



Short-lived Climate Pollutants (SLCP): Organic Waste Reductions

Proposed Regulation Text Second Formal Draft

The following denotes proposed text:

~~Strikethrough~~ = deletions of existing text

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**TITLE 14: NATURAL RESOURCES
DIVISION 7. DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY**

Chapter 12: Short-lived Climate Pollutants

General Provisions

Section 18981. 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; and,

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

Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

Section 18981. 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 one or more of the following:

(1) Contracts with haulers or other private entities; or,

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

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

(d) Nothing in this chapter authorizes a jurisdiction to delegate its authority to impose civil penalties, or to maintain an action to impose civil penalties, to a private entity.

1 ~~(e)~~ If a jurisdiction designates another entity as allowed in subdivision (b) of this
2 section, the jurisdiction shall include copies of all agreements and contracts in the
3 Implementation Record Required by Section 18995.2 of this chapter.
4

5
6 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.
7

8 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654,
9 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;
10 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.
11

12 Article 1. Definitions

13 Section 18982. Definitions

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

15 (1) "Activities that constitute landfill disposal" are activities described in subdivision
16 (a) of Section 18983.1.

17 (2) "Alternative daily cover (ADC)" has the same meaning as in Section 20690 of Title
18 27 of the California Code of Regulations (CCR).

19 (3) "Alternative intermediate cover (AIC)" has the same meaning as in Section 20700
20 of Title 27 of the California Code of Regulations

21 **(3.5) "Biomass conversion" has the same meaning as in Public Resources**
22 **Code 40106.**

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

24 (5) "Blue container" means a container where the lid of the container is entirely blue
25 in color. Hardware such as hinges and wheels on a blue container may be a different
26 color.
27

28 **(5.5) "Brown container" means a container where the lid of the container is**
29 **entirely brown in color. Hardware such as hinges and wheels on a brown**
30 **container may be a different color.**

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

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

36 (7) "Commercial edible food generator" includes a Tier One or a Tier Two
37 commercial edible food generator as defined in subdivisions (a)(73) and (a)(74) of
38 this section.

39 (8) "Community composting" means any activity that composts green material,
40 agricultural material, food material, and vegetative food material, alone or in
41 combination, and the total amount of feedstock and compost on-site at any one time
42 does not exceed 100 cubic yards and 750 square feet, as specified in Section
43 17855(a)(4).

44 (9) "Compliance Review" means a review of records by a jurisdiction or the
45 Department to determine compliance with subscribing to an organic waste collection
46 service as required by this chapter

1 (10) "Compost" has the same meaning as in Section 17896.2(a)(4) of this division.

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

3 (12) "Compostable material handling operation" or "facility" has the same meaning
4 as in Section 17852(a)(12).

5 (13) "Consumer" has the same meaning as in Section 113757 of the Health and
6 Safety Code.

7 (14) "Container contamination" or "contaminated container" means a container,
8 regardless of color, that contains prohibited container contaminants as defined in
9 subdivision (a)(55) of this section.

10 **(14.5) "Designated Source Separated Organic Waste Facility" means a solid**
11 **waste facility that accepts a source separated organic waste collection stream**
12 **as defined in section 17402(a)(18.6) and complies with one of the following:**

13 **(A) The facility is a "transfer/processor," as defined in Section 18815.2(a)(62),**
14 **that is in compliance with the reporting requirements of Section 18815.5(e) of**
15 **this division, and meets or exceeds an annual average source separated**
16 **organic content recovery rate of 50 percent between January 1, 2022 and**
17 **December 31st 2024 or 75 percent on and after January 1, 2025 as calculated**
18 **pursuant to Section 18815.5(e) of this division for organic waste received**
19 **from the source separated organic waste collection stream.**

20 **1. If a transfer/processor has an annual average source separated organic**
21 **content recovery rate lower than the rate required in Paragraph (A) of this**
22 **section for two (2) consecutive reporting periods, or three (3) reporting**
23 **periods within three (3) years, the facility shall not qualify as a**
24 **"Designated Source Separated Organic Waste Facility."**

25 **(B) The facility is a "Composting operation" or "composting facility" as**
26 **defined in Section 18815.2(a)(13) of this division that has less than 10**
27 **percent organic waste contained in materials sent to disposal as reported**
28 **pursuant to Section 18815.7 of this division and complies with the digestate**
29 **handling requirements specified in Section 17896.57 of this division if**
30 **applicable.**

31 **1. If the Compostable Material Handling Operation or Facility has more**
32 **than 10 percent organic waste contained in the materials sent to disposal**
33 **for two (2) consecutive reporting periods, or three (3) reporting periods**
34 **within three (3) years, the facility shall not qualify as a "Designated**
35 **Source Separated Organic Waste Facility."**

36 (15) "Designee" means an entity that a jurisdiction contracts with or otherwise
37 arranges to carry out any responsibilities of this chapter, as authorized in Section
38 18981. 2 of this chapter. A designee may be a government entity, a hauler, a private
39 entity, or a combination of those entities.

40 (16) "Diesel gallon equivalent" means the amount of renewable gas transportation
41 fuel that has the equivalent energy content of one gallon of conventional diesel.

42 **(16.5) "Digestate" means the solid and/or liquid residual material remaining**
43 **after organic material has been processed in an in-vessel digester.**

44 (17) "Direct service provider" means a provider that contracts with a jurisdiction to
45 provide services.

1 (18) “Edible food” means ~~unsold or unserved~~ **food intended for human**
2 **consumption that is fit to be consumed.** ~~that is fit for human consumption, even~~
3 ~~though the food may not be readily marketable due to appearance, age, freshness,~~
4 ~~grade, size, surplus, or other conditions.~~

5 (A) For the purposes of ~~these regulations~~**this chapter**, “edible food” is not solid
6 waste if it is recovered and not discarded.

7 (B) **Nothing in this chapter requires or authorizes the recovery of edible**
8 **food -that does not meet the food safety requirements of the California**
9 **Retail -Food Code.**

10 (19) “Enforcement action” means an action of a jurisdiction or the Department to
11 ensure compliance with this chapter, including, but not limited to, issuing notices of
12 violation, accusations, or other remedies.

13 (20) “Facility that recovers source separated organic waste” means a facility that
14 handles source separated organic waste separately from any other wastes as
15 required in Section 17409.5.5 of this ~~d~~Division.

16 (21) “Food” has the same meaning as in Section 113781 of the Health and Safety
17 Code.

18 (22) **“Food Distributor” means a company that distributes food to entities**
19 **including, but not limited to, supermarkets and grocery stores.**

20 ~~(22) “Food employee” has the same meaning as in Section 113788 of the Health~~
21 ~~and Safety Code.~~

22 (23) “Food facility” has the same meaning as in Section 113789 of the Health and
23 Safety Code.

24 (24) “Food recovery” means actions to collect and distribute food for human
25 consumption which otherwise would be disposed.

26 (25) “Food recovery organization” means an entity that ~~primarily~~ engages in the
27 collection or receipt of edible food from **commercial** edible food generators and
28 distributes that edible food to the public for consumption **through entities**; including,
29 but not limited to:

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

31 (B) A nonprofit charitable organization as defined in Section 113841 of the Health
32 and Safety code; and,

33 (C) A nonprofit charitable temporary food facility as defined in Section 113842 of
34 the Health and Safety Code.

35 (26) “Food recovery service means a person or entity that collects and transports
36 edible food from an edible food generator to a food recovery organization or other
37 entities for food recovery.

38 (27) “Food service ~~provider-distributor~~” means an entity primarily engaged in
39 providing food services to institutional, governmental, commercial, or industrial
40 locations of others based on contractual arrangements with these types of
41 organizations.

42 (27.5) **“Fluorinated greenhouse gas” or “fluorinated GHG” means sulfur**
43 **hexafluoride (SF₆), nitrogen trifluoride (NF₃), and any fluorocarbon except for**
44 **controlled substances as defined at 40 CFR Part 82, subpart A, (May 1995),**
45 **which is hereby incorporated by reference, and substances with vapor**

1 pressures of less than 1 mm of Hg absolute at 25 °C. With these exceptions,
2 “fluorinated GHG” includes any hydrofluorocarbon, any perfluorocarbon, any
3 fully fluorinated linear, branched or cyclic alkane, ether, tertiary amine or
4 aminoether, any perfluoropolyether, and any hydrofluoropolyether.

5 (27.6) “Global warming potential” means the ratio of the time-integrated
6 radiative forcing from the instantaneous release of one kilogram of a trace
7 substance relative to that of one kilogram of a reference gas (i.e., CO₂). The
8 GWP values are as specified in the Table A-1 to Subpart A of Title 40 Code of
9 Federal Regulations Part 98 as published to the CFR on 12/11/2014, which is
10 hereby incorporated by reference.

11 (28) “Gray container” means a container where the lid of the container is entirely a
12 shade of gray or black in color. Hardware such as hinges and wheels on a green
13 container may be a different color.

14 (28.5) “Gray container collection stream” has the same meaning as defined in
15 Section 17402

16 (29) “Green container” means a container where the lid of the container is entirely
17 green in color. Hardware such as hinges and wheels on a green container may be a
18 different color.

19 (29.5) “Greenhouse gas” means carbon dioxide (CO₂), methane (CH₄), nitrous
20 oxide (N₂O), sulfur hexafluoride (SF₆), hydrofluorocarbons (HFC),
21 perfluorocarbons (PFC), and other fluorinated greenhouse gases as defined in
22 this section.

23 (29.6) “Greenhouse gas emission reduction” or “greenhouse gas reduction”
24 means a calculated decrease in greenhouse gas emissions relative to a project
25 baseline over a specified period of time.

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

31
32 (30.5) “Hazardous wood waste” means wood that is subject to regulation under
33 Division 20, Chapter 6.5 of the Health and Safety Code and associated
34 regulations, including “Treated wood” and “Treated Wood Waste” as defined in
35 Section 67386.4 of Title 22 of the California Code of Regulations.,

36 (31) “Hauler” has the same meaning as in Section 18815.2 (a)(32).

37 (32) “Health facility” has the same meaning as in Section 1250 of the Health and
38 Safety Code.

39 (33) “High diversion organic waste processing facility” means a facility that is in
40 compliance with the reporting requirements of Section 18815.5(d) of this division and
41 meets or exceeds an annual average mixed waste organic content recovery rate of
42 50 percent between January 1, 2022 and December 31, 2024, and 75 percent after
43 January 1, 2025 as calculated pursuant to Section 18815.5(e) of this division for
44 organic waste received from the “Mixed Waste Organic Waste Collection Stream” as
45 defined in Section 17402 (a)(11.5) of this division.

1 (34) “Hotel” has the same meaning as in Section 17210 of the Business and
2 Professions code.

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

7 (36) “Jurisdiction” means a city or county, or a city and county or a special district that
8 provides solid waste **handling-collection** services. A city or county, or a city and
9 county, **or a special district** may utilize a Joint Powers Authority to comply with the
10 requirements of this chapter, except that the individual city, county, or city and county
11 shall remain ultimately responsible for compliance.

12 (37) “Jurisdiction of residence” means the jurisdiction where a generator who is a
13 self-hauler generated organic waste.

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

20 (39) “Large venue” means a permanent venue facility that annually seats or serves
21 an average of more than 2,000 individuals within the grounds of the facility per day of
22 operation of the venue facility. For purposes of this chapter, a venue facility includes,
23 but is not limited to, a public, nonprofit, or privately owned or operated stadium,
24 amphitheater, arena, hall, amusement park, conference or civic center, zoo,
25 aquarium, airport, racetrack, horse track, performing arts center, fairground, museum,
26 theater, or other public attraction facility. For purposes of this chapter, a site under
27 common ownership or control that includes more than one large venue that is
28 contiguous with other large venues in the site, is a single large venue.

29 **(39.5) “Lifecycle greenhouse gas emissions” or “Lifecycle GHG emissions”**
30 **means the aggregate quantity of greenhouse gas emissions (including direct**
31 **emissions and significant indirect emissions), related to the full lifecycle of the**
32 **technology or process that an applicant wishes to have assessed as a possible**
33 **means to reduce landfill disposal of organic waste. The lifecycle analysis of**
34 **emissions includes all stages of organic waste processing and distribution,**
35 **including collection from a diversion location, waste processing, delivery, use**
36 **of any finished material by the ultimate consumer, ultimate use of any**
37 **processing materials. The mass values for all greenhouse gases shall be**
38 **adjusted to account for their relative global warming potential.**

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

42 (41) “Non-compostable paper” includes but is not limited to paper that is coated in a
43 plastic material that will not breakdown in the composting process.

44 (42) “Non-local entity” means an entity that is an organic waste generator but is not
45 subject to the control of a jurisdiction’s regulations related to solid waste. These
46 entities may include, but are not limited to, special districts, federal facilities, prisons,

1 facilities operated by the state parks system, public universities **including**
2 **community colleges**, and state agencies.

3 (43) “Non-organic recyclables” means non-putrescible and non-hazardous recyclable
4 wastes including but not limited to bottles, cans, metals, plastics, and glass.

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

7 (45) “Notice of Violation (NOV)” means a notice that a violation has occurred that
8 includes a compliance date to avoid an action to seek penalties.

9 (46) “Organic waste” means solid wastes containing material originated from living
10 organisms and their metabolic waste products, including but not limited to food, green
11 material, landscape and pruning waste, organic textiles and carpets, lumber, wood,
12 paper products, printing and writing paper, manure, biosolids, digestate, and sludges.

13 (47) “Organic waste disposal reduction target” is the statewide target to reduce the
14 disposal of organic waste by 50 percent by 2020 and 75 percent by 2025, based on
15 the 2014 organic waste disposal baseline, set forth in Section 39730.6 of the Health
16 and Safety Code.

17 (48) “Organic waste generator” means a person or entity that is responsible for the
18 initial creation of organic waste.

19 (49) “Organic waste recovery activities” or “recovery” means any activity or process
20 described in Section 18983.1(b).

21 (50) “Organic Waste Recovery Noncompliance Inventory” means a list of entities that
22 have uncorrected violations of the organics waste state standards contained in this
23 chapter.

24 (51) “Paper products” include, but are not limited to, paper janitorial supplies, cartons,
25 wrapping, packaging, file folders, and hanging files, ~~building insulation and panels,~~
26 corrugated boxes, tissue, and toweling.

27 (52) Paper purchase” means all purchases by a jurisdiction of items in the following
28 categories:

29 (A) Paper products.

30 (B) Printing and writing papers.

31 **(52.5) “Performance-based source separated collection service” means a solid**
32 **waste collection service that meets the requirements of Section 18998.1(a).**

33 ~~(52.5)~~ **(52.6) “Permanent” means, in the context of the determination of processes or**
34 **technologies that constitute a reduction in landfill disposal, that greenhouse gas**
35 **emissions reductions are not reversible, or when these emissions reductions may be**
36 **reversible, that mechanisms are in place to replace any reversed greenhouse gas**
37 **emissions reductions to ensure that all reductions endure for at least 100 years.”**

38 (53) “Person” has the same meaning as in Section 40170 of the Public Resources
39 Code.

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

1 (55) “Prohibited container contaminants” means any of the following, but does not
2 include organic waste specifically allowed for collection in a container that is required
3 to be transported to a high diversion organic waste processing facility if the waste is
4 specifically identified as acceptable for collection in that container in a manner that
5 complies with the requirements of Section 18984.1 , 18984.2, or 18984.3

6 (A) Non-organic waste placed in a green collection container that is part of an
7 organic waste collection service provided pursuant to Section 18984.1 or 18984.2.

8 (B) Organic wastes that are, carpet, hazardous wood waste, non-compostable
9 paper placed in the green container that is part of an organic waste collection
10 service provided pursuant to Section 18984.1 or 18984.2.

11 (C) Organic wastes, placed in a gray container, that pursuant to Section 18984.1
12 or 18984.2 were intended to be collected separately in the green container or blue
13 container.

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

20 (56) “Processing” has the same meaning as in Section 17402 (a)(20).

21 (57) “Property owner” means the owner of real property

22 (58) “Publicly Owned Treatment Works” or “POTW” has the same meaning as in
23 Section 403.3(r) of Title 40 of the Code of Federal Regulations.

24 (59) “Recovered organic waste product procurement target” means the amount of
25 ~~recycled~~ organic waste in the form of a recovered organic waste product products
26 which a jurisdiction is required to procure annually.

27 (60) “Recovered organic waste products” means products made from California,
28 landfill-diverted ~~recycled~~ recovered organic waste processed in a permitted or
29 otherwise authorized facility.

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

32 (62) “Renewable Gas ~~transportation fuel~~” means ~~fuel derived from renewable~~ gas
33 derived from organic waste that has been diverted from a landfill and processed at
34 an in-vessel digestion facility that is permitted or otherwise authorized by Title 14 to
35 recycle organic waste.

36 (63) “Residual organic waste” means waste that remains after organic waste has
37 been processed which is then sent to landfill disposal.

38 (64) “Restaurant” means an establishment primarily engaged in the retail sale of food
39 and drinks for on-premises or immediate consumption.

40 (65) “Route review” means a visual inspection of containers along a hauler route for
41 the purpose of determining container contamination, and may include mechanical
42 inspection methods such as the use of cameras.

43 (66) “Self-hauler” means a person who hauls solid waste, organic waste or recyclable
44 material he or she has generated to another person. Self-hauler also includes a
45 person who back-hauls waste.

1 (A) “Back-haul” means generating and transporting organic waste to a destination
2 owned and operated by the generator using the generator’s own employees and
3 equipment.

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

10 (68) “Share table” has the same meaning as in Section 114079 of the Health and
11 Safety Code.

12 **(68.5) “Source Sector” has the same meaning as in Section 18815.2(a)(58) of**
13 **this division.**

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

17 **(70) “Source separated organic waste collection stream” has the same**
18 **meaning as defined in Section 17402(a)(18.6).**

19 **(71) Special district Has the same meaning as Section 41821.2 of the Public**
20 **Resources Code**

21 ~~(70) “Subsequent violation” means a violation of this chapter by a jurisdiction or entity~~
22 ~~that has previously been subject to an enforcement action for a violation of this~~
23 ~~chapter. For purposes of this chapter, a subsequent violation may only be found~~
24 ~~when it has occurred within five years of the violation that has already been the~~
25 ~~subject of an enforcement action.~~

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

29 (72) “The 2014 organic waste disposal baseline” means the total tons of organic
30 waste disposed statewide in 2014 as calculated by CalRecycle’s 2014 Waste
31 Characterization Study.

32 (73) “Tier one commercial edible food generator” means a commercial edible food
33 generator that is one of the following:

34 (A) Supermarket.

35 (B) Grocery store with a total facility size equal to or greater than ~~7,500~~**10,000**
36 square feet.

37 (C) Food service ~~-provider~~**distributor.**

38 **(D) Food distributor**

39 (E) Wholesale food ~~market~~**vendor.**

40 (74) “Tier two commercial edible food generator” means a commercial edible food
41 generator that is one of the following:

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

44 (B) Hotel with an on-site food facility and 200 or more rooms.

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

46 (E) Large venue.

1 (F) Large event.

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

4 (H) A local education agency facility with an on-site food facility.

5 **(75) “Uncontainerized green waste and yard waste collection service” or**
6 **“uncontainerized service” means a collection service that collects green waste**
7 **and yard waste that is placed in a pile on the street in front of a generator’s**
8 **house or place of business for collection and transport to a facility that**
9 **recovers source separated organic waste.**

10 ~~(75) “Violation” means a lack of compliance with a requirement of this chapter or~~
11 ~~local ordinance(s) adopted pursuant to this chapter.~~

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

15 ~~(77) “Yellow container” means a container where lid of the container is entirely yellow~~
16 ~~in color. Hardware such as hinges and wheels on a yellow container may be a~~
17 ~~different color.~~

18 **(76) “Wholesale food vendor” means a business or establishment engaged in**
19 **the merchant wholesale distribution of food, where food (including fruits and**
20 **vegetables) is received, shipped, stored, prepared for distribution to a retailer,**
21 **warehouse, distributor, or other destination.**

22 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

23
24 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654,
25 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;
26 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

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

28 **Section 18983.1 Landfill Disposal and Recovery.**

29
30 (a) The following dispositions of organic waste shall be deemed to constitute landfill
31 disposal:

32 (1) Final deposition at a landfill.

33 (2) Use as Alternative Daily Cover or Alternative Intermediate Cover at a landfill.

34 **(A) The use of non-organic material as landfill cover shall not constitute**
35 **disposal of organic waste.**

36 **(B) If as a part of the approval process pursuant to Section 20690 or 20700**
37 **of Title 27 Division 2, the operator demonstrates that approved material**
38 **recovery fines that will be used for cover material do not include organic**
39 **waste, the use of material recovery fines shall not constitute disposal of**
40 **organic waste.**

41 ~~except the use of Material Recovery Fines that are approved pursuant to Section~~
42 ~~20690 of Title 27 Division 2~~

43 (3) Any other disposition not listed in subsection (b) of this section.
44

1 (b) Organic waste sent to one of the following facilities, operations, or used for one of
2 the following activities, and not subsequently sent for landfill disposal shall be deemed
3 to constitute a reduction of landfill disposal.

4 (1) An operation that qualifies as a “Recycling Center” as set forth in Section
5 17402.5(d), or is listed in Section 17402.5(c) of this Division.

6 (2) A “Compostable Material Handling Operation or Facility” as defined in Section
7 17852(a)(12) of this Division, small composting activities that would otherwise be
8 excluded from that definition pursuant to Section 17855(a)(4) of this Division, or
9 community composting as defined in Section 18982(a)(8).

10 (3) An “In-vessel Digestion Operation or Facility” as listed in Section 17896.5 of this
11 Division, or activities that would otherwise not be subject to the in-vessel digestion
12 requirements pursuant to Section 17896.6 of this Division.

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

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

18 (A) The material has been processed at a solid waste facility, as defined in Section
19 40194 of the Public Resources Code.; and,

20 (B) The use shall be:

21 1. Restricted to those organic wastes appropriate for the specific use and in
22 accordance with engineering, industry guidelines or other standard practices
23 specified in the Report of Disposal Site Information, as required by 27 CCR
24 Section 21600(b)(6).

25 2. Restricted to quantities of solid wastes no more than necessary to meet the
26 minimum requirements of 1.

27 3. Stored and handled in a manner to protect public health and safety and the
28 environment, and control vectors, fires, odors, and nuisances.

29 (C) The material applied is never more than 12 inches in depth.

30 (D) The material applied is never commingled with solid waste and incorporated
31 into the landfill for final deposition.

32 (6) Land application, **as defined in of compostable material, consistent with**
33 Section 17852(a)(24.5) of this division, subject to the following conditions **on**
34 **particular types of compostable material used for land application:**

35 (A) Green waste or green material **used for land application** shall meet the
36 definition of Section 17852(a)(21) and shall have been processed at a solid waste
37 facility, as defined by Section 40194 of the Public Resources Code.

38 (B) Biosolids **used for land application** shall:

39 1. Have undergone anaerobic digestion or composting, as defined in Part 503,
40 Title 40 of the Code of Federal Regulations, Appendix B, and,

41 2. Meet the requirements in Section 17852(a)(24.5)(B)(6) of this division for
42 beneficial reuse of biosolids.

43 (C) Digestate **used for land application** shall:

44 1. Have been anaerobically digested at an in-vessel digestion operation or
45 facility, as described in Sections 17896.8 through 17896.13; and,

1 2. Meet the land application requirements described in Section
2 17852(a)(24.5)(A).

3 3. Have obtained applicable approvals from the State and/or Regional Water
4 Quality Control Board requirements.

5 (7) Lawful use as animal feed, as set forth in Chapter 6 of Food and Agricultural
6 Code (FAC), commencing with Section 14901 et. Seq and Title 3, Division 4, Chapter
7 2, Subchapter 2 commencing at Article 1, Section 2675 of the Code of California
8 Regulations.

9 (8) Other operations or facilities with processes that reduce short-lived climate
10 pollutants as determined in accordance with Section 18983.2.

11 (c) For the purposes of this section, the term "landfill" includes permitted landfills,
12 landfills that require a permit, export out of California for disposal, or any other disposal
13 of waste as defined by Section 40192(c) of the Public Resources Code.

14 (d) For the purposes of this section, edible food that would otherwise be disposed that is
15 recovered for human consumption shall constitute a reduction of landfill disposal.

16
17 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

18
19 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654,
20 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;
21 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

22
23 **Section 18983.2 Determination of Technologies That Constitute a Reduction in**
24 **Landfill Disposal**

25 (a) For operations, facilities or activities not expressly identified in section 18983.1, as
26 reducing landfill disposal, the following process shall be used to determine if processes
27 or technologies shall be deemed to constitute a reduction of landfill disposal:

28 (1) The applicant shall submit the following information to the Department:

29 (A) Name and contact information for the person responsible for the information in
30 the report.

31 (B) Detailed explanation of each of the processes or technologies proposed by the
32 applicant for use to reduce landfill disposal.

33 (C) For each process or technology noted in Section 18983.2(a)(1)(B), the mass
34 in short tons of organic waste, differentiated by type **(i.e., food, leaves and**
35 **grass, woody material (not including lumber or agricultural crop residues),**
36 **lumber, agricultural crop residues, manure, sewage sludge (not including**
37 **digestate), digestate, organic textiles and carpet, paper products, and**
38 **remainder/composite organic), that will be processed each year. ~~For mixed~~**
39 ~~organic waste, the mass in short tons of the various types of organic waste shall~~
40 ~~be determined based on an annual waste characterization study.~~

41 (D) For any ~~residual~~ material produced from the proposed process or technology,
42 a description of each end use or disposal location to which the ~~residual~~-material
43 will be sent. For each end use or disposal location, the applicant must submit the
44 expected mass in short tons and characteristics of the ~~residual~~-material.

45 (E) For each of the processes or technologies described pursuant to Section
46 18983.2(a)(1)(B), each calculation, assumption, and emission factor used by the

1 applicant to calculate the greenhouse gas emissions as well as the expected
2 permanent greenhouse gas emissions reduction potential of the proposed
3 operation, including the estimated greenhouse gas emissions and
4 permanent greenhouse gas emissions reductions of any end uses or
5 disposal of material described in section 18983.2(a)(1)(D). . All calculations
6 must be clearly laid out such that the Department ~~and/or the Executive Officer of~~
7 ~~the California Air Resources Board (CARB) are~~ is able to follow and understand
8 the calculation of greenhouse gas emissions reduction potential. ~~Calculations~~
9 ~~must include quantification of the greenhouse gas emissions produced from the~~
10 ~~process or technology itself, including those emissions from any residual material.~~
11 (F) For each greenhouse gas emission factor or greenhouse gas emission
12 reduction factor used pursuant to Section 18983.2(a)(1)(E), documentation
13 demonstrating that the emission factor or emission reduction factor has been
14 peer reviewed or subjected to other scientifically rigorous review methods.
15 (G) A detailed explanation of how the proposed technology or process will result
16 in a permanent reduction in greenhouse gas emissions.
17 (H) A written attestation that the information supplied is true, accurate, and
18 complete.
19 (I) The director of the Department may request additional information from the
20 applicant if required to validate the information submitted pursuant to this Section.

21 (2)The Department shall consult with ~~CARB's~~ The Executive Officer of the
22 California Air Resources Board to evaluate if the information submitted by the
23 applicant is sufficient to ~~determine~~ estimate the greenhouse gas emissions
24 ~~reduction and permanent lifecycle GHG emissions reduction potential~~ of the
25 proposed recovery process or operation. Within 30 days of receiving the
26 application, the Department shall inform the applicant if they have not
27 submitted sufficient information to estimate the greenhouse gas emissions and
28 permanent lifecycle greenhouse gas emissions reductions associated with the
29 proposed recovery process or operation. For further consideration of any
30 application submitted without sufficient information, the applicant is required
31 to submit the requested information. The Department shall provide a response
32 to the applicant within 180 days of receiving all necessary information as to
33 ~~and~~ whether or not the proposed recovery process or operation
34 ~~proposed operation~~ results in a permanent reduction in greenhouse gas emissions, and
35 therefore counts as a reduction in landfill disposal.

36 (3) To determine if the proposed operation counts as a permanent reduction in landfill
37 disposal, the Department ~~and/or~~ in consultation with CARB's Executive Office shall
38 compare the permanent lifecycle GHG emissions reduction of metric tons of
39 carbon dioxide equivalent (MTCO_{2e}) per short ton organic waste reduced by the
40 process or technology, with the emissions reduction from composting organic waste
41 (0.30 MTCO_{2e}/short ton organic waste). The Department shall only ~~deem~~ a proposed
42 operation to constitute a reduction in landfill disposal if the process or technology has
43 results in a permanent reduction in lifecycle greenhouse gas emissions ~~reductions~~
44 equal to or greater than the 0.30 MTCO_{2e}/short ton of ~~mixed~~ organic waste.

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

4 (c) Upon request of the applicant, as part of determination of activities that constitute a
5 reduction in landfill disposal, the Department may consider additional information
6 provided by the applicant that demonstrates that the proposed activity is identical or
7 equivalent to a proposed activity the Department has determined pursuant to Section
8 18983.2(a) results in a reduction in landfill disposal.

9
10 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

11
12 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654,
13 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;
14 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

15 16 **Article 3. Organic Waste Collection Services**

17 **Section 18984.**

18 (a) This article specifies the minimum standards for organic waste collection services
19 provided by jurisdictions, outlines efforts jurisdictions must engage in to reduce
20 container contamination, delineates container color and labeling requirements, specifies
21 criteria for rural jurisdictions to be exempt from specified requirements of this section
22 and criteria for jurisdictions to waive requirements for specified generators. This article
23 additionally specifies associated recordkeeping requirements for these standards.

24 (b) This article sets forth the requirements for Organic Waste collection in the following
25 sections:

26 18984.1 Three-container Organic Waste Collection Services.

27 18984.2 Two-container Organic Waste Collection Services.

28 18984.3 Unsegregated Single Container Collection Systems.

29 18984.4 Recordkeeping Requirements for Compliance with Organic Waste Collection
30 Services.

31 18984.5 Container Contamination Minimization.

32 18984.6 Recordkeeping Requirements for Container Contamination Minimization.

33 18984.7 Container Color Requirements.

34 18984.8 Container Labeling Requirements.

35 18984.9 Organic Waste Generator Requirements.

36 18984.10 Property Owner Requirements.

37 18984.11 Waivers and Exemptions Granted by Jurisdictions.

38 18984.12 Waivers and Exemptions Granted by the Department.

39 18984.13 Emergency Circumstances.

40 18984.14 Recordkeeping Requirements for Waivers and Exemptions.

41 **(c) A jurisdiction may provide any combination of organic waste collection**
42 **services specified in Sections 18984.1, 18984.2, and 18984.3. to generators**
43 **subject to its authority.**

44
45 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.
46

1 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654,
2 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;
3 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

4
5 **Section 18984.1. Three-container Organic Waste Collection Services**

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

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

13 **(A) Compostable plastics may be placed in the green container if the material**
14 **meets the ASTM D6400 standard for compostability and the contents of the**
15 **green containers are transported to Compostable Material Handling**
16 **Operations or Facilities or In-vessel Digestion Operations or Facilities that**
17 **have provided written notification to the jurisdiction that the facility can**
18 **process and recover that material. The written notification shall have been**
19 **provided within the last 12 months.**

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

25 (3) The gray container shall be for the collection of non-organic waste only.

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

30 **(5) Materials specified in this paragraph shall be subject to the following**
31 **restrictions:**~~The following shall not be collected in the green container:~~

32 (A) Carpets, non-compostable paper, and hazardous wood waste shall not be
33 collected in the green container

34 **(B) Hazardous wood waste shall not be collected in the blue container or**
35 **gray container.**

36 (6) A jurisdiction may require additional segregation of source separated organic
37 waste by providing ~~multiple additional source separated organic waste~~ containers or
38 additional sections of split containers in addition to the green container **and blue**
39 **container.**~~The following types of additional containers can be provided~~
40 **pursuant to this paragraph.**

41 ~~(A) This may include, in addition to a green container for yard waste and green~~
42 ~~waste, a yellow~~ **A brown container, or a brown section of a split container that**
43 **is limited to the collection of** ~~for~~ separated food waste.

44 **(B) If a jurisdiction segregates the contents of a blue container into an**
45 **additional container or additional section of a split container in order to**
46 **separate organic wastes specified in (a)(2) from non-organic recyclables, the**

1 jurisdiction may use a darker shade of blue for the container or section of
2 the container designated for the collection of organic waste, and a lighter
3 shade of blue, or any color not already designated for other materials
4 specified in this section, for the collection of non-organic recyclables.

5 (CB) Additional containers, or sections of split containers provided for
6 collection of additionally separated organic waste not specified in the
7 section may be provided in any color provided that the colors ~~in accordance~~
8 ~~with this subdivision shall not be do not conflict with the container color~~
9 requirements of this section. ~~blue, gray, or green.~~

10 (b) A jurisdiction that provides a three-container organic waste collection service that
11 complies with subdivision (a) may transport the contents of the gray container to a
12 facility that processes and recovers organic waste. A jurisdiction that complies with
13 subdivision (a) is not required to transport the contents of the gray container to a facility
14 that meets or exceeds the organic waste content recovery standard specified in Section
15 18984.3. A jurisdiction will not be considered out of compliance with subdivision (a) if it
16 allows carpet and textiles to be placed in the gray container.

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

20 (1) The contents of the gray container shall be transported to a facility that meets or
21 exceeds the organic waste content recovery requirements specified in Section
22 18984.3.

23 (2) The gray container is labeled in a manner consistent with Section 18984.8 that
24 identifies the types of organic waste content accepted in the gray container.

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

28 (d) A jurisdiction may allow organic waste to be collected in plastic bags and
29 placed in the green container provided that the allowance of the use bags does
30 not inhibit the ability of the jurisdiction to comply with the requirements of
31 Section 18984.5, and the facilities that recover source separated organic waste
32 for the jurisdiction provide written notice to the jurisdiction indicating that the
33 facility can process and remove plastic bags when it recovers source separated
34 organic waste. The written notification shall have been provided within the last 12
35 months.

36 (e) Nothing in this section is intended to prohibit a jurisdiction from using an
37 uncontainerized green waste and yard waste collection service to its generators,
38 provided that the three container service complies with the following:

39 (1) If an uncontainerized green waste and yard waste collection service is
40 provided intermittently or on a seasonal basis, a green container is still
41 provided for collection of organic waste as required in (a)(1) whenever the
42 uncontainerized service is not provided.

43 (2) If an uncontainerized green waste and yard waste collection service is
44 provided year-round, generators receiving that service must be provided an
45 option for the collection of other organic waste in a manner that complies with
46 this section.

1 ~~(d)~~(f) Notwithstanding subdivision (a), the contents of containers may be initially
2 transported to a consolidation site as defined in Section 17402 that complies with the
3 requirements of Section 17409.5.10.

4
5 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

6
7 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654,
8 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;
9 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

10 11 **Section 18984.2. Two-container Organic Waste Collection Services**

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

15 **(1) A two container system where a green container and a gray container are**
16 **provided and:**

17 **(A) ~~†~~The green container ~~shall be for the~~ is limited to the collection of organic**
18 **waste ~~only~~ ~~only~~. The contents of the green container shall be transported to a**
19 **facility that specifically recovers source separated organic waste.**

20 **(B) The gray container allows for intentional comingling of all collected**
21 **wastes, including organic waste that is not designated for collection in the**
22 **green container, provided that the contents of the gray container are**
23 **transported to a facility that meets or exceeds the organic waste content**
24 **recovery requirements specified in Section 18984.3**

25 **(C) Compostable plastics may be placed in the green container if the material**
26 **meets the ASTM D6400 standard for compostability and contents of the**
27 **green containers are transported to Compostable Material Handling**
28 **Operations or Facilities or In-vessel Digestion Operations or Facilities that**
29 **have provided written notification to the jurisdiction that the facility can**
30 **process and recover that material. The written notification shall have been**
31 **provided within the last 12 months; or,**

32
33 **(2) A two container system where a blue container and a gray container are**
34 **provided and:**

35 **(A)**

36 **(2) ~~The~~ The blue container ~~shall is limited to be for~~ the collection of ~~all~~ non-organic**
37 **waste ~~recyclables~~ ~~only~~, but may include. ~~However, the blue container may be~~**
38 **~~used for the collection of~~ the following types of organic wastes: paper products,**
39 **printing and writing paper, wood and dry lumber, and textiles. **The contents of****
40 **the blue container shall be transported to a facility that recovers the**
41 **materials designated for collection in the blue container.**

42 **(B) The gray container allows for intentional comingling of all collected**
43 **wastes, including organic waste that is not designated for collection in the**
44 **blue container, provided that the contents of the gray container are**
45 **transported to a facility that meets or exceeds the organic waste content**
46 **recovery requirements specified in Section 18984.3**

~~(3) If either container is intended for the collection of both organic waste and non-organic waste, the contents of that container shall be transported to a high diversion organic waste processing as specified in Section 18984.3 of this article.~~

(b4) A jurisdiction shall, consistent with Section 18984.8 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.

(c) Materials specified in this paragraph shall be subject to the following restrictions:

(1) Carpets, non-compostable paper, and hazardous wood waste shall not be collected in the green container

(2) Hazardous wood waste shall not be collected in the blue or gray container

(d) 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 lids of 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:~~

~~(A), Carpets, non-compostable paper, and hazardous wood waste~~

(f) A jurisdiction may allow organic waste to be collected in plastic bags and placed in the green container provided that the allowance of the use bags does not inhibit the ability of the jurisdiction to comply with the requirements of Section 18984.5, and the facilities that recover source separated organic waste for the jurisdiction provide written notice to the jurisdiction indicating that the facility can process and remove plastic bags when it recovers source separated organic waste. The written notification shall have been provided within the last 12 months.

(g) Nothing in this section is intended to prohibit a jurisdiction from using an uncontainerized green waste and yard waste collection service to its generators, provided that the two container service complies with the following:

(1) If an uncontainerized green waste and yard waste collection service is provided intermittently or on a seasonal basis, a container is still provided for collection of organic waste as required in (a) whenever the uncontainerized service is not provided.

(2) If an uncontainerized green waste and yard waste collection service is provided year-round, generators receiving that service must be provided an option for the collection of other organic waste in a manner that complies with this section.

(h)~~(b)~~ 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.

Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

1
2 **Section 18984.3. Unsegregated Single-Container Collection Services**

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

7 (b) If the facility that the container is transported to has an annual average mixed waste
8 organic content recovery rate that is lower than required in Section 18982(a)(33) of this
9 chapter for two (2) consecutive quarterly reporting periods or three (3) quarterly
10 reporting periods within three (3) years, the facility shall not qualify as a high diversion
11 organic waste processing facility.

12 (c) If the jurisdiction is in violation of this section due to a facility to which it sends
13 organic waste being unable to meet the required annual average mixed waste organic
14 content recovery rate, the jurisdiction shall be subject to the enforcement process in
15 Section 18996.2, which may include a corrective action plan as specified in that section
16 allowing it time to meet the requirements of this article prior to the Department seeking
17 administrative penalties.

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

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

23 (f) Nothing in this section is intended to prohibit a jurisdiction from using an
24 uncontainerized green waste and yard waste collection service to its generators,
25 provided that the service complies with the following:

26 (1) generators receiving that service must be provided an option for the
27 collection of other organic waste in a manner that complies with this section.
28

29
30 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

31
32 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654,
33 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;
34 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.
35

36 **Section 18984.4. Recordkeeping Requirements for Compliance with Organic**
37 **Waste Collection Services**

38 (a) A jurisdiction shall include the following information and documents in the
39 Implementation Record required by Section 18995.2 of this chapter:

40 (1) A description of which collection method(s) it will use to comply with this article.

41 (2) The geographical area for each collection method.

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

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

1 (B) Include copies of, quarterly and annual average mixed waste organic content
2 recovery rates, for each of those facilities, as defined in Section 18984.3.

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

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

8 (4) If the jurisdiction allows compostable plastics to be placed in the green
9 container pursuant to Section 18984.1 or 18984.2, a copy of written notification
10 received from each facility serving the jurisdiction indicating that the facility
11 recovers that materials.

12 (5) If the jurisdiction allows organic waste to be collected in plastic bags
13 pursuant to Section 18984.1 or 18984.2, a copy of written notification received
14 from each facility serving the jurisdiction indicating that the facility can
15 process and remove plastic bags when it recovers source separated organic
16 waste.

17
18
19 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

20
21 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654,
22 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;
23 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

24 **Section 18984.5. Container Contamination Minimization**

25
26 (a) A jurisdiction shall monitor the containers provided to generators using a three-
27 container or two-container organic waste collection service to minimize prohibited
28 container contaminants **in a manner that complies with either the provisions of**
29 **subdivision (b) or the provisions of subdivision (c) of this section.** ~~as required by~~
30 ~~this section.~~

31 (b) A jurisdiction **may meet its container contamination minimization requirements**
32 **by shall** conducting a route review for prohibited container contaminants on randomly
33 selected containers in a manner that results in all collection routes being reviewed
34 ~~quarterly~~**annually.**

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

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

40 (B) The notice may be left on the generator's container **or door** at the time the
41 violation occurs.

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

45 (3) If the jurisdiction observes prohibited container contaminants in a generator's
46 ~~green containers or blue container~~ on more than three consecutive occasions, the

1 jurisdiction may impose additional contamination processing fees on the generator
2 and may impose penalties.

3 ~~(c) If a jurisdiction is informed by a solid waste facility operator pursuant to Section~~
4 ~~17409.5.7, 17867, or 17896.25.1 of this division, or Title 27, Section 20901, that the~~
5 ~~waste collected by one of its haulers contains prohibited container contaminants~~
6 ~~while the hauler was servicing the jurisdiction's generators, then the jurisdiction shall:~~
7 ~~(1) Investigate by physically inspecting containers along the route(s) that the~~
8 ~~contaminants came from to determine the sources of contamination and provide~~
9 ~~written notification, either by placement on organic waste containers, mailing~~
10 ~~education notices, or direct contact with generators, which shall, at a minimum,~~
11 ~~include information regarding the generator's requirement to properly separate~~
12 ~~materials into the appropriate containers and may include photographic evidence of~~
13 ~~the violation.~~

14 (4d) If a jurisdiction complies with this section through a designee as allowed in
15 Section 18981. 2 of this chapter, and the designee observes visible prohibited
16 container contaminants in a container, the designee shall inform the jurisdiction in
17 writing, each month, with the address of the generator and the date the contaminated
18 container was observed; if available, any photographic documentation; and what
19 action was taken.

