



1           WHEREAS, the *(Name)* Department *(Name)* ("LEA") has authority to act in the capacity  
2 of enforcement agency (EA) and issue Notices and Orders for this Site pursuant to Public  
3 Resources Code (PRC) §43200 et seq. and the California Code of Regulations, Title 14, Section  
4 18304, and is so acting; and

5           WHEREAS, on *(date)* the operator submitted a notification to the LEA, signed by the  
6 property owner and operator, of their intent to operate as *(a(n) agricultural compost operation*  
7 *OR green material composting operation Or biosolids composting operation OR research*  
8 *composting operation OR chipping and grinding operation OR contaminated soil*  
9 *transfer/processing operation OR sealed container transfer operation OR limited volume*  
10 *transfer operation OR nonhazardous ash transfer/processing operation OR small volume*  
11 *construction and demolition wood debris chipping and grinding operation OR inert debris*  
12 *processing operation OR small volume construction and demolition/inert debris processing*  
13 *operation OR inert debris engineered fill operation OR emergency construction and*  
14 *demolition/inert debris processing operation OR emergency transfer/processing operation OR*  
15 *research in-vessel digestion operation OR dairy in-vessel digestion operation OR distribution*  
16 *center in-vessel digestion operation OR limited volume in-vessel digestion operation)* pursuant to  
17 14 CCR (*INSERT APPROPRIATE CODE SECTION, i.e. 17362.2, 17377.2, 17383.3, 17383.4,*  
18 *17383.7, 17383.9, 17388.3, 17403.2, 17403.3, 17403.5, 17856, 17857.1, 17859.1, 17862,*  
19 *17862.2, 17896.8, 17896.9, 17896.10, 17896.11), (attached as EXHIBIT "A"); and*

20           WHEREAS, the *(agricultural compost operation OR green material composting*  
21 *operation Or biosolids composting operation OR research composting operation OR chipping*  
22 *and grinding operation OR contaminated soil transfer/processing operation OR sealed container*  
23 *transfer operation OR limited volume transfer operation OR nonhazardous ash*  
24 *transfer/processing operation OR small volume construction and demolition wood debris*  
25 *chipping and grinding operation OR inert debris processing operation OR small volume*  
26 *construction and demolition/inert debris processing operation OR inert debris engineered fill*  
27 *operation OR emergency construction and demolition/inert debris processing operation OR*

1 *emergency transfer/processing operation OR research in-vessel digestion operation OR dairy in-*  
2 *vessel digestion operation OR distribution center in-vessel digestion operation OR limited*  
3 *volume in-vessel digestion operation ) is authorized to operate in the Enforcement Agency (EA)*  
4 *Notification Tier as long as the site is meeting the requirements in 14 CCR (INSERT CODE*  
5 *SECTION USED ABOVE)<sup>[KD6]</sup> FOR TYPE OF OPERATION) requiring (state specifics of the*  
6 *requirements to qualify for the EA Notification)(example: for a green material composting*  
7 *operation, 14 CCR 17857.1- may have no more than 12,500 cubic yards of feedstock, chipped*  
8 *and ground material, amendments, additives, active compost, and stabilized compost onsite at*  
9 *any one time); and*

10 **(Optional) ILLEGAL SWF or Disposal Site Sections**

11 **(Optional)<sup>[KD7]</sup>** WHEREAS, if the site operates outside of the limitations of the  
12 applicable EA Notification Tier, it is an illegal solid waste facility operating without a Solid  
13 Waste Facility Permit (“SWFP”). The LEA has authority under PRC Section 44002 to  
14 immediately issue a cease and desist order to cease operating until the operator applies for and is  
15 issued the applicable SWFP from the LEA; and

