

STATE OF CALIFORNIA

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

CORRECTIVE ACTION PLAN AND COMPLAINT FOR PENALTY
1063.SLCP.CAP.2023.3

Before: The State of California
Department of Resources Recycling and Recovery
1001 I Street
Sacramento, CA 95814

In the Matter of: Alameda - Unincorporated
224 W. Winton Avenue #111
Hayward, CA 94545

BACKGROUND AND PURPOSE

1. The California Department of Resources Recycling and Recovery is hereinafter referred to as "CalRecycle."
- 1.1 CalRecycle, in consultation with the California Air Resources Board, adopted regulatory requirements, consistent with the mandate of Senate Bill 1383 (Lara, Chapter 395, Statutes of 2016), that are designed to achieve the organic waste reduction goals established in section 39730.6 of the Health and Safety Code through a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2024. The purpose of these reductions is to further the statewide effort to reduce emissions of short-lived climate pollutants (SLCP), including methane. These SLCP regulations are referred to hereinafter as the "Regulations" and can be found at Title 14 California Code of Regulations (CCR) sections 18981.1 through 18998.4. Cities, counties, and special districts are responsible for implementing these Regulations in their communities starting January 1, 2022.
- 1.2 Alameda - Unincorporated is hereinafter referred to as "Jurisdiction." Jurisdiction is required to comply with the Regulations.
- 1.3 Jurisdiction is or expects to be facing continuing violations of the Regulations commencing during the 2022 calendar year, which could result in significant administrative civil penalties under the Regulations.
- 1.4 Senate Bill 619 (Laird, Chapter 508, Statutes of 2021), through amendments to section 42652.5 of the Public Resources Code (PRC), created a mechanism called

a Notification of Intent to Comply through which a local jurisdiction may secure administrative civil penalty relief from any continuing violations of the Regulations for the 2022 calendar year and may be eligible for a broader and longer-term regulatory compliance path, including suspended administrative civil penalties, through a Corrective Action Plan.

- 1.5 Under PRC section 42652.5(e), the Notification of Intent to Comply must include a description of proposed actions to remedy the violations, as well as a proposed schedule for those actions, that the Jurisdiction commits to undertake to remedy the violations.
- 1.6 The Notification of Intent to Comply is hereinafter referred to as "Notification."
- 1.7 For violations taking more than 180 days to correct, PRC section 42652.2 allows CalRecycle to determine, in its sole discretion, that violations identified in a Notification may be addressed through a Corrective Action Plan issued pursuant to 14 CCR section 18996.2.
- 1.8 The Corrective Action Plan is hereinafter referred to as "CAP."
- 1.9 For violations disclosed in the Notification approved by CalRecycle as meeting the requirements of PRC section 42652.5(e), CalRecycle shall waive administrative civil penalties during the 2022 calendar year if the Jurisdiction implements the proposed actions according to the approved Notification's schedule of actions and, as applicable, approved CAP schedule of actions.
- 1.10 For violations disclosed in the Notification that commence during the 2022 calendar year and continue into the 2023 calendar year, administrative civil penalties may begin accruing as of January 1, 2023. SB 619 provides administrative civil penalties accruing on and after January 1, 2023, shall be waived upon complete compliance with an approved CAP schedule of action.

DETERMINATION OF VIOLATIONS

2. As authorized by PRC section 42652.5(c), the Jurisdiction notified CalRecycle of its ongoing or anticipated violations of the Regulations and the PRC through a Notification submitted March 1, 2022.
- 2.1 CalRecycle reviewed the Jurisdiction's Notification, its description of the Jurisdiction's disclosed violations of the Regulations, and proposed actions and schedule for those actions to remedy those violations for compliance with PRC section 42652.5(e). CalRecycle approved the Notification's proposed actions and schedule of actions, as modified by this CAP.

- 2.2 The Jurisdiction's Notification identified the following violations of the Regulations as follows:
- 2.2.1 The Jurisdiction is and has been in violation of 14 CCR section 18984.1 in that since January 1, 2022, the Jurisdiction has not provided three-container organic waste collection service to all residential and commercial generators and has not included food scrap collection service in the three-container collection system provided to all residential and commercial generators.
 - 2.2.2 The Jurisdiction is and has been in violation of 14 CCR section 18984.4 in that since January 1, 2022, the Jurisdiction has not met recordkeeping requirements for compliance with Organic Waste Collection Services.
 - 2.2.3 The Jurisdiction is and has been in violation of 14 CCR section 18984.5 in that since January 1, 2022, the Jurisdiction has not conducted container contamination minimization for the residential or commercial sector.
 - 2.2.4 The Jurisdiction is and has been in violation of 14 CCR section 18984.6 in that since January 1, 2022, the Jurisdiction has not met recordkeeping requirements for compliance with container contamination minimization.
 - 2.2.5 The Jurisdiction is and has been in violation of 14 CCR section 18984.7 in that since January 1, 2022, the Jurisdiction has not distributed new containers meeting the container color requirements.
 - 2.2.6 The Jurisdiction is and has been in violation of 14 CCR section 18984.8 in that since January 1, 2022, the Jurisdiction has not distributed new containers with proper container labeling.
 - 2.2.7 The Jurisdiction is and has been in violation of 14 CCR section 18984.11 in that since January 1, 2022, the Jurisdiction has not verified each waived generator is eligible for a waiver.
 - 2.2.8 The Jurisdiction is and has been in violation of 14 CCR section 18984.14. in that since January 1, 2022, the Jurisdiction has not met recordkeeping requirements for jurisdiction-issued waivers and exemptions.
 - 2.2.9 The Jurisdiction is and has been in violation of 14 CCR section 18985.1 in that since February 1, 2022, the Jurisdiction has not provided education and outreach to organic waste generators that are provided an organic waste collection service, including self-haulers, or the information provided did not comply with the requirements.
 - 2.2.10 The Jurisdiction is and has been in violation of 14 CCR section 18985.1 in that since February 1, 2022, the Jurisdiction has not translated educational materials into any non-English language spoken by a substantial number of the public provided organic waste collection services by the Jurisdiction.
 - 2.2.11 The Jurisdiction is and has been in violation of 14 CCR, section 18985.3 in that since January 1, 2022, the Jurisdiction has not included all relevant documents supporting compliance with Article 4 (Education and Outreach) of the Regulations in the Implementation Record as required by section 18995.2.

