

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

CORRECTIVE ACTION PLAN AND COMPLAINT FOR PENALTY
1362.SLCP.CAP.2023.1

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

In the Matter of: Town of Paradise
 5555 Skyway
 Paradise, CA 95969

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 Town of Paradise 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 23, 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/or has not included food scrap collection service in the three-container collection system provided to all residential and commercial generators.
 - 2.2.2 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.
- 2.3 CalRecycle accepted the Jurisdiction's self-reported Notification and characterization of its violations therein. CalRecycle has not undertaken a compliance review of Jurisdiction, and thus CalRecycle's approval of the Notification or this CAP should not be taken as an indication that Jurisdiction is in full compliance with Regulations in other respects. CalRecycle will be undertaking a compliance review of all jurisdictions in the future.

SCHEDULE FOR COMPLIANCE

3. Based on the foregoing DETERMINATION OF VIOLATIONS, CalRecycle finds that:
- a. The Jurisdiction worked with CalRecycle to develop this CAP, which includes schedule of actions necessary for the Jurisdiction to achieve address the violations disclosed in the Notification and described in Section 2 (Determination of Violations) above.
 - b. CalRecycle hereby approves and issues this CAP pursuant to PRC section 42652.5(c)-(e) and Title 14 CCR section 18996.2.
 - c. The Jurisdiction will fully implement the programs identified in this CAP by the dates provided in the Section 3.2 below.
 - d. CalRecycle will monitor the Jurisdiction's continued implementation of the programs identified in the CAP from January 25, 2023 through March 1, 2024 ("the oversight period") to assure implementation is complete and timely. The oversight period may be extended at the discretion of CalRecycle if any extensions to the Schedule are granted as described below in Sections 4.4 and 4.5.
 - e. During the oversight period, the Jurisdiction will submit status reports to CalRecycle and attend status meetings with CalRecycle to demonstrate the ongoing progress the Jurisdiction is making on remedying the violations described above.
 - f. During the oversight period, the Jurisdiction will provide bimonthly status reports to CalRecycle:

Report Cycle

Report 1: March 31, 2023, covering January 1, 2023 – February 28, 2023

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

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

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

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

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

Report 7: March 31, 2024, covering January 1, 2024 – March 1, 2024

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

Meeting Cycle

Meeting 1: During February 2023

Meeting 2: During April 2023

Meeting 3: During June 2023

Meeting 4: During August 2023

Meeting 5: During October 2023

Meeting 6: During December 2023

Meeting 7: During February 2024

Meeting 8: During April 2024

- j. The status meetings are to be used to discuss the most recent status report and to discuss interim progress made by the Jurisdiction on each of the identified tasks in the CAP.
- k. Prior to the close of the oversight period, CalRecycle may undertake a compliance review or field visit to supplement other status reporting.
- l. At any time prior to the conclusion of the oversight period, if CalRecycle determines the Jurisdiction has failed to implement the programs identified in the Notification and CAP, has failed to participate in status reporting during the oversight period, has substantially misrepresented its progress in status

reporting, or has substantially failed to make interim progress on Tasks set out in Section 3.2 for four consecutive reporting periods, CalRecycle may immediately issue a notice revoking its approval of the Notification and CAP and indicating its intent to impose penalties as provided in PRC section 42652.5. Title 14 CCR sections 18997.3, 18997.5, and 18997.6 and PRC section 42652.5 governs the process and considerations CalRecycle will utilize in calculating and assessing administrative civil penalties against the Jurisdiction, which may be up to \$10,000 per day per violation.

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

3.2. Schedule and Program of Actions

Section 18984.1 Three-Container Organic Waste Collection Services

The Jurisdiction will provide food waste collection as part of three-container organic waste collection service to all residential generators.

