



Item No. 11 Town of Atherton

CITY COUNCIL STAFF REPORT – CONSENT AGENDA

TO: HONORABLE MAYOR AND TOWN COUNCIL

THROUGH: GEORGE RODERICKS, TOWN MANAGER

FROM: DOUGLAS KIM, SUSTAINABILITY COORDINATOR

DATE: FEBRUARY 16, 2022

SUBJECT: ADOPTION OF A RESOLUTION REGARDING A NOTICE OF INTENT TO COMPLY WITH SB 1383 REGULATIONS

RECOMMENDATION

Approve a resolution regarding a Notice of Intent to comply with SB 1383 regulations governing organic waste.

BACKGROUND

The California Department of Resources Recycling and Recovery (CalRecycle) oversees a variety of programs and policy initiatives to reduce the amount of solid waste sent to landfills and to promote recycling within the State, including organic waste recycling under new Senate Bill (SB) 1383. SB 1383 calls on jurisdictions to adopt ordinances or other enforcement mechanisms to accomplish the goal of reducing organic materials delivered to landfills; as well as taking additional program implementation steps. Reducing organics in landfills reduces the production of methane a harmful greenhouse gas (GHG).

As it faced delays in finalizing the SB 1383 regulations, CalRecycle prioritized three components of the regulations to be in place prior to January 2022: an enforceable ordinance, an edible food recovery program, and mandatory organics collection. As a response to the challenges created by the COVID-19 pandemic and the associated delays in rulemaking for SB 1383, Governor Newsom signed Senate Bill 619, which allows agencies to request that CalRecycle waive fines for non-compliance by January 1, 2022 and essentially delay implementation until later this year. The fines would only be waived for agencies that have a “Notice of Intent to Comply” (NOIC) on file with CalRecycle by March 2022.

ANALYSIS

Staff intends to apply for a Notice of Intent to Comply for meeting the procurement target set forth in SB 1383. While staff has explored many options for meeting the target, additional information is needed about possible usages of compost and mulch, which will be obtained via a process currently underway (provided by the Town’s hauler, Green Waste Recovery). In the meantime,

filing a Notification of Intent to Comply with CalRecycle will protect the Town from any risk of penalty for not complying in the short term with the procurement requirement for recovered organic content products.

NEXT STEPS

Following approval of the Resolution, staff will continue work with Green Waste Recovery and its consultant to assess possible usage of compost and mulch on Town-managed lands and explore additional compliance pathways.

FISCAL IMPACT

None.

GOAL ALIGNMENT

This Report and its contents are in alignment with the following Council Policy Goals:

- Goal F – Be Forward-Thinking, Well-Managed and Well-Planned

PUBLIC NOTICE

Public notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting in print and electronically. Information about the project is also disseminated via the Town’s electronic News Flash and Atherton Online. There are approximately 1,400 subscribers to the Town’s electronic News Flash publications. Subscribers include residents as well as stakeholders – to include, but be not limited to, media outlets, school districts, Menlo Park Fire District, service providers (water, power, and sewer), and regional elected officials.

COMMISSION/COMMITTEE FEEDBACK/REFERRAL

This item ___ has or X has not been before a Town Committee or Commission.

- ___ Audit/Finance Committee (meets every other month)
- ___ Bicycle/Pedestrian Committee (meets as needed)
- ___ Civic Center Advisory Committee (meets as needed)
- ___ Environmental Programs Committee (meets every other month)
- ___ Park and Recreation Committee (meets each month)
- ___ Planning Commission (meets each month)
- ___ Rail Committee (meets every other month)
- ___ Transportation Committee (meets every other month)

ATTACHMENTS

1. SB 1383 NOIC Resolution 22-XX

RESOLUTION NO. 2022-XX

A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON ADOPTING A NOTIFICATION OF INTENT TO COMPLY WITH SB 1383 RESGULATIONS

WHEREAS, the California Department of Resources Recycling and Recovery (“CalRecycle”) adopted regulations to implement Senate Bill 1383 (Lara, Statutes of 2016) (“SB 1383 Regulations”), to achieve organic waste reduction goals established in Health and Safety Code Section 39730.6 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; and

WHEREAS, the Town of Atherton (“Town”) is a local jurisdiction required to comply with the SB 1383 Regulations; and

WHEREAS, the Town is or expects to be facing violations of the SB 1383 Regulations during the 2022 calendar year; and

WHEREAS, Senate Bill 619 (Laird, Statutes of 2021) amended Public Resources Code Section 42652.5, 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 SB 1383 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 Town is a local jurisdiction authorized by SB 619 to submit a Notification of Intent to Comply for CalRecycle approval; and

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF ATHERTON DOES RESOLVE AS FOLLOWS:

Section 1. The Town Council hereby directs the City Manager, or his/her designee to submit the Notification of Intent to Comply to CalRecycle for approval.

Section 2. This resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED by the Town Council of the Town of Atherton on February 16, 2022, by the following vote:

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the Town of Atherton at a regular meeting thereof held on the ____ day of February 2022, by the following vote.

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

Rick DeGolia, Mayor
Town of Atherton

ATTEST:

Anthony Suber, City Clerk

APPROVED AS TO FORM:

Mona Ebrahimi, City Attorney