- 2.2.12 The Jurisdiction is and has been in violation of 14 CCR section 18988.1 in that since January 1, 2022, the Jurisdiction has not required haulers providing residential, commercial, or industrial organic waste collection services to generators within its boundaries to meet the requirements and standards of the Regulations as a condition of approval of a contract, agreement, or other authorization to collect organic waste.
- 2.2.13 The Jurisdiction is and has been in violation of 14 CCR sections 18981.2 and 18988.1 in that since January 1, 2022, the Jurisdiction allows generators to self-haul, but has not adopted an ordinance or a similarly enforceable mechanism that requires compliance with the requirements in section 18988.3 of the Regulations.
- 2.2.14 The Jurisdiction is and has been in violation of 14 CCR section 18988.4 in that since January 1, 2022, the Jurisdiction has not met recordkeeping requirements for compliance with jurisdiction hauler program.
- 2.2.15 The Jurisdiction is and has been in violation of 14 CCR sections 18981.2 and 18989.2 in that since January 1, 2022, the Jurisdiction has not adopted an ordinance or other enforceable requirement that requires compliance with Sections 492.6(a)(3)(B) (C), (D), and (G) of the Model Water Efficient Landscape Ordinance, Title 23, Division 2, Chapter 2.7 of the California Code of Regulations as amended September 15, 2015.
- 2.2.16 The Jurisdiction is and has been in violation of 14 CCR section 18995.1 in that since January 1, 2022, the Jurisdiction has not established an inspection and enforcement program designed to ensure overall compliance with the Regulations.
- 2.2.17 The Jurisdiction is and has been in violation of 14 CCR section 18995.1 in that since January 1, 2022, the Jurisdiction has not conducted a compliance review of all solid waste collection accounts for commercial businesses generating two cubic yards or more of solid waste per week, including organic waste.
- The Jurisdiction shall also determine compliance with:
- a. Organic waste generator requirements set forth in section 18984.9(a).
 - b. Self-hauling requirements pursuant to section 18988.3, including whether a business is complying through back-hauling organic waste.
- 2.2.18 The Jurisdiction is and has been in violation of 14 CCR section 18995.1 in that since April 1, 2022, the Jurisdiction has not conducted annual route reviews of commercial businesses and residential generators for compliance with organic waste generator requirements set forth in section 18984.9(a) and container contamination requirements set forth in section 18984.5.
- 2.2.19 The Jurisdiction is and has been in violation of Title 14 CCR section 18995.1 in that since January 1, 2022, the Jurisdiction has not conducted inspections of Tier One commercial edible food generators and food recovery organizations and services for compliance.

- 2.2.20 The Jurisdiction is and has been in violation of Title 14 CCR section 18995.1 in that since January 1, 2022, the Jurisdiction has not investigated complaints as required under section 18995.3.
- 2.2.21 The Jurisdiction is and has been in violation of Title 14 CCR section 18995.1 in that since January 1, 2022, the Jurisdiction has not provided educational material describing the applicable requirements in response to violations.
- 2.2.22 The Jurisdiction is and has been in violation of Title 14 CCR section 18995.2 in that since January 1, 2022, the Jurisdiction has not maintained all records required in the Implementation Record.
- 2.2.23 The Jurisdiction is and has been in violation of Title 14 CCR section 18995.2 in that since January 1, 2022, the Jurisdiction's Implementation Record is not stored in one central location, physical or electronic, that can be readily accessed by CalRecycle.
- 2.2.24 The Jurisdiction is and has been in violation of Title 14 CCR section 18995.2 in that since January 1, 2022, the Jurisdiction has not included all records and information in the Implementation Record within 60 days of the creation of the record or information.
- 2.2.25 The Jurisdiction is and has been in violation of Title 14 CCR section 18995.2 in that since January 1, 2022, the Jurisdiction has not retained all records for five years.
- 2.2.26 The Jurisdiction is and has been in violation of Title 14 CCR section 18995.2 in that since January 1, 2022, the Jurisdiction has not included the following in the Implementation Record:
- a. A copy of all ordinances or other similarly enforceable mechanisms, contracts, and agreements, as required by the Regulations.
 - b. A written description of the Jurisdiction's inspection and enforcement program that it uses to comply with sections 18995.1 and 18995.4.
 - c. All organic waste collection service records required by section 18984.4.
 - d. All contamination minimization records required by section 18984.6.
 - e. All waiver and exemption records required by section 18984.14.
 - f. All education and outreach records required by section 18985.3.
 - g. All hauler program records required by section 18988.4.
 - h. All jurisdiction edible food recovery program records required by section 18991.2.
 - i. All recovered organic waste procurement target records required by section 18993.2.
 - j. All recycled content paper procurement records required by section 18993.4.
 - k. All inspection, route review, and compliance review documents generated pursuant to the requirements of section 18995.1(d).
 - l. All records of enforcement actions undertaken pursuant to the Regulations.

m. All records of complaints and investigations of complaints required by section 18995.3 and compliance with the Jurisdiction's inspection and enforcement requirements of sections 18995.1.

2.2.27 The Jurisdiction is and has been in violation of Title 14 CCR section 18995.4 in that since January 1, 2022, the Jurisdiction has not taken enforcement action in regards to the container contaminants provisions in section 18984.5(a), through the notice provisions of section 18984.5(b).

2.3 CalRecycle accepted the Jurisdiction's self-reported Notification and characterization of its violations therein. CalRecycle has not undertaken a compliance review of Jurisdiction, and thus CalRecycle's approval of the Notification or this CAP should not be taken as an indication that Jurisdiction is in full compliance with Regulations in other respects. CalRecycle will be undertaking a compliance review of all jurisdictions in the future.

