



Proposed Regulation Text

The following denote changes for glass container processing and other similar materials regulations:

~~Strikethrough~~ = deletions of existing text

Underline = additions to existing text

For Discussion Purposes Only. The following draft regulatory language is designed to solicit additional stakeholder discussion and input on regulatory concepts proposed by CalRecycle for the implementation of SB 1383. Each concept incorporated in this draft of regulatory text was proposed and vetted as a regulatory concept through a series of five public workshops beginning in February of 2017.

<http://www.calrecycle.ca.gov/climate/slcp/#Workshops>

CalRecycle developed an online comment form for stakeholder feedback. Please visit:

<http://www.calrecycle.ca.gov/Climate/SLCP/Comments/Form1/default.htm> to provide comments on the draft regulatory text. Letters may also be submitted to the inbox noted below.

Please submit questions regarding the informal rulemaking process to: SLCP.Organics@calrecycle.ca.gov

Proposed Regulations to Title 14 Division 7 and Title 27 Division 2 of the California Code of Regulations.

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1. **NEW Chapter 12 Short-lived Climate Pollutants (New) Pages 3-23**

Chapter 12. Short-lived Climate Pollutants

Article 1. Definitions

Article 2 Landfill Disposal and Reductions in Landfill Disposal

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2. **Amendments to Existing Title 14 Regulations Pages 24 -37**

3. **Amendments to Existing Title 27 Regulations Pages 38-48**

*Draft language relative to reporting and procurement of recycled organic products will be presented in a subsequent draft.

SB 1383 established a statewide organic waste disposal reduction target. The legislation specifically precludes placing a 75 percent recycling mandate on each individual city and county. To comply with the statutory direction and limitations, CalRecycle developed a regulatory approach that divides implementation responsibilities across the waste sector and includes requirements for generators, industry, local governments, and other entities. To ensure that the California achieves the statewide organic waste reduction targets the proposed regulatory requirements need to be measurable and enforceable.

CalRecycle staff is seeking stakeholder feedback on all of the regulatory programs and mechanisms proposed in this draft. Additionally staff has inserted text identifying areas where specific stakeholder suggestions and feedback are requested.

Article 1 Definitions

Section xxxx1

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

- (1) "Activities that constitute landfill disposal" are activities conducted in accordance with the requirements of subdivision (a) of section xxxx20.1.
- (2) "Activities that constitute a reduction in landfill disposal" are activities conducted in accordance with the requirements of subdivision (b) of section xxxx20.1.
- (3) "Alternative daily cover (ADC)" has the same meaning as in section 20690 of Title 27 of the California Code of Regulations (CCR).
- (4) "Alternative intermediate cover (AIC)" has the same meaning as in section 20700 of Title 27 of the CCR.
- (5) "Certified farmer's market" means a location that is certified by the State of California through the enforcement officers of the county agricultural commissioners and operated pursuant to Chapter 10.5 (commencing with Section 47000) of Division 17 of the Food and Agricultural Code and regulations adopted pursuant to that chapter.
- (6) "County Health Director" has the same meaning as in section 113774 of the Health and Safety Code.
- (7) "Community Event" has the same meaning as in section 113755 of the Health and Safety Code.
- (8) "Commercial Business" means a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall industrial facility, or a multifamily residential dwelling.
- (9) "Commercial food generator" means a large commercial edible food generator or a medium commercial edible food generator.
- (10) "Commingled recycling container" means a container provided for collection of dry, non-putrescible recyclable materials, such as bottles and cans that is distinct from containers provided for collection of solid waste for disposal and containers for collection of wet or putrescible organic waste.
- (11) "Consumer" has the same meaning as in section 113757 of the Health and Safety Code.
- (12) "Contamination", or "contaminants" means human-made inert material contained within organics including, but not limited to, glass, metal, and plastic.
- (13) "Compost" has the same meaning as in section 17896.2(a)(4).
- (14) "Compostable Material" has the same meaning as in 17852(a)(11).
- (15) "Compostable Material Handling Operation" or "Facility" has the same meaning as in section 17852(a)(12).
- (16) "Disposal container" means a container used to collect solid waste for disposal.
- (17) "Edible Food" means food that is unsold or unserved and meets all quality and labeling standards imposed by Federal, State, and local laws and regulations even though the food may not be readily marketable due to appearance, age, freshness, grade, size, surplus, or other conditions. For the purposes of these regulations, edible food is not solid waste if it is recovered and not discarded.
- (18) "Enforcement Officer" has the same meaning as in section 113774 of the Health and Safety Code.
- (19) "Food" has the same meaning as in section 113781 of the Health and Safety Code.
- (20) "Food Facility" has the same meaning as in section 113789 of the Health and Safety Code.
- (21) "Food Handler" has the same meaning as in section 113790 of the Health and Safety Code.

- 1 (22) "Food Processing Establishment" has the same meaning as in section 111955 of the Health and
2 Safety Code.
- 3 (23) "Food Recovery" means actions to acquire food for human consumption which otherwise would be
4 disposed through receiving, storing, or processing food, with or without payment.
- 5 (24) "Food Recovery Organization" means a charitable nonprofit organization under section 501c of the
6 federal Internal Revenue Code that distributes food to the public. Food recovery organization includes
7 but is not limited to:
- 8 (A) A food bank as defined in section 113783 of the Health and Safety Code
- 9 (B) A Nonprofit Charitable Organization as defined in section 113841 of the Health and Safety
10 code.
- 11 (C) A nonprofit charitable temporary food facility as defined in Section 113842 of the Health and
12 Safety Code.
- 13 (25) "Food Recovery Service" means a service that collects and transports edible food to a food recovery
14 organization. Food Recovery service may include but is not limited to a food distribution agency
15 designated by a county health officer pursuant to section 101060 of the Health and Safety Code.
- 16 (26) "Hauler" has the same meaning as in section 18815.2 (a)28
- 17 (27) "Hotel" has the same meaning as in section 17210 of the Business and Professions code.
- 18 (28) "In-vessel Digester" has the same meaning as in section 17896.2(a)(4).
- 19 (29) "Jurisdiction of residence" means the jurisdiction where a generator who is a self-hauler generated
20 organic waste.
- 21 (30) "Large Commercial Edible Food Generator" means:
- 22 (A) A Supermarket; or
- 23 (B) A food facility, including a restaurant with X or more employees; or
- 24 (C) A hotel with an onsite food facility and more than 200 rooms.
- 25 (31) "Large Event" means an event, including, but not limited to, a sporting event or a flea market, that
26 charges an admission price, or is operated by a local agency, and serves an average of more than
27 2,000 individuals per day of operation of the event, at a location that includes, but not limited to, a
28 public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space
29 when being used for an event.
- 30 (32) "Large Venue" means a permanent venue facility that annually seats or serves an average of more
31 than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. For
32 purposes of this chapter, a venue facility includes, but is not limited to, a public, nonprofit, or privately
33 owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center,
34 zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or
35 other public attraction facility. For purposes of this chapter, a site under common ownership or control
36 that includes more than one large venue that is contiguous with other large venues in the site, is a
37 single large venue.
- 38 (33) "Medium Commercial Edible Food Generator" means:
- 39 (D) A food facility, including a restaurant with X or fewer employees.
- 40 (E) A hotel with an onsite food facility and between 100-200 rooms.
- 41 (F) A commercial business that includes an onsite food facility that serves more than 100 meals
42 per day.
- 43 (34) "Mixed waste organics collection service" means a waste collection service that collects organic waste
44 with other solid waste in a mixed waste collection container or a disposal container and sends the
45 material to a high diversion mixed waste processing facility that recovers the organic waste at the level
46 specified in xxx30.2.
- 47 (35) "Mixed waste organics container" means a container that is intended for the collection of solid waste
48 including organic waste that will be are separated at a high diversion mixed waste facility.
- 49 (36) "Mobile Food Facility" has the same meaning as in section 113831 of the Health and Safety Code.
- 50 (37) "Organic Waste" means solid wastes containing material originated from living organisms and their
51 metabolic waste products, including but not limited to food waste, green waste, landscape and pruning
52 waste, applicable textiles and carpets, wood, lumber, fiber, manure, biosolids, digestate and sludges.
- 53 (38) "Organic waste disposal target" is the statewide target to reduce the disposal of organic waste by 50
54 percent by 2020 and 75 percent by 2025 based on the 2014 organic waste disposal baseline as
55 described in section 39730.6 of the Health and Safety Code.
- 56 (39) "Organic Waste Generator" means a person or entity that is responsible for the initial creation of
57 organic waste.
- 58 (40) "Organics Container" means a container that is used in a source separated collection service to collect
59 organic waste in compliance with the requirements of section xxx30.1.

- 1 (41) "Person" has the same meaning as in section 40170 of the Public Resources Code.
2 (42) "Prepackaged food" has the same meaning as in section 113876 of the Health and Safety Code.
3 (43) "Produce" has the same meaning as in 113877 of the Health and Safety Code.
4 (44) "Property Owner" means the owner of real property or a business.
5 (45) "Processing" has the same meaning as in section 17402 (a)(20).
6 (46) "Ready-to-eat food" has the same meaning as in section 113881 of the Health and Safety Code.
7 (47) "Residual organic waste" means waste that remains after organic waste has been processed by
8 landfill disposal.
9 (48) "Restaurant" has the same meaning as in section 111200 of the Health and Safety Code.
10 (49) "Self-hauler" means a person who hauls solid waste, organics or recyclable material they have
11 generated to another person. Self-hauler also includes a person who back-hauls waste.
12 (50) "Share table" means tables in the common eating area of a K-12 school where students can leave their
13 unwanted, unbiten, unopened food and beverage items for recovery.
14 (51) "Source-Separated Collection Service" means a collection system that is operated in accordance with
15 the requirements of section xxx30.1 .
16 (52) "State Entity" means an entity that is an organic waste generator but is not subject to the control of city
17 or county regulations related to solid waste. These entities include but are not limited to special
18 districts, school districts, community college districts, public universities, and state agencies.
19 (53) "Supermarket" means a full-line, self-service retail store with gross annual sales of two million dollars
20 (\$2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood items and
21 some perishable items.
22 (54) "Temporary food facility" has the same meaning as in section 113930 of the Health and Safety Code.
23 (55) "The 2014 organic waste disposal baseline" means the total tons of organic material disposed
24 statewide in 2014 as calculated by the CalRecycle's 2014 Waste Characterization Study.

Article 2 Landfill Disposal And Reductions in Landfill disposal

Section xxx20.1 Landfill Disposal and Recycling

- 25 (a) The following dispositions of organic waste shall be deemed to constitute landfill disposal:
26 (1) Final deposition at a landfill.
27 (2) Beneficial reuse at a landfill, including but not limited to Alternative Daily Cover and Alternative
28 Intermediate Cover.
29 (3) Any other disposition not listed in subsection (b) of this section.
30 (b) Organic waste sent to one of the following facilities or activities shall be deemed to constitute a reduction of
31 landfill disposal, except for any residual material sent from one of these facilities for landfill disposal, as that
32 term is defined in subsection (a) of this section, shall still be deemed to constitute landfill disposal:
33 (1) An operation that qualifies as a "Recycling Center" as set forth in section 17402.5(d), or is listed in
34 section 17402.5(c);
35 (2) A "Compostable Material Handling Operation or Facility" as defined in section 17852(a)(12), or small
36 composting activities that would otherwise be excluded from that definition pursuant to section
37 17855(a)(4));
38 (3) An "In-vessel Digestion Operation of Facility" as defined in section 17896.2(a)(14);
39 (4) A Biomass Conversion operation or facility as defined in section 40106 of the Public Resources Code;
40 (5) Other operations or facilities with processes that reduce short-lived climate pollutants as determined by
41 the Executive Officer of the California Air Resources Board pursuant to section xxx20.2.
42 (c) For the purposes of this section, the term "landfill" includes permitted landfills, landfills that require a
43 permit, export out of California for disposal, or any other disposal of waste as defined by section 40192(c)
44 of the Public Resources Code.
45 (d) For the purposes of this section, edible food that would otherwise be disposed that is recovered for human
46 consumption shall constitute a reduction of landfill disposal.
47

Section xxx20.2 Verification of Technologies That Constitute a Reduction in Landfill Disposal

- 48 (a) For any organic waste recycling operations not covered under section xxx20.1(b)(1) through
49 xxx20.1(b)(5), the following process shall determine if the proposed organic waste recycling operation
50 (proposed operation) shall be deemed to constitute a reduction of landfill disposal:
51 (1) The Department shall not deem a proposed operation to constitute a reduction in landfill disposal
52 unless the applicant can demonstrate that the methane emission reductions are equivalent to, or
53

- 1 greater than those which are assumed from a composting operation in the California Air Resources
2 Board (CARB) adopted Short-Lived Pollutant Reduction Strategy (March 2017), which is incorporated
3 by reference.
4 (2) The applicant shall submit the necessary information to the Department for it to determine if the
5 proposed operation constitutes a reduction in landfill disposal. This information shall include, but may
6 not be limited to the following information:
7 (A) Name and address of the facility.
8 (B) Type of organic material being processed.
9 (C) Mass in tons of the organic material being processed per year.
10 (D) Average moisture content of the organic material being processed.
11 (E) Detailed explanation of the processes or technologies utilized by the applicant for the
12 proposed organic waste recycling operation.
13 (F) All calculations, assumptions, or emission factors used by the applicant to determine the
14 methane reduction potential of the proposed operation.
15 (G) Any other information relevant to make a determination.
16 (3) The Department shall consult with CARB to verify that the information submitted by the applicant is
17 sufficient to determine the methane reduction potential of the proposed operation, and request a
18 calculation of a methane emission reduction factor for the proposed operation consistent with the
19 calculation utilized to estimate GHG reductions for organics diversion activities in CARB's Short-Lived
20 Climate Pollutant Reduction Strategy.
21 (4) The results of CARB's calculation process will be used by the Department to determine if the proposed
22 operation results in a reduction in landfill disposal.

Article 3 Mandatory Organic Waste Collection

Efficient collection of organic waste is critical to achieving the SB 1383 targets. To comply with the statutory direction and limitations, CalRecycle proposes that each jurisdiction provide either source separated organic waste collection services or mixed organic waste collection services to each of its generators. To ensure that the programs are implemented in a manner that achieves the SB 1383 targets, CalRecycle developed minimum regulatory standards and conditions for each of the collection programs.

CalRecycle is seeking stakeholder feedback on alternative regulatory programs, mechanisms, or measurable performance standards that could be employed to ensure efficient collection of organic waste is achieved at the jurisdiction level. Any proposed performance standards should be able to effectively ensure that the state meets the disposal reduction targets.

Section xxx30. Collection of Organic Waste

- 24 (a) Every jurisdiction shall be responsible for the collection and recycling of organic waste generated within
25 the territory subject to its authority in a manner that complies with the requirements of this chapter.

Section xxx30.1 Source-separated Organic Waste Collection Service

- 27 (a) Except as provided in section xxx30.2 a jurisdiction shall provide a source-separated organic waste
28 collection service that complies with the following:
29 (1) The service shall be provided to every organic waste generator located within the territory subject to its
30 jurisdiction.
31 (2) Every generator shall be provided a separate container, or containers, for the separate collection of
32 organic waste.
33 (A) Organic waste shall be collected in an organics container that is expressly limited to the
34 collection of organic waste. The organics container or containers shall, at a minimum, be
35 intended for the collection of the following materials: food waste, soiled paper, green waste,
36 landscape and pruning waste.

