



## El Dorado County Leaders Guide to Organics

Presented by El Dorado Disposal, October 2021



## **Leader's Information Packet Content**

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# California Climate Strategy

## Waste Sector Goals



## Strategy

- **2008-2013** Under California's groundbreaking 2008 Climate Change Strategy, the state Air Resources Board takes action to regulate landfill emissions and collaborate with CalRecycle to set new recycling targets.
- **2014-2016** Scoping Plan revisions and legislative actions solidify organic waste reduction targets established in the Short-lived Climate Pollutant Strategy (SLCP) and set initial requirements.
- **2016-2022** The state increases organic waste recycling requirements from large commercial generators (2016) to all generators (2022).

## Investments

**2014-15** California invests \$14.5 million in Cap and Trade proceeds for organic waste recycling infrastructure project grants.

**2016-17** California invests \$24 million in Cap and Trade proceeds for organic waste recycling infrastructure project grants.

**2017-18** California invests \$25 million in Cap and Trade proceeds for organic waste recycling infrastructure project grants, and \$9.4 million for Cap and Trade proceeds in food waste prevention and food rescue programs.

## Planning

### **2008 2020 Climate Change Strategy Recommends Increased Organic Waste Recycling**

The AB 32 *Climate Change Scoping Plan* establishes the state's climate change strategy and calls for actions to reduce methane emissions at landfills and increase composting.

### **2014 Climate Strategy Expanded and Initial Organic Waste Targets and Requirements Set**

*Climate Change Scoping Plan Update* recommends elimination of organic waste disposal. AB 1826 (Chesbro) requires local jurisdictions to provide organic waste recycling services to their businesses by 2020.

### **2015 Organic Waste Capacity Planning Requirements**

AB 876 (McCarty) requires local jurisdictions to plan for the additional capacity to recycle all of their organic waste.

### **2016 2030 Climate Change Goals and 75% Organic Waste Reduction Required**

SB 32 (Pavley) establishes 2030 climate change goals. SB 1383 (Lara) codifies organic waste disposal reduction target of 75% by 2025 as a part of the SLCP strategy phasing in organic waste recycling requirements by 2022.

## Results

### **2025 75% Organic Waste Reduction Target**

The 75% organic waste reduction target requires the state to reduce landfill disposal to no more than 5.7 million tons of organic waste. The 20% food recovery target will help reduce hunger in California.



Food Recovery



Jobs



Healthy Soil



Water Conservation



Clean Air

## Action

### **2016-2017 Large Businesses Required to Recycle Organic Waste**

Jurisdictions are required to provide organic waste recycling services to large businesses.

### **2019 Medium Businesses Required to Recycle Organic Waste**

Jurisdictions are required to provide organic waste recycling services to medium businesses.

### **2020 Small Businesses Required to Recycle Organic Waste, 50% Organic Waste Reduction Target**

Jurisdictions are required to provide organic waste recycling services to small businesses. The 50% organic waste reduction target requires the state to reduce landfill disposal to no more than 11.5 million tons of organic waste.

### **2022 Residential Organic Waste Recycling and Commercial Food Recovery Requirements Take Effect**

Jurisdictions are required to provide service to all residential generators and the balance of their businesses. Jurisdictions and food establishments are required to implement food waste prevention programs to donate unsold food.

### **2030 Greenhouse Gas Emissions reduced to 40% below 1990 levels**

Phasing in of organic waste disposal reduction programs will reduce approximate 47-57 MMTCO<sub>2e</sub> by 2030 and contribute more than 4 MMTCO<sub>2e</sub> annually to the state's climate change targets.







# 2021 Diversion Plan



WCNX

Waste Connections Inc.



## Waste Connections of California, Inc, dba El Dorado Disposal

According to the agreement between El Dorado County and Waste Connections of California, Inc, dba El Dorado Disposal, Section 19 A (5), “Contractor will provide the County with a strategic plan with specific program goals and objectives to increase Diversion rates consistent with the El Dorado County Solid Waste Management Plan. The plan should be based on the results of the prior year’s activities and include a discussion of that year’s programs, including strengths and weaknesses.” This diversion plan outlines the progress made in 2020 and programs implemented as well as new programs to be instituted in 2021 and continued emphasis on established programs in order to maximize diversion tons and activities.

**GOAL** – *Our overall goal is to continue to focus on new and existing recycling programs, to comply with the Solid Waste Management Plan, and to explore new opportunities to divert more tons away from the landfill in partnership with El Dorado County. As we review this plan each year we will need to explore and research new material types, commodities and programs that will help aid us in continuing to fulfill this goal year-after-year.*

### **PROCESSING & DIVERSION – MRF (Material Recovery Facility)**

The following describes the current processes in place to sort and divert different commodities from the self-haul customer and the proposed changes:

#### **Program Updates and 2021 Proposed Projects**

- A. Current Self Haul Operations** All self-haul customers are directed to the self-haul area to unload their unwanted materials. Our employees direct the customer where to unload and assess what kind of material they are disposing. The self-haul area attendant directs the customer where to unload yard waste/wood waste, plastics, glass, aluminum, cardboard, paper, metal, batteries, appliances, concrete, tile, asphalt, tires, commingled recycling, C&D, used oil, carpet and electronic wastes.
- B. Diversion Program Updates** All diversion programs have continued with limited disruption during the reconstruction of the Material Recovery Facility which began in 2019 and the COVID-19 pandemic which began in March 2020.
  1. New Material Recovery Facility – Construction started in the spring of 2019 with remediation of the lime and grading of the facility. In 2020 contractor Doug Veerkamp finished the lime remediation and completed asphalt, gravel, and drainage.
  2. Cease Commercial MSW Sorting – El Dorado Disposal stopped sorting garbage to prepare for construction. It was deemed that less than 5% of the commercial stream contained recycle content (by weight).
  3. Move C&D and Green Waste Processing to Wetsel Oviatt – In order to be fully operational during construction, El Dorado Disposal moved C&D and Green Waste processing to Wetsel Oviatt, an off-site location on Latrobe Road. This site is not be open to the public. C&D material and Green Waste from customers is received at the Throwita Way site and

transferred to Wetsel Oviatt for processing. Larger C&D loads and Green Waste collected by El Dorado Disposal are taken directly to Wetsel Oviatt for processing.

