

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

CORRECTIVE ACTION PLAN AND COMPLAINT FOR PENALTY
1412.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: San Bernardino - Unincorporated
 222 W. Hospitality Lane – 2nd Floor
 San Bernardino, CA 92415

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 San Bernardino - 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 2, 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 and 18981.2 in that since January 1, 2022, the Jurisdiction has not provided three-container organic waste collection service to all residential and commercial generators and/or has not included food scrap collection service in the three-container collection system provided to all franchised residential and commercial generators.
- 2.2.2 The Jurisdiction is and has been in violation of 14 CCR section 18984.3 and 18981.2 in that since January 1, 2022, the Jurisdiction has not provided an unsegregated single container collection service to residential and commercial generators and/or has not included food scrap collection service in the one-container collection system provided to residential and commercial generators.
- 2.2.3 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.
- 2.2.4 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.
- 2.2.5 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.
- 2.2.6 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.
- 2.2.7 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.
- 2.2.8 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.
- 2.2.9 The Jurisdiction is and has been in violation of 14 CCR section 18985.1 in that since February 1, 2022, the Jurisdiction is providing an unsegregated single container collection service to generators but has not included information indicating that organic waste is being processed at a high diversion organic waste processing facility in the education and outreach provided to outreach to organic waste generators.
- 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 18985.2 in that since February 1, 2022, the Jurisdiction has not provided education and outreach to commercial edible food generators, or the information provided did not comply with the requirements.
- 2.2.12 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.
- 2.2.13 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.
- 2.2.14 The Jurisdiction is and has been in violation of 14 CCR sections 18981.2 and 18988.1 in that from January 1, 2022 to June 14, 2022, the Jurisdiction allowed generators to self-haul, but had not adopted an ordinance or a similarly enforceable mechanism that requires compliance with the requirements in section 18988.3 of the Regulations.
- 2.2.15 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.
- 2.2.16 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 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.
- 2.2.17 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.
- 2.2.18 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.
- 2.2.19 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.

- 2.2.20 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.
- 2.2.21 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.
- 2.2.22 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.
- 2.2.23 The Jurisdiction is and has been in violation of 14 CCR section 18992.2 in that since January 1, 2022, the County has not identified if new or expanded capacity is needed to recover the amount of edible food identified in subdivision (a) of that section, and the Jurisdiction has not:
- a. Submitted an implementation schedule, if needed, to CalRecycle that demonstrates how it 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 reporting period set forth in section 18992.3.
 - b. 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.
- 2.2.24 The Jurisdiction is and has been in violation of 14 CCR section 18992.2 in that since January 1, 2022, the Jurisdiction is a county and has not found if new or expanded capacity is needed pursuant to subdivision (c) and on or before the county submits the report required pursuant to section 18992.3, and/or the county has not notified the Jurisdiction or jurisdictions that lack sufficient capacity.
- 2.2.25 The Jurisdiction is and has been in violation of 14 CCR section 18993.1 in that since January 1, 2022, the Jurisdiction has not procured recovered organic waste products to meet or exceed its current annual recovered organic waste product procurement target.
- 2.2.26 The Jurisdiction is and has been in violation of 14 CCR section 18993.2 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.
- 2.2.27 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.

- 2.2.28 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.
- 2.2.29 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.
- 2.2.30 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 and, including organic waste, and utilizing a three-container collection system.
- 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.
- 2.2.31 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.
- 2.2.32 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.
- 2.2.33 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.
- 2.2.34 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.
- 2.2.35 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 [select items that apply]:
- 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.
- 2.3 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 30, 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, Section 18981.2 Implementation Requirement on Jurisdictions