- 1 (B) Dry lumber, wood and fibers may be collected in organics containers or in a commingled recycling container as long as it will be sent to a facility that recycles each organic waste intended for collection in that container
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- 3
- 4 (C) The disposal container shall only be intended for the collection of non-organic solid wastes and shall not be used for the collection of organic waste.
- 5
- 6 (3) Each type of waste container shall be a color that is distinct from the other containers or have a lid that is a color that is distinct from the lids of the other containers. The waste containers shall include labels as follows:
- 7
- 8 (A) The label on the organics container or containers, and the commingled recycling container shall
- 9
- 10 1. List each type of material intended for collection in that container in writing
- 11 2. Include at least three graphic examples of material that can be accepted in the container.
- 12 3. Include at least two graphic examples of materials that are prohibited from being placed in the container. The graphic example shall include a clear marker indicating that the specific materials are not accepted in the container.
- 13
- 14 (B) The label on the disposal container shall include at least two graphic examples of materials that are prohibited from being placed in the container.
- 15
- 16 (C) The label on the disposal container shall include a statement that proper separation of waste is mandatory.
- 17
- 18 (D) A jurisdiction or hauler may use educational material provided by CalRecycle to comply with the labelling requirements of (A)-(C) of Paragraph (3).
- 19
- 20 (4) The jurisdiction, or hauler collecting organic waste on behalf of the jurisdiction, shall:
- 21 (A) Collect and transport all organic wastes collected in the organics container to a facility that recycles source-separated organic waste.
- 22
- 23 (B) Collect and transport the contents of a commingled recycling container to a facility that specifically recycled the material types included in the container.
- 24
- 25 (5) A jurisdiction, or hauler collecting solid waste on behalf of the jurisdiction shall not transport the contents of the organics container or a commingled recycling container that includes organic waste to a facility that does not process and recycle organic waste.
- 26
- 27 (b) A jurisdiction shall, require generators to comply with the requirements of Article 5 of this Chapter, including placing materials in proper bins
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Section xxx30.15 Contamination of Source-Separated Organic Waste

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- 35 (a) It is the responsibility of a jurisdiction to reduce the presence of contaminants in organic waste containers that are collected from the territory within their authority.
- 36
- 37 (1) For the purposes of this section, contamination may be measured by weight or volume.
- 38 (b) A hauler, who, in the course of his or her duties, or during a random check for contamination, notices or identifies contamination of greater than 10 percent in an organics container may refuse to collect the container, or may dispose of the container.
- 39
- 40 (1) A random check of at least five containers shall be conducted at least once per day. A hauler may check a container prior to collecting or accepting the materials contained in an organics container.
- 41
- 42 (2) A hauler may identify contamination by a visual inspection of the contents of the container.
- 43
- 44 (3) A jurisdiction shall not find that a hauler is out of compliance with its contractual obligations for disposing of or refusing to collect a contaminated container as authorized by this section.
- 45
- 46 (c) A hauler shall inform the jurisdiction of contamination that is discovered pursuant to subdivision (b) or section 17409.5 of Title 14 of the CCR in the following manner:
- 47
- 48 (1) If contamination is identified pursuant to subdivision (b), the hauler shall inform the jurisdiction in writing of the address or addresses of all generators with contaminated waste and all containers that were rejected or disposed of due to contamination.
- 49
- 50 (2) If a hauler is informed of contamination in a load of organic waste delivered to a solid waste facility by the solid waste facility operator pursuant to section 17409.5, the hauler shall keep a record of the notice and shall notify the jurisdiction or jurisdictions of the addresses of all generators on the collection route.
- 51
- 52 (3) The notices provided to the jurisdiction shall note the date the container or collection route was identified as contaminated, and shall be provided in writing prior to the next date of collection for the identifies route or containers.
- 53
- 54
- 55 (d) A jurisdiction that is informed by a hauler or solid waste facility operator serving the jurisdiction that the organic waste collected in a container or on one of the operator's service routes is contaminated, shall:
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- 1 (1) Conduct targeted education and outreach to each generator identified in the notice. The outreach shall
2 include at least one written notice that is placed on the container. The written notice shall include
3 information regarding the generator's requirement to recycle organic waste and the requirements to
4 properly separate materials into the appropriate containers pursuant to section xxx.50.1.
5 (2) Keep a record of the written notices received from a hauler or solid waste facility operator, and a copy
6 of the notices provided to each generator as required by this section.
7 (e) Nothing in this section limits or prohibits the authority of a jurisdiction to adopt contamination standards that
8 are more stringent than the requirements of this section.
9

10 Section xxx30.2 Mixed Waste Organic Collection Services

- 11
12 (a) Notwithstanding section xxx30.1, a jurisdiction may provide a mixed waste organic collection service to
13 organic waste generators if all of the following apply:
14 (1) The organic waste generators receiving the service had the service in place prior to January 1 2020.
15 (2) The contents of the mixed waste organic collection containers are transported to a high diversion
16 facility that complies with section 17409.5.1
17 (b) A jurisdiction, or the hauler acting on behalf of a jurisdiction, shall not transport mixed organics solid waste
18 to facilities that are not High Diversion Mixed Waste Processing Facilities.
19 (c) If the mixed waste organic collection service provided by the jurisdiction does not meet the requirements
20 of (a) and (b) at any time after January 1, 2022 the jurisdiction shall begin implementing a source-
21 separated collection service.
22 (1) A jurisdiction shall submit an implementation schedule to the department within six months of a failure
23 of a high diversion mixed waste processing facility or facilities serving the jurisdiction to meet the
24 requirements of this section. The implementation schedule shall identify the timeframe for the
25 jurisdiction to initiate a source separated organics collection service. The implementation schedule
26 shall identify the following:
27 (A) The date the jurisdiction will begin a solicitation for source separated organics recycling
28 services. The solicitation shall commence no less than six months after the implementation
29 schedule is due.
30 (B) The date the jurisdiction will select a source separated organics recycling service. The service
31 shall be selected no less than 60 days after the close of the solicitation period. In no situation
32 shall a new service be selected more than 12 months after the implementation schedule is
33 due
34 (C) The date the jurisdiction will begin providing source separated organics recycling services.
35 The services shall begin within 18 months of the due date of an implementation schedule by
36 the jurisdiction. The department may extend the date the source separated organics recycling
37 service must be implemented if the jurisdiction can demonstrate that it could not meet this
38 deadline.
39

40 Section xxx30.3 Waivers

- 41
42 (a) A jurisdiction may provide waivers from some or all of the requirements of this chapter in the following
43 circumstances. The department shall review waivers and may disapprove of waivers.
44 (1) Emergency Waiver. If a jurisdiction determines that any type of organic waste cannot feasibly be
45 recycled for a limited time period due to emergency conditions, the jurisdiction may permit that type of
46 organic waste to be deposited in landfill(s) for that limited time period. An emergency waiver may only
47 be issued when there has been a proclamation of a state of emergency or local emergency, as those
48 terms are defined in section 17210.2 of Title 14 of the CCR.
49 (2) De Minimis Waiver. A jurisdiction may waive some or all of the requirements of this chapter that apply
50 to a generator, if the generator provides documentation satisfactory to the jurisdiction that organic
51 materials comprise, an average of, less than 10% by weight of solid waste taken to landfill(s) from that
52 collection location.
53 (3) Physical Space Waiver. A jurisdiction may waive some or all of the requirements of Sections xxx30.1,
54 as appropriate, if a generator or property owner provides documentation from the hauler, licensed
55 architects or engineers, or building officials that demonstrates that the organic waste generator or
56 property owner does not have adequate space for separate organics containers.

Article 4 Education and Outreach

Section xxxx40.1 Organic Waste Recycling Education and Outreach

- 1 (a) Prior to February 1, 2022, a jurisdiction shall:
2 (1) Contact each organic waste generator that is provided a source separated or mixed organic waste
3 collection service and inform the organic waste generator of their requirements to recycle organic
4 waste pursuant to this chapter.
5 (2) Contact each generator in writing no less than once every six months thereafter, except as provided in
6 subsection (c) or (d).
7 (3) The written contact shall include, at a minimum, the following information:
8 (A) Information regarding the generator's requirements pursuant to this division, including but not
9 limited to, waste prevention activities and the requirements to place materials in proper
10 containers.
11 (B) Information regarding the methane reduction benefits of recycling organic waste.
12 (C) Information regarding how to recycle organic waste and a list of approved haulers.
13 (D) Information about the requirements related to self-hauling of organic waste that are included
14 in this chapter and any additional self-haul requirements adopted by the jurisdiction.
15 (E) Information related to the public health and safety and environmental impacts associated with
16 the disposal of organic waste.
17 (b) A jurisdiction may comply with the requirements of subsection (a) through their authorized haulers. A
18 jurisdiction complying with the requirements of subsection (a) through their authorized haulers shall require
19 the hauler to:
20 (1) Conduct the outreach required in subdivision (a) and include information identified in (a)(3) in bill
21 inserts or other regular customer service communications with customers written materials provided by
22 the jurisdiction.
23 (c) A jurisdiction that provided source-separated organics collection service that complies with the
24 requirements of section xxxx30.1 to all of the generators within its territory prior to January 1st 2020 may
25 provide the education and outreach required by subdivision (a) on an annual basis.
26 (d) A jurisdiction may reduce the frequency of its education and outreach efforts required by subdivision (a) to
27 an annual basis if one consecutive year of load checks of the jurisdiction's waste conducted at a solid
28 waste facility or facilities pursuant to section 17409.5.5 are reported by the solid waste facility operator or
29 operators to have contamination of less than 10 percent.
30 (e) A jurisdiction may comply with the requirements of section (a)(3) by using educational materials developed
31 by the department.
32 (f) If five percent or more of a jurisdiction's population is identified as a "limited English speaking household,"
33 or as "linguistically isolated" by the U.S Census Bureau, the jurisdiction shall provide the information
34 required by subdivision (a) in a language that is appropriate for those populations.

35 **Section xxxx40.2 Edible Food Recovery Education and Outreach**

- 36 (a) Jurisdictions shall, by January 1, 2022 develop and maintain a list of all food recovery services and food
37 recovery organizations operating within the jurisdiction on the jurisdiction's website.
38 (b) Jurisdictions shall by January 1, 2022, develop a food donation guide for large and medium commercial
39 edible food generators that includes the following provisions:
40 (1) Information regarding safe edible food donation and food safety training materials.
41 (2) Information regarding foods that are needed most at food recovery organizations located within the
42 jurisdiction.
43 (3) Information regarding foods that food recovery services and organization will not accept.
44 (4) Information about food recovery services and organizations operating within the jurisdiction, and where
45 a list of those organizations can be found.
46 (5) Information about the protections from civil and criminal liability when donating food including
47 information regarding the provisions of the California Good Samaritan Food Donation Act of 2017.

Article 5 Generators of Organic Waste

To achieve the SB 1383 recycling targets, collected organic waste must be clean and recoverable. To comply with the statutory direction and limitations, CalRecycle proposes including provisions that require the proper sorting of organic waste as a minimum regulatory standard.

Additionally, CalRecycle has received extensive stakeholder feedback indicating that state entities outside of a jurisdiction's authority should be held to the same standards as local governments and other stakeholders subject to the regulations. In response to this CalRecycle has identified state entities as a subset of generators in this initial draft regulatory text.

CalRecycle is seeking stakeholder feedback on alternative regulatory programs, mechanisms, or measurable performance standards that could be employed to ensure organic waste is properly managed by all generators. Additionally CalRecycle is seeking feedback on how to best ensure that the state serves as a model for organic waste recycling.

Section xxx50.1 Organic Waste Generator Requirements

- (a) Organic waste generators shall reduce the disposal of organic waste and comply with at least one of the following:
- (1) Organic waste generators shall comply with the separation requirements of a source separated recycling program provided pursuant to section xxx30.1 or a mixed waste organics recycling service provided pursuant to section xxx30.2.
 - (2) Self-haul organic waste, in compliance with the requirements of section xxx70 to a facility that recycles source separated organic waste.
- (b) Organic waste generators shall not place organic waste in disposal containers.
- (c) Organic waste generators shall place each type of organic waste they generate in either the organic waste recycling container or containers or the commingled recycling container or containers as specified by the jurisdiction.
- (d) Generators that are commercial businesses shall provide organics containers and commingled recycling containers in all areas where disposal containers are publicly accessible on their premises.
- (e) Notwithstanding subsection (b) if a commercial business is located in a jurisdiction that complies with the requirements of Section xxx30.2, the commercial business is only required to provide a mixed-waste container.
- (f) Notwithstanding section 17331, a jurisdiction may allow the owner or tenant of any residence, premises, business establishment or industry that subscribes to a source separated organics recycling service and solid waste collections services to have collection once every fourteen days. The jurisdiction or their authorized hauler must first demonstrate to the Solid Waste Local Enforcement Agency that less frequent collection than required by section 17331 will not result in public health and safety, or nuisance issues.

Section xxx50.2 Property Owner Responsibility

- (a) A property owner shall not prevent a tenant from recycling organic waste on site or from subscribing to an organic waste collection service if the recycling is in compliance with locally adopted health and safety requirements.

Section xxx50.4 State Entities and State Facilities

- (a) For the purposes of this chapter, State Entities that generate organic waste shall source reduce or recycle their organic by implementing any of the following:
- (1) Subscribing to a source separated organic collection service that complies with the requirements of section xxx30.1.
 - (2) Subscribing to a mixed waste organics recycling service that complies with the requirements of section xxx30.2.
 - (3) Self-hauling organic waste, in compliance with the requirements of section xxx70 to a facility that recycles source separated organic waste.

- 1 (b) State Entities shall prohibit their employees from using source-separated organics containers on the
2 premises of state facilities for the collection of non-organic material.
3 (c) State Entities shall periodically inspect organics containers for contamination and inform employees if
4 containers are contaminated and of the requirement to only use those containers for organic waste.
5 (d) Disposal containers on the premises of state entities shall not be used for the collection of organic waste.
6

Article 6 Regulations of Haulers

Section xxx60.1 Approval of Haulers

- 7 (a) A hauler providing residential, commercial, or industrial organic waste collection services shall obtain all
8 local government licenses, permits, or written approval requirements from the applicable city or county in
9 which such services are provided. Such written approval shall be contingent upon the hauler's
10 demonstrated capability to comply with the standards and requirements of this division.
11 (b) The hauler shall keep a record of the applicable documentation of that approval.
12 (c) A jurisdiction shall require compliance with the standards and requirements of this division as a condition of
13 approval to collect organic waste from within the jurisdiction's territory.
14 (d) Each jurisdiction shall maintain records of all persons holding written approval to provide organic waste
15 collection services within its jurisdiction. The record shall include:
16 (1) Each issued document of approval.
17 (2) The name, office, address, telephone number and emergency telephone number if different of each
18 such approved operator.
19 (3) The number and types of vehicles employed by such person providing such organic waste collection
20 services.
21 (4) A notation indicating whether the hauler is providing source separated organics recycling services as
22 allowed in section xxx30.1 or mixed waste organics recycling services as allowed in xxx30.2.
23 (5) For haulers collecting commingled recycling containers, a list of the materials that may be collected in
24 the container and the facility that the material is transported to for processing or recycling.
25 (e) A jurisdiction shall submit to CalRecycle a list of each hauler approved to collect organic waste within 30
26 days of the operative date of this section and within 30 days of a newly issued document of approval.
27 (f) A person lawfully self-hauling waste in accordance with section xxx70 is not subject to the requirements of
28 this section.

Section xxx60.2 Self-haulers of Organic Waste

- 29
30 (a) A generator of organic waste may self-haul their own organic waste.
31 (b) A generator who is a self-hauler of organic waste shall comply with the following:
32 (1) The generator shall source-separate all organic waste generated on site in a manner consistent with
33 section xxx30.1 of this division.
34 (2) The generator shall haul source-separated organic waste to a facility that recycles source-separated
35 organic waste.
36 (3) The generator shall remove organic waste from its premises at a frequency consistent with the
37 requirements of section 17331, and shall ensure any organic waste is managed in a manner that
38 complies with local public health and safety requirements.
39 (4) The generator shall keep a record of the amount of organic waste delivered to each facility; the record
40 shall be subject to inspection by the local enforcement agency.
41 (A) The records shall include delivery receipts and weight tickets from facilities accepting the
42 waste.
43 (B) The record shall indicate the amount of material in cubic yards or tons delivered by the
44 generator.
45 (5) The generator, on an annual basis, shall report to their jurisdiction of residence:
46 (A) The amount of source-separated organic waste in tons that they hauled to a solid waste
47 facility for processing or recycling.
48 (B) The total amount of waste or recyclable material hauled to each solid waste facility.
49 (c) A generator that only generates enough organic waste to require self-hauling less than once a month is not
50 required to comply with the requirements of this section.

Article 7 CALGreen Building Standards

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Section xxx70.1 CALGreen Building Codes

- (a) A jurisdiction shall adopt and require compliance with:
 - (1) Section 5.410.1 or 4.410.2 of the California Green Building Standards Code (Rev. 2017) or a more stringent subsequently enacted standard by the California Building Standards Commission, whichever is applicable, which is incorporated here by reference.
 - (2) Section 4.408 or 5.408 of the California Green Building Standards Code (Rev. 2017), whichever is applicable, or a more stringent subsequently enacted standard by the California Building Standards Commission, whichever is applicable, which is incorporated here by reference.
- (b) Notwithstanding section (a) (2), a jurisdiction that implements a mixed waste recycling program in compliance with section xxx30.2, shall adopt a standard that meets or exceeds the standards established in sections A5.408.3.1 and A4.408.1. of the Building Standards Code (Rev 2017) or a more stringent subsequently enacted standard by the California Building Standards Commission, whichever is applicable, which is incorporated here by reference.

Article 8 Restrictions on Locally Adopted Standards and Policies

Section xxx80.1 Organic Waste Recycling Standards and Policies

- (a) Nothing in this chapter is intended to limit the authority of a local jurisdiction to adopt standards that are more stringent than the requirements of this chapter, such as contamination standards or penalty amounts.
- (b) A jurisdiction shall not prevent lawful recycling of organic waste, if doing so would result in the disposal of organic waste.
- (c) A jurisdiction shall not prevent a facility or activity from accepting organic waste solely based upon the geographical origin of the waste.
- (d) A jurisdiction shall not require a generator to use a hauler or combination of haulers that does not recycle the same organic materials that were recycled by the existing service used by the generator.
- (e) A jurisdiction shall not require organic waste to be taken to a facility with a lower recovery rate than a facility previously used by the generator.
- (f) A jurisdiction shall not require a hauler to take organic waste to a facility that does not recycle or process organic waste.

Section xxx80.2 Edible Food Recovery Standards and Policies

- (a) A jurisdiction shall not adopt an ordinance or implement a policy that requires the disposal or recycling of edible food that could be recovered for human consumption.
- (b) A jurisdiction shall not adopt an ordinance or policy that prohibits share tables or requires school districts to adhere to a food safety standard not specified in the Part 7 of Division 104 of the Health and Safety Code.
- (c) Nothing in this chapter shall be construed to limit or conflict with the provisions of the California Good Samaritan Food Donation Act of 2017 (the Act). Specifically,
 - (1) Nothing in this chapter shall be construed to limit the amount or types of foods that may be donated under the Act.
 - (2) Nothing in this chapter shall be construed to limit the ability of a person, gleaner or food facility to donate food as provided for in section 114432 of the Health and Safety Code.
 - (3) Nothing in this chapter shall be construed to reduce the immunities provided by the California Good Samaritan Act as specified in section 114434 of the Health and Safety Code.
- (d) Nothing in this chapter shall be construed to require a food facility, a person, a large venue operator or a large event operator, or any entity that sells food to donate food that they still intend to serve or sell to a consumer.
- (e) Nothing in this chapter allows a commercial generator of edible food or large venue or event to require an edible food recovery service or organization to accept edible food that the service or organization cannot properly handle.

Article 9 Food Generators and Food Recovery

To achieve the SB 1383 edible food recovery target of 20 percent CalRecycle proposes that entities generating large amounts of unsold food that is still edible and recoverable must have an arrangement with a food recovery organization or service that can collect the food.

CalRecycle recognizes that an array of activities related to food handling are already subject to existing state and local regulations designed to protect public health and safety. CalRecycle does not intend for the proposed food recovery regulations presented here to conflict with standards that ensure food safety and quality. CalRecycle will consult with other regulatory agencies on the draft text and is seeking stakeholder feedback on potential areas of overlap or conflict with existing food safety requirements that should be addressed.

