

RESOLUTION NO. R22 - 05

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, CALIFORNIA AUTHORIZING THE CITY MANAGER TO SUBMIT A NOTICE OF INTENT TO COMPLY WITH SB 1383 TO CALRECYCLE

The City Council of the City of Palos Verdes Estates hereby consents to, adopts and ratifies the following resolution:

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 Palos Verdes Estates is a local jurisdiction required to comply with the Regulations;

WHEREAS, the City of Palos Verdes Estates is or expects to be facing continuing violations of the Regulations commencing during the 2022 calendar year;

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 impacted by the occurrence of COVID may secure administrative civil penalty relief from 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 of Palos Verdes Estates is a local jurisdiction authorized by the Statute to submit a Notification of Intent to Comply for CalRecycle approval;

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 the Statute;

NOW THEREFORE BE IT RESOLVED THAT:

The City Council of the City of Palos Verdes Estates by and through its City Manager hereby formally adopts the Notification of Intent to Comply attached as Exhibit "A."

The City Council of the City of Palos Verdes Estates hereby authorizes and directs the City Manager, on its behalf, to submit the Notification of Intent to Comply attached as Exhibit "A" to CalRecycle for approval pursuant to the Statute.

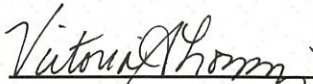
By submitting the Notification of Intent to Comply pursuant to and subject to the above referenced requirements, the City of Palos Verdes Estates represents and certifies that it will

implement the proposed actions to remedy the violations according to the proposed schedule as approved by CalRecycle and in accordance with the Statute and Regulations.

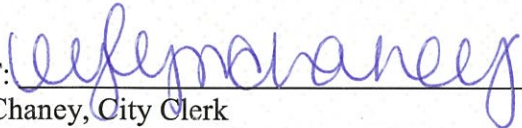
The City of Palos Verdes Estates by and through its City Manager also acknowledges and agrees to comply with any maximum compliance deadline in any corrective action plan that CalRecycle, in its sole discretion, determines to be necessary and appropriate under the circumstances for the correction of any violation(s) of the Statute and Regulations identified in its Notification of Intent to Comply.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the City Council of the City of Palos Verdes Estates this 22nd day of February, 2022 by the following vote:

AYES: 5 ABSTENTIONS:
NOES: 0 ABSENT: 0



Victoria Lozzi, Mayor

ATTEST: 

Kylynn Chaney, City Clerk

APPROVED AS TO FORM:



John Cotti, City Attorney

EXHIBIT A

Notice of Intent to Comply

City of Palos Verdes Estates

Jurisdiction Name: Palos Verdes Estates County: Los Angeles
Person Completing the Form:
First Name: Deborah Last Name: Chankin
Title: Interim Public Works Director
Mailing Address: 340 Palos Verdes Drive West
City: Palos Verdes Estates Zip Code: 90274
Email Address: dchankin@pvestates.org Phone: (310) 378-0383

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.
 - (A) 14 CCR section 18984 Combined Organic Waste Collection Services. *This requirement is not included since the requirements are further specified in sections 18984.1-18914.11.*
 - (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 18194.6 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
- (AA) 14 CCR section 18994.2 Jurisdiction Annual Reporting
- (BB) 14 CCR section 18995.1 Jurisdiction Inspection Requirements
- (CC) 14 CCR section 18995.2 Implementation Record and Recordkeeping Requirements
- (DD) 14 CCR section 18995.3 Jurisdiction Investigation of Complaints of Alleged Violations
- (EE) 14 CCR section 18995.4 Enforcement by a Jurisdiction

Details regarding provisions where boxes were checked above:

- (1) (B) 18984.1 Three-container Organic Waste Collection Services
(C) 18984.2 Two-container Organic Waste Collection Services
(D) 18984.3 Unsegregated Single-Container Collection Services
Athens Services currently provides a two-container system for all single family residential properties. Commercial and multifamily can contract with Athens, Republic or Waste Management. The City's current franchise agreement is up for RFP or negotiation for exclusive services for all properties in the City and will require compliance with all State requirements including AB 341, AB 1826 and SB 1383. The number of containers will depend upon the awarded company.
- (2) (Q) 18989.1 CALGreen Building Codes.
(R) 18989.2 Model Water Efficient Landscape Ordinance.
 - i. PVE Municipal Code Section 8.14 Construction and Demolition Waste Management was last updated in 2018. SB 1383 requires it to be consistent with amendments made July 1, 2019.
 - ii. City Municipal Code Section 18.50 was last updated in 2012. SB 1383 requires it to be consistent with the regulations as amended September 15, 2015.
 - iii. PVE has adopted regulations for building waste and water conservation. Updates to these codes may be needed to make them consistent with current state requirements.
- (3) (S) 18991.1 Jurisdiction Edible Food Recovery Program.
(T) 18991.2 Recordkeeping Requirements for Jurisdiction Edible Food Recovery Program. The City has conducted a detailed assessment of Tier 1 and Tier 2 edible food generators and no businesses or facilities in PVE meet the T1 or T2 requirements. Further guidance from CalRecycle has been requested and is pending.

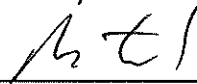
- (4) (W) 18993.1 Recovered Organic Waste Product Procurement Target
- (X) 18993.2 Recordkeeping Requirements for Recovered Organic Waste Procurement Target

It is the City's intent to require via franchise agreement that the provider procure RNG for use in its vehicles in the service of the franchise agreement to meet the requirements of 18993.1 and maintain all records as required in 18993.2.

