



Legislation Text

File #: 22-0183, **Version:** 1

Recommendation to adopt resolution to authorize 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)

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. SB 619 was created and passed by State legislature as they are aware that many California cities are not able to comply with this sweeping new trash mandate to reduce organics from going to the landfill. Therefore, SB 619 was specifically designed to allow for additional time to comply, provided that a jurisdiction take inventory of where they are having specific challenges and report those to the State.

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 Kaamoush on February 1, 2022.

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.

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.

Approve recommendation.

[Enter Body Here]

ERIC LOPEZ
DIRECTOR OF PUBLIC WORKS

APPROVED:

THOMAS B. MODICA
CITY MANAGER