

LEGISLATIVE DIGEST

[Environment Code - Refuse Separation Compliance]

Ordinance amending the Environment Code to require audits every two years of large refuse generators for compliance with refuse separation requirements, and to establish enforcement measures applicable to large refuse generators that have been noncompliant for nine or more consecutive months; and affirming the Planning Department's determination under the California Environmental Quality Act.

Existing Law

Chapter 19 of the Environment Code requires source separation of refuse into recyclables, compostables, and trash, and mandates subscription to refuse collection service. Chapter 19 sets forth requirements for owners or managers of multifamily and commercial buildings, and food vendors and events, to provide their tenants, employees, contractors, and/or customers with access to refuse containers and training on source separation. It also sets forth standards for refuse collectors, transfer stations, and processing facilities related to tagging refuse containers of noncompliant customers, and delivery and acceptance of refuse materials. Chapter 19 provides for inspections, administrative enforcement, and issuance of administrative penalties by various Departments for noncompliance.

Amendments to Current Law

This ordinance establishes additional refuse separation compliance and enforcement measures applicable to large refuse generators. Large refuse generators are defined as commercial property refuse account holders that have roll-off compactor service, or generate 30 cubic yards or more of refuse per week. Large refuse generators shall be subject to visual inspection compliance audits not less than every two years. The Director of the Department of Environment shall issue a warning notice to a large refuse generator found noncompliant. If the large refuse generator remains noncompliant after nine months, it shall either face administrative penalties of up to \$1000 per day, or may engage a zero waste facilitator to have collection of such penalties rescinded or held in abeyance. Once the large refuse generator passes a subsequent audit and meets other requirements, the Director shall issue a finding of compliance. Large refuse generators found noncompliant at the nine-month mark shall be listed on the Department of Environment website until the Director issues a finding of compliance with the cited violations.