

REPORT TO CITY COUNCIL

DATE: OCTOBER 27, 2021

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: NATHAN HAMBURGER, CITY MANAGER

BY: LOUIS CELAYA, DEPUTY CITY MANAGER

SUBJECT: INTRODUCTION OF ORDINANCE NO. 21-458; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, ADDING PART 9 (MANDATORY ORGANIC WASTE DISPOSAL REDUCTION) TO CHAPTER 3 (SOLID WASTE) OF ARTICLE V (SANITATION AND HEALTH) OF THE AGOURA HILLS MUNICIPAL CODE, AND MAKING A DETERMINATION OF EXEMPTION UNDER CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The request before the City Council is to introduce, read by title only, and waive further reading of Ordinance No. 21-458, an Ordinance of the City Council of the City of Agoura Hills, California, adding Part 9 (Mandatory Organic Waste Disposal Reduction) to Chapter 3 (Solid Waste) of Article V (Sanitation and Health) of the Agoura Hills Municipal Code, and Making a Determination of Exemption Under CEQA.

Senate Bill (SB) 1383 was signed into law September 19, 2016, directing public agencies to reduce organic waste disposal by 75% and increase edible food recovery by 25%, by 2025. SB 1383 is the most significant waste reduction mandate to be adopted in California since AB 939. The bill was enacted to reduce greenhouse gas emissions by diverting organic waste from landfills as the decomposition of such materials emit methane, a climate pollutant 72 times more potent than carbon dioxide. Landfills are the third largest producer of methane and responsible for a large percentage of the state's anthropogenic (caused by humans) methane emissions.

SB 1383 also sets a goal to rescue at least 20% of currently disposed edible food by 2025 and redirect that food to people in need. It should be noted that these are statewide targets and not jurisdiction targets, which make the regulations similar to other environmental regulations where jurisdictions are required to implement specific actions rather than achieve specific targets. The bill requires public agencies must have a mandatory organic waste disposal reduction ordinance in place by January 1, 2022.

In an effort to comply with the mandate of SB 1383, staff has been working with our solid waste consultant, Solid Waste Solutions Inc., (SWS) and the City Attorney's office to prepare the required ordinance.

There are seven main components of SB 1383 that agencies must comply with, they are as follows:

- Ordinance Adoption. Adopt an ordinance implementing SB 1383 prior to January 1, 2022.
- Education and Outreach. Conduct annual community outreach and education to residents, schools, businesses, and edible food generators.
- Organics and Recycling Collection. Provide residents and businesses access to organics and recycling collection services (the city currently has a residential program available for combined green waste and organics collection. There are also programs available for eligible commercial businesses).
- Contamination Monitoring. Conduct waste audits of trash, recycling, and organics routes to check bins for contamination.
- Procurement Requirements. Beginning January 1, 2022, the City must annually procure a certain quantity of recycled organic waste products including, but not limited to compost, mulch, and renewable natural gas. Additionally, the City is required to only purchase paper products that are post-consumer recycled-content and to track such purchases.
- Edible Food Recovery. Identify edible food recovery generator businesses that are required to implement edible food recovery programs. This shall also include coordination with the County to facilitate capacity planning for food recovery.
- Annual Reporting. Maintain accurate and timely records of SB 1383 compliance for annual reporting to CalRecycle. Including the implementation of the Green Building Code and the City's Water Efficient Landscape Program.

The Ordinance presented will enact a new part of the Agoura Hills Municipal Code (AHMC) which is key to meeting the requirements of SB 1383. The Ordinance will become enforceable by January 1, 2022, and will mandate that organic waste generators, haulers, and other entities subject to the SB 1383 regulations to comply with those regulations.

Ordinance 21-458 is organized into several sections, and they are as follows:

- Requirements for Single-Family Organic Generators
- Requirements for Commercial Organic Waste Generators and Commercial Businesses
- Waivers for Generators
- Requirements for Commercial Edible Food Generators
- Requirements for Food Recovery Organizations and Services
- Requirements for Haulers and Facility Operators, Community Composting

- Self-Hauler Requirements
- Compliance with CalGreen Recycling Requirements and Model Water Efficient Landscape Ordinance
- Procurement
- Inspections and Investigations
- Enforcement

Under Ordinance No 21-458 all residents must recycle their organics (i.e., food waste). The City of Agoura Hills has had an organics collection program for the residential sector, whereby residents could recycle their food waste with their green waste by placing them in the same green waste container. The program was voluntary, but now will be required to ensure compliance with SB 1383. Similarly, under prior State legislation (AB 1826) many commercial businesses that generated certain amounts of refuse were required to establish an organics collection program as well. The City and its permitted refuse collectors are working with those businesses to finalize those services. These businesses would already be in compliance with SB 1383. Those businesses that did not have this program in place, would be required under the Ordinance and SB 1383.

The Ordinance also provides waivers for generators of organic waste. De Minimus and Physical Space waivers are available for eligible businesses. Waivers would be submitted to staff for review and approval. It should be noted that waivers are not indefinite and are reviewed every five years. Waivers can be rescinded at any point if certain organic thresholds are exceeded.

Staff met with Environmental Responsibility Subcommittee in September to discuss the ordinance, elements, and practices the City will undertake under SB 1383. The Subcommittee fully supported the ordinance. At the request of the Subcommittee, in an effort to prepare the community, pre-SB 1383 outreach was requested. Staff has been working with RMG Communications and has prepared social media messaging to assist with education. There will also be several educational ads running in the Acorn.

It is anticipated that there will be costs associated with the implementation of SB 1383. Collection of organic in the commercial sector does require an additional container. There are currently two permitted waste collectors in the commercial sector that provide organic collection services. Depending on the frequency of collection and collection cart size, cost could range from \$60 to \$180 per month. On the residential side, organics will now be collected in the current green waste container as part of the residential waste collection services. The residential sector will not see an extra charge as the service already exists. There is a potential for future costs, as a result of contamination monitoring/auditing being mandated on the collector, but it is too early to make a determination of that cost. For the City, it is anticipated that an increase in solid waste consulting services will occur as a result of the tracking and other administrative items now required under SB 1383. This cost will be budgeted in the future within the Solid Waste Fund.

Although staff, SWS, and the City Attorney's office have closely followed direct guidance from CalRecycle with respect to the terms and provisions of this Ordinance, the programs

enacted by SB 1383 are new, contain some complexity, and pose some uncertainty how the programs will function in actual practice. City staff and SWS, along with our residential franchise collector and other permitted haulers will continue to work to ensure all programs and requirements under the proposal ordinance are met.

