

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

CORRECTIVE ACTION PLAN AND COMPLAINT FOR PENALTY
1572.SLCP.CAP.2023.2

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

In the Matter of: City of Livingston
1416 C Street
Livingston, CA 95334

BACKGROUND AND PURPOSE

1. The California Department of Resources Recycling and Recovery is herein after referred to as "CalRecycle."
- 1.1 CalRecycle, in consultation with the California Air Resources Board, adopted regulatory requirements, consistent with the mandate of Senate Bill 1383 (Lara, Chapter 395, Statutes of 2016), that are designed to achieve the organic waste reduction goals established in section 39730.6 of the Health and Safety Code through a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2025. The purpose of these reductions is to further the statewide effort to reduce emissions of short-lived climate pollutants (SLCP), including methane. These SLCP regulations are referred to herein as the "Regulations" and can be found at Title 14 California Code of Regulations (CCR) sections 18981.1 through 18998.4. Cities, counties, and special districts are responsible for implementing these Regulations in their communities starting January 1, 2022.
- 1.2 The City of Livingston is herein after 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 herein after 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 herein after 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 24, 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 18984.2 in that since January 1, 2022, the Jurisdiction has not provided two-container organic waste collection service to all residential and commercial generators and/or has not included food scrap collection service in the two-container collection system provided to all residential and commercial generators.
- 2.2.2 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 to include 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 this chapter.
 - 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 Title 14, CCR, section 18991.2 in that since January 1, 2022, the Jurisdiction has not included all documents supporting compliance with Section 9 18991.1 in the Implementation Record required by Section 18995.2.
- 2.2.4 The Jurisdiction is and has been in violation of Title 14, CCR, section 18992.2 in that since January 1, 2022, the Jurisdiction has not estimated the amount of edible food that will be disposed by commercial edible food generators.
- 2.2.5 The Jurisdiction is and has been in violation of Title 14, CCR, section 18992.2 in that since January 1, 2022, the Jurisdiction has not Identified existing capacity at food recovery organizations identified in Section 18982(a)(25)(A)–(B) that is available to commercial edible food generators.
- 2.2.6 The Jurisdiction is and has been in violation of Title 14, CCR, section 18992.2 in that since January 1, 2022, the Jurisdiction has not identified proposed new or expanded food recovery organizations and food recovery services that will be used to recover edible food identified pursuant to Subdivision (a)(1).
- 2.2.7 The Jurisdiction is and has been in violation of Title 14, CCR, section 18992.2 in that since January 1, 2022, Jurisdiction has not identified the amount of new or expanded capacity, at food recovery organizations and food recovery services that is necessary to recover the edible food that is estimated to be disposed by commercial edible food generators in Subdivision (a)(1).
- 2.2.8 The Jurisdiction is and has been in violation of Title 14, CCR, section 18992.2 in that since January 1, 2022, the Jurisdiction has not consulted with food recovery organizations and food recovery services regarding existing, or proposed new and expanded, capacity that could be accessed by the jurisdiction and its commercial edible food generators.

- 2.2.9 The Jurisdiction is and has been in violation of Title 14, CCR, section 18992.2 in that since January 1, 2022, the County has identified that new or expanded capacity is needed to recover the amount of edible food identified in Subdivision (a), and the jurisdiction has not:
- a. Submitted an implementation schedule to the Department that demonstrates how it will ensure there is enough new or expanded capacity to recover the edible food currently disposed by commercial edible food generators within its jurisdiction by the end of the reporting period set forth in Section 18992.3.
 - b. Consulted with food recovery organizations and food recovery services regarding existing, or proposed new and expanded, capacity that could be accessed by the jurisdiction and its commercial edible food generators.
- 2.3 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 February 28, 2023 through August 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: April 30, 2023, covering February 1, 2023 – March 31, 2023

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

Report 3: August 31, 2023, covering June 1, 2023 – July 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 March 2023

Meeting 2: During May 2023

Meeting 3: During July 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 18984.2 Two-Container Organic Waste Collection Services

The Jurisdiction will provide two-container organic waste collection services to all residences.

TASK #	Description	Target Completion Date
TASK 1	<p>The Jurisdiction in consultation with its franchised hauler, Gilton Solid Waste Management, will find a facility to accept mixed organic waste.</p> <ul style="list-style-type: none"> The Gilton Resource Recovery Facility implemented a hybrid of mechanical and manual sorting processes to sort/divert organics and recyclables from the regular solid waste stream. 	<p>2/1/2022 (Task completion to be verified)</p>
TASK 2	<p>The Jurisdiction will require and verify that 55 new employees are hired at the Gilton facility to prepare for the additional work of needed to sort materials. Ongoing equipment needs are being assessed as materials come through the lines. The Jurisdiction will ensure that the following tasks are completed.</p> <ul style="list-style-type: none"> Training of the new hires as Quality Assurance Technicians. With the additional staffing, Gilton added a separate shift to its operations; making it a two-shift operation. 	<p>3/1/2022 (Task completion to be verified)</p>
TASK 3	<p>The Jurisdiction will require and verify the Gilton facility begins using new portable sorting equipment in addition to existing equipment in order to improve its recovery rate. New portable equipment will be as follows:</p> <ul style="list-style-type: none"> New scale installed for the municipal solid waste (MSW) line. New Phoenix screener to remove organics from the MSW line. Purchased new heavy equipment loaders from CAT New sorting shoots for recycling and organics along the MSW line. 	<p>3/30/2022 (Task completion to be verified)</p>

TASK 4	The Jurisdiction will require and verify the Gilton facility implements a hybrid of mechanical and manual sorting processes to sort recyclables and remove contaminants from the organics stream.	7/1/2022 (Task completion to be verified)
TASK 5	The Jurisdiction will perform follow-up outreach, education, and site visits to non-participating covered generators. <ul style="list-style-type: none"> Contact 50% non-participating covered generators to provide service, verify self-hauling, or verify waiver eligibility. 	6/30/2023
TASK 6	The Jurisdiction will update its Franchise Agreement.	6/30/2023
TASK 7	The Jurisdiction will provide two-container waste collection service to all residential customers that are not subject to an exemption or waiver from such service under 14 CCR sections 18984.11, 18984.12, or other provision of the Regulations, or are not an authorized self-hauler subject to the Jurisdiction's ordinance requiring compliance with the requirements of section 18988.3. In implementing this container system, the Jurisdiction will ensure materials are sorted into the containers properly by generators.	6/30/2023

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 8	The Jurisdiction will educate commercial edible food generators. <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. Collection service area. 	6/30/2023

	<ul style="list-style-type: none"> ○ An indication of types of food the food recovery service or organization can accept for food recovery. 	
TASK 9	The Jurisdiction will increase commercial edible food generator access to food recovery organizations and food recovery services.	6/30/2023
TASK 10	The Jurisdiction will monitor commercial edible food generator compliance and enforce the commercial edible food generator requirements.	6/30/2023
TASK 11	<p>If the Jurisdiction does not have sufficient capacity to meet its edible food recovery needs, the Jurisdiction will increase edible food recovery capacity through the following examples which may include, but not be limited to:</p> <ul style="list-style-type: none"> ● Purchasing refrigeration equipment and vehicles. ● Purchasing new kitchen equipment. ● Using food donation matching software. ● Leveraging partnerships with other food recovery organizations. ● Hiring staff, hiring drivers, ● Training more volunteers, and ● Using education and outreach to recruit new volunteers. 	6/30/2023

Section 18991.2. Recordkeeping Requirements for Jurisdiction Edible Food Recovery Program

The Jurisdiction will establish recordkeeping for compliance with Jurisdiction edible food recovery program.

TASK #	Description	Target Completion Date
TASK 12	The Jurisdiction will establish a system for documenting and compiling records related to the edible food recovery program for recordkeeping and reporting.	4/26/2022 (Task completion to be verified)

<p>TASK 13</p>	<p>The Jurisdiction will begin tracking and compiling documentation and include the following at a minimum:</p> <ul style="list-style-type: none"> • A list of commercial edible food generators in the Jurisdiction that have a contract or written agreement with food recovery organizations or services pursuant to Section 18991.3. • A list of food recovery organizations and food recovery services in the Jurisdiction and their edible food recovery capacity. • Documentation of the actions taken to increase edible food recovery capacity. 	<p>6/30/2023</p>
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Section 18992.2 Edible Food Recovery Capacity

The Jurisdiction will conduct Organic Waste Recycling Capacity Planning.

