

RECEIVED

NOTICE OF EXEMPTION

2022 MAY 25 P 4: 26

COUNTY OF SANTA BARBARA
CLERK OF THE BOARD OF SUPERVISORS

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 1, 2, 3, 4 and 5, all Supervisorial Districts

Project Title: Approval of Solid Waste Franchise Agreements and Adoption of Resolution to Establish Collection Rates for Fiscal Year 2022/23

Project Applicant: Santa Barbara County Public Works Department, RRMWD

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 1, 2 and 3 effective July 1, 2022 and ending June 30, 2029 and approval of a Franchise Agreement Between County of Santa Barbara and Valley Garbage & Rubbish Co., Inc. DBA Health Sanitation Service/Waste Management for Residential, Multi-Family and Commercial Solid Waste, Recyclables, Organics and Special Waste Collection Services for Zones 4 and 5 effective July 1, 2022 and ending June 30, 2024.

Name of Public Agency Approving Project: Santa Barbara County

Name of Person or Entity Carrying Out Project: Leslie Wells, Deputy Director

- Exempt Status:**
- Ministerial
 - Statutory Exemption
 - Categorical Exemption
 - Emergency Project
 - Declared Emergency

Cite specific CEQA and/or CEQA Guidelines Section: [cite section number and brief description or title of the exemption] CEQA Guidelines Sections 15273(a)(1), (2), and (4) Rate, Tolls and Fares,

and Charges; 15301 (Existing Facilities), 15308 (Actions by Regulatory Agencies for Protection of the Environment) and 15311(Accessory Structures).

Reasons to support exemption findings: [discuss reasons for the exemption]

The current Franchise Agreements for the exclusive right to collect solid waste from residential and commercial customers expire in County service zones 1, 2, 3, 4 and 5 on June 30, 2022. The County negotiated terms with existing haulers in Zone 1, Zone 2 and Zone 3 (MarBorg Industries) and Zone 4 and Zone 5 (Waste Management) for the continued provision of services and compliance with new State mandated organics diversion programs (SB 1383). Compliance with SB 1383 requires that all customers divert organic waste from landfill disposal with some enforcement/administrative/reporting requirements. Compliance with SB 1383 does not require construction of new facilities, but will require additional collection containers on the ground in Zones 4 and 5 and adjusted routes to collect the organic waste. The organic waste would be collected and processed at the existing Engel and Gray Composting Facility in the Santa Maria area. In addition, commingled recyclables from Zones 4 and 5, which are currently sent to Waste Management's Sun Valley Recycling Park under the existing Franchise Agreement, would be sent to the ReSource Center at the Tajiguas Landfill. The material sent to the ReSource Center would be within the overall permitted volumes in Solid Waste Facility Permit No. 42-AA-0015 analyzed in 12EIR-00000-00012 (SCH# 2012041068).

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. Section 15311 exempts construction, or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities. Consistent with these statutory exemptions the Franchise Agreements would continue existing collection agreements for the safe management of municipal solid waste and include the use of existing facilities for waste disposal and waste management. The addition of containers, adjusted routes, and compliance activities to address SB 1383 requirements for the collection of organics, and redirecting recyclables included in the current Franchise Agreement from processing at the Waste Management Sun Valley Facility to processing at the ReSource Center, represent a negligible expansion of service. The changes would require a minimal amount of new accessory equipment (e.g., collection containers). In addition, these services are in response to regulatory requirements for protection of the environment associated with solid waste management and reduction of short-lived climate pollutants from disposal of organics. Therefore, the approval of the Franchise Agreements can be found to be exempt from CEQA.

CEQA Guidelines Sections 15273(a)(1), (2), and (4) exempts the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, or other charges by public agencies which the public agency finds are for the purpose of (1) meeting operating expenses, including employee wage rates and fringe benefits; (2) purchasing or leasing supplies, equipment, or

materials and; (4) Obtaining funds for capital projects, necessary to maintain service within existing service areas. Concurrent with the approval of the new Franchise Agreements, new rates are proposed for approval. Consistent with the requirements of this exemption, the proposed rates are for the purpose of meeting ongoing services, operational expenses, previously approved capital projects (ReSource Center) and compliance with SB 1383, and not for system expansion.