Task #	Description	Target Completion Date
TASK 1	<p>The Jurisdiction in consultation with the hauler will find an existing facility to accept mixed organic waste.</p> <ul style="list-style-type: none"> The current in county landfill, Butte County Landfill, is unable to process material, but continuing to review options for: <ol style="list-style-type: none"> 1) processing onsite, 2) taking out of county for processing, or 3) closing the landfill. Based on existing capacity, the Jurisdiction will collaborate with a committee developed related to the solid waste franchise agreement and the Butte County Solid Waste Local Task Force to create a program to collect and transfer material to an existing facility outside of the county, as yet unidentified, that can process the material. 	<p>12/31/2022 (Task completion to be verified)</p>
TASK 2	The Jurisdiction will perform a rate review and confirm new rate adjustments with its franchised waste hauler and the processing facility operator.	9/30/2023
TASK 3	The Jurisdiction will finalize and implement rate adjustments with its franchised waste hauler.	9/30/2023

TASK 4	The Jurisdiction will develop a new budget plan and a modified rate structure for all customers.	9/30/2023
TASK 5	The Jurisdiction will hire additional staff, including a Recycling Specialist, hauler Customer Service Representative, and Driver(s), to facilitate implementation of the program.	12/31/2023
TASK 6	The Jurisdiction will require and verify its hauler purchases additional equipment, including two new collection trucks, that will be shared between the residential and commercial routes.	3/1/2024
TASK 7	<p>The Jurisdiction and hauler will modify collection routes.</p> <ul style="list-style-type: none"> Note: Residences do not receive weekly service for green waste currently. Therefore, the Jurisdiction and its franchised waste hauler will need to determine how adding food scraps to the green waste container will affect collection routes. 	3/1/2024
TASK 8	The Jurisdiction will continue to explore with County of Butte to see if establishing an organic collection facility within the county is an option.	3/1/2024
TASK 9	The Jurisdiction will provide food waste collection as part of three-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.	3/1/2024

The Jurisdiction will provide three-container organic waste collection service to all commercial generators.

Task #	Description	Target Completion Date
TASK 10	<p>The Jurisdiction will collaborate with its hauler to find an existing facility to accept mixed organic waste.</p> <ul style="list-style-type: none"> The current in county landfill, Butte County Landfill, is unable to process material, but continuing to review options for: <ol style="list-style-type: none"> 1) processing onsite, 	<p>12/31/2022 (Task completion to be verified)</p>

	<p>2) taking out of county for processing, or 3) closing the landfill.</p> <ul style="list-style-type: none"> Based on existing capacity, the Jurisdiction will collaborate with a committee developed related to the solid waste franchise agreement and the Butte County Solid Waste Local Task Force to create a program to collect and transfer material to an existing facility outside of the county, as yet unidentified, that can process the material. 	
TASK 11	The Jurisdiction will perform a rate review and confirm new rate adjustments with waste hauler and facility operator.	9/30/2023
TASK 12	The Jurisdiction will finalize and implement rate adjustments with its franchised waste hauler.	9/30/2023
TASK 13	The Jurisdiction will develop a new budget plan and a modified rate structure for all commercial customers, particularly as it relates to providing compostable organics service to commercial and multi-family customers.	9/30/2023
TASK 14	The Jurisdiction will hire additional staff, including a Recycling Specialist, hauler Customer Service Representative, and Driver(s), to facilitate implementation of the program.	12/31/2023
TASK 15	The Jurisdiction will purchase additional equipment, including 300 commercial organics carts, that will be shared between the commercial and residential routes.	3/1/2024
TASK 16	<p>The Jurisdiction and its franchised waste hauler will modify collection routes.</p> <ul style="list-style-type: none"> New collection routes may be needed. 	3/1/2024
TASK 17	The Jurisdiction with its waste hauler will perform a site assessment to each commercial business and multi-family accounts not receiving organic waste services to determine service level needs and provide them with the proper carts/bins, training and education needed to begin service.	3/1/2024
TASK 18	The Jurisdiction will require and verify its hauler will distribute 300 organics recycling collection bins to commercial businesses that do not already have a green waste container onsite.	3/1/2024

