

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

CORRECTIVE ACTION PLAN AND COMPLAINT FOR PENALTY
1250.SLCP.CAP.2022.12

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

In the Matter of: Kern-Unincorporated
 2700 "M" Street, Suite 450
 Bakersfield, CA 93301

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 The Kern-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 14, 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.
 - 2.2.2 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.
 - 2.2.3 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.
 - 2.2.4 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.
 - 2.2.5 The Jurisdiction is and has been in violation of 14 CCR sections 18981.2 in that since January 1, 2022, the Jurisdiction allows generators to self-haul, but has not adopted an ordinance or a similarly enforceable mechanism that requires compliance with the requirements in section 18988.3 of the Regulations.
- 2.3 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 December 16, 2022 through December 31, 2023 ("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: February 28, 2023, covering December 1, 2022 – January 31, 2023

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

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

Report 4: August 31, 2023, covering June 1, 2023 – July 31, 2023

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

Report 6: December 31, 2023, covering October 1, 2023 – November 30, 2023

Report 7: February 28, 2024, covering December 1, 2023 – December 31, 2023

- 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 January 2023

Meeting 2: During March 2023

Meeting 3: During May 2023

Meeting 4: During July 2023

Meeting 5: During September 2023

Meeting 6: During November 2023

- j. The status meetings are to be used to discuss the most recent status report and to discuss interim progress made by the Jurisdiction on each of the identified tasks in the CAP.
- k. Prior to the close of the oversight period, CalRecycle may undertake a compliance review or field visit to supplement other status reporting.
- l. At any time prior to the conclusion of the oversight period, if CalRecycle determines the Jurisdiction has failed to implement the programs identified in the Notification and CAP, has failed to participate in status reporting during the oversight period, has substantially misrepresented its progress in status reporting, or has substantially failed to make interim progress on Tasks set out in Section 3.2 for four consecutive reporting periods, CalRecycle may immediately issue a notice revoking its approval of the Notification and CAP and indicating its intent to impose penalties as provided in PRC section 42652.5. Title 14 CCR sections 18997.3, 18997.5, and 18997.6 and PRC section 42652.5 governs the process and considerations CalRecycle will utilize in calculating and assessing administrative civil penalties against the Jurisdiction, which may be up to \$10,000 per day per violation.

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

3.2 Schedule and Program of Actions

Section 18984.1 Three-Container Organic Waste Collection Services

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

TASK #	Description	Target Completion Date
TASK 1	The Jurisdiction will identify areas and generators in census track with population densities greater than 75 person/sq. mile that will now require 3-container collection services.	3/1/22 (Task completion to be verified)
TASK 2	The Jurisdiction will send new generator lists to the franchise haulers.	3/1/22 (Task completion to be verified)
TASK 3	The Jurisdiction will complete legal descriptions of the new Universal Areas – 3-container collection.	3/1/22 (Task completion to be verified)
TASK 4	The Jurisdiction will establish an agreement with an organic waste collection service providers (i.e., complete agreement negotiations)	7/1/2023

TASK 5	The Jurisdiction will finalize rate adjustment(s) – Complete 218 processes for proposed increases in collection service rates.	7/1/2023
TASK 6	The Jurisdiction will work with its hauler(s) to find a compost facility to accept organic waste.	3/1/22 (Task completion to be verified)
TASK 7	The Jurisdiction will require and verify the hauler(s) will purchase additional collection vehicles, as necessary.	12/31/2023
TASK 8	Jurisdiction will provide 3-container waste collection service to all residential customers that are not subject to an exemption or waiver from such service under 14 CCR sections 18984.12, 18986.3, 18984.11, 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 18988.3.	12/31/2023

Section 18984.1 Three-Container Organic Waste Collection Services

The Jurisdiction will provide three-container organic waste collection service to all commercial generators. Note: County provides a 3-cart system to most of the county, but not entire county.

