



City of Culver City

Staff Report

File #: 22-717, Version: 1

Item #: C-3.

CC - Adoption of a Resolution Adopting a Notification of Intent to Comply (NOI) with SB 1383 Regulations and Authorizing the Submittal of the NOI to CalRecycle, in Compliance with SB 619.

Meeting Date: February 14, 2022

Contact Person/Dept: Daniel Pankau/PW Environmental Programs & Operations Division

Phone Number: 310-253-6453

Fiscal Impact: Yes No

General Fund: Yes No

Public Hearing: **Action Item:** **Attachments:**

Commission Action Required: Yes No **Date:**

Public Notification: (E-Mail) Meetings and Agendas - City Council (02/09/2022)

Department Approval: Yanni Demitri, PW Director/City Engineer (01/31/2022)

RECOMMENDATION

Staff recommends the City Council adopt a resolution adopting a Notification of Intent to Comply (NOI) with SB 1383 regulations and authorizing the submittal of the NOI to CalRecycle, in compliance with SB 619 (Attachment 1).

BACKGROUND/DISCUSSION

SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, required CalRecycle to develop regulations to reduce organics in landfills as a source of methane. These regulations placed requirements on multiple entities, including municipalities, residential households, businesses, commercial edible food generators, haulers, solid waste facilities, food recovery organizations, and food recovery services, to support achievement of the statewide organic waste disposal reduction targets set by state legislation.

SB 1383's requirements include:

- additional organics collection programs

- processing facility requirements
- conducting contamination monitoring
- providing outreach and education
- maintaining a detailed database
- compiling and submitting reports
- monitoring compliance by conducting annual waste characterizations analyses and route audits
- conducting enforcement based on timeline and metrics provided by the state.
- recovering edible food

Municipalities were required to implement SB 1383 starting on January 1, 2022. However, as jurisdictions are preparing and implementing the new regulations, many local governments are facing challenges due to the COVID-19 pandemic. In response, Governor Newsom signed SB 619 (Laird, Chapter 508, Statutes of 2021), to support local governments as they design and implement organic waste recycling programs, in compliance with SB 1383, throughout the state. SB 619 authorizes CalRecycle to waive civil penalties for non-compliance with SB 1383 if a jurisdiction submits a Notification of Intent to Comply applicable to some or all SB 1383's regulatory requirements by March 1, 2022. An NOI must be in writing and must be adopted by formal resolution of the governing body of a municipality. As part of an NOI, local jurisdictions are required to submit a description of the proposed actions the local jurisdiction will take to remedy non-compliance within an established timeline. Upon CalRecycle's receipt and acceptance of any NOI, it may waive administrative civil penalties for the non-compliance if the local jurisdiction implements the actions proposed in the NOI. If a local jurisdiction does not adhere to the proposed actions and schedule described in an NOI, then CalRecycle may revoke its approval of the NOI and impose administrative civil penalties for the non-compliance.

The City will utilize the proposed NOI (Exhibit A to Attachment 1) to request additional time to implement organic waste recycling services at all City businesses and multi-family locations. This request will also extend to other SB 1383 requirements, such as outreach, container colorization and container labeling. The City has been working with representatives from CalRecycle to evaluate the City's implementation plans and CalRecycle has provided feedback that the City is making sufficient progress with the other elements of SB 1383.

FISCAL ANALYSIS

There is no fiscal impact from the discussion of this matter or the adoption of the proposed Resolution. However, submission and approval of the NOI by CalRecycle could potentially shield the City from civil penalties associated with non-compliance with SB 1383's implementation

requirements.

ATTACHMENTS

1. 2022-2-14- ATT Resolution Adopting Notice of Intent to Comply

MOTION

That the City Council:

Adopt a Resolution adopting a Notice of Intent to Comply with SB 1383 regulations and authorizing the submittal of the NOI to CalRecycle in compliance with SB 619.