SCHEDULE FOR COMPLIANCE

3. Based on the foregoing DETERMINATION OF VIOLATIONS, CalRecycle finds that:
- a. The Jurisdiction worked with CalRecycle to develop this CAP, which includes schedule of actions necessary for the Jurisdiction to achieve address the violations disclosed in the Notification and described in Section 2 (Determination of Violations) above.
 - b. CalRecycle hereby approves and issues this CAP pursuant to PRC section 42652.5(c)-(e) and Title 14 CCR section 18996.2.
 - c. The Jurisdiction will fully implement the programs identified in this CAP by the dates provided in the Section 3.2 below.
 - d. CalRecycle will monitor the Jurisdiction's continued implementation of the programs identified in the CAP from March 29, 2023 through March 31, 2024 ("the oversight period") to assure implementation is complete and timely. The oversight period may be extended at the discretion of CalRecycle if any extensions to the Schedule are granted as described below in Sections 4.4 and 4.5.
 - e. During the oversight period, the Jurisdiction will submit status reports to CalRecycle and attend status meetings with CalRecycle to demonstrate the ongoing progress the Jurisdiction is making on remedying the violations described above.
 - f. During the oversight period, the Jurisdiction will provide bimonthly status reports to CalRecycle:

Report Cycle

Report 1: May 31, 2023, covering March 1, 2023 – April 30, 2023

Report 2: July 31, 2023, covering May 1, 2023 – June 30, 2023

Report 3: September 30, 2023, covering July 1, 2023 – August 31, 2023

Report 4: November 30, 2023, covering September 1, 2023 – October 31, 2023

Report 5: January 31, 2024, covering November 1, 2023 – December 31, 2023

Report 6: March 31, 2024, covering January 1, 2024 – March 1, 2024

- g. The status reports are to be used to document the status and work completed for each of the identified tasks in the CAP. For each task in the CAP, the Jurisdiction will explain the status of the task, specifying what actions have been taken to complete the task.
- h. If the work has been delayed or has not been completed, the Jurisdiction will explain the reason(s) for the delay/incompletion. The Jurisdiction will also attach any previously submitted extension requests made pursuant to section 4.4 of this CAP and any extensions granted pursuant to section 4.5 of this CAP, using additional sheets as necessary for the report. CalRecycle may consider the explanation in deciding whether to allow the Jurisdiction to continue to operate under the Notification and CAP or to revoke approval of the Notification and CAP pursuant to PRC section 42652.5(d).
- i. During the oversight period, the Jurisdiction will meet with CalRecycle telephonically or via other remote electronic means (such as Teams or Zoom) bimonthly to provide interim progress updates on the following schedule:

Meeting Cycle

Meeting 1: During April 2023

Meeting 2: During June 2023

Meeting 3: During August 2023

Meeting 4: During October 2023

Meeting 5: During December 2023

Meeting 6: During February 2024

- j. The status meetings are to be used to discuss the most recent status report and to discuss interim progress made by the Jurisdiction on each of the identified tasks in the CAP.
- k. Prior to the close of the oversight period, CalRecycle may undertake a compliance review or field visit to supplement other status reporting.
- l. At any time prior to the conclusion of the oversight period, if CalRecycle determines the Jurisdiction has failed to implement the programs identified in the Notification and CAP, has failed to participate in status reporting during the oversight period, has substantially misrepresented its progress in status reporting, or has substantially failed to make interim progress on Tasks set out in Section 3.2 for four consecutive reporting periods, CalRecycle may immediately issue a notice revoking its approval of the Notification and CAP and indicating its intent to impose penalties as provided in PRC section 42652.5. Title 14 CCR sections 18997.3, 18997.5, and 18997.6 and PRC section 42652.5 governs the process and considerations CalRecycle will

utilize in calculating and assessing administrative civil penalties against the Jurisdiction, which may be up to \$10,000 per day per violation.

3.1 Based on the foregoing DETERMINATION OF VIOLATIONS, it is hereby ordered that the Jurisdiction will implement the actions described below in accordance with the compliance deadlines contained in the schedule of actions to remedy violations as set forth in Section 3.2 below.

3.2 Schedule and Program of Actions

Section 18984.1 Three-Container Organic Waste Collection Services

The Jurisdiction will provide three-container collection service to all residences.

Task #	Description	Target Completion Date
TASK 1	The Jurisdiction will develop an enforcement ordinance or other enforceable mechanism requiring compliance with organic waste collection service and present to Board.	11/23/2022 (Task completion to be verified)
TASK 2	<p>The Jurisdiction will hire a consultant to assist with the implementation of SB 1383.</p> <p>Task 2a: Select consultant from Request For Proposal (RFP) process.</p> <p>Task 2b: Submit consultant contract for Board agenda.</p> <p>Task 2c: Board approval of selected consultant.</p> <p>Task 2d: County provides consultant with preliminary generator account lists for Livermore Sanitation Inc (LSI) and Pleasanton Garbage Service (PGS) areas.</p> <p>Task 2e: County provides LSI service area map to consultant.</p> <p>Task 2f: Project coordination meeting with consultant.</p>	<p>Task 2a: 3/23/2023 (Task completion to be verified)</p> <p>Task 2b: 4/11/2023</p> <p>Task 2c: 4/25/2023</p> <p>Task 2d: 4/26/2023</p> <p>Task 2e: 4/26/2023</p> <p>Task 2f: 5/1/2023</p>
TASK 3	<p>The Jurisdiction will amend agreement for residential services with LSI to incorporate SB 1383 Regulation requirements, and expand services to additional residents, and to service areas in the unincorporated Livermore area.</p> <p>Task 3a: Consultant to begin engaging LSI and County.</p> <p>Task 3b: Consultant completes LSI analysis and begins negotiations.</p> <p>Task 3c: Consultant completes LSI negotiations including equipment, rates, route review plan.</p>	<p>Task 3a: 5/3/2023</p> <p>Task 3b: 5/10/2023</p> <p>Task 3c: 5/29/2023</p>

