

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

CORRECTIVE ACTION PLAN AND COMPLAINT FOR PENALTY
1119.SLCP.CAP.2023.3

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

In the Matter of: The City of California City
 21000 Hacienda Blvd
 California City, CA 93505

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 California City 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 December 21, 2021.
- 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 18984.11 in that since January 1, 2022, the Jurisdiction has not verified each waived generator is eligible for a waiver.
- 2.2.2 The Jurisdiction is and has been in violation of Title 14 CCR section 18991.1 in that since January 1, 2022, the Jurisdiction has not implemented an edible food recovery program that includes action to accomplish the following:
 - a. Educate commercial edible food generators as set forth in section 18985.2.
 - b. Increase commercial edible food generator access to food recovery organizations and food recovery services.
 - c. Monitor commercial edible food generator compliance as required in Article 14 of the Regulations.
 - d. Increase edible food recovery capacity if the analysis required by section 18992.2 indicates that the Jurisdiction does not have sufficient capacity to meet its edible food recovery needs.
- 2.2.3 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.
- 2.2.4 The Jurisdiction is and has been in violation of 14 CCR section 18993.3 in that since January 1, 2022, the Jurisdiction has not procured paper products, and printing and writing paper, consistent with the requirements of sections 22150-22154 of the Public Contract Code.
- 2.2.5 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.
- 2.2.6 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.
- 2.2.7 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.
- 2.2.8 The Jurisdiction is and has been in violation of 14 CCR section 18995.1 in that since January 1, 2022, the Jurisdiction has not performed waste evaluations consistent with section 18984.5(c) to verify commercial

businesses and residential generators compliance with organic waste generator requirements set forth in section 18984.9(a).

2.2.9 The Jurisdiction is and has been in violation of Title 14 CCR section 18995.1 in that since January 1, 2022, the Jurisdiction has not provided educational material describing the applicable requirements in response to violations.

2.2.10 The Jurisdiction is and has been in violation of Title 14 CCR section 18995.4 in that since January 1, 2022, the Jurisdiction has not taken enforcement action in regards to the container contaminants provisions in section 18984.5(a), through the notice provisions of section 18984.5(b).

2.3 CalRecycle accepted the Jurisdiction's self-reported Notification and characterization of its violations therein. CalRecycle has not undertaken a compliance review of Jurisdiction, and thus CalRecycle's approval of the Notification or this CAP should not be taken as an indication that Jurisdiction is in full compliance with Regulations in other respects. CalRecycle will be undertaking a compliance review of all jurisdictions in the future.

SCHEDULE FOR COMPLIANCE

3. Based on the foregoing DETERMINATION OF VIOLATIONS, CalRecycle finds that:
- a. The Jurisdiction worked with CalRecycle to develop this CAP, which includes schedule of actions necessary for the Jurisdiction to achieve address the violations disclosed in the Notification and described in Section 2 (Determination of Violations) above.
 - b. CalRecycle hereby approves and issues this CAP pursuant to PRC section 42652.5(c)-(e) and Title 14 CCR section 18996.2.
 - c. The Jurisdiction will fully implement the programs identified in this CAP by the dates provided in the Section 3.2 below.
 - d. CalRecycle will monitor the Jurisdiction's continued implementation of the programs identified in the CAP from March 30, 2023 through 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: May 31, 2023, covering March 1, 2023 – April 30, 2023
- Report 2: July 31, 2023, covering May 1, 2023 – June 30, 2023
- Report 3: September 30, 2023, covering July 1, 2023 – August 31, 2023
- Report 4: November 30, 2023, covering September 1, 2023 – October 31, 2023
- Report 5: January 31, 2024, covering November 1, 2023 – December 31, 2023

