

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF ARROYO GRANDE ADOPTING AND AUTHORIZING
SUBMITTAL OF A NOTIFICATION OF INTENT TO COMPLY
IN ACCORDANCE WITH SB 619 TO CALRECYCLE**

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 Arroyo Grande is a local jurisdiction required to comply with the Regulations; and

WHEREAS, the City of Arroyo Grande is or expects to be facing continuing violations of the Regulations commencing during the 2022 calendar year, as further set forth in the attached Notification of Intent to Comply; 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 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 Arroyo Grande 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 by the City Council of the City of Arroyo Grande that:

1. The City of Arroyo Grande by and through its City Council hereby formally adopts the Notification of Intent to Comply attached hereto as Exhibit "A."
2. The City of Arroyo Grande hereby authorizes and directs its 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.

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3. By submitting the Notification of Intent to Comply pursuant to and subject to the above-referenced requirements, the City of Arroyo Grande 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.

4. The City of Arroyo Grande by and through its City Council 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.

On motion of Council Member _____, seconded by Council Member _____, and on the following roll call vote, to wit:

AYES:

NAYS:

ABSENT:

the foregoing Resolution was passed and adopted this 22nd day of February, 2022.

CAREN RAY RUSSOM, MAYOR

ATTEST:

JESSICA MATSON, CITY CLERK

APPROVED AS TO CONTENT:

WHITNEY MCDONALD, CITY MANAGER

APPROVED AS TO FORM:

TIMOTHY J. CARMEL, CITY ATTORNEY