16 WHEREAS, the (*agricultural compost operation OR green material composting*  
17 *operation OR biosolids composting operation OR research composting operation OR chipping*  
18 *and grinding operation OR contaminated soil transfer/processing operation OR sealed*  
19 *contained transfer operation OR limited volume transfer operation OR nonhazardous ash*  
20 *transfer/processing operation OR small volume construction and demolition wood debris*  
21 *chipping and grinding operation OR inert debris processing operation OR small volume*  
22 *construction and demolition/inert debris processing operation OR inert debris engineered fill*  
23 *operation OR emergency construction and demolition/inert debris processing operation OR*  
24 *emergency transfer/processing operation) OR research in-vessel digestion operation OR dairy*  
25 *in-vessel digestion operation OR distribution center in-vessel digestion operation OR limited*  
26 *volume in-vessel digestion operation) must meet the requirements of (INSERT PER GUIDANCE*  
27

1 **THE LIST OF STANDARDS THAT APPLY TO THE SPECIFIC EA NOTIFICATION**

2 **OPERATION** [KD8]

3 **(Optional)** [KD9] WHEREAS, *(name of owner and/or operator), owner/operator,* is  
4 operating a solid waste facility OR disposal site on said property without obtaining a Solid Waste  
5 Facility Permit. ("SWFP"), in violation of PRC §44002 [KD10], due to the following facts (include  
6 all paragraphs that apply):

- 7 1) The operator is accepting *(type of waste)* [KD11] which is not authorized under  
8 the EA Notification Tier, 14 CCR XXX *(Insert code section used above)* [KD12]
- 9 2) The operator is accepting *(amount of waste)* [KD13] which is not authorized  
10 under an EA Notification Tier, 14 CCR XXX *(Insert code section used*  
11 *above)* [KD14]
- 12 3) The operator has not applied and/or received a SWFP to conduct operations as  
13 described in 1 and 2 above.
- 14 4) The operator has stored a *(type of material)* for *(timeframe)*; exceeding the  
15 timeframes for storage, hence, the material is deemed disposal pursuant to 14  
16 CCR XXX . *(Insert correct section, examples are 14 CCR 17852(a)(15) [KD15] or*  
17 *14 CCR 17381.1 [KD16], etc)*
- 18 5) (other)

19 **(Optional)** [KD17] WHEREAS, based on the facts described above, the operator is  
20 operating a *(list the type of facility and tier; i.e. a large volume transfer station, illegal disposal*  
21 *site)* without the appropriate SWFP thus requiring the LEA to issue an immediate cease and  
22 desist order pursuant to PRC Section 44002;

23 **(Optional)** [KD18] WHEREAS, this Site is in violation of PRC §44002 [KD19], which  
24 requires the LEA to issue a Cease and Desist for operating a solid waste facility without a  
25 SWFP;

26 WHEREAS, the LEA notified *(name of owner and/or operator), owner/operator,* that the  
27 Site is in violation of *(PRC and/or regulation(s) adopted pursuant to the PRC and/or an order*

1 [KD20] issued under the PRC) in (state inspection reports and/or a Notice and Order incl. # of  
2 order) (Attached as Exhibit “B”) as follows:

3 1. List Inspection report dates, correspondence dates, and/or order, order # and  
4 date issued. The LEA inspected the site and completed an inspection report on the  
5 following dates: XXXDATES. The LEA sent correspondence on the following  
6 dates: XXXDATES. The LEA issued a Notice and Order, # of NAO, on DATE.

7 2. During the above inspections, in the correspondence sent, and in the Notice and  
8 Order, (name of owner and/or operator), owner/operator, was noticed that the  
9 (amount) of (type) material that remained onsite for more than (number)  
10 (days/months) constitutes unlawful disposal pursuant to PRC 44002 [KD21] and (Insert  
11 correct section, examples are [14 CCR 17852(a)(15) [KD22] or [14 CCR 17381.1 [KD23],  
12 etc) OR (name of owner and/or operator), owner/operator, was noticed that the  
13 site was in violation of insert correct section (any other standard not related to  
14 unauthorized materials or over storage time limits, examples are 14 CCR  
15 17867(a)(5) Unauthorized Access, 14 CCR Odor Impact Minimization Plan, etc.).

16 3. The LEA requested that the owner and/or operator do the following [KD24]:

- 17 a. The owner and/or operator was noticed that a plan must be submitted to the  
18 LEA on the removal of all (type) material onsite to a facility authorized to  
19 receive the material by DATE.
- 20 b. The owner and/or operator was noticed that the submitted plan must be  
21 approved by the LEA prior to removal of all (type) material onsite to a  
22 facility authorized to receive the material by DATE.
- 23 c. The owner and/or operator was noticed that all (type) material onsite must  
24 be removed to a facility authorized to receive the material by DATE.
- 25 d. The owner and/or operator was noticed that proof (receipts or other  
26 documentation from an authorized facility) for the removal of all (type)  
27 material onsite must be submitted to the LEA by DATE.

1 e. The owner and/or operator must provide photo documentation to the LEA  
2 once all (*type*) material has been removed by DATE.

3 4.

4 WHEREAS, consistent with PRC 45010.2 the LEA met with (*name of owner and/or*  
5 *operator*) on (*date*), to review the applicable requirements and to determine what actions, if any,  
6 that the owner (and/or operator<sub>[KD25]</sub>) may voluntarily take to bring the Site into compliance by  
7 the earliest feasible date, **DATE**<sub>[KD26]</sub>, and

8 WHEREAS, PRC 40194 states that a solid waste facility includes a solid waste transfer  
9 or processing station, a composting facility, a gasification facility, a transformation facility, an  
10 EMSW conversion facility and a disposal facility and pursuant to PRC §45000<sub>[KD27]</sub> et seq the  
11 LEA may issue an order requiring that the owner and/or operator of (*a/an agricultural compost*  
12 *operation OR green material composting operation or biosolids composting operation OR*  
13 *research composting operation OR chipping and grinding operation OR contaminated soil*  
14 *transfer/processing operation OR sealed container transfer operation OR limited volume*  
15 *transfer operation OR nonhazardous ash transfer/processing operation OR small volume*  
16 *construction and demolition wood debris chipping and grinding operation OR inert debris*  
17 *processing operation OR small construction and demolition/inert debris processing operation*  
18 *OR inert debris engineered fill operation OR research in-vessel digestion operation OR dairy in-*  
19 *vessel digestion operation OR distribution center in-vessel digestion operation OR limited*  
20 *volume in-vessel digestion operation*) take corrective action as necessary to abate a nuisance or  
21 to protect human health and safety or the environment; and

22  
23 **THEREFORE, PURSUANT TO PRC SECTIONS 40194, 44000.5, 45000, 45011<sub>[KD28]</sub>,**  
24 **44002, 45005, AND 45023, CALIFORNIA CODE OF REGULATIONS, TITLE 14, (§§18304,**  
25 **18304.1), (*name of owner and/or operator*) IS ORDERED<sub>[KD29]</sub> TO:**

26 1) Comply with (*PRC, Standards, SMS Violations – list individually and reference specific section*  
27 *numbers*) by **DATE**

- 1 2) **Submit incoming tonnage records**
- 2 3) *(Optional if illegal disposal or illegal SWF)* Cease and desist the acceptance (and disposal if
- 3 applicable) of *(type)* material **immediately**.
- 4 4) *(Optional if Storage timeframes are exceeded)* Submit a plan to remove all material collected
- 5 onsite to a facility authorized to receive the material to the LEA by **DATE**
- 6 5) *(Optional if Storage timeframes are exceeded )* Obtain LEA's written approval of a plan to
- 7 remove all material collected onsite to a facility authorized to receive the material by **DATE**
- 8 6) Remove any and all *(type)* material collected onsite to a facility authorized to received the
- 9 material by **DATE**
- 10 7) *(Optional if Storage timeframes are exceeded)* Submit the proof (receipts or other
- 11 documentation from an authorized facility) of proper disposal to the LEA on a **weekly basis** and
- 12 photo documentation, once all *(type)* material has been removed, to the LEA at: *(name of staff)*,
- 13 *(Jurisdiction)* County OR City Department of *(Name)*, *(Address)* or by email at *(email*
- 14 *address)*.