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 project involves agreements for the collection of municipal solid waste and recyclables in compliance with state laws and permits and involving permitted facilities. 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 agreements 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 agreements 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 agreements 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 agreements 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 agreements 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: April 13, 2022

Acceptance Date: _____

Date Filed by County Clerk: _____



2022 CEQA Transmittal Memorandum

County of Santa Barbara - Clerk of the Board of Supervisors

105 E. Anapamu St. Room 407 • Santa Barbara • CA • 93101

(805) 568-2240

Complete this form when filing a Negative Declaration, Mitigated Negative Declaration, Environmental Impact Report or Notice of Exemption.

You will need to submit one original for posting plus one copy for the Department of Fish & Wildlife. A scanned copy including the date/time of posting will be emailed to the Lead Agency and Project Applicant. If you would like a return copy, please submit an extra copy along with a pre-addressed, stamped envelope.

Contact Person Joddi Leipner		Phone 805-882-3614	
Lead Agency Santa Barbara County Public Works, RRWMD		Lead Agency Email jleipner@countyofsb.org	
Project Title Solid Waste Franchise Agreements			
Project Applicant Marc Hill	Email mahill@countyofsb.org	Phone 805-882-3624	
Project Applicant Address 130 E. Victoria Street, Suite 100	City Santa Barbara	State CA	Zip 93101

DOCUMENT BEING FILED:

<input type="checkbox"/> Environmental Impact Report (EIR)	
<input type="checkbox"/> 2022 Filing Fee	\$3,539.25
<input type="checkbox"/> Previously Paid (must attach receipt)	\$0.00
<input type="checkbox"/> No Effect Determination (must be attached).....	\$0.00
<hr/>	
<input type="checkbox"/> Negative Declaration or Mitigated Negative Declaration	
<input type="checkbox"/> 2022 Filing Fee	\$2,548.00
<input type="checkbox"/> Previously Paid (must attach receipt)	\$0.00
<input type="checkbox"/> No Effect Determination (must be attached).....	\$0.00
<hr/>	
<input checked="" type="checkbox"/> Notice of Exemption	\$0.00
<hr/>	
<input checked="" type="checkbox"/> County Administrative Handling Fee (required for all filings, effective 7/19/18)	\$50.00

TOTAL: \$ 50.00

PAYMENT METHOD: ALL APPLICABLE FEES MUST BE PAID AT THE TIME OF FILING

Cash Credit Card Check # _____ Journal Entry # 0232088
(in person only)



State of California - Department of Fish and Wildlife
2022 ENVIRONMENTAL DOCUMENT FILING FEE
CASH RECEIPT
 DFW 753.5a (REV. 01/01/22) Previously DFG 753.5a

Print **Start Over** **Save**

RECEIPT NUMBER:
 42 — 05/25/2022 — 095
 STATE CLEARINGHOUSE NUMBER (If applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY Santa Barbara County Public Works, RRWMD	LEAD AGENCY EMAIL jleipner@countyofsb.org	DATE 05/25/2022
COUNTY/STATE AGENCY OF FILING Santa Barbara	DOCUMENT NUMBER	

PROJECT TITLE

NOE - Solid Waste Franchise Agreements

PROJECT APPLICANT NAME Marc Hill	PROJECT APPLICANT EMAIL mahill@countyofsb.org	PHONE NUMBER (805) 882-3624
PROJECT APPLICANT ADDRESS 130 E. Victoria Street, Suite 100	CITY STATE Santa Barbara CA	ZIP CODE 93101

PROJECT APPLICANT (Check appropriate box)

- Local Public Agency
 School District
 Other Special District
 State Agency
 Private Entity

CHECK APPLICABLE FEES:

- | | | | |
|---|------------|----|------|
| <input type="checkbox"/> Environmental Impact Report (EIR) | \$3,539.25 | \$ | 0.00 |
| <input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND) | \$2,548.00 | \$ | 0.00 |
| <input type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW | \$1,203.25 | \$ | 0.00 |
|
 | | | |
| <input checked="" type="checkbox"/> Exempt from fee | | | |
| <input checked="" type="checkbox"/> Notice of Exemption (attach) | | | |
| <input type="checkbox"/> CDFW No Effect Determination (attach) | | | |
| <input type="checkbox"/> Fee previously paid (attach previously issued cash receipt copy) | | | |

- | | | | |
|---|----------|----|-------|
| <input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only) | \$850.00 | \$ | 0.00 |
| <input checked="" type="checkbox"/> County documentary handling fee | | \$ | 50.00 |
| <input type="checkbox"/> Other | | \$ | |

PAYMENT METHOD:

