



MARK PESTRELLA, CHAIR  
MARGARET CLARK, VICE - CHAIR

LOS ANGELES COUNTY  
SOLID WASTE MANAGEMENT COMMITTEE/  
INTEGRATED WASTE MANAGEMENT TASK FORCE  
900 SOUTH FREMONT AVENUE, ALHAMBRA, CALIFORNIA 91803-1331  
P.O. BOX 1460, ALHAMBRA, CALIFORNIA 91802-1460  
[www.lacountyiswmtf.org](http://www.lacountyiswmtf.org)

May 18, 2020

Ms. Ashley Yee  
Materials Management and Local Assistance Division  
California Department of Resources Recycling and Recovery  
P.O. Box 4025  
Sacramento, CA 95812

Dear Ms. Yee:

### **COMMENTS ON THE APRIL 20, 2020 FORMAL PROPOSED REGULATION TEXT FOR SENATE BILL 1383**

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) would like to thank the California Department of Resources Recycling and Recovery (CalRecycle) for the opportunity to comment on the April 2020 Proposed Regulation Text, Fourth Formal Draft (proposed regulations, linked below and for the ease of reference an electronic, pdf, copy is enclosed), which was released on April 20, 2020, for Senate Bill 1383 (Lara, Chapter 395 of the 2016 State Statutes) Short-Lived Climate Pollutants (SLCP).

<https://www.calrecycle.ca.gov/laws/rulemaking/slcp>

As directed, an electronic copy of this comment letter will be emailed to the following:

[SLCP.Organics@calrecycle.ca.gov](mailto:SLCP.Organics@calrecycle.ca.gov)

#### **A. GENERAL COMMENTS**

- 1. The Fourth Formal Draft of the proposed regulations fails to include a provision for consideration of a jurisdiction's "good faith effort" to comply with the burdensome regulatory requirements.**

The Fourth Formal Draft of the proposed regulation fails to consider a jurisdiction's "good faith effort" in complying with its requirements. During the rulemaking process, CalRecycle stated in part, in its Statutory Background and Primary Regulatory Policies document dated May 1, 2018, that "**Legislative guidance**

***directs CalRecycle not to***...utilize the “Good Faith Effort” compliance model specified in PRC Section 41825.” This is inaccurate and contrary to the requirements of Chapter 13.1, Part 3, Division 30 of the PRC, § 42652 et seq, [Short-Lived Climate Pollutants] which was added into state law by SB 1383, and which is being used by CalRecycle in concert with PRC Sections 41825 and 41850 as its authority to impose penalties on jurisdictions pursuant to Articles 15 and 16 of the proposed regulations.

Specifically, Section 42652.5(a)(4) of the PRC expressly states that *CalRecycle* “***shall*** base its determination of progress on relevant factors, including, but not limited to, ***reviews conducted pursuant to Section 41825***” (emphasis added). The review process established by PRC Section 41825 requires CalRecycle to consider the “good faith efforts” made by a jurisdiction to implement its diversion program.

Since the reviews conducted under PRC Section 41825 require consideration of a jurisdiction’s “good faith effort”, CalRecycle must consider “good faith effort” in making its determination of a jurisdiction’s progress at meeting organic waste landfill reduction goals, and not subject the jurisdiction to potential penalties of up to \$10,000 per day for each violation of the regulatory requirements when there are justifiable reasons for the jurisdiction to be not in full compliance.

Furthermore, consideration of a jurisdiction’s “good faith effort” in complying with the new and overly burdensome SB 1383 regulatory requirements is even more important at this time given the severe economic, fiscal, and social impacts of the COVID-19 pandemic. PRC Section 41825 provides, among other things, that CalRecycle “shall consider all of the following when considering whether a jurisdiction has made a good faith effort to implement” its diversion program:

- Disasters;
- Budgetary conditions; and
- Work stoppages that directly prevent a jurisdiction from implementing its diversion program

Inclusion of the “good faith effort” provisions of PRC Section 41825 in the proposed SB 1383 implementing regulations will ensure that CalRecycle will consider the above factors, all of which are now severely impacting local jurisdictions throughout California.

**2. The Fourth Formal Draft of the proposed regulations imposes inordinately excessive responsibilities on local jurisdictions compared to other regulated entities, which are not consistent with existing state statute.**

The Task Force recognizes the significant responsibility CalRecycle has under State law to achieve the Statewide 75 percent “recycling” goal by 2020, reduce

organic waste landfill disposal by 75 percent by 2025, support the Air Resources Board in reducing climate pollutants, and the limited time granted by the State Legislature to achieve these goals. However, while the Task Force strongly supports efforts to reduce climate pollutants, the Task Force is very concerned about the approach that CalRecycle has selected, which places a tremendous burden and responsibility on counties and cities (more than any other stakeholder group, including, but not limited to, state agencies, public and private colleges and universities, school districts, local education agencies and non-local entities as defined in Article 1, Section 18982 (a) (40) and (42), respectively, etc., [emphasis added]), while relying on extremely prescriptive requirements, and excessive inspection and monitoring reporting, the proposed regulations mandate counties and cities to impose steep penalties on residents and businesses.

The Task Force believes that the Fourth Formal Draft of the proposed regulations stipulates a number of mandates that are inconsistent with the provisions of Article XI of the California Constitution in regard to general law and charter cities and counties as well as provisions of the California Public Resources Code (PRC), Subdivision 40059 (a) which, in part, states, “*each county, city, district, or other local governmental agency may determine all the following:*

*Aspects of solid waste handling which are of local concern, including, but not limited to, frequency of collection, means of collection and transportation, level of services, charges and fees, and nature, location, and extent of providing solid waste handling services.” (emphasis added)*

(as an example, see provisions of Articles 3, 14, and 15 through 17 of the mandates stipulated by the Fourth Formal Draft of the proposed regulations)

State law, Section 40001 (a) of the Public Resources Code (PRC), declares that “the responsibility for solid waste management is a shared responsibility between the state and local governments (*emphasis added*).” Furthermore, SB 1383 recognizes the shared responsibility “the waste sector, state government, and local governments” have in achieving the organic waste landfill disposal reduction goals for 2020 and 2025, and thus requires CalRecycle to analyze the progress made by the three sectors, in that order, including “commitment of state funding”, in achieving the said goals {PRC Section 42653 (a)} (*emphasis added*). However, under the Fourth Formal Draft of the proposed regulations, the responsibility, without any rationales or justifications, weighs much more heavily on counties and cities, including programmatic and penalty requirements, than on state agencies, school districts, and special districts, local education agencies, and non-local entities (as an example, see provisions of Articles 14 and 15 of the proposed regulations). This oversight needs to be addressed by the next version of the proposed regulations.

Furthermore, the Task Force strongly believes that pursuant to Sections 111349(d) and 11349.1 of the Government Code, there is a lack of consistency between the proposed regulations and PRC 40059. Before approval, the proposed regulations must be revised to be consistent with the provisions of the California Constitution and the California Law to provide for a more equitable distribution of the responsibility for achieving the disposal reduction goals among all sectors, including industry, state government, school districts, public and private colleges and universities, and other non-local entities and local education agencies, etc.

**3. The Fourth Formal Draft exceeds its statutory authority by requiring jurisdictions to impose mandatory monetary penalties on residents and businesses.**

SB 1383 does not provide CalRecycle with the authority to require local jurisdictions such as counties and cities to impose civil (monetary) penalties on residential or commercial organic waste generators for non-compliance (emphasis added). This requirement as stipulated by CalRecycle exceeds the authority granted to CalRecycle by State law.

While SB 1383 grants CalRecycle the authority to “require local jurisdictions to impose requirements on generators or other relevant entities within their jurisdiction,” this authority does not extend to the imposition of penalties (emphasis added). SB 1383 only states that CalRecycle “may authorize local jurisdictions to impose penalties on generators for noncompliance” {see Section 42652.5. (a)(1) of the Public Resources Code (PRC)} (emphasis added).

However, the proposed regulations [Article 16, Section 18997.1 (b)] specify that jurisdictions “shall *adopt ordinance(s)* or enforceable mechanisms *to impose penalties* as prescribed in Section 18997.2.” (emphasis added).

In addition, Section 18997.2. Penalty Amounts, requires: “(a) *A jurisdiction shall impose penalties* for violations of the requirements of this chapter consistent with the applicable requirements prescribed in Government Code Sections 53069.4, 25132 and 36900. The penalty levels shall be as follows: ...” (emphasis added). As proposed, a single-family dwelling may be subject to a penalty of \$100 for the first offense, \$200 for the second offense, and \$500 for the third and each subsequent offense.

In requiring counties and cities to impose steep civil penalties of up to \$500 per offense on residents and businesses for non-compliance with each requirement of the regulations, CalRecycle would exceed its authority under the law, notwithstanding the provisions of Government Code Sections 53069.4, 25132 and 36900. Such authority is vested on local governmental agencies by PRC Section 40059, which states that, “each county, city, district, or other local

governmental agency may determine...aspects of solid waste handling which are of local concern, including, but not limited to, frequency of collection, means of collection and transportation, level of services, *charges and fees*, and nature, location, and extent of providing solid waste handling services” (emphasis added).

Furthermore, SB 1383 provides that the proposed regulations shall comply with specified requirements, including the following:

“42652.5. (a)(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.***” (emphasis added)

Subparagraph (a)(5) requires that penalties be imposed “*by the department*” (i.e., CalRecycle), not by jurisdictions, for non-compliance. Thus, in requiring jurisdictions to impose penalties on residential and commercial generators, the proposed regulations once again exceed the authority provided in Statute.

Furthermore, the **authority** to impose the penalty amounts is derived from PRC **Section 41850**. Section 41850 in turn requires that CalRecycle consider a jurisdiction’s “good faith effort” prior to imposing administrative civil penalties. Moreover, CalRecycle must consider “good faith effort” in determining whether to impose penalties and in determining the amount of penalties imposed.

The Task Force further believes that pursuant to the Government Code, Sections 11349 (b) and 11349.1, CalRecycle lacks the authority to require local jurisdictions to impose mandatory financial penalties on residents and commercial businesses. Before approval, the proposed regulations must be revised to delete any and all provisions that *require* counties and cities to impose civil (monetary) penalties on their residents or businesses. The language may be revised pursuant to PRC Section 42652.5 (a)(1) to authorize counties and cities to do so, as they deem appropriate (emphasis added).

**4. The procurement requirements in the Fourth Formal Draft exceed the authority granted to CalRecycle in existing state statute.**

The Fourth Formal Draft of the proposed regulations requires local governments to purchase recovered/recycled organic waste products targets set by CalRecycle. While the Task Force cannot see any statutory procurement requirement within the provisions of SB 1383, the implementation of these requirements will result in substantial additional costs to local governments over and above the costs jurisdictions already anticipate incurring for complying with the extensive programmatic requirements of the proposed regulations. Therefore, the Task Force respectfully requests that CalRecycle instead work to develop markets for recovered/recycled organic waste products.

Furthermore, the additional costs that will result from complying with the proposed regulations' procurement requirements represent an unfunded state mandate under California Constitution, Article XIII B, Section 6 (a) since the Fourth Formal Draft of the proposed regulations would impose a new program on local governments and neither the draft regulations nor the Amended Initial Statement of Reasons identifies a state funding source. Moreover, local governments generally do not have the authority to impose fees or assessments that would pay for the increased costs that they would incur as a result of these procurement requirements.

The Task Force strongly believes that pursuant to Sections 11349.1 and 11349 (b), of the Government Code, CalRecycle lacks the authority to require local jurisdictions to procure specified minimum amounts of recovered organic waste products. Before approval, the proposed regulations must be revised to remove the procurement requirements.

**5. The requirements on local jurisdictions in the Fourth Formal Draft are excessively prescriptive.**

The draft regulations contradict Government Code 11340 (d) which states that "The imposition of prescriptive standards upon private persons and entities through regulations where the establishment of performance standards could reasonably be expected to produce the same result has placed an unnecessary burden on California citizens and discouraged innovation, research, and development of improved means of achieving desirable social goals." The draft regulations are highly prescriptive, and similar or better results may be achieved by the state establishing performance standards for jurisdictions and providing the necessary tools to achieve the standards, such as diversion credit for non-combustion thermal conversion technologies (CTs) processing organic waste, to assist jurisdictions with meeting the performance standards (emphasis added).

The Task Force strongly believes that jurisdictions and regulated agencies would like to see the proposed regulations to be less prescriptive, more flexible, and less punitive, as well as to include reasonable timeframes for compliance. At the same time CalRecycle should focus state efforts on market development, technical support, including efforts to investigate emerging technologies leading to the development of new facilities and products, and funding for infrastructure.

The Task Force strongly believes that the excessively prescriptive nature of the regulations is not consistent with provisions of the Government Code, Sections 11340 (d), 11349 (d) and 11349.1. Before approval, the proposed regulations must be significantly revised to reduce the excessive requirements on local jurisdictions.

## **B. SPECIFIC COMMENTS**

### **CALIFORNIA CODE OF REGULATIONS TITLE 14, DIVISION 7 CHAPTER 12: SHORT-LIVED CLIMATE POLLUTANTS (NEW)**

#### **GENERAL PROVISIONS**

##### **Section 18981.1. Scope of Chapter**

1. Comment(s):

Pursuant to SB 1383 (2016), Subdivision 39730.6 (a) of the Health and Safety Code states “Consistent with Section 39730.5, methane emissions reduction goals shall include the following targets to reduce the landfill disposal of organics” by 50 percent from the 2014 level by 2020 and 75 percent by 2025 (emphasis added). However, this section fails to recognize that the said targets being referred to are based on organic waste “landfill” disposal reductions, and failure to indicate this fact causes confusion among regulated communities, governmental agencies, members of public and other stakeholders.

- Proposed Regulatory Text and **Recommended Changes/Revisions:**

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

#### **ARTICLE 1. DEFINITIONS**

##### **Section 18982. Definitions**

2. Comment(s):

(39.5) “Lifecycle greenhouse gas emissions or “Lifecycle GHG emission” - In reference to Section 18983.2 (a) (3), it is our understanding that the calculated greenhouse gas reduction of 0.30 MTCO<sub>2</sub>e/short ton from composting organic waste is based on a modified assessment as documented in the Initial Statement of Reasons. For example, some factors such as the impact of greenhouse gas emission due to transportation of organic waste to distant facilities were omitted from analysis. We strongly believe that for the purpose of determination of technologies that constitute a reduction in landfill disposal, the impact of GHG emission from transportation need to be considered and the standard of 0.30 MTCO<sub>2</sub>e/short ton of organic waste standard needs to be adjusted.

- Proposed Regulatory Text and **Recommended Changes/Revisions:**  
(39.5) “Lifecycle greenhouse gas emissions” or “Lifecycle GHG emissions” means the aggregate quantity of greenhouse gas emissions (including direct and indirect emissions), related to the full lifecycle of the technology or process that an applicant wishes to have assessed as a possible means to reduce landfill disposal of organic waste. The lifecycle analysis of emissions includes all stages of organic waste processing and distribution, including collection from a recovery location, waste processing, delivery, use of any finished material by the ultimate consumer, ultimate use of any processing materials. The mass values for all greenhouse gases shall be adjusted to account for their relative global warming potential. However, for the purposes of Article 2 of these regulations, the aggregated quantity of greenhouse gas emissions shall not include emissions associated with other operations or facilities with processes that reduce short-lived climate pollutants, as that term is used in Article 2, that are similar to or consistent with those emissions that were excluded as the basis for developing the 0.30 MTCO<sub>2</sub>e/short ton of organic waste standard.

3. Comment(s):

In regards to the definition of “Organic Waste” as defined in Paragraph (46), at CalRecycle’s SB 1383 Public Workshop held at the South Coast Air Quality Management District on June 18, 2019, a member of the Task Force asked if “Organic Waste as defined includes Plastic?” to which Mr. Hank Brady responded “NO.” Therefore, the definition of “Organic Waste” needs to be revised to exclude plastic products.

The definition of “organic waste” in the regulations conflicts with 14 CCR §18720, which defines “organic waste” as “solid wastes originated from living organisms and their metabolic waste products, and from petroleum, which contain naturally produced organic compounds, and which are biologically decomposable by microbial and fungal action into the constituent compounds of water, carbon dioxide, and other simpler organic compounds.” Because this definition of organic waste includes solid waste originating from petroleum, i.e. plastics, the regulations should clarify that plastics are not considered “organic waste.”

The “organic waste” definition as proposed in Paragraph 46 includes the phrase “organic textiles and carpets.” The proposed regulations do not define the phrase “organic textile and carpets” and the definition needs to be provided (emphasis added). Depending how the phrase is defined, placement of “organic textile and carpets” in green containers, contrary to provisions of the Section 18984.1 (a) (5) (A), must be allowed.



- Proposed Regulatory Text and **Recommended Changes/Revisions:**  
(46) “Organic waste” means solid wastes containing material originated from living organisms and their metabolic waste products, including but not limited to food, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, paper products, printing and writing paper, manure, biosolids, digestate, and sludges. **“Organic waste” does not include non-compostable plastic products.**

**(53.5) “Plastic products” means any non-hazardous and non-putrescible solid objects made of synthetic or semi-synthetic organic compounds.**

4. Comment(s):

As a follow up to Specific Comment No. B.1, the proposed definition of “Organic waste disposal reduction target.” Section 18982 (47) is not consistent with provisions of Subdivision 39730.6. (a) of the Health and Safety Code.

- Proposed Regulatory Text and **Recommended Changes/Revisions:**  
(47) “Organic waste disposal reduction target” is the statewide target to reduce the **landfill** disposal of organic waste by 50 percent by 2020 and 75 percent by 2025, based on the 2014 organic waste disposal baseline, set forth in Section 39730.6 of the Health and Safety Code.

5. Comment(s):

The definition of “renewable gas” without any justifiable reason and/or scientifically supported analysis, is limited it to gas derived from in-vessel digestion of organic waste only. The regulations need to expand the definition of “renewable gas” to include gas derived from other technologies, including biomass conversion utilizing thermal CTs such as gasification and pyrolysis, methane gas generated from municipal solid waste landfills since it is biogenic in origin, and any other technologies that are determined to **constitute a reduction in landfill disposal** pursuant to Section 18983.2. (emphasis added).

- Proposed Regulatory Text and **Recommended Changes/Revisions:**  
(62) “Renewable Gas” means gas derived from ~~organic waste that has been diverted from~~ a landfill **or organic waste and** processed at an in-vessel digestion facility that is permitted or otherwise authorized by Title 14 to recover organic waste, **a biomass conversion facility that is permitted or otherwise authorized by Division 30 of the Public Resources Code to recycle organic waste, or any other process or technology that is subsequently deemed under section 18983.2 to constitute a reduction in landfill disposal.**

## **ARTICLE 2. LANDFILL DISPOSAL AND REDUCTIONS IN LANDFILL DISPOSAL**

### **Section 18983.1. Landfill Disposal and Recovery**

6. Comment(s):

SB 1383 requires the state to achieve specified targets to reduce the landfill disposal of organics. However, the regulations consider any disposition of organic waste not listed in Section 18983.1 (b) to be landfill disposal, including any thermal CTs besides biomass conversion. Public Resources Code (PRC) 40195.1 defines “solid waste landfill” as “a disposal facility that accepts solid waste for land disposal,” indicating that non-combustion thermal CTs which produce energy or fuels from solid waste rather than disposing solid waste on land should not be categorized as landfill disposal. The definition of “landfill” in Section 18983.1 (c) of these regulations contradicts PRC 40195.1. Section 18983.1 (c) defines “landfill” as “permitted landfills, landfills that require a permit, export out of California for disposal, or any other disposal of waste as defined by Section 40192 (c) of the Public Resources Code.” The definition of “export out of California for disposal” could potentially include thermal CTs, while the definition of “solid waste landfill” in PRC 40195.1 is clearly limited to land disposal only and does not include thermal CTs.

It is our understanding that thermal CTs are classified as landfill disposal due to concerns over their emissions. Although thermal CTs produce some limited emissions of greenhouse gases, dioxins, furans, volatile organic compounds, and criteria pollutants, these emissions do not have the multiplicative effects of methane emissions, which are 72 times more powerful than emissions of carbon dioxide in terms of atmospheric warming according to the California Air Resources Board. By replacing sources of fossil-based energy, thermal CTs actually reduce life-cycle methane emissions. Therefore, the regulations should not exclude any process or technology from being considered a reduction in landfill disposal, except for final deposition at a landfill or organic waste used as alternative daily cover, pursuant to Assembly Bill 1594 (Chapter 719 of the 2014 State Statutes).

• Proposed Regulatory Text and **Recommended Changes/Revisions:**

- (a) The following dispositions of organic waste shall be deemed to constitute landfill disposal:
  - (1) Final deposition at a landfill.
  - (2) Use as Alternative Daily Cover or Alternative Intermediate Cover at a landfill.
    - (A) The use of non-organic material as landfill cover shall not constitute landfill disposal of organic waste.
  - (3) Any other disposition not listed in subsection (b) of this section.**

7. Comment(s):

In addition to anaerobic digestion and composting, biosolids and digestate can also be processed through gasification. Biosolids and digestate that are gasified produce biochar, an organic soil amendment. The Task Force recommends that CalRecycle

include the land application of biochar produced from biosolids and digestate as a reduction of organic waste landfill disposal. The California Energy Commission's *2017 Integrated Energy Policy Report (2017 IEPR)* published on April 16, 2018, states that the gasification of biosolids to produce biochar is a revenue source to promote the development of renewable natural gas (RNG) projects, which will be needed if jurisdictions are to meet the requirements to procure RNG transportation fuel per Section 18993.1 (f)(2) of the proposed regulations.

- Proposed Regulatory Text and **Recommended Changes/Revisions:**

(b) (6) Land application, of compostable material consistent with Section 17852 (a) (24.5) of this division is subject to the following conditions on particular types of compostable material used for land application:

(A) Green waste or green material used for land application shall meet the definition of Section 17852 (a) (21) and shall have been processed at a solid waste facility, as defined by Section 40194 of the Public Resources Code.

(B) Biosolids used for land application shall:

1. Have undergone anaerobic digestion or composting, any of the pathogen treatment processes as defined in Part 503, Title 40 of the Code of Federal Regulations, Appendix B, or gasification, as defined in Section 40117 of the Public Resources Code, to produce biochar, as defined in Section 14513.5. of the Food and Agriculture Code, and,
2. Meet the requirements in Section 17852 (a) (24.5) (B) 6 of this division for beneficial reuse of biosolids.

(C) Digestate used for land application shall:

1. Have been anaerobically digested at an in-vessel digestion operation or facility, as described in 14 CCR sections 17896.8 through 17896.13 or gasified, as defined in Section 40117 of the Public Resources Code, to produce biochar, as defined in Section 14513.5 of the Food and Agriculture Code; and,
2. Meet the land application requirements described in 14 CCR Section 17852 (a) (24.5) A.
3. Have obtained applicable approvals from the State and/or Regional Water Quality Control Board requirements.

### **Section 18983.2 Determination of Technologies that Constitute a Reduction in Landfill Disposal**

8. Comment(s):

SB 1383, Section 42652 of the PRC reads as follows: "The Legislature finds and declares all of the following:

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

(b) Achieving organic waste disposal reduction targets require 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.”

Based on the foregoing, it is clear that the Legislature and the Governor, as a part of the SB 1383 enactment, emphasized the need for development of alternative technology facilities beyond composting and anaerobic digestion technologies/facilities, upon which CalRecycle has heavily relied, while not placing sufficient emphasis on development of alternative technologies and even subjecting them to heavily restrictive standards that other methods and processes are not subjected to (such as land application). In doing so, the state has created a significant obstacle to development of facilities utilizing these technologies without a clear and scientifically substantiated justification. For example, Section 18983.2 (a) (3) states “To determine if the proposed operation counts as a permanent reduction in landfill disposal, the Department in consultation with CARB’s Executive Office shall compare the permanent lifecycle GHG emissions reduction of metric tons of carbon dioxide equivalent (MTCO<sub>2</sub>e) per short ton organic waste reduced by the process or technology, with the emissions reduction from *composting* organic waste (0.30 MTCO<sub>2</sub>e/short ton organic waste).” (*emphasis added*). To be consistent with requirements of PRC Section 42652 and technically correct, the analysis should be made in comparison to “landfilling” and not “composting.” The Task Force would like to emphasize that the SB 1383 mandates reduction of organic waste disposal in landfills and not any other type of facilities such as those utilizing CTs (*emphasis added*).

The regulations state that the Department shall provide a response to all applicants requesting verification of new technologies that constitute a reduction in landfill disposal within 180 days. The regulations should be revised so that if the Department fails to provide a response, the application is considered approved and verified as a technology that constitutes a reduction in landfill disposal.

- Proposed Regulatory Text and **Recommended Changes/Revisions:**

- (2) The Department shall consult with the Executive Officer of the California Air Resources Board to evaluate if the information submitted by the applicant is sufficient to estimate the greenhouse gas emissions and permanent lifecycle GHG emissions reduction of the proposed recovery process or operation. Within 30 days of receiving the application, the Department shall inform the applicant if they have not submitted sufficient information to estimate the greenhouse gas emissions and permanent lifecycle greenhouse gas emissions reductions associated with the proposed recovery process or operation. For further consideration of any application submitted without sufficient information, the applicant is required to submit the requested information. The Department shall provide a response to the applicant within 180 days of receiving all necessary information as to whether or not the proposed recovery process or operation results in a permanent reduction in greenhouse gas emissions, and therefore counts as a reduction in landfill disposal. **If the Department fails to provide a response to the applicant within 180 days**

of receiving all necessary information, the application shall be considered approved and the proposed recovery process or operation shall count as a reduction in landfill disposal.

9. Comment(s):

In Section 18982 (56.5), “project baseline” in the context of greenhouse gas (GHG) emission reduction is defined as the amount of GHGs that would result from landfill disposal of organic waste. Section 18983.2. (a) (3) requires technologies applying for consideration as a reduction in landfill disposal to demonstrate permanent lifecycle GHG emissions reduction compared to composting, not landfill disposal. Section 18983.2 should be revised for consistency with the definition of “project baseline.”

• Proposed Regulatory Text and **Recommended Changes/Revisions:**

(3) To determine if the proposed operation counts as a permanent reduction in landfill disposal, the Department, in consultation with CARB’s Executive Office shall compare the permanent lifecycle GHG emissions reduction of metric tons of carbon dioxide equivalent (MTCO<sub>2e</sub>) per short ton organic waste reduced by the process or technology, with the emissions reduction from composting organic waste (0.30 MTCO<sub>2e</sub>/short ton organic waste). The Department shall only deem a proposed operation to constitute a reduction in landfill disposal if the process or technology results in a permanent reduction in lifecycle greenhouse gas emissions compared to the project baseline. equal to or greater than the 0.30 MTCO<sub>2e</sub>/short ton of organic waste.

### **ARTICLE 3. ORGANIC WASTE COLLECTION SERVICES**

#### **Section 18984.1. Three-container Organic Waste Collection Services.**

10. Comment(s):

Facilities should only be required to notify jurisdictions once whether they can process and recover compostable plastics. Subsequently, facilities should be required to notify jurisdictions within 30 days only if their ability to process and recover compostable plastics changes. The same changes should be applied to Section 18984.2. Two-container Organic Waste Collection Services.

• Proposed Regulatory Text and **Recommended Changes/Revisions:**

(A) Compostable plastics may be placed in the green container if the material meets the ASTM D6400 standard for compostability and the contents of the green containers are transported to compostable material handling operations or facilities or in-vessel digestion operations or facilities that have provided written notification ~~annually~~ to the jurisdiction stating that the facility can process and recover that material. The facility that ceases capability to process and recover compostable plastics shall provide written notice to the jurisdiction within 30 days of the cessation.

11. Comment(s):

Facilities should only be required to notify jurisdictions once whether they can process and remove plastic bags when recovering source-separated organic waste. Subsequently, facilities should be required to notify jurisdictions within 30 days only if their ability to process and remove plastic bags changes. The same changes should be applied to Section 18984.2. Two-container Organic Waste Collection Services.

- Proposed Regulatory Text and **Recommended Changes/Revisions:**

(d) A jurisdiction may allow organic waste to be collected in plastic bags and placed in the green container provided that allowing the use of bags does not inhibit the ability of the jurisdiction to comply with the requirements of Section 18984.5, and the facilities that recover source separated organic waste for the jurisdiction **annually** provide written notice to the jurisdiction indicating that the facility can process and remove plastic bags when it recovers source separated organic waste. **The facility that ceases capability to process and remove plastic bags when it recovers source separated organic waste shall provide written notice to the jurisdiction within 30 days of the cessation.**

### **Section 18984.9. Organic Waste Generator Requirements.**

12. Comment(s):

Pursuant to Paragraph (1) of Subsection (b), commercial businesses that generate organic waste are required to provide containers for the collection of “organic waste” and “non-organic recyclables” in all areas where disposal containers are provided for customers. While the Task Force is not opposed to placement of containers for collection of “non-organic recyclables,” the Task Force questions the authority of CalRecycle under the provisions of SB 1383.

13. Comment(s):

Pursuant to Paragraph (1) of Subsection (b), generators that are commercial businesses are not required to provide organic waste collection containers in restrooms. However, the definition of “organic waste” in Section 18982 (a) (46) includes “paper products.” “Paper products” are defined in Section 18982 (a) (51) to include paper janitorial supplies, tissue, and toweling. Therefore, the Task Force requests clarification from CalRecycle on whether paper products generated in the restroom of a commercial business are required to be diverted through any of the activities listed in Section 18983.1 (b) and whether a commercial business or a jurisdiction could be penalized for disposing paper products generated in the restroom of commercial business.

### **Section 18984.12. Waivers and Exemptions Granted by the Department**

14. Comment(s):

There are numerous areas of Los Angeles County with elevations around 1,000 feet above sea level or higher that experience significant issues with bears and other wild

animals scavenging for food in trash cans. CalRecycle should consider authorizing the Department of Fish and Wildlife to grant elevation waiver extensions for areas at elevations lower than 4,500 feet above sea level that experience similar challenges to food waste collection.

- Proposed Regulatory Text and **Recommended Changes/Revisions:**

- (d) Elevation Waivers:

- (1) A jurisdiction may apply to the Department for a waiver for the jurisdiction and some or all of its generators from the requirement to separate and recover food waste and food-soiled paper if ~~the entire a portion of the~~ jurisdiction is located at or above an elevation of 4,500 feet. A jurisdiction may apply to the Department of Fish and Wildlife for a waiver for the jurisdiction and some or all of its generators from the requirement to separate and recover food waste and food-soiled paper if a portion of the jurisdiction is located at or above an elevation of 1,000 feet and below an elevation of 4,500 feet.

- (2) A jurisdiction may apply to the Department for a waiver for some or all of its generators from the requirement to separate and recover food waste and food-soiled paper in census tracts located in unincorporated portions of a county that are located at or above 4,500 feet. A jurisdiction may apply to the Department of Fish and Wildlife for a waiver for some or all of its generators from the requirement to separate and recover food waste and food soiled paper in census tracts located in unincorporated portions of the county if portions of the census tracts are located at or above an elevation of 1,000 feet and below an elevation of 4,500 feet.

15. Comment(s):

This section does not recognize the good faith efforts of a jurisdiction to comply with the provisions of this chapter but that is unable to fully comply due to circumstances beyond its control. Provisions need to be provided for good faith efforts.

- Proposed Regulatory Text and **Recommended Changes/Revisions:**

- (e) Nothing in this section exempts a jurisdiction from:

- (1) Its obligation to provide organic waste collection services that comply with the requirements of this article to businesses subject to the requirements of Section 42649.81 of the Public Resources Code, although the Department may grant waivers and/or extensions to any jurisdiction that has made good faith efforts to comply with the requirements of this article but has been unable to comply due to circumstances outside its control.

**Note:** Please see General Comment No. A.3 and Specific Comment No. B.24 on Article 15, Section 18996.2, "Department Enforcement Action Over Jurisdiction."

## **Section 18984.13. Emergency Circumstances, Abatement, and Quarantined Materials**

16. Comment(s):

The Task Force believes that the regulations should not require jurisdictions to separate or recover organic waste discarded in publicly-accessible waste bins, such as at public parks and beaches, to protect public health and safety. It may be very difficult to prevent the public from placing prohibited container contaminants in public organic waste collection bins. Furthermore, public organic waste collection bins may encourage scavenging practices, posing significant public health and safety issues in urban jurisdictions such as Los Angeles County.

The waivers in this section allow organic waste removed from homeless encampments or illegal disposal sites and organic waste subject to quarantine to be disposed to protect public health and safety. The regulations should clarify that any organic waste subject to these waiver exemptions that is disposed will not count toward jurisdiction waste disposal calculated for compliance with Assembly Bill 939 (1989) and any future waste disposal reduction or waste diversion compliance mandates.

In addition, local county agricultural commissioners have delegated authority from the California Department of Food and Agriculture (CDFA) to regulate quarantined waste. Therefore, the regulations should be revised to allow jurisdictions to receive the necessary approvals from local county agricultural commissioner's instead of the CDFA to dispose of specific types of organic waste that are subject to quarantine.

- Proposed Regulatory Text and **Recommended Changes/Revisions:**

(c) A jurisdiction is not required to separate or recover organic waste that is removed from homeless encampments, and illegal disposal sites, and publicly-accessible waste receptacles at beaches, parks, or other similar facilities as part of an abatement activity to protect public health and safety. If the total amount of solid waste removed for landfill disposal from homeless encampments and illegal disposal sites pursuant to this subdivision is expected to exceed 100 tons annually the jurisdiction shall record the amount of material removed. The Department shall not count any organic waste that is removed from homeless encampments and illegal disposal sites and subsequently disposed toward jurisdiction waste disposal for compliance with any existing or future state waste disposal reduction and/or waste diversion compliance mandates pursuant to Sections 39730.5 and 39730.6 of the Health and Safety Code, and/or the California Integrated Waste Management Act of 1989.

(d) A jurisdiction may dispose of specific types of organic waste that are subject to quarantine and meet the following requirements:

- (1) The organic waste is generated from within the boundaries of an established interior or exterior quarantine area defined by the California Department of Food and Agriculture for that type of organic waste.



- (2) The California Department of Food and Agriculture or the County Agricultural Commissioner determines that the organic waste must be disposed at a solid waste landfill and the organic waste cannot be safely recovered through any of the recovery activities identified in Article Two of this chapter.
- (3) The jurisdiction retains a copy of the California Department of Food and Agriculture or the County Agricultural Commissioner approved compliance agreement for each shipment stating that the material must be transported to a solid waste landfill operating under the terms of its own compliance agreement for the pest or disease of concern.
- (4) The Department shall not count any organic waste subject to quarantine that is disposed toward jurisdiction waste disposal for compliance with any existing or future state waste disposal reduction and/or waste diversion compliance mandates pursuant to the Health and Safety Code, Sections 39730.5 and 39730.6. and/or the California Integrated Waste Management Act of 1989.**

Subsection (f) should be renumbered to **Subsection (e).**

#### **ARTICLE 8. CALGREEN BUILDING STANDARDS AND MODEL WATER EFFICIENT LANDSCAPE ORDINANCE (MWELo)**

17. Comment(s):

The Task Force respectfully disagrees with including requirements of this Article as stated in the proposed Sections 18989.1 and 18989.2 of the proposed regulations, and recommends this Article be deleted in its entirety for the following reasons:

- Inclusion of the enforcement of the CALGreen standards in the proposed regulations will cause duplication and enforcement confusion with those specified in Articles 14, 15, and 16 of the proposed regulations. Building standards are issued by the Building Standards Commission, implemented and enforced by local Building Departments, and are not subject to the authority of CalRecycle.
- Similarly, inclusion of this requirement in the proposed regulations will cause unnecessary regulatory duplication and confusion. Jurisdictions/water purveyors are already required to adopt Model Water Efficient Landscape Ordinance (MWELo) with enforcement mechanism that are different than enforcement mechanism called for in Articles 14, 15 and 16 of the proposed regulations. Additionally, implementation of MWELOs are not subject to the authority of CalRecycle.

## **ARTICLE 12. PROCUREMENT OF RECOVERED ORGANIC WASTE PRODUCTS**

### **Section 18993.1. Recovered Organic Waste Product Procurement Target**

18. Comment(s):

For the purpose of this Article, and consistent with General Comment No. A.2, the discussion and the procurement targets need to be expanded to include appropriate provisions for compliance by “local education agency” (such as school districts, etc.) and “non-local entities” (such as state agencies, public universities, community colleges, etc.) as further defined in Sections 18982 (a) (40) and (42), respectively.

- Proposed Regulatory Text and **Recommended Changes/Revisions:**

(a) Except as otherwise provided, commencing January 1, 2022, a jurisdiction shall annually procure a quantity of recovered organic waste products that meets or exceeds its current annual recovered organic waste product procurement target as determined by this article. For the purposes of this **section article**, “jurisdiction” means a city, a county, ~~or~~ a city and county, **a local education agency or a non-local entity.**

19. Comment(s):

The per capita procurement target was increased from 0.07 to 0.08 tons of organic waste per California resident per year. The Amendment to the Original January 2019 Initial Statement of Reasons (ISOR) was not updated to explain why the per capital procurement target is now 0.08 tons per resident per year. The ISOR should be updated to provide a justification for the increase in the procurement target, or the regulations should be revised to change the procurement target back to 0.07 tons per resident per year.

- Proposed Regulatory Text and **Recommended Changes/Revisions:**

(c) Each jurisdiction’s recovered organic waste product procurement target shall be calculated by multiplying the per capita procurement target by the jurisdiction population where:

(1) Per capita procurement target = **0.07** ~~0.08~~ tons of organic waste per California resident per year.

20. Comment(s):

The recovered organic waste products that a jurisdiction may procure to satisfy its procurement requirements should be expanded to include all recovered organic waste products from composting, anaerobic digestion, biomass conversion, and all other technologies determined to constitute a reduction in organic waste landfill disposal. For example, the Task Force recommends that the procurement of all organic waste products produced from biomass conversion, such as renewable gas used for transportation fuel and heating and not limited to electricity only should also satisfy a jurisdiction’s procurement target. Please also refer to Specific Comment No. B.5 on

Section 18982 which recommends that the regulations expand the definition of “renewable gas” to include gas derived from other technologies, including biomass conversion utilizing thermal CTs such as gasification and pyrolysis.

- Proposed Regulatory Text and **Recommended Changes/Revisions:**

(f) For the purposes of this article, the recovered organic waste products that a jurisdiction may procure to comply with this article are:

(1) Compost, subject to any applicable limitations of Public Contract Code Section 22150, that is produced at:

(A) A compostable material handling operation or facility permitted or authorized under Chapter 3.1 of this Division; or

(B) A large volume in-vessel digestion facility as defined and permitted under Chapter 3.2 of this Division that compost on-site. [NOTE: Digestate, as defined in Section 18982 (a) (16.5), is a distinct material from compost and is thus not a recovered organic waste product eligible for use in complying with this Article.]

(2) Renewable gas used for fuel for transportation, electricity, or heating applications.

(3) Electricity **and/or renewable gas** from biomass conversion

(4) Mulch, provided that the following conditions are met for the duration of the applicable procurement compliance year:

(A) The jurisdiction has an enforceable ordinance, or similarly enforceable mechanism, that requires the mulch procured by the jurisdiction to comply with this article to meet or exceed the physical contamination, maximum metal concentration, and pathogen density standards for land application specified in Section 17852(a)(24.5)(A)(1) through (3) of this division; and

(B) The mulch is produced at one or more of the following:

1. A compostable material handling operation or facility as defined in Section 17852(a)(12), other than a chipping and grinding operation or facility as defined in Section 17852(a)(10), that is permitted or authorized under this division; or

2. A transfer/processing facility or transfer/processing operation as defined in Section 17402(a)(30) and (31), respectively, that is permitted or authorized under this division; or

3. A solid waste landfill as defined in Public Resources Code Section 40195.1 that is permitted under Division 2 of Title 27 of the California Code of Regulations.