4. C&D - The mobile shredder arrived late in 2017 and was fully operational in 2018. After shredding sorters remove small prohibited items from the C&D. This process has increased the C&D Diversion. The shredder is now located at Wetsel Oviatt where shredding is in full swing with material delivered to Potrero Hills Landfill to be used as alternative daily cover.
5. Recycle Encouragement Fee – This fee was implemented in 2018 and behavior is changing as a result, as customers want to avoid the fee and therefore recycle their material. A watchful eye is kept on the free recycling containers located on site in an effort to reduce contamination.
6. Mixed Recycling Drop Off – In 2019 and 2020 recycling area signs were updated and improved to clarify recyclable items accepted. Material Recovery Facility staff has also been trained to identify contamination in the recycling bin and help customers shake out recyclables from bags.
7. Appliances - All appliances are staged for refrigerant evacuation and mercury switch removal. After evacuation these appliances are stockpiled with other metals to be loaded once a full load is ready.
8. Glass - Glass is stockpiled in debris boxes, and shipped to a recycling facility regularly.
9. Carpet - El Dorado Disposal partners with CARE Carpet Recycling to deliver a carpet recycling program to residents at a substantially reduced cost. Staff here meets with CARE representatives to discuss best practices on loading container and check in regularly on how the program is going.
10. Mattresses – El Dorado Disposal Partners with the California Mattress Stewardship Council to provide mattress collection and recycling for free for residents. Staff regularly meets with the Mattress Stewardship Council to discuss how the program is going. In 2020 El Dorado Disposal was selected and participated in the filming of a California Mattress Stewardship best practices video for storing and loading mattresses.
11. Textiles (clothing) – After several years looking for textile recycling partners, El Dorado Disposal postponed looking for partners in 2018 due to the recycling market downturn. It has been more productive to shift to sharing information about textile donation to local thrift stores through social media channels.
12. Tire Amnesty – There is large participation and enthusiasm for this program and El Dorado Disposal would like to continue this program when grants are available. Staff would like to determine a way to sustainably promote this program without causing a large volume of customers dropping off tires at the MRF at one time.

### **C. 2021 Proposed Projects**

1. New Material Recovery Facility – This year Unger Construction will be completing underground work along with erecting a new transfer station building. The new scale has been installed and once the transfer building is standing, electrical will be run from that new building to the new commercial scale system allowing for bypass of transfer trucks and El Dorado Disposal hauling trucks, reducing safety exposure for the public and increasing throughput for the public. The new transfer station building is expected to be

completed in October 2021. Once this project is complete, El Dorado Disposal will be preparing for the next phase of construction to include the administration building, break and changing rooms for employees and the public education center. In addition it will allow for the demolition of the existing administration building, paving the way for the new free drop off area, the new pay station and the new household hazardous waste building. Administration building is expected in 2022 and the demolition and other elements listed above are expected to commence in 2022/2023.

2. Complete Cameron Park Buyback Center – The Cameron Park Buyback Center has been a topic of discussion for many years. El Dorado Disposal invested in a new location in order to provide a secured area for residents to drop off recycling in addition to allowing for free overflow green waste drop off by residents of the Cameron Park Community Services District. Expected completion for this project is Fall 2021.

## **COLLECTION AND HAULING**

The following describes the current and proposed recycling programs offered to County residents and businesses:

### **Program Updates and 2021 Proposed Projects**

#### **A. Current Collection Diversion Programs:**

1. Area C Curbside Variable Cart Rate Program – Completed and ongoing since 2016
2. Area C Residential Cart Program (Trash and Recycling) – Completed and ongoing since 2016
3. Area C all Vouchers as in Area A – Completed and ongoing since 2016
4. Area C Spring/Fall curbside green waste special pick up program – Completed and ongoing since 2016

5. Commercial Food Waste Program (Assembly Bill 1826) – Between 2016 and 2018 the compliance thresholds continued to drop, and El Dorado Disposal grew our program from a pilot to a full commercial food waste route. 2019 was a notable year in that the threshold for compliance dropped to four yards of solid waste service which covers most businesses in El Dorado County. El Dorado County currently had a compliance rate of 82% for AB 1826 which according to Cal Recycle is one of the highest compliance rates in region.

In 2019 El Dorado Disposal began partnering with the UC Davis Anaerobic Digester to process this food waste and turn it into energy that powers research labs on the UC Davis campus. The Anaerobic Digester has limited volume and accepts only the highest quality feedstock, which means that contamination in the collected food waste must be kept to a minimum.

El Dorado Disposal provides hands on training and outreach to business owners, restaurant and property managers on how to properly participate in this program. El Dorado Disposal's



commercial food waste driver also provides feedback about contamination levels to the Sustainability Coordinator who will call the customer.

The 2020 COVID-19 pandemic caused a major disruption to food waste collection as businesses closed and re-opened due to stay at home orders. Despite setbacks, El Dorado Disposal has continued to work closely with customers to adjust service levels and continue food waste collection at lower volumes.

6. Commercial Green Waste Program (Assembly Bill 1826) -- AB 1826 also requires multi-family complexes that have five or more units and at least four yards of trash serviced per week to also recycle their green waste. In partnership with El Dorado County, property managers were contacted first via a mailed survey in 2018 and again with outreach phone calls in 2019 to verify that green waste is either being composted on site or being brought to El Dorado Disposal's Material Recovery Facility.
7. Curbside green waste program changes– Due to collection operational challenges and increasingly strict contamination requirements from Lopez Agriculture, El Dorado Disposal began phasing in optional green waste program changes. To participate in the twice a year unlimited green waste program El Dorado Disposal began strongly encouraging customers to call ahead to schedule a curbside green waste pick up and to use compostable paper bags.
8. Commercial Recycling Outreach (Assembly Bill AB 341) – Sustainability coordinator continues to meet with businesses and multi-family properties to verify compliance with AB 341 and start programs with business and multi-family properties that are not recycling. Sustainability Coordinator developed new image based collateral in English and Spanish for commercial businesses. These three flyers show what goes in the trash, recycling, and food waste bin (if applicable).
9. School Recycling Outreach – At the beginning of 2020, the Sustainability Coordinator was working closely with Marina Village to develop a recycling and food waste education and recycling program. However, with the COVID-19 pandemic related school closures this program is indefinitely postponed
10. Expand Large Venue Recycling Programs – Sustainability Coordinator meets with event managers on request to discuss strategies for waste diversion at events. At the beginning of 2020, Sustainability Coordinator met with event managers for Gold Hill Music Festival and Motherlode to implement recycling and waste reduction strategies. With COVID-19 pandemic related event limitations, large-scale events were canceled.
11. Residential Recycling Outreach -- Late in 2019 El Dorado Disposal rolled out the “Oops” cart tagging program which provides direct feedback to residents on contamination items in their container. This program is customer education focused and is designed to update and educate the resident to put the right items in the cart. After a driver spots contamination and leaves a tag on a customer’s cart, El Dorado Disposal’s customer service representatives makes an educational phone call and mails a recycling informational packet.
12. C&D Recycling – All contractors receive a 6 yard roll off box for trash only with every C&D roll off box that they order. El Dorado Disposal dispatch instructs contractor what material can be recycled in the C&D bin. Operations Supervisors also meet with contractors to discuss C&D recycling and address contamination issues as they arise. El Dorado Disposal also updated contractor signage to be included on roll off boxes and updated roll off agreement to include more complete information about accepted and non-accepted materials for C&D recycling

