



**CITY OF GLENDALE, CALIFORNIA  
REPORT TO THE CITY COUNCIL**

**AGENDA ITEM**

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Report: Revisions to Recycling Ordinances

1. Introducing revisions to Chapter 8.44 of the Glendale Municipal Code, 1995, entitled Refuse, Yard Trimmings and Recyclable Material Collection and Disposal to adopt State mandated commercial refuse diversion requirements.

**COUNCIL ACTION**

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**Item Type:** Ordinance

**Approved for** February 2, 2021 **calendar**

**ADMINISTRATIVE ACTION**

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**Submitted by:**

Yazdan T. Emrani, P.E., Director of Public Works

**Prepared by:**

Daniel Hardgrove, Assistant Director of Public Works

**Reviewed by:**

Michele Flynn, Director of Finance

Michael J. Garcia, City Attorney

**Approved by:**

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

## **RECOMMENDATION**

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Staff respectfully recommends City Council introduce an Ordinance amending Chapters 8.44 of the Glendale Municipal Code (GMC) adopting State mandated commercial refuse diversion requirements.

## **BACKGROUND/ANALYSIS**

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Several revisions to Title 8 of the GMC pertaining to Health and Safety are recommended to comply with State Law, namely Assembly Bill (AB) AB 341 Mandatory Commercial Recycling and AB 1826 Mandatory Organics Recycling requirements. The California Department of Resources Recycling and Recovery (CalRecycle) is charged with enforcing these laws and monitoring local compliance.

In 2012 commercial recycling requirements were established under AB 341. The City became responsible for implementing a commercial solid waste recycling program that consists of education, outreach and monitoring of businesses, and is designed to divert commercial solid waste from businesses. Materials recycled under this City program include cardboard, clean paper, glass, plastic and aluminum. The City is required to report annually the progress achieved in implementing its commercial recycling program, and if applicable, enforcement efforts and exemptions, by providing updates in its electronic annual report to the State.

In 2014 commercial recycling requirements were expanded to the diversion of organic material through AB 1826. Organic waste (“organics”), for the purposes of AB 1826, means food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste. Businesses were to start recycling their organics on and after April 1, 2016, depending on the amount of waste they generate per week. This law also requires that on and after January 1, 2016, local jurisdictions across the state to implement an organic waste recycling program to divert organics generated by businesses, including multifamily residential dwellings that consist of five or more units. However, multifamily dwellings are not required to have a food waste diversion program. Currently, Glendale’s organics collection program consists of food waste generated at City facilities and the City’s largest food waste generators. For both AB 341 and AB 1826, businesses required to comply were those that generated more than four cubic yards of trash per week.

The diversion goals were not met by the State of California in 2020. Consequently, CalRecycle pursued two ways of increasing waste diversion efforts by; 1) conducting a statewide performance review of jurisdictional programs, and 2) adjusting the business compliance threshold from four cubic yards to two cubic yards of trash per week. This means there are approximately 4,097 businesses in Glendale that will need to either comply with Glendale’s organic waste program or seek an exemption.

In February 2020, at the behest of CalRecycle, the City submitted a Commercial Recycling Compliance Plan, which was approved by the State in July. The relevant elements of the Plan include the updating of the City’s Solid Waste Ordinance to achieve consistency and compliance with current State waste management regulations.

Respective provisions of the proposed Ordinance include:

- Clarification on the responsibilities of all waste generators (8.44.020 – 8.44.081)
- Requirements specific to commercial generators (8.44.082) including:
  - Businesses that generate more than 2 cubic yards of trash per week must subscribe to services for collection of recyclables and organics, as well as providing recycling information or outreach to customers or tenants.
  - Allowing City agents access to their property for conducting compliance inspections.
  - Allowing businesses to self-haul recyclable material as long as records are maintained to that effect.
  - Allowing requirements to be waived according to criteria allowed by the State (small quantity generators or lack of space). Waiver applications must be submitted to the City staff for consideration (8.44.180).
- Waste diversion service requirements at special events permitted by the City. Implementation of this requirement will require involvement of the City's Filming & Special Events Office (8.44.083).

Much of the provisions in this Ordinance is based upon model ordinance language provided by CalRecycle. This allows for greater consistency across jurisdictional waste diversion programs. Further, these increased requirements were recommended in the City's Zero Waste Action Plan, adopted in December 2010.

#### Future compliance program element considerations

The proposed Ordinance addresses the first phase of the City's commercial recycling compliance strategy, which is the City's compliance with AB 341 and AB 1826 program requirements on commercial generators.

The second phase to be addressed in 2021 includes commercial organics compliance with SB 1383 requirements which need to be in place by January 2022. SB 1383 targets reductions in organic waste methane emissions in commercial generators further through food recovery programs, organics collection services, education and outreach, and recyclable and recovered organic product procurement. The primary focus on this Ordinance would also clarify private hauler requirements, details of which will be incorporated in the City's final agreements for a commercial franchise system with the selected haulers. As was the case for the first phase, staff will reflect model ordinance language provided by CalRecycle for greater consistency across jurisdictional waste diversion programs. Additionally, whatever changes are adopted by the City will require substantial outreach to commercial generators.

#### **FISCAL IMPACT**

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The fiscal impact to the City for this ordinance is minimal. Staff are presently focused on verifying entries in the City's commercial account list in order to ensure accuracy. City staff anticipate that an additional appropriation from the Refuse Fund (5300) will be requested as part of the FY 2021-22 budget to meet the inspection, monitoring, and

compliance requirements of the proposed ordinance. City staff are currently assessing the cost of service concurrent with the franchise program evaluation.

### **ALTERNATIVES**

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Alternative 1: The City Council introduce the Ordinance amending Chapter 8.44 of the Glendale Municipal Code and adopt the Resolution to this effect.

Alternative 2: The City Council may choose not to recommend the introduction of this Ordinance. The GMC will not be amended and the City will not comply with State regulations.

Alternative 3: The City may consider any other alternative not proposed by staff.

### **CAMPAIGN DISCLOSURE**

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Not Applicable.

### **EXHIBITS**

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Revisions of Chapter 8.44 of the Glendale Municipal Code