



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

### Proposed Regulation Text Fourth Formal Draft

The following denotes proposed text:

~~Strikethrough~~ = deletions of existing text

~~Red Strikethrough~~ = deletions from January 18<sup>th</sup> Draft

~~Orange Double Strikethrough~~ = deletions from June 17<sup>th</sup> Draft

~~Fuschia~~ = deletions from October 2<sup>nd</sup> Draft

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**Bold Dark Green Underline** = additions to January 18<sup>th</sup> Draft

Dark Blue Double Underline = additions from June 17<sup>th</sup> Draft

Purple Underline Italics = additions from October 2<sup>nd</sup> Draft

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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 87 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)(d)~~ 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 ~~R~~required by Section 18995.2 ~~of this chapter.~~

4 (f) Nothing in this section authorizes a jurisdiction to require a public or private entity to  
5 fulfill its obligations under this chapter without designating the entity through a  
6 mechanism authorized in Subdivision (b) of this Section.

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

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

## 13 Article 1. Definitions

### 14 Section 18982. Definitions.

15  
16 (a) ~~Except as otherwise provided, the~~The following definitions shall govern the  
17 provisions of this chapter:

18  
19 (1) "Activities that constitute landfill disposal" are activities described in ~~§~~Subdivision  
20 (a) of Section 18983.1.

21 (2) "Alternative daily cover (ADC)" has the same meaning as in Section 20690 of Title  
22 27 of the California Code of Regulations (CCR).

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

25 **(3.5) "Biomass conversion" has the same meaning as in Public Resources**  
26 **Code, Section 40106.**

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

28 (5) "Blue container" means a container where either:

29 (A) The ~~the~~ lid of the container is ~~entirely~~ blue in ~~color,~~ and the body of the  
30 container is any color.

31 (B) The body of the container is blue in color and the lid is either blue, gray, or  
32 black in color. Hardware such as hinges and wheels on a blue container may be  
33 any ~~a different~~ color.

34 **(5.5) "Brown container" means a container where either:**

35 (A) The ~~the~~ lid of the container is ~~entirely~~ brown in color.

36 (B) The body of the container is brown in color and the lid is either brown, gray, or  
37 black in color. Hardware such as hinges and wheels on a brown container  
38 may be any ~~a different~~ color.

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

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

44 (7) "Commercial edible food generator" includes a Tier One or a Tier Two  
45 commercial edible food generator as defined in ~~§~~Subdivisions (a)(73) and (a)(74) of

1 this section. For the purposes of this chapter, food recovery organizations and food  
2 recovery services are not commercial edible food generators.

3 (8) "Community composting" means any activity that composts green material,  
4 agricultural material, food material, and vegetative food material, alone or in  
5 combination, and the total amount of feedstock and compost on-site at any one time  
6 does not exceed 100 cubic yards and 750 square feet, as specified in Section  
7 17855(a)(4).

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

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

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

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

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

17 (14) "Container contamination" or "contaminated container" means a container,  
18 regardless of color, that contains prohibited container contaminants as defined in  
19 ~~§~~Subdivision (a)(55) ~~of this section.~~

20 **(14.5) "Designated Source Separated Organic Waste Facility" means a**  
21 **solid waste facility that accepts a source separated organic waste collection**  
22 **stream as defined in ~~§~~Section 17402(a)(~~1826.6~~) and complies with one of the**  
23 **following:**

24 **(A) The facility is a "transfer/processor," as defined in Section 18815.2(a)(62),**  
25 **that is in compliance with the reporting requirements of Section 18815.5(~~e~~)(d)**  
26 **~~of this division,~~ and meets or exceeds an annual average source separated**  
27 **organic content recovery rate of 50 percent between January 1, 2022 and**  
28 **December 31, ~~at~~ 2024 ~~or~~ and 75 percent on and after January 1, 2025 as**  
29 **calculated pursuant to Section 18815.5(~~e~~)(f) ~~of this division~~ for organic waste**  
30 **received from the source separated organic waste collection stream.**

31 **1. If a transfer/processor has an annual average source separated organic**  
32 **content recovery rate lower than the rate required in ~~P~~paragraph (A) of**  
33 **this section for two (2) consecutive reporting periods, or three (3)**  
34 **reporting periods within three (3) years, the facility shall not qualify as a**  
35 **"Designated Source Separated Organic Waste Facility."**

36 **(B) The facility is a "~~C~~omposting operation" or "composting facility" as**  
37 **defined in Section 18815.2(a)(13) ~~of this division that has less than 10 percent~~**  
38 **~~organic waste contained in materials sent to disposal as reported that pursuant to~~**  
39 **~~the reports submitted under Section 18815.7 demonstrates that the percent of the~~**  
40 **~~material removed for landfill disposal that is organic waste is less than the percent~~**  
41 **~~specified in Section 17409.5.8(c)(2) or 17409.5.8(c)(3), whichever is applicable,~~**  
42 **and, if applicable, complies with the digestate handling requirements**  
43 **specified in Section 17896.5 ~~of this division if applicable.~~**

44 **1. If the percent of the material removed for landfill disposal that is organic**  
45 **waste is more than the percent specified in Section 17409.5.8(c)(2) or**  
46 **17409.5.8(c)(3) ~~compostable material handling operation or Facility has more~~**

1 ~~than 10 percent organic waste contained in the materials sent to disposal for~~  
2 two (2) consecutive reporting periods, or three (3) reporting periods  
3 within three (3) years, the facility shall not qualify as a “Designated  
4 Source Separated Organic Waste Facility.”

5 (15) “Designee” means an entity that a jurisdiction contracts with or otherwise  
6 arranges to carry out any responsibilities of this chapter, as authorized in Section  
7 18981. 2 of this chapter. A designee may be a government entity, a hauler, a private  
8 entity, or a combination of those entities.

9 (16) “Diesel gallon equivalent” means the amount of renewable gas transportation  
10 fuel that has the equivalent energy content of one gallon of conventional diesel.

11 (16.5) “Digestate” means the solid and/or liquid residual material remaining  
12 after organic material has been processed in an in-vessel digester.

13 (17) “Direct service provider” means a ~~provider~~ person, company, agency, district, or  
14 other entity that provides a service or services to ~~contracts with a jurisdiction~~  
15 pursuant to a contract or other written agreement. ~~to provide services.~~

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

20 (A) For the purposes of ~~these regulationsthis chapter,~~ “edible food” is not solid  
21 waste if it is recovered and not discarded.

22 (B) Nothing in this chapter requires or authorizes the recovery of edible  
23 food that does not meet the food safety requirements of the California Retail  
24 Food Code.

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

28 (20) “Facility that recovers source separated organic waste” means a facility that  
29 handles source separated organic waste separately from any other wastes as  
30 required in Section 17409.5. ~~65 of this dDivision.~~

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

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

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

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

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

41 (25) “Food recovery organization” means an entity that **primarily** engages in the  
42 collection or receipt of edible food from **commercial** edible food generators and  
43 distributes that edible food to the public for ~~consumption.~~ food recovery either directly  
44 or through other entities, including, but not limited to:

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

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

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

5 (26) "Food recovery service" means a person or entity that collects and transports  
6 edible food from a ~~an~~ commercial edible food generator to a food recovery organization  
7 or other entities for food recovery.

8 (27) "Food service **provider distributor**" means an entity primarily engaged in  
9 providing food services to institutional, governmental, commercial, or industrial  
10 locations of others based on contractual arrangements with these types of  
11 organizations.

12 **(27.5) "Fluorinated greenhouse gas" or "fluorinated GHG" means sulfur**  
13 **hexafluoride (SF<sub>6</sub>), nitrogen trifluoride (NF<sub>3</sub>), and any fluorocarbon except for**  
14 **controlled substances as defined at 40 CFR Part 82, ~~§~~ Subpart A, (May 1995),**  
15 **which is hereby incorporated by reference, with vapor pressures of less than 1**  
16 **mm of Hg absolute at 25 °C. With these exceptions, "fluorinated GHG" includes**  
17 **any hydrofluorocarbon, any perfluorocarbon, any fully fluorinated linear,**  
18 **branched or cyclic alkane, ether, tertiary amine or aminoether, any**  
19 **perfluoropolyether, and any hydrofluoropolyether.**

20 **(27.6) "Global warming potential or "GWP" means the ratio of the time-**  
21 **integrated radiative forcing from the instantaneous release of one kilogram of a**  
22 **trace substance relative to that of one kilogram of a reference gas (i.e.,**  
23 **CO<sub>2</sub>). -The GWP values are as specified in the Table A-1 to Subpart A of Title 40**  
24 **Code of Federal Regulations Part 98 as published ~~to~~ in the CFR on 12/11/2014,**  
25 **which is hereby incorporated by reference.**

26 (28) "Gray container" means a container where either:

27 (A) ~~The~~ the lid of the container is ~~entirely a shade of~~ gray or black in color.

28 (B) The body of the container is entirely gray or black in color and the lid is gray  
29 or black in color. **Hardware such as hinges and wheels on a gray ~~green~~**  
30 **container may be any color ~~a different color~~.**

31 **(28.5) "Gray container collection stream" has the same meaning as defined in**  
32 **Section 17402.**

33 (29) "Green container" means a container where either:

34 (A) ~~The~~ the lid of the container is ~~entirely~~ green in color.

35 (B) The body of the container is green in color and the lid is green, gray, or black  
36 in color. Hardware such as hinges and wheels on a green container may be any  
37 color ~~a different color~~.

38 **(29.5) "Greenhouse gas" means carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous**  
39 **oxide (N<sub>2</sub>O), sulfur hexafluoride (SF<sub>6</sub>), hydrofluorocarbons (HFC),**  
40 **perfluorocarbons (PFC), and other fluorinated greenhouse gases as defined in**  
41 **this section.**

42 **(29.6) "Greenhouse gas emission reduction" or "greenhouse gas reduction"**  
43 **means a calculated decrease in greenhouse gas emissions relative to a project**  
44 **baseline over a specified period of time.**

45 (30) "Grocery store" means a store primarily engaged in the retail sale of canned  
46 food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any

1 area that is not separately owned within the store where the food is prepared and  
2 served, including a bakery, deli, and meat and seafood departments. **Grocery store**  
3 **includes convenience stores.**

4 **(30.5) “Hazardous wood waste” means wood that is subject to the regulations**  
5 **under Division 20, Chapter 6.5 of the Health and Safety Code and associated**  
6 **regulations, including falls within the definition of “Treated wood” and or “Treated**  
7 **Wwood Wwaste” as defined in Section 67386.4 of Title 22 of the California Code**  
8 **of Regulations.**

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

10 (31.5) “Hauler route” means the designated itinerary or sequence of stops for each  
11 segment of the jurisdiction’s collection service area.

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

14 (33) “High diversion organic waste processing facility” means a facility that is in  
15 compliance with the reporting requirements of Section 18815.5(d) ~~of this division~~ and  
16 meets or exceeds an annual average mixed waste organic content recovery rate of  
17 50 percent between January 1, 2022 and December 31, 2024, and 75 percent after  
18 January 1, 2025 as calculated pursuant to Section 18815.5(e) ~~of this division~~ for  
19 organic waste received from the “Mixed Waste Organic Waste Collection Stream” as  
20 defined in Section 17402=(a)(11.5) ~~of this division~~.

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

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

27 (36) “Jurisdiction” means a city, ~~or~~ county, ~~or~~ a city and county, or a special district  
28 that provides solid waste **handling collection** services. A city, ~~or~~ county, ~~or~~ a city  
29 and county, **or a special district** may utilize a Joint Powers Authority to comply with  
30 the requirements of this chapter, except that the individual city, county, ~~or~~ city and  
31 county, or special district shall remain ultimately responsible for compliance.

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

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

40 (39) “Large venue” means a permanent venue facility that annually seats or serves  
41 an average of more than 2,000 individuals within the grounds of the facility per day of  
42 operation of the venue facility. For the purposes of this chapter, a venue facility  
43 includes, but is not limited to, a public, nonprofit, or privately owned or operated  
44 stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo,  
45 aquarium, airport, racetrack, horse track, performing arts center, fairground, museum,  
46 theater, or other public attraction facility. For the purposes of this chapter, a site



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

3 (39.5) “Lifecycle greenhouse gas emissions” or “Lifecycle GHG emissions”  
4 means the aggregate quantity of greenhouse gas emissions (including direct  
5 emissions and significant indirect emissions), related to the full lifecycle of the  
6 technology or process that an applicant wishes to have assessed as a possible  
7 means to reduce landfill disposal of organic waste. The lifecycle analysis of  
8 emissions includes all stages of organic waste processing and distribution,  
9 including collection from a ~~diversion~~ recovery location, waste processing,  
10 delivery, use of any finished material by the ultimate consumer, ultimate use of  
11 any processing materials. The mass values for all greenhouse gases shall be  
12 adjusted to account for their relative global warming potential.

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

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

18 (42) “Non-local entity” means an entity that is an organic waste generator but is not  
19 subject to the control of a jurisdiction’s regulations related to solid waste. These  
20 entities may include, but are not limited to, special districts, federal facilities, prisons,  
21 facilities operated by the state parks system, public universities, including  
22 community colleges, county fairgrounds, and state agencies.

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

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

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

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

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

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

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

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

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

4 (52) "Paper purchase" means all purchases by a jurisdiction of items in the following  
5 categories:

6 (A) Paper products.

7 (B) Printing and writing papers.

8 **(52.5) "Performance-based source separated collection service" means a solid**  
9 **waste collection service that meets the requirements of Section 18998.1(a).**

10 ~~(52.5)~~ **(52.6) "Permanent" means, in the context of the determination of processes or**  
11 **technologies that constitute a reduction in landfill disposal, that greenhouse gas**  
12 **emissions reductions are not reversible, or when these emissions reductions may be**  
13 **reversible, that mechanisms are in place to replace any reversed greenhouse gas**  
14 **emissions reductions to ensure that all reductions endure for at least 100 years."**

15 (53) "Person" has the same meaning as in Section 40170 of the Public Resources  
16 Code.

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

22 (55) "Prohibited container contaminants" means any of the following, but does not  
23 include organic waste specifically allowed for collection in a container that is required  
24 to be transported to a high diversion organic waste processing facility if the waste is  
25 specifically identified as acceptable for collection in that container in a manner that  
26 complies with the requirements of Section 18984.1, 18984.2, or 18984.3.

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

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

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

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

41 (56) "Processing" has the same meaning as in Section 17402-(a)(20).

42 **(56.5) "Project baseline" means, in the context of "greenhouse gas emission**  
43 **reduction" or "greenhouse gas reduction," and in the context of an application**  
44 **submitted pursuant to Section 18983.2, a conservative estimate of the business-as-**  
45 **usual greenhouse gas emissions that would have occurred if the organic waste**  
46 **proposed for recovery was disposed of in an activity that constitutes landfill disposal.**

1 This estimate may include greenhouse gas emissions associated with the production  
2 and use of products replaced by a Section 18983.2 technology or process.

3 (57) "Property owner" means the owner of real property.

4 (58) "Publicly ~~O~~wned ~~T~~treatment ~~W~~orks" or "POTW" has the same meaning as in  
5 Section 403.3(r) of Title 40 of the Code of Federal Regulations.

6 (59) "Recovered organic waste product procurement target" means the amount of  
7 **recycled** organic waste **in the form of a recovered organic waste product**  
8 **products** which a jurisdiction is required to procure annually.

9 (60) "Recovered organic waste products" means products made from California,  
10 landfill-diverted **recycled recovered** organic waste processed at a permitted or  
11 otherwise authorized operation or facility.

12 (60.5) "Recovery location" includes the closest aggregating hub used to recover the  
13 organic waste after collection. This could include but is not limited to a transfer  
14 facility, recycling facility, or recovery facility.

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

17 (62) "Renewable ~~G~~gas ~~transportation fuel~~" means **fuel derived from renewable**  
18 gas **derived** from organic waste that has been diverted from a landfill and processed  
19 at an in-vessel digestion facility that is permitted or otherwise authorized by Title 14  
20 to ~~recycle~~ recover organic waste.

21 (63) "Residual organic waste" means waste that remains after organic waste has  
22 been processed which is then sent to landfill disposal.

23 (64) "Restaurant" means an establishment primarily engaged in the retail sale of food  
24 and drinks for on-premises or immediate consumption.

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

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

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

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

40 (68) "Share table" has the same meaning as in Section 114079 of the Health and  
41 Safety Code.

42 **(68.5) "Source ~~S~~ector" has the same meaning as in Section 18815.2(a)(58) ~~of~~**  
43 **this division.**

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

1 (70) “Source separated organic waste collection stream” has the same  
2 meaning as defined in Section 17402(a)(1826.6).

3 (71) “Special district” has the same meaning as Section 41821.2 of the  
4 Public Resources Code.

5 (70) “Subsequent violation” means a violation of this chapter by a jurisdiction  
6 or entity that has previously been subject to an enforcement action for a  
7 violation of this chapter. For purposes of this chapter, a subsequent violation  
8 may only be found when it has occurred within five years of the violation that  
9 has already been the subject of an enforcement action.

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

13 (72) “The 2014 organic waste disposal baseline” means the total tons of organic  
14 waste disposed statewide in 2014 as calculated by the Department CalRecycle’s  
15 2014 Waste Characterization Study.

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

18 (A) Supermarket.

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

21 (C) Food service ~~-provider~~distributor.

22 (D) Food distributor.

23 (E) Wholesale food ~~market~~vendor.

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

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

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

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

30 ~~(D)~~ Large venue.

31 ~~(E)~~ Large event.

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

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

35 (75) “Uncontainerized green waste and yard waste collection service” or  
36 “uncontainerized service” means a collection service that collects green waste  
37 and yard waste that is placed in a pile or bagged for collection on the street in  
38 front of a generator’s house or place of business for collection and transport to  
39 a facility that recovers source separated organic waste.

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

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

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

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

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 2. Landfill Disposal and Reductions in Landfill Disposal

### 15 Section 18983.1 Landfill Disposal and Recovery.

16  
17 (a) The following dispositions of organic waste shall be deemed to constitute landfill  
18 disposal:

19 (1) Final deposition at a landfill.

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

21 (A) The use of non-organic material as landfill cover shall not constitute  
22 landfill disposal of organic waste.

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

24 except the use of Material Recovery Fines that are approved pursuant to  
25 Section 20690 of Title 27 Division 2

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

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

30 (1) An operation that qualifies as a “Recycling Center” as set forth in Section  
31 17402.5(d), or is listed in Section 17402.5(c) of this ~~D~~division.

32 (2) A “Compostable Material Handling Operation or Facility” as defined in Section  
33 17852(a)(12) of this ~~D~~division, small composting activities that would otherwise be  
34 excluded from that definition pursuant to Section 17855(a)(4) of this ~~D~~division, or  
35 community composting as defined in Section 18982(a)(8).

36 (3) An “In-vessel Digestion Operation or Facility” as listed in Section 17896.5 of this  
37 ~~D~~division, or activities that would otherwise not be subject to the in-vessel digestion  
38 requirements pursuant to Section 17896.6 of this ~~D~~division.

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

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

4 (A) The material has been processed at a solid waste facility, as defined in Section  
5 40194 of the Public Resources Code; and;

6 (B) The use shall be:

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

11 2. Restricted to quantities of solid wastes no more than necessary to meet the  
12 minimum requirements of Subdivision (b)(5)(B)1.

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

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

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

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

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

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

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

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

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

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

32 2. Meet the land application requirements described in Section  
33 17852(a)(24.5)(A).

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

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

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

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

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

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

3  
4 Reference: Public Resources Code Sections ~~40002, 41780.01, 40106, 40116, 40116.1,~~  
5 ~~40192 and 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101,~~  
6 ~~44500-44503 and 44813-44816;~~ and Health and Safety Code Sections 39730.5,  
7 39730.6, 39730.7 and 39730.8.

8  
9 **Section 18983.2 Determination of Technologies That Constitute a Reduction in**  
10 **Landfill Disposal.**

11 (a) For operations, facilities or activities not expressly identified in ~~§~~Section 18983.1, as  
12 reducing landfill disposal, the following process shall be used to determine if processes  
13 or technologies shall be deemed to constitute a reduction of landfill disposal:

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

15 (A) Name and contact information for the person responsible for the information in  
16 the report.

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

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

27 (D) For any ~~residual~~ material produced from the proposed process or technology,  
28 a description of each end use or landfill disposal location to which the ~~residual~~  
29 material will be sent. For each end use or landfill disposal location, the applicant  
30 must submit the expected mass in short tons and characteristics of the ~~residual~~  
31 material.

32 (E) For each of the processes or technologies described pursuant to Section  
33 18983.2(a)(1)(B), each ~~calculation, assumption, and emission factor used by the~~  
34 applicant to calculate ~~the greenhouse gas emissions as well as the expected~~  
35 permanent greenhouse gas emissions reduction ~~potential~~ of the proposed  
36 operation, ~~including the estimated greenhouse gas emissions and~~  
37 ~~permanent greenhouse gas emissions reductions of any end uses or landfill~~  
38 ~~disposal of material described in ~~§~~Section 18983.2(a)(1)(D).~~ All calculations  
39 must be clearly laid out such that the Department ~~and/or the Executive Officer~~  
40 ~~of the California Air Resources Board (CARB) are~~ is able to follow and  
41 understand the calculation of greenhouse gas emissions reduction potential.

42 ~~Calculations must include quantification of the greenhouse gas emissions~~  
43 ~~produced from the process or technology itself, including those emissions~~  
44 ~~from any residual material.~~

45 (F) For each ~~greenhouse gas~~ emission factor ~~or greenhouse gas emission~~  
46 ~~reduction factor~~ used pursuant to Section 18983.2(a)(1)(E), documentation

1 demonstrating that the emission factor **or emission reduction factor** has been  
2 peer reviewed or subjected to other scientifically rigorous review methods.

3 (G) A detailed explanation of how the proposed technology or process will result  
4 in a permanent reduction in greenhouse gas emissions.

5 (H) A written attestation that the information supplied is true, accurate, and  
6 complete.

7 (I) The director of the Department may request additional information from the  
8 applicant if required to validate the information submitted pursuant to this  
9 Section.

10 (2) The Department shall consult with **CARB's** ~~the~~ Executive Office **f** of the  
11 **California Air Resources Board (CARB)** to evaluate if the information submitted by  
12 the applicant is sufficient to **determine estimate** the greenhouse gas emissions  
13 **reduction and permanent lifecycle GHG emissions reduction potential** of the  
14 proposed **recovery process or operation**. **Within 30 days of receiving the**  
15 **application, the Department shall inform the applicant if they have not**  
16 **submitted sufficient information to estimate the greenhouse gas emissions and**  
17 **permanent lifecycle greenhouse gas emissions reductions associated with the**  
18 **proposed recovery process or operation. For further consideration of any**  
19 **application submitted without sufficient information, the applicant is required**  
20 **to submit the requested information. The Department shall provide a response**  
21 **to the applicant within 180 days of receiving all necessary information as to,**  
22 **and** whether or not the **proposed recovery process or operation proposed**  
23 **operation** results in a permanent reduction in greenhouse gas emissions, and  
24 therefore counts as a reduction ~~in~~ landfill disposal.

25 (3) To determine if the proposed operation counts as a permanent reduction in landfill  
26 disposal, the Department ~~and/or~~ **in consultation with** CARB's Executive Office,  
27 shall compare the **permanent lifecycle GHG emissions reduction of** metric tons of  
28 carbon dioxide equivalent (MTCO<sub>2e</sub>) per short ton organic waste reduced by the  
29 process or technology, with the emissions reduction from composting organic waste  
30 (0.30 MTCO<sub>2e</sub>/short ton organic waste). The Department shall only ~~deem~~ a proposed  
31 operation to constitute a reduction in landfill disposal if the process or technology **has**  
32 **results in a permanent reduction in lifecycle** greenhouse gas emissions  
33 **reductions** equal to or greater than the 0.30 MTCO<sub>2e</sub>/short ton of **mixed** organic  
34 waste.

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

38 (c) Upon request of the applicant, as part of determination of activities that constitute a  
39 reduction in landfill disposal, the Department may consider additional information  
40 provided by the applicant that demonstrates that the proposed activity is identical or  
41 equivalent to a proposed activity the Department has determined pursuant to Section  
42 18983.2(a) results in a reduction in landfill disposal.

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



1 Reference: Public Resources Code Sections 40002, 41780.01, 40192 and 42652.5,  
2 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and  
3 44813-44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and  
4 39730.8.

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

#### 7 **Section 18984. Combined Organic Waste Collection Services.**

8 ~~(a) This article specifies the minimum standards for organic waste collection services~~  
9 ~~provided by jurisdictions, outlines efforts jurisdictions must engage in to reduce~~  
10 ~~container contamination, delineates container color and labeling requirements, specifies~~  
11 ~~criteria for rural jurisdictions to be exempt from specified requirements of this section~~  
12 ~~and criteria for jurisdictions to waive requirements for specified generators. This article~~  
13 ~~additionally specifies associated recordkeeping requirements for these standards.~~

14 ~~(b) This article sets forth the requirements for Organic Wwaste collection in the~~  
15 ~~following sections:~~

16 ~~18984.1 Three-container Organic Waste Collection Services.~~

17 ~~18984.2 Two-container Organic Waste Collection Services.~~

18 ~~18984.3 Unsegregated Single Container Collection Services Systems.~~

19 ~~18984.4 Recordkeeping Requirements for Compliance with Organic Waste Collection~~  
20 ~~Services.~~

21 ~~18984.5 Container Contamination Minimization.~~

22 ~~18984.6 Recordkeeping Requirements for Container Contamination Minimization.~~

23 ~~18984.7 Container Color Requirements.~~

24 ~~18984.8 Container Labeling Requirements.~~

25 ~~18984.9 Organic Waste Generator Requirements.~~

26 ~~18984.10 Property owner requirements Commercial Business Owner~~  
27 ~~Responsibilities.~~

28 ~~18984.11 Waivers and Exemptions Granted by Jurisdictions.~~

29 ~~18984.12 Waivers and Exemptions Granted by the Department.~~

30 ~~18984.13 Emergency Circumstances.~~

31 ~~18984.14 Recordkeeping Requirements for Waivers and Exemptions.~~

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

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

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

#### 41 42 **Section 18984.1. Three-container Organic Waste Collection Services.**

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

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

5 (A) Compostable plastics may be placed in the green container if the material  
6 meets the ASTM D6400 standard for compostability and the contents of the  
7 green containers are transported to ~~E~~compostable ~~M~~material ~~H~~handling  
8 ~~O~~operations or ~~F~~acilities or ~~I~~in-vessel ~~D~~digestion ~~O~~operations or ~~F~~acilities  
9 that have provided written notification annually to the jurisdiction stating that  
10 the facility can process and recover that material. ~~The written notification shall~~  
11 ~~have been provided within the last 12 months~~

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

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

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

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

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

26 (B) Hazardous wood waste shall not be collected in the blue container or  
27 gray container.

28 (6) A jurisdiction may require additional segregation of source separated organic  
29 waste by providing ~~multiple additional source separated organic waste~~ containers  
30 or additional sections of split containers in addition to the green container and blue  
31 container.~~The following types of additional containers can be provided~~  
32 pursuant to this paragraph.

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

36 (B) If a jurisdiction segregates the contents of a blue container into an  
37 additional container or additional section of a split container in order to  
38 separate organic wastes specified in Subdivision (a)(2) from non-organic  
39 recyclables, the jurisdiction may use a darker shade of blue for the container  
40 or section of the container designated for the collection of organic waste,  
41 and a lighter shade of blue, or any color not already designated for other  
42 materials specified in this section, for the collection of non-organic  
43 recyclables.

44 (CB) Additional containers, or sections of split containers provided for  
45 collection of additionally separated organic waste not ~~specified~~ ~~specified~~ in  
46 the ~~this~~ section, may be provided in any color provided that the colors ~~in~~

1 accordance with this subdivision shall not be do not conflict with -the  
2 container color requirements of this section. blue, gray, or green.

3 (b) A jurisdiction that provides a three-container organic waste collection service that  
4 complies with ~~§~~Subdivision (a) may transport the contents of the gray container to a  
5 facility that processes and recovers organic waste. A jurisdiction that complies with  
6 ~~§~~Subdivision (a) is not required to transport the contents of the gray container to a  
7 facility that meets or exceeds the organic waste content recovery standard specified in  
8 Section 18984.3. A jurisdiction will not be considered out of compliance with  
9 ~~§~~Subdivision (a) if it allows carpet and textiles to be placed in the gray container.

10 (c) Notwithstanding ~~§~~Subdivision (a), a jurisdiction providing a three-container organic  
11 waste collection service may allow organic waste, such as food waste, to be collected in  
12 the gray container provided that the collection program complies with the following:

13 (1) The contents of the gray container shall be transported to a facility that meets or  
14 exceeds the organic waste content recovery requirements specified in Section  
15 18984.3.

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

18 (3) The jurisdiction otherwise provides green and blue containers in a manner that  
19 complies with the requirements and limitations specified in ~~§~~Subdivision (a) of this  
20 section.

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

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

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

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

40 ~~(d)~~(f) Notwithstanding ~~§~~Subdivision (a), the contents of containers may be initially  
41 transported to a consolidation site as defined in Section 17402 that complies with the  
42 requirements of Section 17409.5.10.

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 18984.2. Two-container Organic Waste Collection Services.**

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

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

11 **(A) ~~T~~The green container ~~shall be for the~~ is limited to the collection of organic**  
12 **waste ~~only~~ only. The contents of the green container shall be transported to a**  
13 **facility that specifically recovers source separated organic waste.**

14 **(B) The gray container allows for intentional comingling of all collected**  
15 **wastes, including organic waste that is not designated for collection in the**  
16 **green container, provided that the contents of the gray container are**  
17 **transported to a facility that meets or exceeds the organic waste content**  
18 **recovery requirements specified in Section 18984.3.**

19 **(C) Compostable plastics may be placed in the green container if the material**  
20 **meets the ASTM D6400 standard for compostability and contents of the**  
21 **green containers are transported to ~~C~~compostable ~~M~~material ~~H~~handling**  
22 **~~O~~operations or ~~F~~acilities or ~~I~~in-vessel ~~D~~igestion ~~O~~perations or ~~F~~acilities**  
23 **that have provided written notification annually to the jurisdiction stating that**  
24 **the facility can process and recover that material. ~~The written notification shall~~**  
25 **~~have been provided within the last 12 months; or,~~**

26 **(2) A two container system where a blue container and a gray container are**  
27 **provided and:**

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

34 **(B) The gray container allows for intentional comingling of all collected**  
35 **wastes, including organic waste that is not designated for collection in the**  
36 **blue container, provided that the contents of the gray container are**  
37 **transported to a facility that meets or exceeds the organic waste content**  
38 **recovery requirements specified in Section 18984.3.**

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

42 **(b4) A jurisdiction shall, consistent with Section 18984.8 of this article, clearly identify**  
43 **the types of wastes accepted in each container and which container shall be used for**  
44 **the collection of any unidentified materials.**

45 **(c) Materials specified in this ~~paragraph~~ *Subdivision* shall be subject to the**  
46 **following restrictions:**

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

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

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

9 (1) If a jurisdiction segregates the contents of a blue container into an additional  
10 container or additional section of a split container in order to separate organic  
11 wastes specified in Subdivision (a)(2) from non-organic recyclables, the jurisdiction  
12 may use a darker shade of blue for the container or section of the container  
13 designated for the collection of organic waste, and a lighter shade of blue, or any  
14 color not already designated for other materials specified in this section, for the  
15 collection of non-organic recyclables.

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

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

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

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

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

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

37 ~~(g)(h)(b) Notwithstanding Subdivision (a), the contents of containers may be initially~~  
38 ~~transported to a consolidation site as defined in Section 17402 that complies with the~~  
39 ~~requirements of Section 17409.5.10.~~

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 18984.3. Unsegregated Single-Container Collection Services.**

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

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

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

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

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

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

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

28  
29 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

30  
31 Reference: Public Resources Code Sections ~~40002, 41780.01, 42652.5, 42653, 42654,~~  
32 ~~43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;~~  
33 ~~and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.~~

34  
35 **Section 18984.4. Recordkeeping Requirements for Compliance with Organic**  
36 **Waste Collection Services.**

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

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

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

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

44 (A) List all high diversion organic waste processing facilities used by the  
45 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 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 18984.5. Container Contamination Minimization.**

25 ~~(a) A generator shall not place prohibited container contaminants in a collection~~  
26 ~~container. A jurisdiction shall monitor the containers provided to generators using a~~  
27 ~~three-container or two-container organic waste collection service pursuant to Sections~~  
28 ~~18984.1 or 18984.2 to minimize prohibited container contaminants in a manner that~~  
29 ~~complies with either the provisions of ~~§~~Subdivision (b) or the provisions of~~  
30 ~~~~§~~Subdivision (c) of this section. as required by this section.~~

31 ~~(1) A jurisdiction that notifies the department that it intends to implements a~~  
32 ~~performance-based source separated collection service pursuant to Section 18998.1~~  
33 ~~shall monitor containers through the method waste evaluations as specified in the~~  
34 ~~provisions of Subdivision (c).~~

35 ~~(b) A jurisdiction may meet its container contamination minimization requirements~~  
36 ~~by shall conducting a route review for prohibited container contaminants on randomly~~  
37 ~~selected containers in a manner that results in all collection-hauler routes being~~  
38 ~~reviewed quarterly annually. Containers may be randomly selected along a hauler~~  
39 ~~route. This section should not be construed to require that every container on a hauler~~  
40 ~~route must be sampled annually.~~

41 ~~(1) Upon finding prohibited container contaminants in a container, the jurisdiction,~~  
42 ~~shall notify the generator of the violation. contact the generator or provide written~~  
43 ~~notice to the generator.~~

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

1 (B) The notice may be left on the generator's container, gate, or door at the time  
2 the violation occurs, and/or be mailed, or e-mailed, or electronically messaged to  
3 the generator.

4 (2) If a jurisdiction ~~observes a visible~~ prohibited container contaminants in a  
5 generator's ~~green container or blue container~~ collection container(s), it may dispose of  
6 the container's contents.

7 ~~(3) If the jurisdiction observes prohibited container contaminants in a generator's~~  
8 ~~green containers or blue container on more than three consecutive occasions, the~~  
9 ~~jurisdiction may impose additional contamination processing fees on the generator~~  
10 ~~and may impose penalties. Notwithstanding Section 18995.1(a)(5), this chapter does~~  
11 ~~not require a jurisdiction to impose administrative civil penalties on generators in~~  
12 ~~violation of the prohibited container contaminants requirement in Subdivision (a),~~  
13 ~~above.~~

14 ~~(c) If a jurisdiction is informed by a solid waste facility operator pursuant to~~  
15 ~~Section 17409.5.7, 17867, or 17896.25.1 of this division, or Title 27, Section~~  
16 ~~20901, that the waste collected by one of its haulers contains prohibited~~  
17 ~~container contaminants while the hauler was servicing the jurisdiction's~~  
18 ~~generators, then the jurisdiction shall:~~

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

26 ~~(4d) If a jurisdiction complies with this section through a designee as allowed in~~  
27 ~~Section 18981. 2 of this chapter, and the designee observes visible prohibited~~  
28 ~~container contaminants in a container, the designee shall inform the jurisdiction in~~  
29 ~~writing, each month, with the address of the generator and the date the contaminated~~  
30 ~~container was observed; if available, and the designee shall keep a record of any~~  
31 ~~photographic documentation; and what action was taken.~~

32 ~~(A) A designee may only dispose of a container with visible prohibited container~~  
33 ~~contaminants with the consent of the jurisdiction in accordance with a contract~~  
34 ~~or other written arrangement between the jurisdiction and the designee.~~

35 **(c) A jurisdiction may meet its container contamination ~~contamination~~ minimization**  
36 **requirements by conducting waste evaluations that meet the following standards:**

37 **(1) The jurisdiction shall conduct waste composition studies ~~evaluations~~ every six**  
38 **months for prohibited container contaminants ~~contained in the contents of~~**  
39 **containers in sampled collection ~~in the following manner:~~**

40 **(A) A jurisdiction that is implementings a three-container or two-container organic**  
41 **waste collection service pursuant to Sections 18984.1 or 18984.2 shall conduct**  
42 **waste composition studies ~~evaluations shall be performed~~ at least twice per**  
43 **year and the studies shall occur in two distinct seasons of the year.**

44 **(B) A jurisdiction that notifies the department that it intends to implements a**  
45 **performance-based source separated collection service pursuant to Section**  
46 **18998.1 shall conduct waste composition studies ~~evaluations~~ at least twice per**



1 year for the blue and green containers and once per quarter for the gray  
2 container.

3 (C) ~~(B)~~ The waste composition studies evaluations shall include samples of  
4 each container type served by the jurisdiction, ~~except for gray containers.~~

5 (D) ~~(C)~~ The waste composition studies evaluations shall include samples taken  
6 from different areas in the jurisdiction that are representative of the  
7 jurisdiction's waste stream.

8 ~~and account for no less than one half of one percent (0.5%) of the weekly tonnage~~  
9 ~~collected in the jurisdiction.~~

10 (E) ~~(D)~~ The waste composition studies evaluations shall include at least the  
11 following minimum number of samples from all the hauler routes included in  
12 the studies:

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

15 2. For routes with 1,500-~~3,999~~4,000 generators the study shall include a  
16 minimum of 30 samples.

17 3. For routes with 4,000- ~~6,999~~7,000 generators the study shall include a  
18 minimum of 35 samples.

19 4. For routes with ~~more than~~ 7,000 ~~or more~~ generators the study shall  
20 include a minimum of 40 samples.

21 (F) ~~(E)~~ All of the material collected for sampling ~~must be~~ is transported to a  
22 sorting area at a permitted solid waste facility where the presence of  
23 prohibited container contaminants for each container type is measured to  
24 determine the ratio of prohibited container contaminants present in each  
25 container type by weight. To determine the ratio of prohibited container  
26 contaminants the jurisdiction shall use the following protocol:

27 1. Take one sample of at least ~~a~~200 pounds from the material collected  
28 from each container stream for sampling (e.g. a 200 pound sample taken  
29 from the contents of all of the green containers collected for sampling).

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

32 3. For each 200 pound sample, remove any prohibited container  
33 contaminants and determine the weight of prohibited container  
34 contaminants.

35 4. Then determine the ratio of prohibited container contaminants in the  
36 sample by dividing the total weight of prohibited container contaminants  
37 by the total weight of the sample.

38 (2) If the sampled weight of prohibited container ~~contaminants~~ contaminants  
39 exceeds 25 percent of the measured sample for any container type, the  
40 jurisdiction shall perform one of the following:

41 (A) Notify all generators on the sampled ~~collection~~ hauler routes of their  
42 requirement to properly separate materials into the appropriate containers.  
43 The jurisdiction may provide this information by placing a ~~written~~ notice on  
44 the generator's containers, gate, or door, and/or by mailing, or e-mailing, or  
45 electronic message ~~the notice~~ to the generator, ~~mailing education notices, or~~  
46 direct contact with generators.

1 **(B) Perform a targeted route review of containers on the routes sampled for**  
2 **waste composition studies evaluations to determine the sources of**  
3 **contamination and notify those generators of their obligation to properly**  
4 **separate materials. The jurisdiction may provide this information to these**  
5 **generators by placing a written notice on the generator's container, gate, or**  
6 **door, and/or by mailing, or e-mailing, or electronic message education notices, or**  
7 **direct contact with generators, to the applicable generators.**

8 (d) A jurisdiction that ~~notifies the department that it intends to~~ implements a  
9 performance-based source separated collection service pursuant to Section 18998.1  
10 shall notify the department within 30 days of ~~conducting finding two consecutive~~  
11 ~~prohibited container contaminants in the gray container collection stream samples that~~  
12 ~~each demonstrate prohibited container contaminants in the gray container that exceed~~  
13 ~~25 percent of the measured sample by weight in each of two consecutive waste~~  
14 ~~evaluations performed on gray containers pursuant to the requirements of Subdivision~~  
15 ~~(c), above.~~

16 (1) A jurisdiction that implements a performance-based source separated collection  
17 service pursuant to Section 18998.1 that exceeds an annual average of 25 percent  
18 by weight of prohibited container contaminants in the gray container collection shall  
19 be subject to the process described in Section 18998.1(c).

20 (e) A jurisdiction that implements a performance-based source separated collection  
21 service pursuant to Section 18998.1 shall, upon request, allow a representative of the  
22 department to oversee its next scheduled quarterly sampling of the gray container.

23 (f) For the purposes of demonstrating compliance with 18998.1, organic waste that is  
24 textiles, carpet, hazardous wood waste, human waste, pet waste, or material subject to  
25 a quarantine on movement issued by a county agricultural commissioner, is not required  
26 to be measured as organic waste.

27 (g) ~~(e) (d)~~ Nothing in this section limits a jurisdiction from adopting contamination  
28 standards, fees, **sampling methodologies, or noticing protocols** that are more  
29 stringent **or rigorous** than the requirements of this section.

30 ~~(e) A jurisdiction is not required to comply with this section if both of the following~~  
31 ~~apply:~~

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

35 ~~(2) Pursuant to the sampling conducted of the gray container collection stream by~~  
36 ~~solid waste facilities serving the jurisdiction pursuant to this section, Sections~~  
37 ~~17409.5.7 17409.5.7.2, and Sections 20901 20901.2 demonstrates an average~~  
38 ~~weight of organic waste present in gray container material of less than 25~~  
39 ~~percent.~~

40  
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 18984.6. Recordkeeping Requirements for Container Contamination**  
3 **Minimization.**

4 (a) A jurisdiction shall include the following information and documents related to its  
5 compliance with Section 18984.5, in the Implementation Record required by Section  
6 18995.2 of this chapter.

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

9 (2) Documentation of ~~random route reviews for each collection date~~ conducted  
10 pursuant to Section 18984.5(b), as described in Section 18995.1 of this chapter, ~~if~~  
11 ~~applicable.~~

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

19 ~~(4)(3) Copies of all written notices, violations, education, and enforcement orders~~  
20 ~~actions issued or taken against given to the to generators with prohibited container~~  
21 ~~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 **(5)(4) Documentation of the number of containers where the contents were**  
26 **disposed of due to observation of prohibited container contaminants.**  
27 **Documentation of notifications from solid waste facility operators of**  
28 **contaminated loads, documentation of subsequent follow-up such as copies of**  
29 **the jurisdiction's route review and findings conducted pursuant to Section**  
30 **18984. 5(c).**

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 18984.7. Container Color Requirements.**

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

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

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 18984.8. Container Labeling Requirements.**

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

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

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

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

18 **(c) Labels shall clearly indicate primary items that are prohibited container**  
19 **contaminants** ~~contaminate for each container.~~

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

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 18984.9 Organic Waste Generator Requirements.**

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

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

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

37 (b) Generators that are commercial businesses, except for multifamily residential  
38 dwellings ~~subject to Section 18984.10~~ shall also:

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

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

44 **(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~~ Commercial Business Owner Responsibilities.**

24 (a) ~~Commercial businesses 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 ~~an~~ adequate number, size, and location of containers  
28 with sufficient labels and container color.

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

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

34 (c) ~~Commercial businesses Property and business owners~~ shall provide or arrange for  
35 access to their properties during all inspections conducted pursuant to Article 14 of this  
36 chapter (commencing with Section 18995.1).

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

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

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

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

4 (1) De Minimis Waivers.:

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

9 1. The commercial ~~business's business'~~ total solid waste collection service is  
10 two cubic yards or more per week and organic waste subject to collection in a  
11 blue container or a green container as specified in Section 18984.1(a)  
12 comprises less than 20 gallons per week per applicable container of the  
13 ~~business's business'~~ total waste.

14 2. The commercial ~~business's business'~~ total solid waste collection service is  
15 less than two cubic yards per week and organic waste subject to collection in a  
16 blue container or a green container as specified in Section 18984.1(a)  
17 comprises less than 10 gallons per week per applicable container of the  
18 ~~business's business'~~ total waste.

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

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

26 (2) Physical Space Waivers.

27 (A) A jurisdiction may waive a commercial business' or property owner's obligation  
28 to comply with some or all of the organic waste collection service requirements of  
29 this article if ~~the a~~ commercial business or property owner provides  
30 documentation, or the jurisdiction has evidence from its staff, a hauler, licensed  
31 architect, or licensed engineer, ~~or similarly qualified source~~ demonstrating that the  
32 ~~its~~ premises lack adequate space for **separate** any of the organic waste  
33 containers ~~configurations~~ allowed under 18984.1(a) or 18984.2.

34 (3) Collection Frequency Waivers.:

35 (A) A jurisdiction may allow the owner or tenant of any residence, premises,  
36 business establishment or industry that subscribes to a three-container or two-  
37 container organic waste collection service to arrange for the a service that collects  
38 collection of solid waste in a blue container, a grey/gray container, or both not  
39 **placed in the green container** once every fourteen days, provided that:

40 1. The jurisdiction, or its authorized hauler, demonstrates to the enforcement  
41 agency, as defined in Public Resources Code 40130 Solid Waste Local  
42 Enforcement Agency that less frequent collection than required by Section  
43 17331 of Title 14 of the California Code of Regulations will not cause receiving  
44 solid waste facilities, operations, or both to be in violation of applicable state  
45 minimum standards described in Subchapter 4 of Chapter 3 of Subdivision 1 of

1 Title 27 or Title 14, Sections 17200 et seq result in the propagation of vectors or  
2 other public health and safety, or nuisance issues

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

6 **(c) Notwithstanding Section 18981.2, the authority to issue a waiver authorized by**  
7 **this section cannot be delegated to a private entity designee.**

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

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

### 13 **Section 18984.12. Waivers and Exemptions Granted by the Department.**

14 (a) Low population waivers. ~~;~~

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

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

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

21 (2) A ~~jurisdiction county~~ may apply to the Department for a waiver from some or all of  
22 the requirements of this article for census tracts ~~that have a population density of less~~  
23 ~~than 75 people per square mile that are served by the jurisdiction and are located in~~  
24 ~~unincorporated portions of the a county. that have a population density of less than~~  
25 ~~7550 people per square mile.~~

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

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

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

30 (B) ~~The requested length of the waiver.~~

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

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

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

39 (c) Rural Exemptions. ~~;~~

40 (1) ~~The Department shall grant an exemption from complying with the organic waste~~  
41 ~~collection requirements specified in this article -for rural jurisdictions Rural~~  
42 ~~Jurisdictions that meet the definition of a "Rural Jurisdiction" in Section 42649.8 of the~~  
43 ~~Public Resources Code, if the governing body of the jurisdiction adopts a resolution~~  
44 ~~that includes a finding as to the purpose of and need for the exemption.~~  
45

1 (2) An exemption implemented pursuant to this subdivision shall be valid until  
2 ~~January 1, 2025~~, December 31, 2026 or until five years after the Department makes  
3 a determination pursuant to Section 42649.82 (a)(2)(D) that the statewide disposal of  
4 organic waste has not been reduced to 50 percent of the level of disposal during the  
5 2014 calendar year, whichever is later.

