

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, ADOPTING THE NOTIFICATION OF INTENT TO COMPLY (NOI) WITH SB 1383 REGULATIONS AND AUTHORIZING THE SUBMITTAL OF THE NOI TO CALRECYCLE, IN COMPLIANCE WITH SB 619.

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 reduction in the level of the 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;

WHEREAS, the City of Culver City (City) is a local jurisdiction required to comply with the Regulations;

WHEREAS, the City expects it may not meet all compliance standards contained within the Regulations by the required deadlines;

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 for 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;

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

1 WHEREAS, CalRecycle shall approve a Notification of Intent to Comply that
2 is duly adopted by a jurisdiction by formal written resolution and meets the requirements of
3 the Statute.

4
5 NOW, THEREFORE, the City Council of the City of Culver City DOES
6 HEREBY RESOLVE as follows:

7 1. The Notification of Intent to Comply (NOI), attached hereto as Exhibit
8 A, is hereby adopted.

9 2. The City Manager, or designee, is hereby authorized and directed to submit
10 the NOI to CalRecycle for approval pursuant to the Statute.

11 3. This Resolution shall take effect immediately upon its adoption.
12


13
14 APPROVED and ADOPTED this _____ day of _____, 2022.

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16
17 _____
18 DR. DANIEL LEE, Mayor
19 City of Culver City, California

20 ATTEST:

21 APPROVED AS TO FORM:

22 _____
23 JEREMY GREEN, City Clerk

24 
25 _____
26 HEATHER S. BAKER, City Attorney

27 A22-00019
28

EXHIBIT A

Notification of Intent to Comply

CalRecycle is providing this optional form as a convenience to assist jurisdictions (counties, cities, a county and city, or special districts providing solid waste collection services) for purposes of submitting a notification of intent to comply to CalRecycle [see Public Resources Code (PRC) section 42652.5(c)].

A jurisdiction may submit a notification of intent to comply if it is facing continuing violations of the Short-lived Climate Pollutants: Organic Waste Reductions requirements in Title 14 California Code of Regulations (14 CCR). The written notification of intent to comply, adopted by resolution of the jurisdiction's governing body, shall be sent to CalRecycle no later than **March 1, 2022**, to NOIC@CalRecycle.ca.gov.

A jurisdiction shall, at minimum, include the following in its notification:

1. A description, with specificity, of the continuing violations.
2. A detailed explanation of the reasons, supported by documentation, why the local jurisdiction is unable to comply.
3. A description of the impacts of the COVID-19 pandemic on compliance.
4. A description of the proposed actions the local jurisdiction will take to remedy the violations within the timelines established in 14 CCR section 18996.2 with a proposed schedule for doing so. The proposed actions shall be tailored to remedy the violations in a timely manner.

Upon approval by CalRecycle of a jurisdiction's notification and implementation of the intent to comply, a jurisdiction may be eligible for both of the following:

1. Administrative civil penalty relief for the 2022 calendar year pursuant to PRC section 42652.5(d).
2. A corrective action plan pursuant to 14 CCR section 18996.2.
 - a. CalRecycle may address through a corrective action plan any violations disclosed in a jurisdiction's notification that will take more than 180 days to correct. In this situation, the proposed actions and schedule in the jurisdiction's approved notification will be in effect until a corrective action plan is issued.

CalRecycle will respond in writing to a jurisdiction within 45 business days of receiving its notification with an approval, disapproval, request for additional information, or timeline for a decision on approval or disapproval. CalRecycle will include details about why a jurisdiction did not meet the requirements for a Notification of Intent to Comply when disapproving the jurisdiction's notification.

Please clearly print or type responses. Attach additional pages as necessary.

Jurisdiction Name: City of Culver City County: Los Angeles

Person Completing the Form: Daniel Pankau

First Name: Daniel Last Name: Pankau

Title: Management Analyst

Mailing Address: 9505 W. Jefferson Blvd

City: Culver City Zip Code: 90232

Email Address: Daniel.Pankau@culvercity.org

Phone Number: 310-253-6453

1. Select using the check boxes below or write in the continuing violations for each applicable regulatory section. For each selection, please describe the specific violations related to the regulatory section.

