

**CITY OF HUNTINGTON BEACH
LEGAL NOTICE**

**ORDINANCE NO. 4079
Adopted by the City Council on MARCH 7, 2016**

"AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 8.21 OF THE HUNTINGTON BEACH MUNICIPAL CODE RELATING TO REFUSE MANAGEMENT"

SYNOPSIS:

Chapter 8.21 of the Huntington Beach Municipal Code (HBMC) was enacted in July of 2002 to provide specific guidelines determining the aspects of solid waste collection and recycling for residents and businesses. In October of 2014, Governor Brown signed into legislation Assembly Bill 1826, which requires mandatory organics recycling for California businesses that meet specific waste generation thresholds. The regulation requires local jurisdictions to have programs in place starting January 1, 2016, and sets an initial deadline of April 1, 2016, for the first group of affected businesses to start recycling their organics. The following are the thresholds established in Division 30, Part 3, Chapter 12.9 of the California Public Resources Code Section 42649.81 that determine which businesses are required to have an organics recycling program and when they must begin:

- **April 1, 2016:** Businesses that generate 8 cubic yards of organic waste per week shall recycle their organics
- **January 1, 2017:** Businesses that generate 4 cubic yards of organic waste per week shall recycle their organics
- **January 1, 2019:** Businesses that generate 4 cubic yards or more of commercial solid waste per week shall recycle their organics
- **January 1, 2020:** At the discretion of CalRecycle, if statewide disposal of organic waste has not been reduced to 50 percent of the level of disposal during 2014, a business that generates two cubic yards or more per week of commercial solid waste shall arrange for organic waste recycling services.

Ordinance revisions were proposed to HBMC Chapter 8.21 amending the definition of refuse, adding a definition of organics, and adding section 8.21.176 to provide the local authority to implement a commercial organics recycling program appropriate for the City and allowing for enforcement if necessary. As directed by City Council on January 19, 2016, the ordinance was amended to state that only affected businesses as detailed above are required to recycle organics in the manner provided in Public Resources Code Sections 42649.8 through 42649.81.

The City has an exclusive franchise for solid waste and recycling hauling services with Rainbow Environmental Services (Rainbow). As the City Refuse Collector, Rainbow is the only hauler permitted to provide organic recycling services in Huntington Beach. Recycling services will include providing containers to a business, emptying the containers at least one time per week, and removing the organic material via truck to an appropriate permitted composting or transformation facility. This ordinance does not supersede any existing permits or planning and zoning regulations that would allow Rainbow to operate its transfer station facility outside of the current limits set by CalRecycle, AQMD, or any other enforcement agency that has jurisdiction over the operation of the facility. This ordinance neither requires nor permits Rainbow to compost at its facility on Nichols Lane. It only provides the means by which the city can establish and Rainbow can provide appropriate state-mandated organics recycling services to Huntington Beach businesses to ensure that both the city and its businesses are complying with state law.

Businesses will be allowed to self-haul their organics to an appropriate recycling facility if they choose, and will be required to provide data on the location and tonnage recycling to the city upon request. A business that uses a landscape maintenance service providing labor to generate the organics and their own trucks to transport the material is considered self-haul. To ensure that the self-hauled material is getting composted and not landfilled, the state law requires businesses to require recycling in their contracts with service providers. Donation to a third party is also permitted, if such an opportunity were to arise.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting held March 7, 2016 by the following roll call vote:

AYES: Posey, O'Connell, Katapodis, Hardy, Delgleize

NOES: Sullivan, Peterson

ABSTAIN: None

ABSENT: None

THE FULL TEXT OF THE ORDINANCE IS AVAILABLE IN THE CITY CLERK'S OFFICE.

This ordinance is effective 30 days after adoption.

**CITY OF HUNTINGTON BEACH
2000 MAIN STREET
HUNTINGTON BEACH, CA 92648
714-536-5227
JOAN L. FLYNN, CITY CLERK**