

**RESOLUTION NO. 2022-07**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE PHELAN PINON HILLS COMMUNITY SERVICES DISTRICT AUTHORIZING SUBMITTAL OF A NOTIFICATION OF INTENT TO COMPLY TO THE DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY**

**The Board of the Directors of the Phelan Pinon Hills Community Services District (“District”),** hereby consents to, adopts and ratifies the following resolution:

**WHEREAS,** 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.

**WHEREAS,** the District is a local jurisdiction required to comply with the Regulations;

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

**WHEREAS,** Senate Bill 619 (Laird, 2021), through amendments to Section 42652.5 of the Public Resources Code (Statute), created a mechanism called a Notification of Intent to Comply 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.

**WHEREAS,** the District is a local jurisdiction authorized by the Statute to submit a Notification of Intent to Comply for CalRecycle approval;

**WHEREAS,** CalRecycle shall approve a Notification of Intent to Comply that is duly adopted by the jurisdiction by formal written resolution and meets the requirements of the Statute;

**NOW THEREFORE BE IT RESOLVED THAT:**

The Board of Directors of the Phelan Pinon Hills Community Services District, by and through its General Manager, or their designee, hereby formally adopts the Notification of Intent to Comply attached as Exhibit “A” and the Timeline for Compliance attached as Exhibit “B.”


The Board of Directors of the Phelan Pinon Hills Community Services District hereby authorizes and directs the General Manager, or their designee, on its behalf, to submit the Notification of Intent to Comply attached as Exhibit “A” and the Timeline for Compliance attached as Exhibit “B” to CalRecycle for approval pursuant to the Statute.

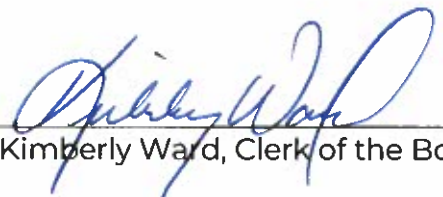
By submitting the Notification of Intent to Comply pursuant to and subject to the above referenced requirements, the Phelan Pinon Hills Community Services District represents and certifies that it will implement the proposed actions to remedy the violations according to the proposed schedule as approved by CalRecycle and in accordance with the Statute and Regulations.

The Phelan Pinon Hills Community Services District, by and through its General Manger, or their designee, also acknowledges and agrees to comply with any maximum compliance deadline in any corrective action plan that CalRecycle, in its sole discretion, determines to be necessary and appropriate under the circumstances for the correction of any violation(s) of the Statute and Regulations identified in its Notification of Intent to Comply.

**PASSED AND ADOPTED** at a regular meeting of the Phelan Pinon Hills Community Services District this 16th day of February, 2022, by the following vote:

AYES: Hoffman, Johnson, Kujawa, Philips, Roberts  
ABSTENTIONS: NONE  
NOES: NONE  
ABSENT: NONE

  
\_\_\_\_\_  
Rebecca Kujawa, President of the Board

ATTEST:   
\_\_\_\_\_  
Kimberly Ward, Clerk of the Board

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

Jurisdiction Name: Phelan Pinon Hills CSD

County: San Bernardino

Person Completing the Form:

First Name: Kimberly

Last Name: Ward

Title: HR Manager/Executive Secretary

Mailing Address: PO BOX 294049

City: Phelan

Zip Code: 92329

Email Address: kward@pphcsd.org

Phone Number: 760-868-1212 x309

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)
- (2)
- (3)
- (4)
- (5)

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

The Phelan Pinon Hills Community Service District (District) is an independent special district located in unincorporated San Bernardino County. Currently, District residents do not have mandatory residential trash, recycling, or greenwaste pickup; District residents primarily dispose of their trash at the county-operated transfer facility or via voluntary trash-only collection service. In order to implement an organics disposal program, the District must first implement mandatory trash, recycling, and greenwaste pickup for District residents. Currently, approximately 4,500 households subscribe to trash pick-up only. The remaining households (approximately 4,000) do not have trash pick-up but instead self-haul to the transfer facility. In order to implement three-container level service, the District must implement an ordinance and the District's hauler, CR&R, must ramp up operations in order to provide containers to all of the District's residents. This will require containers, trucks, and staff which are in short supply, or completely unavailable at this time, due to the COVID-19 pandemic. Further, the District is still in the process of developing rates for service in compliance with Proposition 218. Once residential service is implemented, the District will be able to comply with all reporting and

enforcement provisions of SB 1383. The District is expected to have commercial compliance implemented July 1, 2022, because the District's approximately 120 commercial customers already have mandatory trash and recycling collection; adding a third container is expected to be feasible. Outreach and education to the District's commercial customers began last year. The District has begun to procure recycled paper products only and will adjust the procurement policy accordingly. The District is working closely with its hauler to ensure all enforcement, documentation, and reporting requirements will be met.

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

The District has faced adverse impacts on compliance due to the COVID-19 pandemic. Staffing issues, and equipment and material shortages due to the supply chain issues created from the COVID-19 pandemic have been severe. District staff has been impacted severely and has pulled resources away from every department to support essential services. Further, the District's franchised hauler, CR&R, has experienced supply chain disruptions that have led to a shortage of trucks and containers for disposal, along with a major staffing shortage due to COVID-19 quarantine requirements.

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 Attachment B for the District's timeline.

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



Handwritten signature in blue ink, appearing to read "Kimberly Ward".

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Signature

Kimberly Ward

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Printed Name

HR Manager/Executive  
Secretary

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Title

02/16/2022

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Date

**Exhibit B  
SB 1381 Implementation & Uniform Collection Timeline**

Updated 02/01/2022

2021	
October	November
Develop Franchise Agreement, Legal Review, Committee Review, Board Review	
Increase Voluntary Participation	
Continue Business Outreach	
Begin Draft Uniform Collection Ordinance	

Complete
In Progress

2022											
January	February	March	April	May	June	July	August	September	October	November	December
Develop Cost of Service Rates - Commercial		Adopt New Franchise Agreement w/ SB1383	Board Reviews Rates	Prop 218 Noticing & Public Hearing	7/1/2022 Uniform Comm. Collect. Begins						
Adopt Intent to Comply											
Continue Business Outreach											
Develop Procurement Policy				Adopt Procurement Policy				Begin Customer Outreach/Education			
Develop & Implement Edible Food Recovery Program											

2023						
January	February	March	April	May	June	July
Develop Cost of Service Rates - Residential		Board Reviews Rates	Prop 218 Noticing & Public Hearing	7/1/2023 Uniform Res. Collect. Begins		
Customer Outreach/Education						