

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY
CORRECTIVE ACTION PLAN AND COMPLAINT FOR PENALTY
1511.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: City of Victorville
 P.O. Box 5001
 Victorville, CA 92393

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 City of Victorville 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 25, 2022.
- 2.1 CalRecycle reviewed the Jurisdiction's Notification, its description of the Jurisdiction's disclosed violations of the Regulations, and proposed actions and schedule for those actions to remedy those violations for compliance with PRC section 42652.5(e). CalRecycle approved the Notification's proposed actions and schedule of actions, as modified by this CAP.

- 2.2 The Jurisdiction's Notification identified the following violations of the Regulations as follows:
- 2.2.1 The Jurisdiction is and has been in violation of Title 14, CCR, section 18984.1 in that since January 1, 2022, the Jurisdiction has not provided three-container organic waste collection service to all residential customers and food waste collection has not provided for the multi-family properties.
 - 2.2.2 The Jurisdiction is and has been in violation of 14 CCR section 18984.4 in that since January 1, 2022, the Jurisdiction has not met recordkeeping requirements for compliance with Organic Waste Collection Services.
 - 2.2.3 The Jurisdiction is and has been in violation of 14 CCR section 18984.5 in that since January 1, 2022, the Jurisdiction has not conducted container contamination minimization for the residential or commercial sector.
 - 2.2.4 The Jurisdiction is and has been in violation of 14 CCR section 18984.6 in that since January 1, 2022, the Jurisdiction has not met recordkeeping requirements for compliance with container contamination minimization.
 - 2.2.5 The Jurisdiction is and has been in violation of 14 CCR section 18984.8 in that since January 1, 2022, the Jurisdiction has not distributed new containers with proper container labeling.
 - 2.2.6 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.
 - 2.2.7 The Jurisdiction is and has been in violation of Title 14, CCR, section 18985.1 in that since February 1, 2022, the Jurisdiction has not translated educational materials into any non-English language spoken by a substantial number of the public provided organic waste collection services by the jurisdiction.
 - 2.2.8 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.
 - 2.2.9 The Jurisdiction is and has been in violation of Title 14, CCR, section 18988.1 in that since January 1, 2022, the Jurisdiction allows generators to self-haul, but has not adopted an ordinance or a similarly enforceable mechanism that requires compliance with the requirements in Section 18988.3 of Article 7 of the Regulations.
 - 2.2.10 The Jurisdiction is and has been in violation of Title 14, CCR, section 18988.4 in that since January 1, 2022, the Jurisdiction has not met recordkeeping requirements for compliance with jurisdiction hauler program.
 - 2.2.11 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.

2.2.12 The Jurisdiction is and has been in violation of 14 CCR section 18993.2 in that since January 1, 2022, the Jurisdiction has not included all documents supporting its compliance with Article 12 of the Regulations in the implementation record required by section 18995.2.

2.2.13 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.

2.2.14 The Jurisdiction is and has been in violation of 14 CCR section 18995.1 in that since January 1, 2022, the Jurisdiction has not established an inspection and enforcement program designed to ensure overall compliance with the Regulations.

2.2.15 The Jurisdiction is and has been in violation of 14 CCR section 18995.1 in that since January 1, 2022, the Jurisdiction has not conducted a compliance review of all solid waste collection accounts for commercial businesses generating two cubic yards or more of solid waste per week, including organic waste.

The Jurisdiction shall also determine compliance with:

- a. Organic waste generator requirements set forth in section 18984.9(a).
- b. Self-hauling requirements pursuant to section 18988.3, including whether a business is complying through back-hauling organic waste.

2.2.16 The Jurisdiction is and has been in violation of Title 14 CCR section 18995.2 in that since January 1, 2022, the Jurisdiction has not maintained all records required in the Implementation Record.

2.2.17 The Jurisdiction is and has been in violation of Title 14 CCR section 18995.2 in that since January 1, 2022, the Jurisdiction's Implementation Record is not stored in one central location, physical or electronic, that can be readily accessed by CalRecycle.

2.2.18 The Jurisdiction is and has been in violation of Title 14 CCR section 18995.2 in that since January 1, 2022, the Jurisdiction has not included all records and information in the Implementation Record within 60 days of the creation of the record or information.

2.2.19 The Jurisdiction is and has been in violation of Title 14 CCR section 18995.2 in that since January 1, 2022, the Jurisdiction has not retained all records for five years.