13. New Education and Outreach Coordinator – El Dorado Disposal hired an additional staff member that will focus on delivering sustainability related education and outreach programs to the community.

**B. 2021 Proposed Projects:**

1. Vouchers – El Dorado Disposal is continuing all voucher programs.
2. Commercial Food Waste Program (Assembly Bill 1826) – AB 1826 mandatory thresholds dropped in 2020 to include all businesses that produce more than 2 yards of trash per week. At the request of Cal Recycle, El Dorado Disposal, El Dorado County and the City of Placerville will be updating the AB 1826 informational plans. The change in threshold has created a massive outreach campaign and all elements of compliance are outlined, described and calendared in the EDC-EDD AB 1826 Compliance Report.
3. Curbside green waste program changes– Beginning in 2021, El Dorado County and Cameron Park residents will receive two yearly vouchers, one for spring and another for fall to set out up to 30 compostable paper bags no larger than 40 gallons not weighing more than 50 lbs each. The complimentary vouchers will not apply to green waste in plastic bags. Any green waste in plastic bags will be charged as trash. This green waste program change offers more flexibility to clear green waste on the customer’s schedule and supports community wide vegetation management and fire safe efforts. El Dorado Disposal will also pursue these franchise agreement changes in the City of Placerville and El Dorado Hills. This change greatly reduces contamination allowing for significantly more diversion.
4. SB 1383 Implementation Planning – El Dorado Disposal will work in partnership with El Dorado County, City of Placerville, Cameron Park, and El Dorado Hills to prepare for a large scale residential implementation of SB 1383 in 2022. This includes a 2021 pilot program for residential food waste collection which will start no later than Fall 2021.
5. Evaluate green waste service expansion – El Dorado Disposal will begin to look at expanding green waste service to commercial customers to meet the need for AB 1826 and increase fire safety. El Dorado Disposal will also work with County staff on a program for residential green waste service in County Areas B and C.
6. Evaluate Residential Horse Manure Recycling Program (Auburn Lake Trails) – As part of El Dorado Disposal’s green waste service expansion, options will be reviewed for collecting horse manure, which would be diverted through the compost solution identified for SB 1383.
7. Residential Recycling Outreach – El Dorado Disposal will focus on recycling education with community and local government groups to bring awareness to the changes in recycling markets and accepted material. The Sustainability Coordinator and managers will be available to present the “State of Recycling,” “Recycling 101”, and other Recycling workshops to educate the community about these changes that impact how residents recycle. El Dorado Disposal will be supporting this effort with more recycling education on social media. With the ongoing COVID-19 pandemic these presentations will be available on request in an online format.

8. Contamination Reduction Programs – With the continued need for increased residential and commercial customer education, El Dorado Disposal will expand its residential recycling “Oops” program to the commercial recycling and residential yard waste streams. A more concerted effort will be made on identifying contamination through the use of “hopper” cameras where the driver can identify contamination and notify the customer and customer service for follow up. Where necessary, a contamination charge will be implemented.

9. Commercial Recycling Outreach (Assembly Bill AB 341) – El Dorado Disposal will continue to evaluate compliance and help businesses start recycling programs as needed. Follow up site visits and waste characterizations will be completed.

10. C&D Recycling – El Dorado Disposal will make an effort to improve outreach to contractors around C&D recycling and placing only recyclables materials in the C&D Bins.

11. Event Recycling – El Dorado Disposal will support the community’s efforts to divert waste from events if they occur pending the COVID-19 pandemic limitations.



Qty 500 - 4.25" x 11" Full Color Print, Double Sided Door Hangers





# AB 1826





## **El Dorado Disposal AB 1826 Commercial Food-waste Program**

**CA AB 1826 mandates the separate collection of food-waste and organic materials from commercial business waste for purpose of diverting organics from landfills.**

**In March of 2020, EDD reported commercial organics compliance for 4-yard businesses at 81% in EDCO and 82% in Placerville. CalRecycle congratulated EDD, EDCO and Placerville for being among the 3 highest (joining City of Elk Grove) compliance rates in the greater Sacramento region. September 2020, CalRecycle announced intention to follow-through with lowering the commercial waste threshold requiring waste audits and potential organics service to all businesses generating 2-cubic yards of waste weekly. This shifted the number of affected businesses in EDCO and Placerville combined from the prior 4-yard threshold, increasing the number of mandated businesses in EDCO and Placerville from 402 to 1,867.**

**Current compliance rates, August 2021 were 55%, EDCO, 59%, Placerville. The compliance rate is a combination of businesses determined exempt by EDD as not generating organics sufficient to warrant organics service, and the 143 businesses signed up for food-waste service and currently on EDD's commercial food-waste route. The EDD Sustainability, Operations, and Customer Service teams continue to vet AB 1826 businesses and on-board new food-waste customers while monitoring and supporting existing customers.**

**EDCO and Placerville commercial food-waste is converted to energy at the experimental UC Davis bio-digester. The contamination free quality of food-waste from EDD enables this arrangement, as Raley's, Inc. and El Dorado Disposal are the only 2 food-waste providers allowed at the UC Davis facility.**



# El Dorado County AB 1826 Implementation Report

UPDATED 1/29/2021

## Prepared by:

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## I. Background

In October 2014 Governor Brown signed AB 1826 Chesbro (Chapter 727, Statutes of 2014), requiring businesses to recycle their organic waste on and after April 1, 2016, depending on the amount of waste they generate per week. This law also requires that on and after January 1, 2016, local jurisdictions across the state implement an organic waste recycling program to divert organic waste generated by businesses, including multifamily residential dwellings that consist of five or more units (please note, however, that multifamily dwellings are not required to have a food waste diversion program). Organic waste (also referred to as organics throughout this report) means food waste, green waste, landscape, and pruning waste, non-hazardous wood waste, and food-soiled paper waste that is mixed in with food waste.

