



## Proposed Regulation Text

The following denote changes for SCLP regulations:

First draft

~~Strikethrough~~ = deletions of existing text  
Underline = additions to existing text

Second draft

~~Purple~~ = deletions of existing text  
Blue = additions of existing text

**For Discussion Purposes Only.** The final informal draft regulatory language is designed to solicit additional stakeholder discussion and input on regulatory concepts proposed by CalRecycle and stakeholders for the implementation of SB 1383. The original October 30, 2017 draft was based on regulatory concepts that were vetted and refined through a series of five public workshops. This draft builds on the October 30, 2017 draft language. This language refines and clarifies the previous draft and includes policy changes made in response to stakeholder feedback.

The previous draft and workshop materials may be found here:

<http://www.calrecycle.ca.gov/climate/slcp/#Workshops>

CalRecycle developed an online comment form for stakeholder feedback. Please visit:

<http://www.calrecycle.ca.gov/Climate/SLCP/Comments/Form1/default.htm> to provide comments on the draft regulatory text. Letters may also be submitted to the email noted below.

Please submit questions regarding the informal rulemaking process to:

[SLCP.Organics@calrecycle.ca.gov](mailto:SLCP.Organics@calrecycle.ca.gov)

## Proposed Regulations to Title 14 Division 7 and Title 27 Division 2 of the California Code of Regulations.

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#### TITLE 14: NATURAL RESOURCES

#### DIVISION 7. DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

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#### **Chapter 12. Short-lived Climate Pollutants**

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## General Provisions

### Section 0.1.1. Scope of Chapter

(a) This chapter establishes the regulatory requirements for jurisdictions, generators, haulers, solid waste facilities, and other entities to achieve the organic waste disposal reduction targets codified in Section 39730.6 of the Health and Safety Code and Chapter 13.1 of Division 30 of the Public Resources Code.

(b) This chapter includes:

(1) Requirements for jurisdictions to adopt and implement organic waste collection services and to develop edible food recovery programs

(2) Limitations on local ordinances, policies, and initiatives that are in conflict with the Integrated Waste Management Act and specifically Chapter 13.1 of Division 30 of the Public Resources Code

(3) Requirements for the procurement of recovered organic waste products

(4) Minimum standards for reporting, enforcement, and penalties to be implemented by jurisdictions and the Department

### Section 0.1.2. Implementation Requirement on Jurisdictions

(a) By January 1, 2022, a jurisdiction shall adopt enforceable ordinance(s), or similarly enforceable mechanisms that are consistent with the requirements of this chapter, to mandate that organic waste generators, haulers, and other entities subject to the requirements of this chapter that are subject to the jurisdiction's authority comply with the requirements of this chapter.

(b) A jurisdiction may designate a public or private entity to fulfill its responsibilities under this chapter. A designation shall be made through any of the following:

(1) Contracts with haulers or other private entities.

(2) Agreements such as MOUs with other jurisdictions, entities, regional agencies as defined in PRC 40181, or other government entities including environmental health departments.

(c) Notwithstanding (b) a jurisdiction shall remain ultimately responsible for compliance with the requirements of this chapter.

(d) If a jurisdiction designates another entity as allowed in (b), the jurisdiction shall include copies of all agreements and contracts in the Implementation Record Required by Section 14.2 of this chapter.

## Article 1. Definitions

### Section ~~xxx~~1. Definitions

(a) The following definitions shall govern the provisions of this Chapter:

(1) "Activities that constitute landfill disposal" are activities conducted in accordance with the requirements of described in subdivision (a) of ~~section~~ Section ~~xxx~~20.1.

(2) "Activities that constitute a reduction in landfill disposal" are activities conducted in accordance with the ~~6~~ requirements of subdivision (b) of ~~section~~ ~~xxx~~20.1.

(2) "Alternative daily cover (ADC)" has the same meaning as in ~~section~~ Section 20690 of Title 27 of the California Code of Regulations (CCR).

(~~23~~) "Alternative intermediate cover (AIC)" has the same meaning as in ~~section~~ Section 20700 of Title 27 of the CCR.

(4) "Biosolids" has the same meaning as Section 17852(a)(9) of this division.

(5) "Black container" means a container where the body and lid of the container are entirely black in color. Hardware such as hinges and wheels on a black container may be a different color.

(6) "Blue container" means a container where the body and lid of the container are entirely blue in color. Hardware such as hinges and wheels on a blue container may be a different color.

(~~5~~) "Certified farmer's market" means a location that is certified by the State of California through the enforcement officers of the county agricultural commissioners and operated pursuant to Chapter 10.5 (commencing with Section 47000) of Division 17 of the Food and Agricultural Code and regulations adopted pursuant to that chapter.

(6) "County health director" has the same meaning as in ~~section~~ 113774 of the Health and Safety Code.

(~~79~~) "Community event" has the same meaning as in ~~section~~ 113755 of the Health and Safety Code.

(~~87~~) "Commercial business" means a firm, partnership, proprietorship, joint- stock company, corporation, or association, whether for-profit or nonprofit, strip mall industrial facility, or a multifamily residential dwelling.

(A) A multifamily residential dwelling that consists of fewer than five units is not a commercial business for purposes of this chapter.

~~(98) "Commercial edible food generator" means~~ includes a Tier One or a Tier Two commercial edible food generator as defined in (a)(73) and (a)(74) of this section. ~~a large commercial food generator or a medium commercial food generator.~~

~~(1012) "Commingled recycling container" means a container provided for collection of dry, non-putrescible recyclable materials, such as bottles and cans that is distinct from containers provided for collection of solid waste for disposal and containers for collection of wet or putrescible organic waste.~~

~~(9) "Community composting" means any activity that composts green material, agricultural material, food material, and vegetative food material, alone or in combination, and the total amount of feedstock and compost on-site at any one time does not exceed 100 cubic yards and 750 square feet, as specified in 14 CCR Section 17855(a)(4).~~

~~(10) "Comparable virgin products" means all purchases made by a jurisdiction, or a direct service provider on behalf of a jurisdiction, of products or materials that fit either of the following categories:~~

~~(A) Transportation fuel.~~

~~(B) Landscaping material including, but not limited to, soil amendments, soil toppings, ground covers, and weed suppressants.~~

~~11) "Compliance Review" means a review of records by a jurisdiction or the Department to determine compliance with subscribing to an organic waste collection service as required by this chapter. (1114)~~

~~"Consumer" has the same meaning as in section 113757 of the Health and Safety Code.~~

~~(12) "Contamination", or "contaminants" means human made inert material contained within organics including, but not limited to, glass, metal, and plastic.~~

~~(1312) "Compost" has the same meaning as in section Section 17896.2(a)(4).~~

~~(1412.5) "Compostable material" has the same meaning as in section Section 17852(a)(11).~~

~~(1513) "Compostable material handling operation" or "Facility facility" has the same meaning as in section Section 17852(a)(12).~~

~~1414) "Consumer" has the same meaning as in section Section 113757 of the Health and Safety Code.~~

~~(15) "Container contamination" or "contaminated container" means a container, regardless of color, that contains prohibited container contaminants as defined in subdivision (a)(54) of this section.~~

~~(16) "Disposal container" means a container used to collect solid waste for disposal.~~

~~(16) "Designee" means an entity that a jurisdiction contracts with or otherwise arranges to carry out any responsibilities of this chapter. A designee may be a government entity, a hauler, a private entity, or a combination of those entities.~~

~~(17) "Diesel gallon equivalent" means the amount of renewable natural gas transportation fuel that has the equivalent energy content of one gallon of conventional diesel.~~

~~(18) "Direct service provider" means a provider that contracts with a jurisdiction to provide services.~~

~~(1719) "Edible food" means food that is unsold or unserved and meets all quality and labeling standards imposed by Federal, State, and local laws and regulations even though the food may not be readily marketable due to appearance, age, freshness, grade, size, surplus, or other conditions, unsold or unserved food that is fit for human consumption, even though the food may not be readily marketable due to appearance, age, freshness, grade, size, surplus, or other conditions. For the purposes of these regulations, "edible food" is not solid waste if it is recovered and not discarded.~~

~~(20) "Enforcement action" means an action of a jurisdiction or the Department to ensure compliance with this chapter, including, but not limited to, issuing notices of violation, accusations, or other remedies.~~

~~(1824) "Enforcement officer" has the same meaning as in section 113774 of the Health and Safety Code.~~

~~(21) "Facility that recovers source-separated organic waste" means a facility that handles source separated organic waste separately from any other wastes as required in Section 17409.5.5 of this Division.~~

~~(1922) "Food" has the same meaning as in section Section 113781 of the Health and Safety Code.~~

~~(23) "Food employee" has the same meaning as in Section 113788 of the Health and Safety Code.~~

~~(2024) "Food facility" has the same meaning as in section Section 113789 of the Health and Safety Code.~~

~~(21) "Food handler", has the same meaning as in section 113790 of the Health and Safety Code.~~

~~(22) "Food processing establishment" has the same meaning as in section 111955 of the Health and Safety Code.~~

~~(2325) "Food recovery" means actions to acquire collect and distribute food for human consumption which otherwise would be disposed. for human consumption which otherwise would be disposed through receiving, storing, or processing food, with or without payment~~

~~(2426) "Food recovery organization" means a charitable nonprofit organization under section 501(c) of the federal Internal Revenue Code that distributes food to the public. Food recovery organization includes but is an entity that primarily engages in the collection or receipt of excess edible food from edible food generators and distributes that edible food to the public for consumption, including, but not limited to:~~

~~(A) A food bank as defined in section Section 113783 of the Health and Safety Code;~~

~~(B) A Nonprofit Charitable Organization as defined in section Section 113841 of the Health and Safety code; and,~~

~~(C) A nonprofit charitable temporary food facility as defined in part 7 of division 104 Section 113842 of the Health and Safety Code.~~

~~(2527) "Food recovery service" means a service that collects and transports edible food to a food recovery organization. Food Recovery service may include but is not limited to a food distribution agency designated by a county health officer pursuant to section 101060 of the Health and Safety Code means a person or entity that collects and transports edible food from an edible food generator to a food recovery organization or other entities for food recovery.~~

~~(28) "Food service distributor" means an entity primarily engaged in providing food services to institutional, governmental, commercial, or industrial locations of others based on contractual arrangements with these types of organizations.~~

~~(29) "Green container" means a container where the body and lid of the container are entirely green in color. Hardware such as hinges and wheels on a green container may be a different color.~~

~~(30) "Grocery store" means a store primarily engaged in the retail sale of canned food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area that is not separately owned within the store where the food is prepared and served, including a bakery, deli, and meat and seafood departments. Grocery store includes convenience stores.~~

~~(2631) "Hauler" has the same meaning as in section Section 18815.2 (a)(28).~~

~~(32) "Health facility" has the same meaning as in Section 1250 of the Health and Safety Code.~~

~~(33) "High diversion organic waste processing facility" means a facility that is in compliance with the reporting requirements of section 18815.5(d) of this division and meets or exceeds an annual average mixed waste organic content recovery rate of 50 percent between January 1, 2022 and December 31, 2024, and 75 percent after January 1, 2025 as calculated pursuant to section 18815.5(e) of this division for organic waste received from the "Mixed Waste Organic Waste Collection Stream as defined in Section 17402 (a)(19.5) of this division.~~

~~(2734) "Hotel" has the same meaning as in section Section 17210 of the Business and Professions code.~~

~~(28) "In vessel digester" has the same meaning as in section 17896.2(a)(4).~~

~~(35) "Inspection" means a site visit where a jurisdiction or the Department reviews records, containers, and an entity's collection, handling, recycling, or disposal of organic waste or edible food handling to determine if the entity is complying with requirements set forth in this chapter.~~

~~(36) "Jurisdiction" means a city or county, or a city and county. A city or county, or a city and county, may utilize a Joint Powers Authority to comply with the requirements of this chapter, except that the individual city, county, or city and county shall remain ultimately responsible for compliance.~~

~~(2937) "Jurisdiction of residence" means the jurisdiction where a generator who is a self-hauler generated organic waste.~~

~~(30) "Large Commercial Edible Food Generator" means:~~

~~(A) A Supermarket~~

~~(B) A food facility, including a restaurant with X or more employees~~

~~(C) A hotel with an onsite food facility and more than 200 rooms~~

~~(2438) "Large event" means an event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event.~~

~~(2239) "Large venue" means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. For purposes of this eChapter, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. For purposes of this eChapter, a site under common~~



ownership or control that includes more than one large venue that is contiguous with other large venues in the site, is a single large venue.

(40) "Local education agency" means a school district, charter school, or county office of education that is not subject to the control of city or county regulations related to solid waste.

~~(33) "Medium Commercial Edible Food Generator" means:~~

~~(D) A food facility, including a restaurant with X or fewer employees~~

~~(E) A hotel with an onsite food facility and between 100-200 rooms~~

~~(F) A commercial business that includes an onsite food facility that serves more than 100 meals per day.~~

~~(34) "Mixed waste organics collection service" means a waste collection service that collects organic waste with other solid waste in a mixed waste collection container or a disposal container and sends the material to a high diversion mixed waste processing facility that recovers the organic waste at the level specified in xxx4.~~

~~(35) "Mixed waste organics container" means a container that is intended for the collection of solid waste including organic waste that will be are separated at a high diversion facility.~~

~~(3644) "Mobile food facility" has the same meaning as in section 113831 of the Health and Safety Code.~~

~~(5241) "State Non-local entity" means an entity that is an organic waste generator but is not subject to the control of city or county regulations related to solid waste. These entities include, but are not limited to, special districts, school districts, community college districts, public universities, and state agencies, federal facilities, prisons, facilities operated by the state parks system, and state agencies.~~

(42) "Non-organic recyclables" means non-putrescible and non-hazardous recyclable wastes including but not limited to bottles, cans, metals, plastics, and glass.

(43) "Notice and Order to Correct (NOTC)" means a notice that a violation has occurred and that failure to correct the violation may result in a penalty.

(44) "Notice of Violation (NOV)" means a notice that a violation has occurred that includes a compliance date to avoid an action to seek penalties.

~~(3745) "Organic Waste" means solid wastes containing material originated from living organisms and their metabolic waste products, including but not limited to food waste, green waste material, landscape and pruning waste, applicable organic textiles and carpets, wood, lumber, fiber, paper products, printing and writing paper, manure, biosolids, digestate, and sludges.~~

~~(3846) "Organic waste disposal reduction target" is the statewide target to reduce the disposal of organic waste by 50 percent by 2020 and 75 percent by 2025, based on the 2014 organic waste disposal baseline, set forth as described in section-Section 39730.6 of the Health and Safety Code.~~

~~(3947) "Organic waste generator" means a person or entity that is responsible for the initial creation of organic waste.~~

(48) "Organic waste recovery activities" or "recovery" means any activity or process described in Section 20.1(b).

(49) "Organic Waste Recovery Noncompliance Inventory" means a list of entities that have uncorrected violations of the organics waste state standards contained in this chapter.

~~(40) "Organics Container" means a container that is used in a source separated collection service to collect organic waste in compliance with the requirements of section xxx3.1.~~

(50) "Paper products" include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, and hanging files, building insulation and panels, corrugated boxes, tissue, and toweling.

~~(4151) "Person" has the same meaning as in section-Section 40170 of the Public Resources Code.~~

(52) "Plastic coated paper" means a paper product or printing and writing paper that is laminated or coated in plastic.

~~(42) "Prepackaged food" has the same meaning as in section 113876 of the Health and Safety Code.~~

(53) "Printing and writing papers" include, but are not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and other uncoated writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications.

~~(4355) "Produce" has the same meaning as in section 113877 of the Health and Safety Code.~~

(54) "Prohibited container contaminants" means any of the following, but does not include organic waste specifically allowed for collection in a container that is required to be transported to a high diversion organic waste processing facility if the waste is specifically identified as acceptable for

collection in that container in a manner that complies with the requirements of Articles 30.1, 30.2 or 30.3:

(A) Non-organic waste placed in a green collection container that is part of an organic waste collection service provided pursuant to section 30.1 or 30.2.

(B) Organic wastes that are textiles, carpet, hazardous wood waste, plastic coated paper, human or pet waste, and material subject to a quarantine on movement issued by a county agricultural commissioner placed in the green container that is part of an organic waste collection service provided pursuant to section 30.1 or 30.2.

(C) Organic wastes, placed in a black container, that pursuant to section 30.1 or 30.2 were intended to be collected separately in the green container or blue container.

(D) Organic wastes, placed in the blue container shall be considered prohibited container contaminants when those wastes were specifically identified in this Chapter or through a local ordinance for collection in the green container for recovery. Paper products, printing and writing paper, wood and dry lumber may be considered acceptable and not considered prohibited container contaminants if they are located in the blue container.

(55) "Paper purchase" means all purchases by a jurisdiction of items in the following categories

(A) Paper products.

(B) Printing and writing papers.

~~(4556)~~ "Processing" has the same meaning as in ~~section~~ Section 17402 (a)(20).

~~(4457)~~ "Property Owner" means the owner of real property ~~or a business~~.

(58) "Publicly Owned Treatment Works Treatment Plant" or "POTW" has the same meaning as in Section 403.3(q) of Title 40 of the Code of Federal Regulations.

~~(4660)~~ "Ready to eat food" has the same meaning as in section 113881 of the Health and Safety.

(59) "Recovered organic waste product procurement target" means the amount of recycled organic waste products, which a jurisdiction is required to procure annually.

(60) "Recovered organic waste products" means products made from California, landfill-diverted recycled organic waste processed in a permitted or otherwise authorized facility.

(61) "Recycled content paper" means paper products and printing and writing paper that consists of at least 30 percent, by fiber weight, postconsumer fiber.

(62) "Renewable natural gas transportation fuel" means gas derived from organic waste that has been diverted from a landfill and processed at an in-vessel digestion facility that is permitted or otherwise authorized by Title 14 to recycle organic waste.

~~(4763)~~ "Residual organic waste" means waste that remains after organic waste has been processed by which is then sent to landfill disposal.

~~(4864)~~ "Restaurant" has the same meaning as in section 111200 of the Health and Safety Code means an establishment primarily engaged in the retail sale of food and drinks for on premises or immediate consumption.

(65) "Route Review" means a visual inspection of containers along a hauler route for the purpose of determining contamination, and may include mechanical inspection methods such as the use of cameras.

~~(4966)~~ "Self-hauler" means a person who hauls solid waste, organic waste or recyclable material he or she has ~~have~~ generated to another person. Self-hauler also includes a person who back-hauls waste

(A) "Back-haul" means generating and transporting organic waste to a destination owned and operated by the generator using the generator's own employees and equipment.

(67) "Sewage sludge" means the solid, semisolid, or liquid residue generated during the treatment of domestic sewage in a municipal wastewater treatment facility. Sewage sludge includes solids removed or used during primary, secondary, or advanced wastewater treatment processes. Sewage sludge does not include grit or screening material generated during preliminary treatment of domestic sewage at a POTW.

~~(5068)~~ "Share table" has the same meaning as in Section 114079 of the Health and Safety Code means, tables in the common eating area of a K-12 school where students can leave their unwanted, unbiten, unopened food and beverage items for recovery.

~~(51)~~ "Source Separated Collection Service" means a collection system that is operated in accordance with the requirements of section ~~xxxx~~30.1.

(69) "Source separated organic waste" means organic waste that is placed in a container that is specifically intended for the separate collection of organic waste by the generator.

(70) "Subsequent violation" means a violation of this chapter by a jurisdiction or entity that has previously been subject to an enforcement action for a violation of this chapter. For purposes of this

article, a subsequent violation may only be found when it has occurred within five years of the violation that has already been the subject of an enforcement action.

(6371) "Supermarket" means a full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items.

(5572) "The 2014 organic waste disposal baseline" means the total tons of organic waste disposed statewide in 2014 as calculated by the CalRecycle's 2014 Waste Characterization Study.

(73) "Tier One commercial edible food generator" means a commercial edible food generator that is one of the following:

(A) Supermarket.

(B) Grocery store with a total facility size equal to or greater than 7,500 square feet.

(C) Food service distributor.

(E) Wholesale food market.

(74) "Tier two commercial edible food generator" means a commercial edible food generator that is one of the following:

(A) Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.

(B) Hotel with an onsite food facility and 200 or more rooms.

(C) Health facility with an on-site food facility and 100 or more beds.

(E) Large venue.

(F) Large event.

(G) A state agency with a cafeteria with 250 or more seats or total cafeteria facility size equal to or greater than 5,000 square feet.

(H) A Local Education Agency facility with an on-site food facility.

(75) "Violation" means a lack of compliance with a requirement of this chapter or local ordinance(s) adopted pursuant to this chapter.

(76) "Wholesale food market" means a food establishment in which food (including fruits and vegetables) is received, shipped, stored, prepared for distribution to a retailer, warehouse, distributor, or other destination.

(78) "Yellow container" means a container where the body and lid of the container are entirely yellow in color. Hardware such as hinges and wheels on a yellow container may be a different color.

## **Article 2. Landfill Disposal and Reductions in Landfill Disposal**

### **Section ~~xxxx~~ 20.1 Landfill Disposal and ~~Recovery~~ Recycling.**

(a) The following dispositions of organic waste shall be deemed to constitute landfill disposal:

(1) Final deposition at a landfill.

(2) ~~Beneficial reuse at a landfill, including but not limited to Use as Alternative Daily Cover and or Alternative Intermediate Cover at a landfill.~~

(3) Any other disposition not listed in subsection (b) of this section.

(b) Organic waste sent to one of the following facilities, operations, or used for one of the following activities, and not subsequently sent for landfill disposal shall be deemed to constitute a reduction of landfill disposal, except that, any residual material organic waste subsequently sent from one of these facilities for landfill disposal shall be deemed to constitute landfill disposal, as that term is defined in subsection (a) of this section, shall still be deemed to constitute landfill disposal:

(1) An operation that qualifies as a "Recycling Center" as set forth in ~~section~~ Section 17402.5(d), or is listed in ~~section~~ Section 17402.5(c) of this Division.

(2) A "Compostable Material Handling Operation or Facility" as defined in ~~section~~ Section 17852(a)(12) of this Division, or small composting activities that would otherwise be excluded from that definition pursuant to ~~section~~ Section 17855(a)(4) of this Division, or community composting as defined in Section 1(a)(13).

(3) An "In-vessel Digestion Operation or Facility" as ~~defined~~ listed in ~~section~~ Section 17896.2(a)(14) 17896.5 of this Division, or activities that would otherwise not be subject to the in-vessel digestion requirements pursuant to Section 17896.6 of this Division.

(4) A Biomass Conversion operation or facility as defined in ~~section~~ Section 40106 of the Public Resources Code.

(5) Used as a soil amendment for erosion control or landscaping at a landfill, when the material is used in a manner that complies with the following criteria:



- (A) The material has been processed at a solid waste facility, as defined in Section 40194 of the Public Resources Code.; and,  
(B) The use shall be:  
1. Restricted to those organic wastes appropriate for the specific use and in accordance with engineering, industry guidelines or other standard practices specified in the Report of Disposal Site Information, as required by 27 CCR Section 21600(b)(6).  
2. Restricted to quantities of solid wastes no more than necessary to meet the minimum requirements of 1.  
3. Stored and handled in a manner to protect public health and safety and the environment, and control vectors, fires, odors, and nuisances.  
(C) The material applied is never more than 12 inches in depth.  
(D) The material applied is never commingled with solid waste.  
(6) Land application, as defined in Section 17852(a)(24.5), of this division subject to the following conditions:  
(A) Green waste or green material shall meet the definition of Section 17852(a)(21) and shall have been processed at a solid waste facility, as defined by Section 40194 of the Public Resources Code.  
(B) Biosolids shall:  
1. Have undergone anaerobic digestion or composting, as defined in Part 503, Title 40 of the Code of Federal Regulations, Appendix B, and,  
2. Meet the requirements in Section 17852(a)(24.5)(B)(6) of this division for beneficial reuse of biosolids.  
(C) Digestate shall:  
1. Have been anaerobically digested at an in-vessel digestion operation or facility, as described in 14 CCR sections 17896.8 through 17896.13; and,  
2. Meet the land application requirements described in 14 CCR Section 17852(a)(24.5)(A).  
3. Have obtained applicable approvals from the State and/or Regional Water Quality Control Board requirements.  
(7) Lawful use as animal feed, as set forth in Title 3, Division 4, Chapter 2, Subchapter 2 commencing at Section 2675 of the Code of California Regulations.  
(8) Other operations or facilities with processes that reduce short-lived climate pollutants as determined by the Executive Officer of the California Air Resources Board pursuant to in accordance with section Section ~~xxx~~20.2.  
(c) For the purposes of this section, the term "landfill" includes permitted landfills, landfills that require a permit, export out of California for disposal, or any other disposal of waste as defined by ~~section~~ Section 40192(c) of the Public Resources Code.  
(d) For the purposes of this section, edible food that would otherwise be disposed that is recovered for human consumption shall constitute a reduction of landfill disposal.

#### **Section ~~xxx~~20.2 Verification of Technologies That Constitute a Reduction in Landfill Disposal**

- (a) For any organic waste recycling recovery operations, facilities or activities not covered expressly identified in under section ~~xxx~~20.1(b)(1) through ~~xxx~~20.1(b)(5), the following process shall be used to determine if the proposed organic waste recovery operation (proposed operation) they shall be deemed to constitute a reduction of landfill disposal:  
(1) The Department shall not deem a proposed operation to constitute a reduction in landfill disposal unless the applicant can demonstrate that the methane emission reductions are equivalent to, or greater than those which are assumed from a composting operation in the California Air Resources' Board's (CARB) adopted Short Lived Pollutant Reduction Strategy (March 2017), which is incorporated by reference.  
(2) The applicant shall submit the necessary following information to the Department for it to determine if the proposed operation constitutes a reduction in landfill disposal. This information shall include, but may not be limited to the following information the following:  
(A) Name and address of the operation, facility, or activity, and contact information for the person responsible for the information in the report.  
(B) Type For each type of organic waste being processed, the (C). Mass in tons of the organic waste being processed per year.  
(D) Average moisture content of the organic waste being processed.

~~(E) Detailed explanation of each of the processes or technologies utilized by the applicant for the proposed organic waste recovery operation.~~

~~(F) All calculations, assumptions, or emission factors used by the applicant to determine the methane reduction potential of the proposed operation by type of organic waste material.~~

~~(G) Any other information relevant to make a determination.~~

~~(E) A written attestation that the information supplied is correct, true, accurate, complete, and that, to the best of the applicant's knowledge, the operation results in a reduction in landfill disposal.~~

~~(2) The Department shall consult with the California Air Resources Board (CARB) to verify that the information submitted by the applicant is sufficient to determine the methane emissions reduction potential of the proposed operation, and the Department shall request a calculation of a methane emission reduction factor for the proposed operation, consistent with the calculation utilized to estimate CARB GHG reductions for organics diversion activities in CARB's Short Lived Climate Pollutant Reduction Strategy.~~

~~(3) The director of the Department may request additional information from the applicant if required by CARB to validate the information submitted pursuant to 14 CCR Section 20.2(a)(1).~~

~~(4) The methane emissions reduction potential determined by results of CARB's calculation process will be used by the Department to determine if the proposed operation results in a reduction in landfill disposal.~~

~~(5) The Department shall not deem a proposed operation to constitute a reduction in landfill disposal unless the applicant can demonstrate that the methane emission reductions are equivalent to or greater than the MTCO<sub>2</sub>e/ton of feedstock calculations used in the Short-lived Climate Pollutant Strategy for compost.~~

~~(b) If the Department determines that a proposed operation results in a reduction in landfill disposal, the Department shall post to its website the results of the determination and include a description of the operation.~~

~~(c) Upon request of the applicant, as part of certification of activities that constitute a reduction in landfill disposal, The Department may consider additional information provided by the applicant that demonstrates that the proposed activity is identical or equivalent to a proposed activity the Department has determined pursuant to section xxx20.2(a) results in a reduction in landfill disposal.~~

### **Article 3. Mandatory Organic Waste Collection**

#### **Section xxx30. Collection of Organic Waste**

~~(a) Every jurisdiction shall be responsible for the collection and recycling of organic waste generated within the territory subject to its authority in a manner that complies with the requirements of this chapter.~~

#### **Section xxx30.1 Source-separated Organic Waste Collection Service**

~~(a) Except as provided in section xxx30.2, a jurisdiction shall provide a source-separated organic waste collection service that complies with the following:~~

~~(1) The service shall be provided to every organic waste generator located within the territory subject to its jurisdiction.~~

~~(2) Every generator shall be provided a separate container, or containers, for the separate collection of organic waste.~~

~~(A) Organic waste shall be collected in an organics container that is expressly limited to the collection of organic waste. The organics container or containers shall, at a minimum, be intended for the collection of the following materials: food waste, soiled paper, green waste, landscape and pruning waste.~~

~~(B) Dry lumber, wood and fibers may be collected in organics containers or in a commingled recycling container as long as it will be sent to a facility that recycles each organic waste intended for collection in that container.~~

~~(C) The disposal container shall only be intended for the collection of non-organic solid wastes and shall not be used for the collection of organic waste.~~

~~(3) Each type of waste container shall be a color that is distinct from the other containers or have a lid that is a color that is distinct from the lids of the other containers. The waste containers shall include labels as follows:~~

~~(A) The label on the organics container or containers, and the commingled recycling container shall~~

~~1. List each type of material intended for collection in that container in writing.~~

~~2. Include at least three graphic examples of material that can be accepted in the container.~~

~~3. Include at least two graphic examples of materials that are prohibited from being placed in the container. The graphic example shall include a clear marker indicating that the specific materials are not accepted in the container.~~

~~(B) The label on the disposal container shall include at least two graphic examples of materials that are prohibited from being placed in the container.~~

~~(C) The label on the disposal container shall include a statement that proper separation of waste is mandatory.~~

~~(D) A jurisdiction or hauler may use educational material provided by CalRecycle to comply with the labelling requirements of (A) (C) of Paragraph(3).~~

~~(4) The jurisdiction, or hauler collecting organic waste on behalf of the jurisdiction, shall:~~

~~(A) Collect and transport all organic wastes collected in the organics container to a facility that recycles source-separated organic waste.~~

~~(B) Collect and transport the contents of a commingled recycling container to a facility that specifically recycled the material types included in the container.~~

~~(5) A jurisdiction, or hauler collecting solid waste on behalf of the jurisdiction, shall not transport the contents of the organics container or a commingled recycling container that includes organic waste to a facility that does not process and recycle organic waste.~~

~~(b) A jurisdiction shall require generators to comply with the requirements of Article 5 of this Chapter, including placing materials in proper bins.~~

### **Section xxx30.15 Contamination of Source-Separated Organic Waste.**

~~(a) It is the responsibility of a jurisdiction to reduce the presence of contaminants in organic waste containers that are collected from the territory within their authority, and maintain a container contamination rate of no more than 10 percent on average for the organics containers.~~

~~(1) For the purposes of this section, contamination may be measured by weight or volume.~~

~~(b) A hauler, who, in the course of his or her duties, or during a random check for contamination, notices or identifies contamination of greater than 10 percent in an organics container may refuse to collect the container, or may dispose of the container.~~

~~(1) A random check of at least five containers shall be conducted at least once per day. A hauler may check a container prior to collecting or accepting the materials contained in an organics container.~~

~~(2) A hauler may identify contamination by a visual inspection of the contents of the container.~~

~~(3) A jurisdiction shall not find that a hauler is out of compliance with its contractual obligations for disposing of or refusing to collect a contaminated container as authorized by this section.~~

~~(c) A hauler shall inform the jurisdiction of contamination that is discovered pursuant to subdivision (b) or section 17409.5 of Title 14 of the CCR in the following manner:~~

~~(1) If contamination is identified pursuant to subdivision (b), the hauler shall inform the jurisdiction in writing of the address or addresses of all generators with contaminated waste and all containers that were rejected or disposed of due to contamination.~~

~~(2) If a hauler is informed by a solid waste facility operator of contamination in a load of organic waste delivered to a solid waste facility pursuant to section 17409.5.5, the hauler shall keep a record of the notice and shall notify the jurisdiction or jurisdictions in writing of the addresses of all generators with contaminated waste on the collection route.~~

~~(3) The notices provided to the jurisdiction shall note the date the container or collection route was identified as contaminated, and shall be provided in writing prior to the next date of collection for the identifies route or containers.~~

~~(d) A jurisdiction that is informed by a hauler or solid waste facility operator serving the jurisdiction that the organic waste collected in a container or on one of the operator's service routes is contaminated, shall:~~

~~(1) Conduct targeted education and outreach to each generator identified in the notice. The outreach shall include at least one written notice that is placed on the container. The written notice shall include information regarding the generator's requirement to recycle organic waste and the requirements to properly separate materials into the appropriate containers pursuant to section xxx50.1.~~

~~(2) Keep a record of the written notices received from a hauler or solid waste facility operator, and a copy of the notices provided to each generator as required by this section.~~

~~(e) Nothing in this section limits or prohibits the authority of a jurisdiction to adopt contamination standards that are more stringent than the requirements of this section.~~

### **Section xxx30.2 Mixed Waste Organic Collection Services.**

~~(a) Notwithstanding section xxx30.1, a jurisdiction may provide a mixed waste organic collection service to organic waste generators if all of the following apply:~~  
~~(1) The organic waste generators receiving the service had the service in place prior to January 1, 2020.~~  
~~(2) The contents of the mixed waste organic collection containers are transported to a high diversion facility that complies with 14 CCR section 17400.5.1.~~  
~~(b) A jurisdiction, or the hauler acting on behalf of a jurisdiction, shall not transport mixed organics solid waste to facilities that are not High Diversion Mixed Waste Processing Facilities.~~  
~~(c) If the mixed waste organic collection service provided by the jurisdiction does not meet the requirements of (a) and (b) at any time after January 1, 2022, the jurisdiction shall begin implementing a source separated collection service.~~  
~~(1) A jurisdiction shall submit an implementation schedule to the department within six months of a failure of a high diversion mixed waste processing facility or facilities serving the jurisdiction to meet the requirements of this section. The implementation schedule shall identify the timeframe for the jurisdiction to initiate a source separated organics collection service. The implementation schedule shall identify the following:~~  
~~(A) The date the jurisdiction will begin a solicitation for source separated organics recycling services. The solicitation shall commence no less than six months after the implementation schedule is due.~~  
~~(B) The date the jurisdiction will select a source separated organics recycling service. The service shall be selected no less than 60 days after the close of the solicitation period. In no situation shall a new service be selected more than 12 months after the implementation schedule is due.~~  
~~(C) The date the jurisdiction will begin providing source separated organics recycling services. The services shall begin within 18 months of the due date of an implementation schedule by the jurisdiction. The department may extend the date the source separated organics recycling service must be implemented if the jurisdiction can demonstrate that it could not meet this deadline.~~

### **Section xxx30.3, Waivers.**

~~(a) A jurisdiction may provide waivers from some or all of the requirements of this chapter in the following circumstances. The department shall review waivers and may disapprove of waivers.~~  
~~(1) Emergency Waiver. If a jurisdiction determines that any type of organic waste cannot feasibly be recycled for a limited time period due to emergency conditions, the jurisdiction may permit that type of organic waste to be deposited in landfill(c) for that limited time period. An emergency waiver may only be issued when there has been a proclamation of a state of emergency or local emergency, as those terms are defined in section 17210.2 of Title 14 of the CCR.~~  
~~(2) De Minimis Waiver. A jurisdiction may waive some or all of the requirements of this chapter that apply to a generator, if the generator provides documentation satisfactory to the jurisdiction that organic waste s comprise, an average of, less than 10% by weight of solid waste taken to landfill(s) from that collection location.~~  
~~(3) Physical Space Waiver. A jurisdiction may waive some or all of the requirements of Sections Xxx3.1, as appropriate, if a generator or property owner provides documentation from the hauler, licensed architects or engineers, or building officials that demonstrates that the organic waste generator or property owner does not have adequate space for separate organics containers.~~

## **Article 3. Organic Waste Collection Services**

### **Outline of Article 3**

~~(a) This Article specifies the minimum standards for organic waste collection services provided by jurisdictions, outlines efforts jurisdictions must engage in to reduce container contamination, delineates container color and labeling requirements, specifies criteria for rural jurisdictions to be exempt from specified requirements of this section and criteria for jurisdictions to waive requirements for specified generators. This Article additionally specifies associated recordkeeping requirements for these standards.~~  
~~(b) This Article sets forth the requirements for Organic Waste collection in the following sections:~~  
~~30.1 Three-container Organic Waste Collection Services.~~  
~~30.2 Two-container Organic Waste Collection Services.~~  
~~30.3 Unsegregated Single Container Collection Systems.~~  
~~30.4 Recordkeeping Requirements for Compliance with Organic Waste Collection Services.~~  
~~30.5 Container Contamination Minimization.~~  
~~30.6 Recordkeeping Requirements for Container Contamination Minimization.~~  
~~30.7 Container Color Requirements.~~  
~~30.8 Container Labeling Requirements.~~  
~~30.9 Organic Waste Generator Requirements.~~



- 30.10 Property Owner Requirements.
- 30.11 Waivers and Exemptions Granted by Jurisdictions.
- 30.12 Waivers and Exemptions Granted by the Department.
- 30.13 Emergency Circumstances.
- 30.14 Recordkeeping Requirements for Waivers and Exemptions.

