



**CITY OF SOUTH PASADENA
NATURAL RESOURCES AND ENVIRONMENTAL COMMISSION
REGULAR MEETING AGENDA**

**Council Chamber
1424 Mission Street, South Pasadena, CA 91030**

October 26, 2021, at 7:00 p.m.

**PUBLIC ADVISORY:
THE CITY COUNCIL CHAMBERS WILL BE OPEN TO THE PUBLIC**

South Pasadena Natural Resources and Environmental Statement of Civility

As your appointed governing board we will treat each other, members of the public, and city employees with patience, civility and courtesy as a model of the same behavior we wish to reflect in South Pasadena for the conduct of all city business and community participation. The decisions made tonight will be for the benefit of the South Pasadena community and not for personal gain.

NOTICE ON PUBLIC PARTICIPATION & ACCESSIBILITY

Pursuant to Section 3 of Executive Order N-08-21, issued by Governor Newsom, the regular meeting of the Natural Resources and Environmental Commission October 26, 2021 will be conducted remotely and held by video conference.

The City has resumed in-person public meetings. The in-person/virtual hybrid meetings will maintain transparency and public access while protecting the health and safety of the public. Members of the public have the option to participate in-person or via Zoom using the following link:

Natural Resources and Environmental Commission
Zoom Meeting Information
Webinar ID: 860 4276 5721

1. Go to the Zoom website, <https://zoom.us/join> and enter the Zoom Meeting information accordingly; or
2. Click on the following unique Zoom meeting link:
<https://zoom.us/j/86042765721>; or
3. You may listen to the meeting by calling: +1-669-900-6833 and entering the Zoom Meeting ID and Passcode when prompted to do so.

For additional Zoom assistance with telephone audio, you may find your local number at:
<https://us02web.zoom.us/j/kcqijC6iQx>

PUBLIC COMMENT

The Natural Resources and Environmental Commission welcomes public input. Public comments will be taken live in one of two formats, in-person or via zoom. Members of the public may also submit their comments in writing for Natural Resources and Environmental Commission consideration, by emailing comments to: nrecpubliccomment@southpasadenaca.gov. **Public Comments must be received by 12:00 p.m., October 26, 2021** to ensure adequate time to compile and post. Written public comments will not be read aloud during the meeting.

CALL TO ORDER: Amy Davis Jones

ROLL CALL: Commissioners Rona Bortz, Michelle Hammond, Casey Law, William J. Kelly, Michael Siegel; Vice Chair Madeline C. Di Giorgi; Chair Amy Davis Jones.

COUNCIL LIAISON: Mayor Pro Tem Michael A. Cacciotti

STAFF PRESENT: Ted Gerber, Deputy Public Works Director
Arpy Kasparian, Water Conservation & Sustainability Analyst

PLEDGE OF ALLEGIANCE Amy Davis Jones

PUBLIC COMMENTS AND SUGGESTIONS

The Natural Resources and Environmental Commission (NREC) welcomes public input. Comments will be taken live during the meeting, in person, or via zoom.

Pursuant to state law, the NREC may not discuss or take action on issues not on the meeting agenda, except that members of the NREC or staff may briefly respond to statements made or questions posed by persons exercising public testimony rights (Government Code Section 54954.2). Staff may be asked to follow up on such items.

1. Public Comment

ACTION ITEMS

2. Mandatory Organic Waste Disposal Reduction Ordinance Recommendation

Recommendation:

It is recommended that the Commission recommend to City Council to adopt an ordinance to amend Chapter 16 and Chapter 2 of the South Pasadena Municipal Code (SPMC) to implement a Mandatory Organic Waste Disposal Reduction Ordinance as required by SB 1383 and CalRecycle.

3. Approval of Minutes- Meeting of September 28, 2021

COMMUNICATIONS

4. City Council Liaison Communications

5. Commissioner Communications

6. Staff Liaison Communications

7. Upcoming Events

- Electrify Your Lawn & Community Bike Ride – November 6
- CA Native Plant Sale – November 6
- Water Efficient Landscape Dual Certification Program – begins November 16
- LA County Smart Gardening Webinars - Various dates
(<https://www.ladpw.org/epd/sg/webinars.cfm>)
- MWD Turf Removal + CA Native Landscape Webinars - Various dates
(<https://greengardensgroup.com/turf-transformation/>)

ADJOURNMENT

FUTURE NREC MEETINGS

November 23, 2021
December 28, 2021

Council Chambers
CANCELLED

7:00pm
-

PUBLIC ACCESS TO AGENDA DOCUMENTS AND BROADCASTING OF MEETINGS

Prior to meetings, agenda related documents and complete agenda packets are available for public inspection online at <https://www.southpasadenaca.gov/government/boards-commissions/natural-resources-environmental-commission>.

ACCOMMODATIONS



The City of South Pasadena wishes to make all of its public meetings accessible to the public. Meeting facilities are accessible to persons with disabilities. If special assistance is needed to participate in this meeting, please contact the City Clerk's Division at (626) 403-7230. Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities. Notification at least 48 hours prior to the meeting will assist staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting (28 CFR 35.102-35.104 ADA Title II).

I declare under penalty of perjury that I posted this notice of agenda on the bulletin board in the courtyard of City Hall at 1414 Mission Street, South Pasadena, CA 91030, and on the City's website as required by law.

10/21/21
Date

Arpy Kasparian
Arpy Kasparian
Water Conservation and Sustainability Analyst

ITEM 2

**Mandatory Organic Waste Disposal Reduction
Ordinance Recommendation**



Natural Resources & Environmental Commission Agenda Report

ITEM NO. _____

DATE: October 26, 2021

FROM: H. Ted Gerber, Deputy Public Works Director
Arpy Kasparian, Water Conservation & Sustainability Analyst

SUBJECT: **Recommendation of an Ordinance, Amending Chapter 16 (Garbage and Waste) and Chapter 2 (Administration) of the South Pasadena Municipal Code to Implement a Mandatory Organic Waste Disposal Reduction Ordinance as required by SB 1383 and CalRecycle**

Recommendation

It is recommended that the Commission recommend to City Council to adopt an ordinance to amend Chapter 16 and Chapter 2 of the South Pasadena Municipal Code (SPMC) to implement a Mandatory Organic Waste Disposal Reduction Ordinance as required by SB 1383 and CalRecycle.

Background

In 2016, Senate Bill 1383 (Short-Lived Climate Pollutants) was signed into law in a statewide effort to reduce short-lived climate pollutants, namely methane emissions created by organic waste. The bill established targets to achieve a 75% reduction in disposal of organic waste by 2025. In addition, the bill aims to rescue at least 20% of currently disposed edible food for the millions of Californians experiencing food insecurity. Pursuant to SB 1383, jurisdictions are mandated to provide organics collection services and require all residents and businesses to divert organic waste (yard waste, food scraps, food-soiled paper, etc.) from landfills to recycling facilities starting January 1, 2022, as regulated by the California Department of Resources Recycling and Recovery (CalRecycle). In addition, SB 1383 requires jurisdictions to establish an edible food recovery program, conduct education and outreach to the community, procure recyclable and recovered organic waste products for use within the City, secure access to recycling and edible food recovery capacity, and monitor compliance and conduct enforcement.

