

**ORDINANCE 21-1
MANDATORY ORGANIC WASTE
DISPOSAL REDUCTION ORDINANCE**

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ORDINANCE 21-1: MANDATORY ORGANIC WASTE DISPOSAL REDUCTION ORDINANCE

The Board of Directors of the Central Contra Costa Solid Waste Authority hereby ordains as follows:

SECTION 1. PURPOSE AND FINDINGS

- (a) The Central Contra Costa Solid Waste Authority (CCCSWA) is a joint powers authority organized pursuant to Government Code Section 6500, et seq.
- (b) CCCSWA currently consists of member agencies including the County of Contra Costa, the cities of Lafayette, Orinda, and Walnut Creek, and the towns of Danville and Moraga.
- (c) Assembly Bill 939, the California Integrated Waste Management Act of 1989 (Sher, Chapter 1095, Statutes of 1989, as amended) requires cities and counties to reduce, reuse, and recycle (including composting) Solid Waste generated in their jurisdictions 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.
- (d) Assembly Bill 341 of 2011 (Chesbro, Chapter 476, Statutes of 2011) places requirements on businesses and multi-family generators that generate a specified threshold amount of Solid Waste to arrange for recycling service and requires jurisdictions to implement a mandatory commercial recycling program.
- (e) Assembly Bill 1826 (Chesbro, Chapter 727, Statutes of 2014) requires businesses and multi-family generators that generate a specified threshold amount of Solid Waste, recycling, and Organic Waste per week to arrange for recycling service for those materials, requires jurisdictions to implement a recycling program to divert Organic Waste from businesses subject to the law, and requires jurisdictions to implement a mandatory commercial organics recycling program.
- (f) Senate Bill 1383, the Short-lived Climate Pollutant Reduction Act of 2016 (Lara, Chapter 395, Statutes of 2016) sets statewide Organic Waste disposal reduction targets of 50 percent by 2020 and 75 percent by 20205, based on the 2014 organics waste disposal baseline, set forth in Section 39730.6 of the Health and Safety Code, and requires CalRecycle to develop regulations to reduce organics in landfills as a source of methane. In 2020, CalRecycle adopted the Short-Lived Climate Pollutants: Organic Waste Reduction regulations. The SB 1383 Regulations place requirements on multiple entities including jurisdictions, residential households, Commercial Businesses (including Multi-Family Residential Dwelling), Commercial Edible Food Generators, haulers, Self-Haulers,

Food Recovery Organizations, and Food Recovery Services to support achievement of statewide Organic Waste disposal reduction targets.

- (g) By January 1, 2022, the SB 1383 Regulations require jurisdictions to adopt and enforce an ordinance or other enforceable mechanism to implement relevant provisions of the SB 1383 Regulations.
- (h) CCCSWA and its Member Agencies have determined that it is in the best interests of CCCSWA, its Member Agencies, and their respective constituents, to have uniform regulation of such matters as Solid Waste (including Organic Waste and recyclable materials) collection, processing, marketing, and disposal.
- (i) CCCSWA and its Member Agencies have determined that such uniform regulation would best achieve implementation of the goals and requirements of Assembly Bill 939, SB 1383, and other similar laws.
- (j) CCCSWA and its Member Agencies have determined that such uniform regulation would aid in preserving available landfill space and postponing the need for new landfill capacity for the longest term possible by reducing the amount of Solid Waste (including Organic Waste and recyclable materials) disposed. Uniform regulation is also expected to simplify compliance for Commercial Businesses, Commercial Edible Food Generators, haulers, Food Recovery Organizations, Food Recovery Services, and other regulated entities that work in multiple jurisdictions.
- (k) CCCSWA and its Member Agencies previously determined that the public health, safety, and well-being would be best served by granting to and establishing the powers of CCCSWA as specified in the joint powers agreement forming CCCSWA (as amended, supplemented, superseded, and replaced from time to time), and in CCCSWA Ordinance 97-01 (CCCSWA Jurisdiction Wide Ordinance Regulating Solid Waste, Green Waste and Recyclable Material Collection, Processing, Disposal and Litter) (as amended, supplemented, superseded, and replaced from time to time).
- (l) Pursuant to the powers of CCCSWA as set forth in its enabling act, the powers of the Member Agencies, the delegation of authority by the Member Agencies to CCCSWA pursuant to the joint powers agreement forming CCCSWA, CCCSWA Ordinance 97-01, and other legislation and actions of the Member Agencies, as well as state law including Assembly Bill 939 and SB 1383, CCCSWA has authority to manage and control the Solid Waste (including Organic Waste and recyclable material) originating from and being disposed of within CCCSWA's jurisdictional boundaries, including the authority to regulate, by rule, regulation, resolution, ordinance, or agreement, the manner in which such Solid Waste may be disposed (including collection, transportation, and marketing) and restricting and limiting what materials may be disposed.

