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BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF FRESNO  
STATE OF CALIFORNIA

IN THE MATTER OF SUBMITTAL OF )  
NOTIFICATION OF INTENT TO COMPLY ) RESOLUTION  
WITH SENATE BILL 1383 SHORT-LIVED )  
CLIMATE POLLUTANT REGULATIONS )

WHEREAS, the Department of Resources Recycling and Recovery (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 County of Fresno (COUNTY) is a local jurisdiction required to comply with the Regulations; and

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

WHEREAS, Senate Bill 619 (Chapter 508, Statutes of 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, COUNTY is a local jurisdiction authorized by the Statute to submit a NOIC for CALRECYCLE approval; and

WHEREAS, CALRECYCLE shall approve a NOIC that is duly adopted by the

1 jurisdiction by formal written resolution and meets the requirements of the Statute.

2 NOW THEREFORE BE IT RESOLVED that the BOARD OF SUPERVISORS OF  
3 THE COUNTY OF FRESNO (BOARD) hereby formally adopts the NOIC, attached  
4 hereto as Exhibit "A;" and

5 BE IT FURTHER RESOLVED that the BOARD hereby authorizes and directs  
6 THE DIRECTOR OF PUBLIC WORKS AND PLANNING (DIRECTOR) or his/her  
7 designees, on its behalf, to submit the NOIC to CALRECYCLE for approval pursuant to  
8 the Statute; and

9 BE IT FURTHER RESOLVED that by submitting the NOIC pursuant to and  
10 subject to the above referenced requirements, COUNTY represents and certifies that it  
11 will implement the proposed actions to remedy the violations according to the proposed  
12 schedule as approved by CALRECYCLE and in accordance with the Statute and  
13 Regulations; and

14 BE IT FURTHER RESOLVED that the COUNTY by and through its DIRECTOR  
15 or his/her designees, acknowledges and agrees to comply with any maximum  
16 compliance deadline in any corrective action plan that CALRECYCLE, in its sole  
17 discretion, determines to be necessary and appropriate under the circumstances for the  
18 correction of any violation(s) of the Statute and Regulations identified in its NOIC.

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THE FOREGOING, was passed and adopted by the following vote of the Board  
of Supervisors of the County of Fresno this 22nd day of February 2022, to wit:

- AYES: Supervisors Brandau, Magsig, Mendes, Pacheco, Quintero
- NOES: None
- ABSENT: None
- ABSTAINED: None



\_\_\_\_\_  
Brian Pacheco, Chairman of the Board  
of Supervisors of the County of Fresno

**ATTEST:**

BERNICE E. SEIDEL,  
Clerk of the Board of Supervisors  
County of Fresno, State of California

By   
Deputy 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.

<b>Please <u>clearly print or type</u> responses. Attach additional pages as necessary.</b>	
<b>Jurisdiction Name:</b> County of Fresno	<b>County:</b> Fresno
<b>Person Completing the Form:</b> Jerod Weeks	
<b>First Name:</b> Jerod	<b>Last Name:</b> Weeks
<b>Title:</b> Principal Staff Analyst	
<b>Mailing Address:</b> 2220 Tulare St. 6 <sup>th</sup> Floor	
<b>City:</b> Fresno	<b>Zip Code:</b> 93721
<b>Email Address:</b> jweeks@fresnocountyca.gov	
<b>Phone Number:</b> (559) 600-4311	

**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) Section 18984 Combined Organic Waste Collection Services**

- (B) 14 CCR section 18984.1 Three-Container Organic Waste 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

*Not implementing all applicable residential (some need to have food scraps added to the green cart and some need green cart service), commercial (less than 2cy) and multi-family (add food waste collection) organic collections and associated requirements.*

**(2) Article 7 Regulation of Haulers**

- (N) 14 CCR section 18988.1 Jurisdiction Approval of Haulers
- (P) 14 CCR section 18988.4 Recordkeeping Requirements for Compliance with Jurisdiction Hauler Program

*Not implementing regulation of haulers - incorporate enforcement in franchise agreement*

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

*The County has begun negotiating revised franchise agreements with all of the haulers to address implementation of 1383 regulations.*

*The County has realized some challenges in their efforts to comply with the January 1, 2022 implementation of its SB 1383 Programs:*

*STAFFING: Available staffing was limited due to the unanticipated demands related to the Creek Fire, which required staff to be diverted from their regular duties. Additionally, key staff out with Covid impacted availability.*

*HAULER NEGOTIATIONS: Haulers reluctant to finalize negotiations on Franchise Agreement until regulations were finalized. County will resume negotiations in 2022 with an objective for full implementation/completion by 12/31/2022.*

**3. A description of the impacts of the COVID-19 pandemic on compliance.**

*Due to the COVID-19 pandemic it has been difficult for the County to fully implement all of the various components of the SB 1383 regulations.*

- *The County and their franchise haulers have not been able to visit sites.*
- *IT challenges included securing telework-capable equipment and technology and user trainings for staff which delayed external communications.*
- *Staffing shortages – the County had staff who were either out with COVID-19 or were caring for family with COVID-19. Additionally, Department of Public Health pulled Department of Public Works and Planning staff to perform COVID-19 contact tracing, which took them away from their normal Public Works and Planning related job requirements.*
- *Negotiations with the franchise haulers have taken longer than anticipated due to pandemic limitations.*

