

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY
CORRECTIVE ACTION PLAN AND COMPLAINT FOR PENALTY
1282.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 Lodi
 P.O. Box 3006
 Lodi, CA 95241

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 Lodi 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 18, 2022.
- 2.1 CalRecycle reviewed the Jurisdiction's Notification, its description of the Jurisdiction's disclosed violations of the Regulations, and proposed actions and schedule for those actions to remedy those violations for compliance with PRC section 42652.5(e). CalRecycle approved the Notification's proposed actions and schedule of actions, as modified by this CAP.

- 2.2 The Jurisdiction's Notification identified the following violations of the Regulations as follows:
- 2.2.1 The Jurisdiction is and has been in violation of 14 CCR section 18984.1 in that since January 1, 2022, the Jurisdiction has not provided three-container organic waste collection service to all commercial generators and has not included food scrap collection service in the three-container collection system provided to all residential generators.
 - 2.2.2 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.
 - 2.2.3 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.
 - 2.2.4 The Jurisdiction is and has been in violation of 14 CCR section 18985.1 in that since February 1, 2022, the Jurisdiction has not provided education and outreach to organic waste generators that are provided an organic waste collection service, including self-haulers, or the information provided did not comply with the requirements.
 - 2.2.5 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) and document if the business is transporting the contents to a high diversion organic waste processing facility; or
 - b. Self-hauling requirements pursuant to section 18988.3, including whether a business is complying through back-hauling organic waste.
- 2.2.6 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 February 7, 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 18984.1 Three-Container Organic Waste Collection Services

The Jurisdiction will implement mandatory food scrap collection service to all residences.

Note: The Jurisdiction already provides mandatory green waste collection to all residences.

TASK #	Description	Target Completion Date
TASK 1	The Jurisdiction will adopt an enforcement ordinance or other enforceable mechanism requiring compliance with organic waste collection service.	6/1/2022 (Task completed and verified)
TASK 2	The Jurisdiction will require and verify the hauler will transport the material to an appropriate organic waste facility.	4/14/2022 (Task completion to be verified)
TASK 3	The Jurisdiction will work with its hauler to: Task 3a: Approve new rate structure.	Task 3a: 1/1/2023 (Task completion to be verified)

	<p>Task 3b: Revise contract to allow for weekly collection.</p> <p>Task 3c: Utilize two additional trucks from other routes.</p> <p>Task 3d: Begin allowing food waste in existing green waste bins.</p>	<p>Task 3b: 3/1/2023</p> <p>Task 3c: 3/1/2023</p> <p>Task 3d: 6/1/2023</p>
TASK 4	The Jurisdiction will provide food scrap collection service in the current three-container collection system to all residential customers 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 generators.	6/1/2023

The Jurisdiction will provide mandatory three-container collection services to all commercial generators.

TASK #	Description	Target Completion Date
TASK 5	The Jurisdiction will require and verify the hauler will utilize two trucks from other routes.	4/21/2022 (Task completion to be verified)
TASK 6	The Jurisdiction will require and verify the hauler will transport the material to an appropriate organic waste facility.	4/14/2022 (Task completion to be verified)
TASK 7	<p>The Jurisdiction will work with its hauler to;</p> <p>Task 7a: Evaluate waiver requests to determine which generators need containers/bins.</p> <p>Task 7b: Distribute (300-700) containers to all generators not granted waivers.</p> <p>Task 7c: The last day of the distribution.</p> <p>Task 7d: Begin service to all covered generators.</p>	<p>Task 7a: 12/31/2022 (Task completion to be verified)</p> <p>Task 7b: 6/1/2023</p> <p>Task 7c: 6/30/2023</p> <p>Task 7d: 7/31/2023</p>
TASK 8	The Jurisdiction will provide three-container waste collection service to all commercial customers that are not subject to an exemption or waiver from such service under 14 CCR sections 18984.12, 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	7/31/2023

	Jurisdiction will ensure materials are sorted into the containers properly by generators.	
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Section 18984.11 Waiver Granted by the Jurisdiction

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

TASK #	Description	Target Completion Date
TASK 9	The Jurisdiction will establish a procedure for verifying eligibility for waivers and granting waivers.	12/31/2022 (Task completion to be verified)
TASK 10	The Jurisdiction will complete evaluation of initial waiver requests.	2/28/2023

Section 18984.14 Recordkeeping Requirements for Waivers and Exemptions

The Jurisdiction will establish a recordkeeping process for waivers and exemptions.