- (m) CCCSWA has determined that, in order to meet the goals and requirements of Assembly Bill 939, Assembly Bill 341, Assembly Bill 1826, SB 1383, the SB 1383 Regulations, and related laws, and to discharge the delegated authorities from the Member Agencies, the appropriate approach is to enact this Mandatory Organic Waste Disposal Reduction Ordinance. The purpose of this ordinance is to reduce the amount of organic materials deposited in landfills from organic waste generators.
- (n) Requirements in this ordinance are intended to be consistent with and read in harmony with federal, state, and local law, and other adopted ordinances, agreements, goals and policies of CCCSWA and its Member Agencies. To the extent this ordinance is inconsistent with or preempted by federal, state, or local law, such federal, state or local law shall control. To the extent this ordinance is inconsistent with other previously adopted CCCSWA ordinances, this ordinance shall control.
- (o) This ordinance will be reevaluated periodically, and may be amended or repealed as the CCCSWA Board deems necessary. Among other things, CCCSWA may in the future amend this ordinance to replace the standard compliance approach with the performance-based compliance approach authorized under the SB 1383 Regulations.
- (p) This ordinance is not a project under the California Environmental Quality Act of 1970, together with related state CEQA Guidelines (collectively, CEQA) because it has no potential for resulting in physical change in the environment, either directly or ultimately. In the event that this ordinance is found to be a project under CEQA, it is subject to the CEQA exemptions contained in 14 CCR Sections 15061(b)(3) and 15308 because it can be seen with certainty that the action will not have a significant impact on the environment and this ordinance is an action taken by a regulatory agency for the protection of the environment.

SECTION 2. TITLE OF ORDINANCE

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

SECTION 3. DEFINITIONS

The following definitions govern the use of terms in this ordinance:

- (a) “Blue Container” has the same meaning as in 14 CCR Section 18982.2(a)(5) and shall be used for the purpose of storage and collection of Source Separated Recyclable Materials.

- (b) “CalRecycle” means California's Department of Resources Recycling and Recovery, which is the state agency designated with responsibility for developing, implementing, and enforcing the SB 1383 Regulations.
- (c) “CCCSWA” means the Central Contra Costa Solid Waste Authority or its designated representative.
- (d) “CCR” means the State of California Code of Regulations. CCR references in this ordinance are preceded with a number that refers to the relevant Title of the CCR (e.g., “14 CCR” refers to Title 14 of CCR).
- (e) “C&D” means construction and demolition debris.
- (f) “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 Multi-Family Residential Dwelling, or as otherwise defined in 14 CCR Section 18982(a)(6).
- (g) “Commercial Edible Food Generator” includes a Tier One or a Tier Two Commercial Edible Food Generator as defined herein or as otherwise 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).
- (h) “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 one hundred (100) cubic yards and seven hundred fifty (750) square feet, as specified in 14 CCR Section 17855(a)(4); or, as otherwise defined by 14 CCR Section 18982(a)(8).
- (i) “Compliance Review” means a review of records by CCCSWA, its Member Agencies, Enforcement Officer, and/or its Designees to determine compliance with this ordinance.
- (j) “Compost” means the product resulting from the controlled biological decomposition of organic Solid Waste that is Source Separated from the municipal Solid Waste stream, or which is separated at a centralized facility, or as otherwise defined in 14 CCR Section 17896.2(a)(4).
- (k) “Compostable Plastics” means only those compostable plastic materials that are approved by CCCSWA for placement in the Green Container.
- (l) “Container Contamination” means a container, regardless of color, that contains Prohibited Container Contaminants, or as otherwise defined in 14 CCR Section 18982(a)(55).

- (m) “Designee” means an entity that CCCSWA or a Member Agency contracts with or otherwise arranges to carry out or assist with any of CCCSWA’s or a Member Agency’s responsibilities for compliance with SB 1383 and the SB 1383 Regulations or administration or enforcement of this ordinance 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.
- (n) “Edible Food” means food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this ordinance 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 ordinance 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, as codified in the Health and Safety Code Section 113700, et seq.
- (o) “Enforcement Action” means an action of the Enforcement Officer to address non-compliance with this ordinance including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies.
- (p) “Enforcement Officer” means any CCCSWA officer, employee or agent, and/or any Member Agency officer, employee or agent, or any other representative of CCCSWA with the authority to enforce this ordinance.
- (q) “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 CCCSWA’s jurisdictional boundaries 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 CCCSWA’s, 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 CCCSWA, or its Designees, 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 Public Resources Code.
- (r) “Food Distributor” means a Commercial Business 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).
- (s) “Food Facility” has the same meaning as in Section 113789 of the Health and Safety Code.

