

**AN ORDINANCE AMENDING CHAPTER 6.40 OF TITLE 6 OF THE ALAMEDA COUNTY  
ORDINANCE CODE FOR SOLID WASTE COLLECTION AND ORGANICS WASTE  
REDUCTION**

IT IS HEREBY ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA THAT TITLE 6 OF THE ALAMEDA COUNTY GENERAL ORDINANCE CODE, SECTIONS 6.40.010 – 6.40.270 ARE AMENDED AS FOLLOWS:

**SECTION I**

*Sections 6.40.010 is amended by deleting the existing text that is marked by ~~Strikeout~~ and adding the additions that are marked by Underline as follows:*

**6.40.010 Citation of chapter.**

This chapter may be referred to and cited as the Alameda County ~~waste disposal ordinance~~ Solid Waste Collection And Organics Waste Reduction Ordinance.

**SECTION II**

*Sections 6.40.020 – 6.40.270 are hereby deleted and replaced with the following:*

**6.40.020 Declaration of findings.**

The Board of Supervisors hereby finds and declares the following:

- (1) That Senate Bill 1383 of 2016, the Short-lived Climate Pollutant Reduction Act of 2016 (which added Sections 39730.5, 39730.6, and 39730.8 to the Health and Safety Code, and added Chapter 13.1, commencing with Section 42652, to Part 3 of Division 30 of the Public Resources Code) set Statewide Organic Waste disposal reduction targets and required CalRecycle to develop regulations to reduce organics in landfills as a source of methane.
- (2) In November 2020, Cal Recycle issued their Short-lived Climate Pollutants:



Organic Waste Reduction the Final Regulations, (the SLCP Regulations) which require jurisdictions that provide solid waste collection services to adopt ordinances or similarly enforceable mechanisms to implement requirements of the SLCP Regulations.

- (3) The Castro Valley Sanitary District and Oro Loma Sanitary District are each special districts that provide solid waste collection services and which each include portions of unincorporated Alameda County within their district boundaries. These special districts are required to meet the requirements of the SLCP Regulations with their own ordinance or similarly enforceable mechanism to implement requirements of the SLCP Regulations, and therefore, unless otherwise noted this ordinance applies only to those areas of unincorporated Alameda County not within one of these special districts.
- (4) This Ordinance will also help reduce food insecurity by requiring Commercial Edible Food Generators to arrange to have the maximum amount of their Edible Food, that would otherwise be disposed, be recovered for human consumption.

#### **6.40.030 Applicability**

Unless specified otherwise, this Ordinance shall apply only to the unincorporated area of Alameda County that are not included in the Castro Valley Sanitary District and Oro Loma Sanitary District.

#### **6.40.040 Definitions**

The following definitions govern the use of terms in this Ordinance:

- (1) **CalRecycle** means California's Department of Resources Recycling and Recovery, which is the state agency designated with responsibility for developing, implementing, and enforcing the SLCP Regulations.
- (2) **California Code of Regulations or CCR** means the State of California Code of Regulations. CCR references in this Ordinance are preceded with a number that refers to the relevant Title of the CCR (e.g., "14 CCR" refers to Title 14 of CCR).
- (3) **Collection Service** means the pickup and removal of solid waste, organic waste, recyclable materials or compostable materials and transportation of such materials to a disposal site, transfer station, composting site, processing or other appropriate facility for disposal, recycling or composting.
- (4) **Commercial Business or Commercial** means a firm, partnership, proprietorship, joint-stock company, corporation, institution or association (whether incorporated or unincorporated or for-profit or nonprofit), strip mall, industrial facility, or a Multi-Family Residential Dwelling, or as otherwise defined in 14 CCR Section 18982(a)(6).



