

## ORDINANCE NO. \_\_\_\_\_

## ORDINANCE OF THE CITY OF HAYWARD OPTING IN TO THE ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY'S ORGANICS REDUCTION AND RECYCLING ORDINANCE

The City Council of the City of Hayward ("City") hereby ordains as follows:

**Section 1. Purpose and Findings.**

- (a) The purpose of this Ordinance is to comply with certain state laws requiring cities, counties, and special districts providing solid waste collection services to adopt ordinances and take other measures to reduce the amount of organic and recyclable materials deposited in landfills from commercial and residential generators, more specifically 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 (the "SB 1383 Regulations").
- (b) The City is a member of the Alameda County Waste Management Authority ("WMA"). The WMA is a joint powers agency comprised of all the cities in Alameda County, the County, and two sanitary districts.
- (c) The SB 1383 Regulations require cities, counties, and special districts providing solid waste collection services to adopt and enforce an ordinance or other enforceable mechanism applicable to residents and businesses generating or processing solid waste to implement relevant provisions of the SB 1383 Regulations. In response to this mandate, the WMA's member agencies requested that it adopt an ordinance to establish a uniform and comprehensive countywide system to establish the local regulations required by the SB 1383 Regulations concerning regulation of organic waste collection services, generators of organic waste, waste haulers, and generators and processors of edible food, together with enforcement mechanisms and administrative civil penalties for violations of local regulations.
- (d) On July 28, 2021 the WMA adopted the Organics Reduction and Recycling Ordinance ("ORRO"), Ordinance 2021-01, attached hereto as Exhibit A. In order for the ORRO to apply in the City the City must adopt an ordinance declaring that it will apply within the City.
- (e) The City wishes the ORRO to apply in Hayward.
- (f) The ORRO provides jurisdictions with the option to grant enforcement authority over various of its provisions to agencies specified in the ORRO. The City is making designations by approving agreements with other entities concurrently with adoption of this ordinance.

## **Section 2. Adoption.**

The City of Hayward hereby declares that the Organics Reduction and Recycling Ordinance as set forth in Exhibit A to be effective in the City beginning on January 1, 2022.

## **Section 3. Enforcement Agency Authorization.**

(a) The WMA is authorized and designated to carry out the responsibilities specified in Exhibit B to this ordinance effective January 1, 2022 and the City Manager is authorized to enter an agreement with the WMA to implement this authorization and designation.

(c) The authorization and designation above does not limit the City's authority to independently carry out some or all of the responsibilities designated above. The City retains full authority to implement and enforce the ORRO.

(d) The City Council may, by resolution, modify Exhibit B and may authorize and designate other entities to carry out responsibilities under this ordinance and no amendment of this ordinance shall be required.

## **Section 4. Severance Clause.**

The [Hayward City Council declares that each section, sub-section, paragraph, sub-paragraph, sentence, clause, and phrase of this ordinance is severable and independent of every other section, sub-section, paragraph, sub-paragraph, sentence, clause, and phrase of this ordinance. If any section, sub-section, paragraph, sub-paragraph, sentence, clause, or phrase of this ordinance is held invalid, the Hayward City Council declares that it would have adopted the remaining provisions of this ordinance irrespective of the portion held invalid, and further declares its express intent that the remaining portions of this ordinance should remain in effect after the invalid portion has been eliminated.

## **Section 5. California Environmental Quality Act**

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 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 the City of Hayward, 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 of Hayward'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 6. Publication.**

A summary of this ordinance shall be published in a newspaper of general circulation of the City of Hayward prior its adoption.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the 2nd day of November, 2021, by Council Member \_\_\_\_\_.

ADOPTED at a regular meeting of the City Council of the City of Hayward held the \_\_\_\_\_ day of November, 2021, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:  
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED: \_\_\_\_\_  
Mayor of the City of Hayward

DATE: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward