

**RESOLUTION NO. 4514-2022**

**RESOLUTION OF THE FORT BRAGG CITY COUNCIL  
AUTHORIZING SUBMITTAL OF NOTIFICATION OF INTENT TO COMPLY  
WITH SB 1383 REGULATIONS**

**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; and

**WHEREAS**, the City of Fort Bragg is a local jurisdiction required to comply with the Regulations; and

**WHEREAS**, the City of Fort Bragg is or expects to be facing continuing violations of the Regulations commencing during the 2022 calendar year; and

**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 (NOIC) through which a local jurisdiction 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; and

**WHEREAS**, the City of Fort Bragg is a local jurisdiction authorized by the Statute 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 the Statute;

**NOW, THEREFORE, BE IT RESOLVED** that the Fort Bragg City Council by and through its Engineering Department hereby formally adopts the Notification of Intent to Comply attached as Exhibit "A"; and

**BE IT FURTHER RESOLVED** that the Fort Bragg City Council hereby authorizes and directs its Assistant City Engineer, on its behalf, to submit the Notification of Intent to Comply attached as Exhibit "A" to CalRecycle for approval pursuant to the Statute; and


**BE IT FURTHER RESOLVED** that by submitting the Notification of Intent to Comply pursuant to and subject to the above referenced requirements, the City of Fort Bragg 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; and

**BE IT FURTHER RESOLVED** that the City of Fort Bragg by and through its Engineering Department 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.

The above and foregoing Resolution was introduced by Councilmember Peters, seconded by Councilmember Albin-Smith, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 28<sup>th</sup> day of February, 2022, by the following vote:

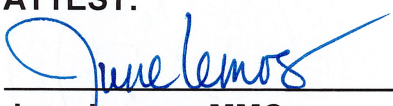
- AYES:** Councilmembers Albin-Smith, Morsell-Haye, Peters, Rafanan, and Mayor Norvell.
- NOES:** None.
- ABSENT:** None.
- ABSTAIN:** None.
- RECUSED:** None.



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**BERNIE NORVELL**  
Mayor

**ATTEST:**



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**June Lemos, MMC**  
City Clerk

# EXHIBIT A

## Notification of Intent to Comply

CalRecycle is providing this optional form as a convenience to assist jurisdictions (counties, cities, a county and city, or special districts providing solid waste collection services) for purposes of submitting a notification of intent to comply to CalRecycle [see Public Resources Code (PRC) section 42652.5(c)].

A jurisdiction may submit a notification of intent to comply if it is facing continuing violations of the Short-lived Climate Pollutants: Organic Waste Reductions requirements in Title 14 California Code of Regulations (14 CCR). The written notification of intent to comply, adopted by resolution of the jurisdiction's governing body, shall be sent to CalRecycle no later than **March 1, 2022**, to [NOIC@CalRecycle.ca.gov](mailto:NOIC@CalRecycle.ca.gov).

A jurisdiction shall, at minimum, include the following in its notification:

1. A description, with specificity, of the continuing violations.
2. A detailed explanation of the reasons, supported by documentation, why the local jurisdiction is unable to comply.
3. A description of the impacts of the COVID-19 pandemic on compliance.
4. A description of the proposed actions the local jurisdiction will take to remedy the violations within the timelines established in 14 CCR section 18996.2 with a proposed schedule for doing so. The proposed actions shall be tailored to remedy the violations in a timely manner.

Upon approval by CalRecycle of a jurisdiction's notification and implementation of the intent to comply, a jurisdiction may be eligible for both of the following:

1. Administrative civil penalty relief for the 2022 calendar year pursuant to PRC section 42652.5(d).
2. A corrective action plan pursuant to 14 CCR section 18996.2.
  - a. CalRecycle may address through a corrective action plan any violations disclosed in a jurisdiction's notification that will take more than 180 days to correct. In this situation, the proposed actions and schedule in the jurisdiction's approved notification will be in effect until a corrective action plan is issued.

CalRecycle will respond in writing to a jurisdiction within 45 business days of receiving its notification with an approval, disapproval, request for additional information, or timeline for a decision on approval or disapproval. CalRecycle will include details about why a jurisdiction did not meet the requirements for a Notification of Intent to Comply when disapproving the jurisdiction's notification.

Please clearly print or type responses. Attach additional pages as necessary.

