STATE OF CALIFORNIA

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

CORRECTIVE ACTION PLAN AND COMPLAINT FOR PENALTY
1205.SLCP.CAP.2023.3

Before:	The State of California Department of Resources Recycling and Recovery 1001 I Street Sacramento, CA 95814
In the Matter of:	City of Fullerton 303 W Commonwealth Avenue Fullerton, CA 92832

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 Fullerton 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 28, 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 residential and commercial generators and 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 18984.4 in that since January 1, 2022, the Jurisdiction has not met recordkeeping requirements for compliance with Organic Waste Collection Services.

2.2.3 The Jurisdiction is and has been in violation of 14 CCR section 18984.5 in that since January 1, 2022, the Jurisdiction has not conducted container contamination minimization for the residential or commercial sector.

2.2.4 The Jurisdiction is and has been in violation of 14 CCR section 18984.6 in that since January 1, 2022, the Jurisdiction has not met recordkeeping requirements for compliance with container contamination minimization.

2.2.5 The Jurisdiction is and has been in violation of 14 CCR section 18984.8 in that since January 1, 2022, the Jurisdiction has not distributed new containers with proper container labeling.

2.2.6 The Jurisdiction is and has been in violation of 14 CCR section 18984.11 in that since January 1, 2022, the Jurisdiction has not verified each waived generator is eligible for a waiver.

2.2.7 The Jurisdiction is and has been in violation of 14 CCR section18984.14. in that since January 1, 2022, the Jurisdiction has not met recordkeeping requirements for jurisdiction-issued waivers and exemptions.

2.2.8 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.

2.2.9 The Jurisdiction is and has been in violation of 14 CCR section 18985.1 in that since February 1, 2022, the Jurisdiction has not translated educational materials into any non-English language spoken by a substantial number of the public provided organic waste collection services by the Jurisdiction.

2.2.10 The Jurisdiction is and has been in violation of 14 CCR section 18985.2 in that since February 1, 2022, the Jurisdiction has not provided education and outreach to commercial edible food generators, or the information provided did not comply with the requirements.

2.2.11 The Jurisdiction is and has been in violation of 14 CCR, section 18985.3 in that since January 1, 2022, the Jurisdiction has not included all relevant documents supporting compliance with Article 4 (Education and Outreach) of the Regulations in the Implementation Record as required by section 18995.2.

2.2.12 The Jurisdiction is and has been in violation of Title 14 CCR section 18991.1 in that since January 1, 2022, the Jurisdiction has not implemented an edible food recovery program that includes action to accomplish the following:

a. Educate commercial edible food generators as set forth in section 18985.2.
b. Increase commercial edible food generator access to food recovery organizations and food recovery services.
c. Monitor commercial edible food generator compliance as required in Article 14 of the Regulations.
d. Increase edible food recovery capacity if the analysis required by section 18992.2 indicates that the jurisdiction does not have sufficient capacity to meet its edible food recovery needs.

2.2.13 The Jurisdiction is and has been in violation of 14 CCR section 18991.2 in that since January 1, 2022, the Jurisdiction has not included all documents supporting compliance with section 18991.1 in the Implementation Record required by section 18995.2.

2.2.14 The Jurisdiction is and has been in violation of 14 CCR section 18993.1 in that since January 1, 2022, the Jurisdiction has not procured recovered organic waste products to meet or exceed its current annual recovered organic waste product procurement target.

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

2.2.16 The Jurisdiction is and has been in violation of 14 CCR section 18993.3 in that since January 1, 2022, the Jurisdiction has not procured paper products, and printing and writing paper, consistent with the requirements of sections 22150-22154 of the Public Contract Code.

2.2.17 The Jurisdiction is and has been in violation of 14 CCR section 18993.3 in that since January 1, 2022, the Jurisdiction has not required all businesses from whom it purchases paper products and printing and writing paper to comply with the requirements of that section.

2.2.18 The Jurisdiction is and has been in violation of 14 CCR section 18993.4 in that since January 1, 2022, the Jurisdiction has not included all documents supporting its compliance with Article 12 of the Regulations in the implementation record required by section 18995.2.

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

2.2.20 The Jurisdiction is and has been in violation of 14 CCR section 18995.1 in that since January 1, 2022, the Jurisdiction has not conducted a compliance review of all solid waste collection accounts for commercial businesses

generating two cubic yards or more of solid waste per week, including organic waste.

The Jurisdiction shall also determine compliance with:

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

2.2.21 The Jurisdiction is and has been in violation of 14 CCR section 18995.1 in that since April 1, 2022, the Jurisdiction has not conducted annual route reviews of commercial businesses and residential generators for compliance with organic waste generator requirements set forth in section 18984.9(a) and container contamination requirements set forth in section 18984.5.

2.2.22 The Jurisdiction is and has been in violation of Title 14 CCR section 18995.1 in that since January 1, 2022, the Jurisdiction has not conducted inspections of Tier One commercial edible food generators and food recovery organizations and services for compliance.

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

2.2.24 The Jurisdiction is and has been in violation of Title 14 CCR section 18995.2 in that since January 1, 2022, the Jurisdiction has not included the following in the Implementation Record:

a. A copy of all ordinances or other similarly enforceable mechanisms, contracts, and agreements, as required by the Regulations.
b. A written description of the Jurisdiction's inspection and enforcement program that it uses to comply with sections 18995.1 and 18995.4.
c. All organic waste collection service records required by section 18984.4.
d. All contamination minimization records required by section 18984.6.
e. All waiver and exemption records required by section 18984.14.
f. All education and outreach records required by section 18985.3.
g. All hauler program records required by section 18988.4.
h. All jurisdiction edible food recovery program records required by section 18991.2.
i. All recovered organic waste procurement target records required by section 18993.2.
j. All recycled content paper procurement records required by section 18993.4.
k. All inspection, route review, and compliance review documents generated pursuant to the requirements of section 18995.1(d).
l. All records of enforcement actions undertaken pursuant to the Regulations.
m. All records of complaints and investigations of complaints required by section 18995.3 and compliance with the Jurisdiction’s inspection and

enforcement requirements of sections 18995.1.