Finally, CalRecycle is seeking stakeholder feedback on alternative regulatory programs, mechanisms, or measurable performance standards that could be employed to ensure the state achieves the edible food recovery targets.

Section xxx90.1 Edible Food Generators

(a) The requirements of this section shall apply to the following:

(1) An owner or operator of:

(A) A Large Venue

(B) A Large Event

(C) A Certified Farmers' market

(D) A Community Event that includes a temporary food facility

(E) A Large Commercial Food Generator

(F) A Medium Commercial Food Generator

(2) A State Entity that includes an onsite food facility.

(3) Entities identified in this subdivision shall be referred to as "operators" in this section.

(b) An operator shall arrange for food recovery services or food recovery organizations, or any combination of services and organizations, to collect all of the excess edible food that was not sold or served by the operator. The operator shall:

(1) Arrange for services or organizations capable of accepting every type of edible food that is served by the operator. Types of edible food, include but are not limited to the following:

(A) Food

(B) Ready-to-eat food

(C) Produce

(D) Prep-packaged food

(2) Arrange for a collection frequency that allows a service or organization to collect edible food in a state that conforms to state and local health and safety requirements.

(A) An operator shall arrange for ready-to-eat food that cannot be sold or served the next day to be collected each day the operator serves ready-to-eat food.

(c) For the purposes of this section, An operator shall maintain a record of his or her arrangement or arrangements with each edible food recovery service and organization. The record shall include the following:

(1) The types of edible food the operator serves or sells.

(2) The name and contact information for each edible food recovery service or organization the operator will have collect edible food.

(3) The types of edible food each organization or service will collect.

(4) The collection frequency established with each service or organization.

(5) Methods the operator will employ to ensure that edible food is maintained in a state that conforms with state and local health and safety requirements prior to collection by the designated food recovery service or organization.

- 1 (d) The operator shall educate all employees regarding the requirements of this section. The education shall
2 include the following:
3 (1) The operator shall use the educational materials prepared by their local enforcement officer to promote
4 food recovery pursuant to section 114435 of the Health and Safety Code to educate employees about
5 food recovery.
6 (2) The operator shall identify the edible food recovery services or organizations that the operator has
7 arranged to collect excess edible food that is handled by the employee.
8 (3) The operator shall identify the location where edible food will be stored for collection by the food
9 recovery services or organizations.
- 10 (e) If an operator contracts to have a food facility or mobile food facility serve food on the premises, the
11 operator shall require the contracted entity to comply with the requirements of this section.
12 (f) An operator shall not intentionally spoil or discard edible food that could be collected by a food recovery
13 organization.
14 (g) Notwithstanding subsection (f), nothing in this section is intended to limit the authority of an enforcement
15 officer to require a food facility to render inedible and discard food in order to comply with state and local
16 health and safety requirements.

17 **Section xxxx90.2 Edible Food Recovery Organizations**

- 18 (a) A food recovery service or organization that collects food from an entity subject to the requirements of
19 section xxxx90.2 shall maintain records that include the following:
20 (1) The total amount of edible food collected from the each entity.
21 (2) The final disposition of the edible food.
22 (3) The amount of food that was rejected from each entity.

23 **Article 9.9 Organic Waste Recycling Capacity Planning**

24 **Section xxxx99.1 Planning by Cities and Counties.**

- 26 (a) Commencing January 1, 2022, every county, in coordination with the Cities and Regional Agencies in the
27 county, shall annually:
28 (1) Estimate, using CalRecycle tools or alternative methods, the amount of all organic waste in tons that
29 will be disposed by the county and cities in 2025 and every year thereafter for a 15-year period.
30 (2) Identify existing available infrastructure capacity, that is verifiably available for all organic waste,
31 including paper and wood generated in the county.
32 (A) Use the Department's database or equivalent methods to identify potentially available
33 capacity.
34 (B) To verify this available capacity, using one of the following methods:
35 1. Consult with nearby counties to determine whether they are also counting this same
36 identified available capacity as available.
37 2. Contact facilities to determine if capacity is available pursuant to (b)(2).
38 3. Use alternative methods to demonstrate verifiable available capacity.
39 (3) Based on the amount that is projected for disposal in (1) and the existing capacity identified in (2),
40 identify the amount of additional organics recycling capacity that would be needed to ensure that the
41 regulated generators' organic waste is recycled.
42 (4) Identify the amount of existing (existing capacity that is additional to what was identified in (2) above),
43 new or expanded organic waste recycling capacity that will be available to the county and its cities by
44 2025 and every year thereafter.
- 45 (b) Commencing January 1, 2022, every county, in coordination with the Cities and, if applicable, Regional
46 Agencies in the county, shall annually:
47 (1) Identify large and medium generators of recoverable edible food that are located within the county (i.e.,
48 large supermarkets and restaurants, and single day venues and events serving more than 2,000
49 people.)
50 (2) Estimate using CalRecycle tools or alternative methods the amount of edible food that will be disposed
51 by all of the large and medium regulated generators located in the county and its cities in 2025 and
52 every year thereafter for a 15-year period.
53 (3) Identify existing capacity at edible food recovery organizations that is available to recover food from
54 edible food generators in the county and cities within the county.

- 1 (4) Based on the amount that is projected for disposal in (2) and the existing capacity identified in (3),
2 identify the amount of edible food that will need to be recovered to ensure that the regulated
3 generators' edible food is recovered in 2025 and every year thereafter.
4 (5) Identify the amount of existing (existing capacity that is additional to what was identified in (3) above),
5 new or expanded food recovery capacity that will be available to the county or region by 2025.
6 (c) Every county, in coordination with the Cities and Regional Agencies in the county, in implementing the
7 requirements in (a) and (b), must:
8 (1) Conduct community outreach to inform citizens, including but not limited to disadvantaged
9 communities, about areas being considered for potential expanded or new facilities and seek their
10 input on the benefits and impacts that would be associated with facilities built in those areas.
11 (2) Consult with the Local Enforcement Agency.
12 (3) Consult with the Local Task Force created pursuant to section 40950 of the PRC to solicit gather
13 information on the capacity of and potential any new or expanded infrastructure relative to those
14 existing facilities.
15 (4) Consult with haulers and owners and operators of existing facilities, including but not limited to
16 composting, stand-alone in vessel digestion, and wastewater treatment facilities, to gather information
17 on the capacity of and potential for any new or expanded infrastructure relative to those existing
18 facilities.
19 (d) Commencing August 1, 2022, the county shall report on implementation of sections (a), (b), and (c) and
20 shall report annually:
21 (1) The identification of specific facilities, along with documentation to demonstrate that capacity is
22 secured, such as copies of contracts with the organic recycling facility operators.
23 (2) Whether the county, any city, or any regional agency has to submit an implementation schedule
24 pursuant to section (e).
25 (e) Based on the capacity estimates required in (a) and (b), if a county or a city does not have access to
26 adequate existing, new, or expanded facilities to meet the capacity need identified in (a)(4) and (b)(5), then
27 the city or county lacking this access must:
28 (1) Submit an implementation schedule to CalRecycle, within 60 days of the Annual Report submitted by
29 the county pursuant to section (d), that demonstrates how it will secure access to existing, new or
30 expanded capacity by 2025 and annually thereafter for the organic materials and recovered edible
31 food collected from within the jurisdiction.
32 (2) The implementation schedule shall include timelines and milestones for planning efforts to identify and
33 secure access to sufficient capacity, including but not limited to:
34 (A) Obtaining funding, if applicable, to fund organics recycling and edible food recovery
35 infrastructure.
36 (B) Identifying how additional capacity will be secured, e.g., designated areas that have
37 appropriate zoning for additional facilities, information on the status of identifying zones as
38 potential areas for zoning facilities, etc.

Article 10 Enforcement

Compliance with the statutory direction necessitates a regulatory approach that divides implementation responsibilities across the waste sector and includes requirements for generators, industry, local governments, and other entities. This approach further requires measurable standards for enforcement programs that are designed to oversee the primary programmatic requirements.

The proposed regulatory standards in draft articles 10-12 are designed to institute a minimum oversight structure for the requirements in the proposed "Chapter-12 Short-lived Climate Pollutants" (pages 3-23). Primary emphasis is placed on local government oversight over entities within their authority. CalRecycle's role is to oversee local implementation, and where appropriate engage in direct oversight and enforcement.

Standards proposed for Solid Waste Facilities appear as amendments to existing Title 14 and Title 27 regulations (beginning on page 24). Enforcement and oversight of those standards is folded into the existing oversight structure currently executed by Local Enforcement Agencies and CalRecycle.

CalRecycle is seeking stakeholder feedback on the proposed enforcement structure. Specifically, CalRecycle is seeking information on additional items or alternative regulatory programs, mechanisms or measurable performance standards that could effectively ensure that the state is progressing toward the organic waste reduction targets.

1 **Section xxx10.1. Scope of Jurisdiction Requirements.**

- 2 (a) By January 1, 2022, a jurisdiction shall adopt one or more ordinances, or otherwise enforceable policies
3 and procedures that impose requirements that are equivalent to, or stricter than, to those required by this
4 Chapter including, but not limited to the following:
- 5 (1) Use of source-separated organic waste collection service or mixed waste organic collection services
6 pursuant to section xxx30.1 or xxx30.2;
7 (2) Organic waste generator requirements in Article 5 of this chapter, sections xxx50.1 through xxx50.4;
8 (3) Requirements on haulers in Article 6 of this Chapter, sections xxx60.1 through xxx60.2; and,
9 (4) CalGreen Building standards in section xxx70.1
10 (5) Edible Food requirements in Article 9 of this Chapter, sections xxx90.1 through xxx90.2.
- 11 (b) A jurisdiction shall include in its ordinances, policies and procedures required by subsection (a),
12 requirements for inspections and enforcement of the standards that are equivalent, or stricter, to those
13 required by this Article. A jurisdiction is not required to assess penalties until January 1, 2024.
- 14 (c) Nothing in this Article limits or restricts the power of any federal, state, or local agency to enforce any
15 provision of law that it is authorized or required to enforce or administer, nor limit or restrict cities or
16 counties from promulgating laws which are at least as strict as the regulations contained in this Chapter.
17 However, no city or county may promulgate laws which are inconsistent with the provisions of this Chapter.

18 **Section xxx10.2. Definitions.**

- 19 (1) "Regulated entity" means a person, including organics waste generators, haulers and facilities, subject
20 to the requirements of this Chapter or subject to local ordinances or policies adopted pursuant to this
21 Chapter.
- 22 (2) "Enforcement action" means an action of the enforcement agency, the jurisdiction, or the department,
23 taken pursuant this chapter, including, but not limited to issuing notices of violation, accusations, or
24 local remedies outlined in a jurisdiction's ordinances or policies.
- 25 (3) "Workplan" means a type of corrective action specified by the Department. The workplan includes a
26 schedule to address jurisdictional compliance issues identified by the department.
- 27 (4) "Violation" means a lack of compliance with a requirement of this Chapter or local ordinance or policy
28 adopted pursuant to this Chapter.
- 29 (5) "Notice and Order to Correct (NOTC)" means a notice that a violation has occurred and that failure to
30 correct the violation may result in a penalty.
- 31 (6) Notice of Violation (NOV) means a notice that a violation has occurred with a compliance date to avoid
32 an action to seek penalties.
- 33 (7) "Organics Recycling Noncompliance Inventory" means a list of regulated entities that have ongoing
34 and outstanding violations of the organics waste state standards handling and disposal of this Chapter.

35 **Section xxx10.3. Jurisdiction Inspection and Enforcement Requirements**

- 36 (a) A jurisdiction shall adopt an inspection and enforcement plan for all regulated entities within its authority for
37 which it is required by this Chapter to impose requirements.
- 38 (b) The Plan shall:
- 39 (1) Include all ordinances, policies, or other requirements required by this Chapter, that are required to be
40 enforced by the Plan.
- 41 (2) A list of all regulated entities within the jurisdiction, including but not limited to:
42 (A) Organic Collection Service Operators,
43 (B) Mixed Waste Organics Collection Services

- 1 (C) Commercial Business and Multifamily Residential Generators.
2 (D) Annually or regularly scheduled Community Event and Large Events, Large Venue
3 entities
4 (3) Beginning January 1, 2022, the jurisdiction shall inspect regulated entities so that:
5 (A) By January 1, 2024, every business subject to the requirements of PRC 42649.2 and
6 42649.81 and that produces organic waste as defined in this chapter shall be inspected at
7 least once.
8 (B) All businesses found to be in violation of the requirements of this Chapter shall be reinspected
9 within 30 days of the issuance of any notice that the entity is not in compliance, including, but
10 not limited to a notice of noncompliance, notice of violation, and Notice and Order to Correct,
11 and until compliance is achieved and documented;
12 (C) All new businesses shall be inspected within one year of receiving a business license.
13 (D) Complaints shall be inspected as set forth in section xx008.
14 (4) After January 1, 2024, the plan shall include a routine inspection frequency which assures compliance
15 with this chapter, but no less than 20% of the regulated entities within the jurisdiction shall be
16 inspected annually.
17 (5) The enforcement procedures and potential penalties to be used for violations of local ordinances or
18 policies adopted pursuant to this Chapter which shall be equivalent to, or stricter than, those contained
19 in Articles 10, 11 and 12 of this Chapter.
20 (c) The Plan shall be approved by the local governing body of the jurisdiction on or before January 1, 2022.
21 (d) A copy of the Plan shall be submitted to the Department on or before January 1, 2022.
22 (e) If the department determines at any time that a Plan does not meet the requirements set forth in this
23 section, the department shall notify the jurisdiction and provide an explanation of the deficiencies. The
24 jurisdiction shall have 90 days from that notice to correct the deficiencies. If the jurisdiction does not, the
25 department may commence enforcement action as set forth in section xxx11.3(c).

26 **Section xxxx10.4. Maintenance of Records.**

- 27 (a) A jurisdiction shall maintain a record of all inspections and enforcement actions taken pursuant to this
28 Chapter.
29 (b) The records shall include, but not be limited to all inspections, notices, orders, penalties, reports,
30 correspondence, and other documents pertaining to the entities inspected or subject to enforcement action.
31 (c) Records may be kept electronically, but shall be made available to the department in manner requested by
32 the department.
33 (d) All records shall be retained by the jurisdiction for five years.

34 **Section xxxx10.5. Investigation of Complaints of Alleged Violations by a Jurisdiction**

- 35 (a) Any person having information alleging that a regulated entity is in violation of a local ordinance or policy
36 adopted pursuant to this chapter, may file a complaint in writing to the jurisdiction. The complaint shall
37 include the following:
38 (1) The name, address and telephone number of the person making the complaint, however nothing in
39 this chapter shall be construed to prevent the making of anonymous complaints by omitting the identity
40 of the reporting party from the complaint;
41 (2) The identity of the regulated entity allegedly in violation, and location and description of the violation;
42 (3) All known facts relevant to the alleged violation or likely to be of assistance to the jurisdiction in
43 investigating the complaint, including but not limited to information relating to witnesses and physical
44 evidence.
45 (b) The department may also file, or forward, a complaint to the jurisdiction.
46 (c) Upon receipt of a complaint, the jurisdiction shall, within 30 days, investigate the complaint if it determines
47 that the allegations may indicate a violation, and determine whether its allegations, if true, would constitute
48 a violation. The jurisdiction shall make its determination on the basis of the substance of the allegations
49 rather than on the basis of the complaint's technical compliance with this section. The jurisdiction shall
50 notify the person who submitted the complaint of the results of the jurisdiction investigation in writing. The

- 1 jurisdiction shall keep records of the complaints and response available for review by the department or
2 public.
3 (d) If a jurisdiction determines that a violation has occurred, it shall take enforcement action as required by this
4 Chapter.

5 **Section xxxx10.6. Enforcement by a Jurisdiction.**

- 6 (a) Between January 1, 2022 and January 1, 2024, if the jurisdiction finds that a regulated entity is in violation
7 of a local ordinance, policy or procedure adopted pursuant to this Chapter, the jurisdiction shall serve a
8 Notice of Noncompliance on the regulated entity within 30 days. The Notice of Noncompliance shall
9 include:
- 10 (1) A requirement that the regulated entity comply within 30 days of the Notice;
11 (2) A description of the violation;
12 (3) Educational material on the regulated entities responsibility and potential penalties for noncompliance.
- 13 (b) After January 1, 2024, if during an inspection, investigation, or at any other time, the jurisdiction finds that a
14 regulated entity is in violation of a local ordinance or policy adopted pursuant to this Chapter, the
15 jurisdiction shall enforce the applicable provisions as required by this Chapter. The jurisdiction shall take
16 progressive enforcement action for violations specified in this section.
- 17 (c) If a regulated entity has been found in violation after January 1, 2024, the jurisdiction shall:
- 18 (1) For a first offense after January 1, 2024:
19 (A) Issue Notice of Violation (NOV) requiring compliance within 30 days. The NOV shall be issued
20 no later than 30 days after determining the first violation.
21 (B) If the violation continues after the NOV compliance deadline of 30 days, the jurisdiction shall
22 issue a Notice and Order to Correct (NOTC) requiring compliance within 15 days. The NOTC
23 shall include the potential penalties for failing to comply. The NOTC shall not be issued later
24 than 60 days after the issuance of the NOV.
25 (C) If the violation continues after the NOTC compliance deadline of 15 days, the jurisdiction shall
26 commence action to impose a penalty on the regulated entity no later than 120 days after the
27 issuance of the NOV.
- 28 (2) For a second offense:
29 (A) Issue Notice and Order to Correct (NOTC) requiring compliance within 15 days. The NOTC
30 shall include the potential penalties for failing to comply. The NOTC shall be issued no later
31 than 30 days after determining the violation.
32 (B) If the violation continues after the NOTC compliance deadline of 15 days, the jurisdiction shall
33 commence action to impose a penalty on the regulated entity no later than 90 days after the
34 issuance of the NOV.
- 35 (3) For all subsequent offense:
36 (A) The jurisdiction shall commence action to impose a penalty on the regulated entity no later
37 than 30 days after determining the violation.
- 38 (d) The jurisdiction may consider extensions to the compliance deadlines set forth in subsection (c) if it can
39 make the following findings:
- 40 (1) The regulated entity is making timely progress toward compliance; and
41 (2) The operator's success or lack thereof in accomplishing specific tasks within the compliance deadline
42 is due to:
43 (A) Despite the regulated entity's good faith effort to comply, a delay in compliance has been caused
44 by extenuating circumstances outside entity's control. Examples of extenuating circumstances
45 include acts of God such as inclement weather, earthquakes, and delays in obtaining discretionary
46 permits or other government agency approvals, but where the operator's actions or failure to act
47 was not the cause of the delay.
48 (B) Despite the entity's good faith effort, the correction requires a long term infrastructure or capacity
49 change which requires a correspondingly longer length of time to achieve compliance.

- 1 (e) A jurisdiction may use an alternative progressive enforcement procedure from that described in this section
2 if it includes timeframes for remedies that are equivalent or stricter than this section and the remedies
3 comply with Section xxx12.2 (e).
- 4 (f) If the jurisdiction fails to take progressive compliance and enforcement actions as set forth in this section,
5 the department may take enforcement action pursuant to Section xxx11.3 (b) and seek penalties pursuant
6 to Article 11 and 12 of this Chapter.
- 7 (g) A jurisdiction shall provide the following information in any notices required by this section:
- 8 (1) The name or names of each person or entity to whom it is directed. Notices must go to the legal
9 responsible party, such as business owner, property owner, etc.
- 10 (2) The list and description of the violations of this Chapter;
- 11 (3) The regulations, or local conditions the jurisdiction has determined are being violated.
- 12 (4) A compliance date by which the operator is to take specified action(s).
- 13 (5) The penalty for not complying within the specified compliance date.

14

15 **Article 11. Enforcement Oversight by the Department**

16 **Section xxx11.2. Department Inspections and Audits of Regulated Entities and Jurisdictions**

- 17 (a) The department may conduct audits of jurisdictions to assure compliance with this chapter.
- 18 (b) The audits shall include inspections of a random sampling of regulated entities, a review of the jurisdiction
19 reporting and recordkeeping requirements and data reported in those reports and records.
- 20 (c) Where a jurisdiction has authority over a regulated entity, the department shall notify the jurisdiction prior to
21 conducting inspections within its jurisdiction and provide the period of time the jurisdiction will be under
22 audit.
- 23 (d) The department may conduct inspections in conjunction with the jurisdiction where a jurisdiction has
24 authority over a regulated entity. The department shall conduct the types and numbers of inspections it
25 determines necessary to evaluate a jurisdiction's compliance with this chapter or in order to ensure a
26 regulated entity's compliance with this chapter. During an audit period, a jurisdiction shall provide, upon
27 request, records required by the chapter. The results of the inspections under this section may be used for
28 the purposes of assessing a jurisdiction's or a regulated entity's compliance with this chapter.
- 29 (e) A summary of the audit findings shall be provided in writing within 90 days of the audit end-date. The audit
30 report shall include a summary of inspection report findings of regulated entities inspected within the
31 jurisdiction and document compliance or violations by the jurisdiction. The audit report shall at a minimum
32 state whether the jurisdiction is in compliance or violation of the following standards:
- 33 (1) Use of source-separated organic waste collection service or mixed waste organic collection services
34 pursuant to section xxx30.1 or xxx30.2;
- 35 (2) Organic waste generator requirements in Article 5 of this Chapter, sections xxx50.1 through xxx50.4;
- 36 (3) Requirements on haulers in Article 6 of this Chapter, sections xxx60.1 through xxx60.2; and,
- 37 (4) CalGreen Building standards in section xxx70.1.
- 38 (5) Edible Food requirements in Article 9 of this Chapter, sections xxx90.1 through xxx90.2.
- 39 (f) Upon presentation of proper credentials, the Department, an authorized Department employee or agent,
40 shall be allowed to enter a regulated entity during normal working hours to conduct inspections and
41 investigations, to examine organic recycling activities and records pertaining to the regulated entity to
42 determine compliance with this chapter; including but not limited to, allowing the review or copying,
43 electronically or through mechanical methods (i.e photocopy) of any paper or electronic records required
44 by this chapter or other records, such as invoices, memoranda, books, papers, records, or memoranda.
- 45 (1) This subdivision is not intended to permit an employee or agent of the department to enter a
46 residential property.

47 **Section xxx11.3. Actions by Department over Jurisdictions and Regulated Entities.**

- 48 (a) If the Department finds that a jurisdiction is not fulfilling one or more of its responsibilities or obligations as
49 required by this Chapter, then the department, may take one or more of the following actions:
- 50 (1) Conduct more frequent inspections within the jurisdiction or more frequent audits of the jurisdiction.
- 51 (2) Take direct enforcement pursuant to subsection (b).
- 52 (3) Establish a schedule and probationary period for improved performance by the jurisdiction, requiring
53 the submission of a workplan to correct the deficiencies prior to seeking penalties. As part of the
54 workplan, the department may require a jurisdiction to demonstrate that it has sufficient staff and

1 adequate budget resources for implementing the provisions of this Chapter. If requested, the
2 jurisdiction shall provide all anticipated expenditures, and identify all their revenue by sources and
3 amounts and current staff allocated to the program.

4 (4) Issue notices pursuant to section xxx11.6 (e) and seek administrative civil penalties pursuant to
5 Article 12 of this Chapter.

6 (b) The Department may take enforcement action against a regulated entity after implementing the following
7 procedures:

8 (1) Request in writing that the jurisdiction take enforcement action pursuant to Section xxx10.6 and offer
9 technical assistance. The request shall include documentation of the lack of appropriate enforcement
10 action on the part of the jurisdiction;

11 (2) If the jurisdiction fails to respond within 30 days of receipt of the request with an enforcement action, or
12 provide evidence of compliance, the department shall issue a notice to the jurisdiction and the
13 regulated entity that it will be taking enforcement action pursuant to section xxx11.6.

14 (c) The department may also seek administrative penalties against the jurisdiction pursuant to Article 12 for
15 failing to comply with this Chapter, if the jurisdiction fails to take enforcement action as requested pursuant
16 to subsection (b).

17 **Section xxx11.4. Actions regarding Organic Waste Generators Located in more than one jurisdiction**
18 **and Generators outside the authority of a Jurisdiction**

19 (a) If a jurisdiction or jurisdictions have found violations at an organic waste generator that is located in more
20 than one jurisdiction, or is an organic waste generator that is not subject to the jurisdiction's authority, and
21 the jurisdiction has reason to believe that the entity is violating a requirement of this Chapter in one or more
22 of those other jurisdictions, the jurisdiction may refer the case to the department.

23 (b) Prior to the referral, the jurisdiction shall inspect the entity and implement progressive enforcement
24 pursuant to section xxx10.6, unless the organic waste generator is not subject to the jurisdiction's authority.

25 (c) If the department has found violations at an organic waste generator that is located in more than one
26 jurisdiction or is outside not subject to the authority of a referring jurisdiction, it may implement progressive
27 enforcement pursuant to this Article.

28 **Section xxx11.5. Written Complaints of Alleged Violations of Jurisdictions and Regulated Entities**

29 (a) Any person having information alleging jurisdiction is in violation of a requirement of this Chapter may file a
30 complaint regarding such allegation in writing to the department. The complaint shall include the following:

31 (1) The name, address and telephone number of the person making the complaint, however nothing in
32 this chapter shall be construed to prevent the making of anonymous complaints by omitting the identity
33 of the reporting party from the complaint;

34 (2) The identity of jurisdiction or select generator in violation, and location and description of the violation;

35 (3) All known facts relevant to the alleged violation or likely to be of assistance to jurisdiction in investigating the
36 complaint, including but not limited to information relating to witnesses and physical evidence.

37 (b) Upon receipt of a complaint, the department shall within 30 days determine whether its allegations, if true,
38 would constitute a violation of this Chapter, and if so commence an investigation. The department shall
39 notify the person who submitted the complaint of the results of the department's investigation in writing,
40 including if the further investigation in needed.

41 (c) If the department receives a complaint on a regulated entity, it shall refer the complaints to the jurisdiction
42 with authority over the regulated entity.

43 **Section xxx11.6. Department Duties and Responsibilities for Enforcement.**

44 (a) Between January 1, 2022 and January 1, 2024, if the department finds that a regulated entity is in violation
45 of this Chapter, the department shall serve a Notice of Noncompliance on the regulated entity within 30
46 days. The Notice of Noncompliance shall include:

47 (1) A requirement that the regulated entity comply within 30 days of the Notice;

48 (2) A description of the violation;

49 (3) Educational material on the regulated entities responsibility and potential penalties for noncompliance.

50 (b) After January 1, 2024, if during an inspection, investigation, or at any other time, the department finds that
51 a regulated entity is in violation of this Chapter, it shall take progressive enforcement action for violations
52 specified in this section.

53 (c) If a regulated entity has been found in violation after January 1, 2024, the department shall:

54 (1) For a first offense after January 1, 2024:

- 1 (A) Issue Notice of Violation (NOV) requiring compliance within 30 days. The NOV shall be issued
2 no later than 30 days after determining the first violation.
3 (B) If the violation continues after the NOV compliance deadline of 30 days, the department shall
4 issue a Notice and Order to Correct (NOTC) requiring compliance within 15 days. The NOTC
5 shall include the potential penalties for failing to comply. The NOTC shall not be issued later
6 than 60 days after the issuance of the NOV.
7 (C) If the violation continues after the NOTC compliance deadline of 15 days, the department
8 shall commence action to impose a penalty on the regulated entity no later than 120 days
9 after the issuance of the NOV.
10 (2) For a second offense:
11 (A) Issue Notice and Order to Correct (NOTC) requiring compliance within 15 days. The NOTC
12 shall include the potential penalties for failing to comply. The NOTC shall be issued no later
13 than 30 days after determining the violation.
14 (B) If the violation continues after the NOTC compliance deadline of 15 days, the department
15 shall commence action to impose a penalty on the regulated entity no later than 90 days after
16 the issuance of the NOV.
17 (3) For all subsequent offense:
18 (A) The department shall commence action to impose a penalty on the regulated entity no later
19 than 30 days after determining the violation.
20 (d) The department may consider extensions to the compliance deadlines set forth in subsection (c) if it can
21 make the following findings:
22 (1) The regulated entity is making timely progress toward compliance, and (2) The entity's success or
23 lack thereof in accomplishing specific tasks within the compliance deadline is due to:
24 (A) Despite the regulated entity's good faith effort to comply, a delay in compliance has been
25 caused by extenuating circumstances outside entity's control. Examples of extenuating
26 circumstances include acts of God such as inclement weather, earthquakes, and delays in
27 obtaining discretionary permits or other government agency approvals, but where the
28 operator's actions or failure to act was not the cause of the delay.
29 (B) Despite the entity's good faith effort, the correction requires a long term infrastructure or
30 capacity change which requires a correspondingly longer length of time to achieve
31 compliance.
32 (e) The department shall provide the following information in any notices required by this section:
33 (1) The name or names of each person or entity to whom it is directed. Notices must go to the legal
34 responsible party, such as business owner, property owner, etc.
35 (2) The list and description of the violations of this Chapter;
36 (3) The regulations, or local condition the department has determined are being violated.
37 (4) A compliance date by which the operator is to take specified action(s).
38 (5) The penalty for not complying within the specified compliance date.

39 Article 12. Penalties

40 **Section xxx12.1. Scope.**

41 The Department may impose administrative civil penalties authorized by PRC 42652.5 in accordance with the
42 procedures set forth in this Article.

43 **Section xxx12.2. Amount of Civil and Administrative Penalty Schedule.**

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

46 (1) To calculate the penalty:

47 (A) Determine the following:

48 1. What violations have occurred; and

49 2. The number of days the violations have occurred; and

50 3. Whether it is a first, second, or third offense for each violation; and,

51 4. The severity of violations identified in the Penalty Tables and subsection (d).

52 (B) Separate penalties shall accrue for each separate violation and for each day of violation.

53 Multiply each applicable violation penalty amount by the number of days of violation, starting
54

- 1 on the day the Notice of Violation is issued. Add the results for each violation to determine a
 2 total base penalty amount.
 3 (C) Penalties for second, third and all other violations shall be assessed as provided in Penalty
 4 Tables when the operator /or owner committed a prior violation at the same or a separate
 5 location.
 6 (D) The department, jurisdiction, hearing officer or judge may apply the factors listed in subsection
 7 (e) to determine the final penalty within the range of the base penalty.
 8 (E) The total penalty amount may not exceed maximum penalty amounts for each day of
 9 violation, as set forth in PRC 42652.5.
 10 (b) The following Penalty Tables establish the range of the base penalty for each violation based on the severity
 11 levels as set forth in subsection (c).
 12 (1) Base Table 1 is to be used for **Article 3 Mandatory Organic Waste Collection, sections XXX3,**
 13 **XXX30.1 and XXXX30.2**

<u>Requirement</u>	<u>Description of Violation</u>	<u>1st Offense</u>	<u>2nd Offense</u>	<u>3rd and subsequent Offense</u>
<u>Section xxx30.1</u>	<u>A Jurisdiction or hauler that fails to comply with the requirements of this section</u>	<u>Level 3</u>	<u>Level 4</u>	<u>Level 5</u>
<u>Section xxx30.15</u>	<u>A Jurisdiction or hauler that fails to comply with the requirements of this section</u>	<u>Level 1</u>	<u>Level 2</u>	<u>Level 3</u>
<u>Section xxx30.2</u>	<u>A Jurisdiction or hauler that fails to comply with the requirements of this section</u>	<u>Level 3</u>	<u>Level 4</u>	<u>Level 5</u>

- 14 (2) Base Table 2 is to be used for Article 4 Education and Outreach Sections xxx40.1 and xxx40.2
 15 (3) Base Table 3 is to be used **Article 5 Generators of Organic Waste Sections xxx50.1, xxx50.2**
 16 **and xxx50.4**
 17 (4) Base Table 4 is to be **Article 6 regulation of haulers Sections xxx70.1 and xxx70.2**
 18 (5) Base Table 5 is to be used for **Article 7 Cal-Green Building Standards Section xxx70.1**
 19 (6) Base Table 6 is to be used for **Article 8 Locally Adopted Standards and Policies, Section xxx80.1**
 20 **and xxx80.2**
 21 (7) Base Table 7 is to be used for **Article 9 Food Generators and Food Recovery Sections xxx90.1,**
 22 **and xxx90.2**
 23 (8) Base Table 8 is to be used for **Article 9.9 Organic Waste Recycling Capacity Planning**
 24 (c) The penalty severity levels are as follows:
 25 (1) For a violation classified as Level 1, the amount of the base penalty may be \$100 - \$500 per day.
 26 (2) For a violation classified as Level 2, the amount of the base penalty may be \$500 - \$1,000 per day.
 27 (3) For a violation classified as Level 3, the amount of the base penalty may be \$1,000 - \$5,000 per day.
 28 (4) For a violation classified as Level 4, the amount of the base penalty may be \$1,000- \$10,000 per day.
 29 (5) For a violation classified as Level 5, the amount of the base penalty may be \$5,000- \$10,000 per day.
 30 (d) Once the base penalty range has been determined, the following factors shall be used to determine the
 31 amount of the penalty for each violation within that range:
 32 (1) The nature, circumstances, of the violation(s).
 33 (2) The size of the violator.
 34 (3) Ability for the violator to pay.
 35 (4) The willfulness of the violator's misconduct.
 36 (5) Whether the violator took good faith measures to comply with this chapter and the period of time over
 37 which these measures were taken.
 38 (6) Evidence of any financial gain resulting from the violation(s).
 39 (7) The economic effect of the penalty on the violator.
 40 (8) If there were conditions outside the control of the regulated entity.
 41 (e) A jurisdiction shall impose these penalties in accordance with its ordinances and procedures adopted as
 42 required by section xxx10.1 and its enforcement plan as required by section xxx10.3. A jurisdiction may

1 use alternative, nonmonetary remedy if it is a revocation, suspension, or denial of a permit, registration,
2 license or other authorization, or a lien on real property, or the jurisdiction receives written approval from
3 the department for the use of a remedies that have the same or equal effect.

4 **Section xxxx12.3 Organics Recycling Noncompliance Inventory**

- 5 (a) This Section sets forth the procedures associated with the Organics Recycling Noncompliance Inventory.
6 (b) If a jurisdiction or the department documents the same violation(s) for two consecutive inspections, then the
7 department may send a notice to the regulated entity stating that the department intends to place the entity on
8 the Inventory, listed on its website, if the violation(s) is not corrected within 90 days of receipt of the notice. The
9 notice will be sent by certified mail.
10 (c) If the jurisdiction or the entity provides written documentation that it is no longer in violation of all of the
11 standard(s) listed in the notice of intent letter during the 90-day notice of intent period, then a rescission letter will
12 be sent to regulated entity by the department.
13 (d) If the violation(s) listed on the notice is not corrected on or before the 90th day subsequent to the operator's
14 receipt of the notice of intent letter, then the department will send a notice to the regulated entity that it has been
15 placed on the Inventory. The notice shall state the violation(s) listed on the Inventory that have not been
16 complied with, and will be sent by certified mail.
17 (e) Upon written documentation that the entity has corrected the violation(s) that have caused it to be placed on the
18 inventory, then a notice shall be sent to the regulated entity by the department. The notice will be sent by
19 certified mail within 15 days of the receipt of the documentation.
20 (f) The jurisdiction must provide inspection report and compliance documentation as requested by the department in
21 order for this section to be carried out.
22 (g) For the purposes of this section, "regulated entity" does not include a residential property.

