

# Memorandum

**To:** Pasadena City Council  
**CC:** Pasadena City Manager  
**From:** City of Pasadena Environmental Advisory Commission  
**Date:** 5/12/2015  
**Re:** Solid Waste Ordinances 8.60 and 8.61

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## **Background**

On March 23, 2015, the Department of Public Works presented to City Council the second reading of the Ordinance of the City of Pasadena amending Chapter 8.60 (Solid Waste) and Chapter 8.61 (Solid Waste Collection). City Council recommended that the DPW update the EAC with the updates to the ordinances and return to Council on April 27, 2015. The Environmental Advisory Commission's Zero Waste Subcommittee reviewed the ordinances and amendments, and made several attempts to meet with PWD staff, but was unsuccessful in those attempts.

## **EAC Recommendations**

At its April 21, 2015 meeting, the Environmental Advisory Commission (EAC) voted 5-0 to recommend the staff recommendation on amendments to Chapter 8.60 (Solid Waste) and 8.61 (Solid Waste Collection). The EAC further directed the EAC Chair to write a letter to the City Council urging them to direct staff to work with EAC in the future to make changes to the ordinances to allow for smaller and emerging businesses that can help achieve Zero Waste. Because there are already exemptions in the ordinance for businesses such as gardeners and paper recyclers, there should be able to be exemptions for other emerging businesses. The EAC also recommends that in the future issues regarding solid waste and Zero Waste should be brought to the Environmental Advisory Commission prior to bringing to the Municipal Services Committee or City Council because the EAC is a valuable resource in these areas.

## **Zero Waste Subcommittee Recommendations**

The Zero Waste Subcommittee of the Environmental Advisory Commission urges the Department of Public Works and City Council to revisit the issue of solid waste with an eye toward the future rather than the past, and to focus on new ways to shrink the waste stream rather than simply refining current practices. Refining the Solid Waste Ordinance to allow for commercial composting within the City would

put Pasadena ahead of the curve with the implementation of AB1826. As stated on the Californians Against Waste web page regarding AB1826, "Returning organic materials to soils drastically reduces the environmental impacts of landfills, reduces greenhouse gases, creates jobs, and helps sustain California's agricultural industry. Despite California's robust recycling infrastructure for traditional recyclables, the state continues to landfill organic materials, such as yard trimmings and food scraps, at an alarming rate. In fact, food is the most prevalent item in our waste stream and third of the material going to landfills is readily compostable." Besides AB1826, we need to keep up with California's definition of terms. We note that CalRecycle is currently in the process of refining their definition of organics and food waste, which are currently defined as "solid waste." As this definition shifts, we need to be quick to respond.

Rather than paying haulers to move organics to as-yet-unbuilt facilities in Irwindale or to far away Victorville, we urge the City and DPW to work with local commercial organics composters to find ways to close the loop very tightly so that these organics can be turned into compost in our own city. Processing at least some of the organic compostable materials locally would reduce vehicle miles travelled and would ensure that the materials were turned in to something useable that would replenish the soil, as opposed to sending the materials to a waste to energy facility.

The Solid Waste Subcommittee recommends that an exemption be added to a future solid waste for what could be called "composting services." These could be defined as businesses that retrieve some determined amount of organic compostable materials per week, that process the materials locally, and that return the product (compost) to the community. The Subcommittee is suggesting that these services should be exempt from the franchise hauling requirements because these services are functionally different from haulers (i.e. no large trucks). Other changes to the ordinance would need to be made in order to allow these composting services.

Because we support the Zero Waste Plan, we need to look at many ways to generate less waste to process. As a green city, it is also important to create local opportunities for green jobs. We urge City Council and DPW staff to create ordinances to allow for smaller and emerging businesses that can help achieve Zero Waste. Because there are already exemptions as haulers in city ordinances for gardeners, paper recyclers, and other collectors of local waste, we should be able to create exemptions for other emerging businesses. In the future, issues regarding solid waste and Zero Waste should be brought to the Environmental Advisory Commission prior to bringing to the City Council. We urge Council to be proactive on this issue. We urge city staff to engage the EAC on this issue. We have expertise and can provide knowledge and support.

May 12, 2015

**The Zero Waste Subcommittee's Comments Regarding the Ordinance**

The Zero Waste Subcommittee's recommended changes to the ordinance are on the attached document; they point to ways that the definitions can be adjusted and ways that local composting businesses can be regulated. We would like to point out that in-vessel composting is already defined and regulated by the state.