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

SCHEDULE FOR COMPLIANCE

3. Based on the foregoing DETERMINATION OF VIOLATIONS, CalRecycle finds that:
   a. The Jurisdiction worked with CalRecycle to develop this CAP, which includes schedule of actions necessary for the Jurisdiction to achieve address the violations disclosed in the Notification and described in Section 2 (Determination of Violations) above.
   b. CalRecycle hereby approves and issues this CAP pursuant to PRC section 42652.5(c)-(e) and Title 14 CCR section 18996.2.
   c. The Jurisdiction will fully implement the programs identified in this CAP by the dates provided in the Section 3.2 below.
   d. CalRecycle will monitor the Jurisdiction's continued implementation of the programs identified in the CAP from March 28, 2023 through March 31, 2024 ("the oversight period") to assure implementation is complete and timely. The oversight period may be extended at the discretion of CalRecycle if any extensions to the Schedule are granted as described below in Sections 4.4 and 4.5.
   e. During the oversight period, the Jurisdiction will submit status reports to CalRecycle and attend status meetings with CalRecycle to demonstrate the ongoing progress the Jurisdiction is making on remedying the violations described above.
   f. During the oversight period, the Jurisdiction will provide bimonthly status reports to CalRecycle:

      Report Cycle
      Report 1: May 31, 2023, covering March 1, 2023 – April 30, 2023
      Report 2: July 31, 2023, covering May 1, 2023 – June 30, 2023
      Report 3: September 30, 2023, covering July 1, 2023 – August 31, 2023
      Report 4: November 30, 2023, covering September 1, 2023 – October 31, 2023
      Report 5: January 31, 2024, covering November 1, 2023 – December 31, 2023
      Report 6: March 31, 2024, covering January 1, 2024 – March 1, 2024

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

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

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

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

3.2 Schedule and Program of Actions

Section 18984.1 Three-Container Organic Waste Collection Services
The Jurisdiction will provide three-container collection service to all residences.

Task #	Description	Target Completion Date
TASK 1	The Jurisdiction will conclude on-going negotiations with the hauler (negotiations began in 2021).	5/1/2023
TASK 2	The Jurisdiction will complete revisions to the franchise agreement for collection and processing.	6/1/2023
TASK 3	The Jurisdiction will finalize and implement rate adjustments with the hauler.	7/1/2023
TASK 4	The Jurisdiction will require and verify the hauler will purchase additional collection vehicles.	9/1/2023
TASK 5	The Jurisdiction will require and verify the hauler will purchase additional organic waste and recycling collection containers.	9/1/2023
TASK 6	The Jurisdiction will, and will require and verify the hauler will, modify collection routes.	9/1/2023
TASK 7	The Jurisdiction will require and verify the hauler will distribute organics recycling collection containers to all residences that do not currently have one.	12/31/2023
TASK 8	The Jurisdiction will provide 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 collection service to all commercial generators.

Task #	Description	Target Completion Date
TASK 9	The Jurisdiction will develop an enforcement ordinance or other enforceable mechanism requiring compliance with organic waste collection service and present to Council.	1/18/2023 (Task completion to be verified)
TASK 10	The Jurisdiction will adopt an enforcement ordinance or other enforceable mechanism requiring compliance with organic waste collection service.	1/18/2023 (Task completion to be verified)
TASK 11	The Jurisdiction will find a facility to accept mixed organic waste. • This list of facilities will be included in the amendment to the franchise agreement.	1/18/2023 (Task completion to be verified)
TASK 12	The Jurisdiction will require and verify the hauler will purchase additional collection vehicles.	8/1/2023
TASK 13	The Jurisdiction will require and verify the hauler will purchase additional organic waste and recycling collection containers.	9/1/2023
TASK 14	The Jurisdiction will, and will require and verify the hauler will, modify collection routes.	9/1/2023
TASK 15	The Jurisdiction will require and verify the hauler will distribute organics recycling collection containers to all commercial businesses. **Task 15a**: 25% roll out. **Task 15b**: 25% roll out. **Task 15c**: 50% or remaining percent roll out.	Task 15a: 10/31/2023 Task 15b: 12/31/2023 Task 15c: 3/1/2024

TASK 16	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 18984.4 Recordkeeping Requirements for Compliance with Organic Waste Collection Services

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

Task #	Description	Target Completion Date
TASK 17	The Jurisdiction will establish a system for documenting organic waste collection services for recordkeeping and reporting. The Jurisdiction will Include the following information and documents in the Implementation Record: 1. A description of which collection method(s) it will use to comply. 2. The geographical area for each collection method. 3. If using a service that requires the contents of containers provided by the jurisdiction to be transported to a high diversion organic waste processing facility, the jurisdiction shall at a minimum: • List all high diversion organic waste processing facilities used by the jurisdiction. • List all approved haulers in the jurisdiction that are allowed to take organic waste to the jurisdiction's identified high diversion organic waste processing facility or facilities. • The geographical area the hauler(s) serves, the routes serviced, or a list of addresses served. 4. If allowing compostable plastics to be placed in the green container, a copy of written notification received from each facility serving the jurisdiction indicating that the facility recovers that material. 5. If allowing organic waste to be collected in plastic bags, a copy of written notification received from each facility	10/1/2023

	serving the jurisdiction indicating that the facility can process and remove plastic bags when it recovers source separated organic waste.	

Section 18984.5 Container Contamination Minimization
The Jurisdiction will monitor generator using a three-container or two-container organic waste collection service for contaminants.

Task #	Description	Target Completion Date
TASK 18	The Jurisdiction has determined it will use route reviews to monitor container contaminants. **Minimum requirements - Route reviews** • All hauler routes must be reviewed annually. • Containers may be randomly selected along a hauler route. Not required that every container on a hauler route be sampled annually.	1/1/2023 (Task completion to be verified)
TASK 19	The Jurisdiction will require and verify the hauler will develop a schedule for conducting route reviews.	9/1/2023
TASK 20	The Jurisdiction will establish a system for notifying generators of violations. **Route reviews:** • The contamination notice will, at a minimum, include information regarding the generator's requirement to properly separate materials into the appropriate containers. • The contamination notice may be left on the generator's container, gate, or door at the time the violation occurs, and/or be mailed, e-mailed, or electronically messaged to the generator.	11/1/2023
TASK 21	The Jurisdiction will require and verify the hauler will conduct route reviews.	12/31/2023
TASK 22	The Jurisdiction will perform container contamination minimization for all routes that are not subject to an exemption or waiver from such service under 14 CCR sections 18984.11 and 18984.12 (a) and (c), or are not an authorized self-hauler subject to the Jurisdiction's ordinance requiring compliance with the requirements of section 18988.3.	12/31/2023

Section 18984.6 Recordkeeping Requirements for Container Contamination Minimization

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

Task #	Description	Target Completion Date
TASK 23	The Jurisdiction will document the methods used to monitor container contaminants.	10/1/2023
TASK 24	The Jurisdiction will establish a system for documenting route reviews conducted and tracking the violations for recordkeeping and reporting. The Jurisdiction will include the following information and documents in the Implementation Record: 1. A description of the jurisdiction's process for determining the level of container contamination. 2. Documentation of route reviews conducted, if applicable. 3. Copies of all notices issued to generators with prohibited container contaminants. 4. Documentation of the number of containers where the contents were disposed due to observation of prohibited container contaminants.	10/1/2023
TASK 25	The Jurisdiction will begin documenting contamination minimization efforts and tracking number of violations.	10/1/2023

Section 18984.8 Container Labeling Requirements

The Jurisdiction will distribute new containers with proper container labeling.