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

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

(A) 21 diesel gallon equivalents, or “DGE,” of renewable gas in the form of transportation fuel.

(B) 242 kilowatt-hours of electricity derived from renewable gas

- (C) 22 therms for heating derived from renewable gas
- (D) 650 kilowatt-hours of electricity, 21 DGE of renewable gas in the form of transportation fuel, or 22 therms for heating derived from biomass conversion
- (E) 0.58 tons of compost, or 1.45 cubic yards of compost.
- (F) One ton of mulch.

## **ARTICLE 14. ENFORCEMENT REQUIREMENTS**

### 21. Comment(s):

For the purpose of this Article, include a section to stipulate appropriate provisions and identify/specify the entity that would be responsible to measure compliance {i.e. take enforcement action(s)} of non-local entities, federal agencies/facilities, and local education agencies with appropriate requirements of this Article. Although a local jurisdiction may educate non-local entities, federal agencies/facilities, universities/colleges and local education agencies (community colleges and school districts) of the requirements of this chapter, a local jurisdiction does not have the authority to enforce compliance on non-local entities, federal agencies/facilities, and local education agencies.

## **Section 18995.1. Jurisdiction Inspection Requirements**

### 22. Comment(s):

This section refers to “solid waste collection accounts” for commercial businesses for which the jurisdiction must complete a compliance review. The regulations should define the term “solid waste collection accounts” in Section 18982 for clarity to allow jurisdictions to satisfy this requirement.

## **ARTICLE 15. ENFORCEMENT OVERSIGHT BY THE DEPARTMENT**

## **Section 18996.2. Department Enforcement Action Over Jurisdictions**

### 23. Comment(s):

For the purpose of this Article, and consistent with General Comment No. A.3, the implementation of the Department enforcement oversight must provide for “good faith efforts,” and the enforcement oversight in regard to state agencies, “local education agencies” and “non-local entities” needs to be expanded to be at a minimum equal to those imposed on a city, a county or a city and county as stipulated in Section 18996.2 with appropriate provisions for the “good faith efforts” (emphasis added).

- Proposed Regulatory Text and **Recommended Changes/Revisions:**

- (a) The Department shall enforce this chapter according to the following procedures:

- (1) Confer with the jurisdiction regarding the intent to issue a Notice of Violation, with a first conferring meeting to identify and discuss

deficiencies occurring not less than 60 days before issuing a Notice of Violation. The Department shall also issue a Notice of Intent to issue a Notice of Violation not less than 30 days before the Department holds a hearing to issue the Notice of Violation. The Notice of Intent shall specify all of the following:

(A) The proposed basis for issuing a Notice of Violation.

(B) The proposed actions the Department recommends that are necessary to insure compliance.

(C) The jurisdiction proposed recommendations to the Department.

(2) The Department shall consider any information provided by the jurisdiction pursuant to subdivision (c) of Section 41821 of the Public Resources Code.

(3) If, after holding a public hearing, which, to the extent possible, shall be held in the local or regional agency's jurisdiction, and after considering the good faith efforts of a jurisdiction, as specified in subdivision 41825(e) of the Public Resource Code, the Department finds that a jurisdiction has failed to make a good faith effort to implement programs identified in this chapter, the Department may take the following actions:

~~(1-A)~~ Issue a Notice of Violation requiring compliance within 90 days of the date of issuance of that notice. The Department shall grant an extension up to a total of 180 days from the date of issuance of the Notice of Violation if it finds that additional time is necessary for the jurisdiction to comply.

~~(2 B)~~ The Department shall extend the deadline for a jurisdiction to comply beyond the maximum compliance deadline allowed in Subdivision (c) (1) by issuing a Corrective Action Plan setting forth the actions a jurisdiction shall take to correct the violation(s). A Corrective Action Plan shall be issued if the Department finds that additional time is necessary for the jurisdiction to comply and the jurisdiction has made a substantial effort to meet the maximum compliance deadline but extenuating circumstances beyond the control of the jurisdiction make compliance impracticable. The Department shall base its finding on available evidence, including relevant evidence provided by the jurisdiction.

~~(A 1.)~~ If a jurisdiction is unable to comply with the maximum compliance deadline allowed in Subdivision (a)~~(4)(3)(A)~~ due to deficiencies in organic waste recycling capacity infrastructure or other extenuating circumstances beyond the control of the jurisdiction, such as inability of state or federal facilities to reduce organic wastes, the Department shall issue a Corrective Action Plan for such violations upon making a finding that:

1. Additional time is necessary for the jurisdiction to comply;
2. The jurisdiction has provided organic waste collection to all hauler routes where it is practicable and the inability to comply with the maximum compliance deadline in Subdivision (a)~~(1)~~(3)(A) is limited to only those hauler routes where organic waste recycling capacity infrastructure deficiencies or other extenuating circumstance beyond the control of the jurisdiction has have caused the jurisdiction to violate the requirements of this chapter provision of organic waste collection service to be impracticable.
3. The Department shall, if applicable, consider implementation schedules developed by jurisdictions, as described in Section 18992.1 of this chapter, for purposes of developing a Corrective Action Plan but and shall not be restricted in mandating mandate actions to remedy violation(s) and or developing develop applicable compliance deadline(s) to those that are unreasonable or inconsistent with the actions and timelines provided in the Implementation Schedule.

~~(B-2.)~~ For the purposes of this section, “substantial effort” means that a jurisdiction has taken all practicable actions to comply. Substantial effort does not include circumstances where a decision-making body of a jurisdiction has not taken the necessary steps to comply with the chapter, including, but not limited to, a failure to provide adequate staff resources to meet its obligations under this chapter, a failure to provide sufficient funding to ensure compliance, or failure to adopt the ordinance(s) or similarly enforceable mechanisms under Section 18981.2.

~~(C-3.)~~ For the purposes of this section, “extenuating circumstances” are:

1. Acts of God such as earthquakes, wildfires, mudslides, flooding, and other emergencies or natural disasters.
2. Delays in obtaining discretionary permits or other government agency approvals.
3. An organic waste recycling infrastructure capacity deficiency requiring more than 180 days to cure.

~~(3-C)~~ A Corrective Action Plan shall be issued by the Department with a maximum compliance deadline no more than within 24 months from the date of the original Notice of Violation and shall include a description of each action the jurisdiction shall take to remedy the violation(s) and the applicable compliance deadline(s) for each action. The Corrective Action Plan shall describe the penalties that may be imposed if a jurisdiction fails to comply.

~~(A-1.)~~ An initial Corrective Action Plan issued due to inadequate organic waste recycling infrastructure capacity may be extended for **up to 12 months a reasonable** period if the Department finds that the jurisdiction has demonstrated substantial effort.

## **ARTICLE 16. ADMINISTRATIVE CIVIL PENALTIES FOR VIOLATIONS OF REQUIREMENTS OF THIS CHAPTER**

### **Section 18997.2. Penalty Amounts**

24. Comment(s):

The regulations should allow jurisdictions to provide hardship waivers to certain generators, property owners, or business owners to reduce the financial burden of the penalties. The hardship waivers would not in any way exempt a regulated generator, property owner, or business owner from subscribing to organic waste collection services and would only provide a partial or whole exemption from paying a financial penalty. The criteria for granting hardship waivers would be developed by local jurisdictions and approved by the Department.

- Proposed Regulatory Text and **Recommended Changes/Revisions:**

(a) A jurisdiction shall impose penalties for violations of the requirements of this chapter consistent with the applicable requirements prescribed in Government Code Sections 53069.4, 25132 and 36900. The penalty levels shall be as follows:

- (1) For a first violation, the amount of the base penalty shall be \$50-\$100 per violation.
- (2) For a second violation, the amount of the base penalty shall be \$100-\$200 per violation.
- (3) For a third or subsequent violation, the amount of the base penalty shall be \$250-\$500 per violation.

**(4) For any first, second, third, or subsequent violations, a generator, property owner, or business owner may request a financial hardship waiver from the jurisdiction imposing the penalty.**

### **Section 18997.3. Department Penalty Amounts**

25. Comment(s):

The proposed penalty assessment criteria for “minor,” “moderate,” and “major” violations as specified in Subsections (b) (1-3) is extremely vague and may unintentionally result in penalties being imposed inconsistently between various jurisdictions for similar violations. This section should be revised to specify which “aspects” of the requirements will be considered “minimal” compared to “moderate” or “substantial.”

26. Comment(s):

The intent of Subsection 18997.3 (d) is unclear. The Task Force assumes that the intent is to provide a mechanism to apply partial fines on a jurisdiction for not meeting the full procurement target of the proposed regulations. However, this needs to be clarified in order to avoid the misperception that the regulation is establishing a daily procurement target/expectation (emphasis added). It is unreasonable to expect that jurisdictions purchase organic waste byproducts (fuel, RNG, compost, etc.) on a daily basis and thus CalRecycle needs to establish a daily penalty if a jurisdiction fails to meet its expected/calculated daily procurement target. Additionally, due to lack of adequate infrastructure, we believe that the subject proposal should be deleted until sometime in the future pending market and infrastructure development. As an alternative, CalRecycle can consider the following:

- Proposed Regulatory Text and **Recommended Changes/Revisions:**

(d) For violations of the Recovered Organic Waste Product Procurement requirements in Section 18993.1, where a jurisdiction fails to procure a quantity of recovered organic waste products that meets or exceeds its **annual** recovered organic waste product procurement target, the Department shall determine penalties under this Subdivision (d) based on the following:

(1) The Department shall calculate the jurisdiction's **daily annual** procurement target equivalent for **each jurisdiction. by dividing the procurement target by 365 days.**

(2) The Department shall determine **each jurisdiction's annual the number of days a jurisdiction was in compliance with the annual procurement target by dividing the total amount of recovered organic waste products procured by the daily procurement target equivalent.**

**~~(3) The Department shall determine the number of days a jurisdiction was out of compliance with the procurement target by subtracting the number of days calculated in (2) from 365 days.~~**

**~~(4-3) The penalty amount shall be calculated by determining a penalty based on the factors in Subdivision (c), above, and multiplying that number by the number of days determined according to subsection (e)(3), above.~~ The penalty amount shall not exceed \$10,000 per **day year**.**

Pursuant to Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989 (Assembly Bill 939 [AB 939]), the Task Force is responsible for coordinating the development of all major solid waste planning documents prepared for the County of Los Angeles and the 88 cities in Los Angeles County with a combined population in excess of ten million. Consistent with these responsibilities and to ensure a coordinated, cost-effective, and environmentally sound solid waste management system in Los Angeles County, the Task Force also addresses issues impacting the system on a countywide basis. The Task Force membership includes representatives of the League of California Cities-Los Angeles County Division, County of Los Angeles



Ms. Ashley Yee  
May 18, 2020  
Page 25 of 25

Board of Supervisors, City of Los Angeles, the waste management industry, environmental groups, the public, and a number of other governmental agencies.

We respectfully request CalRecycle to address these comments, concerns, and recommendations in the next version of the proposed regulations. Should you have any questions regarding these comments, please contact Mr. Mike Mohajer, a member of the Task Force, at MikeMohajer@yahoo.com or at (909) 592-1147.

Sincerely,



Margaret Clark, Vice-Chair  
Los Angeles County Solid Waste Management Committee/  
Integrated Waste Management Task Force and  
Mayor, City of Rosemead

KV:cso

P:\epub\Budget\TASK FORCE\6-Letters\2020\May\TF Letter SB 1383 Proposed Regulation Text 05.18.20 Final.docx

Enc.

cc: CalRecycle (Ken DaRosa, Mark de Bie, Cara Morgan, Georgianne Turner, Chris Bria, Marshall Graham, Gwen Huff, and Matt Henigan)  
California Air Resources Board (Mary Nichols and David Mallory)  
California Department of Fish and Wildlife (Chuck Bonham)  
California Department of Food and Agriculture (Secretary Karen Ross)  
California Department of Public Health (Director Karen Smith)  
League of California Cities  
League of California Cities, Los Angeles Division  
California State Association of Counties  
Each Member of the Los Angeles County Board of Supervisors  
Sachi A. Hamai, Los Angeles County Chief Executive Officer  
Los Angeles County Agricultural Commission  
Each City Mayor/Manager in the County of Los Angeles  
South Coast Air Quality Management District  
South Bay Cities Council of Governments  
San Gabriel Valley Council of Governments  
Gateway Cities Counsel of Governments  
Each City Recycling Coordinator in Los Angeles County  
Each Member of the Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force  
Each Member of the Task Force Alternative Technology Advisory Subcommittee  
Each Member of the Task Force Facility and Plan Review Subcommittee



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

### Proposed Regulation Text

The following denotes proposed text:

~~Strikethrough~~ = deletions of existing text

Underline = additions to existing text

# Table of Contents

**TITLE 14: NATURAL RESOURCES**  
**DIVISION 7. DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY**  
**Chapter 12 Short-lived Climate Pollutants (New)**

**General Provisions**

**Article 1. Definitions**

**Article 2. Landfill Disposal and Reductions in Landfill Disposal**

**Article 3. Organic Waste Collection Services**

**Article 4. Education and Outreach**

**Article 5. Generators of Organic Waste**

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

**Article 7. Regulation of Haulers**

**Article 8. CALGreen Building Standards and Model Water Efficient Landscape Ordinance (MWELO)**

**Article 9. Locally Adopted Standards and Policies**

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

**Article 11. Capacity Planning**

**Article 12. Procurement of Recovered Organic Waste Products**

**Article 13. Reporting**

**Article 14. Enforcement**

**Article 15. Enforcement Oversight by the Department**

**Article 16. Penalties**

**Article 17 Performance-Based Source Separated Organic Waste Collection Service**

**Amendments to Existing Title 14 Regulations**

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

**TITLE 27: NATURAL RESOURCES**

**DIVISION 2 Solid Waste**

**Amendments to Existing Title 27 Regulations**

- Chapter 2 Definitions
- Chapter 3 Criteria for All Waste Management Units, Facilities, and Disposal Sites
- Chapter 4 Documents and Reporting for Regulatory Tiers Permits, WDRs, and Plans

1 **TITLE 14: NATURAL RESOURCES**  
2 **DIVISION 7. DEPARTMENT OF RESOURCES**  
3 **RECYCLING AND RECOVERY**

4 **Chapter 12: Short-lived Climate Pollutants**

5 **General Provisions**

6 **Section 18981. 1. Scope of Chapter.**

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

11 ~~(b) This chapter includes:~~

12 ~~(1) Requirements for jurisdictions to adopt and implement organic waste collection~~  
13 ~~services and to develop edible food recovery programs;~~

14 ~~(2) Limitations on local ordinances, policies, and initiatives that are in conflict with the~~  
15 ~~Integrated Waste Management Act and specifically Chapter 13.1 of Division 87~~  
16 ~~30 of the Public Resources Code;~~

17 ~~(3) Requirements for the procurement of recovered organic waste products; and~~

18 ~~(4) Minimum standards for reporting, enforcement, and penalties to be implemented~~  
19 ~~by jurisdictions and the Department.~~

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

21 Reference: Public Resources Code Sections 40002, ~~41780.01~~, 42652.5, ~~42653~~, 42654,

22 ~~43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;~~

23 and Health and Safety Code Sections ~~39730.5~~, 39730.6, ~~39730.7 and 39730.8.~~

24 **Section 18981. 2. Implementation Requirement on Jurisdictions.**

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

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

33 (1) Contracts with haulers or other private entities; or

34 (2) Agreements such as MOUs with other jurisdictions, entities, regional agencies as  
35 defined in Public Resources Code Section 40181, or other government entities,  
36 including environmental health departments.

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

- 1 (d) Nothing in this chapter authorizes a jurisdiction to delegate its authority to impose  
2 civil penalties, or to maintain an action to impose civil penalties, to a private entity.  
3 (e) If a jurisdiction designates another entity as allowed in Subdivision (b) of this section,  
4 the jurisdiction shall include copies of all agreements and contracts in the  
5 Implementation Record required by Section 18995.2.  
6 (f) Nothing in this section authorizes a jurisdiction to require a public or private entity to  
7 fulfill its obligations under this chapter without designating the entity through a  
8 mechanism authorized in Subdivision (b) of this Section.

9 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.  
10 Reference: Public Resources Code Sections ~~40002, 41780.01, 42652.5, 42653, 42654,~~  
11 ~~43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;~~  
12 ~~and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.~~

## 13 Article 1. Definitions

### 14 Section 18982. Definitions.

- 15 (a) Except as otherwise provided, the following definitions shall govern the provisions of  
16 this chapter:
- 17 (1) "Activities that constitute landfill disposal" are activities described in Subdivision  
18 (a) of Section 18983.1.
  - 19 (2) "Alternative daily cover (ADC)" has the same meaning as in Section 20690 of Title  
20 27 of the California Code of Regulations (CCR).
  - 21 (3) "Alternative intermediate cover (AIC)" has the same meaning as in Section 20700  
22 of Title 27 of the California Code of Regulations.
  - 23 (3.5) "Biomass conversion" has the same meaning as in Public Resources Code,  
24 Section 40106.
  - 25 (4) "Biosolids" has the same meaning as Section 17852(a)(9) of this division.
  - 26 (5) "Blue container" means a container where either:
    - 27 (A) The lid of the container is blue in color.
    - 28 (B) The body of the container is blue in color and the lid is either blue, gray, or  
29 black in color. Hardware such as hinges and wheels on a blue container may be  
30 any color.
  - 31 (5.5) "Brown container" means a container where either:
    - 32 (A) The lid of the container is brown in color.
    - 33 (B) The body of the container is brown in color and the lid is either brown, gray, or  
34 black in color. Hardware such as hinges and wheels on a brown container may be  
35 any color.
  - 36 (6) "Commercial business" means a firm, partnership, proprietorship, joint-stock  
37 company, corporation, or association, whether for-profit or nonprofit, strip mall,  
38 industrial facility, or a multifamily residential dwelling.
    - 39 (A) A multifamily residential dwelling that consists of fewer than five units is not a  
40 commercial business for the purposes of this chapter.
  - 41 (7) "Commercial edible food generator" includes a Tier One or a Tier Two  
42 commercial edible food generator as defined in Subdivisions (a)(73) and (a)(74) of

1 this section. For the purposes of this chapter, food recovery organizations and food  
2 recovery services are not commercial edible food generators.

3 (8) "Community composting" means any activity that composts green material,  
4 agricultural material, food material, and vegetative food material, alone or in  
5 combination, and the total amount of feedstock and compost on-site at any one time  
6 does not exceed 100 cubic yards and 750 square feet, as specified in Section  
7 17855(a)(4).

8 (9) "Compliance review" means a review of records by a jurisdiction or the  
9 Department to determine compliance with subscribing to an organic waste collection  
10 service as required by this chapter.

11 (10) "Compost" has the same meaning as in Section 17896.2(a)(4).

12 (11) "Compostable material" has the same meaning as in Section 17852(a)(11).

13 (12) "Compostable material handling operation" or "facility" has the same meaning  
14 as in Section 17852(a)(12).

15 (13) "Consumer" has the same meaning as in Section 113757 of the Health and  
16 Safety Code.

17 (14) "Container contamination" or "contaminated container" means a container,  
18 regardless of color, that contains prohibited container contaminants as defined in  
19 Subdivision (a)(55).

20 (14.5) "Designated source separated organic waste facility" means a solid waste  
21 facility that accepts a source separated organic waste collection stream as defined in  
22 Section 17402(a)(~~18~~26.6) and complies with one of the following:

23 (A) The facility is a "transfer/processor," as defined in Section 18815.2(a)(62), that  
24 is in compliance with the reporting requirements of Section 18815.5(d), and meets  
25 or exceeds an annual average source separated organic content recovery rate of  
26 50 percent between January 1, 2022 and December 31, 2024 and 75 percent on  
27 and after January 1, 2025 as calculated pursuant to Section 18815.5(f) for organic  
28 waste received from the source separated organic waste collection stream.

29 1. If a transfer/processor has an annual average source separated organic  
30 content recovery rate lower than the rate required in paragraph (A) of this  
31 section for two (2) consecutive reporting periods, or three (3) reporting periods  
32 within three (3) years, the facility shall not qualify as a "Designated source  
33 separated organic waste facility."

34 (B) The facility is a "composting operation" or "composting facility" as defined in  
35 Section 18815.2(a)(13) that pursuant to the reports submitted under Section  
36 18815.7 demonstrates that the percent of the material removed for landfill disposal  
37 that is organic waste is less than the percent specified in Section 17409.5.8(c)(2)  
38 or 17409.5.8(c)(3), whichever is applicable, and, if applicable, complies with the  
39 digestate handling requirements specified in Section 17896.5.

40 1. If the percent of the material removed for landfill disposal that is organic  
41 waste is more than the percent specified in Section 17409.5.8(c)(2) or  
42 17409.5.8(c)(3) for two (2) consecutive reporting periods, or three (3) reporting  
43 periods within three (3) years, the facility shall not qualify as a "Designated  
44 source separated organic waste facility."

45 (15) "Designee" means an entity that a jurisdiction contracts with or otherwise  
46 arranges to carry out any responsibilities of this chapter, as authorized in Section

1 18981. 2 of this chapter. A designee may be a government entity, a hauler, a private  
2 entity, or a combination of those entities.

3 (16) "Diesel gallon equivalent" means the amount of renewable gas transportation  
4 fuel that has the equivalent energy content of one gallon of conventional diesel.

5 (16.5) "Digestate" means the solid and/or liquid material remaining after organic  
6 material has been processed in an in-vessel digester.

7 (17) "Direct service provider" means a person, company, agency, district, or other  
8 entity that provides a service or services to a jurisdiction pursuant to a contract or  
9 other written agreement.

10 (18) "Edible food" means food intended for human consumption.

11 (A) For the purposes of this chapter, "edible food" is not solid waste if it is  
12 recovered and not discarded.

13 (B) Nothing in this chapter requires or authorizes the recovery of edible food that  
14 does not meet the food safety requirements of the California Retail Food Code.

15 (19) "Enforcement action" means an action of a jurisdiction or the Department to  
16 ensure compliance with this chapter, including, but not limited to, issuing notices of  
17 violation, accusations, or other remedies.

18 (20) "Facility that recovers source separated organic waste" means a facility that  
19 handles source separated organic waste separately from any other wastes as  
20 required in Section 17409.5.6.

21 (21) "Food" has the same meaning as in Section 113781 of the Health and Safety  
22 Code.

23 (22) "Food distributor" means a company that distributes food to entities including,  
24 but not limited to, supermarkets and grocery stores.

25 (23) "Food facility" has the same meaning as in Section 113789 of the Health and  
26 Safety Code.

27 (24) "Food recovery" means actions to collect and distribute food for human  
28 consumption which otherwise would be disposed.

29 (25) "Food recovery organization" means an entity that engages in the collection or  
30 receipt of edible food from commercial edible food generators and distributes that  
31 edible food to the public for food recovery either directly or through other entities,  
32 including, but not limited to:

33 (A) A food bank as defined in Section 113783 of the Health and Safety Code;

34 (B) A nonprofit charitable organization as defined in Section 113841 of the Health  
35 and Safety code; and,

36 (C) A nonprofit charitable temporary food facility as defined in Section 113842 of  
37 the Health and Safety Code.

38 (26) "Food recovery service" means a person or entity that collects and transports  
39 edible food from a commercial edible food generator to a food recovery organization  
40 or other entities for food recovery.

41 (27) "Food service provider" means an entity primarily engaged in providing food  
42 services to institutional, governmental, commercial, or industrial locations of others  
43 based on contractual arrangements with these types of organizations.

44 (27.5) "Fluorinated greenhouse gas" or "fluorinated GHG" means sulfur hexafluoride  
45 (SF<sub>6</sub>), nitrogen trifluoride (NF<sub>3</sub>), and any fluorocarbon except for controlled  
46 substances as defined at 40 CFR Part 82, Subpart A, (May 1995), which is hereby

1 incorporated by reference, and substances with vapor pressures of less than 1 mm of  
2 Hg absolute at 25 °C. With these exceptions, “fluorinated GHG” includes any  
3 hydrofluorocarbon, any perfluorocarbon, any fully fluorinated linear, branched or  
4 cyclic alkane, ether, tertiary amine or aminoether, any perfluoropolyether, and any  
5 hydrofluoropolyether.

6 (27.6) “Global warming potential” or “GWP” means the ratio of the time-integrated  
7 radiative forcing from the instantaneous release of one kilogram of a trace substance  
8 relative to that of one kilogram of a reference gas (i.e., CO<sub>2</sub>). The GWP values are as  
9 specified in the Table A-1 to Subpart A of Title 40 Code of Federal Regulations Part  
10 98 as published ~~to~~ in the CFR on 12/11/2014, which is hereby incorporated by  
11 reference.

12 (28) “Gray container” means a container where either:

13 (A) The lid of the container is gray or black in color.

14 (B) The body of the container is entirely gray or black in color and the lid is gray or  
15 black in color. Hardware such as hinges and wheels on a gray container may be  
16 any color.

17 (28.5) “Gray container collection stream” has the same meaning as defined in  
18 Section 17402.

19 (29) “Green container” means a container where either:

20 (A) The lid of the container is green in color.

21 (B) The body of the container is green in color and the lid is green, gray, or black  
22 in color. Hardware such as hinges and wheels on a green container may be any  
23 color.

24 (29.5) “Greenhouse gas” means carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide  
25 (N<sub>2</sub>O), sulfur hexafluoride (SF<sub>6</sub>), hydrofluorocarbons (HFC), perfluorocarbons (PFC),  
26 and other fluorinated greenhouse gases as defined in this section.

27 (29.6) “Greenhouse gas emission reduction” or “greenhouse gas reduction” means a  
28 calculated decrease in greenhouse gas emissions relative to a project baseline over  
29 a specified period of time.

30 (30) “Grocery store” means a store primarily engaged in the retail sale of canned  
31 food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any  
32 area that is not separately owned within the store where the food is prepared and  
33 served, including a bakery, deli, and meat and seafood departments.

34 (30.5) “Hazardous wood waste” means wood that ~~is subject to the regulations under~~  
35 ~~Division 20, Chapter 6.5 of the Health and Safety Code and associated regulations,~~  
36 ~~including falls within the definition of “Treated wood” and-or “Treated wood waste” as~~  
37 ~~defined~~ in Section 67386.4 of Title 22 of the California Code of Regulations.

38 (31) “Hauler” has the same meaning as in Section 18815.2(a)(32).

39 (31.5) “Hauler route” means the designated itinerary or sequence of stops for each  
40 segment of the jurisdiction’s collection service area.

41 (32) “Health facility” has the same meaning as in Section 1250 of the Health and  
42 Safety Code.

43 (33) “High diversion organic waste processing facility” means a facility that is in  
44 compliance with the reporting requirements of Section 18815.5(d) and meets or  
45 exceeds an annual average mixed waste organic content recovery rate of 50 percent  
46 between January 1, 2022 and December 31, 2024, and 75 percent after January 1,



1 2025 as calculated pursuant to Section 18815.5(e) for organic waste received from  
2 the “Mixed Waste Organic ~~Waste~~ Collection Stream” as defined in Section 17402  
3 (a)(11.5).

4 (34) “Hotel” has the same meaning as in Section 17210 of the Business and  
5 Professions code.

6 (35) “Inspection” means a site visit where a jurisdiction or the Department reviews  
7 records, containers, and an entity’s collection, handling, recycling, or landfill disposal  
8 of organic waste or edible food handling to determine if the entity is complying with  
9 requirements set forth in this chapter.

10 (36) “Jurisdiction” means a city, county, a city and county, or a special district that  
11 provides solid waste collection services. A city, county, a city and county, or a special  
12 district may utilize a Joint Powers Authority to comply with the requirements of this  
13 chapter, except that the individual city, county, city and county, or special district shall  
14 remain ultimately responsible for compliance.

15 (37) “Jurisdiction of residence” means the jurisdiction where a generator who is a  
16 self-hauler generated organic waste.

17 (38) “Large event” means an event, including, but not limited to, a sporting event or a  
18 flea market, that charges an admission price, or is operated by a local agency, and  
19 serves an average of more than 2,000 individuals per day of operation of the event,  
20 at a location that includes, but is not limited to, a public, nonprofit, or privately owned  
21 park, parking lot, golf course, street system, or other open space when being used for  
22 an event.

23 (39) “Large venue” means a permanent venue facility that annually seats or serves  
24 an average of more than 2,000 individuals within the grounds of the facility per day of  
25 operation of the venue facility. For the purposes of this chapter, a venue facility  
26 includes, but is not limited to, a public, nonprofit, or privately owned or operated  
27 stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo,  
28 aquarium, airport, racetrack, horse track, performing arts center, fairground, museum,  
29 theater, or other public attraction facility. For the purposes of this chapter, a site  
30 under common ownership or control that includes more than one large venue that is  
31 contiguous with other large venues in the site, is a single large venue.

32 (39.5) “Lifecycle greenhouse gas emissions” or “Lifecycle GHG emissions” means  
33 the aggregate quantity of greenhouse gas emissions (including direct and indirect  
34 emissions), related to the full lifecycle of the technology or process that an applicant  
35 wishes to have assessed as a possible means to reduce landfill disposal of  
36 organic waste. The lifecycle analysis of emissions includes all stages of organic  
37 waste processing and distribution, including collection from a recovery location,  
38 waste processing, delivery, use of any finished material by the ultimate consumer,  
39 ultimate use of any processing materials. The mass values for all greenhouse gases  
40 shall be adjusted to account for their relative global warming potential.

41 (40) “Local education agency” means a school district, charter school, or county  
42 office of education that is not subject to the control of city or county regulations  
43 related to solid waste.

44 (41) “Non-compostable paper” includes, but is not limited, to paper that is coated in a  
45 plastic material that will not breakdown in the composting process.

1 (42) "Non-local entity" means an entity that is an organic waste generator but is not  
2 subject to the control of a jurisdiction's regulations related to solid waste. These  
3 entities may include, but are not limited to, special districts, federal facilities, prisons,  
4 facilities operated by the state parks system, public universities, including community  
5 colleges, county fairgrounds, and state agencies.

6 (43) "Non-organic recyclables" means non-putrescible and non-hazardous recyclable  
7 wastes, including, but not limited to, bottles, cans, metals, plastics, and glass.

8 (44) "Notice and Order to Correct (NOTC)" means a notice that a violation has  
9 occurred and that failure to correct the violation may result in a penalty.

10 (45) "Notice of Violation (NOV)" means a notice that a violation has occurred that  
11 includes a compliance date to avoid an action to seek penalties.

12 (46) "Organic waste" means solid wastes containing material originated from living  
13 organisms and their metabolic waste products including, but not limited to, food,  
14 green material, landscape and pruning waste, organic textiles and carpets, lumber,  
15 wood, paper products, printing and writing paper, manure, biosolids, digestate, and  
16 sludges.

17 (47) "Organic waste disposal reduction target" is the statewide target to reduce the  
18 disposal of organic waste by 50 percent by 2020 and 75 percent by 2025, based on  
19 the 2014 organic waste disposal baseline, set forth in Section 39730.6 of the Health  
20 and Safety Code.

21 (48) "Organic waste generator" means a person or entity that is responsible for the  
22 initial creation of organic waste.

23 (49) "Organic waste recovery activities" or "recovery" means any activity or process  
24 described in Section 18983.1(b).

25 (50) "Organic Waste Recovery Noncompliance Inventory" means a list of entities that  
26 have uncorrected violations of the standards contained in this chapter.

27 (51) "Paper products" include, but are not limited to, paper janitorial supplies, cartons,  
28 wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and  
29 toweling.

30 (52) "Paper purchase" means all purchases by a jurisdiction of items in the following  
31 categories:

32 (A) Paper products.

33 (B) Printing and writing papers.

34 (52.5) "Performance-based source separated collection service" means a solid waste  
35 collection service that meets the requirements of Section 18998.1(a).

36 (52.6) "Permanent" means, in the context of the determination of processes or  
37 technologies that constitute a reduction in landfill disposal, that greenhouse gas  
38 emissions reductions are not reversible, or when these emissions reductions may be  
39 reversible, that mechanisms are in place to replace any reversed greenhouse gas  
40 emissions reductions to ensure that all reductions endure for at least 100 years.

41 (53) "Person" has the same meaning as in Section 40170 of the Public Resources  
42 Code.

43 (54) "Printing and writing papers" include, but are not limited to, copy, xerographic,  
44 watermark, cotton fiber, offset, forms, computer printout paper, white wove  
45 envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and

1 other uncoated writing papers, posters, index cards, calendars, brochures, reports,  
2 magazines, and publications.

3 (55) “Prohibited container contaminants” means any of the following, but does not  
4 include organic waste specifically allowed for collection in a container that is required  
5 to be transported to a high diversion organic waste processing facility if the waste is  
6 specifically identified as acceptable for collection in that container in a manner that  
7 complies with the requirements of Section 18984.1, 18984.2, or 18984.3.

8 (A) Non-organic waste placed in a green container that is part of an organic waste  
9 collection service provided pursuant to Section 18984.1 or 18984.2.

10 (B) Organic wastes that are, carpet, hazardous wood waste, or non-compostable  
11 paper placed in the green container that is part of an organic waste collection  
12 service provided pursuant to Section 18984.1 or 18984.2.

13 (C) Organic wastes, placed in a gray container, that pursuant to Section 18984.1  
14 or 18984.2 were intended to be collected separately in the green container or blue  
15 container.

16 (D) Organic wastes, placed in the blue container shall be considered prohibited  
17 container contaminants when those wastes were specifically identified in this  
18 chapter or through a local ordinance for collection in the green container for  
19 recovery. Paper products, printing and writing paper, wood and dry lumber may be  
20 considered acceptable and not considered prohibited container contaminants if  
21 they are placed in the blue container.

22 (56) “Processing” has the same meaning as in Section 17402(a)(20).

23 (56.5) “Project baseline” means, in the context of “greenhouse gas emission  
24 reduction” or “greenhouse gas reduction,” and in the context of an application  
25 submitted pursuant to Section 18983.2, a conservative estimate of the business-as-  
26 usual greenhouse gas emissions that would have occurred if the organic waste  
27 proposed for recovery was disposed of in an activity that constitutes landfill disposal.  
28 This estimate may include greenhouse gas emissions associated with the production  
29 and use of products replaced by a Section 18983.2 technology or process.

30 (57) “Property owner” means the owner of real property.

31 (58) “Publicly owned treatment works” or “POTW” has the same meaning as in  
32 Section 403.3(r) of Title 40 of the Code of Federal Regulations.

33 (59) “Recovered organic waste product procurement target” means the amount of  
34 organic waste in the form of a recovered organic waste product which a jurisdiction is  
35 required to procure annually.

36 (60) “Recovered organic waste products” means products made from California,  
37 landfill-diverted recovered organic waste processed at a permitted or otherwise  
38 authorized operation or facility.

39 (60.5) “Recovery location” includes the closest aggregating hub used to recover the  
40 organic waste after collection. This could include but is not limited to a transfer  
41 facility, recycling facility, or recovery facility.

42 (61) “Recycled content paper” means paper products and printing and writing paper  
43 that consists of at least 30 percent, by fiber weight, postconsumer fiber.

44 (62) “Renewable gas” means gas derived from organic waste that has been diverted  
45 from a landfill and processed at an in-vessel digestion facility that is permitted or  
46 otherwise authorized by Title 14 to recover organic waste.

1 (63) “Residual organic waste” means waste that remains after organic waste has  
2 been processed which is then sent to landfill disposal.

3 (64) “Restaurant” means an establishment primarily engaged in the retail sale of food  
4 and drinks for on-premises or immediate consumption.

5 (65) “Route review” means a visual inspection of containers along a hauler route for  
6 the purpose of determining container contamination, and may include mechanical  
7 inspection methods such as the use of cameras.

8 (66) “Self-hauler” means a person who hauls solid waste, organic waste or recovered  
9 material he or she has generated to another person. Self-hauler also includes a  
10 person who back-hauls waste.

11 (A) “Back-haul” means generating and transporting organic waste to a destination  
12 owned and operated by the generator using the generator’s own employees and  
13 equipment.

14 (67) “Sewage sludge” means the solid, semisolid, or liquid residue generated during  
15 the treatment of domestic sewage in a municipal wastewater treatment facility.  
16 Sewage sludge includes solids removed or used during primary, secondary, or  
17 advanced wastewater treatment processes. Sewage sludge does not include grit or  
18 screening material generated during preliminary treatment of domestic sewage at a  
19 POTW.

20 (68) “Share table” has the same meaning as in Section 114079 of the Health and  
21 Safety Code.

22 (68.5) “Source sector” has the same meaning as in Section 18815.2(a)(58).

23 (69) “Source separated organic waste” means organic waste that is placed in a  
24 container that is specifically intended for the separate collection of organic waste by  
25 the generator.

26 (70) “Source separated organic waste collection stream” has the same meaning as  
27 defined in Section 17402(a)(~~1826.6~~).

28 (70.5) “Special district” has the same meaning as Section 41821.2 of the Public  
29 Resources Code.

30 (71) “Supermarket” means a full-line, self-service retail store with gross annual sales  
31 of two million dollars (\$2,000,000), or more, and which sells a line of dry grocery,  
32 canned goods, or nonfood items and some perishable items.

33 (72) “The 2014 organic waste disposal baseline” means the total tons of organic  
34 waste disposed statewide in 2014 as calculated by CalRecycle’s 2014 Waste  
35 Characterization Study.

36 (73) “Tier one commercial edible food generator” means a commercial edible food  
37 generator that is one of the following:

38 (A) Supermarket.

39 (B) Grocery store with a total facility size equal to or greater than 10,000 square  
40 feet.

41 (C) Food service provider.

42 (D) Food distributor.

43 (E) Wholesale food vendor.

44 (74) “Tier two commercial edible food generator” means a commercial edible food  
45 generator that is one of the following:

1 (A) Restaurant with 250 or more seats, or a total facility size equal to or greater  
2 than 5,000 square feet.

3 (B) Hotel with an on-site food facility and 200 or more rooms.

4 (C) Health facility with an on-site food facility and 100 or more beds.

5 (D) Large venue.

6 (E) Large event.

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

9 (G) A local education agency with an on-site food facility.

10 (75) "Uncontainerized green waste and yard waste collection service" or  
11 "uncontainerized service" means a collection service that collects green waste and  
12 yard waste that is placed in a pile or bagged for collection on the street in front of a  
13 generator's house or place of business for collection and transport to a facility that  
14 recovers source separated organic waste.

15 (76) "Wholesale food vendor" means a business or establishment engaged in the  
16 merchant wholesale distribution of food, where food (including fruits and vegetables)  
17 is received, shipped, stored, prepared for distribution to a retailer, warehouse,  
18 distributor, or other destination.

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

20 Reference: Public Resources Code Sections ~~40002, 41780.01, 42652.5, 42653, 42654,~~

21 ~~43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;~~

22 and Health and Safety Code Sections ~~39730.5, 39730.6, 39730.7~~ and 39730.8.

## 23 **Article 2. Landfill Disposal and Reductions in Landfill Disposal**

### 24 **Section 18983.1 Landfill Disposal and Recovery.**

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

27 (1) Final deposition at a landfill.

28 (2) Use as Alternative Daily Cover or Alternative Intermediate Cover at a landfill.

29 (A) The use of non-organic material as landfill cover shall not constitute landfill  
30 disposal of organic waste.

31 (3) Any other disposition not listed in Subdivision (b) of this section.

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

35 (1) An operation that qualifies as a "Recycling Center" as set forth in Section  
36 17402.5(d), or is listed in Section 17402.5(c) of this division.