This law phases in the mandatory recycling of commercial organics over time, while also offering an exemption process for rural counties. In particular, the minimum threshold of organic waste generation by businesses decreases over time, which means an increasingly greater proportion of the commercial sector will be required to comply.

## II. AB 1826 Update in 2020

The legislative deadline for implementation and compliance with AB1826 was the end of the year 2020.

In June 2020, CalRecycle lowered the threshold for covered generators to any business generating 2 cubic yards of waste a week and any multifamily dwelling of five units or more.

For some, the lower threshold added a larger lift of accounts to onboard with service, leaving many cities and counties, not at full compliance at the end of 2020. CalRecycle is utilizing the informal plan process to "extend" the deadline for AB1826.

### III. Current Status

El Dorado County and its franchise waste haulers: El Dorado Disposal (EDD), South Tahoe Refuse (STR) and Tahoe Truckee Sierra Disposal (TTSD) have been implementing AB 1826 programs. All three haulers operate a material refuse facility (MRF).

El Dorado Disposal has a partnership with an anaerobic digester in Davis, CA where they ship food waste. El Dorado Disposal all ships green waste to Lopez Ag in Sacramento, CA. South Tahoe Refuse ships their organic waste to Full Circle Compost in Nevada. Tahoe Truckee Sierra Disposal ships their organic waste to Full Circle Compost or RT Donovan. TTSD also creates mulch products for the market

All three franchise waste haulers and the County are currently implementing the AB 1826 requirements. All haulers are aware of the two-yard requirement from CalRecycle and are re-evaluating their facility lists to bring commercial facilities and multifamily dwellings into compliance.

### IV. Strategies for implementation of AB 1826 (please see attachments)

\*Please note that since this implementation plan is regarding the west slope of El Dorado County, the report will now focus exclusively on El Dorado Disposal and The County of El Dorado.

#### 1) Promotional Materials

El Dorado Disposal has developed new posters for all three waste streams (garbage, recycling, and food waste). These posters are double-sided in English and Spanish and are available in 8.5x11in and 11x17in. Poster design is image-centered and colored coded. El Dorado Disposal's Sustainability Coordinator will provide these posters during site visits and they are also available for print and download on the El Dorado Disposal website. These promotional materials will be used to bring the new commercial facilities and multifamily dwellings into compliance. Flyers will be updated to reflect the new two-yard requirement.

#### 2) Notices from Waste Haulers

Several mailers from El Dorado Disposal were sent out in the 2018-2020 period. El Dorado Disposal's mailer included information about AB 1826, and tips on how to set up service and best practices for food waste collection. The food waste flyer was translated into English and Spanish. Site visits will be recorded on a tracking document with updated compliance status and contacts. These notices will be used to bring the new commercial facilities and multifamily dwellings into compliance.





### 3) Notices from the El Dorado County Environmental Management Department (EMD)

EMD drafted several compliance letters for commercial businesses and multifamily dwellings. The mailing of these notices occurred in the 2019-2020 time period. Site visits were recorded on a tracking document with updated compliance status and contacts. Please see the attachments. These notices will be used to bring the new commercial facilities and multifamily dwellings into compliance.

### 4) Site Visits

The Sustainability Coordinator at El Dorado Disposal is providing site visits to businesses before setting them up for organics service. During these visits, they will be discussing best practices for internal collection and sorting, service levels, and pricing, as well as providing posters and four-gallon labeled buckets to help with collection. EMD will accompany the Sustainability Coordinator on some of these visits to coordinate the efforts between the organizations. Site visits will be recorded on a tracking document with updated compliance status and contacts. Site visits will continue to bring the new commercial facilities and multifamily dwellings into compliance.



### 5) Online Information

Information about AB 1826 is available on all hauler and County websites. These include text, images, and downloads for customers. These websites will be used to bring the new commercial facilities and multifamily dwellings into compliance.

### 6) Information Gathering and Surveys

EMD and the franchise waste haulers used surveys to gather information from commercial facilities and multifamily dwellings. These surveys helped the haulers and county in figuring out which commercial businesses. EMD and El Dorado disposal will use information gathering and surveys as needed to bring the new commercial facilities and multifamily dwellings into compliance.

## V. Other Actions

EMD has partnered with the Food Bank of El Dorado. They are currently in the process of purchasing equipment and compiling data.



**Food Bank**  
of  
**El Dorado County**  
Preventing Hunger - Providing Hope



EMD will continue to provide support for funding disposal options within the county, including Recycling Market Development Zone (RMDZ) assistance, Greenhouse Gas / Organics grant programs, as well as exploring its facilities for participation in organics recycling.

EMD is currently securing a contract for a license for the state law compliance tracking software Recyclist. This software will allow EMD and the haulers to track facilities for compliance with AB 341, AB 1826, and SB 1383.



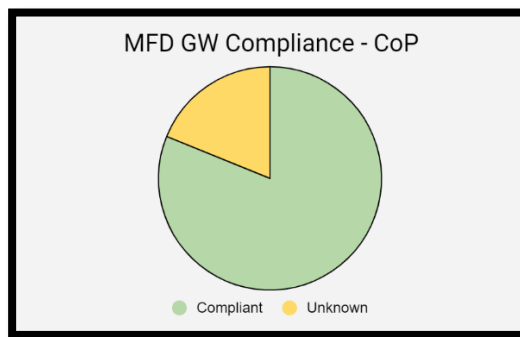
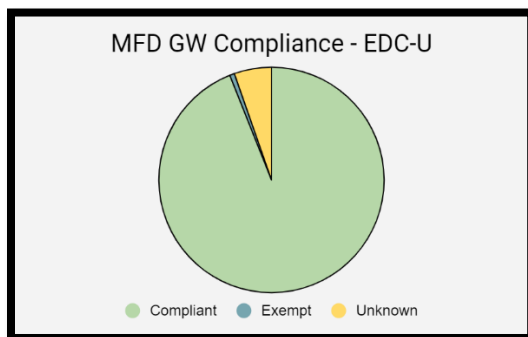
### VI. Rulemaking