20 (A) A designee may only dispose of a container with visible prohibited
21 container contaminants with the consent of the jurisdiction.

22 (c) A jurisdiction may meet its container contamination minimization
23 requirements by conducting waste evaluations that meet the following standards

24 (1) The jurisdiction shall conduct waste composition studies every six months
25 for prohibited container contaminants contained in the contents of containers
26 in sampled collection routes in the following manner:

27 (A) Waste composition studies shall be performed at least twice per year
28 and occur in two distinct seasons of the year.

29 (B) The waste composition studies shall include samples of each container
30 type served by the jurisdiction except for gray containers.

31 (C) The waste composition studies shall include samples taken from
32 different areas in the jurisdiction that are representative of the jurisdiction
33 and account for no less than one half of one percent (0.5%) of the weekly
34 tonnage collected in the jurisdiction.

35 (D) The waste composition studies shall include at least the following
36 minimum number of samples from all the routes included in the studies:

37 1. For routes with less than 1,500 generators the study shall include a
38 minimum of 25 samples,

39 2. For routes with 1,500-4,000 generators the study shall include a
40 minimum of 30 samples,

41 3. For routes with 4,000-7,000 generators the study shall include a
42 minimum of 35 samples,

43 4. For routes with more than 7,000 generators the study shall include a
44 minimum of 40 samples.

45 (E) All of the material collected for sampling is transported to a sorting area
46 at a permitted solid waste facility where the presence of prohibited

1 container contaminants for each container type is measured to determine
2 the ratio of prohibited container contaminants present in each container
3 type by weight. To determine the ratio of prohibited container contaminants
4 the jurisdiction shall use the following protocol:

5 1. Take one sample of at least a 200 pound from the material collected
6 from each container stream for sampling (e.g. a 200 pound sample taken
7 from the contents of all of the green containers collected for sampling).

8 2. The 200 pound sample shall be randomly selected from different areas
9 of the pile of collected material for that container type.

10 3. For each 200 pound sample, remove any prohibited container
11 contaminants and determine the weight of prohibited container
12 contaminants.

13 4. Then determine the ratio of prohibited container contaminants in the
14 sample by dividing the total weight of prohibited container contaminants
15 by the total weight of the sample.

16
17 (2) If the sampled weight of prohibited container contaminants exceeds 25
18 percent of the measured sample for any container type, the jurisdiction shall
19 perform one of the following:

20 (A) Notify all generators on the sampled collection routes of their
21 requirement to properly separate materials into the appropriate containers.
22 The jurisdiction may provide this information by placing a written notice on
23 containers, mailing education notices, or direct contact with generators.

24 (B) Perform a targeted route review of containers on the routes sampled for
25 waste composition studies to determine the sources of contamination and
26 notify those generators of their obligation to properly separate materials.
27 The jurisdiction may provide this information to these generators by placing
28 a written notice on containers, mailing education notices, or direct contact
29 with generators.

30 (e)(d) Nothing in this section limits a jurisdiction from adopting contamination standards,
31 sampling, or noticing protocols that are more stringent or rigorous than the
32 requirements of this section.

33
34 (e) A jurisdiction is not required to comply with this section if both of the
35 following apply.

36 (1) Pursuant to Section 17409.5.1, the solid waste facilities processing the
37 jurisdictions green container collection stream recover 75 percent of the
38 organic content received at the facility.

39 (2) Pursuant to the sampling conducted of the gray container collection stream
40 by solid waste facilities serving the jurisdiction pursuant to section Section
41 17409.5.7-17409.5.7.2 and Sections 20901-20901.2 demonstrates an average
42 weight of organic waste present in gray container material of less than 25
43 percent,

44
45 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.
46

1 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654,
2 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;
3 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

4
5 **Section 18984.6. Recordkeeping Requirements for Container Contamination**
6 **Minimization**

7 (a) A jurisdiction shall include the following information and documents related to its
8 compliance with Section 18984.5, in the Implementation Record required by Section
9 18995.2 of this chapter.

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

12 (2) Documentation of random route reviews for each collection date conducted
13 pursuant to Section 18984.5(b), as described in Section 18995.1 of this chapter.

14 **(3) Documentation of waste composition studies performed pursuant to**
15 **Section 18984.5(c), including information on targeted route reviews conducted**
16 **as a result of the studies. The documentation shall at a minimum include dates**
17 **of the studies, routes, source sector (e.g. commercial or residential), number of**
18 **samples, weights and ratio of prohibited container contaminants and total**
19 **sample size.**

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

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

25 **(4) Documentation of the number of containers disposed of due to observation**
26 **of prohibited container contaminants.** ~~Documentation of notifications from solid~~
27 ~~waste facility operators of contaminated loads, documentation of subsequent follow-~~
28 ~~up such as copies of the jurisdiction's route review and findings conducted pursuant~~
29 ~~to Section 18984.5(c).~~

30
31 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

32
33 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654,
34 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;
35 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

36
37 **Section 18984.7. Container Color Requirements**

38 (a) A jurisdiction shall provide collection containers, **for collection services,** to
39 generators that comply with the container color requirements specified in this article.

40 (b) Notwithstanding subdivision (a), a jurisdiction is not required to replace functional
41 containers, **including containers purchased prior to January 1, 2022,** that do not
42 comply with the color requirements of this article prior to the end of the useful life of
43 those containers, or prior to January 1, ~~2032~~2036, whichever comes first.

44
45 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

1 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654,
2 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;
3 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

4 5 **Section 18984.8. Container Labeling Requirements**

6 (a) Commencing January 1, 2022, a jurisdiction shall place ~~and maintain~~ a label on
7 each new container or lid provided to generators consistent with the applicable
8 container collection requirements and limitations of this article specifying what materials
9 are allowed to be placed in each container.

10 ~~(b) A jurisdiction may comply with this section by:~~

11 (1) Placing labels on containers that include ~~written language~~ or graphic ~~images, or~~
12 ~~both materials~~ that indicate ~~the primary which~~ materials ~~are~~ accepted and ~~the~~
13 ~~primary materials~~ ~~which are~~ prohibited in that container or;

14 (2) Providing containers with imprinted text or ~~graphic images~~ ~~graphics~~ that indicate
15 ~~the primary which~~ materials ~~are~~ accepted and ~~the primary materials~~ ~~which~~ are
16 prohibited in that container.

17 **(c) Labels shall clearly indicate items that are prohibited container contaminants**
18 **for each container.**

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

21
22 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

23
24 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654,
25 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;
26 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

27 28 **Section 18984.9 Organic Waste Generator Requirements**

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

31 (1) Subscribing to and complying with the requirements of the organic waste
32 collection service provided by their jurisdiction; or

33 (2) Self-hauling organic waste to a facility that processes source separated organic
34 waste in a manner that complies with the requirements of Article 7 (commencing with
35 Section 18988).

36 (b) Generators that are commercial businesses, **except for multifamily residential**
37 dwelling subject to Section 18984.10 shall also:

38 (1) Provide containers for the collection of organic waste and non-organic recyclables
39 in all areas where disposal containers are provided for customers, except for
40 restrooms. The containers provided by the business shall **have either:**

41 (A) **A body or lid that** conforms with the container ~~colors~~ provided through the
42 organic waste ~~recovery~~ ~~collection~~ service provided by their jurisdiction, **or,**

43 (B) **Container labels that comply with the requirements of Section 18984.8.**

1 (2) Prohibit their employees from placing organic waste in a container not designated
2 to receive organic waste as set forth in Sections 18984.1(a)(5) and 18984.2(a)(5) of
3 this chapter.

4 (3) Periodically inspect organic waste containers for contamination and inform
5 employees if containers are contaminated and of the requirement to only use those
6 containers for organic waste.

7 (c) Nothing in this section prohibits a generator from preventing or reducing waste
8 generation, managing organic waste on site, or using a community composting site.

9 (d) A commercial business is not required to replace functional containers,
10 including containers purchased prior to January 1, 2022, that do not comply with
11 the requirements of this article prior to the end of the useful life of those
12 containers, or prior to January 1, 2036, whichever comes first.

13 (e) If a business does not generate any of the materials that would be collected in
14 one type of container, then the business does not have to provide that particular
15 container in all areas where disposal containers are provided for customers.

16
17 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

18
19 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654,
20 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;
21 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

22 23 **Section 18984.10. Property and Business Owner Responsibilities**

24 (a) Property owners **that are not single family units**, and business owners shall
25 provide or arrange for organic waste collection services consistent with this article and
26 local requirements, for employees, contractors, tenants, and customers, including
27 supplying and allowing access to adequate number, size, and location of containers
28 with sufficient labels and container color.

29 (b) Property and business owners shall annually provide information to employees,
30 contractors, tenants, and customers about organic waste recovery requirements and
31 about proper sorting of organic waste.

32 (1) Property owners shall provide information to new tenants **before or within 14**
33 **days of ~~upon~~** occupation of the premises.

34 (c) Property and business owners shall provide or arrange for access to their properties
35 during all inspections conducted pursuant to Article 14 of this chapter (commencing with
36 Section 18995).

37 **(1) This subdivision is not intended to permit an employee or agent of the**
38 **Department, or a jurisdiction, to enter the interior of a private residential**
39 **property.**

40
41
42 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

43 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654,
44 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;
45 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

1
2 **Section 18984.11. Waivers and Exemptions Granted by a Jurisdiction**

3 (a) A jurisdiction may grant one or more of the following types of waivers to a generator
4 of organic waste:

5 (1) De Minimis Waivers:

6 (A) A jurisdiction may waive a commercial business's obligation to comply with
7 some or all of the organic waste requirements of this article if the generator is a
8 commercial business that provides documentation or the jurisdiction has evidence
9 demonstrating that:

10 1. The commercial business's total solid waste collection service is two cubic
11 yards or more per week and organic waste comprises less than 20 gallons per
12 week of the businesses' total waste.

13 2. The commercial business's total solid waste collection service is less than
14 two cubic yards per week and organic waste comprises less than 10 gallons per
15 week of the businesses' total waste.

16 (B) A jurisdiction shall, consistent with Section 18995.1 annually verify that the
17 commercial business's organic waste generation meets the waiver thresholds set
18 forth in this subdivision.

19 (C) If a jurisdiction obtains information at any time that a commercial business that
20 has received a waiver is exceeding the organic waste thresholds specified in
21 subdivision (A)1 or (A)2, the jurisdiction shall rescind the commercial business's
22 waiver.

23 (2) Physical Space Waivers.

24 (A) A jurisdiction may waive some or all of the organic waste collection service
25 requirements of this article if a commercial business or property owner provides
26 documentation, or the jurisdiction has evidence from its staff, a hauler, licensed
27 architect, engineer, or similarly qualified source demonstrating that its premises
28 lack adequate space for ~~separate~~ organic waste containers.

29 (3) Collection Frequency Waivers:

30 (A) A jurisdiction may allow the owner or tenant of any residence, premise,
31 business establishment or industry that subscribes to a three-container or two-
32 container organic waste collection service to arrange for a service that collects
33 waste ~~not placed in the green container~~ once every fourteen days, provided that:

34 1. The jurisdiction, or its authorized hauler, demonstrates to the Solid Waste
35 Local Enforcement Agency that less frequent collection than required by
36 Section 17331 of Title 14 of the California Code of Regulations will not result in
37 the propagation of vectors or other public health and safety, or nuisance issues.

38 (b) Nothing in this section allows a jurisdiction to exempt a business subject to the
39 requirements of Section 42649.81 of the Public Resources Code from compliance with
40 that section.

41 **(c) Notwithstanding Section 18981.2 the authority to issue a waiver authorized by**
42 **this section cannot be delegated to a designee.**

43 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.
44

1 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654,
2 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;
3 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

4 5 **Section 18984.12. Waivers and Exemptions Granted by the Department**

6 **(a) Low population waivers:**

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

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

12 (B) The jurisdiction has a total population of less than ~~5,000~~7,500 people.

13 (2) A county may apply to the Department for a waiver from some or all of the
14 requirements of this article for census tracts located in unincorporated portions of the
15 county that have a population density of less than ~~7550~~ people per square mile.

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

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

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

20 (B) The requested length of the waiver.

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

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

27 **(3) A jurisdiction may apply to renew a waiver issued pursuant to subdivision**
28 **(a) at anytime up to 180 days prior to the expiration of an existing waiver.**

29 **(c) Rural Exemptions:**

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

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

40 **(d) Elevation Waivers:**

41 **(1) An incorporated city may apply to the Department for a waiver for the**
42 **jurisdiction and some or all of its generators from the requirement to separate**
43 **and recover food waste and food soiled paper if the jurisdiction is located at or**
44 **above an elevation of 4,500 feet.**

1 (2) A county may apply to the Department for a waiver for some or all of its
2 generators in census tracts located in unincorporated portions of the county
3 that are located at or above 4,500 feet.

4 (3) The area of a jurisdiction that is waived pursuant to this section is not
5 required to provide containers to generators as prescribed in Section 18984.7

6 (4) Residential and commercial generators located within an area that is waived
7 pursuant to this section may deposit food waste and food soiled paper in a
8 disposal container.

9 (5) A jurisdiction shall submit a request for a waiver with the following
10 information:

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

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

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

18 (7) Nothing in this subdivision waives a jurisdiction from its obligation to
19 provide a collection service that collects and recycles the other types of
20 organic wastes specified in Sections 18984.1, 18984.2, or 19894.3 in a manner
21 that meets the requirements of those sections.

22 (e) Nothing in this section exempts a jurisdiction from:

23 (1) Its obligation to provide organic waste collection services that comply with
24 the requirements of this article to businesses subject to the requirements of
25 Section 42649.81 of the Public Resources Code.

26 (2) eComplying with the other requirements to promote and provide information to
27 generators about, waste prevention, community composting, managing organic
28 waste on-site, and other means of recovering organic waste, or any other
29 requirements of this chapter.

30
31 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

32
33 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654,
34 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;
35 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

36
37 **Section 18984.13. Emergency -Circumstances. Abatement, and Quarantined**
38 **Materials**

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

41 (1) If the facility processing a jurisdiction's organic waste notifies the jurisdiction that
42 unforeseen operational restrictions have been imposed upon it by a regulatory
43 agency or that an unforeseen temporary equipment or operational failure will
44 temporarily prevent the facility from processing and/or recovering organic waste, the
45 jurisdiction may allow the organic waste stream transported to that facility to be

1 deposited in a landfill or landfills for up to 90 days from the date of the restriction or
2 failure.

3 (2) A jurisdiction shall notify the Department in writing within 10 days of a waiver
4 decision pursuant to subdivision (a)(1). The notice sent to the Department shall
5 include a description of the equipment failure or operational restriction that
6 occurred at the facility, the period of time that the jurisdiction ~~has will allow~~ allowed
7 the organic waste stream to be deposited in a landfill or landfills, and the Recycling
8 and Disposal Reporting System Number of the facility that experienced the
9 temporary equipment or operational failure preventing it from receiving the
10 jurisdictions waste.

11 (b) Disasters and emergency waivers:

12 (1) A jurisdiction may submit a request for a waiver for the disposal of “disaster
13 debris” as defined in Section 17210.1(d) of this division that cannot be diverted as
14 defined in 17210.1(e) of this division if a waiver or waivers have been granted to
15 Sections 17210.4 and 17210.9 of this division.

16 (2) If a waiver or waivers have been granted pursuant to Section (1) the
17 Department may waive the organic waste collection requirements of this article
18 in the affected areas for the duration of the waiver.

19 (3) a Jurisdiction may dispose of sediment debris removed from dams, culverts,
20 reservoirs, channels and other flood control infrastructure if the material is subject to
21 a waste discharge requirement issued by the regional water quality control board that
22 requires the average organic content of the debris to be less than five percent.

23 (c) A jurisdiction is not required to separate or recover organic waste that is
24 removed from homeless encampments and illegal disposal sites as part of an
25 abatement activity to protect public health and safety. If the total amount of solid
26 waste removed for disposal pursuant to this subdivision is expected to exceed
27 100 tons annually the jurisdiction shall record the amount of material removed.

28 (d) A jurisdiction may dispose of specific types of organic waste that are subject
29 to quarantine and meet the following requirements:

30 (1) The organic waste is generated from within the boundaries of an
31 established interior or exterior quarantine area defined by the California
32 Department of Food and Agriculture for that type of organic waste;

33 (2) The California Department of Food and Agriculture or the County
34 Agricultural Commissioner determines that the organic waste must be
35 disposed at a solid waste landfill and the organic waste cannot be safely
36 recovered through any of the recovery activities identified in Article Two of this
37 chapter;

38 (3) The Jurisdiction retains a copy of the California Department of Food And
39 Agriculture approved compliance agreement for each shipment stating that the
40 material must be transported to a solid waste landfill operating under the terms
41 of its own compliance agreement for the pest or disease of concern.

42
43 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.
44

1 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654,
2 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;
3 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

4
5 **Section 18984.14. Recordkeeping Requirements for Waivers and Exemptions**

6 (a) A jurisdiction shall include the following information and documents in the
7 Implementation Record required by Section 18995.2 of this chapter:

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

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

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

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

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

20 (6) A record of the amount of sediment debris that is disposed of pursuant to
21 Section 18984.13 on an annual basis.

22 (7) A record of of the amount of solid waste from removed homeless
23 encampments and illegal disposal sites as part of an abatement activities if the
24 total amount of material remove exceeds 100 tons.

25 (8) A copy of all compliance agreements for quarantined organic waste that is
26 disposed, including the name of generator, date issued, location of final
27 disposition, and the amount of organic waste that was required to be disposed
28 at a solid waste landfill.

29
30
31 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

32
33 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654,
34 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;
35 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

36
37 **Article 4. Education and Outreach**

38
39 **Section 18985.1. Organic Waste Recovery Education and Outreach**

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

43 (1) Information on the organic waste generator's requirements to properly separate
44 materials in appropriate containers pursuant to this chapter.

1 (2) Information on methods for: the prevention of organic waste generation, recycling
2 organic waste on-site, sending organic waste to community composting, and any
3 other local requirements regarding organic waste.

4 (3) Information regarding the methane reduction benefits of reducing the disposal of
5 organic waste, and the methods of organic waste recovery the organic waste
6 collection service uses.

7 (4) Information regarding how to ~~recycle~~ recover organic waste and a list of
8 approved haulers.

9 (5) Information related to the public health and safety and environmental impacts
10 associated with the disposal of organic waste.

11 (6) Information regarding programs for the donation of edible food.

12 (7)

13 ~~(b) Prior to February 1, 2022, and annually thereafter, If a jurisdiction allows~~
14 ~~generators subject to its authority to self-haul organic waste pursuant to~~
15 ~~Section 18988.1, information regarding self-hauling requirements shall be~~
16 ~~included in education and outreach material. a jurisdiction shall provide to self-~~
17 ~~haulers information regarding the requirements of Section 18988.3 of this chapter.~~

18 ~~(be) Prior to February 1, 2022, and annually thereafter, a~~ **A jurisdiction providing an**
19 **unsegregated single container collection service to** ~~shall provide~~ **to organic waste**
20 **generators is not required to include the information required in (a)(1), but shall**
21 **include information indicating that organic waste is being processed at a high**
22 **diversion organic waste processing facility. using an unsegregated single-container**
23 **collection service with the information in subdivisions (a)(2), (3), and (4), along with**
24 **information that the organic waste is being processed at a high diversion organic waste**
25 **processing facility.**

26 ~~(cd) A jurisdiction may comply with the requirements of this section through any of the~~
27 ~~following methods: by~~

28 ~~(1) P~~ **roviding the information required by this section through print or electronic media.**
29 ~~or~~ **In addition to providing information through print and electronic media a**
30 **jurisdiction may conduct outreach through (2) D** ~~irect contact with generators~~
31 ~~through workshops, meetings, or on-site visits.~~

32 ~~(de) Consistent with Section 18981. 2 A~~ **a jurisdiction may comply with the**
33 **requirements of this section** ~~subdivision 18985.1(a)~~ **through use of a designee**
34 **its authorized haulers.**

35 ~~(e) f~~ **A jurisdiction shall make the information required by this section**
36 **linguistically accessible to its non-English speaking residents in the following**
37 **manner.**

38 **(1) For any language that is spoken by more than 10,000 persons or 0.5% of**
39 **the jurisdiction's residents, and the population speaking that language speaks**
40 **English less than very well, the jurisdiction shall make the information**
41 **required by this section available online in that language or languages. In the**
42 **written materials the jurisdiction provides its generators the jurisdiction shall**
43 **include a notice in the applicable language or languages informing its**
44 **generators where non-English speaking residents can find linguistically**
45 **accessible information online.**

1 (2) For any language that is spoken by more than 50,000 persons or 5% of the
2 jurisdiction's residents, and the population speaking that language speaks
3 English less than very well, the jurisdiction shall include the information
4 required by this section in the materials it provides generators pursuant to
5 subdivision (d)

6 (f) A jurisdiction is only required to provide the education and outreach material
7 required by this section every other year if both of the following apply:

8 (1) Pursuant to Section 17409.5.1, the solid waste facilities processing the
9 jurisdiction's green container collection stream recover 75 percent of the
10 organic content received at the facility.

11 (2) The sampling conducted of the gray container collection stream by solid
12 waste facilities serving the jurisdiction pursuant to section Sections 17409.5.7-
13 17409.5.7.2 and Sections 20901-20901.2 demonstrates an average weight of
14 organic waste present in gray container material of less than 25 percent,

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

20
21 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

22
23 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654,
24 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;
25 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

26
27 **Section 18985.2. Edible Food Recovery Education and Outreach**

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

29 (1) Develop and maintain a list of food recovery organizations **identified in Section**
30 **18982(a)(25)(A)–(B)** and food recovery services operating within the jurisdiction, and
31 maintain the list on the jurisdiction's website. The list shall include, at a minimum, the
32 following information about each food recovery organization and each food recovery
33 service:

34 (A) Name and physical address.

35 ~~(B) Phone number.~~ **Contact information.**

36 ~~(C) Collection service area.~~

37 **(D) An indication of types of food the food recovery service or organization**
38 **can accept for recovery.**

39
40 ~~(E) Hours of operation.~~

41 (b) At least annually a jurisdiction shall:

42 (1) Provide commercial **edible food generators**~~businesses that generate edible food~~
43 with the following information:

44 (A) Information about the jurisdiction's edible food recovery ~~collection~~ program
45 established pursuant to Section 18991.1 of this chapter.

1 (B) Information about **the** commercial edible food generators requirements
2 specified in Article 10.

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

6 **(D) Information about how commercial edible food generators can source-**
7 **reduce their edible food.**

8 (2) The jurisdiction may provide this information by including it with regularly
9 scheduled notices to those commercial businesses, including the notices provided
10 pursuant to Section 18985.1.

11
12 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

13
14 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654,
15 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;
16 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

17
18 **Section 18985.3. Recordkeeping Requirements for a Jurisdiction’s Compliance**
19 **with Education and Outreach Requirements**

20 (a) A jurisdiction shall include all relevant documents supporting its compliance with this
21 article in the Implementation Record required by Section 18995.2 of this chapter,
22 including, but not limited to:

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

25 (2) The date, and to whom the information or direct contact was disseminated. **If a**
26 **jurisdiction provides mass distribution through mailings, or bill inserts, it shall**
27 **provide the date, a copy of the information and the type and number of**
28 **accounts receiving the information.**

29 (3) If the ~~material~~ requirements of this article were met solely through the use
30 of ~~was~~ electronic media, the record shall include, a copy, with dates posted of:
31 social media posts, e-mail or other electronic message.

32 (4) If a jurisdiction relies on a designee, as allowed in Section 18981.2 of this chapter,
33 to comply with this section, it shall include a copy of the materials distributed by the
34 designee.

35 **(5) The number of languages in which the jurisdiction is required to provide**
36 **information in.**

37
38 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

39
40 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654,
41 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;
42 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

43
44 **Article 5. Generators of Organic Waste**

45
46 **Section 18986.1. Non-Local Entities Requirements**

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

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

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

7 (b) Non-local entities shall provide containers for the collection of organic waste and
8 non-organic recyclables in all areas where disposal containers are located, **except**
9 **restrooms**. The containers provided shall conform to the requirements of the containers
10 provided through **an organic waste recovery service authorized under Article 3te**
11 **which the non-local entity is subscribed.**

12 (c) Non-local entities shall prohibit their employees from placing organic waste in a
13 container not designated to receive organic waste.

14 **(1) Materials specified in this paragraph shall be subject to the following**
15 **restrictions:**

16 **(A) Carpets, non-compostable paper, and hazardous wood waste shall not be**
17 **collected in the green container**

18 **(B) Hazardous wood waste shall not be collected in the blue or gray**
19 **container**

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

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

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

24 (d) Non-local entities shall periodically inspect organic waste containers for
25 contamination and inform employees if containers are contaminated and of the
26 requirement to only use those containers for organic waste.

27 (e) Non-local entities shall provide information to employees on methods for the
28 prevention of organic waste generation.

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

31
32 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

33
34 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654,
35 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;
36 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

37
38 **Section 18986.2. Local Education Agencies Requirements.**

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

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

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

45 (b) Local education agencies shall provide containers for the collection of organic waste
46 and non-organic recyclables in all areas where disposal containers are located, **except**

1 restrooms. The containers provided shall conform to the requirements of the containers
2 provided through an organic waste recovery service authorized under Article 3.the
3 organic waste recovery service to which the local education agency is subscribed.

4 (c) Local education agencies shall prohibit their employees from placing organic
5 waste in a container not designated to receive organic waste.

6 (1) Materials specified in this paragraph shall be subject to the following
7 restrictions:

8 (A) Carpets, non-compostable paper, and hazardous wood waste shall not be
9 collected in the green container

10 (B) Hazardous wood waste shall not be collected in the blue or gray
11 container

12
13 (d) Local Education Agencies shall periodically inspect organic waste containers
14 for contamination and inform employees if containers are contaminated and of
15 the requirement to only use those containers for organic waste.

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

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

20
21 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

22
23 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654,
24 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;
25 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

26
27 **Section 18986.3. Waivers for Non-Local Entities and Local Education Agencies.**

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

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

35 (2) The total solid waste collection service subscribed to is less than two cubic yards
36 per week and organic waste comprises less than 10 gallons per week of the non-
37 local entities' or local education agencies' total waste.

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

41 (4) The entity is located within a jurisdiction or census tract that has been granted a
42 waiver by the Department pursuant to Section 18984.12.

43
44 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.
45

1 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654,
2 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;
3 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

4
5 **Article 6. Biosolids Generated at a Publicly Owned Treatment Works (POTW)**

6
7 **Section 18987.1. Biosolids Generation at a POTW**

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

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

10 (2) The organic waste diversion and measurement requirements described in
11 Sections 17409.5.1 through 17409.5.8 of this division.

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

14 (b) Material received at a POTW that it is not allowed to accept pursuant to Section
15 17896.6(a)(1)(C) or (D) shall be deemed to constitute landfill disposal pursuant to
16 Section 18983.1(a)(3).

17
18 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

19
20 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654,
21 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;
22 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

23
24 **Section 18987.2. Biosolids and Sewage Sludge Handling at a POTW**

25 (a) Biosolids generated at a POTW shall be:

26 ~~(1) Transported only to a solid waste facility or operation for additional processing,~~
27 ~~composting, in-vessel digestion, or other recovery as specified in Section 18983.1(b)~~
28 ~~of this division;~~

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

33
34 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

35
36 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654,
37 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;
38 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

39
40 **Article 7. Regulations of Haulers**

41
42 **Section 18988.1. Jurisdiction Approval of Haulers and Self-Haulers**

43 (a) A jurisdiction shall require haulers providing residential, commercial, or industrial
44 organic waste collection services to generators within its boundaries to meet the
45 requirements and standards of this chapter as a condition of approval of a contract,
46 agreement, or other authorization to collect organic waste.

1 (1) A jurisdiction shall require haulers to identify the facilities to which they will
2 transport organic waste as a requirement for approval.

3 (2) A jurisdiction shall require haulers providing an organic waste collection service to
4 comply with the applicable requirements of Article 3 of this chapter.

5 (b) If a jurisdiction allows generators **subject to its authority** within its boundaries to
6 self-haul organic waste, it shall adopt an ordinance or a similarly enforceable
7 mechanism that requires compliance with the requirements in Section 18988.3 of this
8 article.

9 (c) Notwithstanding subdivision (a), this section is not applicable to:

10 (1) A hauler that is consistent with Article 1, Chapter 9, Part 2, Division 30,
11 commencing with Section 41950 of the Public Resources Code, transporting source
12 separated organic waste to a community composting site; or,

13 (2) A hauler that is **lawfully** transporting construction and demolition debris in
14 compliance with Section 18989.1.

15
16 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

17
18 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654,
19 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;
20 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

21 **Section 18988.2. Organic Waste Hauler Requirements****Haulers of Organic Waste**
22 **Requirements**

23 (a) A hauler providing residential, commercial, or industrial organic waste collection
24 services shall comply with all of the following:

25 (1) Organic waste collected by the hauler shall be transported to a facility, operation,
26 activity or property that recovers organic waste as defined in Article 2.

27 (2) Obtain applicable approval issued by the jurisdiction pursuant to Section 18988.1.

28 (b) The hauler shall keep a record of the documentation of its approval by the
29 jurisdiction.

30 (c) Notwithstanding (a), this section is not applicable to:

31 (1) A hauler that is consistent with Article 1, Chapter 9, Part 2, Division 30,
32 commencing with Section 41950 of the Public Resources Code, transporting source
33 separated organic waste to a community composting site; or,

34 (2) A hauler that is **lawfully** transporting construction and demolition debris in
35 compliance with Section 18989.1

36
37 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5,

38
39 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654,
40 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;
41 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

42 **Section 18988.3. Self-haulers of Organic Waste**

43 (a) Generators of organic waste may, in compliance with Section 18988.1 of this
44 division, self-haul their own organic waste.

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

1 (1) The generator shall source-separate all organic waste generated on site in a
2 manner consistent with Sections 18984.1 and 18984.2 of this chapter, **or haul**
3 **organic waste to a high diversion organic waste processing facility as**
4 **specified in Section 18984.3 of this chapter.**

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

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

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

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

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

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

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

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

25 ~~(5)(4) -A residential organic waste generator that self-hauls organic waste is not~~
26 ~~required to record or report the information identified in subdivision (b)(3). and (b)(4).~~

27 (c) A generator that is located in a jurisdiction or area that received a waiver under
28 Section 18984.12 of this division and is not a business subject to the requirements of
29 Section 42649.81 of the Public Resources Code is not required to comply with the
30 requirements of this section.

31
32 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

33
34 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654,
35 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;
36 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

37
38 **Section 18988.4. Recordkeeping Requirements for Compliance with Jurisdiction**
39 **Hauler Program**

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

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

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

46 (A) Type of hauler systems the jurisdiction~~s~~ uses.

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

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

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

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

7 (A) Copies of all reports required by haulers.

8 ~~(B) Copies of reports from self-hauler as required by Section 18988.3.~~

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

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

12
13 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

14
15 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654,
16 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;
17 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

18
19 **Article 8. ~~Cal-Green~~CALGreen Building Standards and Model Water**
20 **Efficient Landscape Ordinance**

21
22 **Section 18989.1. ~~CalGreen~~CALGreen Building Codes**

23 (a) A jurisdiction shall adopt an ordinance or other enforceable requirement that
24 requires compliance with the following provisions of the California Green Building
25 Standards Code, **California Code of Regulations, Title 24, Part 11:**

26 (1) Section 4.410.2 Recycling by Occupants Residential ~~and~~ 5.410.1 Recycling by
27 Occupants Non-residential.

28 (2) For organic waste commingled with construction and demolition debris, Section
29 4.408.1 Construction Waste Management Residential ~~or~~and 5.408.1 Construction
30 Waste Management non-residential.

31 **Section 18989.2 Model Water Efficient Landscape Ordinance**

32 (a) A jurisdiction shall adopt an ordinance or other enforceable requirement that
33 requires compliance with Sections 492.6(a)(1)(C), (D), and (G) of the Model Water
34 Efficient Landscape Ordinance, Title 23, Division 2, Chapter 2.7 of the California
35 Code of Regulations.

36
37 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

38
39 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654,
40 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;
41 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

42
43 **Article 9. Locally Adopted Standards and Policies**

44
45 **Section 18990.1. Organic Waste Recovery Standards and Policies**

1 (a) Nothing in this chapter is intended to limit the authority of a jurisdiction to adopt
2 standards that are more stringent than the requirements of this chapter, except as
3 provided in subdivision (b) of this section.

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

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

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

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

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

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

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

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

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

23 (3) Supersede or otherwise affect: the land use authority of a jurisdiction, including,
24 but not limited to, planning, zoning, and permitting; or an ordinance lawfully adopted
25 pursuant to that land use authority consistent with this section.

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

29 (5) Exempt a jurisdiction, generator, or hauler from compliance with regulations in
30 Division 4.5 of Title 22 of the California Code of Regulations relative to the proper
31 handling of hazardous or universal waste pursuant, or regulations in Title 3. Food
32 and Agriculture, Division 2. Animal Industry, Chapter 4. Meat Inspection, Subchapter
33 2. Rendering and Pet Food, Article 48. General Provisions, 1180.48 Disposal of Parts
34 and Products of Animals Not Intended for Use as Human Food.

35
36 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

37
38 Reference: Public Resources Code Sections 40001, 40002, 40053, 40055, 41780.01,
39 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-
40 44503 and 44813-44816; and Health and Safety Code Sections 39730.5, 39730.6,
41 39730.7 and 39730.8.

42
43 **Section 18990.2. Edible Food Recovery Standards and Policies.**

44 (a) A jurisdiction shall not implement or enforce an ordinance, policy, or procedure that
45 prohibits the ability of a generator or food recovery organization to recover edible food
46 that could be recovered for human consumption. (b) A ~~L~~ocal ~~E~~ducation ~~a~~gency shall

1 not implement or enforce an ordinance, policy, or procedure that prohibits share tables
2 or requires schools to adhere to a food safety standard not specified in ~~the~~ Part 7 of
3 Division 104 of the Health and Safety Code.

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

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

8 (2) Nothing in this chapter shall be construed to limit the ability of a person, gleaner
9 or food facility to donate food as provided for in Section 114432, and **114433** of the
10 Health and Safety Code.

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

14 (d) Nothing in this chapter prohibits an ~~edible~~-food recovery service or organization from
15 refusing to accept edible food from a **commercial edible food** generator.

16
17 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

18
19 Reference: Public Resources Code Sections 40001, 40002, 40053, 40055, 41780.01,
20 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-
21 44503 and 44813-44816; and Health and Safety Code Sections 39730.5, 39730.6,
22 39730.7 and 39730.8.

23 24 **Article 10. Jurisdiction Edible Food Recovery Programs, Food Generators, and** 25 **Food Recovery**

26 27 **Section 18991.1. Jurisdiction Edible Food Recovery Program**

28 (a) A jurisdiction shall implement an edible food recovery program that shall include the
29 actions that the jurisdiction plans to take to accomplish **each of** the following:

30 (1) Educate commercial edible food generators as set forth in Section 18985.2.

31 (2) Increase commercial edible food generators access to ~~edible~~-food recovery
32 organizations and ~~edible~~-food recovery services.

33 (3) Monitor commercial edible food generators compliance as required in Article 14.

34 (4) Increase edible food recovery capacity if the analysis required by Section
35 18992.42 indicates that the jurisdiction does not have sufficient capacity to meet its
36 edible food recovery needs.

37
38 (b) A jurisdiction may fund the actions taken to comply with this section through
39 franchise fees, local assessments, or other funding mechanisms.

40
41 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

42
43 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654,
44 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;
45 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

1 **Section 18991.2. Recordkeeping Requirements for Jurisdiction Edible Food**
2 **Recovery Program**

3 (a) A jurisdiction shall include all documents supporting its compliance with Section
4 18991.1 in the Implementation Record required by Section 18995.2 of this chapter and
5 shall also include at a minimum:

6 (1) A list of commercial edible food generators in the jurisdiction that have
7 arrangements with edible food recovery organizations or services.

8 (2) A list of edible food recovery organizations in the jurisdiction and their edible food
9 recovery capacity.

10 (3) Documentation of the actions the jurisdiction has taken to increase edible food
11 recovery capacity.

12
13 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

14
15 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654,
16 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;
17 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

18
19 **Section 18991.3. Commercial Edible Food Generators**

20 (a) Tier One commercial edible food generators shall comply with the requirements of
21 this section commencing January 1, 2022, Tier two commercial edible food generators
22 shall comply with the requirements of this section commencing January 1, 2024.

23 (b) Commercial edible food generators shall arrange to recover **the maximum amount**
24 **of** edible food that would otherwise be disposed ~~in a manner that is appropriate for that~~
25 ~~business~~. An edible food generator may comply with the requirements of this section
26 through any of the following:

27 (1) Contracting with food recovery ~~services or organizations~~**organizations or**
28 **services** that will collect their edible food for food recovery.

29 (2) Self-hauling edible food to a food recovery organization that will accept the edible
30 food for food recovery.

31 **(A) Food that is self-hauled pursuant to this section shall be done with the**
32 **consent of the food recovery organization.**

33 (3) A large venue or large event operator that does not provide food services, but
34 allows for food to be provided, shall require food facilities operating at the event to
35 comply with the requirements of this section

36 **(c) In no case may a commercial edible food generator recover no edible food**
37 **absent extraordinary circumstances. The burden of proof shall be upon the**
38 **commercial edible food generator to demonstrate extraordinary circumstances.**

39 **Factors demonstrating extraordinary circumstances are:**

40 **(1) A failure by the jurisdiction to increase edible food recovery capacity as**
41 **required in Section 18991.1**

42 **(2) Acts of God such as inclement weather, earthquakes, wildfires, flooding,**
43 **and other emergencies or natural disasters**

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

1
2 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

3
4 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654,
5 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;
6 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

7
8 **Section 18991.4. Record Keeping Requirements For Commercial Edible Food**
9 **Generators**

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

12 (1) A list of each food recovery service or organization that collects or receives its
13 edible food.

14 (2) A copy of contracts, written agreements, or other documents between the edible
15 food generator and a food recovery service or organization.

16 (3) An edible food generator that complies with the requirements of this article
17 through contracting with a food recovery service or organization as allowed in Section
18 18991.3 shall keep a record of the following for each food recovery organization or
19 service that the edible food generator contracts with:

20 (A) The name, address and contact information of the service or organization.

21 (B) The types of food that will be collected by or transported to the service or
22 organization.

23 (C) The established frequency that food will be collected or transported.

24 (D) The quantity of food collected or transported to a service or organization for
25 food recovery.

26 1. Quantity shall be measured in pounds recovered per month.

27 ~~2. An edible food generator may use an alternative metric provided by the food~~
28 ~~recovery service or organization to measure the quantity of food recovered.~~

29
30 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

31
32 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654,
33 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;
34 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

35
36 **Section 18991.5. ~~Edible~~ Food Recovery Services and Organizations**

37 (a) A food recovery organization or service that collects or receives ~~6 tons or more of~~
38 edible food ~~directly~~ from **commercial** edible food generators ~~per year~~ shall maintain **a**
39 records **specified in this section:** ~~that includes all of the following:~~

40 **(1) A food recovery service shall maintain a record of:**

41 **(A1)** The name, address and contact information for each **commercial** edible food
42 generator **that** the service ~~or organization~~ collects ~~or receives~~ edible food from.

43 **(B2)** The quantity in pounds of edible food collected from each **commercial** edible
44 food generator per month.

45 **(C3)** The quantity in pounds of edible food transported to each ~~edible~~ food
46 recovery organization per month.

1 ~~(4) The total number of meals served per month if applicable.~~

2 ~~(D5) For a food recovery service, t~~ The name, address and contact information for
3 each food recovery organization that the service transports edible food to- for food
4 recovery.

5 -(2) A food recovery organization shall maintain a record of:

6 (A) The name, address and contact information for each commercial edible
7 food generator that the organization receives edible food from.

8 (B) The quantity in pounds of edible food received from each commercial
9 edible food generator per month.

10 (C) The name, address and contact information for each food recovery
11 service that the organization receives edible food from for recovery.

12
13 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

14
15 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654,
16 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;
17 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

18 Article 11. Organic Waste Recycling Capacity Planning

19 Section 18992.1. Organic Waste Recycling Capacity Planning

20
21 (a) Counties, in coordination with cities and regional agencies located within the county,
22 shall:

23
24 (1) Estimate the amount of all organic waste in tons that will be disposed by the
25 county and ~~cities~~ jurisdictions within the county by:

26 (A) Multiplying the percentage of organic waste reported as disposed in the
27 Department's most recent waste characterization study by the total amount of
28 disposal attributed to the county and each jurisdiction located within the county by
29 the Recycling and Disposal Reporting System; or,

30 (B) Using ~~a jurisdiction-specific~~ a waste characterization study or studies
31 performed by jurisdictions located within the county and applying the
32 results of those studies to the total amount of disposal attributed to the
33 county and each jurisdiction located within the county by the Recycling and
34 Disposal Reporting System. Local studies may be used ~~iffor the tons disposed~~
35 by the county or a jurisdiction within the county if the studies study is:

36 1. Are ~~m~~more recent than that the Department's most recent waste
37 characterization study,

38 2. Include at least the same categories of organic waste as the
39 Department's most recent waste characterization study

40 3. ~~A jurisdiction-specific study shall include~~ Include a statistically significant
41 sampling of solid waste disposed of by the jurisdiction conducting the study.

42
43 (2) Identify the amount in tons of existing organic waste recycling infrastructure
44 capacity, located both in the county and outside of the county, that is verifiably
45 available to the county and jurisdictions located within the county.

1 (A) A county can demonstrate the capacity is verifiably available to the county or
2 its jurisdictions through a contract, permit, franchise, or other documentation of
3 existing, new, or expanded capacity at a facility, activity, operation or
4 property that recovers organic waste that will be available to the county or
5 its jurisdiction prior to the end of the reporting period. ~~the following:~~

6 ~~1. A guarantee of access to existing permitted or authorized capacity at a~~
7 ~~facility, activity, operation, or property that recovers organic waste.~~

8 ~~2. A guarantee of access to new or expanded capacity at a facility, activity,~~
9 ~~operation, or property that recovers organic waste that will be available prior to~~
10 ~~the end of the reporting period.~~

11 (3) Estimate the amount of new or expanded organic waste recycling facility capacity
12 that will be needed to process the organic waste identified pursuant to subsection (1)
13 in addition to the existing capacity identified in subsection (2).