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

Task #	Description	Target Completion Date
TASK 1	The Jurisdiction will adopt an enforcement ordinance or other enforceable mechanism requiring compliance with organic waste collection service.	6/14/2022 (Task completion to be verified)
TASK 2	The Jurisdiction will finalize and implement rate adjustments with the four franchised waste haulers.	10/14/2022 (Task completion to be verified)
TASK 3	The Jurisdiction will conduct the Proposition 218 process.	10/28/2022 (Task completion to be verified)
TASK 4	<p>The Jurisdiction will revise its franchise agreements to allow for residential organic waste collection and processing.</p> <ul style="list-style-type: none"> The Jurisdiction has been in negotiations, since August 2019, with four of its franchise haulers that service 17 of the unincorporated Franchise Areas. These haulers will provide three-container collection services, and the haulers are required to comply with SB 1383 requirements in these areas. The franchise agreements will serve as the primary compliance tool for hauler provided programs, transfer and processing requirements, reporting, and other SB 1383 	11/30/2022 (Task completion to be verified)

	requirements that will be delegated to the Jurisdiction's franchised haulers.	
TASK 5	The Jurisdiction will seek Board approval of the four franchise agreements.	12/13/2022 (Task completion to be verified)
TASK 6	The Jurisdiction will require and verify the franchised haulers will purchase additional collection vehicles, as needed.	3/1/2024
TASK 7	The Jurisdiction will require and verify the franchised haulers will purchase additional organic waste and recycling collection carts, as needed.	3/1/2024
TASK 8	The Jurisdiction and franchised haulers will modify collection routes, as needed.	3/1/2024
TASK 9	The Jurisdiction will require and verify the franchised haulers will distribute organics recycling collection containers to all residential customers currently without service.	3/1/2024
TASK 10	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. In implementing this container system, the Jurisdiction will ensure materials are sorted into the containers properly by generators.	3/1/2024

Section 18984.1 Three-Container Organic Waste Collection Services, Section 18981.2 Implementation Requirement on Jurisdictions

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

Task #	Description	Target Completion Date
TASK 11	The Jurisdiction will adopt an enforcement ordinance or other enforceable mechanism requiring compliance with organic waste collection service.	6/14/2022 (Task completion to be verified)
TASK 12	The Jurisdiction will revise its franchise agreements to allow for organic waste collection and processing. <ul style="list-style-type: none"> The Jurisdiction has been in negotiations, since August 2019, with four of its franchise haulers that service 17 of 	11/30/2022 (Task completion to be verified)

	<p>the unincorporated Franchise Areas. The haulers will provide three-container collection services, and the haulers are required to comply with SB 1383 requirements in these areas.</p> <ul style="list-style-type: none"> The franchise agreements will serve as the primary compliance tool for hauler provided programs, transfer and processing requirements, reporting, and other SB 1383 requirements that will be delegated to the Jurisdiction's franchised haulers. 	
TASK 13	The Jurisdiction will finalize and implement rate adjustments with the four franchised waste haulers.	10/14/2022 (Task completion to be verified)
TASK 14	The Jurisdiction will conduct the Proposition 218 process.	10/28/2022 (Task completion to be verified)
TASK 15	The Jurisdiction will seek Board approval of the four franchise agreements.	12/13/2022 (Task completion to be verified)
TASK 16	The Jurisdiction will require and verify the franchised haulers will purchase additional organic waste and recycling collection containers, as needed.	3/1/2024
TASK 17	The Jurisdiction and the franchised haulers will establish a commercial accounts list.	3/1/2024
TASK 18	The Jurisdiction will require and verify the franchised haulers will modify collection routes, as needed.	3/1/2024
TASK 19	The Jurisdiction will require and verify the franchised haulers will perform site assessments to determine service level needs either a 3 or 3+ container system, as needed.	3/1/2024
TASK 20	The Jurisdiction will require and verify the haulers will distribute organics recycling collection bins to all commercial businesses.	3/1/2024
TASK 21	The Jurisdiction will provide at minimum three-container waste collection service to 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. In implementing this container system, the Jurisdiction will ensure materials are sorted into the containers properly by generators.	3/1/2024

**Section 18984.3 Unsegregated Single Container Collection Services,
Section 18981.2 Implementation Requirement on Jurisdictions**

The Jurisdiction will provide unsegregated single container collection service to all residential and commercial generators.