It should be noted that the new organics collection mandates under SB 1383 and the passage of this Ordinance will be another element to assist the City with its Climate Action Adaptation Plan greenhouse gas reductions. Once adopted Ordinance No. 21-458, will become effective January 1, 2021.

RECOMMENDATION

Staff respectfully recommends the City Council, introduce, read by title only, and waive further reading of Ordinance No. 21-458, an Ordinance of The City Council of the City of Agoura Hills, California, Adding Part 9 (Mandatory Organic Waste Disposal Reduction) to Chapter 3 (Solid Waste) of Article V (Sanitation And Health) of the Agoura Hills Municipal Code, and making a Determination of Exemption Under California Environmental Quality Act.

attachment: Ordinance No. 21-458

ORDINANCE NO. 21-458

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, ADDING PART 9 (MANDATORY ORGANIC WASTE DISPOSAL REDUCTION) TO CHAPTER 3 (SOLID WASTE) OF ARTICLE V (SANITATION AND HEALTH) OF THE AGOURA HILLS MUNICIPAL CODE, AND MAKING A DETERMINATION OF EXEMPTION UNDER CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, the City of Agoura Hills, California ("City") is a municipal corporation, duly organized under the constitution and laws of the State of California;

WHEREAS, Assembly Bill ("AB") 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 and as implemented by regulations of the California Department of Resources, Recycling and Recovery ("CalRecycle")), requires the City to reduce, reuse, and recycle (including composting) solid waste generated in the City 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;

WHEREAS, AB 341 of 2011 places requirements on businesses, including multi-family property owners with five or more dwelling units, that generate a specified threshold amount of solid waste to arrange for recycling services and requires the City to implement a mandatory commercial recycling program;

WHEREAS, AB 1826 of 2014 requires businesses, including multi-family property owners with five or more dwelling units, that generate a specified threshold amount of solid waste, recycling, and organic waste per week to arrange for recycling services for that waste, and requires the City to implement a recycling program to divert organic waste from businesses;

WHEREAS, Senate Bill ("SB") 1383 of 2016, the Short-lived Climate Pollutant Reduction Act of 2016, requires CalRecycle to develop regulations to reduce organics in landfills as a source of methane. These regulations, adopted in 2020 ("SB 1383 Regulations"), place requirements on multiple entities including the City; single-family residential households; commercial businesses, including multi-family property owners with five or more dwelling units; commercial edible food generators, haulers, including self-haulers; food recovery organizations; and food recovery services to support achievement of statewide organic waste disposal reduction targets;

WHEREAS, the SB 1383 Regulations require the City to adopt and enforce an ordinance or other enforceable mechanism to implement relevant provisions of the SB 1383 Regulations; and

WHEREAS, this Ordinance implements the requirements of the SB 1383 Regulations;

THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA HEREBY ORDAINS AS FOLLOWS:

SECTION 1. AMENDMENT

Chapter 3 (Solid Waste) of Article V (Sanitation and Health) of the Agoura Hills Municipal Code is hereby amended to add Part 9 (Mandatory Organic Waste Disposal Reduction) to read as follows:

“Part 9 - Mandatory Organic Waste Disposal Reduction

5350. Definitions and SB 1383 Regulatory Requirements

(a) Definitions.

For the purposes of this Part, the following words, terms, phrases, and their derivations have the meanings given herein. Terms not defined in this section and defined elsewhere in this Code shall have the same meanings herein unless the context otherwise requires. In the event of a conflict between a definition in this Code and a definition in 14 CCR Section 18982, the definitions in Section 18982 shall control for the purposes of this Part. Additionally, for the purposes of this Part, the definitions in 14 CCR Section 18982 shall control for terms used in this Part and not in this Code. When consistent with the context, words used in the present tense include the future tense, and words in the singular number include the plural number. Unless otherwise specified herein, references to a statute or regulation means the statute or regulation, as amended, supplemented, superseded and replaced from time to time.

“Blue Container” has the same meaning as in 14 CCR Section 18982(a)(5) and shall be used only for the purpose of storage and collection of Source Separated Recyclable Materials and Source Separated Blue Container Organic Waste. Notwithstanding the foregoing, functional containers purchased prior to January 1, 2022 that are used for the storage and collection of Source Separated Recyclable Materials or Source Separated Blue Container Organic Waste and that do not comply with the color requirements of 14 C.C.R. Section 18982(a)(5) shall be deemed Blue Containers and are not required to be replaced until the end of the useful life of those containers or January 1, 2036, whichever is earlier.

“CalRecycle” means the California Department of Resources Recycling and Recovery, which is the Department designated with responsibility for developing, implementing, and enforcing SB 1383 Regulations on the City (and others).

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

“City” means the City of Agoura Hills.

“City Manager” means the City Manager of the City or his/her designee.

“Commercial Business” or “Commercial” means a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a Multi-Family Residential Dwelling; or, as otherwise defined in 14 CCR Section 18982(a)(6). A multi-family residential dwelling that consists of fewer than five (5) units is not a Commercial Business for purposes of implementing this Part

“Commercial Edible Food Generator” includes a Tier One or a Tier Two Commercial Edible Food Generator as defined in 14 CCR Section 18982(a)(73) and (a)(74). For the purposes of this definition, Food Recovery Organizations and Food Recovery Services are not Commercial Edible Food Generators pursuant to 14 CCR Section 18982(a)(7).

“Compliance Review” means a review of records by the City to determine compliance with this Part.

“Community Composting” means any activity that composts green material, agricultural material, food material, and vegetative food material, alone or in combination, and the total amount of feedstock and Compost on-site at any one time does not exceed 100 cubic yards and 750 square feet, as specified in 14 CCR Section 17855(a)(4); or, as otherwise defined by 14 CCR Section 18982(a)(8).

“Compost” has the same meaning as in 14 CCR Section 17896.2(a)(4).

“Compostable Plastic(s)” means plastic materials that meet the ASTM D6400 standard for compostability; or, as otherwise described in 14 CCR Section 18984.1(a)(1)(A) or 18984.2(a)(1)(C).

“Container Contamination” or “Contaminated Container” means a container, regardless of color, that contains Prohibited Container Contaminants; or, as otherwise defined in 14 CCR Section 18982(a)(55).

“County” means the County of Los Angeles.

“C&D” means construction and demolition debris.

