

BOARD of SUPERVISORS



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MEMORANDUM

GOVERNMENT AUDIT AND OVERSIGHT COMMITTEE SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor Dean Preston, Chair
Government Audit and Oversight Committee

FROM: Jessica Perkinson, Assistant Clerk

DATE: June 3, 2022

SUBJECT: **COMMITTEE REPORT, BOARD MEETING**
Tuesday, June 7, 2022

The following file should be presented as a **COMMITTEE REPORT** at the Board Meeting on Tuesday, June 7, 2022. This item was acted upon at the Government Audit and Oversight Committee Meeting on Thursday, June 2, 2022, at 10:00 a.m., by the votes indicated.

Item No. 85 File No. 220607

Environment, Health Codes - Requirements for Edible Food Recovery and Organic Waste Collection

Ordinance amending the Environment and Health Codes to implement state regulations issued under Senate Bill (SB) 1383 (2016), the Short-Lived Climate Pollutant Reduction Law, by: 1) requiring commercial edible food generators to engage in edible food recovery efforts and maintain related records; 2) requiring food service organizations and services to maintain records and report to the Department of the Environment (SFE) on edible food recovery efforts; 3) authorizing SFE to impose fines for violations of the requirements imposed on commercial edible food generators and food services organizations and services; 4) requiring owners and managers of commercial properties to inspect their containers for proper sorting of recyclables, compostables, and trash, and to instruct their employees on sorting requirements; 5) requiring organic waste recovery facilities to report to SFE on their waste recovery capacity; 6) requiring solid waste facilities to report to the Department of Public Health (DPH) on their waste recovery capacity; 7) requiring refuse collectors to transfer organic waste to facilities that recover organic waste, provide DPH with a list of the facilities receiving organic waste, and obtain authorization from DPH to transport organic waste; and 8) authorizing DPH to enforce requirements imposed on solid waste facilities and refuse collectors transporting organic waste.

RECOMMENDED AS A COMMITTEE REPORT

Vote: Supervisor Connie Chan - Aye
Supervisor Rafael Mandelman - Aye
Supervisor Dean Preston - Aye

c: Board of Supervisors
Angela Calvillo, Clerk of the Board
Alisa Somera, Legislative Deputy Director
Anne Pearson, Deputy City Attorney

File No. 220607

Committee Item No. 1

Board Item No. 85

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Government Audit and Oversight

Date: June 2, 2022

Board of Supervisors Meeting:

Date: June 7, 2022

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
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| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
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OTHER

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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Cal Recycle Final Reg Text 1120</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>SB 1383 Flyer</u> |
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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>ENV Official Ntc to Business Owner 101821</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Food Sec Taskforce Recommendations</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Presidential Action Form – 30 Day Waiver 051922</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>COB Referral Cost Analysis 052322</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>GAO Committee Report 052622</u> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>No BLA Rpt 052622</u> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>SF Environment Presentation 060222</u> |

Prepared by: Jessica Perkinson

Date: May 25, 2022

Prepared by: Jessica Perkinson

Date: June 3, 2022

Prepared by: _____

Date: _____

1 [Environment, Health Codes - Requirements for Edible Food Recovery and Organic Waste
2 Collection]

3 **Ordinance amending the Environment and Health Codes to implement state regulations**
4 **issued under Senate Bill (SB) 1383 (2016), the Short-Lived Climate Pollutant Reduction**
5 **Law, by: 1) requiring commercial edible food generators to engage in edible food**
6 **recovery efforts and maintain related records; 2) requiring food service organizations**
7 **and services to maintain records and report to the Department of the Environment**
8 **(SFE) on edible food recovery efforts; 3) authorizing SFE to impose fines for violations**
9 **of the requirements imposed on commercial edible food generators and food services**
10 **organizations and services; 4) requiring owners and managers of commercial**
11 **properties to inspect their containers for proper sorting of recyclables, compostables,**
12 **and trash, and to instruct their employees on sorting requirements; 5) requiring**
13 **organic waste recovery facilities to report to SFE on their waste recovery capacity; 6)**
14 **requiring solid waste facilities to report to the Department of Public Health (DPH) on**
15 **their waste recovery capacity; 7) requiring refuse collectors to transfer organic waste**
16 **to facilities that recover organic waste, provide DPH with a list of the facilities receiving**
17 **organic waste, and obtain authorization from DPH to transport organic waste; and 8)**
18 **authorizing DPH to enforce requirements imposed on solid waste facilities and refuse**
19 **collectors transporting organic waste.**

20 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
21 **Additions to Codes** are in *single-underline italics Times New Roman font*.
22 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
23 **Board amendment additions** are in double-underlined Arial font.
24 **Board amendment deletions** are in ~~strikethrough Arial font~~.
25 **Asterisks (* * * *)** indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

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Section 1. Findings and Purpose.

(a) On September 19, 2016, Governor Jerry Brown approved Senate Bill No. 1383 (“SB 1383”), the Short-Lived Climate Pollutant Reduction Act of 2016, to reduce organic waste in landfills.

(b) In October 2020, the California Department of Resources Recycling and Recovery (“CalRecycle”) adopted regulations pursuant to SB 1383 (the “SB 1383 Regulations”), which took effect on January 1, 2022, and which require local jurisdictions to adopt and enforce an ordinance to implement certain provisions of the SB 1383 Regulations.

(c) The Department of the Environment and the Department of Public Health are already operating programs for refuse collection, including compost and recycling, and edible food recovery, that are consistent with the SB 1383 Regulations and supportive of the City’s efforts to reach zero waste and climate emission reduction targets. In October 2021, the Department of the Environment notified commercial edible food generators in San Francisco of SB 1383 edible food recovery requirements. This ordinance would add enforcement mechanisms required by the SB 1383 Regulations.

Section 2. The Environment Code is hereby amended by revising Sections 1902 (adding a defined term to be placed in alphabetical sequence with other defined terms), 1904, and 1906 of Chapter 19, to read as follows:

SEC. 1902. DEFINITIONS.

* * * *

“Organic Waste” means Refuse containing material originated from living organisms and their metabolic waste products, including but not limited to food, green material, landscape and pruning

1 waste, organic textiles and carpets, lumber, wood, paper products, manure, biosolids, digestate, and
2 sludges.

3 * * * *

4
5 **SEC. 1904. REQUIREMENTS FOR OWNERS OR MANAGERS OF MULTIFAMILY**
6 **AND COMMERCIAL PROPERTIES.**

7 * * * *

8 (c) Owners or managers of multifamily or commercial properties must provide
9 information and/or training for new tenants, employees, and contractors, including janitors, on
10 how to source separate recyclables, compostables, and trash before or within 14 days of
11 occupation by new tenants, and must re-educate existing tenants, employees, and contractors at
12 least once a year.

13 (d) Owners and managers of commercial properties or their contractors ~~will~~ shall work
14 with on-site janitors to create effective source separation programs as a means of achieving
15 compliance, meeting citywide diversion goals, and achieving the diversion or disposal rate
16 reported annually to the State of California.

17 (e) Owners and managers of commercial properties or their contractors shall periodically
18 inspect containers for recyclables, containers for compostables, and containers for trash for
19 contamination, and shall inform employees when containers are contaminated. At that time, and
20 periodically, they shall inform employees of the requirements to keep contaminants out of containers.
21 For purposes of this Section 1904, “contamination” means the presence in a container of materials
22 that are not permitted to be included in that type of container.

23 (f) New construction or expansion of multifamily or commercial properties may be
24 subject to Department of Building Inspection requirements, such as Administrative Bulletin
25 088 and Building Code Chapter 13, Section 1304C, to provide adequate space for recyclables

1 and compostables, which includes requiring any chute systems to keep compostables,
2 recyclables, and trash separate.

3
4 **SEC. 1906. REQUIREMENTS FOR REFUSE COLLECTORS, TRANSFER**
5 **STATIONS, AND PROCESSING FACILITIES.**

6 * * * *

7 (j) Upon one year from the operative date of Ordinance No. 300-18~~the ordinance in~~
8 ~~Board File No. 180646~~ and annually thereafter, the Director shall report to the Board of
9 Supervisors on notices and orders issued to Large Refuse Generators under this Chapter 19
10 within the prior 12-month period. No more than 39 months after Ordinance No. 300-18~~the~~
11 ~~ordinance in Board File No. 180646~~ becomes operative, the Director shall submit a report to the
12 Board of Supervisors regarding its implementation to date, and may include recommended
13 amendments to the ordinance as he or she may deem appropriate.

14 (k) Owners of facilities, operations, and activities that recover Organic Waste, including, but
15 not limited to, compost facilities, in-vessel digestion facilities, and publicly-owned treatment works, and
16 other facilities referenced in subsection (b) of Title 14, Division 7, Chapter 12, Article 2 of the
17 California Code of Regulations, as may be amended from time to time, shall, within 60 days of
18 receiving a request from the Director, provide the Director information regarding available and
19 potential new or expanded capacity at their facilities, operations, and activities, including information
20 about throughput and permitted capacity that the Director determines is needed for planning purposes.

21 (k) No person may deliver recyclables or compostables, including those mixed with
22 trash, to a landfill or transfer station for the purpose of having those materials landfilled,
23 except as follows:

24 (1) A collector may drop off recyclables or compostables at the San Francisco
25 transfer station for landfill if the transfer station has agreed to provide to the Director, upon

1 request, audits of collection vehicles for a specified period going forward in time. The transfer
2 station's audit shall report the quantity of recyclables or compostables, stated as estimated
3 tons per load or as a percentage of the loads, deposited at the transfer station by collection
4 vehicles specifically identified in the request over a reasonable period of time occurring after
5 the request.

6 (2) A processing facility that sorts and reconstitutes recyclables for the purpose of
7 using the altered form in the manufacture of a new product or turns compostables into usable
8 and marketable compost (e.g., soil-conditioning) material may send to a landfill a minor
9 portion of those materials that constitutes unmarketable processing residuals, if the
10 processing facility provides to the Director, upon request, audits of specific collection vehicles
11 for a specific period going forward in time, of the quantities of recyclables or compostables
12 sent to the landfill from the processing facility.

13 (~~m~~) No person may deliver trash from the city, including trash mixed with
14 recyclables or compostables, to a processing facility, unless the processing facility has agreed
15 to provide to the Director, upon request, audits of collection vehicles for a specified period
16 going forward in time. The processing facility's audit shall report the quantity of trash, stated
17 as estimated tons per load or as a percentage of the loads, deposited at the processing facility
18 by collection vehicles specifically identified in the request over a reasonable period of time
19 occurring after the request.

20 (~~m~~) The operative date for Ordinance No. 300-18~~the ordinance in Board File No. 180646~~
21 shall be July 1, 2019, except for the following types of Large Refuse Generators, for whom ~~this~~
22 said ordinance shall become operative on July 1, 2021: (1) 100% Affordable Housing Projects,
23 (2) those that are or encompass Non-Profit Food Providers, (3) businesses whose primary
24 source of revenue is the sale of fresh cut flowers, and (4) non-profit wholesale food providers.

1 Section 3. The Environment Code is hereby amended by adding Chapter 32,
2 consisting of Sections 3201-3207, to read as follows:

3 **CHAPTER 32: MANDATORY EDIBLE FOOD RECOVERY**

4 **SEC. 3201. TITLE.**

5 This Chapter 32 shall be entitled “Mandatory Edible Food Recovery” and may be referenced
6 as the Mandatory Edible Food Recovery Ordinance.

7
8 **SEC. 3202. DEFINITIONS.**

9 For purposes of this Chapter 32, the following words have the following meanings:

10 “City” means the City and County of San Francisco.

11 “Commercial Business” means a firm, partnership, proprietorship, joint-stock company,
12 corporation, or association, whether for-profit or nonprofit; strip mall; industrial facility; or
13 multifamily residential dwelling that consists of five or more units.

14 “Commercial Edible Food Generator” means an entity other than a Food Recovery
15 Organization or Food Recovery Service, and that is classified as either a Tier One or Tier Two
16 Commercial Edible Food Generator, that:

17 (a) Disposes of Edible Food in the course of the entity’s operation of a Commercial
18 Business;

19 (b) Disposes of Edible Food in the course of the entity’s operation of a Large Venue or
20 Large Event, either directly or indirectly through a Food Facility; or

21 (c) Arranges for the recovery of Edible Food that would otherwise be disposed of in the
22 course of the entity’s operation of a Commercial Business, Large Venue, or Large Event.

23 “Department” means the Department of the Environment.

24 “Director” means the Director of the Department of the Environment or the Director’s
25 designee.

1 “Edible Food” means food that is intended for human consumption and that meets the food
2 safety requirements of the California Retail Food Code.

3 “Food Distributor” means a company that distributes food to entities including, but not limited
4 to, Supermarkets and Grocery Stores.

5 “Food Facility” means an operation that stores, prepares, packages, serves, vends, or
6 otherwise provides food for human consumption at the retail level, on either a permanent or temporary
7 basis.

8 “Food Recovery” means actions to collect and distribute, for human consumption, food that
9 otherwise would be disposed.

10 “Food Recovery Organization” means an entity that engages in the collection or receipt of
11 Edible Food from Commercial Edible Food Generators and distributes that Edible Food to the public
12 for Food Recovery either directly or through other entities. A Food Recovery Organization includes,
13 but is not limited to:

14 (a) A food bank, meaning a surplus food collection and distribution system operated
15 and established to assist in bringing donated food to nonprofit charitable organizations and individuals
16 for the purposes of reducing hunger and supplying nutritional needs, or as otherwise defined in Section
17 113783 of the Health and Safety Code, as may be amended from time to time;

18 (b) A nonprofit charitable organization as defined in Section 113841 of the Health and
19 Safety Code, as may be amended from time to time; and,

20 (c) A nonprofit charitable temporary Food Facility, meaning a Food Facility that is
21 only part of and operates for the duration of an approved community event or at a swap meet, or as
22 otherwise defined in Section 113842 of the Health and Safety Code, as may be amended from time to
23 time.

1 “Food Recovery Service” means a person or entity that collects and transports Edible Food
2 from a Commercial Edible Food Generator to a Food Recovery Organization or other entity for Food
3 Recovery.

4 “Grocery Store” means a store primarily engaged in the retail sale of canned food; dry goods;
5 fresh fruits and vegetables; fresh meats, fish, and poultry; frozen foods; and any area within the store
6 that is not separately owned and where the food is prepared and served, including, for example, a
7 bakery, deli, and meat and seafood departments.

8 “Large Event” means an event, including, but not limited to, a sporting event or a flea market,
9 that charges an admission price, and serves an average of more than 2,000 individuals per day of
10 operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately
11 owned or operated park, parking lot, golf course, street area, or other open space when being used for
12 an event.

13 “Large Venue” means a permanent venue facility that annually seats or serves an average of
14 more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility.
15 A Large Venue includes, but is not limited to, a public, nonprofit, or privately owned or operated
16 stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium,
17 airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other facility
18 designed to attract large numbers of members of the public. A site under common ownership or control
19 that includes more than one Large Venue that is contiguous with another Large Venuen the site, is a
20 single Large Venue.

21 “Organic Waste” has the definition set forth in Section 1902 of the Environment Code, as may
22 be amended from time to time.

23 “Refuse” has the definition set forth in Section 1902 of the Environment Code, as may be
24 amended from time to time.

1 “Supermarket” means a full-line, self-service retail store with gross annual sales of \$2,000,000
2 or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable
3 items.

4 “Tier One Commercial Edible Food Generator” means a Commercial Edible Food Generator
5 that is one or more of the following:

6 (a) Supermarket;

7 (b) Grocery Store with a total facility size equal to or greater than 10,000 square feet;

8 (c) Food Service Provider;

9 (d) Food Distributor; or

10 (e) Wholesale Food Vendor.

11 “Tier Two Commercial Edible Food Generator” means a Commercial Edible Food Generator
12 that is one or more of the following:

13 (a) Restaurant with 250 or more seats, or a total facility size equal to or greater
14 than 5,000 square feet;

15 (b) Hotel with an on-site Food Facility and 200 or more guest rooms;

16 (c) Health care facility with an on-site Food Facility and 100 or more beds;

17 (d) A Large Venue;

18 (e) A Large Event; or

19 (f) A state agency with a cafeteria with 250 or more seats or total cafeteria facility
20 size equal to or greater than 5,000 square feet.

21 “Wholesale Food Vendor” means a business or other establishment engaged in the wholesale
22 distribution of food, where food (including fruits and vegetables) is received, shipped, stored, and
23 prepared for distribution to a retailer, warehouse, distributor, or other destination.

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1 **SEC. 3203. REQUIREMENTS FOR COMMERCIAL EDIBLE FOOD GENERATORS.**

2 **(a) Compliance Date.** *Tier One Commercial Edible Food Generators must comply with the*
3 *requirements of this Section 3203 commencing on the effective date of this the effective date of the*
4 *ordinance in Board File No. 220607, establishing this Chapter 32, and Tier Two Commercial Edible*
5 *Food Generators must comply with the requirements of this Section 3203 commencing January 1,*
6 *2024. Large Venue and Large Event operators not providing food services, but allowing for food to be*
7 *provided by others, shall require Food Facilities operating at such Large Venues and Large Events to*
8 *comply with the requirements of this Section 3203 commencing January 1, 2024.*

9 **(b) Prohibition on Intentional Spoilage.** *Commercial Edible Food Generators shall not*
10 *intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or*
11 *a Food Recovery Service.*

12 **(c) Recovery Requirements.** *Commercial Edible Food Generators shall do the following:*

13 **(1) Arrange to recover the maximum amount of Edible Food that would otherwise be**
14 **disposed.**

15 **(2) Enter into a written agreement with Food Recovery Organizations or Food**
16 **Recovery Services, as applicable, for: (A) the collection of Edible Food for Food Recovery; or, (B)**
17 **acceptance of the Edible Food that the Commercial Edible Food Generator transports to the Food**
18 **Recovery Organization for Food Recovery.**

19 **(d) Recordkeeping Requirements.** *Commercial Edible Food Generators shall keep records*
20 *that include the following information:*

21 **(1) A list of each Food Recovery Service and Food Recovery Organization that collects**
22 **or receives Edible Food from that Commercial Edible Food Generator.**

23 **(2) A copy of all written agreements with Food Recovery Services and Food Recovery**
24 **Organizations that collect or receive Edible Food from that Commercial Edible Food Generator.**

1 (3) A record of the following information for each Food Recovery Service or Food
2 Recovery Organization that collects or receives Edible Food from that Commercial Edible Food
3 Generator:

4 (A) The name, address, and contact information of the Food Recovery
5 Service or Food Recovery Organization.

6 (B) The types of food that will be collected by or transported to the Food
7 Recovery Service or Food Recovery Organization.

8 (C) The frequency with which food will be collected or transported.

9 (D) The quantity of food, measured in pounds recovered per month, collected
10 or transported to a Food Recovery Service or Food Recovery Organization for Food Recovery.

11 (e) **Inspection Requirement.** Commercial Edible Food Generators shall allow the Department
12 to access the premises and review the records required in subsection (d).

13 (f) Nothing in this Chapter 32 shall be construed to limit or conflict with the protections
14 provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan
15 Act, or share table and school food donation guidance pursuant to Senate Bill 557 of 2017.

16
17 **SEC. 3204. REQUIREMENTS FOR FOOD RECOVERY ORGANIZATIONS AND**
18 **SERVICES.**

19 (a) **Recordkeeping Requirements for Food Recovery Organizations.** Food Recovery
20 Organizations collecting or receiving Edible Food directly from Commercial Edible Food Generators
21 via a written agreement consistent with Section 3203(c)(2) shall maintain the following records:

22 (1) The name, address, and contact information for each Commercial Edible Food
23 Generator from which the Food Recovery Organization receives Edible Food.

24 (2) The quantity in pounds of Edible Food the Food Recovery Organization receives
25 from each Commercial Edible Food Generator per month.

1 (3) The name, address, and contact information for each Food Recovery Service from
2 which the Food Recovery Organization receives Edible Food for Food Recovery.

3 **(b) Recordkeeping Requirements for Food Recovery Services.** Food Recovery Services
4 collecting or receiving Edible Food directly from Commercial Edible Food Generators via a written
5 agreement consistent with Section 3203(c)(2) shall maintain the following records:

6 (1) The name, address, and contact information for each Commercial Edible Food
7 Generator from which the Food Recovery Service collects Edible Food.

8 (2) The quantity in pounds of Edible Food the Food Recovery Service collects from
9 each Commercial Edible Food Generator per month.

10 (3) The quantity in pounds of Edible Food the Food Recovery Service transports to each
11 Food Recovery Organization per month.

12 (4) The name, address, and contact information for each Food Recovery Organization
13 to which the Food Recovery Service transports Edible Food for Food Recovery.

14 **(c) Reporting Requirements for Food Recovery Organizations and Food Recovery Services.**
15 Food Recovery Organizations and Food Recovery Services that have written agreements with one or
16 more Commercial Edible Food Generators consistent with Section 3203(c)(2) shall report to the
17 Department the total pounds of Edible Food recovered in the previous calendar year no later than
18 March 1 of each year.

19 **(d) Food Recovery Capacity Planning.** Food Recovery Services and Food Recovery
20 Organizations shall provide information and consultation to the Department regarding existing, or
21 proposed new or expanded, Food Recovery capacity, within 60 days after receipt of a request from the
22 Department.

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1 **SEC. 3205. ADMINISTRATION AND ENFORCEMENT.**

2 This Chapter 32 shall be administered and enforced by the Department. The Director may
3 adopt regulations, guidelines, and forms to carry out the provisions and purposes of this Chapter.

4
5 **SEC. 3206. PENALTIES AND ENFORCEMENT.**

6 (a) The Director shall administer all provisions of this Chapter 32 and may enforce those
7 provisions by any lawful means available for such purpose, including through imposition of
8 administrative penalties for violations of those provisions of this Chapter, or of rules and regulations
9 adopted pursuant to this Chapter, except as otherwise provided in this Chapter.

10 (b) To the extent permitted by law, the Director may inspect any Food Recovery Organization,
11 Food Recovery Service, and Commercial Edible Food Generator, and records related to their
12 operations, to enforce this Chapter 32.

13 (c) Administrative Code Chapter 100, "Procedures Governing the Imposition of Administrative
14 Fines," as amended, is hereby incorporated in its entirety and shall govern the imposition,
15 enforcement, collection, and review of administrative citations and penalties issued to enforce this
16 Chapter 32, and any rule or regulation adopted pursuant to this Chapter; provided, however, that:

17 (1) The fine for a violator's first violation at a dwelling or commercial property that
18 generates less than one cubic yard of refuse per week may not exceed \$100;

19 (2) Each day of continued noncompliance constitutes a separate violation.

20 (3) The Director may hold imposed administrative penalties in partial or complete
21 abeyance, pending completion of ordered remedial steps or based on other conditions, in accordance
22 with the Director's lawful discretion and in furtherance of the objectives of this Chapter 32. A Food
23 Recovery Organization, Food Recovery Service, or Commercial Edible Food Generator that is a City-
24 owned or operated facility is not subject to administrative penalties under this Section 3206(c); and

1 (4) In any action where a violation is found, the Director may assess the Department's costs
2 of enforcement and attorneys' fees against the violator.

3 (d) The Department shall use administrative penalties collected under this Chapter 32,
4 including recovery of enforcement costs, to fund implementation and enforcement of this Chapter. If
5 the Director determines that administrative penalties and enforcement costs collected under this
6 Chapter 32 exceed the amount needed by the Department to fund implementation and enforcement of
7 this Chapter, the Director may use any excess funds to support other work of the Department.

8 (e) Remedies under this Chapter 32 are in addition to and do not supersede or limit any
9 and all other remedies, civil or criminal.

10
11 **SEC. 3207. NO CONFLICT WITH FEDERAL OR STATE LAW.**

12 Nothing in this Chapter 32 shall be interpreted or applied so as to create any requirement,
13 power, or duty in conflict with any federal or state law.

14
15 Section 4. The Health Code is hereby amended by adding Sections 294.1 and 295 to
16 Article 6, to read as follows:

17 **SEC. 294.1. SOLID WASTE FACILITY REQUIREMENTS.**

18 (a) For purposes of this Section 294.1 and Section 295, "Organic Waste" means refuse
19 containing material originated from living organisms and their metabolic waste products, including but
20 not limited to food, green material, landscape and pruning waste, organic textiles and carpets, lumber,
21 wood, paper products, manure, biosolids, digestate, and sludges.

22 (b) Owners of Solid Waste Facilities, as defined in Section 40194 of the California Public
23 Resources Code, as may be amended from time to time, that recover Organic Waste, shall, within 60
24 days of a request from the Director, provide the Director information regarding available and potential
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1 new or expanded capacity at the Solid Waste Facility, including information about throughput and
2 permitted capacity that the Director determines is necessary for planning purposes.

3
4 **SEC. 295. ORGANIC WASTE REQUIREMENTS FOR REFUSE COLLECTORS.**

5 Any refuse collector licensed by the Director shall:

6 (a) Transport Organic Waste that it collects from Organic Waste generators to a
7 facility, operation, activity, or property that recovers Organic Waste, rather than sending that Organic
8 Waste to a landfill, as set forth in Title 14, Division 7, Chapter 12, Article 2 of the California Code of
9 Regulations, as may be amended from time to time.

10 (b) Provide written notice to the Director annually on or before March 1, identifying
11 the facilities to which the refuse collector will transport Organic Waste in that calendar year.

12 (c) Obtain approval from the Director to haul Organic Waste and maintain a copy of its
13 authorization from the Director to collect Organic Waste from Organic Waste generators.

14
15 Section 5. Effective Date. This ordinance shall become effective 30 days after
16 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
17 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
18 of Supervisors overrides the Mayor's veto of the ordinance.

19
20 Section 6. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
21 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
22 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
23 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
24 additions, and Board amendment deletions in accordance with the "Note" that appears under
25 the official title of the ordinance.

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Section 7. Severability. If any section, subsection, sentence, clause, phrase, or word of this ordinance, or any application thereof to any person or circumstance, is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or applications of the ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, phrase, and word not declared invalid or unconstitutional without regard to whether any other portion of this ordinance or application thereof would be subsequently declared invalid or unconstitutional.

Section 8. Undertaking for the General Welfare. In enacting and implementing this ordinance, the City is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

APPROVED AS TO FORM:
DAVID CHIU, City Attorney

By: /s/ Sarah Crowley
SARAH CROWLEY
Deputy City Attorney

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LEGISLATIVE DIGEST

[Environment, Health Codes - Requirements for Edible Food Recovery and Organic Waste Collection]

Ordinance amending the Environment and Health Codes to implement state regulations issued under Senate Bill (SB) 1383 (2016), the Short-Lived Climate Pollutant Reduction Law, by: 1) requiring commercial edible food generators to engage in edible food recovery efforts and maintain related records; 2) requiring food service organizations and services to maintain records and report to the Department of the Environment (SFE) on edible food recovery efforts; 3) authorizing SFE to impose fines for violations of the requirements imposed on commercial edible food generators and food services organizations and services; 4) requiring owners and managers of commercial properties to inspect their containers for proper sorting of recyclables, compostables, and trash, and to instruct their employees on sorting requirements; 5) requiring organic waste recovery facilities to report to SFE on their waste recovery capacity; 6) requiring solid waste facilities to report to the Department of Public Health (DPH) on their waste recovery capacity; 7) requiring refuse collectors to transfer organic waste to facilities that recover organic waste, provide DPH with a list of the facilities receiving organic waste, and obtain authorization from DPH to transport organic waste; and 8) authorizing DPH to enforce requirements imposed on solid waste facilities and refuse collectors transporting organic waste.

Existing Law

Chapter 19 of the Environment Code requires owners and managers of multifamily and commercial properties, and owners and managers of food vendors and events, to provide for sorting and collection of recyclables, compostables, and trash at their properties and events.

Chapter 19 of the Environment Code requires all persons in San Francisco to dispose of their recyclables, compostables, and trash in the type of disposal container designated for that form of refuse.

Chapter 19 of the Environment Code requires refuse collectors, refuse transfer stations, and refuse processing facilities to take certain steps to ensure that recyclables, compostables, and trash are disposed of separately

Chapter 19 of the Environment authorizes the Director of the Department of the Environment (SFE) to enforce the requirements of Chapter 19, including by adopting regulations and forms, conducting inspections and audits, and imposing penalties for violation of Chapter 19 requirements. Chapter 19 further authorizes the Director of the Department of Public Health (DPH) and the Director of the Department of Public Works (DPW) to impose fines for violation

of the requirements of Chapter 19 and related regulations that pertain to the jurisdiction of those departments.

Article 6 of the Health Code authorizes DPH to regulate solid waste disposal facilities and refuse collectors.

Amendments to Current Law

This ordinance would comply with requirements imposed by Senate Bill No. 1383 (“SB 1383”), the Short-Lived Climate Pollutant Reduction Act of 2016, and regulations adopted by the state to implement SB 1383 (“SB 1383 Regulations”) by adding the following provisions to local law:

- Requiring owners and managers of commercial properties or their contractors to inspect containers for recyclables, compostables, and trash to ensure that these categories of refuse are separated, and to inform employees of these requirements.
- Requiring owners and operators of waste recovery facilities to provide SFE with information about their organic waste recovery capacity on request.
- Requiring commercial edible food generators such as grocery stores, food distributors, restaurants, and large venues and events, to take steps to recover and redistribute edible food for human consumption (“Food Recovery”) to the maximum extent possible, including by contracting with organizations that transport and/or redistribute food for Food Recovery, maintaining records of such agreements, and submitting to inspections as requested by SFE.
- Requiring Food Recovery organizations that collect and redistribute food for purposes of Food Recovery, and services that transport recovered food to Food Recovery organizations, to maintain records of their Food Recovery operations, report to SFE annually on their Food Recovery operations under contracts with commercial edible food generators, and report to SFE as requested on their Food Recovery capacity.
- Authorizing SFE to enforce the above requirements, including by imposing administrative penalties against entities and individuals that violate these requirements.
- Requiring owners of solid waste facilities that recover organic waste to report to DPH on request regarding their waste recovery capacity.
- Requiring refuse collectors licensed by DPH to obtain authorization from DPH before transporting organic waste, transport organic waste to a facility for recovery of organic waste rather than a landfill, and report annually to DPH on the organic waste facilities to which it transports organic waste.

Background Information

SB 1383 required the California Department of Resources Recycling and Recovery (CalRecycle) to develop regulations to achieve SB 1383’s goal to reduce organics in landfills by 75% by 2025 statewide. These SB 1383 Regulations went into effect January 1, 2022.

Removing organic waste from landfills limits the emission of methane, a climate super pollutant 84 times more potent than carbon dioxide, from the anaerobic breakdown of organics. Methane emission from landfills represent at least 21 percent of the state's methane emissions annually.

To help reduce food waste and help address food insecurity, SB 1383 also requires that by 2025 California will recover 20 percent of edible food that would otherwise be sent to landfills, to feed people in need.

The San Francisco Food Security Task Force created by the Board of Supervisors found that, prior to COVID-19, one in four San Franciscans was at risk of hunger due to low income. The Task Force has found that, since the beginning of the COVID-19 pandemic, there has been a significant increase in the demand for various food assistance programs in the City. The San Francisco-Marin Food Bank increased the amount of food they distribute by 67% since the beginning of the pandemic. The Task Force recommends in their 2022 report a commitment to sustaining critical food programs that communities with the highest needs rely on. The implementation and compliance with the SB 1383 Regulations will help build a consistent and increased supply of high-quality edible food donate and redistributed to those in need within San Francisco.

In 2021, SFE began implementing the requirements of the SB 1383 edible food recovery program by conducting outreach, including mailing to all identified edible food generators and food recovery organizations a notification letter of the edible food recovery requirements, creating a webpage with program requirements and surveying edible food generators and service organizations to assess current edible food capacity and needs. SFE has also engaged consultants to visit edible food generators to assist in complying with donation requirements.

SFE has partnered with DPH to collaborate on ensuring compliance with the edible food recovery requirements. The two departments have developed an MOU outlining respective roles in implementing the edible food recovery program. For example, DPH health inspectors will include edible food recovery requirements in their inspections of food establishments. The inspector's edible food recovery findings will be shared with SFE, which will follow up as necessary to assist generators in complying with the donation requirements. CalRecycle is requiring that local jurisdictions have an enforceable compliance mechanism to penalize noncompliance if necessary. This ordinance would add such an enforcement mechanism to the Environment Code.

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Senate Bill No. 1383

CHAPTER 395

An act to add Sections 39730.5, 39730.6, 39730.7, and 39730.8 to the Health and Safety Code, and to add Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30 of the Public Resources Code, relating to methane emissions.

[Approved by Governor September 19, 2016. Filed with
Secretary of State September 19, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1383, Lara. Short-lived climate pollutants: methane emissions: dairy and livestock: organic waste: landfills.

(1) The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The state board is required to approve a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020. The state board is also required to complete a comprehensive strategy to reduce emissions of short-lived climate pollutants, as defined, in the state.

This bill would require the state board, no later than January 1, 2018, to approve and begin implementing that comprehensive strategy to reduce emissions of short-lived climate pollutants to achieve a reduction in methane by 40%, hydrofluorocarbon gases by 40%, and anthropogenic black carbon by 50% below 2013 levels by 2030, as specified. The bill also would establish specified targets for reducing organic waste in landfills.

This bill would require the state board, in consultation with the Department of Food and Agriculture, to adopt regulations to reduce methane emissions from livestock manure management operations and dairy manure management operations, as specified. The bill would require the state board to take certain actions prior to adopting those regulations. This bill would require the regulations to take effect on or after January 1, 2024, if the state board, in consultation with the department, makes certain determinations.

This bill would require the state board, the Public Utilities Commission, and the State Energy Resources Conservation and Development Commission to undertake various actions related to reducing short-lived climate pollutants in the state. The bill would require state agencies to consider and, as appropriate, adopt policies and incentives to significantly increase the sustainable production and use of renewable gas.

(2) The California Integrated Waste Management Act of 1989, which is administered by the Department of Resources Recycling and Recovery, establishes an integrated waste management program that requires each

county and city and county to prepare and submit to the department a countywide integrated waste management plan.

The bill would require the department, in consultation with the state board, to adopt regulations that achieve the specified targets for reducing organic waste in landfills. The bill would authorize local jurisdictions to charge and collect fees to recover the local jurisdiction's costs incurred in complying with the regulations. The bill would require, no later than July 1, 2020, the department, in consultation with the state board, to analyze the progress that the waste sector, state government, and local governments have made in achieving the specified targets for reducing organic waste in landfills. The bill would authorize the department, depending on the outcome of that analysis, to amend the regulations to include incentives or additional requirements, as specified. By adding to the duties of local governments related to organic waste in landfills, this bill would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) Short-lived climate pollutants, such as black carbon, fluorinated gases, and methane, are powerful climate forcers that have a dramatic and detrimental effect on air quality, public health, and climate change.

(2) These pollutants create a warming influence on the climate that is many times more potent than that of carbon dioxide.

(3) Short-lived climate pollutants that are toxic air contaminants also are a significant environmental risk factor for premature death.

(4) Reducing emissions of these pollutants can have an immediate beneficial impact on climate change and on public health.

(5) To the extent possible, efforts to reduce emissions of short-lived climate pollutants should focus on areas of the state that are disproportionately affected by poor air quality.

(b) It is the intent of the Legislature to support the adoption of policies that improve organics recycling and innovative, cost effective, and environmentally beneficial uses of biomethane derived from solid waste facilities.

(c) It is intent of the Legislature that the disposal reduction targets established pursuant to Section 39730.6 of the Health and Safety Code shall serve as a statewide average target and not as a minimum requirement for each jurisdiction.

SEC. 2. Section 39730.5 is added to the Health and Safety Code, to read:

39730.5. (a) No later than January 1, 2018, the state board shall approve and begin implementing the comprehensive short-lived climate pollutant strategy developed pursuant to Section 39730 to achieve a reduction in the statewide emissions of methane by 40 percent, hydrofluorocarbon gases by 40 percent, and anthropogenic black carbon by 50 percent below 2013 levels by 2030.

(b) Prior to approving the short-lived climate pollutant strategy pursuant to subdivision (a), the state board shall do all of the following:

(1) Coordinate with other state and local agencies and districts to develop measures identified as part of the strategy.

(2) Provide a forum for public engagement by holding at least three public hearings in geographically diverse locations throughout the state.

(3) Evaluate the best-available scientific, technological, and economic information to ensure that the strategy is cost effective and technologically feasible.

(4) Incorporate and prioritize, as appropriate, measures and actions that provide the following cobenefits:

(A) Job growth and local economic benefits in the state.

(B) Public health benefits.

(C) Potential for new innovation in technology, energy, and resource management practices.

(c) The state board shall publicly notice the strategy described in subdivision (a) and post a copy of that strategy on the state board's Internet Web site at least one month prior to the state board approving the strategy pursuant to subdivision (a).

SEC. 3. Section 39730.6 is added to the Health and Safety Code, to read:

39730.6. (a) Consistent with Section 39730.5, methane emissions reduction goals shall include the following targets to reduce the landfill disposal of organics:

(1) A 50-percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020.

(2) A 75-percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2025.

(b) Except as provided in this section and Section 42652.5 of the Public Resources Code, the state board shall not adopt, prior to January 1, 2025, requirements to control methane emissions associated with the disposal of organic waste in landfills other than through landfill methane emissions control regulations.

SEC. 4. Section 39730.7 is added to the Health and Safety Code, to read:

39730.7. (a) For purposes of this section, the following terms have the following meanings:

(1) "Department" means the Department of Food and Agriculture.

(2) "Commission" means the Public Utilities Commission.

(3) "Energy commission" means the State Energy Resources Conservation and Development Commission.

(4) "Strategy" means the strategy to reduce short-lived climate pollutants developed pursuant to Section 39730.

(b) (1) The state board, in consultation with the department, shall adopt regulations to reduce methane emissions from livestock manure management operations and dairy manure management operations, consistent with this section and the strategy, by up to 40 percent below the dairy sector's and livestock sector's 2013 levels by 2030.

(2) Prior to adopting regulations pursuant to paragraph (1), the state board shall do all of the following:

(A) Work with stakeholders to identify and address technical, market, regulatory, and other challenges and barriers to the development of dairy methane emissions reduction projects. The group of stakeholders shall include a broad range of stakeholders involved in the development of dairy methane reduction projects, including, but not limited to, project developers, dairy and livestock industry representatives, state and local permitting agencies, energy agency representatives, compost producers with experience composting dairy manure, environmental and conservation stakeholders, public health experts, and others with demonstrated expertise relevant to the success of dairy methane emissions reduction efforts.

(B) Provide a forum for public engagement by holding at least three public meetings in geographically diverse locations throughout the state where dairy operations and livestock operations are present.

(C) In consultation with the department, do both of the following:

(i) Conduct or consider livestock and dairy operation research on dairy methane emissions reduction projects, including, but not limited to, scrape manure management systems, solids separation systems, and enteric fermentation.

(ii) Consider developing and adopting methane emissions reduction protocols.

(3) The state board shall make available to the public by posting on its Internet Web site a report on the progress made in implementing paragraph (2). Pursuant to Section 9795 of the Government Code, the state board shall notify the Legislature of the report.

(4) Notwithstanding the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the regulations adopted pursuant to paragraph (1) shall be implemented on or after January 1, 2024, if the state board, in consultation with the department, determines all of the following:

(A) The regulations are technologically feasible.

(B) The regulations are economically feasible considering milk and live cattle prices and the commitment of state, federal, and private funding, among other things, and that markets exist for the products generated by dairy manure management and livestock manure management methane emissions reduction projects, including composting, biomethane, and other products. The analysis shall include consideration of both of the following:

(i) Electrical interconnection of onsite electrical generation facilities using biomethane.

(ii) Access to common carrier pipelines available for the injection of digester biomethane.

(C) The regulations are cost effective.

(D) The regulations include provisions to minimize and mitigate potential leakage to other states or countries, as appropriate.

(E) The regulations include an evaluation of the achievements made by incentive-based programs.

(c) No later than July 1, 2020, the state board, in consultation with the department, shall analyze the progress the dairy and livestock sector has made in achieving the goals identified in the strategy and specified in paragraph (1) of subdivision (b). The analysis shall determine if sufficient progress has been made to overcome technical and market barriers, as identified in the strategy. If the analysis determines that progress has not been made in meeting the targets due to insufficient funding or technical or market barriers, the state board, in consultation with the department and upon consultation with stakeholders, may reduce the goal in the strategy for the dairy and livestock sectors, as identified pursuant to paragraph (1).

(d) (1) (A) No later than January 1, 2018, the state board, in consultation with the commission and the energy commission, shall establish energy infrastructure development and procurement policies needed to encourage dairy biomethane projects to meet the goal identified pursuant to paragraph (1) of subdivision (b).

(B) The state board shall develop a pilot financial mechanism to reduce the economic uncertainty associated with the value of environmental credits, including credits pursuant to the Low-Carbon Fuel Standard regulations (Subarticle 7 (commencing with Section 95480) of Title 17 of the California Code of Regulations) from dairy-related projects producing low-carbon transportation fuels. The state board shall make recommendations to the Legislature for expanding this mechanism to other sources of biogas.

(2) No later than January 1, 2018, the commission, in consultation with the state board and the department, shall direct gas corporations to implement not less than five dairy biomethane pilot projects to demonstrate interconnection to the common carrier pipeline system. For the purposes of these pilot projects, gas corporations may recover in rates the reasonable cost of pipeline infrastructure developed pursuant to the pilot projects.

(e) No later than January 1, 2018, the state board shall provide guidance on credits generated pursuant to the Low-Carbon Fuel Standard regulations (Subarticle 7 (commencing with Section 95480) of Title 17 of the California Code of Regulations) and the market-based compliance mechanism developed pursuant to Part 5 (commencing with Section 38570) of Division 25.5 from the methane reduction protocols described in the strategy and shall ensure that projects developed before the implementation of regulations adopted pursuant to subdivision (b) receive credit for at least 10 years. Projects shall be eligible for an extension of credits after the first 10 years to the extent allowed by regulations adopted pursuant to the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500)).

(f) Enteric emissions reductions shall be achieved only through incentive-based mechanisms until the state board, in consultation with the

department, determines that a cost-effective, considering the impact on animal productivity, and scientifically proven method of reducing enteric emissions is available and that adoption of the enteric emissions reduction method would not damage animal health, public health, or consumer acceptance. Voluntary enteric emissions reductions may be used toward satisfying the goals of this chapter.

(g) Except as provided in this section, the state board shall not adopt methane emissions reduction regulations controlling the emissions of methane from dairy operations or livestock operations to achieve the 2020 and 2030 greenhouse gas emissions reduction goals established pursuant to the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500)).

(h) Nothing in this section shall limit the authority of the state board to acquire planning and baseline information, including requiring the monitoring and reporting of emissions.

(i) This section does not in any way affect the state board's or districts' authority to regulate emissions of criteria pollutants, toxic air contaminants, or other pollutants pursuant to other provisions of this division.

SEC. 5. Section 39730.8 is added to the Health and Safety Code, to read: 39730.8. (a) For purposes of this section, the following terms have the following meanings:

(1) "Commission" means the Public Utilities Commission.

(2) "Energy commission" means the State Energy Resources Conservation and Development Commission.

(3) "Strategy" means the strategy to reduce short-lived climate pollutants developed pursuant to Section 39730.

(b) The energy commission, in consultation with the state board and the commission, shall develop recommendations for the development and use of renewable gas, including biomethane and biogas, as a part of its 2017 Integrated Energy Policy Report prepared pursuant to Section 25302 of the Public Resources Code. In developing the recommendations, the energy commission shall identify cost-effective strategies that are consistent with existing state policies and climate change goals by considering priority end uses of renewable gas, including biomethane and biogas, and their interactions with state policies, including biomethane and all of the following:

(1) The Renewables Portfolio Standard program (Article 16 (commencing with Section 399.11) of Chapter 2.3 of Part 1 of Division 1 of the Public Utilities Code).

(2) The Low-Carbon Fuel Standard regulations (Subarticle 7 (commencing with Section 95480) of Title 17 of the California Code of Regulations).

(3) Waste diversion goals established pursuant to Division 30 (commencing with Section 40000) of the Public Resources Code.

(4) The market-based compliance mechanism developed pursuant to Part 5 (commencing with Section 38570) of Division 25.5.

(5) The strategy.

(c) Based on the recommendations developed pursuant to subdivision (b), and to meet the state’s climate change, renewable energy, low-carbon fuel, and short-lived climate pollutants goals, including black carbon, landfill diversion, and dairy methane targets identified in the strategy, state agencies shall consider and, as appropriate, adopt policies and incentives to significantly increase the sustainable production and use of renewable gas, including biomethane and biogas.

(d) Based on the recommendations developed pursuant to subdivision (b), the commission, in consultation with the energy commission and the state board, shall consider additional policies to support the development and use in the state of renewable gas, including biomethane and biogas, that reduce short-lived climate pollutants in the state.

(e) In implementing this section, priority shall be given to fuels with the greatest greenhouse gas emissions benefits, including the consideration of carbon intensity and reduction in short-lived climate pollutants, as appropriate.

SEC. 6. Chapter 13.1 (commencing with Section 42652) is added to Part 3 of Division 30 of the Public Resources Code, to read:

CHAPTER 13.1. SHORT-LIVED CLIMATE POLLUTANTS

42652. The Legislature finds and declares all of the following:

(a) The organic disposal reduction targets are essential to achieving the statewide recycling goal identified in Section 41780.01.

(b) Achieving organic waste disposal reduction targets requires significant investment to develop organics recycling capacity.

(c) More robust state and local funding mechanisms are needed to support the expansion of organics recycling capacity.

42652.5. (a) The department, in consultation with the State Air Resources Board, shall adopt regulations to achieve the organic waste reduction goals for 2020 and 2025 established in Section 39730.6 of the Health and Safety Code. The regulations shall comply with all of the following:

(1) May require local jurisdictions to impose requirements on generators or other relevant entities within their jurisdiction and may authorize local jurisdictions to impose penalties on generators for noncompliance.

(2) Shall include requirements intended to meet the goal that not less than 20 percent of edible food that is currently disposed of is recovered for human consumption by 2025.

(3) Shall not establish a numeric organic waste disposal limit for individual landfills.

(4) May include different levels of requirements for local jurisdictions and phased timelines based upon their progress in meeting the organic waste reduction goals for 2020 and 2025 established in Section 39730.6 of the Health and Safety Code. The department shall base its determination of progress on relevant factors, including, but not limited to, reviews conducted

pursuant to Section 41825, the amount of organic waste disposed compared to the 2014 level, per capita disposal rates, the review required by Section 42653, and other relevant information provided by a jurisdiction.

(5) May include penalties to be imposed by the department for noncompliance. If penalties are included, they shall not exceed the amount authorized pursuant to Section 41850.

(6) Shall take effect on or after January 1, 2022, except the imposition of penalties pursuant to paragraph (1) shall not take effect until two years after the effective date of the regulations.

(b) A local jurisdiction may charge and collect fees to recover the local jurisdiction's costs incurred in complying with the regulations adopted pursuant to this section.