14 (b) A city or regional agency contacted by a county pursuant to subdivision (a) shall
15 respond to the county's request for the information necessary to comply with the
16 requirements of this article within 120 days of receiving the request from the county.

17 (1) If a city or regional agency fails to provide the information necessary to
18 comply with the requirements of this article within 120 days, the county is not
19 required to include estimates for that jurisdiction in the report it submits
20 pursuant to Section 18992.3

21 (2) In the report submitted pursuant to Section 18992.3 the county shall identify
22 any jurisdiction that did not provide the information necessary to comply with
23 the requirements of this article within 120 days of receiving a request from the
24 county.

25 (c) In complying with this section the county in coordination with cities and regional
26 agencies located within the county shall:

27 (1) Consult with the Enforcement Agency and the local task force created pursuant to
28 Section 40950 of the Public Resources Code on the status of locations for new or
29 expanded solid waste facilities including the potential capacity increase each facility
30 may provide if approved.

31 (2) Consult with haulers and owners of facilities, operations, and activities that
32 recover organic waste including, but not limited to, compost facilities, in-vessel
33 digestion facilities, and Publicly Owned Treatment Works to gather information on the
34 existing capacity and potential new or expanded capacity at those facilities,
35 operations, and activities.

36 (A) Entities contacted by a jurisdiction shall respond to the jurisdiction **within 60**
37 **days** regarding **available and** potential new or expanded capacity at their
38 facilities, operations, and activities, including information about throughput and
39 permitted capacity necessary for planning purposes.

40 (3) Conduct community outreach regarding locations being considered for new or
41 expanded facilities, operations, or activities to seek feedback on the benefits and
42 impacts that may be associated with new or expanded facilities, operations, or
43 activities. The community outreach shall:

44 (A) Include at least one of the following forms of communication: public workshops
45 or meetings, print noticing, and electronic noticing.

1 (B) If applicable be conducted in coordination with potential solid waste facility
2 operators that may use the location identified by the county **and the cities and**
3 **regional agencies located within the county.**

4 (C) ~~Specifically include~~ communication to disadvantaged communities that may
5 be impacted by the development of new facilities at the locations identified by the
6 county **and the cities and regional agencies located within the county.** ~~If more~~
7 ~~than five percent of that community is defined as “Limited English Speaking~~
8 ~~Households” or “linguistically isolated,” as defined by the U.S. Census Bureau, the~~
9 ~~jurisdiction shall provide the information required by this section in a language or~~
10 ~~languages that will assure that the information is understood by that community.~~

11 (D) **Include communication that is linguistically accessible to non-English**
12 **speaking residents in a manner that conforms with the requirements of**
13 **Section 18985.1(f) if an identified location is in a jurisdiction that is required**
14 **to provide linguistically accessible education and outreach pursuant to that**
15 **section.**

16 (4) Consult with community composting operators to estimate the amount of organic
17 waste the county, **and the cities and regional agencies located within the county**
18 **anticipate s** will be handled at community composting activities.

19 (d) If a county determines that organic waste recycling capacity, in addition to the
20 **available existing** and proposed capacity identified pursuant to subsection (a), is
21 needed within that county, ~~the~~ county shall notify the jurisdiction or jurisdictions that
22 lack sufficient capacity that ~~each it jurisdiction~~ is required to:

23 (1) Submit an implementation schedule to the Department that demonstrates how it
24 will ensure there is enough **available, new or expanded** capacity to recover the
25 organic waste currently disposed of by generators within their jurisdiction by the end
26 of the report period.

27 (A) The implementation schedule shall include timelines and milestones for
28 planning efforts to access ~~additional new or expanded~~ capacity, including, but not
29 limited to:

30 1. Obtaining funding for organic waste recycling infrastructure, including, but not
31 limited to, modifying franchise agreements or demonstrating other means of
32 financially supporting the expansion of organic waste recycling.

33 2. Identification of facilities, operations, and activities that could be used for
34 additional capacity.

35 (2) ~~Identify~~ **Identify** proposed new or expanded organic waste recycling facilities that
36 will be used to process the organic waste identified pursuant to subsection (a)(3).

37 **(e) The notice the county provides jurisdictions pursuant to subdivision (d) shall**
38 **be provided on or before the county submits the report required pursuant to**
39 **Section 18992.3**

40 ~~(3) The county shall notify the jurisdiction at the same time it submits the report to~~
41 ~~the Department required pursuant to Section 18992.3.~~

42 (f) ~~(e)~~ For the purposes of this section, ~~organic waste shall only include the~~ the following
43 type of organic waste **shall be included in estimates**: food, green waste, landscape
44 and pruning waste, wood, paper products, printing and writing paper, digestate and
45 biosolids.

1 (g) For the purposes of conducting the estimates required by this section a
2 county may subtract the waste generated in an area subject to a waiver granted
3 by the department pursuant to Section 18984.12. A county is not required to
4 obtain information from a city that is waived from all of the organic waste
5 collection requirements of this chapter.

6
7 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

8
9 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654,
10 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;
11 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

12
13 **Section 18992.2. Edible Food Recovery Capacity**

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

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

18 (2) Identify existing capacity at edible food recovery organizations **identified in**
19 **18982(a)(25)(A)–(B)** that is available to commercial edible food generators located
20 within the county and jurisdictions within the county.

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

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

25 **(b) In complying with this section the county in coordination with cities and**
26 **regional agencies located within the county shall consult with edible food**
27 **recovery organizations and edible food recovery services regarding existing, or**
28 **proposed new and expanded, capacity that could be accessed by the jurisdiction**
29 **and its commercial edible food generators.**

30 ~~(b)~~(c) If a county identifies that new or expanded capacity is needed to recover the
31 amount of edible food identified in (a)(4), then each jurisdiction within that county that
32 lacks capacity shall.

33 (1) Submit an implementation schedule to the Department that demonstrates how it
34 will ensure there is enough new or expanded capacity to recover the edible food
35 currently disposed of by commercial edible food generators within its jurisdiction by
36 the end of the reporting period set forth in Section 18992.3 of this article.

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

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

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

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

4 (d) If a county finds that new or expanded capacity is needed pursuant to (c)
5 then on or before the county submits the report required pursuant to Section
6 18992.3, the county shall notify the jurisdiction or jurisdictions that lack
7 sufficient capacity.

8
9 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

10
11 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654,
12 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;
13 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

14 **Section 18992.3. Schedule For Reporting**

15
16 (a) Counties, in coordination with cities and regional agencies located within the county
17 shall conduct the planning requirements of Sections 18992.1 and 18992.2, on the
18 following schedule.

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

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

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

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

27 (b) If a jurisdiction is required to submit an implementation schedule pursuant to Section
28 18992.1 or 18992.2 the implementation schedule shall be submitted 120 days following
29 the date the county submitted the report to CalRecycle.

30
31 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

32
33 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654,
34 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;
35 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

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

37 **Section 18993.1. Recovered Organic Waste Product Procurement Target**

38
39 (a) Except as otherwise provided, commencing January 1, 2022, a jurisdiction shall
40 annually procure a quantity of recovered organic waste products that meets or exceeds
41 its current annual recovered organic waste product procurement target as determined
42 by this article.

43
44 (b) Annually, the Department shall ~~assign~~ **confirm** and provide notice of the annual
45 recovered organic waste product procurement target for each jurisdiction, which shall be

1 calculated by multiplying the per capita procurement target by the jurisdiction population
2 where:

3 (1) Per capita procurement target = ~~0.070~~**0.08** tons of organic waste per California
4 resident per year.

5 (2) Jurisdiction population equals the number of residents in a jurisdiction, using the
6 most recent annual data reported by the California Department of Finance.

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

10 (d) ~~Beginning~~ **On or before** January 1, 2022 and **on or before January 1** every five
11 years thereafter, the Department shall recalculate the annual recovered organic waste
12 product procurement target for each jurisdiction according to the requirements of
13 subdivision (b).

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

15 (1) Directly procuring recovered organic waste products.

16 (2) Requiring, through a written contract, that a direct service provider to the
17 jurisdiction procure recovered organic waste products and provide written
18 documentation of such procurement to the jurisdiction.

19 (f) For the purposes of this article, the recovered organic waste products that a
20 jurisdiction may procure to comply with this article ~~are~~**must be procured are**:

21 (1) Compost, **subject to any applicable limitations of Public Contract Code**
22 **Section 22150, that is produced at:-**

23 **(A) A Compostable material handling operation or facility permitted or**
24 **authorized under Chapter 3.1 of this Division ; or**

25 **(B) A Large volume in-vessel digestion facility as defined and permitted**
26 **under Chapter 3.2 of this Division that compost on-site. [NOTE: Digestate,**
27 **as defined in Section 18982(a)(16.5), is a distinct material from compost**
28 **and is thus not a recovered organic waste product eligible for use in**
29 **complying with this Article.]**

30
31 (2) Renewable **gas used for ~~transportation~~ fuel for tranportation, electricity,**
32 **heating applications, or pipeline injection,**

33 **(3) Electricity from biomass conversion**

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

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

39 **(A) 21 diesel gallon equivalents, or "DGE," of renewable **gas in the form of****
40 **transportation fuel.**

41 **(B) 242 kilowatt-hours of electricity derived from renewable gas**

42 **(C) 22 therms for heating derived from renewable gas**

43 **(D) 27 therms for pipeline injection of renewable gas**

44 **(E) 650 kilowatt-hours of electricity derived from biomass conversion**

45 **(B) 0.58 tons of compost, or 1.45 cubic yards of compost.**

1 (h) Renewable gas procured from a POTW may only count toward a jurisdiction's
2 organic waste product procurement target, if the following apply:

3 (1) The POTW actively receives organic waste from a permitted solid waste
4 facility in a manner that conforms with the requirements of Section
5 17896.6(a)(1)

6 (2) The POTW transported less than 25 percent of the biosolids it produced to
7 activities that constitute landfill disposal in the previous calendar year.

8 (i) Electricity procured from a biomass conversion facility may only count toward
9 a jurisdiction's organic waste product procurement target if the biomass
10 conversion facility receives feedstock from a permitted solid waste facility.

11
12 ~~(h)(j)~~ If a jurisdiction's annual recovered organic waste product procurement target
13 exceeds the jurisdiction's total procurement of transportation fuel, electricity, and gas
14 for heating applications and pipeline injection and renewable transportation fuel
15 from the previous calendar year as determined by the conversion factors in subdivision
16 (g), the jurisdiction is only required to procure recovered organic waste products
17 described in (f) in an amount equal to its total the target may be adjusted to an
18 amount equal to its total procurement of those products as converted to their
19 recovered organic waste product equivalent purchase of transportation fuel and
20 renewable transportation fuel from the previous year consistent with subdivision (g).

21 ~~(i)(k)~~ A jurisdiction shall identify additional procurement opportunities within the
22 jurisdiction's departments and divisions for expanding the use of recovered organic
23 waste products..

24
25 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

26
27 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654,
28 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;
29 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

30 31 **Section 18993.2. Record Keeping Requirements For Recovered Organic Waste** 32 **Procurement Target**

33 (a) A jurisdiction shall include all documents supporting its compliance with this article in
34 the implementation record required by Section 18995.2 of this chapter, including, but
35 not limited to, the following:

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

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

40 (3) All invoices or similar records evidencing all procurement; and

41 (4) If a jurisdiction will include procurement of recovered organic waste products
42 made by a direct service provider to comply with the procurement mandate of this
43 article Section 18993.1(a), the jurisdiction shall include all records of procurement of
44 recovered organic waste products made by the direct service provider on behalf of
45 the jurisdiction including invoices or similar records evidencing procurement

1 (5) If a jurisdiction will include ~~renewable gas transportation fuel~~ procured from a
2 POTW for any of the uses identified in 18993.1 (f)(2) to comply with the
3 procurement mandate of Section 18993.1(a), a written certification by an
4 authorized representative of the POTW ~~of the tons of landfill-diverted organic waste~~
5 ~~processed into renewable gas provided to the jurisdiction~~ certifying that the POTW
6 produces the renewable gas consistent with the requirements of Section
7 18993.1(h). The certification shall be furnished under penalty of perjury in a form and
8 manner determined by the jurisdiction.

9 (6) If a jurisdiction will include electricity procured from a biomass conversion
10 facility to comply with the procurement mandate of Section 18993.1(a), a
11 written certification by an authorized representative of the biomass conversion
12 facility certifying that biomass feedstock is sourced from a permitted solid
13 waste facility shall be provided to the jurisdiction. The certification shall be
14 furnished under penalty of perjury in a form and manner determined by the
15 jurisdiction.

16 (7) If the jurisdiction is implementing the procurement requirements of Section
17 18993.1 through an adjusted recovered organic waste product procurement
18 target pursuant to Section 18993.1(j), the jurisdiction shall include records
19 evidencing the total volume of transportation fuel, electricity, and gas for
20 heating applications and pipeline injection procured during the calendar year
21 prior to the applicable reporting period.

22
23 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

24
25 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654,
26 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;
27 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

28 29 **Section 18993.3. Recycled Content Paper Procurement Requirements**

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

32 **consistent with the requirements of Sections 22150-22154 of the Public Contracts**
33 **Code.** ~~(b) Commencing January 1, 2022, a jurisdiction shall comply with the following:~~

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

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

38 ~~(3)~~**(eb) In addition to meeting the requirements of subdivision (a), above, p**Paper
39 products and printing and writing paper shall be eligible to be labeled with an unqualified
40 recyclable label as defined in 16 Code of Federal Regulations (CFR) Section 260.12
41 (2013).

42 ~~(dce)~~ A jurisdiction shall require all businesses from whom it purchases paper products
43 and printing and writing paper to certify in writing:

44 (1) The minimum percentage, if not the exact percentage, of postconsumer material
45 in the paper products and printing and writing paper offered or sold to the jurisdiction.

46 The certification shall be furnished under penalty of perjury in a form and manner

1 determined by the jurisdiction. A jurisdiction may waive the certification requirement if
2 the percentage of postconsumer material in the paper products, printing and writing
3 paper, or both can be verified by a product label, catalog, invoice, or a manufacturer
4 or vendor Internet website.

5 (2) That the paper products and printing and writing paper offered or sold to the
6 jurisdiction is eligible to be labeled with an unqualified recyclable label as defined in
7 16 CFR Section 260.12 (2013).

8
9 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5,
10 and Health and Safety Code Section 39730.6.

11
12 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654,
13 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;
14 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

15
16 **Section 18993.4. Record Keeping Requirements for Recycled Content Paper**
17 **Procurement**

18 (a) A jurisdiction shall include all documents supporting its compliance with this article in
19 the implementation record required by Section 18995.2 of this chapter including, but not
20 limited to, the following:

21 (1) Copies of invoices or receipts for all paper purchases.

22 (2) Copies of all certifications or other verification required under Section 18993.3.

23
24 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

25
26 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654,
27 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;
28 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

29
30 **Article 13. Reporting**

31
32 **Section 18994.1. Initial Jurisdiction Compliance Report.**

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

36 (1) A copy of ordinances adopted pursuant to this chapter.

37 ~~(2) The date that the jurisdiction will ensure that all containers used by generators~~
38 ~~subject to the jurisdiction's authority will be in compliance with the container color~~
39 ~~requirements as specified in Section 18984.7.~~

40 ~~(23) The reporting items identified in Section 18994.2-(b).~~

41 **(3) Contact information for the responsible person for compliance-related**
42 **issues, including name, address, phone number and email address.**

43
44 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.
45

1 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654,
2 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;
3 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

4
5 **Section 18994.2. Jurisdiction Annual Reporting**

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

10 **(1) Notwithstanding (a), a jurisdiction that complies with Section 18994.1 may**
11 **submit the the first report, covering the period of January 1,2022 through June**
12 **30, 2022, on October 1, 2022.**

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

15 (1) The type of organic waste collection service(s) provided by the jurisdiction to its
16 generators.

17 (2) The total number of generators that receive each type of organic waste collection
18 service provided by the jurisdiction.

19 (3) If the jurisdiction is implementing an organic waste collection service that requires
20 transport of the contents of containers to a high diversion organic waste processing
21 facility, the jurisdiction shall identify the Recycling and Disposal Reporting System
22 Number of each facility that receives organic waste from the jurisdiction.

23 **(4) If the jurisdiction allows placement of compostable plastics in containers**
24 **pursuant to Section 18984.1 or 18984.2, the jurisdiction shall identify each**
25 **facility that has notified the jurisdiction that it accepts and recovers that**
26 **material.**

27 **(5) If the jurisdiction allows organic waste to be collected in plastic bags and**
28 **placed containers pursuant to Section 18984.1 or 18984.2 the jurisdiction shall**
29 **identify each facility that has notified the jurisdiction that it it can accept and**
30 **remove plastic bags when it recovers source separated organic waste.**

31
32 (c) Each jurisdiction shall report the following, relative to its implementation of the
33 contamination monitoring requirements of Article 3.

34 (1) The number of route reviews conducted for prohibited container contaminants.

35 (2) The number of times notices, violations, or targeted education materials were
36 issued to generators for prohibited container contaminants.

37 (3) The number of notifications received from a solid waste facility operator regarding
38 prohibited container contaminants received at the facility pursuant to Section
39 (17409.5.7).

40 **(4) The number of waste composition studies performed to meet the container**
41 **contamination minimization requirements and resulting targeted route reviews**

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

44 (1) The number of days an emergency circumstances waiver as allowed in 18984.13
45 was in effect and the type of waiver issued.

1 (2) The tons of organic waste that were disposed as a result of waivers identified in
2 (1).

3 (3) The number of generators issued a de-minimis waiver.

4 (4) The number of generators issued a physical space waiver.

5 (5) A jurisdiction that receives a waiver from the Department pursuant to Section
6 18984.12 of Article 3 shall report the following information for each year the waiver is
7 in effect:

8 (A) The number of generators waived from the requirement to subscribe to an
9 organic waste collection service.

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

12 (1) The number of organic waste generators and edible food generators that received
13 information and the type of education and outreach used.

14 (2) The number of limited English speaking and linguistically isolated households that
15 received information required by Article 4.

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

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

19 (2) The Recycling and Disposal Reporting System number of each facility that is
20 receiving organic waste from haulers approved by the jurisdiction.

21 (3) The number of haulers that have had their approval revoked or denied.

22 (4) The number of self-haulers approved to operate within the jurisdiction.

23 ~~(5) The total amount, in tons, of source separated organic waste that was self-hauled~~
24 ~~by organic waste generators and reported to the jurisdiction pursuant to Section~~
25 ~~18988.3.~~

26 (g) A jurisdiction shall report the following regarding its implementation of the Cal-Green
27 Building Standards as required in Article 8:

28 (1) The number of construction and demolition debris removal activities conducted in
29 compliance with Section 18989.1 of this chapter.

30 (h) A jurisdiction shall report the following regarding its implementation of the edible
31 food recovery requirements of Article 10.

32 (1) The number of commercial edible food generators located within the jurisdiction.

33 (2) The number of food recovery services and organizations located and operating
34 within the jurisdiction **that serve commercial food generators. that collect or**
35 ~~receive more than 6 tons of food per year.~~

36 (A) A jurisdiction shall require food recovery organizations and services that are
37 located within the jurisdiction and ~~collect or receive 6 tons or more of~~ edible food
38 **from commercial edible food generators per year** to report the amount of edible
39 food recovered by the service or organization in the previous calendar year to the
40 jurisdiction.

41 (3) The jurisdiction shall report on the total amount of edible food recovered by edible
42 food recovery organizations and services that are located within its jurisdiction.

43 (i) A jurisdiction shall report the following regarding its implementation of the organic
44 waste recycling capacity planning and edible food recovery capacity planning
45 requirements of Article 11:

46 (1) A county shall report:

- 1 (A) The tons estimated to be generated for disposal.
2 (B) The amount of capacity verifiably available to the county and cities within the
3 county.
4 (C) The amount of new capacity needed.
5 (D) The locations identified for new or expanded facilities.
6 (E) The jurisdictions that are required to submit implementation schedules.
7 **(F) The jurisdictions that did not provide information required by Article 11**
8 **to the county within 120 days.**

9 (2) A jurisdiction that is required to submit an implementation schedule shall report
10 the information required in Sections 18992.1 (c) and 18992.2 (b) of this chapter.

11 (3) Notwithstanding (a), the information required by this subdivision shall be reported
12 on the schedule specified in Section 18992.3 of this chapter.

13 (j) A jurisdiction shall report the following regarding its implementation of the
14 procurement requirements of Article 12:

15 (1) The volume of each recovered organic waste product procured directly by the city,
16 county, or through direct service providers, or both during the prior calendar year.

17 (2) The total dollar amount spent on all paper purchases.

18 (3) The total dollar amount spend on all recycled content paper purchases.

19 **(4) If the jurisdiction is implementing the procurement requirements of Section**
20 **18993.1 through an adjusted recovered organic waste product procurement**
21 **target pursuant to Section 18993.1(j), the jurisdiction shall include in its report**
22 **the total volume of transportation fuel, electricity, and gas for heating**
23 **applications and pipeline injection procured during the calendar year prior to**
24 **the applicable reporting period** ~~(4) If the jurisdiction, pursuant to Section~~

25 ~~18993.1(h), procures a reduced amount of recovered organic waste transportation~~
26 ~~fuel, the jurisdiction shall report on the total volume of transportation fuel and~~
27 ~~renewable transportation fuel procured in the previous year.~~

28 (5) Additional procurement opportunities identified within the jurisdiction's
29 departments, as required in Section 18993.1.

30 (k) A jurisdiction shall report the following regarding its implementation of the
31 compliance, monitoring, and enforcement requirements specified in Articles 14-16:

32 (1) The number of commercial businesses subject to compliance reviews and the
33 number of violations found and corrected through the compliance reviews.

34 (2) The number of route reviews conducted per calendar year.

35 (3) The number of inspections conducted by type for commercial edible food
36 generators, food recovery organizations, and commercial businesses, per calendar
37 year.

38 (4) The number of complaints received, investigated, and violations found based on
39 complaints per calendar year.

40 (5) The number of Notices of Violation issued by type of entity (generator, hauler,
41 edible food generators) per calendar year.

42 (6) The number of penalties issued by type of entity (generator, hauler, edible food
43 generators) per calendar year.

44 (7) The number of entities by type (generator, hauler, edible food generators) that
45 came into compliance in the calendar year.

1 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

2
3 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654,
4 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;
5 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

6 7 **Article 14 Enforcement Requirements**

8 9 **Section 18995.1. Jurisdiction Inspection and Enforcement Requirements**

10 (a) On or before January 1, 2022, a jurisdiction shall have an inspection and
11 enforcement program that ~~ensures~~ **is designed to ensure overall** compliance with this
12 chapter and that, at a minimum, includes the following requirements:

13 (1) ~~On or before~~ **Beginning** January ~~131~~, 2022, and at least annually thereafter, a
14 jurisdiction shall conduct the following:

15 (A) If the jurisdiction is using the compliance method described in Section 18984.1
16 or 18984.2 of this ~~division~~ the jurisdiction shall:

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

21 i. Organic waste generator requirements set forth in Section 18984.9(a).

22 ii. Self-haul requirements set forth in Section 18988.3, including whether a
23 business is complying through back-hauling organic waste.

24 2. **Beginning April 1, 2022, Either:**

25 ~~i. Conduct annual~~ route reviews of commercial businesses and residential
26 ~~areas~~ **generators** for compliance with organic waste generator requirements
27 set forth in Section 18984.9(a) and container contamination requirements set
28 forth in Section 18984.5; ~~or,~~

29 **ii. Perform waste composition studies consistent with Section**
30 **18984.5(c) to verify commercial businesses and residential generators**
31 **for compliance with organic waste generator requirements set forth in**
32 **Section 18984.9(a)**

33 (B) If a jurisdiction is using the compliance method described in Section 18984.3,
34 the jurisdiction shall conduct a compliance review of all garbage accounts for
35 commercial business that are subject to it's authority, and generate two cubic
36 yards or more per week of solid waste and produce organic waste; and, also
37 determine their compliance with:

38 1. Organic waste generator requirements set forth in Section 18984.9(a) and
39 document if the business is transporting the contents to a high diversion organic
40 waste processing facility, or

41 2. Self hauling pursuant to Section 18988.3, including whether a business is
42 complying through back-hauling organic waste.

43 (2) **Beginning January 1, 2022,** ~~Conduct~~ inspections of Tier One commercial
44 edible food generators and food recovery organizations **and services** for compliance
45 with this chapter. ~~On or after~~ **Beginning** January 1, 2024, conduct inspections of Tier
46 Two commercial edible food generators for compliance with Article 10.

1 (3) **Beginning Januarys 1, 2022, c**Conduct inspections, route reviews, or
2 compliance reviews when investigating a complaint in accordance with Section
3 18995.3 of this chapter.

4 (4) **Beginning On and after** January 1, 2022 and until January 1, 2024, if a
5 jurisdiction determines that an organic waste generator, self-hauler, hauler, or
6 commercial edible food generator, or other entity is not in compliance with this
7 chapter, it shall provide educational material to the entity describing its obligations
8 under this chapter

9 (5) **Beginning On and after** January 1, 2024, if a jurisdiction determines that an
10 organic waste generator, self-hauler, hauler, or commercial edible food generator, or
11 other entity is not in compliance with this chapter, it shall document the violation and
12 take enforcement action as set forth in Section 18995.4 of this chapter.

13 (6) **Annually verify** **Every 24 months verify** through inspection **that commercial,**
14 **annual review or route review** businesses are meeting de minimis and physical space
15 waivers for compliance with the requirements of Section 18984.11.

16 (b) A jurisdiction shall conduct a sufficient number of compliance reviews, route reviews
17 and inspections **of entities described in this section, -to ensure adequately**
18 **determine overall** compliance with this chapter. A jurisdiction shall inspect entities that
19 it determines are more likely to be out of compliance, based on complaints or reports
20 that it receives from the haulers, facilities, or other complainants, the jurisdiction's
21 random route reviews, or other means.

22 (c) A jurisdiction shall generate a written **or electronic record**port for each inspection,
23 route review, and compliance review conducted pursuant to this chapter. Each
24 **record**port shall include, at a minimum, the following information:

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

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

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

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

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

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

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

35 (5) Any supporting evidence or findings, such as photographs and account records.

36 (6) The route review records shall include locations of the route review(s), the source
37 of contamination, photographs, and notices or education materials given to
38 generators.

39 (d) **Copies of all reports** **Documentation** of route reviews, compliance reviews, and
40 inspections, as well as all other records of enforcement conducted pursuant to this
41 chapter shall be maintained in the Implementation Record required by Section 18995.2
42 of this chapter, and shall include, but not be limited to:

43 (1) Copies of all documentation of route reviews, compliance reviews, and
44 inspections.

45 (2) Copies of all enforcement actions required by Section 18995.4 of this chapter,
46 including **Notices of Violations**, subsequent notices, and penalties issued.

1 (3) A list of the date(s) that the jurisdiction determined ~~the~~ an entity ~~es~~ complied
2 with ~~issued~~ a Notice of Violation ~~came into compliance~~ and the evidence that
3 supports compliance.

4 (4) Copies of notices and educational material provided as required by this section.

5 (e) Consistent with Section 18981. 2, a jurisdiction may have a designee conduct
6 inspections required by this section.

7 **(f) Any records obtained by a jurisdiction during its inspections and review shall**
8 **be subject to the requirements and applicable disclosure exemptions of the**
9 **Public Records Act as set forth in Government Code Section 6250 et seq.**

10
11 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

12
13 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654,
14 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;
15 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

16
17 **Section 18995.2. Implementation Record and Recordkeeping Requirements**

18 (a) A jurisdiction shall maintain all records required by this chapter in the
19 Implementation Record in the following manner:

20 (b) The Implementation Record shall be stored in one central location, physical or
21 electronic, that can be readily accessed by the Department. The jurisdiction shall
22 provide its central location for records and a point of contact to the Department to
23 facilitate the Department's review of the records.

24 (c) Upon request by the Department, the jurisdiction shall provide access to the
25 Implementation Record within ~~one~~ **ten** business days.

26 (d) All records and information ~~from each reporting period~~ shall be included in the
27 Implementation Record within ~~60~~ **30** days. ~~of the last day of the reporting period.~~

28 (e) All records shall be retained by the jurisdiction for five years.

29 (f) At a minimum, the following shall be included in the Implementation Record:

30 (1) A copy of all ordinances, enforceable mechanisms, contracts, or agreements, as
31 required by this chapter.

32 (2) A copy of the Jurisdiction's inspection and enforcement program that it uses to
33 comply with Sections 18995.1 and 18995.4 of this chapter.

34 (3) All organic waste collection service records required by Section 18984.4 of this
35 chapter.

36 (4) All contamination minimization records required by Section 18984.6 of this
37 chapter.

38 (5) All waiver and exemption records required by Section 18984.14 of this chapter.

39 (6) All education and outreach records required by Section 18985.3 of this chapter.

40 (7) All hauler program records required by Section 18988.4 of this chapter.

41 (8) All jurisdiction edible food recovery program records required by Section 18991.2
42 of this chapter.

43 (9) All recovered organic waste procurement target records required by Section
44 18993.2 of this chapter.

45 (10) All recycled content paper procurement records required by Section 18993.5 of
46 this chapter.

1 (11) All inspection, route review, and compliance review ~~documents~~ ~~reports~~
2 generated pursuant to the requirements of Section 18995.1-(ed) of this chapter.

3 (12) All records of enforcement actions undertaken pursuant to this chapter.

4 (13) All records of complaints and investigations of complaints required by Section
5 18995.3 of this chapter and compliance with the Jurisdiction's Inspection and
6 Enforcement requirements of Sections 18995.1.~~(e)~~ and 18995.3(g) of this chapter.

7 (14) All records required by Section 18998.4 if the jurisdiction is implementing
8 a performance-based source-separated organic waste collection service under
9 Article 17 of this chapter.

10 (g) All records maintained in the ~~Implementation~~ ~~Implementation~~ Record shall be
11 subject to the requirements and **applicable disclosure** exemptions of the Public
12 Records Act as set forth in Government Code Section 6250 et seq.

13
14 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

15
16 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654,
17 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;
18 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

19
20 **Section 18995.3. Jurisdiction Investigation of Complaints of Alleged Violations**

21 (a) Any person having information that an entity is in violation of this chapter, may file a
22 complaint with the jurisdiction, in a manner specified by the jurisdiction. The jurisdiction
23 may request that the complaint include the following:

24 (1) The name and contact information of the complainant.

25 (2) The identity of the entity allegedly in violation and location and description of the
26 violation.

27 (3) All known facts relevant to the alleged violation including, but not limited to,
28 information relating to witnesses and physical evidence.

29 (b) Upon request, the jurisdiction shall ensure that the name and contact information of
30 a complainant remain confidential.

31 (c) The Department may also file, or forward, a complaint to the jurisdiction.

32 (d) Upon receipt of a complaint, a jurisdiction shall, within 90 days, investigate the
33 complaint if it determines that the allegations, if true, would constitute a violation.

34 (e) The jurisdiction shall provide a method for a complainant to find out the results of
35 their complaint.

36 (f) The jurisdiction shall maintain records of all complaints and responses pursuant to
37 this section in the Implementation Record set forth in Section 18995.2 of this chapter.
38 The records shall include the complaint as received, the date the jurisdiction
39 investigated the complaint, the jurisdiction's determination of compliance or notice of
40 violations issued.

41 (g) If a jurisdiction determines that a violation has occurred, it shall take enforcement
42 action as required by this chapter.

43
44 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.
45

1 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654,
2 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;
3 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

4
5 **Section 18995.4. Enforcement by a Jurisdiction**

6 (a) ~~If an entity has been found in~~For violations of this chapter **occurring on or** after
7 January 1, 2024, the jurisdiction shall take enforcement action as set forth in this
8 section.

9 (1) The jurisdiction shall issue a Notice of Violation to any entity found in violation
10 within 60 days after determining that a violation has occurred.

11 (2) The jurisdiction shall conduct follow-up inspections to determine if compliance is
12 achieved, at least every 90 days following the **issue** date of ~~the first an initial~~ Notice
13 of Violation, and continue to ~~issue~~ issue Notices of Violation until compliance is
14 achieved or a penalty has been issued.

15 (3) The jurisdiction shall commence actions to impose a penalty pursuant to Article
16 16 **within the following time frames: on the entity within the following timeframes:**

17 (A) For a first ~~violation~~ offense, no later than 150 days after the issuance of the
18 **initial** Notice of Violation.

19 (B) For a second, ~~third~~ violation and all subsequent ~~offenses~~ violations, no later
20 than 90 days after the issuance of the **initial** Notice of Violation.

21 **1. The commencement of each action to impose a penalty pursuant to**

22 **Article 16 or local ordinance adopted pursuant to the mandates of this**

23 **chapter shall constitute an offense for purposes of penalty calculations.**

24 **2. The commencement of an action against the same entity for a violation**

25 **of the same section of this chapter or local ordinance adopted pursuant**

26 **to the mandates of this chapter within one year of imposing a penalty for**

27 **a first offense pursuant to Article 16 shall constitute a second or**

28 **subsequent offense for purposes of penalty calculations .**

29 (4) The jurisdiction may seek equivalent or stricter nonmonetary remedies to those

30 set forth in Section 18997.2 of this chapter.

31 (b) The jurisdiction may grant extensions to the compliance deadlines set forth in

32 subsection (a) if it finds that:

33 (1) The entity has made an effort but has failed to comply within the deadline due to

34 extenuating circumstances outside its control. Examples of extenuating

35 circumstances include acts of God such as inclement weather, ~~or~~ earthquakes,

36 **wildfires, flooding, and other emergencies or natural disasters, or** ~~and~~ delays in

37 obtaining discretionary permits or other government agency approvals, but where the

38 entity's actions or failure to act was not the cause of the delay; or,

39 (2) The entity's compliance is not possible due to limitations in infrastructure, and the

40 jurisdiction in which it resides is under a Corrective Action Plan (CAP) pursuant to

41 Section 18996.2 due to long-term infrastructure or capacity deficiencies.

42 (c) A jurisdiction shall provide the following information in any Notice of Violation or

43 other enforcement notices:

44 (1) The account name, name, or names of each person or entity to whom it is

45 directed. Notices must go to the legally responsible party, such as business owner,

46 service account holder, property owner, etc.

1 (2) The list and description of the violations of this chapter, including the local
2 ordinance being violated.

3 (3) A compliance date by which the operator is to take specified action(s).

4 (4) The penalty for not complying within the specified compliance date.

5 (d) A jurisdiction may, but is not required to, seek penalties pursuant to this section for a
6 violation of the container contamination requirements authorized by Section
7 18984.5(b)(3).

8
9 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

10
11 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654,
12 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;
13 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

14 **Article 15. Enforcement Oversight by the Department**

15 **Section 18996.1. Department Evaluation of Jurisdiction Compliance**

16
17 (a) The Department shall evaluate a jurisdiction's compliance with this chapter as set
18 forth in this article.

19 (b) In conducting a compliance evaluation, the Department shall review the jurisdiction's
20 Implementation Record and conduct inspections, compliance reviews, and route
21 reviews.

22 (c) The Department shall notify the jurisdiction prior to conducting an evaluation.

23 (d) A summary of the Department's findings shall be provided in writing to the
24 jurisdiction.

25 (e) If the Department determines at any time that an ordinance adopted by a jurisdiction
26 is inconsistent with or does not meet the requirements set forth in this chapter, the
27 Department shall notify the jurisdiction and provide an explanation of the deficiencies.

28 The jurisdiction shall have ~~90~~180 days from that notice to correct the deficiencies. If the
29 jurisdiction does not, the Department may commence enforcement actions as set forth
30 in Section 18996.2 of this chapter.

31
32
33 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

34
35 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654,
36 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;
37 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

38 **Section 18996.2. Department Enforcement Action Over Jurisdictions**

39 (a) If the Department finds that a jurisdiction is violating one or more of the requirements
40 of this chapter, then the Department may take the following actions:

41 (1) Issue a Notice of Violation requiring compliance within 90 days. An extension
42 may be granted for an additional 90 days, if the jurisdiction submits a written request
43 to the Department within 60 days of the Notice of Violation's issuance that includes:

44 (A) Evidence that additional time is needed to comply.
45

1 (B) The steps the jurisdiction will take to correct the violation, including
2 demonstration that it can comply within 180 days of the Notice of Violation’s
3 issuance date.

4 (2) The Department may extend the timeframe for a jurisdiction to comply beyond
5 180 days from the Notice of Violation issuance date by issuing a Corrective Action
6 Plan (CAP) for up to 24 months, setting forth steps to achieve compliance, if the
7 jurisdiction has demonstrated, that it has made a substantial effort to comply and
8 there are extenuating circumstances that have prevented it from complying.

9 (A) A jurisdiction shall submit a written request for the extension at least 30 days
10 prior to the Notice of Violation final compliance date. The request shall provide
11 documentation demonstrating its substantial effort to comply, and the extenuating
12 circumstances which prevents it from complying, and identify the critical
13 milestones that the jurisdiction would need to meet in order to comply within 24
14 months.

15 1. If a jurisdiction claims that the cause of the delay is inadequate capacity of
16 organic waste recovery facilities, it shall document the lack of capacity and
17 demonstrate that it has provided service where possible and that it has only
18 delayed compliance with this chapter for areas where service cannot be
19 provided due to capacity limits. Implementation schedules, under Article 11,
20 may be considered for purposes of developing a Corrective Action Plan;
21 however, the Department may set compliance milestones other than those
22 provided in the Implementation Schedule.

23 (B) For the purposes of this section, “substantial effort” means that a jurisdiction
24 has taken all practicable actions to comply. Substantial effort does not include
25 circumstances where a decision-making body of a jurisdiction has not taken the
26 necessary steps to comply with the chapter, including, but not limited to, a failure
27 to provide staff resources, a failure to provide sufficient funding to assure
28 compliance, or failure to adopt required ordinances.

29 (C) For the purposes of this section, “extenuating circumstances” means that a
30 delay in compliance has been caused by:

31 1. Circumstances outside of a jurisdiction’s control; including acts of God and
32 declared emergencies such as earthquake, **wildfires, mudslides, flooding, and**
33 **other emergencies or natural disasters** or delays in obtaining discretionary
34 permits or other government agency approvals.

35 2. A long term infrastructure or capacity change which requires a corresponding
36 longer length of time to achieve compliance.

37 (D) For the purposes of this section, “critical milestones” means all actions
38 necessary for a jurisdiction to comply, including, but not limited to, receiving
39 approval by decision-making bodies, permit application submittals and obtaining
40 approvals, and tasks associated with the local contract approvals.

41 (3) A Corrective Action Plan shall be issued by the Department for no longer than 24
42 months and shall include compliance dates for each milestone that describe the tasks
43 and timeframe the jurisdiction needs to take to achieve full compliance by a final
44 compliance date. The Corrective Action Plan shall include the penalties that may be
45 imposed if a jurisdiction fails to comply by the final compliance date and may also
46 include penalties for failing to meet milestones by the specified dates.

1 **(4) An initial Corrective Action Plan issued due to inadequate capacity of**
2 **organic waste recovery facilities may be extended for a period of up to 12**
3 **months if the department finds that the jurisdiction has demonstrated**
4 **substantial effort**

5
6 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

7
8 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654,
9 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;
10 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

11
12 **Section 18996.3. Department Enforcement When Jurisdiction fails to Enforce**

13 (a) If a jurisdiction fails to enforce the requirements set forth in this chapter, the
14 Department may take enforcement action against an entity pursuant to Section 18996.9
15 of this chapter and also enforcement action against the jurisdiction pursuant to this
16 article after providing the jurisdiction with:

17 (1) Written documentation of its lack of appropriate enforcement action.

18 (2) A written request to take enforcement action against the entity pursuant to Article
19 14 of this chapter or evidence within 60 days that the entity is in compliance.

20 (b) The Department may seek administrative penalties against the jurisdiction pursuant
21 to Article 16 if the jurisdiction fails to take enforcement action as requested pursuant to
22 subsection (a) (2).

23
24 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

25
26 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654,
27 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;
28 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

29
30 **Section 18996.4.- Access for Inspection by the Department**

31 (a) Upon presentation of proper credentials, an authorized Department employee or
32 agent shall be allowed to enter an entity's premises during normal working hours to
33 conduct inspections and investigations in order to examine organic waste recovery
34 activities, edible food recovery activities, and records pertaining to the entity in order to
35 determine compliance with this chapter. Methods may include, but are not limited to,
36 allowing the review or copying, electronically or through mechanical methods (i.e.,
37 photocopying) of any paper, electronic, or other records required by this chapter, such
38 as invoices, memoranda, books, papers, or records.

39 (1) This subdivision is not intended to permit an employee or agent of the Department
40 to enter a residential property.

41
42 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

43
44 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654,
45 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;
46 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

1
2 **Section 18996.5. Enforcement Actions Against Organic Waste Generators**
3 **Located In Multiple Jurisdictions and Non-Local Entities**

4 (a) If a jurisdiction believes that an organic waste generator, including a commercial
5 edible food generator, that has locations in more than one jurisdiction, has violated a
6 requirement of this chapter, and the jurisdiction has reason to believe that the entity is
7 also violating that requirement in another jurisdiction, or a jurisdiction believes a non-
8 local entity, **including a Tier Two Commercial Edible Food Generator**, within its
9 jurisdiction has violated a requirement of this chapter, the jurisdiction may refer the
10 matter to the Department for review and enforcement action.

11 (b) Prior to making a referral to the Department for an entity that has locations in more
12 than one jurisdiction, a jurisdiction shall inspect the entity within its jurisdiction and, at a
13 minimum, issue a Notice of Violation if it finds that a violation has occurred. The referral
14 must include, at a minimum, the name and location of the entity, a copy of the Notice of
15 Violation issued, all evidence collected, and any correspondence with the entity.

16 (c) If the Department finds that at an organic waste generator that has locations in more
17 than one jurisdiction, or a non-local entity has not complied with the requirements of this
18 chapter, it may take enforcement pursuant to this article and Article 16 of this chapter.

19 (d) If the Department determines the referral does not meet the requirements of this
20 section, the Department may refer the matter back to the jurisdiction for enforcement
21 action.

22 (e) If the Department determines that the referral meets the requirements of this section,
23 and takes enforcement action based on the referral, the jurisdiction shall suspend its
24 enforcement actions related to the entity.

