

ORDINANCE NO. 04-2021

CAMBRIA COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS

DATED: November 10, 2021

AN ORDINANCE ADDING CHAPTER 6.09, MANDATORY
ORGANIC WASTE DISPOSAL REDUCTION, TO THE CAMBRIA
COMMUNITY SERVICES DISTRICT MUNICIPAL CODE
TO COMPLY WITH THE REQUIREMENTS OF SB 1383

WHEREAS, State recycling law, Assembly Bill 939 of 1989, the California Integrated Waste Management Act of 1989 (California Public Resources Code Section 40000, et seq., as amended, supplemented, superseded, and replaced from time to time), requires cities, counties and districts to reduce, reuse, and recycle (including composting) Solid Waste generated in their jurisdiction to the maximum extent feasible before any incineration or landfill disposal of waste, to conserve water, energy, and other natural resources, and to protect the environment; and

WHEREAS, State recycling law, Assembly Bill 341 of 2011 (approved by the Governor of the State of California on October 5, 2011, which amended Sections 41730, 41731, 41734, 41735, 41736, 41800, 42926, 44004, and 50001 of, and added Sections 40004, 41734.5, and 41780.01 and Chapter 12.8 (commencing with Section 42649) to Part 3 of Division 30 of, and added and repealed Section 41780.02 of, the Public Resources Code, as amended, supplemented, superseded and replaced from time to time), places requirements on Commercial Businesses and Multi-Family Premises that generate a specified threshold amount of Solid Waste to arrange for recycling services and requires jurisdictions to implement a mandatory Commercial recycling program; and

WHEREAS, State Organics Materials recycling law, Assembly Bill 1826 of 2014 (approved by the Governor of the State of California on September 28, 2014, which added Chapter 12.9 (commencing with Section 42649.8) to Part 3 of Division 30 of the Public Resources Code, relating to Solid Waste, as amended, supplemented, superseded, and replaced from time to time), requires Commercial Businesses and Multi-Family Premises that generate a specified threshold amount of Solid Waste, Recyclable Materials, and Organic Materials per week to arrange for recycling services for that waste, requires jurisdictions to implement a recycling program to divert Organic Materials from Commercial Businesses and Multi-Family Premises subject to the law, and requires jurisdictions to implement a mandatory Commercial Organic Materials recycling program; and

WHEREAS, SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires CalRecycle to develop regulations to reduce Organic Waste in landfills as a source of methane. The regulations place requirements on multiple entities including jurisdictions, residential households, Multi-Family Premises, Commercial Businesses, Commercial

Edible Food Generators, haulers, Self-Haulers, Food Recovery Organizations, and Food Recovery Services to support achievement of the SB 1383 statewide Organic Waste disposal reduction targets; and

WHEREAS, SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires jurisdictions to adopt and enforce an ordinance or enforceable mechanism to implement relevant provisions of SB 1383 Regulations. This Ordinance will also help reduce food insecurity by requiring Commercial Edible Food Generators to arrange to have the maximum amount of their Edible Food, that would otherwise be disposed, be recovered for human consumption; and

WHEREAS, requirements in this Ordinance are consistent with other adopted goals and policies of the Cambria Community Services District; and

WHEREAS, the Board of Directors of the Cambria Community Services District now desires to add Chapter 6.09 to the Cambria Community Services District Municipal Code to provide for the implementation of SB 1383.

The Board of Directors of the Cambria Community Services District Ordains as follows:

Section 1. The above recitals are true and correct and are hereby incorporated herein by this reference.

Section 2. Chapter 6.09, entitled “Mandatory Organic Waste Disposal Reduction,” is hereby added to the Cambria Community Services District Municipal Code, as set forth in Exhibit A, which Exhibit is attached hereto and incorporated herein by this reference.

Section 4. A summary of this Ordinance shall be published in a newspaper published and circulated in the District at least five (5) days prior to the Board of Directors meeting at which the proposed Ordinance is to be adopted. A certified copy of the full text of the proposed Ordinance shall be posted in the office of the Board Secretary. Within fifteen (15) days after adoption of the Ordinance, the summary with the names of those Board members voting for and against the Ordinance shall be published again, and the Board Secretary shall post a certified copy of the full text of such adopted Ordinance.

Section 5. This Ordinance shall take effect and be in full force and effect thirty (30) days after its passage and Chapter 6.09 shall be effective commencing on January 1, 2022.

Section 6. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Directors hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of this Ordinance would be subsequently declared invalid or unconstitutional.

The foregoing Ordinance was adopted at a regular meeting of the Board of Directors of the Cambria Community Services District held on the 10th day of November, 2021.

AYES: Steidel, Howell, Farmer, Dean, Gray

NAYS: 0

ABSENT: 0

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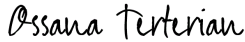


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Cindy Steidel

President, Board of Directors

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Ossana Terterian
Board Secretary

APPROVED AS TO FORM:

DocuSigned by:



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Timothy J. Carmel
District Counsel

CAMBRIA COMMUNITY SERVICES DISTRICT
MUNICIPAL CODE CHAPTER 6.09
MANDATORY ORGANIC WASTE DISPOSAL
REDUCTION

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1 **Section 6.09.010 Purpose, Findings and Conflicting Provisions**

2 The Board of Directors of the Cambria Community Services District finds and declares:

- 3 (a) State recycling law, Assembly Bill 939 of 1989, the California Integrated Waste
4 Management Act of 1989 (California Public Resources Code Section 40000, et
5 seq., as amended, supplemented, superseded, and replaced from time to time),
6 requires cities, counties and districts to reduce, reuse, and recycle (including
7 composting) Solid Waste generated in their District to the maximum extent feasible
8 before any incineration or landfill disposal of waste, to conserve water, energy, and
9 other natural resources, and to protect the environment.
- 10 (b) State recycling law, Assembly Bill 341 of 2011 (approved by the Governor of the
11 State of California on October 5, 2011, which amended Sections 41730, 41731,
12 41734, 41735, 41736, 41800, 42926, 44004, and 50001 of, and added Sections
13 40004, 41734.5, and 41780.01 and Chapter 12.8 (commencing with Section
14 42649) to Part 3 of Division 30 of, and added and repealed Section 41780.02 of,
15 the Public Resources Code, as amended, supplemented, superseded and
16 replaced from time to time), places requirements on Commercial Businesses and
17 Multi-Family Premises that generate a specified threshold amount of Solid Waste
18 to arrange for recycling services and requires Districts to implement a mandatory
19 Commercial recycling program.
- 20 (c) State Organics Materials recycling law, Assembly Bill 1826 of 2014 (approved by
21 the Governor of the State of California on September 28, 2014, which added
22 Chapter 12.9 (commencing with Section 42649.8) to Part 3 of Division 30 of the
23 Public Resources Code, relating to Solid Waste, as amended, supplemented,
24 superseded, and replaced from time to time), requires Commercial Businesses
25 and Multi-Family Premises that generate a specified threshold amount of Solid
26 Waste, Recyclable Materials, and Organic Materials per week to arrange for
27 recycling services for that waste, requires Districts to implement a recycling
28 program to divert Organic Materials from Commercial Businesses and Multi-Family
29 Premises subject to the law, and requires Districts to implement a mandatory
30 Commercial Organic Materials recycling program.
- 31 (d) SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires
32 CalRecycle to develop regulations to reduce Organic Waste in landfills as a source
33 of methane. The regulations place requirements on multiple entities including
34 Districts, residential households, Multi-Family Premises, Commercial Businesses,
35 Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery
36 Organizations, and Food Recovery Services to support achievement of the SB
37 1383 statewide Organic Waste disposal reduction targets.
- 38 (e) SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires
39 Districts to adopt and enforce an ordinance or enforceable mechanism to
40 implement relevant provisions of SB 1383 Regulations. This Chapter will also help
41 reduce food insecurity by requiring Commercial Edible Food Generators to arrange

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42 to have the maximum amount of their Edible Food, that would otherwise be
43 disposed, be recovered for human consumption.

44 (f) Requirements in this Chapter are consistent with other adopted goals and policies
45 of the Cambria Community Services District.

46 (g) Notwithstanding any provision to the contrary in any other code or regulation of the
47 District, including but not limited to Chapter 6.08 of this Code, the provisions of this
48 Chapter shall control, and to the extent any provision is in conflict with this Chapter,
49 the provision in this Chapter shall supersede any conflicting language and shall
50 prevail.

51 **Section 6.09.020. Title of Ordinance**

52 This chapter shall be entitled “Mandatory Organic Waste Disposal Reduction Ordinance”.

53 **Section 6.09.030. Definitions**

54 (a) “Alternative Daily Cover (ADC)” has the same meaning as in Section 20690 of Title
55 27 of the California Code of Regulations.

56 (b) “Alternative Intermediate Cover (AIC)” has the same meaning as in Section 20700
57 of Title 27 of the California Code of Regulations.

58 (c) “Bulky Item” or “Bulky Waste” means discarded appliances (including
59 refrigerators), furniture, tires, carpets, mattresses, Yard Trimmings and/or wood
60 waste, and similar large items which can be handled by two (2) people, weigh no
61 more than two hundred (200) pounds, and require special collection due to their
62 size or nature, but can be collected without the assistance of special loading
63 equipment (such as forklifts or cranes) and without violating vehicle load limits.
64 Bulky Items must be generated by the customer and at the service address
65 wherein the Bulky Items are collected. Bulky Items do not include abandoned
66 automobiles, large auto parts, trees, construction and demolition debris, or items
67 herein defined as Excluded Waste.

68 (d) “CalRecycle” means California's Department of Resources Recycling and
69 Recovery, which is the Department designated with responsibility for developing,
70 implementing, and enforcing SB 1383 Regulations on Districts (and others).

71 (e) “California Code of Regulations” or “CCR” means the State of California Code of
72 Regulations. CCR references in this Chapter are preceded with a number that
73 refers to the relevant Title of the CCR (e.g., “14 CCR” refers to Title 14 of CCR).

