

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

CORRECTIVE ACTION PLAN AND COMPLAINT FOR PENALTY
1435.SLCP.CAP.2023.1

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

In the Matter of: San Mateo - Unincorporated
 455 County Center, 4th Floor
 Redwood City, CA 90463

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 herein 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 Mateo - 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 28, 2022.
 - 2.1 CalRecycle reviewed the Jurisdiction's Notification, its description of the Jurisdiction's disclosed violations of the Regulations, and proposed actions and schedule for those actions to remedy those violations for compliance with PRC section 42652.5(e). CalRecycle approved the Notification's proposed actions and schedule of actions, as modified by this CAP.
 - 2.2 The Jurisdiction's Notification identified the following violations of the Regulations as follows:

- 2.2.1 The Jurisdiction is and has been in violation of 14 CCR section 18984.1 in that since January 1, 2022, the Jurisdiction has not provided three-container organic waste collection service to all residential and commercial generators and/or has not included food scrap collection service in the three-container collection system provided to all residential and commercial generators.
- 2.2.2 The Jurisdiction is and has been in violation of 14 CCR section 18984.2 in that since January 1, 2022, the Jurisdiction has not provided two-container organic waste collection service to all residential and commercial generators and/or has not included food scrap collection service in the two-container collection system provided to all residential and commercial generators.
- 2.2.3 The Jurisdiction is and has been in violation of 14 CCR section 18984.3 in that since January 1, 2022, the Jurisdiction has not provided an unsegregated single container collection service to all residential and commercial generators.
- 2.2.4 The Jurisdiction is and has been in violation of 14 CCR section 18984.11 in that since January 1, 2022, the Jurisdiction has not verified each waived generator is eligible for a waiver.
- 2.2.5 The Jurisdiction is and has been in violation of 14 CCR section 18984.14. in that since January 1, 2022, the Jurisdiction has not met recordkeeping requirements for jurisdiction-issued waivers and exemptions.
- 2.2.6 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.
- 2.2.7 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.
- 2.2.8 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.
- 2.2.9 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 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.

The Jurisdiction is and has been in violation of 14 CCR section 18995.1 in that since April 1, 2022, the Jurisdiction has not conducted annual route reviews of commercial businesses and residential generators for compliance with organic waste generator requirements set forth in section 18984.9(a) and container contamination requirements set forth in section 18984.5.

2.2.12 The Jurisdiction is and has been in violation of Title 14 CCR section 18995.2 in that since January 1, 2022, the Jurisdiction has not included the following in the Implementation Record:

- a. A copy of all ordinances or other similarly enforceable mechanisms, contracts, and agreements, as required by the Regulations.
- b. A written description of the jurisdiction's inspection and enforcement program that it uses to comply with sections 18995.1 and 18995.4.
- c. All organic waste collection service records required by section 18984.4.
- d. All contamination minimization records required by section 18984.6.
- e. All waiver and exemption records required by section 18984.14.
- f. All education and outreach records required by section 18985.3.
- g. All hauler program records required by section 18988.4.
- h. All jurisdiction edible food recovery program records required by section 18991.2.
- i. All recovered organic waste procurement target records required by section 18993.2.
- j. All recycled content paper procurement records required by section 18993.4.
- k. All inspection, route review, and compliance review documents generated pursuant to the requirements of section 18995.1(d).
- l. All records of enforcement actions undertaken pursuant to the Regulations.
- m. All records of complaints and investigations of complaints required by section 18995.3 and compliance with the jurisdiction's inspection and enforcement requirements of sections 18995.1.