2.3 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 24, 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

Meeting 8: During April 2024

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

3.2 Schedule and Program of Actions

Section 18981.2 Implementation Requirement on Jurisdictions

The Jurisdiction will adopt an enforceable ordinance to mandate that organic waste generators and other entities comply with requirements of the Regulation.

| Task # | Description | Target Completion Date |
|---------------|---|---|
| TASK 1 | The Jurisdiction will draft an enforceable ordinance for City attorney for review. | 1/31/2022 (Task completion to be verified) |
| TASK 2 | The Jurisdiction will present the enforceable ordinance to City Council for first reading and public hearing. | 3/15/2022 (Task completion to be verified) |
| TASK 3 | The Jurisdiction will present the enforceable ordinance to City Council for 2nd reading and adoption. | 4/19/2022 (Task completion to be verified) |
| TASK 4 | The enforceable ordinance will be effective. | 5/19/2022 (Task Completion to be verified) |

Section 18984.1 Three-Container Organic Waste Collection Services

The Jurisdiction will implement mandatory three-container mandatory organic waste collection service for required all residential customers including food waste collection for the multi-family properties.

| Task # | Description | Target Completion Date |
|---------------|--|--|
| TASK 5 | The Jurisdiction will evaluate residential organic diversion program alternatives for single family and multifamily sectors and determine most feasible and cost-effective approach. | 3/31/2022 (Task completion to be verified) |
| TASK 6 | The Jurisdiction will negotiate scope and rates for new services with franchised hauler and update franchise agreement. | 3/1/2023 |
| TASK 7 | The Jurisdiction will ensure the City Council approves the revised franchise agreement. | 3/31/2023 |
| TASK 8 | The Jurisdiction will conduct new rate study and implement Proposition 218 process for new rates. Task 8a: The Jurisdiction will begin 218 process. Task 8b: The Jurisdiction will complete 218 process. Task 8c: New rates will go into effect. | Task 8a: 9/1/2022 (Task completion to be verified) Task 8b: 6/20/2023 Task 8c: 7/1/2023 |

| | | |
|-------------------|---|---|
| TASK 9 | <p>The Jurisdiction will implement organic collection system for residential generators.</p> <p>Task 9a: The Jurisdiction will require and verify the hauler will purchase approximately 34,000 additional organic waste collection carts.</p> <p>Task 9b: The Jurisdiction will require and verify the delivery of ~10,000 collection carts per month (Starting 7/1/2023).</p> <p>Task 9c: The Jurisdiction will provide three-container waste collection service to all residential customers, including food waste collection for the multi-family properties, that are not subject to an exemption or waiver from such service under 14 CCR sections 18984.12, 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. In implementing this container system, the Jurisdiction will ensure materials are sorted into the containers properly by the generators.</p> | <p>Task 9a: 8/1/2022 (Task completion to be verified)</p> <p>Task 9b: 9/30/2023</p> <p>Task 9c: 9/30/2023</p> |
|-------------------|---|---|

18984.4 Recordkeeping Requirements for Compliance with Organic Waste Collection Services

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

| Task # | Description | Target Completion Date |
|----------------|--|--|
| TASK 10 | The Jurisdiction will establish a system for documenting organic waste collection services for recordkeeping and reporting. | 8/1/2022 (Task completion to be verified) |
| TASK 11 | The Jurisdiction will include organic waste collection services information in Implementation Record by utilizing Recyclist software as implemented by Burrtec (hauler). | 2/28/2023 |

Section: 18984.5 Container Contamination Minimization

The Jurisdiction will monitor generators using a three-container organic waste collection service for contaminants. Note: The Jurisdiction does currently have an "as reported" process to address contamination in commercial organics, recycling, and solid waste containers via route reviews/driver reports.

| Task # | Description | Target Completion Date |
|----------------|---|--|
| TASK 12 | The Jurisdiction will complete all required route reviews for all commercial routes and notify non-compliant generators. | 11/30/2022 (Task completion to be verified) |
| TASK 13 | The Jurisdiction will perform container contamination minimization for all routes that are not subject to an exemption or waiver from such service under 14 CCR sections 18984.11 and 18984.12 (a) and (c), or are not an authorized self-hauler subject to the Jurisdiction's ordinance requiring compliance with the requirements of section 18988.3. | 9/30/2023 |

Section 18984.6 Recordkeeping Requirements for Container Contamination Minimization

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

| Task # | Description | Target Completion Date |
|----------------|---|--|
| TASK 14 | The Jurisdiction will establish a system for documenting container contamination minimization for recordkeeping and reporting. | 8/1/2022 (Task completion to be verified) |
| TASK 15 | The Jurisdiction will include container contamination minimization information in Implementation Record by utilizing Recyclist software as implemented by Burrtec (hauler). | 2/28/2023 |

Section 18984.8 Container Labeling Requirements

The Jurisdiction will distribute new containers with proper container labeling.

