



**BOARD OF SUPERVISORS  
AGENDA LETTER**

**Agenda Number:**

**Clerk of the Board of Supervisors**  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Department Name:** Public Works  
**Department No.:** 054  
**For Agenda Of:** February 15, 2022  
**Placement:** Administrative  
**Estimated Time:**  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** Majority

---

**TO:** Board of Supervisors  
**FROM:** Department Scott D. McGolpin, PE., Director, (805) 568-3010  
Director:  
Contact Info: Leslie Wells, Deputy Director, (805) 882-3605  
**SUBJECT:** Resolution for CalRecycle Notification of Intent to Comply with SB 1383 Regulations; First, Second, Third, Fourth, and Fifth Supervisorial Districts

---

**County Counsel Concurrence**

As to form: Yes

Other Concurrence: N/A

As to form:

**Auditor-Controller Concurrence**

As to form: N/A

**Recommended Actions:**

That the Board of Supervisors:

- a) Adopt the attached resolution to authorize the submittal of an application for the Department of Resources Recycling and Recovery's (CalRecycle's) Notification of Intent to Comply with SB 1383 Regulations; and
- b) Find that the proposed resolution does not constitute a "Project" within the meaning of the California Environmental Quality Act, pursuant to 14 CCR 15378 (b)(5) (administrative activity of government).

**Summary Text:**

The Resource Recovery and Waste Management Division (RRWMD) of the Public Works Department proposes to submit an application to the Department of Resources Recycling and Recovery (CalRecycle) for the Notification of Intent to Comply with Senate Bill (SB) 1383 Regulations. SB 1383, California's Short-Lived Climate Pollutant Reduction Strategy, became effective on January 1, 2022 and requires a 50 percent reduction statewide in the landfilling of organic waste by 2020 and a 75 percent reduction by 2025. The regulations mandate that local jurisdictions implement organic waste recycling and edible food recovery programs to keep organics out of landfills. For specific compliance areas that the County has not yet achieved, the Notification of Intent to Comply will provide relief from administrative civil penalties in calendar year 2022.

**Background:**

The Notification of Intent to Comply program was authorized through the passing of Senate Bill (SB) 619 in 2021. The law aims to support local governments as they design and implement successful organic waste recycling programs to comply with SB 1383. In light of the challenges jurisdictions have faced due to the COVID-19 pandemic, SB 619 authorizes CalRecycle to waive civil penalties if a jurisdiction submits a Notification of Intent to Comply application for some or all of the regulatory requirements and successfully implements a plan to correct any violations. Applications must be submitted by March 1, 2022.

The County has been preparing for SB 1383 implementation for quite some time. Even before the regulations and initial legislation were passed, the County worked for well over a decade to site a local facility that could process organic waste for beneficial use. The facility, subsequently named the ReSource Center, began operation in 2021 and will meet SB 1383's criteria for a High Diversion Organic Waste Processing Facility through the recovery of at least 75% of organic waste by 2025. The facility is comprised of three processing areas: the Materials Recovery Facility, the Anaerobic Digestion Facility, and the Compost Management Unit. The ReSource Center significantly increases our community's organics recycling rate and generates valuable resources, such as green energy and compost. Because the ReSource Center is able to recover a high percentage of organics from trash, residents and businesses in the ReSource Center service areas can continue to place food scraps in their trash container and still be in compliance with SB 1383.

After the SB 1383 regulations were approved by the State's Office of Administrative Law in November 2020, the County hired HF&H Consultants to assist with internal implementation planning. HF&H is one of the leading solid waste consulting firms in California and worked with CalRecycle to develop an SB 1383 model ordinance and model franchise agreement for use by local jurisdictions to assist them with SB 1383 compliance. Using planning documents provided by HF&H, the County organized and developed a timeline and work plans for each major component of SB 1383: Capacity Planning; Collection; Facilities; Hauler Regulation; Monitoring and Enforcement; Ordinance and Policy; Organic Waste Procurement; Public Education; Recordkeeping and Reporting; and Edible Food Recovery.

To maximize edible food recovery, the County has been closely coordinating with the cities of Buellton, Carpinteria, Goleta, Lompoc, Santa Barbara, and Solvang to develop a regional Edible Food Recovery Network. The Network supports local non-profit food recovery organizations and provides tools to large edible food generators to achieve compliance with SB 1383. As the lead agency for the Network, the County developed outreach materials, sample written agreements, and a streamlined recordkeeping system. The County will continue to coordinate the Network moving forward.

Despite staff's early actions to comply with the regulatory requirements, the County faced challenges with implementation due to contractor and internal staffing shortages related to the COVID-19 pandemic. An approved Notification of Intent to Comply allows the County until December 31, 2022 to fully implement SB 1383 and would assist in three primary areas. An approved Notification will provide the County with more time to adopt its SB 1383 ordinance; provide time to finalize franchise negotiations and preparations for a new food scraps collection program in the North County, which is not serviced by the ReSource Center; and establish a system to track the purchase of recycled-content paper by County departments. The first reading of the SB 1383 ordinance is scheduled for February 1,

2022 and the second reading for February 15, 2022. The projected start date for the new franchise agreements, which are currently being negotiated and will be presented to the Board for approval, is July 1, 2022. For areas not serviced by the ReSource Center, the agreements will contain provisions requiring the establishment of a program to collect food scraps in customers' yard waste containers for processing at a local composting facility. The final item that will be listed in the application is the development of a system, per SB 1383 regulations, for County departments to purchase and keep records for paper products that 1) contain post-consumer recycled content and 2) are recyclable.

**Fiscal and Facilities Impacts:**

Budgeted: N/A

**Fiscal Analysis:**

Fines for non-compliance with the SB 1383 regulations range from \$500 to \$10,000 per day, depending on the severity of the violation. CalRecycle will waive penalties for the 2022 calendar year for violations disclosed in an approved Notice of Intent to Comply application if a jurisdiction implements the proposed actions to remedy the violations in accordance with the schedule.

**Key Contract Risks:**

N/A

**Staffing Impacts:**

**Legal Positions:**

**FTEs:**

This resolution will not result in any new staffing impacts.

**Special Instructions:**

Please return a copy of the signed Resolution to Sam Dickinson in the Public Works Department, Resource Recovery and Waste Management Division.

**Attachments:**

Attachment A: Santa Barbara County Resolution for CalRecycle Notification of Intent to Comply with SB 1383 Regulations

**Authored by:**

Sam Dickinson, Resource Recovery and Waste Management Division, ext. 23618