Discussion/Analysis

CalRecycle Model Ordinance

Every California city must adopt and enforce an ordinance or enforceable mechanism to implement relevant provisions of SB 1383 Regulations. To this effect, CalRecycle has provided a robust model ordinance for use by all jurisdictions. The model ordinance only requires minor modification to reflect specific circumstances at the local implementation level. Like many other cities, South Pasadena staff developed this ordinance utilizing the CalRecycle model, along with input from the City's exclusive refuse hauler, Arakelian Enterprises, Inc., dba Athens Services (Athens).

Summary of Municipal Code Changes

This ordinance is organized into nine sections. Sections 1 through 4 update Chapter 16 Garbage and Waste Article I (In General) of the SPMC and Sections 5 and 6 update Chapter 16 Garbage and Waste Article II (Receptacles) of the SPMC. Section 7 adds new Article V (Organic Waste Disposal) to Chapter 16. Section 8 adds new language to Administration Chapter 2 Article XI (Purchasing), and Section 9 implements the January 1, 2022 effective date of the ordinance.

The majority of the changes to Ch. 16 Article I are new definitions from the CalRecycle model ordinance. Several existing definitions have been updated to integrate current and new text. Other language has been added to Article I and Article II to accommodate *potential future* changes to refuse collection service offerings with the City, such as: providing barrels to residents, or the possibility of implementing curbside service, where barrels are collected along the street by automated trucks, in addition to, or in lieu of, the current backyard service mode where barrels are collected from within residents' properties.

The new Ch. 16 Article V language is sourced from the CalRecycle model ordinance with minor updates to reflect specific circumstances at the local implementation level, such as a hauler-initiated contamination service charge for cost recovery. Article V details requirements for single-family refuse generators, commercial businesses, which includes multi-family refuse generators, commercial edible food generators, food recovery organizations and services, as well as haulers, refuse facility operators, and self-haulers. Article V also details the availability of waivers for generators, requirements to comply with CALGreen Recycling Requirements, and the inspection and enforcement programs operated by the City or its designee.

Staff presented the initial draft of this ordinance to the commission at its September 28, 2021 meeting. The NREC proposed a modification to the draft language to clarify that any remote monitoring devices that may be used to evaluate compliance with the ordinance and apply potential enforcement would be mounted on hauler vehicles, and not, for example, installed in or on residents' and/or businesses' property. The NREC also recommended that staff incorporate revisions of the existing municipal code into the ordinance to allow self-hauling or an opportunity for non-exclusive haulers to operate where a public benefit is realized; for example, in the case of community-based non-profit composting organizations. Refuse collection, transportation, and disposal by any person other than the exclusive hauler is currently prohibited by the SPMC. These recommendations have been incorporated into the ordinance.

City Goals

The City's adopted South Pasadena Green Action Plan (2019) and Climate Action Plan (2020) include action to implement and enforce SB 1383 organics and recycling requirements to reduce landfilled organics waste emissions 50% by 2022 and 75% by 2025, reduce residential and commercial waste sent to landfills by 50% by 2030 and 100% by 2045, and increase organics diversion from landfills.

Implementation

After a second reading, the ordinance would become effective on January 1, 2022, as required by SB 1383. Beginning January 1, 2022, generators, which includes residents, businesses, and other refuse service users, are required to separate food waste and combine it with yard waste and other 'green' organic waste as defined by this ordinance, into separate bins and barrels for collection and diversion to an organics processing facility. Many of the specific implementation logistics for individual locations throughout the City will be defined by the type of service provided by Athens at that site. However, the ordinance dictates that residents, businesses, and other refuse service users will utilize either a two-bin/barrel system or a three-bin/barrel system. In the two-bin/barrel system: food waste, yard waste, and other 'green' organic waste are disposed of together in one receptacle; and refuse and recyclable material are disposed of together in a second receptacle. In the three-bin/barrel system: food waste, yard waste, and other 'green' organic waste are disposed of together in one receptacle like the two-bin/barrel system, however, refuse and recyclable material are not combined, and are instead disposed of in separate second and third receptacles, commonly referred to as 'black/gray' refuse waste and 'blue' recyclable waste, respectively. The City may provide colorized bins and/or barrels in the future, depending on the outcome of ongoing discussion with Athens; however, on January 1, 2022, residents, businesses, and other refuse service users will utilize the current bins and barrels already in use at their location for refuse, recyclable, and organics disposal.

Compliance Responsibility and Enforcement

SB 1383 requires the City to implement compliance monitoring and enforcement on refuse service users, which typically consists of identifying contamination deposited into receptacles incorrectly. For example, plastic material placed in the food waste receptacle may prevent the ability to compost that waste material, and therefore constitutes a violation of this ordinance. Visual identification and confirmation of contamination will be conducted systematically by Athens, and may consist of manual evaluation by person, or automation-assisted evaluation by camera/software, depending on the outcome of ongoing discussion with Athens.

Resulting enforcement for violation of the ordinance may consist of a penalty issued by the City. The City's code enforcement officer shall have primary responsibility for enforcement of this ordinance. Enforcement notices shall be sent to the "owner" at the official address 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. Under this ordinance, penalties imposed on residents, businesses, and other refuse service users are delayed until January 1, 2024, as allowed by SB 1383. All violations of the South Pasadena Municipal Code may also be addressed through the administrative citation process at the City's discretion. (SPMC Ch. 1A.2).

Where contaminants are observed in receptacles on more than two (2) consecutive occasions, the City's hauler, Athens, may issue separate processing fees or a contamination service charge in accordance with the hauler rate schedule. This contamination service charge shall not be considered an administrative fine or penalty, and will be presented to the refuse service user on their refuse service bill.

Violations

Violation issuance is recommended to be structured as follows:

1. First violation: a fine of one hundred dollars (\$100.00)
2. Second violation: a fine of two hundred dollars (\$200.00)
3. Third violation and any subsequent violation: a fine of five hundred dollars (\$500.00)

Next Steps

1. The first reading of this ordinance is planned to take place at the November 3, 2021 City Council meeting.
2. City staff will make changes to the draft ordinance pursuant to City Council feedback.
3. The second reading of the ordinance is planned to take place at the November 17, 2021 City Council meeting.
4. If adopted, the ordinance will be effective on January 1, 2021.

Fiscal Impact

With the adoption of the ordinance, there will be costs associated with the diversion of organic waste to an organics processing facility, educational outreach, contamination monitoring, data management and regulatory reporting, recycled/recovered product procurement, food recovery, and possible enforcement actions by the City or its designee. Estimated costs for future staff enforcement efforts are unknown at this time. In addition, the ordinance would require residents and commercial facilities to subscribe to organics collection services, likely incurring additional costs reflected in refuse/rubbish removal rates.

Environmental Analysis

This is an update to the City Municipal Code only, where no physical facilities or improvements are constructed, therefore, per 2021 California Environmental Quality Act (CEQA) Statue and Guidelines, Article 19, Section 15378 this activity does not meet the definition of the project and is exempt from further CEQA analysis.

Public Notification of Agenda Item

The public was made aware that this item was to be considered this evening by virtue of its inclusion on the legally publicly noticed agenda, posting of the same agenda and reports on the City's website.