TASK 19	The Jurisdiction will have provided all businesses with bins.	3/1/2024
TASK 20	The Jurisdiction will continue to explore with County of Butte to see if establishing an organic collection facility within the county is an option.	3/1/2024
TASK 21	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 18984.11, 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.	3/1/2024

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 22	<p>The Jurisdiction will work with Jurisdiction staff to determine costs, land application needs, and material sources. 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 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. 	3/1/2024
TASK 23	<p>The Jurisdiction will identify additional procurement opportunities within its departments and divisions for expanding the use of recovered organic waste products.</p> <ul style="list-style-type: none"> • The Jurisdiction is exploring the use of disaster funds for various capital improvement projects. These projects could include the need to purchase organic material. • The Jurisdiction is also exploring how to partner with the Paradise Recreation and Parks District (District), which 	3/1/2024

	could become a direct service provider, and determine the District's annual needs for organic material for rebuilding after the Paradise fire.	
TASK 24	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).	3/1/2024

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:

Mallory Burden
Mallory.burden@calrecycle.ca.gov

- 4.2 Compliance Review. At the end of the oversight period or at any time deemed appropriate by CalRecycle, CalRecycle will meet with the Jurisdiction to assess the Jurisdiction's CAP implementation efforts and to determine whether or not the Jurisdiction has timely complied with all commitments in all sections of this CAP. If requested by the Jurisdiction, CalRecycle has discretion to issue notice of a hearing at any time upon its staff's recommendation that the Jurisdiction has completed the conditions of the CAP. In accordance with PRC section 42652.5, failure to implement programs and or comply with all sections of the CAP at any time may result in CalRecycle's revocation of its approval of the Notification and CAP and imposition of administrative civil penalties retroactively to the date of violation in 2022, for administrative civil penalties accruing in 2023, and for administrative civil penalties accruing during any other additional time covered by the Notification and CAP. These potentially applicable penalties are described in Section 5.0 of this CAP.

- 4.3 CalRecycle Review and Approval: If CalRecycle determines that any report, plan, schedule, or other document submitted for approval pursuant to this CAP fails to comply with the Notification as amended by this CAP or fails to achieve successful implementation of the Regulations, CalRecycle may:
- a. Amend the CAP as appropriate to remedy the violations of the Regulations expeditiously, and/or
 - b. Serve a notice that CalRecycle will revoke approval of the Notification and consider the imposition of penalties in accordance with Title 14 CCR sections 18997.3, 18997.5, and 18997.6.
- 4.4 Extension Request and Other Task Modification Requests: If the Jurisdiction determines that it will be unable to perform any activity or submit any document within the time required under this CAP, the Jurisdiction may, as far in advance of the due date as possible, request an extension of time in writing. The extension request shall include a justification for the delay. If the Jurisdiction finds that a task required by this CAP in Section 3.1 is not feasible, despite the Jurisdiction's best and substantial efforts, the Jurisdiction may propose an alternative task that is substantially similar or equally effective to the original task, subject to the approval of CalRecycle. The modification request shall include an explanation of the infeasibility, an explanation of how the alternative task is substantially similar or equally effective, and a justification for any extension of time associated with the change.
- 4.5 Extension and Other Task Modification Approvals: If CalRecycle determines that good cause exists for an extension, considering the factors set out in Title 14 CCR section 18996.2(a)(2), it will grant an extension as appropriate and specify in writing a new compliance schedule. If CalRecycle determines that good cause exists for the change in task because the original task is infeasible and the alternative task is substantially similar or equally effective, it will grant an approval and extension as appropriate and specify in writing the new task; additionally, if CalRecycle determines that good cause exists for any extension associated with the change in task, considering the factors set out in Title 14 CCR section 18996.2(a)(2), it will grant an extension as appropriate and specify in writing a new compliance schedule.
- 4.6 Compliance with Applicable Laws: The Jurisdiction shall carry out this CAP in compliance with all Local, State, and Federal requirements, including but not limited to requirements to obtain necessary permits.
- 4.7 Liability: Nothing in this CAP shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of the Jurisdiction, including for violations of the Regulations that were not disclosed in the Notification and any violations of the Regulations that

the Jurisdiction fails to remedy notwithstanding commitments in the Notification and this CAP.