74 (f) “District Enforcement Official” means the **General Manager**, or his or her
75 authorized person(s) who is/are partially or whole responsible for enforcing the
76 ordinance.

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- 77 (g) “Commercial Business” or “Commercial” means a firm, partnership, proprietorship,
78 joint-stock company, corporation, or association, whether for-profit or nonprofit,
79 strip mall, or industrial facility.
- 80 (h) “Commercial Edible Food Generator” includes a Tier One or a Tier Two
81 Commercial Edible Food Generator as defined in this Section 3 or as otherwise
82 defined in 14 CCR Section 18982(a)(73) and (a)(74). For the purposes of this
83 definition, Food Recovery Organizations and Food Recovery Services are not
84 Commercial Edible Food Generators pursuant to 14 CCR Section 18982(a)(7).
- 85 (i) “Community Composting” means any activity that Composts green material,
86 agricultural material, food material, and vegetative food material, alone or in
87 combination, and the total amount of feedstock and Compost on-site at any one
88 time does not exceed 100 cubic yards and 750 square feet, as specified in 14 CCR
89 Section 17855(a)(4); or, as otherwise defined by 14 CCR Section 18982(a)(8).
- 90 (j) “Compliance Review” means a review of records by the District to determine
91 compliance with this Chapter.
- 92 (k) “Compost” has the same meaning as in 14 CCR Section 17896.2(a)(4), (or any
93 variation thereof) includes a controlled biological decomposition of Organic
94 Materials yielding a safe and nuisance free Compost product.
- 95 (l) “Contractor” means the Solid Waste Contractor as provided in Cambria
96 Community Services District Municipal Code Section 6.08.030 and means a
97 person or entity whom the District has granted the privilege of collecting and
98 disposing of refuse, garbage, rubbish and other solid waste produced within the
99 limits of the District under the terms set out in the contractual agreement, as
100 amended. And is organized and operating under the laws of the State and its
101 officers, directors, employees, agents, companies, related-parties, affiliates,
102 subsidiaries, and subcontractors.
- 103 (m) Reserved.
- 104 (n) “Customer” means the Person whom Contractor submits its billing invoice to and
105 collects payment from for Collection services provided to a Premises. The
106 Customer may be either the Occupant or Owner of the Premises.
- 107 (o) “C&D” means construction and demolition debris.
- 108 (p) “Designated Waste” means non-Hazardous Waste which may pose special
109 Disposal problems because of its potential to contaminate the environment, and
110 which may be Disposed of only in Class II Disposal sites or Class III Disposal sites
111 pursuant to a variance issued by the California Department of Health Services.
112 Designated Waste consists of those substances classified as Designated Waste
113 by the State, in California Code of Regulations Title 23, Section 2522 as may be
114 amended from time to time.

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- 115 (q) "Designee" means an entity that the District contracts with or otherwise arranges
 116 to carry out any of the District's responsibilities of this Chapter as authorized in 14
 117 CCR Section 18981.2. A Designee may be a government entity, a hauler, a private
 118 entity, or a combination of those entities.
- 119 (r) "Discarded Materials" means Recyclable Materials, Organic Materials, and Solid
 120 Waste placed by a Generator in a collection container and/or at a location for the
 121 purposes of collection excluding Excluded Waste.
- 122 (s) "District" means the Cambria Community Services District, which is a California
 123 Special District, a form of local government created by a local community to meet
 124 a specific need or needs, and all the territory lying within its boundaries as
 125 presently existing or as such boundaries may be modified from time to time.
- 126 (t) "Edible Food" means food intended for human consumption, or as otherwise
 127 defined in 14 CCR Section 18982(a)(18). For the purposes of this Chapter or as
 128 otherwise defined in 14 CCR Section 18982(a)(18), "Edible Food" is not Solid
 129 Waste if it is recovered and not discarded. Nothing in this Chapter or in 14 CCR,
 130 Division 7, Chapter 12 requires or authorizes the Recovery of Edible Food that
 131 does not meet the food safety requirements of the California Health and Safety
 132 Code, including the California Retail Food Code.
- 133 (u) "Enforcement Action" means an action of the District or any other authorized
 134 agency to address non-compliance with this Chapter including, but not limited to,
 135 issuing administrative citations, fines, penalties, or using other remedies.
- 136 (v) "Excluded Waste" means Hazardous Substance, Hazardous Waste, Infectious
 137 Waste, Designated Waste, volatile, corrosive, medical waste, infectious, regulated
 138 radioactive waste, and toxic substances or material that facility operator(s), which
 139 receive materials from the District and its Generators, reasonably believe(s) would,
 140 as a result of or upon acceptance, transfer, processing, or disposal, be a violation
 141 of local, State, or Federal law, regulation, or ordinance, including: land use
 142 restrictions or conditions, waste that cannot be disposed of in Class III landfills or
 143 accepted at the facility by permit conditions, waste that in District, or its Designee's
 144 reasonable opinion would present a significant risk to human health or the
 145 environment, cause a nuisance or otherwise create or expose District, or its
 146 Designee, to potential liability; but not including de minimis volumes or
 147 concentrations of waste of a type and amount normally found in Single-Family or
 148 Multi-Family Solid Waste after implementation of programs for the safe collection,
 149 processing, recycling, treatment, and disposal of batteries and paint in compliance
 150 with Sections 41500 and 41802 of the California Public Resources Code.
- 151 (w) "Food Distributor" means a company that distributes food to entities including, but
 152 not limited to, Supermarkets and Grocery Stores, or as otherwise defined in 14
 153 CCR Section 18982(a)(22).

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154 (x) "Food Facility" has the same meaning as in Section 113789 of the Health and
155 Safety Code.

156 (y) "Food Recovery" means actions to collect and distribute food for human
157 consumption that otherwise would be disposed, or as otherwise defined in 14 CCR
158 Section 18982(a)(24).

159 (z) "Food Recovery Organization" means an entity that engages in the collection or
160 receipt of Edible Food from Commercial Edible Food Generators and distributes
161 that Edible Food to the public for Food Recovery either directly or through other
162 entities or as otherwise defined in 14 CCR Section 18982(a)(25), including, but not
163 limited to:

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

165 (2) A nonprofit charitable organization as defined in Section 113841 of the
166 Health and Safety code; and,

167 (3) A nonprofit charitable temporary Food Facility as defined in Section 113842
168 of the Health and Safety Code.

169 A Food Recovery Organization is not a Commercial Edible Food Generator for the
170 purposes of this Chapter and implementation of 14 CCR, Division 7, Chapter 12
171 pursuant to 14 CCR Section 18982(a)(7).

172 If the definition in 14 CCR Section 18982(a)(25) for Food Recovery Organization
173 differs from this definition, the definition in 14 CCR Section 18982(a)(25) shall
174 apply to this Chapter.

175 (aa) "Food Recovery Service" means a person or entity that collects and transports
176 Edible Food from a Commercial Edible Food Generator to a Food Recovery
177 Organization or other entities for Food Recovery, or as otherwise defined in 14
178 CCR Section 18982(a)(26). A Food Recovery Service is not a Commercial Edible
179 Food Generator for the purposes of this Chapter and implementation of 14 CCR,
180 Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).

181 (bb) "Food Scraps" means those Discarded Materials that will decompose and/or
182 putrefy including: (i) all kitchen and table Food Waste; (ii) animal or vegetable
183 waste that is generated during or results from the storage, preparation, cooking or
184 handling of food stuffs; (iii) fruit waste, grain waste, dairy waste, meat, and fish
185 waste; and, (iv) vegetable trimmings, houseplant trimmings and other
186 Compostable Organic Waste common to the occupancy of Residential dwellings.
187 Food Scraps are a subset of Food Waste. Food Scraps excludes fats, oils, and
188 grease when such materials are Source Separated from other Food Scraps.

189 (cc) "Food Service Provider" means an entity primarily engaged in providing food
190 services to institutional, governmental, Commercial, or industrial locations of

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- 191 others based on contractual arrangements with these types of organizations, or as
192 otherwise defined in 14 CCR Section 18982(a)(27).
- 193 (dd) "Food-Soiled Paper" is compostable paper material that has come in contact with
194 Food Scraps or liquid, such as, but not limited to, compostable paper plates,
195 napkins, and pizza boxes.
- 196 (ee) "Food Waste" means Source Separated Food Scraps and Food-Soiled Paper.
- 197 (ff) "Food Waste Self-Hauler" means a Self-Hauler who generates and hauls, utilizing
198 their own employees and equipment, an average of one cubic yard or more per
199 week, or 6,500 pounds or more per quarter of their own Food Waste to a location
200 or facility that is not owned and operated by that Self-Hauler. Food Waste Self-
201 Haulers are a subset of Self-Haulers.
- 202 (gg) "Generator" means a person or entity that is responsible for the initial creation of
203 one or more types of Discarded Materials.
- 204 (hh) "Grocery Store" means a store primarily engaged in the retail sale of canned food;
205 dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area
206 that is not separately owned within the store where the food is prepared and
207 served, including a bakery, deli, and meat and seafood departments, or as
208 otherwise defined in 14 CCR Section 18982(a)(30).
- 209 (ii) "Hauler Route" means the designated itinerary or sequence of stops for each
210 segment of the District's collection service area, or as otherwise defined in 14 CCR
211 Section 18982(a)(31.5).
- 212 (jj) "Hazardous Substance" means any of the following: (a) any substances defined,
213 regulated or listed (directly or by reference) as "Hazardous Substances",
214 "hazardous materials", "Hazardous Wastes", "toxic waste", "pollutant", or "toxic
215 substances", or similarly identified as hazardous to human health or the
216 environment, in or pursuant to: (i) the Comprehensive Environmental Response,
217 Compensation and Liability Act (CERCLA) of 1980, 42 USC §9601 et seq.
218 (CERCLA); (ii) the Hazardous Materials Transportation Act, 49 USC §1802, et
219 seq.; (iii) the Resource Conservation and Recovery Act, 42 USC §6901 et seq.;
220 (iv) the Clean Water Act, 33 USC §1251 et seq.; (v) California Health and Safety
221 Code §§25115-25117, 25249.8, 25281, and 25316; (vi) the Clean Air Act, 42 USC
222 §7901 et seq.; and, (vii) California Water Code §13050; (b) any amendments, rules
223 or regulations promulgated thereunder to such enumerated statutes or acts
224 currently existing or hereafter enacted; and, (c) any other hazardous or toxic
225 substance, material, chemical, waste or pollutant identified as hazardous or toxic
226 or regulated under any other Applicable Law currently existing or hereinafter
227 enacted, including, without limitation, friable asbestos, polychlorinated biphenyl's
228 (PCBs), petroleum, natural gas, and synthetic fuel products, and by-products.