- g. The status reports are to be used to document the status and work completed for each of the identified tasks in the CAP. For each task in the CAP, the Jurisdiction will explain the status of the task, specifying what actions have been taken to complete the task.
- h. If the work has been delayed or has not been completed, the Jurisdiction will explain the reason(s) for the delay/incompletion. The Jurisdiction will also attach any previously submitted extension requests made pursuant to section 4.4 of this CAP and any extensions granted pursuant to section 4.5 of this CAP, using additional sheets as necessary for the report. CalRecycle may consider the explanation in deciding whether to allow the Jurisdiction to continue to operate under the Notification and CAP or to revoke approval of the Notification and CAP pursuant to PRC section 42652.5(d).
- i. During the oversight period, the Jurisdiction will meet with CalRecycle telephonically or via other remote electronic means (such as Teams or Zoom) bimonthly to provide interim progress updates on the following schedule:

Meeting Cycle

- Meeting 1: During April 2023
- Meeting 2: During June 2023
- Meeting 3: During August 2023
- Meeting 4: During October 2023
- Meeting 5: During December 2023

- 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 18984.11 Waivers

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

Task #	Description	Target Completion Date
TASK 1	The Jurisdiction will establish a procedure for verifying eligibility for waivers and granting waivers.	12/31/2023

Section 18984.14 Record Keeping Requirements for Waivers and Exemptions

The Jurisdiction will establish record keeping for waivers and exemptions.

Task #	Description	Target Completion Date
TASK 2	The Jurisdiction will establish a system for documenting and compiling records relating to waivers and exemptions for recording keeping and reporting.	12/31/2023
TASK 3	The Jurisdiction will begin documenting and compiling waiver and exemption records.	12/31/2023

Section 18991.1 Jurisdiction Edible Food Recovery Program

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

Task #	Description	Target Completion Date
TASK 4	<p>The Jurisdiction will educate commercial edible food generators.</p> <ul style="list-style-type: none"> • Develop a list of food recovery and food recovery services operating within the jurisdiction and maintain the list on the Jurisdiction’s website. The list shall be updated annually and include, at a minimum, the following information about each food recovery organization and each food recovery service: <ul style="list-style-type: none"> ○ Name and physical address. ○ Contact information. 	12/31/2023

	<ul style="list-style-type: none"> ○ Collection service area. ○ An indication of types of food the food recovery service or organization can accept for food recovery. 	
TASK 5	The Jurisdiction will increase commercial edible food generator access to food recovery organizations and food recovery services.	12/31/2023
TASK 6	The Jurisdiction will monitor commercial edible food generator compliance and enforce the edible food generator requirements.	12/31/2023

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 7	<p>The Jurisdiction will annually procure a quantity of recovered organic waste products that meets or exceeds its current annual recovered organic waste product procurement target. The jurisdiction shall comply by one or both of the following:</p> <ul style="list-style-type: none"> • Directly procuring recovered organic waste products for use or giveaway. • Requiring, through a written contract or agreement, that a direct service provider to the jurisdiction procure recovered organic waste products and provide written documentation of such procurement to the jurisdiction. 	12/31/2023
TASK 8	The Jurisdiction will identify additional procurement opportunities within its departments and divisions for expanding the use of recovered organic waste products.	12/31/2023
TASK 9	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).	12/31/2023

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 10	The Jurisdiction will research and identify vendors with paper products meeting the requirements of sections 22150-22154 of	12/31/2023

	the Public Contract Code and ensure paper products and printing and writing paper is eligible to be labeled with an unqualified recyclable label as defined in Code of Federal Regulations (CFR) Section 260.12.	
TASK 11	The Jurisdiction will procure paper products, and printing and writing paper meeting the Requirements.	12/31/2023
TASK 12	<p>The Jurisdiction will require all businesses from whom the jurisdiction purchases paper products and printing and writing paper to certify in writing:</p> <ul style="list-style-type: none"> • The minimum percentage, if not the exact percentage, of postconsumer material in the paper products and printing and writing paper offered or sold to the jurisdiction. <ul style="list-style-type: none"> ○ The Jurisdiction may waive the certification requirement if the percentage of postconsumer material in the paper products, printing and writing paper, or both can be verified by a product label, catalog, invoice, or a manufacturer or vendor Internet website. ○ That the paper products and printing and writing paper offered or sold to the jurisdiction is eligible to be labeled with an unqualified recyclable label as defined in 16 CFR Section 260.12. 	12/31/2023

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 13	The Jurisdiction will develop an inspection and enforcement program to ensure overall compliance with the Regulations.	12/31/2023
TASK 14	The Jurisdiction will begin implementing the inspection and enforcement program.	12/31/2023

The Jurisdiction will complete a compliance review of all solid waste collection accounts for commercial businesses.