EMD will be amending the County's Solid Waste Management Ordinance in 2021 to include AB 1826 (along with AB 341 and SB 1383) requirements as well as enforcement provisions, which will make enforcement easier going forward

### VII. Current Statistics

#### Multifamily Dwellings (MFD) (Green Waste Only)

Status	EDC-Unincorporated	City of Placerville
Compliant	140	43
Exempt	1	0
Non-Compliant	0	0
Unknown	8	10
Total	149	53
% Compliance	93.96%	81.13%



Multifamily dwellings (MFD) were evaluated through a survey of County records. All sites were treated the same regardless of whether they were in the 2-4 yard or the four-yard plus waste creation categories. Compliance was achieved through cold calling, site visits, and contact with property owners, and creating plans for each site. Sites are considered an MFD if they are zoned for multifamily, and have combined services.



### Businesses (Food Waste Only)

As of March 2020, El Dorado County and City of Placerville achieved 81% and 82% compliance respectively. The table bellows compares pre-pandemic 4-yard and post-pandemic 2-yard status.

Status	EDC 3-20 (4-yd)/8-21 (2-yd)	Pvll 3-20 (4yd)/8-21 (2-yd)
Compliant	90/106	39/37
Exempt	154/606	43/115
Non-Compliant	58/475	18/126
Unknown	0	0
Total	302/1,182	100/278
% Compliance	81%/59%	82%/55%

### **VIII. Projections for 2021**

#### Multifamily Dwellings (Green Waste Only)

No significant changes are expected to be reported. All facilities were evaluated on a two-yard basis in the initial evaluation. Work will be focused on onboarding the sites into Recyclist software. Facilities not meeting the criteria will be evaluated and reported on there.

#### Businesses (Food Waste Only)

With the drop AB 1826 threshold drop to 2 yards, there are an additional 478 covered generators in El Dorado County and 99 in City of Placerville.

### **VIII. Food Waste Collection - Special Considerations**

The roll-out of a food waste collection program is very different by nature than a traditional recycling program. The material type is more costly to transport, can be unsightly and odorous, and is easily contaminated. To develop a robust and sustainable food waste collection program, El Dorado Disposal addresses these barriers individually with the customers and works through solutions upfront. This creates a smooth transition to the program for both the customer and the hauler and prevents future problems with program implementation.

#### Cost

Food waste collection is more expensive by volume than garbage and recycling service. Typical food waste collection service is 1 yard serviced 3x a week which costs an additional \$344.87 for businesses in El Dorado County bill areas A, B, and C. Businesses often need to budget for the added cost and plan for a reduction of their municipal solid waste (MSW). Most businesses see a rise in their solid waste bill when they add food waste collection and drop their MSW service level which results in some pushback from the businesses, slowing program implementation.

#### "Ick" Factor

Another barrier for program implementation is the sticky, smelly nature of food waste. Businesses sometimes are averse to collecting their food waste separately because they do not want to deal with the so-called “ick” factor. Most businesses want time to train their staff and develop a proper process for internal food waste collection to maintain a level of cleanliness at their business. Allowing for this training window also slows program implementation, but results in high levels of participation.

### Contamination

Industrial composter processes have a lower threshold for contamination than recycling because they have less of an upfront ability to sort their inbound material before it is turned into compost. El Dorado Disposal takes time to educate its customers about the sensitivity of food waste collection and the need for a clean stream of material. Additionally, like the entire solid waste industry, El Dorado Disposal has been significantly impacted by disappearing recycling markets due partially to contaminated recycling streams. El Dorado Disposal wants to actively work to maintain a clean food waste stream to prevent compost markets from disappearing and overall build the longevity of the program from the start.

## **IX. Timeline of Events**

### September 2018

- Sarah Vaira, the Sustainability Coordinator with El Dorado Disposal, trained El Dorado Disposal Customer Service Representatives at the call center on AB 1826 the upcoming Food Waste Program. They are ready to answer AB 1826 related calls in the call center.

### October 2018

- Meetings were held between CalRecycle, El Dorado Disposal, and EMD regarding CalRecycle’s expectations in complying with AB 1826.
- El Dorado Disposal sent out a three-piece mailer to the 400 commercial customers that either need to be in compliance now or will need to comply by 2019.
- El Dorado Disposal’s website has been updated to show AB 1826 information.
- EMD’s website has been updated to show AB 1826 information.
- EMD developed a formal compliance letter for both commercial and multifamily dwellings regarding compliance with AB 1826.
- EMD developed an online survey regarding green waste production and disposal for qualified MFUs throughout the county.
- The El Dorado Disposal Sustainability Coordinator did a ride-along with El Dorado Disposal Food Waste driver to audit the route and provide feedback to current commercial customers participating in the program.

### November-December 2018

- EMD’s survey will be released and results will be analyzed.

- El Dorado Disposal will be responding to the phone calls from letters advising businesses to contact Customer Service. Customer Service will record the business information and pass it along to the Sustainability Coordinator who will then coordinate a site visit with the business.
- At the site visit, the Sustainability Coordinator will be providing a labeled four-gallon bucket with a lid for internal collection, as well as posters of what materials go in the three waste streams (Garbage, Recycle, Food Waste). These posters are double-sided, English and Spanish.

### March 2019

- The Sustainability Coordinator is continuing to do site visits to set up service and follow up with commercial customers currently in the program, as well as continued ride-along and monitoring of the program, scaling the program overall. El Dorado Disposal's goal is to add 5-8 businesses in the County and City of Placerville total to the food waste collection route per month.
- By the end of March 2019, El Dorado Disposal and El Dorado County will begin exempting appropriate businesses from AB 1826.
- El Dorado Disposal has also submitted a capital request for a roll-off truck that will be able to direct haul to Napa Recycling.
- The County will start calling multi-family dwelling customers in the City of Placerville to verify that they are recycling green waste

### April 2019

- The Sustainability Coordinator will continue to do site visits to set up service and follow up with commercial customers currently in the program, as well as continued ride-along and monitoring of the program, scaling the program overall at the 5-8 businesses per month rate.
- EMD is continuing to call MFD customers and gather green waste recycling data.
- When the capital request arrives at EDD, direct food waste hauls to Napa will begin”

### May 2019

- EMD is continuing to call MF customers and gather green waste recycling data.
- EMD will check to make sure all MFDs in the county have been surveyed.
- EMD will survey landscapers/haulers to follow up on green waste diversion.