“Designee” means an entity that the City contracts with or otherwise arranges to carry out any of the City’s responsibilities of this Part as authorized in 14 CCR Section 18981.2. A Designee may be a government entity, a hauler, a private entity, or a combination of those entities.

“Edible Food” means food intended for human consumption; or, as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this Part or as otherwise defined in 14 CCR Section 18982(a)(18), “Edible Food” is not Solid Waste if it is recovered and not discarded. Nothing in this Part or in 14 CCR,

Division 7, Chapter 12 requires or authorizes the Recovery of Edible Food that does not meet the food safety requirements of the California Retail Food Code.

"Enforcement Action" means an action of the City to address non-compliance with this Part including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies.

"Enforcement Official" means the City Manager or the City's authorized Designee(s) who is/are partially or whole responsible for enforcing this chapter.

"Excluded Waste" means hazardous substance, hazardous waste, infectious waste, designated waste, volatile, corrosive, medical waste, infectious, regulated radioactive waste, and toxic substances or material that facility operator(s), which receive materials from the City and its Generators, reasonably believe(s) would, as a result of or upon acceptance, transfer, processing, or disposal, be a violation of local, State, or Federal law, regulation, or ordinance, including: land use restrictions or conditions, waste that cannot be disposed of in Class III landfills or accepted at the facility by permit conditions, waste that in the City's Enforcement Official or its Designee's reasonable opinion would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose the City, or its Designee, to potential liability; but not including de minimis volumes or concentrations of waste of a type and amount normally found in Single-Family or Multi-Family Solid Waste after implementation of programs for the safe collection, processing, recycling, treatment, and disposal of batteries and paint in compliance with Sections 41500 and 41802 of the State Public Resources Code.

"Food Distributor" means a company that distributes food to entities including, but not limited to, Supermarkets and Grocery Stores; or, as otherwise defined in 14 CCR Section 18982(a)(22).

"Food Facility" has the same meaning as in Section 113789 of the State Health and Safety Code.

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

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

- (1) A food bank as defined in Section 113783 of the State Health and Safety Code;
- (2) A nonprofit charitable organization as defined in Section 113841 of the State Health and Safety code; and

- (3) A nonprofit charitable temporary food facility as defined in Section 113842 of the State Health and Safety Code.

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

“Food Recovery Service” means a person or entity that collects and transports Edible Food from a Commercial Edible Food Generator to a Food Recovery Organization or other entities for Food Recovery; or, as otherwise defined in 14 CCR Section 18982(a)(26). A Food Recovery Service is not a Commercial Edible Food Generator for the purposes of this Part and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).

“Food Scraps” means all food such as, but not limited to, fruits, vegetables, meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bread, cheese, etc. Food Scraps excludes fats, oil and grease when such materials are Source Separated from other Food Scraps.

“Food Service Provider” means an entity primarily engaged in providing food services to institutional, governmental, Commercial, or industrial locations of others based on contractual arrangements with these types of organizations; or, as otherwise defined in 14 CCR Section 18982(a)(27).

“Food-Soiled Paper” means compostable paper material that has come in contact with food or liquid, such as, but not limited to, compostable paper plates, paper coffee cups, napkins, pizza boxes, and milk cartons.

“Food Waste” means Food Scraps.

“Generator” means a person or entity that is responsible for the initial creation of Solid Waste, and with respect to Organic Waste, means a person or entity that is responsible for the initial creation of Organic Waste; or, as otherwise defined in 14 CCR Section 18982(a)(48).

“Gray Container” has the same meaning as in 14 CCR Section 18982(a)(28) and shall be used only for the purpose of storage and collection of Gray Container Waste. Notwithstanding the foregoing, functional containers purchased prior to January 1, 2022 that are used for the storage and collection of Gray Container Waste and that do not comply with the color requirements of 14 CCR Section 18982(a)(28) are not required to be replaced until the end of the useful life of those containers or January 1, 2036, whichever is earlier.

“Gray Container Waste” means Solid Waste that is collected in a Gray Container that is part of the City’s three-container Organic Waste collection service that prohibits the placement of Organic Waste in the Gray Container as specified in 14 CCR Sections 18984.1(a) and (b); or, as otherwise defined in 14 CCR Section

17402(a)(6.5). Notwithstanding the preceding sentence, Gray Container Waste includes carpets and textiles.

“Green Container” has the same meaning as in 14 CCR Section 18982(a)(29) and shall be used only for the purpose of storage and collection of Source Separated Green Container Organic Waste. Notwithstanding the foregoing, functional containers purchased prior to January 1, 2022 that are used for the storage and collection of Source Separated Green Container Organic Waste and that do not comply with the color requirements of 14 C.C.R. Section 18982(a)(29) are not required to be replaced until the end of the useful life of those containers or January 1, 2036, whichever is earlier.

“Grocery Store” means a store primarily engaged in the retail sale of canned food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area that is not separately owned within the store where the food is prepared and served, including a bakery, deli, and meat and seafood departments; or, as otherwise defined in 14 CCR Section 18982(a)(30).

“Hauler Route” means the designated itinerary or sequence of stops for each segment of the City’s collection service area; or, as otherwise defined in 14 CCR Section 18982(a)(31.5).

“High Diversion Organic Waste Processing Facility” means a facility that is in compliance with the reporting requirements of 14 CCR Section 18815.5(d) and meets or exceeds an annual average mixed waste organic content recovery rate of 50 percent between January 1, 2022 and December 31, 2024, and 75 percent after January 1, 2025, as calculated pursuant to 14 CCR Section 18815.5(e) for Organic Waste received from the “Mixed waste organic collection stream” as defined in 14 CCR Section 17402(a)(11.5); or, as otherwise defined in 14 CCR Section 18982(a)(33).

“Inspection” means a site visit where the City or its Designee reviews records, containers, and an entity’s collection, handling, recycling, or landfill disposal of Organic Waste or Edible Food handling to determine if the entity is complying with requirements set forth in this Part; or, as otherwise defined in 14 CCR Section 18982(a)(35).

“Large Event” means an event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event; or, as otherwise defined in 14 CCR Section 18982(a)(38).

“Local Education Agency” means a school district, charter school, or county office of education that is not subject to the control of the City’s regulations related to Solid Waste; or, as otherwise defined in 14 CCR Section 18982(a)(40).

“Multi-Family Residential Dwelling” or “Multi-Family” means of, from, or pertaining to residential premises with five (5) or more dwelling units. Multi-Family premises do not include hotels, motels, or other transient occupancy facilities, which are considered Commercial Businesses.

