



City of South San Francisco

City Council

Ordinance: ORD 1661-2024

P.O. Box 711 (City Hall, 400
Grand Avenue)
South San Francisco, CA

File Number: 24-969

Enactment Number: ORD 1661-2024

ORDINANCE AMENDING CHAPTERS 8.27
"MANDATORY ORGANIC WASTE DISPOSAL
REDUCTION" OF TITLE 8 OF THE SOUTH SAN
FRANCISCO MUNICIPAL CODE RELATING TO
ORGANIC WASTE DISPOSAL AND RELATED
REGULATIONS PURSUANT TO SENATE BILL 1383

WHEREAS, to meet the SB 1383 regulations, jurisdictions throughout the State were required to adopt an ordinance or other similarly enforceable mechanism by January 1, 2022; and

WHEREAS, on November 10, 2021, the City Council adopted an ordinance adding Chapter 8.27, "Mandatory Organic Waste Disposal Reduction," to Title 8 of the Municipal Code implementing SB 1383's "performance-based" requirements and mandating compliance from organic waste generators, haulers, and other entities; and

WHEREAS, this approach was taken as the City's initial steps to comply with SB 1383 requirements while the statutory compliance details were being rolled out and clarified; and

WHEREAS, with this understanding in mind, the City and SSF Scavenger Inc., Co., now seek to amend certain requirements under Chapter 8.27 to utilize the "standard" approach for SB 1383 compliance to better tailor solid waste services and operations implemented in South San Francisco for single-family, multi-family, and commercial business waste generators; and

WHEREAS, these amendments will clarify terms within the ordinance such as "Designated Source Separated Organic Waste Facility" and "Self-Hauler; improve focus on the adequacy of container capacity and participation in proper sorting practices, streamline requirements by focusing on subscription to waste and recycling collection services and compliance with waste separation protocols, and discontinue Collection Frequency Waiver; and

WHEREAS, no additional environmental analysis is required for the proposed Ordinance as it is covered by a previously prepared environmental document. Specifically, this Ordinance is adopted pursuant to CalRecycle's SB 1383 Regulations. The SB 1383 Regulations were the subject of a program environmental impact report (EIR) prepared by CalRecycle, and the activities to be carried out under this Ordinance are entirely within the scope of the SB 1383 Regulations and that EIR. No mitigation measures identified in the EIR are applicable to the City's enactment of this Ordinance. Moreover, none of the conditions requiring a subsequent or supplemental EIR, as described in Public Resources Code Section 21166 and California Environmental Quality Act (CEQA) Guidelines Sections 15162 and 15163, have occurred. The EIR therefore adequately analyzes any potential environmental effects of the Ordinance, and no additional environmental review is required.

WHEREAS, the Ordinance is exempt from CEQA pursuant to Section 15308, Class 8 of the CEQA Guidelines, as an action that will not have a significant impact on the environment and as an action taken by a regulatory agency for the protection of the environment, specifically, for the protection of the climate. There are no unusual circumstances that would cause this Ordinance to have a significant effect on the environment.

WHEREAS, through adoption of this ordinance, the City Council continues to implement and comply with organic waste disposal and related regulations pursuant to Senate Bill 1383.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF SOUTH SAN FRANCISCO DO HEREBY ORDAIN AS FOLLOWS.

SECTION 1. Findings

The City Council of South San Francisco, finds that all Recitals are true and correct and are incorporated herein by reference.