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- 229 (kk) “Hazardous Waste” means all substances defined as Hazardous Waste, acutely
230 Hazardous Waste, or extremely Hazardous Waste by the State in Health and
231 Safety Code §25110.02, §25115, and §25117 or in the future amendments to or
232 recodifications of such statutes or identified and listed as solar panels from
233 residential premises, and Hazardous Waste by the U.S. Environmental Protection
234 Agency (EPA), pursuant to the Federal Resource Conservation and Recovery Act
235 (42 USC §6901 et seq.), all future amendments thereto, and all rules and
236 regulations promulgated thereunder.
- 237 (ll) “High Diversion Organic Waste Processing Facility” means a facility that is in
238 compliance with the reporting requirements of 14 CCR Section 18815.5(d) and
239 meets or exceeds an annual average Mixed Waste organic content Recovery rate
240 of 50 percent between January 1, 2022 and December 31, 2024, and 75 percent
241 after January 1, 2025, as calculated pursuant to 14 CCR Section 18815.5(e) for
242 Organic Waste received from the “Mixed waste organic collection stream” as
243 defined in 14 CCR Section 17402(a)(11.5); or, as otherwise defined in 14 CCR
244 Section 18982(a)(33).
- 245 (mm) “Infectious Waste” means (a) equipment, instruments, utensils and other fomites
246 of a disposable nature from the rooms of patients who are suspected to have or
247 have been diagnosed as having a communicable disease and must, therefore, be
248 isolated as required by public health agencies; (b) laboratory wastes, including
249 pathological specimens (i.e., all tissues, specimens of blood elements, excreta and
250 secretions obtained from patients or laboratory animals) and disposable fomites
251 (any substance that may harbor or transmit pathogenic organisms) attendant
252 thereto; and/or (c) surgical operating room pathologic specimens - including
253 recognizable anatomical parts, human tissue, anatomical human remains and
254 disposable materials from hospitals, clinics, outpatient areas and emergency
255 rooms, as defined in 14 CCR Section 17225.36. .
- 256 (nn) “Inspection” means a site visit where a District reviews records, containers, and an
257 entity’s collection, handling, recycling, or landfill disposal of Recyclable Materials,
258 Organic Waste, Solid Waste or Edible Food handling to determine if the entity is
259 complying with requirements set forth in this Chapter, or as otherwise defined in
260 14 CCR Section 18982(a)(35).
- 261 (oo) “Large Event” means an event, including, but not limited to, a sporting event or a
262 flea market, that charges an admission price, or is operated by a local agency, and
263 serves an average of more than 2,000 individuals per day of operation of the event,
264 at a location that includes, but is not limited to, a public, nonprofit, or privately
265 owned park, parking lot, golf course, street system, or other open space when
266 being used for an event. If the definition in 14 CCR Section 18982(a)(38) differs
267 from this definition, the definition in 14 CCR Section 18982(a)(38) shall apply to
268 this Chapter.

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- 269 (pp) “Large Venue” means a permanent venue facility that annually seats or serves an
 270 average of more than 2,000 individuals within the grounds of the facility per day of
 271 operation of the venue facility. For purposes of this Chapter and implementation of
 272 14 CCR, Division 7, Chapter 12, a venue facility includes, but is not limited to, a
 273 public, nonprofit, or privately owned or operated stadium, amphitheater, arena,
 274 hall, amusement park, conference or civic center, zoo, aquarium, airport,
 275 racetrack, horse track, performing arts center, fairground, museum, theater, or
 276 other public attraction facility. For purposes of this Chapter and implementation of
 277 14 CCR, Division 7, Chapter 12, a site under common ownership or control that
 278 includes more than one Large Venue that is contiguous with other Large Venues
 279 in the site, is a single Large Venue. If the definition in 14 CCR Section 18982(a)(39)
 280 differs from this definition, the definition in 14 CCR Section 18982(a)(39) shall
 281 apply to this Chapter.
- 282 (qq) “Local Education Agency” means a school district, charter school, or county office
 283 of education that is not subject to the control of District or county regulations related
 284 to Solid Waste, or as otherwise defined in 14 CCR Section 18982(a)(40).
- 285 (rr) Reserved
- 286 (ss) “Multi-Family Residential Dwelling” or “Multi-Family” or “MFD” means of, from, or
 287 pertaining to residential Premises with five (5) or more dwelling units including such
 288 Premises when combined in the same building with Commercial establishments,
 289 that receive centralized, shared, Collection service for all units on the Premises
 290 which are billed to one (1) Customer at one (1) address. Customers residing in
 291 Townhouses, mobile homes, condominiums, or other structures with five (5) or
 292 more dwelling units who receive individual service and are billed separately shall
 293 not be considered Multi-Family. Multi-Family Premises do not include hotels,
 294 motels, or other transient occupancy facilities, which are considered Commercial
 295 Businesses.
- 296 (tt) “Notice of Violation (NOV)” means a notice that a violation has occurred that
 297 includes a compliance date to avoid an action to seek penalties, or as otherwise
 298 defined in 14 CCR Section 18982(a)(45) or further explained in 14 CCR Section
 299 18995.4.
- 300 (uu) “Occupant” means the Person who occupies a Premises.
- 301 (vv) “Organic Materials” means Yard Trimmings and Food Waste, individually or
 302 collectively that are set aside, handled, packaged, or offered for collection in a
 303 manner different from Solid Waste for the purpose of processing. No Discarded
 304 Material shall be considered to be Organic Materials, however, unless it is
 305 separated from Recyclable Material and Solid Waste. Organic Materials are a
 306 subset of Organic Waste.

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- 307 (ww) “Organic Materials Container” shall be used for the purpose of storage and
308 collection of Source Separated Organic Materials.
- 309 (xx) “Organic Waste” means wastes containing material originated from living
310 organisms and their metabolic waste products, including but not limited to food,
311 green material, landscape and pruning waste, organic textiles and carpets, lumber,
312 wood, Paper Products, Printing and Writing Paper, manure, biosolids, digestate,
313 and sludges or as otherwise defined in 14 CCR Section 18982(a)(46). Biosolids
314 and digestate are as defined by 14 CCR Section 18982(a).
- 315 (yy) “Owner” means the Person(s) holding legal title to real property and/or any
316 improvements thereon and shall include the Person(s) listed on the latest
317 equalized assessment roll of the County Assessor.
- 318 (zz) “Paper Products” include, but are not limited to, paper janitorial supplies, cartons,
319 wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and
320 toweling, or as otherwise defined in 14 CCR Section 18982(a)(51).
- 321 (aaa) “Printing and Writing Papers” include, but are not limited to, copy, xerographic,
322 watermark, cotton fiber, offset, forms, computer printout paper, white wove
323 envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint,
324 and other uncoated writing papers, posters, index cards, calendars, brochures,
325 reports, magazines, and publications, or as otherwise defined in 14 CCR Section
326 18982(a)(54).
- 327 (bbb) “Premises” means and includes any land, building and/or structure, or portion
328 thereof, in the District where Discarded Materials are produced, generated, or
329 accumulated. All structures on the same legal parcel, which are owned by the
330 same person shall be considered as one Premises.
- 331 (ccc) “Prohibited Container Contaminants” means the following: (i) Discarded Materials
332 placed in the Recyclable Materials Container that are not identified as acceptable
333 Source Separated Recyclable Materials for the District’s Recyclable Materials
334 Container; (ii) Discarded Materials placed in the Organic Materials Container that
335 are not identified as acceptable Source Separated Organic Materials for the
336 District’s Organic Materials Container; (iii) Discarded Materials placed in the Solid
337 Waste Container that are acceptable Source Separated Recyclable Materials
338 and/or Source Separated Organic Materials to be placed in District’s Organic
339 Materials Container and/or Recyclable Materials Container; and, (iv) Excluded
340 Waste placed in any container.
- 341 (ddd) “Recovery” means any activity or process described in 14 CCR Section
342 18983.1(b), or as otherwise defined in 14 CCR Section 18982(a)(49).
- 343 (eee) “Recyclable Materials” means those Discarded Materials that the Generators set
344 out in Recyclables Containers for Collection for the purpose of Recycling by the