25
26 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

27
28 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654,
29 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;
30 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

31
32 **Section 18996.6. Department Inspections and Compliance Reviews of State**
33 **Agencies and Facilities**

34 (a) If the Department finds that a state agency or state facility is violating Article 5, or
35 Article 10 of this chapter, then the Department may take the following progressive
36 enforcement actions:

37 (1) Issue a Notice of Violation requiring compliance within 90 days. If the state agency
38 or state facility provides sufficient evidence that additional time is needed to comply, it
39 may request, and the Department may grant an additional 180-day extension. The
40 state agency or state facility extension request shall include:

41 (A) An explanation of why the violations have occurred, and all steps that have
42 been taken to comply with this chapter.

43 (B) An explanation as to why it cannot correct the violation by the compliance date.

44 (C) A proposed set of tasks and milestones necessary for the state agency or
45 state facility to comply and an explanation and justification of the proposed
46 timeline.

1 (D) Any additional information that supports the request to delay enforcement
2 action.

3 (2) If the Department issues a Notice of Violation to a state agency or facility it shall
4 include, but is not be limited to:

5 (A) A description of the violation and regulatory section that is the basis of the
6 violation.

7 (B) Identification of the actions the state agency or state facility shall take to
8 correct the violation(s).

9 (C) The timeframe in which each of the actions must be taken.

10 (D) The actions in subsection (a)(3) of this section that the Department may take if
11 the state agency or facility fails to comply.

12 (3) If a state agency or state facility fails to comply with a Notice of Violation, the
13 Department may take the following enforcement actions:

14 (A) List the state agency or state facility on the Organic Waste Recovery
15 Noncompliance Inventory described in Section 18997.4 of this chapter.

16 (B) Request that the Department of General Services (DGS) conduct an audit of
17 the state agency or state facility for compliance with Public Contract Code (PCC)
18 Section 12217(a).

19 (C) Notify the Governor.

20 (D) Notify the Legislature.

21 (4) The Department may not extend a compliance deadline in a Notice of Violation if
22 the Department determines that the state agency or state facility has not made
23 substantial efforts to comply with this chapter.

24 (A) For the purposes of this section, "substantial effort" means that the state
25 agency or state facility has taken all practicable steps to comply. Substantial effort
26 does not include failure by the state agency or facility to take the necessary steps
27 to comply, including, but not limited to, not providing adequate staff resources,
28 failing to provide sufficient funding to assure compliance with the Chapter, or
29 failure to adopt required policies.

30
31 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

32
33 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654,
34 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;
35 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

36
37 **Section 18996.7. Department Enforcement Action Regarding Local Education**
38 **Agencies And Federal Facilities**

39 (a) If the Department finds that a local education agency or federal facility is violating
40 this chapter, the Department may issue a Notice of Violation requiring compliance within
41 90 days. If the local education agency or federal facility fails to comply with the Notice
42 of Violation, the Department may list the local education agency or federal facility~~a~~
43 ~~non-local entity~~ on the Organic Waste Recovery Noncompliance Inventory pursuant to
44 Section 18997.4.

45
46 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

1
2 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654,
3 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;
4 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

5
6 **Section 18996.8. Complaints of Alleged Violations by Jurisdictions and Entities**

7 (a) Any person having information that a jurisdiction or an entity is in violation of a
8 requirement of this chapter may file a written complaint to the Department. The
9 Department may request that complaints include the following:

- 10 (1) The name and contact information of the person making the complaint.
11 (2) The identity of the alleged violator, including the name of the entity, jurisdiction,
12 state agency, state facility, local education agency, or other non-local entity.
13 (3) The location of the violation.
14 (4) A description of the violation.
15 (5) All known relevant facts including, but not limited, information relating to
16 witnesses and physical evidence.

17 (b) Upon request, the Department shall ensure that the names and contact information
18 of a complainant remain confidential.

19 (c) Upon receipt of a complaint, the Department shall, within 60 days, determine
20 whether the allegations, if true, would constitute a violation of this chapter, and, if so,
21 commence an investigation. The Department shall notify the complainant of the results
22 of the Department's investigation.

23 (d) If the Department receives a complaint about an entity within a jurisdiction's
24 authority, it shall refer the complaint to the jurisdiction for investigation and enforcement
25 action.

26
27 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

28
29 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654,
30 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;
31 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

32
33 **Section 18996.9. Department Enforcement Actions Against Entities.**

34 (a) The Department may take enforcement action against organic waste generators,
35 including commercial edible food generators, haulers, and food recovery organizations
36 and services, where a jurisdiction has failed to enforce this chapter or where the entity is
37 a non-local entity ~~that is not a state agency or facility subject to enforcement under~~
38 ~~except as provided in Sections 18996.6 or and a local education agency subject to~~
39 ~~enforcement under~~ Section 18996.7.

40 ~~(b) If an entity has been found in violation~~ **Violations of this chapter that are subject**
41 **to Department jurisdiction, other than violations of the Recovered Organic Waste**
42 **Product Procurement requirements of 18993.1, shall be enforced as follows:; the**
43 ~~Department shall:~~

44 (1) For a first **offense violation:**

45 (A) **The Department shall** issue a Notice of Violation (NOV) requiring compliance
46 within 60 days.

1 (B) If the violation continues after the NOV compliance date, the Department shall
2 issue a Notice and Order to Correct (NOTC) requiring compliance within 30 days
3 of issuance of the NOTC. The NOTC shall include the potential penalties for
4 failing to comply.

5 (C) If the violation continues after the NOTC compliance deadline of 30 days, the
6 Department shall commence action to impose a penalty penalties on the entity no
7 later than 90 days after the issuance of the NOTC.

8 (D) The commencement of an action to impose penalties as described in
9 subsection (C), above, shall constitute a first offense for the purposes of
10 calculating penalties under Article 16.

11 (2) For a second offense violation and all subsequent violations offenses:

12 (A) Issue a Notice and Order to Correct (NOTC) requiring compliance within 30
13 days. The NOTC shall include the potential penalties for failing to comply.

14 (B) If the violation continues after the NOTC compliance deadline, the Department
15 shall commence action to impose a penalty on the entity no later than 90 days
16 after its determination of the violation.

17 (C) The commencement of an action to impose penalties as described in
18 paragraph (B), above, shall constitute a 2nd, 3rd, or subsequent offense for
19 the purposes of calculating the penalties under Article 16 if the
20 commencement of such action occurs within five (5) years of the final
21 imposition of a penalty for a first offense regarding a violation of the same
22 section of this chapter by the same entity.

23 (c) The Department may grant extensions to the compliance deadlines set forth in
24 subsection (b) if it makes the following findings:

25 (1) The entity is making timely progress toward compliance, and

26 (2) The entity's failure to comply within the deadline is due to:

27 (A) Extenuating circumstances outside its control, including a correction to a long
28 term infrastructure or capacity change which requires a correspondingly longer
29 length of time to achieve compliance. Examples of extenuating circumstances
30 include acts of God such as inclement weather, ~~and~~ earthquakes, wildfires,
31 mudslides, flooding and other emergencies and natural disasters, ~~and~~ delays
32 in obtaining discretionary permits or other government agency approvals, but
33 where the entity's actions or failure to act was not the cause of the delay.

34 (B) Limitations in infrastructure and the jurisdiction in which it is located is under a
35 Corrective Action Plan (CAP) pursuant to Section 18996.2 due to long term
36 infrastructure or capacity deficiencies.

37 (d) The Department shall provide the following information in any Notice of Violation or
38 other enforcement notices:

39 (1) The account name, name(s) of each person, or entity to whom it is directed.
40 Notices must go to the legally responsible party, such as a business owner,
41 service account holder, property owner, etc.

42 (2) The list and description of the violations of this chapter, including the section of
43 this chapter being violated.

44 (3) A compliance date by which the entity is to take specified action(s).

45 (4) The penalty for not complying within the specified compliance date.

1 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

2
3 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654,
4 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;
5 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

6
7 **Article 16. Administrative Civil Penalties for Violations of Requirements of This**
8 **Chapter**

9
10 **Section 18997.1. Scope.**

11 (a) The Department may impose administrative civil penalties authorized by Public
12 Resources Code 42652.5 in accordance with the procedures set forth in this article.

13 (b) A jurisdiction shall adopt ordinance(s) or enforceable mechanisms to impose
14 penalties that are equivalent or stricter than those amounts in Section 18997.2 of this
15 chapter.

16
17 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

18
19 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654,
20 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;
21 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

22
23 **Section 18997.2. Penalty Amounts**

24 (a) A jurisdiction shall impose penalties that are equivalent or stricter than those
25 amounts in Table 1 of this section and shall be calculated by determining the type of
26 violations that have occurred, the number of violations that have occurred, and the
27 corresponding penalty level in subsection (b).

28 Table 1

<u>Requirement</u>	<u>Description of Violation</u>	<u>1st</u> <u>Violation</u> <u>Offense</u>	<u>2nd</u> <u>OffenseVi</u> <u>olation</u>	<u>3rd and</u> <u>subsequent</u> <u>Violation</u> <u>Offense</u>
<u>Property and</u> <u>Business</u> <u>Owner</u> <u>Responsibility</u> <u>Requirement</u> <u>Section</u> <u>18984.10</u>	<u>Property owner or business owner fails to</u> <u>provide or arrange for organic waste</u> <u>collection services consistent with Article</u> <u>3 of this chapter, and local</u> <u>requirements,</u> <u>for employees,</u> <u>contractors, tenants, and customers,</u> <u>including supplying and allowing access to</u> <u>adequate numbers, size, and location of</u> <u>containers and sufficient signage and</u>	<u>Level 1</u>	<u>Level 2</u>	<u>Level 3</u>

<u>Requirement</u>	<u>Description of Violation</u>	<u>1st Violation Offense</u>	<u>2nd Offense Violation</u>	<u>3rd and subsequent Violation Offense</u>
	<u>container color, as prescribed by this section.</u>			
<u>Property and Business Owner Responsibility Requirement</u> <u>Section 18984.10</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 18984.10</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 3</u>
<u>Organic Waste Generator Requirement</u> <u>Section 18984.9(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 3</u>
<u>Organic Waste Generator Requirement</u> <u>Section 18984.9(b)(1)</u>	<u>Organic waste generator, that is a commercial business, fails to provide containers for the collection of organic waste and no-norganic recyclables in all areas where disposal containers are provided for customers.</u>	<u>Level 1</u>	<u>Level 2</u>	<u>Level 3</u>

<u>Requirement</u>	<u>Description of Violation</u>	<u>1st Violation Offense</u>	<u>2nd Offense Violation</u>	<u>3rd and subsequent Violation Offense</u>
<u>Organic Waste Generator Requirement</u> <u>Section 18984.9(b)(2)</u>	<u>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.</u>	<u>Level 1</u>	<u>Level 1</u>	<u>Level 2</u>
<u>Organic Waste Generator Requirement</u> <u>Section 18984.9(b)(3)</u>	<u>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.</u>	<u>Level 1</u>	<u>Level 1</u>	<u>Level 2</u>
<u>Hauler Requirement</u> <u>Section 18988.2</u>	<u>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.</u>	<u>Level 1</u>	<u>Level 2</u>	<u>Level 3</u>
<u>Hauler Requirement</u> <u>Section 18988.2 (a)(2)</u>	<u>A hauler providing residential, commercial, or industrial organic waste collection service fails to obtain applicable approval issued by the jurisdiction pursuant to Section 18988.1.</u>	<u>Level 1</u>	<u>Level 2</u>	<u>Level 3</u>
<u>Hauler Requirement</u> <u>Section 18988.2</u>	<u>A hauler fails to keep a record of the applicable documentation of its approval by the jurisdiction, as prescribed by this section.</u>	<u>Level 1</u>	<u>Level 2</u>	<u>Level 3</u>

<u>Requirement</u>	<u>Description of Violation</u>	<u>1st Violation Offense</u>	<u>2nd Offense Violation</u>	<u>3rd and subsequent Violation Offense</u>
<u>Hauler Requirement</u> <u>Section 18988.3(b)</u>	<u>A generator who is a self-hauler fails to comply with the requirements of subsection 18988.3(b).</u>	<u>Level 1</u>	<u>Level 2</u>	<u>Level 3</u>
<u>Commercial Edible Food Generator Requirement</u> <u>Section 18991.3</u>	<u>Tier One commercial edible food generator fails to arrange to recover edible food and comply with this section commencing Jan. 1, 2022.</u>	<u>Level 1</u>	<u>Level 2</u>	<u>Level 3</u>
<u>Commercial Edible Food Generator Requirement</u> <u>Section 18991.3</u>	<u>Tier Two commercial edible food generator fails to arrange to recover edible food and comply with this section commencing Jan. 1, 2024.</u>	<u>Level 1</u>	<u>Level 2</u>	<u>Level 3</u>
<u>Commercial Edible Food Generator Requirement</u> <u>Section 18991.3</u>	<u>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.</u>	<u>Level 1</u>	<u>Level 2</u>	<u>Level 3</u>
<u>Record Keeping Requirements For Commercial Edible food Generator</u>	<u>Commercial edible food generator fails to keep records, as prescribed by this section.</u>	<u>Level 1</u>	<u>Level 2</u>	<u>Level 2</u>

<u>Requirement</u>	<u>Description of Violation</u>	<u>1st Violation Offense</u>	<u>2nd Offense Violation</u>	<u>3rd and subsequent Violation Offense</u>
<u>Section 18991.4</u>				
<u>Record Keeping Requirements For I Edible food Recovery Services and Organizations</u> <u>Section 18991.5</u>	<u>A food recovery organization or service that collects or receives 6 tons or more of edible food from commercial food generators fails to keep records, as prescribed by this section.</u>	<u>Level 1</u>	<u>Level 2</u>	<u>Level 3</u>

- 1
2 (b) Consistent with ~~with~~ the requirements prescribed in Government Code Sections
3 53069.4, 25132 and 36900 the penalty ~~severity~~ levels ~~are shall be~~ as follows:
4 (1) For a violation classified as Level 1, the amount of the base penalty may be \$50-
5 \$100 per ~~offense~~ violation, per day.
6 (2) For a violation classified as Level 2, the amount of the base penalty may be
7 \$100-\$200 ~~per violation, per day.~~ per offense.
8 (3) For a violation classified as Level 3, the amount of the base penalty may be \$250-
9 \$500 per ~~offense~~ violation, per day.
10 (c) For the purposes of subsection (a), revoking, suspending, or denying a permit,
11 registration, license, or other authorization shall be considered stricter than the penalties
12 in this section.

13
14 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

15
16 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654,
17 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;
18 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

19
20 **Section 18997.3. Department Penalty Amounts**

21 **(a) Penalties, other than those for recovered organic waste product procurement**
22 **under Section 18993.1, shall be imposed administratively using the penalty tables**
23 **contained in subsection (b) and calculated as follows:**

- 24 (1) Identify the following:
25 (A) The type of violation(s) that have occurred.

1 (B) The number of days each violation has occurred, if applicable.

2 (C) Whether it is a first, second, **third** or subsequent **violation offense as**
3 **described in Section 18996.9(b).**

4 (2) Determine total **base penalty range amount** for each type of violation by
5 multiplying the penalty **amount** range identified in the chart below by the number of
6 days of violation, starting on the day the Notice of Violation is issued.

7 (3) Use the applicable factors in subsection (d) to determine the penalty amount
8 within the penalty range identified in subsection (a)-(2), **above**, for each type of
9 violation.

10 (4) For multiple violations, add the results of subsection (a)-(3), **above**, for each
11 violation to determine a total penalty amount.

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

14 **Base Table 1 is to be used for Jurisdiction Compliance with Collection Services**
15 **(Article 3), Hauler and Generator Requirements (Article 3 and Article 7), and**
16 **Edible Food Recovery Programs (Article 10).**

<u>Section</u>	<u>Description of Violation</u>	<u>1st</u> <u>Offense^{1st}</u> <u>Violation</u>	<u>2nd</u> <u>Offense^{2ⁿ}</u> <u>Violation</u>	<u>3rd and</u> <u>Subsequent</u> <u>Offense^{3rd}</u> <u>and</u> <u>subsequent</u> <u>Violation</u>
<u>Section</u> <u>18984.1</u>	<u>Jurisdiction fails to implement a three-</u> <u>container organic collection service in the</u> <u>manner prescribed in section 18984.1.</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 6</u>
<u>Section</u> <u>18984.1(a)(3)</u>	<u>Jurisdiction fails to limit collection to the</u> <u>appropriate containers as prescribed in</u> <u>subsection 18984.1 (a)</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 6</u>
<u>Section</u> <u>18984.1(a)(1)</u> <u>and (3)</u>	<u>Jurisdiction fails to transport source</u> <u>separated organic waste to a solid waste</u> <u>facility that processes source separated</u> <u>organic waste, as prescribed in these</u> <u>sections.</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 6</u>
<u>Section</u> <u>18984.2</u>	<u>Jurisdiction fails to implement a two-</u> <u>container organic collection service in the</u> <u>manner prescribed in this section.</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 6</u>

<u>Section</u>	<u>Description of Violation</u>	<u>1st Offense</u> <u>1st Violation</u>	<u>2nd Offense</u> <u>2nd Violation</u>	<u>3rd and Subsequent Offense</u> <u>3rd and subsequent Violation</u>
<u>Sections 18984.1(c), 18984.2(a)(3) and 18984.3</u>	Jurisdiction fails or continues to transport waste, to a facility that meets the high diversion requirements, as prescribed in these sections.	<u>Level 5</u>	<u>Level 6</u>	<u>Level 6</u>
<u>Section 18984.5</u>	Jurisdiction 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.	<u>Level 4</u>	<u>Level 5</u>	<u>Level 6</u>
<u>Section 18984.5(b)</u>	Jurisdiction fails to meet container contamination minization requirements 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.	<u>Level 4</u>	<u>Level 5</u>	<u>Level 6</u>
<u>Section 18984.5(c)</u>	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.	<u>Level 4</u>	<u>Level 5</u>	<u>Level 6</u>

<u>Section</u>	<u>Description of Violation</u>	<u>1st Offense</u> <u>1st Violation</u>	<u>2nd Offense</u> <u>2nd Violation</u>	<u>3rd and Subsequent Offense</u> <u>3rd and subsequent Violation</u>
<u>Section 18984.7</u>	<u>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, 20326, as prescribed in this section.</u>	<u>Level 4</u>	<u>Level 4</u>	<u>Level 5</u>
<u>Section 18984.8</u>	<u>Jurisdiction fails to label collection container, as prescribed in this section.</u>	<u>Level 4</u>	<u>Level 4</u>	<u>Level 5</u>
<u>Section 18984.11</u>	<u>Jurisdiction fails to grant waivers in a manner that is consistent with this section. or fails to verify annually de minimis waivers, as prescribed in this section.</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 6</u>
<u>Section 18984.13</u>	<u>Jurisdiction fails to execute emergency waivers, as prescribed in this section.</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 6</u>
<u>Section 18988.1(a)</u>	<u>Jurisdiction fails to require a hauler providing residential, commercial, or industrial organic waste collection service to generators within its boundariessubject to its authority 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.</u>	<u>Level 5</u>	<u>Level 6</u>	<u>Level 6</u>

<u>Section</u>	<u>Description of Violation</u>	<u>1st Offense^{1st} Violation</u>	<u>2nd Offense^{2ⁿ} Violation</u>	<u>3rd and Subsequent Offense^{3rd} and subsequent Violation</u>
<u>Section 18988.1(b)</u>	<u>Jurisdiction fails to adopt an ordinance or similarly enforceable mechanism that requires compliance with Section 18988.3, if it allows generators to self-haul, as prescribed in this section.</u>	<u>Level 6</u>	<u>Level 6</u>	<u>Level 6</u>
<u>Section 18991.1</u>	<u>Jurisdiction fails to implement an edible food recovery program, as prescribed in this section.</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 6</u>

1 **Base-Table 2 is to be used for Jurisdiction Compliance with Organic Waste**
2 **Recovery Education, and Edible Food Recovery Education Program (Article 4)**

<u>Section</u>	<u>Description of Violation</u>	<u>1st Offense^{1st} Violation</u>	<u>2nd Offense^{2ⁿ} Violation</u>	<u>3rd and Subsequent Offense^{3rd} and subsequent Violation</u>
<u>Section 18985.1(a)</u>	<u>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.</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 5</u>
<u>Section 18985.1(b)</u>	<u>Jurisdiction fails to provide to self-haulers information regarding the requirements of Section 18988.2 of this chapter prior to February 1, 2022 and then annually thereafter.</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 5</u>

<u>Section</u>	<u>Description of Violation</u>	<u>1st Offense^{1st} Violation</u>	<u>2nd Offense^{2ⁿ} Violation</u>	<u>3rd and Subsequent Offense^{3rd} and subsequent Violation</u>
<u>Section 18985.1(c)</u>	<u>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.</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 5</u>
<u>Section 18985.1 (f)</u>	<u>Jurisdiction fails to provide educate and outreach materials in a manner consistent with thisspecified by this section.</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 5</u>
<u>Section 18985.2(a)</u>	<u>Jurisdiction fails to develop and maintain a list of food recovery organizations and food recovery services, on or beforeprior to February 1, 2022 and then annually thereafter, as prescribed in this subsection.</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 5</u>
<u>Section 18985.2(b)</u>	<u>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.</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 5</u>

1 **Base-Table 3 is to be used for Jurisdictions Compliance with CalGreen**
2 **CALGreen (Article 8) and Procurement (Article 12)**

<u>Section</u>	<u>Description of Violation</u>	<u>1st Offense</u> <u>1st Violation</u>	<u>2nd Offense</u> <u>2ⁿ Violation</u>	<u>3rd and Subsequent Offense</u> <u>3rd and subsequent Violation</u>
<u>Section 18989.1</u>	<u>Jurisdiction fails to require compliance with CalGreen CALGreen Building standards, as prescribed in this section.</u>	<u>Level 4</u>	<u>Level 4</u>	<u>Level 5</u>
<u>Section 18993.1 Section 18989.2</u>	<u>Jurisdiction fails to procure a quantity of recovered organic waste products that meets or exceeds its procurement target, as prescribed in this section. Jurisdiction fails to require compliance with MWELO standards, as prescribed in this section.</u>	<u>Level 4</u>	<u>Level 4</u>	<u>Level 5</u>
<u>Section 18993.3</u>	<u>Jurisdiction fails to procure paper products, and printing and writing paper in compliance with this section.</u>	<u>Level 4</u>	<u>Level 4</u>	<u>Level 5</u>

1 **Base** Table 4 is to be used for Jurisdictions Compliance Recordkeeping and
2 **Reporting (Article 13)**

<u>Section</u>	<u>Description of Violation</u>	<u>1st Offense</u> <u>1st Violation</u>	<u>2nd Offense</u> <u>2ⁿ Violation</u>	<u>3rd and Subsequent Offense</u> <u>3rd and subsequent Violation</u>
<u>Sections 18984.4, 18988.4, 18993.2, 18995.1 (d), 18995.3(f), 18998.4</u>	<u>Jurisdiction fails to keep records, as prescribed in any of these sections</u>	<u>Level 5</u>	<u>Level 6</u>	<u>Level 6</u>

<u>Section</u>	<u>Description of Violation</u>	<u>1st Offense</u> <u>1st Violation</u>	<u>2nd Offense</u> <u>2ⁿ Violation</u>	<u>3rd and Subsequent Offense</u> <u>3rd and subsequent Violation</u>
<u>Sections 18984.6, 18984.14, 18985.3, 18991.2, 18993.4</u>	<u>Jurisdiction fails to keep records, as prescribed in any of these sections</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 6</u>
<u>Section 18995.2</u>	<u>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.</u>	<u>Level 4</u>	<u>Level 4</u>	<u>Level 5</u>
<u>Section 18995.2(c)</u>	<u>Jurisdiction fails to provide access to the Implementation Record to the Department, as prescribed in this section.</u>	<u>Level 6</u>	<u>Level 6</u>	<u>Level 6</u>
<u>Sections 18994.1, 18994.2</u>	<u>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.</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 6</u>
<u>Article 13</u>	<u>Jurisdiction fails to submit a compliance report that is complete and accurate, as prescribed in this article.</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 6</u>

1

1 **Base** Table 5 is to be used for Jurisdictions Compliance with Requirements to
 2 **Adopt, Implement, and Enforce Ordinance(s) as required by and consistent**
 3 **with the Chapter (Section 18981.1.2) and Locally Adopted Standards and**
 4 **Policies (Article 9) and Enforcement Requirements (Article 14).**

<u>Section</u>	<u>Description of Violation</u>	<u>1st Offense1s t Violation</u>	<u>2nd Offense2n d Violation</u>	<u>3rd and Subsequent Offense3rd and subsequent Violation</u>
<u>Section 18981.1.2</u>	<u>Jurisdiction fails to adopt, implement, or enforce ordinance(s) or other enforceable mechanisms, as prescribed in this chapter.</u>	<u>Level 6</u>	<u>Level 6</u>	<u>Level 6</u>
<u>Sections 18990.1 and 18990.2</u>	<u>Jurisdiction implements or enforces an ordinance, policy, procedure condition, or initiative that is prohibited under Section 18990.1 or 18990.2.</u>	<u>Level 6</u>	<u>Level 6</u>	<u>Level 6</u>
<u>Section 18995.1</u>	<u>Jurisdiction fails to conduct compliance reviews, route reviews, and inspections as required by this section</u>	<u>Level 5</u>	<u>Level 6</u>	<u>Level 6</u>
<u>Section 18995.1</u>	<u>Jurisdiction fails to issue notices and education or take enforcement as required by this section.</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 6</u>
<u>Section 18995.3</u>	<u>Jurisdiction fails to investigate complaints, as prescribed in this section.</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 6</u>
<u>Section 18995.3(b)</u>	<u>Jurisdiction fails to ensure the names and contact information of a complainant remain confidential, as prescribed in this section.</u>	<u>Level 4</u>	<u>Level 4</u>	<u>Level 5</u>
<u>Section 18995.3(e)</u>	<u>Jurisdiction fails to provide a method for the complainant to be notified of the</u>	<u>Level 4</u>	<u>Level 4</u>	<u>Level 5</u>

<u>Section</u>	<u>Description of Violation</u>	<u>1st Offense1st Violation</u>	<u>2nd Offense2nd Violation</u>	<u>3rd and Subsequent Offense3rd and subsequent Violation</u>
	<u>results of the complaint, as prescribed in this section.</u>			
<u>Section 18995.4(a)(1)</u>	<u>Jurisdiction fails to take enforcement, as prescribed in this section.</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 6</u>
<u>Section 18995.4(a)(2)</u>	<u>Jurisdiction fails to conduct follow-up inspections, as prescribed in this section.</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 6</u>
<u>Sections 18995.4(a)(3) and (4)</u>	<u>Jurisdiction fails to commence actions to impose penalties and issue penalties, as prescribed in these sections.</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 6</u>
<u>Section 18995.4(b)</u>	<u>Jurisdiction fails to grant extensions consistent with this section.</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 6</u>
<u>Section 18995.4(c)</u>	<u>Jurisdiction fails to prepare enforcement notices as prescribed in this section.</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 6</u>
<u>Sections 18997.1 and 18997.2, and 18997.3</u>	<u>Jurisdiction fails to impose penalties, as prescribed in these sections.</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 6</u>

1

1 **Base Table 6 is to be used for Organic Waste Recycling Capacity Planning**
 2 **(Article 11)**

<u>Section</u>	<u>Description of Violation</u>	<u>1st Offense</u> <u>1st Violation</u>	<u>2nd Offense</u> <u>2nd Violation</u>	<u>3rd and Subsequent Offense</u> <u>3rd and subsequent Violation</u>
<u>Section 18992.1(a)</u>	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 operators pursuant to Section 18992.1.	<u>Level 4</u>	<u>Level 5</u>	<u>Level 6</u>
<u>Section 18992.2</u>	A county fails in coordination with city or regional agencies to estimate the amount of edible food disposed, identify available capacity, and identify needed additional capacity, as prescribed in this section.	<u>Level 4</u>	<u>Level 4</u>	<u>Level 5</u>
<u>Section 18992.1 (b)</u>	<u>A jurisdiction does not respond to a county request for information necessary to comply with the capacity planning requirements of Section 18992.1</u>	<u>Level 4</u>	<u>Level 4</u>	<u>Level 5</u>
<u>Sections 18992.1(c) and 18992.2 (b)</u>	A jurisdiction fails to submit an an Implementation Schedule pursuant to these sections	<u>Level 4</u>	<u>Level 4</u>	<u>Level 5</u>
<u>Section 18992.3</u>	A county in coordination with city or regional agencies fails to conduct the planning requirements of Sections 18992.1 and 18992.2 an <u>according to the prescribed schedule.</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 6</u>

1 **Base-Table 7 is to be used for Jurisdiction Approval of Haulers and Self-**
 2 **Haulers (Article 70.1)**

<u>Section</u>	<u>Description of Violation</u>	<u>1st Offense</u>	<u>2nd Offense</u>	<u>3rd and Subsequent Offense^{3rd} and subsequent Violation</u>
<u>Section 18988.2</u>	<u>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.</u>	<u>Level 5</u>	<u>Level 5</u>	<u>Level 6</u>
<u>Section 18988.2 (a)(2)</u>	<u>A hauler providing residential, commercial, or industrial organic waste collection service fails to obtain applicable approval issued by the jurisdiction pursuant to Section 18988.1.</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 5</u>
<u>Section 18988.2</u>	<u>A hauler fails to keep a record of the applicable documentation of its approval by the jurisdiction, as prescribed by this section.</u>	<u>Level 5</u>	<u>Level 6</u>	<u>Level 6</u>
<u>Section 18988.3(b)</u>	<u>A generator who is a self-hauler fails to comply with the requirements of Section 18988.3(b).</u>	<u>Level 4</u>	<u>Level 4</u>	<u>Level 5</u>

3

- 1 **Base** Table 8 is to be used for Organic Waste Generators Requirements (Article
- 2 **3), Enforcement Oversight by the Department (Article 15) and Generators of**
- 3 **Organic Waste (Article 5)**

<u>Section</u>	<u>Description of Violation</u>	<u>1st Offense</u> <u>1st Violation</u>	<u>2nd Offense</u> <u>2nd Violation</u>	<u>3rd and Subsequent Offense</u> <u>3rd and subsequent Violation</u>
<u>Section 18984.9(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 4</u>	<u>Level 5</u>	<u>Level 6</u>
<u>Section 18984.9(b)(1)</u>	<u>Commercial organic-waste generator fails to provide containers for the collection of organic waste and no-norganic recyclables in all areas where disposal containers are provided for customers.</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 6</u>
<u>Section 18984.9(b)(2)</u>	<u>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.</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 5</u>
<u>Section 18984.9(b)(3)</u>	<u>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.</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 5</u>

<u>Section</u>	<u>Description of Violation</u>	<u>1st Offense</u> <u>1st Violation</u>	<u>2nd Offense</u> <u>2nd Violation</u>	<u>3rd and Subsequent Offense</u> <u>3rd and subsequent Violation</u>
<u>Section 18996.4</u>	<u>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.</u>	<u>Level 5</u>	<u>Level 6</u>	<u>Level 6</u>
<u>Section 18986.1</u>	<u>Organic waste generator, that is not a state facility, federal facility, or local education agency, fails to comply with the requirements of this chapter to prevent and reduce the generation of organic waste.</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 6</u>

1 **Base-Table 9 is to be used for Property Owner and Business Owner**
2 **Responsibilities (Article 3)**

<u>Section</u>	<u>Description of Violation</u>	<u>1st Offense</u> <u>1st Violation</u>	<u>2nd Offense</u> <u>2nd Violation</u>	<u>3rd and Subsequent Offense</u> <u>3rd and subsequent Violation</u>
<u>Section 18984.10</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</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 6</u>

<u>Section</u>	<u>Description of Violation</u>	<u>1st Offense^{1st} Violation</u>	<u>2nd Offense^{2nd} Violation</u>	<u>3rd and Subsequent Offense^{3rd} and subsequent Violation</u>
	<u>location of containers and sufficient signage and container color, as prescribed by this section.</u>			
<u>Section 18984.10</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 4</u>	<u>Level 5</u>	<u>Level 5</u>
<u>Section 18984.10</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 5</u>	<u>Level 6</u>	<u>Level 6</u>

1 **Base Table 10 is to be used for Commercial Edible Food Generators**

<u>Section</u>	<u>Description of Violation</u>	<u>1st Offense^{1st} Violation</u>	<u>2nd Offense^{2nd} Violation</u>	<u>3rd and Subsequent Offense^{3rd} and subsequent Violation</u>
<u>Section 18991.3</u>	<u>Tier One commercial edible food generator fails to arrange to recover edible food and comply with this section commencing January 1, 2022.</u>	<u>Level 4</u>	<u>Level 4</u>	<u>Level 5</u>
<u>Section 18991.3</u>	<u>Tier Two commercial edible food generator fails to arrange to recover edible food and comply</u>	<u>Level 4</u>	<u>Level 4</u>	<u>Level 5</u>

<u>Section</u>	<u>Description of Violation</u>	<u>1st Offense</u> <u>1st Violation</u>	<u>2nd Offense</u> <u>2nd Violation</u>	<u>3rd and Subsequent Offense</u> <u>3rd and subsequent Violation</u>
	<u>with this section commencing January 1, 2024.</u>			
<u>Section 18991.3</u>	<u>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.</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 6</u>
<u>Section 18991.4</u>	<u>Commercial edible food generator fails to keep records as prescribed by this section.</u>	<u>Level 4</u> ¹	<u>Level 5</u> ²	<u>Level 6</u> ³
<u>Section 18991.5</u>	<u>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.</u>	<u>Level 4</u> ¹	<u>Level 5</u> ²	<u>Level 6</u> ³

1
2 Base Table 11 is to be used for Performance-Based, Source Separated Collection
3 Service (Article 17)

4

<u>Section</u>	<u>Description of Violation</u>	<u>1st Offense</u>	<u>2nd Offense</u>	<u>3rd and Subsequent Offense</u>
<u>Section 18998.1</u>	<u>Jurisdictions fail to meet the requirements for Performance-Based Source Separated Collection Services in accordance with this section.</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 5</u>

<u>Section</u>	<u>Description of Violation</u>	<u>1st Offense</u>	<u>2nd Offense</u>	<u>3rd and Subsequent Offense</u>
<u>Section 18998.1(a)(1)</u>	<u>Jurisdiction fails to provide 90% of its residential and commercial generators with a performance-based source separated organic waste collection service</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 5</u>
<u>Section 18998.1(a)(2)</u>	<u>Jurisdictions fail to transport the contents of the source separated organic waste collection stream to a designated source separated organic waste processing facility</u>	<u>Level 6</u>	<u>Level 6</u>	<u>Level 6</u>
<u>Section 18998.1(a)(4)</u>	<u>Jurisdiction fails to implementing a system to enroll new businesses</u>	<u>Level 3</u>	<u>Level 4</u>	<u>Level 5</u>
<u>Section 18998.3 (a)</u>	<u>Jurisdiction fails to notify the department 180 days prior to implementing a performance-based, source-separated collection service.</u>	<u>Level 6</u>	<u>Level 6</u>	<u>Level 6</u>
<u>Section 18998.3 (b)</u>	<u>Jurisdiction fails to provide information as specified in section.</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 6</u>

- 1
2 (c) The penalty ~~severity~~ levels ~~are~~ **shall be** as follows:
3 (1) For a violation classified as Level 1, the ~~amount of the base~~ penalty range ~~may~~
4 **shall** be \$50–\$500 per violation.
5 (2) For a violation classified as Level 2, the ~~amount of the base~~ penalty range ~~may~~
6 **shall** be \$250–\$1000 per violation.
7 (3) For a violation classified as Level 3, the ~~amount of the base~~ penalty range ~~may~~
8 **shall** be \$500–2,500 per violation.
9 (4) For a violation classified as Level 4, the ~~amount of the base~~ penalty range ~~may~~
10 **shall** be \$500–2,500 per day.
11 (5) For a violation classified as Level 5, the ~~amount of the base~~ penalty ~~may~~ range
12 **shall** be \$1,000–\$5,000 per day.
13 (6) For a violation classified as Level 6, the ~~amount of the base~~ penalty ~~may~~ range
14 **shall** be \$5,000–\$10,000 per day.
15

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

4 (1) The nature ~~and~~, circumstances, **and severity** of the violation(s).

5 (2) ~~The a~~Ability ~~for~~ of the violator to pay.

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

7 (4) Whether the violator took measures to ~~mitigate~~ **avoid or mitigate** violations of
8 this chapter.

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

10 (6) The deterrent effect of the penalty on the violator.

11 (7) ~~If~~ **Whether** the **violation(s)** ~~re~~ were **due to** conditions outside the control of the
12 ~~entity~~ violator.

13 **(e) For violations of the Recovered Organic Waste Product Procurement**
14 **requirements in Section 18993.1, where a jurisdiction fails to procure a quantity of**
15 **recovered organic waste products that meets or exceeds its recovered organic**
16 **waste product procurement target, the Department shall determine penalties**
17 **based on the following:**

18 (1) The Department shall calculate the **jurisdictions daily procurement target**
19 **equivalent by dividing the procurement target by 365 days.**

20 (2) The Department shall determine the number of days a jurisdiction was in
21 **compliance by dividing the total amount of recovered organic waste products**
22 **procured by the daily procurement target equivalent.**

23 (3) The Department shall determine the number of days a jurisdiction was out
24 **of compliance with the procurement target by subtracting the number of days**
25 **calculated in (2) from 365 days.**

26 (4) The penalty amount shall be calculated by determining an appropriate
27 **penalty level based on the factors in subdivision (d), above, and multiplying**
28 **that number by the number of days determined according to subsection (e)(3),**
29 **above. The penalty amount shall not exceed \$10,000 per day.**

30
31 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5,
32 and Health and Safety Code Section 39730.6.

33
34 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654,
35 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;
36 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

37
38 **Section 18997.4. Organic Waste Recovery Noncompliance Inventory**

39 (a) If the Department documents that a state agency, state facility, ~~or~~ local education
40 agency **or federal facility** is in violation of this chapter, the Department shall send a
41 notice to the ~~state agency, state facility, or local education agency~~ **entity** stating that
42 the Department intends to place it on the **Noncompliance** Inventory listed on its
43 website if the violation(s) is not corrected within 90 days of receipt of the notice. The
44 notice will be sent by certified mail.

45 (b) If the Department determines that violation(s) listed on the notice have not been
46 corrected within 90 days of the issuance of the intent letter, then the Department shall

1 list the ~~state agency, state facility, or local education agency on the~~ entity on the
2 Noncompliance Inventory.

3 (c) If the Department finds that state agency, state facility, ~~or~~ local education agency, or
4 federal facility is no longer in violation of all of the standard(s) listed in the notice of
5 intent letter during or after the 90-day notice of intent period, or for the violations for
6 which it was listed on the Inventory, then the Department shall notify the state agency,
7 state facility, or local education agency in writing that it will no longer be placed on the
8 inventory.

9
10 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

11
12 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654,
13 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;
14 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

15
16 **Section 18997.5. CalRecycle Procedure for Imposing Civil Penalties**

17 (a) Administrative civil penalties shall be calculated as set forth in Section 18997.3 of
18 this chapter.

19 (b) The Department shall serve an accusation on a person against whom civil penalties
20 are being sought, in accordance with the requirements specified in Chapter 4.5
21 (commencing with Section 11400) of Part 1 of Division 3 of Title 2 of the Government
22 Code and inform the party of the right to a hearing.

23 (c) The accusation and all accompanying documents may be served on the respondent
24 by one of the following means:

25 (1) Personal service.

26 (2) Substitute service by using the same service procedures as described in Section
27 415.20 of the Code of Civil Procedure.

28 (3) Certified Mail or registered mail.

29 (d) Upon receipt of the accusation, the respondent shall have 15 days to file a request
30 for hearing, or the respondent will automatically waive its rights to a hearing. Upon
31 receipt of the request for hearing the Department shall schedule a hearing within 30
32 days. The hearing shall be held before the director, or designee, within 90 days of the
33 scheduling date, unless the parties reach an agreement to settle prior to the hearing
34 date.

35 (e) If the party waives the right to a hearing, the Department shall issue an order setting
36 liability for civil penalties in the amount proposed in the accusation unless the
37 Department and the party have entered into a settlement agreement, in which case the
38 Department shall issue an order setting liability for civil penalties in the amount specified
39 in the settlement agreement.

40 (f) The director or the director's designee shall issue a written decision within 60 days of
41 the conclusion of the hearing.

42
43 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.
44

1 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654,
2 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;
3 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

4
5 **Section 18997.6. CalRecycle Procedure for Hearings and Orders for Civil Liability**

6 (a) A hearing required under this chapter shall be conducted by the director, or the
7 director's designee, in accordance with the informal hearing requirements specified in
8 Chapter 4.5 (commencing with Section 11400) of Part 1 of Division 3 of Title 2 of the
9 Government Code.

10 (b) Orders setting civil liability issued under this section shall become effective and final
11 upon issuance thereof, and payment shall be due within 30 days of issuance, unless
12 otherwise ordered by the director. Copies of these orders shall be served by personal
13 service or by certified mail upon the party served with the accusation.

14
15 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

16
17 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654,
18 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;
19 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

20
21 **Article 17: Performance-Based Source-Separated Organic Waste Collection**
22 **Service**

23
24 **Section 18998. Applicability**

25 **This article specifies the requirements for a performance-based source-separated**
26 **collection service, an alternative method for jurisdictions to provide solid waste**
27 **collection services. The intent of this article is to provide streamlined**
28 **requirements as a compliance incentive for those jurisdictions that implement**
29 **collection services designed, as described herein, to achieve high-efficiency**
30 **performance in recovery of organic waste. Jurisdictions that comply with the**
31 **requirements of this article shall be relieved of compliance with particular**
32 **regulatory requirements elsewhere in this chapter as described herein.**

33 **Authority cited: Public Resources Code Sections 40502, 43020, 43021 and**
34 **42652.5.**

35
36 **Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653,**
37 **42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-**
38 **44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and**
39 **39730.8.**

40
41 **Section 18998.1. Requirements for Performance-Based Source Separated**
42 **Collection Service**

43 **(a) If a jurisdiction implements a performance-based source separated organic**
44 **waste collection service it shall:**

1 (1) Provide a three-container organic waste collection service consistent with
2 Section 18984.1 of this chapter to at least 90 percent of the organic waste
3 generators subject to the jurisdiction's authority.

4 (2) Transport the contents of the source separated organic waste collection
5 stream to a designated source separated organic waste facility.

6 (3) Ensure that the presence of organic waste in the gray container collection
7 stream does not exceed an aggregate of 25 percent by weight of total solid
8 waste collected in that stream on an annual basis.