42653. (a) No later than July 1, 2020, the department, in consultation with the State Air Resources Board, shall analyze the progress that the waste sector, state government, and local governments have made in achieving the organic waste reduction goals for 2020 and 2025 established in Section 39730.6 of the Health and Safety Code. The analysis shall include all of the following:

(1) The status of new organics recycling infrastructure development, including the commitment of state funding and appropriate rate increases for solid waste and recycling services to support infrastructure expansion.

(2) The progress in reducing regulatory barriers to the siting of organics recycling facilities and the timing and effectiveness of policies that will facilitate the permitting of organics recycling infrastructure.

(3) The status of markets for the products generated by organics recycling facilities, including cost-effective electrical interconnection and common carrier pipeline injection of digester biomethane and the status of markets for compost, biomethane, and other products from the recycling of organic waste.

(b) If the department determines that significant progress has not been made on the items analyzed pursuant to subdivision (a), the department may include incentives or additional requirements in the regulations described in Section 42652 to facilitate progress towards achieving the organic waste reduction goals for 2020 and 2025 established in Section 39730.6 of the Health and Safety Code. The department may, upon consultation with stakeholders, recommend to the Legislature revisions to those organic waste reduction goals.

42654. This chapter shall not limit the authority of a local jurisdiction to adopt, implement, or enforce requirements in addition to those set forth in the regulations adopted pursuant to this chapter.

SEC. 7. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.



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

Final Regulation Text

The following denotes final and approved text:

~~Strikethrough~~ = deletions of existing text

Underline = additions to existing text

1 **California Code of Regulations**

2 **Title 14, Division 7, Chapter 3**

3 **Article 6.0. Transfer/Processing Operations and Facilities Regulatory**
4 **Requirements**

5 **Section 17402. Definitions.**

6 (a) For the purposes of these articles:

7 (0.5) "Consolidation Sites" means facilities or operations that receive solid waste for
8 the purpose of storing the waste prior to transfer directly from one container to
9 another or from one vehicle to another for transport and which do not conduct
10 processing activities. Consolidation activities include, but are not limited to, limited
11 volume transfer operations, sealed container transfer operations, and direct transfer
12 facilities.

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

15 (1.5) "Contamination" or "Contaminants" has the same meaning as "prohibited
16 container contaminants" as defined in Section 18982(a)(55).

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

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

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

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

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

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

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

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

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

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

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

1 (6) "Emergency Transfer/Processing Operation" means an operation that is
2 established because there has been a proclamation of a state of emergency or local
3 emergency, as provided in Title 14, Division 7, Chapter 3, Article 3, sections 17210.1

4 (j) and (k) and which meets all of the following requirements:

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

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

8 (C) if the operation accepts, processes, or stores hazardous or household
9 hazardous waste, then these activities must be in compliance with DTSC
10 standards or standards of other appropriate authorities or agencies.

11 (6.5) "Gray Container Waste" or "Gray Container Collection Stream" means solid
12 waste that is collected in a gray container that is part of a three-container organic
13 waste collection service that prohibits the placement of organic waste in the gray
14 container as specified in Section 18984.1(a) and (b).

15 (7) "Hazardous Wastes" means any waste which meets the definitions set forth in
16 Title 22, Section 66261.3, et seq. and is required to be managed.

17 (7.5) "Incompatible Material" or "Incompatibles," means human-made inert material,
18 including, but not limited to, glass, metal, plastic, and also includes organic waste for
19 which the receiving end-user, facility, operation, property, or activity is not designed,
20 permitted, or authorized to perform organic waste recovery activities as defined in
21 Section 18983.1(b) of Article 2, Chapter 12.

22 (8) "Large Volume Transfer/Processing Facility" means a facility that receives 100
23 tons or more of solid waste per operating day for the purpose of storing, handling or
24 processing the waste prior to transferring the waste to another solid waste operation
25 or facility.

26 (A) In determining the tonnage of solid waste received by the facility, the following
27 materials shall not be included: materials received by a recycling center located
28 within the facility, and by beverage container recycling programs in accordance
29 with Public Resources Code sections 14511.7, 14518, or 14520, if the recycling
30 activities are separated from the solid waste handling activities by a defined
31 physical barrier or where the activities are otherwise separated in a manner
32 approved by the EA.

33 (B) If the facility does not weigh the solid waste received, then the tonnage shall
34 be determined by using a volumetric conversion factor where one cubic yard is
35 equal to 500 pounds. The EA shall approve an alternate conversion factor if the
36 operator demonstrates that it is more accurate than the required conversion factor.

37 (9) "Limited Volume Transfer Operation" means an operation that receives less than
38 60 cubic yards, or 15 tons of solid waste per operating day for the purpose of storing
39 the waste prior to transferring the waste to another solid waste operation or facility
40 and which does not conduct processing activities, but may conduct limited salvaging
41 activities and volume reduction by the operator.

42 (A) In determining the tonnage of solid waste received by the operation, the
43 following materials shall not be included: materials received by a recycling center
44 located within the operation, and by beverage container recycling programs in
45 accordance with Public Resources Code sections 14511.7, 14518, or 14520, if the
46 recycling activities are separated from the solid waste handling activities by a

1 defined physical barrier or where the activities are otherwise separated in a
2 manner approved by the EA.

3 (B) If the operation does not weigh the solid waste received, then the tonnage
4 shall be determined by using a volumetric conversion factor where one cubic yard
5 is equal to 500 pounds. The EA shall approve an alternate conversion factor if the
6 operator demonstrates that it is more accurate than the required conversion factor.

7 (10) "Litter" means all solid waste which has been improperly discarded or which has
8 migrated by wind or equipment away from the operations area. Litter includes, but is
9 not limited to, convenience food, beverage, and other product packages or
10 containers constructed of steel, aluminum, glass, paper, plastic, and other natural
11 and synthetic materials, thrown or deposited on the lands and waters of the state.

12 (11) "Medium Volume Transfer/Processing Facility" means a facility that receives
13 equal to or more than 60 cubic yards or 15 tons (whichever is greater) of solid waste
14 per operating day but less than 100 tons of solid waste, for the purpose of storing or
15 handling the waste prior to transferring the waste to another solid waste operation or
16 facility; or a facility that receives any amount of solid waste, up to 100 tons per
17 operating day, for the purpose of processing solid waste prior to transferring the
18 waste to another solid waste operation or facility.

19 (A) In determining the tonnage of solid waste received by the facility, the following
20 materials shall not be included: materials received by a recycling center located
21 within the facility, and by beverage container recycling programs in accordance
22 with Public Resources Code sections 14511.7, 14518, or 14520, if the recycling
23 activities are separated from the solid waste handling activities by a defined
24 physical barrier or where the activities are otherwise separated in a manner
25 approved by the EA.

26 (B) If the facility does not weigh the solid waste received, then the tonnage shall
27 be determined by using a volumetric conversion factor where one cubic yard is
28 equal to 500 pounds. The EA shall approve an alternate conversion factor if the
29 operator demonstrates that it is more accurate than the required conversion factor.

30 (11.5) "Mixed Waste Organic Collection Stream" means organic waste collected in a
31 container that is required by Section 18984.1, 18984.2, or 18984.3 to be transported
32 to a high diversion organic waste processing facility.

33 (12) "Nuisance" includes anything which:

34 (A) is injurious to human health or is indecent or offensive to the senses and
35 interferes with the comfortable enjoyment of life or property, and

36 (B) affects at the same time an entire community, neighborhood or any
37 considerable number of persons. The extent of annoyance or damage inflicted
38 upon an individual may be unequal.

39 (13) "On-site" means located within the boundary of the operation or facility.

40 (14) "Open burning" means the combustion of solid waste without:

41 (A) control of combustion air to maintain adequate temperature for efficient
42 combustion,

43 (B) containment of the combustion reaction in an enclosed device to provide
44 sufficient residence time and mixing for complete combustion, and

45 (C) control of the emission of the combustion products.

- 1 (15) "Operating day" means the hours of operation as set forth in the application,
2 Enforcement Agency Notification and/or permit not exceeding 24 hours.
- 3 (16) "Operating Record" means an easily accessible collection of records of an
4 operation's or facility's activities and compliance with required state minimum
5 standards under Title 14. The Record may include the Facility Plan or
6 Transfer/Processing Report for facilities, and shall contain but is not limited to
7 containing: agency approvals, tonnage and loadchecking records, facility contacts
8 and training history. The record may be reviewed by state and local authorities and
9 shall be available during normal business hours. If records are too voluminous to
10 place in the main operating record or if the integrity of the records could be
11 compromised by on-site storage, such as exposure to weather, they may be
12 maintained at an alternative site, as long as that site is easily accessible to the EA.
- 13 (17) "Operations Area" means:
14 (A) the following areas within the boundary of an operation or facility as described
15 in the permit application or Enforcement Agency Notification:
16 (i) equipment management area, including cleaning, maintenance, and storage
17 areas; and
18 (ii) material and/or solid waste management area, including unloading,
19 handling, transfer, processing, and storage areas.
20 (B) the boundary of the operations area is the same as the permitted boundary but
21 may or may not be the same as the property boundary.
- 22 (18) "Operator" means the owner, or other person who through a lease, franchise
23 agreement or other arrangement with the owner, that is listed in the permit
24 application or Enforcement Agency Notification, is legally responsible for all of the
25 following:
26 (A) complying with regulatory requirements set forth in these Articles;
27 (B) complying with all applicable federal, state and local requirements;
28 (C) the design, construction, and physical operation of the operations area;
29 (D) controlling the activities at an operation or facility as listed on the permit
30 application or Enforcement Agency Notification.
- 31 (18.4) "Organic Waste Recovery Activities," or "Recovery" has the same meaning as
32 defined in Section 18982(a)(49).
- 33 (18.5) "Organic Waste" has the same meaning as in Section 18982(a)(46).
- 34 (19) "Owner" means the person or persons who own, in whole or in part, an operation
35 or facility, and/or the land on which it is located.
- 36 (20) "Processing" means the controlled separation, recovery, volume reduction,
37 conversion, or recycling of solid waste including, but not limited to, organized,
38 manual, automated, or mechanical sorting, the use of vehicles for spreading of waste
39 for the purpose of recovery, and/or includes the use of conveyor belts, sorting lines or
40 volume reduction equipment. Recycling Center is more specifically defined in section
41 17402.5 (d) of this Article.
- 42 (21) "Putrescible Wastes" include wastes that are capable of being decomposed by
43 micro-organisms with sufficient rapidity as to cause nuisances because of odors,
44 vectors, gases or other offensive conditions, and include materials such as, but not
45 limited to food wastes, offal and dead animals. The EA shall determine on a case-by-
46 case basis whether or not a site is handling putrescible wastes.

1 (22) "Regulated Hazardous Waste" means a hazardous waste, as defined in section
2 66260.10 of Division 4.5 of Title 22.

3 (23) "RWQCB" means the Regional Water Quality Control Board.

4 (23.5) "Remnant Organic Material" means the organic waste that is collected in a
5 gray container that is part of the gray container collection stream.

6 (23.6) "Reporting Period" has the same meaning as defined in Section 18815.2
7 (a)(49).

8 (24) "Salvaging" means the controlled separation of solid waste material which do not
9 require further processing, for reuse or recycling prior to transfer activities.

10 (25) "Scavenging" means the uncontrolled and/or unauthorized removal of solid
11 waste materials.

12 (26) "Sealed Container Transfer Operation" means a transfer operation that meets
13 the following requirements:

14 (A) handles only solid waste that has previously been placed within containers that
15 have either a latched, hard top or other impermeable cover which is closed tightly
16 enough to:

17 (1) prevent liquid from infiltrating into or leaking out of the container; and

18 (2) prevent the propagation and migration of vectors; and,

19 (i) the solid waste remains within the unopened containers at all times while
20 on-site; and,

21 (ii) the containers are not stored on-site for more than 96 hours.

22 Sealed container transfer operations do not include operations excluded by
23 Public Resources Code section 40200(b)(3).

24 (26.5) "Secondary Material Processing Facility" or "Operation" means an activity
25 whose primary purpose is to receive and process source separated, or separated for
26 reuse, materials from a permitted transfer/processing facility or a transfer/processing
27 operation governed by an enforcement agency notification, and that does not meet
28 the residual percentage or putrescible waste percentage as set forth in section
29 17402.5(d). Materials include, but are not limited to, glass, plastics, paper, and
30 cardboard.

31 (A) Secondary Material Processing Operations are those activities that:

32 1. Are governed by the Enforcement Agency Notification tier requirements as
33 specified in section 17403.3.2; and,

34 2. Receive an amount of residual material that is less than 40% by weight as
35 calculated on a monthly basis. Operations that do not meet this residual
36 requirement shall comply with the Registration Permit tier requirements
37 specified in 17403.3.3.

38 (B) Secondary Material Processing Facilities are those activities that:

39 1. Are governed by the Registration Permit tier requirements as specified in
40 section 17403.3.3; and,

41 2. Do not meet the 40% residual material requirement as specified in subdivision

42 (A).

43 (26.6) "Source Separated Organic Waste" or "Source Separated Organic Waste
44 Collection Stream" means organic waste that is collected in a green container as
45 specified in Sections 18984.1(a)(1) and 18984.2(a)(1), "source separated blue
46 container organic waste," as defined in this Subsection (a)(26.7), organic waste

1 collected in an additional container as specified in Section 18984.1(a)(6), and organic
2 waste collected in an “uncontainerized green waste and yard waste collection
3 service,” as defined in Section 18982.

4 (26.7) “Source Separated Blue Container Organic Waste” means the organic wastes
5 collected in a blue container that is limited to the collection of those organic wastes
6 and non-organic recyclables as defined in Section 18982(a)(43).

7 (27) "Special Waste" includes but is not limited to:

8 (A) waste requiring special collection, treatment, handling, storage, or transfer
9 techniques as defined in Title 22, section 66260.10.

10 (B) waste tires and appliances requiring CFC removal.

11 (28) "Spotter" means an employee who conducts activities that include, but are not
12 limited to, traffic control, hazardous waste recognition and removal for proper
13 handling, storage and transport or disposal, and protection of the public from health
14 and/or safety hazards.

15 (29) "Store" means to stockpile or accumulate for later use.

16 (30) "Transfer/Processing Facility" or "Facility" includes:

17 (A) those activities governed by the Registration Permit tier or Full Solid Waste
18 Facility Permit requirements (as specified in sections 17403.6 and 17403.7); and,

19 (B) which:

20 1.receive, handle, separate, convert or otherwise process materials in solid
21 waste; and/or

22 2.transfer solid waste directly from one container to another or from one vehicle
23 to another for transport; and/or

24 3.store solid waste;

25 (C) The receipt of separated for reuse material pursuant to Public Resources
26 Code, Division 12.1, Chapter 2, sections 14511.7, 14518, or 14520, located within
27 a solid waste facility does not constitute solid waste handling, or processing, if
28 there is a defined physical barrier to separate recycling activities defined in Public
29 Resources Code, Division 12.1, Chapter 2, sections 14511.7, 14518, or 14520,
30 from the solid waste activities, or where the recycling and solid waste activities are
31 considered by the EA as separate operations.

32 (D) "Transfer/Processing Facilities" do not include activities specifically defined in
33 section 17402.5(c) of this Article, and operations and facilities that are subject to
34 regulations in Chapter 3.1 (commencing with section 17850).

35 (31) "Transfer/Processing Operation" or "Operation" includes:

36 (A) those activities governed by the EA Notification tier requirements; and,

37 (B) which:

38 1.receive, handle, separate, convert or otherwise process materials in solid
39 waste; and/or

40 2.transfer solid waste directly from one container to another or from one vehicle
41 to another for transport; and/or

42 3.store solid waste;

43 (C) The receipt of separated for reuse material pursuant to Public Resources
44 Code, Division 12.1, Chapter 2, sections 14511.7, 14518, or 14520, located within
45 a solid waste operation does not constitute solid waste handling, or processing, if
46 there is a defined physical barrier to separate recycling activities defined in Public

1 Resources Code, Division 12.1, Chapter 2, sections 14511.7, 14518, or 14520,
2 from the solid waste activities, or where the recycling and solid waste activities are
3 considered by the EA as separate operations.

4 (D) "Transfer/Processing Operations" do not include activities specifically defined
5 in section 17402.5(c) of this Article, and operations and facilities that are subject to
6 regulations in Chapter 3.1 (commencing with section 17850).

7 (32) "Volume Reduction" means techniques such as: compaction, shredding, and
8 baling.

9 (33) "Waste Hauling Yard Operation" is an operation that meets the following
10 requirements:

11 (A) is located on the premises of a duly licensed solid waste hauling operator, who
12 receives, stores, or transfers waste as an activity incidental to the conduct of a
13 refuse collection and disposal business, and;

14 (B) handles only solid waste that has been placed within a covered container
15 before the container arrives at the waste hauling yard, and;

16 (C) no more than 90 cubic yards of waste is stored on-site in covered containers at
17 any time, and;

18 (D) the solid waste remains within the original covered containers while on-site at
19 any times, and;

20 (E) the covered containers are not stored on-site for more than any 72 hour period;

21 (F) if the EA has information that the operation does not meet these requirements,
22 the burden of proof shall be on the owner or operator to demonstrate that the
23 requirements are being met.

24 Note:

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

26 Reference: Sections 40053, 42652.5, 43020 and 43021, Public Resources Code and
27 Section 39730.6, Health and Safety Code.

28 **Section 17402.5. Definitions and Related Provisions Regarding Activities That Are** 29 **Not Subject to the Transfer/Processing Regulatory Requirements.**

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

32 (1) Activities that are not in compliance with the applicable definitions and related
33 provisions of this section shall be subject to the requirements of Articles 6.0, 6.1, 6.2,
34 6.3 and 6.35 of this Chapter.

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

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

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

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

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

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

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

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

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

29 (3) "Buy Back Center" means a person or business entity engaging in those activities
30 defined in Public Resources Code Sections 14518, or 14520.

31 (4) "Drop-off Center" means a person or business entity engaging in those activities
32 defined in Public Resources Code Section 14511.7.

33 (5) "Manufacturer" means a person or business entity that uses new or separated for
34 reuse materials as a raw material in making a finished product that is distinct from
35 those raw materials.

36 (6) "Regional ~~Produce~~ Organic Distribution Center" means a distribution center that
37 receives unsold food produce, including packaged food produce (sometimes referred
38 to as "pre-consumer") back from stores to which it was originally sent by that
39 distribution center the produce, and which remains the property of the distribution
40 center or stores, for the purpose of data collection, ~~depackaging,~~ and transferring this
41 produce and other food to a ~~compost~~compostable material handling operation or
42 facility, in-vessel digestion operation or facility, or to a ~~another~~ beneficial use. ~~A~~
43 ~~regional produce distribution center would not include a site where produce is~~
44 ~~processed.~~

45 (7) "Rendering Activities" means an activity that is a licensed animal food
46 manufacturing activity, or a rendering activity which is authorized by the California

1 Department of Food and Agriculture pursuant to Section 19300 of the Food and
2 Agricultural Code, and in which no solid waste feedstock bypasses the manufacturing
3 or rendering process. ~~"Rendering Plant" means a person or business entity where~~
4 ~~dead animals or any part or portion thereof, vegetable oils, or packing house refuse,~~
5 ~~are processed for the purpose of obtaining the hide, skin, grease residue, or any~~
6 ~~other byproduct whatsoever~~

7 (8) "Reuse Salvage Operation" means a person or business entity which sterilizes,
8 dismantles, rebuilds, or renovates, nonputrescible separated-for-reuse materials, and
9 that recovers for recycling or reuse distinct material types that have not been
10 commingled with other materials before they enter the waste stream. Examples of
11 this activity include, but are not limited to, wire choppers, and dismantlers of furniture
12 and mattresses, and "brown goods" such as computer equipment, VCRs, and
13 televisions.

14 (9) "Scrap Metal Recyclers and Dealers" means a person or business entity including
15 all employees of the person or business entity, (except automotive recyclers and auto
16 shredders as defined in this section), whose primary business is the purchasing;
17 processing by shredding, shearing, baling, and torching; trading, bartering or
18 otherwise receiving secondhand or castoff metal material which includes ferrous
19 metals, nonferrous metals, aluminum scrap, auto bodies, major appliances and other
20 metals, including containers that are regulated pursuant to Public Resources Code
21 Section 14511.7, 14518 or 14520.

22 (10) "Wire Chopper" means a person or business entity which uses source separated
23 metal components or wire for the purpose of recycling or reuse.

24 (11) "Wood, Paper or Wood Product Manufacturer" means a person or business
25 entity that uses separated for reuse paper or woody materials in order to produce a
26 finished product able to be used as is, or to manufacture another product such as,
27 boxes or boards, without further processing.

28 (d) A "Recycling Center" means a person or business entity that meets the
29 requirements of this subdivision. A recycling center shall not be subject to the
30 requirements of Articles 6.0, 6.1, 6.2, 6.3 and 6.35 of this Chapter.

31 (1) A recycling center shall only receive material that has been separated for reuse
32 prior to receipt.

33 (2) The residual amount of solid waste in the separated for reuse material shall be
34 less than 10% of the amount of separated for reuse material received by weight.

35 (A) The residual amount is calculated by measuring the outgoing tonnage after
36 separated for reuse materials have been removed.

37 (B) The residual amount is calculated on a monthly basis based on the number of
38 operating days.

39 (3) The amount of putrescible wastes in the separated for reuse material shall be less
40 than 1% of the amount of separated for reuse material received by weight, and the
41 putrescible wastes in the separated for reuse material shall not cause a nuisance, as
42 determined by the EA.

43 (A) The amount of putrescible wastes is calculated in percent as the weight of
44 putrescible wastes divided by the total incoming weight of separated for reuse
45 material.

- 1 (B) The amount of putrescible wastes is calculated on a monthly basis based on
2 the number of operating days.
- 3 (4) The only separation that may occur at the recycling center is the sorting of
4 materials that have been separated for reuse prior to receipt.
- 5 (5) The recycling center may include an adjustment in the calculation to include the
6 weight of water in the residual, when the use of water is essential to the sorting or
7 processing of the material, provided that such an adjustment is also made in the
8 weight of materials received for processing.
- 9 (6) The following materials shall not be included in calculating residual as set forth in
10 subdivision (d)(2) of this section, if the recycling activities are separated from the
11 material handling activities noted below by a defined physical barrier or where the
12 activities are otherwise separated in a manner that the EA determines will keep the
13 materials from being commingled:
- 14 (A) materials received at an on-site Buy Back Center;
 - 15 (B) materials received at an on-site Drop-off Center;
 - 16 (C) cannery waste;
 - 17 (D) construction and demolition materials;
 - 18 (E) nonhazardous contaminated soil;
 - 19 (F) grease-trap pumpings;
 - 20 (G) nonhazardous asbestos;
 - 21 (H) nonhazardous ash;
 - 22 (I) compost and compost feedstock;
 - 23 (J) sewage sludge;
 - 24 (K) tires.
- 25 (7) If the EA has information that material that is being received is not separated for
26 reuse or source separated, that the residual is 10% or more of the total per month, or
27 that the amount of putrescible wastes is 1% or more of the total per month, the
28 burden of proof shall be on the owner or operator to demonstrate otherwise.
- 29 (A) A business that accepts loads of material that are not separated for reuse or
30 source separated does not qualify as a recycling center.
 - 31 (B) If the EA has reason to believe that a business is accepting material that is not
32 separated for reuse or source separated due to averaging or combining of those
33 loads with other loads of separated for reuse material, the burden of proof will be
34 on the business to demonstrate that it is not accepting loads of mixed solid waste.
 - 35 (C) If the EA has reason to believe that a business is accepting material that is not
36 separated for reuse or source separated due to the separation of portions of the
37 material at consecutive sites, each of which removes less than 10% residual, the
38 burden of proof will be on the business to demonstrate that it is not accepting
39 loads of mixed solid waste.
 - 40 (D) If the EA determines that a business has exhibited a pattern and practice of
41 failing to comply with the provisions of this subsection, the EA may issue a Notice
42 and Order requiring the business to obtain a Registration Permit or Full Permit or
43 comply with the Enforcement Agency Notification requirements as made
44 applicable in sections 17403 through 17403.7 of this Article.
 - 45 (E) At the time that the EA requires a recycling center to provide evidence that it is
46 in compliance with this subdivision, the EA shall provide the recycling center with a

1 written description of the information that has caused the EA to believe that the
2 recycling center is not in compliance. Nothing in this requirement is intended to
3 require the EA to identify the name or other identifying information regarding any
4 individual(s) who have complained about the recycling center.

5 (F) Nothing in this section precludes the enforcement agency or the ~~board~~
6 Department from the following: inspecting a business to verify that it is conducted
7 in a manner that meets the provisions of this subsection; or, from taking any
8 appropriate enforcement action, including the use of a Notice and Order as
9 provided in Section 18304.

10 (8) Operations which do not meet the 10% residual percentage in subdivision (d)(2)
11 of this section but which qualify as a Limited Volume Transfer Operation, shall
12 comply with the requirements of section 17403.3 within one month of March 5, 1999.

13 (9) recycling center operators may voluntarily report their residual percentage to the
14 EA and the ~~CIWMB~~ Department using form CIWMB 607 (located in Appendix A).

15 (10) If the EA determines that a person or business entity purporting to operate a
16 recycling center is not in compliance with this subsection and issues an enforcement
17 order, that person or business entity may appeal that order in accordance with Public
18 Resources Code section 44307.

19 (e) If a Chipping and Grinding Operation or Facility, as defined in section 17852(a)(10)
20 of this Division, handles material that fails to meet the definition of green material due to
21 contamination as set forth in section 17852(a)(21) of this Division, the operation or
22 facility shall not be considered to be a recycling center as set forth in subsections (c) or
23 (d) of section 17402.5

24 Note:

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

26 Reference: Sections 40053, 42652.5, 43020 and 43021, Public Resources Code and
27 Section 39730.6, Health and Safety Code.

28 **Section 17403.0. Regulatory Tiers Requirements for Transfer/Processing** 29 **Operations and Facilities.**

30 Sections 17403.1 through 17403.7 set forth the regulatory tier requirements (Title 14,
31 Division 7, Chapter 5.0, Article 3.0, commencing with section 18100 or Title 27, Division
32 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2, 3 and 3.1 of the California Code of
33 Regulations (commencing with section 21570) that apply to specified types of
34 transfer/processing operations and facilities. These requirements are summarized in
35 Table 1.

36 Note:

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

38 Reference: Sections 40053, 42652.5, 43020 and 43021, Public Resources Code and
39 Section 39730.6, Health and Safety Code.

1 **Table 1. Transfer/Processing Operations and Facilities Placement into the**
 2 **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) | Locations where <15 cubic yards of combined container volume is handled for recycling. Section 17403.1(a)(2) | Secondary Material Processing Operations Section 17403.3.2 | Direct Transfer Facility Section 17403.4 | |
| Buy Back Centers Section 17402.5(c)(3) | Storage receptacle at the place of generation for waste from multi-residential buildings or for commercial solid wastes. Section 17403.1(a)(3) | Sealed Container Transfer Operations Section 17403.2 | Secondary Material Processing Facility Section 17403.3.3 | |
| Drop-off Centers Section 17402.5(c)(4) | Containers used to store construction or demolition wastes at the place | Limited Volume Transfer Operations Section 17403.3 | | |

| 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 |
|---|--|--------------------------------------|--------------------------|----------------------------------|
| | of generation. Section 17403(a)(4) | | | |
| Manufacturers Section 17402.5(c)(5) | Containers used to store salvaged materials. Section 17403.1(a)(5) | | | |
| Recycling Centers Section 17402.5(d) | Waste Hauling Yard Operations. Section 17403.1(a)(6) | | | |
| <u>Regional Organic Distribution Centers</u> Section 17402.5(c)(6) | Storage of Other Wastes. Section 17403(1)(a)(7) | | | |
| Rendering Plants Activities Section 17402.5(c)(67) | | | | |
| Reuse Salvage Operations (includes furniture and mattress dismantlers and demanufacturers) Section 17402.5(c)(78) | | | | |
| 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)(1011) | | | | |

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

2 **Article 6.2 Operating Standards.**

3 **Section 17409.5. Loadchecking—Prohibited Wastes.**

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

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

14 Note:

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

16 Reference: Sections 40053, 42652.5, 43020, and 43021, Public Resources Code and
17 Section 39730.6, Health and Safety Code.

18 **Section 17409.5.1. Organic Waste Recovery Efficiency.**

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

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

27 (c) The operator shall:

28 (1) Determine the sum of outgoing weights of organic waste recovered from the
29 mixed waste organic collection stream by adding together the weights determined
30 pursuant to Section 17409.5.2(b)(6) for each operating day that measurements were
31 conducted during the reporting period.

32 (2) Determine the sum of outgoing weights of organic waste removed from the mixed
33 waste organic collection stream for landfill disposal by adding together the weights as
34 measured pursuant to Section 17409.5.3(b)(5) for each operating day that
35 measurements were conducted during the reporting period.

36 (3) Report the sums of Subdivisions (c)(1) and (c)(2) to the Department pursuant to
37 Section 18815.5.

38 (d) The operator shall additionally:

39 (1) Determine the sum of outgoing weights of organic waste recovered from the
40 source separated organic waste collection stream by adding together the weights
41 determined pursuant to Section 17409.5.4(b)(6) for each operating day that
42 measurements were conducted during the reporting period.

1 (2) Determine the sum of outgoing weights of organic waste removed from the source
2 separated organic waste collection stream that is sent for landfill disposal by adding
3 together the weights as measured pursuant to Section 17409.5.5(b)(5) for each
4 operating day that measurements were conducted during the reporting period.

5 (3) Report the sums of Subdivisions (d)(1) and (d)(2) to the Department pursuant to
6 Section 18815.5.

7 (e) The operator shall maintain records demonstrating compliance with this section in a
8 manner approved by the EA and as described in Section 17414.2(a).

9 Note:

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

11 Reference: Sections 40053, 42652.5, 43020 and 43021, Public Resources Code and
12 Section 39730.6, Health and Safety Code.

13 **Section 17409.5.2. Measuring Organic Waste Recovered from Mixed Waste**
14 **Organic Collection Stream.**

15 (a) The operator of an attended operation or facility that accepts a mixed waste organic
16 collection stream shall measure the amount by weight of organic waste separated from
17 the mixed waste organic collection stream after processing for end-use, recovery or
18 further processing.

19 (1) The measurements required pursuant to this section shall be conducted at the
20 following frequency:

21 (A) For each reporting period, the operator shall perform the sampling protocol
22 required in Subdivision (b) over ten (10) consecutive operating days.

23 (B) An operator may use the results of samples conducted over a period of more
24 than 10 days if the following apply:

25 1. If less than 10 additional days are sampled in the reporting period, the
26 additional operating days where sampling is performed shall be a
27 consecutive continuation of the original 10 consecutive days of sampling.

28 2. If 10 additional operating days or more are selected for sampling, the
29 additional operating days shall be conducted on consecutive days but may be
30 performed during a different part of the reporting period and are not required to
31 be a continuation of the original 10 operating days.

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

33 (1) On each sampling day take one sample of at least two hundred (200) pounds
34 from each organic waste type separated after processing at the operation or facility
35 on that operating day prior to sending to a destination for end-use, recovery, or
36 further processing. Each sample shall be:

37 (A) Representative of a typical operating day; and

38 (B) A random, composite sample taken either from various times during the
39 operating day or from various locations within each pile of each of the organic
40 waste types separated after processing.

41 (2) Record the weight of each sample from each organic waste type. If the total
42 weight of a single organic waste type processed in a single operating day is less than
43 200 pounds, the operator shall sample all of that organic waste type that is separated
44 after processing for end-use, recovery or further processing.

- 1 (3) For each sample, remove any incompatible material and determine the remaining
2 weight of organic waste in that sample.
3 (4) Then determine a ratio for each type of organic waste in the mixed waste organic
4 collection stream by dividing the total weight from Subdivision (b)(3) by the total
5 weight recorded in Subdivision (b)(2).
6 (5) Multiply the ratio determined for each type of organic waste type pursuant to
7 Subdivision (b)(4) by the total weight of all of the same type of organic waste
8 separated after processing and destined for end-use, recovery or further processing
9 (6) Determine the total weight of organic waste separated from the mixed waste
10 organic collection stream for recovery by adding the sum of all the weights calculated
11 pursuant to Subdivision (b)(5).
12 (c) The operator shall conduct a measurement in the presence of the EA when
13 requested.
14 (d) If it is determined by the EA that the measurements do not accurately reflect the
15 records, the EA may require the operator to increase the frequency of measurements,
16 revise the measurement protocol, or both to improve accuracy.
17 (e) If the operator sends any material to a POTW that is not authorized to receive,
18 pursuant to Section 17896.6(a)(1)(C) or (D), that material shall be deemed to constitute
19 landfill disposal pursuant to Section 18983.1(a)(3), and the weight of that material shall
20 be added to the total weight calculated pursuant to Section 17409.5.3.

21 Note:

22 Authority cited: Sections 40502, 43020, and 43021, Public Resources Code.
23 Reference: Sections 40053, 42652.5, 43020 and 43021, Public Resources Code and
24 Section 39730.6, Health and Safety Code.

25 **Section 17409.5.3. Measuring Organic Waste in Material Removed from Mixed**
26 **Waste Organic Collection Stream for Disposal.**

27 (a) The operator of an attended operation or facility that accepts a mixed waste organic
28 collection stream shall measure the amount by weight of organic waste present in the
29 material removed from the mixed waste organic collection stream after processing that
30 is sent to disposal.

31 (1) The measurements required pursuant to this section shall be conducted at the
32 following frequency:

33 (A) For each reporting period, the operator shall perform the sampling protocol
34 required in Subdivision (b) over ten (10) consecutive operating days.

35 (B) An operator may use the results of samples conducted over a period of more
36 than 10 days if the following apply:

37 1. If less than 10 additional days are sampled in the reporting period, the
38 additional operating days where sampling is performed shall be a consecutive
39 continuation of the original 10 consecutive days of sampling.

40 2. If 10 additional operating days or more are selected for sampling, the
41 additional operating days shall be conducted on consecutive days but may be
42 performed during a different part of the reporting period and are not required to
43 be a continuation of the original 10 operating days.

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

1 (1) On each sampling day, take one sample of at least two hundred (200) pounds of
2 the material removed from mixed waste organic collection stream at the operation or
3 facility on that operating day prior to sending to disposal. Each sample shall be:

4 (A) Representative of a typical operating day; and

5 (B) A random, composite sample taken either from various times during the
6 operating day or from various locations within the pile(s) of material that will be
7 sent to disposal.

8 (2) Record the total weight of the sample. If the total weight of the materials removed
9 from the mixed waste organic collection stream in a single operating day is less than
10 200 pounds, the operator shall sample the stream that will be sent to disposal.

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

13 (4) Then determine the ratio of organic waste present in the materials removed from
14 the mixed waste organic collection stream for disposal by dividing the total weight
15 from Subdivision (b)(3) by the total weight recorded in Subdivision (b)(2).

16 (5) Determine the total weight of organic waste removed from the mixed organic
17 collection stream that is sent to disposal by multiplying the ratio determined pursuant
18 to Subdivision (b)(4) by the total weight of the materials removed from the mixed
19 waste organic collection stream for disposal.

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

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

25 (e) The operator shall maintain records of measurements and the training of personnel in
26 evaluating the amount of organic waste in the material removed from mixed waste
27 organic collection stream for disposal.

28 (f) For the purposes of this section “disposal” has the same meaning as “Activities that
29 constitute landfill disposal” as defined in Section 18982.

30 Note:

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

32 Reference: Sections 40053, 42652.5, 43020 and 43021, Public Resources Code and
33 Section 39730.6, Health and Safety Code.

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

36 (a) The operator of an attended operation or facility that accepts source separated
37 organic waste shall measure the amount by weight of organic waste separated from the
38 source separated organic waste collection stream after processing for end-use,
39 recovery or further processing.

40 (1) The measurements required pursuant to this section shall be conducted at the
41 following frequency:

42 (A) For each reporting period, the operator shall perform the sampling protocol
43 required in Subdivision (b) over ten (10) consecutive operating days.

1 (B) An operator may use the results of samples conducted over a period of more
2 than 10 days if the following apply:

3 1. If less than 10 additional days are sampled in the reporting period, the
4 additional operating days where sampling is performed shall be a consecutive
5 continuation of the original 10 consecutive days of sampling.

6 2. If 10 additional operating days or more are selected for sampling, the
7 additional operating days shall be conducted on consecutive days but may be
8 performed during a different part of the reporting period and are not required to
9 be a continuation of the original 10 operating days.

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

11 (1) On each sampling day take one sample of at least two hundred (200) pounds
12 from each organic waste type separated after processing at the operation or facility
13 on that operating day prior to sending to a destination for end-use, recovery, or
14 further processing. Each sample shall be:

15 (A) Representative of a typical operating day; and

16 (B) A random, composite sample taken either from various times during the
17 operating day or from various locations within each pile of each of the organic
18 waste types separated after processing.

19 (2) Record the weight of each sample from each organic waste type. If the total
20 weight of a single organic waste type processed in a single operating day is less than
21 200 pounds, the operator shall sample all of that organic waste type that is separated
22 after processing for end-use, recovery or further processing.

23 (3) For each sample, remove any incompatible material and determine the remaining
24 weight of organic waste in that sample.

25 (4) Then determine a ratio for each type of organic waste in the source separated
26 organic waste collection stream by dividing the total weight from Subdivision (b)(3) by
27 the total weight recorded in Subdivision (b)(2).

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

31 (6) Determine the total weight of organic waste separated from the source separated
32 organic waste collection stream for recovery by adding the sum of all the weights
33 calculated pursuant to Subdivision (b)(5).

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

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

39 (e) If the operator sends any material to a POTW that is not authorized to receive,
40 pursuant to Section 17896.6(a)(1)(C) or (D), that material shall be deemed to constitute
41 landfill disposal pursuant to Section 18983.1(a)(3), and the weight of that material shall
42 be added to the total weight calculated pursuant to Section 17409.5.5.

43 Note:

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

1 Reference: Sections 40053, 42652.5, 43020 and 43021, Public Resources Code and
2 Section 39730.6, Health and Safety Code.

3 **Section 17409.5.5. Measuring Organic Waste in Materials Removed from Source**
4 **Separated Organic Waste Collection Stream For Disposal.**

5 (a) The operator of an attended operation or facility that accepts a source separated
6 organic waste shall measure the amount of organic waste by weight present in the
7 materials removed from the source separated organic waste collection stream after
8 processing that is sent to disposal.

9 (1) The measurements required pursuant to this section shall be conducted at the
10 following frequency:

11 (A) For each reporting period, the operator shall perform the sampling protocol
12 required in Subdivision (b) over ten (10) consecutive operating days.

13 (B) An operator may use the results of samples conducted over a period of more
14 than 10 days if the following apply:

15 1. If less than 10 additional days are sampled in the reporting period, the
16 additional operating days where sampling is performed shall be a consecutive
17 continuation of the original 10 consecutive days of sampling.

18 2. If 10 additional operating days or more are selected for sampling, the
19 additional operating days shall be conducted on consecutive days but may be
20 performed during a different part of the reporting period and are not required to
21 be a continuation of the original 10 operating days.

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

23 (1) On each sampling day take one sample of at least two hundred (200) pounds of
24 the materials removed from source separated organic waste collection stream at the
25 operation or facility on that operating day prior to sending to disposal. Each sample
26 shall be:

27 (A) Representative of a typical operating day; and

28 (B) A random, composite sample taken either from various times during the
29 operating day or from various locations within the pile(s) of material that will be
30 sent to disposal.

31 (2) Record the total weight of the sample. If the total weight of the materials removed
32 from the source separated organic waste collection stream in a single operating day
33 is less than 200 pounds, the operator shall sample the stream that will be sent to
34 disposal.

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

37 (4) Then determine the ratio of organic waste present in the material removed from
38 the source separated organic waste collection stream for disposal by dividing the
39 total weight from Subdivision (b)(3) by the total weight recorded in Subdivision (b)(2).

40 (5) Determine the total weight of organic waste removed from the source separated
41 organic waste collection stream that is sent to disposal by multiplying the ratio
42 determined pursuant to Subdivision (b)(4) by the total weight of the materials
43 removed from the source separated organic waste collection stream for disposal.

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

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

4 (e) For the purposes of this section “disposal” has the same meaning as “Activities that
5 constitute landfill disposal” as defined in Section 18982.

6 Note:

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

8 Reference: Sections 40053, 42652.5, 43020 and 43021, Public Resources Code and
9 Section 39730.6, Health and Safety Code.

10 **Section 17409.5.6. Source Separated Organic Waste Handling.**

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

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

18 (2) Construction and Demolition Debris, as defined in Section 17381, shall be kept
19 separate from the source separated organic waste collection stream and the mixed
20 waste organic collection stream and shall not be included in the measurements
21 required pursuant to Sections 17409.5.1- 17409.5.5 and 17409.5.8.

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

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

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

27 (A) Transported only to another solid waste facility or operation for additional
28 processing, composting, in-vessel digestion, or other recovery as specified in
29 Section 18983.1; or

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

32 Note:

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

34 Reference: Sections 40053, 42652.5, 43020 and 43021 Public Resources Code and
35 Section 39730.6, Health and Safety Code.

36 **Section 17409.5.7. Gray Container Waste Evaluations.**

37 (a) Commencing July 1, 2022, the operator of an attended operation or facility that
38 receives a gray container collection stream, and more than 500 tons of solid waste from
39 at least one jurisdiction annually, shall conduct waste evaluations on the gray container
40 collection stream consistent with this section.

41 (b) The operator shall perform one gray container waste evaluation per quarter.

1 (c) The operator shall use the following measurement protocol to comply with this
2 section:

3 (1) Take one sample of at least 200 pounds from the incoming gray container
4 collection stream received by the facility. Each sample shall be:

5 (A) Representative of a typical operating day; and

6 (B) A random, composite sample taken from various times during the operating
7 day.

8 (2) Record the weight of the sample.

9 (3) For that sample, remove any remnant organic material and determine the weight
10 of that remnant organic material.

11 (4) Then determine the ratio of remnant organic material in the sample by dividing the
12 total weight from Subdivision (a)(3) by the total weight recorded in Subdivision (a)(2).

13 (d) Upon written notification to the applicable EA, the operator may conduct offsite gray
14 container waste evaluations at an alternative, permitted or authorized solid waste facility
15 or operation provided that the operator subject to this section does not process the
16 material prior to its transfer offsite for the waste evaluation.

17 (1) The results of an offsite gray container waste evaluation performed under
18 Subdivision (d) shall be reported by the transfer/processing operation or facility
19 subject to this section as required in Section 18815.5 and shall not be reported by the
20 alternative solid waste facility or operation.

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

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

26 (g)The operator shall maintain records of waste evaluations and the training of
27 personnel in evaluating the amount of remnant organic material. These records shall be
28 maintained for five (5) years in the operating record and be available for review by the
29 EA and other duly authorized regulatory agencies.

30
31 Note:

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

33 Reference: Sections 42652.5, 43020 and 43021, Public Resources Code and Section
34 39730.6, Health and Safety Code.

35 **Section 17409.5.8. Incompatible Materials Limit in Recovered Organic Waste.**

36 (a) A transfer/processing facility or operation shall only send offsite that organic waste
37 recovered after processing from the source separated organic waste stream and from
38 the mixed waste organic collection stream that meets the following requirements:

39 (1) On and after January 1, 2022 with no more than 20 percent of incompatible
40 material by weight; and

41 (2) On and after January 1, 2024 with no more than 10 percent of incompatible
42 material by weight.

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

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

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

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

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

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

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

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

21 (c) The recovered organic waste stream shall not be subject to Section 17409.5.8(a) if
22 the recovered organic waste is sent to one or more of the following types of facilities
23 that will further process that waste:

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

25 (2) A compostable material handling facility or operation that, pursuant to Section
26 17867(a)(16), demonstrates that the percentage of organic waste in the materials
27 sent to disposal is:

28 (A) On and after January 1, 2022, less than 20 percent.

29 (B) On and after January 1, 2024, less than 10 percent.

30 (3) An in-vessel digestion facility or operation that, pursuant to Section 17896.44.1,
31 demonstrates that the percentage of organic waste in the materials sent to disposal
32 is:

33 (A) On and after January 1, 2022, less than 20 percent.

34 (B) On and after January 1, 2024, less than 10 percent.

35 (4) An activity that meets the definition of a recycling center as described in Section
36 17402.5(d).

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

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

42 (f) For the purposes of this section “disposal” has the same meaning as “Activities that
43 constitute landfill disposal” as defined in Section 18982.

44 Note:

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

1 Reference: Sections 40053, 42652.5, 43020 and 43021, Public Resources Code and
2 Section 39730.6, Health and Safety Code.

3 **Section 17409.5.9. Alternatives to Measurement Protocols.**

4 (a) The EA may approve, with concurrence by the Department, alternative
5 measurement protocols to the requirements of Sections 17409.5.2, 17409.5.3,
6 17409.5.4, 17409.5.5, 17409.5.7, and 17409.5.8, as long as they will still ensure that
7 the measurements will be as accurate. The Department shall concur with the EA
8 approval if it finds that the alternative measurement protocols will ensure that the
9 measurements will be as accurate. For the purposes of this section, alternative
10 measurement protocols may include, but are not limited to, measurements made with a
11 different sampling frequency and/or weight than those specified in this article.

12 (b) When required by this article, the operator shall report tonnages using a scale. If
13 scales are not accessible, the EA may approve, with written notification to the
14 Department, the operator to report the tonnages using a method described in Section
15 18815.9(g).

16 (c) The EA may approve, with written concurrence by the Department, a substitute to
17 certain requirements to sample and measure specific types of organic waste that are
18 designated for an organic waste recovery activity with a quality standard imposed on the
19 operator by the person, entity, or solid waste facility or operation accepting that organic
20 waste type as specified in this subdivision. The Department shall concur with the EA
21 approval if it verifies that there is a quality standard imposed on the operator by the
22 person, entity, or solid waste facility or operation accepting that organic waste type as
23 specified in this subdivision and that the standard meets the requirements in
24 Subdivision (c)(1)(A) through (G), below.

25 (1) The EA may waive the requirements in Sections 17409.5.2, 17409.5.4 and
26 17409.5.8 to sample a type of organic waste that the operator recovered from the
27 source separated organic waste collection stream or from the mixed waste organic
28 collection stream if the following apply:

29 (A) The person, entity, or solid waste facility or operation accepting that organic
30 waste type requires the operator to demonstrate that the presence of incompatible
31 materials in the organic waste type is less than or equal to the level of
32 incompatible materials specified in Section 17409.5.8(a);

33 (B) The person, entity, or solid waste facility or operation accepting that organic
34 waste type requires the operator to demonstrate the presence of incompatible
35 materials through sampling;

36 (C) The sampling protocol that is used to meet the quality standard of the person,
37 entity, or solid waste facility or operation accepting that organic waste type is
38 designed to accurately reveal the percentage of incompatible material by weight
39 that is present in the samples;

40 (D) The end-user and the operator have a contract or written agreement specifying
41 the sampling protocol and the maximum level of incompatible materials allowed in
42 the organic material before it is accepted by the end-user;

43 (E) The contract or written agreement is available for review by the EA;

44 (F) The sampling protocol is at least as effective as the sampling required in
45 Sections 17409.5.2, 17409.5.4 and 17409.5.8; and

1 (G) The operator allows the EA to observe sampling upon request.
2 (d) An operator that is authorized to substitute a quality standard for sampling
3 requirements as specified in Subdivision (c) for a specific type of recovered organic
4 waste type shall apply the weight of incompatible materials as measured in the quality
5 standard to total weight of that organic waste type for the purposes of determining
6 organic waste recovery efficiency as specified in Section 17409.5.1.

7 Note:

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

9 Reference: Sections 40053, 42652.5, 43020 and 43021, Public Resources Code and
10 Section 39730.6, Health and Safety Code.

11 **Section 17409.5.10. Solid Waste Handling at Consolidation Sites.**

12 (a) Consolidation sites are not subject to the requirements of Sections 17409.5.1
13 through 17409.5.9.

14 (b) Consolidation sites are not subject to the recordkeeping and reporting requirements
15 of Section 17414.2.

16 (c) Consolidation sites shall keep source separated organic waste streams separate
17 from other solid waste streams.

18 (d) Materials shall be transported only to transfer/processing facilities or operations that
19 comply with Section 17409.5.1.

20 Note:

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

22 Reference: Sections 40053, 42652.5, 43020 and 43021, Public Resources Code and
23 Section 39730.6, Health and Safety Code.

24 **Section 17409.5.10.5. Solid Waste Handling at Co-Located Facilities or**
25 **Operations.**

26 (a) The operator of an attended solid waste facility or operation that is permitted or
27 authorized and accepts a mixed waste organic collection stream, a source separated
28 organic waste collection stream, or both for processing and directly transfers the organic
29 waste recovered from either collection stream to a co-located activity within the
30 boundary of the facility for processing is subject to the following requirements:

31 (1) If sampling performed pursuant to Section 17409.5.3, 17409.5.5, 17867, or
32 17896.44.1, whichever is applicable, demonstrates the percent of the material
33 removed for disposal that is organic waste is less than the percent specified in
34 Section 17409.5.8(c)(2) then only the organic waste that is sent off-site for further
35 processing and landfill disposal are subject to the requirements of Sections
36 17409.5.1 through 17409.5.8.

37 (2) If sampling performed pursuant to Section 17409.5.3, 17409.5.5, 17867, or
38 17896.44.1, whichever is applicable, demonstrates that the percent of the material for
39 disposal that is organic waste is more than the percent specified in Section
40 17409.5.8(c)(2) then the organic waste removed after processing and sent for further
41 processing on-site or off-site and landfill disposal are subject to the requirements of
42 Sections 17409.5.1 through 17409.5.8.

1
2 Note:

3 Authority cited: Sections 40502, 43020 and 43021, Public Resources Code.
4 Reference: Sections 40053, 42652.5, 43020 and 43021, Public Resources Code and
5 Section 39730.6, Health and Safety Code.
6

7 **Section 17409.5.11. Remnant Organic Material Separated From Gray Container**
8 **Processing.**

9 (a) Remnant organic material separated from the gray container collection stream for
10 recovery is not subject to the requirements of Sections 17409.5.1 and 17409.5.8.

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

16 Note:

17 Authority cited: Sections 40502, 43020 and 43021, Public Resources Code.
18 Reference: Sections 40053, 42652.5, 43020 and 43021, Public Resources Code and
19 Section 39730.6, Health and Safety Code.

20 **Section 17409.5.12. Transfer/Processing EA Verification Requirements.**

21 (a) The operator shall provide the EA all requested information and other assistance so
22 that the EA can verify that the measurements conducted by the operator are consistent
23 with the requirements of Sections 17409.5.2, 17409.5.3, 17409.5.4, 17409.5.5,
24 17409.5.7, and 17409.5.8.

25 (b) The EA shall conduct such verification through:

26 (1) The review of records required by Section 17414.2; and
27 (2) The periodic, direct observation of measurements at a frequency necessary to
28 ensure that the operator is performing such measurements in a manner consistent
29 with Sections 17409.5.2, 17409.5.3, 17409.5.4, 17409.5.5, 17409.5.7, and
30 17409.5.8.

31 (c) If, at any time, the EA determines that the records under Section 17414.2(b) indicate
32 that compostable material is sent offsite to any destination(s) other than an authorized
33 permitted solid waste facility or operation, the EA shall directly observe any
34 compostable material onsite designated for such offsite destination(s). If physical
35 contaminants, based on visual observation, clearly exceed the limits in Section
36 17852(a)(24.5)(A)1., the EA may require the operator to further process such material.

37
38 Note:

39 Authority cited: Sections 40502, 43020 and 43021, Public Resources Code.
40 Reference: Sections 40053, 42652.5, 43020 and 43021, Public Resources Code and
41 Section 39730.6 Health and Safety Code.

1 **Article 6.3. Record Keeping Requirements**

2 **Section 17414.2. Recordkeeping and Reporting Requirements - Organic Waste**
3 **Recovery.**

4 (a) The operator shall keep the following records:

5 (1) The results of each sample conducted pursuant to Sections 17409.5.2,
6 17409.5.3, 17409.5.4, 17409.5.5, 17409.5.7, and 17409.5.8.

7 (2) The daily outgoing weights of material recovered from the mixed organic waste
8 stream.

9 (3) The daily outgoing weights of materials removed from the mixed organic waste
10 stream and sent to landfill disposal.

11 (4) The daily outgoing weights of material recovered from the source separated
12 organic waste stream.

13 (5) The daily outgoing weights of material removed from the source separated,
14 organic-waste stream and sent to landfill disposal.

15 (6) The daily incoming weights of mixed organic waste.

16 (7) The daily incoming weights of source separated organic waste.

17 (8) The results of the formula calculated pursuant to Section 17409.5.8(b)(7).

18 (9) If the operator complies with the incompatible material requirements in Section
19 17409.5.8 by sending material to a facility that meets the requirements of Section
20 17409.5.8(c), the operator shall keep a record of:

21 (A) The name, address, location, and if applicable the RDRS number, of each
22 facility that material is sent to.

23 (B) The daily outgoing weights of material sent to each facility by type.

24 (10) The results of the waste evaluations conducted pursuant to Section 17409.5.7.

25 (A) A copy of the notification if the waste evaluation was performed at an
26 alternative solid waste facility.

27 (b) The operator shall record and maintain the following records regarding compostable
28 material that is sent offsite to any destination(s) other than an authorized permitted solid
29 waste facility or operation:

30 (1) The level of incompatible materials in that material as measured pursuant to
31 17409.5.8; and

32 (2) The total weights of that material per day.

33 (c) The records required in Subdivisions (a) and (b) shall be:

34 (1) Adequate for overall planning and control purposes.

35 (2) As current and accurate as practicable.

36 (d) All records required by this article shall be kept by the operator in one location and
37 accessible for five (5) years and shall be available for inspection by the EA and other
38 duly authorized regulatory agencies during normal working hours.

39 (e) The operator shall submit copies of specified records to the EA upon request or at a
40 frequency approved by the EA.

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

1 Note:
2 Authority cited: Sections 40502, 43020 and 43021, Public Resources Code.
3 Reference: Sections 40053, 42652.5, 43020 and 43021, Public Resources Code and
4 Section 39730.6, Health and Safety Code.

5 **Chapter 3.1. Composting Operations Regulatory** 6 **Requirements**

7 **Article 2. Regulatory Tiers for Composting Operations and Facilities.**

8 **Section 17855. Excluded Activities.**

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

15 (1) An activity is excluded if it handles agricultural material, derived from an
16 agricultural site, and returns a similar amount of the material produced to that same
17 agricultural site, or an agricultural site owned or leased by the owner, parent, or
18 subsidiary of the composting activity. No more than an incidental amount of up to
19 1,000 cubic yards of compost product may be given away or sold annually.

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

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

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

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

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

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

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

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

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

11 1.has a Report of Facility Information which is completed and submitted to the
12 EA that identifies and describes the activity and meets the requirements of
13 Titles 14 or 27; and,

14 2.will only use the material on the facility site, or

15 (B) the activity is solely for the temporary storage of biosolids sludge at a Publicly
16 Owned Treatment Works (POTW), or

17 (C) the activity is located at the site of biomass conversion and is for use in
18 biomass conversion as defined in Public Resources Code section 40106; or

19 (D) the activity is part of a silvicultural operation or a wood, paper, or wood product
20 manufacturing operation; or

21 (E) the activity is part of an agricultural operation and is used to temporarily store
22 or process agricultural material not used in the production of compost or mulch; or

23 (F) the activity is part of an operation used to chip and grind materials derived from
24 and applied to lands owned or leased by the owner, parent, or subsidiary of the
25 operation; or

26 (G) the activity is part of an agricultural operation used to chip and grind
27 agricultural material produced on lands owned or leased by the owner, parent, or
28 subsidiary of the agricultural operation, for use in biomass conversion; or

29 ~~(H) the activity is part of a licensed animal food manufacturing or a licensed~~
30 ~~rendering operation. An activity that is a licensed animal food manufacturing~~
31 ~~activity, or a rendering activity which is authorized by the California Department of~~
32 ~~Food and Agriculture pursuant to Section 19300 of the Food and Agricultural~~
33 ~~Code, and in which no solid waste feedstock bypasses the manufacturing or~~
34 ~~rendering process; or~~

35 (I) the activity is the storage of yard trimmings at a publicly designated site for the
36 collection of lot clearing necessary for fire protection provided that the public
37 agency designating the site has notified the fire protection agency; or

38 (J) the materials are handled in such a way to preclude their reaching
39 temperatures at or above 122 degrees Fahrenheit as determined by the EA; or

40 (6) Storage of bagged products from compostable material is an excluded activity
41 provided that such bags are no greater than 5 cubic yards.

42 Note:

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

44 Reference: Sections 42652.5, 43020 and 43021, Public Resources Code and Section
45 39730.6, Health and Safety Code.

1 **Article 6. Composting Operating Standards**

2 **Section 17867. General Operating Standards.**

3 (a) All compostable materials handling operations and facilities shall meet the following
4 requirements:

5 (1) All handling activities are prohibited from composting any material specified in
6 section 17855.2 of this Chapter.

7 (2) All handling activities shall be conducted in a manner that minimizes odor impacts
8 so as to not cause a nuisance.

9 (3) All handling activities shall be conducted in a manner that minimizes vectors,
10 litter, hazards, nuisances, and noise impacts; and minimizes human contact with,
11 inhalation, ingestion, and transportation of dust, particulates, and pathogenic
12 organisms.

13 (4) Random load checks of feedstocks, additives, and amendments for contaminants
14 shall be conducted.

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

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

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

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

25 (A) name of the operation or facility,

26 (B) name of the operator,

27 (C) facility hours of operation,

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

29 (E) schedule of charges, if applicable, and

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

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

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

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

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

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

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

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

5 (16) The operator shall determine the quarterly percentage of organic waste
6 contained in materials sent to landfill disposal.

7 (A) To determine the percentage, the operator shall measure the amount of
8 organic waste by weight present in the materials sent to landfill disposal.

9 1. The measurements required pursuant to this section shall be conducted at the
10 following frequency:

11 i. For each reporting period, the operator shall perform the sampling protocol
12 required in Subdivision (a)(16)(B) over at least ten (10) consecutive operating
13 days.

14 ii. An operator may use the results of samples conducted over a period of
15 more than 10 days if the following apply:

16 1. If less than 10 additional days are sampled in the reporting period, the
17 additional operating days where sampling is performed shall be a
18 consecutive continuation of the original 10 consecutive days of sampling.

19 2. If 10 additional operating days or more are selected for sampling, the
20 additional operating days shall be conducted on consecutive days but may
21 be performed during a different part of the reporting period and are not
22 required to be a continuation of the original 10 operating days.

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

25 1. Take one sample of at least two hundred (200) pounds of the materials that
26 the operation or facility is sending to landfill disposal on that operating day.

27 Each sample shall be:

28 i. Representative of a typical operating day; and

29 ii. A random, composite sample taken either from various times during the
30 operating day or from various locations within the pile(s) of material that will
31 be sent to disposal.

32 2. Record the weight of the sample. If the total weight of material sent to landfill
33 disposal in a single operating day is less than 200 pounds, the operator shall
34 sample all of the material that is sent to landfill disposal that day.

35 3. Remove any material that is not organic waste and determine the remaining
36 weight of the organic waste in the sample.

37 4. Then determine the ratio of organic waste present in the materials removed
38 for landfill disposal by dividing the total from Subdivision (a)(16)(B)3 by the total
39 from Subdivision (a)(16)(B)2.

40 5. Determine the total weight of organic waste that is sent to landfill disposal by
41 multiplying the ratio determined pursuant to Subdivision (a)(16)(B)4 by the total
42 weight of the materials sent to landfill disposal.

43 6. Determine the sum of outgoing weights of organic waste present in the
44 materials that is sent to landfill disposal as determined pursuant to Subdivision
45 (a)(16)(B)5.

1 7. Determine the ratio of organic waste sent to landfill disposal by dividing the
2 total from Subdivision (a)(16)(B)6 by the total outgoing weights of material that
3 is sent to landfill disposal.

4 8. Determine the percentage of organic waste present in the material sent to
5 landfill disposal by multiplying the ratio as determined pursuant to Subdivision
6 (a)(16)(B)7 by 100.

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

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

12 (E) An alternative measurement protocol for determining the amount of organic
13 waste sent to landfill disposal may be approved by the EA, with concurrence by
14 the Department. For the purposes of this section, alternative measurement
15 protocols may include, but are not limited to, measurements made with a different
16 sampling frequency and/or weight than those specified in this article. The
17 Department shall concur with EA approval if it finds that the alternative
18 measurement protocol will ensure that the measurements will be as accurate as
19 those in Subsection (a)(16)(A) and (B), above.

20 (F) For the purposes of the measurements required by this Subdivision, organic
21 waste that are textiles, carpet, hazardous wood waste, non-compostable paper,
22 human or pet waste, and material subject to a quarantine on movement issued by
23 a county agricultural commissioner, is not required to be measured as-organic
24 waste.

25 (G) Organic waste sent to an activity listed in Section 18983.1(a) shall constitute
26 landfill disposal.

27 Note:

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

29 Reference: Sections 42652.5, 43020 and 43021, Public Resources Code and Section
30 39730.6, Health and Safety Code.

31 **Article 8. Composting Operation and Facility Records**

32 **Section 17869. General Record Keeping and Reporting Requirements.**

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

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

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

42 (c) The operator shall record any public complaints received by the operator, including:
43 (1) the nature of the complaint,

- 1 (2) the date the complaint was received,
2 (3) if available, the name, address, and telephone number of the person or persons
3 making the complaint, and
4 (4) any actions taken to respond to the complaint.
- 5 (d) ~~The operator shall record the quantity and type of feedstock received and quantity of~~
6 ~~compost and chipped and ground material produced. maintain records listed in this~~
7 subdivision in a form and manner approved by the EA. Agricultural compostable
8 materials handling operations shall maintain records only for compostable material
9 accepted from off-site. Such records shall be adequate for overall planning and control
10 purposes and be as current and accurate as practicable. The records shall be
11 maintained for five (5) years in the operating record and be available for review by the
12 appropriate jurisdiction of origin, haulers, and other duly authorized regulatory agencies.
- 13 (e) The operator shall maintain the following records under this section
- 14 (1) The quarterly percentage of organic waste contained in materials sent to landfill
15 disposal as calculated pursuant to Section 17867(a)(16).
- 16 (2) Daily outgoing weights of material sent to disposal.
- 17 (3) Daily outgoing weights of compost or chipped and ground material produced.
- 18 (4) Daily incoming weights by material type.
- 19 (5) The weight of compostable material sent offsite to any destination(s) other than
20 an authorized permitted solid waste facility or operation.
- 21 ~~(e) The operator shall record the number of load checks performed and loads rejected.~~
- 22 (f) The operator shall record all test results generated by compliance with Article 7 of
23 this Chapter, including but not limited to, metal concentrations, physical contamination
24 limits, fecal coliform and Salmonella sp. densities, temperature measurements, and
25 dates of windrow turnings; chipping and grinding operations and facilities must record
26 the determinations of the percentage of physical contaminants required by 17862.1(d).
- 27 (1) The operator shall retain records detailing pathogen reduction methods.
- 28 (g) The operator shall record and retain records of any serious injury to the public
29 occurring on-site and any complaint of adverse health effects to the public attributed to
30 operations. Serious injury means any injury that requires inpatient hospitalization for a
31 period in excess of 24 hours or in which a member of the public suffers a loss of any
32 member of the body or suffers any degree of permanent disfigurement.
- 33 (h) The operator shall retain a record of training and instruction completed in
34 accordance with section 17867.5.
- 35 (i) Each operator shall maintain records in accordance with Title 14, California Code of
36 Regulations, Division 7, Chapter 9, Article 9.25, Section 18815.1 et. seq. The records
37 shall be available for inspections as authorized by that article during normal business
38 hours and retained in the operating record near the site or in an alternative location
39 approved by the Local Enforcement Agency.
- 40 (j) The operator shall provide the EA all requested information and other assistance so
41 that the EA can verify that the measurements conducted by the operator are consistent
42 with the requirements of Section 17867(a)(16). The EA shall conduct such verification
43 through:
- 44 (1) The review of records required by this section; and

1 (2) The periodic, direct observation of measurements at a frequency necessary to
2 ensure that the operator is performing such measurements in a manner consistent
3 with this section.

4 (k) If, at any time, the EA determines that the records required by this section indicate
5 that compostable material is sent offsite to any destination(s) other than an authorized
6 permitted solid waste facility or operation, the EA shall directly observe any
7 compostable material onsite designated for such offsite destination(s). If physical
8 contaminants, based on visual observation, clearly exceed the limits in Section
9 17852(a)(24.5)(A)1., the EA may require the operator to further process such material.

10 Note:

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

12 Reference: Sections 42652.5, 43020 and 43021, Public Resources Code and Section
13 39730.6, Health and Safety Code.

15 **Chapter 3.2. In-Vessel Digestion Operations and Facilities** 16 **Regulatory Requirements**

17 **Article 1. In-Vessel Digestion Operations and Facilities Regulatory** 18 **Requirements**

19 **Section 17896.6. Excluded Activities.**

20 (a) The activities listed in this section are not subject to the in-vessel digestion
21 requirements set forth in this Chapter. Nothing in this section precludes the EA or the
22 Department from inspecting an excluded activity to verify that the activity is being
23 conducted in a manner that qualifies as an excluded activity or from taking any
24 appropriate enforcement action.

25 (1) A Publicly Owned Treatment Works Treatment Plant (POTW Treatment Plant), as
26 defined in section 403.3(r) of Title 40 of the Code of Federal Regulations, that receives
27 vehicle-transported solid waste that is an anaerobically digestible material for the
28 purpose of anaerobic co-digestion with POTW Treatment Plant wastewater, is excluded
29 under the following conditions:

30 (A) Anaerobically digestible materials must be trucked or hauled into a POTW
31 Treatment Plant. Once on-site, the anaerobically digestible material must be pumped or
32 off-loaded directly into a covered, leak-proof container and then pumped, or diluted or
33 slurried and then pumped, and co-digested in an anaerobic digester(s) at the POTW
34 Treatment Plant. The pumped material may be screened, otherwise separated or
35 treated prior to anaerobic digestion, but must be processed and conveyed in a
36 contained system. Any separated material at the POTW that is not suitable for
37 anaerobic digestion and has no beneficial use shall be further managed as a solid
38 waste.

39 (B) The POTW Treatment Plant has developed Standard Operating Procedures for the
40 acceptance of anaerobically digestible material, the POTW Treatment Plant has notified
41 the Regional Water Quality Control Board that those Standard Operating Procedures

1 are being implemented, and a Standard Provision (permit condition) that reflects the
2 acceptance of anaerobically digestible material:

- 3 1. has been incorporated into the POTW Treatment Plant's Waste Discharge
- 4 Requirements or National Pollutant Discharge Elimination System permit; or
- 5 2. will be incorporated into the POTW Treatment Plant's Waste Discharge
- 6 Requirements or National Pollutant Discharge Elimination System permit no later than
- 7 the next permit renewal.

8 (C) For the purpose of this exclusion, "anaerobically digestible material" means: inedible
9 kitchen grease as defined in section 19216 of the Food and Agricultural Code, food
10 material as defined in Title 14, CCR, section 17896.2(a)(12) and vegetative food
11 material as defined in Title 14, CCR, section 17896.2(a)(12)(A).

12 (D) For the purpose of this exclusion, the Department, in consultation with the State
13 Water Resources Control Board and the California Department of Food and Agriculture,
14 will on a case-by-case basis, review and consider approval of additional types of
15 organic materials as potential "anaerobically digestible material" beyond those specified
16 in section 17896.6(a)(1)(C) in accordance with the following:

- 17 1. Receipt of a written request to the Department from the General Manager or
- 18 designee of a POTW Treatment Plant.
 - 19 a. The written request must contain the following information:
 - 20 i. The purpose of the request.
 - 21 ii. Identification of the POTW Treatment Plant proposing to anaerobically co-digest the
 - 22 organic waste material with the POTW wastewater.
 - 23 iii. Types of organic material requested for classification as an anaerobically digestible
 - 24 material.
 - 25 iv. The source(s) of the waste material.
 - 26 v. A description of how the waste material will be handled, processed, stored and
 - 27 transported (before and after receipt at the POTW Treatment Plant).
 - 28 vi. A map identifying all proposed physical changes proposed at the POTW Treatment
 - 29 Plant to accommodate the new waste materials.
 - 30 vii. Available laboratory test results, engineering reports, research or study to support
 - 31 the request.
 - 32 viii. Data and/or reports if this waste material has been used without incident at a
 - 33 different POTW Treatment Plant.
 - 34 ix. The name, addresses and phone numbers for the General Manager and designee of
 - 35 the POTW Treatment Plant.
 - 36 b. Upon receipt of the written request, the Department will communicate and coordinate
 - 37 the request with and between the State Water Resources Control Board and the
 - 38 California Department of Food and Agriculture and will complete the following actions:
 - 39 i. Within 10 days of receipt, send written confirmation to the General Manager and
 - 40 designee of the POTW Treatment Plant indicating receipt of the letter and distribute the
 - 41 letter to appropriate Department staff, as well as to the State Water Resources Control
 - 42 Board and California Department of Food and Agriculture staff contacts for review;
 - 43 ii. Within 15 days of receipt, schedule a meeting with State Water Resources Control
 - 44 Board and California Department of Food and Agriculture staff contacts;
 - 45 iii. Prior to the meeting, Department staff will review the letter and identify questions
 - 46 and/or issues with the request and make a list of recommendations;

1 iv. Within 40 days of receipt, conduct a meeting on the request. If an agency
2 representative does not attend the meeting, comments will be accepted by the
3 Department up to close of business on the 45th day after receipt;

4 v. Within 60 days of receipt, the Department will provide a written decision to the
5 General Manager and designee of the POTW Treatment Plant stating one of the
6 following:

7 I. The waste type has or has not been determined to be an anaerobically digestible
8 material excluded from both the In-Vessel Digestion Operations and Facilities
9 Regulatory Requirements (pursuant to section 17896.6(a)(1)(C) and the
10 Transfer/Processing Operations and Facility Regulatory Requirements (pursuant to
11 section 17403.1(a)(8));

12 II. The agencies, based on the information provided, were unable to reach a
13 determination and additional information is required before a determination can be
14 made; or

15 III. The agencies have determined that additional research or study will need to be
16 conducted and the results analyzed prior to a determination made by the agencies.

17 IV. If additional information, research or study is necessary, the Department will consult
18 with the General Manager or designee of the POTW, the State Water Resources
19 Control Board and California Department of Food and Agriculture contacts, for the
20 purpose of developing a timeline for either reviewing the additional information or for
21 reviewing a proposed scope of work and timeline for additional research or study.

22 2. For the purpose of this exclusion, if an organic waste material is determined by the
23 Department to be an anaerobically digestible material for the purpose of co-digestion
24 with the POTW wastewater, the POTW Treatment Plant must comply with section
25 17896.6(a)(1)(A) prior to receipt of the material at the POTW Treatment Plant.

26 (2) In-vessel digestion of agricultural material derived from an agricultural site and the
27 digestate or compost produced from digestate is returned to that same agricultural site,
28 or an agricultural site owned or leased by the owner, parent, or subsidiary of the
29 agricultural site on which the in-vessel digester is located. No more than an incidental
30 amount of up to 1,000 cubic yards of compost produced from digestate may be given
31 away or sold annually. Digestate that is not composted may not be given away or sold.

32 (3) In-vessel digestion at a dairy involving the co-digestion of manure with agricultural
33 material derived on-site, imported agricultural material, and/or imported vegetative food
34 material in accordance with Waste Discharge Requirements issued by a Regional
35 Water Quality Control Board.

36 (A) Any imported materials delivered to the dairy must be pumped or off-loaded directly
37 into a covered, leak-proof container and then pumped, or diluted or slurried and then
38 pumped, and co-digested in an in-vessel digester at a dairy. The pumped material may
39 be screened, otherwise separated or treated prior to in-vessel digestion, but must be
40 processed and conveyed in a contained system. Any separated material at the dairy
41 that is not suitable for in-vessel digestion and has no beneficial use shall be further
42 managed as a solid waste.

43 (B) No more than an incidental amount of up to 1,000 cubic yards of compost produced
44 from digestate may be given away or sold annually. Digestate that is not composted
45 may not be given away or sold.

- 1 (4) In-vessel digestion activities with less than a total of 100 cubic yards of solid waste,
2 feedstock, and digestate on-site are excluded.
3 [NOTE: Persons handling solid waste under the above exclusion are obligated to obtain
4 all permits, licenses, or other clearances that may be required by other regulatory
5 agencies including, but not limited to local health entities and local land use authorities.]
6 (5) Rendering activities, authorized by the California Department of Food and
7 Agriculture pursuant to section 19300 of the Food and Agricultural Code, or an activity
8 that is a licensed animal food manufacturing activity, and in which no solid waste
9 feedstock bypasses the rendering process.
10 (6) Other discrete handling activities that are already subject to more stringent handling
11 requirements under Federal or State law, as determined by the EA in consultation with
12 the Department, are excluded.

13 Note:

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

15 Reference: Sections 40053, 42652.5, 43020 and 43021, Public Resources Code and
16 Section 39730.6, Health and Safety Code.

17 **Article 3. Operating Standards for In-Vessel Digestion Operations and** 18 **Facilities**

19 **Section 17896.44.1. Measuring Organic Waste in Material Sent to Disposal.**

20 (a) The operator shall determine the quarterly percentage of organic waste contained in
21 materials sent to landfill disposal.

22 (1) To determine the percentage, the operator shall, measure the amount of organic
23 waste by weight present in the materials sent to landfill disposal.

24 (A) The measurements required pursuant to this section shall be conducted at the
25 following frequency:

26 1. For each reporting period, the operator shall perform the sampling protocol
27 required in Subdivision (a)(2) over at least ten (10) consecutive operating days.

28 2. An operator may use the results of samples conducted over a period of more
29 than 10 days if the following apply:

30 i. If less than 10 additional days are sampled in the reporting period, the
31 additional operating days where sampling is performed shall be a
32 consecutive continuation of the original 10 consecutive days of sampling.

33 ii. If 10 additional operating days or more are selected for sampling, the
34 additional operating days shall be conducted on consecutive days but may
35 be performed during a different part of the reporting period and are not
36 required to be a continuation of the original 10 operating days.

37 (2) The operator shall comply with Subdivision (a)(1) by using the following protocol:

38 (A) Take one sample of at least two hundred (200) pounds of the materials that the
39 operation or facility is sending to landfill disposal on that operating day. Each
40 sample shall be:

41 1. Representative of a typical operating day; and

1 2. A random, composite sample taken either from various times during the
2 operating day or from various locations within the pile(s) of material that will be
3 sent to disposal.

4 (B) Record the weight of the sample. If the total weight of material sent to landfill
5 disposal in a single operating day is less than 200 pounds, the operator shall
6 sample all of the material that is sent to landfill disposal that day.

7 (C) Remove any material that is not organic waste and determine the remaining
8 weight of the organic waste in the sample.

9 (D) Then determine the ratio of organic waste present in the materials removed for
10 landfill disposal by dividing the total from Subdivision (a)(2)(C) by the total from
11 Subdivision (a)(2)(B).

12 (E) Determine the total weight of organic waste that is sent for landfill disposal by
13 multiplying the ratio determined pursuant to Subdivision (a)(2)(D) by the total
14 weight of the materials removed for landfill disposal from the source separated
15 organic waste collection stream after processing.

16 (F) Determine the sum of outgoing weights of organic waste present in material
17 that is sent to landfill disposal as determined pursuant to Subdivision (a)(2)(E).

18 (G) Determine the ratio of organic waste present in the material sent to landfill
19 disposal by dividing the total from Subdivision (a)(2)(F) by the total monthly
20 outgoing weights of residuals removed that is sent for landfill disposal.

21 (H) Determine the percentage of organic waste present in the material sent to
22 landfill disposal by multiplying the monthly ratio as determined pursuant to
23 Subdivision (a)(2)(G) by 100.

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

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

29 (d) An alternative measurement protocol for determining the amount of organic waste
30 contained in the residual may be approved by the EA, with concurrence by the
31 Department. For the purposes of this section, alternative measurement protocols may
32 include, but are not limited to, measurements made with a different sampling frequency
33 and/or weight than those specified in this article. The Department shall concur with EA
34 approval if it finds that the alternative measurement protocol will ensure that the
35 measurements will be as accurate as those described in Subsection (a)(1) and (2),
36 above.

37 (e) Organic waste that are textiles, carpet, hazardous wood waste, non-compostable
38 paper and material subject to a quarantine on movement issued by a county agricultural
39 commissioner is not required to be measured as organic waste.

40 (f) Organic waste sent to an activity listed in Section 18983.1(a) shall constitute landfill
41 disposal.

42 Note:

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

44 Reference: Sections 40053, 42652.5, 43020 and 43021, Public Resources Code and
45 Section 39730.6, Health and Safety Code.

1 **Article 4. Record Keeping Requirements.**

2 **Section 17896.45. Record Keeping and Reporting Requirements.**

3 Each operator shall meet the following requirements:

4 (a) Each operator shall maintain records of ~~incoming weights or volumes and outgoing~~
5 ~~salvage or residual weights or volumes listed in this subdivision~~ in a form and manner
6 approved by the EA. Such records shall be ~~submitted to the EA or the Department upon~~
7 ~~request~~; be adequate for overall planning and control purposes; and, be as current and
8 accurate as practicable.

9 (1) The quarterly percentage of organic waste contained in material sent to landfill
10 disposal as calculated pursuant to Section 17896.44.1.

11 (2) The outgoing weights or volumes of material sent to disposal.

12 (3) Daily outgoing weights or volumes of organic waste recovered and produced.

13 (4) Daily outgoing weights or volumes of salvaged materials.

14 (5) Daily incoming weights of material.

15 (6) The weight of compostable material sent offsite to any destination(s) other than
16 an authorized permitted solid waste facility or operation.

17 (b) All records required by this Chapter shall be kept by the operator in one location and
18 accessible for five (5) years and shall be available for inspection by the EA and other
19 duly authorized regulatory agencies during normal working hours.

20 (c) The operator shall submit copies of specified records to the EA upon request or at a
21 frequency approved by the EA;

22 (d) The operator shall maintain a daily log book or file of special occurrences
23 encountered during operations and methods used to resolve problems arising from
24 these events, including details of all incidents that required implementing emergency
25 procedures. Special occurrences shall include but are not limited to: fires, injury and
26 property damage, accidents, explosions, receipt or rejection of prohibited wastes, lack
27 of sufficient number of personnel pursuant to section 17896.42, flooding, earthquake
28 damage and other unusual occurrences. In addition, the operator shall notify the EA by
29 telephone within 24 hours of all incidents requiring the implementation of emergency
30 procedures, unless the EA determines that a less immediate form of notification will be
31 sufficient to protect public health and safety and the environment;

32 (e) The operator shall record any written public complaints received by the operator,
33 including:

34 (1) the nature of the complaint,

35 (2) the date the complaint was received,

36 (3) if available, the name, address, and telephone number of the person or persons
37 making the complaint, and

38 (4) any actions taken to respond to the complaint;

39 (f) The operator shall maintain a copy of the written notification to the EA and local
40 health agency of the name, address and telephone number of the operator or other
41 person(s) responsible for the operations as required by section 17896.42;

42 (g) The operator shall maintain records of employee training as required by section
43 17896.43;

44 (h) all in-vessel digestion operations and facilities shall maintain records as required by
45 section 18809 et seq.

1 (i) The operator shall record all test results generated by compliance with Article 6 of
2 this Chapter, including but not limited to, metal concentrations, physical contamination
3 limits, fecal coliform and Salmonella sp. densities, temperature measurements, and
4 dates of windrow turnings.

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

6 (j) Each operator shall maintain records in accordance with Title 14, California Code of
7 Regulations, Division 7, Chapter 9, Article 9.25, Section 18815 et. seq. The records
8 shall be available for inspections as authorized by that article during normal business
9 hours and retained in the operating record near the site or in an alternative location
10 approved by the Local Enforcement Agency.

11 (k) The operator shall provide the EA all requested information and other assistance so
12 that the EA can verify that the measurements conducted by the operator are consistent
13 with the requirements of Sections 17896.44.1. The EA shall conduct such verification
14 through:

15 (1) The review of records required by this section; and

16 (2) The periodic, direct observation of measurements at a frequency necessary to
17 ensure that the operator is performing such measurements in a manner consistent
18 with this section.

19 (l) If, at any time, the EA determines that the records required by this section indicate
20 that compostable material is sent offsite to any destination(s) other than an authorized
21 permitted solid waste facility or operation, the EA shall directly observe any
22 compostable material onsite designated for such offsite destination(s). If physical
23 contaminants, based on visual observation, clearly exceed the limits in Section
24 17852(a)(24.5)(A)1., the EA may require the operator to further process such material.

25 Note:

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

27 Reference: Sections 40053, 42652.5, 43020 and 43021, Public Resources Code and
28 Section 39730.6, Health and Safety Code.

29 **Article 6. Digestate Handling Standards**

30 **17896.57. Digestate Handling.**

31 (a) Digestate not contained in an in-vessel digester shall, within 24 hours, be:

32 (1) stored or processed on-site in a sealed container or sealed structure unless the
33 EA approves an alternative handling method after determining the alternative method
34 will not pose an additional risk to public health and safety or the environment; or

35 (2) incorporated in an on-site aerobic compost process.

36 (A) On-site aerobic composting of digestate is allowable only at large volume in-
37 vessel digestion facilities that have obtained an In-vessel Digestion Facility Permit
38 pursuant to section 17896.13.

39 (B) All in-vessel digestion facilities that compost on-site shall comply with the
40 sampling requirements of section 17896.58, maximum metal concentrations
41 requirements of section 17896.59, the maximum acceptable pathogen
42 concentrations requirements of section 17896.60(b)(1), and physical
43 contamination limits of section 17896.61; or

1 (3) removed from the site and ~~either~~ one of the following:

2 (A) transported only to another solid waste facility or operation for additional
3 processing, composting, or disposal; or

4 1. Digestate that is transported to another solid waste facility or operation for
5 additional processing or composting shall only be transported to one of the
6 following facilities:

7 i. A transfer/processing facility or operation that complies with Section
8 17409.5.8(a); or

9 ii. A compostable material handling facility or operation that, pursuant to
10 Section 17867(a)(16), demonstrates that the percentage of organic waste in
11 the materials sent to disposal is:

12 I. On and after January 1, 2022, less than 20 percent.

13 II. On and after January 1, 2024, less than 10 percent.

14 (B) used in a manner approved by local, state, and federal agencies having
15 appropriate jurisdiction. Any digestate that will be land applied must meet the
16 requirements of ~~s~~Section 17852(a)(24.5);

17 (C) disposed in a manner as set forth in the Consolidated Regulations for
18 Treatment, Storage, Processing or Disposal of Solid Waste (commencing at Title
19 27, California Code of Regulations, section 20005).

20 (b) Digestate that has not been analyzed for metal concentration pursuant to section
21 17896.59, pathogen concentration pursuant to section 17896.60(b)(1), and physical
22 contaminants pursuant to section 17896.61 or is known to contain any metal in amounts
23 that exceed the maximum metal concentrations described in section 17896.59,
24 pathogens that exceed the maximum acceptable pathogen concentrations described in
25 section 17896.60(b)(1), or physical contaminants that exceed the maximum physical
26 contamination limits described in section 17896.61 shall be designated for disposal,
27 additional processing, or other use as approved by local, state agencies having
28 appropriate jurisdiction.

29 Note: Authority cited: Sections 40502, 43020 and 43021, Public
30 Resources Code. Reference: Sections 40053, ~~42652.5~~, 43020 and 43021, Public
31 Resources Code, and Section 39730.6, Health and Safety Code.

32 **Chapter 5. Enforcement of Solid Waste Standards and** 33 **Administration of Solid Waste Facility Permits; Loan** 34 **Guarantees**

35 **Article 2.2. LEA Performance Standards, Evaluation Criteria, and** 36 **Duties and Responsibilities**

37 **Section 18083. LEA Duties and Responsibilities for Inspections.**

38 (a) Pursuant to Public Resources Code Division 30, Parts 4 and 5, and 14 CCR Division
39 7, Chapters 3 and 5, 27 CCR, Division 2, Subdivision 1 (§20005 et seq.), and its EPP,
40 the LEA/EA shall inspect and investigate solid waste collection, handling, and storage,
41 solid waste facilities, operations and disposal sites and equipment to verify compliance

1 with the state minimum standards, solid waste facilities permits, and related state solid
2 waste laws and regulations within their purview for the protection of the environment
3 and the public health and safety. The LEA/EA shall perform these inspections and
4 related duties as required below, and forward inspection reports to the operator, and/or
5 owner, and the Department within 30 days of the inspection:

6 (1) weekly, for sites operating on performance standards pursuant to 27 CCR Section
7 20695;

8 (2) monthly, for all active and inactive facilities, and for illegal sites and facilities,
9 pending abatement by enforcement action(s);

10 (3) at the frequency required by the state minimum standards for each type of
11 operation specified in 14 CCR Sections 17383.9., 17403.5., and 17896.9. All other
12 operations regulated under the EA Notification tier shall be inspected by the EA at
13 least once every three (3) months unless the EA approves, with Department
14 concurrence, a reduced inspection frequency. The EA may approve a reduced
15 inspection frequency only if it will not pose an additional risk to public health and
16 safety or the environment, and in no case shall the inspection frequency be less than
17 once per calendar year. The EA shall submit a copy of the EA-proposed approval to
18 the Department. The Department shall concur in the EA-proposed approval only if it
19 finds that the reduced inspection frequency will not pose an additional risk to public
20 health and safety or the environment in light of the specific circumstances at the
21 operation in question. The Department shall concur or deny the EA-proposed
22 approval within thirty (30) days from receipt.

23 (4) quarterly, for closed sites, abandoned sites, and sites exempted pursuant to 27
24 CCR Section 21565. For closed sites, inspections shall be made until no potential
25 threat exists to public health and safety or the environment. This determination shall
26 be subject to Department approval. For the purposes of this subsection, the
27 enumeration, and the workload analysis, a closed site means a site that has ceased
28 accepting waste and, should be closed, is undergoing closure, or has met applicable
29 closure requirements;

30 (A) the Department may approve an alternate inspection frequency for these sites
31 where such an action will not result in adverse impact on public health and safety
32 and the environment.

33 (5) if an LEA has been designated as the EA for waste tire facilities or entered into an
34 agreement with the Department through a grant program to inspect tire facilities,
35 major waste tire facilities shall be inspected annually, minor waste tire facilities shall
36 be inspected at least once every two and a half years pursuant to 14 CCR Section
37 18443;

38 (6) upon receipt of a complaint or emergency notification which cannot be resolved
39 off-site;

40 (7) as necessary, pursuant to the EPP, upon receipt of a solid waste facilities permit
41 application, revision, review, RFI amendment, or closure/postclosure plan; and

42 (8) pursuant to the EPP, for solid waste handling and collection equipment; and

43 (9) at the frequency described in Sections 17409.5.12, 17869(j), and 17896.45(k).

44 (b) As specified in their EPP pursuant to Section 18077, the LEA/EA shall conduct any
45 of the above inspections, whenever possible, without prior notice to the owner or

1 operator, on randomly selected days, during normal business hours or the site's
2 operating hours.

3 Note:

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

5 Reference: Sections 40053, 42652.5, 43020 and 43021, Public Resources Code and
6 Section 39730.6, Health and Safety Code.

7 **Chapter 9. Planning Guidelines and Procedures for Preparing** 8 **and Revising Countywide Integrated Waste Management** 9 **Plans**

10 **Article 9.25 Recycling and Disposal Reporting System**

11 **Section 18815.4 Reporting Requirements for Haulers.**

12 (a) A self-hauler shall provide the jurisdiction of origin for all material delivered to each
13 transfer/processor or disposal facility. A self-hauler does not have to report to the
14 Department, unless they are a food waste self-hauler.

15 (b) Food waste self-haulers shall report to the Department the tons of food waste sent
16 as follows:

17 (1) To a reporting entity inside California, report the tons of each material type,
18 pursuant to section 18815.9 of this article, and their contact information and RDRS
19 number.

20 (2) To an end user inside or outside California, report the tons of each material type,
21 pursuant to section 18815.9 of this article, sent to each end user category, by region,
22 pursuant to section 18815.3(k) of this article.

23 (3) To a recycling or composting facility or operation outside California, report the
24 tons of each material type, pursuant to section 18815.9 of this article, by region,
25 pursuant to section 18815.3(l) of this article.

26 (4) To each transfer/processor or disposal facility outside California, report the tons of
27 each material type, pursuant to section 18815.9 of this article, sent to each person,
28 and their contact information.

29 (c) A contract hauler shall provide the following information to a receiving reporting
30 entity for all tons delivered, using the methods described in section 18815.9 of this
31 article. A hauler shall provide the information at the time of delivery, unless both the
32 hauler and receiving facility have previously agreed to periodic reports in lieu of
33 providing information at the time of delivery. In all cases, the hauler shall provide the
34 information to the receiving reporting entity within 30 days of the end of the reporting
35 period.

36 (1) For solid waste hauled:

37 (A) A hauler shall provide the jurisdiction of origin for all material sent to each
38 transfer/processor or disposal facility; and

39 (B) If requested by a transfer/processor or disposal facility, then a hauler shall
40 provide the source sector for all material delivered to each broker or transporter,

1 transfer/processor, or disposal facility, in tons or by percentage using the methods
2 provided in section 18815.9 of this article.

3 (d) A contract hauler who takes material directly from a generator and hauls it to land
4 application or to a person outside the state shall report to the Department. In their report
5 to the Department, a contract hauler shall provide the following information for tons
6 hauled, using the methods described in section 18815.9 of this article:

7 (1) Directly from a generator to land application, the tons of each material type sent
8 by region, pursuant to section 18815.3(k) of this article.

9 (2) Directly from a generator to a person outside the state:

10 (A) For solid waste, the total tons by jurisdiction of origin for all material sent to a
11 disposal facility or transfer/processor, their contact information, and an estimate of
12 the overall source sector tons or percentages for waste sent.

13 (B) For green material sent to each transfer/processor or disposal facility for
14 potential beneficial reuse, the tons by jurisdiction of origin, and the contact
15 information of the receiving facility.

16 (C) For non-green material sent to each transfer/processor or disposal facility for
17 potential beneficial reuse, the tons by material type, pursuant to section 18815.9,
18 and the contact information of the receiving facility.

19 (D) For disaster debris and designated waste sent to each transfer/processor or
20 disposal facility, the tons of each stream, and the contact information of the
21 receiving facility.

22 (E) For material sent to recycling or composting facilities or operations, the tons of
23 each material type sent by region.

24 (F) To end users, the tons of each material sent to each end user category by
25 region, pursuant to section 18815.3(k) of this article.

26 (3) A hauler shall submit their report to the Department by the following due dates for
27 each reporting period:

28 (A) Reporting period 1 due April 30,
29 (B) Reporting period 2 due July 31,
30 (C) Reporting period 3 due October 31, and
31 (D) Reporting period 4 due January 31.

32 (e) For the purposes of RDRS reporting, the Department shall not require a hauler to
33 submit information regarding specific collection locations or customers when providing
34 jurisdiction of origin, material type or source sector information to other reporting entities
35 or to the Department as part of a quarterly report.

36 (1) A jurisdiction is not precluded from requiring this information through franchise
37 agreements, contracts, local ordinances, section 41821.5(g) of the Public Resources
38 Code, or other authority it may have.

39 (2) The Department may require a hauler to submit this information in lieu of an audit,
40 or as part of an audit or administrative proceeding.

41 (f) Commencing January 1, 2022, a hauler providing an organic waste collection service
42 pursuant to Article 3, Chapter 12 of this division shall identify, for all materials delivered
43 to each receiving reporting entity, whether the material is:

44 (1) Collected from a "source separated organic waste collection stream" as defined in
45 Section 17402 (a)(26.6) of this division.

1 (2) Collected from “mixed waste organics collection stream” as defined in in Section
2 17402 (a)(11.5) of this division that is required to be transported to a high diversion
3 organic waste processing facility.

4 (g) Notwithstanding Subdivision (b), a hauler shall provide the information required by
5 Subdivision (f) at the time of delivery.

6 Note: Authority Cited: Sections 40502 and 41821.5, Public Resources Code.

7 Reference: Sections 41821.5, ~~and 41821.6,~~ and 42652.5, Public Resources Code and
8 Section 39730.6, Health and Safety Code.

9 **Section 18815.5 Reporting Requirements for Transfer/Processors.**

10 (a) In their report to the Department, a transfer/processor shall provide the following
11 information, using the methods ~~in~~ described in section 18815.9 of this article:

12 (1) For all tons accepted:

13 (A) From another transfer/processor, report the tons of each of the following
14 streams: solid waste, disaster debris, designated waste, green material potential
15 beneficial reuse, and all other potential beneficial reuse accepted from each
16 facility. Report the sending facility's contact information and RDRS number, if
17 applicable.

18 (B) For direct-hauled material, report the total aggregated tons of each of the
19 following streams: solid waste, disaster debris, designated waste, green material
20 potential beneficial reuse, and all other potential beneficial reuse. The tonnages for
21 solid waste and green material potential beneficial reuse shall be further divided by
22 jurisdiction of origin.

23 (C) Include accepted residuals generated by a recycling or composting facility or
24 operation that is reporting under the same RDRS number as a transfer/processing
25 facility or operation, pursuant to section 18815.3(d)(4) of this article, in the total
26 tons accepted as direct-hauled, pursuant to subsection (1)(B), assigning the tons
27 to the jurisdiction within which the site is located.

28 (2) For all tons sent to recyclers, composters, brokers, transporters, or end users
29 pursuant to section 18815.9 of this article:

30 (A) To a recycling or composting facility or operation with a different RDRS
31 number inside California, report the tons by material type, pursuant to section
32 18815.9(a) of this article, and their contact information and RDRS number, if
33 applicable.

