

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS  
OF SAN BERNARDINO COUNTY  
AND RECORD OF ACTION**

May 24, 2022

**FROM**

**BRENDON BIGGS, Director, Department of Public Works – Solid Waste Management**

**PETE MENDOZA, Interim Director, Department of Purchasing**

**JOSH DUGAS, Director, Department of Public Health**

**SUBJECT**

Ordinance Revisions Related to County Implementation of Senate Bill 1383

**RECOMMENDATION(S)**

1. Consider proposed Ordinance to amend and add multiple sections of the San Bernardino County Code related to the prescribed requirements of the Senate Bill 1383 Regulations.
2. Make alterations, if necessary, to proposed Ordinance.
3. Approve introduction of proposed Ordinance:
  - An ordinance of the San Bernardino County, State of California, amending Title 4, Division 6 of the San Bernardino County Code relating to reducing short-lived climate pollutants, to add Title 3, Division 3, Chapter 15 to the San Bernardino County Code relating to organic waste disposal reduction and food recovery, and to add section 14.0117 to the San Bernardino County Code relating to mulch procurement to comply with Senate Bill 1383 requirements.
4. SCHEDULE ORDINANCE FOR FINAL ADOPTION ON TUESDAY, JUNE 14, 2022, on the Consent Calendar.

(Presenter: Brendon Biggs, Director, 387-7906)

**COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES**

**Operate in a Fiscally-Responsible and Business-Like Manner.**

**Ensure Development of a Well-Planned, Balanced, and Sustainable County.**

**Provide for the Safety, Health and Social Service Needs of County Residents.**

**FINANCIAL IMPACT**

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost). The Department of Public Works - Solid Waste Management Division (SWMD) is financed by fee revenue. SWMD establishes fees that are charged to the public and other agencies for utilization of the County's Waste Disposal System. The Department of Public Health (DPH), Environmental Health Services' (EHS) staff time to enforce this ordinance will be covered by associated permit fees and grant funds provided by the California Department of Resources Recycling and Recovery (CalRecycle). If awarded, grant funds from CalRecycle are expected to total \$399,624, and will be split between the Department of Public Works, DPH, and Purchasing with each department receiving \$133,208. Adequate appropriation and revenue to cover additional staff and duties have been included in the DPH 2021-22 budget and will be included in the 2022-23 recommended budget. The Purchasing Department will not be affected as departments are responsible for ensuring adequate funding for purchases is included in their

**Ordinance Revisions Related to County Implementation of Senate  
Bill 1383  
May 24, 2022**

respective budgets. Subsequent programs, policies, and agreements that may have financial impacts and/or require a public hearing will be brought before the Board of Supervisors (Board) for consideration.

**BACKGROUND INFORMATION**

On September 19, 2016, Governor Brown signed into law Senate Bill (SB) 1383 (Chapter 395, Statutes of 2016), establishing methane emissions reduction targets in an effort to reduce emissions of short-lived climate pollutants in various sectors of California's economy. The law granted CalRecycle the regulatory authority required to achieve these statewide reduction targets.

CalRecycle developed the SB 1383 regulations (approved by the Office of Administrative Law on November 3, 2020) to include prescriptive program requirements for all California jurisdictions, generators, waste haulers, and waste processors that were deemed necessary in order to meet the statewide organics reduction targets. The prescriptive regulations require the County to establish legal authority to implement and mandate programs through the adoption of ordinances, policies, or similarly enforceable mechanisms.

Resolution No. 2022-08 approved by the Board on January 25, 2022 (Item No. 36), authorized the Director of the Department of Public Works to electronically submit a Notification of Intent to Comply (NOI) to request additional time to implement SB 1383-compliant programs. The County's NOI was electronically submitted to CalRecycle on February 2, 2022. Within the County's NOI, it was proposed that impacted County Department's would seek Board approval to amend the County Code to have enforceable mechanisms in place to ensure compliance with SB 1383 requirements by June 30, 2022.

The proposed Ordinance revisions pertain to several County departments that have each reviewed the County Code to determine the necessary revisions needed to be in compliance with SB 1383. Descriptions of revisions to Ordinances are listed below, by Department.

**Department of Public Works – Solid Waste Management Division:** The proposed Solid Waste Handling Ordinance would repeal and reenact Division 6 of Title 4 of the San Bernardino County Code relating to Solid Waste Handling Franchises to add and update definitions, update references to defined terms throughout the Code section, revise commercial recycling and commercial organic waste recycling programs, and add language requiring franchise waste haulers to provide SB 1383-compliant collection services. The proposed Solid Waste Handling Ordinance will also require the implementation of mandatory service in every franchise area to be imposed on the owners of residential dwellings or commercial or industrial units within a given area, unless a waiver from mandatory service has been granted by CalRecycle or the County. CalRecycle-approved low population waivers apply to unincorporated County generators located within census tracts with a population density of less than 75 people per square mile. CalRecycle approved elevation waivers apply to unincorporated County generators located within census tracts with an elevation at or above 4,500 feet and waives the requirement to separate and recover food waste and food-soiled paper, but does not waive the requirement to have mandatory service. The County can approve de minimis and physical space waivers that apply to unincorporated County commercial generators located in areas where mandatory service has been implemented, but it is determined that an individual commercial generator does not generate a significant amount of organic waste per week or lacks adequate space for organic waste collection containers, respectively. It is anticipated that a public hearing(s) pursuant to Proposition 218 to approve restated Solid Waste Handling Franchise Agreements

**Ordinance Revisions Related to County Implementation of Senate  
Bill 1383  
May 24, 2022**

for various County Franchise Areas will be brought to the Board for consideration in the Fall of 2022.

**Department of Public Health – Environmental Health Services:** The proposed EHS Ordinance would add Chapter 15 of Division 3 of Title 3 of the San Bernardino County Code relating to Organic Waste Disposal Reduction and Food Recovery. The Food Recovery Chapter would place SB 1383-related requirements on certain businesses that generate Edible Food, Food Recovery Organizations, and Food Recovery Services, as well as establish inspection and enforcement authority to EHS. EHS intends to utilize a combination of existing and new staff for this inspection and enforcement.

**Purchasing Department:** The proposed Purchasing Ordinance would add Section 14.0117 to Division 4 of Title 1 of the San Bernardino County Code relating to SB 1383-prescribed standards for the procurement of mulch by County departments. SB 1383 requires jurisdictions to procure a targeted amount of recovered organic waste products, with one of the allowable products being mulch. If mulch is procured by County departments, it will be required to meet the specifications prescribed by SB 1383 in order to qualify with the procurement requirements.

The effective date of the proposed Ordinance will be 30 days from the date of adoption.

**PROCUREMENT**

Not applicable.

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Jolena Grider, Deputy County Counsel, 387-5455) on April 14, 2022; Finance (Paul Garcia, Administrative Analyst, 386-8392, and Carl Lofton, Administrative Analyst, 387-5404) on April 22, 2022; and County Finance and Administration (Paloma Hernandez-Barker, Deputy Executive Officer, 387-5423) on April 25, 2022.

**Ordinance Revisions Related to County Implementation of Senate  
Bill 1383  
May 24, 2022**

Record of Action of the Board of Supervisors  
San Bernardino County

Public Comment: None

**APPROVED**

Moved: Joe Baca, Jr. Seconded: Janice Rutherford  
Ayes: Col. Paul Cook (Ret.), Janice Rutherford, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY   
DATED: May 24, 2022



cc: File w/ Final BAI  
JLL 05/26/2022