

RESOLUTION NO. 2021-63

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLEARLAKE AFFIRMING THE CITY OF CLEARLAKE'S EXEMPTION FROM THE REQUIREMENTS OF MANDATORY ORGANICS COLLECTION SERVICES

WHEREAS, the City of Clearlake is committed to meeting its solid waste diversion requirements through program implementation of its Source Reduction and Recycling Element of its Integrated Waste Management Plan; and,

WHEREAS, the City of Clearlake is committed to meeting its mandatory commercial recycling requirements, pursuant to PRC, Section 42649.3, through program implementation as directed by the Department of Resources Recycling and Recovery (CalRecycle); and,

WHEREAS, Senate Bill (SB) 1383 (Lara, 2016) was signed into law and establishes methane emissions reduction goals of 50 percent in the level of the statewide landfill disposal of organic waste from the 2014 level by 2020 and 75 percent by 2025 and increase edible food recovery by 20 percent by 2025; and,

WHEREAS, the Department of Resources Recycling and Recovery (CalRecycle) developed regulations in Title 14 Natural Resources, Division 7, Chapter 12: Short-lived Climate Pollutants in the California Code of Regulations to implement the goals in SB 1383; and

WHEREAS, Chapter 12 Article 3 (commencing with Section 18984) Organic Waste Collection Services requires jurisdictions implement an organic waste diversion program that provides organic waste collection services to all businesses and residences; and

WHEREAS, Section 18984.12 (c) allows the governing body of a rural jurisdiction to adopt a resolution exempting the jurisdiction from the requirements of Article 3 based upon findings as to the purpose of and need for the exemption; and,

WHEREAS, Section 42649.8 of the Public Resources Code defines a rural jurisdiction as a jurisdiction that is located entirely within one or more rural counties, or a regional agency comprised of jurisdictions that are located within one or more rural counties. A rural county means a county that has a total population of less than 70,000 persons; and

WHEREAS, Lake County has a population of 63,940 persons, which is less than 70,000 persons, as of the California Department of Finance's most current population estimate; and,

WHEREAS, there are 19 counties in California with populations of less than 70,000 persons, which collectively represent only 2.0% of the statewide waste stream; and,

WHEREAS, organic waste generators within rural jurisdictions that meet the definition of "Rural Jurisdiction" in Section 42649.8 of the Public Resources Code that are exempted pursuant to

paragraph (1) of subdivision (c) of Section 18984.12 are not required to comply with the organic waste collection requirements specified in Article 3; and,

WHEREAS, Lake County does not have the existing infrastructure, composting or anaerobic facilities, with the capacity to economically handle all the organic waste produced within the county; and,

WHEREAS, with the amounts of organic waste generated in Lake County, it is not currently economically feasible to build sustainable processing facilities necessary to handle all the organic waste produced within the county; and,

WHEREAS, with the amounts of organic waste generated in Lake County and the distance to accessible processing facilities, it is not economically feasible for the County to require organics diversion at this time; and,

WHEREAS, the City of Clearlake is committed to continue to pursue economically feasible alternatives for organics management; and,

WHEREAS, the City Clearlake is committed to encourage businesses and residences to reduce and recycle organics materials; and,

WHEREAS, on December 31, 2026, this exemption shall become inoperative, unless subsequent legislation or department regulations or approvals extends the rural exemptions beyond that date.

THEREFORE, BE IT RESOLVED by the City Council of the City of Clearlake as follows:

Section 1. The City Council of the City of Clearlake finds:

- A. Lake County has a population of 63,940 persons as of the California Department of Finance's most current population estimates (January 2021) and the City of Clearlake is located within Lake County.
- B. Lake County does not have the existing infrastructure, composting or anaerobic facilities, with the capacity to economically handle all the organic waste produced within the county.
- C. With the relatively small amount of organic waste generated in Clearlake and the distance to accessible processing facilities, it is not economically feasible for the City to require organics diversion at this time.
- D. With the relatively small amount of organic waste generated in Clearlake, it is not currently economically feasible to build sustainable processing facilities necessary to handle all the organic waste produced within the City; and

Section 2. Based on the foregoing findings for the purpose and need for an exemption, the City Council of the City of Clearlake hereby chooses to exempt the City from the requirements of Article 3 of Title 14, Division 7, Chapter 12 of the California Code of Regulations (commencing with Section 18984) Organic Waste Collection Services.

Section 3. City Council reserves the right to rescind this Resolution at any time prior to the sunset date of December 31, 2026.

Section 4. The City Clerk or her designee is hereby instructed to submit this Resolution to the Department of Resources Recycling and Recovery pursuant to California Code of Regulations Section 18984.12, subdivision (c)(1). **Section 5.** This Resolution shall become effective immediately upon its passage and adoption.

The foregoing Resolution was passed and adopted at a regular meeting of the City Council on the 16th day of December, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINING:

Dirk Slooten, Mayor

ATTEST: _____

Melissa Swanson, City Clerk