“MWELo” refers to the Model Water Efficient Landscape Ordinance (MWELo), 23 CCR, Division 2, Chapter 2.7.

“Non-Compostable Paper” includes, but is not limited to, paper that is coated in a plastic material that will not breakdown in the composting process; or, as otherwise defined in 14 CCR Section 18982(a)(41).

“Non-Local Entity” means the following entities that are not subject to the City’s enforcement authority, or as otherwise defined in 14 CCR Section 18982(a)(42):

- (1) Federal facilities located within the boundaries of the City.
- (2) State agencies located within the boundaries of the City, including all public school locations.
- (3) Facilities operated by the State park system located within the boundaries of the City

“Non-Organic Recyclables” means non-putrescible and non-hazardous recyclable wastes, including but not limited to, bottles, cans, metals, plastics and glass; or, as otherwise defined in 14 CCR Section 18982(a)(43).

“Notice of Violation” or “NOV” means a notice that a violation has occurred that includes a compliance date to avoid an action to seek penalties; or, as otherwise defined in 14 CCR Section 18982(a)(45) or further explained in 14 CCR Section 18995.4.

“Organic Waste” means Solid Waste containing material originated from living organisms and their metabolic waste products, including, but not limited to, food, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, Paper Products, Printing and Writing Paper, manure, biosolids, digestate, and sludges; or, as otherwise defined in 14 CCR Section 18982(a)(46). Biosolids and digestate are as defined by 14 CCR Section 18982(a).

“Paper Products,” except as otherwise defined in 14 CCR Section 18982(a)(51) or (54), include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, printing and writing papers, file folders, hanging files, corrugated boxes, tissue, and toweling.

“Prohibited Container Contaminants,” unless otherwise defined in 14 CCR Section 18982(a)(55), means the following: (i) discarded materials placed in the Blue Container that are not identified by the City as acceptable Source Separated Recyclable Materials for the City’s Blue Container; (ii) discarded materials placed

in the Green Container that are not identified by the City as acceptable Source Separated Green Container Organic Waste for the Green Container, including carpet, hazardous wood waste and Non-Compostable Paper; (iii) discarded materials placed in the Gray Container that are acceptable Source Separated Recyclable Materials and/or Source Separated Green Container Organic Waste to be placed in the Green Container or Blue Container; and, (iv) Excluded Waste placed in any container.

“Recovery” means any activity or process described in 14 CCR Section 18983.1(b); or, as otherwise defined in 14 CCR Section 18982(a)(49).

“Recycled-Content Paper” means Paper Products and Printing and Writing Paper that consists of at least 30 percent, by fiber weight, postconsumer fiber; or, as otherwise defined in 14 CCR Section 18982(a)(61).

“Restaurant” means an establishment primarily engaged in the retail sale of food and drinks for on-premises or immediate consumption; or, as otherwise defined in 14 CCR Section 18982(a)(64).

“Route Review” means a visual Inspection of containers along a Hauler Route for the purpose of determining Container Contamination and may include mechanical Inspection methods such as the use of cameras; or, as otherwise defined in 14 CCR Section 18982(a)(65).

“SB 1383” means Senate Bill 1383 of 2016 approved by the Governor of the State on September 19, 2016, which added Sections 39730.5, 39730.6, 39730.7, and 39730.8 to the State Health and Safety Code, and added Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30 of the State Public Resources Code, establishing methane emissions reduction targets in a Statewide effort to reduce emissions of short-lived climate pollutants.

“SB 1383 Regulations” means the Short-Lived Climate Pollutants: Organic Waste Reduction regulations developed by CalRecycle and adopted in 2020 that created 14 CCR, Division 7, Chapter 12 and amended portions of 14 CCR and 27 CCR.

“Self-Hauler” means a person or entity, who, in compliance with all applicable requirements of this Code, hauls Solid Waste, Organic Waste or recyclable materials he or she has generated to another person or entity. Self-Hauler also includes a person or entity who back-hauls waste; or, as otherwise defined in 14 CCR Section 18982(a)(66). Back-haul means generating and transporting Organic Waste to a destination owned and operated by the Generator using the Generator’s own employees and equipment, or as otherwise defined in 14 CCR Section 18982(a)(66)(A).

“Single-Family” means of, from, or pertaining to any residential premises with fewer than five (5) units.

“Solid Waste,” unless otherwise defined in State Public Resources Code Section 40191, means all putrescible and nonputrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semisolid wastes, with the exception that Solid Waste does not include any of the following wastes:

- (1) Hazardous waste, as defined in the State Public Resources Code Section 40141.
- (2) Radioactive waste regulated pursuant to the State Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the State Health and Safety Code).
- (3) Medical waste regulated pursuant to the State Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the State Health and Safety Code). Untreated medical waste shall not be disposed of in a Solid Waste landfill, as defined in State Public Resources Code Section 40195.1. Medical waste that has been treated and deemed to be Solid Waste shall be regulated pursuant to Division 30 of the State Public Resources Code.

“Source Separated” means materials, including commingled recyclable materials, that have been separated or kept separate from the Solid Waste stream, at the point of generation, for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products, which meet the quality standards necessary to be used in the marketplace, or as otherwise defined in 14 CCR Section 17402.5(b)(4). For the purposes of this Part, Source Separated shall include separation of materials, at the point of generation, by the Generator, property owner, property owner’s employee, property manager, or property manager’s employee into different containers for the purpose of collection such that Source Separated materials are separated from Gray Container Waste or other Solid Waste for the purposes of collection and processing of those materials.

“Source Separated Blue Container Organic Waste” means Source Separated Organic Waste that can be placed in a Blue Container that is limited to the collection of those Organic Wastes and Non-Organic Recyclables. Source Separated Blue Container Organic Waste excludes Source Separated Green Organic Waste, but includes Paper Products, wood and dry lumber and textiles unless otherwise specified by the City.

“Source Separated Green Container Organic Waste” means Source Separated Organic Waste that can be placed in a Green Container that is specifically intended

for the separate collection of Organic Waste by the Generator, excluding Source Separated Blue Container Organic Waste, carpets, Non-Compostable Paper, and textiles.

“Source Separated Recyclable Materials” means Source Separated Non-Organic Recyclables and Source Separated Blue Container Organic Waste.

“State” means the State of California.

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

“Tier One Commercial Edible Food Generator” means a Commercial Edible Food Generator that is one of the following; or, as otherwise defined in 14 CCR Section 18982(a)(73):

- (1) Supermarket;
- (2) Grocery Store with a total facility size equal to or greater than 10,000 square feet;
- (3) Food Service Provider;
- (4) Food Distributor; or
- (5) Wholesale Food Vendor.