- 4.8 Government Liabilities: The State of California and CalRecycle shall not be liable for injuries or damages to persons or property resulting from acts or omissions in carrying out activities pursuant to this CAP, nor shall the State of California be held as a party to any contract entered into by the Jurisdiction or its agents in carrying out activities pursuant to the CAP. The Jurisdiction shall indemnify, defend, and save harmless the State, its officers, agents, and employees from any and all claims and losses accruing or resulting in connection with the performance of this CAP.
- 4.9 Parties Bound: This CAP shall apply to and be binding upon the Jurisdiction and upon CalRecycle and any successor agency (regional agency, etc.) that may have responsibility for, and the authority over, the subject matter of this CAP.

PENALTY

5. Penalties, if any, shall be assessed and calculated in accordance with the provisions of PRC 42652.5 and Title 14 CCR sections 18997.3, 18997.5, and 18997.6. Penalties shall be calculated based on the factors set out in section 18997.3 and may be as much as \$10,000 per day per violation for the duration of the violation(s).
- 5.1 Penalty Procedures. Penalty, if any, shall be imposed in accordance with the procedures and methodology set out in PRC section 42652.5 and Title 14 CCR sections 18997.3, 18997.5, and 18997.6. Regulatory violations that are considered “minor,” meaning they involve violations constituting minimal deviation from regulations, shall be subject to penalties of no less than five hundred dollars (\$500) per violation and no more than four thousand dollars (\$4,000) per violation per day; “moderate” violations are subject to no less than four thousand dollars (\$4,000) per violation and shall be no more than seven thousand five hundred dollars (\$7,500) per violation per day; and “major” violations, are subject to penalties no less than seven thousand five hundred dollars (\$7,500) per violation per day and no more than ten thousand dollars (\$10,000) per violation per day. The following types of deviations are deemed to be “major” under the regulations for the purposes of assessing penalties:
- a. Failure to have any ordinance or similarly enforceable mechanism for organic waste disposal reduction and edible food recovery.
 - b. Failure to have a provision in a contract, agreement, or other authorization that requires a hauler to comply with the requirements the Regulations.
 - c. Failure to have an edible food recovery program.
 - d. Failure to have any Implementation Record.

- e. Implementation or enforcement of an ordinance, policy, procedure, condition, or initiative that is prohibited under Title 14 CCR sections 18990.1 or 18990.2.
- f. Failure to submit the reports required in Title 14 CCR sections 18994.1 and 18994.2.

EFFECTIVE DATE

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

6.1 Date of Issuance January 25, 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. 1362.SLCP.CAP.2023.1

Town of Paradise Amendment of Timelines in Corrective Action Plan No. 1362.SLCP.CAP.2023.1

On May 23, 2023, the Town of Paradise requested an amendment to part of its timeline for Corrective Action Plan No. 1362.SLCP.CAP.2023.1. The Town of Paradise only requested a change in the timelines, not a change in the task requirements. The justification provided for timeline amendments is included in the attached request.

Requested Changes to Timelines:

Task #	Original Date	Amended Date
Task 1	12/31/2022	3/1/2024
Task 2	9/30/2023	12/31/2023
Task 3	9/30/2023	3/1/2024
Task 4	9/30/2023	3/1/2024
Task 10	12/31/2022	3/1/2024
Task 11	9/30/2023	12/31/2023
Task 12	9/30/2023	3/1/2024
Task 13	9/30/2023	3/1/2024

The Town of Paradise's request for timeline amendment shows good cause and provides a reasonable alternate timeline for completion. The impacted tasks do not affect the final completion date of the Corrective Action Plan. Therefore, the request is approved. The amendment will be included as an addendum to the January 25, 2023 Corrective Action Plan No. 1362.SLCP.CAP.2023.1.