Attachment: Redlined Ordinance Amending Chapter 16 (Garbage and Waste) and Chapter 2 (Administration) of the South Pasadena Municipal Code

ATTACHMENT

Redlined Ordinance Amending Chapter 16 (Garbage and Waste)
and Chapter 2 (Administration)

**CITY OF SOUTH PASADENA
ORDINANCE NO. _____**

AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF SOUTH PASADENA, CALIFORNIA,
AMENDING SOUTH PASADENA MUNICIPAL CODE SECTION 16.1
("DEFINITIONS"), SECTION 16.3 ("ILLEGAL ACCUMULATIONS"),
SECTION 16.5 ("COLLECTION AND REMOVAL GENERALLY"), SECTION
16.13 ("TRANSPORTATION ALONG STREETS"), SECTION 16.14 ("PILING
OF BRUSH, TREE, ETC., TRIMMINGS AND STUMPS"), SECTION 16.17
("GENERALLY"), SECTION 16.18 ("LOCATION"), SECTION 16.19
("UNAUTHORIZED REMOVAL OR INTERFERENCE WITH"), AND
SECTION 16.22 ("COVERING OF GARBAGE RECEPTACLES; WRAPPING
GARBAGE") OF CHAPTER 16 ("GARBAGE AND WASTE") RELATING
TO MANDATORY ORGANIC WASTE DISPOSAL
AND ADDING A NEW ARTICLE V (ORGANIC WASTE DISPOSAL) TO
CHAPTER 16 ("GARBAGE AND WASTE") CONSISTENT WITH THE
STATE'S MODEL MANDATORY ORGANIC WASTE DISPOSAL
REDUCTION ORDINANCE
AND ADDING A NEW SECTION 2.99-29C ("RECOVERED ORGANIC
WASTE PRODUCT AND RECYCLED-CONTENT PAPER PROCUREMENT
REQUIREMENTS") OF CHAPTER 2 ("ADMINISTRATION") OF THE
SOUTH PASADENA MUNICIPAL CODE RELATING TO RECYCLED AND
ORGANIC WASTE PROCUREMENT

WHEREAS, 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 cities 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; and

WHEREAS, 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 Multi-Family property owners that generate a specified threshold amount of Solid Waste to arrange for recycling services and requires cities to implement a Mandatory Commercial Recycling program; and

WHEREAS, 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 Multi-Family 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 cities to implement a recycling program to divert Organic Waste from businesses subject to the law, and requires cities to implement a Mandatory Commercial Organics Recycling program; and

WHEREAS, 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 cities, 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

WHEREAS, SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires cities 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

WHEREAS, the adopted South Pasadena Green Action Plan (2019) and Climate Action Plan (2020) include action to implement and enforce SB 1383 organics and recycling requirement to reduce landfilled organics waste emissions 50% by 2022 and 75% by 2025, reduce residential and commercial waste sent to landfills by 50% by 2030 and 100% by 2045, and increase organics diversion from landfills.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. Section 16.1 (“Definitions”) of Chapter 16 (“Garbage and Waste”) of the South Pasadena Municipal Code is amended to read as follows:

16.1 Definitions.

The following words and phrases, wherever used in this chapter, shall be construed as follows:

(a) “Black/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 Black/Gray Container Waste.

(b) “Black/Gray Container Waste” means Solid Waste that is collected in a Black/Gray Container that is part of a two-container or three-container Organic Waste collection service that prohibits the placement of Organic Waste in the Black/Gray Container as specified in 14 CCR Sections 18984.1(a) and (b), or as otherwise defined in 14 CCR Section 17402(a)(6.5).

(c) “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.

(d) “CalRecycle” means California's Department of Resources Recycling and Recovery, which is the Department designated with responsibility for developing, implementing, and enforcing SB 1383 Regulations on cities (and others).

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

(f) “Combustible waste matter”~~-. The term “combustible waste matter”~~ shall include and mean newspapers, magazines, books, clothes, shoes, hats, trimmings from lawns, trees, shrubs and flower gardens, pasteboard boxes, rags, paper, straw, sawdust, packing material shavings, wooden boxes and objects and all rubbish and refuse that will incinerate at one thousand four hundred to one thousand five hundred degrees Fahrenheit, except animal carcasses. No person shall place any such carcasses in any combustible waste matter receptacle.

(g) “Commercial Business” or “Commercial” means a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a multifamily residential dwelling, or as otherwise defined in 14 CCR Section 18982(a)(6). A Multi-Family Residential Dwelling that consists of fewer than five (5) units is not a Commercial Business for purposes of implementing this ordinance.

(h) “Commercial Edible Food Generator” includes a Tier One or a Tier Two Commercial Edible Food Generator as defined in Sections 16.1(tt) and 16.1(uuu) of this ordinance 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).

(i) “Compliance Review” means a review of records by the City or its Designee to determine compliance with this ordinance.

(j) “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).

(k) “Compost” has the same meaning as in 14 CCR Section 17896.2(a)(4), which stated, as of the effective date of this ordinance, that “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.

(l) “Compostable Plastics” or “Compostable Plastic” means plastic materials that meet the ASTM D6400 standard for compostability, or as otherwise described in 14 CCR Section 18984.1(a)(1)(A) or 18984.2(a)(1)(C).

(m) “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).

(n) “Contractor” ~~The word “contractor”~~ shall be construed to mean the person to whom the city council shall have awarded a contract, or shall have been otherwise authorized to receive, collect, carry, haul, transport and dispose of any and all garbage and waste matter within the city.

(o) “C&D” means construction and demolition debris.

(p) “Designee” means an entity that a City contracts with or otherwise arranges to carry out any of the City’s responsibilities of this ordinance 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.

(q) “Edible Food” means food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this ordinance 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 ordinance 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.

(r) “Enforcement Action” means an action of the City to address non-compliance with this ordinance including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies.

(s) “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 operator(s), 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 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.

(t) “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).

(u) “Food Facility” has the same meaning as in Section 113789 of the Health and Safety Code.

(v) “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).

(w) “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 ordinance 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 ordinance.

(x) “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 ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).

(y) “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.

(z) “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).

(aa) “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.

(bb) “Food Waste” means Food Scraps, Food-Soiled Paper, and 100% fiber-based compostable dinnerware.

(cc) “Garbage:- ~~The word “garbage”~~ shall include and mean household refuse and leavings, offal, swill and any accumulation of animal and vegetable and other matter that attends the preparation, consumption, decay or dealing in or storage of meat, fish, fowl, birds, fruits and vegetables, except where such matter is defined as Food Waste or Organic Waste by this section. “Garbage” does not include waste matter as defined in this section. Animal carcasses shall not be included

in this definition and shall not be deposited in any garbage receptacle, except carcasses of animals eaten on the premises.

(dd) “Green Container” has the same meaning as in 14 CCR Section 18982.2(a)(29) and shall be used for the purpose of storage and collection of Source Separated Green Container Organic Waste.

(ee) “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).

(ff) “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).

(gg) “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).

(hh) “Inspection” means a site visit where the City or its Designee reviews records, containers, and an entity’s collection, handling, recycling, or landfill disposal of Organic Waste or Edible Food handling to determine if the entity is complying with requirements set forth in this ordinance, or as otherwise defined in 14 CCR Section 18982(a)(35).

(ii) “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 ordinance.

(jj) “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 ordinance 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 ordinance 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 ordinance.

(kk) “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).

