



Short-lived Climate Pollutants (SLCP): Organic Waste Reductions

Proposed Regulation Text

The following denotes proposed text:

~~Strikethrough~~ = deletions of existing text

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~~Dotted Underline = Title 14, Division 7, Chapter 9, as proposed in final version of AB 901 rulemaking pending OAL review and approval~~

~~Double Underline = Additions to Title 14, Division 7, Chapter 9, as proposed in final version of AB 901 rulemaking pending OAL review and approval~~

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¹The dotted underline text for Title 14 Division 7 chapter 9 denotes text from a separate rulemaking package pending OAL review (AB 901 Rulemaking). That text is not part of this rulemaking and not subject to comments under this rulemaking. The text denoted by double underline in that chapter is part of this rulemaking and comments may be submitted on that portion of the text on this page.

TITLE 14: NATURAL RESOURCES
DIVISION 7. DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

Chapter 12: Short-lived Climate Pollutants

General Provisions

Section 18981. 1. Scope of Chapter

(a) This chapter establishes the regulatory requirements for jurisdictions, generators, haulers, solid waste facilities, and other entities to achieve the organic waste disposal reduction targets codified in Section 39730.6 of the Health and Safety Code and Chapter 13.1 of Division 30 of the Public Resources Code.

(b) This chapter includes:

- (1) Requirements for jurisdictions to adopt and implement organic waste collection services and to develop edible food recovery programs;
- (2) Limitations on local ordinances, policies, and initiatives that are in conflict with the Integrated Waste Management Act and specifically Chapter 13.1 of Division 30 of the Public Resources Code;
- (3) Requirements for the procurement of recovered organic waste products; and,
- (4) Minimum standards for reporting, enforcement, and penalties to be implemented by jurisdictions and the Department.

Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

Section 18981. 2. Implementation Requirement on Jurisdictions

(a) By January 1, 2022, a jurisdiction shall adopt enforceable ordinance(s), or similarly enforceable mechanisms that are consistent with the requirements of this chapter, to mandate that organic waste generators, haulers, and other entities subject to the requirements of this chapter that are subject to the jurisdiction's authority comply with the requirements of this chapter.

(b) A jurisdiction may designate a public or private entity to fulfill its responsibilities under this chapter. A designation shall be made through any one or more of the following:

- (1) Contracts with haulers or other private entities; or,
- (2) Agreements such as MOUs with other jurisdictions, entities, regional agencies as defined in Public Resources Code Section 40181, or other government entities, including environmental health departments.

(c) Notwithstanding subdivision (b) of this section, a jurisdiction shall remain ultimately responsible for compliance with the requirements of this chapter.

(d) If a jurisdiction designates another entity as allowed in subdivision (b) of this section, the jurisdiction shall include copies of all agreements and contracts in the Implementation Record Required by Section 18995.2 of this chapter.

Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

Article 1. Definitions

Section 18982. Definitions

(a) The following definitions shall govern the provisions of this chapter:

- (1) "Activities that constitute landfill disposal" are activities described in subdivision (a) of Section 18983.1.
- (2) "Alternative daily cover (ADC)" has the same meaning as in Section 20690 of Title 27 of the California Code of Regulations (CCR).
- (3) "Alternative intermediate cover (AIC)" has the same meaning as in Section 20700 of Title 27 of the California Code of Regulations
- (4) "Biosolids" has the same meaning as Section 17852(a)(9) of this division.

- (5) "Blue container" means a container where the lid of the container is entirely blue in color. Hardware such as hinges and wheels on a blue container may be a different color.
- (6) "Commercial business" means a firm, partnership, proprietorship, joint- stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a multifamily residential dwelling.
- (A) A multifamily residential dwelling that consists of fewer than five units is not a commercial business for purposes of this chapter.
- (7) "Commercial edible food generator includes a Tier One or a Tier Two commercial edible food generator as defined in subdivisions (a)(73) and (a)(74) of this section.
- (8) "Community composting" means any activity that composts green material, agricultural material, food material, and vegetative food material, alone or in combination, and the total amount of feedstock and compost on-site at any one time does not exceed 100 cubic yards and 750 square feet, as specified in Section 17855(a)(4).
- (9) "Compliance Review" means a review of records by a jurisdiction or the Department to determine compliance with subscribing to an organic waste collection service as required by this chapter
- (10) "Compost" has the same meaning as in Section 17896.2(a)(4) of this division.
- (11) "Compostable material" has the same meaning as in Section 17852(a)(11).
- (12) "Compostable material handling operation" or " facility" has the same meaning as in Section 17852(a)(12).
- (13) "Consumer" has the same meaning as in Section 113757 of the Health and Safety Code.
- (14) "Container contamination" or "contaminated container" means a container, regardless of color, that contains prohibited container contaminants as defined in subdivision (a)(55) of this section.
- (15) "Designee" means an entity that a jurisdiction contracts with or otherwise arranges to carry out any responsibilities of this chapter, as authorized in Section 18981. 2 of this chapter. A designee may be a government entity, a hauler, a private entity, or a combination of those entities.
- (16) "Diesel gallon equivalent" means the amount of renewable gas transportation fuel that has the equivalent energy content of one gallon of conventional diesel.
- (17) "Direct service provider" means a provider that contracts with a jurisdiction to provide services.
- (18) "Edible food" means unsold or unserved food that is fit for human consumption, even though the food may not be readily marketable due to appearance, age, freshness, grade, size, surplus, or other conditions. For the purposes of these regulations, "edible food" is not solid waste if it is recovered and not discarded.
- (19) "Enforcement action" means an action of a jurisdiction or the Department to ensure compliance with this chapter, including, but not limited to, issuing notices of violation, accusations, or other remedies.
- (20) "Facility that recovers source separated organic waste" means a facility that handles source separated organic waste separately from any other wastes as required in Section 17409.5.5 of this Division.
- (21) "Food" has the same meaning as in Section 113781 of the Health and Safety Code.
- (22) "Food employee" has the same meaning as in Section 113788 of the Health and Safety Code.
- (23) "Food facility" has the same meaning as in Section 113789 of the Health and Safety Code.
- (24) "Food recovery" means actions to collect and distribute food for human consumption which otherwise would be disposed.
- (25) "Food recovery organization" means an entity that primarily engages in the collection or receipt of edible food from edible food generators and distributes that edible food to the public for consumption, including, but not limited to:
- (A) A food bank as defined in Section 113783 of the Health and Safety Code;
- (B) A nonprofit charitable organization as defined in Section 113841 of the Health and Safety code; and,
- (C) A nonprofit charitable temporary food facility as defined in Section 113842 of the Health and Safety Code.
- (26) "Food recovery service means a person or entity that collects and transports edible food from an edible food generator to a food recovery organization or other entities for food recovery.
- (27) "Food service distributor" means an entity primarily engaged in providing food services to institutional, governmental, commercial, or industrial locations of others based on contractual arrangements with these types of organizations.
- (28) "Gray container" means a container where the lid of the container is entirely a shade of gray or black in color.
- (29) "Green container" means a container where the lid of the container is entirely green in color. Hardware such as hinges and wheels on a green container may be a different color.
- (30) "Grocery store" means a store primarily engaged in the retail sale of canned food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area that is not separately owned within the store where the food is prepared and served, including a bakery, deli, and meat and seafood departments. Grocery store includes convenience stores.

- 1 (31) "Hauler" has the same meaning as in Section 18815.2 (a)(32).
2 (32) "Health facility" has the same meaning as in Section 1250 of the Health and Safety Code.
3 (33) "High diversion organic waste processing facility" means a facility that is in compliance with the
4 reporting requirements of Section 18815.5(d) of this division and meets or exceeds an annual average
5 mixed waste organic content recovery rate of 50 percent between January 1, 2022 and December 31, 2024,
6 and 75 percent after January 1, 2025 as calculated pursuant to Section 18815.5(e) of this division for
7 organic waste received from the "Mixed Waste Organic Waste Collection Stream" as defined in Section
8 17402 (a)(11.5) of this division.
9 (34) "Hotel" has the same meaning as in Section 17210 of the Business and Professions code.
10 (35) "Inspection" means a site visit where a jurisdiction or the Department reviews records, containers, and
11 an entity's collection, handling, recycling, or disposal of organic waste or edible food handling to determine
12 if the entity is complying with requirements set forth in this chapter.
13 (36) "Jurisdiction" means a city or county, or a city and county or a special district that provides solid waste
14 handling services. A city or county, or a city and county, may utilize a Joint Powers Authority to comply with
15 the requirements of this chapter, except that the individual city, county, or city and county shall remain
16 ultimately responsible for compliance.
17 (37) "Jurisdiction of residence" means the jurisdiction where a generator who is a self-hauler generated
18 organic waste.
19 (38) "Large event" means an event, including, but not limited to, a sporting event or a flea market, that
20 charges an admission price, or is operated by a local agency, and serves an average of more than 2,000
21 individuals per day of operation of the event, at a location that includes, but not limited to, a public,
22 nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being
23 used for an event.
24 (39) "Large venue" means a permanent venue facility that annually seats or serves an average of more than
25 2,000 individuals within the grounds of the facility per day of operation of the venue facility. For purposes of
26 this chapter, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated
27 stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport,
28 racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility.
29 For purposes of this chapter, a site under common ownership or control that includes more than one large
30 venue that is contiguous with other large venues in the site, is a single large venue.
31 (40) "Local education agency" means a school district, charter school, or county office of education that is
32 not subject to the control of city or county regulations related to solid waste.
33 (41) "Non-compostable paper" includes but is not limited to paper that is coated in a plastic material that will
34 not breakdown in the composting process.
35 (42) "Non-local entity" means an entity that is an organic waste generator but is not subject to the control of
36 a jurisdiction's regulations related to solid waste. These entities may include, but are not limited to, special
37 districts, federal facilities, prisons, facilities operated by the state parks system, public universities and state
38 agencies.
39 (43) "Non-organic recyclables" means non-putrescible and non-hazardous recyclable wastes including but
40 not limited to bottles, cans, metals, plastics, and glass.
41 (44) "Notice and Order to Correct (NOTC)" means a notice that a violation has occurred and that failure to
42 correct the violation may result in a penalty.
43 (45) "Notice of Violation (NOV)" means a notice that a violation has occurred that includes a compliance
44 date to avoid an action to seek penalties.
45 (46) "Organic waste" means solid wastes containing material originated from living organisms and their
46 metabolic waste products, including but not limited to food, green material, landscape and pruning waste,
47 organic textiles and carpets, lumber, wood, paper products, printing and writing paper, manure, biosolids,
48 digestate, and sludges.
49 (47) "Organic waste disposal reduction target" is the statewide target to reduce the disposal of organic
50 waste by 50 percent by 2020 and 75 percent by 2025, based on the 2014 organic waste disposal baseline,
51 set forth in Section 39730.6 of the Health and Safety Code.
52 (48) "Organic waste generator" means a person or entity that is responsible for the initial creation of organic
53 waste.
54 (49) "Organic waste recovery activities" or "recovery" means any activity or process described in Section
55 18983.1(b).
56 (50) "Organic Waste Recovery Noncompliance Inventory" means a list of entities that have uncorrected
57 violations of the organics waste state standards contained in this chapter.

- (51) "Paper products" include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, and hanging files, building insulation and panels, corrugated boxes, tissue, and toweling.
- (52) Paper purchase" means all purchases by a jurisdiction of items in the following categories:
- (A) Paper products.
- (B) Printing and writing papers.
- (52.5) "Permanent" means, in the context of the determination of processes or technologies that constitute a reduction in landfill disposal, that greenhouse gas emissions reductions are not reversible, or when these emissions reductions may be reversible, that mechanisms are in place to replace any reversed greenhouse gas emissions reductions to ensure that all reductions endure for at least 100 years."
- (53) "Person" has the same meaning as in Section 40170 of the Public Resources Code.
- (54) "Printing and writing papers" include, but are not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and other uncoated writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications.
- (55) "Prohibited container contaminants" means any of the following, but does not include organic waste specifically allowed for collection in a container that is required to be transported to a high diversion organic waste processing facility if the waste is specifically identified as acceptable for collection in that container in a manner that complies with the requirements of Section 18984.1, 18984.2, or 18984.3
- (A) Non-organic waste placed in a green collection container that is part of an organic waste collection service provided pursuant to Section 18984.1 or 18984.2.
- (B) Organic wastes that are, carpet, hazardous wood waste, non-compostable paper placed in the green container that is part of an organic waste collection service provided pursuant to Section 18984.1 or 18984.2.
- (C) Organic wastes, placed in a gray container, that pursuant to Section 18984.1 or 18984.2 were intended to be collected separately in the green container or blue container.
- (D) Organic wastes, placed in the blue container shall be considered prohibited container contaminants when those wastes were specifically identified in this chapter or through a local ordinance for collection in the green container for recovery. Paper products, printing and writing paper, wood and dry lumber may be considered acceptable and not considered prohibited container contaminants if they are placed in the blue container.
- (56) "Processing" has the same meaning as in Section 17402 (a)(20).
- (57) "Property owner" means the owner of real property
- (58) "Publicly Owned Treatment Works" or "POTW" has the same meaning as in Section 403.3(r) of Title 40 of the Code of Federal Regulations.
- (59) "Recovered organic waste product procurement target" means the amount of recycled organic waste products which a jurisdiction is required to procure annually.
- (60) "Recovered organic waste products" means products made from California, landfill-diverted recycled organic waste processed in a permitted or otherwise authorized facility.
- (61) "Recycled content paper" means paper products and printing and writing paper that consists of at least 30 percent, by fiber weight, postconsumer fiber.
- (62) "Renewable transportation fuel" means fuel derived from renewable gas from organic waste that has been diverted from a landfill and processed at an in-vessel digestion facility that is permitted or otherwise authorized by Title 14 to recycle organic waste.
- (63) "Residual organic waste" means waste that remains after organic waste has been processed which is then sent to landfill disposal.
- (64) "Restaurant" means an establishment primarily engaged in the retail sale of food and drinks for on-premises or immediate consumption.
- (65) "Route review" means a visual inspection of containers along a hauler route for the purpose of determining container contamination, and may include mechanical inspection methods such as the use of cameras.
- (66) "Self-hauler" means a person who hauls solid waste, organic waste or recyclable material he or she has generated to another person. Self-hauler also includes a person who back-hauls waste.
- (A) "Back-haul" means generating and transporting organic waste to a destination owned and operated by the generator using the generator's own employees and equipment.
- (67) "Sewage sludge" means the solid, semisolid, or liquid residue generated during the treatment of domestic sewage in a municipal wastewater treatment facility. Sewage sludge includes solids removed or used during primary, secondary, or advanced wastewater treatment processes. Sewage sludge does not include grit or screening material generated during preliminary treatment of domestic sewage at a POTW.
- (68) "Share table" has the same meaning as in Section 114079 of the Health and Safety Code

- (69) "Source separated organic waste" means organic waste that is placed in a container that is specifically intended for the separate collection of organic waste by the generator.
- (70) "Subsequent violation" means a violation of this chapter by a jurisdiction or entity that has previously been subject to an enforcement action for a violation of this chapter. For purposes of this chapter, a subsequent violation may only be found when it has occurred within five years of the violation that has already been the subject of an enforcement action.
- (71) "Supermarket" means a full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items.
- (72) "The 2014 organic waste disposal baseline" means the total tons of organic waste disposed statewide in 2014 as calculated by CalRecycle's 2014 Waste Characterization Study.
- (73) "Tier one commercial edible food generator" means a commercial edible food generator that is one of the following:
- (A) Supermarket.
 - (B) Grocery store with a total facility size equal to or greater than 7,500 square feet.
 - (C) Food service distributor.
 - (E) Wholesale food market.
- (74) "Tier two commercial edible food generator" means a commercial edible food generator that is one of the following:
- (A) Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.
 - (B) Hotel with an on-site food facility and 200 or more rooms.
 - (C) Health facility with an on-site food facility and 100 or more beds.
 - (E) Large venue.
 - (F) Large event.
 - (G) A state agency with a cafeteria with 250 or more seats or total cafeteria facility size equal to or greater than 5,000 square feet.
 - (H) A local education agency facility with an on-site food facility.
- (75) "Violation" means a lack of compliance with a requirement of this chapter or local ordinance(s) adopted pursuant to this chapter.
- (76) "Wholesale food market" means a food establishment in which food (including fruits and vegetables) is received, shipped, stored, prepared for distribution to a retailer, warehouse, distributor, or other destination.
- (77) "Yellow container" means a container where lid of the container is entirely yellow in color. Hardware such as hinges and wheels on a yellow container may be a different color.

Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

Article 2. Landfill Disposal and Reductions in Landfill Disposal

Section 18983.1 Landfill Disposal and Recovery.

(a) The following dispositions of organic waste shall be deemed to constitute landfill disposal:

- (1) Final deposition at a landfill.
- (2) Use as Alternative Daily Cover or Alternative Intermediate Cover at a landfill, except the use of Material Recovery Fines that are approved pursuant to Section 20690 of Title 27 Division 2
- (3) Any other disposition not listed in subsection (b) of this section.

(b) Organic waste sent to one of the following facilities, operations, or used for one of the following activities, and not subsequently sent for landfill disposal shall be deemed to constitute a reduction of landfill disposal.

- (1) An operation that qualifies as a "Recycling Center" as set forth in Section 17402.5(d), or is listed in Section 17402.5(c) of this Division.
- (2) A "Compostable Material Handling Operation or Facility" as defined in Section 17852(a)(12) of this Division, small composting activities that would otherwise be excluded from that definition pursuant to Section 17855(a)(4) of this Division, or community composting as defined in Section 18982(a)(8).
- (3) An "In-vessel Digestion Operation or Facility" as listed in Section 17896.5 of this Division, or activities that would otherwise not be subject to the in-vessel digestion requirements pursuant to Section 17896.6 of this Division.
- (4) A Biomass Conversion operation or facility as defined in Section 40106 of the Public Resources Code.

- 1 (5) Used as a soil amendment for erosion control, revegetation, slope stabilization, or landscaping at a
2 landfill, when the material is used in a manner that complies with the following criteria:
3 (A) The material has been processed at a solid waste facility, as defined in Section 40194 of the Public
4 Resources Code.; and,
5 (B) The use shall be:
6 1. Restricted to those organic wastes appropriate for the specific use and in accordance with
7 engineering, industry guidelines or other standard practices specified in the Report of Disposal Site
8 Information, as required by 27 CCR Section 21600(b)(6).
9 2. Restricted to quantities of solid wastes no more than necessary to meet the minimum
10 requirements of 1.
11 3. Stored and handled in a manner to protect public health and safety and the environment, and
12 control vectors, fires, odors, and nuisances.
13 (C) The material applied is never more than 12 inches in depth.
14 (D) The material applied is never commingled with solid waste and incorporated into the landfill for final
15 deposition.
16 (6) Land application, as defined in Section 17852(a)(24.5) of this division subject to the following conditions:
17 (A) Green waste or green material shall meet the definition of Section 17852(a)(21) and shall have been
18 processed at a solid waste facility, as defined by Section 40194 of the Public Resources Code.
19 (B) Biosolids shall:
20 1. Have undergone anaerobic digestion or composting, as defined in Part 503, Title 40 of the Code of
21 Federal Regulations, Appendix B, and,
22 2. Meet the requirements in Section 17852(a)(24.5)(B)(6) of this division for beneficial reuse of
23 biosolids.
24 (C) Digestate shall:
25 1. Have been anaerobically digested at an in-vessel digestion operation or facility, as described in
26 Sections 17896.8 through 17896.13; and,
27 2. Meet the land application requirements described in Section 17852(a)(24.5)(A).
28 3. Have obtained applicable approvals from the State and/or Regional Water Quality Control Board
29 requirements.
30 (7) Lawful use as animal feed, as set forth in Chapter 6 of Food and Agricultural Code (FAC), commencing
31 with Section 14901 et. Seq and Title 3, Division 4, Chapter 2, Subchapter 2 commencing at Article 1,
32 Section 2675 of the Code of California Regulations.
33 (8) Other operations or facilities with processes that reduce short-lived climate pollutants as determined in
34 accordance with Section 18983.2.
35 (c) For the purposes of this section, the term "landfill" includes permitted landfills, landfills that require a permit,
36 export out of California for disposal, or any other disposal of waste as defined by Section 40192(c) of the Public
37 Resources Code.
38 (d) For the purposes of this section, edible food that would otherwise be disposed that is recovered for human
39 consumption shall constitute a reduction of landfill disposal.
40

41 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.
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43 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103,
44 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5,
45 39730.6, 39730.7 and 39730.8.
46

47 **Section 18983.2 Determination of Technologies That Constitute a Reduction in Landfill Disposal**

48 (a) For operations, facilities or activities not expressly identified in section 18983.1, as reducing landfill disposal,
49 the following process shall be used to determine if processes or technologies shall be deemed to constitute a
50 reduction of landfill disposal:

51 (1) The applicant shall submit the following information to the Department:

52 (A) Name and contact information for the person responsible for the information in the report.

53 (B) Detailed explanation of each of the processes or technologies proposed by the applicant for use to
54 reduce landfill disposal.

55 (C) For each process or technology noted in Section 18983.2(a)(1)(B), the mass in short tons of organic
56 waste, differentiated by type, that will be processed each year. For mixed organic waste, the mass in
57 short tons of the various types of organic waste shall be determined based on an annual waste
58 characterization study.

- (D) For any residual material produced from the proposed process or technology, a description of each end use or disposal location to which the residual material will be sent. For each end use or disposal location, the applicant must submit the expected mass in short tons and characteristics of the residual material.
- (E) For each of the processes or technologies described pursuant to Section 18983.2(a)(1)(B), each calculation, assumption, and emission factor used by the applicant to calculate the permanent greenhouse gas emissions reduction potential of the proposed operation. All calculations must be clearly laid out such that the Department and/or the Executive Officer of the California Air Resources Board (CARB) are able to follow and understand the calculation of greenhouse gas emissions reduction potential. Calculations must include quantification of the greenhouse gas emissions produced from the process or technology itself, including those emissions from any residual material.
- (F) For each emission factor used pursuant to Section 18983.2(a)(1)(E), documentation demonstrating that the emission factor has been peer reviewed or subjected to other scientifically rigorous review methods.
- (G) A detailed explanation of how the proposed technology or process will result in a permanent reduction in greenhouse gas emissions.
- (H) A written attestation that the information supplied is true, accurate, and complete.
- (I) The director of the Department may request additional information from the applicant if required to validate the information submitted pursuant to this Section.
- (2) The Department shall consult with CARB's Executive Officer to evaluate if the information submitted by the applicant is sufficient to determine the greenhouse gas emissions reduction potential of the proposed operation, and whether or not the proposed operation results in a permanent reduction in greenhouse gas emissions, and therefore counts as a reduction in landfill disposal.
- (3) To determine if the proposed operation counts as a permanent reduction in landfill disposal, the Department and/or CARB's Executive Office shall compare the metric tons carbon dioxide equivalent (MTCO_{2e}) per short ton organic waste reduced by the process or technology, with the emissions reduction from composting organic waste (0.30 MTCO_{2e}/short ton organic waste). The Department shall only deem a proposed operation to constitute a reduction in landfill disposal if the process or technology has permanent greenhouse gas emissions reductions equal to or greater than the 0.30 MTCO_{2e}/short ton of mixed organic waste.
- (b) If the Department determines that a proposed process or technology results in a reduction in landfill disposal, the Department shall post to its website the results of the determination and include a description of the operation.
- (c) Upon request of the applicant, as part of determination of activities that constitute a reduction in landfill disposal, the Department may consider additional information provided by the applicant that demonstrates that the proposed activity is identical or equivalent to a proposed activity the Department has determined pursuant to Section 18983.2(a) results in a reduction in landfill disposal.

Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

Article 3. Organic Waste Collection Services

Section 18984.

- (a) This article specifies the minimum standards for organic waste collection services provided by jurisdictions, outlines efforts jurisdictions must engage in to reduce container contamination, delineates container color and labeling requirements, specifies criteria for rural jurisdictions to be exempt from specified requirements of this section and criteria for jurisdictions to waive requirements for specified generators. This article additionally specifies associated recordkeeping requirements for these standards.
- (b) This article sets forth the requirements for Organic Waste collection in the following sections:
- 18984.1 Three-container Organic Waste Collection Services.
 - 18984.2 Two-container Organic Waste Collection Services.
 - 18984.3 Unsegregated Single Container Collection Systems.
 - 18984.4 Recordkeeping Requirements for Compliance with Organic Waste Collection Services.
 - 18984.5 Container Contamination Minimization.
 - 18984.6 Recordkeeping Requirements for Container Contamination Minimization.
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- 18984.12 Waivers and Exemptions Granted by the Department.
- 18984.13 Emergency Circumstances.
- 18984.14 Recordkeeping Requirements for Waivers and Exemptions.

Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

Section 18984.1. Three-container Organic Waste Collection Services

(a) A jurisdiction may comply with the requirements of this article by implementing a three-container organic waste collection service and providing a green container, a blue container, and a gray container to each generator in the following manner:

(1) The green container shall be provided for the collection of organic waste. The green container shall be intended for the collection of organic waste only and not non-organic waste. The contents of the green container shall be transported to a facility that recovers source separated organic waste.

(2) The blue container shall be provided for the collection of non-organic recyclables only but may include the following types of organic wastes: paper products, printing and writing paper, wood and dry lumber and textiles. The contents of the blue container shall be transported to a facility that recovers the materials designated for collection in the blue container.

(3) The gray container shall be for the collection of non-organic waste only.

(4) A jurisdiction may comply with this section by providing a container or containers that are split or divided into segregated sections, instead of an entire container, as long as the lids of the separate sections of a split container comply with the container color requirements and material limitations specified in this section.

(5) The following shall not be collected in the green container:

(A) Carpets, non-compostable paper, and hazardous wood waste.

(6) A jurisdiction may require additional segregation of source separated organic waste by providing multiple source separated organic waste containers or additional sections of split containers in addition to the green container.

(A) This may include, in addition to a green container for yard waste and green waste, a yellow container for separated food waste.

(B) Additional containers provided in accordance with this subdivision shall not be blue, gray, or green.

(b) A jurisdiction that provides a three-container organic waste collection service that complies with subdivision (a) may transport the contents of the gray container to a facility that processes and recovers organic waste. A jurisdiction that complies with subdivision (a) is not required to transport the contents of the gray container to a facility that meets or exceeds the organic waste content recovery standard specified in Section 18984.3. A jurisdiction will not be considered out of compliance with subdivision (a) if it allows carpet and textiles to be placed in the gray container.

(c) Notwithstanding subdivision (a), a jurisdiction providing a three-container organic waste collection service may allow organic waste, such as food waste, to be collected in the gray container provided that the collection program complies with the following:

(1) The contents of the gray container shall be transported to a facility that meets or exceeds the organic waste content recovery requirements specified in Section 18984.3.

(2) The gray container is labeled in a manner consistent with Section 18984.8 that identifies the types of organic waste content accepted in the gray container.

(3) The jurisdiction otherwise provides green and blue containers in a manner that complies with the requirements and limitations specified in subdivision (a) of this section.

(d) Notwithstanding subdivision (a), the contents of containers may be initially transported to a consolidation site as defined in Section 17402 that complies with the requirements of Section 17409.5.10.

Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

Section 18984.2. Two-container Organic Waste Collection Services

(a) A jurisdiction may comply with the requirements of this article by implementing a two-container organic waste collection service providing a green container and a blue container to each generator in the following manner:

(1) The green container shall be for the collection of organic waste only. The contents of the green container shall be transported to a facility that specifically recovers source separated organic waste.

(2) The blue container shall be for the collection of all non-organic waste. However, the blue container may be used for the collection of the following types of organic wastes: paper products, printing and writing paper, wood and dry lumber, and textiles.

(3) If either container is intended for the collection of both organic waste and non-organic waste, the contents of that container shall be transported to a high diversion organic waste processing as specified in Section 18984.3 of this article.

(4) A jurisdiction shall, consistent with Section 18984.8 of this article, clearly identify the types of wastes accepted in each container and which container shall be used for the collection of any unidentified materials.

(5) The following shall not be collected in the green container:

(A), Carpets, non-compostable paper, and hazardous wood waste

(b) Notwithstanding (a) the contents of containers may be initially transported to a consolidation site as defined in Section 17402 that complies with the requirements of Section 17409.5.10.

Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

Section 18984.3. Unsegregated Single-Container Collection Services

(a) A jurisdiction may comply with the requirements of this article by providing a single gray container to each generator that allows for intentional comingling of all collected wastes, including organic waste, provided that the contents of the gray container are transported to a high diversion organic waste processing facility.

(b) If the facility that the container is transported to has an annual average mixed waste organic content recovery rate that is lower than required in Section 18982(a)(33) of this chapter for two (2) consecutive quarterly reporting periods or three (3) quarterly reporting periods within three (3) years, the facility shall not qualify as a high diversion organic waste processing facility.

(c) If the jurisdiction is in violation of this section due to a facility to which it sends organic waste being unable to meet the required annual average mixed waste organic content recovery rate, the jurisdiction shall be subject to the enforcement process in Section 18996.2, which may include a corrective action plan as specified in that section allowing it time to meet the requirements of this article prior to the Department seeking administrative penalties.

(d) Notwithstanding subdivision (a), the contents of containers may be initially transported to a consolidation site as defined in Section 17402 that complies with the requirements of Section 17409.5.10.

(e) A jurisdiction may allow organic waste specified for collection in the gray container to be placed in bags for collection.

Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

Section 18984.4. Recordkeeping Requirements for Compliance with Organic Collection

(a) A jurisdiction shall include the following information and documents in the Implementation Record required by Section 18995.2 of this chapter:

(1) A description of which collection method(s) it will use to comply with this article .

(2) The geographical area for each collection method

(3) If the jurisdiction is 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:

(A) List all high diversion organic waste processing facilities used by the jurisdiction.

(B) Include copies of, quarterly and annual average mixed waste organic content recovery rates, for each of those facilities, as defined in Section 18984.3.

(C) 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.

(D) The geographical area the hauler(s) serves, the routes serviced, or a list of addresses served.

Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

Section 18984.5. Container Contamination Minimization

(a) A jurisdiction shall monitor the containers provided to generators using a three-container or two-container organic waste collection service to minimize prohibited container contaminants as required by this section.

(b) A jurisdiction shall conduct a route review for prohibited container contaminants on randomly selected containers in a manner that results in all collection routes being reviewed quarterly.

(1) Upon finding prohibited container contaminants in a container, the jurisdiction, shall contact the generator or provide written notice to the generator.

(A) The written notice shall, at a minimum, include information regarding the generator's requirement to properly separate materials into the appropriate containers and may include photographic evidence of the violation.

(B) The notice may be left on the generator's container at the time the violation occurs.

(2) If a jurisdiction observes a visible prohibited container contaminant in a generator's green container or blue container, it may dispose of the container's contents.