23 **Section xxxx12.4. CalRecycle Procedure for Imposing Civil Penalties.**

- 24 (a) Civil penalties may be administratively imposed by CalRecycle in accordance with the procedures outlined
25 in the Administrative Procedure Act at Article 10 of Chapter 4.5 (commencing with section 115000) of Part
26 1 of Division 3 of Title 2 of the Government Code.
27 (b) The accusation or complaint and all accompanying documents may be served on the respondent by the
28 following means:
29 (1) Personal service.
30 (2) Substitute service by using the same service procedures as described in section 415.20 of the Code
31 of Civil Procedure.
32 (3) Certified Mail or registered mail pursuant to the procedures indicated in the Administrative Procedure
33 Act at subdivision (c) of section 11505 of the Government Code.
34 (c) Civil penalties may be imposed pursuant to Section 12.2.

Amendments to Existing Title 14 Regulations

- **Chapter 3 Minimum Standards for Solid Waste Handling and Disposal**
 - **Article 6.0. Transfer/Processing Operations and Facilities Regulatory Requirements(Amended)**
 - **Article 6.2 Operating Standards. (Amended)**
 - **Article 6.3. Record Keeping Requirements. (Amended)**
- **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**
 - **Article 2.2. LEA Performance Standards, Evaluation Criteria, and Duties and Responsibilities(Amended)**

California Code of Regulations

Title 14. Natural Resources

Division 7. Department of Resources Recycling and Recovery

Chapter 3. Minimum Standards for Solid Waste Handling and Disposal

Article 6.0. Transfer/Processing Operations and Facilities Regulatory Requirements

Section 17402. Definitions.

(a) For the purposes of these Articles:

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

(1.5) "Contamination" or "Contaminants" has the same meaning as in section xxxx1(a)(9).

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

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

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

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

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

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

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

- 1 (F) all of the contents of the original transferring container or vehicle must be emptied
2 during a single transfer; and
3 (G) any waste that may unintentionally fall outside of the containers or vehicles, is
4 promptly cleaned up and replaced within the container or vehicle to which it was being
5 transferred.
- 6 (4) "DTSC" means Department of Toxic Substances Control.
7 (5) "EA" means enforcement agency as defined in PRC section 40130.
8 (6) "Emergency Transfer/Processing Operation" means an operation that is established
9 because there has been a proclamation of a state of emergency or local emergency, as
10 provided in Title 14, Division 7, Chapter 3, Article 3, sections 17210.1 (j) and (k) and which
11 meets all of the following requirements:
12 (A) the operation handles only disaster debris and other wastes, in accordance with section
13 17210.1(d), during the disaster debris recovery phase; and
14 (B) the location does not currently have a solid waste facility permit;
15 (C) if the operation accepts, processes, or stores hazardous or household hazardous waste,
16 then these activities must be in compliance with DTSC standards or standards of other
17 appropriate authorities or agencies.
- 18 (6.5) "Glass Container Processing Operations" means a person or business entity whose
19 primary purpose is to receive source separated or separate or reuse glass container materials,
20 either whole or fragments, for processing that may also contain a residual amount of solid
21 waste and that does not qualify as a recycling center as set forth in section 17402.5(d).
22 (6.1) "Hauler" has the same meaning as defined in section 18815.2 (a)(28) of Title 5 of the
23 California Code of Regulations (CCR).
- 24 (7) "Hazardous Wastes" means any waste which meets the definitions set forth in Title 22,
25 section 66261.3, et seq. and is required to be managed.
- 26 (8) "Large Volume Transfer/Processing Facility" means a facility that receives 100 tons or
27 more of solid waste per operating day for the purpose of storing, handling or processing the
28 waste prior to transferring the waste to another solid waste operation or facility.
29 (A) In determining the tonnage of solid waste received by the facility, the following
30 materials shall not be included: materials received by a recycling center located within the
31 facility, and by beverage container recycling programs in accordance with Public Resources
32 Code sections 14511.7, 14518, or 14520, if the recycling activities are separated from the
33 solid waste handling activities by a defined physical barrier or where the activities are
34 otherwise separated in a manner approved by the EA.
35 (B) If the facility does not weigh the solid waste received, then the tonnage shall be
36 determined by using a volumetric conversion factor where one cubic yard is equal to 500
37 pounds. The EA shall approve an alternate conversion factor if the operator demonstrates
38 that it is more accurate than the required conversion factor.
- 39 (9) "Limited Volume Transfer Operation" means an operation that receives less than 60 cubic
40 yards, or 15 tons of solid waste per operating day for the purpose of storing the waste prior to
41 transferring the waste to another solid waste operation or facility and which does not conduct
42 processing activities, but may conduct limited salvaging activities and volume reduction by
43 the operator.
44 (A) In determining the tonnage of solid waste received by the operation, the following
45 materials shall not be included: materials received by a recycling center located within the
46 operation, and by beverage container recycling programs in accordance with Public
47 Resources Code sections 14511.7, 14518, or 14520, if the recycling activities are
48 separated from the solid waste handling activities by a defined physical barrier or where
49 the activities are otherwise separated in a manner approved by the EA.
50 (B) If the operation does not weigh the solid waste received, then the tonnage shall be
51 determined by using a volumetric conversion factor where one cubic yard is equal to 500
52 pounds. The EA shall approve an alternate conversion factor if the operator demonstrates
53 that it is more accurate than the required conversion factor.
- 54 (10) "Litter" means all solid waste which has been improperly discarded or which has
55 migrated by wind or equipment away from the operations area. Litter includes, but is not
56 limited to, convenience food, beverage, and other product packages or containers constructed

1 of steel, aluminum, glass, paper, plastic, and other natural and synthetic materials, thrown or
2 deposited on the lands and waters of the state.

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

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

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

19 (12) "Nuisance" includes anything which:

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

22 (B) affects at the same time an entire community, neighborhood or any considerable
23 number of persons. The extent of annoyance or damage inflicted upon an individual may
24 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 combustion,

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

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

31 (15) "Operating day" means the hours of operation as set forth in the application,
32 Enforcement Agency Notification and/or permit not exceeding 24 hours.

33 (16) "Operating Record" means an easily accessible collection of records of an operation's or
34 facility's activities and compliance with required state minimum standards under Title 14. The
35 Record may include the Facility Plan or Transfer/Processing Report for facilities, and shall
36 contain but is not limited to containing: agency approvals, tonnage and loadchecking records,
37 facility contacts and training history. The record may be reviewed by state and local
38 authorities and shall be available during normal business hours. If records are too voluminous
39 to place in the main operating record or if the integrity of the records could be compromised
40 by on-site storage, such as exposure to weather, they may be maintained at an alternative
41 site, as long as that site is easily accessible to the EA.

42 (17) "Operations Area" means:

43 (A) the following areas within the boundary of an operation or facility as described in the
44 permit application or Enforcement Agency Notification:

45 (i) equipment management area, including cleaning, maintenance, and storage areas;
46 and

47 (ii) material and/or solid waste management area, including unloading, handling,
48 transfer, processing, and storage areas.

49 (B) the boundary of the operations area is the same as the permitted boundary but may or
50 may not be the same as the property boundary.

51 (18) "Operator" means the owner, or other person who through a lease, franchise agreement
52 or other arrangement with the owner, that is listed in the permit application or Enforcement
53 Agency Notification, is legally responsible for all of the following:

54 (A) complying with regulatory requirements set forth in these Articles;

55 (B) complying with all applicable federal, state and local requirements;

56 (C) the design, construction, and physical operation of the operations area;

- 1 (D) controlling the activities at an operation or facility as listed on the permit application or
2 Enforcement Agency Notification.
- 3 (18.5) "Organic Waste" means solid wastes containing material originated from living
4 organisms and their metabolic waste products, including but not limited to food, green waste,
5 landscape and pruning waste, applicable textiles and carpets, wood, lumber, fiber, biosolids,
6 digestate and sludges.
- 7 (18.6) "Source Separated Organic waste" (1) means organics that have been separated or
8 kept separate from the solid waste stream, at the point of generation, for the purpose of
9 additional sorting or processing those materials for recycling or reuse in order to return them
10 to the economic mainstream in the form of raw material for new, reused, or reconstituted
11 products which meet the quality standards necessary to be used in the marketplace. Source
12 separated organics contain no greater than 10 percent of contaminants by weight.
- 13 (18.76) "Source Separated Organic Waste Stream" means material collected by a source
14 separated organic collection service, as defined in section xxx30.1.
- 15 (19) "Owner" means the person or persons who own, in whole or in part, an operation or
16 facility, and/or the land on which it is located.
- 17 (19.5) "Mixed Waste Organic Collection Service" means a collection service that is provided to
18 a generator pursuant to section xxx30.2.
- 19 (19.6) "Mixed Waste Organic Collection Stream" means the solid waste collected by a mixed
20 waste organic collection service, as defined in section xxx30.2 of this division.
- 21 (20) "Processing" means the controlled separation, recovery, volume reduction, conversion,
22 or recycling of solid waste including, but not limited to, organized, manual, automated, or
23 mechanical sorting, the use of vehicles for spreading of waste for the purpose of recovery,
24 and/or includes the use of conveyor belts, sorting lines or volume reduction equipment.
25 Recycling Center is more specifically defined in section 17402.5 (d) of this Article.
- 26 (21) "Putrescible Wastes" include wastes that are capable of being decomposed by micro-
27 organisms with sufficient rapidity as to cause nuisances because of odors, vectors, gases or
28 other offensive conditions, and include materials such as, but not limited to food wastes, offal
29 and dead animals. The EA shall determine on a case-by-case basis whether or not a site is
30 handling putrescible wastes.
- 31 (22) "Regulated Hazardous Waste" means a hazardous waste, as defined in section 66260.10
32 of Division 4.5 of Title 22.
- 33 (23) "RWQCB" means the Regional Water Quality Control Board.
- 34 (24) "Salvaging" means the controlled separation of solid waste material which do not require
35 further processing, for reuse or recycling prior to transfer activities.
- 36 (25) "Scavenging" means the uncontrolled and/or unauthorized removal of solid waste
37 materials.
- 38 (26) "Sealed Container Transfer Operation" means a transfer operation that meets the
39 following requirements:
- 40 (A) handles only solid waste that has previously been placed within containers that have
41 either a latched, hard top or other impermeable cover which is closed tightly enough to:
- 42 (1) prevent liquid from infiltrating into or leaking out of the container; and
43 (2) prevent the propagation and migration of vectors; and,
44 (i) the solid waste remains within the unopened containers at all times while on-site;
45 and,
46 (ii) the containers are not stored on-site for more than 96 hours.
47 Sealed container transfer operations do not include operations excluded by Public
48 Resources Code section 40200(b)(3).
- 49 (27) "Special Waste" includes but is not limited to:
- 50 (A) waste requiring special collection, treatment, handling, storage, or transfer techniques
51 as defined in Title 22, section 66260.10.
52 (B) waste tires and appliances requiring CFC removal.
- 53 (28) "Spotter" means an employee who conducts activities that include, but are not limited to,
54 traffic control, hazardous waste recognition and removal for proper handling, storage and
55 transport or disposal, and protection of the public from health and/or safety hazards.

- 1 (29) "Store" means to stockpile or accumulate for later use.
2 (30) "Transfer/Processing Facility" or "Facility" includes:
3 (A) those activities governed by the Registration Permit tier or Full Solid Waste Facility
4 Permit requirements (as specified in sections 17403.6 and 17403.7); and,
5 (B) which:
6 1.receive, handle, separate, convert or otherwise process materials in solid waste;
7 and/or
8 2.transfer solid waste directly from one container to another or from one vehicle to
9 another for transport; and/or
10 3.store solid waste;
11 (C) The receipt of separated for reuse material pursuant to Public Resources Code, Division
12 12.1, Chapter 2, sections 14511.7, 14518, or 14520, located within a solid waste facility
13 does not constitute solid waste handling, or processing, if there is a defined physical
14 barrier to separate recycling activities defined in Public Resources Code, Division 12.1,
15 Chapter 2, sections 14511.7, 14518, or 14520, from the solid waste activities, or where
16 the recycling and solid waste activities are considered by the EA as separate operations.
17 (D) "Transfer/Processing Facilities" do not include activities specifically defined in section
18 17402.5(c) of this Article, and operations and facilities that are subject to regulations in
19 Chapter 3.1 (commencing with section 17850).
20 (31) "Transfer/Processing Operation" or "Operation" includes:
21 (A) those activities governed by the EA Notification tier requirements; and,
22 (B) which:
23 1.receive, handle, separate, convert or otherwise process materials in solid waste;
24 and/or
25 2.transfer solid waste directly from one container to another or from one vehicle to
26 another for transport; and/or
27 3.store solid waste;
28 (C) The receipt of separated for reuse material pursuant to Public Resources Code, Division
29 12.1, Chapter 2, sections 14511.7, 14518, or 14520, located within a solid waste operation
30 does not constitute solid waste handling, or processing, if there is a defined physical
31 barrier to separate recycling activities defined in Public Resources Code, Division 12.1,
32 Chapter 2, sections 14511.7, 14518, or 14520, from the solid waste activities, or where
33 the recycling and solid waste activities are considered by the EA as separate operations.
34 (D) "Transfer/Processing Operations" do not include activities specifically defined in section
35 17402.5(c) of this Article, and operations and facilities that are subject to regulations in
36 Chapter 3.1 (commencing with section 17850).
37 (32) "Volume Reduction" means techniques such as: compaction, shredding, and baling.
38 (33) "Waste Hauling Yard Operation" is an operation that meets the following requirements:
39 (A) is located on the premises of a duly licensed solid waste hauling operator, who
40 receives, stores, or transfers waste as an activity incidental to the conduct of a refuse
41 collection and disposal business, and;
42 (B) handles only solid waste that has been placed within a covered container before the
43 container arrives at the waste hauling yard, and;
44 (C) no more than 90 cubic yards of waste is stored on-site in covered containers at any
45 time, and;
46 (D) the solid waste remains within the original covered containers while on-site at any
47 times, and;
48 (E) the covered containers are not stored on-site for more than any 72 hour period;
49 (F) if the EA has information that the operation does not meet these requirements, the
50 burden of proof shall be on the owner or operator to demonstrate that the requirements
51 are being met.

52
53 Note:
54 Authority cited: Sections 40502, 43020, and 43021, Public Resources Code.
55 Reference: Sections 40053, 43020, and 43021, Public Resource Code.

56

Article 6.2 Operating Standards.

Section 17409.5. Loadchecking – Prohibited Wastes.

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

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

Note:

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

Reference: Sections 40053, 43020 and 43021, Public Resources Code.

Section 17409.5.1. Organics Diversion at Mixed Waste Processing Facilities.

(a) On and after January 1, 2022, at least 50 percent of the organic waste received from mixed waste collection services, calculated on a monthly basis, shall be removed from the mixed waste organic collection stream and sent for additional processing or recycling. To determine compliance with this subdivision, the operator shall:

(1) Establish a baseline monthly volume of organics in the incoming mixed waste organic collection stream by either:

(A) Conducting an operation or facility specific waste characterization study of the incoming mixed waste organic stream to determine a baseline amount of organics in the incoming mixed waste organic stream using current business methods; or,

(B) Utilizing the latest statewide waste characterization study prepared by the Department.

(b) On and after January 1, 2022, all of the source separated organic waste shall be sent for additional processing or recycling.

(c) On and after January 1, 2025, at least 75 percent of the organic waste received from mixed waste collection services shall be removed from the mixed waste organic collection stream and be sent for additional processing or recycling, calculated on a monthly basis. To determine compliance with this subdivision, the operator shall:

(1) Establish a baseline monthly volume of organics in the incoming mixed waste organic collection stream by either:

(A) Conducting an operation or facility specific waste characterization study of the incoming mixed waste organic collection stream to determine a baseline amount of organics in the incoming mixed waste organic collection stream using current business methods; or,

(B) Utilize the latest statewide waste characterization study prepared and published by the Department.

(d) Organics recovered after processing from the source separated organic waste stream and from the mixed waste organic collection stream shall not have more than 10 percent of contamination by volume prior to leaving the site.

(e) The operator shall maintain records demonstrating compliance with this section.

Note:

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

Reference: Sections 40053, 43020, and 43021, Public Resource Code.

Section 17409.5.2 Measuring Organics in Residuals Removed from Mixed Waste Organic Collection Stream.

1 (a) The operator of an attended operation or facility that accepts a mixed waste organic
2 collection stream shall, once per operating day, measure the amount of organics by volume in
3 the residuals removed from the mixed waste organic collection stream after processing to
4 determine a monthly average.

5 (b) The operator shall maintain records of measurements and the training of personnel in
6 evaluating the amount of organics in the residual material removed from mixed waste organic
7 collection stream. These records shall be maintained for three (3) years in the operating record
8 and be available for review by the appropriate jurisdiction of origin, haulers, and other duly
9 authorized regulatory agencies.

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

11 (d) The operator shall use the following protocol to measure the amount by volume of organics in
12 the residuals removed from mixed waste organic collection stream:

13 (1) Take at least a one (1) cubic yard composite sample of the residuals removed from mixed
14 waste organic collection stream during processing at the operation or facility;

15 (A) The composite sample shall be representative and random by taking samples either
16 from various times during the operating day or from various locations within the pile.

17 (2) Separate the organics from the composite sample and determine the volume of the
18 separated organics;

19 (3) Determine the percentage of organics in the residuals removed from the mixed waste
20 organic collection stream by dividing the volume of separated organics by the total volume of
21 the composite sample.

22 (4) Determine the monthly average of organics in the residuals removed from the mixed
23 waste organics.

24
25 Note:

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

27 Reference: Sections 40053, 43020 and 43021, Public Resources Code.

28
29 **Section 17409.5.3 Measuring Contamination in Organics Recovered from Mixed Waste**
30 **Organic Collection Stream.**

31 (a) The operator of an attended operation or facility that accepts mixed waste organic collection
32 streams shall, once every other month, measure the amount by volume of contamination in each
33 organic material type recovered from the mixed waste organic collection stream and separated
34 through processing at the operation or facility.