(ll) “Mixed Refuse/Recyclable Waste Stream” or “Mixed Refuse/Recyclable Waste” means Solid Waste that is collected in a Black/Gray Container that is part of a two-container Organic Waste collection service that includes Black/Gray Container Waste, Source Separated Recyclable Materials, or Source Separated Blue Container Organic Waste which are separated at a centralized facility, and prohibits the placement of Organic Waste in the Black/Gray Container.

(mm) “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).

(nn) “Multi-Family Residential Dwelling” or “Multi-Family” 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.

(oo) “Noncombustible household refuse”. ~~The term “noncombustible household refuse”~~ shall mean and include bottles, cans, jars, crockery and similar noncombustibles which shall accumulate from general household usage and which have contained, or are designed to contain food. It shall not include unusually large or weighty items.

(pp) “Noncombustible waste matter”. ~~The term “noncombustible waste matter”~~ shall include and mean glass, broken brick, metal containers, plaster, crockery, stones, ashes, auto parts, cans or bottles, except those cans or bottles which have contained food, as defined above, and all rubbish, refuse and waste matter that will not incinerate through flames of fourteen hundred to fifteen hundred degrees Fahrenheit. The term shall not include items which, in the discretion of the city manager, are unusually large or weighty.

(qq) “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).

(rr) “Non-Local Entity” means the following entities that are not subject to the City’s enforcement authority, or as otherwise defined in 14 CCR Section 18982(a)(42), including special districts located within the boundaries of the City, including: South Pasadena Unified School District.

To Be Determined

(ss) “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).

(tt) “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.

(uu) “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).

(vv) “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).

(ww) “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).

(xx) “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).

(yy) “Prohibited Container Contaminants”

(1) Where a three-container collection service has been implemented consisting of a Black/Gray Container, a Green Container, and a Blue Container, “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 Black/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.

(2) Where a two-container collection service has been implemented for Source Separated Green Container Organic Waste and Mixed Refuse/Recyclable Waste, “Prohibited Container Contaminants” means the following: (i) discarded materials placed in a Green Container that are not identified as acceptable Source Separated Green Container Organic Waste for the City’s Green Container; (ii) discarded materials placed in the Black/Gray Container that are identified as acceptable Source Separated Green Container Organic Waste, which are to be separately collected in City’s Green Container; and, (iii) Excluded Waste placed in any container.

(zz) “Recovered Organic Waste Products” means products made from California, landfill-diverted recovered Organic Waste processed in a permitted or otherwise authorized facility, or as otherwise defined in 14 CCR Section 18982(a)(60).

(aaa) “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).

(bbb) “Recycled-Content Paper” means Paper Products and Printing and Writing Paper that consists of at least 30 percent, by fiber weight, postconsumer fiber, or as otherwise defined in 14 CCR Section 18982(a)(61).

(ccc) “Regional Agency” means regional agency as defined in Public Resources Code Section 40181.

(ddd) “Regional or County Agency Enforcement Official” means a regional or county agency enforcement official, designated by the City with responsibility for enforcing the ordinance in conjunction or consultation with the City Manager or their Designee.

(eee) “Remote Monitoring” means the use of the internet of things (IoT) and/or wireless electronic devices mounted on the contractor’s, the City’s, or the City’s designee’s vehicles or carried by contractor, City, or the City’s designee to visualize the contents of Blue Containers, Green Containers, and/or Black/Gray Containers for purposes of identifying the quantity of materials in containers (level of fill) and/or presence of Prohibited Container Contaminants.

(fff) “Renewable Gas” means gas derived from Organic Waste that has been diverted from a California landfill and processed at an in-vessel digestion facility that is permitted or otherwise authorized by 14 CCR to recycle Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(62).

(ggg) “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).

(hhh) “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).

(iii) “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.

(jjj) “SB 1383 Regulations” or “SB 1383 Regulatory” means or refers to, for the purposes of this ordinance, 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.

(kkk) “Self-Hauler” means a person, who hauls Solid Waste, Organic Waste or recyclable material he or she has generated to another person. Self-hauler also includes a person who back-hauls waste, or as otherwise defined in 14 CCR Section 18982(a)(66). 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, or as otherwise defined in 14 CCR Section 18982(a)(66)(A).

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

(mmm) “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 the State Public Resources Code Section 40141.

(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.

(nnn) “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 the ordinance, 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 Black/Gray Container Waste or other Solid Waste for the purposes of collection and processing.

(ooo) “Source Separated Blue Container Organic Waste” means Source Separated Organic Wastes that can be placed in a Blue Container 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).

(ppp) “Source Separated Green Container Organic 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.

(qqq) “Source Separated Recyclable Materials” means Source Separated Non-Organic Recyclables and Source Separated Blue Container Organic Waste.

(rrr) “State” means the State of California.

(sss) “Street”-~~The word “street”~~ shall include all streets, highways, avenues, lanes, alleys, courts, places, squares, and other public ways in the city.

(ttt) “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).

(uuu) “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 ordinance.

(vvv) “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 ordinance.

(www) “Uncontainerized Green Waste and Yard Waste Collection Service” or “Uncontainerized Service” means a collection service that collects green waste and yard waste that is placed in a pile or bagged for collection on the street in front of a generator’s house or place of business for collection and transport to a facility that recovers Source Separated Organic Waste, or as otherwise defined in 14 CCR Section 189852(a)(75).

(xxx) “Waste matter”. ~~The term “waste matter”~~ shall include combustible and noncombustible waste matter and noncombustible household refuse and Food Waste and Organics Waste as defined in this section.

(yyy) “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 189852(a)(76).

SECTION 2. Section 16.3 (“Illegal accumulations”) of Chapter 16 (“Garbage and Waste”) of the South Pasadena Municipal Code is amended to read as follows:

16.3 Illegal accumulations.

It shall be unlawful for any person owning or occupying any building, lot or premises in the city to allow garbage or waste matter to collect except in receptacles of the type specified in this chapter. This provision shall not apply to waste matter of building operations during the course of construction and within a reasonable time thereafter, or to wood neatly piled for kitchen or household use, or to waste collected by Uncontainerized Green Waste and Yard Waste Collection Service as defined in Section 16.1.

SECTION 3. Section 16.5 (“Collection and removal generally”) of Chapter 16 (“Garbage and Waste”) of the South Pasadena Municipal Code is amended to read as follows:

16.5 Collection and removal generally.

The city reserves unto itself or its contractor the exclusive right to collect, transport and dispose of, or cause to be collected, transported and disposed of, all garbage and waste matter produced or found within the corporate limits of the city, and it is hereby declared to be unlawful for any

person, except as in this chapter provided, to collect, transport or dispose of any garbage or waste matter produced or found within the city.

The collection, removal and disposal of all garbage and waste matter shall be performed exclusively by the city or its contractor under the supervision of the city manager; provided, however, that:

(1) ~~P~~persons engaging in the business of gardening or tree trimming or tree removal shall, within twenty-four hours from the completion of the job, be permitted to remove and dispose of the garden and tree trimmings which form the immediate by-product of their operations; ~~and provided further, that~~ or,

(2) ~~A~~any person is hereby permitted to collect, transport and dispose of building material residue resulting from structural work under a proper building permit issued by the city; ~~or,~~

(3) The city manager has authorized a person to perform such collection, removal, and/or disposal of garbage and waste matter for a beneficial public benefit, such as a Community Compositing operation or some similar operation.