“Tier Two Commercial Edible Food Generator” means a Commercial Edible Food Generator that is one of the following; or, as otherwise defined in 14 CCR Section 18982(a)(73):

- (1) Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet;
- (2) Hotel with an on-site Food Facility and 200 or more rooms;
- (3) Health facility with an on-site Food Facility and 100 or more beds;
- (4) Large Event;
- (5) A State agency with a cafeteria with 250 or more seats or total cafeteria facility size equal to or greater than 5,000 square feet; or
- (6) A Local Education Agency facility with an on-site Food Facility.

“Wholesale Food Vendor” means a business or establishment engaged in the merchant wholesale distribution of food, where food (including fruits and vegetables) is

received, shipped, stored, prepared for distribution to a retailer, warehouse, distributor, or other destination; or, as otherwise defined in 14 CCR Section 189852(a)(76).

(b) SB 1383 Regulatory Requirements.

Organic Waste Generators, haulers and other entities subject to the requirements of SB 1383 and the SB 1383 Regulations that are subject to the City's authority shall fully comply with the applicable requirements of SB 1383, the SB 1383 Regulations, this Part and the provisions of any collection agreement between the City and a sanctioned hauler in effect.

5351. Requirements for Single-Family Organic Waste Generators

Single-Family Organic Waste Generators shall comply with the following requirements except Single-Family generators that meet the Self-Hauler requirements in this Part:

- (a) Shall subscribe to City's three-container Organic Waste collection services for all Organic Waste generated as described below. The City shall have the right to review the number and size of a Generator's containers to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and Single-Family Generators shall adjust their service level for their collection services as requested by the City. Generators may additionally manage their Organic Waste by preventing or reducing their Organic Waste, managing Organic Waste on site, and/or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).
- (b) Shall participate in the City's Organic Waste collection service(s) by placing designated materials in designated containers as described in this paragraph, and shall not place Prohibited Container Contaminants in collection containers. Generators shall place Source Separated Green Container Organic Waste, including Food Waste, in the Green Container; Source Separated Recyclable Materials (which includes Source Separated Non-Organic Recyclables and Source Separated Blue Container Waste) in the Blue Container; and Gray Container Waste in the Gray Container. Generators shall not place materials designated for the Gray Container into the Green Container or Blue Container.

5352. Requirements for Commercial Organic Waste Generators and Commercial Businesses

Commercial Organic Waste Generators and Commercial Businesses shall comply with the following:

- (a) Except for Commercial Organic Waste Generators that meet the Self-Haul requirements of this Code, Commercial Organic Waste Generators, including Multi-Family Residential Dwellings, shall subscribe to City's three-container Organic Waste collection service(s) and comply with requirements of those service(s) as described below in paragraph (b) of this section. The City shall have

the right to review the number and size of a Generator's containers and frequency of collection to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and Commercial Businesses shall adjust their service level for their collection services as requested by the City. Generators may additionally manage their Organic Waste by preventing or reducing their Organic Waste, managing Organic Waste on site, and/or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).

- (b) Except for Commercial Organic Waste Generators that meet the Self-Haul requirements of this Code, Commercial Organic Waste Generators, including Multi-Family Residential Dwellings, shall participate in the City's Organic Waste collection service(s) by placing designated materials in designated containers as described in this paragraph, and shall not place Prohibited Container Contaminants in collection containers. Generators shall place Source Separated Green Container Organic Waste, including Food Waste, in the Green Container; Source Separated Recyclable Materials (which includes Source Separated Non-Organic Recyclables and Source Separated Blue Container Waste) in the Blue Container; and Gray Container Waste in the Gray Container. Generators shall not place materials designated for the Gray Container into the Green Container or Blue Container.
- (c) Commercial Organic Waste Generators, except for Multi-Family Residential Dwellings, shall provide containers for the collection of Source Separated Green Container Organic Waste and Source Separated Recyclable Materials in all indoor and outdoor areas where disposal containers are provided for customers. Such containers shall be visible and easily accessible. Such containers do not need to be provided in restrooms. If a Commercial Business does not generate any of the materials that would be collected in one type of container, then the business does not have to provide that particular container in all areas where disposal containers are provided for customers. Pursuant to 14 CCR Section 18984.9(b), the containers provided by the Commercial Business shall have either:
 - (1) A body or lid that conforms with the container colors provided through the Organic Waste collection service provided by the City. A Commercial Business is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the requirements of this subsection prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first.
 - (2) Container labels that include language or graphic images, or both, indicating the primary material accepted and the primary materials prohibited in that container, or containers with imprinted text or graphic images that indicate the primary materials accepted and primary materials prohibited in the container; or, as otherwise provided in 14 CCR Section 18984.8.

- (d) Commercial Organic Waste Generators, including Multi-Family Residential Dwellings, shall supply and allow access to adequate number, size and location of collection containers with sufficient labels or colors (conforming to subsections (c)(1) and (c)(2) above) for employees, contractors, tenants, and customers, consistent with the City's collection service and Article 3 of Chapter 12 of Division 7 of Title 14 of the CCR.
- (e) Commercial Organic Waste Generators, except for Multi-Family Residential Dwellings, shall prohibit employees from placing materials in a container not designated for those materials per the City's Blue Container, Green Container, and Gray Container collection service pursuant to 14 CCR Section 18984.1(a)(5).
- (f) Commercial Organic Waste Generators, except for Multi-Family Residential Dwellings, shall periodically inspect Blue Containers, Green Containers, and Gray Containers for contamination and inform employees if containers are contaminated and of the requirements to keep contaminants out of those containers pursuant to 14 CCR Section 18984.9(b)(3).
- (g) Commercial Businesses, including Multi-Family Residential Dwellings, shall annually provide information to employees, contractors, tenants, and customers about Organic Waste Recovery requirements and about proper sorting of Source Separated Green Container Organic Waste and Source Separated Recyclable Materials.
- (h) Commercial Businesses, including Multi-Family Residential Dwellings, shall provide information as described in (g) in this Section before or within fourteen (14) days of occupation of the premises to new tenants.
- (i) Commercial Businesses, including Multi-Family Residential Dwellings, shall provide or arrange access for the City or its agent to their properties during all Inspections conducted in accordance with Section 5361 to confirm compliance with the requirements of this Section.
- (j) If a Commercial Business wants to self-haul, meet the Self-Hauler requirements of this Code, including Section 5357.
- (k) Commercial Organic Waste Generators, including Multi-Family Residential Dwellings, if generating two (2) cubic yards or more of total Solid Waste per week (or other threshold defined by the State), shall require that any contract or work agreement between the owner, occupant, or operator of the Commercial Business and a gardening or landscaping service specify that the Organic Waste generated by those services be managed in compliance with Chapter 12, Part 3, Division 30 of the Public Resources Code.
- (l) Commercial Businesses that are Tier One or Tier Two Commercial Edible Food Generators shall comply with Food Recovery requirements, pursuant to Section 5355.

