

R-18

February 15, 2022

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Adopt a Resolution to authorize the City Manager, or designee, to submit a Notice of Intent to Comply with the regulations of Senate Bill 1383 (SB 1383) per the Senate Bill 619 (SB 619) Statute. (Citywide)

DISCUSSION

CalRecycle, in consultation with the California Air Resources Board (CARB), has adopted regulatory requirements (Regulations), consistent with the mandate of SB 1383 (Lara, 2016), that are designed to achieve the organic waste reduction goals established in Section 39730.6 of the Health and Safety Code through a 50 percent reduction in the level of statewide disposal of organic waste from the 2014 level by 2020, and a 75 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2025.

Due to delays associated with the pandemic and resulting limited resources, the City of Long Beach (City) is facing possible violations of the Regulations during the 2022 calendar year. SB 619 (Laird, 2021), through amendments to Section 42652.5 of the Public Resources Code (Statute), created a mechanism called a Notification of Intent to Comply through which a local jurisdiction may secure administrative civil penalty relief from any continuing violations of the Regulations for the 2022 calendar year and may be eligible for a broader and longer-term regulatory compliance path, including suspended administrative civil penalties, through a corrective action plan.

CalRecycle requires the City Council approval to adopt a Resolution that meets the requirements of the Statute to submit a Notification of Intent to Comply.

This matter was reviewed by Deputy City Attorney Erin Weesner McKinley on February 2, 2022 and by Budget Management Officer Nader Kaamouch on February 1, 2022.

TIMING CONSIDERATIONS

City Council action is requested on February 15, 2022, to ensure submission of the Notification of Intent to Comply by CalRecycle's March 1, 2022 deadline.

FISCAL IMPACT

There are no fiscal or local job impacts to the City for submitting a Notice of Intent to Comply. However, the City can be assessed fines for non-compliance of SB 1383 beginning January 1, 2024 retroactive to January 1, 2022 if a Notice of Intent to Comply is not submitted by the March 1, 2022 deadline. This legislation provides the City with at least one year of relief from possible financial penalties for non-compliance. This recommendation has no staffing impact beyond the normal budgeted scope of duties and is consistent with existing City Council priorities.

SUGGESTED ACTION:

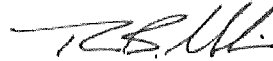
Approve recommendation.

Respectfully submitted,



ERIC LOPEZ
DIRECTOR OF PUBLIC WORKS

APPROVED:



THOMAS B. MODICA
CITY MANAGER

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SUBMIT A NOTICE OF INTENT TO COMPLY WITH THE REGULATIONS OF SB1383 PER THE SB619 STATUTE

WHEREAS, CalRecycle, in consultation with the California Air Resources Board, has adopted regulatory requirements (Regulations), consistent with the mandate of Senate Bill 1383 (Lara, 2016), that are designed to achieve the organic waste reduction goals established in Section 39730.6 of the Health and Safety Code through a 50 percent (50%) reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent (75%) reduction in the level of the statewide disposal of organic waste from the 2014 level by 2025; and

WHEREAS, the City of Long Beach is a local jurisdiction required to comply with the Regulations; and

WHEREAS, the City of Long Beach is facing continuing violations of the Regulations commencing during the 2022 calendar year; and

WHEREAS, Senate Bill 619 (Laird, 2021), through amendments to Section 42652.5 of the Public Resources Code (Statute), created a mechanism called a Notification of Intent to Comply through which a local jurisdiction may secure administrative civil penalty relief from any continuing violations of the Regulations for the 2022 calendar year and may be eligible for a broader and longer-term regulatory compliance path, including suspended administrative civil penalties, through a corrective action plan; and

WHEREAS, the City of Long Beach is a local jurisdiction authorized by the Statute to submit a Notification of Intent to Comply for CalRecycle approval; and

WHEREAS, CalRecycle shall approve a Notification of Intent to Comply that

1 is duly adopted by the jurisdiction by formal written resolution and meets the requirements
2 of the Statute;

3 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
4 follows:

5 Section 1. The City Council of the City of Long Beach by and through its
6 City Manager, or his designee, hereby formally adopts the Notification of Intent to Comply.

7 Section 2. The City Council of the City of Long Beach hereby authorizes
8 and directs the City Manager, or his designee, on its behalf, to submit the Notification of
9 Intent to Comply to CalRecycle for approval pursuant to the Statute.

10 Section 3. By submitting the Notification of Intent to Comply pursuant to
11 and subject to the above referenced requirements, the City of Long Beach represents and
12 certifies that it will implement the proposed actions to remedy the violations according to
13 the proposed schedule as approved by CalRecycle and in accordance with the Statute and
14 Regulations.

15 Section 4. The City of Long Beach by and through its City Manager also
16 acknowledges and agrees to comply with any maximum compliance deadline in any
17 corrective action plan that CalRecycle, in its sole discretion, determines to be necessary
18 and appropriate under the circumstances for the correction of any violation(s) of the Statute
19 and Regulations identified in its Notification of Intent to Comply.

20 Section 5. This resolution shall take effect immediately upon its adoption
21 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

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OFFICE OF THE CITY ATTORNEY
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Long Beach, CA 90802-4664

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I hereby certify that the foregoing resolution was adopted by the City Council
of the City of Long Beach at its meeting of _____, 2022
by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

Recusal(s): Councilmembers: _____

City Clerk