Task #	Description	Target Completion Date
TASK 22	The Jurisdiction will develop an enforcement ordinance or other enforceable mechanism requiring compliance with organic waste collection service and present it to Board.	6/14/2022 (Task completion to be verified)
TASK 23	The Jurisdiction will revise its franchise agreement to allow for organic waste collection and processing. <ul style="list-style-type: none"> The Jurisdiction has been in negotiations, since August 2019, with one of its franchise haulers for one of the unincorporated Franchise Areas. The hauler will provide unsegregated, single-container collection service, and the hauler is required to comply with SB 1383 requirements in this area. The franchise agreement will serve as the primary compliance tool for hauler provided unsegregated collection programs, transfer and processing requirements, reporting, and other SB 1383 requirements that will be delegated to the franchised hauler. 	12/1/2023
TASK 24	The Jurisdiction will finalize and implement rate adjustments with the franchised waste hauler.	12/1/2023
TASK 25	The Jurisdiction will conduct the Proposition 218 process.	12/15/2023
TASK 26	The Jurisdiction will seek Board approval of franchise agreement.	1/31/2024
TASK 27	The Jurisdiction will require and verify the hauler will purchase additional collection containers, as needed.	3/1/2024
TASK 28	The Jurisdiction and hauler will modify collection routes, as needed.	3/1/2024
TASK 29	The Jurisdiction will require and verify the hauler will perform site assessments to determine service level needs, as needed.	3/1/2024
TASK 30	The Jurisdiction will require and verify the hauler will distribute collection containers to all residential and commercial businesses in the franchise area.	3/1/2024

TASK 31	The Jurisdiction will provide unsegregated single container waste collection service to residential and 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.	3/1/2024
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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
TASK 32	<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 allowed to take organic waste to the Jurisdiction's identified high diversion organic waste processing facility or facilities. • The geographical area the hauler(s) serves, the routes serviced, or a list of addresses served. 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. 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 	3/1/2024

	process and remove plastic bags when it recovers source separated organic waste.	
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Section 18984.5 Container Contamination Minimization

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

Task #	Description	Target Completion Date
TASK 33	<p>The Jurisdiction has determined that it will use route reviews to monitor container contaminants in the franchise areas serviced through three-container collection.</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. It is not required that every container on a hauler route be sampled annually. 	3/1/2024
TASK 34	The Jurisdiction will require and verify the haulers will develop a schedule for conducting route reviews.	3/1/2024
TASK 35	The Jurisdiction will require and verify the haulers will complete annual review of all three-container routes.	3/1/2024
TASK 36	<p>The Jurisdiction will establish a system for notifying generators of violations.</p> <p>Minimum requirements - Route reviews notice:</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. • 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. 	3/1/2024
TASK 37	The Jurisdiction will perform container contamination minimization for all routes that are not granted 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	3/1/2024

	to the Jurisdiction’s ordinance requiring compliance with the requirements of Section 18988.3.	
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Section 18984.6 Recordkeeping Requirements for Container Contamination Minimization

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

Task #	Description	Target Completion Date
TASK 38	The Jurisdiction will document the methods used to monitor container contaminants.	3/1/2024
TASK 39	The Jurisdiction and its haulers will establish a system for documenting route reviews conducted and tracking the violations for recordkeeping and reporting. The Jurisdiction will include the following information and documents in the Implementation Record: <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. 4. Copies of all notices issued to generators with prohibited container contaminants. 5. Documentation of the number of containers where the contents were disposed due to observation of prohibited container contaminants. 	3/1/2024
TASK 40	The Jurisdiction will begin documenting contamination minimization efforts and tracking number of violations.	3/1/2024

Section 18984.7 Container Color Requirements

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

Task #	Description	Target Completion Date
TASK 41	If purchasing new containers, the Jurisdiction will require and verify the haulers will provide new color-compliant containers for collection services to generators that do not already have all	3/1/2024

	required waste collection containers and when replacing damaged containers, and that the new containers comply with the container color requirements specified in Article 3 of the Regulations.	
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Section 18984.8 Container Labeling Requirements

The Jurisdiction will distribute new containers with proper container labeling.