(3) If the jurisdiction observes prohibited container contaminants in a generator's green container or blue container on more than three consecutive occasions, the jurisdiction may impose additional contamination processing fees on the generator and may impose penalties.

(c) If a jurisdiction is informed by a solid waste facility operator pursuant to Section 17409.5.7, 17867, or 17896.25.1 of this division, or Title 27, Section 20901, that the waste collected by one of its haulers contains prohibited container contaminants while the hauler was servicing the jurisdiction's generators, then the jurisdiction shall:

(1) Investigate by physically inspecting containers along the route(s) that the contaminants came from to determine the sources of contamination and provide written notification, either by placement on organic waste containers, mailing education notices, or direct contact with generators, which shall, at a minimum, include information regarding the generator's requirement to properly separate materials into the appropriate containers and may include photographic evidence of the violation.

(d) If a jurisdiction complies with this section through a designee as allowed in Section 18981, 2 of this chapter, and the designee observes visible prohibited container contaminants in a container, the designee shall inform the jurisdiction in writing, each month, with the address of the generator and the date the contaminated container was observed; if available, any photographic documentation; and what action was taken.

(e) Nothing in this section limits a jurisdiction from adopting contamination standards that are more stringent than the requirements of this section.

Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

Section 18984.6. Recordkeeping Requirements for Container Contamination Minimization

(a) A jurisdiction shall include the following information and documents related to its compliance with Section 18984.5, in the Implementation Record required by Section 18995.2 of this chapter.

(1) A description of the jurisdiction's process for determining the level of container contamination.

(2) Documentation of random route reviews for each collection date conducted pursuant to Section 18984.5(b), as described in Section 18995.1 of this chapter.

(3) Copies of all written notices, violations, education, and enforcement actions issued or given to the generator with prohibited container contaminants.

(A) If direct contact other than written contact is made in lieu of written notification, the jurisdiction shall include a record of the type of contact provided, and the date contact was made in the implementation record.

(4) Documentation of notifications from solid waste facility operators of contaminated loads, documentation of subsequent follow-up such as copies of the jurisdiction's route review and findings conducted pursuant to Section 18984. 5(c).

Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

Section 18984.7. Container Color Requirements

(a) A jurisdiction shall provide collection containers to generators that comply with the container color requirements specified in this article.

(b) Notwithstanding subdivision (a), a jurisdiction is not required to replace functional containers that do not comply with the color requirements of this article prior to the end of the useful life of those containers, or prior to January 1, 2032, whichever comes first.

Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

Section 18984.8. Container Labeling Requirements

(a) Commencing January 1, 2022, a jurisdiction shall place and maintain a label on each new container or lid provided to generators consistent with the applicable container collection requirements and limitations of this article specifying what materials are allowed to be placed in each container.

(b) A jurisdiction may comply with this section by:

(1) Placing labels on containers that include written or graphic materials that indicate which materials are accepted and which are prohibited in that container;

(2) Providing containers with imprinted text or graphics that indicate which materials are accepted and which are prohibited in that container.

(c) A jurisdiction may comply with this section by using model labeling provided by the Department.

Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

Section 18984.9 Organic Waste Generator Requirements

(a) Organic waste generators shall comply with applicable local requirements adopted pursuant to this article for the collection and recovery of organic waste, by either:

(1) Subscribing to and complying with the requirements of the organic waste collection service provided by their jurisdiction; or

(2) Self-hauling organic waste to a facility that processes source separated organic waste in a manner that complies with the requirements of Article 7 (commencing with Section 18988).

(b) Generators that are commercial businesses shall also:

(1) Provide containers for the collection of organic waste and non-organic recyclables in all areas where disposal containers are provided for customers, except for restrooms. The containers provided by the business shall conform with the containers provided through the organic waste recovery service provided by their jurisdiction.

- (2) Prohibit their employees from placing organic waste in a container not designated to receive organic waste as set forth in Sections 18984.1(a)(5) and 18984.2(a)(5) of this chapter.
- (3) Periodically inspect organic waste containers for contamination and inform employees if containers are contaminated and of the requirement to only use those containers for organic waste.
- (c) Nothing in this section prohibits a generator from preventing or reducing waste generation, managing organic waste on site, or using a community composting site.

Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

Section 18984.10. Property and Business Owner Responsibilities

- (a) Property owners and business owners shall provide or arrange for organic waste collection services consistent with this article and local requirements, for employees, contractors, tenants, and customers, including supplying and allowing access to adequate number, size, and location of containers with sufficient labels and container color.
- (b) Property and business owners shall annually provide information to employees, contractors, tenants, and customers about organic waste recovery requirements and about proper sorting of organic waste.
- (1) Property owners shall provide information to new tenants upon occupation of the premises.
- (c) Property and business owners shall provide or arrange for access to their properties during all inspections conducted pursuant to Article 14 of this chapter (commencing with Section 18995).

Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

Section 18984.11. Waivers and Exemptions Granted by a Jurisdiction

- (a) A jurisdiction may grant one or more of the following types of waivers to a generator of organic waste:
- (1) De Minimis Waivers:
- (A) A jurisdiction may waive a commercial business's obligation to comply with some or all of the organic waste requirements of this article if the generator is a commercial business that provides documentation or the jurisdiction has evidence demonstrating that:
1. The commercial business's total solid waste collection service is two cubic yards or more per week and organic waste comprises less than 20 gallons per week of the businesses' total waste.
 2. The commercial business's total solid waste collection service is less than two cubic yards per week and organic waste comprises less than 10 gallons per week of the businesses' total waste.
- (B) A jurisdiction shall annually verify that the commercial business's organic waste generation meets the waiver thresholds set forth in this subdivision.
- (C) If a jurisdiction obtains information at any time that a commercial business that has received a waiver is exceeding the organic waste thresholds specified in subdivision (A)1 or (A)2, the jurisdiction shall rescind the commercial business's waiver.
- (2) Physical Space Waivers.
- (A) A jurisdiction may waive some or all of the organic waste collection service requirements of this article if a commercial business or property owner provides documentation, or the jurisdiction has evidence from its staff, a hauler, licensed architect, engineer, or similarly qualified source demonstrating that its premises lack adequate space for separate organic waste containers.
- (3) Collection Frequency Waivers:
- (A) A jurisdiction may allow the owner or tenant of any residence, premise, business establishment or industry that subscribes to a three-container or two-container organic waste collection service to arrange for a service that collects waste not placed in the green container once every fourteen days, provided that:
1. The jurisdiction, or its authorized hauler, demonstrates to the Solid Waste Local Enforcement Agency that less frequent collection than required by Section 17331 of Title 14 of the California Code

of Regulations will not result in the propagation of vectors or other public health and safety, or nuisance issues.

(b) Nothing in this section allows a jurisdiction to exempt a business subject to the requirements of Section 42649.81 of the Public Resources Code from compliance with that section.

Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

Section 18984.12. Waivers and Exemptions Granted by the Department

(a) Low population waivers:

(1) An incorporated city may apply to the Department for a waiver for the jurisdiction and some or all its generators from some or all of the requirements of this article if the following apply.

(A) The jurisdiction disposed of less than 5,000 tons of solid waste in 2014 as reported in the Disposal Reporting System.

(B) The jurisdiction has a total population of less than 5,000 people.

(2) A county may apply to the Department for a waiver from some or all of the requirements of this article for census tracts located in unincorporated portions of the county that have a population density of less than 50 people per square mile.

(b) Waivers issued pursuant to subdivision (a) shall be good for a period of up to two years and shall be subject to approval by the Department as follows:

(1) A jurisdiction shall submit a request for a waiver with the following information:

(A) The number of generators that will be included in the waiver.

(B) The requested length of the waiver.

(C) If the request for a waiver is submitted by a county seeking to waive unincorporated census tracts, the county shall identify each census tract that will be waived.

(2) The Department shall review and evaluate a waiver request within 90 days. The Department shall approve a request to grant a waiver if it meets the requirements of this section.

(c) Rural Exemptions:

(1) The Department shall grant an exemption from complying with the organic waste collection requirements specified in this article for Rural Jurisdictions that meet the definition of a "Rural Jurisdiction" in Section 42649.8 of the Public Resources Code, if the governing body of the jurisdiction adopts a resolution that includes a finding as to the purpose of and need for the exemption.

(2) An exemption implemented pursuant to this subdivision shall be valid until January 1, 2025, or until five years after the Department makes a determination pursuant to Section 42649.82 (a)(2)(D) that the statewide disposal of organic waste has not been reduced to 50 percent of the level of disposal during the 2014 calendar year, whichever is later.

(d) Nothing in this section exempts a jurisdiction from complying with the other requirements to promote and provide information to generators about, waste prevention, community composting, managing organic waste on-site, and other means of recovering organic waste, or any other requirements of this chapter.

Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

Section 18984.13. Emergency Circumstances

(a) Emergency Processing Facility Temporary Equipment or Operational Failure Waivers:

(1) If the facility processing a jurisdiction's organic waste notifies the jurisdiction that operational restrictions have been imposed upon it by a regulatory agency or that a temporary equipment or operational failure will prevent the facility from processing or recovering organic waste, the jurisdiction may allow the organic waste stream transported to that facility to be deposited in a landfill or landfills for up to 90 days from the date of the restriction or failure.

(2) A jurisdiction shall notify the Department in writing within 10 days of a waiver decision pursuant to subdivision (a)(1). The notice sent to the Department shall include the period of time that the jurisdiction

has allowed the organic waste stream to be deposited in a landfill or landfills and the Recycling and Disposal Reporting System Number of the facility.

(b) Disasters and emergency waivers:

(1) A jurisdiction may submit a request for a waiver for the disposal of “disaster debris” as defined in Section 17210.1(d) of this division that cannot be diverted as defined in 17210.1(e) of this division if a waiver or waivers have been granted to Sections 17210.4 and 17210.9 of this division.

(2) a Jurisdiction may dispose of sediment debris removed from dams, culverts, reservoirs, channels and other flood control infrastructure if the material is subject to a waste discharge requirement issued by the regional water quality control board that requires the average organic content of the debris to be less than five percent.

Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

Section 18984.14. Recordkeeping Requirements for Waivers and Exemptions

(a) A jurisdiction shall include the following information and documents in the Implementation Record required by Section 18995.2 of this chapter:

(1) A copy of all correspondence received from a facility that triggered a Processing Facility Temporary Equipment or Operational Failure Waiver and documentation setting forth the date of issuance of the waiver, the timeframe for the waiver, and the locations or routes affected by the waiver.

(2) A description of the jurisdiction’s process for issuing waivers and frequency of inspections by the jurisdiction to verify the validity of waivers.

(3) A copy of all De Minimis Waivers, including the location, date issued, and name of generators.

(4) A copy of all Physical Space Waivers, including the location, date issued, and name of generators.

(5) A copy of all collection frequency waivers, including the location, date issued, and name of generators.

Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

Article 4. Education and Outreach

Section 18985.1. Organic Waste Recovery Education and Outreach

(a) Prior to February 1, 2022, and annually thereafter, a jurisdiction shall provide the following to organic waste generators that are provided a three-container or two-container organic waste collection service:

(1) Information on the organic waste generator’s requirements to properly separate materials in appropriate containers pursuant to this chapter.

(2) 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.

(3) Information regarding the methane reduction benefits of reducing the disposal of organic waste.

(4) Information regarding how to recycle organic waste and a list of approved haulers.

(5) Information related to the public health and safety and environmental impacts associated with the disposal of organic waste.

(6) Information regarding programs for the donation of edible food.

(b) Prior to February 1, 2022, and annually thereafter, a jurisdiction shall provide to self-haulers information regarding the requirements of Section 18988.3 of this chapter.

(c) Prior to February 1, 2022, and annually thereafter, a jurisdiction shall provide to organic waste generators using an unsegregated single-container collection service with the information in subdivisions (a)(2), (3), and (4), along with information that the organic waste is being processed at a high diversion organic waste processing facility.

(d) A jurisdiction may comply with the requirements of this section through any of the following methods:

(1) Providing the information required by this section through print or electronic media, or

(2) Direct contact with generators through workshops, meetings, or on-site visits.

(e) A jurisdiction may comply with the requirements of subdivision 18985.1(a) through its authorized haulers.
(f) If more than five percent of a jurisdiction's generators are defined as "Limited English Speaking Households," or "linguistically isolated," as defined by the U.S. Census Bureau, the jurisdiction shall provide the information required by this section in a language or languages that will assure the information is understood by those generators.

Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

Section 18985.2. Edible Food Recovery Education and Outreach

(a) On or before February 1, 2022 a jurisdiction shall:

(1) Develop and maintain a list of food recovery organizations and food recovery services operating within the jurisdiction, and maintain the list on the jurisdiction's website. The list shall include, at a minimum, the following information about each food recovery organization and each food recovery service:

(A) Name and physical address.

(C) Phone number.

(D) Collection service area.

(E) Hours of operation.

(b) At least annually a jurisdiction shall:

(1) Provide commercial businesses that generate edible food with the following information:

(A) Information about the jurisdiction's edible food recovery collection program established pursuant to Section 18991.1 of this chapter.

(B) Information about commercial edible food generators requirements specified in Article 10.

(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.

(2) The jurisdiction may provide this information by including it with regularly scheduled notices to those commercial businesses, including the notices provided pursuant to Section 18985.1.

Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

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

(a) A jurisdiction shall include all relevant documents supporting its compliance with this article in the Implementation Record required by Section 18995.2 of this chapter, including, but not limited to:

(1) Copies of the information provided to comply with this article, including: flyers, brochures, newsletters, invoice messaging, website, social media.

(2) The date, and to whom the information or direct contact was disseminated.

(3) If the material was electronic, a copy, with dates posted of: social media posts, e-mail or other electronic message.

(4) If a jurisdiction relies on a designee, as allowed in Section 18981.2 of this chapter, to comply with this section, it shall include a copy of the materials distributed by the designee.

Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

Article 5. Generators of Organic Waste

Section 18986.1. Non-Local Entities Requirements

(a) Non-local entities shall comply with the requirements of this chapter to prevent and reduce the generation of organic waste by:

(1) Subscribing to and complying with the requirements of an organic waste collection service that meets the requirements of Article 3 of this chapter; or

(2) Self-hauling organic waste to a facility that processes source separated organic waste in a manner that complies with the requirements of Article 7 of this chapter.

(b) Non-local entities shall provide containers for the collection of organic waste and non-organic recyclables in all areas where disposal containers are located. The containers provided shall conform to the requirements of the containers provided through organic waste recovery service to which the non-local entity is subscribed.

(c) Non-local entities shall prohibit their employees from placing organic waste in a container not designated to receive organic waste.

(1) The following shall not be collected in the green container or blue container:

(A) Textiles, carpets, plastic coated paper, and human or pet waste.

(B) Hazardous wood waste and material subject to a quarantine on movement issued by a county.

(d) Non-local entities shall periodically inspect organic waste containers for contamination and inform employees if containers are contaminated and of the requirement to only use those containers for organic waste.

(e) Non-local entities shall provide information to employees on methods for the prevention of organic waste generation.

(f) Nothing in this section prohibits a non-local entity from preventing waste generation, managing organic waste on site, or using a community composting site.

Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

Section 18986.2. Local Education Agencies Requirements.

(a) Local education agencies shall comply with the requirements of this chapter to prevent and reduce the generation of organic waste by:

(1) Subscribing and complying with the requirements of an organic waste collection service that meets the requirements of Article 3 of this chapter; or

(2) Self-hauling organic waste to a facility that processes source separated organic waste in a manner that complies with the requirements of Article 7 of this chapter.

(b) Local education agencies shall provide containers for the collection of organic waste and non-organic recyclables in all areas where disposal containers are located. The containers provided shall conform to the requirements of the containers provided through the organic waste recovery service to which the local education agency is subscribed.

(c) Local education agencies shall provide information to employees and students on methods for the prevention of organic waste generation.

(d) Nothing in this section prohibits a local education agency from preventing waste generation, managing organic waste on site, using a community composting site.

Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

Section 18986.3. Waivers for Non-Local Entities and Local Education Agencies.

(a) The Department shall waive a non-local entity's or local education agency's obligation to comply with some or all of organic waste collection service requirements of this article if the entity or agency provides documentation demonstrating any of the following:

(1) The total solid waste collection service subscribed to is two cubic yards or more per week and organic waste comprises less than 20 gallons per week of the non-local entities' or local education agencies' total waste.

(2) The total solid waste collection service subscribed to is less than two cubic yards per week and organic waste comprises less than 10 gallons per week of the non-local entities' or local education agencies' total waste.

(3) It provides documentation from the hauler, licensed architects, or engineers or similarly qualified entity, that demonstrates that there is not adequate space for separate organic waste containers.

(4) The entity is located within a jurisdiction or census tract that has been granted a waiver by the Department pursuant to Section 18984.12.

Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

Article 6. Biosolids Generated at a Publicly Owned Treatment Works (POTW)

Section 18987.1. Biosolids Generation at a POTW

(a) A POTW generating biosolids is not subject to the following:

(1) The generator requirements set forth in Article 3 of this chapter.

(2) The organic waste diversion and measurement requirements described in Sections 17409.5.1 through 17409.5.8 of this division.

(3) The record keeping and reporting requirement described in Section 17414.2 of this division.

(b) Material received at a POTW that it is not allowed to accept pursuant to Section 17896.6(a)(1)(C) or (D) shall be deemed to constitute landfill disposal pursuant to Section 18983.1(a)(3).

Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

Section 18987.2. Biosolids and Sewage Sludge Handling at a POTW

(a) Biosolids generated at a POTW shall be:

(1) Transported only to a solid waste facility or operation for additional processing, composting, in-vessel digestion, or other recovery as specified in Section 18983.1(b) of this division.

(2) Notwithstanding subdivision (a)(1), sewage sludge and biosolids not suitable for additional processing or recovery may be sent for disposal to a permitted facility that can receive that sewage sludge and biosolids and has obtained the applicable approvals by the regional, state, and federal agencies having appropriate jurisdiction.

Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

Article 7. Regulations of Haulers

Section 18988.1. Jurisdiction Approval of Haulers and Self-Haulers

(a) A jurisdiction shall require haulers providing residential, commercial, or industrial organic waste collection services to generators within its boundaries to meet the requirements and standards of this chapter as a condition of approval of a contract, agreement, or other authorization to collect organic waste.

(1) A jurisdiction shall require haulers to identify the facilities to which they will transport organic waste as a requirement for approval.

(2) A jurisdiction shall require haulers providing an organic waste collection service to comply with the applicable requirements of Article 3 of this chapter.

(b) If a jurisdiction allows generators within its boundaries to self-haul organic waste, it shall adopt an ordinance or a similarly enforceable mechanism that requires compliance with the requirements in Section 18988.3 of this article.

(c) Notwithstanding subdivision (a), this section is not applicable to:

(1) A hauler that is consistent with Article 1, Chapter 9, Part 2, Division 30, commencing with Section 41950 of the Public Resources Code, transporting source separated organic waste to a community composting site; or,

(2) A hauler that is transporting construction and demolition debris in compliance with Section 18989.1.

Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

Section 18988.2. Organic Waste Hauler Requirements

(a) A hauler providing residential, commercial, or industrial organic waste collection services shall comply with all of the following:

(1) Organic waste collected by the hauler shall be transported to a facility, operation, activity or property that recovers organic waste as defined in Article 2.

(2) Obtain applicable approval issued by the jurisdiction pursuant to Section 18988.1.

(b) The hauler shall keep a record of the documentation of its approval by the jurisdiction.

(c) Notwithstanding (a), this section is not applicable to:

(1) A hauler that is consistent with Article 1, Chapter 9, Part 2, Division 30, commencing with Section 41950 of the Public Resources Code, transporting source separated organic waste to a community composting site; or,

(2) A hauler that is transporting construction and demolition debris in compliance with Section 18989.1.

Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

Section 18988.3. Self-haulers of Organic Waste

(a) Generators of organic waste may, in compliance with Section 18988.1 of this division, self-haul their own organic waste.

(b) A generator who is a self-hauler of organic waste shall comply with the following:

(1) The generator shall source-separate all organic waste generated on site in a manner consistent with Sections 18984.1 and 18984.2 of this chapter.

(2) The generator shall haul source separated organic waste to a solid waste facility operation, activity, or property that processes or recovers source separated organic waste.

(3) The generator shall keep a record of the amount of organic waste delivered to each solid waste facility, operation, activity, or property that processes or recovers organic waste; this record shall be subject to inspection by the jurisdiction.

(A) The records shall include delivery receipts and weight tickets from the entity accepting the waste.

(B) The record shall indicate the amount of material in cubic yards or tons transported by the generator to each entity.

(C) Notwithstanding subdivision (b)(3)(A), if the material is transported to an entity that does not have scales on-site, the self-hauler is not required to record the weight of material but shall keep a record of the entities that received the organic waste.

(4) A self-hauler shall annually report the following to the jurisdiction in which it is located:

(A) The total amount of source separated organic waste in tons that was self-hauled; and,

(B) The location or address of each entity that accepted self-hauled waste from the generator.

(5) A residential organic waste generator that self-hauls organic waste is not required to record or report the information identified in subdivision (b)(3) and (b)(4).

(c) A generator that is located in a jurisdiction or area that received a waiver under Section 18984.12 of this division and is not a business subject to the requirements of Section 42649.81 of the Public Resources Code is not required to comply with the requirements of this section.

Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

Section 18988.4. Recordkeeping Requirements for Compliance with Jurisdiction Hauler Program

(a) A jurisdiction shall include all relevant documents supporting its compliance with this article in the Implementation Record required by Article 14 of this chapter. Records maintained shall include but are not limited to copies of:

(1) Ordinances, contracts, franchise agreements, policies procedures, or programs relevant to this section.

(2) A description of the jurisdiction's hauler program including:

(A) Type of hauler systems the jurisdictions uses.

(B) Type and conditions of approvals per type of hauler, and criteria for approvals, denials and revocations.

(C) Process for issuing, revoking, and denying written approvals.

(D) Any requirements associated with self-hauling and back-hauling.

(3) A record of hauler compliance with local ordinance(s) and the requirements of this article including the following information:

(A) Copies of all reports required by haulers.

(B) Copies of reports from self-hauler as required by Section 18988.3.

(C) Copies of all written approvals, denials, and revocations.

(b) All records required by this article shall include the date of action, the name of the hauler, and the type of the action taken by the jurisdiction.

Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

Article 8. Cal-Green Building Standards

Section 18989.1. CalGreen Building Codes

(a) A jurisdiction shall adopt an ordinance or other enforceable requirement that requires compliance with the following provisions of the California Green Building Standards Code:

(1) Section 4.410.2 Recycling by Occupants Residential or 5.410.1 Recycling by Occupants Non-residential.

(2) For organic waste commingled with construction and demolition debris, Section 4.408.1 Construction Waste Management Residential or 5.408.1 Construction Waste Management non-residential.

Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

Article 9. Locally Adopted Standards and Policies

Section 18990.1. Organic Waste Recovery Standards and Policies

(a) Nothing in this chapter is intended to limit the authority of a jurisdiction to adopt standards that are more stringent than the requirements of this chapter, except as provided in subdivision (b) of this section.

(b) A jurisdiction shall not implement or enforce an ordinance, policy, procedure, permit condition, or initiative that includes provisions that do any of the following:

(1) Prohibit the lawful processing and recovery of organic waste through a method identified in Article 2 of this chapter.

(2) Limit a particular solid waste facility, operation, property, or activity from accepting organic waste imported from outside of the jurisdiction for processing or recovery.

- (3) Limit the export outside of organic waste to a facility, operation, property or activity outside of the jurisdiction that recovers the organic waste through a method identified in Article 2 of this chapter.
- (4) Require a generator or a hauler to transport organic waste to a solid waste facility or operation that does not process or recover organic waste.
- (5) Require a generator to use an organic waste collection service or combination of services that do not recover at least the same types of organic waste recovered by a service the generator previously had in place.
- (c) This section does not do any of the following:
- (1) Require a solid waste facility or operation to accept organic waste that does not meet the quality standards established by the solid waste facility or operation.
- (2) Prohibit a jurisdiction from arranging with a solid waste facility or operation to guarantee permitted capacity for organic waste from the jurisdiction.
- (3) Supersede or otherwise affect: the land use authority of a jurisdiction, including, but not limited to, planning, zoning, and permitting; or an ordinance lawfully adopted pursuant to that land use authority consistent with this section.
- (4) Prohibit a jurisdiction from arranging through a contract or franchise for a hauler to transport organic waste to a particular solid waste facility or operation for processing or recovery.
- (5) Exempt a jurisdiction, generator, or hauler from compliance with regulations in Division 4.5 of Title 22 of the California Code of Regulations relative to the proper handling of hazardous or universal waste pursuant, or regulations in Title 3. Food and Agriculture, Division 2. Animal Industry, Chapter 4. Meat Inspection, Subchapter 2. Rendering and Pet Food, Article 48. General Provisions, 1180.48 Disposal of Parts and Products of Animals Not Intended for Use as Human Food.

Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

Reference: Public Resources Code Sections 40001, 40002, 40053, 40055, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

Section 18990.2. Edible Food Recovery Standards and Policies.

- (a) A jurisdiction shall not implement or enforce an ordinance, policy, or procedure that prohibits the ability of a generator or food recovery organization to recover edible food that could be recovered for human consumption.
- (b) A Local Education agency shall not implement or enforce an ordinance, policy, or procedure that prohibits share tables or requires schools to adhere to a food safety standard not specified in the Part 7 of Division 104 of the Health and Safety Code.
- (c) Nothing in this chapter shall be construed to limit or conflict with the provisions of the California Good Samaritan Act of 2017 (the act). Specifically,
- (1) Nothing in this chapter shall be construed to limit the amount or types of foods that may be donated under the act.
- (2) Nothing in this chapter shall be construed to limit the ability of a person, gleaner or food facility to donate food as provided for in Section 114432 of the Health and Safety Code.
- (3) Nothing in this chapter shall be construed to reduce the immunities provided by the California Good Samaritan Act as specified in Section 114434 of the Health and Safety Code.
- (d) Nothing in this chapter prohibits an edible food recovery service or organization from refusing to accept edible food from a generator.

Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

Reference: Public Resources Code Sections 40001, 40002, 40053, 40055, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

Article 10. Jurisdiction Edible Food Recovery Programs, Food Generators, and Food Recovery

Section 18991.1. Jurisdiction Edible Food Recovery Program

- (a) A jurisdiction shall implement an edible food recovery program that shall include the actions that the jurisdiction plans to take to accomplish the following:
- (1) Educate commercial edible food generators as set forth in Section 18985.2.

- (2) Increase commercial edible food generators access to edible food recovery organizations and edible food recovery services.
- (3) Monitor commercial edible food generators compliance as required in Article 14.
- (4) Increase edible food recovery capacity if the analysis required by Section 18992.1 indicates that the jurisdiction does not have sufficient capacity to meet its edible food recovery needs.
- (b) A jurisdiction may fund the actions taken to comply with this section through franchise fees, local assessments, or other funding mechanisms.

Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

Section 18991.2. Recordkeeping Requirements for Jurisdiction Edible Food Recovery Program

- (a) A jurisdiction shall include all documents supporting its compliance with Section 18991.1 in the Implementation Record required by Section 18995.2 of this chapter and shall also include at a minimum:
- (1) A list of commercial edible food generators in the jurisdiction that have arrangements with edible food recovery organizations or services.
- (2) A list of edible food recovery organizations in the jurisdiction and their edible food recovery capacity.
- (3) Documentation of the actions the jurisdiction has taken to increase edible food recovery capacity.

Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

Section 18991.3. Commercial Edible Food generators

- (a) Tier One commercial edible food generators shall comply with the requirements of this section commencing January 1, 2022, Tier two commercial edible food generators shall comply with the requirements of this section commencing January 1, 2024.
- (b) Commercial edible food generators shall arrange to recover edible food that would otherwise be disposed in a manner that is appropriate for that business. An edible food generator may comply with the requirements of this section through any of the following:
- (1) Contracting with food recovery services or organizations that will collect their edible food for food recovery.
- (2) Self-hauling edible food to a food recovery organization that will accept the edible food for food recovery.
- (3) A large venue or large event operator that does not provide food services, but allows for food to be provided, shall require food facilities operating at the event to comply with the requirements of this section
- (c) An edible food generator shall not intentionally spoil edible food that is capable of being recovered by a food recovery organization or service.

Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

Section 18991.4. Record Keeping Requirements For Commercial Edible Food Generators

- (a) A commercial edible food generator subject to the requirements in this article shall keep a record that includes the following:
- (1) A list of each food recovery service or organization that collects or receives its edible food.
- (2) A copy of contracts, written agreements, or other documents between the edible food generator and a food recovery service or organization.
- (3) An edible food generator that complies with the requirements of this article through contracting with a food recovery service or organization as allowed in Section 18991.3 shall keep a record of the following for each food recovery organization or service that the edible food generator contracts with:
- (A) The name, address and contact information of the service or organization.

- 1 (B) The types of food that will be collected by or transported to the service or organization.
2 (C) The established frequency that food will be collected or transported.
3 (D) The quantity of food collected or transported to a service or organization for food recovery.
4 1. Quantity shall be measured in pounds recovered per month.
5 2. An edible food generator may use an alternative metric provided by the food recovery service or
6 organization to measure the quantity of food recovered.
7

8 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.
9

10 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103,
11 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5,
12 39730.6, 39730.7 and 39730.8.
13

14 **Section 18991.5. Edible Food Recovery Services and Organizations**

15 (a) A food recovery organization or service that collects or receives 6 tons or more of edible food from edible
16 food generators per year shall maintain a record that includes all of the following:

- 17 (1) The name, address and contact information for each edible food generator the service or organization
18 collects or receives edible food from.
19 (2) The quantity in pounds of edible food collected from each edible food generator per month.
20 (3) The quantity in pounds of edible food transported to each edible food recovery organization per month.
21 (4) The total number of meals served per month if applicable.
22 (5) For a food recovery service, the name, address and contact information for each food recovery
23 organization that the service transports edible food for food recovery.
24

25 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.
26

27 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103,
28 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5,
29 39730.6, 39730.7 and 39730.8.
30

31 **Article 11. Organic Waste Recycling Capacity Planning**

32 **Section 18992.1. Organic Waste Recycling Capacity Planning**

33 (a) Counties, in coordination with cities and regional agencies located within the county, shall:

- 34 (1) Estimate the amount of all organic waste in tons that will be disposed by the county and cities by:

35 (A) Multiplying the percentage of organic waste reported as disposed in the Department's most recent
36 waste characterization study by the total amount of disposal attributed to the county and each
37 jurisdiction located within the county by the Recycling and Disposal Reporting System; or,

38 (B) Using a jurisdiction-specific waste characterization study for the tons disposed by the county or a
39 jurisdiction within the county if the study is more recent than the Department's most recent waste
40 characterization study. A jurisdiction-specific study shall include a statistically significant sampling of
41 solid waste disposed of by the jurisdiction.