Task #	Description	Target Completion Date
TASK 26	The Jurisdiction will develop labeling or use model labeling provided by CalRecycle for use on containers. 1. Labels on containers must include language or graphic images or both indicating the primary materials accepted and the primary materials prohibited in that container, OR 2. Containers must include imprinted text or graphic images indicating the primary materials accepted and the primary materials prohibited in that container.	9/1/2023

TASK 27	The Jurisdiction will require and verify the hauler will label each new container or lid provided to generators. • Labels will be consistent with the applicable container collection requirements specifying what materials are allowed to be placed in each container.	9/1/2023

Section 18984.11 Waivers
The Jurisdiction will verify each waived generator is eligible for a waiver.

Task #	Description	Target Completion Date
TASK 28	The Jurisdiction will establish a procedure for verifying eligibility for waivers and granting waivers.	9/1/2023
TASK 29	The Jurisdiction will implement its waiver program.	3/1/2024

Section 18984.14 Recordkeeping Requirements for Waivers and Exemptions
The Jurisdiction will establish recordkeeping for waivers and exemptions.

Task #	Description	Target Completion Date
TASK 30	The Jurisdiction will use a system for documenting and compiling records related to waivers and exemptions for recordkeeping and reporting, such as Recyclist software.	9/1/2023
TASK 31	The Jurisdiction will begin documenting and compiling waiver and exemption records.	3/1/2024

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 32	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 and provide compliance options, contact information for the franchise hauler, and edible food recovery programs.	10/1/2023

TASK 33	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.	10/1/2023
TASK 34	The Jurisdiction will send letters to covered residential/commercial generators providing organic waste recovery information.	12/1/2023
TASK 35	The Jurisdiction will mail a program flyer/brochure/letter to all residential/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.	12/1/2023
TASK 36	The Jurisdiction will provide organic waste recovery education and outreach to residential/commercial generators. • 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, sending organic waste to community composting, and any other local requirements regarding organic waste. • 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. 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.	12/31/2023
TASK 37	The Jurisdiction will conduct at least one community meeting with residential generators.	1/1/2024
TASK 38	The Jurisdiction will host at least one workshop with commercial generators, targeting the following organizations: Homeowner's Associations and Chamber of Commerce.	1/1/2024

TASK 39	The Jurisdiction will require and verify the hauler will conduct meetings/site visits with commercial generators.	1/1/2024
TASK 40	The Jurisdiction will conduct meetings/site visits with commercial generators based on a prioritized the list of commercial generators that request to be right-sized containers.	3/1/2024
TASK 41	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 (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.)	3/1/2024

The Jurisdiction will translate educational materials into any non-English language spoken by a substantial number of the public with organic waste collection services provided by the Jurisdiction.

Task #	Description	Target Completion Date
TASK 42	The Jurisdiction will identify the non-English languages spoken by a substantial number of the public: Spanish, Korean, and English.	1/1/2023 (Task completion to be verified)
TASK 43	The Jurisdiction/designee will translate the following educational materials: website (with translation feature).	7/1/2023
TASK 44	The Jurisdiction will post the translated educational materials and use QR codes for distribution of information.	7/1/2023

Section 18985.2 Edible Food Recovery Education and Outreach

The Jurisdiction will provide education and outreach to all residential and commercial generators.

Task #	Description	Target Completion Date

TASK 45	The Jurisdiction will develop and maintain a list of food recovery organizations and food recovery services operating within the jurisdiction on the jurisdiction's website. The list will include the following information about each food recovery organization and each food recovery service: • Name and physical address. • Contact information. • Collection service area. • An indication of types of food the food recovery service or organization can accept for food recovery.	1/1/2023 (Task completion to be verified)
TASK 46	The Jurisdiction will require and verify the hauler will maintain edible food recovery information on its website.	8/1/2023
TASK 47	The Jurisdiction will update the list of food recovery organizations and food recovery services operating within the jurisdiction on its website.	12/1/2023

The Jurisdiction will provide education and outreach to commercial edible food generators at least annually.

Task #	Description	Target Completion Date
TASK 48	The Jurisdiction will identify/contract with designee to implement education and outreach requirements through the amended agreement.	10/1/2023
TASK 49	The Jurisdiction will send flyer/brochure/letter annually to all commercial edible food generators with the following: (A) Information about the jurisdiction's edible food recovery program established pursuant to Section 18991.1. (B) Information about the commercial edible food generator requirements specified in Article 10 of Chapter 12 of the Regulations. (C) Information about food recovery organizations and food recovery services operating within the jurisdiction, and where a list of those food recovery organizations and food recovery services can be found. (D) Information about actions that commercial edible food generators can take to prevent the creation of food waste.	10/1/2023

TASK 50	The Jurisdiction will include edible food recovery information in various organic waste recovery education and outreach utilized by the jurisdiction: • Electronic (such as email, e-newsletter). • Print (such as flyer/brochure/letter). • Direct Contact (such as annual site visit).	12/31/2023

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

The Jurisdiction will establish recordkeeping for compliance with Education and Outreach requirements.