2.3 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 January 25, 2023 through March 1, 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: March 31, 2023, covering January 1, 2023 – February 28, 2023

Report 2: May 31, 2023, covering March 1, 2023 – April 30, 2023

Report 3: July 31, 2023, covering May 1, 2023 – June 30, 2023

Report 4: September 30, 2023, covering July 1, 2023 – August 31, 2023

Report 5: November 30, 2023, covering September 1, 2023 – October 31, 2023

Report 6: January 31, 2024, covering November 1, 2023 – December 31, 2023

Report 7: 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 February 2023

Meeting 2: During April 2023

Meeting 3: During June 2023

Meeting 4: During August 2023

Meeting 5: During October 2023

Meeting 6: During December 2023

Meeting 7: 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.

Table 1. Schedule and Program of Actions

**Section 18984.1 Three-Container Organic Waste Collection Services,
Section 18984.2 Two-Container Organic Waste Collection Services, AND/OR
Section 18984.3 Unsegregated Single Container Collection Services**

The Jurisdiction will provide either three-container/two-container/unsegregated single container collection service to all residential and commercial generators that do not currently have service.

Note: There may be more than one collection system type utilized by various haulers through non-exclusive franchise agreement.

TASK #	Description	Target Completion Date
TASK 1	The Jurisdiction will meet with all affected haulers to begin Non-Exclusive Franchise Agreement (NEFA) negotiations.	9/30/2022 (Task completion to be verified)
TASK 2	<p>The Jurisdiction will develop new Non-Exclusive Franchise Agreements (“NEFAs”) for the following haulers to align with Section 4.04.025 of the Jurisdiction’s Ordinance Code (“Ordinance Code”): GreenWaste, South San Francisco Scavenger, Kunz Valley Trash, Republic Services, and Recology of the Coast.</p> <ul style="list-style-type: none"> • These agreements are for the unincorporated areas that are currently not covered by a contract or an exclusive franchise agreement. • Some areas include both residential and commercial generators. 	1/1/2023 (Task completion to be verified)
TASK 3	The Jurisdiction will survey haulers for equipment and assets during to determine if there is an ongoing impact related to supply chain issues.	3/31/2023
TASK 4	The Jurisdiction will complete NEFA negotiations with affected haulers.	6/1/2023
TASK 5	The Jurisdiction will work with NEFA haulers to assess the need for additional organic waste and recycling carts.	7/1/2023
TASK 6	The Jurisdiction will require and verify NEFA haulers purchase additional organic waste and recycling collection carts, if needed.	7/1/2023
TASK 7	The Jurisdiction will work with NEFA haulers to start distributing organics recycling collection bins to all generators that do not currently have service.	7/1/2023
TASK 8	The Jurisdiction will seek approval of the NEFAs by the Board of Supervisors.	8/1/2023

TASK 9	<p>The Jurisdiction in consultation with the haulers will work to find additional facilities to accept mixed organic waste.</p> <ul style="list-style-type: none"> • A Capacity Planning Implementation Schedule has been submitted to CalRecycle on 11/30/2022. • Additional facilities are being sought for future needed capacity. 	3/1/2024
TASK 10	<p>The Jurisdiction will provide either three-container/two-container/unsegregated single container collection service to all 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. In implementing these container systems, the Jurisdiction will ensure materials are sorted into the containers properly by generators.</p>	3/1/2024

Section 18984.11 Waivers

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

TASK #	Description	Target Completion Date
TASK 11	<p>The Jurisdiction will establish a procedure for verifying eligibility and granting waivers for unincorporated areas outside the South Bayside Waste Management Authority (“SBWMA”) service area.</p>	3/1/2023
TASK 12	<p>The Jurisdiction will revise the SB 1383 section of its Office of Sustainability website to include the waiver/exemptions forms for areas outside of the SBWMA as defined in the Ordinance Code.</p> <ul style="list-style-type: none"> • The Jurisdiction is currently working on a software module for documenting waivers and self-hauler reporting. • On the Office of Sustainability website, customers can contact the Jurisdiction via email for more information about waivers listed in the Ordinance Code. 	3/1/2023

Section 18984.14 Recordkeeping Requirements for Waivers and Exemptions

The Jurisdiction will establish recordkeeping for waivers and exemptions.