SECTION 2. California Environmental Quality Act (CEQA)

This Ordinance is adopted pursuant to CalRecycle's SB 1383 Regulations. The SB 1383 Regulations were the subject of a program environmental impact report (EIR) prepared by CalRecycle, and the activities to be carried out under this Ordinance are entirely within the scope of the SB 1383 Regulations and that EIR. No mitigation measures identified in the EIR are applicable to the City's enactment of this Ordinance. Moreover, none of the conditions requiring a subsequent or supplemental EIR, as described in Public Resources Code Section 21166 and California Environmental Quality Act (CEQA) Guidelines Sections 15162 and 15163, have occurred. The EIR therefore adequately analyzes any potential environmental effects of the Ordinance and no additional environmental review is required. On a separate and independent basis, the Ordinance is exempt from CEQA pursuant to Section 15308, Class 8 of the CEQA Guidelines of as an action that will not have a significant impact on the environment and as an action taken by a regulatory agency for the protection of the environment, specifically, for the protection of the climate. There are no unusual circumstances that would cause this Ordinance to have a significant effect on the environment.

SECTION 3. Amendments to the Municipal Code

Sections 8.27.030, 8.27.040, 8.27.050, and 8.27.060 of Chapter 8.27 "Mandatory Organic Waste Disposal Reduction" under Title 8 of the South San Francisco Municipal Code is hereby amended as follows with deletions in strikethrough and additions in double underline. Sections and subsections that are not amended by this Ordinance are not included below, and shall remain in full force and effect.

Chapter 8.27 MANDATORY ORGANIC WASTE DISPOSAL REDUCTION

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8.27.030 Definitions

The following terms and definitions shall apply for the purposes of this Chapter. Where applicable, the terms and definitions described below shall have the same meaning as set forth under the corresponding provisions of California Code of Regulations, Title 14, §18982.2 (14 CCR §18982.2) and as respectively restated here. If any definition under 14 CCR §18982.2 contradicts a definition set forth in this Chapter, the definition under 14 CCR §18982.2 shall govern. If a definition under 14 CCR §18982.2 is subsequently modified or replaced after the effective date of the enabling ordinance of this Chapter, the definition under 14 CCR §18982.2 shall govern.

...

(p) "Designated Source Separated Organic Waste Facility", as defined in 14 CCR Section 18982(14.5), means a Solid Waste facility that accepts a Source Separated Organic Waste collection stream as defined in 14 CCR Section 17402(a)(26.6) and complies with one of the following:

(1) The facility is a "transfer/processor," as defined in 14 CCR Section 18815.2(a)(62), that is in compliance with the reporting requirements of 14 CCR Section 18815.5(d), and meets or exceeds an annual average Source Separated organic content Recovery rate of 50 percent between January 1, 2022 and December 31, 2024 and 75 percent on and after January 1, 2025 as calculated pursuant to 14 CCR Section 18815.5(£) for Organic Waste received from the Source Separated Organic Waste collection stream.

(A) If a transfer/processor has an annual average Source Separated organic content Recovery rate lower than the rate required in Paragraph 1 of this definition for two (2) consecutive reporting periods, or three (3) reporting periods within three (3) years, the facility shall not qualify as a "Designated Source Separated Organic Waste Facility".

(2) The facility is a "composting operation" or "composting facility" as defined in 14 CCR Section 18815.2(a)(13), that pursuant to the reports submitted under 14 CCR Section 18815.7 demonstrates that the percent of the material removed for landfill disposal that is Organic Waste is less than the percent specified in 14 CCR Section 17409.5.8(c)(2) or 17409.5.8(c)(3), whichever is applicable, and, if applicable, complies with the digestate handling requirements specified in 14 CCR Section 17896.5.

If the percent of the material removed for landfill disposal that is Organic Waste is more than the percent specified in 14 CCR Section 17409.5.8(c)(2) or 17409.5.8(c)(3), for two (2) consecutive reporting periods, or three (3) reporting periods within three (3) years, the facility shall not qualify as a "Designated Source Separated Organic Waste Facility." For the purposes of this Ordinance, the reporting periods shall be consistent with those defined in 14 CCR Section 18815.2(a)(49).

...

