

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 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, 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 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: _____