TASK #	Description	Target Completion Date
TASK 9	The Jurisdiction will develop and adopt an ordinance to present to Board of Supervisors.	Prior to 4/1/2022 (Task completion to be verified)
TASK 10	The Jurisdiction will implement 3-container collection system for commercial customers in new universal collection areas.	12/31/2023
TASK 11	The Jurisdiction will work with its hauler(s) to find a compost facility to accept organic waste.	3/1/22 (Task completion to be verified)
TASK 12	The Jurisdiction will establish an agreement with an organic waste collection service providers.	7/1/2023
TASK 13	The Jurisdiction will require and verify the hauler(s) will purchase additional collection vehicles, as necessary.	12/31/2023
TASK 14	The Jurisdiction will work with and ensure its hauler(s) identify collection routes.	12/31/2023
TASK 15	The Jurisdiction will work with and ensure its haulers perform site assessments to determine service level needs.	7/1/2023

TASK 16	Jurisdiction will provide 3-container waste collection service to all commercial customers that are not subject to an exemption or waiver from such service under 14 CCR sections 18984.12, 18986.3, 18984.11, 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 18988.3.	12/31/2023
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Section 18984.5 Container Contamination Minimization

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

TASK #	Description	Target Completion Date
TASK 17	The Jurisdiction will determine the method it will use to monitor container contaminants.	7/1/2023 (Task completion to be verified)
TASK 18	The Jurisdiction will work with and ensure its hauler(s) develop a schedule for conducting route reviews.	7/1/2023
TASK 19	<p>The Jurisdiction will meet its container contamination minimization requirements by having its hauler(s) conduct route reviews for prohibited container contaminants on containers in a manner that results in all hauler routes being reviewed annually. Containers may be randomly selected along a hauler route.</p> <ul style="list-style-type: none"> The Jurisdiction will require and verify the hauler(s) will have completed annual reviews of all routes. 	12/31/2023
TASK 20	<p>The Jurisdiction will establish a system for notifying generators of violations.</p> <p>Minimum requirements - Route reviews:</p> <ul style="list-style-type: none"> The contamination notice shall, 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. 	12/31/2023

TASK 21	Jurisdiction will perform container contamination minimization for all routes that are not subject to an exemption or waiver from such service under 14 CCR sections 18984.11 and 18984.12 (a) and (c), or are not an authorized self-hauler subject to the Jurisdiction's ordinance requiring compliance with the requirements of section 18988.3.	12/31/2023
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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 number of notices issued.

TASK #	Description	Target Completion Date
TASK 22	The Jurisdiction will document the methods used to monitor container contaminants.	7/1/2023
TASK 23	<p>The Jurisdiction will establish a system for documenting route reviews conducted and tracking the violations for recordkeeping and reporting.</p> <p>The Jurisdiction will include the following information and documents in the Implementation Record</p> <ol style="list-style-type: none"> 1. A description of the jurisdiction's process for determining the level of container contamination. 2. Documentation of route reviews conducted, if applicable. 3. If applicable, documentation of waste evaluations performed, including information on targeted route reviews conducted as a result of the studies. The documentation shall at a minimum include dates of the studies, the location of the solid waste facility where the study was performed, routes, source sector (e.g. commercial or residential), number of samples, weights and ratio of prohibited container contaminants and total sample size. 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. 	7/1/2023
TASK 24	The Jurisdiction will begin and continue to document contamination minimization efforts and tracking number of violations.	7/1/2023

Section 18984.8 Container Labeling Requirements

The Jurisdiction will distribute new or replacement containers with proper container labeling.

TASK #	Description	Target Completion Date
TASK 25	The Jurisdiction will develop labeling for use on containers. 1. Labels on containers must include language or graphic images or both indicating the primary materials accepted and the primary materials prohibited in that container, OR 2. Containers must include imprinted text or graphic images indicating the primary materials accepted and the primary materials prohibited in that container. 3. Jurisdiction may use model labeling provided by the Department.	7/1/2023
TASK 26	The Jurisdiction will require and verify the hauler will label each new container or lid provided to generators. <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.	7/1/2023

Section 18981.2(a) Implementation Requirement on Jurisdictions

The Jurisdiction will adopt an enforceable ordinance or similarly enforceable mechanism consistent with the requirements of Chapter 12 to mandate that organic waste generators, haulers, and other entities subject to the requirements comply with the requirements.