34 (B) To an end user, report the tons of each material type, pursuant to section
35 18815.9(a) of this article, sent to each end user category by region, pursuant to
36 section 18815.3(k) of this article.

37 (C) To a broker or transporter:

38 (i) In cases where the final destination of the material is determined by the
39 reporting transfer/processor, report pursuant to subsections (a)(2)(A), (a)(2)(B),
40 and (a)(2)(E).

41 (ii) In cases where the final destination of the material is not determined by the
42 reporting transfer/processor, report tons of each material type, pursuant to
43 section 18815.9(a) of this article, sent to each broker or transporter and their
44 contact information and RDRS number, if applicable.

- 1 (D) To a recycling or composting facility or operation with the same RDRS
2 number, report pursuant to section 18815.9(h) of this article.
- 3 (E) To a recycling or composting facility or operation outside California, report the
4 tons of each material type by region.
- 5 (3) For all tons sent to transfer/processors or disposal facilities inside or outside
6 California of each of the following streams: recycling and composting, solid waste,
7 disaster debris, designated waste, green material potential beneficial reuse, and all
8 other potential beneficial reuse:
- 9 (A) To each transfer/processor or disposal facility, report the tons of each stream,
10 and their contact information and RDRS number, if applicable. Report the
11 percentage of solid waste and green material potential beneficial reuse received
12 from each transfer/processor, and the total percentage of materials that were
13 direct-hauled, pursuant to subsection (a)(1)(B). The percentage that was direct-
14 hauled shall be further divided into the jurisdictions of origin of solid waste and
15 green material potential beneficial reuse.
- 16 (B) For all tons of solid waste, the percentage that was direct-hauled, pursuant to
17 subsection (a)(1)(B), shall be divided into source sectors, using methods
18 described in section 18815.9(c) of this article. Source sector shall be reported to
19 the department as a facility-wide estimate.
- 20 (C) For all other material sent for potential beneficial reuse to a landfill or other
21 transfer/processor inside or outside California, report the tons sent to each facility
22 by material type, pursuant to section 18815.9(a)(3) of this article, and the facility's
23 contact information and RDRS number, if applicable.
- 24 (D) For material sent for recycling to each transfer/processor or disposal facility
25 with a different RDRS number inside California, report the tons by material type,
26 and the facility's contact information and RDRS number, if applicable.
- 27 (E) For material sent for recycling to each transfer/processor or disposal facility
28 outside California, report the tons by material type and region.
- 29 (b) A transfer/processor shall report to the Department by the following due dates for
30 each reporting period:
- 31 (1) Reporting period 1 due May 31,
32 (2) Reporting period 2 due August 31,
33 (3) Reporting period 3 due November 30, and
34 (4) Reporting period 4 due February 28.
- 35 (c) With the exception of reporting entities who fail to provide required information, for
36 the purposes of RDRS reporting, the Department shall not require a transfer/processor
37 to submit information regarding the identities of individual haulers when providing
38 jurisdiction of origin, or source sector information to the Department as part of a
39 quarterly report. The Department shall not require a transfer/processor to submit
40 information regarding the identities of individual end users when providing material type
41 or region to the Department as part of their report.
- 42 (1) A jurisdiction is not precluded from requiring this information through franchise
43 agreements, contracts, local ordinances, section 41821.5(g) of the Public Resources
44 Code, or other authority it may have.
- 45 (2) The Department may require a transfer/processor to submit this information in lieu
46 of an audit, or as part of an audit or administrative proceeding.

1 (d) Commencing with the first reporting period in 2022, and in each subsequent
2 reporting period thereafter:

3 (1) A reporting receiving facility that receives material from a “mixed waste organic
4 collection stream” as defined in Section 17402 (a)(11.5) of this division shall, for the
5 purposes of determining the annual average organic content recovery rate for
6 organic waste received from the mixed waste organic collection stream as specified
7 in Sections 18984.3 and 17409.5.1 of this division, report the following to the
8 Department:

9 (A) The sum of outgoing weights of organic waste recovered from the mixed waste
10 organic collection stream as determined pursuant to Section 17409.5.1(c)(1) of
11 this division.

12 (B)The sum of outgoing weights of organic waste from the mixed waste organic
13 collection stream that is sent to disposal as determined pursuant to Section
14 17409.5.1(c)(2) of this division.

15 (C)The sum of records in Sections 17414.2(a)(2), 17414.2(a)(3), and 17414.2
16 (a)(6) of outgoing and incoming weights of material from the mixed waste organic
17 collection stream.

18 (2) A reporting receiving facility that receives material from a “source separated
19 organic waste collection stream” as defined in Section 17402(a)(26.6) shall report the
20 following to the Department:

21 (A) The sum of outgoing weights of organic waste recovered from the source
22 separated organic collection stream as determined pursuant to Section 17409.5.1
23 (d)(1) of this division.

24 (B) The sum of outgoing weights of organic waste recovered from the source
25 separated organic collection stream as determined pursuant to Section
26 17409.5.1(d)(2) of this division.

27 (C) The sum of weights required to be recorded pursuant to Sections 17414.2
28 (a)(4), 17414.2(a)(5), and 17414.2 (a)(7) of outgoing and incoming weights of
29 material from the source separate organic waste collection stream.

30 (e) The Department shall determine if a facility meets or exceeds the recovery efficiency
31 percentages as specified in the definition of a “high diversion organic waste processing
32 facility” in Section 18982(a)(33) in the following manner:

33 (1) The Department shall determine the quarterly recovery efficiency by dividing the
34 total weight of recovered organic waste reported in Subdivision (d)(1)(A) [Recovered
35 Organics (RO)] by the combined total weight of recovered and disposed organic
36 waste reported in Subdivision (d)(1)(A) and Subdivision (d)(1)(B) [Total Available
37 Mixed Waste Organics(TAMWO)]: RO/TAMWO = Recovery Efficiency.

38 (2) The Department shall use the total weights for the immediately previous four
39 quarters to determine the facility’s annual recovery efficiency which shall constitute
40 the annual average mixed waste organic content recovery rate for the purposes of
41 section 18984.3 of this division.

42 (3) The annual average mixed waste organic content recovery rate shall be
43 determined by using the last four quarterly rates. A new annual average shall be
44 calculated each quarter.

45 (f) The Department shall determine if a facility meets or exceeds the annual average
46 source separated organic content recovery rates specified for a “designated source

1 separated organic waste facility” as defined in Section 18982(a)(14.5) of this division in
2 the following manner:

3 (1) The Department shall determine the quarterly recovery efficiency by dividing the
4 total weight of recovered organic waste reported in Subdivision (d)(2)(A)[Recovered
5 Organics (RO)] by the combined total weight of recovered and disposed organic
6 waste reported in Subdivision (d)(2)(A) and Subdivision (d)(2)(B) [Total Available
7 Source Separated Organic Waste (TASSOW)]: RO/TASSOW = Recovery Efficiency.

8 (2) The Department shall use the total weights for the immediately previous four
9 quarters to determine the facility’s annual recovery efficiency which shall constitute
10 the annual average source separated organic content recovery rate for the purposes
11 of Sections 18982(a)(14.5) and 18998.1 of this division. A new annual average shall
12 be calculated each quarter.

13 (g) A reporting receiving facility subject to the requirements of Section 17409.5.7 shall
14 report the following to the Department:

15 (1) The average ratio of remnant organic waste to non-organic waste measured in
16 the gray container waste evaluation samples performed by the facility pursuant to
17 Section 17409.5.7.

18
19 Note: Authority Cited: Sections 40502 and 41821.5, Public Resources Code.

20 Reference: Sections 41821.5, and 41821.6 and 42652.5, Public Resources Code, and
21 Section 39730.6, Health and Safety Code.

22 **Section 18815.7 Reporting Requirements for Recycling and Composting Facilities** 23 **and Operations.**

24 (a) In their report to the Department, a recycling or composting facility or operation shall
25 provide the following information for all tons handled, using the methods described in
26 section 18815.9 of this article:

27 (1) For materials sent for disposal or potential beneficial reuse to each
28 transfer/processor or disposal facility with a different RDRS number inside or outside
29 California, report the tons of each material type, pursuant to section 18815.9(a) of
30 this article, and their contact information and RDRS number, if applicable.

31 (2) For materials sent to each recycling or composting facility or operation with a
32 different RDRS number, or for recycling at each transfer/processor with a different
33 RDRS number inside California, report the tons of each material type, pursuant to
34 section 18815.9(a) of this article, and their contact information and RDRS number, if
35 applicable.

36 (3) For materials sent to a recycling or composting facility or operation with the same
37 RDRS number, report pursuant to section 18815.9(h) of this article.

38 (4) For intermediate products sent to end users inside or outside California, report the
39 tons of each material type, pursuant to section 18815.9(a) of this article, sent to each
40 end user category by region, pursuant to section 18815.3(k) of this article.

41 (5) For materials sent to a broker or transporter:

42 (A) In cases where the final destination of the material is determined by the
43 reporting recycling or composting facility or operation, report pursuant to
44 subsections (a)(1), (a)(2), (a)(4), and (a)(6), as applicable.

- 1 (B) In cases where the final destination of the material is not determined by the
2 reporting recycling or composting facility or operation, report tons of each material
3 type, pursuant to section 18815.9(a) of this article, sent to each broker or
4 transporter and their contact information and RDRS number, if applicable.
- 5 (6) For materials sent to each recycling or composting facility or operation outside
6 California, or for recycling at a transfer/processor outside California, report the tons of
7 each material type by region.
- 8 (b) A recycling or composting facility or operation is not required to report on material
9 sold for reuse or transferred for reuse.
- 10 (c) A recycler who handles business-to-business post-industrial materials, but also
11 handles materials that do not meet the criteria in section 18815.2(a)(8) of this article,
12 shall:
- 13 (1) Report as a recycler pursuant to this section for all materials that do not meet the
14 criteria for business-to-business post-industrial recycling, and
- 15 (2) Not include information or tonnages associated with the business-to-business
16 post-industrial materials recycled as defined in section 18815.2(a)(8) of this article.
- 17 (d) A recycling or composting facility or operation shall report to the Department by the
18 following due dates for each reporting period:
- 19 (1) Reporting period 1 due May 31,
20 (2) Reporting period 2 due August 31,
21 (3) Reporting period 3 due November 30, and
22 (4) Reporting period 4 due February 28.
- 23 (e) With the exception of other reporting entities, for the purposes of RDRS reporting,
24 the Department shall not require a recycling and composting facility or operation to
25 submit information regarding the identities of individual end users, suppliers, or
26 customers when providing material type information to the Department as part of a
27 quarterly report.
- 28 (1) A jurisdiction is not precluded from requiring this information through franchise
29 agreements, contracts, local ordinances, section 41821.5(g) of the Public Resources
30 Code, or other authority it may have.
- 31 (2) The Department may require that a recycler/composter submit this information in
32 lieu of an audit, or as part of an audit or administrative proceeding.
- 33 (f) Commencing with first reporting period in 2022, and in each subsequent reporting
34 period thereafter:
- 35 (1) A recycling or compost facility or operation shall, if applicable, additionally report
36 the following to the Department:
- 37 (A) The percentage of organic waste contained in materials sent to landfill disposal
38 as calculated pursuant to Section 17869(e)(1) or 17896.45(a)(1).

39 Note: Authority Cited: Sections 40502 and 41821.5, Public Resources Code.
40 Reference: Sections 41821.5, and 41821.6 and 42652.5, Public Resources Code and
41 39730.6, Health and Safety Code.

42

1 **Chapter 12: Short-lived Climate Pollutants**

2 **General Provisions**

3 **Section 18981. 1. Scope of Chapter.**

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

8 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.
9 Reference: Public Resources Code Sections 40002, 42652.5, 42654; and Health and
10 Safety Code Section 39730.6.

11 **Section 18981. 2. Implementation Requirement on Jurisdictions.**

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

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

20 (1) Contracts with haulers or other private entities; or

21 (2) Agreements such as MOUs with other jurisdictions, entities, regional agencies as
22 defined in Public Resources Code Section 40181, or other government entities,
23 including environmental health departments.

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

26 (d) Nothing in this chapter authorizes a jurisdiction to delegate its authority to impose
27 civil penalties, or to maintain an action to impose civil penalties, to a private entity.

28 (e) If a jurisdiction designates another entity as allowed in Subdivision (b) of this section,
29 the jurisdiction shall include copies of all agreements and contracts in the
30 Implementation Record required by Section 18995.2.

31 (f) Nothing in this section authorizes a jurisdiction to require a public or private entity to
32 fulfill its obligations under this chapter without designating the entity through a
33 mechanism authorized in Subdivision (b) of this Section.

34 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.
35 Reference: Public Resources Code Sections 42652.5, 42654; and Health and Safety
36 Code Section 39730.6.

Article 1. Definitions

Section 18982. Definitions.

(a) Except as otherwise provided, 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.

(3.5) "Biomass conversion" has the same meaning as in Public Resources Code, Section 40106.

(4) "Biosolids" has the same meaning as Section 17852(a)(9) of this division.

(5) "Blue container" means a container where either:

(A) The lid of the container is blue in color.

(B) The body of the container is blue in color and the lid is either blue, gray, or black in color. Hardware such as hinges and wheels on a blue container may be any color.

(5.5) "Brown container" means a container where either:

(A) The lid of the container is brown in color.

(B) The body of the container is brown in color and the lid is either brown, gray, or black in color. Hardware such as hinges and wheels on a brown container may be any 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 the 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. For the purposes of this chapter, food recovery organizations and food recovery services are not commercial edible food generators.

(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).

(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).

1 (13) “Consumer” has the same meaning as in Section 113757 of the Health and
2 Safety Code.

3 (14) “Container contamination” or “contaminated container” means a container,
4 regardless of color, that contains prohibited container contaminants as defined in
5 Subdivision (a)(55).

6 (14.5) “Designated source separated organic waste facility” means a solid waste
7 facility that accepts a source separated organic waste collection stream as defined in
8 Section 17402(a)(26.6) and complies with one of the following:

9 (A) The facility is a “transfer/processor,” as defined in Section 18815.2(a)(62), that
10 is in compliance with the reporting requirements of Section 18815.5(d), and meets
11 or exceeds an annual average source separated organic content recovery rate of
12 50 percent between January 1, 2022 and December 31, 2024 and 75 percent on
13 and after January 1, 2025 as calculated pursuant to Section 18815.5(f) for organic
14 waste received from the source separated organic waste collection stream.

15 1. If a transfer/processor has an annual average source separated organic
16 content recovery rate lower than the rate required in paragraph (A) of this
17 section for two (2) consecutive reporting periods, or three (3) reporting periods
18 within three (3) years, the facility shall not qualify as a “Designated source
19 separated organic waste facility.”

20 (B) The facility is a “composting operation” or “composting facility” as defined in
21 Section 18815.2(a)(13) that pursuant to the reports submitted under Section
22 18815.7 demonstrates that the percent of the material removed for landfill disposal
23 that is organic waste is less than the percent specified in Section 17409.5.8(c)(2)
24 or 17409.5.8(c)(3), whichever is applicable, and, if applicable, complies with the
25 digestate handling requirements specified in Section 17896.57.

26 1. If the percent of the material removed for landfill disposal that is organic
27 waste is more than the percent specified in Section 17409.5.8(c)(2) or
28 17409.5.8(c)(3) for two (2) consecutive reporting periods, or three (3) reporting
29 periods within three (3) years, the facility shall not qualify as a “Designated
30 source separated organic waste facility.”

31 (15) “Designee” means an entity that a jurisdiction contracts with or otherwise
32 arranges to carry out any responsibilities of this chapter, as authorized in Section
33 18981. 2 of this chapter. A designee may be a government entity, a hauler, a private
34 entity, or a combination of those entities.

35 (16) “Diesel gallon equivalent” means the amount of renewable gas transportation
36 fuel that has the equivalent energy content of one gallon of conventional diesel.

37 (16.5) “Digestate” means the solid and/or liquid material remaining after organic
38 material has been processed in an in-vessel digester.

39 (17) “Direct service provider” means a person, company, agency, district, or other
40 entity that provides a service or services to a jurisdiction pursuant to a contract or
41 other written agreement.

42 (18) “Edible food” means food intended for human consumption.

43 (A) For the purposes of this chapter, “edible food” is not solid waste if it is
44 recovered and not discarded.

45 (B) Nothing in this chapter requires or authorizes the recovery of edible food that
46 does not meet the food safety requirements of the California Retail Food Code.

1 (19) "Enforcement action" means an action of a jurisdiction or the Department to
2 ensure compliance with this chapter, including, but not limited to, issuing notices of
3 violation, accusations, or other remedies.

4 (20) "Facility that recovers source separated organic waste" means a facility that
5 handles source separated organic waste separately from any other wastes as
6 required in Section 17409.5.6.

7 (21) "Food" has the same meaning as in Section 113781 of the Health and Safety
8 Code.

9 (22) "Food distributor" means a company that distributes food to entities including,
10 but not limited to, supermarkets and grocery stores.

11 (23) "Food facility" has the same meaning as in Section 113789 of the Health and
12 Safety Code.

13 (24) "Food recovery" means actions to collect and distribute food for human
14 consumption which otherwise would be disposed.

15 (25) "Food recovery organization" means an entity that engages in the collection or
16 receipt of edible food from commercial edible food generators and distributes that
17 edible food to the public for food recovery either directly or through other entities
18 including, but not limited to:

19 (A) A food bank as defined in Section 113783 of the Health and Safety Code;

20 (B) A nonprofit charitable organization as defined in Section 113841 of the Health
21 and Safety code; and,

22 (C) A nonprofit charitable temporary food facility as defined in Section 113842 of
23 the Health and Safety Code.

24 (26) "Food recovery service" means a person or entity that collects and transports
25 edible food from a commercial edible food generator to a food recovery organization
26 or other entities for food recovery.

27 (27) "Food service provider" means an entity primarily engaged in providing food
28 services to institutional, governmental, commercial, or industrial locations of others
29 based on contractual arrangements with these types of organizations.

30 (27.5) "Fluorinated greenhouse gas" or "fluorinated GHG" means sulfur hexafluoride
31 (SF₆), nitrogen trifluoride (NF₃), and any fluorocarbon except for controlled
32 substances as defined at 40 CFR Part 82, Subpart A, (May 1995), which is hereby
33 incorporated by reference, and substances with vapor pressures of less than 1 mm of
34 Hg absolute at 25 °C. With these exceptions, "fluorinated GHG" includes any
35 hydrofluorocarbon, any perfluorocarbon, any fully fluorinated linear, branched or
36 cyclic alkane, ether, tertiary amine or aminoether, any perfluoropolyether, and any
37 hydrofluoropolyether.

38 (27.6) "Global warming potential" or "GWP" means the ratio of the time-integrated
39 radiative forcing from the instantaneous release of one kilogram of a trace substance
40 relative to that of one kilogram of a reference gas (i.e., CO₂). The GWP values are as
41 specified in the Table A-1 to Subpart A of Title 40 Code of Federal Regulations Part
42 98 as published in the CFR on 12/11/2014, which is hereby incorporated by
43 reference.

44 (28) "Gray container" means a container where either:

45 (A) The lid of the container is gray or black in color.

1 (B) The body of the container is entirely gray or black in color and the lid is gray or
2 black in color. Hardware such as hinges and wheels on a gray container may be
3 any color.
4 (28.5) “Gray container collection stream” has the same meaning as defined in
5 Section 17402.
6 (29) “Green container” means a container where either:
7 (A) The lid of the container is green in color.
8 (B) The body of the container is green in color and the lid is green, gray, or black
9 in color. Hardware such as hinges and wheels on a green container may be any
10 color.
11 (29.5) “Greenhouse gas” means carbon dioxide (CO₂), methane (CH₄), nitrous oxide
12 (N₂O), sulfur hexafluoride (SF₆), hydrofluorocarbons (HFC), perfluorocarbons (PFC),
13 and other fluorinated greenhouse gases as defined in this section.
14 (29.6) “Greenhouse gas emission reduction” or “greenhouse gas reduction” means a
15 calculated decrease in greenhouse gas emissions relative to a project baseline over
16 a specified period of time.
17 (30) “Grocery store” means a store primarily engaged in the retail sale of canned
18 food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any
19 area that is not separately owned within the store where the food is prepared and
20 served, including a bakery, deli, and meat and seafood departments.
21 (30.5) “Hazardous wood waste” means wood that falls within the definition of
22 “Treated wood” or “Treated wood waste” in Section 67386.4 of Title 22 of the
23 California Code of Regulations.
24 (31) “Hauler” has the same meaning as in Section 18815.2(a)(32).
25 (31.5) “Hauler route” means the designated itinerary or sequence of stops for each
26 segment of the jurisdiction’s collection service area.
27 (32) “Health facility” has the same meaning as in Section 1250 of the Health and
28 Safety Code.
29 (33) “High diversion organic waste processing facility” means a facility that is in
30 compliance with the reporting requirements of Section 18815.5(d) and meets or
31 exceeds an annual average mixed waste organic content recovery rate of 50 percent
32 between January 1, 2022 and December 31, 2024, and 75 percent after January 1,
33 2025 as calculated pursuant to Section 18815.5(e) for organic waste received from
34 the “Mixed Waste Organic Collection Stream” as defined in Section 17402-(a)(11.5).
35 (34) “Hotel” has the same meaning as in Section 17210 of the Business and
36 Professions code.
37 (35) “Inspection” means a site visit where a jurisdiction or the Department reviews
38 records, containers, and an entity’s collection, handling, recycling, or landfill disposal
39 of organic waste or edible food handling to determine if the entity is complying with
40 requirements set forth in this chapter.
41 (36) “Jurisdiction” means a city, county, a city and county, or a special district that
42 provides solid waste collection services. A city, county, a city and county, or a special
43 district may utilize a Joint Powers Authority to comply with the requirements of this
44 chapter, except that the individual city, county, city and county, or special district shall
45 remain ultimately responsible for compliance.

1 (37) "Jurisdiction of residence" means the jurisdiction where a generator who is a
2 self-hauler generated organic waste.

3 (38) "Large event" means an event, including, but not limited to, a sporting event or a
4 flea market, that charges an admission price, or is operated by a local agency, and
5 serves an average of more than 2,000 individuals per day of operation of the event,
6 at a location that includes, but is not limited to, a public, nonprofit, or privately owned
7 park, parking lot, golf course, street system, or other open space when being used for
8 an event.

9 (39) "Large venue" means a permanent venue facility that annually seats or serves
10 an average of more than 2,000 individuals within the grounds of the facility per day of
11 operation of the venue facility. For the purposes of this chapter, a venue facility
12 includes, but is not limited to, a public, nonprofit, or privately owned or operated
13 stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo,
14 aquarium, airport, racetrack, horse track, performing arts center, fairground, museum,
15 theater, or other public attraction facility. For the purposes of this chapter, a site
16 under common ownership or control that includes more than one large venue that is
17 contiguous with other large venues in the site, is a single large venue.

18 (39.5) "Lifecycle greenhouse gas emissions" or "Lifecycle GHG emissions" means
19 the aggregate quantity of greenhouse gas emissions (including direct and indirect
20 emissions), related to the full lifecycle of the technology or process that an applicant
21 wishes to have assessed as a possible means to reduce landfill disposal of
22 organic waste. The lifecycle analysis of emissions includes all stages of organic
23 waste processing and distribution, including collection from a recovery location,
24 waste processing, delivery, use of any finished material by the ultimate consumer,
25 ultimate use of any processing materials. The mass values for all greenhouse gases
26 shall be adjusted to account for their relative global warming potential.

27 (40) "Local education agency" means a school district, charter school, or county
28 office of education that is not subject to the control of city or county regulations
29 related to solid waste.

30 (41) "Non-compostable paper" includes, but is not limited, to paper that is coated in a
31 plastic material that will not breakdown in the composting process.

32 (42) "Non-local entity" means an entity that is an organic waste generator but is not
33 subject to the control of a jurisdiction's regulations related to solid waste. These
34 entities may include, but are not limited to, special districts, federal facilities, prisons,
35 facilities operated by the state parks system, public universities, including community
36 colleges, county fairgrounds, and state agencies.

37 (43) "Non-organic recyclables" means non-putrescible and non-hazardous recyclable
38 wastes, including, but not limited to, bottles, cans, metals, plastics, and glass.

39 (44) "Notice and Order to Correct (NOTC)" means a notice that a violation has
40 occurred and that failure to correct the violation may result in a penalty.

41 (45) "Notice of Violation (NOV)" means a notice that a violation has occurred that
42 includes a compliance date to avoid an action to seek penalties.

43 (46) "Organic waste" means solid wastes containing material originated from living
44 organisms and their metabolic waste products including, but not limited to, food,
45 green material, landscape and pruning waste, organic textiles and carpets, lumber,

1 wood, paper products, printing and writing paper, manure, biosolids, digestate, and
2 sludges.

3 (47) "Organic waste disposal reduction target" is the statewide target to reduce the
4 disposal of organic waste by 50 percent by 2020 and 75 percent by 2025, based on
5 the 2014 organic waste disposal baseline, set forth in Section 39730.6 of the Health
6 and Safety Code.

7 (48) "Organic waste generator" means a person or entity that is responsible for the
8 initial creation of organic waste.

9 (49) "Organic waste recovery activities" or "recovery" means any activity or process
10 described in Section 18983.1(b).

11 (50) "Organic Waste Recovery Noncompliance Inventory" means a list of entities that
12 have uncorrected violations of the standards contained in this chapter.

13 (51) "Paper products" include, but are not limited to, paper janitorial supplies, cartons,
14 wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and
15 toweling.

16 (52) Paper purchase" means all purchases by a jurisdiction of items in the following
17 categories:

18 (A) Paper products.

19 (B) Printing and writing papers.

20 (52.5) "Performance-based source separated collection service" means a solid waste
21 collection service that meets the requirements of Section 18998.1(a).

22 (52.6) "Permanent" means, in the context of the determination of processes or
23 technologies that constitute a reduction in landfill disposal, that greenhouse gas
24 emissions reductions are not reversible, or when these emissions reductions may be
25 reversible, that mechanisms are in place to replace any reversed greenhouse gas
26 emissions reductions to ensure that all reductions endure for at least 100 years.

27 (53) "Person" has the same meaning as in Section 40170 of the Public Resources
28 Code.

29 (54) "Printing and writing papers" include, but are not limited to, copy, xerographic,
30 watermark, cotton fiber, offset, forms, computer printout paper, white wove
31 envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and
32 other uncoated writing papers, posters, index cards, calendars, brochures, reports,
33 magazines, and publications.

34 (55) "Prohibited container contaminants" means any of the following, but does not
35 include organic waste specifically allowed for collection in a container that is required
36 to be transported to a high diversion organic waste processing facility if the waste is
37 specifically identified as acceptable for collection in that container in a manner that
38 complies with the requirements of Section 18984.1, 18984.2, or 18984.3.

39 (A) Non-organic waste placed in a green container that is part of an organic waste
40 collection service provided pursuant to Section 18984.1 or 18984.2.

41 (B) Organic wastes that are, carpet, hazardous wood waste, or non-compostable
42 paper placed in the green container that is part of an organic waste collection
43 service provided pursuant to Section 18984.1 or 18984.2.

44 (C) Organic wastes, placed in a gray container, that pursuant to Section 18984.1
45 or 18984.2 were intended to be collected separately in the green container or blue
46 container.

1 (D) Organic wastes placed in the blue container shall be considered prohibited
2 container contaminants when those wastes were specifically identified in this
3 chapter or through a local ordinance for collection in the green container for
4 recovery. Paper products, printing and writing paper, wood and dry lumber may be
5 considered acceptable and not considered prohibited container contaminants if
6 they are placed in the blue container.

7 (56) "Processing" has the same meaning as in Section 17402(a)(20).

8 (56.5) "Project baseline" means, in the context of "greenhouse gas emission
9 reduction" or "greenhouse gas reduction," and in the context of an application
10 submitted pursuant to Section 18983.2, a conservative estimate of the business-as-
11 usual greenhouse gas emissions that would have occurred if the organic waste
12 proposed for recovery was disposed in an activity that constitutes landfill disposal.
13 This estimate may include greenhouse gas emissions associated with the production
14 and use of products replaced by a Section 18983.2 technology or process.

15 (57) "Property owner" means the owner of real property.

16 (58) "Publicly owned treatment works" or "POTW" has the same meaning as in
17 Section 403.3(r) of Title 40 of the Code of Federal Regulations.

18 (59) "Recovered organic waste product procurement target" means the amount of
19 organic waste in the form of a recovered organic waste product which a jurisdiction is
20 required to procure annually.

21 (60) "Recovered organic waste products" means products made from California,
22 landfill-diverted recovered organic waste processed at a permitted or otherwise
23 authorized operation or facility.

24 (60.5) "Recovery location" includes the closest aggregating hub used to recover the
25 organic waste after collection. This could include but is not limited to a transfer
26 facility, recycling facility, or recovery facility.

27 (61) "Recycled content paper" means paper products and printing and writing paper
28 that consists of at least 30 percent, by fiber weight, postconsumer fiber.

29 (62) "Renewable gas" means gas derived from organic waste that has been diverted
30 from a landfill and processed at an in-vessel digestion facility that is permitted or
31 otherwise authorized by Title 14 to recover organic waste.

32 (63) "Residual organic waste" means waste that remains after organic waste has
33 been processed which is then sent to landfill disposal.

34 (64) "Restaurant" means an establishment primarily engaged in the retail sale of food
35 and drinks for on-premises or immediate consumption.

36 (65) "Route review" means a visual inspection of containers along a hauler route for
37 the purpose of determining container contamination and may include mechanical
38 inspection methods such as the use of cameras.

39 (66) "Self-hauler" means a person who hauls solid waste, organic waste or recovered
40 material he or she has generated to another person. Self-hauler also includes a
41 person who back-hauls waste.

42 (A) "Back-haul" means generating and transporting organic waste to a destination
43 owned and operated by the generator using the generator's own employees and
44 equipment.

45 (67) "Sewage sludge" means the solid, semisolid, or liquid residue generated during
46 the treatment of domestic sewage in a municipal wastewater treatment facility.

1 Sewage sludge includes solids removed or used during primary, secondary, or
2 advanced wastewater treatment processes. Sewage sludge does not include grit or
3 screening material generated during preliminary treatment of domestic sewage at a
4 POTW.

5 (68) "Share table" has the same meaning as in Section 114079 of the Health and
6 Safety Code.

7 (68.5) "Source sector" has the same meaning as in Section 18815.2(a)(58).

8 (69) "Source separated organic waste" means organic waste that is placed in a
9 container that is specifically intended for the separate collection of organic waste by
10 the generator.

11 (70) "Source separated organic waste collection stream" has the same meaning as
12 defined in Section 17402(a)(26.6).

13 (70.5) "Special district" has the same meaning as Section 41821.2 of the Public
14 Resources Code.

15 (71) "Supermarket" means a full-line, self-service retail store with gross annual sales
16 of two million dollars (\$2,000,000), or more, and which sells a line of dry grocery,
17 canned goods, or nonfood items and some perishable items.

18 (72) "The 2014 organic waste disposal baseline" means the total tons of organic
19 waste disposed statewide in 2014 as calculated by the Department.

20 (73) "Tier one commercial edible food generator" means a commercial edible food
21 generator that is one of the following:

22 (A) Supermarket.

23 (B) Grocery store with a total facility size equal to or greater than 10,000 square
24 feet.

25 (C) Food service provider.

26 (D) Food distributor.

27 (E) Wholesale food vendor.

28 (74) "Tier two commercial edible food generator" means a commercial edible food
29 generator that is one of the following:

30 (A) Restaurant with 250 or more seats, or a total facility size equal to or greater
31 than 5,000 square feet.

32 (B) Hotel with an on-site food facility and 200 or more rooms.

33 (C) Health facility with an on-site food facility and 100 or more beds.

34 (D) Large venue.

35 (E) Large event.

36 (F) A state agency with a cafeteria with 250 or more seats or a total cafeteria
37 facility size equal to or greater than 5,000 square feet.

38 (G) A local education agency with an on-site food facility.

39 (75) "Uncontainerized green waste and yard waste collection service" or
40 "uncontainerized service" means a collection service that collects green waste and
41 yard waste that is placed in a pile or bagged for collection on the street in front of a
42 generator's house or place of business for collection and transport to a facility that
43 recovers source separated organic waste.

44 (76) "Wholesale food vendor" means a business or establishment engaged in the
45 merchant wholesale distribution of food, where food (including fruits and vegetables)

1 is received, shipped, stored, prepared for distribution to a retailer, warehouse,
2 distributor, or other destination.

3 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.
4 Reference: Public Resources Code Sections 42652.5, 42654; and Health and Safety
5 Code Sections 39730.6 and 39730.8.

6 **Article 2. Landfill Disposal and Reductions in Landfill Disposal**

7 **Section 18983.1 Landfill Disposal and Recovery.**

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

10 (1) Final deposition at a landfill.

11 (2) Use as Alternative Daily Cover or Alternative Intermediate Cover at a landfill.

12 (A) The use of non-organic material as landfill cover shall not constitute landfill
13 disposal of organic waste.

14 (3) Any other disposition not listed in Subdivision (b) of this section.

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

18 (1) An operation that qualifies as a "Recycling Center" as set forth in Section
19 17402.5(d) or is listed in Section 17402.5(c) of this division.

20 (2) A "Compostable Material Handling Operation or Facility" as defined in Section
21 17852(a)(12) of this division, small composting activities that would otherwise be
22 excluded from that definition pursuant to Section 17855(a)(4) of this division, or
23 community composting as defined in Section 18982(a)(8).

24 (3) An "In-vessel Digestion Operation or Facility" as listed in Section 17896.5 of this
25 division, or activities that would otherwise not be subject to the in-vessel digestion
26 requirements pursuant to Section 17896.6 of this division.

27 (4) A Biomass Conversion operation or facility as defined in Section 40106 of the
28 Public Resources Code.

29 (5) Used as a soil amendment for erosion control, revegetation, slope stabilization, or
30 landscaping at a landfill, when the material is used in a manner that complies with the
31 following criteria:

32 (A) The material has been processed at a solid waste facility, as defined in Section
33 40194 of the Public Resources Code; and

34 (B) The use shall be:

35 1. Restricted to those organic wastes appropriate for the specific use and in
36 accordance with engineering, industry guidelines or other standard practices
37 specified in the Report of Disposal Site Information, as required by 27 CCR,
38 Section 21600(b)(6).

39 2. Restricted to quantities of solid wastes no more than necessary to meet the
40 minimum requirements of Subdivision (b)(5)(B)1.

41 3. Stored and handled in a manner to protect public health and safety and the
42 environment, and control vectors, fires, odors, and nuisances.

43 (C) The material applied is never more than 12 inches in depth.

1 (6) Land application, of compostable material consistent with Section 17852(a)(24.5)
2 of this division, is subject to the following conditions on particular types of
3 compostable material used for land application:

4 (A) Green waste or green material used for land application shall meet the
5 definition of Section 17852(a)(21) and shall have been processed at a solid waste
6 facility, as defined by Section 40194 of the Public Resources Code.

7 (B) Biosolids used for land application shall:

8 1. Have undergone anaerobic digestion or composting, as defined in Part 503,
9 Title 40 of the Code of Federal Regulations, Appendix B, sections (A)(1) and
10 (A)(4), as amended August 4, 1999, which is hereby incorporated by reference;

11 and

12 2. Meet the requirements in Section 17852(a)(24.5)(B)6 of this division for
13 beneficial reuse of biosolids.

14 (C) Digestate used for land application shall:

15 1. Have been anaerobically digested at an in-vessel digestion operation or
16 facility, as described in Sections 17896.8 through 17896.13; and

17 2. Meet the land application requirements described in Section 17852(a)(24.5)

18 A.

19 3. Have obtained applicable approvals from the State and/or Regional Water
20 Quality Control Board requirements.

21 (7) Lawful use as animal feed, as set forth in Chapter 6 of Food and Agricultural
22 Code (FAC), commencing with Section 14901 et. seq and Title 3, Division 4, Chapter
23 2, Subchapter 2 commencing with Article 1, Section 2675 of the Code of California
24 Regulations.

25 (8) Other operations or facilities with processes that reduce short-lived climate
26 pollutants as determined in accordance with Section 18983.2.

27 (c) For the purposes of this section, the term "landfill" includes permitted landfills,
28 landfills that require a permit, export out of California for disposal, or any other disposal
29 of waste as defined by Section 40192(c) of the Public Resources Code.

30 (d) For the purposes of this section, edible food that would otherwise be disposed that is
31 recovered for human consumption shall constitute a reduction of landfill disposal.

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

33 Reference: Public Resources Code Sections 40106, 40116, 40116.1, 40192 and
34 42652.5; and Health and Safety Code Sections 39730.6 and 39730.8.

35 **Section 18983.2 Determination of Technologies That Constitute a Reduction in**
36 **Landfill Disposal.**

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

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

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

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

1 (C) For each process or technology noted in Section 18983.2(a)(1)(B), the mass in
2 short tons of organic waste, differentiated by type (i.e., food, leaves and grass,
3 woody material (not including lumber or agricultural crop residues), lumber,
4 agricultural crop residues, manure, sewage sludge (not including digestate),
5 digestate, organic textiles and carpet, paper products, and remainder/composite
6 organic), that will be processed each year.

7 (D) For any material produced from the proposed process or technology, a
8 description of each end use or landfill disposal location to which the material will
9 be sent. For each end use or landfill disposal location, the applicant must submit
10 the expected mass in short tons and characteristics of the material.

11 (E) For each of the processes or technologies described pursuant to Section
12 18983.2(a)(1)(B), each calculation, assumption, and emission factor used by the
13 applicant to calculate the greenhouse gas emissions as well as the expected
14 permanent greenhouse gas emissions reduction of the proposed operation,
15 including the estimated greenhouse gas emissions and permanent greenhouse
16 gas emissions reductions of any end uses or landfill disposal of material described
17 in Section 18983.2(a)(1)(D). All calculations must be clearly laid out such that the
18 Department is able to follow and understand the calculation of greenhouse gas
19 emissions reduction potential.

20 (F) For each greenhouse gas emission factor or greenhouse gas emission
21 reduction factor used pursuant to Section 18983.2(a)(1)(E), documentation
22 demonstrating that the emission factor or emission reduction factor has been peer
23 reviewed or subjected to other scientifically rigorous review methods.

24 (G) A detailed explanation of how the proposed technology or process will result in
25 a permanent reduction in greenhouse gas emissions.

26 (H) A written attestation that the information supplied is true, accurate, and
27 complete.

28 (I) The director of the Department may request additional information from the
29 applicant if required to validate the information submitted pursuant to this section.

30 (2) The Department shall consult with the Executive Office of the California Air
31 Resources Board (CARB) to evaluate if the information submitted by the applicant is
32 sufficient to estimate the greenhouse gas emissions and permanent lifecycle GHG
33 emissions reduction of the proposed recovery process or operation. Within 30 days of
34 receiving the application, the Department shall inform the applicant if they have not
35 submitted sufficient information to estimate the greenhouse gas emissions and
36 permanent lifecycle greenhouse gas emissions reductions associated with the
37 proposed recovery process or operation. For further consideration of any application
38 submitted without sufficient information, the applicant is required to submit the
39 requested information. The Department shall provide a response to the applicant
40 within 180 days of receiving all necessary information as to whether or not the
41 proposed recovery process or operation results in a permanent reduction in
42 greenhouse gas emissions, and therefore counts as a reduction in landfill disposal.

43 (3) To determine if the proposed operation counts as a permanent reduction in landfill
44 disposal, the Department, in consultation with CARB's Executive Office, shall
45 compare the permanent lifecycle GHG emissions reduction of metric tons of carbon
46 dioxide equivalent (MTCO₂e) per short ton organic waste reduced by the process or

1 technology, with the emissions reduction from composting organic waste (0.30
2 MTCO₂e/short ton organic waste). The Department shall only deem a proposed
3 operation to constitute a reduction in landfill disposal if the process or technology
4 results in a permanent reduction in lifecycle greenhouse gas emissions equal to or
5 greater than the 0.30 MTCO₂e/short ton of organic waste.

6 (b) If the Department determines that a proposed process or technology results in a
7 reduction in landfill disposal, the Department shall post to its website the results of the
8 determination and include a description of the operation.

9 (c) Upon request of the applicant, as part of determination of activities that constitute a
10 reduction in landfill disposal, the Department may consider additional information
11 provided by the applicant that demonstrates that the proposed activity is identical or
12 equivalent to a proposed activity the Department has determined pursuant to Section
13 18983.2(a) results in a reduction in landfill disposal.

14 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.
15 Reference: Public Resources Code Sections 40192 and 42652.5; and Health and
16 Safety Code Section 39730.6.

17 **Article 3. Organic Waste Collection Services**

18 **Section 18984. Combined Organic Waste Collection Services.**

19 A jurisdiction may provide any combination of organic waste collection services
20 specified in Sections 18984.1, 18984.2, and 18984.3 to generators subject to its
21 authority.

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

25 **Section 18984.1. Three-container Organic Waste Collection Services.**

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

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

33 (A) Compostable plastics may be placed in the green container if the material
34 meets the ASTM D6400 sections 5.1 through 6.4.2 standard for compostability as
35 published May, 2019, which is hereby incorporated by reference, and the contents
36 of the green containers are transported to compostable material handling
37 operations or facilities or in-vessel digestion operations or facilities that have
38 provided written notification annually to the jurisdiction stating that the facility can
39 process and recover that material.

40 (2) The blue container shall be provided for the collection of non-organic recyclables
41 only but may include the following types of organic wastes: paper products, printing

1 and writing paper, wood and dry lumber and textiles. The contents of the blue
2 container shall be transported to a facility that recovers the materials designated for
3 collection in the blue container.

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

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

9 (5) Materials specified in this paragraph shall be subject to the following restrictions:

10 (A) Carpets, non-compostable paper, and hazardous wood waste shall not be
11 collected in the green container.

12 (B) Hazardous wood waste shall not be collected in the blue container or gray
13 container.

14 (6) A jurisdiction may require additional segregation of source separated organic
15 waste by providing additional containers or additional sections of split containers in
16 addition to the green container and blue container. The following types of additional
17 containers can be provided pursuant to this paragraph.

18 (A) A brown container, or a brown section of a split container that is limited to the
19 collection of separated food waste.

20 (B) If a jurisdiction segregates the contents of a blue container into an additional
21 container or additional section of a split container in order to separate organic
22 wastes specified in Subdivision (a)(2) from non-organic recyclables, the jurisdiction
23 may use a darker shade of blue for the container or section of the container
24 designated for the collection of organic waste, and a lighter shade of blue, or any
25 color not already designated for other materials specified in this section, for the
26 collection of non-organic recyclables.

27 (C) Additional containers, or sections of split containers provided for collection of
28 additionally separated organic waste not specified in this section, may be provided
29 in any color provided that the colors do not conflict with the container color
30 requirements of this section.

31 (b) A jurisdiction that provides a three-container organic waste collection service that
32 complies with Subdivision (a) may transport the contents of the gray container to a
33 facility that processes and recovers organic waste. A jurisdiction that complies with
34 Subdivision (a) is not required to transport the contents of the gray container to a facility
35 that meets or exceeds the organic waste content recovery standard specified in Section
36 18984.3. A jurisdiction will not be considered out of compliance with Subdivision (a) if it
37 allows carpet and textiles to be placed in the gray container.

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

41 (1) The contents of the gray container shall be transported to a facility that meets or
42 exceeds the organic waste content recovery requirements specified in Section
43 18984.3.

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

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

4 (d) A jurisdiction may allow organic waste to be collected in plastic bags and placed in
5 the green container provided that allowing the use of bags does not inhibit the ability of
6 the jurisdiction to comply with the requirements of Section 18984.5, and the facilities
7 that recover source separated organic waste for the jurisdiction annually provide written
8 notice to the jurisdiction indicating that the facility can process and remove plastic bags
9 when it recovers source separated organic waste.

10 (e) Nothing in this section is intended to prohibit a jurisdiction from providing an
11 uncontainerized green waste and yard waste collection service to its generators,
12 provided that the three container service complies with the following:

13 (1) If an uncontainerized green waste and yard waste collection service is provided
14 intermittently or on a seasonal basis, a green container is still provided for collection
15 of organic waste as required in Subdivision (a)(1) whenever the uncontainerized
16 service is not provided.

17 (2) If an uncontainerized green waste and yard waste collection service is provided
18 year-round, generators receiving that service must be provided a collection service
19 for the collection of other organic waste in a manner that complies with this section.

20 (f) Notwithstanding Subdivision (a), the contents of containers may be initially
21 transported to a consolidation site as defined in Section 17402 that complies with the
22 requirements of Section 17409.5.10.

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

24 Reference: Public Resources Code Section 42652.5 and Health and Safety Code
25 Section 39730.6.

26 **Section 18984.2. Two-container Organic Waste Collection Services.**

27 (a) A jurisdiction may comply with the requirements of this article by implementing a
28 two-container organic waste collection service as provided below:

29 (1) A two container system where a green container and a gray container are
30 provided and:

31 (A) The green container is limited to the collection of organic waste only. The
32 contents of the green container shall be transported to a facility that specifically
33 recovers source separated organic waste.

34 (B) The gray container allows for intentional comingling of all collected wastes,
35 including organic waste that is not designated for collection in the green container,
36 provided that the contents of the gray container are transported to a facility that
37 meets or exceeds the organic waste content recovery requirements specified in
38 Section 18984.3.

39 (C) Compostable plastics may be placed in the green container if the material
40 meets the ASTM D6400 sections 5.1 through 6.4.2 standard for compostability as
41 published May, 2019, which is hereby incorporated by reference, and contents of
42 the green containers are transported to compostable material handling operations
43 or facilities or in-vessel digestion operations or facilities that have provided written

1 notification annually to the jurisdiction stating that the facility can process and
2 recover that material; or

3 (2) A two container system where a blue container and a gray container are provided
4 and:

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

10 (B) The gray container allows for intentional comingling of all collected wastes,
11 including organic waste that is not designated for collection in the blue container,
12 provided that the contents of the gray container are transported to a facility that
13 meets or exceeds the organic waste content recovery requirements specified in
14 Section 18984.3.

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

18 (c) Materials specified in this Subdivision shall be subject to the following restrictions:

19 (1) Carpets, non-compostable paper, and hazardous wood waste shall not be
20 collected in the green container.

21 (2) Hazardous wood waste shall not be collected in the blue or gray container.

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

26 (1) If a jurisdiction segregates the contents of a blue container into an additional
27 container or additional section of a split container in order to separate organic wastes
28 specified in Subdivision (a)(2) from non-organic recyclables, the jurisdiction may use
29 a darker shade of blue for the container or section of the container designated for the
30 collection of organic waste, and a lighter shade of blue, or any color not already
31 designated for other materials specified in this section, for the collection of non-
32 organic recyclables.