Disclaimer: The list of possible continuing violations below is not inclusive of all potential violations of the regulations.

- ☒ (B) 14 CCR section 18984.1 Three-Container Organic Waste Collection Services
- ☐ (C) 14 CCR section 18984.2 Two-Container Organic Waste Collection Services
- ☐ (D) 14 CCR section 18984.3 Unsegregated Single Container Collection Services
- ☒ (E) 14 CCR section 18984.4 Recordkeeping Requirements for Compliance with Organic Waste Collection Services
- ☒ (F) 14 CCR section 18984.5 Container Contamination Minimization
- ☒ (G) 14 CCR section 18984.6 Recordkeeping Requirements for Container Contamination Minimization
- ☒ (H) 14 CCR section 18984.7 Container Color Requirements
- ☒ (I) 14 CCR section 18984.8 Container Labeling Requirements
- ☐ (J) 14 CCR section 18984.11 Waivers Granted by a Jurisdiction
- ☒ (K) 14 CCR section 18985.1. Organic Waste Recovery Education and Outreach.
- ☐ (L) 14 CCR section 18985.2. Edible Food Recovery Education and Outreach
- ☐ (M) 14 CCR section 18985.3. Recordkeeping Requirements for a Jurisdiction's Compliance with Education and Outreach Requirements
- ☐ (N) 14 CCR section 18988.1. Jurisdiction Approval of Haulers and Self-Haulers
- ☐ (O) 14 CCR section 18988.3. Self-haulers of Organic Waste
- ☐ (P) 14 CCR section 18988.4. Recordkeeping Requirements for Compliance with Jurisdiction Hauler Program
- ☐ (Q) 14 CCR section 18989.1. CALGreen Building Codes
- ☐ (R) 14 CCR section 18989.2 Model Water Efficient Landscape Ordinance
- ☐ (S) 14 CCR section 18991.1. Jurisdiction Edible Food Recovery Program
- ☐ (T) 14 CCR section 18991.2. Recordkeeping Requirements for Jurisdiction Edible Food Recovery Program
- ☐ (U) 14 CCR section 18992.1. Organic Waste Recycling Capacity Planning
- ☐ (V) 14 CCR section 18992.2. Edible Food Recovery Capacity

- ☐ (W) 14 CCR section 18993.1. Recovered Organic Waste Product Procurement Target
- ☐ (X) 14 CCR section 18993.2. Recordkeeping Requirements for Recovered Organic Waste Procurement Target
- ☐ (Y) 14 CCR section 18993.3. Recycled Content Paper Procurement Requirements
- ☐ (Z) 14 CCR section 18993.4. Recordkeeping Requirements for Recycled Content Paper Procurement

- ☐ (BB) 14 CCR section 18995.1. Jurisdiction Inspection Requirements

Note: Section 18995.1(a)(1) should not be included because a jurisdiction should already be completing this action due to the requirements of PRC Chapter 12.9 (commencing with Section 42649.8)

- ☐ (CC) 14 CCR section 18995.2. Implementation Record and Recordkeeping Requirements
- ☐ (EE) 14 CCR section 18995.4. Enforcement by a Jurisdiction

Use the check box(es) below to describe the specific violations related to the regulatory section.

- ☒ 14 CCR section 18984.1 Three-Container Organic Waste Collection Services
- ☒ 14 CCR section 18984.4 Recordkeeping Requirements for Compliance with Organic Waste Collection Services
- ☒ 14 CCR section 18984.5 Container Contamination Minimization
- ☒ 14 CCR section 18984.7 Container Color Requirements
- ☒ 14 CCR section 18984.8 Container Labeling Requirements
- ☒ 14 CCR section 18985.1. Organic Waste Recovery Education and Outreach

- i. Not implementing three-container organics waste collection at all applicable commercial (under 2cy/week) and multi-family locations.*

Note: City already provides mandatory greenwaste and foodwaste collection to all residential locations and will have completed collection services for all regulated business over the 2cy/week threshold, as a result, the route reviews, compliant containers, contamination and associated education and outreach will need to be implemented for these remaining commercial generators.

