



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

### Proposed Regulation Text

The following denotes proposed text:

~~Strikethrough~~ = deletions of existing text

Underline = additions to existing text

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

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

## Table of Contents

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

#### Chapter 12 Short-lived Climate Pollutants (New)

##### General Provisions

##### Article 1. Definitions

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

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

##### Article 4. Education and Outreach

##### Article 5. Generators of Organic Waste

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

##### Article 7. Regulation of Haulers

##### Article 8. Cal-Green Building Standards

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

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

##### Article 11. Capacity Planning

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

##### Article 13. Reporting

##### Article 14. Enforcement

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

##### Article 16. Penalties

#### Amendments to Existing Title 14 Regulations

- Chapter 3 Minimum Standards for Solid Waste Handling and Disposal
- Chapter 3.1. Composting Operations Regulatory Requirements. (Amended)
- Chapter 3.2. In-Vessel Digestion Operations and Facilities Regulatory Requirements
- Chapter 5 Enforcement of Solid Waste Standards and Administration of Solid Waste Facility Permits; Loan Guarantees
- Chapter 9 Planning Guidelines and Procedures for Preparing, Revising, and Amending Countywide or Regional Integrated Waste Management Plans<sup>1</sup>

### TITLE 27: NATURAL RESOURCES DIVISION 2 Solid Waste

#### Amendments to Existing Title 27 Regulations

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

---

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

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

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

**General Provisions**

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

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

(b) This chapter includes:

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

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

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

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

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

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

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

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

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

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

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

**Article 1. Definitions**

**Section 18982. Definitions**

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

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

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

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

- 1 (51) "Paper products" include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging,  
2 file folders, and hanging files, building insulation and panels, corrugated boxes, tissue, and toweling.  
3 (52) "Paper purchase" means all purchases by a jurisdiction of items in the following categories:  
4 (A) Paper products.  
5 (B) Printing and writing papers.  
6 (52.5) "Permanent" means, in the context of the determination of processes or technologies that constitute a  
7 reduction in landfill disposal, that greenhouse gas emissions reductions are not reversible, or when these  
8 emissions reductions may be reversible, that mechanisms are in place to replace any reversed greenhouse  
9 gas emissions reductions to ensure that all reductions endure for at least 100 years."  
10 (53) "Person" has the same meaning as in Section 40170 of the Public Resources Code.  
11 (54) "Printing and writing papers" include, but are not limited to, copy, xerographic, watermark, cotton fiber,  
12 offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads,  
13 writing tablets, newsprint, and other uncoated writing papers, posters, index cards, calendars, brochures,  
14 reports, magazines, and publications.  
15 (55) "Prohibited container contaminants" means any of the following, but does not include organic waste  
16 specifically allowed for collection in a container that is required to be transported to a high diversion organic  
17 waste processing facility if the waste is specifically identified as acceptable for collection in that container in  
18 a manner that complies with the requirements of Section 18984.1, 18984.2, or 18984.3  
19 (A) Non-organic waste placed in a green collection container that is part of an organic waste collection  
20 service provided pursuant to Section 18984.1 or 18984.2.  
21 (B) Organic wastes that are, carpet, hazardous wood waste, non-compostable paper placed in the green  
22 container that is part of an organic waste collection service provided pursuant to Section 18984.1 or  
23 18984.2.  
24 (C) Organic wastes, placed in a gray container, that pursuant to Section 18984.1 or 18984.2 were  
25 intended to be collected separately in the green container or blue container.  
26 (D) Organic wastes, placed in the blue container shall be considered prohibited container contaminants  
27 when those wastes were specifically identified in this chapter or through a local ordinance for collection  
28 in the green container for recovery. Paper products, printing and writing paper, wood and dry lumber  
29 may be considered acceptable and not considered prohibited container contaminants if they are placed  
30 in the blue container.  
31 (56) "Processing" has the same meaning as in Section 17402 (a)(20).  
32 (57) "Property owner" means the owner of real property  
33 (58) "Publicly Owned Treatment Works" or "POTW" has the same meaning as in Section 403.3(r) of Title  
34 40 of the Code of Federal Regulations.  
35 (59) "Recovered organic waste product procurement target" means the amount of recycled organic waste  
36 products which a jurisdiction is required to procure annually.  
37 (60) "Recovered organic waste products" means products made from California, landfill-diverted recycled  
38 organic waste processed in a permitted or otherwise authorized facility.  
39 (61) "Recycled content paper" means paper products and printing and writing paper that consists of at least  
40 30 percent, by fiber weight, postconsumer fiber.  
41 (62) "Renewable transportation fuel" means fuel derived from renewable gas from organic waste that has  
42 been diverted from a landfill and processed at an in-vessel digestion facility that is permitted or otherwise  
43 authorized by Title 14 to recycle organic waste.  
44 (63) "Residual organic waste" means waste that remains after organic waste has been processed which is  
45 then sent to landfill disposal.  
46 (64) "Restaurant" means an establishment primarily engaged in the retail sale of food and drinks for on-  
47 premises or immediate consumption.  
48 (65) "Route review" means a visual inspection of containers along a hauler route for the purpose of  
49 determining container contamination, and may include mechanical inspection methods such as the use of  
50 cameras.  
51 (66) "Self-hauler" means a person who hauls solid waste, organic waste or recyclable material he or she  
52 has generated to another person. Self-hauler also includes a person who back-hauls waste.  
53 (A) "Back-haul" means generating and transporting organic waste to a destination owned and operated  
54 by the generator using the generator's own employees and equipment.  
55 (67) "Sewage sludge" means the solid, semisolid, or liquid residue generated during the treatment of  
56 domestic sewage in a municipal wastewater treatment facility. Sewage sludge includes solids removed or  
57 used during primary, secondary, or advanced wastewater treatment processes. Sewage sludge does not  
58 include grit or screening material generated during preliminary treatment of domestic sewage at a POTW.  
59 (68) "Share table" has the same meaning as in Section 114079 of the Health and Safety Code

1 (69) "Source separated organic waste" means organic waste that is placed in a container that is specifically  
2 intended for the separate collection of organic waste by the generator.

3 (70) "Subsequent violation" means a violation of this chapter by a jurisdiction or entity that has previously  
4 been subject to an enforcement action for a violation of this chapter. For purposes of this chapter, a  
5 subsequent violation may only be found when it has occurred within five years of the violation that has  
6 already been the subject of an enforcement action.

7 (71) "Supermarket" means a full-line, self-service retail store with gross annual sales of two million dollars  
8 (\$2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood items and some  
9 perishable items.

10 (72) "The 2014 organic waste disposal baseline" means the total tons of organic waste disposed statewide  
11 in 2014 as calculated by CalRecycle's 2014 Waste Characterization Study.

12 (73) "Tier one commercial edible food generator" means a commercial edible food generator that is one of  
13 the following:

14 (A) Supermarket.

15 (B) Grocery store with a total facility size equal to or greater than 7,500 square feet.

16 (C) Food service distributor.

17 (E) Wholesale food market.

18 (74) "Tier two commercial edible food generator" means a commercial edible food generator that is one of  
19 the following:

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

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

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

23 (E) Large venue.

24 (F) Large event.

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

27 (H) A local education agency facility with an on-site food facility.

28 (75) "Violation" means a lack of compliance with a requirement of this chapter or local ordinance(s) adopted  
29 pursuant to this chapter.

30 (76) "Wholesale food market" means a food establishment in which food (including fruits and vegetables) is  
31 received, shipped, stored, prepared for distribution to a retailer, warehouse, distributor, or other destination.

32 (77) "Yellow container" means a container where lid of the container is entirely yellow in color. Hardware  
33 such as hinges and wheels on a yellow container may be a different color.

34  
35 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

36  
37 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103,  
38 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5,  
39 39730.6, 39730.7 and 39730.8.

## 40 41 **Article 2. Landfill Disposal and Reductions in Landfill Disposal**

### 42 43 **Section 18983.1 Landfill Disposal and Recovery.**

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

45 (1) Final deposition at a landfill.

46 (2) Use as Alternative Daily Cover or Alternative Intermediate Cover at a landfill, except the use of Material  
47 Recovery Fines that are approved pursuant to Section 20690 of Title 27 Division 2

48 (3) Any other disposition not listed in subsection (b) of this section.

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

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

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

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

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

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

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

5 (B) The use shall be:

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

9 2. Restricted to quantities of solid wastes no more than necessary to meet the minimum  
10 requirements of 1.

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

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

14 (D)The material applied is never commingled with solid waste and incorporated into the landfill for final  
15 deposition.

16 (6) Land application, as defined in Section 17852(a)(24.5) of this division subject to the following conditions:

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

19 (B) Biosolids shall:

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

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

24 (C) Digestate shall:

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

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

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

30 (7) Lawful use as animal feed, as set forth in Chapter 6 of Food and Agricultural Code (FAC), commencing  
31 with Section 14901 et. Seq and Title 3, Division 4, Chapter 2, Subchapter 2 commencing at Article 1,  
32 Section 2675 of the Code of California Regulations.

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

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

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

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

41 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103,  
42 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5,  
43 39730.6, 39730.7 and 39730.8.

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

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

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

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

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

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



1 (D) For any residual material produced from the proposed process or technology, a description of each  
2 end use or disposal location to which the residual material will be sent. For each end use or disposal  
3 location, the applicant must submit the expected mass in short tons and characteristics of the residual  
4 material.

5 (E) For each of the processes or technologies described pursuant to Section 18983.2(a)(1)(B), each  
6 calculation, assumption, and emission factor used by the applicant to calculate the permanent  
7 greenhouse gas emissions reduction potential of the proposed operation. All calculations must be  
8 clearly laid out such that the Department and/or the Executive Officer of the California Air Resources  
9 Board (CARB) are able to follow and understand the calculation of greenhouse gas emissions reduction  
10 potential. Calculations must include quantification of the greenhouse gas emissions produced from the  
11 process or technology itself, including those emissions from any residual material.

12 (F) For each emission factor used pursuant to Section 18983.2(a)(1)(E), documentation demonstrating  
13 that the emission factor has been peer reviewed or subjected to other scientifically rigorous review  
14 methods.

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

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

18 (I) The director of the Department may request additional information from the applicant if required to  
19 validate the information submitted pursuant to this Section.

20 (2)The Department shall consult with CARB's Executive Officer to evaluate if the information submitted by  
21 the applicant is sufficient to determine the greenhouse gas emissions reduction potential of the proposed  
22 operation, and whether or not the proposed operation results in a permanent reduction in greenhouse gas  
23 emissions, and therefore counts as a reduction in landfill disposal.

24 (3) To determine if the proposed operation counts as a permanent reduction in landfill disposal, the  
25 Department and/or CARB's Executive Office shall compare the metric tons carbon dioxide equivalent  
26 (MTCO<sub>2</sub>e) per short ton organic waste reduced by the process or technology, with the emissions reduction  
27 from composting organic waste (0.30 MTCO<sub>2</sub>e/short ton organic waste).The Department shall only deem a  
28 proposed operation to constitute a reduction in landfill disposal if the process or technology has permanent  
29 greenhouse gas emissions reductions equal to or greater than the 0.30 MTCO<sub>2</sub>e/short ton of mixed organic  
30 waste.

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

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

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

40  
41 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103,  
42 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5,  
43 39730.6, 39730.7 and 39730.8.

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

#### **Section 18984.**

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

52 (b) This article sets forth the requirements for Organic Waste collection in the following sections:

53 18984.1 Three-container Organic Waste Collection Services.

54 18984.2 Two-container Organic Waste Collection Services.

55 18984.3 Unsegregated Single Container Collection Systems.

56 18984.4 Recordkeeping Requirements for Compliance with Organic Waste Collection Services.

57 18984.5 Container Contamination Minimization.

58 18984.6 Recordkeeping Requirements for Container Contamination Minimization.

59 18984.7 Container Color Requirements.

- 1 18984.8 Container Labeling Requirements.
- 2 18984.9 Organic Waste Generator Requirements.
- 3 18984.10 Property Owner Requirements.
- 4 18984.11 Waivers and Exemptions Granted by Jurisdictions.
- 5 18984.12 Waivers and Exemptions Granted by the Department.
- 6 18984.13 Emergency Circumstances.
- 7 18984.14 Recordkeeping Requirements for Waivers and Exemptions.

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

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

14  
15 **Section 18984.1. Three-container Organic Waste Collection Services**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

55  
56 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.  
57

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

4  
5 **Section 18984.2. Two-container Organic Waste Collection Services**

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

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

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

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

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

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

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

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

24  
25 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

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

30  
31 **Section 18984.3. Unsegregated Single-Container Collection Services**

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

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

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

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

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

48  
49 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

50  
51 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103,  
52 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5,  
53 39730.6, 39730.7 and 39730.8.

54  
55 **Section 18984.4. Recordkeeping Requirements for Compliance with Organic Collection**

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

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

59 (2) The geographical area for each collection method

- 1 (3) If the jurisdiction is using a service that requires the contents of containers provided by the jurisdiction to  
2 be transported to a high diversion organic waste processing facility, the jurisdiction shall at a minimum:  
3 (A) List all high diversion organic waste processing facilities used by the jurisdiction.  
4 (B) Include copies of, quarterly and annual average mixed waste organic content recovery rates, for  
5 each of those facilities, as defined in Section 18984.3.  
6 (C) List all approved haulers in the jurisdiction that are allowed to take organic waste to the jurisdiction's  
7 identified high diversion organic waste processing facility or facilities.  
8 (D) The geographical area the hauler(s) serves, the routes serviced, or a list of addresses served.  
9

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

11  
12 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103,  
13 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5,  
14 39730.6, 39730.7 and 39730.8.

