

STATE OF CALIFORNIA

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

CORRECTIVE ACTION PLAN AND COMPLAINT FOR PENALTY
1377.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: Plumas – Unincorporated
 P.O. Box 1225
 Quincy, CA 95971

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 2025. 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 Plumas – 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 February 17, 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 Title 14 CCR section 18991.1 in that since January 1, 2022, the Jurisdiction has not implemented an edible food recovery program that includes action to accomplish the following:
 - a. Educate commercial edible food generators as set forth in section 18985.2.
 - b. Increase commercial edible food generator access to food recovery organizations and food recovery services.
 - c. Monitor commercial edible food generator compliance as required in Article 14 of the Regulations.
 - d. Increase edible food recovery capacity if the analysis required by section 18992.2 indicates that the Jurisdiction does not have sufficient capacity to meet its edible food recovery needs.
- 2.2.2 The Jurisdiction is and has been in violation of 14 CCR section 18991.2 in that since January 1, 2022, the Jurisdiction has not included all documents supporting compliance with section 18991.1 in the Implementation Record required by section 18995.2.
- 2.2.3 The Jurisdiction is and has been in violation of 14 CCR section 18992.2 in that since January 1, 2022, the Jurisdiction has not estimated the amount of edible food that will be disposed by commercial edible food generators.
- 2.2.4 The Jurisdiction is and has been in violation of 14 CCR section 18992.2 in that since January 1, 2022, the Jurisdiction has not Identified existing capacity at food recovery organizations identified in section 18982(a)(25)(A)–(B) that is available to commercial edible food generators.
- 2.2.5 The Jurisdiction is and has been in violation of 14 CCR section 18992.2 in that since January 1, 2022, the Jurisdiction has not identified proposed new or expanded food recovery organizations and food recovery services that will be used to recover edible food identified pursuant to subdivision (a)(1) of that section.
- 2.2.6 The Jurisdiction is and has been in violation of 14 CCR section 18992.2 in that since January 1, 2022, Jurisdiction has not identified the amount of new or expanded capacity, at food recovery organizations and food recovery services that is necessary to recover the edible food that is estimated to be disposed by commercial edible food generators in subdivision (a)(1) of that section.
- 2.2.7 The Jurisdiction is and has been in violation of 14 CCR section 18992.2 in that since January 1, 2022, the Jurisdiction has not consulted with food recovery organizations and food recovery services regarding existing, or proposed new and expanded, capacity that could be accessed by the Jurisdiction and its commercial edible food generators.

- 2.2.8 The Jurisdiction is and has been in violation of 14 CCR section 18993.3 in that since January 1, 2022, the Jurisdiction has not procured paper products, and printing and writing paper, consistent with the requirements of sections 22150-22154 of the Public Contract Code.
- 2.2.9 The Jurisdiction is and has been in violation of 14 CCR section 18993.3 in that since January 1, 2022, the Jurisdiction has not required all businesses from whom it purchases paper products and printing and writing paper to comply with the requirements of that section.
- 2.2.10 The Jurisdiction is and has been in violation of 14 CCR section 18993.4 in that since January 1, 2022, the Jurisdiction has not included all documents supporting its compliance with Article 12 of the Regulations in the implementation record required by section 18995.2.
- 2.2.11 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.
- 2.2.12 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.
- 2.2.13 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.
- 2.2.14 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.
- 2.2.15 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 education and outreach records required by section 18985.3.
 - d. All Jurisdiction edible food recovery program records required by section 18991.2.
 - e. All recycled content paper procurement records required by section 18993.4.
 - f. All inspection, route review, and compliance review documents generated pursuant to the requirements of section 18995.1(d).
 - g. All records of enforcement actions undertaken pursuant to the Regulations.

- 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

- 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 18991.1 Jurisdiction Edible Food Recovery Program

The Jurisdiction will implement all aspects of its Edible Food Recovery Program.