	<p>Task 3d: Consultant completes LSI Draft Agreement for review.</p> <p>Task 3e: Staff completes review of LSI Draft Agreement.</p> <p>Task 3f: Legal Counsel completes review of LSI Draft Agreement.</p> <p>Task 3g: Present LSI Agreement to District 1 Town Hall.</p> <p>Task 3h: Present LSI Agreement to Ag. Advisory Committee.</p> <p>Task 3i: Present LSI Agreement to Transportation and Planning Commission.</p> <p>Task 3j: Submit LSI agreement for Board agenda.</p> <p>Task 3k: Board approves new LSI agreement.</p>	<p>Task 3d: 6/13/2023</p> <p>Task 3e: 6/23/2023</p> <p>Task 3f: 7/14/2023</p> <p>Task 3g: 7/20/2023</p> <p>Task 3h: 7/25/2023</p> <p>Task 3i: 8/7/2023</p> <p>Task 3j: 8/31/2023</p> <p>Task 3k: 9/14/2023</p>
<p>TASK 4</p>	<p>The Jurisdiction will establish an agreement with PGS, an organic waste collection service provider, to serve unincorporated areas around Pleasanton and Sunol.</p> <p>Task 4a: County provides PGS service area map to consultant.</p> <p>Task 4b: Consultant to begin engaging PGS.</p> <p>Task 4c: Consultant completes PGS analysis and begins negotiations.</p> <p>Task 4d: Consultant completes PGS negotiations including equipment, rates, route review plan.</p> <p>Task 4e: Consultant completes PGS Draft Agreement for review.</p> <p>Task 4f: Staff completes review of PGS Draft Agreement.</p> <p>Task 4g: Legal Counsel completes review of PGS Draft Agreement.</p> <p>Task 4h: Present PGS Agreement to Sunol Citizen’s Advisory Council.</p> <p>Task 4i: Present PGS Agreement to Agricultural Advisory Committee.</p> <p>Task 4j: Present PGS Agreement to Transportation and Planning Commission.</p> <p>Task 4k: Submit PGS Agreement for Board Agenda.</p> <p>Task 4l: Board approves new PGS agreement.</p>	<p>Task 4a: 6/13/2023</p> <p>Task 4b: 6/15/2023</p> <p>Task 4c: 6/26/2023</p> <p>Task 4d: 8/1/2023</p> <p>Task 4e: 8/21/2023</p> <p>Task 4f: 8/30/2023</p> <p>Task 4g: 10/11/2023</p> <p>Task 4h: 10/18/2023</p> <p>Task 4i: 10/24/2023</p> <p>Task 4j: 11/6/2023</p> <p>Task 4k: 11/14/2023</p> <p>Task 4l: 11/28/2023</p>

TASK 5	The Jurisdiction will adopt an enforcement ordinance or other enforceable mechanism requiring compliance with organic waste collection service.	11/23/2022 (Task completion to be verified)
TASK 6	The Jurisdiction will continue staff recruitment efforts to fill the Planning Department's vacant positions to implement SB 1383.	7/1/2023
TASK 7	The Jurisdiction will provide three-container waste collection service to all residential customers that are not subject to an exemption or waiver from such service under 14 CCR sections 18984.11, 18984.12, or other provision of the Regulations, or are not an authorized self-hauler subject to the Jurisdiction's ordinance requiring compliance with the requirements of section 18988.3.	3/1/2024

Section 18984.1 Three-Container Organic Waste Collection Services

The Jurisdiction will provide three-container collection service to all commercial generators.

Task #	Description	Target Completion Date
TASK 8	The Jurisdiction will develop an enforcement ordinance or other enforceable mechanism requiring compliance with organic waste collection service and present to Board.	11/23/2022 (Task completion to be verified)
TASK 9	The Jurisdiction will adopt an enforcement ordinance or other enforceable mechanism requiring compliance with organic waste collection service.	11/23/2022 (Task completion to be verified)
TASK 10	<p>The Jurisdiction will amend agreement for commercial services with Livermore Sanitation Inc (LSI) to incorporate SB 1383 Regulation requirements, and to expand services to additional residents, and to service areas in the unincorporated Livermore area.</p> <p>Task 10a: LSI begin truck, container, and route preparation.</p> <p>Task 10b: Finalize LSI generator mailing list.</p> <p>Task 10c: LSI new service mailing.</p> <p>Task 10d: Follow-up with LSI generators who have not subscribed.</p> <p>Task 10e: LSI begins roll-out pending availability of trucks/containers.</p> <p>Task 10f: LSI completes roll-out.</p>	<p>Task 10a: 9/15/2023</p> <p>Task 10b: 9/19/2023</p> <p>Task 10c: 9/25/2023</p> <p>Task 10d: 10/13/2023</p> <p>Task 10e: 10/16/2023</p> <p>Task 10f: 11/13/2023</p>

<p>TASK 11</p>	<p>The Jurisdiction will establish an agreement with Pleasanton Garbage Service (PGS), an organic waste collection service provider, to serve unincorporated areas around Pleasanton and Sunol.</p> <p>Task 11a: PGS begin truck, container, and route preparation.</p> <p>Task 11b: Finalize PGS generator mailing list.</p> <p>Task 11c: PGS new service mailing.</p> <p>Task 11d: Follow-up with PGS generators who have not subscribed.</p> <p>Task 11e: PGS begins roll-out pending availability of trucks/containers.</p> <p>Task 11f: PGS completes roll-out.</p>	<p>Task 11a: 11/29/2023</p> <p>Task 11b: 12/1/2023</p> <p>Task 11c: 12/4/2023</p> <p>Task 11d: 12/18/2023</p> <p>Task 11e: 1/10/2024</p> <p>Task 11f: 2/9/2024</p>
<p>TASK 12</p>	<p>The Jurisdiction will provide three-container waste collection service to all commercial customers that are not subject to an exemption or waiver from such service under 14 CCR sections 18984.11, 18984.12, or other provision of the Regulations, or are not an authorized self-hauler subject to the Jurisdiction’s ordinance requiring compliance with the requirements of section 18988.3.</p>	<p>3/1/2024</p>

Section 18984.4 Recordkeeping Requirements for Compliance with Organic Waste Collection Services

The Jurisdiction will document or keep records for compliance with Organic Waste Collection Services.

