

List of Main Substantive Changes In Fourth Regulatory Draft of SB 1383
Regulations:

1. Section 17402(a)(6.7) – Deletion of “hauler” definition as unnecessary because the term does not appear in any relevant manner in the relevant articles.
2. Section 17402(a)(18.6) and (18.7) – Definitions of “Source Separated Organic Waste” and “Source Separated Blue Container Organic Waste” renumbered to (a)(26.6) and (26.7) so as to appear in alphabetical order.
3. Section 17409.5.9 – Clarifying language changes to describe Department concurrence conditions for measurement alternatives.
4. Section 17852(a)(23.5) - Deletion of “hauler” definition as unnecessary because the term does not appear in any relevant manner in the relevant articles.
5. Section 17867(a)(16)(E) - Clarifying language changes to describe Department concurrence conditions for measurement alternatives.
6. Section 17896.2(a)(12.5) - Deletion of “hauler” definition as unnecessary because the term does not appear in any relevant manner in the relevant articles.
7. Section 17896.25 – Removal of section from scope of rulemaking because sole change to section heading was unnecessary.
8. Section 17896.44.1(d) - Clarifying language changes to describe Department concurrence conditions for measurement alternatives.
9. Section 18815.5(e) – Clarifying language changes to make clear requirements apply to high diversion organic waste processing facilities described in Section 18982(a)(3).
10. Sections 18981.1, 18984, 18998 - Deletion of unnecessary, non-regulatory narrative language.
11. Section 18982(a)(30.5) - Clarifying definition of “hazardous wood waste” to align more specifically with Title 22 definition of “Treated Wood” or “Treated wood waste.”
12. Section 18984 - Adding missing section heading.
13. Section 18984.3(f)- Clarifying the phrase “an option” to specify “a collection service.”
14. Section 18984.4(B) - Removing requirement for jurisdictions to maintain copies of quarterly and annual average mixed waste organic content recovery rates for certain solid waste facilities. Such information will already be available from the Department’s Recycling and Disposal Reporting System (RDRS) under reporting requirements.
15. Section 18984.5(a) - Clarifying that generators shall not place prohibited container contaminants in collection containers.
16. Section 18984.5(b)(3) - Clarifying that jurisdictions are not affirmatively required to impose penalties on generators found in violation of prohibited container contaminant requirements.

17. Section 18984.5 – Removing requirements for jurisdiction designees to inform jurisdictions of certain information regarding observed prohibited container contaminants and removal of limitations on disposal of contents of containers with prohibited container contaminants.
18. Section 18984.5(c)(2)(A) - Addition of allowance for electronic message notices to generators regarding prohibited container contaminants.
19. Section 18984.5(d) – Clarifying language on notification requirements to the Department for exceedance of prohibited container contaminant percentage in the gray container collection stream and the regulatory consequences of that exceedance.
20. Section 18984.11(a)(2)(A) – Clarifying that an engineer shall be licensed and removing the phrase “similarly qualified source” for lack of clarity.
21. Section 18984.13(b)(2) - Changing “may” to “shall” for clarity on Department action.
22. Section 18988.2(c)(1) – Clarifying language on applicability of the section to certain haulers.
23. Section 18990.1(c)(5) – Clarifying citations to Title 22 and Title 3.
24. Section 18994.2(a) - Clarifying the timing of annual reporting to the Department.
25. Section 18995.2(d) – Clarifying the timing of inclusion of records and information in the Implementation Record.
26. Section 18995.4 – Changing all references to “offense” or “offenses” to “violation” or “violations” for language consistency.
27. Section 18995.4(a) – Adding cross-reference to Section 18984.5(b)(3) to clarify that violations of prohibited container contaminants requirements are not subject to the enforcement process under this section.
28. Section 18995.4(a)(1) – Removing timing for issuance of Notice of Violation. Replacing with maximum compliance deadline under Notice of Violation.
29. Section 18995.4(a)(2) – Removed due to lack of clarity and language conflicts with Subsection (3)(A) timeframes for commencement of penalty action.
30. Section 18995.4(a)(3) – Renumbered and edited to a general requirement for jurisdictions to commence penalty action due to lack of compliance with a deadline in a Notice of Violation.
31. Section 18995.4(b) – Clarifying language regarding compliance deadline in Notice of Violation.
32. Section 18996.2(a) – Clarifying language changes for Department enforcement procedure.
33. Section 18996.2(a)(1) – Changing “may” to “shall” for clarity on Department action.
34. Section 18996.2(a)(2) – Changing “may” to “shall” for clarity on Department action.
35. Section 18996.2(a)(2)(A) – Changing “may” to “shall” for clarity on Department action.

36. Section 18996.2(a)(2)(A)3. – Changing “may” to “shall” for clarity on Department action and clarifying cross-reference to regulatory section regarding implementation schedules.
37. Section 18996.3 – Changing “may” to “shall” for clarity on Department action.
38. Section 18996.5(d) and (e) – Changing “may” to “shall” for clarity on Department action.
39. Section 18996.6(a), (a)(1), (a)(2) – Changing “may” to “shall” for clarity on Department action.
40. Section 18996.7(a) – Changing “may” to “shall” for clarity on Department action.
41. Section 18996.9(a), (b)(1)(A), (b)(2)(A), (b)(2)(B), (c) – changing “may” to “shall” for clarity on Department action.
42. Section 18996.9 – Changing all references to “offense” to “violation” for language consistency.
43. Section 18996.9(b)(2) – Clarifying language regarding timing of second or subsequent violations for purposes of enforcement procedure.
44. Section 18996.9(b)(2)(C) – Deletion of Subdivision regarding determination of second, third or subsequent offenses. Timing of violations instead subject to clarifying language in Subdivision (b)(2) as described above.
45. Section 18997.2(a)(1) – (3) - Changing all references to “offense” to “violation” for language consistency.
46. Section 18997.3(b)(2) – Deletion of language regarding “critical aspects of the requirement” due to lack of clarity.
47. Section 18997.3(b)(3)(F) – Clarification that a failure to submit the reports required in 18994.1 and 18994.2 will be considered a “major” violation.
48. Section 18997.3(d) – Clarifying changes to penalty determinations for Recovered Organic Waste Product Procurement requirements.
49. Section 18998.1(e) – Language clarification and clarification of regulatory cross-references regarding applicability of Subdivision (d) to certain haulers.
50. Section 18998.2(a)(5) – Clarifying that jurisdictions are relieved of recordkeeping requirements in Section 18985.2 except as those requirements apply to edible food recovery education and outreach.

Other non-substantial changes were made to regulatory language to address syntax, typos, numbering, punctuation and to delete inapt statutory reference citations or add relevant statutory reference citations at the end of each regulatory section.