Task #	Description	Target Completion Date
TASK 15	The Jurisdiction will complete a compliance review of all solid waste accounts for commercial businesses subject to its authority and that generate two cubic yards or more per week of solid waste, including organic waste.	12/31/2023

	<p>The Jurisdiction will determine compliance with:</p> <ul style="list-style-type: none"> • Organic waste generator requirements set forth in Section 18984.9(a). • Self-haul requirements set forth in Section 18988.3, including whether a business is complying through back-hauling organic waste. 	
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The Jurisdiction will perform waste evaluations.

Task #	Description	Target Completion Date
TASK 16	The Jurisdiction will perform waste evaluations to verify commercial businesses and residential generators compliance with organic waste generator requirements.	12/31/2023

Section 18995.4 Enforcement by a Jurisdiction

The Jurisdiction will take action to enforce the requirements of the Regulations.

Task #	Description	Target Completion Date
TASK 17	The Jurisdiction will take enforcement action in regards to the container contaminants provisions in section 18984.5(a), through the notice provisions of section 18984.5 (b).	12/31/2023

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:

Makenzie Michaels
makenzie.michaels@calrecycle.ca.gov

- 4.2 Compliance Review. At the end of the oversight period or at any time deemed appropriate by CalRecycle, CalRecycle will meet with the Jurisdiction to assess the Jurisdiction's CAP implementation efforts and to determine whether or not the Jurisdiction has timely complied with all commitments in all sections of this CAP. If requested by the Jurisdiction, CalRecycle has discretion to issue notice of a hearing at any time upon its staff's recommendation that the Jurisdiction has completed the conditions of the CAP. In accordance with PRC section 42652.5, failure to implement programs and or comply with all sections of the CAP at any time may result in CalRecycle's revocation of its approval of the Notification and CAP and imposition of administrative civil penalties retroactively to the date of violation in 2022, for administrative civil penalties accruing in 2023, and for administrative civil penalties accruing during any other additional time covered by the Notification and CAP. These potentially applicable penalties are described in Section 5.0 of this CAP.
- 4.3 CalRecycle Review and Approval: If CalRecycle determines that any report, plan, schedule, or other document submitted for approval pursuant to this CAP fails to comply with the Notification as amended by this CAP or fails to achieve successful implementation of the Regulations, CalRecycle may:
- a. Amend the CAP as appropriate to remedy the violations of the Regulations expeditiously, and/or
 - b. Serve a notice that CalRecycle will revoke approval of the Notification and consider the imposition of penalties in accordance with Title 14 CCR sections 18997.3, 18997.5, and 18997.6.
- 4.4 Extension Request and Other Task Modification Requests: If the Jurisdiction determines that it will be unable to perform any activity or submit any document within the time required under this CAP, the Jurisdiction may, as far in advance of the due date as possible, request an extension of time in writing. The extension request shall include a justification for the delay. If the Jurisdiction finds that a task required by this CAP in Section 3.1 is not feasible, despite the Jurisdiction's best and substantial efforts, the Jurisdiction may propose an alternative task that is substantially similar or equally effective to the original task, subject to the approval of CalRecycle. The modification request shall include an explanation of the infeasibility, an explanation of how the alternative task is substantially similar or equally effective, and a justification for any extension of time associated with the change.
- 4.5 Extension and Other Task Modification Approvals: If CalRecycle determines that good cause exists for an extension, considering the factors set out in Title 14 CCR section 18996.2(a)(2), it will grant an extension as appropriate and specify in writing a new compliance schedule. If CalRecycle determines that good cause

exists for the change in task because the original task is infeasible and the alternative task is substantially similar or equally effective, it will grant an approval and extension as appropriate and specify in writing the new task; additionally, if CalRecycle determines that good cause exists for any extension associated with the change in task, considering the factors set out in Title 14 CCR section 18996.2(a)(2), it will grant an extension as appropriate and specify in writing a new compliance schedule.