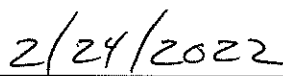
2. A detailed explanation of the reasons why the jurisdiction is unable to comply, supported by documentation if applicable.
 - a. COVID-19 has caused significant disturbance to the City staff of Palos Verdes Estates due to high turnover and bringing new personnel up to speed to provide guidance and direction.
 - b. The City has been in negotiations with its current franchise refuse and recycling hauler to become the exclusive hauler for all properties in Palos Verdes Estates, including commercial and multifamily. Those negotiations are ongoing and were dependent upon the City issuing a 5-year notice to all other haulers servicing commercial and multifamily properties. This notice was required by California Public Resources Code (CPRC) Section 49520. These notices were sent on December 20, 2017 notifying them that the City intends to select a single refuse and recycling hauler to begin service on January 1, 2023.
3. A description of the impacts of the COVID-19 pandemic on compliance.

COVID-19 has impacted the City of Palos Verdes Estates in professional staffing. Employee turnover much as has occurred nationally throughout the pandemic and related shortages in available qualified individuals has made it difficult to retain key City personnel. Since March of 2020, the City experienced turnover in its City Manager, Public Works Director, City Engineer and Code Enforcement Officer and several of these positions have experienced multiple turnover. Each position is key to implementing the requirements of SB 1383.
4. Provide a description of the proposed actions the jurisdiction will take to remedy the violations with a proposed schedule for completing each action. The proposed actions shall be tailored to remedy the violations in a timely manner.
 - a. The action plan is attached hereto and should be deemed to be fully incorporated herein.

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



Mark Prestwich, City Manager



Date

Action Plan

Regulatory Requirement and Description:

- (B) 18984.1 Three-container Organic Waste Collection Services
- (C) 18984.2 Two-container Organic Waste Collection Services
- (D) 18984.3 Unsegregated Single-Container Collection Services

Action	Proposed Schedule
i. Athens Services currently provides a two-container system for all single family residential properties. Commercial and multifamily customers can contract with Athens, Republic or Waste Management. The City's current franchise agreement is up for RFP or negotiation for exclusive services for all properties in the City and will require compliance with all State requirements including AB 341, AB 1826 and SB 1383. The number of containers will depend upon the awarded company. A single provider will facilitate 100% compliance.	Finalize new exclusive contract with a single hauler by July 1, 2022.
ii. Implement the new franchise agreement meeting the requirements of AB 341, AB 1826 and SB 1383.	New franchise agreement to be effective January 1, 2023.

Regulatory Requirement and Description

Model Enforcement Ordinance.

- (Q) 18989.1 CALGreen Building Codes.
- (R) 18989.2 Model Water Efficient Landscape Ordinance.

Action	Proposed Schedule
i. City Municipal Code Section 8.18 Mandatory Commercial and Multi-Family Residential Recycling was updated in 2018, subsequent to the adoption of SB 1383 but prior to final regulations being released in 2020.	Review current codes for consistency with final regulations and model ordinance by April 1, 2022.
ii. City Municipal Code Section 8.14 Construction and Demolition Waste Management was last updated in 2018. SB 1383 requires it to be consistent with amendments made July 1, 2019.	Review City code for consistency with most current regulations by April 1, 2022.
iii. City Municipal Code Section 18.50 Water Conservation Landscaping was last updated in 2012. SB 1383 requires it to be consistent with the regulations as amended September 15, 2015.	Review current code for consistency with most current regulations by April 1, 2022.

iv. Adopt and codify any needed updates to the Municipal Code to be consistent with SB 1383 requirements.	Adopt needed amendments to the Municipal Code by October 1, 2022.
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Regulatory Requirement and Description

(S) 18991.1 Jurisdiction Edible Food Recovery Program.

(T) 18991.2 Recordkeeping Requirements for Jurisdiction Edible Food Recovery Program.

Action	Proposed Schedule
i. The City has conducted a detailed assessment of Tier 1 and Tier 2 edible food generators and no businesses or facilities in PVE meet the T1 or T2 requirements. Further guidance from CalRecycle has been requested and is pending.	TBD
ii. Palos Verdes Estates is participating in the Los Angeles County Public Works Department efforts to evaluate current capacities and networks.	TBD

Regulatory Requirement and Description

(W) 18993.1 Recovered Organic Waste Product Procurement Target

(X) 18993.2 Recordkeeping Requirements for Recovered Organic Waste Procurement Target.

Action	Proposed Schedule
iii. It is the City's intent to require via franchise agreement that the provider procure and use fuel in its vehicles in the service of the franchise agreement to meet the requirements of 18993.1 and maintain all records as required in 18993.2.	Finalize new exclusive contract with a single hauler for residential services by July 1, 2022.
iv. Implement the new franchise agreement for all customers meeting the requirements of AB 341, AB 1826 and SB 1383.	New franchise agreement to be effective for all customers by January 1, 2023.

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF PALOS VERDES ESTATES)

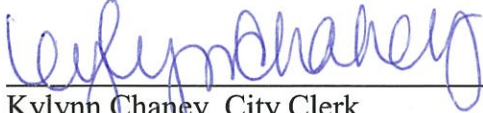
I, Kylynn Chaney, City Clerk for the City of Palos Verdes Estates, California, do hereby certify that the foregoing Resolution **R22-05** was duly and regularly approved and adopted by the City Council of the City of Palos Verdes Estates at its regular meeting of the City Council on the 22nd day of February 2022, by the following vote:

AYES: COUNCILMEMBERS: Murdock, Kemps, McGowan, Roos, Lozzi

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBER: None



Kylynn Chaney, City Clerk