



DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

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To: Local Community Development Departments and Planning Divisions

Re: Recycling Requirement in California--Adequate Space for Recyclables

We are writing to inform you of the *California Solid Waste Reuse and Recycling Access Act* (Chapter 18 (commencing with Section 42900) to Part 3 of Division 30 of the Public Resources Code) that requires:

Local agencies to adopt the model, or an ordinance, governing adequate areas for collection and loading of recyclable material in projects for which a building permit is required or any new or improved public facility where solid waste is collected and loaded.

The *California Code of Regulations*, Title 24, Part 11 (CALGreen, Section 5.410.1), also requires:

[Newly constructed buildings and certain additions to provide] readily accessible areas that serve the entire building and are identified for the depositing, storage and collection of non-hazardous materials for recycling, including (at minimum) paper, corrugated cardboard, glass, plastics, organic waste, and metals or meet a lawfully enacted local recycling ordinance, if more restrictive.

As a planner you may not be aware of these requirements and your role in ensuring that they are being implemented. Providing for adequate space for recyclables and organics recycling is critical. This is due to the fact that cities and counties are required to implement the Mandatory Commercial Recycling law (PRC 42649) and Mandatory Commercial Recycling Organics law (PRC 42649.8). These laws require cities and counties to provide commercial recycling programs for recyclables and organics for regulated businesses and multifamily complexes. Not ensuring that enclosures in new buildings have adequate space can be a direct impediment to implementing the commercial recycling laws. Jurisdictions found not to be implementing these laws are subject to fines of up to \$10,000/day.

Copy of the *California Solid Waste Reuse and Recycling Access Act* can be found at: <http://www.calrecycle.ca.gov/Laws/>. More information on CALGreen is available at: <http://www.bsc.ca.gov/Home/CALGreen.aspx>.

To help building applicants design trash and recycling enclosures to City/County standards while meeting accessibility and recycling requirements, fire codes, and ensure sufficient capacity for the proposed development, documents such as City of Cupertino's [Guidelines for Non-Residential Building Trash and Recycling Enclosures](#) and City of Fremont's [Waste Handling Guidelines](#) are useful.

Below are several examples of CALGreen checklists used by planners.

The first two include all the mandatory requirements in CALGreen, such as Recycling by Occupants, 50% minimum recycling, etc. Noted at the end of each bullet is the page where "Recycling by Occupants" is mentioned.



- City of San Jose: <https://www.sanjoseca.gov/DocumentCenter/View/31748> (middle of page 2)
- City of San Carlos: <http://www.cityofsancarlos.org/civicax/filebank/blobdload.aspx?blobid=10915> (bottom of page 2)

City of Santa Cruz uses a Green Building Checklist. CALGreen requirements are reflected on the checklist as mandatory (M). Other measures are included for those who want to go above and beyond the minimum requirements.

- City of Santa Cruz: <http://www.cityofsantacruz.com/home/showdocument?id=47779> (section D, M3)

Monterey County's Planning Department uses the attached checklist to ensure the enclosures are included with other planning requirements.

- Monterey County: Attached. (Bottom of page 3 and part of the Landscape Plan)

CalRecycle (formerly known as the California Integrated Waste Management Board) developed a [Recycling Space Allocation Guide](#) that includes guidance and sample provisions of several ordinances. There are also examples of how agencies have dealt with planning for adequate recycling space. For example, some local governments have found that requiring land use applicants to develop and submit a recycling and solid waste plan including a pre-construction, construction, and operational phase of each project to be beneficial in achieving compliance with these State recycling requirements.

If you would like to discuss this guidance, please contact your City's or County's Recycling Coordinator (<http://www.calrecycle.ca.gov/LGCentral/Reports/Contacts.aspx>) or CalRecycle Local Assistance and Market Development liaison at LAMD@calrecycle.ca.gov or (916) 341-6199 to discuss these requirements.

Sincerely,

Cara Morgan, Branch Chief
Local Assistance and Market Development
CalRecycle