15  
16 **Section 18984.5. Container Contamination Minimization**

- 17 (a) A jurisdiction shall monitor the containers provided to generators using a three-container or two-container  
18 organic waste collection service to minimize prohibited container contaminants as required by this section.  
19 (b) A jurisdiction shall conduct a route review for prohibited container contaminants on randomly selected  
20 containers in a manner that results in all collection routes being reviewed quarterly.  
21 (1) Upon finding prohibited container contaminants in a container, the jurisdiction, shall contact the  
22 generator or provide written notice to the generator.  
23 (A) The written notice shall, at a minimum, include information regarding the generator's requirement to  
24 properly separate materials into the appropriate containers and may include photographic evidence of  
25 the violation.  
26 (B) The notice may be left on the generator's container at the time the violation occurs.  
27 (2) If a jurisdiction observes a visible prohibited container contaminant in a generator's green container or  
28 blue container, it may dispose of the container's contents.  
29 (3) If the jurisdiction observes prohibited container contaminants in a generator's green container or blue  
30 container on more than three consecutive occasions, the jurisdiction may impose additional contamination  
31 processing fees on the generator and may impose penalties.  
32 (c) If a jurisdiction is informed by a solid waste facility operator pursuant to Section 17409.5.7, 17867, or  
33 17896.25.1 of this division, or Title 27, Section 20901, that the waste collected by one of its haulers contains  
34 prohibited container contaminants while the hauler was servicing the jurisdiction's generators, then the  
35 jurisdiction shall:  
36 (1) Investigate by physically inspecting containers along the route(s) that the contaminants came from to  
37 determine the sources of contamination and provide written notification, either by placement on organic  
38 waste containers, mailing education notices, or direct contact with generators, which shall, at a minimum,  
39 include information regarding the generator's requirement to properly separate materials into the  
40 appropriate containers and may include photographic evidence of the violation.  
41 (d) If a jurisdiction complies with this section through a designee as allowed in Section 18981. 2 of this chapter,  
42 and the designee observes visible prohibited container contaminants in a container, the designee shall inform  
43 the jurisdiction in writing, each month, with the address of the generator and the date the contaminated  
44 container was observed; if available, any photographic documentation; and what action was taken.  
45 (e) Nothing in this section limits a jurisdiction from adopting contamination standards that are more stringent  
46 than the requirements of this section.  
47

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

49  
50 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103,  
51 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5,  
52 39730.6, 39730.7 and 39730.8.

53  
54 **Section 18984.6. Recordkeeping Requirements for Container Contamination Minimization**

- 55 (a) A jurisdiction shall include the following information and documents related to its compliance with Section  
56 18984.5, in the Implementation Record required by Section 18995.2 of this chapter.  
57 (1) A description of the jurisdiction's process for determining the level of container contamination.  
58 (2) Documentation of random route reviews for each collection date conducted pursuant to Section  
59 18984.5(b), as described in Section 18995.1 of this chapter.

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

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

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

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

11  
12 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103,  
13 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5,  
14 39730.6, 39730.7 and 39730.8.

15  
16 **Section 18984.7. Container Color Requirements**

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

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

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

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

28  
29 **Section 18984.8. Container Labeling Requirements**

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

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

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

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

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

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

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

45  
46 **Section 18984.9 Organic Waste Generator Requirements**

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

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

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

53 (b) Generators that are commercial businesses shall also:

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

1 (2) Prohibit their employees from placing organic waste in a container not designated to receive organic  
2 waste as set forth in Sections 18984.1(a)(5) and 18984.2(a)(5) of this chapter.

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

5 (c) Nothing in this section prohibits a generator from preventing or reducing waste generation, managing  
6 organic waste on site, or using a community composting site.

7  
8 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

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

13  
14 **Section 18984.10. Property and Business Owner Responsibilities**

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

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

21 (1) Property owners shall provide information to new tenants upon occupation of the premises.

22 (c) Property and business owners shall provide or arrange for access to their properties during all inspections  
23 conducted pursuant to Article 14 of this chapter (commencing with Section 18995).

24  
25 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

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

29  
30 **Section 18984.11. Waivers and Exemptions Granted by a Jurisdiction**

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

32 (1) De Minimis Waivers:

33 (A) A jurisdiction may waive a commercial business's obligation to comply with some or all of the organic  
34 waste requirements of this article if the generator is a commercial business that provides documentation  
35 or the jurisdiction has evidence demonstrating that:

36 1. The commercial business's total solid waste collection service is two cubic yards or more per week  
37 and organic waste comprises less than 20 gallons per week of the businesses' total waste.

38 2. The commercial business's total solid waste collection service is less than two cubic yards per  
39 week and organic waste comprises less than 10 gallons per week of the businesses' total waste.

40 (B) A jurisdiction shall annually verify that the commercial business's organic waste generation meets  
41 the waiver thresholds set forth in this subdivision.

42 (C) If a jurisdiction obtains information at any time that a commercial business that has received a  
43 waiver is exceeding the organic waste thresholds specified in subdivision (A)1 or (A)2, the jurisdiction  
44 shall rescind the commercial business's waiver.

45 (2) Physical Space Waivers.

46 (A) A jurisdiction may waive some or all of the organic waste collection service requirements of this  
47 article if a commercial business or property owner provides documentation, or the jurisdiction has  
48 evidence from its staff, a hauler, licensed architect, engineer, or similarly qualified source demonstrating  
49 that its premises lack adequate space for separate organic waste containers.

50 (3) Collection Frequency Waivers:

51 (A) A jurisdiction may allow the owner or tenant of any residence, premise, business establishment or  
52 industry that subscribes to a three-container or two-container organic waste collection service to arrange  
53 for a service that collects waste not placed in the green container once every fourteen days, provided  
54 that:

55 1. The jurisdiction, or its authorized hauler, demonstrates to the Solid Waste Local Enforcement  
56 Agency that less frequent collection than required by Section 17331 of Title 14 of the California Code

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

3 (b) Nothing in this section allows a jurisdiction to exempt a business subject to the requirements of Section  
4 42649.81 of the Public Resources Code from compliance with that section.

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

6  
7 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103,  
8 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5,  
9 39730.6, 39730.7 and 39730.8.

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

11 (a) Low population waivers:

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

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

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

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

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

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

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

24 (B) The requested length of the waiver.

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

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

29 (c) Rural Exemptions:

30 (1) The Department shall grant an exemption from complying with the organic waste collection requirements  
31 specified in this article for Rural Jurisdictions that meet the definition of a "Rural Jurisdiction" in Section  
32 42649.8 of the Public Resources Code, if the governing body of the jurisdiction adopts a resolution that  
33 includes a finding as to the purpose of and need for the exemption.

34 (2) An exemption implemented pursuant to this subdivision shall be valid until January 1, 2025, or until five  
35 years after the Department makes a determination pursuant to Section 42649.82 (a)(2)(D) that the  
36 statewide disposal of organic waste has not been reduced to 50 percent of the level of disposal during the  
37 2014 calendar year, whichever is later.

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

41  
42  
43 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

44  
45 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103,  
46 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5,  
47 39730.6, 39730.7 and 39730.8.

## 48 **Section 18984.13. Emergency Circumstances**

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

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

55 (2) A jurisdiction shall notify the Department in writing within 10 days of a waiver decision pursuant to  
56 subdivision (a)(1). The notice sent to the Department shall include the period of time that the jurisdiction  
57

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

3 **(b) Disasters and emergency waivers:**

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

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

11  
12 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

13  
14 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103,  
15 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5,  
16 39730.6, 39730.7 and 39730.8.

17  
18 **Section 18984.14. Recordkeeping Requirements for Waivers and Exemptions**

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

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

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

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

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

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

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

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

35  
36 **Article 4. Education and Outreach**

37  
38 **Section 18985.1. Organic Waste Recovery Education and Outreach**

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

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

43 (2) Information on methods for: the prevention of organic waste generation, recycling organic waste on-site,  
44 sending organic waste to community composting, and any other local requirements regarding organic  
45 waste.

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

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

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

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

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

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

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

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

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



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

6  
7 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

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

### 12 13 **Section 18985.2. Edible Food Recovery Education and Outreach**

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

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

18 (A) Name and physical address.

19 (C) Phone number.

20 (D) Collection service area.

21 (E) Hours of operation.

22 (b) At least annually a jurisdiction shall:

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

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

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

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

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

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

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

### 38 39 **Section 18985.3. Recordkeeping Requirements for a Jurisdiction's Compliance with Education and** 40 **Outreach Requirements**

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

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

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

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

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

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

52  
53 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103,  
54 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5,  
55 39730.6, 39730.7 and 39730.8.

## 56 57 **Article 5. Generators of Organic Waste**

### 58 59 **Section 18986.1. Non-Local Entities Requirements**

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

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

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

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

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

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

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

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

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

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

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

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

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

28  
29 **Section 18986.2. Local Education Agencies Requirements.**

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

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

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

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

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

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

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

46  
47 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103,  
48 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5,  
49 39730.6, 39730.7 and 39730.8.

50  
51 **Section 18986.3. Waivers for Non-Local Entities and Local Education Agencies.**

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

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

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

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

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

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

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

## 14 15 **Article 6. Biosolids Generated at a Publicly Owned Treatment Works (POTW)**

### 16 17 **Section 18987.1. Biosolids Generation at a POTW**

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

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

20 (2) The organic waste diversion and measurement requirements described in Sections 17409.5.1 through  
21 17409.5.8 of this division.

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

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

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

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

### 31 32 **Section 18987.2. Biosolids and Sewage Sludge Handling at a POTW**

33 (a) Biosolids generated at a POTW shall be:

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

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

40  
41 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

42  
43 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103,  
44 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5,  
45 39730.6, 39730.7 and 39730.8.

## 46 47 **Article 7. Regulations of Haulers**

### 48 49 **Section 18988.1. Jurisdiction Approval of Haulers and Self-Haulers**

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

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

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

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

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

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

8 (2) A hauler that is transporting construction and demolition debris in compliance with Section 18989.1.  
9

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

11  
12 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103,  
13 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5,  
14 39730.6, 39730.7 and 39730.8.

### 15 **Section 18988.2. Organic Waste Hauler Requirements**

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

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

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

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

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

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

26 (2) A hauler that is transporting construction and demolition debris in compliance with Section 18989.1  
27

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

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

### 33 **Section 18988.3. Self-haulers of Organic Waste**

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

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

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

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

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

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

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

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

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

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

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

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

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

1  
2 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

3  
4 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103,  
5 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5,  
6 39730.6, 39730.7 and 39730.8.

7  
8 **Section 18988.4. Recordkeeping Requirements for Compliance with Jurisdiction Hauler Program**

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

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

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

14 (A) Type of hauler systems the jurisdictions uses.

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

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

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

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

21 (A) Copies of all reports required by haulers.

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

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

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

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

28  
29 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103,  
30 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5,  
31 39730.6, 39730.7 and 39730.8.

32  
33 **Article 8. Cal-Green Building Standards**

34  
35 **Section 18989.1. CalGreen Building Codes**

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

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

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

41  
42 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

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

47  
48 **Article 9. Locally Adopted Standards and Policies**

49  
50 **Section 18990.1. Organic Waste Recovery Standards and Policies**

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

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

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

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

- 1 (3) Limit the export outside of organic waste to a facility, operation, property or activity outside of the  
2 jurisdiction that recovers the organic waste through a method identified in Article 2 of this chapter.  
3 (4) Require a generator or a hauler to transport organic waste to a solid waste facility or operation that does  
4 not process or recover organic waste.  
5 (5) Require a generator to use an organic waste collection service or combination of services that do not  
6 recover at least the same types of organic waste recovered by a service the generator previously had in  
7 place.  
8 (c) This section does not do any of the following:  
9 (1) Require a solid waste facility or operation to accept organic waste that does not meet the quality  
10 standards established by the solid waste facility or operation.  
11 (2) Prohibit a jurisdiction from arranging with a solid waste facility or operation to guarantee permitted  
12 capacity for organic waste from the jurisdiction.  
13 (3) Supersede or otherwise affect: the land use authority of a jurisdiction, including, but not limited to,  
14 planning, zoning, and permitting; or an ordinance lawfully adopted pursuant to that land use authority  
15 consistent with this section.  
16 (4) Prohibit a jurisdiction from arranging through a contract or franchise for a hauler to transport organic  
17 waste to a particular solid waste facility or operation for processing or recovery.  
18 (5) Exempt a jurisdiction, generator, or hauler from compliance with regulations in Division 4.5 of Title 22 of  
19 the California Code of Regulations relative to the proper handling of hazardous or universal waste pursuant,  
20 or regulations in Title 3. Food and Agriculture, Division 2. Animal Industry, Chapter 4. Meat Inspection,  
21 Subchapter 2. Rendering and Pet Food, Article 48. General Provisions, 1180.48 Disposal of Parts and  
22 Products of Animals Not Intended for Use as Human Food.  
23

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

25  
26 Reference: Public Resources Code Sections 40001, 40002, 40053, 40055, 41780.01, 42652.5, 42653, 42654,  
27 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety  
28 Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.  
29

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

- 31 (a) A jurisdiction shall not implement or enforce an ordinance, policy, or procedure that prohibits the ability of a  
32 generator or food recovery organization to recover edible food that could be recovered for human consumption.  
33 (b) A Local Education gency shall not implement or enforce an ordinance, policy, or procedure that prohibits  
34 share tables or requires schools to adhere to a food safety standard not specified in the Part 7 of Division 104  
35 of the Health and Safety Code.  
36 (c) Nothing in this chapter shall be construed to limit or conflict with the provisions of the California Good  
37 Samaritan Act of 2017 (the act). Specifically,  
38 (1) Nothing in this chapter shall be construed to limit the amount or types of foods that may be donated  
39 under the act.  
40 (2) Nothing in this chapter shall be construed to limit the ability of a person, gleaner or food facility to donate  
41 food as provided for in Section 114432 of the Health and Safety Code.  
42 (3) Nothing in this chapter shall be construed to reduce the immunities provided by the California Good  
43 Samaritan Act as specified in Section 114434 of the Health and Safety Code.  
44 (d) Nothing in this chapter prohibits an edible food recovery service or organization from refusing to accept  
45 edible food from a generator.  
46

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

48  
49 Reference: Public Resources Code Sections 40001, 40002, 40053, 40055, 41780.01, 42652.5, 42653, 42654,  
50 43020, 43021, 43103, 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety  
51 Code Sections 39730.5, 39730.6, 39730.7 and 39730.8.  
52

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

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

- 55 (a) A jurisdiction shall implement an edible food recovery program that shall include the actions that the  
56 jurisdiction plans to take to accomplish the following:  
57 (1) Educate commercial edible food generators as set forth in Section 18985.2.  
58

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

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

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

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

- 16 (a) A jurisdiction shall include all documents supporting its compliance with Section 18991.1 in the  
17 Implementation Record required by Section 18995.2 of this chapter and shall also include at a minimum:  
18 (1) A list of commercial edible food generators in the jurisdiction that have arrangements with edible food  
19 recovery organizations or services.  
20 (2) A list of edible food recovery organizations in the jurisdiction and their edible food recovery capacity.  
21 (3) Documentation of the actions the jurisdiction has taken to increase edible food recovery capacity.  
22

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

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

28  
29 **Section 18991.3. Commercial Edible Food generators**

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

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

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

49  
50 **Section 18991.4. Record Keeping Requirements For Commercial Edible Food Generators**

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

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

7  
8 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

9  
10 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103,

11 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5,

12 39730.6, 39730.7 and 39730.8.