Dated: June 2, 2023

Signature on file

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

Attachment 1: Town of Paradise's Time Amendment Request

Sent via Certified Mail

SECOND ADDENDUM TO CORRECTIVE ACTION PLAN NO. 1362.SLCP.CAP. 2023.1

Town of Paradise Amendment of Timelines in Corrective Action Plan No.
1362.SLCP.CAP.2023.1

On December 15, 2023, the Town of Paradise requested an amendment to part of its timeline for Corrective Action Plan No. 1362.SLCP.CAP.2023.1. The Town of Paradise 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	First Amended Date	Second Amended Date
2	9/30/2023	12/31/2023	3/1/2024
11	9/30/2023	12/31/2023	3/1/2024

The Town of Paradise's request for timeline amendments shows good cause and provides reasonable alternate timelines 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 the second addendum to the January 25, 2023 Corrective Action Plan No. 1362.SLCP.CAP.2023.1.

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: Town of Paradise's Timeline Amendment Request (Second Addendum)

THIRD ADDENDUM TO CORRECTIVE ACTION PLAN NO. 1362.SLCP.CAP. 2023.1

Town of Paradise Amendment of Tasks and Timelines in Corrective Action Plan No. 1362.SLCP.CAP.2023.1

On February 28, 2024, the Town of Paradise (Jurisdiction) requested an amendment to part of its tasks and timelines for Corrective Action Plan No. 1362.SLCP.CAP.2023.1. 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	Third Amended Date
1	<p>The Jurisdiction will collaborate with its hauler to find an existing facility to accept mixed organic waste.</p> <p>The current in county landfill, Butte County Landfill, is unable to process material, but continuing to review options for:</p> <p>1) processing onsite, 2) taking out of county for processing, or 3) closing the landfill.</p> <p>Based on existing capacity, the Jurisdiction will collaborate with a committee</p>	<p>The Jurisdiction will collaborate with its hauler to find an existing facility to accept mixed organic waste.</p> <p>The current in county landfill, Butte County Landfill, is unable to process material, but continuing to review options for:</p> <p>1) processing onsite, 2) taking out of county for processing, or 3) closing the landfill.</p> <p>The Jurisdiction's franchise hauler will use its existing facility in the</p>	12/31/2022	3/1/2024	N/A	2/1/2025

	<p>developed related to the solid waste franchise agreement and the Butte County Solid Waste Local Task Force to create a program to collect and transfer material to an existing facility outside of the county, as yet unidentified, that can process the material.</p>	<p>Jurisdiction to collect and transfer mixed organic material to the Yolo County Landfill compost facility.</p> <p>Based on existing capacity, if needed, the Jurisdiction will collaborate with a committee developed related to the solid waste franchise agreement and the Butte County Solid Waste Local Task Force to create a program to collect and transfer material to an existing facility outside of the county, as yet unidentified, that can process the material.</p>				
5	<p>The Jurisdiction will hire additional staff, including a Recycling Specialist, hauler Customer Service Representative, and Driver(s), to facilitate implementation of the program.</p>	<p>The Jurisdiction will hire additional staff, including a Recycling Specialist, hauler Customer Service Representative, and Driver(s), to facilitate implementation of the program.</p> <ul style="list-style-type: none"> The Jurisdiction has confirmed with the franchise hauler that the customer service staff has been hired, 	12/31/2023	N/A	N/A	1/1/2025

		and the hauler will secure the drivers for the implementation of the program.				
6	The Jurisdiction will require and verify its hauler purchases additional equipment, including two new collection trucks, that will be shared between the residential and commercial routes.	<p>The Jurisdiction will require and verify its hauler purchases additional equipment, including two new collection trucks, that will be shared between the residential and commercial routes.</p> <ul style="list-style-type: none"> Two (2) new collection trucks were ordered by the Jurisdiction's hauler in 2022 and will be delivered. 	3/1/2024	N/A	N/A	1/1/2025
7	The Jurisdiction and hauler will modify collection routes. Note: Residences do not receive weekly service for green waste currently. Therefore, the Jurisdiction and its franchised waste hauler will need to determine how adding food scraps to the green waste container will affect collection routes.	N/A	3/1/2024	N/A	N/A	2/1/2025
8	The Jurisdiction will continue to explore with County of Butte to see if establishing an organic collection facility within the County is an option.	The Jurisdiction will continue to explore with County of Butte to see if establishing an organic collection facility within the County is an option.	3/1/2024	N/A	N/A	2/1/2025

