

Attachment C

NOTICE OF EXEMPTION

RECEIVED

2023 JUL 13 A 10: 16

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: _____



2023 CEQA Transmittal Memorandum

D-1-13

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 Marc Hill/Joddi Leipner		Phone 805 882-3624/882-3614	
Lead Agency Santa Barbara County Public Works Department, Resource Recovery and Waste Management Division		Lead Agency Email mahill@countyofsb.org/jleipner@cosbpw.net	
Project Title Solid Waste Collection Franchise Agreement in Zone 4 & Zone 5 - Supervisorial Districts 3,4 &5			
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:

- Environmental Impact Report (EIR)
 - 2023 Filing Fee \$3,839.25
 - Previously Paid (must attach receipt) \$0.00
 - No Effect Determination (must be attached)..... \$0.00

- Negative Declaration or Mitigated Negative Declaration
 - 2023 Filing Fee \$2,764.00
 - Previously Paid (must attach receipt) \$0.00
 - No Effect Determination (must be attached)..... \$0.00

- Notice of Exemption \$0.00

- 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 # **JE0249298**
- (in person only)

Journal Entry

Document Number: JE - 0249298 Batch ID: 2782254 Created On: 5/24/2023 11:05:37 AM
 Document Description: Clerk of the Board NOE Fee Processed On: Created By: Kyle Houchens
 Post On: Processed By:

References

Audit Trail: Cash Type: I - Interfund

Accounting

Fund	Dept	GL Acct	LI Acct	Debit Amount	Credit Amount	Prog	OUnit	Proj	Act	Area	Equip	Depositor	Description
1930	054	2810	7650	50.00		1950		195000	ADMN				SBCOB NOE Fee - Zones 4 & 5 Franchise Agreement
1930		0110			50.00								SBCOB NOE Fee - Zones 4 & 5 Franchise Agreement
0001		0110		50.00									SBCOB NOE Fee - Zones 4 & 5 Franchise Agreement
0001	012	2710	5746		50.00	4020							SBCOB NOE Fee - Zones 4 & 5 Franchise Agreement
			Total	100.00	100.00								

Signatures

Signed By	Approval Level	Department/Agency-Fund Group	Signed On	Valid
Kyle Houchens		054-Public Works	5/24/2023 11:09:42 AM	Y
Gloria Alvarez	Fund/Department	054-Public Works Funds	5/24/2023 6:11:54 PM	Y



State of California - Department of Fish and Wildlife
2023 ENVIRONMENTAL DOCUMENT FILING FEE
CASH RECEIPT
 DFW 753.5a (REV. 01/01/23) Previously DFG 753.5a

Print **StartOver** **Save**

RECEIPT NUMBER:
 42 — 07/12/2023 — 183
 STATE CLEARINGHOUSE NUMBER (If applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY Santa Barbara County Public Works, RRWM		LEAD AGENCY EMAIL jleipner@cosbpw.net	DATE 07/12/2023
COUNTY/STATE AGENCY OF FILING Santa Barbara			DOCUMENT NUMBER

PROJECT TITLE

Solid Waste Collection Franchise Agreement in Zone 4 & Zone 5

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 Santa Barbara	STATE 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) | \$3,839.25 | \$ | 0.00 |
| <input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND) | \$2,764.00 | \$ | 0.00 |
| <input type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW | \$1,305.25 | \$ | 0.00 |

- Exempt from fee
 Notice of Exemption (attach)
 CDFW No Effect Determination (attach)
 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 X	AGENCY OF FILING PRINTED NAME AND TITLE Chelsea Lenzi, Deputy Clerk
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State of California - Department of Fish and Wildlife
2023 ENVIRONMENTAL DOCUMENT FILING FEE

CASH RECEIPT

DFW 753.5a (REV. 01/01/23) 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