

**RESOLUTION NO. 22-07**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIDGECREST,  
CALIFORNIA, AUTHORIZING SUBMITTAL OF NOTICE OF INTENT TO  
COMPLY (NOIC) TO CALRECYCLE UNDER SB 619**

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

**WHEREAS**, City of Ridgecrest 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 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**, City of Ridgecrest is a local jurisdiction authorized by the Statute to submit a Notification of Intent to Comply for CalRecycle approval; and,

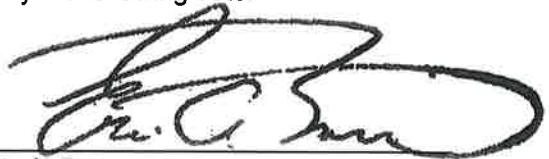
**WHEREAS**, CalRecycle shall approve a Notification of Intent to Comply that is duly adopted by the jurisdiction by formal written resolution and meets the requirements of the Statute.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Ridgecrest does hereby find as follows:

1. The City Council of the City of Ridgecrest by and through its City Manager hereby formally adopts the Notification of Intent to Comply attached as Exhibit "A."
2. The City Council of the City of Ridgecrest hereby authorizes and directs 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.
3. By submitting the Notification of Intent to Comply pursuant to and subject to the above referenced requirements, the City of Ridgecrest 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 Ridgecrest 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.

**ADOPTED AND APPROVED** this 2<sup>nd</sup> day of February, 2022, by the following vote:

AYES: Bruen, Blades, Rajaratnam, Hayman, Breeden  
NOES: None  
ABSENT: None

  
Eric A. Bruen, Mayor

ATTEST:

  
Ricca Charlton, City Clerk

# 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: Ridgecrest

County: Kern County

Person Completing the Form: Ron Strand

First Name: Ron

Last Name: Strand

Title: City Manager

Mailing Address: 100 West California Ave

City: Ridgecrest

Zip Code: 93555

Email Address: rstrand@ridgecrestca.gov

Phone Number: 760-499-5001

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.

**Example:**

- (B) 14 CCR section 18984.1 Three-Container Organic Waste Collection Services
- i. Not implementing mandatory residential foodwaste collection for all residents. Note: City already provides mandatory greenwaste collection to all residents*
  - ii. Not implementing mandatory commercial organics collection for all businesses under 2 cubic yards. Note: City already provides mandatory commercial organics collection to all businesses 2 cubic yard or more.*

**Disclaimer: The list of possible continuing violations below is not inclusive of all potential violations of the regulations.**

- (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) 14 CCR Section 18981.2. Implementation Requirement on Jurisdictions

(2) 14 CCR Section 18984.14. Recordkeeping Requirements for Waivers and Exemptions

(3)

(4)

(5)

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

The City has been in sole-source negotiations with their current franchise hauler to amend and restate the existing agreement since November 2021. The City's current two-container collection system is set up to collect recyclables (blue container) and solid waste (green container). The City and its hauler have agreed on a three-container, color and label compliant collection program, but are in the process of obtaining LEA to approve an every-other week recyclables and solid waste collection, and an every week organics collection program, to minimize the potential rate impacts. The required approval process has caused some additional delay in the negotiations as this decision has a material impact on program costs and operations. Once the proposed collection program is approved by the LEA, and the City Council approves the amended and restated franchise agreement, the hauler has requested additional time in procuring the third containers and lids needed to roll out the three-container color-compliant collection program to accommodate supply chain issues and labor shortages.

3. A description of the impacts of the COVID-19 pandemic on compliance. COVID-19 has impacted supply chains and the franchise hauler's ability to secure the additional containers and lids required for implementation of a compliant three-container collection system. The franchise hauler has also expressed that staffing shortages will delay delivery of the new container and installation of lids on containers that are being retrofitted. The City has also experienced the impacts of COVID-19, focusing City resources on pandemic response and protecting the health and safety of its community.

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 optional format below.  
Please see attached document detailing planned action items and timeline.

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

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**Signature**

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**Printed Name**

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**Title**

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**Date**

Description of the proposed actions with proposed schedules the jurisdiction will take to remedy the violations. The proposed actions shall be tailored to remedy the violations in a timely manner.

<b>Regulatory Requirement and Description</b>	
<b>Action</b>	<b>Proposed Schedule</b>
TASK 1:	Date to be completed:
TASK 2:	Date to be completed:
TASK 3:	Date to be completed:

<b>Regulatory Requirement and Description</b>	
<b>Action</b>	<b>Proposed Schedule</b>
TASK 1:	Date to be completed:
TASK 2:	Date to be completed:

**EXAMPLE**

<b>Regulatory Requirement:</b> (B.i.) 14 CCR section 18984.1 Three-Container Organic Waste Collection Services	
<b>Description:</b> Not implementing mandatory residential foodwaste collection for all residents. Note: City already provides mandatory greenwaste collection to all residents	
<b>Action</b>	<b>Proposed Schedule</b>
TASK 1: <i>Purchase two additional collection trucks and modify collection routes</i>	Date to be completed: 4/7/2022
TASK 2: <i>The city will work with its hauler to find a facility to accept mixed organic waste.</i>	Date to be completed: 4/14/2022

<b>Regulatory Requirement:</b> (B.ii.) 14 CCR section 18984.1 Three-Container Organic Waste Collection Services	
<b>Description:</b> Not implementing mandatory commercial organics collection for all businesses under 2 cubic yards. Note: City already provides mandatory commercial organics collection to all businesses 2 cubic yard or more.	
<b>Action:</b>	<b>Proposed Schedule</b>
TASK 1: <i>Purchase two additional collection trucks and modify collection routes</i>	Date to be completed: 4/21/2022
TASK 2: <i>The city will work with its hauler to acquire and distribute appropriate containers to all commercial accounts. The city will obtain monthly reports from the hauler to monitor full distribution of carts.</i>	Date to be completed: 4/28/2022