13  
14 **Section 18991.5. Edible Food Recovery Services and Organizations**

15 (a) A food recovery organization or service that collects or receives 6 tons or more of edible food from edible

16 food generators per year shall maintain a record that includes all of the following:

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

24  
25 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

26  
27 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103,

28 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5,

29 39730.6, 39730.7 and 39730.8.

30  
31 **Article 11. Organic Waste Recycling Capacity Planning**

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

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

- 35 (1) Estimate the amount of all organic waste in tons that will be disposed by the county and cities by:
- 36 (A) Multiplying the percentage of organic waste reported as disposed in the Department's most recent
- 37 waste characterization study by the total amount of disposal attributed to the county and each
- 38 jurisdiction located within the county by the Recycling and Disposal Reporting System; or,
- 39 (B) Using a jurisdiction-specific waste characterization study for the tons disposed by the county or a
- 40 jurisdiction within the county if the study is more recent than the Department's most recent waste
- 41 characterization study. A jurisdiction-specific study shall include a statistically significant sampling of
- 42 solid waste disposed of by the jurisdiction.
- 43 (2) Identify the amount in tons of existing organic waste recycling infrastructure capacity, located both in the
- 44 county and outside of the county, that is verifiably available to the county and jurisdictions located within the
- 45 county.
- 46 (A) A county can demonstrate the capacity is verifiably available to the county or its jurisdictions through
- 47 a contract, permit, franchise, or other documentation of the following:
- 48 1. A guarantee of access to existing permitted or authorized capacity at a facility, activity, operation,
- 49 or property that recovers organic waste.
- 50 2. A guarantee of access to new or expanded capacity at a facility, activity, operation, or property
- 51 that recovers organic waste that will be available prior to the end of the reporting period.
- 52 (3) Estimate the amount of new or expanded organic waste recycling facility capacity that will be needed to
- 53 process the organic waste identified pursuant to subsection (1) in addition to the existing capacity identified
- 54 in subsection (2).

55 (b) A city or regional agency contacted by a county pursuant to subdivision (a) shall respond to the county's

56 request for the information necessary to comply with the requirements of this article within 120 days of

57 receiving the request from the county.

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



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

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

8 (A) Entities contacted by a jurisdiction shall respond to the jurisdiction regarding potential new or  
9 expanded capacity at their facilities, operations, and activities, including information about throughput  
10 and permitted capacity necessary for planning purposes.

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

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

16 (B) If applicable be conducted in coordination with potential solid waste facility operators that may use  
17 the location identified by the county.

18 (C) Specifically include communication to disadvantaged communities that may be impacted by the  
19 development of new facilities at the locations identified by the county. If more than five percent of that  
20 community is defined as "Limited English Speaking Households" or "linguistically isolated," as defined by  
21 the U.S. Census Bureau, the jurisdiction shall provide the information required by this section in a  
22 language or languages that will assure that the information is understood by that community.

23 (4) Consult with community composting operators to estimate the amount of organic waste the county  
24 anticipates will be handled at community composting activities.

25 (d) If a county determines that organic waste recycling capacity, in addition to the existing and proposed  
26 capacity identified pursuant to subsection (a), is needed within that county, the county shall notify the  
27 jurisdiction or jurisdictions that lack sufficient capacity that each jurisdiction is required to:

28 (1) Submit an implementation schedule to the Department that demonstrates how it will ensure there is  
29 enough new or expanded capacity to recover the organic waste currently disposed of by generators within  
30 their jurisdiction by the end of the report period.

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

33 1. Obtaining funding for organic waste recycling infrastructure, including, but not limited to, modifying  
34 franchise agreements or demonstrating other means of financially supporting the expansion of  
35 organic waste recycling.

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

37 (2) Identify proposed new or expanded organic waste recycling facilities that will be used to process the  
38 organic waste identified pursuant to subsection (a)(3).

39 (3) The county shall notify the jurisdiction at the same time it submits the report to the Department required  
40 pursuant to Section 18992.3.

41 (e) For the purposes of this section, organic waste shall only include the following type of organic waste: food,  
42 green waste, landscape and pruning waste, wood, paper products, printing and writing paper, digestate and  
43 biosolids.

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

46  
47 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103,  
48 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5,  
49 39730.6, 39730.7 and 39730.8.

50  
51 **Section 18992.2. Edible Food Recovery Capacity**

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

53 (1) Estimate the amount of edible food that will be disposed of by commercial edible food generators that  
54 are located within the county and jurisdictions within the county.

55 (2) Identify existing capacity at edible food recovery organizations that is available to commercial edible  
56 food generators located within the county and jurisdictions within the county.

57 (3) Identify proposed new or expanded edible food recovery organizations that will be used to process  
58 edible food identified pursuant to subsection (1).

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

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

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

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

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

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

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

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

21  
22 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103,  
23 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5,  
24 39730.6, 39730.7 and 39730.8.

### 25 **Section 18992.3. Schedule For Reporting**

26  
27 (a) Counties, in coordination with cities and regional agencies located within the county shall conduct the  
28 planning requirements of Sections 18992.1 and 18992.2, on the following schedule.

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

31 (2) August 1, 2024 shall report to CalRecycle on the period covering January 1, 2025 through December  
32 31, 2034.

33 (3) August 1, 2029 shall report to CalRecycle on the period covering January 1, 2030 through December  
34 31, 2039.

35 (4) August 1, 2034 shall report to CalRecycle on the period covering January 1, 2035 through December  
36 31, 2044.

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

40  
41 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

42  
43 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103,  
44 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5,  
45 39730.6, 39730.7 and 39730.8.

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

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

48  
49 (a) Except as otherwise provided, commencing January 1, 2022, a jurisdiction shall annually procure a quantity  
50 of recovered organic waste products that meets or exceeds its current annual recovered organic waste product  
51 procurement target as determined by this article.

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

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

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

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

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

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

8 (1) Directly procuring recovered organic waste products.

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

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

12 (1) Compost.

13 (2) Renewable transportation fuel

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

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

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

18 (B) 0.58 tons of compost.

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

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

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

28  
29 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103,  
30 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5,  
31 39730.6, 39730.7 and 39730.8.

32  
33 **Section 18993.2. Record Keeping Requirements For Recovered Organic Waste Procurement Target**

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

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

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

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

40 (4) If a jurisdiction will include procurement of recovered organic waste products made by a direct service  
41 provider to comply with this article, the jurisdiction shall include all records of procurement of recovered  
42 organic waste products made by the direct service provider on behalf of the jurisdiction including invoices or  
43 similar records evidencing procurement

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

48  
49 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

50  
51 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103,  
52 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5,  
53 39730.6, 39730.7 and 39730.8.

54  
55 **Section 18993.3. Recycled Content Paper Procurement Requirements**

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

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

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

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

3 (3) Paper products and printing and writing paper shall be eligible to be labeled with an unqualified  
4 recyclable label as defined in 16 Code of Federal Regulations (CFR) Section 260.12 (2013).

5 (c) A jurisdiction shall require all businesses from whom it purchases paper products and printing and writing  
6 paper to certify in writing:

7 (1) The minimum percentage, if not the exact percentage, of postconsumer material in the paper products  
8 and printing and writing paper offered or sold to the jurisdiction. The certification shall be furnished under  
9 penalty of perjury in a form and manner determined by the jurisdiction. A jurisdiction may waive the  
10 certification requirement if the percentage of postconsumer material in the paper products, printing and  
11 writing paper, or both can be verified by a product label, catalog, invoice, or a manufacturer or vendor  
12 Internet website.

13 (2) That the paper products and printing and writing paper offered or sold to the jurisdiction is eligible to be  
14 labeled with an unqualified recyclable label as defined in 16 CFR Section 260.12 (2013).

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

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

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

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

26 (1) Copies of invoices or receipts for all paper purchases.

27 (2) Copies of all certifications or other verification required under Section 18993.3.

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

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

### 34 35 **Article 13. Reporting**

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

38 (a) Each jurisdiction shall report to the Department on its implementation and compliance with the requirements  
39 of this chapter. Each jurisdiction shall report to the Department by February 1, 2022 the following information:

40 (1) A copy of ordinances adopted pursuant to this chapter.

41 (2) The date that the jurisdiction will ensure that all containers used by generators subject to the  
42 jurisdiction's authority will be in compliance with the container color requirements as specified in Section  
43 18984.7.

44 (3) The reporting items identified in Section 18994.2.

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

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

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

53 (a) Commencing August 1, 2022, and annually thereafter, a jurisdiction shall report the information required by  
54 this section. The report submitted in 2022 shall cover the period of January 1, 2022–June 30, 2022. Each  
55 subsequent report shall cover the entire previous calendar year.

56 (b) Each jurisdiction shall report the following, relative to its implementation of the organic waste collection  
57 requirements of Article 3 of this chapter:

58 (1) The type of organic waste collection service(s) provided by the jurisdiction to its generators.

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

1 (E) The jurisdictions that are required to submit implementation schedules.

2 (2) A jurisdiction that is required to submit an implementation schedule shall report the information required  
3 in Sections 18992.1 (c) and 18992.2 (b) of this chapter.

4 (3) Notwithstanding (a), the information required by this subdivision shall be reported on the schedule  
5 specified in Section 18992.3 of this chapter.

6 (j) A jurisdiction shall report the following regarding its implementation of the procurement requirements of  
7 Article 12:

8 (1) The volume of each recovered organic waste product procured directly by the city, county, or through  
9 direct service providers, or both during the prior calendar year.

10 (2) The total dollar amount spent on all paper purchases.

11 (3) The total dollar amount spend on all recycled content paper purchases.

12 (4) If the jurisdiction, pursuant to Section 18933.1(h), procures a reduced amount of recovered organic  
13 waste transportation fuel, the jurisdiction shall report on the total volume of transportation fuel and  
14 renewable transportation fuel procured in the previous year.

15 (5) Additional procurement opportunities identified within the jurisdiction's departments, as required in  
16 Section 18993.1.

17 (k) A jurisdiction shall report the following regarding its implementation of the compliance, monitoring, and  
18 enforcement requirements specified in Articles 14-16:

19 (1) The number of commercial businesses subject to compliance reviews and the number of violations  
20 found and corrected through the compliance reviews.

21 (2) The number of route reviews conducted per calendar year.

22 (3) The number of inspections conducted by type for commercial edible food generators, food recovery  
23 organizations, and commercial businesses, per calendar year.

24 (4) The number of complaints received, investigated, and violations found based on complaints per  
25 calendar year.

26 (5) The number of Notices of Violation issued by type of entity (generator, hauler, edible food generators)  
27 per calendar year.

28 (6) The number of penalties issued by type of entity (generator, hauler, edible food generators) per calendar  
29 year.

30 (7) The number of entities by type (generator, hauler, edible food generators) that came into compliance in  
31 the calendar year.

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

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

## 38 **Article 14 Enforcement Requirements**

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

40  
41  
42 (a) On or before January 1, 2022, a jurisdiction shall have an inspection and enforcement program that ensures  
43 compliance with this chapter and that at a minimum, includes the following requirements:

44 (1) On or before January 31, 2022, and at least annually thereafter, a jurisdiction shall conduct the  
45 following:

46 (A) If the jurisdiction is using the compliance method described in Section 18984.1 or 18984.2 of this  
47 division the jurisdiction shall:

48 1. Complete a compliance review of all garbage accounts for commercial businesses that are subject  
49 to its authority, and that generate two cubic yards or more per week of solid waste and produce  
50 organic waste; and, also determine their compliance with:

51 i. Organic waste generator requirements set forth in Section 18984.9.

52 ii. Self-haul requirements set forth in Section 18988.3, including whether a business is complying  
53 through back-hauling organic waste.

54 2. Conduct route reviews of commercial businesses and residential areas for compliance with  
55 organic waste generator requirements set forth in Section 18984.9 and container contamination  
56 requirements set forth in Section 18984.5.

57 (B) If a jurisdiction is using the compliance method described in Section 18984.3 the jurisdiction shall  
58 conduct a compliance review of all garbage accounts for commercial business that are subject to it's

1 authority, and generate two cubic yards or more per week of solid waste and produce organic waste:  
2 and, also determine their compliance with:

- 3 1. Organic waste generator requirements set forth in Section 18984.9 and document if the business  
4 is transporting the contents to a high diversion organic waste processing facility, or  
5 2. Self hauling pursuant to Section 18988.3, including whether a business is complying through back-  
6 hauling organic waste.

7 (2) Conduct inspections of Tier One commercial edible food generators and food recovery organizations for  
8 compliance with this chapter. On or after January 1, 2024, conduct inspections of Tier Two commercial  
9 edible food generators for compliance with Article 10.

10 (3) Conduct inspections, route reviews, or compliance reviews when investigating a complaint in  
11 accordance with Section 18995.3 of this chapter.

12 (4) On and after January 1, 2022 and until January 1, 2024, if a jurisdiction determines that an organic  
13 waste generator, self-hauler, hauler, or commercial edible food generator, or other entity is not in  
14 compliance with this chapter, it shall provide educational material to the entity describing its obligations  
15 under this chapter

16 (5) On and after January 1, 2024, if a jurisdiction determines that an organic waste generator, self-hauler,  
17 hauler, or commercial edible food generator, or other entity is not in compliance with this chapter, it shall  
18 document the violation and take enforcement action as set forth in Section 18995.4 of this chapter.

19 (6) Annually verify through inspection, annual review or route review businesses are meeting de minimis  
20 and physical space waivers for compliance with the requirements of Section 18984.11.

21 (b) A jurisdiction shall conduct a sufficient number of compliance reviews, route reviews and inspections to  
22 ensure compliance with this chapter. A jurisdiction shall inspect entities that it determines are more likely to be  
23 out of compliance, based on complaints or reports that it receives from the haulers, facilities, or other  
24 complainants, the jurisdiction's random route reviews, or other means.

25 (c) A jurisdiction shall generate a written report for each inspection, route review, and compliance review  
26 conducted pursuant to this chapter. Each report shall include, at a minimum, the following information:

27 (1) Identifying information for the subject or subjects of the inspection, route review or compliance review,  
28 such as, but not limited to:

29 (A) The name or account name of each person or entity.

30 (B) A description of the route and addresses covered by a route review.

31 (C) A list of accounts reviewed for each compliance review.

32 (2) The date or dates the inspection, route review, or compliance review was conducted.

33 (3) The person or persons who conducted the action.