### **Section 30.1. Three-container Organic Waste Collection Services**

(a) A jurisdiction may comply with the requirements of this article by implementing a three-container organic waste collection service and providing a green container, a blue container, and a black container to each generator in the following manner:

(1) The green container shall be provided for the collection of organic waste. The green container shall be intended for the collection of organic waste only and not nonorganic waste. The contents of the green container shall be transported to a facility that recovers source-separated organic waste.

(2) The blue container shall be provided for the collection of nonorganic recyclables only but may include the following types of organic wastes: paper products, printing and writing paper, wood, and dry lumber. The contents of the blue container shall be transported to a facility that recovers the materials designated for collection in the blue container.

(3) The black container shall be for the collection of nonorganic waste only but may include wastes identified in (a)(5)(A) of this section.

(4) A jurisdiction may comply with this section by providing a container or containers that are split or divided into segregated sections, instead of an entire container, as long as the separate sections of a split container comply with the container color requirements and material limitations specified in this section.

(5) The following shall not be collected in the green container or blue container:

(A) Textiles, carpets, plastic coated paper, and human or pet waste.

(B) Hazardous wood waste and material subject to a quarantine on movement issued by a county agricultural commissioner.

(7) A jurisdiction may require additional segregation of source separated organic waste by providing multiple source separated organic waste containers in addition to the green container.

(A) Additional containers or split containers for the collection of further source-separated organic waste may include, in addition to a green container for yard waste and green waste, a yellow container for separated food waste.

(B) Additional containers provided in accordance with this subdivision shall not be blue, black, or green.

(b) A jurisdiction that provides a three-container organic waste collection service that complies with subdivision (a) may transport the contents of the black container to a facility that processes and recovers organic waste. A jurisdiction that complies with this subdivision is not required to transport the contents of the black container to a facility that meets or exceeds the organic waste content recovery standard specified in Section 30.3.

(c) Notwithstanding subdivision (a) a jurisdiction providing a three-container organic waste collection service may allow organic waste, such as food waste, to be collected in the black container provided that the collection program complies with the following:

(1) The contents of the black container shall be transported to a facility that meets or exceeds the organic waste content recovery requirements specified in Section 30.3.

(2) The black container is labeled in a manner consistent with Section 30.8 that identifies the types of organic waste content accepted in the black container.

(3) The jurisdiction otherwise provides green and blue containers in a manner that complies with the requirements and limitations specified in subdivision (a) of this section.

(c) Notwithstanding (a) the contents of containers may be initially transported to a consolidation site as defined in 17402 that complies with the requirements of 17409.5.10.

### **Section 30.2. Two-container Organic Waste Collection Services**

(a) A jurisdiction may comply with the requirements of this article by implementing a two-container organic waste collection service providing a green container and a blue container to each generator in the following manner:

(1) The green container shall be for the collection of organic waste only. The contents of the green container shall be transported to a facility that specifically recovers source-separated organic waste.

(2) The blue container shall be for the collection of all nonorganic waste. However, the blue container may be used for the collection of the following types of organic wastes: paper products, printing and writing paper, wood, and dry lumber.



(3) If either container is intended for the collection of both organic waste and nonorganic waste, the contents of the container shall be transported to a high diversion organic waste processing as specified in Section 30.3 of this article.

(4) A jurisdiction shall, consistent with Section 30.8 of this article, clearly identify the types of wastes accepted in each container and which container shall be used for the collection of any unidentified materials.

(5) The following shall not be collected in the green container:

(A) Textiles, carpets, plastic coated paper, and human or pet waste.

(B) Hazardous wood waste and material subject to a quarantine on movement issued by a county agricultural commissioner.

(c) Notwithstanding (a) the contents of containers may be initially transported to a consolidation site as defined in 17402 that complies with the requirements of 17409.5.10.

### **Section 30.3. Unsegregated Single-Container Collection Services**

(a) A jurisdiction may comply with the requirements of this article by providing a single black container to each generator that allows for intentional comingling of all collected wastes, including organic waste, provided that the contents of the black container are transported to a high diversion organic waste processing facility.

(b) If the facility's annual average mixed waste organic content recovery rate is lower than required in Section (1)(a)(33) of this chapter for two (2) consecutive quarterly reporting periods or three (3) quarterly reporting periods within three (3) years, the facility shall not qualify as a high diversion organic waste processing facility.

(c) If the jurisdiction is in violation of this section due to a facility to which it sends organic waste being unable to meet the required annual average mixed waste organic content recovery rate, the jurisdiction shall be subject to the enforcement process in Section 15.2, which may include a corrective action plan as specified in that section allowing it time to meet the requirements of this article prior to the Department seeking administrative penalties.

(d) Notwithstanding (a) the contents of containers may be initially transported to a consolidation site as defined in Section 17402 that complies with the requirements of Section 17409.5.10.

(e) A jurisdiction may allow organic waste specified for collection in the black container to be placed in bags for collection.

### **Section 30.4 Recordkeeping Requirements for Compliance with Organic Collection**

(a) A jurisdiction shall include the following information and documents in the Implementation Record required by Section 14.40 of this chapter:

(1) A description of which collection method(s) it will use to comply with Article 3.

(2) If the jurisdiction is using a service that requires the contents of containers provided by the jurisdiction to be transported to a high diversion organic waste processing facility, the jurisdiction shall at a minimum:

(A) List all high diversion organic waste processing facilities used by the jurisdiction.

(B) Include copies of, quarterly and annual average mixed waste organic content recovery rates, for each of those facilities, as defined in Section 30.3.

(C) List of all approved haulers in the jurisdiction that are allowed to take organic waste to the jurisdiction's identified high diversion organic waste processing facility or facilities.

(D) The geographical area the hauler serves, the routes serviced, or a list of addresses served.

### **Section 30.5 Container Contamination Minimization**

(a) A jurisdiction, or its designee, shall monitor the containers provided to generators using a three-container or two-container organic waste collection service to minimize prohibited container contaminants as required by this section.

(b) A jurisdiction, or its designee, shall conduct a route review for prohibited container contaminants on randomly selected containers in a manner that results in all collection routes being reviewed quarterly.

(1) Upon finding prohibited container contaminants in a container, the jurisdiction, or its designee, shall contact the generator or provide written notice to the generator.

(A) The written notice shall, at a minimum, include information regarding the generator's requirement to properly separate materials into the appropriate containers and may include photographic evidence of the violation.

(B) The notice may be left on the generator's container at the time the violation occurs.

(2) If a jurisdiction, or its designee, observes a visible prohibited container contaminant in a generator's green container or blue container, it may dispose of the container's contents.

(3) If the jurisdiction, or its designee, observes prohibited container contaminants in a generator's green container or blue container on more than three consecutive occasions, the jurisdiction, or its designee, may impose additional contamination processing fees on the generator and may impose penalties pursuant to Section 14.4 of this chapter.

(c) If a jurisdiction's designee observes visible prohibited container contaminants in a container, the designee shall inform the jurisdiction in writing, each month, with the address of the generator and the date the contaminated container was observed, and, if available, any photographic documentation, and what action was taken.

(d) If a jurisdiction is informed by a solid waste facility operator pursuant to sections 17409.7, 17867, or 17896.25.1 of this Division, that the waste collected by one of its haulers contains prohibited container contaminants while the hauler was servicing the jurisdiction's generators, then the jurisdiction, or its designee, shall:

(1) Investigate by physically inspecting containers along the route(s) that the contaminants came from to determine the sources of contamination and provide written notification, either by placement on organic waste containers, mailing education notices, or direct contact with generators, which shall, at a minimum, include information regarding the generator's requirement to properly separate materials into the appropriate containers and may include photographic evidence of the violation.

(e) Nothing in this section limits a jurisdiction from adopting contamination standards that are more stringent than the requirements of this section.

### **Section 30.6 Recordkeeping Requirements for Container Contamination Minimization**

(a) A jurisdiction shall include the following information and documents related to its compliance with Section 30.5, in the Implementation Record required by Section 14.40 of this chapter.

(1) A description of the jurisdiction's process for determining the level of container contamination.

(2) Copies of random route reviews for each collection date conducted pursuant to Section 30.5(b) as described in Section 14.1(f) of this chapter.

(3) Copies of all written notices, violations, education, and enforcement actions issued or given by the jurisdiction, or its designee, to the generator with prohibited container contaminants.

(A) If direct contact other than written contact is made in-lieu of written notification, the jurisdiction shall include a record of the type of contact provided, and the date contact was made in the implementation record.

(4) Copies of notifications from solid waste facility operators of contaminated loads, documentation of subsequent follow-up from the jurisdiction, or its designee, such as copies of the jurisdiction's route review and findings conducted pursuant to Section 30.15(d).

### **Section 30.7. Container Color Requirements**

(a) A jurisdiction, or its designee, shall provide collection containers to generators that comply with the container color requirements specified in this article.

(b) Notwithstanding subdivision (a), a jurisdiction is not required to replace functional containers that do not comply with the color requirements of this article prior to the end of the useful life of those containers, or prior to January 1, 2032 whichever comes first.

### **Section 30.8. Container Labeling Requirements**

(a) Commencing January 1, 2022, a jurisdiction shall clearly label each new container provided to generators consistent with the applicable container collection requirements and limitations of this article specifying what materials are allowed to be placed in each container.

(b) A jurisdiction shall place or replace labels on existing containers with new labels that are compliant with the requirements of this section by January 1, 2025.

(c) A jurisdiction may comply with this section by:

(1) Placing labels on containers that include written or graphic materials that indicate which materials are accepted and which are prohibited in that container.

(2) Providing containers with imprinted text or graphics that indicate which materials are accepted and which are prohibited in that container.

(d) A jurisdiction may comply with this section by using model labeling provided by the Department.

### **Section 30.9 Organic Waste Generator Requirements**

(a) Organic waste generators shall comply with applicable local requirements adopted pursuant to this Article for the collection and recovery of organic waste, by either:

- 1 (1) Subscribing to and complying with the requirements of the organic waste collection service  
2 provided by their jurisdiction; or  
3 (2) Self-hauling organic waste to a facility that processes source-separated organic waste in a manner  
4 that complies with the requirements of Article 7.  
5 (b) Generators that are commercial businesses shall also:  
6 (1) Provide containers for the collection of organic waste and nonorganic recyclables in all areas where  
7 disposal containers are provided for customers. The containers provided by the business shall conform  
8 with the containers provided through the organic waste recovery service provided by their jurisdiction.  
9 (2) Prohibit their employees from placing organic waste in a container not designated to receive  
10 organic waste as set forth in 30.1(a)(5) and 30.2(a)(5) of this chapter.  
11 (3) Periodically inspect organic waste containers for contamination and inform employees if containers  
12 are contaminated and of the requirement to only use those containers for organic waste.  
13 (c) Nothing in this section prohibits a generator from preventing or reducing waste generation, managing  
14 organic waste on site, or using a community composting site.

15  
16 **Section 30.10 Property and Business Owner Responsibilities**

- 17 (a) Property owners and business owners shall provide or arrange for organic waste collection services  
18 consistent with this article and local requirements, for employees, contractors, tenants, and customers,  
19 including supplying and allowing access to adequate number, size, and location of containers and sufficient  
20 signage and container color.  
21 (b) Property and business owners shall annually provide information to employees, contractors, tenants, and  
22 customers about organic waste recovery requirements and about proper sorting of organic waste.  
23 (1) Property owners shall provide information to new tenants upon occupation of the premises.  
24 (c) Property and business owners shall provide or arrange for access to their properties during all inspections  
25 conducted pursuant to Article 14 of this chapter.

26 **Section 30.11. Waivers and Exemptions Granted by a Jurisdiction**

- 27 (a) A jurisdiction may grant one or more of the following types of waivers to a generator of organic waste:  
28 (1) De Minimis Waivers.  
29 (A) A jurisdiction may waive a commercial businesses' obligation to comply with some or all of  
30 the organic waste requirements of this article if the generator is a commercial business that  
31 provides documentation or the jurisdiction has evidence demonstrating that:  
32 1. The commercial businesses' total solid waste collection service is two cubic yards  
33 or more per week and organic waste comprises less than 20 gallons per week of the  
34 businesses' total waste.  
35 2. The commercial businesses' total solid waste collection service is less than two  
36 cubic yards per week and organic waste comprises less than 10 gallons per week of  
37 the businesses' total waste.  
38 (B) A jurisdiction shall annually verify that the commercial businesses' organic waste  
39 generation meets the waiver thresholds set forth in this subdivision.  
40 (C) If a jurisdiction obtains information at any time that a commercial business that has  
41 received a waiver is exceeding the organic waste thresholds specified in subdivision (A) 1. or  
42 (A) 2., the jurisdiction shall rescind the commercial businesses waiver.  
43 (2) Physical Space Waivers. A jurisdiction may waive some or all of the organic waste collection  
44 service requirements of this article if a commercial business or property owner provides  
45 documentation, or the jurisdiction has evidence from a hauler, licensed architect, engineer, or similarly  
46 qualified source demonstrating, that its premises lack adequate space for separate organic waste  
47 containers.  
48 (3) Collection Frequency Waivers  
49 (A) A jurisdiction may allow the owner or tenant of any residence, premises, business  
50 establishment, or industry that subscribes to a three-container or two-container organic waste  
51 collection service to arrange for a service that collects waste not placed in the green container  
52 once every fourteen days, provided that:  
53 1. The jurisdiction, or its authorized hauler, demonstrates to the Solid Waste Local  
54 Enforcement Agency that less frequent collection than required by Section 17331 of  
55 Title 14 of the California Code of Regulations will not result in the propagation of  
56 vectors or other public health and safety, or nuisance issues.

**Section 30.12 Waivers and Exemptions Granted by the Department**

**(a) Low population waivers:**

(1) An incorporated city may apply to the Department for a waiver for the jurisdiction and some or all its generators from some or all of the requirements, of this article if the following apply.

(A). The jurisdiction disposed of less than 5,000 tons of solid waste in 2014 as reported in the Disposal Reporting system.

(B). the jurisdiction has a total population of less than 5,000 people.

(2) A county may apply to the Department for a waiver from some or all of the requirements of this article for census tracts located in unincorporated portions of the county that have a population density of less than 50 people per square mile.

**(b)Waivers issued pursuant to subdivision (a) shall be good for a period of up to two years and shall be subject to approval by the Department as follows:**

(1) A jurisdiction shall submit a request for a waiver with the following information:

(A)The number of generators that will be included in the waiver.

(B) The requested length of the waiver.

(C) If the request for a waiver is submitted by a county seeking to waive unincorporated census tracts, the county shall identify each census tract that will be waived.

(2)The Department shall review and evaluate a waiver request within 90 days. The Department shall approve a request to grant a waiver if it meets the requirements of this section.

**(c) Rural Exemptions:**

(1)The Department shall grant an exemption from complying with the organic waste collection requirements specified in Section 30.0-30.5 for Rural Jurisdictions that meet the definition for a "Rural Jurisdiction" in Section 42649.8 of the Public Resources Code, if the governing body of the jurisdiction adopts a resolution that includes a finding as to the purpose of and need for the exemption.

(2) An exemption implemented pursuant to this subdivision shall be valid until January 1, 2025, or until five years after the Department makes a determination pursuant to Section 42649.82 (a)(2)(D) that the statewide disposal of organic waste has not been reduced to 50 percent of the level of disposal during the 2014 calendar year, whichever is later.

**(c) Nothing in this section exempts a jurisdiction from complying with the other requirements to promote and provide information to generators about, waste prevention, community composting, managing organic waste on-site, and other means of recovering organic waste, or any other requirements of this chapter.**

**Section 30.13 Emergency Circumstances**

**(a) Emergency Processing Facility Temporary Equipment or Operational Failure Waivers:**

(1) If the facility processing a jurisdiction's organic waste notifies the jurisdiction that operational restrictions have been imposed upon it by a regulatory agency or that a temporary equipment or operational failure will prevent the facility from processing or recovering organic waste, the jurisdiction may allow the organic waste stream transported to that facility to be deposited in a landfill or landfills for up to 90 days from the date of the restriction or failure.

(2) A jurisdiction shall notify the Department in writing within 10 days of a waiver decision pursuant to Section (a)(1). The notice sent to the Department shall include the period of time that the jurisdiction has allowed the organic waste stream to be deposited in a landfill or landfills and the Recycling and Disposal Reporting System Number of the facility.

**Section 30.14 Recordkeeping Requirements for Waivers and Exemptions**

**(a) A jurisdiction shall include the following information and documents in the Implementation Record required by Section 14.40 of this chapter:**

(1) A copy of all correspondence received from a facility that triggered a Processing Facility Temporary Equipment or Operational Failure Waiver and documentation setting forth the date of issuance of the waiver, the timeframe for the waiver, and the locations or routes affected by the waiver.

(2) A description of the jurisdiction's process for issuing waivers and frequency of inspections by the jurisdiction to verify the validity of waivers.

(2) A copy of all De Minimis Waivers, including the location, date issued, and name of generators.

(3) A copy of all Physical Space Waivers including the location, date issued, and name of generators.

(4) A copy of all collection frequency waivers including the location, date issued, and name of generators.

**Article 4. Education and Outreach**



**Section ~~xxx~~40.1 Organic ~~Waste Recovery~~ Recycling Education and Outreach**

(a) Prior to February 1, 2022, and annually thereafter, a jurisdiction shall provide the following to organic waste generators that are provided a three-container or two-container organic waste collection service:

- ~~(1) Contact each is provided a source separated or mixed organic waste collection service and inform the organic waste generator of their requirements to recycle organic waste pursuant to this chapter.~~
- ~~(2) Contact each generator in writing no less than once every six months thereafter, except as provided in subsection (c) or (d).~~
- ~~(3) The written contact shall include, at a minimum the following information:~~
  - ~~(A) Information regarding the generator's requirements pursuant to this division, including but not limited to, waste prevention activities, and the requirements to place materials in proper containers.~~
  - (1) Information on the organic waste generator's requirements to properly separate materials in appropriate containers pursuant to this chapter.
  - (2) Information on methods for: the prevention of organic waste generation, recycling organic waste on-site, sending organic waste to community composting, and any other local requirements regarding organic waste.
  - ~~(3) ~~(B)~~ Information regarding the methane reduction benefits of reducing the disposal of recycling organic waste.~~
  - ~~(4) ~~(C)~~ Information regarding how to recycle organic waste and a list of approved haulers.~~
  - ~~(5) ~~(D)~~ Information about the requirements related to self-hauling of organic waste that are included in this chapter and any additional self-haul requirements adopted by the jurisdiction.; and,~~
  - (E) Information related to the public health and safety and environmental impacts associated with the disposal of organic waste.
  - (6) Information regarding programs for the donation of edible food.

(b) Prior to February 1, 2022, and annually thereafter, a jurisdiction shall provide to self-haulers information regarding the requirements of Section 70.3 of this chapter.

(c) Prior to February 1, 2022, and annually thereafter, a jurisdiction shall provide to organic waste generators using an unsegregated single-container collection service with the information in subdivisions (A)(2), (3), and (4), along with information that the organic waste is being processed at a high-diversion organic waste processing facility.

(d) A jurisdiction may comply with the requirements of this section through any of the following methods:

- (1) Providing the information required by this section through print or electronic media, or
- (2) Direct contact with generators through workshops, meetings, or on-site visits.

(e) A jurisdiction may comply with the requirements of subdivision 40.1(a) through their authorized haulers.

(f) If more than five percent of a jurisdiction's generators are defined as "Limited English Speaking Households," or "linguistically isolated," as defined by the U.S. Census Bureau, the jurisdiction shall provide the information required by this section in a language or languages that will assure the information is understood by those generators.

~~(b) A jurisdiction may comply with the requirements of subsection (a) through their authorized haulers. A jurisdiction complying with the requirements of subsection (a) through their authorized haulers shall require the hauler to:~~

- ~~(1) Conduct the outreach required in subdivision (a) and include information identified in (a)(3)) in bill inserts or other regular customer service communications with customers written materials provided by the jurisdiction.~~

~~(c) A jurisdiction that provided source separated organics collection service that complies with the requirements of section ~~xxx~~30.1 to all of the generators within its territory prior to January 1<sup>st</sup>, 2020 may provide the education and outreach required by subdivision (a) on an annual basis.~~

~~(d) A jurisdiction may reduce the frequency of its education and outreach efforts required by subdivision (a) to an annual basis if one consecutive year of load checks of the jurisdiction's waste conducted at a solid waste facility or facilities pursuant to 17409.5.5 are reported by the solid waste facility operator or operators to have contamination of less than 10 percent.~~

~~(e) A jurisdiction may comply with the requirements of section (a)(3) by using educational materials developed by the department.~~

~~(f) If five percent or more of a jurisdiction's population is identified as a "limited English speaking household," or as "linguistically isolated" by the U.S. Census Bureau, the jurisdiction shall provide the information required by subdivision (a) in a language that is appropriate for those populations.~~

**Section ~~xxx~~40.2 Edible Food Recovery Education and Outreach**

(a) On or before February 1, 2022 a jurisdiction shall:



(1) Develop and maintain a list of food recovery organizations and food recovery services operating within the jurisdiction, and maintain the list on the jurisdiction's website. The list shall include, at a minimum the following information about each food recovery organization and each food recovery service:

(A) Name and physical address.

(C) Phone number.

(D) Collection service area.

(E) Hours of operation.

(b) At least annually a jurisdiction shall:

(1) Provide commercial businesses that generate edible food with the following information:

(A) Information about the jurisdiction's edible food recovery collection program established pursuant to Section 10.1. of this chapter.

(B) Information about commercial edible food generators requirements specified in Article 10.

(C) Information about food recovery organizations and food recovery services operating within the jurisdiction, and where a list of those food recovery organizations and food recovery services can be found.

(2) The jurisdiction may provide this information by including it with regularly scheduled notices to those commercial businesses, including the notices provided pursuant to Section 40.1.

~~(a) Jurisdictions shall, by January 1, 2022, develop and maintain a list of all food recovery services and food recovery organizations operating within the jurisdiction on the jurisdiction's website.~~

~~(b) Jurisdictions shall by January 1, 2022, develop a food donation guide for large and medium commercial edible food generators that includes the following provisions:~~

~~(1) Information regarding safe edible food donation and food safety training materials.;~~

~~(2) Information regarding foods that are needed most at food recovery organizations located within the jurisdiction.;~~

~~(3) Information regarding foods that food recovery services and organization will not accept.;~~

~~(4) Information about food recovery services and organizations operating within the jurisdiction, and where a list of those organizations can be found.;~~

~~(5) Information about the protections from civil and criminal liability when donating food including information regarding the provisions of the California Good Samaritan Act of 2017.~~

### **Section 40.3 Recordkeeping Requirements for a Jurisdiction's Compliance with Education and Outreach Requirements**

(a) A jurisdiction shall include all relevant documents supporting its compliance with this article in the Implementation Record required by Section 14.40 of this chapter including, but not limited to:

(1) Copies of the information provided to comply with this article, including: flyers, brochures, newsletters, invoice messaging, website, social media.

(2) The date, and to whom the information or direct contact was disseminated.

(3) If the material was electronic, a copy, with dates posted: of social media posts, e-mail or other electronic message.

(4) If a jurisdiction relies on a designee to comply with this section, it shall include a copy of the materials distributed by the designee.

## **Article 5. Generators of Organic Waste**

### **Section 50.1 Non-Local Entities Requirements**

(a) Non-local entities shall comply with the requirements of this chapter to prevent and reduce the generation of organic waste by:

(1) Subscribing to and complying with the requirements of an organic waste collection service that meets the requirements of Article 3 of this chapter; or

(2) Self-hauling organic waste to a facility that processes source-separated organic waste in a manner that complies with the requirements of Article 7 of this chapter.

(b) Non-Local Entities shall provide containers for the collection of organic waste and nonorganic recyclables in all areas where disposal containers are located. The containers provided shall conform to the requirements of the containers provided through organic waste recovery service to which the non-local entity is subscribed.

(c) Non-Local Entities shall prohibit their employees from placing organic waste in a container not designated to receive organic waste.

(1) The following shall not be collected in the green container or blue container:

(A) Textiles, carpets, plastic coated paper, and human or pet waste.

(B) Hazardous wood waste and material subject to a quarantine on movement issued by a county.

(d) Non-Local Entities shall periodically inspect organic waste containers for contamination and inform employees if containers are contaminated and of the requirement to only use those containers for organic waste.

(e) Non Local Entities shall provide information to employees on methods for: the prevention of organic waste generation.

(f) Nothing in this section prohibits a non-local entity from preventing waste generation, managing organic waste on site, or using a community composting site.

#### **Section 50.2 Local Education Agencies Requirements.**

(a) Local education agencies shall comply with the requirements of this chapter to prevent and reduce the generation of organic waste by:

(1) Subscribing and complying with the requirements of an organic waste collection service that meets the requirements of Article 3 of this chapter; or

(2) Self-hauling organic waste to a facility that processes source-separated organic waste in a manner that complies with the requirements of Article 7 of this chapter.

(b) Local education agencies shall provide containers for the collection of organic waste and nonorganic recyclables in all areas where disposal containers are located. The containers provided shall conform to the requirements of the containers provided through the organic waste recovery service to which the local education agency is subscribed.

(c) Local education agencies shall provide information to employees and students on methods for the prevention of organic waste generation.

(d) Nothing in this section prohibits a local education agency from preventing waste generation, managing organic waste on site, using a community composting site.

#### **Section 50.3 Waivers for Non-local entities and Local Education Agencies.**

(a) The Department shall waive a non-local entity's or local education agency's obligation to comply with some or all of organic waste collection service requirements of this article if it provides documentation demonstrating any of the following:

(1) The total solid waste collection service subscribed to is two cubic yards or more per week and organic waste comprises less than 20 gallons per week of the local education agencies total waste.

(2) The total solid waste collection service subscribed to is less than two cubic yards per week and organic waste comprises less than 10 gallons per week of the local education agencies total waste.

(3) It provides documentation from the hauler, licensed architects, or engineers or similarly qualified entity, that demonstrates that there is not adequate space for separate organic waste containers.

(4) The entity is located within a jurisdiction or census tract that has been granted a waiver by the Department pursuant to Section 30.12.

#### **Section ~~xxxx~~50.1 Organic Waste Generator Requirements.**

~~(a) Organic waste generators shall reduce the disposal of organic waste and comply with at least one of the following:~~

~~(1) Organic waste generators shall comply with the separation requirements of a source separated recycling program provided pursuant to section ~~xxxx~~30.1 or a mixed waste organics recycling service provided pursuant to ~~xxxx~~30.2.~~

~~(2) Self haul organic waste, in compliance with the requirements of section ~~xxxx~~70 to a facility that recycles source separated organic waste.~~

~~(b) Organic waste generators shall not place organic waste in disposal containers.~~

~~(c) Organic waste generators shall recycle each type of material collected in commingled recycling containers and all organic waste that they generate.~~

~~(d) Generators that are commercial businesses shall provide organics containers and commingled recycling containers in all areas where disposal containers are publicly accessible on their premises.~~

~~(e) Notwithstanding subsection (b), if a commercial business is located in a jurisdiction that complies with the requirements of Section ~~xxxx~~30.2, the commercial business is only required to provide a mixed waste container.~~

~~(f) Notwithstanding section 17331, a jurisdiction may allow the owner or tenant of any residence, premises, business establishment or industry that subscribes to a source separated organic recycling service and solid waste collections services to have collection once every fourteen days. The jurisdiction or their authorized~~

~~hauler must first demonstrate to the Solid Waste Local Enforcement Agency that less frequent collection than required by section 17331 will not result in public health and safety, or nuisance issues.~~

**Section ~~xxxx~~50.2 Property Owner Responsibility.**

~~(a) A property owner shall not prevent a tenant from recycling organic waste on site or from subscribing to an organic waste collection service if the recycling is in compliance with locally adopted health and safety requirements.~~

**Section ~~xxxx~~50.4 State Entities and State Facilities.**

~~(a) For the purposes of this chapter, State Entities that generate organic waste shall source reduce or recycle their organic by implementing any of the following:~~

~~(1) Subscribing to a source-separated organic collection service that complies with the requirements of section ~~xxxx~~3.1.~~

~~(2) Subscribing to a mixed waste organics recycling service that complies with the requirements of section ~~xxxx~~30.2.~~

~~(3) Self-hauling organic waste, in compliance with the requirements of section ~~xxx~~70 to a facility that recycles source-separated organic waste.~~

~~(b) State Entities shall prohibit their employees from using source-separated organics containers on the premises of state facilities for the collection of non-organic waste.~~

~~(c) State entities shall periodically inspect organics containers for contamination and inform employees if containers are contaminated and of the requirement to only use those containers for organic waste.~~

~~(d) Disposal containers on the premises of state entities shall not be used for the collection of organic waste.~~

**Article 6. Biosolids Generated at a Publicly Owned Treatment Works (POTW)**

**Section 6.1. Biosolids Generation at a POTW**

(a) A POTW generating biosolids is not subject to the following:

(1) The generator requirements set forth in Article 3 of this chapter.

(2) The organic waste diversion and measurement requirements described in sections 17409.5.1 through 17409.5.8 of this Division.

(3) The record keeping and reporting requirement described in Section 17414.2 of this Division.

**Section 6.2. Biosolids and Sewage Sludge Handling at a POTW**

(a) Biosolids generated at a POTW shall be:

(1) Transported only to a solid waste facility or operation for additional processing, composting, in-vessel digestion, or other recovery as specified in Section 20.1(b) of this Division.

(2) Notwithstanding subdivision (a)(1), sewage sludge and biosolids not suitable for additional processing or recovery may be sent for disposal to a permitted facility that can receive that sewage sludge and biosolids and has obtained the applicable approvals by the regional, state, and federal agencies having appropriate jurisdiction.

**Article ~~6~~7. Regulations of Haulers**

**Section ~~xxxx~~60.1 Approval of Haulers.**

~~(a) A hauler providing residential, commercial, or industrial organic waste collection services shall obtain all local government licenses, permits, or written approval requirements from the applicable city or county in which such services are provided. Such written approval shall be contingent upon the hauler's demonstrated capability to comply with the standards and requirements of this division.~~

~~(b) The hauler shall keep a record of the applicable documentation of that approval.~~

~~(c) A jurisdiction shall require compliance with the standards and requirements of this division as a condition of approval to collect organic waste from within the jurisdiction's territory.~~

~~(d) Each jurisdiction shall maintain records of all persons holding written approval to provide organic waste collection services within its jurisdiction. The record shall include~~

~~(1) Each issued document of approval~~

~~(2) The name, office, address, telephone number and emergency telephone number if different of each such approved operator~~

~~(3) The number and types of vehicles employed by such person providing such organic waste collection services.~~

~~(4) A notation indicating whether the hauler is providing source separated organics recycling services as allowed in section xxx30.1 or mixed waste organics recycling services as allowed in xxx30.2.~~  
~~(5) For haulers collecting comingled recycling containers, a list of the materials that may be collected in the container and the facility that the material is transported to for processing or recycling.~~  
~~(c) A jurisdiction shall submit to CalRecycle a list of each hauler approved to collect organic waste within 30 days of the operative date of this section and within 30 days of a newly issued document of approval.~~  
~~(f) A person lawfully self-hauling waste in accordance with section xxx70 is not subject to the requirements of this section.~~

#### **Section xxx60.2 Self-haulers of Organic Waste.**

~~(a) A generator of organic waste may self-haul their own organic waste.~~  
~~(b) A generator who is a self-hauler of organic waste shall comply with the following:~~  
~~(1) The generator shall source separate all organic waste generated on site in a manner consistent with section xxx30.1 of this division Chapter.~~  
~~(2) The generator shall haul source separated organic waste to a facility that recycles source separated organic waste.~~  
~~(3) The generator shall remove organic waste from its premises at a frequency consistent with the requirements of section 17331, and shall ensure any organic waste is managed in a manner that complies with local public health and safety requirements.~~  
~~(4) The generator shall keep a record of the amount of organic waste delivered to each facility; the record shall be subject to inspection by the local enforcement agency.~~  
~~(A) The records shall include delivery receipts and weight tickets from facilities accepting the waste.~~  
~~(B) The record shall indicate the amount of material in cubic yards or tons delivered by the generator.~~  
~~(5) The generator, on an annual basis, shall report to their jurisdiction of residence:~~  
~~(A) The amount of source separated organic waste in tons that they hauled to a solid waste facility for processing or recycling.~~  
~~(B) The total amount of waste or recyclable material hauled to each solid waste facility.~~  
~~(c) A generator that only generates enough organic waste to require self-hauling less than once a month is not required to comply with the requirements of this section.~~

#### **Section 70.1. Jurisdiction Approval of Haulers and Self-Haulers**

(a) A jurisdiction shall require haulers providing residential, commercial, or industrial organic waste collection services to generators within its boundaries to meet the requirements and standards of this chapter as a condition of approval of a contract, agreement, or other authorization to collect organic waste.  
(1) A jurisdiction shall require haulers to identify the facilities to which they will transport organic waste as a requirement for approval.  
(2) A jurisdiction shall require haulers providing an organic waste collection service to comply with the applicable requirements of Article 3 of this chapter.  
(b) If a jurisdiction allows generators within its boundaries to self-haul organic waste, it shall adopt an ordinance or a similarly enforceable mechanism that requires compliance with the requirements in Section 70.3 of this article.  
(c) Notwithstanding subdivision (a), this section is not applicable to:  
(1) A hauler that is, consistent with Article 1, Chapter 9, Part 2, Division 30, commencing with Section 41950 of the Public Resources Code, transporting source separated organic waste to a community-scale composting site.  
(2) A hauler that is transporting construction and demolition debris in compliance with Section 80.1.

#### **Section 70.2 Organic Waste Hauler Requirements**

(a) A hauler providing residential, commercial, or industrial organic waste collection services shall comply with all of the following:  
(1) Organic waste collected by the hauler shall be transported to a facility, operation, activity or property that recovers organic waste as defined in Article 2.  
(2) Obtain applicable approval issued by the jurisdiction pursuant to Section 70.1.  
(b) The hauler shall keep a record of the documentation of its approval by the jurisdiction.  
(c) Notwithstanding (a) this section is not applicable to:  
(1) A hauler that is consistent with Article 1, Chapter 9, Part 2, Division 30, commencing with Section 41950 of the Public Resources Code, transporting source separated organic waste to a community-scale composting site that does not charge a fee for this service; or,  
(2) A hauler that is transporting construction and demolition debris in compliance with Section 80.1

**Section 70.3. Self-haulers of Organic Waste**

(a) Generators of organic waste may, in compliance with Section 70.1 of this Division self-haul their own organic waste.

(b) A generator who is a self-hauler of organic waste shall comply with the following:

(1) The generator shall source-separate all organic waste generated on site in a manner consistent with 14 CCR Section 30.1 and 30.2 of this chapter.

(2) The generator shall haul source-separated organic waste to a solid waste facility operation, activity, or property that processes or recovers source-separated organic waste.

(3) The generator shall keep a record of the amount of organic waste delivered to each solid waste facility, operation, activity, or property that processes or recovers organic waste; this record shall be subject to inspection by the jurisdiction.

(A) The records shall include delivery receipts and weight tickets from the entity accepting the waste.

(B) The record shall indicate the amount of material in cubic yards or tons transported by the generator to each entity.

(C) Notwithstanding subdivision (b)(3)(A), if the material is transported to an entity that does not have scales on-site, the self-hauler is not required to record the weight of material but shall keep a record of the entities that received the organic waste.

(4) A self-hauler shall annually report the following to the jurisdiction in which it is located:

(A) The total amount of source-separated organic waste in tons that was self-hauled; and,

(B) The location or address of each entity that accepted self-hauled waste from the generator.

(5) A residential organic waste generator that self-hauls organic waste is not required to record or report the information identified in subdivision (b)(3) and (b)(4).

**Section 70.4 Recordkeeping Requirements for Compliance with Jurisdiction Hauler Program**

(a) A jurisdiction shall include all relevant documents supporting its compliance with this article in the Implementation Record required by Article 14 of this chapter. Records maintained shall include but are not limited to copies of:

(1) Ordinances, contracts, franchise agreements, policies procedures, or programs relevant to this section.

(2) A description of the jurisdiction's hauler program including:

(A) Type of hauler systems the jurisdictions uses.

(B) Type and conditions of approvals per type of hauler, and criteria for approvals, denials and revocations.

(C) Process for issuing, revoking and denying written approvals.

(D) Any requirements associated with self-hauling and back-hauling.

(3) A record of hauler compliance with local ordinance(s) and the requirements of this article including the following information:

(A) Copies of all reports required by haulers.

(B) Copies of reports from self-hauler as required by 14 CCR Section 70.3.

(C) Copies of all written approvals, denials, and revocations.

(b) All records required by this article shall include the date of action, the name of the hauler, and the type of the action taken by the jurisdiction.