9 (A) The percent of organic waste present in the gray container collection
10 stream shall be determined by the results of the report submitted to the
11 Department pursuant to Section 18815.5 (f) demonstrating the results of the
12 sampling performed pursuant to Section 17409.5.7-17409.5.7.2 and Sections
13 20901-20901.2

14 (4) Implement a system for automatically enrolling all new commercial
15 businesses and residents within the jurisdiction in the three-container
16 organic waste collection service within 30 days of occupancy of a business or
17 residence. To comply with this section, a jurisdiction shall not require new
18 commercial businesses or residents to request solid waste collection service
19 prior to enrollment.

20 (5) Notify the Department pursuant to Section 18998.3.

21 (b) Jurisdictions that delegate collection services to a designee shall include in
22 their contracts or agreements with the designee a requirement that all haulers
23 transport the source separated organic waste collection stream collected from
24 generators subject to the authority of a jurisdiction to a designated source
25 separated organic waste facility.

26 (c) If the jurisdiction fails to comply with this section due to a facility to which it
27 sends organic waste being unable to meet the requirements of a designated
28 source separated organic waste facility, the jurisdiction shall implement an
29 organic waste collection service that complies with the requirements of article 3
30 and shall be subject to the applicable enforcement processes outlined in this
31 chapter until services that comply with Article 3 are provided to generators.

32 (d) If a jurisdiction that fails to meet the requirements of this section, it shall be
33 subject to enforcement provisions and penalties outlined in Article 16 and shall
34 not be eligible for the compliance exceptions in Section 18998.2.

35 (e) If at any time a jurisdiction commits a second, or third offense listed in in
36 Table 11 in Section 18997.3, within a five year time period

37 (1) It shall be subject to penalties;and,

38 (2) Upon notification from the Department, it shall be subject to the
39 requirements of Article 3 and associated enforcement provisions and shall
40 not be eligible for the compliance exceptions in Section 18998.2.

41 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and
42 42652.5.

43
44 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653,
45 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-

1 44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and
2 39730.8.

3
4 Section 18998.2 – Compliance Exceptions

5 (a) If a jurisdiction implements a performance-based source-separated collection
6 service that meets the requirements of Section 18998.1(a), the jurisdiction shall
7 not be subject to the following regulatory requirements:

8 (1)The collection requirements in Sections 19884.1, 19884.2, and 19884.3,
9 container contamination minimization requirements in Section 18984.5,
10 container labeling requirements in Section 18984.8, and waivers and
11 exemptions requirements in Section 18984.11

12 (2) The recordkeeping requirements in Sections 18984.4, 18984.6, and
13 18984.14.

14 (3) The organic waste generator requirements in Section 18984.9.

15 (4) The property and business owner responsibilities in Section 18984.10.

16 (5) The organic waste recovery education and outreach requirements in
17 Section 18985.1.

18 (6) The recordkeeping requirements in Section 18985.3 except the provisions
19 related to edible food recovery in that section.

20 (7) The regulation of haulers in Article 7.

21 (8) The jurisdiction annual reporting requirements in Section 18994.2(c)-(f)
22 and (k).

23 (9) The jurisdiction inspection and enforcement requirements in Sections
24 18995.1, except for the provisions related to edible food generators and food
25 recovery organizations and services in that section.

26 (10) The implementation record and recordkeeping requirements in Section
27 18995.2(f)(3)-(7) and, (13). Implementation Records requirements 18995.2 (f)

28 (11) and (12) shall only be required for inspections and enforcement related to
29 edible food generators and food recovery organizations and services.

30 (11) The jurisdiction investigation of complaints of alleged violations
31 requirements in Section 18995.3.

32 (12) The jurisdiction enforcement requirements in Section 18995.4, except as
33 it pertains to entities subject to the edible food recovery requirements of
34 article 10.

35 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and
36 42652.5.

37
38 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653,
39 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-
40 44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and
41 39730.8.

42
43 Section 18998.3 - Notification to Department

44 (a) A jurisdiction that will implement a performance-based source separated
45 collection service beginning in 2022 shall notify the department on or before

1 January 1, 2022. A jurisdiction that will implement a performance-based source
2 separated collection system in any subsequent year shall notify the department
3 on or before January 1 of that year.

4 (b) The notification shall include the following information:

5 (1) The name of the jurisdiction.

6 (2) Date the jurisdiction will start providing the performance-based source-
7 separated collection service.

8 (3) Contact information for the jurisdiction, including the name, address and
9 telephone number of the representative of the jurisdiction with primary
10 responsibility for ensuring compliance with this article.

11 (4) The address within the jurisdiction where all records required by this
12 chapter are maintained.

13 (5) A list of each designated source separated organic waste facility, disposal
14 facility and any other solid waste facility and their Recycling and Disposal
15 Reporting System number for any facility that will be receiving solid waste
16 directly from the jurisdiction.

17 (6) The name of any designee the jurisdiction has delegated responsibilities to
18 pursuant to Section 18998.1 and any relevant documentation demonstrating
19 the designee's obligation to comply with the provisions of this article.

20 (7) A statement by the representative of the jurisdiction with primary
21 responsibility for ensuring compliance with this article, under penalty of
22 perjury, that all information contained in the notification is true and correct to
23 the best of their knowledge and belief.

24 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and
25 42652.5.

26
27 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653,
28 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-
29 44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and
30 39730.8.

31
32 Section 18998.4. Recordkeeping

33 A jurisdiction implementing a performance-based source-separated organic
34 waste collection service pursuant to this article shall maintain the following
35 information and documents in the Implementation Record required by Section
36 18995.2 of this chapter:

37 (a) The geographical area each designee serves.

38 (b) If a designee is used, a copy of the contract or agreement for each designee
39 specifying the requirement that all haulers transport the source separated
40 organic waste collection stream collected from generators subject to the
41 jurisdictions authority to a designated source separated organic waste facility.

42 (c) Records evidencing compliance with Section 18998.1(a), including, but not
43 limited to:

44 (1) A current list of generator addresses subject to the authority of the
45 jurisdiction.

1 (2) A current list of generator addresses subject to the authority of the
2 jurisdiction that are served with a performance-based source separated
3 organic waste collection service.

4 (3) A current list of generator addresses within the jurisdiction that the
5 jurisdiction does not require to use the performance-based source separated
6 organic waste collection service.

7 (4) Documentation of the mandatory, enrollment system used by the
8 jurisdiction consistent with Section 18998.1(a)(5).

9 (d) A Jurisdiction implementing a performance-based source separated organic
10 waste collection service is still required to maintain the following records
11 specified in Section 18995.2:

12 (1) Records required by (f)(1)

13 (2) Records required by (f)(2) and (6) as they pertain to the edible food
14 recovery requirements chapter

15 (3) Records required by (f)(8)-(9)

16 (4) Records required by (f)(10)-(13) as they pertain to the edible food recovery
17 requirements of this chapter,

18 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and
19 42652.5.

20
21 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653,
22 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-
23 44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and
24 39730.8.

1 Amendments to Existing Title 14 & Title 27 Regulations

2
3 **TITLE 14: NATURAL RESOURCES**

4 **DIVISION 7. DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY**

- 5
6 • **Chapter 3 Minimum Standards for Solid Waste Handling and Disposal**
7 • **Chapter 3.1. Composting Operations Regulatory Requirements.**
8 **(Amended)**
9 • **Chapter 3.2. In-Vessel Digestion Operations and Facilities Regulatory**
10 **Requirements**
11 • **Chapter 5: Enforcement of Solid Waste Standards and Administration of**
12 **Solid Waste Facility Permits; Loan Guarantees**
13 • **Chapter 9: Planning Guidelines and Procedures for Preparing, Revising,**
14 **and Amending Countywide or Regional Integrated Waste Management**
15 **Plans**
-

16
17 **Chapter 3. Minimum Standards for Solid Waste Handling and Disposal**

18
19 **Article 6.0. Transfer/Processing Operations and Facilities Regulatory**
20 **Requirements**

21
22 **Section 17402. Definitions.**

23 (a) For the purposes of these articles:

24 (0.5) "Consolidation Sites" means facilities or operations that receive solid waste for
25 the purpose of storing the waste prior to transfer directly from one container to
26 another or from one vehicle to another for transport and which do not conduct
27 processing activities. Consolidation activities include, but are not limited to, limited
28 volume transfer operations, sealed container transfer operations, and direct transfer
29 facilities.

30 (1) "Contact Water" means water that has come in contact with waste and may
31 include leachate.

32 (1.5) "Contamination" or "Contaminants" has the same meaning as "prohibited
33 container contaminants" as defined in Section 18982(a)(55) of Chapter 12 of this
34 division.

35 (2) "Covered Container" means a container that is covered to prevent the migration of
36 litter from the container, excessive infiltration of precipitation, odor and leachate
37 production, and to prevent access by animals and people; thereby controlling litter,
38 scavenging, and illegal dumping of prohibited wastes. Covers may include, but are
39 not limited to, tarpaulins or similar materials.

40 (3) "Direct Transfer Facility" means a transfer facility that receives equal to or more
41 than 60 cubic yards or 15 tons (whichever is greater) of solid waste per operating day
42 but less than 150 tons of solid waste and meets all of the following requirements:

43 (A) is located on the premises of a duly licensed solid waste hauling operator;

1 (B) only handles solid waste that has been placed within covered containers or
2 vehicles prior to entering the facility and that is transported in vehicles owned or
3 leased by that same operator;
4 (C) the facility does not handle, separate, or otherwise process the solid waste;
5 (D) no waste is stored at the facility for more than any 8-hour period;
6 (E) solid waste is transferred only once and directly from one covered container or
7 vehicle to another covered container or vehicle so that the waste is never put on
8 the ground or outside the confines of a container or vehicle, before, during, or after
9 transfer. Direct transfer would not include top loading trailers where the solid waste
10 actually leaves the confines of the collection vehicle and is suspended in air before
11 falling into a transfer vehicle;
12 (F) all of the contents of the original transferring container or vehicle must be
13 emptied during a single transfer; and
14 (G) any waste that may unintentionally fall outside of the containers or vehicles, is
15 promptly cleaned up and replaced within the container or vehicle to which it was
16 being transferred.

17 (4) "DTSC" means Department of Toxic Substances Control.

18 (5) "EA" means enforcement agency as defined in PRC section 40130.

19 (6) "Emergency Transfer/Processing Operation" means an operation that is
20 established because there has been a proclamation of a state of emergency or local
21 emergency, as provided in Title 14, Division 7, Chapter 3, Article 3, sections 17210.1

22 (j) and (k) and which meets all of the following requirements:

23 (A) the operation handles only disaster debris and other wastes, in accordance
24 with section 17210.1(d), during the disaster debris recovery phase; and

25 (B) the location does not currently have a solid waste facility permit;

26 (C) if the operation accepts, processes, or stores hazardous or household
27 hazardous waste, then these activities must be in compliance with DTSC
28 standards or standards of other appropriate authorities or agencies.

29 (6.5) "Glass Container Processing Operations" means a person or business entity
30 whose primary purpose is to receive source separated or separate or reuse glass
31 container materials, either whole or fragments, for processing that may also contain a
32 residual amount of solid waste and that does not qualify as a recycling center as set
33 forth in section 17402.5(d).

34 (6.6) "Gray container waste" or "Gray container collection stream" means solid waste
35 that is collected in a gray container that is part of a three-container organic waste
36 collection service that prohibits the placement of organic waste in the gray container
37 as specified in Sections 18984.1(a) and (b).

38 (6.7) "Hauler" has the same meaning as defined in Section 18815.2 (a)(32) of this
39 division.

40 (7) "Hazardous Wastes" means any waste which meets the definitions set forth in
41 Title 22, Section 66261.3, et seq. and is required to be managed.

42 (7.5) "Incompatible material" or "incompatibles," means human-made inert material,
43 including, but not limited to, glass, metal, plastic, and also includes organic waste that
44 the receiving end-user, facility, operation, property, or activity is not designed,
45 permitted, or authorized to perform organic waste recovery activities as defined in
46 Section 18983.1(b) of Article 2, Chapter 12.

1 (8) "Large Volume Transfer/Processing Facility" means a facility that receives 100
2 tons or more of solid waste per operating day for the purpose of storing, handling or
3 processing the waste prior to transferring the waste to another solid waste operation
4 or facility.

5 (A) In determining the tonnage of solid waste received by the facility, the following
6 materials shall not be included: materials received by a recycling center located
7 within the facility, and by beverage container recycling programs in accordance
8 with Public Resources Code sections 14511.7, 14518, or 14520, if the recycling
9 activities are separated from the solid waste handling activities by a defined
10 physical barrier or where the activities are otherwise separated in a manner
11 approved by the EA.

12 (B) If the facility does not weigh the solid waste received, then the tonnage shall
13 be determined by using a volumetric conversion factor where one cubic yard is
14 equal to 500 pounds. The EA shall approve an alternate conversion factor if the
15 operator demonstrates that it is more accurate than the required conversion factor.

16 (9) "Limited Volume Transfer Operation" means an operation that receives less than
17 60 cubic yards, or 15 tons of solid waste per operating day for the purpose of storing
18 the waste prior to transferring the waste to another solid waste operation or facility
19 and which does not conduct processing activities, but may conduct limited salvaging
20 activities and volume reduction by the operator.

21 (A) In determining the tonnage of solid waste received by the operation, the
22 following materials shall not be included: materials received by a recycling center
23 located within the operation, and by beverage container recycling programs in
24 accordance with Public Resources Code sections 14511.7, 14518, or 14520, if the
25 recycling activities are separated from the solid waste handling activities by a
26 defined physical barrier or where the activities are otherwise separated in a
27 manner approved by the EA.

28 (B) If the operation does not weigh the solid waste received, then the tonnage
29 shall be determined by using a volumetric conversion factor where one cubic yard
30 is equal to 500 pounds. The EA shall approve an alternate conversion factor if the
31 operator demonstrates that it is more accurate than the required conversion factor.

32 (10) "Litter" means all solid waste which has been improperly discarded or which has
33 migrated by wind or equipment away from the operations area. Litter includes, but is
34 not limited to, convenience food, beverage, and other product packages or
35 containers constructed of steel, aluminum, glass, paper, plastic, and other natural
36 and synthetic materials, thrown or deposited on the lands and waters of the state.

37 (11) "Medium Volume Transfer/Processing Facility" means a facility that receives
38 equal to or more than 60 cubic yards or 15 tons (whichever is greater) of solid waste
39 per operating day but less than 100 tons of solid waste, for the purpose of storing or
40 handling the waste prior to transferring the waste to another solid waste operation or
41 facility; or a facility that receives any amount of solid waste, up to 100 tons per
42 operating day, for the purpose of processing solid waste prior to transferring the
43 waste to another solid waste operation or facility.

44 (A) In determining the tonnage of solid waste received by the facility, the following
45 materials shall not be included: materials received by a recycling center located
46 within the facility, and by beverage container recycling programs in accordance

1 with Public Resources Code sections 14511.7, 14518, or 14520, if the recycling
2 activities are separated from the solid waste handling activities by a defined
3 physical barrier or where the activities are otherwise separated in a manner
4 approved by the EA.

5 (B) If the facility does not weigh the solid waste received, then the tonnage shall
6 be determined by using a volumetric conversion factor where one cubic yard is
7 equal to 500 pounds. The EA shall approve an alternate conversion factor if the
8 operator demonstrates that it is more accurate than the required conversion factor.

9 (11.5) "Mixed Waste Organic Collection Stream" means organic waste collected in a
10 blue container or a gray container that is required by Section 18984.1, 18984.2, or
11 18984.3 of this division to be transported to a high diversion organic waste
12 processing facility.

13 (12) "Nuisance" includes anything which:

14 (A) is injurious to human health or is indecent or offensive to the senses and
15 interferes with the comfortable enjoyment of life_or property, and

16 (B) affects at the same time an entire community, neighborhood or any
17 considerable number of persons. The extent of annoyance or damage inflicted
18 upon an individual may be unequal.

19 (13) "On-site" means located within the boundary of the operation or facility.

20 (14) "Open burning" means the combustion of solid waste without:

21 (A) control of combustion air to maintain adequate temperature for efficient
22 combustion,

23 (B) containment of the combustion reaction in an enclosed device to provide
24 sufficient residence time and mixing for complete combustion, and

25 (C) control of the emission of the combustion products.

26 (15) "Operating day" means the hours of operation as set forth in the application,
27 Enforcement Agency Notification and/or permit not exceeding 24 hours.

28 (16) "Operating Record" means an easily accessible collection of records of an
29 operation's or facility's activities and compliance with required state minimum
30 standards under Title 14. The Record may include the Facility Plan or
31 Transfer/Processing Report for facilities, and shall contain but is not limited to
32 containing: agency approvals, tonnage and loadchecking records, facility contacts
33 and training history. The record may be reviewed by state and local authorities and
34 shall be available during normal business hours. If records are too voluminous to
35 place in the main operating record or if the integrity of the records could be
36 compromised by on-site storage, such as exposure to weather, they may be
37 maintained at an alternative site, as long as that site is easily accessible to the EA.

38 (17) "Operations Area" means:

39 (A) the following areas within the boundary of an operation or facility as described
40 in the permit application or Enforcement Agency Notification:

41 (i) equipment management area, including cleaning, maintenance, and storage
42 areas; and

43 (ii) material and/or solid waste management area, including unloading,
44 handling, transfer, processing, and storage areas.

1 (B) the boundary of the operations area is the same as the permitted boundary but
2 may or may not be the same as the property boundary.

3 (18) "Operator" means the owner, or other person who through a lease, franchise
4 agreement or other arrangement with the owner, that is listed in the permit
5 application or Enforcement Agency Notification, is legally responsible for all of the
6 following:

7 (A) complying with regulatory requirements set forth in these Articles;

8 (B) complying with all applicable federal, state and local requirements;

9 (C) the design, construction, and physical operation of the operations area;

10 (D) controlling the activities at an operation or facility as listed on the permit
11 application or Enforcement Agency Notification.

12 (18.4) "Organic Waste Recovery Activities," or "recovery" has the same meaning as
13 defined in Section 18982(a)(449) of Chapter 12 of this division.

14 (18.5) "Organic Waste" has the same meaning as in Section 18982(a)(46) of Chapter
15 12 of this division.

16 (18.6) "Source Separated Organic waste" or "Source Separated Organic Waste
17 Collection Stream" means organic waste that is collected in a green container as
18 specified in Sections 18984.1(a)(1) and 18984.2(a)(1), "source separated blue
19 container organic waste," as defined in this section, and organic waste
20 collected in ~~or an additional a yellow container or other~~ container as specified in
21 Section 18984.1(a)(6) of this division.

22 (18.7) "Source separated blue container organic waste" means the organic
23 wastes collected in a blue container that is limited to the collection of those
24 organic wastes and non-organic recyclables as defined in Section 18982(a)(43)
25 of this division

26 (19) "Owner" means the person or persons who own, in whole or in part, an operation
27 or facility, and/or the land on which it is located.

28 (20) "Processing" means the controlled separation, recovery, volume reduction,
29 conversion, or recycling of solid waste including, but not limited to, organized,
30 manual, automated, or mechanical sorting, the use of vehicles for spreading of waste
31 for the purpose of recovery, and/or includes the use of conveyor belts, sorting lines or
32 volume reduction equipment. Recycling Center is more specifically defined in section
33 17402.5 (d) of this Article.

34 (21) "Putrescible Wastes" include wastes that are capable of being decomposed by
35 micro-organisms with sufficient rapidity as to cause nuisances because of odors,
36 vectors, gases or other offensive conditions, and include materials such as, but not
37 limited to food wastes, offal and dead animals. The EA shall determine on a case-by-
38 case basis whether or not a site is handling putrescible wastes.

39 (22) "Regulated Hazardous Waste" means a hazardous waste, as defined in section
40 66260.10 of Division 4.5 of Title 22.

41 (23) "RWQCB" means the Regional Water Quality Control Board.

42 (23.5) "Remnant organic material" means the organic material that is collected in a
43 gray container that is part of the gray container collection stream.

44 (23.6) "Reporting Period" has the same meaning as defined in section 18851.2
45 (a)(49)

1 (24) "Salvaging" means the controlled separation of solid waste material which do not
2 require further processing, for reuse or recycling prior to transfer activities.

3 (25) "Scavenging" means the uncontrolled and/or unauthorized removal of solid
4 waste materials.

5 (26) "Sealed Container Transfer Operation" means a transfer operation that meets
6 the following requirements:

7 (A) handles only solid waste that has previously been placed within containers that
8 have either a latched, hard top or other impermeable cover which is closed tightly
9 enough to:

10 (1) prevent liquid from infiltrating into or leaking out of the container; and

11 (2) prevent the propagation and migration of vectors; and,

12 (i) the solid waste remains within the unopened containers at all times while
13 on-site; and,

14 (ii) the containers are not stored on-site for more than 96 hours.

15 Sealed container transfer operations do not include operations excluded by
16 Public Resources Code section 40200(b)(3).

17 (27) "Special Waste" includes but is not limited to:

18 (A) waste requiring special collection, treatment, handling, storage, or transfer
19 techniques as defined in Title 22, section 66260.10.

20 (B) waste tires and appliances requiring CFC removal.

21 (28) "Spotter" means an employee who conducts activities that include, but are not
22 limited to, traffic control, hazardous waste recognition and removal for proper
23 handling, storage and transport or disposal, and protection of the public from health
24 and/or safety hazards.

25 (29) "Store" means to stockpile or accumulate for later use.

26 (30) "Transfer/Processing Facility" or "Facility" includes:

27 (A) those activities governed by the Registration Permit tier or Full Solid Waste
28 Facility Permit requirements (as specified in sections 17403.6 and 17403.7); and,

29 (B) which:

30 1.receive, handle, separate, convert or otherwise process materials in solid
31 waste; and/or

32 2.transfer solid waste directly from one container to another or from one vehicle
33 to another for transport; and/or

34 3.store solid waste;

35 (C) The receipt of separated for reuse material pursuant to Public Resources
36 Code, Division 12.1, Chapter 2, sections 14511.7, 14518, or 14520, located within
37 a solid waste facility does not constitute solid waste handling, or processing, if
38 there is a defined physical barrier to separate recycling activities defined in Public
39 Resources Code, Division 12.1, Chapter 2, sections 14511.7, 14518, or 14520,
40 from the solid waste activities, or where the recycling and solid waste activities are
41 considered by the EA as separate operations.

42 (D) "Transfer/Processing Facilities" do not include activities specifically defined in
43 section 17402.5(c) of this Article, and operations and facilities that are subject to
44 regulations in Chapter 3.1 (commencing with section 17850).

45 (31) "Transfer/Processing Operation" or "Operation" includes:

46 (A) those activities governed by the EA Notification tier requirements; and,

1 (B) which:

- 2 1.receive, handle, separate, convert or otherwise process materials in solid
3 waste; and/or
4 2.transfer solid waste directly from one container to another or from one vehicle
5 to another for transport; and/or
6 3.store solid waste;

7 (C) The receipt of separated for reuse material pursuant to Public Resources
8 Code, Division 12.1, Chapter 2, sections 14511.7, 14518, or 14520, located within
9 a solid waste operation does not constitute solid waste handling, or processing, if
10 there is a defined physical barrier to separate recycling activities defined in Public
11 Resources Code, Division 12.1, Chapter 2, sections 14511.7, 14518, or 14520,
12 from the solid waste activities, or where the recycling and solid waste activities are
13 considered by the EA as separate operations.

14 (D) "Transfer/Processing Operations" do not include activities specifically defined
15 in section 17402.5(c) of this Article, and operations and facilities that are subject to
16 regulations in Chapter 3.1 (commencing with section 17850).

17 (32) "Volume Reduction" means techniques such as: compaction, shredding, and
18 baling.

19 (33) "Waste Hauling Yard Operation" is an operation that meets the following
20 requirements:

21 (A) is located on the premises of a duly licensed solid waste hauling operator, who
22 receives, stores, or transfers waste as an activity incidental to the conduct of a
23 refuse collection and disposal business, and;

24 (B) handles only solid waste that has been placed within a covered container
25 before the container arrives at the waste hauling yard, and;

26 (C) no more than 90 cubic yards of waste is stored on-site in covered containers at
27 any time, and;

28 (D) the solid waste remains within the original covered containers while on-site at
29 any times, and;

30 (E) the covered containers are not stored on-site for more than any 72 hour period;

31 (F) if the EA has information that the operation does not meet these requirements,
32 the burden of proof shall be on the owner or operator to demonstrate that the
33 requirements are being met.

34
35 Note:

36 Authority cited: Sections 40502, 43020, 43021, and 42652.5 Public Resources Code.

37 Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021,

38 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816 Public Resource

39 Code and Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.

40
41 **Section 17402.5. Definitions and Related Provisions Regarding Activities That Are**
42 **Not Subject to the Transfer/Processing Regulatory Requirements.**

43 (a) This section sets forth definitions and related provisions regarding activities that are
44 not subject to the requirements of Articles 6.0, 6.1, 6.2, 6.3 and 6.35 of this Chapter.

1 (1) Activities that are not in compliance with the applicable definitions and related
2 provisions of this section shall be subject to the requirements of Articles 6.0, 6.1, 6.2,
3 6.3 and 6.35 of this Chapter.

4 (2) The definitions and related provisions of this section are for use only to determine
5 the applicability of Articles 6.0, 6.1, 6.2, 6.3 and 6.35 of this Chapter.

6 (b) The following general definitions may apply to one or more of the activities that are
7 more specifically defined in subdivisions (c) and (d) of this section.

8 (1) "Residual" means the solid waste destined for disposal, further
9 transfer/processing as defined in section 17402(a)(30) or (31) of this Article, or
10 transformation which remains after processing has taken place and is calculated in
11 percent as the weight of residual divided by the total incoming weight of materials.

12 (2) "Reuse" means the use, in the same, or similar, form as it was produced, of a
13 material which might otherwise be discarded.

14 (3) "Separated for Reuse" means materials, including commingled recyclables, that
15 have been separated or kept separate from the solid waste stream for the purpose of
16 additional sorting or processing those materials for recycling or reuse in order to
17 return them to the economic mainstream in the form of raw material for new, reused,
18 or reconstituted products which meet the quality standards necessary to be used in
19 the marketplace, and includes materials that have been "source separated".

20 (4) "Source Separated" means materials, including commingled recyclables, that
21 have been separated or kept separate from the solid waste stream, at the point of
22 generation, for the purpose of additional sorting or processing those materials for
23 recycling or reuse in order to return them to the economic mainstream in the form of
24 raw material for new, reused, or reconstituted products which meet the quality
25 standards necessary to be used in the marketplace.

26 (c) Activities included in one of the following definitions are not subject to the
27 requirements of Articles 6.0, 6.1, 6.2, 6.3 and 6.35 of this Chapter, provided that these
28 activities do not include the acceptance of solid waste which has not been separated for
29 reuse. If an activity defined in this section is accepting solid waste which has not been
30 separated for reuse, it must meet the requirements of subdivision (d) of this section or
31 else it shall be subject to the requirements of Articles 6.0, 6.1, 6.2, 6.3 and 6.35 of this
32 Chapter.

33 (1) "Auto Dismantler" means a person or business entity engaged in the business of
34 buying, selling, or dealing in vehicles including nonrepairable vehicles, for the
35 purpose of dismantling the vehicles, buying or selling the integral parts and
36 component materials thereof, in whole or in part, or dealing in used motor vehicle
37 parts pursuant to California Vehicle Code, section 220.

38 (2) "Auto Shredder" or "Metal Shredder" means a person or business entity that
39 accepts scrap metal, typically automobiles and white goods, and mechanically rends
40 that scrap metal into fist sized bits and pieces and separates the ferrous metals,
41 nonferrous metals and other materials for the purpose of recycling.

42 (3) "Buy Back Center" means a person or business entity engaging in those activities
43 defined in Public Resources Code Sections 14518, or 14520.

44 (4) "Drop-off Center" means a person or business entity engaging in those activities
45 defined in Public Resources Code Section 14511.7.

1 (5) "Manufacturer" means a person or business entity that uses new or separated for
2 reuse materials as a raw material in making a finished product that is distinct from
3 those raw materials.

4 (6) "~~Regional Produce~~ Organic Distribution Center" means a distribution center that
5 receives unsold and packaged food produce (sometimes referred to as "pre-
6 consumer") back from stores to which it was originally sent ~~the produce~~, and which
7 remains the property of the distribution center or stores, for the purpose of data
8 collection, depackaging, and transferring this produce and other food to a compost
9 compostable material handling operation or facility, in-vessel digestion operation or
10 facility, or to a another beneficial use. ~~A regional produce distribution center would~~
11 ~~not include a site where produce is processed.~~

12 (7) "Rendering activities", means an activity that is a licensed animal food
13 manufacturing activity, or a rendering activity which is authorized by the California
14 Department of Food and Agriculture pursuant to Section 19300 of the Food and
15 Agricultural Code, and in which no solid waste feedstock bypasses the manufacturing
16 or rendering process. ~~"Rendering Plant" means a person or business entity where~~
17 ~~dead animals or any part or portion thereof, vegetable oils, or packing house refuse,~~
18 ~~are processed for the purpose of obtaining the hide, skin, grease residue, or any~~
19 ~~other byproduct whatsoever.~~

20 (8) "Reuse Salvage Operation" means a person or business entity which sterilizes,
21 dismantles, rebuilds, or renovates, nonputrescible separated-for-reuse materials, and
22 that recovers for recycling or reuse distinct material types that have not been
23 commingled with other materials before they enter the waste stream. Examples of
24 this activity include, but are not limited to, wire choppers, and dismantlers of furniture
25 and mattresses, and "brown goods" such as computer equipment, VCRs, and
26 televisions.

27 (9) "Scrap Metal Recyclers and Dealers" means a person or business entity including
28 all employees of the person or business entity, (except automotive recyclers and auto
29 shredders as defined in this section), whose primary business is the purchasing;
30 processing by shredding, shearing, baling, and torching; trading, bartering or
31 otherwise receiving secondhand or castoff metal material which includes ferrous
32 metals, nonferrous metals, aluminum scrap, auto bodies, major appliances and other
33 metals, including containers that are regulated pursuant to Public Resources Code
34 Section 14511.7, 14518 or 14520.

35 (10) "Wire Chopper" means a person or business entity which uses source separated
36 metal components or wire for the purpose of recycling or reuse.

37 (11) "Wood, Paper or Wood Product Manufacturer" means a person or business
38 entity that uses separated for reuse paper or woody materials in order to produce a
39 finished product able to be used as is, or to manufacture another product such as,
40 boxes or boards, without further processing.

41 (d) A "Recycling Center" means a person or business entity that meets the
42 requirements of this subdivision. A recycling center shall not be subject to the
43 requirements of Articles 6.0, 6.1, 6.2, 6.3 and 6.35 of this Chapter.

44 (1) A recycling center shall only receive material that has been separated for reuse
45 prior to receipt.

1 (2) The residual amount of solid waste in the separated for reuse material shall be
2 less than 10% of the amount of separated for reuse material received by weight.

3 (A) The residual amount is calculated by measuring the outgoing tonnage after
4 separated for reuse materials have been removed.

5 (B) The residual amount is calculated on a monthly basis based on the number of
6 operating days.

7 (3) The amount of putrescible wastes in the separated for reuse material shall be less
8 than 1% of the amount of separated for reuse material received by weight, and the
9 putrescible wastes in the separated for reuse material shall not cause a nuisance, as
10 determined by the EA.

11 (A) The amount of putrescible wastes is calculated in percent as the weight of
12 putrescible wastes divided by the total incoming weight of separated for reuse
13 material.

14 (B) The amount of putrescible wastes is calculated on a monthly basis based on
15 the number of operating days.

16 (4) The only separation that may occur at the recycling center is the sorting of
17 materials that have been separated for reuse prior to receipt.

18 (5) The recycling center may include an adjustment in the calculation to include the
19 weight of water in the residual, when the use of water is essential to the sorting or
20 processing of the material, provided that such an adjustment is also made in the
21 weight of materials received for processing.

22 (6) The following materials shall not be included in calculating residual as set forth in
23 subdivision (d)(2) of this section, if the recycling activities are separated from the
24 material handling activities noted below by a defined physical barrier or where the
25 activities are otherwise separated in a manner that the EA determines will keep the
26 materials from being commingled:

27 (A) materials received at an on-site Buy Back Center;

28 (B) materials received at an on-site Drop-off Center;

29 (C) cannery waste;

30 (D) construction and demolition materials;

31 (E) nonhazardous contaminated soil;

32 (F) grease-trap pumpings;

33 (G) nonhazardous asbestos;

34 (H) nonhazardous ash;

35 (I) compost and compost feedstock;

36 (J) sewage sludge;

37 (K) tires.

38 (7) If the EA has information that material that is being received is not separated for
39 reuse or source separated, that the residual is 10% or more of the total per month, or
40 that the amount of putrescible wastes is 1% or more of the total per month, the
41 burden of proof shall be on the owner or operator to demonstrate otherwise.

42 (A) A business that accepts loads of material that are not separated for reuse or
43 source separated does not qualify as a recycling center.

44 (B) If the EA has reason to believe that a business is accepting material that is not
45 separated for reuse or source separated due to averaging or combining of those

1 loads with other loads of separated for reuse material, the burden of proof will be
2 on the business to demonstrate that it is not accepting loads of mixed solid waste.
3 (C) If the EA has reason to believe that a business is accepting material that is not
4 separated for reuse or source separated due to the separation of portions of the
5 material at consecutive sites, each of which removes less than 10% residual, the
6 burden of proof will be on the business to demonstrate that it is not accepting
7 loads of mixed solid waste.

8 (D) If the EA determines that a business has exhibited a pattern and practice of
9 failing to comply with the provisions of this subsection, the EA may issue a Notice
10 and Order requiring the business to obtain a Registration Permit or Full Permit or
11 comply with the Enforcement Agency Notification requirements as made
12 applicable in sections 17403 through 17403.7 of this Article.

13 (E) At the time that the EA requires a recycling center to provide evidence that it is
14 in compliance with this subdivision, the EA shall provide the recycling center with a
15 written description of the information that has caused the EA to believe that the
16 recycling center is not in compliance. Nothing in this requirement is intended to
17 require the EA to identify the name or other identifying information regarding any
18 individual(s) who have complained about the recycling center.

19 (F) Nothing in this section precludes the enforcement agency or the board from the
20 following: inspecting a business to verify that it is conducted in a manner that
21 meets the provisions of this subsection; or, from taking any appropriate
22 enforcement action, including the use of a Notice and Order as provided in Section
23 18304.

24 (8) Operations which do not meet the 10% residual percentage in subdivision (d)(2)
25 of this section but which qualify as a Limited Volume Transfer Operation, shall
26 comply with the requirements of section 17403.3 within one month of March 5, 1999.

27 (9) recycling center operators may voluntarily report their residual percentage to the
28 EA and the CalRecycle using form CIWMB 607 (located in Appendix A).

29 (10) If the EA determines that a person or business entity purporting to operate a
30 recycling center is not in compliance with this subsection and issues an enforcement
31 order, that person or business entity may appeal that order in accordance with Public
32 Resources Code section 44307.

33 (e) If a Chipping and Grinding Operation or Facility, as defined in section 17852(a)(10)
34 of this Division, handles material that fails to meet the definition of green material due to
35 contamination as set forth in section 17852(a)(21) of this Division, the operation or
36 facility shall not be considered to be a recycling center as set forth in subsections (c) or
37 (d) of section 17402.5

38
39 Note:

40 Authority cited: Sections 40502, 43020, 43021, and 42652.5 Public Resources Code.
41 Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021,
42 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816 Public Resource
43 Code and Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.
44

45 **Section 17403.0. Regulatory Tiers Requirements for Transfer/Processing**
46 **Operations and Facilities.**

1 Sections 17403.1 through 17403.7 set forth the regulatory tier requirements (Title 14,
 2 Division 7, Chapter 5.0, Article 3.0, commencing with section 18100 or Title 27, Division
 3 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2, 3 and 3.1 of the California Code of
 4 Regulations (commencing with section 21570) that apply to specified types of
 5 transfer/processing operations and facilities. These requirements are summarized in
 6 Table 1.

7
 8 Note:

9 Authority cited: Sections 40502, 43020, 43021, and 42652.5 Public Resources Code.
 10 Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021,
 11 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816 Public Resource
 12 Code and Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.

13
 14 **Table 1. Transfer/Processing Operations and Facilities Placement into the**
 15 **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	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)	volume is provided to serve as multi-residence 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)				

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
Manufacturers Section 17402.5(c)(5)	Storage receptacle at the place of generation for	Limited Volume Transfer Operations Section 17403.3		
Recycling Centers Section 17402.5(d)	waste from multi-residential buildings or for commercial solid wastes. Section 17403.1(a)(3)			
<u>Regional Organic Distribution Centers Section 17402.5(c)(6)</u>	Containers used to store construction or demolition wastes at the place of generation. Section 17403(a)(4)			
<u>Rendering Plants Activities Section 17402.5(c)(6)</u> Reuse Salvage Operations (includes furniture and mattress dismantlers and demanufacturers) Section 17402.5(c)(7) <u>8</u>	Containers used to store salvaged materials. Section 17403.1(a)(5) Waste Hauling Yard Operations. Section 17403.1(a)(6) Storage of Other Wastes. Section 17403(1)(a)(7)			

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
Scrap Metal Recyclers and Dealers Section 17402.5(c)(89)				
Wire Choppers Section 17402.5(c)(910)				
Wood, Paper, or Wood Product Manufacturer Section 17402.5(c)(1011)				

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, 43021, and 42652.5 Public Resources Code.
 Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816 Public Resource Code and Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.

Section 17409.5.1. Organic Waste Recovery Efficiency.

(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 18982 (a)(33) of this division that meets or exceeds an annual average mixed waste organic content recovery rate of 50 percent on

1 and after January 1, 2022 and 75 percent on and after January 1, 2025 as determined
2 in Section 18815.5(e), the operator shall conduct the measurements described in this
3 section.

4 (c) The operator shall:

5 (1) Determine the ~~quarterly~~ sum of outgoing weights of organic waste recovered from
6 the mixed waste organic collection stream by adding together ~~all the~~ weights
7 determined pursuant to Section 17409.5.2(b)(6) for each operating day ~~that~~
8 ~~measurements were conducted during the reporting period.~~~~for the quarterly~~
9 ~~period.~~

10 (2) Determine the ~~quarterly~~ sum of outgoing weights of organic waste removed from
11 the mixed waste organic collection stream ~~for disposal by adding together the~~
12 ~~weights that is sent to disposal~~ as measured pursuant to Section 17409.5.3(b)(5) for
13 each operating day ~~that measurements were conducted during the reporting~~
14 ~~period for the quarterly period.~~

15 (3) Report the ~~quarterly~~ sums of Subdivision (c)(1) and (c)(2) to the Department
16 pursuant to 18815.5 of this division

17 (d) The operator shall additionally:

18 (1) Determine the ~~quarterly~~ sum of outgoing weights of organic waste recovered from
19 the source separated organic waste collection stream by adding together ~~all the~~
20 weights determined pursuant to Section 17409.5.4(b)(6) for each operating day ~~that~~
21 ~~measurements were conducted during the reporting period.~~~~for the quarterly~~
22 ~~period.~~

23 (2) Determine the ~~quarterly~~ sum of outgoing weights of organic waste removed from
24 the source separated organic waste collection stream that is sent for disposal ~~by~~
25 ~~adding together the weights~~ as measured pursuant to Section 17409.5.5(b)(5) for
26 each operating day ~~that measurements were conducted during the reporting~~
27 ~~period for the quarterly period.~~

28 (3) Report the ~~quarterly~~ sums of Subdivision (d)(1) and (d)(2) to the Department
29 pursuant to 18815.5 of this division

30 (e) The operator shall maintain records demonstrating compliance with this section in a
31 manner approved by the EA and as described in Section 17414.2(a) of this chapter.

32
33 Note:

34 Authority cited: Sections 40502, 43020, 43021, and 42652.5 Public Resources Code.
35 Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021,
36 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816 Public Resource
37 Code and Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.
38

39 **Section 17409.5.2. Measuring Organic Waste Recovered from Mixed Waste**
40 **Organic Collection Stream.**

41 (a) The operator of an attended operation or facility that accepts a mixed waste organic
42 collection stream shall, ~~each operating day,~~ measure the amount by weight of organic
43 waste separated from the mixed waste organic collection stream after processing for
44 end-use, recovery or further processing.

45 **(1) The measurements required pursuant to this section shall be conducted at**
46 **the following frequency:**

1 (A) For each reporting period, the operator shall perform the sampling
2 protocol required in subdivision (b) over ten (10) consecutive operating
3 days.

4 (B) An operator may use the results of samples conducted over a period of
5 more than 10 days if the following apply:

6 1. If less than 10 additional days are sampled in the reporting period, the
7 additional operating days where sampling is performed shall be a
8 consecutive continuation of the original 10 consecutive days of sampling.

9 2. If 10 additional operating days or more are selected for sampling, the
10 additional operating days shall be conducted on consecutive days but may
11 be performed during a different part of the reporting period and are not
12 required to be a continuation of the original 10 operating days.

13 (b) The operator shall comply with subdivision (a) by using the following protocol:

14 (1) On each sampling day ~~Take~~ take one sample of at least ~~a~~ two hundred (200)
15 pounds ~~one (1) cubic yard sample~~ from each ~~of the~~ organic waste type separated
16 after processing at the operation or facility on that operating day prior to sending to a
17 destination for end-use, recovery, or further processing. Each sample shall be:

18 (A) Representative of a typical operating day;

19 (B) A random, composite sample taken either from various times during the
20 operating day or from various locations within each pile of each of the organic
21 waste types separated after processing.

22 (2) ~~Determine-Record~~ the weight of each sample from each organic waste type. If
23 the total weight of a single organic waste type processed in a single operating
24 day is less than 200 pounds, the operator shall sample all of that organic waste
25 type that is separated after processing for end-use, recovery or further
26 processing;

27 (3) For each sample, remove any incompatible material and determine the remaining
28 weight of organic waste in that sample.

29 (4) Then determine a ratio for each type of organic waste in the mixed waste organic
30 collection stream by dividing the total **weight** from subdivision (b)(3) by the total
31 **weight recorded in** ~~from~~ subdivision (b)(2).

32 (5) Multiply the ratio determined **for each type of organic waste type** pursuant to
33 subdivision (b)(4) ~~for each type of organic waste~~ by the total weight of all of the same
34 type of organic waste separated after processing and destined for end-use, recovery
35 or further processing

36 (6) Determine the total weight of organic waste separated from the mixed waste
37 organic collection stream for recovery by adding the sum of all the weights calculated
38 pursuant to subdivision (b)(5).