- 42 (2) Identify the amount in tons of existing organic waste recycling infrastructure capacity, located both in the
43 county and outside of the county, that is verifiably available to the county and jurisdictions located within the
44 county.

45 (A) A county can demonstrate the capacity is verifiably available to the county or its jurisdictions through
46 a contract, permit, franchise, or other documentation of the following:

47 1. A guarantee of access to existing permitted or authorized capacity at a facility, activity, operation,
48 or property that recovers organic waste.

49 2. A guarantee of access to new or expanded capacity at a facility, activity, operation, or property
50 that recovers organic waste that will be available prior to the end of the reporting period.

- 51 (3) Estimate the amount of new or expanded organic waste recycling facility capacity that will be needed to
52 process the organic waste identified pursuant to subsection (1) in addition to the existing capacity identified
53 in subsection (2).
54

55 (b) A city or regional agency contacted by a county pursuant to subdivision (a) shall respond to the county's
56 request for the information necessary to comply with the requirements of this article within 120 days of
57 receiving the request from the county.

58 (c) In complying with this section the county shall:

- (1) Consult with the Enforcement Agency and the local task force created pursuant to Section 40950 of the Public Resources Code on the status of locations for new or expanded solid waste facilities including the potential capacity increase each facility may provide if approved.
- (2) Consult with haulers and owners of facilities, operations, and activities that recover organic waste including, but not limited to, compost facilities, in-vessel digestion facilities, and Publicly Owned Treatment Works to gather information on the existing capacity and potential new or expanded capacity at those facilities, operations, and activities.
- (A) Entities contacted by a jurisdiction shall respond to the jurisdiction regarding potential new or expanded capacity at their facilities, operations, and activities, including information about throughput and permitted capacity necessary for planning purposes.
- (3) Conduct community outreach regarding locations being considered for new or expanded facilities, operations, or activities to seek feedback on the benefits and impacts that may be associated with new or expanded facilities, operations, or activities. The community outreach shall:
- (A) Include at least one of the following forms of communication: public workshops or meetings, print noticing, and electronic noticing.
- (B) If applicable be conducted in coordination with potential solid waste facility operators that may use the location identified by the county.
- (C) Specifically include communication to disadvantaged communities that may be impacted by the development of new facilities at the locations identified by the county. If more than five percent of that community is defined as "Limited English Speaking Households" or "linguistically isolated," as defined by the U.S. Census Bureau, the jurisdiction shall provide the information required by this section in a language or languages that will assure that the information is understood by that community.
- (4) Consult with community composting operators to estimate the amount of organic waste the county anticipates will be handled at community composting activities.
- (d) If a county determines that organic waste recycling capacity, in addition to the existing and proposed capacity identified pursuant to subsection (a), is needed within that county, the county shall notify the jurisdiction or jurisdictions that lack sufficient capacity that each jurisdiction is required to:
- (1) Submit an implementation schedule to the Department that demonstrates how it will ensure there is enough new or expanded capacity to recover the organic waste currently disposed of by generators within their jurisdiction by the end of the report period.
- (A) The implementation schedule shall include timelines and milestones for planning efforts to access additional new or expanded capacity, including, but not limited to:
1. Obtaining funding for organic waste recycling infrastructure, including, but not limited to, modifying franchise agreements or demonstrating other means of financially supporting the expansion of organic waste recycling.
 2. Identification of facilities, operations, and activities that could be used for additional capacity.
- (2) Identify proposed new or expanded organic waste recycling facilities that will be used to process the organic waste identified pursuant to subsection (a)(3).
- (3) The county shall notify the jurisdiction at the same time it submits the report to the Department required pursuant to Section 18992.3.
- (e) For the purposes of this section, organic waste shall only include the following type of organic waste: food, green waste, landscape and pruning waste, wood, paper products, printing and writing paper, digestate and biosolids.

Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

Section 18992.2. Edible Food Recovery Capacity

- (a) Counties, in coordination with cities and regional agencies located within the county, shall:
- (1) Estimate the amount of edible food that will be disposed of by commercial edible food generators that are located within the county and jurisdictions within the county.
- (2) Identify existing capacity at edible food recovery organizations that is available to commercial edible food generators located within the county and jurisdictions within the county.
- (3) Identify proposed new or expanded edible food recovery organizations that will be used to process edible food identified pursuant to subsection (1).

(4) Identify the amount of capacity at edible food recovery organizations that is necessary to recover 20 percent of the edible food that is estimated to be disposed.

(b) If a county identifies that new or expanded capacity is needed to recover the amount of edible food identified in (a)(4), then each jurisdiction within that county that lacks capacity shall.

(1) Submit an implementation schedule to the Department that demonstrates how it will ensure there is enough new or expanded capacity to recover the edible food currently disposed of by commercial edible food generators within its jurisdiction by the end of the reporting period set forth in Section 18992.3 of this article.

(A) The implementation schedule shall include timelines and milestones for planning efforts to access additional new or expanded capacity, including, but not limited to:

1. Obtaining funding for edible food recovery infrastructure, including but not limited to, modifying franchise agreements or demonstrating other means of financially supporting the expansion of edible food recovery capacity.

2. Identification of facilities, operations, and activities inside the county that could be used for additional capacity.

(2) Consult with edible food recovery organizations and edible food recovery services regarding existing, or proposed new and expanded, capacity that could be accessed by the jurisdiction and its commercial edible food generators.

Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

Section 18992.3. Schedule For Reporting

(a) Counties, in coordination with cities and regional agencies located within the county shall conduct the planning requirements of Sections 18992.1 and 18992.2, on the following schedule.

(1) February 1, 2022 counties shall report to CalRecycle on the period covering January 1, 2022 through December 31, 2024.

(2) August 1, 2024 shall report to CalRecycle on the period covering January 1, 2025 through December 31, 2034.

(3) August 1, 2029 shall report to CalRecycle on the period covering January 1, 2030 through December 31, 2039.

(4) August 1, 2034 shall report to CalRecycle on the period covering January 1, 2035 through December 31, 2044.

(b) If a jurisdiction is required to submit an implementation schedule pursuant to Section 18992.1 or 18992.2 the implementation schedule shall be submitted 120 days following the date the county submitted the report to CalRecycle.

Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

Article 12. Procurement of Recovered Organic Waste Products

Section 18993.1. Recovered Organic Waste Product Procurement Target

(a) Except as otherwise provided, commencing January 1, 2022, a jurisdiction shall annually procure a quantity of recovered organic waste products that meets or exceeds its current annual recovered organic waste product procurement target as determined by this article.

(b) Annually, the Department shall assign and provide notice of the annual recovered organic waste product procurement target for each jurisdiction, which shall be calculated by multiplying the per capita procurement target by the jurisdiction population where:

(1) Per capita procurement target = 0.07 tons of organic waste per California resident per year.

(2) Jurisdiction population equals the number of residents in a jurisdiction, using the most recent annual data reported by the California Department of Finance.

(c) The Department shall provide notice to each jurisdiction of its annual recovered organic waste product procurement target by posting such information on the Department's website and providing written notice directly to the jurisdiction.

(d) Beginning January 1, 2022 and every five years thereafter, the Department shall recalculate the annual recovered organic waste product procurement target for each jurisdiction according to the requirements of subdivision (b).

(e) A jurisdiction shall comply with subdivision (a) by one or both of the following:

(1) Directly procuring recovered organic waste products.

(2) Requiring, through a written contract, that a direct service provider to the jurisdiction procure recovered organic waste products and provide written documentation of such procurement to the jurisdiction.

(f) For the purposes of this article, the recovered organic waste products that must be procured are:

(1) Compost.

(2) Renewable transportation fuel

(g) The following conversion factors shall be used to convert tonnage in the annual recovered organic waste product procurement target for each jurisdiction to equivalent amounts of recovered organic waste products:

(1) One ton of organic waste in a recovered organic waste product procurement target shall constitute:

(A) 19 diesel gallon equivalents, or "DGE," of renewable transportation fuel.

(B) 0.58 tons of compost.

(h) If a jurisdiction's annual recovered organic waste product procurement target exceeds the jurisdiction's total procurement of transportation fuel and renewable transportation fuel from the previous calendar year as determined by the conversion factors in subdivision (g), the jurisdiction is only required to procure recovered organic waste products described in (f) in an amount equal to its total purchase of transportation fuel and renewable transportation fuel from the previous year.

(i) A jurisdiction shall identify additional procurement opportunities within the jurisdictions' departments and divisions for expanding the use of recovered organic waste products..

Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

Section 18993.2. Record Keeping Requirements For Recovered Organic Waste Procurement Target

(a) A jurisdiction shall include all documents supporting its compliance with this article in the implementation record required by Section 18995.2 of this chapter, including, but not limited to, the following:

(1) A description of how the jurisdiction will comply with the requirements of this article.

(2) The name, physical location, and contact information of the entity from whom the recovered organic waste products were procured.

(3) All invoices or similar records evidencing all procurement; and

(4) If a jurisdiction will include procurement of recovered organic waste products made by a direct service provider to comply with this article, the jurisdiction shall 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

(5) If a jurisdiction will include transportation fuel procured from a POTW, a written certification by an authorized representative of the POTW of the tons of landfill-diverted organic waste processed into renewable gas provided to the jurisdiction. The certification shall be furnished under penalty of perjury in a form and manner determined by the jurisdiction.

Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

Section 18993.3. Recycled Content Paper Procurement Requirements

(a) A jurisdiction shall procure paper products, and printing and writing paper, in compliance with this section.

(b) Commencing January 1, 2022, a jurisdiction shall comply with the following:

(1) At least 75 percent of a jurisdiction's annual purchases of paper products shall be recycled content paper.

- 1 (2) At least 75 percent of a jurisdiction's annual purchases of printing and writing paper shall be recycled
2 content paper.
3 (3) Paper products and printing and writing paper shall be eligible to be labeled with an unqualified
4 recyclable label as defined in 16 Code of Federal Regulations (CFR) Section 260.12 (2013).
5 (c) A jurisdiction shall require all businesses from whom it purchases paper products and printing and writing
6 paper to certify in writing:
7 (1) The minimum percentage, if not the exact percentage, of postconsumer material in the paper products
8 and printing and writing paper offered or sold to the jurisdiction. The certification shall be furnished under
9 penalty of perjury in a form and manner determined by the jurisdiction. A jurisdiction may waive the
10 certification requirement if the percentage of postconsumer material in the paper products, printing and
11 writing paper, or both can be verified by a product label, catalog, invoice, or a manufacturer or vendor
12 Internet website.
13 (2) That the paper products and printing and writing paper offered or sold to the jurisdiction is eligible to be
14 labeled with an unqualified recyclable label as defined in 16 CFR Section 260.12 (2013).

15
16 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5, and Health and Safety
17 Code Section 39730.6.

18
19 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103,
20 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5,
21 39730.6, 39730.7 and 39730.8.

22 23 **Section 18993.4. Record Keeping Requirements for Recycled Content Paper Procurement**

- 24 (a) A jurisdiction shall include all documents supporting its compliance with this article in the implementation
25 record required by Section 18995.2 of this chapter including, but not limited to, the following:
26 (1) Copies of invoices or receipts for all paper purchases.
27 (2) Copies of all certifications or other verification required under Section 18993.3.

28
29 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

30
31 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103,
32 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5,
33 39730.6, 39730.7 and 39730.8.

34 35 **Article 13. Reporting**

36 37 **Section 18994.1. Initial Jurisdiction Compliance Report.**

- 38 (a) Each jurisdiction shall report to the Department on its implementation and compliance with the requirements
39 of this chapter. Each jurisdiction shall report to the Department by February 1, 2022 the following information:
40 (1) A copy of ordinances adopted pursuant to this chapter.
41 (2) The date that the jurisdiction will ensure that all containers used by generators subject to the
42 jurisdiction's authority will be in compliance with the container color requirements as specified in Section
43 18984.7.
44 (3) The reporting items identified in Section 18994.2.

45
46 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

47
48 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103,
49 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5,
50 39730.6, 39730.7 and 39730.8.

51 52 **Section 18994.2. Jurisdiction Annual Reporting**

- 53 (a) Commencing August 1, 2022, and annually thereafter, a jurisdiction shall report the information required by
54 this section. The report submitted in 2022 shall cover the period of January 1, 2022–June 30, 2022. Each
55 subsequent report shall cover the entire previous calendar year.
56 (b) Each jurisdiction shall report the following, relative to its implementation of the organic waste collection
57 requirements of Article 3 of this chapter:
58 (1) The type of organic waste collection service(s) provided by the jurisdiction to its generators.

- (2) The total number of generators that receive each type of organic waste collection service provided by the jurisdiction.
- (3) If the jurisdiction is implementing an organic waste collection service that requires transport of the contents of containers to a high diversion organic waste processing facility, the jurisdiction shall identify the Recycling and Disposal Reporting System Number of each facility that receives organic waste from the jurisdiction.
- (c) Each jurisdiction shall report the following, relative to its implementation of the contamination monitoring requirements of Article 3.
- (1) The number of route reviews conducted for prohibited container contaminants.
- (2) The number of times notices, violations, or targeted education materials were issued to generators for prohibited container contaminants.
- (3) The number of notifications received from a solid waste facility operator regarding prohibited container contaminants received at the facility pursuant to Section (17409.5.7).
- (d) Each jurisdiction shall report the following relative to its implementation of waivers pursuant to Article 3.
- (1) The number of days an emergency circumstances waiver as allowed in 18984.13 was in effect and the type of waiver issued.
- (2) The tons of organic waste that were disposed as a result of waivers identified in (1).
- (3) The number of generators issued a de-minimis waiver.
- (4) The number of generators issued a physical space waiver.
- (5) A jurisdiction that receives a waiver from the Department pursuant to Section 18984.12 of Article 3 shall report the following information for each year the waiver is in effect:
- (A) The number of generators waived from the requirement to subscribe to an organic waste collection service.
- (e) A jurisdiction shall report the following regarding its implementation of education and outreach required in Article 4.
- (1) The number of organic waste generators and edible food generators that received information and the type of education and outreach used.
- (2) The number of limited English speaking and linguistically isolated households that received information required by Article 4.
- (f) A jurisdiction shall report the following regarding its implementation of the hauler oversight requirements of Article 7:
- (1) The number of haulers approved to collect organic waste in the jurisdiction.
- (2) The Recycling and Disposal Reporting System number of each facility that is receiving organic waste from haulers approved by the jurisdiction.
- (3) The number of haulers that have had their approval revoked or denied.
- (4) The number of self-haulers approved to operate within the jurisdiction.
- (5) The total amount, in tons, of source separated organic waste that was self-hauled by organic waste generators and reported to the jurisdiction pursuant to Section 18988.3.
- (g) A jurisdiction shall report the following regarding its implementation of the Cal-Green Building Standards as required in Article 8:
- (1) The number of construction and demolition debris removal activities conducted in compliance with Section 18989.1 of this chapter.
- (h) A jurisdiction shall report the following regarding its implementation of the edible food recovery requirements of Article 10.
- (1) The number of commercial edible food generators located within the jurisdiction.
- (2) The number of food recovery services and organizations located and operating within the jurisdiction that collect or receive more than 6 tons of food per year.
- (A) A jurisdiction shall require food recovery organizations and services that are located within the jurisdiction and collect or receive 6 tons or more of edible food per year to report the amount of edible food recovered by the service or organization in the previous calendar year to the jurisdiction.
- (3) The jurisdiction shall report on the total amount of edible food recovered by edible food recovery organizations and services that are located within its jurisdiction.
- (i) A jurisdiction shall report the following regarding its implementation of the organic waste recycling capacity planning and edible food recovery capacity planning requirements of Article 11:
- (1) A county shall report:
- (A) The tons estimated to be generated for disposal.
- (B) The amount of capacity verifiably available to the county and cities within the county.
- (C) The amount of new capacity needed.
- (D) The locations identified for new or expanded facilities.

- 1 (E) The jurisdictions that are required to submit implementation schedules.
2 (2) A jurisdiction that is required to submit an implementation schedule shall report the information required
3 in Sections 18992.1 (c) and 18992.2 (b) of this chapter.
4 (3) Notwithstanding (a), the information required by this subdivision shall be reported on the schedule
5 specified in Section 18992.3 of this chapter.
6 (j) A jurisdiction shall report the following regarding its implementation of the procurement requirements of
7 Article 12:
8 (1) The volume of each recovered organic waste product procured directly by the city, county, or through
9 direct service providers, or both during the prior calendar year.
10 (2) The total dollar amount spent on all paper purchases.
11 (3) The total dollar amount spend on all recycled content paper purchases.
12 (4) If the jurisdiction, pursuant to Section 18933.1(h), procures a reduced amount of recovered organic
13 waste transportation fuel, the jurisdiction shall report on the total volume of transportation fuel and
14 renewable transportation fuel procured in the previous year.
15 (5) Additional procurement opportunities identified within the jurisdiction's departments, as required in
16 Section 18993.1.
17 (k) A jurisdiction shall report the following regarding its implementation of the compliance, monitoring, and
18 enforcement requirements specified in Articles 14-16:
19 (1) The number of commercial businesses subject to compliance reviews and the number of violations
20 found and corrected through the compliance reviews.
21 (2) The number of route reviews conducted per calendar year.
22 (3) The number of inspections conducted by type for commercial edible food generators, food recovery
23 organizations, and commercial businesses, per calendar year.
24 (4) The number of complaints received, investigated, and violations found based on complaints per
25 calendar year.
26 (5) The number of Notices of Violation issued by type of entity (generator, hauler, edible food generators)
27 per calendar year.
28 (6) The number of penalties issued by type of entity (generator, hauler, edible food generators) per calendar
29 year.
30 (7) The number of entities by type (generator, hauler, edible food generators) that came into compliance in
31 the calendar year.

32
33 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

34
35 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103,
36 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5,
37 39730.6, 39730.7 and 39730.8.

38 **Article 14 Enforcement Requirements**

39 **Section 18995.1. Jurisdiction Inspection and Enforcement Requirements**

- 40
41 (a) On or before January 1, 2022, a jurisdiction shall have an inspection and enforcement program that ensures
42 compliance with this chapter and that at a minimum, includes the following requirements:
43 (1) On or before January 31, 2022, and at least annually thereafter, a jurisdiction shall conduct the
44 following:
45 (A) If the jurisdiction is using the compliance method described in Section 18984.1 or 18984.2 of this
46 division the jurisdiction shall:
47 1. Complete a compliance review of all garbage accounts for commercial businesses that are subject
48 to its authority, and that generate two cubic yards or more per week of solid waste and produce
49 organic waste; and, also determine their compliance with:
50 i. Organic waste generator requirements set forth in Section 18984.9.
51 ii. Self-haul requirements set forth in Section 18988.3, including whether a business is complying
52 through back-hauling organic waste.
53 2. Conduct route reviews of commercial businesses and residential areas for compliance with
54 organic waste generator requirements set forth in Section 18984.9 and container contamination
55 requirements set forth in Section 18984.5.
56 (B) If a jurisdiction is using the compliance method described in Section 18984.3 the jurisdiction shall
57 conduct a compliance review of all garbage accounts for commercial business that are subject to it's
58

- 1 authority, and generate two cubic yards or more per week of solid waste and produce organic waste;
2 and, also determine their compliance with:
3 1. Organic waste generator requirements set forth in Section 18984.9 and document if the business
4 is transporting the contents to a high diversion organic waste processing facility, or
5 2. Self hauling pursuant to Section 18988.3, including whether a business is complying through back-
6 hauling organic waste.
7 (2) Conduct inspections of Tier One commercial edible food generators and food recovery organizations for
8 compliance with this chapter. On or after January 1, 2024, conduct inspections of Tier Two commercial
9 edible food generators for compliance with Article 10.
10 (3) Conduct inspections, route reviews, or compliance reviews when investigating a complaint in
11 accordance with Section 18995.3 of this chapter.
12 (4) On and after January 1, 2022 and until January 1, 2024, if a jurisdiction determines that an organic
13 waste generator, self-hauler, hauler, or commercial edible food generator, or other entity is not in
14 compliance with this chapter, it shall provide educational material to the entity describing its obligations
15 under this chapter
16 (5) On and after January 1, 2024, if a jurisdiction determines that an organic waste generator, self-hauler,
17 hauler, or commercial edible food generator, or other entity is not in compliance with this chapter, it shall
18 document the violation and take enforcement action as set forth in Section 18995.4 of this chapter.
19 (6) Annually verify through inspection, annual review or route review businesses are meeting de minimis
20 and physical space waivers for compliance with the requirements of Section 18984.11.
21 (b) A jurisdiction shall conduct a sufficient number of compliance reviews, route reviews and inspections to
22 ensure compliance with this chapter. A jurisdiction shall inspect entities that it determines are more likely to be
23 out of compliance, based on complaints or reports that it receives from the haulers, facilities, or other
24 complainants, the jurisdiction's random route reviews, or other means.
25 (c) A jurisdiction shall generate a written report for each inspection, route review, and compliance review
26 conducted pursuant to this chapter. Each report shall include, at a minimum, the following information:
27 (1) Identifying information for the subject or subjects of the inspection, route review or compliance review,
28 such as, but not limited to:
29 (A) The name or account name of each person or entity.
30 (B) A description of the route and addresses covered by a route review.
31 (C) A list of accounts reviewed for each compliance review.
32 (2) The date or dates the inspection, route review, or compliance review was conducted.
33 (3) The person or persons who conducted the action.
34 (4) The jurisdiction's findings, including if there was compliance with or a violation of this chapter.
35 (5) Any supporting evidence or findings, such as photographs and account records.
36 (6) The route review records shall include locations of the route review(s), the source of contamination,
37 photographs, and notices or education materials given to generators.
38 (d) Copies of all reports of route reviews, compliance reviews, and inspections, as well as all other records of
39 enforcement conducted pursuant to this chapter shall be maintained in the Implementation Record required by
40 Section 18995.2 of this chapter, and shall include, but not be limited to:
41 (1) Copies of all documentation of route reviews, compliance reviews, and inspections.
42 (2) Copies of all enforcement actions required by Section 18995.4 of this chapter, including Notice of
43 Violations, subsequent notices, and penalties issued.
44 (3) A list of the date(s) the entities issued a Notice of Violation came into compliance and evidence that
45 supports compliance.
46 (4) Copies of notices and educational material provided as required by this section.
47 (e) Consistent with Section 18981. 2, a jurisdiction may have a designee conduct inspections required by this
48 section.

50 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

52 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103,
53 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5,
54 39730.6, 39730.7 and 39730.8.

56 **Section 18995.2. Implementation Record and Recordkeeping Requirements**

57 (a) A jurisdiction shall maintain all records required by this chapter in the Implementation Record in the
58 following manner:

(b) The Implementation Record shall be stored in one central location, physical or electronic, that can be readily accessed by the Department. The jurisdiction shall provide its central location for records and a point of contact to the Department to facilitate the Department's review of the records.

(c) Upon request by the Department, the jurisdiction shall provide access to the Implementation Record within one business day.

(d) All records and information from each reporting period shall be included in the Implementation Record within 30 days of the last day of the reporting period.

(e) All records shall be retained by the jurisdiction for five years.

(f) At a minimum, the following shall be included in the Implementation Record:

(1) A copy of all ordinances, enforceable mechanisms, contracts, or agreements, as required by this chapter.

(2) A copy of the Jurisdiction's inspection and enforcement program that it uses to comply with Sections 18995.1 and 18995.4 of this chapter.

(3) All organic waste collection service records required by Section 18984.4 of this chapter.

(4) All contamination minimization records required by Section 18984.6 of this chapter.

(5) All waiver and exemption records required by Section 18984.14 of this chapter.

(6) All education and outreach records required by Section 18985.3 of this chapter.

(7) All hauler program records required by Section 18988.4 of this chapter.

(8) All jurisdiction edible food recovery program records required by Section 18991.2 of this chapter.

(9) All recovered organic waste procurement target records required by Section 18993.2 of this chapter.

(10) All recycled content paper procurement records required by Section 18993.5 of this chapter.

(11) All inspection, route review, and compliance review reports generated pursuant to the requirements of Section 18995 (e) of this chapter.

(12) All records of enforcement actions undertaken pursuant to this chapter.

(13) All records of complaints and investigations of complaints required by Section 18995.3 of this chapter and compliance with the Jurisdiction's Inspection and Enforcement requirements of Sections 18995.1(e) and 18995.3(g) of this chapter.

(g) All records maintained in the Implementation Record shall be subject to the requirements and exemptions of the Public Records Act set forth in Government Code Section 6250 et seq.

Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

Section 18995.3. Jurisdiction Investigation of Complaints of Alleged Violations

(a) Any person having information that an entity is in violation of this chapter, may file a complaint with the jurisdiction, in a manner specified by the jurisdiction. The jurisdiction may request that the complaint include the following:

(1) The name and contact information of the complainant.

(2) The identity of the entity allegedly in violation and location and description of the violation.

(3) All known facts relevant to the alleged violation including, but not limited to, information relating to witnesses and physical evidence.

(b) Upon request, the jurisdiction shall ensure that the name and contact information of a complainant remain confidential.

(c) The Department may also file, or forward, a complaint to the jurisdiction.

(d) Upon receipt of a complaint, a jurisdiction shall, within 90 days, investigate the complaint if it determines that the allegations, if true, would constitute a violation.

(e) The jurisdiction shall provide a method for a complainant to find out the results of their complaint.

(f) The jurisdiction shall maintain records of all complaints and responses pursuant to this section in the Implementation Record set forth in Section 18995.2 of this chapter. The records shall include the complaint as received, the date the jurisdiction investigated the complaint, the jurisdiction's determination of compliance or notice of violations issued.

(g) If a jurisdiction determines that a violation has occurred, it shall take enforcement action as required by this chapter.

Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

Section 18995.4. Enforcement by a Jurisdiction

(a) If an entity has been found in violation of this chapter after January 1, 2024, the jurisdiction shall take enforcement action as set forth in this section.

(1) The jurisdiction shall issue a Notice of Violation to any entity found in violation within 60 days after determining that a violation has occurred.

(2) The jurisdiction shall conduct follow-up inspections to determine if compliance is achieved, at least every 90 days following the date of the first Notice of Violation, and continue to issue Notices of Violation until compliance is achieved or a penalty has been issued.

(3) The jurisdiction shall commence actions to impose a penalty pursuant to Article 16 on the entity within the following timeframes:

(A) For a first violation no later than 150 days after the issuance of the Notice of Violation.

(B) For a second violation and all subsequent violations, no later than 90 days after the issuance of the Notice of Violation.

(4) The jurisdiction may seek equivalent or stricter nonmonetary remedies to those set forth in Section 18997.2 of this chapter.

(b) The jurisdiction may grant extensions to the compliance deadlines set forth in subsection (a) if it finds that:

(1) The entity has made an effort but has failed to comply within the deadline due to extenuating circumstances outside its control. Examples of extenuating circumstances include acts of God such as inclement weather or earthquakes and delays in obtaining discretionary permits or other government agency approvals, but where the entity's actions or failure to act was not the cause of the delay; or,

(2) The entity's compliance is not possible due to limitations in infrastructure, and the jurisdiction in which it resides is under a Corrective Action Plan (CAP) pursuant to Section 18996.2 due to long-term infrastructure or capacity deficiencies.

(c) A jurisdiction shall provide the following information in any Notice of Violation or other enforcement notices:

(1) The account name, name, or names of each person or entity to whom it is directed. Notices must go to the legally responsible party, such as business owner, service account holder, property owner, etc.

(2) The list and description of the violations of this chapter, including the local ordinance being violated.

(3) A compliance date by which the operator is to take specified action(s).

(4) The penalty for not complying within the specified compliance date.

(d) A jurisdiction may, but is not required to, seek penalties pursuant to this section for a violation of the container contamination requirements authorized by Section 18984.5(b)(3).

Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

Article 15. Enforcement Oversight by the Department

Section 18996.1. Department Evaluation of Jurisdiction Compliance

(a) The Department shall evaluate a jurisdiction's compliance with this chapter as set forth in this article.

(b) In conducting a compliance evaluation, the Department shall review the jurisdiction's Implementation Record and conduct inspections, compliance reviews, and route reviews.

(c) The Department shall notify the jurisdiction prior to conducting an evaluation.

(d) A summary of the Department's findings shall be provided in writing to the jurisdiction.

(e) If the Department determines at any time that an ordinance adopted by a jurisdiction is inconsistent with or does not meet the requirements set forth in this chapter, the Department shall notify the jurisdiction and provide an explanation of the deficiencies. The jurisdiction shall have 90 days from that notice to correct the deficiencies. If the jurisdiction does not, the Department may commence enforcement actions as set forth in Section 18996.2 of this chapter.

Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

Section 18996.2. Department Enforcement Action Over Jurisdictions

(a) If the Department finds that a jurisdiction is violating one or more of the requirements of this chapter, then the Department may take the following actions:

(1) Issue a Notice of Violation requiring compliance within 90 days. An extension may be granted for an additional 90 days, if the jurisdiction submits a written request to the Department within 60 days of the Notice of Violation's issuance that includes:

(A) Evidence that additional time is needed to comply.

(B) The steps the jurisdiction will take to correct the violation, including demonstration that it can comply within 180 days of the Notice of Violation's issuance date.

(2) The Department may extend the timeframe for a jurisdiction to comply beyond 180 days from the Notice of Violation issuance date by issuing a Corrective Action Plan (CAP) for up to 24 months, setting forth steps to achieve compliance, if the jurisdiction has demonstrated, that it has made a substantial effort to comply and there are extenuating circumstances that have prevented it from complying.

(A) A jurisdiction shall submit a written request for the extension at least 30 days prior to the Notice of Violation final compliance date. The request shall provide documentation demonstrating its substantial effort to comply, and the extenuating circumstances which prevents it from complying, and identify the critical milestones that the jurisdiction would need to meet in order to comply within 24 months.

1. If a jurisdiction claims that the cause of the delay is inadequate capacity of organic waste recovery facilities, it shall document the lack of capacity and demonstrate that it has provided service where possible and that it has only delayed compliance with this chapter for areas where service cannot be provided due to capacity limits. Implementation schedules, under Article 11, may be considered for purposes of developing a Corrective Action Plan; however, the Department may set compliance milestones other than those provided in the Implementation Schedule.

(B) For the purposes of this section, "substantial effort" means that a jurisdiction has taken all practicable actions to comply. Substantial effort does not include circumstances where a decision-making body of a jurisdiction has not taken the necessary steps to comply with the chapter, including, but not limited to, a failure to provide staff resources, a failure to provide sufficient funding to assure compliance, or failure to adopt required ordinances.

(C) For the purposes of this section, "extenuating circumstances" means that a delay in compliance has been caused by:

1. Circumstances outside of a jurisdiction's control; including acts of God and declared emergencies such as earthquake, fires, flooding, or delays in obtaining discretionary permits or other government agency approvals.