- (m) Nothing in this Section shall be construed as classifying customers as commercial, residential, single family dwellings, or multi-family dwellings, for purposes of implementing a collection agreement between the City and a franchised hauler.

5353. Waivers for Generators

The City, at its discretion and in accordance with 14 CCR Section 18984.11, or as otherwise authorized by CalRecycle, may grant one or more of the following types of waivers to a Generator of Organic Waste:

- (a) De Minimis Waivers: The City may waive a Commercial Business' obligations (including Multi-Family Residential Dwellings) to comply with some or all of the Organic Waste requirements of this Part if the Commercial Business provides documentation, or the City has evidence demonstrating, that the business generates below a certain amount of Organic Waste material as described below in subsection (a)(2). Commercial Businesses requesting a de minimis waiver shall:
 - (1) Submit an application specifying the services that they are requesting a waiver from and provide documentation as noted in subsection (a)(2) below.
 - (2) Provide documentation that either:
 - (A) The Commercial Business' total Solid Waste collection service is two cubic yards or more per week and Organic Waste subject to collection in a Blue Container or Green Container comprises less than 20 gallons per week per applicable container of the business' total waste; or,
 - (B) The Commercial Business' total Solid Waste collection service is less than two cubic yards per week and Organic Waste subject to collection in a Blue Container or Green Container comprises less than 10 gallons per week per applicable container of the business' total waste.
 - (3) Notify the City if circumstances change such that the Commercial Business' Organic Waste exceeds the threshold required for waiver, in which case the waiver will be rescinded. In addition, if the City obtains information at any time that a Commercial Business that has received a waiver is exceeding the Organic Waste thresholds set forth in subsection (a)(2) above, the City shall rescind the waiver.
 - (4) Provide written verification of eligibility for a de minimis waiver every 5 years, if the City has approved a de minimis waiver.
- (b) Physical Space Waivers: The City may waive a Commercial Business' or property owner's obligations (including Multi-Family Residential Dwellings) to comply with some or all of the recyclable materials and/or Organic Waste collection service requirements of this Part if the City has evidence from its own staff, a hauler,

licensed architect, or licensed engineer demonstrating that the premises lacks adequate space for the collection containers required for compliance with the Organic Waste collection requirements of this Part.

Commercial Businesses or property owners requesting a physical space waiver shall:

- (1) Submit an application form specifying the type(s) of collection services for which they are requesting a compliance waiver and provide documentation as noted below.
 - (2) Provide documentation that the premises lacks adequate space for Blue Containers and/or Green Containers including documentation from its hauler, licensed architect, or licensed engineer.
 - (3) Provide written verification to the City that it is still eligible for a physical space waiver every five years, if the City has approved an application for a physical space waiver.
- (c) The Enforcement Official will be responsible for review and approval of waivers.

5354. Requirements for Commercial Edible Food Generators

- (a) Tier One Commercial Edible Food Generators must comply with the requirements of this Section commencing January 1, 2022, and Tier Two Commercial Edible Food Generators must comply with the requirements of this Section commencing January 1, 2024, pursuant to 14 CCR Section 18991.3.
- (b) Large Event operators not providing food services, but allowing for food to be provided by others, shall require Food Facilities operating at the Large Event to comply with the requirements of this Section, commencing January 1, 2024
- (c) Commercial Edible Food Generators shall comply with the following requirements:
 - (1) Arrange to recover the maximum amount of Edible Food that would otherwise be disposed.
 - (2) Contract with or enter into a written agreement with, Food Recovery Organizations or Food Recovery Services for: (i) the collection of Edible Food for Food Recovery; or, (ii) acceptance of the Edible Food that the Commercial Edible Food Generator self-hauls to the Food Recovery Organization for Food Recovery.
 - (3) Shall not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.

- (4) Allow the City's designated enforcement entity or designated third party enforcement entity to access the premises and review records kept pursuant to 14 CCR Section 18991.4.
- (5) Keep records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:
 - (A) A list of each Food Recovery Service or Food Recovery Organization that collects or receives its Edible Food pursuant to a contract or written agreement established under 14 CCR Section 18991.3(b).
 - (B) A copy of all contracts or written agreements established under 14 CCR Section 18991.3(b).
 - (C) A record of the following information for each of those Food Recovery Services or Food Recovery Organizations:
 - (i) The name, address and contact information of the Food Recovery Service or Food Recovery Organization.
 - (ii) The types of food that will be collected by or self-hauled to the Food Recovery Service or Food Recovery Organization.
 - (iii) The established frequency that food will be collected or self-hauled.
 - (iv) The quantity of food, measured in pounds recovered per month, collected or self-hauled to a Food Recovery Service or Food Recovery Organization for Food Recovery.
- (6) If the Enforcement Official makes a request, then within 30 days of the request, Tier One Commercial Edible Food Generators and Tier Two Commercial Edible Food Generators shall provide a Food Recovery report to the City that includes the following information:
 - (A) A copy of all contracts or written agreements established under 14 CCR Section 18991.3(b).
 - (B) The quantity of food, measured in annual pounds recovered, collected or self-hauled to a Food Recovery Service or Food Recovery Organization for Food Recovery.
 - (C) The name, address and contact information of the Food Recovery Service or Food Recovery Organization.
- (d) Nothing in this Part shall be construed to limit or conflict with the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance pursuant

to Senate Bill 557 of 2017 (approved by the Governor of the State of California on September 25, 2017, which added Article 13 [commencing with Section 49580] to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, and to amend Section 114079 of the Health and Safety Code, relating to food safety, as amended, supplemented, superseded and replaced from time to time).