- Cash
 Credit
 Check
 Other
 TOTAL RECEIVED
 \$ 50.00

SIGNATURE 	AGENCY OF FILING PRINTED NAME AND TITLE Chelsea Lenzi, Deputy Clerk
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State of California - Department of Fish and Wildlife
2022 ENVIRONMENTAL DOCUMENT FILING FEE
CASH RECEIPT
 DFW 753.5a (REV. 01/01/22) Previously DFG 753.5a

NOTICE

Each project applicant shall remit to the county clerk the environmental filing fee before or at the time of filing a Notice of Determination (Pub. Resources Code, § 21152; Fish & G. Code, § 711.4, subdivision (d); Cal. Code Regs., tit. 14, § 753.5). Without the appropriate fee, statutory or categorical exemption, or a valid No Effect Determination issued by the California Department of Fish and Wildlife (CDFW), the Notice of Determination is not operative, vested, or final, and shall not be accepted by the county clerk.

COUNTY DOCUMENTARY HANDLING FEE

The county clerk may charge a documentary handling fee of fifty dollars (\$50) per filing in addition to the environmental filing fee (Fish & G. Code, § 711.4, subd. (e); Cal. Code Regs., tit. 14, § 753.5, subd. (g)(1)). A county board of supervisors shall have the authority to increase or decrease the fee or charge, that is otherwise authorized to be levied by another provision of law, in the amount reasonably necessary to recover the cost of providing any product or service or the cost of enforcing any regulation for which the fee or charge is levied (Gov. Code, § 54985, subd. (a)).

COLLECTION PROCEDURES FOR COUNTY GOVERNMENTS

Filing Notice of Determination (NOD):

- Collect environmental filing fee or copy of previously issued cash receipt. *(Do not collect fee if project applicant presents a No Effect Determination signed by CDFW. An additional fee is required for each separate environmental document. An addendum is not considered a separate environmental document. Checks should be made payable to the county.)*
- Issue cash receipt to project applicant.
- Attach copy of cash receipt and, if applicable, previously issued cash receipt, to NOD.
- Mail filing fees for CRP document to CDFW prior to filing the NOD or equivalent final approval (Cal. Code Regs. Tit. 14, § 753.5 (b)(5)). The CRP should request receipt from CDFW to show proof of payment for filing the NOD or equivalent approval. Please mail payment to address below made attention to the Cash Receipts Unit of the Accounting Services Branch.

If the project applicant presents a No Effect Determination signed by CDFW, also:

- Attach No Effect Determination to NOD *(no environmental filing fee is due).*

Filing Notice of Exemption (NOE) (Statutorily or categorically exempt project (Cal. Code Regs., tit. 14, §§ 15260-15285, 15300-15333))

- Issue cash receipt to project applicant.
- Attach copy of cash receipt to NOE *(no environmental filing fee is due).*

Within 30 days after the end of each month in which the environmental filing fees are collected, each county shall summarize and record the amount collected on the monthly State of California Form No. CA25 (TC31) and remit the amount collected to the State Treasurer. Identify the remittance on Form No. CA25 as "Environmental Document Filing Fees" per Fish and Game Code section 711.4.

The county clerk shall mail the following documents to CDFW on a monthly basis:

- ✓ A photocopy of the monthly State of California Form No. CA25 (TC31)
- ✓ CDFW/ASB copies of all cash receipts (including all voided receipts)
- ✓ A copy of all CDFW No Effect Determinations filed in lieu of fee payment
- ✓ A copy of all NODs filed with the county during the preceding month
- ✓ A list of the name, address and telephone number of all project applicants for which an NOD has been filed. If this information is contained on the cash receipt filed with CDFW under California Code of Regulations, title 14, section 753.5, subdivision (e)(6), no additional information is required.

DOCUMENT RETENTION

The county shall retain two copies of the cash receipt (for lead agency and county clerk) and a copy of all documents described above for at least 12 months.

RECEIPT NUMBER

- # The first two digits automatically populate by making the appropriate selection in the County/State Agency of Filing drop down menu.
- # The next eight digits automatically populate when a date is entered.
- # The last three digits correspond with the sequential order of issuance for each calendar year. For example, the first receipt number issued on January 1 should end in 001. If a county issued 252 receipts for the year ending on December 31, the last receipt number should end in 252. CDFW recommends that counties and state agencies 1) save a local copy of this form, and 2) track receipt numbers on a spreadsheet tabbed by month to ensure accuracy.

DO NOT COMBINE THE ENVIRONMENTAL FEES WITH THE STATE SHARE OF FISH AND WILDLIFE FEES.

Mail to:
 California Department of Fish and Wildlife
 Accounting Services Branch
 P.O. Box 944209
 Sacramento, California 94244-2090