2. A long term infrastructure or capacity change which requires a corresponding longer length of time to achieve compliance.

(D) For the purposes of this section, "critical milestones" means all actions necessary for a jurisdiction to comply, including, but not limited to, receiving approval by decision-making bodies, permit application submittals and obtaining approvals, and tasks associated with the local contract approvals.

(3) A Corrective Action Plan shall be issued by the Department for no longer than 24 months and shall include compliance dates for each milestone that describe the tasks and timeframe the jurisdiction needs to take to achieve full compliance by a final compliance date. The Corrective Action Plan shall include the penalties that may be imposed if a jurisdiction fails to comply by the final compliance date and may also include penalties for failing to meet milestones by the specified dates.

Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

Section 18996.3. Department Enforcement When Jurisdiction fails to Enforce

(a) If a jurisdiction fails to enforce the requirements set forth in this chapter, the Department may take enforcement action against an entity pursuant to Section 18996.9 of this chapter and also enforcement action against the jurisdiction pursuant to this article after providing the jurisdiction with:

(1) Written documentation of its lack of appropriate enforcement action.

(2) A written request to take enforcement action against the entity pursuant to Article 14 of this chapter or evidence within 60 days that the entity is in compliance.
(b) The Department may seek administrative penalties against the jurisdiction pursuant to Article 16 if the jurisdiction fails to take enforcement action as requested pursuant to subsection (a) (2).

Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

Section 18996.4. Access for Inspection by the Department

(a) Upon presentation of proper credentials, an authorized Department employee or agent shall be allowed to enter an entity's premises during normal working hours to conduct inspections and investigations in order to examine organic waste recovery activities, edible food recovery activities, and records pertaining to the entity in order to determine compliance with this chapter. Methods may include, but are not limited to, allowing the review or copying, electronically or through mechanical methods (i.e., photocopying) of any paper, electronic, or other records required by this chapter, such as invoices, memoranda, books, papers, or records.

(1) This subdivision is not intended to permit an employee or agent of the Department to enter a residential property.

Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

Section 18996.5. Enforcement Actions Against Organic Waste Generators Located In Multiple jurisdictions and Non-Local Entities

(a) If a jurisdiction believes that an organic waste generator, including a commercial edible food generator, that has locations in more than one jurisdiction, has violated a requirement of this chapter, and the jurisdiction has reason to believe that the entity is also violating that requirement in another jurisdiction, or a jurisdiction believes a non-local entity within its jurisdiction has violated a requirement of this chapter, the jurisdiction may refer the matter to the Department for review and enforcement action.

(b) Prior to making a referral to the Department for an entity that has locations in more than one jurisdiction, a jurisdiction shall inspect the entity within its jurisdiction and, at a minimum, issue a Notice of Violation if it finds that a violation has occurred. The referral must include, at a minimum, the name and location of the entity, a copy of the Notice of Violation issued, all evidence collected, and any correspondence with the entity.

(c) If the Department finds that at an organic waste generator that has locations in more than one jurisdiction, or a non-local entity has not complied with the requirements of this chapter, it may take enforcement pursuant to this article and Article 16 of this chapter.

(d) If the Department determines the referral does not meet the requirements of this section, the Department may refer the matter back to the jurisdiction for enforcement action.

(e) If the Department determines that the referral meets the requirements of this section, and takes enforcement action based on the referral, the jurisdiction shall suspend its enforcement actions related to the entity.

Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

Section 18996.6. Department Inspections and Compliance Reviews of State Agencies and Facilities

(a) If the Department finds that a state agency or state facility is violating Article 5, or Article 10 of this chapter, then the Department may take the following progressive enforcement actions:

(1) Issue a Notice of Violation requiring compliance within 90 days. If the state agency or state facility provides sufficient evidence that additional time is needed to comply, it may request, and the Department may grant an additional 180-day extension. The state agency or state facility extension request shall include:

- 1 (A) An explanation of why the violations have occurred, and all steps that have been taken to comply
2 with this chapter.
3 (B) An explanation as to why it cannot correct the violation by the compliance date.
4 (C) A proposed set of tasks and milestones necessary for the state agency or state facility to comply and
5 an explanation and justification of the proposed timeline.
6 (D) Any additional information that supports the request to delay enforcement action.
7 (2) If the Department issues a Notice of Violation to a state agency or facility it shall include, but is not be
8 limited to:
9 (A) A description of the violation and regulatory section that is the basis of the violation.
10 (B) Identification of the actions the state agency or state facility shall take to correct the violation(s).
11 (C) The timeframe in which each of the actions must be taken.
12 (D) The actions in subsection (a)(3) of this section that the Department may take if the state agency or
13 facility fails to comply.
14 (3) If a state agency or state facility fails to comply with a Notice of Violation, the Department may take the
15 following enforcement actions:
16 (A) List the state agency or state facility on the Organic Waste Recovery Noncompliance Inventory
17 described in Section 18997.4 of this chapter.
18 (B) Request that the Department of General Services (DGS) conduct an audit of the state agency or
19 state facility for compliance with Public Contract Code (PCC) Section 12217(a).
20 (C) Notify the Governor.
21 (D) Notify the Legislature.
22 (4) The Department may not extend a compliance deadline in a Notice of Violation if the Department
23 determines that the state agency or state facility has not made substantial efforts to comply with this
24 chapter.
25 (A) For the purposes of this section, "substantial effort" means that the state agency or state facility has
26 taken all practicable steps to comply. Substantial effort does not include failure by the state agency or
27 facility to take the necessary steps to comply, including, but not limited to, not providing adequate staff
28 resources, failing to provide sufficient funding to assure compliance with the Chapter, or failure to adopt
29 required policies.
30

31 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.
32

33 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103,
34 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5,
35 39730.6, 39730.7 and 39730.8.
36

37 **Section 18996.7. Department Enforcement Action Regarding Local Education Agencies**

38 (a) If the Department finds that a local education agency is violating this chapter, the Department may issue a
39 Notice of Violation requiring compliance within 90 days. If the local education agency fails to comply with the
40 Notice of Violation, the Department may list the local education agency or a non-local entity on the Organic
41 Waste Recovery Noncompliance Inventory pursuant to Section 18997.4.
42

43 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.
44

45 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103,
46 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5,
47 39730.6, 39730.7 and 39730.8.
48

49 **Section 18996.8. Complaints of Alleged Violations by Jurisdictions and Entities**

50 (a) Any person having information that a jurisdiction or an entity is in violation of a requirement of this chapter
51 may file a written complaint to the Department. The Department may request that complaints include the
52 following:

- 53 (1) The name and contact information of the person making the complaint.
54 (2) The identity of the alleged violator, including the name of the entity, jurisdiction, state agency, state
55 facility, local education agency, or other non-local entity.
56 (3) The location of the violation.
57 (4) A description of the violation.
58 (5) All known relevant facts including, but not limited, information relating to witnesses and physical
59 evidence.

(b) Upon request, the Department shall ensure that the names and contact information of a complainant remain confidential.

(c) Upon receipt of a complaint, the Department shall, within 60 days, determine whether the allegations, if true, would constitute a violation of this chapter, and, if so, commence an investigation. The Department shall notify the complainant of the results of the Department's investigation.

(d) If the Department receives a complaint about an entity within a jurisdiction's authority, it shall refer the complaint to the jurisdiction for investigation and enforcement action.

Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

Section 18996.9. Department Enforcement Actions Against Entities.

(a) The Department may take enforcement action against organic waste generators, including commercial edible food generators, haulers, and food recovery organizations and services, where a jurisdiction has failed to enforce this chapter or where the entity is a non-local entity that is not a state agency or facility subject to enforcement under Section 18996.6 or a local education agency subject to enforcement under Section 18996.7.

(b) If an entity has been found in violation, the Department shall:

(1) For a first violation:

(A) Issue a Notice of Violation (NOV) requiring compliance within 60 days.

(B) If the violation continues after the NOV compliance date, the Department shall issue a Notice and Order to Correct (NOTC) requiring compliance within 30 days. The NOTC shall include the potential penalties for failing to comply.

(C) If the violation continues after the NOTC compliance deadline of 30 days, the Department shall commence action to impose a penalty on the entity no later than 90 days after the issuance of the NOTC.

(2) For a second violation and all subsequent violations:

(A) Issue a Notice and Order to Correct (NOTC) requiring compliance within 30 days. The NOTC shall include the potential penalties for failing to comply.

(B) If the violation continues after the NOTC compliance deadline, the Department shall commence action to impose a penalty on the entity no later than 90 days after its determination of the violation.

(c) The Department may grant extensions to the compliance deadlines set forth in subsection (b) if it makes the following findings:

(1) The entity is making timely progress toward compliance, and

(2) The entity's failure to comply within the deadline is due to:

(A) Extenuating circumstances outside its control, including a correction to a long term infrastructure or capacity change which requires a correspondingly longer length of time to achieve compliance.

Examples of extenuating circumstances include acts of God such as inclement weather, and earthquakes, and delays in obtaining discretionary permits or other government agency approvals, but where the entity's actions or failure to act was not the cause of the delay

(B) Limitations in infrastructure and the jurisdiction in which it is located is under a Corrective Action Plan (CAP) pursuant to Section 18996.2 due to long term infrastructure or capacity deficiencies.

(d) The Department shall provide the following information in any Notice of Violation or other enforcement notices:

(1) The account name, name(s) of each person, or entity to whom it is directed. Notices must go to the legally responsible party, such as a business owner, service account holder, property owner, etc.

(2) The list and description of the violations of this chapter, including the section of this chapter being violated.

(3) A compliance date by which the entity is to take specified action(s).

(4) The penalty for not complying within the specified compliance date.

Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

Article 16. Administrative Civil Penalties for Violations of Requirements of This Chapter

Section 18997.1. Scope.

(a) The Department may impose administrative civil penalties authorized by Public Resources Code 42652.5 in accordance with the procedures set forth in this article.

(b) A jurisdiction shall adopt ordinance(s) or enforceable mechanisms to impose penalties that are equivalent or stricter than those amounts in Section 18997.2 of this chapter.

Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

Section 18997.2. Penalty Amounts

(a) A jurisdiction shall impose penalties that are equivalent or stricter than those amounts in Table 1 of this section and shall be calculated by determining the type of violations that have occurred, the number of violations that have occurred, and the corresponding penalty level in subsection (b).

Table 1

<u>Requirement</u>	<u>Description of Violation</u>	<u>1st Violation</u>	<u>2nd Violation</u>	<u>3rd and subsequent Violation</u>
<u>Property and Business Owner Responsibility Requirement</u> <u>Section 18984.10</u>	<u>Property owner or business owner fails to provide or arrange for organic waste collection services consistent with Article 3 of this chapter for employees, contractors, tenants, and customers, including supplying and allowing access to adequate numbers, size, and location of containers and sufficient signage and container color, as prescribed by this section.</u>	<u>Level 1</u>	<u>Level 2</u>	<u>Level 3</u>
<u>Property and Business Owner Responsibility Requirement</u> <u>Section 18984.10</u>	<u>Property owner or business owner fails to provide information to employees, contractors, tenants, and customers about organic waste recovery requirements and proper sorting annually, as prescribed by this section.</u>	<u>Level 1</u>	<u>Level 2</u>	<u>Level 3</u>
<u>Property and Business Owner Responsibility Requirement</u> <u>Section 18984.10</u>	<u>Property owner or business owner fails to provide or arrange for access to their properties during all inspections conducted pursuant to Article 14 of this chapter.</u>	<u>Level 1</u>	<u>Level 2</u>	<u>Level 3</u>
<u>Organic Waste Generator Requirement</u> <u>Section 18984.9(a)</u>	<u>Organic waste generator fails to comply with applicable local requirements adopted pursuant to this article for the collection and recovery of organic waste.</u>	<u>Level 1</u>	<u>Level 2</u>	<u>Level 3</u>

<u>Organic Waste Generator Requirement</u> <u>Section 18984.9(b)(1)</u>	<u>Organic waste generator, that is a commercial business, fails to provide containers for the collection of organic waste and no-norganic recyclables in all areas where disposal containers are provided for customers.</u>	<u>Level 1</u>	<u>Level 2</u>	<u>Level 3</u>
<u>Organic Waste Generator Requirement</u> <u>Section 18984.9(b)(2)</u>	<u>Organic waste generator, that is a commercial business, fails to prohibit their employees from placing organic waste in a container not designated to receive organic waste.</u>	<u>Level 1</u>	<u>Level 1</u>	<u>Level 2</u>
<u>Organic Waste Generator Requirement</u> <u>Section 18984.9(b)(3)</u>	<u>Organic waste generator, that is a commercial business, fails to periodically inspect waste containers for contamination, and inform employees if containers are contaminated and of the requirements to only use those containers for organic waste.</u>	<u>Level 1</u>	<u>Level 1</u>	<u>Level 2</u>
<u>Hauler Requirement</u> <u>Section 18988.2</u>	<u>A hauler providing residential, commercial or industrial organic waste collection service fails to transport organic waste to a facility, operation, activity, or property that recovers organic waste, as defined in Article 2.</u>	<u>Level 1</u>	<u>Level 2</u>	<u>Level 3</u>
<u>Hauler Requirement</u> <u>Section 18988.2 (a)(2)</u>	<u>A hauler providing residential, commercial, or industrial organic waste collection service fails to obtain applicable approval issued by the jurisdiction pursuant to Section 18988.1.</u>	<u>Level 1</u>	<u>Level 2</u>	<u>Level 3</u>
<u>Hauler Requirement</u> <u>Section 18988.2</u>	<u>A hauler fails to keep a record of the applicable documentation of its approval by the jurisdiction, as prescribed by this section.</u>	<u>Level 1</u>	<u>Level 2</u>	<u>Level 3</u>
<u>Hauler Requirement</u> <u>Section 18988.3(b)</u>	<u>A generator who is a self-hauler fails to comply with the requirements of subsection 18988.3(b).</u>	<u>Level 1</u>	<u>Level 2</u>	<u>Level 3</u>
<u>Commercial Edible Food Generator Requirement</u> <u>Section 18991.3</u>	<u>Tier One commercial edible food generator fails to arrange to recover edible food and comply with this section commencing Jan. 1, 2022.</u>	<u>Level 1</u>	<u>Level 2</u>	<u>Level 3</u>
<u>Commercial Edible Food Generator Requirement</u> <u>Section 18991.3</u>	<u>Tier Two commercial edible food generator fails to arrange to recover edible food and comply with this section commencing Jan. 1, 2024.</u>	<u>Level 1</u>	<u>Level 2</u>	<u>Level 3</u>

<u>Commercial Edible Food Generator Requirement</u> <u>Section 18991.3</u>	<u>Edible food generator intentionally spoils edible food that is capable of being recovered by a food recovery organization or service, as prohibited by this section.</u>	<u>Level 1</u>	<u>Level 2</u>	<u>Level 3</u>
<u>Record Keeping Requirements For Commercial Edible food Generator</u> <u>Section 18991.4</u>	<u>Commercial edible food generator fails to keep records, as prescribed by this section.</u>	<u>Level 1</u>	<u>Level 2</u>	<u>Level 2</u>
<u>Record Keeping Requirements For Edible food Recovery Services and Organizations</u> <u>Section 18991.5</u>	<u>A food recovery organization or service that collects or receives 6 tons or more of edible food fails to keep records, as prescribed by this section.</u>	<u>Level 1</u>	<u>Level 2</u>	<u>Level 3</u>

(b) Consistent with the requirements prescribed in Government Code Sections 53069, 25132 and 36900 the penalty severity levels are as follows:

(1) For a violation classified as Level 1, the amount of the base penalty may be \$50-\$100per violation, per day.

(2) For a violation classified as Level 2, the amount of the base penalty may be \$100-\$200per violation, per day.

(3) For a violation classified as Level 3, the amount of the base penalty may be \$250-\$500per violation, per day.

(c) For the purposes of subsection (a), revoking, suspending, or denying a permit, registration, license, or other authorization shall be considered stricter than the penalties in this section.

Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

Section 18997.3. Department Penalty Amounts

(a) Penalties shall be imposed administratively using the penalty tables contained in subsection (b) and calculated as follows:

(1) Identify the following:

(A) The type of violation(s) that have occurred.

(B) The number of days each violation has occurred, if applicable.

(C) Whether it is a first, second, or subsequent violation.

(2) Determine total base range amount for each type of violation by multiplying the penalty amount range identified in the chart below by the number of days of violation, starting on the day the Notice of Violation is issued.

(3) Use the applicable factors in subsection (d) to determine the penalty amount within the penalty range identified in subsection (a) (2) for each type of violation.

(4) For multiple violations, add the results of subsection (a) (3) for each violation to determine a total penalty amount.

(b) The following Penalty Tables establish the range of the base penalty for each violation based on the severity levels, as set forth in subsection (c).

- 1 **Base Table 1 is to be used for Jurisdiction Compliance with Collection Services (Article 3), Hauler and**
2 **Generator Requirements (Article 3 and Article 7), and Edible Food Recovery Programs (Article 10).**

<u>Section</u>	<u>Description of Violation</u>	<u>1st Violation</u>	<u>2nd Violation</u>	<u>3rd and subsequent Violation</u>
<u>Section 18984.1</u>	<u>Jurisdiction fails to implement a three-container organic collection service in the manner prescribed in section 18984.1.</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 6</u>
<u>Section 18984.1(a)(3))</u>	<u>Jurisdiction fails to limit collection to the appropriate containers as prescribed in subsection 18984.1 (a)</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 6</u>
<u>Section 18984.1(a)(1) and (3)</u>	<u>Jurisdiction fails to transport source separated organic waste to a solid waste facility that processes source separated organic waste, as prescribed in these sections.</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 6</u>
<u>Section 18984.2</u>	<u>Jurisdiction fails to implement a two-container organic collection service in the manner prescribed in this section.</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 6</u>
<u>Sections 18984.2(a)(3) and 18984.3</u>	<u>Jurisdiction fails to transport waste, to a facility that meets the high diversion requirements, as prescribed in these sections.</u>	<u>Level 5</u>	<u>Level 6</u>	<u>Level 6</u>
<u>Section 18984.5</u>	<u>Jurisdiction fails to monitor the container provided to generators using a three-container or two-container organic waste collection service to minimize prohibited container contaminants, as required by this section.</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 6</u>
<u>Section 18984.5(b)</u>	<u>Jurisdiction fails to conduct route reviews for prohibited contaminants on randomly selected containers for at least one collection route each collection day in a manner that results in all collection routes being reviewed quarterly, as prescribed in this subsection.</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 6</u>
<u>Section 18984.5(c)</u>	<u>Jurisdiction fails to investigate by physically inspecting containers along the route(s) to determine the sources of contamination and providing written notification, mail education notices, or making direct contact with generators after being informed by a solid waste facility operator of contamination while a hauler was servicing the jurisdiction's generators, as prescribed in this subsection.</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 6</u>

<u>Section 18984.7</u>	<u>Jurisdiction fails to provide collection containers to generators that comply with the container color requirements specific in this article, notwithstanding functional containers prior to the end of the useful life or prior to January 1, 2032, as prescribed in this section.</u>	<u>Level 4</u>	<u>Level 4</u>	<u>Level 5</u>
<u>Section 18984.8</u>	<u>Jurisdiction fails to label collection container, as prescribed in this section.</u>	<u>Level 4</u>	<u>Level 4</u>	<u>Level 5</u>
<u>Section 18984.11</u>	<u>Jurisdiction fails to grant waivers consistent with this section or fails to verify annually de minimis waivers, as prescribed in this section.</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 6</u>
<u>Section 18984.13</u>	<u>Jurisdiction fails to execute emergency waivers, as prescribed in this section.</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 6</u>
<u>Section 18988.1(a)</u>	<u>Jurisdiction fails to require a hauler providing residential, commercial, or industrial organic waste collection service to generators within its boundaries to meet the requirements and standards of this chapter as a condition of approval of a contract, agreement, or other authorization to collect organic waste), including identifying the facilities they transport organic waste to and complying with the requirements of Article 3 of this chapter, as prescribed in this section.</u>	<u>Level 5</u>	<u>Level 6</u>	<u>Level 6</u>
<u>Section 18988.1(b)</u>	<u>Jurisdiction fails to adopt an ordinance or similarly enforceable mechanism that requires compliance with Section 18988.3, if it allows generators to self-haul, as prescribed in this section.</u>	<u>Level 6</u>	<u>Level 6</u>	<u>Level 6</u>
<u>Section 18991.1</u>	<u>Jurisdiction fails to implement an edible food recovery program, as prescribed in this section.</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 6</u>

1 **Base Table 2 is to be used for Jurisdiction Compliance with Organic Waste Recovery Education, and**
2 **Edible Food Recovery Education Program (Article 4)**

<u>Section</u>	<u>Description of Violation</u>	<u>1st Violation</u>	<u>2nd Violation</u>	<u>3rd and subsequent Violation</u>
<u>Section 18985.1(a)</u>	<u>Jurisdiction fails to provide to organic waste generators that provide three-container or two-container waste collection information on organic waste generator requirements prescribed in this section prior to February 1, 2022 and then annually thereafter.</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 5</u>

<u>Section 18985.1(b)</u>	<u>Jurisdiction fails to provide to self-haulers information regarding the requirements of Section 18988.2 of this chapter prior to February 1, 2022 and then annually thereafter.</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 5</u>
<u>Section 18985.1(c)</u>	<u>Jurisdiction fails to provide to organic waste generators using unsegregated, single-container collection service the information in subdivisions (1), (2), (3), (4) and information that the organic waste is being processed at a high diversion organic-waste processing facility prior to February 1, 2022 and then annually.</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 5</u>
<u>Section 18985.1 (f)</u>	<u>Jurisdiction fails to educate in a manner specified by this section.</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 5</u>
<u>Section 18985.2(a)</u>	<u>Jurisdiction fails to develop and maintain a list of food recovery organizations and food recovery services, prior to February 1, 2022 and then annually thereafter, as prescribed in this subsection.</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 5</u>
<u>Section 18985.2(b)</u>	<u>Jurisdiction fails to provide commercial businesses that generate edible food information about the jurisdiction's edible food recovery collection program, at least annually, as prescribed in this subsection.</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 5</u>

1 **Base Table 3 is to be used for Jurisdictions Compliance with CalGreen (Article 8) and Procurement**
2 **(Article 12)**

<u>Section</u>	<u>Description of Violation</u>	<u>1st Violation</u>	<u>2nd Violation</u>	<u>3rd and subsequent Violation</u>
<u>Section 18989.1</u>	<u>Jurisdiction fails to require compliance with CalGreen Building standards, as prescribed in this section.</u>	<u>Level 4</u>	<u>Level 4</u>	<u>Level 5</u>
<u>Section 18993.1</u>	<u>Jurisdiction fails to procure a quantity of recovered organic waste products that meets or exceeds its procurement target, as prescribed in this section.</u>	<u>Level 4</u>	<u>Level 4</u>	<u>Level 5</u>
<u>Section 18993.3</u>	<u>Jurisdiction fails to procure paper products, and printing and writing paper in compliance with this section.</u>	<u>Level 4</u>	<u>Level 4</u>	<u>Level 5</u>

3 **Base Table 4 is to be used for Jurisdictions Compliance Recordkeeping and Reporting (Article 13)**

<u>Section</u>	<u>Description of Violation</u>	<u>1st Violation</u>	<u>2nd Violation</u>	<u>3rd and subsequent Violation</u>
<u>Sections 18984.4, 18988.4, 18993.2 18995.1 (d), 18995.3(f)</u>	<u>Jurisdiction fails to keep records, as prescribed in any of these sections</u>	<u>Level 5</u>	<u>Level 6</u>	<u>Level 6</u>
<u>Sections 18984.6, 18984.14, 18985.3, 18991.2, 18993.4</u>	<u>Jurisdiction fails to keep records, as prescribed in any of these sections</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 6</u>
<u>Section 18995.2</u>	<u>Jurisdiction fails to maintain an Implementation Record for the time period prescribed, in a central location, or in a manner that is prescribed in this section.</u>	<u>Level 4</u>	<u>Level 4</u>	<u>Level 5</u>
<u>Section 18995.2(c)</u>	<u>Jurisdiction fails to provide access to the Implementation Record to the Department, as prescribed in this section.</u>	<u>Level 6</u>	<u>Level 6</u>	<u>Level 6</u>
<u>Sections 18994.1, 18994.2</u>	<u>Jurisdiction fails to report their Initial Implementation and Compliance Report by February 1, 2022, or fails to report on August 1, 2022 and annually thereafter, the information required in these sections.</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 6</u>
<u>Article 13</u>	<u>Jurisdiction fails to submit a compliance report that is complete and accurate, as prescribed in this article.</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 6</u>

1 **Base Table 5 is to be used for Jurisdictions Compliance with Requirements to Adopt, Implement,**
2 **and Enforce Ordinance(s) as required by and consistent with the Chapter (Section 18981.1.2) and**
3 **Locally Adopted Standards and Policies (Article 9) and Enforcement Requirements (Article 14).**

<u>Section</u>	<u>Description of Violation</u>	<u>1st Violation</u>	<u>2nd Violation</u>	<u>3rd and subsequent Violation</u>

<u>Section 18995.1</u>				
<u>Section 18995.3</u>	<u>Jurisdiction fails to investigate complaints, as prescribed in this section.</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 6</u>
<u>Section 18995.3(b)</u>	<u>Jurisdiction fails to ensure the names and contact information of a complainant remain confidential, as prescribed in this section.</u>	<u>Level 4</u>	<u>Level 4</u>	<u>Level 5</u>
<u>Section 18995.3(e)</u>	<u>Jurisdiction fails to provide a method for the complainant to be notified of the results of the complaint, as prescribed in this section.</u>	<u>Level 4</u>	<u>Level 4</u>	<u>Level 5</u>
<u>Section 18995.4(a)(1)</u>	<u>Jurisdiction fails to take enforcement, as prescribed in this section.</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 6</u>
<u>Section 18995.4(a)(2)</u>	<u>Jurisdiction fails to conduct follow-up inspections, as prescribed in this section.</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 6</u>
<u>Sections 18995.4(a)(3) and (4)</u>	<u>Jurisdiction fails to commence actions to impose penalties and issue penalties, as prescribed in these sections.</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 6</u>
<u>Section 18995.4(b)</u>	<u>Jurisdiction fails to grant extensions consistent with this section.</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 6</u>
<u>Section 18995.4(c)</u>	<u>Jurisdiction fails to prepare enforcement notices as prescribed in this section.</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 6</u>
<u>Sections 18997.1 and 18997.2</u>	<u>Jurisdiction fails to impose penalties, as prescribed in these sections.</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 6</u>

1 **Base Table 6 is to be used for Organic Waste Recycling Capacity Planning (Article 11)**

<u>Section</u>	<u>Description of Violation</u>	<u>1st Violation</u>	<u>2nd Violation</u>	<u>3rd and subsequent Violation</u>
<u>Section 18992.1(a)</u>	<u>A county in coordination with city or regional agencies fails to estimate organic waste disposed, identify available infrastructure capacity, estimate the amount of new or expanded capacity needed.</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 6</u>

	<u>and consult with community composting operators pursuant to Section 18992.1.</u>			
<u>Section 18992.2</u>	<u>A county fails in coordination with city or regional agencies to estimate the amount of edible food disposed, identify available capacity, and identify needed additional capacity, as prescribed in this section.</u>	<u>Level 4</u>	<u>Level 4</u>	<u>Level 5</u>
<u>Sections 18992.1(c) and 18992.2 (b)</u>	<u>A jurisdiction fails to submit an on Implementation Schedule pursuant to these sections</u>	<u>Level 4</u>	<u>Level 4</u>	<u>Level 5</u>
<u>Section 18992.3</u>	<u>A county in coordination with city or regional agencies fails to conduct the planning requirements of Sections 18992.1 and 18992.2 on the prescribed schedule.</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 6</u>

1 **Base Table 7 is to be used for Jurisdiction Approval of Haulers and Self-Haulers (Article 70.1)**

<u>Section</u>	<u>Description of Violation</u>	<u>1st Violation</u>	<u>2nd Violation</u>	<u>3rd and subsequent Violation</u>
<u>Section 18988.2</u>	<u>A hauler providing residential, commercial, or industrial organic waste collection service fails to transport organic waste to a facility, operation, activity, or property that recovers organic waste, as defined in Article 2.</u>	<u>Level 5</u>	<u>Level 5</u>	<u>Level 6</u>
<u>Section 18988.2 (a)(2)</u>	<u>A hauler providing residential, commercial, or industrial organic waste collection service fails to obtain applicable approval issued by the jurisdiction pursuant to Section 18988.1.</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 5</u>
<u>Section 18988.2</u>	<u>A hauler fails to keep a record of the applicable documentation of its approval by the jurisdiction, as prescribed by this section.</u>	<u>Level 5</u>	<u>Level 6</u>	<u>Level 6</u>
<u>Section 18988.3(b)</u>	<u>A generator who is a self-hauler fails to comply with the requirements of Section 18988.3(b).</u>	<u>Level 4</u>	<u>Level 4</u>	<u>Level 5</u>

2 **Base Table 8 is to be used for Organic Waste Generators Requirements (Article 3), Enforcement**
3 **Oversight by the Department (Article 15) and Generators of Organic Waste (Article 5)**

<u>Section</u>	<u>Description of Violation</u>	<u>1st Violation</u>	<u>2nd Violation</u>	<u>3rd and subsequent Violation</u>
Section 18984.9(a)	Organic waste generator fails to comply with applicable local requirements adopted pursuant to this article for the collection and recovery of organic waste.	<u>Level 4</u>	<u>Level 5</u>	<u>Level 6</u>
Section 18984.9(b)(1)	Commercial organic-waste generator fails to provide containers for the collection of organic waste and no-norganic recyclables in all areas where disposal containers are provided for customers.	<u>Level 4</u>	<u>Level 5</u>	<u>Level 6</u>
Section 18984.9(b)(2)	Organic waste generator, that is a commercial business, fails to prohibit their employees from placing organic waste in a container not designated to receive organic waste.	<u>Level 4</u>	<u>Level 5</u>	<u>Level 5</u>
Section 18984.9(b)(3)	Organic waste generator, that is a commercial business, fails to periodically inspect waste containers for contamination and to inform employees if containers are contaminated and of the requirements to only use those containers for organic waste.	<u>Level 4</u>	<u>Level 5</u>	<u>Level 5</u>
Section 18996.4	Organic waste generator fails to allow an authorized Department employee or agent, to conduct inspections and investigations examine organic waste activities and records pertaining to the entity to determine compliance with this chapter and, as prescribed in this section.	<u>Level 5</u>	<u>Level 6</u>	<u>Level 6</u>
		<u>Level 4</u>	<u>Level 5</u>	<u>Level 6</u>

1 **Base Table 9 is to be used for Property Owner and Business Owner Responsibilities (Article 3)**

<u>Section</u>	<u>Description of Violation</u>	<u>1st Violation</u>	<u>2nd Violation</u>	<u>3rd and subsequent Violation</u>
<u>Section 18984.10</u>	<u>Property owner or business owner fails to provide or arrange for organic waste collection services consistent with Article 3 of this chapter for employees, contractors, tenants, and customers, including supplying and allowing access to</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 6</u>

	<u>adequate numbers, size, and location of containers and sufficient signage and container color, as prescribed by this section.</u>			
<u>Section 18984.10</u>	<u>Property owner or business owner fails to provide information to employees, contractors, tenants, and customers about organic waste recovery requirements and proper sorting annually, as prescribed by this section.</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 5</u>
<u>Section 18984.10</u>	<u>Property owner or business owner fails to provide or arrange for access to their properties during all inspections conducted pursuant to Article 14 of this chapter.</u>	<u>Level 5</u>	<u>Level 6</u>	<u>Level 6</u>

1 **Base Table 10 is to be used for Commercial Edible Food Generators**

<u>Section</u>	<u>Description of Violation</u>	<u>1st Violation</u>	<u>2nd Violation</u>	<u>3rd and subsequent Violation</u>
<u>Section 18991.3</u>	<u>Tier One commercial edible food generator fails to arrange to recover edible food and comply with this section commencing January 1, 2022.</u>	<u>Level 4</u>	<u>Level 4</u>	<u>Level 5</u>
<u>Section 18991.3</u>	<u>Tier Two commercial edible food generator fails to arrange to recover edible food and comply with this section commencing January 1, 2024.</u>	<u>Level 4</u>	<u>Level 4</u>	<u>Level 5</u>
<u>Section 18991.3</u>	<u>Commercial Edible food generator intentionally spoils edible food that is capable of being recovered by a food recovery organization or service as prohibited by this section.</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 6</u>
<u>Section 18991.4</u>	<u>Commercial edible food generator fails to keep records as prescribed by this section.</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 5</u>
<u>Section 18991.5</u>	<u>A food recovery organization or service that collects or receives 6 tons or more of edible food fails to keep records as prescribed by this section.</u>	<u>Level 4</u>	<u>Level 5</u>	<u>Level 6</u>

2
3 (c) The penalty severity levels are as follows:

- 4 (1) For a violation classified as Level 1, the amount of the base penalty may be \$50–\$500 per violation.
5 (2) For a violation classified as Level 2, the amount of the base penalty may be \$250–\$1000 per violation.
6 (3) For a violation classified as Level 3, the amount of the base penalty may be \$500–2,500 per violation.
7 (4) For a violation classified as Level 4, the amount of the base penalty may be \$500–2,500 per day.
8 (5) For a violation classified as Level 5, the amount of the base penalty may be \$1,000–\$5,000 per day.
9 (6) For a violation classified as Level 6, the amount of the base penalty may be \$5,000–\$10,000 per day.

