



Sunnyvale

# Ordinance Updates for Mandatory Organics Collection (SB 1383)

David Krueger  
City Council, 11/9/2021



# Purpose of Code Changes

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- Comply with SB 1383  
– January 1, 2022  
Deadline
- Comprehensive  
update of solid waste  
sections of Municipal  
Code
- Harmonize Municipal  
Code with new  
Specialty Franchise  
Agreement
- Codify Construction  
& Demolition Debris  
(C&D) recycling  
program
- Modernize solid  
waste Municipal Code  
language

# Code Changes

## Four Chapters Affected:

- Chapter 8.16 - Solid Waste Management and Recycling
- Chapter 16.74 - Construction and Demolition Diversion



# Code Changes

## Four Chapters Affected:

- Chapter 19.38.030 - Recycling and Solid Waste Facilities (enclosures, containers, bins) – 10/25 Planning Commission
- Chapter 19.37 - Landscaping, Irrigation, and Useable Open Space (mulch) – 10/25 Planning Commission



# Fee & Policy Changes

- Amend the Master Fee Schedule to add fines and penalties for violations
- Amend City Council Policy 7.1.03 – Environmental Procurement (February 1, City Council Meeting)



# Required Services for Property Owners

## Single-Family Homes

### All Services Have Been Implemented



- Mixed Waste (“garbage”)
- Recyclable Materials
  - ◆ Containers (bottles & cans)
  - ◆ Paper & Cardboard
- Food Scraps
- Yard Trimmings



# Required Services for Property Owners Continued

## Multi-Family Complexes

- Mixed Waste (“garbage”)
- Recyclable Materials
  - ◆ Containers (bottles & cans)
  - ◆ Paper
- Food Scraps
- Yard Trimmings
  - ◆ Landscaper exemption/waiver



# Required Services for Property Owners Continued

## Commercial Customers



- Mixed Waste (“garbage”)
- Food Scraps
  - ◆ Quantity exemption/waiver
    - < 96 gallons/week of mixed waste
    - Or as otherwise determined by the ESD Director
- Yard Trimmings
  - ◆ Landscaper exemption/waiver



# Responsible Party

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- Property owner, AND
- Other party with written agreement
  - Tenant / Occupant
  - Property manager
  - HOA
  - Contractor

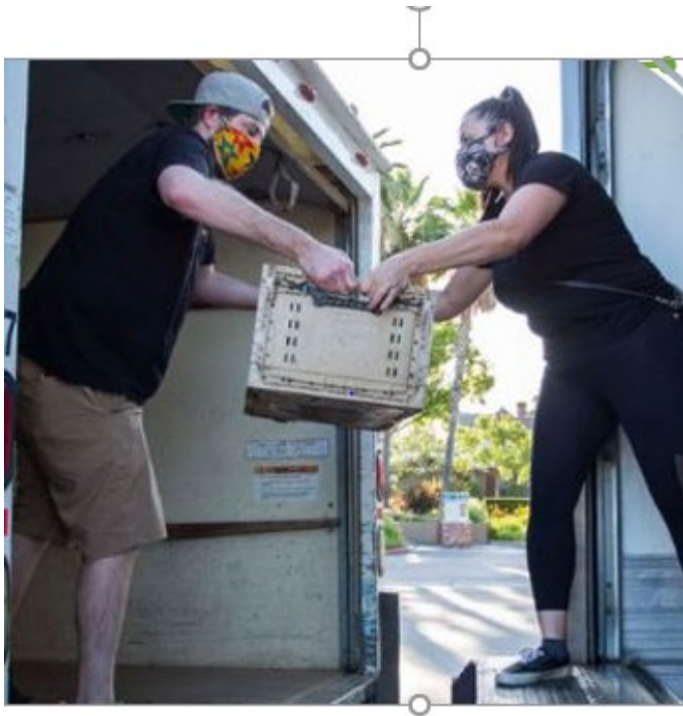


# New Responsibilities

- Subscribe to and pay for an adequate level of mandatory collection services
  - ◆ Single-family in compliance
  - ◆ Commercial & Multi-Family need food scraps and yard trimmings
- Place materials in correct containers
- Provide necessary indoor containers
- Educate tenants, contractors, and employees on proper sorting
- Allow City inspections for compliance



