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CalRecycle

SB 1383 Implementation Tools

Model Mandatory Organic Waste Disposal
Reduction Ordinance

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Prepared by
HF&H Consultants, LLC
in conjunction with
Debra Kaufman Consulting



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Insert Date

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Jurisdiction Name/Contractor Name

Franchise Agreement

DISCLAIMER

This Model Tool is for informational and example purposes only. It should not merely be duplicated without consideration of an individual jurisdiction's particular needs or circumstances. It is not intended to cover each and every situation, nor can it anticipate specific needs. In developing this Model Tool, CalRecycle and its consultants (HF&H Consultants in conjunction with Debra Kaufman Consulting) have attempted to ensure that the language herein aligns with the SB 1383 regulations; however, in the event of any conflict, the language in the regulations shall prevail over language in the Model Tool and determination of regulatory intent and interpretation should be appropriately guided by the regulatory language and the official rulemaking record of which this Model Tool is not a component. CalRecycle and its consultants make no representation that use of this Model Tool will ensure compliance with regulatory requirements. This Model Tool does not constitute legal advice. Jurisdictions are encouraged to seek legal counsel appropriate to their particular circumstances regarding compliance with regulatory requirements.

SB 1383 regulations do not dictate that jurisdictions use this Model Ordinance or other ordinance to establish an enforceable mechanism to regulate entities compliance with SB 1383 requirements and standards. Jurisdictions may use an ordinance or other enforceable mechanisms as appropriate pursuant to SB 1383 regulations (14 CCR Section 18981.2(a)).

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GUIDANCE TABLE OF CONTENTS

INTRODUCTION.....	1
IMPORTANT CONSIDERATIONS.....	2
CUSTOMIZATION CONSIDERATIONS.....	4
1. Guidance and Option Notes	4
2. Standard Compliance or Performance-Based Compliance Approach.....	4
3. Type of Jurisdiction	5
4. Waivers and Exemptions.....	5
5. Collection Method.....	6
6. Delegation of Responsibilities & Enforcement.....	6
7. Alignment of Defined Terms	7
8. Document Structure	8
ADDITIONAL TIPS FOR USING THE MODEL	9
ADDITIONAL CALRECYCLE RESOURCES.....	9

MODEL ORDINANCE TABLE OF CONTENTS

SECTION 1. PURPOSE AND FINDINGS	1
SECTION 2. TITLE OF ORDINANCE.....	2
SECTION 3. DEFINITIONS.....	2
SECTION 4. REQUIREMENTS FOR SINGLE-FAMILY GENERATORS (STANDARD COMPLIANCE APPROACH)	17
SECTION 5. REQUIREMENTS FOR SINGLE-FAMILY GENERATORS (PERFORMANCE-BASED COMPLIANCE APPROACH).....	18
SECTION 6. REQUIREMENTS FOR COMMERCIAL BUSINESSES (STANDARD-COMPLIANCE APPROACH)	20
SECTION 7. REQUIREMENTS FOR COMMERCIAL BUSINESSES (PERFORMANCE-BASED COMPLIANCE APPROACH).....	24
SECTION 8. WAIVERS FOR GENERATORS.....	28
SECTION 9. REQUIREMENTS FOR COMMERCIAL EDIBLE FOOD GENERATORS	31
SECTION 10. REQUIREMENTS FOR FOOD RECOVERY ORGANIZATIONS AND SERVICES, JURISDICTIONS, AND REGIONAL AGENCIES	33

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SECTION 11. REQUIREMENTS FOR HAULERS AND FACILITY OPERATORS 36
SECTION 12. SELF-HAULER REQUIREMENTS 38
SECTION 13. COMPLIANCE WITH CALGREEN RECYCLING REQUIREMENTS 39
**SECTION 14. MODEL WATER EFFICIENT LANDSCAPING ORDINANCE
REQUIREMENTS 42**
**SECTION 15. PROCUREMENT REQUIREMENTS FOR JURISDICTION
DEPARTMENTS, DIRECT SERVICE PROVIDERS, AND VENDORS..... 44**
SECTION 16. INSPECTIONS AND INVESTIGATIONS BY JURISDICTION 46
SECTION 17. ENFORCEMENT..... 48
SECTION 18. EFFECTIVE DATE 55

GUIDANCE ON THE MODEL MANDATORY ORGANIC WASTE DISPOSAL REDUCTION ORDINANCE

The California Department of Resources Recycling and Recovery (CalRecycle) oversees a variety of programs and policy initiatives to reduce the amount of solid waste sent to landfills and promote recycling in California, including organic waste recycling under SB 1383. SB 1383, as enacted in 2017 (Lara, Chapter 395, Statutes of 2016), establishes statewide targets to reduce the statewide disposal of organic waste by 50 percent by 2020 and 75 percent by 2025; and requires that not less than 20 percent of edible food that is currently disposed be recovered for human consumption by 2025. For the purposes of this document, “SB 1383 regulations” or “SB 1383 regulatory” requirements refer to the Short-Lived Climate Pollutants (SLCP): Organic Waste Reductions regulations developed by CalRecycle and adopted in 2020 that created Chapter 12 of Title 14, Division 7 of the California Code of Regulations (CCR), and amended portions of regulations of Title 14 CCR and Title 27 CCR. The SB 1383 regulations set forth a variety of programmatic and policy-related requirements for jurisdictions, generators, and other entities to support the Statewide goals of SB 1383.

To support jurisdictions and other regulated entities with implementing programs and policies to reach compliance with SB 1383 regulations, CalRecycle offers four Model Implementation Tools including a Model Franchise Agreement, Model Mandatory Organic Waste Disposal Reduction Ordinance, Model Recovered Organic Waste Product Procurement Policy, and Model Food Recovery Agreement. These tools are available for jurisdictions to use and customize to meet their unique needs.

INTRODUCTION

This Guidance supports the use of the Model Mandatory Organic Waste Disposal Reduction Ordinance (Model). The Model was created recognizing that jurisdictions throughout the State are required by SB 1383 regulations to adopt an ordinance or other similarly enforceable mechanism by January 1, 2022, to mandate that organic waste generators, haulers, and other entities subject to the requirements of SB 1383 regulations and subject to the jurisdiction’s authority, comply with SB 1383 regulatory requirements. The Model supports establishment of enforceable SB 1383-related requirements for organic waste generators, haulers, and other entities subject to the jurisdiction’s authority. It also provides a tool for jurisdictions to regulate those entities’ compliance with SB 1383 regulations. Some jurisdictions may choose to adopt such an ordinance or amend an existing ordinance earlier than January 1, 2022. While a jurisdiction may designate a public or private entity to fulfill some of its SB 1383 regulatory responsibilities via contracts or written agreements, the jurisdiction itself remains responsible for its SB 1383 compliance and enforcing other entities’ compliance with the SB 1383 regulatory items

contained in the ordinance. Under SB 1383 regulations, the jurisdiction is also not allowed to delegate the authority to impose civil penalties to a private entity.

Note: SB 1383 regulations do not dictate that jurisdictions use this Model Ordinance or other ordinance to establish an enforceable mechanism to regulate entities' compliance with SB 1383 regulatory requirements and standards. Jurisdictions may use an ordinance or other enforceable mechanisms as appropriate, pursuant to SB 1383 regulations (14 CCR Section 18981.2(a)).

The Model includes and addresses the SB 1383 regulatory requirements that jurisdictions need to enforce on other entities, including requirements for generators to participate in organic waste collection programs or self-haul organic waste to processing; multi-family and business owners and property managers to support organic waste disposal reduction; commercial edible food generators to recover edible food through contracts or written agreements with food recovery organizations and services; and more. There are other SB 1383 regulatory requirements placed on the jurisdictions that are not included in this Model that may be enforced by CalRecycle on the jurisdiction (and others) including certain recordkeeping, contamination monitoring, procurement, and outreach requirements. These other jurisdictional requirements of SB 1383 regulations may need to be addressed in the jurisdiction's ordinance or separately from their ordinance via incorporation into jurisdiction's other internal policies, guidance, municipal code, and/or other planning documents and guidelines.

Jurisdictions should consult with their legal counsel to determine the best avenue for incorporating these other requirements into their relevant policies, codes, and practices. For example, procurement requirements specified in 14 CCR, Division 7, Chapter 12, Article 12 are presented in the Model Procurement Policy; however, some jurisdictions may determine that some or all of the procurement requirements should be addressed in their ordinance. In such case, the ordinance shall be expanded beyond the scope provided herein to incorporate additional procurement requirements.

The Model has been developed to provide an easy-to-use and highly customizable template for creating an ordinance. The guidance provided herein highlights important considerations to keep in mind when using the Model; customization strategies to adapt the Model to fit jurisdictions' unique conditions, and includes tips and list of additional resources. The jurisdiction may use this model ordinance in its entirety or use only relevant parts of the ordinance.

IMPORTANT CONSIDERATIONS

- **New Ordinance or Amendment of Existing Ordinance.** The Model is designed to be highly customizable for jurisdictions, providing options to address a range of program and policy choices. It can be used by jurisdictions drafting a new ordinance and those amending an existing ordinance. If jurisdictions are amending an existing ordinance, example provisions from the Model can be integrated into their existing ordinance. Jurisdictions should be mindful of the fact that this Model is intended to

focus on SB 1383 regulatory requirements. A jurisdiction may choose to integrate additional provisions into its ordinance to: (i) provide more clarification on how regulated entities are expected to comply; (ii) expand beyond the SB 1383 regulatory requirements; and/or (iii) include other solid waste handling and diversion requirements.

- **SB 1383 Regulatory Requirements.** Each jurisdiction is responsible for understanding and achieving compliance with SB 1383 regulations. Use of the Model Ordinance does not exempt a jurisdiction from complying with all SB 1383 regulatory requirements. The Model Ordinance includes example language that supports compliance with some, but not all SB 1383 regulatory requirements. The Model Ordinance is designed to enable the jurisdiction to require and enforce provisions that SB 1383 regulations require jurisdictions to require and enforce. It does not include the requirements on the jurisdiction itself, which CalRecycle will be enforcing on the jurisdiction, including recordkeeping, contamination monitoring, recovered organic waste product procurement target attainment, and outreach and education. It is advised that jurisdictions thoroughly review the SB 1383 regulations and take necessary actions to ensure full compliance.

In instances where language from the SB 1383 regulations are incorporated into the Model Ordinance, [the language is shown in blue font](#). The SB 1383 regulation-specific content in blue font follows closely with SB 1383 regulatory language; however, in many cases, the wording of SB 1383 regulatory requirements was adapted to fit the context of the Model Ordinance, conform with defined terms, or be framed with sufficient detail for the Model Ordinance. Additional information on SB 1383 regulations is embedded in many of the guidance notes.

Black font identifies language that is not specific to SB 1383 regulations. In most cases, it relates to the requirements of SB 1383 regulations and has been included to provide the context to understand how SB 1383 regulation-related provisions can be integrated into an ordinance. In other cases, it presents example language to provide the framework of a typical ordinance and guidance notes generally indicate that it is example language that is not required by SB 1383 regulations.

- **Involve Legal Counsel.** Any ordinance that results from use of the Model shall not be considered to have undergone legal counsel review. Each jurisdiction is responsible for involving its legal counsel to perform legal review and approval processes typically required by the jurisdiction for approval of such ordinances.
- **Engage with Affected Entities** When adopting a new or amended ordinance, it is advised that the review and adoption process involve engagement with the regulated entities, which will help with the implementation process as they will be more aware of the upcoming requirements. For example, engagement with organic waste generators, haulers, food recovery organizations, and food recovery services may help jurisdictions to obtain useful input from these stakeholders.

- **Example Language Only.** The provisions in the Model Ordinance are examples of how some SB 1383 regulatory requirements may be integrated and worded in an ordinance. Jurisdictions are not required to use this exact language. The language does, however, reflect the requirements that jurisdictions are required to place on others. All language should be considered in the context of the specific requirements contained in the SB 1383 regulations and the jurisdictions' unique conditions.

CUSTOMIZATION CONSIDERATIONS

The Model Ordinance is designed to be customizable for a diverse range of jurisdictions, while providing flexibility for each jurisdiction using the Model to reflect their needs. For example, the Model includes a range of options for collection programs (three-, three-plus, two-, and one-container programs; split carts; uncontainerized collection; etc.).

Each jurisdiction will want to capture its local systems and unique approach to its organics collection program and services. As such, jurisdictions are advised to consider the following general items when crafting their ordinance. More specific guidance is included in the Model.

1. GUIDANCE AND OPTION NOTES

Guidance notes are integrated into the Model Ordinance to explain how specific sections and provisions of the Model can be customized for a jurisdiction's needs. **General guidance notes are highlighted green.** **Notes in blue identify various options or areas where specific information is to be inserted or selected.**

The Model Ordinance addresses common variations of programs and service options; however, addressing all jurisdictional scenarios was not practical. Given this, some jurisdictions may need to customize some sections of the Model to reflect their conditions by drawing on example provisions in the Model as a starting point. This may be especially true for rural, low-population, or high-elevation jurisdictions that may qualify under SB 1383 regulations for waivers or exemptions from specific requirements (subject to CalRecycle approval of such waivers).

2. STANDARD COMPLIANCE OR PERFORMANCE-BASED COMPLIANCE APPROACH

The terms "Standard Compliance Approach" and "Performance-Based Compliance Approach" are used throughout the Model Ordinance in some section titles, guidance notes, and customization notes. For the purpose of the Model, "Standard Compliance Approach" means the method for complying with the SB 1383 regulations through implementation of organic waste collection programs and policies in accordance with 14 CCR Division 7, Chapter 12, Article 3 and associated requirements. Generally, all provisions in the SB 1383 regulations, other than 14 CCR, Division 7, Chapter 12, Article

17, apply to the Standard-Compliance Approach, unless the Performance-Based Compliance Approach is specifically referenced. For the purpose of the Model, “Performance-Based Compliance Approach” means the “performance-based source separated collection service” that meets the requirements of 14 CCR Division 7, Chapter 12, Article 17, or as otherwise defined by 14 CCR Section 18982(a)(52.5), and all associated requirements.

The compliance approach chosen will affect the provisions and structure of a jurisdiction’s ordinance. Some sections in the Model Ordinance are specific to jurisdictions using the Standard Compliance Approach and Performance-Based Compliance Approach and are labeled accordingly. Jurisdictions should use only the sections relevant to their compliance approach and delete the other sections. If section labeling does not identify either of these approaches, the section is applicable to jurisdictions using either type of approach.

For jurisdictions that are adopting a Performance-Based Compliance Approach, jurisdictions should consider the requirements from which they are exempt pursuant to SB 1383 regulations (14 CCR Section 18998.2). Some jurisdictions may decide it is prudent to include these requirements in their ordinance with a mechanism that allows the provisions to be triggered automatically, within a specified time frame, in the event the jurisdiction does not meet the requirements of the Performance-Based Compliance Approach and such compliance exceptions are no longer valid. Other jurisdictions may choose not to include provisions related to the compliance exceptions and amend their ordinance in the future if the jurisdiction does not meet the requirements of the Performance-Based Compliance Approach. The Model Ordinance reflects the later approach.

3. TYPE OF JURISDICTION

Some SB 1383 regulatory requirements differ based on the type of jurisdiction (e.g., city, county, regional agency, special district that provides solid waste collection services, etc.). Jurisdictions should choose the customization options that best match the requirements of their jurisdiction type. Ordinance provisions that differ based on the jurisdiction type will be identified in the guidance notes of the Model Ordinance. Note that the Model does not address the full framework a regional agency or special district will need to capture for its relationship with its member agencies. These types of jurisdictions will need to make modifications to the ordinance depending on their specific requirements.

4. WAIVERS AND EXEMPTIONS

SB 1383 regulations allow jurisdictions to grant waivers to some generators for de minimis volumes, physical space limitations, and less-than-weekly collection frequency, although these waivers are not required. Jurisdictions are advised to review SB 1383 regulations (14 CCR Section 18984.11) on allowable generator waivers and decide whether or not to

include one or more of these generator waivers in their ordinance. The Model Ordinance includes sample language should a jurisdiction decide to include de minimis, physical space, and/or less-than-weekly collection frequency waivers for generators that meet specified requirements.

SB 1383 regulations (14 CCR Section 18984.12) also provide for CalRecycle to grant waivers and exemptions to jurisdictions and some or all of its generators for compliance with some or all of the organic waste collection requirements of SB 1383 regulations (14 CCR Division 7, Chapter 12, Article 3) when the jurisdictions meet low-population, rural area, or high-elevation criteria. Jurisdictions are advised to review the relevant SB 1383 regulations to assess their eligibility for jurisdiction waivers and exemptions and decide whether they plan to apply for a low population or high elevation waiver or a rural exemption. The Model Ordinance does not include language for low population and high elevation waivers and rural exemptions, as the Model Ordinance is focused on requirements on generators and those regulated by the jurisdiction. These types of waivers are granted by CalRecycle to the jurisdiction. Jurisdictions may need to modify their ordinance language depending upon whether they plan to apply for and are granted these specific waivers from CalRecycle.

While waivers for low-population areas and high-elevation areas waive some SB 1383 regulatory requirements for generators and jurisdictions, AB 341 and AB 1826 requirements apply for jurisdictions and for multi-family and commercial generators that are covered by AB 341 and AB 1826 and located in these areas. As a result, jurisdictions with these waivers may need to amend their ordinances to require generators that are covered by AB 341 and AB 1826 to comply with those requirements, to address waivers allowed under AB 341 and AB 1826, and to align with the jurisdiction's AB 341 commercial recycling program and AB 1826 organic waste recycling programs.

5. COLLECTION METHOD

The manner in which a jurisdiction arranges for organic waste collection services to be provided to generators will impact the necessary provisions of their ordinance. General guidance and options are presented in the Model Ordinance to give jurisdictions insight on which language to select and adapt for their collection program conditions.

6. DELEGATION OF RESPONSIBILITIES & ENFORCEMENT

Users of the Model Ordinance are also advised to consider which enforcement requirements of the SB 1383 regulations will remain the responsibility of the jurisdiction or whether they will be delegated to another jurisdiction, including regional agencies. For example, some jurisdictions may choose to conduct inspections and enforcement themselves and others may enter an agreement with another jurisdiction to conduct such inspections and enforcement on their behalf (such as a regional agency or County Environmental Health Department). Jurisdictions should consider whether it is sharing responsibility for enforcement with any other jurisdictions when considering what language to include.

Example language to reflect a shared enforcement methodology is presented in the Model Ordinance as an option. It is important to note that regardless of how a jurisdiction chooses to handle enforcement, the jurisdiction itself remains responsible for enforcement, and could be subject to penalties based on non-enforcement, according to SB 1383 regulations. It is also important to understand that SB 1383 regulations prohibit a jurisdiction from delegating its authority to impose civil penalties, or to maintain an action to impose civil penalties, to a private entity. Jurisdictions should change the enforcement language in the Model Ordinance to be consistent with their own administrative procedures on enforcement actions; the enforcement process and timeline outlined in SB 1383 regulations; and California Government Code Section 53069.4.

7. ALIGNMENT OF DEFINED TERMS

The Model Ordinance includes dozens of defined terms, many of which were obtained from SB 1383 regulatory definitions and some from example ordinances and franchise agreements. The nuances of defined terms and their relationship to one another can have a significant impact on the meaning of the provisions of the ordinance. For this reason, jurisdictions are advised to carefully review the definitions they are using in existing ordinances, franchises, processing agreements, and municipal code, as well as the definitions in SB 1383 regulations, and modify existing definitions, delete non-applicable definitions, and integrate new ones where needed. It is likely that some of the definitions in the Model can be used without modification, while others will need to be tailored to the jurisdiction's unique conditions, collection program, and contractual arrangements. For example, if a jurisdiction is considering use of an anaerobic digestion facility that only accepts clean food scraps, the jurisdiction may want to exclude food-soiled paper in the definition of food scraps, or create an additional subdivision of the definition.

