



STAFF REPORT TO THE CITY COUNCIL

DATE: Special Meeting of March 12, 2024

TO: Mayor and Members of the City Council

VIA: Dante Hall, City Manager

SUBMITTED BY: Michael Roberts, Public Works Director/City Engineer

SUBJECT: Memorandum of Understanding with Recyclemore Regarding the Implementation of SB 1383 Requirements

RECOMMENDED ACTION:

Adopt a resolution approving a Memorandum of Understanding (MOU) between West Contra Costa Integrated Waste Management Authority (Recyclemore) and the City of Hercules regarding implementation of SB 1383 regulatory requirements.

BACKGROUND:

The City is a member agency of the West Contra Costa Integrated Waste Management Authority (RecycleMore), a Joint Powers Authority. RecycleMore is responsible for implementing most State mandated recycling and organics programs in West County and is agreeable to expanding their existing operations to achieve compliance with certain new requirements of Senate Bill (SB) 1383 on behalf of their member agencies. SB 1383's stated purpose is to reduce short-lived climate pollutants by increasing organics collection and diversion. The law mandates all residents and businesses subscribe to organics waste collection, edible food recovery programs, education and outreach, processing of complaints and waivers, record keeping, inspections, monitoring and enforcement.

This MOU will allow RecycleMore to efficiently utilize their specialized expertise to meet the new requirements of SB 1383 while minimally burdening City staffing, which is at minimal levels.

ANALYSIS:

As covered in the MOU (Att #2) and outlined in the Draft Workplan between Member Agencies and RecycleMore (Att #3) , RecycleMore would be responsible for the majority of the new requirements of SB 1383 as follows:

1. Compliance monitoring and site visits.
2. Waiver evaluation.
3. Outreach and education.
4. Route reviews for contamination monitoring.
5. The edible food recovery program, including identifications, inspections, education, and engagement with food recovery organizations.
6. Capacity planning.
7. Enforcement activities, up to the limits described below.
8. Recordkeeping and reporting associated with the above items.

The City would be responsible for the remaining requirements, which cannot be achieved by RecycleMore, either due to operational issues or lack for enforcement authority:

1. Certain updates to the City's franchise agreement with Republic Services, negotiations for which are currently underway.
2. Procurement of recovered organic waste products, including recycled compost and mulch products.
3. Procurement of recycled content paper products (such as printer paper, toilet paper, paper towels, etc.) that are recyclable as described by SB 1383 and subsequent legislation.
4. Issuance of penalties for violating municipal code requirements, if recommended by RecycleMore and deemed to be appropriate. RecycleMore is responsible for all steps leading to possible issuance of penalties, and it is not anticipated that penalties will be issued except in the case of repeated non-compliance. Example violations may include:
 - a. Non-subscription to recycling or organics collection.
 - b. Not participating in source separating recycling or organics from garbage.
 - c. Lacking adequate signage or not matching color requirements of collection containers.
5. Recordkeeping and reporting associated with the above items.

FISCAL IMPACT:

There is no fiscal impact associated with approving this MOU.

ATTACHMENTS:

1. Resolution approving the Memorandum of Understanding Between West Contra Costa Integrated Waste Management Authority and the City of Hercules Regarding Implementation of SB 1383 Regulations.
2. Memorandum of Understanding
3. Draft Workplan between Member Agencies and RecycleMore