TASK #	Description	Target Completion Date
TASK 13	The Jurisdiction will establish a software module for documenting and compiling records related to waivers and exemptions for recordkeeping and reporting.	3/1/2023
TASK 14	The Jurisdiction will begin documenting and compiling waiver and exemption records.	3/1/2023

Section 18988.1 Jurisdiction Approval of Haulers and Self-Haulers

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

TASK #	Description	Target Completion Date
TASK 15	The Jurisdiction's enforcement ordinance requiring self-haulers to comply, approved on December 7, 2021, will be enforced.	3/1/2023
TASK 16	The Jurisdiction will require haulers providing organic waste collection services to meet the requirements. <ul style="list-style-type: none">The Jurisdiction will develop a software module for haulers to use to assist in program implementation.	3/1/2023

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 17	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, Exclusive and Non-Exclusive Franchise Agreements (NEFA) relevant to this sectionA description of the Jurisdiction's haulers' program including:<ul style="list-style-type: none">Type(s) of hauler system(s) the jurisdiction uses	7/1/2023

	<ul style="list-style-type: none"> ○ Any requirements associated for self-hauling and backhauling per the Ordinance Code ○ The process for issuing and terminating NEFAs ● A record of hauler compliance with local ordinance(s) and the requirements of this article including the following information: <ul style="list-style-type: none"> ○ Copies of all reports required from haulers ○ Copies of all written approvals and terminations <p>All records will include the date, the name of the hauler and program.</p>	
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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
TASK 18	The Jurisdiction will design and host trainings to educate Jurisdiction staff making procurement decisions about the Jurisdiction’s new SB 1383 compost procurement policy and procurement requirements.	6/29/2022 (Task completion to be verified)
TASK 19	The Jurisdiction will develop a compost broker program in which compost and/or mulch is procured and applied on the Jurisdiction’s behalf.	9/1/2022 (Task completion to be verified)
TASK 20	The Jurisdiction will coordinate with its departments to identify additional procurement opportunities within its departments and divisions for expanding the use of recovered organic waste products.	4/1/2023
TASK 21	The Jurisdiction will assess potential to incorporate direct service provider agreements into the Jurisdiction’s Model Water Efficient Landscaping Ordinance permitting process.	4/1/2023
TASK 22	The Jurisdiction will continue to work with external partners/compost organizations to identify sources and applications of compost for the 2023 calendar year.	12/31/2023
TASK 23	The Jurisdiction will work with partners and consultants to annually procure a quantity recovered organic waste products that meets or exceeds its current annual recovered organic waste product procurement target by one or both of the following:	12/31/2023

	<ul style="list-style-type: none"> • Directly procuring recovered organic waste products for use or giveaway. <ul style="list-style-type: none"> ○ For example, the Jurisdiction is considering the purchase of SB 1383 eligible compost and applying this compost on farm and rangeland across the state on behalf of the Jurisdiction. <p>Requiring, through a written contract or agreement, that a direct service provider to the Jurisdiction procure recovered organic waste products and provide written documentation of such procurement to the Jurisdiction.</p>	
TASK 24	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 18993.3. Recycled Content Paper Procurement Requirements

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

TASK #	Description	Target Completion Date
TASK 25	The Jurisdiction will offer and provide outreach and compliance assistance to each department.	4/1/2022 (Task completion to be verified)
TASK 26	The Jurisdiction will host trainings to educate staff conducting procurement about the Jurisdiction’s new SB 1383 paper product procurement policy and how to comply.	6/29/2022 (Task completion to be verified)
TASK 27	The Jurisdiction will research and identify vendors with paper products meeting the requirements of sections 22150-22154 of the Public Contract Code.	3/1/2024
TASK 28	<p>The Jurisdiction will procure paper products that meet the requirements.</p> <p>Note:</p> <ul style="list-style-type: none"> • All of the Jurisdiction’s new or renewed paper products, and printing and writing paper vendor agreements are subject to the Jurisdiction’s SB 1383 paper product procurement policy. 	3/1/2024