34 (4) The jurisdiction's findings, including if there was compliance with or a violation of this chapter.

35 (5) Any supporting evidence or findings, such as photographs and account records.

36 (6) The route review records shall include locations of the route review(s), the source of contamination,  
37 photographs, and notices or education materials given to generators.

38 (d) Copies of all reports of route reviews, compliance reviews, and inspections, as well as all other records of  
39 enforcement conducted pursuant to this chapter shall be maintained in the Implementation Record required by  
40 Section 18995.2 of this chapter, and shall include, but not be limited to:

41 (1) Copies of all documentation of route reviews, compliance reviews, and inspections.

42 (2) Copies of all enforcement actions required by Section 18995.4 of this chapter, including Notice of  
43 Violations, subsequent notices, and penalties issued.

44 (3) A list of the date(s) the entities issued a Notice of Violation came into compliance and evidence that  
45 supports compliance.

46 (4) Copies of notices and educational material provided as required by this section.

47 (e) Consistent with Section 18981. 2, a jurisdiction may have a designee conduct inspections required by this  
48 section.

49  
50 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

51  
52 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103,  
53 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5,  
54 39730.6, 39730.7 and 39730.8.

55  
56 **Section 18995.2. Implementation Record and Recordkeeping Requirements**

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

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

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

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

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

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

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

12 (2) A copy of the Jurisdiction's inspection and enforcement program that it uses to comply with Sections  
13 18995.1 and 18995.4 of this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

30  
31 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

32  
33 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103,  
34 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5,  
35 39730.6, 39730.7 and 39730.8.

### 36 37 **Section 18995.3. Jurisdiction Investigation of Complaints of Alleged Violations**

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

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

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

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

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

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

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

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

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

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

57  
58 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

59



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

4  
5 **Section 18995.4. Enforcement by a Jurisdiction**

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

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

10 (2) The jurisdiction shall conduct follow-up inspections to determine if compliance is achieved, at least every  
11 90 days following the date of the first Notice of Violation, and continue to issue Notices of Violation until  
12 compliance is achieved or a penalty has been issued.

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

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

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

18 (4) The jurisdiction may seek equivalent or stricter nonmonetary remedies to those set forth in Section  
19 18997.2 of this chapter.

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

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

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

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

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

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

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

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

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

36  
37 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

38  
39 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103,  
40 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5,  
41 39730.6, 39730.7 and 39730.8.

42  
43 **Article 15. Enforcement Oversight by the Department**

44  
45 **Section 18996.1. Department Evaluation of Jurisdiction Compliance**

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

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

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

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

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

56  
57 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.  
58

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

4  
5 **Section 18996.2. Department Enforcement Action Over Jurisdictions**

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

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

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

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

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

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

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

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

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

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

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

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

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

48  
49 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

50  
51 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103,  
52 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5,  
53 39730.6, 39730.7 and 39730.8.

54  
55 **Section 18996.3. Department Enforcement When Jurisdiction fails to Enforce**

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

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

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

5  
6 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.  
7

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

11 **Section 18996.4. Access for Inspection by the Department**

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

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

20  
21 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.  
22

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

26  
27 **Section 18996.5. Enforcement Actions Against Organic Waste Generators Located In Multiple**  
28 **Jurisdictions and Non-Local Entities**

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

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

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

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

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

46  
47 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.  
48

49 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103,  
50 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5,  
51 39730.6, 39730.7 and 39730.8.

52  
53 **Section 18996.6. Department Inspections and Compliance Reviews of State Agencies and Facilities**

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

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

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

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

32  
33 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103,  
34 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5,  
35 39730.6, 39730.7 and 39730.8.

36  
37 **Section 18996.7. Department Enforcement Action Regarding Local Education Agencies**

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

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

44  
45 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103,  
46 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5,  
47 39730.6, 39730.7 and 39730.8.

48  
49 **Section 18996.8. Complaints of Alleged Violations by Jurisdictions and Entities**

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

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

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

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

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

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

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

14  
15 **Section 18996.9. Department Enforcement Actions Against Entities.**

16 (a) The Department may take enforcement action against organic waste generators, including commercial  
17 edible food generators, haulers, and food recovery organizations and services, where a jurisdiction has failed to  
18 enforce this chapter or where the entity is a non-local entity that is not a state agency or facility subject to  
19 enforcement under Section 18996.6 or a local education agency subject to enforcement under Section  
20 18996.7.

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

22 (1) For a first violation:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

54  
55 Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

56  
57 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103,  
58 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5,  
59 39730.6, 39730.7 and 39730.8.

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

**Section 18997.1. Scope.**

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

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

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

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

**Section 18997.2. Penalty Amounts**

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

Table 1

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

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

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

- 1  
 2 (b) Consistent with with the requirements prescribed in Government Code Sections 53069, 25132 and 36900  
 3 the penalty severity levels are as follows:  
 4 (1) For a violation classified as Level 1, the amount of the base penalty may be \$50-\$100per violation, per  
 5 day.  
 6 (2) For a violation classified as Level 2, the amount of the base penalty may be \$100-\$200per violation, per  
 7 day.  
 8 (3) For a violation classified as Level 3, the amount of the base penalty may be \$250-\$500per violation, per  
 9 day.  
 10 (c) For the purposes of subsection (a), revoking, suspending, or denying a permit, registration, license, or other  
 11 authorization shall be considered stricter than the penalties in this section.  
 12

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

14  
 15 Reference: Public Resources Code Sections 40002, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103,  
 16 44001-44017, 44100-44101, 44500-44503 and 44813-44816; and Health and Safety Code Sections 39730.5,  
 17 39730.6, 39730.7 and 39730.8.  
 18

19 **Section 18997.3. Department Penalty Amounts**

- 20 (a) Penalties shall be imposed administratively using the penalty tables contained in subsection (b) and  
 21 calculated as follows:  
 22 (1) Identify the following:  
 23 (A) The type of violation(s) that have occurred.  
 24 (B) The number of days each violation has occurred, if applicable.  
 25 (C) Whether it is a first, second, or subsequent violation.  
 26 (2) Determine total base range amount for each type of violation by multiplying the penalty amount range  
 27 identified in the chart below by the number of days of violation, starting on the day the Notice of Violation is  
 28 issued.  
 29 (3) Use the applicable factors in subsection (d) to determine the penalty amount within the penalty range  
 30 identified in subsection (a) (2) for each type of violation.  
 31 (4) For multiple violations, add the results of subsection (a) (3) for each violation to determine a total penalty  
 32 amount.  
 33 (b) The following Penalty Tables establish the range of the base penalty for each violation based on the  
 34 severity levels, as set forth in subsection (c).



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 2  
3 (c) The penalty severity levels are as follows:  
4 (1) For a violation classified as Level 1, the amount of the base penalty may be \$50–\$500 per violation.  
5 (2) For a violation classified as Level 2, the amount of the base penalty may be \$250–\$1000 per violation.  
6 (3) For a violation classified as Level 3, the amount of the base penalty may be \$500–2,500 per violation.  
7 (4) For a violation classified as Level 4, the amount of the base penalty may be \$500–2,500 per day.  
8 (5) For a violation classified as Level 5, the amount of the base penalty may be \$1,000–\$5,000 per day.  
9 (6) For a violation classified as Level 6, the amount of the base penalty may be \$5,000–\$10,000 per day.  
10 (d) Once the base penalty range has been determined, the following factors shall be used to determine the  
11 amount of the penalty for each violation within that range:  
12 (1) The nature and circumstances of the violation(s).  
13 (2) Ability for the violator to pay.















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

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

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

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

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

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

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

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

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

15  
16 Note:

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

18 Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017,  
19 44100-44101, 44500-44503 and 44813-44816 Public Resource Code and Sections 39730.5, 39730.6, 39730.7  
20 and 39730.8 Health and Safety Code.

21  
22 **Section 17402.5. Definitions and Related Provisions Regarding Activities That Are Not Subject to the**  
23 **Transfer/Processing Regulatory Requirements.**

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

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

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

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

32 (1) "Residual" means the solid waste destined for disposal, further transfer/processing as defined in section  
33 17402(a)(30) or (31) of this Article, or transformation which remains after processing has taken place and is  
34 calculated in percent as the weight of residual divided by the total incoming weight of materials.

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

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

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

47 (c) Activities included in one of the following definitions are not subject to the requirements of Articles 6.0, 6.1,  
48 6.2, 6.3 and 6.35 of this Chapter, provided that these activities do not include the acceptance of solid waste  
49 which has not been separated for reuse. If an activity defined in this section is accepting solid waste which has  
50 not been separated for reuse, it must meet the requirements of subdivision (d) of this section or else it shall be  
51 subject to the requirements of Articles 6.0, 6.1, 6.2, 6.3 and 6.35 of this Chapter.

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

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

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



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

50  
51 Note:

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

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

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

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

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

3  
4 Note:

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

6 Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017,  
7 44100-44101, 44500-44503 and 44813-44816 Public Resource Code and Sections 39730.5, 39730.6, 39730.7  
8 and 39730.8 Health and Safety Code.

9  
10 **Table 1. Transfer/Processing Operations and Facilities Placement into the Regulatory Tiers**

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

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

Scrap Metal  
Recyclers and  
Dealers Section  
17402.5(c)(~~89~~)  
Wire Choppers  
Section  
17402.5(c)(~~910~~)  
Wood, Paper, or  
Wood Product  
Manufacturer  
Section  
17402.5(c)(~~1011~~)

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

## Article 6.2 Operating Standards.

### Section 17409.5. Loadchecking—Prohibited Wastes.

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

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

Note:

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

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

#### Section 17409.5.1. Organic Waste Recovery Efficiency.

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

(b) For purposes of compliance with the reporting requirements in Section 18815.5 of this division, and demonstrating that the facility is a "high diversion organic waste processing facility" as defined in Section 18982

(a)(33) of this division that meets or exceeds an annual average mixed waste organic content recovery rate of 50 percent on and after January 1, 2022 and 75 percent on and after January 1, 2025 as determined in Section 18815.5(e), the operator shall conduct the measurements described in this section.

(c) The operator shall:

(1) Determine the quarterly sum of outgoing weights of organic waste recovered from the mixed waste organic collection stream by adding together all weights determined pursuant to Section 17409.5.2(b)(6) for each operating day for the quarterly period.

(2) Determine the quarterly sum of outgoing weights of organic waste removed from the mixed waste organic collection stream that is sent to disposal as measured pursuant to Section 17409.5.3(b)(5) for each operating day for the quarterly period.

(3) Report the quarterly sums of Subdivision (c)(1) and (c)(2) to the Department pursuant to 18815.5 of this division

(d) The operator shall additionally:

1 (1) Determine the quarterly sum of outgoing weights of organic waste recovered from the source separated  
2 organic waste collection stream by adding together all weights determined pursuant to Section  
3 17409.5.4(b)(6) for each operating day for the quarterly period.

4 (2) Determine the quarterly sum of outgoing weights of organic waste removed from the source separated  
5 organic waste collection stream that is sent for disposal as measured pursuant to Section 17409.5.5(b)(5)  
6 for each operating day for the quarterly period.

7 (3) Report the quarterly sums of Subdivision (d)(1) and (d)(2) to the Department pursuant to 18815.5 of this  
8 division

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

11 Note:

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

13 Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017,  
14 44100-44101, 44500-44503 and 44813-44816 Public Resource Code and Sections 39730.5, 39730.6, 39730.7  
15 and 39730.8 Health and Safety Code.

16  
17  
18 **Section 17409.5.2. Measuring Organic Waste Recovered from Mixed Waste Organic Collection Stream.**

19 (a) The operator of an attended operation or facility that accepts a mixed waste organic collection stream shall,  
20 each operating day, measure the amount by weight of organic waste separated from the mixed waste organic  
21 collection stream after processing for end-use, recovery or further processing.

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

23 (1) Take at least a one (1) cubic yard sample from each of the organic waste type separated after  
24 processing at the operation or facility on that operating day prior to sending to a destination for end-use,  
25 recovery, or further processing. Each sample shall be:

26 (A) Representative of a typical operating day;

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

29 (2) Determine the weight of each sample from each organic waste type.

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

32 (4) Then determine a ratio for each type of organic waste in the mixed waste organic collection stream by  
33 dividing the total from subdivision (b)(3) by the total from subdivision (b)(2).

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

37 (6) Determine the total weight of organic waste separated from the mixed waste organic collection stream  
38 for recovery by adding the sum of all the weights calculated pursuant to subdivision (b)(5).

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

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

43 (e) If the operator sends any material to a POTW that the POTW is not authorized to receive pursuant to  
44 Section 17896.6(a)(1)(C) or (D), that material shall be deemed to constitute landfill disposal pursuant to Section  
45 18983.1(a)(3).

46  
47 Note:

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

49 Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017,  
50 44100-44101, 44500-44503 and 44813-44816 Public Resource Code and Sections 39730.5, 39730.6, 39730.7  
51 and 39730.8 Health and Safety Code.

52  
53 **Section 17409.5.3. Measuring Organic Waste in Residuals Removed from Mixed Waste Organic**  
54 **Collection Stream.**

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

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

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

3 (A) Representative of a typical operating day

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

6 (2) Determine the total weight of the sample;

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

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

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

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

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

18 (e) The operator shall maintain records of measurements and the training of personnel in evaluating the amount  
19 of organic waste in the residual material removed from mixed waste organic collection stream.

20  
21 Note:

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

23 Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017,  
24 44100-44101, 44500-44503 and 44813-44816 Public Resource Code and Sections 39730.5, 39730.6, 39730.7  
25 and 39730.8 Health and Safety Code.

26  
27 **Section 17409.5.4. Measuring Organic Waste Recovered from Source Separated Organic Waste**  
28 **Collection Stream.**

29 (a) The operator of an attended operation or facility that accepts source separated organic waste shall, each  
30 operating day, measure the amount by weight of organic waste separated from the source separated organic  
31 waste collection stream after processing for end-use, recovery or further processing.

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

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

36 (A) Representative of a typical operating day;

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

39 (2) Determine the weight of each sample from each organic waste type.

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

42 (4) Then determine a ratio for each type of organic waste in the source separated organic waste collection  
43 stream by dividing the total from subdivision (b)(3) by the total from subdivision (b)(2).

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

47 (6) Determine the total weight of organic waste separated from the source separated organic waste  
48 collection stream for recovery for the operating day by adding the sum of all the weights calculated pursuant  
49 to subdivision (b)(5).