10 (d) Once the base penalty range has been determined, the following factors shall be used to determine the amount of the penalty for each violation within that range:

- 11 (1) The nature and circumstances of the violation(s).
12 (2) Ability for the violator to pay.
13

- (3) The willfulness of the violator's misconduct.
- (4) Whether the violator took measures to mitigate violations of this chapter.
- (5) Evidence of any financial gain resulting from the violation(s).
- (6) The deterrent effect of the penalty on the violator.
- (7) If there were conditions outside the control of the entity.

Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5, and Health and Safety Code Section 39730.6.

Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

Section 18997.4. Organic Waste Recovery Noncompliance Inventory

- (a) If the Department documents that a state agency, state facility, or local education agency is in violation of this chapter, the Department shall send a notice to the state agency, state facility, or local education agency stating that the Department intends to place it on the Inventory listed on its website if the violation(s) is not corrected within 90 days of receipt of the notice. The notice will be sent by certified mail.
- (b) If the Department determines that violation(s) listed on the notice have not been corrected within 90 days of the issuance of the intent letter, then the Department shall list the state agency, state facility, or local education agency on the Inventory.
- (c) If the Department finds that state agency, state facility, or local education agency is no longer in violation of all of the standard(s) listed in the notice of intent letter during or after the 90-day notice of intent period, or for the violations for which it was listed on the Inventory, then the Department shall notify the state agency, state facility, or local education agency in writing that it will no longer be placed on the inventory.

Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

Section 18997.5. CalRecycle Procedure for Imposing Civil Penalties

- (a) Administrative civil penalties shall be calculated as set forth in Section 18997.3 of this chapter.
- (b) The Department shall serve an accusation on a person against whom civil penalties are being sought, in accordance with the requirements specified in Chapter 4.5 (commencing with Section 11400) of Part 1 of Division 3 of Title 2 of the Government Code and inform the party of the right to a hearing.
- (c) The accusation and all accompanying documents may be served on the respondent by one of the following means:
 - (1) Personal service.
 - (2) Substitute service by using the same service procedures as described in Section 415.20 of the Code of Civil Procedure.
 - (3) Certified Mail or registered mail.
- (d) Upon receipt of the accusation, the respondent shall have 15 days to file a request for hearing, or the respondent will automatically waive its rights to a hearing. Upon receipt of the request for hearing the Department shall schedule a hearing within 30 days. The hearing shall be held before the director, or designee, within 90 days of the scheduling date, unless the parties reach an agreement to settle prior to the hearing date.
- (e) If the party waives the right to a hearing, the Department shall issue an order setting liability for civil penalties in the amount proposed in the accusation unless the Department and the party have entered into a settlement agreement, in which case the Department shall issue an order setting liability for civil penalties in the amount specified in the settlement agreement.
- (f) The director or the director's designee shall issue a written decision within 60 days of the conclusion of the hearing.

Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

Section 18997.6. CalRecycle Procedure for Hearings and Orders for Civil Liability

(a) A hearing required under this chapter shall be conducted by the director, or the director's designee, in accordance with the informal hearing requirements specified in Chapter 4.5 (commencing with Section 11400) of Part 1 of Division 3 of Title 2 of the Government Code.

(b) Orders setting civil liability issued under this section shall become effective and final upon issuance thereof, and payment shall be due within 30 days of issuance, unless otherwise ordered by the director. Copies of these orders shall be served by personal service or by certified mail upon the party served with the accusation.

Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

Amendments to Existing Title 14 & Title 27 Regulations

TITLE 14: NATURAL RESOURCES

DIVISION 7. DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

- **Chapter 3 Minimum Standards for Solid Waste Handling and Disposal**
 - **Chapter 3.1. Composting Operations Regulatory Requirements. (Amended)**
 - **Chapter 3.2. In-Vessel Digestion Operations and Facilities Regulatory Requirements**
 - **Chapter 5: Enforcement of Solid Waste Standards and Administration of Solid Waste Facility Permits; Loan Guarantees**
 - **Chapter 9: Planning Guidelines and Procedures for Preparing, Revising, and Amending Countywide or Regional Integrated Waste Management Plans**
-

Chapter 3. Minimum Standards for Solid Waste Handling and Disposal

Article 6.0. Transfer/Processing Operations and Facilities Regulatory Requirements

Section 17402. Definitions.

(a) For the purposes of these articles:

(0.5) "Consolidation Sites" means facilities or operations that receive solid waste for the purpose of storing the waste prior to transfer directly from one container to another or from one vehicle to another for transport and which do not conduct processing activities. Consolidation activities include, but are not limited to, limited volume transfer operations, sealed container transfer operations, and direct transfer facilities.

(1) "Contact Water" means water that has come in contact with waste and may include leachate.

(1.5) "Contamination" or "Contaminants" has the same meaning as "prohibited container contaminants" as defined in Section 18982(a)(55) of Chapter 12 of this division.

(2) "Covered Container" means a container that is covered to prevent the migration of litter from the container, excessive infiltration of precipitation, odor and leachate production, and to prevent access by animals and people; thereby controlling litter, scavenging, and illegal dumping of prohibited wastes. Covers may include, but are not limited to, tarpaulins or similar materials.

(3) "Direct Transfer Facility" means a transfer facility that receives equal to or more than 60 cubic yards or 15 tons (whichever is greater) of solid waste per operating day but less than 150 tons of solid waste and meets all of the following requirements:

(A) is located on the premises of a duly licensed solid waste hauling operator;

(B) only handles solid waste that has been placed within covered containers or vehicles prior to entering the facility and that is transported in vehicles owned or leased by that same operator;

(C) the facility does not handle, separate, or otherwise process the solid waste;

(D) no waste is stored at the facility for more than any 8-hour period;

(E) solid waste is transferred only once and directly from one covered container or vehicle to another covered container or vehicle so that the waste is never put on the ground or outside the confines of a container or vehicle, before, during, or after transfer. Direct transfer would not include top loading trailers where the solid waste actually leaves the confines of the collection vehicle and is suspended in air before falling into a transfer vehicle;

(F) all of the contents of the original transferring container or vehicle must be emptied during a single transfer; and

(G) any waste that may unintentionally fall outside of the containers or vehicles, is promptly cleaned up and replaced within the container or vehicle to which it was being transferred.

(4) "DTSC" means Department of Toxic Substances Control.

(5) "EA" means enforcement agency as defined in PRC section 40130.

(6) "Emergency Transfer/Processing Operation" means an operation that is established because there has been a proclamation of a state of emergency or local emergency, as provided in Title 14, Division 7, Chapter 3, Article 3, sections 17210.1 (j) and (k) and which meets all of the following requirements:

(A) the operation handles only disaster debris and other wastes, in accordance with section 17210.1(d), during the disaster debris recovery phase; and

(B) the location does not currently have a solid waste facility permit;

- (C) if the operation accepts, processes, or stores hazardous or household hazardous waste, then these activities must be in compliance with DTSC standards or standards of other appropriate authorities or agencies.
- (6.5) "Glass Container Processing Operations" means a person or business entity whose primary purpose is to receive source separated or separate or reuse glass container materials, either whole or fragments, for processing that may also contain a residual amount of solid waste and that does not qualify as a recycling center as set forth in section 17402.5(d).
- (6.6) "Gray container waste" or "Gray container collection stream" means solid waste that is collected in a gray container that is part of a three-container organic waste collection service that prohibits the placement of organic waste in the gray container as specified in Sections 18984.1(a) and (b).
- (6.7) "Hauler" has the same meaning as defined in Section 18815.2 (a)(32) of this division.
- (7) "Hazardous Wastes" means any waste which meets the definitions set forth in Title 22, Section 66261.3, et seq. and is required to be managed.
- (7.5) "Incompatible material" or "incompatibles," means human-made inert material, including, but not limited to, glass, metal, plastic, and also includes organic waste that the receiving end-user, facility, operation, property, or activity is not designed, permitted, or authorized to perform organic waste recovery activities as defined in Section 18983.1(b) of Article 2, Chapter 12.
- (8) "Large Volume Transfer/Processing Facility" means a facility that receives 100 tons or more of solid waste per operating day for the purpose of storing, handling or processing the waste prior to transferring the waste to another solid waste operation or facility.
- (A) In determining the tonnage of solid waste received by the facility, the following materials shall not be included: materials received by a recycling center located within the facility, and by beverage container recycling programs in accordance with Public Resources Code sections 14511.7, 14518, or 14520, if the recycling activities are separated from the solid waste handling activities by a defined physical barrier or where the activities are otherwise separated in a manner approved by the EA.
- (B) If the facility does not weigh the solid waste received, then the tonnage shall be determined by using a volumetric conversion factor where one cubic yard is equal to 500 pounds. The EA shall approve an alternate conversion factor if the operator demonstrates that it is more accurate than the required conversion factor.
- (9) "Limited Volume Transfer Operation" means an operation that receives less than 60 cubic yards, or 15 tons of solid waste per operating day for the purpose of storing the waste prior to transferring the waste to another solid waste operation or facility and which does not conduct processing activities, but may conduct limited salvaging activities and volume reduction by the operator.
- (A) In determining the tonnage of solid waste received by the operation, the following materials shall not be included: materials received by a recycling center located within the operation, and by beverage container recycling programs in accordance with Public Resources Code sections 14511.7, 14518, or 14520, if the recycling activities are separated from the solid waste handling activities by a defined physical barrier or where the activities are otherwise separated in a manner approved by the EA.
- (B) If the operation does not weigh the solid waste received, then the tonnage shall be determined by using a volumetric conversion factor where one cubic yard is equal to 500 pounds. The EA shall approve an alternate conversion factor if the operator demonstrates that it is more accurate than the required conversion factor.
- (10) "Litter" means all solid waste which has been improperly discarded or which has migrated by wind or equipment away from the operations area. Litter includes, but is not limited to, convenience food, beverage, and other product packages or containers constructed of steel, aluminum, glass, paper, plastic, and other natural and synthetic materials, thrown or deposited on the lands and waters of the state.
- (11) "Medium Volume Transfer/Processing Facility" means a facility that receives equal to or more than 60 cubic yards or 15 tons (whichever is greater) of solid waste per operating day but less than 100 tons of solid waste, for the purpose of storing or handling the waste prior to transferring the waste to another solid waste operation or facility; or a facility that receives any amount of solid waste, up to 100 tons per operating day, for the purpose of processing solid waste prior to transferring the waste to another solid waste operation or facility.
- (A) In determining the tonnage of solid waste received by the facility, the following materials shall not be included: materials received by a recycling center located within the facility, and by beverage container recycling programs in accordance with Public Resources Code sections 14511.7, 14518, or 14520, if the recycling activities are separated from the solid waste handling activities by a defined physical barrier or where the activities are otherwise separated in a manner approved by the EA.
- (B) If the facility does not weigh the solid waste received, then the tonnage shall be determined by using a volumetric conversion factor where one cubic yard is equal to 500 pounds. The EA shall approve an

- 1 alternate conversion factor if the operator demonstrates that it is more accurate than the required
2 conversion factor.
- 3 (11.5) "Mixed Waste Organic Collection Stream" means organic waste collected in a blue container or a
4 gray container that is required by Section 18984.1, 18984.2, or 18984.3 of this division to be transported to
5 a high diversion organic waste processing facility.
- 6 (12) "Nuisance" includes anything which:
7 (A) is injurious to human health or is indecent or offensive to the senses and interferes with the
8 comfortable enjoyment of life or property, and
9 (B) affects at the same time an entire community, neighborhood or any considerable number of persons.
10 The extent of annoyance or damage inflicted upon an individual may be unequal.
- 11 (13) "On-site" means located within the boundary of the operation or facility.
- 12 (14) "Open burning" means the combustion of solid waste without:
13 (A) control of combustion air to maintain adequate temperature for efficient combustion,
14 (B) containment of the combustion reaction in an enclosed device to provide sufficient residence time
15 and mixing for complete combustion, and
16 (C) control of the emission of the combustion products.
- 17 (15) "Operating day" means the hours of operation as set forth in the application, Enforcement Agency
18 Notification and/or permit not exceeding 24 hours.
- 19 (16) "Operating Record" means an easily accessible collection of records of an operation's or facility's
20 activities and compliance with required state minimum standards under Title 14. The Record may include
21 the Facility Plan or Transfer/Processing Report for facilities, and shall contain but is not limited to
22 containing: agency approvals, tonnage and loadchecking records, facility contacts and training history. The
23 record may be reviewed by state and local authorities and shall be available during normal business hours.
24 If records are too voluminous to place in the main operating record or if the integrity of the records could be
25 compromised by on-site storage, such as exposure to weather, they may be maintained at an alternative
26 site, as long as that site is easily accessible to the EA.
- 27 (17) "Operations Area" means:
28 (A) the following areas within the boundary of an operation or facility as described in the permit
29 application or Enforcement Agency Notification:
30 (i) equipment management area, including cleaning, maintenance, and storage areas; and
31 (ii) material and/or solid waste management area, including unloading, handling, transfer,
32 processing, and storage areas.
33 (B) the boundary of the operations area is the same as the permitted boundary but may or may not be
34 the same as the property boundary.
- 35 (18) "Operator" means the owner, or other person who through a lease, franchise agreement or other
36 arrangement with the owner, that is listed in the permit application or Enforcement Agency Notification, is
37 legally responsible for all of the following:
38 (A) complying with regulatory requirements set forth in these Articles;
39 (B) complying with all applicable federal, state and local requirements;
40 (C) the design, construction, and physical operation of the operations area;
41 (D) controlling the activities at an operation or facility as listed on the permit application or Enforcement
42 Agency Notification.
- 43 (18.4) "Organic Waste Recovery Activities," or "recovery" has the same meaning as defined in Section
44 18982(a)(449) of Chapter 12 of this division.
- 45 (18.5) "Organic Waste" has the same meaning as in Section 18982(a)(46) of Chapter 12 of this division.
- 46 (18.6) "Source Separated Organic waste" or "Source Separated Organic Waste Collection Stream" means
47 organic waste that is collected in a green container as specified in Sections 18984.1(a)(1) and
48 18984.2(a)(1) or a yellow container or other container as specified in Section 18984.1(a)(6) of this division.
- 49 (19) "Owner" means the person or persons who own, in whole or in part, an operation or facility, and/or the
50 land on which it is located.
- 51 (20) "Processing" means the controlled separation, recovery, volume reduction, conversion, or recycling of
52 solid waste including, but not limited to, organized, manual, automated, or mechanical sorting, the use of
53 vehicles for spreading of waste for the purpose of recovery, and/or includes the use of conveyor belts,
54 sorting lines or volume reduction equipment. Recycling Center is more specifically defined in section
55 17402.5 (d) of this Article.
- 56 (21) "Putrescible Wastes" include wastes that are capable of being decomposed by micro-organisms with
57 sufficient rapidity as to cause nuisances because of odors, vectors, gases or other offensive conditions, and

- 1 include materials such as, but not limited to food wastes, offal and dead animals. The EA shall determine on
2 a case-by-case basis whether or not a site is handling putrescible wastes.
- 3 (22) "Regulated Hazardous Waste" means a hazardous waste, as defined in section 66260.10 of Division
4 4.5 of Title 22.
- 5 (23) "RWQCB" means the Regional Water Quality Control Board.
- 6 (23.5) "Remnant organic material" means the organic material that is collected in a gray container that is
7 part of the gray container collection stream.
- 8 (24) "Salvaging" means the controlled separation of solid waste material which do not require further
9 processing, for reuse or recycling prior to transfer activities.
- 10 (25) "Scavenging" means the uncontrolled and/or unauthorized removal of solid waste materials.
- 11 (26) "Sealed Container Transfer Operation" means a transfer operation that meets the following
12 requirements:
- 13 (A) handles only solid waste that has previously been placed within containers that have either a
14 latched, hard top or other impermeable cover which is closed tightly enough to:
- 15 (1) prevent liquid from infiltrating into or leaking out of the container; and
16 (2) prevent the propagation and migration of vectors; and,
17 (i) the solid waste remains within the unopened containers at all times while on-site; and,
18 (ii) the containers are not stored on-site for more than 96 hours.
- 19 Sealed container transfer operations do not include operations excluded by Public Resources
20 Code section 40200(b)(3).
- 21 (27) "Special Waste" includes but is not limited to:
- 22 (A) waste requiring special collection, treatment, handling, storage, or transfer techniques as defined in
23 Title 22, section 66260.10.
- 24 (B) waste tires and appliances requiring CFC removal.
- 25 (28) "Spotter" means an employee who conducts activities that include, but are not limited to, traffic control,
26 hazardous waste recognition and removal for proper handling, storage and transport or disposal, and
27 protection of the public from health and/or safety hazards.
- 28 (29) "Store" means to stockpile or accumulate for later use.
- 29 (30) "Transfer/Processing Facility" or "Facility" includes:
- 30 (A) those activities governed by the Registration Permit tier or Full Solid Waste Facility Permit
31 requirements (as specified in sections 17403.6 and 17403.7); and,
32 (B) which:
- 33 1.receive, handle, separate, convert or otherwise process materials in solid waste; and/or
34 2.transfer solid waste directly from one container to another or from one vehicle to another for
35 transport; and/or
36 3.store solid waste;
- 37 (C) The receipt of separated for reuse material pursuant to Public Resources Code, Division 12.1,
38 Chapter 2, sections 14511.7, 14518, or 14520, located within a solid waste facility does not constitute
39 solid waste handling, or processing, if there is a defined physical barrier to separate recycling activities
40 defined in Public Resources Code, Division 12.1, Chapter 2, sections 14511.7, 14518, or 14520, from
41 the solid waste activities, or where the recycling and solid waste activities are considered by the EA as
42 separate operations.
- 43 (D) "Transfer/Processing Facilities" do not include activities specifically defined in section 17402.5(c) of
44 this Article, and operations and facilities that are subject to regulations in Chapter 3.1 (commencing with
45 section 17850).
- 46 (31) "Transfer/Processing Operation" or "Operation" includes:
- 47 (A) those activities governed by the EA Notification tier requirements; and,
48 (B) which:
- 49 1.receive, handle, separate, convert or otherwise process materials in solid waste; and/or
50 2.transfer solid waste directly from one container to another or from one vehicle to another for
51 transport; and/or
52 3.store solid waste;
- 53 (C) The receipt of separated for reuse material pursuant to Public Resources Code, Division 12.1,
54 Chapter 2, sections 14511.7, 14518, or 14520, located within a solid waste operation does not constitute
55 solid waste handling, or processing, if there is a defined physical barrier to separate recycling activities
56 defined in Public Resources Code, Division 12.1, Chapter 2, sections 14511.7, 14518, or 14520, from
57 the solid waste activities, or where the recycling and solid waste activities are considered by the EA as
58 separate operations.

- (D) "Transfer/Processing Operations" do not include activities specifically defined in section 17402.5(c) of this Article, and operations and facilities that are subject to regulations in Chapter 3.1 (commencing with section 17850).
- (32) "Volume Reduction" means techniques such as: compaction, shredding, and baling.
- (33) "Waste Hauling Yard Operation" is an operation that meets the following requirements:
- (A) is located on the premises of a duly licensed solid waste hauling operator, who receives, stores, or transfers waste as an activity incidental to the conduct of a refuse collection and disposal business, and;
 - (B) handles only solid waste that has been placed within a covered container before the container arrives at the waste hauling yard, and;
 - (C) no more than 90 cubic yards of waste is stored on-site in covered containers at any time, and;
 - (D) the solid waste remains within the original covered containers while on-site at any times, and;
 - (E) the covered containers are not stored on-site for more than any 72 hour period;
 - (F) if the EA has information that the operation does not meet these requirements, the burden of proof shall be on the owner or operator to demonstrate that the requirements are being met.

Note:

Authority cited: Sections 40502, 43020, 43021, and 42652.5 Public Resources Code.

Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816 Public Resource Code and Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.

Section 17402.5. Definitions and Related Provisions Regarding Activities That Are Not Subject to the Transfer/Processing Regulatory Requirements.

(a) This section sets forth definitions and related provisions regarding activities that are not subject to the requirements of Articles 6.0, 6.1, 6.2, 6.3 and 6.35 of this Chapter.

(1) Activities that are not in compliance with the applicable definitions and related provisions of this section shall be subject to the requirements of Articles 6.0, 6.1, 6.2, 6.3 and 6.35 of this Chapter.

(2) The definitions and related provisions of this section are for use only to determine the applicability of Articles 6.0, 6.1, 6.2, 6.3 and 6.35 of this Chapter.

(b) The following general definitions may apply to one or more of the activities that are more specifically defined in subdivisions (c) and (d) of this section.

(1) "Residual" means the solid waste destined for disposal, further transfer/processing as defined in section 17402(a)(30) or (31) of this Article, or transformation which remains after processing has taken place and is calculated in percent as the weight of residual divided by the total incoming weight of materials.

(2) "Reuse" means the use, in the same, or similar, form as it was produced, of a material which might otherwise be discarded.

(3) "Separated for Reuse" means materials, including commingled recyclables, that have been separated or kept separate from the solid waste stream for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace, and includes materials that have been "source separated".

(4) "Source Separated" means materials, including commingled recyclables, that have been separated or kept separate from the solid waste stream, at the point of generation, for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace.

(c) Activities included in one of the following definitions are not subject to the requirements of Articles 6.0, 6.1, 6.2, 6.3 and 6.35 of this Chapter, provided that these activities do not include the acceptance of solid waste which has not been separated for reuse. If an activity defined in this section is accepting solid waste which has not been separated for reuse, it must meet the requirements of subdivision (d) of this section or else it shall be subject to the requirements of Articles 6.0, 6.1, 6.2, 6.3 and 6.35 of this Chapter.

(1) "Auto Dismantler" means a person or business entity engaged in the business of buying, selling, or dealing in vehicles including nonrepairable vehicles, for the purpose of dismantling the vehicles, buying or selling the integral parts and component materials thereof, in whole or in part, or dealing in used motor vehicle parts pursuant to California Vehicle Code, section 220.

(2) "Auto Shredder" or "Metal Shredder" means a person or business entity that accepts scrap metal, typically automobiles and white goods, and mechanically rends that scrap metal into fist sized bits and pieces and separates the ferrous metals, nonferrous metals and other materials for the purpose of recycling.

- (3) "Buy Back Center" means a person or business entity engaging in those activities defined in Public Resources Code Sections 14518, or 14520.
- (4) "Drop-off Center" means a person or business entity engaging in those activities defined in Public Resources Code Section 14511.7.
- (5) "Manufacturer" means a person or business entity that uses new or separated for reuse materials as a raw material in making a finished product that is distinct from those raw materials.
- (6) "Regional Produce Organic Distribution Center" means a distribution center that receives unsold and packaged food produce (sometimes referred to as "pre-consumer") back from stores to which it was originally sent ~~the produce, and which remains the property of the distribution center or stores~~, for the purpose of data collection, depackaging, and transferring this produce and other food to a compostable material handling operation or facility, in-vessel digestion operation or facility, or to another beneficial use. A regional produce distribution center would not include a site where produce is processed.
- (7) "Rendering activities", means an activity that is a licensed animal food manufacturing activity, or a rendering activity which is authorized by the California Department of Food and Agriculture pursuant to Section 19300 of the Food and Agricultural Code, and in which no solid waste feedstock bypasses the manufacturing or rendering process. "Rendering Plant" means a person or business entity where dead animals or any part or portion thereof, vegetable oils, or packing house refuse, are processed for the purpose of obtaining the hide, skin, grease residue, or any other byproduct whatsoever.
- (8) "Reuse Salvage Operation" means a person or business entity which sterilizes, dismantles, rebuilds, or renovates, nonputrescible separated-for-reuse materials, and that recovers for recycling or reuse distinct material types that have not been commingled with other materials before they enter the waste stream. Examples of this activity include, but are not limited to, wire choppers, and dismantlers of furniture and mattresses, and "brown goods" such as computer equipment, VCRs, and televisions.
- (9) "Scrap Metal Recyclers and Dealers" means a person or business entity including all employees of the person or business entity, (except automotive recyclers and auto shredders as defined in this section), whose primary business is the purchasing; processing by shredding, shearing, baling, and torching; trading, bartering or otherwise receiving secondhand or castoff metal material which includes ferrous metals, nonferrous metals, aluminum scrap, auto bodies, major appliances and other metals, including containers that are regulated pursuant to Public Resources Code Section 14511.7, 14518 or 14520.
- (10) "Wire Chopper" means a person or business entity which uses source separated metal components or wire for the purpose of recycling or reuse.
- (11) "Wood, Paper or Wood Product Manufacturer" means a person or business entity that uses separated for reuse paper or woody materials in order to produce a finished product able to be used as is, or to manufacture another product such as, boxes or boards, without further processing.
- (d) A "Recycling Center" means a person or business entity that meets the requirements of this subdivision. A recycling center shall not be subject to the requirements of Articles 6.0, 6.1, 6.2, 6.3 and 6.35 of this Chapter.
- (1) A recycling center shall only receive material that has been separated for reuse prior to receipt.
- (2) The residual amount of solid waste in the separated for reuse material shall be less than 10% of the amount of separated for reuse material received by weight.
- (A) The residual amount is calculated by measuring the outgoing tonnage after separated for reuse materials have been removed.
- (B) The residual amount is calculated on a monthly basis based on the number of operating days.
- (3) The amount of putrescible wastes in the separated for reuse material shall be less than 1% of the amount of separated for reuse material received by weight, and the putrescible wastes in the separated for reuse material shall not cause a nuisance, as determined by the EA.
- (A) The amount of putrescible wastes is calculated in percent as the weight of putrescible wastes divided by the total incoming weight of separated for reuse material.
- (B) The amount of putrescible wastes is calculated on a monthly basis based on the number of operating days.
- (4) The only separation that may occur at the recycling center is the sorting of materials that have been separated for reuse prior to receipt.
- (5) The recycling center may include an adjustment in the calculation to include the weight of water in the residual, when the use of water is essential to the sorting or processing of the material, provided that such an adjustment is also made in the weight of materials received for processing.
- (6) The following materials shall not be included in calculating residual as set forth in subdivision (d)(2) of this section, if the recycling activities are separated from the material handling activities noted below by a defined physical barrier or where the activities are otherwise separated in a manner that the EA determines will keep the materials from being commingled:
- (A) materials received at an on-site Buy Back Center;

- 1 (B) materials received at an on-site Drop-off Center;
2 (C) cannery waste;
3 (D) construction and demolition materials;
4 (E) nonhazardous contaminated soil;
5 (F) grease-trap pumpings;
6 (G) nonhazardous asbestos;
7 (H) nonhazardous ash;
8 (I) compost and compost feedstock;
9 (J) sewage sludge;
10 (K) tires.
- 11 (7) If the EA has information that material that is being received is not separated for reuse or source
12 separated, that the residual is 10% or more of the total per month, or that the amount of putrescible wastes
13 is 1% or more of the total per month, the burden of proof shall be on the owner or operator to demonstrate
14 otherwise.
- 15 (A) A business that accepts loads of material that are not separated for reuse or source separated does
16 not qualify as a recycling center.
- 17 (B) If the EA has reason to believe that a business is accepting material that is not separated for reuse
18 or source separated due to averaging or combining of those loads with other loads of separated for
19 reuse material, the burden of proof will be on the business to demonstrate that it is not accepting loads
20 of mixed solid waste.
- 21 (C) If the EA has reason to believe that a business is accepting material that is not separated for reuse
22 or source separated due to the separation of portions of the material at consecutive sites, each of which
23 removes less than 10% residual, the burden of proof will be on the business to demonstrate that it is not
24 accepting loads of mixed solid waste.
- 25 (D) If the EA determines that a business has exhibited a pattern and practice of failing to comply with the
26 provisions of this subsection, the EA may issue a Notice and Order requiring the business to obtain a
27 Registration Permit or Full Permit or comply with the Enforcement Agency Notification requirements as
28 made applicable in sections 17403 through 17403.7 of this Article.
- 29 (E) At the time that the EA requires a recycling center to provide evidence that it is in compliance with
30 this subdivision, the EA shall provide the recycling center with a written description of the information
31 that has caused the EA to believe that the recycling center is not in compliance. Nothing in this
32 requirement is intended to require the EA to identify the name or other identifying information regarding
33 any individual(s) who have complained about the recycling center.
- 34 (F) Nothing in this section precludes the enforcement agency or the board from the following: inspecting
35 a business to verify that it is conducted in a manner that meets the provisions of this subsection; or, from
36 taking any appropriate enforcement action, including the use of a Notice and Order as provided in
37 Section 18304.
- 38 (8) Operations which do not meet the 10% residual percentage in subdivision (d)(2) of this section but which
39 qualify as a Limited Volume Transfer Operation, shall comply with the requirements of section 17403.3
40 within one month of March 5, 1999.
- 41 (9) recycling center operators may voluntarily report their residual percentage to the EA and the CalRecycle
42 using form CIWMB 607 (located in Appendix A).
- 43 (10) If the EA determines that a person or business entity purporting to operate a recycling center is not in
44 compliance with this subsection and issues an enforcement order, that person or business entity may
45 appeal that order in accordance with Public Resources Code section 44307.
- 46 (e) If a Chipping and Grinding Operation or Facility, as defined in section 17852(a)(10) of this Division, handles
47 material that fails to meet the definition of green material due to contamination as set forth in section
48 17852(a)(21) of this Division, the operation or facility shall not be considered to be a recycling center as set
49 forth in subsections (c) or (d) of section 17402.5

51 Note:

52 Authority cited: Sections 40502, 43020, 43021, and 42652.5 Public Resources Code.

53 Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017,
54 44100-44101, 44500-44503 and 44813-44816 Public Resource Code and Sections 39730.5, 39730.6, 39730.7
55 and 39730.8 Health and Safety Code.