37 (2) A "Compostable Material Handling Operation or Facility" as defined in Section  
38 17852(a)(12) of this division, small composting activities that would otherwise be  
39 excluded from that definition pursuant to Section 17855(a)(4) of this division, or  
40 community composting as defined in Section 18982(a)(8).

41 (3) An "In-vessel Digestion Operation or Facility" as listed in Section 17896.5 of this  
42 division, or activities that would otherwise not be subject to the in-vessel digestion  
43 requirements pursuant to Section 17896.6 of this division.

1 (4) A Biomass Conversion operation or facility as defined in Section 40106 of the  
2 Public Resources Code.

3 (5) Used as a soil amendment for erosion control, revegetation, slope stabilization, or  
4 landscaping at a landfill, when the material is used in a manner that complies with the  
5 following criteria:

6 (A) The material has been processed at a solid waste facility, as defined in Section  
7 40194 of the Public Resources Code; and

8 (B) The use shall be:

9 1. Restricted to those organic wastes appropriate for the specific use and in  
10 accordance with engineering, industry guidelines or other standard practices  
11 specified in the Report of Disposal Site Information, as required by 27 CCR,  
12 Section 21600(b)(6).

13 2. Restricted to quantities of solid wastes no more than necessary to meet the  
14 minimum requirements of Subdivision (b)(5)(B)1.

15 3. Stored and handled in a manner to protect public health and safety and the  
16 environment, and control vectors, fires, odors, and nuisances.

17 (C) The material applied is never more than 12 inches in depth.

18 (6) Land application, of compostable material consistent with Section 17852(a)(24.5)  
19 of this division, is subject to the following conditions on particular types of  
20 compostable material used for land application:

21 (A) Green waste or green material used for land application shall meet the  
22 definition of Section 17852(a)(21) and shall have been processed at a solid waste  
23 facility, as defined by Section 40194 of the Public Resources Code.

24 (B) Biosolids used for land application shall:

25 1. Have undergone anaerobic digestion or composting, as defined in Part 503,  
26 Title 40 of the Code of Federal Regulations, Appendix B; and

27 2. Meet the requirements in Section 17852(a)(24.5)(B)(6) of this division for  
28 beneficial reuse of biosolids.

29 (C) Digestate used for land application shall:

30 1. Have been anaerobically digested at an in-vessel digestion operation or  
31 facility, as described in Sections 17896.8 through 17896.13; and

32 2. Meet the land application requirements described in Section 17852(a)(24.5)

33 (A).

34 3. Have obtained applicable approvals from the State and/or Regional Water  
35 Quality Control Board requirements.

36 (7) Lawful use as animal feed, as set forth in Chapter 6 of Food and Agricultural  
37 Code (FAC), commencing with Section 14901 et. sSeq and Title 3, Division 4,  
38 Chapter 2, Subchapter 2 commencing with Article 1, Section 2675 of the Code of  
39 California Regulations.

40 (8) Other operations or facilities with processes that reduce short-lived climate  
41 pollutants as determined in accordance with Section 18983.2.

42 (c) For the purposes of this section, the term "landfill" includes permitted landfills,  
43 landfills that require a permit, export out of California for disposal, or any other disposal  
44 of waste as defined by Section 40192(c) of the Public Resources Code.

45 (d) For the purposes of this section, edible food that would otherwise be disposed that is  
46 recovered for human consumption shall constitute a reduction of landfill disposal.

1 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.  
2 Reference: Public Resources Code Sections ~~40002, 41780.01, 40106, 40116, 40116.1,~~  
3 ~~40192 and 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101,~~  
4 ~~44500-44503 and 44813-44816;~~ and Health and Safety Code Sections ~~39730.5,~~  
5 ~~39730.6, 39730.7~~ and 39730.8.

6 **Section 18983.2 Determination of Technologies That Constitute a Reduction in**  
7 **Landfill Disposal.**

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

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

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

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

16 (C) For each process or technology noted in Section 18983.2(a)(1)(B), the mass in  
17 short tons of organic waste, differentiated by type (i.e., food, leaves and grass,  
18 woody material (not including lumber or agricultural crop residues), lumber,  
19 agricultural crop residues, manure, sewage sludge (not including digestate),  
20 digestate, organic textiles and carpet, paper products, and remainder/composite  
21 organic), that will be processed each year.

22 (D) For any material produced from the proposed process or technology, a  
23 description of each end use or landfill disposal location to which the material will  
24 be sent. For each end use or landfill disposal location, the applicant must submit  
25 the expected mass in short tons and characteristics of the material.

26 (E) For each of the processes or technologies described pursuant to Section  
27 18983.2(a)(1)(B), each calculation, assumption, and emission factor used by the  
28 applicant to calculate the greenhouse gas emissions as well as the expected  
29 permanent greenhouse gas emissions reduction of the proposed operation,  
30 including the estimated greenhouse gas emissions and permanent greenhouse  
31 gas emissions reductions of any end uses or landfill disposal of material described  
32 in Section 18983.2(a)(1)(D). All calculations must be clearly laid out such that the  
33 Department is able to follow and understand the calculation of greenhouse gas  
34 emissions reduction potential.

35 (F) For each greenhouse gas emission factor or greenhouse gas emission  
36 reduction factor used pursuant to Section 18983.2(a)(1)(E), documentation  
37 demonstrating that the emission factor or emission reduction factor has been peer  
38 reviewed or subjected to other scientifically rigorous review methods.

39 (G) A detailed explanation of how the proposed technology or process will result in  
40 a permanent reduction in greenhouse gas emissions.

41 (H) A written attestation that the information supplied is true, accurate, and  
42 complete.

43 (I) The director of the Department may request additional information from the  
44 applicant if required to validate the information submitted pursuant to this section.

1 (2) The Department shall consult with the Executive Office of the California Air  
2 Resources Board (CARB) to evaluate if the information submitted by the applicant is  
3 sufficient to estimate the greenhouse gas emissions and permanent lifecycle GHG  
4 emissions reduction of the proposed recovery process or operation. Within 30 days of  
5 receiving the application, the Department shall inform the applicant if they have not  
6 submitted sufficient information to estimate the greenhouse gas emissions and  
7 permanent lifecycle greenhouse gas emissions reductions associated with the  
8 proposed recovery process or operation. For further consideration of any application  
9 submitted without sufficient information, the applicant is required to submit the  
10 requested information. The Department shall provide a response to the applicant  
11 within 180 days of receiving all necessary information as to whether or not the  
12 proposed recovery process or operation results in a permanent reduction in  
13 greenhouse gas emissions, and therefore counts as a reduction in landfill disposal.

14 (3) To determine if the proposed operation counts as a permanent reduction in landfill  
15 disposal, the Department, in consultation with CARB's Executive Office, shall  
16 compare the permanent lifecycle GHG emissions reduction of metric tons of carbon  
17 dioxide equivalent (MTCO<sub>2e</sub>) per short ton organic waste reduced by the process or  
18 technology, with the emissions reduction from composting organic waste (0.30  
19 MTCO<sub>2e</sub>/short ton organic waste). The Department shall only deem a proposed  
20 operation to constitute a reduction in landfill disposal if the process or technology  
21 results in a permanent reduction in lifecycle greenhouse gas emissions equal to or  
22 greater than the 0.30 MTCO<sub>2e</sub>/short ton of organic waste.

23 (b) If the Department determines that a proposed process or technology results in a  
24 reduction in landfill disposal, the Department shall post to its website the results of the  
25 determination and include a description of the operation.

26 (c) Upon request of the applicant, as part of determination of activities that constitute a  
27 reduction in landfill disposal, the Department may consider additional information  
28 provided by the applicant that demonstrates that the proposed activity is identical or  
29 equivalent to a proposed activity the Department has determined pursuant to Section  
30 18983.2(a) results in a reduction in landfill disposal.

31 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.  
32 Reference: Public Resources Code Sections ~~40002, 41780.0140192, and 42652.5,~~  
33 ~~42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and~~  
34 ~~44813-44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and~~  
35 ~~39730.8.~~

### 36 **Article 3. Organic Waste Collection Services**

#### 37 **Section 18984. Combined Organic Waste Collection Services.**

38 ~~(a) This article specifies the minimum standards for organic waste collection services~~  
39 ~~provided by jurisdictions, outlines efforts jurisdictions must engage in to reduce~~  
40 ~~container contamination, delineates container color and labeling requirements, specifies~~  
41 ~~criteria for rural jurisdictions to be exempt from specified requirements of this section~~  
42 ~~and criteria for jurisdictions to waive requirements for specified generators. This article~~  
43 ~~additionally specifies associated recordkeeping requirements for these standards.~~



1 (b) This article sets forth the requirements for organic waste collection in the following  
2 sections:

3 18984.1 Three-container Organic Waste Collection Services.

4 18984.2 Two-container Organic Waste Collection Services.

5 18984.3 Unsegregated Single Container Collection Services.

6 18984.4 Recordkeeping Requirements for Compliance with Organic Waste Collection  
7 Services.

8 18984.5 Container Contamination Minimization.

9 18984.6 Recordkeeping Requirements for Container Contamination Minimization.

10 18984.7 Container Color Requirements.

11 18984.8 Container Labeling Requirements.

12 18984.9 Organic Waste Generator Requirements.

13 18984.10 Commercial Business Owner Responsibilities.

14 18984.11 Waivers Granted by Jurisdictions.

15 18984.12 Waivers and Exemptions Granted by the Department.

16 18984.13 Emergency Circumstances.

17 18984.14 Recordkeeping Requirements for Waivers and Exemptions.

18 (c) A jurisdiction may provide any combination of organic waste collection services  
19 specified in Sections 18984.1, 18984.2, and 18984.3 to generators subject to its  
20 authority.

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

22 Reference: Public Resources Code Sections ~~40002, 41780.01, 42652.5, 42653, 42654,~~  
23 ~~43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;~~  
24 ~~and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.~~

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 standard for compostability and the contents of the green  
35 containers are transported to compostable material handling operations or facilities  
36 or in-vessel digestion operations or facilities that have provided written notification  
37 annually to the jurisdiction stating that the facility can process and recover that  
38 material.

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

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

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

5 (5) Materials specified in this paragraph shall be subject to the following restrictions:

6 (A) Carpets, non-compostable paper, and hazardous wood waste shall not be  
7 collected in the green container.

8 (B) Hazardous wood waste shall not be collected in the blue container or gray  
9 container.

10 (6) A jurisdiction may require additional segregation of source separated organic  
11 waste by providing additional containers or additional sections of split containers in  
12 addition to the green container and blue container. The following types of additional  
13 containers can be provided pursuant to this paragraph.

14 (A) A brown container, or a brown section of a split container that is limited to the  
15 collection of separated food waste.

16 (B) If a jurisdiction segregates the contents of a blue container into an additional  
17 container or additional section of a split container in order to separate organic  
18 wastes specified in Subdivision (a)(2) from non-organic recyclables, the jurisdiction  
19 may use a darker shade of blue for the container or section of the container  
20 designated for the collection of organic waste, and a lighter shade of blue, or any  
21 color not already designated for other materials specified in this section, for the  
22 collection of non-organic recyclables.

23 (C) Additional containers, or sections of split containers provided for collection of  
24 additionally separated organic waste not specified in ~~the~~ this section, may be  
25 provided in any color provided that the colors do not conflict with the container  
26 color requirements of this section.

27 (b) A jurisdiction that provides a three-container organic waste collection service that  
28 complies with Subdivision (a) may transport the contents of the gray container to a  
29 facility that processes and recovers organic waste. A jurisdiction that complies with  
30 Subdivision (a) is not required to transport the contents of the gray container to a facility  
31 that meets or exceeds the organic waste content recovery standard specified in Section  
32 18984.3. A jurisdiction will not be considered out of compliance with Subdivision (a) if it  
33 allows carpet and textiles to be placed in the gray container.

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

37 (1) The contents of the gray container shall be transported to a facility that meets or  
38 exceeds the organic waste content recovery requirements specified in Section  
39 18984.3.

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

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

45 (d) A jurisdiction may allow organic waste to be collected in plastic bags and placed in  
46 the green container provided that ~~the~~ allowing the use of bags does not inhibit the ability

1 of the jurisdiction to comply with the requirements of Section 18984.5, and the facilities  
2 that recover source separated organic waste for the jurisdiction annually provide written  
3 notice to the jurisdiction indicating that the facility can process and remove plastic bags  
4 when it recovers source separated organic waste.

5 (e) Nothing in this section is intended to prohibit a jurisdiction from providing an  
6 uncontainerized green waste and yard waste collection service to its generators,  
7 provided that the three container service complies with the following:

8 (1) If an uncontainerized green waste and yard waste collection service is provided  
9 intermittently or on a seasonal basis, a green container is still provided for collection  
10 of organic waste as required in Subdivision (a)(1) whenever the uncontainerized  
11 service is not provided.

12 (2) If an uncontainerized green waste and yard waste collection service is provided  
13 year-round, generators receiving that service must be provided a collection service  
14 for the collection of other organic waste in a manner that complies with this section.

15 (f) Notwithstanding Subdivision (a), the contents of containers may be initially  
16 transported to a consolidation site as defined in Section 17402 that complies with the  
17 requirements of Section 17409.5.10.

18 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.  
19 Reference: Public Resources Code Sections ~~40002, 41780.01, 42652.5, 42653, 42654,~~  
20 ~~43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;~~  
21 and Health and Safety Code Sections ~~39730.5, 39730.6, 39730.7 and 39730.8.~~

## 22 **Section 18984.2. Two-container Organic Waste Collection Services.**

23 (a) A jurisdiction may comply with the requirements of this article by implementing a  
24 two-container organic waste collection service as provided below:

25 (1) A two container system where a green container and a gray container are  
26 provided and:

27 (A) The green container is limited to the collection of organic waste only. The  
28 contents of the green container shall be transported to a facility that specifically  
29 recovers source separated organic waste.

30 (B) The gray container allows for intentional comingling of all collected wastes,  
31 including organic waste that is not designated for collection in the green container,  
32 provided that the contents of the gray container are transported to a facility that  
33 meets or exceeds the organic waste content recovery requirements specified in  
34 Section 18984.3.

35 (C) Compostable plastics may be placed in the green container if the material  
36 meets the ASTM D6400 standard for compostability and contents of the green  
37 containers are transported to compostable material handling operations or facilities  
38 or in-vessel digestion operations or facilities that have provided written notification  
39 annually to the jurisdiction stating that the facility can process and recover that  
40 material; or

41 (2) A two container system where a blue container and a gray container are provided  
42 and:

43 (A) The blue container is limited to the collection of non-organic recyclables only,  
44 but may include the following types of organic wastes: paper products, printing and

1 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  
3 for collection in the blue container.

4 (B) The gray container allows for intentional comingling of all collected wastes,  
5 including organic waste that is not designated for collection in the blue container,  
6 provided that the contents of the gray container are transported to a facility that  
7 meets or exceeds the organic waste content recovery requirements specified in  
8 Section 18984.3.

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

12 (c) Materials specified in this ~~paragraph~~-Subdivision shall be subject to the following  
13 restrictions:

14 (1) Carpets, non-compostable paper, and hazardous wood waste shall not be  
15 collected in the green container.

16 (2) Hazardous wood waste shall not be collected in the blue or gray container.

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

21 (1) If a jurisdiction segregates the contents of a blue container into an additional  
22 container or additional section of a split container in order to separate organic wastes  
23 specified in Subdivision (a)(2) from non-organic recyclables, the jurisdiction may use  
24 a darker shade of blue for the container or section of the container designated for the  
25 collection of organic waste, and a lighter shade of blue, or any color not already  
26 designated for other materials specified in this section, for the collection of non-  
27 organic recyclables.

28 (e) A jurisdiction may allow organic waste to be collected in plastic bags and placed in  
29 the green container provided that allowing the use of bags does not inhibit the ability of  
30 the jurisdiction to comply with the requirements of Section 18984.5, and the facilities  
31 that recover source separated organic waste for the jurisdiction annually provide written  
32 notice to the jurisdiction indicating that the facility can process and remove plastic bags  
33 when it recovers source separated organic waste.

34 (f) Nothing in this section is intended to prohibit a jurisdiction from providing an  
35 uncontainerized green waste and yard waste collection service to its generators,  
36 provided that the two container service complies with the following:

37 (1) If an uncontainerized green waste and yard waste collection service is provided  
38 intermittently or on a seasonal basis, a container is still provided for collection of  
39 organic waste as required in Subdivision (a) whenever the uncontainerized service is  
40 not provided.

41 (2) If an uncontainerized green waste and yard waste collection service is provided  
42 year-round, generators receiving that service must be provided a collection service  
43 for the collection of other organic waste in a manner that complies with this section.

44 (g) Notwithstanding Subdivision (a), the contents of containers may be initially  
45 transported to a consolidation site as defined in Section 17402 that complies with the  
46 requirements of Section 17409.5.10.

1 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.  
2 Reference: Public Resources Code Sections ~~40002, 41780.01, 42652.5, 42653, 42654,~~  
3 ~~43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;~~  
4 ~~and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.~~

5 **Section 18984.3. Unsegregated Single-Container Collection Services.**

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

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

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

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

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

26 (f) Nothing in this section is intended to prohibit a jurisdiction from providing an  
27 uncontainerized green waste and yard waste collection service to its generators,  
28 provided that the service complies with the following:

29 (1) Generators receiving that service must be provided ~~a collection service~~an option  
30 for the collection of other organic waste in a manner that complies with this section.

31 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.  
32 Reference: Public Resources Code Sections ~~40002, 41780.01, 42652.5, 42653, 42654,~~  
33 ~~43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;~~  
34 ~~and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.~~

35 **Section 18984.4. Recordkeeping Requirements for Compliance with Organic**  
36 **Waste Collection Services.**

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

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

40 (2) The geographical area for each collection method.

41 (3) If the jurisdiction is using a service that requires the contents of containers  
42 provided by the jurisdiction to be transported to a high diversion organic waste  
43 processing facility, the jurisdiction shall at a minimum:

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

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

5 ~~(GB) List all approved haulers in the jurisdiction that are allowed to take organic~~  
6 ~~waste to the jurisdiction's identified high diversion organic waste processing facility~~  
7 ~~or facilities.~~

8 ~~(DC) The geographical area the hauler(s) serves, the routes serviced, or a list of~~  
9 ~~addresses served.~~

10 (4) If the jurisdiction allows compostable plastics to be placed in the green container  
11 pursuant to Section 18984.1 or 18984.2, a copy of written notification received from  
12 each facility serving the jurisdiction indicating that the facility recovers that material.

13 (5) If the jurisdiction allows organic waste to be collected in plastic bags pursuant to  
14 Section 18984.1 or 18984.2, a copy of written notification received from each facility  
15 serving the jurisdiction indicating that the facility can process and remove plastic  
16 bags when it recovers source separated organic waste.

17 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.  
18 Reference: Public Resources Code Sections ~~40002, 41780.01, 42652.5, 42653, 42654,~~  
19 ~~43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;~~  
20 and Health and Safety Code Sections ~~39730.5, 39730.6, 39730.7 and 39730.8.~~

### 21 **Section 18984.5. Container Contamination Minimization.**

22 ~~(a) A generator shall not place prohibited container contaminants in a collection~~  
23 ~~container.~~ A jurisdiction shall monitor the containers provided to generators using a  
24 three-container or two-container organic waste collection service pursuant to Section  
25 18984.1 or 18984.2 to minimize prohibited container contaminants in a manner that  
26 complies with either the provisions of Subdivision (b) or the provisions of Subdivision (c)  
27 of this section.

28 ~~(1) A jurisdiction that notifies the department that it intends to implement a~~  
29 ~~performance-based source separated collection service pursuant to Section 18998.1~~  
30 ~~shall monitor containers through the methodwaste evaluations as specified in the~~  
31 ~~provisions of Subdivision (c).~~

32 (b) A jurisdiction may meet its container contamination minimization requirements by  
33 conducting a route review for prohibited container contaminants on containers in a  
34 manner that results in all hauler routes being reviewed annually. Containers may be  
35 randomly selected along a hauler route. This section should not be construed to require  
36 that every container on a hauler route must be sampled annually.

37 ~~(1) Upon finding prohibited container contaminants in a container, the jurisdiction,~~  
38 ~~shall notify the generator of the violation.~~

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

42 ~~(B) The notice may be left on the generator's container, gate, or door at the time the~~  
43 ~~violation occurs, and/or be mailed, or e-mailed, or electronically messaged to the~~  
44 ~~generator.~~

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

4 ~~(3) If the jurisdiction observes prohibited container contaminants in a generator's~~  
5 ~~containers on more than three consecutive occasions, the jurisdiction may impose~~  
6 ~~additional contamination processing fees on the generator and may impose~~  
7 ~~penalties~~ Notwithstanding Section 18995.1(a)(5), this chapter does not require a  
8 ~~jurisdiction to impose administrative civil penalties on generators in violation of the~~  
9 ~~prohibited container contaminants requirement in Subdivision (a), above.~~

10 ~~(4) If a jurisdiction complies with this section through a designee as allowed in~~  
11 ~~Section 18981. 2 of this chapter, and the designee observes visible prohibited~~  
12 ~~container contaminants in a container, the designee shall inform the jurisdiction in~~  
13 ~~writing, each month, with the address of the generator and the date the contaminated~~  
14 ~~container was observed; and the designee shall keep a record of any photographic~~  
15 ~~documentation; and what action was taken.~~

16 ~~(A) A designee may only dispose of a container with visible prohibited container~~  
17 ~~contaminants in accordance with a contract or other written arrangement between~~  
18 ~~the jurisdiction and the designee.~~

19 (c) A jurisdiction may meet its container contamination minimization requirements by  
20 conducting waste evaluations that meet the following standards:

21 (1) The jurisdiction shall conduct waste ~~composition studies~~ evaluations for prohibited  
22 container contaminants in the following manner:

23 (A) A jurisdiction that ~~is implementing~~ implements a three-container or two-  
24 container organic waste collection service pursuant to Sections 18984.1 or  
25 18984.2 shall conduct waste ~~composition studies~~ evaluations at least twice per  
26 year and the studies shall occur in two distinct seasons of the year.

27 (B) A jurisdiction ~~that notifies the department that it intends to~~ implements a  
28 performance-based source separated collection service pursuant to Section  
29 18998.1 shall conduct waste ~~composition studies~~ evaluations at least twice per  
30 year for the blue and green containers and once per quarter for the gray container.

31 (C) The waste ~~composition studies~~ evaluations shall include samples of each  
32 container type served by the jurisdiction.

33 (D) The waste ~~composition studies~~ evaluations shall include samples taken from  
34 different areas in the jurisdiction that are representative of the jurisdiction's waste  
35 stream.

36 (E) The waste ~~composition studies~~ evaluations shall include at least the following  
37 minimum number of samples from all the hauler routes included in the studies:

38 1. For routes with less than 1,500 generators the study shall include a minimum  
39 of 25 samples.

40 2. For routes with 1,500-3,999 generators the study shall include a minimum of  
41 30 samples.

42 3. For routes with 4,000- 6,999 generators the study shall include a minimum of  
43 35 samples.

44 4. For routes with ~~more than 7,000 or more~~ generators the study shall include a  
45 minimum of 40 samples.

1 (F) All of the material collected for sampling must be transported to a sorting area  
2 at a permitted solid waste facility where the presence of prohibited container  
3 contaminants for each container type is measured to determine the ratio of  
4 prohibited container contaminants present in each container type by weight. To  
5 determine the ratio of prohibited container contaminants the jurisdiction shall use  
6 the following protocol:

- 7 1. Take one sample of at least 200 pounds from the material collected from  
8 each container stream for sampling (e.g. a 200 pound sample taken from the  
9 contents of all of the green containers collected for sampling).
- 10 2. The 200 pound sample shall be randomly selected from different areas of the  
11 pile of collected material for that container type.
- 12 3. For each 200 pound sample, remove any prohibited container contaminants  
13 and determine the weight of prohibited container contaminants.
- 14 4. Then determine the ratio of prohibited container contaminants in the sample  
15 by dividing the total weight of prohibited container contaminants by the total  
16 weight of the sample.

17 (2) If the sampled weight of prohibited container contaminants exceeds 25 percent of  
18 the measured sample for any container type, the jurisdiction shall perform one of the  
19 following:

20 (A) Notify all generators on the sampled hauler routes of their requirement to  
21 properly separate materials into the appropriate containers. The jurisdiction may  
22 provide this information by placing a notice on the generator's container, gate, or  
23 door, and/or by mailing, ~~or e-mailing, or electronic message~~ the notice to the  
24 generator.

25 (B) Perform a targeted route review of containers on the routes sampled for waste  
26 ~~composition studies~~evaluations to determine the sources of contamination and  
27 notify those generators of their obligation to properly separate materials. The  
28 jurisdiction may provide this information to these generators by placing a notice on  
29 the generator's container gate, or door, and/or by mailing, ~~or e-mailing, or~~  
30 ~~electronic message~~ education notices to the applicable generators.

31 (d) A jurisdiction that ~~notifies the department that it intends to~~ implements a  
32 performance-based source separated collection service pursuant to Section 18998.1  
33 shall notify the department within 30 days of ~~conducting finding two consecutive~~  
34 ~~prohibited container contaminants in the gray container collection stream samples that~~  
35 ~~each demonstrate prohibited container contaminants in the gray container that~~ exceed  
36 25 percent of the measured sample by weight in each of two consecutive waste  
37 evaluations performed on gray containers pursuant to the requirements of Subdivision  
38 (c), above.

39 (1) A jurisdiction that implements a performance-based source separated collection  
40 service pursuant to Section 18998.1 that exceeds an annual average of 25 percent  
41 by weight of prohibited container contaminants in the gray container collection shall  
42 be subject to the process described in Section 18998.1(c).

43 (e) A jurisdiction that implements a performance-based source separated collection  
44 service pursuant to Section 18998.1 shall, upon request, allow a representative of the  
45 department to oversee its next scheduled quarterly sampling of the gray container.



1 (f) For the purposes of demonstrating compliance with 18998.1, organic waste that is  
2 textiles, carpet, hazardous wood waste, human waste, pet waste, or material subject to  
3 a quarantine on movement issued by a county agricultural commissioner, is not required  
4 to be measured as organic waste.  
5 (g) Nothing in this section limits a jurisdiction from adopting contamination standards,  
6 fees, sampling methodologies, or noticing protocols that are more stringent or rigorous  
7 than the requirements of this section.

8 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.  
9 Reference: Public Resources Code Sections ~~40002, 41780.01, 42652.5, 42653, 42654,~~  
10 ~~43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;~~  
11 and Health and Safety Code Sections ~~39730.5, 39730.6, 39730.7 and 39730.8.~~

12 **Section 18984.6. Recordkeeping Requirements for Container Contamination**  
13 **Minimization.**

14 (a) A jurisdiction shall include the following information and documents related to its  
15 compliance with Section 18984.5, in the Implementation Record required by Section  
16 18995.2 of this chapter.

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

19 (2) Documentation of route reviews conducted pursuant to Section 18984.5(b), as  
20 described in Section 18995.1 of this chapter, if applicable.

21 (3) If applicable, documentation of waste ~~composition studies~~evaluations performed  
22 pursuant to Section 18984.5(c), including information on targeted route reviews  
23 conducted as a result of the studies. The documentation shall at a minimum include  
24 dates of the studies, the location of the solid waste facility where the study was  
25 performed, routes, source sector (e.g. commercial or residential), number of samples,  
26 weights and ratio of prohibited container contaminants and total sample size.

27 (4) Copies of all notices, ~~and enforcement orders~~ issued ~~or taken against~~to  
28 generators with prohibited container contaminants.

29 (5) Documentation of the number of containers ~~where the contents were disposed of~~  
30 due to observation of prohibited container contaminants.

31 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.  
32 Reference: Public Resources Code Sections ~~40002, 41780.01, 42652.5, 42653, 42654,~~  
33 ~~43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;~~  
34 and Health and Safety Code Sections ~~39730.5, 39730.6, 39730.7 and 39730.8.~~

35 **Section 18984.7. Container Color Requirements.**

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

38 (b) Notwithstanding Subdivision (a), a jurisdiction is not required to replace functional  
39 containers, including containers purchased prior to January 1, 2022, that do not comply  
40 with the color requirements of this article prior to the end of the useful life of those  
41 containers, or prior to January 1, 2036, whichever comes first.

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

1 Reference: Public Resources Code Sections ~~40002, 41780.01, 42652.5, 42653, 42654,~~  
2 ~~43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;~~  
3 ~~and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.~~

4 **Section 18984.8. Container Labeling Requirements.**

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

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

10 (1) Placing labels on containers that include language or graphic images, or both that  
11 indicate the primary materials accepted and the primary materials prohibited in that  
12 container; or

13 (2) Providing containers with imprinted text or graphic images that indicate the  
14 primary materials accepted and the primary materials prohibited in that container.

15 (c) Labels shall clearly indicate primary items that are prohibited container contaminants  
16 for each container.

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

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

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

23 **Section 18984.9 Organic Waste Generator Requirements.**

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

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

28 (2) Self-hauling organic waste in a manner that complies with the requirements of  
29 Article 7 of this chapter.

30 (b) Generators that are commercial businesses, except for multifamily residential  
31 dwellings, shall also:

32 (1) Provide containers for the collection of organic waste and non-organic recyclables  
33 in all areas where disposal containers are provided for customers, except for  
34 restrooms. The containers provided by the business shall have either:

35 (A) A body or lid that conforms with the container colors provided through the  
36 organic waste collection service provided by their jurisdiction; or

37 (B) Container labels that comply with the requirements of Section 18984.8.

38 (2) Prohibit their employees from placing organic waste in a container not designated  
39 to receive organic waste as set forth in Sections 18984.1(a)(5) and 18984.2(a)(5c).

40 (3) Periodically inspect organic waste containers for contamination and inform  
41 employees if containers are contaminated and of the requirement to only use those  
42 containers for organic waste.

- 1 (c) Nothing in this section prohibits a generator from preventing or reducing waste  
2 generation, managing organic waste on site, or using a community composting site.  
3 (d) A commercial business is not required to replace functional containers, including  
4 containers purchased prior to January 1, 2022, that do not comply with the requirements  
5 of this article prior to the end of the useful life of those containers, or prior to January 1,  
6 2036, whichever comes first.  
7 (e) If a business does not generate any of the materials that would be collected in one  
8 type of container, then the business does not have to provide that particular container in  
9 all areas where disposal containers are provided for customers.

10 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.  
11 Reference: Public Resources Code Sections ~~40002, 41780.01, 42652.5, 42653, 42654,~~  
12 ~~43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;~~  
13 and Health and Safety Code Sections ~~39730.5, 39730.6, 39730.7 and 39730.8.~~

14 **Section 18984.10. Commercial Business Owner Responsibilities.**

15 (a) Commercial businesses shall provide or arrange for organic waste collection  
16 services consistent with this article and local requirements, for employees, contractors,  
17 tenants, and customers, including supplying and allowing access to an adequate  
18 number, size, and location of containers with sufficient labels and container color.

19 (b) Commercial businesses shall annually provide information to employees,  
20 contractors, tenants, and customers about organic waste recovery requirements and  
21 about proper sorting of organic waste.

22 (1) Commercial businesses shall provide information to new tenants before or within  
23 14 days of occupation of the premises.

24 (c) Commercial businesses shall provide or arrange for access to their properties during  
25 all inspections conducted pursuant to Article 14 of this chapter (commencing with  
26 Section 18995.1).

27 (1) This subdivision is not intended to permit an employee or agent of the  
28 Department, or a jurisdiction, to enter the interior of a private residential property.

29 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.  
30 Reference: Public Resources Code Sections ~~40002, 41780.01, 42652.5, 42653, 42654,~~  
31 ~~43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;~~  
32 and Health and Safety Code Sections ~~39730.5, 39730.6, 39730.7 and 39730.8.~~

33 **Section 18984.11. Waivers Granted by a Jurisdiction.**

34 (a) A jurisdiction may grant one or more of the following types of waivers to a generator  
35 of organic waste:

36 (1) De Minimis Waivers.

37 (A) A jurisdiction may waive a commercial business' obligation to comply with  
38 some or all of the organic waste requirements of this article if the commercial  
39 business provides documentation or the jurisdiction has evidence demonstrating  
40 that:

41 1. The commercial business' total solid waste collection service is two cubic  
42 yards or more per week and organic waste subject to collection in a blue

1 container or a green container as specified in Section 18984.1(a) comprises  
2 less than 20 gallons per week per applicable container of the business' total  
3 waste.

4 2.The commercial business' total solid waste collection service is less than two  
5 cubic yards per week and organic waste subject to collection in a blue container  
6 or a green container as specified in Section 18984.1(a) comprises less than 10  
7 gallons per week per applicable container of the business' total waste.

8 (B) A jurisdiction shall, consistent with Section 18995.1, verify that the commercial  
9 business' organic waste generation meets the waiver thresholds set forth in this  
10 subdivision.

11 (C) If a jurisdiction obtains information at any time that a commercial business that  
12 has received a waiver is exceeding the organic waste thresholds specified in  
13 Subsection (A)1. or (A)2., the jurisdiction shall rescind the waiver.

14 (2) Physical Space Waivers.

15 (A) A jurisdiction may waive a commercial business' or property owner's obligation  
16 to comply with some or all of the organic waste collection service requirements of  
17 this article if the commercial business or property owner provides documentation,  
18 or the jurisdiction has evidence from its staff, a hauler, licensed architect, ~~or~~  
19 ~~licensed engineer, or similarly qualified source~~ demonstrating that the premises  
20 lack adequate space for any of the organic waste container configurations allowed  
21 under 18984.1(a) or 18984.2.

22 (3) Collection Frequency Waivers.

23 (A) A jurisdiction may allow the owner or tenant of any residence, premises,  
24 business establishment or industry that subscribes to a three-container or two-  
25 container organic waste collection service to arrange for the collection of solid  
26 waste in a blue container, a gray container, or both once every fourteen days,  
27 provided that:

28 1.The jurisdiction, or its authorized hauler, demonstrates to the enforcement  
29 agency, as defined in Public Resources Code 40130 that less frequent  
30 collection than required by Section 17331 of Title 14 of the California Code of  
31 Regulations will not cause receiving solid waste facilities, operations, or both to  
32 be in violation of applicable state minimum standards described in Subchapter 4  
33 of Chapter 3 of Subdivision 1 of Title 27 or Title 14, Sections 17200 et seq.

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

37 (c) Notwithstanding Section 18981.2, the authority to issue a waiver authorized by this  
38 section cannot be delegated to a private entity.

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

43 **Section 18984.12. Waivers and Exemptions Granted by the Department.**

44 (a) Low population waivers.

1 (1) A jurisdiction may apply to the Department for a waiver for the jurisdiction and  
2 some or all its generators from some or all of the requirements of this article if the  
3 following apply:

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

6 (B) The jurisdiction has a total population of less than 7,500 people.

7 (2) A jurisdiction may apply to the Department for a waiver from some or all of the  
8 requirements of this article for census tracts that have a population density of less  
9 than 75 people per square mile that are served by the jurisdiction and are located in  
10 unincorporated portions of a county.

11 (b) Waivers issued pursuant to Subdivision (a) shall be good for a period of up to **five**  
12 years and shall be subject to approval by the Department as follows:

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

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

15 (B) The requested length of the waiver.

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

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

22 (3) A jurisdiction may apply to renew a waiver issued pursuant to Subdivision (a) at  
23 anytime up to 180 days prior to the expiration of an existing waiver.

24 (c) Rural Exemptions.

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

30 (2) An exemption implemented pursuant to this subdivision shall be valid until  
31 December 31, 2026 or until five years after the Department makes a determination  
32 pursuant to Section 42649.82 (a)(2)(D) that the statewide disposal of organic waste  
33 has not been reduced to 50 percent of the level of disposal during the 2014 calendar  
34 year, whichever is later.

35 (d) Elevation Waivers.

36 (1) A jurisdiction may apply to the Department for a waiver for the jurisdiction and  
37 some or all of its generators from the requirement to separate and recover food  
38 waste and food-soiled paper if the entire jurisdiction is located at or above an  
39 elevation of 4,500 feet.

40 (2) A jurisdiction may apply to the Department for a waiver for some or all of its  
41 generators from the requirement to separate and recover food waste and food-soiled  
42 paper in census tracts located in unincorporated portions of a county that are located  
43 at or above 4,500 feet.

44 (3) The area of a jurisdiction that is waived pursuant to this section is not required to  
45 provide containers to generators as prescribed in Section 18984.7.

1 (4) Residential and commercial generators located within an area that is waived  
2 pursuant to this section may deposit food waste and food-soiled paper in a disposal  
3 container.

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

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

6 (B) If the request for a waiver is submitted by a jurisdiction seeking to waive  
7 unincorporated census tracts, the jurisdiction shall identify each census tract that  
8 will be waived.

9 (6) The Department shall review and evaluate and approve or deny a waiver request  
10 within 90 days. The Department shall approve a request to grant a waiver if it meets  
11 the requirements of this section.

12 (7) Nothing in this subdivision waives a jurisdiction from its obligation to provide a  
13 collection service that collects and recycles the other types of organic wastes  
14 specified in Section 18984.1, 18984.2, or 18984.3 in a manner that meets the  
15 requirements of those sections.

16 (e) Nothing in this section exempts a jurisdiction from:

17 (1) Its obligation to provide organic waste collection services that comply with the  
18 requirements of this article to businesses subject to the requirements of Section  
19 42649.81 of the Public Resources Code.

20 (2) Complying with the other requirements to promote and provide information to  
21 generators about, waste prevention, community composting, managing organic  
22 waste on-site, and other means of recovering organic waste, or any other  
23 requirements of this chapter.

24 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.  
25 Reference: Public Resources Code Sections ~~40002, 41780.01, 42652.5, 42653, 42654,~~  
26 ~~43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;~~  
27 and Health and Safety Code Sections ~~39730.5, 39730.6, 39730.7 and 39730.8.~~

### **Section 18984.13. Emergency Circumstances, Abatement, Quarantined Materials and Federally Regulated Waste.**

30 (a) Emergency Processing Facility Temporary Equipment or Operational Failure  
31 Waivers.

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

38 (2) A jurisdiction shall notify the Department in writing within 10 days of a waiver  
39 decision pursuant to Subdivision (a)(1). The notice sent to the Department shall  
40 include a description of the equipment failure or operational restriction that occurred  
41 at the facility, the period of time that the jurisdiction will allow the organic waste  
42 stream to be deposited in a landfill or landfills, and the Recycling and Disposal  
43 Reporting System Number of the facility that experienced the temporary equipment

1 or operational failure preventing it from receiving some or all of the jurisdiction's  
2 waste.

3 (b) Disasters and emergency waivers.

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

8 (2) If a waiver or waivers have been granted pursuant to Subsection (1) the  
9 Department ~~may~~ shall waive the organic waste collection requirements of this article  
10 in the affected areas for the duration of the waiver.

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

15 (c) A jurisdiction is not required to separate or recover organic waste that is removed  
16 from homeless encampments and illegal disposal sites as part of an abatement activity  
17 to protect public health and safety. If the total amount of solid waste removed for landfill  
18 disposal pursuant to this subdivision is expected to exceed 100 tons annually the  
19 jurisdiction shall record the amount of material removed.

20 (d) A jurisdiction may dispose of specific types of organic waste that are subject to  
21 quarantine and meet the following requirements:

22 (1) The organic waste is generated from within the boundaries of an established  
23 interior or exterior quarantine area defined by the California Department of Food and  
24 Agriculture for that type of organic waste.

25 (2) The California Department of Food and Agriculture or the County Agricultural  
26 Commissioner determines that the organic waste must be disposed at a solid waste  
27 landfill and the organic waste cannot be safely recovered through any of the recovery  
28 activities identified in Article 2 of this chapter.