**Article 7. Cal Green Building Standards**

**Article 8. Cal Green Building Standards**

**Section 780.1 CalGreen Building Codes**

(a) A jurisdiction shall adopt ~~and require compliance with~~ an ordinance or other enforceable requirement that requires compliance with the following provisions of the California Green Building Standards Code:

(1) ~~Section 4.410.2 Recycling by Occupants Residential or 5.410.1 Recycling by Occupants Non-residential, 5.410.1 or 4.410.2 of the California Green Building Standards Code (Rev. 2017) or a more stringent subsequently enacted standard by the California Building Standards Commission, whichever is applicable, which is incorporated here by reference.~~

(2) ~~For organic waste commingled with construction and demolition debris, Section 4.408.1 Construction Waste Management Residential or 5.408.1 Construction Waste Management non-residential, of the California Green Building Standards Code, (Rev. 2017) whichever is applicable or a more stringent subsequently enacted standard by the California Building Standards Commission, whichever is applicable, which is incorporated here by reference.~~



~~(b) Notwithstanding section (a)(2), a jurisdiction that implements a mixed waste recycling program in compliance with section xxx30.2, shall adopt a standard that meets or exceeds the standards established in sections A5.408.3.1 and A4.408.1, of the Building Standards Code (Rev 2017) or a more stringent subsequently enacted standard by the California Building Standards Commission, whichever is applicable, which is incorporated here by reference.~~

~~**Article 8. Restrictions on Locally Adopted Standards and Policies**~~

~~**Article 9. Locally Adopted Standards and Policies**~~

**Section ~~xxx89~~90.1 Organic Waste Recovery recycling Standards and Policies**

~~(a) Nothing in this chapter is intended to limit the authority of a local jurisdiction to adopt standards that are more stringent than the requirements of this chapter, such as contamination standards or penalty amounts.~~

~~(b) A jurisdiction shall not prevent lawful recycling of organic waste, if doing so would result in the disposal of organic waste.~~

~~(c) A jurisdiction shall not prevent a facility or activity from accepting organic waste solely based upon the geographical origin of the waste.~~

~~(d) A jurisdiction shall not require a generator to use a hauler or combination of haulers that does not recycle the same organic waste s that were recycled by the existing service used by the generator.~~

~~(e) A jurisdiction shall not require organic waste to be taken to a facility with a lower recovery rate than a facility previously used by the generator.~~

~~(f) A jurisdiction shall not require a hauler to take organic waste to a facility that does not recycle or process organic waste.~~

~~(b) A jurisdiction shall not implement or enforce an ordinance, policy, procedure, permit condition, or initiative that includes provisions that do any of the following:~~

~~(1) Prohibit the lawful processing and recovery of organic waste through a method identified in Article 2 of this chapter.~~

~~(2) Limit a particular solid waste facility, operation, property, or activity from accepting organic waste imported from outside of the jurisdiction for processing or recovery.~~

~~(3) Limit the export outside of the jurisdiction of organic waste to a facility, operation, property or activity that recovery the organic waste through a method identified in Article 2 of this chapter.~~

~~(4) Require a generator or a hauler to transport organic waste to a solid waste facility or operation that does not process or recover organic waste.~~

~~(5) Require a generator to use an organic waste collection service or combination of services that do not recover at least the same types of organic waste recovered by a service the generator previously had in place.~~

~~(c) This section does not do any of the following:~~

~~(1) Require a solid waste facility or operation to accept organic waste that does not meet the quality standards established by the solid waste facility or operation.~~

~~(2) Prohibit a jurisdiction from arranging with a solid waste facility or operation to guarantee permitted capacity for organic waste from the jurisdiction.~~

~~(3) Supersede or otherwise affect the land use authority of a jurisdiction, including, but not limited to, planning, zoning, and permitting, or an ordinance lawfully adopted pursuant to that land use authority.~~

~~(4) Prohibit a jurisdiction from arranging through a contract or franchise for a hauler to transport organic waste to a particular solid waste facility or operation for processing or recovery.~~

~~(5) Exempt a jurisdiction, generator, or hauler from compliance with regulations in Division 4.5 of Title 22 of the California Code of Regulations relative to the proper handling of hazardous or universal waste pursuant, or regulations adopted pursuant to Section 19383 of the Food and Agriculture code.~~

**Section ~~xxx89~~90.2 Edible Food Recovery Standards and Policies.**

~~(a) A jurisdiction shall not adopt an ordinance or implement a policy that requires the disposal or recycling of edible food that could be recovered for human consumption.~~

~~(b) A jurisdiction shall not adopt an ordinance or policy that prohibits share tables or requires school districts to adhere to a food safety standard not specified in the Part 7 of Division 104 of the Health and Safety Code.~~

~~(a) A jurisdiction shall not implement or enforce an ordinance, policy, or procedure that prohibits the ability of a generator or food recovery organization to recover edible food that could be recovered for human consumption.~~

~~(b) A local education agency shall not implement or enforce an ordinance, policy, or procedure that prohibits share tables or requires schools to adhere to a food safety standard not specified in the Part 7 of Division 104 of the Health and Safety Code.~~

(c) Nothing in this chapter shall be construed to limit or conflict with the provisions of the California Good Samaritan Act of 2017 (the act). Specifically,

(1) Nothing in this chapter shall be construed to limit the amount or types of foods that may be donated under the act.

(2) Nothing in this chapter shall be construed to limit the ability of a person, gleaner or food facility to donate food as provided for in Section 114432 of the Health and Safety Code.

(3) Nothing in this chapter shall be construed to reduce the immunities provided by the California Good Samaritan Act as specified in Section 114434 of the Health and Safety Code.

(d) Nothing in this chapter prohibits an edible food recovery service or organization from refusing to accept edible food from a generator.

~~(d) Nothing in this chapter shall be construed to require a food facility, a person, a large venue operator or a large event operator, or any entity that sells food to donate food that they still intend to serve or sell to a consumer.~~

~~(e) Nothing in this chapter allows a commercial generator of edible food or large venue or event to require an edible food recovery service or organization to accept edible food that the service or organization cannot properly handle.~~

#### **Article 9. Food Generators and Food Recovery**

##### **Section xxxxx00.1 Edible Food Generators**

~~(a) The requirements of this section shall apply to the following:~~

~~(1) an owner or operator of:~~

~~(A) A Large Venue~~

~~(B) A Large Event~~

~~(C) A Certified Farmers' market~~

~~(D) A Community Event that includes a temporary food facility.~~

~~(E) A Large Commercial Food Generator~~

~~(F) A Medium Commercial Food Generator~~

~~(2) A State Entity that includes an onsite food facility.~~

Entities identified in this subdivision shall be referred to as "operators" in this section.

~~(b) An operator shall arrange for food recovery services or food recovery organizations, or any combination of services and organizations, to collect all of the excess edible food that was not sold or served by the operator. The operator shall:~~

~~(1) Arrange for services or organizations capable of accepting every type of edible food that is served by the operator. Types of edible food, include but are not limited to the following:~~

~~(A) Food~~

~~(B) Ready to eat food~~

~~(C) Produce~~

~~(D) Prep packaged food.~~

~~(2) Arrange for a collection frequency that allows a service or organization to collect edible food in a state that conforms to state and local health and safety requirements.~~

~~(A) An operator shall arrange for ready to eat food that cannot be sold or served the next day to be collected each day the operator serves ready to eat food.~~

For the purposes of this section

~~(c) An operator shall maintain a record of his or her arrangement or arrangements with each edible food recovery service and organization. The record shall include the following~~

~~(1) The types of edible food the operator serves or colle~~

~~(2) The name and contact information for each edible food recovery service or organization the operator will have collect edible food.~~

~~(3) The types of edible food each organization or service will collect~~

~~(4) The collection frequency established with each service or organization~~

~~(5) Methods the operator will employ to ensure that edible food is maintained in a state that conforms with state and local health and safety requirements prior to collection by the designated food recovery service or organization.~~

~~(d)~~

~~The operator shall educate all employees regarding the requirements of this section. The education shall include the following:~~

- ~~(1) The operator shall use the educational materials prepared by their local enforcement officer to promote food recovery pursuant to section 114435 of the Health and Safety Code to educate employees about food recovery.~~
- ~~(2) The operator shall identify the edible food recovery services or organizations that the operator has arranged to collect excess edible food that is handled by the employee.~~
- ~~(3) The operator shall identify the location where edible food will be stored for collection by the food recovery services or organizations.~~
- ~~(e) If an operator contracts to have a food facility or mobile food facility serve food on the premises, the operator shall require the contracted entity to comply with the requirements of this section.~~
- ~~(f) An operator shall not intentionally spoil or discard edible food that could be collected by a food recovery organization.~~
- ~~(g) Notwithstanding subsection (f), nothing in this section is intended to limit the authority of an enforcement officer to require a food facility to render inedible and discard food in order to comply with state and local health and safety requirements.~~

#### **~~Section xxx00.1 Edible Food Recovery Organizations~~**

- ~~(a) A food recovery service or organization that collects food from an entity subject to the requirements of section 50.4.1 shall maintain records that include the following:~~
- ~~(1) the total amount of edible food collected from the each entity~~
- ~~(2) The final disposition of the edible food~~
- ~~(3) The amount of food that was rejected from each entity~~

### **Article 10. Jurisdiction Edible Food Recovery Programs, Food Generators, and Food Recovery**

#### **Section 10.1 Jurisdiction Edible Food Recovery Program**

- (a) A jurisdiction shall implement an edible food recovery program that shall include the actions that the jurisdiction plans to take to accomplish the following:
- (1) Educate commercial edible food generators as set forth in Section 40.2.
- (2) Increase commercial edible food generators access to edible food recovery organizations and edible food recovery services.
- (3) Monitor commercial edible food generators compliance as required in Article 14.
- (4) Increase edible food recovery capacity if the analysis required by Section 11.1 indicates that the jurisdiction does not have sufficient capacity to meet its edible food recovery needs.
- (b) A jurisdiction may fund the actions taken to comply with this section through franchise fees, local assessments or other funding mechanisms.

#### **Section 10.2. Recordkeeping Requirements for Jurisdiction Edible Food Recovery Program**

- (a) A jurisdiction shall include all documents supporting its compliance with Section 10.1 in the Implementation Record required Section 14.40 of this chapter and shall also include at a minimum:
- (1) A list of commercial edible food generators in the jurisdiction that have arrangements with edible food recovery organizations or services.
- (2) A list of edible food recovery organizations in the jurisdiction and their edible food recovery capacity.
- (3) Documentation of the actions the jurisdiction has taken to increase edible food recovery capacity.

#### **Section 10.3. Commercial Edible Food generators**

- (a) Tier One commercial edible food generators shall comply with the requirements of this section commencing January 1, 2022, Tier two commercial edible food generators shall comply with the requirements of this section commencing January 1, 2024.
- (b) Commercial edible food generators shall arrange to recover edible food that would otherwise be disposed in a manner that is appropriate for that business. An edible food generator may comply with the requirements of this section through any of the following:
- (1) Contracting with food recovery services or organizations that will collect their edible food for food recovery.
- (2) Self-hauling edible food to a food recovery organization that will accept the edible food for food recovery.

(c) An edible food generator shall not intentionally spoil edible food that is capable of being recovered by a food recovery organization or service.

#### **Section 10.4. Record Keeping Requirements For Commercial Edible Food Generators**

(a) A commercial edible food generator subject to the requirements in this article shall keep a record that includes the following:

- (1) A list of each food recovery service or organization that collects or receives its edible food.
- (2) A copy of contracts, written agreements or other documents between the edible food generator and a food recovery service or organization.
- (3) An edible food generator that complies with the requirements of this article through contracting with a food recovery service or organization as allowed in Section 10.3 shall keep a record of the following for each food recovery organization or service that the edible food generator contracts with:
  - (A) The name, address and contact information of the service or organization.
  - (B) The types of food that will be collected by or transported to the service or organization.
  - (C) The established frequency that food will be collected or transported.
  - (D) The quantity of food collected or transported to a service or organization for food recovery.
    1. Quantity shall be measured in pounds recovered per month.
    2. An edible food generator may use an alternative metric provided by the food recovery service or organization to measure the quantity of food recovered.

#### **Section 10.5. Edible Food Recovery Services and Organizations**

(a) A food recovery organization or service that collects or receives 6 tons or more of edible food from edible food generators per year shall maintain a record that includes all of the following:

- (1) The name, address and contact information for each edible food generator the service or organization collects or receives edible food from.
- (2) The quantity in pounds of edible food collected from each edible food generator per month.
- (3) The quantity in pounds of edible food transported to each edible food recovery organization per month.
- (4) The total number of meals served per month if applicable.
- (5) For a food recovery service, the name, address and contact information for each food recovery organization that the service transports edible food to for food recovery.

### **Article 9.0 Organic Waste Recycling Capacity Planning**

#### **Section ~~xxxx~~9.1 Planning by Cities and Counties.**

~~(a) Commencing January 1, 2022, every county, in coordination with the Cities and Regional Agencies in the county, shall annually:~~

- ~~(1) Estimate, using CalRecycle tools or alternative methods, the amount of all organic waste in tons that will be disposed by the county and cities in 2025 and every year thereafter for a 15-year period.~~
- ~~(2) Identify existing available infrastructure capacity, that is verifiably available for all organic waste, including paper and wood generated in the county:~~
  - ~~i. Use the Department's database or equivalent methods to identify potentially available capacity.~~
  - ~~ii. To verify this available capacity:~~
    - ~~1. consult with nearby counties to determine whether they are also counting this same identified available capacity as available.~~
    - ~~2. contact facilities to determine if capacity is available pursuant to (b)(2).~~
    - ~~3. Use alternative methods to demonstrate verifiable available capacity.~~
- ~~(3) Based on the amount that is projected for disposal in (1) and the existing capacity identified in (2), identify the amount of additional organics recycling capacity that would be needed to ensure that the regulated generators' organic waste is recycled.~~
- ~~(4) Identify the amount of existing (existing capacity that is additional to what was identified in (2) above), new or expanded organic waste recycling capacity that will be available to the county and its cities by 2025 and every year thereafter.~~

~~(b) Commencing January 1, 2022, every county, in coordination with the Cities and, if applicable, Regional Agencies in the county, shall annually:~~

- ~~(1) Identify large and medium generators of recoverable edible food that are located within the county (i.e., large supermarkets and restaurants, and single day venues and events serving more than 2,000 people.)~~
- ~~(2) Estimate using CalRecycle tools or alternative methods the amount of edible food that will be disposed by all of the large and medium regulated generators located in the county and its cities in 2025 and every year thereafter for a 15-year period.~~
- ~~(3) Identify existing capacity at edible food recovery organizations that is available to recover food from edible food generators in the county and cities within the county.~~
- ~~(4) Based on the amount that is projected for disposal in (2) and the existing capacity identified in (3), identify the amount of edible food that will need to be recovered to ensure that the regulated generators' edible food is recovered in 2025 and every year thereafter.~~
- ~~(5) Identify the amount of existing (existing capacity that is additional to what was identified in iii above), new or expanded food recovery capacity that will be available to the county or region by 2025.~~
- ~~(c) Every county, in coordination with the Cities and Regional Agencies in the county, in implementing the requirements in (a) and (b), must:~~
  - ~~(1) Conduct community outreach to inform citizens, including but not limited to disadvantaged communities, about areas being considered for potential expanded or new facilities and seek their input on the benefits and impacts that would be associated with facilities built in these areas.~~
  - ~~(2) Consult with the Local Enforcement Agency.~~
  - ~~(3) Consult with the Local Task Force created pursuant to section 40050 of the PRC to solicit gather information on the capacity of and potential any new or expanded infrastructure relative to those existing facilities.~~
  - ~~(4) Consult with haulers and owners and operators of existing facilities, including but not limited to composting, stand-alone in-vessel digestion, and wastewater treatment facilities, to gather information on the capacity of and potential for any new or expanded infrastructure relative to those existing facilities.~~
- ~~(d) Commencing August 1, 2022, the county shall report on implementation of sections (a), (b), and (c) and shall report annually:~~
  - ~~(1) The identification of specific facilities, along with documentation to demonstrate that capacity is secured, such as copies of contracts with the organic recycling facility operators.~~
  - ~~(2) Whether the county, any city, or any regional agency has to submit an implementation schedule pursuant to section (c).~~
- ~~(e) Based on the capacity estimates required in (a) and (b), if a county or a city does not have access to adequate existing, new, or expanded facilities to meet the capacity need identified in (a)(4) and (b)(5), then the city or county lacking this access must:~~
  - ~~(1) Submit an implementation schedule to CalRecycle, within 60 days of the Annual Report submitted by the county pursuant to section (d), that demonstrates how it will secure access to existing, new or expanded capacity by 2025 and annually thereafter for the organic materials and recovered edible food collected from within the jurisdiction.~~
  - ~~(2) The implementation schedule shall include timelines and milestones for planning efforts to identify and secure access to sufficient capacity, including but not limited to:~~
    - ~~i. Obtaining funding, if applicable, to fund organics recycling and edible food recovery infrastructure.~~
    - ~~ii. Identifying how additional capacity will be secured, e.g., designated areas that have appropriate zoning for additional facilities, information on the status of identifying zones as potential areas for zoning facilities, etc.~~

## **Article 11. Organic Waste Recycling Capacity Planning**

### **Section 11.1 Organic Waste Recycling Capacity Planning**

(a) Counties, in coordination with cities and regional agencies located within the county shall:

- (1) Estimate the amount of all organic waste in tons that will be disposed by the county and cities by:
  - (A) Multiplying the percentage of organic waste reported as disposed in the Department's most recent waste characterization study by the total amount of disposal attributed to the county and each jurisdiction located within the county by the Recycling and Disposal Reporting System.
  - (B) Using a jurisdiction specific waste characterization study for the tons disposed by the county or a jurisdiction within the county if the study is more recent than the department's most



1 recent waste characterization study. A jurisdiction specific study shall include a statistically  
2 significant sampling of solid waste disposed of by the jurisdiction.  
3 (2) Identify the amount in tons of existing organic waste recycling infrastructure capacity, located both  
4 in the county and outside of the county, that is verifiably available to the county and jurisdictions  
5 located within the county.  
6 (A) A county can demonstrate the capacity is verifiably available to the county or its  
7 jurisdictions through a contract, permit, franchise, or other documentation of the following:  
8 1. A guarantee of access to existing permitted or authorized capacity at a facility,  
9 activity, operation, or property that recovers organic waste.  
10 2. A guarantee of access to new or expanded capacity at a facility, activity, operation,  
11 or property that recovers organic waste that will be available prior to the end of the  
12 reporting period.  
13 (3) Estimate the amount of new or expanded organic waste recycling facility capacity that will be  
14 needed to process the organic waste identified pursuant to subsection (1) in addition to the existing  
15 capacity identified in subsection (2).  
16 (b) In complying with this section the county shall:  
17 (1). Consult with the Enforcement Agency and the local task force created pursuant to Section 40950  
18 of the Public Resources Code on the status of locations for new or expanded solid waste facilities and  
19 locations.  
20 (2). Consult with haulers and owners of facilities, operations, and activities that recover organic waste  
21 including, but not limited to, compost facilities, in-vessel digestion facilities, and Publicly Owned  
22 Treatment Works to gather information on the existing capacity and potential new or expanded  
23 capacity at those facilities, operations, and activities.  
24 (A) Entities contacted by a jurisdiction shall respond to the jurisdiction regarding potential new  
25 or expanded capacity at their facilities, operations, and activities, including information about  
26 throughput and permitted capacity necessary for planning purposes.  
27 (3). Conduct community outreach regarding locations being considered for new or expanded facilities,  
28 operations or activities to seek feedback on the benefits and impacts that may be associated with new  
29 or expanded facilities, operations, or activities. The community outreach shall:  
30 (A) Include at least one of the following forms of communication: public workshops or  
31 meetings, print and electronic noticing.  
32 (B) If applicable be conducted in coordination with potential solid waste facility operators that  
33 may use the location identified by the county.  
34 (C) Specifically include communication to disadvantaged communities that may be impacted  
35 by the development of new facilities at the locations identified by the county. If more than five  
36 percent of that community is defined as "Limited English Speaking Households," or  
37 "linguistically isolated," as defined by the U.S. Census Bureau, the jurisdiction shall provide  
38 the information required by this section in a language or languages that will assure that the  
39 information is understood by that community.  
40 (4) Consult with community composting operations to estimate the amount of organic waste the county  
41 anticipates will be handled at community composting activities.  
42 (c) If a county determines that organic waste recycling capacity, in addition to the existing and proposed  
43 capacity identified pursuant to subsection (a), is needed, the jurisdiction(s) within that county that lack sufficient  
44 capacity shall:  
45 (1) Submit an implementation schedule to the Department that demonstrates how it will ensure there is  
46 enough new or expanded capacity to recover the organic waste currently disposed of by generators  
47 within their jurisdiction by the end of the report period.  
48 (A) The implementation schedule shall include timelines and milestones for planning efforts to  
49 access additional new or expanded capacity, including, but not limited to:  
50 1. Obtaining funding for organic waste recycling infrastructure, including, but not  
51 limited to, modifying franchise agreements or demonstrating other means of  
52 financially supporting the expansion of organic waste recycling.  
53 2. Identification of facilities, operations, and activities that could be used for additional  
54 capacity.  
55 (3) Identification of proposed new or expanded organic waste recycling facilities that will be used to  
56 process the organic waste identified pursuant to subsection (a)(3).  
57 (d) For the purposes of this section, organic waste shall only include the following type of organic waste: food,  
58 green waste, landscape and pruning waste, wood, paper products, printing and writing paper, digestate and  
59 biosolids.

## **Section 11.2 Edible Food Recovery Capacity**

(a) Counties, in coordination with cities and regional agencies located within the county shall:

(1) Estimate the amount of edible food that will be disposed of by commercial edible food generators that are located within the county and jurisdictions within the county.

(2) Identify existing capacity at edible food recovery organizations that is available to commercial edible food generators located within the county and jurisdictions within the county.

(3) Identify proposed new or expanded edible food recovery organizations that will be used to process edible food identified pursuant to subsection (1).

(4) Identify the amount of capacity at edible food recovery organizations that is necessary to recover 20 percent of the edible food that is estimated to be disposed.

(b) If a county identifies that new or expanded capacity is needed to recover the amount of edible food identified in (a)(4), then the jurisdiction(s) within that county that lack capacity shall.

(1) Submit an implementation schedule to the Department that demonstrates how it will ensure there is enough new or expanded capacity to recover the edible food currently disposed of by commercial edible food generators within their jurisdiction by the end of the reporting period set forth in Section 11.3 of this article.

(A) The implementation schedule shall include timelines and milestones for planning efforts to access additional new or expanded capacity included but not limited to:

1. Obtaining funding for edible food recovery infrastructure, including but is not limited to, modifying franchise agreements or demonstrating other means of financially supporting the expansion of edible food recovery capacity.

2. Identification of facilities, operations and activities inside the county that could be used for additional capacity.

(2) Consult with edible food recovery organizations and edible food recovery services regarding existing, or proposed new and expanded capacity that could be accessed by the jurisdiction and its commercial edible food generators.

## **Section 11.3 Schedule for reporting**

(a) Counties, in coordination with cities and regional agencies located within the county shall conduct the planning requirements of Section 11.1 and 11.2 on the following schedule.

(1) February 1, 2022 counties shall report to CalRecycle on the period covering January 1, 2022 through December 31, 2024.

(2) August 1, 2024 shall report to CalRecycle on the period covering January 1, 2025 through December 31, 2034.

(3) August 1, 2029 shall report to CalRecycle on the period covering January 1, 2030 through December 31, 2039.

(4) August 1, 2034 shall report to CalRecycle on the period covering January 1, 2035 through December 31, 2044.

(b) If a jurisdiction is required to submit an implementation schedule pursuant to 11.1 or 11.2 the implementation schedule shall be submitted 60 days following the date the county submitted the report to CalRecycle.

## **Article 12. Procurement of Recovered Organic Waste Products**

### **Section 12.1. Recovered Organic Waste Product Procurement Target**

(a) Except as otherwise provided, commencing January 1, 2022, a jurisdiction shall annually procure a quantity of recycled organic waste products that meets or exceeds its current annual recycled organic waste product procurement target as determined by this article.

(b) Annually, the Department shall assign and provide notice of the annual recycled organic waste product procurement target for each jurisdiction, which shall be calculated by multiplying the recycled statewide per employee organic waste disposal by the number of jurisdiction employees where:

(1) Statewide per employee organic waste disposal equals 1.29 tons of organic waste per jurisdiction employee per year.

(2) Jurisdiction employees equals the number of local government employees in the jurisdiction, calculated using an average of the most recent 12 months of data reported by the California Employment Development Department.

(c) The Department shall provide notice to each jurisdiction of its annual recycled organic waste procurement target by posting such information on the Department's website and providing written notice directly to the jurisdiction.

(d) Beginning January 1, 2022 and every five years thereafter, the Department shall recalculate the annual recycled organic waste product procurement target for each jurisdiction according to the requirements of subdivision (b).

(e) A jurisdiction shall comply with subdivision (a) by one or both of the following:

(1) Directly procuring recycled organic waste products.

(2) Requiring, through a written contract, that a direct service provider to the jurisdiction procure recycled organic waste products and provide written documentation of such evidence to the jurisdiction.

(f) For the purposes of this article, the recycled organic waste products that must be procured are:

(1) Compost.

(2) Renewable natural gas transportation fuel or "RNG."

(g) The following conversion factors shall be used to convert tonnage in the annual recycled organic waste product procurement target for each jurisdiction to equivalent volumes of recycled organic waste products:

(1) One ton of organic waste in a recycled organic waste product procurement target shall constitute:

(A) 19 diesel gallon equivalents, or "DGE," of renewable natural gas transportation fuel or "RNG."

(B) 0.58 tons of compost.

(h) If a jurisdiction's annual recovered organic waste product procurement target exceeds the jurisdiction's total procurement of comparable virgin products made in the previous calendar year, the jurisdiction is only required to procure recycled organic waste products in an amount equal to its total purchase of comparable virgin products from the previous year.

(i) A jurisdiction shall identify additional procurement opportunities within the jurisdictions' departments and divisions for replacing comparable virgin products with recovered organic waste products.

#### **Section 12.2. Record Keeping Requirements For Recovered Organic Waste Procurement Target**

(a) A jurisdiction shall include all documents supporting its compliance with this article in the implementation record required by Section 14.40 of this chapter, including, but not limited to, the following:

(1) A description of how the jurisdiction will comply with the requirements of this article.

(2) The name, physical location, and contact information of the entity from whom the recovered organic waste products were procured.

(3) All invoices or similar records evidencing all purchases.

(4) If a jurisdiction will include purchases of recovered organic waste products made by a direct service provider to comply with this article, the jurisdiction shall include all records of purchases of recovered organic waste products made by the direct service provider on behalf of the a jurisdiction including invoices or similar records evidencing purchases

#### **Section 12.3. Recycled Content Paper Procurement Requirements**

(a) A jurisdiction shall procure paper products, and printing and writing paper, in compliance with this section.

(b) Commencing January 1, 2022, a jurisdiction shall comply with the following:

(1) At least 75 percent of a jurisdiction's annual purchases of paper products shall be recycled content paper.

(2) At least 75 percent of a jurisdiction's annual purchases of printing and writing paper shall be recycled content paper.

(3) Paper products and printing and writing paper, shall be eligible to be labeled with an unqualified recyclable label as defined in 16 C.F.R. 260.12 (2013).

(c) A jurisdiction shall require all businesses from whom it purchases paper products and printing and writing paper, to certify in writing:

(1) The minimum percentage, if not the exact percentage, of postconsumer material in the paper products and printing and writing paper, offered or sold to the jurisdiction. The certification shall be furnished under penalty of perjury in a form and manner determined by the jurisdiction. A jurisdiction may waive the certification requirement if the percentage of postconsumer material in the paper products, printing and writing paper, or both can be verified by a product label, catalog, invoice, or a manufacturer or vendor Internet website.

(2) That the paper products and printing and writing material, offered or sold to the jurisdiction is eligible to be labeled with an unqualified recyclable label as defined in 16 Code of Federal Regulations Section 260.12 revised and effective.

**Section 12.4. Record Keeping Requirements for Recycled Content Paper Procurement**

(a) A jurisdiction shall include all documents supporting its compliance with this Article in the implementation record required by Section 14.40 of this chapter including, but is not limited to, the following:

- (1) Copies of invoices or receipts for all paper purchases.
- (2) Copies of all certifications or other verification required under Section 12.3.

**Article 13. Reporting**

**Section 13.1 Initial Jurisdiction Compliance Report.**

(a) Each jurisdiction shall report to the Department on its implementation and compliance with the requirements of this chapter. Each jurisdiction shall report to the Department by February 1, 2022 the following information:

- (1) A copy of ordinances adopted pursuant to this chapter.
- (2) The date that the jurisdiction will ensure that all containers used by generators subject to the jurisdiction's authority will be in compliance with the container color requirements as specified in Section 30.7.
- (3) The reporting items identified in Section 13.2.

**Section 13.2 Jurisdiction Annual Reporting**

(a) Commencing August 1, 2022, and annually thereafter, a jurisdiction shall report the information required by this section. The report submitted in 2022 shall cover the period of January 1, 2022–June 30, 2022. Each subsequent report shall cover the entire previous calendar year.

(b) Each jurisdiction shall report the following, relative to its implementation of the organic waste collection requirements of Article 3 of this chapter:

- (1) The type of organic waste collection service(s) provided by the jurisdiction to its generators.
- (2) The total number of generators that receive each type of organic waste collection service provided by the jurisdiction.
- (3) If the jurisdiction is implementing an organic waste collection service that requires transport of the contents of containers to a high diversion organic waste processing facility, the jurisdiction shall identify the Recycling and Disposal Reporting System Number of each facility that receives organic waste from the jurisdiction.

(c) Each jurisdiction shall report the following, relative to its implementation of the contamination monitoring requirements of Article 3.

- (1) The number of route reviews conducted by the jurisdiction, or its designee, for prohibited container contaminants.
- (2) The number of times notices, violations, or targeted education materials were issued to generators for prohibited container contaminants.
- (3) The number of notifications received from a solid waste facility operator regarding prohibited container contaminants received at the facility pursuant to Section (17409.5.7).

(d) Each jurisdiction shall report the following relative to its implementation of waivers pursuant to Article 3.

- (1) The number of days a processing facility temporary equipment or operation failure waiver was in effect.
- (A) The tons of organic waste that were disposed as a result of this waiver.
- (2) The number of generators issued a de-minimis waiver.
- (3) The number of generators issued a physical space waiver.
- (4) A jurisdiction that receives a waiver from the Department pursuant to Section 30.12 of Article 3 shall report the following information for each year the waiver is in effect:
  - (A) The number of generators waived from the requirement to subscribe to an organic waste collection service.

(e) A jurisdiction shall report the following regarding its implementation of education and outreach required in Article 4.

- (1) The number of organic waste generators and edible food generators that received information and the type of education and outreach used.
- (2) The number of limited English speaking and linguistically isolated households that received information required by Article 4.

(f) A jurisdiction shall report the following regarding its implementation of the hauler oversight requirements of Article 7:

- (1) The number of haulers approved to collect organic waste in the jurisdiction.



- 1 (A) The Recycling and Disposal Reporting System number of each facility that is receiving organic
- 2 waste from a hauler approved by the jurisdiction.
- 3 (2) The number of haulers that have had their approval revoked or denied.
- 4 (3) The number of self-haulers approved to operate within the jurisdiction.
- 5 (A) The total amount, in tons, of source separated organic waste that was self-hauled by organic waste
- 6 generators and reported to the jurisdiction pursuant to Section 70.3.
- 7 (g) A jurisdiction shall report the following regarding its implementation of the Cal-Green Building Standards as
- 8 required in Article 8:
- 9 (1) The number of construction and demolition debris removal activities conducted in compliance with
- 10 Section 80.1 of this chapter.
- 11 (h) A jurisdiction shall report the following regarding its implementation of the edible food recovery requirements
- 12 of Article 10.
- 13 (1).The number of commercial edible food generators located within the jurisdiction.
- 14 (2) The number of food recovery services and organizations located and operating within the
- 15 jurisdiction that collect or receive more than 6 tons of food per year.
- 16 (A) A jurisdiction shall require food recovery organizations and services that are located within
- 17 the jurisdiction and collect or receive 6 tons or more of edible food per year to report the
- 18 amount of edible food recovered by the service or organization in the previous calendar year
- 19 to the jurisdiction.
- 20 (3) The jurisdiction shall report on the total amount of edible food recovered by edible food recovery
- 21 organizations and services that are located within its jurisdiction.
- 22 (i) A jurisdiction shall report the following regarding its implementation of the organic waste recycling capacity
- 23 planning and edible food recovery capacity planning requirements of Article 11:
- 24 (1) A county shall report:
- 25 (A) The tons estimated to be generated for disposal.
- 26 (B) The amount of capacity verifiably available to the county and cities within the county.
- 27 (C) The amount of new capacity needed.
- 28 (D) The locations identified for new or expanded facilities.
- 29 (E) The jurisdictions that are required to submit implementation schedules.
- 30 (2) A jurisdiction that is required to submit an implementation schedule shall report the information
- 31 required in Section 11.1 (c) and 11.2 (b) of this chapter.
- 32 (3) Notwithstanding (a) the information required by this subdivision shall be reported on the schedule
- 33 specified in Section 11.3 of this chapter.
- 34 (j) A jurisdiction shall report the following regarding its implementation of the procurement requirements of
- 35 Article 12:
- 36 (1) The volume of each recycled organic waste product procured directly by the city, county, or through
- 37 direct service providers, or both during the prior calendar year.
- 38 (2) The total dollar amount spent on all paper purchases.
- 39 (3) The total dollar amount spend on all recycled content paper purchases.
- 40 (4) If the jurisdiction, pursuant to Article 12, purchases a reduced amount of recovered organic waste
- 41 products due to its target exceeding its total purchase of comparable virgin products, the jurisdiction
- 42 shall report on the total volume of comparable virgin products purchased in the previous year.
- 43 (5) Additional procurement opportunities identified within the jurisdiction's departments, as required in
- 44 Section 12.1.
- 45 (k) A jurisdiction shall report the following regarding its implementation of the compliance, monitoring, and
- 46 enforcement requirements specified in Articles 14-16:
- 47 (1) The number of commercial businesses subject to compliance reviews and the number of violations
- 48 found and corrected through the compliance reviews.
- 49 (2) The number of route reviews conducted by the jurisdiction or designee per calendar year.
- 50 (3) The number of inspections conducted by type for commercial edible food generators, food recovery
- 51 organizations, and commercial businesses, by the jurisdiction or designee per calendar year.
- 52 (4) The number of complaints received, investigated, and violations found based on complaints per
- 53 calendar year.
- 54 (5) The number of Notices of Violation issued by type of entity (generator, hauler, edible food
- 55 generators) per calendar year.
- 56 (6) The number of penalties issued by type of entity (generator, hauler, edible food generators) per
- 57 calendar year.
- 58 (7) The number of entities by type (generator, hauler, edible food generators) that came into
- 59 compliance in the calendar year.

**Draft Hauler and Facility Reporting Requirements Are shown in:**  
**“Attachment Two, SB 1383 Draft Additions to RDRS”**

**Article 10 Enforcement**

**Section XX0010.1. Scope of Jurisdiction Requirements.**

By January 1, 2022, a jurisdiction shall adopt one or more ordinances, or otherwise enforceable policies and procedures that impose requirements that are equivalent to, or stricter than, to those required by this Chapter including, but not limited to the following:

Use of source-separated organic waste collection service or mixed waste organic collection services pursuant to section xxx3.1 or xxx4;

Organic waste generator requirements in Article 5 of this Chapter, sections xxx50.1 through xxx50.4;

Requirements on haulers in Article 6 of this Chapter, sections xxx60.1 through xxx60.2; and,

CalGreen Building standards in section xxx70.1

Edible Food requirements in Article 9 of this Chapter, sections xxx90.1 through xxx90.2.

(b) A jurisdiction shall include in its ordinances, policies and procedures required by subsection (a), requirements for inspections and enforcement of the standards that are equivalent, or stricter, to those required by this Article. A jurisdiction is not required to assess penalties until January 1, 2024.

(c) Nothing in this Article limits or restricts the power of any federal, state, or local agency to enforce any provision of law that it is authorized or required to enforce or administer, nor limit or restrict cities or counties from promulgating laws which are at least as strict as the regulations contained in this Chapter. However, no city or county may promulgate laws which are inconsistent with the provisions of this Chapter.

**Section xxx10.2. Definitions.**

(1) “Regulated entity” means a person, including organics waste generators, haulers and facilities, subject to the requirements of this Chapter or subject to local ordinances or policies adopted pursuant to this Chapter.

(2) “Enforcement action” means an action of the enforcement agency, the jurisdiction, or the department, taken pursuant this chapter, including, but not limited to issuing notices of violation, accusations, or local remedies outlined in a jurisdiction’s ordinances or policies.

(3) “Workplan” means a type of corrective action specified by the Department. The workplan includes a schedule to address jurisdictional compliance issues identified by the department.

(5) “Violation” means a lack of compliance with a requirement of this Chapter or local ordinance or policy adopted pursuant to this Chapter.

(5) “Notice and Order to Correct (NOTC)” means a notice that a violation has occurred and that failure to correct the violation may result in a penalty.

(6) Notice of Violation (NOV) means a notice that a violation has occurred with a compliance date to avoid an action to seek penalties.

(7) “Organics Recycling Noncompliance Inventory” means a list of regulated entities that have ongoing and outstanding violations of the organics waste state standards handling and disposal of this Chapter.