33 (e) A jurisdiction may allow organic waste to be collected in plastic bags and placed in
34 the green container provided that allowing the use of bags does not inhibit the ability of
35 the jurisdiction to comply with the requirements of Section 18984.5, and the facilities
36 that recover source separated organic waste for the jurisdiction annually provide written
37 notice to the jurisdiction indicating that the facility can process and remove plastic bags
38 when it recovers source separated organic waste.

39 (f) Nothing in this section is intended to prohibit a jurisdiction from providing an
40 uncontainerized green waste and yard waste collection service to its generators,
41 provided that the two container service complies with the following:

42 (1) If an uncontainerized green waste and yard waste collection service is provided
43 intermittently or on a seasonal basis, a container is still provided for collection of
44 organic waste as required in Subdivision (a) whenever the uncontainerized service is
45 not provided.

1 (2) If an uncontainerized green waste and yard waste collection service is provided
2 year-round, generators receiving that service must be provided a collection service
3 for the collection of other organic waste in a manner that complies with this section.
4 (g) Notwithstanding Subdivision (a), the contents of containers may be initially
5 transported to a consolidation site as defined in Section 17402 that complies with the
6 requirements of Section 17409.5.10.

7 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.
8 Reference: Public Resources Code Section 42652.5; and Health and Safety Code
9 Section 39730.6.

10 **Section 18984.3. Unsegregated Single-Container Collection Services.**

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

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

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

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

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

31 (f) Nothing in this section is intended to prohibit a jurisdiction from providing an
32 uncontainerized green waste and yard waste collection service to its generators,
33 provided that the service complies with the following:

34 (1) Generators receiving that service must be provided a collection service for the
35 collection of other organic waste in a manner that complies with this section.

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

39 **Section 18984.4. Recordkeeping Requirements for Compliance with Organic** 40 **Waste Collection Services.**

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

- 1 (1) A description of which collection method(s) it will use to comply with this article.
2 (2) The geographical area for each collection method.
3 (3) If the jurisdiction is using a service that requires the contents of containers
4 provided by the jurisdiction to be transported to a high diversion organic waste
5 processing facility, the jurisdiction shall at a minimum:
6 (A) List all high diversion organic waste processing facilities used by the
7 jurisdiction.
8 (B) List all approved haulers in the jurisdiction that are allowed to take organic
9 waste to the jurisdiction's identified high diversion organic waste processing facility
10 or facilities.
11 (C) The geographical area the hauler(s) serves, the routes serviced, or a list of
12 addresses served.
13 (4) If the jurisdiction allows compostable plastics to be placed in the green container
14 pursuant to Section 18984.1 or 18984.2, a copy of written notification received from
15 each facility serving the jurisdiction indicating that the facility recovers that material.
16 (5) If the jurisdiction allows organic waste to be collected in plastic bags pursuant to
17 Section 18984.1 or 18984.2, a copy of written notification received from each facility
18 serving the jurisdiction indicating that the facility can process and remove plastic
19 bags when it recovers source separated organic waste.

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

23 **Section 18984.5. Container Contamination Minimization.**

24 (a) A generator shall not place prohibited container contaminants in a collection
25 container. A jurisdiction shall monitor the containers provided to generators using a
26 three-container or two-container organic waste collection service pursuant to Section
27 18984.1 or 18984.2 to minimize prohibited container contaminants in a manner that
28 complies with either the provisions of Subdivision (b) or the provisions of Subdivision (c)
29 of this section.

30 (1) A jurisdiction that implements a performance-based source separated collection
31 service pursuant to Section 18998.1 shall monitor containers through waste
32 evaluations as specified in the provisions of Subdivision (c).

33 (b) A jurisdiction may meet its container contamination minimization requirements by
34 conducting a route review for prohibited container contaminants on containers in a
35 manner that results in all hauler routes being reviewed annually. Containers may be
36 randomly selected along a hauler route. This section should not be construed to require
37 that every container on a hauler route must be sampled annually.

38 (1) Upon finding prohibited container contaminants in a container, the jurisdiction,
39 shall notify the generator of the violation.

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

1 (B) The notice may be left on the generator's container, gate, or door at the time the
2 violation occurs, and/or be mailed, e-mailed, or electronically messaged to the
3 generator.

4 (2) If a jurisdiction observes prohibited container contaminants in a generator's
5 collection container(s), it may dispose of the container's contents.

6 (3) Notwithstanding Section 18995.1(a)(5), this chapter does not require a jurisdiction
7 to impose administrative civil penalties on generators in violation of the prohibited
8 container contaminants requirement in Subdivision (a), above.

9 (c) A jurisdiction may meet its container contamination minimization requirements by
10 conducting waste evaluations that meet the following standards:

11 (1) The jurisdiction shall conduct waste evaluations for prohibited container
12 contaminants in the following manner:

13 (A) A jurisdiction that implements a three-container or two-container organic waste
14 collection service pursuant to Sections 18984.1 or 18984.2 shall conduct waste
15 evaluations at least twice per year and the studies shall occur in two distinct
16 seasons of the year.

17 (B) A jurisdiction that implements a performance-based source separated
18 collection service pursuant to Section 18998.1 shall conduct waste evaluations at
19 least twice per year for the blue and green containers and once per quarter for the
20 gray container.

21 (C) The waste evaluations shall include samples of each container type served by
22 the jurisdiction.

23 (D) The waste evaluations shall include samples taken from different areas in the
24 jurisdiction that are representative of the jurisdiction's waste stream.

25 (E) The waste evaluations shall include at least the following minimum number of
26 samples from all the hauler routes included in the studies:

27 1. For routes with less than 1,500 generators the study shall include a minimum
28 of 25 samples.

29 2. For routes with 1,500-3,999 generators the study shall include a minimum of
30 30 samples.

31 3. For routes with 4,000- 6,999 generators the study shall include a minimum of
32 35 samples.

33 4. For routes with 7,000 or more generators the study shall include a minimum
34 of 40 samples.

35 (F) All of the material collected for sampling must be transported to a sorting area
36 at a permitted solid waste facility where the presence of prohibited container
37 contaminants for each container type is measured to determine the ratio of
38 prohibited container contaminants present in each container type by weight. To
39 determine the ratio of prohibited container contaminants the jurisdiction shall use
40 the following protocol:

41 1. Take one sample of at least 200 pounds from the material collected from
42 each container stream for sampling (e.g. a 200 pound sample taken from the
43 contents of all of the green containers collected for sampling).

44 2. The 200 pound sample shall be randomly selected from different areas of the
45 pile of collected material for that container type.

1 3. For each 200 pound sample, remove any prohibited container contaminants
2 and determine the weight of prohibited container contaminants.

3 4. Then determine the ratio of prohibited container contaminants in the sample
4 by dividing the total weight of prohibited container contaminants by the total
5 weight of the sample.

6 (2) If the sampled weight of prohibited container contaminants exceeds 25 percent of
7 the measured sample for any container type, the jurisdiction shall perform one of the
8 following:

9 (A) Notify all generators on the sampled hauler routes of their requirement to
10 properly separate materials into the appropriate containers. The jurisdiction may
11 provide this information by placing a notice on the generator's container, gate, or
12 door, and/or by mail, e-mail, or electronic message to the generator.

13 (B) Perform a targeted route review of containers on the routes sampled for waste
14 evaluations to determine the sources of contamination and notify those generators
15 of their obligation to properly separate materials. The jurisdiction may provide this
16 information to these generators by placing a notice on the generator's container
17 gate, or door, and/or by mail, e-mail, or electronic message to the applicable
18 generators.

19 (d) A jurisdiction that implements a performance-based source separated collection
20 service pursuant to Section 18998.1 shall notify the department within 30 days of finding
21 prohibited container contaminants in the gray container collection stream that exceed 25
22 percent of the measured sample by weight in each of two consecutive waste
23 evaluations performed on gray containers pursuant to the requirements of Subdivision
24 (c), above.

25 (1) A jurisdiction that implements a performance-based source separated collection
26 service pursuant to Section 18998.1 that exceeds an annual average of 25 percent
27 by weight of prohibited container contaminants in the gray container collection shall
28 be subject to the process described in Section 18998.1(c).

29 (e) A jurisdiction that implements a performance-based source separated collection
30 service pursuant to Section 18998.1 shall, upon request, allow a representative of the
31 department to oversee its next scheduled quarterly sampling of the gray container.

32 (f) For the purposes of demonstrating compliance with 18998.1, organic waste that is
33 textiles, carpet, hazardous wood waste, human waste, pet waste, or material subject to
34 a quarantine on movement issued by a county agricultural commissioner, is not required
35 to be measured as organic waste.

36 (g) Nothing in this section limits a jurisdiction from adopting contamination standards,
37 fees, sampling methodologies, or noticing protocols that are more stringent or rigorous
38 than the requirements of this section.

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

40 Reference: Public Resources Code Section 42652.5 and Health and Safety Code
41 Section 39730.6.

1 **Section 18984.6. Recordkeeping Requirements for Container Contamination**
2 **Minimization.**

3 (a) A jurisdiction shall include the following information and documents related to its
4 compliance with Section 18984.5, in the Implementation Record required by Section
5 18995.2 of this chapter.

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

8 (2) Documentation of route reviews conducted pursuant to Section 18984.5(b), as
9 described in Section 18995.1 of this chapter, if applicable.

10 (3) If applicable, documentation of waste evaluations performed pursuant to Section
11 18984.5(c), including information on targeted route reviews conducted as a result of
12 the studies. The documentation shall at a minimum include dates of the studies, the
13 location of the solid waste facility where the study was performed, routes, source
14 sector (e.g. commercial or residential), number of samples, weights and ratio of
15 prohibited container contaminants and total sample size.

16 (4) Copies of all notices issued to generators with prohibited container contaminants.

17 (5) Documentation of the number of containers where the contents were disposed
18 due to observation of prohibited container contaminants.

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

20 Reference: Public Resources Code Section 42652.5 and Health and Safety Code
21 Section 39730.6.

22 **Section 18984.7. Container Color Requirements.**

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

25 (b) Notwithstanding Subdivision (a), a jurisdiction is not required to replace functional
26 containers, including containers purchased prior to January 1, 2022, that do not comply
27 with the color requirements of this article prior to the end of the useful life of those
28 containers, or prior to January 1, 2036, whichever comes first.

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

30 Reference: Public Resources Code Section 42652.5 and Health and Safety Code
31 Section 39730.6.

32 **Section 18984.8. Container Labeling Requirements.**

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

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

38 (1) Placing labels on containers that include language or graphic images or both that
39 indicate the primary materials accepted and the primary materials prohibited in that
40 container; or

41 (2) Providing containers with imprinted text or graphic images that indicate the
42 primary materials accepted and the primary materials prohibited in that container.

1 (c) Labels shall clearly indicate primary items that are prohibited container contaminants
2 for each container.

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

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

6 Reference: Public Resources Code Section 42652.5 and Health and Safety Code
7 Section 39730.6.

8 **Section 18984.9 Organic Waste Generator Requirements.**

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

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

13 (2) Self-hauling organic waste in a manner that complies with the requirements of
14 Article 7 of this chapter.

15 (b) Generators that are commercial businesses, except for multifamily residential
16 dwelling, shall also:

17 (1) Provide containers for the collection of organic waste and non-organic recyclables
18 in all areas where disposal containers are provided for customers, except for
19 restrooms. The containers provided by the business shall have either:

20 (A) A body or lid that conforms with the container colors provided through the
21 organic waste collection service provided by their jurisdiction; or

22 (B) Container labels that comply with the requirements of Section 18984.8.

23 (2) Prohibit their employees from placing organic waste in a container not designated
24 to receive organic waste as set forth in Sections 18984.1(a)(5) and 18984.2(c).

25 (3) Periodically inspect organic waste containers for contamination and inform
26 employees if containers are contaminated and of the requirement to only use those
27 containers for organic waste.

28 (c) Nothing in this section prohibits a generator from preventing or reducing waste
29 generation, managing organic waste on site, or using a community composting site.

30 (d) A commercial business is not required to replace functional containers, including
31 containers purchased prior to January 1, 2022, that do not comply with the requirements
32 of this article prior to the end of the useful life of those containers, or prior to January 1,
33 2036, whichever comes first.

34 (e) If a business does not generate any of the materials that would be collected in one
35 type of container, then the business does not have to provide that particular container in
36 all areas where disposal containers are provided for customers.

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

38 Reference: Public Resources Code Section 42652.5 and Health and Safety Code
39 Section 39730.6.

40 **Section 18984.10. Commercial Business Owner Responsibilities.**

41 (a) Commercial businesses shall provide or arrange for organic waste collection
42 services consistent with this article and local requirements, for employees, contractors,

1 tenants, and customers, including supplying and allowing access to an adequate
2 number, size, and location of containers with sufficient labels or container color.

3 (b) Commercial businesses shall annually provide information to employees,
4 contractors, tenants, and customers about organic waste recovery requirements and
5 about proper sorting of organic waste.

6 (1) Commercial businesses shall provide information to new tenants before or within
7 14 days of occupation of the premises.

8 (c) Commercial businesses shall provide or arrange for access to their properties during
9 all inspections conducted pursuant to Article 14 of this chapter (commencing with
10 Section 18995.1).

11 (1) This subdivision is not intended to permit an employee or agent of the
12 Department, or a jurisdiction, to enter the interior of a private residential property.

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

14 Reference: Public Resources Code Section 42652.5 and Health and Safety Code
15 Section 39730.6.

16 **Section 18984.11. Waivers Granted by a Jurisdiction.**

17 (a) A jurisdiction may grant one or more of the following types of waivers to a generator
18 of organic waste:

19 (1) De Minimis Waivers.

20 (A) A jurisdiction may waive a commercial business' obligation to comply with
21 some or all of the organic waste requirements of this article if the commercial
22 business provides documentation or the jurisdiction has evidence demonstrating
23 that:

24 1. The commercial business' total solid waste collection service is two cubic
25 yards or more per week and organic waste subject to collection in a blue
26 container or a green container as specified in Section 18984.1(a) comprises
27 less than 20 gallons per week per applicable container of the business' total
28 waste.

29 2. The commercial business' total solid waste collection service is less than two
30 cubic yards per week and organic waste subject to collection in a blue container
31 or a green container as specified in Section 18984.1(a) comprises less than 10
32 gallons per week per applicable container of the business' total waste.

33 (B) A jurisdiction shall, consistent with Section 18995.1, verify that the commercial
34 business' organic waste generation meets the waiver thresholds set forth in this
35 subdivision.

36 (C) If a jurisdiction obtains information at any time that a commercial business that
37 has received a waiver is exceeding the organic waste thresholds specified in
38 Subsection (A)1. or (A)2., the jurisdiction shall rescind the waiver.

39 (2) Physical Space Waivers.

40 (A) A jurisdiction may waive a commercial business' or property owner's obligation
41 to comply with some or all of the organic waste collection service requirements of
42 this article if the commercial business or property owner provides documentation,
43 or the jurisdiction has evidence from its staff, a hauler, licensed architect, or

1 licensed engineer demonstrating that the premises lack adequate space for any of
2 the organic waste container configurations allowed under 18984.1(a) or 18984.2.

3 (3) Collection Frequency Waivers.

4 (A) A jurisdiction may allow the owner or tenant of any residence, premises,
5 business establishment or industry that subscribes to a three-container or two-
6 container organic waste collection service to arrange for the collection of solid
7 waste in a blue container, a gray container, or both once every fourteen days,
8 provided that:

9 1.The jurisdiction, or its authorized hauler, demonstrates to the enforcement
10 agency, as defined in Public Resources Code 40130 that less frequent
11 collection than required by Section 17331 of Title 14 of the California Code of
12 Regulations will not cause receiving solid waste facilities, operations, or both to
13 be in violation of applicable state minimum standards described in Subchapter 4
14 of Chapter 3 of Subdivision 1 of Title 27 or Title 14, Sections 17200 et seq.

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

18 (c) Notwithstanding Section 18981.2, the authority to issue a waiver authorized by this
19 section cannot be delegated to a private entity.

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

21 Reference: Public Resources Code Section 42652.5 and Health and Safety Code
22 Section 39730.6.

23 **Section 18984.12. Waivers and Exemptions Granted by the Department.**

24 (a) Low population waivers.

25 (1) A jurisdiction may apply to the Department for a waiver for the jurisdiction and
26 some or all its generators from some or all of the requirements of this article if the
27 following apply:

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

30 (B) The jurisdiction has a total population of less than 7,500 people.

31 (2) A jurisdiction may apply to the Department for a waiver from some or all of the
32 requirements of this article for census tracts that have a population density of less
33 than 75 people per square mile that are served by the jurisdiction and are located in
34 unincorporated portions of a county.

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

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

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

39 (B) The requested length of the waiver.

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

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

4 (3) A jurisdiction may apply to renew a waiver issued pursuant to Subdivision (a) at
5 any time up to 180 days prior to the expiration of an existing waiver.

6 (c) Rural Exemptions.

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

12 (2) An exemption implemented pursuant to this subdivision shall be valid until
13 December 31, 2026 or until five years after the Department makes a determination
14 pursuant to Section 42649.82 (a)(2)(D) that the statewide disposal of organic waste
15 has not been reduced to 50 percent of the level of disposal during the 2014 calendar
16 year, whichever is later.

17 (d) Elevation Waivers.

18 (1) A jurisdiction may apply to the Department for a waiver for the jurisdiction and
19 some or all of its generators from the requirement to separate and recover food
20 waste and food-soiled paper if the entire jurisdiction is located at or above an
21 elevation of 4,500 feet.

22 (2) A jurisdiction may apply to the Department for a waiver for some or all of its
23 generators from the requirement to separate and recover food waste and food-soiled
24 paper in census tracts located in unincorporated portions of a county that are located
25 at or above 4,500 feet.

26 (3) The area of a jurisdiction that is waived pursuant to this section is not required to
27 provide containers to generators as prescribed in Section 18984.7.

28 (4) Residential and commercial generators located within an area that is waived
29 pursuant to this section may deposit food waste and food-soiled paper in a disposal
30 container.

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

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

33 (B) If the request for a waiver is submitted by a jurisdiction seeking to waive
34 unincorporated census tracts, the jurisdiction shall identify each census tract that
35 will be waived.

36 (6) The Department shall review and evaluate and approve or deny a waiver request
37 within 90 days. The Department shall approve a request to grant a waiver if it meets
38 the requirements of this section.

39 (7) Nothing in this subdivision waives a jurisdiction from its obligation to provide a
40 collection service that collects and recycles the other types of organic wastes
41 specified in Section 18984.1, 18984.2, or 18984.3 in a manner that meets the
42 requirements of those sections.

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

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

4 **Section 18984.13. Emergency Circumstances, Abatement, Quarantined Materials**
5 **and Federally Regulated Waste.**

6 (a) Emergency Processing Facility Temporary Equipment or Operational Failure
7 Waivers.

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

14 (2) A jurisdiction shall notify the Department in writing within 10 days of a waiver
15 decision pursuant to Subdivision (a)(1). The notice sent to the Department shall
16 include a description of the equipment failure or operational restriction that occurred
17 at the facility, the period of time that the jurisdiction will allow the organic waste
18 stream to be deposited in a landfill or landfills, and the Recycling and Disposal
19 Reporting System Number of the facility that experienced the temporary equipment
20 or operational failure preventing it from receiving some or all of the jurisdiction's
21 waste.

22 (b) Disasters and emergency waivers.

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

27 (2) If a waiver or waivers have been granted pursuant to Subsection (1) the
28 Department shall waive the organic waste collection requirements of this article in the
29 affected areas for the duration of the waiver.

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

34 (c) A jurisdiction is not required to separate or recover organic waste that is removed
35 from homeless encampments and illegal disposal sites as part of an abatement activity
36 to protect public health and safety. If the total amount of solid waste removed for landfill
37 disposal pursuant to this subdivision is expected to exceed 100 tons annually the
38 jurisdiction shall record the amount of material removed.

39 (d) A jurisdiction may dispose of specific types of organic waste that are subject to
40 quarantine and meet the following requirements:

41 (1) The organic waste is generated from within the boundaries of an established
42 interior or exterior quarantine area defined by the California Department of Food and
43 Agriculture for that type of organic waste.

44 (2) The California Department of Food and Agriculture or the County Agricultural
45 Commissioner determines that the organic waste must be disposed at a solid waste

1 landfill and the organic waste cannot be safely recovered through any of the recovery
2 activities identified in Article 2 of this chapter.

3 (3) The jurisdiction retains a copy of the California Department of Food and
4 Agriculture approved compliance agreement for each shipment stating that the
5 material must be transported to a solid waste landfill operating under the terms of its
6 own compliance agreement for the pest or disease of concern.

7 (e) Nothing in this chapter requires generators, jurisdictions or other entities subject to
8 these regulations to manage and recover organic waste that federal law explicitly
9 requires to be managed in a manner that constitutes landfill disposal as defined in this
10 chapter.

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

14 **Section 18984.14. Recordkeeping Requirements for Waivers and Exemptions.**

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

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

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

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

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

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

29 (6) A record of the amount of sediment debris that is disposed pursuant to Section
30 18984.13 on an annual basis.

31 (7) A record of the amount of solid waste removed from homeless encampments and
32 illegal disposal sites as part of an abatement activities if the total amount of material
33 removed exceeds 100 tons.

34 (8) A copy of all compliance agreements for quarantined organic waste that is
35 disposed, including the name of generator, date issued, location of final disposition,
36 and the amount of organic waste that was required to be disposed at a solid waste
37 landfill.

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

1 **Article 4. Education and Outreach**

2 **Section 18985.1. Organic Waste Recovery Education and Outreach.**

3 (a) Prior to February 1, 2022, and annually thereafter, a jurisdiction shall provide the
4 following to organic waste generators that are provided an organic waste collection
5 service pursuant to Article 3 of this chapter:

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

8 (2) Information on methods for: the prevention of organic waste generation, recycling
9 organic waste on-site, sending organic waste to community composting, and any
10 other local requirements regarding organic waste.

11 (3) Information regarding the methane reduction benefits of reducing the landfill
12 disposal of organic waste, and the methods of organic waste recovery the organic
13 waste collection service uses.

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

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

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

19 (7) If a jurisdiction allows generators subject to its authority to self-haul organic waste
20 pursuant to Section 18988.1, information regarding self-hauling requirements shall be
21 included in education and outreach material.

22 (b) A jurisdiction providing an unsegregated single container collection service to
23 organic waste generators is not required to include the information required in
24 Subdivision (a)(1), but shall include information indicating that organic waste is being
25 processed at a high diversion organic waste processing facility.

26 (c) A jurisdiction may comply with the requirements by providing the information
27 required by this section through print or electronic media. In addition to providing
28 information through print and electronic media, a jurisdiction may conduct outreach
29 through direct contact with generators through workshops, meetings, or on-site visits.

30 (d) Consistent with Section 18981.2, a jurisdiction may comply with the requirements of
31 this section through use of a designee.

32 (e) Consistent with Section 7295 of the Government Code, jurisdictions shall translate
33 educational materials required by this chapter into any non-English language spoken by
34 a substantial number of the public provided organic waste collection services by the
35 jurisdiction.

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

37 Reference: Public Resources Code Section 42652.5 and Health and Safety Code
38 Section 39730.6.

39 **Section 18985.2. Edible Food Recovery Education and Outreach.**

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

41 (1) Develop a list of food recovery organizations identified in Section
42 18982(a)(25)(A)–(B) and food recovery services operating within the jurisdiction and
43 maintain the list on the jurisdiction's website. The list shall be updated annually. The

1 list shall include, at a minimum, the following information about each food recovery
2 organization and each food recovery service:

3 (A) Name and physical address.

4 (B) Contact information.

5 (C) Collection service area.

6 (D) An indication of types of food the food recovery service or organization can
7 accept for food recovery.

8 (b) At least annually a jurisdiction shall:

9 (1) Provide commercial edible food generators with the following information:

10 (A) Information about the jurisdiction's edible food recovery program established
11 pursuant to Section 18991.1.

12 (B) Information about the commercial edible food generator requirements specified
13 in Article 10 of this chapter.

14 (C) Information about food recovery organizations and food recovery services
15 operating within the jurisdiction, and where a list of those food recovery
16 organizations and food recovery services can be found.

17 (D) Information about actions that commercial edible food generators can take to
18 prevent the creation of food waste.

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

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

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

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

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

32 (2) The date, and to whom the information was disseminated or direct contact made.
33 If a jurisdiction provides mass distribution through mailings, or bill inserts, it shall
34 provide the date, a copy of the information, and the type and number of accounts
35 receiving the information.

36 (3) If the requirements of this article were met solely through the use of electronic
37 media, the record shall include a copy, with dates posted, of social media posts, e-
38 mails or other electronic messages.

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

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

1 **Article 5. Generators of Organic Waste**

2 **Section 18986.1. Non-Local Entities Requirements.**

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

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

7 (2) Self-hauling organic waste in a manner that complies with the requirements of
8 Article 7 of this chapter.

9 (b) Non-local entities shall provide containers for the collection of organic waste and
10 non-organic recyclables in all areas where disposal containers are located, except
11 restrooms. The containers provided shall conform to the requirements of the containers
12 provided through an organic waste recovery service authorized under Article 3 of this
13 chapter.

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

16 (1) Materials specified in this paragraph shall be subject to the following restrictions:

17 (A) Carpets, non-compostable paper, and hazardous wood waste shall not be
18 collected in the green container.

19 (B) Hazardous wood waste shall not be collected in the blue or gray container.

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

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

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

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

28 Reference: Public Resources Code Section 42652.5 and Health and Safety Code
29 Section 39730.6.

30 **Section 18986.2. Local Education Agencies Requirements.**

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

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

35 (2) Self-hauling organic waste in a manner that complies with the requirements of
36 Article 7 of this chapter.

37 (b) Local education agencies shall provide containers for the collection of organic waste
38 and non-organic recyclables in all areas where disposal containers are located, except
39 restrooms. The containers provided shall conform to the requirements of the containers
40 provided through an organic waste recovery service authorized under Article 3 of this
41 chapter.

42 (c) Local education agencies shall prohibit their employees from placing organic waste
43 in a container not designated to receive organic waste.

1 (1) Materials specified in this paragraph shall be subject to the following restrictions:

2 (A) Carpets, non-compostable paper, and hazardous wood waste shall not be
3 collected in the green container.

4 (B) Hazardous wood waste shall not be collected in the blue or gray container.

5 (d) Local education agencies shall periodically inspect organic waste containers for
6 contamination and inform employees if containers are contaminated and of the
7 requirement to only use those containers for organic waste.

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

10 (f) Nothing in this section prohibits a local education agency from preventing waste
11 generation, managing organic waste on site, and/or using a community composting site.

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

13 Reference: Public Resources Code Section 42652.5 and Health and Safety Code
14 Section 39730.6.

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

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

20 (1) The total solid waste collection service subscribed to is two cubic yards or more
21 per week and organic waste subject to collection in a blue container or a green
22 container as specified in Section 18984.1(a) comprises less than 20 gallons per week
23 per applicable container of the non-local entity's or local education agency's total
24 waste.

25 (2) The total solid waste collection service subscribed to is less than two cubic yards
26 per week and organic waste subject to collection in a blue container or a green
27 container as specified in Section 18984.1(a) comprises less than 10 gallons per week
28 per applicable container of the non-local entity's or local education agency's total
29 waste.

30 (3) A hauler, licensed architect, or licensed engineer has determined that there is not
31 adequate space for separate organic waste containers.

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

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

35 Reference: Public Resources Code Section 42652.5 and Health and Safety Code
36 Section 39730.6.

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

39 **Section 18987.1. Biosolids Generation at a POTW.**

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

41 (1) The generator requirements set forth in Section 18984.9.

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

3 (3) The recordkeeping and reporting requirement described in Section 17414.2 of this
4 division.

5 (b) Material received at a POTW that it is not allowed to accept pursuant to Section
6 17896.6(a)(1)(C) or (D) shall be deemed to constitute landfill disposal pursuant to
7 Section 18983.1(a)(3).

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

9 Reference: Public Resources Code Section 42652.5 and Health and Safety Code
10 Section 39730.6.

11 **Article 7. Regulation of Haulers**

12 **Section 18988.1. Jurisdiction Approval of Haulers and Self-Haulers.**

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

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

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

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

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

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

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

30 (d) Jurisdictions that are exempt from the organic waste collection requirements
31 pursuant to Section 18984.12, and haulers and self-haulers operating or located within
32 exempt areas of those jurisdictions, are not required to comply with the provisions of
33 this article for the duration of an exemption issued pursuant to Section 18984.12.

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

35 Reference: Public Resources Code Section 42652.5 and Health and Safety Code
36 Section 39730.6.

37 **Section 18988.2. Haulers of Organic Waste Requirements.**

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

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

- 1 (2) Obtain applicable approval issued by the jurisdiction pursuant to Section 18988.1.
2 (b) The hauler shall keep a record of the documentation of its approval by the
3 jurisdiction.
4 (c) Notwithstanding (a), this section is not applicable to:
5 (1) A hauler that, consistent with Division 30, Part 2, Chapter 9, Article 1 commencing
6 with Section 41950 of the Public Resources Code, transports source separated
7 organic waste to a community composting site; or
8 (2) A hauler that is lawfully transporting construction and demolition debris in
9 compliance with Section 18989.1.

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

13 **Section 18988.3. Self-haulers of Organic Waste.**

- 14 (a) Generators of organic waste may, in compliance with Section 18988.1 of this
15 division, self-haul their own organic waste.
16 (b) A generator who is a self-hauler of organic waste shall comply with the following:
17 (1) The generator shall source separate all organic waste generated on site in a
18 manner consistent with Sections 18984.1 and 18984.2, or haul organic waste to a
19 high diversion organic waste processing facility as specified in Section 18984.3.
20 (2) The generator shall haul source separated organic waste to a solid waste facility
21 operation, activity, or property that processes or recovers source separated organic
22 waste.
23 (3) The generator shall keep a record of the amount of organic waste delivered to
24 each solid waste facility, operation, activity, or property that processes or recovers
25 organic waste; this record shall be subject to inspection by the jurisdiction.
26 (A) The records shall include delivery receipts and weight tickets from the entity
27 accepting the waste.
28 (B) The record shall indicate the amount of material in cubic yards or tons
29 transported by the generator to each entity.
30 (C) Notwithstanding Subdivision (b)(3)(A), if the material is transported to an entity
31 that does not have scales on-site, or employs scales incapable of weighing the
32 self-hauler's vehicle in a manner that allows it to determine the weight of waste
33 received, the self-hauler is not required to record the weight of material but shall
34 keep a record of the entities that received the organic waste.
35 (4) A residential organic waste generator that self-hauls organic waste is not required
36 to record or report the information identified in Subdivision (b)(3).
37 (c) A generator that is located in a jurisdiction or area that received a waiver under
38 Section 18984.12 of this division and is not a business subject to the requirements of
39 Section 42649.81 of the Public Resources Code is not required to comply with the
40 requirements of this section.

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

1 **Section 18988.4. Recordkeeping Requirements for Compliance with Jurisdiction**
2 **Hauler Program.**

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

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

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

9 (A) Type(s) of hauler system(s) the jurisdiction uses.

10 (B) Type(s) and condition(s) of approvals per type of hauler, and criteria for
11 approvals, denials and revocations.

12 (C) The process for issuing, revoking, and denying written approvals.

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

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

16 (A) Copies of all reports required from haulers.

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

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

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

21 Reference: Public Resources Code Section 42652.5 and Health and Safety Code
22 Section 39730.6.

23 **Article 8. CALGreen Building Standards and Model Water Efficient**
24 **Landscape Ordinance**

25 **Section 18989.1. CALGreen Building Codes.**

26 (a) A jurisdiction shall adopt an ordinance or other enforceable requirement that
27 requires compliance with the following provisions of the California Green Building
28 Standards Code, California Code of Regulations, Title 24, Part 11 as amended July 1,
29 2019 and effective January 1, 2020:

30 (1) Section 4.410.2 Recycling by Occupants Residential and Section 5.410.1
31 Recycling by Occupants Non-residential.

32 (2) For organic waste commingled with construction and demolition debris, Section
33 4.408.1 Construction Waste Management Residential and Section 5.408.1
34 Construction Waste Management non-residential.

35 (b) For the purposes of this section “jurisdiction” means a city, a county, or a city and
36 county.

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

38 Reference: Public Resources Code Section 42652.5 and Health and Safety Code
39 Section 39730.6.

1 **Section 18989.2 Model Water Efficient Landscape Ordinance.**

2 (a) A jurisdiction shall adopt an ordinance or other enforceable requirement that
3 requires compliance with Sections 492.6(a)(3)(B) (C), (D), and (G) of the Model Water
4 Efficient Landscape Ordinance, Title 23, Division 2, Chapter 2.7 of the California Code
5 of Regulations as amended September 15, 2015.

6 (b) For the purposes of this section “jurisdiction” means a city, a county, or a city and
7 county.

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

9 Reference: Public Resources Code Section 42652.5 and Health and Safety Code
10 Section 39730.6.

11 **Article 9. Locally Adopted Standards and Policies**

12 **Section 18990.1. Organic Waste Recovery Standards and Policies.**

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

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

18 (1) Prohibit, or otherwise unreasonably limit or restrict, the lawful processing and
19 recovery of organic waste through a method identified in Article 2 of this chapter.

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

22 (3) Limit the export of organic waste to a facility, operation, property or activity
23 outside of the jurisdiction that recovers the organic waste through a method identified
24 in Article 2 of this chapter.

25 (4) Require a generator or a hauler to transport organic waste to a solid waste facility
26 or operation that does not process or recover organic waste.

27 (5) Require a generator to use an organic waste collection service or combination of
28 services that do not recover at least the same types of organic waste recovered by a
29 service the generator previously had in place.

30 (c) This section does not do any of the following:

31 (1) Require a solid waste facility or operation to accept organic waste that does not
32 meet the quality standards established by the solid waste facility or operation.

33 (2) Prohibit a jurisdiction from arranging with a solid waste facility or operation to
34 guarantee permitted capacity for organic waste from the jurisdiction.

35 (3) Supersede or otherwise affect: the land use authority of a jurisdiction, including,
36 but not limited to, planning, zoning, and permitting; or an ordinance lawfully adopted
37 pursuant to that land use authority consistent with this section.

38 (4) Prohibit a jurisdiction from arranging through a contract or franchise for a hauler to
39 transport organic waste to a particular solid waste facility or operation for processing
40 or recovery.

41 (5) Exempt a jurisdiction, generator, or hauler from compliance with Division 4.5 of
42 Title 22 of the California Code of Regulations relative to the proper handling of
43 hazardous or universal waste or Title 3, Section 1180.48 of the California Code of

1 Regulations relative to Disposal of Parts and Products of Animals Not Intended for
2 Use as Human Food.

3 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.
4 Reference: Public Resources Code Sections 40001, 40002, 40059, and 42652.5 and
5 Health and Safety Code Section 39730.6.

6 **Section 18990.2. Edible Food Recovery Standards and Policies.**

7 (a) A jurisdiction shall not implement or enforce an ordinance, policy, or procedure that
8 prohibits the ability of a generator, food recovery organization, or food recovery service
9 to recover edible food that could be recovered for human consumption.

10 (b) A local education agency shall not implement or enforce an ordinance, policy, or
11 procedure that prohibits share tables or requires schools to adhere to a food safety
12 standard not specified in Part 7 of Division 104 of the Health and Safety Code.

13 (c) Nothing in this chapter shall be construed to limit or conflict with the provisions of the
14 California Good Samaritan Food Donation Act of 2017 (the act). Specifically:

15 (1) Nothing in this chapter shall be construed to limit the amount or types of foods
16 that may be donated under the act.

17 (2) Nothing in this chapter shall be construed to limit the ability of a person, gleaner
18 or food facility to donate food as provided for in Sections 114432 and 114433 of the
19 Health and Safety Code.

20 (3) Nothing in this chapter shall be construed to reduce the immunities provided by
21 the California Good Samaritan Food Donation Act as specified in Section 114434 of
22 the Health and Safety Code.

23 (d) Nothing in this chapter prohibits a food recovery service or organization from
24 refusing to accept edible food from a commercial edible food generator.

25 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.
26 Reference: Public Resources Code Section 42652.5 and Health and Safety Code
27 Sections 39730.6, 114432, 114433 and 114434

28 **Article 10. Jurisdiction Edible Food Recovery Programs, Food**
29 **Generators, and Food Recovery**

30 **Section 18991.1. Jurisdiction Edible Food Recovery Program.**

31 (a) A jurisdiction shall implement an edible food recovery program that shall include the
32 actions that the jurisdiction will take to accomplish each of the following:

33 (1) Educate commercial edible food generators as set forth in Section 18985.2.

34 (2) Increase commercial edible food generator access to food recovery organizations
35 and food recovery services.

36 (3) Monitor commercial edible food generator compliance as required in Article 14 of
37 this chapter.

38 (4) Increase edible food recovery capacity if the analysis required by Section 18992.2
39 indicates that the jurisdiction does not have sufficient capacity to meet its edible food
40 recovery needs.

1 (b) A jurisdiction may fund the actions taken to comply with this section through
2 franchise fees, local assessments, or other funding mechanisms.

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

6 **Section 18991.2. Recordkeeping Requirements for Jurisdiction Edible Food**
7 **Recovery Program.**

8 (a) A jurisdiction shall include all documents supporting its compliance with Section
9 18991.1 in the Implementation Record required by Section 18995.2 and shall also
10 include at a minimum:

11 (1) A list of commercial edible food generators in the jurisdiction that have a contract
12 or written agreement with food recovery organizations or services pursuant to Section
13 18991.3(b).

14 (2) A list of food recovery organizations and food recovery services in the jurisdiction
15 and their edible food recovery capacity.

16 (3) Documentation of the actions the jurisdiction has taken to increase edible food
17 recovery capacity.

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

21 **Section 18991.3. Commercial Edible Food Generators.**

22 (a) Tier One commercial edible food generators shall comply with the requirements of
23 this section commencing January 1, 2022. Tier two commercial edible food generators
24 shall comply with the requirements of this section commencing January 1, 2024.

25 (b) Commercial edible food generators shall arrange to recover the maximum amount of
26 edible food that would otherwise be disposed. A commercial edible food generator shall
27 comply with the requirements of this section through a contract or written agreement
28 with any or all of the following:

29 (1) Food recovery organizations or services that will collect their edible food for food
30 recovery.

31 (2) Food recovery organizations that will accept the edible food that the commercial
32 edible food generator self-hauls to the food recovery organization for food recovery.

33 (c) A large venue or large event operator that does not provide food services, but allows
34 for food to be provided, shall require food facilities operating at the large venue or large
35 event to comply with the requirements of this section.

36 (d) A commercial edible food generator shall comply with the requirements of this
37 section unless the commercial edible food generator demonstrates the existence of
38 extraordinary circumstances beyond its control that make such compliance
39 impracticable. If an enforcement action is commenced against a commercial edible food
40 generator for noncompliance, the burden of proof shall be upon the commercial edible
41 food generator to demonstrate extraordinary circumstances. For the purposes of this
42 section extraordinary circumstances are:

1 (1) A failure by the jurisdiction to increase edible food recovery capacity as required
2 in Section 18991.1.

3 (2) Acts of God such as earthquakes, wildfires, flooding, and other emergencies or
4 natural disasters.

5 (e) An edible food generator shall not intentionally spoil edible food that is capable of
6 being recovered by a food recovery organization or service.

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

10 **Section 18991.4. Recordkeeping Requirements For Commercial Edible Food**
11 **Generators.**

12 (a) A commercial edible food generator subject to the requirements in this article shall
13 keep a record that includes the following:

14 (1) A list of each food recovery service or organization that collects or receives its
15 edible food pursuant to a contract or written agreement established under Section
16 18991.3(b).

17 (2) A copy of contracts or written agreements between the commercial edible food
18 generator and a food recovery service or organization.

19 (3) A record of the following for each food recovery organization or service that the
20 commercial edible food generator has a contract or written agreement with pursuant
21 to Section 18991.3(b):

22 (A) The name, address and contact information of the service or organization.

23 (B) The types of food that will be collected by or self-hauled to the service or
24 organization.

25 (C) The established frequency that food will be collected or self-hauled.

26 (D) The quantity of food collected or self-hauled to a service or organization for
27 food recovery. The quantity shall be measured in pounds recovered per month.

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

31 **Section 18991.5. Food Recovery Services and Organizations.**

32 (a) A food recovery organization or service that has established a contract or written
33 agreement to collect or receive edible food directly from commercial edible food
34 generators pursuant to Section 18991.3(b) shall maintain records specified in this
35 section:

36 (1) A food recovery service shall maintain a record of:

37 (A) The name, address and contact information for each commercial edible food
38 generator that the service collects edible food from.

39 (B) The quantity in pounds of edible food collected from each commercial edible
40 food generator per month.

41 (C) The quantity in pounds of edible food transported to each food recovery
42 organization per month.

- 1 (D) The name, address and contact information for each food recovery
2 organization that the service transports edible food to for food recovery.
3 (2) A food recovery organization shall maintain a record of:
4 (A) The name, address and contact information for each commercial edible food
5 generator that the organization receives edible food from.
6 (B) The quantity in pounds of edible food received from each commercial edible
7 food generator per month.
8 (C) The name, address and contact information for each food recovery service that
9 the organization receives edible food from for food recovery.

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

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

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

15 (a) Counties, in coordination with jurisdictions and regional agencies located within the
16 county, shall:

17 (1) Estimate the amount of all organic waste in tons that will be disposed by the
18 county and jurisdictions within the county by:

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

23 (B) Using a waste characterization study or studies performed by jurisdictions
24 located within the county and applying the results of those studies to the total
25 amount of landfill disposal attributed to the county and each jurisdiction located
26 within the county by the Recycling and Disposal Reporting System. Local studies
27 may be used if the studies:

28 1. Were performed within the last five years,

29 2. Include at least the same categories of organic waste as the Department's
30 most recent waste characterization study that was available at the time the local
31 study or studies were performed, and,

32 3. Include a statistically significant sampling of solid waste disposed by the
33 jurisdiction conducting the study.

34 (2) A county may incorporate the findings of a published report generated by the
35 appropriate solid waste management entities within the county that provides organic
36 waste disposal tonnages or percentages for specific organic waste material types
37 that are not covered in the Department's most recent waste characterization study.

38 This may include, but is not limited to, reports on tons of biosolids or digestate
39 disposed in the county.

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

1 (A) A county can demonstrate the capacity is verifiably available to the county or
2 its jurisdictions through a contract, franchise, or other documentation of existing,
3 new, or expanded capacity at a facility, activity, operation or property that recovers
4 organic waste that will be available to the county or its jurisdiction prior to the end
5 of the reporting period.

6 (4) Estimate the amount of new or expanded organic waste recycling facility capacity
7 that will be needed to process the organic waste identified pursuant to Subdivision
8 (a)(1) in addition to the existing capacity identified in Subdivision (a)(3).

9 (b) A jurisdiction or regional agency contacted by a county pursuant to Subdivision (a)
10 shall respond to the county's request for the information necessary to comply with the
11 requirements of this article within 120 days of receiving the request from the county.

12 (1) If a jurisdiction or regional agency fails to provide the information necessary to
13 comply with the requirements of this article within 120 days, the county is not
14 required to include estimates for that jurisdiction in the report it submits pursuant to
15 Section 18992.3.

16 (2) In the report submitted pursuant to Section 18992.3 the county shall identify any
17 jurisdiction that did not provide the information necessary to comply with the
18 requirements of this article within 120 days of receiving a request from the county.

19 (c) In complying with this section, the county in coordination with jurisdictions and
20 regional agencies located within the county shall:

21 (1) Consult with the Enforcement Agency and the local task force created pursuant to
22 Section 40950 of the Public Resources Code on the status of locations for new or
23 expanded solid waste facilities including the potential capacity increase each facility
24 may provide if approved.

25 (2) Consult with haulers and owners of facilities, operations, and activities that
26 recover organic waste including, but not limited to, compost facilities, in-vessel
27 digestion facilities, and Publicly Owned Treatment Works to gather information on the
28 existing capacity and potential new or expanded capacity at those facilities,
29 operations, and activities.

30 (A) Entities contacted by a jurisdiction shall respond to the jurisdiction within 60
31 days regarding available and potential new or expanded capacity at their facilities,
32 operations, and activities, including information about throughput and permitted
33 capacity necessary for planning purposes.

34 (3) Conduct community outreach regarding locations being considered for new or
35 expanded facilities, operations, or activities to seek feedback on the benefits and
36 impacts that may be associated with new or expanded facilities, operations, or
37 activities. The community outreach shall:

38 (A) Include at least one of the following forms of communication: public workshops
39 or meetings, print noticing, and electronic noticing.

40 (B) If applicable be conducted in coordination with potential solid waste facility
41 operators that may use the location identified by the county and the jurisdictions
42 and regional agencies located within the county.

43 (C) Include communication to disadvantaged communities that may be impacted
44 by the development of new facilities at the locations identified by the county and
45 the jurisdictions and regional agencies located within the county.

1 (D) Communication required by this section must be provided in non-English
2 languages spoken by a substantial number of the public in the applicable
3 jurisdiction in a manner that conforms with the requirements of Section 18985.1(e).

4 (4) Consult with community composting operators to estimate the amount of organic
5 waste the county, and the jurisdictions and regional agencies located within the
6 county, anticipate will be handled at community composting activities.

7 (d) If a county determines that organic waste recycling capacity, in addition to the
8 available and proposed capacity identified pursuant to Subdivision (a), is needed within
9 that county, the county shall notify the jurisdiction or jurisdictions that lack sufficient
10 capacity that it is required to:

11 (1) Submit an implementation schedule to the Department that demonstrates how it
12 will ensure there is enough available capacity to recover the organic waste currently
13 disposed by generators within their jurisdiction by the end of the report period.

14 (A) The implementation schedule shall include timelines and milestones for
15 planning efforts to access capacity including, but not limited to:

16 1. Obtaining funding for organic waste recycling infrastructure including, but not
17 limited to, modifying franchise agreements or demonstrating other means of
18 financially supporting the expansion of organic waste recycling.

19 2. Identification of facilities, operations, and activities that could be used for
20 additional capacity.

21 (2) Identify proposed new or expanded organic waste recycling facilities that will be
22 used to process the organic waste identified pursuant to Subdivision (a)(3).

23 (e) The notice the county provides jurisdictions pursuant to Subdivision (d) shall be
24 provided on or before the county submits the report required pursuant to Section
25 18992.3.

26 (f) For the purposes of this section, only the following type of organic waste shall be
27 included in estimates: food, green waste, landscape and pruning waste, wood, paper
28 products, printing and writing paper, digestate and biosolids.

29 (g) For the purposes of conducting the estimates required by this section, a county may
30 subtract the waste generated in an area subject to a waiver granted by the Department
31 pursuant to Section 18984.12. A county is not required to obtain information from a
32 jurisdiction that is waived from all of the organic waste collection requirements of this
33 chapter.

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

37 **Section 18992.2. Edible Food Recovery Capacity.**

38 (a) Counties, in coordination with jurisdictions and regional agencies located within the
39 county, shall:

40 (1) Estimate the amount of edible food that will be disposed by commercial edible
41 food generators that are located within the county and jurisdictions within the county.

42 (2) Identify existing capacity at food recovery organizations identified in Section
43 18982(a)(25)(A)–(B) that is available to commercial edible food generators located
44 within the county and jurisdictions within the county.