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

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

54  
55 Note:

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

1 Reference: Sections 40002,40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017,  
2 44100-44101, 44500-44503 and 44813-44816 Public Resource Code and Sections 39730.5, 39730.6, 39730.7  
3 and 39730.8 Health and Safety Code.

4  
5 **Section 17409.5.5. Measuring Organic Waste in Residuals Removed from Source Separated Organic**  
6 **Waste Collection Stream.**

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

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

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

14 (A) Representative of a typical operating day

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

17 (2) Determine the total weight of the sample:

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

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

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

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

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

31 Note:

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

33 Reference: Sections 40002,40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017,  
34 44100-44101, 44500-44503 and 44813-44816 Public Resource Code and Sections 39730.5, 39730.6, 39730.7  
35 and 39730.8 Health and Safety Code.

36  
37  
38 **Section 17409.5.6. Source Separated Organic Waste Handling.**

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

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

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

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

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

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

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

52  
53 Note:

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

55 Reference: Sections 40002,40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017,  
56 44100-44101, 44500-44503 and 44813-44816 Public Resource Code and Sections 39730.5, 39730.6, 39730.7  
57 and 39730.8 Health and Safety Code.

58  
59 **Section 17409.5.7. Loadchecking – Contamination in Source Separated Organic Waste.**

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

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

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

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

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

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

12 (2) Records of received loads with visible contamination.

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

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

18 (

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

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

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

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

25

26 Note:

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

28 Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017,  
29 44100-44101, 44500-44503 and 44813-44816 Public Resource Code and Sections 39730.5, 39730.6, 39730.7  
30 and 39730.8 Health and Safety Code.

31

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

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

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

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

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

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

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

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

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

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

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

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

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

10  
11 Note:

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

13 Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017,  
14 44100-44101, 44500-44503 and 44813-44816 Public Resource Code and Sections 39730.5, 39730.6, 39730.7  
15 and 39730.8 Health and Safety Code.

16  
17 **Section 17409.5.9. Alternatives to Measurement Protocols.**

18  
19 (a) The EA may approve, with concurrence by the Department, alternative measurement protocols to the  
20 requirements of Sections 17409.5.2, 17409.5.3, 17409.5.4, 17409.5.5, 17409.5.7, 17409.5.8, and 17409.11 of  
21 this division as long as they will still ensure that that the measurements will be as accurate.

22  
23 Note:

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

25 Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017,  
26 44100-44101, 44500-44503 and 44813-44816 Public Resource Code and Sections 39730.5, 39730.6, 39730.7  
27 and 39730.8 Health and Safety Code.

28  
29 **Section 17409.5.10. Solid Waste Handling at Consolidation Sites.**

30  
31 (a) Consolidation sites are not subject to the requirements of Sections 17409.5.1 through 17409.5.8 of this  
32 division.

33 (b) Consolidation sites are not subject to the recordkeeping and reporting requirements of Section 17414.2 of  
34 this division.

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

37 (d) Materials shall be transported only to transfer/processing facilities or operations that comply with Section  
38 17409.5.1.

39  
40 Note:

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

42 Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017,  
43 44100-44101, 44500-44503 and 44813-44816 Public Resource Code and Sections 39730.5, 39730.6, 39730.7  
44 and 39730.8 Health and Safety Code.

45  
46 **Section 17409.5.11. Remnant Organic Material in the Gray Container Collection Stream.**

47  
48 (a) Remnant organic material separated from the gray container collection stream is not subject to the  
49 requirements of Sections 17409.5.1 and 17409.5.8 of this division.

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

54 (b) The operator of an attended operation or facility that accepts a gray container collection stream shall  
55 perform loadchecking to identify the amount of visible remnant organic material according to the following  
56 schedule:

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



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

18  
19 Note:

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

21 Reference: Sections 40002,40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017,  
22 44100-44101, 44500-44503 and 44813-44816 Public Resource Code and Sections 39730.5, 39730.6, 39730.7  
23 and 39730.8 Health and Safety Code.

24  
25 **Article 6.3. Record Keeping Requirements.**

26  
27 **Section 17414.2. Recordkeeping and Reporting Requirements for Mixed Waste Organic Waste and**  
28 **Source Separated Organic Waste**

29 (a).The operator shall keep the following records

30 (1) The results of each sample conducted pursuant to Sections 17409.5.2, 17409.5.3, 17409.5.4, and  
31 17409.5.5.

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

33 (3) The daily outgoing weights of residuals removed from the mixed organic waste stream sent to disposal.

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

35 (5) The daily outgoing weights of residuals removed from the source separated, organic-waste stream sent  
36 to disposal.

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

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

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

40 (9) If the operator complies with the incompatible material requirements in Section 17409.5.8 by sending  
41 material to a facility that meets the requirements of subdivisions (b) of Section 17409.5.8, the operator shall  
42 keep a record of:

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

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

46 (b) The records required in subdivision (a) and (b) shall be:

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

48 (2) As current and accurate as practicable.

49 (c) All records required by this article shall be kept by the operator in one location and accessible for three (3)  
50 years and shall be available for inspection by the EA and other duly authorized regulatory agencies during  
51 normal working hours.

52 (d) The operator shall submit copies of specified records to the EA upon request or at a frequency approved by  
53 the EA.

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

58  
59 Note:

1 Authority cited: Sections 40502, 43020, 43021, and 42652.5 Public Resources Code.  
2 Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017,  
3 44100-44101, 44500-44503 and 44813-44816 Public Resource Code and Sections 39730.5, 39730.6, 39730.7  
4 and 39730.8 Health and Safety Code.

### Chapter 3.1. Composting Operations Regulatory Requirements

#### Article 1. General

9 Section 17852. Definitions

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

#### 11 Note:

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

13 Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017,  
14 44100-44101, 44500-44503 and 44813-44816 Public Resource Code and Sections 39730.5, 39730.6, 39730.7  
15 and 39730.8 Health and Safety Code.

#### 16 Article 2. Regulatory Tiers for Composting Operations and Facilities.

##### 17 Section 17855. Excluded Activities.

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

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

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

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

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

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

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

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

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

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

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

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

29 Note:

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

34  
35  
36 **Article 5.0. Composting Operation and Facility Siting and Design Standards**

37  
38 **Section 17867. General Operating Standards.**

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

- 1           2. The EA determines that the incoming material from the source separated organic waste collection  
2           stream does not contain any remnant organic material.  
3  
4           (5) Contamination of compostable materials that has undergone pathogen reduction, pursuant to section  
5           17868.3 of this Chapter, with feedstocks, compost, or wastes that have not undergone pathogen reduction,  
6           pursuant to section 17868.3 of this Chapter, or additives shall be prevented.  
7           (6) Unauthorized human or animal access to the facility shall be prevented.  
8           (7) Traffic flow into, on, and out of the composting operation or facility shall be controlled in a safe manner.  
9           (8) All compostable materials handling operations and facilities that are open for public business shall post  
10          legible signs at all public entrances. These signs shall include the following information:  
11          (A) name of the operation or facility,  
12          (B) name of the operator,  
13          (C) facility hours of operation,  
14          (D) materials that will and will not be accepted, if applicable,  
15          (E) schedule of charges, if applicable, and  
16          (F) phone number where operator or designee can be reached in case of an emergency.  
17          (9) The operator shall provide fire prevention, protection and control measures, including, but not limited to,  
18          temperature monitoring of windrows and piles, adequate water supply for fire suppression, and the isolation  
19          of potential ignition sources from combustible materials. Firelanes shall be provided to allow fire control  
20          equipment access to all operation areas.  
21          (10) The operator shall provide telephone or radio communication capability for emergency purposes.  
22          (11) Physical Contaminants and refuse removed from feedstock, compost, or chipped and ground material  
23          shall be removed from the site within 7 days and transported to an appropriate facility.  
24          (12) Enclosed operations and facilities shall provide ventilation to prevent adverse public health effects from  
25          decomposition gases.  
26          (13) The operator shall ensure that leachate is controlled to prevent contact with the public.  
27          (14) The operator shall prevent or remove physical contaminants in compost and chipped and ground  
28          materials that may cause injury to humans.  
29          (15) An attendant shall be on duty during business hours if the operation or facility is open to the public.  
30          (16) The operator shall determine the monthly percentage of organic waste contained in residuals removed  
31          after processing.  
32          (A) To determine the monthly percentage, the operator shall, each per operating day, measure the  
33          amount of organic waste by weight present in the residuals removed after processing.  
34          (B) The operator shall comply with subdivision (a)(16)(A) by using the following protocol:  
35                1. Take at least a one (1) cubic yard sample of the residuals removed after processing at the  
36                operation or facility on that operating day prior to sending to disposal. Each sample shall be:  
37                    i. Representative of a typical operating day.  
38                    ii. A random, composite sample taken either from various times during the operating day or from  
39                    various locations within the pile after processing.  
40                2. Determine the total weight of the sample.  
41                3. Remove any incompatible material and determine the remaining weight of the organic waste in the  
42                sample.  
43                4. Then determine the ratio of organic waste present in the residuals removed after processing by  
44                dividing the total from subdivision (a)(16)(B)3 by the total from subdivision (a)(16)(B)2.  
45                5. Determine the total weight of organic waste removed after processing that is sent for disposal by  
46                multiplying the ratio determined pursuant to subdivision (a)(16)(B)4 by the total weight of the  
47                residuals removed from the source separated organic waste collection stream after processing.  
48                6. Determine the monthly sum of outgoing weights of organic waste present in the residuals after  
49                processing that is sent for disposal as determined pursuant to subdivision (a)(16)(B)5.  
50                7. Determine the monthly ratio of organic waste present in the residuals removed after processing by  
51                dividing the total from subdivision (a)(16)(B)6 by the total monthly outgoing weights of residuals  
52                removed that is sent for disposal.  
53                8. Determine the monthly percentage of organic waste present in the residuals removed after  
54                processing by multiplying the monthly ratio as determined pursuant to subdivision (a)(16)(B)7 by 100.  
55          (C) The operator shall conduct a measurement in the presence of the EA when requested.  
56          (D) If it is determined by the EA that the measurements do not accurately reflect the records, the EA  
57          may require the operator to increase the frequency of measurements, revise the measurement protocol,  
58          or both to improve accuracy.

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

8  
9 Note:

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

11 Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017,  
12 44100-44101, 44500-44503 and 44813-44816 Public Resource Code and Sections 39730.5, 39730.6, 39730.7  
13 and 39730.8 Health and Safety Code.

14  
15 **Article 8. Composting Operation and Facility Records**

16  
17 **Section 17869. General Record Keeping and Reporting Requirements.**

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

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

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

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

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

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

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

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

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

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

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

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

1 requires inpatient hospitalization for a period in excess of 24 hours or in which a member of the public suffers a  
2 loss of any member of the body or suffers any degree of permanent disfigurement.  
3 (h) The operator shall retain a record of training and instruction completed in accordance with section 17867.5.  
4 (i) Each operator shall maintain records in accordance with Title 14, California Code of Regulations, Division 7,  
5 Chapter 9, Article 9.25, Section 18815.1 et.seq. The records shall be available for inspections as authorized by  
6 that article during normal business hours and retained in the operating record near the site or in an alternative  
7 location approved by the Local Enforcement Agency.

8  
9 Note:

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

11 Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017,  
12 44100-44101, 44500-44503 and 44813-44816 Public Resource Code and Sections 39730.5, 39730.6, 39730.7  
13 and 39730.8 Health and Safety Code.

## 14 15 **Chapter 3.2. In-Vessel Digestion Operations and Facilities Regulatory Requirements**

### 16 17 **Article 1. In-Vessel Digestion Operations and Facilities Regulatory Requirements**

#### 18 19 **Section 17896.2. Definitions**

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

21  
22 Note:

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

24 Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017,  
25 44100-44101, 44500-44503 and 44813-44816 Public Resource Code and Sections 39730.5, 39730.6, 39730.7  
26 and 39730.8 Health and Safety Code.

#### 27 28 **Section 17896.6. Excluded Activities**

29 (a)(5) Rendering activities, authorized by the California Department of Food and Agriculture pursuant to Section  
30 19300 of the Food and Agricultural Code, or an activity that is a licensed animal food manufacturing activity,  
31 and in which no solid waste feedstock bypasses the rendering or manufacturing process.

32  
33 Note:

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

35 Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017,  
36 44100-44101, 44500-44503 and 44813-44816 Public Resource Code and Sections 39730.5, 39730.6, 39730.7  
37 and 39730.8 Health and Safety Code.

### 38 39 **Article 2.0. Siting and Design**

#### 40 41 **Section 17896.25. Load Checking. – Prohibited Wastes.**

42 (a) The operator of an attended in-vessel digestion operation or facility shall implement a load checking  
43 program to prevent the acceptance of waste which is prohibited by this Chapter. This program must include at  
44 a minimum:

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

52  
53 Note:

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

55 Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017,  
56 44100-44101, 44500-44503 and 44813-44816 Public Resource Code and Sections 39730.5, 39730.6, 39730.7  
57 and 39730.8 Health and Safety Code.

#### 58 59 **Section 17896.25.1. Loadchecking – Contamination in Source Separated Organic Waste.**

- 1 (a) The operator of an attended in-vessel digestion operation or facility shall perform loadchecking to identify  
2 the amount of visible contamination according to the following schedule:  
3 (1) One (1) loadcheck shall be conducted for every 500 tons of source separated organic waste received  
4 per operating day. If the operator receives less than 500 tons for the operating day, a minimum of two (2)  
5 loadchecks shall be conducted for that operating day.  
6 (2) At least one loadcheck per month of each hauler by source sector as defined in Section 18815.2(a)(51).  
7 (3) The operator shall inform the jurisdiction of origin or jurisdiction's designee of received loads with visible  
8 contamination.  
9 (b) The operator shall maintain the following loadchecking records under this section:  
10 (1) Records of the number of rejected or redirected loads and reasons for rejection or redirection.  
11 (2) Records of received loads with visible contamination.  
12 (3) Records of loadchecks and the training of personnel in evaluating the amount of contamination in source  
13 separated organic waste. These records shall be maintained for three (3) years in the operating record and  
14 be available for review by the appropriate jurisdiction of origin, haulers, and other duly authorized regulatory  
15 agencies.  
16 (4) Records of notices provided to jurisdiction and jurisdiction's designee pursuant to subdivision (a)(3).  
17 (c) The operator shall conduct a loadcheck in the presence of the EA when requested.  
18 (d) The EA may approve an alternative frequency for loadchecking if:  
19 (1) The facility receives waste from jurisdictions that are monitoring containers provided to generators using  
20 the container contamination minimization described in Section 18984.5, or  
21 (2) The EA determines that the incoming material from the source separated organic waste collection  
22 stream does not contain any remnant organic material.  
23

24 Note:

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

26 Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017,  
27 44100-44101, 44500-44503 and 44813-44816 Public Resource Code and Sections 39730.5, 39730.6, 39730.7  
28 and 39730.8 Health and Safety Code.