**Section xx010.3. Jurisdiction Inspection and Enforcement Requirements**

~~A jurisdiction shall adopt an inspection and enforcement plan for all regulated entities within its authority for which it is required by this Chapter to impose requirements.~~

~~The Plan shall:~~

~~Include all ordinances, policies, or other requirements required by this Chapter, that are required to be enforced by the Plan.~~

~~A list of all regulated entities within the jurisdiction, including but not limited to:~~

~~Organic Collection Service Operators,~~

~~Mixed Waste Organics Collection Services~~

~~Commercial Business and Multifamily Residential Generators,~~

~~Annually or regularly scheduled Community Event and Large Events, Large Venue entities~~

~~Beginning January 1, 2022, the jurisdiction shall inspect regulated entities so that:~~

~~. By January 1, 2024, every business subject to the requirements of PRC 42640.2 and 42640.84 and that produces organic waste as defined in this chapter shall be inspected at least once.~~

~~A. All businesses found to be in violation of the requirements of this Chapter shall be reinspected within 30 days of the issuance of any notice that the entity is not in compliance, including, but not limited to a notice of noncompliance, notice of violation, and Notice and Order to Correct, and until compliance is achieved and documented;~~

~~B. All new businesses shall be inspected within one year of receiving a business license.~~

~~C. Complaints shall be inspected as set forth in section xx008~~

~~(4) After January 1, 2024, the plan shall include a routine inspection frequency which assures compliance with this chapter, but no less than 20% of the regulated entities within the jurisdiction shall be inspected annually.~~

~~(6) The enforcement procedures and potential penalties to be used for violations of local ordinances or policies adopted pursuant to this Chapter which shall be equivalent to, or stricter than, those contained in Articles 10, 11 and 12 of this Chapter.~~

~~(e) The Plan shall be approved by the local governing body of the jurisdiction on or before January 1, 2022.~~

~~(d) A copy of the Plan shall be submitted to the Department on or before January 1, 2022.~~

~~(e) If the department determines at any time, x11.3 (c) that a Plan does not meet the requirements set forth in this section, the department shall notify the jurisdiction and provide an explanation of the deficiencies. The jurisdiction shall have 90 days from that notice to correct the deficiencies. If the jurisdiction does not, the department may commence enforcement action as set forth in section xxx11.3(c).~~

#### **~~Section XX010.4. Maintenance of Records.~~**

~~A jurisdiction shall maintain a record of all inspections and enforcement actions taken pursuant to this Chapter.~~

~~The records shall include, but not be limited to all inspections, notices, orders, penalties, reports, correspondence, and other documents pertaining to the entities inspected or subject to enforcement action.~~

~~Records may be kept electronically, but shall be made available to the department in manner requested by the department.~~

~~(d) All records shall be retained by the jurisdiction for five years.~~

#### **~~Section XX010.5. Investigation of Complaints of Alleged Violations by a Jurisdiction~~**

~~(a) Any person having information alleging that a regulated entity is in violation of a local ordinance or policy adopted pursuant to this chapter, may file a complaint in writing to the jurisdiction. The complaint shall include the following:~~

~~(1) The name, address and telephone number of the person making the complaint, however nothing in this chapter shall be construed to prevent the making of anonymous complaints by omitting the identity of the reporting party from the complaint;~~

~~(2) The identity of the regulated entity allegedly in violation, and location and description of the violation;~~

~~(3) All known facts relevant to the alleged violation or likely to be of assistance to the jurisdiction in investigating the complaint, including but not limited to information relating to witnesses and physical evidence.~~

~~(b) The department may also file, or forward, a complaint to the jurisdiction.~~

~~(c) Upon receipt of a complaint, the jurisdiction shall, within 30 days, investigate the complaint if it determines that the allegations may indicate a violation, and determine whether its allegations, if true, would constitute a violation. The jurisdiction shall make its determination on the basis of the substance of the allegations rather than on the basis of the complaint's technical compliance with this section. The jurisdiction shall notify the person who submitted the complaint of the results of the jurisdiction investigation in writing. The jurisdiction shall keep records of the complaints and response available for review by the department or public.~~

~~(d) If a jurisdiction determines that a violation has occurred, it shall take enforcement action as required by this Chapter.~~

#### ~~Section xx010.6. Enforcement by a Jurisdiction.~~

~~(a) Between Jan 1, 2022 and January 1, 2024, if the jurisdiction finds that a regulated entity is in violation of a local ordinance, policy or procedure adopted pursuant to this Chapter, the jurisdiction shall serve a Notice of Noncompliance on the regulated entity within 30 days. The Notice of Noncompliance shall include:~~

~~(1) a requirement that the regulated entity comply within 30 days of the Notice;~~

~~(2) a description of the violation;~~

~~(3) educational material on the regulated entities responsibility and potential penalties for noncompliance.~~

~~(b) After Jan 1, 2024, if during an inspection, investigation, or at any other time, the jurisdiction finds that a regulated entity is in violation of a local ordinance or policy adopted pursuant to this Chapter, the jurisdiction shall enforce the applicable provisions as required by this Chapter. The jurisdiction shall take progressive enforcement action for violations specified in this section.~~

~~(c) If a regulated entity has been found in violation after January 1, 2024, the jurisdiction shall:~~

#### ~~A) For a first offense after January 1, 2024:~~

~~i. Issue Notice of Violation (NOV) requiring compliance within 30 days. The NOV shall be issued no later than 30 days after determining the first violation.~~

~~ii. If the violation continues after the NOV compliance deadline of 30 days, the jurisdiction shall issue a Notice and Order to Correct (NOTC) requiring compliance within 15 days. The NOTC shall include the potential penalties for failing to comply. The NOTC shall not be issued later than 60 days after the issuance of the NOV.~~



~~iii. If the violation continues after the NOTC compliance deadline of 15 days, the jurisdiction shall commence action to impose a penalty on the regulated entity no later than 120 days after the issuance of the NOV.~~

~~B) For a second offense:~~

~~i. Issue Notice and Order to Correct (NOTC) requiring compliance within 15 days. The NOTC shall include the potential penalties for failing to comply. The NOTC shall be issued no later than 30 days after determining the violation.~~

~~ii. If the violation continues after the NOTC compliance deadline of 15 days, the jurisdiction shall commence action to impose a penalty on the regulated entity no later than 90 days after the issuance of the NOV.~~

~~C) For all subsequent offense:~~

~~i. The jurisdiction shall commence action to impose a penalty on the regulated entity no later than 30 days after determining the violation~~

~~d) The jurisdiction may consider extensions to the compliance deadlines set forth in subsection (c) if it can make the following findings:~~

~~(1) The regulated entity is making timely progress toward compliance, and (2) The operator's success or lack thereof in accomplishing specific tasks within the compliance deadline is due to:~~

~~(A) Despite the regulated entity's good faith effort to comply, a delay in compliance has been caused by extenuating circumstances outside entity's control. Examples of extenuating circumstances include acts of God such as inclement weather, earthquakes, and delays in obtaining discretionary permits or other government agency approvals, but where the operator's actions or failure to act was not the cause of the delay.~~

~~(B) Despite the entity's good faith effort, the correction requires a long term infrastructure or capacity change which requires a correspondingly longer length of time to achieve compliance.~~

~~(c) A jurisdiction may use an alternative progressive enforcement procedure from that described in this section if it includes timeframes for remedies that are equivalent or stricter than this section and the remedies comply with Section 12.2 (f).~~

~~(f) If the jurisdiction fails to take progressive compliance and enforcement actions as set forth in this section, the department may take enforcement action pursuant to Section xxx11.3 (b) and seek penalties pursuant to Article 11 and 12 of this Chapter.~~

~~(h) A jurisdiction shall provide the following information in any notices required by this section.:~~

~~(1) The name or names of each person or entity to whom it is directed. Notices must go to the legal responsible party, such as business owner, property owner, etc.~~

~~(2) The list and description of the violations of this Chapter;~~

~~(3) The regulations, or local condition the jurisdiction has determined are being violated;~~

~~(6) A compliance date by which the operator is to take specified action(c);~~

~~(7) The penalty for not complying within the specified compliance date~~

**Article 11. Enforcement Oversight by the Department**

**Section xxx11.2. Department Inspections and Audits of Regulated Entities and Jurisdictions**

The department may conduct audits of jurisdictions to assure compliance with this chapter.

b) The audits shall include inspections of a random sampling of regulated entities, a review of the jurisdiction reporting and recordkeeping requirements and data reported in those reports and records.

c) Where a jurisdiction has authority over a regulated entity, the department shall notify the jurisdiction prior to conducting inspections within its jurisdiction and provide the period of time the jurisdiction will be under audit.

d) The department may conduct inspections in conjunction with the jurisdiction where a jurisdiction has authority over a regulated entity. The department shall conduct the types and numbers of inspections it determines necessary to evaluate a jurisdiction's compliance with this chapter or in order to ensure a regulated entity's compliance with this chapter. During an audit period, a jurisdiction shall provide, upon request, records required by the chapter. The results of the inspections under this section may be used for the purposes of assessing a jurisdiction's or a regulated entity's compliance with this chapter.

e) A summary of the audit findings shall be provided in writing within 90 days of the audit end date. The audit report shall include a summary of inspection report findings of regulated entities inspected within the jurisdiction and document compliance or violations by the jurisdiction. The audit report shall at a minimum state whether the jurisdiction is in compliance or violation of the following standards:

Use of source separated organic waste collection service or mixed waste organic collection services pursuant to section xxx3.1 or xxx4;

Organic waste generator requirements in Article 5 of this Chapter, sections xxx50.1 through xxx50.4;

Requirements on haulers in Article 6 of this Chapter, sections xxx60.1 through xxx60.2; and,

CalGreen Building standards in section xxx70.1,

Edible Food requirements in Article 9 of this Chapter, sections xxx90.1 through xxx90.2.

f) Upon presentation of proper credentials, the Department, an authorized Department employee or agent, shall be allowed to enter a regulated entity during normal working hours to conduct inspections and investigations, to examine organic recycling activities and records pertaining to the regulated entity to determine compliance with this chapter; including but not limited to, allowing the review or copying, electronically or through mechanical methods (i.e photocopy) of any paper or electronic records required by this chapter or other records, such as invoices, memoranda, books, papers, records, or memoranda

\_\_\_\_\_ (1) This subdivision is not intended to permit an employee or agent of the department to enter a residential property.

**Section XX011.3. Actions by Department over Jurisdictions and Regulated Entities.**

(a) If the Department finds that a jurisdiction is not fulfilling one or more of its responsibilities or obligations as required by this Chapter, then the department, may take one or more of the following actions:

(1) Conduct more frequent inspections within the jurisdiction or more frequent audits of the jurisdiction

(2) Take direct enforcement pursuant to subsection (b).

(3) Establish a schedule and probationary period for improved performance by the jurisdiction, requiring the submission of a workplan to correct the deficiencies prior to seeking penalties. As part of

~~the workplan, the department may require a jurisdiction to demonstrate that it has sufficient staff and adequate budget resources for implementing the provisions of this Chapter. If requested, the jurisdiction shall provide all anticipated expenditures, and identify all their revenue by sources and amounts and current staff allocated to the program.~~

~~(4) Issue notices pursuant to section xxx11.5 and seek administrative civil penalties pursuant to Article 12 of this Chapter.~~

~~(b) The Department may take enforcement action against a regulated entity after implementing the following procedures:~~

~~(1) Request in writing that the jurisdiction take enforcement action pursuant to Section xxx10.6 and offer technical assistance. The request shall include documentation of the lack of appropriate enforcement action on the part of the jurisdiction;~~

~~(2) If the jurisdiction fails to respond within 30 days of receipt of the request with an enforcement action, or provide evidence of compliance, the department shall issue a notice to the jurisdiction and the regulated entity that it will be taking enforcement action pursuant to section xxx11.6.~~

~~(c) The department may also seek administrative penalties against the jurisdiction pursuant to Article 12 for failing to comply with this Chapter, if the jurisdiction fails to take enforcement action as requested pursuant to subsection (b).~~

#### **~~Section XX011.4. Actions regarding Organic Waste Generators Located in more than one jurisdiction and Generators outside the authority of a Jurisdiction~~**

~~a) If a jurisdiction or jurisdictions have found violations at an organic waste generator that is located in more than one jurisdiction, or is an organic waste generator that is not subject to the jurisdiction's authority, and the jurisdiction has reason to believe that the entity is violating a requirement of this Chapter in one or more of those other jurisdictions, the jurisdiction may refer the case to the department.~~

~~b) Prior to the referral, the jurisdiction shall inspect the entity and implement progressive enforcement pursuant to section xxx10.6, unless the organic waste generator is not subject to the jurisdiction's authority.~~

~~c) If the department has found violations at an organic waste generator that is located in more than one jurisdiction or is outside not subject to the authority of a referring jurisdiction, it may implement progressive enforcement pursuant to this Article.~~

#### **~~Section XX11.5. Written Complaints of Alleged Violations of Jurisdictions and Regulated Entities~~**

~~(a) Any person having information alleging jurisdiction is in violation of a requirement of this Chapter may file a complaint regarding such allegation in writing to the department. The complaint shall include the following:~~

~~(1) The name, address and telephone number of the person making the complaint, however nothing in this chapter shall be construed to prevent the making of anonymous complaints by omitting the identity of the reporting party from the complaint;~~

~~(2) The identity of jurisdiction or select generator in violation, and location and description of the violation;~~

~~(3) All known facts relevant to the alleged violation or likely to be of assistance to jurisdiction in investigating the complaint, including but not limited to information relating to witnesses and physical evidence.~~

~~(c) Upon receipt of a complaint, the department shall within 30 days determine whether its allegations, if true, would constitute a violation of this Chapter, and if so commence an investigation. The department shall notify the person who submitted the complainant of the results of the department's investigation in writing, including if the further~~

~~investigation in needed.~~

~~(d) If the department receives a complaint on a regulated entity, it shall refer the complaints to the jurisdiction with authority over the regulated entity.~~

#### ~~Section xx11.6. Departments Duties and Responsibilities for Enforcement.~~

~~(a) Between Jan 1, 2022 and January 1, 2024, if the department finds that a regulated entity is in violation of this Chapter, the department shall serve a Notice of Noncompliance on the regulated entity within 30 days. The Notice of Noncompliance shall include:~~

~~(1) A requirement that the regulated entity comply within 30 days of the Notice;~~

~~(2) A description of the violation;~~

~~(3) Educational material on the regulated entities responsibility and potential penalties for noncompliance.~~

~~(b) After Jan 1, 2024, if during an inspection, investigation, or at any other time, the department finds that a regulated entity is in violation of this Chapter, it shall take progressive enforcement action for violations specified in this section.~~

~~(c) If a regulated entity has been found in violation after January 1, 2024, the department shall:~~

~~A) For a first offense after January 1, 2024:~~

~~i. Issue Notice of Violation (NOV) requiring compliance within 30 days. The NOV shall be issued no later than 30 days after determining the first violation.~~

~~ii. If the violation continues after the NOV compliance deadline of 30 days, the jurisdiction shall issue a Notice and Order to Correct (NOTC) requiring compliance within 15 days. The NOTC shall include the potential penalties for failing to comply. The NOTC shall not be issued later than 60 days after the issuance of the NOV.~~

~~iii. If the violation continues after the NOTC compliance deadline of 15 days, the jurisdiction shall commence action to impose a penalty on the regulated entity no later than 120 days after the issuance of the NOV.~~

~~B) For a second offense:~~

~~i. Issue Notice and Order to Correct (NOTC) requiring compliance within 15 days. The NOTC shall include the potential penalties for failing to comply. The NOTC shall be issued no later than 30 days after determining the violation.~~

~~ii. If the violation continues after the NOTC compliance deadline of 15 days, the jurisdiction shall commence action to impose a penalty on the regulated entity no later than 90 days after the issuance of the NOV.~~

~~C) For all subsequent offense:~~

~~i. The jurisdiction shall commence action to impose a penalty on the regulated entity no later than 30 days after determining the violation~~

~~d) The department may consider extensions to the compliance deadlines set forth in subsection (c) if it can make the following findings:~~

~~(1) The regulated entity is making timely progress toward compliance, and (2) The entity's success or lack thereof in accomplishing specific tasks within the compliance deadline is due to:~~

~~(A) Despite the regulated entity's good faith effort to comply, a delay in compliance has been caused by extenuating circumstances outside entity's control. Examples of extenuating circumstances include acts of God such as inclement weather, earthquakes, and delays in obtaining discretionary permits or other government agency approvals, but where the operator's actions or failure to act was not the cause of the delay.~~

~~(B) Despite the entity's good faith effort, the correction requires a long term infrastructure or capacity change which requires a correspondingly longer length of time to achieve compliance.~~



~~(e) A jurisdiction may use an alternative progressive enforcement procedure from that described in this section if it includes timeframes for remedies that are equivalent or stricter than this section and the remedies comply with Section 12.2 (f).~~

~~(f) If the jurisdiction fails to take progressive compliance and enforcement actions as set forth in this section, the department may take enforcement action pursuant to Section xxx11.3 (b) and seek penalties pursuant to Article 11 and 12 of this Chapter.~~

~~(h) A department shall provide the following information in any notices required by this section:~~

~~(1) The name or names of each person or entity to whom it is directed. Notices must go to the legal responsible party, such as business owner, property owner, etc.~~

~~(2) The list and description of the violations of this Chapter;~~

~~(3) The regulations, or local condition the jurisdiction has determined are being violated;~~

~~(6) A compliance date by which the operator is to take specified action(s);~~

~~(7) The penalty for not complying within the specified compliance date~~

## **Article 12. Penalties**

### **Section xx12.1. Scope.**

~~The Department may impose administrative civil penalties authorized by PRC 42652.5 in accordance with the procedures set forth in this Article.~~

### **Section xx12.2. Amount of Civil and Administrative Penalty Schedule.**

~~(a) Penalties shall be imposed administratively using the penalty tables contained in subsection (b) and calculated as follows:~~

~~(1) To calculate the penalty:~~

~~(A) Determine the following:~~

- ~~i. What violations have occurred; and~~
- ~~ii. The number of days the violations have occurred; and~~
- ~~iii. whether it is a first, second, or third offense for each violation; and;~~
- ~~iv. The severity of violations identified in the Table and subsection (d).~~

~~(B) Separate penalties shall accrue for each separate violation and for each day of violation. Multiply each applicable violation penalty amount by the number of days of violation, starting on the day the Notice of Violation is issued. Add the results for each violation to determine a total base penalty amount.~~

~~(C) Penalties for second, third and all other violations shall be assessed as provided in Tables when the operator /or owner committed a prior violation at the same or a separate location.~~

~~(D) The department, jurisdiction, hearing officer or judge may apply the factors listed in subsection (e) to determine the final penalty within the range of the base penalty.~~

~~(E) The total penalty amount may not exceed maximum penalty amounts for each day of violation, as set forth in PRC 42652.5.~~

~~(b) The following Penalty Tables, establish the range of the base penalty for each violation based on the severity levels as set forth in subsection (c).~~

~~(1) Base Table 1 is to be used for Article 3 Mandatory Organic Waste Collection, sections XXX3, XXX3.1 and XXX4~~

<u>Requirement</u>	<u>Description of Violation</u>	<u>1<sup>st</sup> Offense</u>	<u>2<sup>nd</sup> Offense</u>	<u>3<sup>rd</sup> and subsequent Offense</u>
<u>Section xxx2.1</u>	<u>A Jurisdiction or hauler that fails to comply with the requirements of this section</u>	<u>Level 3</u>	<u>Level 4</u>	<u>Level 5</u>
<u>Section xxx3.15</u>	<u>A Jurisdiction or hauler that fails to comply with the requirements of this section</u>	<u>Level 4</u>	<u>Level 2</u>	<u>Level 3</u>
<u>Section xxx4</u>	<u>A Jurisdiction or hauler that fails to comply with the requirements of this section</u>	<u>Level 3</u>	<u>Level 4</u>	<u>Level 5</u>

~~(2) Base Table 2 is to be used for Article 4 Education and Outreach Sections xxx40.1 and xxx40.2~~

~~(3) Base Table 3 is to be used Article 5 Generators of Organic Waste Sections xxx50.1, xxx50.2 and xxx50.4~~

~~(4) Base Table 4 is to be Article 6 regulation of haulers Sections xxx70.1 and xxx70.2~~

~~(5) Base Table 5 is to be used for Article 7 Cal Green Building Standards Section xxx70.4~~

~~(6) Base Table 6 is to be used for Article 8 Locally Adopted Standards and Policies, Section xxx80.1 and xxx80.2~~

~~(7) Base Table 7 is to be used for Article 9 Food Generators and Food Recovery Sections xxx90.1, and xxx90.2~~

~~(8) Base Table 8 is to be used for Article 9.9 Organic Waste Recycling Capacity Planning~~

~~(c) The penalty severity levels are as follows:~~

~~(1) For a violation classified as Level 1, the amount of the base penalty may be \$100 – \$500 per day.~~

~~(2) For a violation classified as Level 2, the amount of the base penalty may be \$500 – \$1000 per day.~~

~~(3) For a violation classified as Level 3, the amount of the base penalty may be \$1,000 – \$5000 per day.~~

~~(4) For a violation classified as Level 4, the amount of the base penalty may be \$1000 – \$10,000 per day.~~

~~(5) For a violation classified as Level 5, the amount of the base penalty may be \$5000 – \$10,000 per day.~~

~~(d) Once the base penalty range has been determined, the following factors shall be used to determine the amount of the penalty for each violation within that range:~~

~~(1) The nature, circumstances, of the violation(s).~~

~~(2) The size of the violator.~~

~~(3) Ability for the violator to pay.~~

~~(3) The willfulness of the violator's misconduct.~~

~~(4) Whether the violator took good faith measures to comply with this chapter and the period of time over which these measures were taken.~~

~~(5) Evidence of any financial gain resulting from the violation(s).~~

~~(6) The economic effect of the penalty on the violator.~~

~~(7) If there were conditions outside the control of the regulated entity.~~

~~(e) A jurisdiction shall impose these penalties in accordance with its ordinances and procedures adopted as required by section xxx10.1 and its enforcement plan as required by section xxx10.3. A jurisdiction may use alternative, nonmonetary remedy if it is a revocation, suspension, or denial of a permit, registration, license or other authorization, or a lien on real property, or the jurisdiction receives written approval from the department for the use of a remedies that have the same or equal effect.~~

### **~~Section xx12.3 Organics Recycling Noncompliance Inventory~~**

~~(a) This Section sets forth the procedures associated with the Organics Recycling Noncompliance Inventory.~~

~~(b) If a jurisdiction or the department documents the same violation(s) for two consecutive inspections, then the department may send a notice to the regulated entity stating that the department intends to place the entity on the Inventory, listed on its website, if the violation(s) is not corrected within 90 days of receipt of the notice. The notice will be sent by certified mail.~~

~~(c) If the jurisdiction or the entity provides written documentation that it is no longer in violation of all of the standard(s) listed in the notice of intent letter during the 90-day notice of intent period, then a rescission letter will be sent to regulated entity by the department.~~

~~(d) If the violation(s) listed on the notice is not corrected on or before the 90th day subsequent to the operator's receipt of the notice of intent letter, then the department will send a notice to the regulated entity that it has been placed on the Inventory. The notice shall state the violation(s) listed on the Inventory that have not been complied with, and will be sent by certified mail.~~

~~(e) Upon written documentation that the entity has corrected the violation(s) that have caused it to be placed on the inventory, then a notice shall be sent to the regulated entity by the department. The notice will be sent by certified mail within 15 days of the receipt of the documentation.~~

~~(f) The jurisdiction must provide inspection report and compliance documentation as requested by the department in order for this section to be carried out.~~

~~(g) for the purposes of this section, "regulated entity" does not include a residential property.~~

### **~~Section xx12.4. CalRecycle Procedure for Imposing Civil Penalties.~~**

~~(a) Civil penalties may be administratively imposed by CalRecycle in accordance with the procedures outlined in the Administrative Procedure Act at Article 10 of Chapter 4.5 (commencing with section 11445.10) of Part 1 of Division 3 of Title 2 of the Government Code.~~

~~(b) The accusation or complaint and all accompanying documents may be served on the respondent by the following means:~~

~~(1) Personal service.~~

~~(2) Substitute service by using the same service procedures as described in section 415.20 of the Code of Civil Procedure.~~

~~(3) Certified Mail: For respondents who have submitted a mattress recycling plan, certified mail or registered mail if the letter containing the accusation or complaint and accompanying material is mailed, addressed to the respondent at the latest facility or mailing address(es) on file with the department. Proof of service of the accusation or complaint shall be the certified mail receipts or registered mail receipts proving the accusation or complaint and accompanying materials were sent to respondent by certified mail or registered mail. For respondents who have not submitted or are not required to submit a mattress recycling plan to the department, certified mail or registered mail pursuant to the procedures indicated in the Administrative Procedure Act at subdivision (c) of section 11505 of the Government Code applies.~~

~~(c) Civil penalties may be imposed pursuant to Section 12.2.~~

### **Article 14 Enforcement Requirements**

**Section 14.1 Jurisdiction Inspection and Enforcement Requirements**

(a) On or before January 1, 2022, a jurisdiction shall have an inspection and enforcement program that ensures compliance with this chapter and that at a minimum, includes the following requirements:

(1) On or before January 31, 2022, and at least annually thereafter, a jurisdiction shall conduct the following:

(B) If the jurisdiction is using the compliance method described in 14 CCR sections 30.1, 30.2, or 30.3, the jurisdiction shall:

1. Complete a compliance review of all garbage accounts for commercial businesses that are subject to its authority, and that generate two cubic yards or more per week of solid waste and produce organic waste, in order to determine compliance with:

i. Organic waste generator requirements set forth in sections 30.9.

ii. Self-haul requirements set forth in Section 70.3, including whether a business is complying through back-hauling organic waste.

2. Conduct route reviews of commercial businesses and residential areas for compliance with organic waste generator requirements set forth in Section 30.9 and container contamination requirements set forth in Section 30.5.

(2) Conduct inspections of Tier One commercial edible food generators and food recovery organizations for compliance with this chapter.

(3) Conduct inspections, route reviews, or compliance reviews when investigating a complaint in accordance with Section 14.3 of this chapter.

(4) On and after January 1, 2022 and until January 1, 2024, if a jurisdiction determines that an organic waste generator, self-hauler, hauler, or commercial edible food generator, or other entity is not in compliance with this Chapter, it shall provide educational material to the entity describing its obligations under this Chapter.  
(5) On and after January 1, 2024, if a jurisdiction determines that an organic waste generator, self-hauler, hauler, or commercial edible food generator, or other entity is not in compliance with this chapter, it shall document the violation and take enforcement action as set forth in Section 14.4 of this chapter.

(b) A jurisdiction shall conduct a sufficient number of compliance reviews, route reviews and inspections to ensure compliance with this chapter. A jurisdiction shall inspect entities that it determines are more likely to be out of compliance, based on complaints or reports that it receives from the haulers, facilities, or other complainants, the jurisdiction's random route reviews, or other means.

(c) A jurisdiction shall generate a written report for each inspection, route review, and compliance review conducted pursuant to this Chapter. Each report shall include, at a minimum, the following information:

(1) Identifying information for the subject or subjects of the inspection, route review or compliance review, such as, but not limited to:

(A) The name or account name of each person or entity.

(B) A description of the route and addresses covered by a route review.

(C) A list of accounts reviewed for each compliance review.

(2) The date or dates the inspection, route review, or compliance review was conducted.

(3) The person or persons who conducted the action.

(4) The jurisdiction's findings, including if there was compliance with or a violation of this chapter.

(5) Any supporting evidence or findings, such as photographs and account records.

(6) The route review records shall include locations of the route review(s), the source of contamination, photographs, and notices or education materials given to generators.

(d) Copies of all route reviews, compliance reviews, and inspections, as well as all other records of enforcement conducted pursuant to this chapter shall be maintained in the Implementation Record required by Section 14.2 of this chapter, and shall include, but not be limited to:

(1) Copies of all documentation of route reviews, compliance reviews, and inspections.

(2) Copies of all enforcement actions required by Section 14.4 of this chapter, including Notice of Violations, subsequent notices, and penalties issued.

(3) A list of the date the entities issued a Notice of Violation came into compliance and evidence that supports compliance.

(4) Copied of notices and educational material provided as required by this section.

**Section 14.2 Implementation Record and Recordkeeping Requirements**

(a) A jurisdiction shall maintain all records required by this chapter in the Implementation Record in the following manner:

(b) The Implementation Record shall be stored in one central location, physical or electronic, that can be readily accessed by the Department. The jurisdiction shall provide its central location for records and a point of contact to the Department to facilitate the Department's review of the records.

(c) Upon request by the Department, the jurisdiction shall provide access to the Implementation Record within one business day.

(d) All records and information from each reporting period shall be included in the Implementation Record within 30 days of the last day of the reporting period.

(e) All records shall be retained by the jurisdiction for five years.

(f) At a minimum, the following shall be included in the Implementation Record:

(1) A copy of all ordinances, enforceable mechanisms, contracts, or agreements, as required by this chapter.

(2) A copy of the Jurisdiction's inspection and enforcement program that it uses to comply with sections 14.1 and 14.4 of this chapter.

(3) All organic waste collection service records required by Section 30.4 of this chapter.

(4) All contamination minimization records required by Section 30.6 of this chapter.

(5) All waiver and exemption records required by Section 30.14 of this chapter.

(6) All education and outreach records required by Section 40.3 of this chapter.

(7) All hauler program records required by Section 70.4 of this chapter.

(8) All jurisdiction edible food recovery program records required by Section 10.2 of this chapter.

(9) All recovered organic waste procurement target records required by Section 12.2 of this chapter.

(10) All recycled content paper procurement records required by section 12.5 of this chapter.

(11) All inspection, route review, and compliance review reports generated pursuant to the requirements of Section 14 (e) of this chapter.

(12) All records of enforcement actions undertaken pursuant to this chapter.

(13) All records of complaints and investigations of complaints required by Section 14.3 of this chapter compliance with the Jurisdiction's Inspection and Enforcement requirements of Sections 14.1 (e) and 14.3 (g) of this chapter.

#### **Section 14.3 Jurisdiction Investigation of Complaints of Alleged Violations**

(a) Any person having information that an entity is in violation of this chapter, may file a complaint with the jurisdiction, in a manner specified by the jurisdiction. The jurisdiction may request that the complaint include the following:

(1) The name and contact information of the complainant.

(2) The identity of the entity allegedly in violation and location and description of the violation.

(3) All known facts relevant to the alleged violation including, but not limited to, information relating to witnesses and physical evidence.

(b) Upon request, the jurisdiction shall ensure that the name and contact information of a complainant remain confidential.

(c) The Department may also file, or forward, a complaint to the jurisdiction.

(d) Upon receipt of a complaint, a jurisdiction shall, within 90 days, investigate the complaint if it determines that the allegations, if true, would constitute a violation.

(e) The jurisdiction shall provide a method for a complainant to find out the results of their complaint.

(f) The jurisdiction shall maintain records of all complaints and responses pursuant to this section in the Implementation Record set forth in Section 14.2 of this chapter. The records shall include the complaint as received, the date the jurisdiction investigated the complaint, the jurisdiction's determination of compliance or notice of violations issued.

(g) If a jurisdiction determines that a violation has occurred, it shall take enforcement action as required by this Chapter.

#### **Section 14.4 Enforcement by a Jurisdiction**

(a) If an entity has been found in violation of this Chapter after January 1, 2024, the jurisdiction shall take enforcement action as set forth in this section.

(1) The jurisdiction shall issue a Notice of Violation to any entity found in violation within 60 days after determining that a violation has occurred.

(2) The jurisdiction shall conduct follow-up inspections to determine if compliance is achieved, at least every 90 days following the date of the first Notice of Violation, and continue to issue Notices of Violation until compliance is achieved or a penalty has been issued.



(3) The jurisdiction shall commence actions to impose a penalty pursuant to Article 16 on the entity within the following timeframes:

(A) For a first violation no later than 150 days after the issuance of the Notice of Violation.

(B) For a second violation and all subsequent violations, no later than 90 days after the issuance of the Notice of Violation.

(4) The jurisdiction may seek equivalent or stricter nonmonetary remedies to those set forth in Section 16.2 of this Chapter.

(b) The jurisdiction may grant extensions to the compliance deadlines set forth in subsection (a) if it finds that:

(1) The entity has made an effort but has failed to comply within the deadline due to extenuating circumstances outside its control. Examples of extenuating circumstances include acts of God such as inclement weather or earthquakes and delays in obtaining discretionary permits or other government agency approvals, but where the entity's actions or failure to act was not the cause of the delay; or,

(2) The entity's compliance is not possible due to limitations in infrastructure, and the jurisdiction in which it resides is under a Corrective Action Plan (CAP) pursuant to Section 15.2 due to long-term infrastructure or capacity deficiencies.

(c) A jurisdiction shall provide the following information in any Notice of Violation or other enforcement notices:

(1) The account name, name, or names of each person or entity to whom it is directed. Notices must go to the legally responsible party, such as business owner, service account holder, property owner, etc.

(2) The list and description of the violations of this Chapter, including the local ordinance being violated.

(3) A compliance date by which the operator is to take specified action(s).

(4) The penalty for not complying within the specified compliance date.

## **Article 15. Enforcement Oversight by the Department**

### **Section 15.1. Department Evaluation of Jurisdiction Compliance**

(a) The Department shall evaluate a jurisdiction's compliance with this Chapter as set forth in this article.

(b) In conducting a compliance evaluation, the Department shall review the jurisdiction's Implementation Record and conduct inspections, compliance reviews, and route reviews.

(c) The Department shall notify the jurisdiction prior to conducting an evaluation.

(d) A summary of the Department's findings shall be provided in writing to the jurisdiction.

(e) If the Department determines at any time that an ordinance adopted by a jurisdiction is inconsistent with or does not meet the requirements set forth in this Chapter, the Department shall notify the jurisdiction and provide an explanation of the deficiencies. The jurisdiction shall have 90 days from that notice to correct the deficiencies. If the jurisdiction does not, the Department may commence enforcement actions as set forth in Section 15.2 of this Chapter.

### **Section 15.2. Department Enforcement Action Over Jurisdictions**

(a) If the Department finds that a jurisdiction is violating one or more of the requirements of this Chapter, then the Department may take the following actions:

(1) Issue a Notice of Violation requiring compliance within 90 days. An extension may be granted for an additional 90 days, if the jurisdiction submits a written request to the Department within 60 days of the Notice of Violation's issuance that includes:

(A) Evidence that additional time is needed to comply.

(B) The steps the jurisdiction will take to correct the violation, including demonstration that it can comply within 180 days of the Notice of Violation's issuance date.

(2) The Department may extend the timeframe for a jurisdiction to comply beyond 180 days from the Notice of Violation issuance date by issuing a Corrective Action Plan (CAP) for up to 24 months, setting forth steps to achieve compliance, if the jurisdiction has demonstrated, that it has made a substantial effort to comply and there are extenuating circumstances that have prevented it from complying.

(A) A jurisdiction shall submit a written request for the extension at least 30 days prior to the Notice of Violation final compliance date. The request shall provide documentation demonstrating its substantial effort to comply, and the extenuating circumstances which prevents it from complying, and identify the critical milestones that the jurisdiction would need to meet in order to comply within 24 months.

1. If a jurisdiction claims that the cause of the delay is inadequate capacity of organic waste recovery facilities, it shall document the lack of capacity and demonstrate that

1 it has provided service where possible and that it has only delayed compliance with  
2 this chapter for areas where service cannot be provided due to capacity limits.  
3 Implementation schedules, under Article 11, may be considered for purposes of  
4 developing a Corrective Action Plan; however, the Department may set compliance  
5 milestones other than those provided in the Implementation Schedule.

6 (B) For the purposes of this section, "substantial effort" means that a jurisdiction has taken all  
7 practicable actions to comply. Substantial effort does not include circumstances where a  
8 decision-making body of a jurisdiction has not taken the necessary steps to comply with the  
9 Chapter, including, but not limited to, a failure to provide staff resources, a failure to provide  
10 sufficient funding to assure compliance, or failure to adopt required ordinances.

11 (C) For the purposes of this section, "extenuating circumstances" means that a delay in  
12 compliance has been caused by:

13 1. Circumstances outside of a jurisdiction's control; including acts of God and  
14 declared emergencies such as earthquake, fires, flooding, or delays in obtaining  
15 discretionary permits or other government agency approvals.

16 2. A long term infrastructure or capacity change which requires a corresponding  
17 longer length of time to achieve compliance.

18 (D) For the purposes of this section, "critical milestones" means all actions necessary for a  
19 jurisdiction to comply, including, but not limited to, receiving approval by decision-making  
20 bodies, permit application submittals and obtaining approvals, and tasks associated with the  
21 local contract approvals.

22 (3) A Corrective Action Plan shall be issued by the Department for no longer than 24 months and shall  
23 include compliance dates for each milestone that describe the tasks and timeframe the jurisdiction  
24 needs to take to achieve full compliance by a final compliance date. The Corrective Action Plan shall  
25 include the penalties that may be imposed if a jurisdiction fails to comply by the final compliance date  
26 and may also include penalties for failing to meet milestones by the specified dates.