6 **(d) Elevation Waivers.**

7 **(1) ~~An incorporated city~~ jurisdiction may apply to the Department for a waiver for**  
8 **the jurisdiction and some or all of its generators from the requirement to**  
9 **separate and recover food waste and food-soiled paper if the entire jurisdiction**  
10 **is located at or above an elevation of 4,500 feet.**

11 **(2) A jurisdiction ~~county~~ may apply to the Department for a waiver for some or all**  
12 **of its generators from the requirement to separate and recover food waste and food-**  
13 **soiled paper in census tracts located in unincorporated portions of ~~the~~ a county**  
14 **that are located at or above 4,500 feet.**

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

17 **(4) Residential and commercial generators located within an area that is waived**  
18 **pursuant to this section may deposit food waste and food-soiled paper in a**  
19 **disposal container.**

20 **(5) A jurisdiction shall submit a request for a waiver with the following**  
21 **information:**

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

23 **(B) If the request for a waiver is submitted by a jurisdiction ~~county~~ seeking to**  
24 **wave unincorporated census tracts, the jurisdiction ~~county~~ shall identify each**  
25 **census tract that will be waived.**

26 **(6)The Department shall review and evaluate and approve or deny a waiver**  
27 **request within 90 days. The Department shall approve a request to grant a**  
28 **waiver if it meets the requirements of this section.**

29 **(7) Nothing in this subdivision waives a jurisdiction from its obligation to**  
30 **provide a collection service that collects and recycles the other types of**  
31 **organic wastes specified in Sections 18984.1, 18984.2, or ~~19894.3~~ 18984.3 in a**  
32 **manner that meets the requirements of those sections.**

33 **(ed) Nothing in this section exempts a jurisdiction from:**

34 **(1) Its obligation to provide organic waste collection services that comply with**  
35 **the requirements of this article to businesses subject to the requirements of**  
36 **Section 42649.81 of the Public Resources Code.**

37 **(2) ~~C~~omplying with the other requirements to promote and provide information to**  
38 **generators about, waste prevention, community composting, managing organic**  
39 **waste on-site, and other means of recovering organic waste, or any other**  
40 **requirements of this chapter.**

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 18984.13. Emergency -Circumstances, Abatement, and Quarantined**  
3 **Materials and Federally Regulated Waste.**

4 **(a) Emergency Processing Facility Temporary Equipment or Operational Failure**  
5 **Waivers.**

6 (1) If the facility processing a jurisdiction's organic waste notifies the jurisdiction that  
7 **unforeseen** operational restrictions have been imposed upon it by a regulatory  
8 agency or that an ~~unforeseen~~ **unforeseen temporary** equipment or operational failure  
9 will **temporarily** prevent the facility from processing ~~and/or~~ recovering organic waste,  
10 the jurisdiction may allow the organic waste stream transported to that facility to be  
11 deposited in a landfill or landfills for up to 90 days from the date of the restriction or  
12 failure.

13 (2) A jurisdiction shall notify the Department in writing within 10 days of a waiver  
14 decision pursuant to ~~e~~ **Subdivision (a)(1).** The notice sent to the Department shall  
15 include **a description of the equipment failure or operational restriction that**  
16 **occurred at the facility,** the period of time that the jurisdiction ~~has~~ **will**  
17 **allow** ~~allowed~~ the organic waste stream to be deposited in a landfill or landfills, and  
18 the Recycling and Disposal Reporting System Number of the facility **that**  
19 **experienced the temporary equipment or operational failure preventing it from**  
20 **receiving some or all of the jurisdiction's waste.**

21 **(b) Disasters and emergency waivers.**

22 (1) A jurisdiction may submit a request for a waiver for the **landfill** disposal of  
23 "disaster debris" as defined in Section 17210.1(d) of this division that cannot be  
24 diverted as defined in **Section 17210.1(e)** of this division if a waiver or waivers have  
25 been granted **pursuant** to Sections 17210.4 and 17210.9 of this division.

26 **(2) If a waiver or waivers have been granted pursuant to Section Subsection (1)**  
27 **the Department may shall waive the organic waste collection requirements of**  
28 **this article in the affected areas for the duration of the waiver.**

29 ~~(3)~~ **A jurisdiction Jurisdiction** may dispose of sediment debris removed from dams,  
30 culverts, reservoirs, channels and other flood control infrastructure if the material is  
31 subject to a waste discharge requirement issued by the regional water quality control  
32 board that requires the average organic content of the debris to be less than five  
33 percent.

34 **(c) A jurisdiction is not required to separate or recover organic waste that is**  
35 **removed from homeless encampments and illegal disposal sites as part of an**  
36 **abatement activity to protect public health and safety. If the total amount of solid**  
37 **waste removed for landfill disposal pursuant to this subdivision is expected to**  
38 **exceed 100 tons annually the jurisdiction shall record the amount of material**  
39 **removed.**

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

42 **(1) The organic waste is generated from within the boundaries of an**  
43 **established interior or exterior quarantine area defined by the California**  
44 **Department of Food and Agriculture for that type of organic waste.**

45 **(2) The California Department of Food and Agriculture or the County**  
46 **Agricultural Commissioner determines that the organic waste must be**

1 disposed at a solid waste landfill and the organic waste cannot be safely  
2 recovered through any of the recovery activities identified in Article 2Two of  
3 this chapter.

4 (3) The jurisdiction ~~Jurisdiction~~ retains a copy of the California Department of  
5 Food ~~And~~ Agriculture approved compliance agreement for each shipment  
6 stating that the material must be transported to a solid waste landfill operating  
7 under the terms of its own compliance agreement for the pest or disease of  
8 concern.

9 (f) Nothing in this chapter requires generators, jurisdictions or other entities subject to  
10 these regulations to manage and recover organic waste that federal law explicitly  
11 requires to be managed in a manner that constitutes landfill disposal as defined in this  
12 chapter.

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 18984.14. Recordkeeping Requirements for Waivers and Exemptions.**

21 (a) A jurisdiction shall include the following information and documents in the  
22 Implementation Record required by Section 18995.2 ~~of this chapter.~~

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

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

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

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

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

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

37 (7) A record of ~~of~~ the amount of solid waste ~~from~~ removed ~~from~~ homeless  
38 encampments and illegal disposal sites as part of an abatement activities if the  
39 total amount of material removed ~~d~~ exceeds 100 tons.

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

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 Article 4. Education and Outreach

##### 6 7 Section 18985.1. Organic Waste Recovery Education and Outreach.

8 (a) Prior to February 1, 2022, and annually thereafter, a jurisdiction shall provide the  
9 following to organic waste generators that are provided an ~~three-container or two-~~  
10 ~~container~~ organic waste collection service pursuant to Article 3 of this chapter.

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

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

16 (3) Information regarding the methane reduction benefits of reducing the landfill  
17 disposal of organic waste, and the methods of organic waste recovery the  
18 organic waste collection service uses.

19 (4) Information regarding how to recycle-recover organic waste and a list of  
20 approved haulers.

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

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

24 ~~(7) (b) Prior to February 1, 2022, and annually thereafter, if a jurisdiction~~  
25 ~~allows generators subject to its authority to self-haul organic waste pursuant~~  
26 ~~to Section 18988.1, information regarding self-hauling requirements shall be~~  
27 ~~included in education and outreach material. a jurisdiction shall provide to self-~~  
28 ~~haulers information regarding the requirements of Section 18988.3 of this~~  
29 ~~chapter.~~

30 ~~(bc) Prior to February 1, 2022, and annually thereafter, a jurisdiction providing an~~  
31 ~~unsegregated single container collection service shall provide to organic waste~~  
32 ~~generators is not required to include the information required in Subdivision (a)(1),~~  
33 ~~but shall include information indicating that organic waste is being processed at~~  
34 ~~a high diversion organic waste processing facility. using an unsegregated single-~~  
35 ~~container collection service with the information in subdivisions (a)(2), (3), and~~  
36 ~~(4), along with information that the organic waste is being processed at a high~~  
37 ~~diversion organic waste processing facility.~~

38 ~~(cd) A jurisdiction may comply with the requirements of this section through any of~~  
39 ~~the following methods: by (1) Pproviding the information required by this section~~  
40 ~~through print or electronic media, or In addition to providing information through~~  
41 ~~print and electronic media a jurisdiction may conduct outreach through (2) Ddirect~~  
42 ~~contact with generators through workshops, meetings, or on-site visits.~~

43 ~~(de) Consistent with Section 18981. 2, A-a jurisdiction may comply with the~~  
44 ~~requirements of this section subdivision 18985.1(a) through use of a designeeits~~  
45 ~~authorized haulers.~~

1 (e) Consistent with Section 7295 of the Government Code, jurisdictions shall translate  
2 educational materials required by this chapter into any non-English language spoken by  
3 a substantial number of the public provided organic waste collection services by the  
4 jurisdiction.

5 ~~(e) A jurisdiction shall make the information required by this section linguistically~~  
6 ~~accessible to its non-English speaking residents in the following manner:~~

7 ~~(1) For any language that is spoken by more than 10,000 persons or 0.5% of the~~  
8 ~~jurisdiction's residents, and the population speaking that language speaks English~~  
9 ~~less than very well, the jurisdiction shall make the information required by this~~  
10 ~~section available online in that language or languages. In the written materials the~~  
11 ~~jurisdiction provides its generators the jurisdiction shall include a notice in the~~  
12 ~~applicable language or languages informing its generators where non-English~~  
13 ~~speaking residents can find linguistically accessible information online.~~

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

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

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

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

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

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 18985.2. Edible Food Recovery Education and Outreach.**

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

40 (1) Develop ~~and maintain~~ a list of food recovery organizations **identified in Section**  
41 **18982(a)(25)(A)-(B)** and food recovery services operating within the jurisdiction, and  
42 maintain the list on the jurisdiction's website. The list shall be updated annually. The  
43 list shall include, at a minimum, the following information about each food recovery  
44 organization and each food recovery service:

45 (A) Name and physical address.  
46

1 (BC) Phone number>Contact information.

2 (CD) Collection service area.

3 (D) An indication of types of food the food recovery service or organization  
4 can accept for food recovery.

5 (E) Hours of operation.

6 (b) At least annually a jurisdiction shall:

7 (1) Provide commercial edible food generators~~businesses that generate edible~~  
8 food with the following information:

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

11 (B) Information about the commercial edible food generators requirements  
12 specified in Article 10 of this chapter.

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

16 (D) Information about actions that commercial edible food generators can take to  
17 prevent the creation of food waste ~~Information about how commercial edible food~~  
18 ~~generators can source reduce their edible food.~~

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

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 18985.3. Recordkeeping Requirements for a Jurisdiction's Compliance**  
30 **with Education and Outreach Requirements.**

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

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

36 (2) The date, and to whom the information ~~or direct contact~~ was disseminated or  
37 direct contact made. If a jurisdiction provides mass distribution through  
38 mailings, or bill inserts, it shall provide the date, a copy of the information and  
39 the type and number of accounts receiving the information.

40 (3) If the ~~material~~ requirements of this article were met solely through the use  
41 of was electronic media, the record shall include, a copy, with dates posted of:  
42 social media posts, e-mails or other electronic messages.

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

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

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.~~

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

### **Section 18986.1. Non-Local Entities Requirements.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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 18986.2. Local Education Agencies Requirements.**

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

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

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

12 (b) Local education agencies shall provide containers for the collection of organic waste  
13 and non-organic recyclables in all areas where disposal containers are located, **except**  
14 **restrooms.** The containers provided shall conform to the requirements of the containers  
15 provided through **an organic waste recovery service authorized under Article 3 of**  
16 **this chapter.**~~the organic waste recovery service to which the local education~~  
17 ~~agency is subscribed.~~

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

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

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

24 (B) Hazardous wood waste shall not be collected in the blue or gray  
25 container.

26 (d) Local ~~E~~education ~~A~~gencies shall periodically inspect organic waste  
27 containers for contamination and inform employees if containers are  
28 contaminated and of the requirement to only use those containers for organic  
29 waste.

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

32 (f) Nothing in this section prohibits a local education agency from preventing waste  
33 generation, managing organic waste on site, *and/or* using a community composting site.

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

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

40  
41 **Section 18986.3. Waivers for Non-Local Entities and Local Education Agencies.**

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

1 (1) The total solid waste collection service subscribed to is two cubic yards or more  
2 per week and organic waste ~~subject to collection in a blue container or a green~~  
3 container as specified in Section 18984.1(a) comprises ~~comprises~~ less than 20  
4 gallons per week ~~per applicable container~~ of the non-local ~~entities' entity's~~ or local  
5 education ~~agencies' agency's~~ total waste.

6 (2) The total solid waste collection service subscribed to is less than two cubic yards  
7 per week and organic waste ~~subject to collection in a blue container or a green~~  
8 container as specified in Section 18984.1(a) comprises less than 10 gallons per week  
9 ~~per applicable container~~ of the non-local ~~entities' entity's~~ or local education ~~agencies'~~  
10 ~~agency's~~ total waste.

11 (3) A hauler, licensed architects, licensed engineers or similarly qualified entity has  
12 determined ~~It provides documentation from the hauler, licensed architects, or~~  
13 ~~engineers or similarly qualified entity, that demonstrates~~ that there is not adequate  
14 space for separate organic waste containers.

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

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

### 25 26 **Section 18987.1. Biosolids Generation at a POTW.**

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

28 (1) The generator requirements set forth in ~~Section 18984.9~~ ~~Article 3 of this chapter.~~

29 (2) The organic waste ~~recovery diversion~~ and measurement requirements described  
30 in Sections 17409.5.1 through 17409.5.8 of this division.

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

33 (b) Material received at a POTW that it is not allowed to accept pursuant to Section  
34 17896.6(a)(1)(C) or (D) shall be deemed to constitute landfill disposal pursuant to  
35 Section 18983.1(a)(3).

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

44 **(a) Biosolids generated at a POTW shall be:**



~~(1) Transported only to a solid waste facility or operation for additional processing, composting, in-vessel digestion, or other recovery as specified in Section 18983.1(b) of this division,~~  
~~(2) Notwithstanding subdivision (a)(1), sewage sludge and biosolids not suitable for additional processing or recovery may be sent for disposal to a permitted facility that can receive that sewage sludge and biosolids and has obtained the applicable approvals by the regional, state, and federal agencies having appropriate jurisdiction.~~

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.

## Article 7. Regulations of Haulers

### Section 18988.1. Jurisdiction Approval of Haulers and Self-Haulers.

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

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

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

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

(c) Notwithstanding ~~§~~ Subdivision (a), this section is not applicable to:

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

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

(d) Jurisdictions that are exempt from the organic waste collection requirements pursuant to Section 18984.12, and haulers and self-haulers operating or located within exempt areas of those jurisdictions, are not required to comply with the provisions of this article for the duration of an exemption issued pursuant to Section 18984.12.

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 **Section 18988.2. ~~Organic Waste Hauler Requirements~~Haulers of Organic Waste**  
5 **Requirements.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 (C) Notwithstanding ~~Subdivisions~~ (b)(3)(A), if the material is transported to an  
45 entity that does not have scales on-site, or employs scales incapable of weighing

1 the self-hauler's vehicle in a manner that allows it to determine the weight of waste  
2 received, the self-hauler is not required to record the weight of material but shall  
3 keep a record of the entities that received the organic waste.

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

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

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

10 ~~**(5)(4)**~~ -A residential organic waste generator that self-hauls organic waste is not  
11 required to record or report the information identified in ~~Subdivision (b)(3).~~ ~~and~~

12 ~~**(b)(4):**~~

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

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 18988.4. Recordkeeping Requirements for Compliance with Jurisdiction** 25 **Hauler Program.**

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

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

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

32 (A) Type(s) of hauler system(s) the jurisdiction uses.

33 (B) Type(s) and condition(s) of approvals per type of hauler, and criteria for  
34 approvals, denials and revocations.

35 (C) ~~The process~~ ~~Process~~ for issuing, revoking, and denying written approvals.

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

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

39 (A) Copies of all reports required ~~by~~ ~~from~~ haulers.

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

41 ~~**(B)**~~ Copies of all written approvals, denials, and revocations.

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

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 **Article 8. ~~Cal-Green~~CALGreen Building Standards and Model Water**  
6 **Efficient Landscape Ordinance**  
7

8 **Section 18989.1. ~~CalGreen~~ CALGreen Building Codes.**

9 (a) A jurisdiction shall adopt an ordinance or other enforceable requirement that  
10 requires compliance with the following provisions of the California Green Building  
11 Standards Code, **California Code of Regulations, Title 24, Part 11 as amended July**  
12 1, 2019 and effective January 1, 2020:

13 (1) Section 4.410.2 Recycling by Occupants Residential ~~and~~ **Section 5.410.1**  
14 Recycling by Occupants Non-residential.

15 (2) For organic waste commingled with construction and demolition debris, Section  
16 4.408.1 Construction Waste Management Residential ~~or~~ **and Section 5.408.1**  
17 Construction Waste Management non-residential.

18 (b) For the purposes of this section “jurisdiction” means a city, a county, or a city and  
19 county.  
20

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

22 Reference: Public Resources Code Section 42652.5; and Health and Safety Code  
23 Section-39730.6.  
24

25 **Section 18989.2 Model Water Efficient Landscape Ordinance.**

26 (a) A jurisdiction shall adopt an ordinance or other enforceable requirement that  
27 requires compliance with Sections 492.6(a)~~(4)~~(3)(B) (C), (D), and (G) of the Model  
28 Water Efficient Landscape Ordinance, Title 23, Division 2, Chapter 2.7 of the  
29 California Code of Regulations as amended September 15, 2015.

30 (b) For the purposes of this section “jurisdiction” means a city, a county, or a city and  
31 county.  
32

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 9. Locally Adopted Standards and Policies**

41  
42 **Section 18990.1. Organic Waste Recovery Standards and Policies.**

43 (a) Nothing in this chapter is intended to limit the authority of a jurisdiction to adopt  
44 standards that are more stringent than the requirements of this chapter, except as  
45 provided in ~~s~~Subdivision (b) of this section.

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

3 (1) Prohibit, or otherwise unreasonably limit or restrict, the lawful processing and  
4 recovery of organic waste through a method identified in Article 2 of this chapter.

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

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

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

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

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

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

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

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

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

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

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

35  
36 Reference: Public Resources Code Sections 40001, 40002, ~~40053, 40055,~~  
37 ~~41780.01, 40059, and 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017,~~  
38 ~~44100-44101, 44500-44503 and 44813-44816;~~ and Health and Safety Code Sections  
39 ~~39730.5, 39730.6, 39730.7 and 39730.8.~~

40  
41 **Section 18990.2. Edible Food Recovery Standards and Policies.**

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

1 (b) A **L**ocal **E**ducation agency shall not implement or enforce an ordinance, policy, or  
2 procedure that prohibits share tables or requires schools to adhere to a food safety  
3 standard not specified in **the** Part 7 of 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 **F**ood **D**onation 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 Sections 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 **F**ood **D**onation Act as specified in Section 114434 of  
13 the Health and Safety Code.

14 (d) Nothing in this chapter prohibits an **n-edible** food recovery service or organization  
15 from 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 114432, 114433 and 39730.8 114434.~~

## 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 ~~will~~ ~~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 generator compliance as required in Article 14 ~~of~~  
34 ~~this chapter~~.

35 (4) Increase edible food recovery capacity if the analysis required by Section  
36 18992.12 indicates that the jurisdiction does not have sufficient capacity to meet its  
37 edible food recovery needs.

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 a contract  
7 or written agreement arrangements with ~~edible~~ food recovery organizations or  
8 services pursuant to Section 18991.3(b):.

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

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

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 18991.3. Commercial Edible Food Generators.**

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

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

29 (1) ~~Contracting with food~~ Food recovery ~~services or organizations~~ **organizations or**  
30 **services** that will collect their edible food for food recovery.

31 (2) ~~Self-hauling edible food to a food~~ Food recovery organizations that will accept the  
32 edible food that the commercial edible food generator self-hauls to the food recovery  
33 organization for food recovery.

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

36 ~~(c)(3)~~ (c) A large venue or large event operator that does not provide food services, but  
37 allows for food to be provided, shall require food facilities operating at the large venue  
38 or large event to comply with the requirements of this section.

39 ~~(d)(e) In no case may a~~ **A commercial edible food generator not** shall comply with the  
40 requirements of this section unless the commercial edible food generator demonstrates  
41 the existence of extraordinary circumstances ~~recover no edible food absent~~  
42 ~~extraordinary circumstances~~ beyond its control that make such compliance  
43 impracticable. If an enforcement action is commenced against a commercial edible food  
44 generator for noncompliance, ~~the~~ **The burden of proof shall be upon the**  
45 **commercial edible food generator to demonstrate extraordinary circumstances.**

~~Factors demonstrating extraordinary~~ For the purposes of this section extraordinary circumstances are:

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

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

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

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 18991.4. Record Keeping Requirements For Commercial Edible Food Generators.**

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

(1) A list of each food recovery service or organization that collects or receives its edible food pursuant to a contract or written agreement established under Section 18991.3(b).

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

~~(3) An edible food generator that complies with the requirements of this article through contracting with a food recovery service or organization as allowed in Section 18991.3 shall keep a~~ A record of the following for each food recovery organization or service that the commercial edible food generator has a contract or written agreement with pursuant to Section 18991.3(b): ~~contracts with:~~

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

(B) The types of food that will be collected by or self-hauled transported to the service or organization.

(C) The established frequency that food will be collected or self-hauled transported.

(D) The quantity of food collected or self-hauled transported to a service or organization for food recovery. ~~1. The~~ quantity shall be measured in pounds recovered per month.

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

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 18991.5. ~~Edible~~ Food Recovery Services and Organizations.**

3 (a) A food recovery organization or service that has established a contract or written  
4 agreement to collect or receives ~~6 tons or more of~~ edible food directly -from  
5 commercial edible food generators pursuant to Section 18991.3(b) per year shall  
6 maintain ~~a~~ records specified in this section: that includes all of the following:

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

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

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

12 **(C3)** The quantity in pounds of edible food transported to each edible food  
13 recovery organization per month.

14 **(4) The total number of meals served per month if applicable.**

15 **(D5) For a food recovery service,** The name, address and contact information for  
16 each food recovery organization that the service transports edible food ~~to~~ for food  
17 recovery.

18 **(2) A food recovery organization shall maintain a record of:**

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

21 **(B) The quantity in pounds of edible food received from each commercial**  
22 **edible food generator per month.**

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

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

33  
34 **Section 18992.1. Organic Waste Recycling Capacity Planning.**

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

37 **(1) Estimate the amount of all organic waste in tons that will be disposed by the**  
38 **county and cities jurisdictions within the county by:**

39 **(A) Multiplying the percentage of organic waste reported as disposed in the**  
40 **Department's most recent waste characterization study by the total amount of**  
41 **landfill disposal attributed to the county and each jurisdiction located within the**  
42 **county by the Recycling and Disposal Reporting System; or,**

43 **(B) Using** ~~a jurisdiction-specific~~ **a waste characterization study or studies**  
44 **performed by jurisdictions located within the county and applying the**  
45 **results of those studies to the total amount of landfill disposal attributed to**  
46 **the county and each jurisdiction located within the county by the Recycling**

1 and Disposal Reporting System. Local studies may be used ~~if for the tons~~  
2 ~~disposed by the county or a jurisdiction within the county if~~ the studies study  
3 is:

4 1. Were performed within the last five years. ~~Are more recent than that the~~  
5 ~~Department's most recent waste characterization study.~~

6 2. Include at least the same categories of organic waste as the  
7 Department's most recent waste characterization study that was available  
8 at the time the local study or studies were performed, and

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

12 (2) A county may incorporate the findings of a published report generated by the  
13 appropriate solid waste management entities within the county that provides organic  
14 waste disposal tonnages or percentages for specific organic waste material types that  
15 are not covered in the Department's most recent waste characterization study. This  
16 may include, but is not limited to, reports on tons of biosolids or digestate disposed in  
17 the county.

18 (3) ~~(2)~~ Identify the amount in tons of existing organic waste recycling infrastructure  
19 capacity, located both in the county and outside of the county, that is verifiably  
20 available to the county and jurisdictions located within the county.

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

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

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

31 (4) ~~(3)~~ Estimate the amount of new or expanded organic waste recycling facility  
32 capacity that will be needed to process the organic waste identified pursuant to  
33 ~~subsection~~ Subdivision (a)(1) in addition to the existing capacity identified in  
34 ~~subsection~~ Subdivision (a)(2).

35 (b) A ~~city~~ jurisdiction or regional agency contacted by a county pursuant to ~~e~~ Subdivision  
36 (a) shall respond to the county's request for the information necessary to comply with  
37 the requirements of this article within 120 days of receiving the request from the county.

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

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

1 (c) In complying with this section the county **in coordination with cities jurisdictions and**  
2 **regional agencies located within the county** shall:

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

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

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

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

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

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

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

33 ~~(D) Include eCommunication that is linguistically accessible to required by this~~  
34 ~~sSection must be provided in non-English languages spoken by a substantial~~  
35 ~~number of the public in the applicable jurisdiction speaking residents in a manner~~  
36 **that conforms with the requirements of Section 18985.1(e)(f) if an identified**  
37 ~~location is in a jurisdiction that is required to provide linguistically accessible~~  
38 ~~education and outreach pursuant to that section.~~

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

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

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

5 (A) The implementation schedule shall include timelines and milestones for  
6 planning efforts to access **additional new or expanded** capacity, including, but  
7 not limited to:

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

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

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

16 **(e) The notice the county provides jurisdictions pursuant to ~~e~~ Subdivision (d) shall**  
17 **be provided on or before the county submits the report required pursuant to**  
18 **Section 18992.3.**

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

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

25 **(g) For the purposes of conducting the estimates required by this section, a**  
26 **county may subtract the waste generated in an area subject to a waiver granted**  
27 **by the ~~e~~ Department pursuant to Section 18984.12. A county is not required to**  
28 **obtain information from a ~~city~~ jurisdiction that is waived from all of the organic**  
29 **waste collection 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 **Section 18992.2. Edible Food Recovery Capacity.**

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

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

41 (2) Identify existing capacity at ~~edible~~ food recovery organizations **identified in**  
42 **Section 18982(a)(25)(A)-(B)** that is available to commercial edible food generators  
43 located within the county and jurisdictions within the county.  
44

1 (3) Identify proposed new or expanded ~~edible~~ food recovery organizations and food  
2 recovery services that will be used to ~~process~~recover edible food identified pursuant  
3 to ~~subsection~~Subdivision (a)(1).

4 (4) Identify the amount of new or expanded capacity, if any, at ~~edible~~ food recovery  
5 organizations and food recovery services that is necessary to recover ~~20 percent of~~  
6 the edible food that is estimated to be disposed by commercial edible food  
7 generators in (a)(1).

8 **(b) In complying with this section the county in coordination with ~~cities~~ jurisdictions**  
9 **and regional agencies located within the county shall consult with ~~edible~~ food**  
10 **recovery organizations and ~~edible~~ food recovery services regarding existing, or**  
11 **proposed new and expanded, capacity that could be accessed by the jurisdiction**  
12 **and its commercial edible food generators.**

13 (1) Entities contacted by a jurisdiction shall respond to the jurisdiction within 60 days  
14 regarding available and potential new or expanded capacity

15 **(b)(c) If a county identifies that new or expanded capacity is needed to recover the**  
16 **amount of edible food identified in Subdivision (a)(4), then each jurisdiction within that**  
17 **county that lacks capacity shall.**

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

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

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

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

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

33 **—(d) If a county finds that new or expanded capacity is needed pursuant to**  
34 **Subdivision (c) then on or before the county submits the report required pursuant**  
35 **to Section 18992.3, the county shall notify the jurisdiction or jurisdictions that**  
36 **lack sufficient capacity.**

37 (e) A jurisdiction or regional agency contacted by a county pursuant to this section shall  
38 respond to the county's request for the information necessary to comply with the  
39 requirements of this section within 120 days of receiving the request from the county.

40 (1) If a jurisdiction or regional agency fails to provide the information necessary to  
41 comply with the requirements of this article within 120 days, the county is not required  
42 to include estimates for that jurisdiction in the report it submits pursuant to Section  
43 18992.3.

44 (2) In the report submitted pursuant to Section 18992.3 the county shall identify any  
45 jurisdiction that did not provide the information necessary to comply with the  
46 requirements of this section within 120 days of receiving a request from the county.

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 18992.3. Schedule For Reporting.**

9 (a) Counties, in coordination with ~~cities~~ jurisdictions and regional agencies located within  
10 the county, shall conduct the planning requirements of Sections 18992.1 and 18992.2,  
11 on the following schedule.

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

14 (A) Jurisdictions that are exempt from the organic waste collection requirements  
15 pursuant to Section 18984.12, are not required to conduct the capacity planning  
16 required in Section 18992.1 and are not required to include capacity plans  
17 required by Section 18992.1 in the first reporting period.

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

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

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

24 (b) If a jurisdiction is required to submit an implementation schedule pursuant to Section  
25 18992.1 or 18992.2 the implementation schedule shall be submitted 120 days following  
26 the date the county submitted the report to ~~CalRecycle~~ the Department.

27  
28 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

29  
30 Reference: Public Resources Code Sections ~~40002, 41780.01, 42652.5, 42653, 42654,~~  
31 ~~43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;~~  
32 and Health and Safety Code Sections ~~39730.5, 39730.6, 39730.7 and 39730.8.~~

33  
34 **Article 12. Procurement of Recovered Organic Waste Products**

35  
36 **Section 18993.1. Recovered Organic Waste Product Procurement Target.**

37 (a) Except as otherwise provided, commencing January 1, 2022, a jurisdiction shall  
38 annually procure a quantity of recovered organic waste products that meets or exceeds  
39 its current annual recovered organic waste product procurement target as determined  
40 by this article. For the purposes of this section, "jurisdiction" means a city, a county or a  
41 city and county.

42 (b) On or before January 1, 2022, and on or before January 1 every five years  
43 thereafter, the Department shall recalculate the annual recovered organic waste product  
44 procurement target for each jurisdiction according to the requirements of Subdivision

45 (c).

1 ~~(c).~~ ~~(b)~~ Annually, the Department shall assign confirm and provide notice of the annual  
2 recovered organic waste product procurement target for each jurisdiction, which Each  
3 jurisdiction's recovered organic waste product procurement target shall be calculated by  
4 multiplying the per capita procurement target by the jurisdiction population where:

5 (1) Per capita procurement target = 0.070.08 tons of organic waste per California  
6 resident per year.

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

9 ~~(d)~~ ~~(e)~~ Annually, the The Department shall provide notice to each jurisdiction of its  
10 annual recovered organic waste product procurement target by posting such information  
11 on the Department's website and providing written notice directly to the jurisdiction.

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

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

16 (1) Directly procuring recovered organic waste products for use or giveaway.

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

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

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

24 **(A) A ~~C~~compostable material handling operation or facility permitted or**  
25 **authorized under Chapter 3.1 of this ~~D~~division; or**

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

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

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

34 (4) Mulch, provided that the following conditions are met for the duration of the  
35 applicable procurement compliance year:

36 (A) The jurisdiction has an enforceable ordinance, or similarly enforceable  
37 mechanism, that requires the mulch procured by the jurisdiction to comply with  
38 this article to meet or exceed the physical contamination, maximum metal  
39 concentration, and pathogen density standards for land application specified in  
40 Section 17852(a)(24.5)(A) ~~(1)~~, through ~~(3)~~, of this division; and

41 (B) The mulch is produced at one or more of the following:

42 1. A compostable material handling operation or facility as defined in Section  
43 17852(a)(12), other than a chipping and grinding operation or facility as defined  
44 in Section 17852(a)(10), that is permitted or authorized under this division; or

1 2. A transfer/processing facility or transfer/processing operation as defined in  
2 Section 17402(a)(30) and (31), respectively, that is permitted or authorized  
3 under this division; or

4 3. A solid waste landfill as defined in Public Resources Code Section 40195.1  
5 that is permitted under Division 2 of Title 27 of the California Code of  
6 Regulations.

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

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

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

14 (B) 242 kilowatt-hours of electricity derived from renewable gas.

15 (C) 22 therms for heating derived from renewable gas.

16 ~~(D) 27 therms for pipeline injection of renewable gas.~~

17 ~~(E) (D) 650 kilowatt-hours of electricity derived from biomass conversion.~~

18 (E) ~~(B)~~ 0.58 tons of compost, or 1.45 cubic yards of compost.

19 (F) One ton of mulch.

20 (h) Renewable gas procured from a POTW may only count toward a jurisdiction's  
21 recovered organic waste product procurement target, if provided the following  
22 apply conditions are met for the applicable procurement compliance year:

23 (1) The POTW actively receives organic waste directly from one or more of the  
24 following: ~~a permitted solid waste facility~~

25 (A) A compostable material handling operation or facility as defined in Section  
26 17852(a)(12), other than a chipping and grinding operation or facility as defined in  
27 Section 17852(a)(10), that is permitted or authorized under this division; or

28 (B) A transfer/processing facility or transfer/processing operation as defined in  
29 Section 17402(a)(30) and (31), respectively, that is permitted or authorized under  
30 this division; or

31 (C) A solid waste landfill as defined in Public Resources Code Section 40195.1  
32 that is permitted under Division 2 of Title 27 of the California Code of Regulations.

33 (2) The POTW is in compliance with the exclusion described ~~in a manner that~~  
34 ~~conforms with the requirements of~~ Section 17896.6(a)(1).

35 (3) The jurisdiction receives a record from the POTW documenting the tons of  
36 organic waste received by the POTW from all solid waste facilities described in  
37 subsection (h)(1), above.

38 (4) The amount of renewable gas a jurisdiction or jurisdictions procured from the  
39 POTW for fuel, electricity or heating applications is less than or equal to the POTW's  
40 production capacity of renewable gas generated from organic waste received at the  
41 POTW directly from solid waste facilities as determined using the relevant conversion  
42 factors in Subdivision (g).

43 ~~(2) (5) The POTW transported less than 25 percent of the biosolids it produced~~  
44 ~~to activities that constitute landfill disposal. in the previous calendar year.~~

45 (i) Electricity procured from a biomass conversion facility may only count toward  
46 a jurisdiction's recovered organic waste product procurement target if the



1 biomass conversion facility receives feedstock directly from one or more of the  
2 following ~~a permitted solid waste facility~~ during the duration of the applicable  
3 procurement compliance year:

4 (1) A compostable material handling operation or facility as defined in Section  
5 17852(a)(12), other than a chipping and grinding operation or facility as defined in  
6 Section 17852(a)(10), that is permitted or authorized under this division; or

7 (2) A transfer/processing facility or transfer/processing operation as defined in  
8 Sections 17402(a)(30) and (31), respectively, that is permitted or authorized under  
9 this division; or

10 (3) A solid waste landfill as defined in Public Resources Code Section 40195.1 that is  
11 permitted under Division 2 of Title 27 of the California Code of Regulations.

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  
16 §Subdivision (g), ~~the jurisdiction is only required to procure recovered organic~~  
17 ~~waste products described in (f) in an amount equal to its total~~ **the target shall** ~~may~~  
18 **be adjusted to an amount equal to its total procurement of those products as**  
19 **converted to their recovered organic waste product equivalent** ~~purchase of~~  
20 ~~transportation fuel and renewable transportation fuel~~ from the previous year  
21 **consistent with §Subdivision (g).**

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

25 (l) Rural counties, and jurisdictions located within rural counties that are exempt from  
26 the organic waste collection requirements pursuant to Section 18984.12(c) are not  
27 required to comply with the procurement requirements in this Section from January 1,  
28 2022-December 31, 2026.

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 18993.2. Record Keeping Requirements For Recovered Organic Waste**  
37 **Procurement Target.**

38 (a) A jurisdiction, as defined in 18993.1(a), shall include all documents supporting its  
39 compliance with this article in the implementation record required by Section 18995.2 of  
40 this chapter, including, but not limited to, the following:

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

43 (2) The name, physical location, and contact information of ~~the~~ each entity, operation,  
44 or facility from whom the recovered organic waste products were procured, and a  
45 general description of how the product was used, and, if applicable, where the  
46 product was applied.

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

2 (4) If a jurisdiction will include procurement of recovered organic waste products  
3 made by a direct service provider to comply with **the procurement requirements**  
4 ~~mandate of this article~~ **Section 18993.1(a)**, the jurisdiction shall include all records  
5 of procurement of recovered organic waste products made by the direct service  
6 provider on behalf of the jurisdiction including invoices or similar records evidencing  
7 procurement.

8 (5) If a jurisdiction will include **renewable gas transportation fuel** procured from a  
9 POTW **for any of the uses identified in 18993.1(f)(2) to comply with the**  
10 **procurement mandate of Section 18993.1(a)**, a written certification, ~~furnished~~  
11 ~~under penalty of perjury in a form and manner determined by the jurisdiction,~~ by an  
12 authorized representative of the POTW, ~~under penalty of perjury in a form and~~  
13 ~~manner determined by the jurisdiction,~~ **of the tons of landfill-diverted organic**  
14 **waste processed into renewable gas provided to the jurisdiction** ~~certifying that~~  
15 ~~the POTW produces the renewable gas consistent with the requirements of Section~~  
16 ~~18993.1(h)~~ ~~attesting to the following for the applicable procurement compliance year:~~

17 (A) That the POTW was in compliance with the exclusion in Section  
18 17896.6(a)(1);

19 (B) The total tons of organic waste received from the types of solid waste facilities  
20 listed in Section 18993.1(h)(1); and

21 (C) The percentage of biosolids that the POTW produced and transported to  
22 activities that constitute landfill disposal.

23 ~~The certification shall be furnished under penalty of perjury in a form and manner~~  
24 ~~determined by the jurisdiction.~~

25 **(6) If a jurisdiction will include electricity procured from a biomass conversion**  
26 **facility to comply with the procurement mandate of Section 18993.1(a), a**  
27 **written certification by an authorized representative of the biomass conversion**  
28 **facility certifying that biomass feedstock ~~is sourced~~ was received from a**  
29 **permitted solid waste facility identified in 18993.1(i) shall be provided to the**  
30 **jurisdiction. The certification shall be furnished under penalty of perjury in a**  
31 **form and manner determined by the jurisdiction.**

32 **(7) If the jurisdiction is implementing the procurement requirements of Section**  
33 **18993.1 through an adjusted recovered organic waste product procurement**  
34 **target pursuant to Section 18993.1(j), the jurisdiction shall include records**  
35 **evidencing the total ~~volume~~ amount of transportation fuel, electricity, and gas**  
36 **for heating applications ~~and pipeline injection~~ procured during the calendar year**  
37 **prior to the applicable reporting period.**

38 (8) For jurisdictions complying with the requirements of Section 18993.1, through the  
39 procurement of mulch, a copy of the ordinance or similarly enforceable mechanism  
40 the jurisdiction has adopted requiring that mulch procured by the jurisdiction or a  
41 direct service provider meets the land application standards specified in Section  
42 18993.1.

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

5 (a) A jurisdiction shall procure paper products, and printing and writing paper, **in**  
6 **compliance with this section.** ~~consistent with the requirements of Sections~~  
7 ~~22150-22154 of the Public Contracts Code. (b) Commencing January 1, 2022, a~~  
8 ~~jurisdiction shall comply with the following:~~

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

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

13 ~~(3)(c) In addition to meeting the requirements of s~~Subdivision (a), ~~above, p~~Paper  
14 products and printing and writing paper shall be eligible to be labeled with an unqualified  
15 recyclable label as defined in 16 Code of Federal Regulations (CFR) Section 260.12  
16 (2013).

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

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

26 (2) That the paper products and printing and writing paper offered or sold to the  
27 jurisdiction is eligible to be labeled with an unqualified recyclable label as defined in  
28 16 CFR Section 260.12 (2013).

29  
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; and~~  
37 ~~Public Contracts Code Sections 22150, 22151, 22152, 22153, and 22154.~~

### 38 **Section 18993.4. Record~~k~~ Keeping Requirements for Recycled Content Paper** 39 **Procurement.**

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

43 (1) Copies of invoices, ~~or~~ receipts or other proof of purchase that describe the  
44 procurement of paper products by volume and type for all paper purchases.

45 (2) Copies of all certifications or other verification required under Section 18993.3.  
46

1  
2 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.  
3 Reference: *Public Resources Code Section 42652.5; Health and Safety Code Section*  
4 *39730.6; and Public Contracts Code Sections 22150, 22151, 22152, 22153, and 22154.*  
5

## 6 **Article 13. Reporting**

### 7 **Section 18994.1. Initial Jurisdiction Compliance Report.**

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

11 (1) A copy of ordinances ~~or other enforceable mechanisms~~ adopted pursuant to this  
12 chapter.

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

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

17 ~~(3) Contact information for the responsible person for compliance-related issues,~~  
18 ~~including name, address, phone number and email address. The following contact~~  
19 ~~information:~~

20 (A) The name, mailing address, phone number, and email address of the  
21 employee of the jurisdiction that the jurisdiction has designated as the primary  
22 contact person for the purposes of receiving communications regarding  
23 compliance with this chapter.

24 (B) The name and address of the agent designated by the jurisdiction for the  
25 receipt of service of process from the Department for the purposes of enforcement  
26 of this chapter if different from (A), above.

27  
28  
29 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

30  
31 Reference: ~~Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654,~~  
32 ~~43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;~~  
33 ~~and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.~~  
34

### 35 **Section 18994.2. Jurisdiction Annual Reporting.**

36 (a) A jurisdiction shall report the information required in this section to the Department  
37 according to the following schedule:

38 (1) On or before October 1, 2022, a jurisdiction shall report for the period of January  
39 1, 2022 through June 20, 2022.

40 (2) Commencing On or before August 1, 20222023, and annually on or before  
41 August 1 each year thereafter, a jurisdiction shall report ~~the information required by~~  
42 ~~this section to the Department. The report submitted in 2022 shall cover the period~~  
43 ~~of January 1, 2022 through June 30, 2022. Each subsequent report shall for the~~  
44 ~~period covering the entire previous calendar year.~~

1 ~~\_\_\_(1) Notwithstanding Subdivision (a), a jurisdiction that complies with Section 18994.1~~  
2 ~~may submit the the first report, covering the period of January 1, 2022 through June 30,~~  
3 ~~2022, on October 1, 2022.~~

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

6 (1) The type of organic waste collection service(s) provided by the jurisdiction to its  
7 generators.

8 (2) The total number of generators that receive each type of organic waste collection  
9 service provided by the jurisdiction.

10 (3) If the jurisdiction is implementing an organic waste collection service that requires  
11 transport of the contents of containers to a high diversion organic waste processing  
12 facility, the jurisdiction shall identify the Recycling and Disposal Reporting System  
13 Number of each facility that receives organic waste from the jurisdiction.

14 (4) If the jurisdiction allows placement of compostable plastics in containers  
15 pursuant to Section 18984.1 or 18984.2, the jurisdiction shall identify each  
16 facility that has notified the jurisdiction that it accepts and recovers that  
17 material.

18 (5) If the jurisdiction allows organic waste to be collected in plastic bags and  
19 placed in containers pursuant to Section 18984.1 or 18984.2 the jurisdiction  
20 shall identify each facility that has notified the jurisdiction that it # can accept  
21 and remove plastic bags when it recovers source separated organic waste.

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

24 (1) The number of route reviews conducted for prohibited container contaminants.

25 (2) The number of times notices, violations, or targeted education materials were  
26 issued to generators for prohibited container contaminants.

27 ~~(3) The number of notifications received from a solid waste facility operator regarding~~  
28 ~~prohibited container contaminants received at the facility pursuant to Section~~  
29 ~~(17409.5.7).~~

30 (3)(4) The number results of waste composition studies evaluations performed to  
31 meet the container contamination minimization requirements and the number of  
32 resulting targeted route reviews.

33 (d) Each jurisdiction shall report the following relative to its implementation of waivers  
34 pursuant to Article 3 of this chapter.:

35 (1) The number of days an emergency circumstances waiver as allowed in Section  
36 18984.13 was in effect and the type of waiver issued.

37 (2) The tons of organic waste that were disposed as a result of waivers identified in  
38 Subsection (1), except disaster and emergency waivers granted in Section  
39 18984.13(b).

40 (3) The number of generators issued a de-minimis waiver.

41 (4) The number of generators issued a physical space waiver.

42 (5) A jurisdiction that receives a waiver from the Department pursuant to Section  
43 18984.12 of Article 3 of this chapter shall report the following information for each  
44 year the waiver is in effect:

45 (A) The number of generators waived from the requirement to subscribe to an  
46 organic waste collection service.

1 (e) A jurisdiction shall report the following regarding its implementation of education and  
2 outreach required in Article 4 of this chapter:

3 (1) The number of organic waste generators and edible food generators that received  
4 information and the type of education and outreach used.

5 ~~(2) The number of limited English speaking and linguistically isolated households that~~  
6 ~~received information required by Article 4.~~

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

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

10 (2) The Recycling and Disposal Reporting System number of each facility that is  
11 receiving organic waste from haulers approved by the jurisdiction.

