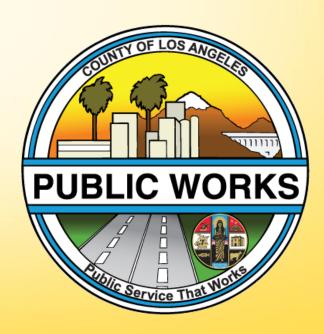
# SENATE BILL 1383 (2016) - SHORT-LIVED CLIMATE POLLUTANTS (SLCP)

PRESENTED BY: SUK CHONG

MAY 17, 2018



## <u>Background</u>

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

# Penalties Imposed by CalRecycle

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

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

- 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

- 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

- 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

- 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 <a href="http://www.calrecycle.ca.gov/climate/slcp/">http://www.calrecycle.ca.gov/climate/slcp/</a>
- Questions regarding regulation development can be directed to CalRecycle at <a href="SLCP.Organics@calrecycle.ca.gov">SLCP.Organics@calrecycle.ca.gov</a>.