15

16 **PLEASE TAKE NOTICE THAT PURSUANT TO PRC SECTIONS 45010.1, 45011,**

17 **45014, AND 45023,** if the above actions are not completed or complied with by the specified dates,

18 the LEA may:

- 19 1. Impose administrative civil penalties in an amount not to exceed \$5,000 for each
- 20 violation, for each day the violation continues. [PRC §45010.1]
- 21 2. Impose administrative civil penalties in an amount not to exceed \$5,000 per day for each
- 22 day the Site fails to achieve compliance with the time frames specified above. [PRC
- 23 §45011]
- 24 3. Petition the superior court for injunctive relief to enforce this Notice and Order. [PRC
- 25 §45014].
- 26 4. Petition the superior court for civil penalties in an amount not to exceed \$10,000 per day
- 27 for each violation. [PRC §§45023 and 45024]

1 In the event the owner and/or operator cannot complete the above specified activities within  
2 the specified time frames due to adverse weather or other factors beyond the control of the owner  
3 and/or operator, then the LEA may extend the time frames based upon those specific factors  
4 provided by the owner and/or operator in writing. Any such extension to the time frames or other  
5 amendment to this Notice and Order shall be in the form of an Amended Notice and Order.

6 Failure to remedy the aforementioned violation(s) by the required date(s) may result in  
7 the LEA and/or CalRecycle expending available funds to perform any cleanup, abatement, or  
8 remedial work required under the circumstances set forth in PRC §45000[KD30]. If the LEA  
9 and/or CalRecycle expend(s) funds to perform any cleanup, abatement, or remedial work, the  
10 LEA and/or CalRecycle may seek cost reimbursement from responsible parties, pursuant to PRC  
11 §48020 et seq. [KD31]

12 Failure to allow or provide the LEA, CalRecycle or contractors for the LEA or  
13 CalRecycle with access to enter onto the property and perform all necessary cleanup, abatement,  
14 or remedial work may result in the LEA pursuing a warrant from the court to permit reasonable  
15 access to the property to perform the activity(ies), pursuant to PRC §44100[KD32].

16 Nothing in this Notice and Order shall constitute or be construed as a satisfaction or  
17 release from liability for any conditions or claims arising as a result of past, current, or future  
18 operations. Notwithstanding compliance with the terms of this Notice and Order, the owner  
19 and/or operator may be required to take further actions as necessary to protect the public health,  
20 safety, or the environment.

21 The LEA and/or CalRecycle shall not be liable for injuries or damages to persons or  
22 property resulting from acts or omissions by the owner and/or operator or related parties in  
23 carrying out activities pursuant to this Notice and Order, nor shall the LEA and/or CalRecycle be  
24 held as a party to any contract entered into by the owner and/or operator or their agent(s) in  
25 carrying out activities pursuant to this Notice and Order.

26 This Notice and Order is supported by the declaration of *(name of declarant and title)*.

27 This Notice and Order does not relieve the owner and/or operator from complying with



1 other local, state, and federal requirements, nor does it preclude the LEA or CalRecycle from  
2 taking any and all other actions allowed by law.

3 This Notice and Order may only be amended in writing by an appropriate representative  
4 of the LEA.

5  
6 **PLEASE TAKE NOTICE THAT:**

- 7 1. You have the right to appeal this Notice and Order to the Hearing Panel. [PRC  
8 §44307]
- 9 2. If you wish to appeal this Notice and Order to the Hearing Panel, you must do so by  
10 submitting a written request for a hearing to the undersigned, together with a  
11 statement of issues on which your appeal is based, within 15 days from the date you  
12 receive this Notice and Order. [PRC §44310]
- 13 3. An appeal of this Notice and Order does not stay the effect of any provision of this  
14 Notice and Order; however, you may petition the Director of CalRecycle, in writing,  
15 to stay the effect of this Notice and Order, or portion thereof, pending the completion  
16 of your administrative appeals. [PRC §45017]

17  
18 This Notice and Order is issued as of the date set forth below.