1 (3) Identify proposed new or expanded food recovery organizations and food
2 recovery services that will be used to recover edible food identified pursuant to
3 Subdivision (a)(1).
4 (4) Identify the amount of new or expanded capacity, if any, at food recovery
5 organizations and food recovery services that is necessary to recover the edible food
6 that is estimated to be disposed by commercial edible food generators in (a)(1).
7 (b) In complying with this section the county in coordination with jurisdictions and
8 regional agencies located within the county shall consult with food recovery
9 organizations and food recovery services regarding existing, or proposed new and
10 expanded, capacity that could be accessed by the jurisdiction and its commercial edible
11 food generators.
12 (1) Entities contacted by a jurisdiction shall respond to the jurisdiction within 60 days
13 regarding available and potential new or expanded capacity.
14 (c) If a county identifies that new or expanded capacity is needed to recover the amount
15 of edible food identified in Subdivision (a), then each jurisdiction within that county that
16 lacks capacity shall:
17 (1) Submit an implementation schedule to the Department that demonstrates how it
18 will ensure there is enough new or expanded capacity to recover the edible food
19 currently disposed by commercial edible food generators within its jurisdiction by the
20 end of the reporting period set forth in Section 18992.3 of this article.
21 (A) The implementation schedule shall include timelines and milestones for
22 planning efforts to access additional new or expanded capacity including, but not
23 limited to:
24 1. Obtaining funding for edible food recovery infrastructure including, but not
25 limited to, modifying franchise agreements or demonstrating other means of
26 financially supporting the expansion of edible food recovery capacity.
27 2. Identification of facilities, operations, and activities inside the county that
28 could be used for additional capacity.
29 (2) Consult with food recovery organizations and food recovery services regarding
30 existing, or proposed new and expanded, capacity that could be accessed by the
31 jurisdiction and its commercial edible food generators.
32 (d) If a county finds that new or expanded capacity is needed pursuant to Subdivision
33 (c) then on or before the county submits the report required pursuant to Section
34 18992.3, the county shall notify the jurisdiction or jurisdictions that lack sufficient
35 capacity.
36 (e) A jurisdiction or regional agency contacted by a county pursuant to this section shall
37 respond to the county's request for the information necessary to comply with the
38 requirements of this section within 120 days of receiving the request from the county.
39 (1) If a jurisdiction or regional agency fails to provide the information necessary to
40 comply with the requirements of this article within 120 days, the county is not
41 required to include estimates for that jurisdiction in the report it submits pursuant to
42 Section 18992.3.
43 (2) In the report submitted pursuant to Section 18992.3 the county shall identify any
44 jurisdiction that did not provide the information necessary to comply with the
45 requirements of this section within 120 days of receiving a request from the county.

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

4 **Section 18992.3. Schedule For Reporting.**

5 (a) Counties, in coordination with jurisdictions and regional agencies located within the
6 county, shall conduct the planning requirements of Sections 18992.1 and 18992.2, on
7 the following schedule:

8 (1) August 1, 2022 counties shall report to the Department on the period covering
9 January 1, 2022 through December 31, 2024.

10 (A) Jurisdictions that are exempt from the organic waste collection requirements
11 pursuant to Section 18984.12, are not required to conduct the capacity planning
12 required in Section 18992.1 and are not required to include capacity plans
13 required by Section 18992.1 in the first reporting period.

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

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

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

20 (b) If a jurisdiction is required to submit an implementation schedule pursuant to Section
21 18992.1 or 18992.2 the implementation schedule shall be submitted 120 days following
22 the date the county submitted the report to the Department.

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

26 **Article 12. Procurement of Recovered Organic Waste Products**

27 **Section 18993.1. Recovered Organic Waste Product Procurement Target.**

28 (a) Except as otherwise provided, commencing January 1, 2022, a jurisdiction shall
29 annually procure a quantity of recovered organic waste products that meets or exceeds
30 its current annual recovered organic waste product procurement target as determined
31 by this article. For the purposes of this section, "jurisdiction" means a city, a county or a
32 city and county.

33 (b) On or before January 1, 2022, and on or before January 1 every five years
34 thereafter, the Department shall recalculate the annual recovered organic waste product
35 procurement target for each jurisdiction according to the requirements of Subdivision

36 (c).

37 (c). Each jurisdiction's recovered organic waste product procurement target shall be
38 calculated by multiplying the per capita procurement target by the jurisdiction population
39 where:

40 (1) Per capita procurement target = 0.08 tons of organic waste per California resident
41 per year.

- 1 (2) Jurisdiction population equals the number of residents in a jurisdiction, using the
2 most recent annual data reported by the California Department of Finance.
- 3 (d) Annually, the Department shall provide notice to each jurisdiction of its annual
4 recovered organic waste product procurement target by posting such information on the
5 Department's website and providing written notice directly to the jurisdiction.
- 6 (e) A jurisdiction shall comply with Subdivision (a) by one or both of the following:
7 (1) Directly procuring recovered organic waste products for use or giveaway.
8 (2) Requiring, through a written contract or agreement, that a direct service provider
9 to the jurisdiction procure recovered organic waste products and provide written
10 documentation of such procurement to the jurisdiction.
- 11 (f) For the purposes of this article, the recovered organic waste products that a
12 jurisdiction may procure to comply with this article are:
13 (1) Compost, subject to any applicable limitations of Public Contract Code Section
14 22150, that is produced at:
15 (A) A compostable material handling operation or facility permitted or authorized
16 under Chapter 3.1 of this division; or
17 (B) A large volume in-vessel digestion facility as defined and permitted under
18 Chapter 3.2 of this division that composts on-site. [NOTE: Digestate, as defined in
19 Section 18982(a)(16.5), is a distinct material from compost and is thus not a
20 recovered organic waste product eligible for use in complying with this Article.]
21 (2) Renewable gas used for fuel for transportation, electricity, or heating applications.
22 (3) Electricity from biomass conversion.
23 (4) Mulch, provided that the following conditions are met for the duration of the
24 applicable procurement compliance year:
25 (A) The jurisdiction has an enforceable ordinance, or similarly enforceable
26 mechanism, that requires the mulch procured by the jurisdiction to comply with this
27 article to meet or exceed the physical contamination, maximum metal
28 concentration, and pathogen density standards for land application specified in
29 Section 17852(a)(24.5)(A)1. through 3. of this division; and
30 (B) The mulch is produced at one or more of the following:
31 1. A compostable material handling operation or facility as defined in Section
32 17852(a)(12), other than a chipping and grinding operation or facility as defined
33 in Section 17852(a)(10), that is permitted or authorized under this division; or
34 2. A transfer/processing facility or transfer/processing operation as defined in
35 Sections 17402(a)(30) and (31), respectively, that is permitted or authorized
36 under this division; or
37 3. A solid waste landfill as defined in Public Resources Code Section 40195.1
38 that is permitted under Division 2 of Title 27 of the California Code of
39 Regulations.
- 40 (g) The following conversion factors shall be used to convert tonnage in the annual
41 recovered organic waste product procurement target for each jurisdiction to equivalent
42 amounts of recovered organic waste products:
43 (1) One ton of organic waste in a recovered organic waste product procurement
44 target shall constitute:
45 (A) 21 diesel gallon equivalents, or "DGE," of renewable gas in the form of
46 transportation fuel.

- 1 (B) 242 kilowatt-hours of electricity derived from renewable gas.
- 2 (C) 22 therms for heating derived from renewable gas.
- 3 (D) 650 kilowatt-hours of electricity derived from biomass conversion.
- 4 (E) 0.58 tons of compost or 1.45 cubic yards of compost.
- 5 (F) One ton of mulch.

6 (h) Renewable gas procured from a POTW may only count toward a jurisdiction's
7 recovered organic waste product procurement target provided the following conditions
8 are met for the applicable procurement compliance year:

9 (1) The POTW receives organic waste directly from one or more of the following:

- 10 (A) A compostable material handling operation or facility as defined in Section
11 17852(a)(12), other than a chipping and grinding operation or facility as defined in
12 Section 17852(a)(10), that is permitted or authorized under this division; or
- 13 (B) A transfer/processing facility or transfer/processing operation as defined in
14 Sections 17402(a)(30) and (31), respectively, that is permitted or authorized under
15 this division; or
- 16 (C) A solid waste landfill as defined in Public Resources Code Section 40195.1
17 that is permitted under Division 2 of Title 27 of the California Code of Regulations.

18 (2) The POTW is in compliance with the exclusion described in Section
19 17896.6(a)(1).

20 (3) The jurisdiction receives a record from the POTW documenting the tons of
21 organic waste received by the POTW from all solid waste facilities described in
22 subsection (h)(1) above.

23 (4) The amount of renewable gas a jurisdiction or jurisdictions procured from the
24 POTW for fuel, electricity or heating applications is less than or equal to the POTW's
25 production capacity of renewable gas generated from organic waste received at the
26 POTW directly from solid waste facilities as determined using the relevant conversion
27 factors in Subdivision (g).

28 (5) The POTW transported less than 25 percent of the biosolids it produced to
29 activities that constitute landfill disposal.

30 (i) Electricity procured from a biomass conversion facility may only count toward a
31 jurisdiction's recovered organic waste product procurement target if the biomass
32 conversion facility receives feedstock directly from one or more of the following during
33 the duration of the applicable procurement compliance year:

34 (1) A compostable material handling operation or facility as defined in Section
35 17852(a)(12), other than a chipping and grinding operation or facility as defined in
36 Section 17852(a)(10), that is permitted or authorized under this division; or

37 (2) A transfer/processing facility or transfer/processing operation as defined in
38 Sections 17402(a)(30) and (31), respectively, that is permitted or authorized under
39 this division; or

40 (3) A solid waste landfill as defined in Public Resources Code Section 40195.1 that is
41 permitted under Division 2 of Title 27 of the California Code of Regulations.

42 (j) If a jurisdiction's annual recovered organic waste product procurement target
43 exceeds the jurisdiction's total procurement of transportation fuel, electricity, and gas for
44 heating applications from the previous calendar year as determined by the conversion
45 factors in Subdivision (g), the target shall be adjusted to an amount equal to its total

1 procurement of those products as converted to their recovered organic waste product
2 equivalent from the previous year consistent with Subdivision (g).

3 (k) A jurisdiction shall identify additional procurement opportunities within the
4 jurisdiction's departments and divisions for expanding the use of recovered organic
5 waste products.

6 (l) Rural counties, and jurisdictions located within rural counties that are exempt from
7 the organic waste collection requirements pursuant to Section 18984.12(c), are not
8 required to comply with the procurement requirements in this Section from January 1,
9 2022-December 31, 2026.

10 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.
11 Reference: Public Resources Code Section 42652.5 and Health and Safety Code
12 Sections 39730.6 and 39730.8.

13 **Section 18993.2. Recordkeeping Requirements For Recovered Organic Waste**
14 **Procurement Target.**

15 (a) A jurisdiction, as defined in 18993.1(a), shall include all documents supporting its
16 compliance with this article in the implementation record required by Section 18995.2 of
17 this chapter including, but not limited to, the following:

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

20 (2) The name, physical location, and contact information of each entity, operation, or
21 facility from whom the recovered organic waste products were procured, and a
22 general description of how the product was used, and if applicable, where the
23 product was applied.

24 (3) All invoices or similar records evidencing all procurement.

25 (4) If a jurisdiction will include procurement of recovered organic waste products
26 made by a direct service provider to comply with the procurement requirements of
27 Section 18993.1(a), the jurisdiction shall include all records of procurement of
28 recovered organic waste products made by the direct service provider on behalf of
29 the jurisdiction including invoices or similar records evidencing procurement.

30 (5) If a jurisdiction will include renewable gas procured from a POTW for any of the
31 uses identified in 18993.1(f)(2) to comply with the procurement mandate of Section
32 18993.1(a), a written certification by an authorized representative of the POTW,
33 under penalty of perjury in a form and manner determined by the jurisdiction,
34 attesting to the following for the applicable procurement compliance year:

35 (A) That the POTW was in compliance with the exclusion in Section 17896.6(a)(1);

36 (B) The total tons of organic waste received from the types of solid waste facilities
37 listed in Section 18993.1(h)(1); and

38 (C) The percentage of biosolids that the POTW produced and transported to
39 activities that constitute landfill disposal.

40 (6) If a jurisdiction will include electricity procured from a biomass conversion facility
41 to comply with the procurement mandate of Section 18993.1(a), a written certification
42 by an authorized representative of the biomass conversion facility certifying that
43 biomass feedstock was received from a permitted solid waste facility identified in

1 18993.1(i) shall be provided to the jurisdiction. The certification shall be furnished
2 under penalty of perjury in a form and manner determined by the jurisdiction.

3 (7) If the jurisdiction is implementing the procurement requirements of Section
4 18993.1 through an adjusted recovered organic waste product procurement target
5 pursuant to Section 18993.1(j), the jurisdiction shall include records evidencing the
6 total amount of transportation fuel, electricity, and gas for heating applications
7 procured during the calendar year prior to the applicable reporting period.

8 (8) For jurisdictions complying with the requirements of Section 18993.1, through the
9 procurement of mulch, a copy of the ordinance or similarly enforceable mechanism
10 the jurisdiction has adopted requiring that mulch procured by the jurisdiction or a
11 direct service provider meets the land application standards specified in Section
12 18993.1.

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

14 Reference: Public Resources Code Section 42652.5 and Health and Safety Code
15 Section 39730.6.

16 **Section 18993.3. Recycled Content Paper Procurement Requirements.**

17 (a) A jurisdiction shall procure paper products, and printing and writing paper, consistent
18 with the requirements of Sections 22150-22154 of the Public Contract Code.

19 (b) In addition to meeting the requirements of Subdivision (a), paper products and
20 printing and writing paper shall be eligible to be labeled with an unqualified recyclable
21 label as defined in 16 Code of Federal Regulations (CFR) Section 260.12 as published
22 January 1, 2013, which is hereby incorporated by reference.

23 (c) A jurisdiction shall require all businesses from whom it purchases paper products
24 and printing and writing paper to certify in writing:

25 (1) The minimum percentage, if not the exact percentage, of postconsumer material
26 in the paper products and printing and writing paper offered or sold to the jurisdiction.
27 The certification shall be furnished under penalty of perjury in a form and manner
28 determined by the jurisdiction. A jurisdiction may waive the certification requirement if
29 the percentage of postconsumer material in the paper products, printing and writing
30 paper, or both can be verified by a product label, catalog, invoice, or a manufacturer
31 or vendor Internet website.

32 (2) That the paper products and printing and writing paper offered or sold to the
33 jurisdiction is eligible to be labeled with an unqualified recyclable label as defined in
34 16 CFR Section 260.12 as published January 1, 2013, which is hereby incorporated
35 by reference.

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

38 Reference: Public Resources Code Section 42652.5; Health and Safety Code Section
39 39730.6; and Public Contracts Code Sections 22150, 22151, 22152, 22153, and 22154.

1 **Section 18993.4. Recordkeeping Requirements for Recycled Content Paper**
2 **Procurement.**

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

6 (1) Copies of invoices, receipts or other proof of purchase that describe the
7 procurement of paper products by volume and type for all paper purchases.

8 (2) Copies of all certifications or other verification required under Section 18993.3.

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

10 Reference: Public Resources Code Section 42652.5; Health and Safety Code Section
11 39730.6; and Public Contracts Code Sections 22150, 22151, 22152, 22153, and 22154.

12 **Article 13. Reporting**

13 **Section 18994.1. Initial Jurisdiction Compliance Report.**

14 (a) Each jurisdiction shall report to the Department on its implementation and
15 compliance with the requirements of this chapter. Each jurisdiction shall report to the
16 Department by April 1, 2022 the following information:

17 (1) A copy of ordinances or other enforceable mechanisms adopted pursuant to this
18 chapter.

19 (2) The reporting items identified in Section 18994.2(b).

20 (3) The following contact information:

21 (A) The name, mailing address, phone number, and email address of the
22 employee of the jurisdiction that the jurisdiction has designated as the primary
23 contact person for the purposes of receiving communications regarding
24 compliance with this chapter.

25 (B) The name and address of the agent designated by the jurisdiction for the
26 receipt of service of process from the Department for the purposes of enforcement
27 of this chapter if different from (A) above.

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

29 Reference: Public Resources Code Section 42652.5 and Health and Safety Code
30 Section 39730.6.

31 **Section 18994.2. Jurisdiction Annual Reporting.**

32 (a) A jurisdiction shall report the information required in this section to the Department
33 according to the following schedule:

34 (1) On or before October 1, 2022, a jurisdiction shall report for the period of January
35 1, 2022 through June 30, 2022.

36 (2) On or before August 1, 2023, and on or before August 1 each year thereafter, a
37 jurisdiction shall report for the period covering the entire previous calendar year.

38 (b) Each jurisdiction shall report the following, relative to its implementation of the
39 organic waste collection requirements of Article 3 of this chapter:

40 (1) The type of organic waste collection service(s) provided by the jurisdiction to its
41 generators.

- 1 (2) The total number of generators that receive each type of organic waste collection
2 service provided by the jurisdiction.
- 3 (3) If the jurisdiction is implementing an organic waste collection service that requires
4 transport of the contents of containers to a high diversion organic waste processing
5 facility, the jurisdiction shall identify the Recycling and Disposal Reporting System
6 number of each facility that receives organic waste from the jurisdiction.
- 7 (4) If the jurisdiction allows placement of compostable plastics in containers pursuant
8 to Section 18984.1 or 18984.2, the jurisdiction shall identify each facility that has
9 notified the jurisdiction that it accepts and recovers that material.
- 10 (5) If the jurisdiction allows organic waste to be collected in plastic bags and placed in
11 containers pursuant to Section 18984.1 or 18984.2 the jurisdiction shall identify each
12 facility that has notified the jurisdiction that it can accept and remove plastic bags
13 when it recovers source separated organic waste.
- 14 (c) Each jurisdiction shall report the following, relative to its implementation of the
15 contamination monitoring requirements of Article 3 of this chapter:
- 16 (1) The number of route reviews conducted for prohibited container contaminants.
17 (2) The number of times notices, violations, or targeted education materials were
18 issued to generators for prohibited container contaminants.
- 19 (3) The results of waste evaluations performed to meet the container contamination
20 minimization requirements and the number of resulting targeted route reviews.
- 21 (d) Each jurisdiction shall report the following relative to its implementation of waivers
22 pursuant to Article 3 of this chapter:
- 23 (1) The number of days an emergency circumstances waiver as allowed in Section
24 18984.13 was in effect and the type of waiver issued.
- 25 (2) The tons of organic waste that were disposed as a result of waivers identified in
26 Subsection (1), except disaster and emergency waivers granted in Section
27 18984.13(b).
- 28 (3) The number of generators issued a de-minimis waiver.
29 (4) The number of generators issued a physical space waiver.
- 30 (5) A jurisdiction that receives a waiver from the Department pursuant to Section
31 18984.12 of Article 3 of this chapter shall report the following information for each
32 year the waiver is in effect:
- 33 (A) The number of generators waived from the requirement to subscribe to an
34 organic waste collection service.
- 35 (e) A jurisdiction shall report the following regarding its implementation of education and
36 outreach required in Article 4 of this chapter:
- 37 (1) The number of organic waste generators and edible food generators that received
38 information and the type of education and outreach used.
- 39 (f) A jurisdiction shall report the following regarding its implementation of the hauler
40 oversight requirements of Article 7 of this chapter:
- 41 (1) The number of haulers approved to collect organic waste in the jurisdiction.
42 (2) The Recycling and Disposal Reporting System number of each facility that is
43 receiving organic waste from haulers approved by the jurisdiction.
44 (3) The number of haulers that have had their approval revoked or denied.

1 (g) A jurisdiction subject to article 8 shall report the following regarding its
2 implementation of the CALGreen Building Standards and Model Water Efficient
3 Landscape Ordinance as required in Article 8 of this chapter:

4 (1) The number of construction and demolition debris removal activities conducted in
5 compliance with Section 18989.1.

6 (2) The number of projects subject to Section 18989.2.

7 (h) A jurisdiction shall report the following regarding its implementation of the edible
8 food recovery requirements of Article 10 of this chapter:

9 (1) The number of commercial edible food generators located within the jurisdiction.

10 (2) The number of food recovery services and organizations located and operating
11 within the jurisdiction that contract with or have written agreements with commercial
12 edible food generators for food recovery.

13 (A) A jurisdiction shall require food recovery organizations and services that are
14 located within the jurisdiction and contract with or have written agreements with
15 commercial edible food generators pursuant to Section 18991.3 (b) to report the
16 amount of edible food in pounds recovered by the service or organization in the
17 previous calendar year to the jurisdiction.

18 (3) The jurisdiction shall report on the total pounds of edible food recovered by food
19 recovery organizations and services pursuant to Subdivision (h)(2)(A).

20 (i) A jurisdiction shall report the following regarding its implementation of the organic
21 waste recycling capacity planning and edible food recovery capacity planning
22 requirements of Article 11 of this chapter:

23 (1) A county shall report:

24 (A) The tons estimated to be generated for landfill disposal.

25 (B) The amount of capacity verifiably available to the county and cities within the
26 county.

27 (C) The amount of new capacity needed.

28 (D) The locations identified for new or expanded facilities.

29 (E) The jurisdictions that are required to submit implementation schedules.

30 (F) The jurisdictions that did not provide information required by Article 11 of this
31 chapter to the county within 120 days.

32 (2) Notwithstanding Subdivision (a), the information required by this subdivision shall
33 be reported on the schedule specified in Section 18992.3.

34 (j) A jurisdiction, as defined in Sections 18993.1, shall report the following regarding its
35 implementation of the procurement requirements of Article 12 of this chapter:

36 (1) The amount of each recovered organic waste product procured directly by the
37 city, county, or through direct service providers, or both during the prior calendar
38 year.

39 (2) If the jurisdiction is implementing the procurement requirements of Section
40 18993.1 through an adjusted recovered organic waste product procurement target
41 pursuant to Section 18993.1(j), the jurisdiction shall include in its report the total
42 amount of transportation fuel, electricity, and gas for heating applications procured
43 during the calendar year prior to the applicable reporting period.

44 (k) A jurisdiction shall report the following regarding its implementation of the
45 compliance, monitoring, and enforcement requirements specified in Articles 14-16 of
46 this chapter:

- 1 (1) The number of commercial businesses that were included in a compliance review
2 performed by the jurisdiction pursuant to Section 18995.1(a)(1). As well as the
3 number of violations found and corrected through compliance reviews if different from
4 the amount reported in Subdivision (k)(5).
5 (2) The number of route reviews conducted.
6 (3) The number of inspections conducted by type for commercial edible food
7 generators, food recovery organizations, and commercial businesses.
8 (4) The number of complaints pursuant to Section 18995.3 that were received and
9 investigated, and the number of Notices of Violation issued based on investigation of
10 those complaints.
11 (5) The number of Notices of Violation issued, categorized by type of entity subject to
12 this chapter.
13 (6) The number of penalty orders issued, categorized by type of entity subject to this
14 chapter.
15 (7) The number of enforcement actions that were resolved, categorized by type of
16 regulated entity.
17 (l) A jurisdiction shall report any changes to the information described in Sections
18 18994.1(a)(1) and 18994.1(a)(3).

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

22 **Article 14 Enforcement Requirements**

23 **Section 18995.1. Jurisdiction Inspection Requirements.**

24 (a) On or before January 1, 2022, a jurisdiction shall have an inspection and
25 enforcement program that is designed to ensure overall compliance with this chapter
26 and that, at a minimum, includes the following requirements:

27 (1) Beginning January 1, 2022, and at least annually thereafter, a jurisdiction shall
28 conduct the following:

29 (A) If the jurisdiction is using the compliance method described in Section 18984.1
30 or 18984.2 of this division, the jurisdiction shall complete a compliance review of
31 all solid waste collection accounts for commercial businesses that are subject to its
32 authority and that generate two cubic yards or more per week of solid waste,
33 including organic waste.

34 1. The jurisdiction shall also determine compliance with:

- 35 i. Organic waste generator requirements set forth in Section 18984.9(a).
36 ii. Self-haul requirements set forth in Section 18988.3, including whether a
37 business is complying through back-hauling organic waste.

38 2. Beginning April 1, 2022, the jurisdiction shall either:

- 39 i. Conduct annual route reviews of commercial businesses and residential
40 generators for compliance with organic waste generator requirements set
41 forth in Section 18984.9(a) and container contamination requirements set
42 forth in Section 18984.5; or

1 ii. Perform waste evaluations consistent with Section 18984.5(c) to verify
2 commercial businesses and residential generators compliance with organic
3 waste generator requirements set forth in Section 18984.9(a).

4 (B) If a jurisdiction is using the compliance method described in Section 18984.3,
5 the jurisdiction shall conduct a compliance review of all solid waste collection
6 accounts for commercial businesses that are subject to its authority and generate
7 two cubic yards or more per week of solid waste, including organic waste.

8 1. The jurisdiction shall also determine compliance with:

9 i. Organic waste generator requirements set forth in Section 18984.9(a) and
10 document if the business is transporting the contents to a high diversion
11 organic waste processing facility; or

12 ii. Self-hauling requirements pursuant to Section 18988.3, including whether
13 a business is complying through back-hauling organic waste.

14 (2) Beginning January 1, 2022, conduct inspections of Tier One commercial edible
15 food generators and food recovery organizations and services for compliance with
16 this chapter. Beginning January 1, 2024, conduct inspections of Tier Two commercial
17 edible food generators for compliance with Article 10 of this chapter.

18 (3) Beginning January 1, 2022, investigate complaints as required under Section
19 18995.3.

20 (4) Beginning January 1, 2022 and until December 31, 2023, a jurisdiction shall
21 provide educational material describing the applicable requirements of this chapter in
22 response to violations.

23 (5) Beginning January 1, 2024, a jurisdiction shall enforce this chapter pursuant to
24 Sections 18995.4 and 18997.2 in response to violations.

25 (6) At least every five years from the date of issuance, verify through inspection that
26 commercial businesses are meeting de minimis and physical space waivers for
27 compliance consistent with the requirements of Section 18984.11.

28 (b) A jurisdiction shall conduct a sufficient number of route reviews and inspections of
29 entities described in this section to adequately determine overall compliance with this
30 chapter. A jurisdiction may prioritize inspections of entities that it determines are more
31 likely to be out of compliance.

32 (c) A jurisdiction shall generate a written or electronic record for each inspection, route
33 review, and compliance review conducted pursuant to this chapter. Each record shall
34 include, at a minimum, the following information:

35 (1) Identifying information for the subject or subjects of the inspection, route review or
36 compliance review, such as, but not limited to:

37 (A) The name or account name of each person or entity.

38 (B) A description of the hauler route and addresses covered by a route review.

39 (C) A list of accounts reviewed for each compliance review.

40 (2) The date or dates the inspection, route review, or compliance review was
41 conducted.

42 (3) The person or persons who conducted the action.

43 (4) The jurisdiction's findings regarding compliance with this chapter, including any
44 Notices of Violation or educational materials that were issued.

45 (5) Any relevant evidence supporting the findings in Subsection (4) above, such as,
46 but not limited to, photographs and account records.

1 (6) Route review records shall also include a description of the locations of the route
2 review(s) and the addresses where prohibited container contaminants are found, if
3 any.

4 (d) Documentation of route reviews, compliance reviews, and inspections, as well as all
5 other records of enforcement conducted pursuant to this chapter shall be maintained in
6 the Implementation Record required by Section 18995.2 of this chapter, and shall
7 include, but not be limited to:

8 (1) Copies of all documentation of route reviews, compliance reviews, and
9 inspections.

10 (2) Copies of all enforcement actions required by Section 18995.4 of this chapter,
11 including Notices of Violation and penalty orders.

12 (3) A list of the date(s) that the jurisdiction determined an entity complied with a
13 Notice of Violation and the evidence that supports that compliance determination.

14 (4) Copies of notices and educational material provided as required by this section.

15 (e) Consistent with Section 18981.2, a jurisdiction may have a designee conduct
16 inspections required by this section.

17 (f) Any records obtained by a jurisdiction through its implementation and enforcement of
18 the requirements of this chapter shall be subject to the requirements and applicable
19 disclosure exemptions of the Public Records Act as set forth in Government Code
20 Section 6250 et seq.

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

22 Reference: Public Resources Code Section 42652.5 and Health and Safety Code
23 Section 39730.6.

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

25 (a) A jurisdiction shall maintain all records required by this chapter in the
26 Implementation Record.

27 (b) The Implementation Record shall be stored in one central location, physical or
28 electronic, that can be readily accessed by the Department.

29 (c) Upon request by the Department, the jurisdiction shall provide access to the
30 Implementation Record within ten business days.

31 (d) All records and information shall be included in the Implementation Record within 60
32 days of the creation of the record or information.

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

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

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

37 (2) A written description of the jurisdiction's inspection and enforcement program that
38 it uses to comply with Sections 18995.1 and 18995.4.

39 (3) All organic waste collection service records required by Section 18984.4.

40 (4) All contamination minimization records required by Section 18984.6.

41 (5) All waiver and exemption records required by Section 18984.14.

42 (6) All education and outreach records required by Section 18985.3.

43 (7) All hauler program records required by Section 18988.4.

44 (8) All jurisdiction edible food recovery program records required by Section 18991.2.

- 1 (9) All recovered organic waste procurement target records required by Section
2 18993.2.
3 (10) All recycled content paper procurement records required by Section 18993.4.
4 (11) All inspection, route review, and compliance review documents generated
5 pursuant to the requirements of Section 18995.1(d).
6 (12) All records of enforcement actions undertaken pursuant to this chapter.
7 (13) All records of complaints and investigations of complaints required by Section
8 18995.3 and compliance with the jurisdiction's inspection and enforcement
9 requirements of Sections 18995.1.
10 (14) All records required by Section 18998.4 if the jurisdiction is implementing a
11 performance-based source separated organic waste collection service under Article
12 17 of this chapter.
13 (g) All records maintained in the Implementation Record shall be subject to the
14 requirements and applicable disclosure exemptions of the Public Records Act as set
15 forth in Government Code Section 6250 et seq.

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

19 **Section 18995.3. Jurisdiction Investigation of Complaints of Alleged Violations.**

- 20 (a) A jurisdiction shall provide a procedure for the receipt and investigation of written
21 complaints of alleged violations of this chapter. The jurisdiction shall allow for the
22 submission of anonymous complaints.
23 (b) The procedure shall provide that complaints be in writing and include the following
24 information:
25 (1) If the complaint is not anonymous, the name and contact information of the
26 complainant.
27 (2) The identity of the alleged violator, if known.
28 (3) A description of the alleged violation including location(s) and all other relevant
29 facts known to the complainant.
30 (4) Any relevant photographic or documentary evidence to support the allegations in
31 the complaint.
32 (5) The identity of any witnesses, if known.
33 (c) A jurisdiction shall commence an investigation within 90 days of receiving a
34 complaint that meets the requirements of Subdivision (b) if the jurisdiction determines
35 that the allegations, if true, would constitute a violation of this chapter. The jurisdiction
36 may decline to investigate a complaint if, in its judgment, investigation is unwarranted
37 because the allegations are contrary to facts known to the jurisdiction.
38 (d) The jurisdiction shall provide a procedure to notify a complainant of the results of
39 their complaint if the identity and contact information of the complainant are known.
40 (e) The jurisdiction shall maintain records of all complaints and responses pursuant to
41 this section in the Implementation Record set forth in Section 18995.2. The records
42 shall include the complaint as received and the jurisdiction's determination of
43 compliance or notice of violations issued.

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

4 **Section 18995.4. Enforcement by a Jurisdiction.**

5 (a) With the exception of violations of the prohibited container contaminants provisions
6 in Section 18984.5(a), which a jurisdiction shall enforce through the notice provisions of
7 Section 18984.5(b), for violations of this chapter occurring on or after January 1, 2024,
8 the jurisdiction shall take enforcement action as set forth in this section.

9 (1) The jurisdiction shall issue a Notice of Violation requiring compliance within 60
10 days of the issuance of that notice.

11 (2) Absent compliance by the respondent within the deadline set forth in the Notice
12 of Violation, the jurisdiction shall commence an action to impose penalties pursuant
13 to Article 16 of this chapter.

14 (b) The jurisdiction may extend the compliance deadlines set forth in a Notice of
15 Violation issued pursuant to Subdivision (a) if it finds that extenuating circumstances
16 beyond the control of the respondent make compliance within the deadlines
17 impracticable. For purposes of this section, extenuating circumstances are:

18 (1) Acts of God such as, earthquakes, wildfires, flooding, and other emergencies or
19 natural disasters;

20 (2) Delays in obtaining discretionary permits or other government agency approvals;
21 and

22 (3) Deficiencies in organic waste recycling capacity infrastructure or edible food
23 recovery capacity, and the relevant jurisdiction is under a Corrective Action Plan
24 pursuant to Section 18996.2 due to those deficiencies.

25 (c) A Notice of Violation shall include the following information:

26 (1) The name(s), or account name(s) if different, of each person or entity to whom it
27 is directed.

28 (2) A factual description of the violations of this chapter, including the regulatory
29 section(s) being violated.

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

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

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

35 **Article 15. Enforcement Oversight by the Department**

36 **Section 18996.1. Department Evaluation of Jurisdiction Compliance.**

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

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

- 1 (c) The Department shall notify the jurisdiction prior to conducting a compliance
2 evaluation.
3 (d) The Department shall provide its findings to the jurisdiction in writing.
4 (e) If the Department determines at any time that an ordinance adopted by a jurisdiction
5 is inconsistent with or does not meet the requirements set forth in this chapter, the
6 Department shall notify the jurisdiction and provide an explanation of the deficiencies.
7 The jurisdiction shall have 180 days from that notice to correct the deficiencies. If the
8 jurisdiction does not, the Department shall commence enforcement actions as set forth
9 in Section 18996.2.

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

13 **Section 18996.2. Department Enforcement Action Over Jurisdictions.**

14 (a) The Department shall enforce this chapter according to the following procedures:

15 (1) Issue a Notice of Violation requiring compliance within 90 days of the date of
16 issuance of that notice. The Department shall grant an extension for up to a total of
17 180 days from the date of issuance of the Notice of Violation if it finds that additional
18 time is necessary for the jurisdiction to comply.

19 (2) The Department shall extend the deadline for a jurisdiction to comply beyond the
20 maximum compliance deadline allowed in Subdivision (a)(1) by issuing a Corrective
21 Action Plan setting forth the actions a jurisdiction shall take to correct the violation(s).
22 A Corrective Action Plan shall be issued if the Department finds that additional time is
23 necessary for the jurisdiction to comply and the jurisdiction has made a substantial
24 effort to meet the maximum compliance deadline but extenuating circumstances
25 beyond the control of the jurisdiction make compliance impracticable. The
26 Department shall base its finding on available evidence, including relevant evidence
27 provided by the jurisdiction.

28 (A) If a jurisdiction is unable to comply with the maximum compliance deadline
29 allowed in Subdivision (a)(1) due to deficiencies in organic waste recycling
30 capacity infrastructure, the Department shall issue a Corrective Action Plan for
31 such violations upon making a finding that:

- 32 1. Additional time is necessary for the jurisdiction to comply; and
33 2. The jurisdiction has provided organic waste collection service to all hauler
34 routes where it is practicable and the inability to comply with the maximum
35 compliance deadline in Subdivision (a)(1) is limited to only those hauler routes
36 where organic waste recycling capacity infrastructure deficiencies have caused
37 the provision of organic waste collection service to be impracticable.
38 3. The Department shall, if applicable, consider implementation schedules, as
39 described in Section 18992.1, for purposes of developing a Corrective Action
40 Plan but shall not be restricted in mandating actions to remedy violation(s) and
41 developing applicable compliance deadline(s) to those provided in the
42 Implementation Schedule.

43 (B) For the purposes of this section, "substantial effort" means that a jurisdiction
44 has taken all practicable actions to comply. Substantial effort does not include

1 circumstances where a decision-making body of a jurisdiction has not taken the
2 necessary steps to comply with the chapter including, but not limited to, a failure to
3 provide adequate staff resources to meet its obligations under this chapter, a
4 failure to provide sufficient funding to ensure compliance, or failure to adopt the
5 ordinance(s) or similarly enforceable mechanisms under Section 18981.2.

6 (C) For the purposes of this section, "extenuating circumstances" are:

7 1. Acts of God, such as earthquakes, wildfires, mudslides, flooding, and other
8 emergencies or natural disasters.

9 2. Delays in obtaining discretionary permits or other government agency
10 approvals.

11 3. An organic waste recycling infrastructure capacity deficiency requiring more
12 than 180 days to cure.

13 (3) A Corrective Action Plan shall be issued by the Department with a maximum
14 compliance deadline no more than 24 months from the date of the original Notice of
15 Violation and shall include a description of each action the jurisdiction shall take to
16 remedy the violation(s) and the applicable compliance deadline(s) for each action.
17 The Corrective Action Plan shall describe the penalties that may be imposed if a
18 jurisdiction fails to comply.

19 (A) An initial Corrective Action Plan issued due to inadequate organic waste
20 recycling infrastructure capacity may be extended for a period of up to 12 months
21 if the department finds that the jurisdiction has demonstrated substantial effort.

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

25 **Section 18996.3. Department Enforcement When Jurisdiction Fails to Enforce.**

26 The Department shall take direct enforcement action against an entity subject to a
27 jurisdiction's enforcement authority under this chapter consistent with the following
28 requirements:

29 (a) If the jurisdiction fails to comply by the deadline in a Notice of Violation, or extension
30 thereto, issued under Section 18996.2(a)(1) for failure to take enforcement action as
31 required by this chapter, the Department shall take direct enforcement action against
32 that entity pursuant to Section 18996.9 upon the Department's compliance with
33 Subdivision (b).

34 (b) Prior to initiating enforcement action under Section 18996.9 against the entity, the
35 Department shall notify the jurisdiction in writing of its intent to do so and shall include a
36 general description of the grounds for the Department's action.

37 (c) Nothing in this section shall be construed as a limitation on the Department taking
38 enforcement action against the jurisdiction for a failure to comply with the requirements
39 of this chapter.

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

1 **Section 18996.4. Access for Inspection by the Department.**

2 (a) Upon presentation of proper credentials, an authorized Department employee or
3 agent shall be allowed to enter the premises of any entity subject to this chapter during
4 normal working hours to conduct inspections and investigations in order to examine
5 organic waste recovery activities, edible food recovery activities, and records in order to
6 determine compliance with this chapter. Methods may include, but are not limited to,
7 allowing the review or copying or both, of any paper, electronic, or other records
8 required by this chapter.

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

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

14 **Section 18996.5. Enforcement Actions Against Organic Waste Generators**
15 **Located In Multiple Jurisdictions.**

16 (a) In matters of substantial statewide concern, where multiple jurisdictions determine
17 that Department enforcement may be more effective at achieving the intent of this
18 chapter than separate enforcement by each jurisdiction, multiple jurisdictions may,
19 together, file a joint enforcement referral under this section.

20 (b) The joint referral may request that the Department take enforcement action in lieu of
21 those jurisdictions against an organic waste generator or generators, including a
22 commercial edible food generator or generators, with locations, at minimum, in each of
23 those jurisdictions.

24 (c) The joint referral shall be filed with the director of CalRecycle and shall include:

25 (1) A statement of facts that includes a description of the following:

26 (A) The relevant locations of the organic waste generator or generators at issue;

27 (B) The alleged violations of this chapter, the locations of those violations, and the
28 relevant regulatory sections; and

29 (C) All evidence known to the jurisdictions that supports the allegations in the
30 statement of facts.

31 (2) An analysis of the following issues:

32 (A) Why the relevant enforcement matter is of substantial statewide concern; and

33 (B) The basis of the finding by the jurisdictions that Department enforcement
34 against the relevant organic waste generator or generators will be more effective
35 at achieving the intent of this chapter than separate enforcement by each
36 jurisdiction.

37 (3) A signature from the person in each jurisdiction responsible for compliance with
38 this chapter, as currently reported to the Department in Article 13, certifying that the
39 allegations contained in the referral are true and correct to the best of their
40 knowledge.

41 (d) The Department shall take enforcement action in lieu of the jurisdictions pursuant to
42 this section and Section 18996.9 upon a finding that:

43 (1) The referral meets the requirements of this section and includes credible evidence
44 supporting all of the factual allegations therein;

1 (2) The relevant enforcement matter described in the joint referral is of substantial
2 regional or statewide concern; and

3 (3) Department enforcement action against the relevant organic waste generator will
4 be more effective at achieving the goals of this chapter than separate enforcement by
5 each jurisdiction.

6 (e) The Department shall respond, in writing, to the joint referral with a determination as
7 to whether it will take enforcement action against the relevant generator in lieu of the
8 jurisdictions.

9 (1) If the Department agrees to take enforcement action pursuant to a joint referral,
10 the Department shall issue a written order to the relevant jurisdictions mandating
11 suspension of their individual enforcement actions against the relevant organic waste
12 generator or generators.

13 (2) If the Department fails to respond to a joint referral within 90 days of receipt, the
14 joint referral shall be deemed denied.

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

16 Reference: Public Resources Code Section 42652.5 and Health and Safety Code
17 Section 39730.6.

18 **Section 18996.6. Department Enforcement Action Regarding State Agencies.**

19 (a) If the Department finds that a state agency is violating Article 5 or Article 10 of this
20 chapter, then the Department shall take the following actions:

21 (1) Issue a Notice of Violation requiring compliance within 90 days of the date of
22 issuance of that notice. The Department shall grant an additional extension up to 180
23 days from the date of issuance of the Notice of Violation if it finds that additional time
24 is necessary for the state agency to comply. The Department shall base its finding on
25 available evidence, including relevant evidence provided by the state agency.

26 (2) If a state agency fails to comply by the final deadline in a Notice of Violation, the
27 Department shall take the following actions:

28 (A) List the state agency on the Organic Waste Recovery Noncompliance
29 Inventory on the Department's website until such time as the Department finds that
30 the state agency is no longer in violation.

31 (B) Notify the Governor.

32 (C) Notify the Legislature.

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

34 Reference: Public Resources Code Section 42652.5 and Health and Safety Code
35 Section 39730.6.

36 **Section 18996.7. Department Enforcement Action Regarding Local Education**
37 **Agencies and Federal Facilities.**

38 (a) If the Department finds that a local education agency or federal facility is violating
39 this chapter, the Department shall issue a Notice of Violation requiring compliance
40 within 90 days. The Department shall grant an additional extension up to 180 days from
41 the date of issuance of the Notice of Violation if it finds that additional time is necessary
42 for the local education agency or federal facility to comply. The Department shall base

1 its finding on available evidence, including relevant evidence provided by the local
2 education agency or federal facility. If the local education agency or federal facility fails
3 to comply with the final deadline in a Notice of Violation, the Department shall list the
4 local education agency or federal facility on the Organic Waste Recovery
5 Noncompliance Inventory on its website until such time as the Department determines
6 that the local education agency or federal facility is no longer in violation.

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

10 **Section 18996.8. Department Investigation of Complaints of Alleged Violations.**

11 (a) The Department shall receive and investigate written complaints of alleged violations
12 of this chapter according to the requirements of this section.

13 (b) Complaints may be submitted anonymously, shall be submitted in writing, and shall
14 include the following information.

15 (1) If the complaint is not anonymous, the name and contact information of the
16 complainant.

17 (2) The identity of the alleged violator, if known.

18 (3) A description of the alleged violation including location(s) and all other relevant
19 facts known to the complainant.

20 (4) Any relevant photographic or documentary evidence to support the allegations in
21 the complaint.

22 (5) The identity of any witnesses, if known.

23 (c) The Department shall commence an investigation within 90 days of receiving a
24 complaint that meets the requirements of Subdivision (b) if the Department determines
25 the allegations, if true, would constitute a violation of this chapter subject to the
26 enforcement authority of the Department. The Department may decline to investigate a
27 complaint if, in its judgment, investigation is unwarranted because the allegations are
28 contrary to facts known to the Department. The Department shall notify the complainant
29 of the results of the investigation if the identity and contact information of the
30 complainant are known.

31 (d) If the Department receives a complaint about a violation within the enforcement
32 authority of a jurisdiction, it shall refer the complaint to the jurisdiction for investigation
33 under Section 18995.3.

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

37 **Section 18996.9. Department Enforcement Actions Against Entities.**

38 (a) The Department shall take enforcement action against the following entities pursuant
39 to the requirements of this section when a jurisdiction has failed to enforce this chapter
40 as determined under Section 18996.3, or lacks the authority to enforce this chapter:

41 (1) Organic waste generators, commercial edible food generators, haulers, and food
42 recovery organizations and services; and

- 1 (2) A non-local entity that is not subject to Section 18996.6 or 18996.7.
2 (b) Violations of this chapter that are subject to this section shall be enforced as follows:
3 (1) For a first violation:
4 (A) The Department shall issue a Notice of Violation requiring compliance within
5 60 days of the issuance of that notice.
6 (B) If the violation continues after the compliance deadline in the Notice of
7 Violation, the Department shall issue a Notice and Order to Correct requiring
8 compliance within 30 days of issuance of that Notice and Order. The Notice and
9 Order to Correct shall inform the respondent that the Department shall impose
10 penalties upon failure to comply by the deadline in that Notice and Order.
11 (C) If the violation continues after the compliance deadline in the Notice and Order
12 to Correct, the Department shall commence action to impose penalties pursuant to
13 Section 18997.5.
14 (2) For a second or subsequent violation occurring within 5 years of a first violation:
15 (A) The Department shall issue a Notice and Order to Correct requiring
16 compliance within 30 days of the issuance of that Notice and Order. The Notice
17 and Order to Correct shall inform the respondent that the Department may impose
18 penalties upon failure to comply by the deadline in that Notice and Order.
19 (B) If the violation continues after the compliance deadline in the Notice and Order
20 to Correct, the Department shall commence action to impose penalties pursuant to
21 Section 18997.5.
22 (c) The Department shall extend the deadlines set forth in Subdivision (b) if it makes
23 the following findings based on available evidence, including relevant evidence provided
24 by the respondent:
25 (1) Additional time is necessary to comply.
26 (2) Extenuating circumstances beyond the control of the respondent make
27 compliance impracticable. For the purposes of this section, "extenuating
28 circumstances" are:
29 (A) Acts of God, such as earthquakes, wildfires, mudslides, flooding, and other
30 emergencies or natural disasters.
31 (B) Delays in obtaining discretionary permits or other government agency
32 approvals.
33 (C) An organic waste recycling infrastructure capacity deficiency and the
34 jurisdiction within which the respondent is located is subject to a Corrective Action
35 Plan pursuant to Section 18996.2 due to such deficiencies.

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

39 **Article 16. Administrative Civil Penalties**

40 **Section 18997.1. Scope.**

41 (a) Administrative civil penalties for violations of this chapter shall be imposed
42 consistent with the requirements of this Article as authorized by Public Resources Code
43 Section 42652.5.

1 (b) A jurisdiction shall adopt ordinance(s) or enforceable mechanisms to impose
2 penalties as prescribed in Section 18997.2.