| Task # | Description | Target Completion Date |
|----------------|---|--|
| TASK 16 | The Jurisdiction will ensure labels on containers will include language or graphic images or both indicating the primary materials accepted and the primary materials prohibited in that container. | Task 16a: 8/1/2022 (Task completion to be verified) |
| | Task 16a: The Jurisdiction will contract a third party for the label designs or adopt CalRecycle’s templates specific to the Jurisdiction. | Task 16b: 8/1/2022 (Task completion to be verified) |
| | Task 16b: The Jurisdiction will contract a printing facility to print out the No. labels. | Task 16c: 8/1/2022 (Task completion to be verified) |
| | Task 16c: The Jurisdiction will implement the proper container labeling on the distributed new containers. | |

Section 18984.14 Recordkeeping Requirements for Waivers and Exemptions

The Jurisdiction will fully implement all recordkeeping requirements for waivers and exemptions.

| Task # | Description | Target Completion Date |
|----------------|---|--|
| TASK 17 | The Jurisdiction will establish a system for waivers and exemptions for recordkeeping and reporting. | 8/1/2022 (Task completion to be verified) |
| TASK 18 | The Jurisdiction will include waivers and exemptions information in Implementation Record by utilizing Recyclist software as implemented by Burrtec (hauler). | 2/28/2023 |

Section 18985.1 Organic Waste Recovery Education and Outreach

The Jurisdiction will provide organic waste recovery education and outreach to residential generators Note: The Jurisdiction has been providing organic waste recovery outreach and educational materials to commercial and multi-family organic generators since 2016.

| Task # | Description | Target Completion Date |
|---------|--|--|
| TASK 19 | The Jurisdiction will translate commercial materials into Spanish to include with existing English language materials. | 12/31/2022 (Task completion to be verified) |

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

The Jurisdiction will implement recordkeeping procedures for organic waste recovery education and outreach.

| Task # | Description | Target Completion Date |
|---------|---|--|
| TASK 20 | The Jurisdiction will establish a system for documenting education and outreach for recordkeeping and reporting. | 8/1/2022 (Task completion to be verified) |
| TASK 21 | The Jurisdiction will include education and outreach information in Implementation Record by utilizing Recyclist software as implemented by Burrtec (hauler). | 2/28/2023 |

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 22 | The Jurisdiction will draft an enforcement ordinance to the City attorney for review. | 1/31/2022 (Task completion to be verified) |
| TASK 23 | The Jurisdiction will present enforcement ordinance to the City Council for first reading and public hearing. | 3/15/2022 (Task completion to be verified) |
| TASK 24 | The Jurisdiction will present enforcement ordinance to the City Council for 2nd reading and adoption. | 4/19/2022 (Task completion to be verified) |
| TASK 25 | The enforcement ordinance will be effective. | 5/19/2022 (Task Completion to be verified) |

Section 18988.4 Recordkeeping Requirements for Compliance with Jurisdiction Hauler Program

The Jurisdiction will implement the recordkeeping requirements for its hauler program.

| Task # | Description | Target Completion Date |
|----------------|---|--|
| TASK 26 | The Jurisdiction will establish a system for documenting hauler program for recordkeeping and reporting. | 8/1/2022 (Task completion to be verified) |
| TASK 27 | The Jurisdiction will include hauler program information in Implementation Record by utilizing Recyclist software as implemented by Burrtec (hauler). | 2/28/2023 |

Section 18993.1 Recovered Organic Waste Product Procurement Target

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

| Task # | Description | Target Completion Date |
|----------------|---|---|
| TASK 28 | The Jurisdiction will engage in communication with vendors/haulers for procurement of mandated quantities. | 4/30/2023 |
| TASK 29 | The Jurisdiction will enter into contract with vendor(s) to procure compost/mulch for Jurisdiction's use and for giveaway events. | 6/30/2023 |
| TASK 30 | <p>The Jurisdiction shall identify additional procurement opportunities within its departments and divisions for expanding the use of recovered organic waste products.</p> <p>Task 30a: The Jurisdiction will work with the City Departments and local public agencies to determine additional opportunities for compost and mulch use.</p> <p>Task 30b: The Jurisdiction will work with private haulers to secure opportunities to purchase mulch and compost.</p> <p>Task 30c: The Jurisdiction will investigate additional opportunities for direct service provider agreements.</p> <p>Task 30d: The Jurisdiction will identify sources of SB 1383 compliant RNG and purchase if available and feasible.</p> <p>Task 30e: 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).</p> | <p>Task 30a: 3/1/2023</p> <p>Task 30b: 5/1/2023</p> <p>Task 30c: 7/1/2023</p> <p>Task 30d: 3/1/2024</p> <p>Task 30e: 3/1/2024</p> |

