

**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



**FROM:** Supervisor John Benoit

**SUBMITTAL DATE:**

July 24, 2013

**SUBJECT:** Initiation of an Ordinance and Ordinance Amendment that would Regulate the Siting, Approval and Operation of Composting Facilities

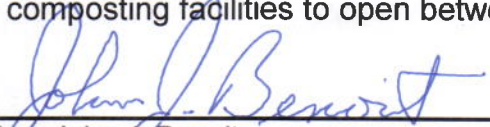
**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Adopt an order initiating an ordinance that would regulate the siting, approval and operations of composting facilities; and
2. Adopt an order initiating an amendment to Ordinance No. 348 that would regulate the siting, approval and operations of composting facilities; and
3. Direct the Departments of Code Enforcement, Environmental Health, Waste Management and Planning to work collaboratively with County Counsel to prepare and process the ordinances.

**BACKGROUND:** On October 11, 2011, Assembly Bill 341 was approved by Governor Jerry Brown. The bill introduced a statewide policy goal of source reducing, recycling or composting 75% of waste generated by the year 2020. A large portion of such waste is green waste and food waste that will need to be diverted to composting facilities. Compost industry representatives estimate that the County will require 5-6 large scale composting facilities to open between now and 2020 so that the County can meet this goal.

(Continued)

JJB:SVS:jw

  
Supervisor John J. Benoit  
Fourth District

**FINANCIAL  
DATA**

Current F.Y. Total Cost:

\$

In Current Year Budget:

No

Current F.Y. Net County Cost:

\$

Budget Adjustment:

Yes

Annual Net County Cost:

\$

For Fiscal Year:

2013/2014

**SOURCE OF FUNDS:** Waste Management Enterprise Funds

Positions To Be  
Deleted Per A-30

☐

Requires 4/5 Vote

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**C.E.O. RECOMMENDATION:**

**County Executive Office Signature**

Policy

☒

Consent

☐

Policy

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Consent

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Dep't Recomm.:

Per Exec. Ofc.:

Prev. Agn. Ref.:

District: ALL

Agenda Number:

3-67

This Board recently enacted a clean-up action on Cal Bio-Mass, a large scale composting facility to eliminate an odor problem that was adversely affecting residents living within one mile of the location. In the past, another site that composted sewage sludge was closed primarily due to odors generated during the processing of material.

Currently, "sewage sludge/organic waste composting facilities" are allowed with a conditional use permit in the following three zones in Ordinance No. 348: (1) Mineral Resources (M-R), (2) Mineral Resources and Related Manufacturing (M-R-A), and (3) Heavy Agriculture (A-2). Any composting facilities in these zones are subject to the development standards of the applicable zone, as well as the conditions of approval for the project. However, as shown by the two composting facilities mentioned above, the general development standards of the zone may not be adequate to address the operations of composting facilities.

In order for the County to meet the waste diversion goals for the year 2020 and to avoid negatively impacting the residents of Riverside County by this potential influx of composting facilities, the County should act to adopt permanent zoning provisions, development standards, conditions and requirements to address composting facilities.

A collaborative multi-department ordinance planning and preparation strategy is recommended. Departments such as Code Enforcement, Environmental Health, Waste Management, Planning and County Counsel will likely each be required to enforce or process some provision of the ordinances once effective. For this reason, it is important that each of these departments be fully involved during the drafting process to develop new rules governing the siting, approval, and operations of composting facilities within Riverside County to do the following:

1. Identify the zones in the County that can house a composting facility without negatively affecting the residents of Riverside County from odors emanating from the site.
2. Establish appropriate development standards, conditions and requirements for composting facilities to ensure compatibility of such facilities with other surrounding uses and properties, avoid any negative impacts, and address public health, safety and welfare concerns.
3. Ensure State accepted Best Management Practices are used at all composting facilities in Riverside County such as enclosed operational areas and other odor mitigating procedures.
4. Require the companies wishing to operate composting facilities within Riverside County meet waste diversion needs but operate under terms to mitigate odors and other negative impacts to residents.

5. Require appropriate restoration bond amounts, letter of credit or some other form of financial security acceptable to the County.
6. Establish and enforce storage amount limits and/or storage times established in the operating permit.

This can be done solely through an amendment to Ordinance No. 348 or through both an amendment to Ordinance No. 348 and a separate new ordinance. Approval of this order to initiate will allow the departments flexibility to proceed in either manner depending upon which is found to be most appropriate by the departments during the drafting process.

**FISCAL:** Board of Supervisors Policy No. A-67 requires the Board to consider the costs associated with preparing, processing and implementing an ordinance or ordinance amendment in deciding whether to adopt an order to initiate. County staff estimates that it will cost approximately \$100,000 to prepare and process the ordinance and ordinance amendment. This estimate includes \$25,000 for Planning Department staff costs, costs associated with preparing an Environmental Assessment and Negative Declaration, advertising costs, and public hearing costs. The estimate also includes \$17,000.00 in County Counsel costs for researching and drafting the ordinance and ordinance amendment. The balance of the \$100,000 will be expended by Environmental Health, Code Enforcement, Waste Management, Planning Department, County Counsel and other involved County departments for internal meetings and possible meetings with concerned citizen groups or industry representatives. If during the process it is determined that an Environmental Impact Report is required, or that further public hearings are required, the costs will be higher.

These estimated costs are currently unbudgeted for Fiscal Year 2013/2014 by the departments such that approval of budget adjustments will be necessary.

The costs of implementing and enforcing the ordinance and ordinance amendment will be covered by the conditional use permit fees and other applicable permit fees for composting facilities.