- 4.6 Compliance with Applicable Laws: The Jurisdiction shall carry out this CAP in compliance with all Local, State, and Federal requirements, including but not limited to requirements to obtain necessary permits.
- 4.7 Liability: Nothing in this CAP shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of the Jurisdiction, including for violations of the Regulations that were not disclosed in the Notification and any violations of the Regulations that the Jurisdiction fails to remedy notwithstanding commitments in the Notification and this CAP.
- 4.8 Government Liabilities: The State of California and CalRecycle shall not be liable for injuries or damages to persons or property resulting from acts or omissions in carrying out activities pursuant to this CAP, nor shall the State of California be held as a party to any contract entered into by the Jurisdiction or its agents in carrying out activities pursuant to the CAP. The Jurisdiction shall indemnify, defend, and save harmless the State, its officers, agents, and employees from any and all claims and losses accruing or resulting in connection with the performance of this CAP.
- 4.9 Parties Bound: This CAP shall apply to and be binding upon the Jurisdiction and upon CalRecycle and any successor agency (regional agency, etc.) that may have responsibility for, and the authority over, the subject matter of this CAP.

PENALTY

5. Penalties, if any, shall be assessed and calculated in accordance with the provisions of PRC 42652.5 and Title 14 CCR sections 18997.3, 18997.5, and 18997.6. Penalties shall be calculated based on the factors set out in section 18997.3 and may be as much as \$10,000 per day per violation for the duration of the violation(s).
- 5.1 Penalty Procedures. Penalty, if any, shall be imposed in accordance with the procedures and methodology set out in PRC section 42652.5 and Title 14 CCR sections 18997.3, 18997.5, and 18997.6. Regulatory violations that are considered “minor,” meaning they involve violations constituting minimal deviation from regulations, shall be subject to penalties of no less than five hundred dollars (\$500)

per violation and no more than four thousand dollars (\$4,000) per violation per day; “moderate” violations are subject to no less than four thousand dollars (\$4,000) per violation and shall be no more than seven thousand five hundred dollars (\$7,500) per violation per day; and “major” violations, are subject to penalties no less than seven thousand five hundred dollars (\$7,500) per violation per day and no more than ten thousand dollars (\$10,000) per violation per day. The following types of deviations are deemed to be “major” under the regulations for the purposes of assessing penalties:

- a. Failure to have any ordinance or similarly enforceable mechanism for organic waste disposal reduction and edible food recovery.
- b. Failure to have a provision in a contract, agreement, or other authorization that requires a hauler to comply with the requirements the Regulations.
- c. Failure to have an edible food recovery program.
- d. Failure to have any Implementation Record.
- e. Implementation or enforcement of an ordinance, policy, procedure, condition, or initiative that is prohibited under Title 14 CCR sections 18990.1 or 18990.2.
- f. Failure to submit the reports required in Title 14 CCR sections 18994.1 and 18994.2.

EFFECTIVE DATE

6. Issuance. This Corrective Action Plan is final and effective from the date of issuance.

6.1 Date of Issuance March 30, 2023

Signature on file

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

FIRST ADDENDUM TO CORRECTIVE ACTION PLAN NO. 1119.SLCP.CAP. 2023.3

City of California City Amendment of Timelines in Corrective Action Plan No. 1119.SLCP.CAP.2023.3

On December 18, 2023, the City of California City requested an amendment to part of their timeline for Corrective Action Plan No. 1119.SLCP.CAP.2023.3. The City of California City only requested a change in the timelines, not a change in the task requirements. The justification provided for the timeline amendments are included in the attached request.