		<ul style="list-style-type: none">• The Jurisdiction will continue to meet with the County quarterly to support efforts for a regional organics collection facility at the landfill.• The Jurisdiction and its franchise hauler are moving forward with a contingency plan to use the franchise hauler's facility to collect and transfer mixed organic material to the Yolo County Landfill compost facility.				
9	The Jurisdiction will provide food waste collection as part of three-container waste collection service to all residential customers that are not subject to an exemption or waiver from such service under 14 California Code of Regulations (CCR) sections 18984.11, 18984.12, or other provision of the Regulations, or are not an authorized self-hauler subject to the	N/A	3/1/2024	N/A	N/A	2/1/2025

	Jurisdiction's ordinance requiring compliance with the requirements of Section 18988.3.					
10	<p>The Jurisdiction will collaborate with its hauler to find an existing facility to accept mixed organic waste.</p> <p>The current in county landfill, Butte County Landfill, is unable to process material, but continuing to review options for:</p> <ol style="list-style-type: none"> 1) processing onsite, 2) taking out of county for processing, or 3) closing the landfill. <p>Based on existing capacity, the Jurisdiction will collaborate with a committee developed related to the solid waste franchise agreement and the Butte County Solid Waste Local Task Force to create a program to collect and transfer material to an existing facility outside of the county, as yet</p>	<p>The Jurisdiction will collaborate with its hauler to find an existing facility to accept mixed organic waste.</p> <p>The current in county landfill, Butte County Landfill, is unable to process material, but continuing to review options for:</p> <ol style="list-style-type: none"> 1) processing onsite, 2) taking out of county for processing, or 3) closing the landfill. <p>The Jurisdiction's franchise hauler will use its existing facility in the Jurisdiction to collect and transfer mixed organic material to the Yolo County Landfill compost facility.</p> <p>Based on existing capacity, if needed, the Jurisdiction will collaborate with a committee developed related to</p>	12/31/2022	3/1/2024	N/A	2/1/2025

	unidentified, that can process the material.	the solid waste franchise agreement and the Butte County Solid Waste Local Task Force to create a program to collect and transfer material to an existing facility outside of the county, as yet unidentified, that can process the material.				
14	The Jurisdiction will hire additional staff, including a Recycling Specialist, hauler Customer Service Representative, and Driver(s), to facilitate implementation of the program.	<p>The Jurisdiction will hire additional staff, including a Recycling Specialist, hauler Customer Service Representative, and Driver(s), to facilitate implementation of the program.</p> <ul style="list-style-type: none"> The Jurisdiction has confirmed with the franchise hauler that the customer service staff has been hired, and the hauler will secure the drivers for the implementation of the program. 	12/31/2023	N/A	N/A	1/1/2025
15	The Jurisdiction will purchase additional equipment, including 300 commercial organics carts.	<p>The Jurisdiction will purchase additional equipment, including 300 commercial organics carts.</p> <ul style="list-style-type: none"> The Jurisdiction has verified that 	3/1/2024	N/A	N/A	1/1/2025

		the franchise hauler has an inventory of green waste containers on hand and is expecting another delivery in mid-2024.				
16	The Jurisdiction and its franchised waste hauler will modify collection routes. New collection routes may be needed.	N/A	3/1/2024	N/A	N/A	1/1/2025
17	The Jurisdiction with its waste hauler will perform a site assessment to each commercial business and multi-family accounts not receiving organic waste services to determine service level needs and provide them with the proper carts/bins, training and education needed to begin service.	<p>The Jurisdiction with its waste hauler will perform a site assessment to each commercial business and multi-family accounts not receiving organic waste services to determine service level needs and provide them with the proper carts/bins, training and education needed to begin service.</p> <ul style="list-style-type: none"> The Jurisdiction will instruct the franchise hauler or its solid waste consultant to perform site assessments to each commercial/multifamily account to determine 	3/1/2024	N/A	N/A	1/1/2025