<p>TASK #</p>	<p>Description</p>	<p>Target Completion Date</p>
<p>TASK 14</p>	<p>The Jurisdiction will provide the information necessary to comply with the requirements of Article 11:</p> <ol style="list-style-type: none"> a. Estimate the amount of edible food that will be disposed by commercial edible food generators that are located within the county and jurisdictions within the county. b. Identify existing capacity at food recovery organizations that is available to commercial edible food generators located within the county and jurisdictions within the county. c. Identify proposed new or expanded food recovery organizations and food recovery services that will be used to recover edible food identified. d. Identify the amount of new or expanded capacity, if any, at food recovery organizations and food recovery services that is necessary to recover the edible food that is estimated to be disposed by commercial edible food generators. 	<p>6/30/2023</p>
<p>TASK 15</p>	<p>The Jurisdiction will:</p> <ol style="list-style-type: none"> a. Submit an implementation schedule to CalRecycle that demonstrates how the Jurisdiction will ensure there is enough new or expanded capacity to recover the edible food currently disposed by commercial edible food generators within its Jurisdiction by the end of the reporting period. 	<p>6/30/2023</p>

	<p>b. Consult with food recovery organizations and food recovery services regarding existing, or proposed new and expanded, capacity that could be accessed by the Jurisdiction and its commercial edible food generators.</p>	
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COMPLIANCE REVIEW, ENFORCEMENT, AND RELEASE

4. Communications. All approvals and decisions of CalRecycle regarding notifications will be communicated to the Jurisdiction in writing by the Branch Chief, Jurisdiction and Agency Compliance and Enforcement Branch, Waste Permitting, Compliance and Mitigation Division, or the Branch Chief’s designee. No formal advice, guidance, suggestions, or comments by CalRecycle regarding reports, plans, specifications, schedules, or any other writings by Jurisdiction shall be construed to relieve the Jurisdiction of the obligation to obtain such formal approvals as may be required.

4.1 Submittal. All reporting from the Jurisdiction described in section 3 (Schedule for Compliance), paragraph 3.f, shall be submitted through an online portal or compliance module developed by CalRecycle with instructions provided to Jurisdiction. All other communications from the Jurisdiction according to this CAP shall be sent in writing electronically to:

Alex Souza
 Alex.Souza@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 February 28, 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. 1572.SLCP.CAP.2023.2

City of Livingston Amendment of Timelines in Corrective Action Plan No. 1572.SLCP.CAP.2023.2

On April 12, 2023, the City of Livingston requested an amendment to part of their timeline for Corrective Action Plan No. 1572.SLCP.CAP.2023.2. The City of Livingston only requested a change in the timeline, not a change in the task requirements. The justification provided for the extension is included in the attached request.

Requested Changes to Timeline:

Task #	Original Dates	Amended Dates
5	June 30, 2023	December 31, 2023
6	June 30, 2023	December 31, 2023

The City of Livingston’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 February 28th, 2023, Corrective Action Plan No. 1572.SLCP.CAP.2023.2.

Dated: April 17, 2023

Signature on file

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

Attachment 1: City of Livingston’s Timeline Amendment Request

SECOND ADDENDUM TO CORRECTIVE ACTION PLAN NO. 1572.SLCP.CAP.2023.2

City of Livingston Amendment of Timelines in Corrective Action Plan No. 1572.SLCP.CAP.2023.2

On October 25, 2023, the City of Livingston requested an amendment to part of their timelines for Corrective Action Plan No. 1572.SLCP.CAP.2023.2. The City of Livingston has only requested a change in the timeline, not a change in the task requirements. The justifications provided for the timeline amendments are included in the attached request.

Requested Changes to Timelines:

Task #	Original Date	Amended Date
5	6/30/2023	3/1/2024
6	6/30/2023	3/1/2024
7	6/30/2023	3/1/2024

The City of Livingston’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 February 28, 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: 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 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 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

The request is approved. The amendment will be included as a second addendum to the February 28, 2023 Corrective Action Plan No. 1572.SLCP.CAP.2023.2.

Dated: November 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 Livingston's Timeline Amendment Request (Second Addendum)