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- 345 Service Provider and that exclude Excluded Waste. No Discarded Materials shall
346 be considered For the purpose of collection of Recyclable Materials through
347 contractor’s collection services, recyclable materials shall be limited to those
348 materials identified by the collection contractor as acceptable recyclable materials.
- 349 (fff) “Recyclable Materials Container” shall be used for the purpose of storage and
350 collection of Source Separated Recyclable Materials.
- 351 (ggg) “Recycled-Content Paper” means Paper Products and Printing and Writing Paper
352 that consists of at least 30 percent, by fiber weight, postconsumer fiber, or as
353 otherwise defined in 14 CCR Section 18982(a)(61).
- 354 (hhh) “Residential” shall mean of, from, or pertaining to a Single-Family Premises or
355 Multi-Family Premises including Single-Family homes, apartments,
356 condominiums, Townhouse complexes, mobile home parks, and cooperative
357 apartments.
- 358 (iii) “Responsible Party” means the Owner, property manager, tenant, lessee,
359 Occupant, or other designee that subscribes to and pays for Recyclable Materials,
360 Organic Materials, and/or Solid Waste collection services for a Premises in the
361 District, or, if there is no such subscriber, the Owner or property manager of a
362 Single-Family Premises, Multi-Family Premises, or Commercial Premises. In
363 instances of dispute or uncertainty regarding who is the Responsible Party for a
364 Premises, Responsible Party shall mean the Owner of a Single-Family Premises,
365 Multi-Family Premises, or Commercial Premises.
- 366 (jjj) “Restaurant” means an establishment primarily engaged in the retail sale of food
367 and drinks for on-Premises or immediate consumption, or as otherwise defined in
368 14 CCR Section 18982(a)(64).
- 369 (kkk) “Route Review” means a visual Inspection of containers along a Hauler Route for
370 the purpose of determining Container Contamination and may include mechanical
371 Inspection methods such as the use of cameras, or as otherwise defined in 14
372 CCR Section 18982(a)(65).
- 373 (lll) “SB 1383” means Senate Bill 1383 of 2016 approved by the Governor on
374 September 19, 2016, which added Sections 39730.5, 39730.6, 39730.7, and
375 39730.8 to the Health and Safety Code, and added Chapter 13.1 (commencing
376 with Section 42652) to Part 3 of Division 30 of the Public Resources Code,
377 establishing methane emissions reduction targets in a Statewide effort to reduce
378 emissions of short-lived climate pollutants as amended, supplemented,
379 superseded, and replaced from time to time.
- 380 (mmm) “SB 1383 Regulations” or “SB 1383 Regulatory” means or refers to, for the
381 purposes of this Chapter, the Short-Lived Climate Pollutants: Organic Waste
382 Reduction regulations developed by CalRecycle and adopted in 2020 that created

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- 383 14 CCR, Division 7, Chapter 12 and amended portions of regulations of 14 CCR
384 and 27 CCR.
- 385 (nnn) "Self-Haul" means to act as a Self-Hauler.
- 386 (ooo) "Self-Hauler" means a person, who hauls Solid Waste, Organic Waste or
387 Recyclable Material they have generated to another person. Self-hauler also
388 includes a landscaper, or a person who back-hauls waste. Back-haul means
389 generating and transporting Recyclable Materials or Organic Waste to a
390 destination owned and operated by the Generator or Responsible Party using the
391 Generator's or Responsible Party's own employees and equipment.
- 392 (ppp) "Service Level" refers to the size of a Customer's Container and the frequency of
393 Collection service.
- 394 (qqq) "Single-Family" or "SFD" refers to any detached or attached house or residence
395 of four (4) units or less designed or used for occupancy by one (1) family, provided
396 that Collection service feasibly can be provided to such Premises as an
397 independent unit, and the Owner or Occupant of such independent unit is billed
398 directly for the Collection service. Single-Family includes Townhouses, and each
399 independent unit of duplex, tri-plex, or four-plex Residential structures, regardless
400 of whether each unit is separately billed for their specific Service Level.
- 401 (rrr) "Solid Waste" has the same meaning as defined in State Public Resources Code
402 Section 40191, which defines Solid Waste as all putrescible and non-putrescible
403 solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper,
404 rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned
405 vehicles and parts thereof, discarded home and industrial appliances, dewatered,
406 treated, or chemically fixed sewage sludge which is not hazardous waste, manure,
407 vegetable or animal solid and semi-solid wastes, and other discarded solid and
408 semisolid wastes, with the exception that Solid Waste does not include any of the
409 following wastes:
- 410 (1) Hazardous waste, as defined in the State Public Resources Code Section
411 40141.
- 412 (2) Radioactive waste regulated pursuant to the State Radiation Control Law
413 (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of
414 the State Health and Safety Code).
- 415 (3) Medical waste regulated pursuant to the State Medical Waste Management
416 Act (Part 14 (commencing with Section 117600) of Division 104 of the State
417 Health and Safety Code). Untreated medical waste shall not be disposed of
418 in a Solid Waste landfill, as defined in State Public Resources Code Section
419 40195.1. Medical waste that has been treated and deemed to be Solid
420 Waste shall be regulated pursuant to Division 30 of the State Public
421 Resources Code.

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422 (4) Recyclable Materials, Organic Materials, and Construction and Demolition
423 Debris when such materials are Source Separated.

424 Notwithstanding any provision to the contrary, Solid Waste may include de minimis
425 volumes or concentrations of waste of a type and amount normally found in
426 Residential Solid Waste after implementation of programs for the safe Collection,
427 Recycling, treatment, and Disposal of household hazardous waste in compliance
428 with Section 41500 and 41802 of the California Public Resources Code as may be
429 amended from time to time. Solid Waste includes salvageable materials only when
430 such materials are included for Collection in a Solid Waste Container not Source
431 Separated from Solid Waste at the site of generation.

432 (sss) "Solid Waste Container" shall be used for the purpose of storage and collection of
433 Solid Waste.

434 (ttt) "Source Separated" or "Source-Separated (materials)" means materials, including
435 commingled Recyclable Materials and Organic Materials, that have been
436 separated or kept separate from the Solid Waste stream, at the point of generation,
437 for the purpose of additional sorting or processing those materials for recycling or
438 reuse in order to return them to the economic mainstream in the form of raw
439 material for new, reused, or reconstituted products, which meet the quality
440 standards necessary to be used in the marketplace, or as otherwise defined in 14
441 CCR Section 17402.5(b)(4). For the purposes of the ordinance, Source Separated
442 shall include separation of materials by the Generator, Responsible Party, or
443 Responsible Party's employee, into different containers for the purpose of
444 collection such that Source-Separated materials are separated from Solid Waste
445 for the purposes of collection and processing.

446 (uuu) "Source Separated Organic Materials" means Organic Materials that are Source
447 Separated and placed in an Organic Materials Container.

448 (vvv) "Source Separated Recyclable Materials" means Recyclable Materials that are
449 Source Separated and placed in a Recyclable Materials Container.

450 (www) "State" means the State of California.

451 (xxx) "Supermarket" means a full-line, self-service retail store with gross annual sales of
452 two million dollars (\$2,000,000), or more, and which sells a line of dry grocery,
453 canned goods, or nonfood items and some perishable items, or as otherwise
454 defined in 14 CCR Section 18982(a)(71).

455 (yyy) "Tier One Commercial Edible Food Generator" means a Commercial Edible Food
456 Generator that is one of the following:

457 (1) Supermarket.

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458 (2) Grocery Store with a total facility size equal to or greater than 10,000 square
459 feet.

460 (3) Food Service Provider.

461 (4) Food Distributor.

462 (5) Wholesale Food Vendor.

463 If the definition in 14 CCR Section 18982(a)(73) of Tier One Commercial Edible
464 Food Generator differs from this definition, the definition in 14 CCR Section
465 18982(a)(73) shall apply to this Chapter.

466 (zzz) “Tier Two Commercial Edible Food Generator” means a Commercial Edible Food
467 Generator that is one of the following:

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

470 (2) Hotel with an on-site Food Facility and 200 or more rooms.

471 (3) Health facility with an on-site Food Facility and 100 or more beds.

472 (4) Large Venue.

473 (5) Large Event.

474 (6) A State agency with a cafeteria with 250 or more seats or total cafeteria
475 facility size equal to or greater than 5,000 square feet.

476 (7) A Local Education Agency facility with an on-site Food Facility.

477 If the definition in 14 CCR Section 18982(a)(74) of Tier Two Commercial Edible
478 Food Generator differs from this definition, the definition in 14 CCR Section
479 18982(a)(74) shall apply to this Chapter.

480 (aaaa) “Ton” or “Tonnage” means a unit of measure for weight equivalent to two thousand
481 (2,000) standard pounds where each pound contains sixteen (16) ounces.

482 (bbbb) “Wholesale Food Vendor” means a business or establishment engaged in the
483 merchant wholesale distribution of food, where food (including fruits and
484 vegetables) is received, shipped, stored, prepared for distribution to a retailer,
485 warehouse, distributor, or other destination, or as otherwise defined in 14 CCR
486 Section 189852(a)(76).

487 (cccc) “Yard Trimmings” or “Green Waste” means those Discarded Materials that will
488 decompose and/or putrefy, including, but not limited to, green trimmings, grass,
489 weeds, leaves, prunings, branches, dead plants, brush, tree trimmings, dead trees,

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490 small pieces of unpainted and untreated wood. Yard Trimmings does not include
 491 items herein defined as Excluded Waste. Yard Trimmings are a subset of Organic
 492 Materials. Acceptable Yard Trimmings may be added to or removed from this list
 493 from time to time by mutual consent or at the sole discretion of the District.

494 **Section 6.09.040. Requirements for Single-Family Premises**

495 (a) Except Responsible Parties of Single-Family Premises that meet the Self-Hauler
 496 requirements in Section 6.09.110 of this Chapter, Responsible Parties of Single-
 497 Family Premises shall comply with the following requirements:

498 (1) Subscribe to and pay for District's three-container collection services for
 499 weekly collection of Recyclable Materials, Organic Materials, and Solid
 500 Waste generated by the Single-Family Premises and comply with
 501 requirements of those services as described below in Section
 502 6.09.040(a)(2). District and its Designee(s) shall have the right to review the
 503 number and size of a Generator's containers to evaluate adequacy of
 504 capacity provided for each type of collection service for proper separation
 505 of materials and containment of materials. The Responsible Parties for
 506 Single-Family Premises shall adjust their Service Level for their collection
 507 services as requested by the District.

508 (2) Participate in the District's three-container collection service(s) in the
 509 manner described below.

510 (A) Place, or, if Responsible Party is not an occupant of the Single-
 511 Family Premises, direct its Generators to place, Source Separated
 512 Organic Materials, including Food Waste, in the Organic Materials
 513 Container; Source Separated Recyclable Materials in the Recyclable
 514 Materials Container; and Solid Waste in the Solid Waste Container.

515 (B) Not place, or, if Responsible Party is not an occupant of the Single-
 516 Family Premises, direct its Generators to not place Prohibited
 517 Container Contaminants in collection containers and not place
 518 materials designated for the Organic Materials Containers or
 519 Recyclable Materials Containers in the Solid Waste Containers.