39 (c) The operator shall conduct a measurement in the presence of the EA when
40 requested.

41 (d) If it is determined by the EA that the measurements do not accurately reflect the
42 records, the EA may require the operator to increase the frequency of measurements
43 and/or revise the measurement protocol to improve accuracy.

44 (e) If the operator sends any material to a POTW that ~~the POTW~~ is not authorized to
45 receive pursuant to Section 17896.6(a)(1)(C) or (D), that material shall be deemed to

1 constitute landfill disposal pursuant to Section 18983.1(a)(3), and the weight of that
2 material shall be added to the value calculated pursuant to Section 17409.5.3.
3

4 Note:

5 Authority cited: Sections 40502, 43020, 43021, and 42652.5 Public Resources Code.
6 Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021,
7 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816 Public Resource
8 Code and Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.
9

10 **Section 17409.5.3. Measuring Organic Waste in Material in Residuals Removed**
11 **from Mixed Waste Organic Collection Stream for Disposal.**

12 (a) The operator of an attended operation or facility that accepts a mixed waste organic
13 collection stream shall, ~~each operating day,~~ measure the amount by weight of organic
14 waste present in the ~~material~~ residuals removed from the mixed waste organic
15 collection stream after processing that is sent to disposal.

16 **(1) The measurements required pursuant to this section shall be conducted at**
17 **the following frequency:**

18 **(A) For each reporting period, the operator shall perform the sampling**
19 **protocol required in subdivision (b) over ten (10) consecutive operating**
20 **days.**

21 **(B) An operator may use the results of samples conducted over a period of**
22 **more than 10 days if the following apply:**

23 **1. If less than 10 additional days are sampled in the reporting period, the**
24 **additional operating days where sampling is performed shall be a**
25 **consecutive continuation of the original 10 consecutive days of sampling.**

26 **2. If 10 additional operating days or more are selected for sampling, the**
27 **additional operating days shall be conducted on consecutive days but may**
28 **be performed during a different part of the reporting period and are not**
29 **required to be a continuation of the original 10 operating days.**

30 (b) The operator shall comply with subdivision (a) by using the following protocol:

31 **(1) On each sampling day take one sample of at least two hundred (200)**
32 **pounds ~~Take at least one (1) cubic yard sample~~ of the ~~residuals~~-material removed**
33 **from mixed waste organic collection stream at the operation or facility on that**
34 **operating day prior to sending to disposal. Each sample shall be:**

35 **(A) Representative of a typical operating day**

36 **(B) A random, composite sample taken either from various times during the**
37 **operating day or from various locations within the pile after processing.**

38 **(2) ~~Determine~~ Record the total weight of the sample. If the total weight of the**
39 **materials removed from the mixed waste organic collection stream in a single**
40 **operating day is less than 200 pounds, the operator shall sample the stream**
41 **that will be sent to disposal.;**

42 **(3) Remove any incompatible material and determine the remaining weight of the**
43 **organic waste in the sample;**

44 **(4) Then determine the ratio of organic waste present in the ~~residuals materials~~s**
45 **removed from the mixed waste organic collection stream for disposal by dividing the**

1 total weight from subdivision (b)(3) by the total weight recorded in ~~from~~ subdivision
2 (b)(2).

3 (5) Determine the total weight of organic waste removed from the mixed organic
4 collection stream that is sent ~~to for~~ disposal by multiplying the ratio determined
5 pursuant to subdivision (b)(4) by the total weight of the ~~residuals-material~~ removed
6 from the mixed waste organic collection stream ~~for disposal after processing~~.

7 (c) The operator shall conduct a measurement in the presence of the EA when
8 requested.

9 (d) If it is determined by the EA that the measurements do not accurately reflect the
10 records, the EA may require the operator to increase the frequency of measurements
11 and/or revise the measurement protocol to improve accuracy.

12 (e) The operator shall maintain records of measurements and the training of personnel in
13 evaluating the amount of organic waste in the ~~residual~~ material removed from mixed
14 waste organic collection stream ~~for disposal~~.

15 (f) For the purposes of this section “disposal” has the same meaning as
16 “Activities that constitute disposal” as defined in Section 18982.

17
18 Note:

19 Authority cited: Sections 40502, 43020, 43021, and 42652.5 Public Resources Code.
20 Reference: Sections ~~40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021,~~
21 ~~43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816~~ Public Resource
22 Code and ~~Sections 39730.5, 39730.6, 39730.7 and 39730.8~~ Health and Safety Code.
23

24 **Section 17409.5.4. Measuring Organic Waste Recovered from Source Separated**
25 **Organic Waste Collection Stream.**

26 (a) The operator of an attended operation or facility that accepts source separated
27 organic waste, shall; ~~each operating day,~~ measure the amount by weight of organic
28 waste separated from the source separated organic waste collection stream after
29 processing for end-use, recovery or further processing.

30 (1) The measurements required pursuant to this section shall be conducted at
31 the following frequency:

32 (A) For each reporting period, the operator shall perform the sampling
33 protocol required in subdivision (b) over ten (10) consecutive operating
34 days.

35 (B) An operator may use the results of samples conducted over a period of
36 more than 10 days if the following apply:

37 1. If less than 10 additional days are sampled in the reporting period, the
38 additional operating days where sampling is performed shall be a
39 consecutive continuation of the original 10 consecutive days of sampling.

40 2. If 10 additional operating days or more are selected for sampling, the
41 additional operating days shall be conducted on consecutive days but may
42 be performed during a different part of the reporting period and are not
43 required to be a continuation of the original 10 operating days.

44 (b) The operator shall comply with subdivision (a) by using the following protocol:

45 (1) On each sampling day take one sample of at least two hundred (200)
46 pounds ~~Take at least a one (1) cubic yard sample~~ from each ~~of the~~ organic waste

1 type separated after processing at the operation or facility on that operating day prior
2 to sending to a destination for end-use, recovery, or further processing. Each sample
3 shall be:

4 (A) Representative of a typical operating day;

5 (B) A random, composite sample taken either from various times during the
6 operating day or from various locations within each pile of each of the organic
7 waste types separated after processing.

8 (2) ~~Determine-Record~~ the weight of each sample from each organic waste type. **If**
9 **the total weight of a single organic waste type processed in a single operating**
10 **day is less than 200 pounds, the operator shall sample all of that organic waste**
11 **type that is separated after processing for end-use, recovery or further**

12 **processing;**

13 (3) For each sample, remove any incompatible material and determine the remaining
14 weight of organic waste in that sample.

15 (4) Then determine a ratio for each type of organic waste in the source separated
16 organic waste collection stream by dividing the total **weight** from subdivision (b)(3) by
17 the total **weight recorded** from subdivision (b)(2).

18 (5) Multiply the ratio determined **for each type of organic waste type** pursuant to
19 subdivision (b)(4) ~~for each type of organic waste~~ by the total weight of all of the same
20 type of organic waste separated after processing and destined for end-use, recovery
21 or further processing.

22 (6) Determine the total weight of organic waste separated from the source separated
23 organic waste collection stream for recovery for the operating day by adding the sum
24 of all the weights calculated pursuant to subdivision (b)(5).

25 (c) The operator shall conduct a measurement in the presence of the EA when
26 requested.

27 (d) If it is determined by the EA that the measurements do not accurately reflect the
28 records, the EA may require the operator to increase the frequency of measurements
29 and/or revise the measurement protocol to improve accuracy.

30 **(e) If the operator sends any material to a POTW that is not authorized to receive**
31 **pursuant to Section 17896.6(a)(1)(C) or (D), that material shall be deemed to**
32 **constitute landfill disposal pursuant to Section 18983.1(a)(3), and the weight of**
33 **that material shall be added to the value calculated pursuant to Section 17409.5.5**

34
35 Note:

36 Authority cited: Sections 40502, 43020, 43021, and 42652.5 Public Resources Code.
37 Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021,
38 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816 Public Resource
39 Code and Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.
40

41 **Section 17409.5.5. Measuring Organic Waste in ~~Residuals Materials~~ Removed**
42 **from Source Separated Organic Waste Collection Stream For Disposal.**

43 (a) The operator of an attended operation or facility that accepts a source separated
44 organic waste shall ~~, each operating day,~~ measure the amount of organic waste by
45 weight present in the ~~residual~~ materials removed from the source separated organic
46 waste collection stream after processing **that is** sent to disposal.

1 (1) The measurements required pursuant to this section shall be conducted at
2 the following frequency:

3 (A) For each reporting period, the operator shall perform the sampling
4 protocol required in subdivision (b) over ten (10) consecutive operating
5 days.

6 (B) An operator may use the results of samples conducted over a period of
7 more than 10 days if the following apply:

8 1. If less than 10 additional days are sampled in the reporting period, the
9 additional operating days where sampling is performed shall be a
10 consecutive continuation of the original 10 consecutive days of sampling.

11 2. If 10 additional operating days or more are selected for sampling, the
12 additional operating days shall be conducted on consecutive days but may
13 be performed during a different part of the reporting period and are not
14 required to be a continuation of the original 10 operating days.

15 (b) The operator shall comply with subdivision (a) by using the following protocol:

16 (1) On each sampling day take one sample of at least two hundred (200)
17 pounds~~Take at least a one (1) cubic yard sample~~ of the ~~residual~~ materials removed
18 from source separated organic waste collection stream at the operation or facility on
19 that operating day prior to sending to disposal. Each sample shall be:

20 (A) Representative of a typical operating day

21 (B) A random, composite sample taken either from various times during the
22 operating day or from various locations within the pile after processing.

23 (2) ~~Determine~~ Record the total weight of the sample. If the total weight of the
24 materials removed from the source separated organic waste collection stream
25 in a single operating day is less than 200 pounds, the operator shall sample the
26 stream that will be sent to disposal;

27 (3) Remove any incompatible material and determine the remaining weight of the
28 organic waste in the sample;

29 (4) Then determine the ratio of organic waste present in the ~~residual~~ materials
30 removed from the source separated ~~waste~~-organic waste collection stream for
31 disposal by dividing the total weight from subdivision (b)(3) by the total weight
32 recorded in ~~from~~ subdivision (b)(2).

33 (5) Determine the total weight of organic waste removed from the source separated
34 organic waste collection stream that is sent ~~for to~~ disposal by multiplying the ratio
35 determined pursuant to subdivision (b)(4) by the total weight of the
36 materials ~~residuals~~ removed from the source separated organic waste collection
37 stream for disposal. ~~after processing.~~

38 (c) The operator shall conduct a measurement in the presence of the EA when
39 requested.

40 (d) If it is determined by the EA that the measurements do not accurately reflect the
41 records, the EA may require the operator to increase the frequency of measurements
42 and/or revise the measurement protocol to improve accuracy.

43 (f) For the purposes of this section “disposal” has the same meaning as
44 “Activities that constitute disposal” as defined in Section 18982.

45
46 Note:

1 Authority cited: Sections 40502, 43020, 43021, and 42652.5 Public Resources Code.
2 Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021,
3 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816 Public Resource
4 Code and Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.

5
6 **Section 17409.5.6. Source Separated Organic Waste Handling.**

7 (a) Source separated organic waste processing shall be kept separate from other solid
8 waste streams.

9 (1) Remnant organic material separated from the gray container collection stream
10 can be combined with organic material removed from the source separated organic
11 waste collection stream once the material from the separated organic waste
12 collection stream has gone through the measurement protocol described in Section
13 17409.5.4.

14 (1) Construction and Demolition Debris, as defined in Section 17381, shall be
15 kept separate from the source separated organic waste collection stream and
16 the mixed waste organic collection stream and shall not be included in the
17 measurements required pursuant to Sections 17409.5.1-17409.5.8

18 (b) Source separated organic waste and organic waste removed from a mixed waste
19 organic collection service for recovery shall be:

20 (1) sStored away from other activity areas in specified, clearly identifiable areas as
21 described in the Facility Plan or Transfer/Processing Report; and,

22 (2) Removed from the site consistent with Section 17410.1 and either:

23 (A) transported only to another solid waste facility or operation for additional
24 processing, composting, in-vessel digestion, or other recovery as specified in
25 Section 18983.1 of this division; or,

26 (B) used in a manner approved by local, state, and federal agencies having
27 appropriate jurisdiction.

28
29
30 Note:

31 Authority cited: Sections 40502, 43020, 43021, and 42652.5 Public Resources Code.
32 Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021,
33 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816 Public Resource
34 Code and Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.

35
36 **Section 17409.5.7. Loadchecking – Contamination in Source Separated Organic**
37 **Waste.**

38 (a) The operator of an attended operation or facility that accepts source separated
39 organics waste shall perform loadchecking to identify the amount of visible
40 contamination in source separated organic waste according to the following schedule:

41 (1) One (1) loadcheck shall be conducted for every 500 tons of source separated
42 organic waste received per operating day. If the operator receives less than 500 tons for
43 the operating day, a minimum of two (2) loadchecks shall be conducted for that
44 operating day.

45 (2) At least one random loadcheck per day for each source sector as defined in Section
46 18815.2(a)(51).

~~(3) The operator shall inform the jurisdiction of origin or jurisdiction's designee 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 visible contamination.~~
~~(3) Records of notices provided to jurisdiction and/or jurisdiction's designee pursuant to subdivision (a)(3).~~
~~(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, jurisdiction's designee, and other duly authorized regulatory agencies.~~
~~(c) The EA may approve an alternative frequency for loadchecking if:~~
~~(1) The facility receives waste from jurisdictions that are monitoring containers provided to generators using the container contamination minimization described in Section 18984.5, or~~
~~(2) The EA determines that the incoming material from the source separated organic waste collection stream does not contain any remnant organic material.~~
~~(d) The operator shall conduct a loadcheck in the presence of the EA when requested.~~

Section 17409.5.7. Gray Container Waste Evaluations

(a) Commencing July 1, 2022, the operator of an attended transfer/processing operation or facility that receives a gray container collection stream shall conduct waste evaluations on the gray container collection stream received from each jurisdiction consistent with this section, Section 17409.5.7.1 and Section 17409.5.7.2 to identify the ratio of remnant organic material present therein.
(b) Waste evaluations for the gray container collection stream received from each jurisdiction shall be conducted at a quarterly frequency for each 12 month period commencing July 1 and ending the following June 30 as described in Section 17409.5.7.1
(c) The quarterly frequency for each 12 month period shall be determined on or before July 1 of each year based on total tons received in the gray container collection stream from each jurisdiction during the previous January through December calendar year.
(d) Total tons received in the gray container collection stream from each jurisdiction per calendar year shall be reported by the operator pursuant to the requirements of the Recycling and Disposal Reporting System [Title 14, Division 7, Chapter 9, Article 9.25 commencing with Section 18815.1].
(e) The operator shall maintain records of waste evaluations and the training of personnel in evaluating the amount of remnant organic material. These records shall be maintained for five (5) years in the operating record and be available for review by the appropriate jurisdiction of origin, jurisdiction's designee, and other duly authorized regulatory agencies.

1 (f) The operator shall provide information regarding the requirements of Section
2 18988.3 of this chapter to the self-haulers of organic waste.

3
4 Section 17409.5.7.1. Gray Container Waste Evaluations– Frequency.

5 The operator of an attended transfer/processing operation or facility shall
6 conduct waste evaluations at the following frequency for each 12 month period
7 from July 1 to the following June 30 consistent with the requirements of Section
8 17409.5.7:

9 (a) If a facility received less than 100 tons in the gray container collection stream
10 from a jurisdiction during the previous calendar year, no waste evaluations shall
11 be conducted on the incoming gray container collection stream from that
12 jurisdiction for the current 12 month period.

13 (b) If a facility received between 100 and less than 500 tons in the gray container
14 collection stream from a jurisdiction during the previous calendar year, two (2)
15 waste evaluations shall be conducted on the incoming gray container collection
16 stream from that jurisdiction per quarter for the current 12 month period.

17 (c) If a facility received between 500 and less than 1000 tons in the gray container
18 collection stream from a jurisdiction during the previous calendar year, three (3)
19 waste evaluations shall be conducted on the incoming gray container collection
20 stream from that jurisdiction per quarter for the current 12 month period.

21 (d) If a facility received 1000 tons or greater in the gray container collection
22 stream from a jurisdiction during the previous calendar year, five (5) waste
23 evaluations shall be conducted on the incoming gray container collection stream
24 from that jurisdiction per quarter for the current 12 month period.

25
26 Section 17409.5.7.2. Gray Container Waste Evaluations - Measuring Remnant
27 Organic Material.

28 (a) The operator of an attended transfer/processing facility or operation shall
29 comply with sections 17409.5.7. and 17409.5.7.1 by using the following
30 measurement protocol:

31 (1) Take one sample of at least a 200 pounds from the incoming gray container
32 collection stream received by the facility from the relevant jurisdiction(s). Each
33 sample shall be:

34 (A) Representative of a typical operating day;

35 (B) A random, composite sample taken from various times during the
36 operating day

37 (2) For that sample, remove any remnant organic material and determine the
38 weight of that remnant organic material.

39 (3) Then determine the ratio of remnant organic material in the sample by
40 dividing the total weight of the sample weighed in subdivision (a)(2) by 200
41 pounds .

42 (c) The operator shall conduct a measurement in the presence of the EA when
43 requested.

44 (d) If it is determined by the EA that the measurements do not accurately reflect
45 the records, the EA may require the operator to increase the frequency of
46 measurements and/or revise the measurement protocol to improve accuracy.

1
2
3 Note:

4 Authority cited: Sections 40502, 43020, 43021, and 42652.5 Public Resources Code.
5 Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021,
6 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816 Public Resource
7 Code and Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.
8

9 **Section 17409.5.8. Incompatible Materials Limit in Recovered Organic Waste.**

10 (a) On and after January 1, 2022, a transfer/processing facility or operation shall send
11 organic waste recovered after processing from the source separated organic waste
12 stream and from the mixed waste organic collection stream with no more than 10
13 percent of incompatible material by weight to the destination it is being sent ~~per~~
14 operating day.

15 (b) The operator shall measure compliance with subdivision (a) by using the following
16 protocol:

17 (1) Use the same samples taken to comply with Sections 17409.5.2 and 17409.5.4
18 and the same total weight of each of those samples.

19 (2) For each sample, remove any incompatible material and determine the weight of
20 the incompatibles in that sample.

21 (3) Then determine a ratio of the incompatible material for each type of organic waste
22 in the mixed waste organic collection stream and the source separated organic waste
23 collection waste stream by dividing the total from subdivision (b)(2) by the total from
24 subdivision (b)(1).

25 (4) Multiply the ratio determined pursuant to subdivision (b)(3) for each type of
26 organic waste by the total weight of all of the same type of organic waste separated
27 after processing and destined for end-use, recovery or further processing.

28 (5) Determine the total weight of incompatible materials separated from the mixed
29 waste organic collection stream and from the source separated organic waste stream
30 by adding the sum of all the weights calculated pursuant to subdivision (b)(4).

31 (6) Determine the ratio of incompatible materials by taking the total weight of
32 incompatible materials determined pursuant to subdivision (b)(5) and dividing by the
33 sum of the outgoing weights of the materials recovered from the mixed waste organic
34 collection stream and from the source separated organic waste stream.

35 (7) Determine the percentage of incompatible materials by multiplying the ratio
36 determined pursuant to subdivision (b)(6) by 100.

37 (c) The recovered organic waste stream shall not be subject to Section 17409.5.8(a) if
38 the recovered organic waste is sent to one of the following types of facilities **that will**
39 **process that waste:**

40 (1) A transfer/processing facility or operation that complies with Section 17409.5.8(a);
41 or,

42 (2) A compostable material handling facility or operation that pursuant to Section
43 17867(a)(16) demonstrates that no more than 10 percent of the **residuals materials**
44 sent to disposal are organic waste,

1 (3) An in-vessel digestion facility or operation that pursuant to Section 17896.44.1
2 demonstrates that no more than 10 percent of the ~~residuals materials~~ sent to
3 disposal are organic waste,

4 (4) An activity that meets the definition of a recycling center as described in Section
5 17402.5(d).

6 (d) The operator shall conduct a measurement in the presence of the EA when
7 requested.

8 (e) If it is determined by the EA that the measurements do not accurately reflect the
9 records, the EA may require the operator to increase the frequency of measurements
10 and/or revise the measurement protocol to improve accuracy.

11 **(f) For the purposes of this section “disposal” has the same meaning as**
12 **“Activities that constitute disposal” as defined in Section 18982.**

13
14 Note:

15 Authority cited: Sections 40502, 43020, 43021, and 42652.5 Public Resources Code.
16 Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021,
17 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816 Public Resource
18 Code and Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.

19
20 **Section 17409.5.9. Alternatives to Measurement Protocols.**

21
22 (a) The EA may approve, with concurrence by the Department, alternative
23 measurement protocols to the requirements of Sections 17409.5.2, 17409.5.3,
24 17409.5.4, 17409.5.5, 17409.5.7, **17409.5.7.1, 17409.5.7.2 and** 17409.5.8, ~~and~~
25 ~~17409.5.11~~ of this division as long as they will still ensure that ~~that~~ the measurements
26 will be as accurate.

27 **(b) When required by this article, the operator shall report tonnages using a scale.**
28 **If scales are not accessible, the EA may approve, with concurrence by the**
29 **Department, the operator to report the tonnages using a method described in**
30 **Section 18815.9(g).**

31
32 Note:

33 Authority cited: Sections 40502, 43020, 43021, and 42652.5 Public Resources Code.
34 Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021,
35 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816 Public Resource
36 Code and Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.

37
38 **Section 17409.5.10. Solid Waste Handling at Consolidation Sites.**

39
40 (a) Consolidation sites are not subject to the requirements of Sections 17409.5.1
41 through 17409.5.9~~8~~ of this division.

42 (b) Consolidation sites are not subject to the recordkeeping and reporting requirements
43 of Section 17414.2 of this division.

44 (c) Consolidation sites shall keep source separated organic waste streams separate
45 from other solid waste streams.

1 (d) Materials shall be transported only to transfer/processing facilities or operations that
2 comply with Section 17409.5.1.

3
4 Note:

5 Authority cited: Sections 40502, 43020, 43021, and 42652.5 Public Resources Code.
6 Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021,
7 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816 Public Resource
8 Code and Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.

9
10 **Section 17409.5.10.5 Solid Waste Handling at Co-located Facilities**

11 **(a) The operator of an attended operation or facility that accepts a mixed waste**
12 **organic collection stream for processing and passes the organic waste removed**
13 **from the mixed waste organic collection stream for processing to a co-located**
14 **activity within the boundary of the facility is subject to the following**
15 **requirements:**

16 **(1) If the permitted facility as a whole disposes of less than 10 percent of the**
17 **organic waste then only the organic waste that is sent off-site for further**
18 **processing and disposal are subject to the requirements of Sections 17409.5.1**
19 **through 17409.8 and 17409.5.11.**

20 **(2) If the permitted facility as a whole disposes of more than 10 percent of the**
21 **organic waste then the organic waste removed after processing and sent for**
22 **further processing on-site or off-site and disposed is subject to the**
23 **requirements of Sections 17409.5.1 through 17409.8.**

24
25 **Section 17409.5.11. Remnant Organic Material ~~in the~~ Separated From Gray**
26 **Container ~~Collection Stream~~ Processing.**

27
28 **(a) Remnant organic material separated from the gray container collection stream is not**
29 **subject to the requirements of Sections 17409.5.1 and 17409.5.8 of this division.**

30 **(1) Remnant organic material removed from the gray container collection stream can**
31 **be combined with organic material removed from the source separated organic waste**
32 **collection stream once the material from the source separated organic waste**
33 **collection stream has gone through the measurement protocol described in Section**
34 **17409.5.4.**

35 **~~(b) The operator of an attended operation or facility that accepts a gray container~~**
36 **~~collection stream shall perform loadchecking to identify the amount of visible remnant~~**
37 **~~organic material according to the following schedule:~~**

38 **~~(1) One (1) loadcheck shall be conducted for every 500 tons of gray container waste~~**
39 **~~received per operating day. If the operator receives less than 500 tons for the~~**
40 **~~operating day, a minimum of two (2) loadchecks shall be conducted for that operating~~**
41 **~~day.~~**

42 **~~(2) At least one random loadcheck per day for each source sector as defined in~~**
43 **~~Section 18815.2(a)(51).~~**

44 **~~(3) The operator shall inform jurisdiction or jurisdiction designee of origin of received~~**
45 **~~loads with visible remnant organic material.~~**

- 1 (4) The EA may approve an alternative frequency for loadchecking if:
2 (A) Jurisdictions are monitoring containers provided to generators using the
3 container contamination minimization described in Section 18984.5, or
4 (B) The EA determines that the incoming material from the gray container
5 collection stream does not contain any remnant organic material.
6 (5) The operator shall maintain the following loadchecking records under this section:
7 (A) Records of the number of rejected or redirected loads and reasons for rejection
8 or redirection.
9 (B) Records of received loads with visible remnant organic material.
10 (C) Records of notices provided to jurisdiction and/or jurisdiction's designee
11 pursuant to Subdivision (b)(1)(3).
12 (D) Records of loadchecks and the training of personnel in evaluating the amount
13 of remnant organic material in gray container waste. These records shall be
14 maintained for three (3) years in the operating record and be available for review
15 by the appropriate jurisdiction of origin, haulers, and other duly authorized
16 regulatory agencies.

17
18 Note:

19 Authority cited: Sections 40502, 43020, 43021, and 42652.5 Public Resources Code.
20 Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021,
21 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816 Public Resource
22 Code and Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.

23
24 **Section 17409.5.12 Transfer/Processing EA Verification Requirements**

25 **(a) The operator shall provide the EA all requested information and other**
26 **assistance so that the EA can verify that the measurements conducted by the**
27 **operator are consistent with the requirements of sections 17409.5.2, 17409.5.3,**
28 **17409.5.4, 17409.5.5, 17409.5.8. and 17409.5.11. The EA shall conduct such**
29 **verification through:**

- 30 **(1) The review of records required by section 17414.2; and**
31 **(2) The periodic, direct observation of measurements at a frequency necessary**
32 **to ensure that the operator is performing such measurements in a manner**
33 **consistent with Sections 17409.5.2, 17409.5.3, 17409.5.4, 17409.5.5, 17409.5.7,**
34 **17409.7.1, 17409.7.2, and 17409.5.8 .**

35
36 **Article 6.3. Record Keeping Requirements.**

37
38 **Section 17414.2. Recordkeeping and Reporting Requirements - for Mixed Waste**
39 **Organic Waste and Source Separated Organic Waste**
40 **Organic Waste Recovery**

40 **(a) The operator shall keep the following records**

- 41 **(1) The results of each sample conducted pursuant to Sections 17409.5.2,**
42 **17409.5.3, 17409.5.4, 17409.5.5, 17409.5.7, 17409.5.7.1, 17409.5.7.2 and**
43 **17409.5.8.**
44 ~~**(1) The results of each sample conducted pursuant to Sections 17409.5.2,**~~
45 ~~**17409.5.3, 17409.5.4, and 17409.5.5.**~~

1 (2) The daily outgoing weights of material recovered from the mixed organic waste
2 stream.

3 (3) The daily outgoing weights of ~~residuals~~materials removed from the mixed organic
4 waste stream and sent to disposal.

5 (4) The daily outgoing weights of material recovered from the source separated
6 organic waste stream.

7 (5) The daily outgoing weights of ~~residuals~~materials removed from the source
8 separated, organic-waste stream and sent to disposal.

9 (6) The daily incoming weights of mixed organic waste.

10 (7) The daily incoming weights of source separated organic waste.

11 (8) The results of the formula calculated pursuant to Section 17409.5.8(b)(7).

12 (9) If the operator complies with the incompatible material requirements in Section
13 17409.5.8 by sending material to a facility that meets the requirements of
14 subdivisions (b) of Section 17409.5.8, the operator shall keep a record of:

15 (A) The name, address, location, and if applicable the RDRS number, of each
16 facility that material is sent to.

17 (B) The daily outgoing weights of material sent to each facility by type.

18 **(10) The results of the waste evaluations by jurisdiction conducted pursuant to**
19 **Sections 17409.5.7 through 17409.5.7.2**

20 **(b) The operator shall keep the following records regarding compostable material**
21 **that is land applied:**

22 **(1) The address, parcel number, or other equivalent indicator of physical**
23 **location of each property receiving compostable material for land application.**

24 **(2) The weight of material sent to each location identified in (1).**

25 ~~(b)~~**(c) The records required in subdivision (a) and (b) shall be:**

26 (1) Adequate for overall planning and control purposes.

27 (2) As current and accurate as practicable.

28 ~~(c)~~**(d) All records required by this article shall be kept by the operator in one location**
29 **and accessible for ~~three (3)~~ five (5) years and shall be available for inspection by the**
30 **EA and other duly authorized regulatory agencies during normal working hours.**

31 ~~(d)~~**(e) The operator shall submit copies of specified records to the EA upon request or at**
32 **a frequency approved by the EA.**

33 **(f) Each operator shall maintain records in accordance with Title 14, California Code of**
34 **Regulations, Division 7, Chapter 9, Article 9.25, Section 18815.1 et. seq. The records**
35 **shall be available for inspections as authorized by that article during normal business**
36 **hours and retained in the operating record near the site or in an alternative location**
37 **approved by the EA.**

38
39 Note:

40 Authority cited: Sections 40502, 43020, 43021, and 42652.5 Public Resources Code.

41 Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021,
42 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816 Public Resource
43 Code and Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.

Chapter 3.1. Composting Operations Regulatory Requirements

1 **Article 1. General**

2 Section 17852. Definitions

3 (a) (23.5) "Hauler" has the same meaning as defined in Section 18815.2(a)(32) of this
4 division.

5
6 **Note:**

7 Authority cited: Sections 40502, 43020, 43021, and 42652.5 Public Resources Code.
8 Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021,
9 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816 Public Resource
10 Code and Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.
11

12 **Article 2. Regulatory Tiers for Composting Operations and Facilities.**

13
14 **Section 17855. Excluded Activities.**

15 (a) Except as provided otherwise in this Chapter, the activities listed in this section do
16 not constitute compostable material handling operations or facilities and are not
17 required to meet the requirements set forth herein. Nothing in this section precludes the
18 EA or the Department from inspecting an excluded activity to verify that the activity is
19 being conducted in a manner that qualifies as an excluded activity or from taking any
20 appropriate enforcement action.

21 (1) An activity is excluded if it handles agricultural material derived from an
22 agricultural site, and returns a similar amount of the material produced to that same
23 agricultural site, or an agricultural site owned or leased by the owner, parent, or
24 subsidiary of the composting activity. No more than an incidental amount of up to
25 1,000 cubic yards of compost product may be given away or sold annually.

26 (2) Vermicomposting is an excluded activity. The handling of compostable material
27 prior to and after its use as a growth medium during the vermicomposting process is
28 not an excluded activity and is subject to the requirements of this chapter or the
29 Transfer/Processing Operations and Facilities Regulatory Requirements (Title 14,
30 California Code of Regulations, Division 7, Chapter 3, Article 6.0-6.35), whichever is
31 applicable, as follows:

32 (A) when the compostable material is active compost or is likely to become active
33 compost, as determined by the EA, the requirements of this chapter apply;

34 (B) at all other times when it is not being used as a growth medium during
35 vermicomposting, the compostable material is subject to the Transfer/Processing
36 Operations and Facilities Regulatory Requirements.

37 (3) Mushroom farming is an excluded activity. The handling of compostable material
38 prior to and after its use as a growth medium during the mushroom farming process
39 is not an excluded activity and is subject to the requirements of this chapter or the
40 Transfer/Processing Operations and Facilities Regulatory Requirements (Title 14,
41 California Code of Regulations, Division 7, Chapter 3, Article 6.0-6.35), whichever is
42 applicable, as follows:

43 (A) when the compostable material is active compost or is likely to become active
44 compost, as determined by the EA, the requirements of this chapter apply;

1 (B) at all other times when it is not being used as a growth medium during
2 mushroom farming, the compostable material is subject to the Transfer/Processing
3 Operations and Facilities Regulatory Requirements.

4 (4) Composting green material, agricultural material, food material, and vegetative
5 food material, alone or in combination, is an excluded activity if the total amount of
6 feedstock and compost on-site at any one time does not exceed 100 cubic yards and
7 750 square feet.[Note: Persons handling compostable material under the above
8 exclusion are obligated to obtain all permits, licenses, or other clearances that may
9 be required by other regulatory agencies including, but not limited to local health
10 entities and local land use authorities.]

11 (5) The handling of compostable materials is an excluded activity if:

12 (A) the activity is located at a facility (i.e., landfill or transfer/processing facility) that
13 has a tiered or full permit as defined in section 18101,

- 14 1. has a Report of Facility Information which is completed and submitted to the
15 EA that identifies and describes the activity and meets the requirements of
16 Titles 14 or 27; and,
- 17 2. will only use the material on the facility site, or

18 (B) the activity is solely for the temporary storage of biosolids sludge at a Publicly
19 Owned Treatment Works (POTW), or

20 (C) the activity is located at the site of biomass conversion and is for use in
21 biomass conversion as defined in Public Resources Code section 40106; or

22 (D) the activity is part of a silvicultural operation or a wood, paper, or wood product
23 manufacturing operation; or

24 (E) the activity is part of an agricultural operation and is used to temporarily store
25 or process agricultural material not used in the production of compost or mulch; or

26 (F) the activity is part of an operation used to chip and grind materials derived from
27 and applied to lands owned or leased by the owner, parent, or subsidiary of the
28 operation; or

29 (G) the activity is part of an agricultural operation used to chip and grind
30 agricultural material produced on lands owned or leased by the owner, parent, or
31 subsidiary of the agricultural operation, for use in biomass conversion; or

32 ~~(H) the activity is part of a licensed animal food manufacturing or a licensed~~
33 ~~rendering operation—~~An activity that is a licensed animal food manufacturing
34 activity, or a rendering activity which is authorized by the California Department of
35 Food and Agriculture pursuant to Section 19300 of the Food and Agricultural
36 Code, and in which no solid waste feedstock bypasses the manufacturing or
37 rendering process; or

38 (I) the activity is the storage of yard trimmings at a publicly designated site for the
39 collection of lot clearing necessary for fire protection provided that the public
40 agency designating the site has notified the fire protection agency; or

41 (J) the materials are handled in such a way to preclude their reaching
42 temperatures at or above 122 degrees Fahrenheit as determined by the EA; or

43 (6) Storage of bagged products from compostable material is an excluded activity
44 provided that such bags are no greater than 5 cubic yards.

45
46 Note:

1 Authority cited: Sections 40502, 43020, 43021, and 42652.5 Public Resources Code.
2 Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021,
3 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816 Public Resource
4 Code and Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.
5

6 **Article 5.0. Composting Operation and Facility Siting and Design Standards**

7 **Section 17867. General Operating Standards.**

8 (a) All compostable materials handling operations and facilities shall meet the following
9 requirements:
10

11 (1) All handling activities are prohibited from composting any material specified in
12 section 17855.2 of this Chapter.

13 (2) All handling activities shall be conducted in a manner that minimizes odor impacts
14 so as to not cause a nuisance.

15 (3) All handling activities shall be conducted in a manner that minimizes vectors,
16 litter, hazards, nuisances, and noise impacts; and minimizes human contact with,
17 inhalation, ingestion, and transportation of dust, particulates, and pathogenic
18 organisms.

19 (4) Random load checks of feedstocks, additives, and amendments for contaminants
20 shall be conducted. ~~The operator of an attended compostable materials handling~~
21 ~~operation or facility shall perform loadchecking to identify the amount of visible~~
22 ~~contamination according to the following schedule:~~

23 ~~(A) One (1) loadcheck shall be conducted for every 500 tons of source separated~~
24 ~~organic waste received per operating day. If the operator receives less than 500 tons~~
25 ~~for the operating day, a minimum of two (2) loadchecks shall be conducted for that~~
26 ~~operating day.~~

27 ~~(B) At least one loadcheck per day by source sector as defined in Section~~
28 ~~18815.2(a)(51) of this division.~~

29 ~~(C) The operator shall conduct a loadcheck in the presence of the EA when~~
30 ~~requested.~~

31 ~~(D) The operator shall inform the jurisdiction of origin or jurisdiction's designee of~~
32 ~~received loads with visible contamination.~~

33 ~~(E) The EA may approve an alternative frequency for loadchecking if:~~

34 ~~1. The facility receives waste from jurisdictions that are monitoring containers~~
35 ~~provided to generators using the contamination minimization described in Section~~
36 ~~18984.5, or~~

37 ~~2. The EA determines that the incoming material from the source separated organic~~
38 ~~waste collection stream does not contain any remnant organic material.~~

39
40 (5) Contamination of compostable materials that has undergone pathogen reduction,
41 pursuant to section 17868.3 of this Chapter, with feedstocks, compost, or wastes that
42 have not undergone pathogen reduction, pursuant to section 17868.3 of this Chapter,
43 or additives shall be prevented.

44 (6) Unauthorized human or animal access to the facility shall be prevented.

45 (7) Traffic flow into, on, and out of the composting operation or facility shall be
46 controlled in a safe manner.

1 (8) All compostable materials handling operations and facilities that are open for
2 public business shall post legible signs at all public entrances. These signs shall
3 include the following information:

- 4 (A) name of the operation or facility,
- 5 (B) name of the operator,
- 6 (C) facility hours of operation,
- 7 (D) materials that will and will not be accepted, if applicable,
- 8 (E) schedule of charges, if applicable, and
- 9 (F) phone number where operator or designee can be reached in case of an
10 emergency.

11 (9) The operator shall provide fire prevention, protection and control measures,
12 including, but not limited to, temperature monitoring of windrows and piles, adequate
13 water supply for fire suppression, and the isolation of potential ignition sources from
14 combustible materials. Firelanes shall be provided to allow fire control equipment
15 access to all operation areas.

16 (10) The operator shall provide telephone or radio communication capability for
17 emergency purposes.

18 (11) Physical Contaminants and refuse removed from feedstock, compost, or chipped
19 and ground material shall be removed from the site within 7 days and transported to
20 an appropriate facility.

21 (12) Enclosed operations and facilities shall provide ventilation to prevent adverse
22 public health effects from decomposition gases.

23 (13) The operator shall ensure that leachate is controlled to prevent contact with the
24 public.

25 (14) The operator shall prevent or remove physical contaminants in compost and
26 chipped and ground materials that may cause injury to humans.

27 (15) An attendant shall be on duty during business hours if the operation or facility is
28 open to the public.

29 (16) The operator shall determine the ~~monthly~~ **quarterly** percentage of organic waste
30 contained in ~~residuals materials removed after processing~~ **sent to disposal**.

31 (A) To determine the ~~monthly~~ percentage, the operator shall, ~~each per operating~~
32 ~~day~~, measure the amount of organic waste by weight present in the ~~residuals~~
33 ~~removed materials sent to disposal after processing~~.

34 **1. The measurements required pursuant to this section shall be conducted**
35 **at the following frequency:**

36 **i. For each reporting period, the operator shall perform the sampling**
37 **protocol required in subdivision (a)(16)(B) over at least ten (10)**
38 **consecutive operating days.**

39 **ii. An operator may use the results of samples conducted over a period**
40 **of more than 10 days if the following apply:**

41 **1. If less than 10 additional days are sampled in the reporting period,**
42 **the additional operating days where sampling is performed shall be a**
43 **consecutive continuation of the original 10 consecutive days of**
44 **sampling.**

45 **2. If 10 additional operating days or more are selected for sampling, the**
46 **additional operating days shall be conducted on consecutive days but may**

1 be performed during a different part of the reporting period and are not
2 required to be a continuation of the original 10 operating days.

3
4 (B) The operator shall comply with subdivision (a)(16)(A) by using the following
5 protocol:

6 1. Take one sample of ~~at least a one (1) cubic yard sample~~ **two hundred (200)**
7 **pounds** of the ~~residuals materials removed after processing at~~ that the
8 operation or facility **is sending** ~~on that operating day prior to sending~~ to
9 **disposal on that operating day.** Each sample shall be:

10 i. Representative of a typical operating day.

11 ii. A random, composite sample taken either from various times during the
12 operating day or from various locations within the pile after processing.

13 **2. Record the weight of the sample. If the total weight of material sent to**
14 **disposal in single operating day is less than 200 pounds, the operator**
15 **shall sample all of the material that is sent to disposal that day.**

16 ~~2. Determine the total weight of the sample.~~

17 3. Remove any ~~incompatible~~ **material that is not organic waste** and determine
18 the remaining weight of the organic waste in the sample.

19 4. Then determine the ratio of organic waste present in the ~~residuals materials~~
20 removed ~~after processing for disposal~~ by dividing the total from subdivision
21 (a)(16)(B)3 by the total from subdivision (a)(16)(B)2.

22 5. Determine the total weight of organic waste ~~removed after processing~~ that is
23 sent ~~for to~~ disposal by multiplying the ratio determined pursuant to subdivision
24 (a)(16)(B)4 by the total weight of the ~~residuals materials removed from the~~
25 ~~source separated organic waste collection stream after processing.~~ **sent to**
26 **disposal**

27 6. Determine the ~~monthly~~ sum of outgoing weights of organic waste present in
28 the ~~materials residuals after processing~~ that is sent ~~to for~~ disposal as
29 determined pursuant to subdivision (a)(16)(B)5.

30 7. Determine the ~~monthly~~ ratio of organic waste ~~present in the residuals~~
31 ~~removed after processing~~ **sent to disposal** by dividing the total from subdivision
32 (a)(16)(B)6 by the total ~~monthly~~ outgoing weights of ~~material residuals removed~~
33 that is sent ~~for to~~ disposal.

34 8. Determine the ~~monthly~~ percentage of organic waste present in the ~~material~~
35 **sent to disposal** ~~residuals removed after processing~~ by multiplying the monthly
36 ratio as determined pursuant to subdivision (a)(16)(B)7 by 100.

37 (C) The operator shall conduct a measurement in the presence of the EA when
38 requested.

39 (D) If it is determined by the EA that the measurements do not accurately reflect
40 the records, the EA may require the operator to increase the frequency of
41 measurements, revise the measurement protocol, or both to improve accuracy.

42 (E) An alternative ~~frequency measurement protocol~~ for determining the amount
43 of organic waste ~~contained in the residuals may~~ **sent to disposal may** be
44 approved by the EA, with concurrence by the Department.