(III) "Self-Hauler" means a person, who hauls Solid Waste, Organic Waste or recyclable material he or she has generated to another person using the generator's own personnel and equipment, to the extent permitted by Chapter 8.16 of this Code and the Exclusive Franchise. 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). For the purposes of Edible Food Recovery, "Self--Hauler" means a Commercial Edible Food Generator which holds a contract with and hauls Edible Food to a Food Recovery Organization or other site for redistribution according to the requirements of this Chapter.

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8.27.040 Requirements for Single-Family Generators

Single-Family Organic Waste Generators shall:

(a) Be automatically enrolled in the City's three-container Organic Waste collection services with a minimum Source Separated Recyclable Materials service level of 64 gallons per week, and with a minimum Source Separated Green Container Organic Waste service level of 32 gallons per week. The City or its Designee shall have the authority to change these minimum required levels of service over time. The City or its Designee shall have the right to review the number, size, and location 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, generator shall adjust its service level for its collection services as requested by the City or its Designee.

(b) Participate in the City's three-container system for Source Separated Recyclable Materials, Source Separated Green Container organic materials, and Gray Container Waste collection services. Generator participation in the collection programs requires that generators 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 Gray Container. Generators shall not place materials designated for the Gray Container into the Green Container or Blue Container.

(c) Nothing in this Section prohibits a generator from preventing or reducing waste generation, managing Organic Waste on site, and/or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).

(a) Subscribe to the City's Organic Waste collection services for all Organic Waste generated as described below in Section (b). The 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 each Single-Family generator 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).

(b) Participate in the City's Organic Waste collection service(s) by placing designated materials in designated containers as follows: Generators 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 Gray Container. Generators shall not place materials designated for the Gray Container into the Green Container or Blue Container. Generators shall not place Prohibited Container Contaminants in collection containers.

Commercial Businesses, including Multi-Family Residential Dwellings, shall:

(a) Be automatically enrolled in the City's three-container Organic Waste collection services with a Source Separated Recyclable Materials service level of 96-gallons, and with a Source Separated Green Container Organic Waste service level of 32-gallons, as approved by the City or its Designee. The City or its Designee shall have the authority to change the minimum required service levels over time. The Commercial Business' Source Separated Recyclable Materials service level and Source Separated Green Container Organic Waste service level must be sufficient for the amount of Source Separated Recyclable Materials and Source Separated Green Container Organic Waste generated by the Commercial Business. The City or its Designee shall have the right to review the number, size, and location 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 Business shall adjust its service level for its collection services as requested by the City or its Designee.

(b) Participate in and comply with the City's three-container (Blue Container, Green Container, and Gray Container) collection service by placing designated materials in designated containers as described below. 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 Gray Container. Generators shall not place materials designated for the Gray Container into the Green Container or Blue Container.

(c) Supply and allow access to adequate number, size, and location of collection containers with sufficient labels or colors (conforming with Sections (d)(1) and (d)(2) below), for employees, contractors, tenants and customers, consistent with the City's Blue Container, Green Container, and 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 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 type of 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 the City, with either lids conforming to the color requirements or bodies conforming to the color requirements or both lids and bodies conforming to the 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 labels are required on new containers commencing January 1, 2022.

(e) Excluding Multi-Family Residential Dwellings, prohibit employees from placing materials in a container not designated for those materials in accordance with the City's Organic Waste, Non-Organic Recyclables, and non-Organic Waste collection service to the extent practical through education, training, Inspection, and/or other measures.

(f) Excluding Multi-Family Residential Dwellings, weekly inspect Blue Container, Green Container, and 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).

(g) 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.

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

(i) Provide or arrange access for the City or its Designee, or their respective agents, to their properties during all Inspections conducted in accordance with Section 8.27.130 of this Chapter to confirm compliance with the requirements of this Chapter.

(j) 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)

(k) Commercial Businesses that are Tier One or Tier Two Commercial Edible Food Generators shall comply with Food Recovery requirements under Section 8.27.070.

