

BEFORE THE BOARD OF SUPERVISORS, COUNTY OF SAN BENITO

A RESOLUTION OF THE BOARD OF SUPERVISORS ) Resolution No. 2021-129  
 OPTING TO AFFIRM AN EXEMPTION FROM THE )  
 REQUIREMENTS OF MANDATORY ORGANICS )  
 COLLECTION SERVICES AND )  
 SB 1383 RELATED ACTIVITIES ON BEHALF OF THE )  
 SAN BENITO COUNTY INTEGRATED WASTE )  
 MANAGEMENT REGIONAL AGENCY )

**Whereas,** County of San Benito 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 San Benito 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 December 19, 1995 an agreement was executed by and between the County of San Benito and the cities of San Juan Bautista and Hollister forming the San Benito 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

1 allowed to the member agencies, including rural and/or low population exemptions, with respect  
2 to compliance with and enforcement of Senate Bill 1383, on behalf of each party hereto; and  
3

4 **Whereas**, Section 42649.8 of the Public Resources Code defines a rural county as a county  
5 that has a total population of less than 70,000 persons; and  
6

7 **Whereas**, there are 19 counties in California with populations of less than 70,000  
8 persons, which collectively represent only 2.0% of the statewide waste stream; and,  
9

10 **Whereas**, organic waste generators within rural jurisdictions that meet the definition of  
11 "Rural Jurisdiction" in Section 42649.8 of the Public Resources Code that are exempted pursuant  
12 to paragraph (1) of subdivision (c) of Section 18984.12 are not required to comply with the  
13 organic waste collection requirements specified in Article 3; and,  
14

15 **Whereas**, County of San Benito has a population of 64,149 persons, which is less than  
16 70,000 persons, as of the California Department of Finance's most current population estimate;  
17 and,  
18

19 **Whereas**, County of San Benito does not have the existing infrastructure, composting or  
20 anaerobic facilities, with the capacity to economically handle all the organic waste produced  
21 within the county; and,  
22

23 **Whereas**, with the amounts of organic waste generated in County of San Benito it is not  
24 currently economically feasible to build sustainable processing facilities necessary to handle all  
25 the organic waste produced within the county; and,  
26

27 **Whereas**, with the amounts of organic waste generated in County of San Benito and the  
28 distance to accessible processing facilities, it is not economically feasible for the County to  
29 require organics diversion at this time; and,  
30

31 **Whereas**, County of San Benito is committed to continue to pursue economically feasible  
32 alternatives for organics management; and,  
33

34 **Whereas**, County of San Benito is committed to encourage businesses and residences to  
35 reduce and recycle organics materials; and,  
36

37 **Whereas**, on December 31, 2026, this exemption shall become inoperative, unless  
38 subsequent legislation or department regulations or approvals extends the rural exemptions  
39 beyond that date, at which time portions of the county may qualify for the low population waiver  
40 (census tracts with less than 75 people per square mile).  
41

42 **Now, Therefore, Be It Resolved**, that the Board of Supervisors of County of San Benito  
43 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 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 San Benito County Board of Supervisors at a regular meeting of said Board held on the 26<sup>th</sup> day of October 2021, by the following vote:

AYES:	Supervisor(s)	Gonzales, Tiffany, Kosmicki, Hernandez
NOES:	Supervisor(s)	None <i>to</i>
ABSENT:	Supervisor(s)	None <i>to</i>
ABSTAIN:	Supervisor(s)	None <i>to</i>

By: *Bea Gonzales*

Bea Gonzales, Chair

ATTEST:

By: *Jennifer Frechette*

Jennifer Frechette, Clerk of the Board

Date: 10/26/2021

APPROVED AS TO LEGAL FORM:

By: *Reed Gallogly*

Reed Gallogly, Deputy County Counsel

Date: 10/15/2021

**EXHIBIT A**

**RURAL EXEMPTION SAMPLE FORM**

# Rural Exemption Application

CalRecycle is providing this form as a convenience to assist jurisdictions in applying for a rural exemption under 14 CCR 18984.12(c). Use of this form is optional and not a regulatory requirement.

A rural jurisdiction may apply to CalRecycle for an exemption from complying with the organic waste collection requirements within Article 3 in 14 CCR 18984 through 18984.14.

To qualify for a rural exemption the following requirements must be met:

- The jurisdiction must meet the definition of a "rural jurisdiction" as defined in PRC § 42649.8.
- The jurisdiction's governing body is to adopt a resolution that includes a finding as to the purpose of and need for the exemption.

CalRecycle approved exemptions are only valid until December 31, 2026, or until five years after CalRecycle makes a determination that the statewide disposal of organic waste has not been reduced to 50 percent of the level of disposal during the 2014 calendar, whichever is later. An approved waiver does not waive a jurisdiction from its obligation to comply with the other requirements of the SB 1383 regulations including, but not limited to, promoting and providing information to generators about waste prevention, community composting, managing organic waste on-site, and other means of recovering organic waste.

Please clearly print or type your responses. Attach additional pages as necessary.

Jurisdiction Name:	County:
Person Completing the Application	
First Name:	Last Name:
Title:	
Mailing Address:	
City:	
Zip Code:	
E-mail Address:	
Phone Number:	

1. Do you meet the definition of a "rural jurisdiction" as defined in PRC §42649.8?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
2. Has the governing body of the jurisdiction adopted a resolution that includes a finding as to the purpose of and need for the rural exemption?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Please attach the resolution that includes a finding as to the purpose of and need for the rural exemption.

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

_____ Signature	_____ Printed Name	_____ Title	_____ Date
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