56
57 **Section 17403.0. Regulatory Tiers Requirements for Transfer/Processing Operations and Facilities.**

58 Sections 17403.1 through 17403.7 set forth the regulatory tier requirements (Title 14, Division 7, Chapter 5.0,
59 Article 3.0, commencing with section 18100 or Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3,

Articles 2, 3 and 3.1 of the California Code of Regulations (commencing with section 21570) that apply to specified types of transfer/processing operations and facilities. These requirements are summarized in Table 1.

Note:

Authority cited: Sections 40502, 43020, 43021, and 42652.5 Public Resources Code.

Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816 Public Resource Code and Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.

Table 1. Transfer/Processing Operations and Facilities Placement into the Regulatory Tiers

Not Subject to Articles 6.0, 6.1, 6.2, 6.3 and 6.35	Excluded Tier	Enforcement Agency Notification Tier	Registration Permit Tier	Full Solid Waste Facility Permit
Auto Dismantler Section 17402.5(c)(1)	Locations where <15 cubic yards of combined container volume is provided to serve as multi-residence receptacles for residential refuse at the place of generation. Section 17403.1(a)(1)	Emergency Transfer/Processing Operations Section 17403.5	Medium Volume Transfer/Processing Facility Section 17403.6	Large Volume Transfer/Processing Facility Section 17403.7
Auto Shredder Operations Section 17402.5(c)(2)		Secondary Material Processing Operations Section 17403.3.2	Direct Transfer Facility Section 17403.4	Secondary Material Processing Facility Section 17403.3.3
Buy Back Centers Section 17402.5(c)(3)	Locations where <15 cubic yards of combined container volume is handled for recycling. Section 17403.1(a)(2)	Sealed Container Transfer Operations Section 17403.2		
Drop-off Centers Section 17402.5(c)(4)				
Manufacturers Section 17402.5(c)(5)	Storage receptacle at the place of generation for waste from multi-residential buildings or for commercial solid wastes. Section 17403.1(a)(3)	Limited Volume Transfer Operations Section 17403.3		
Recycling Centers Section 17402.5(d)				
<u>Regional Organic Distribution Centers Section 17402.5(c)(6)</u>	Containers used to store construction or demolition wastes at the place of generation. Section 17403(a)(4)			
<u>Rendering Plants Activities Section 17402.5(c)(6.7)</u>	Containers used to store salvaged materials. Section 17403.1(a)(5)			
Reuse Salvage Operations (includes furniture and mattress dismantlers)	Waste Hauling Yard Operations.			

and
demanufacturers) Section
17402.5(c)(~~78~~) 17403.1(a)(6)
Storage of Other
Wastes. Section
17403(1)(a)(7)

Scrap Metal
Recyclers and
Dealers Section
17402.5(c)(~~89~~)
Wire Choppers
Section
17402.5(c)(~~910~~)
Wood, Paper, or
Wood Product
Manufacturer
Section
17402.5(c)(~~4011~~)

Note: There are no operations or facilities placed within the Standardized tier.

Article 6.2 Operating Standards.

Section 17409.5. Loadchecking—Prohibited Wastes.

(a) The operator of an attended operation or facility shall implement a loadchecking program to prevent the acceptance of waste which is prohibited by this Article. This program must include at a minimum:

- (1) the number of random loadchecks to be performed;
- (2) a location for the storage of prohibited wastes removed during the loadchecking process that is separately secured or isolated;
- (3) records of loadchecks and the training of personnel in the recognition, proper handling, and disposition of prohibited waste. A copy of the loadchecking program and copies of the loadchecking records for the last year shall be maintained in the operating record and be available for review by the appropriate regulatory agencies.

Note:

Authority cited: Sections 40502, 43020, 43021, and ~~42652.5~~ Public Resources Code.

Reference: Sections ~~40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816~~ Public Resource Code and ~~Sections 39730.5, 39730.6, 39730.7 and 39730.8~~ Health and Safety Code.

Section 17409.5.1. Organic Waste Recovery Efficiency.

(a) This section applies to transfer and processing facilities and operations that conduct processing activities.

(b) For purposes of compliance with the reporting requirements in Section 18815.5 of this division, and demonstrating that the facility is a "high diversion organic waste processing facility" as defined in Section 18982(a)(33) of this division that meets or exceeds an annual average mixed waste organic content recovery rate of 50 percent on and after January 1, 2022 and 75 percent on and after January 1, 2025 as determined in Section 18815.5(e), the operator shall conduct the measurements described in this section.

(c) The operator shall:

- (1) Determine the quarterly sum of outgoing weights of organic waste recovered from the mixed waste organic collection stream by adding together all weights determined pursuant to Section 17409.5.2(b)(6) for each operating day for the quarterly period.
- (2) Determine the quarterly sum of outgoing weights of organic waste removed from the mixed waste organic collection stream that is sent to disposal as measured pursuant to Section 17409.5.3(b)(5) for each operating day for the quarterly period.
- (3) Report the quarterly sums of Subdivision (c)(1) and (c)(2) to the Department pursuant to 18815.5 of this division

(d) The operator shall additionally:

- (1) Determine the quarterly sum of outgoing weights of organic waste recovered from the source separated organic waste collection stream by adding together all weights determined pursuant to Section 17409.5.4(b)(6) for each operating day for the quarterly period.
- (2) Determine the quarterly sum of outgoing weights of organic waste removed from the source separated organic waste collection stream that is sent for disposal as measured pursuant to Section 17409.5.5(b)(5) for each operating day for the quarterly period.
- (3) Report the quarterly sums of Subdivision (d)(1) and (d)(2) to the Department pursuant to 18815.5 of this division
- (e) The operator shall maintain records demonstrating compliance with this section in a manner approved by the EA and as described in Section 17414.2(a) of this chapter.

Note:

Authority cited: Sections 40502, 43020, 43021, and 42652.5 Public Resources Code.

Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816 Public Resource Code and Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.

Section 17409.5.2. Measuring Organic Waste Recovered from Mixed Waste Organic Collection Stream.

- (a) The operator of an attended operation or facility that accepts a mixed waste organic collection stream shall, each operating day, measure the amount by weight of organic waste separated from the mixed waste organic collection stream after processing for end-use, recovery or further processing.
- (b) The operator shall comply with subdivision (a) by using the following protocol:
- (1) Take at least a one (1) cubic yard sample from each of the organic waste type separated after processing at the operation or facility on that operating day prior to sending to a destination for end-use, recovery, or further processing. Each sample shall be:
- (A) Representative of a typical operating day;
- (B) A random, composite sample taken either from various times during the operating day or from various locations within each pile of each of the organic waste types separated after processing.
- (2) Determine the weight of each sample from each organic waste type.
- (3) For each sample, remove any incompatible material and determine the remaining weight of organic waste in that sample.
- (4) Then determine a ratio for each type of organic waste in the mixed waste organic collection stream by dividing the total from subdivision (b)(3) by the total from subdivision (b)(2).
- (5) Multiply the ratio determined pursuant to subdivision (b)(4) for each type of organic waste by the total weight of all of the same type of organic waste separated after processing and destined for end-use, recovery or further processing
- (6) Determine the total weight of organic waste separated from the mixed waste organic collection stream for recovery by adding the sum of all the weights calculated pursuant to subdivision (b)(5).
- (c) The operator shall conduct a measurement in the presence of the EA when requested.
- (d) If it is determined by the EA that the measurements do not accurately reflect the records, the EA may require the operator to increase the frequency of measurements and/or revise the measurement protocol to improve accuracy.
- (e) If the operator sends any material to a POTW that the POTW is not authorized to receive pursuant to Section 17896.6(a)(1)(C) or (D), that material shall be deemed to constitute landfill disposal pursuant to Section 18983.1(a)(3).

Note:

Authority cited: Sections 40502, 43020, 43021, and 42652.5 Public Resources Code.

Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816 Public Resource Code and Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.

Section 17409.5.3. Measuring Organic Waste in Residuals Removed from Mixed Waste Organic Collection Stream.

- (a) The operator of an attended operation or facility that accepts a mixed waste organic collection stream shall, each operating day, measure the amount by weight of organic waste present in the residuals removed from the mixed waste organic collection stream after processing that is sent to disposal.
- (b) The operator shall comply with subdivision (a) by using the following protocol:

- (1) Take at least one (1) cubic yard sample of the residuals removed from mixed waste organic collection stream at the operation or facility on that operating day prior to sending to disposal. Each sample shall be:
 - (A) Representative of a typical operating day
 - (B) A random, composite sample taken either from various times during the operating day or from various locations within the pile after processing.
- (2) Determine the total weight of the sample;
- (3) Remove any incompatible material and determine the remaining weight of the organic waste in the sample;
- (4) Then determine the ratio of organic waste present in the residuals removed from the mixed waste organic collection stream by dividing the total from subdivision (b)(3) by the total from subdivision (b)(2).
- (5) Determine the total weight of organic waste removed from the mixed organic collection stream that is sent for disposal by multiplying the ratio determined pursuant to subdivision (b)(4) by the total weight of the residuals removed from the mixed waste organic collection stream after processing.
- (c) The operator shall conduct a measurement in the presence of the EA when requested.
- (d) If it is determined by the EA that the measurements do not accurately reflect the records, the EA may require the operator to increase the frequency of measurements and/or revise the measurement protocol to improve accuracy.
- (e) The operator shall maintain records of measurements and the training of personnel in evaluating the amount of organic waste in the residual material removed from mixed waste organic collection stream.

Note:

Authority cited: Sections 40502, 43020, 43021, and 42652.5 Public Resources Code.

Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816 Public Resource Code and Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.

Section 17409.5.4. Measuring Organic Waste Recovered from Source Separated Organic Waste Collection Stream.

- (a) The operator of an attended operation or facility that accepts source separated organic waste shall, each operating day, measure the amount by weight of organic waste separated from the source separated organic waste collection stream after processing for end-use, recovery or further processing.
- (b) The operator shall comply with subdivision (a) by using the following protocol:
 - (1) Take at least a one (1) cubic yard sample from each of the organic waste type separated after processing at the operation or facility on that operating day prior to sending to a destination for end-use, recovery, or further processing. Each sample shall be:
 - (A) Representative of a typical operating day;
 - (B) A random, composite sample taken either from various times during the operating day or from various locations within each pile of each of the organic waste types separated after processing.
 - (2) Determine the weight of each sample from each organic waste type.
 - (3) For each sample, remove any incompatible material and determine the remaining weight of organic waste in that sample.
 - (4) Then determine a ratio for each type of organic waste in the source separated organic waste collection stream by dividing the total from subdivision (b)(3) by the total from subdivision (b)(2).
 - (5) Multiply the ratio determined pursuant to subdivision (b)(4) for each type of organic waste by the total weight of all of the same type of organic waste separated after processing and destined for end-use, recovery or further processing.
 - (6) Determine the total weight of organic waste separated from the source separated organic waste collection stream for recovery for the operating day by adding the sum of all the weights calculated pursuant to subdivision (b)(5).
- (c) The operator shall conduct a measurement in the presence of the EA when requested.
- (d) If it is determined by the EA that the measurements do not accurately reflect the records, the EA may require the operator to increase the frequency of measurements and/or revise the measurement protocol to improve accuracy.

Note:

Authority cited: Sections 40502, 43020, 43021, and 42652.5 Public Resources Code.

Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816 Public Resource Code and Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.

Section 17409.5.5. Measuring Organic Waste in Residuals Removed from Source Separated Organic Waste Collection Stream.

(a) The operator of an attended operation or facility that accepts a source separated organic waste shall, each operating day, measure the amount of organic waste by weight present in the residuals removed from the source separated organic waste collection stream after processing sent to disposal.

(b) The operator shall comply with subdivision (a) by using the following protocol:

(1) Take at least a one (1) cubic yard sample of the residuals removed from source separated organic waste collection stream at the operation or facility on that operating day prior to sending to disposal. Each sample shall be:

(A) Representative of a typical operating day

(B) A random, composite sample taken either from various times during the operating day or from various locations within the pile after processing.

(2) Determine the total weight of the sample:

(3) Remove any incompatible material and determine the remaining weight of the organic waste in the sample;

(4) Then determine the ratio of organic waste present in the residuals removed from the source separated waste organic collection stream by dividing the total from subdivision (b)(3) by the total from subdivision (b)(2).

(5) Determine the total weight of organic waste removed from the source separated organic waste collection stream that is sent for disposal by multiplying the ratio determined pursuant to subdivision (b)(4) by the total weight of the residuals removed from the source separated organic waste collection stream after processing.

(c) The operator shall conduct a measurement in the presence of the EA when requested.

(d) If it is determined by the EA that the measurements do not accurately reflect the records, the EA may require the operator to increase the frequency of measurements and/or revise the measurement protocol to improve accuracy.

Note:

Authority cited: Sections 40502, 43020, 43021, and 42652.5 Public Resources Code.

Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816 Public Resource Code and Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.

Section 17409.5.6. Source Separated Organic Waste Handling.

(a) Source separated organic waste processing shall be kept separate from other solid waste streams.

(1) Remnant organic material separated from the gray container collection stream can be combined with organic material removed from the source separated organic waste collection stream once the material from the separated organic waste collection stream has gone through the measurement protocol described in Section 17409.5.4.

(b) Source separated organic waste and organic waste removed from a mixed waste organic collection service for recovery shall be:

(1) stored away from other activity areas in specified, clearly identifiable areas as described in the Facility Plan or Transfer/Processing Report; and,

(2) Removed from the site consistent with Section 17410.1 and either:

(A) transported only to another solid waste facility or operation for additional processing, composting, in-vessel digestion, or other recovery as specified in Section 18983.1 of this division; or,

(B) used in a manner approved by local, state, and federal agencies having appropriate jurisdiction.

Note:

Authority cited: Sections 40502, 43020, 43021, and 42652.5 Public Resources Code.

Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816 Public Resource Code and Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.

Section 17409.5.7. Loadchecking – Contamination in Source Separated Organic Waste.

(a) The operator of an attended operation or facility that accepts source separated organics waste shall perform loadchecking to identify the amount of visible contamination in source separated organic waste according to the following schedule:

(1) One (1) loadcheck shall be conducted for every 500 tons of source separated organic waste received per operating day. If the operator receives less than 500 tons for the operating day, a minimum of two (2) loadchecks shall be conducted for that operating day.

(2) At least one random loadcheck per day for each source sector as defined in Section 18815.2(a)(51).

(3) The operator shall inform the jurisdiction of origin or jurisdiction's designee of received loads with visible contamination

(b) The operator shall maintain the following loadchecking records under this section:

(1) Records of the number of rejected or redirected loads and reasons for rejection or redirection.

(2) Records of received loads with visible contamination.

(3) Records of notices provided to jurisdiction and/or jurisdiction's designee pursuant to subdivision (a)(3).

(4) Records of loadchecks and the training of personnel in evaluating the amount of contamination in source separated organic waste. These records shall be maintained for three (3) years in the operating record and be available for review by the appropriate jurisdiction of origin, jurisdiction's designee, and other duly authorized regulatory agencies.

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(c) The EA may approve an alternative frequency for loadchecking if:

(1) The facility receives waste from jurisdictions that are monitoring containers provided to generators using the container contamination minimization described in Section 18984.5, or

(2) The EA determines that the incoming material from the source separated organic waste collection stream does not contain any remnant organic material.

(d) The operator shall conduct a loadcheck in the presence of the EA when requested.

Note:

Authority cited: Sections 40502, 43020, 43021, and 42652.5 Public Resources Code.

Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816 Public Resource Code and Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.

Section 17409.5.8. Incompatible Materials Limit in Recovered Organic Waste.

(a) On and after January 1, 2022, a transfer/processing facility or operation shall send organic waste recovered after processing from the source separated organic waste stream and from the mixed waste organic collection stream with no more than 10 percent of incompatible material by weight to the destination it is being sent per operating day.

(b) The operator shall measure compliance with subdivision (a) by using the following protocol:

(1) Use the same samples taken to comply with Sections 17409.5.2 and 17409.5.4 and the same total weight of each of those samples.

(2) For each sample, remove any incompatible material and determine the weight of the incompatibles in that sample.

(3) Then determine a ratio of the incompatible material for each type of organic waste in the mixed waste organic collection stream and the source separated organic waste collection waste stream by dividing the total from subdivision (b)(2) by the total from subdivision (b)(1).

(4) Multiply the ratio determined pursuant to subdivision (b)(3) for each type of organic waste by the total weight of all of the same type of organic waste separated after processing and destined for end-use, recovery or further processing.

(5) Determine the total weight of incompatible materials separated from the mixed waste organic collection stream and from the source separated organic waste stream by adding the sum of all the weights calculated pursuant to subdivision (b)(4).

(6) Determine the ratio of incompatible materials by taking the total weight of incompatible materials determined pursuant to subdivision (b)(5) and dividing by the sum of the outgoing weights of the materials recovered from the mixed waste organic collection stream and from the source separated organic waste stream.

(7) Determine the percentage of incompatible materials by multiplying the ratio determined pursuant to subdivision (b)(6) by 100.

(c) The recovered organic waste stream shall not be subject to Section 17409.5.8(a) if the recovered organic waste is sent to one of the following types of facilities:

(1) A transfer/processing facility or operation that complies with Section 17409.5.8(a); or

- (2) A compostable material handling facility or operation that pursuant to Section 17867(a)(16) demonstrates that no more than 10 percent of the residuals sent to disposal are organic waste.
(3) An in-vessel digestion facility or operation that pursuant to Section 17896.44.1 demonstrates that no more than 10 percent of the residuals sent to disposal are organic waste.
(4) An activity that meets the definition of a recycling center as described in Section 17402.5(d).
(d) The operator shall conduct a measurement in the presence of the EA when requested.
(e) If it is determined by the EA that the measurements do not accurately reflect the records, the EA may require the operator to increase the frequency of measurements and/or revise the measurement protocol to improve accuracy.

Note:

Authority cited: Sections 40502, 43020, 43021, and 42652.5 Public Resources Code.

Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816 Public Resource Code and Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.

Section 17409.5.9. Alternatives to Measurement Protocols.

- (a) The EA may approve, with concurrence by the Department, alternative measurement protocols to the requirements of Sections 17409.5.2, 17409.5.3, 17409.5.4, 17409.5.5, 17409.5.7, 17409.5.8, and 17409.11 of this division as long as they will still ensure that that the measurements will be as accurate.

Note:

Authority cited: Sections 40502, 43020, 43021, and 42652.5 Public Resources Code.

Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816 Public Resource Code and Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.

Section 17409.5.10. Solid Waste Handling at Consolidation Sites.

- (a) Consolidation sites are not subject to the requirements of Sections 17409.5.1 through 17409.5.8 of this division.
(b) Consolidation sites are not subject to the recordkeeping and reporting requirements of Section 17414.2 of this division.
(c) Consolidation sites shall keep source separated organic waste streams separate from other solid waste streams.
(d) Materials shall be transported only to transfer/processing facilities or operations that comply with Section 17409.5.1.

Note:

Authority cited: Sections 40502, 43020, 43021, and 42652.5 Public Resources Code.

Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816 Public Resource Code and Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.

Section 17409.5.11. Remnant Organic Material in the Gray Container Collection Stream.

- (a) Remnant organic material separated from the gray container collection stream is not subject to the requirements of Sections 17409.5.1 and 17409.5.8 of this division.
(1) Remnant organic material removed from the gray container collection stream can be combined with organic material removed from the source separated organic waste collection stream once the material from the source separated organic waste collection stream has gone through the measurement protocol described in Section 17409.5.4.
(b) The operator of an attended operation or facility that accepts a gray container collection stream shall perform loadchecking to identify the amount of visible remnant organic material according to the following schedule:
(1) One (1) loadcheck shall be conducted for every 500 tons of gray container waste received per operating day. If the operator receives less than 500 tons for the operating day, a minimum of two (2) loadchecks shall be conducted for that operating day.

- (2) At least one random loadcheck per day for each source sector as defined in Section 18815.2(a)(51).
- (3) The operator shall inform jurisdiction or jurisdiction designee of origin of received loads with visible remnant organic material.
- (4) The EA may approve an alternative frequency for loadchecking if:
- (A) Jurisdictions are monitoring containers provided to generators using the container contamination minimization described in Section 18984.5, or
- (B) The EA determines that the incoming material from the gray container collection stream does not contain any remnant organic material.
- (5) The operator shall maintain the following loadchecking records under this section:
- (A) Records of the number of rejected or redirected loads and reasons for rejection or redirection.
- (B) Records of received loads with visible remnant organic material.
- (C) Records of notices provided to jurisdiction and/or jurisdiction's designee pursuant to Subdivision (b)(1)(3).
- (D) Records of loadchecks and the training of personnel in evaluating the amount of remnant organic material in gray container waste. These records shall be maintained for three (3) years in the operating record and be available for review by the appropriate jurisdiction of origin, haulers, and other duly authorized regulatory agencies.

Note:

Authority cited: Sections 40502, 43020, 43021, and 42652.5 Public Resources Code.

Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816 Public Resource Code and Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.

Article 6.3. Record Keeping Requirements.

Section 17414.2. Recordkeeping and Reporting Requirements for Mixed Waste Organic Waste and Source Separated Organic Waste

- (a) The operator shall keep the following records
- (1) The results of each sample conducted pursuant to Sections 17409.5.2, 17409.5.3, 17409.5.4, and 17409.5.5.
- (2) The daily outgoing weights of material recovered from the mixed organic waste stream.
- (3) The daily outgoing weights of residuals removed from the mixed organic waste stream sent to disposal.
- (4) The daily outgoing weights of material recovered from the source separated organic waste stream.
- (5) The daily outgoing weights of residuals removed from the source separated, organic-waste stream sent to disposal.
- (6) The daily incoming weights of mixed organic waste.
- (7) The daily incoming weights of source separated organic waste.
- (8) The results of the formula calculated pursuant to Section 17409.5.8(b)(7).
- (9) If the operator complies with the incompatible material requirements in Section 17409.5.8 by sending material to a facility that meets the requirements of subdivisions (b) of Section 17409.5.8, the operator shall keep a record of:
- (A) The name, address, location, and if applicable the RDRS number, of each facility that material is sent to.
- (B) The daily outgoing weights of material sent to each facility by type.
- (b) The records required in subdivision (a) and (b) shall be:
- (1) Adequate for overall planning and control purposes.
- (2) As current and accurate as practicable.
- (c) All records required by this article shall be kept by the operator in one location and accessible for three (3) years and shall be available for inspection by the EA and other duly authorized regulatory agencies during normal working hours.
- (d) The operator shall submit copies of specified records to the EA upon request or at a frequency approved by the EA.
- (e) Each operator shall maintain records in accordance with Title 14, California Code of Regulations, Division 7, Chapter 9, Article 9.25, Section 18815.1 et. seq. The records shall be available for inspections as authorized by that article during normal business hours and retained in the operating record near the site or in an alternative location approved by the EA.

Note:

Authority cited: Sections 40502, 43020, 43021, and 42652.5 Public Resources Code.
Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816 Public Resource Code and Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.

Chapter 3.1. Composting Operations Regulatory Requirements

Article 1. General

Section 17852. Definitions

(a) (23.5) "Hauler" has the same meaning as defined in Section 18815.2(a)(32) of this division.

Note:

Authority cited: Sections 40502, 43020, 43021, and 42652.5 Public Resources Code.
Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816 Public Resource Code and Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.

Article 2. Regulatory Tiers for Composting Operations and Facilities.

Section 17855. Excluded Activities.

(a) Except as provided otherwise in this Chapter, the activities listed in this section do not constitute compostable material handling operations or facilities and are not required to meet the requirements set forth herein. Nothing in this section precludes the EA or the Department from inspecting an excluded activity to verify that the activity is being conducted in a manner that qualifies as an excluded activity or from taking any appropriate enforcement action.

(1) An activity is excluded if it handles agricultural material derived from an agricultural site, and returns a similar amount of the material produced to that same agricultural site, or an agricultural site owned or leased by the owner, parent, or subsidiary of the composting activity. No more than an incidental amount of up to 1,000 cubic yards of compost product may be given away or sold annually.

(2) Vermicomposting is an excluded activity. The handling of compostable material prior to and after its use as a growth medium during the vermicomposting process is not an excluded activity and is subject to the requirements of this chapter or the Transfer/Processing Operations and Facilities Regulatory Requirements (Title 14, California Code of Regulations, Division 7, Chapter 3, Article 6.0-6.35), whichever is applicable, as follows:

(A) when the compostable material is active compost or is likely to become active compost, as determined by the EA, the requirements of this chapter apply;

(B) at all other times when it is not being used as a growth medium during vermicomposting, the compostable material is subject to the Transfer/Processing Operations and Facilities Regulatory Requirements.

(3) Mushroom farming is an excluded activity. The handling of compostable material prior to and after its use as a growth medium during the mushroom farming process is not an excluded activity and is subject to the requirements of this chapter or the Transfer/Processing Operations and Facilities Regulatory Requirements (Title 14, California Code of Regulations, Division 7, Chapter 3, Article 6.0-6.35), whichever is applicable, as follows:

(A) when the compostable material is active compost or is likely to become active compost, as determined by the EA, the requirements of this chapter apply;

(B) at all other times when it is not being used as a growth medium during mushroom farming, the compostable material is subject to the Transfer/Processing Operations and Facilities Regulatory Requirements.

(4) Composting green material, agricultural material, food material, and vegetative food material, alone or in combination, is an excluded activity if the total amount of feedstock and compost on-site at any one time does not exceed 100 cubic yards and 750 square feet. [Note: Persons handling compostable material under the above exclusion are obligated to obtain all permits, licenses, or other clearances that may be required by other regulatory agencies including, but not limited to local health entities and local land use authorities.]

(5) The handling of compostable materials is an excluded activity if:

(A) the activity is located at a facility (i.e., landfill or transfer/processing facility) that has a tiered or full permit as defined in section 18101,

1. has a Report of Facility Information which is completed and submitted to the EA that identifies and describes the activity and meets the requirements of Titles 14 or 27; and,
2. will only use the material on the facility site, or
 - (B) the activity is solely for the temporary storage of biosolids sludge at a Publicly Owned Treatment Works (POTW), or
 - (C) the activity is located at the site of biomass conversion and is for use in biomass conversion as defined in Public Resources Code section 40106; or
 - (D) the activity is part of a silvicultural operation or a wood, paper, or wood product manufacturing operation; or
 - (E) the activity is part of an agricultural operation and is used to temporarily store or process agricultural material not used in the production of compost or mulch; or
 - (F) the activity is part of an operation used to chip and grind materials derived from and applied to lands owned or leased by the owner, parent, or subsidiary of the operation; or
 - (G) the activity is part of an agricultural operation used to chip and grind agricultural material produced on lands owned or leased by the owner, parent, or subsidiary of the agricultural operation, for use in biomass conversion; or
 - (H) ~~the activity is part of a licensed animal food manufacturing or a licensed rendering operation~~ An activity that is a licensed animal food manufacturing activity, or a rendering activity which is authorized by the California Department of Food and Agriculture pursuant to Section 19300 of the Food and Agricultural Code, and in which no solid waste feedstock bypasses the manufacturing or rendering process; or
 - (I) the activity is the storage of yard trimmings at a publicly designated site for the collection of lot clearing necessary for fire protection provided that the public agency designating the site has notified the fire protection agency; or
 - (J) the materials are handled in such a way to preclude their reaching temperatures at or above 122 degrees Fahrenheit as determined by the EA; or
- (6) Storage of bagged products from compostable material is an excluded activity provided that such bags are no greater than 5 cubic yards.

Note:

Authority cited: Sections 40502, 43020, 43021, and 42652.5 Public Resources Code.

Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816 Public Resource Code and Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.

Article 5.0. Composting Operation and Facility Siting and Design Standards

Section 17867. General Operating Standards.

- (a) All compostable materials handling operations and facilities shall meet the following requirements:
 - (1) All handling activities are prohibited from composting any material specified in section 17855.2 of this Chapter.
 - (2) All handling activities shall be conducted in a manner that minimizes odor impacts so as to not cause a nuisance.
 - (3) All handling activities shall be conducted in a manner that minimizes vectors, litter, hazards, nuisances, and noise impacts; and minimizes human contact with, inhalation, ingestion, and transportation of dust, particulates, and pathogenic organisms.
 - (4) ~~Random load checks of feedstocks, additives, and amendments for contaminants shall be conducted.~~ The operator of an attended compostable materials handling operation or facility shall perform loadchecking to identify the amount of visible contamination according to the following schedule:
 - (A) One (1) loadcheck shall be conducted for every 500 tons of source separated organic waste received per operating day. If the operator receives less than 500 tons for the operating day, a minimum of two (2) loadchecks shall be conducted for that operating day.
 - (B) At least one loadcheck per day by source sector as defined in Section 18815.2(a)(51) of this division.
 - (C) The operator shall conduct a loadcheck in the presence of the EA when requested.
 - (D) The operator shall inform the jurisdiction of origin or jurisdiction's designee of received loads with visible contamination.
 - (E) The EA may approve an alternative frequency for loadchecking if:
 1. The facility receives waste from jurisdictions that are monitoring containers provided to generators using the contamination minimization described in Section 18984.5, or

2. The EA determines that the incoming material from the source separated organic waste collection stream does not contain any remnant organic material.