Task #	Description	Target Completion Date
TASK 51	The Jurisdiction will establish a system for documenting and compiling records related to education and outreach requirements for recordkeeping and reporting.	10/1/2023
TASK 52	The Jurisdiction will begin tracking and compiling documentation in the Implementation Record and will include at a minimum: • Copies of the information provided to comply with Article 4 of the Regulations, including flyers, brochures, newsletters, invoice messaging, and website and social media postings. • The date, and to whom the information was disseminated, or direct contact made. If a jurisdiction provides mass distribution through mailings, or bill inserts, it will provide the date, a copy of the information, and the type and number of accounts receiving the information. • If the requirements of Article 4 of the Regulations were met solely through electronic media, the record will include a copy, with dates posted, of social media posts, e-mails or other electronic messages. If a jurisdiction relies on a designee to comply with this section, it will include a copy of the materials distributed by the designee.	12/31/2023

Section 18991.1 Jurisdiction Edible Food Recovery Program

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

Task #	Description	Target Completion Date
TASK 53	The Jurisdiction will educate commercial edible food generators. (see Edible Food Recovery Education and Outreach above) • Develop a list of food recovery and food recovery services operating within the jurisdiction and maintain the list on the jurisdiction's website. The list will be updated annually and include, at a minimum, the following information about each food recovery organization and each food recovery service: o Name and physical address. o Contact information. o Collection service area. o An indication of types of food the food recovery service or organization can accept for food recovery.	12/1/2023
TASK 54	The Jurisdiction will increase commercial edible food generator access to food recovery organizations and food recovery services.	12/1/2023
TASK 55	The Jurisdiction will monitor commercial edible food generator compliance and enforce the commercial edible food generator requirements.	12/1/2023
TASK 56	If the Jurisdiction does not have sufficient capacity to meet its edible food recovery needs, the Jurisdiction will increase edible food recovery capacity through the following examples which may include, but not be limited to: • Purchasing refrigeration equipment and vehicles. • Purchasing new kitchen equipment. • Using food donation matching software. • Leveraging partnerships with other food recovery organizations. • Hiring staff and drivers. • Training more volunteers. • Using education and outreach to recruit new volunteers.	3/1/2024

Section 18991.2 Recordkeeping Requirements for Jurisdiction Edible Food Recovery Program

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

Task #	Description	Target Completion Date
TASK 57	The Jurisdiction will establish a system for documenting and compiling records related to the edible food recovery program for recordkeeping and reporting.	12/1/2023
TASK 58	The Jurisdiction will begin tracking and compiling documentation and include the following at a minimum. • A list of commercial edible food generators in the jurisdiction that have a contract or written agreement with food recovery organizations or services pursuant to section 18991.3. • A list of food recovery organizations and food recovery services in the jurisdiction and their edible food recovery capacity. • Documentation of the actions taken to increase edible food recovery capacity.	1/1/2024

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 59	The Jurisdiction will annually procure a quantity of recovered organic waste products that meets or exceeds its current annual recovered organic waste product procurement by the following: • Directly procuring recovered organic waste products for use or giveaway. • Requiring, through a written contract or agreement, that a direct service provider to the jurisdiction procure recovered organic waste products and provide written documentation of such procurement to the jurisdiction.	12/31/2023
TASK 60	The Jurisdiction will identify additional procurement opportunities within its departments and divisions for expanding the use of recovered organic waste products.	7/1/2023
TASK 61	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

Section 18993.2 Recordkeeping Requirements for Recovered Organic Waste Procurement Target

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

Task #	Description	Target Completion Date
TASK 62	The Jurisdiction will include all documents supporting compliance with Article 12 of the Regulations in the implementation record including, but not limited to, the following: • A description of how the jurisdiction will comply with the requirements of Article 12 of the Regulations. • The name, physical location, and contact information of each entity, operation, or facility from whom the recovered organic waste products were procured, and a general description of how the product was used, and if applicable, where the product was applied. • All invoices or similar records evidencing all procurement. • If including procurement of recovered organic waste products made by a direct service provider to comply with the procurement requirements of section 18993.1(a), the jurisdiction will include all records of procurement of recovered organic waste products made by the direct service provider on behalf of the jurisdiction including invoices or similar records evidencing procurement. • If a jurisdiction will include renewable gas procured from a POTW for any of the uses identified in section 18993.1(f)(2) to comply with the procurement mandate of Section 18993.1(a), a written certification by an authorized representative of the POTW, under penalty of perjury in a form and manner determined by the jurisdiction, attesting to the following for the applicable procurement compliance year: ○ (A) That the POTW was in compliance with the exclusion in Section 17896.6(a)(1); ○ (B) The total tons of organic waste received from the types of solid waste facilities listed in Section 18993.1(h)(1); and ○ (C) The percentage of biosolids that the POTW produced and transported to activities that constitute landfill disposal.	12/1/2023

	• If a jurisdiction will include electricity procured from a biomass conversion facility to comply with the procurement mandate of Section 18993.1(a), a written certification by an authorized representative of the biomass conversion facility certifying that biomass feedstock was received from a permitted solid waste facility identified in 18993.1(i) will be provided to the jurisdiction. The certification will be furnished under penalty of perjury in a form and manner determined by the jurisdiction. • If the Jurisdiction is implementing the procurement requirements of Section 18993.1 through an adjusted recovered organic waste product procurement target pursuant to Section 18993.1(j), the jurisdiction will include records evidencing the 6 total amount of transportation fuel, electricity, and gas for heating applications procured during the calendar year prior to the applicable reporting period. For jurisdictions complying with the requirements of Section 18993.1, through the procurement of mulch, a copy of the ordinance or similarly enforceable mechanism the jurisdiction has adopted requiring that mulch procured by the jurisdiction, or a direct service provider, meets the land application standards specified in Section 18993.1.	

Section 18993.3 Recycled Content Paper Procurement Requirements
The Jurisdiction will procure paper products, and printing and writing paper, consistent with the Requirements.

Task #	Description	Target Completion Date
TASK 63	The Jurisdiction will research and identify vendors with paper products meeting the requirements of sections 22150-22154 of the Public Contract Code and ensure paper products and printing and writing paper is eligible to be labeled with an unqualified recyclable label as defined in Code of Federal Regulations (CFR) Section 260.12.	8/1/2023
TASK 64	The Jurisdiction will procure paper products, and printing and writing paper meeting the Requirements.	9/1/2023

TASK 65	The Jurisdiction will require all businesses from whom the jurisdiction purchases paper products and printing and writing paper to certify in writing: • The minimum percentage, if not the exact percentage, of postconsumer material in the paper products and printing and writing paper offered or sold to the jurisdiction. ○ The Jurisdiction may waive the certification requirement if the percentage of postconsumer material in the paper products, printing and writing paper, or both can be verified by a product label, catalog, invoice, or a manufacturer or vendor Internet website. • That the paper products and printing and writing paper offered or sold to the jurisdiction is eligible to be labeled with an unqualified recyclable label as defined in 16 CFR Section 260.12.	12/1/2023

Section 18993.4 Recordkeeping Requirements for Recycled Content Paper Procurement

The Jurisdiction will establish recordkeeping related to recycled content paper procurement.

