

RESOLUTION NO. 2024-435

A RESOLUTION OF CHESTER PUBLIC UTILITY DISTRICT AFFIRMING AN EXEMPTION FROM THE REQUIREMENTS OF MANDATORY ORGANICS COLLECTION SERVICES

WHEREAS, the Chester Public Utility District 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, the Chester Public Utility District is committed to meeting its mandatory commercial recycling requirements, pursuant to PRC, Section 42649.3, through program implementation; 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 Directors of the Chester Public Utility District (unincorporated within the rural County of Plumas) to adopt a resolution exempting the District from the requirements Article 3 based upon findings as to the purpose of and need for the exemption; 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 requirements specified in Article 3; and

WHEREAS, the County of Plumas has a population of 18,116 persons and the Chester Public Utility District has a population of 1,928 persons, according to the January 1, 2021 California Department of Finance's population estimates; and

WHEREAS, the Chester Public Utility District 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 the Chester Public Utility District it is not currently economically feasible to build sustainable processing facilities necessary to handle all the organic waste produced within the City; and

WHEREAS, with the amounts of organic waste generated in the Chester Public Utility District and the distance to accessible processing facilities, it is not economically feasible for the City to require organics diversion at this time; and

WHEREAS, the Chester Public Utility District is committed to continue to pursue economically feasible alternatives for organics management; and

WHEREAS, the Chester Public Utility District 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 the Chester Public Utility District may qualify for the low population waiver.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Chester Public Utility District hereby chooses to exempt the District 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 Directors reserves the right to rescind this resolution at any time prior to the sunset date of **December 31, 2026**.

PASSED, APPROVED AND ADOPTED this **10 th day of November 2021**, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Kim Green, Board Chair

ATTEST:

Cheryl Johnson, Clerk to the Board

I, Cheryl Johnson, Clerk to the Board of the Chester Public Utility District, do hereby certify that the above and foregoing Resolution was duly passes and adopted by the Board of Directos at the Chester Public Utility District regular meeting thereof held on **November 10, 2021**.

Cheryl Johnson, Board Clerk