#### 27 28 **Section 15.21 Department Enforcement When Jurisdiction fails to Enforce**

29 (a) If a jurisdiction fails to enforce the requirements set forth in this chapter, the Department may take  
30 enforcement action against an entity pursuant to Section 15.7 of this chapter and also enforcement action  
31 against the jurisdiction pursuant to this article after providing the jurisdiction with:

32 (1) Written documentation of its lack of appropriate enforcement action.

33 (2) A written request to take enforcement action against the entity pursuant to Article 14 of this chapter  
34 or evidence within 60 days that the entity is in compliance.

35 (b) The Department may seek administrative penalties against the jurisdiction pursuant to Article 16 if the  
36 jurisdiction fails to take enforcement action as requested pursuant to subsection (a) (2).

#### 37 38 **Section 15.22. Access for Inspection by the Department**

39 (a) Upon presentation of proper credentials, an authorized Department employee or agent shall be allowed to  
40 enter an entity's premises during normal working hours to conduct inspections and investigations in order to  
41 examine organic waste recovery activities, edible food recovery activities, and records pertaining to the entity in  
42 order to determine compliance with this chapter. Methods may include, but are not limited to, allowing the  
43 review or copying, electronically or through mechanical methods (i.e., photocopying) of any paper, electronic,  
44 or other records required by this chapter, such as invoices, memoranda, books, papers, or records.

45 (1) This subdivision is not intended to permit an employee or agent of the Department to enter a  
46 residential property.

#### 47 48 **Section 15.3. Enforcement Actions Against Organic Waste Generators Located In Multiple jurisdictions** 49 **and Non-Local Entities**

50 (a) If a jurisdiction believes that an organic waste generator, including a commercial edible food generator, that  
51 has locations in more than one jurisdiction, has violated a requirement of this chapter, and the jurisdiction has  
52 reason to believe that the entity is also violating that requirement in another jurisdiction, or a jurisdiction  
53 believes a non-local entity within its jurisdiction has violated a requirement of this chapter, the jurisdiction may  
54 refer the matter to the Department for review and enforcement action.

55 (b) Prior to making a referral to the Department for an entity that has locations in more than one jurisdiction, a  
56 jurisdiction shall inspect the entity within its jurisdiction and, at a minimum, issue a Notice of Violation if it finds

1 that a violation has occurred. The referral must include, at a minimum, the name and location of the entity, a  
2 copy of the Notice of Violation issued, all evidence collected, and any correspondence with the entity.  
3 (c) If the Department finds that at an organic waste generator that has locations in more than one jurisdiction,  
4 or a non-local entity has not complied with the requirements of this chapter, it may take enforcement pursuant  
5 to this article and Article 16 of this chapter.  
6 (d) If the Department determines the referral does not meet the requirements of this section, the Department  
7 may refer the matter back to the jurisdiction for enforcement action.  
8 (e) If the Department determines that the referral meets the requirements of this section, and takes  
9 enforcement action based on the referral, the jurisdiction shall suspend its enforcement actions related to the  
10 entity.

#### 11 **Section 15.4. Department Inspections and Compliance Reviews of State Agencies and Facilities**

12 (a) If the Department finds that a state agency or state facility is violating Article 5, or Article 10 of this chapter,  
13 then the Department may take the following progressive enforcement actions:

14 (1) Issue a Notice of Violation requiring compliance within 90 days. If the state agency or state facility  
15 provides sufficient evidence that additional time is needed to comply, it may request, and the  
16 Department may grant an additional 180-day extension. The state agency or state facility extension  
17 request shall include:

18 (A) An explanation of why the violations have occurred, and all steps that have been taken to  
19 comply with this Chapter.

20 (B) An explanation as to why it cannot correct the violation by the compliance date.

21 (C) A proposed set of tasks and milestones necessary for the state agency or state facility to  
22 comply and an explanation and justification of the proposed timeline.

23 (D) Any additional information that supports the request to delay enforcement action.

24 (2) If the Department issues a Notice of Violation to a state agency or facility it shall include, but is not  
25 be limited to:

26 (A) A description of the violation and regulatory section that is the basis of the violation.

27 (B) Identification of the actions the state agency or state facility shall take to correct the  
28 violation(s).

29 (C) The timeframe in which each of the actions must be taken.

30 (D) The actions in subsection (a)(3) of this section that the Department may take if the state  
31 agency or facility fails to comply.

32 (3) If a state agency or state facility fails to comply with a Notice of Violation, the Department may take  
33 the following enforcement actions:

34 (A) List the state agency or state facility on the Organic Waste Recovery Noncompliance  
35 Inventory described in Section 16.3 of this chapter.

36 (B) Request that the Department of General Services (DGS) conduct an audit of the state  
37 agency or state facility for compliance with Public Contract Code (PCC) Section 12217(a).

38 (C) Notify the Governor.

39 (D) Notify the Legislature.

40 (4) The Department may not extend a compliance deadline in a Notice of Violation if the Department  
41 determines that the state agency or state facility has not made a substantial efforts, to comply with the  
42 Chapter.

43 (A) For the purposes of this section, "substantial effort" means that the state agency or state  
44 facility has taken all practicable steps to comply. Substantial effort does not include failure by  
45 the state agency or facility to take the necessary steps to comply, including, but not limited to,  
46 not providing adequate staff resources, failing to provide sufficient funding to assure  
47 compliance with the Chapter, or failure to adopt required policies.

#### 48 **Section 15.5. Department Enforcement Action Regarding Local Education Agencies**

49 (a) If the Department finds that a local education agency is violating this chapter, the Department may issue a  
50 Notice of Violation requiring compliance within 90 days. If the local education agency fails to comply with the  
51 Notice of Violation, the Department may list the local education agency or a non-local entity on the Organic  
52 Waste Recovery Noncompliance Inventory pursuant to Section 16.4.

#### 53 **Section 15.6. Complaints of Alleged Violations by Jurisdictions and Entities**

54 (a) Any person having information that a jurisdiction or an entity is in violation of a requirement of this chapter  
55 may file a written complaint to the Department. The Department may request that complaints include the  
56 following:

- (1) The name and contact information of the person making the complaint.
- (2) The identity of the alleged violator, including the name of the entity, jurisdiction, state agency, state facility, local education agency, or other non-local entity.
- (3) The location of the violation.
- (4) A description of the violation.
- (5) All known relevant facts including, but not limited, to information relating to witnesses and physical evidence.
- (b) Upon request, the Department shall ensure that the names and contact information of a complainant remain confidential.
- (c) Upon receipt of a complaint, the Department shall, within 60 days, determine whether the allegations, if true, would constitute a violation of this chapter, and, if so, commence an investigation. The Department shall notify the complainant of the results of the Department's investigation.
- (d) If the Department receives a complaint about an entity within a jurisdiction's authority, it shall refer the complaint to the jurisdiction for investigation and enforcement action.

#### **Section 15.7. Department Enforcement Actions Against Entities.**

- (a) The Department may take enforcement action against organic waste generators, including commercial edible food generators, haulers, and food recovery organizations and services, where a jurisdiction has failed to enforce this chapter or where the entity is a non-local entity that is not a state agency or facility subject to enforcement under Section 15.4 or a local education agency subject to enforcement under Section 15.5.
- (b) If an entity has been found in violation, the Department shall:
  - (1) For a first violation:
    - (A) Issue a Notice of Violation (NOV) requiring compliance within 60 days.
    - (B) If the violation continues after the NOV compliance date, the Department shall issue a Notice and Order to Correct (NOTC) requiring compliance within 30 days. The NOTC shall include the potential penalties for failing to comply.
    - (C) If the violation continues after the NOTC compliance deadline of 30 days, the Department shall commence action to impose a penalty on the entity no later than 90 days after the issuance of the NOTC.
  - (2) For a second violation and all subsequent violations:
    - (A) Issue a Notice and Order to Correct (NOTC) requiring compliance within 30 days. The NOTC shall include the potential penalties for failing to comply.
    - (B) If the violation continues after the NOTC compliance deadline, the Department shall commence action to impose a penalty on the entity no later than 90 days after its determination of the violation.
- (c) The Department may grant extensions to the compliance deadlines set forth in subsection (b) if it makes the following findings:
  - (1) The entity is making timely progress toward compliance, and
  - (2) The entity's failure to comply within the deadline is due to:
    - (A) Extenuating circumstances outside its control, including a correction to a long term infrastructure or capacity change which requires a correspondingly longer length of time to achieve compliance. Examples of extenuating circumstances include acts of God such as inclement weather, and earthquakes, and delays in obtaining discretionary permits or other government agency approvals, but where the entity's actions or failure to act was not the cause of the delay
    - (B) Limitations in infrastructure and the jurisdiction in which it is located is under a Corrective Action Plan (CAP) pursuant to Section 15.2 due to long term infrastructure or capacity deficiencies.
- (d) The Department shall provide the following information in any Notice of Violation or other enforcement notices:
  - (1) The account name, name, or names of each person or entity to whom it is directed. Notices must go to the legally responsible party, such as a business owner, service account holder, property owner, etc.
  - (2) The list and description of the violations of this chapter, including the section of this chapter being violated.
  - (3) A compliance date by which the entity is to take specified action(s).
  - (4) The penalty for not complying within the specified compliance date.

**Article 16. Administrative Civil Penalties for Violations of Requirements of This Chapter**

**Section 16.1. Scope.**

(a) The Department may impose administrative civil penalties authorized by Public Resources Code 42652.5 in accordance with the procedures set forth in this article.

(b) A jurisdiction shall adopt ordinance(s) or enforceable mechanisms to impose penalties that are equivalent or stricter than those amounts in Section 16.2 of this chapter.

**Section 16.2. Penalty Amounts**

(a) A jurisdiction shall impose penalties that are equivalent or stricter than those amounts in Table 1 of this section and shall be calculated by determining the type of violations that have occurred, the number of violations that have occurred, and the corresponding penalty level in subsection (b).

Table 1

<u>Requirement</u>	<u>Description of Violation</u>	<u>1<sup>st</sup> Violation</u>	<u>2<sup>nd</sup> Violation</u>	<u>3<sup>rd</sup> and subsequent Violation</u>
<u>Property and Business Owner Responsibility Requirement</u> <u>Section 30.10</u>	<u>Property owner or business owner fails to provide or arrange for organic waste collection services consistent with Article 3 of this chapter for employees, contractors, tenants, and customers, including supplying and allowing access to adequate numbers, size, and location of containers and sufficient signage and container color, as prescribed by this section.</u>	<u>Level 1</u>	<u>Level 2</u>	<u>Level 4</u>
<u>Property and Business Owner Responsibility Requirement</u> <u>Section 30.10</u>	<u>Property owner or business owner fails to provide information to employees, contractors, tenants, and customers about organic waste recovery requirements and proper sorting annually, as prescribed by this section.</u>	<u>Level 1</u>	<u>Level 2</u>	<u>Level 3</u>
<u>Property and Business Owner Responsibility Requirement</u> <u>Section 30.10</u>	<u>Property owner or business owner fails to provide or arrange for access to their properties during all inspections conducted pursuant to Article 14 of this chapter.</u>	<u>Level 1</u>	<u>Level 2</u>	<u>Level 4</u>
<u>Organic Waste Generator Requirement</u> <u>Section 30.9(a)</u>	<u>Organic waste generator fails to comply with applicable local requirements adopted pursuant to this article for the collection and recovery of organic waste.</u>	<u>Level 1</u>	<u>Level 2</u>	<u>Level 4</u>
<u>Organic Waste Generator Requirement</u> <u>Section 30.9(b)(1)</u>	<u>Organic waste generator, that is a commercial business, fails to provide containers for the collection of organic waste and nonorganic recyclables in all areas where disposal containers are provided for customers.</u>	<u>Level 1</u>	<u>Level 2</u>	<u>Level 4</u>



<a href="#">Organic Waste Generator Requirement</a> <a href="#">Section 30.9(b)(2)</a>	<a href="#">Organic waste generator, that is a commercial business, fails to prohibit their employees from placing organic waste in a container not designated to receive organic waste.</a>	<a href="#">Level 1</a>	<a href="#">Level 1</a>	<a href="#">Level 2</a>
<a href="#">Organic Waste Generator Requirement</a> <a href="#">Section 30.9(b)(3)</a>	<a href="#">Organic waste generator, that is a commercial business, fails to periodically inspect waste containers for contamination, and inform employees if containers are contaminated and of the requirements to only use those containers for organic waste.</a>	<a href="#">Level 1</a>	<a href="#">Level 1</a>	<a href="#">Level 2</a>
<a href="#">Hauler Requirement</a> <a href="#">Section 70.2</a>	<a href="#">A hauler providing residential, commercial or industrial organic waste collection service fails to transport organic waste to a facility, operation, activity, or property that recovers organic waste, as defined in Article 2.</a>	<a href="#">Level 2</a>	<a href="#">Level 3</a>	<a href="#">Level 4</a>
<a href="#">Hauler Requirement</a> <a href="#">Section 70.2 (a)(2)</a>	<a href="#">A hauler providing residential, commercial, or industrial organic waste collection service fails to obtain applicable approval issued by the jurisdiction pursuant to Section 70.1.</a>	<a href="#">Level 2</a>	<a href="#">Level 3</a>	<a href="#">Level 4</a>
<a href="#">Hauler Requirement</a> <a href="#">Section 70.2</a>	<a href="#">A hauler fails to keep a record of the applicable documentation of its approval by the jurisdiction, as prescribed by this section.</a>	<a href="#">Level 1</a>	<a href="#">Level 2</a>	<a href="#">Level 4</a>
<a href="#">Hauler Requirement</a> <a href="#">Section 70.3(b)</a>	<a href="#">A generator who is a self-hauler fails to comply with the requirements of subsection 70.3(b).</a>	<a href="#">Level 1</a>	<a href="#">Level 2</a>	<a href="#">Level 3</a>
<a href="#">Commercial Edible Food Generator Requirement</a> <a href="#">Section 10.3</a>	<a href="#">Tier One commercial edible food generator fails to arrange to recover edible food and comply with this section commencing Jan. 1, 2022.</a>	<a href="#">Level 1</a>	<a href="#">Level 2</a>	<a href="#">Level 3</a>
<a href="#">Commercial Edible Food Generator Requirement</a> <a href="#">Section 10.3</a>	<a href="#">Tier Two commercial edible food generator fails to arrange to recover edible food and comply with this section commencing Jan. 1, 2024.</a>	<a href="#">Level 2</a>	<a href="#">Level 3</a>	<a href="#">Level 4</a>
<a href="#">Commercial Edible Food Generator Requirement</a> <a href="#">Section 10.3</a>	<a href="#">Edible food generator intentionally spoils edible food that is capable of being recovered by a food recovery organization or service, as prohibited by this section.</a>	<a href="#">Level 2</a>	<a href="#">Level 3</a>	<a href="#">Level 4</a>
<a href="#">Record Keeping Requirements For Commercial Edible food Generator</a>	<a href="#">Commercial edible food generator fails to keep records, as prescribed by this section.</a>	<a href="#">Level 1</a>	<a href="#">Level 2</a>	<a href="#">Level 2</a>

<a href="#">Section 10.4</a>				
<a href="#">Record Keeping Requirements For Commercial Edible food Generator</a> <a href="#">Section 10.5</a>	<a href="#">A food recovery organization or service that collects or receives 6 tons or more of edible food</a>	<a href="#">Level 1</a>	<a href="#">Level 2</a>	<a href="#">Level 3</a>

(b) The penalty severity levels are as follows:

(1) For a violation classified as Level 1, the amount of the base penalty may be \$50–\$500 per violation.

(2) For a violation classified as Level 2, the amount of the base penalty may be \$250–\$1000 per violation.

(3) For a violation classified as Level 3, the amount of the base penalty may be \$500–\$2,500 per violation.

(4) For a violation classified as Level 4, the amount of the base penalty may be \$500–\$2,500 per day.

(c) For the purposes of subsection (a), revoking, suspending, or denying a permit, registration, license, or other authorization shall be considered stricter than the penalties in this section.

### **Section 16.3. Department Penalty Amounts**

(a) Penalties shall be imposed administratively using the penalty tables contained in subsection (b) and calculated as follows:

(1) Identify the following:

(A) The type of violation(s) that have occurred.

(B) The number of days each violation has occurred, if applicable.

(C) Whether it is a first, second, or subsequent violation.

(2) Determine total base range amount for each type of violation by multiplying the penalty amount range identified in the chart below by the number of days of violation, starting on the day the Notice of Violation is issued.

(3) Use the applicable factors in subsection (d) to determine the penalty amount within the penalty range identified in subsection (a) (2) for each type of violation.

(4) For multiple violations, add the results of subsection (a) (3) for each violation to determine a total penalty amount.

(b) The following Penalty Tables establish the range of the base penalty for each violation based on the severity levels, as set forth in subsection (c).

Base Table 1 is to be used for Jurisdiction Compliance with Collection Services (Article 3), Hauler and Generator Requirements (Article 3 and Article 7), and Edible Food Recovery Programs (Article 10).

<a href="#">Violation Type</a>	<a href="#">Description of Violation</a>	<a href="#">1<sup>st</sup> Violation</a>	<a href="#">2<sup>nd</sup> Violation</a>	<a href="#">3<sup>rd</sup> and subsequent Violation</a>
<a href="#">Section 30.1</a>	<a href="#">Jurisdiction fails to implement a three-container organic collection service in the manner prescribed in 30.1.</a>	<a href="#">Level 4</a>	<a href="#">Level 5</a>	<a href="#">Level 6</a>
<a href="#">Section 30.1(a)(3))</a>	<a href="#">Jurisdiction fails to limit collection to the appropriate containers as prescribed in 30.1 (a)</a>	<a href="#">Level 4</a>	<a href="#">Level 5</a>	<a href="#">Level 6</a>

<a href="#">Section 30.1(a)(1) and (3)</a>	<a href="#">Jurisdiction fails to transport source separated organic waste to a solid waste facility that processes source separated organic waste, as prescribed in these sections.</a>	<a href="#">Level 4</a>	<a href="#">Level 5</a>	<a href="#">Level 6</a>
<a href="#">Section 30.2</a>	<a href="#">Jurisdiction fails to implement a two-container organic collection service in the manner prescribed in this section.</a>	<a href="#">Level 4</a>	<a href="#">Level 5</a>	<a href="#">Level 6</a>
<a href="#">Section 30.2(a)(3) and 30.3</a>	<a href="#">Jurisdiction fails to transport waste, to a facility that meets the high diversion requirements, as prescribed in this section.</a>	<a href="#">Level 5</a>	<a href="#">Level 6</a>	<a href="#">Level 6</a>
<a href="#">Section 30.5</a>	<a href="#">Jurisdiction, or its designee, fails to monitor the container provided to generators using a three-container or two-container organic waste collection service to minimize prohibited container contaminants, as required by this section.</a>	<a href="#">Level 4</a>	<a href="#">Level 5</a>	<a href="#">Level 6</a>
<a href="#">Section 30.5(b)</a>	<a href="#">Jurisdiction, or its designee, fails to conduct route reviews for prohibited contaminants on randomly selected containers for at least one collection route each collection day in a manner that results in all collection routes being reviewed quarterly, as prescribed in this subsection.</a>	<a href="#">Level 4</a>	<a href="#">Level 5</a>	<a href="#">Level 6</a>
<a href="#">Section 30.5(c)</a>	<a href="#">Jurisdiction's designee fails to inform the jurisdiction of observed visible prohibited container contaminants in writing each month with the address of the generator and the date of the observation, as prescribed in this subsection.</a>	<a href="#">Level 4</a>	<a href="#">Level 5</a>	<a href="#">Level 6</a>
<a href="#">Section 30.5(d)</a>	<a href="#">Jurisdiction fails to investigate by physically inspecting containers along the route(s) to determine the sources of contamination and providing written notification, mail education notices, or making direct contact with generators after being informed by a solid waste facility operator of contamination while a hauler was servicing the jurisdiction's generators, as prescribed in this subsection.</a>	<a href="#">Level 4</a>	<a href="#">Level 5</a>	<a href="#">Level 6</a>
<a href="#">Section 30.7</a>	<a href="#">Jurisdiction fails to provide collection containers to generators that comply with the container color requirements specific in this article, notwithstanding functional containers prior to the end of the useful life or prior to January 1, 2032, as prescribed in this section.</a>	<a href="#">Level 4</a>	<a href="#">Level 4</a>	<a href="#">Level 5</a>

<a href="#">Section 30.8</a>	<a href="#">Jurisdiction fails to label collection container, as prescribed in this section.</a>	<a href="#">Level 4</a>	<a href="#">Level 4</a>	<a href="#">Level 5</a>
<a href="#">Section 30.11</a>	<a href="#">Jurisdiction fails to grant waivers consistent with this section or fails to verify annually de minimis waivers, as prescribed in this section.</a>	<a href="#">Level 4</a>	<a href="#">Level 5</a>	<a href="#">Level 6</a>
<a href="#">Section 30.13</a>	<a href="#">Jurisdiction fails to execute emergency waivers, as prescribed in this section.</a>	<a href="#">Level 4</a>	<a href="#">Level 5</a>	<a href="#">Level 6</a>
<a href="#">Section 70.1(a)</a>	<a href="#">Jurisdiction fails to require hauler providing residential, commercial, or industrial organic waste collection service to generators within its boundaries to meet the requirements and standards of this chapter as a condition of approval of a contract, agreement, or other authorization to collect organic waste), including identifying the facilities they transport organic waste to and complying with the requirements of Article 3 of this chapter, as prescribed in this section.</a>	<a href="#">Level 5</a>	<a href="#">Level 6</a>	<a href="#">Level 6</a>
<a href="#">Section 70.1(b)</a>	<a href="#">Jurisdiction fails to adopt an ordinance or similarly enforceable mechanism that requires compliance with Section 70.3, if it allows generators to self-haul, as prescribed in this section.</a>	<a href="#">Level 6</a>	<a href="#">Level 6</a>	<a href="#">Level 6</a>
<a href="#">Section 10.1</a>	<a href="#">Jurisdiction fails to implement an edible food recovery program, as prescribed in this section.</a>	<a href="#">Level 4</a>	<a href="#">Level 5</a>	<a href="#">Level 6</a>

Base Table 2 is to be used for [Jurisdiction Compliance with Organic Waste Recovery Education, and Edible Food Recovery Education Program \(Article 4\)](#)

<a href="#">Section</a>	<a href="#">Description of Violation</a>	<a href="#">1<sup>st</sup> Violation</a>	<a href="#">2<sup>nd</sup> Violation</a>	<a href="#">3<sup>rd</sup> and subsequent Violation</a>
<a href="#">Section 40.1(a)</a>	<a href="#">Jurisdiction fails to provide to organic waste generators that provide three-container or two-container waste collection information on organic waste generator requirements prescribed in this section prior to February 1, 2022 and then annually thereafter.</a>	<a href="#">Level 4</a>	<a href="#">Level 5</a>	<a href="#">Level 5</a>
<a href="#">Section 40.1(b)</a>	<a href="#">Jurisdiction fails to provide to self-haulers information regarding the requirements of Section 70.2 of this chapter prior to February 1, 2022 and then annually thereafter.</a>	<a href="#">Level 4</a>	<a href="#">Level 5</a>	<a href="#">Level 5</a>

<a href="#">Section 40.1(c)</a>	<a href="#">Jurisdiction fails to provide to organic waste generators using unsegregated, single-container collection service the information in subdivisions (1), (2), (3), (4) and information that the organic waste is being processed at a high diversion organic-waste processing facility prior to February 1, 2022 and then annually.</a>	<a href="#">Level 4</a>	<a href="#">Level 5</a>	<a href="#">Level 5</a>
<a href="#">Section 40.1 (f)</a>	<a href="#">Jurisdiction fails to educate in a manner specified by this section.</a>	<a href="#">Level 4</a>	<a href="#">Level 5</a>	<a href="#">Level 5</a>
<a href="#">Section 40.2(a)</a>	<a href="#">Jurisdiction fails to develop and maintain a list of food recovery organizations and food recovery services, prior to February 1, 2022 and then annually thereafter, as prescribed in this subsection.</a>	<a href="#">Level 4</a>	<a href="#">Level 5</a>	<a href="#">Level 5</a>
<a href="#">Section 40.2(b)</a>	<a href="#">Jurisdiction fails to provide commercial businesses that generate edible food information about the jurisdiction's edible food recovery collection program, at least annually, as prescribed in this subsection.</a>	<a href="#">Level 4</a>	<a href="#">Level 5</a>	<a href="#">Level 5</a>

1 [Base Table 3 is to be used for Jurisdictions Compliance with CalGreen \(Article 8\) and Procurement \(Article 12\)](#)

<a href="#">Requirement</a>	<a href="#">Description of Violation</a>	<a href="#">1<sup>st</sup> Violation</a>	<a href="#">2<sup>nd</sup> Violation</a>	<a href="#">3<sup>rd</sup> and subsequent Violation</a>
<a href="#">Section 80.1</a>	<a href="#">Jurisdiction fails to require compliance with CalGreen Building standards, as prescribed in this section.</a>	<a href="#">Level 4</a>	<a href="#">Level 4</a>	<a href="#">Level 5</a>
<a href="#">Section 12.1</a>	<a href="#">Jurisdiction fails to procure a quantity of recovered organic waste products that meets or exceeds its procurement target, as prescribed in this section.</a>	<a href="#">Level 4</a>	<a href="#">Level 4</a>	<a href="#">Level 5</a>
<a href="#">Section 12.3</a>	<a href="#">Jurisdiction fails to procure paper products, and printing and writing paper in compliance with this section.</a>	<a href="#">Level 4</a>	<a href="#">Level 4</a>	<a href="#">Level 5</a>

3 [Base Table 4 is to be used for Jurisdictions Compliance Recordkeeping and Reporting \(Article 13\)](#)

<a href="#">Violation Type</a>	<a href="#">Description of Violation</a>	<a href="#">1<sup>st</sup> Violation</a>	<a href="#">2<sup>nd</sup> Violation</a>	<a href="#">3<sup>rd</sup> and subsequent Violation</a>



<a href="#">Section 30.4, 70.4, 12.2 14.1 (e), 14.3(f)</a>	<a href="#">Jurisdiction fails to keep records, as prescribed in any of these sections</a>	<a href="#">Level 5</a>	<a href="#">Level 6</a>	<a href="#">Level 6</a>
<a href="#">Section 30.6, 30.14, 40.3, 10.2, 12.4</a>	<a href="#">Jurisdiction fails to keep records, as prescribed in any of these sections</a>	<a href="#">Level 4</a>	<a href="#">Level 5</a>	<a href="#">Level 6</a>
<a href="#">Section 14.2</a>	<a href="#">Jurisdiction fails to maintain an Implementation Record for the time period prescribed, in a central location, or in a manner that is prescribed in this section.</a>	<a href="#">Level 4</a>	<a href="#">Level 4</a>	<a href="#">Level 5</a>
<a href="#">Section 14.2(c)</a>	<a href="#">Jurisdiction fails to provide access to the Implementation Record to the Department, as prescribed in this section.</a>	<a href="#">Level 6</a>	<a href="#">Level 6</a>	<a href="#">Level 6</a>
<a href="#">Section 13.1, 13.2</a>	<a href="#">Jurisdiction fails to report their Initial Implementation and Compliance Report by February 1, 2022, or fails to report on August 1, 2022 and annually thereafter, the information required in these sections.</a>	<a href="#">Level 4</a>	<a href="#">Level 5</a>	<a href="#">Level 6</a>
<a href="#">Article 13</a>	<a href="#">Jurisdiction fails to submit a compliance report that is complete and accurate, as prescribed in this article.</a>	<a href="#">Level 4</a>	<a href="#">Level 5</a>	<a href="#">Level 6</a>

Base Table 5 is to be used for Jurisdictions Compliance with Requirements to Adopt, Implement, and Enforce Ordinance(s) as required by and consistent with the Chapter (Section 0.1.2) and Locally Adopted Standards and Policies (Article 9) and Enforcement Requirements (Article 14).

<a href="#">Requirement</a>	<a href="#">Description of Violation</a>	<a href="#">1<sup>st</sup> Violation</a>	<a href="#">2<sup>nd</sup> Violation</a>	<a href="#">3<sup>rd</sup> and subsequent Violation</a>
<a href="#">Section 0.1.2</a>	<a href="#">Jurisdiction fails to adopt, implement, or enforce ordinance(s) or other enforceable mechanisms, as prescribed in this chapter.</a>	<a href="#">Level 6</a>	<a href="#">Level 6</a>	<a href="#">Level 6</a>
<a href="#">Section 90.1 and 90.2</a>	<a href="#">Jurisdiction implements or enforces an ordinance, policy, procedure condition, or initiative that is prohibited under Sections 90.1 or 90.2.</a>	<a href="#">Level 6</a>	<a href="#">Level 6</a>	<a href="#">Level 6</a>
<a href="#">Section 14.1</a>	<a href="#">Jurisdiction fails to conduct compliance reviews, route reviews, and inspections as required by this section</a>	<a href="#">Level 5</a>	<a href="#">Level 6</a>	<a href="#">Level 6</a>
<a href="#">Section 14.1</a>	<a href="#">Jurisdiction fails to issue notices and education or take enforcement as required by this section.</a>	<a href="#">Level 4</a>	<a href="#">Level 5</a>	<a href="#">Level 6</a>

<a href="#">Section 14.3</a>	<a href="#">Jurisdiction fails to investigate complaints, as prescribed in this section.</a>	<a href="#">Level 4</a>	<a href="#">Level 5</a>	<a href="#">Level 6</a>
<a href="#">Section 14.3(b)</a>	<a href="#">Jurisdiction fails to ensure the names and contact information of a complainant remain confidential, as prescribed in this section.</a>	<a href="#">Level 4</a>	<a href="#">Level 4</a>	<a href="#">Level 5</a>
<a href="#">Section 14.3(e)</a>	<a href="#">Jurisdiction fails to provide a method for the complainant to be notified of the results of the complaint, as prescribed in this section.</a>	<a href="#">Level 4</a>	<a href="#">Level 4</a>	<a href="#">Level 5</a>
<a href="#">Section 14.4(a)(1)</a>	<a href="#">Jurisdiction fails to take enforcement, as prescribed in this section.</a>	<a href="#">Level 4</a>	<a href="#">Level 5</a>	<a href="#">Level 6</a>
<a href="#">Section 14.4(a)(2)</a>	<a href="#">Jurisdiction fails to conduct follow-up inspections, as prescribed in this section.</a>	<a href="#">Level 4</a>	<a href="#">Level 5</a>	<a href="#">Level 6</a>
<a href="#">Section 14.4(a)(3) and (4)</a>	<a href="#">Jurisdiction fails to commence actions to impose penalties and issue penalties, as prescribed in these sections.</a>	<a href="#">Level 4</a>	<a href="#">Level 5</a>	<a href="#">Level 6</a>
<a href="#">Section 14.4(b)</a>	<a href="#">Jurisdiction fails to grant extensions consistent with this section.</a>	<a href="#">Level 4</a>	<a href="#">Level 5</a>	<a href="#">Level 6</a>
<a href="#">Section 14.4(c)</a>	<a href="#">Jurisdiction fails to prepare enforcement notices as prescribed in this section.</a>	<a href="#">Level 4</a>	<a href="#">Level 5</a>	<a href="#">Level 6</a>
<a href="#">Section 16.1 and 16.2</a>	<a href="#">Jurisdiction fails to impose penalties, as prescribed in these sections.</a>	<a href="#">Level 4</a>	<a href="#">Level 5</a>	<a href="#">Level 6</a>

1

**Base Table 6 is to be used for Organic Waste Recycling Capacity Planning (Article 11)**

<a href="#">Section</a>	<a href="#">Description of Violation</a>	<a href="#">1<sup>st</sup> Violation</a>	<a href="#">2<sup>nd</sup> Violation</a>	<a href="#">3<sup>rd</sup> and subsequent Violation</a>
<a href="#">Section 11.1(a)</a>	<a href="#">A county in coordination with city or regional agencies fails to estimate organic waste disposed, identify available infrastructure capacity, estimate the amount of new or expanded capacity needed, and consult with community composting operations pursuant to Section 11.1.</a>	<a href="#">Level 4</a>	<a href="#">Level 5</a>	<a href="#">Level 6</a>
<a href="#">Section 11.2</a>	<a href="#">A county fails in coordination with city or regional agencies to estimate the amount of edible food disposed, identify available infrastructure capacity,</a>	<a href="#">Level 4</a>	<a href="#">Level 4</a>	<a href="#">Level 5</a>

	<a href="#">and identify needed additional infrastructure capacity, as prescribed in this section.</a>			
<a href="#">Section 11.1(c) and 11.2 (b)</a>	<a href="#">A jurisdiction fails to submit an on Implementation Schedule pursuant to these sections</a>	<a href="#">Level 4</a>	<a href="#">Level 4</a>	<a href="#">Level 5</a>
<a href="#">Section 11.3</a>	<a href="#">A county in coordination with city or regional agencies fails to conduct the planning requirements of Sections 11.1 and 11.2 on the prescribed schedule.</a>	<a href="#">Level 4</a>	<a href="#">Level 5</a>	<a href="#">Level 6</a>

1 [Base Table 7 is to be used for Jurisdiction Approval of Haulers and Self-Haulers \(Article 70.1\)](#)

<a href="#">Requirement</a>	<a href="#">Description of Violation</a>	<a href="#">1<sup>st</sup> Violation</a>	<a href="#">2<sup>nd</sup> Violation</a>	<a href="#">3<sup>rd</sup> and subsequent Violation</a>
<a href="#">Section 70.2</a>	<a href="#">A hauler providing residential, commercial, or industrial organic waste collection service fails to transport organic waste to a facility, operation, activity, or property that recovers organic waste, as defined in Article 2.</a>	<a href="#">Level 5</a>	<a href="#">Level 5</a>	<a href="#">Level 6</a>
<a href="#">Section 70.2 (a)(2)</a>	<a href="#">A hauler providing residential, commercial, or industrial organic waste collection service fails to obtain applicable approval issued by the jurisdiction pursuant to Section 70.1.</a>	<a href="#">Level 4</a>	<a href="#">Level 5</a>	<a href="#">Level 5</a>
<a href="#">Section 70.2</a>	<a href="#">A hauler fails to keep a record of the applicable documentation of its approval by the jurisdiction, as prescribed by this section.</a>	<a href="#">Level 5</a>	<a href="#">Level 6</a>	<a href="#">Level 6</a>
<a href="#">Section 70.3(b)</a>	<a href="#">A generator who is a self-hauler fails to comply with the requirements of Section 70.3(b).</a>	<a href="#">Level 4</a>	<a href="#">Level 4</a>	<a href="#">Level 5</a>

2 [Base Table 8 is to be used for Organic Waste Generators Requirements \(Article 3\), Enforcement](#)  
3 [Oversight by the Department \(Article 15\) and Generators of Organic Waste \(Article 5\)](#)

<a href="#">Requirement</a>	<a href="#">Description of Violation</a>	<a href="#">1<sup>st</sup> Violation</a>	<a href="#">2<sup>nd</sup> Violation</a>	<a href="#">3<sup>rd</sup> and subsequent Violation</a>
<a href="#">Section 30.9(a)</a>	<a href="#">Organic waste generator fails to comply with applicable local requirements adopted pursuant to this article for the collection and recovery of organic waste.</a>	<a href="#">Level 4</a>	<a href="#">Level 5</a>	<a href="#">Level 6</a>

<a href="#">Section 30.9(b)(1)</a>	<a href="#">Commercial organic-waste generator fails to provide containers for the collection of organic waste and nonorganic recyclables in all areas where disposal containers are provided for customers.</a>	<a href="#">Level 4</a>	<a href="#">Level 5</a>	<a href="#">Level 6</a>
<a href="#">Section 30.9(b)(2)</a>	<a href="#">Organic waste generator, that is a commercial business, fails to prohibit their employees from placing organic waste in a container not designated to receive organic waste.</a>	<a href="#">Level 4</a>	<a href="#">Level 5</a>	<a href="#">Level 5</a>
<a href="#">Section 30.9(b)(3)</a>	<a href="#">Organic waste generator, that is a commercial business, fails to periodically inspect waste containers for contamination and to inform employees if containers are contaminated and of the requirements to only use those containers for organic waste.</a>	<a href="#">Level 4</a>	<a href="#">Level 5</a>	<a href="#">Level 5</a>
<a href="#">Section 15.22</a>	<a href="#">Organic waste generator fails to allow an authorized Department employee or agent, to conduct inspections and investigations examine organic waste activities and records pertaining to the entity to determine compliance with this chapter and, as prescribed in this section.</a>	<a href="#">Level 5</a>	<a href="#">Level 6</a>	<a href="#">Level 6</a>
<a href="#">Section 50.1</a>	<a href="#">Organic waste generator, that is not a state facility or local education agency, fails to comply with the requirements of this chapter to prevent and reduce the generation of organic waste.</a>	<a href="#">Level 4</a>	<a href="#">Level 5</a>	<a href="#">Level 6</a>

1 [Base Table 9 is to be used for Property Owner and Business Owner Responsibilities \(Article 3\)](#)

<a href="#">Requirement</a>	<a href="#">Description of Violation</a>	<a href="#">1<sup>st</sup> Violation</a>	<a href="#">2<sup>nd</sup> Violation</a>	<a href="#">3<sup>rd</sup> and subsequent Violation</a>
<a href="#">Section 30.10</a>	<a href="#">Property owner or business owner fails to provide or arrange for organic waste collection services consistent with Article 3 of this chapter for employees, contractors, tenants, and customers, including supplying and allowing access to adequate numbers, size, and location of containers and sufficient signage and container color, as prescribed by this section.</a>	<a href="#">Level 4</a>	<a href="#">Level 5</a>	<a href="#">Level 6</a>
<a href="#">Section 30.10</a>	<a href="#">Property owner or business owner fails to provide information to employees, contractors, tenants, and customers about organic waste recovery requirements and proper sorting annually, as prescribed by this section.</a>	<a href="#">Level 4</a>	<a href="#">Level 5</a>	<a href="#">Level 5</a>

<a href="#">Section 30.10</a>	<a href="#">Property owner or business owner fails to provide or arrange for access to their properties during all inspections conducted pursuant to Article 14 of this chapter.</a>	<a href="#">Level 5</a>	<a href="#">Level 6</a>	<a href="#">Level 6</a>
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1 [Base Table 10 is to be used for Commercial Edible Food Generators](#)

<a href="#">Requirement</a>	<a href="#">Description of Violation</a>	<a href="#">1<sup>st</sup> Violation</a>	<a href="#">2<sup>nd</sup> Violation</a>	<a href="#">3<sup>rd</sup> and subsequent Violation</a>
<a href="#">Section 10.3</a>	<a href="#">Tier One commercial edible food generator fails to arrange to recover edible food and comply with this section commencing January 1, 2022.</a>	<a href="#">Level 4</a>	<a href="#">Level 4</a>	<a href="#">Level 5</a>
<a href="#">Section 10.3</a>	<a href="#">Tier Two commercial edible food generator fails to arrange to recover edible food and comply with this section commencing January 1, 2024.</a>	<a href="#">Level 4</a>	<a href="#">Level 5</a>	<a href="#">Level 6</a>
<a href="#">Section 10.3</a>	<a href="#">Commercial Edible food generator intentionally spoils edible food that is capable of being recovered by a food recovery organization or service as prohibited by this section.</a>	<a href="#">Level 4</a>	<a href="#">Level 5</a>	<a href="#">Level 6</a>
<a href="#">Section 10.4</a>	<a href="#">Commercial edible food generator fails to keep records as prescribed by this section.</a>	<a href="#">Level 4</a>	<a href="#">Level 5</a>	<a href="#">Level 5</a>
<a href="#">Section 10.5</a>	<a href="#">A food recovery organization or service that collects or receives 6 tons or more of edible food fails to keep records as prescribed by this section.</a>	<a href="#">Level 4</a>	<a href="#">Level 5</a>	<a href="#">Level 6</a>

2  
3 (c) [The penalty severity levels are as follows:](#)

4 [\(1\) For a violation classified as Level 1, the amount of the base penalty may be \\$50–\\$500 per violation.](#)

5  
6 [\(2\) For a violation classified as Level 2, the amount of the base penalty may be \\$250–\\$1000 per violation.](#)

7  
8 [\(3\) For a violation classified as Level 3, the amount of the base penalty may be \\$500–2,500 per violation.](#)

9  
10 [\(4\) For a violation classified as Level 4, the amount of the base penalty may be \\$500–2,500 per day.](#)

11 [\(5\) For a violation classified as Level 5, the amount of the base penalty may be \\$1,000–\\$5,000 per day.](#)

12 [\(6\) For a violation classified as Level 6, the amount of the base penalty may be \\$5,000–\\$10,000 per day.](#)

13  
14  
15 (d) [Once the base penalty range has been determined, the following factors shall be used to determine the amount of the penalty for each violation within that range:](#)

16 [\(1\) The nature and circumstances of the violation\(s\).](#)

17 [\(2\) Ability for the violator to pay.](#)

18 [\(3\) The willfulness of the violator's misconduct.](#)

19 [\(4\) Whether the violator took measures to mitigate violations of this chapter.](#)

20 [\(5\) Evidence of any financial gain resulting from the violation\(s\).](#)

21 [\(6\) The deterrent effect of the penalty on the violator.](#)

22 [\(7\) If there were conditions outside the control of the entity.](#)



**Section 16.4 Organic Waste Recovery Noncompliance Inventory**

(a) If the Department documents that a state agency, state facility, or local education agency is in violation of this chapter, the Department shall send a notice to the state agency, state facility, or local education agency stating that the Department intends to place it on the Inventory listed on its website if the violation(s) is not corrected within 90 days of receipt of the notice. The notice will be sent by certified mail.