19  
20  
21 Dated: \_\_\_\_\_

22  
23 *Signature*

24 \_\_\_\_\_  
25 (*Name*), Director

26 Acting as the Local Enforcement Agency for the County OR City of (*Jurisdiction*)

27 (*Name*) Environmental Health  
(*Address*)

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3 **DECLARATION IN SUPPORT OF NOTICE AND ORDER**  
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5 I (name of declarant), declare as follows:

- 6 1. I am currently employed as an Title by the (*Name*) County OR City Department of  
7 (*Jurisdiction*), (*Address*), a position I have held for \_\_\_\_ years. Pursuant to Public  
8 Resources Code (PRC), Section 43205(b), (*Name*) County OR City Department of  
9 (*Jurisdiction*), is the enforcement agency (EA) for (name of jurisdiction). My duties  
10 at (*Name*) County OR City Department of (*Jurisdiction*)include inspecting solid  
11 waste facilities and disposal sites in (name of jurisdiction) to determine their  
12 compliance with the Integrated Waste Management Act (PRC Section 40000 et  
13 seq.)(the Act) and CalRecycle regulations issued pursuant to the Act.
- 14 2. I have personal knowledge that the Site is in violation of the Act, PRC, and  
15 CalRecycle regulations through visual observations of the Site during inspection(s)  
16 (include date of inspection(s)), and reviewing Facility/Site records onsite,  
17 correspondence sent to the owner and/or operator, etc. as described in this Notice and  
18 Order.

19 I declare under penalty of perjury that the foregoing is true and correct.

20  
21 DATED: \_\_\_\_\_

22  
23 *Signature*

24 \_\_\_\_\_  
25 (*Name*),(*Title*)

26 Acting as the Local Enforcement Agency for the (*Name*) County OR City Department of  
27 (*Jurisdiction*)

1  
2 **The Following Guidance To Be Removed Prior To Issuance-**

3  **Section 17362.2. Contaminated Soil Transfer/Processing Operations.**

4 All contaminated soil transfer/processing operations, except as otherwise provided in this Article, shall comply with the Enforcement Agency Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California Code of Regulations (commencing at section 18103). These operations shall be inspected by the enforcement agency at least once quarterly.

5  **Section 17377.2. Nonhazardous Ash Transfer/Processing Operations.**

6 (a) All operators of nonhazardous ash transfer/processing operations, except as otherwise provided in this Article, shall comply with the Enforcement Agency Notification requirements set forth in the California Code of Regulations, Title 14, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18103).

7  **Section 17383.3. Small Volume C&D Wood Debris Chipping and Grinding Operations** (less than 200 tons per day)

8  **Section 17383.4. Small Volume Construction and Demolition/Inert Debris Processing Operations.**

9 (less than 25 tons per day) All small volume CDI debris processing operations shall comply with the EA Notification requirements set forth in CCR, Title 14, Division 7, Chapter 5.0, Article 3.0, commencing at section 18100. These operations shall be inspected quarterly by the EA to verify compliance with minimum standards. To the greatest extent possible, all inspections shall be unannounced and shall be conducted at irregular intervals. The operator shall specify the operation's boundary area in the operating record.

10  **Section 17383.7. Inert Debris Type A Processing Operations.**

11 (less than 1500 tons per day) All inert debris Type A processing operations subject to this Article shall comply with the EA Notification requirements set forth in CCR, Title 14, Division 7, Chapter 5.0, Article 3.0 and commencing with section 18100.

12  **Section 17383.9. Emergency Construction and Demolition/Inert Debris Processing Operations.**

13 (a) All emergency CDI debris processing operations shall comply with the EA Notification requirements set forth in CCR, Title 14, Division 7, Chapter 5.0, Article 3.0, section 18100 et. seq. Such operations may occur at locations which are not permitted solid waste facilities. These operations shall be inspected by the EA as necessary to verify compliance with minimum standards, but in no case less than monthly. To the greatest extent possible, all inspections shall be unannounced and shall be conducted at irregular intervals. The operator shall specify the operation's boundary area in the operating record.