35 (b) The operator shall maintain records of measurements and the training of personnel in
36 evaluating the amount of contamination in organics removed from mixed waste organic collection
37 stream by volume. These records shall be maintained for three (3) years in the operating record
38 and be available for review by the appropriate jurisdiction of origin, haulers, and other duly
39 authorized regulatory agencies.

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

41 (d) The operator shall use the following protocol to measure the amount by volume of
42 contamination in the organics recovered from mixed waste organic collection stream:

43 (1) Take at least a one (1) cubic yard composite sample of organics separated by organic
44 material type following processing at the operation or facility;

45 (A) The composite sample shall be representative and random by taking samples either
46 from various times during the operating day or from various locations within the pile.

47 (2) Separate the contaminants from the composite sample and determine the volume of the
48 contaminants;

49 (3) Determine the percentage of contamination by dividing the volume of contamination by
50 the total volume of the composite sample.

51
52 Note:

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

54 Reference: Sections 40053, 43020 and 43021, Public Resources Code.

55
56 **Section 17409.5.4. Source Separated Organics Handling.**

1 (a) Source-separated organics handling shall be kept separate from other solid waste streams.
2 (b) Source-separated organic waste and organic waste removed from a mixed waste organic
3 collection service for recovery shall be:

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

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

7 (A) Transported only to another solid waste facility or operation for additional processing,
8 composting, in-vessel digestion, or other recycling as specified in section (xxxxx); or,

9 (B) Used in a manner approved by local, state, and federal agencies having appropriate
10 jurisdiction; or,

11 (C) Sent for disposal.

12
13 Note:

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

15 Reference: Sections 40053, 43020, and 43021, Public Resource Code.

16
17 **Section 17409.5.5. Loadchecking – Contamination in Source Separated Organic Waste.**

18 (a) The operator of an attended operation or facility that accepts source separated organics shall
19 perform loadchecking to measure the amount by volume of contamination in source separated
20 organic waste according to the following schedule:

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

24 (2) At least one loadcheck per month of each hauler type and collection route.

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

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

28 (2) Records of received loads with contamination that exceeds 10 percent.

29 (3) Records of notices provided to haulers and or jurisdictions pursuant to subdivision (e).

30 (4) Records of loadchecks and the training of personnel in evaluating the amount of
31 contamination in source separated organic waste. These records shall be maintained for three

32 (3) years in the operating record and be available for review by the appropriate jurisdiction of
33 origin, haulers, and other duly authorized regulatory agencies.

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

35
36 Note:

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

38 Reference: Sections 40053, 43020 and 43021, Public Resources Code.

39
40 **Section 17409.5.6. Measuring Contamination Level in Organics Recovered from Source**
41 **Separated Organic Waste.**

42 (a) The operator of an attended operation or facility that accepts source separated organic waste
43 shall measure, once per month, the amount by volume of contamination in each separated
44 organic material type recovered from the source separated organic waste stream that have been
45 separated through processing at the operation or facility:

46 (b) The operator shall maintain records of measurements and the training of personnel in
47 evaluating the amount of contamination in organics recovered from source separated organic
48 waste by volume. These records shall be maintained for three (3) years in the operating record
49 and be available for review by the appropriate jurisdiction of origin, haulers, and other duly
50 authorized regulatory agencies.

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

52 (d) The operator shall use the following protocol to measure the amount by volume of
53 contamination in the organics recovered from source separated organic waste:

54 (1) Take at least a one (1) cubic yard composite sample of source separated organic waste
55 separated by organic material type following processing at the operation or facility;

- 1 (A) The composite sample shall be representative and random by taking samples either
2 from various times during the operating day or from various locations within the pile.
3 (2) Separate the contaminants from the composite sample and determine the volume of the
4 contaminants;
5 (3) Determine the percentage of contamination in the organics recovered from source
6 separated organic waste by dividing the volume of contamination by the total volume of the
7 composite sample.

8
9 Note:

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

11 Reference: Sections 40053, 43020 and 43021, Public Resources Code.

12
13 **Section 17409.5.7 Measuring Organics in Residuals Removed from Source Separated**
14 **Organic Waste.**

- 15
16 (a) The operator of an attended operation or facility that accepts a source separated organic
17 waste shall, once per operating day, measure the amount of organics by volume in the residuals
18 removed from the source separated organic waste stream after processing to determine a
19 monthly average.
20 (b) The operator shall maintain records of measurements and the training of personnel in
21 evaluating the amount of organics in the residual material removed from source separated
22 organic waste stream. These records shall be maintained for three (3) years in the operating
23 record and be available for review by the appropriate jurisdiction of origin, haulers, and other
24 duly authorized regulatory agencies.
25 (c) The operator shall conduct a measurement in the presence of the EA when requested.
26 (d) The operator shall use the following protocol to measure the amount by volume of organics in
27 the residuals removed from source separated organic waste stream:
28 (1) Take at least a one (1) cubic yard composite sample of the residuals removed from source
29 separated organic waste stream during processing at the operation or facility:
30 (A) The composite sample shall be representative and random by taking samples either
31 from various times during the operating day or from various locations within the pile.
32 (2) Separate the organics from the composite sample and determine the volume of the
33 separated organics;
34 (3) Determine the percentage of organics in the residuals removed from the source separated
35 organic waste stream by dividing the volume of separated organics by the total volume of the
36 composite sample.
37 (4) Determine the monthly average of organics in the residuals removed from the source
38 separated organic waste.

39
40 Note:

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

42 Reference: Sections 40053, 43020 and 43021, Public Resources Code.

43
44 **Article 6.3. Record Keeping Requirements.**

45
46 **Section 17414. Record Keeping and Reporting Requirements.**

47 Each operator shall meet the following requirements:

- 48 (a) ~~each operator shall~~ For the mixed waste organic collection stream, maintain a record of the
49 following, in a form and manner approved by the EA:
50 (1) incoming weights ~~of~~ and volumes of mixed waste organics;
51 (2) ~~and~~ outgoing weights and volumes of salvaged materials;
52 (3) outgoing weights and volumes of residual ~~weights or volumes~~;
53 (4) outgoing weights and volumes of organics recovered from the mixed waste organic
54 collection stream. ~~in a form and manner approved by the EA. Such records shall be submitted~~
55 ~~to the EA and CalRecycle; be adequate for overall planning and control purposes; and, be as~~
56 ~~current and accurate as practicable;~~

1 (b) For the source separated organic waste stream, maintain a record of the following, in a form
2 and manner approved by the EA:

- 3 (1) incoming weights and volumes of source separated organic wastes;
4 (2) outgoing weights and volumes of organics sent for recycling;
5 (3) outgoing weights and volumes of contaminants removed from source separated organic
6 collection stream.

7 (c) Such records provided in subdivision (a) and (b) of this section shall be:

- 8 (1) reported monthly to the EA, jurisdiction of origin, haulers, and CalRecycle;
9 (2) be adequate for overall planning and control purposes; and,
10 (3) be as current and accurate as practicable.

11 (bc) all records required by this Article shall be kept by the operator in one location and
12 accessible for three (3) years and shall be available for inspection by the EA and other duly
13 authorized regulatory agencies during normal working hours.;

14 (cd) the operator shall submit copies of specified records to the EA upon request or at a
15 frequency approved by the EA;

16 (de) the operator shall maintain a daily log book or file of special occurrences encountered during
17 operations and methods used to resolve problems arising from these events, including details of
18 all incidents that required implementing emergency procedures. Special occurrences shall include
19 but are not limited to: fires, injury and property damage, accidents, explosions, receipt or
20 rejection of prohibited wastes, lack of sufficient number of personnel pursuant to section
21 17410.2, flooding, earthquake damage and other unusual occurrences. In addition, the operator
22 shall notify the EA by telephone within 24 hours of all incidents requiring the implementation of
23 emergency procedures, unless the EA determines that a less immediate form of notification will
24 be sufficient to protect public health and safety and the environment;

25 (e) the operator shall record any written public complaints received by the operator, 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 making
29 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 health agency
32 of the name, address and telephone number of the operator or other person(s) responsible for
33 the operations as required by section 17410.2;

34 (g) the operator shall maintain records of employee training as required by section 17410.3;

35 (h) all transfer/processing operations and facilities shall maintain records as required by section
36 18809 et seq.

37
38 Note:

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

40 Reference: Sections 40053, 43020 and 43021, Public Resources Code.

41 42 **Chapter 3.1 Composting Operations Regulatory Requirements**

43 44 **Article 5.0. Composting Operation and Facility Siting and Design Standards**

45 46 **Section Section 17867. General Operating Standards.**

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

- 49 (1) All handling activities are prohibited from composting any material specified in section
50 17855.2 of this Chapter.
51 (2) All handling activities shall be conducted in a manner that minimizes odor impacts so as to
52 not cause a nuisance.
53 (3) All handling activities shall be conducted in a manner that minimizes vectors, litter,
54 hazards, nuisances, and noise impacts; and minimizes human contact with, inhalation,
55 ingestion, and transportation of dust, particulates, and pathogenic organisms.
56 (4) ~~Random load checks of feedstocks, additives, and amendments for contaminants shall be~~

1 ~~conducted.~~ The operator of an attended compostable materials handling operation or facility
2 shall perform loadchecking to measure the amount by volume of contamination according to
3 the following schedule:

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

7 (B) At least one loadcheck per month of each hauler type and collection route.

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

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

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

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

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

19 (A) name of the operation or facility,

20 (B) name of the operator,

21 (C) facility hours of operation,

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

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

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

25 (9) The operator shall provide fire prevention, protection and control measures, including, but
26 not limited to, temperature monitoring of windrows and piles, adequate water supply for fire
27 suppression, and the isolation of potential ignition sources from combustible materials.

28 Firelanes shall be provided to allow fire control equipment access to all operation areas.

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

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

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

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

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

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

41
42 Note:

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

44 Reference: Sections 40053, 43020 and 43021, Public Resources Code.

45 46 **Article 8. Composting Operation and Facility Records**

47 48 **Section 17869. General Record Keeping Requirements.**

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

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

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

- 1 (c) The operator shall record any public complaints received by the operator, including:
2 (1) the nature of the complaint,
3 (2) the date the complaint was received,
4 (3) if available, the name, address, and telephone number of the person or persons making
5 the complaint, and
6 (4) any actions taken to respond to the complaint.
7 (d) The operator shall record the quantity and type of feedstock received and quantity of
8 compost and chipped and ground material produced. Agricultural compostable materials handling
9 operations shall maintain records only for compostable material accepted from off-site.
10 (e) The operator shall record the number of load checks performed, loads with contamination
11 that exceeds 10 percent, and loads rejected and the reasons for rejection.
12 (f) The operator shall record all test results generated by compliance with Article 7 of this
13 Chapter, including but not limited to, metal concentrations, physical contamination limits, fecal
14 coliform and Salmonella sp. densities, temperature measurements, and dates of windrow
15 turnings; chipping and grinding operations and facilities must record the determinations of the
16 percentage of physical contaminants required by 17862.1(d).
17 (1) The operator shall retain records detailing pathogen reduction methods.
18 (g) The operator shall record and retain records of any serious injury to the public occurring on-
19 site and any complaint of adverse health effects to the public attributed to operations. Serious
20 injury means any injury that requires inpatient hospitalization for a period in excess of 24 hours
21 or in which a member of the public suffers a loss of any member of the body or suffers any
22 degree of permanent disfigurement.
23 (h) The operator shall retain a record of training and instruction completed in accordance with
24 section 17867.5.
25

California Code of Regulations

Title 14. Natural Resources

Division 7. Department of Resources Recycling and Recovery

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

Article 2.0. Siting and Design

Section 17896.25. Load Checking. – Prohibited Wastes.

- 36 (a) The operator of an attended in-vessel digestion operation or facility shall implement a load
37 checking program to prevent the acceptance of waste which is prohibited by this Chapter. This
38 program must include at a minimum:
39 (1) the number of random load checks to be performed;
40 (2) a location for the storage of prohibited wastes removed during the load checking process that
41 is separately secured or isolated;
42 (3) records of load checks and the training of personnel in the recognition, proper handling, and
43 disposition of prohibited waste. A copy of the load checking program and copies of the load
44 checking records for the last year shall be maintained in the operating record and be available
45 for review by the appropriate regulatory agencies.
46

47 Note:

48 Authority cited: Sections 40502, 43020, and 43021, [Public Resources Code](#).

49 Reference: Sections 40053, 43020 and 43021, [Public Resources Code](#).

Section 17896.25.1. Loadchecking – Contamination in Source Separated Organic Waste.

53 (a) The operator of an attended in-vessel digestion operation or facility shall perform
54 loadchecking to measure the amount by volume of contamination according to the following
55 schedule:

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

4 (2) At least one loadcheck per month of each hauler type and collection route.

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

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

8 (2) Records of received loads with contamination that exceeds 10 percent.

9 (3) Records of loadchecks and the training of personnel in evaluating the amount of

10 contamination in source separated organic waste. These records shall be maintained for three

11 (3) years in the operating record and be available for review by the appropriate jurisdiction of
12 origin, haulers, and other duly authorized regulatory agencies.

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

14
15 Note:

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

17 Reference: Sections 40053, 43020 and 43021, Public Resources Code.

18
19
20 **Chapter 5. Enforcement of Solid Waste Standards and Administration of Solid Waste**
21 **Facilities Permits; Loan Guarantees**

22
23 **Article 2.2. LEA Performance Standards, Evaluation Criteria, and Duties and**
24 **Responsibilities**

25
26 **Section 18083. LEA Duties and Responsibilities for Inspections.**

27 (a) Pursuant to Public Resources Code Division 30, Parts 4 and 5, and 14 CCR Division 7,
28 Chapters 3 and 5, 27 CCR, Division 2, Subdivision 1 (§20005 et seq.), and its EPP, the LEA/EA
29 shall inspect and investigate solid waste collection, handling, and storage, solid waste facilities,
30 operations and disposal sites and equipment to verify compliance with the state minimum
31 standards, solid waste facilities permits, and related state solid waste laws and regulations within
32 their purview for the protection of the environment and the public health. The LEA shall perform
33 these inspections and related duties as required below, and forward inspection reports to the
34 operator, and/or owner, and the Department within 30 days of the inspection:

35 (1) Weekly, for sites operating on performance standards pursuant to 27 CCR Section 20695;

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

38 (3) at the frequency required by the state minimum standards for each type of operation
39 specified in 14 CCR Sections 17383.9., 17403.5., and 17896.9. All other operations regulated
40 under the EA Notification tier shall be inspected by the EA at least once every three (3)
41 months unless the EA approves, with Department concurrence, a reduced inspection
42 frequency. The EA may approve a reduced inspection frequency only if it will not pose an
43 additional risk to public health and safety or the environment, and in no case shall the
44 inspection frequency be less than once per calendar year. The EA shall submit a copy of the
45 EA-proposed approval to the Department. The Department shall concur in the EA-proposed
46 approval only if it finds that the reduced inspection frequency will not pose an additional risk
47 to public health and safety or the environment in light of the specific circumstances at the
48 operation in question. The Department shall concur or deny the EA-proposed approval within
49 thirty (30) days from receipt.

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

- 1 (A) the Department may approve an alternate inspection frequency for these sites where
2 such an action will not result in adverse impact on public health and safety and the
3 environment.
- 4 (5) if an LEA has been designated as the EA for waste tire facilities or entered into an
5 agreement with the Department through a grant program to inspect tire facilities, major
6 waste tire facilities shall be inspected annually, minor waste tire facilities shall be inspected at
7 least once every two and a half years pursuant to 14 CCR Section 18443;
- 8 (6) upon receipt of a complaint or emergency notification which cannot be resolved off-site;
- 9 (7) as necessary, pursuant to the EPP, upon receipt of a solid waste facilities permit
10 application, revision, review, RFI amendment, or closure/postclosure plan; and
11 (8) pursuant to the EPP, for solid waste handling and collection equipment.
- 12 (b) As specified in their EPP pursuant to Section 18077, the LEA/EA shall conduct any of the
13 above inspections, whenever possible, without prior notice to the owner or operator, on
14 randomly selected days, during normal business hours or the site's operating hours.
- 15 (c) The EA shall oversee a minimum of one (1) operator load check of contamination in source
16 separated organics as specified in section 17409.5(b) during each inspection required in
17 subdivision (a).
- 18
- 19 Note:
20 Authority cited: Sections 40502, 43020, 43200, and 43214, Public Resources Code.
21 Reference: Sections 43200, 43209, 43218, 44100, and 44101, Public Resources Code.

TITLE 27: Environmental Protection
DIVISION 2. Solid Waste

~~Strikethrough~~ = deletions of existing text

Underline = additions to existing text

- **Chapter 2: Definitions(Amended)**
- **Chapter 3: Criteria for All Waste Management Units, Facilities, and Disposal Sites(Amended)**
 - **Subchapter 4. Criteria for Landfills and Disposal Sites(Amended)**
 - **Article 1. ~~CIWMB~~CalRecycle—Operating Criteria(Amended)**
 - **Article 2: Alternative Daily Cover Material and Beneficial Reuse(Amended)**
 - **Article 3: ~~CIWMB~~CalRecycle—Handling, Equipment, and(Amended) Maintenance**
 - **Article 4. ~~CIWMB~~CalRecycle—Controls(Amended)**
- **Chapter 4. Documentation and Reporting for Regulatory Tiers, Permits, WDRs, and Plans (Amended)**
 - **Subchapter 3: Development of Waste Discharge Requirements (WDRs) and Solid Waste Facility Permits(Amended)**
 - **Article 2. CalRecycle—Applicant Requirements (Amended)**
 - **Article 3: ~~CIWMB~~CalRecycle—Enforcement Agency (EA) Requirements(Amended)**
 - **Article 3.2. ~~CIWMB~~CalRecycle—Other Requirements(Amended)**
 - **Subchapter 4. Development of Closure/ and Postclosure Maintenance Plans(Amended)**
- 1 **Chapter 6: Financial Assurances at Solid Waste Facilities and at Waste Management**
- 2 **Units for Solid Waste (Amended)**

Title 27. Environmental Protection

Division 2. Solid Waste

Chapter 2. Definitions

Chapter 3. Criteria for All Waste Management Units, Facilities, and Disposal Sites

Subchapter 4. Criteria for Landfills and Disposal Sites

Article 1. ~~CIWMB~~CalRecycle—Operating Criteria

§20510. ~~CIWMB~~CalRecycle—Disposal Site Records. ~~(T14: section 17258.29, 17636, 17637, 17638, 17639)~~

(a) Each site operator shall maintain records of weights or volumes accepted in a form and manner approved by the EA. Such records shall be submitted to the EA upon request, accurate to within 10 percent and adequate for overall planning purposes and forecasting the rate of sit filling.