(b) If the Department determines that violation(s) listed on the notice have not been corrected within 90 days of the issuance of the intent letter, then the Department shall list the state agency, state facility, or local education agency on the Inventory.

(c) If the Department finds that state agency, state facility, or local education agency is no longer in violation of all of the standard(s) listed in the notice of intent letter during or after the 90-day notice of intent period, or for the violations for which it was listed on the Inventory, then the Department shall notify the state agency, state facility, or local education agency in writing that it will no longer be placed on the inventory.

**Section 16.5. CalRecycle Procedure for Imposing Civil Penalties**

(a) Administrative civil penalties shall be calculated as set forth in Section 16.2 of this chapter.

(b) The Department shall serve an accusation on a person against whom civil penalties are being sought, in accordance with the requirements specified in Chapter 4.5 (commencing with Section 11400) of Part 1 of Division 3 of Title 2 of the Government Code and inform the party of the right to a hearing.

(c) The accusation and all accompanying documents may be served on the respondent by one of the following means:

(1) Personal service.

(2) Substitute service by using the same service procedures as described in Section 415.20 of the Code of Civil Procedure.

(3) Certified Mail or registered mail.

(d) Upon receipt of the accusation, the respondent shall have 15 days to file a request for hearing, or the respondent will automatically waive its rights to a hearing. Upon receipt of the request for hearing the department shall schedule a hearing within 30 days. The hearing shall be held before the director, or designee, within 90 days of the scheduling date, unless the parties reach an agreement to settle prior to the hearing date.

(e) If the party waives the right to a hearing, the Department shall issue an order setting liability for civil penalties in the amount proposed in the accusation unless the Department and the party have entered into a settlement agreement, in which case the Department shall issue an order setting liability for civil penalties in the amount specified in the settlement agreement.

(f) The director or the director's designee shall issue a written decision within 60 days of the conclusion of the hearing.

**Section 16.6. CalRecycle Procedure for Hearings and Orders for Civil Liability**

(a) A hearing required under this chapter shall be conducted by the director, or the director's designee, in accordance with the informal hearing requirements specified in Chapter 4.5 (commencing with Section 11400) of Part 1 of Division 3 of Title 2 of the Government Code.

(b) Orders setting civil liability issued under this section shall become effective and final upon issuance thereof, and payment shall be due within 30 days of issuance, unless otherwise ordered by the director. Copies of these orders shall be served by personal service or by certified mail upon the party served with the accusation.

**Amendments to Existing Title 14 Regulations**

- **Chapter 3 Minimum Standards for Solid Waste Handling and Disposal**
  - **Article 6.0. Transfer/Processing Operations and Facilities Regulatory Requirements(Amended)**
  - **Article 6.2. Operating Standards. (Amended)**
  - **Article 6.3. Record Keeping Requirements. (Amended)**
- **Chapter 3.1. Composting Operations Regulatory Requirements. (Amended)**
- **Chapter 3.2. In-Vessel Digestion Operations and Facilities Regulatory Requirements**
- **Chapter 5: Enforcement of Solid Waste Standards and Administration of Solid Waste Facility Permits; Loan Guarantees**
  - **Article 2.2. LEA Performance Standards, Evaluation Criteria, and Duties and Responsibilities(Amended)**

**California Code of Regulations**

**Title 14. Natural Resources**

**Division 7. Department of Resources Recycling and Recovery**

**Chapter 3. Minimum Standards for Solid Waste Handling and Disposal**

**Article 6.0. Transfer/Processing Operations and Facilities Regulatory Requirements**

**Section 17402. Definitions.**

(a) For the purposes of these Articles:

(0.5) "Consolidation Sites" means facilities or operations that receive solid waste for the purpose of storing the waste prior to transfer directly from one container to another or from one vehicle to another for transport and which do not conduct processing activities. Consolidation activities include, but are not limited to, limited volume transfer operations, sealed container transfer operations, and direct transfer facilities.

(1) "Contact Water" means water that has come in contact with waste and may include leachate.

(1.5) "Contamination" or "Contaminants" has the same meaning as "prohibited container contaminants" as defined in ~~section Section xxx1(a)(954)~~ of Chapter 12, of this Division.

(2) "Covered Container" means a container that is covered to prevent the migration of litter from the container, excessive infiltration of precipitation, odor and leachate production, and to prevent access by animals and people; thereby controlling litter, scavenging, and illegal dumping of prohibited wastes. Covers may include, but are not limited to, tarpaulins or similar materials.

(3) "Direct Transfer Facility" means a transfer facility that receives equal to or more than 60 cubic yards or 15 tons (whichever is greater) of solid waste per operating day but less than 150 tons of solid waste and meets all of the following requirements:

(A) is located on the premises of a duly licensed solid waste hauling operator;

(B) only handles solid waste that has been placed within covered containers or vehicles prior to entering the facility and that is transported in vehicles owned or leased by that same operator;

(C) the facility does not handle, separate, or otherwise process the solid waste;

(D) no waste is stored at the facility for more than any 8-hour period;

(E) solid waste is transferred only once and directly from one covered container or vehicle to another covered container or vehicle so that the waste is never put on the ground or outside the confines of a container or vehicle, before, during, or after transfer. Direct transfer would not include top loading trailers where the solid waste actually leaves the confines of the collection vehicle and is suspended in air before falling into a transfer vehicle;

(F) all of the contents of the original transferring container or vehicle must be emptied during a single transfer; and

(G) any waste that may unintentionally fall outside of the containers or vehicles, is promptly cleaned up and replaced within the container or vehicle to which it was being transferred.

(4) "DTSC" means Department of Toxic Substances Control.

(5) "EA" means enforcement agency as defined in PRC section 40130.

(6) "Emergency Transfer/Processing Operation" means an operation that is established because there has been a proclamation of a state of emergency or local emergency, as provided in Title 14, Division 7, Chapter 3, Article 3, sections 17210.1 (j) and (k) and which meets all of the following requirements:

(A) the operation handles only disaster debris and other wastes, in accordance with section 17210.1(d), during the disaster debris recovery phase; and

(B) the location does not currently have a solid waste facility permit;

(C) if the operation accepts, processes, or stores hazardous or household hazardous waste, then these activities must be in compliance with DTSC standards or standards of other appropriate authorities or agencies.

(6.5) "Glass Container Processing Operations" means a person or business entity whose primary purpose is to receive source separated or separate or reuse glass container materials, either whole or fragments, for processing that may also contain a residual amount of solid waste and that does not qualify as a recycling center as set forth in section 17402.5(d).

~~(6.46) "Hauler" has the same meaning as defined section Section 18815.2 (a)(28) of this Division of Title 5 of the California Code of Regulations (CCR).~~

(7) "Hazardous Wastes" means any waste which meets the definitions set forth in Title 22, section 66261.3, et seq. and is required to be managed.

(7.5) "Incompatible material" or "incompatibles," means human-made inert material, including, but not limited to, glass, metal, plastic, and organic waste that the receiving end-user, facility operation, property, or activity is not designed, permitted, or authorized to perform organic waste recovery activities as defined in Section 20.1(b) of Article 2, Chapter 12.

(8) "Large Volume Transfer/Processing Facility" means a facility that receives 100 tons or more of solid waste per operating day for the purpose of storing, handling or processing the waste prior to transferring the waste to another solid waste operation or facility.

(A) In determining the tonnage of solid waste received by the facility, the following materials shall not be included: materials received by a recycling center located within the facility, and by beverage container recycling programs in accordance with Public Resources Code sections 14511.7, 14518, or 14520, if the recycling activities are separated from the solid waste handling activities by a defined physical barrier or where the activities are otherwise separated in a manner approved by the EA.

(B) If the facility does not weigh the solid waste received, then the tonnage shall be determined by using a volumetric conversion factor where one cubic yard is equal to 500 pounds. The EA shall approve an alternate conversion factor if the operator demonstrates that it is more accurate than the required conversion factor.

(9) "Limited Volume Transfer Operation" means an operation that receives less than 60 cubic yards, or 15 tons of solid waste per operating day for the purpose of storing the waste prior to transferring the waste to another solid waste operation or facility and which does not conduct processing activities, but may conduct limited salvaging activities and volume reduction by the operator.

(A) In determining the tonnage of solid waste received by the operation, the following materials shall not be included: materials received by a recycling center located within the operation, and by beverage container recycling programs in accordance with Public Resources Code sections 14511.7, 14518, or 14520, if the recycling activities are separated from the solid waste handling activities by a defined physical barrier or where the activities are otherwise separated in a manner approved by the EA.

(B) If the operation does not weigh the solid waste received, then the tonnage shall be determined by using a volumetric conversion factor where one cubic yard is equal to 500 pounds. The EA shall approve an alternate conversion factor if the operator demonstrates that it is more accurate than the required conversion factor.

(10) "Litter" means all solid waste which has been improperly discarded or which has migrated by wind or equipment away from the operations area. Litter includes, but is not limited to, convenience food, beverage, and other product packages or containers constructed of steel, aluminum, glass, paper, plastic, and other natural and synthetic materials, thrown or deposited on the lands and waters of the state.

(11) "Medium Volume Transfer/Processing Facility" means a facility that receives equal to or more than 60 cubic yards or 15 tons (whichever is greater) of solid waste per operating day but less than 100 tons of solid waste, for the purpose of storing or handling the waste prior to transferring the waste to another solid waste operation or facility; or a facility that receives any amount of solid waste, up to 100 tons per operating day, for the purpose of processing solid waste prior to transferring the waste to another solid waste operation or facility.

(A) In determining the tonnage of solid waste received by the facility, the following materials shall not be included: materials received by a recycling center located within the facility, and by beverage container recycling programs in accordance with Public Resources Code sections 14511.7, 14518, or 14520, if the

- recycling activities are separated from the solid waste handling activities by a defined physical barrier or where the activities are otherwise separated in a manner approved by the EA.
- (B) If the facility does not weigh the solid waste received, then the tonnage shall be determined by using a volumetric conversion factor where one cubic yard is equal to 500 pounds. The EA shall approve an alternate conversion factor if the operator demonstrates that it is more accurate than the required conversion factor.
- (12) "Nuisance" includes anything which:
- (A) is injurious to human health or is indecent or offensive to the senses and interferes with the comfortable enjoyment of life or property, and
- (B) affects at the same time an entire community, neighborhood or any considerable number of persons. The extent of annoyance or damage inflicted upon an individual may be unequal.
- (13) "On-site" means located within the boundary of the operation or facility.
- (14) "Open burning" means the combustion of solid waste without:
- (A) control of combustion air to maintain adequate temperature for efficient combustion,
- (B) containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion, and
- (C) control of the emission of the combustion products.
- (15) "Operating day" means the hours of operation as set forth in the application, Enforcement Agency Notification and/or permit not exceeding 24 hours.
- (16) "Operating Record" means an easily accessible collection of records of an operation's or facility's activities and compliance with required state minimum standards under Title 14. The Record may include the Facility Plan or Transfer/Processing Report for facilities, and shall contain but is not limited to containing: agency approvals, tonnage and loadchecking records, facility contacts and training history. The record may be reviewed by state and local authorities and shall be available during normal business hours. If records are too voluminous to place in the main operating record or if the integrity of the records could be compromised by on-site storage, such as exposure to weather, they may be maintained at an alternative site, as long as that site is easily accessible to the EA.
- (17) "Operations Area" means:
- (A) the following areas within the boundary of an operation or facility as described in the permit application or Enforcement Agency Notification:
- (i) equipment management area, including cleaning, maintenance, and storage areas; and
- (ii) material and/or solid waste management area, including unloading, handling, transfer, processing, and storage areas.
- (B) the boundary of the operations area is the same as the permitted boundary but may or may not be the same as the property boundary.
- (18) "Operator" means the owner, or other person who through a lease, franchise agreement or other arrangement with the owner, that is listed in the permit application or Enforcement Agency Notification, is legally responsible for all of the following:
- (A) complying with regulatory requirements set forth in these Articles;
- (B) complying with all applicable federal, state and local requirements;
- (C) the design, construction, and physical operation of the operations area;
- (D) controlling the activities at an operation or facility as listed on the permit application or Enforcement Agency Notification.
- (18.4) "Organic Waste Recovery Activities," or "recovery" has the same meaning as defined in Section 1(a)(47) of Chapter 12 of this Division.
- (18.5) "Organic Waste" has the same meaning as in Section 1(a)(48) of Chapter 12 of this Division. ~~means solid wastes containing material originated from living organisms and their metabolic waste products, including but not limited to food, green waste, landscape and pruning waste, applicable textiles and carpets, wood, lumber, fiber, biosolids, digestate and sludges.~~
- (18.6) "Source Separated Organic waste" or "Source Separated Organic Waste Collection Stream" means organic waste that is collected in a green container as specified in Section 30.1(a)(1) and 30.2(a)(1) or a yellow container or other container as specified in 30.1(a)(7) of this Division.
- ~~(1) means organics that have been separated or kept separate from the solid waste stream, at the point of generation, for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace. Source separated organics contain no greater than 10 percent of contaminants by weight.~~
- (18.76) "Source Separated Organic Waste Stream" means material collected by a source separated organic collection service, as defined in section xxx30.1.



(19) "Owner" means the person or persons who own, in whole or in part, an operation or facility, and/or the land on which it is located.

~~(19.5) "Mixed Waste Organic Collection Service" means a collection service that is provided to a generator pursuant to section xxx30.2.~~

~~(19.65) "Mixed Waste Organic Collection Stream" means organic waste collected in a blue container or a black container that is required by Sections 30.1, 30.2, or 30.3 of this Division to be transported to a high diversion organic waste processing facility. means the solid waste collected by a mixed waste organic collection service, as defined in section xxx30.2 of this division~~

(20) "Processing" means the controlled separation, recovery, volume reduction, conversion, or recycling of solid waste including, but not limited to, organized, manual, automated, or mechanical sorting, the use of vehicles for spreading of waste for the purpose of recovery, and/or includes the use of conveyor belts, sorting lines or volume reduction equipment. Recycling Center is more specifically defined in section 17402.5 (d) of this Article.

(21) "Putrescible Wastes" include wastes that are capable of being decomposed by micro-organisms with sufficient rapidity as to cause nuisances because of odors, vectors, gases or other offensive conditions, and include materials such as, but not limited to food wastes, offal and dead animals. The EA shall determine on a case-by-case basis whether or not a site is handling putrescible wastes.

(22) "Regulated Hazardous Waste" means a hazardous waste, as defined in section 66260.10 of Division 4.5 of Title 22.

(23) "RWQCB" means the Regional Water Quality Control Board.

(24) "Salvaging" means the controlled separation of solid waste material which do not require further processing, for reuse or recycling prior to transfer activities.

(25) "Scavenging" means the uncontrolled and/or unauthorized removal of solid waste materials.

(26) "Sealed Container Transfer Operation" means a transfer operation that meets the following requirements:

(A) handles only solid waste that has previously been placed within containers that have either a latched, hard top or other impermeable cover which is closed tightly enough to:

(1) prevent liquid from infiltrating into or leaking out of the container; and

(2) prevent the propagation and migration of vectors; and,

(i) the solid waste remains within the unopened containers at all times while on-site; and,

(ii) the containers are not stored on-site for more than 96 hours.

Sealed container transfer operations do not include operations excluded by Public Resources Code section 40200(b)(3).

(27) "Special Waste" includes but is not limited to:

(A) waste requiring special collection, treatment, handling, storage, or transfer techniques as defined in Title 22, section 66260.10.

(B) waste tires and appliances requiring CFC removal.

(28) "Spotter" means an employee who conducts activities that include, but are not limited to, traffic control, hazardous waste recognition and removal for proper handling, storage and transport or disposal, and protection of the public from health and/or safety hazards.

(29) "Store" means to stockpile or accumulate for later use.

(30) "Transfer/Processing Facility" or "Facility" includes:

(A) those activities governed by the Registration Permit tier or Full Solid Waste Facility Permit requirements (as specified in sections 17403.6 and 17403.7); and,

(B) which:

1.receive, handle, separate, convert or otherwise process materials in solid waste; and/or

2.transfer solid waste directly from one container to another or from one vehicle to another for transport; and/or

3.store solid waste;

(C) The receipt of separated for reuse material pursuant to Public Resources Code, Division 12.1, Chapter 2, sections 14511.7, 14518, or 14520, located within a solid waste facility does not constitute solid waste handling, or processing, if there is a defined physical barrier to separate recycling activities defined in Public Resources Code, Division 12.1, Chapter 2, sections 14511.7, 14518, or 14520, from the solid waste activities, or where the recycling and solid waste activities are considered by the EA as separate operations.

(D) "Transfer/Processing Facilities" do not include activities specifically defined in section 17402.5(c) of this Article, and operations and facilities that are subject to regulations in Chapter 3.1 (commencing with section 17850).



- (31) "Transfer/Processing Operation" or "Operation" includes:
- (A) those activities governed by the EA Notification tier requirements; and,
  - (B) which:
    - 1.receive, handle, separate, convert or otherwise process materials in solid waste; and/or
    - 2.transfer solid waste directly from one container to another or from one vehicle to another for transport; and/or
    - 3.store solid waste;
  - (C) The receipt of separated for reuse material pursuant to Public Resources Code, Division 12.1, Chapter 2, sections 14511.7, 14518, or 14520, located within a solid waste operation does not constitute solid waste handling, or processing, if there is a defined physical barrier to separate recycling activities defined in Public Resources Code, Division 12.1, Chapter 2, sections 14511.7, 14518, or 14520, from the solid waste activities, or where the recycling and solid waste activities are considered by the EA as separate operations.
  - (D) "Transfer/Processing Operations" do not include activities specifically defined in section 17402.5(c) of this Article, and operations and facilities that are subject to regulations in Chapter 3.1 (commencing with section 17850).
- (32) "Volume Reduction" means techniques such as: compaction, shredding, and baling.
- (33) "Waste Hauling Yard Operation" is an operation that meets the following requirements:
- (A) is located on the premises of a duly licensed solid waste hauling operator, who receives, stores, or transfers waste as an activity incidental to the conduct of a refuse collection and disposal business, and;
  - (B) handles only solid waste that has been placed within a covered container before the container arrives at the waste hauling yard, and;
  - (C) no more than 90 cubic yards of waste is stored on-site in covered containers at any time, and;
  - (D) the solid waste remains within the original covered containers while on-site at any times, and;
  - (E) the covered containers are not stored on-site for more than any 72 hour period;
  - (F) if the EA has information that the operation does not meet these requirements, the burden of proof shall be on the owner or operator to demonstrate that the requirements are being met.

Note:

Authority cited: Sections 40502, 43020, and 43021, Public Resources Code.

Reference: Sections 40053, 43020, and 43021, Public Resource Code.

**Section 17402.5. Definitions and Related Provisions Regarding Activities That Are Not Subject to the Transfer/Processing Regulatory Requirements.**

(a) This section sets forth definitions and related provisions regarding activities that are not subject to the requirements of Articles 6.0, 6.1, 6.2, 6.3 and 6.35 of this Chapter.

(1) Activities that are not in compliance with the applicable definitions and related provisions of this section shall be subject to the requirements of Articles 6.0, 6.1, 6.2, 6.3 and 6.35 of this Chapter.

(2) The definitions and related provisions of this section are for use only to determine the applicability of Articles 6.0, 6.1, 6.2, 6.3 and 6.35 of this Chapter.

(b) The following general definitions may apply to one or more of the activities that are more specifically defined in subdivisions (c) and (d) of this section.

(1) "Residual" means the solid waste destined for disposal, further transfer/processing as defined in section 17402(a)(30) or (31) of this Article, or transformation which remains after processing has taken place and is calculated in percent as the weight of residual divided by the total incoming weight of materials.

(2) "Reuse" means the use, in the same, or similar, form as it was produced, of a material which might otherwise be discarded.

(3) "Separated for Reuse" means materials, including commingled recyclables, that have been separated or kept separate from the solid waste stream for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace, and includes materials that have been "source separated".

(4) "Source Separated" means materials, including commingled recyclables, that have been separated or kept separate from the solid waste stream, at the point of generation, for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace.

(c) Activities included in one of the following definitions are not subject to the requirements of Articles 6.0, 6.1, 6.2, 6.3 and 6.35 of this Chapter, provided that these activities do not include the acceptance of solid waste

which has not been separated for reuse. If an activity defined in this section is accepting solid waste which has not been separated for reuse, it must meet the requirements of subdivision (d) of this section or else it shall be subject to the requirements of Articles 6.0, 6.1, 6.2, 6.3 and 6.35 of this Chapter.

(1) "Auto Dismantler" means a person or business entity engaged in the business of buying, selling, or dealing in vehicles including nonrepairable vehicles, for the purpose of dismantling the vehicles, buying or selling the integral parts and component materials thereof, in whole or in part, or dealing in used motor vehicle parts pursuant to California Vehicle Code, section 220.

(2) "Auto Shredder" or "Metal Shredder" means a person or business entity that accepts scrap metal, typically automobiles and white goods, and mechanically rends that scrap metal into fist sized bits and pieces and separates the ferrous metals, nonferrous metals and other materials for the purpose of recycling.

(3) "Buy Back Center" means a person or business entity engaging in those activities defined in Public Resources Code Sections 14518, or 14520.

(4) "Drop-off Center" means a person or business entity engaging in those activities defined in Public Resources Code Section 14511.7.

(5) "Manufacturer" means a person or business entity that uses new or separated for reuse materials as a raw material in making a finished product that is distinct from those raw materials.

(6) "Regional ~~Produce~~ Organic Distribution Center" means a distribution center that receives unsold and packaged food produce (sometimes referred to as "pre-consumer") back from stores to which it was originally sent ~~the produce, and which remains the property of the distribution center or stores,~~ for the purpose of data collection, depackaging, and transferring this produce and other food to a ~~compost~~ compostable material handling operation or facility, in-vessel digestion operation or facility, or to ~~a another~~ beneficial use. ~~A regional produce distribution center would not include a site where produce is processed.~~

(7) "Rendering activities", means activities authorized by the California Department of Food and Agriculture pursuant to Section 19300 of the Food and Agricultural Code, in which no solid waste feedstock bypasses the rendering process. ~~"Rendering Plant" means a person or business entity where dead animals or any part or portion thereof, vegetable oils, or packing house refuse, are processed for the purpose of obtaining the hide, skin, grease residue, or any other byproduct whatsoever.~~

(8) "Reuse Salvage Operation" means a person or business entity which sterilizes, dismantles, rebuilds, or renovates, nonputrescible separated-for-reuse materials, and that recovers for recycling or reuse distinct material types that have not been commingled with other materials before they enter the waste stream. Examples of this activity include, but are not limited to, wire choppers, and dismantlers of furniture and mattresses, and "brown goods" such as computer equipment, VCRs, and televisions.

(9) "Scrap Metal Recyclers and Dealers" means a person or business entity including all employees of the person or business entity, (except automotive recyclers and auto shredders as defined in this section), whose primary business is the purchasing; processing by shredding, shearing, baling, and torching; trading, bartering or otherwise receiving secondhand or castoff metal material which includes ferrous metals, nonferrous metals, aluminum scrap, auto bodies, major appliances and other metals, including containers that are regulated pursuant to Public Resources Code Sections 14511.7, 14518 or 14520.

(10) "Wire Chopper" means a person or business entity which uses source separated metal components or wire for the purpose of recycling or reuse.

(11) "Wood, Paper or Wood Product Manufacturer" means a person or business entity that uses separated for reuse paper or woody materials in order to produce a finished product able to be used as is, or to manufacture another product such as, boxes or boards, without further processing.

(d) A "Recycling Center" means a person or business entity that meets the requirements of this subdivision. A recycling center shall not be subject to the requirements of Articles 6.0, 6.1, 6.2, 6.3 and 6.35 of this Chapter.

(1) A recycling center shall only receive material that has been separated for reuse prior to receipt.

(2) The residual amount of solid waste in the separated for reuse material shall be less than 10% of the amount of separated for reuse material received by weight.

(A) The residual amount is calculated by measuring the outgoing tonnage after separated for reuse materials have been removed.

(B) The residual amount is calculated on a monthly basis based on the number of operating days.

(3) The amount of putrescible wastes in the separated for reuse material shall be less than 1% of the amount of separated for reuse material received by weight, and the putrescible wastes in the separated for reuse material shall not cause a nuisance, as determined by the EA.

(A) The amount of putrescible wastes is calculated in percent as the weight of putrescible wastes divided by the total incoming weight of separated for reuse material.

(B) The amount of putrescible wastes is calculated on a monthly basis based on the number of operating days.

- (4) The only separation that may occur at the recycling center is the sorting of materials that have been separated for reuse prior to receipt.
- (5) The recycling center may include an adjustment in the calculation to include the weight of water in the residual, when the use of water is essential to the sorting or processing of the material, provided that such an adjustment is also made in the weight of materials received for processing.
- (6) The following materials shall not be included in calculating residual as set forth in subdivision (d)(2) of this section, if the recycling activities are separated from the material handling activities noted below by a defined physical barrier or where the activities are otherwise separated in a manner that the EA determines will keep the materials from being commingled:
- (A) materials received at an on-site Buy Back Center;
  - (B) materials received at an on-site Drop-off Center;
  - (C) cannery waste;
  - (D) construction and demolition materials;
  - (E) nonhazardous contaminated soil;
  - (F) grease-trap pumpings;
  - (G) nonhazardous asbestos;
  - (H) nonhazardous ash;
  - (I) compost and compost feedstock;
  - (J) sewage sludge;
  - (K) tires.
- (7) If the EA has information that material that is being received is not separated for reuse or source separated, that the residual is 10% or more of the total per month, or that the amount of putrescible wastes is 1% or more of the total per month, the burden of proof shall be on the owner or operator to demonstrate otherwise.
- (A) A business that accepts loads of material that are not separated for reuse or source separated does not qualify as a recycling center.
  - (B) If the EA has reason to believe that a business is accepting material that is not separated for reuse or source separated due to averaging or combining of those loads with other loads of separated for reuse material, the burden of proof will be on the business to demonstrate that it is not accepting loads of mixed solid waste.
  - (C) If the EA has reason to believe that a business is accepting material that is not separated for reuse or source separated due to the separation of portions of the material at consecutive sites, each of which removes less than 10% residual, the burden of proof will be on the business to demonstrate that it is not accepting loads of mixed solid waste.
  - (D) If the EA determines that a business has exhibited a pattern and practice of failing to comply with the provisions of this subsection, the EA may issue a Notice and Order requiring the business to obtain a Registration Permit or Full Permit or comply with the Enforcement Agency Notification requirements as made applicable in sections 17403 through 17403.7 of this Article.
  - (E) At the time that the EA requires a recycling center to provide evidence that it is in compliance with this subdivision, the EA shall provide the recycling center with a written description of the information that has caused the EA to believe that the recycling center is not in compliance. Nothing in this requirement is intended to require the EA to identify the name or other identifying information regarding any individual(s) who have complained about the recycling center.
  - (F) Nothing in this section precludes the enforcement agency or the board from the following: inspecting a business to verify that it is conducted in a manner that meets the provisions of this subsection; or, from taking any appropriate enforcement action, including the use of a Notice and Order as provided in Section 18304.
- (8) Operations which do not meet the 10% residual percentage in subdivision (d)(2) of this section but which qualify as a Limited Volume Transfer Operation, shall comply with the requirements of section 17403.3 within one month of March 5, 1999.
- (9) recycling center operators may voluntarily report their residual percentage to the EA and the CIWMB using form CIWMB 607 (located in Appendix A).
- (10) If the EA determines that a person or business entity purporting to operate a recycling center is not in compliance with this subsection and issues an enforcement order, that person or business entity may appeal that order in accordance with Public Resources Code section 44307.
- (e) If a Chipping and Grinding Operation or Facility, as defined in section 17852(a)(10) of this Division, handles material that fails to meet the definition of green material due to contamination as set forth in section 17852(a)(21) of this Division, the operation or facility shall not be considered to be a recycling center as set forth in subsections (c) or (d) of section 17402.5

**Section 17403.0. Regulatory Tiers Requirements for Transfer/Processing Operations and Facilities.**

Sections 17403.1 through 17403.7 set forth the regulatory tier requirements (Title 14, Division 7, Chapter 5.0, Article 3.0, commencing with section 18100 or Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2, 3 and 3.1 of the California Code of Regulations (commencing with section 21570) that apply to specified types of transfer/processing operations and facilities. These requirements are summarized in Table 1.

Note:

Authority cited: Sections 40502, 43020, and 43021, Public Resources Code.

Reference: Sections 40053, 43020, and 43021, Public Resource Code.

**Table 1. Transfer/Processing Operations and Facilities Placement into the Regulatory Tiers**

Not Subject to Articles 6.0, 6.1, 6.2, 6.3 and 6.35	Excluded Tier	Enforcement Agency Notification Tier	Registration Permit Tier	Full Solid Waste Facility Permit
Auto Dismantler Section 17402.5(c)(1)	Locations where <15 cubic yards of combined container volume is provided to serve as multi-residence	Emergency Transfer/Processing Operations Section 17403.5	Medium Volume Transfer/Processing Facility Section 17403.6	Large Volume Transfer/Processing Facility Section 17403.7
Auto Shredder Operations Section 17402.5(c)(2)	receptacles for residential refuse at the place of generation. Section 17403.1(a)(1)	Secondary Material Processing Operations Section 17403.3.2	Direct Transfer Facility Section 17403.4 Secondary Material Processing Facility Section 17403.3.3	
Buy Back Centers Section 17402.5(c)(3)	Locations where <15 cubic yards of combined container volume is handled for recycling. Section 17403.1(a)(2)	Sealed Container Transfer Operations Section 17403.2		
Drop-off Centers Section 17402.5(c)(4)				
Manufacturers Section 17402.5(c)(5)	Storage receptacle at the place of generation for waste from multi-residential buildings or for commercial solid wastes. Section 17403.1(a)(3)	Limited Volume Transfer Operations Section 17403.3		
Recycling Centers Section 17402.5(d)				
<a href="#">Regional Organic Distribution Centers Section 17402.5(c)(6)</a>	Containers used to store construction or demolition wastes at the place of generation. Section 17403(a)(4)			
<a href="#">Rendering Plants Activities Section 17402.5(c)(67)</a>	Containers used to store salvaged			

Reuse Salvage materials. Section  
Operations (includes 17403.1(a)(5)  
furniture and  
mattress dismantlers Waste Hauling  
and Yard Operations.  
demanufacturers) Section  
Section 17403.1(a)(6)  
17402.5(c)(~~7~~8)  
Storage of Other  
Wastes. Section  
17403(1)(a)(7)

Scrap Metal  
Recyclers and  
Dealers Section  
17402.5(c)(~~9~~9)  
Wire Choppers  
Section  
17402.5(c)(~~9~~10)  
Wood, Paper, or  
Wood Product  
Manufacturer  
Section  
17402.5(c)(~~10~~11)

Note: There are no operations or facilities placed within the Standardized tier.

#### **Article 6.2 Operating Standards.**

##### **Section 17409.5. Loadchecking—Prohibited Wastes.**

(a) The operator of an attended operation or facility shall implement a loadchecking program to prevent the acceptance of waste which is prohibited by this Article. This program must include at a minimum:

- (1) the number of random loadchecks to be performed;
- (2) a location for the storage of prohibited wastes removed during the loadchecking process that is separately secured or isolated;
- (3) records of loadchecks and the training of personnel in the recognition, proper handling, and disposition of prohibited waste. A copy of the loadchecking program and copies of the loadchecking records for the last year shall be maintained in the operating record and be available for review by the appropriate regulatory agencies.

Note:

Authority cited: Sections 40502, 43020, and 43021, Public Resources Code.

Reference: Sections 40053, 43020 and 43021, Public Resources Code.



**Section 17409.5.1. Organic Waste Recovery Efficiency** ~~Diversification at Mixed Waste Processing Facilities.~~

(a) This section applies to transfer and processing facilities and operations that conduct processing activities.

(b) For purposes of compliance with the reporting requirements in section 18815.5 of this division, and demonstrating that the facility is a "high diversion organic waste processing facility" as defined in Section 1(a)(33) of this division that meets or exceeds an annual average mixed waste organic content recovery rate of 50 percent on and after January 1, 2022 and 75 percent on and after January 1, 2025 as determined in section 18815(e), the operator shall conduct the measurements described in this section.