Task #	Description	Target Completion Date
TASK 66	The Jurisdiction will establish a system for tracking purchases for recordkeeping and reporting.	12/1/2023
TASK 67	The Jurisdiction will begin tracking and compiling documentation, including but not limited to the following: a) Copies of invoices, receipts or other proof of purchase that describe the procurement of paper products by volume and type for all paper purchases. b) Copies of all certifications or other verification required.	3/1/2024

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 68	The Jurisdiction will develop an inspection and enforcement program to ensure overall compliance with Regulations.	12/1/2023

TASK 69	The Jurisdiction will begin implementing the inspection and enforcement program.	1/1/2024

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

Task #	Description	Target Completion Date
TASK 70	The Jurisdiction will complete a compliance review of all solid waste accounts for commercial businesses subject to its authority and that generate two cubic yards or more per week of solid waste, including organic waste. The Jurisdiction will determine compliance with: • Organic waste generator requirements set forth in Section 18984.9(a). • Self-haul requirements set forth in Section 18988.3, including whether a business is complying through back-hauling organic waste.	12/31/2023

The Jurisdiction will conduct route reviews.

Task #	Description	Target Completion Date
TASK 71	The Jurisdiction will conduct annual route reviews of commercial businesses and residential generators for compliance with organic waste generator requirements and container contamination requirements.	12/31/2023

Section 18995.2 Implementation Record and Recordkeeping Requirements
The Jurisdiction will establish recordkeeping related to jurisdiction inspection requirements.

Task #	Description	Target Completion Date
TASK 72	The Jurisdiction will establish a system for tracking inspections and enforcement actions for recordkeeping and reporting.	12/1/2023

TASK 73	The Jurisdiction will begin tracking and compiling documentation. The Implementation Record will be stored in one central location, physical or electronic, that can be readily accessed by CalRecycle. All records and information will be included in the Implementation Record within 60 days of the creation of the record or information. All records will be retained by the jurisdiction for five years. Include all documents supporting compliance in the implementation record including, but not limited to, the following: • A copy of all ordinances or other similarly enforceable mechanisms, contracts, and agreements, as required by Chapter 12 of the Regulations. • A written description of the jurisdiction's inspection and enforcement program that it uses to comply with Sections 18995.1 and 18995.4. • All organic waste collection service records required by Section 18984.4. • All contamination minimization records required by Section 18984.6. • All waiver and exemption records required by Section 18984.14. • All education and outreach records required by Section 18985.3. • All hauler program records required by Section 18988.4. • All jurisdiction edible food recovery program records required by Section 18991.2. • All recovered organic waste procurement target records required by Section 18993.2. • All recycled content paper procurement records required by Section 18993.4. • All inspection, route review, and compliance review documents generated pursuant to the requirements of Section 18995.1(d). • All records of enforcement actions undertaken pursuant to Chapter 12 of the Regulations. • All records of complaints and investigations of complaints required by Section 18995.3 and compliance with the jurisdiction’s inspection and enforcement requirements of Sections 18995.1. All records required by Section 18998.4 if the jurisdiction is implementing a performance-based source separated organic waste collection service under Article 17 of the Regulations.	12/1/2023

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:

Amanda Jacobsen
Amanda.Jacobsen@CalRecycle.ca.gov

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

4.3 CalRecycle Review and Approval: If CalRecycle determines that any report, plan, schedule, or other document submitted for approval pursuant to this CAP fails to comply with the Notification as amended by this CAP or fails to achieve successful implementation of the Regulations, CalRecycle may:

a. Amend the CAP as appropriate to remedy the violations of the Regulations expeditiously, and/or
b. Serve a notice that CalRecycle will revoke approval of the Notification and consider the imposition of penalties in accordance with Title 14 CCR sections 18997.3, 18997.5, and 18997.6.

4.4 Extension Request and Other Task Modification Requests: If the Jurisdiction determines that it will be unable to perform any activity or submit any document within the time required under this CAP, the Jurisdiction may, as far in advance of the due date as possible, request an extension of time in writing. The extension request shall include a justification for the delay. If the Jurisdiction finds that a task required by this CAP in Section 3.1 is not feasible, despite the Jurisdiction's best and substantial efforts, the Jurisdiction may propose an alternative task that is substantially similar or equally effective to the original task, subject to the approval of CalRecycle. The modification request shall include an explanation of the infeasibility, an explanation of how the alternative task is substantially similar or equally effective, and a justification for any extension of time associated with the change.

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

4.6 Compliance with Applicable Laws: The Jurisdiction shall carry out this CAP in compliance with all Local, State, and Federal requirements, including but not limited to requirements to obtain necessary permits.

4.7 Liability: Nothing in this CAP shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of the Jurisdiction, including for violations of the Regulations that were not disclosed in the Notification and any violations of the Regulations that the Jurisdiction fails to remedy notwithstanding commitments in the Notification and this CAP.

4.8 Government Liabilities: The State of California and CalRecycle shall not be liable for injuries or damages to persons or property resulting from acts or omissions in carrying out activities pursuant to this CAP, nor shall the State of California be held as a party to any contract entered into by the Jurisdiction or its agents in carrying out activities pursuant to the CAP. The Jurisdiction shall indemnify, defend, and save harmless the State, its officers, agents, and employees from any and all claims and losses accruing or resulting in connection with the performance of this CAP.

4.9 Parties Bound: This CAP shall apply to and be binding upon the Jurisdiction and upon CalRecycle and any successor agency (regional agency, etc.) that may have responsibility for, and the authority over, the subject matter of this CAP.

PENALTY

5. Penalties, if any, shall be assessed and calculated in accordance with the provisions of PRC 42652.5 and Title 14 CCR sections 18997.3, 18997.5, and 18997.6. Penalties shall be calculated based on the factors set out in section 18997.3 and may be as much as $10,000 per day per violation for the duration of the violation(s).

5.1 Penalty Procedures. Penalty, if any, shall be imposed in accordance with the procedures and methodology set out in PRC section 42652.5 and Title 14 CCR sections 18997.3, 18997.5, and 18997.6. Regulatory violations that are considered "minor," meaning they involve violations constituting minimal deviation from regulations, shall be subject to penalties of no less than five hundred dollars ($500) per violation and no more than four thousand dollars ($4,000) per violation per day; "moderate" violations are subject to no less than four thousand dollars ($4,000) per violation and shall be no more than seven thousand five hundred dollars ($7,500) per violation per day; and "major" violations, are subject to penalties no less than seven thousand five hundred dollars ($7,500) per violation per day and no more than ten thousand dollars ($10,000) per violation per day. The following types of deviations are deemed to be "major" under the regulations for the purposes of assessing penalties:

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

EFFECTIVE DATE

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

6.1 Date of Issuance March 28, 2023

Signature on file

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

Sent via Certified Mail

FIRST ADDENDUM TO CORRECTIVE ACTION PLAN NO. 1205.SLCP.CAP.2023.3

City of Fullerton Amendment of Timelines in Corrective Action Plan No. 1205.SLCP.CAP.2023.3

On May 10, 2023, the City of Fullerton requested an amendment to part of their timeline for Corrective Action Plan No. 1205.SLCP.CAP.2023.3. The City of Fullerton only requested a change in the timelines, not a change in the task requirements. The justification provided for the timeline amendments are included in the attached request.