- (5) **Community Composting** means any activity that composts green material, agricultural material, food material, and vegetative food material, alone or in combination, and the total amount of feedstock and Compost on-site at any one time does not exceed 100 cubic yards and 750 square feet, as specified in 14 CCR Section 17855(a)(4); or, as otherwise defined by 14 CCR Section 18982(a)(8).
- (6) **Compost** has the same meaning as in 14 CCR Section 17896.2(a)(4), which stated, as of the effective date of this Ordinance, that “Compost” means the product resulting from the controlled biological decomposition of organic Solid Waste that is Source Separated from the municipal Solid Waste stream, or which is separated at a centralized facility.
- (7) **County** means the county of Alameda.
- (8) **County Collection Service Zone** means a service zone within the unincorporated area of the county established by the board of supervisors pursuant to Section 6.40.280.
- (9) **County Solid Waste Collection And Organics Waste Reduction Regulations (or County Waste Regulations)** means the County of Alameda regulations adopted concurrently with the adoption of this Ordinance as they may be revised from time to time following the procedures in this Ordinance and the County Waste Regulations.
- (10) **Edible Food** means food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this Ordinance or as otherwise defined in 14 CCR Section 18982(a)(18), “Edible Food” is not Solid Waste if it is recovered and not discarded. Nothing in this Ordinance or in 14 CCR, Division 7, Chapter 12 requires or authorizes the Recovery of Edible Food that does not meet the food safety requirements of the California Retail Food Code, as codified in the Health and Safety Code Section 113700, et seq.
- (11) **Food Recovery** means actions to collect and distribute food for human consumption that otherwise would be disposed, or as otherwise defined in 14 CCR Section 18982(a)(24).
- (12) **Food Recovery Organization** means an entity that engages in the collection or receipt of Edible Food from Commercial Edible Food Generators and distributes that Edible Food to the public for Food Recovery either directly or through other entities or as otherwise defined in 14 CCR Section 18982(a)(25), including, but not limited to:
- a) A food bank as defined in Section 113783 of the Health and Safety Code;
  - b) A nonprofit charitable organization as defined in Section 113841 of the Health and Safety code; and,
  - c) A nonprofit charitable temporary food facility as defined in Section 113842



of the Health and Safety Code.

A Food Recovery Organization is not a Commercial Edible Food Generator for the purposes of this Ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7). If the definition in 14 CCR Section 18982(a)(25) for Food Recovery Organization differs from this definition, the definition in 14 CCR Section 18982(a)(25) shall apply to this Ordinance.

- (13) **Food Recovery Service** means a person or entity that collects and transports Edible Food from a Commercial Edible Food Generator to a Food Recovery Organization or other entities for Food Recovery, or as otherwise defined in 14 CCR Section 18982(a)(26). A Food Recovery Service is not a Commercial Edible Food Generator for the purposes of this Ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).
- (14) **Multi-Family Residential Dwelling or Multi-Family** mean of, from, or pertaining to residential premises with five or more dwelling units. Multi-Family premises are considered a distinct type of Commercial Business for the purposes of implementing this Ordinance. Consistent with the SLCP Regulations, residential premises that consist of fewer than five units are not “Multi-Family” and instead are “Single-Family” for the purposes of implementing this Ordinance. Multi-Family premises do not include hotels, motels, or other transient occupancy facilities, which are considered other types of Commercial Businesses.
- (15) **Organic Waste** means solid waste containing material originated from living organisms and their metabolic waste products, including but not limited to food, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, Paper Products, Printing and Writing Paper, manure, biosolids, digestate, and sludges or as otherwise defined in 14 CCR Section 18982(a)(46). Biosolids and digestate are as defined by 14 CCR Section 18982(a).
- (16) **Organic Waste Generator** means a Person or entity that is responsible for the initial creation of Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(48).
- (17) **Person** means any individual, firm, association, organization, partnership, corporation, business, trust, joint venture, the United States, the state of California, the county of Alameda, and special purpose districts.
- (18) **Recyclable materials** means nonhazardous residential, commercial, or industrial materials or by-products which are set aside, handled, packaged, or offered for collection in a manner different than solid waste, and which are capable of and suitable for recycling. Recyclable materials may include, but are not limited to, newspaper, mixed paper, glass containers, metal and aluminum cans, plastic bottles, corrugated cardboard, and used motor oil.
- (19) **SB 1383** means Senate Bill 1383 of 2016, the Short-lived Climate Pollutant Reduction Act of 2016.