12 (3) The number of haulers that have had their approval revoked or denied.

13 ~~(4) The number of self haulers approved to operate within the jurisdiction.~~

14 ~~(5) The total amount, in tons, of source separated organic waste that was self-~~  
15 ~~hailed by organic waste generators and reported to the jurisdiction pursuant~~  
16 ~~to Section 18988.3.~~

17 (g) A jurisdiction subject to article 8 shall report the following regarding its  
18 implementation of the CALGreen Cal Green Building Standards and Model Water  
19 Efficient Landscape Ordinance as required in Article 8 of this chapter:

20 (1) The number of construction and demolition debris removal activities conducted in  
21 compliance with Section 18989.1 ~~this chapter~~.

22 (2) The number of projects subject to Section 18989.2.

23 (h) A jurisdiction shall report the following regarding its implementation of the edible  
24 food recovery requirements of Article 10 of this chapter.

25 (1) The number of commercial edible food generators located within the jurisdiction.

26 (2) The number of food recovery services and organizations located and operating  
27 within the jurisdiction ~~that contract with or have written agreements with~~ ~~serve~~  
28 commercial edible food generators for food recovery. ~~that collect or receive more~~  
29 than 6 tons of food per year.

30 (A) A jurisdiction shall require food recovery organizations and services that are  
31 located within the jurisdiction and ~~contract with or have written agreements with~~  
32 commercial edible food generators pursuant to Section 18991.3 (b) to ~~collect or~~  
33 ~~receive 6 tons or more of edible food from commercial edible food generators per~~  
34 ~~year~~ to report the amount of edible food in pounds recovered by the service or  
35 organization in the previous calendar year to the jurisdiction.

36 (3) The jurisdiction shall report on the total pounds amount of edible food recovered  
37 by ~~edible~~ food recovery organizations and services pursuant to Subdivision (h)(2)(A).  
38 ~~that are located within its jurisdiction.~~

39 (i) A jurisdiction shall report the following regarding its implementation of the organic  
40 waste recycling capacity planning and edible food recovery capacity planning  
41 requirements of Article 11 of this chapter:

42 (1) A county shall report:

43 (A) The tons estimated to be generated for landfill disposal.

44 (B) The amount of capacity verifiably available to the county and cities within the  
45 county.

46 (C) The amount of new capacity needed.

1 (D) The locations identified for new or expanded facilities.

2 (E) The jurisdictions that are required to submit implementation schedules.

3 (F) The jurisdictions that did not provide information required by Article 11 of  
4 this chapter to the county within 120 days.

5 ~~(2) A jurisdiction that is required to submit an implementation schedule shall report~~  
6 ~~the information required in Sections 18992.1 (c) and 18992.2 (b) of this chapter.~~

7 ~~(2) Notwithstanding Subdivision (a), the information required by this subdivision~~  
8 ~~shall be reported on the schedule specified in Section 18992.3 of this chapter.~~

9 (i) A jurisdiction, as defined in Sections 18993.1, shall report the following regarding its  
10 implementation of the procurement requirements of Article 12 of this chapter:

11 (1) The amount volume of each recovered organic waste product procured directly by  
12 the city, county, or through direct service providers, or both during the prior calendar  
13 year.

14 ~~(2) The total dollar amount spent on all paper purchases.~~

15 ~~(3) The total dollar amount spend on all recycled content paper purchases.~~

16 (2) (4) If the jurisdiction is implementing the procurement requirements of  
17 Section 18993.1 through an adjusted recovered organic waste product  
18 procurement target pursuant to Section 18993.1(j), the jurisdiction shall include  
19 in its report the total amount volume of transportation fuel, electricity, and gas  
20 for heating applications and pipeline injection procured during the calendar year  
21 prior to the applicable reporting period. (4) If the jurisdiction, pursuant to  
22 Section 18933.1(h), procures a reduced amount of recovered organic waste  
23 transportation fuel, the jurisdiction shall report on the total volume of  
24 transportation fuel and renewable transportation fuel procured in the previous  
25 year.

26 ~~(5) Additional procurement opportunities identified within the jurisdiction's~~  
27 ~~departments, as required in Section 18993.1.~~

28 (k) A jurisdiction shall report the following regarding its implementation of the  
29 compliance, monitoring, and enforcement requirements specified in Articles 14-16 of  
30 this chapter:

31 (1) The number of commercial businesses subject to that were included in a  
32 compliance reviews performed by the jurisdiction pursuant to Section 18995.1(a)(1).  
33 and As well as the number of violations found and corrected through the compliance  
34 reviews if different from the amount reported in Subdivision (k)(5).

35 (2) The number of route reviews conducted per calendar year.

36 (3) The number of inspections conducted by type for commercial edible food  
37 generators, food recovery organizations, and commercial businesses, per calendar  
38 year.

39 (4) The number of complaints pursuant to Section 18995.3 that were received and  
40 investigated, and the violations found number of Notices of Violation issued based on  
41 investigation of those complaints per calendar year.

42 (5) The number of Notices of Violation issued, categorized by type of entity subject to  
43 this chapter (generator, hauler, edible food generators) per calendar year.

44 (6) The number of penalties penalty orders issued, categorized by type of entity  
45 subject to this chapter (generator, hauler, edible food generators) per calendar year.

1 (7) The number of enforcement actions that were resolved, during the calendar year,  
2 categorized by type of regulated entity, ~~entities by type (generator, hauler, edible~~  
3 ~~food generators) that came into compliance in the calendar year.~~

4 (l) A jurisdiction shall report any changes to the information described in Sections  
5 18994.1(a)(1) and 18994.1(a)(3).

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 Article 14 Enforcement Requirements

### 13 Section 18995.1. Jurisdiction Inspection and Enforcement Requirements.

14  
15 (a) On or before January 1, 2022, a jurisdiction shall have an inspection and  
16 enforcement program that **ensures is designed to ensure overall** compliance with this  
17 chapter and that, at a minimum, includes the following requirements:

18  
19 (1) **On or before Beginning** January ~~131~~, 2022, and at least annually thereafter, a  
20 jurisdiction shall conduct the following:

21 (A) If the jurisdiction is using the compliance method described in Section 18984.1  
22 ~~or 18984.2~~ of this ~~division~~, the jurisdiction shall ~~4. C~~ complete a compliance  
23 review of all solid waste collection ~~garbage~~ accounts for commercial businesses  
24 that are subject to its authority, and that generate two cubic yards or more per  
25 week of solid waste, ~~and produce~~ including organic waste.

26 1. The jurisdiction shall; and, also determine their compliance with:

27 i. Organic waste generator requirements set forth in Section 18984.9(a);

28 ii. Self-haul requirements set forth in Section 18988.3, including whether a  
29 business is complying through back-hauling organic waste.

30 2. Beginning April 1, 2022, the jurisdiction shall ~~E~~either:

31 i. ~~Ce~~ Conduct **annual** route reviews of commercial businesses and residential  
32 **areas generators** for compliance with organic waste generator requirements  
33 set forth in Section 18984.9(a) and container contamination requirements set  
34 forth in Section 18984.5; ~~or~~

35 ii. **Perform waste composition studies evaluations consistent with Section**  
36 **18984.5(c) to verify commercial businesses and residential generators**  
37 **for compliance with organic waste generator requirements set forth in**  
38 **Section 18984.9(a).**

39 (B) If a jurisdiction is using the compliance method described in Section 18984.3,  
40 the jurisdiction shall conduct a compliance review of all garbage-solid waste  
41 collection accounts for commercial businesses that are subject to its authority,  
42 and generate two cubic yards or more per week of solid waste, ~~and~~  
43 ~~produce~~ including organic waste.

44 1. The jurisdiction shall; and, also determine their compliance with:



1 1. Organic waste generator requirements set forth in Section 18984.9(a) and  
2 document if the business is transporting the contents to a high diversion  
3 organic waste processing facility; or

4 ii. Self-hauling requirements pursuant to Section 18988.3, including  
5 whether a business is complying through back-hauling organic waste.

6 (2) **Beginning January 1, 2022, c**conduct inspections of Tier One commercial  
7 edible food generators and food recovery organizations **and services** for compliance  
8 with this chapter. **On or after Beginning** January 1, 2024, conduct inspections of  
9 Tier Two commercial edible food generators for compliance with Article 10 **of this**  
10 chapter.

11 (3) **Beginning Januarys 1, 2022, c**Conduct inspections, route reviews, or  
12 compliance reviews when investigating **a complaints** in accordance with **as required**  
13 under Section 18995.3 **of this chapter.**

14 (4) **Beginning On and after** January 1, 2022 and until **January 1, 2024** **December 31,**  
15 **2023,** if a jurisdiction **determines that an organic waste generator, self-hauler, hauler,**  
16 **or commercial edible food generator, or other entity is not in compliance with this**  
17 **chapter, it shall provide educational material to the entity describing its obligations**  
18 **under this** the applicable requirements of this chapter in response to violations.

19 (5) **Beginning On and after** January 1, 2024, **if a jurisdiction determines that an**  
20 **organic waste generator, self-hauler, hauler, or commercial edible food generator, or**  
21 **other entity subject to its authority is not in compliance with this chapter, it a**  
22 **jurisdiction shall shall document the violation and take enforcement action this**  
23 **chapter as set forth in** pursuant to Sections 18995.4 and 18997.2 in response to  
24 **violations of this chapter.**

25 (6) **Annually verify** At least every five years from the date of issuance, **Every 24**  
26 **months verify** through inspection **that commercial, annual review or route review**  
27 businesses are meeting de minimis and physical space waivers for compliance  
28 **consistent** with the requirements of Section 18984.11.

29 (b) A jurisdiction shall conduct a sufficient number of **compliance reviews,** route reviews  
30 and inspections **of entities described in this section,** -to **ensure adequately**  
31 **determine overall** compliance with this chapter. A jurisdiction **shall inspect may**  
32 **prioritize inspections of** entities that it determines are more likely to be out of  
33 **compliance, based on complaints or reports that it receives from the haulers, facilities,**  
34 **or other complainants, the jurisdiction's random route reviews, or other means.**

35 (c) A jurisdiction shall generate a written **or electronic recordport** for each inspection,  
36 route review, and compliance review conducted pursuant to this chapter. Each  
37 **recordport** shall include, at a minimum, the following information:

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

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

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

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

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

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

1 (4) The jurisdiction's findings ~~including if there was compliance with or a violation of~~  
2 regarding compliance with this chapter, including any Notices of Violation or  
3 educational materials that were issued.

4 (5) Any ~~relevant supporting~~ evidence supporting the findings in Subsection (4), above  
5 ~~or findings~~, such as, but not limited to, photographs and account records.

6 (6) ~~The~~ Route review records shall also include a description of the locations of the  
7 route review(s) and the ~~source of contamination, photographs, and notices or~~  
8 ~~education materials given to generators~~ addresses where prohibited container  
9 contaminants are found, if any.

10 (d) **Copies of all reports-Documentation** of route reviews, compliance reviews, and  
11 inspections, as well as all other records of enforcement conducted pursuant to this  
12 chapter shall be maintained in the Implementation Record required by Section 18995.2  
13 of this chapter, and shall include, but not be limited to:

14 (1) Copies of all documentation of route reviews, compliance reviews, and  
15 inspections.

16 (2) Copies of all enforcement actions required by Section 18995.4 of this chapter,  
17 including Notices of Violations, ~~subsequent notices,~~ and ~~penalties issued orders.~~

18 (3) A list of the date(s) **that the jurisdiction determined the an entity es complied**  
19 **with issued** a Notice of Violation **came into compliance** and **the** evidence that  
20 supports that compliance determination.

21 (4) Copies of notices and educational material provided as required by this section.

22 (e) Consistent with Section 18981.2, a jurisdiction may have a designee conduct  
23 inspections required by this section.

24 **(f) Any records obtained by a jurisdiction through its implementation and**  
25 **enforcement of the requirements of this chapter during its inspections and review shall**  
26 **be subject to the requirements and applicable disclosure exemptions of the**  
27 **Public Records Act as set forth in Government Code Section 6250 et seq.**  
28

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

30  
31 Reference: Public Resources Code Sections ~~40002, 41780.01, 42652.5, 42653, 42654,~~  
32 ~~43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;~~  
33 ~~and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.~~  
34

### 35 **Section 18995.2. Implementation Record and Recordkeeping Requirements.**

36 (a) A jurisdiction shall maintain all records required by this chapter in the  
37 Implementation Record, ~~in the following manner:~~

38 (b) The Implementation Record shall be stored in one central location, physical or  
39 electronic, that can be readily accessed by the Department. ~~The jurisdiction shall~~  
40 ~~provide its central location for records and a point of contact to the Department to~~  
41 ~~facilitate the Department's review of the records.~~

42 (c) Upon request by the Department, the jurisdiction shall provide access to the  
43 Implementation Record within **one ten** business days.

44 (d) All records and information ~~from each reporting period~~ shall be included in the  
45 Implementation Record within ~~6030~~ days ~~of the creation of the record or information. of~~  
46 ~~the last day of the reporting period.~~

- 1 (e) All records shall be retained by the jurisdiction for five years.  
 2 (f) At a minimum, the following shall be included in the Implementation Record:  
 3 (1) A copy of all ordinances, ~~or other similarly~~ enforceable mechanisms, contracts, ~~of~~  
 4 ~~and~~ agreements, as required by this chapter.  
 5 (2) A ~~copy~~ written description of the jurisdiction's inspection and enforcement  
 6 program that it uses to comply with Sections 18995.1 and 18995.4 ~~of this chapter.~~  
 7 (3) All organic waste collection service records required by Section 18984.4 ~~of this~~  
 8 ~~chapter.~~  
 9 (4) All contamination minimization records required by Section 18984.6 ~~of this~~  
 10 ~~chapter.~~  
 11 (5) All waiver and exemption records required by Section 18984.14 ~~of this chapter.~~  
 12 (6) All education and outreach records required by Section 18985.3 ~~of this chapter.~~  
 13 (7) All hauler program records required by Section 18988.4 ~~of this chapter.~~  
 14 (8) All jurisdiction edible food recovery program records required by Section 18991.2  
 15 ~~of this chapter.~~  
 16 (9) All recovered organic waste procurement target records required by Section  
 17 18993.2 ~~of this chapter.~~  
 18 (10) All recycled content paper procurement records required by Section 18993.54 ~~of~~  
 19 ~~this chapter.~~  
 20 (11) All inspection, route review, and compliance review **documents reports**  
 21 generated pursuant to the requirements of Section 18995.1 ~~(ed)~~ ~~of this chapter.~~  
 22 (12) All records of enforcement actions undertaken pursuant to this chapter.  
 23 (13) All records of complaints and investigations of complaints required by Section  
 24 18995.3 ~~of this chapter~~ and compliance with the jurisdiction's ~~inspection and~~  
 25 ~~enforcement~~ requirements of Sections 18995.1 ~~(e) and 18995.3(g) of this chapter.~~  
 26 **(14) All records required by Section 18998.4 if the jurisdiction is implementing**  
 27 **a performance-based source-separated organic waste collection service under**  
 28 **Article 17 of this chapter.**  
 29 (g) All records maintained in the ~~Implementa~~**Implementation** Record shall be  
 30 subject to the requirements and **applicable disclosure** exemptions of the Public  
 31 Records Act **as** set forth in Government Code Section 6250 et seq.

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  
 39 **Section 18995.3. Jurisdiction Investigation of Complaints of Alleged Violations**

- 40 ~~(a) Any person having information that an entity is in violation of this chapter, may file a~~  
 41 ~~complaint with the jurisdiction, in a manner specified by the jurisdiction. The jurisdiction~~  
 42 ~~may request that the complaint include the following: A jurisdiction shall provide a~~  
 43 ~~procedure for the receipt and investigation of written complaints of alleged violations of~~  
 44 ~~this chapter. The jurisdiction shall allow for the submission of anonymous complaints.~~  
 45 ~~(b) The procedure shall provide that complaints be in writing and include the following~~  
 46 ~~information:~~

1 (1) If the complaint is not anonymous, the ~~The~~ name and contact information of the  
2 complainant.

3 (2) The identity of the ~~entity~~ alleged ~~by~~ violator, if known. ~~in violation and location and~~

4 (3) A description of the ~~alleged~~ violation including location(s) and all other relevant  
5 facts known to the complainant.

6 ~~(3)~~(4) Any relevant photographic or documentary evidence to support the allegations  
7 in the complaint. ~~All known facts relevant to the alleged violation including, but not~~  
8 ~~limited to, information relating to witnesses and physical evidence.~~

9 (5) The identity of any witnesses, if known.

10 ~~(b) Upon request, the jurisdiction shall ensure that the name and contact information of~~  
11 ~~a complainant remain confidential.~~

12 ~~(c) The Department may also file, or forward, a complaint to the jurisdiction.~~

13 ~~(d) Upon receipt of a complaint, a~~

14 (c) A jurisdiction shall commence an investigation, within 90 days of receiving a  
15 complaint that meets the requirements of Subdivision (b), ~~investigate the complaint if~~  
16 the jurisdiction ~~it~~ determines that the allegations, if true, would constitute a violation of  
17 this chapter. The jurisdiction may decline to investigate a complaint if, in its judgment,  
18 investigation is unwarranted because the allegations are contrary to facts known to the  
19 jurisdiction.

20 ~~(d)~~(e) The jurisdiction shall provide a ~~method~~ procedure to notify ~~for~~ a complainant ~~to~~  
21 ~~find out~~ of the results of their complaint if the identity and contact information of the  
22 complainant are known.

23 (e)~~(f)~~ The jurisdiction shall maintain records of all complaints and responses pursuant to  
24 this section in the Implementation Record set forth in Section 18995.2 ~~of this chapter.~~  
25 The records shall include the complaint as received, ~~the date the jurisdiction~~  
26 ~~investigated the complaint,~~ and the jurisdiction's determination of compliance or notice  
27 of violations issued.

28 ~~(g) If a jurisdiction determines that a violation has occurred, it shall take enforcement~~  
29 ~~action as required by 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 18995.4. Enforcement by a Jurisdiction.**

38 (a) ~~With the exception of violations of the prohibited container contaminants provisions~~  
39 ~~in Section 18984.5(a), which a jurisdiction shall enforce through the notice provisions of~~  
40 ~~Section 18984.5(b), **if an entity has been found in** ~~f~~For violations of this chapter~~  
41 **occurring on or** after January 1, 2024, the jurisdiction shall take enforcement action as  
42 set forth in this section.

43 (1) The jurisdiction shall issue a Notice of Violation ~~to any entity found in violation~~  
44 ~~within 60 days after determining of a determination that a violation has~~  
45 ~~occurred~~ requiring compliance within 60 days of the issuance of that notice.

1 ~~(2) The jurisdiction shall conduct follow-up inspections to determine if compliance is~~  
2 ~~achieved, at least every 90 days following the issue date of the first an initial Notice of~~  
3 ~~Violation, and continue to issue issue Notices of Violation until compliance is~~  
4 ~~achieved or a penalty has been issued.~~

5 ~~(32) Except as otherwise provided in Section 18984.5 Absent compliance by the~~  
6 ~~respondent within the deadline set forth in the Notice of Violation, the The jurisdiction~~  
7 ~~shall commence an actions to impose a penalty penalties pursuant to Article 16 of this~~  
8 ~~chapter. within the following time frames: on the entity within the following~~  
9 ~~timeframes:~~

10 ~~(A) For a first violation offense violation, no later than 150 days after the issuance~~  
11 ~~of the initial Notice of Violation.~~

12 ~~(B) For a second, third violation and all subsequent offenses~~  
13 ~~violations violations, no later than 90 days after the issuance of the initial Notice~~  
14 ~~of Violation.~~

15 ~~1. The commencement of each action to impose a penalty pursuant to Article~~  
16 ~~16 or local ordinance adopted pursuant to the mandates of this chapter shall~~  
17 ~~constitute an offense for purposes of the penalty calculations in Section~~  
18 ~~18997.2.~~

19 ~~2. The commencement of an action against the same person or entity for a~~  
20 ~~violation of the same subsection of this chapter or local ordinance adopted~~  
21 ~~pursuant to the mandates of this chapter within one year of imposing a penalty~~  
22 ~~for a first offense pursuant to Article 16 shall constitute a second or subsequent~~  
23 ~~offense for purposes of the penalty calculations in Section 18997.2.~~

24 ~~(4) The jurisdiction may seek equivalent or stricter nonmonetary remedies to those~~  
25 ~~set forth in Section 18997.2 of this chapter.~~

26 ~~(b) The jurisdiction may grant extensions to extend the compliance deadlines set forth in~~  
27 ~~subsection a Notice of Violation issued pursuant to Subdivision (a) if it finds that~~  
28 ~~extenuating circumstances beyond the control of the respondent make compliance~~  
29 ~~within the deadlines impracticable. For purposes of this section, extenuating~~  
30 ~~circumstances are:~~

31 ~~(1) The entity has made an effort but has failed to comply within the deadline due to~~  
32 ~~extenuating circumstances outside its control. Examples of extenuating~~  
33 ~~circumstances include a Acts of God such as, inclement weather, or earthquakes,~~  
34 ~~wildfires, flooding, and other emergencies or natural disasters; or and d~~

35 ~~(2) Delays in obtaining discretionary permits or other government agency approvals,~~  
36 ~~but where the entity's actions or failure to act was not the cause of the delay; or and;~~

37 ~~(23) The entity's e Deficiencies in organic waste recycling compliance is not possible~~  
38 ~~due to limitations in capacity infrastructure or edible food recovery capacity, and the~~  
39 ~~relevant jurisdiction in which it resides is under a Corrective Action Plan (CAP)~~  
40 ~~pursuant to Section 18996.2 due to long term infrastructure or capacity those~~  
41 ~~deficiencies.~~

42 ~~(c) A Notice of Violation jurisdiction shall provide include the following information in~~  
43 ~~any Notice of Violation or other enforcement notices:~~

44 ~~(1) The account name(s), or account name(s) if different, name, or names of each~~  
45 ~~person or entity to whom it is directed. Notices must go to the legally responsible~~  
46 ~~party, such as business owner, service account holder, property owner, etc.~~

1 ~~(2) The list and~~ A factual description of the violations of this chapter, including the  
2 ~~local ordinance~~ regulatory section(s) 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 15 **Article 15. Enforcement Oversight by the Department**

### 16 17 **Section 18996.1. Department Evaluation of Jurisdiction Compliance.**

18 (a) The Department shall evaluate a jurisdiction's compliance with this chapter as set  
19 forth in this article.

20 (b) In conducting a compliance evaluation, the Department shall review the jurisdiction's  
21 Implementation Record and may conduct inspections, compliance reviews, and route  
22 reviews.

23 (c) The Department shall notify the jurisdiction prior to conducting a compliance  
24 evaluation.

25 ~~(d) A summary of t~~ The Department's findings shall be provided in writing its findings to  
26 the jurisdiction in writing.

27 (e) If the Department determines at any time that an ordinance adopted by a jurisdiction  
28 is inconsistent with or does not meet the requirements set forth in this chapter, the  
29 Department shall notify the jurisdiction and provide an explanation of the deficiencies.  
30 The jurisdiction shall have 90180 days from that notice to correct the deficiencies. If the  
31 jurisdiction does not, the Department may shall commence enforcement actions as set  
32 forth in Section 18996.2 of this chapter.

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 **Section 18996.2. Department Enforcement Action Over Jurisdictions.**

41 ~~(a) If the Department finds that a jurisdiction is violating one or more of the requirements~~  
42 ~~of this chapter, then the Department may take the following actions~~ The Department  
43 shall enforce this chapter according to the following procedures:

44 (1) Issue a Notice of Violation requiring compliance within 90 days of the date of  
45 issuance of that notice. The Department may shall grant a ~~An extension may be~~  
46 ~~granted for up to an additional 90~~ a total of 180 days from the date of issuance of the

1 Notice of Violation; ~~if the jurisdiction submits a written request to the Department~~  
2 ~~within 60 days of the Notice of Violation's issuance that~~ if it finds that additional time is  
3 necessary for the jurisdiction to comply. ~~includes:~~

4 ~~(A) Evidence that additional time is needed to comply.~~

5 ~~(B) The steps the jurisdiction will take to correct the violation, including~~  
6 ~~demonstration that it can comply within 180 days of the Notice of Violation's~~  
7 ~~issuance date.~~

8 (2) The Department ~~may~~ shall extend the ~~timeframe~~ deadline for a jurisdiction to  
9 comply beyond ~~the maximum compliance 180 days from the Notice of Violation~~  
10 ~~issuance date~~ deadline allowed in Subdivision (a)(1) by issuing a Corrective Action  
11 Plan (CAP) for up to 24 months, setting forth the steps actions a jurisdiction shall take  
12 to achieve compliance correct the violation(s). ~~A Corrective Action Plan~~ may shall be  
13 issued if the jurisdiction has demonstrated, that ~~Department finds that~~ additional time  
14 is necessary for the jurisdiction to comply and ~~if the jurisdiction has made a~~  
15 substantial effort to ~~comply~~ meet the maximum compliance deadline and but there  
16 are extenuating circumstances beyond the control of the jurisdiction that have  
17 prevented it from complying ~~make compliance impracticable.~~ The Department shall  
18 base its finding on available evidence, including relevant evidence provided by the  
19 jurisdiction.

20 ~~(A) A jurisdiction shall submit a written request for the extension at least 30 days~~  
21 ~~prior to the Notice of Violation final compliance date. The request shall provide~~  
22 ~~documentation demonstrating its substantial effort to comply, and the extenuating~~  
23 ~~circumstances which prevents it from complying, and identify the critical~~  
24 ~~milestones that the jurisdiction would need to meet in order to comply within 24~~  
25 ~~months.~~

26 ~~4(A):~~ If a jurisdiction claims that the cause of the ~~is unable to comply with the~~  
27 maximum compliance deadline allowed in Subdivision (a)(1) ~~delay is due to~~  
28 deficiencies in organic waste recycling capacity infrastructure ~~inadequate capacity~~  
29 of organic waste recovery facilities, ~~the Department~~ may shall ~~issue a Corrective~~  
30 Action Plan for such violations ~~it shall document the lack of capacity and upon~~  
31 making a finding that:

32 1. Additional time is necessary for the jurisdiction to comply; and

33 2. The jurisdiction ~~demonstrate that it~~ has provided organic waste collection  
34 service to all hauler routes where it is possible practicable and that it has only  
35 delayed compliance ~~the inability to comply with this chapter~~ the maximum  
36 compliance deadline in Subdivision (a)(1) is limited to ~~for areas where service~~  
37 cannot be provided due to ~~only those hauler routes where organic waste~~  
38 recycling capacity ~~limits~~ infrastructure deficiencies have caused the provision of  
39 organic waste collection service to be impracticable.

40 3. The Department may shall, if applicable, consider ~~implementation~~  
41 schedules, under as described in Article 11 of this chapter ~~Section 18992.1,~~  
42 may be considered ~~for purposes of developing a Corrective Action Plan but~~  
43 shall not be restricted in mandating actions; however, the Department may set  
44 compliance milestones ~~to remedy violation(s) and developing applicable~~  
45 compliance deadline(s) other to those than those ~~provided in the~~  
46 Implementation Schedule.

1 (B) For the purposes of this section, “substantial effort” means that a jurisdiction  
2 has taken all practicable actions to comply. Substantial effort does not include  
3 circumstances where a decision-making body of a jurisdiction has not taken the  
4 necessary steps to comply with the chapter, including, but not limited to, a failure  
5 to provide adequate staff resources to meet its obligations under this chapter, a  
6 failure to provide sufficient funding to ensure ~~assure~~ compliance, or failure to adopt  
7 ~~required~~ the ordinance(s) or similarly enforceable mechanisms under Section  
8 18981.2.

9 (C) For the purposes of this section, “extenuating circumstances” ~~means that a~~  
10 ~~delay in compliance has been caused by are:~~

11 1. ~~Circumstances outside of a jurisdiction’s control, including a~~ Acts of God, and  
12 ~~declared emergencies~~ such as earthquakes, wildfires, mudslides, flooding,  
13 and other emergencies or natural disasters.

14 2. ~~or d~~ Delays in obtaining discretionary permits or other government agency  
15 approvals.

16 2. ~~An long term organic waste recycling infrastructure or capacity change~~  
17 ~~deficiency requiring more than 180 days to cure which requires a corresponding~~  
18 ~~longer length of time to achieve compliance.~~

19 ~~(D) For the purposes of this section, “critical milestones” means all actions~~  
20 ~~necessary for a jurisdiction to comply, including, but not limited to, receiving~~  
21 ~~approval by decision-making bodies, permit application submittals and obtaining~~  
22 ~~approvals, and tasks associated with the local contract approvals.~~

23 (3) A Corrective Action Plan shall be issued by the Department ~~for no longer with a~~  
24 maximum compliance deadline no more than 24 months from the date of the original  
25 Notice of Violation and shall include a description of each action the jurisdiction shall  
26 take to remedy the violation(s) compliance and the dates for each milestone that  
27 ~~describe the tasks and timeframe the jurisdiction needs to take to achieve full~~  
28 ~~compliance by a final compliance date applicable compliance deadline(s) for each~~  
29 action. ~~The Corrective Action Plan shall include describe the penalties that may be~~  
30 ~~imposed if a jurisdiction fails to comply by the final compliance date and may also~~  
31 ~~include penalties for failing to meet milestones by the specified dates.~~

32 (4A) An initial Corrective Action Plan issued due to inadequate organic waste  
33 recycling infrastructure capacity of organic waste recovery facilities may be  
34 extended for a period of up to 12 months if the department finds that the  
35 jurisdiction has demonstrated substantial effort.

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 Section 18996.3. Department Enforcement When Jurisdiction Fails ~~fails to~~  
44 Enforce.



1 The Department ~~may~~ shall take direct enforcement action against an entity subject to a  
2 jurisdiction's enforcement authority under this chapter consistent with the following  
3 requirements:

4 (a) If the jurisdiction fails to comply by the deadline in a Notice of Violation, or extension  
5 thereto, issued under Section 18996.2(a)(1) for failure to take enforcement action as  
6 required by this chapter, the Department ~~may~~ shall take direct enforcement action  
7 against that entity pursuant to Section 18996.9 upon the Department's compliance with  
8 Subdivision (b).

9 (b) Prior to initiating enforcement action under Section 18996.9 against the entity, the  
10 Department shall notify the jurisdiction in writing of its intent to do so and shall include a  
11 general description of the grounds for the Department's action.

12 (c) Nothing in this section shall be construed as a limitation on the Department taking  
13 enforcement action against the jurisdiction for a failure to comply with the requirements  
14 of this chapter.

15 ~~(a) If a jurisdiction fails to enforce the requirements set forth in this chapter, the~~  
16 ~~Department may take enforcement action against an entity pursuant to Section 18996.9~~  
17 ~~of this chapter and also enforcement action against the jurisdiction pursuant to this~~  
18 ~~article after providing the jurisdiction with:~~

19 ~~(1) Written documentation of its lack of appropriate enforcement action.~~

20 ~~(2) A written request to take enforcement action against the entity pursuant to Article 14~~  
21 ~~of this chapter or evidence within 60 days that the entity is in compliance.~~

22 ~~(b) The Department may seek administrative penalties against the jurisdiction pursuant~~  
23 ~~to Article 16 if the jurisdiction fails to take enforcement action as requested pursuant to~~  
24 ~~subsection (a) (2).~~

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 18996.4.- Access for Inspection by the Department.**

33 (a) Upon presentation of proper credentials, an authorized Department employee or  
34 agent shall be allowed to enter ~~an entity's~~the premises of any entity subject to this  
35 chapter during normal working hours to conduct inspections and investigations in order  
36 to examine organic waste recovery activities, edible food recovery activities, and  
37 records ~~pertaining to the entity~~ in order to determine compliance with this chapter.  
38 Methods may include, but are not limited to, allowing the review or copying or both,  
39 ~~electronically or through mechanical methods (i.e., photocopying)~~ of any paper,  
40 electronic, or other records required by this chapter. ~~, such as invoices, memoranda,~~  
41 ~~books, papers, or records.~~

42 (1) This subdivision is not intended to permit an employee or agent of the Department  
43 to enter a residential property.

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 18996.5. Enforcement Actions Against Organic Waste Generators**  
6 **Located In Multiple Jurisdictions ~~and Non-Local Entities.~~**

7 (a) In matters of substantial statewide concern, where multiple jurisdictions determine  
8 that Department enforcement may be more effective at achieving the intent of this  
9 chapter than separate enforcement by each jurisdiction, multiple jurisdictions may,  
10 together, file a joint enforcement referral under this section.

11 (b) The joint referral may request that the Department take enforcement action in lieu of  
12 those jurisdictions against an organic waste generator or generators, including a  
13 commercial edible food generator or generators, with locations, at minimum, in each of  
14 those jurisdictions.

15 (c) The joint referral shall be filed with the director of CalRecycle and shall include:

16 (1) A statement of facts that includes a description of the following:

17 (A) The relevant locations of the organic waste generator or generators at issue;

18 (B) The alleged violations of this chapter, the locations of those violations, and the  
19 relevant regulatory sections; and

20 (C) All evidence known to the jurisdictions that supports the allegations in the  
21 statement of facts;

22 (2) An analysis of the following issues:

23 (A) Why the relevant enforcement matter is of substantial statewide concern; and

24 (B) The basis of the finding by the jurisdictions that Department enforcement  
25 against the relevant organic waste generator or generators will be more effective  
26 at achieving the intent of this chapter than separate enforcement by each  
27 jurisdiction;

28 (3) A signature from the person in each jurisdiction responsible for compliance with  
29 this chapter, as currently reported to the Department in Article 13, certifying that the  
30 allegations contained in the referral are true and correct to the best of their  
31 knowledge.

32 (d) The Department ~~may~~ shall take enforcement action in lieu of the jurisdictions  
33 pursuant to this section and Section 18996.9 upon a finding that:

34 (1) The referral meets the requirements of this section and includes credible evidence  
35 supporting all of the factual allegations therein;

36 (2) The relevant enforcement matter described in the joint referral is of substantial  
37 regional or statewide concern; and

38 (3) Department enforcement action against the relevant organic waste generator will  
39 be more effective at achieving the goals of this chapter than separate enforcement by  
40 each jurisdiction.

41 (e) The Department shall respond, in writing, to the joint referral with a determination as  
42 to whether it will take enforcement action against the relevant generator in lieu of the  
43 jurisdictions.

44 (1) If the Department agrees to take enforcement action pursuant to a joint referral,  
45 the Department ~~may~~ shall issue a written order to the relevant jurisdictions mandating

1 suspension of their individual enforcement actions against the relevant organic waste  
2 generator or generators.

3 (2) If the Department fails to respond to a joint referral within 90 days of receipt, the  
4 joint referral shall be deemed denied.

5  
6 ~~(a) If a jurisdiction believes that an organic waste generator, including a commercial~~  
7 ~~edible food generator, that has locations in more than one jurisdiction, has violated a~~  
8 ~~requirement of this chapter, and the jurisdiction has reason to believe that the entity is~~  
9 ~~also violating that requirement in another jurisdiction, or a jurisdiction believes a non-~~  
10 ~~local entity, including a Tier Two Commercial Edible Food Generator, within its~~  
11 ~~jurisdiction has violated a requirement of this chapter, the jurisdiction may refer the~~  
12 ~~matter to the Department for review and enforcement action.~~

13 ~~(b) Prior to making a referral to the Department for an entity that has locations in more~~  
14 ~~than one jurisdiction, a jurisdiction shall inspect the entity within its jurisdiction and, at a~~  
15 ~~minimum, issue a Notice of Violation if it finds that a violation has occurred. The referral~~  
16 ~~must include, at a minimum, the name and location of the entity, a copy of the Notice of~~  
17 ~~Violation issued, all evidence collected, and any correspondence with the entity.~~

18 ~~(c) If the Department finds that at an organic waste generator that has locations in more~~  
19 ~~than one jurisdiction, or a non-local entity has not complied with the requirements of this~~  
20 ~~chapter, it may take enforcement pursuant to this article and Article 16 of this chapter.~~

21 ~~(d) If the Department determines the referral does not meet the requirements of this~~  
22 ~~section, the Department may refer the matter back to the jurisdiction for enforcement~~  
23 ~~action.~~

24 ~~(e) If the Department determines that the referral meets the requirements of this section,~~  
25 ~~and takes enforcement action based on the referral, the jurisdiction shall suspend its~~  
26 ~~enforcement actions related to the entity.~~

27  
28 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

29  
30 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654,  
31 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;  
32 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

33  
34 **Section 18996.6. Department ~~Inspections and Compliance Reviews~~**  
35 **of ~~Enforcement Action Regarding State Agencies and Facilities.~~**

36 (a) If the Department finds that a state agency ~~or state facility~~ is violating Article 5, or  
37 Article 10 of this chapter, then the Department ~~may~~ *shall* take the following ~~progressive~~  
38 ~~enforcement~~ actions:

39 (1) Issue a Notice of Violation requiring compliance within 90 days ~~of the date of~~  
40 ~~issuance of that notice.~~ *If the state agency or state facility provides sufficient evidence*  
41 ~~that additional time is needed to comply, it may request, and t~~The Department *may*  
42 *shall* grant an additional ~~180-day~~ extension up to 180 days from the date of issuance  
43 of the Notice of Violation if it finds that additional time is necessary for the state agency  
44 to comply. The Department shall base its finding on available evidence, including  
45 relevant evidence provided by the state agency. ~~The state agency or state facility~~  
46 ~~extension request shall include:~~

1 ~~(A) An explanation of why the violations have occurred, and all steps that have been~~  
2 ~~taken to comply with this chapter.~~

3 ~~(B) An explanation as to why it cannot correct the violation by the compliance date.~~

4 ~~(C) A proposed set of tasks and milestones necessary for the state agency or state~~  
5 ~~facility to comply and an explanation and justification of the proposed timeline.~~

6 ~~(D) Any additional information that supports the request to delay enforcement action.~~

7 ~~(2) If the Department issues a Notice of Violation to a state agency or facility it shall~~  
8 ~~include, but is not be limited to:~~

9 ~~(A) A description of the violation and regulatory section that is the basis of the~~  
10 ~~violation.~~

11 ~~(B) Identification of the actions the state agency or state facility shall take to correct~~  
12 ~~the violation(s).~~

13 ~~(C) The timeframe in which each of the actions must be taken.~~

14 ~~(D) The actions in subsection (a)(3) of this section that the Department may take if the~~  
15 ~~state agency or facility fails to comply.~~

16 ~~(3) If a state agency or state facility fails to comply by the final deadline with in a~~  
17 ~~Notice of Violation, the Department may shall take any or all the following enforcement~~  
18 ~~actions:~~

19 ~~(A) List the state agency or state facility on the Organic Waste Recovery~~  
20 ~~Noncompliance Inventory described in Section 18997.4 on the Department's~~  
21 ~~website until such time as the Department finds that the state agency is no longer~~  
22 ~~in violation of this chapter.~~

23 ~~(B) Request that the Department of General Services (DGS) conduct an audit of~~  
24 ~~the state agency or state facility for compliance with Public Contract Code (PCC)~~  
25 ~~Section 12217(a).~~

26 ~~(CB) Notify the Governor.~~

27 ~~(DC) Notify the Legislature.~~

28 ~~(4) The Department may not extend a compliance deadline in a Notice of Violation if~~  
29 ~~the Department determines that the state agency or state facility has not made~~  
30 ~~substantial efforts to comply with this chapter.~~

31 ~~(A) For the purposes of this section, "substantial effort" means that the state~~  
32 ~~agency or state facility has taken all practicable steps to comply. Substantial effort~~  
33 ~~does not include failure by the state agency or facility to take the necessary steps~~  
34 ~~to comply, including, but not limited to, not providing adequate staff resources,~~  
35 ~~failing to provide sufficient funding to assure compliance with the Chapter, or~~  
36 ~~failure to adopt required policies.~~

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 **Section 18996.7. Department Enforcement Action Regarding Local Education**  
45 **Agencies and Federal Facilities.**

1 (a) If the Department finds that a local education agency **or federal facility** is violating  
2 this chapter, the Department ~~may shall~~ issue a Notice of Violation requiring compliance  
3 within 90 days. ~~The Department may shall~~ grant an additional extension up to 180 days  
4 from the date of issuance of the Notice of Violation if it finds that additional time is  
5 necessary for the local education agency or federal facility to comply. The Department  
6 shall base its finding on available evidence, including relevant evidence provided by the  
7 local education agency or federal facility. If the local education agency **or federal**  
8 **facility** fails to comply with the final deadline in a Notice of Violation, the Department  
9 ~~may shall~~ list the local education agency or **federal facility** ~~a non-local entity~~ on the  
10 Organic Waste Recovery Noncompliance Inventory ~~pursuant to Section 18997.4~~ on its  
11 website until such time as the Department determines that the local education agency  
12 or federal facility is no longer in violation.

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 18996.8. Department Investigation of Complaints of Alleged Violations** ~~by~~  
21 ~~Jurisdictions and Entities.~~

22 (a) ~~The Department shall receive and investigate written complaints of alleged violations~~  
23 ~~of this chapter according to the requirements of this section. Any person having~~  
24 ~~information that a jurisdiction or an entity is in violation of a requirement of this chapter~~  
25 ~~may file a written complaint to the Department. The Department may request that~~  
26 ~~complaints include the following:~~

27 (b) ~~Complaints may be submitted anonymously, shall be in submitted in writing, and~~  
28 ~~shall include the following information.~~

29 (1) ~~If the complaint is not anonymous, the The~~ name and contact information of the  
30 ~~person making the~~ complainant.

31 (2) ~~The identity of the alleged violator, if known, including the name of the entity,~~  
32 ~~jurisdiction, state agency, state facility, local education agency, or other non-local~~  
33 ~~entity.~~

34 (3) ~~A description of the alleged violation including location(s) and all other relevant~~  
35 ~~facts known to the complainant. The location of the violation.~~

36 (4) ~~Any relevant photographic or documentary evidence to support the allegations in~~  
37 ~~the complaint. A description of the violation.~~

38 (5) ~~The identity of any witnesses, if known. All known facts relevant to the alleged~~  
39 ~~violation including, but not limited to, information relating to witnesses and physical~~  
40 ~~evidence.~~

41 (b) ~~Upon request, the Department shall ensure that the names and contact~~  
42 ~~information of a complainant remain confidential.~~

43 (c) ~~Upon receipt of a complaint, the The~~ Department shall commence an investigation;  
44 within ~~60~~ 90 days of receiving a complaint that meets the requirements of Subdivision  
45 (b) if the Department; determines ~~whether~~ the allegations, if true, would constitute a  
46 violation of this chapter; ~~subject to the enforcement authority of the Department and, if~~

1 ~~so, commence an investigation.~~ The Department may decline to investigate a complaint  
2 if, in its judgment, investigation is unwarranted because the allegations are contrary to  
3 facts known to the Department. The Department shall notify the complainant of the  
4 results of the Department's investigation if the identity and contact information of the  
5 complainant are known.

6 (d) If the Department receives a complaint about ~~an entity a violation~~ within the  
7 enforcement authority of a jurisdiction, ~~'s authority,~~ it shall refer the complaint to the  
8 jurisdiction for investigation under Section 18995.3 ~~and enforcement action under~~  
9 ~~Section 18995.3.~~

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 **Section 18996.9. Department Enforcement Actions Against Entities.**

17 (a) The Department ~~may shall~~ take enforcement action against the following entities  
18 pursuant to the requirements of this section when a jurisdiction has failed to enforce this  
19 chapter as determined under Section 18996.3, or lacks the authority to enforce this  
20 chapter:

21  
22 (1) ~~Organic waste generators, including commercial edible food generators, haulers,~~  
23 ~~and food recovery organizations and services; where a jurisdiction has failed to~~  
24 ~~enforce this chapter; or and~~

25 (2) ~~where the entity is a~~ non-local entity **that is not a state agency or facility**  
26 **subject to enforcement under** ~~except as provided in~~ that is not subject to Sections  
27 ~~18996.6 or and a local education agency subject to enforcement under~~  
28 ~~or Section 18996.7.~~

29 (b) **If an entity has been found in violation** **Violations of this chapter that are**  
30 **subject to** Department jurisdiction ~~this section, other than violations of the Recovered~~  
31 ~~Organic Waste Product Procurement requirements of 18993.1, shall be enforced as~~  
32 **follows: the Department shall:**

33 (1) For a first ~~offense violation~~ **violation:**

34 (A) **The Department shall may shall** ~~!~~ issue a Notice of Violation (NOV) requiring  
35 compliance within 60 days of the issuance of that notice.

36 (B) If the violation continues after the NOV compliance ~~date deadline in the Notice~~  
37 ~~of Violation,~~ the Department ~~shall may shall~~ issue a Notice and Order to Correct  
38 (NOTC) requiring compliance within 30 days **of issuance of the NOTC** ~~that Notice~~  
39 ~~and Order. The NOTC-Notice and Order to Correct shall include the potential~~  
40 ~~penalties for failing to comply~~ inform the respondent that the Department may shall  
41 impose penalties upon failure to comply by the deadline in that Notice and Order.

42 (C) If the violation continues after the NOTC compliance deadline ~~of 30 days in the~~  
43 ~~Notice and Order to Correct,~~ the Department ~~shall may shall~~ commence action to  
44 impose **a penalty penalties** pursuant to Section 18997.5 ~~on the entity no later than~~  
45 ~~90 days after the issuance of the NOTC.~~

1 (D) The commencement of an action to impose penalties as described in  
2 Subsection (C), above, shall constitute a first offense for the purposes of  
3 calculating penalties under Article 16 of this chapter.