14  **Section 17388.3. Inert Debris Engineered Fill Operations.**

15 Inert debris engineered fill operations shall submit EA Notifications, as set forth in CCR, Title 14, section 18100 et seq. and shall comply with all applicable RWQCB waste discharge requirements.

16  **Section 17403.2. Sealed Container Transfer Operations.**

17 All sealed container transfer operations subject to this Article shall comply with the Enforcement Agency Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of California Code of Regulations (commencing with section 18100). These operations shall be inspected by the EA, as necessary to verify compliance with minimum standards. Inspections shall be conducted quarterly, unless the EA determines a lesser frequency is necessary, but in no case shall the frequency be less than annual. The operator shall specify the operation's boundary area in the operating record.

18  **Section 17403.3. Limited Volume Transfer Operations.**

19 All limited volume transfer operations subject to this Article shall comply with the Enforcement Agency Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California Code of Regulations (commencing with section 18100). These operations shall be inspected by the EA as necessary to verify compliance with minimum standards. Inspections shall be conducted quarterly, unless the EA determines a lesser frequency is necessary, but in no case shall the frequency be less than annual. The operator shall specify the operation's boundary area in the operating record.

20  **Section 17403.5. Emergency Transfer/Processing Operations.**

21 (a) All emergency transfer/processing operations shall comply with the Enforcement Agency Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California Code of Regulations (commencing with section 18100). These operations shall be inspected by the EA as necessary to verify compliance with minimum standards, but in no case shall the frequency be less than monthly. The operator shall specify the operation's boundary area in the operating record.

22  **Section 17856. Agricultural Material Composting Operations.**

23 (a) All agricultural material composting operations and chipping and grinding operations shall comply with the Enforcement Agency Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 (commencing with Section 18100) of the California Code of Regulations, except as otherwise provided by this Chapter. Agricultural Compostable Materials Handling Operations shall only be subject to the requirements of section 17863.4 if the EA makes a written determination that the operation has violated the requirements for odor impacts of section 17867.

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- Section 17857.1. Green Material Composting Operations.**  
(a) A green material composting operation that has up to 12,500 cubic yards of feedstock, compost, or chipped and ground material on-site at any one time shall comply with the EA Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 (commencing with Section 18100) of the California Code of Regulations.
- Section 17859.1. Biosolids Composting at POTWs.**  
(a) Except as provided in section 17855(a)(5)(B), the composting of biosolids on-site at a Publicly Operated Treatment Works (POTW) shall comply with the EA Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 (commencing with Section 18100) of the California Code of Regulations
- Section 17862. Research Composting Operations.**  
(a) An operator conducting research composting operations shall not have more than 5,000 cubic-yards of feedstock, additives, amendments, chipped and ground material, and compost on-site at any one time, and shall comply with the EA Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 (commencing with Section 18100) of the California Code of Regulations, except as otherwise provided by this Chapter.
- Section 17862.1. Chipping and Grinding Operations.**  
(a) A chipping and grinding operation that receives up to 200 tons per day of material that may be handled by a green material composting operation shall comply with the EA Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 (commencing with Section 18100) of the California Code of Regulations, except as otherwise provided by this Chapter.
- Section 17896.8. Research In-Vessel Digestion Operations.**  
(a) An operator conducting research in-vessel digestion operations shall comply with the EA Notification requirements set forth in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18100), except as otherwise provided by this Chapter.
- Section 17896.9. Dairy In-Vessel Digestion Operations.**  
(a) All dairy in-vessel digestion operations shall comply with the EA Notification requirements set forth in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18100).
- Section 17896.10. Distribution Center In-Vessel Digestion Operations.**  
(a) All distribution center in-vessel digestion operations shall comply with the EA Notification requirements set forth in Title 14, California Code of Regulations, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18100).
- Section 17896.11. Limited Volume In-Vessel Digestion Operations.**  
(a) All limited volume in-vessel digestion operations shall comply with the Enforcement Agency Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California Code of Regulations (commencing with section 18100).