- (20) **Self-Hauler** means a Person, who hauls Solid Waste, Organic Waste or recyclable material they have generated to another Person in accordance with the County Waste Regulations and all applicable laws.
- (21) **SLCP Regulations** (sometime referred to as the **SB 1383 Regulations** or **State Regulations**) means the Short-lived Climate Pollutants: Organic Waste Reductions Regulations that were promulgated by CalRecycle pursuant to SB1383, adopted in 2020 that created 14 California Code of Regulations (CCR), Division 7, Chapter 12 and amended portions of regulations of 14 CCR and 27 CCR, as they may further be amended.
- (22) **Single-Family** means, for purposes of this Ordinance, of, from, or pertaining to any residential premises with fewer than five units.
- (23) **Solid Waste** has the same meaning as defined in Public Resources Code Section 40191, which defines Solid Waste as all putrescible and nonputrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semisolid wastes, with the exception that Solid Waste does not include any of the following wastes:
- a) Hazardous waste, as defined in the Public Resources Code Section 40141.
  - b) Radioactive waste regulated pursuant to the State Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the Health and Safety Code).
  - c) Medical waste regulated pursuant to the State Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the Health and Safety Code). Untreated medical waste shall not be disposed of in a Solid Waste landfill, as defined in Public Resources Code Section 40195.1. Medical waste that has been treated and deemed to be Solid Waste shall be regulated pursuant to Division 30 of the Public Resources Code.

#### **6.40.050 ORGANIC WASTE GENERATORS**

(1) Single-Family Organic Waste Generators and Commercial Business Organic Waste Generators, including Multi-Family Residential Dwellings, shall comply with this ordinance and the County Waste Regulations and SLCP Regulations, as amended from time to time. This does not prohibit an Organic Waste 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) to the extent permitted by other applicable laws.



(2) Unless exempted or waived pursuant to the County Waste Regulations, the owners or occupants of all Single-Family, Multi-Family and Commercial Premises shall subscribe to regular Solid Waste, Recyclable Materials, and Organic Waste Collection services provided by a hauler that is authorized pursuant to the County Waste Regulations.

#### **6.40.070 WAIVERS FOR ORGANIC WASTE GENERATORS**

Waivers for Organic Waste Generators shall only be granted as allowed by the SLCP Regulations and County Waste Regulations.

#### **6.40.080 REQUIREMENTS FOR COMMERCIAL EDIBLE FOOD GENERATORS**

Commercial Edible Food Generators shall comply with the requirements for safe recovery of food for human consumption as contained in the County Waste Regulations, SLCP Regulations and all other applicable laws and regulations.

#### **6.40.090 REQUIREMENTS FOR FOOD RECOVERY ORGANIZATIONS AND SERVICES**

Food Recovery Services and Food Recovery Organizations shall comply with the requirements for safe recovery of food for human consumption as contained in the County Waste Regulations, SLCP Regulations and all other applicable laws and regulations including the California Retail Food Code beginning at California Health and Safety Code Section 113700.

#### **6.040.100 REQUIREMENTS FOR HAULERS AND FACILITY OPERATORS**

(1) A hauler providing Single-Family, Commercial, or industrial Collection Service shall meet the requirements and standards contained in the County Waste Regulations, SLCP Regulations and all other applicable laws and regulations.

(2) Owners of facilities, operations, and activities that recover Organic Waste, including, but not limited to, compost facilities, community composting operators and in-vessel digestion facilities shall meet the requirements and standards contained in the County Waste Regulations, SLCP Regulations and all other applicable laws and regulations.

#### **6.40.110 SELF-HAULING**

(1) Self-Hauling in place of curbside collection is only allowed if approved by the County in accordance with the County Waste Regulations.

(2) Any Person that desires to be a Self-Hauler must meet and comply with all requirements as set forth in the County Waste Regulations.



#### **6.40.0120 INSPECTIONS AND INVESTIGATIONS**

- (1) The County is authorized to conduct Inspections and investigations, at random or otherwise to confirm compliance with the provisions of this Ordinance, the County Waste Regulations and SLCP Regulations.
- (2) This Section does not allow entry in a private residential dwelling unit for Inspection.
- (3) A Person subject to the requirements of this Ordinance shall provide or arrange for access during all Inspections (with the exception of a private residential dwelling unit) and shall cooperate with such Inspections and investigations.
- (4) The County shall receive and address written complaints related to this Ordinance in accordance with the County Waste Regulations and SLCP Regulations.