4 (2) For a second ~~offense violation~~ or subsequent violation and all subsequent  
5 violations offenses occurring within 5 years of a first violation:

6 (A) The Department ~~may shall~~ issue a Notice and Order to Correct ~~(NOTC)~~  
7 requiring compliance within 30 days of the issuance of that Notice and Order. The  
8 ~~NOTC~~ Notice and Order to Correct shall inform the respondent that the  
9 Department may impose ~~include the potential~~ penalties upon failure to comply by  
10 the deadline in that Notice and Order ~~for failing to comply.~~

11 (B) If the violation continues after the ~~NOTC~~ compliance deadline in the Notice and  
12 Order to Correct, the Department ~~shall may shall~~ commence action to impose a  
13 ~~penalty~~ penalties pursuant to Section 18997.5 ~~on the entity no later than 90 days~~  
14 ~~after its determination of the violation.~~

15 (C) The commencement of an action to impose penalties as described in  
16 paragraph Subsection (B), above, shall constitute a 2<sup>nd</sup>, 3<sup>rd</sup>, or subsequent offense  
17 for the purposes of calculating the penalties under Article 16 if the commencement  
18 of such action occurs within five (5) years of the final imposition of a penalty for a  
19 first offense regarding a violation of the same subsection of this chapter by the  
20 same entity.

21 (c) The Department ~~may shall~~ grant extensions ~~extend to the compliance~~ the deadlines  
22 set forth in ~~subsection~~ Subdivision (b) if it makes the following findings based on  
23 available evidence, including relevant evidence provided by the respondent:

24 (1) Additional time is necessary to comply;

25 ~~(1) The entity is making timely progress toward compliance, and~~

26 (2) Extenuating circumstances beyond the control of ~~t~~ The entity's respondent failure  
27 ~~to comply within the deadline is due to: (A) Extenuating circumstances outside its~~  
28 ~~control~~ make compliance impracticable. For the purposes of this section, "extenuating  
29 circumstances" are:

30 (A) Acts of God, such as earthquakes, wildfires, mudslides, flooding, and other  
31 emergencies or natural disasters.

32 (B) Delays in obtaining discretionary permits or other government agency  
33 approvals.

34 (C) An organic waste recycling infrastructure capacity deficiency and the  
35 jurisdiction within which the respondent is located, ~~including a correction to a long~~  
36 ~~term infrastructure or capacity change which requires a correspondingly longer~~  
37 ~~length of time to achieve compliance. Examples of extenuating circumstances~~  
38 ~~include acts of God such as inclement weather, and earthquakes, wildfires,~~  
39 ~~mudslides, flooding and other emergencies and natural disasters, and delays in~~  
40 ~~obtaining discretionary permits or other government agency approvals, but where~~  
41 ~~the entity's actions or failure to act was not the cause of the delay.~~

42 ~~(B) Limitations in infrastructure and the jurisdiction in which it is located is under~~  
43 subject to a Corrective Action Plan (CAP) pursuant to Section 18996.2 due to ~~long~~  
44 ~~term such infrastructure or capacity deficiencies.~~

45 ~~(d) The Department shall provide the following information in any Notice of Violation or~~  
46 ~~other enforcement notices:~~

- 1 ~~(1) The account name, name(s) of each person, or entity to whom it is directed.~~  
2 ~~Notices must go to the legally responsible party, such as a business owner,~~  
3 ~~service account holder, property owner, etc.~~  
4 ~~(2) The list and description of the violations of this chapter, including the section of~~  
5 ~~this chapter being violated.~~  
6 ~~(3) A compliance date by which the entity is to take specified action(s).~~  
7 ~~(4) The penalty for not complying within the specified compliance date.~~

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  
15 **Article 16. Administrative Civil Penalties** ~~for Violations of Requirements of This~~  
16 ~~Chapter~~

17  
18 **Section 18997.1. Scope.**

19 ~~(a) The Department may impose administrative civil penalties authorized by Public~~  
20 ~~Resources Code 42652.5 in accordance with the procedures set forth in this article.~~

21 ~~(b) A jurisdiction shall adopt ordinance(s) or enforceable mechanisms to impose~~  
22 ~~penalties that are equivalent or stricter than those amounts in Section 18997.2 of this~~  
23 ~~chapter.~~

24 (a) Administrative civil penalties for violations of this chapter shall be imposed  
25 consistent with the requirements of this Article as authorized by Public Resources Code  
26 Section 42652.5.

27 (b) A jurisdiction shall adopt ordinance(s) or enforceable mechanisms to impose  
28 penalties that are equivalent or stricter than those amounts as prescribed in Section  
29 18997.2. of this chapter.

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

32 *Reference: Public Resources Code Section 42652.5; and Health and Safety Code*  
33 *Section 39730.6.*

34  
35 **Section 18997.2. Penalty Amounts.**

36 ~~(a) A jurisdiction shall impose penalties that are equivalent or stricter than those~~  
37 ~~amounts in Table 1 of this section and shall be calculated by determining the type of~~  
38 ~~violations that have occurred, the number of violations that have occurred, and the~~  
39 ~~corresponding penalty level in subsection (b).~~

40  
41 ~~Table 1~~



<u>Requirement</u>	<u>Description of Violation</u>	<u>1<sup>st</sup> Violation Offense</u>	<u>2<sup>nd</sup> Offense Violation</u>	<u>3<sup>rd</sup> and subsequent Violation Offense</u>
<u>Property and Business Owner Responsibility Requirement 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, and local requirements, for employees, contractors, tenants, and customers, including supplying and allowing access to adequate numbers, size, and location of containers and sufficient signage and container color, as prescribed by this section.</u>	<u>Level 1</u>	<u>Level 2</u>	<u>Level 3</u>
<u>Property and Business Owner Responsibility Requirement 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 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 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 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>1<sup>st</sup> Violation Offense</u>	<u>2<sup>nd</sup> Offense Violation</u>	<u>3<sup>rd</sup> and subsequent Violation Offense</u>
<u>Organic Waste Generator Requirement 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 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 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 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 Section 18988.2</u>	<u>A hauler fails to keep a record of the applicable documentation of its approval by the jurisdiction, as proscribed by this section.</u>	<u>Level 1</u>	<u>Level 2</u>	<u>Level 3</u>
<u>Hauler Requirement 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>Requirement</u>	<u>Description of Violation</u>	<u>1<sup>st</sup> Violation Offense</u>	<u>2<sup>nd</sup> Offense Violation</u>	<u>3<sup>rd</sup> and subsequent Violation Offense</u>
<u>Commercial Edible Food Generator Requirement Section 48991.3</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 Section 48991.3</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 Section 48991.3</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 Section 48991.4</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>Record Keeping Requirements For Edible food Recovery Services and Organizations Section 48991.5</u>	<u>A food recovery organization or service that collects or receives <b>6 tons or more</b> 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

1 (a) A jurisdiction shall impose penalties for violations of the requirements of this chapter  
2 ~~Consistent~~ consistent with ~~with~~ the applicable requirements prescribed in Government  
3 Code Sections 53069.4, 25132 and 36900 ~~the~~. The penalty ~~severity~~ levels ~~are~~ shall be  
4 as follows:

5 (1) For a first violation ~~classified as Level 1~~, the amount of the base penalty ~~may~~ shall  
6 be \$50-\$100 per ~~violation~~ ~~offense~~ violation, per day.

7 (2) For a second violation ~~classified as Level 2~~, the amount of the base penalty ~~may~~  
8 shall be \$100-\$200 ~~per violation, per day~~ per violation ~~offense~~.

9 (3) For a third or subsequent violation ~~classified as Level 3~~, the amount of the base  
10 penalty ~~may~~ shall be \$250-\$500 per ~~violation~~ ~~offense~~ violation, per day.

11 ~~(b) (c) For the purposes of subsection~~ Subdivision (a), Nothing in this section shall be  
12 construed as preventing a jurisdiction from ~~revoking, suspending, or denying a permit,~~  
13 registration, license, or other authorization ~~shall be considered stricter than the penalties~~  
14 in this section ~~consistent with local requirements outside the scope of this chapter in~~  
15 addition to the imposition of penalties authorized under this section.

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; and~~  
22 Government Code Sections 25132, 36900 and 53069.4.

### 23 24 **Section 18997.3 Department Penalty Amounts.**

25 (a) Penalties, ~~other than those for recovered organic waste product procurement under~~  
26 ~~Section 18993.1,~~ shall be imposed administratively in accordance with the requirements  
27 set forth in this section ~~using the penalty tables contained in subsection~~

28 (b) Penalties, except for violations specified in subdivision (d), shall be assessed as  
29 follows:

30 (1) A "Minor" violation means a violation involving minimal deviation from the  
31 standards in this chapter, where the entity failed to implement some aspects of a  
32 requirement but has otherwise not deviated from the requirement. The penalties for  
33 this type of violation shall be no less than five hundred dollars (\$500) per violation  
34 and no more than four thousand dollars (\$4,000) per violation per day.

35 (2) A "Moderate" violation means a violation involving moderate deviation from the  
36 standards in this chapter ~~where the entity failed to comply with critical aspects of the~~  
37 requirement. A violation which is not a minor violation or a major violation shall be a  
38 moderate violation. The penalties for this type of violation shall be no less than four  
39 thousand dollars (\$4,000) per violation and shall be no more than seven thousand  
40 five hundred dollars (\$7,500) per violation per day.

41 (3) A "Major" violation means a violation that is a substantial deviation from the  
42 standards in this chapter that may also be knowing, willful or intentional or a chronic  
43 violation by a recalcitrant violator as evidenced by a pattern or practice of  
44 noncompliance. The penalties for this type of violation shall be no less than seven  
45 thousand five hundred dollars (\$7,500) per violation per day and no more than ten

1 thousand dollars (\$10,000) per violation per day. For purposes of this subsection, a  
 2 major violation shall always be deemed to include the following types of violations:

3 (A) A jurisdiction fails to have any ordinance or similarly enforceable mechanism  
 4 for organic waste disposal reduction and edible food recovery.

5 (B) A jurisdiction fails to have a provision in a contract, agreement, or other  
 6 authorization that requires a hauler to comply with the requirements of this  
 7 chapter.

8 (C) A jurisdiction fails to have an edible food recovery program.

9 (D) A jurisdiction fails to have any Implementation Record.

10 (E) A jurisdiction implements or enforces an ordinance, policy, procedure,  
 11 condition, or initiative that is prohibited under Sections 18990.1 or 18990.2.

12 (F) A jurisdiction fails to submit the reports any information to the Department as  
 13 required in Sections 18994.1 and 18994.2.

14 ~~Base Table 1 is to be used for Jurisdiction Compliance with Collection Services (Article~~  
 15 ~~3), Hauler and Generator Requirements (Article 3 and Article 7), and Edible Food~~  
 16 ~~Recovery Programs (Article 10).~~

<u>Section</u>	<u>Description of Violation</u>	<u>1<sup>st</sup> Offense 1<sup>st</sup> Violation</u>	<u>2<sup>nd</sup> Offense 2<sup>nd</sup> Violation</u>	<u>3<sup>rd</sup> and Subsequent Offense 3<sup>rd</sup> and subsequent Violation</u>
<del>Section 18984.1</del>	<del>Jurisdiction fails to implement a three-container organic collection service in the manner prescribed in section 18984.1.</del>	<del>Level 4</del>	<del>Level 5</del>	<del>Level 6</del>
<del>Section 18984.1(a)(3)</del>	<del>Jurisdiction fails to limit collection to the appropriate containers as prescribed in subsection 18984.1(a).</del>	<del>Level 4</del>	<del>Level 5</del>	<del>Level 6</del>
<b>Section 18984.1(a)(1) and (3)</b>	<b>Jurisdiction fails to transport source separated organic waste to a solid waste facility that processes source separated organic waste, as prescribed in these sections.</b>	<b>Level 4</b>	<b>Level 5</b>	<b>Level 6</b>
<del>Section 18984.2</del>	<del>Jurisdiction fails to implement a two-container organic collection service in the manner prescribed in this section.</del>	<del>Level 4</del>	<del>Level 5</del>	<del>Level 6</del>

<u>Section</u>	<u>Description of Violation</u>	<u>1<sup>st</sup> Offense</u> <u>1<sup>st</sup> Violation</u>	<u>2<sup>nd</sup> Offense</u> <u>2<sup>nd</sup> Violation</u>	<u>3<sup>rd</sup> and Subsequent Offense</u> <u>3<sup>rd</sup> and subsequent Violation</u>
<u>Sections 18984.1(c), 18984.2(a)(3) and 18984.3</u>	<u>Jurisdiction fails or continues to transport waste, to a facility that meets the high diversion requirements, as prescribed in these sections.</u>	<u>Level 5</u>	<u>Level 6</u>	<u>Level 6</u>
<u>Section 18984.5</u>	<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>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 6</u>
<u>Section 18984.5(b)</u>	<u>Jurisdiction fails to meet container contamination minimization 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>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 6</u>
<u>Section 18984.5(c)</u>	<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>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 6</u>

<u>Section</u>	<u>Description of Violation</u>	<u>1<sup>st</sup> Offense</u> <u>1<sup>st</sup> Violation</u>	<u>2<sup>nd</sup> Offense</u> <u>2<sup>nd</sup> Violation</u>	<u>3<sup>rd</sup> and Subsequent Offense</u> <u>3<sup>rd</sup> 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, 2026, 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, <b>or fails to verify annually de minimis waivers, as prescribed in this section.</b></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 <b>within its boundaries</b> subject 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>1<sup>st</sup> Offense</u> <u>1<sup>st</sup> Violation</u>	<u>2<sup>nd</sup> Offense</u> <u>2<sup>nd</sup> Violation</u>	<u>3<sup>rd</sup> and Subsequent Offense</u> <u>3<sup>rd</sup> 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 Recovery
- 2 Education, and Edible Food Recovery Education Program (Article 4)

<u>Section</u>	<u>Description of Violation</u>	<u>1<sup>st</sup> Offense</u>	<u>2<sup>nd</sup> Offense</u>	<u>3<sup>rd</sup> and Subsequent Offense</u> <u>3<sup>rd</sup> 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>1<sup>st</sup> Offense</u>	<u>2<sup>nd</sup> Offense</u>	<u>3<sup>rd</sup> and Subsequent Offense 3<sup>rd</sup> 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 this <b>specified by this section.</b></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 before <b>prior</b> 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 (Article 8) and Procurement (Article 12)~~
- 2 ~~Base Table 3 is to be used for Jurisdictions Compliance with CalGreen (Article 8) and Procurement (Article 12)~~

<u>Section</u>	<u>Description of Violation</u>	<u>1<sup>st</sup> Offense</u>	<u>2<sup>nd</sup> Offense</u>	<u>3<sup>rd</sup> and Subsequent Offense 3<sup>rd</sup> and subsequent Violation</u>
<u>Section 18989.1</u>	<u>Jurisdiction fails to require compliance with <b>CalGreen</b> 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</u> <u>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.</u> <del>Jurisdiction fails to require compliance with MWELQ standards, as prescribed in this section.</del>	<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>1<sup>st</sup> Offense</u>	<u>2<sup>nd</sup> Offense</u>	<u>3<sup>rd</sup> and Subsequent Offense 3<sup>rd</sup> and subsequent Violation</u>
<u>Sections 18984.4,</u> <u>18988.4,</u> <u>18993.2</u> <u>18995.1 (d),</u> <u>18995.3(f),</u> <u>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>1<sup>st</sup> Offense</u>	<u>2<sup>nd</sup> Offense</u>	<u>3<sup>rd</sup> and Subsequent Offense 3<sup>rd</sup> and subsequent Violation</u>
<u>Sections 48984.6, 48984.14, 48985.3, 48991.2, 48993.4</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 48995.2</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 48995.2(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 48994.1, 48994.2</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 Adopt,~~  
 2 ~~Implement, and Enforce Ordinance(s) as required by and consistent with the Chapter~~  
 3 ~~(Section 18981.1.2) and Locally Adopted Standards and Policies (Article 9) and~~  
 4 ~~Enforcement Requirements (Article 14).~~

<u>Section</u>	<u>Description of Violation</u>	<u>1<sup>st</sup> Offense</u>	<u>2<sup>nd</sup> Offense</u>	<u>3<sup>rd</sup> and Subsequent Offense 3<sup>rd</sup> and subsequent Violation</u>
<del><u>Section 18981.1.2</u></del>	<del>Jurisdiction fails to adopt, implement, or enforce ordinance(s) or other enforceable mechanisms, as prescribed in this chapter.</del>	<del><u>Level 6</u></del>	<del><u>Level 6</u></del>	<del><u>Level 6</u></del>
<del><u>Sections 18990.1 and 18990.2</u></del>	<del>Jurisdiction implements or enforces an ordinance, policy, procedure condition, or initiative that is prohibited under Section 18990.1 or 18990.2.</del>	<del><u>Level 6</u></del>	<del><u>Level 6</u></del>	<del><u>Level 6</u></del>
<del><u>Section 18995.1</u></del>	<del>Jurisdiction fails to conduct compliance reviews, route reviews, and inspections as required by this section.</del>	<del><u>Level 5</u></del>	<del><u>Level 6</u></del>	<del><u>Level 6</u></del>
<del><u>Section 18995.1</u></del>	<del>Jurisdiction fails to issue notices and education or take enforcement as required by this section.</del>	<del><u>Level 4</u></del>	<del><u>Level 5</u></del>	<del><u>Level 6</u></del>
<del><u>Section 18995.3</u></del>	<del>Jurisdiction fails to investigate complaints, as prescribed in this section.</del>	<del><u>Level 4</u></del>	<del><u>Level 5</u></del>	<del><u>Level 6</u></del>
<b><u>Section 18995.3(b)</u></b>	<b><u>Jurisdiction fails to ensure the names and contact information of a complainant remain confidential, as prescribed in this section.</u></b>	<b><u>Level 4</u></b>	<b><u>Level 4</u></b>	<b><u>Level 5</u></b>
<b><u>Section 18995.3(e)</u></b>	<b><u>Jurisdiction fails to provide a method for the complainant to be notified of the</u></b>	<b><u>Level 4</u></b>	<b><u>Level 4</u></b>	<b><u>Level 5</u></b>

<u>Section</u>	<u>Description of Violation</u>	<u>1<sup>st</sup> Offense</u>	<u>2<sup>nd</sup> Offense</u>	<u>3<sup>rd</sup> and Subsequent Offense 3<sup>rd</sup> and subsequent Violation</u>
	<b><u>results of the complaint, as prescribed in this section.</u></b>			
<del><u>Section 18995.4(a)(1)</u></del>	<del><u>Jurisdiction fails to take enforcement, as prescribed in this section.</u></del>	<del><u>Level 4</u></del>	<del><u>Level 5</u></del>	<del><u>Level 6</u></del>
<del><u>Section 18995.4(a)(2)</u></del>	<del><u>Jurisdiction fails to conduct follow up inspections, as prescribed in this section.</u></del>	<del><u>Level 4</u></del>	<del><u>Level 5</u></del>	<del><u>Level 6</u></del>
<del><u>Sections 18995.4(a)(3) and (4)</u></del>	<del><u>Jurisdiction fails to commence actions to impose penalties and issue penalties, as prescribed in these sections.</u></del>	<del><u>Level 4</u></del>	<del><u>Level 5</u></del>	<del><u>Level 6</u></del>
<del><u>Section 18995.4(b)</u></del>	<del><u>Jurisdiction fails to grant extensions consistent with this section.</u></del>	<del><u>Level 4</u></del>	<del><u>Level 5</u></del>	<del><u>Level 6</u></del>
<del><u>Section 18995.4(c)</u></del>	<del><u>Jurisdiction fails to prepare enforcement notices as prescribed in this section.</u></del>	<del><u>Level 4</u></del>	<del><u>Level 5</u></del>	<del><u>Level 6</u></del>
<del><u>Sections 18997.1 and 18997.2, and 18997.3</u></del>	<del><u>Jurisdiction fails to impose penalties, as prescribed in these sections.</u></del>	<del><u>Level 4</u></del>	<del><u>Level 5</u></del>	<del><u>Level 6</u></del>

1

1 ~~Base Table 6 is to be used for Organic Waste Recycling Capacity Planning (Article~~  
 2 ~~11)~~

<u>Section</u>	<u>Description of Violation</u>	<u>1<sup>st</sup> Offense 1<sup>st</sup> Violation</u>	<u>2<sup>nd</sup> Offense 2<sup>nd</sup> Violation</u>	<u>3<sup>rd</sup> and Subsequent Offense 3<sup>rd</sup> and subsequent Violation</u>
<u>Section 18992.1(a)</u>	<del>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.</del>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 6</u>
<u>Section 18992.2</u>	<del>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.</del>	<u>Level 4</u>	<u>Level 4</u>	<u>Level 5</u>
<u>Section 18992.1 (b)</u>	<del>A jurisdiction does not respond to a county request for information necessary to comply with the capacity planning requirements of Section 18992.1.</del>	<u>Level 4</u>	<u>Level 4</u>	<u>Level 5</u>
<u>Sections 18992.1(c) and 18992.2 (b)</u>	<del>A jurisdiction fails to submit an on Implementation Schedule pursuant to these sections.</del>	<u>Level 4</u>	<u>Level 4</u>	<u>Level 5</u>
<u>Section 18992.3</u>	<del>A county in coordination with city or regional agencies fails to conduct the planning requirements of Sections 18992.1 and 18992.2 on according to the prescribed schedule.</del>	<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-Haulers~~  
 2 ~~(Article 70.1)~~

<u>Section</u>	<u>Description of Violation</u>	<u>1<sup>st</sup> Offense</u>	<u>2<sup>nd</sup> Offense</u>	<u>3<sup>rd</sup> and Subsequent Offense 3<sup>rd</sup> and subsequent Violation</u>
<del>Section 18988.2</del>	<del>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.</del>	<del>Level 5</del>	<del>Level 5</del>	<del>Level 6</del>
<del>Section 18988.2 (a)(2)</del>	<del>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.</del>	<del>Level 4</del>	<del>Level 5</del>	<del>Level 5</del>
<del>Section 18988.2</del>	<del>A hauler fails to keep a record of the applicable documentation of its approval by the jurisdiction, as prescribed by this section.</del>	<del>Level 5</del>	<del>Level 6</del>	<del>Level 6</del>
<del>Section 18988.3(b)</del>	<del>A generator who is a self-hauler fails to comply with the requirements of Section 18988.3(b).</del>	<del>Level 4</del>	<del>Level 4</del>	<del>Level 5</del>

3

- 1 ~~Base Table 8 is to be used for Organic Waste Generators Requirements (Article 3),~~
- 2 ~~Enforcement Oversight by the Department (Article 15) and Generators of Organic~~
- 3 ~~Waste (Article 5)~~

<u>Section</u>	<u>Description of Violation</u>	<u>1<sup>st</sup> Offense</u>	<u>2<sup>nd</sup> Offense</u>	<u>3<sup>rd</sup> and Subsequent Offense 3<sup>rd</sup> 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>1<sup>st</sup> Offense</u>	<u>2<sup>nd</sup> Offense</u>	<u>3<sup>rd</sup> and Subsequent Offense 3<sup>rd</sup> 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 Responsibilities~~  
2 ~~(Article 3)~~

<u>Section</u>	<u>Description of Violation</u>	<u>1<sup>st</sup> Offense</u>	<u>2<sup>nd</sup> Offense</u>	<u>3<sup>rd</sup> and Subsequent Offense 3<sup>rd</sup> 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</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 6</u>

<u>Section</u>	<u>Description of Violation</u>	<u>1<sup>st</sup> Offense</u>	<u>2<sup>nd</sup> Offense</u>	<u>3<sup>rd</sup> and Subsequent Offense 3<sup>rd</sup> and subsequent Violation</u>
	<del>adequate numbers, size, and location of containers and sufficient signage and container color, as prescribed by this section.</del>			
<del>Section 18984.10</del>	<del>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.</del>	<del>Level 4</del>	<del>Level 5</del>	<del>Level 5</del>
<del>Section 18984.10</del>	<del>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.</del>	<del>Level 5</del>	<del>Level 6</del>	<del>Level 6</del>

1 ~~Base Table 10 is to be used for Commercial Edible Food Generators~~

<u>Section</u>	<u>Description of Violation</u>	<u>1<sup>st</sup> Offense</u>	<u>2<sup>nd</sup> Offense</u>	<u>3<sup>rd</sup> and Subsequent Offense 3<sup>rd</sup> and subsequent Violation</u>
<del>Section 18991.3</del>	<del>Tier One commercial edible food generator fails to arrange to recover edible food and comply</del>	<del>Level 4</del>	<del>Level 4</del>	<del>Level 5</del>

<u>Section</u>	<u>Description of Violation</u>	<u>1<sup>st</sup> Offense</u>	<u>2<sup>nd</sup> Offense</u>	<u>3<sup>rd</sup> and Subsequent Offense 3<sup>rd</sup> and subsequent Violation</u>
	<del>with this section commencing January 1, 2022.</del>			
<u>Section 18991.3</u>	<del>Tier Two commercial edible food generator fails to arrange to recover edible food and comply with this section commencing January 1, 2024.</del>	<u>Level 4</u>	<u>Level 4</u>	<u>Level 5</u>
<u>Section 18991.3</u>	<del>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.</del>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 6</u>
<u>Section 18991.4</u>	<del>Commercial edible food generator fails to keep records as prescribed by this section.</del>	<u>Level 41</u>	<u>Level 25</u>	<u>Level 53</u>
<u>Section 18991.5</u>	<del>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.</del>	<u>Level 41</u>	<u>Level 52</u>	<u>Level 36</u>

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2  
3  
4

~~Base Table 11 is to be used for Performance Based, Source Separated Collection Service (Article 17)~~

<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 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 implement 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 ~~(d)(c)~~ Once the ~~base appropriate~~ penalty range has been determined pursuant to  
3 Subdivision (b), the following factors shall be used to determine the amount of the  
4 penalty for each violation within that range:
- 5 (1) The nature ~~and~~, circumstances, and severity of the violation(s).
  - 6 (2) ~~The violator's ability for of the violator~~ to pay.
  - 7 (3) The willfulness of the violator's misconduct.
  - 8 (4) Whether the violator took measures to ~~mitigate~~ avoid or mitigate violations of  
9 this chapter.
  - 10 (5) Evidence of any ~~economic benefit~~ financial gain resulting from the violation(s).
  - 11 (6) The deterrent effect of the penalty on the violator.
  - 12 (7) ~~If Whether~~ the violation(s) ~~re~~ were due to conditions outside the control of the  
13 ~~entity~~ violator.

1 ~~(e)~~(d) For violations of the Recovered Organic Waste Product Procurement  
2 requirements in Section 18993.1, where a jurisdiction fails to procure a quantity of  
3 recovered organic waste products that meets or exceeds its recovered organic  
4 waste product procurement target, the Department shall determine penalties  
5 under this Subdivision (d) based on the following:

6 (1) The Department shall calculate the jurisdictions daily procurement target  
7 equivalent by dividing the procurement target by 365 days.

8 (2) The Department shall determine the number of days a jurisdiction was in  
9 compliance by dividing the total amount of recovered organic waste products  
10 procured by the daily procurement target equivalent.

11 (3) The Department shall determine the number of days a jurisdiction was out  
12 of compliance with the procurement target by subtracting the number of days  
13 calculated in Subdivision (d)(2) from 365 days.

14 (4) The penalty amount shall be calculated by determining an appropriate  
15 penalty range level based on the factors in sSubdivision ~~(d)~~(c), above, and  
16 multiplying that number by the number of days determined according to  
17 subsection Subdivision ~~(e)~~(d)(3), above. The penalty amount shall not exceed  
18 \$10,000 per day.

19 (e) Notwithstanding Ssubdivisions (a)-(d) if the Department sets a penalty amount for  
20 multiple violations of this chapter, the aggregated penalty amount for all violations shall  
21 not exceed the amount authorized in Section 42652.5 of the Public Resources Code.

22 (f) Nothing in this section shall be construed as authorizing the Department to impose  
23 penalties on residential organic waste generators.

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 32 **Section 18997.4. Organic Waste Recovery Noncompliance Inventory.**

33 (a) If the Department ~~documents~~ finds that a state agency, ~~state facility, or~~ local  
34 education agency, ~~or federal facility is in violation of this chapter~~ has failed to meet the  
35 final deadline in a Notice of Violation issued under this chapter, the Department shall  
36 send a notice ~~to the state agency, state facility, or local education agency entity~~  
37 stating that the Department ~~intends to~~ has placed ~~it~~ the respondent on the Organic  
38 Waste Recovery Noncompliance Inventory listed on its website ~~if the violation(s) is not~~  
39 ~~corrected within 90 days of receipt of the notice. The notice will be sent by certified mail.~~  
40 The Department may remove the respondent from the Organic Waste Recovery  
41 Noncompliance Inventory upon a finding, based on available evidence, that the  
42 respondent is no longer in violation of this chapter.

43 ~~(b) If the Department determines that violation(s) listed on the notice have not been~~  
44 ~~corrected within 90 days of the issuance of the intent letter, then the Department shall~~  
45 ~~list the state agency, state facility, or local education agency on the entity on the~~  
46 ~~Noncompliance Inventory.~~

1 ~~(c) If the Department finds that state agency, state facility, or local education agency, or~~  
2 ~~federal facility is no longer in violation of all of the standard(s) listed in the notice of~~  
3 ~~intent letter during or after the 90-day notice of intent period, or for the violations for~~  
4 ~~which it was listed on the Inventory, then the Department shall notify the state agency,~~  
5 ~~state facility, or local education agency in writing that it will no longer be placed on the~~  
6 ~~inventory.~~

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

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

13  
14 **Section 18997.5. ~~CalRecycle~~ Department Procedure for Imposing Administrative**  
15 **Civil Penalties.**

16 ~~(a) Administrative civil penalties shall be calculated as set forth in Section 18997.3 of~~  
17 ~~this chapter.~~

18 ~~(b)~~ (a) The Department shall commence an action to impose administrative civil  
19 penalties by serving an accusation ~~serve an accusation~~ on a jurisdiction, person and/or  
20 entity, and a notice informing the jurisdiction, person, and/or entity of their right to a  
21 hearing conducted pursuant to Section 18997.6.

22 ~~against whom civil penalties are being sought, in accordance with the requirements~~  
23 ~~specified in Chapter 4.5 (commencing with Section 11400) of Part 1 of Division 3 of Title~~  
24 ~~2 of the Government Code and inform the party of the right to a hearing.~~

25 ~~(c)~~ (b) The accusation and all accompanying documents may be served on the  
26 respondent(s) by one of the following means:

27 (1) Personal service;

28 (2) Substitute service by using the same service procedures as described in Section  
29 415.20 of the Code of Civil Procedure;

30 (3) Certified Mail or registered mail; or

31 (4) Electronically, with the consent of the respondent(s).

32 ~~(d)~~ (c) Upon receipt of the ~~The~~ accusation, the respondent shall ~~have 15 days to~~ file a  
33 request for hearing with the director of the Department within 15 days; or the  
34 respondent will ~~automatically be deemed to have waived~~ its rights to a hearing.

35 (d) Upon receipt of the request for hearing, ~~t~~The Department shall schedule a hearing  
36 within 30 days of receipt of a request for hearing that complies with the requirements of  
37 this section.

38 (e) The hearing shall be held before the director of the Department, or the director's  
39 designee, within 90 days of the scheduling date, ~~unless the parties reach an agreement~~  
40 ~~to settle prior to the hearing date.~~

41 ~~(e)~~ (f) If the party respondent(s) waive(s) the right to a hearing, the Department shall  
42 issue ~~an order setting liability for civil penalties~~ a penalty order in the amount ~~proposed~~  
43 ~~described in the accusation unless the Department and the party respondent(s) have~~  
44 ~~entered into a settlement agreement, in which case the Department shall issue an order~~  
45 ~~setting liability for civil penalties in the amount specified in the settlement agreement.~~

1 ~~(fg)~~ The director of the Department, or the director's designee, shall issue a written  
2 decision within 60 days of the conclusion of the hearing.

3  
4 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

5  
6 Reference: Public Resources Code Sections ~~40002, 41780.01, 42652.5, 42653, 42654,~~  
7 ~~43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;~~  
8 and Health and Safety Code Sections ~~39730.5, 39730.6, 39730.7 and 39730.8.~~

9  
10 **Section 18997.6. ~~CalRecycle Department Procedures for Hearings and Orders for~~**  
11 **~~Civil Liability Penalty Orders.~~**

12 (a) A hearing required under this chapter shall be conducted by the director of the  
13 Department, or the director's designee, in accordance with the informal hearing  
14 requirements specified in Chapter 4.5 (commencing with Section 11400) of Part 1 of  
15 Division 3 of Title 2 of the Government Code.

16 (b) ~~Orders setting civil liability~~A penalty order issued under ~~this section~~Section 18997.5  
17 shall become effective and final upon issuance thereof, and payment shall be due within  
18 30 days of issuance, unless otherwise ordered by the director or the director's designee.  
19 ~~Copies of these orders~~A penalty order shall ~~may~~ be served by ~~personal service or by~~  
20 ~~certified mail upon the party served with the accusation~~any method described in Section  
21 18997.6(b).

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 **Article 17: Performance-Based Source-Separated Organic Waste Collection**  
30 **Service**

31  
32 Section 18998. Applicability.

33 This article specifies the requirements for a performance-based source-separated  
34 collection service, an alternative method for jurisdictions to provide solid waste  
35 collection services. The intent of this article is to provide streamlined requirements as a  
36 compliance incentive for those jurisdictions that implement collection services designed,  
37 as described herein, to achieve high-efficiency performance in recovery of organic  
38 waste. Jurisdictions that comply with the requirements of this article shall be relieved of  
39 compliance with particular regulatory requirements elsewhere in this chapter as  
40 described herein.

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 18998.1. Requirements for Performance-Based Source Separated**  
2 **Collection Service.**

3 **(a) If a jurisdiction implements a performance-based source separated organic**  
4 **waste collection service it shall:**

5 **(1) Provide a three-container organic waste collection service consistent with**  
6 **Section 18984.1 Subdivisions (a),(b) and (d)-(f) of this chapter to at least 90**  
7 **percent of the commercial businesses and 90 percent of the residential sector.**  
8 **~~organic waste generators~~ subject to the jurisdiction's authority.**

9 **(2) Transport the contents of the source separated organic waste collection**  
10 **stream to a designated source separated organic waste facility.**

11 **(3) Ensure that the presence of organic waste in the gray container collection**  
12 **stream does not exceed an annual average aggregate of 25 percent by weight.**  
13 **~~of total solid waste collected in that stream on an annual basis.~~**

14 **(A) The annual average percent of organic waste present in the gray**  
15 **container collection stream shall be determined by the results of waste**  
16 **composition studies evaluations performed by the jurisdiction pursuant to Section**  
17 **18984.5.**

18 **(B) The annual average percent of organic waste present in a jurisdiction's gray**  
19 **container collection stream is the average of the results of the gray container**  
20 **waste collection stream samples performed by the jurisdiction in the immediately**  
21 **previous four quarters pursuant to Section 18984.5.**

22 **~~the report submitted to the Department pursuant to Section 18815.5(f)~~**  
23 **~~demonstrating the results of the sampling performed pursuant to Sections~~**  
24 **~~17409.5.7 17409.5.7.2 and Sections 20901-20901.2.~~**

25 **(4) ~~Implement a system for automatically enrolling all new commercial businesses~~**  
26 **~~and residents within the jurisdiction in the three container organic waste collection~~**  
27 **~~service within 30 days of occupancy of a business or residence. Provide collection~~**  
28 **~~service to organic waste generators subject to their authority. Consistent with~~**  
29 **~~Section 18984.1. To comply with this section, a jurisdiction shall not require new~~**  
30 **~~commercial businesses or residents to request solid waste collection service~~**  
31 **~~prior to enrollment.~~**

32 **(5) Notify the Department pursuant to Section 18998.3.**

33 **(b) Jurisdictions that delegate collection services to a designee shall include in**  
34 **their contracts or agreements with the designee a requirement that all haulers**  
35 **transport the source separated organic waste collection stream collected from**  
36 **generators subject to the authority of a jurisdiction to a designated source**  
37 **separated organic waste facility.**

38 **~~(c) If the jurisdiction fails to comply with this section due to a facility to which it sends~~**  
39 **~~organic waste being unable to meet the requirements of a designated source separated~~**  
40 **~~organic waste facility, the jurisdiction shall implement an organic waste collection~~**  
41 **~~service that complies with the requirements of article 3 and shall be subject to the~~**  
42 **~~applicable enforcement processes outlined in this chapter until services that comply with~~**  
43 **~~Article 3 are provided to generators.~~**

44 **~~(c)-(d) If a jurisdiction that fails to meet the requirements of this section after~~**  
45 **~~notifying the Department in accordance with Section 18998.3, the jurisdiction shall~~**  
46 **~~implement an organic waste collection service that complies with the requirements of~~**



1 Article 3 of this chapter. The jurisdiction shall be subject to the applicable enforcement  
2 processes outlined in this chapter until services that comply with Article 3 are provided  
3 to generators. ~~it shall be subject to enforcement provisions and penalties outlined in~~  
4 ~~Article 16~~ and the jurisdiction shall not be eligible for the compliance exceptions in  
5 Section 18998.2.

6 ~~(d) (e) If at any time a jurisdiction commits a second, or third offense listed in in Table~~  
7 ~~11 in Section 18997.3, within a five year time period:~~

8 ~~(1) It shall be subject to penalties; and,~~

9 ~~(2) Upon notification from the Department, it shall be subject to the requirements of~~  
10 ~~Article 3 of this chapter, and associated enforcement provisions, and shall not be~~  
11 ~~eligible for the compliance exceptions in Section 18998.2.~~

12 (d) A hauler providing a performance-based source separated collection service is not  
13 required to comply with the provisions of Section 18988.2 in jurisdictions implementing  
14 this service, but shall comply with the following in jurisdictions implementing this service:

15 (1) Only transport the source separated organic waste collection stream to a  
16 designated source separated organic waste recycling facility.

17 (2) Keep a record of the documentation of its approval by the  
18 jurisdiction.

19 (e) The requirements of Subdivision (de) are not applicable to:

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

24 (2) A hauler that is lawfully transporting construction and demolition debris in  
25 compliance with Section 18989.1.

26  
27 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and  
28 42652.5.

29  
30 Reference: Public Resources Code Sections ~~40002, 41780.01, 42652.5, 42653,~~  
31 ~~42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-~~  
32 ~~44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and~~  
33 ~~39730.8.~~

34  
35 Section 18998.2. — Compliance Exceptions.

36 (a) If a jurisdiction implements a performance-based source-separated collection  
37 service that meets the requirements of Section 18998.1(a), the jurisdiction shall  
38 not be subject to the following ~~regulatory requirements:~~

39 (1) The collection requirements in Sections 18984.2, and 18984.3 ~~19884.1,~~  
40 ~~19884.2, and 19884.3, container contamination minimization requirements in~~  
41 ~~Section 18984.5,~~

42 (2) The container labeling requirements in Section 18984.8, and waivers ~~and~~  
43 ~~exemptions~~ requirements in Section 18984.11.

44 (3) ~~(2)~~ The recordkeeping requirements in Sections 18984.4, ~~18984.6, and~~  
45 18984.14.

46 ~~(3) The organic waste generator requirements in Section 18984.9.~~

~~(4) The property and business owner responsibilities in Section 18984.10.~~  
(4) (5) The organic waste recovery education and outreach requirements in Section 18985.1.  
(5) (6) The recordkeeping requirements in Section 18985.3 except the provisions as related to edible food recovery education and outreach performed under Section 18985.2 in that section.  
(6) (7) The regulation of haulers in Article 7 of this chapter.  
(7) (8) The jurisdiction annual reporting requirements in Section 18994.2(c)(1)-(2), (d)-(f) and (k).  
(8) (9) The jurisdiction inspection and enforcement requirements in Sections 18995.1, except for the provisions related to edible food generators and food recovery organizations and services in that section.  
(9) (10) The implementation record and recordkeeping requirements in Section 18995.2(f)(3)-(7) and (13). Implementation Records requirements in Section 18995.2-(f) (11)-(13) and (12) shall only be required for inspections and enforcement related to edible food generators and food recovery organizations and services.  
(10) (11) The jurisdiction investigation of complaints of alleged violations requirements in Section 18995.3, except as it pertains to entities subject to the edible food recovery requirements of Article 10 of this chapter.  
(11) (12) The jurisdiction enforcement requirements in Section 18995.4, except as it pertains to entities subject to the edible food recovery requirements of Article 10 of this chapter.

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 18998.3. –Notification to Department.

(a) A jurisdiction that will implement a performance-based source separated collection service beginning in 2022 shall notify the Department on or before January 1, 2022. A jurisdiction that will implement a performance-based source separated collection system in any subsequent year shall notify the Department on or before January 1 of that year.

(b) The notification shall include the following information:

(1) The name of the jurisdiction.

(2) Date the jurisdiction will start providing the performance-based source separated collection service.

(3) Contact information for the jurisdiction, including the name, address and telephone number of the representative of the jurisdiction with primary responsibility for ensuring compliance with this article.

(4) The address within the jurisdiction where all records required by this chapter are maintained.

1 (5) A list of each designated source separated organic waste facility, landfill  
2 disposal facility and any other solid waste facility and their Recycling and  
3 Disposal Reporting System number for any facility that will be receiving solid  
4 waste directly from the jurisdiction.

5 (6) The name of any designee the jurisdiction has delegated responsibilities  
6 to pursuant to Section 18998.1 and any relevant documentation  
7 demonstrating the designee's obligation to comply with the provisions of this  
8 article.

9 (7) A statement by the representative of the jurisdiction with primary  
10 responsibility for ensuring compliance with this article, under penalty of  
11 perjury, that all information contained in the notification is true and correct to  
12 the best of their knowledge and belief.

13 (8) The percent of commercial businesses and the percent of the residential sector  
14 currently enrolled in organic waste collection services provided by the jurisdiction.

15 (c) In the initial report to the department required in Section 18994.1, a ~~Jurisdiction~~  
16 ~~jurisdiction~~ implementing a performance-based source separated organic waste  
17 collection service shall certify that at least 90 percent of the commercial businesses and  
18 90 percent of the residential sector subject to the jurisdiction's authority are enrolled in a  
19 collection service that complies with the requirements of Section 18998.1.

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

22  
23 Reference: Public Resources Code Sections ~~40002, 41780.01, 42652.5, 42653,~~  
24 ~~42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-~~  
25 ~~44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and~~  
26 ~~39730.8.~~

27  
28 Section 18998.4. Recordkeeping.

29 A jurisdiction implementing a performance-based source -separated organic  
30 waste collection service pursuant to this article shall maintain the following  
31 information and documents in the Implementation Record required by Section  
32 18995.2 ~~of this chapter:~~

33 (a) The geographical area each designee serves.

34 (b) If a designee is used, a copy of the contract or agreement for each designee  
35 specifying the requirement that all haulers transport the source separated  
36 organic waste collection stream collected from generators subject to the  
37 jurisdictions authority to a designated source separated organic waste facility.

38 (c) Records evidencing compliance with Section 18998.1(a), including, but not  
39 limited to:

40 (1) A current list of generator addresses subject to the authority of the  
41 jurisdiction.

42 (2) A current list of generator addresses subject to the authority of the  
43 jurisdiction that are served with a performance-based source separated  
44 organic waste collection service.

1 (3) A current list of generator addresses within the jurisdiction that the  
2 jurisdiction does not require to use the performance-based source separated  
3 organic waste collection service.

4 (4) Documentation of the ~~mandatory~~ enrollment system used by the  
5 jurisdiction consistent with Section 18998.1(a)(4)-(5).

6 (d) A ~~Jurisdiction~~ jurisdiction implementing a performance-based source separated  
7 organic waste collection service is still required to maintain the following records  
8 specified in Section 18995.2:

9 (1) Records required by (f)(1).

10 (2) Records required by (f)(2) and (6) as they pertain to the edible food  
11 recovery requirements chapter.

12 (3) Records required by (f)(8)-(10)-(9).

13 (4) Records required by (f)(10)(11)-(13) as they pertain to the edible food  
14 recovery requirements of this chapter.

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

17  
18 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653,  
19 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-  
20 44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and  
21 39730.8.  
22

## 23 Amendments to Existing Title 14 & Title 27 Regulations

### 24 TITLE 14: NATURAL RESOURCES

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

- 26
  - 27
  - 28 • Chapter 3 Minimum Standards for Solid Waste Handling and Disposal
  - 29 • Chapter 3.1. Composting Operations Regulatory Requirements.
  - 30 (Amended)
  - 31 • Chapter 3.2. In-Vessel Digestion Operations and Facilities Regulatory
  - 32 Requirements
  - 33 • Chapter 5: Enforcement of Solid Waste Standards and Administration of
  - 34 Solid Waste Facility Permits; Loan Guarantees
  - 35 • Chapter 9: Planning Guidelines and Procedures for Preparing, Revising,
  - 36 and Amending Countywide or Regional Integrated Waste Management
  - 37 Plans
- 

### 38 Chapter 3. Minimum Standards for Solid Waste Handling and Disposal

#### 39 Article 6.0. Transfer/Processing Operations and Facilities Regulatory

#### 40 Requirements

41  
42  
43  
44

1 **Section 17402. Definitions.**

2 (a) For the purposes of these articles:

3 (0.5) "Consolidation Sites" means facilities or operations that receive solid waste for  
4 the purpose of storing the waste prior to transfer directly from one container to  
5 another or from one vehicle to another for transport and which do not conduct  
6 processing activities. Consolidation activities include, but are not limited to, limited  
7 volume transfer operations, sealed container transfer operations, and direct transfer  
8 facilities.

9 (1) "Contact Water" means water that has come in contact with waste and may  
10 include leachate.

11 (1.5) "Contamination" or "Contaminants" has the same meaning as "prohibited  
12 container contaminants" as defined in Section 18982(a)(55) of Chapter 12 of this  
13 division.

14 (2) "Covered Container" means a container that is covered to prevent the migration of  
15 litter from the container, excessive infiltration of precipitation, odor and leachate  
16 production, and to prevent access by animals and people; thereby controlling litter,  
17 scavenging, and illegal dumping of prohibited wastes. Covers may include, but are  
18 not limited to, tarpaulins or similar materials.