Task #	Description	Target Completion Date
TASK 42	<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. 	3/1/2024

Section 18985.1 Organic Waste Recovery Education and Outreach

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

Task #	Description	Target Completion Date
TASK 43	The Jurisdiction, or its designee, will implement the education and outreach requirements.	3/1/2024
TASK 44	<p>The Jurisdiction and its haulers will provide organic waste recovery education and outreach to residential and commercial generators as applicable:</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 	3/1/2024

	<p>methods of organic waste recovery the organic waste collection service uses.</p> <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 45	The Jurisdiction will post the education information on its website, or equivalent, and update as needed. The information will be specific to the Jurisdiction's residential and commercial programs, provide compliance options, contact information for their franchise haulers, and edible food recovery programs.	3/1/2024
TASK 46	The Jurisdiction will require and verify the haulers will provide outreach, which could include posting and maintaining organic waste recovery information on their websites.	3/1/2024
TASK 47	The Jurisdiction, or its designee, will send print outreach, such as letters or equivalent, to covered residential and commercial generators providing organic waste recovery information.	3/1/2024
TASK 48	The Jurisdiction, or its designee, will mail a program flyer/brochure/letter, or equivalent, to covered residential and commercial generators to provide education on organics and explain the Jurisdiction's program, including types of organic materials accepted, and the franchise haulers' contact information.	3/1/2024
TASK 49	The Jurisdiction may conduct in person outreach, such as community meetings/workshops with residential and/or commercial generators.	3/1/2024
TASK 50	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	3/1/2024

	and independent of SB 1383, the SB 1383 Regulations, and this plan.)	
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The Jurisdiction will provide information indicating that organic waste is being processed at a high diversion organic waste processing facility.

Task #	Description	Target Completion Date
TASK 51	The Jurisdiction, or its designee, will develop, post, and maintain electronic information, such as on its website, indicating organic waste is processed at a high diversion organic waste processing facility.	3/1/2024
TASK 52	The Jurisdiction or its designee will include information on its printed materials (such as flyers/brochures/letters) indicating organic waste is processed at a high diversion organic waste processing facility, and update as needed.	3/1/2024
TASK 53	The Jurisdiction, or its designee, will provide outreach and education to organic waste generators that are provided unsegregated 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.)	3/1/2024

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 #	Description	Target Completion Date
TASK 54	The Jurisdiction will identify the non-English languages spoken by a substantial number of the public	3/1/2024

TASK 55	The Jurisdiction, or its designee, will translate applicable educational materials.	3/1/2024
TASK 56	The Jurisdiction will provide/post the translated educational materials.	3/1/2024

Section 18985.2 Edible Food Recovery Education and Outreach

The Jurisdiction will provide education and outreach to all commercial edible food generators.

Task #	Description	Target Completion Date
TASK 57	<p>The Jurisdiction will develop, maintain, and update a list of food recovery organizations and food recovery services operating within the Jurisdiction on the Jurisdiction’s website. The list will include the following information about each food recovery organization and each food recovery service:</p> <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. 	3/1/2024
TASK 58	<p>The Jurisdiction will annually provide all commercial edible food generators with the following:</p> <p>(A) Information about the Jurisdiction’s edible food recovery program established pursuant to Section 18991.1.</p> <p>(B) Information about the commercial edible food generator requirements specified in Article 10 of Chapter 12 of the Regulations.</p> <p>(C) Information about food recovery organizations and food recovery services operating within the Jurisdiction, and where a list of those food recovery organizations and food recovery services can be found.</p> <p>(D) Information about actions that commercial edible food generators can take to prevent the creation of food waste.</p>	3/1/2024
TASK 59	<p>The Jurisdiction will include edible food recovery information in various organic waste recovery education and outreach utilized by the Jurisdiction:</p> <ul style="list-style-type: none"> • Electronic (such as email, e-newsletter). • Print (such as flyer/brochure/letter). • Direct Contact (such as annual site visit). 	3/1/2024