~~(a) On and after January 1, 2022, at least 50 percent of the organic waste received from mixed waste collection stream, calculated on a monthly basis, shall be recovered from the mixed waste organic collection stream and sent for additional processing or recycling. To determine compliance with this subdivision, the operator shall:~~

~~(1) Establish a baseline monthly volume of organics in the incoming mixed waste organic collection stream by either:~~

~~(A) Conducting an operation or facility specific waste characterization study of the incoming mixed waste organic stream to determine a baseline amount of organics in the incoming mixed waste organic stream using current business methods; or,~~

~~(B) Utilizing the latest statewide waste characterization study prepared by the Department.~~

~~(b) On and after January 1, 2022, all of the source separated organic waste shall be sent for additional processing or recycling.~~

~~(b) On and after January 1, 2025, at least 75 percent of the organic waste received from mixed waste collection stream shall be recovered from the mixed waste organic collection stream and be sent for additional processing or recycling, calculated on a monthly basis. To determine compliance with this subdivision, the operator shall:~~

~~(c) The operator shall:~~

~~(1) Determine the quarterly sum of outgoing weights of organic waste recovered from the mixed waste organic collection stream by adding together all weights determined pursuant to section 17409.5.2(b)(6) for each operating day for the quarterly period.~~

~~(2) Determine the quarterly sum of outgoing weights of organic waste removed from the mixed waste organic collection stream that is sent to disposal as measured pursuant to section 17409.5.3(b)(5) for each operating day for the quarterly period.~~

~~(3) Report the quarterly sums of subdivision (c)(1) and (c)(2) to the Department pursuant to 18815.5 of this division~~

~~(1) Establish a baseline monthly volume of organics in the incoming mixed waste organic collection stream by either:~~

~~(A) Conducting an operation or facility specific waste characterization study of the incoming mixed waste organic collection stream to determine a baseline amount of organics in the incoming mixed waste organic collection stream using current business methods; or,~~

~~(B) Utilize the latest statewide waste characterization study prepared and published by the Department.~~

~~(d) Organics recovered after processing from the source separated organic waste stream and from the mixed waste organic collection stream shall not have more than 10 percent of contamination by volume prior to leaving the site.~~

~~(d) The operator shall additionally:~~

~~(1) Determine the quarterly sum of outgoing weights of organic waste recovered from the source separated organic waste collection stream by adding together all weights determined pursuant to section 17409.5.4(b)(6) for each operating day for the quarterly period.~~

~~(2) Determine the quarterly sum of outgoing weights of organic waste removed from the source separated organic waste collection stream that is sent for disposal as measured pursuant to section 17409.5.5(b)(5) for each operating day for the quarterly period.~~

~~(3) Report the quarterly sums of subdivision (d)(1) and (d)(2) to the Department pursuant to 18815.5 of this division~~

~~(ee) The operator shall maintain records demonstrating compliance with this section in a manner approved by the EA and as described in section 17414.2(a) of this chapter.~~

**Note:**

Authority cited: Sections 40502, 43020, and 43021, Public Resources Code.

Reference: Sections 40053, 43020, and 43021, Public Resource Code.

**Section 17409.5.2. Measuring Organics in Residuals Removed from Mixed Waste Organic Collection Stream:**

~~(a) The operator of an attended operation or facility that accepts a mixed waste organic collection stream shall, once per operating day, measure the amount of organics by volume in the residuals removed from the mixed waste organic collection stream after processing to determine a monthly average.~~

~~(b) The operator shall maintain records of measurements and the training of personnel in evaluating the amount of organics in the residual material removed from mixed waste organic collection stream. These records shall be maintained for three (3) years in the operating record and be available for review by the appropriate jurisdiction of origin, haulers, and other duly authorized regulatory agencies.~~

~~(c) The operator shall conduct a measurement in the presence of the EA when requested.~~

~~(d) The operator shall use the following protocol to measure the amount by volume of organics in the residuals removed from mixed waste organic collection stream:~~

~~(1) Take at least a one (1) cubic yard composite sample of the residuals removed from mixed waste organic collection stream during processing at the operation or facility;~~

~~(A) The composite sample shall be representative and random by taking samples either from various times during the operating day or from various locations within the pile.~~

~~(2) Separate the organics from the composite sample and determine the weight of the separated organics;~~

~~(3) Determine the percentage of organics in the residuals removed from the mixed waste organic collection stream by dividing the volume of separated organics by the total volume of the composite sample.~~

**Note:**

~~Authority cited: Sections 40502, 43020, and 43021, Public Resources Code.~~

~~Reference: Sections 40053, 43020 and 43021, Public Resources Code.~~

**Section 17409.5.3. Measuring Contamination in Organics Recovered from Mixed Waste Organic Collection Stream:**

~~(a) The operator of an attended operation or facility that accepts a mixed waste organic collection stream shall, once every other month, measure the amount by volume of contamination in each organic waste type recovered from the mixed waste organic collection stream and separated through processing at the operation or facility.~~

~~(b) The operator shall maintain records of measurements and the training of personnel in evaluating the amount of contamination in organics removed from mixed waste organic collection stream by volume. These records shall be maintained for three (3) years in the operating record and be available for review by the appropriate jurisdiction of origin, haulers, and other duly authorized regulatory agencies.~~

~~(c) The operator shall conduct a measurement in the presence of the EA when requested.~~

~~(d) The operator shall use the following protocol to measure the amount by volume of contamination in the organics recovered from mixed waste organic collection stream:~~

~~(1) Take at least a one (1) cubic yard composite sample of organics separated by organic waste type following processing at the operation or facility;~~

~~(A) The composite sample shall be representative and random by taking samples either from various times during the operating day or from various locations within the pile.~~

~~(2) Separate the contaminants from the composite sample and determine the volume of the contaminants;~~

~~(3) Determine the percentage of contamination by dividing the volume of contamination by the total volume of the composite sample.~~

**Note:**

~~Authority cited: Sections 40502, 43020, and 43021, Public Resources Code.~~

~~Reference: Sections 40053, 43020 and 43021, Public Resources Code.~~

**Section 17409.5.6. Measuring Contamination Level in Organics Recovered from Source Separated Organic Waste:**

~~(a) The operator of an attended operation or facility that accepts source separated organic waste shall measure, once per month the amount by volume of contamination in each separated organic waste type~~

~~recovered from the source separated organic waste stream that have been separated through processing at the operation or facility.~~

~~(b) The operator shall maintain records of measurements and the training of personnel in evaluating the amount of contamination in organics recovered from source separated organic waste by volume. These records shall be maintained for three (3) years in the operating record and be available for review by the appropriate jurisdiction of origin, haulers, and other duly authorized regulatory agencies.~~

~~(c) The operator shall conduct a measurement in the presence of the EA when requested.~~

~~(d) The operator shall use the following protocol to measure the amount by volume of contamination in the organics recovered from source separated organic waste:~~

~~(1) Take at least a one (1) cubic yard composite sample of source separated organic waste separated by organic waste type following processing at the operation or facility;~~

~~(A) The composite sample shall be representative and random by taking samples either from various times during the operating day or from various locations within the pile.~~

~~(2) Separate the contaminants from the composite sample and determine the volume of the contaminant;~~

~~(3) Determine the percentage of contamination in the organic recovered from source separated organic waste by dividing the volume of contamination by the total volume of the composite sample.~~

Note:

Authority cited: Sections 40502, 43020, and 43021, Public Resources Code.

Reference: Sections 40053, 43020 and 43021, Public Resources Code.

**Section 17409.5.7. Measuring Organics in Residuals Removed from Source Separated Organic Waste.**

~~(a) The operator of an attended operation or facility that accepts a source separated organic waste shall, once per operating day, measure the amount of organics by volume in the residuals removed from the source separated organic waste stream after processing to determine a monthly average.~~

~~(b) The operator shall maintain records of measurements and the training of personnel in evaluating the amount of organics in the residual material removed from source separated organic waste stream. These records shall be maintained for three (3) years in the operating record and be available for review by the appropriate jurisdiction of origin, haulers, and other duly authorized regulatory agencies.~~

~~(c) The operator shall conduct a measurement in the presence of the EA when requested.~~

~~(d) The operator shall use the following protocol to measure the amount by volume of organics in the residuals removed from source separated organic waste stream:~~

~~(1) Take at least a one (1) cubic yard composite sample of the residuals removed from source separated organic waste stream during processing at the operation or facility;~~

~~(A) The composite sample shall be representative and random by taking samples either from various times during the operating day or from various locations within the pile.~~

~~(2) Separate the organics from the composite sample and determine the volume of the separated organics;~~

~~(3) Determine the percentage of organics in the residuals removed from the source separated organic waste stream by dividing the volume of separated organics by the total volume of the composite sample.~~

~~(4) Determine the monthly average of organics in the residuals removed from the source separated organic waste.~~

Note:

Authority cited: Sections 40502, 43020, and 43021, Public Resources Code.

Reference: Sections 40053, 43020 and 43021, Public Resources Code.

**Section 17409.5.2. Measuring Organic Waste Recovered from Mixed Waste Organic Collection Stream.**

(a) The operator of an attended operation or facility that accepts a mixed waste organic collection stream shall, each operating day, measure the amount by weight of organic waste separated from the mixed waste organic collection stream after processing for end-use, recovery or further processing.

(b) The operator shall comply with subdivision (a) by using the following protocol:

(1) Take at least a one (1) cubic yard sample from each of the organic waste type separated after processing at the operation or facility on that operating day prior to sending to a destination for end-use, recovery, or further processing. Each sample shall be:

(A) Representative of a typical operating day;

- 1 (B) A random, composite sample taken either from various times during the operating day or from  
2 various locations within each pile of each of the organic waste types separated after processing.  
3 (2) Determine the weight of each sample from each organic waste type.  
4 (3) For each sample, remove any incompatible material and determine the remaining weight of organic  
5 waste in that sample.  
6 (4) Then determine a ratio for each type of organic waste in the mixed waste organic collection stream by  
7 dividing the total from subdivision (b)(3) by the total from subdivision (b)(2).  
8 (5) Multiply the ratio determined pursuant to subdivision (b)(4) for each type of organic waste by the total  
9 weight of all of the same type of organic waste separated after processing and destined for end-use,  
10 recovery or further processing  
11 (6) Determine the total weight of organic waste separated from the mixed waste organic collection stream  
12 for recovery by adding the sum of all the weights calculated pursuant to subdivision (b)(5).  
13 (c) The operator shall conduct a measurement in the presence of the EA when requested.  
14 (d) If it is determined by the EA that the measurements do not accurately reflect the records, the EA may  
15 require the operator to increase the frequency of measurements and/or revise the measurement protocol to  
16 improve accuracy.

17 Note:

18 Authority cited: Sections 40502, 43020, and 43021, Public Resources Code.  
19 Reference: Sections 40053, 43020 and 43021, Public Resources Code.

21 **Section 17409.5.3. Measuring Organic Waste in Residuals Removed from Mixed Waste Organic**  
22 **Collection Stream.**

- 24 (a) The operator of an attended operation or facility that accepts a mixed waste organic collection stream shall,  
25 each operating day, measure the amount by weight of organic waste present in the residuals removed from the  
26 mixed waste organic collection stream after processing that is sent to disposal.  
27 (b) The operator shall comply with subdivision (a) by using the following protocol:  
28 (1) Take at least a one (1) cubic yard sample of the residuals removed from mixed waste organic collection  
29 stream at the operation or facility on that operating day prior to sending to disposal. Each sample shall be:  
30 (A) Representative of a typical operating day  
31 (B) A random, composite sample taken either from various times during the operating day or from  
32 various locations within the pile after processing.  
33 (2) Determine the total weight of the sample;  
34 (3) Remove any incompatible material and determine the remaining weight of the organic waste in the  
35 sample;  
36 (4) Then determine the ratio of organic waste present in the residuals removed from the mixed waste  
37 organic collection stream by dividing the total from subdivision (b)(3) by the total from subdivision (b)(2).  
38 (5) Determine the total weight of organic waste removed from the mixed organic collection stream that is  
39 sent for disposal by multiplying the ratio determined pursuant to subdivision (b)(4) by the total weight of the  
40 residuals removed from the mixed waste organic collection stream after processing.  
41 (c) The operator shall conduct a measurement in the presence of the EA when requested.  
42 (d) If it is determined by the EA that the measurements do not accurately reflect the records, the EA may  
43 require the operator to increase the frequency of measurements and/or revise the measurement protocol to  
44 improve accuracy.  
45 (f) The operator shall maintain records of measurements and the training of personnel in evaluating the amount  
46 of organic waste in the residual material removed from mixed waste organic collection stream.

47 Note:

48 Authority cited: Sections 40502, 43020, and 43021, Public Resources Code.  
49 Reference: Sections 40053, 43020 and 43021, Public Resources Code.

51 **Section 17409.5.4. Measuring Organic Waste Recovered from Source Separated Organic Waste**  
52 **Collection Stream.**

- 54 (a) The operator of an attended operation or facility that accepts source separated organic waste shall, each  
55 operating day, measure the amount by weight of organic waste separated from the source separated organic  
56 waste collection stream after processing for end-use, recovery or further processing.  
57 (b) The operator shall comply with subdivision (a) by using the following protocol:

(1) Take at least a one (1) cubic yard sample from each of the organic waste type separated after processing at the operation or facility on that operating day prior to sending to a destination for end-use, recovery, or further processing. Each sample shall be:

(A) Representative of a typical operating day;

(B) A random, composite sample taken either from various times during the operating day or from various locations within each pile of each of the organic waste types separated after processing.

(2) Determine the weight of each sample from each organic waste type.

(3) For each sample, remove any incompatible material and determine the remaining weight of organic waste in that sample.

(4) Then determine a ratio for each type of organic waste in the source separated organic waste collection stream by dividing the total from subdivision (b)(3) by the total from subdivision (b)(2).

(5) Multiply the ratio determined pursuant to subdivision (b)(4) for each type of organic waste by the total weight of all of the same type of organic waste separated after processing and destined for end-use, recovery or further processing.

(6) Determine the total weight of organic waste separated from the source separated organic waste collection stream for recovery for the operating day by adding the sum of all the weights calculated pursuant to subdivision (b)(5).

(c) The operator shall conduct a measurement in the presence of the EA when requested.

(d) If it is determined by the EA that the measurements do not accurately reflect the records, the EA may require the operator to increase the frequency of measurements and/or revise the measurement protocol to improve accuracy.

Note:

Authority cited: Sections 40502, 43020, and 43021, Public Resources Code.

Reference: Sections 40053, 43020 and 43021, Public Resources Code.

**Section 17409.5.5. Measuring Organic Waste in Residuals Removed from Source Separated Organic Waste Collection Stream.**

(a) The operator of an attended operation or facility that accepts a source separated organic waste shall, each operating day, measure the amount of organic waste by weight present in the residuals removed from the source separated organic waste collection stream after processing sent to disposal.

(b) The operator shall comply with subdivision (a) by using the following protocol:

(1) Take at least a one (1) cubic yard sample of the residuals removed from source separated organic waste collection stream at the operation or facility on that operating day prior to sending to disposal. Each sample shall be:

(A) Representative of a typical operating day

(B) A random, composite sample taken either from various times during the operating day or from various locations within the pile after processing.

(2) Determine the total weight of the sample;

(3) Remove any incompatible material and determine the remaining weight of the organic waste in the sample;

(4) Then determine the ratio of organic waste present in the residuals removed from the source separated waste organic collection stream by dividing the total from subdivision (b)(3) by the total from subdivision (b)(2).

(5) Determine the total weight of organic waste removed from the source separated organic waste collection stream that is sent for disposal by multiplying the ratio determined pursuant to subdivision (b)(4) by the total weight of the residuals removed from the source separated organic waste collection stream after processing.

(c) The operator shall conduct a measurement in the presence of the EA when requested.

(d) If it is determined by the EA that the measurements do not accurately reflect the records, the EA may require the operator to increase the frequency of measurements and/or revise the measurement protocol to improve accuracy.

Note:

Authority cited: Sections 40502, 43020, and 43021, Public Resources Code.

Reference: Sections 40053, 43020 and 43021, Public Resources Code.

**Section 17409.5.46. Source Separated Organics Waste Handling.**



(a) Source-separated organics waste handling processing shall be kept separate from other solid waste streams.

(b) Source-separated organic waste and organic waste removed from a mixed waste organic collection service for recovery shall be:

(1) stored away from other activity areas in specified, clearly identifiable areas as described in the Facility Plan or Transfer/Processing Report; and,

(2) ~~removed~~ Removed from the site consistent with section 17410.1 and either:

(A) transported only to another solid waste facility or operation for additional processing, composting, in-vessel digestion, or other recycling recovery as specified in section (xxx20.1) of this Division; or,

(B) used in a manner approved by local, state, and federal agencies having appropriate jurisdiction ~~or,~~

~~(C) sent for disposal.~~

Note:

Authority cited: Sections 40502, 43020, and 43021, Public Resources Code.

Reference: Sections 40053, 43020, and 43021, Public Resource Code.

**Section 17409.5.7. Loadchecking – Contamination in Source Separated Organic Waste.**

(a) The operator of an attended operation or facility that accepts source separated organics waste shall perform loadchecking to measure the amount by volume of contamination in source separated organic waste according to the following schedule:

(1) One (1) loadcheck shall be conducted for every 500 tons of source separated organic waste received per operating day. If the operator receives less than 500 tons for the operating day, a minimum of ~~one two~~ (42) loadchecks shall be conducted for that operating day.

(2) At least one random loadcheck per ~~month of each hauler type and self-hauler~~ day for each source sector as defined in 14 CCR section 18815.2(a)(51).

(3) The operator shall inform the hauler or jurisdiction of origin of received loads with visible contamination

(b) The operator shall maintain the following loadchecking records under this section:

(1) Records of the number of rejected or redirected loads and reasons for rejection or redirection.

(2) Records of received loads with ~~contamination that exceeds 10 percent~~ visible contamination.

(3) Records of notices provided to haulers and or jurisdictions ~~pursuant to subdivision (c).~~

(4) Records of loadchecks and the training of personnel in evaluating the amount of contamination in source separated organic waste. These records shall be maintained for three (3) years in the operating record and be available for review by the appropriate jurisdiction of origin, haulers, and other duly authorized regulatory agencies.

(5) Records of notices provided to haulers and jurisdictions pursuant to section (a)(3)

(c) The operator shall conduct a loadcheck in the presence of the EA when requested.

**Section 17409.5.8. Incompatible Materials Limit in Recovered Organic Waste.**

(a) On and after January 1, 2022, a transfer/processing facility or operation shall send organic waste recovered after processing from the source separated organic waste stream and from the mixed waste organic collection stream with no more than 10 percent of incompatible material by weight to the destination it is being sent per operating day.

(b) The operator shall measure compliance with subdivision (a) by using the following protocol:

(1) Use the same samples taken to comply with sections 17409.5.2 and 17409.5.4 and the same total weight of each of those samples.

(2) For each sample, remove any incompatible material and determine the weight of the incompatibles in that sample.

(3) Then determine a ratio of the incompatible material for each type of organic waste in the mixed waste organic collection stream and the source separated organic waste collection waste stream by dividing the total from subdivision (b)(2) by the total from subdivision (b)(1).

(4) Multiply the ratio determined pursuant to subdivision (b)(3) for each type of organic waste by the total weight of all of the same type of organic waste separated after processing and destined for end-use, recovery or further processing.

(5) Determine the total weight of incompatible materials separated from the mixed waste organic collection stream and from the source separated organic waste stream by adding the sum of all the weights calculated pursuant to subdivision (b)(4).

(6) Determine the ratio of incompatible materials by taking the total weight of incompatible materials determined pursuant to subdivision (b)(5) and dividing by the sum of the outgoing weights of the materials recovered from the mixed waste organic collection stream and from the source separated organic waste stream.

(7) Determine the percentage of incompatible materials by multiplying the ratio determined pursuant to subdivision (b)(6) by 100.

(c) The recovered organic waste stream shall not be subject to section 17409.5.8(a) if the recovered organic waste is sent to one of the following types of facilities:

(1) A transfer/processing facility or operation that complies with section 17409.5.8(a); or,

(2) A compostable material handling facility or operation that pursuant to section 17867(a)(16) demonstrates that no more than 10 percent of the residuals sent to disposal are organic waste.

(3) An in-vessel digestion facility or operation that pursuant to section 17896.44.1 demonstrates that no more than 10 percent of the residuals sent to disposal are organic waste.

(4) An activity that meets the definition of a recycling center as described in section 17402.5(d).

(d) The operator shall conduct a measurement in the presence of the EA when requested.

(e) If it is determined by the EA that the measurements do not accurately reflect the records, the EA may require the operator to increase the frequency of measurements and/or revise the measurement protocol to improve accuracy.

Note:

Authority cited: Sections 40502, 43020, and 43021, Public Resources Code.

Reference: Sections 40053, 43020 and 43021, Public Resources Code.

**Section 17409.5.9. Alternatives to Measurement Protocols.**

(a) The EA may approve, with concurrence by the Department, alternative measurement protocols to the requirements of sections 17409.5.2, 17409.5.3, 17409.5.4, and 17409.5.5 of this Division as long as they will still ensure that the measurements will be as accurate.

Note:

Authority cited: Sections 40502, 43020, and 43021, Public Resources Code.

Reference: Sections 40053, 43020 and 43021, Public Resources Code.

**Section 17409.5.10. Solid Waste Handling at Consolidation Sites.**

(a) Consolidation sites are not subject to the requirements of sections 17409.5.1 through 17409.5.8 of this Division.

(b) Consolidation sites are not subject to the recordkeeping and reporting requirements of Section 17414.2 of this Division.

(b) Consolidation sites shall keep source separated organic waste streams separate from other solid waste streams.

(c) Materials shall be transported only to transfer/processing facilities or operations that comply with Section 17409.5.1.

Note:

Authority cited: Sections 40502, 43020, and 43021, Public Resources Code.

Reference: Sections 40053, 43020 and 43021, Public Resources Code.

**Article 6.3. Record Keeping Requirements.**

\*Proposed Section 17414.2 replaces proposed changes to Section 17414 that appeared on page 34-35 of the October 2017 Draft. The current draft does not propose amendments to Section 17414.\*

**Section 17414.2. Recordkeeping and Reporting Requirements for Mixed Waste Organic Waste and Source-Separated Organic Waste**

(a).The operator shall keep the following records

(1) The results of each sample conducted pursuant to sections 17409.5.2, 17409.5.3, 17409.5.4 and 17409.5.

(2) The daily outgoing weights of material recovered from the mixed organic waste stream.

- (3) The daily outgoing weights of residuals removed from the mixed organic waste stream sent to disposal.
- (4) The daily outgoing weights of material recovered from the source separated organic waste stream.
- (5) The daily outgoing weights of residuals removed from the source-separated, organic-waste stream sent to disposal.
- (6) The daily incoming weights of mixed organic waste.
- (7) The daily incoming weights of source-separated organic waste.
- (8) The results of the formula calculated pursuant to Section 17409.5.8(b)(7).
- (9) If the operator complies with the incompatible material requirements in Section 17409.5.8 by sending material to a facility that meets the requirements of subdivisions (b) of Section 17409.5.8, the operator shall keep a record of:
- (A) The name, address, location, and if applicable the RDRS number, of each facility that material is sent to.
- (B) The daily outgoing weights of material sent to each facility by type.
- (b) The records required in subdivision (a) and (b) shall be:
- (1) Adequate for overall planning and control purposes.
- (2) As current and accurate as practicable.
- (c) All records required by this article shall be kept by the operator in one location and accessible for three (3) years and shall be available for inspection by the EA and other duly authorized regulatory agencies during normal working hours.
- (d) The operator shall submit copies of specified records to the EA upon request or at a frequency approved by the EA
- (e) Each operator shall maintain records in accordance with Title 14, California Code of Regulations, Division 7, Chapter 9, Article 9.25, Section 18815.1 et. seq. The records shall be available for inspections as authorized by that Article during normal business hours and retained in the operating record near the site or in an alternative location approved by the EA.

### **Chapter 3.1. Composting Operations Regulatory Requirements**

#### **Article 2. Regulatory Tiers for Composting Operations and Facilities.**

##### **Section 17855. Excluded Activities.**

(a) Except as provided otherwise in this Chapter, the activities listed in this section do not constitute compostable material handling operations or facilities and are not required to meet the requirements set forth herein. Nothing in this section precludes the EA or the Department from inspecting an excluded activity to verify that the activity is being conducted in a manner that qualifies as an excluded activity or from taking any appropriate enforcement action.

(1) An activity is excluded if it handles agricultural material derived from an agricultural site, and returns a similar amount of the material produced to that same agricultural site, or an agricultural site owned or leased by the owner, parent, or subsidiary of the composting activity. No more than an incidental amount of up to 1,000 cubic yards of compost product may be given away or sold annually.

(2) Vermicomposting is an excluded activity. The handling of compostable material prior to and after its use as a growth medium during the vermicomposting process is not an excluded activity and is subject to the requirements of this chapter or the Transfer/Processing Operations and Facilities Regulatory Requirements (Title 14, California Code of Regulations, Division 7, Chapter 3, Article 6.0-6.35), whichever is applicable, as follows:

(A) when the compostable material is active compost or is likely to become active compost, as determined by the EA, the requirements of this chapter apply;

(B) at all other times when it is not being used as a growth medium during vermicomposting, the compostable material is subject to the Transfer/Processing Operations and Facilities Regulatory Requirements.

(3) Mushroom farming is an excluded activity. The handling of compostable material prior to and after its use as a growth medium during the mushroom farming process is not an excluded activity and is subject to the requirements of this chapter or the Transfer/Processing Operations and Facilities Regulatory Requirements (Title 14, California Code of Regulations, Division 7, Chapter 3, Article 6.0-6.35), whichever is applicable, as follows:

(A) when the compostable material is active compost or is likely to become active compost, as determined by the EA, the requirements of this chapter apply;

- (B) at all other times when it is not being used as a growth medium during mushroom farming, the compostable material is subject to the Transfer/Processing Operations and Facilities Regulatory Requirements.
- (4) Composting green material, agricultural material, food material, and vegetative food material, alone or in combination, is an excluded activity if the total amount of feedstock and compost on-site at any one time does not exceed 100 cubic yards and 750 square feet. [Note: Persons handling compostable material under the above exclusion are obligated to obtain all permits, licenses, or other clearances that may be required by other regulatory agencies including, but not limited to local health entities and local land use authorities.]
- (5) The handling of compostable materials is an excluded activity if:
- (A) the activity is located at a facility (i.e., landfill or transfer/processing facility) that has a tiered or full permit as defined in section 18101,
    - 1. has a Report of Facility Information which is completed and submitted to the EA that identifies and describes the activity and meets the requirements of Titles 14 or 27; and,
    - 2. will only use the material on the facility site, or
  - (B) the activity is solely for the temporary storage of biosolids sludge at a Publicly Owned Treatment Works (POTW), or
  - (C) the activity is located at the site of biomass conversion and is for use in biomass conversion as defined in Public Resources Code section 40106; or
  - (D) the activity is part of a silvicultural operation or a wood, paper, or wood product manufacturing operation; or
  - (E) the activity is part of an agricultural operation and is used to temporarily store or process agricultural material not used in the production of compost or mulch; or
  - (F) the activity is part of an operation used to chip and grind materials derived from and applied to lands owned or leased by the owner, parent, or subsidiary of the operation; or
  - (G) the activity is part of an agricultural operation used to chip and grind agricultural material produced on lands owned or leased by the owner, parent, or subsidiary of the agricultural operation, for use in biomass conversion; or
  - (H) ~~the activity is part of a licensed animal food manufacturing or a licensed rendering operation~~ the activity is a rendering activity, authorized by the California Department of Food and Agriculture pursuant to Section 19300 of the Food and Agricultural Code, in which no solid waste feedstock bypasses the rendering process; or
  - (I) the activity is the storage of yard trimmings at a publicly designated site for the collection of lot clearing necessary for fire protection provided that the public agency designating the site has notified the fire protection agency; or
  - (J) the materials are handled in such a way to preclude their reaching temperatures at or above 122 degrees Fahrenheit as determined by the EA; or
- (6) Storage of bagged products from compostable material is an excluded activity provided that such bags are no greater than 5 cubic yards.

Note:

Authority cited: Sections 40502, 43020, and 43021, Public Resources Code.

Reference: Sections 40053, 43020 and 43021, Public Resources Code.

#### **Article 5.0. Composting Operation and Facility Siting and Design Standards**

##### **Section 17867. General Operating Standards.**

(a) All compostable materials handling operations and facilities shall meet the following requirements:

- (1) All handling activities are prohibited from composting any material specified in section 17855.2 of this Chapter.
- (2) All handling activities shall be conducted in a manner that minimizes odor impacts so as to not cause a nuisance.
- (3) All handling activities shall be conducted in a manner that minimizes vectors, litter, hazards, nuisances, and noise impacts; and minimizes human contact with, inhalation, ingestion, and transportation of dust, particulates, and pathogenic organisms.
- (4) ~~Random load checks of feedstocks, additives, and amendments for contaminants shall be conducted.~~ The operator of an attended compostable materials handling operation or facility shall perform loadchecking to measure the amount by volume of contamination according to the following schedule:



- (A) One (1) loadcheck shall be conducted for every 500 tons of source separated organic waste received per operating day. If the operator receives less than 500 tons for the operating day, a minimum of ~~one~~ two (2) loadchecks shall be conducted for that operating day.
- (B) At least one loadcheck per day by source sector as defined in Section 18815.2(a)(51) of this Division, ~~month of each hauler type and collection route~~
- (C) The operator shall conduct a loadcheck in the presence of the EA when requested.
- (D) The operator shall inform the hauler or jurisdiction of origin of received loads with visible contamination.
- (5) Contamination of compostable materials that has undergone pathogen reduction, pursuant to section 17868.3 of this Chapter, with feedstocks, compost, or wastes that have not undergone pathogen reduction, pursuant to section 17868.3 of this Chapter, or additives shall be prevented.
- (6) Unauthorized human or animal access to the facility shall be prevented.
- (7) Traffic flow into, on, and out of the composting operation or facility shall be controlled in a safe manner.
- (8) All compostable materials handling operations and facilities that are open for public business shall post legible signs at all public entrances. These signs shall include the following information:
- (A) name of the operation or facility,
  - (B) name of the operator,
  - (C) facility hours of operation,
  - (D) materials that will and will not be accepted, if applicable,
  - (E) schedule of charges, if applicable, and
  - (F) phone number where operator or designee can be reached in case of an emergency.
- (9) The operator shall provide fire prevention, protection and control measures, including, but not limited to, temperature monitoring of windrows and piles, adequate water supply for fire suppression, and the isolation of potential ignition sources from combustible materials. Firelanes shall be provided to allow fire control equipment access to all operation areas.
- (10) The operator shall provide telephone or radio communication capability for emergency purposes.
- (11) Physical Contaminants and refuse removed from feedstock, compost, or chipped and ground material shall be removed from the site within 7 days and transported to an appropriate facility.
- (12) Enclosed operations and facilities shall provide ventilation to prevent adverse public health effects from decomposition gases.
- (13) The operator shall ensure that leachate is controlled to prevent contact with the public.
- (14) The operator shall prevent or remove physical contaminants in compost and chipped and ground materials that may cause injury to humans.
- (15) An attendant shall be on duty during business hours if the operation or facility is open to the public.
- (16) The operator shall determine the monthly percentage of organic waste contained in residuals removed after processing.
- (A) To determine the monthly percentage, the operator shall, each per operating day, measure the amount of organic waste by weight present in the residuals removed after processing.
- (B) The operator shall comply with subdivision (a)(16)(A) by using the following protocol:
- 1. Take at least a one (1) cubic yard sample of the residuals removed after processing at the operation or facility on that operating day prior to sending to disposal. Each sample shall be:
    - i. Representative of a typical operating day.
    - ii. A random, composite sample taken either from various times during the operating day or from various locations within the pile after processing.
  - 2. Determine the total weight of the sample.
  - 3. Remove any incompatible material and determine the remaining weight of the organic waste in the sample.
  - 4. Then determine the ratio of organic waste present in the residuals removed after processing by dividing the total from subdivision (a)(16)(B)3 by the total from subdivision (a)(16)(B)2.
  - 5. Determine the total weight of organic waste removed after processing that is sent for disposal by multiplying the ratio determined pursuant to subdivision (a)(16)(B)4 by the total weight of the residuals removed from the source separated organic waste collection stream after processing.



6. Determine the monthly sum of outgoing weights of organic waste present in the residuals after processing that is sent for disposal as determined pursuant to subdivision (a)(16)(B)5.
7. Determine the monthly ratio of organic waste present in the residuals removed after processing by dividing the total from subdivision (a)(16)(B)6 by the total monthly outgoing weights of residuals removed that is sent for disposal.
8. Determine the monthly percentage of organic waste present in the residuals removed after processing by multiplying the monthly ratio as determined pursuant to subdivision (a)(16)(B)7 by 100.
- (C) The operator shall conduct a measurement in the presence of the EA when requested.
- (D) If it is determined by the EA that the measurements do not accurately reflect the records, the EA may require the operator to increase the frequency of measurements, revise the measurement protocol, or both to improve accuracy.
- (E) An alternative frequency for determining the amount of organic waste contained in the residuals may be approved by the EA, with concurrence by the Department.
- (F) For the purposes of the measurements required by this subdivision, organic waste that are textiles, carpet, hazardous wood waste, plastic coated paper, human or pet waste, and material subject to a quarantine on movement issued by a county agricultural commissioner may be disposed and counted as incompatible materials rather than organic waste.
- (G) Organic waste sent to an activity listed in Section 20.1(a) of this Division shall constitute disposal.

Note:

Authority cited: Sections 40502, 43020, and 43021, Public Resources Code.

Reference: Sections 40053, 43020 and 43021, Public Resources Code.

## Article 8. Composting Operation and Facility Records

### Section 17869. General Record Keeping and Reporting Requirements.

Except as provided in subsection (d), all compostable materials handling operations and facilities shall meet the following requirements:

(a) All records required by this Chapter shall be kept in one location and accessible for five (5) years and shall be available for inspection by authorized representatives of the Department, EA, local health entity, and other duly authorized regulatory and EAs during normal working hours.

(b) The operator shall record any special occurrences encountered during operation and methods used to resolve problems arising from these events, including details of all incidents that required implementing emergency procedures.

(c) The operator shall record any public complaints received by the operator, including:

- (1) the nature of the complaint,
- (2) the date the complaint was received,
- (3) if available, the name, address, and telephone number of the person or persons making the complaint, and
- (4) any actions taken to respond to the complaint.

(d) The operator shall ~~record the quantity and type of feedstock received and quantity of compost and chipped and ground material produced.~~ maintain records listed in this subdivision in a form and manner approved by the EA. Agricultural compostable materials handling operations shall maintain records only for compostable material accepted from off-site. Such records shall be adequate for overall planning and control purposes and be as current and accurate as practicable. The records shall be maintained for three (3) years in the operating record and be available for review by the appropriate jurisdiction of origin, haulers, and other duly authorized regulatory agencies.

(e) The operator shall maintain the following load-checking records under this section

- (1) Records of the number of rejected or redirected loads and reasons for rejection or redirection.
- (2) Records of received loads with visible contamination.
- (3) Records of loadchecks and the training of personnel in evaluating the amount of contamination in source separated organic waste.
- (4) Records of notices provided to haulers and jurisdictions pursuant to Section 17867(a)(4).
- (5) The monthly percentage of organic waste contained in residuals removed from processing as calculated pursuant to 17867 (a)(16).

(6) Daily outgoing weights of residual sent to disposal.

(7) Daily outgoing weights of compost or chipped and ground material produced.

(8) Daily incoming weights by material type.

~~(e) The operator shall record the number of load checks performed, loads with contamination that exceeds 10 percent, and loads rejected and the reasons for rejection.~~

(f) The operator shall record all test results generated by compliance with Article 7 of this Chapter, including but not limited to, metal concentrations, physical contamination limits, fecal coliform and Salmonella sp. densities, temperature measurements, and dates of windrow turnings; chipping and grinding operations and facilities must record the determinations of the percentage of physical contaminants required by 17862.1(d).

(1) The operator shall retain records detailing pathogen reduction methods.

(g) The operator shall record and retain records of any serious injury to the public occurring on-site and any complaint of adverse health effects to the public attributed to operations. Serious injury means any injury that requires inpatient hospitalization for a period in excess of 24 hours or in which a member of the public suffers a loss of any member of the body or suffers any degree of permanent disfigurement.

(h) The operator shall retain a record of training and instruction completed in accordance with section 17867.5.

(i) Each operator shall maintain records in accordance with Title 14, California Code of Regulations, Division 7, Chapter 9, Article 9.25, Section 18815.1 et seq. The records shall be available for inspections as authorized by that article during normal business hours and retained in the operating record near the site or in an alternative location approved by the Local Enforcement Agency.

Note:

Authority cited: Sections 40502, 43020, and 43021, Public Resources Code.

Reference: Sections 40053, 43020 and 43021, Public Resources Code.

## **California Code of Regulations**

### **Title 14. Natural Resources**

#### **Division 7. Department of Resources Recycling and Recovery**

#### **Chapter 3.2. In-Vessel Digestion Operations and Facilities Regulatory Requirements**

##### **Article 2.0. Siting and Design**

##### **Section 17896.25. Load Checking. – Prohibited Wastes.**

(a) The operator of an attended in-vessel digestion operation or facility shall implement a load checking program to prevent the acceptance of waste which is prohibited by this Chapter. This program must include at a minimum:

(1) the number of random load checks to be performed;

(2) a location for the storage of prohibited wastes removed during the load checking process that is separately secured or isolated;

(3) records of load checks and the training of personnel in the recognition, proper handling, and disposition of prohibited waste. A copy of the load checking program and copies of the load checking records for the last year shall be maintained in the operating record and be available for review by the appropriate regulatory agencies.