SECTION 4. Section 16.13 (“Transportation along streets”) and Section 16.14 (“Piling of brush, tree, etc., trimmings and stumps”) of Chapter 16 (“Garbage and Waste”) of the South Pasadena Municipal Code is amended to read as follows:

16.13 Transportation along streets.

No person shall remove or transport, or cause to be removed or transported, any garbage or waste matter upon or along any public street or way or other public place in the city; provided, however, that the provisions of this section shall not apply to any person in the employ of the city who shall be assigned by the city manager to such removal, or to any person with whom the city has entered into a contract for the collection, removal or transportation or purchase of garbage or waste matter, or to any employee of such contractor during such time as such contract shall be in force, or to any person conveying through the city garbage or waste matter collected outside the city, or to any person the city manager has otherwise authorized for such removal or transport.

16.14 Piling of brush, tree, etc., trimmings and stumps.

Brush, tree and garden trimmings and stumps, and waste collected by Uncontainerized Green Waste and Yard Waste Collection Service as defined in Section 16.1 may be kept in a pile for collection. No item of the pile shall exceed four inches in diameter or three feet in length or weigh more than eighty pounds.

SECTION 5. Section 16.17 (“Generally”), Section 16.18 (“Location”), and Section 16.19 (“Unauthorized removal or interference with”) of Chapter 16 ("Garbage and Waste") of the South Pasadena Municipal Code is amended to read as follows:

16.17 Generally.

Every owner, tenant or occupant of any premises where garbage is created shall provide upon such premises one or more galvanized metal garbage receptacles, provided with outside handles and with tight-fitting galvanized metal covers, unless provided a receptacle or container by the City or its Designee for receiving and holding all garbage created upon such premises between the times of collection. Each receptacle at places other than an industrial establishment shall have a capacity of not less than five nor more than fifteen gallons. Receptacles provided by the City or its Designee shall have a capacity as determined by the City Manager or their Designee. No garbage receptacle shall be required where a garbage disposal has been installed on the premises under a permit obtained from the building department and approved by the city manager.

Every owner, tenant or occupant of any premises where waste matter is created shall provide, unless provided by the City or its Designee, in addition to garbage receptacles, one or more receptacles, each of a capacity of not more than forty-five gallons or which will weigh, when filled, not to exceed eighty pounds, for receiving and holding all waste matter created upon such premises between the times of collection.

All containers shall be maintained in good condition and repair. Any container which does not conform to the provisions of this article or which may have ragged or sharp edges, or any other defect liable to hamper or injure the person collecting the contents thereof, shall be promptly replaced by the owner upon written notice mailed from the office of the city manager, unless the receptacle or container has been provided by the City, in which case the owner, tenant or occupant shall contact the City or its Designee to replace the receptacle.

16.18 Location.

All receptacles shall at all times be located in a readily accessible backyard location, or other location as designated by the City or its designee, and as close as possible to the driveway, street or walk available to the collector’s cart.

Containers should be located where a man/person can handle them easily and should at no time be more than 10 feet from the cart when collecting.

16.19 Unauthorized removal or interference with.

No person other than the owner thereof or any officer or employee of the city or the contractor, or other person authorized by the City shall move, remove or interfere with any garbage or waste matter receptacle or the contents thereof.

SECTION 6. Section 16.22 (“Covering of garbage receptacles; wrapping garbage”) of Chapter 16 (“Garbage and Waste”) of the South Pasadena Municipal Code is amended to read as follows:

16.22 Covering of garbage receptacles; wrapping garbage.

All garbage receptacles shall be kept tightly covered at all times, except when garbage is being deposited therein or removed therefrom, and the owner shall at no time allow access to the contents by flies, rats or other insects or animals. ~~All garbage placed therein shall first be wrapped in newspaper.~~

SECTION 7. The following new Article V (Organic Waste Disposal) is added to Chapter 16 (“Garbage and Waste”) of the South Pasadena Municipal Code, which reads as follows:

ARTICLE V. ORGANIC WASTE DISPOSAL

16.50 Requirements for Single-Family Generators

(a) Single-Family Organic Waste Generators shall comply with the following requirements except Single-Family generators that meet the Self-Hauler requirements in Section 16.56 of this ordinance:

(1) Shall subscribe to City’s Organic Waste collection services for all Organic Waste generated as described below. 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, Single-Family generators 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), except where limited by Sections 16.5 and 16.13.

(2) Shall participate in the City’s Organic Waste collection service(s) by placing designated materials in designated containers as described below, and shall not place Prohibited Container Contaminants in collection containers.

(A) Where a three-container collection service has been implemented consisting of a Black/Gray Container, a Green Container, and a Blue Container, Generator shall place Source Separated Green Container Organic Waste, including Food Waste, in the Green Container; Source Separated Recyclable Materials in the Blue Container; and Black/Gray Container Waste in the Black/Gray Container. Generators shall not place materials designated for the Black/Gray Container into the Green Container or Blue Container.

(B) Where a two-container collection service has been implemented for Source Separated Green Container Organic Waste and Mixed Refuse/Recyclable Waste, Generator shall place only Source Separated Green Container Organic Waste in a Green Container. Generator shall place all other materials (Mixed Refuse/Recyclable Waste) in a Black/Gray Container.

16.51 Requirements for Commercial Business

(a) Generators that are Commercial Businesses, including Multi-Family Residential Dwellings, shall:

(1) Subscribe to City's three-container or two-container collection services and comply with requirements of those services as described below, except Commercial Businesses that meet the Self-Hauler requirements in Section 16.56 of this ordinance. 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.

(2) Except Commercial Businesses that meet the Self-Hauler requirements in Section 12 of this ordinance, Participate in the City's Organic Waste collection service(s) by placing designated materials in designated containers as described below.

(A) Where a three-container collection service has been implemented consisting of a Black/Gray Container, a Green Container, and a Blue Container, Generator shall place Source Separated Green Container Organic Waste, including Food Waste, in the Green Container; Source Separated Recyclable Materials in the Blue Container; and Gray Container Waste in the Black/Gray Container. Generator shall not place materials designated for the Black/Gray Container into the Green Container or Blue Container.

(B) Where a two-container collection service has been implemented for Source Separated Green Container Organic Waste and Mixed Refuse/Recyclable Waste, Generator shall place all other materials (Mixed Refuse/Recyclable Waste) in a Black/Gray Container.

(c) Supply and allow access to adequate number, size and location of collection containers with sufficient labels or colors (conforming with Sections 16.51(d)(1) and 16.51(d)(2) below) for employees, contractors, tenants, and customers, consistent with City's Blue Container, where applicable, Green Container, and Black/Gray Container collection service

(d) Excluding Multi-Family Residential Dwellings, provide containers for the collection of Source Separated Green Container Organic Waste and Source Separated Recyclable Materials, where applicable, 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 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) Multi-Family Residential Dwellings are not required to comply with container placement requirements or labeling requirement in Section 16.51(d) 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 Black/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 16.56.

(g) Excluding Multi-Family Residential Dwellings, periodically inspect Blue Containers, where applicable, Green Containers, and Black/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, where applicable.

(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, where applicable, separate from Black/Gray Container Waste (when applicable) and the location of containers and the rules governing their use at each property.