Jurisdiction Name: City of Fort Bragg

County: Mendocino

Person Completing the Form: Alfredo Huerta

First Name: Alfredo

Last Name: Huerta

Title: Assistant City Engineer

Mailing Address: 416 North Franklin Street

City: Fort Bragg

Zip Code: 95437

Email Address: ahuerta@fortbragg.com

Phone Number: 707-961-2823 x 138

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 18984.1-18984.11.*

(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 18984.6 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

*Note: This requirement is not included since jurisdictions are still expected to report to CalRecycle.*

(BB) 14 CCR section 18995.1. Jurisdiction Inspection Requirements

*Note: Section 18995.1(a)(1) should not be included because a jurisdiction should already be completing this action due to the requirements of PRC Chapter 12.9 (commencing with Section 42649.8)*

(CC) 14 CCR section 18995.2. Implementation Record and Recordkeeping Requirements

(DD) 14 CCR section 18995.3. Jurisdiction Investigation of Complaints of Alleged Violations

*Note: This requirement is not included since jurisdictions are still expected to investigate complaints.*

(EE) 14 CCR section 18995.4. Enforcement by a Jurisdiction

Use the check box(es) below to write in the continuing violations for any regulatory section(s) not reflected above and describe the specific violations related to the regulatory section.

**Example:**

(1) (Type regulatory section number) (Type regulatory section title)

i. *Describe the specific violations related to the regulatory section*

(1)

(2)

(3)

(4)

(5)

2. A detailed explanation of the reasons why the jurisdiction is unable to comply, supported by documentation, if applicable.

There are several reasons why the City of Fort Bragg is unprepared to fully implement SB1383 as if January 2022 including:

1. SB 1383 is a sweeping, comprehensive, and complicated law

SB 1383 is one of the most sweeping solid waste management laws that has been passed in the United States. As a result, the preparation to comply with the law will require significant time to develop the appropriate plans, contracts, staffing, resources, and local oversight.

2. The regulations were adopted in late 2020 and are still being debated and clarified

Given the sweeping nature and complexity of SB 1383, CalRecycle has been conducting outreach and providing clarifications on the interpretation of the regulations. This outreach and clarification continue to today. As a result, the development and implementation of programs to comply with the regulations has been delayed.

3. Current Franchise collection service agreement terminates in June 2022.

The City went through a reprocurement of the Franchise collection service agreement in 2021, and the timing of the contract made it difficult, if not impracticable, to be able to implement SB 1383 services at the beginning of 2022. The new contract is intended to comply with SB 1383 regulations beginning July 1, 2022.

4. The COVID-19 pandemic has compounded the complexity of SB 1383 implementation and contributed to delays with compliance as described below in Section 3.

3. A description of the impacts of the COVID-19 pandemic on compliance.  
The COVID-19 pandemic, including supply chain disruptions, has impacted the ability to hire new drivers and procure the new trucks and carts needed to comply with SB 1383. The pandemic has also led to City, Consultant and Vendor staffing shortages and constantly changing work environments and procedures, which has contributed to delays with compliance.
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. See attached compliance plan with planned compliance schedule.

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

-----	Alfredo Huerta	Assistant City Engineer	-----
Signature	Printed Name	Title	Date



## CITY OF FORT BRAGG

416 N. FRANKLIN, FORT BRAGG, CA 95437  
PHONE 707/961-2823 FAX 707/961-2802

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# SB1383 Compliance Plan

## COMPLIANCE TASKS

### Collection & Processing

- Collection Franchise (14 CCR § 18984.1, 18984.7, 18984.8, 18992.1, 18995.1) – Planned compliance date 7/1/2022
  - New franchise agreement compliant with SB 1383 begins on July 1, 2022
  - Prior to July 1, 2022:
    - Acquire trucks, carts, and bins
    - Conduct education and outreach
    - Roll-out carts and bins
- Education and Outreach – will be included in Franchise Agreement
  - Organic Waste Recovery (14 CCR § 18985.1)– Planned compliance date 1/1/2023
  - Edible Food Recovery (14 CCR § 18985.2) – Planned compliance date 1/1/2023
- Perform collection services monitoring (14 CCR § 18984.5) – will be included in Franchise Agreement – Planned compliance date 1/1/2023
  - Monitor services to ensure customers are complying with organic waste segregation
  - Conduct compliance reviews
  - Conduct contamination monitoring and provide penalties for non-complying generators
- Plan/implement waiver program for multi-family and commercial generators – will be included in Franchise Agreement – Planned compliance date 1/1/2023
  - De minimis [14 CCR § 18984.11(1)]
  - Physical space [14 CCR § 18984.11(2)]
- Record keeping and reporting – Planned compliance date 1/1/2023
  - Contamination Monitoring (14 CCR § 18984.6)
  - Collection Services (14 CCR § 18984.4)
  - Education and outreach (14 CCR § 18985.3)
  - Waivers (14 CCR § 18984.14)