TASK #	Description	Target Completion Date
TASK 27	The Jurisdiction will complete draft resolution of municipal code changes.	1/1/2022 (Task completion to be verified)
TASK 28	The Jurisdiction will complete counsel review and approval.	2/28/2022 (Task completion to be verified)
TASK 29	The Jurisdiction will complete board approval.	4/1/2022 (Task completion to be verified)

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:

Spencer Fine
Spencer.fine@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 December 16, 2022

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.1250.SLCP.CAP.2022.12

Kern - Unincorporated Amendment of Tasks and Timelines in Corrective Action Plan No. 1250.SLCP.CAP.2022.12

On May 11, 2023, Kern - Unincorporated requested an amendment to part of their timeline for Corrective Action Plan No. 1250.SLCP.CAP.2022.12. Kern - Unincorporated only requested a change in the timelines, not a change in the task requirements. In consultation and concurrence with CalRecycle, Kern - Unincorporated, agreed to add Task 30 to the Corrective Action Plan. The justifications provided for the timeline amendments are included in the attached request.

Requested Changes to Task and/or Timelines:

Task #	Original Task Language	Proposed Language	Original Date	Amended Date
5	For this task, there is no change to original language.	N/A	7/1/2023	3/1/2024
7	For this task, there is no change to original language.	N/A	12/31/2023	3/1/2024
8	For this task, there is no change to original language.	N/A	12/31/2023	3/1/2024
18	For this task, there is no change to original language.	N/A	7/1/2023	3/1/2024
19	For this task, there is no change to original language.	N/A	12/31/2023	3/1/2024
20	For this task, there is no change to original language.	N/A	12/31/2023	3/1/2024
21	For this task, there is no change to original language.	N/A	12/31/2023	3/1/2024
22	For this task, there is no change to original language.	N/A	7/1/2023	3/1/2024
23	For this task, there is no change to original language.	N/A	7/1/2023	3/1/2024

24	For this task, there is no change to original language.	N/A	7/1/2023	3/1/2024
25	For this task, there is no change to original language.	N/A	7/1/2023	3/1/2024
26	For this task, there is no change to original language.	N/A	7/1/2023	3/1/2024
30	New Task	Touchbase with CalRecycle on or before January 1, 2024, to finalize completion dates for tasks based on the Prop 218 process.	N/A	1/1/2024

Kern - Unincorporated's request for task and timelines amendment shows good cause and provides reasonable alternate task and timelines for completion. The impacted tasks affect the final completion date of the Corrective Action Plan. Therefore, Section 3.d, 3.f, and 3.i will need to be changed to reflect the new final completion date of the Corrective Action Plan.

See below for the changes made to Sections 3.d, 3.f, and 3.i.

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 December 16, 2022, through April 30, 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

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Report 8: April 30, 2024, covering February 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:

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Meeting 8: During March 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.

The request is approved. The amendment will be included as an addendum to the December 16, 2022 Corrective Action Plan No. 1250.SLCP.CAP.2022.12.

Dated: July 14, 2023

Signature on file

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

Attachment 1: Kern - Unincorporated's Task and Timelines Amendment Request

SECOND ADDENDUM TO CORRECTIVE ACTION PLAN NO.1250.SLCP.CAP.2022.12

Kern - Unincorporated Amendment of Tasks and Timelines in Corrective Action Plan
No. 1250.SLCP.CAP.2022.12

On February 28, 2024, Kern – Unincorporated (Jurisdiction) requested an amendment to part of its tasks and timeline for Corrective Action Plan No. 1250.SLCP.CAP.2022.12. The justification provided for the timeline amendments and task requirements is included in the attached request.

