



County of San Mateo

Inter-Departmental Correspondence

Department: OFFICE OF SUSTAINABILITY

File #: 24-149

Board Meeting Date: 2/27/2024

Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors
From: Carolyn Bloede, Director, Office of Sustainability
Subject: Non-Exclusive Franchise Agreements for Discarded Material Management in the Unfranchised Unincorporated San Mateo County Areas

RECOMMENDATION:

Adopt a resolution to authorize the Director of the Office of Sustainability to execute Non-Exclusive Franchise Agreements between the County of San Mateo and the haulers who provide services in the unfranchised unincorporated San Mateo County areas for solid waste collection, transfer, processing, and/or disposal services.

BACKGROUND:

In September 2016, California Senate Bill 1383 (SB 1383), (SB 1383 Lara, Chapter 395, Statutes of 2016) established a statewide emission reduction target for short-lived climate pollutants such as methane, a powerful greenhouse gas that results from the landfilling of organic waste, and a reduction target for organic waste disposed of in landfills by 75 percent from the 2014 levels by 2025. Given that SB 1383 includes statewide targets, the California Department of Resources Recycling and Recovery (CalRecycle) provides prescriptive regulation requirements for local jurisdictions to codify and achieve these goals.

On December 7, 2021 this Board adopted Ordinance No. 4856 (Ordinance), amending Chapter 4.04 Solid Waste Collection, Transport, Storage and Disposal of the San Mateo County Code, in order to reflect the requirements of SB 1383 for the unincorporated areas of the county. As stated in Chapter 4.04, Section 4.04.085 of the amended Ordinance, haulers must hold a franchise agreement or non-exclusive franchise agreement (NEFA) with the County for the right to collect discarded materials as a single-family hauler or multi-family/commercial hauler in the unincorporated areas of San Mateo County.

DISCUSSION:

To comply with the Ordinance, the Office of Sustainability (OOS) engaged haulers who are currently servicing the unfranchised, unincorporated areas of the county to establish NEFAs with each hauler. If executed, the term of the NEFA shall be five (5) years beginning with the effective date of March

27, 2024.

Under these NEFA agreements, waste haulers would abide by specific service standards, and reporting requirements. The NEFA will also provide the County with additional data to meet the State reporting SB 1383 requirements.

The following are some of the requirements in the proposed NEFAs to increase organic waste diversion in the unincorporated areas, including:

1. Providing adequate solid waste, recyclables, and organics collection services to all residents, subscribing businesses, and multi-family dwellings for customers in densely populated areas; per County Ordinance Code;
2. Maintaining adequate processing capacity for collected recyclable and organic materials;
3. Tracking solid waste, organic and recyclable materials, diversion, processing, and outreach;
4. Providing curbside collection of bulky-item materials for a fee.

County Attorney has reviewed and approved the resolution as to form.

FISCAL IMPACT:

There is no Net County Cost associated with this resolution. County costs for administering the NEFAs are currently funded with AB 939 funds, which are generated by a fee levied on all waste disposed of in landfills in unincorporated county areas and are specifically designated for waste reduction and diversion programs.

In accordance with the NEFAs, the haulers agree to pay a SB 1383 administrative fee to the County each calendar quarter. The amount of the fee shall be two percent (2%) of the hauler's monthly gross receipts for the NEFA service areas. This fee will be applied to administrative expenses to implement the NEFAs and SB 1383 regulations in this service area.

ATTACHMENTS:

1. Exhibit A: NEFA with Green Waste Recovery, LLC
2. Exhibit B: NEFA with South San Francisco Scavenger Company, Inc.
3. Exhibit C: NEFA with BFI Waste System of North America, LLC, DBA Republic Services of San Mateo County
4. Exhibit D: NEFA with Kunz Valley Trash, LLC