### June 2019

- EMD will complete its green waste survey and prepare data for CalRecycle and the partner jurisdictions.
- EMD will prepare letters to non-compliant MFDs regarding green waste programs.
- EMD will begin to directly assist both EDD and other jurisdictions with determining compliance for commercial businesses.

### July 2019

- EMD will issue a follow-up letter if no response was received regarding non-compliant MFDs. If no response is received after this time, the MFD will be required to attend an office hearing with the department sometime in the following months.
- EMD and the Food Bank of El Dorado County will begin purchases of equipment per the terms of their contract.
- EMD and the Food Bank of El Dorado County will begin recording food rescue data to comply with the Food Rescue grant.
- EMD's revised solid waste ordinance should be submitted to the El Dorado County Board of Supervisors for review.

### October 2019

- By 10/4, EDD/EMD will submit a monthly MORE tracking spreadsheet to show an updated # of covered businesses and MFDs that are recycling organics, the # of exempted businesses, and monitoring/followups done on those not recycling for September.
- EMD will verify that all remaining MFDs are recycling their organics. Those not recycling will be signed up for service.
- EDD will determine the exemption eligibility of another 46 businesses with site visits.
- EDD will complete training of the new driver (front loader) and will expand the # of food waste pick-up days/routes to meet demand if necessary.

### November 2019

- By 11/4, EDD/EMD will submit a monthly MORE tracking spreadsheet to show an updated # of covered businesses and MFDs that are recycling organics, the # of exempted businesses, and monitoring/followups done on those not recycling for October.
- By 11/4, progress towards signing up some of these 20 new businesses discussed in the conference call must be shown.
- By 11/4, 100% of MFDs should comply with AB 1826 and recycling their organics, either via self-haul by landscapers or have signed up for service.
- By 11/4, EDD to submit an Exemption tracking report and steps of how an exemption is determined.
- The front loader driver will have his route picking up food waste exclusively 3x/week.

### December 2019

- By 12/2, EDD will submit a monthly MORE tracking spreadsheet to show an updated # of covered businesses and MFDs that are recycling organics, the # of exempted businesses, and monitoring/followups done on those not recycling for November.
- By 12/2, the tracking report will show that at least 75% (or very close to it) of covered businesses comply with AB 1826.
- By 12/2, EDD will submit a to-date Exemption Tracking Report.

### January 2020

- By 1/3, 75% of all covered businesses will comply with AB 1826 and recycling their organics.
- By 1/3, EDD will submit a monthly MORE tracking spreadsheet to show an updated # of covered businesses and MFDs that are recycling organics, the # of exempted businesses, and monitoring/followups done on those not recycling for December.

### March 2020

- Monthly tracking reports continuing.
- The goal is to achieve 100% compliance by March 31, 2020.
- At these site visits, the Sustainability Coordinator will also be discussing the best food collection strategies and mitigating their site-specific concerns, as well as discussing service levels and pricing.
- The Sustainability Coordinator will connect with El Dorado Disposal's dispatch about bin delivery and routing.
- If El Dorado Disposal does not receive very many responses from the letter, the Sustainability Coordinator will be contacting high food waste generators along Placerville's Main Street and El Dorado Hills Town Center to set them up for service.
- Based on the level of response and compliance progress, EMD will begin the process of mailing formal compliance letters.

### April 2020 – January 2021

- Covid-19 Pandemic causes abrupt shutdown of restaurants, haulers, and county. AB 1826 operations heavily disrupted.
- AB 1826 2 yard threshold implemented
- El Dorado Disposal pulls customer list and identifies 478 additional businesses that meet the 2 yard threshold in El Dorado County and 99 in the City of Placerville.
- El Dorado Disposal estimates that a majority of the covered generators will be exempt from food waste service.
- El Dorado Disposal hires full time Education and Outreach Coordinator, Kristina Noble and promotes Sarah Vaira to Sustainability Project Manager to oversee the continued implementation of AB 1826
- Contact made with CalRecycle about restarting AB 1826 compliance.

### February 2021 – December 2021

- El Dorado Disposal will contact all businesses with mailer with information about the AB 1826 threshold drop and how to sign up and participate in food waste service
- Between February 2021 and end of June 2021, El Dorado Disposal will site check all anticipated exempt businesses to confirm lack of food waste volume.

- Between February 2021 and end of Jun 2021, El Dorado Disposal will attempt to onboard 1-3 additional businesses per month that need food waste service, focusing first on the EDCO-A service area and City of Placerville.
- Please note, due to the changing COVID-19 pandemic business closures, some generators will not be able to be site checked due to remote work or will be more difficult to contact.
- In July 2021 El Dorado Disposal will reassess the rate it can onboard additional food waste customers within the context of the COVID-19 pandemic. If possible, El Dorado Disposal will scale up efforts to onboard more food waste businesses and expand food waste route to outer service areas EDCO-B and C as appropriate.
- El Dorado Disposal will submit a monthly MORE tracking spreadsheet to show an updated # of covered businesses, the # of exempted businesses, and noncompliant businesses

JUNE '21 JULY '21 AUG '21 SEPT '21 OCT '21 NOV '21 DEC '21 NOTES/COMMENTS

EDCO

TASK AND REPORTING

JURISDICTION ACTIONS TAKEN

City/County # of phone calls made	18	10	48			
Hauler # of phone calls made						
City/County # of site visits	18	10	49			
Hauler # of site visits						

PLANS/GOALS FOR INCREASING THE # OF COMPLIANT ACCTS/MONTH:

For example, based on your assessment, how many phone calls/visits do you plan to do per week or month, and how long will it take to reach all businesses/MFDS to accomplish compliance.

