

RESOLUTION R2022-__

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, 1) ADOPTING THE NOTIFICATION OF INTENT TO COMPLY WITH SHORT-LIVED CLIMATE POLLUTANTS: ORGANIC WASTE REDUCTION REQUIREMENTS; 2) AUTHORIZING THE UTILITIES DIRECTOR TO SUBMIT THE NOTIFICATION OF INTENT TO COMPLY TO THE DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE); AND 3) DETERMINING THAT THE ACTIONS AUTHORIZED BY THIS RESOLUTION ARE EXEMPT FROM CEQA.

WHEREAS, the City of Napa is committed to meeting its solid waste diversion requirements through program implementation of its Mandatory Municipal Solid Waste, Recyclable Material, and Compostables Disposal Reduction Ordinance and implementation plan; and

WHEREAS, the City of Napa is committed to meeting its mandatory commercial recycling requirements, pursuant to California Public Resources Code, 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 to implement an organic waste diversion program that provides organic waste collection services to all businesses and residences; and

WHEREAS, Section 42652.5 (c) of the California Public Resources Code allows the governing body of a jurisdiction to adopt a resolution to submit a Notification of Intent to Comply if it is facing continuing violations of the Short-lived Climate Pollutants: Organic Waste Reductions requirement in Title 14 California Code of Regulations (14 CCR); and

ATTACHMENT 1

WHEREAS, the City of Napa and its contracted waste hauler (Napa Recycling and Waste Services) is not currently providing recycling and organics collection service to all residential, commercial, and industrial organic waste generators; and

WHEREAS, the City of Napa does not currently have the necessary staff needed to provide the necessary enforcement, training, and monitoring; and

WHEREAS, the City of Napa is committed to providing all residential, commercial and industrial organic waste generators with organic collection service as quickly as possible with proper training and prioritization of the largest generators first; and

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

WHEREAS, the City of Napa developed a Notification of Intent to Comply describing the actions the City will take within the timelines established in 14 CCR section 18996.2 with a proposed schedule to remedy all violations in a timely manner; and

WHEREAS, on January 1, 2022, the City will be in non-compliance of SB 1383 regulations and facing continuing violations and administrative penalties, unless a Notification of Intent to Comply is submitted by March 1, 2022 and approved by CalRecycle.

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

1. The City Council hereby finds that the facts set forth in the recitals to this Resolution are true and correct and establish the factual basis for the City Council's adoption of this Resolution.
2. The City Council hereby determines that the actions authorized by this Resolution are exempt from CEQA pursuant to CEQA Guidelines Section 15308 (Class 8) as actions taken by a regulatory agency for the protection of the environment, specifically, for the protection of the climate and that there are no usual circumstances that would cause this Resolution to have a significant effect on the environment. The City Council further determines that this Resolution is adopted pursuant to CalRecycle's SB 1383 Regulations; the SB 1383 Regulations were the subject of the SB 1383 Regulations, Short-Lived Climate Pollutants: Organic Waste Methane Emission Reductions program EIR (SB 1383 Regulations EIR), SCH#2018122023, prepared by the Department of Resources Recycling and Recovery; and the activities to be carried out under this Resolution are entirely within the scope of the SB 1383 Regulations and the SB 1383 Regulations EIR.
3. The City Council hereby adopts the Notification of Intent to Comply with Short-lived Climate Pollutants: Organic Waste Reduction Requirements attached hereto as Exhibit "A" and incorporated herein by reference ("Notice of Intent to Comply").

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4. The City Council hereby authorizes the Utilities Director to submit the Notification of Intent to Comply to the Department of Resources Recycling and Recovery (CalRecycle) pursuant to California Code of Regulations Section 42652.5 (c) of the Public Resources Code.

5. This Resolution shall take effect immediately upon its adoption.

I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the City Council of the City of Napa at a public meeting of said City Council held on the 15th day of February 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____
Tiffany Carranza
City Clerk

Approved as to form:

Michael W. Barrett
City Attorney