

SENATE BILL 1383 (2016) - SHORT-LIVED CLIMATE POLLUTANTS (SLCP)



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MAY 17, 2018

Background

- CalRecycle is tasked to develop and adopt regulations which would achieve the following organic waste reduction targets:
 - By 2020 - 50% reduction in statewide disposal of organic waste.
 - By 2025 - 75% reduction in statewide disposal of organic waste.
 - By 2025 - Not less than 20% of edible food that is currently disposed of is recovered for human consumption.
- The informal rulemaking process has just come to an end.
- Formal rulemaking to begin later this year.
- Late 2018/Early 2019 - CalRecycle to adopt regulations.
- January 1, 2022 - Regulations take effect and become enforceable.
- Failure by a jurisdiction to comply may result in potential fines up to \$10,000 per day.

Informal Rulemaking

- Last round of informal rulemaking workshops:
May 7 (Carlsbad) and May 8 (Sacramento)
- Written comments due: May 16, 2018

Some major impacts:

- Updated Collection Provisions and Requirements
- Compliance and Enforcement
- Reporting and Record Keeping Requirements for Local Jurisdictions
- Challenges

Organic Waste Collection

- Allowance for Three, Two, and Unsegregated Single Container Collection
 - If organic waste goes into the black bin, must be sent to high diversion organic processing facility
 - If no organic waste in black bin, can be sent to a facility that processes and recovers organic waste
- Statewide standardization of container colors



Organic Waste Collection Containers

- Statewide standardization of container colors
 - Commercial businesses must also comply; anywhere disposal containers are provided for customers
 - By January 1, 2032, all containers must be replaced
- Container Labeling Requirement
 - Beginning January 1, 2022, new containers must be clearly labeled to reflect all allowed/prohibited materials
 - By January 1, 2025, place/replace labels on existing containers



Jurisdiction Inspection and Enforcement

- All collection routes to be reviewed quarterly (minimum one route per day) for contaminants on randomly selected containers
 - If contamination found: contact the generator or provide written notice
 - Include information about requirement to properly separate materials and may include photographic evidence
- If solid waste facility operator reports to jurisdiction that one of its haulers' loads contained contaminants, jurisdiction shall:
 - Physically inspect containers along the route(s) where contamination came from to determine sources of contamination
 - Provide written notices and possibly photographic evidence

Jurisdiction Inspection and Enforcement

- On or before January 1, 2022, and at least annually thereafter:
 - Conduct compliance review of all garbage accounts for commercial businesses, including self-haulers (2+ cy/week solid waste and some organics)
 - Conduct route reviews (commercial and residential)
 - Inspect Tier One commercial edible food generators and food recovery agencies
 - Inspections, route reviews, compliance reviews when investigating complaints
- Consequences for noncompliance:
 - Between January 1, 2022 – January 1, 2024: provide educational material
 - After January 1, 2024: Document violation and take enforcement action

Jurisdiction Inspection and Enforcement

After January 1, 2024, enforcement process is:

- Jurisdiction issues Notice of Violation (within 60 days of determining violation occurred)
- Follow up inspection(s) to determine compliance
 - At least every 90 days following NOV
 - Continue issuing NOVs until compliance achieved or penalty issued
- No later than 150 days after NOV, take actions to impose penalties
- For second and all subsequent violations, no later than 90 days after NOV

Penalties Imposed by Jurisdiction

Requirement	Description of Violation	1 st Violation	2 nd Violation	3 rd and Subsequent Violation
Organic waste generator Section 30.9(a)	Organic waste generator fails to comply with applicable local requirements adopted pursuant to this article for the collection and recovery of organic waste.	Level 1 (Up to \$500 per violation)	Level 2 (Up to \$1,000 per violation)	Level 4 (Up to \$2,500 per violation)

Penalties Imposed by CalRecycle

Requirement	Description of Violation	1 st Violation	2 nd Violation	3 rd and Subsequent Violation
Organic waste generator Section 30.9(a)	Organic waste generator fails to comply with applicable local requirements adopted pursuant to this article for the collection and recovery of organic waste.	Level 4 (Up to \$2,500 per violation)	Level 5 (Up to \$5,000 per violation)	Level 6 (Up to \$10,000 per violation)

Note: Jurisdiction would also face the same level of penalties for failure to take enforcement

Reporting and Record Keeping

- Written report for each inspection, route review, and compliance review
 - Name of each person or entity
 - Description of route and all addresses covered
 - List of accounts reviewed for each compliance review
 - Dates of inspection, route review, and compliance review
 - Names of people who conducted actions
 - Jurisdictions' findings: determination of compliance or violation
 - Supporting evidence and findings: photographs and account records
 - Route review records: locations, source of contamination, photographs, notices/education issued

Reporting and Record Keeping

- Implementation Record includes:
 - All aforementioned route reviews, compliance reviews, inspections and associated records
 - Copies of all enforcement actions (e.g. Notice of Violations, subsequent notices, penalties)
 - Documentation and evidence of when cited entities came into compliance
 - All ordinances, enforceable mechanisms, contracts, and agreements
 - Copy of inspection and enforcement program
 - All organic waste collection service records

Reporting and Record Keeping

- Implementation Record (continued):
 - All education and outreach records
 - All hauler and self-hauler program records
 - All waiver and exemption information
 - All edible food recovery program records
 - All recovered organic waste procurement target records
 - All recycle content paper procurement records
 - All records of complaints and investigations

Reporting and Record Keeping

- Implementation Records to be stored in one central location
 - Easily accessible by CalRecycle within one day business day of request
 - All records and information to be included within 30 days of last reporting period
 - Records to be retained for 5 years

QUESTIONS?

- More information can be found at <http://www.calrecycle.ca.gov/climate/slcp/>
- Questions regarding regulation development can be directed to CalRecycle at SLCP.Organics@calrecycle.ca.gov.