- (t) “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).
- (u) “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 human consumption 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 Health and Safety Code;
 - (2) A nonprofit charitable organization as defined in Section 113841 of the Health and Safety code; and,
 - (3) A nonprofit charitable temporary food facility as defined in Section 113842 of the Health and Safety Code.

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

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

- (v) “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 ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).
- (w) “Food Scraps” means all food such as, but not limited to, fruits, vegetables, meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bread, cheese, and eggshells. Food Scraps excludes fats, oils, and grease when such materials are Source Separated from other Food Scraps.
- (x) “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).
- (y) “Food-Soiled Paper” is compostable paper material that has come in contact with food or liquid, such as, but not limited to, uncoated paper plates, napkins, paper towels, and pizza boxes.
- (z) “Food Waste” means Food Scraps, Food-Soiled Paper, and Compostable Plastics.

- (aa) “Gray Container” has the same meaning as in 14 CCR Section 18982.2(a)(28), and which may be colored gray or black, and shall be used for the purpose of storage and collection of Gray Container Waste.
- (bb) “Gray Container Waste” means Solid Waste that is collected in a Gray Container that is part of a three-container 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).
- (cc) “Green Container” has the same meaning as in 14 CCR Section 18982.2(a)(29) and shall be used for the purpose of storage and collection of Source Separated Green Container Organic Waste.
- (dd) “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).
- (ee) “Hauler Route” means the designated itinerary or sequence of stops for each segment of CCCSWA’s collection service area, or as otherwise defined in 14 CCR Section 18982(a)(31.5).
- (ff) “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 fifty percent (50%) between January 1, 2022 and December 31, 2024, and seventy-five percent (75%) 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).
- (gg) “Inspection” means electronic or on-site review of 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 ordinance, or as otherwise defined in 14 CCR Section 18982(a)(35).
- (hh) “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 two thousand (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. If the definition in 14 CCR Section 18982(a)(38) differs from this definition, the definition in 14 CCR Section 18982(a)(38) shall apply to this ordinance.
- (ii) “Large Venue” means a permanent venue facility that annually seats or serves an average of more than two thousand (2,000) individuals within the grounds of the

facility per day of operation of the venue facility. For purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. For purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12, a site under common ownership or control that includes more than one Large Venue that is contiguous with other Large Venues in the site, is a single Large Venue. If the definition in 14 CCR Section 18982(a)(39) differs from this definition, the definition in 14 CCR Section 18982(a)(39) shall apply to this ordinance.

- (jj) “Local Education Agency” means a school district, charter school, or county office of education that is not subject to the control of CCCSWA, city or county regulations related to Solid Waste, or as otherwise defined in 14 CCR Section 18982(a)(40).
- (kk) “Member Agency(ies)” means the member agencies of CCCSWA, which currently include the County of Contra Costa, the cities of Lafayette, Orinda, and Walnut Creek, and the towns of Danville and Moraga. The member agencies may change from time to time following adoption of this ordinance.
- (ll) “Multi-Family Residential Dwelling” or “Multi-Family” means of, from, or pertaining to residential premises with five (5) or more dwelling units. Residential premises that consist of fewer than five (5) units are not “Multi-Family” and instead are “Single-Family” for purposes herein. Multi-Family does not include hotels, motels, or other transient occupancy facilities; such uses are considered other types of Commercial Businesses.
- (mm) “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).
- (nn) “Non-Organic Recyclables” means non-putrescible and non-hazardous recyclable materials including but not limited to bottles, cans, metals, plastics and glass, or as otherwise defined in 14 CCR Section 18982(a)(43).
- (oo) “Notice of Violation” 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.
- (pp) “Organic Waste” means Solid Waste containing material originated from living organisms and their metabolic waste products, including but not limited to food waste, 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).

- (qq) “Organic Waste Generator” 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).
- (rr) “Paper Products” include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling, or as otherwise defined in 14 CCR Section 18982(a)(51).
- (ss) “Printing and Writing Paper” include, but are not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and other uncoated writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications, or as otherwise defined in 14 CCR Section 18982(a)(54).
- (tt) “Prohibited Container Contaminants” means the following: (i) discarded materials placed in the Blue Container that are not identified as acceptable Source Separated Recyclable Materials for CCCSWA’s Blue Container; (ii) discarded materials placed in the Green Container that are not identified as acceptable Source Separated Green Container Organic Waste for CCCSWA’s Green Container; (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 CCCSWA’s Green Container and/or Blue Container; and, (iv) Excluded Waste placed in any container.
- (uu) “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).
- (yy) “Remote Monitoring” means the use of the internet of things (IoT) and/or wireless electronic devices to identify the types of materials in Commercial Businesses’ Blue Containers, Green Containers, and Gray Containers for purposes of identifying the quantity of materials in containers (level of fill) and/or presence of Prohibited Container Contaminants. Remote Monitoring may involve installation of Remote Monitoring equipment on or in Commercial Businesses’ Blue Containers, Green Containers, and Gray Containers. A Remote Monitoring program may be implemented by CCCSWA, its Member Agencies, its Designees, and/or a Commercial Business at a later date, consistent with the terms of this ordinance. Remote Monitoring is not expected to be used for any residential property.
- (ww) “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).
- (xx) “Route Review” means a visual Inspection of containers along a Hauler Route for the purpose of determining Container Contamination, and may include mechanical or electronic Inspection methods such as the use of cameras, or as otherwise defined in 14 CCR Section 18982(a)(65).

- (yy) “SB 1383” means Senate Bill 1383 of 2016, the Short-lived Climate Pollutant Reduction Act of 2016.
- (zz) “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 regulations of 14 CCR and 27 CCR.
- (aaa) “Self-Hauler” means a person who hauls Solid Waste, Organic Waste or recyclable material they have generated to another person. Self-Hauler also includes a person who back-hauls such materials, a landscaper, and as otherwise defined in 14 CCR Section 18982(a)(66). “Back-haul” means a Commercial Business 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).
- (bbb) “Single-Family” means of, from, or pertaining to any residential premises with fewer than five (5) units.
- (ccc) “Solid Waste” has the same meaning as defined in Public Resources Code Section 40191, and generally 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 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 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 Health and Safety Code). Untreated medical waste shall not be disposed of in a Solid Waste landfill, as defined in 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 Public Resources Code.
- (ddd) “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 ordinance, Source Separated shall include separation of materials by the generator (or others on its behalf) 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.

- (eee) "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 Waste and Non-Organic Recyclables as defined in 14 CCR Section 18982(a)(43), or as otherwise defined by 14 CCR Section 17402(a)(18.7).
- (fff) "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, textiles, and manure.
- (ggg) "Source Separated Recyclable Materials" means Source Separated Non-Organic Recyclables and Source Separated Blue Container Organic Waste.
- (hhh) "State" means the State of California.
- (iii) "Supermarket" means a full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, and that 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).
- (jjj) "Tier One Commercial Edible Food Generator" means a Commercial Edible Food Generator that is one of the following:
 - (1) Supermarket.
 - (2) Grocery Store with a total facility size equal to or greater than ten thousand (10,000) square feet.
 - (3) Food Service Provider.
 - (4) Food Distributor.
 - (5) Wholesale Food Vendor.

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

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

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

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

(III) “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).

SECTION 4. REQUIREMENTS FOR SINGLE-FAMILY GENERATORS

Except Single-Family generators that meet the Self-Hauler requirements in Section 10, Single-Family Organic Waste Generators shall:

- (a) Subscribe to CCCSWA’s Organic Waste collection service and programs for all Organic Waste generated. CCCSWA, its Member Agencies, and/or its Designees shall have the right to review the number and size of a generator’s containers to evaluate the adequacy of capacity provided for each type of collection service and to review the proper separation of materials and containment of materials.
- (b) Participate in CCCSWA’s Organic Waste collection service and programs by placing designated materials in designated containers as described below, and not placing Prohibited Container Contaminants in collection containers. Generator shall place Source Separated Green Container Organic Waste, including Food Waste, in the Green Container; Source Separated Recyclable Materials in the Blue

Container; and Gray Container Waste in the Gray Container. Generator shall not place materials designated for the Gray Container into the Green Container or Blue Container.

- (c) Nothing in this Section prohibits a generator from preventing or reducing waste generation, managing Organic Waste on site, and/or using a Community Composting site pursuant to 14 CCR Section 18984.9(c). Single-Family Organic Waste Generators shall handle manure in a manner that results in its recycling or reuse rather than landfill disposal.

SECTION 5. REQUIREMENTS FOR COMMERCIAL BUSINESS GENERATORS

Commercial Business Organic Waste Generators (including Multi-Family Residential Dwelling Organic Waste Generators) shall:

- (a) Except Commercial Businesses that meet the Self-Hauler requirements in Section 10 of this ordinance, or that meet the waiver requirements in Section 6 of this ordinance, subscribe to CCCSWA's Organic Waste collection service and programs for all Organic Waste generated. CCCSWA, its Member Agencies, and/or its Designees shall have the right to review the number and size of a generator's containers and frequency of collection to evaluate the adequacy of capacity provided for each type of collection service and to review the proper separation of materials and containment of materials.
- (b) Except Commercial Businesses that meet the Self-Hauler requirements in Section 10 of this ordinance, or that meet the waiver requirements in Section 6 of this ordinance, participate in CCCSWA's Organic Waste collection service and programs by placing designated materials in designated containers as described below, and not placing Prohibited Container Contaminants in collection containers. Generator shall place Source Separated Green Container Organic Waste, including Food Waste, in the Green Container; Source Separated Recyclable Materials in the Blue Container; and Gray Container Waste in the Gray Container. Generator shall not place materials designated for the Gray Container into the Green Container or Blue Container. Notwithstanding the foregoing, Commercial Businesses that participate in CCCSWA's Commercial food to energy program shall Source Separate Food Waste consistent with the requirements of that program.
- (c) Supply and allow access to adequate number, size and location of collection containers with sufficient labels or colors (conforming with Sections 5(d)(1) and 5(d)(2) below) for employees, contractors, tenants, and customers, consistent with CCCSWA's Blue Container, Green Container, and Gray Container collection service and programs or, if self-hauling, per the Commercial Business's instructions to support its compliance with its self-haul program, in accordance with Section 10.

- (d) Excluding Multi-Family Residential Dwellings, 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 for materials generated by that business. 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 business shall have either:
- (1) A body or lid that conforms with the container colors specified by CCCSWA, with either lids conforming to the color requirements or bodies conforming to the color requirements or both lids and bodies conforming to color requirements. Notwithstanding the foregoing, 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 the 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. Pursuant to 14 CCR Section 18984.8, the container labeling requirements are required on new containers commencing January 1, 2022.
- (e) Excluding Multi-Family Residential Dwellings, to the extent practical through education, training, inspection, and/or other measures, prohibit employees from placing materials in a container not designated for those materials per CCCSWA's Blue Container, Green Container, and Gray Container collection service and programs or, if self-hauling, per the Commercial Business's instructions to support its compliance with its self-haul program, in accordance with Section 10.
- (f) Excluding Multi-Family Residential Dwellings, periodically inspect Blue Containers, Green Containers, and Gray Containers for Container 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) 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) Provide education information within fourteen (14) days of new occupation of the premises to new tenants that describes requirements to keep Source Separated Green Container Organic Waste and Source Separated Recyclable Materials

separate from each other and Gray Container Waste, and the location of containers and the rules governing their use.

- (i) Provide or arrange access for Inspections conducted in accordance with Section 11 of this ordinance to confirm compliance with the requirements of this ordinance.
- (j) Accommodate and cooperate with a Remote Monitoring program, if any, for Inspection of the adequacy of capacity and the types of materials placed in containers to identify Prohibited Container Contaminants.
- (k) At a Commercial Business's option and subject to any approval required from CCCSWA or its Designees, implement a Remote Monitoring program for self-inspection and self-monitoring of the adequacy of capacity and the types of materials placed in its containers to identify Prohibited Container Contaminants.
- (l) Nothing in this Section prohibits a generator from preventing or reducing waste generation, managing Organic Waste on site, and/or using a Community Composting site pursuant to 14 CCR Section 18984.9(c). Commercial Business Organic Waste Generators shall handle manure in a manner that results in its recycling or reuse rather than landfill disposal.

SECTION 6. WAIVERS FOR COMMERCIAL BUSINESS GENERATORS

- (a) De Minimis Waivers. CCCSWA and/or its Member Agencies may waive a Commercial Business's (including a Multi-Family Residential Dwelling's) obligation to comply with some or all of the Organic Waste collection service requirements of this ordinance if the Commercial Business provides documentation demonstrating that the business generates below a certain amount of Organic Waste material as described in Section 6(a)(2) below. A Commercial Business requesting a de minimis waiver shall:
 - (1) Submit an application specifying the service or requirements for which it is requesting a waiver.
 - (2) Provide documentation that either:
 - (A) The Commercial Business's 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 twenty (20) gallons per week per applicable container of the business's total waste; or,
 - (B) The Commercial Business's 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 ten (10) gallons per week per applicable container of the business's total waste.

- (C) For the purposes of subsections (A) and (B) above, total Solid Waste shall be the sum of weekly container capacity measured in cubic yards for Solid Waste, Recyclable Materials, and Organic Materials collection service.
- (3) Notify CCCSWA (and its Member Agency granting the waiver, as applicable and if requested) if circumstances change such that the Commercial Business's Organic Waste exceeds the threshold required for the waiver specified in this Section, in which case the waiver will be rescinded.
- (4) Provide written verification of eligibility for a de minimis waiver to CCCSWA (and its Member Agency granting the waiver, as applicable and if requested) every five (5) years, if CCCSWA or a Member Agency has approved a de minimis waiver.
- (b) Physical Space Waivers. CCCSWA and/or its Member Agencies may waive a Commercial Business's (including a Multi-Family Residential Dwelling's) obligation to comply with some or all of the Organic Waste collection service requirements of this ordinance if the Commercial Business provides documentation demonstrating that the premises lacks adequate space for the collection containers required for compliance with the Organic Waste collection requirements of Section 5. A Commercial Business requesting a physical space waiver shall:
 - (1) Submit an application specifying the service or requirements for which it is requesting a waiver.
 - (2) Provide documentation that the premises lacks adequate space for Blue Containers and/or Green Containers, which may include documentation from its hauler, licensed architect, or licensed engineer.
 - (3) Notify CCCSWA (and its Member Agency granting the waiver, as applicable and if requested) if the Commercial Business's physical space configurations change, in which case the waiver may be rescinded.
 - (4) Provide written verification of eligibility for a physical space waiver to CCCSWA (and its Member Agency granting the waiver, as applicable and if requested) every five (5) years, if CCCSWA or a Member Agency has approved a physical space waiver.

SECTION 7. REQUIREMENTS FOR COMMERCIAL EDIBLE FOOD GENERATORS

- (a) Tier One Commercial Edible Food Generators must comply with the requirements of this Section 7 commencing January 1, 2022, and Tier Two Commercial Edible Food Generators must comply commencing January 1, 2024, pursuant to 14 CCR Section 18991.3.

- (b) Large Venue or Large Event operators not providing food services, but allowing for food to be provided by others, shall require Food Facilities operating at the Large Venue or 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 for human consumption the maximum amount of Edible Food that would otherwise be disposed; in particular, prioritize donation of Edible Food that would otherwise be disposed over Compost of such items, to the maximum amount possible.
 - (2) Contract with, or enter other 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) Not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service, including using best efforts to abide by any guidance specified by Food Recovery Organization or Food Recovery Service on how Edible Food should be packaged, labeled, handled, stored, distributed, or transported to the Food Recovery Organization or Food Recovery Service to reduce spoilage and improve Food Recovery.
 - (4) Allow CCCSWA (and its Member Agencies and/or its Designees, as requested) to access the premises and review records 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 other written agreement established under 14 CCR Section 18991.3(b).
 - (B) A copy of all contracts or other 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) Tier One Commercial Edible Food Generators and Tier Two Commercial Edible Food Generators shall provide, upon request, a Food Recovery report to CCCSWA (and its Member Agencies and/or its Designees, as requested) that includes the information specified in Section 7(c)(5). Entities shall respond to such request for information within sixty (60) days.
- (d) Nothing in this ordinance shall be construed to limit or conflict with (1) 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); or (2) otherwise applicable food safety and handling laws and regulations.

SECTION 8. 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 other 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 other 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) Food Recovery Organizations and Food Recovery Services that have their primary address physically located in CCCSWA's jurisdictional boundaries and contract with or have other written agreements with one or more Commercial Edible Food Generators pursuant to 14 CCR Section 18991.3(b) shall report to CCCSWA (and its Member Agencies and/or its Designees, as requested) no later than each January 31 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 other written agreement with pursuant to 14 CCR Section 18991.3(b).
- (d) Food Recovery Capacity Planning. In order to support Edible Food Recovery capacity planning assessments and similar studies, Food Recovery Services and Food Recovery Organizations operating in CCCSWA's jurisdictional boundaries shall provide, upon request, information and consultation to CCCSWA (and its Member Agencies and/or its Designees, as requested) regarding existing, or proposed new or expanded, Food Recovery capacity that could be accessed by CCCSWA, its Member Agencies, and/or its Commercial Edible Food Generators. Entities shall respond to such request for information within sixty (60) days.

SECTION 9. REQUIREMENTS FOR HAULERS AND FACILITY OPERATORS

- (a) Requirements for Haulers
 - (1) Exclusive franchised haulers providing residential, Commercial, or industrial Organic Waste collection service to generators within CCCSWA's jurisdictional boundaries shall meet the following requirements and standards:
 - (A) Through written notice to CCCSWA (and its Member Agencies and/or its Designees, as requested), identify the facilities to which the hauler will transport Organic Waste including facilities for Source Separated Recyclable Materials and Source Separated Green Container Organic Waste, unless such facilities are specified in the

hauler's franchise agreement, contract, permit, or license with CCCSWA.

- (B) Transport Source Separated Recyclable Materials to a facility that recycles those materials and transport Source Separated Green Container Organic Waste to a facility, operation, activity, or property that recovers Organic Waste as defined in 14 CCR, Division 7, Chapter 12, Article 2.

(2) Self-Haulers shall comply with the requirements of Section 10.

(3) Nothing in this Section is applicable to haulers transporting Source Separated Organic Waste to a Community Composting site in a manner otherwise consistent with law, or lawfully transporting C&D in a manner that complies with 14 CCR Section 18989.1, and CCCSWA's and its Member Agencies' ordinances.

(b) 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 provide, upon request, information to CCCSWA (and its Member Agencies and/or its Designees, as requested), 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 shall respond to such request for information within sixty (60) days.

(2) Community Composting operators shall provide, upon request, information to CCCSWA (and its Member Agencies and/or its Designees, as requested), 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 shall respond to such request for information within sixty (60) days.

SECTION 10. REQUIREMENTS FOR SELF-HAULERS

(a) Self-Haulers shall source separate all recyclable materials and Organic Waste generated on-site from Solid Waste in a manner consistent with 14 CCR Sections 18984.1 and 18984.2, or shall haul Organic Waste to a High Diversion Organic Waste Processing Facility as specified in 14 CCR Section 18984.3.

(b) 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.

- (c) 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 CCCSWA, its Member Agencies, and/or its Designees. The records shall include the following information:
 - (1) Delivery receipts and weight tickets from the entity accepting the material.
 - (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.
- (d) Self-Haulers that are Commercial Businesses (including Multi-Family Self-Haulers) shall provide, upon request, information collected in Section 10(c) to CCCSWA (and its Member Agencies and/or its Designees, as requested). Entities shall respond to such request for information within sixty (60) days.
- (e) A Single-Family Organic Waste Generator that self-hauls Organic Waste is not required to record or report information in Section 10(c) and (d).

SECTION 11. INSPECTIONS AND INVESTIGATIONS

- (a) CCCSWA, its Member Agencies, Enforcement Officers, and/or its 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 ordinance by Organic Waste Generators, Commercial Businesses (including Multi-Family Residential Dwellings), Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Services, and Food Recovery Organizations, subject to applicable laws. This Section does not allow entry in the interior of a residential property for Inspection. For the purposes of inspecting Commercial Business containers for compliance with Section 5(b) of this ordinance, CCCSWA, its Member Agencies, Enforcement Officers, and/or its Designees may conduct container Inspections for Prohibited Container Contaminants using Remote Monitoring, if such a program is adopted, and Commercial Businesses shall accommodate and cooperate with such Remote Monitoring pursuant to Section 5(j) of this ordinance.

- (b) Regulated entity shall provide or arrange for access during all Inspections (with the exception of the interior of a residential property) and shall cooperate with CCCSWA (and its Member Agencies, Enforcement Officers, and/or its Designees, as requested) during such Inspections and investigations. Such Inspections and investigations may include confirmation of proper placement of materials in containers, inspection of Edible Food Recovery activities, review of required records, or other verification or Inspection to confirm compliance with any other requirement of this ordinance. Failure of the regulated entity to provide or arrange for: (i) access to the premises; (ii) installation and operation of Remote Monitoring equipment, if a Remote Monitoring program is adopted; or (iii) access to records for any Inspection or investigation is a violation of this ordinance and may result in penalties described in Section 12.
- (c) Any records obtained by CCCSWA, its Member Agencies, Enforcement Officers, and/or its Designees during Inspections, Remote Monitoring, if such a program is adopted, and other reviews shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth in Government Code Section 6250, et seq.
- (d) CCCSWA, its Member Agencies, Enforcement Officers, and its Designees are authorized to conduct any Inspections, Remote Monitoring, if such a program is adopted, or other investigations as reasonably necessary to further the goals of this ordinance, subject to applicable laws.
- (e) CCCSWA shall accept written complaints from persons regarding an entity that may be potentially non-compliant with this ordinance, including receipt of anonymous complaints.

SECTION 12. ENFORCEMENT

- (a) Beginning January 1, 2024, violation of any provision of this ordinance shall constitute grounds for issuance of a Notice of Violation and assessment of a fine by an Enforcement Officer. Enforcement Actions under this ordinance are issuance of an administrative citation and assessment of a fine. CCCSWA's procedures on imposition of administrative citations and fines as contained in CCCSWA Ordinance 16-1 (Administrative Citations and Other Remedies) (as amended, supplemented, superseded, and replaced from time to time) are hereby incorporated in their entirety and shall govern the imposition, enforcement, collection, and review of administrative citations and fines issued to enforce this ordinance and any rule or regulation adopted pursuant to this ordinance, except as otherwise indicated in this ordinance.
- (b) Other remedies allowed by law may be used, including civil action or prosecution as misdemeanor or infraction. CCCSWA and/or its Member Agencies may pursue civil actions in the California courts to seek recovery of unpaid administrative citations and fines. The enforcing entity 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 staff and resources.

(c) Enforcement pursuant to this ordinance may be undertaken by the Enforcement Officer.

(d) Process for Enforcement

(1) Enforcement Officer and/or CCCSWA's Designees will monitor compliance with this ordinance randomly and through Compliance Reviews, Route Reviews, investigation of complaints, and an Inspection program (that may include Remote Monitoring, if such a program is adopted).

(2) CCCSWA (and its Member Agencies, Enforcement Officer, and/or its Designees) may issue an official notification to notify regulated entities of their obligations under the SB 1383 Regulations and this ordinance.

(3) CCCSWA and/or its Member Agencies may issue a Notice of Violation requiring compliance within sixty (60) days of issuance of the notice.

(4) Absent compliance by the respondent within the deadline set forth in the Notice of Violation, CCCSWA and/or its Member Agencies may commence an action to impose penalties, via an administrative citation and fine, pursuant to the CCCSWA Ordinance 16-1.

(e) Penalty Amounts for Types of Violations

The penalty levels are as follows:

(1) For a first violation, the amount of the penalty shall be one hundred dollars (\$100) per violation.

(2) For a second violation, the amount of the penalty shall be two hundred dollars (\$200) per violation.

(3) For a third or subsequent violation, the amount of the penalty shall be five hundred dollars (\$500) per violation.

(f) Compliance Deadline Extension Considerations

CCCSWA and/or its Member Agencies may extend the compliance deadlines set forth in a Notice of Violation issued in accordance with this Section 12 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 nature 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 relevant jurisdiction is under a corrective action plan with CalRecycle pursuant to 14 CCR Section 18996.2 due to those deficiencies.

(g) Appeals Process

Persons receiving an administrative citation containing a penalty for an uncorrected violation may request a hearing to appeal the citation. A hearing will be held only if it is requested within the time prescribed and consistent with CCCSWA Ordinance 16-1. Evidence may be presented at the hearing. CCCSWA will appoint a hearing officer who shall conduct the hearing and issue a final written order.

(h) Education Period for Non-Compliance

Beginning January 1, 2022 and through December 31, 2023, CCCSWA, Enforcement Officers, and/or its Designees will conduct Inspections, Remote Monitoring (if such a program is adopted), Route Reviews, and Compliance Reviews, depending upon the type of regulated entity, to determine compliance, and if CCCSWA determines that Organic Waste Generator, Self-Hauler, hauler, Tier One Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance, it shall provide educational materials to the entity describing its obligations under this ordinance and a notice that compliance is required by January 1, 2022, and that violations may be subject to administrative citations, fines, penalties, or other remedies starting on January 1, 2024.

(i) Civil Penalties for Non-Compliance

Beginning January 1, 2024, if CCCSWA and/or its Member Agencies determine that an Organic Waste Generator, Self-Hauler, hauler, Tier One or Tier Two Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance with this ordinance, it shall document the noncompliance or violation, issue a Notice of Violation, and take Enforcement Action pursuant to this Section, as needed.

SECTION 13. SEVERABILITY

If any provision of this ordinance or the application thereof is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such invalidity shall not affect the remaining provisions or application of the remaining provisions of this ordinance, which can be given effect without the invalid provisions or application.

SECTION 14. EFFECTIVE DATE

This ordinance shall take effect thirty (30) days after adoption as provided in Government Code Section 36937.

PASSED AND ADOPTED by the CCCSWA Board of Directors this 9th day of December, 2021 by the following vote:

AYES: ANDERSEN, DAWSON, FRANCOIS, GERRINGER, MILLER,
 MITCHOFF, MORGAN, ONODA, SILVA, SOS, WORTH

NOES: _____

ABSENT: ARNERICH

ABSTAIN: _____



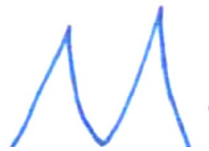
Matthew Francois, Chair,
Central Contra Costa Solid Waste
Authority, County of Contra Costa, State
of California

COUNTER-SIGNED:



Janna McKay, Secretary to the Board for
the Central Contra Costa Solid Waste
Authority, County of Contra Costa, State
of California

APPROVED AS TO FORM:



Deborah L. Miller, Counsel for the
Central Contra Costa Solid Waste
Authority County of Contra Costa, State
of California