5355. Requirements for Food Recovery Organizations and Services

- (a) Food Recovery Services collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(1):
 - (1) The name, address, and contact information for each Commercial Edible Food Generator from which the service collects Edible Food.
 - (2) The quantity in pounds of Edible Food collected from each Commercial Edible Food Generator per month.
 - (3) The quantity in pounds of Edible Food transported to each Food Recovery Organization per month.
 - (4) The name, address, and contact information for each Food Recovery Organization that the Food Recovery Service transports Edible Food to for Food Recovery.
- (b) Food Recovery Organizations collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(2):
 - (1) The name, address, and contact information for each Commercial Edible Food Generator from which the organization receives Edible Food.
 - (2) The quantity in pounds of Edible Food received from each Commercial Edible Food Generator per month.
 - (3) The name, address, and contact information for each Food Recovery Service that the organization receives Edible Food from for Food Recovery.
- (c) If the Enforcement Official makes a request, then within 30 days of the request, Food Recovery Organizations and Food Recovery Services that have their primary address physically located in the City and contract with or have written agreements with one or more Commercial Edible Food Generators pursuant to 14 CCR Section 18991.3(b) shall report to the City the total pounds of Edible Food recovered in the previous calendar year from the Tier One and Tier Two Commercial Edible Food Generators they have established a contract or written agreement with pursuant to 14 CCR Section 18991.3(b).

- (d) Edible Food Recovery Capacity Planning--Food Recovery Services and Food Recovery Organizations.

In order to support the City's cooperation with the County of Los Angeles in its conduct of Edible Food Recovery capacity planning assessments or other studies, Food Recovery Services and Food Recovery Organizations operating in the City shall provide information and consultation to the City, upon request, regarding existing, or proposed new or expanded, Food Recovery capacity that could be accessed by the City and its Commercial Edible Food Generators. A Food Recovery Service or Food Recovery Organization contacted by the City shall respond to such request for information within 60 days, unless a shorter timeframe is otherwise specified by the City.

5356. Requirements for Haulers, Facility Operators and Community Composting

- (a) Requirements for Haulers

- (1) Haulers providing residential, Commercial, or industrial Organic Waste collection services to Generators within the City's boundaries shall meet the requirements and standards of 14 CCR, Division 7, Chapter 12 as a condition of approval of a contract, agreement, or other authorization to collect Organic Waste.
- (2) Through written notice to the City, haulers providing residential, Commercial, or industrial Organic Waste collection services to Generators within the City's boundaries shall identify the facilities to which they will transport Organic Waste.
- (3) Haulers providing residential, Commercial, or industrial Organic Waste collection services to Generators within the City's boundaries shall comply with the applicable requirements of 14 CCR, Division 7, Chapter 12, Article 3.
- (4) Haulers providing residential, Commercial industrial Organic Waste collection services to Generators within the City's boundaries shall transport Organic Waste to a facility, operation, activity, or property that recovers Organic Waste as defined in 14 CCR, Division 7, Chapter 12, Article 2.
- (5) Haulers providing residential, Commercial industrial Organic Waste Collection Services to Generators within the City's boundaries shall obtain applicable approval of the City pursuant to 14 CCR Section 18988.1 and keep a record of the documentation of its approval by the City.

- (b) Paragraph (a) of this section is not applicable to a hauler that, consistent with Article 1, Chapter 9, Part 2, Division 30, commencing with Section 41950 of the Public Resources Code, is transporting Source Separated Organic Waste to a Community Composting site or to a hauler that is lawfully transporting C&D in a

manner that complies with 14 CCR Section 18989.1 and applicable requirements of this Code.

- (c) Requirements for Facility Operators and Community Composting Operations
 - (1) Owners of facilities, operations, and activities that recover Organic Waste, including, but not limited to, Compost facilities, in-vessel digestion facilities, and publicly-owned treatment works shall, upon the City's request, provide information regarding available and potential new or expanded capacity at their facilities, operations, and activities, including information about throughput and permitted capacity necessary for planning purposes. Entities contacted by the City shall respond within 60 days.
 - (2) Community Composting operators, upon the City's request, shall provide information to the City to support Organic Waste capacity planning, including, but not limited to, an estimate of the amount of Organic Waste anticipated to be handled at the Community Composting operation. Entities contacted by the City shall respond within 60 days, unless a shorter timeframe is otherwise specified by the City.

5357. Self-Hauler Requirements

In addition to any other requirements for Self-Haulers as contained in this Code:

- (a) Self-Haulers of Organic Waste shall comply with the requirements in 14 CCR Section 18988.3.
- (b) Self-Haulers shall source separate all recyclable materials and Organic Waste (materials that the City otherwise requires Organic Waste Generators to separate for collection in the City's organics and recycling collection program) generated on-site from Solid Waste in a manner consistent with 14 CCR Section 18984.1, or shall haul Organic Waste to a High Diversion Organic Waste Processing Facility as specified in 14 CCR Section 18984.3.
- (c) Self-Haulers shall haul their Source Separated Recyclable Materials to a facility that recovers those materials; and haul their Source Separated Green Container Organic Waste to a Solid Waste facility, operation, activity, or property that processes or recovers Source Separated Organic Waste. Alternatively, Self-Haulers may haul Organic Waste to a High Diversion Organic Waste Processing Facility.
- (d) Self-Haulers that are Commercial Businesses (including Multi-Family Residential Dwellings) shall keep a record of the amount of Organic Waste delivered to each Solid Waste facility, operation, activity, or property that processes or recovers Organic Waste; this record shall be subject to Inspection by the City. The records shall include the following information:
 - (1) Delivery receipts and weight tickets from the entity accepting the waste.

- (2) The amount of material in cubic yards or tons transported by the Generator to each entity.
- (3) If the material is transported to an entity that does not have scales on-site, or employs scales incapable of weighing the Self-Hauler's vehicle in a manner that allows it to determine the weight of materials received, the Self-Hauler is not required to record the weight of material but shall keep a record of the entities that received the Organic Waste.
- (e) Self-Haulers that are Commercial Businesses (including Multi-Family Self-Haulers) shall provide information collected in paragraph (d) of this section to the City, if requested.
- (f) A Single-Family Organic Waste Generator that self-hauls Organic Waste is not required to record or report information in subsection (d) of this section.

5358. Procurement Requirements for Direct Service Providers and Vendors

Direct service providers to the City and all vendors providing Paper Products shall comply with the City's policy regarding recovered Organic Waste product procurement, including Recycled-Content Paper procurement.

