**Resolution No. 22-\_\_\_**

**Resolution of the Board of Supervisors of the County of Siskiyou Opting to Affirm an Exemption from the Requirements of Mandatory Organics Collection Services and SB 1383 Related Activities on behalf of the Siskiyou County Integrated Waste Management Regional Agency**

**Whereas,** County of Siskiyou is committed to meeting its solid waste diversion requirements through program implementation of its Source Reduction and Recycling Element of its Integrated Waste Management Plan; and,

**Whereas,** County of Siskiyou is committed to meeting its mandatory commercial recycling requirements, pursuant to PRC, Section 42649.3, through program implementation as clarified in the Model Mandatory Commercial Recycling Program for Rural Counties; 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 implement an organic waste diversion program that provides organic waste collection services to all businesses and residences; and

**Whereas,** Section 18984.12 (c) allows the Board of Supervisors of a rural county to adopt a resolution exempting the county from the requirements Article 3 based upon findings as to the purpose of and need for the exemption; and,

**Whereas**, on May 6, 1997 an agreement was executed by and between the County of Siskiyou and the cities of Dunsmuir, Weed, Mt. Shasta, Yreka, Montague, Fort Jones, Etna, Dorris and Tulelake forming the Siskiyou County Integrated Solid Waste Management Regional Agency (hereinafter referred to as the “Agency”), for the purpose of reducing solid waste disposed, coordinating and submitting information on waste disposal for required reports on behalf of member agencies as a single Regional Agency and complying with the Integrated Waste Management Act of 1989 and regulations promulgated thereunder (hereinafter referred to as the “Agreement”); and

**Whereas,** the parties can designate the Agency the authority to apply for any exemptions allowed to the member agencies, including rural and/or low population exemptions, with respect to compliance with and enforcement of Senate Bill 1383, on behalf of each party hereto; and

**Whereas,** Section 42649.8 of the Public Resources Code defines a rural county as a county that has a total population of less than 70,000 persons; and

**Whereas,** there are 19 counties in California with populations of less than 70,000 persons, which collectively represent only 2.0% of the statewide waste stream; and,

**Whereas,** organic waste generators within rural jurisdictions that meet the definition of “Rural Jurisdiction” in Section 42649.8 of the Public Resources Code that are exempted pursuant to paragraph (1) of subdivision (c) of Section 18984.12 are not required to comply with the organic waste collection requirementsspecified in Article 3;and,

**Whereas,** County of Siskiyou has a population of 44,076 persons, which is less than 70,000 persons, as of the California Department of Finance’s most current population estimate; and,

**Whereas,** County of Siskiyou does not have the existing infrastructure, composting or anaerobic facilities, with the capacity to economically handle all the organic waste produced within the county; and,

**Whereas,** with the amounts of organic waste generated in County of Siskiyou it is not currently economically feasible to build sustainable processing facilities necessary to handle all the organic waste produced within the county; and,

**Whereas,** with the amounts of organic waste generated in County of Siskiyou and the distance to accessible processing facilities, it is not economically feasible for the County to require organics collection at this time; and,

**Whereas,** County of Siskiyou is committed to continue to pursue economically feasible alternatives for organics management; and,

**Whereas,** County of Siskiyou is committed to encourage businesses and residences to reduce and recycle organics materials; and,

**Whereas,** on December 31, 2026, this exemption shall become inoperative, unless subsequent legislation or department regulations or approvals extends the rural exemptions beyond that date, at which time portions of the county may qualify for the low population waiver (census tracts with less than 75 people per square mile).

**Now, Therefore, Be It Resolved,** that the Siskiyou County Board of Supervisors hereby chooses to exempt the County from the requirements of Article 3 of Title 14, Division 7, Chapter 12 of the California Code of Regulations (commencing with Section 18984) Organic Waste Collection Services.

**Be It Further Resolved,** that the Siskiyou County Board of Supervisors reserves the right to rescind this resolution at any time prior to the sunset date of December 31, 2026.

**PASSED AND ADOPTED** by the Siskiyou County Board of Supervisors at a regular meeting of said Board held on the \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Brandon Criss, Chair

 Siskiyou County Board of Supervisors

ATTEST:

Laura Bynum,

County Clerk

By\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Deputy, Wendy Winningham