Requested Changes to Timelines:

Task #	Original Date	Amended Date
4	12/31/2023	2/29/2024
5	12/31/2023	2/29/2024
6	12/31/2023	2/29/2024
7	12/31/2023	2/29/2024
8	12/31/2023	2/29/2024
9	12/31/2023	2/29/2024
12	12/31/2023	2/29/2024
13	12/31/2023	2/29/2024
14	12/31/2023	2/29/2024
15	12/31/2023	2/29/2024
16	12/31/2023	2/29/2024

The City of California City's request for 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. Therefore, Sections 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 March 30, 2023 through March 31, 2024 ("the oversight period") to assure implementation is complete and timely. The oversight period may be extended at the discretion of CalRecycle if any extensions to the Schedule are granted as described below in Sections 4.4 and 4.5.
- e. During the oversight period, the Jurisdiction will submit status reports to CalRecycle and attend status meetings with CalRecycle to demonstrate the ongoing progress the Jurisdiction is making on remedying the violations described above.
- f. During the oversight period, the Jurisdiction will provide bimonthly status reports to CalRecycle:

Report Cycle

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

Report 2: July 31, 2023, covering May 1, 2023 – June 30, 2023

Report 3: September 30, 2023, covering July 1, 2023 – August 31, 2023

Report 4: November 30, 2023, covering September 1, 2023 – October 31, 2023

Report 5: January 31, 2024, covering November 1, 2023 – December 31, 2023

Report 6: March 31, 2024, covering January 1, 2024 – March 1, 2024

- g. The status reports are to be used to document the status and work completed for each of the identified tasks in the CAP. For each task in the CAP, the Jurisdiction will explain the status of the task, specifying what actions have been taken to complete the task.
- h. If the work has been delayed or has not been completed, the Jurisdiction will explain the reason(s) for the delay/incompletion. The Jurisdiction will also attach any previously submitted extension requests made pursuant to section 4.4 of this CAP and any extensions granted pursuant to section 4.5 of this CAP, using additional sheets as necessary for the report. CalRecycle may consider the explanation in deciding whether to allow the Jurisdiction to continue to operate under the Notification and CAP or to revoke approval of the Notification and CAP pursuant to PRC section 42652.5(d).
- i. During the oversight period, the Jurisdiction will meet with CalRecycle telephonically or via other remote electronic means (such as Teams or Zoom) bimonthly to provide interim progress updates on the following schedule:

Meeting Cycle

- Meeting 1: During April 2023
- Meeting 2: During June 2023
- Meeting 3: During August 2023
- Meeting 4: During October 2023
- Meeting 5: During December 2023
- Meeting 6: During February 2024

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

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

The request is approved. The amendment will be included as an addendum to the March 30, 2023 Corrective Action Plan No. 1119.SLCP.CAP.2023.3.

Dated: February 7, 2024

Signature on file

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

Attachment 1: City of California City's Timeline Amendment Request

SECOND ADDENDUM TO CORRECTIVE ACTION PLAN NO. 1119.SLCP.CAP. 2023.3

City of California City Amendment of Tasks and Timelines in Corrective Action Plan No. 1119.SLCP.CAP.2023.3

On April 5, 2024, the City of California City (Jurisdiction) requested an amendment to part of its tasks and timelines for Corrective Action Plan No. 1119.SLCP.CAP.2023.3. The justification provided for the timeline amendments and task requirements is included in the attached request.

Requested Changes to Tasks and Timelines:

Task #	Original Task Language	Proposed Task Language	Original Date	First Amended Date	Second Amended Date
7	The Jurisdiction will annually procure a quantity of recovered organic waste products that meets or exceeds its current annual recovered organic waste product procurement target. The Jurisdiction shall comply by one or both of the following: • Directly procuring recovered organic waste products for use or giveaway.	The Jurisdiction will annually procure a quantity of recovered organic waste products that meets or exceeds its current annual recovered organic waste product procurement target. The Jurisdiction shall comply by one or both of the following: • Directly procuring recovered organic waste products for use or giveaway.	12/31/2023	2/29/2024	Task 7a: 6/1/2024 Task 7b: 10/1/2024

Task #	Original Task Language	Proposed Task Language	Original Date	First Amended Date	Second Amended Date
	<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • 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 7a: The Jurisdiction will finalize a written contract or agreement with the direct service provider, Agromin.</p> <p>Task 7b: The Jurisdiction will execute franchise agreement with Waste Management (WM) that includes procurement of recovered organic waste and compost giveaways.</p>			

