

RESOLUTION NO. 2022-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COACHELLA, CALIFORNIA, ADOPTING A NOTIFICATION OF INTENT TO COMPLY WITH THE SB 1383 REGULATIONS AND SEEKING ADDITIONAL TIME TO ACHIEVE COMPLIANCE PURSUANT TO SB 619

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 City of Coachella (“City”) is a local jurisdiction required to comply with the SB 1383 Regulations; and

WHEREAS, the City is or expects to be facing continuing 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 City is a local jurisdiction authorized by SB 619 to submit a Notification of Intent to Comply for CalRecycle approval; and

WHEREAS, CalRecycle shall approve a Notification of Intent to Comply that is duly adopted by the jurisdiction by formal written resolution and meets the requirements of SB 619.

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

Section 1. The foregoing recitals are true and correct and are hereby incorporated and made an operative part of this Resolution.

Section 2. The City Council hereby adopts the Notification of Intent to Comply attached as Exhibit “A” and authorizes and directs the City Clerk to submit the Notification of Intent to Comply to CalRecycle for approval.

Section 3. By submitting the Notification of Intent to Comply pursuant to SB 619, the City represents and certifies that it will implement the proposed actions to remedy the violations according to the proposed schedule as approved by CalRecycle and in accordance with SB 619 and the SB 1383 Regulations.

Section 4. The City agrees to comply with any maximum compliance deadline in any corrective action plan that CalRecycle, in its sole discretion, determines to be necessary and appropriate under the circumstances for the correction of any violation(s) of the SB 1383 Regulations identified in its Notification of Intent to Comply.

Section 5. This Resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting this Resolution.

PASSED, APPROVED and ADOPTED this 23rd day of February 2022.

Steven A. Hernandez
Mayor

ATTEST:

Angela M. Zepeda
City Clerk

APPROVED AS TO FORM:

Carlos Campos
City Attorney

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF COACHELLA)

I HEREBY CERTIFY that the foregoing Resolution No. 2022-21 was duly adopted by the City Council of the City of Coachella at a regular meeting thereof, held on the 23rd day of February 2022, by the following vote of Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Andrea J. Carranza, MMC
Deputy City Clerk

EXHIBIT "A"