Note:

Authority cited: Sections 40502, 43020, and 43021, Public Resources Code.

Reference: Sections 40053, 43020 and 43021, Public Resources Code.

##### **Section 17896.25.1. Loadchecking – Contamination in Source Separated Organic Waste.**

(a) The operator of an attended in-vessel digestion operation or facility shall perform loadchecking to measure the amount by volume of contamination according to the following schedule:

(1) One (1) loadcheck shall be conducted for every 500 tons of source separated organic waste received per operating day. If the operator receives less than 500 tons for the operating day, a minimum of ~~one~~ ~~two~~ (42) loadchecks shall be conducted for that operating day.

(2) At least one loadcheck per month of each hauler by source sector as defined in 14 CCR Section

18815.2(a)(51). type and collection route

(3) The operator shall inform the hauler or jurisdiction of origin of received loads with visible contamination.

(b) The operator shall maintain the following loadchecking records under this section:

- 1 (1) Records of the number of rejected or redirected loads and reasons for rejection or redirection.  
2 (2) Records of received loads with ~~contamination that exceeds 10 percent.~~ visible contamination.  
3 (3) Records of loadchecks and the training of personnel in evaluating the amount of contamination in  
4 source separated organic waste. These records shall be maintained for three (3) years in the operating  
5 record and be available for review by the appropriate jurisdiction of origin, haulers, and other duly  
6 authorized regulatory agencies.  
7 (4) Records of notices provided to haulers and jurisdictions pursuant to (a)(3).  
8 (c) The operator shall conduct a loadcheck in the presence of the EA when requested.  
9 Note:  
10 Authority cited: Sections 40502, 43020, and 43021, Public Resources Code.  
11 Reference: Sections 40053, 43020 and 43021, Public Resources Code.  
12

### Article 3. Operating Standards for In-Vessel Digestion Operations and Facilities

#### Section 17896.44.1. Measuring Organic Waste in Residuals

- 16 (a) The operator shall determine the monthly percentage of organic waste contained in residuals removed from  
17 processing.  
18 (1) To determine the monthly percentage, the operator shall, each per operating day, measure the amount  
19 of organic waste by weight present in the residuals removed after processing.  
20 (2) The operator shall comply with subdivision (a)(1) by using the following protocol:  
21 (A) Take at least a one (1) cubic yard sample of the residuals removed after processing at the operation  
22 or facility on that operating day prior to sending to disposal. Each sample shall be:  
23 1. Representative of a typical operating day.  
24 2. A random, composite sample taken either from various times during the operating day or from  
25 various locations within the pile after processing.  
26 (B) Determine the total weight of the sample.  
27 (C) Remove any incompatible material and determine the remaining weight of the organic waste in the  
28 sample.  
29 (D) Then determine the ratio of organic waste present in the residuals removed after processing by  
30 dividing the total from subdivision (a)(2)(C) by the total from subdivision (a)(2)(B).  
31 (E) Determine the total weight of organic waste removed after processing that is sent for disposal by  
32 multiplying the ratio determined pursuant to subdivision (a)(2)(D) by the total weight of the residuals  
33 removed from the source separated organic waste collection stream after processing.  
34 (F) Determine the monthly sum of outgoing weights of organic waste present in the residuals after  
35 processing that is sent for disposal as determined pursuant to subdivision (a)(2)(E).  
36 (G) Determine the monthly ratio of organic waste present in the residuals removed after processing by  
37 dividing the total from subdivision (a)(2)(F) by the total monthly outgoing weights of residuals removed  
38 that is sent for disposal.  
39 (H) Determine the monthly percentage of organic waste present in the residuals removed after  
40 processing by multiplying the monthly ratio as determined pursuant to subdivision (a)(2)(G) by 100.  
41 (b) The operator shall conduct a measurement in the presence of the EA when requested.  
42 (c) If it is determined by the EA that the measurements do not accurately reflect the records, the EA may  
43 require the operator to increase the frequency of measurements, revise the measurement protocol, or both to  
44 the improve accuracy.  
45 (d) An alternative frequency for determining the amount of organic waste contained in the residual may be  
46 approved by the EA, with concurrence the Department.  
47 (e) Organic waste that are textiles, carpet, hazardous wood waste, plastic coated paper and material subject to  
48 a quarantine on movement issued by a county agricultural commissioner may be disposed and counted as  
49 incompatible materials rather than organic waste.  
50 (f) Organic waste sent to an activity listed in Section 20.1(a) shall constitute disposal.  
51

#### Note:

- 53 Authority cited: Sections 40502, 43020, and 43021, Public Resources Code.  
54 Reference: Sections 40053, 43020 and 43021, Public Resources Code.  
55

### Article 4. Record Keeping Requirements.

**Section 17896.45. Record Keeping and Reporting Requirements.**

Each operator shall meet the following requirements:

(a) Each operator shall maintain records ~~of incoming weights or volumes and outgoing salvage or residual weights or volumes listed in this subdivision~~ in a form and manner approved by the EA. Such records shall be: ~~submitted to the EA or the Department upon request~~; be adequate for overall planning and control purposes; and, be as current and accurate as practicable

(1) The operator shall maintain the following loadchecking records under this section:

(A) Records of the number of rejected or redirected loads and reasons for rejection or redirection.

(B) Records of received loads with visible contamination.

(C) Records of loadchecks and the training of personnel in evaluating the amount of contamination in source separated organic waste.

(D) Records of notices provided to haulers and jurisdictions pursuant to Section 17896.25.1.

(E) The monthly percentage of organic waste contained in residuals removed from processing as calculated pursuant to Section 17896.44.1.

(F) The outgoing weights or volumes of residual sent to disposal.

(G) Daily outgoing weights or volumes of organic waste recovered and produced.

(H) Daily outgoing weights or volumes of salvaged materials.

(I) Daily Incoming weights of material.

(b) All records required by this Chapter shall be kept by the operator in one location and accessible for five (5) years and shall be available for inspection by the EA and other duly authorized regulatory agencies during normal working hours.

(c) The operator shall submit copies of specified records to the EA upon request or at a frequency approved by the EA;

(d) The operator shall maintain a daily log book or file of special occurrences encountered during operations and methods used to resolve problems arising from these events, including details of all incidents that required implementing emergency procedures. Special occurrences shall include but are not limited to: fires, injury and property damage, accidents, explosions, receipt or rejection of prohibited wastes, lack of sufficient number of personnel pursuant to section 17896.42, flooding, earthquake damage and other unusual occurrences. In addition, the operator shall notify the EA by telephone within 24 hours of all incidents requiring the implementation of emergency procedures, unless the EA determines that a less immediate form of notification will be sufficient to protect public health and safety and the environment;

(e) The operator shall record any written public complaints received by the operator, including:

(1) the nature of the complaint,

(2) the date the complaint was received,

(3) if available, the name, address, and telephone number of the person or persons making the complaint, and

(4) any actions taken to respond to the complaint;

(f) The operator shall maintain a copy of the written notification to the EA and local health agency of the name, address and telephone number of the operator or other person(s) responsible for the operations as required by section 17896.42;

(g) The operator shall maintain records of employee training as required by section 17896.43;

(h) all in-vessel digestion operations and facilities shall maintain records as required by section 18809 et seq.

(i) The operator shall record all test results generated by compliance with Article 6 of this Chapter, including but not limited to, metal concentrations, physical contamination limits, fecal coliform and Salmonella sp. densities, temperature measurements, and dates of windrow turnings.

(1) The operator shall retain records detailing pathogen reduction methods.

(j) Each operator shall maintain records in accordance with Title 14, California Code of Regulations, Division 7, Chapter 9, Article 9.25, Section 18815 et. seq. The records shall be available for inspections as authorized by that article during normal business hours and retained in the operating record near the site or in an alternative location approved by the Local Enforcement Agency.

Note:

Authority cited: Sections 40502, 43020, and 43021, Public Resources Code.

Reference: Sections 40053, 43020 and 43021, Public Resources Code.

**Chapter 5. Enforcement of Solid Waste Standards and Administration of Solid Waste Facilities  
Permits; Loan Guarantees**



**Article 2.2. LEA Performance Standards, Evaluation Criteria, and Duties and Responsibilities**

**Section 18083. LEA Duties and Responsibilities for Inspections.**

(a) Pursuant to Public Resources Code Division 30, Parts 4 and 5, and 14 CCR Division 7, Chapters 3 and 5, 27 CCR, Division 2, Subdivision 1 (§20005 et seq.), and its EPP, the LEA/EA shall inspect and investigate solid waste collection, handling, and storage, solid waste facilities, operations and disposal sites and equipment to verify compliance with the state minimum standards, solid waste facilities permits, and related state solid waste laws and regulations within their purview for the protection of the environment and the public health. The LEA shall perform these inspections and related duties as required below, and forward inspection reports to the operator, and/or owner, and the Department within 30 days of the inspection:

(1) Weekly, for sites operating on performance standards pursuant to 27 CCR Section 20695;

(2) monthly, for all active and inactive facilities, and for illegal sites and facilities, pending abatement by enforcement action(s);

(3) at the frequency required by the state minimum standards for each type of operation specified in 14 CCR Sections 17383.9., 17403.5., and 17896.9. All other operations regulated under the EA Notification tier shall be inspected by the EA at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment, and in no case shall the inspection frequency be less than once per calendar year. The EA shall submit a copy of the EA-proposed approval to the Department. The Department shall concur in the EA-proposed approval only if it finds that the reduced inspection frequency will not pose an additional risk to public health and safety or the environment in light of the specific circumstances at the operation in question. The Department shall concur or deny the EA-proposed approval within thirty (30) days from receipt.

(4) quarterly, for closed sites, abandoned sites, and sites exempted pursuant to 27 CCR Section 21565. For closed sites, inspections shall be made until no potential threat exists to public health and safety or the environment. This determination shall be subject to Department approval. For the purposes of this subsection, the enumeration, and the workload analysis, a closed site means a site that has ceased accepting waste and, should be closed, is undergoing closure, or has met applicable closure requirements;

(A) the Department may approve an alternate inspection frequency for these sites where such an action will not result in adverse impact on public health and safety and the environment.

(5) if an LEA has been designated as the EA for waste tire facilities or entered into an agreement with the Department through a grant program to inspect tire facilities, major waste tire facilities shall be inspected annually, minor waste tire facilities shall be inspected at least once every two and a half years pursuant to 14 CCR Section 18443;

(6) upon receipt of a complaint or emergency notification which cannot be resolved off-site;

(7) as necessary, pursuant to the EPP, upon receipt of a solid waste facilities permit application, revision, review, RFI amendment, or closure/postclosure plan; and

(8) pursuant to the EPP, for solid waste handling and collection equipment.

(b) As specified in their EPP pursuant to Section 18077, the LEA/EA shall conduct any of the above inspections, whenever possible, without prior notice to the owner or operator, on randomly selected days, during normal business hours or the site's operating hours.

~~(c) The At least once per quarter, the EA shall oversee a minimum of one (1) operator load check of contamination in source separated organics as specified measurement as described in 14 CCR sections 17409.5(b), 3, 19409.5.4, 17409.5.7, 17409.5.8, 17867 and 17896.44.1, during each an inspection required in subdivision (a).~~

**Note:**

Authority cited: Sections 40502, 43020, 43200, and 43214, Public Resources Code.

Reference: Sections 43200, 43209, 43218, 44100, and 44101, Public Resources Code.



Title 27. Environmental Protection

Division 2. Solid Waste

Chapter 3. Criteria for All Waste Management Units, Facilities, and Disposal Sites

Subchapter 4. Criteria for Landfills and Disposal Sites

Article 2: Alternative Daily Cover Material and Beneficial Reuse

**§20700.5. CalRecycle—Long-Term Intermediate Cover.**

(a) ~~Compacted earthen~~ earthen material at least 36 inches shall be placed on all surfaces of the fill where no additional solid waste will be deposited within 30 months to control methane emissions.

(1) The EA may approve, with concurrence by the Department, an alternative long-term intermediate cover if the operator demonstrates that the alternative is equivalent to 36 inches of earthen material.

(b) For waste classification, composition, and liquid percolation requirements of intermediate cover, refer to the SWRCB requirements set forth in 27 CCR section 20705.

Note:

Authority cited: Section 40502, 41781.3, Public Resources Code.

Reference: Sections 40508, 43020, and 43103, Public Resources Code; and Code of Federal Regulations Section 258.21.

**Article 3: ~~CIWMB~~CalRecycle—Handling, Equipment, and Maintenance**

**§20750.1. CalRecycle—Organics Waste Handling.**

(a) ~~For new or expanded~~ expanding solid waste disposal sites landfills:

(1) The operator shall implement organics waste recycling waste recovery activities, as approved by the EA, organics waste recycling recovery activities shall be confined to specified, clearly identifiable areas of the site and shall be arranged to minimize health and safety hazard, vector harborage, or other hazard or nuisance, and be limited to a volume and storage time as approved by the EA.

(A) Receipt of solid wastes that have already been sufficiently processed to remove organics may be sent directly to the working face for disposal. have already been processed through a high diversion organic waste processing facility does not need to be processed at the organic recovery activity.

(b) ~~for~~ For the purposes of this section “organics waste recycling waste recovery activities” means activities or facilities that constitute a reduction of landfill disposal of organic waste as defined in a Article 2 of Chapter 12 of Division 7 of title 14 of the California Code of Regulations.

(c) ~~For the purposes of this section “sufficiently processed” means solid waste that was handled at a facility that meets or exceeds the standards of sections 17410.5 and 17410.6 of title 14 of the California Code of Regulations.~~ For the purposes of the section, “expanding” means a solid waste landfill proposing to make a significant change to the design or operation as determined by the EA pursuant to 27 CCR Section 21665.

Note:

Authority cited: Section 40502, Public Resources Code.

Reference: Sections 43020, 43021 and 43103, Public Resources Code.

**Article 4. ~~CIWMB~~CalRecycle—Controls**

**§20901. CalRecycle—Loadchecking Contamination in Source Separated Organic Waste.**

(a) The operator shall implement a loadchecking program to measure the amount of contamination in source separated organic waste by volume according to the following schedule:

(1) One (1) loadcheck shall be conducted for every 500 tons of source separated organic waste received per operating day. If the operator receives less than 500 tons for the operating day, a minimum of ~~one two~~ (12) loadcheck shall be conducted for that operating day;

(2) At least one loadcheck per month of each hauler ~~type and collection route~~, by source sector as defined in 14 CCR section 18815.2(a)(51).

(3) At least one loadcheck per quarter from each service area.

- (b) The operator shall maintain the following ~~loadcheck~~ loadchecking records under this section:
- (1) Records of the number of rejected or redirected loads and reasons for rejection or redirection;
  - (2) Records of received loads with contamination that exceeds 10 percent.
  - (3) Records of notices provided to operators and or jurisdictions pursuant to ~~section~~ Section 3.15 of this Division.
  - (4) Records of loadchecks and the training of personnel in evaluating the amount of contamination in source separated organic waste. These records shall be maintained for three (3) years in the operating record and be available for review by the appropriate jurisdiction of origin, haulers, and other duly authorized regulatory agencies.
- (c) The operator shall conduct a loadcheck in the presence of the EA when requested.
- ~~(d) The operator shall use the following protocol to measure the amount by volume of contamination in source separated organic waste:~~
- ~~(1) Take at least a one (1) cubic yard composite sample of the incoming source separated organic waste load;~~
  - ~~(A) The composite sample shall be representative and random by taking samples from various times during the operating day or from various locations within the pile.~~
  - ~~(2) Separate the contaminants from the composite sample and determine the volume of the contaminants;~~
  - ~~(3) Determine the percentage of contaminants in source separated organic waste by dividing the volume of contaminants by the total volume of the composite sample.~~
- ~~(e) The operator shall provide a written notice to the collection service operator that the load exceeds 10 percent of contamination by volume.~~

Note:

Authority cited: Section 40502, Public Resources Code.

Reference: Sections 43020, 43021 and 43103, Public Resources Code.

## **Chapter 4. Documentation and Reporting for Regulatory Tiers, Permits, WDRs, and Plans**

### **Subchapter 3: Development of Waste Discharge Requirements (WDRs) and Solid Waste Facility Permits**

#### **Article 2. CalRecycle—Applicant Requirements**

##### **§21570. CalRecycle—Filing Requirements.**

- (a) Any operator of a disposal site who is required to have a full solid waste facilities permit and waste discharge requirements pursuant to Public Resources Code, Division 31 and §20080(f) shall submit an application package for a solid waste facilities permit in duplicate to the EA pursuant to ¶(f). The applicant shall also simultaneously submit one copy of the application form and the Joint Technical Document (JTD) to the Regional Water Quality Control Board (RWQCB) and one copy of the application form to the director of the local agency that oversees local land use planning for the jurisdiction in which the site is located. The applicant shall ensure demonstration of financial assurances to CalRecycle pursuant to Chapter 6 of this Subdivision.
- (b) All other applicants who are required to have a full solid waste facilities permit shall submit an application package for a solid waste facilities permit in duplicate to the EA pursuant to ¶(f) and one copy of the application form to the director of the local agency that oversees local land use planning for the jurisdiction in which the site is located. The applicant shall also simultaneously submit one copy of the application form to the RWQCB.
- (c) Any application package submitted to the EA shall be accompanied by the fee specified by the EA pursuant to Public Resources Code §44006(c).
- (d) The application package shall require that information be supplied in adequate detail to permit thorough evaluation of the environmental effects of the facility and to permit estimation of the likelihood that the facility will be able to conform to the standards over the useful economic life of the facility. The application package shall require, among other things, that the applicant and the owner give the address at which process may be served upon them.
- (e) All information in the application package shall be certified by the applicant and the owner of the site as being true and accurate to the best knowledge and belief of each. The applicant, owner of the facility, or both, shall supply additional information as deemed necessary by the EA.
- (f) A complete and correct application package shall include, but not necessarily be limited to, the following items:
- (1) Application For Solid Waste Facilities Permit/Waste Discharge Requirements Form (CIWMB E-1-77, Version 8-04, Appendix 1); and

- (2) Complete and correct Report of Facility Information. In the case of disposal sites, this will be a Report of Disposal Site Information (RDSI) in the format of a JTD or a Disposal Site Facility Plan or Disposal Facility Report in the format of a JTD; and
- (3) California Environmental Quality Act (CEQA) compliance information as follows:
  - (A) Evidence that there has been compliance with the CEQA, Division 13 (commencing with §21000) of the Public Resources Code, regarding the facility; or
  - (B) Information on the status of the application's compliance with the CEQA regarding the facility, including the proposed project description. Once there has been compliance with the CEQA regarding the facility, evidence of compliance shall be submitted to the EA; and
- (4) Any CEQA Mitigation Monitoring Implementation Schedule; and
- (5) Conformance finding information, including one of the following:
  - (A) Until a countywide or regional agency integrated waste management plan has been approved by CalRecycle, the application shall include statements that: the facility is identified and described in or conforms with the County Solid Waste Management Plan, or otherwise complies with Public Resources Code §50000; and that the facility is consistent with the city or county General Plan and compatible with surrounding land use, in accordance with Public Resources Code §50000.5; or
  - (B) After a countywide or regional agency integrated waste management plan has been approved by CalRecycle, the application shall include a statement that: the facility is identified in either the countywide siting element, the nondisposal facility element, or in the Source Reduction and Recycling Element for the jurisdiction in which it is located; or, that the facility is not required to be identified in any of these elements pursuant to Public Resources Code §50001; and
- (6) For disposal sites, completeness determination of Preliminary or Final Closure/Postclosure Maintenance Plan as specified in §§21780, 21865, and 21890 (Subchapter 4 of this Chapter); and  
[Note: The operator has the option of submitting the preliminary closure plan with the JTD, in which case the EA, RWQCB, and CalRecycle would review it at the same time. If deemed complete by the reviewing agencies, the solid waste facilities permit application package could then be accepted for filing if all other information in the JTD is accepted by the EA. Or the operator can submit a stand alone preliminary closure plan to be deemed complete by reviewing agencies before the application package is submitted to the EA. For CalRecycle purposes, all final closure/postclosure plans are stand alone documents but can be processed jointly with a proposed solid waste facilities permit revision as long as the final plan is determined complete prior to approval of the proposed solid waste facilities permit. The JTD Index prepared for the EA should show where each closure requirement is addressed in the closure/post-closure plan.]
- (7) For disposal sites, a copy of the most recently submitted detailed written estimate or latest approved estimate, whichever identifies the greatest cost, to cover the cost of known or reasonably foreseeable corrective action activities, pursuant to §22101;
- (8) For disposal sites, current documentation of acceptable funding levels for required closure, postclosure maintenance, and corrective action Financial Assurance Mechanisms (in accordance with Chapter 6, Division 2); and
- (9) For disposal sites, current documentation of compliance with operating liability requirements in accordance with Chapter 6;
- (10) For disposal sites permitted for more than 20 tons-per-day, a ground or aerial survey to be completed at least once every five years or more frequently as determined by the EA. For disposal sites permitted for 20 tons-per-day or less, a ground or aerial survey must be completed at least once every ten years. Survey results must be submitted as a CADD or vector graphics data file including at least two strata, i.e., 1) a stratum showing the base and finished ground surfaces, and 2) a stratum showing the existing and finished ground surfaces. For disposal sites where a change in permitted volume is proposed, a third stratum showing the base and proposed finished ground surface must be included. For each stratum the following information shall be included: site name, stratum name, surface1 name, surface2 name, volume calculation method (grid, composite, section), expansion (cut) factor, compaction (fill) factor, cut volume, fill volume and net volume. All volumes shall be reported in cubic yards. If the base ground surface is uncertain, the operator is allowed to provide the best available information as a substitute for the actual as-built contours. If selecting this substitute method, the operator must provide an explanation of the basis for using the substitute base ground surface. For the purposes of this section the following definitions apply:
  - (A) "base ground surface" - the best available excavation plan surface that existed prior to the placement of any waste;
  - (B) "CADD" - computer aided design and drafting;
  - (C) "compaction (fill) factor" - the factor used to correct for expected compaction of fill material; this factor should normally be unity (one); if the factor is not unity (one), an explanation must be provided for the basis of the volumetric correction;

- (D) "cut volume" - for any stratum, the volume removed by a cut of a lower surface to achieve the upper surface;
- (E) "existing ground surface" - the topography that exists at the time of the subject survey;
- (F) "expansion (cut) factor" - the factor used to correct for expected expansion of a cut surface; this factor should normally be unity (one); if the factor is not unity (one), an explanation must be provided for the basis of the volumetric correction;
- (G) "fill volume" - for any stratum, the volume bound between the upper and lower surfaces;
- (H) "finished ground surface" - the final fill plan surface as shown in the approved closure plan for the disposal site;
- (I) "net volume" - the fill volume less the cut volume;
- (J) "site name" - the name of the disposal site for which the survey information is being submitted;
- (K) "stratum (plural: strata)" - a particular volume of a solid waste landfill bound by specified upper and lower surfaces;
- (L) "stratum name" - a descriptive name for the stratum for which volumetric information is being submitted, e.g., total volume including proposed expansion;
- (M) "surface names" - names for the pair of surfaces that define a named stratum, e.g., base ground surface and proposed finished ground surface;
- (N) "survey" - a comprehensive examination of the disposal site under the direction of registered civil engineer or licensed land surveyor for purposes of determining the topography of the base, existing and finished ground surfaces, and the volumes bound by those surfaces;
- (O) "vector graphics" - computer generated images comprised of lines and shapes of given origin, direction, thickness, color and other attributes;
- (P) "volume calculation method" - grid, composite, section or other method approved by the enforcement agency.
- (11) For disposal sites, one of the following:
- (A)
- (i) In-place density (pounds of waste per cubic yard of waste). The in-place density is the estimated or measured density of in-place waste material achieved by mechanical or other means in the development of the current lift of the current operating waste cell, and
- (ii) Waste-to-cover ratio, estimated, (volume:volume). The waste-to-cover ratio estimate is a unit-less expression of the proportion of the volumes of waste and cover that comprise a volume of compacted fill material, e.g. 4:1. The cover portion of the waste-to-cover ratio estimate should include only soil or approved daily or intermediate alternative cover that is not considered a waste material, i.e., payment of fees to CalRecycle is not required. The waste portion of the waste-to-cover ratio estimate should include only waste material for which payment of fees to CalRecycle is reported, or
- (B) Airspace utilization factor (tons of waste per cubic yard of landfill airspace). The airspace utilization factor (AUF) is the effective density of waste material in the landfill. The AUF is recorded as the total weight of waste material passing over the landfill scales that is placed in a known volume of landfill airspace in a given period of time. The waste portion of the AUF should include only waste material for which payment of fees to CalRecycle is reported.
- (12) List of all public hearings and other meetings open to the public that have been held or copies of notices distributed that are applicable to the proposed solid waste facilities permit action.
- (13) For new or expanded solid waste facilities, provide evidence that the operator held a public meeting with any affected groups or disadvantaged communities within 180 days ~~from~~ prior to submittal of the permit application package.
- (A) Provide copies (hard copy or electronic) of notices distributed to the affected groups or disadvantaged communities.
- (B) Provide a summary of the comments received at the public meeting and, where applicable, responses to public comments and any other steps taken by the applicant relative to those comments.
- (C) For the purposes of this section disadvantaged communities means communities identified by the California Environmental Protection Agency pursuant to Section 39711 of the Health and Safety Code.

Note:

Authority cited: Sections 40002, 40502 and 43020, Public Resources Code.

Reference: Sections 43103, 44001-44017, 44100-44101, 44300-44301, 44500-44503, and 44813-44816, Public Resources Code.



**§21590. CIWMB—Joint Technical Document for Disposal Facilities.**

Any operator of a disposal site which is required to submit a RDSI, closure/postclosure maintenance plan, and/or a ROWD or any other report that addresses similar regulatory concerns, may address those requirements under one JTD. The JTD will be used in place of the RDSI only if it meets all the requirements set forth in §21600 and lists where each requirement has been satisfied in the document in the form of a JTD index, pursuant to (c).

(a) any operator of an existing facility who submits an application package to the EA, pursuant to §21570, which proposes to change the facility's operations, or to change the SWFP shall do one of the following:

(1) Submit the updated information as an amendment to the existing JTD along with, a JTD index as described in (c), referencing the new or updated information; or

(2) Submit a complete JTD as described in §21600 along with a JTD index as described in subsection c.

(b) any operator of a new facility that submits an application package to the EA pursuant to §21570, shall submit a complete JTD pursuant to §21600, and an index of the topics addressed in the JTD to be used by the EA as described in (c).

(c) the operator shall include with the JTD a copy of an index specifically for use by the EA. The page number or the first line number within the JTD which addresses the topic shall be Noted next to that topic in the index. The EA shall make available to the operator either in hard copy and/or ~~on magnetic media an~~ electronic copy a JTD index listing, (Index found in Appendix 2) showing each topic which the JTD must address to provide the EA with relevant facility information for writing or revising the facility permit.

**Article 3: ~~CIWMB~~CalRecycle—Enforcement Agency (EA) Requirements**

**§21650. ~~CIWMB~~CalRecycle--EA Processing Requirements.**

(a) Upon its receipt, the EA shall stamp the application package with the date of receipt. The EA shall examine the application package to determine whether it meets the requirements of §21570. If the EA finds the package meets the requirements of §21570, the application package shall be accepted and stamped with the date of acceptance. Notwithstanding any other provision of this division, the application package shall be deemed filed on the date of acceptance.

(b) The EA shall either accept or reject the application package within thirty days of its receipt.

(c) Within five days of filing, the EA shall notify the ~~CIWMB~~CalRecycle, and the RWQCB if applicable, of its determination. The EA shall submit as its notification to the ~~CIWMB~~CalRecycle a copy of the accepted application form. The EA shall also forward a copy of the application form to the RWQCB if applicable.

(d) If the EA determines that the application package does not meet the requirements of §21570, it shall reject and not file the application, and it shall, within five days of determination, so notify the applicant, the ~~CIWMB~~CalRecycle, and the RWQCB if applicable, enumerating the grounds for rejection. The EA shall include in its notification to the ~~CIWMB~~CalRecycle a copy of the rejected application form. The application package, together with the notice of rejection, shall be kept in the EA's file.

(e) After acceptance of an application for a new or revised full solid waste facilities permit as complete and correct and within 60 days of receipt of the application by the EA, the EA shall notice and conduct an informational meeting as required by §§21660.2 and 21660.3. For modified solid waste facilities permits, the EA shall provide notice as required by §21660.3 after finding the permit application complete and correct and within 60 days of receipt of the application by the EA.

(f) Upon request of the applicant, the EA may accept an incomplete application package. As a condition of acceptance, the operator and the EA shall waive the statutory time limit contained in Public Resources Code §44009. [Note: Section 21580 is the section for processing the applicant's waiver of timeframes and timing for noticing and holding an informational meeting after the EA deems a previously submitted incomplete package to be complete.] The EA shall notify the applicant within 30 days if the applicant's request for review under this subsection has been accepted. If the application package does not conform with the requirements of §21570 within 180 days from the date of the EA agreeing to accept the package as incomplete the EA shall reject the application package, pursuant to ¶(d). If the EA finds the application package meets the requirements of §21570, the application package shall be accepted pursuant to ¶(c).

(g) No later than 60 days after the application package has been accepted as complete and correct and after conducting an informational meeting if required by §§21660.2 and 21660.3, the EA shall mail to the ~~CIWMB~~CalRecycle the following:

(1) A copy of the proposed solid waste facilities permit;

(2) The accepted application package;



(3) A certification from the EA that the solid waste facilities permit application package is complete and correct, including a statement that the RFI meets the requirements of §21600, 14 CCR §§17863, 17863.4, 17346.5, 18221.6, 18223.5, or 18227.

(4) Documentation, if applicable, of the applicant's compliance with any RWQCB enforcement order or the status of the applicant's WDRs, as described in Public Resources Code §44009;

(5) Any written public comments received on a pending application and a summary of comments received at the informational meeting and, where applicable, responses to public comments and any other steps taken by the EA relative to those comments. Subsequent to the transmittal of the proposed solid waste facilities permit, the EA shall, within five (5) days of receipt, provide a copy of any additional written public comments and response to comments to the CIWMB-CalRecycle.

(6) A solid waste facilities permit review report which has been prepared pursuant to §21675, within the last five years.

(7) EA finding that the proposed solid waste facilities permit is consistent with and is supported by existing CEQA analysis, or information regarding the progress toward CEQA compliance.

(h) At the time the EA submits the proposed solid waste facilities permit to the CIWMB-CalRecycle, the EA shall submit a copy of the proposed solid waste facilities permit to the applicant, the RWQCB if applicable, and any person so requesting in writing. The copy of the proposed solid waste facilities permit provided to the applicant shall also be accompanied by a form for request for hearing, which the applicant may use to obtain a hearing before a hearing panel or hearing officer to challenge any condition in the solid waste facilities permit. In cases where a hearing panel or hearing officer may be requested, the EA shall notify the CIWMB-CalRecycle within seven days of being noticed by the operator.

(i) The proposed solid waste facilities permit shall contain the EA's conditions. The proposed solid waste facilities permit shall not contain conditions pertaining solely to air or water quality, nor shall the conditions conflict with conditions from WDRs issued by the RWQCB.

[Note: The process to obtain a full solid waste facilities permit might not include the RWQCB if the facility is other than a landfill or disposal site. Therefore, EA submittals of forms and documents to the RWQCB will be made if applicable to the type of facility.

When writing conditions pursuant to 21650(i) the EA shall take into consideration PRC §44012, which requires the EA to ensure that primary consideration is given to protecting public health and safety and preventing environmental damage, and the long-term protection of the environment. The EA may also take into consideration other permits, entitlements and approvals when writing terms and conditions (e.g., conditional use permit, zoning, Air Pollution Control District/Air Quality Management District permits to construct and operate, Department of Toxic Substances Control hazardous waste facility permit, Department of Fish and Game permits, Coastal Commission approvals, Army Corps of Engineers permit, Federal Aviation Administration notification, and other required local and county ordinances/permits)]

Note:

Authority cited: Sections 40502, 43020, and 43021, Public Resources Code.

Reference: Sections 43020, 43021, and 43000-45802, Public Resources Code.

**§21660.2. Informational Meeting for New and Revised Full Solid Waste Facilities Permit Applications.**

- (a) EA shall conduct an informational meeting for all new and revised full solid waste facilities permit applications as determined by §21665. The EA shall hold an informational meeting on an application for a new full solid waste facilities permit or an application for a full solid waste facilities permit revision required under this Article. The EA may require the operator(s) of the facility or facilities that are the subject of the informational meeting to pay all costs incurred by the EA in connection with the meeting. The informational meeting may be combined with another public meeting in which the EA participates that meets the criteria as specified in §§21660.2(b) and 21660.2(c).
- (b) The informational meeting shall be held after acceptance of the application package as complete and correct by the EA and within 60 days of receipt of the application by the EA. The EA shall submit to the Board-CalRecycle a copy of the informational meeting notice at time of issuance. The Board-CalRecycle shall post the notice on its web site as a way to further inform the public.
- (c) The informational meeting shall meet the following criteria:
- (1) The meeting shall be held in a suitable location not more than one (1) mile from the facility that is the subject of the meeting and from any disadvantaged communities affected; if no suitable and available location exists within one (1) mile of the facility and from any disadvantaged communities affected, as determined by the EA, the EA may designate an alternative suitable location that is as close to the facility disadvantaged communities as reasonably practical.

(A) The EA shall identify disadvantaged communities in a manner that meets or exceeds the methods of the identification tools developed by the California Environmental Protection Agency pursuant to ~~section~~ Section 39711 of the Health and Safety Code.

(2) The meeting shall be held on a day and at a time that the EA determines will enable attendance by residents, including those of affected disadvantaged communities, living in the vicinity of the facility that is the subject of the meeting.

(3) EAs ~~may~~ shall undertake additional measures to increase public notice and to encourage attendance by any persons who may be interested in the facility that is the subject of the meeting, including which may include, but not be limited to, additional posting at the facility entrance, noticing beyond ~~300 feet~~ one (1) mile if the nearest residence or business is not within ~~300 feet~~ one (1) mile of the site, posting in a local newspaper of general circulation, and multilingual notice and translation and, multiple meeting dates, times and locations.

(d) The EA may substitute a previous public meeting or hearing for the requirements in this Section pursuant to §21660.4 if the applicant does not object.

Note:

Authority cited: Sections 40502, 43020, and 43021, Public Resources Code.

Reference: Sections 43103, 43213, 44004, and 44012, Public Resources Code.

### **Article 3.2. ~~CIWMB~~CalRecycle—Other Requirements**

#### **§21695. CalRecycle—Organic Disposal Reduction Status Impact Report**

(a) Any Operators of a solid waste disposal site landfills shall submit a Status Impact Report (SIR) to CalRecycle that provides an analysis of the potential impacts to the disposal site landfill resulting from the implementation of the organic disposal reduction requirements of Public Resources Code, §42652.5.

(b) The SIR shall be prepared by a California registered civil engineer or certified engineering geologist.

(c) The SIR shall describe the potential ~~and expected~~ impacts to the disposal site landfill including the expected timing of the impacts. The analysis shall include, but not be limited to, changes to the following:

(1) site development;

(2) waste types/volumes;

(3) daily and intermediate cover and beneficial use;

(4) volumetric capacity based on the disposal site experiencing a reduction of organics waste disposal of 50% by 2020 and 75% by 2025;

(5) waste handling methods;

(6) gas control and monitoring systems;

(7) gas generation;

(8) operation and closure design (individual cells and overall site geometry);

(9) final grading plan;

(10) site life estimate;

(11) ancillary facilities;

(12) cost estimates for closure and postclosure; and,

(13) financial assurance mechanisms for closure, postclosure, and non-water corrective action requirements.

(d) The SIR shall be submitted to CalRecycle no later than ~~120~~ 180 days from the effective date of this regulation.

(e) Within 30 days of receipt of a SIR, CalRecycle shall make a determination as to the completeness of ~~an~~ the SIR ~~within 30 days of receipt~~ based on the requirements of subdivision (b) and (c). If ~~an~~ a SIR is determined to be incomplete, CalRecycle shall provide to the operator, in writing, the reasons for ~~its~~ the determination.

(f) For ~~an~~ a SIR determined to be incomplete, the operator shall ~~re~~submit a revised SIR addressing any enumerated deficiencies within 30 days of receipt of notice from CalRecycle of an incomplete SIR, ~~following an incompleteness determination.~~

(g) Within 60 days of a determination, CalRecycle shall ~~determine if an updated Joint Technical Document is necessary~~ submit its findings to the EA regarding amendments, if any, to the Joint Technical Document as a result of the SIR, ~~and direct the operator to submit to the EA~~ If amendments are required, the EA shall direct the operator to submit an updated Joint Technical Document including updated closure and postclosure maintenance plans that includes the information from the SIR.

(h) Within ~~60~~ 120 days of being directed by ~~CalRecycle~~ the EA, the operator shall submit to the EA an updated Joint Technical Document including updated closure and postclosure maintenance plans that includes the information from the SIR.

- 1 [Note:](#)
- 2 [Authority cited: Sections 40502, and 43020, Public Resources Code.](#)
- 3 [Reference: Section 43103 and 44015, Public Resources Code.](#)

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