# Edible Food Recovery



- Large edible food generators must
  - ◆ Contract with an edible food recovery organization
  - ◆ Submit annual food recovery reports
- Edible Food Recovery Organizations must
  - ◆ Maintain required records
  - ◆ Submit annual food recovery reports

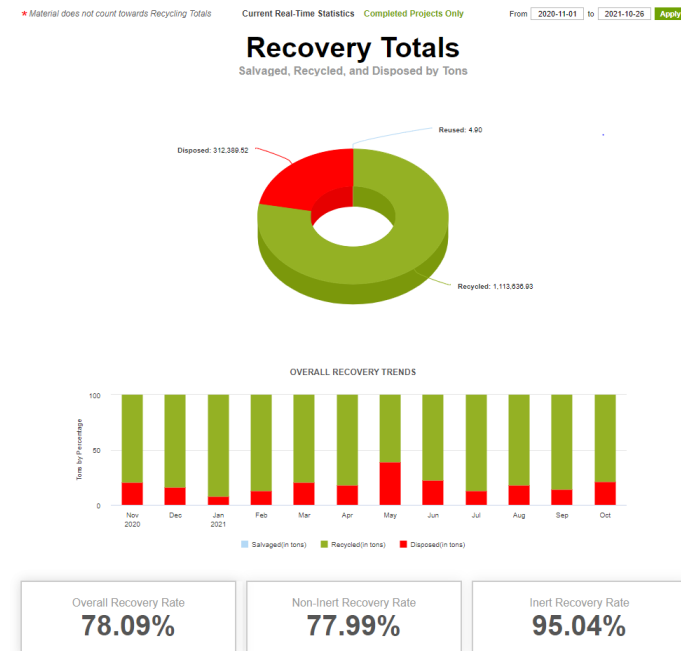
# Construction & Demolition Debris (C&D) Recycling

- 65%+ diversion (recycling) requirement
- Responsible party = building permit applicant
- Covered projects determined by CalGreen
- Permit applicants must submit a C&D Diversion Plan
- Permits can't be issued until ESD approves the C&D Diversion Plan



# Construction & Demolition Debris (C&D) Recycling Continued

- All mixed C&D must be delivered to a recycling facility, even if the diversion rate for the project has already been achieved
- Responsible party must submit proof that material was recycled
  - ◆ Weight tags from approved facilities
  - ◆ Penalty for failure to meet diversion rate





# New Procurement Requirements

- Paper products with 30%+ post-consumer recycled content
- Quantities of organics products based on population:
  - Compost
  - Mulch
  - Biofuel
  - Green Energy





# Education

1/1/2022 – 12/31/2023



- Commercial and multi-family site visits
- Courtesy notices
- Non-collection notices
- Mandates referenced in outreach materials

# Enforcement

## City must begin enforcement by 1/1/2024

- Ordinance allows for enforcement to begin 1/1/2022

## Fines set by State

- Administrative Citation
  - ◆ 1<sup>st</sup> violation= \$50-\$100
  - ◆ 2<sup>nd</sup> violation = \$100-\$200
  - ◆ 3<sup>rd</sup> violation = \$250- \$500

City will have flexibility to determine fine based on multiple factors. A few examples include:

- °Nature and severity of violation
- °Willfulness of the violator's misconduct
- °If violation was due to conditions outside the control of the violator

# Alternatives

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1. Introduce an ordinance to Repeal and Replace Municipal Code Chapter 8.16 (Solid Waste Management and Recycling) and adopt Municipal Code Chapter 16.74 (Construction and Demolition Diversion)
2. Introduce an ordinance to Amend Municipal Code Chapter 19.38.030 (Recycling and Solid Waste Facilities) and Chapter 19.37 (Landscaping, Irrigation, and Useable Open Space)
3. Adopt a Resolution to amend the Master Fee Schedule to add fines and penalties for violations of Ch. 8.16 and 16.74
4. Find that the Action Is Exempt from CEQA pursuant to CEQA Guidelines Sections 15308 and 15061(b)(3).
5. Do not recommend the City Council approve alternatives 1 through 4

# Recommendation

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- Staff recommends alternatives 1 through 4.



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# Questions