29  
30 **Article 3. Operating Standards for In-Vessel Digestion Operations and Facilities**

31  
32 **Section 17896.44.1. Measuring Organic Waste in Residuals**

- 33 (a) The operator shall determine the monthly percentage of organic waste contained in residuals removed after  
34 processing that is sent to disposal.  
35 (1) To determine the monthly percentage, the operator shall, each per operating day, measure the amount  
36 of organic waste by weight present in the residuals removed after processing.  
37 (2) The operator shall comply with subdivision (a)(1) by using the following protocol:  
38 (A) Take at least a one (1) cubic yard sample of the residuals removed after processing at the operation  
39 or facility on that operating day prior to sending to disposal. Each sample shall be:  
40 1. Representative of a typical operating day.  
41 2. A random, composite sample taken either from various times during the operating day or from  
42 various locations within the pile after processing.  
43 (B) Determine the total weight of the sample.  
44 (C) Remove any incompatible material and determine the remaining weight of the organic waste in the  
45 sample.  
46 (D) Then determine the ratio of organic waste present in the residuals removed after processing by  
47 dividing the total from subdivision (a)(2)(C) by the total from subdivision (a)(2)(B).  
48 (E) Determine the total weight of organic waste removed after processing that is sent for disposal by  
49 multiplying the ratio determined pursuant to subdivision (a)(2)(D) by the total weight of the residuals  
50 removed from the source separated organic waste collection stream after processing.  
51 (F) Determine the monthly sum of outgoing weights of organic waste present in the residuals after  
52 processing that is sent for disposal as determined pursuant to subdivision (a)(2)(E).  
53 (G) Determine the monthly ratio of organic waste present in the residuals removed after processing by  
54 dividing the total from subdivision (a)(2)(F) by the total monthly outgoing weights of residuals removed  
55 that is sent for disposal.  
56 (H) Determine the monthly percentage of organic waste present in the residuals removed after  
57 processing by multiplying the monthly ratio as determined pursuant to subdivision (a)(2)(G) by 100.  
58 (b) The operator shall conduct a measurement in the presence of the EA when requested.

- 1 (c) If it is determined by the EA that the measurements do not accurately reflect the records, the EA may  
2 require the operator to increase the frequency of measurements, revise the measurement protocol, or both to  
3 the improve accuracy.  
4 (d) An alternative frequency for determining the amount of organic waste contained in the residual may be  
5 approved by the EA, with concurrence by the Department.  
6 (e) Organic waste that are textiles, carpet, hazardous wood waste, plastic coated paper and material subject to  
7 a quarantine on movement issued by a county agricultural commissioner is considered incompatible materials  
8 rather than organic waste.  
9 (f) Organic waste sent to an activity listed in Section 18983.1(a) shall constitute disposal.

10  
11 Note:

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

13 Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017,  
14 44100-44101, 44500-44503 and 44813-44816 Public Resource Code and Sections 39730.5, 39730.6, 39730.7  
15 and 39730.8 Health and Safety Code.

16  
17 **Article 4. Record Keeping Requirements.**

18  
19 **Section 17896.45. Record Keeping and Reporting Requirements.**

20 Each operator shall meet the following requirements:

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

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

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

27 (B) Records of received loads with visible contamination.

28 (C) Records of loadchecks and the training of personnel in evaluating the amount of contamination in  
29 source separated organic waste.

30 (D) Records of notices provided to jurisdictions and jurisdiction's designee pursuant to Section  
31 17896.25.1.

32 (E) The monthly percentage of organic waste contained in residuals removed from processing as  
33 calculated pursuant to Section 17896.44.1.

34 (F) The outgoing weights or volumes of residual sent to disposal.

35 (G) Daily outgoing weights or volumes of organic waste recovered and produced.

36 (H) Daily outgoing weights or volumes of salvaged materials.

37 (I) Daily Incoming weights of material.

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

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

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

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

52 (1) the nature of the complaint,

53 (2) the date the complaint was received,

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

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

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



1 (g) The operator shall maintain records of employee training as required by section 17896.43;  
2 (h) all in-vessel digestion operations and facilities shall maintain records as required by section 18809 et seq.  
3 (i) The operator shall record all test results generated by compliance with Article 6 of this Chapter, including but  
4 not limited to, metal concentrations, physical contamination limits, fecal coliform and Salmonella sp. densities,  
5 temperature measurements, and dates of windrow turnings.

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

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

11 Note:

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

13 Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017,  
14 44100-44101, 44500-44503 and 44813-44816 Public Resource Code and Sections 39730.5, 39730.6, 39730.7  
15 and 39730.8 Health and Safety Code.

16  
17  
18 **Chapter 5. Enforcement of Solid Waste Standards and Administration of Solid Waste Facilities**  
19 **Permits; Loan Guarantees**

20  
21 **Article 2.2. LEA Performance Standards, Evaluation Criteria, and Duties and Responsibilities**

22  
23 **Section 18083. LEA Duties and Responsibilities for Inspections.**

24 (a) Pursuant to Public Resources Code Division 30, Parts 4 and 5, and 14 CCR Division 7, Chapters 3 and 5,  
25 27 CCR, Division 2, Subdivision 1 (§20005 et seq.), and its EPP, the LEA/EA shall inspect and investigate solid  
26 waste collection, handling, and storage, solid waste facilities, operations and disposal sites and equipment to  
27 verify compliance with the state minimum standards, solid waste facilities permits, and related state solid waste  
28 laws and regulations within their purview for the protection of the environment and the public health. The LEA  
29 shall perform these inspections and related duties as required below, and forward inspection reports to the  
30 operator, and/or owner, and the Department within 30 days of the inspection:

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

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

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

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

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

51 (5) if an LEA has been designated as the EA for waste tire facilities or entered into an agreement with the  
52 Department through a grant program to inspect tire facilities, major waste tire facilities shall be inspected  
53 annually, minor waste tire facilities shall be inspected at least once every two and a half years pursuant to  
54 14 CCR Section 18443;

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

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

58 (8) pursuant to the EPP, for solid waste handling and collection equipment.

1 (b) As specified in their EPP pursuant to Section 18077, the LEA/EA shall conduct any of the above  
2 inspections, whenever possible, without prior notice to the owner or operator, on randomly selected days,  
3 during normal business hours or the site's operating hours.

4 (c) At least once per quarter, the EA shall oversee a minimum of one (1) measurement as described in 14 CCR  
5 Sections 17409.5.2, 17409.5.3, 17409.5.4, 17409.5.5, 17409.5.8, 17867 and 17896.44.1, during an inspection  
6 required in subdivision (a).

7  
8 Note:

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

10 Reference: Sections 40002, 40053, 41780.01, 42652.5, 42653, 42654, 43020, 43021, 43103, 44001-44017,  
11 44100-44101, 44500-44503 and 44813-44816 Public Resource Code and Sections 39730.5, 39730.6, 39730.7  
12 and 39730.8 Health and Safety Code.  
13

The dotted underline text in the following section denotes text from a separate rulemaking package pending OAL review. That text is not part of this rulemaking and not subject to comments under this rulemaking. The text denoted by double underline is part of this rulemaking ( they show proposed additions to that pending language) and comments may be submitted on that portion of the text on this page.

**Chapter 9: Planning Guidelines and Procedures for Preparing, Revising, and Amending Countywide or Regional Integrated Waste Management Plans**

**Article 9.25 Recycling and Disposal Reporting System**

**Section 18815.4 Reporting Requirements for Haulers.**

- (a) A self-hauler shall provide the jurisdiction of origin for all material delivered to each transfer/processor or disposal facility. A self-hauler does not have to report to the Department, unless they are a food waste self-hauler.
- (b) "Food waste self-haulers", as defined in section 18815.2(a)(27) of this article, shall report to the Department the tons of food waste sent as follows:
- (1) To a reporting entity inside California, report the tons of each material type, pursuant to section 18815.9 of this article, and their contact information and RDRS number.
  - (2) To an end user inside or outside California, report the tons of each material type, pursuant to section 18815.9 of this article, sent to each end user category, by region, pursuant to section 18815.3(k) of this article.
  - (3) To a recycling or composting facility or operation outside California, report the tons of each material type, pursuant to section 18815.9 of this article, by region, pursuant to section 18815.3(l) of this article.
  - (4) To each transfer/processor or disposal facility outside California, report the total tons of each material type, pursuant to section 18815.9 of this article, sent to each person, and their contact information.
- (c) A contract hauler shall provide the following information to a receiving reporting entity for all tons delivered, using the methods in section 18815.9 of this article. A hauler shall provide the information at the time of delivery, unless both the hauler and receiving facility have previously agreed to periodic reports in lieu of providing information at the time of delivery. In all cases, the hauler shall provide the information to the receiving reporting entity within 30 days of the end of the reporting period.
- (1) For solid waste hauled:
    - (A) A hauler shall provide the jurisdiction of origin for all material sent to each transfer/processor or disposal facility; and
    - (B) If requested by a transfer/processor or disposal facility, then a hauler shall provide the source sector for all material delivered to each broker or transporter, transfer/processor, or disposal facility, in tons or by percentage using the methods provided in section 18815.9 of this article.
- (d) A contract hauler who takes material directly from a generator and hauls it to land application or to a person outside of the state shall report to the Department. In their report to the Department, a contract hauler shall provide the following information for tons hauled, using the methods described in section 18815.9 of this article:
- (1) Directly from a generator to land application, the tons of each material type sent by region pursuant to section 18815.3(k) of this article.
  - (2) Directly from a generator to a person outside of the state:
    - (A) For solid waste, the total tons by jurisdiction of origin for all material sent to a disposal facility or transfer/processor, their contact information, and an estimate of the overall source sector tons or percentages for waste sent.
    - (B) For green material sent to each transfer/processor or disposal facility for potential beneficial reuse, the total tons by jurisdiction of origin, and the contact information of the receiving facility.
    - (C) For non-green material sent to each transfer/processor or disposal facility for potential beneficial reuse, the total tons by material type pursuant to section 18815.9, and the contact information of the receiving facility.

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

3 (E) For material sent to recycling or composting facilities or operations, the tons of each material type  
4 sent by region.

5 (F) To end users, the tons of each material sent to each end user category by region pursuant to  
6 section 18815.3(k) of this article.

7 (3) A hauler shall submit their report to the Department by the following due dates for each reporting  
8 period:

9 (A) Reporting period 1 due April 30,

10 (B) Reporting period 2 due July 31,

11 (C) Reporting period 3 due October 31, and

12 (D) Reporting period 4 due January 31.

13 (e) For the purposes of RDRS reporting, the Department shall not require a hauler to submit information on  
14 specific collection locations or customers when providing jurisdiction of origin, material type or source  
15 sector information to other reporting entities or to the Department as part of a quarterly report.

16 (1) A jurisdiction is not precluded from requiring this information through franchise agreements, contracts,  
17 local ordinances, section 41821.5(g) of the Public Resources Code, or other authority it may have.

18 (2) The Department may require a hauler to submit this information in lieu of an audit, or as part of an  
19 audit or administrative proceeding.

20 (f) Commencing January 1, 2022, a hauler providing an organic waste collection service pursuant to  
21 Article 3, Chapter 12 of this Division shall identify, for all materials delivered to each receiving reporting  
22 entity whether the material is:

23 (1) Collected from a "source separated organic waste collection stream" as defined in section 17402  
24 (a)(18.6) of this Division.

25 (2) Collected from "mixed waste organics collection stream" as defined in in section 17402 (a)(11.5) of this  
26 Division that is required to be transported to a high diversion organic waste processing facility.

27 Notwithstanding subdivision (b), a hauler shall provide the information required by this subdivision at the time of  
28 delivery.

29  
30 Authority Cited: Sections 40401, 40502, and 41821.5(e), and 42652.5 Public Resources Code.

31  
32 Reference: Sections 41821.5 and 41821.6 Public Resources Code and 39730.5, 39730.6, 39730.7, and  
33 39730.8 Health and Safety Code.

34  
35  
36 **Section 18815.5 Reporting Requirements for Transfer/Processors.**

37  
38 (a) In their report to the Department, a transfer/processor shall provide the following information, using the  
39 methods in section 18815.9 of this article:

40 (1) For all tons accepted:

41 (A) From another transfer/processor, report the tons of each of the following streams: solid waste,  
42 disaster debris, designated waste, green material potential beneficial reuse, and all other potential  
43 beneficial reuse accepted from each facility and the sending facility's contact information and  
44 RDRS number, if applicable.

45 (B) For direct-hauled material, report the total aggregated tons of each of the following streams:  
46 solid waste, disaster debris, designated waste, green material potential beneficial reuse, and all  
47 other potential beneficial reuse. The tonnages for solid waste and green material potential  
48 beneficial reuse shall be further divided by jurisdiction of origin.

49 (C) Include accepted residuals generated by a recycling or composting facility or operation that is  
50 reporting under the same RDRS number as a transfer/processing facility or operation pursuant to  
51 section 18815.3(d)(4) of this article in the total tons accepted as direct-hauled, pursuant to  
52 paragraph (B), assigning the tons to the jurisdiction within which the site is located.