Task #	Original Task Language	Proposed Task Language	Original Date	First Amended Date	Second Amended Date
9	<p>The Jurisdiction will meet regulatory procurement targets established by CalRecycle pursuant to Title 14 of the California Code of Regulations (CCR) Section 18993.1; enforcement of this provision by CalRecycle will be consistent with the legislative directives in Public Resources Code (PRC) Section 42652.5 (a)(5)(B) and 42652.6, as amended in Assembly Bill (AB) 1985 (R. Rivas, Chapter 344, Statutes of 2022).</p>	<p>The Jurisdiction will meet regulatory procurement targets established by CalRecycle pursuant to Title 14 of the California Code of Regulations (CCR) Section 18993.1; enforcement of this provision by CalRecycle will be consistent with the legislative directives in Public Resources Code (PRC) Section 42652.5 (a)(5)(B) and 42652.6, as amended in Assembly Bill (AB) 1985 (R. Rivas, Chapter 344, Statutes of 2022).</p> <p>Task 9a: The Jurisdiction consultant will conclude what is required to meet regulatory</p>	12/31/2023	2/29/2024	<p>Task 9a: 7/1/2024</p> <p>Task 9b: 10/1/2024</p>

Task #	Original Task Language	Proposed Task Language	Original Date	First Amended Date	Second Amended Date
		<p>procurement targets.</p> <p>Task 9b: The Jurisdiction will put plan into place to reach procurement targets.</p>			
14	<p>The Jurisdiction will begin implementing the inspection and enforcement program.</p>	<p>The Jurisdiction will begin implementing the inspection and enforcement program.</p> <p>Task 14a: The Jurisdiction will execute franchise agreement with WM that includes the use of smart technology in the WM trash trucks to meet inspection and enforcement requirements.</p> <p>Task 14b: The Jurisdiction will begin implementing the inspection and enforcement program using the smart</p>	12/31/2023	2/29/2024	<p>Task 14a: 9/1/2024</p> <p>Task 14b: 10/1/2024</p>

Task #	Original Task Language	Proposed Task Language	Original Date	First Amended Date	Second Amended Date
		technology in WM vehicles.			
15	<p>The Jurisdiction will complete a compliance review of all solid waste accounts for commercial businesses subject to its authority and that generate two cubic yards or more per week of solid waste, including organic waste. The Jurisdiction will determine compliance with:</p> <ul style="list-style-type: none"> • Organic waste generator requirements set forth in 14 CCR Section 18984.9(a). • Self-haul requirements set forth in 14 CCR Section 18988.3, including whether a business is complying through back- 	<p>The Jurisdiction will complete a compliance review of all solid waste accounts for commercial businesses subject to its authority and that generate two cubic yards or more per week of solid waste, including organic waste. The Jurisdiction will determine compliance with:</p> <ul style="list-style-type: none"> • Organic waste generator requirements set forth in 14 CCR Section 18984.9(a). • Self-haul requirements set forth in 14 CCR Section 18988.3, including whether a business is complying through back- 	2/31/2023	2/29/2024	<p>Task 15a: 6/1/2024</p> <p>Task 15b: 9/1/2024</p> <p>Task 15c: 10/1/2024</p>

Task #	Original Task Language	Proposed Task Language	Original Date	First Amended Date	Second Amended Date
	hauling organic waste.	hauling organic waste. Task 15a: The Jurisdiction will complete a plan for performing a compliance review of all solid waste accounts subject to this task. Task 15b: The Jurisdiction will execute franchise agreement with WM that includes allowing the review WM records for means of compliance evaluation. Task 15c: The Jurisdiction will use WM records to complete compliance review.			
16	The Jurisdiction will perform waste evaluations to verify commercial businesses	N/A	12/31/2023	2/29/2024	10/1/2024