Task #	Description	Target Completion Date
<p>TASK 13</p>	<p>The Jurisdiction will establish a system for documenting organic waste collection services for recordkeeping and reporting.</p> <p>The Jurisdiction will Include the following information and documents in the Implementation Record:</p> <ol style="list-style-type: none"> 1. A description of which collection method(s) it will use to comply. 2. The geographical area for each collection method. 3. If using a service that requires the contents of containers provided by the Jurisdiction to be transported to a high diversion organic waste processing facility, the Jurisdiction shall at a minimum: <ul style="list-style-type: none"> • List all high diversion organic waste processing facilities used by the Jurisdiction. • List all approved haulers in the Jurisdiction that are 	<p>6/1/2023</p>

	<p>allowed to take organic waste to the Jurisdiction’s identified high diversion organic waste processing facility or facilities.</p> <ul style="list-style-type: none"> • The geographical area the hauler(s) serves, the routes serviced, or a list of addresses served. <p>4. If allowing compostable plastics to be placed in the green container, a copy of written notification received from each facility serving the Jurisdiction indicating that the facility recovers that material.</p> <p>5. If allowing organic waste to be collected in plastic bags, a copy of written notification received from each facility serving the Jurisdiction indicating that the facility can process and remove plastic bags when it recovers source separated organic waste.</p>	
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Section 18984.5 Container Contamination Minimization

The Jurisdiction will monitor generators using a three-container organic waste collection service for contaminants.

Task #	Description	Target Completion Date
TASK 14	<p>The Jurisdiction has determined it would use route reviews to monitor container contaminants.</p> <p>Minimum requirements - Route reviews</p> <ul style="list-style-type: none"> • All hauler routes must be reviewed annually. • Containers may be randomly selected along a hauler route. Not required that every container on a hauler route be sampled annually. 	<p>2/1/2023 (Task completion to be verified)</p>
TASK 15	<p>The Jurisdiction will require and verify the haulers will develop a schedule for conducting route reviews.</p> <p>Task 15a: Livermore Sanitation Inc (LSI) Task 15b: Pleasanton Garbage Service (PGS)</p>	<p>Task 15a: 10/1/2023 Task 15b: 12/1/2023</p>
TASK 16	<p>The Jurisdiction will require and verify the haulers will complete annual review of all routes.</p>	<p>12/31/2023</p>
TASK 17	<p>The Jurisdiction will establish a system for notifying generators of violations.</p> <p>Minimum requirements - Route reviews:</p> <ul style="list-style-type: none"> • The contamination notice will, at a minimum, include information regarding the generator’s requirement to properly separate materials into the appropriate containers. 	

	<ul style="list-style-type: none"> The contamination notice may be left on the generator's container, gate, or door at the time the violation occurs, and/or be mailed, e-mailed, or electronically messaged to the generator. <p>Task 17a: LSI</p> <p>Task 17b: PGS</p>	<p>Task 17a: 10/1/2023</p> <p>Task 17b: 12/1/2023</p>
TASK 18	<p>The Jurisdiction will perform container contamination minimization for all routes that are not subject to an exemption or waiver from such service under 14 CCR sections 18984.11 and 18984.12 (a) and (c) or are not an authorized self-hauler subject to the Jurisdiction's ordinance requiring compliance with the requirements of section 18988.3.</p> <p>Task 18a: LSI</p> <p>Task 18b: PGS</p>	<p>Task 18a: 12/31/2023</p> <p>Task 18b: 12/31/2023</p>

Section 18984.6 Recordkeeping Requirements for Container Contamination Minimization

The Jurisdiction will keep records of the number of residential or commercial violations identified and number of notices issued.

Task #	Description	Target Completion Date
TASK 19	The Jurisdiction will document the methods used to monitor container contaminants.	2/1/2024
TASK 20	<p>The Jurisdiction will establish a system for documenting route reviews conducted and tracking the violations for recordkeeping and reporting.</p> <p>The Jurisdiction will include the following information and documents in the Implementation Record:</p> <ol style="list-style-type: none"> 1. A description of the Jurisdiction's process for determining the level of container contamination. 2. Documentation of route reviews conducted, if applicable. 3. Copies of all notices issued to generators with prohibited container contaminants. 4. Documentation of the number of containers where the contents were disposed due to observation of prohibited container contaminants. 	2/1/2024

TASK 21	The Jurisdiction will begin documenting contamination minimization efforts and tracking number of violations.	2/1/2024
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Section 18984.7 Container Color Requirements

The Jurisdiction will distribute new containers meeting the container color requirements.

NOTE: A jurisdiction is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the color requirements prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first.

Task #	Description	Target Completion Date
TASK 22	The Jurisdiction will require and verify Livermore Sanitation Inc (LSI) will provide containers for collection services to generators that comply with the container color requirements specified in Article 3 of the Regulations.	10/1/2023
TASK 23	The Jurisdiction will require and verify Pleasanton Garbage Service (PGS) will provide containers for collection services to generators that comply with the container color requirements specified in Article 3 of the Regulations.	12/1/2023

Section 18984.8 Container Labeling Requirements

The Jurisdiction will distribute new containers with proper container labeling.

Task #	Description	Target Completion Date
TASK 24	<p>The Jurisdiction will develop labeling or use model labeling provided by CalRecycle for use on containers.</p> <p>Task 24a: Livermore Sanitation Inc (LSI)</p> <p>Task 24b: Pleasanton Garbage Service (PGS)</p> <ol style="list-style-type: none"> Labels on containers must include language or graphic images or both indicating the primary materials accepted and the primary materials prohibited in that container, OR Containers must include imprinted text or graphic images indicating the primary materials accepted and the primary materials prohibited in that container. 	<p>Task 24a: 10/1/2023</p> <p>Task 24b: 12/1/2023</p>
TASK 25	<p>The Jurisdiction will require and verify the haulers will label each new container or lid provided to generators.</p> <ul style="list-style-type: none"> Labels will be consistent with the applicable container collection requirements specifying what materials are allowed to be placed in each container. <p>Task 25a: LSI</p>	<p>Task 25a: 10/1/2023</p>

Task 25b: PGS	Task 25b: 12/1/2023
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Section 18984.11 Waivers

The Jurisdiction will verify each waived generator is eligible for a waiver.

Task #	Description	Target Completion Date
TASK 26	The Jurisdiction will establish a procedure for verifying eligibility for waivers and granting waivers.	12/1/2023

Section 18984.14 Recordkeeping Requirements for Waivers and Exemptions

The Jurisdiction will establish recordkeeping for waivers and exemptions.