(a) Subscribe to the City's three-container collection services and comply with requirements of those services as described below in Section (b), except Commercial Businesses that meet the Self-Hauler requirements in Section 8.27.100. The 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 each Commercial Business shall adjust its service level for its collection services as requested by the City.

(b) Except Commercial Businesses that meet the Self-Hauler requirements of Section 8.27.100, participate in the City's Organic Waste collection service(s) by placing designated materials in designated containers as follows: Generator shall place Source Separated Green Container Organic Waste, including Food Waste, in the Green Container; Source Separated Recyclable Materials in the appropriate Blue Container (paper, recyclables containers, or cardboard); and Gray Container Waste in the Gray Container. Generator shall not place materials designated for the Gray Container into the Green Container or Blue Container.

(c) Supply and allow access to adequate number, size and location of collection containers with sufficient labels or colors (conforming with subsections (d)(1) and (d)(2) below) for employees, contractors, tenants, and customers, consistent with City's Blue Container, Green Container, and Gray Container collection service or, if Self-Hauling, per the Commercial Businesses' instructions to support its compliance with its Self-Haul program.

(d) Excluding Multi-Family Residential Dwellings, provide containers for the collection of Source Separated Green Container Organic Waste and Source Separated Recyclable Materials 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 the 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 this subsection (d) 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 materials 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 to 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 requirements in Section 6(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 Gray Container collection service or, if Self-Hauling, per the Commercial Business's instructions to support its compliance with its Self-Haul program, in accordance with this Chapter 8.27.

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

(i) Provide education information before or within fourteen (14) days after occupation of the premises to new tenants that describes requirements to keep Source Separated Green Container Organic Waste and Source Separated Recyclable Materials separate from 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 the City or its employees, agents and representatives to their properties during all Inspections conducted in accordance with Section 16 of this Ordinance to confirm compliance with the requirements of this Ordinance.

(k) A Commercial Business desiring to Self-Haul shall meet the Self-Hauler requirements in Section 8.27.100.

(l) 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).

(m) Commercial Businesses that are Tier One or Tier Two Commercial Edible Food Generators shall comply with the Food Recovery requirements pursuant to Section 8.27.070.

8.27.060 Waivers for Generators

(c) Collection Frequency Waiver. The city, at its discretion and in accordance with 14 CCR <<https://resolve.ecode360.com/state_code/ca/ca_ccr>> Section 18984.11(a)(3), may allow the owner or tenant of any residence, premises, business establishment or industry that subscribes to the city’s three-container organic waste collection service to arrange for the collection of their blue container, gray container, or both once every fourteen days, rather than once per week. Notwithstanding the grant of an exception under this subsection, however, containers containing putrescible materials must be collected once every seven days.

SECTION 4. Severability

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION 5. Publication and Effective Date

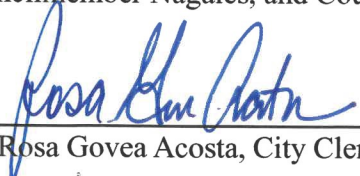
Pursuant to the provisions of Government Code Section 36933, a summary of this Ordinance shall be prepared by the City Attorney. At least five (5) days prior to the Council meeting at which this Ordinance is scheduled to be adopted, the City Clerk shall (1) publish the Summary, and (2) post in the City Clerk's Office a certified copy of this Ordinance. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall (1) publish the summary, and (2) post in the City Clerk's Office a certified copy of the full text of this Ordinance along with the names of those City Council members voting for and against this Ordinance or otherwise voting.

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At a meeting of the City Council on 9/25/2024, a motion was made by Councilmember Nicolas, seconded by Councilmember Nagales, that this Ordinance be adopted. The motion passed.

Yes: 5 Mayor Coleman, Vice Mayor Flores, Councilmember Addiego, Councilmember Nagales, and Councilmember Nicolas

Attest by



Rosa Govea Acosta, City Clerk



James Coleman, Mayor