERS/OUTREACH

Under SB 1383, the city must have an enforcement program in place effective January 1, 2024. The primary area where non-compliance is anticipated in the area of source-separation of organics and recyclables. Until now, all outreach to commercial and residential generators focused on voluntary compliance. The language proposed in the Citywide Fee schedule allows for fines to be established for cases where a generator demonstrates chronic defiance to the source-separation requirements. Enforcement is intended to reduce contamination in recycling and organics loads that can potentially spoil properly source-separated material when combined in a refuse truck hopper.

In the franchise agreements, haulers were permitted to assess a contamination fee for customers who do not follow the source separation requirements during 2021-2022. However, haulers did not assess any contamination fees and focused on on-boarding customers to the new requirements. In anticipation of the SB 1383 2024 enforcement requirement, some haulers are now beginning to assess contamination fees – again for cases where their customer demonstrates chronic defiance of the source-separation requirements. The assessment of these fees is between the hauler and their customer; however, the hauler is required to report quarterly to the city on the fees collected for this purpose.

Should the matter not be resolved between the hauler and the customer, the hauler has an option to submit a request to the city for enforcement. The areas of enforcement are limited to those which are part of the amendment to the Citywide Fee Schedule.

Regarding self-hauling of refuse, there have been no reported issues since the adoption of the 2021 SB 1383 and franchise system ordinances. At this point, this code change is offered to provide consistency in language and prevent the possibility of future issues. Consequently, no outreach is anticipated as being necessary on this issue.

FISCAL IMPACT

There is no fiscal impact associated with this report. Future revenue could be realized from the proposed fee changes and code enforcement activities. However, additional work is needed to establish actual enforcement protocols for this ordinance and staff does not anticipate assessing any citations or fines in FY 2023-24.

ENVIRONMENTAL REVIEW (CEQA/NEPA)

The City Council finds and determines that this ordinance is not subject to further review under the California Environmental Quality Act (“CEQA”) because no possibility exists that the activity in question may have a significant effect on the environment (14 Cal. Code Regs. (“CEQA Guidelines”) Section 15061(b)(3)), and because it qualifies under the following categorical exemptions: 1) Inspections (Class 9, Section 15309 of CEQA Guidelines) and 2) Enforcement Actions by Regulatory Agencies (Class 21, Section 15309 of CEQA Guidelines).

CAMPAIGN DISCLOSURE

This item is exempt from campaign disclosure requirements.

ALTERNATIVES TO STAFF RECOMMENDATION

Alternative 1: Elect to not approve any ordinances amendment portions of the GMC and changes to the Citywide Fee Schedule. Discrepancies and outdates requirements in the existing code will continue and enforcement will be delayed.

Alternative 2: Consider any other alternative not proposed by staff.

ADMINISTRATIVE ACTION

Submitted by:

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Approved by:

Roubik R. Golanian, P.E., City Manager

EXHIBITS/ATTACHMENTS

None