Requested Changes to Timelines:

Task #	Original Date	Amended Date
1	5/1/2023	11/1/2023
2	6/1/2023	1/1/2024
3	7/1/2023	3/1/2024
4	9/1/2023	1/1/2024
5	9/1/2023	3/1/2024
6	9/1/2023	3/1/2024
7	12/31/2023	3/1/2024
12	8/1/2023	1/1/2024
13	9/1/2023	3/1/2024
14	9/1/2023	3/1/2024
15	Task 15a: 10/31/2023 Task 15b: 12/31/2023 Task 15c: 3/1/2024	Task 15a: 3/1/2024 Task 15b: 3/1/2024 Task 15c: 3/1/2024

17	10/1/2023	3/1/2024
19	9/1/2023	1/1/2024
21	12/31/2023	3/1/2024
22	12/31/2023	3/1/2024
27	9/1/2023	1/1/2024
38	1/1/2024	3/1/2024
48	10/1/2023	3/1/2024
49	10/1/2023	1/1/2024
54	12/1/2023	3/1/2024
55	12/1/2023	3/1/2024
57	12/1/2023	3/1/2024
58	1/1/2024	3/1/2024
71	12/31/2023	3/1/2024

The City of Fullerton'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 an addendum to the March 28, 2023, Corrective Action Plan No. 1205.SLCP.CAP.2023.3.

Dated: June 28, 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 Fullerton's Time Amendment Request

Sent via Certified Mail

SECOND ADDENDUM TO CORRECTIVE ACTION PLAN NO. 1205.SLCP.CAP.2023.3

City of Fullerton Amendment of Timelines in Corrective Action Plan No. 1205.SLCP.CAP.2023.3.

On October 2, 2023, the City of Fullerton requested an amendment to part of their timeline for Corrective Action Plan No. 1205.SLCP.CAP.2023.3. The City of Fullerton 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 Date	Amended Date
1	5/1/2023	2/1/2024
2	6/1/2023	3/1/2024
4	9/1/2023	3/1/2024
12	8/1/2023	3/1/2024
26	9/1/2023	12/1/2023

The City of Fullerton'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 a second addendum to the March 28, 2023 Corrective Action Plan No. 1205.SLCP.CAP.2023.3.

Dated: November 1, 2023

Signature on file

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

Attachment 1: City of Fullerton's Timeline Amendment Request (Second Addendum)

Sent via Certified Mail

THIRD ADDENDUM TO CORRECTIVE ACTION PLAN NO. 1205.SLCP.CAP.2023.3

City of Fullerton Amendment of Timelines in Corrective Action Plan No. 1205.SLCP.CAP.2023.3

On November 30, 2023, the City of Fullerton requested an amendment to part of their timeline for Corrective Action Plan No. 1205.SLCP.CAP.2023.3. The City of Fullerton 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 Tasks and Timelines:

Task #	Original Date	First Amended Date	Second Amended Date	Third Amended Date
19	9/1/2023	1/1/2024	N/A	3/1/2024
23	10/1/2023	N/A	N/A	3/1/2024
24	10/1/2023	N/A	N/A	3/1/2024
25	10/1/2023	N/A	N/A	3/1/2024
27	9/1/2023	1/1/2024	N/A	3/1/2024
32	10/1/2023	N/A	N/A	3/1/2024
34	12/1/2023	N/A	N/A	3/1/2024
35	12/1/2023	N/A	N/A	3/1/2024
36	12/31/2023	N/A	N/A	3/1/2024
37	1/1/2024	N/A	N/A	3/1/2024
39	1/1/2024	N/A	N/A	3/1/2024
49	10/1/2023	1/1/2024	N/A	3/1/2024
62	12/1/2023	N/A	N/A	3/1/2024
64	9/1/2023	N/A	N/A	3/1/2024
65	12/1/2023	N/A	N/A	3/1/2024
66	12/1/2023	N/A	N/A	3/1/2024
69	1/1/2024	N/A	N/A	3/1/2024

The City of Fullerton'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 an addendum to the March 28, 2023 Corrective Action Plan No. 1205.SLCP.CAP.2023.3.

Dated: February 7, 2024

Signature on file

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

Attachment 1: City of Fullerton's Timeline Amendment Request (Third Addendum)

Sent via Certified Mail

FOURTH ADDENDUM TO CORRECTIVE ACTION PLAN NO. 1205.SLCP.CAP.2023.3

City of Fullerton Amendment of Task and Timelines in Corrective Action Plan No. 1205.SLCP.CAP.2023.3

On January 25, 2024, the City of Fullerton (Jurisdiction) requested an amendment to part of its tasks and timelines for Corrective Action Plan No. 1205.SLCP.CAP.2023.3. The justification provided for the timeline amendments and task requirements is included in the attached request.

Requested Changes to Tasks and Timelines:

Task #	Original Task Language	Proposed Task Language	Original Date	First Amended Date	Second Amended Date	Third Amended Date	Fourth Amended Date
1	The Jurisdiction will conclude on-going negotiations with the hauler (negotiations began in 2021).	The Jurisdiction will begin to meet monthly with hauler to negotiate and finalize terms of agreement.	5/1/2023	11/1/2023	2/1/2024	N/A	3/1/2024
2	The Jurisdiction will complete revisions to the franchise agreement for collection and processing.	The Jurisdiction will complete revisions to the franchise agreement for collection and processing. Jurisdiction to follow up with CalRecycle upon choosing to end negotiations with hauler.	6/1/2023	1/1/2024	3/1/2024	N/A	1/1/2025
3	The Jurisdiction will finalize	The Jurisdiction will finalize and	7/1/2023	3/1/2024	N/A	N/A	Task 3a: 2/1/2025

	and implement rate adjustments with the hauler.	implement rate adjustments with the hauler. Task 3a: Draft rates. Task 3b: Finalize rates. Task 3c: Rates go into effect.					Task 3b: 4/1/2025 Task 3c: 7/1/2025
4	The Jurisdiction will require and verify the hauler will purchase additional collection vehicles. (Residential)	The Jurisdiction will require and verify the hauler will purchase additional collection vehicles. Task 4a: Determine number of collection vehicles needed to purchase. Task 4b: Purchase vehicles.	9/1/2023	1/1/2024	3/1/2024	N/A	Task 4a: 1/1/2025 Task 4b: 2/1/2025
5	The Jurisdiction will require and verify the hauler will purchase additional organic waste and recycling collection containers. (Residential)	The Jurisdiction will require and verify the hauler will purchase additional organic waste and recycling collection containers.	9/1/2023	3/1/2024	N/A	N/A	Task 5a: 1/1/2025 Task 5b: 4/1/2025 Task 5c: 7/1/2025