19 (3) "Direct Transfer Facility" means a transfer facility that receives equal to or more  
20 than 60 cubic yards or 15 tons (whichever is greater) of solid waste per operating day  
21 but less than 150 tons of solid waste and meets all of the following requirements:

22 (A) is located on the premises of a duly licensed solid waste hauling operator;

23 (B) only handles solid waste that has been placed within covered containers or  
24 vehicles prior to entering the facility and that is transported in vehicles owned or  
25 leased by that same operator;

26 (C) the facility does not handle, separate, or otherwise process the solid waste;

27 (D) no waste is stored at the facility for more than any 8-hour period;

28 (E) solid waste is transferred only once and directly from one covered container or  
29 vehicle to another covered container or vehicle so that the waste is never put on  
30 the ground or outside the confines of a container or vehicle, before, during, or after  
31 transfer. Direct transfer would not include top loading trailers where the solid waste  
32 actually leaves the confines of the collection vehicle and is suspended in air before  
33 falling into a transfer vehicle;

34 (F) all of the contents of the original transferring container or vehicle must be  
35 emptied during a single transfer; and

36 (G) any waste that may unintentionally fall outside of the containers or vehicles, is  
37 promptly cleaned up and replaced within the container or vehicle to which it was  
38 being transferred.

39 (4) "DTSC" means Department of Toxic Substances Control.

40 (5) "EA" means enforcement agency as defined in PRC section 40130.

41 (6) "Emergency Transfer/Processing Operation" means an operation that is  
42 established because there has been a proclamation of a state of emergency or local  
43 emergency, as provided in Title 14, Division 7, Chapter 3, Article 3, sections 17210.1

44 (j) and (k) and which meets all of the following requirements:

45 (A) the operation handles only disaster debris and other wastes, in accordance  
46 with section 17210.1(d), during the disaster debris recovery phase; and

1 (B) the location does not currently have a solid waste facility permit;  
2 (C) if the operation accepts, processes, or stores hazardous or household  
3 hazardous waste, then these activities must be in compliance with DTSC  
4 standards or standards of other appropriate authorities or agencies.

5 (6.65) "Gray eContainer #Waste" or "Gray eContainer eCollection eStream" means  
6 solid waste that is collected in a gray container that is part of a three-container  
7 organic waste collection service that prohibits the placement of organic waste in the  
8 gray container as specified in Sections 18984.1(a) and (b).

9 (6.7) "Hauler" has the same meaning as defined in Section 18815.2-(a)(32) of this  
10 division.

11 (7) "Hazardous Wastes" means any waste which meets the definitions set forth in  
12 Title 22, Section 66261.3, et seq. and is required to be managed.

13 (7.5) "Incompatible #Material" or "#Incompatibles," means human-made inert  
14 material, including, but not limited to, glass, metal, plastic, and also includes organic  
15 waste that for which the receiving end-user, facility, operation, property, or activity is  
16 not designed, permitted, or authorized to perform organic waste recovery activities as  
17 defined in Section 18983.1(b) of Article 2, Chapter 12.

18 (8) "Large Volume Transfer/Processing Facility" means a facility that receives 100  
19 tons or more of solid waste per operating day for the purpose of storing, handling or  
20 processing the waste prior to transferring the waste to another solid waste operation  
21 or facility.

22 (A) In determining the tonnage of solid waste received by the facility, the following  
23 materials shall not be included: materials received by a recycling center located  
24 within the facility, and by beverage container recycling programs in accordance  
25 with Public Resources Code sections 14511.7, 14518, or 14520, if the recycling  
26 activities are separated from the solid waste handling activities by a defined  
27 physical barrier or where the activities are otherwise separated in a manner  
28 approved by the EA.

29 (B) If the facility does not weigh the solid waste received, then the tonnage shall  
30 be determined by using a volumetric conversion factor where one cubic yard is  
31 equal to 500 pounds. The EA shall approve an alternate conversion factor if the  
32 operator demonstrates that it is more accurate than the required conversion factor.

33 (9) "Limited Volume Transfer Operation" means an operation that receives less than  
34 60 cubic yards, or 15 tons of solid waste per operating day for the purpose of storing  
35 the waste prior to transferring the waste to another solid waste operation or facility  
36 and which does not conduct processing activities, but may conduct limited salvaging  
37 activities and volume reduction by the operator.

38 (A) In determining the tonnage of solid waste received by the operation, the  
39 following materials shall not be included: materials received by a recycling center  
40 located within the operation, and by beverage container recycling programs in  
41 accordance with Public Resources Code sections 14511.7, 14518, or 14520, if the  
42 recycling activities are separated from the solid waste handling activities by a  
43 defined physical barrier or where the activities are otherwise separated in a  
44 manner approved by the EA.

45 (B) If the operation does not weigh the solid waste received, then the tonnage  
46 shall be determined by using a volumetric conversion factor where one cubic yard

1 is equal to 500 pounds. The EA shall approve an alternate conversion factor if the  
2 operator demonstrates that it is more accurate than the required conversion factor.

3 (10) "Litter" means all solid waste which has been improperly discarded or which has  
4 migrated by wind or equipment away from the operations area. Litter includes, but is  
5 not limited to, convenience food, beverage, and other product packages or  
6 containers constructed of steel, aluminum, glass, paper, plastic, and other natural  
7 and synthetic materials, thrown or deposited on the lands and waters of the state.

8 (11) "Medium Volume Transfer/Processing Facility" means a facility that receives  
9 equal to or more than 60 cubic yards or 15 tons (whichever is greater) of solid waste  
10 per operating day but less than 100 tons of solid waste, for the purpose of storing or  
11 handling the waste prior to transferring the waste to another solid waste operation or  
12 facility; or a facility that receives any amount of solid waste, up to 100 tons per  
13 operating day, for the purpose of processing solid waste prior to transferring the  
14 waste to another solid waste operation or facility.

15 (A) In determining the tonnage of solid waste received by the facility, the following  
16 materials shall not be included: materials received by a recycling center located  
17 within the facility, and by beverage container recycling programs in accordance  
18 with Public Resources Code sections 14511.7, 14518, or 14520, if the recycling  
19 activities are separated from the solid waste handling activities by a defined  
20 physical barrier or where the activities are otherwise separated in a manner  
21 approved by the EA.

22 (B) If the facility does not weigh the solid waste received, then the tonnage shall  
23 be determined by using a volumetric conversion factor where one cubic yard is  
24 equal to 500 pounds. The EA shall approve an alternate conversion factor if the  
25 operator demonstrates that it is more accurate than the required conversion factor.

26 (11.5) "Mixed Waste Organic Collection Stream" means organic waste collected in a  
27 ~~blue container or a gray~~ container that is required by Section 18984.1, 18984.2, or  
28 18984.3 ~~of this division~~ to be transported to a high diversion organic waste  
29 processing facility.

30 (12) "Nuisance" includes anything which:

31 (A) is injurious to human health or is indecent or offensive to the senses and  
32 interferes with the comfortable enjoyment of life or property, and

33 (B) affects at the same time an entire community, neighborhood or any  
34 considerable number of persons. The extent of annoyance or damage inflicted  
35 upon an individual may be unequal.

36 (13) "On-site" means located within the boundary of the operation or facility.

37 (14) "Open burning" means the combustion of solid waste without:

38 (A) control of combustion air to maintain adequate temperature for efficient  
39 combustion,

40 (B) containment of the combustion reaction in an enclosed device to provide  
41 sufficient residence time and mixing for complete combustion, and

42 (C) control of the emission of the combustion products.

43 (15) "Operating day" means the hours of operation as set forth in the application,  
44 Enforcement Agency Notification and/or permit not exceeding 24 hours.

1 (16) "Operating Record" means an easily accessible collection of records of an  
2 operation's or facility's activities and compliance with required state minimum  
3 standards under Title 14. The Record may include the Facility Plan or  
4 Transfer/Processing Report for facilities, and shall contain but is not limited to  
5 containing: agency approvals, tonnage and loadchecking records, facility contacts  
6 and training history. The record may be reviewed by state and local authorities and  
7 shall be available during normal business hours. If records are too voluminous to  
8 place in the main operating record or if the integrity of the records could be  
9 compromised by on-site storage, such as exposure to weather, they may be  
10 maintained at an alternative site, as long as that site is easily accessible to the EA.

11 (17) "Operations Area" means:

12 (A) the following areas within the boundary of an operation or facility as described  
13 in the permit application or Enforcement Agency Notification:

14 (i) equipment management area, including cleaning, maintenance, and storage  
15 areas; and

16 (ii) material and/or solid waste management area, including unloading,  
17 handling, transfer, processing, and storage areas.

18 (B) the boundary of the operations area is the same as the permitted boundary but  
19 may or may not be the same as the property boundary.

20 (18) "Operator" means the owner, or other person who through a lease, franchise  
21 agreement or other arrangement with the owner, that is listed in the permit  
22 application or Enforcement Agency Notification, is legally responsible for all of the  
23 following:

24 (A) complying with regulatory requirements set forth in these Articles;

25 (B) complying with all applicable federal, state and local requirements;

26 (C) the design, construction, and physical operation of the operations area;

27 (D) controlling the activities at an operation or facility as listed on the permit  
28 application or Enforcement Agency Notification.

29 (18.4) "Organic Waste Recovery Activities," or "Recovery" has the same meaning as  
30 defined in Section 18982(a)(449) of Chapter 12 of this division.

31 (18.5) "Organic Waste" has the same meaning as in Section 18982(a)(46) of Chapter  
32 12 of this division.

33 (18.6) "Source Separated Organic wWaste" or "Source Separated Organic Waste  
34 Collection Stream" means organic waste that is collected in a green container as  
35 specified in Sections 18984.1(a)(1) and 18984.2(a)(1), "source separated blue  
36 container organic waste," as defined in this section, and organic waste collected in or  
37 an additional a yellow container or other container as specified in Section  
38 18984.1(a)(6) of this division, and organic waste collected in an "uncontainerized  
39 green waste and yard waste collection service," as defined in Section 18982.

40 (18.7) "Source sSeparated bBlue cContainer oOrganic wWaste" means the organic  
41 wastes collected in a blue container that is limited to the collection of those organic  
42 wastes and non-organic recyclables as defined in Section 18982(a)(43) of this  
43 division.

44 (19) "Owner" means the person or persons who own, in whole or in part, an operation  
45 or facility, and/or the land on which it is located.



1 (20) "Processing" means the controlled separation, recovery, volume reduction,  
2 conversion, or recycling of solid waste including, but not limited to, organized,  
3 manual, automated, or mechanical sorting, the use of vehicles for spreading of waste  
4 for the purpose of recovery, and/or includes the use of conveyor belts, sorting lines or  
5 volume reduction equipment. Recycling Center is more specifically defined in section  
6 17402.5 (d) of this Article.

7 (21) "Putrescible Wastes" include wastes that are capable of being decomposed by  
8 micro-organisms with sufficient rapidity as to cause nuisances because of odors,  
9 vectors, gases or other offensive conditions, and include materials such as, but not  
10 limited to food wastes, offal and dead animals. The EA shall determine on a case-by-  
11 case basis whether or not a site is handling putrescible wastes.

12 (22) "Regulated Hazardous Waste" means a hazardous waste, as defined in section  
13 66260.10 of Division 4.5 of Title 22.

14 (23) "RWQCB" means the Regional Water Quality Control Board.

15 (23.5) "Remnant Organic Material" means the organic waste material that is  
16 collected in a gray container that is part of the gray container collection stream.

17 (23.6) "Reporting Period" has the same meaning as defined in Section  
18 188154.2 (a)(49).

19 (24) "Salvaging" means the controlled separation of solid waste material which do not  
20 require further processing, for reuse or recycling prior to transfer activities.

21 (25) "Scavenging" means the uncontrolled and/or unauthorized removal of solid  
22 waste materials.

23 (26) "Sealed Container Transfer Operation" means a transfer operation that meets  
24 the following requirements:

25 (A) handles only solid waste that has previously been placed within containers that  
26 have either a latched, hard top or other impermeable cover which is closed tightly  
27 enough to:

28 (1) prevent liquid from infiltrating into or leaking out of the container; and

29 (2) prevent the propagation and migration of vectors; and,

30 (i) the solid waste remains within the unopened containers at all times while  
31 on-site; and,

32 (ii) the containers are not stored on-site for more than 96 hours.

33 Sealed container transfer operations do not include operations excluded by  
34 Public Resources Code section 40200(b)(3).

35 (26.5) "Secondary Material Processing Facility" or "Operation" means an activity  
36 whose primary purpose is to receive and process source separated, or separated for  
37 reuse, materials from a permitted transfer/processing facility or a transfer/processing  
38 operation governed by an enforcement agency notification, and that does not meet  
39 the residual percentage or putrescible waste percentage as set forth in section  
40 17402.5(d). Materials include, but are not limited to, glass, plastics, paper, and  
41 cardboard.

42 (A) Secondary Material Processing Operations are those activities that:

43 1. Are governed by the Enforcement Agency Notification tier requirements as  
44 specified in section 17403.3.2; and,

45 2. Receive an amount of residual material that is less than 40% by weight as  
46 calculated on a monthly basis. Operations that do not meet this residual

1 requirement shall comply with the Registration Permit tier requirements  
2 specified in 17403.3.3.

3 (B) Secondary Material Processing Facilities are those activities that:

4 1. Are governed by the Registration Permit tier requirements as specified in  
5 section 17403.3.3; and,

6 2. Do not meet the 40% residual material requirement as specified in  
7 subdivision (A).

8 (26.6) "Source Separated Organic Waste" or "Source Separated Organic Waste  
9 Collection Stream" means organic waste that is collected in a green container as  
10 specified in Sections 18984.1(a)(1) and 18984.2(a)(1), "source separated blue  
11 container organic waste," as defined in this section, organic waste collected in an  
12 additional container as specified in Section 18984.1(a)(6), and organic waste  
13 collected in an "uncontainerized green waste and yard waste collection service," as  
14 defined in Section 18982.

15 (26.7) "Source Separated Blue Container Organic Waste" means the organic wastes  
16 collected in a blue container that is limited to the collection of those organic wastes  
17 and non-organic recyclables as defined in Section 18982(a)(43).

18 (27) "Special Waste" includes but is not limited to:

19 (A) waste requiring special collection, treatment, handling, storage, or transfer  
20 techniques as defined in Title 22, section 66260.10.

21 (B) waste tires and appliances requiring CFC removal.

22 (28) "Spotter" means an employee who conducts activities that include, but are not  
23 limited to, traffic control, hazardous waste recognition and removal for proper  
24 handling, storage and transport or disposal, and protection of the public from health  
25 and/or safety hazards.

26 (29) "Store" means to stockpile or accumulate for later use.

27 (30) "Transfer/Processing Facility" or "Facility" includes:

28 (A) those activities governed by the Registration Permit tier or Full Solid Waste  
29 Facility Permit requirements (as specified in sections 17403.6 and 17403.7); and,

30 (B) which:

31 1.receive, handle, separate, convert or otherwise process materials in solid  
32 waste; and/or

33 2.transfer solid waste directly from one container to another or from one vehicle  
34 to another for transport; and/or

35 3.store solid waste;

36 (C) The receipt of separated for reuse material pursuant to Public Resources  
37 Code, Division 12.1, Chapter 2, sections 14511.7, 14518, or 14520, located within  
38 a solid waste facility does not constitute solid waste handling, or processing, if  
39 there is a defined physical barrier to separate recycling activities defined in Public  
40 Resources Code, Division 12.1, Chapter 2, sections 14511.7, 14518, or 14520,  
41 from the solid waste activities, or where the recycling and solid waste activities are  
42 considered by the EA as separate operations.

43 (D) "Transfer/Processing Facilities" do not include activities specifically defined in  
44 section 17402.5(c) of this Article, and operations and facilities that are subject to  
45 regulations in Chapter 3.1 (commencing with section 17850).

46 (31) "Transfer/Processing Operation" or "Operation" includes:

- 1 (A) those activities governed by the EA Notification tier requirements; and,  
2 (B) which:  
3 1.receive, handle, separate, convert or otherwise process materials in solid  
4 waste; and/or  
5 2.transfer solid waste directly from one container to another or from one vehicle  
6 to another for transport; and/or  
7 3.store solid waste;  
8 (C) The receipt of separated for reuse material pursuant to Public Resources  
9 Code, Division 12.1, Chapter 2, sections 14511.7, 14518, or 14520, located within  
10 a solid waste operation does not constitute solid waste handling, or processing, if  
11 there is a defined physical barrier to separate recycling activities defined in Public  
12 Resources Code, Division 12.1, Chapter 2, sections 14511.7, 14518, or 14520,  
13 from the solid waste activities, or where the recycling and solid waste activities are  
14 considered by the EA as separate operations.  
15 (D) "Transfer/Processing Operations" do not include activities specifically defined  
16 in section 17402.5(c) of this Article, and operations and facilities that are subject to  
17 regulations in Chapter 3.1 (commencing with section 17850).

18 (32) "Volume Reduction" means techniques such as: compaction, shredding, and  
19 baling.

20 (33) "Waste Hauling Yard Operation" is an operation that meets the following  
21 requirements:

- 22 (A) is located on the premises of a duly licensed solid waste hauling operator, who  
23 receives, stores, or transfers waste as an activity incidental to the conduct of a  
24 refuse collection and disposal business, and;  
25 (B) handles only solid waste that has been placed within a covered container  
26 before the container arrives at the waste hauling yard, and;  
27 (C) no more than 90 cubic yards of waste is stored on-site in covered containers at  
28 any time, and;  
29 (D) the solid waste remains within the original covered containers while on-site at  
30 any times, and;  
31 (E) the covered containers are not stored on-site for more than any 72 hour period;  
32 (F) if the EA has information that the operation does not meet these requirements,  
33 the burden of proof shall be on the owner or operator to demonstrate that the  
34 requirements are being met.

35  
36 Note:

37 Authority cited: Sections 40502, 43020, [and 43021](#), ~~[and 42652.5](#)~~, Public Resources  
38 Code.

39  
40 Reference: Sections ~~40502, 40002,~~40053, ~~41780.01, 42652.5, 42653, 42654, 42652.5,~~  
41 43020 and 43021, ~~43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816~~  
42 Public Resources Code and ~~Sections 39730.5, 39730.6, 39730.7 and 39730.8~~ Health  
43 and Safety Code.

44  
45 **Section 17402.5. Definitions and Related Provisions Regarding Activities That Are**  
46 **Not Subject to the Transfer/Processing Regulatory Requirements.**

1 (a) This section sets forth definitions and related provisions regarding activities that are  
2 not subject to the requirements of Articles 6.0, 6.1, 6.2, 6.3 and 6.35 of this Chapter.

3 (1) Activities that are not in compliance with the applicable definitions and related  
4 provisions of this section shall be subject to the requirements of Articles 6.0, 6.1, 6.2,  
5 6.3 and 6.35 of this Chapter.

6 (2) The definitions and related provisions of this section are for use only to determine  
7 the applicability of Articles 6.0, 6.1, 6.2, 6.3 and 6.35 of this Chapter.

8 (b) The following general definitions may apply to one or more of the activities that are  
9 more specifically defined in subdivisions (c) and (d) of this section.

10 (1) "Residual" means the solid waste destined for disposal, further  
11 transfer/processing as defined in section 17402(a)(30) or (31) of this Article, or  
12 transformation which remains after processing has taken place and is calculated in  
13 percent as the weight of residual divided by the total incoming weight of materials.

14 (2) "Reuse" means the use, in the same, or similar, form as it was produced, of a  
15 material which might otherwise be discarded.

16 (3) "Separated for Reuse" means materials, including commingled recyclables, that  
17 have been separated or kept separate from the solid waste stream for the purpose of  
18 additional sorting or processing those materials for recycling or reuse in order to  
19 return them to the economic mainstream in the form of raw material for new, reused,  
20 or reconstituted products which meet the quality standards necessary to be used in  
21 the marketplace, and includes materials that have been "source separated".

22 (4) "Source Separated" means materials, including commingled recyclables, that  
23 have been separated or kept separate from the solid waste stream, at the point of  
24 generation, for the purpose of additional sorting or processing those materials for  
25 recycling or reuse in order to return them to the economic mainstream in the form of  
26 raw material for new, reused, or reconstituted products which meet the quality  
27 standards necessary to be used in the marketplace.

28 (c) Activities included in one of the following definitions are not subject to the  
29 requirements of Articles 6.0, 6.1, 6.2, 6.3 and 6.35 of this Chapter, provided that these  
30 activities do not include the acceptance of solid waste which has not been separated for  
31 reuse. If an activity defined in this section is accepting solid waste which has not been  
32 separated for reuse, it must meet the requirements of subdivision (d) of this section or  
33 else it shall be subject to the requirements of Articles 6.0, 6.1, 6.2, 6.3 and 6.35 of this  
34 Chapter.

35 (1) "Auto Dismantler" means a person or business entity engaged in the business of  
36 buying, selling, or dealing in vehicles including nonrepairable vehicles, for the  
37 purpose of dismantling the vehicles, buying or selling the integral parts and  
38 component materials thereof, in whole or in part, or dealing in used motor vehicle  
39 parts pursuant to California Vehicle Code, section 220.

40 (2) "Auto Shredder" or "Metal Shredder" means a person or business entity that  
41 accepts scrap metal, typically automobiles and white goods, and mechanically rends  
42 that scrap metal into fist sized bits and pieces and separates the ferrous metals,  
43 nonferrous metals and other materials for the purpose of recycling.

44 (3) "Buy Back Center" means a person or business entity engaging in those activities  
45 defined in Public Resources Code Sections 14518, or 14520.

1 (4) "Drop-off Center" means a person or business entity engaging in those activities  
2 defined in Public Resources Code Section 14511.7.

3 (5) "Manufacturer" means a person or business entity that uses new or separated for  
4 reuse materials as a raw material in making a finished product that is distinct from  
5 those raw materials.

6 (6) "Regional Produce Organic Distribution Center" means a distribution center that  
7 receives unsold food produce, including and packaged food produce (sometimes  
8 referred to as "pre-consumer"), back from stores to which it was originally sent by  
9 that distribution center ~~the produce, and which remains the property of the distribution~~  
10 center or stores, for the purpose of data collection, depackaging, and transferring this  
11 produce and other food to a compost compostable material handling operation or  
12 facility, in-vessel digestion operation or facility, or to a another beneficial use. A  
13 regional produce distribution center would not include a site where produce is  
14 processed.

15 (7) "Rendering Activities", means an activity that is a licensed animal food  
16 manufacturing activity, or a rendering activity which is authorized by the California  
17 Department of Food and Agriculture pursuant to Section 19300 of the Food and  
18 Agricultural Code, and in which no solid waste feedstock bypasses the manufacturing  
19 or rendering process. "~~Rendering Plant~~" means a person or business entity where  
20 dead animals or any part or portion thereof, vegetable oils, or packing house refuse,  
21 are processed for the purpose of obtaining the hide, skin, grease residue, or any  
22 other byproduct whatsoever.

23 (8) "Reuse Salvage Operation" means a person or business entity which sterilizes,  
24 dismantles, rebuilds, or renovates, nonputrescible separated-for-reuse materials, and  
25 that recovers for recycling or reuse distinct material types that have not been  
26 commingled with other materials before they enter the waste stream. Examples of  
27 this activity include, but are not limited to, wire choppers, and dismantlers of furniture  
28 and mattresses, and "brown goods" such as computer equipment, VCRs, and  
29 televisions.

30 (9) "Scrap Metal Recyclers and Dealers" means a person or business entity including  
31 all employees of the person or business entity, (except automotive recyclers and auto  
32 shredders as defined in this section), whose primary business is the purchasing;  
33 processing by shredding, shearing, baling, and torching; trading, bartering or  
34 otherwise receiving secondhand or castoff metal material which includes ferrous  
35 metals, nonferrous metals, aluminum scrap, auto bodies, major appliances and other  
36 metals, including containers that are regulated pursuant to Public Resources Code  
37 Section 14511.7, 14518 or 14520.

38 (10) "Wire Chopper" means a person or business entity which uses source separated  
39 metal components or wire for the purpose of recycling or reuse.

40 (11) "Wood, Paper or Wood Product Manufacturer" means a person or business  
41 entity that uses separated for reuse paper or woody materials in order to produce a  
42 finished product able to be used as is, or to manufacture another product such as,  
43 boxes or boards, without further processing.

44 (d) A "Recycling Center" means a person or business entity that meets the  
45 requirements of this subdivision. A recycling center shall not be subject to the  
46 requirements of Articles 6.0, 6.1, 6.2, 6.3 and 6.35 of this Chapter.

- 1 (1) A recycling center shall only receive material that has been separated for reuse  
2 prior to receipt.
- 3 (2) The residual amount of solid waste in the separated for reuse material shall be  
4 less than 10% of the amount of separated for reuse material received by weight.  
5 (A) The residual amount is calculated by measuring the outgoing tonnage after  
6 separated for reuse materials have been removed.  
7 (B) The residual amount is calculated on a monthly basis based on the number of  
8 operating days.
- 9 (3) The amount of putrescible wastes in the separated for reuse material shall be less  
10 than 1% of the amount of separated for reuse material received by weight, and the  
11 putrescible wastes in the separated for reuse material shall not cause a nuisance, as  
12 determined by the EA.  
13 (A) The amount of putrescible wastes is calculated in percent as the weight of  
14 putrescible wastes divided by the total incoming weight of separated for reuse  
15 material.  
16 (B) The amount of putrescible wastes is calculated on a monthly basis based on  
17 the number of operating days.
- 18 (4) The only separation that may occur at the recycling center is the sorting of  
19 materials that have been separated for reuse prior to receipt.
- 20 (5) The recycling center may include an adjustment in the calculation to include the  
21 weight of water in the residual, when the use of water is essential to the sorting or  
22 processing of the material, provided that such an adjustment is also made in the  
23 weight of materials received for processing.
- 24 (6) The following materials shall not be included in calculating residual as set forth in  
25 subdivision (d)(2) of this section, if the recycling activities are separated from the  
26 material handling activities noted below by a defined physical barrier or where the  
27 activities are otherwise separated in a manner that the EA determines will keep the  
28 materials from being commingled:  
29 (A) materials received at an on-site Buy Back Center;  
30 (B) materials received at an on-site Drop-off Center;  
31 (C) cannery waste;  
32 (D) construction and demolition materials;  
33 (E) nonhazardous contaminated soil;  
34 (F) grease-trap pumpings;  
35 (G) nonhazardous asbestos;  
36 (H) nonhazardous ash;  
37 (I) compost and compost feedstock;  
38 (J) sewage sludge;  
39 (K) tires.
- 40 (7) If the EA has information that material that is being received is not separated for  
41 reuse or source separated, that the residual is 10% or more of the total per month, or  
42 that the amount of putrescible wastes is 1% or more of the total per month, the  
43 burden of proof shall be on the owner or operator to demonstrate otherwise.  
44 (A) A business that accepts loads of material that are not separated for reuse or  
45 source separated does not qualify as a recycling center.

1 (B) If the EA has reason to believe that a business is accepting material that is not  
2 separated for reuse or source separated due to averaging or combining of those  
3 loads with other loads of separated for reuse material, the burden of proof will be  
4 on the business to demonstrate that it is not accepting loads of mixed solid waste.

5 (C) If the EA has reason to believe that a business is accepting material that is not  
6 separated for reuse or source separated due to the separation of portions of the  
7 material at consecutive sites, each of which removes less than 10% residual, the  
8 burden of proof will be on the business to demonstrate that it is not accepting  
9 loads of mixed solid waste.

10 (D) If the EA determines that a business has exhibited a pattern and practice of  
11 failing to comply with the provisions of this subsection, the EA may issue a Notice  
12 and Order requiring the business to obtain a Registration Permit or Full Permit or  
13 comply with the Enforcement Agency Notification requirements as made  
14 applicable in sections 17403 through 17403.7 of this Article.

15 (E) At the time that the EA requires a recycling center to provide evidence that it is  
16 in compliance with this subdivision, the EA shall provide the recycling center with a  
17 written description of the information that has caused the EA to believe that the  
18 recycling center is not in compliance. Nothing in this requirement is intended to  
19 require the EA to identify the name or other identifying information regarding any  
20 individual(s) who have complained about the recycling center.

21 (F) Nothing in this section precludes the enforcement agency or the board from the  
22 following: inspecting a business to verify that it is conducted in a manner that  
23 meets the provisions of this subsection; or, from taking any appropriate  
24 enforcement action, including the use of a Notice and Order as provided in Section  
25 18304.

26 (8) Operations which do not meet the 10% residual percentage in subdivision (d)(2)  
27 of this section but which qualify as a Limited Volume Transfer Operation, shall  
28 comply with the requirements of section 17403.3 within one month of March 5, 1999.

29 (9) recycling center operators may voluntarily report their residual percentage to the  
30 EA and the CalRecycle using form CIWMB 607 (located in Appendix A).

31 (10) If the EA determines that a person or business entity purporting to operate a  
32 recycling center is not in compliance with this subsection and issues an enforcement  
33 order, that person or business entity may appeal that order in accordance with Public  
34 Resources Code section 44307.

35 (e) If a Chipping and Grinding Operation or Facility, as defined in section 17852(a)(10)  
36 of this Division, handles material that fails to meet the definition of green material due to  
37 contamination as set forth in section 17852(a)(21) of this Division, the operation or  
38 facility shall not be considered to be a recycling center as set forth in subsections (c) or  
39 (d) of section 17402.5

40  
41 Note:

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

44  
45 Reference: Sections ~~40002~~, 40053, 42652.5, ~~41780.01~~, ~~42652.5~~, ~~42653~~, ~~42654~~, 43020  
46 and 43021, ~~43103~~, ~~44001-44017~~, ~~44100-44101~~, ~~44500-44503~~ and ~~44813-44816~~ Public

1 Resources Code and Sections 39730.5, 39730.6, ~~39730.7 and 39730.8~~, Health and  
 2 Safety Code.

3  
 4 **Section 17403.0. Regulatory Tiers Requirements for Transfer/Processing  
 5 Operations and Facilities.**

6 Sections 17403.1 through 17403.7 set forth the regulatory tier requirements (Title 14,  
 7 Division 7, Chapter 5.0, Article 3.0, commencing with section 18100 or Title 27, Division  
 8 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2, 3 and 3.1 of the California Code of  
 9 Regulations (commencing with section 21570) that apply to specified types of  
 10 transfer/processing operations and facilities. These requirements are summarized in  
 11 Table 1.

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

16  
 17 Reference: Sections ~~40002~~, 40053, ~~41780.01, 42652.5, 42653, 42654,~~ 43020 and  
 18 43021, ~~43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816~~ Public  
 19 Resources Code and Sections 39730.5, 39730.6, ~~39730.7 and 39730.8~~ Health and  
 20 Safety Code.

21  
 22 **Table 1. Transfer/Processing Operations and Facilities Placement into the  
 23 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	Sealed Container Transfer Operations Section 17403.2		



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
Drop-off Centers Section 17402.5(c)(4)	combined container volume is handled for recycling. Section 17403.1(a)(2)			
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)			
<del>Rendering Plants Activities Section 17402.5(c)(6)</del> Reuse Salvage Operations (includes furniture and mattress dismantlers and demanufacturers)	Containers used to store salvaged materials. Section 17403.1(a)(5)  Waste Hauling Yard Operations.			

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
Section 17402.5(c)( <del>7</del> <u>8</u> )	Section 17403.1(a)(6)  Storage of Other Wastes. Section 17403(1)(a)(7)			
Scrap Metal Recyclers and Dealers Section 17402.5(c)( <del>8</del> <u>9</u> )				
Wire Choppers Section 17402.5(c)( <del>9</del> <u>10</u> )				
Wood, Paper, or Wood Product Manufacturer Section 17402.5(c)( <del>10</del> <u>11</u> )				

Note: There are no operations or facilities placed within the Standardized tier.

### Article 6.2 Operating Standards.

#### Section 17409.5. Loadchecking—Prohibited Wastes.

(a) The operator of an attended operation or facility shall implement a loadchecking program to prevent the acceptance of waste which is prohibited by this Article. This program must include at a minimum:

- (1) the number of random loadchecks to be performed;
- (2) a location for the storage of prohibited wastes removed during the loadchecking process that is separately secured or isolated;
- (3) records of loadchecks and the training of personnel in the recognition, proper handling, and disposition of prohibited waste. A copy of the loadchecking program and copies of the loadchecking records for the last year shall be maintained in the operating record and be available for review by the appropriate regulatory agencies.

Note:

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

Reference: Sections ~~40002~~, 40053, 42652.5, ~~41780.01~~, ~~42652.5~~, ~~42653~~, ~~42654~~, 43020 and 43021, ~~43103~~, ~~44001-44017~~, ~~44100-44101~~, ~~44500-44503~~ and ~~44813-44816~~ Public

1 Resources Code and Sections 39730.5, 39730.6, ~~39730.7 and 39730.8~~ Health and  
2 Safety Code.

3  
4 **Section 17409.5.1. Organic Waste Recovery Efficiency.**

5 (a) This section applies to transfer/~~and~~ processing facilities and operations that conduct  
6 processing activities.

7 (b) For ~~the~~ purposes of compliance with the reporting requirements in Section 18815.5  
8 ~~of this division~~, and demonstrating that the facility is a “high diversion organic waste  
9 processing facility” as defined in Section 18982-(a)(33) ~~of this division~~ that meets or  
10 exceeds an annual average mixed waste organic content recovery rate of 50 percent on  
11 and after January 1, 2022 and 75 percent on and after January 1, 2025 as determined  
12 in Section 18815.5(e), the operator shall conduct the measurements described in this  
13 section.

14 (c) The operator shall:

15 (1) Determine the ~~quarterly~~ sum of outgoing weights of organic waste recovered  
16 from the mixed waste organic collection stream by adding together ~~all the~~ weights  
17 determined pursuant to Section 17409.5.2(b)(6) for each operating day ~~that~~  
18 ~~measurements were conducted during the reporting period.~~ ~~for the quarterly~~  
19 ~~period.~~

20 (2) Determine the ~~quarterly~~ sum of outgoing weights of organic waste removed from  
21 the mixed waste organic collection stream ~~for landfill disposal by adding together~~  
22 ~~the weights that is sent to disposal~~ as measured pursuant to Section  
23 17409.5.3(b)(5) for each operating day ~~that measurements were conducted~~  
24 ~~during the reporting period.~~ ~~for the quarterly period.~~

25 (3) Report the ~~quarterly~~ sums of Subdivisions (c)(1) and (c)(2) to the Department  
26 pursuant to Section 18815.5 ~~of this division~~.

27 (d) The operator shall additionally:

28 (1) Determine the ~~quarterly~~ sum of outgoing weights of organic waste recovered  
29 from the source separated organic waste collection stream by adding together ~~all the~~  
30 weights determined pursuant to Section 17409.5.4(b)(6) for each operating day ~~that~~  
31 ~~measurements were conducted during the reporting period.~~ ~~for the quarterly~~  
32 ~~period.~~

33 (2) Determine the ~~quarterly~~ sum of outgoing weights of organic waste removed from  
34 the source separated organic waste collection stream that is sent for landfill disposal  
35 by adding together the weights as measured pursuant to Section 17409.5.5(b)(5)  
36 for each operating day ~~that measurements were conducted during the reporting~~  
37 ~~period.~~ ~~for the quarterly period.~~

38 (3) Report the ~~quarterly~~ sums of Subdivisions (d)(1) and (d)(2) to the Department  
39 pursuant to Section 18815.5 ~~of this division~~.

40 (e) The operator shall maintain records demonstrating compliance with this section in a  
41 manner approved by the EA and as described in Section 17414.2(a) ~~of this chapter~~.

42 Note:

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

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 Authority cited: Sections 40502, 43020, and 43021 Public Resources Code.  
5 Reference: Sections 40053, 42652.5, 43020 and 43021, Public Resources Code and  
6 Section 39730.6, Health and Safety Code.

7  
8 **Section 17409.5.2. Measuring Organic Waste Recovered from Mixed Waste**  
9 **Organic Collection Stream.**

10 (a) The operator of an attended operation or facility that accepts a mixed waste organic  
11 collection stream shall, ~~each operating day,~~ measure the amount by weight of organic  
12 waste separated from the mixed waste organic collection stream after processing for  
13 end-use, recovery or further processing.

14 (1) The measurements required pursuant to this section shall be conducted at  
15 the following frequency:

16 (A) For each reporting period, the operator shall perform the sampling  
17 protocol required in ~~§~~Subdivision (b) over ten (10) consecutive operating  
18 days.

19 (B) An operator may use the results of samples conducted over a period of  
20 more than 10 days if the following apply:

21 1. If less than 10 additional days are sampled in the reporting period, the  
22 additional operating days where sampling is performed shall be a  
23 consecutive continuation of the original 10 consecutive days of sampling.

24 2. If 10 additional operating days or more are selected for sampling, the  
25 additional operating days shall be conducted on consecutive days but may  
26 be performed during a different part of the reporting period and are not  
27 required to be a continuation of the original 10 operating days.

28 (b) The operator shall comply with ~~§~~Subdivision (a) by using the following protocol:

29 (1) On each sampling day ~~Take~~ take one sample of at least ~~a~~ two hundred (200)  
30 pounds ~~one (1) cubic yard sample~~ from each ~~of the~~ organic waste type separated  
31 after processing at the operation or facility on that operating day prior to sending to a  
32 destination for end-use, recovery, or further processing. Each sample shall be:

33 (A) Representative of a typical operating day; ~~and~~

34 (B) A random, composite sample taken either from various times during the  
35 operating day or from various locations within each pile of each of the organic  
36 waste types separated after processing.

37 (2) ~~Determine~~ Record the weight of each sample from each organic waste type. If  
38 the total weight of a single organic waste type processed in a single operating  
39 day is less than 200 pounds, the operator shall sample all of that organic waste  
40 type that is separated after processing for end-use, recovery or further  
41 processing.

42 (3) For each sample, remove any incompatible material and determine the remaining  
43 weight of organic waste in that sample.

44 (4) Then determine a ratio for each type of organic waste in the mixed waste organic  
45 collection stream by dividing the total ~~weight~~ from ~~§~~Subdivision (b)(3) by the total  
46 weight recorded in ~~from~~ ~~§~~Subdivision (b)(2).

1 (5) Multiply the ratio determined for each type of organic waste type pursuant to  
2 §Subdivision (b)(4) for each type of organic waste by the total weight of all of the  
3 same type of organic waste separated after processing and destined for end-use,  
4 recovery or further processing

5 (6) Determine the total weight of organic waste separated from the mixed waste  
6 organic collection stream for recovery by adding the sum of all the weights calculated  
7 pursuant to §Subdivision (b)(5).

8 (c) The operator shall conduct a measurement in the presence of the EA when  
9 requested.

10 (d) If it is determined by the EA that the measurements do not accurately reflect the  
11 records, the EA may require the operator to increase the frequency of measurements,  
12 and/or revise the measurement protocol, or both to improve accuracy.

13 (e) If the operator sends any material to a POTW that the POTW is not authorized to  
14 receive, pursuant to Section 17896.6(a)(1)(C) or (D), that material shall be deemed to  
15 constitute landfill disposal pursuant to Section 18983.1(a)(3), and the weight of that  
16 material shall be added to the total weight calculated pursuant to Section  
17 17409.5.3.

18  
19 Note:

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

22  
23 Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021,  
24 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816 Public Resource  
25 Code and Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.  
26 Authority cited: Sections 40502, 43020, and 43021, Public Resources Code.

27 Reference: Sections 40053, 42652.5, 43020, and 43021, Public Resources Code and  
28 Section 39730.6, Health and Safety Code.

29  
30 **Section 17409.5.3. Measuring Organic Waste in Material in Residuals Removed**  
31 **from Mixed Waste Organic Collection Stream for Disposal.**

32 (a) The operator of an attended operation or facility that accepts a mixed waste organic  
33 collection stream shall, each operating day, measure the amount by weight of organic  
34 waste present in the material residuals removed from the mixed waste organic  
35 collection stream after processing that is sent to disposal.

36 (1) The measurements required pursuant to this section shall be conducted at  
37 the following frequency:

38 (A) For each reporting period, the operator shall perform the sampling  
39 protocol required in §Subdivision (b) over ten (10) consecutive operating  
40 days.

41 (B) An operator may use the results of samples conducted over a period of  
42 more than 10 days if the following apply:

43 1. If less than 10 additional days are sampled in the reporting period, the  
44 additional operating days where sampling is performed shall be a  
45 consecutive continuation of the original 10 consecutive days of sampling.

2. If 10 additional operating days or more are selected for sampling, the additional operating days shall be conducted on consecutive days but may be performed during a different part of the reporting period and are not required to be a continuation of the original 10 operating days.

(b) The operator shall comply with ~~§~~Subdivision (a) by using the following protocol:

(1) On each sampling day, take one sample of at least two hundred (200) pounds~~Take at least one (1) cubic yard sample~~ of the ~~residuals material~~ removed from mixed waste organic collection stream at the operation or facility on that operating day prior to sending to disposal. Each sample shall be:

(A) Representative of a typical operating day; and

(B) A random, composite sample taken either from various times during the operating day or from various locations within the pile(s) of material that will be sent to disposal, ~~after processing~~

(2) Determine-Record the total weight of the sample. If the total weight of the materials removed from the mixed waste organic collection stream in a single operating day is less than 200 pounds, the operator shall sample the stream that will be sent to disposal.

(3) Remove any incompatible material and determine the remaining weight of the organic waste in the sample.

(4) Then determine the ratio of organic waste present in the ~~residuals materials~~ removed from the mixed waste organic collection stream for disposal by dividing the total weight from ~~§~~Subdivision (b)(3) by the total weight recorded in from ~~§~~Subdivision (b)(2).

(5) Determine the total weight of organic waste removed from the mixed organic collection stream that is sent ~~to for~~ disposal by multiplying the ratio determined pursuant to ~~§~~Subdivision (b)(4) by the total weight of the ~~residuals materials~~ removed from the mixed waste organic collection stream for disposal after processing.

(c) The operator shall conduct a measurement in the presence of the EA when requested.

(d) If it is determined by the EA that the measurements do not accurately reflect the records, the EA may require the operator to increase the frequency of measurements, ~~and/or~~ revise the measurement protocol, or both to improve accuracy.

(e) The operator shall maintain records of measurements and the training of personnel in evaluating the amount of organic waste in the ~~residual~~ material removed from mixed waste organic collection stream for disposal.

(f) For the purposes of this section “disposal” has the same meaning as “Activities that constitute landfill disposal” as defined in Section 18982.

Note:

Authority cited: Sections 40502, 43020, and 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 Authority cited: Sections 40502, 43020, and 43021, Public Resources Code.  
2 Reference: Sections 40053, 42652.5, 43020 and 43021, Public Resources Code and  
3 Section 39730.6, Health and Safety Code.

4  
5 **Section 17409.5.4. Measuring Organic Waste Recovered from Source Separated**  
6 **Organic Waste Collection Stream.**

7 (a) The operator of an attended operation or facility that accepts source separated  
8 organic waste, shall, ~~each operating day~~, measure the amount by weight of organic  
9 waste separated from the source separated organic waste collection stream after  
10 processing for end-use, recovery or further processing.

11 **(1) The measurements required pursuant to this section shall be conducted at**  
12 **the following frequency:**

13 **(A) For each reporting period, the operator shall perform the sampling**  
14 **protocol required in ~~§~~Subdivision (b) over ten (10) consecutive operating**  
15 **days.**

16 **(B) An operator may use the results of samples conducted over a period of**  
17 **more than 10 days if the following apply:**

18 **1. If less than 10 additional days are sampled in the reporting period, the**  
19 **additional operating days where sampling is performed shall be a**  
20 **consecutive continuation of the original 10 consecutive days of sampling.**

21 **2. If 10 additional operating days or more are selected for sampling, the**  
22 **additional operating days shall be conducted on consecutive days but may**  
23 **be performed during a different part of the reporting period and are not**  
24 **required to be a continuation of the original 10 operating days.**

25 (b) The operator shall comply with ~~§~~Subdivision (a) by using the following protocol:

26 **(1) On each sampling day take one sample of at least two hundred (200)**  
27 **pounds**~~Take at least a one (1) cubic yard sample~~ from each ~~of the~~ organic waste  
28 type separated after processing at the operation or facility on that operating day prior  
29 to sending to a destination for end-use, recovery, or further processing. Each sample  
30 shall be:

31 **(A) Representative of a typical operating day; and**

32 **(B) A random, composite sample taken either from various times during the**  
33 **operating day or from various locations within each pile of each of the organic**  
34 **waste types separated after processing.**

35 **(2) ~~Determine-Record~~ the weight of each sample from each organic waste type. If**  
36 **the total weight of a single organic waste type processed in a single operating**  
37 **day is less than 200 pounds, the operator shall sample all of that organic waste**  
38 **type that is separated after processing for end-use, recovery or further**  
39 **processing.**

40 **(3) For each sample, remove any incompatible material and determine the remaining**  
41 **weight of organic waste in that sample.**

42 **(4) Then determine a ratio for each type of organic waste in the source separated**  
43 **organic waste collection stream by dividing the total weight from ~~§~~Subdivision (b)(3)**  
44 **by the total weight recorded in ~~from~~ ~~§~~Subdivision (b)(2).**

45 **(5) Multiply the ratio determined for each type of organic waste type pursuant to**  
46 **~~§~~Subdivision (b)(4) for each type of organic waste by the total weight of all of the**

1 same type of organic waste separated after processing and destined for end-use,  
2 recovery or further processing.

3 (6) Determine the total weight of organic waste separated from the source separated  
4 organic waste collection stream for recovery ~~for the operating day~~ by adding the sum  
5 of all the weights calculated pursuant to ~~s~~Subdivision (b)(5).

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 the  
9 records, the EA may require the operator to increase the frequency of measurements,  
10 ~~and/or~~ revise the measurement protocol, ~~or both~~ to improve accuracy.