53 (2) For all tons sent to recyclers, composters, brokers, transporters, or end users pursuant to section  
54 18815.9 of this article:

- 1        (A) To a recycling or composting facility or operation, with a different RDRS number inside California,  
2        report the tons by material type, pursuant to section 18815.9(a) of this article, and their contact  
3        information and RDRS number, if applicable.
- 4        (B) To an end user, report the tons of each material type, pursuant to section 18815.9(a) of this  
5        article, sent to each end user category by region pursuant to section 18815.3(k) of this article.
- 6        (C) To a broker or transporter:
- 7            (i) In cases where the final destination of the material is determined by the reporting  
8            transfer/processor, report pursuant to subsections (a)(2)(A), (a)(2)(B), and (a)(2)(E).
- 9            (ii) In cases where the final destination of the material is not determined by the reporting  
10           transfer/processor, report tons of each material type, pursuant to section 18815.9(a) of this  
11           article, sent to each broker or transporter and their contact information and RDRS number, if  
12           applicable.
- 13        (D) To a recycling or composting facility or operation with the same RDRS number, report pursuant to  
14        section 18815.9(h) of this article.
- 15        (E) To a recycling or composting facility or operation outside California, report the tons of each  
16        material type by region.
- 17        (3) For all tons sent to transfer/processors or disposal facilities inside or outside of California of each of  
18        the following streams: recycling and composting, solid waste, disaster debris, designated waste, green  
19        material potential beneficial reuse, and all other potential beneficial reuse :
- 20           (A) To each transfer/processor or disposal facility, report the total tons of each stream , and their  
21           contact information and RDRS number, if applicable. Report the percentage of solid waste and  
22           green material potential beneficial reuse received from each transfer/processor; and the total  
23           percentage of materials that were direct-hauled pursuant to subsection (a)(1)(B) . The percentage  
24           that was direct-hauled pursuant to subsection (a)(1)(B) shall be further divided into the jurisdictions  
25           of origin of solid waste and green material potential beneficial reuse.
- 26           (B) For all tons of solid waste, the percentage that was direct-hauled pursuant to subsection (a)(1)(B)  
27           shall be divided into source sectors, using methods described in section 18815.9(c) of this article.  
28           Source sector shall be reported to the department as a facility-wide estimate.
- 29           (C) For all other material sent for potential beneficial reuse to a landfill or other transfer/processor  
30           inside or outside California, report the tons sent to each facility by material type pursuant to  
31           section 18815.9(a)(3) of this article, and the facility's contact information and RDRS number, if  
32           applicable.
- 33           (D) For material sent for recycling to each transfer/processor or disposal facility with a different RDRS  
34           number inside California, report the tons by material type, and the facility's contact information and  
35           RDRS number, if applicable.
- 36           (E) For material sent for recycling to each transfer/processor or disposal facility outside California,  
37           report the tons by material type and region.
- 38        (b) A transfer/processor shall report to the Department by the following due dates for each reporting period:
- 39           (1) Reporting period 1 due May 31.
- 40           (2) Reporting period 2 due August 31.
- 41           (3) Reporting period 3 due November 30, and
- 42           (4) Reporting period 4 due February 28.
- 43        (c) With the exception of reporting entities who fail to provide required information, for the purposes of RDRS  
44        reporting, the Department shall not require a transfer/processor to submit information on the identities of  
45        individual haulers when providing jurisdiction of origin, or source sector information to the Department as  
46        part of their report. The Department shall not require a transfer/processor to submit information on the  
47        identities of individual end users when providing material type or region to the Department as part of their  
48        /report.
- 49           (1) A jurisdiction is not precluded from requiring this information through franchise agreements, contracts,  
50           local ordinances, section 41821.5(g) of the Public Resources Code, or other authority it may have.
- 51           (2) The Department may require a transfer/processor to submit this information in lieu of an audit or as  
52           part of an audit or administrative proceeding.
- 53        (d) Commencing with the first reporting period in 2022, and in each subsequent reporting period thereafter:
- 54           (1) A reporting receiving facility that receives material from a "mixed waste organic collection stream" as  
55           defined in section 17402 (a)(11.5) of this Division shall, for the purposes of determining the annual  
56           average organic content recovery rate for organic waste received from the mixed waste organic

1 collection stream as specified in section 18984.3 and 17409.5.1 of this Division, report the following  
2 to the Department:

3 (A) The quarterly sum of outgoing weights of organic waste recovered from the mixed waste organic  
4 collection stream as determined pursuant to Section 17409.5.1 (c)(1) of this Division.

5 (B) The quarterly sum of outgoing weights of organic waste from the mixed waste organic collection  
6 stream that is sent to disposal as determined pursuant to Section 17409.5.1 (c)(2) of this Division.

7 (C) The sum of records in 17414.2 (a)(2), 17414.2(a)(3), and 17414.2 (a)(6) of outgoing and incoming  
8 weights of material from the mixed waste organic collection stream.

9 (2) A Reporting Receiving facility that receives material from a "source separated organic waste collection  
10 stream" as defined in section 17402 (a)(18.6) shall report the following to the department:

11 (A) The quarterly sum of outgoing weights of organic waste recovered from the source separated  
12 organic collection stream as determined pursuant to Section 17409.5.1 (d)(1) of this Division.

13 (B) The quarterly sum of outgoing weights of organic waste recovered from the source separated  
14 organic collection stream as determined pursuant to Section 17409.5.1(d)(2) of this Division.

15 (e) The Department shall determine if a facility meets or exceeds the recovery efficiency percentages specified  
16 in Section 18984.3 and 17409.5.1 of this Division in the following manner.

17 (1) The Department shall determine the quarterly recovery efficiency by dividing the value of recovered  
18 organic waste reported in subdivision (d)(1)(A)[Recovered Organics (RO)] by the combined valued of  
19 recovered and residual organic waste reported in (d)(1)(A) and (d)(1)(B)[Total Available  
20 Organics(TAO)]: RO/TAO = Recovery Efficiency

21 (2) The Department shall use the total weights for the immediately previous four quarters to determine the  
22 facility's annual recovery efficiency which shall constitute the annual average mixed waste organic  
23 content recovery rate for the purposes of section 18984.3 of this Division.

24 (3) The annual average mixed waste organic content recovery rate shall be determined by using the last  
25 four quarterly rates. A new annual average shall be calculated each quarter.

26  
27 Authority Cited: Sections 40502, and 41821.5(e), and 42652.5 Public Resources Code.

28  
29 Reference: Sections 41821.5 and 41821.6 Public Resources Code, and 39730.5, 39730.6, 39730.7, and  
30 39730.8 Health and Safety Code.

31  
32 **Section 18815.7 Reporting Requirements for Recycling and Composting Facilities and Operations.**

33  
34 (a) In its report to the Department, a recycling or composting facility or operation shall provide the following  
35 information for all tons handled, using the methods described in section 18815.9 of this article:

36 (1) For materials sent for disposal or potential beneficial reuse to each transfer/processor or disposal  
37 facility with a different RDRS number inside or outside of California, report the total tons of each  
38 material type, pursuant to section 18815.9(a) of this article, and their contact information and RDRS  
39 number, if applicable.

40 (2) For materials sent to each recycling or composting facility or operation with a different RDRS number,  
41 or for recycling at each transfer/processor with a different RDRS number inside California, report the  
42 tons of each material type, pursuant to section 18815.9(a) of this article, and their contact information  
43 and RDRS number, if applicable.

44 (3) For materials sent to a recycling or composting facility or operation with the same RDRS number,  
45 report pursuant to section 18815.9(h) of this article.

46 (4) For intermediate products sent to end users inside or outside of California, report the tons of each  
47 material type, pursuant to section 18815.9(a) of this article, sent to each end user category by region  
48 pursuant to section 18815.3(k) of this article.

49 (5) For materials sent to a broker or transporter, report:

50 (A) In cases where the final destination of the material is determined by the reporting recycling or  
51 composting facility or operation, report pursuant to subsections (a)(1), (a)(2), (a)(4), and (a)(6) as  
52 applicable.

53 (B) In cases where the final destination of the material is not determined by the reporting recycling or  
54 composting facility or operation, report tons of each material type, pursuant to section 18815.9(a)  
55 of this article, sent to each broker or transporter and their contact information and RDRS number,  
56 if applicable.

- 1       (6) For materials sent to each recycling or composting facility or operation outside California, or for  
2       recycling at a transfer/processor outside California, report the tons of each material type by region.  
3       (b) A recycling or composting facility or operation is not required to report on material sold for reuse or  
4       transferred for reuse.  
5       (c) A recycler who handles business-to-business post-industrial materials, but also handles materials that do  
6       not meet the criteria in section 18815.2(a)(8) of this article, shall:  
7       (1) Report as a recycler pursuant to this section for all materials that do not meet the criteria for business-  
8       to-business post-industrial recycling, and  
9       (2) Not include information or tonnages associated with the business-to-business post-industrial materials  
10       recycled as defined in section 18815.2(a)(8) of this article.  
11       (d) A recycling or composting facility or operation shall report to the Department by the following due dates for  
12       each reporting period:  
13       (1) Reporting period 1 due May 31.  
14       (2) Reporting period 2 due August 31.  
15       (3) Reporting period 3 due November 30, and  
16       (4) Reporting period 4 due February 28.  
17       (e) With the exception of other reporting entities, for the purposes of RDRS reporting, the Department shall  
18       not require a recycling and composting facility or operation to submit information on the identities of  
19       individual end users, suppliers, or customers when providing material type information to the Department  
20       as part of a quarterly report.  
21       (1) A jurisdiction is not precluded from requiring this information through franchise agreements, contracts,  
22       local ordinances, section 41821.5(g) of the Public Resources Code, or other authority it may have.  
23       (2) The Department may require that a recycler/composter submit this information in lieu of an audit, or as  
24       part of an audit or administrative proceeding.  
25       (f) Commencing with first reporting period in 2022, and in each subsequent reporting period thereafter  
26       (1) A recycling or compost facility or operations shall, if applicable, additionally report the following to the  
27       department:  
28       (A) The monthly percentage organic waste contained in residuals removed from processing as  
29       calculated pursuant to 17869(e)(5) or 17896.45 (a)(1)(E)

30 Authority Cited: Sections 40502, and 41821.5(e), and 42652.5 Public Resources Code.  
31

32 Reference: Sections 41821.5 and 41821.6 Public Resources Code and 39730.5, 39730.6, 39730.7, and  
33 39730.8 Health and Safety Code.

34 **Title 27. Environmental Protection**  
35 **Division 2. Solid Waste**

36 **Chapter 2. Definitions**

37 **Article 2. Specific Definitions**

38 **Section 20164.**

39 "Hauler" has the same meaning as defined in Section 18815.2(a)(32) of this division.  
40

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

42 **Subchapter 4. Criteria for Landfills and Disposal Sites**

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

44 **§20700.5. CalRecycle—Long-Term Intermediate Cover.**

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

47 (1) The EA may approve, with concurrence by the Department, an alternative long-term intermediate cover  
48 if the operator demonstrates that the alternative is equivalent to 36 inches of earthen material.

49 (b) For waste classification, composition, and liquid percolation requirements of intermediate cover, refer to the  
50 SWRCB requirements set forth in 27 CCR Section 20705.  
51  
52  
53  
54

1  
2 Note:

3 Authority cited: Section 40502, 41781.3, 43020, and 42652.5 Public Resources Code.

4  
5 Reference: Sections 40002,40053,40508, 42652.5, 42653, 42654,43020,43021 43103,44001-44017, 44100-  
6 44101, 44500-44503 and 44813-44816, Public Resources Code; Sections 39730.5, 39730.6, 39730.7 and  
7 39730.8 Health and Safety Code; and Code of Federal Regulations Section 258.21.

8  
9 **Article 3: CIWMB CalRecycle—Handling, Equipment, and Maintenance**

10  
11 **§20750.1. CalRecycle– Organic Waste Handling.**

12 (a) For new or expanding solid waste landfills:

13 (1) The operator shall implement organic waste recovery activities, as approved by the EA, organic waste  
14 recovery activities shall be confined to specified, clearly identifiable areas of the site and shall be arranged  
15 to minimize health and safety hazard, vector harborage, or other hazard or nuisance, and be limited to a  
16 volume and storage time as approved by the EA.

17 (A) Receipt of solid wastes that have already been processed through a high diversion organic waste  
18 processing facility does not need to be processed at the organic recovery activity.

19 (b) For the purposes of this section “organic waste recovery activities” means activities that divert organic  
20 waste from disposal to constitute a reduction of landfill disposal of organic waste as defined in Article 2 of  
21 Chapter 12 of Division 7 of Title 14 of the California Code of Regulations (commencing with Section 18983),  
22 either on-site or transport to another site where those activities occur.

23 (c) For the purposes of the section, “expanding” means a solid waste landfill proposing to make a significant  
24 change to the design or operation as determined by the EA pursuant to 27 CCR Section 21665.

25 (1) Changing the hours of operation of a landfill is not considered an expansion pursuant to 14 CCR Section  
26 20750.1(c).

27  
28 Note:

29 Authority cited: Section 40502, 43020, and 42652.5 Public Resources Code.

30  
31 Reference: Sections 40002,40053,40508, 42652.5, 42653, 42654,43020,43021 43103,44001-44017, 44100-  
32 44101, 44500-44503 and 44813-44816, Public Resources Code; Sections 39730.5, 39730.6, 39730.7 and  
33 39730.8 Health and Safety Code.

34  
35 **Article 4. CIWMB CalRecycle—Controls**

36  
37 **§20901. CalRecycle—Loadchecking Contamination in Source Separated Organic Waste.**

38 (a) The operator shall implement a loadchecking program to identify the amount of visible contamination in  
39 source separated organic waste according to the following schedule:

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

43 (2) At least one loadcheck per month of each hauler by source sector as defined in Section 18815.2(a)(51).

44 (3) At least one loadcheck per quarter from each service area.

45 (4)The operator shall inform the jurisdiction of origin or jurisdiction’s designee of received loads with visible  
46 contamination.

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

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

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

50 (3) Records of notices provided to operators and or jurisdictions pursuant to Section 18984. 5 of this  
51 division.

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

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

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

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



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

3  
4 Note:

5 Authority cited: Section 40502, 43020, and 42652.5 Public Resources Code.

6  
7 Reference: Sections 40002,40053,40508, 42652.5, 42653, 42654,43020,43021 43103,44001-44017, 44100-  
8 44101, 44500-44503 and 44813-44816, Public Resources Code; Sections 39730.5, 39730.6, 39730.7 and  
9 39730.8 Health and Safety Code.