3 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.
4 Reference: Public Resources Code Sections 41850, 42652.5 and Health and Safety
5 Code Section 39730.6

6 **Section 18997.2. Penalty Amounts.**

7 (a) A jurisdiction shall impose penalties for violations of the requirements of this chapter
8 consistent with the applicable requirements prescribed in Government Code Sections
9 53069.4, 25132 and 36900. The penalty levels shall be as follows:

10 (1) For a first violation, the amount of the base penalty shall be \$50-\$100 per
11 violation.

12 (2) For a second violation, the amount of the base penalty shall be \$100-\$200 per
13 violation.

14 (3) For a third or subsequent violation, the amount of the base penalty shall be \$250-
15 \$500 per violation.

16 (b) Nothing in this section shall be construed as preventing a jurisdiction from revoking,
17 suspending, or denying a permit, registration, license, or other authorization consistent
18 with local requirements outside the scope of this chapter in addition to the imposition of
19 penalties authorized under this section.

20 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.
21 Reference: Public Resources Code Section 42652.5, Health and Safety Code Section
22 39730.6 and Government Code Sections 25132, 36900 and 53069.4.

23 **Section 18997.3 Department Penalty Amounts.**

24 (a) Penalties shall be imposed administratively in accordance with the requirements set
25 forth in this section.

26 (b) Penalties, except for violations specified in subdivision (d), shall be assessed as
27 follows:

28 (1) A "Minor" violation means a violation involving minimal deviation from the
29 standards in this chapter, where the entity failed to implement some aspects of a
30 requirement but has otherwise not deviated from the requirement. The penalties for
31 this type of violation shall be no less than five hundred dollars (\$500) per violation
32 and no more than four thousand dollars (\$4,000) per violation per day.

33 (2) A "Moderate" violation means a violation involving moderate deviation from the
34 standards in this chapter. A violation which is not a minor violation or a major
35 violation shall be a moderate violation. The penalties for this type of violation shall be
36 no less than four thousand dollars (\$4,000) per violation and shall be no more than
37 seven thousand five hundred dollars (\$7,500) per violation per day.

38 (3) A "Major" violation means a violation that is a substantial deviation from the
39 standards in this chapter that may also be knowing, willful or intentional or a chronic
40 violation by a recalcitrant violator as evidenced by a pattern or practice of
41 noncompliance. The penalties for this type of violation shall be no less than seven
42 thousand five hundred dollars (\$7,500) per violation per day and no more than ten

1 thousand dollars (\$10,000) per violation per day. For purposes of this subsection, a
2 major violation shall always be deemed to include the following types of violations:

3 (A) A jurisdiction fails to have any ordinance or similarly enforceable mechanism
4 for organic waste disposal reduction and edible food recovery.

5 (B) A jurisdiction fails to have a provision in a contract, agreement, or other
6 authorization that requires a hauler to comply with the requirements of this
7 chapter.

8 (C) A jurisdiction fails to have an edible food recovery program.

9 (D) A jurisdiction fails to have any Implementation Record.

10 (E) A jurisdiction implements or enforces an ordinance, policy, procedure,
11 condition, or initiative that is prohibited under Sections 18990.1 or 18990.2.

12 (F) A jurisdiction fails to submit the reports required in Sections 18994.1 and
13 18994.2.

14 (c) Once the penalty range has been determined pursuant to Subdivision (b), the
15 following factors shall be used to determine the amount of the penalty for each violation
16 within that range:

17 (1) The nature, circumstances, and severity of the violation(s).

18 (2) The violator's ability to pay.

19 (3) The willfulness of the violator's misconduct.

20 (4) Whether the violator took measures to avoid or mitigate violations of this chapter.

21 (5) Evidence of any economic benefit resulting from the violation(s).

22 (6) The deterrent effect of the penalty on the violator.

23 (7) Whether the violation(s) were due to conditions outside the control of the violator.

24 (d) For violations of the Recovered Organic Waste Product Procurement requirements
25 in Section 18993.1, where a jurisdiction fails to procure a quantity of recovered organic
26 waste products that meets or exceeds its recovered organic waste product procurement
27 target, the Department shall determine penalties under this Subdivision (d) based on the
28 following:

29 (1) The Department shall calculate the jurisdiction's daily procurement target
30 equivalent by dividing the procurement target by 365 days.

31 (2) The Department shall determine the number of days a jurisdiction was in
32 compliance by dividing the total amount of recovered organic waste products
33 procured by the daily procurement target equivalent.

34 (3) The Department shall determine the number of days a jurisdiction was out of
35 compliance with the procurement target by subtracting the number of days calculated
36 in Subdivision (d)(2) from 365 days.

37 (4) The penalty amount shall be calculated by determining a penalty based on the
38 factors in Subdivision (c) above, and multiplying that number by the number of days
39 determined according to Subdivision (d)(3). The penalty amount shall not exceed
40 \$10,000 per day.

41 (e) Notwithstanding Subdivisions (a)-(d) if the Department sets a penalty amount for
42 multiple violations of this chapter, the aggregated penalty amount for all violations shall
43 not exceed the amount authorized in Section 42652.5 of the Public Resources Code.

44 (f) Nothing in this section shall be construed as authorizing the Department to impose
45 penalties on residential organic waste generators.

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

1 Reference: Public Resources Code Sections 41850, 42652.5 and Health and Safety
2 Code Section 39730.6.

3 **Section 18997.4. Organic Waste Recovery Noncompliance Inventory.**

4 (a) If the Department finds that a state agency, local education agency, or federal facility
5 has failed to meet the final deadline in a Notice of Violation issued under this chapter,
6 the Department shall send a notice stating that the Department has placed the
7 respondent on the Organic Waste Recovery Noncompliance Inventory listed on its
8 website. The Department may remove the respondent from the Organic Waste
9 Recovery Noncompliance Inventory upon a finding, based on available evidence, that
10 the respondent is no longer in violation of this chapter.

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

14 **Section 18997.5. Department Procedure for Imposing Administrative Civil**
15 **Penalties.**

16 (a) The Department shall commence an action to impose administrative civil penalties
17 by serving an accusation on a jurisdiction, person and/or entity, and a notice informing
18 the jurisdiction, person, and/or entity of their right to a hearing conducted pursuant to
19 Section 18997.6.

20 (b) The accusation and all accompanying documents may be served on the
21 respondent(s) by one of the following means:

22 (1) Personal service;

23 (2) Substitute service by using the same service procedures as described in Section
24 415.20 of the Code of Civil Procedure;

25 (3) Certified Mail or registered mail; or

26 (4) Electronically, with the consent of the respondent(s).

27 (c) Upon receipt of the accusation, the respondent shall file a request for hearing with
28 the director of the Department within 15 days or the respondent will be deemed to have
29 waived its right to a hearing.

30 (d) The Department shall schedule a hearing within 30 days of receipt of a request for
31 hearing that complies with the requirements of this section.

32 (e) The hearing shall be held before the director of the Department, or the director's
33 designee, within 90 days of the scheduling date.

34 (f) If the respondent(s) waive(s) the right to a hearing, the Department shall issue a
35 penalty order in the amount described in the accusation.

36 (g) The director of the Department, or the director's designee, shall issue a written
37 decision within 60 days of the conclusion of the hearing.

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

1 **Section 18997.6. Department Procedures for Hearings and Penalty Orders.**

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

6 (b) A penalty order issued under Section 18997.5 shall become effective and final upon
7 issuance thereof, and payment shall be due within 30 days of issuance, unless
8 otherwise ordered by the director or the director's designee. A penalty order may be
9 served by any method described in Section 18997.5(b).

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

11 Reference: Public Resources Code Section 42652.5 and Health and Safety Code

12 Section 39730.6.

13 **Article 17: Performance-Based Source Separated Organic Waste**
14 **Collection Service**

15 **Section 18998.1. Requirements for Performance-Based Source Separated**
16 **Collection Service.**

17 (a) If a jurisdiction implements a performance-based source separated organic waste
18 collection service it shall:

19 (1) Provide a three-container organic waste collection service consistent with Section
20 18984.1 (a), (b) and (d)-(f) of this chapter to at least 90 percent of the commercial
21 businesses and 90 percent of the residential sector subject to the jurisdiction's
22 authority.

23 (2) Transport the contents of the source separated organic waste collection stream to
24 a designated source separated organic waste facility.

25 (3) Ensure that the presence of organic waste in the gray container collection stream
26 does not exceed an annual average of 25 percent by weight.

27 (A) The annual average percent of organic waste present in the gray container
28 collection stream shall be determined by the results of waste evaluations
29 performed by the jurisdiction pursuant to Section 18984.5.

30 (B) The annual average percent of organic waste present in a jurisdiction's gray
31 container collection stream is the average of the results of the gray container
32 waste collection stream samples performed by the jurisdiction in the immediately
33 previous four quarters pursuant to Section 18984.5.

34 (4) Provide collection service to organic waste generators subject to their authority.
35 Consistent with Section 18984.1, a jurisdiction shall not require commercial
36 businesses or residents to request solid waste collection service prior to enrollment.

37 (5) Notify the Department pursuant to Section 18998.3.

38 (b) Jurisdictions that delegate collection services to a designee shall include in their
39 contracts or agreements with the designee a requirement that all haulers transport the
40 source separated organic waste collection stream collected from generators subject to
41 the authority of a jurisdiction to a designated source separated organic waste facility.

42 (c) If a jurisdiction fails to meet the requirements of this section after notifying the
43 Department in accordance with Section 18998.3, the jurisdiction shall implement an
44 organic waste collection service that complies with the requirements of Article 3 of this

1 chapter. The jurisdiction shall be subject to the applicable enforcement processes
2 outlined in this chapter until services that comply with Article 3 are provided to
3 generators, and the jurisdiction shall not be eligible for the compliance exceptions in
4 Section 18998.2.

5 (d) A hauler providing a performance-based source separated collection service is not
6 required to comply with the provisions of Section 18988.2 in jurisdictions implementing
7 this service, but shall comply with the following in jurisdictions implementing this service:

8 (1) Only transport the source separated organic waste collection stream to a
9 designated source separated organic waste recycling facility,

10 (2) Keep a record of the documentation of its approval by the jurisdiction.

11 (e) The requirements of Subdivision (d) are not applicable to:

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

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

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

18 Reference: Public Resources Code Section 42652.5 and Health and Safety Code
19 Section 39730.6.

20 **Section 18998.2. Compliance Exceptions.**

21 (a) If a jurisdiction implements a performance-based source separated collection service
22 that meets the requirements of Section 18998.1(a), the jurisdiction shall not be subject
23 to the following:

24 (1) The collection requirements in Sections 18984.2 and 18984.3.

25 (2) The container labeling requirements in Section 18984.8, and waivers in Section
26 18984.11.

27 (3) The recordkeeping requirements in Sections 18984.4, and 18984.14.

28 (4) The organic waste recovery education and outreach requirements in Section
29 18985.1.

30 (5) The recordkeeping requirements in Section 18985.3 except as related to edible
31 food recovery education and outreach performed under Section 18985.2.

32 (6) The regulation of haulers in Article 7 of this chapter.

33 (7) The jurisdiction annual reporting requirements in Section 18994.2(c)(1)-(2), (d)-(f)
34 and (k).

35 (8) The jurisdiction inspection and enforcement requirements in Sections 18995.1,
36 except for the provisions related to edible food generators and food recovery
37 organizations and services in that section.

38 (9) The implementation record and recordkeeping requirements in Section
39 18995.2(f)(3)-(7). Implementation Records requirements in Section 18995.2(f)(11)-
40 (13) shall only be required for inspections and enforcement related to edible food
41 generators and food recovery organizations and services.

42 (10) The jurisdiction investigation of complaints of alleged violations requirements in
43 Section 18995.3, except as it pertains to entities subject to the edible food recovery
44 requirements of Article 10 of this chapter.

1 (11) The jurisdiction enforcement requirements in Section 18995.4, except as it
2 pertains to entities subject to the edible food recovery requirements of Article 10 of
3 this chapter.

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

7 **Section 18998.3. Notification to Department.**

8 (a) A jurisdiction that will implement a performance-based source separated collection
9 service beginning in 2022 shall notify the Department on or before January 1, 2022. A
10 jurisdiction that will implement a performance-based source separated collection system
11 in any subsequent year shall notify the Department on or before January 1 of that year.

12 (b) The notification shall include the following information:

13 (1) The name of the jurisdiction.

14 (2) Date the jurisdiction will start providing the performance-based source -separated
15 collection service.

16 (3) Contact information for the jurisdiction, including the name, address and
17 telephone number of the representative of the jurisdiction with primary responsibility
18 for ensuring compliance with this article.

19 (4) The address within the jurisdiction where all records required by this chapter are
20 maintained.

21 (5) A list of each designated source separated organic waste facility, landfill disposal
22 facility and any other solid waste facility and their Recycling and Disposal Reporting
23 System number for any facility that will be receiving solid waste directly from the
24 jurisdiction.

25 (6) The name of any designee the jurisdiction has delegated responsibilities to
26 pursuant to Section 18998.1 and any relevant documentation demonstrating the
27 designee's obligation to comply with the provisions of this article.

28 (7) A statement by the representative of the jurisdiction with primary responsibility for
29 ensuring compliance with this article, under penalty of perjury, that all information
30 contained in the notification is true and correct to the best of their knowledge and
31 belief.

32 (8) The percent of commercial businesses and the percent of the residential sector
33 currently enrolled in organic waste collection services provided by the jurisdiction.

34 (c) In the initial report to the department required in Section 18994.1, a jurisdiction
35 implementing a performance-based source separated organic waste collection service
36 shall certify that at least 90 percent of the commercial businesses and 90 percent of the
37 residential sector subject to the jurisdiction's authority are enrolled in a collection service
38 that complies with the requirements of Section 18998.1.

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

1 **Section 18998.4. Recordkeeping.**

2 A jurisdiction implementing a performance-based source separated organic waste
3 collection service pursuant to this article shall maintain the following information and
4 documents in the Implementation Record required by Section 18995.2:

5 (a) The geographical area each designee serves.

6 (b) If a designee is used, a copy of the contract or agreement for each designee
7 specifying the requirement that all haulers transport the source separated organic waste
8 collection stream collected from generators subject to the jurisdiction’s authority to a
9 designated source separated organic waste facility.

10 (c) Records evidencing compliance with Section 18998.1(a) including, but not limited to:

11 (1) A current list of generator addresses subject to the authority of the jurisdiction.

12 (2) A current list of generator addresses subject to the authority of the jurisdiction that
13 are served with a performance-based source separated organic waste collection
14 service.

15 (3) A current list of generator addresses within the jurisdiction that the jurisdiction
16 does not require to use the performance-based source separated organic waste
17 collection service.

18 (4) Documentation of the enrollment system used by the jurisdiction consistent with
19 Section 18998.1(a)(4).

20 (d) A jurisdiction implementing a performance-based source separated organic waste
21 collection service is still required to maintain the following records specified in Section
22 18995.2:

23 (1) Records required by (f)(1).

24 (2) Records required by (f)(2) and (6) as they pertain to the edible food recovery
25 requirements chapter.

26 (3) Records required by (f)(8)-(10).

27 (4) Records required by (f)(11)-(13) as they pertain to the edible food recovery
28 requirements of this chapter.

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

32 **Title 27. Environmental Protection**
33 **Division 2. Solid Waste**

34
35 **Chapter 3. Criteria for All Waste Management Units,**
36 **Facilities, and Disposal Sites**

37 **Subchapter 4. Criteria for Landfills and Disposal Sites**

1 **Article 3: CIWMBCalRecycle—Handling, Equipment, and Maintenance**

2 **§20750.1. CalRecycle– Organic Waste Handling.**

3 (a) For new or expanding solid waste landfills, the operator shall implement organic
4 waste recovery activities, as approved by the EA. Organic waste recovery activities
5 shall be confined to specified, clearly identifiable areas of the site and shall be arranged
6 to minimize health and safety hazard, vector harborage, or other hazard or nuisance,
7 and be limited to a volume and storage time as approved by the EA.

8 (1) An operator only accepting solid wastes that have already been processed
9 through a high diversion organic waste processing facility or a designated source
10 separated organic waste facility does not need to implement organic waste recovery
11 activities.

12 (b) For the purposes of this section “organic waste recovery activities” means activities
13 that divert organic waste from landfill disposal to activities that constitute a reduction of
14 landfill disposal of organic waste as defined in Article 2 of Chapter 12 of Division 7 of
15 Title 14 of the California Code of Regulations (commencing with Section 18983.1),
16 either on-site or transport to another site where those activities occur.

17 (c) For the purposes of the section, “expanding” means a solid waste landfill proposing
18 to make a significant change to the design or operation as determined by the EA
19 pursuant to 27 CCR Section 21665.

20 (1) Changing the hours of operation of a landfill is not considered an expansion
21 pursuant to 27 CCR Section 20750.1(c).

22 Note:

23 Authority cited: Section 40502 and 43020, Public Resources Code.

24 Reference: Sections 40053, 42652.5, 43020 and 43021, Public Resources Code and
25 Section 39730.6, Health and Safety Code.

26 **Chapter 4. Documentation and Reporting for Regulatory**
27 **Tiers, Permits, WDRs, and Plans**

28 **Subchapter 3: Development of Waste Discharge Requirements**
29 **(WDRs) and Solid Waste Facility Permits**

30 **Article 2. CalRecycle—Applicant Requirements**

31 **§21570. CalRecycle—Filing Requirements.**

32 (a) Any operator of a disposal site who is required to have a full solid waste facilities
33 permit and waste discharge requirements pursuant to Public Resources Code, Division
34 31 and §20080(f) shall submit an application package for a solid waste facilities permit
35 in duplicate to the EA pursuant to ¶(f). The applicant shall also simultaneously submit
36 one copy of the application form and the Joint Technical Document (JTD) to the
37 Regional Water Quality Control Board (RWQCB) and one copy of the application form
38 to the director of the local agency that oversees local land use planning for the

1 jurisdiction in which the site is located. The applicant shall ensure demonstration of
2 financial assurances to CalRecycle pursuant to Chapter 6 of this Subdivision.

3 (b) All other applicants who are required to have a full solid waste facilities permit shall
4 submit an application package for a solid waste facilities permit in duplicate to the EA
5 pursuant to ¶(f) and one copy of the application form to the director of the local agency
6 that oversees local land use planning for the jurisdiction in which the site is located. The
7 applicant shall also simultaneously submit one copy of the application form to the
8 RWQCB.

9 (c) Any application package submitted to the EA shall be accompanied by the fee
10 specified by the EA pursuant to Public Resources Code §44006(c).

11 (d) The application package shall require that information be supplied in adequate detail
12 to permit thorough evaluation of the environmental effects of the facility and to permit
13 estimation of the likelihood that the facility will be able to conform to the standards over
14 the useful economic life of the facility. The application package shall require, among
15 other things, that the applicant and the owner give the address at which process may be
16 served upon them.

17 (e) All information in the application package shall be certified by the applicant and the
18 owner of the site as being true and accurate to the best knowledge and belief of each.
19 The applicant, owner of the facility, or both, shall supply additional information as
20 deemed necessary by the EA.

21 (f) A complete and correct application package shall include, but not necessarily be
22 limited to, the following items:

23 (1) Application For Solid Waste Facilities Permit/Waste Discharge Requirements
24 Form ~~CIWMB~~ CalRecycle E-1-77 (Version ~~11-15~~ 8-04) (Appendix 1); and

25 (2) Complete and correct Report of Facility Information. In the case of disposal sites,
26 this will be a Report of Disposal Site Information (RDSI) in the format of a JTD or an and
27 Disposal Site Facility Plan or Disposal Facility Report in the format of a JTD; and

28 (3) California Environmental Quality Act (CEQA) compliance information as follows:
29 (A) Evidence that there has been compliance with the CEQA, Division 13
30 (commencing with §21000) of the Public Resources Code, regarding the facility; or
31 (B) Information on the status of the application's compliance with the CEQA
32 regarding the facility, including the proposed project description. Once there has
33 been compliance with the CEQA regarding the facility, evidence of compliance
34 shall be submitted to the EA; and

35 (4) Any CEQA Mitigation Monitoring Implementation Schedule; and

36 (5) Conformance finding information, including one of the following:
37 (A) Until a countywide or regional agency integrated waste management plan has
38 been approved by CalRecycle, the application shall include statements that: the
39 facility is identified and described in or conforms with the County Solid Waste
40 Management Plan, or otherwise complies with Public Resources Code §50000;
41 and that the facility is consistent with the city or county General Plan and
42 compatible with surrounding land use, in accordance with Public Resources Code
43 §50000.5; or
44 (B) After a countywide or regional agency integrated waste management plan has
45 been approved by CalRecycle, the application shall include a statement that: the
46 facility is identified in either the countywide siting element, the nondisposal facility

1 element, or in the Source Reduction and Recycling Element for the jurisdiction in
2 which it is located; or, that the facility is not required to be identified in any of these
3 elements pursuant to Public Resources Code §50001; and

4 (6) For disposal sites, completeness determination of Preliminary or Final
5 Closure/Postclosure Maintenance Plan as specified in §§21780, 21865, and 21890
6 (Subchapter 4 of this chapter); and

7 [Note: The operator has the option of submitting the preliminary closure plan with the
8 JTD, in which case the EA, RWQCB, and CalRecycle would review it at the same
9 time. If deemed complete by the reviewing agencies, the solid waste facilities permit
10 application package could then be accepted for filing if all other information in the
11 JTD is accepted by the EA. Or the operator can submit a stand alone preliminary
12 closure plan to be deemed complete by reviewing agencies before the application
13 package is submitted to the EA. For CalRecycle purposes, all final
14 closure/postclosure plans are stand alone documents but can be processed jointly
15 with a proposed solid waste facilities permit revision as long as the final plan is
16 determined complete prior to approval of the proposed solid waste facilities permit.
17 The JTD Index prepared for the EA should show where each closure requirement is
18 addressed in the closure/post-closure plan.]

19 (7) For disposal sites, a copy of the most recently submitted detailed written estimate
20 or latest approved estimate, whichever identifies the greatest cost, to cover the cost
21 of known or reasonably foreseeable corrective action activities, pursuant to §22101;

22 (8) For disposal sites, current documentation of acceptable funding levels for required
23 closure, postclosure maintenance, and corrective action Financial Assurance
24 Mechanisms (in accordance with Chapter 6, Division 2); and

25 (9) For disposal sites, current documentation of compliance with operating liability
26 requirements in accordance with Chapter 6;

27 (10) For disposal sites permitted for more than 20 tons-per-day, a ground or aerial
28 survey to be completed at least once every five years or more frequently as
29 determined by the EA. For disposal sites permitted for 20 tons-per-day or less, a
30 ground or aerial survey must be completed at least once every ten years. Survey
31 results must be submitted as a CADD or vector graphics data file including at least
32 two strata, i.e., 1) a stratum showing the base and finished ground surfaces, and 2) a
33 stratum showing the existing and finished ground surfaces. For disposal sites where
34 a change in permitted volume is proposed, a third stratum showing the base and
35 proposed finished ground surface must be included. For each stratum the following
36 information shall be included: site name, stratum name, surface1 name, surface2
37 name, volume calculation method (grid, composite, section), expansion (cut) factor,
38 compaction (fill) factor, cut volume, fill volume and net volume. All volumes shall be
39 reported in cubic yards. If the base ground surface is uncertain, the operator is
40 allowed to provide the best available information as a substitute for the actual as-built
41 contours. If selecting this substitute method, the operator must provide an
42 explanation of the basis for using the substitute base ground surface. For the
43 purposes of this section the following definitions apply:

44 (A) "base ground surface" - the best available excavation plan surface that existed
45 prior to the placement of any waste;

46 (B) "CADD" - computer aided design and drafting;

- 1 (C) "compaction (fill) factor" - the factor used to correct for expected compaction of
2 fill material; this factor should normally be unity (one); if the factor is not unity
3 (one), an explanation must be provided for the basis of the volumetric correction;
4 (D) "cut volume" - for any stratum, the volume removed by a cut of a lower surface
5 to achieve the upper surface;
6 (E) "existing ground surface" - the topography that exists at the time of the subject
7 survey;
8 (F) "expansion (cut) factor" - the factor used to correct for expected expansion of a
9 cut surface; this factor should normally be unity (one); if the factor is not unity
10 (one), an explanation must be provided for the basis of the volumetric correction;
11 (G) "fill volume" - for any stratum, the volume bound between the upper and lower
12 surfaces;
13 (H) "finished ground surface" - the final fill plan surface as shown in the approved
14 closure plan for the disposal site;
15 (I) "net volume" - the fill volume less the cut volume;
16 (J) "site name" - the name of the disposal site for which the survey information is
17 being submitted;
18 (K) "stratum (plural: strata)" - a particular volume of a solid waste landfill bound by
19 specified upper and lower surfaces;
20 (L) "stratum name" - a descriptive name for the stratum for which volumetric
21 information is being submitted, e.g., total volume including proposed expansion;
22 (M) "surface names" - names for the pair of surfaces that define a named stratum,
23 e.g., base ground surface and proposed finished ground surface;
24 (N) "survey" - a comprehensive examination of the disposal site under the
25 direction of registered civil engineer or licensed land surveyor for purposes of
26 determining the topography of the base, existing and finished ground surfaces,
27 and the volumes bound by those surfaces;
28 (O) "vector graphics" - computer generated images comprised of lines and shapes
29 of given origin, direction, thickness, color and other attributes;
30 (P) "volume calculation method" - grid, composite, section or other method
31 approved by the enforcement agency.
32 (11) For disposal sites, one of the following:
33 (A)
34 (i) In-place density (pounds of waste per cubic yard of waste). The in-place
35 density is the estimated or measured density of in-place waste material
36 achieved by mechanical or other means in the development of the current lift of
37 the current operating waste cell, and
38 (ii) Waste-to-cover ratio, estimated, (volume:volume). The waste-to-cover ratio
39 estimate is a unit-less expression of the proportion of the volumes of waste and
40 cover that comprise a volume of compacted fill material, e.g. 4:1. The cover
41 portion of the waste-to-cover ratio estimate should include only soil or approved
42 daily or intermediate alternative cover that is not considered a waste material,
43 i.e., payment of fees to CalRecycle is not required. The waste portion of the
44 waste-to-cover ratio estimate should include only waste material for which
45 payment of fees to CalRecycle is reported, or

1 (B) Airspace utilization factor (tons of waste per cubic yard of landfill airspace).
2 The airspace utilization factor (AUF) is the effective density of waste material in
3 the landfill. The AUF is recorded as the total weight of waste material passing over
4 the landfill scales that is placed in a known volume of landfill airspace in a given
5 period of time. The waste portion of the AUF should include only waste material for
6 which payment of fees to CalRecycle is reported.

7 (12) List of all public hearings and other meetings open to the public that have been
8 held or copies of notices distributed that are applicable to the proposed solid waste
9 facilities permit action.

10 (g) For new or expanded solid waste facilities, hold a public meeting with any affected
11 disadvantaged communities within 180 days of submittal of the permit application
12 package.

13 (1) Provide copies (hard copy or electronic) of notices distributed to the affected
14 disadvantaged communities.

15 (2) Provide a summary of the comments received at the public meeting, responses to
16 any public comments, and any other steps taken by the applicant relative to those
17 comments.

18 (3) For the purposes of this section “affected disadvantaged communities” means
19 communities identified by the California Environmental Protection Agency pursuant to
20 Section 39711 of the Health and Safety Code as disadvantaged that are located
21 within one mile of the facility.

22 Note:

23 Authority cited: Section 40002, 40502 and 43020, Public Resources Code.

24 Reference: Sections 43103, 42652.5, 44001-44017, 44100-44101, 44300-44301,
25 44500-44503 and 44813-44816, Public Resources Code and Section 39730.6, Health
26 and Safety Code.

27 **§21590. ~~CIWMB~~CalRecycle—Joint Technical Document for Disposal Facilities.**

28 Any operator of a disposal site which is required to submit a RDSI, closure/postclosure
29 maintenance plan, and/or a ROWD or any other report that addresses similar regulatory
30 concerns, may address those requirements under one JTD. The JTD will be used in
31 place of the RDSI only if it meets all the requirements set forth in §21600 and lists
32 where each requirement has been satisfied in the document in the form of a JTD index,
33 pursuant to ¶(c).

34 (a) After July 18, 1997, any operator of an existing facility who submits an application
35 package to the EA, pursuant to §21570, which proposes to change the facility's
36 operations, or to change the SWFP shall do one of the following:

37 (1) Submit the updated information as an amendment to the existing JTD along with,
38 a JTD index as described in ¶(c), referencing the new or updated information; or

39 (2) Submit a complete JTD as described in §21600 along with a JTD index as
40 described in subsection (c).

41 (b) After July 18, 1997, any operator of a new facility that submits an application
42 package to the EA pursuant to §21570, shall submit a complete JTD pursuant to
43 §21600, and an index of the topics addressed in the JTD to be used by the EA as
44 described in ¶(c).

1 (c) As of July 18, 1997, the operator shall include with the JTD a copy of an index
2 specifically for use by the EA. The page number or the first line number within the JTD
3 which addresses the topic shall be noted next to that topic in the index. The EA shall
4 make available to the operator either in hard copy and/or ~~on magnetic media an~~
5 electronic copy a JTD index listing, (Index found in Appendix 2) showing each topic
6 which the JTD must address to provide the EA with relevant facility information for
7 writing or revising the facility permit.
8 (d) These requirements do not apply to those facilities which have filed a ROWD or
9 RDSI and application for SWFP prior to July 18, 1997. In the event the EA determines
10 the application package for an RDSI first submitted prior to the effective date of these
11 regulations to be incomplete, additional information requested shall be submitted as part
12 of the RDSI and/or application for SWFP, as appropriate.

13 Note:
14 Authority cited: Sections 40502, 43020, and 43021, Public Resources Code.
15 Reference: Sections 42652.5, 43000-45082, Public Resources Code and Section
16 39730.6, Health and Safety Code.

17 **Article 3: ~~CIWMB~~CalRecycle—Enforcement Agency (EA)** 18 **Requirements**

19 **§21650. ~~CIWMB~~CalRecycle--EA Processing Requirements. (T14:§18203)**

20 (a) Upon its receipt, the EA shall stamp the application package with the date of receipt.
21 The EA shall examine the application package to determine whether it meets the
22 requirements of §21570. If the EA finds the package meets the requirements of §21570,
23 the application package shall be accepted and stamped with the date of acceptance.
24 Notwithstanding any other provision of this division, the application package shall be
25 deemed filed on the date of acceptance.

26 (b) The EA shall either accept or reject the application package within thirty days of its
27 receipt.

28 (c) Within five days of filing, the EA shall notify ~~the CIWMB~~CalRecycle, and the RWQCB
29 if applicable, of its determination. The EA shall submit as its notification to ~~the CIWMB~~
30 CalRecycle a copy of the accepted application form. The EA shall also forward a copy
31 of the application form to the RWQCB if applicable.

32 (d) If the EA determines that the application package does not meet the requirements of
33 §21570, it shall reject and not file the application, and it shall, within five days of
34 determination, so notify the applicant, ~~the CIWMB~~CalRecycle, and the RWQCB if
35 applicable, enumerating the grounds for rejection. The EA shall include in its notification
36 to ~~the CIWMB~~CalRecycle a copy of the rejected application form. The application
37 package, together with the notice of rejection, shall be kept in the EA's file.

38 (e) After acceptance of an application for a new or revised full solid waste facilities
39 permit as complete and correct and within 60 days of receipt of the application by the
40 EA, the EA shall notice and conduct an informational meeting as required by §§21660.2
41 and 21660.3. For modified solid waste facilities permits, the EA shall provide notice as
42 required by §21660.3 after finding the permit application complete and correct and
43 within 60 days of receipt of the application by the EA.

1 (f) Upon request of the applicant, the EA may accept an incomplete application
2 package. As a condition of acceptance, the operator and the EA shall waive the
3 statutory time limit contained in Public Resources Code §44009. [Note: Section 21580 is
4 the section for processing the applicant's waiver of timeframes and timing for noticing
5 and holding an informational meeting after the EA deems a previously submitted
6 incomplete package to be complete.] The EA shall notify the applicant within 30 days if
7 the applicant's request for review under this subsection has been accepted. If the
8 application package does not conform with the requirements of §21570 within 180 days
9 from the date of the EA agreeing to accept the package as incomplete the EA shall
10 reject the application package, pursuant to ¶(d). If the EA finds the application package
11 meets the requirements of §21570, the application package shall be accepted pursuant
12 to ¶(c).

13 (g) No later than 60 days after the application package has been accepted as complete
14 and correct and after conducting an informational meeting if required by §§21660.2 and
15 21660.3, the EA shall mail to ~~the CIWMB~~ CalRecycle the following:

- 16 (1) A copy of the proposed solid waste facilities permit;
- 17 (2) The accepted application package;
- 18 (3) A certification from the EA that the solid waste facilities permit application
19 package is complete and correct, including a statement that the RFI meets the
20 requirements of §21600, 14 CCR §§17863, 17863.4, 17346.5, 18221.6, 18223.5, or
21 18227.
- 22 (4) Documentation, if applicable, of the applicant's compliance with any RWQCB
23 enforcement order or the status of the applicant's WDRs, as described in Public
24 Resources Code §44009;
- 25 (5) Any written public comments received on a pending application and a summary of
26 comments received at the informational meeting, responses to any public comments,
27 and, where applicable, any other steps taken by the EA relative to those comments.
28 Subsequent to the transmittal of the proposed solid waste facilities permit, the EA
29 shall, within five (5) days of receipt, provide a copy of any additional written public
30 comments and response to comments ~~to the CIWMB~~ CalRecycle.
- 31 (6) A solid waste facilities permit review report which has been prepared pursuant to
32 §21675, within the last five years.
- 33 (7) EA finding that the proposed solid waste facilities permit is consistent with and is
34 supported by existing CEQA analysis, or information regarding the progress toward
35 CEQA compliance.

36 (h) At the time the EA submits the proposed solid waste facilities permit to ~~the~~
37 ~~CIWMB~~ CalRecycle, the EA shall submit a copy of the proposed solid waste facilities
38 permit to the applicant, the RWQCB if applicable, and any person so requesting in
39 writing. The copy of the proposed solid waste facilities permit provided to the applicant
40 shall also be accompanied by a form for request for hearing, which the applicant may
41 use to obtain a hearing before a hearing panel or hearing officer to challenge any
42 condition in the solid waste facilities permit. In cases where a hearing panel or hearing
43 officer may be requested, the EA shall notify ~~the CIWMB~~ CalRecycle within seven days
44 of being noticed by the operator.

45 (i) The proposed solid waste facilities permit shall contain the EA's conditions. The
46 proposed solid waste facilities permit shall not contain conditions pertaining solely to air

1 or water quality, nor shall the conditions conflict with conditions from WDRs issued by
2 the RWQCB.
3 [Note: The process to obtain a full solid waste facilities permit might not include the
4 RWQCB if the facility is other than a landfill or disposal site. Therefore, EA submittals of
5 forms and documents to the RWQCB will be made if applicable to the type of facility.
6 When writing conditions pursuant to 21650(i) the EA shall take into consideration PRC
7 §44012, which requires the EA to ensure that primary consideration is given to
8 protecting public health and safety and preventing environmental damage, and the long-
9 term protection of the environment. The EA may also take into consideration other
10 permits, entitlements and approvals when writing terms and conditions (e.g., conditional
11 use permit, zoning, Air Pollution Control District/Air Quality Management District permits
12 to construct and operate, Department of Toxic Substances Control hazardous waste
13 facility permit, Department of Fish and ~~Game~~Wildlife permits, Coastal Commission
14 approvals, Army Corps of Engineers permit, Federal Aviation Administration notification,
15 and other required local and county ordinances/permits)]

16 Note:
17 Authority cited: Sections 40502 and 43020, Public Resources Code.
18 Reference: Sections 40055, 42652.5, and 43000-45802, Public Resources Code and
19 Section 39730.6, Health and Safety Code.

20 **§21660.2. Informational Meeting for New and Revised Full Solid Waste Facilities**
21 **Permit Applications.**

22 (a) EA shall conduct an informational meeting for all new and revised full solid waste
23 facilities permit applications as determined by §21665. The EA shall hold an
24 informational meeting on an application for a new full solid waste facilities permit or an
25 application for a full solid waste facilities permit revision required under this article. The
26 EA may require the operator(s) of the facility or facilities that are the subject of the
27 informational meeting to pay all costs incurred by the EA in connection with the meeting.
28 The informational meeting may be combined with another public meeting in which the
29 EA participates that meets the criteria as specified in §§21660.2(b) and 21660.2(c).

30 (b) The informational meeting shall be held after acceptance of the application package
31 as complete and correct by the EA and within 60 days of receipt of the application by
32 the EA. The EA shall submit to ~~the Board~~ CalRecycle a copy of the informational
33 meeting notice at time of issuance. ~~The Board~~ CalRecycle shall post the notice on its
34 web site as a way to further inform the public.

35 (c) The informational meeting shall meet the following criteria:

36 (1) The meeting shall be held in a suitable location not more than one (1) mile from
37 the facility that is the subject of the meeting; if no suitable and available location
38 exists within one (1) mile of the facility, as determined by the EA, the EA may
39 designate an alternative suitable location that is as close to the facility and affected
40 disadvantaged communities as reasonably practical.

41 (2) The meeting shall be held on a day and at a time that the EA determines will
42 enable attendance by residents, especially those of affected disadvantaged
43 communities, living in the vicinity of the facility that is the subject of the meeting.

1 (3) EAs may undertake additional measures to increase public notice and to
2 encourage attendance by any persons who may be interested in the facility that is the
3 subject of the meeting, including which may include, but not be limited to, additional
4 posting at the facility entrance, noticing beyond 300 feet if the nearest residence or
5 business is not within 300 feet of the site, posting in a local newspaper of general
6 circulation, and multilingual notice and translation and, multiple meeting dates, times
7 and locations.

8 (d) The EA may substitute a previous public meeting or hearing for the requirements in
9 this Section pursuant to §21660.4 if the applicant does not object.

10 (e) For the purposes of this section “affected disadvantaged communities” means
11 communities identified by the California Environmental Protection Agency pursuant to
12 Section 39711 of the Health and Safety Code as disadvantaged that are located within
13 one mile of the facility.

14 Note:

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

16 Reference: Sections 42652.5, 43103, 43213, 44004, and 44012, Public Resources
17 Code and Section 39730.6, Health and Safety Code.

18 **Article 3.2. CIWMBCalRecycle—Other Requirements**

19

20 **§21695. CalRecycle—Organic Disposal Reduction Status Impact Report.**

21 (a) Operators of a solid waste landfills shall submit a Status Impact Report (SIR) to
22 CalRecycle that provides an analysis of the potential impacts to the landfill resulting
23 from the implementation of the organic disposal reduction requirements of Public
24 Resources Code §Section 42652.5.

25 (b) The SIR shall be prepared by a California licensed civil engineer or licensed
26 engineering geologist.

27 (c) The SIR shall describe the potential impacts to the landfill including the expected
28 timing of the impacts. The analysis shall include, but not be limited to, changes to the
29 following:

30 (1) Site development;

31 (2) Waste types/volumes;

32 (3) Daily and intermediate cover and beneficial use:

33 (A) For intermediate cover the analysis shall also include:

34 1. A description and/or map of the area(s) that have or will have intermediate
35 cover.

36 2. The length of time that the intermediate cover has been used and expected
37 time that it will be used for each defined area.

38 3. A description of how the intermediate cover will be maintained to continue to
39 meet the control criteria of Section 20700(a).

40 4. Information on all instantaneous surface readings for methane of 500 ppmv
41 or greater in the area(s) of intermediate cover that has or will be in place for
42 more than 12 months.

1 i. This information shall be as reflected in the most recent annual report filed
2 pursuant to 17 CCR Section 95470(b)(3).

3 ii. The location of each such exceedance shall be identified consistent with
4 the monitoring requirements of 17 CCR Section 95469(a)(1)(A).

5 (4) Volumetric capacity based on the disposal site experiencing a reduction of
6 organic waste disposal of 50 percent by 2020 and 75 percent by 2025;

7 (5) Waste handling methods;

8 (6) Gas control and monitoring systems;

9 (7) Gas generation;

10 (8) Operation and closure design (individual cells and overall site geometry);

11 (9) Final grading plan;

12 (10) Site life estimate;

13 (11) Ancillary facilities;

14 (12) Cost estimates for closure and postclosure; and

15 (13) Financial assurance mechanisms for closure, postclosure, and non-water
16 corrective action requirements.

17 (d) The SIR shall be submitted to CalRecycle no later than one year (365 days) from the
18 effective date of this regulation.

19 (e) Within 30 days of receipt of a SIR, CalRecycle shall make a determination as to the
20 completeness of the SIR based on the requirements of Subdivisions (b) and (c). If a SIR
21 is determined to be incomplete, CalRecycle shall provide to the operator, in writing, the
22 reasons for the determination.

23 (f) For a SIR determined to be incomplete, the operator shall submit a revised SIR
24 addressing any enumerated deficiencies within 30 days of receipt of notice from
25 CalRecycle of an incomplete SIR.

26 (g) Within 60 days of a determination of completeness, CalRecycle shall submit its
27 findings to the EA regarding amendments, if any, to the Joint Technical Document as a
28 result of the SIR.

29 (1) If amendments are required, the EA shall direct the operator to submit an updated
30 Joint Technical Document including updated closure and postclosure maintenance
31 plans that includes the information from the SIR.

32 (2) The EA shall notify the operator within 30 days of receipt of CalRecycle's findings.

33 (h) Within 120 days of being directed by the EA, pursuant to Subdivision (g), the
34 operator shall submit to the EA an updated Joint Technical Document including updated
35 closure and postclosure maintenance plans that includes the information from the SIR.

36 Note:

37 Authority cited: Sections 40002, 40502 and 43020, Public Resources Code.

38 Reference: Sections 42652.5, 43103 and 44015, Public Resources Code, and Section
39 39730.6, Health and Safety Code.

40

New State Law SB 1383

Food Donation Requirements for Businesses

What is Senate Bill (SB) 1383?

SB 1383 is a state law designed to reduce disposal of organic material in landfills, including edible food, to meet the state's climate goals. It requires food generators, like yours, to donate the maximum amount of their edible surplus food that would otherwise be disposed of in the compost or landfill.



What businesses are covered and when do they need to comply?

Tier 1 Businesses: January 1, 2022

- Supermarket (with revenue \geq \$2 million)
- Grocery store (10,000+ sq. ft.)
- Food service provider
- Food distributor
- Wholesale food vendor

Tier 2 Businesses: January 1, 2024

- Restaurant (\geq 250 seats or 5,000 sq. ft.)
- Hotel with onsite food facility (\geq 200 rooms)
- Health facility with onsite food facility (\geq 100 beds)
- Large events and venues
- State agency with cafeteria (\geq 250 seats or 5,000 sq. ft.)
- Public education agency with onsite food facility



What does my business need to do to comply?

1 Recover edible food

Safely recover the maximum amount of edible food that would otherwise be disposed of (i.e. in compost or landfill), so it can be donated to feed people instead. Businesses may not intentionally spoil food. Assess the types, quantities and frequency of excess food for donation.

2 Keep written agreements

Partner with a food donation program to donate your excess food. Create a written agreement with each food donation program that picks up or receives donated food from your business.

CalRecycle's Model Food Recovery Agreement suggests language for your written agreement.

3 Track and report

Maintain a list of the following:

- Name, address, and contact information of food programs that received donated food
- Types of food donated
- Frequency and quantity of food recovered in pounds per month

The written agreements and record-keeping must be maintained onsite for review from applicable City agencies. Be prepared for inspections and monitoring by the City and County of San Francisco.



SF Environment

Our home. Our city. Our planet.

A Department of the City and County of San Francisco

For additional information and resources; visit our website or email:

sfenvironment.org/SB-1383 or ENV_EdibleFoodRecovery@sfgov.org

新訂州法 SB 1383

Nueva ley estatal SB 1383

商業食品捐贈要求

Requisitos para los negocios sobre la donación de alimentos

什麼是參議院法案 (SB) 1383

SB 1383 是一項州法，目的是減低垃圾堆填區的有機廢物 (包括可食用的食物)，以達到州政府針對氣候變遷所設目標。這項法律要求食品供應商 (如您的企業)，盡可能捐贈所有原本要用作堆肥的可食用過剩食物。

哪些商業包含在內？何時需遵守這項法律？

Tier 1 商業：2022 年 1 月 1 日

- 超市 (收入 \$200 萬 或以上)
- 雜貨店 (面積達 10,000 或以上平方呎)
- 食品服務供應商
- 食品分銷商
- 食品供應批發商

Tier 2 商業：2024 年 1 月 1 日

- 餐廳 (設有 250 個或以上座位，或面積達 5,000 或以上平方呎)
- 設有餐飲設施的酒店 (提供 200 間或以上 房間)
- 設有餐飲設施的健康醫療機構 (提供 100 個或以上床位)
- 舉辦大型活動的單位和場所
- 設有自助食堂的州政府機構 (設有 250 個 或以上 座位，或面積達 5,000 或以上平方 呎)
- 設有餐飲設施的公共教育機構

我的商業需要如何遵守法案？

回收可食用食品

盡可能並安全地回收所有原本用作堆肥的可食用食品，以捐贈給有需要的人士。商業不得故意破壞食品。評估供捐贈過剩食物的種類、數量和頻率。

簽訂書面協議

參與一項捐贈食物計劃，以捐贈過剩食品。與每個食物捐贈計劃組織 簽訂書面協議，以便他們領取或接收你們商業的食品捐贈。CalRecycle 回收食品協議範本提供書面協議內容供參考。

記錄和報告

- 保留以下列表：
- 曾接收食品捐贈的食品計劃名稱、地址和聯絡資料
 - 捐贈食品種類
 - 每月回收食品的頻率和數量 (以磅計算)

營業地點必須保留以下書面協議和記錄，以供相關市政府機構審查。隨時準備接受三藩縣市政府的檢查和監督。

有關詳情、食品回收組織的連結以及書面協議範本，請瀏覽我們的網站或發送電郵給我們：
sfenvironment.org/SB-1383 或
ENV_EdibleFoodRecovery@sfgov.org

¿Qué es la Ley del Senado (SB) 1383?

SB 1383 es una ley estatal destinada a reducir el desecho de material orgánico en los vertederos, incluidos los alimentos comestibles, para cumplir con los objetivos climáticos del estado. Exige que los generadores de alimentos, como el suyo, donen la máxima cantidad de sus excedentes de alimentos comestibles que de otro modo serían compostados.

¿Qué negocios se encuentran cubiertos y cuándo deben cumplir esta ley?

Negocios de Nivel 1: 1 de enero de 2022

- Supermercado (con ingresos \geq \$2 millones)
- Tienda (10,000+ pies cuadrados)
- Proveedor de servicio de alimentos
- Distribuidor de alimentos
- Vendedor mayorista de alimentos

Negocios de Nivel 2: 1 de enero de 2024

- Restaurante (\geq 250 asientos o 5,000 pies cuadrados)
- Hotel con establecimiento de comidas en las instalaciones (\geq 200 habitaciones)
- Centro de salud con establecimiento de comidas en las instalaciones (\geq 100 camas)
- Eventos y lugares de gran tamaño
- Agencia del estado con cafetería (\geq 250 asientos o 5,000 pies cuadrados)
- Agencia de educación pública con establecimiento de comidas en las instalaciones

¿Qué debe hacer mi negocio para cumplir?