(b) Each site operator shall maintain records of excavations which may affect the safe and proper operation of the site or cause damage to adjoining properties.

1 (c) Each site operator shall maintain a daily log book or file of the following information: fires,
2 landslides, earthquake damage, unusual and sudden settlement, injury and property damage
3 accidents, explosions, receipt or rejection of unpermitted wastes, flooding, and other unusual
4 occurrences.

5 (d) Each site operator shall maintain a record of personnel training as required in section 20610.

6 (e) Each site operator shall maintain a copy of written notification to the EA, local health agency,
7 and fire authority of names, addresses and telephone numbers of the operator or responsible
8 party of the site as required in section 20615.

9 (f) Disposal site records, including MSWLF unit records, shall be available for inspection by
10 authorized representatives of the EA, the local health agency and ~~the CIWMB~~ CalRecycle during
11 normal business hours and retained near the site in an operating record or in an alternative
12 location approved by the EA.

13 (g) Each site shall maintain records for the Disposal Reporting System as required by Title 14
14 California Code of Regulations section 18800 et seq.

15
16 Authority cited: Section 40502, Public Resources Code.

17 Reference: Sections 43020, 43021 and 43103, Public Resources Code.

18 **Article 2: Alternative Daily Cover Material and Beneficial Reuse**

19 **§20700. ~~CIWMB~~ CalRecycle—Intermediate Cover. ~~(T14:S17684)~~**

20
21 (a) Compacted earthen material of at least twelve (12) inches shall be placed on all surfaces of
22 the fill where no additional solid waste will be deposited within 180 days to control vectors, fires,
23 odors, blowing litter, and scavenging.

24 (b) Alternative materials of alternative thickness (other than at least twelve inches of earthen
25 material) for intermediate cover may be approved by the EA with concurrence by ~~the CIWMB~~
26 CalRecycle, if the owner or operator demonstrates that the alternative material and thickness
27 control vectors, fires, odors, blowing litter, and scavenging without presenting a threat to human
28 health and the environment.

29 (c) For waste classification, composition, and liquid percolation requirements of intermediate
30 cover and alternative intermediate cover, refer to the SWRCB requirements set forth in s20705
31 of this article.

32 (d) Proposed use of alternative intermediate cover shall be subject to site specific demonstration
33 to establish suitability as intermediate cover. Demonstration projects shall be approved by the
34 EA with concurrence by ~~the CIWMB~~ CalRecycle.

35
36 Note:

37 Authority cited: Sections 40502 and 41781.3, Public Resources Code.

38 Reference: Sections 40508, 43020, 43021 and 43103, Public Resources Code; and Code of
39 Federal Regulations Section 258.21.

40 **§20700.5. CalRecycle—Long-Term Intermediate Cover.**

41
42 (a) Compacted earthen material at least 36 inches shall be placed on all surfaces of the fill
43 where no additional solid waste will be deposited within 30 months to control methane
44 emissions.

45 (b) For waste classification, composition, and liquid percolation requirements of intermediate
46 cover, refer to the SWRCB requirements set forth in section 20705 of this article.

47
48 Note:

49 Authority cited: Section 40502, 41781.3, Public Resources Code.

50 Reference: Sections 40508, 43020, and 43103, Public Resources Code; and Code of Federal
51 Regulations Section 258.21.

52 **Article 3: ~~CIWMB~~ CalRecycle—Handling, Equipment, and Maintenance**

53 **§20750.1. CalRecycle—Organics Handling.**

- 1 (a) For new or expanded solid waste disposal sites:
2 (1) The operator shall implement organics recycling activities, as approved by the EA,
3 Organics recycling activities shall be confined to specified, clearly identifiable areas of the site
4 and shall be arranged to minimize health and safety hazard, vector harborage, or other
5 hazard or nuisance, and be limited to a volume and storage time as approved by the EA.
6 (A) Receipt of solid wastes that have already been sufficiently processed to remove
7 organics may be sent directly to the working face for disposal.
8 (b) for the purposes of this section "organics recycling activities" means activities or facilities
9 that constitute a reduction of landfill disposal of organic waste as defined in article 2 of Chapter
10 12 of Division 7 of title 14 of the California Code of Regulations.
11 (c) For the purposes of this section "sufficiently processed" means solid waste that was handled
12 at a facility that meets or exceeds the standards of sections 17410.5 and 17410.5.1 of title 14 of
13 the California Code of Regulations.

14 Note:

15 Authority cited: Section 40502, Public Resources Code.

16 Reference: Sections 43020, 43021 and 43103, Public Resources Code.

17
18
19 **Article 4. ~~GIWMB~~ CalRecycle—Controls**

20
21 **§20901. CalRecycle – Loadchecking—Contamination in Source Separated Organic**
22 **Waste.**

- 23 (a) The operator shall implement a loadchecking program to measure the amount of
24 contamination in source separated organic waste by volume according to the following schedule:
25 (1) One (1) loadcheck shall be conducted for every 500 tons of source separated organic
26 waste received per operating day. If the operator receives less than 500 tons for the
27 operating day, a minimum of one (1) loadcheck shall be conducted for that operating day;
28 (2) At least one loadcheck per month of each hauler type and collection route;
29 (b) The operator shall maintain the following loadhckecin records under this section:
30 (1) Records of the number of rejected or redirected loads and reasons for rejection or
31 redirection;
32 (2) Records of received loads with contamination that exceeds 10 percent.
33 (3) Records of notices provided to operators and or jurisdictions pursuant to section
34 xxxx30.15 of this Division.
35 (4) Records of loadchecks and the training of personnel in evaluating the amount of
36 contamination in source separated organic waste. These records shall be maintained for three
37 (3) years in the operating record and be available for review by the appropriate jurisdiction of
38 origin, haulers, and other duly authorized regulatory agencies.
39 (c) The operator shall conduct a loadcheck in the presence of the EA when requested.
40 (d) The operator shall use the following protocol to measure the amount by volume of
41 contamination in source separated organic waste:
42 (1) Take at least a one (1) cubic yard composite sample of the incoming source separated
43 organic waste load;
44 (A) The composite sample shall be representative and random by taking samples from
45 various times during the operating day or from various locations within the pile.
46 (2) Separate the contaminants from the composite sample and determine the volume of the
47 contaminants;
48 (3) Determine the percentage of contaminants in source separated organic waste by dividing
49 the volume of contaminants by the total volume of the composite sample.
50 (e) The operator shall provide a written notice to the collection service operator that the load
51 exceeds 10 percent of contamination by volume.

52
53 Note:

54 Authority cited: Section 40502, Public Resources Code.

55 Reference: Sections 43020, 43021 and 43103, Public Resources Code.

56

1
2 **Chapter 4. Documentation and Reporting for Regulatory Tiers, Permits, WDRs, and**
3 **Plans**

4
5 **Subchapter 3: Development of Waste Discharge Requirements (WDRs) and Solid Waste**
6 **Facility Permits**

7
8 **Article 2. CalRecycle—Applicant Requirements**
9

10 **§21570. CalRecycle—Filing Requirements.**

11 (a) Any operator of a disposal site who is required to have a full solid waste facilities permit and
12 waste discharge requirements pursuant to Public Resources Code, Division 31 and §20080(f)
13 shall submit an application package for a solid waste facilities permit in duplicate to the EA
14 pursuant to ¶(f). The applicant shall also simultaneously submit one copy of the application form
15 and the Joint Technical Document (JTD) to the Regional Water Quality Control Board (RWQCB)
16 and one copy of the application form to the director of the local agency that oversees local land
17 use planning for the jurisdiction in which the site is located. The applicant shall ensure
18 demonstration of financial assurances to CalRecycle pursuant to Chapter 6 of this Subdivision.

19 (b) All other applicants who are required to have a full solid waste facilities permit shall submit
20 an application package for a solid waste facilities permit in duplicate to the EA pursuant to ¶(f)
21 and one copy of the application form to the director of the local agency that oversees local land
22 use planning for the jurisdiction in which the site is located. The applicant shall also
23 simultaneously submit one copy of the application form to the RWQCB.

24 (c) Any application package submitted to the EA shall be accompanied by the fee specified by the
25 EA pursuant to Public Resources Code §44006(c).

26 (d) The application package shall require that information be supplied in adequate detail to
27 permit thorough evaluation of the environmental effects of the facility and to permit estimation
28 of the likelihood that the facility will be able to conform to the standards over the useful
29 economic life of the facility. The application package shall require, among other things, that the
30 applicant and the owner give the address at which process may be served upon them.

31 (e) All information in the application package shall be certified by the applicant and the owner of
32 the site as being true and accurate to the best knowledge and belief of each. The applicant,
33 owner of the facility, or both, shall supply additional information as deemed necessary by the EA.

34 (f) A complete and correct application package shall include, but not necessarily be limited to,
35 the following items:

36 (1) Application For Solid Waste Facilities Permit/Waste Discharge Requirements Form (CIWMB
37 E-1-77, Version 8-04, Appendix 1); and

38 (2) Complete and correct Report of Facility Information. In the case of disposal sites, this will
39 be a Report of Disposal Site Information (RDSI) in the format of a JTD or a Disposal Site
40 Facility Plan or Disposal Facility Report in the format of a JTD; and

41 (3) California Environmental Quality Act (CEQA) compliance information as follows:

42 (A) Evidence that there has been compliance with the CEQA, Division 13 (commencing with
43 §21000) of the Public Resources Code, regarding the facility; or

44 (B) Information on the status of the application's compliance with the CEQA regarding the
45 facility, including the proposed project description. Once there has been compliance with
46 the CEQA regarding the facility, evidence of compliance shall be submitted to the EA; and

47 (4) Any CEQA Mitigation Monitoring Implementation Schedule; and

48 (5) Conformance finding information, including one of the following:

49 (A) Until a countywide or regional agency integrated waste management plan has been
50 approved by CalRecycle, the application shall include statements that: the facility is
51 identified and described in or conforms with the County Solid Waste Management Plan, or
52 otherwise complies with Public Resources Code §50000; and that the facility is consistent
53 with the city or county General Plan and compatible with surrounding land use, in
54 accordance with Public Resources Code §50000.5; or

55 (B) After a countywide or regional agency integrated waste management plan has been
56 approved by CalRecycle, the application shall include a statement that: the facility is

- 1 identified in either the countywide siting element, the nondisposal facility element, or in
2 the Source Reduction and Recycling Element for the jurisdiction in which it is located; or,
3 that the facility is not required to be identified in any of these elements pursuant to Public
4 Resources Code §50001; and
- 5 (6) For disposal sites, completeness determination of Preliminary or Final Closure/Postclosure
6 Maintenance Plan as specified in §§21780, 21865, and 21890 (Subchapter 4 of this Chapter);
7 and
- 8 *[Note: The operator has the option of submitting the preliminary closure plan with the JTD, in
9 which case the EA, RWQCB, and CalRecycle would review it at the same time. If deemed
10 complete by the reviewing agencies, the solid waste facilities permit application package could
11 then be accepted for filing if all other information in the JTD is accepted by the EA. Or the
12 operator can submit a stand alone preliminary closure plan to be deemed complete by
13 reviewing agencies before the application package is submitted to the EA. For CalRecycle
14 purposes, all final closure/postclosure plans are stand alone documents but can be processed
15 jointly with a proposed solid waste facilities permit revision as long as the final plan is
16 determined complete prior to approval of the proposed solid waste facilities permit. The JTD
17 Index prepared for the EA should show where each closure requirement is addressed in the
18 closure/post-closure plan.]*
- 19 (7) For disposal sites, a copy of the most recently submitted detailed written estimate or
20 latest approved estimate, whichever identifies the greatest cost, to cover the cost of known or
21 reasonably foreseeable corrective action activities, pursuant to §22101;
- 22 (8) For disposal sites, current documentation of acceptable funding levels for required closure,
23 postclosure maintenance, and corrective action Financial Assurance Mechanisms (in
24 accordance with Chapter 6, Division 2); and
- 25 (9) For disposal sites, current documentation of compliance with operating liability
26 requirements in accordance with Chapter 6;
- 27 (10) For disposal sites permitted for more than 20 tons-per-day, a ground or aerial survey to
28 be completed at least once every five years or more frequently as determined by the EA. For
29 disposal sites permitted for 20 tons-per-day or less, a ground or aerial survey must be
30 completed at least once every ten years. Survey results must be submitted as a CADD or
31 vector graphics data file including at least two strata, i.e., 1) a stratum showing the base and
32 finished ground surfaces, and 2) a stratum showing the existing and finished ground surfaces.
33 For disposal sites where a change in permitted volume is proposed, a third stratum showing
34 the base and proposed finished ground surface must be included. For each stratum the
35 following information shall be included: site name, stratum name, surface1 name, surface2
36 name, volume calculation method (grid, composite, section), expansion (cut) factor,
37 compaction (fill) factor, cut volume, fill volume and net volume. All volumes shall be reported
38 in cubic yards. If the base ground surface is uncertain, the operator is allowed to provide the
39 best available information as a substitute for the actual as-built contours. If selecting this
40 substitute method, the operator must provide an explanation of the basis for using the
41 substitute base ground surface. For the purposes of this section the following definitions
42 apply:
- 43 (A) "base ground surface" - the best available excavation plan surface that existed prior to
44 the placement of any waste;
- 45 (B) "CADD" - computer aided design and drafting;
- 46 (C) "compaction (fill) factor" - the factor used to correct for expected compaction of fill
47 material; this factor should normally be unity (one); if the factor is not unity (one), an
48 explanation must be provided for the basis of the volumetric correction;
- 49 (D) "cut volume" - for any stratum, the volume removed by a cut of a lower surface to
50 achieve the upper surface;
- 51 (E) "existing ground surface" - the topography that exists at the time of the subject
52 survey;
- 53 (F) "expansion (cut) factor" - the factor used to correct for expected expansion of a cut
54 surface; this factor should normally be unity (one); if the factor is not unity (one), an
55 explanation must be provided for the basis of the volumetric correction;

- 1 (G) "fill volume" - for any stratum, the volume bound between the upper and lower
2 surfaces;
- 3 (H) "finished ground surface" - the final fill plan surface as shown in the approved closure
4 plan for the disposal site;
- 5 (I) "net volume" - the fill volume less the cut volume;
- 6 (J) "site name" - the name of the disposal site for which the survey information is being
7 submitted;
- 8 (K) "stratum (plural: strata)" - a particular volume of a solid waste landfill bound by
9 specified upper and lower surfaces;
- 10 (L) "stratum name" - a descriptive name for the stratum for which volumetric information
11 is being submitted, e.g., total volume including proposed expansion;
- 12 (M) "surface names" - names for the pair of surfaces that define a named stratum, e.g.,
13 base ground surface and proposed finished ground surface;
- 14 (N) "survey" - a comprehensive examination of the disposal site under the direction of
15 registered civil engineer or licensed land surveyor for purposes of determining the
16 topography of the base, existing and finished ground surfaces, and the volumes bound by
17 those surfaces;
- 18 (O) "vector graphics" - computer generated images comprised of lines and shapes of given
19 origin, direction, thickness, color and other attributes;
- 20 (P) "volume calculation method" - grid, composite, section or other method approved by
21 the enforcement agency.
- 22 (11) For disposal sites, one of the following:
- 23 (A)
- 24 (i) In-place density (pounds of waste per cubic yard of waste). The in-place density is
25 the estimated or measured density of in-place waste material achieved by mechanical
26 or other means in the development of the current lift of the current operating waste
27 cell, and
- 28 (ii) Waste-to-cover ratio, estimated, (volume:volume). The waste-to-cover ratio
29 estimate is a unit-less expression of the proportion of the volumes of waste and cover
30 that comprise a volume of compacted fill material, e.g. 4:1. The cover portion of the
31 waste-to-cover ratio estimate should include only soil or approved daily or intermediate
32 alternative cover that is not considered a waste material, i.e., payment of fees to
33 CalRecycle is not required. The waste portion of the waste-to-cover ratio estimate
34 should include only waste material for which payment of fees to CalRecycle is reported,
35 or
- 36 (B) Airspace utilization factor (tons of waste per cubic yard of landfill airspace). The
37 airspace utilization factor (AUF) is the effective density of waste material in the landfill. The
38 AUF is recorded as the total weight of waste material passing over the landfill scales that is
39 placed in a known volume of landfill airspace in a given period of time. The waste portion
40 of the AUF should include only waste material for which payment of fees to CalRecycle is
41 reported.
- 42 (12) List of all public hearings and other meetings open to the public that have been held or
43 copies of notices distributed that are applicable to the proposed solid waste facilities permit
44 action.
- 45 (13) For new or expanded solid waste facilities, provide evidence that the operator held a
46 public meeting with any affected disadvantaged communities within 180 days from submittal
47 of the permit application package.
- 48 (A) Provide copies (hard copy or electronic) of notices distributed to the affected groups or
49 disadvantaged communities.
- 50 (B) Provide a summary of the comments received at the public meeting and, where
51 applicable, responses to public comments and any other steps taken by the applicant
52 relative to those comments.
- 53 (C) For the purposes of this section affected disadvantaged communities means
54 communities identified by the California Environmental Protection Agency pursuant to
55 section 39711 of the Health and Safety Code that are within 1 mile of the facility.
- 56

1 Note:

2 Authority cited: Sections 40002, 40502 and 43020, Public Resources Code.

3 Reference: Sections 43103, 44001-44017, 44100-44101, 44300-44301, 44500-44503, and
4 44813-44816, Public Resources Code.