Task #	Description	Target Completion Date
TASK 27	The Jurisdiction will establish a system for documenting and compiling records related to waivers and exemptions for recordkeeping and reporting.	12/1/2023
TASK 28	The Jurisdiction will begin documenting and compiling waiver and exemption records.	12/1/2023

Section 18985.1 Organic Waste Recovery Education and Outreach

The Jurisdiction will provide organic waste recovery education and outreach to residential/commercial generators.

Task #	Description	Target Completion Date
TASK 29	The Jurisdiction will identify/contract with haulers to implement education and outreach requirements.	10/1/2023
TASK 30	<p>The Jurisdiction will provide organic waste recovery education and outreach to residential/commercial generators.</p> <ul style="list-style-type: none"> • Information on the organic waste generator’s requirements to properly separate materials in appropriate containers pursuant to Chapter 12 of the Regulations. • Information on methods for: the prevention of organic waste generation, recycling organic waste on-site, sending organic waste to community composting, and any other local requirements regarding organic waste. • Information regarding the methane reduction benefits of reducing the landfill disposal of organic waste, and the methods of organic waste recovery the organic waste collection service uses. 	10/1/2023

	<ul style="list-style-type: none"> Information regarding how to recover organic waste and a list of approved haulers. Information related to the public health and safety and environmental impacts associated with the landfill disposal of organic waste. Information regarding programs for the donation of edible food. If a jurisdiction allows generators subject to its authority to self-haul organic waste pursuant to Section 18988.1, information regarding self-hauling requirements will be included in education and outreach material. 	
TASK 31	The Jurisdiction will post the educational information on its website and update as needed. The information will be specific to the Jurisdiction's program, provide compliance options, contact information for the franchise hauler, edible food recovery programs.	10/1/2023
TASK 32	The Jurisdiction will require and verify the haulers will post and maintain organic waste recovery information and edible food donation program information on their websites.	3/1/2023 (Task completion to be verified)
TASK 33	<p>The Jurisdiction will send letters to covered residential/commercial generators providing organic waste recovery information.</p> <p>Task 33a: Livermore Sanitation Inc (LSI) Task 33b: Pleasanton Garbage Service (PGS)</p>	<p>Task 33a: 10/1/2023 Task 33b: 12/1/2023</p>
TASK 34	<p>The Jurisdiction will mail a program flyer/brochure/letter to all residential/commercial generators to provide education on organics and explain the Jurisdiction's program including types of organic materials accepted and the franchise hauler's contact information.</p> <p>Task 34a: LSI Task 34b: PGS</p>	<p>Task 34a: 10/1/2023 Task 34b: 12/1/2023</p>
TASK 35	<p>The Jurisdiction will conduct community meetings with residential generators in the following neighborhoods:</p> <ul style="list-style-type: none"> District 1 Town Hall Agricultural Advisory Committee Transportation and Planning Commission Sunol Citizen's Advisory Council 	11/6/2023

TASK 36	The Jurisdiction will coordinate with StopWaste to host workshops and conduct meetings/site visits with commercial generators.	12/1/2023
TASK 37	The Jurisdiction will provide outreach and education to organic waste generators that are provided organic waste collection services or self-haul within the Jurisdiction, that are not subject to an exemption or waiver from such service under 14 CCR sections 18984.11 and 18984.12 (a) and (c). (Note: A jurisdiction may still have a separate obligation under the Mandatory Commercial Recycling (MCR) and Mandatory Organics Recycling (MORe) laws—Public Resources Code (PRC) Sections 42649.3 (d) and 42649.82 (d)(1)(C)—that is separate and independent of SB 1383, the SB 1383 Regulations, and this plan.)	12/31/2023

The Jurisdiction will translate educational materials into any non-English language spoken by a substantial number of the public with organic waste collection services provided by the Jurisdiction.

TASK 38	The Jurisdiction will identify the non-English languages spoken by a substantial number of the public.	10/1/2023
TASK 39	The Jurisdiction/designee will translate the educational materials.	10/1/2023
TASK 40	The Jurisdiction will post the translated educational materials.	1/1/2024

Section 18985.3 Recordkeeping Requirements for a Jurisdiction’s Compliance with Education and Outreach

The Jurisdiction will establish recordkeeping for compliance with Education and Outreach requirements.

Task #	Description	Target Completion Date
TASK 41	The Jurisdiction will establish a system for documenting and compiling records related to education and outreach requirements for recordkeeping and reporting.	10/1/2023
TASK 42	The Jurisdiction will begin tracking and compiling documentation in the Implementation Record and will include at a minimum: <ul style="list-style-type: none"> Copies of the information provided to comply with Article 4 of the Regulations, including flyers, brochures, newsletters, invoice messaging, and 	10/1/2023

	<p>website and social media postings.</p> <ul style="list-style-type: none"> • The date, and to whom the information was disseminated, or direct contact made. If a jurisdiction provides mass distribution through mailings, or bill inserts, it will provide the date, a copy of the information, and the type and number of accounts receiving the information. • If the requirements of Article 4 of the Regulations were met solely through electronic media, the record will include a copy, with dates posted, of social media posts, e-mails or other electronic messages. • If a jurisdiction relies on a designee to comply with this section, it will include a copy of the materials distributed by the designee. 	
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Section 18988.1 Jurisdiction Approval of Haulers and Self-Haulers

The Jurisdiction will adopt an ordinance or similarly enforceable mechanism requiring self-haulers to comply.

Task #	Description	Target Completion Date
TASK 43	The Jurisdiction will draft an enforcement ordinance or similarly enforceable mechanism requiring self-haulers to comply and present to council that is compliant with SB 1383 regulations.	11/23/2021 (Task completion to be verified)
TASK 44	The Jurisdiction will adopt an enforcement ordinance or similarly enforceable mechanism requiring self-haulers to comply.	11/23/2021 (Task completion to be verified)
TASK 45	The enforcement ordinance will be effective.	12/1/2022 (Task completion to be verified)

The Jurisdiction will require haulers providing residential, commercial, or industrial organic waste collection services to meet the requirements as a condition of approval of a contract, agreement, or other authorization to collect organic waste.