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 60	The Jurisdiction will establish a system for documenting and compiling records related to education and outreach requirements for recordkeeping and reporting.	3/1/2024
TASK 61	<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"> • Copies of the information provided to comply with Article 4 of the Regulations, including flyers, brochures, newsletters, invoice messaging, and website and social media postings. • 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. 	3/1/2024

Section 18988.1 Jurisdiction Approval of Haulers and Self-Haulers

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 #	Description	Target Completion Date
TASK 62	The Jurisdiction will require and verify the haulers providing organic waste collection services will meet the requirements.	3/1/2024

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

Task #	Description	Target Completion Date
TASK 63	The Jurisdiction will adopt an enforcement ordinance or other enforceable mechanism requiring compliance with organic waste collection service.	6/14/2022 (Task completion to be verified)
TASK 64	The Jurisdiction will draft an enforcement ordinance or similarly enforceable mechanism requiring self-haulers to comply and present to Board. <ul style="list-style-type: none"> • The Jurisdiction will be authorized to issue self-haul exemptions for the collection of organic waste as prescribed in Section 18988.1. • Areas where mandatory collection services will be established will be notated in the Board-approved franchise agreements; therefore, the self-haul program will not be implemented to exempt generators from mandatory collection until mandatory collection is implemented. 	3/1/2024
TASK 65	The enforcement ordinance(s) will be effective.	3/1/2024

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 66	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 67	The Jurisdiction will begin tracking and compiling documentation in the Implementation Record and will include at a minimum: <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. 	3/1/2024

	<ul style="list-style-type: none"> ○ 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 action taken by the Jurisdiction.</p>	
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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 68	<p>The Jurisdiction will register Commercial Edible Food Generators, Food Recovery Organizations, and Food Recovery Services in its permit program.</p> <ul style="list-style-type: none"> ● The Jurisdiction will first focus on registering Tier 1 Commercial generators, Food Recovery Organizations, and Food Recovery Services first to comply with the inspection requirements of 18995.1. ● Following the registration of Tier 1 Commercial generators, Food Recovery Organizations, and Food Recovery Services, the Jurisdiction will begin registering and educating Tier 2 generators. 	3/1/2024
TASK 69	The Jurisdiction will increase commercial edible food generator access to food recovery organizations and food recovery services.	3/1/2024
TASK 70	The Jurisdiction will monitor commercial edible food generator compliance and enforce the commercial edible food generator requirements.	3/1/2024
TASK 71	If the analysis required by Section 18992.2 indicates the Jurisdiction does not have sufficient capacity to meet its edible food recovery needs, the Jurisdiction will increase edible food recovery capacity.	3/1/2024

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
TASK 72	The Jurisdiction will establish a system for documenting and compiling records related to the edible food recovery program for recordkeeping and reporting.	9/30/2022 (Task completion to be verified)
TASK 73	<p>The Jurisdiction will begin tracking and compiling documentation and include the following 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. 	3/1/2024

Section 18992.2 Edible Food Recovery Capacity

The Jurisdiction will conduct Edible Food Recovery Capacity Planning.

Task #	Description	Target Completion Date
TASK 74	<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. Identify proposed new or expanded food recovery organizations and food recovery services that will be used to recover edible food identified. 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. 	4/10/2023
TASK 75	The Jurisdiction will compile data received from cities/regional agencies including its own data to determine:	8/22/2023

	<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. 	
TASK 76	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.	9/5/2023
TASK 77	<p>The Jurisdiction will notify the city/cities and/or regional agency/regional agencies that they lack sufficient capacity, if applicable, 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. 	9/5/2023
TASK 78	The Jurisdiction will submit the Capacity Planning Report to CalRecycle	10/5/2023

Section 18993.1 Recovered Organic Waste Product Procurement Target

The Jurisdiction will procure organic waste products to meet its procurement target.