		Task 5a: Jurisdiction will work with CleanRiver to finalize container design and size details to prepare for manufacturing. Task 5b: CleanRiver will begin production of collection containers. Task 5c: Hauler to distribute new containers.					
6	The Jurisdiction will, and will require and verify the hauler will, modify collection routes. (Residential)	N/A	9/1/2023	3/1/2024	N/A	N/A	1/1/2025
7	The Jurisdiction will require and verify the hauler will distribute organics recycling collection containers to all residences that do not currently have	The Jurisdiction will require and verify the hauler will distribute organics recycling collection containers to all residences that do not currently have one.	12/31/2023	3/1/2024	N/A	N/A	Task 7a: 4/1/2025 Task 7b: 6/1/2025 Task 7c: 7/1/2025 Task 7d: 8/1/2025

	one. (Residential)	Task 7a: 25 percent completion of rollout. Task 7b: 50 percent completion of rollout. Task 7c: 75 percent completion of rollout. Task 7d: 100 percent completion of rollout.					
8	The Jurisdiction will provide 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,	N/A	3/1/2024	N/A	N/A	N/A	10/1/2025

	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. (Residential)						
12	The Jurisdiction will require and verify the hauler will purchase additional collection vehicles. (Commercial)	The Jurisdiction will require and verify the hauler will purchase additional collection vehicles. Task 12a: Determine number of collection vehicles needed to purchase. Task 12b: Purchase vehicles.	8/1/2023	1/1/2024	3/1/2024	N/A	Task 12a: 1/1/2025 Task 12b: 2/1/2025
13	The Jurisdiction	The Jurisdiction will	9/1/2023	3/1/2024	N/A	N/A	Task 13a: 1/1/2025

	will require and verify the hauler will purchase additional organic waste and recycling collection containers. (Commercial)	require and verify the hauler will purchase additional organic waste and recycling collection containers. Task 13a: Jurisdiction will work with CleanRiver to finalize container design and size details to prepare for manufacturing Task 13b: CleanRiver will begin production of collection containers. Task 13c: Hauler to distribute new containers.					Task 13b: 4/1/2025 Task 13c: 7/1/2025
14	The Jurisdiction will, and will require and verify the hauler will, modify collection routes. (Commercial)	N/A	9/1/2023	3/1/2024	N/A	N/A	1/1/2025
15	The Jurisdiction will require and verify the	The Jurisdiction will require and verify the	Task 15a: 10/31/2023	Task 15a: 3/1/2024	N/A	N/A	Task 15a: 4/1/2025 Task 15b:

	hauler will distribute organics recycling collection containers to all commercial businesses. Task 15a: 25 percent roll out. Task 15b: 25 percent roll out. Task 15c: 50 percent or remaining percent roll out.	hauler will distribute organics recycling collection containers to all residences that do not currently have one. Task 15a: 25 percent completion of rollout. Task 15b: 50 percent completion of rollout Task 15c: 75 percent completion of rollout. Task 15d: 100 percent completion of rollout.	Task 15b: 12/31/2023 Task 15c: 3/1/2024	Task 15b: 3/1/2024 Task 15c: 3/1/2024			6/1/2025 Task 15c: 7/1/2025 Task 15d: 8/1/2025
16	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	N/A	3/1/2024	N/A	N/A	N/A	10/1/2025

	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. (Commercial)						
74	N/A	**Tasks 74 – 79 will only be completed if the negotiations with Republic are <u>not</u> concluded by 3/1/2025.** Jurisdiction will cease negotiations with hauler and begin execution of new Request	N/A	N/A	N/A	N/A	Task 74a: 7/1/2024 Task 74b: 1/1/2025 Task 74c: 2/1/2025

		for Proposal (RFP). Task 74a: Obtain cost proposals for consideration related to executing an RFP for a solid waste, recycling, and organics collection service provider. Task 74b: Take Agenda item to city council for approval of a consultant to administer a RFP. Task 74c: Consultant is approved and begins work on RFP.					
75	N/A	Consultant will administer the Technical Assistance phase (75a&b) and the Competitive Proposal Process and Negotiations phase (75c) of the RFP process. Task 75a: Consultant to	N/A	N/A	N/A	N/A	Task 75a: 3/1/2025 Task 75b: 3/1/2025 Task 75c: 4/1/2025

		initiate project by preparing for and conducting the kick-off meeting. Task 75b: Consultant to evaluate contract services and terms. Task 75c: Consultant to gather and review additional operational data for the RFP.					
76	N/A	Consultant will administer the Competitive Proposal Process and Negotiations Phase B. Task 76a: Consultant to complete a preliminary draft RFP agreement and seek input from Jurisdiction staff. Task 76b: Consultant to prepare and update the RFP and agreement,	N/A	N/A	N/A	N/A	Task 76a: 5/1/2025 Task 76b: 6/1/2025 Task 76c: 7/1/2025 Task 76d: 1/1/2026

		and conduct a pre-proposal conference. Task 76c: Consultant to present RFP to City Council for approval. Task 76d: Consultant to submit proposals and begin evaluating the proposals.					
77	N/A	Consultant will conclude contract selection and begin negotiations with selected proposer(s). Task 77a: Consultant to present evaluation report to City Council for approval of contract selection. Task 77b: Consultant to begin negotiations with selected proposer(s). Task 77c: Consultant to conclude	N/A	N/A	N/A	N/A	Task 77a: 2/1/2026 Task 77b: 4/1/2026 Task 77c: 10/1/2026

		negotiations with selected proposer(s).					
78	N/A	Selected contractor(s) will begin ordering equipment, distributing educational materials, conducting information meetings, and preparing for transition. Task 78a: Contractor to begin ordering equipment for collection service. Task 78b: Contractor to begin obtaining all customer information and integrate data into their system to set up customer accounts and billing. Task 78c: Contractor to begin planning for three-stream waste collection route operations. Task 78d: Contractor to	N/A	N/A	N/A	N/A	Task 78a: 7/1/2026 Task 78b: 7/1/2026 Task 78c: 7/1/2026 Task 78d: 10/1/2026

		begin delivering containers to customers.					
79	N/A	The Jurisdiction will work with new hauler to provide three-container waste collection service to all residential and 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	N/A	N/A	N/A	N/A	7/1/2027

		sorted into the containers properly by generators.					