TASK 46	The Jurisdiction will require and verify the haulers providing organic waste collection services will meet the requirements.	12/1/2022 (Task completion to be verified)
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Section 18988.4 Recordkeeping Requirements for Compliance with Jurisdiction Hauler Program

The Jurisdiction will establish recordkeeping for compliance with jurisdiction hauler program.

Task #	Description	Target Completion Date
TASK 47	The Jurisdiction will establish a system for documenting and compiling records related to haulers and self-haulers for recordkeeping and reporting.	3/1/2024
TASK 48	<p>The Jurisdiction will begin tracking and compiling documentation in the Implementation Record and will include at a minimum:</p> <ul style="list-style-type: none"> • Ordinances, contracts, franchise agreements, policies, procedures, or programs relevant to this section. • A description of the Jurisdiction’s hauler program including: <ul style="list-style-type: none"> ○ Type(s) of hauler system(s) the Jurisdiction uses. ○ Type(s) and condition(s) of approvals per type of hauler, and criteria for approvals, denials and revocations. ○ The process for issuing, revoking, and denying written approvals. Any requirements associated with self-hauling and back-hauling. • A record of hauler compliance with local ordinance(s) and the requirements of Article 7 of the Regulations including the following information: <ul style="list-style-type: none"> ○ Copies of all reports required from haulers. ○ Copies of all written approvals, denials, and revocations. <p>All records will include the date of action, the name of the hauler, and the type of the action taken by the Jurisdiction.</p>	3/1/2024

Section 18989.2 Model Water Efficient Landscape Ordinance

The Jurisdiction will adopt an ordinance or other enforceable mechanism requiring compliance with MWELO.

Task #	Description	Target Completion Date
TASK 49	The Jurisdiction will draft an enforcement ordinance or similarly enforceable mechanism requiring compliance with MWELO and present to council.	12/8/2022 (Task completion to be verified)
TASK 50	The Jurisdiction will adopt an enforcement ordinance or other enforceable mechanism requiring compliance with MWELO.	12/8/2022 (Task completion to be verified)

TASK 51	The enforcement ordinance will be effective.	1/1/2023 (Task completion to be verified)
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Section 18995.1 Jurisdiction Inspection Requirements

The Jurisdiction will establish an inspection and enforcement program designed to ensure overall compliance with Regulations.

Task #	Description	Target Completion Date
TASK 52	The Jurisdiction will develop an inspection and enforcement program to ensure overall compliance with Regulations.	10/1/2023
TASK 53	The Jurisdiction will begin implementing the inspection and enforcement program.	3/1/2024

The Jurisdiction will complete a compliance review of all solid waste collection accounts for commercial businesses.

TASK 54	<p>The Jurisdiction will complete a compliance review of all solid waste accounts for commercial businesses subject to its authority and that generate two cubic yards or more per week of solid waste, including organic waste.</p> <p>The Jurisdiction will determine compliance with:</p> <ul style="list-style-type: none"> • Organic waste generator requirements set forth in Section 18984.9(a) • Self-haul requirements set forth in Section 18988.3, including whether a business is complying through back-hauling organic waste. 	3/1/2024
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The Jurisdiction will conduct route reviews.

TASK 55	The Jurisdiction will conduct annual route reviews of commercial businesses and residential generators for compliance with organic waste generator requirements and container contamination requirements.	10/1/2023
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Section 18995.2 Implementation Record and Recordkeeping Requirements

The Jurisdiction will establish recordkeeping related to jurisdiction inspection requirements.

Task #	Description	Target Completion Date
TASK 56	The Jurisdiction will establish a system for tracking inspections and enforcement actions for recordkeeping and reporting.	10/1/2023

<p>TASK 57</p>	<p>The Jurisdiction will begin tracking and compiling documentation. The Implementation Record will be stored in one central location, physical or electronic, that can be readily accessed by CalRecycle.</p> <p>All records and information will be included in the Implementation Record within 60 days of the creation of the record or information. All records will be retained by the Jurisdiction for five years.</p> <p>Include all documents supporting compliance in the implementation record including, but not limited to, the following:</p> <ul style="list-style-type: none"> • A copy of all ordinances or other similarly enforceable mechanisms, contracts, and agreements, as required by Chapter 12 of the Regulations. • A written description of the Jurisdiction's inspection and enforcement program that it uses to comply with Sections 18995.1 and 18995.4. • All organic waste collection service records required by Section 18984.4. • All contamination minimization records required by Section 18984.6. • All waiver and exemption records required by Section 18984.14. • All education and outreach records required by Section 18985.3. • All hauler program records required by Section 18988.4. • All jurisdiction edible food recovery program records required by Section 18991.2. • All recovered organic waste procurement target records required by Section 18993.2. • All recycled content paper procurement records required by Section 18993.4. • All inspection, route review, and compliance review documents generated pursuant to the requirements of Section 18995.1(d). • All records of enforcement actions undertaken pursuant to Chapter 12 of the Regulations. • All records of complaints and investigations of complaints required by Section 18995.3 and compliance with the Jurisdiction's inspection and enforcement requirements of Sections 18995.1. 	<p>3/1/2024</p>
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Section 18995.4 Enforcement by a Jurisdiction

The Jurisdiction will take action to enforce the requirements of the Regulations.

Task #	Description	Target Completion Date
TASK 58	The Jurisdiction will take enforcement action in regard to the container contaminants provisions in section 18984.5(a), through the notice provisions of section 18984.5 (b).	3/1/2024

COMPLIANCE REVIEW, ENFORCEMENT, AND RELEASE

4. Communications. All approvals and decisions of CalRecycle regarding notifications will be communicated to the Jurisdiction in writing by the Branch Chief, Jurisdiction and Agency Compliance and Enforcement Branch, Waste Permitting, Compliance and Mitigation Division, or the Branch Chief’s designee. No formal advice, guidance, suggestions, or comments by CalRecycle regarding reports, plans, specifications, schedules, or any other writings by Jurisdiction shall be construed to relieve the Jurisdiction of the obligation to obtain such formal approvals as may be required.