29 (3) The jurisdiction retains a copy of the California Department of Food and  
30 Agriculture approved compliance agreement for each shipment stating that the  
31 material must be transported to a solid waste landfill operating under the terms of its  
32 own compliance agreement for the pest or disease of concern.

33 (f) Nothing in this chapter requires generators, jurisdictions or other entities subject to  
34 these regulations to manage and recover organic waste that federal law explicitly  
35 requires to be managed in a manner that constitutes landfill disposal as defined in this  
36 chapter.

37 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.  
38 Reference: Public Resources Code Sections ~~40002, 41780.01, 42652.5, 42653, 42654,~~  
39 ~~43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;~~  
40 ~~and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.~~

41 **Section 18984.14. Recordkeeping Requirements for Waivers and Exemptions.**

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

- 1 (1) A copy of all correspondence received from a facility that triggered a Processing  
2 Facility Temporary Equipment or Operational Failure Waiver and documentation  
3 setting forth the date of issuance of the waiver, the timeframe for the waiver, and the  
4 locations or routes affected by the waiver.  
5 (2) A description of the jurisdiction's process for issuing waivers and frequency of  
6 inspections by the jurisdiction to verify the validity of waivers.  
7 (3) A copy of all De Minimis Waivers, including the location, date issued, and name of  
8 generators.  
9 (4) A copy of all Physical Space Waivers, including the location, date issued, and  
10 name of generators.  
11 (5) A copy of all collection frequency waivers, including the location, date issued, and  
12 name of generators.  
13 (6) A record of the amount of sediment debris that is disposed of pursuant to Section  
14 18984.13 on an annual basis.  
15 (7) A record of the amount of solid waste removed from homeless encampments and  
16 illegal disposal sites as part of an abatement activities if the total amount of material  
17 removed exceeds 100 tons.  
18 (8) A copy of all compliance agreements for quarantined organic waste that is  
19 disposed, including the name of generator, date issued, location of final disposition,  
20 and the amount of organic waste that was required to be disposed at a solid waste  
21 landfill.

22 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.  
23 Reference: Public Resources Code Sections ~~40002, 41780.01, 42652.5, 42653, 42654,~~  
24 ~~43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;~~  
25 ~~and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.~~

## 26 Article 4. Education and Outreach

### 27 Section 18985.1. Organic Waste Recovery Education and Outreach.

28 (a) Prior to February 1, 2022, and annually thereafter, a jurisdiction shall provide the  
29 following to organic waste generators that are provided an organic waste collection  
30 service pursuant to Article 3 of this chapter:

- 31 (1) Information on the organic waste generator's requirements to properly separate  
32 materials in appropriate containers pursuant to this chapter.  
33 (2) Information on methods for: the prevention of organic waste generation, recycling  
34 organic waste on-site, sending organic waste to community composting, and any  
35 other local requirements regarding organic waste.  
36 (3) Information regarding the methane reduction benefits of reducing the landfill  
37 disposal of organic waste, and the methods of organic waste recovery the organic  
38 waste collection service uses.  
39 (4) Information regarding how to recover organic waste and a list of approved  
40 haulers.  
41 (5) Information related to the public health and safety and environmental impacts  
42 associated with the landfill disposal of organic waste.  
43 (6) Information regarding programs for the donation of edible food.



1 (7) If a jurisdiction allows generators subject to its authority to self-haul organic waste  
2 pursuant to Section 18988.1, information regarding self-hauling requirements shall be  
3 included in education and outreach material.

4 (b) A jurisdiction providing an unsegregated single container collection service to  
5 organic waste generators is not required to include the information required in  
6 Subdivision (a)(1), but shall include information indicating that organic waste is being  
7 processed at a high diversion organic waste processing facility.

8 (c) A jurisdiction may comply with the requirements by providing the information  
9 required by this section through print or electronic media. In addition to providing  
10 information through print and electronic media, a jurisdiction may conduct outreach  
11 through direct contact with generators through workshops, meetings, or on-site visits.

12 (d) Consistent with Section 18981.-2, a jurisdiction may comply with the requirements of  
13 this section through use of a designee.

14 (e) Consistent with Section 7295 of the Government Code, jurisdictions shall translate  
15 educational materials required by this chapter into any non-English language spoken by  
16 a substantial number of the public provided organic waste collection services by the  
17 jurisdiction.

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

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

## 22 **Section 18985.2. Edible Food Recovery Education and Outreach.**

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

24 (1) Develop a list of food recovery organizations identified in Section  
25 18982(a)(25)(A)–(B) and food recovery services operating within the jurisdiction and  
26 maintain the list on the jurisdiction’s website. The list shall be updated annually. The  
27 list shall include, at a minimum, the following information about each food recovery  
28 organization and each food recovery service:

29 (A) Name and physical address.

30 (B) Contact information.

31 (C) Collection service area.

32 (D) An indication of types of food the food recovery service or organization can  
33 accept for food recovery.

34 (b) At least annually a jurisdiction shall:

35 (1) Provide commercial edible food generators with the following information:

36 (A) Information about the jurisdiction’s edible food recovery program established  
37 pursuant to Section 18991.1.

38 (B) Information about the commercial edible food generator requirements specified  
39 in Article 10 of this chapter.

40 (C) Information about food recovery organizations and food recovery services  
41 operating within the jurisdiction, and where a list of those food recovery  
42 organizations and food recovery services can be found.

43 (D) Information about actions that commercial edible food generators can take to  
44 prevent the creation of food waste.

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

4 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.  
5 Reference: Public Resources Code Sections ~~40002, 41780.01, 42652.5, 42653, 42654,~~  
6 ~~43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;~~  
7 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

8 **Section 18985.3. Recordkeeping Requirements for a Jurisdiction’s Compliance**  
9 **with Education and Outreach Requirements.**

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

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

15 (2) The date, and to whom the information was disseminated or direct contact made.  
16 If a jurisdiction provides mass distribution through mailings, or bill inserts, it shall  
17 provide the date, a copy of the information, and the type and number of accounts  
18 receiving the information.

19 (3) If the requirements of this article were met solely through the use of electronic  
20 media, the record shall include a copy, with dates posted, of: social media posts, e-  
21 mails or other electronic messages.

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

24 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.  
25 Reference: Public Resources Code Sections ~~40002, 41780.01, 42652.5, 42653, 42654,~~  
26 ~~43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;~~  
27 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

28 **Article 5. Generators of Organic Waste**

29 **Section 18986.1. Non-Local Entities Requirements.**

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

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

34 (2) Self-hauling organic waste in a manner that complies with the requirements of  
35 Article 7 of this chapter.

36 (b) Non-local entities shall provide containers for the collection of organic waste and  
37 non-organic recyclables in all areas where disposal containers are located, except  
38 restrooms. The containers provided shall conform to the requirements of the containers  
39 provided through an organic waste recovery service authorized under Article 3 of this  
40 chapter.

- 1 (c) Non-local entities shall prohibit their employees from placing organic waste in a  
2 container not designated to receive organic waste.  
3 (1) Materials specified in this paragraph shall be subject to the following restrictions:  
4 (A) Carpets, non-compostable paper, and hazardous wood waste shall not be  
5 collected in the green container.  
6 (B) Hazardous wood waste shall not be collected in the blue or gray container.  
7 (d) Non-local entities shall periodically inspect organic waste containers for  
8 contamination and inform employees if containers are contaminated and of the  
9 requirement to only use those containers for organic waste.  
10 (e) Non-local entities shall provide information to employees on methods for the  
11 prevention of organic waste generation.  
12 (f) Nothing in this section prohibits a non-local entity from preventing waste generation,  
13 managing organic waste on site, or using a community composting site.

14 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.  
15 Reference: Public Resources Code Sections ~~40002, 41780.01, 42652.5, 42653, 42654,~~  
16 ~~43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;~~  
17 ~~and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.~~

## 18 **Section 18986.2. Local Education Agencies Requirements.**

- 19 (a) Local education agencies shall comply with the requirements of this chapter to  
20 prevent and reduce the generation of organic waste by:  
21 (1) Subscribing and complying with the requirements of an organic waste collection  
22 service that meets the requirements of Article 3 of this chapter; or  
23 (2) Self-hauling organic waste in a manner that complies with the requirements of  
24 Article 7 of this chapter.  
25 (b) Local education agencies shall provide containers for the collection of organic waste  
26 and non-organic recyclables in all areas where disposal containers are located, except  
27 restrooms. The containers provided shall conform to the requirements of the containers  
28 provided through an organic waste recovery service authorized under Article 3 of this  
29 chapter.  
30 (c) Local education agencies shall prohibit their employees from placing organic waste  
31 in a container not designated to receive organic waste.  
32 (1) Materials specified in this paragraph shall be subject to the following restrictions:  
33 (A) Carpets, non-compostable paper, and hazardous wood waste shall not be  
34 collected in the green container.  
35 (B) Hazardous wood waste shall not be collected in the blue or gray container.  
36 (d) Local education agencies shall periodically inspect organic waste containers for  
37 contamination and inform employees if containers are contaminated and of the  
38 requirement to only use those containers for organic waste.  
39 (e) Local education agencies shall provide information to employees and students on  
40 methods for the prevention of organic waste generation.  
41 (f) Nothing in this section prohibits a local education agency from preventing waste  
42 generation, managing organic waste on site, and/or using a community composting site.

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

1 Reference: Public Resources Code Sections ~~40002, 41780.01, 42652.5, 42653, 42654,~~  
2 ~~43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;~~  
3 and Health and Safety Code Sections ~~39730.5, 39730.6, 39730.7 and 39730.8.~~

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

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

9 (1) The total solid waste collection service subscribed to is two cubic yards or more  
10 per week and organic waste subject to collection in a blue container or a green  
11 container as specified in Section 18984.1(a) comprises ~~comprises~~ less than 20  
12 gallons per week per applicable container of the non-local ~~entities'~~entity's or local  
13 education ~~agencies'~~agency's total waste.

14 (2) The total solid waste collection service subscribed to is less than two cubic yards  
15 per week and organic waste subject to collection in a blue container or a green  
16 container as specified in Section 18984.1(a) comprises less than 10 gallons per week  
17 per applicable container of the non-local ~~entities'~~entity's or local education ~~agencies'~~  
18 ~~agency's~~ total waste.

19 (3) A hauler, licensed architects, ~~licensed~~ engineers or similarly qualified entity has  
20 determined that there is not adequate space for separate organic waste containers.

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

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

24 Reference: Public Resources Code Sections ~~40002, 41780.01, 42652.5, 42653, 42654,~~  
25 ~~43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;~~  
26 and Health and Safety Code Sections ~~39730.5, 39730.6, 39730.7 and 39730.8.~~

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

29 **Section 18987.1. Biosolids Generation at a POTW.**

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

31 (1) The generator requirements set forth in ~~Section 18984.9~~Article 3 of this chapter.

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

34 (3) The recordkeeping and reporting requirement described in Section 17414.2 of this  
35 division.

36 (b) Material received at a POTW that it is not allowed to accept pursuant to Section  
37 17896.6(a)(1)(C) or (D) shall be deemed to constitute landfill disposal pursuant to  
38 Section 18983.1(a)(3).

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

1 Reference: Public Resources Code Sections ~~40002, 41780.01, 42652.5, 42653, 42654,~~  
2 ~~43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;~~  
3 and Health and Safety Code Sections ~~39730.5, 39730.6, 39730.7 and 39730.8.~~

## 4 **Article 7. Regulation of Haulers**

### 5 **Section 18988.1. Jurisdiction Approval of Haulers and Self-Haulers.**

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

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

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

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

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

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

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

23 (d) Jurisdictions that are exempt from the organic waste collection requirements  
24 pursuant to Section 18984.12, and haulers and self-haulers operating or located within  
25 exempt areas of those jurisdictions, are not required to comply with the provisions of  
26 this article for the duration of an exemption issued pursuant to Section 18984.12.

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

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

### 31 **Section 18988.2. Haulers of Organic Waste Requirements.**

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

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

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

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

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

40 (1) A hauler that, ~~is consistent with Article 1, Chapter 9, Part 2,~~ Division 30, ~~Part 2,~~  
41 ~~Chapter 9, Article 1~~ commencing with Section 41950 of the Public Resources Code.

1 transporting transports source separated organic waste to a community composting  
2 site; or  
3 (2) A hauler that is lawfully transporting construction and demolition debris in  
4 compliance with Section 18989.1.

5 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5,  
6 Reference: Public Resources Code Sections ~~40002, 41780.01, 42652.5, 42653, 42654,~~  
7 ~~43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;~~  
8 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

9 **Section 18988.3. Self-haulers of Organic Waste.**

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

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

13 (1) The generator shall source separate all organic waste generated on site in a  
14 manner consistent with Sections 18984.1 and 18984.2, or haul organic waste to a  
15 high diversion organic waste processing facility as specified in Section 18984.3.

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

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

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

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

26 (C) Notwithstanding Subdivision (b)(3)(A), if the material is transported to an entity  
27 that does not have scales on-site, or employs scales incapable of weighing the  
28 self-hauler's vehicle in a manner that allows it to determine the weight of waste  
29 received, the self-hauler is not required to record the weight of material but shall  
30 keep a record of the entities that received the organic waste.

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

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

37 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.  
38 Reference: Public Resources Code Sections ~~40002, 41780.01, 42652.5, 42653, 42654,~~  
39 ~~43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;~~  
40 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

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 by 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 Sections ~~40002, 41780.01, 42652.5, 42653, 42654,~~  
22 ~~43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;~~  
23 and Health and Safety Code Sections ~~39730.5, 39730.6, 39730.7 and 39730.8.~~

24 **Article 8. CALGreen Building Standards and Model Water Efficient**  
25 **Landscape Ordinance**

26 **Section 18989.1. CALGreen Building Codes.**

27 (a) A jurisdiction shall adopt an ordinance or other enforceable requirement that  
28 requires compliance with the following provisions of the California Green Building  
29 Standards Code, California Code of Regulations, Title 24, Part 11 as amended July 1,  
30 2019 and effective January 1, 2020:

31 (1) Section 4.410.2 Recycling by Occupants Residential and Section 5.410.1  
32 Recycling by Occupants Non-residential.

33 (2) For organic waste commingled with construction and demolition debris, Section  
34 4.408.1 Construction Waste Management Residential and Section 5.408.1  
35 Construction Waste Management non-residential.

36 (b) For the purposes of this section “jurisdiction” means a city, a county, or a city and  
37 county.

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

39 Reference: Public Resources Code Sections ~~40002, 41780.01, 42652.5, 42653, 42654,~~  
40 ~~43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;~~  
41 and Health and Safety Code Sections ~~39730.5, 39730.6, 39730.7 and 39730.8.~~

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

12 **Article 9. Locally Adopted Standards and Policies**

13 **Section 18990.1. Organic Waste Recovery Standards and Policies.**

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

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

19 (1) Prohibit, or otherwise unreasonably limit or restrict, the lawful processing and  
20 recovery of organic waste through a method identified in Article 2 of this chapter.

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

23 (3) Limit the export of organic waste to a facility, operation, property or activity  
24 outside of the jurisdiction that recovers the organic waste through a method identified  
25 in Article 2 of this chapter.

26 (4) Require a generator or a hauler to transport organic waste to a solid waste facility  
27 or operation that does not process or recover organic waste.

28 (5) Require a generator to use an organic waste collection service or combination of  
29 services that do not recover at least the same types of organic waste recovered by a  
30 service the generator previously had in place.

31 (c) This section does not do any of the following:

32 (1) Require a solid waste facility or operation to accept organic waste that does not  
33 meet the quality standards established by the solid waste facility or operation.

34 (2) Prohibit a jurisdiction from arranging with a solid waste facility or operation to  
35 guarantee permitted capacity for organic waste from the jurisdiction.

36 (3) Supersede or otherwise affect: the land use authority of a jurisdiction, including,  
37 but not limited to, planning, zoning, and permitting; or an ordinance lawfully adopted  
38 pursuant to that land use authority consistent with this section.

39 (4) Prohibit a jurisdiction from arranging through a contract or franchise for a hauler to  
40 transport organic waste to a particular solid waste facility or operation for processing  
41 or recovery.

42 (5) Exempt a jurisdiction, generator, or hauler from compliance with ~~regulations in~~  
43 Division 4.5 of Title 22 of the California Code of Regulations relative to the proper



1 handling of hazardous or universal waste pursuant, or regulations in Title 3. Food  
2 and Agriculture, Division 2. Animal Industry, Chapter 4. Meat Inspection, Subchapter  
3 2. Rendering and Pet Food, Article 48. General Provisions, Section 1180.48 of the  
4 California Code of Regulations relative to Disposal of Parts and Products of Animals  
5 Not Intended for Use as Human Food.

6 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.  
7 Reference: Public Resources Code Sections 40001, 40002, ~~40053, 40055,~~  
8 ~~41780.0140059, and 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017,~~  
9 ~~44100-44101, 44500-44503 and 44813-44816;~~ and Health and Safety Code Sections  
10 ~~39730.5, 39730.6, 39730.7 and 39730.8.~~

### 11 **Section 18990.2. Edible Food Recovery Standards and Policies.**

12 (a) A jurisdiction shall not implement or enforce an ordinance, policy, or procedure that  
13 prohibits the ability of a generator, food recovery organization, or food recovery service  
14 to recover edible food that could be recovered for human consumption.

15 (b) A local education agency shall not implement or enforce an ordinance, policy, or  
16 procedure that prohibits share tables or requires schools to adhere to a food safety  
17 standard not specified in Part 7 of Division 104 of the Health and Safety Code.

18 (c) Nothing in this chapter shall be construed to limit or conflict with the provisions of the  
19 California Good Samaritan Food Donation Act of 2017 (the act). Specifically:

20 (1) Nothing in this chapter shall be construed to limit the amount or types of foods  
21 that may be donated under the act.

22 (2) Nothing in this chapter shall be construed to limit the ability of a person, gleaner  
23 or food facility to donate food as provided for in Sections 114432 and 114433 of the  
24 Health and Safety Code.

25 (3) Nothing in this chapter shall be construed to reduce the immunities provided by  
26 the California Good Samaritan Food Donation Act as specified in Section 114434 of  
27 the Health and Safety Code.

28 (d) Nothing in this chapter prohibits a food recovery service or organization from  
29 refusing to accept edible food from a commercial edible food generator.

30 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.  
31 Reference: Public Resources Code Sections ~~40001, 40002, 40053, 40055, 41780.01,~~  
32 ~~42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-~~  
33 ~~44503 and 44813-44816;~~ and Health and Safety Code Sections ~~39730.5, 39730.6,~~  
34 ~~39730.7, 114432, 114433 and 39730.8-114434~~

## 35 **Article 10. Jurisdiction Edible Food Recovery Programs, Food** 36 **Generators, and Food Recovery**

### 37 **Section 18991.1. Jurisdiction Edible Food Recovery Program.**

38 (a) A jurisdiction shall implement an edible food recovery program that shall include the  
39 actions that the jurisdiction will take to accomplish each of the following:

40 (1) Educate commercial edible food generators as set forth in Section 18985.2.

1 (2) Increase commercial edible food generator access to food recovery organizations  
2 and food recovery services.

3 (3) Monitor commercial edible food generator compliance as required in Article 14 of  
4 this chapter.

5 (4) Increase edible food recovery capacity if the analysis required by Section 18992.2  
6 indicates that the jurisdiction does not have sufficient capacity to meet its edible food  
7 recovery needs.

8 (b) A jurisdiction may fund the actions taken to comply with this section through  
9 franchise fees, local assessments, or other funding mechanisms.

10 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.  
11 Reference: Public Resources Code Sections ~~40002, 41780.01, 42652.5, 42653, 42654,~~  
12 ~~43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;~~  
13 and Health and Safety Code Sections ~~39730.5, 39730.6, 39730.7 and 39730.8.~~

14 **Section 18991.2. Recordkeeping Requirements for Jurisdiction Edible Food**  
15 **Recovery Program.**

16 (a) A jurisdiction shall include all documents supporting its compliance with Section  
17 18991.1 in the Implementation Record required by Section 18995.2 and shall also  
18 include at a minimum:

19 (1) A list of commercial edible food generators in the jurisdiction that have a contract  
20 or written agreement with food recovery organizations or services pursuant to Section  
21 18991.3(b).

22 (2) A list of food recovery organizations and food recovery services in the jurisdiction  
23 and their edible food recovery capacity.

24 (3) Documentation of the actions the jurisdiction has taken to increase edible food  
25 recovery capacity.

26 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.  
27 Reference: Public Resources Code Sections ~~40002, 41780.01, 42652.5, 42653, 42654,~~  
28 ~~43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;~~  
29 and Health and Safety Code Sections ~~39730.5, 39730.6, 39730.7 and 39730.8.~~

30 **Section 18991.3. Commercial Edible Food Generators.**

31 (a) Tier One commercial edible food generators shall comply with the requirements of  
32 this section commencing January 1, 2022. Tier two commercial edible food generators  
33 shall comply with the requirements of this section commencing January 1, 2024.

34 (b) Commercial edible food generators shall arrange to recover the maximum amount of  
35 edible food that would otherwise be disposed. A commercial edible food generator shall  
36 comply with the requirements of this section through a contract or written agreement  
37 with any or all of the following:

38 (1) Food recovery organizations or services that will collect their edible food for food  
39 recovery.

40 (2) Food recovery organizations that will accept the edible food that the commercial  
41 edible food generator self-hauls to the food recovery organization for food recovery.

1 (c) A large venue or large event operator that does not provide food services, but allows  
2 for food to be provided, shall require food facilities operating at the large venue or large  
3 event to comply with the requirements of this section.

4 (d) A commercial edible food generator shall comply with the requirements of this  
5 section unless the commercial edible food generator demonstrates the existence of  
6 extraordinary circumstances beyond its control that make such compliance  
7 impracticable. If an enforcement action is commenced against a commercial edible food  
8 generator for noncompliance, the burden of proof shall be upon the commercial edible  
9 food generator to demonstrate extraordinary circumstances. For the purposes of this  
10 section extraordinary circumstances are:

11 (1) A failure by the jurisdiction to increase edible food recovery capacity as required  
12 in Section 18991.1.

13 (2) Acts of God such as earthquakes, wildfires, flooding, and other emergencies or  
14 natural disasters.

15 (e) An edible food generator shall not intentionally spoil edible food that is capable of  
16 being recovered by a food recovery organization or service.

17 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.  
18 Reference: Public Resources Code Sections ~~40002, 41780.01, 42652.5, 42653, 42654,~~  
19 ~~43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;~~  
20 and Health and Safety Code Sections ~~39730.5, 39730.6, 39730.7 and 39730.8.~~

#### 21 **Section 18991.4. Recordkeeping Requirements For Commercial Edible Food** 22 **Generators.**

23 (a) A commercial edible food generator subject to the requirements in this article shall  
24 keep a record that includes the following:

25 (1) A list of each food recovery service or organization that collects or receives its  
26 edible food pursuant to a contract or written agreement established under Section  
27 18991.3(b).

28 (2) A copy of contracts or written agreements between the commercial edible food  
29 generator and a food recovery service or organization.

30 (3) A record of the following for each food recovery organization or service that the  
31 commercial edible food generator has a contract or written agreement with pursuant  
32 to Section 18991.3(b):

33 (A) The name, address and contact information of the service or organization.

34 (B) The types of food that will be collected by or self-hauled to the service or  
35 organization.

36 (C) The established frequency that food will be collected or self-hauled.

37 (D) The quantity of food collected or self-hauled to a service or organization for  
38 food recovery. The quantity shall be measured in pounds recovered per month.

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

1 **Section 18991.5. Food Recovery Services and Organizations.**

2 (a) A food recovery organization or service that has established a contract or written  
3 agreement to collect or receive edible food directly from commercial edible food  
4 generators pursuant to Section 18991.3(b) shall maintain records specified in this  
5 section:

6 (1) A food recovery service shall maintain a record of:

7 (A) The name, address and contact information for each commercial edible food  
8 generator that the service collects edible food from.

9 (B) The quantity in pounds of edible food collected from each commercial edible  
10 food generator per month.

11 (C) The quantity in pounds of edible food transported to each food recovery  
12 organization per month.

13 (D) The name, address and contact information for each food recovery  
14 organization that the service transports edible food to for food recovery.

15 (2) A food recovery organization shall maintain a record of:

16 (A) The name, address and contact information for each commercial edible food  
17 generator that the organization receives edible food from.

18 (B) The quantity in pounds of edible food received from each commercial edible  
19 food generator per month.

20 (C) The name, address and contact information for each food recovery service that  
21 the organization receives edible food from for food recovery.

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

23 Reference: Public Resources Code Sections ~~40002, 41780.01, 42652.5, 42653, 42654,~~

24 ~~43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;~~

25 and Health and Safety Code Sections ~~39730.5, 39730.6, 39730.7 and 39730.8.~~

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

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

28 (a) Counties, in coordination with jurisdictions and regional agencies located within the  
29 county, shall:

30 (1) Estimate the amount of all organic waste in tons that will be disposed by the  
31 county and jurisdictions within the county by:

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

36 (B) Using a waste characterization study or studies performed by jurisdictions  
37 located within the county and applying the results of those studies to the total  
38 amount of landfill disposal attributed to the county and each jurisdiction located  
39 within the county by the Recycling and Disposal Reporting System. Local studies  
40 may be used if the studies:

41 1. Were performed within the last five years,

1 2. Include at least the same categories of organic waste as the Department's  
2 most recent waste characterization study that was available at the time the local  
3 study or studies were performed, and,

4 3. Include a statistically significant sampling of solid waste disposed of by the  
5 jurisdiction conducting the study.

6 (2) A county may incorporate the findings of a published report generated by the  
7 appropriate solid waste management entities within the county that provides organic  
8 waste disposal tonnages or percentages for specific organic waste material types  
9 that are not covered in the Department's most recent waste characterization study.  
10 This may include, but is not limited to, reports on tons of biosolids or digestate  
11 disposed in the county.

12 (3) Identify the amount in tons of existing organic waste recycling infrastructure  
13 capacity, located both in the county and outside of the county, that is verifiably  
14 available to the county and jurisdictions located within the county.

15 (A) A county can demonstrate the capacity is verifiably available to the county or  
16 its jurisdictions through a contract, franchise, or other documentation of existing,  
17 new, or expanded capacity at a facility, activity, operation or property that recovers  
18 organic waste that will be available to the county or its jurisdiction prior to the end  
19 of the reporting period.

20 (4) Estimate the amount of new or expanded organic waste recycling facility capacity  
21 that will be needed to process the organic waste identified pursuant to Subdivision  
22 (a)(1) in addition to the existing capacity identified in Subdivision (a)(2).

23 (b) A jurisdiction or regional agency contacted by a county pursuant to Subdivision (a)  
24 shall respond to the county's request for the information necessary to comply with the  
25 requirements of this article within 120 days of receiving the request from the county.

26 (1) If a jurisdiction or regional agency fails to provide the information necessary to  
27 comply with the requirements of this article within 120 days, the county is not  
28 required to include estimates for that jurisdiction in the report it submits pursuant to  
29 Section 18992.3.

30 (2) In the report submitted pursuant to Section 18992.3 the county shall identify any  
31 jurisdiction that did not provide the information necessary to comply with the  
32 requirements of this article within 120 days of receiving a request from the county.

33 (c) In complying with this section, the county in coordination with jurisdictions and  
34 regional agencies located within the county shall:

35 (1) Consult with the Enforcement Agency and the local task force created pursuant to  
36 Section 40950 of the Public Resources Code on the status of locations for new or  
37 expanded solid waste facilities including the potential capacity increase each facility  
38 may provide if approved.

39 (2) Consult with haulers and owners of facilities, operations, and activities that  
40 recover organic waste including, but not limited to, compost facilities, in-vessel  
41 digestion facilities, and Publicly Owned Treatment Works to gather information on the  
42 existing capacity and potential new or expanded capacity at those facilities,  
43 operations, and activities.

44 (A) Entities contacted by a jurisdiction shall respond to the jurisdiction within 60  
45 days regarding available and potential new or expanded capacity at their facilities.

1 operations, and activities, including information about throughput and permitted  
2 capacity necessary for planning purposes.

3 (3) Conduct community outreach regarding locations being considered for new or  
4 expanded facilities, operations, or activities to seek feedback on the benefits and  
5 impacts that may be associated with new or expanded facilities, operations, or  
6 activities. The community outreach shall:

7 (A) Include at least one of the following forms of communication: public workshops  
8 or meetings, print noticing, and electronic noticing.

9 (B) If applicable be conducted in coordination with potential solid waste facility  
10 operators that may use the location identified by the county and the jurisdictions  
11 and regional agencies located within the county.

12 (C) Include communication to disadvantaged communities that may be impacted  
13 by the development of new facilities at the locations identified by the county and  
14 the jurisdictions and regional agencies located within the county.

15 (D) Communication required by this section must be provided in non-English  
16 languages spoken by a substantial number of the public in the applicable  
17 jurisdiction in a manner that conforms with the requirements of Section 18985.1(e).

18 (4) Consult with community composting operators to estimate the amount of organic  
19 waste the county, and the jurisdictions and regional agencies located within the  
20 county, anticipate will be handled at community composting activities.

21 (d) If a county determines that organic waste recycling capacity, in addition to the  
22 available and proposed capacity identified pursuant to Subdivision (a), is needed within  
23 that county, the county shall notify the jurisdiction or jurisdictions that lack sufficient  
24 capacity that it is required to:

25 (1) Submit an implementation schedule to the Department that demonstrates how it  
26 will ensure there is enough available capacity to recover the organic waste currently  
27 disposed of by generators within their jurisdiction by the end of the report period.

28 (A) The implementation schedule shall include timelines and milestones for  
29 planning efforts to access capacity including, but not limited to:

30 1. Obtaining funding for organic waste recycling infrastructure including, but not  
31 limited to, modifying franchise agreements or demonstrating other means of  
32 financially supporting the expansion of organic waste recycling.

33 2. Identification of facilities, operations, and activities that could be used for  
34 additional capacity.

35 (2) Identify proposed new or expanded organic waste recycling facilities that will be  
36 used to process the organic waste identified pursuant to Subdivision (a)(3).

37 (e) The notice the county provides jurisdictions pursuant to Subdivision (d) shall be  
38 provided on or before the county submits the report required pursuant to Section  
39 18992.3.

40 (f) For the purposes of this section, only the following type of organic waste shall be  
41 included in estimates: food, green waste, landscape and pruning waste, wood, paper  
42 products, printing and writing paper, digestate and biosolids.

43 (g) For the purposes of conducting the estimates required by this section, a county may  
44 subtract the waste generated in an area subject to a waiver granted by the Department  
45 pursuant to Section 18984.12. A county is not required to obtain information from a

1 jurisdiction that is waived from all of the organic waste collection requirements of this  
2 chapter.

3 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.  
4 Reference: Public Resources Code Sections ~~40002, 41780.01, 42652.5, 42653, 42654,~~  
5 ~~43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;~~  
6 and Health and Safety Code Sections ~~39730.5, 39730.6, 39730.7 and 39730.8.~~

7 **Section 18992.2. Edible Food Recovery Capacity.**

8 (a) Counties, in coordination with jurisdictions and regional agencies located within the  
9 county, shall:

10 (1) Estimate the amount of edible food that will be disposed ~~of~~ by commercial edible  
11 food generators that are located within the county and jurisdictions within the county.

12 (2) Identify existing capacity at food recovery organizations identified in Section  
13 18982(a)(25)(A)–(B) that is available to commercial edible food generators located  
14 within the county and jurisdictions within the county.

15 (3) Identify proposed new or expanded food recovery organizations and food  
16 recovery services that will be used to recover edible food identified pursuant to  
17 Subdivision (a)(1).

18 (4) Identify the amount of new or expanded capacity, if any, at food recovery  
19 organizations and food recovery services that is necessary to recover the edible food  
20 that is estimated to be disposed by commercial edible food generators in (a)(1).

21 (b) In complying with this section the county in coordination with jurisdictions and  
22 regional agencies located within the county shall consult with food recovery  
23 organizations and food recovery services regarding existing, or proposed new and  
24 expanded, capacity that could be accessed by the jurisdiction and its commercial edible  
25 food generators.

26 (1) Entities contacted by a jurisdiction shall respond to the jurisdiction within 60 days  
27 regarding available and potential new or expanded capacity.

28 (c) If a county identifies that new or expanded capacity is needed to recover the amount  
29 of edible food identified in Subdivision (a), then each jurisdiction within that county that  
30 lacks capacity shall:

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

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

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

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

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

4 (d) If a county finds that new or expanded capacity is needed pursuant to Subdivision  
5 (c) then on or before the county submits the report required pursuant to Section  
6 18992.3, the county shall notify the jurisdiction or jurisdictions that lack sufficient  
7 capacity.

8 (e) A jurisdiction or regional agency contacted by a county pursuant to this section shall  
9 respond to the county's request for the information necessary to comply with the  
10 requirements of this section within 120 days of receiving the request from the county.

11 (1) If a jurisdiction or regional agency fails to provide the information necessary to  
12 comply with the requirements of this article within 120 days, the county is not  
13 required to include estimates for that jurisdiction in the report it submits pursuant to  
14 Section 18992.3.

15 (2) In the report submitted pursuant to Section 18992.3 the county shall identify any  
16 jurisdiction that did not provide the information necessary to comply with the  
17 requirements of this section within 120 days of receiving a request from the county.

18 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.  
19 Reference: Public Resources Code Sections ~~40002, 41780.01, 42652.5, 42653, 42654,~~  
20 ~~43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;~~  
21 and Health and Safety Code Sections ~~39730.5, 39730.6, 39730.7 and 39730.8.~~

### 22 **Section 18992.3. Schedule For Reporting.**

23 (a) Counties, in coordination with jurisdictions and regional agencies located within the  
24 county, shall conduct the planning requirements of Sections 18992.1 and 18992.2, on  
25 the following schedule:

26 (1) August 1, 2022 counties shall report to ~~CalRecycle~~ the Department on the period  
27 covering January 1, 2022 through December 31, 2024.

28 (A) Jurisdictions that are exempt from the organic waste collection requirements  
29 pursuant to Section 18984.12, are not required to conduct the capacity planning  
30 required in Section 18992.1 and are not required to include capacity plans  
31 required by Section 18992.1 in the first reporting period.

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

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

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

38 (b) If a jurisdiction is required to submit an implementation schedule pursuant to Section  
39 18992.1 or 18992.2 the implementation schedule shall be submitted 120 days following  
40 the date the county submitted the report to ~~CalRecycle~~ the Department.

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



1 Reference: Public Resources Code Sections ~~40002, 41780.01, 42652.5, 42653, 42654,~~  
2 ~~43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;~~  
3 ~~and Health and Safety Code Sections ~~39730.5, 39730.6, 39730.7 and 39730.8.~~~~

## 4 **Article 12. Procurement of Recovered Organic Waste Products**

### 5 **Section 18993.1. Recovered Organic Waste Product Procurement Target.**

6 (a) Except as otherwise provided, commencing January 1, 2022, a jurisdiction shall  
7 annually procure a quantity of recovered organic waste products that meets or exceeds  
8 its current annual recovered organic waste product procurement target as determined  
9 by this article. For the purposes of this section, "jurisdiction" means a city, a county or a  
10 city and county.

11 (b) On or before January 1, 2022, and on or before January 1 every five years  
12 thereafter, the Department shall recalculate the annual recovered organic waste product  
13 procurement target for each jurisdiction according to the requirements of Subdivision

14 (c).

15 (c). Each jurisdiction's recovered organic waste product procurement target shall be  
16 calculated by multiplying the per capita procurement target by the jurisdiction population  
17 where:

18 (1) Per capita procurement target = 0.08 tons of organic waste per California resident  
19 per year.

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

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

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

26 (1) Directly procuring recovered organic waste products for use or giveaway.

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

30 (f) For the purposes of this article, the recovered organic waste products that a  
31 jurisdiction may procure to comply with this article are:

32 (1) Compost, subject to any applicable limitations of Public Contract Code Section  
33 22150, that is produced at:

34 (A) A compostable material handling operation or facility permitted or authorized  
35 under Chapter 3.1 of this division; or

36 (B) A large volume in-vessel digestion facility as defined and permitted under  
37 Chapter 3.2 of this division that compost on-site. [NOTE: Digestate, as defined in  
38 Section 18982(a)(16.5), is a distinct material from compost and is thus not a  
39 recovered organic waste product eligible for use in complying with this Article.]

40 (2) Renewable gas used for fuel for transportation, electricity, or heating applications.

41 (3) Electricity from biomass conversion.

42 (4) Mulch, provided that the following conditions are met for the duration of the  
43 applicable procurement compliance year:

1 (A) The jurisdiction has an enforceable ordinance, or similarly enforceable  
2 mechanism, that requires the mulch procured by the jurisdiction to comply with this  
3 article to meet or exceed the physical contamination, maximum metal  
4 concentration, and pathogen density standards for land application specified in  
5 Section 17852(a)(24.5)(A)(~~1~~-1. through (~~3~~)3. of this division; and

6 (B) The mulch is produced at one or more of the following:

7 1. A compostable material handling operation or facility as defined in Section  
8 17852(a)(12), other than a chipping and grinding operation or facility as defined  
9 in Section 17852(a)(10), that is permitted or authorized under this division; or

10 2. A transfer/processing facility or transfer/processing operation as defined in  
11 Sections 17402(a)(30) and (31), respectively, that is permitted or authorized  
12 under this division; or

13 3. A solid waste landfill as defined in Public Resources Code Section 40195.1  
14 that is permitted under Division 2 of Title 27 of the California Code of  
15 Regulations.

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

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

21 (A) 21 diesel gallon equivalents, or "DGE," of renewable gas in the form of  
22 transportation fuel.

23 (B) 242 kilowatt-hours of electricity derived from renewable gas.

24 (C) 22 therms for heating derived from renewable gas.

25 (D) 650 kilowatt-hours of electricity derived from biomass conversion.

26 (E) 0.58 tons of compost or 1.45 cubic yards of compost.

27 (F) One ton of mulch.

28 (h) Renewable gas procured from a POTW may only count toward a jurisdiction's  
29 recovered organic waste product procurement target provided the following conditions  
30 are met for the applicable procurement compliance year:

31 (1) The POTW receives organic waste directly from one or more of the following:

32 (A) A compostable material handling operation or facility as defined in Section  
33 17852(a)(12), other than a chipping and grinding operation or facility as defined in  
34 Section 17852(a)(10), that is permitted or authorized under this division; or

35 (B) A transfer/processing facility or transfer/processing operation as defined in  
36 Sections 17402(a)(30) and (31), respectively, that is permitted or authorized under  
37 this division; or

38 (C) A solid waste landfill as defined in Public Resources Code Section 40195.1  
39 that is permitted under Division 2 of Title 27 of the California Code of Regulations.

40 (2) The POTW is in compliance with the exclusion described in Section  
41 17896.6(a)(1).

42 (3) The jurisdiction receives a record from the POTW documenting the tons of  
43 organic waste received by the POTW from all solid waste facilities described in  
44 subsection (h)(1) above.

45 (4) The amount of renewable gas a jurisdiction or jurisdictions procured from the  
46 POTW for fuel, electricity or heating applications is less than or equal to the POTW's

1 production capacity of renewable gas generated from organic waste received at the  
2 POTW directly from solid waste facilities as determined using the relevant conversion  
3 factors in Subdivision (g).

4 (5) The POTW transported less than 25 percent of the biosolids it produced to  
5 activities that constitute landfill disposal.

6 (i) Electricity procured from a biomass conversion facility may only count toward a  
7 jurisdiction's recovered organic waste product procurement target if the biomass  
8 conversion facility receives feedstock directly from one or more of the following during  
9 the duration of the applicable procurement compliance year:

10 (1) 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 (2) 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 (3) A solid waste landfill as defined in Public Resources Code Section 40195.1 that is  
17 permitted under Division 2 of Title 27 of the California Code of Regulations.