(5) Contamination of compostable materials that has undergone pathogen reduction, pursuant to section 17868.3 of this Chapter, with feedstocks, compost, or wastes that have not undergone pathogen reduction, pursuant to section 17868.3 of this Chapter, or additives shall be prevented.

(6) Unauthorized human or animal access to the facility shall be prevented.

(7) Traffic flow into, on, and out of the composting operation or facility shall be controlled in a safe manner.

(8) All compostable materials handling operations and facilities that are open for public business shall post legible signs at all public entrances. These signs shall include the following information:

(A) name of the operation or facility,

(B) name of the operator,

(C) facility hours of operation,

(D) materials that will and will not be accepted, if applicable,

(E) schedule of charges, if applicable, and

(F) phone number where operator or designee can be reached in case of an emergency.

(9) The operator shall provide fire prevention, protection and control measures, including, but not limited to, temperature monitoring of windrows and piles, adequate water supply for fire suppression, and the isolation of potential ignition sources from combustible materials. Firelanes shall be provided to allow fire control equipment access to all operation areas.

(10) The operator shall provide telephone or radio communication capability for emergency purposes.

(11) Physical Contaminants and refuse removed from feedstock, compost, or chipped and ground material shall be removed from the site within 7 days and transported to an appropriate facility.

(12) Enclosed operations and facilities shall provide ventilation to prevent adverse public health effects from decomposition gases.

(13) The operator shall ensure that leachate is controlled to prevent contact with the public.

(14) The operator shall prevent or remove physical contaminants in compost and chipped and ground materials that may cause injury to humans.

(15) An attendant shall be on duty during business hours if the operation or facility is open to the public.

(16) The operator shall determine the monthly percentage of organic waste contained in residuals removed after processing.

(A) To determine the monthly percentage, the operator shall, each per operating day, measure the amount of organic waste by weight present in the residuals removed after processing.

(B) The operator shall comply with subdivision (a)(16)(A) by using the following protocol:

1. Take at least a one (1) cubic yard sample of the residuals removed after processing at the operation or facility on that operating day prior to sending to disposal. Each sample shall be:

i. Representative of a typical operating day.

ii. A random, composite sample taken either from various times during the operating day or from various locations within the pile after processing.

2. Determine the total weight of the sample.

3. Remove any incompatible material and determine the remaining weight of the organic waste in the sample.

4. Then determine the ratio of organic waste present in the residuals removed after processing by dividing the total from subdivision (a)(16)(B)3 by the total from subdivision (a)(16)(B)2.

5. Determine the total weight of organic waste removed after processing that is sent for disposal by multiplying the ratio determined pursuant to subdivision (a)(16)(B)4 by the total weight of the residuals removed from the source separated organic waste collection stream after processing.

6. Determine the monthly sum of outgoing weights of organic waste present in the residuals after processing that is sent for disposal as determined pursuant to subdivision (a)(16)(B)5.

7. Determine the monthly ratio of organic waste present in the residuals removed after processing by dividing the total from subdivision (a)(16)(B)6 by the total monthly outgoing weights of residuals removed that is sent for disposal.

8. Determine the monthly percentage of organic waste present in the residuals removed after

processing by multiplying the monthly ratio as determined pursuant to subdivision (a)(16)(B)7 by 100.

(C) The operator shall conduct a measurement in the presence of the EA when requested.

(D) If it is determined by the EA that the measurements do not accurately reflect the records, the EA may require the operator to increase the frequency of measurements, revise the measurement protocol, or both to improve accuracy.

- (E) An alternative frequency for determining the amount of organic waste contained in the residuals may be approved by the EA, with concurrence by the Department.
- (F) For the purposes of the measurements required by this subdivision, organic waste that are textiles, carpet, hazardous wood waste, plastic coated paper, human or pet waste, and material subject to a quarantine on movement issued by a county agricultural commissioner is considered incompatible materials rather than organic waste.
- (G) Organic waste sent to an activity listed in Section 18983.1(a) of this division shall constitute disposal.

Note:

Authority cited: Sections 40502, 43020, 43021, and 42652.5 Public Resources Code.

Reference: Sections ~~40002, 40053, 41780.01, 42652.5, 42653, 42654,~~ 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816 Public Resource Code and Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.

Article 8. Composting Operation and Facility Records

Section 17869. General Record Keeping and Reporting Requirements.

Except as provided in subsection (d), all compostable materials handling operations and facilities shall meet the following requirements:

(a) All records required by this Chapter shall be kept in one location and accessible for five (5) years and shall be available for inspection by authorized representatives of the Department, EA, local health entity, and other duly authorized regulatory and EAs during normal working hours.

(b) The operator shall record any special occurrences encountered during operation and methods used to resolve problems arising from these events, including details of all incidents that required implementing emergency procedures.

(c) The operator shall record any public complaints received by the operator, including:

- (1) the nature of the complaint,
- (2) the date the complaint was received,
- (3) if available, the name, address, and telephone number of the person or persons making the complaint, and
- (4) any actions taken to respond to the complaint.

(d) ~~The operator shall record the quantity and type of feedstock received and quantity of compost and chipped and ground material produced, maintain records listed in this subdivision in a form and manner approved by the EA.~~ Agricultural compostable materials handling operations shall maintain records only for compostable material accepted from off-site. Such records shall be adequate for overall planning and control purposes and be as current and accurate as practicable. The records shall be maintained for three (3) years in the operating record and be available for review by the appropriate jurisdiction of origin, haulers, and other duly authorized regulatory agencies.

(e) The operator shall maintain the following load-checking records under this section

- (1) Records of the number of rejected or redirected loads and reasons for rejection or redirection.
- (2) Records of received loads with visible contamination.
- (3) Records of loadchecks and the training of personnel in evaluating the amount of contamination in source separated organic waste.
- (4) Records of notices provided to jurisdiction and jurisdiction's designee pursuant to Section 17867(a)(4).
- (5) The monthly percentage of organic waste contained in residuals removed from processing as calculated pursuant to Section 17867(a)(16).
- (6) Daily outgoing weights of residual sent to disposal.
- (7) Daily outgoing weights of compost or chipped and ground material produced.
- (8) Daily incoming weights by material type.

~~(e) The operator shall record the number of load checks performed, loads with contamination that exceeds 10 percent, and loads rejected and the reasons for rejection.~~

(f) The operator shall record all test results generated by compliance with Article 7 of this Chapter, including but not limited to, metal concentrations, physical contamination limits, fecal coliform and Salmonella sp. densities, temperature measurements, and dates of windrow turnings; chipping and grinding operations and facilities must record the determinations of the percentage of physical contaminants required by 17862.1(d).

(1) The operator shall retain records detailing pathogen reduction methods.

(g) The operator shall record and retain records of any serious injury to the public occurring on-site and any complaint of adverse health effects to the public attributed to operations. Serious injury means any injury that

requires inpatient hospitalization for a period in excess of 24 hours or in which a member of the public suffers a loss of any member of the body or suffers any degree of permanent disfigurement.

(h) The operator shall retain a record of training and instruction completed in accordance with section 17867.5.

(i) Each operator shall maintain records in accordance with Title 14, California Code of Regulations, Division 7, Chapter 9, Article 9.25, Section 18815.1 et.seq. The records shall be available for inspections as authorized by that article during normal business hours and retained in the operating record near the site or in an alternative location approved by the Local Enforcement Agency.

Note:

Authority cited: Sections 40502, 43020, 43021, and 42652.5 Public Resources Code.

Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816 Public Resource Code and Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.

Chapter 3.2. In-Vessel Digestion Operations and Facilities Regulatory Requirements

Article 1. In-Vessel Digestion Operations and Facilities Regulatory Requirements

Section 17896.2. Definitions

(a)(12.5) "Hauler" has the same meaning as defined in Section 18815.2(a)(32) of this division.

Note:

Authority cited: Sections 40502, 43020, 43021, and 42652.5 Public Resources Code.

Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816 Public Resource Code and Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.

Section 17896.6. Excluded Activities

(a)(5) Rendering activities, authorized by the California Department of Food and Agriculture pursuant to Section 19300 of the Food and Agricultural Code, or an activity that is a licensed animal food manufacturing activity, and in which no solid waste feedstock bypasses the rendering or manufacturing process.

Note:

Authority cited: Sections 40502, 43020, 43021, and 42652.5 Public Resources Code.

Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816 Public Resource Code and Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.

Article 2.0. Siting and Design

Section 17896.25. Load Checking. – Prohibited Wastes.

(a) The operator of an attended in-vessel digestion operation or facility shall implement a load checking program to prevent the acceptance of waste which is prohibited by this Chapter. This program must include at a minimum:

- (1) the number of random load checks to be performed;
- (2) a location for the storage of prohibited wastes removed during the load checking process that is separately secured or isolated;
- (3) records of load checks and the training of personnel in the recognition, proper handling, and disposition of prohibited waste. A copy of the load checking program and copies of the load checking records for the last year shall be maintained in the operating record and be available for review by the appropriate regulatory agencies.

Note:

Authority cited: Sections 40502, 43020, 43021, and 42652.5 Public Resources Code.

Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816 Public Resource Code and Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.

Section 17896.25.1. Loadchecking – Contamination in Source Separated Organic Waste.

- 1 (a) The operator of an attended in-vessel digestion operation or facility shall perform loadchecking to identify
2 the amount of visible contamination according to the following schedule:
3 (1) One (1) loadcheck shall be conducted for every 500 tons of source separated organic waste received
4 per operating day. If the operator receives less than 500 tons for the operating day, a minimum of two (2)
5 loadchecks shall be conducted for that operating day.
6 (2) At least one loadcheck per month of each hauler by source sector as defined in Section 18815.2(a)(51).
7 (3) The operator shall inform the jurisdiction of origin or jurisdiction's designee of received loads with visible
8 contamination.
9 (b) The operator shall maintain the following loadchecking records under this section:
10 (1) Records of the number of rejected or redirected loads and reasons for rejection or redirection.
11 (2) Records of received loads with visible contamination.
12 (3) Records of loadchecks and the training of personnel in evaluating the amount of contamination in source
13 separated organic waste. These records shall be maintained for three (3) years in the operating record and
14 be available for review by the appropriate jurisdiction of origin, haulers, and other duly authorized regulatory
15 agencies.
16 (4) Records of notices provided to jurisdiction and jurisdiction's designee pursuant to subdivision (a)(3).
17 (c) The operator shall conduct a loadcheck in the presence of the EA when requested.
18 (d) The EA may approve an alternative frequency for loadchecking if:
19 (1) The facility receives waste from jurisdictions that are monitoring containers provided to generators using
20 the container contamination minimization described in Section 18984.5, or
21 (2) The EA determines that the incoming material from the source separated organic waste collection
22 stream does not contain any remnant organic material.
23

24 Note:

25 Authority cited: Sections 40502, 43020, 43021, and 42652.5 Public Resources Code.

26 Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017,
27 44100-44101, 44500-44503 and 44813-44816 Public Resource Code and Sections 39730.5, 39730.6, 39730.7
28 and 39730.8 Health and Safety Code.
29

30 **Article 3. Operating Standards for In-Vessel Digestion Operations and Facilities**

31 **Section 17896.44.1. Measuring Organic Waste in Residuals**

- 32 (a) The operator shall determine the monthly percentage of organic waste contained in residuals removed after
33 processing that is sent to disposal.
34 (1) To determine the monthly percentage, the operator shall, each per operating day, measure the amount
35 of organic waste by weight present in the residuals removed after processing.
36 (2) The operator shall comply with subdivision (a)(1) by using the following protocol:
37 (A) Take at least a one (1) cubic yard sample of the residuals removed after processing at the operation
38 or facility on that operating day prior to sending to disposal. Each sample shall be:
39 1. Representative of a typical operating day.
40 2. A random, composite sample taken either from various times during the operating day or from
41 various locations within the pile after processing.
42 (B) Determine the total weight of the sample.
43 (C) Remove any incompatible material and determine the remaining weight of the organic waste in the
44 sample.
45 (D) Then determine the ratio of organic waste present in the residuals removed after processing by
46 dividing the total from subdivision (a)(2)(C) by the total from subdivision (a)(2)(B).
47 (E) Determine the total weight of organic waste removed after processing that is sent for disposal by
48 multiplying the ratio determined pursuant to subdivision (a)(2)(D) by the total weight of the residuals
49 removed from the source separated organic waste collection stream after processing.
50 (F) Determine the monthly sum of outgoing weights of organic waste present in the residuals after
51 processing that is sent for disposal as determined pursuant to subdivision (a)(2)(E).
52 (G) Determine the monthly ratio of organic waste present in the residuals removed after processing by
53 dividing the total from subdivision (a)(2)(F) by the total monthly outgoing weights of residuals removed
54 that is sent for disposal.
55 (H) Determine the monthly percentage of organic waste present in the residuals removed after
56 processing by multiplying the monthly ratio as determined pursuant to subdivision (a)(2)(G) by 100.
57 (b) The operator shall conduct a measurement in the presence of the EA when requested.
58

- (c) If it is determined by the EA that the measurements do not accurately reflect the records, the EA may require the operator to increase the frequency of measurements, revise the measurement protocol, or both to the improve accuracy.
- (d) An alternative frequency for determining the amount of organic waste contained in the residual may be approved by the EA, with concurrence by the Department.
- (e) Organic waste that are textiles, carpet, hazardous wood waste, plastic coated paper and material subject to a quarantine on movement issued by a county agricultural commissioner is considered incompatible materials rather than organic waste.
- (f) Organic waste sent to an activity listed in Section 18983.1(a) shall constitute disposal.

Note:

Authority cited: Sections 40502, 43020, 43021, and 42652.5 Public Resources Code.

Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816 Public Resource Code and Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.

Article 4. Record Keeping Requirements.

Section 17896.45. Record Keeping and Reporting Requirements.

Each operator shall meet the following requirements:

- (a) ~~Each operator shall maintain records of incoming weights or volumes and outgoing salvage or residual weights or volumes listed in this subdivision in a form and manner approved by the EA. Such records shall be: submitted to the EA or the Department upon request; be adequate for overall planning and control purposes; and, be as current and accurate as practicable~~

(1) The operator shall maintain the following loadchecking records under this section:

(A) Records of the number of rejected or redirected loads and reasons for rejection or redirection.

(B) Records of received loads with visible contamination.

(C) Records of loadchecks and the training of personnel in evaluating the amount of contamination in source separated organic waste.

(D) Records of notices provided to jurisdictions and jurisdiction's designee pursuant to Section 17896.25.1.

(E) The monthly percentage of organic waste contained in residuals removed from processing as calculated pursuant to Section 17896.44.1.

(F) The outgoing weights or volumes of residual sent to disposal.

(G) Daily outgoing weights or volumes of organic waste recovered and produced.

(H) Daily outgoing weights or volumes of salvaged materials.

(I) Daily Incoming weights of material.

- (b) All records required by this Chapter shall be kept by the operator in one location and accessible for five (5) years and shall be available for inspection by the EA and other duly authorized regulatory agencies during normal working hours.

(c) The operator shall submit copies of specified records to the EA upon request or at a frequency approved by the EA;

(d) The operator shall maintain a daily log book or file of special occurrences encountered during operations and methods used to resolve problems arising from these events, including details of all incidents that required implementing emergency procedures. Special occurrences shall include but are not limited to: fires, injury and property damage, accidents, explosions, receipt or rejection of prohibited wastes, lack of sufficient number of personnel pursuant to section 17896.42, flooding, earthquake damage and other unusual occurrences. In addition, the operator shall notify the EA by telephone within 24 hours of all incidents requiring the implementation of emergency procedures, unless the EA determines that a less immediate form of notification will be sufficient to protect public health and safety and the environment;

(e) The operator shall record any written public complaints received by the operator, including:

(1) the nature of the complaint,

(2) the date the complaint was received,

(3) if available, the name, address, and telephone number of the person or persons making the complaint, and

(4) any actions taken to respond to the complaint;

(f) The operator shall maintain a copy of the written notification to the EA and local health agency of the name, address and telephone number of the operator or other person(s) responsible for the operations as required by section 17896.42;

(g) The operator shall maintain records of employee training as required by section 17896.43;
(h) all in-vessel digestion operations and facilities shall maintain records as required by section 18809 et seq.
(i) The operator shall record all test results generated by compliance with Article 6 of this Chapter, including but not limited to, metal concentrations, physical contamination limits, fecal coliform and Salmonella sp. densities, temperature measurements, and dates of windrow turnings.

(1) The operator shall retain records detailing pathogen reduction methods.

(j) Each operator shall maintain records in accordance with Title 14, California Code of Regulations, Division 7, Chapter 9, Article 9.25, Section 18815 et. seq. The records shall be available for inspections as authorized by that article during normal business hours and retained in the operating record near the site or in an alternative location approved by the Local Enforcement Agency.

Note:

Authority cited: Sections 40502, 43020, 43021, and 42652.5 Public Resources Code.

Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816 Public Resource Code and Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.

Chapter 5. Enforcement of Solid Waste Standards and Administration of Solid Waste Facilities Permits; Loan Guarantees

Article 2.2. LEA Performance Standards, Evaluation Criteria, and Duties and Responsibilities

Section 18083. LEA Duties and Responsibilities for Inspections.

(a) Pursuant to Public Resources Code Division 30, Parts 4 and 5, and 14 CCR Division 7, Chapters 3 and 5, 27 CCR, Division 2, Subdivision 1 (§20005 et seq.), and its EPP, the LEA/EA shall inspect and investigate solid waste collection, handling, and storage, solid waste facilities, operations and disposal sites and equipment to verify compliance with the state minimum standards, solid waste facilities permits, and related state solid waste laws and regulations within their purview for the protection of the environment and the public health. The LEA shall perform these inspections and related duties as required below, and forward inspection reports to the operator, and/or owner, and the Department within 30 days of the inspection:

(1) Weekly, for sites operating on performance standards pursuant to 27 CCR Section 20695;

(2) monthly, for all active and inactive facilities, and for illegal sites and facilities, pending abatement by enforcement action(s);

(3) at the frequency required by the state minimum standards for each type of operation specified in 14 CCR Sections 17383.9., 17403.5., and 17896.9. All other operations regulated under the EA Notification tier shall be inspected by the EA at least once every three (3) months unless the EA approves, with Department concurrence, a reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment, and in no case shall the inspection frequency be less than once per calendar year. The EA shall submit a copy of the EA-proposed approval to the Department. The Department shall concur in the EA-proposed approval only if it finds that the reduced inspection frequency will not pose an additional risk to public health and safety or the environment in light of the specific circumstances at the operation in question. The Department shall concur or deny the EA-proposed approval within thirty (30) days from receipt.

(4) quarterly, for closed sites, abandoned sites, and sites exempted pursuant to 27 CCR Section 21565. For closed sites, inspections shall be made until no potential threat exists to public health and safety or the environment. This determination shall be subject to Department approval. For the purposes of this subsection, the enumeration, and the workload analysis, a closed site means a site that has ceased accepting waste and, should be closed, is undergoing closure, or has met applicable closure requirements;

(A) the Department may approve an alternate inspection frequency for these sites where such an action will not result in adverse impact on public health and safety and the environment.

(5) if an LEA has been designated as the EA for waste tire facilities or entered into an agreement with the Department through a grant program to inspect tire facilities, major waste tire facilities shall be inspected annually, minor waste tire facilities shall be inspected at least once every two and a half years pursuant to 14 CCR Section 18443;

(6) upon receipt of a complaint or emergency notification which cannot be resolved off-site;

(7) as necessary, pursuant to the EPP, upon receipt of a solid waste facilities permit application, revision, review, RFI amendment, or closure/postclosure plan; and

(8) pursuant to the EPP, for solid waste handling and collection equipment.

(b) As specified in their EPP pursuant to Section 18077, the LEA/EA shall conduct any of the above inspections, whenever possible, without prior notice to the owner or operator, on randomly selected days, during normal business hours or the site's operating hours.

(c) At least once per quarter, the EA shall oversee a minimum of one (1) measurement as described in 14 CCR Sections 17409.5.2, 17409.5.3, 17409.5.4, 17409.5.5, 17409.5.8, 17867 and 17896.44.1, during an inspection required in subdivision (a).

Note:

Authority cited: Sections 40502, 43020, 43021, and 42652.5 Public Resources Code.

Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816 Public Resource Code and Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.

The dotted underline text in the following section denotes text from a separate rulemaking package pending OAL review. That text is not part of this rulemaking and not subject to comments under this rulemaking. The text denoted by double underline is part of this rulemaking (they show proposed additions to that pending language) and comments may be submitted on that portion of the text on this page.

Chapter 9: Planning Guidelines and Procedures for Preparing, Revising, and Amending Countywide or Regional Integrated Waste Management Plans

Article 9.25 Recycling and Disposal Reporting System

Section 18815.4 Reporting Requirements for Haulers.

- (a) A self-hauler shall provide the jurisdiction of origin for all material delivered to each transfer/processor or disposal facility. A self-hauler does not have to report to the Department, unless they are a food waste self-hauler.
- (b) "Food waste self-haulers", as defined in section 18815.2(a)(27) of this article, shall report to the Department the tons of food waste sent as follows:
- (1) To a reporting entity inside California, report the tons of each material type, pursuant to section 18815.9 of this article, and their contact information and RDRS number.
 - (2) To an end user inside or outside California, report the tons of each material type, pursuant to section 18815.9 of this article, sent to each end user category, by region, pursuant to section 18815.3(k) of this article.
 - (3) To a recycling or composting facility or operation outside California, report the tons of each material type, pursuant to section 18815.9 of this article, by region, pursuant to section 18815.3(l) of this article.
 - (4) To each transfer/processor or disposal facility outside California, report the total tons of each material type, pursuant to section 18815.9 of this article, sent to each person, and their contact information.
- (c) A contract hauler shall provide the following information to a receiving reporting entity for all tons delivered, using the methods in section 18815.9 of this article. A hauler shall provide the information at the time of delivery, unless both the hauler and receiving facility have previously agreed to periodic reports in lieu of providing information at the time of delivery. In all cases, the hauler shall provide the information to the receiving reporting entity within 30 days of the end of the reporting period.
- (1) For solid waste hauled:
 - (A) A hauler shall provide the jurisdiction of origin for all material sent to each transfer/processor or disposal facility; and
 - (B) If requested by a transfer/processor or disposal facility, then a hauler shall provide the source sector for all material delivered to each broker or transporter, transfer/processor, or disposal facility, in tons or by percentage using the methods provided in section 18815.9 of this article.
- (d) A contract hauler who takes material directly from a generator and hauls it to land application or to a person outside of the state shall report to the Department. In their report to the Department, a contract hauler shall provide the following information for tons hauled, using the methods described in section 18815.9 of this article:
- (1) Directly from a generator to land application, the tons of each material type sent by region pursuant to section 18815.3(k) of this article.
 - (2) Directly from a generator to a person outside of the state:
 - (A) For solid waste, the total tons by jurisdiction of origin for all material sent to a disposal facility or transfer/processor, their contact information, and an estimate of the overall source sector tons or percentages for waste sent.
 - (B) For green material sent to each transfer/processor or disposal facility for potential beneficial reuse, the total tons by jurisdiction of origin, and the contact information of the receiving facility.
 - (C) For non-green material sent to each transfer/processor or disposal facility for potential beneficial reuse, the total tons by material type pursuant to section 18815.9, and the contact information of the receiving facility.

- (D) For disaster debris and designated waste sent to each transfer/processor or disposal facility, the total tons of each stream, and the contact information of the receiving facility.
- (E) For material sent to recycling or composting facilities or operations, the tons of each material type sent by region.
- (F) To end users, the tons of each material sent to each end user category by region pursuant to section 18815.3(k) of this article.
- (3) A hauler shall submit their report to the Department by the following due dates for each reporting period:
- (A) Reporting period 1 due April 30,
- (B) Reporting period 2 due July 31,
- (C) Reporting period 3 due October 31, and
- (D) Reporting period 4 due January 31.
- (e) For the purposes of RDRS reporting, the Department shall not require a hauler to submit information on specific collection locations or customers when providing jurisdiction of origin, material type or source sector information to other reporting entities or to the Department as part of a quarterly report.
- (1) A jurisdiction is not precluded from requiring this information through franchise agreements, contracts, local ordinances, section 41821.5(g) of the Public Resources Code, or other authority it may have.
- (2) The Department may require a hauler to submit this information in lieu of an audit, or as part of an audit or administrative proceeding.
- (f) Commencing January 1, 2022, a hauler providing an organic waste collection service pursuant to Article 3, Chapter 12 of this Division shall identify, for all materials delivered to each receiving reporting entity whether the material is:
- (1) Collected from a "source separated organic waste collection stream" as defined in section 17402 (a)(18.6) of this Division.
- (2) Collected from "mixed waste organics collection stream" as defined in in section 17402 (a)(11.5) of this Division that is required to be transported to a high diversion organic waste processing facility.
- Notwithstanding subdivision (b), a hauler shall provide the information required by this subdivision at the time of delivery.

Authority Cited: Sections 40401, 40502, and 41821.5(e), and 42652.5 Public Resources Code.

Reference: Sections 41821.5 and 41821.6 Public Resources Code and 39730.5, 39730.6, 39730.7, and 39730.8 Health and Safety Code.

Section 18815.5 Reporting Requirements for Transfer/Processors.

- (a) In their report to the Department, a transfer/processor shall provide the following information, using the methods in section 18815.9 of this article:
- (1) For all tons accepted:
- (A) From another transfer/processor, report the tons of each of the following streams: solid waste, disaster debris, designated waste, green material potential beneficial reuse, and all other potential beneficial reuse accepted from each facility and the sending facility's contact information and RDRS number, if applicable.
- (B) For direct-hauled material, report the total aggregated tons of each of the following streams: solid waste, disaster debris, designated waste, green material potential beneficial reuse, and all other potential beneficial reuse. The tonnages for solid waste and green material potential beneficial reuse shall be further divided by jurisdiction of origin.
- (C) Include accepted residuals generated by a recycling or composting facility or operation that is reporting under the same RDRS number as a transfer/processing facility or operation pursuant to section 18815.3(d)(4) of this article in the total tons accepted as direct-hauled, pursuant to paragraph (B), assigning the tons to the jurisdiction within which the site is located.
- (2) For all tons sent to recyclers, composters, brokers, transporters, or end users pursuant to section 18815.9 of this article:

- (A) To a recycling or composting facility or operation, with a different RDRS number inside California, report the tons by material type, pursuant to section 18815.9(a) of this article, and their contact information and RDRS number, if applicable.
- (B) To an end user, report the tons of each material type, pursuant to section 18815.9(a) of this article, sent to each end user category by region pursuant to section 18815.3(k) of this article.
- (C) To a broker or transporter:

 - (i) In cases where the final destination of the material is determined by the reporting transfer/processor, report pursuant to subsections (a)(2)(A), (a)(2)(B), and (a)(2)(E).
 - (ii) In cases where the final destination of the material is not determined by the reporting transfer/processor, report tons of each material type, pursuant to section 18815.9(a) of this article, sent to each broker or transporter and their contact information and RDRS number, if applicable.
- (D) To a recycling or composting facility or operation with the same RDRS number, report pursuant to section 18815.9(h) of this article.
- (E) To a recycling or composting facility or operation outside California, report the tons of each material type by region.
- (3) For all tons sent to transfer/processors or disposal facilities inside or outside of California of each of the following streams: recycling and composting, solid waste, disaster debris, designated waste, green material potential beneficial reuse, and all other potential beneficial reuse :

 - (A) To each transfer/processor or disposal facility, report the total tons of each stream , and their contact information and RDRS number, if applicable. Report the percentage of solid waste and green material potential beneficial reuse received from each transfer/processor; and the total percentage of materials that were direct-hauled pursuant to subsection (a)(1)(B) . The percentage that was direct-hauled pursuant to subsection (a)(1)(B) shall be further divided into the jurisdictions of origin of solid waste and green material potential beneficial reuse.
 - (B) For all tons of solid waste, the percentage that was direct-hauled pursuant to subsection (a)(1)(B) shall be divided into source sectors, using methods described in section 18815.9(c) of this article. Source sector shall be reported to the department as a facility-wide estimate.
 - (C) For all other material sent for potential beneficial reuse to a landfill or other transfer/processor inside or outside California, report the tons sent to each facility by material type pursuant to section 18815.9(a)(3) of this article, and the facility's contact information and RDRS number, if applicable.
 - (D) For material sent for recycling to each transfer/processor or disposal facility with a different RDRS number inside California, report the tons by material type, and the facility's contact information and RDRS number, if applicable.
 - (E) For material sent for recycling to each transfer/processor or disposal facility outside California, report the tons by material type and region.
- (b) A transfer/processor shall report to the Department by the following due dates for each reporting period:

 - (1) Reporting period 1 due May 31.
 - (2) Reporting period 2 due August 31.
 - (3) Reporting period 3 due November 30, and
 - (4) Reporting period 4 due February 28.
- (c) With the exception of reporting entities who fail to provide required information, for the purposes of RDRS reporting, the Department shall not require a transfer/processor to submit information on the identities of individual haulers when providing jurisdiction of origin, or source sector information to the Department as part of their report. The Department shall not require a transfer/processor to submit information on the identities of individual end users when providing material type or region to the Department as part of their /report.

 - (1) A jurisdiction is not precluded from requiring this information through franchise agreements, contracts, local ordinances, section 41821.5(g) of the Public Resources Code, or other authority it may have.
 - (2) The Department may require a transfer/processor to submit this information in lieu of an audit or as part of an audit or administrative proceeding.
- (d) Commencing with the first reporting period in 2022, and in each subsequent reporting period thereafter:

 - (1) A reporting receiving facility that receives material from a "mixed waste organic collection stream" as defined in section 17402 (a)(11.5) of this Division shall, for the purposes of determining the annual average organic content recovery rate for organic waste received from the mixed waste organic

- 1 collection stream as specified in section 18984.3 and 17409.5.1 of this Division, report the following
2 to the Department:
3 (A) The quarterly sum of outgoing weights of organic waste recovered from the mixed waste organic
4 collection stream as determined pursuant to Section 17409.5.1 (c)(1) of this Division.
5 (B) The quarterly sum of outgoing weights of organic waste from the mixed waste organic collection
6 stream that is sent to disposal as determined pursuant to Section 17409.5.1 (c)(2) of this Division.
7 (C) The sum of records in 17414.2 (a)(2), 17414.2(a)(3), and 17414.2 (a)(6) of outgoing and incoming
8 weights of material from the mixed waste organic collection stream.
9 (2) A Reporting Receiving facility that receives material from a "source separated organic waste collection
10 stream" as defined in section 17402 (a)(18.6) shall report the following to the department:
11 (A) The quarterly sum of outgoing weights of organic waste recovered from the source separated
12 organic collection stream as determined pursuant to Section 17409.5.1 (d)(1) of this Division.
13 (B) The quarterly sum of outgoing weights of organic waste recovered from the source separated
14 organic collection stream as determined pursuant to Section 17409.5.1(d)(2) of this Division.
15 (e) The Department shall determine if a facility meets or exceeds the recovery efficiency percentages specified
16 in Section 18984.3 and 17409.5.1 of this Division in the following manner.
17 (1) The Department shall determine the quarterly recovery efficiency by dividing the value of recovered
18 organic waste reported in subdivision (d)(1)(A)[Recovered Organics (RO)] by the combined valued of
19 recovered and residual organic waste reported in (d)(1)(A) and (d)(1)(B)[Total Available
20 Organics(TAO)]: RO/TAO = Recovery Efficiency
21 (2) The Department shall use the total weights for the immediately previous four quarters to determine the
22 facility's annual recovery efficiency which shall constitute the annual average mixed waste organic
23 content recovery rate for the purposes of section 18984.3 of this Division.
24 (3) The annual average mixed waste organic content recovery rate shall be determined by using the last
25 four quarterly rates. A new annual average shall be calculated each quarter.