520 (b) Nothing in this Section prohibits a Responsible Party or Generator of a Single-
 521 Family Premises from preventing or reducing Discarded Materials generation,
 522 managing Organic Waste on site, and/or using a Community Composting site
 523 pursuant to 14 CCR Section 18984.9(c).

524 **Section 6.09.050 . Requirements for Multi-Family Residential Dwellings**

525 (a) Responsible Parties of Multi-Family Premises shall provide or arrange for
 526 Recyclable Materials, Organic Materials, and Solid Waste collection services
 527 consistent with this Chapter and for employees, contractors, and tenants.

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528 Responsible Parties of Multi-Family Premises may receive waivers pursuant to
529 Section 6.09.070 for some requirements of this Section.

530 (b) Except for Responsible Parties of Multi-Family Premises that meet the Self-Hauler
531 requirements in Section 6.09.110 of this Chapter, including hauling services
532 arranged through a landscaper, Responsible Parties of Multi-Family Premises
533 shall:

534 (1) Subscribe to and pay for District's three or more-container collection
535 services and comply with requirements of those services for all Recyclable
536 Materials, Organic Materials, and Solid Waste generated at the Multi-Family
537 Premises as further described below in this Section. District and its
538 Designee(s) shall have the right to review the number and size of the Multi-
539 Family Premises' collection containers and frequency of collection to
540 evaluate adequacy of capacity provided for each type of collection service
541 for proper separation of materials and containment of materials. The
542 Responsible Party of a Multi-Family Premises shall adjust their Service
543 Level for their collection services as requested by the District or its
544 Designee.

545 (2) Participate in the District's three or more-container collection service(s) for
546 at least weekly collection of Recyclable Materials, Organic Materials, and
547 Solid Waste in the manner described below.

548 (A) Place and/or direct its Generators to place Source Separated
549 Organic Materials, including Food Waste, in the Organic Materials
550 Container; Source Separated Recyclable Materials in the Recyclable
551 Materials Container; and Solid Waste in the Solid Waste Container.

552 (B) Not place and/or direct its Generators to not place Prohibited
553 Container Contaminants in collection containers and to not place
554 materials designated for the Organic Materials Containers or
555 Recyclable Materials Containers in the Solid Waste Containers.

556 (3) Supply and allow access to adequate number, size and location of collection
557 containers with sufficient labels or colors for employees, contractors,
558 tenants, and customers, consistent with District's Recyclable Materials
559 Container, Organic Materials Container, and Solid Waste Container
560 collection service or, if Self-Hauling, consistent with the Multi-Family
561 Premises' approach to complying with Self-Hauler requirements in Section
562 6.09.110 of this Chapter.

563 (4) Annually provide information to employees, contractors, tenants, and
564 customers about Recyclable Materials and Organic Waste Recovery
565 requirements and about proper sorting of Recyclable Materials, Organic
566 Materials, and Solid Waste.

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567 (5) Provide education information before or within fourteen (14) days of
568 occupation of the Premises to new tenants that describes requirements to
569 Source Separate Recyclable Materials and Organic Materials and to keep
570 Source Separated Organic Materials and Source Separated Recyclable
571 Materials separate from each other and from Solid Waste(when applicable)
572 and the location of containers and the rules governing their use at each
573 property.

574 (6) Provide or arrange access for District and/or its Designee(s) to their
575 properties during all Inspections conducted in accordance with this Chapter
576 to confirm compliance with the requirements of this Chapter.

577 (c) If the Responsible Party of a Multi-Family Premises wants to Self-Haul, meet the
578 Self-Hauler requirements in Section 6.09.110 of this Chapter.

579 (d) Multi-family Premises that generate two (2) cubic yards or more of total Solid
580 Waste, Recyclable Materials, and Organic Materials per week (or other threshold
581 defined by the State) that arrange for gardening or landscaping services shall
582 require that the contract or work agreement between the Owner, Occupant, or
583 operator of a Multi-Family Premises and a gardening or landscaping service
584 specifies that the designated organic materials generated by those services be
585 managed in compliance with this chapter.

586 (e) Nothing in this Section prohibits a Responsible Party or Generator of a Multi-Family
587 Premises from preventing or reducing Discarded Materials generation, managing
588 Organic Waste on site, or using a Community Composting site pursuant to 14 CCR
589 Section 18984.9(c).

590 **Section 6.09.060. Requirements for Commercial Businesses**

591 (a) Responsible Parties of Commercial Businesses shall provide or arrange for
592 Recyclable Materials, Organic Materials, and Solid Waste collection services
593 consistent with this Chapter and for employees, contractors, tenants, and
594 customers. Responsible Parties of Commercial Premises may receive waivers
595 pursuant to Section 6.09.070 for some requirements of this Section.

596 (b) Except Responsible Parties of Commercial Businesses that meet the Self-Hauler
597 requirements in Section 6.09.110 of this Chapter, including hauling services
598 arranged through a landscaper, Responsible Parties of Commercial Premises
599 shall:

600 (1) Subscribe to and pay for District's three or more-container collection
601 services and comply with requirements of those services for all Recyclable
602 Materials, Organic Materials, and Solid Waste generated at the Commercial
603 Premises as further described below in this Section. District and its
604 Designee(s) shall have the right to review the number and size of a
605 Commercial Premises' containers and frequency of collection to evaluate

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- 606 adequacy of capacity provided for each type of collection service for proper
607 separation of materials and containment of materials. The Responsible
608 Party of the Commercial Business shall adjust their Service Level for their
609 collection services as requested by the District or its Designee.
- 610 (2) Participate in the District's three or more-container collection service(s) for
611 at least weekly collection of Recyclable Materials, Organic Materials, and
612 Solid Waste in the manner described below.
- 613 (A) Place and/or direct its Generators to place Source Separated
614 Organic Materials, including Food Waste, in the Organic Materials
615 Container; Source Separated Recyclable Materials in the Recyclable
616 Materials Container; and Solid Waste in the Solid Waste Container.
- 617 (B) Not place and/or direct its Generators to not place Prohibited
618 Container Contaminants in collection containers and to not place
619 materials designated for the Organic Materials Containers or
620 Recyclable Materials Containers in the Solid Waste Containers.
- 621 (3) Supply and allow access to adequate number, size and location of collection
622 containers with sufficient labels or colors (conforming with Sections
623 6.09.060(b)(4)(A)) and 6.09.060(b)(4)(B) below) for employees,
624 contractors, tenants, and customers, consistent with District's Recyclable
625 Materials Container, Organic Materials Container, and Solid Waste
626 Container collection service or, if Self-Hauling, consistent with the
627 Commercial Premises' approach to complying with Self-Hauler
628 requirements in Section 6.09.1101 of this Chapter.
- 629 (4) Provide containers for customers for the collection of Source Separated
630 Recyclable Materials and Source Separated Organic Materials in all indoor
631 and outdoor areas where Solid Waste containers are provided for
632 customers, for materials generated by that Commercial Business. Such
633 containers shall be visible and easily accessible. Such containers do not
634 need to be provided in restrooms. If a Commercial Business does not
635 generate any of the materials that would be collected in one type of
636 container, as demonstrated through an approved de minimis waiver per
637 Section 7(a), then the Responsible Party of the Commercial Business does
638 not have to provide that particular container in all areas where Solid Waste
639 containers are provided for customers. Pursuant to 14 CCR Section
640 18984.9(b), the containers provided by the Responsible Party of the
641 Commercial Business shall have either:
- 642 (A) A body or lid that conforms with the container colors provided through
643 the collection service provided by District, with either lids conforming
644 to the color requirements or bodies conforming to the color
645 requirements or both lids and bodies conforming to color

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- 646 requirements. The Responsible Party of the Commercial Business is
 647 not required to replace functional containers that do not comply with
 648 the requirements of this subsection prior to whichever of the following
 649 comes first: (i) the end of the useful life of those containers, or (ii)
 650 January 1, 2036.
- 651 (B) Container labels that include language or graphic images, or both,
 652 indicating the primary material accepted and the primary materials
 653 prohibited in that container, or containers with imprinted text or
 654 graphic images that indicate the primary materials accepted and
 655 primary materials prohibited in the container. Pursuant 14 CCR
 656 Section 18984.8, the container labeling requirements are required on
 657 new containers commencing January 1, 2022.
- 658 (5) To the extent practical through education, training, Inspection, and/or other
 659 measures, prohibit employees from placing materials in a container not
 660 designated for those materials per the District's Recyclable Materials
 661 Container, Organic Materials Container, and Solid Waste collection service
 662 or, if Self-Hauling, per the instructions of the Commercial Business's
 663 Responsible Party to support its compliance with Self-Hauler requirements
 664 in Section 6.09.110 of this Chapter.
- 665 (6) Periodically inspect Recyclable Materials Containers, Organic Materials
 666 Containers, and Solid Waste Containers for contamination and inform
 667 employees if containers are contaminated and of the requirements to keep
 668 contaminants out of those containers pursuant to 14 CCR Section
 669 18984.9(b)(3).
- 670 (7) Annually provide information to employees, contractors, tenants, and
 671 customers about Recyclable Materials and Organic Waste Recovery
 672 requirements and about proper sorting of Recyclable Materials, Organic
 673 Materials, and Solid Waste.
- 674 (8) Provide education information before or within fourteen (14) days of
 675 occupation of the Premises to new tenants that describes requirements to
 676 Source Separate Recyclable Materials and Organic Materials and to keep
 677 Source Separated Organic Materials and Source Separated Recyclable
 678 Materials separate from each other and from other Solid Waste (when
 679 applicable) and the location of containers and the rules governing their use
 680 at each property.
- 681 (9) Provide or arrange access for District or its Designee to their properties
 682 during all Inspections conducted in accordance with this Chapter to confirm
 683 compliance with the requirements of this Chapter.

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684 (c) If the Responsible Party of a Commercial Business wants to Self-Haul, meet the
685 Self-Hauler requirements in Section 6.09.110 of this Chapter.

686 (d) Nothing in this Section prohibits a Responsible Party or a Generator of a
687 Commercial Business from preventing or reducing Discarded Materials
688 generation, managing Organic Waste on site, or using a Community Composting
689 site pursuant to 14 CCR Section 18984.9(c).