18 (j) If a jurisdiction's annual recovered organic waste product procurement target  
19 exceeds the jurisdiction's total procurement of transportation fuel, electricity, and gas for  
20 heating applications from the previous calendar year as determined by the conversion  
21 factors in Subdivision (g), the target shall be adjusted to an amount equal to its total  
22 procurement of those products as converted to their recovered organic waste product  
23 equivalent from the previous year consistent with Subdivision (g).

24 (k) A jurisdiction shall identify additional procurement opportunities within the  
25 jurisdiction's departments and divisions for expanding the use of recovered organic  
26 waste products.

27 (l) Rural counties, and jurisdictions located within rural counties that are exempt from  
28 the organic waste collection requirements pursuant to Section 18984.12(c), are not  
29 required to comply with the procurement requirements in this Section from January 1,  
30 2022-December 31, 2026.

31 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.  
32 Reference: Public Resources Code Sections ~~40002, 41780.01, 42652.5, 42653, 42654,~~  
33 ~~43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;~~  
34 and Health and Safety Code Sections ~~39730.5, 39730.6, 39730.7~~ and 39730.8.

### 35 **Section 18993.2. Recordkeeping Requirements For Recovered Organic Waste** 36 **Procurement Target.**

37 (a) A jurisdiction, as defined in 18993.1(a), shall include all documents supporting its  
38 compliance with this article in the implementation record required by Section 18995.2 of  
39 this chapter including, but not limited to, the following:

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

42 (2) The name, physical location, and contact information of each entity, operation, or  
43 facility from whom the recovered organic waste products were procured, and a

1 general description of how the product was used, and if applicable, where the  
2 product was applied.

3 (3) All invoices or similar records evidencing all procurement.

4 (4) If a jurisdiction will include procurement of recovered organic waste products  
5 made by a direct service provider to comply with the procurement requirements of  
6 Section 18993.1(a), the jurisdiction shall include all records of procurement of  
7 recovered organic waste products made by the direct service provider on behalf of  
8 the jurisdiction including invoices or similar records evidencing procurement.

9 (5) If a jurisdiction will include renewable gas procured from a POTW for any of the  
10 uses identified in 18993.1(f)(2) to comply with the procurement mandate of Section  
11 18993.1(a), a written certification by an authorized representative of the POTW,  
12 under penalty of perjury in a form and manner determined by the jurisdiction,  
13 attesting to the following for the applicable procurement compliance year:

14 (A) That the POTW was in compliance with the exclusion in Section 17896.6(a)(1);

15 (B) The total tons of organic waste received from the types of solid waste facilities  
16 listed in Section 18993.1(h)(1); and

17 (C) The percentage of biosolids that the POTW produced and transported to  
18 activities that constitute landfill disposal.

19 (6) If a jurisdiction will include electricity procured from a biomass conversion facility  
20 to comply with the procurement mandate of Section 18993.1(a), a written certification  
21 by an authorized representative of the biomass conversion facility certifying that  
22 biomass feedstock was received from a permitted solid waste facility identified in  
23 18993.1(i) shall be provided to the jurisdiction. The certification shall be furnished  
24 under penalty of perjury in a form and manner determined by the jurisdiction.

25 (7) If the jurisdiction is implementing the procurement requirements of Section  
26 18993.1 through an adjusted recovered organic waste product procurement target  
27 pursuant to Section 18993.1(j), the jurisdiction shall include records evidencing the  
28 total amount of transportation fuel, electricity, and gas for heating applications  
29 procured during the calendar year prior to the applicable reporting period.

30 (8) For jurisdictions complying with the requirements of Section 18993.1, through the  
31 procurement of mulch, a copy of the ordinance or similarly enforceable mechanism  
32 the jurisdiction has adopted requiring that mulch procured by the jurisdiction or a  
33 direct service provider meets the land application standards specified in Section  
34 18993.1.

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

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

39 **Section 18993.3. Recycled Content Paper Procurement Requirements.**

40 (a) A jurisdiction shall procure paper products, and printing and writing paper, consistent  
41 with the requirements of Sections 22150-22154 of the Public Contracts Code.

42 (b) In addition to meeting the requirements of Subdivision (a), paper products and  
43 printing and writing paper shall be eligible to be labeled with an unqualified recyclable  
44 label as defined in 16 Code of Federal Regulations (CFR) Section 260.12 (2013).

1 (c) A jurisdiction shall require all businesses from whom it purchases paper products  
2 and printing and writing paper to certify in writing:

3 (1) The minimum percentage, if not the exact percentage, of postconsumer material  
4 in the paper products and printing and writing paper offered or sold to the jurisdiction.  
5 The certification shall be furnished under penalty of perjury in a form and manner  
6 determined by the jurisdiction. A jurisdiction may waive the certification requirement if  
7 the percentage of postconsumer material in the paper products, printing and writing  
8 paper, or both can be verified by a product label, catalog, invoice, or a manufacturer  
9 or vendor Internet website.

10 (2) That the paper products and printing and writing paper offered or sold to the  
11 jurisdiction is eligible to be labeled with an unqualified recyclable label as defined in  
12 16 CFR Section 260.12 (2013).

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

15 Reference: Public Resources Code Sections ~~40002, 41780.01, 42652.5, 42653, 42654,~~  
16 ~~43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;~~  
17 ~~and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8; and~~  
18 ~~Public Contracts Code Sections 22150, 22151, 22152, 22153, and 22154.~~

19 **Section 18993.4. Recordkeeping Requirements for Recycled Content Paper**  
20 **Procurement.**

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

24 (1) Copies of invoices, receipts or other proof of purchase that describe the  
25 procurement of paper products by volume and type for all paper purchases.

26 (2) Copies of all certifications or other verification required under Section 18993.3.

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

28 Reference: Public Resources Code Section 42652.5; Health and Safety Code Section  
29 39730.6; and Public Contracts Code Sections 22150, 22151, 22152, 22153, and 22154.

30 **Article 13. Reporting**

31 **Section 18994.1. Initial Jurisdiction Compliance Report.**

32 (a) Each jurisdiction shall report to the Department on its implementation and  
33 compliance with the requirements of this chapter. Each jurisdiction shall report to the  
34 Department by April 1, 2022 the following information:

35 (1) A copy of ordinances or other enforceable mechanisms adopted pursuant to this  
36 chapter.

37 (2) The reporting items identified in Section 18994.2(b).

38 (3) The following contact information:

39 (A) The name, mailing address, phone number, and email address of the  
40 employee of the jurisdiction that the jurisdiction has designated as the primary  
41 contact person for the purposes of receiving communications regarding  
42 compliance with this chapter.

1 (B) The name and address of the agent designated by the jurisdiction for the  
2 receipt of service of process from the Department for the purposes of enforcement  
3 of this chapter if different from (A) above.

4 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.  
5 Reference: Public Resources Code Sections ~~40002, 41780.01, 42652.5, 42653, 42654,~~  
6 ~~43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;~~  
7 and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.

## 8 **Section 18994.2. Jurisdiction Annual Reporting.**

9 (a) A jurisdiction shall report the information required in this section to the Department  
10 according to the following schedule:

11 (1) On or before October 1, 2022, a jurisdiction shall report for the period of January  
12 1, 2022 through June 30, 2022.

13 (2) ~~Commencing~~ On or before August 1, ~~2022~~2023, and ~~annually~~ on or before August  
14 1 each year thereafter, a jurisdiction shall report the information required by this  
15 section to the Department. The report submitted in 2022 shall cover the period of  
16 January 1, 2022 through June 30, 2022. Each subsequent report shall for the period  
17 covering the entire previous calendar year.

18 ~~(1) Notwithstanding Subdivision (a), a jurisdiction may submit the report, covering~~  
19 ~~the period of January 1, 2022 through June 30, 2022, on October 1, 2022.~~

20 (b) Each jurisdiction shall report the following, relative to its implementation of the  
21 organic waste collection requirements of Article 3 of this chapter:

22 (1) The type of organic waste collection service(s) provided by the jurisdiction to its  
23 generators.

24 (2) The total number of generators that receive each type of organic waste collection  
25 service provided by the jurisdiction.

26 (3) If the jurisdiction is implementing an organic waste collection service that requires  
27 transport of the contents of containers to a high diversion organic waste processing  
28 facility, the jurisdiction shall identify the Recycling and Disposal Reporting System  
29 number of each facility that receives organic waste from the jurisdiction.

30 (4) If the jurisdiction allows placement of compostable plastics in containers pursuant  
31 to Section 18984.1 or 18984.2, the jurisdiction shall identify each facility that has  
32 notified the jurisdiction that it accepts and recovers that material.

33 (5) If the jurisdiction allows organic waste to be collected in plastic bags and placed in  
34 containers pursuant to Section 18984.1 or 18984.2 the jurisdiction shall identify each  
35 facility that has notified the jurisdiction that it can accept and remove plastic bags  
36 when it recovers source separated organic waste.

37 (c) Each jurisdiction shall report the following, relative to its implementation of the  
38 contamination monitoring requirements of Article 3 of this chapter:

39 (1) The number of route reviews conducted for prohibited container contaminants.

40 (2) The number of times notices, violations, or targeted education materials were  
41 issued to generators for prohibited container contaminants.

42 (3) The results of waste ~~composition studies~~evaluations performed to meet the  
43 container contamination minimization requirements and the number of resulting  
44 targeted route reviews.

1 (d) Each jurisdiction shall report the following relative to its implementation of waivers  
2 pursuant to Article 3 of this chapter:

3 (1) The number of days an emergency circumstances waiver as allowed in Section  
4 18984.13 was in effect and the type of waiver issued.

5 (2) The tons of organic waste that were disposed as a result of waivers identified in  
6 Subsection (1), except disaster and emergency waivers granted in Section  
7 18984.13(b).

8 (3) The number of generators issued a de-minimis waiver.

9 (4) The number of generators issued a physical space waiver.

10 (5) A jurisdiction that receives a waiver from the Department pursuant to Section  
11 18984.12 of Article 3 of this chapter shall report the following information for each

12 year the waiver is in effect:

13 (A) The number of generators waived from the requirement to subscribe to an  
14 organic waste collection service.

15 (e) A jurisdiction shall report the following regarding its implementation of education and  
16 outreach required in Article 4 of this chapter:

17 (1) The number of organic waste generators and edible food generators that received  
18 information and the type of education and outreach used.

19 (f) A jurisdiction shall report the following regarding its implementation of the hauler  
20 oversight requirements of Article 7 of this chapter:

21 (1) The number of haulers approved to collect organic waste in the jurisdiction.

22 (2) The Recycling and Disposal Reporting System number of each facility that is  
23 receiving organic waste from haulers approved by the jurisdiction.

24 (3) The number of haulers that have had their approval revoked or denied.

25 (g) A jurisdiction subject to article 8 shall report the following regarding its  
26 implementation of the CALGreen Building Standards and Model Water Efficient  
27 Landscape Ordinance as required in Article 8 of this chapter:

28 (1) The number of construction and demolition debris removal activities conducted in  
29 compliance with Section 18989.1.

30 (2) The number of projects subject to Section 18989.2.

31 (h) A jurisdiction shall report the following regarding its implementation of the edible  
32 food recovery requirements of Article 10 of this chapter:

33 (1) The number of commercial edible food generators located within the jurisdiction.

34 (2) The number of food recovery services and organizations located and operating  
35 within the jurisdiction that contract with or have written agreements with commercial  
36 edible food generators for food recovery.

37 (A) A jurisdiction shall require food recovery organizations and services that are  
38 located within the jurisdiction and contract with or have written agreements with  
39 commercial edible food generators pursuant to Section 18991.3 (b) to report the  
40 amount of edible food in pounds recovered by the service or organization in the  
41 previous calendar year to the jurisdiction.

42 (3) The jurisdiction shall report on the total pounds of edible food recovered by food  
43 recovery organizations and services pursuant to **Subdivision (h)(2)(A).**

44 (i) A jurisdiction shall report the following regarding its implementation of the organic  
45 waste recycling capacity planning and edible food recovery capacity planning  
46 requirements of Article 11 of this chapter:

- 1 (1) A county shall report:  
2 (A) The tons estimated to be generated for landfill disposal.  
3 (B) The amount of capacity verifiably available to the county and cities within the  
4 county.  
5 (C) The amount of new capacity needed.  
6 (D) The locations identified for new or expanded facilities.  
7 (E) The jurisdictions that are required to submit implementation schedules.  
8 (F) The jurisdictions that did not provide information required by Article 11 of this  
9 chapter to the county within 120 days.  
10 (2) Notwithstanding Subdivision (a), the information required by this subdivision shall  
11 be reported on the schedule specified in Section 18992.3.  
12 (j) A jurisdiction, as defined in Sections 18993.1, shall report the following regarding its  
13 implementation of the procurement requirements of Article 12 of this chapter:  
14 (1) The amount of each recovered organic waste product procured directly by the  
15 city, county, or through direct service providers, or both during the prior calendar  
16 year.  
17 (2) If the jurisdiction is implementing the procurement requirements of Section  
18 18993.1 through an adjusted recovered organic waste product procurement target  
19 pursuant to Section 18993.1(j), the jurisdiction shall include in its report the total  
20 amount of transportation fuel, electricity, and gas for heating applications procured  
21 during the calendar year prior to the applicable reporting period.  
22 (k) A jurisdiction shall report the following regarding its implementation of the  
23 compliance, monitoring, and enforcement requirements specified in Articles 14-16 of  
24 this chapter:  
25 (1) The number of commercial businesses that were included in a compliance review  
26 performed by the jurisdiction pursuant to Section 18995.1(a)(1). As well as the  
27 number of violations found and corrected through compliance reviews if different from  
28 the amount reported in Subdivision (k)(5).  
29 (2) The number of route reviews conducted.  
30 (3) The number of inspections conducted by type for commercial edible food  
31 generators, food recovery organizations, and commercial businesses.  
32 (4) The number of complaints pursuant to Section 18995.3 that were received and  
33 investigated, and the number of Notices of Violation issued based on investigation of  
34 those complaints.  
35 (5) The number of Notices of Violation issued, categorized by type of entity subject to  
36 this chapter.  
37 (6) The number of penalty orders issued, categorized by type of entity subject to this  
38 chapter.  
39 (7) The number of enforcement actions that were resolved, categorized by type of  
40 regulated entity.  
41 (l) A jurisdiction shall report any changes to the information described in Sections  
42 18994.1(a)(1) and 18994.1(a)(3).  
43 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.



1 Reference: Public Resources Code Sections ~~40002, 41780.01, 42652.5, 42653, 42654,~~  
2 ~~43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;~~  
3 ~~and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.~~

## 4 **Article 14 Enforcement Requirements**

### 5 **Section 18995.1. Jurisdiction Inspection and Enforcement Requirements.**

6 (a) On or before January 1, 2022, a jurisdiction shall have an inspection and  
7 enforcement program that is designed to ensure overall compliance with this chapter  
8 and that, at a minimum, includes the following requirements:

9 (1) Beginning January 1, 2022, and at least annually thereafter, a jurisdiction shall  
10 conduct the following:

11 (A) If the jurisdiction is using the compliance method described in Section 18984.1  
12 or 18984.2 of this division, the jurisdiction shall complete a compliance review of  
13 all solid waste collection accounts for commercial businesses that are subject to its  
14 authority and that generate two cubic yards or more per week of solid waste,  
15 including organic waste.

16 1. The jurisdiction shall also determine compliance with:

17 i. Organic waste generator requirements set forth in Section 18984.9(a).

18 ii. Self-haul requirements set forth in Section 18988.3, including whether a  
19 business is complying through back-hauling organic waste.

20 2. Beginning April 1, 2022, the jurisdiction shall either:

21 i. Conduct annual route reviews of commercial businesses and residential  
22 generators for compliance with organic waste generator requirements set  
23 forth in Section 18984.9(a) and container contamination requirements set  
24 forth in Section 18984.5; or

25 ii. Perform waste ~~composition studies~~evaluations consistent with Section  
26 18984.5(c) to verify commercial businesses and residential generators  
27 compliance with organic waste generator requirements set forth in Section  
28 18984.9(a).

29 (B) If a jurisdiction is using the compliance method described in Section 18984.3,  
30 the jurisdiction shall conduct a compliance review of all solid waste collection  
31 accounts for commercial businesses that are subject to its authority and generate  
32 two cubic yards or more per week of solid waste, including organic waste.

33 1. The jurisdiction shall also determine compliance with:

34 i. Organic waste generator requirements set forth in Section 18984.9(a) and  
35 document if the business is transporting the contents to a high diversion  
36 organic waste processing facility; or

37 ii. Self-hauling requirements pursuant to Section 18988.3, including whether  
38 a business is complying through back-hauling organic waste.

39 (2) Beginning January 1, 2022, conduct inspections of Tier One commercial edible  
40 food generators and food recovery organizations and services for compliance with  
41 this chapter. Beginning January 1, 2024, conduct inspections of Tier Two commercial  
42 edible food generators for compliance with Article 10 of this chapter.

43 (3) Beginning January 1, 2022, investigate complaints as required under Section  
44 18995.3.

1 (4) Beginning January 1, 2022 and until December 31, 2023, a jurisdiction shall  
2 provide educational material describing the applicable requirements of this chapter in  
3 response to violations.

4 (5) Beginning January 1, 2024, a jurisdiction shall enforce this chapter pursuant to  
5 Sections 18995.4 and 18997.2 in response to violations.

6 (6) At least every five years from the date of issuance, verify through inspection that  
7 commercial businesses are meeting de minimis and physical space waivers for  
8 compliance consistent with the requirements of Section 18984.11.

9 (b) A jurisdiction shall conduct a sufficient number of route reviews and inspections of  
10 entities described in this section to adequately determine overall compliance with this  
11 chapter. A jurisdiction may prioritize inspections of entities that it determines are more  
12 likely to be out of compliance.

13 (c) A jurisdiction shall generate a written or electronic record for each inspection, route  
14 review, and compliance review conducted pursuant to this chapter. Each record shall  
15 include, at a minimum, the following information:

16 (1) Identifying information for the subject or subjects of the inspection, route review or  
17 compliance review, such as, but not limited to:

18 (A) The name or account name of each person or entity.

19 (B) A description of the hauler route and addresses covered by a route review.

20 (C) A list of accounts reviewed for each compliance review.

21 (2) The date or dates the inspection, route review, or compliance review was  
22 conducted.

23 (3) The person or persons who conducted the action.

24 (4) The jurisdiction's findings regarding compliance with this chapter, including any  
25 Notices of Violation or educational materials that were issued.

26 (5) Any relevant evidence supporting the findings in Subsection (4) above, such as,  
27 but not limited to, photographs and account records.

28 (6) Route review records shall also include a description of the locations of the route  
29 review(s) and the addresses where prohibited container contaminants are found, if  
30 any.

31 (d) Documentation of route reviews, compliance reviews, and inspections, as well as all  
32 other records of enforcement conducted pursuant to this chapter shall be maintained in  
33 the Implementation Record required by Section 18995.2 of this chapter, and shall  
34 include, but not be limited to:

35 (1) Copies of all documentation of route reviews, compliance reviews, and  
36 inspections.

37 (2) Copies of all enforcement actions required by Section 18995.4 of this chapter,  
38 including Notices of Violation and penalty orders.

39 (3) A list of the date(s) that the jurisdiction determined an entity complied with a  
40 Notice of Violation and the evidence that supports that compliance determination.

41 (4) Copies of notices and educational material provided as required by this section.

42 (e) Consistent with Section 18981.2, a jurisdiction may have a designee conduct  
43 inspections required by this section.

44 (f) Any records obtained by a jurisdiction through its implementation and enforcement of  
45 the requirements of this chapter shall be subject to the requirements and applicable

1 disclosure exemptions of the Public Records Act as set forth in Government Code  
2 Section 6250 et seq.

3 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.  
4 Reference: Public Resources Code Sections ~~40002, 41780.01, 42652.5, 42653, 42654,~~  
5 ~~43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;~~  
6 and Health and Safety Code Sections ~~39730.5, 39730.6, 39730.7 and 39730.8.~~

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

8 (a) A jurisdiction shall maintain all records required by this chapter in the  
9 Implementation Record.

10 (b) The Implementation Record shall be stored in one central location, physical or  
11 electronic, that can be readily accessed by the Department.

12 (c) Upon request by the Department, the jurisdiction shall provide access to the  
13 Implementation Record within ten business days.

14 (d) All records and information shall be included in the Implementation Record within 60  
15 days ~~of the creation of the record or information.~~

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

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

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

20 (2) A written description of the jurisdiction's inspection and enforcement program that  
21 it uses to comply with Sections 18995.1 and 18995.4.

22 (3) All organic waste collection service records required by Section 18984.4.

23 (4) All contamination minimization records required by Section 18984.6.

24 (5) All waiver and exemption records required by Section 18984.14.

25 (6) All education and outreach records required by Section 18985.3.

26 (7) All hauler program records required by Section 18988.4.

27 (8) All jurisdiction edible food recovery program records required by Section 18991.2.

28 (9) All recovered organic waste procurement target records required by Section  
29 18993.2.

30 (10) All recycled content paper procurement records required by Section 18993.54.

31 (11) All inspection, route review, and compliance review documents generated  
32 pursuant to the requirements of Section 18995.1(d).

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

34 (13) All records of complaints and investigations of complaints required by Section  
35 18995.3 and compliance with the jurisdiction's inspection and enforcement  
36 requirements of Sections 18995.1.

37 (14) All records required by Section 18998.4 if the jurisdiction is implementing a  
38 performance-based source separated organic waste collection service under Article  
39 17 of this chapter.

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

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

1 Reference: Public Resources Code Sections ~~40002, 41780.01, 42652.5, 42653, 42654,~~  
2 ~~43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;~~  
3 ~~and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.~~

4 **Section 18995.3. Jurisdiction Investigation of Complaints of Alleged Violations.**

5 (a) A jurisdiction shall provide a procedure for the receipt and investigation of written  
6 complaints of alleged violations of this chapter. The jurisdiction shall allow for the  
7 submission of anonymous complaints.

8 (b) The procedure shall provide that complaints be in writing and include the following  
9 information:

10 (1) If the complaint is not anonymous, the name and contact information of the  
11 complainant.

12 (2) The identity of the alleged violator, if known.

13 (3) A description of the alleged violation including location(s) and all other relevant  
14 facts known to the complainant.

15 (4) Any relevant photographic or documentary evidence to support the allegations in  
16 the complaint.

17 (5) The identity of any witnesses, if known.

18 (c) A jurisdiction shall commence an investigation within 90 days of receiving a  
19 complaint that meets the requirements of Subdivision (b) if the jurisdiction determines  
20 that the allegations, if true, would constitute a violation of this chapter. The jurisdiction  
21 may decline to investigate a complaint if, in its judgment, investigation is unwarranted  
22 because the allegations are contrary to facts known to the jurisdiction.

23 (d) The jurisdiction shall provide a procedure to notify a complainant of the results of  
24 their complaint if the identity and contact information of the complainant are known.

25 (e) The jurisdiction shall maintain records of all complaints and responses pursuant to  
26 this section in the Implementation Record set forth in Section 18995.2. The records  
27 shall include the complaint as received and the jurisdiction's determination of  
28 compliance or notice of violations issued.

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

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

33 **Section 18995.4. Enforcement by a Jurisdiction.**

34 (a) ~~With the exception of violations of the prohibited container contaminants provisions~~  
35 ~~in Section 18984.5(a), which a jurisdiction shall enforce through the notice provisions of~~  
36 ~~Section 18984.5(b), For-for~~ violations of this chapter occurring on or after January 1,  
37 2024, the jurisdiction shall take enforcement action as set forth in this section.

38  
39 (1) The jurisdiction shall issue a Notice of Violation ~~within 60 days of a determination~~  
40 ~~that a violation has occurred requiring compliance within 60 days of the issuance of~~  
41 ~~that notice.~~

42 ~~(2) The jurisdiction shall conduct follow-up inspections to determine if compliance is~~  
43 ~~achieved at least every 90 days following the issue date of an initial Notice of~~

~~Violation and continue to issue Notices of Violation until compliance is achieved or a penalty has been issued.~~

~~(32) Except as otherwise provided in Section 18984.5, Absent compliance by the respondent within the deadline set forth in the Notice of Violation, the jurisdiction shall commence an action to impose penalties pursuant to Article 16 of this chapter.~~

~~within the following time frames:~~

~~(A) For a first offense, no later than 150 days after the issuance of the initial Notice of Violation.~~

~~(B) For a second, third and all subsequent offenses, no later than 90 days after the issuance of the initial Notice of Violation.~~

~~1. The commencement of each action to impose a penalty pursuant to Article 16 or local ordinance adopted pursuant to the mandates of this chapter shall constitute an offense for purposes of the penalty calculations in Section 18997.2.~~

~~2. The commencement of an action against the same person or entity for a violation of the same subsection of this chapter or local ordinance adopted pursuant to the mandates of this chapter within one year of imposing a penalty for a first offense pursuant to Article 16 shall constitute a second or subsequent offense for purposes of the penalty calculations in Section 18997.2.~~

~~(b) The jurisdiction may extend the compliance deadlines set forth in a Notice of Violation issued pursuant to Subdivision (a) if it finds that extenuating circumstances beyond the control of the respondent make compliance within the deadlines impracticable. For purposes of this section, extenuating circumstances are:~~

~~(1) Acts of God such as, earthquakes, wildfires, flooding, and other emergencies or natural disasters;~~

~~(2) Delays in obtaining discretionary permits or other government agency approvals; and~~

~~(3) Deficiencies in organic waste recycling capacity infrastructure or edible food recovery capacity, and the relevant jurisdiction is under a Corrective Action Plan pursuant to Section 18996.2 due to those deficiencies.~~

~~(c) A Notice of Violation shall include the following information:~~

~~(1) The name(s), or account name(s) if different, of each person or entity to whom it is directed.~~

~~(2) A factual description of the violations of this chapter, including the regulatory section(s) being violated.~~

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

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

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

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

1 **Article 15. Enforcement Oversight by the Department**

2 **Section 18996.1. Department Evaluation of Jurisdiction Compliance.**

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

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

8 (c) The Department shall notify the jurisdiction prior to conducting a compliance  
9 evaluation.

10 (d) The Department shall provide its findings to the jurisdiction in writing.

11 (e) If the Department determines at any time that an ordinance adopted by a jurisdiction  
12 is inconsistent with or does not meet the requirements set forth in this chapter, the  
13 Department shall notify the jurisdiction and provide an explanation of the deficiencies.  
14 The jurisdiction shall have 180 days from that notice to correct the deficiencies. If the  
15 jurisdiction does not, the Department ~~may~~ shall commence enforcement actions as set  
16 forth in Section 18996.2.

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

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

21 **Section 18996.2. Department Enforcement Action Over Jurisdictions.**

22 ~~(a) If the Department finds that a jurisdiction is violating one or more of the requirements~~  
23 ~~of this chapter, then the Department may take the following actions~~  
24 ~~The Department shall enforce this chapter according to the following procedures:~~

25 (1) Issue a Notice of Violation requiring compliance within 90 days of the date of  
26 issuance of that notice. The Department ~~may~~ shall grant an extension for up to a total  
27 of 180 days from the date of issuance of the Notice of Violation if it finds that  
28 additional time is necessary for the jurisdiction to comply.

29 (2) The Department ~~may~~ shall extend the deadline for a jurisdiction to comply beyond  
30 the maximum compliance deadline allowed in Subdivision (a)(1) by issuing a  
31 Corrective Action Plan setting forth the actions a jurisdiction shall take to correct the  
32 violation(s). A Corrective Action Plan ~~may~~ shall be issued if the Department finds that  
33 additional time is necessary for the jurisdiction to comply and the jurisdiction has  
34 made a substantial effort to meet the maximum compliance deadline but extenuating  
35 circumstances beyond the control of the jurisdiction make compliance impracticable.  
36 The Department shall base its finding on available evidence, including relevant  
37 evidence provided by the jurisdiction.

38 (A) If a jurisdiction is unable to comply with the maximum compliance deadline  
39 allowed in Subdivision (a)(1) due to deficiencies in organic waste recycling  
40 capacity infrastructure, the Department ~~may~~ shall issue a Corrective Action Plan  
41 for such violations upon making a finding that:

42 1. Additional time is necessary for the jurisdiction to comply; and

1 2. The jurisdiction has provided organic waste collection service to all hauler  
2 routes where it is practicable and the inability to comply with the maximum  
3 compliance deadline in Subdivision (a)(1) is limited to only those hauler routes  
4 where organic waste recycling capacity infrastructure deficiencies have caused  
5 the provision of organic waste collection service to be impracticable.

6 3. The Department ~~may~~ shall, if applicable, consider implementation schedules,  
7 as described in ~~Article 11 of this chapter~~Section 18992.1, for purposes of  
8 developing a Corrective Action Plan but shall not be restricted in mandating  
9 actions to remedy violation(s) and developing applicable compliance  
10 deadline(s) to those provided in the Implementation Schedule.

11 (B) For the purposes of this section, “substantial effort” means that a jurisdiction  
12 has taken all practicable actions to comply. Substantial effort does not include  
13 circumstances where a decision-making body of a jurisdiction has not taken the  
14 necessary steps to comply with the chapter including, but not limited to, a failure to  
15 provide adequate staff resources to meet its obligations under this chapter, a  
16 failure to provide sufficient funding to ensure compliance, or failure to adopt the  
17 ordinance(s) or similarly enforceable mechanisms under Section 18981.2.

18 (C) For the purposes of this section, “extenuating circumstances” are:

19 1. Acts of God, such as earthquakes, wildfires, mudslides, flooding, and other  
20 emergencies or natural disasters.

21 2. Delays in obtaining discretionary permits or other government agency  
22 approvals.

23 3. An organic waste recycling infrastructure capacity deficiency requiring more  
24 than 180 days to cure.

25 (3) A Corrective Action Plan shall be issued by the Department with a maximum  
26 compliance deadline no more than 24 months from the date of the original Notice of  
27 Violation and shall include a description of each action the jurisdiction shall take to  
28 remedy the violation(s) and the applicable compliance deadline(s) for each action.  
29 The Corrective Action Plan shall describe the penalties that may be imposed if a  
30 jurisdiction fails to comply.

31 (4A) An initial Corrective Action Plan issued due to inadequate organic waste  
32 recycling infrastructure capacity may be extended for a period of up to 12 months  
33 if the department finds that the jurisdiction has demonstrated substantial effort.

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

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

38 **Section 18996.3. Department Enforcement When Jurisdiction Fails to Enforce.**

39 The Department ~~may~~ shall take direct enforcement action against an entity subject to a  
40 jurisdiction’s enforcement authority under this chapter consistent with the following  
41 requirements:

42 (a) If the jurisdiction fails to comply by the deadline in a Notice of Violation, or extension  
43 thereto, issued under Section 18996.2(a)(1) for failure to take enforcement action as  
44 required by this chapter, the Department ~~may~~ shall take direct enforcement action

1 against that entity pursuant to Section 18996.9 upon the Department's compliance with  
2 Subdivision (b).

3 (b) Prior to initiating enforcement action under Section 18996.9 against the entity, the  
4 Department shall notify the jurisdiction in writing of its intent to do so and shall include a  
5 general description of the grounds for the Department's action.

6 (c) Nothing in this section shall be construed as a limitation on the Department taking  
7 enforcement action against the jurisdiction for a failure to comply with the requirements  
8 of this chapter.

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

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

### 13 **Section 18996.4. Access for Inspection by the Department.**

14 (a) Upon presentation of proper credentials, an authorized Department employee or  
15 agent shall be allowed to enter the premises of any entity subject to this chapter during  
16 normal working hours to conduct inspections and investigations in order to examine  
17 organic waste recovery activities, edible food recovery activities, and records in order to  
18 determine compliance with this chapter. Methods may include, but are not limited to,  
19 allowing the review or copying or both, of any paper, electronic, or other records  
20 required by this chapter.

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

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

24 Reference: Public Resources Code Sections ~~40002, 41780.01, 42652.5, 42653, 42654,~~  
25 ~~43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;~~  
26 and Health and Safety Code Sections ~~39730.5, 39730.6, 39730.7 and 39730.8.~~

### 27 **Section 18996.5. Enforcement Actions Against Organic Waste Generators** 28 **Located In Multiple Jurisdictions.**

29 (a) In matters of substantial statewide concern, where multiple jurisdictions determine  
30 that Department enforcement may be more effective at achieving the intent of this  
31 chapter than separate enforcement by each jurisdiction, multiple jurisdictions may,  
32 together, file a joint enforcement referral under this section.

33 (b) The joint referral may request that the Department take enforcement action in lieu of  
34 those jurisdictions against an organic waste generator or generators, including a  
35 commercial edible food generator or generators, with locations, at minimum, in each of  
36 those jurisdictions.

37 (c) The joint referral shall be filed with the director of CalRecycle and shall include:

38 (1) A statement of facts that includes a description of the following:

39 (A) The relevant locations of the organic waste generator or generators at issue;

40 (B) The alleged violations of this chapter, the locations of those violations, and the  
41 relevant regulatory sections; and



1 (C) All evidence known to the jurisdictions that supports the allegations in the  
2 statement of facts.

3 (2) An analysis of the following issues:

4 (A) Why the relevant enforcement matter is of substantial statewide concern; and

5 (B) The basis of the finding by the jurisdictions that Department enforcement  
6 against the relevant organic waste generator or generators will be more effective  
7 at achieving the intent of this chapter than separate enforcement by each  
8 jurisdiction.

9 (3) A signature from the person in each jurisdiction responsible for compliance with  
10 this chapter, as currently reported to the Department in Article 13, certifying that the  
11 allegations contained in the referral are true and correct to the best of their  
12 knowledge.

13 (d) The Department ~~may~~ shall take enforcement action in lieu of the jurisdictions  
14 pursuant to this section and Section 18996.9 upon a finding that:

15 (1) The referral meets the requirements of this section and includes credible evidence  
16 supporting all of the factual allegations therein;

17 (2) The relevant enforcement matter described in the joint referral is of substantial  
18 regional or statewide concern; and

19 (3) Department enforcement action against the relevant organic waste generator will  
20 be more effective at achieving the goals of this chapter than separate enforcement by  
21 each jurisdiction.

22 (e) The Department shall respond, in writing, to the joint referral with a determination as  
23 to whether it will take enforcement action against the relevant generator in lieu of the  
24 jurisdictions.

25 (1) If the Department agrees to take enforcement action pursuant to a joint referral,  
26 the Department ~~may~~ shall issue a written order to the relevant jurisdictions mandating  
27 suspension of their individual enforcement actions against the relevant organic waste  
28 generator or generators.

29 (2) If the Department fails to respond to a joint referral within 90 days of receipt, the  
30 joint referral shall be deemed denied.

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

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

35 **Section 18996.6. Department Enforcement Action Regarding State Agencies.**

36 (a) If the Department finds that a state agency is violating Article 5 or Article 10 of this  
37 chapter, then the Department ~~may~~ shall take the following actions:

38 (1) Issue a Notice of Violation requiring compliance within 90 days of the date of  
39 issuance of that notice. The Department ~~may~~ shall grant an additional extension up  
40 to 180 days from the date of issuance of the Notice of Violation if it finds that  
41 additional time is necessary for the state agency to comply. The Department shall  
42 base its finding on available evidence, including relevant evidence provided by the  
43 state agency.

1 (2) If a state agency fails to comply by the final deadline in a Notice of Violation, the  
2 Department ~~may shall~~ take ~~any or all~~ the following actions:

3 (A) List the state agency on the Organic Waste Recovery Noncompliance  
4 Inventory on the Department's website until such time as the Department finds that  
5 the state agency is no longer in violation.

6 (B) Notify the Governor.

7 (C) Notify the Legislature.

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

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

12 **Section 18996.7. Department Enforcement Action Regarding Local Education**  
13 **Agencies and Federal Facilities.**

14 (a) If the Department finds that a local education agency or federal facility is violating  
15 this chapter, the Department ~~may shall~~ issue a Notice of Violation requiring compliance  
16 within 90 days. The Department ~~may shall~~ grant an additional extension up to 180 days  
17 from the date of issuance of the Notice of Violation if it finds that additional time is  
18 necessary for the local education agency or federal facility to comply. The Department  
19 shall base its finding on available evidence, including relevant evidence provided by the  
20 local education agency or federal facility. If the local education agency or federal facility  
21 fails to comply with the final deadline in a Notice of Violation, the Department ~~may shall~~  
22 list the local education agency or federal facility on the Organic Waste Recovery  
23 Noncompliance Inventory on its website until such time as the Department determines  
24 that the local education agency or federal facility is no longer in violation.

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

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

29 **Section 18996.8. Department Investigation of Complaints of Alleged Violations.**

30 (a) The Department shall receive and investigate written complaints of alleged violations  
31 of this chapter according to the requirements of this section.

32 (b) Complaints may be submitted anonymously, shall be ~~in~~-submitted in writing, and  
33 shall include the following information.

34 (1) If the complaint is not anonymous, the name and contact information of the  
35 complainant.

36 (2) The identity of the alleged violator, if known.

37 (3) A description of the alleged violation including location(s) and all other relevant  
38 facts known to the complainant.

39 (4) Any relevant photographic or documentary evidence to support the allegations in  
40 the complaint.

41 (5) The identity of any witnesses, if known.

1 (c) The Department shall commence an investigation within 90 days of receiving a  
2 complaint that meets the requirements of Subdivision (b) if the Department determines  
3 the allegations, if true, would constitute a violation of this chapter subject to the  
4 enforcement authority of the Department. The Department may decline to investigate a  
5 complaint if, in its judgment, investigation is unwarranted because the allegations are  
6 contrary to facts known to the Department. The Department shall notify the complainant  
7 of the results of the investigation if the identity and contact information of the  
8 complainant are known.  
9 (d) If the Department receives a complaint about a violation within the enforcement  
10 authority of a jurisdiction, it shall refer the complaint to the jurisdiction for investigation  
11 under Section 18995.3.

12 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.  
13 Reference: Public Resources Code Sections ~~40002, 41780.01, 42652.5, 42653, 42654,~~  
14 ~~43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;~~  
15 and Health and Safety Code Sections ~~39730.5, 39730.6, 39730.7 and 39730.8.~~

### 16 **Section 18996.9. Department Enforcement Actions Against Entities.**

17 (a) The Department ~~may~~ shall take enforcement action against the following entities  
18 pursuant to the requirements of this section when a jurisdiction has failed to enforce this  
19 chapter as determined under Section 18996.3, or lacks the authority to enforce this  
20 chapter:

21 (1) Organic waste generators, commercial edible food generators, haulers, and food  
22 recovery organizations and services; and

23 (2) A non-local entity that is not subject to Section 18996.6 or 18996.7.

24 (b) Violations of this chapter that are subject to this section shall be enforced as follows:

25 (1) For a first ~~offense~~ violation:

26 (A) The Department ~~may~~ shall issue a Notice of Violation requiring compliance  
27 within 60 days of the issuance of that notice.

28 (B) If the violation continues after the compliance deadline in the Notice of  
29 Violation, the Department ~~may~~ shall issue a Notice and Order to Correct requiring  
30 compliance within 30 days of issuance of that Notice and Order. The Notice and  
31 Order to Correct shall inform the respondent that the Department ~~may~~ shall  
32 impose penalties upon failure to comply by the deadline in that Notice and Order.

33 (C) If the violation continues after the compliance deadline in the Notice and Order  
34 to Correct, the Department ~~may~~ shall commence action to impose penalties  
35 pursuant to Section 18997.5.