Recuperar alimentos comestibles

Recupere de manera segura la cantidad máxima de alimentos comestibles que de otro modo se compostarían, para que en lugar de darles ese fin puedan donarse para alimentar a personas. Los negocios no pueden echar a perder alimentos en forma intencional. Evalúe los tipos, las cantidades y la frecuencia del excedente de alimentos para donación.

Mantener acuerdos por escrito

Colabore con un programa de donación de alimentos para donar su excedente de alimentos. Prepare un acuerdo por escrito con cada programa de donación de alimentos que recoja o reciba alimentos donados de su negocio. El Acuerdo modelo de recuperación de alimentos de CalRecycle sugiere cómo debe redactar su acuerdo por escrito.

Rastrear e informar

Mantenga una lista de lo siguiente:

- Nombre, dirección e información de contacto de los programas de alimentos que hayan recibido alimentos donados
- Tipos de alimentos donados
- Frecuencia y cantidad de alimentos recuperados, en libras por mes

En las instalaciones deben conservarse los acuerdos por escrito y los registros para su revisión por parte de las agencias correspondientes de la Ciudad. Esté preparado para recibir inspecciones y supervisión por parte de la Ciudad y el Condado de San Francisco.

Para obtener información detallada, vínculos a los asociados de recuperación de alimentos y modelos de acuerdos por escrito, visite nuestro sitio web o envíenos un mensaje de correo electrónico: sfenvironment.org/SB-1383 or ENV_EdibleFoodRecovery@sfgov.org



4/22/2022

Thank you for submitting an application for the Department of Resources Recycling and Recovery's (CalRecycle) SB 1383 Local Assistance Grant Program.

This communication is to inform you that your application will not be awarded the first round of funding because your application (or your regional or Joint Powers Authority application) is incomplete, missing required documents, or did not meet the grant criteria. In order to receive the second round funding, you will need to provide the required application documentation and/or an adopted ordinance or other enforceable mechanism pursuant to implementation of SB 1383 (by all parties if a regional or JPA application) by June 14, 2022. Staff will contact you next week to let you know what documentation is needed so that you will be eligible for the second round of funding.

Thank you,

Baljot Biring
Supervisor
Financial Resources Management Branch



San Francisco Environment Department
1155 Market Street, 3rd Floor
San Francisco, CA 94103
SFEnvironment.org

City and County of San Francisco

Deborah O. Raphael
Director

Attention Food Donation Program Owner/Manager

October 18, 2021

OFFICIAL NOTICE: NEW STATE LAW TAKES EFFECT ON JANUARY 1, 2022

The State of California passed SB 1383,* a new law requiring certain food generating businesses (Tier 1 and Tier 2 Generators) to donate the maximum amount of their excess food to food programs feeding people in need. This effort will increase access to nutritious food for members of our community, while reducing waste, and greenhouse gas emissions that are the result of food ending up in landfills.

Your organization was identified as an active site recovering excess food to feed people in San Francisco and may experience an increase in food donation requests. If your organization agrees to accept donations from businesses subject to SB 1383 or is already doing so, you will be required to establish a written agreement and track and report food donations from each business.

Please review the enclosed flyer for more information about what to expect from this new state law and how your organization can comply. For any questions or concerns, contact ENV-EdibleFoodRecovery@sfgov.org or call the San Francisco Department of the Environment's Food Recovery Coordinator at (415) 355-3768. Together, we can do this important work for our community and the planet.

Sincerely,

San Francisco Department of the Environment

*In 2016, Governor Brown signed Senate Bill 1383 (SB 1383) to reduce greenhouse gas emissions, including methane from organic waste. SB 1383 sets goals for California businesses to reduce disposal of organic waste in the landfill, including recovering the maximum amount of surplus edible food for human consumption.

NOTICE



San Francisco Environment Department
1155 Market Street, 3rd Floor
San Francisco, CA 94103
SFEnvironment.org

City and County of San Francisco

Deborah O. Raphael
Director

Estimado Dueño del Negocio/Gerente del Programa de Donación de Alimentos
Octubre 18, 2021

AVISO OFICIAL: LA NUEVA LEY ESTATAL ENTRARÁ EN EFECTO EL 1 DE ENERO DE 2022

El estado de California aprobó la SB 1383, una nueva ley que requiere que ciertos negocios que generan alimentos (generadores de Nivel 1 y Nivel 2) donen la cantidad máxima de su exceso de comida a los programas de donación de alimentos que alimentan a las personas necesitadas. Esta iniciativa aumentará el acceso a los alimentos nutritivos para los miembros de nuestra comunidad, y al mismo tiempo, reducirá el desecho de comida y las emisiones de gases de efecto invernadero que son el resultado de que los alimentos terminen en los vertederos.

Su organización fue identificada como un sitio activo de recuperación de exceso de comida para alimentar a las personas de San Francisco. Si su organización acepta recibir comida de los negocios afectados por la ley SB 1383, o ya lo hace, se le requiere establecer un acuerdo por escrito y reportar las donaciones recibidas por cada negocio.

Por favor revise el folleto adjunto para obtener más información acerca de la nueva ley. Si tiene alguna duda, contacte a ENV-EdibleFoodRecovery@sfgov.org o llame al programa de Recuperación de Alimentos del Departamento del Medioambiente de San Francisco al (415) 355-3768. Trabajando juntos lograremos mejorar nuestra comunidad y nuestro planeta.

Atentamente,

El Departamento del Medioambiente de San Francisco.

* En 2016, el Gobernador Brown convirtió en ley el (proyecto de ley) Ley del Senado 1383 (SB 1383) para reducir las emisiones de gases de efecto invernadero, incluido el metano procedente de los desechos orgánicos. La ley SB 1383 establece metas que los negocios de California deberán cumplir para reducir la eliminación de desechos orgánicos en el vertedero, lo cual incluye recuperar la cantidad máxima de alimentos comestibles excedentes para el consumo humano.



San Francisco Environment Department
1155 Market Street, 3rd Floor
San Francisco, CA 94103
SFEnvironment.org

City and County of San Francisco

Deborah O. Raphael
Director

食物捐贈計劃負責人 / 經理，您好！

2021 年 10 月 18 日

主旨：加州新法例 SB1383 - 由 2022 年 1 月 1 日起生效的食品回收要求

加州通過了一項新法例 SB 1383*，要求某些食品供應商 (Tier 1 和 Tier 2 Generators) 盡量將多餘食物捐贈給有需要的人的食品計劃。這項計劃將讓我們的社區成員獲取更多食品，同時也可避免食物被棄置在垃圾堆填區，進而減少廢物和溫室氣體排放。

您的機構經確認為擁有過剩食物的地點，回收多餘的食物可供應給三藩市的居民，並且可能會收到增加食物捐贈的請求。如果您的機構同意接受受 SB 1383 約束的商業的捐贈或已經這樣做，您將需要建立書面協議並跟踪和報告每個商業的食品捐贈情況。

請閱讀隨附的傳單，了解此項新訂的州法以及您的組織如何遵守。如有任何問題或疑慮，請聯繫 ENV-EdibleFoodRecovery@sfgov.org 或致電 (415) 355-3768 給三藩市環境局食品回收協調員。我們可以一起為我們的社區和地球做這項重要的工作。

真摯地，

三藩市環境局

* 州長布朗 (Brown) 於 2016 年簽訂參議院法案 (SB 1383)，以減低溫室氣體排放，包括來自有機廢物的甲烷。SB 1383 為加州商業設定目標，以減低垃圾堆填區的有機廢物，當中包括盡可能回收所有過剩的可食用食物，供應給有需要的居民。



San Francisco Environment Department
1155 Market Street, 3rd Floor
San Francisco, CA 94103
SFEnvironment.org

City and County of San Francisco

Deborah O. Raphael
Director

Attention Business Owner/Manager

October 18, 2021

OFFICIAL NOTICE: NEW STATE LAW TAKES EFFECT ON JANUARY 1, 2022

The State of California passed SB 1383,* a new law requiring certain food generating businesses (Tier 1 and Tier 2 Generators) to donate the maximum amount of their excess food to food donation programs feeding people in need. This effort will increase access to nutritious food for members of our community, while reducing waste, and greenhouse gas emissions that are the result of food ending up in landfills.

Your business was identified as a source of excess food that could be donated to feed people in need. Starting January 1, 2022 or January 1, 2024, depending on your business type, all excess edible food must be donated to food donation program(s). Your business is also required to establish written agreements with each food program receiving donations and track and report the amount, types of food, and frequency of donations. Full compliance with SB 1383 can save your business money and avoid potential fines for noncompliance.

Please review the enclosed flyer for more information about what to expect from this new state law and how your business can comply. In partnership with CalRecycle, the San Francisco Department of the Environment (SF Environment) is offering limited grant funds to start or expand your businesses' food recovery and donation efforts. For more information about SB 1383 or grant fund availability, contact ENV-EdibleFoodRecovery@sfgov.org or call SF Environment's Food Recovery Coordinator at (415) 355-3768. Together, we can do this important work for our community and the planet.

Sincerely,

San Francisco Department of the Environment

* In 2016, Governor Brown signed Senate Bill 1383 (SB 1383) to reduce greenhouse gas emissions, including methane from organic waste. SB 1383 sets goals for California businesses to reduce disposal of organic waste in the landfill, including recovering the maximum amount of surplus edible food for human consumption.

NOTICE



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SFEnvironment.org

City and County of San Francisco

Deborah O. Raphael
Director

Atención al dueño del negocio / gerente

Octubre 18, 2021

AVISO OFICIAL: LA NUEVA LEY ESTATAL ENTRARÁ EN EFECTO EL 1 DE ENERO DE 2022

El estado de California aprobó la SB 1383,* una nueva ley que requiere que ciertos negocios que generan alimentos (generadores de Nivel 1 y Nivel 2) donen la cantidad máxima de su exceso de comida a los programas de donación de alimentos que alimentan a las personas necesitadas. Este esfuerzo aumentará el acceso a los alimentos nutritivos para los miembros de nuestra comunidad, mientras que reduce los desechos y las emisiones de gases de efecto invernadero que son el resultado de que los alimentos terminen en los vertederos.

Su negocio fue identificado como una fuente de exceso de alimentos que puede ser donada a personas necesitadas. A partir de enero 1, 2022 o enero 1 de 2024, dependiendo de su tipo de negocio, todo el exceso de alimentos comestibles debe donarse a programa(s) de donación de alimentos. Su negocio también debe establecer acuerdos escritos con cada programa de alimentos que reciba donaciones y debe realizar un seguimiento que informe la cantidad, los tipos de alimentos, y la frecuencia de las donaciones. El cumplimiento total de la ley SB 1383 puede ahorrarle dinero a su negocio y evitar posibles multas por incumplimiento.

Por favor revise el folleto adjunto para obtener más información sobre qué esperar de esta nueva ley estatal y cómo puede cumplir su negocio. En asociación con CalRecycle, el Departamento del Medio Ambiente de San Francisco (SF Environment) está ofreciendo fondos limitados de subvención para iniciar o expandir los esfuerzos de donación y recuperación de alimentos de su negocio. Para obtener más información sobre SB 1383 o la disponibilidad de fondos de subvención, comuníquese con ENV-EdibleFoodRecovery@sfgov.org o llame al Coordinador de recuperación de alimentos de SF Environment al 415-355-3768. Juntos, podemos hacer este importante trabajo para nuestra comunidad y el planeta.

Atentamente,

El Departamento del Medio Ambiente de San Francisco

* En 2016, el Gobernador Brown convirtió en ley el (proyecto de ley) Ley del Senado 1383 (SB 1383) para reducir las emisiones de gases de efecto invernadero, incluido el metano procedente de los desechos orgánicos. La ley SB 1383 establece metas que los negocios de California deberán cumplir para reducir la eliminación de desechos orgánicos en el vertedero, lo cual incluye recuperar la cantidad máxima de alimentos comestibles excedentes para el consumo humano.



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1155 Market Street, 3rd Floor
San Francisco, CA 94103
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City and County of San Francisco

Deborah O. Raphael
Director

商業業主/經理，您好！

2021 年 10 月 18 日

主旨：加州新法例 SB1383 - 由 2022 年 1 月 1 日起生效的食品捐贈要求

加州通過了一項新法例 SB 1383*，要求某些食品供應商（Tier 1 和 Tier 2 Generators）盡量將多餘食物捐贈給有需要的人的食品計劃。這項計劃將讓我們的社區成員獲取更多食品，同時也可避免食物被棄置在垃圾堆填區，進而減少廢物和溫室氣體排放。

您的商業經確認擁有過剩食物，可捐贈給需要食物的人。從 2022 年 1 月 1 日或 2024 年 1 月 1 日起（實際時間取決於您的商業類型），您的商業必須盡可能捐贈過剩食品給本地食物捐贈計劃。您的商業將必須與食物捐贈組織簽訂書面協議，並記錄和報告捐贈食物的數量、種類和頻率。全面參與食品回收計劃可為您的商業節省金錢，且避免未來被罰款。

請閱讀隨附的傳單，了解此項新訂的州法以及您的組織如何遵守。三藩市環境局 (SF Environment) 與 CalRecycle 合作，提供有限的捐贈資金，以啟動或擴大您企業的食品回收和捐贈工作。如果您有任何關於 SB 1383 或贈款資金可用性的疑問，請透過電郵（地址：ENV-EdibleFoodRecovery@sfgov.org）或致電 (415) 355-3768 聯絡我們的三藩市環境局食品回收協調員。我們可以一起為我們的社區和地球做這項重要的工作。

真摯地，

三藩市環境局

* 州長布朗 (Brown) 於 2016 年簽訂 Senate Bill 1383 (SB 1383) 法案，以減低溫室氣體排放，包括來自有機廢物的甲烷。SB 1383 為加州商業設定目標，以減低垃圾堆填區的有機廢物，當中包括盡可能回收所有過剩的可食用食物，供應給有需要的居民。

JUSTICE
COMPASSION
priorities responsibility
security DIGNITY
EQUITY
food
community
health
VALUES
NUTRITION



San Francisco Food Security
2022 RECOMMENDATIONS



San Francisco Food Security Task Force 2022 RECOMMENDATIONS

87%

**SINGLE PARENT
HOUSEHOLDS
SURVEYED ARE
EXPERIENCING
FOOD INSECURITY**



THE CURRENT LANDSCAPE

THE FOOD SECURITY TASK FORCE (FSTF) was established by the San Francisco Board of Supervisors and charged with making recommendations to the City to improve food security. The FSTF consists of representatives from community-based organizations, collaborative partnerships, city departments and, SFUSD. The FSTF meets monthly and includes many members of the public joining to collaboratively address the food needs of San Francisco. The 2022 Recommendations were based on issues and priorities identified in FSTF meetings (presentations, public comment, reports) and through a survey of FSTF members and community stakeholders requesting input on food security services/resources, barriers, opportunities, and what can be done to promote equity and address systemic racism in regards to food insecurity in San Francisco.

PRIOR TO COVID-19, one in four San Franciscans were at risk for hunger due to low income. With COVID-19, lack of food hit crisis levels, with many organizations and individuals becoming involved in food work. This has shifted the community food landscape in San Francisco to include new organizations that started during the pandemic, as well as community organizations that began new food programs in response to community needs. As the pandemic continues, our communities are still experiencing COVID-19 related challenges including reduced incomes, high food costs, and reduced transportation options.

The FSTF heard many presentations in 2021 from community-based organizations regarding the food needs of their clients which continue to remain very high for all groups, especially for families with children. In California, Hispanic households, multiethnic households, and Black/African American households experience the highest rates of food insecurity. In addition to these groups, in San Francisco many Asian households are also experiencing food insecurity. The financial cliff faced by many lower-income families with the expiration of the Child Tax Credit is alarming. These payments have lowered childhood hunger across the country, but unfortunately, with the program having expired in December 2020, we anticipate childhood hunger to once again rise.

In a survey conducted by the San Francisco-Marin Food Bank in 2021 of their participants, they found that 80% of the respondents were experiencing food insecurity. Households with children, and especially single-parent households, had the highest rates of food insecurity (87%). Half (50%) of respondents had not used food programs prior to the pandemic, 61% said someone in their household had lost their job or earned less money because of COVID-19, and 81% reported that their household had not recovered from this financial loss. In addition, a separate food security assessment conducted by Conard House (a permanent supportive housing provider) found that among their residents, 66% report they do not have enough money to buy food each month.



SINCE THE BEGINING OF THE COVID-19 PANDEMIC, the number of San Francisco residents on CalFresh has increased by 40%, the number of Special Supplemental Program for Women, Infants, and Children (WIC) participants increased by 21%, and the number of congregate meals provided to seniors and adults with disabilities through the Department of Aging and Disability Services has increased by 45%. Additionally, in the last fiscal year, the San Francisco-Marin Food Bank has increased the amount of food distributed by 67%.

Food insecurity caused by the pandemic was associated with an increased risk of mental illness. A recent study examining the association between food insecurity and mental health during the pandemic showed that food insecurity is associated with a 257% higher risk of anxiety and a 253% higher risk of depression. Comparatively, the study found that losing a job during the pandemic is associated with a 32% increase in risk for anxiety and a 27% increase in risk for depression. ([Fang et al. 2021](#))

As the world continues to grapple with the impacts of the COVID-19 pandemic, we know that maintaining and expanding community food initiatives directly supports San Francisco's recovery. **To meet this need, San Francisco must commit to sustaining critical food programs that communities with the highest needs rely on.** These investments will reap immediate as well as long-term health and economic benefits.

The breakdown in our local, regional, and national food system was amplified by the pandemic; and this has renewed the call for a more holistic approach to food in San Francisco that takes a whole-system perspective grounded in health equity, racial justice, environmental sustainability, and economic justice led by the communities impacted.

ADVANCING FOOD JUSTICE

IN OUR 2018 ASSESSMENT, the FSTF called for "ensuring that policies related to food systems prioritize principles of food justice. Food justice

40% THE NUMBER OF SAN FRANCISCO RESIDENTS ON CALFRESH HAS INCREASED BY



supports communities having power over resources, as well as ownership over decision-making, and promotes growth, selling, and eating healthy food that is affordable, fresh, nutritious, culturally appropriate and, grown locally with care for the well-being of the land, workers, and animals."

The San Francisco Office of Racial Equity has offered that food sovereignty should be the policy goal of San Francisco: "Food Sovereignty movement envisions a food system that is inclusive, community-led and participatory, without the exploitation of people, land, or the environment. It identifies and acts to remove the significant structural inequities that exist within our food and economic systems. This means establishing healthy, resilient communities with equitable access to nourishing and culturally appropriate food, and, control over their means of production."

THE FSTF BELIEVES that food insecurity is a result of many converging factors (structural racism, low wages, high cost of living, lack of affordable housing, among others) and it must be addressed through this broader perspective. We must address the crisis of food insecurity while building a food system that advances values of food justice and food sovereignty. We must also join forces and support initiatives that increase racial and economic justice to address the root causes of hunger.



IDENTIFIED NEEDS

- Maintain adequate community resources to include new programming/innovations
- Increased multi-year city investment, grants, and funding for food supports
- Adequate (and equitable) funding for food supports (nonprofit, private sector, new contracts, existing contracts, among others)
- Healthy, culturally relevant, and quality food
- Continued flexibility and loosening of requirements that made it easier for individuals to utilize services and organizations to provide services (e.g., Child and Adult Care Food Program (CACFP) food sent home with family)
- Neighborhood food hubs (such as in the Mission) and grocery services, especially those that focus on culturally relevant food items
- Support for smaller and local organizations that can respond to the unique needs of their community
- Meal and grocery delivery
- Takeaway/ready-made meals -- especially continuing this flexibility for congregate meal programs
- Meals prepared by restaurants, especially small businesses
- Investments in food programs linked directly to housing, such as Single Room Occupancy (SRO) and Shelter-In-Place (SIP) hotels
- Connections between healthcare and food security
- Food vouchers, gift cards
- Pop-up food pantries

OPPORTUNITIES

- Basic Guaranteed Income/Grants to Individuals
- Create and institutionalize an Office of Food Policy with a mandate beyond just ending hunger (using a whole food system approach)
- Housing and food connections
- Solutions that meet specific community needs, including multiple interventions and interventions that cover the whole family
- CalFresh outreach strategies, especially to students, non-English speakers, and seniors
- Healthy retail/corner stores
- Better coordinated food support and eliminate silos (also break down the barriers between "traditional" providers and "new" providers)
- Urban food production
- Good food procurement policies
- Food justice - involves relationships among farmers, retailers, restaurants, food providers, and the community

THE BARRIERS

There are multiple and complex barriers The City of San Francisco faces in tackling food insecurity for its residents, individuals, and families.



ECONOMIC TRAUMA

- A persistent and systemic racial wealth gap
- Income inequality and instability
- High cost of living
- Lack of affordable and safe housing
- Unemployment and under-employment (lack of living-wage jobs with benefits)
- Limited access to cooking space and equipment

COMMUNITY INFLUENCES

- Inadequate information available about food support in the community
- Inadequate access to affordable, healthy, and culturally relevant quality food in some neighborhoods
- A lack of reliable and safe public transportation
- Perceived stigma and feelings of shame
- Fear and distrust of the government

ACCESSIBILITY OF SERVICES (SUPPORT)

- Unclear (confusing) eligibility requirements
- Time intensive and arduous application (enrollment) process
- Insufficient culturally- and linguistically competent services
- Rigid programmatic requirements for community partners
- Inflexible service provision (e.g., Food available during a brief window of time, only available to narrow criteria of participants, among others)
- Lack of dignity and feelings of stigma when accessing services
- Fear of accessing public services due to immigration status
- Lack of training around technology and how to access services

CURRENT FUNDING STRUCTURE

- An inconsistent commitment to address food insecurity citywide and adequately fund a comprehensive approach
- Fluctuating annual fund levels that have been consistently insufficient to effectively meet the demand
- Lack of coordination between City departments
- Under-resourced and strained community partners

FOOD POLICY COORDINATION AND ACCOUNTABILITY

- Increase FSTF resources, funding, and Department of Public Health (DPH) staffing to at least 1 FTE to ensure it can effectively respond to community needs.
- Establish a centralized food policy office in City government that eliminates silos, is community-led/informed, and addresses root causes of food insecurity in San Francisco.
- Invest in neighborhood-level community-led food policy to support connectivity and collaboration among residents and community-based organizations (CBOs), and ensure community members are adequately compensated for their participation.
- Work with the community and the FSTF to create a new comprehensive and holistic food policy body led by communities most impacted that includes representatives from neighborhood-level food task forces.
- Ensure DPH fully staffs all necessary roles and responsibilities to complete the Biennial Food Security and Equity Report and coordinates with city departments, community organizations, and the FSTF to collect and aggregate food program data, identify gaps, and create a city-wide implementation plan on food.
- DPH and SF Environment must ensure San Francisco's implementation of SB. 1383 does not result in communities receiving expired food, food that is not culturally relevant, or food that is not appropriately labeled (i.e., ingredients and allergens).
- Utilize special revenue funding (i.e., Prop C – child care infrastructure, Prop C – homeless services) to address the food and nutrition needs for these groups.
- Connect local healthcare to food security: Encourage the SF Health Plan to adopt the full spectrum of medically supportive food interventions available under California Advancing and Innovating Medi-Cal (CalAIM).

FUNDING/RESOURCES

- Fund direct cash benefits, universal basic income, and other initiatives to provide households with adequate financial support.
- Ensure adequate, equitable, and ongoing funding for food supports (nonprofit, private sector, new contracts, existing contracts).
- Increase city investments and commitment to long-term, institutionalized funding for food supports and coordination.
- Create a multi-year funding infrastructure that ensures transformational food solutions that promote the prosperity of historically neglected communities and that are grounded in and led by community wisdom that already exists.
- Develop strategies and structures for Requests For Proposals (RFP) that support greater coordination between large and small-scale programs.
- Encourage city agencies to collaborate and coordinate around funding to streamline processes for the community.
- Reduce the data collection burden on consumers and organizations.





SERVICES

- Identify underserved communities and improve/expand services in these neighborhoods.
- Eliminate transportation barriers to food access and invest in food/grocery delivery, investigate discounts on taxis and rideshares, and expand paratransit programs.
- Require and fund culturally relevant and quality food and service provision, including high-quality food, language capacity, dignified services, and choice.
- Fund smaller neighborhood organizations that can respond to the unique needs of their community.
- Sustain successful food interventions that arose in response to COVID-19 (such as food hubs, restaurant meals, pop-up pantries, grocery vouchers, delivery, take-out, among others).
- Provide funding for food programs that provide food for the entire household.
- To achieve equitable food security for residents in Supportive Housing and SROs, increase funding for HSH and DPH for on-site and off-site food programs including investments in 1) 24 hour access to prepared meals and groceries, 2) food vouchers, 3) heating/cooking and storage infrastructure in units and community rooms and 3) electrical capacity.
- Continue flexibility and loosening of requirements that streamlined service provision for city agencies/and community organizations to provide services (e.g., takeaway options at congregate sites, CACFP food sent home with family, San Francisco Unified School District (SFUSD) area eligibility waivers, remote eligibility, expanded support to feed the whole household, Department of Disability and Aging Services (DAS) ability to move funds where needed, delivered food with CalFresh funds, etc).
- Increase outreach to Black/African American, Latinx, Asian Pacific Islander, and American Indian communities to ensure they are aware of and can easily access the food support programs.
- Maintain and improve food referrals through an integrated and reliable food programming information and referral database available through 311 and the city website.
- Increase utilization of outdoor public spaces for food programs and urban agriculture.



STATE RECOMMENDATIONS

San Francisco Food Security Task Force 2022 RECOMMENDATIONS



CALFRESH

- Expand the Fruit and Vegetable Electronic Benefits Transfer (EBT) Pilot to boost benefits for a greater number of CalFresh households.
- Address college student hunger by codifying the regulations issued by the Department of Social Services which sought to make CalFresh benefits more accessible to eligible college students.

SCHOOL MEALS

- Ensure full, permanent funding for Universal Free School Meals and for the additional infrastructure funds to support it.
- Adopt state-wide Community Eligibility Provision, maintain the non-congregate feeding waiver to continue serving students in non-traditional settings.
- Support creation of the Better Out of School Time (BOOST) Nutrition Program to prevent child hunger during school breaks or campus closures, and increase security and privacy protections for school income data collection.

CHILD AND ADULT CARE FOOD PROGRAM (CACFP)

- Increase funding for compensation for the increased cost of food and food service for providers operating CACFP.
- Make permanent the policy to issue subsidy reimbursement based on program enrollment rather than attendance.

Photography: Fox Nakai





GENERAL

- Demand re-implementation and expansion of the Child Tax Credit and other poverty-mitigation programs established during COVID-19.

SCHOOL MEALS

- Continue Federal waivers for program flexibilities and the increased reimbursement rate for providers of school meals.

PANDEMIC - EBT (P-EBT)

- Continue to fund this new program.
- Add an option for additional cards to be passed out at the site level for students who are being suspended so that they can get meals during that time.

CHILD AND ADULT CARE FOOD PROGRAM (CACFP)

- Support passage of S.1270 (Access to Healthy Foods for Young Children Act of 2021) to improve the reach of the food program through increases to the reimbursement for providers.
- Make permanent the CACFP waivers issued throughout the pandemic that made it easier for individuals to access services and organizations to provide services.
- Use the Consumer Price Index for Food Away from Home as the cost-of-living adjustment for family child care home CACFP reimbursement rates.
- Continue funding the United States Department of Agriculture's (USDA's) Team Nutrition CACFP nutrition education and program efforts.

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN AND CHILDREN (WIC)

- Ensure that Child Nutrition Reauthorization includes changes outlined in marker bills (WIC Act, WIC for Kids Act, and Modern WIC Act):
 - Extend WIC to cover children up to age 6
 - Expand postpartum eligibility to 2 years
 - Extend certification periods
 - Streamline certification, removing the in-person requirement
- Extend funding for online shopping pilot and an increase in fruit and vegetable cash-value benefit.

SAN FRANCISCO FOOD SECURITY TASK FORCE MEMBERS



Cissie Bonini, Chair
UCSF Center for Vulnerable Populations, and
Vouchers 4 Veggies/EatSF



Paula Jones, Vice-Chair
San Francisco Department of Public Health



Anne Quaintance
Conard House



Jeimil Belamide
Human Services Agency, CalFresh



Priti Rane
San Francisco Department of Public Health (WIC)



Jennifer LeBarre
San Francisco Unified School District



Rita Mouton-Patterson
Hospitality House



Tiffany Kearny
San Francisco Disability and Aging Services



Chester K. Williams Jr.
Community Living Campaign



Mei Ling Hui
San Francisco Recreation & Park



Michelle Kim
Department of Children Youth & Their Families



Emily Cohen
Department of Homelessness and Supportive Housing



Geoffrey Grier
SF Recovery Theatre



Kim Madsen
Project Open Hand



Raegan Sales
Children's Council



Meg Davidson
SF Marin Food Bank



Guillermo Reece
San Francisco African American Faith Based Coalition



Meredith Terrell
Meals on Wheels of San Francisco

For More Information, please contact Paula Jones (Paula.Jones@sfdph.org)



President, District 10
BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. 554-6516
Fax No. 554-7674
TDD/TTY No. 544-6546

Shamann Walton

PRESIDENTIAL ACTION

Date: 5/19/2022

To: Angela Calvillo, Clerk of the Board of Supervisors

Madam Clerk,

Pursuant to Board Rules, I am hereby:

Waiving 30-Day Rule (Board Rule No. 3.23)

File No. 220607 Walton

(Primary Sponsor)

Title. Environment, Health Codes - Requirements for Edible Food Recovery and Organic Waste Collection

Transferring (Board Rule No. 3.3)

File No. _____

(Primary Sponsor)

Title. _____

From: _____ Committee

To: _____ Committee

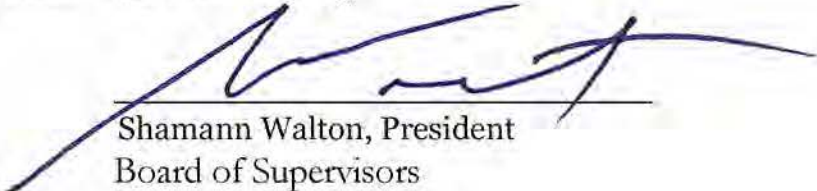
Assigning Temporary Committee Appointment (Board Rule No. 3.1)

Supervisor: _____ Replacing Supervisor: _____

For: _____ Meeting
(Date) (Committee)

Start Time: _____ End Time: _____

Temporary Assignment: Partial Full Meeting



Shamann Walton, President
Board of Supervisors

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

MEMORANDUM

TO: Ben Rosenfield, City Controller

FROM: Alisa Somera, Legislative Deputy Director
Board of Supervisors

DATE: May 23, 2022

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Government Audit and Oversight Committee has received the following proposed legislation, introduced by Mayor London N. Breed, on May 17, 2022:

- [220566](#) - Memorandum of Understanding - Building Inspectors' Association
- [220567](#) - MOU - Crafts Coalition
- [220568](#) - MOU - Deputy Probation Officers' Association
- [220569](#) - Collective Bargaining Agreement - Deputy Sheriffs' Association
- [220570](#) - Collective Bargaining Agreement - District Attorney Investigators' Association
- [220571](#) - Collective Bargaining Agreement - IBEW, Local 6
- [220572](#) - MOU - IFPTE, Local 21
- [220573](#) - MOU - Laborers International Union, Local 261
- [220574](#) - MOU - Machinists Union, Local 1414
- [220575](#) - MOU - Municipal Attorneys Association
- [220576](#) - MOU - Municipal Executives Association
- [220577](#) - MOU - Operating Engineers Local Union No. 3
- [220578](#) - MOU - Operating Engineers Local Union No. 3 Supervising Probation Officers
- [220579](#) - MOU - San Francisco City Workers United Painters
- [220580](#) - Collective Bargaining Agreement - Sheriffs' Managers & Supervisors Assoc.
- [220581](#) - Collective Bargaining Agreement - SEIU, Local 1021
- [220582](#) - MOU - Operating Engineers Stationary Engineers, Local 39
- [220583](#) - MOU - Teamsters, Local 856 (Multi-Unit)
- [220584](#) - MOU - Teamsters, Local 856: Supervising Registered Nurses
- [220585](#) - MOU - the Transport Workers Union of America, AFL-CIO, Local 200
- [220586](#) - Collective Bargaining Agreement - Transport Workers, Local 250-A Automotive Service Workers (7410)
- [220587](#) - Collective Bargaining Agreement - Transport Workers, Local 250-A, Multi-Unit
- [220588](#) - MOU - United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local 38
- [220589](#) - Collective Bargaining Agreement - American Physicians and Dentists, Unit 17
- [220590](#) - Collective Bargaining Agreement - American Physicians and Dentists, Unit 18
- [220591](#) - Compensation for Unrepresented Employees
- [220592](#) - MOU - Fire Fighters Union Local 798, Unit 2

- [220593](#) - MOU - Fire Fighters Union Local 798, Unit 1
- [220594](#) - MOU - San Francisco Police Officers Association
- [220595](#) - MOU - Municipal Executives' Association Police
- [220596](#) - MOU - Municipal Executives' Association Fire
- [220597](#) - Letter of Agreement - Committee Interns and Residents
- [220598](#) - MOU - Citywide Amendment

These matters are being forwarded to you for a cost analysis.

Please forward your analysis to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or alisa.somera@sfgov.org.

c: Todd Rydstrom, Office of the City Controller
 Michelle Allersma, Office of the City Controller
 Carol Lu, Office of the City Controller

Member, Board of Supervisors
District 5



City and County of San Francisco

DEAN PRESTON

DATE: May 26, 2022

TO: Angela Calvillo
Clerk of the Board of Supervisors

FROM: Supervisor Preston
Chairperson

RE: Government Audit and Oversight Committee
COMMITTEE REPORT

Pursuant to Board Rule 4.20, as Chair of the Government Audit and Oversight Committee I have deemed the following matters to be of an urgent nature and request each be considered by the full Board on Tuesday, June 7, 2022, as Committee Reports:

1. [220607 - Environment, Health Codes - Requirements for Edible Food Recovery and Organic Waste Collection](#)
2. [220566 – Building Inspectors Association](#)
3. [220567 – Consolidated Crafts](#)
4. [220568 – Deputy Probation Officers’ Association](#)
5. [220569 – Deputy Sheriffs’ Association](#)
6. [220570 – District Attorney Investigators’ Association](#)
7. [220571 – International Brotherhood of Electrical Workers, Local 6](#)
8. [220572 – International Federation of Professional and Technical Engineers, Local 21](#)
9. [220573 – The Laborers’ International Union, Local 261](#)
10. [220574 – Machinists Union, Local 1414](#)
11. [220575 – Municipal Attorneys’ Association](#)
12. [220576 – Municipal Executives’ Association](#)
13. [220577 – Operating Engineers, Local 3](#)
14. [220578 – Supervising Probation Officers](#)
15. [220579 – San Francisco City Workers United](#)
16. [220580 – San Francisco Sheriffs’ Managers and Supervisors Association](#)
17. [220581 – Service Employees International Union, Local 1021, Miscellaneous](#)
18. [220582 – Stationary Engineers, Local 39](#)
19. [220583 – Teamsters, Local 856 \(Multi-Unit\)](#)
20. [220584 – Teamsters, Local 856 \(Supervising Nurses\)](#)
21. [220585 – Transport Workers Union 200](#)
22. [220586 – Transport Workers Union 250-A \(7410\)](#)
23. [220587 – Transport Workers Union 250-A \(Multi\)](#)
24. [220588 – United Association of Plumbers and Pipefitters, Local 38](#)
25. [220589 – Union of American Physicians and Dentists, Unit 17](#)
26. [220590 – Union of American Physicians and Dentists, Unit 18](#)
27. [220591 – Unrepresented Employees Ordinance](#)
28. [220592 – Amendment No. 4 to Firefighters, Local 798, Unit 2](#)
29. [220593 – Amendment No. 3 to Firefighters, Local 798, Unit 1](#)

Member, Board of Supervisors
District 5



City and County of San Francisco

DEAN PRESTON

30. [220594 – Amendment No. 2 to San Francisco Police Officers Association](#)
31. [220595 – Amendment No. 2 to Municipal Executives’ Association Police](#)
32. [220596 – Amendment No. 2 to Municipal Executives’ Association Fire](#)
33. [220597 – Letter of Agreement between the City and County of San Francisco and the Committee of Interns and Residents, SEIU](#)
34. [220598 – Citywide Amendment to the Current Memorandums of Understanding and Collective Bargaining Agreements with Unions Identified in Appendix A](#)

These matters will be heard at a regular Government Audit and Oversight Committee meeting on June 2, 2022, at 10:00 a.m.

A handwritten signature in blue ink that reads "Dean Preston".

Dean Preston

From: [Menard, Nicolas \(BUD\)](#)
To: [Major, Erica \(BOS\)](#)
Cc: [Rose, Harvey \(BUD\)](#); [Campbell, Severin \(BOS\)](#); [Guma, Amanda \(BOS\)](#); [Perkinson, Jessica \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Goncher, Dan \(BUD\)](#)
Subject: Re: Final Agenda for 06/02/2022 GAO
Date: Thursday, May 26, 2022 5:15:16 PM
Attachments: [2022.06.02 - GAO Agenda FINAL.pdf](#)

Thank you, Erica. We are not reporting on any items for next week's GAO meeting.

On May 26, 2022, at 3:49 PM, Major, Erica (BOS) <erica.major@sfgov.org> wrote:

Please find the final agenda for next week's GAO meeting. Please submit the required reports for inclusion to the files.

ERICA MAJOR

Assistant Clerk

Board of Supervisors

1 Dr. Carlton B. Goodlett Place, City Hall, Room 244 San Francisco, CA 94102

Phone: (415) 554-4441 | Fax: (415) 554-5163

Erica.Major@sfgov.org | www.sfbos.org

(VIRTUAL APPOINTMENTS) To schedule a “virtual” meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

Due to the current COVID-19 health emergency and the Shelter in Place Order, the Office of the Clerk of the Board is working remotely while providing complete access to the legislative process and our services.

Click [HERE](#) to complete a Board of Supervisors Customer Service Satisfaction form.

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

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**Disclosures:** *Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.*



**SF Environment**

**Our home. Our city. Our planet.**

A Department of the City and County of San Francisco

# SB 1383: Requirements for Edible Food Recovery

San Francisco Department of the Environment



# SB 1383: Short-Lived Climate Pollutant Reduction Act

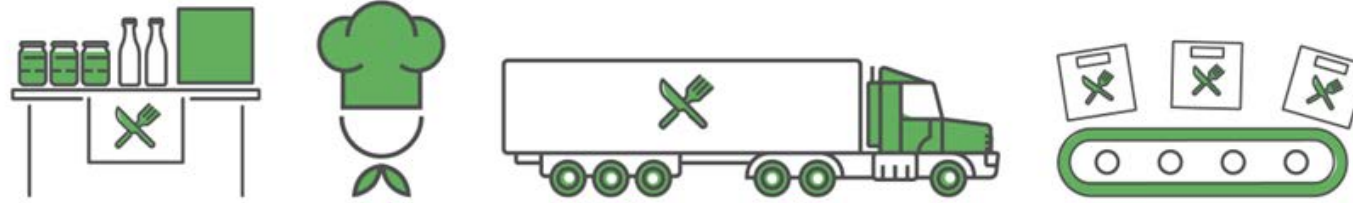




# Food Insecurity

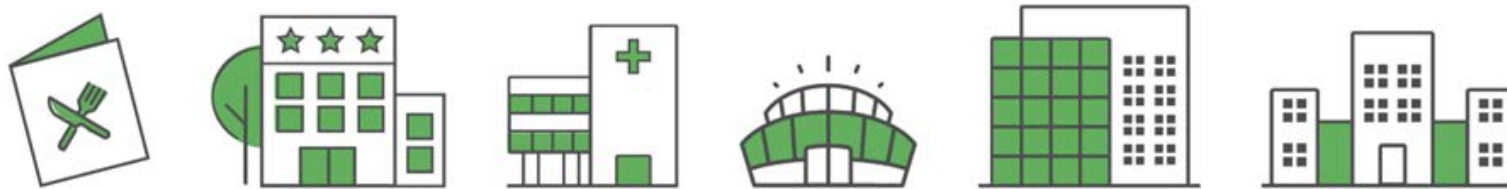


# Edible Food Recovery Implementation in San Francisco



## TIER 1 Edible Food Generators (effective January 1, 2022)

- Supermarket (with revenue  $\geq$  \$2 million)
- Grocery store ( $\geq$  10,000+ sq. ft)
- Contracted Food Service Provider (for universities, employee cafeterias, airlines, etc)
- Food distributor
- Wholesale food vendor



## TIER 2 Edible Food Generators (effective January 1, 2024)

- Restaurant ( $\geq$  250 seats or 5,000 sq. ft.)
- Hotel (with onsite food facility and  $\geq$  200 rooms)
- Health facility (with onsite food facility &  $\geq$  100 beds)
- Large events and venues
- State agency with cafeteria ( $\geq$  250 seats or 5,000 sq. ft.)
- Public and private schools with on-site food facility

# Food Recovery Organizations/Services



# Enforcement



# Outreach and Education – Already Underway



San Francisco Environment Department  
155 Market Street, 3rd Floor  
San Francisco, CA 94103  
SFenvironment.org

City and County of San Francisco

Deborah C. Kachow  
Director

Attention: Business Owner/Manager

October 10, 2021

## OFFICIAL NOTICE: NEW STATE LAW TAKES EFFECT ON JANUARY 1, 2022

The State of California passed SB 1383,<sup>1</sup> a new law requiring certain food-generating businesses (Tier 1 and Tier 2 Generators) to donate the maximum amount of their excess food to food donation programs feeding people in need. This effort will increase access to nutritious food for members of our community, while reducing waste and greenhouse gas emissions that are the result of food ending up in landfills.

Your business was identified as a source of excess food that could be donated to feed people in need. Starting January 1, 2022 (or January 1, 2024, depending on your business type), all excess edible food must be donated to food donation programs.<sup>2</sup> Your business is also required to establish written agreements with each food program receiving donations and track and report the amount, types of food, and frequency of donations. Full compliance with SB 1383 can save your business money and avoid potential fines for non-compliance.

Please review the enclosed flyer for more information about what to expect from this new state law and how your business can comply. In partnership with CalRecycle, the San Francisco Department of the Environment (SF Environment) is offering limited grant funds to start or expand your business' food recovery and disposal efforts. For more information about SB 1383 or grant fund availability, contact ENV-EdibleFoodRecovery@sf.gov or call SF Environment's Food Recovery Coordinator at (415) 355-0758. Together, we can do this important work for our community and the planet.

Sincerely,

San Francisco Department of the Environment

<sup>1</sup> In 2016, Governor Brown signed Senate Bill 1303 (SB 1303) to reduce greenhouse gas emissions, including millions from organic waste. SB 1383 sets goals for California businesses to reduce disposal of organic waste in the landfill, including recovering the maximum amount of surplus edible food for human consumption.

<sup>2</sup> See an ECOV publication for more details.

## New State Law SB1383

### Food Donation Requirements for Businesses

#### What is Senate Bill (SB) 1383?

SB 1383 is a state law designed to reduce disposal of organic material in landfills, including edible food, to meet the state's climate goals. It requires food generators, like yours, to donate the maximum amount of their edible surplus food that would otherwise be disposed of in the compost or landfill.



#### What businesses are covered and when do they need to comply?

##### Tier 1 Businesses (January 1, 2022)

- Supermarket (with revenue > \$2 million)
- Grocery store (10,000+ sq. ft.)
- Food service provider
- Food distributor
- Wholesale food vendor

##### Tier 2 Businesses (January 1, 2024)

- Restaurant (> 250 seats or 5,000 sq. ft.)
- Hotel with onsite food facility (> 200 rooms)
- Health facility with onsite food facility (> 100 beds)
- Large events and venues
- State agency with cafeteria (> 250 seats or 5,000 sq. ft.)
- Public education agency with onsite food facility



#### What does my business need to do to comply?

##### 1 Recover edible food

Safely recover the maximum amount of edible food that would otherwise be disposed of (i.e., in compost or landfill), so it can be donated to food banks instead. Businesses may not intentionally spoil food. Assess the types, quantities and frequency of excess food for donation.

##### 2 Keep written agreements

Partner with a food donation program to donate your excess food. Create a written agreement with each food donation program that picks up or receives donated food from your business. [CalRecycle's Model Food Recovery Agreement](#) suggests language for your written agreement.

##### 3 Track and report

Maintain a list of the following:

- Name, address, and contact information of food programs that received donated food
- Types of food donated
- Frequency and quantity of food recovered in pounds per month

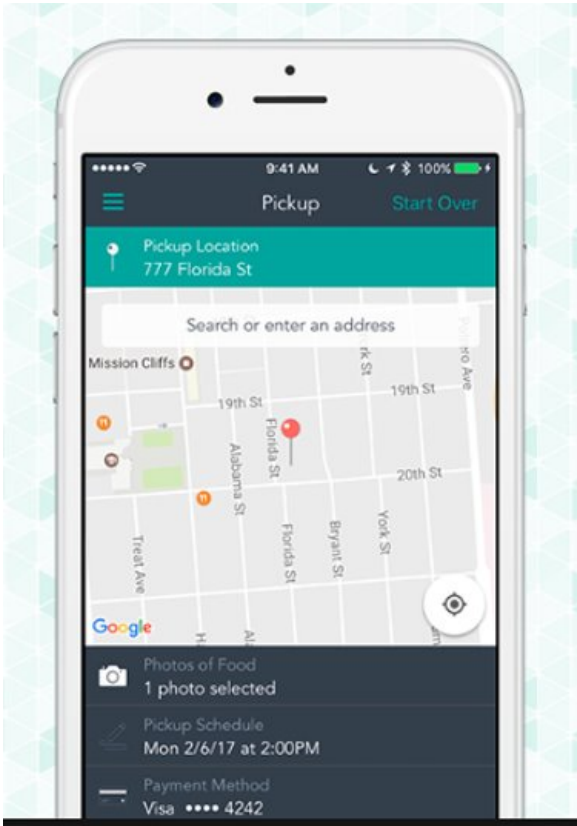
The written agreements and record-keeping must be maintained onsite for review from applicable City agencies. Be prepared for inspections and monitoring by San Francisco City and County.



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For additional information and resources, visit our website or email:  
[sfenvironment.org/SB-1383](http://sfenvironment.org/SB-1383) or [ENV\\_EdibleFoodRecovery@sf.gov](mailto:ENV_EdibleFoodRecovery@sf.gov)

# Education and Technical Assistance – Kitchen Zero SF



Episcopal Community Services

# Partnership



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**POPULATION HEALTH DIVISION**

SAN FRANCISCO DEPARTMENT OF PUBLIC HEALTH

**Environmental Health Branch**

Thank you!



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