11 (e) If the operator sends any material to a POTW that is not authorized to receive,  
12 pursuant to Section 17896.6(a)(1)(C) or (D), that material shall be deemed to  
13 constitute landfill disposal pursuant to Section ~~18983.1(a)(3), and the weight of~~  
14 that material shall be added to the ~~value~~total weight calculated pursuant to Section  
15 17409.5.5.

16  
17 Note:

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

20  
21 Reference: Sections ~~40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021,~~  
22 ~~43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816 Public Resource~~  
23 ~~Code and Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.~~  
24 Authority cited: Sections 40502, 43020, and 43021, Public Resources Code.

25 Reference: Sections 40053, 42652.5, 43020 and 43021, Public Resources Code and  
26 Section 39730.6, Health and Safety Code.

27  
28 **Section 17409.5.5. Measuring Organic Waste in ~~Residuals Materials~~ Removed**  
29 **from Source Separated Organic Waste Collection Stream For Disposal.**

30 (a) The operator of an attended operation or facility that accepts a source separated  
31 organic waste shall, ~~each operating day,~~ measure the amount of organic waste by  
32 weight present in the ~~residual materials~~ removed from the source separated organic  
33 waste collection stream after processing ~~that is~~ sent to disposal.

34 (1) The measurements required pursuant to this section shall be conducted at  
35 the following frequency:

36 (A) For each reporting period, the operator shall perform the sampling  
37 protocol required in ~~s~~Subdivision (b) over ten (10) consecutive operating  
38 days.

39 (B) An operator may use the results of samples conducted over a period of  
40 more than 10 days if the following apply:

41 1. If less than 10 additional days are sampled in the reporting period, the  
42 additional operating days where sampling is performed shall be a  
43 consecutive continuation of the original 10 consecutive days of sampling.

44 2. If 10 additional operating days or more are selected for sampling, the  
45 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 (b) The operator shall comply with ~~§~~Subdivision (a) by using the following protocol:

4 (1) On each sampling day take one sample of at least two hundred (200)  
5 pounds~~Take at least a one (1) cubic yard sample~~ of the ~~residual~~materials

6 removed from source separated organic waste collection stream at the operation or  
7 facility on that operating day prior to sending to disposal. Each sample shall be:

8 (A) Representative of a typical operating day; and

9 (B) A random, composite sample taken either from various times during the  
10 operating day or from various locations within the pile(s) of material that will be  
11 sent to disposal.~~after processing~~

12 (2) ~~Determine-Record~~ the total weight of the sample. If the total weight of the  
13 materials removed from the source separated organic waste collection stream  
14 in a single operating day is less than 200 pounds, the operator shall sample the  
15 stream that will be sent to disposal.

16 (3) Remove any incompatible material and determine the remaining weight of the  
17 organic waste in the sample.

18 (4) Then determine the ratio of organic waste present in the ~~residual~~materials  
19 removed from the source separated ~~waste~~ organic ~~waste~~ collection stream ~~for~~  
20 ~~disposal~~ by dividing the total ~~weight~~ from ~~§~~Subdivision (b)(3) by the total ~~weight~~  
21 ~~recorded in from~~ ~~§~~Subdivision (b)(2).

22 (5) Determine the total weight of organic waste removed from the source separated  
23 organic waste collection stream that is sent ~~for to~~ disposal by multiplying the ratio  
24 determined pursuant to ~~§~~Subdivision (b)(4) by the total weight of the  
25 ~~materials~~residuals removed from the source separated organic waste collection  
26 stream ~~for disposal~~.~~after processing~~.

27 (c) The operator shall conduct a measurement in the presence of the EA when  
28 requested.

29 (d) If it is determined by the EA that the measurements do not accurately reflect the  
30 records, the EA may require the operator to increase the frequency of measurements,  
31 ~~and/or~~ revise the measurement protocol, or both to improve accuracy.

32 (e) ~~(f)~~ For the purposes of this section “disposal” has the same meaning as  
33 “Activities that constitute landfill disposal” as defined in Section 18982.

34  
35 Note:

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

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

43 Reference: ~~Sections 40053, 42652.5, 43020 and 43021,~~ Public Resources Code and  
44 ~~Section 39730.6,~~ Health and Safety Code.

45  
46 **Section 17409.5.6. Source Separated Organic Waste Handling.**

1 (a) Source separated organic waste processing shall be kept separate from other solid  
2 waste streams.

3 (1) Remnant organic material separated from the gray container collection stream for  
4 recovery can be combined with organic material removed from the source separated  
5 organic waste collection stream for recovery once the material from the source  
6 separated organic waste collection stream has gone through the measurement  
7 protocol described in Section 17409.5.4.

8 ~~(2)(4)~~ Construction and Demolition Debris, as defined in Section 17381, shall be  
9 kept separate from the source separated organic waste collection stream and  
10 the mixed waste organic collection stream and shall not be included in the  
11 measurements required pursuant to Sections 17409.5.1- 17409.5.5 and  
12 17409.5.8.

13 (b) Source separated organic waste and organic waste removed from a mixed waste  
14 organic collection service for recovery shall be:

15 (1) sStored away from other activity areas in specified, clearly identifiable areas as  
16 described in the Facility Plan or Transfer/Processing Report; and:

17 (2) Removed from the site consistent with Section 17410.1 and either:

18 (A) tTransported only to another solid waste facility or operation for additional  
19 processing, composting, in-vessel digestion, or other recovery as specified in  
20 Section 18983.1 of this division; or:

21 (B) uUsed in a manner approved by local, state, and federal agencies having  
22 appropriate jurisdiction.

23  
24 Note:

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

27  
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 Authority cited: Sections 40502, 43020 and 43021 Public Resources Code.

32 Reference: Sections 40053, 42652.5, 43020 and 43021 Public Resources Code and  
33 Section 39730.6, Health and Safety Code.

34  
35 **Section 17409.5.7. Loadchecking – Contamination in Source Separated Organic**  
36 **Waste.**

37 **(a) The operator of an attended operation or facility that accepts source separated**  
38 **organics waste shall perform loadchecking to identify the amount of visible**  
39 **contamination in source separated organic waste according to the following**  
40 **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**  
43 **tons for the operating day, a minimum of two (2) loadchecks shall be conducted**  
44 **for that operating day.**

45 **(2) At least one random loadcheck per day for each source sector as defined in**  
46 **Section 18815.2(a)(51).**

1 (3) The operator shall inform the jurisdiction of origin or jurisdiction's designee of  
2 received loads with visible contamination

3 (b) The operator shall maintain the following loadchecking records under this  
4 section:

5 (1) Records of the number of rejected or redirected loads and reasons for  
6 rejection or redirection.

7 (2) Records of received loads with visible contamination.

8 (3) Records of notices provided to jurisdiction and/or jurisdiction's designee  
9 pursuant to subdivision (a)(3).

10 (4) Records of loadchecks and the training of personnel in evaluating the amount  
11 of contamination in source separated organic waste. These records shall be  
12 maintained for three (3) years in the operating record and be available for review  
13 by the appropriate jurisdiction of origin, jurisdiction's designee, and other duly  
14 authorized regulatory agencies.

15 {

16 (c) The EA may approve an alternative frequency for loadchecking if:

17 (1) The facility receives waste from jurisdictions that are monitoring containers  
18 provided to generators using the container contamination minimization described  
19 in Section 18984.5, or

20 (2) The EA determines that the incoming material from the source separated  
21 organic waste collection stream does not contain any remnant organic material.

22 (d) The operator shall conduct a loadcheck in the presence of the EA when  
23 requested.

### 24 Section 17409.5.7. Gray Container Waste Evaluations.

25 (a) Commencing July 1, 2022, the operator of an attended ~~transfer/processing~~  
26 operation or facility that receives a gray container collection stream, and more  
27 than 500 tons of solid waste from at least one jurisdiction annually, shall conduct  
28 waste evaluations on the gray container collection stream consistent with this  
29 section.

30 (b) The operator shall perform one gray container waste evaluation per quarter.

31 (c) The operator shall use the following measurement protocol to comply with this  
32 section:

33 (1) Take one sample of at least 200 pounds from the incoming gray container  
34 collection stream received by the facility. Each sample shall be:

35 (A) Representative of a typical operating day; and

36 (B) A random, composite sample taken from various times during the operating  
37 day.

38 (2) Record the weight of the sample.

39 (3) For that sample, remove any remnant organic material and determine the weight  
40 of that remnant organic material.

41 (4) Then determine the ratio of remnant organic material in the sample by dividing  
42 the total weight from Subdivision (a)(3) by the total weight recorded in Subdivision  
43 (a)(2).

44 (d) Upon written notification to the applicable EA, the operator may conduct offsite gray  
45 container waste evaluations at an alternative, permitted or authorized solid waste facility  
46

1 or operation provided that the operator subject to this section does not process the  
2 material prior to its transfer offsite for the waste evaluation.

3 (1) The results of an offsite gray container waste evaluation performed under  
4 Subdivision (d) shall be reported by the transfer/processing operation or facility  
5 subject to this section as required in Section 18815.5 and shall not be reported by  
6 the alternative solid waste facility or operation.

7 (e) The operator shall conduct a measurement in the presence of the EA when  
8 requested.

9 (f) 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 revise the measurement protocol, or both to improve accuracy.

12  
13 ~~received from each jurisdiction consistent with this section, Section 17409.5.7.1, and~~  
14 ~~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.~~

15 (g)(e) The operator shall maintain records of waste evaluations and the training of  
16 personnel in evaluating the amount of remnant organic material. These records  
17 shall be maintained for five (5) years in the operating record and be available for  
18 review by the EA appropriate jurisdiction of origin, jurisdiction's designee, and other  
19 duly authorized regulatory agencies.

~~(f) The operator shall provide information regarding the requirements of Section~~  
~~18988.3 of this chapter to the self-haulers of organic waste.~~

20 ~~Section 17409.5.7.1. Gray Container Waste Evaluations—Frequency.~~

~~The operator of an attended transfer/processing operation or facility shall conduct~~  
~~waste evaluations at the following frequency for each 12-month period from July 1 to~~  
~~the following June 30 consistent with the requirements of Section 17409.5.7:~~

~~(a) If a facility received less than 100 tons in the gray container collection stream~~  
~~from a jurisdiction during the previous calendar year, no waste evaluations shall be~~  
~~conducted on the incoming gray container collection stream from that jurisdiction for~~  
~~the current 12-month period.~~

~~(b) If a facility received between 100 and less than 500 tons in the gray container~~  
~~collection stream from a jurisdiction during the previous calendar year, two (2) waste~~  
~~evaluations shall be conducted on the incoming gray container collection stream~~  
~~from that jurisdiction per quarter for the current 12-month period.~~

~~(c) If a facility received between 500 and less than 1000 tons in the gray container~~  
~~collection stream from a jurisdiction during the previous calendar year, three (3)~~  
~~waste evaluations shall be conducted on the incoming gray container collection~~  
~~stream from that jurisdiction per quarter for the current 12-month period.~~

~~(d) If a facility received 1000 tons or greater in the gray container collection stream from a jurisdiction during the previous calendar year, five (5) waste evaluations shall be conducted on the incoming gray container collection stream from that jurisdiction per quarter for the current 12-month period.~~

1

~~Section 17409.5.7.2. Gray Container Waste Evaluations—Measuring Remnant Organic Material.~~

~~(a) The operator of an attended transfer/processing facility or operation shall comply with Sections 17409.5.7. and 17409.5.7.1 by using the following measurement protocol:~~

~~(1) Take one sample of at least a 200 pounds from the incoming gray container collection stream received by the facility from the relevant jurisdiction(s). Each sample shall be:~~

~~(A) Representative of a typical operating day; and~~

~~(B) A random, composite sample taken from various times during the operating day.~~

~~(2) Record the weight of the sample.~~

~~(3)(2) For that sample, remove any remnant organic material and determine the weight of that remnant organic material.~~

~~(4)(3) Then determine the ratio of remnant organic material in the sample by dividing the total weight from of the sample weighed in sSubdivision (a)(3)(2) by 200 pounds the total weight recorded in Subdivision (a)(2).~~

~~(b)(c) The operator shall conduct a measurement in the presence of the EA when requested.~~

~~(c)(d) If it is determined by the EA that the measurements do not accurately reflect the records, the EA may require the operator to increase the frequency of measurements and/or revise the measurement protocol to improve accuracy.~~

~~Note:~~

~~Authority cited: Sections 40502, 43020, 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.~~

Note:

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

Reference: Sections 42652.5, 43020 and 43021, Public Resources Code and Section 39730.6, Health and Safety Code.

2

**Section 17409.5.8. Incompatible Materials Limit in Recovered Organic Waste.**

~~(a) On and after January 1, 2022, a~~ A transfer/processing facility or operation shall only send [offsite that](#) organic waste recovered after processing from the source separated organic waste stream and from the mixed waste organic collection stream [that meets the following requirements:](#)

7

1 (1) On and after January 1, 2022 with no more than 20 percent of incompatible  
2 material by weight; and

3 (2) On and after January 1, 2024 with no more than 10 percent of incompatible  
4 material by weight ~~to the destination. it is being sent~~ **per operating day.**

5 (b) The operator shall measure compliance with ~~e~~Subdivision (a) by using the following  
6 protocol:

7 (1) Use the same samples taken to comply with Sections 17409.5.2 and 17409.5.4  
8 and the same total weight of each of those samples.

9 (2) For each sample, remove any incompatible material and determine the weight of  
10 the incompatibles in that sample.

11 (3) Then determine a ratio of the incompatible material for each type of organic waste  
12 in the mixed waste organic collection stream and the source separated organic waste  
13 collection waste stream by dividing the total from ~~e~~Subdivision (b)(2) by the total from  
14 ~~e~~Subdivision (b)(1).

15 (4) Multiply the ratio determined pursuant to ~~e~~Subdivision (b)(3) for each type of  
16 organic waste by the total weight of all of the same type of organic waste separated  
17 after processing and destined for end-use, recovery or further processing.

18 (5) Determine the total weight of incompatible materials separated from the mixed  
19 waste organic collection stream and from the source separated organic waste stream  
20 by adding the sum of all the weights calculated pursuant to ~~e~~Subdivision (b)(4).

21 (6) Determine the ratio of incompatible materials by taking the total weight of  
22 incompatible materials determined pursuant to ~~e~~Subdivision (b)(5) and dividing by the  
23 sum of the outgoing weights of the materials recovered from the mixed waste organic  
24 collection stream and from the source separated organic waste stream.

25 (7) Determine the percentage of incompatible materials by multiplying the ratio  
26 determined pursuant to ~~e~~Subdivision (b)(6) by 100.

27 (c) The recovered organic waste stream shall not be subject to Section 17409.5.8(a) if  
28 the recovered organic waste is sent to one or more of the following types of facilities  
29 **that will further process that waste:**

30 (1) A transfer/processing facility or operation that complies with Section 17409.5.8(a);

31 ~~or~~

32 (2) A compostable material handling facility or operation that, pursuant to Section  
33 17867(a)(16), demonstrates that the percentage of ~~no more than 10 percent of the~~  
34 **residuals organic waste in the materials** sent to disposal ~~are organic waste~~ is:

35 (A) On and after January 1, 2022, less than 20 percent;

36 (B) On and after January 1, 2024, less than 10 percent;

37 (3) An in-vessel digestion facility or operation that, pursuant to Section 17896.44.1,  
38 demonstrates that the percentage of ~~no more than 10 percent of the residuals~~  
39 **organic waste in the materials** sent to disposal ~~are organic waste~~ is:

40 (A) On and after January 1, 2022, less than 20 percent;

41 (B) On and after January 1, 2024, less than 10 percent;

42 (4) An activity that meets the definition of a recycling center as described in Section  
43 17402.5(d).

44 (d) The operator shall conduct a measurement in the presence of the EA when  
45 requested.

1 (e) If it is determined by the EA that the measurements do not accurately reflect the  
2 records, the EA may require the operator to increase the frequency of measurements,  
3 and/or revise the measurement protocol, or both to improve accuracy.

4 **(f) For the purposes of this section “disposal” has the same meaning as**  
5 **“Activities that constitute landfill disposal” as defined in Section 18982.**

6  
7 **Note:**

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

10  
11 ~~Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021,~~  
12 ~~43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816 Public Resource~~  
13 ~~Code and Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.~~

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

15 ~~Reference: Sections 40053, 42652.5, 43020 and 43021, Public Resources Code and~~  
16 ~~Section 39730.6, Health and Safety Code.~~

17  
18 **Section 17409.5.9. Alternatives to Measurement Protocols.**

19 (a) The EA may approve, with concurrence by the Department, alternative  
20 measurement protocols to the requirements of Sections 17409.5.2, 17409.5.3,  
21 17409.5.4, 17409.5.5, 17409.5.7, ~~17409.5.7.1, 17409.5.7.2~~ and 17409.5.8, and  
22 ~~17409.5.11 of this division~~ as long as they will still ensure that ~~that~~ the measurements  
23 will be as accurate. *The Department shall concur with the EA approval if it finds that the*  
24 *alternative measurement protocols will ensure that the measurements will be as*  
25 *accurate. For the purposes of this section, alternative measurement protocols may*  
26 *include, but are not limited to measurements made with a different sampling frequency*  
27 *and/or weight than those specified in this article.*

28 **(b) When required by this article, the operator shall report tonnages using a scale.**  
29 **If scales are not accessible, the EA may approve, with concurrence by written**  
30 **notification to the Department, the operator to report the tonnages using a method**  
31 **described in Section 18815.9(g).**

32 (c) The EA may approve, with written concurrence by the Department, a substitute to  
33 certain requirements to sample and measure specific types of organic waste that are  
34 designated for an organic waste recovery activity with a quality standard imposed on the  
35 operator by the person, entity, or solid waste facility or operation accepting that organic  
36 waste type as specified in this subdivision. *The Department shall concur with the EA*  
37 *approval if it verifies that there is a quality standard imposed on the operator by the*  
38 *person, entity, or solid waste facility or operation accepting that organic waste type as*  
39 *specified in this subdivision and that the standard meets the requirements in*  
40 *Subdivision (c)(1)(A) through (G), below.*

41 (1) The EA may waive the requirements in Sections 17409.5.2, 17409.5.4 and  
42 17409.5.8 to sample a type of organic waste that the operator recovered from the  
43 source separated organic waste collection stream or from the mixed waste organic  
44 collection stream if the following apply:

45 (A) The person, entity, or solid waste facility or operation accepting that organic  
46 waste type requires the operator to demonstrate that the presence of

1 incompatible materials in the organic waste type is less than or equal to the level  
2 of incompatible materials specified in Section 17409.5.8(a);

3 (B) The person, entity, or solid waste facility or operation accepting that organic  
4 waste type requires the operator to demonstrate the presence of incompatible  
5 materials through sampling;

6 (C) The sampling protocol that is used to meet the quality standard of the person,  
7 entity, or solid waste facility or operation accepting that organic waste type is  
8 designed to accurately reveal the percentage of incompatible material by weight  
9 that is present in the samples;

10 (D) The end-user and the operator have a contract or written agreement  
11 specifying the sampling protocol and the maximum level of incompatible  
12 materials allowed in the organic material before it is accepted by the end-user;

13 (E) The contract or written agreement is available for review by the EA;

14 (F) The sampling protocol is at least as effective as the sampling required in  
15 Sections 17409.5.2, 17409.5.4 and 17409.5.8; and

16 (G) The operator allows the EA to observe sampling upon request.

17 (d) An operator that is authorized to substitute a quality standard for sampling  
18 requirements as specified in Subdivision (c) for a specific type of recovered organic  
19 waste type, shall apply the weight of incompatible materials as measured in the quality  
20 standard to total weight of that organic waste type for the purposes of determining  
21 organic waste recovery efficiency as specified in Section 17409.5.1.

22 **Note:**

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

25  
26  
27 ~~Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021,~~  
28 ~~43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816 Public Resource~~  
29 ~~Code and Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.~~

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

31 ~~Reference: Sections 40053, 42652.5, 43020 and 43021, Public Resources Code and~~  
32 ~~Section 39730.6, Health and Safety Code.~~

33  
34 **Section 17409.5.10. Solid Waste Handling at Consolidation Sites.**

35 (a) Consolidation sites are not subject to the requirements of Sections 17409.5.1  
36 through 17409.5.98 of this division.

37 (b) Consolidation sites are not subject to the recordkeeping and reporting requirements  
38 of Section 17414.2 of this division.

39 (c) Consolidation sites shall keep source separated organic waste streams separate  
40 from other solid waste streams.

41 (d) Materials shall be transported only to transfer/processing facilities or operations that  
42 comply with Section 17409.5.1.

43  
44 **Note:**

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



1  
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 Authority cited: Sections 40502, 43020 and 43021, Public Resources Code.  
6 Reference: Sections 40053, 42652.5, 43020 and 43021, Public Resources Code and  
7 Section 39730.6, Health and Safety Code.

8  
9 **Section 17409.5.10.5. Solid Waste Handling at Co-located Facilities or**  
10 **Operations.**

11 **(a) The operator of an attended solid waste operation facility or facility operation that**  
12 **is permitted or authorized and accepts a mixed waste organic collection stream**  
13 **and/or, a source separated organic waste collection stream, or both for processing**  
14 **and passes directly transfers the organic waste removed recovered from the mixed**  
15 **waste organic either collection stream for processing to a co-located activity within**  
16 **the boundary of the facility for processing is subject to the following requirements:**

17 **(1) If sampling performed pursuant to Sections 17409.5.3, 17409.5.5, 17867, or**  
18 **17896.44.1, whichever is applicable, demonstrates that the permitted facility as a**  
19 **whole disposes of less than 10 the percent of the material removed for disposal that**  
20 **is organic waste is less than the percent specified in Section 17409.5.8(c)(2) then**  
21 **only the organic waste that is sent off-site for further processing and landfill**  
22 **disposal are subject to the requirements of Sections 17409.5.1 through**  
23 **17409.5.8 and 17409.5.11.**

24 **(2) If sampling performed pursuant to Sections 17409.5.3, 17409.5.5, 17867, or**  
25 **17896.44.1, whichever is applicable, demonstrates that the permitted facility as a**  
26 **whole disposes of more than 10 the percent of the material for disposal that is**  
27 **organic waste is more than the percent specified in Section 17409.5.8(c)(2) then**  
28 **the organic waste removed after processing and sent for further processing**  
29 **on-site or off-site and landfill disposal are subject to the requirements of**  
30 **Sections 17409.5.1 through 17409.5.8.**

31  
32 Note:

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

34 Reference: Sections 40053, 42652.5, 43020 and 43021, Public Resources Code and  
35 Section 39730.6, Health and Safety Code.

36  
37 **Section 17409.5.11. Remnant Organic Material in the Separated From Gray**  
38 **Container Collection Stream Processing.**

39 **(a) Remnant organic material separated from the gray container collection stream for**  
40 **recovery is not subject to the requirements of Sections 17409.5.1 and 17409.5.8 of this**  
41 **division.**

42 **(1) Remnant organic material removed from the gray container collection stream for**  
43 **recovery can be combined with organic material removed from the source separated**  
44 **organic waste collection stream for recovery once the material from the source**  
45 **separated organic waste collection stream has gone through the measurement**  
46 **protocol described in Section 17409.5.4.**

1 (b) The operator of an attended operation or facility that accepts a gray container  
2 collection stream shall perform loadchecking to identify the amount of visible  
3 remnant organic material according to the following schedule:

4 (1) One (1) loadcheck shall be conducted for every 500 tons of gray container  
5 waste received per operating day. If the operator receives less than 500 tons  
6 for the operating day, a minimum of two (2) loadchecks shall be conducted for  
7 that operating day.

8 (2) At least one random loadcheck per day for each source sector as defined in  
9 Section 18815.2(a)(51).

10 (3)The operator shall inform jurisdiction or jurisdiction designee of origin of  
11 received loads with visible remnant organic material.

12 (4) The EA may approve an alternative frequency for loadchecking if:

13 (A) Jurisdictions are monitoring containers provided to generators using the  
14 container contamination minimization described in Section 18984.5, or

15 (B) The EA determines that the incoming material from the gray container  
16 collection stream does not contain any remnant organic material.

17 (5) The operator shall maintain the following loadchecking records under this  
18 section:

19 (A) Records of the number of rejected or redirected loads and reasons for  
20 rejection or redirection.

21 (B) Records of received loads with visible remnant organic material.

22 (C) Records of notices provided to jurisdiction and/or jurisdiction's designee  
23 pursuant to Subdivision (b)(1)(3).

24 (D) Records of loadchecks and the training of personnel in evaluating the  
25 amount of remnant organic material in gray container waste. These records  
26 shall be maintained for three (3) years in the operating record and be  
27 available for review by the appropriate jurisdiction of origin, haulers, and  
28 other duly authorized regulatory agencies.

29  
30 Note:

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

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

38 Reference: Sections 40053, 42652.5, 43020 and 43021, Public Resources Code and  
39 Section 39730.6, Health and Safety Code.

40  
41 Section 17409.5.12. Transfer/Processing EA Verification Requirements.

42 (a) The operator shall provide the EA all requested information and other  
43 assistance so that the EA can verify that the measurements conducted by the  
44 operator are consistent with the requirements of Sections 17409.5.2, 17409.5.3,

1 17409.5.4, 17409.5.5, 17409.5.7, ~~17409.5.7.1, 17409.5.7.2,~~ and 17409.5.8. and  
2 ~~17409.5.11.~~

3 (b) The EA shall conduct such verification through:

4 (1) The review of records required by ~~§~~Section 17414.2; and

5 (2) The periodic, direct observation of measurements at a frequency necessary  
6 to ensure that the operator is performing such measurements in a manner  
7 consistent with Sections 17409.5.2, 17409.5.3, 17409.5.4, 17409.5.5, 17409.5.7,  
8 ~~17409.5.7.1, 17409.5.7.2,~~ and 17409.5.8.

9 (c) If, at any time, the EA determines that the records under Section 17414.2(b) indicate  
10 that compostable material is sent offsite to any destination(s) other than an authorized  
11 permitted solid waste facility or operation, the EA shall directly observe any  
12 compostable material onsite designated for such offsite destination(s). If physical  
13 contaminants, based on visual observation, clearly exceed the limits in Section  
14 17852(a)(24.5)(A)(1), the EA may require the operator to further process such material.

15 Note:

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

17 Reference: Sections 40053, 42652.5, 43020 and 43021, Public Resources Code and  
18 Section 39730.6 Health and Safety Code.

### 20 **Article 6.3. Record~~k~~ Keeping Requirements**

#### 21 **Section 17414.2. Recordkeeping and Reporting Requirements - ~~for Mixed Waste~~** 22 **~~Organic Waste and Source Separated Organic Waste~~Organic Waste Recovery.**

23 (a) The operator shall keep the following records:

24 (1) The results of each sample conducted pursuant to Sections 17409.5.2,  
25 17409.5.3, 17409.5.4, 17409.5.5, 17409.5.7, ~~17409.5.7.1, 17409.5.7.2,~~ and  
26 17409.5.8.

27 ~~(1) The results of each sample conducted pursuant to Sections 17409.5.2,~~  
28 ~~17409.5.3, 17409.5.4, and 17409.5.5.~~

29 (2) The daily outgoing weights of material recovered from the mixed organic waste  
30 stream.

31 (3) The daily outgoing weights of **residuals materials** removed from the mixed  
32 organic waste stream and sent to landfill disposal.

33 (4) The daily outgoing weights of material recovered from the source separated  
34 organic waste stream.

35 (5) The daily outgoing weights of **residuals materials** removed from the source  
36 separated, organic-waste stream and sent to landfill disposal.

37 (6) The daily incoming weights of mixed organic waste.

38 (7) The daily incoming weights of source separated organic waste.

39 (8) The results of the formula calculated pursuant to Section 17409.5.8(b)(7).

40 (9) If the operator complies with the incompatible material requirements in Section  
41 17409.5.8 by sending material to a facility that meets the requirements of ~~subdivision~~  
42 ~~(b) of~~ Section 17409.5.8(~~b~~c), the operator shall keep a record of:

43 (A) The name, address, location, and if applicable the RDRS number, of each  
44 facility that material is sent to.

1 (B) The daily outgoing weights of material sent to each facility by type.  
2 **(10) The results of the waste evaluations by jurisdiction conducted pursuant to**  
3 **Sections 17409.5.7. through, 17409.5.7.2**

4 (A) A copy of the notification if the waste evaluation was performed at an  
5 alternative solid waste facility.

6 **(b) The operator shall record and maintain the following records regarding**  
7 **compostable material that is ~~land applied~~ sent offsite to any destination(s) other than**  
8 **an authorized permitted solid waste facility or operation:**

9 (1) The level of incompatible materials in that material as measured pursuant to  
10 17409.5.8; and

11 (2) The total weights of that material per day.

12 ~~(1) The address, parcel number, or other equivalent indicator of physical location of~~  
13 ~~each property receiving compostable material for land application.~~

14 ~~(2) The weight of material sent to each location identified in Subdivision (b)(1).~~

15 **(c) ~~(b)~~ The records required in ~~s~~Subdivisions (a) and (b) shall be:**

16 (1) Adequate for overall planning and control purposes.

17 (2) As current and accurate as practicable.

18 **(d) ~~(c)~~ All records required by this article shall be kept by the operator in one location**  
19 **and accessible for ~~three (3) five (5) years~~ and shall be available for inspection by the**  
20 **EA and other duly authorized regulatory agencies during normal working hours.**

21 **(ed) The operator shall submit copies of specified records to the EA upon request or at**  
22 **a frequency approved by the EA.**

23 **(fe) Each operator shall maintain records in accordance with Title 14, California Code of**  
24 **Regulations, Division 7, Chapter 9, Article 9.25, Section 18815.1 et. seq. The records**  
25 **shall be available for inspections as authorized by that article during normal business**  
26 **hours and retained in the operating record near the site or in an alternative location**  
27 **approved by the EA.**

28  
29 **Note:**

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

32  
33 ~~Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021,~~  
34 ~~43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816 Public Resource~~  
35 ~~Code and Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.~~

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

37 ~~Reference: Sections 40053, 42652.5, 43020 and 43021, Public Resources Code and~~  
38 ~~Section 39730.6, Health and Safety Code.~~

39  
40 **Chapter 3.1. Composting Operations Regulatory Requirements**

41  
42 **Article 1. General**

43 **Section 17852. Definitions**

44 ~~(a) (23.5) "Hauler" has the same meaning as defined in Section 18815.2(a)(32) of this~~  
45 ~~division.~~

1  
2 **Note:**

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

5  
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 **Article 2. Regulatory Tiers for Composting Operations and Facilities.**

11  
12 **Section 17855. Excluded Activities.**

13 (a) Except as provided otherwise in this Chapter, the activities listed in this section do  
14 not constitute compostable material handling operations or facilities and are not  
15 required to meet the requirements set forth herein. Nothing in this section precludes the  
16 EA or the Department from inspecting an excluded activity to verify that the activity is  
17 being conducted in a manner that qualifies as an excluded activity or from taking any  
18 appropriate enforcement action.

19 (1) An activity is excluded if it handles agricultural material derived from an  
20 agricultural site, and returns a similar amount of the material produced to that same  
21 agricultural site, or an agricultural site owned or leased by the owner, parent, or  
22 subsidiary of the composting activity. No more than an incidental amount of up to  
23 1,000 cubic yards of compost product may be given away or sold annually.

24 (2) Vermicomposting is an excluded activity. The handling of compostable material  
25 prior to and after its use as a growth medium during the vermicomposting process is  
26 not an excluded activity and is subject to the requirements of this chapter or the  
27 Transfer/Processing Operations and Facilities Regulatory Requirements (Title 14,  
28 California Code of Regulations, Division 7, Chapter 3, Article 6.0-6.35), whichever is  
29 applicable, as follows:

30 (A) when the compostable material is active compost or is likely to become active  
31 compost, as determined by the EA, the requirements of this chapter apply;

32 (B) at all other times when it is not being used as a growth medium during  
33 vermicomposting, the compostable material is subject to the Transfer/Processing  
34 Operations and Facilities Regulatory Requirements.

35 (3) Mushroom farming is an excluded activity. The handling of compostable material  
36 prior to and after its use as a growth medium during the mushroom farming process  
37 is not an excluded activity and is subject to the requirements of this chapter or the  
38 Transfer/Processing Operations and Facilities Regulatory Requirements (Title 14,  
39 California Code of Regulations, Division 7, Chapter 3, Article 6.0-6.35), whichever is  
40 applicable, as follows:

41 (A) when the compostable material is active compost or is likely to become active  
42 compost, as determined by the EA, the requirements of this chapter apply;

43 (B) at all other times when it is not being used as a growth medium during  
44 mushroom farming, the compostable material is subject to the Transfer/Processing  
45 Operations and Facilities Regulatory Requirements.

1 (4) Composting green material, agricultural material, food material, and vegetative  
2 food material, alone or in combination, is an excluded activity if the total amount of  
3 feedstock and compost on-site at any one time does not exceed 100 cubic yards and  
4 750 square feet.[Note: Persons handling compostable material under the above  
5 exclusion are obligated to obtain all permits, licenses, or other clearances that may  
6 be required by other regulatory agencies including, but not limited to local health  
7 entities and local land use authorities.]

8 (5) The handling of compostable materials is an excluded activity if:

9 (A) the activity is located at a facility (i.e., landfill or transfer/processing facility) that  
10 has a tiered or full permit as defined in section 18101,

11 1.has a Report of Facility Information which is completed and submitted to the  
12 EA that identifies and describes the activity and meets the requirements of  
13 Titles 14 or 27; and,

14 2.will only use the material on the facility site, or

15 (B) the activity is solely for the temporary storage of biosolids sludge at a Publicly  
16 Owned Treatment Works (POTW), or

17 (C) the activity is located at the site of biomass conversion and is for use in  
18 biomass conversion as defined in Public Resources Code section 40106; or

19 (D) the activity is part of a silvicultural operation or a wood, paper, or wood product  
20 manufacturing operation; or

21 (E) the activity is part of an agricultural operation and is used to temporarily store  
22 or process agricultural material not used in the production of compost or mulch; or  
23 (F) the activity is part of an operation used to chip and grind materials derived from  
24 and applied to lands owned or leased by the owner, parent, or subsidiary of the  
25 operation; or

26 (G) the activity is part of an agricultural operation used to chip and grind  
27 agricultural material produced on lands owned or leased by the owner, parent, or  
28 subsidiary of the agricultural operation, for use in biomass conversion; or

29 ~~(H) the activity is part of a licensed animal food manufacturing or a licensed~~  
30 ~~rendering operation.~~ An activity that is a licensed animal food manufacturing  
31 activity, or a rendering activity which is authorized by the California Department of  
32 Food and Agriculture pursuant to Section 19300 of the Food and Agricultural  
33 Code, and in which no solid waste feedstock bypasses the manufacturing or  
34 rendering process; or

35 (I) the activity is the storage of yard trimmings at a publicly designated site for the  
36 collection of lot clearing necessary for fire protection provided that the public  
37 agency designating the site has notified the fire protection agency; or

38 (J) the materials are handled in such a way to preclude their reaching  
39 temperatures at or above 122 degrees Fahrenheit as determined by the EA; or

40 (6) Storage of bagged products from compostable material is an excluded activity  
41 provided that such bags are no greater than 5 cubic yards.

42  
43 Note:

44 ~~Authority cited: Sections 40502, 43020, and 43021, and 42652.5 Public Resources~~  
45 ~~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 Authority cited: Sections 40502, 43020 and 43021, Public Resources Code.  
5 Reference: Sections 42652.5, 43020 and 43021, Public Resources Code and Section  
6 39730.6, Health and Safety Code.

## 8 **Article 5.0. Composting Operation and Facility Siting and Design Standards**

### 10 **Section 17867. General Operating Standards.**

11 (a) All compostable materials handling operations and facilities shall meet the following  
12 requirements:

13 (1) All handling activities are prohibited from composting any material specified in  
14 section 17855.2 of this Chapter.

15 (2) All handling activities shall be conducted in a manner that minimizes odor impacts  
16 so as to not cause a nuisance.

17 (3) All handling activities shall be conducted in a manner that minimizes vectors,  
18 litter, hazards, nuisances, and noise impacts; and minimizes human contact with,  
19 inhalation, ingestion, and transportation of dust, particulates, and pathogenic  
20 organisms.

21 (4) Random load checks of feedstocks, additives, and amendments for contaminants  
22 shall be conducted. ~~The operator of an attended compostable materials handling~~  
23 ~~operation or facility shall perform loadchecking to identify the amount of~~  
24 ~~visible contamination according to the following schedule:~~

25 ~~(A) One (1) loadcheck shall be conducted for every 500 tons of source~~  
26 ~~separated organic waste received per operating day. If the operator receives~~  
27 ~~less than 500 tons for the operating day, a minimum of two (2) loadchecks shall~~  
28 ~~be conducted for that operating day.~~

29 ~~(B) At least one loadcheck per day by source sector as defined in Section~~  
30 ~~18815.2(a)(51) of this division.~~

31 ~~(C) The operator shall conduct a loadcheck in the presence of the EA when~~  
32 ~~requested.~~

33 ~~(D) The operator shall inform the jurisdiction of origin or jurisdiction's~~  
34 ~~designee of received loads with visible contamination.~~

35 ~~(E) The EA may approve an alternative frequency for loadchecking if:~~

36 ~~1. The facility receives waste from jurisdictions that are monitoring containers~~  
37 ~~provided to generators using the contamination minimization described in~~  
38 ~~Section 18984.5, or~~

39 ~~2. The EA determines that the incoming material from the source separated~~  
40 ~~organic waste collection stream does not contain any remnant organic~~  
41 ~~material.~~

42 (5) Contamination of compostable materials that has undergone pathogen reduction,  
43 pursuant to section 17868.3 of this Chapter, with feedstocks, compost, or wastes that  
44 have not undergone pathogen reduction, pursuant to section 17868.3 of this Chapter,  
45 or additives shall be prevented.

46 (6) Unauthorized human or animal access to the facility shall be prevented.

1 (7) Traffic flow into, on, and out of the composting operation or facility shall be  
2 controlled in a safe manner.

3 (8) All compostable materials handling operations and facilities that are open for  
4 public business shall post legible signs at all public entrances. These signs shall  
5 include the following information:

6 (A) name of the operation or facility,

7 (B) name of the operator,

8 (C) facility hours of operation,

9 (D) materials that will and will not be accepted, if applicable,

10 (E) schedule of charges, if applicable, and

11 (F) phone number where operator or designee can be reached in case of an  
12 emergency.

13 (9) The operator shall provide fire prevention, protection and control measures,  
14 including, but not limited to, temperature monitoring of windrows and piles, adequate  
15 water supply for fire suppression, and the isolation of potential ignition sources from  
16 combustible materials. Firelanes shall be provided to allow fire control equipment  
17 access to all operation areas.

18 (10) The operator shall provide telephone or radio communication capability for  
19 emergency purposes.

20 (11) Physical Contaminants and refuse removed from feedstock, compost, or chipped  
21 and ground material shall be removed from the site within 7 days and transported to  
22 an appropriate facility.

23 (12) Enclosed operations and facilities shall provide ventilation to prevent adverse  
24 public health effects from decomposition gases.

25 (13) The operator shall ensure that leachate is controlled to prevent contact with the  
26 public.

27 (14) The operator shall prevent or remove physical contaminants in compost and  
28 chipped and ground materials that may cause injury to humans.

29 (15) An attendant shall be on duty during business hours if the operation or facility is  
30 open to the public.

31 (16) The operator shall determine the ~~monthly~~ ~~quarterly~~ percentage of organic  
32 waste contained in ~~residuals materials removed after processing~~ sent to ~~landfill~~  
33 ~~disposal.~~

34 (A) To determine the ~~monthly~~ percentage, the operator shall, ~~each per operating~~  
35 ~~day,~~ measure the amount of organic waste by weight present in the ~~residuals~~  
36 ~~removed materials sent to landfill disposal after processing.~~

37 1. The measurements required pursuant to this section shall be  
38 conducted at the following frequency:

39 i. For each reporting period, the operator shall perform the sampling  
40 protocol required in ~~Subdivision (a)(16)(B)~~ over at least ten (10)  
41 consecutive operating days.

42 ii. An operator may use the results of samples conducted over a  
43 period of more than 10 days if the following apply:

44 1. If less than 10 additional days are sampled in the reporting period,  
45 the additional operating days where sampling is performed shall be a



1 consecutive continuation of the original 10 consecutive days of  
2 sampling.

3 2. If 10 additional operating days or more are selected for sampling,  
4 the additional operating days shall be conducted on consecutive days but  
5 may be performed during a different part of the reporting period and are not  
6 required to be a continuation of the original 10 operating days.

7 (B) The operator shall comply with ~~e~~Subdivision (a)(16)(A) by using the following  
8 protocol:

9 1. Take one sample of ~~at least a one (1) cubic yard sample~~two hundred  
10 (200) pounds of the residuals materials removed after processing at that  
11 the operation or facility is sending on that operating day prior to sending to  
12 landfill disposal on that operating day. Each sample shall be:

13 i. Representative of a typical operating day; ~~and~~

14 ii. A random, composite sample taken either from various times during the  
15 operating day or from various locations within the pile(s) of material that will  
16 be sent to disposal.~~after processing~~

17 2. Record the weight of the sample. If the total weight of material sent to  
18 landfill disposal in a single operating day is less than 200 pounds, the  
19 operator shall sample all of the material that is sent to landfill disposal that  
20 day.

21 ~~2. Determine the total weight of the sample.~~

22 3. Remove any ~~incompatible~~ material that is not organic waste and  
23 determine the remaining weight of the organic waste in the sample.

24 4. Then determine the ratio of organic waste present in the ~~residuals materials~~  
25 removed ~~after processing for landfill disposal~~ by dividing the total from  
26 ~~e~~Subdivision (a)(16)(B)3 by the total from ~~e~~Subdivision (a)(16)(B)2.

27 5. Determine the total weight of organic waste ~~removed after processing~~ that  
28 is sent ~~for to~~ landfill disposal by multiplying the ratio determined pursuant to  
29 ~~e~~Subdivision (a)(16)(B)4 by the total weight of the ~~residuals materials~~  
30 ~~removed from the source separated organic waste collection stream after~~  
31 ~~processing sent to landfill disposal.~~

32 6. Determine the ~~monthly~~ sum of outgoing weights of organic waste present in  
33 the materials residuals after processing that is sent ~~to for~~ landfill disposal as  
34 determined pursuant to ~~e~~Subdivision (a)(16)(B)5.

35 7. Determine the ~~monthly~~ ratio of organic waste present in the residuals  
36 removed after processing sent to landfill disposal by dividing the total from  
37 ~~e~~Subdivision (a)(16)(B)6 by the total ~~monthly~~ outgoing weights of  
38 material residuals removed that is sent ~~for to~~ landfill disposal.

39 8. Determine the ~~monthly~~ percentage of organic waste present in the material  
40 sent to landfill disposal residuals removed after processing by multiplying  
41 the ~~monthly~~ ratio as determined pursuant to eSubdivision (a)(16)(B)7 by 100.

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, revise the measurement protocol, or both to improve accuracy.

1 (E) An alternative ~~frequency measurement protocol~~ for determining the amount  
2 of organic waste ~~contained in the residuals may sent to landfill disposal may~~  
3 be approved by the EA, with concurrence by the Department. For the purposes of  
4 this section, alternative measurement protocols may include, but are not limited to  
5 measurements made with a different sampling frequency and/or weight than those  
6 specified in this article. The Department shall concur with EA approval if it finds  
7 that the alternative measurement protocol will ensure that the measurements will  
8 be as accurate as those in Subsection (a)(16)(A) and (B), above.

9 (F) For the purposes of the measurements required by this ~~subdivision~~, organic  
10 waste that are textiles, carpet, hazardous wood waste, ~~plastic coated non-~~  
11 ~~compostable~~ paper, human or pet waste, and material subject to a quarantine on  
12 movement issued by a county agricultural commissioner ~~is not required to be~~  
13 ~~measured as considered incompatible materials rather than~~ organic waste.

14 (G) Organic waste sent to an activity listed in Section 18983.1(a) ~~of this division~~  
15 shall constitute landfill disposal.

16  
17 Note:

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

20  
21 ~~Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021,~~  
22 ~~43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816 Public Resource~~  
23 ~~Code and Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.~~  
24 ~~Authority cited: Sections 40502, 43020 and 43021, Public Resources Code.~~

25 ~~Reference: Sections 42652.5, 43020 and 43021, Public Resources Code and Section~~  
26 ~~39730.6, Health and Safety Code.~~

## 27 28 **Article 8. Composting Operation and Facility Records**

### 29 30 **Section 17869. General Record~~k~~ Keeping and Reporting Requirements.**

31 Except as provided in subsection (d), all compostable materials handling operations and  
32 facilities shall meet the following requirements:

33 (a) All records required by this Chapter shall be kept in one location and accessible for  
34 five (5) years and shall be available for inspection by authorized representatives of the  
35 Department, EA, local health entity, and other duly authorized regulatory and EAs  
36 during normal working hours.

37 (b) The operator shall record any special occurrences encountered during operation and  
38 methods used to resolve problems arising from these events, including details of all  
39 incidents that required implementing emergency procedures.

40 (c) The operator shall record any public complaints received by the operator, including:

41 (1) the nature of the complaint,

42 (2) the date the complaint was received,

43 (3) if available, the name, address, and telephone number of the person or persons  
44 making the complaint, and

45 (4) any actions taken to respond to the complaint.

1 (d) The operator shall record the quantity and type of feedstock received and quantity of  
2 compost and chipped and ground material produced, maintain records listed in this  
3 subdivision in a form and manner approved by the EA. Agricultural compostable  
4 materials handling operations shall maintain records only for compostable material  
5 accepted from off-site. Such records shall be adequate for overall planning and control  
6 purposes and be as current and accurate as practicable. The records shall be  
7 maintained for ~~three (3)~~ **five (5)** years in the operating record and be available for  
8 review by the appropriate jurisdiction of origin, haulers, and other duly authorized  
9 regulatory agencies.