		service levels needs beginning in June 2024.				
18	The Jurisdiction will require and verify its hauler will distribute 300 organics recycling collection bins to commercial businesses that do not already have a green waste container onsite.	N/A	3/1/2024	N/A	N/A	1/1/2025
19	The Jurisdiction will have provided all businesses with bins.	N/A	3/1/2024	N/A	N/A	1/1/2025
20	The Jurisdiction will continue to explore with County of Butte to see if establishing an organic collection facility within the County is an option.	<p>The Jurisdiction will continue to explore with County of Butte to see if establishing an organic collection facility within the County is an option.</p> <ul style="list-style-type: none"> • The Jurisdiction will continue to meet with the County quarterly to support efforts for a regional organics collection facility at the landfill. • The Jurisdiction and its franchise hauler are moving forward with a contingency plan to use the franchise hauler's facility to collect and 	3/1/2024	N/A	N/A	2/1/2025

		transfer mixed organic material to the Yolo County Landfill compost facility.				
21	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 18984.11, 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.	N/A	3/1/2024	N/A	N/A	2/1/2025
22	The Jurisdiction will work with Jurisdiction staff to determine costs, land application needs, and material sources. 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 by one or both of the following:	The Jurisdiction will work with Jurisdiction staff to determine costs, land application needs, and material sources. 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 by one or both of the following:	3/1/2024	N/A	N/A	Task 22: 12/31/2025 Task 22a: 2/1/2025 Task 22b: 3/1/2025 Task 22c: 4/1/2025 Task 22d: 7/1/2025 Task 22e: 9/1/ 2025 Task 22f: 11/1/ 2025

	<ul style="list-style-type: none">• Directly procuring recovered organic waste products for use or giveaway. <p>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>	<ul style="list-style-type: none">• Directly procuring recovered organic waste products for use or giveaway. <p>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> <ul style="list-style-type: none">• The Jurisdiction will analyze its procurement options.• The Jurisdiction will budget for procurement of materials to meet the SB 1383 procurement requirements.• The Jurisdiction will take steps to set up direct service provider agreement(s) with entities such as local schools, Homeowner Associations, community gardens, local farms, etc. to procure compost				
--	--	--	--	--	--	--

		<p>and/or mulch on the Jurisdiction's behalf.</p> <p>Task 22a: Meet with Old Durham Wood (SWIS #04-AA-0030) about the possibility of purchasing mulch (not currently a service they provide) from their green waste composting facility for public distribution to count towards the Jurisdiction's procurement tonnage target.</p> <p>Task 22b: Meet with Yolo County Composting Facility operators, Northern Recycling and Waste Services for the Town of Paradise (NRWS) about cost and feasibility of back hauling procured materials from the Yolo County facility to the Jurisdiction for public distribution.</p>				
--	--	--	--	--	--	--

		<p>Task 22c: Hold discussion between Jurisdiction officials and NRWS about suitable locations on Jurisdiction property to stockpile and distribute procured materials.</p> <p>Task 22d: Request funding during the 2025/26 Jurisdiction budget adoption to finance some level of materials procurement.</p> <p>Task 22e: Begin purchasing material and/or setting dates for procurement and distribution during the 2025/26 FY.</p> <p>Task 22f: Meet with local special districts (water and parks) about alternate uses for procured materials if not used by the public.</p>				
23	The Jurisdiction will identify additional procurement opportunities within	The Jurisdiction will identify additional procurement opportunities within	3/1/2024	N/A	N/A	1/31/2025