690 (e) Responsible Parties of Commercial Businesses that are Tier One or Tier Two
691 Commercial Edible Food Generators shall comply with Food Recovery
692 requirements, pursuant to Section 6.09.080 of this Chapter.

693 **Section 6.0.070. Waivers for Multi-Family Premises and Commercial Premises**

694 (a) De Minimis Waivers for Multi-Family Premises and Commercial Premises. The
695 District's Designee, or the District if there is no Designee, may waive a Responsible
696 Party's obligation to comply with some or all Recyclable Materials and Organic
697 Waste requirements of this Chapter if the Responsible Party of the Commercial
698 Business or Multi-Family Premises provides documentation that the Commercial
699 Business or Multi-Family Premises meets one of the criteria in subsections (1) and
700 (2) below. For the purposes of subsections (1) and (2), the total Solid Waste shall
701 be the sum of weekly container capacity measured in cubic yards for Solid Waste,
702 Recyclable Materials, and Organic Materials collection service. Hauling through
703 paper shredding service providers or other incidental services may be considered
704 in granting a de minimis waiver.

705 (1) The Commercial Business's or Multi-Family Premises' total Solid Waste
706 collection service is two (2) cubic yards or more per week and Recyclable
707 Materials and Organic Materials subject to collection in Recyclable
708 Materials Container(s) or Organic Materials Container(s) comprises less
709 than twenty (20) gallons per week per applicable material stream of the
710 Multi-family Premises' or Commercial Business's total waste (i.e.,
711 Recyclable Materials in the Recyclable Materials stream are less than
712 twenty (20) gallons per week or Organic Materials in the Organic Materials
713 stream are less than twenty (20) gallons per week); or,

714 (2) The Commercial Business's or Multi-Family Premises' total Solid Waste
715 collection service is less than two (2) cubic yards per week and Recyclable
716 Materials and Organic Materials subject to collection in a Recyclable
717 Materials Container(s) or Organic Materials Container(s) comprises less
718 than ten (10) gallons per week per applicable material stream of the Multi-
719 family Premises' or Commercial Business's total waste (i.e., Recyclable
720 Materials in the Recyclable Materials stream are less than ten (10) gallons
721 per week or Organic Materials in the Organic Materials stream are less than
722 ten (10) gallons per week).

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- 723 (b) Physical Space Waivers. The District’s Designee, or the District if there is no
724 Designee, may waive a Commercial Business’s or Multi-Family Premises’
725 obligation to comply with some or all of the Recyclable Materials and/or Organic
726 Waste collection service requirements if the District or its Designee has evidence
727 from its own staff, a hauler, licensed architect, or licensed engineer demonstrating
728 that the Premises lacks adequate space for Recyclable Materials Containers
729 and/or Organic Materials Containers required for compliance with the Recyclable
730 Materials and Organic Materials collection requirements of Section 6.09.050 or
731 6.09.060 as applicable.
- 732 (c) Review and Approval of Waivers. Waivers shall be granted to Responsible Parties
733 by the District’s Designee, or the District if there is no Designee, according to the
734 following process:
- 735 (1) Responsible Parties of Premises seeking waivers shall submit a completed
736 application form to the District’s Designee, or the District if there is no
737 Designee, for a waiver specifying the waiver type requested, type(s) of
738 collection services for which they are requesting a waiver, the reason(s) for
739 such waiver, and documentation supporting such request.
- 740 (2) Upon waiver approval, the District’s Designee, or the District if there is no
741 Designee, shall specify that the waiver is valid for the following duration:
- 742 (i) For Commercial Premises, five (5) years, or if property ownership
743 changes, or if occupancy changes, whichever occurs first.
- 744 (ii) For Multi-Family Premises, five (5) years, or if property ownership
745 changes, or if the property manager changes, whichever occurs first.
- 746 (3) Waiver holder shall notify District’s Designee, or the District if there is no
747 Designee, if circumstances change such that Commercial Business’s or
748 Multi-Family Premises’ may no longer qualify for the waiver granted, in
749 which case waiver will be rescinded.
- 750 (4) Any waiver holder must cooperate with the District and/or its Designee for
751 any on-site assessment of the appropriateness of the waiver.
- 752 (5) Waiver holder shall reapply to the District’s Designee, or the District if there
753 is no Designee, for a waiver upon the expiration of the waiver period and
754 shall submit any required documentation, and/or fees/payments as required
755 by the District and/or its Designee. Failure to submit a completed application
756 shall equate to an automatic denial of said application.
- 757 (6) The District’s Designee, or the District if there is no Designee, may revoke
758 a waiver upon a determination that any of the circumstances justifying a
759 waiver are no longer applicable.

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760 (7) If the District’s Designee does not approve a waiver application or revokes
761 a waiver, the District may appeal the decision for additional review by the
762 Designee. The District may also, after meeting and conferring with the
763 Designee, direct the Designee to approve the waiver application and/or
764 repeal the revocation of the waiver.

765 **Section 6.09.080. Requirements for Commercial Edible Food Generators**

766 (a) Tier One Commercial Edible Food Generators must comply with the requirements
767 of this Section commencing January 1, 2022, and Tier Two Commercial Edible
768 Food Generators must comply commencing January 1, 2024, pursuant to 14 CCR
769 Section 18991.3

770 (b) Large Venue or Large Event operators not providing food services, but allowing
771 for food to be provided by others, shall require Food Facilities operating at the
772 Large Venue or Large Event to comply with the requirements of this Section,
773 commencing January 1, 2024.

774 (c) Commercial Edible Food Generators shall comply with the following requirements:

775 (1) Arrange to recover the maximum amount of Edible Food that would
776 otherwise be disposed. Food that is donated shall be free from adulteration,
777 spoilage, and meet the food safety standards of the California Health and
778 Safety Code. Food cannot be donated if it is not in compliance with the food
779 safety standards of the California Health and Safety Code, including food
780 that is returned by a customer, has been served or sold and in the
781 possession of a consumer, or is the subject of a recall.

782 (2) Contract with or enter into a written agreement with Food Recovery
783 Organizations or Food Recovery Services for: (i) the collection of Edible
784 Food for Food Recovery; or, (ii) acceptance of the Edible Food that the
785 Commercial Edible Food Generator Self-Hauls to the Food Recovery
786 Organization for Food Recovery.

787 (3) Not intentionally spoil Edible Food that is capable of being recovered by a
788 Food Recovery Organization or a Food Recovery Service.

789 (4) Allow District’s designated enforcement entity or designated third party
790 enforcement entity to access the Premises and review records pursuant to
791 14 CCR Section 18991.4.

792 (5) Keep records that include the following information, or as otherwise
793 specified in 14 CCR Section 18991.4:

794 (A) A list of each Food Recovery Service or organization that collects or
795 receives its Edible Food pursuant to a contract or written agreement
796 established under 14 CCR Section 18991.3(b).

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- 797 (B) A copy of all contracts or written agreements established under 14
798 CCR Section 18991.3(b).
- 799 (C) A record of the following information for each of those Food Recovery
800 Services or Food Recovery Organizations:
- 801 (i) The name, address and contact information of the Food
802 Recovery Service or Food Recovery Organization.
- 803 (ii) The types of food that will be collected by or Self-Hauled to
804 the Food Recovery Service or Food Recovery Organization.
- 805 (iii) The established frequency that food will be collected or Self-
806 Hauled.
- 807 (iv) The quantity of food, measured in pounds recovered per
808 month, collected or Self-Hauled to a Food Recovery Service
809 or Food Recovery Organization for Food Recovery.
- 810 (6) Maintain records required by this section for five (5) years.
- 811 (7) No later than January 31 of each year commencing no later than **January**
812 **31, 2023** for Tier One Commercial Edible Food Generators and January 31,
813 2025 for Tier Two Commercial Edible Food Generators, provide an annual
814 Food Recovery report to the District or its Designee that includes the
815 following information:
- 816 (i) The amount, in pounds, of edible food donated to a Food Recovery Service
817 or Food Recovery Organization annually; and,
- 818 (ii) The amount, in pounds of edible food rejected by a Food
819 Recovery Service or Food Recovery Organization annually.
- 820 (iii) Any additional information required by the District Manager
821 or their Designee.
- 822 (d) Nothing in this Chapter shall be construed to limit or conflict with the protections
823 provided by the California Good Samaritan Food Donation Act of 2017, the Federal
824 Good Samaritan Act, or share table and school food donation guidance pursuant
825 to Senate Bill 557 of 2017 (approved by the Governor of the State of California on
826 September 25, 2017, which added Article 13 [commencing with Section 49580] to
827 Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, and to amend
828 Section 114079 of the Health and Safety Code, relating to food safety, as
829 amended, supplemented, superseded and replaced from time to time).

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830 **Section 6.09.090. Requirements for Food Recovery Organizations and Services**

831 (a) Food Recovery Services collecting or receiving Edible Food directly from
832 Commercial Edible Food Generators, via a contract or written agreement
833 established under 14 CCR Section 18991.3(b), shall maintain the following
834 records, or as otherwise specified by 14 CCR Section 18991.5(a)(1):

835 (1) The name, address, and contact information for each Commercial Edible
836 Food Generator from which the service collects Edible Food.

837 (2) The quantity in pounds of Edible Food collected from each Commercial
838 Edible Food Generator per month.

839 (3) The quantity in pounds of Edible Food transported to each Food Recovery
840 Organization per month.

841 (4) The name, address, and contact information for each Food Recovery
842 Organization that the Food Recovery Service transports Edible Food to for
843 Food Recovery.

844 (b) Food Recovery Organizations collecting or receiving Edible Food directly from
845 Commercial Edible Food Generators, via a contract or written agreement
846 established under 14 CCR Section 18991.3(b), shall maintain the following
847 records, or as otherwise specified by 14 CCR Section 18991.5(a)(2):

848 (1) The name, address, and contact information for each Commercial Edible
849 Food Generator from which the organization receives Edible Food.

850 (2) The quantity in pounds of Edible Food received from each Commercial
851 Edible Food Generator per month.