TASK #	Description	Target Completion Date
TASK 11	The Jurisdiction will establish a system for documenting and compiling records related to waivers and exemptions for recordkeeping and reporting.	12/31/2022 (Task completion to be verified)
TASK 12	The Jurisdiction will begin documenting and compiling waiver and exemption records.	1/1/2023 (Task completion to be verified)

Section 18985.1. Organic Waste Recovery Education and Outreach

The Jurisdiction will provide organic waste recovery education and outreach to residential/commercial generators.

TASK #	Description	Target Completion Date
TASK 13	The Jurisdiction will identify/contract with designee to implement education and outreach requirements.	3/1/2023
TASK 14	The Jurisdiction will provide organic waste recovery education and outreach to residential/commercial generators. <ul style="list-style-type: none"> Information on the organic waste generator's requirements to properly separate materials in appropriate containers pursuant to Chapter 12 of the Regulations. Information on methods for: the prevention of organic waste generation, recycling organic waste on-site, 	3/1/2023

	<p>sending organic waste to community composting, and any other local requirements regarding organic waste.</p> <ul style="list-style-type: none"> • Information regarding the methane reduction benefits of reducing the landfill disposal of organic waste, and the methods of organic waste recovery the organic waste collection service uses. • Information regarding how to recover organic waste and a list of approved haulers. • Information related to the public health and safety and environmental impacts associated with the landfill disposal of organic waste. • Information regarding programs for the donation of edible food. <p>If a jurisdiction allows generators subject to its authority to self-haul organic waste pursuant to Section 18988.1, information regarding self-hauling requirements will be included in education and outreach material.</p>	
TASK 15	The Jurisdiction will post the education information on its website and update as needed. The information will be specific to the Jurisdiction's residential and commercial programs, provide compliance options, contact information for the franchise hauler, edible food recovery programs.	6/1/2023
TASK 16	The Jurisdiction will require and verify the hauler will post and maintain organic waste recovery information and edible food donation program information on its website.	6/1/2023
TASK 17	The Jurisdiction will send letters to covered residential and commercial generators providing organic waste recovery information.	7/1/2023
TASK 18	The Jurisdiction will mail a program flyer/brochure/letter to all residential and commercial generators to provide education on organics and explain the Jurisdiction's program including types of organic materials accepted and the franchise hauler's contact information.	6/1/2023
TASK 19	The Jurisdiction will conduct community meetings with residential generators.	7/1/2023
TASK 20	The Jurisdiction will provide outreach and education to organic waste generators that are provided organic waste collection services or self-haul within the Jurisdiction, that are not subject to an exemption or waiver from such service under 14 CCR sections 18984.11 and 18984.12 (a) and (c). (Note: A jurisdiction may still have a separate obligation under the Mandatory Commercial Recycling (MCR) and Mandatory Organics Recycling (MORe) laws—Public Resources Code	7/31/2023

	(PRC) Sections 42649.3 (d) and 42649.82 (d)(1)(C)—that is separate and independent of SB 1383, the SB 1383 Regulations, and this plan.)	
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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 21	The Jurisdiction will adopt an enforcement ordinance or other enforceable mechanism requiring compliance with organic waste collection service.	6/1/2022 (Task completed and verified)
TASK 22	The Jurisdiction will begin implementing the inspection and enforcement program.	12/31/2022 (Task completion to be verified)

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

TASK #	Description	Target Completion Date
TASK 23	<p>The Jurisdiction will determine compliance with:</p> <p>Task 23a: Organic waste generator requirements set forth in Section 18984.9(a) of the Regulations.</p> <p>Task 23b: Self-haul requirements set forth in Section 18988.3 of the Regulations, including whether a business is complying through back-hauling organic waste.</p>	<p>Task 23a: 10/19/2022 (Task completion to be verified)</p> <p>Task 23b: 10/31/2022 (Task completion to be verified)</p>

The Jurisdiction will conduct route reviews.

TASK #	Description	Target Completion Date
TASK 24	The Jurisdiction will conduct annual route reviews of commercial businesses and residential generators for compliance with organic waste generator requirements and container contamination requirements.	7/31/2023

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 25	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).	7/31/2023

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:

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 February 7, 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. 1282.SLCP.CAP.2023.2

City of Lodi Amendment of Timelines in Corrective Action Plan No.
1282.SLCP.CAP.2023.2

On June 21, 2023, the City of Lodi requested an amendment to part of their timeline for Corrective Action Plan No. 1282.SLCP.CAP.2023.2. The City of Lodi only requested a change in the timelines, not a change in the task requirements. The justifications provided for the timeline amendments are included in the attached request.