36 ~~(D) The commencement of an action to impose penalties as described in~~  
37 ~~Subsection (C), above, shall constitute a first offense for the purposes of~~  
38 ~~calculating penalties under Article 16 of this chapter.~~

39 (2) For a second ~~offense~~ or subsequent violation and all subsequent  
40 offenses occurring within 5 years of a first violation:

41 (A) The Department ~~may~~ shall issue a Notice and Order to Correct requiring  
42 compliance within 30 days of the issuance of that Notice and Order. The Notice  
43 and Order to Correct shall inform the respondent that the Department may impose  
44 penalties upon failure to comply by the deadline in that Notice and Order.

1 (B) If the violation continues after the compliance deadline in the Notice and Order  
2 to Correct, the Department ~~may~~ shall commence action to impose penalties  
3 pursuant to Section 18997.5.

4 ~~(C) The commencement of an action to impose penalties as described in~~  
5 ~~Subsection (B) above, shall constitute a 2<sup>nd</sup>, 3<sup>rd</sup>, or subsequent offense for the~~  
6 ~~purposes of calculating the penalties under Article 16 if the commencement of~~  
7 ~~such action occurs within five (5) years of the final imposition of a penalty for a first~~  
8 ~~offense regarding a violation of the same subsection of this chapter by the same~~  
9 ~~entity.~~

10 (c) The Department ~~may~~ shall extend the deadlines set forth in Subdivision (b) if it  
11 makes the following findings based on available evidence, including relevant evidence  
12 provided by the respondent:

13 (1) Additional time is necessary to comply.

14 (2) Extenuating circumstances beyond the control of the respondent make  
15 compliance impracticable. For the purposes of this section, “extenuating  
16 circumstances” are:

17 (A) Acts of God, such as earthquakes, wildfires, mudslides, flooding, and other  
18 emergencies or natural disasters.

19 (B) Delays in obtaining discretionary permits or other government agency  
20 approvals.

21 (C) An organic waste recycling infrastructure capacity deficiency and the  
22 jurisdiction within which the respondent is located is subject to a Corrective Action  
23 Plan pursuant to Section 18996.2 due to such deficiencies.

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

25 Reference: Public Resources Code Sections ~~40002, 41780.01, 42652.5, 42653, 42654,~~  
26 ~~43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;~~  
27 ~~and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.~~

## 28 **Article 16. Administrative Civil Penalties**

### 29 **Section 18997.1. Scope.**

30 (a) Administrative civil penalties for violations of this chapter shall be imposed  
31 consistent with the requirements of this Article as authorized by Public Resources Code  
32 Section 42652.5.

33 (b) A jurisdiction shall adopt ordinance(s) or enforceable mechanisms to impose  
34 penalties as prescribed in Section 18997.2.

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

36 Reference: Public Resources Code Sections ~~40002, 41780.01, 41850, 42652.5, 42653,~~  
37 ~~42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-~~  
38 ~~44816; and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8~~

1 **Section 18997.2. Penalty Amounts.**

2 (a) A jurisdiction shall impose penalties for violations of the requirements of this chapter  
3 consistent with the applicable requirements prescribed in Government Code Sections  
4 53069.4, 25132 and 36900. The penalty levels shall be as follows:

5 (1) For a first violation, the amount of the base penalty shall be \$50-\$100 per  
6 offenseviolation.

7 (2) For a second violation, the amount of the base penalty shall be \$100-\$200 per  
8 offenseviolation.

9 (3) For a third or subsequent violation, the amount of the base penalty shall be \$250-  
10 \$500 per offenseviolation.

11 (b) Nothing in this section shall be construed as preventing a jurisdiction from revoking,  
12 suspending, or denying a permit, registration, license, or other authorization consistent  
13 with local requirements outside the scope of this chapter in addition to the imposition of  
14 penalties authorized under this section.

15 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.  
16 Reference: Public Resources Code Sections ~~40002, 41780.01, 42652.5, 42653, 42654,~~  
17 ~~43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;~~  
18 ~~and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8 and~~  
19 ~~Government Code Sections 25132, 36900 and 53069.4.~~

20 **Section 18997.3 Department Penalty Amounts.**

21 (a) Penalties, shall be imposed administratively in accordance with the requirements set  
22 forth in this section.

23 (b) Penalties, except for violations specified in subdivision (d), shall be assessed as  
24 follows:

25 (1) A "Minor" violation means a violation involving minimal deviation from the  
26 standards in this chapter, where the entity failed to implement some aspects of a  
27 requirement but has otherwise not deviated from the requirement. The penalties for  
28 this type of violation shall be no less than five hundred dollars (\$500) per violation  
29 and no more than four thousand dollars (\$4,000) per violation per day.

30 (2) A "Moderate" violation means a violation involving moderate deviation from the  
31 standards in this chapter ~~where the entity failed to comply with critical aspects of the~~  
32 ~~requirement.~~ A violation which is not a minor violation or a major violation shall be a  
33 moderate violation. The penalties for this type of violation shall be no less than four  
34 thousand dollars (\$4,000) per violation and shall be no more than seven thousand  
35 five hundred dollars (\$7,500) per violation per day.

36 (3) A "Major" violation means a violation that is a substantial deviation from the  
37 standards in this chapter that may also be knowing, willful or intentional or a chronic  
38 violation by a recalcitrant violator as evidenced by a pattern or practice of  
39 noncompliance. The penalties for this type of violation shall be no less than seven  
40 thousand five hundred dollars (\$7,500) per violation per day and no more than ten  
41 thousand dollars (\$10,000) per violation per day. For purposes of this subsection, a  
42 major violation shall always be deemed to include the following types of violations:

43 (A) A jurisdiction fails to have any ordinance or similarly enforceable mechanism  
44 for organic waste disposal reduction and edible food recovery.

1 (B) A jurisdiction fails to have a provision in a contract, agreement, or other  
2 authorization that requires a hauler to comply with the requirements of this  
3 chapter.

4 (C) A jurisdiction fails to have an edible food recovery program.

5 (D) A jurisdiction fails to have any Implementation Record.

6 (E) A jurisdiction implements or enforces an ordinance, policy, procedure,  
7 condition, or initiative that is prohibited under Sections 18990.1 or 18990.2.

8 (F) A jurisdiction fails to submit the reports any information to the Department as  
9 required in Sections 18994.1 and 18994.2.

10 (c) Once the penalty range has been determined pursuant to Subdivision (b), the  
11 following factors shall be used to determine the amount of the penalty for each violation  
12 within that range:

13 (1) The nature, circumstances, and severity of the violation(s).

14 (2) The violator's ability to pay.

15 (3) The willfulness of the violator's misconduct.

16 (4) Whether the violator took measures to avoid or mitigate violations of this chapter.

17 (5) Evidence of any economic benefit resulting from the violation(s).

18 (6) The deterrent effect of the penalty on the violator.

19 (7) Whether the violation(s) were due to conditions outside the control of the violator.

20 (d) For violations of the Recovered Organic Waste Product Procurement requirements  
21 in Section 18993.1, where a jurisdiction fails to procure a quantity of recovered organic  
22 waste products that meets or exceeds its recovered organic waste product procurement  
23 target, the Department shall determine penalties under this Subdivision (d) based on the  
24 following:

25 (1) The Department shall calculate the jurisdiction's daily procurement target  
26 equivalent by dividing the procurement target by 365 days.

27 (2) The Department shall determine the number of days a jurisdiction was in  
28 compliance by dividing the total amount of recovered organic waste products  
29 procured by the daily procurement target equivalent.

30 (3) The Department shall determine the number of days a jurisdiction was out of  
31 compliance with the procurement target by subtracting the number of days calculated  
32 in Subdivision (d)(2) from 365 days.

33 (4) The penalty amount shall be calculated by determining a penalty range based  
34 on the factors in Subdivision (c) above, and multiplying that number by the number of  
35 days determined according to Subdivision (d)(3). The penalty amount shall not  
36 exceed \$10,000 per day.

37 (e) Notwithstanding Subdivisions (a)-(d) if the Department sets a penalty amount for  
38 multiple violations of this chapter, the aggregated penalty amount for all violations shall  
39 not exceed the amount authorized in Section 42652.5 of the Public Resources Code.

40 (f) Nothing in this section shall be construed as authorizing the Department to impose  
41 penalties on residential organic waste generators.

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

43 Reference: Public Resources Code Sections ~~41850, 40002, 41780.01, 42652.5, 42653,~~  
44 ~~42654, 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-~~  
45 ~~44816;~~ and Health and Safety Code Sections ~~39730.5, 39730.6, 39730.7 and 39730.8.~~

1 **Section 18997.4. Organic Waste Recovery Noncompliance Inventory.**

2 (a) If the Department finds that a state agency, local education agency, or federal facility  
3 has failed to meet the final deadline in a Notice of Violation issued under this chapter,  
4 the Department shall send a notice stating that the Department has placed the  
5 respondent on the Organic Waste Recovery Noncompliance Inventory listed on its  
6 website. The Department may remove the respondent from the Organic Waste  
7 Recovery Noncompliance Inventory upon a finding, based on available evidence, that  
8 the respondent is no longer in violation of this chapter.

9 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.  
10 Reference: Public Resources Code Sections ~~40002, 41780.01, 42652.5, 42653, 42654,~~  
11 ~~43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;~~  
12 and Health and Safety Code Sections ~~39730.5, 39730.6, 39730.7 and 39730.8.~~

13 **Section 18997.5. Department Procedure for Imposing Administrative Civil**  
14 **Penalties.**

15 (a) The Department shall commence an action to impose administrative civil penalties  
16 by serving an accusation on a jurisdiction, person and/or entity, and a notice informing  
17 the jurisdiction, person, and/or entity of their right to a hearing conducted pursuant to  
18 Section 18997.6.

19 (b) The accusation and all accompanying documents may be served on the  
20 respondent(s) by one of the following means:

21 (1) Personal service;

22 (2) Substitute service by using the same service procedures as described in Section  
23 415.20 of the Code of Civil Procedure;

24 (3) Certified Mail or registered mail; or

25 (4) Electronically, with the consent of the respondent(s).

26 (c) Upon receipt of the accusation, the respondent shall file a request for hearing with  
27 the director of the Department within 15 days or the respondent will be deemed to have  
28 waived its right to a hearing.

29 (d) The Department shall schedule a hearing within 30 days of receipt of a request for  
30 hearing that complies with the requirements of this section.

31 (e) The hearing shall be held before the director of the Department, or the director's  
32 designee, within 90 days of the scheduling date.

33 (f) If the respondent(s) waive(s) the right to a hearing, the Department shall issue a  
34 penalty order in the amount described in the accusation.

35 (g) The director of the Department, or the director's designee, shall issue a written  
36 decision within 60 days of the conclusion of the hearing.

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

38 Reference: Public Resources Code Sections ~~40002, 41780.01, 42652.5, 42653, 42654,~~  
39 ~~43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;~~  
40 and Health and Safety Code Sections ~~39730.5, 39730.6, 39730.7 and 39730.8.~~

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

14 **Article 17: Performance-Based Source Separated Organic Waste**  
15 **Collection Service**

16 **Section 18998. Applicability.**

17 This article specifies the requirements for a performance-based source-separated  
18 collection service, an alternative method for jurisdictions to provide solid waste  
19 collection services. The intent of this article is to provide streamlined requirements as a  
20 compliance incentive for those jurisdictions that implement collection services designed,  
21 as described herein, to achieve high-efficiency performance in recovery of organic  
22 waste. Jurisdictions that comply with the requirements of this article shall be relieved of  
23 compliance with particular regulatory requirements elsewhere in this chapter as  
24 described herein.

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

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

29 **Section 18998.1. Requirements for Performance-Based Source Separated**  
30 **Collection Service.**

31 (a) If a jurisdiction implements a performance-based source separated organic waste  
32 collection service it shall:

33 (1) Provide a three-container organic waste collection service consistent with Section  
34 18984.1 (a), (b) and (d)-(f) of this chapter to at least 90 percent of the commercial  
35 businesses and 90 percent of the residential sector subject to the jurisdiction's  
36 authority.

37 (2) Transport the contents of the source separated organic waste collection stream to  
38 a designated source separated organic waste facility.

39 (3) Ensure that the presence of organic waste in the gray container collection stream  
40 does not exceed an annual average of 25 percent by weight.



1 (A) The annual average percent of organic waste present in the gray container  
2 collection stream shall be determined by the results of waste ~~composition~~  
3 ~~studie~~evaluations performed by the jurisdiction pursuant to Section 18984.5.

4 (B) The annual average percent of organic waste present in a jurisdiction's gray  
5 container collection stream is the average of the results of the gray container  
6 waste collection stream samples performed by the jurisdiction in the immediately  
7 previous four quarters pursuant to Section 18984.5.

8 (4) Provide collection service to organic waste generators subject to their authority.  
9 Consistent with Section 18984.1, a jurisdiction shall not require commercial  
10 businesses or residents to request solid waste collection service prior to enrollment.

11 (5) Notify the Department pursuant to Section 18998.3.

12 (b) Jurisdictions that delegate collection services to a designee shall include in their  
13 contracts or agreements with the designee a requirement that all haulers transport the  
14 source separated organic waste collection stream collected from generators subject to  
15 the authority of a jurisdiction to a designated source separated organic waste facility.

16 (c) If a jurisdiction fails to meet the requirements of this section after notifying the  
17 Department in accordance with Section 18998.3, the jurisdiction shall implement an  
18 organic waste collection service that complies with the requirements of Article 3 of this  
19 chapter. The jurisdiction shall be subject to the applicable enforcement processes  
20 outlined in this chapter until services that comply with Article 3 are provided to  
21 generators, and the jurisdiction shall not be eligible for the compliance exceptions in  
22 Section 18998.2.

23 (d) A hauler providing a performance-based source separated collection service is not  
24 required to comply with the provisions of Section 18988.2 in jurisdictions implementing  
25 this service, but shall comply with the following in jurisdictions implementing this service:

26 (1) Only transport the source separated organic waste collection stream to a  
27 designated source separated organic waste recycling facility.

28 (2) Keep a record of the documentation of its approval by the jurisdiction.

29 (e) The requirements of Subdivision (d) are not applicable to:

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

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

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

37 Reference: Public Resources Code Sections ~~40002, 41780.01, 42652.5, 42653, 42654,~~  
38 ~~43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;~~  
39 and Health and Safety Code Sections ~~39730.5, 39730.6, 39730.7 and 39730.8.~~

#### 40 **Section 18998.2. Compliance Exceptions.**

41 (a) If a jurisdiction implements a performance-based source separated collection service  
42 that meets the requirements of Section 18998.1(a), the jurisdiction shall not be subject  
43 to the following:

44 (1) The collection requirements in Sections 18984.2 and 18984.3.

- 1 (2) The container labeling requirements in Section 18984.8, and waivers ~~and~~  
2 ~~exemptions~~ in Section 18984.11.  
3 (3) The recordkeeping requirements in Sections 18984.4, and 18984.14.  
4 (4) The organic waste recovery education and outreach requirements in Section  
5 18985.1.  
6 (5) The recordkeeping requirements in Section 18985.3 except ~~the provisions as~~  
7 ~~related to edible food recovery~~ ~~education and outreach performed under Section~~  
8 ~~18985.2 in that section.~~  
9 (6) The regulation of haulers in Article 7 of this chapter.  
10 (7) The jurisdiction annual reporting requirements in Section 18994.2(c)(1)-(2), (d)-(f)  
11 and (k).  
12 (8) The jurisdiction inspection and enforcement requirements in Sections 18995.1,  
13 except for the provisions related to edible food generators and food recovery  
14 organizations and services in that section.  
15 (9) The implementation record and recordkeeping requirements in Section  
16 18995.2(f)(3)-(7). Implementation Records requirements in Section 18995.2(f)(11)-  
17 (13) shall only be required for inspections and enforcement related to edible food  
18 generators and food recovery organizations and services.  
19 (10) The jurisdiction investigation of complaints of alleged violations requirements in  
20 Section 18995.3, except as it pertains to entities subject to the edible food recovery  
21 requirements of Article 10 of this chapter.  
22 (11) The jurisdiction enforcement requirements in Section 18995.4, except as it  
23 pertains to entities subject to the edible food recovery requirements of Article 10 of  
24 this chapter.

25 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.  
26 Reference: Public Resources Code Sections ~~40002, 41780.01, 42652.5, 42653, 42654,~~  
27 ~~43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;~~  
28 ~~and Health and Safety Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.~~

### 29 **Section 18998.3. Notification to Department.**

- 30 (a) A jurisdiction that will implement a performance-based source separated collection  
31 service beginning in 2022 shall notify the Department on or before January 1, 2022. A  
32 jurisdiction that will implement a performance-based source separated collection system  
33 in any subsequent year shall notify the Department on or before January 1 of that year.  
34 (b) The notification shall include the following information:  
35 (1) The name of the jurisdiction.  
36 (2) Date the jurisdiction will start providing the performance-based source -separated  
37 collection service.  
38 (3) Contact information for the jurisdiction, including the name, address and  
39 telephone number of the representative of the jurisdiction with primary responsibility  
40 for ensuring compliance with this article.  
41 (4) The address within the jurisdiction where all records required by this chapter are  
42 maintained.  
43 (5) A list of each designated source separated organic waste facility, landfill disposal  
44 facility and any other solid waste facility and their Recycling and Disposal Reporting

1 System number for any facility that will be receiving solid waste directly from the  
2 jurisdiction.

3 (6) The name of any designee the jurisdiction has delegated responsibilities to  
4 pursuant to Section 18998.1 and any relevant documentation demonstrating the  
5 designee's obligation to comply with the provisions of this article.

6 (7) A statement by the representative of the jurisdiction with primary responsibility for  
7 ensuring compliance with this article, under penalty of perjury, that all information  
8 contained in the notification is true and correct to the best of their knowledge and  
9 belief.

10 (8) The percent of commercial businesses and the percent of the residential sector  
11 currently enrolled in organic waste collection services provided by the jurisdiction.

12 (c) In the initial report to the department required in Section 18994.1, a ~~Jurisdiction~~  
13 ~~jurisdiction~~ implementing a performance-based source separated organic waste  
14 collection service shall certify that at least 90 percent of the commercial businesses and  
15 90 percent of the residential sector subject to the jurisdiction's authority are enrolled in a  
16 collection service that complies with the requirements of Section 18998.1.

17 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.  
18 Reference: Public Resources Code Sections ~~40002, 41780.01, 42652.5, 42653, 42654,~~  
19 ~~43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;~~  
20 and Health and Safety Code Sections ~~39730.5, 39730.6, 39730.7 and 39730.8.~~

#### 21 **Section 18998.4. Recordkeeping.**

22 A jurisdiction implementing a performance-based source separated organic waste  
23 collection service pursuant to this article shall maintain the following information and  
24 documents in the Implementation Record required by Section 18995.2:

25 (a) The geographical area each designee serves.

26 (b) If a designee is used, a copy of the contract or agreement for each designee  
27 specifying the requirement that all haulers transport the source separated organic waste  
28 collection stream collected from generators subject to the jurisdiction's authority to a  
29 designated source separated organic waste facility.

30 (c) Records evidencing compliance with Section 18998.1(a) including, but not limited to:

31 (1) A current list of generator addresses subject to the authority of the jurisdiction.

32 (2) A current list of generator addresses subject to the authority of the jurisdiction that  
33 are served with a performance-based source separated organic waste collection  
34 service.

35 (3) A current list of generator addresses within the jurisdiction that the jurisdiction  
36 does not require to use the performance-based source separated organic waste  
37 collection service.

38 (4) Documentation of the enrollment system used by the jurisdiction consistent with  
39 Section 18998.1(a)(4).

40 (d) A ~~Jurisdiction-jurisdiction~~ implementing a performance-based source separated  
41 organic waste collection service is still required to maintain the following records  
42 specified in Section 18995.2:

43 (1) Records required by (f)(1).

- 1 (2) Records required by (f)(2) and (6) as they pertain to the edible food recovery
- 2 requirements chapter.
- 3 (3) Records required by (f)(8)-(10).
- 4 (4) Records required by (f)(11)-(13) as they pertain to the edible food recovery
- 5 requirements of this chapter.

6 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.  
7 Reference: Public Resources Code Sections ~~40002, 41780.01, 42652.5, 42653, 42654,~~  
8 ~~43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816;~~  
9 and Health and Safety Code Sections ~~39730.5, 39730.6, 39730.7 and 39730.8.~~

## 10 **Amendments to Existing Title 14 & Title 27**

### 11 **Regulations**

#### 12 **TITLE 14: NATURAL RESOURCES**

#### 13 **DIVISION 7. DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY**

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

### 24 **Chapter 3. Minimum Standards for Solid Waste Handling and**

### 25 **Disposal**

#### 26 **Article 6.0. Transfer/Processing Operations and Facilities Regulatory**

#### 27 **Requirements**

#### 28 **Section 17402. Definitions.**

29 (a) For the purposes of these articles:

30 (0.5) "Consolidation Sites" means facilities or operations that receive solid waste for  
31 the purpose of storing the waste prior to transfer directly from one container to  
32 another or from one vehicle to another for transport and which do not conduct  
33 processing activities. Consolidation activities include, but are not limited to, limited  
34 volume transfer operations, sealed container transfer operations, and direct transfer  
35 facilities.

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

3 (1.5) "Contamination" or "Contaminants" has the same meaning as "prohibited  
4 container contaminants" as defined in Section 18982(a)(55).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42 (6.65) "Gray Container Waste" or "Gray Container Collection Stream" means solid  
43 waste that is collected in a gray container that is part of a three-container organic  
44 waste collection service that prohibits the placement of organic waste in the gray  
45 container as specified in Section 18984.1(a) and (b).

46 (6.7) "Hauler" has the same meaning as defined in Section 18815.2(a)(32).

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

3 (7.5) "Incompatible Material" or "Incompatibles," means human-made inert material,  
4 including, but not limited to, glass, metal, plastic, and also includes organic waste ~~that~~  
5 for which the receiving end-user, facility, operation, property, or activity is not  
6 designed, permitted, or authorized to perform organic waste recovery activities as  
7 defined in Section 18983.1(b) of Article 2, Chapter 12.

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

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

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

23 (9) "Limited Volume Transfer Operation" means an operation that receives less than  
24 60 cubic yards, or 15 tons of solid waste per operating day for the purpose of storing  
25 the waste prior to transferring the waste to another solid waste operation or facility  
26 and which does not conduct processing activities, but may conduct limited salvaging  
27 activities and volume reduction by the operator.

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

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

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

44 (11) "Medium Volume Transfer/Processing Facility" means a facility that receives  
45 equal to or more than 60 cubic yards or 15 tons (whichever is greater) of solid waste  
46 per operating day but less than 100 tons of solid waste, for the purpose of storing or

1 handling the waste prior to transferring the waste to another solid waste operation or  
2 facility; or a facility that receives any amount of solid waste, up to 100 tons per  
3 operating day, for the purpose of processing solid waste prior to transferring the  
4 waste to another solid waste operation or facility.

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

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

16 (11.5) "Mixed Waste Organic Collection Stream" means organic waste collected in a  
17 container that is required by Section 18984.1, 18984.2, or 18984.3 to be transported  
18 to a high diversion organic waste processing facility.

19 (12) "Nuisance" includes anything which:

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

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

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

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

27 (A) control of combustion air to maintain adequate temperature for efficient  
28 combustion,

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

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

32 (15) "Operating day" means the hours of operation as set forth in the application,  
33 Enforcement Agency Notification and/or permit not exceeding 24 hours.

34 (16) "Operating Record" means an easily accessible collection of records of an  
35 operation's or facility's activities and compliance with required state minimum  
36 standards under Title 14. The Record may include the Facility Plan or  
37 Transfer/Processing Report for facilities, and shall contain but is not limited to  
38 containing: agency approvals, tonnage and loadchecking records, facility contacts  
39 and training history. The record may be reviewed by state and local authorities and  
40 shall be available during normal business hours. If records are too voluminous to  
41 place in the main operating record or if the integrity of the records could be  
42 compromised by on-site storage, such as exposure to weather, they may be  
43 maintained at an alternative site, as long as that site is easily accessible to the EA.

44 (17) "Operations Area" means:

45 (A) the following areas within the boundary of an operation or facility as described  
46 in the permit application or Enforcement Agency Notification:

- 1 (i) equipment management area, including cleaning, maintenance, and storage  
2 areas; and  
3 (ii) material and/or solid waste management area, including unloading,  
4 handling, transfer, processing, and storage areas.
- 5 (B) the boundary of the operations area is the same as the permitted boundary but  
6 may or may not be the same as the property boundary.
- 7 (18) "Operator" means the owner, or other person who through a lease, franchise  
8 agreement or other arrangement with the owner, that is listed in the permit  
9 application or Enforcement Agency Notification, is legally responsible for all of the  
10 following:
- 11 (A) complying with regulatory requirements set forth in these Articles;  
12 (B) complying with all applicable federal, state and local requirements;  
13 (C) the design, construction, and physical operation of the operations area;  
14 (D) controlling the activities at an operation or facility as listed on the permit  
15 application or Enforcement Agency Notification.
- 16 (18.4) "Organic Waste Recovery Activities," or "Recovery" has the same meaning as  
17 defined in Section 18982(a)(49).
- 18 (18.5) "Organic Waste" has the same meaning as in Section 18982(a)(46).
- 19 (19) "Owner" means the person or persons who own, in whole or in part, an operation  
20 or facility, and/or the land on which it is located.
- 21 (20) "Processing" means the controlled separation, recovery, volume reduction,  
22 conversion, or recycling of solid waste including, but not limited to, organized,  
23 manual, automated, or mechanical sorting, the use of vehicles for spreading of waste  
24 for the purpose of recovery, and/or includes the use of conveyor belts, sorting lines or  
25 volume reduction equipment. Recycling Center is more specifically defined in section  
26 17402.5 (d) of this Article.
- 27 (21) "Putrescible Wastes" include wastes that are capable of being decomposed by  
28 micro-organisms with sufficient rapidity as to cause nuisances because of odors,  
29 vectors, gases or other offensive conditions, and include materials such as, but not  
30 limited to food wastes, offal and dead animals. The EA shall determine on a case-by-  
31 case basis whether or not a site is handling putrescible wastes.
- 32 (22) "Regulated Hazardous Waste" means a hazardous waste, as defined in section  
33 66260.10 of Division 4.5 of Title 22.
- 34 (23) "RWQCB" means the Regional Water Quality Control Board.
- 35 (23.5) "Remnant Organic Material" means the organic waste that is collected in a  
36 gray container that is part of the gray container collection stream.
- 37 (23.6) "Reporting Period" has the same meaning as defined in Section 18815.2  
38 (a)(49).
- 39 (24) "Salvaging" means the controlled separation of solid waste material which do not  
40 require further processing, for reuse or recycling prior to transfer activities.
- 41 (25) "Scavenging" means the uncontrolled and/or unauthorized removal of solid  
42 waste materials.
- 43 (26) "Sealed Container Transfer Operation" means a transfer operation that meets  
44 the following requirements:



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

- 4 (1) prevent liquid from infiltrating into or leaking out of the container; and
- 5 (2) prevent the propagation and migration of vectors; and,
  - 6 (i) the solid waste remains within the unopened containers at all times while
  - 7 on-site; and,
  - 8 (ii) the containers are not stored on-site for more than 96 hours.

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

11 (26.5) "Secondary Material Processing Facility" or "Operation" means an activity  
12 whose primary purpose is to receive and process source separated, or separated for  
13 reuse, materials from a permitted transfer/processing facility or a transfer/processing  
14 operation governed by an enforcement agency notification, and that does not meet  
15 the residual percentage or putrescible waste percentage as set forth in section  
16 17402.5(d). Materials include, but are not limited to, glass, plastics, paper, and  
17 cardboard.

- 18 (A) Secondary Material Processing Operations are those activities that:
  - 19 1. Are governed by the Enforcement Agency Notification tier requirements as
  - 20 specified in section 17403.3.2; and,
  - 21 2. Receive an amount of residual material that is less than 40% by weight as
  - 22 calculated on a monthly basis. Operations that do not meet this residual
  - 23 requirement shall comply with the Registration Permit tier requirements
  - 24 specified in 17403.3.3.

- 25 (B) Secondary Material Processing Facilities are those activities that:
  - 26 1. Are governed by the Registration Permit tier requirements as specified in
  - 27 section 17403.3.3; and,
  - 28 2. Do not meet the 40% residual material requirement as specified in subdivision
  - 29 (A).

30 (26.6) "Source Separated Organic Waste" or "Source Separated Organic Waste  
31 Collection Stream" means organic waste that is collected in a green container as  
32 specified in Sections 18984.1(a)(1) and 18984.2(a)(1), "source separated blue  
33 container organic waste," as defined in this Subsection (a)(26.7), organic waste  
34 collected in an additional container as specified in Section 18984.1(a)(6), and organic  
35 waste collected in an "uncontainerized green waste and yard waste collection  
36 service," as defined in Section 18982.

37 (26.7) "Source Separated Blue Container Organic Waste" means the organic wastes  
38 collected in a blue container that is limited to the collection of those organic wastes  
39 and non-organic recyclables as defined in Section 18982(a)(43).

- 40 (27) "Special Waste" includes but is not limited to:
  - 41 (A) waste requiring special collection, treatment, handling, storage, or transfer
  - 42 techniques as defined in Title 22, section 66260.10.
  - 43 (B) waste tires and appliances requiring CFC removal.

44 (28) "Spotter" means an employee who conducts activities that include, but are not  
45 limited to, traffic control, hazardous waste recognition and removal for proper

1 handling, storage and transport or disposal, and protection of the public from health  
2 and/or safety hazards.

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

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

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

7 (B) which:

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

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

12 3.store solid waste;

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

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

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

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

25 (B) which:

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

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

30 3.store solid waste;

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

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

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

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

- 1 (A) is located on the premises of a duly licensed solid waste hauling operator, who  
2 receives, stores, or transfers waste as an activity incidental to the conduct of a  
3 refuse collection and disposal business, and;  
4 (B) handles only solid waste that has been placed within a covered container  
5 before the container arrives at the waste hauling yard, and;  
6 (C) no more than 90 cubic yards of waste is stored on-site in covered containers at  
7 any time, and;  
8 (D) the solid waste remains within the original covered containers while on-site at  
9 any times, and;  
10 (E) the covered containers are not stored on-site for more than any 72 hour period;  
11 (F) if the EA has information that the operation does not meet these requirements,  
12 the burden of proof shall be on the owner or operator to demonstrate that the  
13 requirements are being met.

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

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

22 (1) Activities that are not in compliance with the applicable definitions and related  
23 provisions of this section shall be subject to the requirements of Articles 6.0, 6.1, 6.2,  
24 6.3 and 6.35 of this Chapter.

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

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

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

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

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

41 (4) "Source Separated" means materials, including commingled recyclables, that  
42 have been separated or kept separate from the solid waste stream, at the point of  
43 generation, for the purpose of additional sorting or processing those materials for  
44 recycling or reuse in order to return them to the economic mainstream in the form of

1 raw material for new, reused, or reconstituted products which meet the quality  
2 standards necessary to be used in the marketplace.  
3 (c) Activities included in one of the following definitions are not subject to the  
4 requirements of Articles 6.0, 6.1, 6.2, 6.3 and 6.35 of this Chapter, provided that these  
5 activities do not include the acceptance of solid waste which has not been separated for  
6 reuse. If an activity defined in this section is accepting solid waste which has not been  
7 separated for reuse, it must meet the requirements of subdivision (d) of this section or  
8 else it shall be subject to the requirements of Articles 6.0, 6.1, 6.2, 6.3 and 6.35 of this  
9 Chapter.

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

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

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

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

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

26 (6) "Regional ~~Produce~~ Organic Distribution Center" means a distribution center that  
27 receives unsold food produce, including packaged food produce (sometimes referred  
28 to as "pre-consumer"), back from stores to which it was originally sent by that  
29 distribution center the produce, and which remains the property of the distribution  
30 center or stores, for the purpose of data collection, depackaging, and transferring this  
31 produce and other food to a compost/compostable material handling operation or  
32 facility, in-vessel digestion operation or facility, or to a another beneficial use. A  
33 regional produce distribution center would not include a site where produce is  
34 processed.

35 (7) "Rendering Activities" means an activity that is a licensed animal food  
36 manufacturing activity, or a rendering activity which is authorized by the California  
37 Department of Food and Agriculture pursuant to Section 19300 of the Food and  
38 Agricultural Code, and in which no solid waste feedstock bypasses the manufacturing  
39 or rendering process. "~~Rendering Plant~~" means a person or business entity where  
40 ~~dead animals or any part or portion thereof, vegetable oils, or packing house refuse,~~  
41 ~~are processed for the purpose of obtaining the hide, skin, grease residue, or any~~  
42 ~~other byproduct whatsoever~~

43 (8) "Reuse Salvage Operation" means a person or business entity which sterilizes,  
44 dismantles, rebuilds, or renovates, nonputrescible separated-for-reuse materials, and  
45 that recovers for recycling or reuse distinct material types that have not been  
46 commingled with other materials before they enter the waste stream. Examples of

1 this activity include, but are not limited to, wire choppers, and dismantlers of furniture  
2 and mattresses, and "brown goods" such as computer equipment, VCRs, and  
3 televisions.

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

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

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

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

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

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

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

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

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

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

36 (B) The amount of putrescible wastes is calculated on a monthly basis based on  
37 the number of operating days.

38 (4) The only separation that may occur at the recycling center is the sorting of  
39 materials that have been separated for reuse prior to receipt.

40 (5) The recycling center may include an adjustment in the calculation to include the  
41 weight of water in the residual, when the use of water is essential to the sorting or  
42 processing of the material, provided that such an adjustment is also made in the  
43 weight of materials received for processing.

44 (6) The following materials shall not be included in calculating residual as set forth in  
45 subdivision (d)(2) of this section, if the recycling activities are separated from the  
46 material handling activities noted below by a defined physical barrier or where the

1 activities are otherwise separated in a manner that the EA determines will keep the  
2 materials from being commingled:

3 (A) materials received at an on-site Buy Back Center;

4 (B) materials received at an on-site Drop-off Center;

5 (C) cannery waste;

6 (D) construction and demolition materials;

7 (E) nonhazardous contaminated soil;

8 (F) grease-trap pumpings;

9 (G) nonhazardous asbestos;

10 (H) nonhazardous ash;

11 (I) compost and compost feedstock;

12 (J) sewage sludge;

13 (K) tires.

14 (7) If the EA has information that material that is being received is not separated for  
15 reuse or source separated, that the residual is 10% or more of the total per month, or  
16 that the amount of putrescible wastes is 1% or more of the total per month, the  
17 burden of proof shall be on the owner or operator to demonstrate otherwise.

18 (A) A business that accepts loads of material that are not separated for reuse or  
19 source separated does not qualify as a recycling center.

20 (B) If the EA has reason to believe that a business is accepting material that is not  
21 separated for reuse or source separated due to averaging or combining of those  
22 loads with other loads of separated for reuse material, the burden of proof will be  
23 on the business to demonstrate that it is not accepting loads of mixed solid waste.

24 (C) If the EA has reason to believe that a business is accepting material that is not  
25 separated for reuse or source separated due to the separation of portions of the  
26 material at consecutive sites, each of which removes less than 10% residual, the  
27 burden of proof will be on the business to demonstrate that it is not accepting  
28 loads of mixed solid waste.

29 (D) If the EA determines that a business has exhibited a pattern and practice of  
30 failing to comply with the provisions of this subsection, the EA may issue a Notice  
31 and Order requiring the business to obtain a Registration Permit or Full Permit or  
32 comply with the Enforcement Agency Notification requirements as made  
33 applicable in sections 17403 through 17403.7 of this Article.

34 (E) At the time that the EA requires a recycling center to provide evidence that it is  
35 in compliance with this subdivision, the EA shall provide the recycling center with a  
36 written description of the information that has caused the EA to believe that the  
37 recycling center is not in compliance. Nothing in this requirement is intended to  
38 require the EA to identify the name or other identifying information regarding any  
39 individual(s) who have complained about the recycling center.

40 (F) Nothing in this section precludes the enforcement agency or the board from the  
41 following: inspecting a business to verify that it is conducted in a manner that  
42 meets the provisions of this subsection; or, from taking any appropriate  
43 enforcement action, including the use of a Notice and Order as provided in Section  
44 18304.

1 (8) Operations which do not meet the 10% residual percentage in subdivision (d)(2)  
2 of this section but which qualify as a Limited Volume Transfer Operation, shall  
3 comply with the requirements of section 17403.3 within one month of March 5, 1999.  
4 (9) recycling center operators may voluntarily report their residual percentage to the  
5 EA and the CalRecycle using form CIWMB 607 (located in Appendix A).  
6 (10) If the EA determines that a person or business entity purporting to operate a  
7 recycling center is not in compliance with this subsection and issues an enforcement  
8 order, that person or business entity may appeal that order in accordance with Public  
9 Resources Code section 44307.  
10 (e) If a Chipping and Grinding Operation or Facility, as defined in section 17852(a)(10)  
11 of this Division, handles material that fails to meet the definition of green material due to  
12 contamination as set forth in section 17852(a)(21) of this Division, the operation or  
13 facility shall not be considered to be a recycling center as set forth in subsections (c) or  
14 (d) of section 17402.5

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

19 **Section 17403.0. Regulatory Tiers Requirements for Transfer/Processing**  
20 **Operations and Facilities.**

21 Sections 17403.1 through 17403.7 set forth the regulatory tier requirements (Title 14,  
22 Division 7, Chapter 5.0, Article 3.0, commencing with section 18100 or Title 27, Division  
23 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2, 3 and 3.1 of the California Code of  
24 Regulations (commencing with section 21570) that apply to specified types of  
25 transfer/processing operations and facilities. These requirements are summarized in  
26 Table 1.

27 Note:  
28 Authority cited: Sections 40502, 43020, and 43021, Public Resources Code.  
29 Reference: Sections 40053, 42652.5, 43020 and 43021, Public Resources Code and  
30 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, 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	Limited Volume Transfer Operations Section 17403.3		



Not Subject to Articles 6.0, 6.1, 6.2, and 6.35	Excluded Tier	Enforcement Agency Notification Tier	Registration Permit Tier	Full Solid Waste Facility Permit
	place 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)( <del>6</del> 7)				
Reuse Salvage Operations (includes furniture and mattress dismantlers and demanufacturers) Section 17402.5(c)( <del>7</del> 8)				
Scrap Metal Recyclers and Dealers Section 17402.5(c)( <del>8</del> 9)				
Wire Choppers Section 17402.5(c)( <del>9</del> 10)				

Not Subject to Articles 6.0, 6.1, 6.2, and 6.35	Excluded Tier	Enforcement Agency Notification Tier	Registration Permit Tier	Full Solid Waste Facility Permit
Wood, Paper, or Wood Product Manufacturer Section 17402.5(c)(4011)				

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

1 measured pursuant to Section 17409.5.3(b)(5) for each operating day that  
2 measurements were conducted during the reporting period.

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

5 (d) The operator shall additionally:

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

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

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

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

18 Note:

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

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

22 **Section 17409.5.2. Measuring Organic Waste Recovered from Mixed Waste**  
23 **Organic Collection Stream.**

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

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

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

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

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

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

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

42 (1) On each sampling day take one sample of at least two hundred (200) pounds  
43 from each organic waste type separated after processing at the operation or facility

1 on that operating day prior to sending to a destination for end-use, recovery, or  
2 further processing. Each sample shall be:

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

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

7 (2) Record the weight of each sample from each organic waste type. If the total  
8 weight of a single organic waste type processed in a single operating day is less than  
9 200 pounds, the operator shall sample all of that organic waste type that is separated  
10 after processing for end-use, recovery or further processing.

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

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

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

19 (6) Determine the total weight of organic waste separated from the mixed waste  
20 organic collection stream for recovery by adding the sum of all the weights calculated  
21 pursuant to Subdivision (b)(5).