852 (3) The name, address, and contact information for each Food Recovery
853 Service that the organization receives Edible Food from for Food Recovery.

854 (c) Maintain records required by this section for five years.

855 (d) Food Recovery Organizations and Food Recovery Services that have their primary
856 address physically located in the District and contract with or have written
857 agreements with one or more Commercial Edible Food Generators pursuant to 14
858 CCR Section 18991.3(b) shall report to the District it is located in and the District's
859 Designee, if applicable, the total pounds of Edible Food recovered in the previous
860 calendar year from the Tier One and Tier Two Commercial Edible Food Generators
861 they have established a contract or written agreement with pursuant to 14 CCR
862 Section 18991.3(b). The annual report shall be submitted to the District and the
863 District's Designee, if applicable, no later than **January 31 of each year.**

864 (e) In order to support Edible Food Recovery capacity planning assessments or other
865 studies conducted by the District that provides Solid Waste collection services, or

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866 its designated entity, Food Recovery Services and Food Recovery Organizations
867 operating in the District shall provide information and consultation to the District
868 and District’s Designee, if applicable, upon request, regarding existing, or
869 proposed new or expanded, Food Recovery capacity that could be accessed by
870 the District and its Commercial Edible Food Generators. A Food Recovery Service
871 or Food Recovery Organization contacted by the District and/or its Designee shall
872 respond to such request for information within 60 days, unless a shorter timeframe
873 is otherwise specified by the District.

874 (f) Food Recovery Organizations and Food Recovery Services that have their
875 primary address physically located in the District and contract with or have written
876 agreements with one or more Commercial Edible Food Generators shall include
877 language in all agreements with Tier 1 and Tier 2 edible food generators located
878 in the District identifying and describing the California Good Samaritan Act of 2017.

879 (g) Nothing in this chapter prohibits a Food Recovery Organization or Food Recovery
880 Service from refusing to accept Edible Food from a Commercial Edible Food
881 Generator.

882 **Section 6.09.100. Requirements for Haulers and Facility Operators**

883 (a) Requirements for Haulers

884 (1) Franchise hauler(s) providing Recyclable Materials, Organic Waste, and/or
885 Solid Waste collection services to Generators within the District’s
886 boundaries shall meet the following requirements and standards as a
887 condition of approval of its contract, agreement, permit, or other
888 authorization with the District to collect Recyclable Materials, Organic
889 Materials, and/or Solid Waste:

890 (A) Through written notice to the District annually on or before January
891 1st of each year, identify the facilities to which they will transport
892 Discarded Materials, including facilities for Source Separated
893 Recyclable Materials, Source Separated Organic Materials, and
894 Solid Waste unless otherwise stated in the franchise agreement,
895 contract, permit, or license, or other authorization with the District.

896 (B) Transport Source Separated Recyclable Materials to a facility that
897 recovers those materials; transport Source Separated Organic
898 Materials to a facility, operation, activity, or property that recovers
899 Organic Waste as defined in 14 CCR, Division 7, Chapter 12, Article
900 2; transport Solid Waste to a disposal facility or transfer facility or
901 operation that processes or disposes of Solid Waste; and transport
902 manure to a facility that manages manure in conformance with 14
903 CCR Article 12 and such that the manure is not landfilled, used as
904 Alternative Daily Cover (ADC), or used as Alternative Intermediate
905 Cover (AIC).

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- 906 (C) Obtain approval from the District to haul Organic Waste, unless it is
 907 transporting Source Separated Organic Waste to a Community
 908 Composting site or lawfully transporting C&D in a manner that
 909 complies with 14 CCR Section 18989.1, and Section 6.09.110 of this
 910 Chapter.
- 911 (2) Franchise hauler(s) authorized to collect Recyclable Materials, Organic
 912 Materials, and/or Solid Waste shall comply with education, equipment,
 913 signage, container labeling, container color, contamination monitoring,
 914 reporting, and other requirements contained within its franchise agreement,
 915 permit, or other agreement entered into with District.
- 916 (b) Requirements for Facility Operators and Community Composting Operations
- 917 (1) Owners of facilities, operations, and activities located in the District's
 918 boundaries that recover Organic Waste, including, but not limited to,
 919 Compost facilities, in-vessel digestion facilities, and publicly-owned
 920 treatment works shall, upon District request, provide information regarding
 921 available and potential new or expanded capacity at their facilities,
 922 operations, and activities, including information about throughput and
 923 permitted capacity necessary for planning purposes. Entities contacted by
 924 the District shall respond within 60 days.
- 925 (2) Community Composting operators with operations located in the District's
 926 boundaries, upon District request, shall provide information to the District to
 927 support Organic Waste capacity planning, including, but not limited to, an
 928 estimate of the amount of Organic Waste anticipated to be handled at the
 929 Community Composting operation. Entities contacted by the District shall
 930 respond within 60 days.
- 931 (3) Owners of facilities, operations, and activities located in the District's
 932 boundaries that receive Recyclable Materials, Organic Materials, and/or
 933 Solid Waste shall provide to the District on a quarterly basis copies of all
 934 .reports they are required to report to CalRecycle under 14 CCR.

935 **Section 6.09110. Self-Hauler Requirements**

- 936 (a) Every Self-Hauler shall Source Separate its Recyclable Materials and Organic
 937 Materials (materials that District otherwise requires Generators or Responsible
 938 Parties to separate for collection in the District's Recyclable Materials and Organic
 939 Materials collection program) generated on-site from Solid Waste in a manner
 940 consistent with 14 CCR Section 18984.1 and the District's collection program. Self-
 941 Haulers shall deliver their materials to facilities described in subsection (b) below.
 942 Alternatively, Self-Haulers may or choose not to Source Separate Recyclable
 943 Materials and Organic Materials and shall haul its Solid Waste (that includes
 944 Recyclable Materials and Organic Materials) to a High Diversion Organic Waste
 945 Processing Facility subject to advance written approval by the District.

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- 946 (b) Self-Haulers that Source Separate their Recyclable Materials and Organic
947 Materials shall haul their Source Separated Recyclable Materials to a facility that
948 recovers those materials; haul their Source Separated Organic Waste to a facility,
949 operation, activity, or property that processes or recovers Source Separated
950 Organic Waste; and, haul their Solid Waste to a disposal facility or transfer facility
951 or operation that processes or disposes of Solid Waste.
- 952 (c) Self-Haulers that are Responsible Parties of Commercial Businesses or Multi-
953 Family Premises shall keep records of the amount of Recyclable Materials,
954 Organic Waste, and Solid Waste delivered to each facility, operation, activity, or
955 property that processes or recovers Recyclable Materials and Organic Waste and
956 processes or disposes of Solid Waste or shall keep records of Solid Waste
957 delivered to High Diversion Organic Waste Processing Facilities. These records
958 shall be subject to review by the District and/or its Designee(s). The records shall
959 include the following information:
- 960 (1) Delivery receipts and weight tickets from the entity accepting the Recyclable
961 Materials, Organic Materials, and Solid Waste.
- 962 (2) The amount of material in cubic yards or Tons transported by the Generator
963 or Responsible Party to each entity.
- 964 (3) If the material is transported to an entity that does not have scales on-site
965 or employs scales incapable of weighing the Self-Hauler's vehicle in a
966 manner that allows it to determine the weight of materials received, the Self-
967 Hauler is not required to record the weight of material but shall keep a record
968 of the entities that received the Recyclable Materials, Organic Materials,
969 and Solid Waste.
- 970 (d) Self-Haulers shall retain all records and data required to be maintained by this
971 Section for no less than five (5) years after the Recyclable Materials, Organic
972 Materials, and/or Solid Waste was first delivered to the facility accepting the
973 material.
- 974 (e) Self-Haulers that are Commercial Businesses or Multi-Family Premises shall
975 provide copies of records required by this Section to District if requested by the
976 General Manager and shall provide the records at the frequency requested by the
977 General Manager.
- 978 (e) A Single-Family Generator or Single-Family Responsible Party that Self-Hauls
979 Recyclable Materials, Organic Waste, or Solid Waste is not required to record or
980 report information in Section 6.09.110(c) and (d).
- 981 (f) Pursuant to 14 CCR Section 18815.9, Food Waste Self-Haulers are required to
982 maintain records and report to CalRecycle information on the Tons of Food Waste
983 Self-Hauled and the facilities or each use of such material. Food Waste Self-

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984 Haulers shall provide to the District on a quarterly basis copies of all reports they
985 are required to report to CalRecycle.

986 **Section 6.09.120. Inspections and Investigations**

987 (a) District representatives or its Designee(s) are authorized to conduct Inspections
988 and investigations, at random or otherwise, of any collection container, collection
989 vehicle loads, or transfer, processing, or disposal facility for materials collected
990 from Generators, or Source Separated materials to confirm compliance with this
991 Chapter by Generators, Responsible Parties of Single-Family Premises,
992 Responsible Parties of Commercial Businesses, Responsible Parties of Multi-
993 Family Premises, Commercial Edible Food Generators, haulers, Self-Haulers,
994 Food Recovery Services, and Food Recovery Organizations, subject to applicable
995 laws. This Section does not allow District or its Designee to enter the interior of a
996 private residential property for Inspection.

997 (b) Entities regulated by this Chapter shall provide or arrange for access during all
998 Inspections (with the exception of residential property interiors) and shall
999 cooperate with the District's representative or its Designee during such Inspections
1000 and investigations. Such Inspections and investigations may include confirmation
1001 of proper placement of materials in containers, inspection of Edible Food Recovery
1002 activities, review of required records, or other verification or Inspection to confirm
1003 compliance with any other requirement of this Chapter. Failure of a Responsible
1004 Party to provide or arrange for: (i) access to an entity's Premises; or (ii) access to
1005 records for any Inspection or investigation is a violation of this Chapter and may
1006 result in penalties described in Section 6.09.130.

1007 (c) Any records obtained by a District or its Designee during its Inspections, and other
1008 reviews shall be subject to the requirements and applicable disclosure exemptions
1009 of the Public Records Act as set forth in Government Code Section 6250 et seq.