5
6 **§21590. CIWMB—Joint Technical Document for Disposal Facilities.**

7 Any operator of a disposal site which is required to submit a RDSI, closure/postclosure
8 maintenance plan, and/or a ROWD or any other report that addresses similar regulatory
9 concerns, may address those requirements under one JTD. The JTD will be used in place of the
10 RDSI only if it meets all the requirements set forth in §21600 and lists where each requirement
11 has been satisfied in the document in the form of a JTD index, pursuant to (c).

12 (a) any operator of an existing facility who submits an application package to the EA, pursuant to
13 §21570, which proposes to change the facility's operations, or to change the SWFP shall do one
14 of the following:

15 (1) Submit the updated information as an amendment to the existing JTD along with, a JTD
16 index as described in (c), referencing the new or updated information; or

17 (2) Submit a complete JTD as described in §21600 along with a JTD index as described in
18 subsection c.

19 (b) any operator of a new facility that submits an application package to the EA pursuant to
20 §21570, shall submit a complete JTD pursuant to §21600, and an index of the topics addressed
21 in the JTD to be used by the EA as described in (c).

22 (c) the operator shall include with the JTD a copy of an index specifically for use by the EA. The
23 page number or the first line number within the JTD which addresses the topic shall be Noted
24 next to that topic in the index. The EA shall make available to the operator either in hard copy
25 and/or ~~on magnetic media~~ an electronic copy a JTD index listing, (Index found in Appendix 2)
26 showing each topic which the JTD must address to provide the EA with relevant facility
27 information for writing or revising the facility permit.

28
29 **Article 3: ~~CIWMB~~CalRecycle—Enforcement Agency (EA) Requirements**

30
31 **§21650. ~~CIWMB~~CalRecycle--EA Processing Requirements.**

32 (a) Upon its receipt, the EA shall stamp the application package with the date of receipt. The EA
33 shall examine the application package to determine whether it meets the requirements of
34 §21570. If the EA finds the package meets the requirements of §21570, the application package
35 shall be accepted and stamped with the date of acceptance. Notwithstanding any other provision
36 of this division, the application package shall be deemed filed on the date of acceptance.

37 (b) The EA shall either accept or reject the application package within thirty days of its receipt.

38 (c) Within five days of filing, the EA shall notify the ~~CIWMB~~CalRecycle, and the RWQCB if
39 applicable, of its determination. The EA shall submit as its notification to the ~~CIWMB~~CalRecycle a
40 copy of the accepted application form. The EA shall also forward a copy of the application form to
41 the RWQCB if applicable.

42 (d) If the EA determines that the application package does not meet the requirements of
43 §21570, it shall reject and not file the application, and it shall, within five days of determination,
44 so notify the applicant, the ~~CIWMB~~CalRecycle, and the RWQCB if applicable, enumerating the
45 grounds for rejection. The EA shall include in its notification to the ~~CIWMB~~CalRecycle a copy of
46 the rejected application form. The application package, together with the notice of rejection,
47 shall be kept in the EA's file.

48 (e) After acceptance of an application for a new or revised full solid waste facilities permit as
49 complete and correct and within 60 days of receipt of the application by the EA, the EA shall
50 notice and conduct an informational meeting as required by §§21660.2 and 21660.3. For
51 modified solid waste facilities permits, the EA shall provide notice as required by §21660.3 after
52 finding the permit application complete and correct and within 60 days of receipt of the
53 application by the EA.

54 (f) Upon request of the applicant, the EA may accept an incomplete application package. As a
55 condition of acceptance, the operator and the EA shall waive the statutory time limit contained in
56 Public Resources Code §44009. [Note: Section 21580 is the section for processing the applicant's

1 waiver of timeframes and timing for noticing and holding an informational meeting after the EA
2 deems a previously submitted incomplete package to be complete.] The EA shall notify the
3 applicant within 30 days if the applicant's request for review under this subsection has been
4 accepted. If the application package does not conform with the requirements of §21570 within
5 180 days from the date of the EA agreeing to accept the package as incomplete the EA shall
6 reject the application package, pursuant to ¶(d). If the EA finds the application package meets
7 the requirements of §21570, the application package shall be accepted pursuant to ¶(c).
8 (g) No later than 60 days after the application package has been accepted as complete and
9 correct and after conducting an informational meeting if required by §§21660.2 and 21660.3, the
10 EA shall mail to the [CHWMB-CalRecycle](#) the following:

11 (1) A copy of the proposed solid waste facilities permit;

12 (2) The accepted application package;

13 (3) A certification from the EA that the solid waste facilities permit application package is
14 complete and correct, including a statement that the RFI meets the requirements of §21600,
15 14 CCR §§17863, 17863.4, 17346.5, 18221.6, 18223.5, or 18227.

16 (4) Documentation, if applicable, of the applicant's compliance with any RWQCB enforcement
17 order or the status of the applicant's WDRs, as described in Public Resources Code §44009;

18 (5) Any written public comments received on a pending application and a summary of
19 comments received at the informational meeting and, where applicable, [responses to public](#)
20 [comments and](#) any [other](#) steps taken by the EA relative to those comments. Subsequent to
21 the transmittal of the proposed solid waste facilities permit, the EA shall, within five (5) days
22 of receipt, provide a copy of any additional written public comments [and response to](#)
23 [comments](#) to the [CHWMB-CalRecycle](#).

24 (6) A solid waste facilities permit review report which has been prepared pursuant to §21675,
25 within the last five years.

26 (7) EA finding that the proposed solid waste facilities permit is consistent with and is
27 supported by existing CEQA analysis, or information regarding the progress toward CEQA
28 compliance.

29 (h) At the time the EA submits the proposed solid waste facilities permit to the
30 [CHWMB-CalRecycle](#), the EA shall submit a copy of the proposed solid waste facilities permit to the
31 applicant, the RWQCB if applicable, and any person so requesting in writing. The copy of the
32 proposed solid waste facilities permit provided to the applicant shall also be accompanied by a
33 form for request for hearing, which the applicant may use to obtain a hearing before a hearing
34 panel or hearing officer to challenge any condition in the solid waste facilities permit. In cases
35 where a hearing panel or hearing officer may be requested, the EA shall notify the [CHWMB](#)
36 [CalRecycle](#) within seven days of being noticed by the operator.

37 (i) The proposed solid waste facilities permit shall contain the EA's conditions. The proposed solid
38 waste facilities permit shall not contain conditions pertaining solely to air or water quality, nor
39 shall the conditions conflict with conditions from WDRs issued by the RWQCB.

40 *[Note: The process to obtain a full solid waste facilities permit might not include the RWQCB if*
41 *the facility is other than a landfill or disposal site. Therefore, EA submittals of forms and*
42 *documents to the RWQCB will be made if applicable to the type of facility.*

43 *When writing conditions pursuant to 21650(i) the EA shall take into consideration PRC §44012,*
44 *which requires the EA to ensure that primary consideration is given to protecting public health*
45 *and safety and preventing environmental damage, and the long-term protection of the*
46 *environment. The EA may also take into consideration other permits, entitlements and approvals*
47 *when writing terms and conditions (e.g., conditional use permit, zoning, Air Pollution Control*
48 *District/Air Quality Management District permits to construct and operate, Department of Toxic*
49 *Substances Control hazardous waste facility permit, Department of Fish and Game permits,*
50 *Coastal Commission approvals, Army Corps of Engineers permit, Federal Aviation Administration*
51 *notification, and other required local and county ordinances/permits)]*

52
53 Note:

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

55 Reference: Sections 43020, 43021, and 43000-45802, Public Resources Code.

56

1 **§21660.2. Informational Meeting for New and Revised Full Solid Waste Facilities**
2 **Permit Applications.**

3 (a) EA shall conduct an informational meeting for all new and revised full solid waste facilities
4 permit applications as determined by §21665. The EA shall hold an informational meeting on an
5 application for a new full solid waste facilities permit or an application for a full solid waste
6 facilities permit revision required under this Article. The EA may require the operator(s) of the
7 facility or facilities that are the subject of the informational meeting to pay all costs incurred by
8 the EA in connection with the meeting. The informational meeting may be combined with another
9 public meeting in which the EA participates that meets the criteria as specified in §§21660.2(b)
10 and 21660.2(c).

11 (b) The informational meeting shall be held after acceptance of the application package as
12 complete and correct by the EA and within 60 days of receipt of the application by the EA. The
13 EA shall submit to the ~~Board-CalRecycle~~ a copy of the informational meeting notice at time of
14 issuance. The ~~Board-CalRecycle~~ shall post the notice on its web site as a way to further inform
15 the public.

16 (c) The informational meeting shall meet the following criteria:

17 (1) The meeting shall be held in a suitable location not more than one (1) mile from the
18 facility that is the subject of the meeting and from any disadvantaged communities affected;
19 if no suitable and available location exists within one (1) mile of the facility and from any
20 disadvantaged communities affected, as determined by the EA, the EA may designate an
21 alternative suitable location that is as close to the ~~facility-disadvantaged communities~~ as
22 reasonably practical.

23 (A) The EA shall identify communities using the identification tools developed by the
24 California Environmental Protection Agency pursuant to section 39711 of the Health and
25 Safety Code.

26 (2) The meeting shall be held on a day and at a time that the EA determines will enable
27 attendance by residents, including those of affected disadvantaged communities, living in the
28 vicinity of the facility that is the subject of the meeting.

29 (3) EAs ~~may shall~~ undertake additional measures to increase public notice and to encourage
30 attendance by any persons who may be interested in the facility that is the subject of the
31 meeting, including which may include, but not be limited to, additional posting at the facility
32 entrance, noticing beyond ~~300 feet one (1) mile~~ if the nearest residence or business is not
33 within ~~300 feet one (1) mile~~ of the site, posting in a local newspaper of general circulation,
34 and multilingual notice and translation and, multiple meeting dates, times and locations.

35 (d) The EA may substitute a previous public meeting or hearing for the requirements in this
36 Section pursuant to §21660.4 if the applicant does not object.

37 Note:

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

39 Reference: Sections 43103, 43213, 44004, and 44012, Public Resources Code.

40
41
42 **§21675. ~~CIWMB~~CalRecycle—Review of Solid Waste Facilities Permits. ~~(T14:§18213)~~**

43 (a) Except as provided in §21680, all full solid waste facilities permits shall be reviewed and if
44 necessary modified or revised, from the date of last issuance at least once every five years. The
45 EA shall give the operator notice of the five year review no less than 180 days before it is due.

46 (b) The EA shall review the operator's submittal in accordance with §21640 and prepare a solid
47 waste facilities permit review report.

48 (1) The solid waste facilities permit review report shall include documentation that the
49 following have been reviewed: the operator's submittal pursuant to §21640(b), the current
50 solid waste facilities permit and conditioning documents, all RFI amendments since the last
51 solid waste facilities permit review, the CEQA, and any other information in the record to
52 identify any changes.

53 (2) The solid waste facilities permit review report shall determine any actions required by the
54 operator.

55 (c) A copy of the solid waste facilities permit review report shall be submitted to ~~the CIWMB~~
56 CalRecycle within 150 days from receipt of the application for solid waste facilities permit review.

Note:

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

Reference: Section 43103 and 44015, Public Resources Code.

Article 3.2. ~~GHWMB~~CalRecycle—Other Requirements

§21695. CalRecycle—Organic Disposal Reduction Status Impact Report

(a) Any operator of a solid waste disposal site shall submit a Status Impact Report (SIR) to CalRecycle that provides an analysis of the potential impacts to the disposal site resulting from the implementation of the organic disposal reduction requirements of Public Resources Code, §42652.5.

(b) The SIR shall be prepared by a California registered civil engineer or certified engineering geologist.

(c) The SIR shall describe the potential and expected impacts to the disposal site including the timing of the impacts. The analysis shall include, but not be limited to, changes to the following:

(1) Site development;

(2) Waste types/volumes;

(3) Daily and intermediate cover and beneficial use;

(4) Volumetric capacity based on the disposal site experiencing a reduction of organics disposal of 50% by 2020 and 75% by 2025;

(5) Waste handling methods;

(6) Gas control and monitoring systems;

(7) Gas generation;

(8) Operation and closure design (individual cells and overall site geometry);

(9) Grading plan;

(10) Site life estimate;

(11) Ancillary facilities;

(12) Cost estimates for closure and postclosure; and,

(13) Financial assurance for closure, postclosure, and non-water corrective action requirements.

(d) The SIR shall be submitted to CalRecycle **no later than 120 days from the effective date of this regulation.**

(e) CalRecycle shall make a determination as to the completeness of an SIR within 30 days of receipt. If an SIR is determined to be incomplete, CalRecycle shall provide to the operator, in writing, the reasons for its determination.

(f) For an SIR determined to be incomplete, the operator shall resubmit a revised SIR addressing any enumerated deficiencies within 30 days following an incompleteness determination.

(g) Within 60 days CalRecycle shall determine if an updated Joint Technical Document is necessary and direct the operator to submit to the EA an updated Joint Technical Document including updated closure and postclosure maintenance plans that includes the information from the SIR.

(h) Within 60 days of being directed by CalRecycle, the operator shall submit to the EA an updated Joint Technical Document including updated closure and postclosure maintenance plans that includes the information from the SIR.

Subchapter 4. Development of Closure ~~and~~ Postclosure Maintenance Plans

§21780. ~~GHWMB~~CalRecycle—Submittal of Closure and Postclosure Maintenance Plans.

(a) Each submittal shall be certified by a registered civil engineer or a certified engineering geologist. Each submittal shall include:

(1) The preliminary or final closure and postclosure maintenance plans containing all of the elements specified under §§21790 through §21840, as applicable.

(2) Updated or initial cost estimates for closure and postclosure activities to reflect the components and requirements under §§21815, 21820, and 21840. Cost estimates shall be

1 based on the current costs on a unit basis (unit costs) for closure and postclosure
2 maintenance. Cost estimate adjustments based only on inflation factors are not acceptable.

3 (3) An updated demonstration of financial responsibility in accordance with Subchapter 2 of
4 Chapter 6 (§22205 et seq). This demonstration shall reflect the updated cost estimates for
5 closure and postclosure activities required under ¶(a)(2).

6 (b) The operator shall submit ~~two copies of each~~ the document(s) to the EA, the RWQCB, ~~the~~
7 ~~CHWMB~~ CalRecycle and the local air district. All drawings shall be submitted at an appropriate
8 scale that clearly shows all pertinent features. The closure and postclosure maintenance plans
9 shall be clearly marked "preliminary" or "final", depending on the status. For partial final closure,
10 those sections submitted pursuant to §21800, shall be clearly marked "partial final."

11 (c) Plans for complete site closure of a solid waste landfill shall be submitted in accordance with
12 the following schedule:

13 (1) Preliminary closure and postclosure maintenance plans for existing solid waste landfills
14 shall be submitted at the time of application for each SWFP review or revision. The plans shall
15 be submitted as part of the JTD or as a separate document in the form of a distinct
16 component of a JTD;

17 (2) Preliminary closure and postclosure maintenance plans for new landfills not operating prior
18 to the effective date of the regulations shall be submitted as part of the JTD or as a separate
19 document in the form of a distinct component of a JTD at or before the time of application for
20 a SWFP. For the purposes of this Subchapter, lateral expansions of landfills are considered
21 new municipal solid waste landfills.

22 (3) Final closure and postclosure maintenance plans for solid waste landfills shall be submitted
23 two years prior to the anticipated date of closure. Within five years of the anticipated date of
24 closure, the operator may submit the final closure and postclosure maintenance plans in lieu
25 of submitting new or updated preliminary closure and postclosure maintenance plans.

26 (d) Partial final closure of a solid waste landfill shall be allowed in accordance with the following:

27 (1) For the complete closure of discrete units, partial final closure and postclosure
28 maintenance plans shall be submitted for each unit ~~two~~ (2) years prior to the anticipated date
29 of closure of that discrete unit in accordance with §§21800 and 21830. Closure of such a
30 discrete unit shall not commence until approval of the partial final closure and postclosure
31 maintenance plans for that discrete unit. The specific closure details for each discrete unit
32 shall be compatible with closure of the entire landfill; and

33 (2) For the implementation of anyone or a combination of individual final closure activities,
34 partial final closure and postclosure maintenance plans for the activities shall be approved
35 before implementation of such closure activities.

36 (e) If immediate closure of a disposal site is necessary to protect public health and safety and
37 the environment, closure plans shall be submitted in accordance with a schedule specified by the
38 EA and concurred with by the RWQCB and ~~CHWMB~~ CalRecycle. If the RWQCB or ~~CHWMB~~
39 CalRecycle does not object to the schedule within 30 days of written notification by the EA, the
40 schedule is deemed concurred with by that agency. An emergency corrective action plan may be
41 required by the EA, to be submitted for approval by the EA. The emergency corrective action
42 plan may be implemented prior to the submittal of the closure plan.

43 (f) If, at its own motion, an operator ceases accepting waste at a landfill prior to the anticipated
44 closure date specified in the currently effective-Solid Waste Facility Permit, and the operator does
45 not intend to receive additional waste at the landfill, the operator shall submit final closure and
46 postclosure maintenance plans in accordance with a schedule specified by the EA-and concurred
47 with by the RWQCB, and ~~CHWMB~~ CalRecycle. If the RWQCB or ~~CHWMB~~ CalRecycle does not object
48 to the schedule within 30 days of written notification by the EA, the schedule is deemed
49 concurred with by that agency. In no case shall the schedule be longer than six (6) months from
50 the date the operator ceased accepting waste at the landfill.

51 (g) The owner or operator of a MSWLF unit shall notify the EA that closure and postclosure
52 maintenance plans have been prepared and placed in the operating record in accordance with 40
53 CFR 258.60(d) and 258.61(d).

54
55 Note: Authority cited: Section 40502, Public Resources Code. Reference: Sections 43020, 43021,
56 43022 and 43103, Public Resources Code.