Task #	Description	Target Completion Date
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TASK 79	<p>The Jurisdiction will begin purchasing recovered organic waste products so that the Jurisdiction will annually procure a quantity of recovered organic waste products that meets or exceeds its current annual recovered organic waste product procurement target by one or both of the following:</p> <ul style="list-style-type: none"> • Directly procuring recovered organic waste products for use or giveaway. • Requiring, through a written contract or agreement, that a direct service provider to the Jurisdiction, including franchised waste haulers, procure recovered organic waste products and provide written documentation of such procurement to the Jurisdiction. 	1/1/2024
TASK 80	The Jurisdiction will research and identify areas to purchase remaining recovered organic waste products to meet target.	3/1/2024
TASK 81	The Jurisdiction will meet regulatory procurement targets established by CalRecycle pursuant to 14 CCR section 18993.1; enforcement of this provision by CalRecycle will be consistent with the legislative directives in PRC section 42652.5 (a)(5)(B) and 42652.6, as amended in AB 1985 (R. Rivas, Chapter 344, Statutes of 2022).	3/1/2024

Section 18993.2 Recordkeeping Requirements for Recovered Organic Waste Procurement Target

The Jurisdiction will establish recordkeeping related to recovered organic waste procurement.

Task #	Description	Target Completion Date
TASK 82	<p>The Jurisdiction will include all documents supporting compliance with Article 12 of the Regulations in the implementation record including, but not limited to, the following:</p> <ul style="list-style-type: none"> • A description of how the Jurisdiction will comply with the requirements of Article 12 of the Regulations. • The name, physical location, and contact information of each entity, operation, or facility from whom the recovered organic waste products were procured, and a general description of how the product was used, and if applicable, where the product was applied. • All invoices or similar records evidencing all procurement. • If including procurement of recovered organic waste products made by a direct service provider to comply with 	3/1/2024

the procurement requirements of section 18993.1(a), the Jurisdiction will include all records of procurement of recovered organic waste products made by the direct service provider on behalf of the Jurisdiction including invoices or similar records evidencing procurement.

- If a jurisdiction will include renewable gas procured from a POTW for any of the uses identified in section 18993.1(f)(2) to comply with the procurement mandate of Section 18993.1(a), a written certification by an authorized representative of the POTW, under penalty of perjury in a form and manner determined by the Jurisdiction, attesting to the following for the applicable procurement compliance year:
 - (A) That the POTW was in compliance with the exclusion in Section 17896.6(a)(1);
 - (B) The total tons of organic waste received from the types of solid waste facilities listed in Section 18993.1(h)(1); and
 - (C) The percentage of biosolids that the POTW produced and transported to activities that constitute landfill disposal.
- If a jurisdiction will include electricity procured from a biomass conversion facility to comply with the procurement mandate of Section 18993.1(a), a written certification by an authorized representative of the biomass conversion facility certifying that biomass feedstock was received from a permitted solid waste facility identified in 18993.1(i) will be provided to the Jurisdiction. The certification will be furnished under penalty of perjury in a form and manner determined by the Jurisdiction.
- If the Jurisdiction is implementing the procurement requirements of Section 18993.1 through an adjusted recovered organic waste product procurement target pursuant to Section 18993.1(j), the Jurisdiction will include records evidencing the total amount of transportation fuel, electricity, and gas for heating applications procured during the calendar year prior to the applicable reporting period.
- For jurisdictions complying with the requirements of Section 18993.1, through the procurement of mulch, a copy of the ordinance or similarly enforceable mechanism the Jurisdiction has adopted requiring that mulch procured by the Jurisdiction, or a direct service provider meets the land application standards specified in Section 18993.1.