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

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

27 (e) If the operator sends any material to a POTW that is not authorized to receive,  
28 pursuant to Section 17896.6(a)(1)(C) or (D), that material shall be deemed to constitute  
29 landfill disposal pursuant to Section 18983.1(a)(3), and the weight of that material shall  
30 be added to the total weight calculated pursuant to Section 17409.5.3.

31 Note:

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

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

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

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

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

43 (A) For each reporting period, the operator shall perform the sampling protocol  
44 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 of  
12 the material removed from mixed waste organic collection stream at the operation or  
13 facility on that operating day prior to sending to disposal. Each sample shall be:

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

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

18 (2) Record the total weight of the sample. If the total weight of the materials removed  
19 from the mixed waste organic collection stream in a single operating day is less than  
20 200 pounds, the operator shall sample the stream that will be sent to disposal.

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

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

26 (5) Determine the total weight of organic waste removed from the mixed organic  
27 collection stream that is sent to disposal by multiplying the ratio determined pursuant  
28 to Subdivision (b)(4) by the total weight of the materials removed from the mixed  
29 waste organic collection stream for disposal.

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

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

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

38 (f) For the purposes of this section "disposal" has the same meaning as "Activities that  
39 constitute landfill disposal" as defined in Section 18982.

40 Note:

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (2) Record the weight of each sample from each organic waste type. If the total  
30 weight of a single organic waste type processed in a single operating day is less than  
31 200 pounds, the operator shall sample all of that organic waste type that is separated  
32 after processing for end-use, recovery or further processing.

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

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

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

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

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

8 Note:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1 (3) Remove any incompatible material and determine the remaining weight of the  
2 organic waste in the sample.  
3 (4) Then determine the ratio of organic waste present in the material removed from  
4 the source separated organic waste collection stream for disposal by dividing the  
5 total weight from Subdivision (b)(3) by the total weight recorded in Subdivision (b)(2).  
6 (5) Determine the total weight of organic waste removed from the source separated  
7 organic waste collection stream that is sent to disposal by multiplying the ratio  
8 determined pursuant to Subdivision (b)(4) by the total weight of the materials  
9 removed from the source separated organic waste collection stream for disposal.  
10 (c) The operator shall conduct a measurement in the presence of the EA when  
11 requested.  
12 (d) If it is determined by the EA that the measurements do not accurately reflect the  
13 records, the EA may require the operator to increase the frequency of measurements,  
14 revise the measurement protocol, or both to improve accuracy.  
15 (e) For the purposes of this section “disposal” has the same meaning as “Activities that  
16 constitute landfill disposal” as defined in Section 18982.

17 Note:

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

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

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

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

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

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

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

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

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

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

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

43 Note:



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

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

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

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

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

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

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

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

17 (2) Record the weight of the sample.

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

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

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

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

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

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

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

39  
40 Note:

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

42 Reference: Sections 42652.5, 43020 and 43021, Public Resources Code and Section  
43 39730.6, Health and Safety Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 (2) A compostable material handling facility or operation that, pursuant to Section  
36 17867(a)(16), demonstrates that the percentage of organic waste in the materials  
37 sent to disposal is:

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

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

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

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

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

45 (4) An activity that meets the definition of a recycling center as described in Section  
46 17402.5(d).

- 1 (d) The operator shall conduct a measurement in the presence of the EA when  
2 requested.  
3 (e) If it is determined by the EA that the measurements do not accurately reflect the  
4 records, the EA may require the operator to increase the frequency of measurements,  
5 revise the measurement protocol, or both to improve accuracy.  
6 (f) For the purposes of this section “disposal” has the same meaning as “Activities that  
7 constitute landfill disposal” as defined in Section 18982.

8 Note:

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

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

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

13 (a) The EA may approve, with concurrence by the Department, alternative  
14 measurement protocols to the requirements of Sections 17409.5.2, 17409.5.3,  
15 17409.5.4, 17409.5.5, 17409.5.7, and 17409.5.8, as long as they will still ensure that  
16 the measurements will be as accurate. ~~The Department shall concur with the EA~~  
17 ~~approval if it finds that the alternative measurement protocols will ensure that the~~  
18 ~~measurements will be as accurate.~~ For the purposes of this section, alternative  
19 measurement protocols may include, but are not limited to, measurements made with a  
20 different sampling frequency and/or weight than those specified in this article.

21 (b) When required by this article, the operator shall report tonnages using a scale. If  
22 scales are not accessible, the EA may approve, with ~~concurrence by written notification~~  
23 ~~to the Department, the operator to report the tonnages using a method described in~~  
24 Section 18815.9(g).

25 (c) The EA may approve, with written concurrence by the Department, a substitute to  
26 certain requirements to sample and measure specific types of organic waste that are  
27 designated for an organic waste recovery activity with a quality standard imposed on the  
28 operator by the person, entity, or solid waste facility or operation accepting that organic  
29 waste type as specified in this subdivision. ~~The Department shall concur with the EA~~  
30 ~~approval if it verifies that there is a quality standard imposed on the operator by the~~  
31 ~~person, entity, or solid waste facility or operation accepting that organic waste type as~~  
32 ~~specified in this subdivision and that the standard meets the requirements in~~  
33 ~~Subdivision (c)(1)(A) through (G), below.~~

34 (1) The EA may waive the requirements in Sections 17409.5.2, 17409.5.4 and  
35 17409.5.8 to sample a type of organic waste that the operator recovered from the  
36 source separated organic waste collection stream or from the mixed waste organic  
37 collection stream if the following apply:

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

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

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

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

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

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

11 (G) The operator allows the EA to observe sampling upon request.

12 (d) An operator that is authorized to substitute a quality standard for sampling  
13 requirements as specified in Subdivision (c) for a specific type of recovered organic  
14 waste type, shall apply the weight of incompatible materials as measured in the quality  
15 standard to total weight of that organic waste type for the purposes of determining  
16 organic waste recovery efficiency as specified in Section 17409.5.1.

17 Note:

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

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

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

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

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

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

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

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 17409.5.10.5. Solid Waste Handling at Co-Located Facilities or**  
35 **Operations.**

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

41 (1) If sampling performed pursuant to Section 17409.5.3, 17409.5.5, 17867, or  
42 17896.44.1, whichever is applicable, demonstrates the percent of the material

1 removed for disposal that is organic waste is less than the percent specified in  
2 Section 17409.5.8(c)(2) then only the organic waste that is sent off-site for further  
3 processing and landfill disposal are subject to the requirements of Sections  
4 17409.5.1 through 17409.5.8.

5 (2) If sampling performed pursuant to Section 17409.5.3, 17409.5.5, 17867, or  
6 17896.44.1, whichever is applicable, demonstrates that the percent of the material for  
7 disposal that is organic waste is more than the percent specified in Section  
8 17409.5.8(c)(2) then the organic waste removed after processing and sent for further  
9 processing on-site or off-site and landfill disposal are subject to the requirements of  
10 Sections 17409.5.1 through 17409.5.8.

11  
12 Note:

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

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

16  
17 **Section 17409.5.11. Remnant Organic Material Separated From Gray Container**  
18 **Processing.**

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

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

26 Note:

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

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

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

31 (a) The operator shall provide the EA all requested information and other assistance so  
32 that the EA can verify that the measurements conducted by the operator are consistent  
33 with the requirements of Sections 17409.5.2, 17409.5.3, 17409.5.4, 17409.5.5,  
34 17409.5.7, and 17409.5.8.

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

36 (1) The review of records required by Section 17414.2; and

37 (2) The periodic, direct observation of measurements at a frequency necessary to  
38 ensure that the operator is performing such measurements in a manner consistent  
39 with Sections 17409.5.2, 17409.5.3, 17409.5.4, 17409.5.5, 17409.5.7, and  
40 17409.5.8.

41 (c) If, at any time, the EA determines that the records under Section 17414.2(b) indicate  
42 that compostable material is sent offsite to any destination(s) other than an authorized  
43 permitted solid waste facility or operation, the EA shall directly observe any

1 compostable material onsite designated for such offsite destination(s). If physical  
2 contaminants, based on visual observation, clearly exceed the limits in Section  
3 17852(a)(24.5)(A)(1), the EA may require the operator to further process such  
4 material.

5  
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 **Article 6.3. Recordkeeping Requirements**

### 11 **Section 17414.2. Recordkeeping and Reporting Requirements - Organic Waste** 12 **Recovery.**

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

14 (1) The results of each sample conducted pursuant to Sections 17409.5.2,  
15 17409.5.3, 17409.5.4, 17409.5.5, 17409.5.7, and 17409.5.8.

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

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

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

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

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

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

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

27 (9) If the operator complies with the incompatible material requirements in Section  
28 17409.5.8 by sending material to a facility that meets the requirements of Section  
29 17409.5.8(c), the operator shall keep a record of:

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

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

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

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

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

39 (1) The level of incompatible materials in that material as measured pursuant to  
40 17409.5.8; and

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

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

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

44 (2) As current and accurate as practicable.

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

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

6 (f) Each operator shall maintain records in accordance with Title 14, California Code of  
7 Regulations, Division 7, Chapter 9, Article 9.25, Section 18815.1 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 EA.

11 Note:

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

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

## 15 **Chapter 3.1. Composting Operations Regulatory** 16 **Requirements**

### 17 **Article 1. General**

#### 18 **Section 17852. Definitions**

19 ~~(a) (23.5) "Hauler" has the same meaning as defined in Section 18815.2(a)(32).~~

20 **Note:**

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

23 ~~Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021,~~  
24 ~~43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816 Public Resource~~  
25 ~~Code and Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.~~

### 26 **Article 2. Regulatory Tiers for Composting Operations and Facilities.**

#### 27 **Section 17855. Excluded Activities.**

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

34 (1) An activity is excluded if it handles agricultural material derived from an  
35 agricultural site, and returns a similar amount of the material produced to that same  
36 agricultural site, or an agricultural site owned or leased by the owner, parent, or  
37 subsidiary of the composting activity. No more than an incidental amount of up to  
38 1,000 cubic yards of compost product may be given away or sold annually.

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

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

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

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

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

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

23 (4) Composting green material, agricultural material, food material, and vegetative  
24 food material, alone or in combination, is an excluded activity if the total amount of  
25 feedstock and compost on-site at any one time does not exceed 100 cubic yards and  
26 750 square feet.[Note: Persons handling compostable material under the above  
27 exclusion are obligated to obtain all permits, licenses, or other clearances that may  
28 be required by other regulatory agencies including, but not limited to local health  
29 entities and local land use authorities.]

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

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

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

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

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

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

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

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



- 1 (F) the activity is part of an operation used to chip and grind materials derived from  
2 and applied to lands owned or leased by the owner, parent, or subsidiary of the  
3 operation; or  
4 (G) the activity is part of an agricultural operation used to chip and grind  
5 agricultural material produced on lands owned or leased by the owner, parent, or  
6 subsidiary of the agricultural operation, for use in biomass conversion; or  
7 ~~(H) the activity is part of a licensed animal food manufacturing or a licensed~~  
8 ~~rendering operation~~ An activity that is a licensed animal food manufacturing  
9 activity, or a rendering activity which is authorized by the California Department of  
10 Food and Agriculture pursuant to Section 19300 of the Food and Agricultural  
11 Code, and in which no solid waste feedstock bypasses the manufacturing or  
12 rendering process; or  
13 (I) the activity is the storage of yard trimmings at a publicly designated site for the  
14 collection of lot clearing necessary for fire protection provided that the public  
15 agency designating the site has notified the fire protection agency; or  
16 (J) the materials are handled in such a way to preclude their reaching  
17 temperatures at or above 122 degrees Fahrenheit as determined by the EA; or  
18 (6) Storage of bagged products from compostable material is an excluded activity  
19 provided that such bags are no greater than 5 cubic yards.

20 Note:

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

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

## 24 **Article 5.0. Composting Operation and Facility Siting and Design** 25 **Standards**

### 26 **Section 17867. General Operating Standards.**

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

- 29 (1) All handling activities are prohibited from composting any material specified in  
30 section 17855.2 of this Chapter.  
31 (2) All handling activities shall be conducted in a manner that minimizes odor impacts  
32 so as to not cause a nuisance.  
33 (3) All handling activities shall be conducted in a manner that minimizes vectors,  
34 litter, hazards, nuisances, and noise impacts; and minimizes human contact with,  
35 inhalation, ingestion, and transportation of dust, particulates, and pathogenic  
36 organisms.  
37 (4) Random load checks of feedstocks, additives, and amendments for contaminants  
38 shall be conducted.  
39 (5) Contamination of compostable materials that has undergone pathogen reduction,  
40 pursuant to section 17868.3 of this Chapter, with feedstocks, compost, or wastes that  
41 have not undergone pathogen reduction, pursuant to section 17868.3 of this Chapter,  
42 or additives shall be prevented.  
43 (6) Unauthorized human or animal access to the facility shall be prevented.

- 1 (7) Traffic flow into, on, and out of the composting operation or facility shall be  
2 controlled in a safe manner.
- 3 (8) All compostable materials handling operations and facilities that are open for  
4 public business shall post legible signs at all public entrances. These signs shall  
5 include the following information:  
6 (A) name of the operation or facility,  
7 (B) name of the operator,  
8 (C) facility hours of operation,  
9 (D) materials that will and will not be accepted, if applicable,  
10 (E) schedule of charges, if applicable, and  
11 (F) phone number where operator or designee can be reached in case of an  
12 emergency.
- 13 (9) The operator shall provide fire prevention, protection and control measures,  
14 including, but not limited to, temperature monitoring of windrows and piles, adequate  
15 water supply for fire suppression, and the isolation of potential ignition sources from  
16 combustible materials. Firelanes shall be provided to allow fire control equipment  
17 access to all operation areas.
- 18 (10) The operator shall provide telephone or radio communication capability for  
19 emergency purposes.
- 20 (11) Physical Contaminants and refuse removed from feedstock, compost, or chipped  
21 and ground material shall be removed from the site within 7 days and transported to  
22 an appropriate facility.
- 23 (12) Enclosed operations and facilities shall provide ventilation to prevent adverse  
24 public health effects from decomposition gases.
- 25 (13) The operator shall ensure that leachate is controlled to prevent contact with the  
26 public.
- 27 (14) The operator shall prevent or remove physical contaminants in compost and  
28 chipped and ground materials that may cause injury to humans.
- 29 (15) An attendant shall be on duty during business hours if the operation or facility is  
30 open to the public.
- 31 (16) The operator shall determine the quarterly percentage of organic waste  
32 contained in materials sent to landfill disposal.  
33 (A) To determine the percentage, the operator shall measure the amount of  
34 organic waste by weight present in the materials sent to landfill disposal.  
35 1. The measurements required pursuant to this section shall be conducted at the  
36 following frequency:  
37 i. For each reporting period, the operator shall perform the sampling protocol  
38 required in Subdivision (a)(16)(B) over at least ten (10) consecutive operating  
39 days.  
40 ii. An operator may use the results of samples conducted over a period of  
41 more than 10 days if the following apply:  
42 1. If less than 10 additional days are sampled in the reporting period, the  
43 additional operating days where sampling is performed shall be a  
44 consecutive continuation of the original 10 consecutive days of sampling.  
45 2. If 10 additional operating days or more are selected for sampling, the  
46 additional operating days shall be conducted on consecutive days but may

1 be performed during a different part of the reporting period and are not  
2 required to be a continuation of the original 10 operating days.  
3 (B) The operator shall comply with Subdivision (a)(16)(A) by using the following  
4 protocol:  
5 1. Take one sample of at least two hundred (200) pounds of the materials that  
6 the operation or facility is sending to landfill disposal on that operating day.  
7 Each sample shall be:  
8 i. Representative of a typical operating day; and  
9 ii. A random, composite sample taken either from various times during the  
10 operating day or from various locations within the pile(s) of material that will  
11 be sent to disposal.  
12 2. Record the weight of the sample. If the total weight of material sent to landfill  
13 disposal in a single operating day is less than 200 pounds, the operator shall  
14 sample all of the material that is sent to landfill disposal that day.  
15 3. Remove any material that is not organic waste and determine the remaining  
16 weight of the organic waste in the sample.  
17 4. Then determine the ratio of organic waste present in the materials removed  
18 for landfill disposal by dividing the total from Subdivision (a)(16)(B)3 by the total  
19 from Subdivision (a)(16)(B)2.  
20 5. Determine the total weight of organic waste that is sent to landfill disposal by  
21 multiplying the ratio determined pursuant to Subdivision (a)(16)(B)4 by the total  
22 weight of the materials sent to landfill disposal.  
23 6. Determine the sum of outgoing weights of organic waste present in the  
24 materials that is sent to landfill disposal as determined pursuant to Subdivision  
25 (a)(16)(B)5.  
26 7. Determine the ratio of organic waste sent to landfill disposal by dividing the  
27 total from Subdivision (a)(16)(B)6 by the total outgoing weights of material that  
28 is sent to landfill disposal.  
29 8. Determine the percentage of organic waste present in the material sent to  
30 landfill disposal by multiplying the ratio as determined pursuant to Subdivision  
31 (a)(16)(B)7 by 100.  
32 (C) The operator shall conduct a measurement in the presence of the EA when  
33 requested.  
34 (D) If it is determined by the EA that the measurements do not accurately reflect  
35 the records, the EA may require the operator to increase the frequency of  
36 measurements, revise the measurement protocol, or both to improve accuracy.  
37 (E) An alternative measurement protocol for determining the amount of organic  
38 waste sent to landfill disposal may be approved by the EA, with concurrence by  
39 the Department. For the purposes of this section, alternative measurement  
40 protocols may include, but are not limited to, measurements made with a different  
41 sampling frequency and/or weight than those specified in this article. **The**  
42 **Department shall concur with EA approval if it finds that the alternative**  
43 **measurement protocol will ensure that the measurements will be as accurate as**  
44 **those in Subsection (a)(16)(A) and (B), above.**  
45 (F) For the purposes of the measurements required by this Subdivision, organic  
46 waste that are textiles, carpet, hazardous wood waste, non-compostable paper,

1 human or pet waste, and material subject to a quarantine on movement issued by  
2 a county agricultural commissioner, is not required to be measured as-organic  
3 waste.

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

6 Note:

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

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

## 10 **Article 8. Composting Operation and Facility Records**

### 11 **Section 17869. General Record~~k~~-Keeping and Reporting Requirements.**

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

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

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

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

22 (1) the nature of the complaint,

23 (2) the date the complaint was received,

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

26 (4) any actions taken to respond to the complaint.

27 (d) ~~The operator shall record the quantity and type of feedstock received and quantity of~~  
28 ~~compost and chipped and ground material produced. maintain records listed in this~~  
29 subdivision in a form and manner approved by the EA. Agricultural compostable  
30 materials handling operations shall maintain records only for compostable material  
31 accepted from off-site. Such records shall be adequate for overall planning and control  
32 purposes and be as current and accurate as practicable. The records shall be  
33 maintained for five (5) years in the operating record and be available for review by the  
34 appropriate jurisdiction of origin, haulers, and other duly authorized regulatory agencies.

35 (e) The operator shall maintain the following records under this section

36 (1) The quarterly percentage of organic waste contained in materials sent to landfill  
37 disposal as calculated pursuant to Section 17867(a)(16).

38 (2) Daily outgoing weights of material sent to disposal.

39 (3) Daily outgoing weights of compost or chipped and ground material produced.

40 (4) Daily incoming weights by material type.

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

43 (e) ~~The operator shall record the number of load checks performed and loads rejected.~~

1 (f) The operator shall record all test results generated by compliance with Article 7 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; chipping and grinding operations and facilities must record  
5 the determinations of the percentage of physical contaminants required by 17862.1(d).

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

7 (g) The operator shall record and retain records of any serious injury to the public  
8 occurring on-site and any complaint of adverse health effects to the public attributed to  
9 operations. Serious injury means any injury that requires inpatient hospitalization for a  
10 period in excess of 24 hours or in which a member of the public suffers a loss of any  
11 member of the body or suffers any degree of permanent disfigurement.

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

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

19 (j) The operator shall provide the EA all requested information and other assistance so  
20 that the EA can verify that the measurements conducted by the operator are consistent  
21 with the requirements of Section 17867(a)(16). The EA shall conduct such verification  
22 through:

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

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

27 (k) If, at any time, the EA determines that the records required by this section indicate  
28 that compostable material is sent offsite to any destination(s) other than an authorized  
29 permitted solid waste facility or operation, the EA shall directly observe any  
30 compostable material onsite designated for such offsite destination(s). If physical  
31 contaminants, based on visual observation, clearly exceed the limits in Section  
32 17852(a)(24.5)(A)1.(1), the EA may require the operator to further process such  
33 material.

34 Note:

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

36 Reference: Sections 42652.5, 43020 and 43021, Public Resources Code and Section  
37 39730.6, Health and Safety Code.

## 39 **Chapter 3.2. In-Vessel Digestion Operations and Facilities** 40 **Regulatory Requirements**

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

3 ~~**Section 17896.2. Definitions.**~~

4 ~~(a)(12.5) "Hauler" has the same meaning as defined in Section 18815.2(a)(32).~~

5 ~~**Note:**~~

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

8 ~~Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021,~~  
9 ~~43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816 Public Resource~~  
10 ~~Code and Sections 39730.5, 39730.6, 39730.7 and 39730.8 Health and Safety Code.~~

11 **Section 17896.6. Excluded Activities.**

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

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

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

31 (B) The POTW Treatment Plant has developed Standard Operating Procedures for the  
32 acceptance of anaerobically digestible material, the POTW Treatment Plant has notified  
33 the Regional Water Quality Control Board that those Standard Operating Procedures  
34 are being implemented, and a Standard Provision (permit condition) that reflects the  
35 acceptance of anaerobically digestible material:

- 36 1. has been incorporated into the POTW Treatment Plant's Waste Discharge  
37 Requirements or National Pollutant Discharge Elimination System permit; or  
38 2. will be incorporated into the POTW Treatment Plant's Waste Discharge  
39 Requirements or National Pollutant Discharge Elimination System permit no later than  
40 the next permit renewal.

41 (C) For the purpose of this exclusion, "anaerobically digestible material" means: inedible  
42 kitchen grease as defined in section 19216 of the Food and Agricultural Code, food

1 material as defined in Title 14, CCR, section 17896.2(a)(12) and vegetative food  
2 material as defined in Title 14, CCR, section 17896.2(a)(12)(A).  
3 (D) For the purpose of this exclusion, the Department, in consultation with the State  
4 Water Resources Control Board and the California Department of Food and Agriculture,  
5 will on a case-by-case basis, review and consider approval of additional types of  
6 organic materials as potential “anaerobically digestible material” beyond those specified  
7 in section 17896.6(a)(1)(C) in accordance with the following:  
8 1. Receipt of a written request to the Department from the General Manager or  
9 designee of a POTW Treatment Plant.  
10 a. The written request must contain the following information:  
11 i. The purpose of the request.  
12 ii. Identification of the POTW Treatment Plant proposing to anaerobically co-digest the  
13 organic waste material with the POTW wastewater.  
14 iii. Types of organic material requested for classification as an anaerobically digestible  
15 material.  
16 iv. The source(s) of the waste material.  
17 v. A description of how the waste material will be handled, processed, stored and  
18 transported (before and after receipt at the POTW Treatment Plant).  
19 vi. A map identifying all proposed physical changes proposed at the POTW Treatment  
20 Plant to accommodate the new waste materials.  
21 vii. Available laboratory test results, engineering reports, research or study to support  
22 the request.  
23 viii. Data and/or reports if this waste material has been used without incident at a  
24 different POTW Treatment Plant.  
25 ix. The name, addresses and phone numbers for the General Manager and designee of  
26 the POTW Treatment Plant.  
27 b. Upon receipt of the written request, the Department will communicate and coordinate  
28 the request with and between the State Water Resources Control Board and the  
29 California Department of Food and Agriculture and will complete the following actions:  
30 i. Within 10 days of receipt, send written confirmation to the General Manager and  
31 designee of the POTW Treatment Plant indicating receipt of the letter and distribute the  
32 letter to appropriate Department staff, as well as to the State Water Resources Control  
33 Board and California Department of Food and Agriculture staff contacts for review;  
34 ii. Within 15 days of receipt, schedule a meeting with State Water Resources Control  
35 Board and California Department of Food and Agriculture staff contacts;  
36 iii. Prior to the meeting, Department staff will review the letter and identify questions  
37 and/or issues with the request and make a list of recommendations;  
38 iv. Within 40 days of receipt, conduct a meeting on the request. If an agency  
39 representative does not attend the meeting, comments will be accepted by the  
40 Department up to close of business on the 45th day after receipt;  
41 v. Within 60 days of receipt, the Department will provide a written decision to the  
42 General Manager and designee of the POTW Treatment Plant stating one of the  
43 following:  
44 I. The waste type has or has not been determined to be an anaerobically digestible  
45 material excluded from both the In-Vessel Digestion Operations and Facilities  
46 Regulatory Requirements (pursuant to section 17896.6(a)(1)(C) and the

1 Transfer/Processing Operations and Facility Regulatory Requirements (pursuant to  
2 section 17403.1(a)(8));

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

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

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

13 2. For the purpose of this exclusion, if an organic waste material is determined by the  
14 Department to be an anaerobically digestible material for the purpose of co-digestion  
15 with the POTW wastewater, the POTW Treatment Plant must comply with section  
16 17896.6(a)(1)(A) prior to receipt of the material at the POTW Treatment Plant.

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

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

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

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

37 (4) In-vessel digestion activities with less than a total of 100 cubic yards of solid waste,  
38 feedstock, and digestate on-site are excluded.

39 [NOTE: Persons handling solid waste under the above exclusion are obligated to obtain  
40 all permits, licenses, or other clearances that may be required by other regulatory  
41 agencies including, but not limited to local health entities and local land use authorities.]

42 (5) Rendering activities, authorized by the California Department of Food and  
43 Agriculture pursuant to section 19300 of the Food and Agricultural Code, or an activity  
44 that is a licensed animal food manufacturing activity, and in which no solid waste  
45 feedstock bypasses the rendering process.



1 (6) Other discrete handling activities that are already subject to more stringent handling  
2 requirements under Federal or State law, as determined by the EA in consultation with  
3 the Department, are excluded.

4 Note:

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

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

### 8 **Article 3. Operating Standards for In-Vessel Digestion Operations and** 9 **Facilities**

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

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

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

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

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

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

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

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

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

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

32 1. Representative of a typical operating day; and

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

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

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

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

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

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

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

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

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

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

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

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

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

31 Note:

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

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

## 35 **Article 4. Record~~k~~-Keeping Requirements.**

### 36 **Section 17896.45. Record~~k~~-Keeping and Reporting Requirements.**

37 Each operator shall meet the following requirements:

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

- 1       (1) The quarterly percentage of organic waste contained in material sent to landfill  
2       disposal as calculated pursuant to Section 17896.44.1.  
3       (2) The outgoing weights or volumes of material sent to disposal.  
4       (3) Daily outgoing weights or volumes of organic waste recovered and produced.  
5       (4) Daily outgoing weights or volumes of salvaged materials.  
6       (5) Daily incoming weights of material.  
7       (6) The weight of compostable material sent offsite to any destination(s) other than  
8       an authorized permitted solid waste facility or operation.  
9       (b) All records required by this Chapter shall be kept by the operator in one location and  
10      accessible for five (5) years and shall be available for inspection by the EA and other  
11      duly authorized regulatory agencies during normal working hours.  
12      (c) The operator shall submit copies of specified records to the EA upon request or at a  
13      frequency approved by the EA;  
14      (d) The operator shall maintain a daily log book or file of special occurrences  
15      encountered during operations and methods used to resolve problems arising from  
16      these events, including details of all incidents that required implementing emergency  
17      procedures. Special occurrences shall include but are not limited to: fires, injury and  
18      property damage, accidents, explosions, receipt or rejection of prohibited wastes, lack  
19      of sufficient number of personnel pursuant to section 17896.42, flooding, earthquake  
20      damage and other unusual occurrences. In addition, the operator shall notify the EA by  
21      telephone within 24 hours of all incidents requiring the implementation of emergency  
22      procedures, unless the EA determines that a less immediate form of notification will be  
23      sufficient to protect public health and safety and the environment;  
24      (e) The operator shall record any written public complaints received by the operator,  
25      including:  
26          (1) the nature of the complaint,  
27          (2) the date the complaint was received,  
28          (3) if available, the name, address, and telephone number of the person or persons  
29          making the complaint, and  
30          (4) any actions taken to respond to the complaint;  
31      (f) The operator shall maintain a copy of the written notification to the EA and local  
32      health agency of the name, address and telephone number of the operator or other  
33      person(s) responsible for the operations as required by section 17896.42;  
34      (g) The operator shall maintain records of employee training as required by section  
35      17896.43;  
36      (h) all in-vessel digestion operations and facilities shall maintain records as required by  
37      section 18809 et seq.  
38      (i) The operator shall record all test results generated by compliance with Article 6 of  
39      this Chapter, including but not limited to, metal concentrations, physical contamination  
40      limits, fecal coliform and Salmonella sp. densities, temperature measurements, and  
41      dates of windrow turnings.  
42          (1) The operator shall retain records detailing pathogen reduction methods.  
43      (j) Each operator shall maintain records in accordance with Title 14, California Code of  
44      Regulations, Division 7, Chapter 9, Article 9.25, Section 18815 et. seq. The records  
45      shall be available for inspections as authorized by that article during normal business

1 hours and retained in the operating record near the site or in an alternative location  
2 approved by the Local Enforcement Agency.

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

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

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

11 (l) If, at any time, the EA determines that the records required by this section indicate  
12 that compostable material is sent offsite to any destination(s) other than an authorized  
13 permitted solid waste facility or operation, the EA shall directly observe any  
14 compostable material onsite designated for such offsite destination(s). If physical  
15 contaminants, based on visual observation, clearly exceed the limits in Section  
16 17852(a)(24.5)(A)1.(4), the EA may require the operator to further process such  
17 material.

18 Note:

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

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

## 22 **Article 6. Digestate Handling Standards**

### 23 **17896.57. Digestate Handling.**

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

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

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

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

32 (B) All in-vessel digestion facilities that compost on-site shall comply with the  
33 sampling requirements of section 17896.58, maximum metal concentrations  
34 requirements of section 17896.59, the maximum acceptable pathogen  
35 concentrations requirements of section 17896.60(b)(1), and physical  
36 contamination limits of section 17896.61; or

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

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

40 1. Digestate that is transported to another solid waste facility or operation for  
41 additional processing, or composting shall only be transported to one of the  
42 following facilities:

1 i. A transfer/processing facility or operation that complies with Section  
2 17409.5.8(a); or  
3 ii. A compostable material handling facility or operation that, pursuant to  
4 Section 17867(a)(16), demonstrates that the percentage of organic waste in  
5 the materials sent to disposal is:

6 (1)I. On and after January 1, 2022, less than 20 percent.

7 (2)II. On and after January 1, 2024, less than 10 percent.

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

11 (C) disposed in a manner as set forth in the Consolidated Regulations for  
12 Treatment, Storage, Processing or Disposal of Solid Waste (commencing at Title  
13 27, California Code of Regulations, section 20005).

14 (b) Digestate that has not been analyzed for metal concentration pursuant to section  
15 17896.59, pathogen concentration pursuant to section 17896.60(b)(1), and physical  
16 contaminants pursuant to section 17896.61 or is known to contain any metal in amounts  
17 that exceed the maximum metal concentrations described in section 17896.59,  
18 pathogens that exceed the maximum acceptable pathogen concentrations described in  
19 section 17896.60(b)(1), or physical contaminants that exceed the maximum physical  
20 contamination limits described in section 17896.61 shall be designated for disposal,  
21 additional processing, or other use as approved by local, state agencies having  
22 appropriate jurisdiction.

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

## 26 **Chapter 5. Enforcement of Solid Waste Standards and** 27 **Administration of Solid Waste Facilities Permits; Loan** 28 **Guarantees**

### 29 **Article 2.2. LEA Performance Standards, Evaluation Criteria, and** 30 **Duties and Responsibilities**

#### 31 **Section 18083. LEA Duties and Responsibilities for Inspections.**

32 (a) Pursuant to Public Resources Code Division 30, Parts 4 and 5, and 14 CCR Division  
33 7, Chapters 3 and 5, 27 CCR, Division 2, Subdivision 1 (§20005 et seq.), and its EPP,  
34 the LEA/EA shall inspect and investigate solid waste collection, handling, and storage,  
35 solid waste facilities, operations and disposal sites and equipment to verify compliance  
36 with the state minimum standards, solid waste facilities permits, and related state solid  
37 waste laws and regulations within their purview for the protection of the environment  
38 and the public health. The LEA shall perform these inspections and related duties as  
39 required below, and forward inspection reports to the operator, and/or owner, and the  
40 Department within 30 days of the inspection:

- 1 (1) Weekly, for sites operating on performance standards pursuant to 27 CCR  
2 Section 20695;
- 3 (2) monthly, for all active and inactive facilities, and for illegal sites and facilities,  
4 pending abatement by enforcement action(s);
- 5 (3) at the frequency required by the state minimum standards for each type of  
6 operation specified in 14 CCR Sections 17383.9., 17403.5., and 17896.9. All other  
7 operations regulated under the EA Notification tier shall be inspected by the EA at  
8 least once every three (3) months unless the EA approves, with Department  
9 concurrence, a reduced inspection frequency. The EA may approve a reduced  
10 inspection frequency only if it will not pose an additional risk to public health and  
11 safety or the environment, and in no case shall the inspection frequency be less than  
12 once per calendar year. The EA shall submit a copy of the EA-proposed approval to  
13 the Department. The Department shall concur in the EA-proposed approval only if it  
14 finds that the reduced inspection frequency will not pose an additional risk to public  
15 health and safety or the environment in light of the specific circumstances at the  
16 operation in question. The Department shall concur or deny the EA-proposed  
17 approval within thirty (30) days from receipt.
- 18 (4) quarterly, for closed sites, abandoned sites, and sites exempted pursuant to 27  
19 CCR Section 21565. For closed sites, inspections shall be made until no potential  
20 threat exists to public health and safety or the environment. This determination shall  
21 be subject to Department approval. For the purposes of this subsection, the  
22 enumeration, and the workload analysis, a closed site means a site that has ceased  
23 accepting waste and, should be closed, is undergoing closure, or has met applicable  
24 closure requirements;
- 25 (A) the Department may approve an alternate inspection frequency for these sites  
26 where such an action will not result in adverse impact on public health and safety  
27 and the environment.
- 28 (5) if an LEA has been designated as the EA for waste tire facilities or entered into an  
29 agreement with the Department through a grant program to inspect tire facilities,  
30 major waste tire facilities shall be inspected annually, minor waste tire facilities shall  
31 be inspected at least once every two and a half years pursuant to 14 CCR Section  
32 18443;
- 33 (6) upon receipt of a complaint or emergency notification which cannot be resolved  
34 off-site;
- 35 (7) as necessary, pursuant to the EPP, upon receipt of a solid waste facilities permit  
36 application, revision, review, RFI amendment, or closure/postclosure plan; ~~and~~
- 37 (8) pursuant to the EPP, for solid waste handling and collection equipment-; ~~and~~
- 38 (9) at the frequency described in Sections 17409.5.12, 17869(j), and 17896.45(k).
- 39 (b) As specified in their EPP pursuant to Section 18077, the LEA/EA shall conduct any  
40 of the above inspections, whenever possible, without prior notice to the owner or  
41 operator, on randomly selected days, during normal business hours or the site's  
42 operating hours.

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 **Chapter 9: Planning Guidelines and Procedures for**  
4 **Preparing, Revising, and Amending Countywide or Regional**  
5 **Integrated Waste Management Plans**

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

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

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

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

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

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

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

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

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

32 (1) For solid waste hauled:

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

35 (B) If requested by a transfer/processor or disposal facility, then a hauler shall  
36 provide the source sector for all material delivered to each broker or transporter,  
37 transfer/processor, or disposal facility, in tons or by percentage using the methods  
38 provided in section 18815.9 of this article.

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

- 1 (1) Directly from a generator to land application, the tons of each material type sent  
 2 by region, pursuant to section 18815.3(k) of this article.
- 3 (2) Directly from a generator to a person outside the state:
- 4 (A) For solid waste, the total tons by jurisdiction of origin for all material sent to a  
 5 disposal facility or transfer/processor, their contact information, and an estimate of  
 6 the overall source sector tons or percentages for waste sent.
- 7 (B) For green material sent to each transfer/processor or disposal facility for  
 8 potential beneficial reuse, the tons by jurisdiction of origin, and the contact  
 9 information of the receiving facility.
- 10 (C) For non-green material sent to each transfer/processor or disposal facility for  
 11 potential beneficial reuse, the tons by material type, pursuant to section 18815.9,  
 12 and the contact information of the receiving facility.
- 13 (D) For disaster debris and designated waste sent to each transfer/processor or  
 14 disposal facility, the tons of each stream, and the contact information of the  
 15 receiving facility.
- 16 (E) For material sent to recycling or composting facilities or operations, the tons of  
 17 each material type sent by region.
- 18 (F) To end users, the tons of each material sent to each end user category by  
 19 region, pursuant to section 18815.3(k) of this article.
- 20 (3) A hauler shall submit their report to the Department by the following due dates for  
 21 each reporting period:
- 22 (A) Reporting period 1 due April 30,  
 23 (B) Reporting period 2 due July 31,  
 24 (C) Reporting period 3 due October 31, and  
 25 (D) Reporting period 4 due January 31.
- 26 (e) For the purposes of RDRS reporting, the Department shall not require a hauler to  
 27 submit information regarding specific collection locations or customers when providing  
 28 jurisdiction of origin, material type or source sector information to other reporting entities  
 29 or to the Department as part of a quarterly report.
- 30 (1) A jurisdiction is not precluded from requiring this information through franchise  
 31 agreements, contracts, local ordinances, section 41821.5(g) of the Public Resources  
 32 Code, or other authority it may have.
- 33 (2) The Department may require a hauler to submit this information in lieu of an audit,  
 34 or as part of an audit or administrative proceeding.
- 35 (f) Commencing January 1, 2022, a hauler providing an organic waste collection service  
 36 pursuant to Article 3, Chapter 12 of this division shall identify, for all materials delivered  
 37 to each receiving reporting entity, whether the material is:
- 38 (1) Collected from a "source separated organic waste collection stream" as defined in  
 39 Section 17402 (a)(~~18.626.6~~) of this division.
- 40 (2) Collected from "mixed waste organics collection stream" as defined in in Section  
 41 17402 (a)(11.5) of this division that is required to be transported to a high diversion  
 42 organic waste processing facility.
- 43 (g) Notwithstanding Subdivision (b), a hauler shall provide the information required by  
 44 Subdivision (f) at the time of delivery.

45 Note: Authority Cited: Sections 40502 and 41821.5, Public Resources Code.



1 Reference: Sections 41821.5, and 41821.6, and 42652.5, Public Resources Code and  
2 Section 39730.6, Health and Safety Code.

3 **Section 18815.5 Reporting Requirements for Transfer/Processors.**

4 (a) In their report to the Department, a transfer/processor shall provide the following  
5 information, using the methods in described in section 18815.9 of this article:

6 (1) For all tons accepted:

7 (A) From another transfer/processor, report the tons of each of the following  
8 streams: solid waste, disaster debris, designated waste, green material potential  
9 beneficial reuse, and all other potential beneficial reuse accepted from each  
10 facility. Report the sending facility's contact information and RDRS number, if  
11 applicable.

12 (B) For direct-hauled material, report the total aggregated tons of each of the  
13 following streams: solid waste, disaster debris, designated waste, green material  
14 potential beneficial reuse, and all other potential beneficial reuse. The tonnages for  
15 solid waste and green material potential beneficial reuse shall be further divided by  
16 jurisdiction of origin.

