

Attachment B

NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Santa Barbara County Public Works Department, Resource Recovery and Waste Management Division (RRMWD)

The project or activity identified below is determined to be exempt from further environmental review requirements of the California Environmental Quality Act (CEQA) of 1970, as defined in the State and County Guidelines for the implementation of CEQA.

APN: N/A

Case No.: N/A

Location: [Include street address and cross street (if urbanized area)]: Santa Barbara County Waste Management Collection Zones 4 and 5, Supervisorial Districts 3, 4 & 5.

Project Title: **Approval of Zone 4 and Zone 5 Solid Waste Franchise Agreement**

Project Applicant: Santa Barbara County Public Works Department, RRWMD

Project Description: Approval of a Franchise Agreement Between County of Santa Barbara and MarBorg Industries, Inc. for Residential, Multi-Family and Commercial Solid Waste, Recyclables, Organics and Special Waste Collection Services for Zone 4 and Zone 5 effective July 1, 2024 and ending June 30, 2034.

Name of Public Agency Approving Project: Santa Barbara County

Name of Person or Entity Carrying Out Project: Santa Barbara County Public Works Department, Resource Recovery and Waste Management Division

Exempt Status:

- Ministerial
- Statutory Exemption
- Categorical Exemption
- Emergency Project
- Declared Emergency

Cite specific CEQA and/or CEQA Guidelines Section: 15301 (Existing Facilities), 15308 (Actions by Regulatory Agencies for Protection of the Environment) and 15061(b)(3) (Common Sense Exemption).

Reasons to support exemption findings:

The current Franchise Agreement for the exclusive right to collect solid waste from residential and commercial customers expires in County service zones 4 and 5 on June 30, 2024. The County issued a Request for Proposals (RFP) to service these customers. Four haulers responded with proposals, and MarBorg Industries proposal was selected as providing the best value to customers and the project involves a Franchise Agreement with Marborg Industries for a term of 10 years.

CEQA Guidelines Section 15301 exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. CEQA Guidelines Section 15308 exempts actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. CEQA Guidelines 15061(b)(3) Common Sense Exemption exempts projects which do not have the potential for causing a significant effect on the environment. Consistent with these exemptions, the Franchise Agreement continues existing waste collection and management that currently exists and only changes the service provider. The collection and disposal of solid waste is not only mandated and regulated by state law, but an essential service for the public health, safety, and welfare. The agreement would continue the safe management of municipal solid waste and includes the use of existing private and public facilities for waste disposal and waste management. The agreement contains several regulatory mandates for complying with state law for the disposal of multiple waste streams in a manner that ensures the protection of the environment. To limit vehicle miles travelled MarBorg Industries will negotiate to assume the lease of the yard utilized by the current provider (1850 W Betteravia Road, Santa Maria or other facility in the service area) as well as ABOP facilities in use. These facilities will require minor, if any, modification to accommodate their use by MarBorg Industries. Therefore, it can be seen with certainty that this change in service provider for existing and mandated services will not result in significant impacts on the environment. Therefore, the approval of the Franchise Agreements can be found to be exempt from CEQA.

The proposed project does not involve unusual circumstances, including future activities, resulting in or which might reasonably result in significant impacts which threaten the environment. The exceptions to the categorical exemptions pursuant to Section 15300.2 of the State CEQA Guidelines are:

- (a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.**

The applicable exemptions are Class 1, Class 8 and the Common Sense exemption. Therefore, this exception does not apply.

- (b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.**

The project involves an agreement for the collection of municipal solid waste and recyclables in compliance with state laws and permits and involving permitted facilities. No cumulative impacts would occur. Therefore, this exception does not apply.

- (c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.**

The project involves an agreement for the collection of municipal solid waste and recyclables in compliance with state laws and permits and involving permitted facilities. There are no unusual circumstances associated with the agreements that would result in a significant effect on the environment. Therefore, this exception does not apply.

- (d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.**

The project involves an agreement for the collection of municipal solid waste and recyclables in compliance with state laws and permits and involving permitted facilities. Implementation of the agreements would not affect scenic resources. Therefore, this exception does not apply.

- (e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.**

The project involves an agreement for the collection of municipal solid waste and recyclables in compliance with state laws and permits and involving permitted facilities. The facilities are not identified as hazardous waste sites. Therefore, this exception does not apply.

- (f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.**

The project involves an agreement for the collection of municipal solid waste and recyclables in compliance with state laws and permits and involving permitted facilities. No historical resources would be affected. Therefore, this exception does not apply.

Lead Agency Contact Person: Leslie Robinson, Program Manager RRWMD

Phone #: 805-882-3615 **Department/Division Representative:**  Joddi Leipner, Senior Engineering Environmental Planner

Date: May 23, 2023

Acceptance Date: _____

Date Filed by County Clerk: _____