

Task List Based on April 20, 2020 New Revised Draft of SB 1383 Short-Lived Climate Pollutants (SLCP) Regulations

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WHEN	ORDINANCE	WHO	TASK
ORGANICS RECYCLING CAPACITY ASSESSMENT AND PLAN (COUNTY TASK)			
2020		County	Identify/assess existing organics generation, available processing capacity (inside county and nearby) and project future generation/facility needs. 12 year time frame.
By 8-1-22. Then 8-1-24 and each 5 years thereafter			If shortages projected, jurisdictions submit implementation schedules to county; county reports to state.
			Develop, submit and maintain "implementation record" of all actions taken.
ORGANICS DIVERSION PROGRAM			
By 1-1-22	Ordinance	Agency and/or Member Jurisdictions	Adopt ordinance mandating compliance with all requirements of 1383. Includes compliance by waste generators and haulers. Compliance by entities involved in waste collections, food recovery activities, organic product procurement, monitoring, documentation, reporting and enforcement. As well as compliance with any penalties and waivers adopted by the jurisdiction.
By 1-1-22			Offer organics service to all generators (residential and commercial) in 3-container system, includes multifamily, townhomes and mobile homes.
By 1-1-22			Offer organics collection service to all unserved residential, commercial and industrial entities (including public facilities, schools, state, and federal properties). <i>CalRecycle will enforce upon non-complaint public schools, state and federal properties but jurisdictions are to provide education and offer services.</i>
By 1-1-22	Ordinance		Adopt ordinance mandating compliance by commercial self-haulers with organics segregation requirements.
Prior to 2-1-22 and annually thereafter			Establish protocols for approving and documenting any jurisdiction's de minimis, space constraint or collection frequency waivers
			Provide educational information annually to residential and commercial collection customers (prior to Feb 1, 2022 and annually after). Jurisdictions shall translate materials into any non-English language spoken by a substantial number of the public.
Prior to 2-1-22 and annually thereafter			Expand commercial education and technical assistance to those without recyclables and/or organics collection service through franchised hauler.
			Mail notices regarding requirements of the law to all generators. Can also be via electronic media. Direct contact would be an addition, not replacement to mail or electronic notices.
			Self haulers that are required to comply with 1383 - must source separate and take to a organic waste processing facility. Self haulers must comply with reporting requirements.
			Jurisdiction shall require haulers to identify facilities to which they will transport organic waste (and haulers must seek approval from jurisdiction).
By 1-1-22			Label collection containers with SB 1383 - compliant labels. Labels can include words and/or graphics. They must include primary materials that are accepted as well as primary prohibited materials/contaminates.
Containers purchased after 1-1-22 and all by 1-1-36			Provide containers with SB 1383-compliant lid colors.
By 1-1-22			Subscribe to organics collection services or self-haul to facility complies with requirements of Article 7. Article 7 - Generally states that self haulers of organic waste must either source separate organic waste and haul to a facility that processes or recovers source separated organic waste. OR self haulers can take organic waste to a high diversion organic waste processing facility.
			Self haulers must also keep a record of amount of organic waste delivered to each facility, record is subject to inspection by jurisdiction.
			Generators
			Commercial business owners shall: arrange for organic waste collection services, annually provide info to employees about sorting, if there are new tenants they must be notified of sorting techniques within 14 days of moving in, provide access to properties during inspections.

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WHEN	ORDINANCE	WHO	TASK
CALGREEN BUILDING AND WATER EFFICIENT LANDSCAPE STANDARDS			
By 1-1-22	Ordinance	Member Jurisdictions	Adopt ordinance requiring compliance with specified sections of CALGreen Building Standards Code related to organics diversion
By 1-1-22	Ordinance		Adopt an ordinance that requires compliance with specified sections of state's Model Water Efficiency Landscape Ordinance (2015 update) related to organic waste reduction
CONTAMINATION MONITORING PROGRAM			
By 1-1-22		Agency or Designees	Monitor trash, recyclables, and organics collection containers to minimize contamination. Cell below describes monitoring requirements.
By 1-1-22			Conduct route reviews for prohibited contaminants in a manner that results in all hauler routes being reviewed annually. Containers may be randomly selected along a hauler route. OR The jurisdiction shall conduct waste evaluations for prohibited contaminants at least twice per year in two distinct seasons of the year. The waste evaluations shall include samples of each container type served by the jurisdiction and shall include samples taken from different areas in the jurisdiction that are representative of the jurisdiction's waste stream. See page 25 of 4/2/20 proposed regs for more details.
By 1-1-22			For instances of contamination, notify the generator of requirement to separate materials, photo may be included (but not required). The notice can be left on container, gate or door at time of violation. It could also be mailed or emailed to generator. OR If contamination is determined to exceed 25% via waste evaluations then all generators at that particular route will be noticed via the same method. Then a targeted route review to determine source of contaminants must also be conducted.
EDIBLE FOOD RECOVERY PROGRAM			
2020		Agency and County	Conduct, in cooperation with other jurisdictions, countywide edible food recovery assessment of existing and future edible food generation, recovery and capacity for expansion. Jurisdictions shall also consult with edible food recovery orgs.
By 8-1-22. Then 8-1-24 and each 5 years thereafter			(If capacity expansion is needed) create and submit to CalRecycle an implementation schedule for new or expanded "future edible food recovery capacity"
			Increase access to edible food recovery organizations - develop needed arrangements/contracts with local food donation orgs, service providers (hauler contracts?).
1-1-22 compliance for Tier 1, 1-1-24 compliance for Tier 2			Identify Tier 1 and Tier 2 edible food generators
By 2-1-22 and annually			Develop list of local food recovery service providers and organizations, post on websites. List shall be updated annually. List shall include: name & address, contact info, service area and types of food the org can accept for recovery.
By 1-1-22	Ordinance		Develop and adopt ordinance requiring Tier 1 and Tier 2 generators donate food, report to jurisdiction, and require food recovery orgs to track and report food quantities.
			Develop edu and outreach measures for edible food generators [countywide?]
By 2-1-22			Educate commercial edible food generators annually on food recovery requirements, available programs, recovery organizations and info on actions that can be taken to reduce creation of food waste
1-1-22 compliance for Tier 1, 1-1-24 compliance for Tier 2			Monitor and record compliance of generators, recovery organizations, service providers. Tier 1 monitoring for compliance begins 1-1-22, Tier 2 monitoring for compliance begins 1-1-24.
1-1-22 compliance for Tier 1, 1-1-24 compliance for Tier 2			Generators
		Secure written arrangements w recovery orgs/services or self-haul to orgs that accept recovered food.	
		Document and maintain records on contracts, types of food, frequency and quantity of donations.	
		Arrange for food recovery for large events and venues.	
		Food recovery orgs	Food recovery orgs that have established written agreements to receive food - shall maintain records: info on who it receives food from, quantity per month, quantity transported per month, info for each other org it takes food to.

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WHEN	ORDINANCE	WHO	TASK
PROCUREMENT			
By 1-1-22 and recalculate each 10 ys		Agency and/or Member Jurisdictions	Purchase organic waste products for use or giveaway - .08 tons per resident, CaRecycle will provide notice to jurisdictions. Purchase paper products, printing and writing paper with certified recycled content if fitness and quality are equal to non-recycled content products.
REPORTING			
By 4-1-22		Agency and County	Prepare and submit to CalRecycle initial compliance report on all ordinances, type of organic waste service, number of generators serviced, if allowed - where compostable plastics are processed.
By 10-1-22 and annually thereafter		Agency and County	Prepare and submit comprehensive report on all requirements on or before October 1, 2022 - report on January 1, 2022 thru June 20, 2022. On or before August 1, 2023 report on previous calendar year.
ENFORCEMENT, CIVIL PENALTIES			
Beginning 1-1-22	Ordinance	Agency, County, ??	Develop enforcement procedure as per Article 14 Enforcement Requirements.
By 1-1-22 and annually			Develop and adopt ordinance for response to enforcement actions and issuance of civil penalties.
Beginning 4-1-22			Complete compliance review of covered commercial entities.
By 1-1-22 and annually			Complete route reviews (or waste evaluations) of all commercial sites and residences. Conduct sufficient number of route reviews to adequately determine overall compliance. May prioritize inspections of entities that are more likely to be out of compliance.
By 1-1-22 and annually			Conduct inspections of Tier 1 edible food generators and food recovery organizations and services
By 1-1-24 and annually			Conduct inspections of Tier 2 edible food generators
By 1-1-22, until 12-31-23			Provide notification, education, and outreach to all found to be in violation.
Every 5 ys after issuance			Inspect and update any business waivers.
By 1-1-24			Initiate enforcement actions: notice of violation requiring compliance within 60 days, if no compliance by deadline in notice - impose penalties. Deadlines may be extended due to extenuating circumstances.
			Create detailed electronic record of enforcement: inspections, route and compliance reviews, violations and educational measures.
			Create overall "implementation record" accessible to CalRecycle w/in 10 days. All records should be included in the implementation record within 60 days of the creation of the record. Records should be maintained for at least 5 years.
Beginning 1-1-22			Create record, respond to, and document complaints by public. Create procedure to receive and investigate complaints, complaints must be investigated within 90 days.
			Impose civil penalties consistent with Gov Code Secs 53069.4, 25132, and 36900. First violation - base penalty \$50-\$100 per violation. Second violation - \$100-\$200 per violation. Third violation - \$250-\$500 per violation.
			CalRecycle will evaluate compliance by jurisdictions. CalRecycle shall enforce via: issue notice of violation requiring compliance within 90 days. Extension of up to 10 days may be issued. Extending deadline farther would require putting jurisdiction on Corrective Action Plan (CAP) - if CalRecycle finds additional time is necessary for compliance but jurisdiction has made substantial effort
			Enforcement against waste generators located in multiple jurisdictions - If multiple jurisdictions determine that CalRecycle enforcement may be more effective, multiple jurisdictions may file a joint enforcement referral
		Accommodate CalRecycle evaluation of Jurisdiction compliance.	
		CalRecycle penalties on jurisdictions - minor violation between \$500 per violation and \$4000 per violation per day, moderate violation between \$4000 per violation and \$7500 per violation per day, major violation between \$7500 per violation and \$10000 per violation per day.	
By 1-1-22 or Jan1 of first year it applies			If using Performance-based source separated service, notify CalRecycle in writing

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RECORD KEEPING			
			If a jurisdiction designates another entity, the jurisdiction shall include copies of all agreements and contracts in the implementation record.
			A jurisdiction shall include the following information and documents in the implementation record: which collection method it will use to comply with collection services, the geographical area for each collection method, if compostable plastics are accepted include written notification that those are accepted at composting facility.
			A jurisdiction shall include the following information and documents relating to container contamination minimization: description of the process for determining container contamination, documentation of route reviews, if applicable documentation of waste evaluations performed (location of facility where study was performed, routes, source sector, number of samples, weights, ratio of contaminants, total sample size), copies of all notices provided to generators with contamination, documentation of containers where contents were disposed of due to contaminants.
			The following info and docs must be kept in implementation record, regarding waivers and exemptions: description of jurisdictions process for issuing waivers & frequency of inspections to verify validity of waivers, copy of all waivers (di minimis, physical space and collection frequency) including location, date issued and name of generators
			Food recovery - copies of info provided (flyers, brochures, etc.), date and who received the info (if a mass mailing, copy of info provided and type and number of accounts who received), electronic media records (dates of social media posts, emails, etc.).
			Description of the haulers program - type of hauler used, type and conditions of approvals per type of hauler or criteria for revoking, denying written approvals. Any requirements for self and back hauling. Everything shall include date of action name of hauler and type of action taken.
			All ordinances, contracts, franchise agreements, policies, procedures or programs.
			A list of all edible food generators that have a contract or written agreement with food recovery organizations. A list of food recovery organizations and services along with their capacity. Documentation of the actions taken to increase food recovery capacity.
			Procurement - how jurisdiction will comply, where from (name, physical location, contact info), how used (general description), invoices.
			Recycled content paper procurement - invoices, copies of certifications.