Section 18993.2. Recordkeeping Requirements for Recovered Organic Waste Procurement Target

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

| Task # | Description | Target Completion Date |
|----------------|--|--|
| TASK 31 | The Jurisdiction will establish a system for documenting recovered organic waste procurement for recordkeeping and reporting. | 8/1/2022 (Task completion to be verified) |
| TASK 32 | The Jurisdiction will include recovered organic waste procurement information in Implementation Record by utilizing Recyclist software as implemented by Burrtec (hauler). | 2/28/2023 |

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 33 | The Jurisdiction will notify Departments of requirement to document recycled paper purchases. | 2/28/2022 (Task completion to be verified) |
| TASK 34 | The Jurisdiction will establish a system for documenting recycled content paper procurement for recordkeeping and reporting. | 8/1/2022 (Task completion to be verified) |
| TASK 35 | The Jurisdiction will include recycled content paper procurement information in Implementation Record by utilizing Recyclist software as implemented by Burrtec (hauler). | 2/28/2023 |

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 36 | The Jurisdiction will present enforcement ordinance to the City Council for 2nd reading and adoption. | 4/19/2022 (Task completion to be verified) |
| TASK 37 | The Jurisdiction will develop and implement inspection and monitoring program for commercial edible food generators and edible food recovery organizations and services. | 12/31/2022 (Task completion to be verified) |
| TASK 38 | The Jurisdiction will develop inspection and enforcement program procedures to ensure compliance with Regulations. | 4/30/2023 |
| TASK 39 | The Jurisdiction will implement inspection and monitoring program for organic waste generators, including route reviews as described above. | 9/30/2023 |

Section 18995.2 Implementation Record and Recordkeeping Requirements.

The Jurisdiction will establish recordkeeping related to jurisdiction inspection requirements.

| Task # | Description | Target Completion Date |
|----------------|---|--|
| TASK 40 | The Jurisdiction will establish a system for documenting jurisdiction inspection for recordkeeping and reporting. | 8/1/2022 (Task completion to be verified) |
| TASK 41 | The Jurisdiction will include inspection information in Implementation Record by utilizing Recyclist software as implemented by Burrtec (hauler). | 6/30/2023 |

COMPLIANCE REVIEW, ENFORCEMENT, AND RELEASE

4. Communications. All approvals and decisions of CalRecycle regarding notifications will be communicated to the Jurisdiction in writing by the Branch Chief, Jurisdiction and Agency Compliance and Enforcement Branch, Waste Permitting, Compliance and Mitigation Division, or the Branch Chief's designee. No formal advice, guidance, suggestions, or comments by CalRecycle regarding reports, plans, specifications, schedules, or any other writings by Jurisdiction shall be construed to relieve the Jurisdiction of the obligation to obtain such formal approvals as may be required.
- 4.1 Submittal. All reporting from the Jurisdiction described in section 3 (Schedule for Compliance), paragraph 3.f, shall be submitted through an online portal or compliance module developed by CalRecycle with instructions provided to Jurisdiction. All other communications from the Jurisdiction according to this CAP shall be sent in writing electronically to:

Pinar Kose
pinar.kose@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 24, 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. 1511.SLCP.CAP.2023.1

City of Victorville Amendment of Timelines in Corrective Action Plan No. 1511.SLCP.CAP.2023.1

On May 24, 2023, the City of Victorville requested an amendment to part of their timeline for Corrective Action Plan No. 1511.SLCP.CAP.2023.1. The City of Victorville only requested a change in the timelines, not a change in the task requirements. The justification provided for the timeline amendments is included in the attached request.

Requested Changes to Timelines:

| Task # | Original Date | Amended Date |
|---------------|----------------------|---------------------|
| Task 6 | 3/1/2023 | 6/30/2023 |
| Task 7 | 3/31/2023 | 9/19/2023 |
| Task 8b | 6/20/2023 | 9/19/2023 |
| Task 8c | 7/1/2023 | 1/1/2024 |
| Task 9b | 9/30/2023 | 3/1/2024 |
| Task 9c | 9/30/2023 | 3/1/2024 |
| Task 27 | 2/28/2023 | 6/30/2023 |
| Task 32 | 2/28/2023 | 6/30/2023 |
| Task 35 | 2/28/2023 | 6/30/2023 |
| Task 38 | 4/30/2023 | 9/19/2023 |

The City of Victorville’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 24, 2023, Corrective Action Plan No. 1511.SLCP.CAP.2023.1

Dated: June 1, 2023

Signature on file

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

Attachment 1: City of Victorville's Time Amendment Request