Task #	Original Task Language	Proposed Task Language	Original Date	First Amended Date	Second Amended Date
	and residential generators compliance with organic waste generator requirements.				
17	The Jurisdiction will take enforcement action regarding the container contaminants provisions in 14 CCR Section 18984.5(a), through the notice provisions of 14 CCR Section 18984.5(b).	<p>The Jurisdiction will take enforcement action regarding the container contaminants provisions in 14 CCR Section 18984.5(a), through the notice provisions of 14 CCR Section 18984.5(b).</p> <p>Task 17a: ReCREATE to provide internal draft (using CalRecycle Model Ordinance) to the Jurisdiction</p> <p>Task 17b: The Jurisdiction's City Attorney will review and finalize ordinance.</p>	12/31/2023	N/A	<p>Task 17a: 5/27/2024</p> <p>Task 17b: 7/1/2024</p> <p>Task 17c: 8/13/2024</p> <p>Task 17d: 8/27/2024</p> <p>Task 17e: 10/1/2024</p>

Task #	Original Task Language	Proposed Task Language	Original Date	First Amended Date	Second Amended Date
		<p>Task 17c: The Jurisdiction will conduct first reading of ordinance.</p> <p>Task 17d: The Jurisdiction will conduct second reading of ordinance.</p> <p>Task 17e: The Jurisdiction will adopt ordinance.</p>			

The Jurisdiction’s request for task and timeline amendments shows good cause and provides reasonable alternate tasks and timelines for completion. The impacted tasks affect the final completion date of the Corrective Action Plan (CAP). Therefore, Sections 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 schedule of actions necessary for the Jurisdiction to achieve 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 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 the Section 3.2.
 - d. CalRecycle will monitor the Jurisdiction’s continued implementation of the programs identified in the CAP from March 30, 2023 through November 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 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 above.
- f. During the oversight period, the Jurisdiction will provide bimonthly status reports to CalRecycle:

Report Cycle

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

Report 2: July 31, 2023, covering May 1, 2023 – June 30, 2023

Report 3: September 30, 2023, covering July 1, 2023 – August 31, 2023

Report 4: November 30, 2023, covering September 1, 2023 – October 31, 2023

Report 5: January 31, 2024, covering November 1, 2023 – December 31, 2023

Report 6: March 31, 2024, covering January 1, 2024 – March 1, 2024

Report 7: May 31, 2024, covering March 1, 2024 – April 30, 2024

Report 8: July 31, 2024, covering May 1, 2024 – June 30, 2024

Report 9: September 30, 2024, covering July 1, 2024 – August 31, 2024

Report 10: November 30, 2024, covering September 1, 2024 – October 1, 2024

- g. The status reports are to be used to document the status and work completed for each of the identified tasks in the CAP. For each task in the CAP, the Jurisdiction will explain the status of the task, specifying what actions have been taken to complete the task.
- h. If the work has been delayed or has not been completed, the Jurisdiction will explain the reason(s) for the delay/incompletion. The Jurisdiction will also attach any previously submitted extension requests made pursuant to Section 4.4 of this CAP and any extensions granted pursuant to Section 4.5 of this CAP, using additional sheets as necessary for the report. CalRecycle may consider the explanation in deciding whether to allow the Jurisdiction to continue to operate under the Notification and CAP or to revoke approval of the Notification and CAP pursuant to PRC Section 42652.5(d).
- i. During the oversight period, the Jurisdiction will meet with CalRecycle telephonically or via other remote electronic means (such as Teams or Zoom) bimonthly to provide interim progress updates on the following schedule:

Meeting Cycle

Meeting 1: During April 2023

Meeting 2: During June 2023

Meeting 3: During August 2023

Meeting 4: During October 2023

Meeting 5: During December 2023

Meeting 6: During February 2024
Meeting 7: During April 2024
Meeting 8: During June 2024
Meeting 9: During August 2024
Meeting 10: During October 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 (4) 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., 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 March 30, 2023 Corrective Action Plan No. 1119.SLCP.CAP.2023.3.

Dated: January 9, 2025

Signature on file

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

Attachment: City of California City's Task and Timeline Amendment Request (Second Addendum)