10 (e) The operator shall maintain the following ~~load-checking~~ records under this section

11 ~~(1) Records of the number of rejected or redirected loads and reasons for~~  
12 ~~rejection or redirection.~~

13 ~~(2) Records of received loads with visible contamination.~~

14 ~~(3) Records of loadchecks and the training of personnel in evaluating the~~  
15 ~~amount of contamination in source separated organic waste.~~

16 ~~(4) Records of notices provided to jurisdiction and jurisdiction's designee~~  
17 ~~pursuant to Section 17867(a)(4).~~

18 ~~(5)~~ **(51)** The ~~monthly~~ **quarterly** percentage of organic waste contained in **materials**  
19 **sent to landfill disposal** ~~residuals removed from processing~~ as calculated  
20 pursuant to Section 17867(a)(16).

21 ~~(6)~~ **(2)** Daily outgoing weights of ~~residual~~ **material** sent to disposal.

22 ~~(7)~~ **(3)** Daily outgoing weights of compost or chipped and ground material produced.

23 ~~(8)~~ **(4)** Daily incoming weights by material type.

24 ~~(5) The address, parcel number, or other equivalent indicator of physical location of~~  
25 ~~each property receiving compostable material for land application.~~

26 ~~(5)~~ ~~(6)~~ **(5)** **The weight of compostable material sent to sent** ~~offsite to any destination(s)~~  
27 ~~other than an authorized permitted solid waste facility or operation, each location~~  
28 ~~identified in (5).~~

29 (e) The operator shall record the number of load checks performed, loads with  
30 contamination that exceeds 10 percent, and loads rejected and the reasons for  
31 rejection.

32 (f) The operator shall record all test results generated by compliance with Article 7 of  
33 this Chapter, including but not limited to, metal concentrations, physical contamination  
34 limits, fecal coliform and Salmonella sp. densities, temperature measurements, and  
35 dates of windrow turnings; chipping and grinding operations and facilities must record  
36 the determinations of the percentage of physical contaminants required by 17862.1(d).

37 (1) The operator shall retain records detailing pathogen reduction methods.

38 (g) The operator shall record and retain records of any serious injury to the public  
39 occurring on-site and any complaint of adverse health effects to the public attributed to  
40 operations. Serious injury means any injury that requires inpatient hospitalization for a  
41 period in excess of 24 hours or in which a member of the public suffers a loss of any  
42 member of the body or suffers any degree of permanent disfigurement.

43 (h) The operator shall retain a record of training and instruction completed in  
44 accordance with section 17867.5.

45 (i) Each operator shall maintain records in accordance with Title 14, California Code of  
46 Regulations, Division 7, Chapter 9, Article 9.25, Section 18815.1 et. seq. The records

1 shall be available for inspections as authorized by that article during normal business  
2 hours and retained in the operating record near the site or in an alternative location  
3 approved by the Local Enforcement Agency.

4 ~~(j)(4)~~ **The operator shall provide the EA all requested information and other**  
5 **assistance so that the EA can verify that the measurements conducted by the**  
6 **operator are consistent with the requirements of ~~§~~Section 17867(a)(16). The EA**  
7 **shall conduct such verification through:**

8 **(1) The review of records required by this section; and**

9 **(2) The periodic, direct observation of measurements at a frequency necessary**  
10 **to ensure that the operator is performing such measurements in a manner**  
11 **consistent with this section.**

12 (k) If, at any time, the EA determines that the records required by this section indicate  
13 that compostable material is sent offsite to any destination(s) other than an authorized  
14 permitted solid waste facility or operation, the EA shall directly observe any  
15 compostable material onsite designated for such offsite destination(s). If physical  
16 contaminants, based on visual observation, clearly exceed the limits in Section  
17 17852(a)(24.5)(A)(1), the EA may require the operator to further process such material.

18  
19 Note:

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

22  
23 Reference: ~~Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021,~~  
24 ~~43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816~~ Public Resource  
25 Code and ~~Sections 39730.5, 39730.6, 39730.7 and 39730.8~~ Health and Safety Code.  
26 Authority cited: ~~Sections 40502, 43020 and 43021,~~ Public Resources Code.

27 Reference: ~~Sections 42652.5, 43020 and 43021,~~ Public Resources Code and ~~Section~~  
28 ~~39730.6,~~ Health and Safety Code.

## 29 30 Chapter 3.2. In-Vessel Digestion Operations and Facilities Regulatory 31 Requirements

### 32 33 Article 1. In-Vessel Digestion Operations and Facilities Regulatory 34 Requirements

#### 35 36 ~~Section 17896.2. Definitions.~~

37 ~~(a)(12.5) "Hauler" has the same meaning as defined in Section 18815.2(a)(32). of this~~  
38 ~~division.~~

39  
40 Note:

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

43  
44 Reference: ~~Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021,~~  
45 ~~43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816~~ Public Resource  
46 Code and ~~Sections 39730.5, 39730.6, 39730.7 and 39730.8~~ Health and Safety Code.

1  
2 **Section 17896.6. Excluded Activities.**

3 (a) The activities listed in this section are not subject to the in-vessel digestion  
4 requirements set forth in this Chapter. Nothing in this section precludes the EA or the  
5 Department from inspecting an excluded activity to verify that the activity is being  
6 conducted in a manner that qualifies as an excluded activity or from taking any  
7 appropriate enforcement action.

8 (1) A Publicly Owned Treatment Works Treatment Plant (POTW Treatment Plant), as  
9 defined in section 403.3(r) of Title 40 of the Code of Federal Regulations, that receives  
10 vehicle-transported solid waste that is an anaerobically digestible material for the  
11 purpose of anaerobic co-digestion with POTW Treatment Plant wastewater, is excluded  
12 under the following conditions:

13 (A) Anaerobically digestible materials must be trucked or hauled into a POTW  
14 Treatment Plant. Once on-site, the anaerobically digestible material must be pumped or  
15 off-loaded directly into a covered, leak-proof container and then pumped, or diluted or  
16 slurried and then pumped, and co-digested in an anaerobic digester(s) at the POTW  
17 Treatment Plant. The pumped material may be screened, otherwise separated or  
18 treated prior to anaerobic digestion, but must be processed and conveyed in a  
19 contained system. Any separated material at the POTW that is not suitable for  
20 anaerobic digestion and has no beneficial use shall be further managed as a solid  
21 waste.

22 (B) The POTW Treatment Plant has developed Standard Operating Procedures for the  
23 acceptance of anaerobically digestible material, the POTW Treatment Plant has notified  
24 the Regional Water Quality Control Board that those Standard Operating Procedures  
25 are being implemented, and a Standard Provision (permit condition) that reflects the  
26 acceptance of anaerobically digestible material:

- 27 1. has been incorporated into the POTW Treatment Plant's Waste Discharge  
28 Requirements or National Pollutant Discharge Elimination System permit; or  
29 2. will be incorporated into the POTW Treatment Plant's Waste Discharge  
30 Requirements or National Pollutant Discharge Elimination System permit no later than  
31 the next permit renewal.

32 (C) For the purpose of this exclusion, "anaerobically digestible material" means: inedible  
33 kitchen grease as defined in section 19216 of the Food and Agricultural Code, food  
34 material as defined in Title 14, CCR, section 17896.2(a)(12) and vegetative food  
35 material as defined in Title 14, CCR, section 17896.2(a)(12)(A).

36 (D) For the purpose of this exclusion, the Department, in consultation with the State  
37 Water Resources Control Board and the California Department of Food and Agriculture,  
38 will on a case-by-case basis, review and consider approval of additional types of  
39 organic materials as potential "anaerobically digestible material" beyond those specified  
40 in section 17896.6(a)(1)(C) in accordance with the following:

- 41 1. Receipt of a written request to the Department from the General Manager or  
42 designee of a POTW Treatment Plant.  
43 a. The written request must contain the following information:  
44 i. The purpose of the request.  
45 ii. Identification of the POTW Treatment Plant proposing to anaerobically co-digest the  
46 organic waste material with the POTW wastewater.

- 1 iii. Types of organic material requested for classification as an anaerobically digestible
- 2 material.
- 3 iv. The source(s) of the waste material.
- 4 v. A description of how the waste material will be handled, processed, stored and
- 5 transported (before and after receipt at the POTW Treatment Plant).
- 6 vi. A map identifying all proposed physical changes proposed at the POTW Treatment
- 7 Plant to accommodate the new waste materials.
- 8 vii. Available laboratory test results, engineering reports, research or study to support
- 9 the request.
- 10 viii. Data and/or reports if this waste material has been used without incident at a
- 11 different POTW Treatment Plant.
- 12 ix. The name, addresses and phone numbers for the General Manager and designee of
- 13 the POTW Treatment Plant.
- 14 b. Upon receipt of the written request, the Department will communicate and coordinate
- 15 the request with and between the State Water Resources Control Board and the
- 16 California Department of Food and Agriculture and will complete the following actions:
- 17 i. Within 10 days of receipt, send written confirmation to the General Manager and
- 18 designee of the POTW Treatment Plant indicating receipt of the letter and distribute the
- 19 letter to appropriate Department staff, as well as to the State Water Resources Control
- 20 Board and California Department of Food and Agriculture staff contacts for review;
- 21 ii. Within 15 days of receipt, schedule a meeting with State Water Resources Control
- 22 Board and California Department of Food and Agriculture staff contacts;
- 23 iii. Prior to the meeting, Department staff will review the letter and identify questions
- 24 and/or issues with the request and make a list of recommendations;
- 25 iv. Within 40 days of receipt, conduct a meeting on the request. If an agency
- 26 representative does not attend the meeting, comments will be accepted by the
- 27 Department up to close of business on the 45th day after receipt;
- 28 v. Within 60 days of receipt, the Department will provide a written decision to the
- 29 General Manager and designee of the POTW Treatment Plant stating one of the
- 30 following:
  - 31 I. The waste type has or has not been determined to be an anaerobically digestible
  - 32 material excluded from both the In-Vessel Digestion Operations and Facilities
  - 33 Regulatory Requirements (pursuant to section 17896.6(a)(1)(C) and the
  - 34 Transfer/Processing Operations and Facility Regulatory Requirements (pursuant to
  - 35 section 17403.1(a)(8));
  - 36 II. The agencies, based on the information provided, were unable to reach a
  - 37 determination and additional information is required before a determination can be
  - 38 made; or
  - 39 III. The agencies have determined that additional research or study will need to be
  - 40 conducted and the results analyzed prior to a determination made by the agencies.
  - 41 IV. If additional information, research or study is necessary, the Department will consult
  - 42 with the General Manager or designee of the POTW, the State Water Resources
  - 43 Control Board and California Department of Food and Agriculture contacts, for the
  - 44 purpose of developing a timeline for either reviewing the additional information or for
  - 45 reviewing a proposed scope of work and timeline for additional research or study.

1 2. For the purpose of this exclusion, if an organic waste material is determined by the  
2 Department to be an anaerobically digestible material for the purpose of co-digestion  
3 with the POTW wastewater, the POTW Treatment Plant must comply with section  
4 17896.6(a)(1)(A) prior to receipt of the material at the POTW Treatment Plant.  
5 (2) In-vessel digestion of agricultural material derived from an agricultural site and the  
6 digestate or compost produced from digestate is returned to that same agricultural site,  
7 or an agricultural site owned or leased by the owner, parent, or subsidiary of the  
8 agricultural site on which the in-vessel digester is located. No more than an incidental  
9 amount of up to 1,000 cubic yards of compost produced from digestate may be given  
10 away or sold annually. Digestate that is not composted may not be given away or sold.  
11 (3) In-vessel digestion at a dairy involving the co-digestion of manure with agricultural  
12 material derived on-site, imported agricultural material, and/or imported vegetative food  
13 material in accordance with Waste Discharge Requirements issued by a Regional  
14 Water Quality Control Board.  
15 (A) Any imported materials delivered to the dairy must be pumped or off-loaded directly  
16 into a covered, leak-proof container and then pumped, or diluted or slurried and then  
17 pumped, and co-digested in an in-vessel digester at a dairy. The pumped material may  
18 be screened, otherwise separated or treated prior to in-vessel digestion, but must be  
19 processed and conveyed in a contained system. Any separated material at the dairy  
20 that is not suitable for in-vessel digestion and has no beneficial use shall be further  
21 managed as a solid waste.  
22 (B) No more than an incidental amount of up to 1,000 cubic yards of compost produced  
23 from digestate may be given away or sold annually. Digestate that is not composted  
24 may not be given away or sold.  
25 (4) In-vessel digestion activities with less than a total of 100 cubic yards of solid waste,  
26 feedstock, and digestate on-site are excluded.  
27 [NOTE: Persons handling solid waste under the above exclusion are obligated to obtain  
28 all permits, licenses, or other clearances that may be required by other regulatory  
29 agencies including, but not limited to local health entities and local land use authorities.]  
30 (5) Rendering activities, authorized by the California Department of Food and  
31 Agriculture pursuant to section 19300 of the Food and Agricultural Code, or an activity  
32 that is a licensed animal food manufacturing activity, and in which no solid waste  
33 feedstock bypasses the rendering process.  
34 (6) Other discrete handling activities that are already subject to more stringent handling  
35 requirements under Federal or State law, as determined by the EA in consultation with  
36 the Department, are excluded. (a)(5) Rendering activities, authorized by the California  
37 Department of Food and Agriculture pursuant to Section 19300 of the Food and  
38 Agricultural Code, or an activity that is a licensed animal food manufacturing activity,  
39 and in which no solid waste feedstock bypasses the rendering or manufacturing  
40 process.

41  
42 Note:  
43 ~~Authority cited: Sections 40502, 43020, and 43021, and 42652.5 Public Resources~~  
44 ~~Code.~~

45

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 Authority cited: Sections 40502, 43020 and 43021, Public Resources Code.  
5 Reference: Sections 40053, 42652.5, 43020 and 43021, Public Resources Code and  
6 Section 39730.6, Health and Safety Code.

7  
8 **Article 2.0. Siting and Design** **Article 3. Operating Standards for In-Vessel**  
9 **Digestion Operations and Facilities**

10  
11 **Section 17896.25. Load Checking. — Prohibited Wastes.**

12 (a) The operator of an attended in-vessel digestion operation or facility shall implement  
13 a load checking program to prevent the acceptance of waste which is prohibited by this  
14 Chapter. This program must include at a minimum:

- 15 (1) the number of random load checks to be performed;  
16 (2) a location for the storage of prohibited wastes removed during the load checking  
17 process that is separately secured or isolated;  
18 (3) records of load checks and the training of personnel in the recognition, proper  
19 handling, and disposition of prohibited waste. A copy of the load checking program  
20 and copies of the load checking records for the last year shall be maintained in the  
21 operating record and be available for review by the appropriate regulatory agencies.

22  
23 Note:

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

26  
27 Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021,  
28 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816 Public Resource  
29 Code and Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.

30  
31 **Section 17896.25.1. Loadchecking — Contamination in Source Separated Organic**  
32 **Waste.**

33 **(a) The operator of an attended in-vessel digestion operation or facility shall**  
34 **perform loadchecking to identify the amount of visible contamination according**  
35 **to the following schedule:**

- 36 **(1) One (1) loadcheck shall be conducted for every 500 tons of source**  
37 **separated organic waste received per operating day. If the operator receives**  
38 **less than 500 tons for the operating day, a minimum of two (2) loadchecks shall**  
39 **be conducted for that operating day.**  
40 **(2) At least one loadcheck per month of each hauler by source sector as**  
41 **defined in Section 18815.2(a)(51).**  
42 **(3) The operator shall inform the jurisdiction of origin or jurisdiction's designee**  
43 **of received loads with visible contamination.**

44 **(b) The operator shall maintain the following loadchecking records under this**  
45 **section:**



- 1 ~~(1) Records of the number of rejected or redirected loads and reasons for~~  
2 ~~rejection or redirection.~~  
3 ~~(2) Records of received loads with visible contamination.~~  
4 ~~(3) Records of loadchecks and the training of personnel in evaluating the~~  
5 ~~amount of contamination in source separated organic waste. These records~~  
6 ~~shall be maintained for three (3) years in the operating record and be available~~  
7 ~~for review by the appropriate jurisdiction of origin, haulers, and other duly~~  
8 ~~authorized regulatory agencies.~~  
9 ~~(4) Records of notices provided to jurisdiction and jurisdiction's designee~~  
10 ~~pursuant to subdivision (a)(3).~~

11 ~~(c) The operator shall conduct a loadcheck in the presence of the EA when~~  
12 ~~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~~  
16 ~~described in Section 18984.5, or~~  
17 ~~(2) The EA determines that the incoming material from the source separated~~  
18 ~~organic waste collection stream does not contain any remnant organic~~  
19 ~~material.~~

20  
21 Note:

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

24  
25 Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021,  
26 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816 Public Resource  
27 Code and Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.  
28

### 29 **Article 3. Operating Standards for In-Vessel Digestion Operations and Facilities**

#### 30 31 **Section 17896.44.1. Measuring Organic Waste in ~~Residuals~~ Material eSent to for** 32 Disposal.

33  
34 (a) The operator shall determine the ~~monthly~~quarterly percentage of organic waste  
35 contained in ~~residuals materials sent to removed after processing that is sent to~~  
36 landfill disposal.

37 (1) ~~To determine the monthly percentage, the operator shall, measure the~~  
38 ~~amount of organic waste by weight present in the residuals removed materials~~  
39 ~~sent to landfill disposal after processing.~~

40 (A) The measurements required pursuant to this section shall be conducted  
41 at the following frequency:

42 1. For each reporting period, the operator shall perform the sampling  
43 protocol required in ~~Subdivision (a)(2)(46)(B)~~ over at least ten (10)  
44 consecutive operating days.

45 2. An operator may use the results of samples conducted over a period of  
46 more than 10 days if the following apply:

1 i. If less than 10 additional days are sampled in the reporting period, the  
2 additional operating days where sampling is performed shall be a  
3 consecutive continuation of the original 10 consecutive days of  
4 sampling.

5 ii. If 10 additional operating days or more are selected for sampling, the  
6 additional operating days shall be conducted on consecutive days but  
7 may be performed during a different part of the reporting period and are  
8 not required to be a continuation of the original 10 operating days.

9 To determine the monthly percentage, the operator shall, each per operating  
10 day, measure the amount of organic waste by weight present in the residuals  
11 removed after processing.

12 (2) The operator shall comply with ~~§~~Subdivision (a)(1) by using the following protocol:

13 (A) Take one sample of at least ~~a one (1) cubic yard~~ two hundred (200) pounds  
14 sample of the ~~residuals materials removed after processing~~ at that the  
15 operation or facility is sending to landfill disposal on that operating day. ~~prior to~~  
16 sending to disposal. Each sample shall be:

17 1. Representative of a typical operating day; ~~and~~

18 2. A random, composite sample taken either from various times during the  
19 operating day or from various locations within the pile(s) of material that will be  
20 sent to disposal. ~~after processing~~

21 (B) Record the weight of the sample. If the total weight of material sent to  
22 landfill disposal in a single operating day is less than 200 pounds, the  
23 operator shall sample all of the material that is sent to landfill disposal that  
24 day. Determine the total weight of the sample.

25 (C) Remove any ~~incompatible~~ material that is not organic waste and determine  
26 the remaining weight of the organic waste in the sample.

27 (D) Then determine the ratio of organic waste present in the ~~residuals materials~~  
28 removed for after processing landfill disposal by dividing the total from

29 ~~§~~Subdivision (a)(2)(C) by the total from ~~§~~Subdivision (a)(2)(B).

30 (E) Determine the total weight of organic waste ~~removed after processing~~ that is  
31 sent for landfill disposal by multiplying the ratio determined pursuant to

32 ~~§~~Subdivision (a)(2)(D) by the total weight of the ~~residuals materials~~ removed for  
33 landfill disposal from the source separated organic waste collection stream after  
34 processing.

35 (F) Determine the ~~monthly~~ sum of outgoing weights of organic waste present in  
36 material the residuals after processing that is sent ~~to for~~ landfill disposal as  
37 determined pursuant to ~~§~~Subdivision (a)(2)(E).

38 (G) Determine the ~~monthly~~ ratio of organic waste present in the ~~residuals~~  
39 removed after processing material sent to landfill disposal by dividing the total  
40 from ~~§~~Subdivision (a)(2)(F) by the total monthly outgoing weights of residuals  
41 removed that is sent for landfill disposal.

42 (H) Determine the ~~monthly~~ percentage of organic waste present in the ~~residuals~~  
43 material removed after processing sent to landfill disposal by multiplying the  
44 monthly ratio as determined pursuant to ~~§~~Subdivision (a)(2)(G) by 100.

45 (b) The operator shall conduct a measurement in the presence of the EA when  
46 requested.

1 (c) If it is determined by the EA that the measurements do not accurately reflect the  
2 records, the EA may require the operator to increase the frequency of measurements,  
3 revise the measurement protocol, or both to the improve accuracy.

4 (d) An alternative **frequency- measurement protocol** for determining the amount of  
5 organic waste contained in the residual may be approved by the EA, with concurrence  
6 by the Department. For the purposes of this section, alternative measurement protocols  
7 may include, but are not limited to, measurements made with a different sampling  
8 frequency and/or weight than those specified in this article. The Department shall  
9 concur with EA approval if it finds that the alternative measurement protocol will ensure  
10 that the measurements will be as accurate as those described in Subsection (a)(1) and  
11 (2), above.

12 (e) Organic waste that are textiles, carpet, hazardous wood waste, **plastic-coated non-**  
13 **compostable** paper and material subject to a quarantine on movement issued by a  
14 county agricultural commissioner **is not required to be measured as considered**  
15 **incompatible materials rather than** organic waste.

16 (f) Organic waste sent to an activity listed in Section 18983.1(a) shall constitute landfill  
17 disposal.

18  
19 **Note:**

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

22  
23 Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021,  
24 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816 Public Resource  
25 Code and Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.  
26 Authority cited: Sections 40502, 43020 and 43021, Public Resources Code.

27 Reference: Sections 40053, 42652.5, 43020 and 43021, Public Resources Code and  
28 Section 39730.6, Health and Safety Code.

29  
30  
31 **Article 4. Record~~k~~ Keeping Requirements.**

32  
33 **Section 17896.45. Record~~k~~ Keeping and Reporting Requirements.**

34 Each operator shall meet the following requirements:

35 (a) Each operator shall maintain records of incoming weights or volumes and outgoing  
36 salvage or residual weights or volumes listed in this subdivision in a form and manner  
37 approved by the EA. Such records shall be: ~~submitted to the EA or the Department~~  
38 ~~upon request~~; be adequate for overall planning and control purposes; and, be as current  
39 and accurate as practicable

40 ~~**(1) The operator shall maintain the following loadchecking records under this**~~  
41 ~~**section:**~~

42 ~~**(A) Records of the number of rejected or redirected loads and reasons for**~~  
43 ~~**rejection or redirection.**~~

44 ~~**(B) Records of received loads with visible contamination.**~~

45 ~~**(C) Records of loadchecks and the training of personnel in evaluating the**~~  
46 ~~**amount of contamination in source separated organic waste.**~~

1 **(D) Records of notices provided to jurisdictions and jurisdiction's designee**  
2 **pursuant to Section 17896.25.1.**

3 **(E)**

4 **(1) The ~~monthly~~ quarterly percentage of organic waste contained in residuals**  
5 **material sent to landfill disposal removed from processing as calculated pursuant**  
6 **to Section 17896.44.1.**

7 **(2F) The outgoing weights or volumes of residual material sent to disposal.**

8 **(3G) Daily outgoing weights or volumes of organic waste recovered and produced.**

9 **(4H) Daily outgoing weights or volumes of salvaged materials.**

10 **(5I) Daily incoming ~~incoming~~ weights of material.**

11 **(6) The weight of compostable material sent to sent offsite to any destination(s) other**  
12 **than an authorized permitted solid waste facility or operation.**

13 **(6) The address, parcel number, or other equivalent indicator of physical location of**  
14 **each property receiving compostable material for land application.**

15 **(7) The weight of material sent to each location identified in (F).**

16 (b) All records required by this Chapter shall be kept by the operator in one location and  
17 accessible for five (5) years and shall be available for inspection by the EA and other  
18 duly authorized regulatory agencies during normal working hours.

19 (c) The operator shall submit copies of specified records to the EA upon request or at a  
20 frequency approved by the EA;

21 (d) The operator shall maintain a daily log book or file of special occurrences  
22 encountered during operations and methods used to resolve problems arising from  
23 these events, including details of all incidents that required implementing emergency  
24 procedures. Special occurrences shall include but are not limited to: fires, injury and  
25 property damage, accidents, explosions, receipt or rejection of prohibited wastes, lack  
26 of sufficient number of personnel pursuant to section 17896.42, flooding, earthquake  
27 damage and other unusual occurrences. In addition, the operator shall notify the EA by  
28 telephone within 24 hours of all incidents requiring the implementation of emergency  
29 procedures, unless the EA determines that a less immediate form of notification will be  
30 sufficient to protect public health and safety and the environment;

31 (e) The operator shall record any written public complaints received by the operator,  
32 including:

33 (1) the nature of the complaint,

34 (2) the date the complaint was received,

35 (3) if available, the name, address, and telephone number of the person or persons  
36 making the complaint, and

37 (4) any actions taken to respond to the complaint;

38 (f) The operator shall maintain a copy of the written notification to the EA and local  
39 health agency of the name, address and telephone number of the operator or other  
40 person(s) responsible for the operations as required by section 17896.42;

41 (g) The operator shall maintain records of employee training as required by section  
42 17896.43;

43 (h) all in-vessel digestion operations and facilities shall maintain records as required by  
44 section 18809 et seq.

45 (i) The operator shall record all test results generated by compliance with Article 6 of  
46 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 (l) If, at any time, the EA determines that the records required by this section indicate  
18 that compostable material is sent offsite to any destination(s) other than an authorized  
19 permitted solid waste facility or operation, the EA shall directly observe any  
20 compostable material onsite designated for such offsite destination(s). If physical  
21 contaminants, based on visual observation, clearly exceed the limits in Section  
22 17852(a)(24.5)(A){1}, the EA may require the operator to further process such material.

23  
24  
25 Note:

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

28  
29 ~~Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021,~~  
30 ~~43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816 Public Resource~~  
31 ~~Code and Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.~~  
32 ~~Authority cited: Sections 40502, 43020 and 43021, Public Resources Code.~~

33 ~~Reference: Sections 40053, 42652.5, 43020 and 43021, Public Resources Code and~~  
34 ~~Section 39730.6, Health and Safety Code.~~

## 35 36 **Article 6. Digestate Handling Standards**

### 37 38 **17896.57. Digestate Handling.**

39 (a) Digestate not contained in an in-vessel digester shall, within 24 hours, be:

- 40 (1) stored or processed on-site in a sealed container or sealed structure unless the  
41 EA approves an alternative handling method after determining the alternative method  
42 will not pose an additional risk to public health and safety or the environment; or  
43 (2) incorporated in an on-site aerobic compost process.

44 (A) On-site aerobic composting of digestate is allowable only at large volume in-  
45 vessel digestion facilities that have obtained an In-vessel Digestion Facility Permit  
46 pursuant to section 17896.13.

1 (B) All in-vessel digestion facilities that compost on-site shall comply with the  
2 sampling requirements of section 17896.58, maximum metal concentrations  
3 requirements of section 17896.59, the maximum acceptable pathogen  
4 concentrations requirements of section 17896.60(b)(1), and physical contamination  
5 limits of section 17896.61; or

6 (3) removed from the site and ~~either~~ one of the following:

7 (A) transported only to another solid waste facility or operation for additional  
8 processing, composting, or disposal; ~~or~~

9 1. Digestate that is transported to another solid waste facility or operation  
10 for additional processing, or composting shall only be transported to one  
11 of the following facilities:

12 i. A transfer/processing facility or operation that complies with Section  
13 17409.5.8(a); or

14 ii. A compostable material handling facility or operation that, pursuant to  
15 Section 17867(a)(16), demonstrates that the percentage ~~no more than 10~~  
16 percent of the ~~of~~ organic waste in the materials sent to disposal ~~are organic~~  
17 waste is:

18 (1) I. On and after January 1, 2022, less than 20 percent;

19 (2) II. On and after January 1, 2024, less than 10 percent.

20 (B) used in a manner approved by local, state, and federal agencies having  
21 appropriate jurisdiction. Any digestate that will be land applied must meet the  
22 requirements of ~~s~~Section 17852(a)(24.5);

23 (C) disposed in a manner as set forth in the Consolidated Regulations for  
24 Treatment, Storage, Processing or Disposal of Solid Waste (commencing at Title  
25 27, California Code of Regulations, section 20005).

26 (b) Digestate that has not been analyzed for metal concentration pursuant to section  
27 17896.59, pathogen concentration pursuant to section 17896.60(b)(1), and physical  
28 contaminants pursuant to section 17896.61 or is known to contain any metal in amounts  
29 that exceed the maximum metal concentrations described in section 17896.59,  
30 pathogens that exceed the maximum acceptable pathogen concentrations described in  
31 section 17896.60(b)(1), or physical contaminants that exceed the maximum physical  
32 contamination limits described in section 17896.61 shall be designated for disposal,  
33 additional processing, or other use as approved by local, state agencies having  
34 appropriate jurisdiction.

35 ~~Note: Authority cited: Sections 40502, 43020 and 43021, and 42652.5 Public~~

36 ~~Resources Code. Reference: Sections 40053, 43020 and 43021, Public Resources~~  
37 ~~Code, and Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety~~  
38 ~~Code.~~

39 ~~Note: Authority cited: Sections 40502, 43020 and 43021, Public~~

40 ~~Resources Code. Reference: Sections 40053, 42652.5, 43020 and 43021, Public~~  
41 ~~Resources Code, and Section 39730.6, Health and Safety Code.~~

42 **Chapter 5. Enforcement of Solid Waste Standards and Administration of Solid**  
43 **Waste Facilities Permits; Loan Guarantees**  
44

1  
2 **Article 2.2. LEA Performance Standards, Evaluation Criteria, and Duties and**  
3 **Responsibilities**  
4

5 **Section 18083. LEA Duties and Responsibilities for Inspections.**

6 (a) Pursuant to Public Resources Code Division 30, Parts 4 and 5, and 14 CCR Division  
7 7, Chapters 3 and 5, 27 CCR, Division 2, Subdivision 1 (§20005 et seq.), and its EPP,  
8 the LEA/EA shall inspect and investigate solid waste collection, handling, and storage,  
9 solid waste facilities, operations and disposal sites and equipment to verify compliance  
10 with the state minimum standards, solid waste facilities permits, and related state solid  
11 waste laws and regulations within their purview for the protection of the environment  
12 and the public health. The LEA shall perform these inspections and related duties as  
13 required below, and forward inspection reports to the operator, and/or owner, and the  
14 Department within 30 days of the inspection:

15 (1) Weekly, for sites operating on performance standards pursuant to 27 CCR  
16 Section 20695;

17 (2) monthly, for all active and inactive facilities, and for illegal sites and facilities,  
18 pending abatement by enforcement action(s);

19 (3) at the frequency required by the state minimum standards for each type of  
20 operation specified in 14 CCR Sections 17383.9., 17403.5., and 17896.9. All other  
21 operations regulated under the EA Notification tier shall be inspected by the EA at  
22 least once every three (3) months unless the EA approves, with Department  
23 concurrence, a reduced inspection frequency. The EA may approve a reduced  
24 inspection frequency only if it will not pose an additional risk to public health and  
25 safety or the environment, and in no case shall the inspection frequency be less than  
26 once per calendar year. The EA shall submit a copy of the EA-proposed approval to  
27 the Department. The Department shall concur in the EA-proposed approval only if it  
28 finds that the reduced inspection frequency will not pose an additional risk to public  
29 health and safety or the environment in light of the specific circumstances at the  
30 operation in question. The Department shall concur or deny the EA-proposed  
31 approval within thirty (30) days from receipt.

32 (4) quarterly, for closed sites, abandoned sites, and sites exempted pursuant to 27  
33 CCR Section 21565. For closed sites, inspections shall be made until no potential  
34 threat exists to public health and safety or the environment. This determination shall  
35 be subject to Department approval. For the purposes of this subsection, the  
36 enumeration, and the workload analysis, a closed site means a site that has ceased  
37 accepting waste and, should be closed, is undergoing closure, or has met applicable  
38 closure requirements;

39 (A) the Department may approve an alternate inspection frequency for these sites  
40 where such an action will not result in adverse impact on public health and safety  
41 and the environment.

42 (5) if an LEA has been designated as the EA for waste tire facilities or entered into an  
43 agreement with the Department through a grant program to inspect tire facilities,  
44 major waste tire facilities shall be inspected annually, minor waste tire facilities shall  
45 be inspected at least once every two and a half years pursuant to 14 CCR Section  
46 18443;

1 (6) upon receipt of a complaint or emergency notification which cannot be resolved  
2 off-site;

3 (7) as necessary, pursuant to the EPP, upon receipt of a solid waste facilities permit  
4 application, revision, review, RFI amendment, or closure/postclosure plan; ~~and~~

5 (8) pursuant to the EPP, for solid waste handling and collection equipment. ~~and~~  
6 **(9) at the frequency described in Sections 17409.5.12, 17869(i)(h), and**  
7 **17896.45(k).**

8 (b) As specified in their EPP pursuant to Section 18077, the LEA/EA shall conduct  
9 any of the above inspections, whenever possible, without prior notice to the owner or  
10 operator, on randomly selected days, during normal business hours or the site's  
11 operating hours.

12 ~~(c) On a regular basis, but no less than annually, the EA shall select a statistically~~  
13 ~~significant number of land application sites within their jurisdiction and inspect these~~  
14 ~~sites to verify that compostable material is being land applied consistent with the~~  
15 ~~requirements of section 17852(a)(24.5)~~

16 ~~(1) The EA shall identify land application sites for inspection through a review of the~~  
17 ~~applicable records specified in Section 18083(a)(9), referrals from other EAs or the~~  
18 ~~Department, and any other means within the authority of the EA.~~

19 ~~(A) Such inspections shall be conducted by the EA in a timely manner to enable the EA~~  
20 ~~to adequately determine compliance with Section 17852(a)(24.5).~~

21 ~~(B) The EA shall prioritize such inspections in favor of land application sites that have~~  
22 ~~received the most significant volume of compostable material directly from the an~~  
23 ~~operation or facility.~~

24 ~~(C) This section shall not be construed as a restriction on an EA's authority and~~  
25 ~~discretion to inspect land application sites and take appropriate enforcement action~~  
26 ~~independent of the requirements of this section.~~

27 ~~(2) The EA shall refer information to the appropriate EA jurisdiction regarding any land~~  
28 ~~application sites outside of its authority that are identified from a review of facility~~  
29 ~~records.~~

30 **(c) At least once per quarter, the EA shall oversee a minimum of one (1)**  
31 **measurement as described in 14 CCR Sections 17409.5.2, 17409.5.3, 17409.5.4,**  
32 **17409.5.5, 17409.5.8, 17867 and 17896.44.1, during an inspection required in**  
33 **subdivision (a).**

34  
35 Note:

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

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

43 Reference: Sections 40053, 42652.5, 43020 and 43021, Public Resources Code and  
44 Section 39730.6, Health and Safety Code.



1 **Chapter 9: Planning Guidelines and Procedures for Preparing, Revising, and**  
2 **Amending Countywide or Regional Integrated Waste Management Plans**

3  
4 **Article 9.25 Recycling and Disposal Reporting System**

5  
6 **Section 18815.4 Reporting Requirements for Haulers.**

7  
8 (a) A self-hauler shall provide the jurisdiction of origin for all material delivered to each  
9 transfer/processor or disposal facility. A self-hauler does not have to report to the  
10 Department, unless they are a food waste self-hauler.

11 (b) Food waste self-haulers shall report to the Department the tons of food waste sent  
12 as follows:

13 (1) To a reporting entity inside California, report the tons of each material type,  
14 pursuant to section 18815.9 of this article, and their contact information and RDRS  
15 number.

16 (2) To an end user inside or outside California, report the tons of each material type,  
17 pursuant to section 18815.9 of this article, sent to each end user category, by region,  
18 pursuant to section 18815.3(k) of this article.

19 (3) To a recycling or composting facility or operation outside California, report the  
20 tons of each material type, pursuant to section 18815.9 of this article, by region,  
21 pursuant to section 18815.3(l) of this article.

22 (4) To each transfer/processor or disposal facility outside California, report the tons  
23 of each material type, pursuant to section 18815.9 of this article, sent to each  
24 person, and their contact information.

25 (c) A contract hauler shall provide the following information to a receiving reporting  
26 entity for all tons delivered, using the methods described in section 18815.9 of this  
27 article. A hauler shall provide the information at the time of delivery, unless both the  
28 hauler and receiving facility have previously agreed to periodic reports in lieu of  
29 providing information at the time of delivery. In all cases, the hauler shall provide the  
30 information to the receiving reporting entity within 30 days of the end of the reporting  
31 period.

32 (1) For solid waste hauled:

33 (A) A hauler shall provide the jurisdiction of origin for all material sent to each  
34 transfer/processor or disposal facility; and

35 (B) If requested by a transfer/processor or disposal facility, then a hauler shall  
36 provide the source sector for all material delivered to each broker or transporter,  
37 transfer/processor, or disposal facility, in tons or by percentage using the  
38 methods provided in section 18815.9 of this article.

39 (d) A contract hauler who takes material directly from a generator and hauls it to land  
40 application or to a person outside the state shall report to the Department. In their report  
41 to the Department, a contract hauler shall provide the following information for tons  
42 hauled, using the methods described in section 18815.9 of this article:

1 (1) Directly from a generator to land application, the tons of each material type sent  
2 by region, pursuant to section 18815.3(k) of this article.

3 (2) Directly from a generator to a person outside the state:

4 (A) For solid waste, the total tons by jurisdiction of origin for all material sent to a  
5 disposal facility or transfer/processor, their contact information, and an estimate  
6 of the overall source sector tons or percentages for waste sent.

7 (B) For green material sent to each transfer/processor or disposal facility for  
8 potential beneficial reuse, the tons by jurisdiction of origin, and the contact  
9 information of the receiving facility.

10 (C) For non-green material sent to each transfer/processor or disposal facility for  
11 potential beneficial reuse, the tons by material type, pursuant to section 18815.9,  
12 and the contact information of the receiving facility.

13 (D) For disaster debris and designated waste sent to each transfer/processor or  
14 disposal facility, the tons of each stream, and the contact information of the  
15 receiving facility.

16 (E) For material sent to recycling or composting facilities or operations, the tons  
17 of each material type sent by region.

18 (F) To end users, the tons of each material sent to each end user category by  
19 region, pursuant to section 18815.3(k) of this article.

20 (3) A hauler shall submit their report to the Department by the following due dates for  
21 each reporting period:

22 (A) Reporting period 1 due April 30,

23 (B) Reporting period 2 due July 31,

24 (C) Reporting period 3 due October 31, and

25 (D) Reporting period 4 due January 31.

26 (e) For the purposes of RDRS reporting, the Department shall not require a hauler to  
27 submit information regarding specific collection locations or customers when providing  
28 jurisdiction of origin, material type or source sector information to other reporting entities  
29 or to the Department as part of a quarterly report.

30 (1) A jurisdiction is not precluded from requiring this information through franchise  
31 agreements, contracts, local ordinances, section 41821.5(g) of the Public Resources  
32 Code, or other authority it may have.

33 (2) The Department may require a hauler to submit this information in lieu of an  
34 audit, or as part of an audit or administrative proceeding.

35 (f) Commencing January 1, 2022, a hauler providing an organic waste collection service  
36 pursuant to Article 3, Chapter 12 of this Division shall identify, for all materials  
37 delivered to each receiving reporting entity whether the material is:

38 (1) Collected from a "source separated organic waste collection stream" as defined  
39 in Section 17402 (a)(1826.6) of this Division.

40 (2) Collected from "mixed waste organics collection stream" as defined in in Section  
41 17402 (a)(11.5) of this Division that is required to be transported to a high diversion  
42 organic waste processing facility.

43 (g) Notwithstanding Subdivision (b), a hauler shall provide the information required by  
44 this Subdivision (f) at the time of delivery.

1  
2 ~~Authority Cited: Sections 40401, 40502, and and 41821.5(c), and 42652.5 Public~~  
3 ~~Resources Code.~~

4  
5 ~~Reference: : Sections 41821.5 and 41821.6 Public Resources Code and Sections~~  
6 ~~39730.5, 39730.6, 39730.7, and 39730.8 Health and Safety Code.~~

7 ~~Note: Authority Cited: Sections 40502 and 41821.5, Public Resources Code.~~

8 ~~Reference: Sections 41821.5, 41821.6, and 42652.5, Public Resources Code and~~  
9 ~~Section 39730.6, Health and Safety Code.~~

10  
11 **Section 18815.5 Reporting Requirements for Transfer/Processors.**

12 (a) In their report to the Department, a transfer/processor shall provide the following  
13 information, using the methods in described in section 18815.9 of this article:

14 (1) For all tons accepted:

15 (A) From another transfer/processor, report the tons of each of the following  
16 streams: solid waste, disaster debris, designated waste, green material potential  
17 beneficial reuse, and all other potential beneficial reuse accepted from each  
18 facility. Report the sending facility's contact information and RDRS number, if  
19 applicable.

20 (B) For direct-hauled material, report the total aggregated tons of each of the  
21 following streams: solid waste, disaster debris, designated waste, green material  
22 potential beneficial reuse, and all other potential beneficial reuse. The tonnages  
23 for solid waste and green material potential beneficial reuse shall be further  
24 divided by jurisdiction of origin.

25 (C) Include accepted residuals generated by a recycling or composting facility or  
26 operation that is reporting under the same RDRS number as a  
27 transfer/processing facility or operation, pursuant to section 18815.3(d)(4) of this  
28 article, in the total tons accepted as direct-hauled, pursuant to subsection (1)(B),  
29 assigning the tons to the jurisdiction within which the site is located.

30 (2) For all tons sent to recyclers, composters, brokers, transporters, or end users  
31 pursuant to section 18815.9 of this article:

32 (A) To a recycling or composting facility or operation with a different RDRS  
33 number inside California, report the tons by material type, pursuant to section  
34 18815.9(a) of this article, and their contact information and RDRS number, if  
35 applicable.

36 (B) To an end user, report the tons of each material type, pursuant to section  
37 18815.9(a) of this article, sent to each end user category by region, pursuant to  
38 section 18815.3(k) of this article.

39 (C) To a broker or transporter:

40 (i) In cases where the final destination of the material is determined by the  
41 reporting transfer/processor, report pursuant to subsections (a)(2)(A), (a)(2)(B),  
42 and (a)(2)(E).

43 (ii) In cases where the final destination of the material is not determined by the  
44 reporting transfer/processor, report tons of each material type, pursuant to  
45 section 18815.9(a) of this article, sent to each broker or transporter and their  
46 contact information and RDRS number, if applicable.

1 (D) To a recycling or composting facility or operation with the same RDRS  
2 number, report pursuant to section 18815.9(h) of this article.

3 (E) To a recycling or composting facility or operation outside California, report the  
4 tons of each material type by region.

5 (3) For all tons sent to transfer/processors or disposal facilities inside or outside  
6 California of each of the following streams: recycling and composting, solid waste,  
7 disaster debris, designated waste, green material potential beneficial reuse, and all  
8 other potential beneficial reuse:

9 (A) To each transfer/processor or disposal facility, report the tons of each stream,  
10 and their contact information and RDRS number, if applicable. Report the  
11 percentage of solid waste and green material potential beneficial reuse received  
12 from each transfer/processor, and the total percentage of materials that were  
13 direct-hauled, pursuant to subsection (a)(1)(B). The percentage that was direct-  
14 hauled shall be further divided into the jurisdictions of origin of solid waste and  
15 green material potential beneficial reuse.

16 (B) For all tons of solid waste, the percentage that was direct-hauled, pursuant to  
17 subsection (a)(1)(B), shall be divided into source sectors, using methods  
18 described in section 18815.9(c) of this article. Source sector shall be reported to  
19 the department as a facility-wide estimate.

20 (C) For all other material sent for potential beneficial reuse to a landfill or other  
21 transfer/processor inside or outside California, report the tons sent to each facility  
22 by material type, pursuant to section 18815.9(a)(3) of this article, and the facility's  
23 contact information and RDRS number, if applicable.

24 (D) For material sent for recycling to each transfer/processor or disposal facility  
25 with a different RDRS number inside California, report the tons by material type,  
26 and the facility's contact information and RDRS number, if applicable.

27 (E) For material sent for recycling to each transfer/processor or disposal facility  
28 outside California, report the tons by material type and region.

29 (b) A transfer/processor shall report to the Department by the following due dates for  
30 each reporting period:

31 (1) Reporting period 1 due May 31,

32 (2) Reporting period 2 due August 31,

33 (3) Reporting period 3 due November 30, and

34 (4) Reporting period 4 due February 28.

35 (c) With the exception of reporting entities who fail to provide required information, for  
36 the purposes of RDRS reporting, the Department shall not require a transfer/processor  
37 to submit information regarding the identities of individual haulers when providing  
38 jurisdiction of origin, or source sector information to the Department as part of a  
39 quarterly report. The Department shall not require a transfer/processor to submit  
40 information regarding the identities of individual end users when providing material type  
41 or region to the Department as part of their report.

42 (1) A jurisdiction is not precluded from requiring this information through franchise  
43 agreements, contracts, local ordinances, section 41821.5(g) of the Public Resources  
44 Code, or other authority it may have.

1 (2) The Department may require a transfer/processor to submit this information in  
2 lieu of an audit, or as part of an audit or administrative proceeding.