(j) Provide or arrange access for City or its agent to their properties during all Inspections conducted in accordance with Section 16.58 of this ordinance to confirm compliance with the requirements of this ordinance

(k) Accommodate and cooperate with City's Remote Monitoring program for Inspection of the contents of containers for Prohibited Container Contaminants, which may be implemented at a later date, to evaluate generator's compliance with Section 16.51(b)(2). The Remote Monitoring program shall involve installation of Remote Monitoring equipment on or in the Blue Containers, where applicable, Green Containers, and Black/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, where applicable, Green Containers, and Black/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 Black/Gray Containers subject to written notification to or approval by the City or its Designee.

(m) If a Commercial Business wants to self haul, meet the Self-Hauler requirements in Section 16.56 of this ordinance.

(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), except where limited by Sections 16.5 and 16.13.

(o) Commercial Businesses that are Tier One or Tier Two Commercial Edible Food Generators shall comply with Food Recovery requirements, pursuant to Section 16.52.

16.52 Waivers for Generators

(a) De Minimis Waivers. A City may waive a Commercial Business' obligation (including Multi-Family Residential Dwellings) to comply with some or all of the Organic Waste requirements of this ordinance if the Commercial Business provides documentation that the business generates below a certain amount of Organic Waste material as described 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 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 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 City has approved de minimis waiver.

(b) Physical Space Waivers. City may waive a Commercial Business' or property owner's obligations (including Multi-Family Residential Dwellings) to comply with some or all of the recyclable materials and/or Organic Waste collection service requirements 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 16.51.

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, where applicable, and/or Green Containers including documentation from its hauler, licensed architect, or licensed engineer

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

16.53 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:

(A) the collection of Edible Food for Food Recovery; or,

(B) 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 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 July 1 of each year commencing no later than July 1, 2022 for Tier One Commercial Edible Food Generators and July 1, 2024 for Tier Two Commercial Edible Food Generators, provide an annual Food Recovery report to the City that includes the information recorded as required in Section 16.53(c)(5) as well as the amount and type of Edible Food that was not accepted by Food Recovery Organizations or services for donation.

(d) Nothing in this ordinance 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).

16.54 Requirements for Food Recovery Organizations and Services and Regional Agencies

(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 July 1.

(e) Food Recovery Capacity Planning

(1) Food Recovery Services and Food Recovery Organizations. 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.

16.55 Requirements for Haulers and Facility Operators

(a) Requirements for Haulers

(1) Exclusive franchised hauler 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 annually on or before July 1, 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 Refuse/Recyclable Waste.

(B) Transport Source Separated Recyclable Materials, Source Separated Green Container Organic Waste, and Mixed Refuse/Recyclable 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 C&D in a manner that complies with 14 CCR Section 18989.1, Section 13 of this ordinance, and City's C&D ordinance.

(2) Exclusive franchised hauler 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 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 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 City 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.

16.56 Self-Hauler Requirements

(a) Self-Haulers shall source separate all recyclable materials and Organic Waste (materials that City otherwise requires generators to separate for collection in the City's organics and recycling collection program) generated on-site from Solid Waste 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.

(b) Self-Haulers shall haul their Source Separated Recyclable Materials to a facility that recovers those materials; and haul their Source Separated Green Container Organic Waste to a Solid Waste facility, operation, activity, or property that processes or recovers Source Separated Organic Waste. Alternatively, Self-Haulers may haul Organic Waste to a High Diversion Organic Waste Processing Facility.

(c) Self-Haulers that are Commercial Businesses (including Multi-Family Residential Dwellings) 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; this record shall be subject to Inspection by the City. 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.

(d) Self-Haulers that are Commercial Businesses (including Multi-Family Self-Haulers), are required to inform the City Public Works Department 30 days prior to commencing their self-hauling operation, and shall provide information collected in Section 16.56(c) to City if requested, within 30 days of the City's request.

(e) A residential Organic Waste Generator that self hauls Organic Waste is not required to record or report information in Section 16.56(c) and (d).

16.57 Compliance with CALGreen Recycling Requirements

(a) Persons applying for a permit from the City for new construction and building additions and alternations shall comply with the requirements of this Section and all required components of the California Green Building Standards Code, 24 CCR, Part 11, known as CALGreen, as amended, if its project is covered by the scope of CALGreen or more stringent requirements of the City. If the requirements of CALGreen are more stringent then the requirements of this Section, the CALGreen requirements shall apply.

Project applicants shall refer to Chapter 9 for complete CALGreen requirements.

(b) For projects covered by CALGreen or more stringent requirements of the City, the applicants must, as a condition of the City's permit approval, comply with the following:

(1) Where five (5) or more Multi-Family dwelling units are constructed on a building site, provide readily accessible areas that serve occupants of all buildings on the site and are identified for the storage and collection of Blue Container and Green Container materials, consistent with the two-container or three-container collection program offered by the City, or comply with provision of adequate space for recycling for Multi-Family and Commercial premises pursuant to Sections 4.408.1, 4.410.2, 5.408.1, and 5.410.1 of the California Green Building Standards Code, 24 CCR, Part 11 as amended provided amended requirements are more stringent than the CALGreen requirements for adequate recycling space effective January 1, 2020.

(2) New Commercial construction or additions resulting in more than 30% of the floor area shall provide readily accessible areas identified for the storage and collection of Blue Container and Green Container materials, consistent with the three-container or two-container collection program offered by the City, or shall comply with provision of adequate space for recycling for Multi-Family and Commercial premises pursuant to Sections 4.408.1, 4.410.2, 5.408.1, and 5.410.1 of the California Green Building Standards Code, 24 CCR, Part 11 as amended provided amended requirements are more stringent than the CALGreen requirements for adequate recycling space effective January 1, 2020.

(3) Comply with CALGreen requirements and applicable law related to management of C&D, including diversion of Organic Waste in C&D from disposal. Comply with City's C&D ordinance, Chapter [To Be Determined], and all written and published City policies and/or

administrative guidelines regarding the collection, recycling, diversion, tracking, and/or reporting of C&D.

16.58 Inspections and Investigations by City

(a) 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 ordinance by Organic Waste Generators, Commercial Businesses (including Multi-Family Residential Dwellings), 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 City to enter the interior of a private residential property for Inspection. For the purposes of inspecting Commercial Business containers for compliance with Section 16.51(a)(2) of this ordinance, 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 16.51(k) of this ordinance.

(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 ordinance described herein. Failure to provide or arrange for:

(1) access to an entity's premises;

(2) installation and operation of Remote Monitoring equipment; or

(3) access to records for any Inspection or investigation is a violation of this ordinance and may result in penalties described.

(c) Any records obtained by a 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 of this ordinance, subject to applicable laws.

(e) 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.

16.59 Enforcement

(a) Violation of any provision of this ordinance shall constitute grounds for issuance of a Notice of Violation and assessment of a fine by the City Manager of their Designee or representative. Enforcement Actions under this ordinance are issuance of an administrative citation and assessment of a fine. 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 ordinance and any rule or regulation adopted pursuant to this ordinance, except as otherwise indicated in this ordinance.

(b) Other remedies allowed by law may be used, including civil action or prosecution as misdemeanor or infraction. City may pursue civil actions in the California courts to seek recovery of unpaid administrative citations. 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 City staff and resources.