Requested Changes to Task and/or Timelines:

Task #	Original Task Language	Proposed Language	Original Date	First Amended Date	Second Amended Date
5	The Jurisdiction will finalize rate adjustment(s) – Complete 218 processes for proposed increases in collection service rates.	<p>The Jurisdiction will finalize proposed rate adjustments for universal collection areas (UCAs) not previously approved by Kern County. Complete the Proposition 218 process for proposed collection service rates in UCAs.</p> <p>Task 5a: The Jurisdiction will meet with the Local Enforcement Agency (LEA) for approval of a biweekly three-container waste collection service.</p> <p>Task 5b: Upon approval, the Jurisdiction will negotiate and determine proposed service rates with its 13 franchise haulers.</p> <p>Task 5c: The Jurisdiction will determine the cost and acquisition process of new green containers.</p>	7/1/2023	3/1/2024	<p>Task 5: 7/1/2026</p> <p>Task 5a: 8/31/2024</p> <p>Task 5b: 9/30/2024</p> <p>Task 5c: 10/31/2024</p> <p>Task 5d: 11/30/2024</p> <p>Task 5e: 12/31/2024</p> <p>Task 5f: 1/31/2025</p> <p>Task 5g: 3/31/2025</p> <p>Task 5h: 3/31/2025</p>

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		<p>Task 5d: The Jurisdiction will conduct public meetings in the applicable UCAs to inform generators about upcoming waste management changes.</p> <p>Task 5e: The Jurisdiction will meet with and seek informal approval from the Board of Supervisors on the alternate collection process.</p> <p>Task 5f: The Jurisdiction will prepare documentation for establishing UCAs and rates.</p> <p>Task 5g: The Jurisdiction will gain their County Board of Supervisor's approval of the UCA documentation.</p> <p>Task 5h: The Jurisdiction will schedule two Board of Supervisors meetings: one to schedule a public hearing, and one to conduct the public hearing.</p> <p>Task 5i: The Jurisdiction will use a public meeting to conduct the Proposition 218 process introducing new taxes for biweekly three-container waste collection services.</p>			<p>Task 5i: 11/30/2025</p> <p>Task 5j: 11/30/2025</p> <p>Task 5k: 6/30/2026</p> <p>Task 5l: 6/30/2026</p> <p>Task 5m: 7/1/2026</p> <p>Task 5n: 7/1/2026</p> <p>Task 5o: 8/31/2024</p> <p>Task 5p: 9/30/2024</p> <p>Task 5q: 10/31/2024</p> <p>Task 5r: 12/31/2024</p> <p>Task 5s: 3/31/2025</p>

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		<p>Task 5j: The Jurisdiction will host public meetings in the affected areas.</p> <p>Task 5k: The Jurisdiction will amend its existing agreements with the 13 franchise haulers to fund three-container waste collection service.</p> <p>Task 5l: The Jurisdiction will acquire new green containers for generators.</p> <p>Task 5m: The Jurisdiction will distribute new green containers to generators.</p> <p>Task 5n: The UCAs will fully implement a biweekly three-container waste collection service.</p> <p>The Jurisdiction will implement residential self-haul and backyard composting programs in the UCAs that had a successful Proposition 218 process in December 2023.</p> <p>Task 5o: The Jurisdiction will generate a list of all residential parcels who are required to self-haul and backyard compost.</p> <p>Task 5p: The Jurisdiction will schedule public meetings in each UCA.</p>			