#### **6.40.0130 ENFORCEMENT**

- (1) Violation of any provision of this Ordinance shall constitute grounds for issuance of administrative citations and assessment of a fine by the County. The County's procedures on imposition of administrative citations and fines are set forth in the County Waste Regulations and shall govern the imposition, enforcement, collection, and review of administrative citations and fines issued to enforce this Ordinance.
- (2) Persons receiving an administrative citation containing a penalty for an uncorrected violation may request a hearing to appeal the citation as set forth in the County Waste Regulations.
- (3) Violation of any provision of this Ordinance may also be addressed by any other remedies allowed by law, including civil action or prosecution as a misdemeanor or infraction. The County may pursue civil actions in the California courts to seek recovery of unpaid administrative citations, and fines.

#### **6.40.140 REGULATIONS**

Regulations to implement, administer, and enforce this Ordinance, the Solid Waste Collection And Organics Waste Reduction Regulations, are being adopted concurrently with adoption of this Ordinance. The adopted regulations may be revised from time to time after electronic posting of the proposed revisions on the web site of any department or agency with responsibility for enforcement of the ordinance, with an opportunity for the public to submit comments, and consideration by that department or agency of any public comments received.

#### **6.40.150 - 6.40.270 RESERVED**

### **SECTION III**



Sections 6.40.280 – 6.40.270 are hereby amended by deleting the existing text that is marked by ~~Strikeout~~ and adding the additions that are marked by Underline as follows:

#### **6.40.280 Designation of county collection service zones.**

The board of supervisors may, by resolution, establish one or more county collection service zones for the purpose of providing Collection Services ~~the collection of solid waste, compostable materials, or recyclable materials~~. These county collection service zones shall be shown on a map of the county kept on file with the clerk of the board Of supervisors.

(Ord. No. 2012-59 , § 1, 4-10-12; Ord. No. 2013-10, § 1, 2-26-13 )

#### **6.40.290 Authorization and requirements for collection within county collection service zones.**

- A. Pursuant to its authority under state law, including Public Resources Code Section 40059, the board of supervisors may enter into franchise agreements, grant permits, or otherwise give authorization to provide Collection Services for ~~the collection of solid waste, compostable materials, and recyclable materials~~ from residential and commercial premises within any county collection service zone. Any such franchise, permit or other authorization may be entered into or granted without competitive bidding.
- B. Except as provided in Section 6.40.300, no person shall establish, operate or carry on the business of providing Collection Services ~~collecting solid waste, compostable materials, or recyclable materials~~ within a county collection service zone, unless the board of supervisors has granted or issued an exclusive or nonexclusive franchise, permit, or other authorization pursuant to Section 6.40.290(A).
- C. Except as provided in Section 6.40.300, within any county collection service zone, it shall be unlawful for a person to permit or allow the collection and removal of solid waste, compostable materials, Organic Waste, or recyclable materials by a person that has not been authorized to provide such services pursuant to Section 6.40.290(A).

(Ord. No. 2012-59 , § 1, 4-10-12; Ord. No. 2013-10, § 1, 2-26-13 )

#### **6.40.300 Exceptions.**

The following persons are exempted from the requirements of 6.40.290 ~~this Article IV~~ and not required to obtain authorization to provide Collection Services ~~pursuant to Section 6.40.290 for the collection of solid waste, compostable materials, or recyclable materials~~ within a county collection service zone:

- A. The County;
- B. Any Self- Hauler, approved in accordance with this Ordinance and County Waste Regulations; ~~A commercial business owner or resident removing solid waste,~~



~~recyclable materials, or compostable materials generated from their premises and transported personally by the owner or occupant of such premises, or by his or her employees or contractor whose removal of the solid waste, recyclable materials or compostable materials is incidental to the service being performed~~