3 (d) Commencing with the first reporting period in 2022, and in each subsequent  
4 reporting period thereafter:

5 (1) A reporting receiving facility that receives material from a “mixed waste organic  
6 collection stream” as defined in ~~§~~Section 17402 (a)(11.5) of this ~~D~~division shall, for  
7 the purposes of determining the annual average organic content recovery rate for  
8 organic waste received from the mixed waste organic collection stream as specified  
9 in ~~§~~Sections 18984.3 and 17409.5.1 of this ~~D~~division, report the following to the  
10 Department:

11 (A) The ~~quarterly~~ sum of outgoing weights of organic waste recovered from the  
12 mixed waste organic collection stream as determined pursuant to Section  
13 17409.5.1 (c)(1) of this ~~D~~division.

14 (B)The ~~quarterly~~ sum of outgoing weights of organic waste from the mixed  
15 waste organic collection stream that is sent to disposal as determined pursuant  
16 to Section 17409.5.1 (c)(2) of this ~~D~~division.

17 (C)The sum of records in ~~Sections~~ 17414.2-(a)(2), 17414.2(a)(3), and 17414.2  
18 (a)(6) of outgoing and incoming weights of material from the mixed waste organic  
19 collection stream.

20 (2) A ~~r~~Reporting ~~R~~receiving facility that receives material from a “source separated  
21 organic waste collection stream” as defined in ~~§~~Section 17402 (a)(~~1826~~.6) shall  
22 report the following to the ~~e~~Department:

23 (A) The ~~quarterly~~ sum of outgoing weights of organic waste recovered from the  
24 source separated organic collection stream as determined pursuant to Section  
25 17409.5.1 (d)(1) of this ~~D~~division.

26 (B) The ~~quarterly~~ sum of outgoing weights of organic waste recovered from the  
27 source separated organic collection stream as determined pursuant to Section  
28 17409.5.1(d)(2) of this ~~D~~division.

29 ~~(C) The sum of weights required to be recorded pursuant to Sections~~  
30 ~~17414.2 (a)(4), 17414.2(a)(5), and 17414.2 (a)(7) of outgoing and incoming~~  
31 ~~weights of material from the source separate organic waste collection~~  
32 ~~stream.~~

33 (e) The Department shall determine if a facility meets or exceeds the recovery efficiency  
34 percentages ~~specified in Sections 18984.3 and 17409.5.1 of this ~~D~~division as specified~~  
35 ~~in the definition of a “high diversion organic waste processing facility” in Section~~  
36 ~~18982(a)(33) in the following manner:~~

37 (1) The Department shall determine the quarterly recovery efficiency by dividing the  
38 ~~value~~total weight of recovered organic waste reported in ~~§~~Subdivision (d)(1)(A)  
39 [Recovered Organics (RO)] by the combined ~~value~~total weight of recovered and  
40 ~~residual disposed~~ organic waste reported in ~~Subdivision~~ (d)(1)(A) and ~~Subdivision~~  
41 (d)(1)(B) [Total Available ~~Mixed Waste~~ Organics(TAMWO)]: RO/TAMWO =  
42 Recovery Efficiency.

43 (2) The Department shall use the total weights for the immediately previous four  
44 quarters to determine the facility’s annual recovery efficiency which shall constitute  
45 the annual average mixed waste organic content recovery rate for the purposes of  
46 section 18984.3 of this ~~D~~division.

1 (3) The annual average mixed waste organic content recovery rate shall be  
2 determined by using the last four quarterly rates. A new annual average shall be  
3 calculated each quarter.

4 ~~(f)(e)~~ The Department shall determine if a facility meets or exceeds the annual  
5 average source separated organic content recovery rates specified for a  
6 “designated source separated organic waste facility” as defined in Section  
7 18982(a)(14.5) of this division in the following manner:

8 (1) The Department shall determine the quarterly recovery efficiency by  
9 dividing the ~~value~~total weight of recovered organic waste reported in  
10 ~~s~~Subdivision (d)(2)(A)[Recovered Organics (RO)] by the combined ~~valued~~total  
11 weight of recovered and disposed organic waste reported in Subdivision  
12 (d)(2)(A) and Subdivision (d)(2)(B) [Total Available Source Separated Organic  
13 Waste (TASSOW)]: RO/TASSOW = Recovery Efficiency.

14 (2) The Department shall use the total weights for the immediately previous  
15 four quarters to determine the facility’s annual recovery efficiency which shall  
16 constitute the annual average source separated organic content recovery rate  
17 for the purposes of Sections 18982(a)(14.5), and ~~Section 18998.1~~ of this  
18 Division. A new annual average shall be calculated each quarter.

19 ~~(g)(f)~~ A reporting receiving facility subject to the requirements of Sections  
20 17409.5.7, through 17409.5.7.2 shall, for each individual jurisdiction that the facility is  
21 required 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 17409.5.7, ~~17409.5.7.2,~~

25  
26 Authority Cited: Sections 40502, and ~~and~~ 41821.5(c), 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 Note: Authority Cited: Sections 40502 and 41821.5, Public Resources Code.

32 Reference: Sections 41821.5, 41821.6 and 42652.5, Public Resources Code, and  
33 Section 39730.6, Health and Safety Code.

34  
35 **Section 18815.7 Reporting Requirements for Recycling and Composting Facilities**  
36 **and Operations.**

37 (a) In their report to the Department, a recycling or composting facility or operation shall  
38 provide the following information for all tons handled, using the methods described in  
39 section 18815.9 of this article:

40 (1) For materials sent for disposal or potential beneficial reuse to each  
41 transfer/processor or disposal facility with a different RDRS number inside or outside  
42 California, report the tons of each material type, pursuant to section 18815.9(a) of  
43 this article, and their contact information and RDRS number, if applicable.

44 (2) For materials sent to each recycling or composting facility or operation with a  
45 different RDRS number, or for recycling at each transfer/processor with a different

1 RDRS number inside California, report the tons of each material type, pursuant to  
2 section 18815.9(a) of this article, and their contact information and RDRS number, if  
3 applicable.

4 (3) For materials sent to a recycling or composting facility or operation with the same  
5 RDRS number, report pursuant to section 18815.9(h) of this article.

6 (4) For intermediate products sent to end users inside or outside California, report  
7 the tons of each material type, pursuant to section 18815.9(a) of this article, sent to  
8 each end user category by region, pursuant to section 18815.3(k) of this article.

9 (5) For materials sent to a broker or transporter:

10 (A) In cases where the final destination of the material is determined by the  
11 reporting recycling or composting facility or operation, report pursuant to  
12 subsections (a)(1), (a)(2), (a)(4), and (a)(6), as applicable.

13 (B) In cases where the final destination of the material is not determined by the  
14 reporting recycling or composting facility or operation, report tons of each  
15 material type, pursuant to section 18815.9(a) of this article, sent to each broker  
16 or transporter and their contact information and RDRS number, if applicable.

17 (6) For materials sent to each recycling or composting facility or operation outside  
18 California, or for recycling at a transfer/processor outside California, report the tons  
19 of each material type by region.

20 (b) A recycling or composting facility or operation is not required to report on material  
21 sold for reuse or transferred for reuse.

22 (c) A recycler who handles business-to-business post-industrial materials, but also  
23 handles materials that do not meet the criteria in section 18815.2(a)(8) of this article,  
24 shall:

25 (1) Report as a recycler pursuant to this section for all materials that do not meet the  
26 criteria for business-to-business post-industrial recycling, and

27 (2) Not include information or tonnages associated with the business-to-business  
28 post-industrial materials recycled as defined in section 18815.2(a)(8) of this article.

29 (d) A recycling or composting facility or operation shall report to the Department by the  
30 following due dates for each reporting period:

31 (1) Reporting period 1 due May 31,

32 (2) Reporting period 2 due August 31,

33 (3) Reporting period 3 due November 30, and

34 (4) Reporting period 4 due February 28.

35 (e) With the exception of other reporting entities, for the purposes of RDRS reporting,  
36 the Department shall not require a recycling and composting facility or operation to  
37 submit information regarding the identities of individual end users, suppliers, or  
38 customers when providing material type information to the Department as part of a  
39 quarterly report.

40 (1) A jurisdiction is not precluded from requiring this information through franchise  
41 agreements, contracts, local ordinances, section 41821.5(g) of the Public Resources  
42 Code, or other authority it may have.

43 (2) The Department may require that a recycler/composter submit this information in  
44 lieu of an audit, or as part of an audit or administrative proceeding.

1 (f) Commencing with first reporting period in 2022, and in each subsequent reporting  
2 period thereafter:

3 (1) A recycling or compost facility or operation shall, if applicable, additionally report  
4 the following to the Department:

5 (A) The monthly percentage of organic waste contained in materials residuals  
6 sent to landfill disposal removed from processing as calculated pursuant to  
7 Section 17869(e)(15) or 17896.45 (a)(1). (E):

8 Authority Cited: Sections 40502, and 41821.5(c), and 42652.5 Public Resources  
9 Code.

10  
11 Reference: Sections 41821.5 and 41821.6 Public Resources Code and 39730.5,  
12 39730.6, 39730.7, and 39730.8 Health and Safety Code.

Note: Authority Cited: Sections 40502 and 41821.5, Public Resources Code.

Reference: Sections 41821.5, 41821.6 and 42652.5, Public Resources Code and  
39730.6, Health and Safety Code.

## **Title 27. Environmental Protection**

### **Division 2. Solid Waste**

#### **Chapter 2. Definitions**

#### **Article 2. Specific Definitions**

#### **~~Section 20164.~~**

~~“Hauler” has the same meaning as defined in Section 18815.2(a)(32) of this division.~~

#### **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:**



1 Authority cited: Section 40502, 41781.3, 43020, and 42652.5 Public Resources  
2 Code;

3  
4 Reference: Sections 40002, 40053, 40508, 42652.5, 42653, 42654, 43020, 43021  
5 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816, Public  
6 Resources Code; Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and  
7 Safety Code; and Code of Federal Regulations Section 258.21.

8  
9 **Article 3: GIWMB CalRecycle—Handling, Equipment, and Maintenance**

10  
11 **§20750.1. CalRecycle— Organic Waste Handling.**

12 (a) For new or expanding solid waste landfills, ~~=(1) The~~ the operator shall implement  
13 organic waste recovery activities, as approved by the EA. Organic organic waste  
14 recovery activities shall be confined to specified, clearly identifiable areas of the site and  
15 shall be arranged to minimize health and safety hazard, vector harborage, or other  
16 hazard or nuisance, and be limited to a volume and storage time as approved by the  
17 EA.

18 (1) An operator only accepting receipt of solid wastes that have already been  
19 processed through a high diversion organic waste processing facility or a designated  
20 source separated organic waste facility does not need to implement be processed at  
21 the organic waste recovery activity activities.

22 (b) For the purposes of this section “organic waste recovery activities” means activities  
23 that divert organic waste from landfill disposal to activities that constitute a reduction of  
24 landfill disposal of organic waste as defined in Article 2 of Chapter 12 of Division 7 of  
25 Title 14 of the California Code of Regulations (commencing with Section 18983), either  
26 on-site or transport to another site where those activities occur.

27 (c) For the purposes of the section, “expanding” means a solid waste landfill proposing  
28 to make a significant change to the design or operation as determined by the EA  
29 pursuant to 27 CCR Section 21665.

30 (1) Changing the hours of operation of a landfill is not considered an expansion  
31 pursuant to 14-27 CCR Section 20750.1(c).

32  
33 **Note:**

34 Authority cited: Section 40502, and 43020, and 42652.5 Public Resources Code.

35  
36 Reference: Sections 40002, 40053, 40508, 42652.5, 42653, 42654, 43020, 43021  
37 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816, Public Resources  
38 Code; Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.

39 Authority cited: Section 40502 and 43020, Public Resources Code.

40 Reference: Sections 40053, 42652.5, 43020 and 43021, Public Resources Code and  
41 Section 39730.6, Health and Safety Code.

42  
43 ~~Article 4. GIWMB CalRecycle—Controls~~

44 ~~**§20901. CalRecycle—Loadchecking Contamination in Source Separated Organic**~~  
45 ~~**Waste.**~~

1 (a) The operator shall implement a loadchecking program to identify the amount  
2 of visible contamination in source separated organic waste according to the  
3 following schedule:

4 (1) One (1) loadcheck shall be conducted for every 500 tons of source  
5 separated organic waste received per operating day. If the operator receives  
6 less than 500 tons for the operating day, a minimum of two (2) loadcheck shall  
7 be conducted for that operating day;

8 (2) At least one loadcheck per month of each hauler by source sector as  
9 defined in Section 18815.2(a)(51).

10 (3) At least one loadcheck per quarter from each service area.

11 (4) The operator shall inform the jurisdiction of origin or jurisdiction's designee  
12 of received loads with visible contamination.

13 (b) The operator shall maintain the following loadchecking records under this  
14 section;

15 (1) Records of the number of rejected or redirected loads and reasons for  
16 rejection or redirection;

17 (2) Records of received loads with contamination that exceeds 10 percent.

18 (3) Records of notices provided to operators and or jurisdictions pursuant to  
19 Section 18984.5 of this division.

20 (4) Records of loadchecks and the training of personnel in evaluating the  
21 amount of contamination in source separated organic waste. These records  
22 shall be maintained for three (3) years in the operating record and be available  
23 for review by the appropriate jurisdiction of origin, haulers, and other duly  
24 authorized regulatory agencies.

25 (c) The operator shall conduct a loadcheck in the presence of the EA when  
26 requested.

27 (d) The EA may approve an alternative frequency for loadchecking if:

28 (1) The facility receives waste from jurisdictions that are monitoring containers  
29 provided to generators using the container contamination minimization  
30 described in Section 18984.5, or

31 (2) The EA determines that the incoming material from the source separated  
32 organic waste collection stream does not contain any remnant organic  
33 material.

34 ~~Section 20901. Gray Container Waste Evaluations.~~

~~(a) Commencing July 1, 2022, the operator of disposal facility that receives a gray container collection stream, as defined in 14 CCR, Section 17402(a)(6.6), shall conduct waste evaluations on the gray container collection stream received directly from each jurisdiction collection service consistent with this section, sSection 20901.1, and sSection 20901.2 to identify the percentage 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 20901.1.~~

~~(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 as 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.~~

**Note:**

~~Authority cited: Section 40502, 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.~~

~~Section 20901.1. Gray Container Waste Evaluations—Frequency.~~

~~The operator of a disposal facility shall conduct waste evaluations at the following frequency for each 12 month period from July 1 to the following June 30 consistent with the requirements of section 20901.1:~~

~~(a) If a facility received less than 100 tons in the gray container collection stream from a jurisdiction during the previous calendar year, no waste evaluations shall be conducted on the incoming gray container collection stream from that jurisdiction for the current 12 month period.~~

~~(b) If a facility received between 100 and less than 500 tons in the gray container collection stream from a jurisdiction during the previous calendar year, two (2) waste evaluations shall be conducted on the incoming gray container collection stream from that jurisdiction per quarter for the current 12 month period.~~

~~(c) If a facility received between 500 and less than 1000 tons in the gray container collection stream from a jurisdiction during the previous calendar year, three (3) waste evaluations shall be conducted on the incoming gray container collection stream from that jurisdiction per quarter for the current 12 month period.~~

~~(d) If a facility received 1000 tons or greater in the gray container collection stream from a jurisdiction during the previous calendar year, five (5) waste evaluations shall be conducted on the incoming gray container collection stream from that jurisdiction per quarter for the current 12 month period.~~

**Note:**

~~Authority cited: Section 40502, 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.~~

~~Section 20901.2. Gray Container Waste Evaluations—Measuring Remnant Organic Material.~~

~~(a) The operator of a disposal facility shall comply with Sections 20901 and 20901.1 by using the following measurement protocol:~~

~~(1) Take one sample of at least a 200 pounds from the incoming gray container collection stream received by the facility from the relevant jurisdiction(c). Each sample shall be:~~

~~(A) Representative of a typical operating day; and~~

~~(B) A random, composite sample taken from various times during the operating day.~~

~~(2) Record the weight of the sample.~~

~~(3)(2) For that sample, remove any remnant organic material and determine the weight of that remnant organic material.~~

~~(4)(3) Then determine the ratio of remnant organic material in the sample by dividing the total weight from of the sample weighed in sSubdivision (a)(3)(2) by the total weight recorded in Subdvivion (a)(2)200 pounds.~~

~~(b)(c) The operator shall conduct a measurement in the presence of the EA when requested.~~

~~(c)(d) If it is determined by the EA that the measurements do not accurately reflect the records, the EA may require the operator to increase the frequency of measurements and/or revise the measurement protocol to improve accuracy.~~

~~Note:~~

~~Authority cited: Section 40502, 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.~~

**Chapter 4. Documentation and Reporting for Regulatory Tiers, Permits, WDRs, and Plans**

**Subchapter 3: Development of Waste Discharge Requirements (WDRs) and Solid Waste Facility Permits**

**Article 2. CalRecycle—Applicant Requirements**

**§21570. CalRecycle—Filing Requirements.**

(a) Any operator of a disposal site who is required to have a full solid waste facilities permit and waste discharge requirements pursuant to Public Resources Code, Division

1 31 and §20080(f) shall submit an application package for a solid waste facilities permit  
2 in duplicate to the EA pursuant to ¶(f). The applicant shall also simultaneously submit  
3 one copy of the application form and the Joint Technical Document (JTD) to the  
4 Regional Water Quality Control Board (RWQCB) and one copy of the application form  
5 to the director of the local agency that oversees local land use planning for the  
6 jurisdiction in which the site is located. The applicant shall ensure demonstration of  
7 financial assurances to CalRecycle pursuant to Chapter 6 of this Subdivision.  
8 (b) All other applicants who are required to have a full solid waste facilities permit shall  
9 submit an application package for a solid waste facilities permit in duplicate to the EA  
10 pursuant to ¶(f) and one copy of the application form to the director of the local agency  
11 that oversees local land use planning for the jurisdiction in which the site is located. The  
12 applicant shall also simultaneously submit one copy of the application form to the  
13 RWQCB.  
14 (c) Any application package submitted to the EA shall be accompanied by the fee  
15 specified by the EA pursuant to Public Resources Code §44006(c).  
16 (d) The application package shall require that information be supplied in adequate detail  
17 to permit thorough evaluation of the environmental effects of the facility and to permit  
18 estimation of the likelihood that the facility will be able to conform to the standards over  
19 the useful economic life of the facility. The application package shall require, among  
20 other things, that the applicant and the owner give the address at which process may be  
21 served upon them.  
22 (e) All information in the application package shall be certified by the applicant and the  
23 owner of the site as being true and accurate to the best knowledge and belief of each.  
24 The applicant, owner of the facility, or both, shall supply additional information as  
25 deemed necessary by the EA.  
26 (f) A complete and correct application package shall include, but not necessarily be  
27 limited to, the following items:  
28 (1) Application For Solid Waste Facilities Permit/Waste Discharge Requirements  
29 Form ~~GIWMB~~ (*CalRecycle* E-1-77 (Version 11-15 8-04) (Appendix 1); and  
30 (2) Complete and correct Report of Facility Information. In the case of disposal sites,  
31 this will be a Report of Disposal Site Information (RDSI) in the format of a JTD or a  
32 Disposal Site Facility Plan or Disposal Facility Report in the format of a JTD; and  
33 (3) California Environmental Quality Act (CEQA) compliance information as follows:  
34 (A) Evidence that there has been compliance with the CEQA, Division 13  
35 (commencing with §21000) of the Public Resources Code, regarding the facility; or  
36 (B) Information on the status of the application's compliance with the CEQA  
37 regarding the facility, including the proposed project description. Once there has  
38 been compliance with the CEQA regarding the facility, evidence of compliance  
39 shall be submitted to the EA; and  
40 (4) Any CEQA Mitigation Monitoring Implementation Schedule; and  
41 (5) Conformance finding information, including one of the following:  
42 (A) Until a countywide or regional agency integrated waste management plan has  
43 been approved by CalRecycle, the application shall include statements that: the  
44 facility is identified and described in or conforms with the County Solid Waste  
45 Management Plan, or otherwise complies with Public Resources Code §50000;  
46 and that the facility is consistent with the city or county General Plan and

1 compatible with surrounding land use, in accordance with Public Resources Code  
2 §50000.5; or

3 (B) After a countywide or regional agency integrated waste management plan has  
4 been approved by CalRecycle, the application shall include a statement that: the  
5 facility is identified in either the countywide siting element, the nondisposal facility  
6 element, or in the Source Reduction and Recycling Element for the jurisdiction in  
7 which it is located; or, that the facility is not required to be identified in any of these  
8 elements pursuant to Public Resources Code §50001; and

9 (6) For disposal sites, completeness determination of Preliminary or Final  
10 Closure/Postclosure Maintenance Plan as specified in §§21780, 21865, and 21890  
11 (Subchapter 4 of this chapter); and

12 [Note: The operator has the option of submitting the preliminary closure plan with the  
13 JTD, in which case the EA, RWQCB, and CalRecycle would review it at the same  
14 time. If deemed complete by the reviewing agencies, the solid waste facilities permit  
15 application package could then be accepted for filing if all other information in the  
16 JTD is accepted by the EA. Or the operator can submit a stand alone preliminary  
17 closure plan to be deemed complete by reviewing agencies before the application  
18 package is submitted to the EA. For CalRecycle purposes, all final  
19 closure/postclosure plans are stand alone documents but can be processed jointly  
20 with a proposed solid waste facilities permit revision as long as the final plan is  
21 determined complete prior to approval of the proposed solid waste facilities permit.  
22 The JTD Index prepared for the EA should show where each closure requirement is  
23 addressed in the closure/post-closure plan.]

24 (7) For disposal sites, a copy of the most recently submitted detailed written estimate  
25 or latest approved estimate, whichever identifies the greatest cost, to cover the cost  
26 of known or reasonably foreseeable corrective action activities, pursuant to §22101;

27 (8) For disposal sites, current documentation of acceptable funding levels for required  
28 closure, postclosure maintenance, and corrective action Financial Assurance  
29 Mechanisms (in accordance with Chapter 6, Division 2); and

30 (9) For disposal sites, current documentation of compliance with operating liability  
31 requirements in accordance with Chapter 6;

32 (10) For disposal sites permitted for more than 20 tons-per-day, a ground or aerial  
33 survey to be completed at least once every five years or more frequently as  
34 determined by the EA. For disposal sites permitted for 20 tons-per-day or less, a  
35 ground or aerial survey must be completed at least once every ten years. Survey  
36 results must be submitted as a CADD or vector graphics data file including at least  
37 two strata, i.e., 1) a stratum showing the base and finished ground surfaces, and 2) a  
38 stratum showing the existing and finished ground surfaces. For disposal sites where  
39 a change in permitted volume is proposed, a third stratum showing the base and  
40 proposed finished ground surface must be included. For each stratum the following  
41 information shall be included: site name, stratum name, surface1 name, surface2  
42 name, volume calculation method (grid, composite, section), expansion (cut) factor,  
43 compaction (fill) factor, cut volume, fill volume and net volume. All volumes shall be  
44 reported in cubic yards. If the base ground surface is uncertain, the operator is  
45 allowed to provide the best available information as a substitute for the actual as-built  
46 contours. If selecting this substitute method, the operator must provide an

1 explanation of the basis for using the substitute base ground surface. For the  
2 purposes of this section the following definitions apply:

3 (A) "base ground surface" - the best available excavation plan surface that existed  
4 prior to the placement of any waste;

5 (B) "CADD" - computer aided design and drafting;

6 (C) "compaction (fill) factor" - the factor used to correct for expected compaction of  
7 fill material; this factor should normally be unity (one); if the factor is not unity  
8 (one), an explanation must be provided for the basis of the volumetric correction;

9 (D) "cut volume" - for any stratum, the volume removed by a cut of a lower surface  
10 to achieve the upper surface;

11 (E) "existing ground surface" - the topography that exists at the time of the subject  
12 survey;

13 (F) "expansion (cut) factor" - the factor used to correct for expected expansion of a  
14 cut surface; this factor should normally be unity (one); if the factor is not unity  
15 (one), an explanation must be provided for the basis of the volumetric correction;

16 (G) "fill volume" - for any stratum, the volume bound between the upper and lower  
17 surfaces;

18 (H) "finished ground surface" - the final fill plan surface as shown in the approved  
19 closure plan for the disposal site;

20 (I) "net volume" - the fill volume less the cut volume;

21 (J) "site name" - the name of the disposal site for which the survey information is  
22 being submitted;

23 (K) "stratum (plural: strata)" - a particular volume of a solid waste landfill bound by  
24 specified upper and lower surfaces;

25 (L) "stratum name" - a descriptive name for the stratum for which volumetric  
26 information is being submitted, e.g., total volume including proposed expansion;

27 (M) "surface names" - names for the pair of surfaces that define a named stratum,  
28 e.g., base ground surface and proposed finished ground surface;

29 (N) "survey" - a comprehensive examination of the disposal site under the  
30 direction of registered civil engineer or licensed land surveyor for purposes of  
31 determining the topography of the base, existing and finished ground surfaces,  
32 and the volumes bound by those surfaces;

33 (O) "vector graphics" - computer generated images comprised of lines and shapes  
34 of given origin, direction, thickness, color and other attributes;

35 (P) "volume calculation method" - grid, composite, section or other method  
36 approved by the enforcement agency.

37 (11) For disposal sites, one of the following:

38 (A)

39 (i) In-place density (pounds of waste per cubic yard of waste). The in-place  
40 density is the estimated or measured density of in-place waste material  
41 achieved by mechanical or other means in the development of the current lift of  
42 the current operating waste cell, and

43 (ii) Waste-to-cover ratio, estimated, (volume:volume). The waste-to-cover ratio  
44 estimate is a unit-less expression of the proportion of the volumes of waste and  
45 cover that comprise a volume of compacted fill material, e.g. 4:1. The cover  
46 portion of the waste-to-cover ratio estimate should include only soil or approved

1 daily or intermediate alternative cover that is not considered a waste material,  
2 i.e., payment of fees to CalRecycle is not required. The waste portion of the  
3 waste-to-cover ratio estimate should include only waste material for which  
4 payment of fees to CalRecycle is reported, or

5 (B) Airspace utilization factor (tons of waste per cubic yard of landfill airspace).  
6 The airspace utilization factor (AUF) is the effective density of waste material in  
7 the landfill. The AUF is recorded as the total weight of waste material passing over  
8 the landfill scales that is placed in a known volume of landfill airspace in a given  
9 period of time. The waste portion of the AUF should include only waste material for  
10 which payment of fees to CalRecycle is reported.

11 (12) List of all public hearings and other meetings open to the public that have been  
12 held or copies of notices distributed that are applicable to the proposed solid waste  
13 facilities permit action.

14 ~~(13)~~

15 ~~(g) For new or expanded solid waste facilities, provide evidence that the operator hold~~  
16 ~~hold a public meeting with any affected groups or disadvantaged communities within~~  
17 ~~180 days of prior to~~ submittal of the permit application package.

18 ~~(A1) Provide copies (hard copy or electronic) of notices distributed to the affected~~  
19 ~~groups or disadvantaged communities.~~

20 ~~(B2) Provide a summary of the comments received at the public meeting and, where~~  
21 ~~applicable, responses to any public comments, and any other steps taken by the~~  
22 ~~applicant relative to those comments.~~

23 ~~(C3) For the purposes of this section “affected disadvantaged communities” means~~  
24 ~~communities identified by the California Environmental Protection Agency pursuant~~  
25 ~~to Section 39711 of the Health and Safety Code as disadvantaged that are located~~  
26 ~~within one mile of the facility.~~

27  
28 Note:

29 ~~Authority cited: Section 40002, 40502, and 43020, and 42652.5 Public Resources~~  
30 ~~Code.~~

31  
32 ~~Reference: Sections 40002, 40053, 40508, 42652.5, 42653, 42654, 43020, 43021~~  
33 ~~43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816, Public Resources~~  
34 ~~Code; Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.~~

35 Authority cited: Section 40002, 40502, and 43020, Public Resources Code.

36 Reference: Sections 43103, 42652.5, 44001-44017, 44100-44101, 44300-44301,  
37 44500-44503 and 44813-44816, Public Resources Code and Section 39730.6, Health  
38 and Safety Code.

39  
40 **§21590. CalRecycle—Joint Technical Document for Disposal Facilities.**

41 Any operator of a disposal site which is required to submit a RDSI, closure/postclosure  
42 maintenance plan, and/or a ROWD or any other report that addresses similar regulatory  
43 concerns, may address those requirements under one JTD. The JTD will be used in  
44 place of the RDSI only if it meets all the requirements set forth in §21600 and lists  
45 where each requirement has been satisfied in the document in the form of a JTD index,  
46 pursuant to (c).



- 1 (a) After July 18, 1997, any operator of an existing facility who submits an application  
2 package to the EA, pursuant to §21570, which proposes to change the facility's  
3 operations, or to change the SWFP shall do one of the following:  
4 (1) Submit the updated information as an amendment to the existing JTD along with,  
5 a JTD index as described in (c), referencing the new or updated information; or  
6 (2) Submit a complete JTD as described in §21600 along with a JTD index as  
7 described in subsection (c).  
8 (b) After July 18, 1997, any operator of a new facility that submits an application  
9 package to the EA pursuant to §21570, shall submit a complete JTD pursuant to  
10 §21600, and an index of the topics addressed in the JTD to be used by the EA as  
11 described in (c).  
12 (c) As of July 18, 1997, the operator shall include with the JTD a copy of an index  
13 specifically for use by the EA. The page number or the first line number within the JTD  
14 which addresses the topic shall be noted next to that topic in the index. The EA shall  
15 make available to the operator either in hard copy and/or ~~on magnetic media an~~  
16 electronic copy a JTD index listing, (Index found in Appendix 2) showing each topic  
17 which the JTD must address to provide the EA with relevant facility information for  
18 writing or revising the facility permit.  
19 (d) These requirements do not apply to those facilities which have filed a ROWD or  
20 RDSI and application for SWFP prior to July 18, 1997. In the event the EA determines  
21 the application package for an RDSI first submitted prior to the effective date of these  
22 regulations to be incomplete, additional information requested shall be submitted as part  
23 of the RDSI and/or application for SWFP, as appropriate.

24  
25 Note:

26 Authority cited: Section 40002, 40502, and 43020, and 42652.5 Public Resources  
27 Code.

28  
29 Reference: Sections 40002, 40053, 40508, 42652.5, 42653, 42654, 43020, 43021  
30 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816, Public Resources  
31 Code; Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.

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

33 Reference: Sections 42652.5, 43000-45082, Public Resources Code and Section  
34 39730.6, Health and Safety Code.

35  
36  
37 **Article 3: ~~CIWMB~~CalRecycle—Enforcement Agency (EA) Requirements**

38  
39 **§21650. ~~CIWMB~~CalRecycle--EA Processing Requirements. (T14:§18203)**

40 (a) Upon its receipt, the EA shall stamp the application package with the date of receipt.  
41 The EA shall examine the application package to determine whether it meets the  
42 requirements of §21570. If the EA finds the package meets the requirements of §21570,  
43 the application package shall be accepted and stamped with the date of acceptance.  
44 Notwithstanding any other provision of this division, the application package shall be  
45 deemed filed on the date of acceptance.

1 (b) The EA shall either accept or reject the application package within thirty days of its  
2 receipt.

3 (c) Within five days of filing, the EA shall notify the ~~CIWMB~~CalRecycle, and the RWQCB  
4 if applicable, of its determination. The EA shall submit as its notification to the ~~CIWMB~~  
5 CalRecycle a copy of the accepted application form. The EA shall also forward a copy  
6 of the application form to the RWQCB if applicable.

7 (d) If the EA determines that the application package does not meet the requirements of  
8 §21570, it shall reject and not file the application, and it shall, within five days of  
9 determination, so notify the applicant, the ~~CIWMB~~CalRecycle, and the RWQCB if  
10 applicable, enumerating the grounds for rejection. The EA shall include in its notification  
11 to the ~~CIWMB~~CalRecycle a copy of the rejected application form. The application  
12 package, together with the notice of rejection, shall be kept in the EA's file.

13 (e) After acceptance of an application for a new or revised full solid waste facilities  
14 permit as complete and correct and within 60 days of receipt of the application by the  
15 EA, the EA shall notice and conduct an informational meeting as required by §§21660.2  
16 and 21660.3. For modified solid waste facilities permits, the EA shall provide notice as  
17 required by §21660.3 after finding the permit application complete and correct and  
18 within 60 days of receipt of the application by the EA.

19 (f) Upon request of the applicant, the EA may accept an incomplete application  
20 package. As a condition of acceptance, the operator and the EA shall waive the  
21 statutory time limit contained in Public Resources Code §44009. [Note: Section 21580 is  
22 the section for processing the applicant's waiver of timeframes and timing for noticing  
23 and holding an informational meeting after the EA deems a previously submitted  
24 incomplete package to be complete.] The EA shall notify the applicant within 30 days if  
25 the applicant's request for review under this subsection has been accepted. If the  
26 application package does not conform with the requirements of §21570 within 180 days  
27 from the date of the EA agreeing to accept the package as incomplete the EA shall  
28 reject the application package, pursuant to ¶(d). If the EA finds the application package  
29 meets the requirements of §21570, the application package shall be accepted pursuant  
30 to ¶(c).

31 (g) No later than 60 days after the application package has been accepted as complete  
32 and correct and after conducting an informational meeting if required by §§21660.2 and  
33 21660.3, the EA shall mail to the ~~CIWMB~~CalRecycle the following:

- 34 (1) A copy of the proposed solid waste facilities permit;
- 35 (2) The accepted application package;
- 36 (3) A certification from the EA that the solid waste facilities permit application  
37 package is complete and correct, including a statement that the RFI meets the  
38 requirements of §21600, 14 CCR §§17863, 17863.4, 17346.5, 18221.6, 18223.5, or  
39 18227.
- 40 (4) Documentation, if applicable, of the applicant's compliance with any RWQCB  
41 enforcement order or the status of the applicant's WDRs, as described in Public  
42 Resources Code §44009;
- 43 (5) Any written public comments received on a pending application and a summary of  
44 comments received at the informational meeting ~~and, where applicable, responses to~~  
45 any public comments and any other steps taken by the EA relative to those  
46 comments. Subsequent to the transmittal of the proposed solid waste facilities permit,

1 the EA shall, within five (5) days of receipt, provide a copy of any additional written  
2 public comments and response to comments to the GIWMBCalRecycle.

3 (6) A solid waste facilities permit review report which has been prepared pursuant to  
4 §21675, within the last five years.

5 (7) EA finding that the proposed solid waste facilities permit is consistent with and is  
6 supported by existing CEQA analysis, or information regarding the progress toward  
7 CEQA compliance.

8 (h) At the time the EA submits the proposed solid waste facilities permit to the  
9 GIWMBCalRecycle, the EA shall submit a copy of the proposed solid waste facilities  
10 permit to the applicant, the RWQCB if applicable, and any person so requesting in  
11 writing. The copy of the proposed solid waste facilities permit provided to the applicant  
12 shall also be accompanied by a form for request for hearing, which the applicant may  
13 use to obtain a hearing before a hearing panel or hearing officer to challenge any  
14 condition in the solid waste facilities permit. In cases where a hearing panel or hearing  
15 officer may be requested, the EA shall notify the GIWMB CalRecycle within seven days  
16 of being noticed by the operator.

17 (i) The proposed solid waste facilities permit shall contain the EA's conditions. The  
18 proposed solid waste facilities permit shall not contain conditions pertaining solely to air  
19 or water quality, nor shall the conditions conflict with conditions from WDRs issued by  
20 the RWQCB.

21 [Note: The process to obtain a full solid waste facilities permit might not include the  
22 RWQCB if the facility is other than a landfill or disposal site. Therefore, EA submittals of  
23 forms and documents to the RWQCB will be made if applicable to the type of facility.  
24 When writing conditions pursuant to 21650(i) the EA shall take into consideration PRC  
25 §44012, which requires the EA to ensure that primary consideration is given to  
26 protecting public health and safety and preventing environmental damage, and the long-  
27 term protection of the environment. The EA may also take into consideration other  
28 permits, entitlements and approvals when writing terms and conditions (e.g., conditional  
29 use permit, zoning, Air Pollution Control District/Air Quality Management District permits  
30 to construct and operate, Department of Toxic Substances Control hazardous waste  
31 facility permit, Department of Fish and GameWildlife permits, Coastal Commission  
32 approvals, Army Corps of Engineers permit, Federal Aviation Administration notification,  
33 and other required local and county ordinances/permits)]

34  
35 Note:

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

37 ~~Reference: Sections 43020, 43021, and 43000-45802, Public Resources Code.~~

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

39 Reference: Sections 40055, 42652.5, and 43000-45802, Public Resources Code and  
40 Section 39730.6, Health and Safety Code.

41  
42 **§21660.2. Informational Meeting for New and Revised Full Solid Waste Facilities**  
43 **Permit Applications.**

44 (a) EA shall conduct an informational meeting for all new and revised full solid waste  
45 facilities permit applications as determined by §21665. The EA shall hold an  
46 informational meeting on an application for a new full solid waste facilities permit or an

1 application for a full solid waste facilities permit revision required under this article. The  
2 EA may require the operator(s) of the facility or facilities that are the subject of the  
3 informational meeting to pay all costs incurred by the EA in connection with the meeting.

4 The informational meeting may be combined with another public meeting in which the  
5 EA participates that meets the criteria as specified in §§21660.2(b) and 21660.2(c).

6 (b) The informational meeting shall be held after acceptance of the application package  
7 as complete and correct by the EA and within 60 days of receipt of the application by  
8 the EA. The EA shall submit to the ~~Board~~ CalRecycle a copy of the informational  
9 meeting notice at time of issuance. ~~The Board~~ CalRecycle shall post the notice on its  
10 web site as a way to further inform the public.

11 (c) The informational meeting shall meet the following criteria:

12 (1) The meeting shall be held in a suitable location not more than one (1) mile from  
13 the facility that is the subject of the meeting, ~~and from any disadvantaged~~  
14 ~~communities affected;~~ if no suitable and available location exists within one (1) mile  
15 of the facility, ~~and from any disadvantaged communities affected,~~ as determined by  
16 the EA, the EA may designate an alternative suitable location that is as close to the  
17 facility facility and affected disadvantaged communities as reasonably practical.

18 ~~(A) The EA shall identify disadvantaged communities in a manner that meets or~~  
19 ~~exceeds the methods of the identification tools developed by the California~~  
20 ~~Environmental Protection Agency pursuant to Section 39711 of the Health and Safety~~  
21 ~~Code.~~

22 (2) The meeting shall be held on a day and at a time that the EA determines will  
23 enable attendance by residents, ~~including especially~~ those of affected disadvantaged  
24 communities, living in the vicinity of the facility that is the subject of the meeting.

25 (3) EAs ~~may~~ shall may undertake additional measures to increase public notice and  
26 to encourage attendance by any persons who may be interested in the facility that is  
27 the subject of the meeting, ~~including which may include,~~ but not be limited to,  
28 additional posting at the facility entrance, noticing beyond ~~300 feet~~ 300 feet ~~one (1)~~  
29 ~~mile~~ if the nearest residence or business is not within ~~300 feet~~ 300 feet ~~one (1)~~ mile  
30 of the site, posting in a local newspaper of general circulation, and multilingual notice  
31 and translation and, multiple meeting dates, times and locations.

32 (d) The EA may substitute a previous public meeting or hearing for the requirements in  
33 this Section pursuant to §21660.4 if the applicant does not object.

34 (e) For the purposes of this section “affected disadvantaged communities” means  
35 communities identified by the California Environmental Protection Agency pursuant to  
36 Section 39711 of the Health and Safety Code as disadvantaged that are located within  
37 one mile of the facility.

38  
39 Note:

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

41 ~~Reference: Sections 43103, 43213, 44004, and 44012, Public Resources Code.~~

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

43 Reference: Sections 42652.5, 43103, 43213, 44004, and 44012, Public Resources  
44 Code and Section 39730.6, Health and Safety Code.

45  
46 **Article 3.2. CIWMB CalRecycle—Other Requirements**

1  
2 **§21695. CalRecycle—Organic Disposal Reduction Status Impact Report.**

3 (a) Operators of a solid waste landfills shall submit a Status Impact Report (SIR) to  
4 CalRecycle that provides an analysis of the potential impacts to the landfill resulting  
5 from the implementation of the organic disposal reduction requirements of Public  
6 Resources Code, **§Section** 42652.5.

7 (b) The SIR shall be prepared by a California **registered licensed** civil engineer or  
8 **certified licensed** engineering geologist.

9 (c) The SIR shall describe the potential impacts to the landfill including the expected  
10 timing of the impacts. ~~The analysis shall include, but not be limited to, changes to the~~  
11 following:

12 (1) ~~Site~~ Site development;

13 (2) ~~Waste~~ Waste types/volumes;

14 (3) ~~Daily and intermediate cover and beneficial use~~;

15 **(A) ~~For~~ intermediate cover the analysis shall also include:**

16 **1. ~~a~~ description and/or map of the area(s) that have or will have**  
17 **intermediate cover.** ~~placed~~

18 **2. ~~The~~ length of time that the intermediate cover has been used and**  
19 **expected time that it will be used for each defined area ~~in Subdivision (f).~~**

20 **3. ~~a~~ description of how the intermediate cover will be maintained to**  
21 **continue to meet the control criteria of Section 20700(a).**

22 **4. Information on all instantaneous surface readings for methane of 500 ppmv or**  
23 **greater in the area(s) of intermediate cover that has or will be in place for more**  
24 **than 12 months:**

25 **i. This information shall be as reflected in the most recent annual report filed**  
26 **pursuant to 17 CCR Section 95470(b)(3).**

27 **ii. The location of each such exceedance shall be identified consistent with**  
28 **the monitoring requirements of 17 CCR Section 95469(a)(1)(A).**

29 (4) ~~Volumetric capacity based on the disposal site experiencing a reduction of~~  
30 organic waste disposal of ~~50% percent~~ by 2020 and ~~75% percent~~ by 2025;

31 (5) ~~Waste~~ Waste handling methods;

32 (6) ~~Gas~~ Gas control and monitoring systems;

33 (7) ~~Gas~~ Gas generation;

34 (8) ~~Operation and closure design (individual cells and overall site geometry);~~

35 (9) ~~Final~~ Final grading plan;

36 (10) ~~Site~~ Site life estimate;

37 (11) ~~Ancillary~~ Ancillary facilities;

38 (12) ~~Cost~~ Cost estimates for closure and postclosure; and

39 (13) ~~Financial~~ Financial assurance mechanisms for closure, postclosure, and non-water  
40 corrective action requirements.

41 (d) The SIR shall be submitted to CalRecycle no later than **one year (365 days)** from  
42 the effective date of this regulation.

43 (e) Within 30 days of receipt of a SIR, CalRecycle shall make a determination as to the  
44 completeness of the SIR based on the requirements of **sSubdivisions** (b) and (c). If a  
45 SIR is determined to be incomplete, CalRecycle shall provide to the operator, in writing,  
46 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.

~~(i) Operators of landfills where the SIR indicates use of intermediate cover in any area for 12 months or more shall conduct a study that evaluates the effectiveness of the existing and/or planned intermediate cover relative to the effectiveness of the proposed final cover delineated in the most recently approved closure plan submitted pursuant to 27 CCR, Section 21865 in meeting the requirements of 27 CCR Section 20921.~~

~~(1) The study shall be submitted to CalRecycle pursuant to the following schedule:~~

~~(A) For landfills that have any area with intermediate cover that has already exceeded 12 months, with the submittal of the SIR.~~

~~(B) For landfills that will have intermediate cover in any area for 12 months or more, within one year (365 days) of the determination of completeness of the SIR.~~

~~(2) To assist in determining the potential impacts that any landfill area identified as using intermediate cover for a period of 12 months or greater may have on the landfill's ability to comply with landfill gas monitoring and control requirements established in Section 20921, the study shall include:~~

~~(A) Information on all instantaneous surface readings for methane of 500 ppmv or greater in the area(s) of intermediate cover that has or will be in place for more than 12 months.~~

~~1. This information shall be as reflected in the most recent annual report filed pursuant to 17 CCR Section 95470(b)(3).~~

~~2. The location of each such exceedance shall be identified consistent with the monitoring requirements of 17 CCR Section 95469(a)(1)(A).~~

~~(B) A description of any corrective action taken pursuant to 17 CCR Section 95469(a)(1)(B).~~

~~(3) The study shall be prepared by a California registered civil engineer or certified engineering geologist.~~

~~(4) If the study indicates that the intermediate cover is not as effective as final cover then the operator shall provide a revised intermediate cover design that would be as effective as final cover. The revised design shall be submitted with the study.~~

~~(5) Within 60 days of receipt of the study, CalRecycle shall submit its findings to the EA regarding amendments, if any, to the Joint Technical Document because of the study.~~

~~(A) If amendments are required, the EA shall direct the operator to submit an updated Joint Technical Document.~~

~~(B) The EA shall notify the operator within 30 days of receipt of CalRecycle's findings.~~

~~(6) Within 120 days of being directed by the EA, the operator shall submit to the EA an updated Joint Technical Document.~~

~~(j) If a study pursuant to Subdivision (i) was not prepared and it is later determined that intermediate cover has been or will be used in any area for 12 months or more, the operator shall conduct the study pursuant to Subdivision (i).~~

~~(1) The study shall be submitted within 120 days after it is determined that the minimum of 12 months will be exceeded.~~

~~(k) If an intermediate cover redesign is required pursuant to Subsection (i)(4), the operator shall study the redesigned intermediate cover and its effectiveness relative to the effectiveness of the proposed final cover delineated in the most recently approved closure plan submitted pursuant to 27 CCR, Section 21865 in meeting the requirements of 27 CCR, Section 20921. The results of the study shall be submitted to CalRecycle within one year of placement of the redesigned intermediate cover.~~

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**Note:**

Authority cited: Sections 40002, 40502, 42652.5, and 43020, Public Resources Code, and 39730.6 Health and Safety Code.

Reference: Section 43103 and 44015, 42652.5 Public Resources Code, and Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.

Authority cited: Sections 40002, 40502 and 43020, Public Resources Code.

Reference: Sections 42652.5, 43103 and 44015, Public Resources Code, and Section 39730.6, Health and Safety Code.