Requested Changes to Timelines:

Task #	Original Task Language	Proposed Task Language	Original Date	Amended Date
2	For this task, there is no change to original language.	N/A	4/14/2022	9/1/2023
3a	For this task, there is no change to original language.	N/A	1/1/2023	9/1/2023
3b	For this task, there is no change to original language.	N/A	3/1/2023	9/1/2023
3c	For this task, there is no change to original language.	N/A	3/1/2023	9/1/2023
5	For this task, there is no change to original language.	N/A	4/21/2022	2/1/2024
6	For this task, there is no change to original language.	N/A	4/14/2022	2/1/2024
7a	For this task, there is no change to original language.	N/A	12/31/2022	2/1/2024
7b	For this task, there is no change to original language.	N/A	6/1/2023	2/1/2024

7c	For this task, there is no change to original language.	N/A	6/30/2023	2/1/2024
7d	For this task, there is no change to original language.	N/A	7/31/2023	2/1/2024
8	For this task, there is no change to original language.	N/A	7/31/2023	2/1/2024
13	For this task, there is no change to original language.	N/A	3/1/2023	9/1/2023
14	Information regarding programs for the donation of edible food.	For this subtask, there is no change to original language. However, Task 14 has other subtasks that a time extension was not requested. Including the original subtask language to make clear which subtask the time extension was requested for.	3/1/2023	1/1/2024
14	If a jurisdiction allows generators subject to its authority to self-haul organic waste pursuant to Section 18988.1, information regarding self-hauling requirements will be included in education and outreach material.	For this subtask, there is no change to original language. However, Task 14 has other subtasks that a time extension was not requested. Including the original subtask language to make clear which subtask the time extension was requested for.	3/1/2023	1/1/2024
16	For this task, there is no change to original language.	N/A	6/1/2023	1/1/2024

22	For this task, there is no change to original language.	N/A	12/31/2022	2/1/2024
23a	For this task, there is no change to original language.	N/A	10/19/2022	2/1/2024
23b	For this task, there is no change to original language.	N/A	10/31/2022	2/1/2024
24	For this task, there is no change to original language.	N/A	7/31/2023	2/1/2024
25	For this task, there is no change to original language.	N/A	7/31/2023	2/1/2024

The City of Lodi’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 7, 2023, through April 30, 2024, (“the oversight period”) to assure implementation is complete and timely. The oversight period may be extended at the discretion of CalRecycle if any extensions to the Schedule are granted as described below in Sections 4.4 and 4.5.

- e. During the oversight period, the Jurisdiction will submit status reports to CalRecycle and attend status meetings with CalRecycle to demonstrate the ongoing progress the Jurisdiction is making on remedying the violations described above.
- f. During the oversight period, the Jurisdiction will provide bimonthly status reports to CalRecycle:

Report Cycle

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

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

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

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

Report 6: February 29, 2024, covering December 1, 2023 – January 31, 2024

Report 7: 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 March 2023

Meeting 2: During May 2023

Meeting 3: During July 2023

Meeting 4: During September 2023

Meeting 5: During November 2023

Meeting 6: During January 2024

Meeting 7: During March 2024

- j. The status meetings are to be used to discuss the most recent status report and to discuss interim progress made by the Jurisdiction on each of the identified tasks in the CAP.

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

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 February 7, 2023 Corrective Action Plan No. 1282.SLCP.CAP.2023.2.

Dated: August 18, 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 Lodi's Timeline Amendment Request

SECOND ADDENDUM TO CORRECTIVE ACTION PLAN NO. 1282.SLCP.CAP.2023.2

City of Lodi Amendment of Tasks and Timelines in Corrective Action Plan No. 1282.SLCP.CAP.2023.2

On February 26, 2024, the City of Lodi (Jurisdiction) requested an amendment to part of its tasks and timelines for Corrective Action Plan No. 1282.SLCP.CAP.2023.2. 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 work with its hauler to:	The Jurisdiction will work with its hauler to:			
	Task 7a: Evaluate waiver requests to determine which generators need containers/bins.	Task 7a: Evaluate waiver requests to determine which generators need containers.	Task 7a: 12/31/2022	Task 7a: 2/1/2024	Task 7a: N/A
	Task 7b: Distribute (300-700) containers to all generators not granted waivers.	Task 7b: Begin container distribution to all single-family residential and commercial business generators not granted waivers.	Task 7b: 6/1/2023	Task 7b: 2/1/2024	Task 7b: N/A
	Task 7c: The last day of the distribution.	Task 7c: Complete container distribution to all single-family residential and commercial	Task 7c: 6/30/2023	Task 7c: 2/1/2024	Task 7c: 3/18/2024
	Task 7d: Begin service to all covered	Task 7d: Begin service to all covered	Task 7d: 7/31/2023	Task 7d: 2/1/2024	Task 7d: 8/1/2024
					Task 7e: 9/30/2024
					Task 7f: 10/31/2024