Task #	Description	Target Completion Date
TASK 1	The Jurisdiction will coordinate with Environmental Health Staff and local Food Recovery Organizations to implement compliant recovery and capacity planning policies and procedures.	9/30/2022 (Task completion to be verified)
TASK 2	The Jurisdiction will increase commercial edible food generator access to food recovery organizations and food recovery services	9/30/2022 (Task completion to be verified)
TASK 3	<p>The Jurisdiction will educate commercial edible food generators.</p> <ul style="list-style-type: none"> • Develop a list of food recovery and food recovery services operating within the Jurisdiction and maintain the list on the Jurisdiction’s website. The list shall be updated annually and include, at a minimum, the following information about each food recovery organization and each food recovery service <ul style="list-style-type: none"> ○ Name and physical address. ○ Contact information. ○ Collection service area. ○ An indication of types of food the food recovery service or organization can accept for food recovery. 	5/1/2023
TASK 4	The Jurisdiction will monitor commercial edible food generator compliance and enforce the commercial edible food generator requirements.	5/1/2023

Section 18991.2 Recordkeeping Requirements for Jurisdiction Edible Food Recovery Program

The Jurisdiction will establish recordkeeping for compliance with Jurisdiction edible food recovery program.

Task #	Description	Target Completion Date
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TASK 5	The Jurisdiction will utilize Recyclist software to implement a compliant countywide recordkeeping system.	9/30/2022 (Task completion to be verified)
TASK 6	The Jurisdiction will establish a system for documenting and compiling records related to the edible food recovery program for recordkeeping and reporting	3/21/2023 (Task completion to be verified)
TASK 7	<p>The Jurisdiction will begin tracking and compiling documentation.</p> <p>The Jurisdiction will include all documents supporting compliance in the Implementation Record and will include at a minimum:</p> <ul style="list-style-type: none"> • A list of commercial edible food generators in the Jurisdiction that have a contract or written agreement with food recovery organizations or services pursuant to Section 18991.3. • A list of food recovery organizations and food recovery services in the Jurisdiction and their edible food recovery capacity. • Documentation of the actions taken to increase edible food recovery capacity. 	3/21/2023 (Task completion to be verified)

Section 18992.2 Edible Food Recovery Capacity

The Jurisdiction will conduct Edible Food Recovery Capacity Planning.

Task #	Description	Target Completion Date
TASK 8	The Jurisdiction will coordinate with Environmental Health staff and local Food Recovery Organizations to implement compliant recovery and capacity planning policies and procedures.	9/30/2022 (Task completion to be verified)
TASK 9	<p>The Jurisdiction will request information from cities/regional agencies within the County to be able to do the following:</p> <ol style="list-style-type: none"> Estimate the amount of edible food that will be disposed by commercial edible food generators that are located within the county and jurisdictions within the county. Identify existing capacity at food recovery organizations that is available to commercial edible food generators located within the county and jurisdictions within the county. 	9/30/2022 (Task completion to be verified)

	<p>c. Identify proposed new or expanded food recovery organizations and food recovery services that will be used to recover edible food identified.</p> <p>Identify the amount of new or expanded capacity, if any, at food recovery organizations and food recovery services that is necessary to recover the edible food that is estimated to be disposed by commercial edible food generators.</p>	
TASK 10	<p>The Jurisdiction will compile data received from cities/regional agencies including its own data to determine:</p> <ul style="list-style-type: none"> a. Estimate the amount of edible food that will be disposed by commercial edible food generators that are located within the county and jurisdictions within the county. b. Identify existing capacity at food recovery organizations that is available to commercial edible food generators located within the county and jurisdictions within the county. c. Identify proposed new or expanded food recovery organizations and food recovery services that will be used to recover edible food identified. d. Identify the amount of new or expanded capacity, if any, at food recovery organizations and food recovery services that is necessary to recover the edible food that is estimated to be disposed by commercial edible food generators. 	<p>9/30/2022 (Task completion to be verified)</p>
TASK 11	<p>The Jurisdiction will consult with food recovery organizations and food recovery services regarding existing, or proposed new and expanded, capacity that could be accessed by the Jurisdiction and its commercial edible food generators.</p>	<p>9/30/2022 (Task completion to be verified)</p>
TASK 12	<p>The Jurisdiction will notify the city/cities and/or regional agency/regional agencies that they lack sufficient capacity and that they are required to:</p> <ul style="list-style-type: none"> a. Submit an implementation schedule to CalRecycle that demonstrates how the Jurisdiction/regional agency will ensure there is enough new or expanded capacity to recover the edible food currently disposed by commercial edible food generators within its jurisdiction by the end of the report period. b. Consult with food recovery organizations and food recovery services regarding existing, or proposed new and expanded, capacity that could be accessed by the Jurisdiction and its commercial edible food generators. 	<p>9/30/2022 (Task completion to be verified)</p>