Section 18993.3 Recycled Content Paper Procurement Requirements

The Jurisdiction will require all businesses from whom it purchases paper products and printing and writing paper to comply with the requirements of the section.

Task #	Description	Target Completion Date
TASK 83	<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. • 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. 	3/1/2024

Section 18993.4 Recordkeeping Requirements for Recycled Content Paper Procurement

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

Task #	Description	Target Completion Date
TASK 84	The Jurisdiction will establish a system for tracking purchases for recordkeeping and reporting.	3/1/2024
TASK 85	<p>The Jurisdiction will begin tracking and compiling documentation, 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. <p>Note: Please note that invoices often include multiple items purchased and paper purchases are not included on separate</p>	3/1/2024

	invoices; therefore, the invoices may contain other tangential purchases from the same vendors.	
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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 86	The Jurisdiction will develop an inspection and enforcement program to ensure overall compliance with Regulations.	3/1/2024
TASK 87	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 that generate two cubic yards or more per week of solid waste, including organic waste.

Task #	Description	Target Completion Date
TASK 88	<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>For generators serviced by three-container collection services, 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. <p>For generators serviced by unsegregated collection services, the Jurisdiction will determine compliance with:</p> <ul style="list-style-type: none"> • Organic waste generator requirements set forth in Section 18984.9(a) and document if the business is transporting the contents to a high diversion organic waste processing facility; or 	3/1/2024

	<ul style="list-style-type: none"> Self-haul requirements set forth in section 18988.3, including whether a business is complying through back-hauling organic waste. 	
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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 89	The Jurisdiction will establish a system for tracking inspections and enforcement actions for recordkeeping and reporting.	3/1/2024
TASK 90	<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. 	3/1/2024

	<ul style="list-style-type: none"> • 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. 	
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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:

Melissa Gomez
Melissa.gomez@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 30, 2023

Signature on file

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

FIRST ADDENDUM TO CORRECTIVE ACTION PLAN NO. 1412.SLCP.CAP.2023.3

San Bernardino - Unincorporated Amendment of Tasks and Timelines in Corrective Action Plan No. 1412.SLCP.CAP.2023.3.

On July 10, 2023 and then revised on August 23, 2023, San Bernardino - Unincorporated requested an amendment to part of their tasks and timeline for Corrective Action Plan No. 1412.SLCP.CAP.2023.3. The justifications provided for the timeline amendments and task requirements are included in the attached requests.

Requested Changes to Tasks and Timelines:

Task #	Original Task Language	Proposed Task Language	Original Date	Amended Date
5	The Jurisdiction will seek Board approval of the four franchise agreements.	The Jurisdiction will seek Board approval of the seventeen franchise agreements.	12/13/2022 (Task completion to be verified)	N/A
15	The Jurisdiction will seek Board approval of the four franchise agreements.	The Jurisdiction will seek Board approval of the seventeen franchise agreements.	12/13/2022 (Task completion to be verified)	N/A
74	For this task, there is no change to original language.	N/A	4/10/2023	9/29/2023
75	For this task, there is no change to original language.	N/A	8/22/2023	2/10/2024
76	For this task, there is no change to original language.	N/A	9/5/2023	2/17/2024
77	For this task, there is no change to original language.	N/A	9/5/2023	2/17/2024
78	For this task, there is no change to original language.	N/A	10/5/2023	3/1/2024

San Bernardino - Unincorporated's request for task timeline amendments shows good cause and provides reasonable alternate tasks and timelines for completion. The impacted tasks do not affect the final completion date of the Corrective Action Plan. Therefore, the request is approved. The amendment will be included as an addendum to the March 30, 2023, Corrective Action Plan No.1412.SLCP.CAP.2023.3.

Dated: September 29, 2023

Signature on file

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

Attachment 1: San Bernardino - Unincorporated's Task Amendment Request

Attachment 2: San Bernardino - Unincorporated's Timeline Amendment Request