	<p>its departments and divisions for expanding the use of recovered organic waste products.</p> <ul style="list-style-type: none">• The Jurisdiction is exploring the use of disaster funds for various capital improvement projects. These projects could include the need to purchase organic material. <p>The Jurisdiction is also exploring how to partner with the Paradise Recreation and Parks District (District), which could become a direct service provider, and determine the District's annual needs for organic material for rebuilding after the Paradise fire.</p>	<p>its departments and divisions for expanding the use of recovered organic waste products.</p> <ul style="list-style-type: none">• The Jurisdiction is exploring the use of disaster funds for various capital improvement projects. These projects could include the need to purchase organic material. <p>The Jurisdiction is also exploring how to partner with the Paradise Recreation and Parks District (District), which could become a direct service provider, and determine the District's annual needs for organic material for rebuilding after the Paradise fire.</p> <p>The Jurisdiction will work with its franchised hauler to develop a plan for the giveaway of Jurisdiction procured compost at either community events or at the hauler's yard.</p>				
--	---	--	--	--	--	--

24	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 Public Resources Code (PRC) Section 42652.5 (a)(5)(B) and 42652.6, as amended in AB 1985 (R. Rivas, Chapter 344, Statutes of 2022).	N/A	3/1/2024	N/A	N/A	12/31/2025
----	---	-----	----------	-----	-----	------------

The Jurisdiction's request for tasks 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 a schedule of actions necessary for the Jurisdiction to address the violations disclosed in the Notification and described in Section 2 (Determination of Violations).
 - b. CalRecycle hereby approves and issues this CAP pursuant to 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 January 25, 2023 through January 31, 2026 ("the oversight period") to assure implementation is complete and timely. The oversight period may be extended at the discretion

of CalRecycle if any extensions to the Schedule are granted as described in Sections 4.4 and 4.5.

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

Report Cycle

Report 1: March 31, 2023, covering January 1, 2023 – February 28, 2023

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

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

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

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

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

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

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

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

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

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

Report 12: January 31, 2025, covering November 1, 2024 – December 31, 2024

Report 13: March 31, 2025, covering January 31, 2025 – February 28, 2025

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

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

Report 16: September 30, 2025, covering July 1, 2025 – August 31, 2025

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

Report 18: January 31, 2026, covering November 1, 2025 – December 31, 2025

- g. The status reports are to be used to document the status and work completed for each of the identified tasks in the CAP. For each task in the CAP, the Jurisdiction will explain the status of the task, specifying what actions have been taken to complete the task.
- h. If the work has been delayed or has not been completed, the Jurisdiction will explain the reason(s) for the delay/incompletion. The Jurisdiction will also attach any previously submitted extension requests made pursuant to Section 4.4 of this CAP and any extensions granted pursuant to Section 4.5 of this CAP, using additional sheets as necessary for the report. CalRecycle may consider the explanation in deciding whether to allow the Jurisdiction to

continue to operate under the Notification and CAP or to revoke approval of the Notification and CAP pursuant to PRC Section 42652.5(d).

- i. During the oversight period, the Jurisdiction will meet with CalRecycle telephonically or via other remote electronic means (such as Teams or Zoom) bimonthly to provide interim progress updates on the following schedule:

Meeting Cycle

- Meeting 1: During February 2023
- Meeting 2: During April 2023
- Meeting 3: During June 2023
- Meeting 4: During August 2023
- Meeting 5: During October 2023
- Meeting 6: During December 2023
- Meeting 7: During February 2024
- Meeting 8: During April 2024
- Meeting 9: During June 2024
- Meeting 10: During August 2024
- Meeting 11: During October 2024
- Meeting 12: During December 2024
- Meeting 13: During February 2025
- Meeting 14: During April 2025
- Meeting 15: During June 2025
- Meeting 16: During August 2025
- Meeting 17: During October 2025
- Meeting 18: During December 2025

- 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 third addendum to the January 25, 2023, Corrective Action Plan No. 1362.SLCP.CAP.2023.1.

Dated: February 21, 2025

Signature on file

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

Attachment: Town of Paradise's Task and Timeline Amendment Request (Third Addendum)