The Jurisdiction's request for tasks and timelines 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 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 March 28, 2023 through July 31, 2027 ("the oversight period") to assure implementation is complete and timely. The oversight period may be extended at the discretion of CalRecycle if any extensions to the Schedule are granted as described in Sections 4.4 and 4.5.
   e. During the oversight period, the Jurisdiction will submit status reports to CalRecycle and attend status meetings with CalRecycle to demonstrate the ongoing progress the Jurisdiction is making to address the violations described above.
   f. During the oversight period, the Jurisdiction will provide bimonthly status reports to CalRecycle:

      Report Cycle
      Report 1: May 31, 2023, covering March 1, 2023 – April 30, 2023
      Report 2: July 31, 2023, covering May 1, 2023 – June 30, 2023
      Report 3: September 30, 2023, covering July 1, 2023 – August 31, 2023
      Report 4: November 30, 2023, covering September 1, 2023 – October 31, 2023
      Report 5: January 31, 2024, covering November 1, 2023 – December 31, 2023

Report 6: March 31, 2024, covering January 1, 2024 – February 29, 2024
Report 7: May 31, 2024, covering March 1, 2024 – April 30, 2024
Report 8: July 31, 2024, covering May 1, 2024 – June 30, 2024
Report 9: September 30, 2024, covering July 1, 2024 – August 31, 2024
Report 10: November 30, 2024, covering September 1, 2024 – October 31, 2024
Report 11: January 31, 2025, covering November 1, 2024 – December 31, 2024
Report 12: March 31, 2025, covering January 1, 2025 – February 28, 2025
Report 13: May 31, 2025, covering March 1, 2025 – April 30, 2025
Report 14: July 31, 2025, covering May 1, 2025 – June 30, 2025
Report 15: September 30, 2025, covering July 1, 2025 – August 31, 2025
Report 16: November 30, 2025, covering September 1, 2025 – October 31, 2025
Report 17: January 31, 2026, covering November 1, 2025 – December 31, 2025
Report 18: March 31, 2026, covering January 1, 2026 – February 29, 2026
Report 19: May 31, 2026, covering March 1, 2026 – April 30, 2026
Report 20: July 31, 2026, covering May 1, 2026 – June 30, 2026
Report 21: September 30, 2026, covering July 1, 2026 – August 31, 2026
Report 22: November 30, 2026, covering September 1, 2026 – October 31, 2026
Report 23: January 31, 2027, covering November 1, 2026 – December 31, 2026
Report 24: March 31, 2027, covering January 1, 2027 – February 29, 2027
Report 25: May 31, 2027, covering March 1, 2027 – April 30, 2027
Report 26: July 31, 2027, covering May 1, 2027 – July 1, 2027

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

Meeting Cycle
Meeting 1: During April 2023

Meeting 2: During June 2023
Meeting 3: During August 2023
Meeting 4: During October 2023
Meeting 5: During December 2023
Meeting 6: During February 2024
Meeting 7: During April 2024
Meeting 8: During June 2024
Meeting 9: During August 2024
Meeting 10: During October 2024
Meeting 11: During December 2024
Meeting 12: During February 2025
Meeting 13: During April 2025
Meeting 14: During June 2025
Meeting 15: During August 2025
Meeting 16: During October 2025
Meeting 17: During December 2025
Meeting 18: During February 2026
Meeting 19: During April 2026
Meeting 20: During June 2026
Meeting 21: During August 2026
Meeting 22: During October 2026
Meeting 23: During December 2026
Meeting 24: During February 2027
Meeting 25: During April 2027
Meeting 26: During June 2027

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 fourth addendum to the March 28, 2023 Corrective Action Plan No. 1205.SLCP.CAP.2023.3.

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: City of Fullerton's Timeline Amendment Request (Fourth Addendum)

Sent via Certified Mail

FIFTH ADDENDUM TO CORRECTIVE ACTION PLAN NO. 1205.SLCP.CAP.2023.3

City of Fullerton Amendment of Task and Timelines in Corrective Action Plan No. 1205.SLCP.CAP.2023.3

On July 15, 2026, the City of Fullerton (Jurisdiction) requested an amendment to part of their tasks and timelines for Corrective Action Plan No. 1205.SLCP.CAP.2023.3. The timeline amendments are included in the attached.

Requested Changes to Timelines:

Task #	Task Language	Original Date	New Amended Date
77	Consultant will conclude contract selection and begin negotiations with selected proposer(s). **Task 77a:** Consultant to present evaluation report to City Council for approval of contract selection. **Task 77b:** Consultant to begin negotiations with selected proposer(s). **Task 77c:** Consultant to conclude negotiations with selected proposer(s).	Task 77a: 2/1/2026 Task 77b: 4/1/2026 Task 77c: 10/1/2026	Task 77a: 2/1/2026 Task77b: 4/1/2026 Task 77c: 10/6/2026
78	Selected contractor(s) will begin ordering equipment, distributing educational materials, conducting information meetings, and preparing for transition. **Task 78a:** Contractor to begin ordering equipment for collection service. **Task 78b:** Contractor to begin obtaining all customer information and integrate data into their system to set up customer accounts and billing. **Task 78c:** Contractor to begin planning for three-stream waste collection route operations. **Task 78d:** Contractor to begin delivering containers to customers.	Task 78a: 7/1/2026 Task 78b: 7/1/2026 Task 78c: 7/1/2026 Task 78d: 10/1/2026	Task 78a: 10/7/2026 Task 78b: 10/7/2026 Task 78c: 10/7/2026 Task 78d: 6/24/2027

The Jurisdiction's request for timeline amendments shows good cause and provides reasonable alternate timelines for completion.

The request is approved. The amendment will be included as a fifth addendum to the March 28, 2023 Corrective Action Plan No. 1205.SLCP.CAP.2023.3.

Dated: August 18, 2026

Signature on file

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

Attachment: City of Fullerton's Timeline Amendment Request (Fifth Addendum)