(c) Responsible Entity for Enforcement

(1) Enforcement pursuant to this ordinance may be undertaken by the City Manager or their Designee, legal counsel, or combination thereof.

(2) Enforcement may also be undertaken by a Regional or County Agency Enforcement Official, designated by the City or its Designee, in consultation with the City Manager of their Designee.

(A) City Manager or their Designee(s) and/or Regional or County Agency Enforcement Official, will interpret ordinance; determine the applicability of waivers, if violation(s) have occurred; implement Enforcement Actions; and, determine if compliance standards are met.

(B) City Manager or their Designee(s) and/or Regional or County Agency Enforcement Official may issue Notices of Violation(s).

(d) Process for Enforcement

(1) City Manager or their Designees or Regional or County Enforcement Officials and/or their Designee will monitor compliance with the ordinance randomly and through Compliance Reviews, Route Reviews, investigation of complaints, and an Inspection program, that may include Remote Monitoring. Section 16.58 establishes City's right to conduct Inspections and investigations.

(2) City may issue an official notification to notify regulated entities of its obligations under the ordinance.

(3) For incidences of Prohibited Container Contaminants found in containers, City or its Designee will issue a Notice of Violation and/or a notice of contamination 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 two (2) days after determining that a

violation has occurred. If the City or its Designee observes Prohibited Container Contaminants in a generator's containers on more than two (2) consecutive occasion(s), beginning January 1, 2024, the City or its Designee have the right to assess contamination processing fees or contamination service charges on the generator, per the current franchise hauler rate schedule. This contamination service charge shall not be considered an administrative fine or penalty. Any disputes arising from the assessment of a contamination service charge shall be adjudicated pursuant to the customer complaint resolution process provided under the terms of any contract, agreement, or similar contractual authorization between the hauler and the City to collect Organic Waste.

(4) With the exception of violations of generator contamination of container contents addressed under Section 16.59(d)(3), City or its Designee shall issue a Notice of Violation and/or a notice of contamination 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, City shall commence an action to impose penalties, via an administrative citation and fine, pursuant to Chapter 1A (Administrative Citations) of the City's 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 per violation.

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

(3) For a third or subsequent violation, the amount of the base penalty shall be \$500 per violation.

(f) 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.

(g) 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 the City's codes for appeals of administrative citations. 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.

(h) Education Period for Non-Compliance

Beginning January 1, 2022 and through December 31, 2023, City will conduct Inspections, Remote Monitoring, Route Reviews or waste evaluations, and Compliance Reviews, depending upon the type of regulated entity, to determine compliance, and if 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 ordinance 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.

(i) 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 ordinance, it shall document the noncompliance or violation, issue a Notice of Violation, and take Enforcement Action pursuant to this Section, as needed.

SECTION 8. The following new Section (2.99-29C) is added to Chapter 2 Administration, Article XI Purchasing, which reads as follows:

2.99-29C Recovered Organic Waste Product and Recycled-Content Paper procurement requirements.

(a) City departments, and direct service providers to the City, as applicable, must comply with the City's Recovered Organic Waste Product procurement policy adopted on **To Be Determined** and Recycled-Content Paper procurement policy adopted on **To Be Determined**.

SECTION 9. This ordinance shall take effect January 1, 2022, and within fifteen (15) days after its passage, the City Clerk of the City of South Pasadena shall certify to the passage and adoption

of this ordinance and to its approval by the Mayor and City Council and shall cause the same to be published in a newspaper in the manner required by law.

PASSED AND ADOPTED by the City Council of the City of South Pasadena, State of California, on _____, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Diana Mahmud, Mayor

Attest:

City Clerk

ITEM 3

Approval of Minutes – Meeting of September 28, 2021

CITY OF SOUTH PASADENA
NATURAL RESOURCES AND ENVIRONMENTAL COMMISSION – REGULAR MEETING
MINUTES – September 28, 2021

CALL TO ORDER:

The meeting was called to order at 7:04p.m. Present at the time of roll call were: Commissioner Rona Bortz, Commissioner Michelle Hammond, Commissioner Casey Law, Commissioner Bill Kelly, Commissioner Michael Siegel, and Chair Amy Jones. Mayor Pro Tem Michael Cacciotti was absent. Vice Chair Di Giorgi had an excused absence. Staff present: Ted Gerber, Deputy Public Works Director, and Arpy Kasparian, Water Conservation and Sustainability Analyst.

INTRODUCTION:

- 1) City Manager Introduction - Arminé Chaparyan
City Manager, Arminé Chaparyan, introduced herself and expressed her excitement in working with the City's engaged commissions and community.

PUBLIC COMMENT:

- 2) Public Comments
There were no general public comments.

PRESENTATION:

- 3) Girl Scout Gold Award Presentation – Teja Moe
Local Girl Scout, Teja Moe, presented on her Gold Award project which focused on reducing carbon emissions in the household. Miss Moe partnered with City staff to prepare flyers, create an animation, and build a website with extensive information on composting, water conservation, emissions reduction, and more. Miss Moe's animation can be found on the City website and her work can be viewed on www.carbonfootprintgogold.weebly.com.

PUBLIC COMMENT

No public comments.

DISCUSSION ITEM:

- 4) Mandatory Organic Waste Disposal Reduction Ordinance

PUBLIC COMMENT

Tucker Nelson – Resident – Requested more information on “remote monitoring” as mentioned in the draft ordinance. More information was also requested on minimum waste waivers and enforcement procedures.

Ted Gerber provided an overview of the draft ordinance and explained differences between the ordinance staff drafted and CalRecycle's model ordinance, making changes to reflect the City's specific hauling operations. Commissioners proposed a modification to the draft language to clarify that any remote monitoring devices that may be used to evaluate compliance with the ordinance and apply potential enforcement would be mounted on hauler vehicles, and not, for example, installed in or on residents' and/or businesses' property. The NREC also recommended that staff incorporate revisions of the existing municipal code into the ordinance to allow self-hauling or an opportunity for non-exclusive haulers to operate where a public benefit is realized; for example, in the case of community-based non-profit composting organizations.

ACTION ITEMS:

5) Recommendation of Edible Food Recovery Program

PUBLIC COMMENT

No public comments.

Arpy Kasparian reviewed the edible food recovery requirements of SB1383 and presented the regional program being led by the San Gabriel Valley Council of Governments. The commission discussed the program and City staff answered questions regarding current food recovery organizations and costs. The commission recommended to join the program noting the limited City staff resources and this cost-effective alternative.

MOTION BY COMMISSIONER LAW, SECOND BY COMMISSIONER SEILGEL, MOTION CARRIED 6-0, TO RECOMMEND TO CITY COUNCIL TO JOIN THE SGVCOG REGIONAL FOOD RECOVERY PROGRAM

6) Ordinance Amending Chapter 34 (Trees and Shrubs)

PUBLIC COMMENT

No public comments.

Staff reviewed the reasons behind the request to remove the financial hardship portion of the ordinance including the effects on other permits. The commission discussed the issue and defended the inclusion of this discount for low-income families stating that they didn't think it would set a precedent since removing a dead or hazardous tree is not optional and this discount would incentivize residents to go through the permitting process instead of removing a tree without a permit. The commission argued that allowing the discount would increase the number of permits and it should be applied to all permits. The commission asked for more information on the criteria for the discount, the number of residents in the program, and the specific impacts on other permits.