Task #	Original Task Language	Proposed Task Language	Original Date	First Amended Date	Second Amended Date
	generators.	business generators. Task 7d: Begin container distribution to all multi-family properties. Task 7e: Complete container distribution to 75 percent of multi-family properties (approximately 67 properties). Task 7f: Complete container distribution to all multi-family properties.			
8	The Jurisdiction will provide three-container waste collection service to all commercial customers that are not subject to an exemption or waiver from such service under Title 14 of the California Code of Regulations (CCR) sections 18984.12, 18984.11, or	N/A	7/31/2023	2/1/2024	10/31/2024

Task #	Original Task Language	Proposed Task Language	Original Date	First Amended Date	Second Amended Date
	<p>other provision of the Regulations, or are not an authorized self-hauler subject to the Jurisdiction's ordinance requiring compliance with the requirements of 14 CCR Section 18988.3. In implementing this container system, the Jurisdiction will ensure materials are sorted into the containers properly by generators.</p>				
25	<p>The Jurisdiction will establish and implement a new direct-billing system for multi-family properties' solid waste and organics service via one of the following methods. The Jurisdiction will present each method to City Council in May 2024.</p>	New Task	N/A	N/A	5/31/2024

Task #	Original Task Language	Proposed Task Language	Original Date	First Amended Date	Second Amended Date
	<p>Implementation will begin immediately after adoption by City Council:</p> <p>I. The Jurisdiction will revise the Lodi Municipal Code to allow for owner-direct billing.</p> <p>II. The Jurisdiction will enact tenant-direct billing via a Prop 218 hearing process.</p> <p>III. Waste Management (WM) will begin a new account billing process via a contract amendment between the hauler and the Jurisdiction.</p>				
26	<p>If City Council recommends revision to the Lodi Municipal Code (LMC), completion of this task terminates the Jurisdiction's obligation to complete tasks 27-28. The Jurisdiction will:</p>	New Task	N/A	N/A	<p>Task 26a: 6/5/2024</p> <p>Task 26b: 7/17/2024</p> <p>Task 26c: 8/1/2024</p> <p>Task 26d: 8/31/2024</p>

Task #	Original Task Language	Proposed Task Language	Original Date	First Amended Date	Second Amended Date
	<p>Task 26a: Present the First Reading of the LMC revision to City Council.</p> <p>Task 26b: Present the Second Reading of the LMC revision to City Council.</p> <p>Task 26c: Adopt the LMC revision.</p> <p>Task 26d: Establish the new owner-direct billing system and begin container distribution to all multi-family properties.</p>				
27	<p>If City Council recommends tenant-direct billing via a Prop 218 hearing process, completion of this task terminates the Jurisdiction's obligation to complete tasks 26 and 28. The Jurisdiction will:</p>			N/A	<p>Task 27a: 5/31/2024</p> <p>Task 27b: 8/31/2024</p>

Task #	Original Task Language	Proposed Task Language	Original Date	First Amended Date	Second Amended Date
	<p>Task 27a: Notice all multi-family property tenants by May 2024 followed by a 45-day waiting period.</p> <p>Task 27b: Implement tenant-direct billing and begin container distribution to all multi-family properties.</p>				
28	<p>If City Council recommends that Waste Management (WM) control billing for multi-family properties via a hauler contract amendment, completion of this task terminates the Jurisdiction's obligation to complete tasks 26-27. The Jurisdiction will: Present the WM contract amendment to City Council for approval and immediate implementation.</p>	New Task	N/A	N/A	7/31/2024

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 address the violations disclosed in the Notification and described in Section 2 (Determination of Violations).
 - b. CalRecycle hereby approves and issues this CAP pursuant to Public Resources Code (PRC) Section 42652.5(c)-(e) and 14 CCR Section 18996.2.
 - c. The Jurisdiction will fully implement the programs identified in this CAP by the dates provided in the Section 3.2.
 - d. CalRecycle will monitor the Jurisdiction's continued implementation of the programs identified in the CAP from February 7, 2023 through December 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 addressing 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

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

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

Report 6: February 29, 2024, covering December 1, 2023 – January 31, 2024

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

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

Report 9: August 31, 2024, covering June 1, 2024 – July 31, 2024

Report 10: October 31, 2024, covering August 1, 2024 – September 30, 2024

Report 11: December 31, 2024, covering October 1, 2024 – November 30, 2024

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

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- 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.
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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 February 7, 2023 Corrective Action Plan No. 1282.SLCP.CAP.2023.2.

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 Lodi's Task and Timeline Amendment Request (Second Addendum)