45 (F) For the purposes of the measurements required by this subdivision, organic
46 waste that are textiles, carpet, hazardous wood waste, ~~plastic coated non-~~

1 compostable paper, human or pet waste, and material subject to a quarantine on
2 movement issued by a county agricultural commissioner -is not required to be
3 measured as ~~considered incompatible materials rather than~~ organic waste.
4 (G) Organic waste sent to an activity listed in Section 18983.1(a) of this division
5 shall constitute disposal.
6

7 Note:

8 Authority cited: Sections 40502, 43020, 43021, and 42652.5 Public Resources Code.
9 Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021,
10 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816 Public Resource
11 Code and Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.
12

13 **Article 8. Composting Operation and Facility Records**

14 **Section 17869. General Record Keeping and Reporting Requirements.**

15 Except as provided in subsection (d), all compostable materials handling operations and
16 facilities shall meet the following requirements:

17 (a) All records required by this Chapter shall be kept in one location and accessible for
18 five (5) years and shall be available for inspection by authorized representatives of the
19 Department, EA, local health entity, and other duly authorized regulatory and EAs
20 during normal working hours.

21 (b) The operator shall record any special occurrences encountered during operation and
22 methods used to resolve problems arising from these events, including details of all
23 incidents that required implementing emergency procedures.

24 (c) The operator shall record any public complaints received by the operator, including:

25 (1) the nature of the complaint,

26 (2) the date the complaint was received,

27 (3) if available, the name, address, and telephone number of the person or persons
28 making the complaint, and

29 (4) any actions taken to respond to the complaint.

30 (d) The operator shall ~~record the quantity and type of feedstock received and quantity of~~
31 ~~compost and chipped and ground material produced.~~ maintain records listed in this
32 subdivision in a form and manner approved by the EA. Agricultural compostable
33 materials handling operations shall maintain records only for compostable material
34 accepted from off-site. Such records shall be adequate for overall planning and control
35 purposes and be as current and accurate as practicable. The records shall be
36 maintained for ~~three (3)~~ **five (5)** years in the operating record and be available for
37 review by the appropriate jurisdiction of origin, haulers, and other duly authorized
38 regulatory agencies.
39

40 (e) The operator shall maintain the following ~~load-checking~~ records under this section

41 ~~(1) Records of the number of rejected or redirected loads and reasons for rejection~~
42 ~~or redirection.~~

43 ~~(2) Records of received loads with visible contamination.~~

44 ~~(3) Records of loadchecks and the training of personnel in evaluating the amount of~~
45 ~~contamination in source separated organic waste.~~

~~(4) Records of notices provided to jurisdiction and jurisdiction's designee pursuant to Section 17867(a)(4).~~

~~(5) The **monthly quarterly** percentage of organic waste contained in **materials sent to disposal** ~~residuals removed from processing~~ as calculated pursuant to Section 17867(a)(16).~~

~~(6)(2) Daily outgoing weights of residual sent to disposal.~~

~~(7)(3) Daily outgoing weights of compost or chipped and ground material produced.~~

~~(8)(4) Daily incoming weights by material type.~~

(5) The address, parcel number, or other equivalent indicator of physical location of each property receiving compostable material for land application.

(6) The weight of material sent to each location identified in (5).

(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.

(h) The operator shall provide the EA all requested information and other assistance so that the EA can verify that the measurements conducted by the operator are consistent with the requirements of section 17867(a)(16). The EA shall conduct such verification through:

(1) The review of records required by this section; and

(2) The periodic, direct observation of measurements at a frequency necessary to ensure that the operator is performing such measurements in a manner consistent with this section.

Note:

Authority cited: Sections 40502, 43020, 43021, and 42652.5 Public Resources Code.
Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816 Public Resource Code and Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.

1
2 **Chapter 3.2. In-Vessel Digestion Operations and Facilities Regulatory**
3 **Requirements**

4
5 **Article 1. In-Vessel Digestion Operations and Facilities Regulatory**
6 **Requirements**

7
8 **Section 17896.2. Definitions**

9 (a)(12.5) "Hauler" has the same meaning as defined in Section 18815.2(a)(32) of this
10 division.

11
12 Note:

13 Authority cited: Sections 40502, 43020, 43021, and 42652.5 Public Resources Code.
14 Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021,
15 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816 Public Resource
16 Code and Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.

17
18 **Section 17896.6. Excluded Activities**

19 (a)(5) Rendering activities, authorized by the California Department of Food and
20 Agriculture pursuant to Section 19300 of the Food and Agricultural Code, or an activity
21 that is a licensed animal food manufacturing activity, and in which no solid waste
22 feedstock bypasses the rendering or manufacturing process.

23
24 Note:

25 Authority cited: Sections 40502, 43020, 43021, and 42652.5 Public Resources Code.
26 Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021,
27 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816 Public Resource
28 Code and Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.

29
30 **Article 2.0. Siting and Design** **Article 3 Operating Standards for In-Vessel**
31 **Digestion Operations and Facilities**

32
33 **Section 17896.25. Load Checking. ~~Prohibited Wastes.~~**

34 (a) The operator of an attended in-vessel digestion operation or facility shall implement
35 a load checking program to prevent the acceptance of waste which is prohibited by this
36 Chapter. This program must include at a minimum:

- 37 (1) the number of random load checks to be performed;
38 (2) a location for the storage of prohibited wastes removed during the load checking
39 process that is separately secured or isolated;
40 (3) records of load checks and the training of personnel in the recognition, proper
41 handling, and disposition of prohibited waste. A copy of the load checking program
42 and copies of the load checking records for the last year shall be maintained in the
43 operating record and be available for review by the appropriate regulatory agencies.

44
45 Note:

46 Authority cited: Sections 40502, 43020, 43021, and 42652.5 Public Resources Code.

1 Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021,
2 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816 Public Resource
3 Code and Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.

4
5 **Section 17896.25.1. Loadchecking — Contamination in Source Separated Organic**
6 **Waste:**

7 (a) The operator of an attended in-vessel digestion operation or facility shall perform
8 loadchecking to identify the amount of visible contamination according to the following
9 schedule:

10 (1) One (1) loadcheck shall be conducted for every 500 tons of source separated
11 organic waste received per operating day. If the operator receives less than 500 tons
12 for the operating day, a minimum of two (2) loadchecks shall be conducted for that
13 operating day.

14 (2) At least one loadcheck per month of each hauler by source sector as defined in
15 Section 18815.2(a)(51).

16 (3) The operator shall inform the jurisdiction of origin or jurisdiction's designee of
17 received loads with visible contamination.

18 (b) The operator shall maintain the following loadchecking records under this section:

19 (1) Records of the number of rejected or redirected loads and reasons for rejection or
20 redirection.

21 (2) Records of received loads with visible contamination.

22 (3) Records of loadchecks and the training of personnel in evaluating the amount of
23 contamination in source separated organic waste. These records shall be maintained
24 for three (3) years in the operating record and be available for review by the
25 appropriate jurisdiction of origin, haulers, and other duly authorized regulatory
26 agencies.

27 (4) Records of notices provided to jurisdiction and jurisdiction's designee pursuant to
28 subdivision (a)(3).

29 (c) The operator shall conduct a loadcheck in the presence of the EA when requested.

30 (d) The EA may approve an alternative frequency for loadchecking if:

31 (1) The facility receives waste from jurisdictions that are monitoring containers
32 provided to generators using the container contamination minimization described in
33 Section 18984.5, or

34 (2) The EA determines that the incoming material from the source separated organic
35 waste collection stream does not contain any remnant organic material.

36
37 Note:

38 Authority cited: Sections 40502, 43020, 43021, and 42652.5 Public Resources Code.
39 Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021,
40 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816 Public Resource
41 Code and Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.

42
43 **Article 3. Operating Standards for In-Vessel Digestion Operations and Facilities**

44
45 **Section 17896.44.1. Measuring Organic Waste in Residuals**

1 (a) The operator shall determine the ~~monthly~~**quarterly** percentage of organic waste
2 contained in ~~residuals materials sent to removed after processing that is sent to~~
3 disposal.

4 (1) To determine the monthly percentage, the operator shall, measure the
5 amount of organic waste by weight present in the residuals removed materials
6 sent to disposal after processing.

7 (A) The measurements required pursuant to this section shall be conducted
8 at the following frequency:

9 1. For each reporting period, the operator shall perform the sampling
10 protocol required in subdivision (a)(16)(B) over at least ten (10)
11 consecutive operating days.

12 2. An operator may use the results of samples conducted over a period of
13 more than 10 days if the following apply:

14 i. If less than 10 additional days are sampled in the reporting period, the
15 additional operating days where sampling is performed shall be a
16 consecutive continuation of the original 10 consecutive days of
17 sampling.

18 ii. If 10 additional operating days or more are selected for sampling, the
19 additional operating days shall be conducted on consecutive days but
20 may be performed during a different part of the reporting period and are
21 not required to be a continuation of the original 10 operating days.

22 ~~To determine the monthly percentage, the operator shall, each per operating day,~~
23 ~~measure the amount of organic waste by weight present in the residuals removed~~
24 ~~after processing.~~

25 (2) The operator shall comply with subdivision (a)(1) by using the following protocol:

26 (A) Take **one sample of** at least ~~a one (1) cubic yard~~**two hundred (200) pounds**
27 ~~sample of the residuals materials removed after processing at that~~ the operation
28 or facility **is sending to disposal** on that operating day. ~~prior to sending to~~
29 ~~disposal.~~ Each sample shall be:

30 1. Representative of a typical operating day.

31 2. A random, composite sample taken either from various times during the
32 operating day or from various locations within the pile after processing.

33 (B) Record the weight of the sample. If the total weight of material sent to
34 disposal in single operating day is less than 200 pounds, the operator shall
35 sample all of the material that is sent to disposal that day. ~~Determine the total~~
36 ~~weight of the sample.~~

37 (C) Remove any incompatible material that is not organic waste and determine
38 the remaining weight of the organic waste in the sample.

39 (D) Then determine the ratio of organic waste present in the residuals materials
40 removed for after processing disposal by dividing the total from subdivision
41 (a)(2)(C) by the total from subdivision (a)(2)(B).

42 (E) Determine the total weight of organic waste removed after processing that is
43 sent for disposal by multiplying the ratio determined pursuant to subdivision
44 (a)(2)(D) by the total weight of the residuals materials removed for disposal from
45 the source separated organic waste collection stream after processing.

1 (F) Determine the ~~monthly~~ sum of outgoing weights of organic waste present in
2 ~~material~~ ~~the residuals after processing~~ that is sent ~~to for~~ disposal as determined
3 pursuant to subdivision (a)(2)(E).

4 (G) Determine the ~~monthly~~ ratio of organic waste present in the ~~residuals removed~~
5 ~~after processing~~ ~~material sent to disposal~~ by dividing the total from subdivision
6 (a)(2)(F) by the total monthly outgoing weights of residuals removed that is sent for
7 disposal.

8 (H) Determine the ~~monthly~~ percentage of organic waste present in the ~~residuals~~
9 ~~material removed after processing sent to disposal~~ by multiplying the monthly
10 ratio as determined pursuant to subdivision (a)(2)(G) by 100.

11 (b) The operator shall conduct a measurement in the presence of the EA when
12 requested.

13 (c) If it is determined by the EA that the measurements do not accurately reflect the
14 records, the EA may require the operator to increase the frequency of measurements,
15 revise the measurement protocol, or both to the improve accuracy.

16 (d) An alternative ~~frequency~~ ~~measurement protocol~~ for determining the amount of
17 organic waste contained in the residual may be approved by the EA, with concurrence
18 by the Department.

19 (e) Organic waste that are textiles, carpet, hazardous wood waste, ~~plastic coated non-~~
20 ~~compostable~~ paper and material subject to a quarantine on movement issued by a
21 county agricultural commissioner ~~is not required to be measured as considered~~
22 ~~incompatible materials rather~~ than organic waste.

23 (f) Organic waste sent to an activity listed in Section 18983.1(a) shall constitute
24 disposal.

25
26 Note:

27 Authority cited: Sections 40502, 43020, 43021, and 42652.5 Public Resources Code.

28 Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021,
29 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816 Public Resource
30 Code and Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.

31 32 **Article 4. Record Keeping Requirements.**

33 34 **Section 17896.45. Record Keeping and Reporting Requirements.**

35 Each operator shall meet the following requirements:

36 (a) Each operator shall maintain records of ~~incoming weights or volumes and outgoing~~
37 ~~salvage or residual weights or volumes listed in this subdivision~~ in a form and manner
38 approved by the EA. Such records shall be: ~~submitted to the EA or the Department~~
39 ~~upon request~~; be adequate for overall planning and control purposes; and, be as current
40 and accurate as practicable

41 ~~(1)(1) The operator shall maintain the following loadchecking records under this~~
42 ~~section:~~

43 ~~(A) Records of the number of rejected or redirected loads and reasons for rejection or~~
44 ~~redirection.~~

45 ~~(B) Records of received loads with visible contamination.~~

1 ~~(C) Records of loadchecks and the training of personnel in evaluating the amount of~~
2 ~~contamination in source separated organic waste.~~

3 ~~(D) Records of notices provided to jurisdictions and jurisdiction's designee pursuant~~
4 ~~to Section 17896.25.1.~~

5 ~~(E) The monthly quarterly percentage of organic waste contained in residuals~~
6 ~~material sent to disposal~~removed from processing~~ as calculated pursuant to~~
7 ~~Section 17896.44.1.~~

8 ~~(2F) The outgoing weights or volumes of residual material sent to disposal.~~

9 ~~(3G) Daily outgoing weights or volumes of organic waste recovered and produced.~~

10 ~~(4H) Daily outgoing weights or volumes of salvaged materials.~~

11 ~~(5I) Daily Incoming weights of material.~~

12 ~~(6) The address, parcel number, or other equivalent indicator of physical~~
13 ~~location of each property receiving compostable material for land application.~~

14 ~~(7) The weight of material sent to each location identified in (F).~~

15 (b) All records required by this Chapter shall be kept by the operator in one location and
16 accessible for five (5) years and shall be available for inspection by the EA and other
17 duly authorized regulatory agencies during normal working hours.

18 (c) The operator shall submit copies of specified records to the EA upon request or at a
19 frequency approved by the EA;

20 (d) The operator shall maintain a daily log book or file of special occurrences
21 encountered during operations and methods used to resolve problems arising from
22 these events, including details of all incidents that required implementing emergency
23 procedures. Special occurrences shall include but are not limited to: fires, injury and
24 property damage, accidents, explosions, receipt or rejection of prohibited wastes, lack
25 of sufficient number of personnel pursuant to section 17896.42, flooding, earthquake
26 damage and other unusual occurrences. In addition, the operator shall notify the EA by
27 telephone within 24 hours of all incidents requiring the implementation of emergency
28 procedures, unless the EA determines that a less immediate form of notification will be
29 sufficient to protect public health and safety and the environment;

30 (e) The operator shall record any written public complaints received by the operator,
31 including:

32 (1) the nature of the complaint,

33 (2) the date the complaint was received,

34 (3) if available, the name, address, and telephone number of the person or persons
35 making the complaint, and

36 (4) any actions taken to respond to the complaint;

37 (f) The operator shall maintain a copy of the written notification to the EA and local
38 health agency of the name, address and telephone number of the operator or other
39 person(s) responsible for the operations as required by section 17896.42;

40 (g) The operator shall maintain records of employee training as required by section
41 17896.43;

42 (h) all in-vessel digestion operations and facilities shall maintain records as required by
43 section 18809 et seq.

44 (i) The operator shall record all test results generated by compliance with Article 6 of
45 this Chapter, including but not limited to, metal concentrations, physical contamination

1 limits, fecal coliform and Salmonella sp. densities, temperature measurements, and
2 dates of windrow turnings.

3 (1) The operator shall retain records detailing pathogen reduction methods.

4 (j) Each operator shall maintain records in accordance with Title 14, California Code of
5 Regulations, Division 7, Chapter 9, Article 9.25, Section 18815 et. seq. The records
6 shall be available for inspections as authorized by that article during normal business
7 hours and retained in the operating record near the site or in an alternative location
8 approved by the Local Enforcement Agency.

9 **(k) The operator shall provide the EA all requested information and other**
10 **assistance so that the EA can verify that the measurements conducted by the**
11 **operator are consistent with the requirements of Sections 17896.44.1. The EA**
12 **shall conduct such verification through:**

13 **(1) The review of records required by this section; and**

14 **(2) The periodic, direct observation of measurements at a frequency necessary**
15 **to ensure that the operator is performing such measurements in a manner**
16 **consistent with this section.**

17
18 Note:

19 Authority cited: Sections 40502, 43020, 43021, and 42652.5 Public Resources Code.
20 Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021,
21 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816 Public Resource
22 Code and Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.
23

24 **Article 6. Digestate Handling Standards**

25 **17896.57. Digestate Handling.**

26 (a) Digestate not contained in an in-vessel digester shall, within 24 hours, be:

- 27 (1) stored or processed on-site in a sealed container or sealed structure unless the
28 EA approves an alternative handling method after determining the alternative method
29 will not pose an additional risk to public health and safety or the environment; or
30 (2) incorporated in an on-site aerobic compost process.

31 (A) On-site aerobic composting of digestate is allowable only at large volume in-
32 vessel digestion facilities that have obtained an In-vessel Digestion Facility Permit
33 pursuant to section 17896.13.

34 (B) All in-vessel digestion facilities that compost on-site shall comply with the
35 sampling requirements of section 17896.58, maximum metal concentrations
36 requirements of section 17896.59, the maximum acceptable pathogen
37 concentrations requirements of section 17896.60(b)(1), and physical contamination
38 limits of section 17896.61; or

39 (3) removed from the site and either:

40 (A) transported only to another solid waste facility or operation for additional
41 processing, composting, or disposal; ~~or~~

42 **1. Digestate that is transported to another solid waste facility or operation**
43 **for additional processing, or composting shall only be transported to one**
44 **of the following facilities:**
45

1 i. A transfer/processing facility or operation that complies with Section
2 17409.5.8(a); or,
3 ii.A compostable material handling facility or operation that, pursuant to
4 Section 17867(a)(16), demonstrates that no more than 10 percent of the
5 materials sent to disposal are organic waste,

6 (B) used in a manner approved by local, state, and federal agencies having
7 appropriate jurisdiction. Any digestate that will be land applied must meet the
8 requirements of ~~s~~Section 17852(a)(24.5).

9 (C) disposed in a manner as set forth in the Consolidated Regulations for
10 Treatment, Storage, Processing or Disposal of Solid Waste (commencing at Title
11 27, California Code of Regulations, section 20005)-.

12
13 (b) Digestate that has not been analyzed for metal concentration pursuant to section
14 17896.59, pathogen concentration pursuant to section 17896.60(b)(1), and physical
15 contaminants pursuant to section 17896.61 or is known to contain any metal in amounts
16 that exceed the maximum metal concentrations described in section 17896.59,
17 pathogens that exceed the maximum acceptable pathogen concentrations described in
18 section 17896.60(b)(1), or physical contaminants that exceed the maximum physical
19 contamination limits described in section 17896.61 shall be designated for disposal,
20 additional processing, or other use as approved by local, state agencies having
21 appropriate jurisdiction.

22
23 Note: Authority cited: Sections 40502, 43020 ~~and~~ 43021, and 42652.5 Public
24 Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources
25 Code, and Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety
26 Code..

27 28 **Chapter 5. Enforcement of Solid Waste Standards and Administration of Solid** 29 **Waste Facilities Permits; Loan Guarantees**

30 31 **Article 2.2. LEA Performance Standards, Evaluation Criteria, and Duties and** 32 **Responsibilities**

33 34 **Section 18083. LEA Duties and Responsibilities for Inspections.**

35 (a) Pursuant to Public Resources Code Division 30, Parts 4 and 5, and 14 CCR Division
36 7, Chapters 3 and 5, 27 CCR, Division 2, Subdivision 1 (§20005 et seq.), and its EPP,
37 the LEA/EA shall inspect and investigate solid waste collection, handling, and storage,
38 solid waste facilities, operations and disposal sites and equipment to verify compliance
39 with the state minimum standards, solid waste facilities permits, and related state solid
40 waste laws and regulations within their purview for the protection of the environment
41 and the public health. The LEA shall perform these inspections and related duties as
42 required below, and forward inspection reports to the operator, and/or owner, and the
43 Department within 30 days of the inspection:

44 (1) Weekly, for sites operating on performance standards pursuant to 27 CCR
45 Section 20695;

1 (2) monthly, for all active and inactive facilities, and for illegal sites and facilities,
2 pending abatement by enforcement action(s);

3 (3) at the frequency required by the state minimum standards for each type of
4 operation specified in 14 CCR Sections 17383.9., 17403.5., and 17896.9. All other
5 operations regulated under the EA Notification tier shall be inspected by the EA at
6 least once every three (3) months unless the EA approves, with Department
7 concurrence, a reduced inspection frequency. The EA may approve a reduced
8 inspection frequency only if it will not pose an additional risk to public health and
9 safety or the environment, and in no case shall the inspection frequency be less than
10 once per calendar year. The EA shall submit a copy of the EA-proposed approval to
11 the Department. The Department shall concur in the EA-proposed approval only if it
12 finds that the reduced inspection frequency will not pose an additional risk to public
13 health and safety or the environment in light of the specific circumstances at the
14 operation in question. The Department shall concur or deny the EA-proposed
15 approval within thirty (30) days from receipt.

16 (4) quarterly, for closed sites, abandoned sites, and sites exempted pursuant to 27
17 CCR Section 21565. For closed sites, inspections shall be made until no potential
18 threat exists to public health and safety or the environment. This determination shall
19 be subject to Department approval. For the purposes of this subsection, the
20 enumeration, and the workload analysis, a closed site means a site that has ceased
21 accepting waste and, should be closed, is undergoing closure, or has met applicable
22 closure requirements;

23 (A) the Department may approve an alternate inspection frequency for these sites
24 where such an action will not result in adverse impact on public health and safety
25 and the environment.

26 (5) if an LEA has been designated as the EA for waste tire facilities or entered into an
27 agreement with the Department through a grant program to inspect tire facilities,
28 major waste tire facilities shall be inspected annually, minor waste tire facilities shall
29 be inspected at least once every two and a half years pursuant to 14 CCR Section
30 18443;

31 (6) upon receipt of a complaint or emergency notification which cannot be resolved
32 off-site;

33 (7) as necessary, pursuant to the EPP, upon receipt of a solid waste facilities permit
34 application, revision, review, RFI amendment, or closure/postclosure plan; and

35 (8) pursuant to the EPP, for solid waste handling and collection equipment.

36 **(9) at the frequency described in Sections 17409.5.12,17869(h) and 17896.45(k)**

37 (b) As specified in their EPP pursuant to Section 18077, the LEA/EA shall conduct any
38 of the above inspections, whenever possible, without prior notice to the owner or
39 operator, on randomly selected days, during normal business hours or the site's
40 operating hours.

41 **(c) On a regular basis, but no less than annually, the EA shall select a statistically**
42 **significant number of land application sites within their jurisdiction and inspect**
43 **those sites to verify that compostable material is being land applied consistent**
44 **with the requirements of section 17852(a)(24.5).**

1 (1) the EA shall identify land application sites for inspection, through a review
2 of the applicable records specified in Section 18083(a)(9), referrals from other
3 EAs or the Department, and any other means within the authority of the EA.

4 (A) Such inspections shall be conducted by the EA in a timely manner to
5 enable the EA to adequately determine compliance with section
6 17852(a)(24.5).

7 (B) The EA shall prioritize such inspections in favor of land application sites
8 that have received the most significant volume of compostable material
9 directly from the operation or facility.

10 (C) This section shall not be construed as a restriction on an EA's authority
11 and discretion to inspect land application sites and take appropriate
12 enforcement action independent of the requirements of this section.

13 (2) the EA shall refer information to the appropriate EA jurisdiction regarding
14 any land application sites outside of its authority that are identified from a
15 review of facility records.

16 ~~(c) At least once per quarter, the EA shall oversee a minimum of one (1) measurement~~
17 ~~as described in 14 CCR Sections 17409.5.2, 17409.5.3, 17409.5.4, 17409.5.5,~~
18 ~~17409.5.8, 17867 and 17896.44.1, during an inspection required in subdivision (a).~~

19
20 Note:

21 Authority cited: Sections 40502, 43020, 43021, and 42652.5 Public Resources Code.
22 Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021,
23 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816 Public Resource
24 Code and Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.

25
26 **Chapter 9: Planning Guidelines and Procedures for Preparing, Revising, and**
27 **Amending Countywide or Regional Integrated Waste Management Plans**

28
29 **Article 9.25 Recycling and Disposal Reporting System**

30
31 **Section 18815.4 Reporting Requirements for Haulers.**

32
33 (a) A self-hauler shall provide the jurisdiction of origin for all material delivered to each
34 transfer/processor or disposal facility. A self-hauler does not have to report to the
35 Department, unless they are a food waste self-hauler.

36 (b) Food waste self-haulers shall report to the Department the tons of food waste sent
37 as follows:

38 (1) To a reporting entity inside California, report the tons of each material type,
39 pursuant to section 18815.9 of this article, and their contact information and RDRS
40 number.

41 (2) To an end user inside or outside California, report the tons of each material type,
42 pursuant to section 18815.9 of this article, sent to each end user category, by region,
43 pursuant to section 18815.3(k) of this article.

1 (3) To a recycling or composting facility or operation outside California, report the
2 tons of each material type, pursuant to section 18815.9 of this article, by region,
3 pursuant to section 18815.3(l) of this article.

4 (4) To each transfer/processor or disposal facility outside California, report the tons
5 of each material type, pursuant to section 18815.9 of this article, sent to each
6 person, and their contact information.

7 (c) A contract hauler shall provide the following information to a receiving reporting
8 entity for all tons delivered, using the methods described in section 18815.9 of this
9 article. A hauler shall provide the information at the time of delivery, unless both the
10 hauler and receiving facility have previously agreed to periodic reports in lieu of
11 providing information at the time of delivery. In all cases, the hauler shall provide the
12 information to the receiving reporting entity within 30 days of the end of the reporting
13 period.

14 (1) For solid waste hauled:

15 (A) A hauler shall provide the jurisdiction of origin for all material sent to each
16 transfer/processor or disposal facility; and

17 (B) If requested by a transfer/processor or disposal facility, then a hauler shall
18 provide the source sector for all material delivered to each broker or transporter,
19 transfer/processor, or disposal facility, in tons or by percentage using the
20 methods provided in section 18815.9 of this article.

21 (d) A contract hauler who takes material directly from a generator and hauls it to land
22 application or to a person outside the state shall report to the Department. In their report
23 to the Department, a contract hauler shall provide the following information for tons
24 hauled, using the methods described in section 18815.9 of this article:

25 (1) Directly from a generator to land application, the tons of each material type sent
26 by region, pursuant to section 18815.3(k) of this article.

27 (2) Directly from a generator to a person outside the state:

28 (A) For solid waste, the total tons by jurisdiction of origin for all material sent to a
29 disposal facility or transfer/processor, their contact information, and an estimate
30 of the overall source sector tons or percentages for waste sent.

31 (B) For green material sent to each transfer/processor or disposal facility for
32 potential beneficial reuse, the tons by jurisdiction of origin, and the contact
33 information of the receiving facility.

34 (C) For non-green material sent to each transfer/processor or disposal facility for
35 potential beneficial reuse, the tons by material type, pursuant to section 18815.9,
36 and the contact information of the receiving facility.

37 (D) For disaster debris and designated waste sent to each transfer/processor or
38 disposal facility, the tons of each stream, and the contact information of the
39 receiving facility.

40 (E) For material sent to recycling or composting facilities or operations, the tons
41 of each material type sent by region.

42 (F) To end users, the tons of each material sent to each end user category by
43 region, pursuant to section 18815.3(k) of this article.

1 (3) A hauler shall submit their report to the Department by the following due dates for
2 each reporting period:

- 3 (A) Reporting period 1 due April 30,
- 4 (B) Reporting period 2 due July 31,
- 5 (C) Reporting period 3 due October 31, and
- 6 (D) Reporting period 4 due January 31.

7 (e) For the purposes of RDRS reporting, the Department shall not require a hauler to
8 submit information regarding specific collection locations or customers when providing
9 jurisdiction of origin, material type or source sector information to other reporting entities
10 or to the Department as part of a quarterly report.

11 (1) A jurisdiction is not precluded from requiring this information through franchise
12 agreements, contracts, local ordinances, section 41821.5(g) of the Public Resources
13 Code, or other authority it may have.

14 (2) The Department may require a hauler to submit this information in lieu of an
15 audit, or as part of an audit or administrative proceeding.

16 (f) Commencing January 1, 2022, a hauler providing an organic waste collection service
17 pursuant to Article 3, Chapter 12 of this Division shall identify, for all materials delivered
18 to each receiving reporting entity whether the material is:

19 (1) Collected from a "source separated organic waste collection stream" as defined
20 in section 17402 (a)(18.6) of this Division.

21 (2) Collected from "mixed waste organics collection stream" as defined in in section
22 17402 (a)(11.5) of this Division that is required to be transported to a high diversion
23 organic waste processing facility. Notwithstanding subdivision (b), a hauler shall
24 provide the information required by this subdivision at the time of delivery.

25
26 Authority Cited: Sections 40401, 40502, and 41821.5(e), and 42652.5. Public Resources
27 Code.

28
29 Reference: : Sections 41821.5 and 41821.6 Public Resources Code and 39730.5,
30 39730.6, 39730.7, and 39730.8 Health and Safety Code.

31 32 **Section 18815.5 Reporting Requirements for Transfer/Processors.**

33
34 (a) In their report to the Department, a transfer/processor shall provide the following
35 information, using the methods in described in section 18815.9 of this article:

36 (1) For all tons accepted:

37 (A) From another transfer/processor, report the tons of each of the following
38 streams: solid waste, disaster debris, designated waste, green material potential
39 beneficial reuse, and all other potential beneficial reuse accepted from each
40 facility. Report the sending facility's contact information and RDRS number, if
41 applicable.

42 (B) For direct-hauled material, report the total aggregated tons of each of the
43 following streams: solid waste, disaster debris, designated waste, green material
44 potential beneficial reuse, and all other potential beneficial reuse. The tonnages

1 for solid waste and green material potential beneficial reuse shall be further
2 divided by jurisdiction of origin.

3 (C) Include accepted residuals generated by a recycling or composting facility or
4 operation that is reporting under the same RDRS number as a
5 transfer/processing facility or operation, pursuant to section 18815.3(d)(4) of this
6 article, in the total tons accepted as direct-hauled, pursuant to subsection (1)(B),
7 assigning the tons to the jurisdiction within which the site is located.

8 (2) For all tons sent to recyclers, composters, brokers, transporters, or end users
9 pursuant to section 18815.9 of this article:

10 (A) To a recycling or composting facility or operation with a different RDRS
11 number inside California, report the tons by material type, pursuant to section
12 18815.9(a) of this article, and their contact information and RDRS number, if
13 applicable.

14 (B) To an end user, report the tons of each material type, pursuant to section
15 18815.9(a) of this article, sent to each end user category by region, pursuant to
16 section 18815.3(k) of this article.

17 (C) To a broker or transporter:

18 (i) In cases where the final destination of the material is determined by the
19 reporting transfer/processor, report pursuant to subsections (a)(2)(A), (a)(2)(B),
20 and (a)(2)(E).

21 (ii) In cases where the final destination of the material is not determined by the
22 reporting transfer/processor, report tons of each material type, pursuant to
23 section 18815.9(a) of this article, sent to each broker or transporter and their
24 contact information and RDRS number, if applicable.

25 (D) To a recycling or composting facility or operation with the same RDRS
26 number, report pursuant to section 18815.9(h) of this article.

27 (E) To a recycling or composting facility or operation outside California, report the
28 tons of each material type by region.

29 (3) For all tons sent to transfer/processors or disposal facilities inside or outside
30 California of each of the following streams: recycling and composting, solid waste,
31 disaster debris, designated waste, green material potential beneficial reuse, and all
32 other potential beneficial reuse:

33 (A) To each transfer/processor or disposal facility, report the tons of each stream,
34 and their contact information and RDRS number, if applicable. Report the
35 percentage of solid waste and green material potential beneficial reuse received
36 from each transfer/processor, and the total percentage of materials that were
37 direct-hauled, pursuant to subsection (a)(1)(B). The percentage that was direct-
38 hauled shall be further divided into the jurisdictions of origin of solid waste and
39 green material potential beneficial reuse.

40 (B) For all tons of solid waste, the percentage that was direct-hauled, pursuant to
41 subsection (a)(1)(B), shall be divided into source sectors, using methods
42 described in section 18815.9(c) of this article. Source sector shall be reported to
43 the department as a facility-wide estimate.

44 (C) For all other material sent for potential beneficial reuse to a landfill or other
45 transfer/processor inside or outside California, report the tons sent to each facility

1 by material type, pursuant to section 18815.9(a)(3) of this article, and the facility's
2 contact information and RDRS number, if applicable.

3 (D) For material sent for recycling to each transfer/processor or disposal facility
4 with a different RDRS number inside California, report the tons by material type,
5 and the facility's contact information and RDRS number, if applicable.

6 (E) For material sent for recycling to each transfer/processor or disposal facility
7 outside California, report the tons by material type and region.

8 (b) A transfer/processor shall report to the Department by the following due dates for
9 each reporting period:

10 (1) Reporting period 1 due May 31,

11 (2) Reporting period 2 due August 31,

12 (3) Reporting period 3 due November 30, and

13 (4) Reporting period 4 due February 28.

14 (c) With the exception of reporting entities who fail to provide required information, for
15 the purposes of RDRS reporting, the Department shall not require a transfer/processor
16 to submit information regarding the identities of individual haulers when providing
17 jurisdiction of origin, or source sector information to the Department as part of a
18 quarterly report. The Department shall not require a transfer/processor to submit
19 information regarding the identities of individual end users when providing material type
20 or region to the Department as part of their report.

21 (1) A jurisdiction is not precluded from requiring this information through franchise
22 agreements, contracts, local ordinances, section 41821.5(g) of the Public Resources
23 Code, or other authority it may have.

24 (2) The Department may require a transfer/processor to submit this information in
25 lieu of an audit, or as part of an audit or administrative proceeding.

26 (d) Commencing with the first reporting period in 2022, and in each subsequent
27 reporting period thereafter:

28 (1) A reporting receiving facility that receives material from a "mixed waste organic
29 collection stream" as defined in section 17402 (a)(11.5) of this Division shall, for the
30 purposes of determining the annual average organic content recovery rate for
31 organic waste received from the mixed waste organic collection stream as specified
32 in section 18984.3 and 17409.5.1 of this Division, report the following to the
33 Department:

34 (A) The ~~quarterly~~ sum of outgoing weights of organic waste recovered from the
35 mixed waste organic collection stream as determined pursuant to Section
36 17409.5.1 (c)(1) of this Division.

37 (B) The ~~quarterly~~ sum of outgoing weights of organic waste from the mixed waste
38 organic collection stream that is sent to disposal as determined pursuant to
39 Section 17409.5.1 (c)(2) of this Division.

40 (C) The sum of records in 17414.2 (a)(2), 17414.2(a)(3), and 17414.2 (a)(6) of
41 outgoing and incoming weights of material from the mixed waste organic
42 collection stream.

43 (2) A ~~r~~Reporting ~~R~~receiving facility that receives material from a "source separated
44 organic waste collection stream" as defined in section 17402 (a)(18.6) shall report
45 the following to the department:

1 (A) The ~~quarterly~~ sum of outgoing weights of organic waste recovered from the
2 source separated organic collection stream as determined pursuant to Section
3 17409.5.1 (d)(1) of this Division.

4 (B) The ~~quarterly~~ sum of outgoing weights of organic waste recovered from the
5 source separated organic collection stream as determined pursuant to Section
6 17409.5.1(d)(2) of this Division.

7 **(C) The sum of weights required to be recorded pursuant to Sections**
8 **17414.2 (a)(4), 17414.2(a)(5), and 17414.2 (a)(7) of outgoing and incoming**
9 **weights of material from the source separate organic waste collection**
10 **stream.**

11 (e) The Department shall determine if a facility meets or exceeds the recovery efficiency
12 percentages specified in Section 18984.3 and 17409.5.1 of this Division in the following
13 manner.

14 (1) The Department shall determine the quarterly recovery efficiency by dividing the
15 value of recovered organic waste reported in subdivision (d)(1)(A)[Recovered
16 Organics (RO)] by the combined valued of recovered and ~~residual-disposed~~ organic
17 waste reported in (d)(1)(A)and (d)(1)(B)[Total Available **Mixed Waste**
18 Organics(TAMWO)]: RO/TAMWO = Recovery Efficiency

19 (2) The Department shall use the total weights for the immediately previous four
20 quarters to determine the facility's annual recovery efficiency which shall constitute
21 the annual average mixed waste organic content recovery rate for the purposes of
22 section 18984.3 of this Division.

23 (3) The annual average mixed waste organic content recovery rate shall be
24 determined by using the last four quarterly rates. A new annual average shall be
25 calculated each quarter.

26 **(e)The Department shall determine if a facility meets or exceeds the annual**
27 **average source separated organic content recovery rates specified for a**
28 **“designated source separated organic waste facility” as defined in Section**
29 **18982(a)(14.5)- of this division in the following manner.**

30 **(1) The Department shall determine the quarterly recovery efficiency by**
31 **dividing the value of recovered organic waste reported in subdivision**
32 **(d)(2)(A)[Recovered Organics (RO)] by the combined valued of recovered and**
33 **disposed organic waste reported in (d)(2)(A)and (d)(2)(B)[Total Available**
34 **Source Separated Organic Waste (TASSOW)]: RO/TASSOW = Recovery**
35 **Efficiency**

36 **(2) The Department shall use the total weights for the immediately previous**
37 **four quarters to determine the facility's annual recovery efficiency which shall**
38 **constitute the annual average source separated organic content recovery rate**
39 **for the purposes of Section 18982(a)(14.5), and Section 18998.1 of this**
40 **Division. A new annual average shall be calculated each quarter.**

41 **(f) A reporting receiving facility subject to the requirements of Sections 17409.5.7.**
42 **through -17409.5.7.2 shall, for each individual jurisdiction that the facility is**
43 **required to sample, report the following to the Department:**

44 **(1) The average ratio of remnant organic waste, to non-organic waste**
45 **measured in the gray container waste evaluation samples performed by the**
46 **facility, pursuant to Section 17409.5.7.2.**

1
2 Authority Cited: Sections 40502, ~~and 41821.5(e)~~, and 42652.5 Public Resources Code.

3
4 Reference: Sections 41821.5 and 41821.6 Public Resources Code, and 39730.5,
5 39730.6, 39730.7, and 39730.8 Health and Safety Code.
6

7 **§ 18815.6. Reporting Requirements for Disposal Facilities.**

8 (a) All permitted disposal facilities shall report each quarter to the Department. In their
9 report to the Department, a disposal facility shall provide the following information for all
10 tons disposed, with the exception of tires and biomass that have been separated from
11 other solid waste prior to receipt by an EMSW conversion facility, using the methods in
12 section 18815.9 of this article:

13 (1) For all tons received for disposal from a transfer/processor, report the tons of
14 each stream disposed, including solid waste, disaster debris, and designated waste
15 from each transfer/processor, and their contact information and RDRS number, if
16 applicable.

17 (2) For all direct-hauled material, report the total aggregated tons of each of the
18 following streams: solid waste, disaster debris, and designated waste.

19 (A) Report the tons of solid waste disposed from each jurisdiction of origin.

20 (B) Report an estimate of the aggregated tons, or overall percentage, from each
21 source sector, using methods described in section 18815.9(c) of this article.

22 (C) For direct-hauled disaster debris not commingled with other solid waste,
23 report the tons disposed.

24 (D) For direct-hauled designated waste not commingled with other solid waste,
25 report the tons disposed.

26 (E) Include accepted residuals generated by a recycling or composting facility or
27 operation that is reporting under the same RDRS number as a disposal facility,
28 pursuant to section 18815.3(d)(5) of this article, in the total tons accepted as
29 direct-hauled, assigning the tons to the jurisdiction within which the site is
30 located.

31 (b) In their report to the Department, a disposal facility shall provide the following
32 information for all tons sent off-site, using the methods in section 18815.9 of this article.
33 If materials are created, separated, or recovered as a result of on-site activities, then
34 they are considered as having been generated by the disposal facility.

35 (1) For solid waste generated on-site and sent to a disposal facility or
36 transfer/processor inside or outside California, report the tons sent for disposal or
37 potential beneficial reuse to each facility by material type, pursuant to section
38 18815.9(a) of this article, and the facility's contact information and RDRS number, if
39 applicable.

40 (2) For material generated by the disposal facility, report pursuant to section 18815.9
41 of this article for tons sent:

42 (A) To each recycling or composting facility or operation with a different RDRS
43 number, or for recycling at each transfer/processor with a different RDRS number
44 inside California, by material type, pursuant to section 18815.9(a) of this article,
45 and their contact information and RDRS number, if applicable.

1 (B) To an end user, by each end user category by region, pursuant to section
2 18815.3(k) of this article, and by material type, pursuant to section 18815.9(a)(2)
3 of this article.

4 (C) To a broker or transporter:

5 (i) In cases where the final destination of the material is determined by the
6 reporting disposal facility, report pursuant to subsections (b)(2)(A) and
7 (b)(2)(B).

8 (ii) In cases where the final destination of the material is not determined by the
9 reporting disposal facility, report tons of each material type, pursuant to section
10 18815.9(a) of this article, sent to each broker or transporter and their contact
11 information and RDRS number, if applicable.

12 (D) To a recycling or composting facility or operation with the same RDRS
13 number, report pursuant to section 18815.9(h) of this article.

14 (E) To a recycling or composting facility or operation outside California, or for
15 recycling at each transfer/processor with a different RDRS number outside
16 California, report the tons of each material type by region.

17 (3) If a disposal facility receives material and directly transfers that material to a
18 transfer/processor or another disposal facility inside or outside California, then that
19 material is not considered as having been generated on-site. The sending disposal
20 facility shall register and report on that material according to the requirements for
21 transfer/processors in section 18815.5 of this article.

22 (c) In their report to the Department, a disposal facility shall provide the following
23 information for the total tons accepted for beneficial reuse, using the methods in section
24 18815.9 of this article:

25 (1) For waste-derived material accepted for beneficial reuse from a
26 transfer/processor, report the tons of each material accepted for use from each
27 transfer/processor and their contact information and RDRS number, as follows:

28 (A) Report the tons of each material type accepted for use as ADC.

29 (B) Report the tons of each material type accepted for use as AIC.