4.1 Submittal. All reporting from the Jurisdiction described in section 3 (Schedule for Compliance), paragraph 3.f, shall be submitted through an online portal or compliance module developed by CalRecycle with instructions provided to Jurisdiction. All other communications from the Jurisdiction according to this CAP shall be sent in writing electronically to:

Amanda Jacobsen
Amanda.Jacobsen@CalRecycle.ca.gov

4.2 Compliance Review. At the end of the oversight period or at any time deemed appropriate by CalRecycle, CalRecycle will meet with the Jurisdiction to assess the Jurisdiction’s CAP implementation efforts and to determine whether or not the Jurisdiction has timely complied with all commitments in all sections of this CAP. If requested by the Jurisdiction, CalRecycle has discretion to issue notice of a hearing at any time upon its staff’s recommendation that the Jurisdiction has completed the conditions of the CAP. In accordance with PRC section 42652.5, failure to implement programs and or comply with all sections of the CAP at any time may result in CalRecycle’s revocation of its approval of the Notification and CAP and imposition of administrative civil penalties retroactively to the date of violation in 2022, for administrative civil penalties accruing in 2023, and for administrative civil penalties accruing during any other additional time covered by the Notification and CAP. These potentially applicable penalties are described in Section 5.0 of this CAP.

4.3 CalRecycle Review and Approval: If CalRecycle determines that any report, plan, schedule, or other document submitted for approval pursuant to this CAP fails to

comply with the Notification as amended by this CAP or fails to achieve successful implementation of the Regulations, CalRecycle may:

- a. Amend the CAP as appropriate to remedy the violations of the Regulations expeditiously, and/or
- b. Serve a notice that CalRecycle will revoke approval of the Notification and consider the imposition of penalties in accordance with Title 14 CCR sections 18997.3, 18997.5, and 18997.6.

- 4.4 Extension Request and Other Task Modification Requests: If the Jurisdiction determines that it will be unable to perform any activity or submit any document within the time required under this CAP, the Jurisdiction may, as far in advance of the due date as possible, request an extension of time in writing. The extension request shall include a justification for the delay. If the Jurisdiction finds that a task required by this CAP in Section 3.1 is not feasible, despite the Jurisdiction's best and substantial efforts, the Jurisdiction may propose an alternative task that is substantially similar or equally effective to the original task, subject to the approval of CalRecycle. The modification request shall include an explanation of the infeasibility, an explanation of how the alternative task is substantially similar or equally effective, and a justification for any extension of time associated with the change.
- 4.5 Extension and Other Task Modification Approvals: If CalRecycle determines that good cause exists for an extension, considering the factors set out in Title 14 CCR section 18996.2(a)(2), it will grant an extension as appropriate and specify in writing a new compliance schedule. If CalRecycle determines that good cause exists for the change in task because the original task is infeasible and the alternative task is substantially similar or equally effective, it will grant an approval and extension as appropriate and specify in writing the new task; additionally, if CalRecycle determines that good cause exists for any extension associated with the change in task, considering the factors set out in Title 14 CCR section 18996.2(a)(2), it will grant an extension as appropriate and specify in writing a new compliance schedule.
- 4.6 Compliance with Applicable Laws: The Jurisdiction shall carry out this CAP in compliance with all Local, State, and Federal requirements, including but not limited to requirements to obtain necessary permits.
- 4.7 Liability: Nothing in this CAP shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of the Jurisdiction, including for violations of the Regulations that were not disclosed in the Notification and any violations of the Regulations that the Jurisdiction fails to remedy notwithstanding commitments in the Notification and this CAP.

- 4.8 Government Liabilities: The State of California and CalRecycle shall not be liable for injuries or damages to persons or property resulting from acts or omissions in carrying out activities pursuant to this CAP, nor shall the State of California be held as a party to any contract entered into by the Jurisdiction or its agents in carrying out activities pursuant to the CAP. The Jurisdiction shall indemnify, defend, and save harmless the State, its officers, agents, and employees from any and all claims and losses accruing or resulting in connection with the performance of this CAP.
- 4.9 Parties Bound: This CAP shall apply to and be binding upon the Jurisdiction and upon CalRecycle and any successor agency (regional agency, etc.) that may have responsibility for, and the authority over, the subject matter of this CAP.

PENALTY

5. Penalties, if any, shall be assessed and calculated in accordance with the provisions of PRC 42652.5 and Title 14 CCR sections 18997.3, 18997.5, and 18997.6. Penalties shall be calculated based on the factors set out in section 18997.3 and may be as much as \$10,000 per day per violation for the duration of the violation(s).
- 5.1 Penalty Procedures. Penalty, if any, shall be imposed in accordance with the procedures and methodology set out in PRC section 42652.5 and Title 14 CCR sections 18997.3, 18997.5, and 18997.6. Regulatory violations that are considered “minor,” meaning they involve violations constituting minimal deviation from regulations, shall be subject to penalties of no less than five hundred dollars (\$500) per violation and no more than four thousand dollars (\$4,000) per violation per day; “moderate” violations are subject to no less than four thousand dollars (\$4,000) per violation and shall be no more than seven thousand five hundred dollars (\$7,500) per violation per day; and “major” violations, are subject to penalties no less than seven thousand five hundred dollars (\$7,500) per violation per day and no more than ten thousand dollars (\$10,000) per violation per day. The following types of deviations are deemed to be “major” under the regulations for the purposes of assessing penalties:
- a. Failure to have any ordinance or similarly enforceable mechanism for organic waste disposal reduction and edible food recovery.
 - b. Failure to have a provision in a contract, agreement, or other authorization that requires a hauler to comply with the requirements the Regulations.
 - c. Failure to have an edible food recovery program.
 - d. Failure to have any Implementation Record.
 - e. Implementation or enforcement of an ordinance, policy, procedure, condition, or initiative that is prohibited under Title 14 CCR sections 18990.1 or 18990.2.
 - f. Failure to submit the reports required in Title 14 CCR sections 18994.1 and 18994.2.

EFFECTIVE DATE

6. Issuance. This Corrective Action Plan is final and effective from the date of issuance.

6.1 Date of Issuance March 29, 2023

Signature on file

Mark de Bie, Deputy Director
Waste Permitting, Compliance and Mitigation Division
Department of Resources Recycling and Recovery