### Ordinance & Policies

- Adopt City Ordinance – Planned compliance date 4/1/2022

- Draft updates to Title 6 of City of Fort Bragg Municipal Code (Health and Sanitation)
- Draft updates to Title 15 of City of Fort Bragg Muni Code (Buildings and Construction)
- Ensure City ordinance complies with CALGreen Building Standards (14 CCR § 18989.1)
- Ensure City ordinance complies with Model Water Efficient Landscape (14 CCR § 18989.2)
- Approve Ordinance
- Update City of Fort Bragg procurement policy – Planned compliance date 1/1/2023
  - Procurement of products made from recovered organic waste including compost, mulch, and renewable energy (14 CCR § 18993.1)
  - Procure recycled-content paper (14 CCR § 18993.3)

## Procurement

- Procure products made from recovered organic waste such as compost, mulch and renewable energy (14 CCR § 18993.1) – Planned compliance date 1/1/2023
- Procure recycled-content paper (14 CCR § 18993.3) – Planned compliance date 1/1/2023
- Record keeping and reporting – Planned compliance date 1/1/2023
  - Recovered organics waste product procurement (14 CCR § 18993.2)
  - Recycled-content paper procurement (14 CCR § 18993.4)

## Edible Food Recovery

- Identify Tier 1 and Tier 2 commercial edible food generators (14 CCR § 18991.3)
  - Tier 1 (supermarkets, grocery stores, food service providers, food distributors, wholesale food vendors) – Included in Franchise agreement – Planned compliance date 7/1/2022
  - Tier 2 (restaurants, hotels with onsite food and 200+ rooms, health facilities with onsite food and 100+ beds, large events, local education facilities with on-site food) – will be included in Franchise Agreement – Planned compliance date 1/1/2024 (as required)
- Inspect Tier 1 and Tier 2 commercial edible food generators (14 CCR § 18991.1) – Planned compliance date 1/1/2023
- Identify organizations that can utilize edible food (14 CCR § 18991.2 and § 18991.4) – Planned compliance date 1/1/2023
- Edible Food Recovery Capacity (14 CCR § 18992.2) – Planned compliance date 1/1/2023
- Edible Food Recovery Inspections & Enforcement (14 CCR § 18995.1, 18995.4) – Planned compliance date 1/1/2023
- Facilitate agreements between generators and organizations that can utilize edible food (14 CCR § 18991.5) – Planned compliance date 1/1/2023
- Record keeping and reporting (14 CCR § 18991.2, 18991.4, 18995.2) – Planned compliance date 1/1/2023
  - Commercial edible food generators
  - Edible food recovery



### COMPLIANCE SCHEDULE

Action Items	Responsible Party	2022			2023			2024		
Acquire equipment (trucks, carts, bins)	Hauler									
Conduct education and outreach	PWD, Hauler									
Implement collection & processing services	Hauler									
Contamination monitoring/recordkeeping	Hauler									
Edible Food Education and outreach	PWD, Hauler									
Waivers	PWD									
Annual reporting	PWD, Hauler									
Update City solid waste ordinance	PWD, CC									
Update City procurement policy	PWD, CC									
Organic waste products	PWD, FD									
Recycled paper	PWD, FD									
Procurement recordkeeping & reporting	PWD, FD									
Tier 1 generators	PWD, Hauler									
Tier 2 generators	PWD, Hauler									
Edible Food Recovery Capacity Planning	PWD, DOT									
Edible Food Recovery Inspections & Enforcement	PWD									
Food Recovery recordkeeping & reporting	PWD									

PWD = Public Works Department  
 CC = City Council  
 DOT = Department of Transportation

Hauler = Franchise Collection Hauler  
 FD = City Finance Department