17 (C) Include accepted residuals generated by a recycling or composting facility or  
18 operation that is reporting under the same RDRS number as a transfer/processing  
19 facility or operation, pursuant to section 18815.3(d)(4) of this article, in the total  
20 tons accepted as direct-hauled, pursuant to subsection (1)(B), assigning the tons  
21 to the jurisdiction within which the site is located.

22 (2) For all tons sent to recyclers, composters, brokers, transporters, or end users  
23 pursuant to section 18815.9 of this article:

24 (A) To a recycling or composting facility or operation with a different RDRS  
25 number inside California, report the tons by material type, pursuant to section  
26 18815.9(a) of this article, and their contact information and RDRS number, if  
27 applicable.

28 (B) To an end user, report the tons of each material type, pursuant to section  
29 18815.9(a) of this article, sent to each end user category by region, pursuant to  
30 section 18815.3(k) of this article.

31 (C) To a broker or transporter:

32 (i) In cases where the final destination of the material is determined by the  
33 reporting transfer/processor, report pursuant to subsections (a)(2)(A), (a)(2)(B),  
34 and (a)(2)(E).

35 (ii) In cases where the final destination of the material is not determined by the  
36 reporting transfer/processor, report tons of each material type, pursuant to  
37 section 18815.9(a) of this article, sent to each broker or transporter and their  
38 contact information and RDRS number, if applicable.

39 (D) To a recycling or composting facility or operation with the same RDRS  
40 number, report pursuant to section 18815.9(h) of this article.

41 (E) To a recycling or composting facility or operation outside California, report the  
42 tons of each material type by region.

43 (3) For all tons sent to transfer/processors or disposal facilities inside or outside  
44 California of each of the following streams: recycling and composting, solid waste,

1 disaster debris, designated waste, green material potential beneficial reuse, and all  
2 other potential beneficial reuse:

3 (A) To each transfer/processor or disposal facility, report the tons of each stream,  
4 and their contact information and RDRS number, if applicable. Report the  
5 percentage of solid waste and green material potential beneficial reuse received  
6 from each transfer/processor, and the total percentage of materials that were  
7 direct-hauled, pursuant to subsection (a)(1)(B). The percentage that was direct-  
8 hauled shall be further divided into the jurisdictions of origin of solid waste and  
9 green material potential beneficial reuse.

10 (B) For all tons of solid waste, the percentage that was direct-hauled, pursuant to  
11 subsection (a)(1)(B), shall be divided into source sectors, using methods  
12 described in section 18815.9(c) of this article. Source sector shall be reported to  
13 the department as a facility-wide estimate.

14 (C) For all other material sent for potential beneficial reuse to a landfill or other  
15 transfer/processor inside or outside California, report the tons sent to each facility  
16 by material type, pursuant to section 18815.9(a)(3) of this article, and the facility's  
17 contact information and RDRS number, if applicable.

18 (D) For material sent for recycling to each transfer/processor or disposal facility  
19 with a different RDRS number inside California, report the tons by material type,  
20 and the facility's contact information and RDRS number, if applicable.

21 (E) For material sent for recycling to each transfer/processor or disposal facility  
22 outside California, report the tons by material type and region.

23 (b) A transfer/processor shall report to the Department by the following due dates for  
24 each reporting period:

- 25 (1) Reporting period 1 due May 31,
- 26 (2) Reporting period 2 due August 31,
- 27 (3) Reporting period 3 due November 30, and
- 28 (4) Reporting period 4 due February 28.

29 (c) With the exception of reporting entities who fail to provide required information, for  
30 the purposes of RDRS reporting, the Department shall not require a transfer/processor  
31 to submit information regarding the identities of individual haulers when providing  
32 jurisdiction of origin, or source sector information to the Department as part of a  
33 quarterly report. The Department shall not require a transfer/processor to submit  
34 information regarding the identities of individual end users when providing material type  
35 or region to the Department as part of their 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 transfer/processor to submit this information in lieu  
40 of an audit, or as part of an audit or administrative proceeding.

41 (d) Commencing with the first reporting period in 2022, and in each subsequent  
42 reporting period thereafter:

43 (1) A reporting receiving facility that receives material from a "mixed waste organic  
44 collection stream" as defined in Section 17402 (a)(11.5) of this division shall, for the  
45 purposes of determining the annual average organic content recovery rate for  
46 organic waste received from the mixed waste organic collection stream as specified

1 in Sections 18984.3 and 17409.5.1 of this division, report the following to the  
2 Department:

3 (A) The sum of outgoing weights of organic waste recovered from the mixed waste  
4 organic collection stream as determined pursuant to Section 17409.5.1-(c)(1) of  
5 this division.

6 (B)The sum of outgoing weights of organic waste from the mixed waste organic  
7 collection stream that is sent to disposal as determined pursuant to Section  
8 17409.5.1-(c)(2) of this division.

9 (C)The sum of records in Sections 17414.2(a)(2), 17414.2(a)(3), and 17414.2  
10 (a)(6) of outgoing and incoming weights of material from the mixed waste organic  
11 collection stream.

12 (2) A reporting receiving facility that receives material from a “source separated  
13 organic waste collection stream” as defined in Section 17402-(a)(1826.6) shall report  
14 the following to the Department:

15 (A) The sum of outgoing weights of organic waste recovered from the source  
16 separated organic collection stream as determined pursuant to Section 17409.5.1  
17 (d)(1) of this division.

18 (B) The sum of outgoing weights of organic waste recovered from the source  
19 separated organic collection stream as determined pursuant to Section  
20 17409.5.1(d)(2) of this division.

21 (C) The sum of weights required to be recorded pursuant to Sections 17414.2  
22 (a)(4), 17414.2(a)(5), and 17414.2 (a)(7) of outgoing and incoming weights of  
23 material from the source separate organic waste collection stream.

24 (e) The Department shall determine if a facility meets or exceeds the recovery efficiency  
25 percentages ~~specified in Sections 18984.3 and 17409.5.1 of this division~~ as specified in  
26 the definition of a “high diversion organic waste processing facility” in Section  
27 18982(a)(33) in the following manner:

28 (1) The Department shall determine the quarterly recovery efficiency by dividing the  
29 total weight of recovered organic waste reported in Subdivision (d)(1)(A) [Recovered  
30 Organics (RO)] by the combined total weight of recovered and -disposed organic  
31 waste reported in Subdivision (d)(1)(A) and Subdivision (d)(1)(B) [Total Available  
32 Mixed Waste Organics(TAMWO)]: RO/TAMWO = Recovery Efficiency.

33 (2) The Department shall use the total weights for the immediately previous four  
34 quarters to determine the facility’s annual recovery efficiency which shall constitute  
35 the annual average mixed waste organic content recovery rate for the purposes of  
36 section 18984.3 of this division.

37 (3) The annual average mixed waste organic content recovery rate shall be  
38 determined by using the last four quarterly rates. A new annual average shall be  
39 calculated each quarter.

40 (f) The Department shall determine if a facility meets or exceeds the annual average  
41 source separated organic content recovery rates specified for a “designated source  
42 separated organic waste facility” as defined in Section 18982(a)(14.5) of this division in  
43 the following manner:

44 (1) The Department shall determine the quarterly recovery efficiency by dividing the  
45 total weight of recovered organic waste reported in Subdivision (d)(2)(A)[Recovered  
46 Organics (RO)] by the combined total weight of recovered and disposed organic

1 waste reported in Subdivision (d)(2)(A) and Subdivision (d)(2)(B) [Total Available  
2 Source Separated Organic Waste (TASSOW)]: RO/TASSOW = Recovery Efficiency.  
3 (2) The Department shall use the total weights for the immediately previous four  
4 quarters to determine the facility's annual recovery efficiency which shall constitute  
5 the annual average source separated organic content recovery rate for the purposes  
6 of Sections 18982(a)(14.5) and 18998.1 of this division. A new annual average shall  
7 be calculated each quarter.

8 (g) A reporting receiving facility subject to the requirements of Section 17409.5.7 shall  
9 report the following to the Department:

10 (1) The average ratio of remnant organic waste, to non-organic waste measured in  
11 the gray container waste evaluation samples performed by the facility pursuant to  
12 Section 17409.5.7.

13  
14 Note: Authority Cited: Sections 40502 and 41821.5, Public Resources Code.  
15 Reference: Sections 41821.5, ~~and 41821.6~~ and 42652.5, Public Resources Code, and  
16 Section 39730.6, Health and Safety Code.

### 17 **Section 18815.7 Reporting Requirements for Recycling and Composting Facilities** 18 **and Operations.**

19 (a) In their report to the Department, a recycling or composting facility or operation shall  
20 provide the following information for all tons handled, using the methods described in  
21 section 18815.9 of this article:

22 (1) For materials sent for disposal or potential beneficial reuse to each  
23 transfer/processor or disposal facility with a different RDRS number inside or outside  
24 California, report the tons of each material type, pursuant to section 18815.9(a) of  
25 this article, and their contact information and RDRS number, if applicable.

26 (2) For materials sent to each recycling or composting facility or operation with a  
27 different RDRS number, or for recycling at each transfer/processor with a different  
28 RDRS number inside California, report the tons of each material type, pursuant to  
29 section 18815.9(a) of this article, and their contact information and RDRS number, if  
30 applicable.

31 (3) For materials sent to a recycling or composting facility or operation with the same  
32 RDRS number, report pursuant to section 18815.9(h) of this article.

33 (4) For intermediate products sent to end users inside or outside California, report the  
34 tons of each material type, pursuant to section 18815.9(a) of this article, sent to each  
35 end user category by region, pursuant to section 18815.3(k) of this article.

36 (5) For materials sent to a broker or transporter:

37 (A) In cases where the final destination of the material is determined by the  
38 reporting recycling or composting facility or operation, report pursuant to  
39 subsections (a)(1), (a)(2), (a)(4), and (a)(6), as applicable.

40 (B) In cases where the final destination of the material is not determined by the  
41 reporting recycling or composting facility or operation, report tons of each material  
42 type, pursuant to section 18815.9(a) of this article, sent to each broker or  
43 transporter and their contact information and RDRS number, if applicable.

1 (6) For materials sent to each recycling or composting facility or operation outside  
2 California, or for recycling at a transfer/processor outside California, report the tons of  
3 each material type by region.

4 (b) A recycling or composting facility or operation is not required to report on material  
5 sold for reuse or transferred for reuse.

6 (c) A recycler who handles business-to-business post-industrial materials, but also  
7 handles materials that do not meet the criteria in section 18815.2(a)(8) of this article,  
8 shall:

9 (1) Report as a recycler pursuant to this section for all materials that do not meet the  
10 criteria for business-to-business post-industrial recycling, and

11 (2) Not include information or tonnages associated with the business-to-business  
12 post-industrial materials recycled as defined in section 18815.2(a)(8) of this article.

13 (d) A recycling or composting facility or operation shall report to the Department by the  
14 following due dates for each reporting period:

15 (1) Reporting period 1 due May 31,

16 (2) Reporting period 2 due August 31,

17 (3) Reporting period 3 due November 30, and

18 (4) Reporting period 4 due February 28.

19 (e) With the exception of other reporting entities, for the purposes of RDRS reporting,  
20 the Department shall not require a recycling and composting facility or operation to  
21 submit information regarding the identities of individual end users, suppliers, or  
22 customers when providing material type information to the Department as part of a  
23 quarterly report.

24 (1) A jurisdiction is not precluded from requiring this information through franchise  
25 agreements, contracts, local ordinances, section 41821.5(g) of the Public Resources  
26 Code, or other authority it may have.

27 (2) The Department may require that a recycler/composter submit this information in  
28 lieu of an audit, or as part of an audit or administrative proceeding.

29 (f) Commencing with first reporting period in 2022, and in each subsequent reporting  
30 period thereafter:

31 (1) A recycling or compost facility or operation shall, if applicable, additionally report  
32 the following to the Department:

33 (A) The percentage of organic waste contained in materials sent to landfill disposal  
34 as calculated pursuant to Section 17869(e)(1) or 17896.45-(a)(1).

35 Note: Authority Cited: Sections 40502 and 41821.5, Public Resources Code.

36 Reference: Sections 41821.5, and 41821.6 and 42652.5, Public Resources Code and  
37 39730.6, Health and Safety Code.

## 38 Title 27. Environmental Protection

### 39 Division 2. Solid Waste

#### 40 ~~Chapter 2. Definitions~~

1 **Article 2. Specific Definitions**

2 **Section 20164.**

3 "Hauler" has the same meaning as defined in Section 18815.2(a)(32).

4 **Chapter 3. Criteria for All Waste Management Units,**  
5 **Facilities, and Disposal Sites**

6 **Subchapter 4. Criteria for Landfills and Disposal Sites**

7 **Article 3: CIWMB CalRecycle—Handling, Equipment, and Maintenance**

8 **§20750.1. CalRecycle– Organic Waste Handling.**

9 (a) For new or expanding solid waste landfills, the operator shall implement organic  
10 waste recovery activities, as approved by the EA, . organic-Organic waste recovery  
11 activities shall be confined to specified, clearly identifiable areas of the site and shall be  
12 arranged to minimize health and safety hazard, vector harborage, or other hazard or  
13 nuisance, and be limited to a volume and storage time as approved by the EA.

14 (1) An operator only accepting solid wastes that have already been processed  
15 through a high diversion organic waste processing facility or a designated source  
16 separated organic waste facility does not need to implement organic waste recovery  
17 activities.

18 (b) For the purposes of this section "organic waste recovery activities" means activities  
19 that divert organic waste from landfill disposal to activities that constitute a reduction of  
20 landfill disposal of organic waste as defined in Article 2 of Chapter 12 of Division 7 of  
21 Title 14 of the California Code of Regulations (commencing with Section 18983.1),  
22 either on-site or transport to another site where those activities occur.

23 (c) For the purposes of the section, "expanding" means a solid waste landfill proposing  
24 to make a significant change to the design or operation as determined by the EA  
25 pursuant to 27 CCR Section 21665.

26 (1) Changing the hours of operation of a landfill is not considered an expansion  
27 pursuant to 27 CCR Section 20750.1(c).

28 Note:

29 Authority cited: Section 40502 and 43020, Public Resources Code.

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

32 **Chapter 4. Documentation and Reporting for Regulatory**  
33 **Tiers, Permits, WDRs, and Plans**

34 **Subchapter 3: Development of Waste Discharge Requirements**  
35 **(WDRs) and Solid Waste Facility Permits**

1 **Article 2. CalRecycle—Applicant Requirements**

2 **§21570. CalRecycle—Filing Requirements.**

3 (a) Any operator of a disposal site who is required to have a full solid waste facilities  
4 permit and waste discharge requirements pursuant to Public Resources Code, Division  
5 31 and §20080(f) shall submit an application package for a solid waste facilities permit  
6 in duplicate to the EA pursuant to ¶(f). The applicant shall also simultaneously submit  
7 one copy of the application form and the Joint Technical Document (JTD) to the  
8 Regional Water Quality Control Board (RWQCB) and one copy of the application form  
9 to the director of the local agency that oversees local land use planning for the  
10 jurisdiction in which the site is located. The applicant shall ensure demonstration of  
11 financial assurances to CalRecycle pursuant to Chapter 6 of this Subdivision.

12 (b) All other applicants who are required to have a full solid waste facilities permit shall  
13 submit an application package for a solid waste facilities permit in duplicate to the EA  
14 pursuant to ¶(f) and one copy of the application form to the director of the local agency  
15 that oversees local land use planning for the jurisdiction in which the site is located. The  
16 applicant shall also simultaneously submit one copy of the application form to the  
17 RWQCB.

18 (c) Any application package submitted to the EA shall be accompanied by the fee  
19 specified by the EA pursuant to Public Resources Code §44006(c).

20 (d) The application package shall require that information be supplied in adequate detail  
21 to permit thorough evaluation of the environmental effects of the facility and to permit  
22 estimation of the likelihood that the facility will be able to conform to the standards over  
23 the useful economic life of the facility. The application package shall require, among  
24 other things, that the applicant and the owner give the address at which process may be  
25 served upon them.

26 (e) All information in the application package shall be certified by the applicant and the  
27 owner of the site as being true and accurate to the best knowledge and belief of each.  
28 The applicant, owner of the facility, or both, shall supply additional information as  
29 deemed necessary by the EA.

30 (f) A complete and correct application package shall include, but not necessarily be  
31 limited to, the following items:

32 (1) Application For Solid Waste Facilities Permit/Waste Discharge Requirements  
33 Form ~~CIWMB-CalRecycle~~ E-1-77 (Version 11-15 8-04) (Appendix 1); and

34 (2) Complete and correct Report of Facility Information. In the case of disposal sites,  
35 this will be a Report of Disposal Site Information (RDSI) in the format of a JTD or a  
36 Disposal Site Facility Plan or Disposal Facility Report in the format of a JTD; and

37 (3) California Environmental Quality Act (CEQA) compliance information as follows:

38 (A) Evidence that there has been compliance with the CEQA, Division 13  
39 (commencing with §21000) of the Public Resources Code, regarding the facility; or

40 (B) Information on the status of the application’s compliance with the CEQA  
41 regarding the facility, including the proposed project description. Once there has  
42 been compliance with the CEQA regarding the facility, evidence of compliance  
43 shall be submitted to the EA; and

44 (4) Any CEQA Mitigation Monitoring Implementation Schedule; and

45 (5) Conformance finding information, including one of the following:

1 (A) Until a countywide or regional agency integrated waste management plan has  
2 been approved by CalRecycle, the application shall include statements that: the  
3 facility is identified and described in or conforms with the County Solid Waste  
4 Management Plan, or otherwise complies with Public Resources Code §50000;  
5 and that the facility is consistent with the city or county General Plan and  
6 compatible with surrounding land use, in accordance with Public Resources Code  
7 §50000.5; or  
8 (B) After a countywide or regional agency integrated waste management plan has  
9 been approved by CalRecycle, the application shall include a statement that: the  
10 facility is identified in either the countywide siting element, the nondisposal facility  
11 element, or in the Source Reduction and Recycling Element for the jurisdiction in  
12 which it is located; or, that the facility is not required to be identified in any of these  
13 elements pursuant to Public Resources Code §50001; and  
14 (6) For disposal sites, completeness determination of Preliminary or Final  
15 Closure/Postclosure Maintenance Plan as specified in §§21780, 21865, and 21890  
16 (Subchapter 4 of this chapter); and  
17 [Note: The operator has the option of submitting the preliminary closure plan with the  
18 JTD, in which case the EA, RWQCB, and CalRecycle would review it at the same  
19 time. If deemed complete by the reviewing agencies, the solid waste facilities permit  
20 application package could then be accepted for filing if all other information in the  
21 JTD is accepted by the EA. Or the operator can submit a stand alone preliminary  
22 closure plan to be deemed complete by reviewing agencies before the application  
23 package is submitted to the EA. For CalRecycle purposes, all final  
24 closure/postclosure plans are stand alone documents but can be processed jointly  
25 with a proposed solid waste facilities permit revision as long as the final plan is  
26 determined complete prior to approval of the proposed solid waste facilities permit.  
27 The JTD Index prepared for the EA should show where each closure requirement is  
28 addressed in the closure/post-closure plan.]  
29 (7) For disposal sites, a copy of the most recently submitted detailed written estimate  
30 or latest approved estimate, whichever identifies the greatest cost, to cover the cost  
31 of known or reasonably foreseeable corrective action activities, pursuant to §22101;  
32 (8) For disposal sites, current documentation of acceptable funding levels for required  
33 closure, postclosure maintenance, and corrective action Financial Assurance  
34 Mechanisms (in accordance with Chapter 6, Division 2); and  
35 (9) For disposal sites, current documentation of compliance with operating liability  
36 requirements in accordance with Chapter 6;  
37 (10) For disposal sites permitted for more than 20 tons-per-day, a ground or aerial  
38 survey to be completed at least once every five years or more frequently as  
39 determined by the EA. For disposal sites permitted for 20 tons-per-day or less, a  
40 ground or aerial survey must be completed at least once every ten years. Survey  
41 results must be submitted as a CADD or vector graphics data file including at least  
42 two strata, i.e., 1) a stratum showing the base and finished ground surfaces, and 2) a  
43 stratum showing the existing and finished ground surfaces. For disposal sites where  
44 a change in permitted volume is proposed, a third stratum showing the base and  
45 proposed finished ground surface must be included. For each stratum the following  
46 information shall be included: site name, stratum name, surface1 name, surface2



1 name, volume calculation method (grid, composite, section), expansion (cut) factor,  
2 compaction (fill) factor, cut volume, fill volume and net volume. All volumes shall be  
3 reported in cubic yards. If the base ground surface is uncertain, the operator is  
4 allowed to provide the best available information as a substitute for the actual as-built  
5 contours. If selecting this substitute method, the operator must provide an  
6 explanation of the basis for using the substitute base ground surface. For the  
7 purposes of this section the following definitions apply:

8 (A) "base ground surface" - the best available excavation plan surface that existed  
9 prior to the placement of any waste;

10 (B) "CADD" - computer aided design and drafting;

11 (C) "compaction (fill) factor" - the factor used to correct for expected compaction of  
12 fill material; this factor should normally be unity (one); if the factor is not unity  
13 (one), an explanation must be provided for the basis of the volumetric correction;

14 (D) "cut volume" - for any stratum, the volume removed by a cut of a lower surface  
15 to achieve the upper surface;

16 (E) "existing ground surface" - the topography that exists at the time of the subject  
17 survey;

18 (F) "expansion (cut) factor" - the factor used to correct for expected expansion of a  
19 cut surface; this factor should normally be unity (one); if the factor is not unity  
20 (one), an explanation must be provided for the basis of the volumetric correction;

21 (G) "fill volume" - for any stratum, the volume bound between the upper and lower  
22 surfaces;

23 (H) "finished ground surface" - the final fill plan surface as shown in the approved  
24 closure plan for the disposal site;

25 (I) "net volume" - the fill volume less the cut volume;

26 (J) "site name" - the name of the disposal site for which the survey information is  
27 being submitted;

28 (K) "stratum (plural: strata)" - a particular volume of a solid waste landfill bound by  
29 specified upper and lower surfaces;

30 (L) "stratum name" - a descriptive name for the stratum for which volumetric  
31 information is being submitted, e.g., total volume including proposed expansion;

32 (M) "surface names" - names for the pair of surfaces that define a named stratum,  
33 e.g., base ground surface and proposed finished ground surface;

34 (N) "survey" - a comprehensive examination of the disposal site under the  
35 direction of registered civil engineer or licensed land surveyor for purposes of  
36 determining the topography of the base, existing and finished ground surfaces,  
37 and the volumes bound by those surfaces;

38 (O) "vector graphics" - computer generated images comprised of lines and shapes  
39 of given origin, direction, thickness, color and other attributes;

40 (P) "volume calculation method" - grid, composite, section or other method  
41 approved by the enforcement agency.

42 (11) For disposal sites, one of the following:

43 (A)

44 (i) In-place density (pounds of waste per cubic yard of waste). The in-place  
45 density is the estimated or measured density of in-place waste material

1 achieved by mechanical or other means in the development of the current lift of  
2 the current operating waste cell, and

3 (ii) Waste-to-cover ratio, estimated, (volume:volume). The waste-to-cover ratio  
4 estimate is a unit-less expression of the proportion of the volumes of waste and  
5 cover that comprise a volume of compacted fill material, e.g. 4:1. The cover  
6 portion of the waste-to-cover ratio estimate should include only soil or approved  
7 daily or intermediate alternative cover that is not considered a waste material,  
8 i.e., payment of fees to CalRecycle is not required. The waste portion of the  
9 waste-to-cover ratio estimate should include only waste material for which  
10 payment of fees to CalRecycle is reported, or

11 (B) Airspace utilization factor (tons of waste per cubic yard of landfill airspace).  
12 The airspace utilization factor (AUF) is the effective density of waste material in  
13 the landfill. The AUF is recorded as the total weight of waste material passing over  
14 the landfill scales that is placed in a known volume of landfill airspace in a given  
15 period of time. The waste portion of the AUF should include only waste material for  
16 which payment of fees to CalRecycle is reported.

17 (12) List of all public hearings and other meetings open to the public that have been  
18 held or copies of notices distributed that are applicable to the proposed solid waste  
19 facilities permit action.

20 (g) For new or expanded solid waste facilities, hold a public meeting with any affected  
21 disadvantaged communities within 180 days of submittal of the permit application  
22 package.

23 (1) Provide copies (hard copy or electronic) of notices distributed to the affected  
24 disadvantaged communities.

25 (2) Provide a summary of the comments received at the public meeting and, where  
26 applicable, responses to any public comments, and any other steps taken by the  
27 applicant relative to those comments.

28 (3) For the purposes of this section “affected disadvantaged communities” means  
29 communities identified by the California Environmental Protection Agency pursuant to  
30 Section 39711 of the Health and Safety Code as disadvantaged that are located  
31 within one mile of the facility.

32 Note:

33 Authority cited: Section 40002, 40502 and 43020, Public Resources Code.

34 Reference: Sections 43103, 42652.5, 44001-44017, 44100-44101, 44300-44301,  
35 44500-44503 and 44813-44816, Public Resources Code and Section 39730.6, Health  
36 and Safety Code.

37 **§21590. ~~GIWMB~~CalRecycle—Joint Technical Document for Disposal Facilities.**

38 Any operator of a disposal site which is required to submit a RDSI, closure/postclosure  
39 maintenance plan, and/or a ROWD or any other report that addresses similar regulatory  
40 concerns, may address those requirements under one JTD. The JTD will be used in  
41 place of the RDSI only if it meets all the requirements set forth in §21600 and lists  
42 where each requirement has been satisfied in the document in the form of a JTD index,  
43 pursuant to ¶(c).

- 1 (a) After July 18, 1997, any operator of an existing facility who submits an application  
2 package to the EA, pursuant to §21570, which proposes to change the facility's  
3 operations, or to change the SWFP shall do one of the following:  
4 (1) Submit the updated information as an amendment to the existing JTD along with,  
5 a JTD index as described in ¶(c), referencing the new or updated information; or  
6 (2) Submit a complete JTD as described in §21600 along with a JTD index as  
7 described in subsection (c).  
8 (b) After July 18, 1997, any operator of a new facility that submits an application  
9 package to the EA pursuant to §21570, shall submit a complete JTD pursuant to  
10 §21600, and an index of the topics addressed in the JTD to be used by the EA as  
11 described in ¶(c).  
12 (c) As of July 18, 1997, the operator shall include with the JTD a copy of an index  
13 specifically for use by the EA. The page number or the first line number within the JTD  
14 which addresses the topic shall be noted next to that topic in the index. The EA shall  
15 make available to the operator either in hard copy and/or ~~on magnetic media an~~  
16 electronic copy a JTD index listing, (Index found in Appendix 2) showing each topic  
17 which the JTD must address to provide the EA with relevant facility information for  
18 writing or revising the facility permit.  
19 (d) These requirements do not apply to those facilities which have filed a ROWD or  
20 RDSI and application for SWFP prior to July 18, 1997. In the event the EA determines  
21 the application package for an RDSI first submitted prior to the effective date of these  
22 regulations to be incomplete, additional information requested shall be submitted as part  
23 of the RDSI and/or application for SWFP, as appropriate.

24 Note:

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

26 Reference: Sections 42652.5, 43000-45082, Public Resources Code and Section  
27 39730.6, Health and Safety Code.

### 28 **Article 3: GIWMBCalRecycle—Enforcement Agency (EA)** 29 **Requirements**

#### 30 **§21650. GIWMBCalRecycle--EA Processing Requirements. (T14:§18203)**

- 31 (a) Upon its receipt, the EA shall stamp the application package with the date of receipt.  
32 The EA shall examine the application package to determine whether it meets the  
33 requirements of §21570. If the EA finds the package meets the requirements of §21570,  
34 the application package shall be accepted and stamped with the date of acceptance.  
35 Notwithstanding any other provision of this division, the application package shall be  
36 deemed filed on the date of acceptance.  
37 (b) The EA shall either accept or reject the application package within thirty days of its  
38 receipt.  
39 (c) Within five days of filing, the EA shall notify the GIWMBCalRecycle, and the RWQCB  
40 if applicable, of its determination. The EA shall submit as its notification to ~~the~~ GIWMB  
41 CalRecycle a copy of the accepted application form. The EA shall also forward a copy  
42 of the application form to the RWQCB if applicable.

- 1 (d) If the EA determines that the application package does not meet the requirements of  
2 §21570, it shall reject and not file the application, and it shall, within five days of  
3 determination, so notify the applicant, ~~the CIWMB-CalRecycle~~, and the RWQCB if  
4 applicable, enumerating the grounds for rejection. The EA shall include in its notification  
5 to ~~the CIWMB-CalRecycle~~ a copy of the rejected application form. The application  
6 package, together with the notice of rejection, shall be kept in the EA's file.
- 7 (e) After acceptance of an application for a new or revised full solid waste facilities  
8 permit as complete and correct and within 60 days of receipt of the application by the  
9 EA, the EA shall notice and conduct an informational meeting as required by §§21660.2  
10 and 21660.3. For modified solid waste facilities permits, the EA shall provide notice as  
11 required by §21660.3 after finding the permit application complete and correct and  
12 within 60 days of receipt of the application by the EA.
- 13 (f) Upon request of the applicant, the EA may accept an incomplete application  
14 package. As a condition of acceptance, the operator and the EA shall waive the  
15 statutory time limit contained in Public Resources Code §44009. [Note: Section 21580 is  
16 the section for processing the applicant's waiver of timeframes and timing for noticing  
17 and holding an informational meeting after the EA deems a previously submitted  
18 incomplete package to be complete.] The EA shall notify the applicant within 30 days if  
19 the applicant's request for review under this subsection has been accepted. If the  
20 application package does not conform with the requirements of §21570 within 180 days  
21 from the date of the EA agreeing to accept the package as incomplete the EA shall  
22 reject the application package, pursuant to ¶(d). If the EA finds the application package  
23 meets the requirements of §21570, the application package shall be accepted pursuant  
24 to ¶(c).
- 25 (g) No later than 60 days after the application package has been accepted as complete  
26 and correct and after conducting an informational meeting if required by §§21660.2 and  
27 21660.3, the EA shall mail to ~~the CIWMB-CalRecycle~~ the following:
- 28 (1) A copy of the proposed solid waste facilities permit;
  - 29 (2) The accepted application package;
  - 30 (3) A certification from the EA that the solid waste facilities permit application  
31 package is complete and correct, including a statement that the RFI meets the  
32 requirements of §21600, 14 CCR §§17863, 17863.4, 17346.5, 18221.6, 18223.5, or  
33 18227.
  - 34 (4) Documentation, if applicable, of the applicant's compliance with any RWQCB  
35 enforcement order or the status of the applicant's WDRs, as described in Public  
36 Resources Code §44009;
  - 37 (5) Any written public comments received on a pending application and a summary of  
38 comments received at the informational meeting ~~and, where applicable, responses to~~  
39 any public comments and any other steps taken by the EA relative to those  
40 comments. Subsequent to the transmittal of the proposed solid waste facilities permit,  
41 the EA shall, within five (5) days of receipt, provide a copy of any additional written  
42 public comments and response to comments ~~to the CIWMB-CalRecycle~~.
  - 43 (6) A solid waste facilities permit review report which has been prepared pursuant to  
44 §21675, within the last five years.

1 (7) EA finding that the proposed solid waste facilities permit is consistent with and is  
2 supported by existing CEQA analysis, or information regarding the progress toward  
3 CEQA compliance.

4 (h) At the time the EA submits the proposed solid waste facilities permit to ~~the~~  
5 CIWMB/CalRecycle, the EA shall submit a copy of the proposed solid waste facilities  
6 permit to the applicant, the RWQCB if applicable, and any person so requesting in  
7 writing. The copy of the proposed solid waste facilities permit provided to the applicant  
8 shall also be accompanied by a form for request for hearing, which the applicant may  
9 use to obtain a hearing before a hearing panel or hearing officer to challenge any  
10 condition in the solid waste facilities permit. In cases where a hearing panel or hearing  
11 officer may be requested, the EA shall notify ~~the CIWMB/CalRecycle~~ within seven days  
12 of being noticed by the operator.

13 (i) The proposed solid waste facilities permit shall contain the EA's conditions. The  
14 proposed solid waste facilities permit shall not contain conditions pertaining solely to air  
15 or water quality, nor shall the conditions conflict with conditions from WDRs issued by  
16 the RWQCB.

17 [Note: The process to obtain a full solid waste facilities permit might not include the  
18 RWQCB if the facility is other than a landfill or disposal site. Therefore, EA submittals of  
19 forms and documents to the RWQCB will be made if applicable to the type of facility.  
20 When writing conditions pursuant to 21650(i) the EA shall take into consideration PRC  
21 §44012, which requires the EA to ensure that primary consideration is given to  
22 protecting public health and safety and preventing environmental damage, and the long-  
23 term protection of the environment. The EA may also take into consideration other  
24 permits, entitlements and approvals when writing terms and conditions (e.g., conditional  
25 use permit, zoning, Air Pollution Control District/Air Quality Management District permits  
26 to construct and operate, Department of Toxic Substances Control hazardous waste  
27 facility permit, Department of Fish and ~~Game/Wildlife~~ permits, Coastal Commission  
28 approvals, Army Corps of Engineers permit, Federal Aviation Administration notification,  
29 and other required local and county ordinances/permits)]

30 Note:

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

32 Reference: Sections 40055, 42652.5, and 43000-45802, Public Resources Code and  
33 Section 39730.6, Health and Safety Code.

34 **§21660.2. Informational Meeting for New and Revised Full Solid Waste Facilities**  
35 **Permit Applications.**

36 (a) EA shall conduct an informational meeting for all new and revised full solid waste  
37 facilities permit applications as determined by §21665. The EA shall hold an  
38 informational meeting on an application for a new full solid waste facilities permit or an  
39 application for a full solid waste facilities permit revision required under this article. The  
40 EA may require the operator(s) of the facility or facilities that are the subject of the  
41 informational meeting to pay all costs incurred by the EA in connection with the meeting.  
42 The informational meeting may be combined with another public meeting in which the  
43 EA participates that meets the criteria as specified in §§21660.2(b) and 21660.2(c).

1 (b) The informational meeting shall be held after acceptance of the application package  
2 as complete and correct by the EA and within 60 days of receipt of the application by  
3 the EA. The EA shall submit to ~~the Board~~ CalRecycle a copy of the informational  
4 meeting notice at time of issuance. ~~The Board~~ CalRecycle shall post the notice on its  
5 web site as a way to further inform the public.

6 (c) The informational meeting shall meet the following criteria:

7 (1) The meeting shall be held in a suitable location not more than one (1) mile from  
8 the facility that is the subject of the meeting; if no suitable and available location  
9 exists within one (1) mile of the facility, as determined by the EA, the EA may  
10 designate an alternative suitable location that is as close to the facility and affected  
11 disadvantaged communities as reasonably practical.

12 (2) The meeting shall be held on a day and at a time that the EA determines will  
13 enable attendance by residents, especially those of affected disadvantaged  
14 communities, living in the vicinity of the facility that is the subject of the meeting.

15 (3) EAs may undertake additional measures to increase public notice and to  
16 encourage attendance by any persons who may be interested in the facility that is the  
17 subject of the meeting, including which may include, but not be limited to, additional  
18 posting at the facility entrance, noticing beyond 300 feet if the nearest residence or  
19 business is not within 300 feet of the site, posting in a local newspaper of general  
20 circulation, and multilingual notice and translation and, multiple meeting dates, times  
21 and locations.

22 (d) The EA may substitute a previous public meeting or hearing for the requirements in  
23 this Section pursuant to §21660.4 if the applicant does not object.

24 (e) For the purposes of this section “affected disadvantaged communities” means  
25 communities identified by the California Environmental Protection Agency pursuant to  
26 Section 39711 of the Health and Safety Code as disadvantaged that are located within  
27 one mile of the facility.

28 Note:

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

30 Reference: Sections 42652.5, 43103, 43213, 44004, and 44012, Public Resources  
31 Code and Section 39730.6, Health and Safety Code.

### 32 **Article 3.2. GIWMBCalRecycle—Other Requirements**

33

#### 34 **§21695. CalRecycle—Organic Disposal Reduction Status Impact Report.**

35 (a) Operators of a solid waste landfills shall submit a Status Impact Report (SIR) to  
36 CalRecycle that provides an analysis of the potential impacts to the landfill resulting  
37 from the implementation of the organic disposal reduction requirements of Public  
38 Resources Code §Section 42652.5.

39 (b) The SIR shall be prepared by a California ~~registered-licensed~~ civil engineer or  
40 ~~certified-licensed~~ engineering geologist.

41 (c) The SIR shall describe the potential impacts to the landfill including the expected  
42 timing of the impacts. The analysis shall include, but not be limited to, changes to the  
43 following:

- 1 (1) Site development;  
2 (2) Waste types/volumes;  
3 (3) Daily and intermediate cover and beneficial use:  
4 (A) For intermediate cover the analysis shall also include:  
5 1. A description and/or map of the area(s) that have or will have intermediate  
6 cover.  
7 2. The length of time that the intermediate cover has been used and expected  
8 time that it will be used for each defined area.  
9 3. A description of how the intermediate cover will be maintained to continue to  
10 meet the control criteria of Section 20700(a).  
11 4. Information on all instantaneous surface readings for methane of 500 ppmv  
12 or greater in the area(s) of intermediate cover that has or will be in place for  
13 more than 12 months.  
14 i. This information shall be as reflected in the most recent annual report filed  
15 pursuant to 17 CCR Section 95470(b)(3).  
16 ii. The location of each such exceedance shall be identified consistent with  
17 the monitoring requirements of 17 CCR Section 95469(a)(1)(A).  
18 (4) Volumetric capacity based on the disposal site experiencing a reduction of  
19 organic waste disposal of 50 percent by 2020 and 75 percent by 2025;  
20 (5) Waste handling methods;  
21 (6) Gas control and monitoring systems;  
22 (7) Gas generation;  
23 (8) Operation and closure design (individual cells and overall site geometry);  
24 (9) Final grading plan;  
25 (10) Site life estimate;  
26 (11) Ancillary facilities;  
27 (12) Cost estimates for closure and postclosure; and  
28 (13) Financial assurance mechanisms for closure, postclosure, and non-water  
29 corrective action requirements.  
30 (d) The SIR shall be submitted to CalRecycle no later than one year (365 days) from the  
31 effective date of this regulation.  
32 (e) Within 30 days of receipt of a SIR, CalRecycle shall make a determination as to the  
33 completeness of the SIR based on the requirements of Subdivisions (b) and (c). If a SIR  
34 is determined to be incomplete, CalRecycle shall provide to the operator, in writing, the  
35 reasons for the determination.  
36 (f) For a SIR determined to be incomplete, the operator shall submit a revised SIR  
37 addressing any enumerated deficiencies within 30 days of receipt of notice from  
38 CalRecycle of an incomplete SIR.  
39 (g) Within 60 days of a determination of completeness, CalRecycle shall submit its  
40 findings to the EA regarding amendments, if any, to the Joint Technical Document as a  
41 result of the SIR.  
42 (1) If amendments are required, the EA shall direct the operator to submit an updated  
43 Joint Technical Document including updated closure and postclosure maintenance  
44 plans that includes the information from the SIR.  
45 (2) The EA shall notify the operator within 30 days of receipt of CalRecycle's findings.

1 (h) Within 120 days of being directed by the EA, pursuant to Subdivision (g), the  
2 operator shall submit to the EA an updated Joint Technical Document including updated  
3 closure and postclosure maintenance plans that includes the information from the SIR.

4 Note:

5 Authority cited: Sections 40002, 40502 and 43020, Public Resources Code.

6 Reference: Sections 42652.5, 43103 and 44015, Public Resources Code, and Section  
7 39730.6, Health and Safety Code.