TASK 13	The Jurisdiction will submit the Capacity Planning Report to CalRecycle	9/30/2022 (Task completion to be verified)
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Section 18993.3 Recycled Content Paper Procurement Target

The Jurisdiction will procure paper products, and printing and writing paper, consistent with the Requirements.

Task #	Description	Target Completion Date
TASK 14	The Jurisdiction will coordinate with the Office of the County Administrator as well as County Legal Counsel to implement compliant organic material and recycled material procurement policies and procedures.	10/31/2022 (Task completion to be verified)
TASK 15	The Jurisdiction will procure paper products, and printing and writing paper meeting the Requirements.	12/13/2022 (Task completion to be verified)
TASK 16	<p>The Jurisdiction will require all businesses from whom the Jurisdiction purchases paper products and printing and writing paper to certify in writing:</p> <ul style="list-style-type: none"> • The minimum percentage, if not the exact percentage, of postconsumer material in the paper products and printing and writing paper offered or sold to the Jurisdiction. <ul style="list-style-type: none"> ○ The Jurisdiction may waive the certification requirement if the percentage of postconsumer material in the paper products, printing and writing paper, or both can be verified by a product label, catalog, invoice, or a manufacturer or vendor Internet website. • That the paper products and printing and writing paper offered or sold to the Jurisdiction is eligible to be labeled with an unqualified recyclable label as defined in 16 CFR Section 260.12. 	12/13/2022 (Task completion to be verified)

Section 18993.4 Recordkeeping Requirements for Recycled Content Paper Procurement Target

The Jurisdiction will establish recordkeeping related to recycled content paper procurement.

Task #	Description	Target Completion Date
TASK 17	The Jurisdiction will utilize Recyclist Software to implement a compliant countywide recordkeeping system.	9/30/2022 (Task completion to be verified)
TASK 18	<p>The Jurisdiction will begin tracking and compiling documentation.</p> <p>Include all documents supporting compliance with Article 12 in the implementation record including, but not limited to, the following:</p> <ol style="list-style-type: none"> 1. Copies of invoices, receipts or other proof of purchase that describe the procurement of paper products by volume and type for all paper purchases. 2. Copies of all certifications or other verification required. 	9/30/2022 (Task completion to be verified)

Section 18995.2 Implementation Record and Recordkeeping Requirements

The Jurisdiction will establish recordkeeping related to Jurisdiction inspection requirements.

Task #	Description	Target Completion Date
TASK 19	The Jurisdiction will utilize Recyclist Software to implement a compliant countywide recordkeeping system.	9/30/2022 (Task completion to be verified)
TASK 20	<p>The Jurisdiction will begin tracking and compiling documentation. The Implementation Record shall be stored in one central location, physical or electronic, that can be readily accessed by the Department.</p> <p>All records and information shall be included in the Implementation Record within 60 days of the creation of the record or information. All records shall 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>	3/21/2023 (Task completion to be verified)

	<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 education and outreach records required by Section 18985.3. • All Jurisdiction edible food recovery program records required by Section 18991.2. • 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. 	
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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 21	Plumas County Legal Counsel is currently reviewing a draft SB compliant Enforcement 1383 Ordinance. Public Works staff will work in coordination with County Legal Counsel to implement a compliant enforcement ordinance.	10/31/2022 (Task completion to be verified)
TASK 22	The Jurisdiction will establish an inspection and enforcement program designed to ensure overall compliance with Chapter 12.	6/1/2023
TASK 23	The Jurisdiction will begin implementing the inspection and enforcement program.	7/1/2023

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:

Anthony Rodriguez
anthony.rodriguez@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