- C. Youth, civic, or charitable organizations which collect or accept donated recyclable materials and compostable materials;
- D. ~~Persons that collect or accept donated recyclable materials, or pay for the collection of recyclable materials and compostable materials;~~
- E. Persons delivering recyclable materials for recycling under the California Beverage Containers Recycling Litter Reduction Act (California Public Resources Code Section 14500 et seq.);
- E. ~~A gardening, landscaping or tree trimming contractor removing compostable materials from a premises as an incidental part of total service offered by that contractor for no additional or separate fee;~~
- F. ~~Persons that have contracted for the collection of solid waste, compostable materials, or recyclable materials generated by a public school, county facilities, or federal facilities;~~
- G. Persons collecting solid waste, Recyclable Materials, Organic Waste or Compostable Materials where such materials are removed as part of the abatement of a public nuisance or dangerous condition at the direction of the County;
- H. Licensed construction or demolition contractors removing construction and demolition debris from any premises using their own employees and equipment as an incidental part of a comprehensive service offered by such contractors, rather than as a hauling service, and provided that such debris is processed, or disposed of, at a facility permitted to accept such debris and in accordance with all County Ordinances, the County Waste Regulations, SLCP Regulations and all other applicable statues and regulations.
- I. Any other Persons as determined pursuant to the County Regulations.
- I. ~~Persons collecting, removing or disposing the following:~~
  - 1. ~~Animal waste and remains from slaughterhouse or butcher shops, grease, or used cooking oil;~~
  - 2. ~~By products of sewage treatment, including slush, sludge ash, grit and screenings;~~
  - 3. ~~Hazardous or dangerous materials; liquid and dry caustics; acids; biohazardous, flammable and explosive materials; insecticides; and similar substances;~~
  - 4. ~~Infectious medical waste (as defined in California Health and Safety Code Section 25117.5.).~~

(Ord. No. 2012-59 , § 1, 4-10-12; Ord. No. 2013-10, § 1, 2-26-13 )

#### **6.40.310 -6.40.380 RESERVED**



## **Section IV**

Title 6 of the Alameda County General Ordinance Code, sections 6.40.390 – 6.40.740 are hereby deleted.

## **Section V**

### **Severability**

If any part or provision of this Ordinance or the Regulations promulgated hereunder, or the application thereof to any person or circumstances, is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such invalidity shall not affect the remaining provisions or application of the remaining provisions of this Ordinance and the Regulations which can be given effect without the invalid provisions or application or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Chapter and the Regulations promulgated hereunder are severable

## **Section VI**

### **Compliance with the California Environmental Quality Act**

1. In adopting the SB 1383 Regulations, CalRecycle certified a program Environmental Impact Report (EIR). The activities to be carried out under this Ordinance and the Regulations are entirely within the scope of SB1383, the SB 1383 Regulations and that EIR.
2. No mitigation measures identified in the EIR are applicable to the County's enactment of this Ordinance and Regulations. 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 Regulations and no additional environmental review is required.
3. On a separate and independent basis, this Ordinance and the Regulations 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.

## **Section VII**

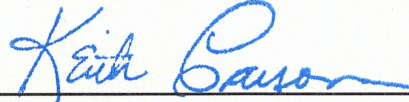


**Effective Date**

1. These ordinance amendments shall take effect and be in force on January 1, 2022.
2. Before the expiration of 15 days after its adoption by the Board of Supervisors, this ordinance shall be published once with the names of the members voting for and against the same in the Inter-City Express, a newspaper published in the County of Alameda.

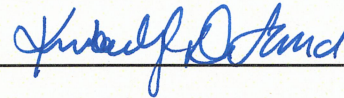
Adopted by the Board of Supervisors of the County of Alameda, State of California, on November 23, \_\_\_\_\_, 2021, by the following called vote:

AYES: Supervisors Brown, Haubert, Miley, Valle, & President Carson - 5  
NOES: NONE  
EXCUSED: NONE




\_\_\_\_\_  
Keith Carson  
President of the Board of Supervisors  
County of Alameda, State of California

ATTEST:  
Clerk of the Board of Supervisors  
County of Alameda

By:  \_\_\_\_\_

APPROVED AS TO FORM:  
DONNA R. ZIEGLER, COUNTY COUNSEL  
County of Alameda

By:  \_\_\_\_\_  
Kathleen Pacheco, Senior Deputy County Counsel