PROGRESS REPORTING

BUSINESSES

Total # of businesses covered by AB 1826	1182	1185	1187			
AB 1826 Non-Compliant	1005	964	475			
AB 1826 Compliant	104	106	106			
Business Compliance Rate	8%	9%	9%			
Ab 1826 Exemptions	0	0	0			
Exemption based on Space	73	115	606			
Exemption based on Volume	15%	19%	59%			
Total Business Compliance Rate						

MULTIFAMILY DWELLINGS

Total # of MFDS covered by AB 1826	139	139	139			
AB 1826 Non-Compliant						
AB 1826 Compliant						
MFDS Compliance Rate						
Ab 1826 Exemptions						
Exemption based on Space						
Exemption based on Volume						

OVERALL AB 1826 Compliance Rate

ENFORCEMENT





# Frequently Asked Questions About AB 1826

## Background

Assembly Bill (AB) 1826 ([Chapter 727, Statutes of 2014 \[Chesbro, AB 1826\]](#)) requires businesses that generate a specified amount of organic waste per week to arrange for recycling services for that waste, and for jurisdictions to implement a recycling program to divert organic waste from businesses subject to the law, as well as report to CalRecycle on their progress in implementing an organic waste recycling program.

This FAQ guide provides CalRecycle's responses to frequently asked questions from stakeholders about the requirements of commercial organic recycling under AB 1826.

CalRecycle recognizes that businesses and jurisdictions may have additional questions that may not be addressed in the responses below. Please contact the assigned Local Assistance and Market Development (LAMD) representative to discuss a scenario specific to a jurisdiction. In addition, it may be helpful to refer to the [Mandatory Commercial Organics Recycling webpage](#) for additional resources.

**Please note that the terms “regulated,” “covered,” and “subject to the law” used in the FAQ guide refer to businesses that meet the threshold requirement in effect during a given year.**

The questions are broken down into the following categories:

- A. [General](#)
- B. [Business](#)
- C. [Jurisdiction](#)
- D. [Reporting](#)
- E. [Compliance](#)
- F. [Enforcement](#)

## A. General

### 1. **What is the schedule for complying with the law?**

The law uses a tiered implementation schedule, which phases in requirements on businesses over time based on the amount and type of organics or waste the business produces on a weekly basis. The jurisdiction's implementation of its program may also include phasing, and jurisdictions may phase in program implementation depending on various circumstances. Jurisdictions should communicate to their [LAMD representative](#) if there are aspects of their program that need to be phased in so they can confirm their approach will be acceptable. The implementation schedule outlined in statute is as follows:

- **January 1, 2016:** On and after this date, local jurisdictions shall implement an organic waste recycling program in place. Jurisdictions shall identify regulated businesses and conduct outreach and education to inform those businesses how

to recycle organic waste in the jurisdiction, and monitor to identify those not recycling and inform them of the law and how to recycle organic waste.

- **April 1, 2016:** Businesses that generate 8 cubic yards of organic waste per week shall arrange for organic waste recycling services.
- **January 1, 2017:** Businesses that generate 4 cubic yards of organic waste per week shall arrange for organic waste recycling services.
- **August 1, 2017 and ongoing:** Jurisdictions shall provide information about their organic waste recycling program implementation in the annual report submitted to CalRecycle.
- **Fall 2018:** After receipt of the 2017 annual reports submitted on August 1, 2018, CalRecycle shall conduct its formal review of those jurisdictions that are on a two-year review cycle.
- **January 1, 2019:** Businesses that generate 4 cubic yards or more of commercial solid waste per week shall arrange for organic waste recycling services.
- **2020:** AB 1826 requires CalRecycle to determine whether the statewide disposal of organic waste was reduced by 50 percent of the level of disposal during 2014. Additionally, this law allows certain rural areas to be exempt, for a specified amount of time, and those exemptions could also expire if the waste reduction targets are not met.
  - [At CalRecycle's Sept. 15, 2020, public meeting](#), Ken DaRosa, Acting Director, signed the Request for Approval immediately initiating the two cubic yard threshold into effect. Therefore, businesses that generate 2 cubic yards or more of commercial solid waste (total trash, recyclables, and organics) per week shall arrange for organic waste recycling services. Additionally, the exemption under 42649.82 (e)(3)(E) related to businesses that generate one cubic yard or less of organic waste is no longer in effect ([see question #51 under B. Business to review the exemptions that remain in effect](#)). Furthermore, CalRecycle determined the relative impact by rural jurisdictions on statewide disposal is approximately one percent of the statewide organic waste disposal, which is not significant. Therefore, CalRecycle has extended the current AB 1826 rural exemption until December 31, 2026
- **Fall 2020:** After receipt of the 2019 annual reports, CalRecycle shall conduct its formal review of all jurisdictions.

**2. Will there be regulations, and will there be a chance for stakeholder feedback if regulations are developed?**

No, regulations will not be developed in relation to AB 1826. The law has been chaptered as part of [Chapter 12.9](#) (commencing with Section 42649.8) to Part 3 of Division 30 of the Public Resources Code. However, CalRecycle encourages stakeholder feedback to these FAQs and the submittal of additional questions.

3. **Will businesses located on tribal lands in the state of California be required to comply with AB 1826, or are tribal lands exempt?**

CalRecycle has no jurisdiction over businesses on tribal land.

4. **What is organic waste?**

Organic waste as defined in [the law](#) includes the following material: food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste ([see Question 10 under General for definition of food-soiled paper](#)). These categories represent the largest subsets of organic waste that is currently disposed in California. There are other forms of organic waste such as textiles and manure that can be recycled at organic recycling facilities, but those materials are not specifically covered in the legislation.

Examples of food-soiled paper that are typically mixed in with food waste include uncoated products such as napkins, paper towels, tissues, formed paper packaging such as egg cartons, and some paper plates and cups. Coated paper products – such as food-service wrappers, to-go containers, pizza boxes, cardboard boxes, and similar materials can contain liners made of polyethylene or other synthetic grease/water resistant components. It is difficult to visibly discern whether those additional materials are compostable. This does not apply to food packaging or service-ware certified and labeled “compostable.”

Examples of “food waste” includes solid, semisolid, and liquid food, such as, fruit, vegetables, cheese, meat, bones, poultry, seafood, bread, rice, pasta, and oils; coffee grounds and filters and tea bags; cut flowers and herbs; and any putrescible matter produced from human or animal food production, preparation, and consumption activities. Food waste includes food-soiled paper.