5359. Compliance with CALGreen Recycling Requirements

- (a) In addition to any other requirements in the Code or this Part, the following requirements also apply:
 - (1) For projects covered by the California Green Building Standards Code, 24 CCR, Part 11, the applicants must, as a condition of the City's permit approval, comply with the following:
 - (A) Where five (5) or more Multi-Family dwelling units are constructed on a building site, provide readily accessible areas that serve occupants of all buildings on the site and are identified for the storage and collection of Blue Container and Green Container materials, consistent with the collection program offered by the City, or comply with provision of adequate space for recycling for Multi-Family and Commercial premises pursuant to Sections 4.408.1, 4.410.2, 5.408.1, and 5.410.1 of the California Green Building Standards Code, 24 CCR, Part 11 as amended July 1, 2019 and effective January 1, 2020.
 - (B) Where new commercial construction or additions will result in more than 30% of the floor area, provide readily accessible areas identified for the storage and collection of Blue Container and Green Container materials, consistent with the collection program offered by the City, or shall comply with provision of adequate space for recycling for Multi-Family and Commercial premises pursuant to Sections

4.408.1, 4.410.2, 5.408.1, and 5.410.1 of the California Green Building Standards Code, 24 CCR, Part 11 as amended July 1, 2019 and effective January 1, 2020.

- (b) For Organic Waste commingled with C&D, the requirements of 24 CCR Sections 4.408.1 and 5.408.1, as amended July 1, 2019 and effective January 1, 2020 shall be complied with.

5360. Model Water Efficient Landscaping Ordinance Requirements

Property owners or their building or landscape designers, including anyone requiring a building or planning permit, plan check, or landscape design review from the City, who are constructing a new (Single-Family, Multi-Family, public, institutional, or Commercial) project with a landscape area greater than 500 square feet, or rehabilitating an existing landscape with a total landscape area greater than 2,500 square feet, shall comply with Sections 492.6(a)(3)(B) (C), (D), and (G) of the MWELO, including sections related to use of Compost and mulch, as amended September 15, 2015.

5361. Inspections and Investigations by the City

- (a) City representatives and/or its designated entity, including Designees, are authorized to conduct Inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from Generators, or Source Separated materials to confirm compliance with this Part by Organic Waste Generators, Commercial Businesses (including Multi-Family Residential Dwellings), property owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Services, and Food Recovery Organizations, subject to applicable laws. This Section does not allow the City, its Designees or agents to enter the interior of a private residential property for inspection. For the purposes of inspecting Commercial Business containers for compliance with this Part, the City may conduct container Inspections for Prohibited Container Contaminants.
- (b) A regulated entity shall provide or arrange for access during all Inspections (with the exception of residential property interiors) and shall cooperate with the City representative and/or its designated entity, including Designees, during such Inspections and investigations. Such Inspections and investigations may include confirmation of proper placement of materials in containers, Edible Food Recovery activities, records, or any other requirement of this Part described herein. Failure to provide or arrange for: (i) access to an entity's premises; or (ii) access to records for any Inspection or investigation is a violation of this Part and may result in penalties described herein.
- (c) Any records obtained by the City during its Inspections and other reviews shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth in State Government Code Section 6250 et seq.

- (d) The City representative, its Designee, and agents are authorized to conduct any Inspections or other investigations as reasonably necessary to further the goals of this Part, subject to applicable laws.
- (e) The City shall receive written complaints from persons regarding an entity that may be potentially non-compliant with SB 1383 Regulations, including receipt of anonymous complaints in accordance with by 14 CCR Section 18995.3.

5362. Enforcement

- (a) Violation of any provision of this Part that occurs on or after January 1, 2024 shall constitute grounds for issuance of a Notice of Violation and assessment of a fine by the Enforcement Official in accordance with 14 CCR Section 18995.4. Enforcement Actions under this Part are issuance of an administrative citation and assessment of a fine. The City's procedures on imposition of administrative fines set forth in Chapter 2 (Penalties) of Article 1 (General Provisions) of this Code are hereby incorporated in their entirety, as modified from time to time, and shall govern the imposition, enforcement, collection, and review of administrative citations issued to enforce this Part and any rule or regulation adopted pursuant to this Part, except as otherwise indicated in this Part.
- (b) The provisions of subsection (a) do not apply to violations related to a Generator placing Prohibited Container Contaminants in containers, which the Enforcement Official and/or the City's Designee shall enforce through the notice provisions of 14 CCR Section 18984.5(b) and the contamination processing fees pursuant to the provisions of the applicable collection agreement between the City and a franchised hauler.
- (c) Other remedies allowed by law may be used, including civil action or prosecution as a misdemeanor or infraction. The City may pursue civil actions in the State courts to seek recovery of unpaid administrative citations. The City may choose to delay court action until such time as a sufficiently large number of violations, or cumulative size of violations exist such that court action is a reasonable use of City staff and resources.
- (d) Enforcement pursuant to this Part may be undertaken by the Enforcement Official.
- (e) Penalty Amounts for Types of Violations

For purposes of this Part, the penalty levels for violations of the provisions of this Part are as follows:

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

(f) Compliance Deadline Extension Considerations

The City may extend the compliance deadlines set forth in a Notice of Violation if it finds that there are extenuating circumstances beyond the control of the respondent that make compliance within the deadlines impracticable, including the following:

- (1) Acts of God such as earthquakes, wildfires, flooding, and other emergencies or natural disasters;
- (2) Delays in obtaining discretionary permits or other government agency approvals; or,
- (3) Deficiencies in Organic Waste recycling infrastructure or Edible Food Recovery capacity and the City is under a corrective action plan with CalRecycle pursuant to 14 CCR Section 18996.2 due to those deficiencies."

SECTION 2. CEQA. The City Council finds that this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Sections 15061(b)(3) and 15308 on the grounds that it can be seen with certainty that the enhanced solid waste regulations, as provided for in this Ordinance will not have a significant effect on the environment and that the new requirements, which strengthen requirements for the handling of solid waste, represent actions by a regulatory agency (the City) for the protection of the environment.

SECTION 3. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance for any reason is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 4. Operative Date of Section 1. Section 1 of this Ordinance shall become operative on January 1, 2022.

SECTION 5. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after its passage.

SECTION 6. Publication. The City Clerk shall certify to the adoption of this Ordinance and shall post or publish this Ordinance as required by law.

PASSED, APPROVED, AND ADOPTED this 10th day of November, 2021, by the following vote to wit

AYES: (
NOES: (
ABSENT: (
ABSTAIN: (
)

Denis Weber, Mayor

ATTEST:

Kimberly M. Rodrigues, MMC, City Clerk

APPROVED AS TO FORM:

Candice K. Lee, City Attorney