27 Authority Cited: Sections 40502, and 41821.5(e), and 42652.5 Public Resources Code.

29 Reference: Sections 41821.5 and 41821.6 Public Resources Code, and 39730.5, 39730.6, 39730.7, and
30 39730.8 Health and Safety Code.

32 **Section 18815.7 Reporting Requirements for Recycling and Composting Facilities and Operations.**

- 34 (a) In its report to the Department, a recycling or composting facility or operation shall provide the following
35 information for all tons handled, using the methods described in section 18815.9 of this article:
36 (1) For materials sent for disposal or potential beneficial reuse to each transfer/processor or disposal
37 facility with a different RDRS number inside or outside of California, report the total tons of each
38 material type, pursuant to section 18815.9(a) of this article, and their contact information and RDRS
39 number, if applicable.
40 (2) For materials sent to each recycling or composting facility or operation with a different RDRS number,
41 or for recycling at each transfer/processor with a different RDRS number inside California, report the
42 tons of each material type, pursuant to section 18815.9(a) of this article, and their contact information
43 and RDRS number, if applicable.
44 (3) For materials sent to a recycling or composting facility or operation with the same RDRS number,
45 report pursuant to section 18815.9(h) of this article.
46 (4) For intermediate products sent to end users inside or outside of California, report the tons of each
47 material type, pursuant to section 18815.9(a) of this article, sent to each end user category by region
48 pursuant to section 18815.3(k) of this article.
49 (5) For materials sent to a broker or transporter, report:
50 (A) In cases where the final destination of the material is determined by the reporting recycling or
51 composting facility or operation, report pursuant to subsections (a)(1), (a)(2), (a)(4), and (a)(6) as
52 applicable.
53 (B) In cases where the final destination of the material is not determined by the reporting recycling or
54 composting facility or operation, report tons of each material type, pursuant to section 18815.9(a),
55 of this article, sent to each broker or transporter and their contact information and RDRS number,
56 if applicable.

- (6) For materials sent to each recycling or composting facility or operation outside California, or for recycling at a transfer/processor outside California, report the tons of each material type by region.
- (b) A recycling or composting facility or operation is not required to report on material sold for reuse or transferred for reuse.
- (c) A recycler who handles business-to-business post-industrial materials, but also handles materials that do not meet the criteria in section 18815.2(a)(8) of this article, shall:
- (1) Report as a recycler pursuant to this section for all materials that do not meet the criteria for business-to-business post-industrial recycling, and
 - (2) Not include information or tonnages associated with the business-to-business post-industrial materials recycled as defined in section 18815.2(a)(8) of this article.
- (d) A recycling or composting facility or operation shall report to the Department by the following due dates for each reporting period:
- (1) Reporting period 1 due May 31.
 - (2) Reporting period 2 due August 31.
 - (3) Reporting period 3 due November 30, and
 - (4) Reporting period 4 due February 28.
- (e) With the exception of other reporting entities, for the purposes of RDRS reporting, the Department shall not require a recycling and composting facility or operation to submit information on the identities of individual end users, suppliers, or customers when providing material type information to the Department as part of a quarterly report.
- (1) A jurisdiction is not precluded from requiring this information through franchise agreements, contracts, local ordinances, section 41821.5(g) of the Public Resources Code, or other authority it may have.
 - (2) The Department may require that a recycler/composter submit this information in lieu of an audit, or as part of an audit or administrative proceeding.
- (f) Commencing with first reporting period in 2022, and in each subsequent reporting period thereafter
- (1) A recycling or compost facility or operations shall, if applicable, additionally report the following to the department:
 - (A) The monthly percentage organic waste contained in residuals removed from processing as calculated pursuant to 17869(e)(5) or 17896.45 (a)(1)(E)

Authority Cited: Sections 40502, ~~and 41821.5(e)~~, and 42652.5 Public Resources Code.

Reference: Sections 41821.5 and 41821.6 Public Resources Code and 39730.5, 39730.6, 39730.7, and 39730.8 Health and Safety Code.

Title 27. Environmental Protection

Division 2. Solid Waste

Chapter 2. Definitions

Article 2. Specific Definitions

Section 20164.

"Hauler" has the same meaning as defined in Section 18815.2(a)(32) of this division.

Chapter 3. Criteria for All Waste Management Units, Facilities, and Disposal Sites

Subchapter 4. Criteria for Landfills and Disposal Sites

Article 2: Alternative Daily Cover Material and Beneficial Reuse

§20700.5. CalRecycle—Long-Term Intermediate Cover.

(a) Compacted earthen material at least 36 inches shall be placed on all surfaces of the fill where no additional solid waste will be deposited within 30 months to control methane emissions.

(1) The EA may approve, with concurrence by the Department, an alternative long-term intermediate cover if the operator demonstrates that the alternative is equivalent to 36 inches of earthen material.

(b) For waste classification, composition, and liquid percolation requirements of intermediate cover, refer to the SWRCB requirements set forth in 27 CCR Section 20705.

Note:

Authority cited: Section 40502, 41781.3, 43020, and 42652.5 Public Resources Code.

Reference: Sections 40002,40053,40508, 42652.5, 42653, 42654,43020,43021 43103,44001-44017, 44100-44101, 44500-44503 and 44813-44816, Public Resources Code; Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code; and Code of Federal Regulations Section 258.21.

Article 3: CIWMBCalRecycle—Handling, Equipment, and Maintenance

§20750.1. CalRecycle— Organic Waste Handling.

(a) For new or expanding solid waste landfills:

(1) The operator shall implement organic waste recovery activities, as approved by the EA, organic waste recovery activities shall be confined to specified, clearly identifiable areas of the site and shall be arranged to minimize health and safety hazard, vector harborage, or other hazard or nuisance, and be limited to a volume and storage time as approved by the EA.

(A) Receipt of solid wastes that have already been processed through a high diversion organic waste processing facility does not need to be processed at the organic recovery activity.

(b) For the purposes of this section “organic waste recovery activities” means activities that divert organic waste from disposal to constitute a reduction of landfill disposal of organic waste as defined in Article 2 of Chapter 12 of Division 7 of Title 14 of the California Code of Regulations (commencing with Section 18983), either on-site or transport to another site where those activities occur.

(c) For the purposes of the section, “expanding” means a solid waste landfill proposing to make a significant change to the design or operation as determined by the EA pursuant to 27 CCR Section 21665.

(1) Changing the hours of operation of a landfill is not considered an expansion pursuant to 14 CCR Section 20750.1(c).

Note:

Authority cited: Section 40502, 43020, and 42652.5 Public Resources Code.

Reference: Sections 40002,40053,40508, 42652.5, 42653, 42654,43020,43021 43103,44001-44017, 44100-44101, 44500-44503 and 44813-44816, Public Resources Code; Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.

Article 4. CIWMB-CalRecycle—Controls

§20901. CalRecycle—Loadchecking Contamination in Source Separated Organic Waste.

(a) The operator shall implement a loadchecking program to identify the amount of visible contamination in source separated organic waste according to the following schedule:

(1) One (1) loadcheck shall be conducted for every 500 tons of source separated organic waste received per operating day. If the operator receives less than 500 tons for the operating day, a minimum of two (2) loadcheck shall be conducted for that operating day;

(2) At least one loadcheck per month of each hauler by source sector as defined in Section 18815.2(a)(51).

(3) At least one loadcheck per quarter from each service area.

(4)The operator shall inform the jurisdiction of origin or jurisdiction's designee of received loads with visible contamination.

(b) The operator shall maintain the following loadchecking records under this section:

(1) Records of the number of rejected or redirected loads and reasons for rejection or redirection:

(2) Records of received loads with contamination that exceeds 10 percent.

(3) Records of notices provided to operators and or jurisdictions pursuant to Section 18984. 5 of this division.

(4) Records of loadchecks and the training of personnel in evaluating the amount of contamination in source separated organic waste. These records shall be maintained for three (3) years in the operating record and be available for review by the appropriate jurisdiction of origin, haulers, and other duly authorized regulatory agencies.

(c) The operator shall conduct a loadcheck in the presence of the EA when requested.

(d) The EA may approve an alternative frequency for loadchecking if:

(1) The facility receives waste from jurisdictions that are monitoring containers provided to generators using the container contamination minimization described in Section 18984.5, or

(2) The EA determines that the incoming material from the source separated organic waste collection stream does not contain any remnant organic material.

Note:

Authority cited: Section 40502, 43020, and 42652.5 Public Resources Code.

Reference: Sections 40002,40053,40508, 42652.5, 42653, 42654,43020,43021 43103,44001-44017, 44100-44101, 44500-44503 and 44813-44816, Public Resources Code; Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.

Chapter 4. Documentation and Reporting for Regulatory Tiers, Permits, WDRs, and Plans

Subchapter 3: Development of Waste Discharge Requirements (WDRs) and Solid Waste Facility Permits

Article 2. CalRecycle—Applicant Requirements

§21570. CalRecycle—Filing Requirements.

(a) Any operator of a disposal site who is required to have a full solid waste facilities permit and waste discharge requirements pursuant to Public Resources Code, Division 31 and §20080(f) shall submit an application package for a solid waste facilities permit in duplicate to the EA pursuant to ¶(f). The applicant shall also simultaneously submit one copy of the application form and the Joint Technical Document (JTD) to the Regional Water Quality Control Board (RWQCB) and one copy of the application form to the director of the local agency that oversees local land use planning for the jurisdiction in which the site is located. The applicant shall ensure demonstration of financial assurances to CalRecycle pursuant to Chapter 6 of this Subdivision.

(b) All other applicants who are required to have a full solid waste facilities permit shall submit an application package for a solid waste facilities permit in duplicate to the EA pursuant to ¶(f) and one copy of the application form to the director of the local agency that oversees local land use planning for the jurisdiction in which the site is located. The applicant shall also simultaneously submit one copy of the application form to the RWQCB.

(c) Any application package submitted to the EA shall be accompanied by the fee specified by the EA pursuant to Public Resources Code §44006(c).

(d) The application package shall require that information be supplied in adequate detail to permit thorough evaluation of the environmental effects of the facility and to permit estimation of the likelihood that the facility will be able to conform to the standards over the useful economic life of the facility. The application package shall require, among other things, that the applicant and the owner give the address at which process may be served upon them.

(e) All information in the application package shall be certified by the applicant and the owner of the site as being true and accurate to the best knowledge and belief of each. The applicant, owner of the facility, or both, shall supply additional information as deemed necessary by the EA.

(f) A complete and correct application package shall include, but not necessarily be limited to, the following items:

(1) Application For Solid Waste Facilities Permit/Waste Discharge Requirements Form (CalRecycle E-1-77, Version 11-15, Appendix 1); and

(2) Complete and correct Report of Facility Information. In the case of disposal sites, this will be a Report of Disposal Site Information (RDSI) in the format of a JTD or a Disposal Site Facility Plan or Disposal Facility Report in the format of a JTD; and

(3) California Environmental Quality Act (CEQA) compliance information as follows:

(A) Evidence that there has been compliance with the CEQA, Division 13 (commencing with §21000) of the Public Resources Code, regarding the facility; or

(B) Information on the status of the application's compliance with the CEQA regarding the facility, including the proposed project description. Once there has been compliance with the CEQA regarding the facility, evidence of compliance shall be submitted to the EA; and

(4) Any CEQA Mitigation Monitoring Implementation Schedule; and

(5) Conformance finding information, including one of the following:

(A) Until a countywide or regional agency integrated waste management plan has been approved by CalRecycle, the application shall include statements that: the facility is identified and described in or conforms with the County Solid Waste Management Plan, or otherwise complies with Public Resources

Code §50000; and that the facility is consistent with the city or county General Plan and compatible with surrounding land use, in accordance with Public Resources Code §50000.5; or

(B) After a countywide or regional agency integrated waste management plan has been approved by CalRecycle, the application shall include a statement that: the facility is identified in either the countywide siting element, the nondisposal facility element, or in the Source Reduction and Recycling Element for the jurisdiction in which it is located; or, that the facility is not required to be identified in any of these elements pursuant to Public Resources Code §50001; and

(6) For disposal sites, completeness determination of Preliminary or Final Closure/Postclosure Maintenance Plan as specified in §§21780, 21865, and 21890 (Subchapter 4 of this chapter); and

[Note: The operator has the option of submitting the preliminary closure plan with the JTD, in which case the EA, RWQCB, and CalRecycle would review it at the same time. If deemed complete by the reviewing agencies, the solid waste facilities permit application package could then be accepted for filing if all other information in the JTD is accepted by the EA. Or the operator can submit a stand alone preliminary closure plan to be deemed complete by reviewing agencies before the application package is submitted to the EA. For CalRecycle purposes, all final closure/postclosure plans are stand alone documents but can be processed jointly with a proposed solid waste facilities permit revision as long as the final plan is determined complete prior to approval of the proposed solid waste facilities permit. The JTD Index prepared for the EA should show where each closure requirement is addressed in the closure/post-closure plan.]

(7) For disposal sites, a copy of the most recently submitted detailed written estimate or latest approved estimate, whichever identifies the greatest cost, to cover the cost of known or reasonably foreseeable corrective action activities, pursuant to §22101;

(8) For disposal sites, current documentation of acceptable funding levels for required closure, postclosure maintenance, and corrective action Financial Assurance Mechanisms (in accordance with Chapter 6, Division 2); and

(9) For disposal sites, current documentation of compliance with operating liability requirements in accordance with Chapter 6;

(10) For disposal sites permitted for more than 20 tons-per-day, a ground or aerial survey to be completed at least once every five years or more frequently as determined by the EA. For disposal sites permitted for 20 tons-per-day or less, a ground or aerial survey must be completed at least once every ten years. Survey results must be submitted as a CADD or vector graphics data file including at least two strata, i.e., 1) a stratum showing the base and finished ground surfaces, and 2) a stratum showing the existing and finished ground surfaces. For disposal sites where a change in permitted volume is proposed, a third stratum showing the base and proposed finished ground surface must be included. For each stratum the following information shall be included: site name, stratum name, surface1 name, surface2 name, volume calculation method (grid, composite, section), expansion (cut) factor, compaction (fill) factor, cut volume, fill volume and net volume. All volumes shall be reported in cubic yards. If the base ground surface is uncertain, the operator is allowed to provide the best available information as a substitute for the actual as-built contours. If selecting this substitute method, the operator must provide an explanation of the basis for using the substitute base ground surface. For the purposes of this section the following definitions apply:

(A) "base ground surface" - the best available excavation plan surface that existed prior to the placement of any waste;

(B) "CADD" - computer aided design and drafting;

(C) "compaction (fill) factor" - the factor used to correct for expected compaction of fill material; this factor should normally be unity (one); if the factor is not unity (one), an explanation must be provided for the basis of the volumetric correction;

(D) "cut volume" - for any stratum, the volume removed by a cut of a lower surface to achieve the upper surface;

(E) "existing ground surface" - the topography that exists at the time of the subject survey;

(F) "expansion (cut) factor" - the factor used to correct for expected expansion of a cut surface; this factor should normally be unity (one); if the factor is not unity (one), an explanation must be provided for the basis of the volumetric correction;

(G) "fill volume" - for any stratum, the volume bound between the upper and lower surfaces;

(H) "finished ground surface" - the final fill plan surface as shown in the approved closure plan for the disposal site;

(I) "net volume" - the fill volume less the cut volume;

(J) "site name" - the name of the disposal site for which the survey information is being submitted;

(K) "stratum (plural: strata)" - a particular volume of a solid waste landfill bound by specified upper and lower surfaces;

- (L) "stratum name" - a descriptive name for the stratum for which volumetric information is being submitted, e.g., total volume including proposed expansion;
- (M) "surface names" - names for the pair of surfaces that define a named stratum, e.g., base ground surface and proposed finished ground surface;
- (N) "survey" - a comprehensive examination of the disposal site under the direction of registered civil engineer or licensed land surveyor for purposes of determining the topography of the base, existing and finished ground surfaces, and the volumes bound by those surfaces;
- (O) "vector graphics" - computer generated images comprised of lines and shapes of given origin, direction, thickness, color and other attributes;
- (P) "volume calculation method" - grid, composite, section or other method approved by the enforcement agency.
- (11) For disposal sites, one of the following:
- (A)
- (i) In-place density (pounds of waste per cubic yard of waste). The in-place density is the estimated or measured density of in-place waste material achieved by mechanical or other means in the development of the current lift of the current operating waste cell, and
- (ii) Waste-to-cover ratio, estimated, (volume:volume). The waste-to-cover ratio estimate is a unit-less expression of the proportion of the volumes of waste and cover that comprise a volume of compacted fill material, e.g. 4:1. The cover portion of the waste-to-cover ratio estimate should include only soil or approved daily or intermediate alternative cover that is not considered a waste material, i.e., payment of fees to CalRecycle is not required. The waste portion of the waste-to-cover ratio estimate should include only waste material for which payment of fees to CalRecycle is reported, or
- (B) Airspace utilization factor (tons of waste per cubic yard of landfill airspace). The airspace utilization factor (AUF) is the effective density of waste material in the landfill. The AUF is recorded as the total weight of waste material passing over the landfill scales that is placed in a known volume of landfill airspace in a given period of time. The waste portion of the AUF should include only waste material for which payment of fees to CalRecycle is reported.
- (12) List of all public hearings and other meetings open to the public that have been held or copies of notices distributed that are applicable to the proposed solid waste facilities permit action.
- (13) For new or expanded solid waste facilities, provide evidence that the operator held a public meeting with any affected groups or disadvantaged communities within 180 days prior to submittal of the permit application package.
- (A) Provide copies (hard copy or electronic) of notices distributed to the affected groups or disadvantaged communities.
- (B) Provide a summary of the comments received at the public meeting and, where applicable, responses to public comments and any other steps taken by the applicant relative to those comments.
- (C) For the purposes of this section disadvantaged communities means communities identified by the California Environmental Protection Agency pursuant to Section 39711 of the Health and Safety Code.

Note:

Authority cited: Section 40002, 40502, 43020, and 42652.5 Public Resources Code.

Reference: Sections 40002,40053,40508, 42652.5, 42653, 42654,43020,43021 43103,44001-44017, 44100-44101, 44500-44503 and 44813-44816, Public Resources Code; Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.

§21590. CalRecycle—Joint Technical Document for Disposal Facilities.

Any operator of a disposal site which is required to submit a RDSI, closure/postclosure maintenance plan, and/or a ROWD or any other report that addresses similar regulatory concerns, may address those requirements under one JTD. The JTD will be used in place of the RDSI only if it meets all the requirements set forth in §21600 and lists where each requirement has been satisfied in the document in the form of a JTD index, pursuant to (c).

(a) any operator of an existing facility who submits an application package to the EA, pursuant to §21570, which proposes to change the facility's operations, or to change the SWFP shall do one of the following:

- (1) Submit the updated information as an amendment to the existing JTD along with, a JTD index as described in (c), referencing the new or updated information; or
- (2) Submit a complete JTD as described in §21600 along with a JTD index as described in subsection c.

(b) any operator of a new facility that submits an application package to the EA pursuant to §21570, shall submit a complete JTD pursuant to §21600, and an index of the topics addressed in the JTD to be used by the EA as described in (c).
(c) the operator shall include with the JTD a copy of an index specifically for use by the EA. The page number or the first line number within the JTD which addresses the topic shall be Noted next to that topic in the index. The EA shall make available to the operator either in hard copy and/or ~~on magnetic media~~ an electronic copy a JTD index listing, (Index found in Appendix 2) showing each topic which the JTD must address to provide the EA with relevant facility information for writing or revising the facility permit.

Note:

Authority cited: Section 40002, 40502, 43020, and 42652.5 Public Resources Code.

Reference: Sections 40002, 40053, 40508, 42652.5, 42653, 42654, 43020, 43021 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816, Public Resources Code; Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.

Article 3: CIWMB CalRecycle—Enforcement Agency (EA) Requirements

§21650. CIWMB CalRecycle--EA Processing Requirements.

(a) Upon its receipt, the EA shall stamp the application package with the date of receipt. The EA shall examine the application package to determine whether it meets the requirements of §21570. If the EA finds the package meets the requirements of §21570, the application package shall be accepted and stamped with the date of acceptance. Notwithstanding any other provision of this division, the application package shall be deemed filed on the date of acceptance.

(b) The EA shall either accept or reject the application package within thirty days of its receipt.

(c) Within five days of filing, the EA shall notify the ~~CIWMB CalRecycle~~, and the RWQCB if applicable, of its determination. The EA shall submit as its notification to the ~~CIWMB CalRecycle~~ a copy of the accepted application form. The EA shall also forward a copy of the application form to the RWQCB if applicable.

(d) If the EA determines that the application package does not meet the requirements of §21570, it shall reject and not file the application, and it shall, within five days of determination, so notify the applicant, the ~~CIWMB CalRecycle~~, and the RWQCB if applicable, enumerating the grounds for rejection. The EA shall include in its notification to the ~~CIWMB CalRecycle~~ a copy of the rejected application form. The application package, together with the notice of rejection, shall be kept in the EA's file.

(e) After acceptance of an application for a new or revised full solid waste facilities permit as complete and correct and within 60 days of receipt of the application by the EA, the EA shall notice and conduct an informational meeting as required by §§21660.2 and 21660.3. For modified solid waste facilities permits, the EA shall provide notice as required by §21660.3 after finding the permit application complete and correct and within 60 days of receipt of the application by the EA.

(f) Upon request of the applicant, the EA may accept an incomplete application package. As a condition of acceptance, the operator and the EA shall waive the statutory time limit contained in Public Resources Code §44009. [Note: Section 21580 is the section for processing the applicant's waiver of timeframes and timing for noticing and holding an informational meeting after the EA deems a previously submitted incomplete package to be complete.] The EA shall notify the applicant within 30 days if the applicant's request for review under this subsection has been accepted. If the application package does not conform with the requirements of §21570 within 180 days from the date of the EA agreeing to accept the package as incomplete the EA shall reject the application package, pursuant to ¶(d). If the EA finds the application package meets the requirements of §21570, the application package shall be accepted pursuant to ¶(c).

(g) No later than 60 days after the application package has been accepted as complete and correct and after conducting an informational meeting if required by §§21660.2 and 21660.3, the EA shall mail to the ~~CIWMB CalRecycle~~ the following:

(1) A copy of the proposed solid waste facilities permit;

(2) The accepted application package;

(3) A certification from the EA that the solid waste facilities permit application package is complete and correct, including a statement that the RFI meets the requirements of §21600, 14 CCR §§17863, 17863.4, 17346.5, 18221.6, 18223.5, or 18227.

(4) Documentation, if applicable, of the applicant's compliance with any RWQCB enforcement order or the status of the applicant's WDRs, as described in Public Resources Code §44009;

(5) Any written public comments received on a pending application and a summary of comments received at the informational meeting and, where applicable, responses to public comments and any other steps taken by the EA relative to those comments. Subsequent to the transmittal of the proposed solid waste facilities permit, the EA shall, within five (5) days of receipt, provide a copy of any additional written public comments and response to comments to the ~~CIWMB~~ CalRecycle.

(6) A solid waste facilities permit review report which has been prepared pursuant to §21675, within the last five years.

(7) EA finding that the proposed solid waste facilities permit is consistent with and is supported by existing CEQA analysis, or information regarding the progress toward CEQA compliance.

(h) At the time the EA submits the proposed solid waste facilities permit to the ~~CIWMB~~ CalRecycle, the EA shall submit a copy of the proposed solid waste facilities permit to the applicant, the RWQCB if applicable, and any person so requesting in writing. The copy of the proposed solid waste facilities permit provided to the applicant shall also be accompanied by a form for request for hearing, which the applicant may use to obtain a hearing before a hearing panel or hearing officer to challenge any condition in the solid waste facilities permit. In cases where a hearing panel or hearing officer may be requested, the EA shall notify the ~~CIWMB~~ CalRecycle within seven days of being noticed by the operator.

(i) The proposed solid waste facilities permit shall contain the EA's conditions. The proposed solid waste facilities permit shall not contain conditions pertaining solely to air or water quality, nor shall the conditions conflict with conditions from WDRs issued by the RWQCB.

[Note: The process to obtain a full solid waste facilities permit might not include the RWQCB if the facility is other than a landfill or disposal site. Therefore, EA submittals of forms and documents to the RWQCB will be made if applicable to the type of facility.

When writing conditions pursuant to 21650(i) the EA shall take into consideration PRC §44012, which requires the EA to ensure that primary consideration is given to protecting public health and safety and preventing environmental damage, and the long-term protection of the environment. The EA may also take into consideration other permits, entitlements and approvals when writing terms and conditions (e.g., conditional use permit, zoning, Air Pollution Control District/Air Quality Management District permits to construct and operate, Department of Toxic Substances Control hazardous waste facility permit, Department of Fish and Game permits, Coastal Commission approvals, Army Corps of Engineers permit, Federal Aviation Administration notification, and other required local and county ordinances/permits)]

Note:

Authority cited: Sections 40502, 43020, and 43021, Public Resources Code.

Reference: Sections 43020, 43021, and 43000-45802, Public Resources Code.

§21660.2. Informational Meeting for New and Revised Full Solid Waste Facilities Permit Applications.

(a) EA shall conduct an informational meeting for all new and revised full solid waste facilities permit applications as determined by §21665. The EA shall hold an informational meeting on an application for a new full solid waste facilities permit or an application for a full solid waste facilities permit revision required under this article. The EA may require the operator(s) of the facility or facilities that are the subject of the informational meeting to pay all costs incurred by the EA in connection with the meeting. The informational meeting may be combined with another public meeting in which the EA participates that meets the criteria as specified in §§21660.2(b) and 21660.2(c).

(b) The informational meeting shall be held after acceptance of the application package as complete and correct by the EA and within 60 days of receipt of the application by the EA. The EA shall submit to the ~~Board~~ CalRecycle a copy of the informational meeting notice at time of issuance. The ~~Board~~ CalRecycle shall post the notice on its web site as a way to further inform the public.

(c) The informational meeting shall meet the following criteria:

(1) The meeting shall be held in a suitable location not more than one (1) mile from the facility that is the subject of the meeting and from any disadvantaged communities affected; if no suitable and available location exists within one (1) mile of the facility and from any disadvantaged communities affected, as determined by the EA, the EA may designate an alternative suitable location that is as close to the ~~facility~~ disadvantaged communities as reasonably practical.

(A) The EA shall identify disadvantaged communities in a manner that meets or exceeds the methods of the identification tools developed by the California Environmental Protection Agency pursuant to Section 39711 of the Health and Safety Code.

(2) The meeting shall be held on a day and at a time that the EA determines will enable attendance by residents, including those of affected disadvantaged communities, living in the vicinity of the facility that is the subject of the meeting.

(3) EAs ~~may~~shall undertake additional measures to increase public notice and to encourage attendance by any persons who may be interested in the facility that is the subject of the meeting, ~~including which may include~~, but not ~~be~~ limited to, additional posting at the facility entrance, noticing beyond ~~300 feet~~one (1) mile if the nearest residence or business is not within ~~300 feet~~one (1) mile of the site, posting in a local newspaper of general circulation, and multilingual notice and translation and, multiple meeting dates, times and locations.

(d) The EA may substitute a previous public meeting or hearing for the requirements in this Section pursuant to §21660.4 if the applicant does not object.

Note:

Authority cited: Sections 40502, 43020, and 43021, Public Resources Code.

Reference: Sections 43103, 43213, 44004, and 44012, Public Resources Code.

Article 3.2. ~~GIWMB~~CalRecycle—Other Requirements

§21695. CalRecycle—Organic Disposal Reduction Status Impact Report

(a) Operators of a solid waste landfills shall submit a Status Impact Report (SIR) to CalRecycle that provides an analysis of the potential impacts to the landfill resulting from the implementation of the organic disposal reduction requirements of Public Resources Code, §42652.5.

(b) The SIR shall be prepared by a California registered civil engineer or certified engineering geologist.

(c) The SIR shall describe the potential impacts to the landfill including the expected timing of the impacts. The analysis shall include, but not be limited to, changes to the following:

(1) site development;

(2) waste types/volumes;

(3) daily and intermediate cover and beneficial use;

(4) volumetric capacity based on the disposal site experiencing a reduction of organic waste disposal of 50% by 2020 and 75% by 2025;

(5) waste handling methods;

(6) gas control and monitoring systems;

(7) gas generation;

(8) operation and closure design (individual cells and overall site geometry);

(9) final grading plan;

(10) site life estimate;

(11) ancillary facilities;

(12) cost estimates for closure and postclosure; and,

(13) financial assurance mechanisms for closure, postclosure, and non-water corrective action requirements.

(d) The SIR shall be submitted to CalRecycle no later than 180 days from the effective date of this regulation.

(e) Within 30 days of receipt of a SIR, CalRecycle shall make a determination as to the completeness of the SIR based on the requirements of subdivision (b) and (c). If a SIR is determined to be incomplete, CalRecycle shall provide to the operator, in writing, the reasons for the determination.

(f) For a SIR determined to be incomplete, the operator shall submit a revised SIR addressing any enumerated deficiencies within 30 days of receipt of notice from CalRecycle of an incomplete SIR.

(g) Within 60 days of a determination, CalRecycle shall submit its findings to the EA regarding amendments, if any, to the Joint Technical Document as a result of the SIR. If amendments are required, the EA shall direct the operator to submit an updated Joint Technical Document including updated closure and postclosure maintenance plans that includes the information from the SIR.

(h) Within 120 days of being directed by the EA, the operator shall submit to the EA an updated Joint Technical Document including updated closure and postclosure maintenance plans that includes the information from the SIR.

Note:

Authority cited: Sections 40002, 40502, 42652.5, and 43020, Public Resources Code, and 39730.6 Health and Safety Code.

Reference: Section 43103 and 44015, 42652.5 Public Resources Code, and Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.