MOTION BY CHAIR JONES, SECOND BY COMMISSIONER HAMMOND, MOTION CARRIED 6-0, TO TABLE ITEM

7) Approval of Minutes- Meeting of August 24, 2021

PUBLIC COMMENT

No public comments.

MOTION BY COMMISSIONER KELLY, SECOND BY COMMISSIONER BORTZ, MOTION CARRIED 6-0, TO APPROVE MINUTES

COMMUNICATIONS:

8) City Council Liaison Communications

Mayor Pro Tem M. Cacciotti was absent.

9) Commissioner Communications

Commissioner Law shared that he attended the in-person electric leaf blower demonstration and thought it was successful. Commissioner Siegel expressed his concerns with the poor driving by the Athens' backyard service pick-up trucks. Commissioner Bortz had no comments. Commissioner Kelly expressed his appreciation for the outreach on the leaf blower ban. Commissioner Hammond expressed

her concerns with the amount of trash at the corner of Mission and Meridian. Chair Jones shared a job fair event for Vice Chair Di Giorgi who was unable to attend the meeting.

10) Staff Liaison Communications

Kasparian updated the commission on the gas-powered leaf blower ordinance outreach, the Athens' Ad Hoc Committee, and SB619. Gerber provided additional updates on the 2020 Urban Water Management Plan.

11) Upcoming Events

- Senior Citizen Dumpster Day – 10/11-10/15 for seniors, 10/16 for all
- LA County Smart Gardening Webinars – Various dates
(<https://www.ladpw.org/epd/sg/webinars.cfm>)
- MWD Turf Removal + CA Native Landscape Webinars – Various dates
(<https://greengardensgroup.com/turf-transformation>)

ADJOURNMENT:

Chair Jones adjourned the meeting at 9:34p.m.

I HEREBY CERTIFY that the foregoing minutes were adopted by the Natural Resources and Environmental Commission of the City of South Pasadena at a meeting held on October 26, 2021.

Amy Jones, Chair

ITEM 7

Upcoming Events

ELECTRIFY YOUR LAWN

No Gas South Pas

**Saturday
November 6
Garfield Park
10 AM - 12 PM**

**Free Admission
Free Raffle
Rain or Shine**

The City of South Pasadena has banned gas powered leaf blowers.

Come watch an Electric Lawn Equipment demonstration and learn how to transition to all electric at Electrify Your Lawn!

Food, Giveaways, Music and More!



 @southpasadena

 @Cityofsouthpasadena



COMMUNITY BIKE RIDE

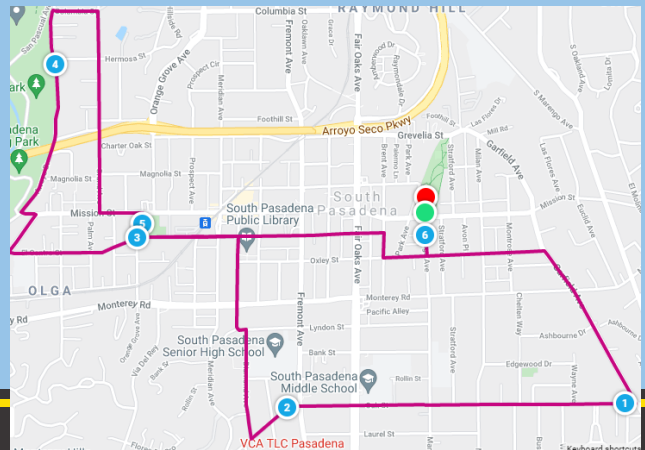
No Gas South Pas

Join us for a Community Bike Ride with Senator Anthony Portantino and Mayor Pro Tem Michael Cacciotti

Saturday, November 6 at 10 AM at Garfield Park

Riders will meet at Stratford Avenue and Grevelia Street

*Helmets are required. We highly encourage other bicycle safety gear



@southpasadena



@Cityofsouthpasadena_



Senator Anthony J. Portantino
REPRESENTING THE 25TH DISTRICT



CALIFORNIA NATIVE PLANT SALE

CA Native Plant Society San Gabriel Mountains Chapter



cnps-sgm.org

Featuring plants for:

- Pollinator gardens
- Drought tolerant landscaping
- Native Wildlife

**November 6, 2021
Saturday
9:00 AM - 2:00 PM**

**Monrovia Historical Museum
742 E Lemon Ave, Monrovia, CA 91016**





Earn two certifications at the same time!

The California Landscape Contractors Association (CLCA) and Metropolitan Water District of Southern California (MWD) have again partnered to bring the landscape professionals of Southern California a one-of-a-kind certification and educational opportunity.

- ➡ Become a CLCA Certified Water Manager (CWM)
- ➡ Become a Qualified Water Efficient Landscaper (QWEL)
- ➡ Increase Your Individual and Company Marketability
- ➡ Earn Double National EPA WaterSense Certification Recognition
- ➡ Earn CEUs for Existing Industry Certifications

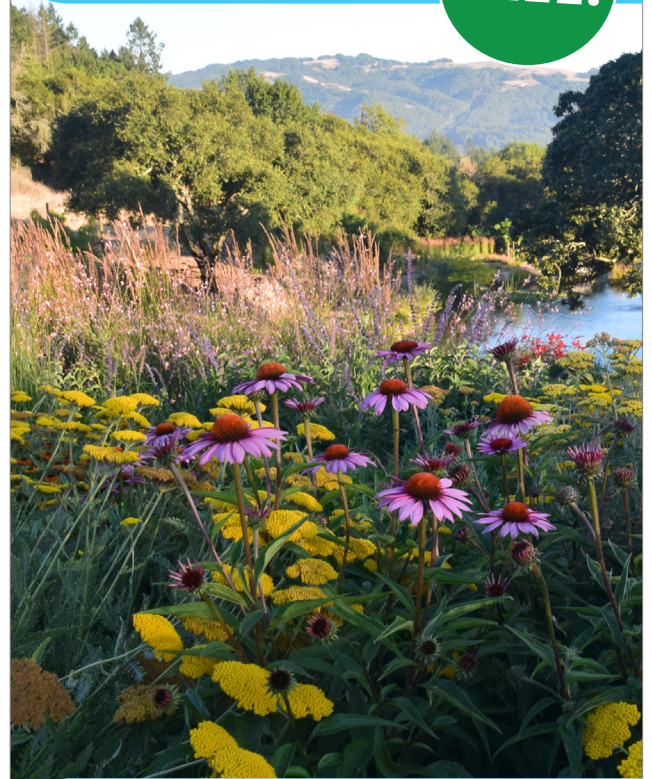
Presented virtually in six three-hour classes

Attendance at all six classes and one in-person irrigation audit/written test is mandatory to receive certifications and registration refund. See clca.org/welcdp



DUAL CERTIFICATION WORKSHOP

FREE!



Upcoming Online Session

Tuesday/Thursday

November 16, 18, 30
and December 2, 7 and 9

9:30 a.m. - 12:30 p.m.

Training/Audit in South Pasadena
Tuesday, December 14
8:30 a.m. - 12:30 p.m.



SIGN UP NOW TO ATTEND!

clca.org/welcdp