Additionally, the Model refers to containers by their colors (gray, green, blue, and brown) as done in the SB 1383 regulations. Users may need to add, remove, or change colors of containers in the definitions to match the container lid and body color options selected for their program, pursuant to the container color requirements and compliance dates in Article 3 of the SB 1383 regulations. Additionally, definitions are included that would work for each type of organics collection system: three, three-plus, two-, and one-container, and the allowable permutations thereof. Once the jurisdiction determines their collection system(s), they should retain the definitions that are most appropriate for their collection program and delete the others. Guidance notes in the Model provide direction on the instances in which some definitions are applicable or non-applicable.

The following figure identifies the defined terms used in the Model Ordinance to describe the various material streams associated with each color container. This is provided for convenience to orient the user to the terminology, which, in some cases, is likely to be different than their current terminology.

Defined Terms Used in Model Ordinance

Container Color	Terminology of Material Streams
Blue Containers	<ul style="list-style-type: none"> • Source separated recyclable materials • Non-organic recyclables - glass, metal, plastic, etc. • Source separated blue container organic waste (SSBCOW) – organic recyclables such as fibers and cardboard
Green containers	<ul style="list-style-type: none"> • Source separated Green Container organic waste (SSGCOW)
Gray containers	<ul style="list-style-type: none"> • Gray container waste (three- and three-plus container systems that do not allow organic waste, such as food waste, in the gray container) • Mixed waste organic collection stream or mixed waste (two- and one-container systems and three- and three-plus-container systems that allow organic waste, such as food waste, in the gray container)

Note: Organic waste is a defined term that serves as an umbrella for all organics including SSBCOW, SSGCOW, textiles, carpet, etc. Organic wastes are collected in a combination of containers depending on the collection system and therefore not separately identified in the table above.

Not all of the definitions contained within the SB 1383 regulations have been included in the ordinance. It is advised that the jurisdiction review all of the SB 1383 regulatory definitions and determine whether it would be beneficial to add any additional terms. While the user may also modify or create their own definitions, the jurisdiction must ensure that all SB 1383 regulatory requirements are met. For example, material streams can be defined, renamed, or further subdivided, or the jurisdiction may wish to refer to the containers by material stream type rather than color; however, the ordinance must include requirements to assure that all organic waste specified in SB 1383 regulations for collection is collected and processed or managed in a compliant manner.

In addition, jurisdictions will need to amend the definitions in their municipal/county code to align with updated definitions in their ordinance and franchise agreement. Jurisdictions should attempt to coordinate definitions used in the ordinance, their franchise agreement, and their municipal/county code sections related to solid waste collection and recycling.

8. DOCUMENT STRUCTURE

The Model Ordinance is structured to include sections on definitions and requirements on: single-family and multi-family generators, commercial businesses, self-haulers, commercial edible food generators, food recovery organizations and services, vendors of paper products, and sections on waivers, compliance with CALGreen and MWELo,

inspections, and enforcement. Where applicable, separate sections are included for those using the standard compliance approach vs. the performance-based compliance approach.

ADDITIONAL TIPS FOR USING THE MODEL

1. **Modify Language.** Adjust the Model language to fit the jurisdiction’s specific needs. For example, a jurisdiction using only a three-container system will need to delete all provisions related to three-plus, two-, and one-container systems.
2. **Change Jurisdiction.** The term “jurisdiction” is used throughout this Model Ordinance; however, the entity responsible for adopting this Ordinance will need to change “jurisdiction” throughout the document to the appropriate term, which may be City, County, City and County, Special District that provides solid waste handling services, Joint Powers Authority, Regional Agency, etc.
3. **Delete Guidance Notes and Unused Options.** Green highlighting identifies guidance notes presented in the Model for reference only, which are to be removed by the user when preparing its final Ordinance. In cases where the Model offers multiple options, blue highlighting identifies optional provisions and areas where customization is advised. Options and customization items that are not selected are to be deleted and section numbers must be modified accordingly.
4. **Blend Existing Provisions with Model Provisions.** When using the Model Ordinance, users may want to select provisions from both the Model Ordinance and their existing ordinance(s) to create an ordinance that best suits its needs.
5. **Style and Design.** The use of multiple font colors and highlighting to differentiate content in the Model Ordinance, as described above, is not required in any final document produced, and the colors should be eliminated or made consistent with the user’s standard document styles. The Model Ordinance has been designed in accordance with CalRecycle’s accessibility guidelines. SB 1383 regulations do not require specific styles or design to be used for ordinances, and the final document style is at each jurisdiction’s discretion.

ADDITIONAL CALRECYCLE RESOURCES

1. SB 1383 General Information: <https://www.calrecycle.ca.gov/organics/slcp>
2. SB 1383 Regulations: [\[Insert Link\]](#)
3. SB 1383 Model Implementation Tools: <https://www.calrecycle.ca.gov/organics/slcp/education>

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This webpage includes the following Model Tools:

- Model Franchise Agreement
 - Model Mandatory Organic Waste Disposal Reduction Ordinance
 - Model Recovered Organic Waste Product Procurement Policy
 - Model Food Recovery Agreement
4. Other Recovered Organic Waste Product Procurement Resources
- Calculator for Annual Recovered Organic Waste Product Procurement: [\[Insert Link\]](#)
5. SB 1383 Case Studies: <https://www.calrecycle.ca.gov/organics/slcp/education>

Eight case studies are available including two each on franchise agreements, mandatory organic waste disposal reduction ordinances, recovered organic waste product procurement, and food recovery programs and policies.

6. Other Relevant SB 1383 CalRecycle Reports
- SB 1383 Local Services Rates Analysis: [\[Insert Link\]](#)
 - SB 1383 Infrastructure and Market Analysis:
<https://www2.calrecycle.ca.gov/Publications/Details/1652>
7. Relevant Regulations Referenced in the Model Policy:
- Title 14 of California Code of Regulations, Division 7, Department of Resources Recycling and Recovery:
[https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=IFF17BBCC72F5412C8FEEF78290C1526E&originationContext=documenttoc&transitionType=Default&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=IFF17BBCC72F5412C8FEEF78290C1526E&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default))
 - Title 27 of California Code of Regulations, Division 2, Environmental Protection, Solid Waste (27 CCR Division 2):
<https://www.calrecycle.ca.gov/laws/regulations/title27>
 - Model Water Efficient Landscape Ordinance, Title 23, Division 2, Chapter 2.7 of California Code of Regulations:
<https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I55B69DB0D45A11DEA95CA4428EC25FA0&transitionType=Default&contextData=%28sc.Default%29>
 - Public Contract Code (including recycled-content paper requirements):
https://leginfo.legislature.ca.gov/faces/codes_displayexpandedbranch.xhtml?tocCode=PCC&division=2.&title=&part=2.&chapter=&article=&goUp=Y

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- Public Resources Code:
http://leginfo.legislature.ca.gov/faces/codes_displayexpandedbranch.xhtml?lawCode=PRC&division=30.&title=&part=1.&chapter=2.&article=&goUp=Y
- Code of Federal Regulations, Title 16 (including relevant definitions):
<https://www.govinfo.gov/app/details/CFR-2013-title16-vol1/CFR-2013-title16-vol1-sec260-12/context>

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MODEL MANDATORY ORGANIC WASTE DISPOSAL REDUCTION ORDINANCE

SECTION 1. PURPOSE AND FINDINGS

The Jurisdiction finds and declares:

- (a) State recycling law, Assembly Bill 939 of 1989, the California Integrated Waste Management Act of 1989 (California Public Resources Code Section 40000, et seq., as amended, supplemented, superseded, and replaced from time to time), requires cities 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.
- (b) State recycling law, Assembly Bill 341 of 2011 (approved by the Governor of the State of California on October 5, 2011, which amended Sections 41730, 41731, 41734, 41735, 41736, 41800, 42926, 44004, and 50001 of, and added Sections 40004, 41734.5, and 41780.01 and Chapter 12.8 (commencing with Section 42649) to Part 3 of Division 30 of, and added and repealed Section 41780.02 of, the Public Resources Code, as amended, supplemented, superseded and replaced from time to time), places requirements on businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste to arrange for recycling services and requires Jurisdictions to implement a Mandatory Commercial Recycling program.
- (c) State organics recycling law, Assembly Bill 1826 of 2014 (approved by the Governor of the State of California on September 28, 2014, which added Chapter 12.9 (commencing with Section 42649.8) to Part 3 of Division 30 of the Public Resources Code, relating to Solid Waste, as amended, supplemented, superseded, and replaced from time to time), requires businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste, Recycling, and Organic Waste per week to arrange for recycling services for that waste, 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. **Guidance: Rural Jurisdictions that are exempt from AB 1826 may not need the preceding statement.**
- (d) SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires CalRecycle to develop regulations to reduce organics in landfills as a source of methane. The regulations place requirements on multiple entities including Jurisdictions, residential households, Commercial Businesses and business owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food

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

41 (e) SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires
42 Jurisdictions to adopt and enforce an ordinance or enforceable mechanism to
43 implement relevant provisions of SB 1383 Regulations. This ordinance will also
44 help reduce food insecurity by requiring Commercial Edible Food Generators to
45 arrange to have the maximum amount of their Edible Food, that would otherwise
46 be disposed, be recovered for human consumption.

47 (f) Requirements in this ordinance are consistent with other adopted goals and
48 policies of the Jurisdiction including: _____ (Jurisdiction to insert
49 description). Guidance: At Jurisdiction’s option, Jurisdictions may want to include
50 this subsection (f) to add Jurisdiction-specific diversion goals or policies here such
51 as a 75% diversion or zero waste goal, C&D recovery ordinance, greenhouse gas
52 reduction goals, local climate action plan, etc.

53 SECTION 2. TITLE OF ORDINANCE

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

55 Guidance: This is a suggested title for the ordinance. Jurisdictions may choose a different
56 name for the ordinance.

57 SECTION 3. DEFINITIONS

58 Guidance: Most of the following definitions are excerpted from the SB 1383 Regulations
59 (14 CCR Section 18982) with SB 1383 Regulation-specific text noted in green font. There
60 are additional definitions in the SB 1383 Regulations that are not included here.
61 Jurisdiction may want to review that list of definitions in 14 CCR Section 18982 to
62 determine whether it wants to add any additional definitions to its ordinance. Jurisdiction
63 may also choose to delete definitions not appropriate for its system and/or to include
64 additional definitions that are appropriate for its system and ordinance.

65 (a) “Blue Container” has the same meaning as in 14 CCR Section 18982.2(a)(5) and
66 shall be used for the purpose of storage and collection of Source Separated
67 Recyclable Materials or Source Separated Blue Container Organic Waste.
68 Guidance: For three-container, three-plus-container, and two-container blue/gray
69 systems, include this “Blue Container” definition. For two-container green/gray
70 systems and one-container systems, delete this definition.

71 (b) “CalRecycle” means California's Department of Resources Recycling and
72 Recovery, which is the Department designated with responsibility for developing,
73 implementing, and enforcing SB 1383 Regulations on Jurisdictions (and others).


- 74 (c) “California Code of Regulations” or “CCR” means the State of California Code of
75 Regulations. CCR references in this ordinance are preceded with a number that
76 refers to the relevant Title of the CCR (e.g., “14 CCR” refers to Title 14 of CCR).
- 77 (d) “Commercial Business” or “Commercial” means a firm, partnership, proprietorship,
78 joint-stock company, corporation, or association, whether for-profit or nonprofit,
79 strip mall, industrial facility, or a multifamily residential dwelling, or as otherwise
80 defined in 14 CCR Section 18982(a)(6). A Multi-Family Residential Dwelling that
81 consists of fewer than five (5) units is not a Commercial Business for purposes of
82 implementing this ordinance.
- 83 (e) “Commercial Edible Food Generator” includes a Tier One or a Tier Two
84 Commercial Edible Food Generator as defined in Sections 3(rrr) and 3(sss) of this
85 ordinance or as otherwise defined in 14 CCR Section 18982(a)(73) and (a)(74).
86 For the purposes of this definition, Food Recovery Organizations and Food
87 Recovery Services are not Commercial Edible Food Generators pursuant to 14
88 CCR Section 18982(a)(7).
- 89 (f) “Compliance Review” means a review of records by a Jurisdiction to determine
90 compliance with this ordinance.
- 91 (g) “Community Composting” means any activity that composts green material,
92 agricultural material, food material, and vegetative food material, alone or in
93 combination, and the total amount of feedstock and Compost on-site at any one
94 time does not exceed 100 cubic yards and 750 square feet, as specified in 14 CCR
95 Section 17855(a)(4); or, as otherwise defined by 14 CCR Section 18982(a)(8).
- 96 (h) “Compost” has the same meaning as in 14 CCR Section 17896.2(a)(4), which
97 stated, as of the effective date of this ordinance, that “Compost” means the product
98 resulting from the controlled biological decomposition of organic Solid Wastes that
99 are Source Separated from the municipal Solid Waste stream, or which are
100 separated at a centralized facility.
- 101 (i) “Compostable Plastics” or “Compostable Plastic” means plastic materials that
102 meet the ASTM D6400 standard for compostability, or as otherwise described in
103 14 CCR Section 18984.1(a)(1)(A) or 18984.2(a)(1)(C).
- 104 (j) “Container Contamination” or “Contaminated Container” means a container,
105 regardless of color, that contains Prohibited Container Contaminants, or as
106 otherwise defined in 14 CCR Section 18982(a)(55).
- 107 (k) “C&D” means construction and demolition debris.
- 108 (l) “Designated Source Separated Organic Waste Facility”, as defined in 14 CCR
109 Section 18982(14.5), means a Solid Waste facility that accepts a Source
110 Separated Organic Waste collection stream as defined in 14 CCR Section
111 17402(a)(26.6) and complies with one of the following:

112 (1) The facility is a “transfer/processor,” as defined in 14 CCR Section
113 18815.2(a)(62), that is in compliance with the reporting requirements of 14
114 CCR Section 18815.5(d), and meets or exceeds an annual average Source
115 Separated organic content Recovery rate of 50 percent between January 1,
116 2022 and December 31, 2024 and 75 percent on and after January 1, 2025
117 as calculated pursuant to 14 CCR Section 18815.5(f) for Organic Waste
118 received from the Source Separated Organic Waste collection stream.

119 (A) If a transfer/processor has an annual average Source Separated
120 organic content Recovery rate lower than the rate required in
121 Paragraph 1 of this definition for two (2) consecutive reporting
122 periods, or three (3) reporting periods within three (3) years, the
123 facility shall not qualify as a “Designated Source Separated Organic
124 Waste Facility”.

125 (2) The facility is a “composting operation” or “composting facility” as defined in
126 14 CCR Section 18815.2(a)(13), that pursuant to the reports submitted
127 under 14 CCR Section 18815.7 demonstrates that the percent of the
128 material removed for landfill disposal that is Organic Waste is less than the
129 percent specified in 14 CCR Section 17409.5.8(c)(2) or 17409.5.8(c)(3),
130 whichever is applicable, and, if applicable, complies with the digestate
131 handling requirements specified in 14 CCR Section 17896.5. **Guidance:**
132 **Note that the definition of composting operation includes in-vessel digestion**
133 **as regulated in 14 CCR Section 17896.**

134 (A) If the percent of the material removed for landfill disposal that is
135 Organic Waste is more than the percent specified in 14 CCR Section
136 17409.5.8(c)(2) or 17409.5.8(c)(3), for two (2) consecutive reporting
137 periods, or three (3) reporting periods within three (3) years, the
138 facility shall not qualify as a “Designated Source Separated Organic
139 Waste Facility.” For the purposes of this ordinance, the reporting
140 periods shall be consistent with those defined in 14 CCR Section
141 18815.2(a)(49). **Guidance:** The reporting periods identified in the
142 above Section 3(l)(2)(A) are consistent with reporting that facilities
143 must submit to CalRecycle under RDRS regulations and not
144 reporting to be submitted under this ordinance.


145 **Guidance:** This definition is only needed when the Jurisdiction is using the
146 Performance-Based Compliance Approach; delete this definition if using the 
147 Standard Compliance Approach.

148 (m) “Designee” means an entity that a Jurisdiction contracts with or otherwise arranges
149 to carry out any of the Jurisdiction’s responsibilities of this ordinance as authorized
150 in 14 CCR Section 18981.2. A Designee may be a government entity, a hauler, a
151 private entity, or a combination of those entities.

152 (n) “Edible Food” means food intended for human consumption, or as otherwise
153 defined in 14 CCR Section 18982(a)(18). For the purposes of this ordinance or as
154 otherwise defined in 14 CCR Section 18982(a)(18), “Edible Food” is not Solid
155 Waste if it is recovered and not discarded. Nothing in this ordinance or in 14 CCR,
156 Division 7, Chapter 12 requires or authorizes the Recovery of Edible Food that
157 does not meet the food safety requirements of the California Retail Food Code.

158 (o) “Enforcement Action” means an action of the Jurisdiction to address non-
159 compliance with this ordinance including, but not limited to, issuing administrative
160 citations, fines, penalties, or using other remedies.

161 (p) “Excluded Waste” means hazardous substance, hazardous waste, infectious
162 waste, designated waste, volatile, corrosive, medical waste, infectious, regulated
163 radioactive waste, and toxic substances or material that facility operator(s), which
164 receive materials from the Jurisdiction and its generators, reasonably believe(s)
165 would, as a result of or upon acceptance, transfer, processing, or disposal, be a
166 violation of local, State, or Federal law, regulation, or ordinance, including: land
167 use restrictions or conditions, waste that cannot be disposed of in Class III landfills
168 or accepted at the facility by permit conditions, waste that in Jurisdictions, or its
169 Designee’s reasonable opinion would present a significant risk to human health or
170 the environment, cause a nuisance or otherwise create or expose Jurisdiction, or
171 its Designee, to potential liability; but not including de minimis volumes or
172 concentrations of waste of a type and amount normally found in Single-Family or
173 Multi-Family Solid Waste after implementation of programs for the safe collection,
174 processing, recycling, treatment, and disposal of batteries and paint in compliance
175 with Sections 41500 and 41802 of the California Public Resources Code. Excluded
176 Waste does not include used motor oil and filters, household batteries, universal
177 wastes, and/or latex paint when such materials are defined as allowable materials
178 for collection through the Jurisdiction’s collection programs and the generator or
179 customer has properly placed the materials for collection pursuant to instructions
180 provided by Jurisdiction or its Designee for collection services.

181 Guidance: Jurisdictions should modify the above Excluded Waste definition based
182 on the specific types of accepted or prohibited materials in their program. For
183 example, the final sentence of this definition is an example of a customization 
184 option that a Jurisdiction might include if the Jurisdiction has a special collection or
185 recycling program for items like motor oil and filters, household batteries, or other
186 such items as applicable.

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

190 (r) “Food Facility” has the same meaning as in Section 113789 of the Health and
191 Safety Code.

192 (s) “Food Recovery” means actions to collect and distribute food for human
193 consumption that otherwise would be disposed, or as otherwise defined in 14 CCR
194 Section 18982(a)(24).

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

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

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

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

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

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

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


217 (v) “Food Scraps” means all food such as, but not limited to, fruits, vegetables, meat,
218 poultry, seafood, shellfish, bones, rice, beans, pasta, bread, cheese, and
219 eggshells. Food Scraps excludes fats, oils, and grease when such materials are
220 Source Separated from other Food Scraps. Guidance: Jurisdictions should modify
221 the above definition of Food Scraps to be consistent with their specific list of
222 accepted Food Scraps. For example, Jurisdictions that accept fats, oils, and
223 grease in their collection program should modify the final sentence of this definition
224 accordingly.


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



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

232 (y) “Food Waste” means Food Scraps, Food-Soiled Paper, and Compostable Plastics.

233 Guidance: Jurisdictions should modify the above definition of Food Waste
234 according to the materials accepted in their program. For example, some programs
235 do not accept Food-Soiled Paper in their collection programs based on the
236 processing technologies used. In that case, Jurisdictions should modify this
237 definition to remove or restrict Food-Soiled Paper if desired. It should be noted;
238 however, that Jurisdictions are still required to handle Food-Soiled Paper in a 
239 manner that results in landfill disposal reduction pursuant to 14 CCR Section
240 18983.1. However, if the Food-Soiled Paper is not included in Food Waste or Food
241 Scraps collection, the Jurisdiction is still responsible for providing a method of
242 properly handling and processing all Organic Waste that are required by SB 1383
243 Regulations to be handled in a manner that results in landfill disposal reduction in
244 accordance with 14 CCR Section 18983.1.

245 Jurisdictions may choose to include Compostable Plastics in their definition of
246 Food Waste if such materials are accepted in their program. If the Jurisdiction does 
247 not allow Compostable Plastics to be collected with Food Waste, delete
248 “Compostable Plastics” from the Food Waste definition.

249 (z) “Gray Container” has the same meaning as in 14 CCR Section 18982.2(a)(28) and
250 shall be used for the purpose of storage and collection of Gray Container Waste.
251 Guidance: For two- and one-container systems and three- and three-plus-
252 container systems that allow Organic Waste, such as Food Waste, for collection in
253 the Gray Container, replace “Gray Container Waste” with “Mixed Waste” in this
254 sentence.

255 (aa) “Gray Container Waste” means Solid Waste that is collected in a Gray Container
256 that is part of a three-container Organic Waste collection service that prohibits the
257 placement of Organic Waste in the Gray Container as specified in 14 CCR
258 Sections 18984.1(a) and (b), or as otherwise defined in 14 CCR Section
259 17402(a)(6.5). Guidance: This definition is only needed for Jurisdictions using
260 three- or three-plus-container systems that prohibit Organic Waste, such as Food
261 Waste, to be collected in the Gray Container. For Jurisdictions using a two- or one-
262 container system, or a three- or three-plus-container system that allows Organic
263 Waste, such as Food Waste, for collection in the Gray Container, delete this
264 definition and instead include only the definition of “Mixed Waste” below.

265 (bb) “Green Container” has the same meaning as in 14 CCR Section 18982.2(a)(29)
266 and shall be used for the purpose of storage and collection of Source Separated
267 Green Container Organic Waste. Guidance: For three-container, three-plus-
268 container, and two-container green/gray systems, include this “Green Container”

269 definition. For two-container blue/gray systems and one-container systems, delete
270 this definition.

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

276 (dd) “Hauler Route” means the designated itinerary or sequence of stops for each
277 segment of the Jurisdiction’s collection service area, or as otherwise defined in 14
278 CCR Section 18982(a)(31.5). Guidance: The SB 1383 Regulations do not specify
279 the time unit or frequency of a “Hauler Route.” Jurisdictions may wish to modify
280 this definition to specify whether a route is daily, weekly, etc., for the purposes of
281 the ordinance.

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

290 (ff) “Inspection” means a site visit where a Jurisdiction reviews records, containers,
291 and an entity’s collection, handling, recycling, or landfill disposal of Organic Waste
292 or Edible Food handling to determine if the entity is complying with requirements
293 set forth in this ordinance, or as otherwise defined in 14 CCR Section
294 18982(a)(35).

295 (gg) “Jurisdiction” Guidance: No definition has been included for Jurisdiction. Users of
296 the Model Ordinance are instructed to replace Jurisdiction throughout the Model
297 with the term appropriate to their organization (e.g., City, County, Special District
298 that provides solid waste collection services, Agency, etc.).

299 (hh) “Jurisdiction Enforcement Official” means the city manager, county administrative
300 official, chief operating officer, executive director, or other executive in charge or
301 their authorized Designee(s) who is/are partially or whole responsible for enforcing
302 the ordinance. See also “Regional or County Agency Enforcement Official”.
303 Guidance: If the Jurisdiction chooses a different enforcement model, then it should
304 change or delete this definition. Other approaches may be enforcement by
305 committee, task force, or elected body, should such entities be designated by the
306 Jurisdiction with those responsibilities. Enforcement does not have to be limited
307 to one person; however, the Jurisdiction may not delete its authority to impose any
308 civil penalties that are required by the SB 1383 Regulations to a private entity
309 pursuant to 14 CCR Section 18981.2(d).

310 (ii) “Large Event” means an event, including, but not limited to, a sporting event or a
311 flea market, that charges an admission price, or is operated by a local agency, and
312 serves an average of more than 2,000 individuals per day of operation of the event,
313 at a location that includes, but is not limited to, a public, nonprofit, or privately
314 owned park, parking lot, golf course, street system, or other open space when
315 being used for an event. If the definition in 14 CCR Section 18982(a)(38) differs
316 from this definition, the definition in 14 CCR Section 18982(a)(38) shall apply to
317 this ordinance.

318 (jj) “Large Venue” means a permanent venue facility that annually seats or serves an
319 average of more than 2,000 individuals within the grounds of the facility per day of
320 operation of the venue facility. For purposes of this ordinance and implementation
321 of 14 CCR, Division 7, Chapter 12, a venue facility includes, but is not limited to, a
322 public, nonprofit, or privately owned or operated stadium, amphitheater, arena,
323 hall, amusement park, conference or civic center, zoo, aquarium, airport,
324 racetrack, horse track, performing arts center, fairground, museum, theater, or
325 other public attraction facility. For purposes of this ordinance and implementation
326 of 14 CCR, Division 7, Chapter 12, a site under common ownership or control that
327 includes more than one Large Venue that is contiguous with other Large Venues
328 in the site, is a single Large Venue. If the definition in 14 CCR Section 18982(a)(39)
329 differs from this definition, the definition in 14 CCR Section 18982(a)(39) shall
330 apply to this ordinance.

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

334 (ll) “Mixed Waste Organic Collection Stream” or “Mixed Waste” means Organic Waste
335 collected in a container that is required by 14 CCR Sections 18984.1, 18984.2 or
336 18984.3 to be taken to a High Diversion Organic Waste Processing Facility or as
337 otherwise defined in 14 CCR Section 17402(a)(11.5). Guidance: This definition is
338 only to be used by Jurisdictions using two- or one-container systems or three- or
339 three-plus-container systems that allow Organic Waste, such as Food Waste, for
340 collection in the Gray Container. In these cases, materials in the Gray Containers
341 are to be processed at a High Diversion Organic Waste Processing Facility. Delete
342 if using a three- or three-plus container system that does not allow Organic Waste
343 to be collected in the Gray Containers.



344 (mm) “Multi-Family Residential Dwelling” or “Multi-Family” means of, from, or pertaining
345 to residential premises with five (5) or more dwelling units. Multi-Family premises
346 do not include hotels, motels, or other transient occupancy facilities, which are
347 considered Commercial Businesses. Guidance: Under the SB 1383 Regulations
348 and in this Model Ordinance, Multi-Family Residential Dwellings with five (5) or
349 more units are included under the definition of a Commercial Business per 14 CCR
350 Section 18982(a)(6).

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351 (nn) “MWELo” refers to the [Model Water Efficient Landscape Ordinance \(MWELo\)](#), 23
352 CCR, Division 2, Chapter 2.7.

353 (oo) “Non-Compostable Paper” includes but is not limited to paper that is coated in a
354 plastic material that will not breakdown in the composting process, or as otherwise
355 defined in 14 CCR Section 18982(a)(41). Guidance: In the definition of Non-
356 Compostable Paper, Jurisdictions may wish to provide additional detail on the
357 materials and coatings that their processing facility is able to accept. However, the
358 Jurisdiction is still responsible for properly handling and processing all Organic
359 Waste required by the SB 1383 Regulations to be handled in a manner that results
360 in landfill disposal reduction in accordance with 14 CCR Section 18983.1.



361 (pp) “Non-Local Entity” means the following entities that are not subject to the
362 Jurisdiction’s enforcement authority, or as otherwise defined in 14 CCR Section
363 18982(a)(42):

364 Guidance: Jurisdiction should include one or more of the items below as
365 appropriate for Jurisdiction, and delete non-applicable items.



366 (1) [Special district\(s\)](#) located within the boundaries of the Jurisdiction, including
367 _____ (insert names of special districts).

368 (2) [Federal facilities](#), including military installations, located within the
369 boundaries of the Jurisdiction, including _____ (insert names of federal
370 facilities).

371 (3) [Prison\(s\)](#) located within the boundaries of the Jurisdiction, including
372 _____ (insert names of prisons). Guidance: Private prisons are
373 considered Commercial Businesses and should not be listed here.

374 (4) [Facilities operated by the State park system](#) located within the boundaries
375 of the Jurisdiction, including _____ (insert names of State park
376 facilities).

377 (5) [Public universities \(including community colleges\)](#) located within the
378 boundaries of the Jurisdiction, including _____ (insert names of
379 universities).


380 (6) [County fairgrounds](#) located within the boundaries of the Jurisdiction,
381 including _____ (insert names of fairgrounds).

382 (7) [State agencies](#) located within the boundaries of the Jurisdiction, including
383 _____ (insert names of State agencies).

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

387 that have three-, three-plus-, or two-container collection service will include “Non-
388 Organic Recyclables” definition. Delete if using a one-container collection service.

389 (rr) “Notice of Violation (NOV)” means a notice that a violation has occurred that
390 includes a compliance date to avoid an action to seek penalties, or as otherwise
391 defined in 14 CCR Section 18982(a)(45) or further explained in 14 CCR Section
392 18995.4.

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

399 (tt) “Organic Waste Generator” means a person or entity that is responsible for the
400 initial creation of Organic Waste, or as otherwise defined in 14 CCR Section
401 18982(a)(48).

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

405 (vv) “Printing and Writing Papers” include, but are not limited to, copy, xerographic,
406 watermark, cotton fiber, offset, forms, computer printout paper, white wove
407 envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint,
408 and other uncoated writing papers, posters, index cards, calendars, brochures,
409 reports, magazines, and publications, or as otherwise defined in 14 CCR Section
410 18982(a)(54).

411 (ww) “Prohibited Container Contaminants”

412 Guidance: Jurisdictions shall include one or more of the definitions of Prohibited
413 Container Contaminants listed below, corresponding with the collection service(s)
414 it is using, and delete the others.

415 (1) Option 1, Three-container or three-plus-container collection service (Blue
416 Container, Green Container, and Gray Containers): “Prohibited Container
417 Contaminants” means the following: (i) discarded materials placed in the
418 Blue Container that are not identified as acceptable Source Separated
419 Recyclable Materials for the Jurisdiction’s Blue Container; (ii) discarded
420 materials placed in the Green Container that are not identified as acceptable
421 Source Separated Green Container Organic Waste for the Jurisdiction’s
422 Green Container; (iii) discarded materials placed in the Gray Container that
423 are acceptable Source Separated Recyclable Materials and/or Source
424 Separated Green Container Organic Wastes to be placed in Jurisdiction’s

425 Green Container and/or Blue Container; and, (iv) Excluded Waste placed in
426 any container.

427 (2) Option 2a, Two-container (green/gray) collection service for Source
428 Separated Green Container Organic Waste and mixed materials):
429 “Prohibited Container Contaminants” means the following: (i) discarded
430 materials placed in a Green Container that are not identified as acceptable
431 Source Separated Green Container Organic Waste for the Jurisdiction’s
432 Green Container; (ii) discarded materials placed in the Gray Container that
433 are identified as acceptable Source Separated Green Container Organic
434 Waste, which are to be separately collected in Jurisdiction’s Green
435 Container; and, (iii) Excluded Waste placed in any container.

436 (3) Option 2b, Two-container (blue/gray) collection service for Source
437 Separated Recyclable Materials and mixed materials): “Prohibited
438 Container Contaminants” means the following: (i) discarded materials
439 placed in a Blue Container that are not identified as acceptable Source
440 Separated Recyclable Materials for Jurisdiction’s Blue Container; (ii)
441 discarded materials placed in the Gray Container that are identified as
442 acceptable Source Separated Recyclable Materials, which are to be
443 separately collected in Jurisdiction’s Blue Container; and, (iii) Excluded
444 Waste placed in any container.

445 (4) Option 3, One-container collection service: “Prohibited Container
446 Contaminants” means Excluded Waste placed in any container. Guidance:
447 The term “Prohibited Container Contaminants” under the SB 1383
448 Regulations does not apply to one-container systems; however,
449 Jurisdictions may wish to use this definition to explicitly state that Excluded
450 Waste is a contaminant in a one-container system.

451 (xx) “Recovered Organic Waste Products” means products made from California,
452 landfill-diverted recovered Organic Waste processed in a permitted or otherwise
453 authorized facility, or as otherwise defined in 14 CCR Section 18982(a)(60).

454 (yy) “Recovery” means any activity or process described in 14 CCR Section
455 18983.1(b), or as otherwise defined in 14 CCR Section 18982(a)(49).

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

459 (aaa) “Regional Agency” means regional agency as defined in Public Resources Code
460 Section 40181.

461 (bbb) “Regional or County Agency Enforcement Official” means a regional or county
462 agency enforcement official, designated by the Jurisdiction with responsibility for
463 enforcing the ordinance in conjunction or consultation with Jurisdiction
464 Enforcement Official. Guidance: Include Regional or County Agency Enforcement

465 Official only if Jurisdiction plans to designate another public entity with enforcement
466 responsibilities. Jurisdiction should stay involved in Enforcement Actions as the
467 responsibility for enforcement remains with each Jurisdiction.

468 (ccc) "Remote Monitoring" means the use of the internet of things (IoT) and/or wireless
469 electronic devices to visualize the contents of Blue Containers, Green Containers,
470 and Gray Containers for purposes of identifying the quantity of materials in
471 containers (level of fill) and/or presence of Prohibited Container Contaminants.

472 (ddd) "Renewable Gas" means gas derived from Organic Waste that has been diverted
473 from a California landfill and processed at an in-vessel digestion facility that is
474 permitted or otherwise authorized by 14 CCR to recycle Organic Waste, or as
475 otherwise defined in 14 CCR Section 18982(a)(62).

476 (eee) "Restaurant" means an establishment primarily engaged in the retail sale of food
477 and drinks for on-premises or immediate consumption, or as otherwise defined in
478 14 CCR Section 18982(a)(64).

479 (fff) "Route Review" means a visual inspection of containers along a Hauler Route for
480 the purpose of determining Container Contamination, and may include mechanical
481 inspection methods such as the use of cameras, or as otherwise defined in 14
482 CCR Section 18982(a)(65).

483 (ggg) "SB 1383" means Senate Bill 1383 of 2016 approved by the Governor on
484 September 19, 2016, which added Sections 39730.5, 39730.6, 39730.7, and
485 39730.8 to the Health and Safety Code, and added Chapter 13.1 (commencing
486 with Section 42652) to Part 3 of Division 30 of the Public Resources Code,
487 establishing methane emissions reduction targets in a Statewide effort to reduce
488 emissions of short-lived climate pollutants as amended, supplemented,
489 superseded, and replaced from time to time.

490 (hhh) "SB 1383 Regulations" or "SB 1383 Regulatory" means or refers to, for the
491 purposes of this ordinance, the Short-Lived Climate Pollutants: Organic Waste
492 Reduction regulations developed by CalRecycle and adopted in 2020 that created
493 14 CCR, Division 7, Chapter 12 and amended portions of regulations of 14 CCR
494 and 27 CCR. Guidance: Throughout the Model, Sections of the SB 1383
495 Regulations are referenced in the format "14 CCR Section XXXX," or "27 CCR
496 Section XXXX" with the exception of certain cases where a more general reference
497 to "SB 1383 Regulations" was appropriate. "14 CCR" means Title 14 of the
498 California Code of Regulations, and "27 CCR" means Title 27 of the California
499 Code of Regulations.

500 (iii) "Self-Hauler" means a person, who hauls Solid Waste, Organic Waste or
501 recyclable material he or she has generated to another person. Self-hauler also
502 includes a person who back-hauls waste, or as otherwise defined in 14 CCR
503 Section 18982(a)(66). Back-haul means generating and transporting Organic
504 Waste to a destination owned and operated by the generator using the generator's

505 own employees and equipment, or as otherwise defined in 14 CCR Section
506 18982(a)(66)(A).

507 (jjj) “Single-Family” means of, from, or pertaining to any residential premises with fewer
508 than five (5) units. Guidance: Jurisdiction may amend this definition to be
509 consistent with the current definition and the Jurisdiction’s current codes; however,
510 the threshold unit number of five (5) must remain consist with the SB 1383
511 Regulations (refer to Commercial Business definition in 14 CCR Section
512 18982(a)(6), which includes Multi-Family dwellings of five (5) or more units and
513 excludes Multi-Family Residential Dwellings with fewer than five (5) units).

514 (kkk) “Solid Waste” has the same meaning as defined in State Public Resources Code
515 Section 40191, which defines Solid Waste as all putrescible and nonputrescible
516 solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper,
517 rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned
518 vehicles and parts thereof, discarded home and industrial appliances, dewatered,
519 treated, or chemically fixed sewage sludge which is not hazardous waste, manure,
520 vegetable or animal solid and semi-solid wastes, and other discarded solid and
521 semisolid wastes, with the exception that Solid Waste does not include any of the
522 following wastes:

523 (1) Hazardous waste, as defined in the State Public Resources Code Section
524 40141.

525 (2) Radioactive waste regulated pursuant to the State Radiation Control Law
526 (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of
527 the State Health and Safety Code).

528 (3) Medical waste regulated pursuant to the State Medical Waste Management
529 Act (Part 14 (commencing with Section 117600) of Division 104 of the State
530 Health and Safety Code). Untreated medical waste shall not be disposed of
531 in a Solid Waste landfill, as defined in State Public Resources Code Section
532 40195.1. Medical waste that has been treated and deemed to be Solid
533 Waste shall be regulated pursuant to Division 30 of the State Public
534 Resources Code.

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

546 other Solid Waste for the purposes of collection and processing. Guidance: In the
547 preceding sentence, use “Gray Container Waste” for three- and three-plus
548 container systems that prohibit Organic Waste, such as Food Waste, in the Gray
549 Containers; use “Mixed Waste” for two- and one-container systems and three- or
550 three-plus-container systems that allow Organic Waste, such as Food Waste, to
551 be collected in the Gray Container.

552 (mmm) “Source Separated Blue Container Organic Waste” means Source
553 Separated Organic Wastes that can be placed in a Blue Container that is limited
554 to the collection of those Organic Wastes and Non-Organic Recyclables as defined
555 in Section 18982(a)(43), or as otherwise defined by Section 17402(a)(18.7).
556 Guidance: This definition is intended to reflect recyclable materials that are
557 considered Organic Waste such as Paper Products and Printing and Writing
558 Paper, and, if permitted by the Jurisdiction to be placed in the Blue Container,
559 wood, dry lumber, and textiles. This definition is only needed for Jurisdictions using
560 three-, three-plus-, or two-container (blue/gray) systems.

561 (nnn) “Source Separated Green Container Organic Waste” means Source Separated
562 Organic Waste that can be placed in a Green Container that is specifically intended
563 for the separate collection of Organic Waste by the generator, excluding Source
564 Separated Blue Container Organic Waste, carpets, Non-Compostable Paper, and
565 textiles. Guidance: This definition should only be included for Jurisdictions using a
566 three-, three-plus, or two-container (green/gray) system. This definition is not
567 included in the SB 1383 Regulations. It is provided as a term for materials collected
568 in a Green Container.

569 (ooo) “Source Separated Recyclable Materials” means Source Separated Non-Organic
570 Recyclables and Source Separated Blue Container Organic Waste. Guidance:
571 This definition is only needed for Jurisdictions using three-, three-plus, or two-
572 container (blue/gray) systems. This definition is not included in the SB 1383
573 Regulations. It is provided as a term for materials collected in a Blue Container.

574 (ppp) “State” means the State of California.

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

579 (rrr) “Tier One Commercial Edible Food Generator” means a Commercial Edible Food
580 Generator that is one of the following:

581 (1) Supermarket.

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

584 (3) Food Service Provider.

585 (4) Food Distributor.

586 (5) Wholesale Food Vendor.

587 If the definition in 14 CCR Section 18982(a)(73) of Tier One Commercial Edible
588 Food Generator differs from this definition, the definition in 14 CCR Section
589 18982(a)(73) shall apply to this ordinance.

590 (sss) "Tier Two Commercial Edible Food Generator" means a Commercial Edible Food
591 Generator that is one of the following:

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

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

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

596 (4) Large Venue.

597 (5) Large Event.

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

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

601 If the definition in 14 CCR Section 18982(a)(74) of Tier Two Commercial Edible
602 Food Generator differs from this definition, the definition in 14 CCR Section
603 18982(a)(74) shall apply to this ordinance.

604 (ttt) "Uncontainerized Green Waste and Yard Waste Collection Service" or
605 "Uncontainerized Service" means a collection service that collects green waste
606 and yard waste that is placed in a pile or bagged for collection on the street in front
607 of a generator's house or place of business for collection and transport to a facility
608 that recovers Source Separated Organic Waste, or as otherwise defined in 14 CCR
609 Section 189852(a)(75).

610 (uuu) "Wholesale Food Vendor" means a business or establishment engaged in the
611 merchant wholesale distribution of food, where food (including fruits and
612 vegetables) is received, shipped, stored, prepared for distribution to a retailer,
613 warehouse, distributor, or other destination, or as otherwise defined in 14 CCR
614 Section 189852(a)(76).

615 **SECTION 4. REQUIREMENTS FOR SINGLE-FAMILY GENERATORS**
616 **(STANDARD COMPLIANCE APPROACH)**

617 Guidance: Pursuant to the SB 1383 Regulations (14 CCR Section 18984.12),
618 Jurisdictions that are eligible for, apply for, and receive low population, rural, and/or high
619 elevation waivers may exempt Single-Family Organic Waste Generators from some
620 generator requirements as specified in the waiver applied for and granted by CalRecycle.
621 The process for receiving such waivers is described in 14 CCR Section 18984.12. Those
622 Jurisdictions receiving such waivers shall modify the following requirements according to
623 the specifics of the waiver granted.

624 Single-Family Organic Waste Generators shall comply with the following requirements
625 except Single-Family generators that meet the Self-Hauler requirements in Section 12 of
626 this ordinance: Guidance: Include the text highlighted in blue in the preceding sentence if
627 the Jurisdiction allows Single-Family generators to self-haul materials they generate. By
628 virtue of adding this language and requirements on Self-Haulers in Section 12,
629 Jurisdiction is thereby allowing self-hauling, and creating the required enforceable
630 mechanism for self-hauling, as required in 14 CCR Section 18988.1(b).

631 (a) Shall subscribe to Jurisdiction’s Organic Waste collection services for all Organic
632 Waste generated as described below in Section 4(b). Jurisdiction shall have the
633 right to review the number and size of a generator’s containers to evaluate
634 adequacy of capacity provided for each type of collection service for proper
635 separation of materials and containment of materials; and, Single-Family
636 generators shall adjust its service level for its collection services as requested by
637 the Jurisdiction. Generators may additionally manage their Organic Waste by
638 preventing or reducing their Organic Waste, managing Organic Waste on site,
639 and/or using a Community Composting site pursuant to 14 CCR Section
640 18984.9(c).

641 (b) Shall participate in the Jurisdiction’s Organic Waste collection service(s) by placing
642 designated materials in designated containers as described below, and shall not
643 place Prohibited Container Contaminants in collection containers.

644 Guidance: The collection service options are provided below. Jurisdictions are to
645 choose the collection service(s) they are using and delete the options they are not
646 using. For Options 1 and 2 below, Jurisdiction may need to add other streams
647 collected in their program as appropriate (e.g., dual-stream recycling,
648 Uncontainerized Green Waste and Yard Waste Collection Service, and other
649 additional containers as allowed under the SB 1383 Regulations, such as a brown
650 container or brown section of a split container for separated Food Waste, etc.).

651 (1) Option 1: A three- and three-plus-container collection service (Blue
652 Container, Green Container, and Gray Container) (choose Option 1a or 1b)

653 (A) Option 1a: Generator shall place Source Separated Green Container
654 Organic Waste, including Food Waste, in the Green Container;

655 Source Separated Recyclable Materials in the Blue Container; and
656 Gray Container Waste in the Gray Container. Generators shall not
657 place materials designated for the Gray Container into the Green
658 Container or Blue Container.

659 (B) Option 1b: Generator shall place Source Separated Green Container
660 Organic Waste, except Food Waste, in the Green Container; Source
661 Separated Recyclable Materials in the Blue Container; and Mixed
662 Waste, including Food Waste, in the Gray Container. Generator shall
663 not place materials designated for the Green Containers or Blue
664 Containers in the Gray Containers.

665 (2) Option 2: Two-container collection service (Green Container/Gray
666 Container system or Blue Container/Gray Container system) (choose
667 Option 2a or 2b)

668 (A) Option 2a, Green Container/Gray Container: Generator shall place
669 only Source Separated Green Container Organic Waste in a Green
670 Container. Generator shall place all other materials (Mixed Waste) in
671 a Gray Container.

672 (B) Option 2b, Blue Container/Gray Container: Generator shall place
673 only Source Separated Recyclable Materials in a Blue Container.
674 Generator shall place all other materials (Mixed Waste) in a Gray
675 Container.

676 (3) Option 3: An unsegregated single container (one-container) collection
677 service

678 (A) Generator shall place all materials (Mixed Waste) in a Gray
679 Container.

680 **SECTION 5. REQUIREMENTS FOR SINGLE-FAMILY GENERATORS**
681 **(PERFORMANCE-BASED COMPLIANCE APPROACH)**

682 Guidance: Note that the regulations do not require Jurisdictions using a Performance-
683 Based Compliance Approach to include the following items in their ordinance: the
684 regulation of haulers and Self-Haulers; the generator waivers for physical space, di
685 minimis volumes, and collection frequency; and the enforcement provisions with the
686 exception of enforcement related to Edible Food generators and Food Recovery
687 Organizations and services. There are other regulatory requirements that the Jurisdiction
688 would also be exempt from related to CalRecycle requirements on the Jurisdiction itself
689 (e.g., certain recordkeeping, education, container labeling, outreach, and reporting
690 requirements) that are not intended to be addressed by this ordinance that can be found
691 in 14 CCR Section 18998.2.

692 Pursuant to SB 1383 Regulations (14 CCR Section 18984.12), Jurisdictions that are
693 eligible for, apply for, and receive low population, rural, and/or high elevation waivers may
694 exempt Single-Family Organic Waste Generators from some generator requirements as
695 specified in the waiver applied for and granted by CalRecycle, provided that the
696 Jurisdiction meets the ninety (90%) participation requirements in the areas not subject to
697 the waiver(s). The process for receiving such waivers is described in 14 CCR Section
698 18984.12. Those Jurisdictions receiving such waivers shall modify the following
699 requirements, if needed, according to the specifics of the waiver granted.

700 Single-Family Organic Waste Generators except Single-Family generators that meet the
701 Self-Hauler requirements in Section 12 of this ordinance: Guidance: Include the text
702 highlighted in blue in the preceding sentence if the Jurisdiction allows Single-Family
703 generators to self-haul materials they generate. By virtue of adding this language and
704 requirements on Self-Haulers in Section 12, Jurisdiction is thereby allowing self-hauling,
705 and creating the required enforceable mechanism for self-hauling, as required in 14 CCR,
706 Section 18988.1(b).

707 (a) Shall be automatically enrolled in the Jurisdiction’s three-container Organic Waste
708 collection services with a minimum Source Separated Recyclable Materials
709 service level of _____ gallons per week (Jurisdiction to insert minimum required
710 service level), and with a minimum Source Separated Green Container Organic
711 Waste service level of _____ gallons per week (Jurisdiction to insert minimum
712 required service level), approved by the _____ (Jurisdiction to insert solid
713 waste manager, public works director or other authorized entity). Jurisdiction shall
714 have the authority to change this minimum required levels of service over time.
715 Jurisdiction shall have the right to review the number, size, and location of a
716 generator’s containers to evaluate adequacy of capacity provided for each type of
717 collection service for proper separation of materials and containment of materials;
718 and, generator shall adjust its service level for its collection services as requested
719 by the Jurisdiction.

720 Guidance: In subsection (a) above, auto enrollment means that Single-Family
721 generators will be subscribed to Organic Waste collection service as determined
722 to be appropriate by the Jurisdiction. Such service provision will not be optional
723 and shall be provided to all generators. This will help the Jurisdiction meet the
724 Performance-Based Compliance Approach requirement that such service shall be
725 provided without requiring businesses or residents to request it prior to enrollment
726 pursuant to 14 CCR Section 18998.1(a)(4).

727 (b) Shall participate in the Jurisdiction’s three-container system for Source Separated
728 Recyclable Materials, Source Separated Green Container organic materials, and
729 Gray Container Waste collection services. Generator participation in the collection
730 programs requires that generators place Source Separated Green Container
731 Organic Waste, including Food Waste, in the Green Container; Source Separated
732 Recyclable Materials in the Blue Container; and Gray Container Waste in the Gray
733 Container. Generators shall not place materials designated for the Gray Container
734 into the Green Container or Blue Container.

735 (c) Nothing in this Section prohibits a generator from preventing or reducing waste
736 generation, managing Organic Waste on site, and/or using a Community
737 Composting site pursuant to 14 CCR Section 18984.9(c).

738 **SECTION 6. REQUIREMENTS FOR COMMERCIAL BUSINESSES**
739 **(STANDARD-COMPLIANCE APPROACH)**

740 Guidance: Jurisdictions using a Standard Compliance Approach and a three-, three-plus,
741 or two-container collection service shall include this Section. Note that Commercial
742 Businesses by the definition in the SB 1383 Regulations and the definition provided in
743 this Model Ordinance includes Multi-Family Residential Dwellings of five (5) and more
744 units.

745 Pursuant to SB 1383 Regulations (14 CCR Section 18984.12), Jurisdictions that are
746 eligible for, apply for, and receive low population, rural and/or high elevation waivers may
747 exempt Commercial Businesses and owners (including Multi-Family) from some
748 generator requirements as specified in the waiver applied for and granted by CalRecycle.
749 Those Jurisdictions receiving such waivers shall modify the following requirements
750 according to the specifics of the waiver granted.

751 While waivers for low-population areas and high-elevation areas waive some SB 1383
752 regulatory requirements for generators and Jurisdictions, AB 341 and AB 1826
753 requirements apply for Commercial Businesses that are covered by AB 341 and AB 1826
754 and located in these areas. As a result, Jurisdictions with these waivers may need to this
755 Section to require Commercial Businesses that are covered by AB 341 and AB 1826 and
756 located in these areas to comply with AB 341 and AB 1826 requirements in alignment
757 with the Jurisdiction's AB 341 Commercial recycling program and AB 1826 Organic Waste
758 recycling programs.

759 Generators that are Commercial Businesses, including Multi-Family Residential
760 Dwellings, shall:

761 (a) **Subscribe to Jurisdiction's three-, three-plus, two-, or one-container collection**
762 **services and comply with requirements of those services** as described below in
763 **Section 6(b), except Commercial Businesses that meet the Self-Hauler**
764 **requirements in Section 12 of this ordinance.** Guidance: Refer to Section 4 for
765 guidance on inclusion of the preceding Self-Hauler option. Jurisdiction shall have
766 the right to review the number and size of a generator's containers and frequency
767 of collection to evaluate adequacy of capacity provided for each type of collection
768 service for proper separation of materials and containment of materials; and,
769 Commercial Businesses shall adjust their service level for their collection services
770 as requested by the Jurisdiction.

771 (b) **Except Commercial Businesses that meet the Self-Hauler requirements in Section**
772 **12 of this ordinance,** participate in the Jurisdiction's Organic Waste collection

773 service(s) by placing designated materials in designated containers as described
774 below.

775 Guidance: The collection service options are provided below. Jurisdictions are to
776 choose the collection service(s) they are using and delete the options they are not
777 using. For Options 1 and 2 below, Jurisdiction may need to add other streams
778 collected in their program as appropriate (e.g., dual-stream recycling,
779 Uncontainerized Green Waste and Yard Waste Collection Service, and other
780 additional containers as allowed under the SB 1383 Regulations, such as a brown
781 container or brown section of a split container for separated Food Waste, etc.).

782 (1) Option 1: A three- and three-plus-container collection service (Blue
783 Container, Green Container, and Gray Container) (choose Option 1a or 1b)

784 (A) Option 1a: Generator shall place Source Separated Green Container
785 Organic Waste, including Food Waste, in the Green Container;
786 Source Separated Recyclable Materials in the Blue Container; and
787 Gray Container Waste in the Gray Container. Generator shall not
788 place materials designated for the Gray Container into the Green
789 Container or Blue Container.

790 (B) Option 1b: Generator shall place Source Separated Green Container
791 Organic Waste, except Food Waste, in the Green Container; Source
792 Separated Recyclable Materials in the Blue Container; and Mixed
793 Waste, including Food Waste, in the Gray Container. Generator shall
794 not place materials designated for the Green Containers or Blue
795 Containers in the Gray Containers.

796 (2) Option 2: Two-container collection service (Green Container/Gray
797 Container system or Blue Container/Gray Container system) (choose
798 Option 2a or 2b)

799 (A) Option 2a, Green Container/Gray Containers: Generator shall place
800 only Source Separated Green Container Organic Waste in a Green
801 Container. Generator shall place all other materials (Mixed Waste)
802 in a Gray Container.

803 (B) Option 2b, Blue Container/Gray Containers: Generator shall place
804 only Source Separated Recyclable Materials in a Blue Container.
805 Generator shall place all other materials (Mixed Waste) in a Gray
806 Container.

807 (3) Option 3: An unsegregated single container (one-container) collection
808 service

809 (A) Generator shall place all materials (Mixed Waste) in a Gray
810 Container.

811 (c) Supply and allow access to adequate number, size and location of collection
812 containers with sufficient labels or colors (conforming with Sections 6(d)(1) and
813 6(d)(2) below) for employees, contractors, tenants, and customers, consistent with
814 Jurisdiction’s Blue Container, Green Container, and Gray Container collection
815 service or, if self-hauling, per the Commercial Businesses’ instructions to support
816 its compliance with its self-haul program, in accordance with Section 12. Guidance:
817 For Jurisdictions using a two-container system, delete Blue Container or Green
818 Container as applicable from the first sentence. Jurisdictions using a one-container
819 system may delete this subsection.

820 (d) Excluding Multi-Family Residential Dwellings, provide containers for the collection
821 of Source Separated Green Container Organic Waste and Source Separated
822 Recyclable Materials in all indoor and outdoor areas where disposal containers are
823 provided for customers, for materials generated by that business. Guidance: For
824 Jurisdictions using a two-container system, delete “Source Separated Green
825 Container Organic Waste” or “Source Separated Recyclable Materials” as
826 applicable. Jurisdictions using a one-container system may delete this subsection.
827 Such containers do not need to be provided in restrooms. If a Commercial
828 Business does not generate any of the materials that would be collected in one
829 type of container, then the business does not have to provide that particular
830 container in all areas where disposal containers are provided for customers.
831 Pursuant to 14 CCR Section 18984.9(b), the containers provided by the business
832 shall have either:

833 (1) A body or lid that conforms with the container colors provided through the
834 collection service provided by Jurisdiction, with either lids conforming to the
835 color requirements or bodies conforming to the color requirements or both
836 lids and bodies conforming to color requirements. A Commercial Business
837 is not required to replace functional containers, including containers
838 purchased prior to January 1, 2022, that do not comply with the
839 requirements of the subsection prior to the end of the useful life of those
840 containers, or prior to January 1, 2036, whichever comes first.

841 (2) Container labels that include language or graphic images, or both, indicating
842 the primary material accepted and the primary materials prohibited in that
843 container, or containers with imprinted text or graphic images that indicate
844 the primary materials accepted and primary materials prohibited in the
845 container. Pursuant 14 CCR Section 18984.8, the container labeling
846 requirements are required on new containers commencing January 1, 2022.

847 (e) Multi-Family Residential Dwellings are not required to comply with container
848 placement requirements or labeling requirement in Section 6(d) pursuant to 14
849 CCR Section 18984.9(b). Guidance: Jurisdictions using a one-container system
850 may delete this subsection

851 (f) To the extent practical through education, training, Inspection, and/or other
852 measures, excluding Multi-Family Residential Dwellings, prohibit employees from

853 placing materials in a container not designated for those materials per the
854 Jurisdiction's Blue Container, Green Container, and Gray Container collection
855 service or, if self-hauling, per the Commercial Businesses' instructions to support
856 its compliance with its self-haul program, in accordance with Section 12.
857 Guidance: Jurisdictions using a one-container system may delete this subsection

858 (g) Excluding Multi-Family Residential Dwellings, periodically inspect Blue Containers,
859 Green Containers, and Gray Containers for contamination and inform employees
860 if containers are contaminated and of the requirements to keep contaminants out
861 of those containers pursuant to 14 CCR Section 18984.9(b)(3). Guidance: For
862 Jurisdictions using a two-container system, delete Blue Container or Green
863 Container, as applicable. Jurisdictions using a one-container system may delete
864 this subsection.

865 Guidance: In the above subsection (g), Jurisdictions may wish to specify a
866 frequency upon which business owners shall inspect containers for contamination
867 such as quarterly, twice annually, or annually instead of periodically, but this
868 specified frequency is not required by the SB 1383 Regulations.



869 (h) Annually provide information to employees, contractors, tenants, and customers
870 about Organic Waste Recovery requirements and about proper sorting of Source
871 Separated Green Container Organic Waste and Source Separated Recyclable
872 Materials. Guidance: For Jurisdictions using a two-container system, delete
873 Source Separated Green Container Organic Waste or Source Separated
874 Recyclable Materials, as applicable. Jurisdictions using a one-container system
875 may delete this subsection.

876 (i) Provide education information before or within fourteen (14) days of occupation of
877 the premises to new tenants that describes requirements to keep Source
878 Separated Green Container Organic Waste and Source Separated Recyclable
879 Materials separate from Gray Container Waste (when applicable) and the location
880 of containers and the rules governing their use at each property. Guidance: For
881 Jurisdictions using a two-container system, delete Source Separated Green
882 Container Organic Waste or Source Separated Recyclable Materials, as
883 applicable. For two-container system and three- and three-plus container systems
884 that allow for Organic Waste, such as Food Waste, to be collected in the Gray
885 Container, replace Gray Container Waste with Mixed Waste. Jurisdictions using a
886 one-container system may delete this subsection.

887 (j) Provide or arrange access for Jurisdiction or its agent to their properties during all
888 Inspections conducted in accordance with Section 16 of this ordinance to confirm
889 compliance with the requirements of this ordinance.

890 (k) Accommodate and cooperate with Jurisdiction's Remote Monitoring program for
891 Inspection of the contents of containers for Prohibited Container Contaminants,
892 which may be implemented at a later date, to evaluate generator's compliance with
893 Section 6(b). The Remote Monitoring program shall involve installation of Remote

894 Monitoring equipment on or in the Blue Containers, Green Containers, and Gray
895 Containers. Guidance: This subsection is an optional provision. It is not required
896 by the SB 1383 Regulations. Jurisdictions may include this if they choose to use a
897 Remote Monitoring system to monitor for Prohibited Container Contaminants to
898 support their compliance with 14 CCR Section 18984.5, Container Contamination
899 minimization requirements. Jurisdictions granting collection frequency waivers
900 may choose to require Remote Monitoring for generators granting such waivers.
901 For Jurisdictions using a two- container system, delete Blue Container or Green
902 Container as applicable from the first sentence. For Jurisdictions using a one-
903 container system, delete this subsection.



904 (l) At Commercial Business’s option and subject to any approval required from the
905 Jurisdiction, implement a Remote Monitoring program for Inspection of the
906 contents of its Blue Containers, Green Containers, and Gray Containers for the
907 purpose of monitoring the contents of containers to determine appropriate levels
908 of service and to identify Prohibited Container Contaminants. Generators may
909 install Remote Monitoring devices on or in the Blue Containers, Green Containers,
910 and Gray Containers subject to written notification to or approval by the Jurisdiction
911 or its Designee. Guidance: This subsection is an optional provision. It is not
912 required by the SB 1383 Regulations. It is provided to address scenarios in which
913 Commercial Businesses want to implement their own Remote Monitoring systems,
914 which involves installation of equipment on containers owned by the Jurisdiction
915 or its hauler. Commercial Businesses may want to implement the Remote
916 Monitoring system to monitor their compliance with 14 CCR Section 18984.9. For
917 Jurisdictions using a two- container system, delete Blue Container or Green
918 Container as applicable from the first sentence.

919 (m) If a Commercial Business wants to self haul, meet the Self-Hauler requirements in
920 Section 12 of this ordinance.

921 (n) Nothing in this Section prohibits a generator from preventing or reducing waste
922 generation, managing Organic Waste on site, or using a Community Composting
923 site pursuant to 14 CCR Section 18984.9(c).

924 (o) Commercial Businesses that are Tier One or Tier Two Commercial Edible Food
925 Generators shall comply with Food Recovery requirements, pursuant to Section 9.

926 **SECTION 7. REQUIREMENTS FOR COMMERCIAL BUSINESSES**
927 **(PERFORMANCE-BASED COMPLIANCE APPROACH)**

928 Guidance: Jurisdictions using a Performance-Based Compliance Approach with a three-
929 container collection service shall include this Section. Note that Commercial Business by
930 the definition in the SB 1383 Regulations and the definition provided in this Model
931 Ordinance includes Multi-Family Residential Dwellings of five (5) and more units. Under
932 a Performance-Based Compliance Approach, businesses must be automatically enrolled
933 in the Jurisdiction’s three-container Organic Waste collection service, as opposed to

934 requesting service. Auto enrollment means that Commercial generators will be
935 subscribed to Organic Waste collection service as determined to be appropriate by the
936 Jurisdiction. Such service provision will not be optional and shall be provided to all
937 generators. Pursuant to 14 CCR Section 18998.1(a)(1), **at least ninety percent (90%) of**
938 **Commercial Businesses and ninety percent (90%) of the residential sector subject to a**
939 **Jurisdiction's authority must be provided with three-container Organic Waste collection**
940 **service** for a Jurisdiction to use the Performance-Based Compliance Approach.

941 Pursuant to SB 1383 Regulations (14 CCR Section 18984.12), Jurisdictions that are
942 eligible for, apply for, and receive low population, rural and/or high elevation waivers may
943 exempt Commercial Businesses and owners (including Multi-Family) from some
944 generator requirements as specified in the waiver applied for and granted by CalRecycle,
945 provided that the Jurisdiction meets the ninety percent (90%) participation requirements
946 in the areas not subject to the waiver(s). Those Jurisdictions receiving such waivers shall
947 modify the following requirements, if needed, according to the specifics of the waiver
948 granted.

949 While waivers for low-population areas and high-elevation areas waiver some SB 1383
950 regulatory requirements for generators and Jurisdictions, AB 341 and AB 1826
951 requirements apply for Commercial Businesses that are covered by AB 341 and AB 1826
952 and located in these areas. As a result, Jurisdictions with these waivers may need to this
953 Section to require Commercial Businesses that are covered by AB 341 and AB 1826 and
954 located in these areas to comply with AB 341 and AB 1826 requirements in alignment
955 with the Jurisdiction's AB 341 Commercial recycling program and AB 1826 Organic Waste
956 recycling programs.

957 Commercial Businesses, which includes Multi-Family Residential Dwellings, shall:

958 (a) Except Commercial Businesses that meet the Self-Hauler requirements in Section
959 12 of this ordinance, **be automatically enrolled in the Jurisdiction's three-container**
960 **Organic Waste collection services with a Source Separated Recyclable Materials**
961 **service level of _____** (Jurisdiction to insert minimum required service level,
962 which could be a specified number of gallons or cubic yards of weekly service, a
963 level equal to the garbage service level, or other basis), and with a Source
964 Separated Green Container Organic Waste service level of _____ (Jurisdiction
965 to insert minimum required service level, which could be a specified number of
966 gallons or cubic yards of weekly service, a level equal to the garbage service level,
967 or other basis), approved by the _____ (Jurisdiction to insert solid waste
968 manager, public works director or other authorized entity). Jurisdiction shall have
969 the authority to change the minimum required service levels over time. The
970 Commercial Business' Source Separated Recyclable Materials service level and
971 Source Separated Green Container Organic Waste service level must be sufficient
972 for the amount of Source Separated Recyclable Materials and Source Separated
973 Green Container Organic Waste generated by the Commercial Business.
974 Jurisdiction shall have the right to review the number, size, and location of a
975 generator's containers and frequency of collection to evaluate adequacy of
976 capacity provided for each type of collection service for proper separation of

977 materials and containment of materials; and, Commercial Business shall adjust its
978 service level for its collection services as requested by the Jurisdiction.

979 Guidance: In subsection (a) above, auto enrollment means that Multi-Family and
980 Commercial generators will be subscribed to Organic Waste collection service as
981 determined to be appropriate by the Jurisdiction. Such service provision will not
982 be optional and shall be provided to all generators. This will help the Jurisdiction
983 meet the Performance-Based Compliance Approach requirement that such
984 service shall be provided without requiring businesses or residents to request it
985 prior to enrollment pursuant to 14 CCR Section 18998.1(a)(4).

986 (b) Except Commercial Businesses that meet the Self-Hauler requirements in Section
987 12 of this ordinance, participate in and comply with the Jurisdiction’s three-
988 container (Blue Container, Green Container, and Gray Container) collection
989 service by placing designated materials in designated containers as described
990 below. Generator shall place Source Separated Green Container Organic Waste,
991 including Food Waste, in the Green Container; Source Separated Recyclable
992 Materials in the Blue Container; and Gray Container Waste in the Gray Container.
993 Generators shall not place materials designated for the Gray Container into the
994 Green Container or Blue Container.

995 (c) Supply and allow access to adequate number, size, and location of collection
996 containers with sufficient labels or colors (conforming with Section 7(d)(1) and
997 7(d)(2) below), for employees, contractors, tenants and customers, consistent with
998 Jurisdiction’s Blue Container, Green Container, and Gray Container collection
999 service.

1000 (d) Excluding Multi-Family Residential Dwellings, provide containers for the collection
1001 of Source Separated Green Container Organic Waste, and Source Separated
1002 Recyclable Materials in all indoor and outdoor areas where disposal containers are
1003 provided for customers, for materials generated by that business. Such containers
1004 do not need to be provided in restrooms. If a Commercial Business does not
1005 generate any of the materials that would be collected in one type of container, then
1006 the business does not have to provide that particular container in all areas where
1007 disposal containers are provided for customers. Pursuant to 14 CCR Section
1008 18984.9(b), the containers provided by the business shall have either:

1009 (1) A body or lid that conforms with the container colors provided through the
1010 collection service provided by Jurisdiction, with either lids conforming to the
1011 color requirements or bodies conforming to the color requirements or both
1012 lids and bodies conforming to color requirements. A Commercial Business
1013 is not required to replace functional containers, including containers
1014 purchased prior to January 1, 2022, that do not comply with the
1015 requirements of the subsection prior to the end of the useful life of those
1016 containers, or prior to January 1, 2036, whichever comes first.

1017 (2) Container labels that include language or graphic images or both indicating
1018 the primary material accepted and the primary materials prohibited in that
1019 container or containers with imprinted text or graphic images that indicate
1020 the primary materials accepted and primary materials prohibited in the
1021 container. Pursuant 14 CCR Section 18984.8, the container labels are
1022 required on new containers commencing January 1, 2022.

1023 (e) Excluding Multi-Family Residential Dwellings, prohibit employees from placing
1024 materials in a container not designated for those materials per the Jurisdiction's
1025 Organic Waste, Non-Organic Recyclables, and non-Organic Waste collection
1026 service to the extent practical through education, training, Inspection, and/or other
1027 measures.

1028 (f) Excluding Multi-Family Residential Dwellings, periodically inspect Blue Container,
1029 Green Container, and Gray Containers for contamination and inform employees if
1030 containers are contaminated and of the requirements to keep contaminants out of
1031 those containers pursuant to 14 CCR Section 18984.9(b)(3).

1032 Guidance: In subsection (g) above, Jurisdictions may wish to specify a frequency
1033 upon which business owners shall inspect containers for contamination such as
1034 quarterly, twice annually, or annually instead of periodically, but this specified
1035 frequency is not required by the SB 1383 Regulations.

1036 (g) Annually provide information to employees, contractors, tenants, and customers
1037 about Organic Waste Recovery requirements and about proper sorting of Source
1038 Separated Green Container Organic Waste and Source Separated Recyclable
1039 Materials.

1040 (h) Provide education information before or within fourteen (14) days of occupation of
1041 the premises to new tenants that describes requirements to keep Source
1042 Separated Green Container Organic Waste and Source Separated Recyclable
1043 Materials separate from Gray Container Waste (when applicable) and the location
1044 of containers and the rules governing their use at each property.

1045 (i) Provide or arrange access for Jurisdiction or its agent to their properties during all
1046 Inspections conducted in accordance with Section 16 of this ordinance to confirm
1047 compliance with the requirements of this Ordinance.

1048 (j) Accommodate and cooperate with Jurisdiction's Remote Monitoring program for
1049 Inspection of the contents of containers for Prohibited Container Contaminants,
1050 which may be implemented at a later date, to evaluate generator's compliance with
1051 Section 6(b). The Remote Monitoring program shall involve installation of Remote
1052 Monitoring equipment on or in the Blue Containers, Green Containers, and Gray
1053 Containers. Guidance: This subsection is an optional provision. It is not required
1054 by the SB 1383 Regulations. Jurisdictions may include this if they choose to use a
1055 Remote Monitoring system to monitor for Prohibited Container Contaminants to
1056 support their compliance with 14 CCR Section 18984.5, Container Contamination

1057 minimization requirements. Jurisdictions granting collection frequency waivers
1058 may choose to require Remote Monitoring for generators granting such waivers.
1059 For Jurisdictions using a two- container system, delete Blue Container or Green
1060 Container as applicable from the first sentence. For Jurisdictions using a one-
1061 container system, delete this subsection.

1062 (k) At Commercial Business' option and subject to any approval required from the
1063 Jurisdiction, implement a Remote Monitoring program for Inspection of the
1064 contents of its Blue Containers, Green Containers, and Gray Containers for the
1065 purpose of monitoring the contents of containers to determine appropriate levels
1066 of service and to identify Prohibited Container Contaminants. Generators may
1067 install Remote Monitoring devices on or in the Blue Containers, Green Containers,
1068 and Gray Containers subject to written notification to or approval by the Jurisdiction
1069 or its Designee. Guidance: This subsection is an optional provision. It is not
1070 required by the SB 1383 Regulations. It is provided to address scenarios in which
1071 Commercial Businesses want to implement their own Remote Monitoring systems,
1072 which involves installation of equipment on containers owned by the Jurisdiction
1073 or its hauler. Commercial Businesses may want to implement the Remote
1074 Monitoring system to monitor their compliance with 14 CCR Section 18984.9. For
1075 Jurisdictions using a two- container system, delete Blue Container or Green
1076 Container as applicable from the first sentence.

1077 (l) If a Commercial Business wants to self haul, meet the Self-Hauler requirements in
1078 Section 12 of this ordinance.

1079 (m) Nothing in this Section prohibits a generator from preventing or reducing waste
1080 generation, managing Organic Waste on site, or using a Community Composting
1081 site pursuant to 14 CCR Section 18984.9(c).

1082 (n) Commercial Businesses that are Tier One or Tier Two Commercial Edible Food
1083 Generators shall comply with Food Recovery requirements, pursuant to Section 9.


1084 SECTION 8. WAIVERS FOR GENERATORS

1085 Guidance: Pursuant to 14 CCR Section 18984.11, the SB 1383 Regulations allow
1086 Jurisdictions, at their option, to grant waivers to generators for physical space limitations,
1087 de minimis volumes, and/or collection frequency waivers. These waivers are applicable
1088 only to three-, three-plus, and two-container systems and are optional for Jurisdictions
1089 using either the Standard Compliance Approach or the Performance-Based Compliance
1090 Approach. This Section 8 of the Model Ordinance focuses on the requirements that must
1091 be met by Organic Waste Generators or businesses applying to the Jurisdiction for
1092 physical space, de minimis, and collection frequency waivers. Other waivers covered in
1093 14 CCR Section 18984.12, including low population, rural, and high elevation can only be
1094 applied for by the Jurisdiction to CalRecycle and are not covered herein.

1095 Jurisdictions using the Performance-Based Compliance Approach may issue waivers at
1096 their discretion provided that the minimum ninety percent (90%) Commercial and ninety
1097 percent (90%) residential collection program participation levels are met. Jurisdictions
1098 using the Performance-Based Compliance Approach are not subject to the recordkeeping
1099 requirements for documentation evidencing the need for such waivers to CalRecycle
1100 pursuant to 14 CCR Section 18998.2(a)(7), as provided in this Section or the reporting
1101 requirement on the number and type of waivers issued.

1102 Jurisdictions may choose to include one or more of the three options presented below (de
1103 minimis, physical space, and collection frequency waivers), or any combination thereof,
1104 if Jurisdiction chooses to allow such waivers. Jurisdictions that choose not to a specific
1105 type of waiver shall omit provisions below applicable to that waiver.

1106 For Jurisdictions with low-population area and/or high-elevation area waivers, it is
1107 important to recognize that the SB 1383 waivers are different than the waivers allowed
1108 under AB 341 and AB 1826. As a result, Jurisdictions with low-population area and/or
1109 high-elevation area waiver(s) that choose to offer waivers to Commercial Businesses that
1110 are covered by AB 341 and/or AB 1826 and located in these areas may need to include
1111 a separate section that describes the waivers for these generators.

1112 (a) De Minimis Waivers (Optional for Three-, Three-Plus, and Two-Container Systems
1113 per 14 CCR Section 18984.11). Guidance: Pursuant to 14 CCR Section
1114 18984.11(a)(1), the SB 1383 Regulations limit de minimis waivers to Commercial 
1115 Businesses as reflected in this language. A Jurisdiction may waive a Commercial
1116 Business' obligation (including Multi-Family Residential Dwellings) to comply with
1117 some or all of the Organic Waste requirements of this ordinance if the Commercial
1118 Business provides documentation that the business generates below a certain
1119 amount of Organic Waste material as described in Section 8(a)(2) below.
1120 Commercial Businesses requesting a de minimis waiver shall:

1121 (1) Submit an application specifying the services that they are requesting a
1122 waiver from and provide documentation as noted in Section 8(a)(2) below.

1123 (2) Provide documentation that either:

1124 (A) The Commercial Business' total Solid Waste collection service is two
1125 cubic yards or more per week and Organic Waste subject to
1126 collection in a Blue Container or Green Container comprises less
1127 than 20 gallons per week per applicable container of the business'
1128 total waste; or,

1129 (B) The Commercial Business' total Solid Waste collection service is less
1130 than two cubic yards per week and Organic Waste subject to
1131 collection in a Blue Container or Green Container comprises less
1132 than 10 gallons per week per applicable container of the business'
1133 total waste.

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1134 (3) Notify Jurisdiction if circumstances change such that Commercial
1135 Business's Organic Waste exceeds threshold required for waiver, in which
1136 case waiver will be rescinded.

1137 (4) Provide written verification of eligibility for de minimis waiver every 5 years,
1138 if Jurisdiction has approved de minimis waiver.

1139 (b) Physical Space Waivers (Optional for Three-, Three-Plus, and Two-Container
1140 Systems) Guidance: Pursuant to 14 CCR Section 18984.11(a)(1), SB 1383
1141 Regulations limit de minimis waivers to Commercial Businesses as reflected in this
1142 language. Jurisdiction may waive a Commercial Business' or property owner's
1143 obligations (including Multi-Family Residential Dwellings) to comply with some or
1144 all of the recyclable materials and/or Organic Waste collection service
1145 requirements if the Jurisdiction has evidence from its own staff, a hauler, licensed
1146 architect, or licensed engineer demonstrating that the premises lacks adequate
1147 space for the collection containers required for compliance with the Organic Waste
1148 collection requirements of Section 6 or 7.

1149 A Commercial Business or property owner may request a physical space waiver
1150 through the following process:

1151 (1) Submit an application form specifying the type(s) of collection services for
1152 which they are requesting a compliance waiver.

1153 (2) Provide documentation that the premises lacks adequate space for Blue
1154 Containers and/or Green Containers including documentation from its
1155 hauler, licensed architect, or licensed engineer. Guidance: For Jurisdictions
1156 using a two-container system, delete Blue Container or Green Container,
1157 as applicable.

1158 (3) Provide written verification to Jurisdiction that it is still eligible for physical
1159 space waiver every five years, if Jurisdiction has approved application for a
1160 physical space waiver.

1161 (c) Collection Frequency Waiver (Optional for Three-, Three-Plus, and Two-Container
1162 Systems) Guidance: Include Section 8(c) only if Jurisdiction offers waivers for less-
1163 than-weekly Gray Container and/or Blue Container collection service (meeting the
1164 requirements in 14 CCR Section 18984.11 3(A)1) to Single-Family or Commercial
1165 Business owners or tenants subscribing to a two-, three-, or three-plus container
1166 collection service. Jurisdiction to indicate below whether their collection service is
1167 a two-, three-, or three-plus-container system, and specify whether these waivers
1168 are available for the Blue Container, Gray Container, or both, as appropriate for
1169 the collection system. Jurisdiction, at its discretion and in accordance with 14 CCR
1170 Section 18984.11(a)(3), may allow the owner or tenant of any residence, premises,
1171 business establishment or industry that subscribes to the Jurisdiction's three-
1172 three-plus, or two-container Organic Waste collection service to arrange for the

1173 collection of their Blue Container, Gray Container, or both once every fourteen
1174 days, rather than once per week.

1175 (d) Review and Approval of Waivers by Jurisdiction (Optional)

1176 Guidance: At its option, Jurisdictions may wish to include a provision that identifies
1177 which staff person or department will be responsible for review and approval of
1178 waivers. Note that Jurisdictions' authority to issue a waiver cannot be delegated to
1179 a private entity pursuant to the SB 1383 Regulations (14 CCR Section
1180 18984.11(c)).



1181 **SECTION 9. REQUIREMENTS FOR COMMERCIAL EDIBLE FOOD**
1182 **GENERATORS**

1183 (a) Tier One Commercial Edible Food Generators must comply with the requirements
1184 of this Section 9 commencing January 1, 2022, and Tier Two Commercial Edible
1185 Food Generators must comply commencing January 1, 2024, pursuant to 14 CCR
1186 Section 18991.3.

1187 (b) Large Venue or Large Event operators not providing food services, but allowing
1188 for food to be provided by others, shall require Food Facilities operating at the
1189 Large Venue or Large Event to comply with the requirements of this Section,
1190 commencing January 1, 2024.

1191 (c) Commercial Edible Food Generators shall comply with the following requirements:

1192 (1) Arrange to recover the maximum amount of Edible Food that would
1193 otherwise be disposed.

1194 (2) Contract with, or enter into a written agreement with Food Recovery
1195 Organizations or Food Recovery Services for: (i) the collection of Edible
1196 Food for Food Recovery; or, (ii) acceptance of the Edible Food that the
1197 Commercial Edible Food Generator self-hauls to the Food Recovery
1198 Organization for Food Recovery.

1199 (3) Shall not intentionally spoil Edible Food that is capable of being recovered
1200 by a Food Recovery Organization or a Food Recovery Service.

1201 (4) Allow Jurisdiction's designated enforcement entity or designated third party
1202 enforcement entity to access the premises and review records pursuant to
1203 14 CCR Section 18991.4.

1204 (5) Keep records that include the following information, or as otherwise
1205 specified in 14 CCR Section 18991.4:

1206 (A) A list of each Food Recovery Service or organization that collects or
1207 receives its Edible Food pursuant to a contract or written agreement
1208 established under 14 CCR Section 18991.3(b).

1209 (B) A copy of all contracts or written agreements established under 14
1210 CCR Section 18991.3(b).

1211 (C) A record of the following information for each of those Food Recovery
1212 Services or Food Recovery Organizations:

1213 (i) The name, address and contact information of the Food
1214 Recovery Service or Food Recovery Organization.

1215 (ii) The types of food that will be collected by or self-hauled to the
1216 Food Recovery Service or Food Recovery Organization.

1217 (iii) The established frequency that food will be collected or self-
1218 hauled.

1219 (iv) The quantity of food, measured in pounds recovered per
1220 month, collected or self-hauled to a Food Recovery Service or
1221 Food Recovery Organization for Food Recovery.

1222 (6) (Optional) No later than [redacted] of each year (Jurisdiction to insert date)
1223 commencing no later than [redacted] for Tier One Commercial Edible Food
1224 Generators and [redacted] for Tier Two Commercial Edible Food
1225 Generators (Jurisdiction to insert dates), provide an annual Food Recovery
1226 report to the Jurisdiction that includes the following information: [redacted].
1227 Guidance: While the SB 1383 Regulations do not require reporting by
1228 Commercial Edible Food Generators, Jurisdictions may want to consider
1229 adding this optional requirement that generators submit records of their
1230 contracts or written agreements and Food Recovery activities annually to [redacted]
1231 to monitor Commercial Edible Food Generator compliance and gather
1232 information for capacity planning purposes. While it is also not required,
1233 Jurisdictions may want to require reporting on the amount and type of Edible
1234 Food that was not accepted by Food Recovery Organizations or services
1235 for donation.

1236 (d) Nothing in this ordinance shall be construed to limit or conflict with the protections
1237 provided by the California Good Samaritan Food Donation Act of 2017, the Federal
1238 Good Samaritan Act, or share table and school food donation guidance pursuant
1239 to Senate Bill 557 of 2017 (approved by the Governor of the State of California on
1240 September 25, 2017, which added Article 13 [commencing with Section 49580] to
1241 Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, and to amend
1242 Section 114079 of the Health and Safety Code, relating to food safety, as
1243 amended, supplemented, superseded and replaced from time to time).

1244 **SECTION 10. REQUIREMENTS FOR FOOD RECOVERY**
1245 **ORGANIZATIONS AND SERVICES, JURISDICTIONS, AND REGIONAL**
1246 **AGENCIES**

1247 Guidance: The inclusion of “Jurisdictions and Regional Agencies” in the title of this
1248 Section 10 is specific to County ordinances in reference to the Food Recovery capacity
1249 planning requirements specified in subsection 10(e) below. Remove this part of the title if
1250 Jurisdiction is not drafting a County ordinance, or modify the title to remove “Regional
1251 Agencies” if no such agencies operate within the County.

1252 (a) Food Recovery Services collecting or receiving Edible Food directly from
1253 Commercial Edible Food Generators, via a contract or written agreement
1254 established under 14 CCR Section 18991.3(b), shall maintain the following
1255 records, or as otherwise specified by 14 CCR Section 18991.5(a)(1):

1256 (1) The name, address, and contact information for each Commercial Edible
1257 Food Generator from which the service collects Edible Food.

1258 (2) The quantity in pounds of Edible Food collected from each Commercial
1259 Edible Food Generator per month.

1260 (3) The quantity in pounds of Edible Food transported to each Food Recovery
1261 Organization per month.

1262 (4) The name, address, and contact information for each Food Recovery
1263 Organization that the Food Recovery Service transports Edible Food to for
1264 Food Recovery.

1265 (b) Food Recovery Organizations collecting or receiving Edible Food directly from
1266 Commercial Edible Food Generators, via a contract or written agreement
1267 established under 14 CCR Section 18991.3(b), shall maintain the following
1268 records, or as otherwise specified by 14 CCR Section 18991.5(a)(2):

1269 (1) The name, address, and contact information for each Commercial Edible
1270 Food Generator from which the organization receives Edible Food.

1271 (2) The quantity in pounds of Edible Food received from each Commercial
1272 Edible Food Generator per month.

1273 (3) The name, address, and contact information for each Food Recovery
1274 Service that the organization receives Edible Food from for Food Recovery.

1275 (c) (Optional provision) Food Recovery Organizations and Food Recovery Services
1276 shall inform generators about California and Federal Good Samaritan Food
1277 Donation Act protection in written communications, such as in their contract or
1278 agreement established under 14 CCR Section 18991.3(b). Guidance: This Section
1279 10(c) provides information about Good Samaritan protections. This is not required

1280 by SB 1383 Regulations, but the California Good Samaritan Food Act requires
1281 Environmental Health Department inspectors to promote Food Recovery and
1282 educate local businesses and organizations about liability protections for
1283 businesses donating food. Inclusion of this language will expand education
1284 requirements for Food Recovery beyond that required by SB 1383 Regulations.

1285 (d) Food Recovery Organizations and Food Recovery Services that have their primary
1286 address physically located in the Jurisdiction and contract with or have written
1287 agreements with one or more Commercial Edible Food Generators pursuant to 14
1288 CCR Section 18991.3(b) shall report to the Jurisdiction it is located in the total
1289 pounds of Edible Food recovered in the previous calendar year from the Tier One
1290 and Tier Two Commercial Edible Food Generators they have established a
1291 contract or written agreement with pursuant to 14 CCR Section 18991.3(b) no later
1292 than _____ (Jurisdiction to insert date). Guidance: This Section 10(d) is included
1293 to capture the reporting requirements specified in 14 CCR Section
1294 18994.2(h)(2)(A), which only requires reporting by Food Recovery Organizations
1295 and Food Recovery Services on the total pounds of Edible Food recovered from
1296 Commercial Edible Food Generators annually. Jurisdictions may choose to
1297 expand these reporting requirements to capture additional information to support
1298 their capacity planning efforts and for other purposes. For example, while SB 1383
1299 Regulations do not require reporting on amount and type of Edible Food not
1300 accepted by Food Recovery Organizations and Food Recovery Services,
1301 Jurisdictions may want to consider adding such a requirement.



1302 (e) Food Recovery Capacity Planning

1303 (1) Food Recovery Services and Food Recovery Organizations. In order to
1304 support Edible Food Recovery capacity planning assessments or other
1305 studies conducted by the County, City, special district that provides solid
1306 waste collection services, or its designated entity, Food Recovery Services
1307 and Food Recovery Organizations operating in the Jurisdiction shall provide
1308 information and consultation to the Jurisdiction, upon request, regarding
1309 existing, or proposed new or expanded, Food Recovery capacity that could
1310 be accessed by the Jurisdiction and its Commercial Edible Food
1311 Generators. A Food Recovery Service or Food Recovery Organization
1312 contacted by the Jurisdiction shall respond to such request for information
1313 within 60 days, unless a shorter timeframe is otherwise specified by the
1314 Jurisdiction. Guidance: SB 1383 Regulations (14 CCR Section 18992.2)
1315 require that counties conduct Edible Food Recovery capacity planning, in
1316 coordination with Jurisdictions and Regional Agencies, and consult with
1317 Food Recovery Organizations and services regarding existing, or proposed
1318 new and expanded, capacity that could be accessed by the Jurisdiction and
1319 its Commercial Edible Food Generators. Entities contacted by a Jurisdiction
1320 shall respond within 60 days regarding available and potential new or
1321 expanded capacity, pursuant to 14 CCR Section 18992.2(b), or another
1322 timeframe could be inserted within the ordinance that is less than 60 days,
1323 but this is not required.



- 1324 (2) Jurisdictions and Regional Agencies. (Provision for County ordinances)
1325 Guidance: SB 1383 Regulations require that counties conduct Food
1326 Recovery capacity planning in coordination with cities, special districts that
1327 provide solid waste collection services, and Regional Agencies within the
1328 county. Jurisdictions that are not counties may remove this subsection (e),
1329 as their ordinances would not regulate other Jurisdictions or regional
1330 agencies; however, cities and special districts that provide solid waste
1331 collection services, and regional agencies should be aware of their
1332 requirement to conduct capacity planning in coordination with the County.
1333 Cities, special districts that provide solid waste collection services, and
1334 regional agencies located within the county shall conduct Edible Food
1335 Recovery capacity planning, in coordination with the county.
- 1336 (A) If the county identifies that new or expanded capacity to recover
1337 Edible Food is needed, then each Jurisdiction within the county that
1338 lacks capacity shall:
- 1339 (i) Submit an implementation schedule to CalRecycle and the
1340 county that demonstrates how it will ensure there is enough
1341 new or expanded capacity to recover the Edible Food
1342 currently disposed by Commercial Edible Food Generators
1343 within its Jurisdiction by the end of the reporting period set
1344 forth in 14 CCR Section 18992.3. The implementation
1345 schedule shall include the information specified in 14 CCR
1346 Section 18992.2(c)(1)(A).
- 1347 (ii) Consult with Food Recovery Organizations and Food
1348 Recovery Services regarding existing, or proposed new and
1349 expanded capacity that could be accessed by the Jurisdiction
1350 and its Commercial Edible Food Generators.
- 1351 (B) If the county finds that new or expanded capacity is needed, the
1352 county shall notify the Jurisdiction(s) that lack sufficient capacity.
- 1353 (C) A City, Special District that provides solid waste collection services,
1354 or Regional Agency contacted by the county pursuant to this Section
1355 shall respond to the county's request for information within 120 days
1356 of receiving the request from the county, unless a shorter timeframe
1357 is otherwise specified by the county.
- 1358 Guidance: If a City, Special District that provides solid waste
1359 collection services, or Regional Agency fails to provide the
1360 necessary information within 120 days, the county is not required to
1361 include estimates for that Jurisdiction in its capacity plan in the report
1362 it submits pursuant to 14 CCR Section 18992.3.

1363 **SECTION 11. REQUIREMENTS FOR HAULERS AND FACILITY**
1364 **OPERATORS**

1365 (a) Requirements for Haulers (Standard Compliance Approach; Optional for
1366 Performance-Based Compliance Approach)

1367 Guidance: Jurisdictions using the Standard Compliance Approach are required to
1368 adopt an ordinance or other enforceable mechanism for hauler regulation
1369 requirements specified in 14 CCR, Division 7, Chapter 12, Article 7. This Section
1370 11(a) of the Model Ordinance provides language to document the hauler
1371 regulations. Jurisdictions that are exempt from the Organic Waste collection
1372 requirements pursuant to rural, low-population, or high-elevation waivers granted
1373 by CalRecycle pursuant to 14 CCR Section 18984.12, and haulers and Self-
1374 Haulers operating or located within exempt areas of those Jurisdictions, are not
1375 required to comply with the SB 1383 Regulations for the duration of an exemption
1376 issued pursuant to 14 CCR Section 18984.12. As a result, these Jurisdictions may
1377 omit this Section 11(a).

1378 Jurisdictions adopting the Performance-Based Compliance Approach are not
1379 required to impose these requirements on haulers, and do not need to include
1380 Section 11(a). However, pursuant to SB 1383 Regulations (14 CCR Section
1381 18998.1(d)(2)) these Jurisdictions must require haulers to keep a record of the
1382 documentation of its approval as a hauler by the Jurisdiction. These Jurisdictions
1383 may, however, choose to adopt some of these other requirements as well to
1384 support their compliance with the requirements of the Performance-Based
1385 Compliance Approach collection service requirements.

1386 This Section and this Model address specific regulatory requirements that
1387 Jurisdictions must enforce on haulers and other entities as specified in 14 CCR,
1388 Division 7, Chapter 12, Article 7. There are other requirements in the SB 1383
1389 Regulations on the Jurisdiction that the Jurisdiction may delegate to a hauler to
1390 comply with on their behalf such as Container Contamination requirements,
1391 outreach and education requirements, container color requirements, and container
1392 labeling requirements. Some of these requirements are more appropriately
1393 addressed in franchise agreements, hauler permits, or licensing systems.

1394 Jurisdiction shall place requirements on one or more of the following types of
1395 haulers depending upon which type(s) of hauler regulation system(s) are allowed
1396 in the Jurisdiction:

1397 Option 1: Exclusive franchised hauler

1398 Option 2: Non-exclusive franchised haulers

1399 Option 3: Permitted haulers

1400 Option 4: Licensed haulers

1401 Option 5: Include a combination of Options 1 through 4 as appropriate

1402 (1) _____ (Jurisdiction to insert type(s) of hauler(s) from list
1403 above) providing residential, Commercial, or industrial Organic Waste
1404 collection services to generators within the Jurisdiction's boundaries shall
1405 meet the following requirements and standards as a condition of approval
1406 of a contract, agreement, or other authorization with the Jurisdiction to
1407 collect Organic Waste:



1408 (A) Through written notice to the Jurisdiction annually on or before _____
1409 (Jurisdiction to insert date), identify the facilities to which they will
1410 transport Organic Waste including facilities for Source Separated
1411 Recyclable Materials, Source Separated Green Container Organic
1412 Waste, and Mixed Waste. Guidance: For Jurisdictions with three-
1413 and three-plus container systems that do not allow Organic Waste,
1414 such as Food Waste to be collected in the Gray Container, delete
1415 Mixed Waste. For Jurisdictions with two-container systems, delete
1416 Source Separated Recyclable Materials or Source Separated Green
1417 Container Organic Waste as applicable.

1418 (B) Transport Source Separated Recyclable Materials, Source
1419 Separated Green Container Organic Waste, and Mixed Waste to a
1420 facility, operation, activity, or property that recovers Organic Waste
1421 as defined in 14 CCR, Division 7, Chapter 12, Article 2. Guidance:
1422 For Jurisdictions with three- and three-plus container systems that
1423 prohibit Organic Waste, such as Food Waste to be collected in the
1424 Gray Container, delete Mixed Waste. For Jurisdictions with two-
1425 container systems, delete Source Separated Recyclable Materials or
1426 Source Separated Green Container Organic Waste as applicable.

1427 (C) Obtain approval from the Jurisdiction to haul Organic Waste, unless
1428 it is transporting Source Separated Organic Waste to a Community
1429 Composting site or lawfully transporting C&D in a manner that
1430 complies with 14 CCR Section 18989.1, Section 13 of this ordinance,
1431 and Jurisdiction's C&D ordinance.

1432 (2) _____ (Jurisdiction to insert type(s) of hauler(s) from list
1433 above) authorization to collect Organic Waste shall comply with education,
1434 equipment, signage, container labeling, container color, contamination
1435 monitoring, reporting, and other requirements contained within its franchise
1436 agreement, permit, license, or other agreement entered into with
1437 Jurisdiction. Guidance: This Section 11(a)(2) is not a requirement of SB
1438 1383 Regulations, but Jurisdictions may want to include it as a cross-
1439 reference to other documents that contain hauler requirements.



1440 (b) Requirements for Facility Operators and Community Composting Operations

- 1441 (1) Owners of facilities, operations, and activities that recover Organic Waste,
1442 including, but not limited to, Compost facilities, in-vessel digestion facilities,
1443 and publicly-owned treatment works shall, upon Jurisdiction request,
1444 provide information regarding available and potential new or expanded
1445 capacity at their facilities, operations, and activities, including information
1446 about throughput and permitted capacity necessary for planning purposes.
1447 Entities contacted by the Jurisdiction shall respond within 60 days.
1448 Guidance: The SB 1383 Regulations include specific requirements for
1449 processing and facility standards. CalRecycle’s Model Franchise
1450 Agreement Tool includes more specific detail on those operative
1451 requirements for facilities. In addition to the capacity planning requirements,
1452 Jurisdictions may consider including a reference here to a franchise
1453 agreement, facility agreement, different section of the Jurisdiction’s
1454 municipal/county code, or other relevant document(s) where facility
1455 standards are specified.
- 1456 (2) Community Composting operators, upon Jurisdiction request, shall provide
1457 information to the Jurisdiction to support Organic Waste capacity planning,
1458 including, but not limited to, an estimate of the amount of Organic Waste
1459 anticipated to be handled at the Community Composting operation. Entities
1460 contacted by the Jurisdiction shall respond within 60 days.

1461 **SECTION 12. SELF-HAULER REQUIREMENTS**

1462 Guidance: The SB 1383 Regulations (14 CCR Division 7, Chapter 12, Article 7) specify
1463 requirements for Self-Haulers (which includes back-haulers per the Self-Hauler definition
1464 of the SB 1383 Regulations). Jurisdictions that allow for self-hauling and are using either
1465 the Standard Compliance Approach or Performance-Based Compliance Approach are
1466 required to adopt an ordinance or other enforceable mechanism for Self-Hauler regulation
1467 requirements. This Section 12 of the Model Ordinance provides language to document
1468 the Self-Hauler regulations. If Jurisdictions do not allow self-hauling, this Section 12 may
1469 be deleted.

1470 Jurisdictions that are exempt from the Organic Waste collection requirements pursuant
1471 to rural, low-population, or high-elevation waivers granted by CalRecycle pursuant to SB
1472 1383 Regulations (14 CCR Section 18984.12), and haulers and Self-Haulers operating
1473 or located within exempt areas of those Jurisdictions, are not required to comply with the
1474 SB 1383 Regulations for the duration of an exemption issued pursuant to 14 CCR Section
1475 18984.12. As a result, these Jurisdictions may omit this Section 12.

- 1476 (a) Self-Haulers shall source separate all recyclable materials and Organic Waste
1477 (materials that Jurisdiction otherwise requires generators to separate for collection
1478 in the Jurisdiction’s organics and recycling collection program) generated on-site
1479 from Solid Waste in a manner consistent with 14 CCR Sections 18984.1 and
1480 18984.2, or shall haul Organic Waste to a High Diversion Organic Waste
1481 Processing Facility as specified in 14 CCR Section 18984.3.

1482 (b) Self-Haulers shall haul their Source Separated Recyclable Materials to a facility
1483 that recovers those materials; and haul their Source Separated Green Container
1484 Organic Waste to a Solid Waste facility, operation, activity, or property that
1485 processes or recovers Source Separated Organic Waste. Alternatively, Self-
1486 Haulers may haul Organic Waste to a High Diversion Organic Waste Processing
1487 Facility.

1488 (c) Self-Haulers that are Commercial Businesses (including Multi-Family Residential
1489 Dwellings) shall keep a record of the amount of Organic Waste delivered to each
1490 Solid Waste facility, operation, activity, or property that processes or recovers
1491 Organic Waste; this record shall be subject to inspection by the Jurisdiction. The
1492 records shall include the following information:

1493 (1) Delivery receipts and weight tickets from the entity accepting the waste.

1494 (2) The amount of material in cubic yards or tons transported by the generator
1495 to each entity.

1496 (3) If the material is transported to an entity that does not have scales on-site,
1497 or employs scales incapable of weighing the Self-Hauler's vehicle in a
1498 manner that allows it to determine the weight of materials received, the Self-
1499 Hauler is not required to record the weight of material but shall keep a record
1500 of the entities that received the Organic Waste.

1501 (d) (Optional) Self-Haulers that are Commercial Businesses (including Multi-Family
1502 Self-Haulers) shall provide information collected in Section 12(c) to Jurisdiction if
1503 requested. Guidance: Self-Hauler reporting is not required by the SB 1383
1504 Regulations. If a Jurisdiction includes this subsection, Jurisdiction may want to
1505 identify who the information should be provided to and on what dates, either in this
1506 subsection or in other online or other communications to Self-Haulers. Jurisdiction
1507 may also want to include a provision specifying that Self-Haulers need to register
1508 with the Jurisdiction, if such a system is available or desired, in order to more
1509 consistently track this information.

1510 (e) A residential Organic Waste Generator that self hauls Organic Waste is not
1511 required to record or report information in Section 12(c) and (d).

1512 **SECTION 13. COMPLIANCE WITH CALGREEN RECYCLING**
1513 **REQUIREMENTS**

1514 Guidance: SB 1383 Regulations (14 CCR Section 18989.1) require that a Jurisdiction,
1515 which is a city, county, or a city and county, adopt an ordinance or other enforceable
1516 requirement that requires compliance with C&D recycling requirements for Organic Waste
1517 commingled with C&D and for provision of adequate space for recycling for Multi-Family
1518 and Commercial premises pursuant to Sections 4.408.1, 4.410.2, 5.408.1, and 5.410.1 of
1519 the California Green Building Standards Code, 24 CCR, Part 11 as amended July 1, 2019

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1520 and effective January 1, 2020 (“CALGreen SB 1383 Baseline Requirements”). This
1521 Section 13 provides example language that is structured to fulfill this requirement related
1522 narrowly on the CALGreen SB 1383 Baseline Requirements. Pursuant to SB 1383
1523 Regulations (14 CCR Section 18989.1(b)), a Jurisdiction that is not a city, county, or city
1524 and county, is not required to include these CALGreen requirements and may delete this
1525 Section 13.

1526 SB 1383 Regulations (14 CCR Section 18989.1) cite specific date of effectiveness for
1527 CALGreen of January 1, 2020. Jurisdictions’ ordinances need to meet or exceed these
1528 CALGreen SB 1383 Baseline Requirements. If Jurisdictions have the ability to adopt an
1529 ordinance that allows for an “auto” update of the Jurisdiction’s ordinance as the
1530 CALGreen requirements change, that approach is allowable. If the “auto” update results
1531 in changes in CALGreen with standards that are less than those in the CALGreen SB
1532 1383 Baseline Requirements, then the Jurisdiction will need to maintain the standards in
1533 the CALGreen SB 1383 Baseline Requirements.

1534 Jurisdictions with an ordinance or similarly enforceable mechanism requiring compliance
1535 with CALGreen can omit this Section. Jurisdictions should note that while these
1536 CALGreen provisions are included in this Model Ordinance, a Jurisdiction may determine
1537 it is more appropriate to include these CALGreen requirements in a separate ordinance
1538 or in a different, more relevant municipal code section (e.g., building or planning code).
1539 Also note that Jurisdictions are not required to address the CALGreen requirements
1540 through an ordinance if they prefer to use another type of enforceable mechanism. In
1541 such case, Jurisdictions should delete this Section.



1542 If Jurisdictions do not have a separate C&D ordinance or municipal code that address
1543 other C&D related policies, Jurisdictions may want to expand this Section to address
1544 collection, recycling, diversion, tracking, and/or reporting of C&D.

1545 (a) Persons applying for a permit from the Jurisdiction for new construction and
1546 building additions and alternations shall comply with the requirements of this
1547 Section and all required components of the California Green Building Standards
1548 Code, 24 CCR, Part 11, known as CALGreen, as amended, if its project is covered
1549 by the scope of CALGreen or more stringent requirements of the Jurisdiction. If the
1550 requirements of CALGreen are more stringent then the requirements of this
1551 Section, the CALGreen requirements shall apply.

1552 Project applicants shall refer to Jurisdiction’s building and/or planning code for
1553 complete CALGreen requirements.

1554 (b) For projects covered by CALGreen or more stringent requirements of the
1555 Jurisdiction, the applicants must, as a condition of the Jurisdiction’s permit
1556 approval, comply with the following:

1557 (1) Where five (5) or more Multi-Family dwelling units are constructed on a
1558 building site, provide readily accessible areas that serve occupants of all
1559 buildings on the site and are identified for the storage and collection of Blue

1560 Container and Green Container materials, consistent with the three-, three-
1561 plus, or two-container collection program offered by the Jurisdiction, or
1562 comply with provision of adequate space for recycling for Multi-Family and
1563 Commercial premises pursuant to Sections 4.408.1, 4.410.2, 5.408.1, and
1564 5.410.1 of the California Green Building Standards Code, 24 CCR, Part 11
1565 as amended provided amended requirements are more stringent than the
1566 CALGreen requirements for adequate recycling space effective January 1,
1567 2020. Guidance: Include only for three- and two-container systems. For a
1568 two-container system, delete reference to Blue Container or Green
1569 Container as appropriate. Note that the last portion of the requirement
1570 beginning with "...or comply with provisions of adequate space..." is
1571 intended to create an "auto-update" of the ordinance when CALGreen
1572 changes over time. Jurisdictions may choose to eliminate this provision at
1573 their option, if they prefer to update their ordinance each time CALGreen
1574 changes.

1575 (2) New Commercial construction or additions resulting in more than 30% of
1576 the floor area shall provide readily accessible areas identified for the storage
1577 and collection of Blue Container and Green Container materials, consistent
1578 with the three-, three-plus, or two-container collection program offered by
1579 the Jurisdiction, or shall comply with provision of adequate space for
1580 recycling for Multi-Family and Commercial premises pursuant to Sections
1581 4.408.1, 4.410.2, 5.408.1, and 5.410.1 of the California Green Building
1582 Standards Code, 24 CCR, Part 11 as amended provided amended
1583 requirements are more stringent than the CALGreen requirements for
1584 adequate recycling space effective January 1, 2020. Guidance: Include only
1585 for three-, three-plus, and two-container systems. For a two-container
1586 system, delete reference to Blue Container or Green Container as
1587 appropriate. Note that the last portion of the requirement beginning with
1588 "...or comply with provisions of adequate space..." is intended to create an
1589 "auto-update" of the ordinance when CALGreen changes over time.
1590 Jurisdictions may choose to eliminate this provision at their option, if they
1591 prefer to update their ordinance each time CALGreen changes.

1592 (3) Comply with CALGreen requirements and applicable law related to
1593 management of C&D, including diversion of Organic Waste in C&D from
1594 disposal. Comply with Jurisdiction's C&D ordinance, Section ___ of
1595 Jurisdiction's municipal code, and all written and published Jurisdiction
1596 policies and/or administrative guidelines regarding the collection, recycling,
1597 diversion, tracking, and/or reporting of C&D. Guidance: Jurisdictions with a
1598 C&D ordinance may choose to add a link to their ordinance in this
1599 subsection.*

1600 **SECTION 14. MODEL WATER EFFICIENT LANDSCAPING**
1601 **ORDINANCE REQUIREMENTS**

1602 Guidance: SB 1383 Regulations (14 CCR Section 18989.2) require that a [Jurisdiction](#),
1603 [which is a city, county, or a City and county](#), adopt an ordinance or other enforceable
1604 [requirement that requires compliance with Sections 492.6\(a\)\(3\)\(B\) \(C\), \(D\), and \(G\) of the](#)
1605 [MWELO as amended September 15, 2015 \(“MWELO SB 1383 Baseline](#)
1606 [Requirements”\)](#). This Section 14 provides example language that is structured to fulfill
1607 this requirement related narrowly on the MWELO SB 1383 Baseline Requirements. As a
1608 result, the Model does not broadly address all requirements of MWELO. Pursuant to SB
1609 1383 Regulations (14 CCR Section 18989.2(b)), a Jurisdiction that is not a city, county,
1610 or city and county, is not required to include these MWELO requirements and may delete
1611 this Section 14.

1612 SB 1383 Regulations (14 CCR Section 18989.2) cite a specific date of effectiveness for
1613 MWELO of September 15, 2015. Jurisdictions’ ordinances need to meet or exceed these
1614 MWELO SB 1393 Baseline Requirements. If a Jurisdiction has the ability to adopt an
1615 ordinance that allows for an “auto” update of the Jurisdiction’s ordinance as the MWELO
1616 requirements change, that approach is allowable. If the “auto” update results in changes
1617 in MWELO with standards that are less than those in the MWELO SB 1383 Baseline
1618 Requirements, then the Jurisdiction will need to maintain the standards in the MWELO
1619 SB 1383 Baseline Requirements.

1620 Jurisdictions that have an existing MWELO ordinance or other enforceable mechanism
1621 that covers the MWELO SB 1383 Baseline Requirements may omit this provision.
1622 Jurisdictions should note that while these MWELO provisions are included in this Model
1623 Ordinance, a Jurisdiction may determine it is more appropriate to include these MWELO
1624 requirements in a separate ordinance or in a different, more relevant municipal code
1625 section (e.g., building or planning code). Also note that Jurisdictions are not required to
1626 address the MWELO requirements through an ordinance if they prefer to use another
1627 type of enforceable mechanism. In such case, Jurisdictions should delete this Section.

1628 (a) Property owners or their building or landscape designers, including anyone
1629 requiring a building or planning permit, plan check, or landscape design review
1630 from the Jurisdiction, who are constructing a new (Single-Family, Multi-Family,
1631 public, institutional, or Commercial) project with a landscape area greater than 500
1632 square feet, or rehabilitating an existing landscape with a total landscape area
1633 greater than 2,500 square feet, shall comply with [Sections 492.6\(a\)\(3\)\(B\) \(C\), \(D\),](#)
1634 [and \(G\) of the MWELO](#), including sections related to use of Compost and mulch
1635 as delineated in this Section 14.

1636 (b) The following Compost and mulch use requirements that are part of the MWELO
1637 are now also included as requirements of this ordinance. Other requirements of
1638 the MWELO are in effect and can be found in 23 CCR, Division 2, Chapter 2.7.
1639 Guidance: In the preceding sentence, Jurisdictions can insert link to its own WELO
1640 if the provisions are equal to or greater in stringency than Sections 492.6(a)(3)(B)

1641 (C), (D), and (G) of the September 15, 2015 MWELo, but proof of these
1642 requirements will need to be submitted to CalRecycle.

1643 (c) Property owners or their building or landscape designers that meet the threshold
1644 for MWELo compliance outlined in Section 14(a) above shall:

1645 (1) Comply with Sections 492.6 (a)(3)(B)(C),(D) and (G) of the MWELo, which
1646 requires the submittal of a landscape design plan with a soil preparation,
1647 mulch, and amendments section to include the following:

1648 (A) For landscape installations, Compost at a rate of a minimum of four
1649 cubic yards per 1,000 square feet of permeable area shall be
1650 incorporated to a depth of six (6) inches into the soil. Soils with
1651 greater than six percent (6%) organic matter in the top six (6) inches
1652 of soil are exempt from adding Compost and tilling.

1653 (B) For landscape installations, a minimum three- (3-) inch layer of mulch
1654 shall be applied on all exposed soil surfaces of planting areas except
1655 in turf areas, creeping or rooting groundcovers, or direct seeding
1656 applications where mulch is contraindicated. To provide habitat for
1657 beneficial insects and other wildlife up to five percent (5%) of the
1658 landscape area may be left without mulch. Designated insect habitat
1659 must be included in the landscape design plan as such.


1660 (C) Organic mulch materials made from recycled or post-consumer
1661 materials shall take precedence over inorganic materials or virgin
1662 forest products unless the recycled post-consumer organic products
1663 are not locally available. Organic mulches are not required where
1664 prohibited by local fuel modification plan guidelines or other
1665 applicable local ordinances.

1666 (2) The MWELo compliance items listed in this Section are not an inclusive list
1667 of MWELo requirements; therefore, property owners or their building or
1668 landscape designers that meet the threshold for MWELo compliance
1669 outlined in Section 14(a) shall consult the full MWELo for all requirements.

1670 (d) If, after the adoption of this ordinance, the California Department of Water
1671 Resources, or its successor agency, amends 23 CCR, Division 2, Chapter 2.7,
1672 [Sections 492.6\(a\)\(3\)\(B\) \(C\), \(D\), and \(G\) of the MWELo September 15, 2015](#)
1673 [requirements](#) in a manner that requires Jurisdictions to incorporate the
1674 requirements of an updated MWELo in a local ordinance, and the amended
1675 requirements include provisions more stringent than those required in this Section,
1676 the revised requirements of 23 CCR, Division 2, Chapter 2.7 shall be enforced.

1677 **SECTION 15. PROCUREMENT REQUIREMENTS FOR JURISDICTION**
1678 **DEPARTMENTS, DIRECT SERVICE PROVIDERS, AND VENDORS**

1679 Guidance: This Section 15 of the Model Ordinance includes example procurement
1680 requirements to address the Recovered Organic Waste Product and Recycled-Content
1681 Paper procurement requirements pursuant to SB 1383 Regulations (14 CCR, Division 7,
1682 Chapter 12, Article 12). The first Section 15(a) provides a simple statement of
1683 requirements for Jurisdiction’s departments to comply with the Jurisdiction’s purchasing
1684 policy, which is anticipated to be adopted or amended to address the procurement
1685 requirements in SB 1383 Regulations. The second Section 15(b) specifies Recycled-
1686 Content Paper requirements for vendors. Jurisdictions should note that while these
1687 provisions are included in this Model Ordinance, a Jurisdiction may determine it is more
1688 appropriate to include these procurement requirements in a separate ordinance or in a
1689 different, more relevant municipal code section. Jurisdictions may also choose not to
1690 include the requirements in an ordinance, and instead use another type of enforceable
1691 mechanism to document the requirements.

1692 This Model anticipates that Recovered Organic Waste Product and Recycled-Content
1693 Paper procurement requirements of the SB 1383 Regulations (14 CCR, Division 7,
1694 Chapter 12, Article 12) will be described fully in a separate procurement policy(ies) 
1695 developed by Jurisdictions. The separate procurement policy(ies) is(are) anticipated to
1696 contain additional requirements that the Jurisdiction will place on its departments,
1697 purchasers, and others for procuring Compost, mulch, Renewable Gas, electricity from
1698 biomass, and Recycled-Content Paper products and Printing and Writing Paper and
1699 Recovered Organic Waste Products. Jurisdiction shall adopt a separate procurement
1700 policy(ies) by an action of its governing body. Requiring compliance with that policy(ies)
1701 through an ordinance is one way to ensure the provisions are enforceable, which is
1702 required for certain procurement provisions. For example, in order for [mulch](#) to qualify as
1703 [a Recovered Organic Waste Product that the Jurisdiction may procure to comply with SB](#)
1704 [1383 Regulations \(14 CCR Division 7, Chapter 12, Article 12\), the Jurisdiction must have](#)
1705 [an enforceable ordinance, or similarly enforceable mechanism, that requires the mulch to](#)
1706 [meet certain standards](#), pursuant to 14 CCR Section 18993.1(f)(4). Note that CalRecycle
1707 developed a separate Model Procurement Policy as a tool for Jurisdictions. Refer to the
1708 Additional CalRecycle Resources section in the Guidance section of this Model for a link
1709 to the Model Procurement Policy.

1710 (a) Jurisdiction departments, and direct service providers to the Jurisdiction, as
1711 applicable, must comply with the Jurisdiction’s Recovered Organic Waste Product
1712 procurement policy adopted on _____ and Recycled-Content Paper
1713 procurement policy adopted on _____ (Jurisdiction to amend the title(s) of the
1714 “procurement policy(ies)” to reflect their title and insert date in the blank).
1715 Guidance: In this Model Ordinance, it is anticipated that Jurisdictions will adopt a
1716 Recovered Organic Waste Product procurement policy and Recycled-Content
1717 Paper procurement policy (or amend existing one(s)) to incorporate procurement
1718 requirements required by SB 1383 Regulations (14 CCR, Division 7, Chapter 12,
1719 Article 12). The purpose of this statement is to identify the requirement for all

1720 Jurisdiction's departments and direct service providers, if applicable, to comply
1721 with the policy(ies) and ensure the policy(ies) is(are) enforceable.

1722 (b) All vendors providing Paper Products and Printing and Writing Paper shall:

1723 Guidance: This Section 15(b) presents Recycled-Content Paper requirements for
1724 Jurisdiction's vendors to support Jurisdiction's compliance with SB 1383
1725 Regulations (14 CCR Section 18993.3). Jurisdiction may choose to use less
1726 specific language here and instead require vendors supplying Paper Products and
1727 Printing and Writing Paper to comply with the Jurisdiction's procurement policy, if
1728 such policy is adopted prior to or at the same time as this ordinance. If Jurisdiction
1729 already has a procurement policy, it may need to be updated to address the
1730 Recycled-Content Paper procurement requirements and to address Recovered
1731 Organic Waste Product procurement.

1732 Section 22150 of the Public Contracts Code requires local governments to
1733 purchase recycled products instead of non-recycled products whenever recycled
1734 products are available at the same or a lesser total cost than non-recycled items,
1735 if fitness and quality are equal. Under SB 1383 Regulations (14 CCR Section
1736 18993.3), Jurisdictions are not prohibited from either using a price preference
1737 (usually 5 to 10 percent) for Recycled-Content Paper or requiring Recycled-
1738 Content Paper regardless of price. The options are presented below for
1739 consideration.

1740 (1) If fitness and quality are equal, provide Recycled-Content Paper Products
1741 and Recycled-Content Printing and Writing Paper that consists of at least
1742 30 percent, by fiber weight, postconsumer fiber instead of non-recycled
1743 products whenever recycled Paper Products and Printing and Writing Paper
1744 are available at the same or lesser total cost than non-recycled items or at
1745 a total cost of no more than ___% of the total cost for non-recycled items.
1746 Guidance: The procurement requirements specified here are consistent
1747 with the Public Resources Code Section 22150 with the exception of the
1748 blue highlighted text. Jurisdiction that do not want to include any pricing
1749 preference for Recycled-Content Paper should delete the blue highlighted
1750 text. Jurisdictions that want to establish a pricing preference for purchase
1751 of Recycled-Content Paper shall retain the blue highlighted text and insert
1752 a percentage amount.

1753 (2) Provide Paper Products and Printing and Writing Paper that meet Federal
1754 Trade Commission recyclability standard as defined in 16 Code of Federal
1755 Regulations (CFR) Section 260.12.

1756 (3) Certify in writing, under penalty of perjury, the minimum percentage of
1757 postconsumer material in the Paper Products and Printing and Writing
1758 Paper offered or sold to the Jurisdiction. This certification requirement may
1759 be waived if the percentage of postconsumer material in the Paper

1760 Products, Printing and Writing Paper, or both can be verified by a product
1761 label, catalog, invoice, or a manufacturer or vendor internet website.

1762 (4) Certify in writing, on invoices or receipts provided, that the Paper Products
1763 and Printing and Writing Paper offered or sold to the Jurisdiction is eligible
1764 to be labeled with an unqualified recyclable label as defined in 16 Code of
1765 Federal Regulations (CFR) Section 260.12 (2013).

1766 (5) Provide records to the Jurisdiction’s Recovered Organic Waste Product
1767 procurement recordkeeping Designee, in accordance with the Jurisdiction’s
1768 Recycled-Content Paper procurement policy(ies) of all Paper Products and
1769 Printing and Writing Paper purchases within thirty (30) days of the purchase
1770 (both recycled-content and non-recycled content, if any is purchased) made
1771 by any division or department or employee of the Jurisdiction. Records shall
1772 include a copy (electronic or paper) of the invoice or other documentation
1773 of purchase, written certifications as required in Sections 15(b)(3) and
1774 15(b)(4) of this ordinance for recycled-content purchases, purchaser name,
1775 quantity purchased, date purchased, and recycled content (including
1776 products that contain none), and if non-recycled content Paper Products or
1777 Printing and Writing Papers are provided, include a description of why
1778 Recycled-Content Paper Products or Printing and Writing Papers were not
1779 provided.

1780 **SECTION 16. INSPECTIONS AND INVESTIGATIONS BY JURISDICTION**

1781 Guidance: SB 1383 Regulations (14 CCR, Division 7, Chapter 12, Article 14) require
1782 Jurisdictions to inspect regulated entities for compliance and to take Enforcement Action
1783 against non-compliant entities including generators, Tier One and Tier Two Commercial
1784 Edible Food Generators, Food Recovery Organizations, Food Recovery Services,
1785 haulers, and Self-Haulers. This Section 16 provides example ordinance language to
1786 provide the Jurisdiction the right to conduct Inspections and investigations. Section 17
1787 addresses enforcement. This Model language presents a simple approach to establishing
1788 the right to inspect or investigate. Some Jurisdictions may want to expand on this to
1789 include more specificity, including more specific identification of who has the authority to
1790 inspect, what entities may be inspected or investigated, and the protocols for such
1791 Inspections and investigations. Note that for Jurisdictions using the Performance-Based
1792 Compliance Approach, their Inspection and enforcement obligations under SB 1383
1793 Regulations are limited to Tier One and Tier Two Commercial Edible Food Generators,
1794 Food Recovery Organizations, Food Recovery Services, as specified in 14 CCR Sections
1795 18998.2(a)(8) through 18998.2(a)(11).



1796 (a) Jurisdiction representatives and/or its designated entity, including Designees are
1797 authorized to conduct Inspections and investigations, at random or otherwise, of
1798 any collection container, collection vehicle loads, or transfer, processing, or
1799 disposal facility for materials collected from generators, or Source Separated
1800 materials to confirm compliance with this ordinance by Organic Waste Generators,

1801 Commercial Businesses (including Multi-Family Residential Dwellings), property
1802 owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food
1803 Recovery Services, and Food Recovery Organizations, subject to applicable laws.
1804 This Section does not allow Jurisdiction to enter the interior of a private residential
1805 property for Inspection. For the purposes of inspecting Commercial Business
1806 containers for compliance with Section 6(b) or 7(b) of this ordinance, Jurisdiction
1807 may conduct container Inspections for Prohibited Container Contaminants using
1808 Remote Monitoring, and Commercial Businesses shall accommodate and
1809 cooperate with the Remote Monitoring pursuant to Section 6(k) or 7(k) of this
1810 ordinance. (Optional) Guidance: The Remote Monitoring addressed in the
1811 preceding sentence is not required by the SB 1383 Regulations. Jurisdictions may
1812 include this if they choose to use a Remote Monitoring system to monitor for
1813 Prohibited Container Contaminants to support their compliance with 14 CCR
1814 Section 18984.5, Container Contamination minimization requirements.

1815 (b) Regulated entity shall provide or arrange for access during all Inspections (with the
1816 exception of residential property interiors) and shall cooperate with the
1817 Jurisdiction’s employee or its designated entity/Designee during such Inspections
1818 and investigations. Such Inspections and investigations may include confirmation
1819 of proper placement of materials in containers, Edible Food Recovery activities,
1820 records, or any other requirement of this ordinance described herein. Failure to
1821 provide or arrange for: (i) access to an entity’s premises; (ii) installation and
1822 operation of Remote Monitoring equipment (optional); or (ii) access to records for
1823 any Inspection or investigation is a violation of this ordinance and may result in
1824 penalties described.

1825 (c) Any records obtained by a Jurisdiction during its Inspections, Remote Monitoring,
1826 and other reviews shall be subject to the requirements and applicable disclosure
1827 exemptions of the Public Records Act as set forth in Government Code Section
1828 6250 et seq.

1829 (d) Jurisdiction representatives, its designated entity, and/or Designee are authorized
1830 to conduct any Inspections, Remote Monitoring, or other investigations as
1831 reasonably necessary to further the goals of this ordinance, subject to applicable
1832 laws.

1833 (e) Jurisdiction shall receive written complaints from persons regarding an entity that
1834 may be potentially non-compliant with SB 1383 Regulations, including receipt of
1835 anonymous complaints. Guidance: Jurisdiction shall develop a method to accept
1836 anonymous complaints and require that all complaints be made in writing with
1837 specified information. See SB 1383 Regulations (14 CCR Section 18995.3) for
1838 more guidance.

1839 **SECTION 17. ENFORCEMENT**

1840 Guidance: SB 1383 Regulations (14 CCR, Division 7, Chapter 12, Articles 14 and 16)
1841 specify Jurisdiction’s requirements for enforcement and assessment of administrative civil
1842 penalties, respectively. Section 17 provides example language to support the
1843 enforcement process and assessment of penalties. Jurisdictions will need to make sure
1844 that the enforcement language in their ordinance conforms with their own enforcement
1845 procedures. Jurisdictions will need to modify the enforcement language to match their
1846 current and desired enforcement procedures. In addition, Jurisdictions may want to
1847 provide enforcement procedures and requirements stricter than those specified in the SB
1848 1383 Regulations at its option.



1849 (a) Violation of any provision of this ordinance shall constitute grounds for issuance of
1850 a Notice of Violation and assessment of a fine by a Jurisdiction Enforcement
1851 Official or representative. Enforcement Actions under this ordinance are issuance
1852 of an administrative citation and assessment of a fine. The Jurisdiction’s
1853 procedures on imposition of administrative fines are hereby incorporated in their
1854 entirety, as modified from time to time, and shall govern the imposition,
1855 enforcement, collection, and review of administrative citations issued to enforce
1856 this ordinance and any rule or regulation adopted pursuant to this ordinance,
1857 except as otherwise indicated in this ordinance.

1858 (b) Other remedies allowed by law may be used, including civil action or prosecution
1859 as misdemeanor or infraction. Jurisdiction may pursue civil actions in the California
1860 courts to seek recovery of unpaid administrative citations. Jurisdiction may choose
1861 to delay court action until such time as a sufficiently large number of violations, or
1862 cumulative size of violations exist such that court action is a reasonable use of
1863 Jurisdiction staff and resources.

1864 (c) Responsible Entity for Enforcement

1865 (1) Enforcement pursuant to this ordinance may be undertaken by the
1866 Jurisdiction Enforcement Official, which may be the **city manager** or their
1867 designated entity, legal counsel, or combination thereof.

1868 (2) Enforcement may also be undertaken by a **Regional or County Agency**
1869 Enforcement Official, designated by the Jurisdiction, in consultation with
1870 Jurisdiction Enforcement Official.

1871 (A) Jurisdiction Enforcement Official(s) **(and Regional or County Agency**
1872 **Enforcement Official, if using)** will interpret ordinance; determine the
1873 applicability of waivers, if violation(s) have occurred; implement
1874 Enforcement Actions; and, determine if compliance standards are
1875 met.

1876 (B) Jurisdiction Enforcement Official(s) **(and Regional or County Agency**
1877 **Enforcement Official, if using)** may issue Notices of Violation(s).

1878 Guidance: Include Section 17(c)(2) above if Jurisdiction intends to delegate
1879 enforcement responsibilities to a Regional Agency, County, or joint powers
1880 authority. Regional or County Agency Enforcement Officials may include
1881 environmental health director or Designee; executive director of Regional
1882 Agency or joint powers authority or Designee; or county administrator or
1883 Designee.

1884 (d) Process for Enforcement

1885 (1) Jurisdiction Enforcement Officials or Regional or County Enforcement
1886 Officials and/or their Designee will monitor compliance with the ordinance
1887 randomly and through Compliance Reviews, Route Reviews, investigation
1888 of complaints, and an Inspection program (that may include Remote
1889 Monitoring). Section 16 establishes Jurisdiction's right to conduct
1890 Inspections and investigations.

1891 (2) Jurisdiction may issue an official notification to notify regulated entities of its
1892 obligations under the ordinance.

1893 (3) For Jurisdictions assessing contamination processing fees/penalties. For
1894 incidences of Prohibited Container Contaminants found in containers,
1895 Jurisdiction will issue a Notice of Violation to any generator found to have
1896 Prohibited Container Contaminants in a container. Such notice will be
1897 provided via a cart tag or other communication immediately upon
1898 identification of the Prohibited Container Contaminants or within ___ days
1899 after determining that a violation has occurred. If the Jurisdiction observes
1900 Prohibited Container Contaminants in a generator's containers on more
1901 than ___ () consecutive occasion(s), the Jurisdiction may assess
1902 contamination processing fees or contamination penalties on the generator.
1903 Guidance: Jurisdiction to include this provision if it chooses to assess
1904 contamination penalties or contamination processing fees for additional
1905 costs of processing Contaminated Containers; otherwise Jurisdictions
1906 should delete provision. Notwithstanding the Jurisdiction enforcement
1907 requirements in SB 1383 Regulations (14 CCR Section 18995.1), do not
1908 require Jurisdictions to impose administrative civil penalties on generators
1909 for violation of Prohibited Container Contaminants requirements. If
1910 choosing to include these optional fees, Jurisdictions should modify this
1911 Section to specify the conditions and procedure for issuance of the fees.
1912 For example, a fee could be assessed per instance of contamination or
1913 could be assessed after certain number of consecutive instances. For
1914 Jurisdictions choosing not to assess contamination processing fees or
1915 contamination penalties, delete Section 17(d)(3).

1916 (4) With the exception of violations of generator contamination of container
1917 contents addressed under Section 17(d)(3), Jurisdiction shall issue a Notice
1918 of Violation requiring compliance within 60 days of issuance of the notice.

1919 (5) Absent compliance by the respondent within the deadline set forth in the
1920 Notice of Violation, Jurisdiction shall commence an action to impose
1921 penalties, via an administrative citation and fine, pursuant to the
1922 Jurisdiction’s _____ policy/ordinance/guidelines or requirements contained
1923 in Section 17(k), Table 1, List of Violations. Guidance: Note that the
1924 Jurisdiction shall amend the text in blue highlighting to identify its
1925 policy/ordinance/guidelines related to assessment of penalties or the
1926 penalty amounts and/or should refer to Table 1 if it has chosen to include
1927 Table 1 in its ordinance.

1928 Notices shall be sent to “owner” at the official address of the owner
1929 maintained by the tax collector for the Jurisdiction or if no such address is
1930 available, to the owner at the address of the dwelling or Commercial
1931 property or to the party responsible for paying for the collection services,
1932 depending upon available information

1933 (e) Penalty Amounts for Types of Violations

1934 Guidance: SB 1383 Regulations (14 CCR Section 18997.2) require assessment of
1935 penalties with minimum penalty levels consistent with the applicable requirements
1936 prescribed in Government Code Sections 53069.4, 25132, and 36900.
1937 Jurisdictions may choose to use the ranges of penalties included in the
1938 Government Code Section and listed below, or may choose to amend the penalty
1939 amounts shown below to establish a specific penalty level (rather than a range) for
1940 each violation type. Jurisdictions that choose to pick a specific penalty amount
1941 must select an amount that is somewhere in the range or higher than the amounts
1942 shown below, but no lower than the lowest value for each range listed below, and
1943 consistent with the ranges listed in Sections 53069.4, 25132, and 36900 of the
1944 Government Code. Jurisdictions should indicate if these penalties are consistent
1945 or different than administrative penalties in Jurisdiction’s code.



1946 The penalty levels are as follows:

1947 (1) For a first violation, the amount of the base penalty shall be \$50 to \$100 per
1948 violation.

1949 (2) For a second violation, the amount of the base penalty shall be \$100 to
1950 \$200 per violation.

1951 (3) For a third or subsequent violation, the amount of the base penalty shall be
1952 \$250 to \$500 per violation.

1953 (f) Factors Considered in Determining Penalty Amount

1954 Guidance: Jurisdictions may consider including this Section if the penalty amounts
1955 are defined as a range (rather than a specific penalty amount). Note that the factors
1956 listed below are the factors that will be used by CalRecycle to determine penalties
1957 against Jurisdictions and other regulated entities, rather than Jurisdictions against

1958 generators, and have been included here for example purposes. Jurisdictions may
1959 consider including these factors, but this is not required. Jurisdictions should
1960 customize this Section, if including, to list relevant factors or reference other
1961 sections of their municipal/county code if similar provisions already exist.

1962 The following factors shall be used to determine the amount of the penalty for each
1963 violation within the appropriate penalty amount range:

- 1964 (1) The nature, circumstances, and severity of the violation(s).
- 1965 (2) The violator's ability to pay.
- 1966 (3) The willfulness of the violator's misconduct.
- 1967 (4) Whether the violator took measures to avoid or mitigate violations of this
1968 chapter.
- 1969 (5) Evidence of any economic benefit resulting from the violation(s).
- 1970 (6) The deterrent effect of the penalty on the violator.
- 1971 (7) Whether the violation(s) were due to conditions outside the control of the
1972 violator.

1973 (g) Compliance Deadline Extension Considerations

1974 The Jurisdiction may extend the compliance deadlines set forth in a Notice of
1975 Violation issued in accordance with Section 17 if it finds that there are extenuating
1976 circumstances beyond the control of the respondent that make compliance within
1977 the deadlines impracticable, including the following:

- 1978 (1) Acts of God such as earthquakes, wildfires, flooding, and other
1979 emergencies or natural disasters;
- 1980 (2) Delays in obtaining discretionary permits or other government agency
1981 approvals; or,
- 1982 (3) Deficiencies in Organic Waste recycling infrastructure or Edible Food
1983 Recovery capacity and the Jurisdiction is under a corrective action plan with
1984 CalRecycle pursuant to 14 CCR Section 18996.2 due to those deficiencies.

1985 (h) Appeals Process

1986 Persons receiving an administrative citation containing a penalty for an
1987 uncorrected violation may request a hearing to appeal the citation. A hearing will
1988 be held only if it is requested within the time prescribed and consistent with
1989 Jurisdiction's procedures in the Jurisdiction's codes for appeals of administrative
1990 citations. Evidence may be presented at the hearing. The Jurisdiction will appoint

1991 a hearing officer who shall conduct the hearing and issue a final written order.
1992 Guidance: Jurisdiction shall select an employee or Designee to act as hearing
1993 officer who is different from their enforcement official.

1994 (i) Education Period for Non-Compliance

1995 Beginning January 1, 2022 and through December 31, 2023, Jurisdiction will
1996 conduct Inspections, Remote Monitoring, Route Reviews or waste evaluations,
1997 and Compliance Reviews, depending upon the type of regulated entity, to
1998 determine compliance, and if Jurisdiction determines that Organic Waste
1999 Generator, Self-Hauler, hauler, Tier One Commercial Edible Food Generator,
2000 Food Recovery Organization, Food Recovery Service, or other entity is not in
2001 compliance, it shall provide educational materials to the entity describing its
2002 obligations under this ordinance and a notice that compliance is required by
2003 January 1, 2022, and that violations may be subject to administrative civil penalties
2004 starting on January 1, 2024. Guidance: Jurisdictions may initiate the education
2005 period prior to January 1, 2022, but no later than that date pursuant to SB 1383
2006 Regulations (14 CCR Section 18995.1(a)(4)).

2007 (j) Civil Penalties for Non-Compliance

2008 Beginning January 1, 2024, if the Jurisdiction determines that an Organic Waste
2009 Generator, Self-Hauler, hauler, Tier One or Tier Two Commercial Edible Food
2010 Generator, Food Recovery Organization, Food Recovery Service, or other entity
2011 is not in compliance with this ordinance, it shall document the noncompliance or
2012 violation, issue a Notice of Violation, and take Enforcement Action pursuant to
2013 Section 17, as needed. Guidance: 14 CCR Section 18995.4(a)(1) requires that
2014 Jurisdictions initiate Enforcement Actions no later than January 1, 2024.
2015 Jurisdiction may consider having penalties start earlier than January 1, 2024. If
2016 so, it shall amend the dates in Sections 17(i) and 17(j) above to fit its
2017 commencement date for enforcement.

2018 (k) Enforcement Table

2019 Guidance: While Jurisdictions are required to take Enforcement Actions against
2020 regulated entities, Jurisdictions are not required to include an enforcement table in
2021 their ordinance. The following table is provided as an informational tool to highlight
2022 the primary requirements that a Jurisdiction may choose to include in an
2023 enforcement table, based on the Model Ordinance requirements. If a Jurisdiction
2024 includes such an enforcement table in their ordinance, they may choose to include
2025 more items or delete items from the table depending upon the specifics of their
2026 final ordinance and their enforcement program.

2027 Items in Table 1 below requiring enforcement by Jurisdictions using Performance-
2028 Based Compliance Approach are indicated in the table with an asterisk (*).
2029 Jurisdictions using the Performance-Based Compliance Approach should modify
2030 the table to include only non-compliance items it plans to enforce.

2031 Jurisdictions using a one-container collection service shall include all items except
 2032 Organic Waste Generator and Commercial Business requirements.

2033 **Table 1. List of Violations (Optional)**



Requirement	Description of Violation
Commercial Business and Commercial Business Owner Responsibility Requirement Sections 6 and 7*	Commercial Business fails to provide or arrange for Organic Waste collection services consistent with Jurisdiction requirements and as outlined in this ordinance, for employees, contractors, tenants, and customers, including supplying and allowing access to adequate numbers, size, and location of containers and sufficient signage and container color.
Organic Waste Generator Requirement Section 4, 5, 6 and 7*	Organic Waste Generator fails to comply with requirements adopted pursuant to this ordinance for the collection and Recovery of Organic Waste.
Hauler Requirement Section, Section 11	A hauler providing residential, Commercial or industrial Organic Waste collection service fails to transport Organic Waste to a facility, operation, activity, or property that recovers Organic Waste, as prescribed by this ordinance.
Hauler Requirement Section 11	A hauler providing residential, Commercial, or industrial Organic Waste collection service fails to obtain applicable approval issued by the Jurisdiction to haul Organic Waste as prescribed by this ordinance.
Hauler Requirement Section 11	A hauler fails to keep a record of the applicable documentation of its approval by the Jurisdiction, as prescribed by this ordinance.
Self-Hauler Requirement Section 12	A generator who is a Self-Hauler fails to comply with the requirements of 14 CCR Section 18988.3(b).
Commercial Edible Food Generator Requirement Section 9*	Tier One Commercial Edible Food Generator fails to arrange to recover the maximum amount of its Edible Food that would otherwise be disposed by establishing a contract or written agreement with a Food Recovery Organization or Food Recovery Service and comply with this Section commencing Jan. 1, 2022.
Commercial Edible Food Generator Requirement Section 9*	Tier Two Commercial Edible Food Generator fails to arrange to recover the maximum amount of its Edible Food that would otherwise be disposed by establishing a contract or written agreement with a Food Recovery Organization or Food Recovery

	Service and comply with this Section commencing Jan. 1, 2024.
Commercial Edible Food Generator Requirement Section 9*	Tier One or Tier Two Commercial Edible Food Generator intentionally spoils Edible Food that is capable of being recovered by a Food Recovery Organization or Food Recovery Service.
Organic Waste Generator, Commercial Business Owner, Commercial Edible Food Generator, Food Recovery Organization or Food Recovery Service Sections 6, 7, and 9*	Failure to provide or arrange for access to an entity's premises for any Inspection or investigation.
Recordkeeping Requirements for Commercial Edible Food Generator Section 9*	Tier One or Tier Two Commercial Edible Food Generator fails to keep records, as prescribed by Section 9.
Recordkeeping Requirements for Food Recovery Services and Food Recovery Organizations Section 10*	A Food Recovery Organization or Food Recovery Service that has established a contract or written agreement to collect or receive Edible Food directly from a Commercial Edible Food Generator pursuant to 14 CCR Section 18991.3(b) fails to keep records, as prescribed by Section 10.

2034 * Required for Jurisdictions using a Performance-Based Compliance Approach. Items
 2035 not marked with an * are not required for Jurisdictions using a Performance-Based
 2036 Compliance Approach. All items in the table are applicable to Jurisdictions using a
 2037 Standard Compliance Approach.

2038

2039 **SECTION 18. EFFECTIVE DATE**

2040 This ordinance shall be effective commencing on _____ (Jurisdiction
2041 to insert date of effectiveness.)

2042 Guidance: SB 1383 Regulations (14 CCR Section 18981.2(a)) require that an ordinance
2043 or other enforceable mechanism be in place no later than January 1, 2022. Jurisdiction is
2044 to determine whether to make this ordinance effective prior to January 1, 2022 to allow
2045 entities additional time to come into compliance with SB 1383 Regulations through
2046 outreach and education efforts provided by Jurisdiction, prior to Inspections, etc.
2047 Jurisdiction is required to provide education by February 1, 2022 at the latest, but six
2048 months or a year sooner for both education and effective date would give regulated
2049 entities more time to understand and comply, prior to Inspections beginning.