**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.**

*See following pages for tasks/timelines related the violations.*

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

\_\_\_\_\_  
**Signature**

February 22, 2022

\_\_\_\_\_  
**Date**

Steven E. White  
\_\_\_\_\_  
**Print Name**

Director, Public Works and Planning  
\_\_\_\_\_  
**Title**

**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.**

<p><b>Regulatory Requirement: Section 18984 Combined Organic Waste Collection Services</b>            14 CCR section 18984.1 Three-Container Organic Collection Services            14 CCR section 18984.4 Recordkeeping Requirements for Compliance with Organic Waste Collection Services            14 CCR section 18984.5 Container Contamination Minimization            14 CCR section 18984.6 Recordkeeping Requirements for Container Contamination Minimization            14 CCR section 18984.7 Container Color Requirements            14 CCR section 18984.8 Container Labeling Requirements            14 CCR section 18984.11 Waivers Granted by a Jurisdiction            14 CCR section 18984.14 Recordkeeping Requirements for Waivers and Exemptions            14 CCR section 18988.1 Jurisdiction Approval of Haulers and Self-Haulers            14 CCR section 18988.4 Recordkeeping Requirements for Compliance with Jurisdiction Hauler Program</p>	
<p><b>Description:</b> Not implementing mandatory residential food waste collection for residents. Note: The County of Fresno does already have green waste collection for most of their residential and commercial customers.</p>	
<b>Action</b>	<b>Proposed Schedule</b>
<b>TASK 1:</b> Board of Supervisors – Adoption of SB 619 Resolution	<b>Date to be completed:</b> 2/22/22
<b>TASK 2:</b> Establish waiver application (de minimis/space), waiver qualification and approval process, waiver recordkeeping procedure	<b>Date to be completed:</b> 4/1/22
<b>TASK 3:</b> Board of Supervisors – adoption of ordinance (1 <sup>st</sup> & 2 <sup>nd</sup> hearings complete)	<b>Date to be completed:</b> 5/1/22
<b>TASK 4:</b> Determine container contamination minimization inspection method	<b>Date to be completed:</b> 7/1/22
<b>TASK 5:</b> Complete negotiations with the 8 Exclusive Service Area Program (ESAP) providers for 1383 services, inclusive of, but not limited to: rates, container colors, labeling specifications, completion of implementation (12/31/2022), outreach/education, container contamination monitoring and reporting.	<b>Date to be completed:</b> 7/1/22
<b>TASK 6:</b> Finalize Staff Report on ESAP rates and SB 1383 Franchise Supplemental Agreements	<b>Date to be completed:</b> 8/11/22
<b>TASK 7:</b> Board of Supervisors – Approval of rates and ESAP SB 1383 Franchise Supplemental Agreements	<b>Date to be completed:</b> 9/20/22
<b>TASK 8:</b> County Facilities participating in Organics Collection	<b>Date to be completed:</b> 12/31/22
<b>TASK 9:</b> Complete implementation of residential food scraps/organics collection program services	<b>Date to be completed:</b> 12/31/22

**Regulatory Requirement: Section 18984 Combined Organic Waste Collection Services (Cont'd.)**  
 14 CCR section 18984.1 Three-Container Organic Collection Services  
 14 CCR section 18984.4 Recordkeeping Requirements for Compliance with Organic Waste Collection Services  
 14 CCR section 18984.5 Container Contamination Minimization  
 14 CCR section 18984.6 Recordkeeping Requirements for Container Contamination Minimization  
 14 CCR section 18984.7 Container Color Requirements  
 14 CCR section 18984.8 Container Labeling Requirements  
 14 CCR section 18984.11 Waivers Granted by a Jurisdiction  
 14 CCR section 18984.14 Recordkeeping Requirements for Waivers and Exemptions  
 14 CCR section 18988.1 Jurisdiction Approval of Haulers and Self-Haulers  
 14 CCR section 18988.4 Recordkeeping Requirements for Compliance with Jurisdiction Hauler Program

**Description:** Not implementing mandatory residential food waste collection for residents. Note: The County of Fresno does already have green waste collection for most of their residential and commercial customers.

Action	Proposed Schedule
<b>TASK 10:</b> Complete implementation of commercial food scraps/organics collection program services	<b>Date to be completed:</b> 12/31/22
<b>TASK 11:</b> ESAP haulers to implement residential and commercial contamination minimization inspection program	<b>Date to be completed:</b> 1/1/23

**Regulatory Requirement and Description: Article 7**  
 14 CCR section 18988.1 Jurisdiction Approval of Haulers and Self-Haulers  
 14 CCR section 18988.4 Recordkeeping Requirements for Compliance with Jurisdiction Hauler Program

**Description:** *Not implementing regulation of haulers - incorporate enforcement in franchise agreement*

Action	Proposed Schedule
<b>TASK 1:</b> Board of Supervisors adoption of Ordinance	<b>Date to be completed:</b> 5/1/22
<b>TASK 2:</b> Establish approach for Recordkeeping Requirements for Compliance with Organic Waste Collection Services	<b>Date to be completed:</b> 7/1/22
<b>TASK 3:</b> Establish hauler and self-hauler facility reporting process for approval	<b>Date to be completed:</b> 7/1/22
<b>TASK 4:</b> Amend ESAP franchise hauler agreements	<b>Date to be completed:</b> 8/1/22

**END OF SECTION**