10  
11  
12 **Chapter 4. Documentation and Reporting for Regulatory Tiers, Permits, WDRs, and Plans**

13  
14 **Subchapter 3: Development of Waste Discharge Requirements (WDRs) and Solid Waste Facility**  
15 **Permits**

16  
17 **Article 2. CalRecycle—Applicant Requirements**

18  
19 **§21570. CalRecycle—Filing Requirements.**

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

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

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

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

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

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

43 (1) Application For Solid Waste Facilities Permit/Waste Discharge Requirements Form (CalRecycle E-1-77,  
44 Version11-15, Appendix 1); and

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

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

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

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

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

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

56 (A) Until a countywide or regional agency integrated waste management plan has been approved by  
57 CalRecycle, the application shall include statements that: the facility is identified and described in or  
58 conforms with the County Solid Waste Management Plan, or otherwise complies with Public Resources

- 1 Code §50000; and that the facility is consistent with the city or county General Plan and compatible with  
2 surrounding land use, in accordance with Public Resources Code §50000.5; or  
3 (B) After a countywide or regional agency integrated waste management plan has been approved by  
4 CalRecycle, the application shall include a statement that: the facility is identified in either the  
5 countywide siting element, the nondisposal facility element, or in the Source Reduction and Recycling  
6 Element for the jurisdiction in which it is located; or, that the facility is not required to be identified in any  
7 of these elements pursuant to Public Resources Code §50001; and  
8 (6) For disposal sites, completeness determination of Preliminary or Final Closure/Postclosure Maintenance  
9 Plan as specified in §§21780, 21865, and 21890 (Subchapter 4 of this chapter); and  
10 [Note: The operator has the option of submitting the preliminary closure plan with the JTD, in which case the  
11 EA, RWQCB, and CalRecycle would review it at the same time. If deemed complete by the reviewing  
12 agencies, the solid waste facilities permit application package could then be accepted for filing if all other  
13 information in the JTD is accepted by the EA. Or the operator can submit a stand alone preliminary closure  
14 plan to be deemed complete by reviewing agencies before the application package is submitted to the EA.  
15 For CalRecycle purposes, all final closure/postclosure plans are stand alone documents but can be  
16 processed jointly with a proposed solid waste facilities permit revision as long as the final plan is determined  
17 complete prior to approval of the proposed solid waste facilities permit. The JTD Index prepared for the EA  
18 should show where each closure requirement is addressed in the closure/post-closure plan.]  
19 (7) For disposal sites, a copy of the most recently submitted detailed written estimate or latest approved  
20 estimate, whichever identifies the greatest cost, to cover the cost of known or reasonably foreseeable  
21 corrective action activities, pursuant to §22101;  
22 (8) For disposal sites, current documentation of acceptable funding levels for required closure, postclosure  
23 maintenance, and corrective action Financial Assurance Mechanisms (in accordance with Chapter 6,  
24 Division 2); and  
25 (9) For disposal sites, current documentation of compliance with operating liability requirements in  
26 accordance with Chapter 6;  
27 (10) For disposal sites permitted for more than 20 tons-per-day, a ground or aerial survey to be completed  
28 at least once every five years or more frequently as determined by the EA. For disposal sites permitted for  
29 20 tons-per-day or less, a ground or aerial survey must be completed at least once every ten years. Survey  
30 results must be submitted as a CADD or vector graphics data file including at least two strata, i.e., 1) a  
31 stratum showing the base and finished ground surfaces, and 2) a stratum showing the existing and finished  
32 ground surfaces. For disposal sites where a change in permitted volume is proposed, a third stratum  
33 showing the base and proposed finished ground surface must be included. For each stratum the following  
34 information shall be included: site name, stratum name, surface1 name, surface2 name, volume calculation  
35 method (grid, composite, section), expansion (cut) factor, compaction (fill) factor, cut volume, fill volume and  
36 net volume. All volumes shall be reported in cubic yards. If the base ground surface is uncertain, the  
37 operator is allowed to provide the best available information as a substitute for the actual as-built contours.  
38 If selecting this substitute method, the operator must provide an explanation of the basis for using the  
39 substitute base ground surface. For the purposes of this section the following definitions apply:  
40 (A) "base ground surface" - the best available excavation plan surface that existed prior to the  
41 placement of any waste;  
42 (B) "CADD" - computer aided design and drafting;  
43 (C) "compaction (fill) factor" - the factor used to correct for expected compaction of fill material; this  
44 factor should normally be unity (one); if the factor is not unity (one), an explanation must be provided for  
45 the basis of the volumetric correction;  
46 (D) "cut volume" - for any stratum, the volume removed by a cut of a lower surface to achieve the upper  
47 surface;  
48 (E) "existing ground surface" - the topography that exists at the time of the subject survey;  
49 (F) "expansion (cut) factor" - the factor used to correct for expected expansion of a cut surface; this  
50 factor should normally be unity (one); if the factor is not unity (one), an explanation must be provided for  
51 the basis of the volumetric correction;  
52 (G) "fill volume" - for any stratum, the volume bound between the upper and lower surfaces;  
53 (H) "finished ground surface" - the final fill plan surface as shown in the approved closure plan for the  
54 disposal site;  
55 (I) "net volume" - the fill volume less the cut volume;  
56 (J) "site name" - the name of the disposal site for which the survey information is being submitted;  
57 (K) "stratum (plural: strata)" - a particular volume of a solid waste landfill bound by specified upper and  
58 lower surfaces;

- 1 (L) "stratum name" - a descriptive name for the stratum for which volumetric information is being  
2 submitted, e.g., total volume including proposed expansion;  
3 (M) "surface names" - names for the pair of surfaces that define a named stratum, e.g., base ground  
4 surface and proposed finished ground surface;  
5 (N) "survey" - a comprehensive examination of the disposal site under the direction of registered civil  
6 engineer or licensed land surveyor for purposes of determining the topography of the base, existing and  
7 finished ground surfaces, and the volumes bound by those surfaces;  
8 (O) "vector graphics" - computer generated images comprised of lines and shapes of given origin,  
9 direction, thickness, color and other attributes;  
10 (P) "volume calculation method" - grid, composite, section or other method approved by the enforcement  
11 agency.

12 (11) For disposal sites, one of the following:

13 (A)

- 14 (i) In-place density (pounds of waste per cubic yard of waste). The in-place density is the estimated  
15 or measured density of in-place waste material achieved by mechanical or other means in the  
16 development of the current lift of the current operating waste cell, and  
17 (ii) Waste-to-cover ratio, estimated, (volume:volume). The waste-to-cover ratio estimate is a unit-less  
18 expression of the proportion of the volumes of waste and cover that comprise a volume of  
19 compacted fill material, e.g. 4:1. The cover portion of the waste-to-cover ratio estimate should  
20 include only soil or approved daily or intermediate alternative cover that is not considered a waste  
21 material, i.e., payment of fees to CalRecycle is not required. The waste portion of the waste-to-cover  
22 ratio estimate should include only waste material for which payment of fees to CalRecycle is  
23 reported, or

24 (B) Airspace utilization factor (tons of waste per cubic yard of landfill airspace). The airspace utilization  
25 factor (AUF) is the effective density of waste material in the landfill. The AUF is recorded as the total  
26 weight of waste material passing over the landfill scales that is placed in a known volume of landfill  
27 airspace in a given period of time. The waste portion of the AUF should include only waste material for  
28 which payment of fees to CalRecycle is reported.

29 (12) List of all public hearings and other meetings open to the public that have been held or copies of  
30 notices distributed that are applicable to the proposed solid waste facilities permit action.

31 (13) For new or expanded solid waste facilities, provide evidence that the operator held a public meeting  
32 with any affected groups or disadvantaged communities within 180 days prior to submittal of the permit  
33 application package.

34 (A) Provide copies (hard copy or electronic) of notices distributed to the affected groups or  
35 disadvantaged communities.

36 (B) Provide a summary of the comments received at the public meeting and, where applicable,  
37 responses to public comments and any other steps taken by the applicant relative to those comments.

38 (C) For the purposes of this section disadvantaged communities means communities identified by the  
39 California Environmental Protection Agency pursuant to Section 39711 of the Health and Safety Code.

40  
41 Note:

42 Authority cited: Section 40002, 40502, 43020, and 42652.5 Public Resources Code.

43  
44 Reference: Sections 40002,40053,40508, 42652.5, 42653, 42654,43020,43021 43103,44001-44017, 44100-  
45 44101, 44500-44503 and 44813-44816, Public Resources Code; Sections 39730.5, 39730.6, 39730.7 and  
46 39730.8 Health and Safety Code.

47  
48 **§21590. CalRecycle—Joint Technical Document for Disposal Facilities.**

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

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

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

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

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

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

9  
10 **Note:**

11 Authority cited: Section 40002, 40502, 43020, and 42652.5 Public Resources Code.

12  
13 Reference: Sections 40002,40053,40508, 42652.5, 42653, 42654,43020,43021 43103,44001-44017, 44100-  
14 44101, 44500-44503 and 44813-44816, Public Resources Code; Sections 39730.5, 39730.6, 39730.7 and  
15 39730.8 Health and Safety Code.

16  
17  
18 **Article 3: CIWMBCalRecycle—Enforcement Agency (EA) Requirements**

19  
20 **§21650. CIWMBCalRecycle--EA Processing Requirements.**

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

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

27 (c) Within five days of filing, the EA shall notify the ~~CIWMBCalRecycle~~, and the RWQCB if applicable, of its  
28 determination. The EA shall submit as its notification to the ~~CIWMBCalRecycle~~ a copy of the accepted  
29 application form. The EA shall also forward a copy of the application form to the RWQCB if applicable.

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

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

40 (f) Upon request of the applicant, the EA may accept an incomplete application package. As a condition of  
41 acceptance, the operator and the EA shall waive the statutory time limit contained in Public Resources Code  
42 §44009. [Note: Section 21580 is the section for processing the applicant's waiver of timeframes and timing for  
43 noticing and holding an informational meeting after the EA deems a previously submitted incomplete package  
44 to be complete.] The EA shall notify the applicant within 30 days if the applicant's request for review under this  
45 subsection has been accepted. If the application package does not conform with the requirements of §21570  
46 within 180 days from the date of the EA agreeing to accept the package as incomplete the EA shall reject the  
47 application package, pursuant to ¶(d). If the EA finds the application package meets the requirements of  
48 §21570, the application package shall be accepted pursuant to ¶(c).

49 (g) No later than 60 days after the application package has been accepted as complete and correct and after  
50 conducting an informational meeting if required by §§21660.2 and 21660.3, the EA shall mail to the ~~CIWMB~~  
51 ~~CalRecycle~~ the following:

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

53 (2) The accepted application package;

54 (3) A certification from the EA that the solid waste facilities permit application package is complete and  
55 correct, including a statement that the RFI meets the requirements of §21600, 14 CCR §§17863, 17863.4,  
56 17346.5, 18221.6, 18223.5, or 18227.

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

1 (5) Any written public comments received on a pending application and a summary of comments received at  
2 the informational meeting and, where applicable, responses to public comments and any other steps taken  
3 by the EA relative to those comments. Subsequent to the transmittal of the proposed solid waste facilities  
4 permit, the EA shall, within five (5) days of receipt, provide a copy of any additional written public comments  
5 and response to comments to the ~~CIWMB~~CalRecycle.

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

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

10 (h) At the time the EA submits the proposed solid waste facilities permit to the ~~CIWMB~~CalRecycle, the EA shall  
11 submit a copy of the proposed solid waste facilities permit to the applicant, the RWQCB if applicable, and any  
12 person so requesting in writing. The copy of the proposed solid waste facilities permit provided to the applicant  
13 shall also be accompanied by a form for request for hearing, which the applicant may use to obtain a hearing  
14 before a hearing panel or hearing officer to challenge any condition in the solid waste facilities permit. In cases  
15 where a hearing panel or hearing officer may be requested, the EA shall notify the ~~CIWMB~~CalRecycle within  
16 seven days of being noticed by the operator.

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

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

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

31 Note:

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

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

34  
35  
36 **§21660.2. Informational Meeting for New and Revised Full Solid Waste Facilities Permit Applications.**

37 (a) EA shall conduct an informational meeting for all new and revised full solid waste facilities permit  
38 applications as determined by §21665. The EA shall hold an informational meeting on an application for a new  
39 full solid waste facilities permit or an application for a full solid waste facilities permit revision required under  
40 this article. The EA may require the operator(s) of the facility or facilities that are the subject of the informational  
41 meeting to pay all costs incurred by the EA in connection with the meeting. The informational meeting may be  
42 combined with another public meeting in which the EA participates that meets the criteria as specified in  
43 §§21660.2(b) and 21660.2(c).

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

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

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

54 (A) The EA shall identify disadvantaged communities in a manner that meets or exceeds the methods of  
55 the identification tools developed by the California Environmental Protection Agency pursuant to Section  
56 39711 of the Health and Safety Code.

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

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

7 (d) The EA may substitute a previous public meeting or hearing for the requirements in this Section pursuant to  
8 §21660.4 if the applicant does not object.

9  
10 Note:

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

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

### 13 **Article 3.2. ~~GIWMB~~CalRecycle—Other Requirements**

#### 14 **§21695. CalRecycle—Organic Disposal Reduction Status Impact Report**

15  
16 (a) Operators of a solid waste landfills shall submit a Status Impact Report (SIR) to CalRecycle that provides an  
17 analysis of the potential impacts to the landfill resulting from the implementation of the organic disposal  
18 reduction requirements of Public Resources Code, §42652.5.

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

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

22 (1) site development;

23 (2) waste types/volumes;

24 (3) daily and intermediate cover and beneficial use;

25 (4) volumetric capacity based on the disposal site experiencing a reduction of organic waste disposal of  
26 50% by 2020 and 75% by 2025;

27 (5) waste handling methods;

28 (6) gas control and monitoring systems;

29 (7) gas generation;

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

31 (9) final grading plan;

32 (10) site life estimate;

33 (11) ancillary facilities;

34 (12) cost estimates for closure and postclosure; and,

35 (13) financial assurance mechanisms for closure, postclosure, and non-water corrective action  
36 requirements.

37 (d) The SIR shall be submitted to CalRecycle **no later than 180 days from the effective date of this**  
38 regulation.

39 (e) Within 30 days of receipt of a SIR, CalRecycle shall make a determination as to the completeness of the  
40 SIR based on the requirements of subdivision (b) and (c). If a SIR is determined to be incomplete, CalRecycle  
41 shall provide to the operator, in writing, the reasons for the determination.

42 (f) For a SIR determined to be incomplete, the operator shall submit a revised SIR addressing any enumerated  
43 deficiencies within 30 days of receipt of notice from CalRecycle of an incomplete SIR.

44 (g) Within 60 days of a determination, CalRecycle shall submit its findings to the EA regarding amendments, if  
45 any, to the Joint Technical Document as a result of the SIR. If amendments are required, the EA shall direct the  
46 operator to submit an updated Joint Technical Document including updated closure and postclosure  
47 maintenance plans that includes the information from the SIR.

48 (h) Within 120 days of being directed by the EA, the operator shall submit to the EA an updated Joint Technical  
49 Document including updated closure and postclosure maintenance plans that includes the information from the  
50 SIR.

51  
52 Note:

53 Authority cited: Sections 40002, 40502, 42652.5, and 43020, Public Resources Code, and 39730.6 Health and  
54 Safety Code.

55 Reference: Section 43103 and 44015, 42652.5 Public Resources Code, and Sections 39730.5, 39730.6,  
56 39730.7 and 39730.8 Health and Safety Code.