## SUGGESTED REVISIONS TO PMC SOLID WASTE ORDINANCE

DEFINITION	SECTION	PROPOSED LANGUAGE/ACTION
<b>Composting Hauler</b>	Throughout	1. Eliminate and replace with "composting service provider" 2. Amend Exclusive Hauler Notification
<b>Local Composting Service Provider</b>	Section 8.60.020 and Section 8.61.010: throughout	1. ADD definition: "means any individual, partnership, joint venture, unincorporated private organization, non-profit entity or private corporation operating in the city with appropriate licenses and approvals and providing direct (on-site) or indirect (off-site) composting assistance to food waste and other organic waste (compostable) generators within the City limits."
<b>Biodegradable</b>	Section 8.60.020	1. ADD definition: "means the biological breakdown of material into very small parts by microorganisms such as bacteria and fungi."
<b>Putrescible</b>	Section 8.60.020	1. ADD definition: "means organic matter (particularly food waste) that is susceptible to decay or rotting and emitting a foul smell <u>in the absence of composting.</u> "
<b>Waste</b>	Section 8.60.020	1. ADD definition: "means any discarded pre- or post-consumer material that is neither recyclable or compostable and has no other marketable or commodity value hence requiring landfill disposal."
<b>Q. Hauler</b>	Section 8.60.020	1. REMOVE "source-separated material" from hauler definition
<b>T. Organics</b>	Section 8.60.020	1. ADD other examples of organic material: "paper, cardboard, cotton textiles, manure, animal and vegetable discards, ASTM D6400 BPI certified products"
<b>U. Other Compostable Material</b>	Section 8.60.020	1. CHANGE to: "means any material that breaks down into carbon, water and carbon dioxide and is <i>accepted by a state approved composting facility and/or meets BPI's ASTM D6400 compostability standard.</i> "
<b>AA. Self Hauler</b>	Section 8.60.020	1. ADD "of solid waste" after disposing
		2. CHANGE "solid waste" to "recyclable material"
		3. CHANGE "unauthorized" to "authorized"
		4. ADD in parenthesis at end "(i.e., caterers, composting service providers)"
<b>BB. Solid Waste</b>	Section 8.60.020	1. QUALIFY LANGUAGE to include "The City further defines solid waste as any pre- or post-consumer non-recyclable or non-compostable discarded material destined for landfill disposal and having no other resource value in the marketplace."
		2. REMOVE "paper," "manure," "ash," "vegetable or animal solid" from definition or qualify definition further to state that these items are ALSO compostable
<b>Franchise Hauler</b>	Section 8.60.026	1. CHANGE "franchise haulers" to "composting service providers;" and ADD "schools, and commercial businesses generating organics waste and other compostable materials as defined in Section 8.60.020."

## SUGGESTED REVISIONS TO PMC SOLID WASTE ORDINANCE

Organics Processing	Section 8.60.275	1. ADD to end "or for processing in an <i>in-vessel composting system</i> that meets State regulatory requirements" <i>to expand opportunity for local processing.</i>
K. Franchise	Section 8.61.010	1. DELETE "composting" and "compost processing" from Franchise definition
O. Hauler	Section 8.61.010	1. DELETE "source separated materials" from hauler definition
R.S. Organics/Other Compostable Material	Section 8.61.010	1. same as Section 8.60.020 (T and U)
T. Other Solid Waste	Section 8.61.010	1. ADD "organics and other compostable materials" for consideration as NOT solid waste material
U. Recycling	Section 8.61.010	1. ADD "composting is a <i>form</i> of recycling but its process is <i>uniquely different</i> in that it involves the biological breakdown of renewable natural resources (organic material) NOT non-renewable resources (i.e., petroleum, metal, glass)."
X. Self-Hauler	Section 8.61.010	1. same as Section 8.60.020 (AA)
Y. Solid Waste	Section 8.61.010	1. same as Section 8.60.020 (BB)
Unlawful Activities	Section 8.61.030	1. REMOVE "organics, yard waste, and other compostable materials" if it is to be exempt
Exemptions	Section 8.61.040	1. ADD exemption: "Persons providing on-site or off-site composting assistance to food waste and other organic waste generators within the City (eg. schools, hospitals, food service providers, culinary institutions, caterers, residences)"
Waste Reduction Requirement	Section 8.61.170	1. ADD "composting service provider or persons removing and hauling strictly tree, plant or grass clippings" after franchisee 2. ADD "or for processing in an <i>in-vessel composting system meeting regulatory requirements and proof of composting and diversion can be provided.</i> "
AB 1826 (New!) Mandatory Organics Recycling by 4/2016	Absent	Is the Waste Reduction Requirement above to address this mandate? If the language is not changed per suggestions provided, landscapers and tree trimmers would not be required to compost this material and hence, still allowed to take to nearest landfill. They are currently exempt from franchise but should NOT be exempt from properly disposing of the organics they collect.  Suggest an ordinance that requires "persons removing and hauling strictly tree trimmings, plant trimmings and grass trimmings" [proposed new exemption H.] to provide proof of disposal of such material at a state permitted composting facility or transfer station where such material is collected for composting. Can include "composting service provider" in this ordinance if term is adopted.