

HAYWARD CITY COUNCIL

RESOLUTION NO. 21-

Introduced by Council Member _____

RESOLUTION FINDING AND DETERMINING THE NEED FOR ADOPTION OF AN
ORDINANCE OPTING IN TO THE ALAMEDA COUNTY WASTE MANAGEMENT
AUTHORITY'S ORGANICS REDUCTION AND RECYCLING ORDINANCE

WHEREAS, the City of Hayward is a member of the Alameda County Waste Management Authority ("WMA"), a joint powers agency comprised of all the cities in Alameda County, the County, and two sanitary districts; and

WHEREAS, the WMA has established a goal for landfill obsolescence by the year 2045; and

WHEREAS, in 2012, the City Council adopted an ordinance opting into the WMA's Phase 1 of the Mandatory Recycling Ordinance and in 2014, Council adopted an ordinance opting into the WMA's Phase 2 of the Mandatory Recycling Ordinance; and

WHEREAS, on June 16, 2020, Council adopted new greenhouse gas emission targets of 30% below 2005 levels by 2025, 55% below 2005 levels by 2030 and carbon neutrality by 2045; and

WHEREAS, the WMA developed and adopted the Organics Reduction and Recycling Ordinance ("ORRO"), Ordinance 2021-02, to comply with the requirements of the Short-Lived Climate Pollutants Organic Waste Reduction regulations adopted pursuant to Senate Bill 1383 (Statutes of 2016) set forth in the California Code of Regulations; and

WHEREAS, in order for the ORRO to apply in the City of Hayward, the City must adopt an ordinance declaring that it will apply within the City; and

WHEREAS, the City Council Sustainability Committee received reports and presentations on the ORRO on July 8, 2019 and May 10, 2021; and

WHEREAS, on September 13, 2021, Hayward's City Council Sustainability Committee recommended adoption the Opt-In Ordinance; and

WHEREAS, the provisions in this Ordinance are designed to reduce greenhouse gas emissions; increase resource conservation; promote the health and productivity of residents, workers, and visitors to the City recognize and conserve the energy and reduce the environmental footprint of the Hayward community; and reduce disturbance of natural ecosystems; and

WHEREAS, adoption of the ORRO is consistent with and would advance goals and policies contained in the Hayward 2040 General Plan related to climate change, greenhouse gas reductions, and public health and safety.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby finds and determines as follows:

CALIFORNIA ENVIRONMENTAL QUALITY ACT

The proposed Opt-In ordinance and the ORRO were prepared pursuant to CalRecycle's SB 1383 Regulations. The Ordinance is exempt from California Environmental Quality Act (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.

On a separate and independent basis, the SB 1383 Regulations were the subject of a program environmental impact report (EIR) prepared by CalRecycle, and except for provisions which maintain the already established requirements of the Waste Management Authority's Ordinance Requiring Actions to Reduce Landfilling of Recyclable and Organic Solid Wastes from Businesses, Multifamily Residences, and Self-Haulers (Ordinance 2012-1; also known as the Mandatory Recycling Ordinance) which currently apply in Hayward, the activities to be carried out under this Ordinance are entirely within the scope of the SB 1383 Regulations and the 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 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.

BE IT FURTHER RESOLVED that the City Council hereby introduces the Ordinance Opting-In to the Alameda County Waste Management Authority's Organics Reduction and Recycling Ordinance.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2021.

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
 MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
 City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward