



Western Riverside Council of Governments Solid Waste Committee

AGENDA

**Wednesday, February 19, 2020
1:00 p.m.**

**NOTE NEW
SUITE
LOCATION**

**Western Riverside Council of Governments
Citrus Tower
3390 University Avenue, Suite 200
Riverside, CA 92501**

In compliance with the Americans with Disabilities Act and Government Code Section 54954.2, if special assistance is needed to participate in the Solid Waste Committee meeting, please contact WRCOG at (951) 405-6703. Notification of at least 48 hours prior to meeting time will assist staff in assuring that reasonable arrangements can be made to provide accessibility at the meeting. In compliance with Government Code Section 54957.5, agenda materials distributed within 72 hours prior to the meeting which are public records relating to an open session agenda item will be available for inspection by members of the public prior to the meeting at 3390 University Avenue, Suite 200, Riverside, CA, 92501.

The Solid Waste Committee may take any action on any item listed on the agenda, regardless of the Requested Action.

- 1. CALL TO ORDER (Charles Russell, Chair)**
- 2. SELF INTRODUCTIONS**
- 3. PLEDGE OF ALLEGIANCE**
- 4. PUBLIC COMMENTS**

At this time members of the public can address the Solid Waste Committee regarding any items with the subject matter jurisdiction of the Committee that are not separately listed on this agenda. Members of the public will have an opportunity to speak on agenda items at the time the item is called for discussion. No action may be taken on items not listed on the agenda unless authorized by law. Whenever possible, lengthy testimony should be presented to the Committee in writing and only pertinent points presented orally.

5. MINUTES

- A. **Summary Minutes from the November 20, 2019, Solid Waste Committee Meeting are Available for Consideration.** P. 1

Requested Action: 1. *Approve the Summary Minutes from the November 20, 2019, Solid Waste Committee meeting.*

6. CONSENT CALENDAR

All items listed under the Consent Calendar are considered to be routine and may be enacted by one motion. Prior to the motion to consider any action by the Committee, any public comments on any of the Consent Items will be heard. There will be no separate action unless members of the Committee request specific items be removed from the Consent Calendar.

- A. **2020 Residential and Commercial Rate Survey Update** *Kyle Rodriguez* P. 5

Requested Action: 1. *Receive and file.*

7. REPORTS / DISCUSSION

- A. **Used Oil and Oil Filter Recycling Program Activities Update** *Kyle Rodriguez, WRCOG* P. 7

Requested Action: 1. *Receive and file.*

- B. **California Recycling Requirements and SB 1383: Short-lived Climate Pollutants Update** *Kyle Rodriguez, WRCOG* P. 9

Requested Action: 1. *Receive and file.*

- C. **CalRecycle Electronic Annual Reporting Activities Update** *Kyle Rodriguez, WRCOG* P. 65

Requested Action: 1. *Receive and file.*

8. ITEMS FOR FUTURE AGENDAS *Members*

Members are invited to suggest additional items to be brought forward for discussion at future Solid Waste Committee meetings.

9. GENERAL ANNOUNCEMENTS *Members*

Members are invited to announce items / activities which may be of general interest to the Solid Waste Committee.

10. **NEXT MEETING:** The next Solid Waste Committee meeting is scheduled for Wednesday, May 20, 2020, at 1:00 p.m., at WRCOG's office located at 3390 University Avenue, Suite 200, Riverside.

11. ADJOURNMENT

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1. CALL TO ORDER

The meeting of the Solid Waste Committee was called to order at 1:03 p.m. by Vice-Chair Sean McGovern at WRCOG's office, Citrus Conference Room.

2. SELF INTRODUCTIONS

Members present:

Holly Stuart, City of Banning
Crystal Adams, City of Eastvale
Sean McGovern, City of Jurupa Valley, Vice-Chair
Angelic Davis, City of Moreno Valley (1:20 p.m. arrival)
Clara Vera, City of Murrieta
Kathleen Utter, County of Riverside

Staff present:

Andrew Ruiz, Chief Financial Officer
Casey Dailey, Director of Energy & Environmental Programs
Tyler Masters, Program Manager
Kyle Rodriguez, Staff Analyst
Rayza Sison, Staff Analyst
Suzy Nelson, Administrative Assistant
Nathan Campos, Intern

Guests present:

Angela Dufresne, Riverside County Waste Resources
Girard Moby, MSW Consultants
Karee Keyser, City of Beaumont
Jill Larner, CalRecycle
Rachel Otais, Waste Not OC
Mike Learakos, Waste Not OC
Eric Handler, Waste Not OC
Jasmin Rivera, City of Moreno Valley
Nancy Noriega, City of Moreno Valley

3. PLEDGE OF ALLEGIANCE

Vice-Chair Sean McGovern led members and guests in the Pledge of Allegiance.

4. PUBLIC COMMENTS

None.

5. MINUTES (Murrieta / Moreno Valley) 6 yes; 0 no; 0 abstain. Item 5. A was approved. The Cities of Calimesa, Canyon Lake, Corona, Hemet, Lake Elsinore, Menifee, Perris, Riverside, San Jacinto, Temecula and Wildomar were not present.

A. Summary Minutes from the August 21, 2019, Solid Waste Committee Meeting are Available for Consideration.

Action: 1. Approved the Summary Minutes from the August 21, 2019, Solid Waste Committee meeting.

6. CONSENT CALENDAR – (Eastvale / Murrieta) 6 yes; 0 no; 0 abstain. Items 6. A was approved. The Cities of Calimesa, Canyon Lake, Corona, Hemet, Lake Elsinore, Menifee, Perris, Riverside, San Jacinto, Temecula and Wildomar were not present.

A. Used Oil and Oil Filter Recycling Program Activities Update

Action: 1. Received and filed.

7. REPORTS / DISCUSSION

A. California Recycling Requirements and SB 1383: Short-lived Pollutants Update

Kyle Rodriguez reported that requirements on thresholds went into effect on January 1, 2019. Businesses, public agencies, and multi-family dwellings with five or more units, that generate four cubic yards or more of solid waste per week, shall arrange for recycling under Assembly Bill (AB) 341 and AB 1826. Failure to implement an effective recycling and organics recycling program can result in a formal compliance review conducted by CalRecycle. If a member of the Committee has received a letter from CalRecycle, please contact WRCOG staff for further assistance.

Under SB 1383, all businesses and residents need to have an organics waste collection. Some implementations considered include local enforcement – who inspect, collect fees, and ensure programs are resourced – ordinances, and assessing the need for local compost and paper products that are recycled material from organics. WRCOG will provide member agencies with best practices and resources, acting as a liaison between CalRecycle and member agencies and potentially apply for CalRecycle's Food Waste grant to help meet edible food recovery requirements.

Committee members discussed various software that could support waste and recycling data collection and compliance requirements. Staff will bring back a list of potential software to share.

Action: 1. Received and filed.

B. California's Recycling Compliance Guidelines

At the last Committee meeting, members requested that staff work with CalRecycle on clarifications of data and reporting requirements under the new legislation. Jill Larner provided an overview of compliance requirements for AB 341, AB 1826, AB 827, and SB 1383.

Under AB 341 and AB 1826, each jurisdiction will need to identify covered commercial generators, conduct education and outreach to applicable waste generators, present annual reporting to CalRecycle on progress achieved, and ensure commercial recycling and commercial organics recycling services.

Ms. Larner provided key SB 1383 implementation dates as well as jurisdiction responsibilities.

Action: 1. Received and filed.

C. Waste Not OC Presentation

Mike Learakos reported that Waste Not OC (WNOC) is a public-private effort working collaboratively with foodbanks, municipalities, the food industry, and the waste hauling industry to reduce hunger and food waste by safely and cost-effectively recovering unwanted, wholesome food for distribution to local pantries serving members of the community who are facing food insecurity. The overall vision of the coalition is to end hunger in Orange County using a three-step approach: 1) redirecting unwanted, wholesome food to local pantries, 2) identifying individuals impacted by food insecurities, and 3) connecting those individuals to sources of food.

The WNOC model stresses the importance of having a positive cost-benefit to all involved parties and must consist of public, private, and non-profit agencies. It is important to develop a “pantry map” of all food banks, food pantries, and food generators to increase public accessibility.

Action: 1. Received and filed.

D. Food Waste Prevention and Rescue Grant Program

Rayza Sison reported on the 4th cycle of CalRecycle’s Food Waste Prevention and Rescue grant, which is estimated to be released in early 2020. Some of the eligible projects include food waste prevention through education, outreach, modernization of production or handling, and food preparation waste reduction. Also included are any food rescue projects that result in edible food rescue and distribution or composting, digesting, and/or diversion.

WRCOG proposed a 3-step project for the subregion that includes 1) administering a needs assessment to determine food insecurities, locating potential partners to assist with recovery and delivery and to determine what components the cities need to be in compliance with recycling laws, 2) generating a food pantry directory that would list all food banks and pantries and specify the eligibility requirements to receive support from a facility, and 3) selecting an online match application that allows food generators, such as restaurants and grocers, to list surplus food, to allow volunteers and certified food handlers to move food from a generator to a pantry, and to allow receiving agencies to specify needs within its neighborhoods.

Staff will work with the Riverside County Department of Environmental Health to identify its current food recovery work and its role in future efforts, as well as work with CalRecycle to identify necessary components for a successful food waste recovery project.

Action: 1. Received and filed.

8. ITEMS FOR FUTURE AGENDAS

There were no items for future agendas.

9. GENERAL ANNOUNCEMENTS

There were no general announcements.

10. NEXT MEETING: The next Solid Waste Committee meeting is scheduled for February 19, 2020, at 1:00 p.m., at WRCOG’s office located at 3390 University Avenue, Riverside.

11. ADJOURNMENT: The meeting of the Solid Waste Committee adjourned at 3:03 p.m.

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Western Riverside Council of Governments Solid Waste Committee

Staff Report

Subject: 2020 Residential and Commercial Rate Survey Update

Contact: Kyle Rodriguez, Staff Analyst, krodriguez@wrcog.us, (951) 405-6721

Date: February 19, 2020

The purpose of this item is to provide an update on the annual residential and commercial rate survey that WRCOG conducts on behalf of its member jurisdictions.

Requested Action:

1. Receive and file.

Background

Each year, WRCOG conducts an informational rate survey of surrounding jurisdictions regarding fees and programs. The rate survey is comprised of the residential and commercial waste fees for refuse, recycling, and green waste of jurisdictions within Riverside and San Bernardino Counties as well as unincorporated areas. Members of this Committee may use the survey as a resource to compare the rates of neighboring jurisdictions to grasp a better understanding of the local rates and additional services provided by the waste haulers. WRCOG staff emailed a draft survey in February to confirm residential and commercial rates with members of the Solid Waste Committee.

Prior Action:

None.

Fiscal Impact:

This item is for informational purposes only; therefore, there is no fiscal impact.

Attachment:

None.

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Western Riverside Council of Governments Solid Waste Committee

Staff Report

Subject: Used Oil and Oil Filter Recycling Program Activities Update

Contact: Kyle Rodriguez, Staff Analyst, krodriguez@wrcog.us, (951) 405-6721

Date: February 19, 2020

The purpose of this item is to provide an update on Program events, community outreach activities, and Oil Payment Program (OPP) Cycle 9, 10, and 11.

Requested Action:

1. Receive and file.

WRCOG's Used Oil and Oil Filter Recycling Program is designed to promote the proper recycling and disposal of used oil, oil filters, and Household Hazardous Waste (HHW).

Used Oil and Filter Exchange Events

The Used Oil Program is funded by a grant from CalRecycle, which allows jurisdictions to provide outreach and education on the proper recycling of used motor oil, oil filters, and HHW. WRCOG provides outreach on behalf of the 16 member jurisdictions that participate in the Used Oil Program. The primary objective is to teach "Do It Yourself" individuals who change their oil how to dispose of their used oil and oil filters properly; therefore, an auto parts store is an excellent venue for events. During used oil events, individuals are encouraged to bring in their used oil filters for recycling. In exchange, they are provided with a new filter, of equal or lesser price, at no cost. WRCOG staff utilizes an electronic survey on an iPad to collect information to help better inform community members of future opportunities to recycle used oil. In addition to promoting used oil and oil filter recycling, staff provides information about future County-wide HHW collection events, which allows residents to drop-off other automotive and hazardous household products for free.

The following is a list of completed Used Oil Outreach and Oil Filter Exchange events:

Date	Event	Location	Oil Filters Exchanged
11/16/2019	Community Event	Riverside County	N/A
11/23/2019	Oil & Filter Event	Hemet	45
12/7/2019	Oil & Filter Event	Eastvale	83
1/14/2020	Oil & Filter Event	Riverside	153
1/18/2020	Oil & Filter Event	Jurupa Valley	86
2/1/2020	Oil & Filter Event	Lake Elsinore	58

The following is a list of upcoming Used Oil Outreach and Oil Filter Exchange events:

Date	Event	Location	Time
2/15/2020	Oil & Filter Event	Menifee	9:00 a.m. – 12:00 p.m.
2/29/2020	Oil & Filter Event	Murrieta	9:00 a.m. – 12:00 p.m.
3/7/2020	Oil & Filter Event	Hemet	9:00 a.m. – 12:00 p.m.
3/21/2020	Oil & Filter Event	Eastvale	9:00 a.m. – 12:00 p.m.
3/28/2020	Car Show	Lake Elsinore	9:00 a.m. – 3:00 p.m.
4/4/2020	Oil & Filter Event	Perris	9:00 a.m. – 12:00 p.m.

Oil Payment Program (OPP) Cycle 9

The 2020 Used Oil / HHW Training and Symposium will be held at the Doubletree Hotel in Sacramento, March 23 – 27, 2020. This year it will offer Registered Environmental Health Specialist credits for both training sessions and the regular symposium sessions. This a great opportunity to earn more training units for certification. If you are interested in helping plan the event, please contact Emily Wang at Emily.Wang@CalRecycle.ca.gov.

Annual reports are due no later than August 15, of each year during the performance period. WRCOG will complete the annual report on behalf of the following jurisdictions for the Fiscal Year 2018/2019: Cities of Banning, Calimesa, Canyon Lake, Corona, Eastvale, Hemet, Jurupa Valley, Lake Elsinore, Menifee, Murrieta, Norco, Perris, Riverside, San Jacinto, Temecula, and Wildomar.

OPP Cycle 10

OPP Cycle 10 begins on July 1, 2020, and continues until June 30, 2021, with the annual reports due no later than August 15, 2021. WRCOG will provide a calendar of events for OPP Cycle 10 before the beginning of the term in July.

OPP Cycle 11 - Letter of Authorization

Applications for Cycle 11 are due no later than June 30, 2020. WRCOG will provide a sample letter of authorization for all member jurisdictions interested in participating in the regional Used Oil Program. Local governments may join together in a regional application in which two or more eligible jurisdictions join together for the purpose of project implementation. A Regional Lead Participant (Lead) must be designated to act on behalf of all participating jurisdictions. The Lead is the applicant who will be responsible for the performance of the OPP and all required documentation. CalRecycle will direct all official correspondence and payments to the Lead. If a jurisdiction is a participant in a regional application, it may not apply individually.

Prior Action:

November 20, 2019: The Solid Waste Committee received and filed.

Fiscal Impact:

This item is for informational purposes only; therefore, there is no fiscal impact.

Attachment:

None.



Western Riverside Council of Governments

Solid Waste Committee

Staff Report

Subject: California Recycling Requirements and SB 1383: Short-lived Climate Pollutants Update

Contact: Kyle Rodriguez, Staff Analyst, krodriguez@wrcog.us, (951) 405-6721

Date: February 19, 2020

The purpose of this item is to provide an overview on requirements for AB 341, AB 1826, AB 827, and SB 1383.

Requested Action:

1. Receive and file.

Background

WRCOG established a Solid Waste Committee (SWC) after the adoption of Assembly Bill 939, “*The Integrated Waste Management Act*,” in 1989, to regionally address the waste diversion goals in Western Riverside County. The SWC works with its member jurisdictions, its partners, and the California Department of Resources Recycling and Recovery (CalRecycle), meeting quarterly to discuss solid waste, environmental, and recycling issues and ways to address requirements.

California’s Recycling Requirements Update

Since the adoption of AB 939, California has continued to pass legislation (AB 341, AB 1826, AB 827, and SB 1383) requiring jurisdictions to implement processes that promote business and multi-family complex recycling programs. At a previous SWC meeting, WRCOG staff provided a presentation (Attachment 1) on details of these bills.

Current status of SB 1383

The final regulatory text that was posted on October 2, 2019, was submitted to the Office of Administrative Law (OAL) for review in January 2020. OAL’s review of the text and accompanying rulemaking documents will conclude in early March 2020. The final regulatory text and rulemaking documents approved by OAL will be posted on CalRecycle’s SLCP Rulemaking webpage at <https://www.calrecycle.ca.gov/Laws/Rulemaking/SLCP/>. This will include responses to comments submitted during formal comment periods. WRCOG anticipates more formal conversations with CalRecycle staff and will focus on clarification of inspection questionnaires and the reporting section that will be required from each jurisdiction for SB 1383.

Jurisdictions should have been notified of SB 1383 regulations by December 2019. WRCOG will provide a presentation to city councils upon request. Jurisdictions which have not adopted organic recycling ordinances, need to do so as soon as possible. Sample ordinances are provided by CalRecycle on the SLCP webpage at <https://www.calrecycle.ca.gov/climate/slcp>. Attached to this staff report (Attachments 2 and 3) are examples of existing recycling and organic recycling ordinances. WRCOG can provide assistance should members of the SWC need further assistance in adopting an ordinance. Jurisdictions should have updated franchise hauler agreements through procurement, amendments, and negotiation. The State looked to achieve a 50%

reduction of organics disposal by January 2020. Residents and businesses need to be notified of the State and local regulations being adopted before July 2020.

Additional Resources

WRCOG's Public Service Fellowship Program is intended to engage member agencies and local students / alumni in career opportunities to support initiatives that mutually benefit the Fellows and host agencies. To assist members of the SWC who have limited resources and support staff in meeting the requirements of SB 1383, WRCOG staff is recommending the use of Public Service Fellowship Program to assist in pursuing compliance for California's recycling requirements. To participate, a member jurisdiction must submit a host agency application and list recycling projects / legislation review under the anticipated projects for their prospective Fellow. All members who host a Fellow will be required to contribute half of the cost of the Fellow, and WRCOG will match the remaining, approximately \$10,000, from the host agency. The Fellow will begin at the start of Fiscal Year 2020/2021 and will be with the host agency for nine months.

Prior Action:

November 20, 2019: The Solid Waste Committee directed staff to work with CalRecycle on clarification on data and reporting, surveying questions for food processors, and classifying recoverable materials.

Fiscal Impact:

This item is for informational purposes only; therefore, there is no fiscal impact.

Attachments:

1. California's Recycling Requirements.
2. Canyon Lake Organic Recycling Ordinance.
3. Jurupa Valley's AB 341 and AB 1826 Ordinance.

Item 7.B

California Recycling Requirements
and SB 1383: Short-lived Climate
Pollutants Update

Attachment 1

California's Recycling Requirements

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California's Recycling Requirements

The State of California has passed three major pieces of legislation to phase in recycling requirements for businesses and multi-family dwellings

1. Mandatory Commercial Recycling (AB 341) - 2011
2. Mandatory Organics Recycling (AB 1826) - 2014
3. Short Lived Climate Pollutants (SB 1383) – 2019



Solid Waste Committee
November 20, 2019

Overview of AB 341 & AB 1826

Jurisdictions must have a Recycling and Organics Recycling Program for businesses and multi-family dwellings

- Effective as of January 1, 2019:
 - Businesses and public agencies that generate four cubic yards or more of solid waste per week shall arrange for recycling
 - Multi-family dwellings with 5+ units regardless amount of waste generated shall arrange for recycling services



Solid Waste Committee
November 20, 2019

Requirements of AB 341 & AB 1826

Business Requirements

- Apply any one or combination of the following actions in order to divert solid waste from disposal:
 - Self-haul
 - Subscribe to a waste hauler
 - Arrange for pickup of recyclables
 - Subscribe to a recycling service that may include mixed-waste processing



Solid Waste Committee
November 20, 2019

Requirements of AB 341 & AB 1826 (cont.)

Jurisdictional Requirements

- Each jurisdiction shall implement a recycling and organic solid waste program for businesses only:
 - Consists of **education, outreach** and **monitoring**
 - Reports on activities in CalRecycle's Electronic Annual Reports

Failure to implement a Recycling and Organic Recycling Program can result in a formal compliance review conducted by CalRecycle



Solid Waste Committee
November 20, 2019

Requirements of AB 341 & AB 1826 (cont.)

Education and Outreach

- Can be done by waste hauler, city, regional JPA, or regional educational cooperative
- A variety of electronic, print, and direct contact methods to reach desired audience
- The most successful outreach efforts are done by all entities in a variety of formats to target the regulated business community and multi-family complexes



Solid Waste Committee
November 20, 2019

Requirements of AB 341 & AB 1826 (cont.)

Annual Reporting

- Identify:
 - Total number of businesses within each city
 - Total number of businesses recycling
 - Total number of businesses not in compliance
- Conduct direct follow-up to those businesses **not** in compliance with information about the requirements

Failure to implement a Recycling and Organic Recycling Program can result in a formal compliance review conducted by CalRecycle



Solid Waste Committee
November 20, 2019

Overview of SB 1383: Reducing Short-Lived Climate Pollutants

SB 1383 builds upon AB 341 & AB 1826 recycling requirements

1. Requires the state to reduce organic waste disposal 75% (roughly 20 million tons) by 2025
2. Requires the state to increase edible food recovery 20% by 2025
3. Disposal reductions will reduce at least 4-million metric tons of greenhouse gas emissions annually by 2030



Solid Waste Committee
November 20, 2019

Requirements of SB 1383

Jurisdiction Requirements

1. Require all businesses and residents to have organic waste collection
2. Pass local enforcement ordinances to require businesses to subscribe to organic recycling services
3. Establish an edible food recovery program that recovers edible food from the waste stream
4. Conduct education and outreach to: businesses, waste haulers, food recovery organizations, and city / county departments



Solid Waste Committee
November 20, 2019

Requirements of SB 1383 (cont.)

Jurisdiction Requirements

5. Evaluate current infrastructure and plan for new compost and edible food recovery
6. Procure recycled organic waste products like compost and Renewable Natural Gas (RNG)
7. Inspect and enforce compliance of SB 1383
8. Maintain accurate and timely records of compliance

Meeting SB 1383 requirements complies with AB 341 and AB 1826



Solid Waste Committee
November 20, 2019

Requirements of SB 1383 (cont.)

Implementation Considerations

CalRecycle advises that SB 1383 doesn't apply to only waste haulers and recycling departments, local resources will play a role in SB 1383 implementation, staff will need to be decide who will be involved in the following:

- Developing the design and content for public education materials
- Local enforcement ordinances, new collections fees, and ensuring programs are resourced
- Working with waste hauler, processing & organic facilities, and finding available locations where compost may be utilized



Requirements of SB 1383 (cont.)

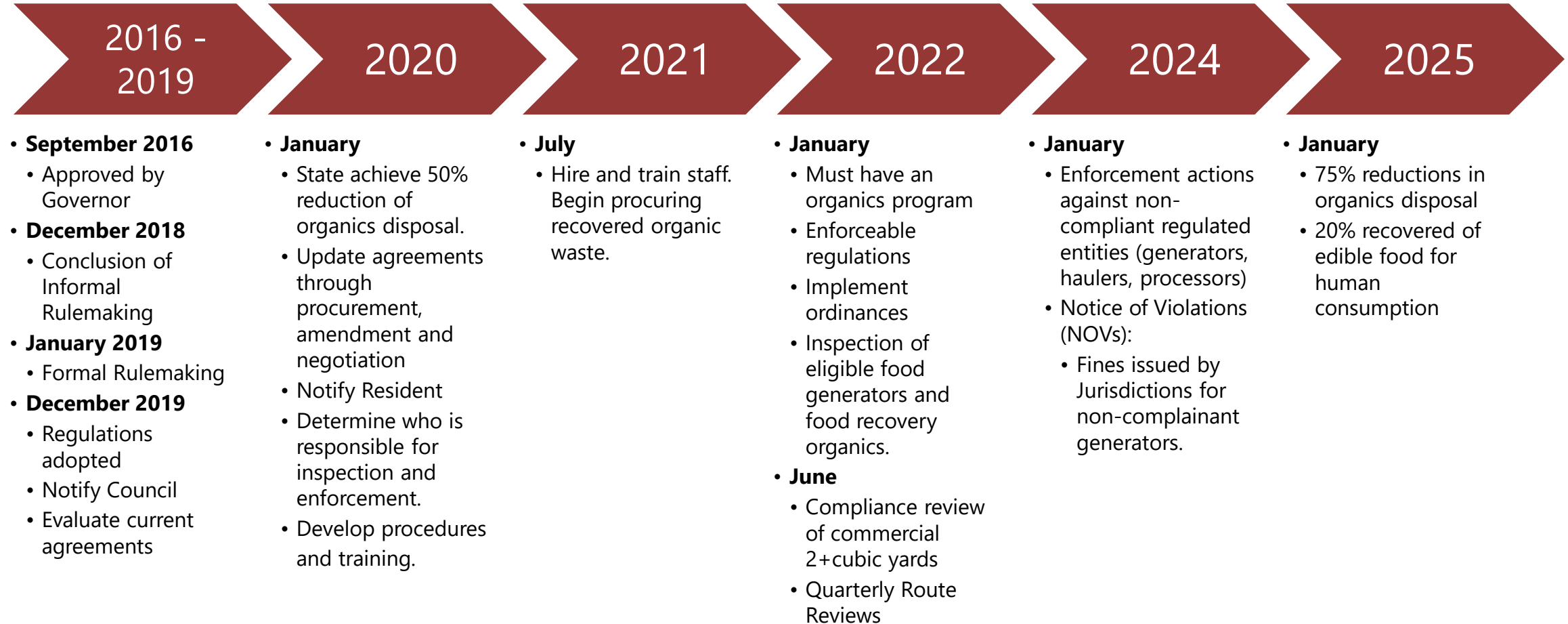
Implementation Considerations (cont.)

- Tasking enforcement duties, including inspection of commercial food businesses
- Assessing the need for local compost and the application to parks and city landscaped areas
- Procuring recycled organic products and aware of current compost, Renewable Natural Gas, and paper purchases



Solid Waste Committee
November 20, 2019

SB 1383 Timeline



Solid Waste Committee
May 15, 2019

WRCOG's Role in SB 1383

- Provide members with best practices and resources across the state
- Act as a liaison between CalRecycle and member jurisdictions
- Survey the Solid Waste Committee to identify the top two SB 1383 items that members need assistance with:
 1. Developing an inspection and enforcement program to review solid waste accounts
 2. Identify inspectors for eligible food generators and food recovery facilities
- Potentially apply for CalRecycle's Food Waste grant to help meet member's edible food recovery requirements



Solid Waste Committee
November 20, 2019

AB 827

Requires businesses and MF complexes subject to either MCR or MORE provide front of house recycling and organics recycling containers and signage for customers

- On or before July 1, 2020
- Visible
- Easily Accessible
- Clearly marked with signage
- Adjacent to trash bins
- Not in restrooms
- Full service restaurants exempt under conditions



AB 827

Requires businesses and MF complexes subject to either MCR or MORE provide front of house recycling and organics recycling containers and signage for customers



- Jurisdictions should fold this requirement in to existing education and outreach
- CalRecycle is to provide model signage on or before 7/1/2020

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Item 7.B

California Recycling Requirements
and SB 1383: Short-lived Climate
Pollutants Update

Attachment 2

Canyon Lake Organic Recycling
Ordinance

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TITLE 6: HEALTH AND SANITATION

Chapter

6.01. INTEGRATED WASTE MANAGEMENT

CHAPTER 6.01: INTEGRATED WASTE MANAGEMENT

Section

- 6.01.010 Purpose.
- 6.01.020 Delegation of authority.
- 6.01.030 Reserved.
- 6.01.040 Reserved.
- 6.01.050 Reserved.
- 6.01.060 Definitions.
- 6.01.070 Service to be provided by the City.
- 6.01.080 Mandatory subscription.
- 6.01.090 Collection of fees.
- 6.01.100 Refuse collection fee a debt.
- 6.01.110 Collection procedure for delinquent accounts; creation of lien.
- 6.01.120 Standby assessment on vacant parcels.
- 6.01.130 Solid waste collection schedules.
- 6.01.140 Placement of containers.
- 6.01.150 Condition of waste for collection.
- 6.01.160 Ownership of waste materials.
- 6.01.170 Solid waste and recyclable containers.
- 6.01.180 Vehicles and contractor's employees.
- 6.01.190 Complaint service.
- 6.01.200 Compliance with solid waste legislation.
- 6.01.210 Penalties for violation.

Cross-reference:

Requirements for pet waste disposal, see Chapter 15.02

6.01.010 Purpose.

The purpose of this Chapter is to provide for the collection, removal and disposal of recyclable material and solid waste, as well as related services, in accordance with state standards, laws and regulations, and to otherwise provide for the determination and regulation of a solid waste contractor. This Chapter is

necessary for the protection of the public health, safety and welfare, and to mitigate any health hazards within the City.

(15-9/91 § 6.06.01) (Am. Ord. 172, passed 7-12-2017; Am. Ord. 173, passed 8-2-2017)

6.01.020 Delegation of authority.

The Riverside County Department of Health Services shall act as the Health Officer for the City and shall enforce all health-related standards. The City of Canyon Lake shall enforce all non-health-related standards (unless otherwise preempted by state law), including, but not limited to, the use of containers, ownership of recyclables or waste, and responsibility of the operator for containers furnished.

(15-9/91 § 6.06.02) (Am. Ord. 172, passed 7-12-2017; Am. Ord. 173, passed 8-2-2017)

6.01.030 - 6.01.050 Reserved.

6.01.060 Definitions.

The following words and phrases shall, for the purposes of this Chapter, be defined as following, unless it is clearly apparent from the context that another meaning is intended.

(a) "Collection" means the act of collecting solid waste, recyclables, or organic recyclables at the place of generation by an approved public or private collection agency, and is distinguished from "removal."

(b) "Container" means any metallic or plastic vessel, can or receptacle with a close-fitting lid or cover, appropriate for collecting solid wastes,

recyclables, or organic recyclables for removal, whether owned by the City, an approved collection agent, the property owner, tenant or other person in control of the premises.

(c) “Contractor” or “approved collection agent” or “collector” or “collection service” means any person, persons, firm, corporation or partnership that has been issued a contract or franchise by the City Council for the purpose of collecting, transporting and disposing of refuse.

(d) “Disposal” means the complete operation of treating as required and disposing of the accumulation of garbage, rubbish, waste and the product or residue arising from any such treatment.

(e) “Organic waste” shall mean food waste, green waste, landscape and pruning waste, compostables, nonhazardous wood waste and minimal amounts of soiled paper waste that is mixed in with food waste. “Organic waste” includes organic recyclables. “Organic waste” does not include waste types specified as “special wastes” or “hazardous waste” as defined by California regulations.

(f) “Recyclable material” includes, but is not limited to, glass, newsprint, newspaper, aluminum, cardboard, certain plastics or metal.

(g) “Removal” means the act of taking solid wastes, recyclables or organic waste from the place of generation by an approved collection agent or by a person in control of the premises.

(h) “Solid waste” shall mean all discarded, putrescible and non-putrescible, solid and semi-solid wastes, including refuse, construction and demolition debris, bulky items, recyclable materials, organic waste, or any combination thereof, which are permitted to be disposed of in a Class III Landfill, and which are included in the definition of “non-hazardous solid waste” set forth in the California Code of Regulations, but excludes:

(1) Discarded home or industrial appliances;

(2) Sewage collected and treated in a municipal or regional sewerage system;

(3) Recyclable material, organic recyclables or other materials or substances that have been separated for reuse or resale;

(4) Hazardous refuse, including household hazardous wastes and any compound, mixture, substance or article defined as hazardous under state or federal law, or that, if improperly used, handled, transplanted, processed or stored, may constitute a hazard to health or cause property damage or contamination, or that is explosive, flammable, poisonous, corrosive, radioactive or otherwise harmful to the environment, and includes household batteries;

(5) Discarded (as distinguished from abandoned) automobile or truck parts or bodies, dirt, sod, rock, manure or stable waste, or waste from building or construction operations; and

(6) Special waste as defined by state law. (15-9/91 § 6.06.06) (Am. Ord. 172, passed 7-12-2017; Am. Ord. 173, passed 8-2-2017)

6.01.070 Service to be provided by the City.

(a) The City shall provide the service of collecting solid waste and recyclables within the City, either through its own employees or through an entity under exclusive or non-exclusive franchise or contract with the City for a term determined by the City. In the event the City determines to contract for such service, the City shall seek competitive bids and determine the standards for an exclusive contractor to collect both solid waste and recyclables. So long as the City provides such service, either through its own employees or by contract or franchise, it shall be unlawful for any person to engage in the business of collecting solid waste or recyclables within the City unless such person has a valid franchise or contract with the City to do so. The City reserves its right to regulate aspects of solid waste handling, including, but not limited to, level of services, times of collection,

frequency of collection and waste diversion requirements.

(b) The approved contractor awarded a franchise or contract by the City shall comply with all local governmental licenses, permits, or written approval requirements applicable to the City, as well as with any and all state or federal requirements for the collection and removal of solid waste, recyclable material, hazardous waste or other waste, as agreed between the City and approved contractor. The contractor also may be required to assist in meeting the requirements of AB 939, AB 32, AB 341, AB 1826, AB 1594 and other laws and regulations that have been or will be imposed upon the City.

(c) No franchise contract or subscription shall be required for: (I) the removal of vegetative cuttings or other solid waste not containing garbage or manure to a legal place of disposal as a part of gardening or horticulture or for composting; (ii) contractors or builders removing debris, rubbish and trash from construction sites; (iii) any person removing large or oversized items from his or her premises; (iv) any person removing infectious or hazardous waste from his or her premises. All solid or hazardous waste self-hauled shall be contained, tied or enclosed to prevent leaking, spilling or blowing, and shall be deposited only in a duly authorized location.

(d) In accordance with state regulations, the following items are required before a franchise or contract shall be awarded by the City:

(1) The filing of a faithful performance or surety bond with the City, in an amount determined by the City, unless otherwise waived by the City Council.

(2) Evidence that the collector has experience and assets sufficient to meet the needs of the customers within the jurisdiction.

(3) Acquisition of a permit for waste collection from the County of Riverside.

(4) The filing of insurance certificates from a company or companies acceptable to the City

Manager, showing the City as an additional named insured, where such insurance is primary and not contributing, and is in an amount of at least \$10,000,000 combined single limit aggregate bodily injury and property damage, \$5,000,000 vehicle liability insurance, and workers compensation in an amount as required by law. Such insurance shall remain in full force and effect during the term of any agreement, and the City shall be given 30 days advance notice of any modification, termination or suspension. (15-9/91 § 6.06.07) (Am. Ord. 172, passed 7-12-2017; Am. Ord. 173, passed 8-2-2017)

6.01.080 Mandatory subscription.

(a) Except as set out in Section 6.01.070(c), it shall be unlawful for any occupant or person in possession, charge or control of any residential premises within the City from which ordinary household garbage, solid waste, organic waste or recyclables are or may be created, accumulated or produced, to fail to subscribe for the collection service provided by the City. When the joint or multiple use of garbage containers is provided on the residential premises, it shall be unlawful for the person in possession, charge or control of such containers, to fail to subscribe to the City's collection service.

(b) It shall be unlawful for any occupant and/or any contractor doing business on any premises or any person in possession, charge, or control of any nonresidential premises within the City from which solid waste, recyclables or organic waste are or may be created, accumulated or produced to fail to subscribe for collection of solid waste, recyclable material or organic waste with anyone other than the City's collection service, except as set out in Section 6.01.070(c).

(c) It is the duty of the approved collection agent to collect all solid waste, recyclable material or organic waste from premises within the City that subscribe to such service and to deposit such materials at the appropriate facility.

(d) Notwithstanding the foregoing, or Section 6.01.130 hereof, should conditions warrant at any residential, commercial, industrial or multi-residential unit, the City or the Health Officer may require increased frequency of collection. No accumulation of solid waste shall be allowed to create a public nuisance, and such accumulation shall be a public nuisance where detrimental to public health and safety.

(e) The owner or occupant of any premises may contract for additional collection services in excess of those required or provided by contractor hereunder. (15-9/91 § 6.06.08) (Am. Ord. 172, passed 7-12-2017; Am. Ord. 173, passed 8-2-2017)

6.01.090 Collection of fees.

(a) Every person in the City who has the occupancy, charge or control of any place or premises, within the City where any ordinary household garbage, solid waste, recyclables or organic waste accumulate or may accumulate, shall pay, or cause to be paid, to the City or its agent a charge in such amounts and in such manner as shall be established by the City for the service of having such ordinary household garbage, solid waste, recyclables or organic waste, collected and removed from the place or premises by the exclusive contractor. In the case of residential and commercial rental units, the property owner of record ultimately shall be responsible for such charge.

(b) Nothing in this Section is intended to prevent an arrangement, or the continuance of an existing arrangement, under which payments of refuse collection fees are made by a tenant or tenants, or any agent, on behalf of the owner. However, any such arrangement will not affect the property owner's obligation to the contractor.

(c) All fees for service shall be proposed by the contractor and approved by the City Council by resolution. Fees shall be based on the type of occupancy or use of the place or premises.

(d) All fees (and any penalty) for collection services shall be billed and collected in accordance

with rules and regulations proposed by the contractor and established and adopted by the City Council. The City Council may collect residential fees on the tax roll pursuant to Section 6.01.110.

(Am. Ord. 172, passed 7-12-2017; Am. Ord. 173, passed 8-2-2017)

6.01.100 Refuse collection fee a debt.

The refuse collection fee shall be a civil debt owing the contractor and the City from the owner, occupant or person in possession, charge or control of the premises. A penalty may be charged for late payment. Should any person fail, refuse or neglect to pay a collection bill within 30 days after received, without a valid dispute therefor, the contractor may refuse to collect solid waste, organic waste or recyclables from the premises until the bill is paid or the matter otherwise is resolved.

(15-9/91 § 6.09.01) (Am. Ord. 172, passed 7-12-2017; Am. Ord. 173, passed 8-2-2017)

6.01.110 Collection procedure for delinquent accounts; creation of lien.

Fees authorized pursuant to this Chapter, including those owing prospectively as well as those which remain unpaid as of April 1 of any year, may be collected on the property tax roll by the City as provided in this Section.

(a) Annually, on or before July 1, of each year, the City shall cause a written report to be prepared and filed with the City Clerk. The report shall describe each parcel in the city receiving solid waste collection services and the charge for such services for the next fiscal year. For collection of delinquent accounts, the contractor shall cause a report of delinquent fees or charges to be prepared annually after April 1. The report may contain both prospective and delinquent charges. Charges may be placed on the tax rolls for residential and/or commercial property.

(b) The Council shall fix a time, date and place for a hearing on the report and any objections or protests thereto.

(c) The City Council shall cause written notice of such hearing to be mailed to the landowners listed on the report not less than 15 days prior to the date of the hearing.

(d) At the hearing, the City Council shall hear any objections or protests of landowners liable to be assessed for fees and may make such revisions or corrections to the report as it deems just, after which, by resolution, the report may be confirmed. The City Clerk shall file the report with the County Auditor before August 10 of each year.

(e) The fees set forth in the report as confirmed shall constitute special assessments against the respective parcels of land, and are a lien on the property for the amount of such delinquent fees plus administrative costs. A certified copy of the confirmed report shall be filed with the County Auditor for amounts of the respective parcels of land as they appear on the current assessment roll. The lien created attaches upon recordation, in the office of the County recorder, of a certified copy of the resolution of confirmation. The assessment may be collected at the same time and subject to the same procedures, including sale in case of delinquency, as provided for such taxes. All laws applicable to the levy, collection and enforcement of ad valorem property taxes shall be applicable to such assessments, except that, if any real property to which such fees or charges relate has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed shall not attach to such real property and the fees or charges and interest shall be transferred to the unsecured roll for collection. (Am. Ord. 172, passed 7-12-2017; Am. Ord. 173, passed 8-2-2017)

6.01.120 Standby assessment on vacant parcels.

Pursuant to the authority set out in Health & Safety Code Sections 5470 *et seq.*, the City may by 4/5ths vote adopt an ordinance, levy and collect an

annual standby charge on unimproved property for solid waste capacity and collection and to meet obligations under AB 939, as it may be revised from time to time. By resolution approved by 4/5ths vote of the City Council, such charges may be collected in the same manner, by the same persons and at the same time and together with real property general taxes. In such event, the City Council shall:

(a) Annually cause a written report to be filed with the City Clerk, describing each parcel and the amount of the charge;

(b) Give notice of the charge and a hearing thereon shall be given as set out in Health & Safety Code Section 5473.1;

(c) At the time of the hearing, hear and consider any and all protests to the report. In the event of a protest by the owners of a majority of separate parcels, the report shall not be approved;

(d) Absent a majority protest, approve the report and file it with the County Auditor as set out in Section 5473.4 of the Health & Safety Code; and

(e) The charges set out in the report shall constitute a lien on the property in the same manner as real property taxes.

All laws applicable to the levy, collection and enforcement of general taxes of the entity, including, but not limited to, those pertaining to the matters of delinquency, correction, cancellation, refund and redemption, are applicable to such charges, except that if any real property to which such charges relate has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed shall not attach to such real property and the charges relating to such property shall be transferred to the unsecured roll of collection. (15-9/91 § 6.09.03) (Am. Ord. 172, passed 7-12-2017; Am. Ord. 173, passed 8-2-2017)

6.01.130 Solid waste collection schedules.

(a) Residential, industrial and commercial solid waste and recyclable material shall be collected at least once weekly. Collections shall not be made between 8 p.m. and 7 a.m. unless otherwise agreed in advance in writing by the City Manager. Organic waste shall be collected on the same schedule or as determined to be necessary by the City and the contractor. Collections of discarded automobile or truck bodies or other bulky or heavy objects, dirt, sod, rock, manure or waste from any stable, and material resulting from building or construction charges shall occur within seven days from receipt of request for such collection unless needed sooner for health and safety reasons. Subject to such limitations as may be agreed to by the City and waste hauler, dead animals shall be removed without charge within 24 hours after oral request for such removal. Special clean-up shall occur as set out in Section 6.01.150(d). Neither bulky waste nor dead animals shall be set out for collection except as set out in Section 6.01.150(b).

(b) The contractor also may be required to provide, at its expense, waste collection bins or containers within City facilities or other public areas, including, but not limited to, Section 26 (the BLM parcel).
(15-9/91 § 6.06.10) (Am. Ord. 172, passed 7-12-2017; Am. Ord. 173, passed 8-2-2017)

6.01.140 Placement of containers.

(a) Residential. Unless other appropriate arrangements are made between an owner/agent and the approved collector, due to special circumstances, all containers shall be placed for collection along the curb or paved alley as directed by the City. On streets without curbs, containers shall be placed in the parkway, but not in the local flowline. No person shall place any solid waste, organic waste or recyclable material, or any container containing such material, at any place of collection before 5:00 p.m. of the day preceding its scheduled collection, or leave any such container at the place of collection after 9:00 p.m. on the day of actual collection.

(b) Industrial, commercial and multiple dwelling units. Industrial, commercial and multiple dwelling residential solid waste containers or containers for recyclable materials or yard waste installed outdoors shall be screened and located in compliance with City zoning regulations.

(c) Public nuisance of containers prohibited. When not placed for collection, solid waste containers shall be kept in an area that is not visible from the street, and that will not be offensive to neighboring property so far as it is reasonably practicable to do so. Recyclable containers and organic waste containers shall be placed in the same manner.
(15-9/91 § 6.06.11) (Am. Ord. 172, passed 7-12-2017; Am. Ord. 173, passed 8-2-2017)

6.01.150 Condition of waste for collection.

(a) Solid waste in containers. Waste shall be kept and placed for collection in sturdy containers with tight-fitting lids of a size, type and number agreed to by the City and the contractor; but shall not exceed 50 pounds in weight when placed for pickup.

(b) Waste not in containers.

(1) Single bulky items of solid waste or items not in containers shall be collected, provided that no item exceeds three feet in length and one foot in diameter, or weighs over 50 pounds.

(2) Solid waste or organic waste in bundles shall be collected, provided that each bundle is tied and does not exceed three feet in length and one foot in diameter, or weigh over 50 pounds, not to exceed three bundles in any one pick-up day.

(3) Bulky household items, such as stoves, refrigerators, furniture, water heaters and similar material, shall be collected according to the collection policies of the waste collector for such items.

(4) Cardboard or empty cardboard boxes shall be collected and not returned to property owners or tenants.

(5) Magazines shall be securely tied in bundles if not placed in containers.

(6) Fluorescent lamp tubes must be broken prior to pickup.

(7) When any refuse is not collected by the approved collection agent, he shall leave a tag, provided at its cost, at least 2" x 6" in size, on which is specifically stated the reason for the refusal to collect, and the City regulation or provision of the agreement that has been violated. The tag shall contain thereon the name, address and telephone number of the approved collection agent, and shall be securely fastened to the container or article. The approved collection agent shall maintain a record of the location where all and any such tags have been placed. In the event the reason for non-collection is not remedied or cured by the date of the next regular pickup for the location, the approved collection agent shall provide the City with written notice thereof, stating the full particulars of the reason for no collection and location thereof.

(c) Recyclables in containers. All recyclable materials shall be placed in containers provided by the approved collection agent specifically for that purpose. In the event that such containers are filled, additional recyclable material may be placed adjacent to the recycling container in another container, bag or box.

(d) The approved collection agent agrees to assist and cooperate, at least twice per year, at no additional cost, in a clean-up operation on dates to be mutually determined.

(15-9/91 § 6.06.12) (Am. Ord. 172, passed 7-12-2017; Am. Ord. 173, passed 8-2-2017)

6.01.160. Ownership of waste materials.

Solid wastes subject to collection by the approved collection agent shall become the property of that agent. Recyclable materials and organic waste shall become property of the City. No person other than the person generating the materials, City employees or the

contractor acting within the scope of his or her agency or employment shall remove such materials once placed for collection.

(15-9/91 § 6.06.13) (Am. Ord. 172, passed 7-12-2017; Am. Ord. 173, passed 8-2-2017)

6.01.170 Solid waste and recyclable containers.

(a) Care of all containers. All containers shall be returned upright to the curb where found. Containers or lids shall not be deposited in the street or on adjoining property. Collectors shall not in any way throw or roughly handle any container so as to cause damage. The approved collection agent shall return all bins, roll-off boxes and the like utilized for business establishments hereunder, to the enclosure(s) provided therefor on the property. In the event that a business establishment fails to utilize such enclosures, or if the enclosures are rendered unusable, the approved collection agent shall request the business establishment to make the enclosure usable for bins, roll-off boxes and the like. If the business establishment fails or refuses to correct the situation, the approved collection agent shall notify the City thereof. The contractor immediately shall remove any and all material that is spilled.

(b) Replacement of faulty containers. Where the property owner or occupant provides the container, any container that leaks and is not watertight shall be replaced by the owner within ten (10) days after notice from the collector, stating the condition of that container. Notice from the collector shall be made by attaching a tag to the container indicating its defective condition.

(c) Operator responsibility. Where the approved collection agent furnishes containers (whether for solid waste or recyclables), he is responsible for maintaining the containers in good condition, ordinary wear and tear excepted, unless they are furnished under other terms, conditions or agreements.

(d) Use of container. No person shall tamper with, modify, remove from or deposit recyclables, solid

wastes or organic waste in any container that has not been provided for his use without the permission of the container owner.

(15-9/91 § 6.06.14) (Am. Ord. 172, passed 7-12-2017; Am. Ord. 173, passed 8-2-2017)

6.01.180 Vehicles and contractor's employees.

(a) The approved collection agent shall own or lease and maintain at its expense all equipment necessary to perform its duties as provided for under the agreement, including sufficient radio equipment for office-to-field equipment communication.

(b) The contractor shall maintain all trucks and equipment used within the City in good mechanical condition, and the same shall be clean and uniformly painted and numbered. All trucks and equipment shall have painted thereon, or affixed thereto, in letters and numerals at least six inches in height, the contractor's name and telephone number, which shall be clearly visible at all times. Each vehicle utilized by the contractor shall be identified by numerals, at least six inches in height, in a location or locations on such vehicles to be specified by the City. A current list showing each vehicle so identified shall be supplied to the City at least annually. All trucks and equipment used in the performance of the agreement shall be available for and subject to inspection by the City. If the City finds that any truck or equipment requires correction of defects, it shall not be used by the contractor in the performance of the agreement until corrected to the reasonable satisfaction of the City. The contractor shall cause its vehicles to be inspected annually by the California Highway Patrol, and the report of any and all California Highway Patrol inspections (annual or otherwise) shall be provided to the City within one week thereafter.

All truck bodies used by the contractor shall be watertight and leak-proof, and so constructed as to prevent odors or falling, leaking or spilling refuse unless special arrangements are approved by the City for certain areas. Each piece of equipment used by contractor shall carry at all times a broom and shovel to

be used for the immediate removal of any spilled material, as well as a fire extinguisher and first aid kit.

Each vehicle used within the City shall be washed at least once a week and steam-cleaned once a month, and shall at no time constitute a nuisance or menace to public welfare, health and safety.

(c) The contractor at all times shall comply with state, federal and local rules and regulations applicable to its employees. All employees working within the City shall be bonded.

(15-9/91 § 6.06.15) (Am. Ord. 172, passed 7-12-2017; Am. Ord. 173, passed 8-2-2017)

6.01.190 Complaint service.

(a) The approved collection agent shall maintain a telephone service with a local exchange area telephone number for the purpose of handling complaints or emergency service calls. The telephone service shall be operated between the hours of 8:00 a.m. and 5:00 p.m. of each day of the week during which collections are made.

(b) Complaints received by the approved collection agent shall be recorded in a log established for that purpose and shall specify the date and time of the complaint and the substance thereof. The disposition of the complaint and the date of disposition shall be recorded, and a copy of the log shall be provided to the City monthly. The contractor shall use its best efforts to resolve all complaints within 48 hours from the time received.

(c) The approved collection agent shall have available, during the hours while the approved collection agent's telephone service is in operation, an emergency service vehicle to attend to complaints or emergency calls.

(d) The approved collection agent shall visit the City offices at such times as the City shall designate for the purpose of discussing any matters relating to, or any complaints that may be involved with, the performance

of the agreement. The approved collection agent shall report back as directed on any action taken with reference to subject matter so discussed. Coordination of such check-in meetings is to be arranged by the City.

(e) Every effort will be made to provide a good quality of complaint service and follow up in the community.

(15-9/91 § 6.06.16) (Am. Ord. 172, passed 7-12-2017; Am. Ord. 173, passed 8-2-2017)

6.01.200 Compliance with solid waste legislation.

(a) The approved collection agent shall reimburse the City for the cost of developing a Source Reduction and Recycling Element (SRRE) and Household Hazardous Waste Element (HHWE) that meets all requirements of AB 939. The contractor shall collect with its bills the cost of implementing the SRRE and HHWE as set by the City. The contractor also shall provide a specific and detailed program approved by the City for such implementation in order to meet the waste-reduction goals of AB 939, including the financing of such program.

(b) The approved collection agent shall provide for the City to comply with all applicable current and future solid waste laws and regulations.

(15-9/91 § 6.06.17) (Am. Ord. 172, passed 7-12-2017; Am. Ord. 173, passed 8-2-2017)

6.01.210 Penalties for violation.

Violations of this Chapter shall be punishable as an infraction in accordance with the Canyon Lake Municipal Code. Fines for such infractions shall be within the limits established by the Canyon Lake Municipal Code. In addition, any violation of this Chapter is deemed to be a public nuisance that may be abated by administrative or criminal action.

(15-9/91 § 6.06.18) (Am. Ord. 172, passed 7-12-2017; Am. Ord. 173, passed 8-2-2017)

Item 7.B

California Recycling Requirements
and SB 1383: Short-lived Climate
Pollutants Update

Attachment 3

Jurupa Valley's AB 341 and AB 1826
Ordinance

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City of Jurupa Valley

STAFF REPORT

DATE: DECEMBER 5, 2019

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: ALAN KREIMEIER, INTERIM CITY MANAGER
BY: TIM JONASSON, P.E., SENIOR MANAGER – DEVELOPMENT
SERVICES & ECONOMIC DEVELOPMENT

SUBJECT: AGENDA ITEM NO. 14.D

**MUNICIPAL CODE ADMENDMENT TO ESTABLISH
MANDATORY COMMERCIAL RECYCLING AND MANDATORY
ORGANICS COLLECTION**

RECOMMENDATION

1. That the City Council conduct a first reading and introduce Ordinance No. 2019-22, entitled:

**A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY,
CALIFORNIA, ADDING CHAPTER 6.77 (RECYCLABLES AND ORGANICS
COLLECTION) TO TITLE 6 OF THE JURUPA VALLEY MUNICIPAL CODE**

BACKGROUND

The City of Jurupa Valley ("City") is party to a franchise agreement with both Burrtec Waste Industries, Inc. ("Burrtec") and USA Waste of California, Inc. ("Waste Management"). Burrtec services the majority of residential and commercial businesses in the City of Jurupa Valley through a franchise agreement with the City and the Rubidoux Community Services District. Waste Management services residents and businesses in the southwestern portion of the City (all parcels south of Bellegrave Avenue and west of Bain Street). The term of the Franchise Agreement with Burrtec is effective through June 30, 2035. The term of the Franchise Agreement with Waste Management is effective through June 30, 2022. In accordance with the Third Amendment to the Franchise Agreement authorized by the City Council on May 18, 2017, with Burrtec, Burrtec will provide service to the area formerly serviced by Waste Management beginning July 1, 2022.

The City is subject to various state mandates that were instituted for the purposes of achieving landfill diversion (Attachment B). Diversion is defined as the process of

redirecting waste away from a landfill destination to be recycled or reused in some capacity. Typically, aluminum cans, paper, cardboard, and some plastics can be recycled, which achieve landfill diversion. Similarly, organic waste such as grass clippings and yard waste (“green waste”) and food waste can be diverted away from landfills by composting and other forms of organic recycling.

The City’s General Plan was adopted on September 7, 2017. The General Plan contains two elements that specifically relate to commercial waste and recycling: (1) Air Quality, and (2) Community Safety, Services, and Facilities. The adopted sections of the General Plan that relate specifically to commercial recycling and waste diversion are:

- AQ 5.1 Reduce Solid Waste (pg. 6-12). Utilize source reduction, recycling, and other appropriate measures to reduce the amount of solid waste disposed of in landfills.
- AQ 5.1.1 Waste Management (pg. 6-12). Working with waste haulers and other appropriate businesses and agencies, establish incentives and programs to encourage the use of recycling and waste management.
- CSSF 2.59 Solid Waste Services (pg. 8-44). Work with private disposal companies to ensure the continued provision of adequate solid waste and recycling services in Jurupa Valley, including the availability of adequate landfill capacity to meet the City’s future needs.
- CSSF 2.60 Waste Reduction (pg. 8-44). Encourage the diversion of waste from landfills through reduction, reuse, and recycling efforts.
- CSSF 2.62 Public Education (pg. 8-44). Encourage and, as resources allow, support public education efforts to inform the public about waste reduction, reuse, and recycling
- CSSF 2.64 Commercial Recycling (pg. 8-45). Expand mandatory recycling for commercial customers consistent with state requirements.

ANALYSIS

The State of California (“the State”) has targeted landfills as a key source of greenhouse gas emissions. In response, the State has passed a series of laws beginning in the late 1980’s aimed at reducing the quantity of waste being sent to landfills. Of particular significance was the passage of AB 341 in 2011, which mandated commercial recycling and established the statewide diversion goal of 75 percent. In 2014, the State passed AB 1826, which mandated commercial organics recycling. The State relies on CalRecycle, a division of the California Environmental Protection Agency, to implement the regulations associated with the laws that the legislature passes related to solid waste and recycling. A detailed summary of these laws and their impacts are available in Attachment B.

On an annual basis, CalRecycle performs a jurisdictional review to assess a local jurisdiction's progress towards increasing recycling participation and landfill diversion. If CalRecycle finds that a local jurisdiction is not providing a good-faith effort in achieving compliance with AB 341, AB 1826, and the State's 75 percent diversion goal, CalRecycle's local assistance staff will refer the local jurisdiction to CalRecycle's enforcement unit. The enforcement unit of CalRecycle will then issue compliance orders to the City and may fine the City up to \$10,000 per day for non-compliance.

CalRecycle's formal review process centers on the City's Electronic Annual Report ("EAR") which is prepared by City staff in the summer of each year. Local jurisdictions are required by law to prepare and submit an EAR to CalRecycle. The EAR contains participation and diversion data related to the City's solid waste programs.

The franchise agreements with both Waste Management and Burrtec require each hauler to offer services compliant with both AB 341 (mandatory commercial recycling) and AB 1826 (mandatory organics recycling). Each hauler and City staff promote recycling programs through billing inserts, flyers, social media postings, site visits, outreach to the Jurupa Valley Chamber of Commerce, and free workshops at City Hall. On a regular basis, City staff review hauler billing records to identify commercial entities that are in violation of AB 341 and/or AB 1826 to issue letters of non-compliance.

To achieve compliance with AB 341 (mandatory commercial recycling) and Ordinance No. 2019-22, a business or multi-family property must either:

- Arrange for recycling service from the City's franchise solid waste hauler.
- Sell recyclable material to a licensed processing entity or facility that diverts the material away from a landfill and provide the City with tonnage records on a quarterly basis.
- Self-haul recyclable material to a State-authorized processing facility and provide the City with tonnage records on a quarterly basis.

To achieve compliance with AB 1826 (mandatory commercial organics) and Ordinance No. 2019-22, a business or multi-family property must either:

- Arrange for food waste (standard commercial) or green waste (multi-family only) recycling services from the City's franchise solid waste hauler.
- Seek an exemption from AB 1826 due to a low quantity of organics waste being produced at the location subject to the regulation (small office building, self-storage facility, etc.)
- Recycling or compost organic waste material onsite and provide the City with reasonable tonnage records on a quarterly basis.

- Self-haul organic waste material to a State-authorized processing facility and provide the City with reasonable tonnage records on a quarterly basis.
- Donate organic materials that would otherwise be disposed of (ie: “food rescue program”) and provide the City with reasonable tonnage records on a quarterly basis.

To facilitate higher participation rates, the City established rate schemes for smaller commercial recycling and commercial food waste services. These smaller containers provide easy compliance opportunities for commercial entities that are low in cost.

Burrtec Waste		Waste Management	
95-gallon Recycling x1 week	\$43.59	96-gallon Recycling x1 week	\$38.37
60-gallon Food Waste x1 week	\$68.72	64-gallon Food Waste x1 week	\$60.07

Despite the variety of outreach, education, and economical service provision options available to commercial entities, the City’s commercial recycling and organics recycling participation levels remain low. The table below illustrates the current level of participation for both AB 341 and AB 1826.

AB 341 Mandatory Commercial Recycling	
Commercial Entities Subject to AB 341	581
Commercial Entities Non-Compliant	290
Percent Non-Compliant AB 341	49.91%
Multi-Family Properties Subject to AB 341	65
Multi-Family Properties Non-Compliant	46
Percent Non-Compliant AB 341	70.77%

AB 1826 Mandatory Organics Recycling	
Commercial Entities Subject to AB 1826	582
Commercial Entities Non-Compliant	523
Percent Non-Compliant AB 1826	89.86%
Multi-Family Properties Subject to AB 1826	49
Multi-Family Properties Non-Compliant	46
Percent Non-Compliant AB 1826	93.88%

The level of compliance has correlated to relatively low diversion rates achieved by the City, especially in the area of commercial waste and recycling services. Diversion rates reported for the 2018 regulatory reporting year (January 1, 2018 – December 31, 2018) are provided below.

City of Jurupa Valley Diversion Rates (EAR 2018)	
Residential Diversion Rate	32.51%
Commercial Diversion Rate	14.05%

In response to AB 341, AB 1826, and to mitigate the potential for CalRecycle enforcement action, City staff worked with the City Attorney's Office to create Ordinance No. 2019-22 (Attachment A). Ordinance No. 2019-22 codifies State law into the City's municipal code with regard to mandatory commercial recycling and organics recycling. Enacting Ordinance No. 2019-22 satisfies and is consistent with two elements of the City's General Plan: (1) Air Quality, and (2) Community Safety, Services, and Facilities. City staff will continue to work proactively with the City's waste haulers to provide outreach and education related to recycling requirements.

Similar ordinances have been instituted by a variety of cities in Southern California, including, but not limited to: Norco, San Bernardino, Perris, Montclair, Rancho Cucamonga, Pasadena, and Palos Verdes Estates.

FINANCIAL IMPACT

Administrative citations issued to enforce Ordinance No. 2019-22 will be deposited into the City's General Fund.

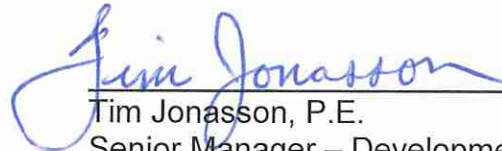
ALTERNATIVES

1. Do not authorize passage of Ordinance No. 2019-22
2. Provide alternate direction to staff.

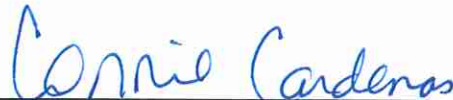
Prepared by:


Sean McGovern
Senior Management Analyst

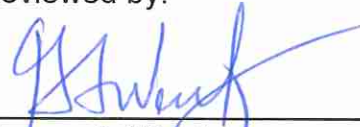
Reviewed by:


Tim Jonasson, P.E.
Senior Manager – Development
Services & Economic Development

Reviewed by:


Connie Cardenas
Deputy Director of Administrative
Services

Reviewed by:


George A. Wentz
Deputy City Manager

Approved as to form:


Peter Thorson
City Attorney

Submitted by:


Alan Kreimeier
Interim City Manager

Attachments:

- A. Ordinance No. 2019-22
- B. Overview of Solid Waste of Laws and Regulations Impacting Municipalities in the State of California

ORDINANCE NO. 2019-22

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF JURUPA VALLEY, CALIFORNIA, ADDING CHAPTER
6.77 (RECYCLABLES AND ORGANICS COLLECTION) TO
TITLE 6 OF THE JURUPA VALLEY MUNICIPAL CODE**

**THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY DOES
ORDAIN AS FOLLOWS:**

Section 1. Chapter 6.77 of the Jurupa Valley Municipal Code is hereby added to Title 6 to read as follows:

“Chapter 6.77

RECYCLABLES AND ORGANICS COLLECTION

Sections:

- 6.77.010 Definitions.
- 6.77.020 Mandatory commercial recycling.
- 6.77.030 Contamination of organics and recycling.
- 6.77.040 Self-Hauler.
- 6.77.050 Penalty.

Sec. 6.77.010. – Definitions.

(a) *Business* means a commercial or public entity, including, but not limited to, a firm, partnership, proprietorship, joint stock company, corporation, or association that is organized as a for-profit or nonprofit entity, or a multifamily residential dwelling.

(b) *Commercial solid waste* includes all types of solid waste generated by a store, office, or other commercial or public entity source, including a business or a multifamily dwelling of five or more units.

(c) *Commercial waste generator* means a business that generates four cubic yards or more of commercial solid waste per week or is a multifamily residential dwelling of five units or more.

(d) *Director* means the City’s Director of Public Works, or his or her designee.

(e) *Organic waste* or *Organics* means food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste.

(f) *Recyclable materials* or *recyclables* shall have the meaning ascribed in Section 6.75.010 of this Code.

(g) *Self-hauler* means a business that hauls its own waste rather than contracting for that service and “self-haul” means to act as a self-hauler.

Sec. 6.77.020. - Mandatory commercial recycling.

- A. Commercial waste generators shall recycle and divert from the landfill recyclable materials generated by the business in accordance with this section.
- B. Businesses subject to this section shall arrange for recycling services, consistent with state and local laws, rules, regulations and requirements, to the extent that these services are offered and reasonably available from a local service provider. A business subject to this section shall take at least one of the following actions:
 - 1. Source separate recyclable materials from refuse and subscribe to a basic level of recycling service that includes collection, self-hauling, or other arrangements for the pickup of the recyclable materials with one of the City's authorized collectors;
 - 2. Source separate recyclable materials from refuse and self-haul the recyclables to a recycling or material recovery facility for processing; or
 - 3. Source separate recyclable materials from other solid waste and arrange for pickup of the recyclable materials for donation or sale. No fees of any sort may be paid for the recyclable materials, including for collection, hauling, or processing. Reasonable documentation of donation or sale activities, including donation or sale frequency, a description of recyclable materials being donated or sold, and tonnage records of recyclable materials being donated or sold must be submitted to the Director on a quarterly basis.
- C. To comply with paragraph B, property owners or managers of multi-family dwellings may require tenants to source separate their recyclables from other solid waste. Tenants must source separate their recyclable materials as required by property owners or managers of multi-family dwellings subject to this section.
- D. A business meeting the conditions of paragraph A of this Section may request an exemption from the requirements of Paragraph B by submitting an application on a form prescribed by the Director. After reviewing the exemption request, the Director shall either approve or disapprove the request. To be eligible for an exemption from the requirements of Paragraph B, the business must demonstrate that:
 - 1. There are no recyclable materials being generated by any activities of the business;
 - 2. There is inadequate storage space for the storage of recyclable materials; or
 - 3. There is no viable market for the recycling materials or recycling facility available.

Sec. 6.77.020. – Mandatory commercial organics recycling.

- A. A business (including a multifamily dwelling of five or more units) that generates four cubic yards or more of commercial solid waste per week shall arrange for recycling services specifically for organic waste.
- B. A business meeting the conditions of paragraph A of this Section shall take at least one of the following actions:
 - 1. Source separate organic waste from other refuse and subscribe to a basic level of organic waste recycling service with one of the City's authorized collectors, for the pickup of organics;
 - 2. Source separate organic waste from refuse and recycle its organic waste on site, or self-haul the organic waste to a recycling or material recovery facility for processing; or
 - 3. Source separate organics from refuse and arrange for pickup of the organic waste for donation or sale for reuse or processing. Reasonable documentation of donation or sale activities, including donation or sale frequency, a description of organic materials being donated or sold, and tonnage records of organic materials being donated or sold must be submitted to the Director on a quarterly basis.
- C. A business that is a property owner may require a lessee or tenant of that property to source separate their organic waste from other solid waste, to aid in compliance with this section. Tenants must source separate their organic waste, as required by property owners or managers of property subject to this section.
- D. A business meeting the conditions of paragraph A of this Section may request an exemption waiver from the requirements of Paragraph B by submitting an application on a form prescribed by the Director. After reviewing the exemption request, the Director shall either approve or disapprove the request. To be eligible for an exemption from the requirements of Paragraph B, the business must demonstrate that it qualifies for an exemption pursuant to Public Resources Code Section 42649.82(e)(3) and applicable regulations of CalRecycle, as they now exist or may subsequently be amended.

Sec. 6.77.030. - Contamination of organics and recycling.

No person shall place in any container identified for recyclables or organic materials any material that would inhibit its recyclability or compostability. The containers designated for recyclables or organics shall be used only for recyclables or organics and no other material.

Sec. 6.77.040 - Self-Hauler

- A. Any business desiring to self-haul recyclables or organics must comply with all applicable regulations and requirements of CalRecycle, including proposed Section

18988.3 of Chapter 12 of Division 7 of Title 14, if adopted. Any such business must first obtain a self-haul permit from the City, renewed annually, and pay the annual self-haul permit fee in an amount established by resolution of the City Council. Each business issued a self-haul permit must deliver the recyclables or organics to a recycling or material recovery facility meeting all applicable regulatory requirements for processing. Each business issued a self-haul permit shall, every calendar quarter, file with the Director a report detailing the quantity and nature of all recyclables and organics removed from the occupant's premises. The report shall be delivered to the Director on or before April 15, July 15, October 15, and January 15 of each year for the immediately preceding three-month period. The report shall identify the processing facility utilized by the business and shall include copies of all receipts evidencing delivery issued by such processing facility during the three-month period.

- B. The City Manager is authorized to adopt policies and procedures to implement this Section.

Sec. 6.77.050. - Penalty.

- A. Administrative citations. Any person who violates this chapter shall be guilty of violating the Jurupa Valley Municipal Code and may be issued an administrative citation and be subject to the applicable punishments pursuant to Chapter 1.20 of Title 1 of the Jurupa Valley Municipal Code.
- B. Non-exclusivity. Nothing in this chapter shall limit or preclude the enforcement of any other applicable laws or remedies available for violations of this chapter, including, but not limited to, the enforcement provisions of Title 1 of the Jurupa Valley Municipal Code.”

Section 2. Severability. If any sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining provisions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each sentence, clause or phrase thereof irrespective of the fact that any one or more sentences, clauses or phrases be declared unconstitutional or otherwise invalid.

Section 3. Certification. The City Clerk of the City of Jurupa Valley shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted in the manner required by law.

Section 4. Effective Date. This Ordinance shall take effect on the date provided in Government Code Section 36937.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Jurupa Valley on this 19th day of December, 2019.

Brian Berkson
Mayor

ATTEST:

Victoria Wasko, CMC
City Clerk

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF JURUPA VALLEY)

I, Victoria Wasko, CMC, City Clerk of the City of Jurupa Valley, do hereby certify that the foregoing Ordinance No. 2019-22 was regularly introduced at a regular meeting of the City Council held on the 5th day of December, 2019, and thereafter at a regular meeting held on the 19th day of December, 2019, it was duly passed and adopted by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Jurupa Valley, California, this 19th day of December, 2019.

Victoria Wasko, CMC
City Clerk

Overview of Solid Waste Regulations Impacting Municipalities in the State of California

Law/Regulatory Action	Year	Summary
AB 939	1989	First major effort by the State to regulate solid waste collection services administered by local governments. Mandated specific diversion (solid waste that does not end up in a landfill, usually recycled or composted) and source reduction goals for the State. Influenced the creation of the annual reporting system that local governments still use. Established heavy fines for local governments that don't provide a solid waste collection service that assists the State in meeting diversion goals.
AB 341	2011	Required certain commercial entities to arrange for recycling services. Required local governments to provide a solid waste service that included commercial recycling. Required local governments to track commercial recycling activity data and report it to the State. Required local governments and solid waste haulers to administer a public education and outreach program related to commercial recycling.
AB 1826	2014	Required certain commercial entities to arrange for organics processing services. "Organic waste" is generally defined as food waste, green waste, and compostable paper and wood. Required local governments to track organics recycling activity. Requires local governments and solid waste haulers to administer a public education and outreach program related to commercial organics recycling.
SB 1383	2016	Specifically regulates methane gas emissions and enhances the ability of the State to regulate local governments that administer a solid waste collection service. Requires local governments to establish a formal enforcement program that includes fines for commercial entities that are not in compliance with organics recycling mandates. Requires local governments to track a variety of activities, generate reports, establish a food rescue program, provide public education, and implement a procurement program that emphasizes the purchase of recyclable and organic materials. (Note: SB 1383 Regulations are still in draft format only)

CalRecycle Issues "At Any time" Review Enforcement Letter (Attachment E)	2017	On January 10, 2017, CalRecycle issued an enforcement letter to all local governments in California regarding the ability of CalRecycle to enforce the review process on all commercial recycling and organics processing programs. Often referred to as the "at any time review letter." This put local governments on notice that they must assist the State in enforcing mandates that impact local businesses. If local governments do not comply, the local government may be subject to high penalties (up to \$10,000 per day).
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Mandatory Commercial Recycling & Organics Ordinance

City of Jurupa Valley

Legislative History

AB 939 (1989) – Integrated Waste Management Act

- Established 50% diversion goal.
- Created the annual auditing and enforcement process still in place today
- Facilitated the creation of the typical “three bin” system for residential

AB 341 (2012) – Mandatory Commercial Recycling

- Mandated recycling for many commercial businesses and multi-family properties
- Set statewide diversion goal of 75%
- Any commercial entity producing four (4) or more CY of waste per week.

AB 1826 (2014) – Mandatory Commercial Organics

- Mandated organics recycling for commercial businesses
- Organics = food waste and green waste
- Any commercial entity producing four (4) or more CY of waste per week.

Thresholds for Participation

Mandatory Commercial Recycling

- Any business generating 4 or more CY of waste per week
- All multi-family properties with 5 or more units

Mandatory Commercial Organics

- Any business generating 4 or more CY of waste per week
- All multi-family properties with 5 or more units (green waste only)

Why is the State doing this?

State has identified landfills as a key source of green house gas (GHG) emissions

Very difficult to get a new landfill permitted – almost impossible

Residential three-bin system has led to relatively high diversion rates

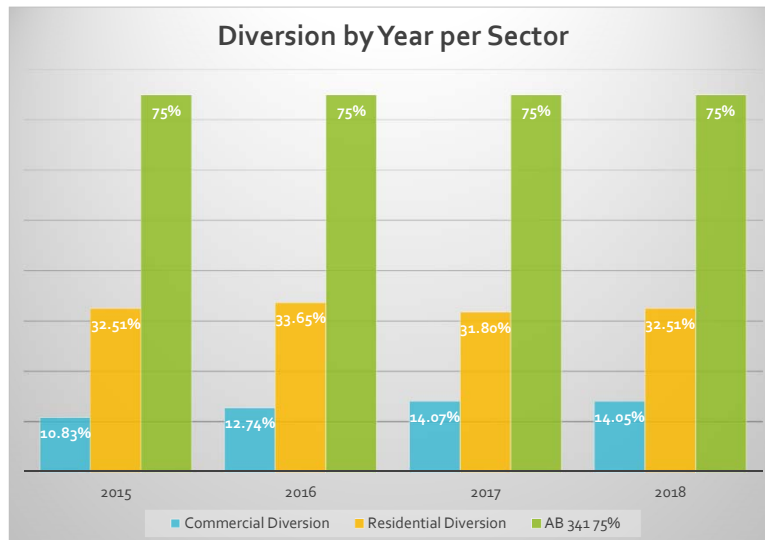
Many businesses simply throw everything into the refuse bin and don't recycle

Levels of Compliance for MCR & MORE

Mandatory Commercial Recycling (MCR) Participation			
Year	Entities Subject to MCR	Entities Compliant	Compliance Rate
2016	630	184	29.20%
2017	620	309	49.83%
2018	629	332	52.78%
2019	646	310	47.99%

Mandatory Organics Recycling (MORE) Participation			
Year	Entities Subject to MORE	Entities Compliant	Compliance Rate
2016	190	11	5.79%
2017	144	47	32.69%
2018	133	39	29.32%
2019	631	62	9.82%

What is the City's diversion record? (State goal is 75% per AB 341)



How does the State assess if a municipality is in compliance?

Annual program audit – diversion records and recycling programs are checked by CalRecycle Staff

Cities *must* have a program that can accurately track diversion and recycling participation

If a City is not meeting diversion goals (many cities are not), CalRecycle asks cities to do more programming and enforcement

If City does not comply with basic requirements of State regulations, CalRecycle issues compliance orders which include prescriptive measures

Compliance orders can include fines of up to \$10,000 per day

What has the City done so far?

Established recycling programs with both haulers (Burrtec and Waste Management) that are compliant with State law.

Market recycling programs: newsletters, social media, City website, flyers at City Hall.

Issued letters of non-compliance: send letters of non-compliance (two times per year or more) to non-compliant entities

Provide free compliance help: City hosts public workshops for businesses to learn how to comply, both haulers offer free waste assessments and compliance help.

Provide low-cost options to increase compliance: City offers unique small-barrel services for both MCR and MORE which provide bare minimum compliance at low cost.

What does this ordinance do?

- Codifies AB 341 and AB 1826 into the City's Municipal Code
- Violations of these State laws will now be subject to Code Enforcement
- Insulates the City of Jurupa Valley from compliance orders and/or fines issued by CalRecycle
- Commercial entities must:
 - Subscribe to recycling and organics services
 - Seek an exemption from organics services in compliance with State law
 - Self-haul recycling material and provide detailed tonnage records to the City for reporting purposes

General Plan Consistency (Most Relevant Sections)



CSSF 2.64 Commercial Recycling (pg. 8-45). Expand mandatory recycling for commercial customers consistent with state requirements.



AQ 5.1 Reduce Solid Waste (pg. 6-12). Utilize source reduction, recycling, and other appropriate measures to reduce the amount of solid waste disposed of in landfills.



CSSF 2.59 Solid Waste Services (pg. 8-44). Work with private disposal companies to ensure the continued provision of adequate solid waste and recycling services in Jurupa Valley, including the availability of adequate landfill capacity to meet the City's future needs.

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Western Riverside Council of Governments

Solid Waste Committee

Staff Report

Subject: CalRecycle Electronic Annual Reporting Activities Update

Contact: Kyle Rodriguez, Staff Analyst, krodriguez@wrcog.us, (951) 405-6721

Date: February 19, 2020

The purpose of this item is to provide an update on CalRecycle's Electronic Annual Reporting and CalRecycle onsite visits.

Requested Action:

1. Receive and file.

The Electronic Annual Report (EAR) describes the progress a jurisdiction has made in achieving the requirements of the Integrated Waste Management Act (AB 939, Chapter 1095, Statutes of 1989) and the Per Capita Disposal Measurement Act of 2008 (Chapter 343, Statutes of 2008 [Wiggins, SB 1016]). The EAR also includes status on any planned and/or implemented solid waste diversion programs and facilities. These reports are to be submitted on August 1, 2020, to the Department of Resources Recycling and Recovery (CalRecycle).

AB 939 Electronic Annual Reports Update

On an annual basis, WRCOG staff prepares the EAR on behalf of 11 member jurisdictions which request WRCOG to complete. Staff have begun the reports in early 2020 utilizing Google Documents. The online tool allows WRCOG, local jurisdictions, waste haulers, and CalRecycle to draft a report well in advance of the submission due date of August 1, 2020.

WRCOG staff will begin meeting with each waste hauler to gather as much necessary information for the report that is requested from CalRecycle. CalRecycle will review each jurisdictions' EAR (teleconference and/or onsite). WRCOG staff will participate in the meetings upon request and staff availability. Information from the overview will be provided directly into the EAR.

CalRecycle and Jurisdiction Overview

In 2017, the Director of CalRecycle released a memo, *Reviews of Jurisdiction Mandatory Commercial Recycling and Commercial Organics Recycling Programs*, which states that CalRecycle will exercise its authority to formally review a jurisdiction's recycling programs under AB 341 Mandatory Commercial Recycling (MCR) and AB 1826 Mandatory Commercial Organics (MORE) recycling programs as frequently as needed. To monitor the status of any planned and/or implemented recycling and organics program(s), CalRecycle reviews jurisdictions through teleconferences and onsite visits for each jurisdiction.

During the review, CalRecycle requests specific information from the jurisdiction and waste hauler. Required program information may include disposal and recycling tonnages, the amount of waste assessments conducted yearly, exemption processes, and contamination monitoring. CalRecycle will review the requested information and provide updates to the MCR and MORE plan if required. During the CalRecycle site visit, staff

will visit both compliant and non-compliant MCR and MORE businesses and multi-family complexes. CalRecycle looks for education opportunities and where recycling programs are diverting solid waste generated by regulated businesses. Conducting reviews allows CalRecycle and jurisdictions to address program gaps early in the process so disposal reductions and mandated programmatic requirements can be achieved.

If, after extensive review and communication, the jurisdiction's recycling gaps are not addressed and it's not making a good faith effort to implement either MCR or MORE program, CalRecycle will initiate a formal public review sooner rather than waiting until the end of the regular 4-year review cycle.

Prior Action:

May 15, 2019: The Solid Waste Committee received and filed.

Fiscal Impact:

This item is for informational purposes only; therefore, there is no fiscal impact.

Attachment:

1. CalRecycle's Reviews of Jurisdiction Mandatory Commercial Recycling and Commercial Organics Recycling Programs.

Item 7.C

CalRecycle Electronic Annual Reporting Activities Update

Attachment 1

CalRecycle's Reviews of Jurisdiction Mandatory Commercial Recycling and Commercial Organics Recycling Programs

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DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

1001 I STREET, SACRAMENTO, CALIFORNIA 95814 • (916) 322-4027 • WWW.CALRECYCLE.CA.GOV

P.O. BOX 4025 SACRAMENTO, CALIFORNIA 95812

Date: January 10, 2017
To: Elected Officials and Recycling Coordinators
From: Scott Smithline, Director
Subject: Reviews of Jurisdiction Mandatory Commercial Recycling and Commercial Organics Recycling Programs

This memo outlines how the Department of Resources Recycling and Recovery (CalRecycle) will exercise its existing statutory authority to formally review jurisdictions' mandatory commercial recycling and mandatory commercial organics recycling programs more frequently as needed. Specifically, CalRecycle will initiate a review and may refer a jurisdiction to enforcement **at any time** that CalRecycle receives information that a jurisdiction has not implemented, or is not making a good faith effort to implement, its required programs.

In establishing the requirements for jurisdictions to implement mandatory commercial recycling programs through AB 341 (Chesbro, Chapter 476, Statutes of 2011) and mandatory commercial organics recycling programs through AB 1826 (Chesbro, Chapter 727, Statutes of 2014)¹, the Legislature and Governor also set ambitious goals to increase recycling and reduce statewide solid waste disposal. In particular, AB 341 established a goal to source reduce, recycle or compost 75 percent of waste by 2020. Additionally, AB 1826 set a goal to reduce organics disposal by 50 percent by 2020.

AB 341 and AB 1826 require each jurisdiction to implement commercial recycling and commercial organics recycling programs designed to divert waste generated by regulated businesses. Jurisdictions' programs must, among other requirements, include "*education of, outreach to, and monitoring of, businesses,*" within their jurisdiction.

In spite of these goals and requirements, statewide disposal has increased every year since 2012. As a result, it is imperative that CalRecycle fully exercise its authority to ensure that jurisdictions' specified disposal reduction and recycling programs are in compliance with state law. In order to ensure that mandated statewide goals are met, AB 341 and AB 1826 specifically authorize CalRecycle to conduct reviews of jurisdictions' mandatory commercial recycling programs and mandatory commercial

¹ Per PRC 42649.82. Select rural jurisdictions that submitted a resolution to CalRecycle are exempt from the requirements of AB 1826. In 2020, if the statewide disposal of organic waste has not been reduced by 50 percent the exemptions will be repealed.



organics recycling programs at any time². This means that a jurisdiction may be formally reviewed at any time outside of and in addition to the regular review cycle.

Conducting reviews at any time allows CalRecycle and the jurisdiction to address program gaps early in the process so disposal reductions and mandated programmatic requirements can be achieved. CalRecycle will continue to provide jurisdictions with assistance, informal feedback and appropriate time to address gaps in programs.

However, if after extensive staff communication with the jurisdiction, the gaps are not addressed and a jurisdiction has not implemented, or is not making a good faith effort to implement, either program, CalRecycle will initiate a formal public review sooner rather than waiting until the end of the regular 4-year review cycle.

Specifically, the following will occur:

- Staff will inform the jurisdiction that a formal Letter of Concern from CalRecycle to the jurisdiction is coming. Once the Letter is received, the jurisdiction will have 30 days to respond.
- After CalRecycle receives the jurisdiction's response to the Letter, or lack thereof, an agenda item for approval by CalRecycle's Director will be presented at a CalRecycle monthly public meeting. The agenda item will indicate one of three potential staff recommendations:
 - The jurisdiction failed to respond and staff recommends that the jurisdiction be referred to CalRecycle's enforcement unit for consideration of a compliance order; or
 - The jurisdiction's response to the Letter is inadequate and staff recommends that the jurisdiction be referred to the enforcement unit for consideration of a compliance order; or
 - The jurisdiction's response to the Letter is adequate and staff recommend that the program be assessed again in 12 months. However, if the same gaps still persist within the next year, an agenda item that refers the jurisdiction to the enforcement unit for consideration of a compliance order will be presented at CalRecycle's next monthly public meeting.

In summary, CalRecycle plans to execute its existing authority to review compliance at any time in a formal public setting. CalRecycle's Local Assistance staff will continue to provide jurisdictions with tools/examples to implement your required education, outreach, and monitoring activities. In addition, CalRecycle will be soliciting ideas on what more the Department can do to assist local jurisdictions at SB 1383 workshops scheduled for February 2017.

Please contact/email your CalRecycle Local Assistance liaison for any questions that you have about this process or your program implementation.

Sincerely,



Scott Smithline
Director

² Public Resources Codes 42649.3(h) and 42649.82(g)(2))