30 (C) Report the tons of each material type accepted for use in construction.

31 (D) Report the tons of each material type accepted for use in landscaping and
32 erosion control.

33 (2) For direct-hauled green material accepted for beneficial reuse:

34 (A) Report the tons by jurisdiction of origin accepted for use as ADC.

35 (B) Report the tons by jurisdiction of origin accepted for use as AIC.

36 (C) Report the tons by jurisdiction of origin accepted for use in construction.

37 (D) Report the tons by jurisdiction of origin accepted for use in landscaping and
38 erosion control.

39 (3) For direct-hauled waste-derived material, other than green material, accepted for
40 beneficial reuse:

41 (A) Report the tons of each material type accepted for use as ADC.

42 (B) Report the tons of each material type accepted for use as AIC.

43 (C) Report the tons of each material type accepted for use in construction.

44 (D) Report the tons of each material type accepted for use in landscaping and
45 erosion control.

1 (d) A disposal facility shall report to the Department by the following due dates for each
2 reporting period:

- 3 (1) Reporting period 1 due June 30,
- 4 (2) Reporting period 2 due September 30,
- 5 (3) Reporting period 3 due December 31, and
- 6 (4) Reporting period 4 due March 31.

7 (e) With the exception of reporting entities who fail to provide required information, for
8 the purposes of RDRS reporting, the Department shall not require a disposal facility to
9 submit information regarding the identities of individual reporting entities when providing
10 jurisdiction of origin, material type, or source sector information to the Department as
11 part of a quarterly report. The Department shall not require a disposal facility to submit
12 information regarding the identities of individual end users when providing material type
13 or region to the Department as part of their report.

14 (1) A jurisdiction is not precluded from requiring this information through franchise
15 agreements, contracts, local ordinances, section 41821.5(g) of the Public Resources
16 Code, or other authority it may have.

17 (2) The Department may require that a disposal facility submit this information in lieu
18 of an audit, or as part of an audit or administrative proceeding.

19 **(f) A reporting receiving facility subject to the requirements of Section 20901-**
20 **through 20901.2 shall, for each individual jurisdiction that the facility is required**
21 **to sample, report the following to the Department:**

22 **(1) The average ratio of remnant organic waste to non-organic waste**
23 **measured in the gray container waste evaluation samples -performed by the**
24 **facility pursuant to Section 20901.2.**

25
26 Note: Authority cited: Sections 40502 and 41821.5, Public Resources Code. Reference:
27 Sections 41821.5 and 41821.6, Public Resources Code.

28 29 **Section 18815.7 Reporting Requirements for Recycling and Composting Facilities** 30 **and Operations.**

31 (a) In their report to the Department, a recycling or composting facility or operation shall
32 provide the following information for all tons handled, using the methods described in
33 section 18815.9 of this article:

34 (1) For materials sent for disposal or potential beneficial reuse to each
35 transfer/processor or disposal facility with a different RDRS number inside or outside
36 California, report the tons of each material type, pursuant to section 18815.9(a) of
37 this article, and their contact information and RDRS number, if applicable.

38 (2) For materials sent to each recycling or composting facility or operation with a
39 different RDRS number, or for recycling at each transfer/processor with a different
40 RDRS number inside California, report the tons of each material type, pursuant to
41 section 18815.9(a) of this article, and their contact information and RDRS number, if
42 applicable.

43 (3) For materials sent to a recycling or composting facility or operation with the same
44 RDRS number, report pursuant to section 18815.9(h) of this article.

1 (4) For intermediate products sent to end users inside or outside California, report
2 the tons of each material type, pursuant to section 18815.9(a) of this article, sent to
3 each end user category by region, pursuant to section 18815.3(k) of this article.

4 (5) For materials sent to a broker or transporter:

5 (A) In cases where the final destination of the material is determined by the
6 reporting recycling or composting facility or operation, report pursuant to
7 subsections (a)(1), (a)(2), (a)(4), and (a)(6), as applicable.

8 (B) In cases where the final destination of the material is not determined by the
9 reporting recycling or composting facility or operation, report tons of each
10 material type, pursuant to section 18815.9(a) of this article, sent to each broker
11 or transporter and their contact information and RDRS number, if applicable.

12 (6) For materials sent to each recycling or composting facility or operation outside
13 California, or for recycling at a transfer/processor outside California, report the tons
14 of each material type by region.

15 (b) A recycling or composting facility or operation is not required to report on material
16 sold for reuse or transferred for reuse.

17 (c) A recycler who handles business-to-business post-industrial materials, but also
18 handles materials that do not meet the criteria in section 18815.2(a)(8) of this article,
19 shall:

20 (1) Report as a recycler pursuant to this section for all materials that do not meet the
21 criteria for business-to-business post-industrial recycling, and

22 (2) Not include information or tonnages associated with the business-to-business
23 post-industrial materials recycled as defined in section 18815.2(a)(8) of this article.

24 (d) A recycling or composting facility or operation shall report to the Department by the
25 following due dates for each reporting period:

26 (1) Reporting period 1 due May 31,

27 (2) Reporting period 2 due August 31,

28 (3) Reporting period 3 due November 30, and

29 (4) Reporting period 4 due February 28.

30 (e) With the exception of other reporting entities, for the purposes of RDRS reporting,
31 the Department shall not require a recycling and composting facility or operation to
32 submit information regarding the identities of individual end users, suppliers, or
33 customers when providing material type information to the Department as part of a
34 quarterly report.

35 (1) A jurisdiction is not precluded from requiring this information through franchise
36 agreements, contracts, local ordinances, section 41821.5(g) of the Public Resources
37 Code, or other authority it may have.

38 (2) The Department may require that a recycler/composter submit this information in
39 lieu of an audit, or as part of an audit or administrative proceeding.

40 (f) Commencing with first reporting period in 2022, and in each subsequent reporting
41 period thereafter

42 (1) A recycling or compost facility or operations shall, if applicable, additionally report
43 the following to the department:

1 (A) The monthly percentage of organic waste contained in materials residuals
2 sent to disposal removed from processing as calculated pursuant to
3 17869(e)(15) or 17896.45 (a)(1)(E)

4 Authority Cited: Sections 40502, and 41821.5(e), and 42652.5 Public Resources Code.

5
6 Reference: Sections 41821.5 and 41821.6 Public Resources Code and 39730.5,
7 39730.6, 39730.7, and 39730.8 Health and Safety Code.

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13 **Title 27. Environmental Protection**
14 **Division 2. Solid Waste**

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22 **Chapter 2. Definitions**

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28 **Article 2. Specific Definitions**

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33 **Section 20164.**

34 “Hauler” has the same meaning as defined in Section 18815.2(a)(32) of this division.

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38
39
40 **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 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, 43020, and 42652.5 Public Resources Code.

Reference: Sections 40002, 40053, 40508, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816, Public Resources Code; Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code; and Code of Federal Regulations Section 258.21.

1 **Article 3: GIWMB CalRecycle—Handling, Equipment, and Maintenance**

2
3 **§20750.1. CalRecycle– Organic Waste Handling.**

4 (a) For new or expanding solid waste landfills:

5 (1) The operator shall implement organic waste recovery activities, as approved by
6 the EA, organic waste recovery activities shall be confined to specified, clearly
7 identifiable areas of the site and shall be arranged to minimize health and safety
8 hazard, vector harborage, or other hazard or nuisance, and be limited to a volume
9 and storage time as approved by the EA.

10 (A) Receipt of solid wastes that have already been processed through a high
11 diversion organic waste processing facility does not need to be processed at the
12 organic recovery activity.

13 (b) For the purposes of this section “organic waste recovery activities” means activities
14 that divert organic waste from disposal to constitute a reduction of landfill disposal of
15 organic waste as defined in Article 2 of Chapter 12 of Division 7 of Title 14 of the
16 California Code of Regulations (commencing with Section 18983), either on-site or
17 transport to another site where those activities occur.

18 (c) For the purposes of the section, “expanding” means a solid waste landfill proposing
19 to make a significant change to the design or operation as determined by the EA
20 pursuant to 27 CCR Section 21665.

21 (1) Changing the hours of operation of a landfill is not considered an expansion
22 pursuant to ~~14-27~~ CCR Section 20750.1(c).

23
24 Note:

25 Authority cited: Section 40502, 43020, and 42652.5 Public Resources Code.

26
27 Reference: Sections 40002, 40053, 40508, 42652.5, 42653, 42654, 43020, 43021
28 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816, Public Resources
29 Code; Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.

30
31 **Article 4. GIWMB CalRecycle—Controls**

32
33 **~~§20901. CalRecycle—Loadchecking Contamination in Source Separated Organic~~**
34 **~~Waste.~~**

35 ~~(a) The operator shall implement a loadchecking program to identify the amount of~~
36 ~~visible contamination in source separated organic waste according to the following~~
37 ~~schedule:~~

38 ~~(1) One (1) loadcheck shall be conducted for every 500 tons of source separated~~
39 ~~organic waste received per operating day. If the operator receives less than 500 tons~~
40 ~~for the operating day, a minimum of two (2) loadcheck shall be conducted for that~~
41 ~~operating day;~~

42 ~~(2) At least one loadcheck per month of each hauler by source sector as defined in~~
43 ~~Section 18815.2(a)(51).~~

44 ~~(3) At least one loadcheck per quarter from each service area.~~

45 ~~(4) The operator shall inform the jurisdiction of origin or jurisdiction’s designee of~~
46 ~~received loads with visible contamination.~~

- 1 ~~(b) The operator shall maintain the following loadchecking records under this section:~~
2 ~~(1) Records of the number of rejected or redirected loads and reasons for rejection or~~
3 ~~redirection:~~
4 ~~(2) Records of received loads with contamination that exceeds 10 percent.~~
5 ~~(3) Records of notices provided to operators and or jurisdictions pursuant to Section~~
6 ~~18984. 5 of this division.~~
7 ~~(4) Records of loadchecks and the training of personnel in evaluating the amount of~~
8 ~~contamination in source separated organic waste. These records shall be maintained~~
9 ~~for three (3) years in the operating record and be available for review by the~~
10 ~~appropriate jurisdiction of origin, haulers, and other duly authorized regulatory~~
11 ~~agencies.~~
12 ~~(c) The operator shall conduct a loadcheck in the presence of the EA when requested.~~
13 ~~(d) The EA may approve an alternative frequency for loadchecking if:~~
14 ~~(1) The facility receives waste from jurisdictions that are monitoring containers~~
15 ~~provided to generators using the container contamination minimization described in~~
16 ~~Section 18984.5, or~~
17 ~~(2) The EA determines that the incoming material from the source separated organic~~
18 ~~waste collection stream does not contain any remnant organic material.~~

19
20 **Section 20901. Gray Container Waste Evaluations.**

- 21 **(a) Commencing July 1, 2022, the operator of disposal facility that receives a gray**
22 **container collection stream, as defined in 14 CCR Section 17402(a)(6.6), shall**
23 **conduct waste evaluations on the gray container collection stream received**
24 **directly from each jurisdiction collection service consistent with this section,**
25 **section 20901.1, and section 20901.2 to identify the percentage of remnant**
26 **organic material present therein.**
27 **(b) Waste evaluations for the gray container collection stream received from each**
28 **jurisdiction shall be conducted at a quarterly frequency for each 12 month period**
29 **commencing July 1 and ending the following June 30 as described in section**
30 **20901.1.**
31 **(c) The quarterly frequency for each 12 month period shall be determined on or**
32 **before July 1 of each year based on total tons received in the gray container**
33 **collection stream from each jurisdiction during the previous January through**
34 **December calendar year.**
35 **(d) Total tons received in the gray container collection stream from each**
36 **jurisdiction per calendar year shall be as reported by the operator pursuant to the**
37 **requirements of the Recycling and Disposal Reporting System [Title 14, Division**
38 **7, Chapter 9, Article 9.25 commencing with Section 18815.1].**
39 **(e) The operator shall maintain records of waste evaluations and the training of**
40 **personnel in evaluating the amount of remnant organic material. These records**
41 **shall be maintained for five (5) years in the operating record and be available for**
42 **review by the appropriate jurisdiction of origin, jurisdiction's designee, and other**
43 **duly authorized regulatory agencies.**

44
45 **Note:**

46 **Authority cited: Section 40502, 43020, and 42652.5 Public Resources Code.**

1
2 Reference: Sections 40002,40053,40508, 42652.5, 42653, 42654,43020,43021
3 43103,44001-44017, 44100-44101, 44500-44503 and 44813-44816, Public
4 Resources Code; Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and
5 Safety Code.

6
7 Section 20901.1. Gray Container Waste Evaluations– Frequency.

8 The operator of a disposal facility shall conduct waste evaluations at the
9 following frequency for each 12 month period from July 1 to the following June 30
10 consistent with the requirements of section 20901.:

11 (a) If a facility received less than 100 tons in the gray container collection stream
12 from a jurisdiction during the previous calendar year, no waste evaluations shall
13 be conducted on the incoming gray container collection stream from that
14 jurisdiction for the current 12 month period.

15 (b) If a facility received between 100 and less than 500 tons in the gray container
16 collection stream from a jurisdiction during the previous calendar year, two (2)
17 waste evaluations shall be conducted on the incoming gray container collection
18 stream from that jurisdiction per quarter for the current 12 month period.

19 (c) If a facility received between 500 and less than 1000 tons in the gray container
20 collection stream from a jurisdiction during the previous calendar year, three (3)
21 waste evaluations shall be conducted on the incoming gray container collection
22 stream from that jurisdiction per quarter for the current 12 month period.

23 (d) If a facility received 1000 tons or greater in the gray container collection
24 stream from a jurisdiction during the previous calendar year, five (5) waste
25 evaluations shall be conducted on the incoming gray container collection stream
26 from that jurisdiction per quarter for the current 12 month period.

27
28 Note:

29 Authority cited: Section 40502, 43020, and 42652.5 Public Resources Code.

30
31 Reference: Sections 40002,40053,40508, 42652.5, 42653, 42654,43020,43021
32 43103,44001-44017, 44100-44101, 44500-44503 and 44813-44816, Public
33 Resources Code; Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and
34 Safety Code.

35
36 Section 20901.2. Gray Container Waste Evaluations - Measuring Remnant Organic
37 Material.

38 (a) The operator of a disposal facility shall comply with sections 20901 and
39 20901.1 by using the following measurement protocol:

40 (1) Take one sample of at least a 200 pounds from the incoming gray container
41 collection stream received by the facility from the relevant jurisdiction(s). Each
42 sample shall be:

43 (A) Representative of a typical operating day;

44 (B) A random, composite sample taken from various times during the
45 operating day

1 (2) For that sample, remove any remnant organic material and determine the
2 weight of that remnant organic material.

3 (3) Then determine the ratio of remnant organic material in the sample by
4 dividing the total weight of the sample weighed in subdivision (a)(2) by 200
5 pounds .

6 (c) The operator shall conduct a measurement in the presence of the EA when
7 requested.

8 (d) If it is determined by the EA that the measurements do not accurately reflect
9 the records, the EA may require the operator to increase the frequency of
10 measurements and/or revise the measurement protocol to improve accuracy.

11
12 Note:

13 Authority cited: Section 40502, 43020, and 42652.5 Public Resources Code.

14
15 Reference: Sections 40002,40053,40508, 42652.5, 42653, 42654,43020,43021
16 43103,44001-44017, 44100-44101, 44500-44503 and 44813-44816, Public
17 Resources Code; Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and
18 Safety Code.

19
20
21 **Chapter 4. Documentation and Reporting for Regulatory Tiers, Permits, WDRs,**
22 **and Plans**

23
24 **Subchapter 3: Development of Waste Discharge Requirements (WDRs) and Solid**
25 **Waste Facility Permits**

26
27 **Article 2. CalRecycle—Applicant Requirements**

28
29 **§21570. CalRecycle—Filing Requirements.**

30 (a) Any operator of a disposal site who is required to have a full solid waste facilities
31 permit and waste discharge requirements pursuant to Public Resources Code, Division
32 31 and §20080(f) shall submit an application package for a solid waste facilities permit
33 in duplicate to the EA pursuant to ¶(f). The applicant shall also simultaneously submit
34 one copy of the application form and the Joint Technical Document (JTD) to the
35 Regional Water Quality Control Board (RWQCB) and one copy of the application form
36 to the director of the local agency that oversees local land use planning for the
37 jurisdiction in which the site is located. The applicant shall ensure demonstration of
38 financial assurances to CalRecycle pursuant to Chapter 6 of this Subdivision.

39 (b) All other applicants who are required to have a full solid waste facilities permit shall
40 submit an application package for a solid waste facilities permit in duplicate to the EA
41 pursuant to ¶(f) and one copy of the application form to the director of the local agency
42 that oversees local land use planning for the jurisdiction in which the site is located. The
43 applicant shall also simultaneously submit one copy of the application form to the
44 RWQCB.

45 (c) Any application package submitted to the EA shall be accompanied by the fee
46 specified by the EA pursuant to Public Resources Code §44006(c).

1 (d) The application package shall require that information be supplied in adequate detail
2 to permit thorough evaluation of the environmental effects of the facility and to permit
3 estimation of the likelihood that the facility will be able to conform to the standards over
4 the useful economic life of the facility. The application package shall require, among
5 other things, that the applicant and the owner give the address at which process may be
6 served upon them.

7 (e) All information in the application package shall be certified by the applicant and the
8 owner of the site as being true and accurate to the best knowledge and belief of each.
9 The applicant, owner of the facility, or both, shall supply additional information as
10 deemed necessary by the EA.

11 (f) A complete and correct application package shall include, but not necessarily be
12 limited to, the following items:

13 (1) Application For Solid Waste Facilities Permit/Waste Discharge Requirements
14 Form (CalRecycle E-1-77, Version 11-15, Appendix 1); and

15 (2) Complete and correct Report of Facility Information. In the case of disposal sites,
16 this will be a Report of Disposal Site Information (RDSI) in the format of a JTD or a
17 Disposal Site Facility Plan or Disposal Facility Report in the format of a JTD; and

18 (3) California Environmental Quality Act (CEQA) compliance information as follows:

19 (A) Evidence that there has been compliance with the CEQA, Division 13
20 (commencing with §21000) of the Public Resources Code, regarding the facility; or

21 (B) Information on the status of the application's compliance with the CEQA
22 regarding the facility, including the proposed project description. Once there has
23 been compliance with the CEQA regarding the facility, evidence of compliance
24 shall be submitted to the EA; and

25 (4) Any CEQA Mitigation Monitoring Implementation Schedule; and

26 (5) Conformance finding information, including one of the following:

27 (A) Until a countywide or regional agency integrated waste management plan has
28 been approved by CalRecycle, the application shall include statements that: the
29 facility is identified and described in or conforms with the County Solid Waste
30 Management Plan, or otherwise complies with Public Resources Code §50000;
31 and that the facility is consistent with the city or county General Plan and
32 compatible with surrounding land use, in accordance with Public Resources Code
33 §50000.5; or

34 (B) After a countywide or regional agency integrated waste management plan has
35 been approved by CalRecycle, the application shall include a statement that: the
36 facility is identified in either the countywide siting element, the nondisposal facility
37 element, or in the Source Reduction and Recycling Element for the jurisdiction in
38 which it is located; or, that the facility is not required to be identified in any of these
39 elements pursuant to Public Resources Code §50001; and

40 (6) For disposal sites, completeness determination of Preliminary or Final
41 Closure/Postclosure Maintenance Plan as specified in §§21780, 21865, and 21890
42 (Subchapter 4 of this chapter); and

43 [Note: The operator has the option of submitting the preliminary closure plan with the
44 JTD, in which case the EA, RWQCB, and CalRecycle would review it at the same
45 time. If deemed complete by the reviewing agencies, the solid waste facilities permit
46 application package could then be accepted for filing if all other information in the

1 JTD is accepted by the EA. Or the operator can submit a stand alone preliminary
2 closure plan to be deemed complete by reviewing agencies before the application
3 package is submitted to the EA. For CalRecycle purposes, all final
4 closure/postclosure plans are stand alone documents but can be processed jointly
5 with a proposed solid waste facilities permit revision as long as the final plan is
6 determined complete prior to approval of the proposed solid waste facilities permit.
7 The JTD Index prepared for the EA should show where each closure requirement is
8 addressed in the closure/post-closure plan.]

9 (7) For disposal sites, a copy of the most recently submitted detailed written estimate
10 or latest approved estimate, whichever identifies the greatest cost, to cover the cost
11 of known or reasonably foreseeable corrective action activities, pursuant to §22101;

12 (8) For disposal sites, current documentation of acceptable funding levels for required
13 closure, postclosure maintenance, and corrective action Financial Assurance
14 Mechanisms (in accordance with Chapter 6, Division 2); and

15 (9) For disposal sites, current documentation of compliance with operating liability
16 requirements in accordance with Chapter 6;

17 (10) For disposal sites permitted for more than 20 tons-per-day, a ground or aerial
18 survey to be completed at least once every five years or more frequently as
19 determined by the EA. For disposal sites permitted for 20 tons-per-day or less, a
20 ground or aerial survey must be completed at least once every ten years. Survey
21 results must be submitted as a CADD or vector graphics data file including at least
22 two strata, i.e., 1) a stratum showing the base and finished ground surfaces, and 2) a
23 stratum showing the existing and finished ground surfaces. For disposal sites where
24 a change in permitted volume is proposed, a third stratum showing the base and
25 proposed finished ground surface must be included. For each stratum the following
26 information shall be included: site name, stratum name, surface1 name, surface2
27 name, volume calculation method (grid, composite, section), expansion (cut) factor,
28 compaction (fill) factor, cut volume, fill volume and net volume. All volumes shall be
29 reported in cubic yards. If the base ground surface is uncertain, the operator is
30 allowed to provide the best available information as a substitute for the actual as-built
31 contours. If selecting this substitute method, the operator must provide an
32 explanation of the basis for using the substitute base ground surface. For the
33 purposes of this section the following definitions apply:

34 (A) "base ground surface" - the best available excavation plan surface that existed
35 prior to the placement of any waste;

36 (B) "CADD" - computer aided design and drafting;

37 (C) "compaction (fill) factor" - the factor used to correct for expected compaction of
38 fill material; this factor should normally be unity (one); if the factor is not unity
39 (one), an explanation must be provided for the basis of the volumetric correction;

40 (D) "cut volume" - for any stratum, the volume removed by a cut of a lower surface
41 to achieve the upper surface;

42 (E) "existing ground surface" - the topography that exists at the time of the subject
43 survey;

44 (F) "expansion (cut) factor" - the factor used to correct for expected expansion of a
45 cut surface; this factor should normally be unity (one); if the factor is not unity
46 (one), an explanation must be provided for the basis of the volumetric correction;

- 1 (G) "fill volume" - for any stratum, the volume bound between the upper and lower
2 surfaces;
- 3 (H) "finished ground surface" - the final fill plan surface as shown in the approved
4 closure plan for the disposal site;
- 5 (I) "net volume" - the fill volume less the cut volume;
- 6 (J) "site name" - the name of the disposal site for which the survey information is
7 being submitted;
- 8 (K) "stratum (plural: strata)" - a particular volume of a solid waste landfill bound by
9 specified upper and lower surfaces;
- 10 (L) "stratum name" - a descriptive name for the stratum for which volumetric
11 information is being submitted, e.g., total volume including proposed expansion;
- 12 (M) "surface names" - names for the pair of surfaces that define a named stratum,
13 e.g., base ground surface and proposed finished ground surface;
- 14 (N) "survey" - a comprehensive examination of the disposal site under the
15 direction of registered civil engineer or licensed land surveyor for purposes of
16 determining the topography of the base, existing and finished ground surfaces,
17 and the volumes bound by those surfaces;
- 18 (O) "vector graphics" - computer generated images comprised of lines and shapes
19 of given origin, direction, thickness, color and other attributes;
- 20 (P) "volume calculation method" - grid, composite, section or other method
21 approved by the enforcement agency.
- 22 (11) For disposal sites, one of the following:
- 23 (A)
- 24 (i) In-place density (pounds of waste per cubic yard of waste). The in-place
25 density is the estimated or measured density of in-place waste material
26 achieved by mechanical or other means in the development of the current lift of
27 the current operating waste cell, and
- 28 (ii) Waste-to-cover ratio, estimated, (volume:volume). The waste-to-cover ratio
29 estimate is a unit-less expression of the proportion of the volumes of waste and
30 cover that comprise a volume of compacted fill material, e.g. 4:1. The cover
31 portion of the waste-to-cover ratio estimate should include only soil or approved
32 daily or intermediate alternative cover that is not considered a waste material,
33 i.e., payment of fees to CalRecycle is not required. The waste portion of the
34 waste-to-cover ratio estimate should include only waste material for which
35 payment of fees to CalRecycle is reported, or
- 36 (B) Airspace utilization factor (tons of waste per cubic yard of landfill airspace).
37 The airspace utilization factor (AUF) is the effective density of waste material in
38 the landfill. The AUF is recorded as the total weight of waste material passing over
39 the landfill scales that is placed in a known volume of landfill airspace in a given
40 period of time. The waste portion of the AUF should include only waste material for
41 which payment of fees to CalRecycle is reported.
- 42 (12) List of all public hearings and other meetings open to the public that have been
43 held or copies of notices distributed that are applicable to the proposed solid waste
44 facilities permit action.

1 (13) For new or expanded solid waste facilities, provide evidence that the operator
2 held a public meeting with any affected groups or disadvantaged communities within
3 180 days prior to submittal of the permit application package.

4 (A) Provide copies (hard copy or electronic) of notices distributed to the affected
5 groups or disadvantaged communities.

6 (B) Provide a summary of the comments received at the public meeting and,
7 where applicable, responses to public comments and any other steps taken by the
8 applicant relative to those comments.

9 (C) For the purposes of this section disadvantaged communities means
10 communities identified by the California Environmental Protection Agency
11 pursuant to Section 39711 of the Health and Safety Code.

12
13 Note:

14 Authority cited: Section 40002, 40502, 43020, and 42652.5 Public Resources Code.

15
16 Reference: Sections 40002, 40053, 40508, 42652.5, 42653, 42654, 43020, 43021
17 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816, Public Resources
18 Code; Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.

19
20 **§21590. CalRecycle—Joint Technical Document for Disposal Facilities.**

21 Any operator of a disposal site which is required to submit a RDSI, closure/postclosure
22 maintenance plan, and/or a ROWD or any other report that addresses similar regulatory
23 concerns, may address those requirements under one JTD. The JTD will be used in
24 place of the RDSI only if it meets all the requirements set forth in §21600 and lists
25 where each requirement has been satisfied in the document in the form of a JTD index,
26 pursuant to (c).

27 (a) any operator of an existing facility who submits an application package to the EA,
28 pursuant to §21570, which proposes to change the facility's operations, or to change the
29 SWFP shall do one of the following:

- 30 (1) Submit the updated information as an amendment to the existing JTD along with,
31 a JTD index as described in (c), referencing the new or updated information; or
32 (2) Submit a complete JTD as described in §21600 along with a JTD index as
33 described in subsection c.

34 (b) any operator of a new facility that submits an application package to the EA pursuant
35 to §21570, shall submit a complete JTD pursuant to §21600, and an index of the topics
36 addressed in the JTD to be used by the EA as described in (c).

37 (c) the operator shall include with the JTD a copy of an index specifically for use by the
38 EA. The page number or the first line number within the JTD which addresses the topic
39 shall be Noted next to that topic in the index. The EA shall make available to the
40 operator either in hard copy and/or ~~on magnetic media~~ an electronic copy a JTD index
41 listing, (Index found in Appendix 2) showing each topic which the JTD must address to
42 provide the EA with relevant facility information for writing or revising the facility permit.

43
44 Note:

45 Authority cited: Section 40002, 40502, 43020, and 42652.5 Public Resources Code.

1 Reference: Sections 40002,40053,40508, 42652.5, 42653, 42654,43020,43021
2 43103,44001-44017, 44100-44101, 44500-44503 and 44813-44816, Public Resources
3 Code; Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.
4
5

6 **Article 3: CIWMBCalRecycle—Enforcement Agency (EA) Requirements**
7

8 **§21650. CIWMBCalRecycle--EA Processing Requirements.**

9 (a) Upon its receipt, the EA shall stamp the application package with the date of receipt.
10 The EA shall examine the application package to determine whether it meets the
11 requirements of §21570. If the EA finds the package meets the requirements of §21570,
12 the application package shall be accepted and stamped with the date of acceptance.
13 Notwithstanding any other provision of this division, the application package shall be
14 deemed filed on the date of acceptance.

15 (b) The EA shall either accept or reject the application package within thirty days of its
16 receipt.

17 (c) Within five days of filing, the EA shall notify the CIWMBCalRecycle, and the RWQCB
18 if applicable, of its determination. The EA shall submit as its notification to the CIWMB
19 CalRecycle a copy of the accepted application form. The EA shall also forward a copy
20 of the application form to the RWQCB if applicable.

21 (d) If the EA determines that the application package does not meet the requirements of
22 §21570, it shall reject and not file the application, and it shall, within five days of
23 determination, so notify the applicant, the CIWMBCalRecycle, and the RWQCB if
24 applicable, enumerating the grounds for rejection. The EA shall include in its notification
25 to the CIWMBCalRecycle a copy of the rejected application form. The application
26 package, together with the notice of rejection, shall be kept in the EA's file.

27 (e) After acceptance of an application for a new or revised full solid waste facilities
28 permit as complete and correct and within 60 days of receipt of the application by the
29 EA, the EA shall notice and conduct an informational meeting as required by §§21660.2
30 and 21660.3. For modified solid waste facilities permits, the EA shall provide notice as
31 required by §21660.3 after finding the permit application complete and correct and
32 within 60 days of receipt of the application by the EA.

33 (f) Upon request of the applicant, the EA may accept an incomplete application
34 package. As a condition of acceptance, the operator and the EA shall waive the
35 statutory time limit contained in Public Resources Code §44009. [Note: Section 21580 is
36 the section for processing the applicant's waiver of timeframes and timing for noticing
37 and holding an informational meeting after the EA deems a previously submitted
38 incomplete package to be complete.] The EA shall notify the applicant within 30 days if
39 the applicant's request for review under this subsection has been accepted. If the
40 application package does not conform with the requirements of §21570 within 180 days
41 from the date of the EA agreeing to accept the package as incomplete the EA shall
42 reject the application package, pursuant to ¶(d). If the EA finds the application package
43 meets the requirements of §21570, the application package shall be accepted pursuant
44 to ¶(c).

1 (g) No later than 60 days after the application package has been accepted as complete
2 and correct and after conducting an informational meeting if required by §§21660.2 and
3 21660.3, the EA shall mail to the CIWMB-CalRecycle the following:

4 (1) A copy of the proposed solid waste facilities permit;

5 (2) The accepted application package;

6 (3) A certification from the EA that the solid waste facilities permit application
7 package is complete and correct, including a statement that the RFI meets the
8 requirements of §21600, 14 CCR §§17863, 17863.4, 17346.5, 18221.6, 18223.5, or
9 18227.

10 (4) Documentation, if applicable, of the applicant's compliance with any RWQCB
11 enforcement order or the status of the applicant's WDRs, as described in Public
12 Resources Code §44009;

13 (5) Any written public comments received on a pending application and a summary of
14 comments received at the informational meeting and, where applicable, responses to
15 public comments and any other steps taken by the EA relative to those comments.

16 Subsequent to the transmittal of the proposed solid waste facilities permit, the EA
17 shall, within five (5) days of receipt, provide a copy of any additional written public
18 comments and response to comments to the CIWMB-CalRecycle.

19 (6) A solid waste facilities permit review report which has been prepared pursuant to
20 §21675, within the last five years.

21 (7) EA finding that the proposed solid waste facilities permit is consistent with and is
22 supported by existing CEQA analysis, or information regarding the progress toward
23 CEQA compliance.

24 (h) At the time the EA submits the proposed solid waste facilities permit to the
25 CIWMB-CalRecycle, the EA shall submit a copy of the proposed solid waste facilities
26 permit to the applicant, the RWQCB if applicable, and any person so requesting in
27 writing. The copy of the proposed solid waste facilities permit provided to the applicant
28 shall also be accompanied by a form for request for hearing, which the applicant may
29 use to obtain a hearing before a hearing panel or hearing officer to challenge any
30 condition in the solid waste facilities permit. In cases where a hearing panel or hearing
31 officer may be requested, the EA shall notify the CIWMB-CalRecycle within seven days
32 of being noticed by the operator.

33 (i) The proposed solid waste facilities permit shall contain the EA's conditions. The
34 proposed solid waste facilities permit shall not contain conditions pertaining solely to air
35 or water quality, nor shall the conditions conflict with conditions from WDRs issued by
36 the RWQCB.

37 [Note: The process to obtain a full solid waste facilities permit might not include the
38 RWQCB if the facility is other than a landfill or disposal site. Therefore, EA submittals of
39 forms and documents to the RWQCB will be made if applicable to the type of facility.
40 When writing conditions pursuant to 21650(i) the EA shall take into consideration PRC
41 §44012, which requires the EA to ensure that primary consideration is given to
42 protecting public health and safety and preventing environmental damage, and the long-
43 term protection of the environment. The EA may also take into consideration other
44 permits, entitlements and approvals when writing terms and conditions (e.g., conditional
45 use permit, zoning, Air Pollution Control District/Air Quality Management District permits
46 to construct and operate, Department of Toxic Substances Control hazardous waste

1 facility permit, Department of Fish and Game permits, Coastal Commission approvals,
2 Army Corps of Engineers permit, Federal Aviation Administration notification, and other
3 required local and county ordinances/permits)]

4
5 Note:

6 Authority cited: Sections 40502, 43020, and 43021, Public Resources Code.

7 Reference: Sections 43020, 43021, and 43000-45802, Public Resources Code.

8
9 **§21660.2. Informational Meeting for New and Revised Full Solid Waste Facilities**
10 **Permit Applications.**

11 (a) EA shall conduct an informational meeting for all new and revised full solid waste
12 facilities permit applications as determined by §21665. The EA shall hold an
13 informational meeting on an application for a new full solid waste facilities permit or an
14 application for a full solid waste facilities permit revision required under this article. The
15 EA may require the operator(s) of the facility or facilities that are the subject of the
16 informational meeting to pay all costs incurred by the EA in connection with the meeting.
17 The informational meeting may be combined with another public meeting in which the
18 EA participates that meets the criteria as specified in §§21660.2(b) and 21660.2(c).

19 (b) The informational meeting shall be held after acceptance of the application package
20 as complete and correct by the EA and within 60 days of receipt of the application by
21 the EA. The EA shall submit to the ~~Board~~ CalRecycle a copy of the informational
22 meeting notice at time of issuance. The ~~Board~~ CalRecycle shall post the notice on its
23 web site as a way to further inform the public.

24 (c) The informational meeting shall meet the following criteria:

25 (1) The meeting shall be held in a suitable location not more than one (1) mile from
26 the facility that is the subject of the meeting and from any disadvantaged
27 communities affected; if no suitable and available location exists within one (1) mile
28 of the facility and from any disadvantaged communities affected, as determined by
29 the EA, the EA may designate an alternative suitable location that is as close to the
30 ~~facility~~ disadvantaged communities as reasonably practical.

31 (A) The EA shall identify disadvantaged communities in a manner that meets or
32 exceeds the methods of the identification tools developed by the California
33 Environmental Protection Agency pursuant to Section 39711 of the Health and
34 Safety Code.

35 (2) The meeting shall be held on a day and at a time that the EA determines will
36 enable attendance by residents, including those of affected disadvantaged
37 communities, living in the vicinity of the facility that is the subject of the meeting.

38 (3) EAs ~~may~~ shall undertake additional measures to increase public notice and to
39 encourage attendance by any persons who may be interested in the facility that is the
40 subject of the meeting, including which may include, but not be limited to, additional
41 posting at the facility entrance, noticing beyond 300 feet one (1) mile if the nearest
42 residence or business is not within ~~300 feet~~ one (1) mile of the site, posting in a local
43 newspaper of general circulation, and multilingual notice and translation and, multiple
44 meeting dates, times and locations.

45 (d) The EA may substitute a previous public meeting or hearing for the requirements in
46 this Section pursuant to §21660.4 if the applicant does not object.

1
2 Note:

3 Authority cited: Sections 40502, 43020, and 43021, Public Resources Code.

4 Reference: Sections 43103, 43213, 44004, and 44012, Public Resources Code.

5
6 **Article 3.2. CIWMB CalRecycle—Other Requirements**

7
8 **§21695. CalRecycle—Organic Disposal Reduction Status Impact Report**

9 (a) Operators of a solid waste landfills shall submit a Status Impact Report (SIR) to
10 CalRecycle that provides an analysis of the potential impacts to the landfill resulting
11 from the implementation of the organic disposal reduction requirements of Public
12 Resources Code, §Section 42652.5.

13 (b) The SIR shall be prepared by a California registered civil engineer or certified
14 engineering geologist.

15 (c) The SIR shall describe the potential impacts to the landfill including the expected
16 timing of the impacts. The analysis shall include, but not be limited to, changes to the
17 following:

18 (1) site development;

19 (2) waste types/volumes;

20 (3) daily and intermediate cover and beneficial use;

21 **(A) for intermediate cover the analysis shall also include:**

22 **1. a description and/or map of the area(s) that have or will have**
23 **intermediate cover placed**

24 **2. the length of time that the intermediate cover has been used and**
25 **expected time that it will be used for each defined area in Subdivision (i)**

26 **3. a description of how the intermediate cover will be maintained to**
27 **continue to meet the control criteria of Section 20700(a).**

28 (4) volumetric capacity based on the disposal site experiencing a reduction of organic
29 waste disposal of 50% by 2020 and 75% by 2025;

30 (5) waste handling methods;

31 (6) gas control and monitoring systems;

32 (7) gas generation;

33 (8) operation and closure design (individual cells and overall site geometry);

34 (9) final grading plan;

35 (10) site life estimate;

36 (11) ancillary facilities;

37 (12) cost estimates for closure and postclosure; and,

38 (13) financial assurance mechanisms for closure, postclosure, and non-water
39 corrective action requirements.

40 (d) The SIR shall be submitted to CalRecycle no later than **one year (365 days)** from
41 the effective date of this regulation.

42 (e) Within 30 days of receipt of a SIR, CalRecycle shall make a determination as to the
43 completeness of the SIR based on the requirements of **sSubdivisions** (b) and (c). If a
44 SIR is determined to be incomplete, CalRecycle shall provide to the operator, in writing,
45 the reasons for the determination.

1 (f) For a SIR determined to be incomplete, the operator shall submit a revised SIR
2 addressing any enumerated deficiencies within 30 days of receipt of notice from
3 CalRecycle of an incomplete SIR.

4 (g) Within 60 days of a determination of completeness, CalRecycle shall submit its
5 findings to the EA regarding amendments, if any, to the Joint Technical Document as a
6 result of the SIR.

7 (1) If amendments are required, the EA shall direct the operator to submit an
8 updated Joint Technical Document including updated closure and postclosure
9 maintenance plans that includes the information from the SIR.

10 (2) The EA shall notify the operator within 30 days of receipt of CalRecycle's
11 findings.

12 (h) Within 120 days of being directed by the EA, pursuant to Subdivision (g), the
13 operator shall submit to the EA an updated Joint Technical Document including updated
14 closure and postclosure maintenance plans that includes the information from the SIR.

15 (i) Operators of landfills where the SIR indicates use of intermediate cover in any
16 area for 12 months or more shall conduct a study that evaluates the effectiveness
17 of the existing and/or planned intermediate cover relative to the effectiveness of
18 the proposed final cover delineated in the most recently approved closure plan
19 submitted pursuant to 27 CCR, Section 21865 in meeting the requirements of 27
20 CCR Section 20921. .

21 (1) The study shall be submitted to CalRecycle pursuant to the following
22 schedule:

23 (A) For landfills that have any area with intermediate cover that has already
24 exceeded 12 months, with the submittal of the SIR.

25 (B) For landfills that will have intermediate cover in any area for 12 months
26 or more, within one year (365 days) of the determination of completeness of
27 the SIR,

28 (2) To assist in determining the potential impacts that any landfill area
29 identified as using intermediate cover for a period of 12 months or greater may
30 have on the landfill's ability to comply with landfill gas monitoring and control
31 requirements established in section 20921, the study shall include:

32 (A) Information on all instantaneous surface readings for methane of 500
33 ppmv or greater in the area(s) of intermediate cover that has or will be in
34 place for more than 12 months.

35 1. This information shall be as reflected in the most recent annual
36 report filed pursuant to 17 CCR Section 95470(b)(3).

37 2. The location of each such exceedance shall be identified consistent
38 with the monitoring requirements of 17 CCR Section 95469(a)(1)(A).

39 (B) A description of any corrective action taken pursuant to 17 CCR Section
40 95469(a)(1)(B). .

41 (3)The study shall be prepared by a California registered civil engineer or
42 certified engineering geologist,

43 (4) If the study indicates that the intermediate cover is not as effective as final
44 cover then the operator shall provide a revised intermediate cover design that
45 would be as effective as final cover. The revised design shall be submitted
46 with the study.

1 (5) Within 60 days of receipt of the study, CalRecycle shall submit its findings
2 to the EA regarding amendments, if any, to the Joint Technical Document
3 because of the study.

4 (A) If amendments are required, the EA shall direct the operator to submit an
5 updated Joint Technical Document.

6 (B) The EA shall notify the operator within 30 days of receipt of CalRecycle's
7 findings

8 (6) Within 120 days of being directed by the EA, the operator shall submit to
9 the EA an updated Joint Technical Document.

10 (j) If a study pursuant to Subdivision (i) was not prepared and it is later
11 determined that intermediate cover has been or will be used in any area for 12
12 months or more, the operator shall conduct the study pursuant to Subdivision (i).

13 (1) The study shall be submitted within 120 days after it is determined that the
14 minimum of 12 months will be exceeded.

15 (k) If an intermediate cover redesign is required pursuant to Subsection (i)(4), the
16 operator shall study the redesigned intermediate cover and its effectiveness
17 relative to the effectiveness of the proposed final cover delineated in the most
18 recently approved closure plan submitted pursuant to 27 CCR, Section 21865 in
19 meeting the requirements of 27 CCR Section 20921. The results of the study shall
20 be submitted to CalRecycle within one year of placement of the redesigned
21 intermediate cover.

22
23 Note:

24 Authority cited: Sections 40002, 40502, 42652.5, and 43020, Public Resources Code ,
25 and 39730.6 Health and Safety Code.

26 Reference: Section 43103 and 44015, 42652.5 Public Resources Code, and Sections
27 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.