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		<p>Task 5q: The Jurisdiction will develop residential mailers to educate generators on self-hauling, backyard composting, and organic waste handling.</p> <p>Task 5r: The Jurisdiction will procure kitchen pails and backyard composting containers to provide to generators.</p> <p>Task 5s: The Jurisdiction will distribute kitchen pails, composting containers, and educational mailers to generators who are required to self-haul.</p>			
7	The Jurisdiction will require and verify the hauler(s) will purchase additional collection vehicles, as necessary.	<p>The Jurisdiction will require and verify the hauler(s) will purchase additional collection vehicles, as necessary.</p> <p>Task 7a: The Jurisdiction will determine the number of additional vehicles necessary, given new proposed UCA routes.</p> <p>Task 7b: The Jurisdiction will verify the purchase of any additional vehicles once the Proposition 218 process is completed.</p>	12/31/2023	3/1/2024	<p>Task 7: 12/31/2025</p> <p>Task 7a: 11/30/2024</p> <p>Task 7b: 12/31/2025</p>
8	Jurisdiction will provide 3-container waste collection service to all residential	N/A	12/31/2023	3/1/2024	7/1/2026

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	customers that are not subject to an exemption or waiver from such service under 14 California Code of Regulations (CCR) sections 18984.12, 18986.3, 18984.11, 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 18988.3.				
20	<p>The Jurisdiction will establish a system for notifying generators of violations. Minimum requirements - Route reviews:</p> <ul style="list-style-type: none"> • The contamination notice shall, at a minimum, include information regarding the generator's requirement to properly separate materials into the 	<p>The Jurisdiction will establish a system for notifying generators of violations. At a minimum, the contamination notice will include information regarding the generator's requirement to source separate their waste into the appropriate containers. The contamination notice may be left on the generator's container, gate, or door at the time of violation. Alternately, the notice may be mailed, e-mailed, or electronically messaged to the generator.</p> <p>Task 20a: The Jurisdiction will review existing hauler</p>	12/31/2023	3/1/2024	<p>Task 20: 1/1/2025</p> <p>Task 20a: 8/31/2024</p> <p>Task 20b: 10/31/2024</p> <p>Task 20c: 1/1/2025</p>

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	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.	agreements regarding contamination notification methods. Task 20b: The Jurisdiction will develop an administrative program to notify generators of violations. Task 20c: The Jurisdiction will implement the administrative program.			
23	The Jurisdiction 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: 1. A description of the jurisdiction's process for determining the level of container contamination. 2. Documentation of route reviews	The Jurisdiction will establish a system for documenting route reviews, violation tracking, recordkeeping and reporting to be kept in their Implementation Record. Task 23a: The Jurisdiction will review existing hauler agreements for required documentation regarding route reviews, contamination monitoring, and record keeping. Task 23b: The Jurisdiction will develop an administrative program to track route reviews, violations, and recordkeeping for the County and franchise haulers to implement. Task 23c: The Jurisdiction will implement the	7/1/2023	3/1/2024	Task 23: 1/1/2025 Task 23a: 8/31/2024 Task 23b: 10/31/2024 Task 23c: 11/30/2024 Task 23d: 1/1/2025 Task 23e: 1/1/2025 Task 23f: 1/1/2025 Task 23g: 1/1/2025 Task 23h: 1/1/2025

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	<p>conducted, if applicable.</p> <p>3. If applicable, documentation of waste evaluations performed, including information on targeted route reviews conducted as a result of the studies. The documentation shall at a minimum include dates of the studies, the location of the solid waste facility where the study was performed, routes, source sector (e.g. commercial or residential), number of samples, weights and ratio of prohibited container contaminants and total sample size.</p> <p>4. Copies of all notices issued to generators with prohibited container contaminants.</p>	<p>administrative program.</p> <p>Task 23d: The Jurisdiction will include in the Implementation Record a description of their process for determining the level of container contamination.</p> <p>Task 23e: The Jurisdiction will include in the Implementation Record documentation of route reviews conducted, if applicable.</p> <p>Task 23f: The Jurisdiction will include in the Implementation Record documentation of waste evaluations performed (if applicable), including information on targeted route reviews conducted as a result of the studies. The documentation shall at a minimum include dates of the studies, the location of the solid waste facility where the study was performed, routes, source sector (e.g. commercial or residential), number of samples, weights and ratio of prohibited container contaminants and total sample size.</p> <p>Task 23g: The Jurisdiction will include in the Implementation</p>			

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	5. Documentation of the number of containers where the contents were disposed due to observation of prohibited container contaminants.	Record documentation of all notices issued to generators with prohibited container contaminants. Task 23h: The Jurisdiction will include in the Implementation Record documentation of the number of containers where the contents were disposed due to observation of prohibited container contaminants.			