	<ul style="list-style-type: none"> • All vendors to the Jurisdiction will only offer products compliant with the requirements as all old vendor agreements expire. Expiration of some contracts may be beyond the task completion date indicated. • Current supply chain issues may impact paper procurement compliance. 	
TASK 29	<p>The Jurisdiction will monitor the timing for when contracts and vendor agreements expire, and any renewed will be subject to the Jurisdiction’s SB 1383 paper product procurement policy.</p> <ul style="list-style-type: none"> • Expiration of some contracts may be beyond the task completion date indicated. • Until these agreements are renewed, the Jurisdiction will work with Procurement Department and any countywide paper product vendors to determine how the vendors can comply within the scope of the current contract with the Jurisdiction. 	3/1/2024
TASK 30	<p>The Jurisdiction will require all businesses from whom the jurisdiction purchases paper products 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’s 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. <p>Note:</p> <ul style="list-style-type: none"> • All of the Jurisdiction’s new or renewed paper products, and printing and writing paper vendor agreements are subject to the Jurisdiction’s SB 1383 paper product procurement policy. • All vendors to the Jurisdiction will only offer products compliant with the requirements as all old vendor agreements expire. Expiration of some contracts may be beyond the task completion date indicated. • Current supply chain issues may impact paper procurement compliance. 	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 31	The Jurisdiction will establish a system for tracking purchases for recordkeeping and reporting.	3/17/2022 (Task completion to be verified)
TASK 32	The Jurisdiction will begin tracking and compiling documentation, including but not limited to the following: <ul style="list-style-type: none"> Copies of invoices, receipts or other proof of purchase that describe the procurement of paper products by volume and type for all paper purchases. Copies of all certifications or other verification required. 	7/1/2023

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 33	The Jurisdiction will develop Memorandums of Understanding with two jurisdictions serving unincorporated areas and/or develop provisions in its NEFAs that specify route review requirements for contracted entities to follow to meet the requirements.	2/1/2023
TASK 34	The Jurisdiction will develop its Non-Exclusive Franchise Agreements (NEFAs) that specify route review requirements for contracted entities per the Ordinance Code and SB 1383 <ul style="list-style-type: none"> NEFA areas will be determined by 7/1/2023. 	7/1/2023
TASK 35	The Jurisdiction will design an inspection and enforcement program to ensure overall compliance with regulations around organic waste collections. <ul style="list-style-type: none"> The NEFA process will determine which haulers will be contracted to conduct inspections, or if inspections will be the responsibility of the Jurisdiction, or another jurisdiction serving unincorporated areas, or another entity. 	9/1/2023

TASK 36	<p>The Jurisdiction will determine if additional approval is needed by County Manager and Board of Supervisors for the inspection and enforcement program.</p> <ul style="list-style-type: none"> The Board of Supervisors already approved amending the Ordinance Code to include language for Enforcement (Ordinance Code Section 4.04.180 - Enforcement actions for Recycling and Organic Waste Generators). 	9/1/2023
TASK 37	<p>The Jurisdiction will ensure the inspection and enforcement program is fully implemented.</p> <ul style="list-style-type: none"> In the SBWMA service area, inspection began on 11/30/22. 	9/1/2023
TASK 38	<p>In collaboration with haulers, other jurisdictions, and the SBWMA, the Jurisdiction will conduct annual route reviews of commercial businesses and residential generators for compliance with organic waste generator requirements and container contamination requirements.</p> <ul style="list-style-type: none"> In the SBWMA service area, the compliance program has already started. 	12/1/2023

Section 18995.2 Implementation Record and Recordkeeping Requirements

The Jurisdiction will establish recordkeeping related to jurisdiction inspection requirements.