2. A detailed explanation of the reasons why the jurisdiction is unable to comply, supported by documentation, if applicable.

Although the SB1383 regulations have been in development for several years, they were not fully finalized until November 2020, only giving local jurisdictions thirteen months to fully implement various facets of the regulations. During this timeframe our city and more specifically our department Environmental Programs and Operations (EPO) were hindered with budget shortfalls due to expanding costs associated with the increased regulatory requirements along with increased disposal costs and decreased recycling revenues. It should be noted that even in this challenging environment the EPO team was able to create and adopt both the required procurement policy and city specific SB 1383 Ordinance well before the required 2022 deadline. We continue to expand our organics and food waste recovery throughout the community. Foodwaste and Greenwaste

collection (comingled) has been available to all single-family residential customers for some time. As described below in section (3), the Covid-19 pandemic had a major impact on compliance.

3. A description of the impacts of the COVID-19 pandemic on compliance.

Fully implementing the various facets of the SB1383 regulations during the pandemic has been challenging. Our city and department have had to deal with internal staffing shortages and or hiring freezes and eventual training of new staff. We have had decreased revenue and subsequent funding for environmental programs due to the pandemic and lack of tourism tax dollars coming into the city. There has been lack of ability to visit applicable sites due to staffing and or locations being closed or not allowing in person service. We have not been able to inspect or visit many site locations for both donor and recipients regarding edible foodwaste. We have begun to ramp up our staffing support and consulting services to meet the base level of compliance with the recordkeeping and reporting aspects of SB 1383. We continue to enroll commercial restaurant locations into our organics program (added 28 this month).

4. Provide see description and proposed schedule for completing each action within implementation table below.

I hereby certify under penalty of perjury that the information provided herein is true and correct to the best of my knowledge.

| | | | |
|-----------|---------------|--------------------|-----------|
| ----- | Daniel Pankau | Management Analyst | 1/31/2022 |
| -- | -- | - | - |
| Signature | Printed Name | Title | Date |

Description of the proposed actions with proposed schedules the jurisdiction will take to remedy the violations. The proposed actions shall be tailored to remedy the violations in a timely manner.

| <p>Regulatory Requirement: 14 CCR section 18984.1 Three-Container Organic Waste Collection Services 14 CCR section 18984.4 Recordkeeping Requirements for Compliance with Organic Waste Collection Services 14 CCR section 18984.5 Container Contamination Minimization 14 CCR section 18984.6 Recordkeeping Requirements Container Contamination 14 CCR section 18984.7 Container Color Requirements 14 CCR section 18984.8 Container Labeling Requirements 14 CCR section 18985.1. Organic Waste Recovery Education and Outreach</p> <p>Description: Not implementing three-container organics waste collection at all applicable commercial (under 2cy/week) and multi-family locations. Note: City already provides mandatory greenwaste and foodwaste collection to all residential locations and will have completed collection services for all regulated business over 2cy/week threshold, as a result, the route reviews, compliant containers, container contamination and associated education and outreach will need to be implemented for these remaining commercial generators.</p> | |
|--|--|
| Action | Proposed Schedule |
| TASK 1: Completion of all site assessments for applicable locations commercial (under 2cy/week) and multi-family | Date to be completed: 7/1/2022 |
| TASK 2: Using site assessment data to determine the number of resources needed for personnel, compliant containers to provides the required services to at all applicable commercial (under 2cy/week) and multi-family locations. | Date to be completed: 7/1/2023 City will notify CalRecycle of any timeline changes as a result potential supply chain issues |
| TASK 3: Complete three container organics waste collection services at all appliable commercial and multi-family locations. This service will be with compliant containers along with necessary educational materials. Followed by targeted contamination minimization. | Date to be completed: 12/31/2023 City will notify CalRecycle of any timeline changes as a result potential supply chain issues |