1010 (d) District representatives or their Designee are authorized to conduct any
1011 Inspections, or other investigations as reasonably necessary to further the goals
1012 of this Chapter, subject to applicable laws.

1013 (e) District or its Designee shall receive written complaints from persons regarding an
1014 entity that may be potentially non-compliant with SB 1383 Regulations, including
1015 receipt of anonymous complaints.

1016 (f) District representatives and/or their Designee are authorized to provide
1017 informational notices to entities regulated by this Chapter regarding compliance
1018 with this Chapter.

1019 **Section 6.09.130. Enforcement**

1020 (a) Violation of any provision of this Chapter shall constitute grounds for issuance of
1021 a Notice of Violation and assessment of a fine by a District Enforcement Official or
1022 representative. Enforcement Actions under this Chapter are issuance of an

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- 1023 administrative citation and assessment of a fine. The District shall adopt
 1024 procedures on imposition of administrative fines which shall govern the imposition,
 1025 enforcement, collection, and review of administrative citations issued to enforce
 1026 this Chapter and any rule or regulation adopted pursuant to this Chapter, except
 1027 as otherwise indicated in this Chapter.
- 1028 (b) Other remedies allowed by law may be used, including civil action or prosecution
 1029 as misdemeanor or infraction. District may pursue civil actions in the California
 1030 courts to seek recovery of unpaid administrative citations. District may choose to
 1031 delay court action until such time as a sufficiently large number of violations, or
 1032 cumulative size of violations exist such that court action is a reasonable use of
 1033 District staff and resources.
- 1034 (c) Responsible Entity for Enforcement
- 1035 (1) Enforcement pursuant to this Chapter may be undertaken by the District
 1036 Enforcement Official, which may be the General Manager or his or her
 1037 designated entity, legal counsel, or combination thereof.
- 1038 (2) District Enforcement Official(s) may issue Notices of Violation(s).
- 1039 (d) Process for Enforcement
- 1040 (1) District Enforcement Officials and/or their Designee will monitor compliance
 1041 with the ordinance through Compliance Reviews, Route Reviews,
 1042 investigation of complaints, and an Inspection program. District
 1043 Enforcement Officials and/or their designee may also monitor compliance
 1044 with the ordinance randomly.
- 1045 (2) District may issue an official notification to notify regulated entities of its
 1046 obligations under the ordinance.
- 1047 (3) For incidences of Prohibited Container Contaminants found in containers,
 1048 District or its designee will issue an informational notice of contamination to
 1049 any Generator or Responsible Party found to have Prohibited Container
 1050 Contaminants in a container. Such notice will be provided via a cart tag or
 1051 other communication immediately upon identification of the Prohibited
 1052 Container Contaminants or within 5 days after determining that a violation
 1053 has occurred. If the District or its Designee observes Prohibited Container
 1054 Contaminants in a Responsible Party's containers on more than two (2)
 1055 consecutive occasion(s), the District may assess contamination processing
 1056 fees or contamination penalties on the Generator.
- 1057 (4) With the exception of violations of contamination of container contents
 1058 addressed under Section 6.09.130(k), District shall issue a Notice of
 1059 Violation requiring compliance within 60 days of issuance of the notice.

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1060 (5) Absent compliance by the respondent within the deadline set forth in the
1061 Notice of Violation, District shall commence an action to impose penalties,
1062 via an administrative citation and fine.

1063 Notices shall be sent to "owner" at the official address of the owner
1064 maintained by the tax collector for the County Assessor or if no such
1065 address is available, to the owner at the address of the Multi-Family
1066 Premises or Commercial Premises or to the Responsible Party for the
1067 collection services, depending upon available information.

1068 (e) Penalty Amounts for Types of Violations

1069 The penalty levels are as follows, as prescribed by 14 CCR Section 18997.2 and any
1070 other applicable code or regulation:

1071 (1) For a first violation, the amount of the base penalty shall be \$50 to \$100 per
1072 violation.

1073 (2) For a second violation, the amount of the base penalty shall be \$100 to
1074 \$200 per violation.

1075 (3) For a third or subsequent violation, the amount of the base penalty shall be
1076 \$250 to \$500 per violation.

1077 (f) Factors Considered in Determining Penalty Amount

1078 The following factors shall be used to determine the amount of the penalty for each
1079 violation within the appropriate penalty amount range:

1080 (1) The nature, circumstances, and severity of the violation(s).

1081 (2) The violator's ability to pay.

1082 (3) The willfulness of the violator's misconduct.

1083 (4) Whether the violator took measures to avoid or mitigate violations of this
1084 chapter.

1085 (5) Evidence of any economic benefit resulting from the violation(s).

1086 (6) The deterrent effect of the penalty on the violator.

1087 (7) Whether the violation(s) were due to conditions outside the control of the
1088 violator.

1089 (g) Compliance Deadline Extension Considerations

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1090 District may extend the compliance deadlines set forth in a Notice of Violation
1091 issued in accordance with this Section if it finds that there are extenuating
1092 circumstances beyond the control of the respondent that make compliance within
1093 the deadlines impracticable, including the following:

1094 (1) Acts of God such as earthquakes, wildfires, flooding, and other
1095 emergencies or natural disasters;

1096 (2) Delays in obtaining discretionary permits or other government agency
1097 approvals; or,

1098 (3) Deficiencies in Organic Waste recycling infrastructure or Edible Food
1099 Recovery capacity and the District is under a corrective action plan with
1100 CalRecycle pursuant to 14 CCR Section 18996.2 due to those deficiencies.

1101 (h) Appeals Process

1102 Persons receiving an administrative citation containing a penalty for an
1103 uncorrected violation may request a hearing to appeal the citation. A hearing will
1104 be held only if it is requested within the time prescribed and consistent with any
1105 applicable procedures for appeals of administrative citations. Evidence may be
1106 presented at the hearing. The District will appoint a hearing officer who shall
1107 conduct the hearing and issue a final written order.

1108 (i) Education Period for Non-Compliance

1109 Beginning January 1, 2022 and through December 31, 2023, District or its
1110 Designee will conduct Inspections, Route Reviews or waste evaluations, and
1111 Compliance Reviews, depending upon the type of regulated entity, to determine
1112 compliance, and if District or its Designee determines that Generator, Responsible
1113 Party, Self-Hauler, hauler, Tier One Commercial Edible Food Generator, Food
1114 Recovery Organization, Food Recovery Service, or other entity is not in
1115 compliance, it shall provide educational materials to the entity describing its
1116 obligations under this Chapter and a notice that compliance is required by January
1117 1, 2022, and that violations may be subject to administrative civil penalties starting
1118 on January 1, 2024.

1119 (j) Civil Penalties for Non-Compliance

1120 Beginning January 1, 2024, if the District determines that a Generator,
1121 Responsible Party, Self-Hauler, hauler, Tier One or Tier Two Commercial Edible
1122 Food Generator, Food Recovery Organization, Food Recovery Service, or other
1123 entity is not in compliance with this Chapter, it shall document the noncompliance
1124 or violation, issue a Notice of Violation, and take Enforcement Action pursuant to
1125 this Section, as needed.

1126 (k) Enforcement Table

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1127

Table 1. List of Violations

Requirement	Description of Violation
Commercial Business Multi-Family Premises Responsibility Requirement Sections 6.09.050 and 6.09.060	Responsible Party for a Commercial Business or Multi-Family Premises fails to provide or arrange for Organic Waste collection services consistent with District requirements and as outlined in 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.
Organic Waste Generator or Responsible Party Requirement Section 6.09.040, 050, and 060	Organic Waste Generator or Responsible Party fails to comply with requirements pursuant to this Chapter.
Hauler Requirement Section 6.09.100	A hauler providing Single-Family, Multi-Family or Commercial collection service fails to transport Discarded Materials to a facility, operation, activity, or property that recovers Organic Waste, as prescribed by this Chapter.
Hauler Requirement Section 6.09.100	A hauler providing Single-Family, Multi-Family or Commercial Recyclable Materials, Organic Materials, or Solid Waste collection service fails to obtain applicable approval issued by the District to haul Recyclable Materials, Organic Materials, or Solid Waste as prescribed by this Chapter.
Hauler Requirement Section 6.09.100	A hauler fails to keep a record of the applicable documentation of its approval by the District, as prescribed by this Chapter.
Self-Hauler Requirement Section 6.09.110	A Generator or Responsible Party who is a Self-Hauler fails to comply with the requirements of this Chapter.

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Requirement	Description of Violation
Commercial Edible Food Generator Requirement Section 6.09.080	Tier One Commercial Edible Food Generator fails to arrange to recover the maximum amount of its Edible Food that would otherwise be disposed by establishing a contract or written agreement with a Food Recovery Organization or Food Recovery Service and/or fails to comply with other requirement of this Chapter commencing Jan. 1, 2022.
Commercial Edible Food Generator Requirement Section 6.09.080	Tier Two Commercial Edible Food Generator fails to arrange to recover the maximum amount of its Edible Food that would otherwise be disposed by establishing a contract or written agreement with a Food Recovery Organization or Food Recovery Service and/or fails to comply with other requirements of this Chapter commencing Jan. 1, 2024.
Commercial Business Responsible Party, Multi-Family Premises Responsible Party, Commercial Edible Food Generator, Food Recovery Organization or Food Recovery Service Sections 6.09.050, 060, 080, and 090	Failure to provide or arrange for access to an entity's Premises for any Inspection or investigation.
Recordkeeping Requirements for Commercial Edible Food Generator Section 6.09. 080	Tier One or Tier Two Commercial Edible Food Generator fails to keep records, as prescribed by Section 6.09.080 of this Chapter.
Recordkeeping Requirements for Food Recovery Services and Food Recovery Organizations Section 6.09.090	A Food Recovery Organization or Food Recovery Service that has established a contract or written agreement to collect or receive Edible Food directly from a Commercial Edible Food Generator pursuant to 14 CCR Section 18991.3(b) fails to keep records, as prescribed by Section 6.09.090 of this Chapter.