TASK #	Description	Target Completion Date
TASK 39	The Jurisdiction will establish a system for tracking inspections.	3/1/2023
TASK 40	The Jurisdiction will implement a system for tracking enforcement actions.	9/1/2023
TASK 41	<p>The Jurisdiction will begin tracking and compiling documentation.</p> <ul style="list-style-type: none"> The Implementation Record will be stored in one central location, physical or electronic, that can be readily accessed by CalRecycle. 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. Include all documents supporting compliance in the implementation record including, but not limited to, the following: 	3/1/2024

	<ul style="list-style-type: none"> • A copy of all ordinances or other similarly enforceable mechanisms, contracts, and agreements, as required by this chapter. • 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(s) program records required by Section 18988.4. (All annual hauler reports are due to the Jurisdiction on or before February 1 of each calendar year, per the NEFA) • All jurisdiction edible food recovery program records required by Section 18991.2. • All recovered organic waste procurement target records required by Section 18993.2. • All recycled content paper procurement records required by Section 18993.4. • All inspection, route review, and compliance review documents generated pursuant to the requirements of Section 18995.1(d). • All records of enforcement actions undertaken pursuant to this chapter. (Due its sensitive nature, enforcement may be tracked in an internal Accela program) • All records of complaints and investigations of complaints required by Section 18995.3 and compliance with the jurisdiction's inspection. • All records required by Section 18998.4 if the jurisdiction is implementing a performance-based source separated organic waste collection service under Article 17 of the Regulations. 	
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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:

Samuel Sasu
samuel.sasu@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 January 25, 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. 1435.SLCP.CAP.2023.1

San Mateo - Unincorporated Amendment of Timelines in Corrective Action Plan No. 1435.SLCP.CAP.2023.1

On May 1, 2023, San Mateo - Unincorporated requested an amendment to part of their timeline for Corrective Action Plan No. 1435.SLCP.CAP.2023.1. San Mateo – Unincorporated only requested a change in the timelines, not a change in the task requirements. The justification provided for extension is included in the attached request.

Requested Changes to Tasks Timelines:

Task #	Original Dates	Amended Dates
4	6/1/2023	9/1/2023
7	7/1/2023	11/1/2023
8	8/1/2023	11/1/2023

San Mateo – Unincorporated’s request for timeline amendment shows good cause and provides a reasonable alternate timeline 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 January 25, 2023 Corrective Action Plan No. 1435.SLCP.CAP.2023.1

Dated: May 5, 2023

Signature on file

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

Attachment 1: San Mateo – Unincorporated’s Time Amendment Request

Sent via Certified Mail

SECOND ADDENDUM TO CORRECTIVE ACTION PLAN NO. 1435.SLCP.CAP. 2023.1

San Mateo - Unincorporated Amendment of Timelines in Corrective Action Plan No. 1435.SLCP.CAP.2023.1

On December 19, 2023, San Mateo - Unincorporated requested an amendment to part of its timeline for Corrective Action Plan No. 1435.SLCP.CAP.2023.1. San Mateo – Unincorporated only requested a change in the timelines, not a change in the task requirements. The justifications provided for the timeline amendments are included in the attached request.

Requested Changes to Timelines:

Task #	Original Date	First Amended Date	Second Amended Date
4	6/1/2023	9/1/2023	12/31/2023
7	7/1/2023	11/1/2023	3/1/2024
8	11/1/2023	8/1/2023	3/1/2024
23	12/31/2023	N/A	3/1/2024
35	9/1/2023	N/A	3/1/2024
36	9/1/2023	N/A	3/1/2024
37	9/1/2023	N/A	3/1/2024
38	12/1/2023	N/A	3/1/2024

San Mateo – Unincorporated's request for timeline amendments shows good cause and provides reasonable alternate 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 a second addendum to the January 25, 2023 Corrective Action Plan No. 1435.SLCP.CAP.2023.1.

Dated: February 8, 2024

Signature on file

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

Attachment 1: San Mateo – Unincorporated's Timeline Amendment Request (Second Addendum)