The Jurisdiction's request for task and timeline amendments shows good cause and provides reasonable alternate timelines for completion. The impacted tasks affect the final completion date of the Corrective Action Plan (CAP). Therefore, Section 3.d, 3.f, and 3.i will need to be changed to reflect the new final completion date of the CAP.

See below for the changes made to Sections 3.d, 3.f, and 3.i.

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 a schedule of actions necessary for the Jurisdiction to address the violations disclosed in the Notification and described in Section 2 (Determination of Violations).
 - b. CalRecycle hereby approves and issues this CAP pursuant to Public Resources Code (PRC) Section 42652.5(c)-(e) and 14 CCR Section 18996.2.
 - c. The Jurisdiction will fully implement the programs identified in this CAP by the dates provided in Section 3.2.
 - d. CalRecycle will monitor the Jurisdiction's continued implementation of the programs identified in the CAP from December 16, 2022 through August 31, 2026 ("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 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 to address the violations described.

- f. During the oversight period, the Jurisdiction will provide bimonthly status reports to CalRecycle:

Report Cycle

Report 1: February 28, 2023, covering December 1, 2022 – January 31, 2023

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

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

Report 4: August 31, 2023, covering June 1, 2023 – July 31, 2023

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

Report 6: December 31, 2023, covering October 1, 2023 – November 30, 2023

Report 7: February 29, 2024, covering December 1, 2023 – January 31, 2024

Report 8: April 30, 2024, covering February 1, 2024 – March 31, 2024

Report 9: June 30, 2024, covering April 1, 2024 – May 31, 2024

Report 10: August 31, 2024, covering June 1, 2024 – July 31, 2024

Report 11: October 31, 2024, covering August 1, 2024 – September 30, 2024

Report 12: December 31, 2024, covering October 1, 2024 – November 30, 2024

Report 13: February 28, 2025, covering December 1, 2023 – January 31, 2025

Report 14: April 30, 2025, covering February 1, 2025 – March 31, 2025

Report 15: June 30, 2025, covering April 1, 2025 – May 31, 2025

Report 16: August 31, 2025, covering June 1, 2025 – July 31, 2025

Report 17: October 31, 2025, covering August 1, 2025 – September 30, 2025

Report 18: December 31, 2025, covering October 1, 2025 – November 30, 2025

Report 19: February 28, 2026, covering December 1, 2025 – January 31, 2026

Report 20: April 30, 2026, covering February 1, 2026 – March 31, 2026

Report 21: June 30, 2026, covering April 1, 2026 – May 31, 2026

Report 22: August 31, 2026, covering June 1, 2026 – July 31, 2026

- 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 January 2023

Meeting 2: During March 2023
Meeting 3: During May 2023
Meeting 4: During July 2023
Meeting 5: During September 2023
Meeting 6: During November 2023
Meeting 7: During January 2024
Meeting 8: During March 2024
Meeting 9: During May 2024
Meeting 10: During July 2024
Meeting 11: During September 2024
Meeting 12: During November 2024
Meeting 13: During January 2025
Meeting 14: During March 2025
Meeting 15: During May 2025
Meeting 16: During July 2025
Meeting 17: During September 2025
Meeting 18: During November 2025
Meeting 19: During January 2026
Meeting 20: During March 2026
Meeting 21: During May 2026
Meeting 22: During July 2026

- 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 in accordance with the compliance deadlines contained in the schedule of actions to address violations as set forth in Section 3.2.

The request is approved. The amendment will be included as a second addendum to the December 16, 2022, Corrective Action Plan No. 1250.SLCP.CAP.2022.12.

Dated: January 21, 2025

Signature on file

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

Attachment: Kern - Unincorporated's Task and Timeline Amendment Request (Second Addendum)