5. **Regarding the definition of the material types that must be recycled, can you please clarify the differences between green waste vs. landscape and pruning waste?**

For reference, here is the definition in the law: Organic waste means food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste ([see Question 10 under General for definition of food-soiled paper](#)). There is no significant difference between these terms (green waste and landscape and pruning waste) and they are not further defined in statute or regulations. Practically speaking, green waste and pruning waste both typically include, but are not limited to, grass clippings, leaves, branches, flower trimmings, hedge trimmings, weeds, etc. For purposes of deciding which organic material to include in a commercial organics recycling program, we suggest working with your organics service provider and compost facility operator to determine what materials are acceptable in your area.

6. **What is commercial solid waste?**

The definition of commercial solid waste was further clarified through [AB 1398](#) and

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 that falls under the definition of a covered business above (PRC Section 42649.1). According to 2014 [statewide waste characterization data](#), the commercial sector generates nearly two-thirds of the solid waste in California. Most of the material disposed from this sector is recyclable.

**7. Does food waste include Fats, Oils and Grease "FOG"?**

Yes, fats oils and grease are a form of food waste. Specifically, FOG is included in the definition of solid waste in PRC 40191: "all putrescible and non-putrescible solid, semisolid, and liquid wastes, including ...industrial wastes...vegetable or animal solid and semi-solid wastes ..." While AB 1826 imposes requirements for recycling organic waste, it does not change other existing regulatory authority. The quantities of FOG that can be discharged into a sewer system are already controlled and limited through local and regional water board rules. Also, many businesses, such as restaurants and large food venues (such as cafeterias), already divert their excess FOG to rendering facilities, which CalRecycle considers as a form of recycling. Any arrangement to divert FOG must be done in accordance with local ordinances and regulations, regional water board requirements, and California Department of Food and Agriculture (CDFA) rules and requirements. For more information, see CDFA resources for [Inedible Kitchen Grease \(IKG\) Program](#).

**8. Does food waste include meat?**

Yes, meat is a form of food waste. Some facilities and end users may have requirements regarding the inclusion of meat with other types of food waste for processing. The jurisdiction and/or waste hauler can provide more information about the recycling of meat products. For more information about these requirements, please see the [related guidance document](#).

**9. Please provide an example of what is meant by a "limited term exemption for extraordinary and unforeseen events."**

An extraordinary or unforeseen event is typically an external event beyond the control of the parties involved, such as a war, strike, riot, crime, or an event described by the legal term Act of God (such as hurricane, flooding, earthquake, volcanic eruption, etc.). Examples of limited term exemptions could include a food recall, spoilage due to declared emergencies, or spoilage due to power outage. It would be an event that prevents one or both parties from fulfilling their obligations under a contract, but typically only for the duration of the event.

**10. What is food-soiled paper that is mixed in with food waste?**

Food-soiled paper is paper that is soiled with liquid or solid food waste. Some types of food-soiled paper--particularly items that are uncoated--are compostable and may be managed in the same way as food waste and other organic waste, providing there are facilities nearby which will accept them. Examples of food-soiled paper that are typically

mixed in with food waste include products such as napkins and tissues, paper plates and cups, to-go containers, food-service wrappers, pizza boxes, and cardboard produce boxes. These items, when comingled with food waste, are subject to the organic recycling requirements of AB 1826.

Coatings on food-soiled paper complicate the situation. It is difficult to tell whether a coating is compostable or not. At many composting facilities, all of these materials are treated as contaminants. Produce boxes coated with wax are compostable. However, boxes or food-service products such as wrappers or bags that are lined with polyethylene or with other synthetic grease-resistant compounds are not compostable and should not be mandated in food waste collection programs. In some cases, biodegradable plastics that meet ASTM Standard D-6868-03 ("[Biodegradable Plastics Used as Coatings on Paper and Other Compostable Substrates](#)") are used as a coating on paper products that are certified and labeled as compostable. Depending on their operational needs, some composting facilities may accept some or all of these types of materials, while others may not.

As a result, businesses should consult with their organic recycling service providers to learn which types of food-soiled paper are acceptable at the facility where the materials are being sent. Waste haulers should provide guidance to their business customers on how to prevent unacceptable materials from being included in food waste collection programs. Jurisdictions similarly should address this and other contamination issues in their education and outreach information.

Beyond these specific considerations, some stakeholders are concerned more broadly about contamination of land, fresh water, and especially marine environments by plastic debris. [Very tiny pieces of plastic can wind up in compost](#). CalRecycle works with many entities, including composters and other regulatory agencies, to ensure that compost does not contain unwanted residuals that could have detrimental environmental and/or public health impacts. CalRecycle regulations taking effect in January, 2018 limit the amount of inert contaminants, including film plastic, that may be present in finished compost. Composters selling to organic agriculture and other sensitive markets typically adhere to even higher standards.

#### 11. Does the 2014 waste characterization study capture data on food soiled paper?

The [2014 waste characterization study](#) did not sort paper based on whether it was food-soiled. The two lower-grade paper types were sorted based on whether materials that fall into those types are compostable or not. Here are the sorting definitions:

**Other Miscellaneous Paper--Compostable** means items made mostly of paper that could be composted, that do not fit into any of the other paper types. Paper may be combined with minor amounts of other materials such as wax or glues. Examples include pulp paper egg cartons, and unused pulp paper plant pots.

**Other Miscellaneous Paper--Other** means items made mostly of paper that do not fit into any of the other paper types, but that are generally recyclable or not generally composted. Paper may be combined with minor amounts of other materials such as wax or glues. This type includes items made of chipboard, ground wood paper, and deep-toned or fluorescent dyed paper. Examples include cereal and cracker boxes, paperboard boxes for software, unused paper plates and cups, goldenrod colored paper, school construction paper, butcher paper, ice cream cartons and other frozen food boxes, and hard cover and soft cover books.

**Remainder/Composite Paper--Compostable** means items made mostly of paper, that don't fit into any other material types, that are combined or contaminated with large amounts of other materials such as wax, food, and moisture, that are compostable. Examples include waxed corrugated cardboard, waxed paper, napkins, tissue, paper towels, fast food wrappers, food-soiled paper and moisture-soiled paper.

**Remainder/Composite Paper--Other** means items made mostly of paper but combined with large amounts of other materials. These are items that do not fit into any other categories, are not generally compostable or recyclable, and are not food and beverage cartons. Examples include blueprints, sepia, onion skin, carbon paper, and photographs.

The "other material types" are the regular recyclable ones, such as uncoated corrugated cardboard, paper bags, newspaper, white ledger paper, other office paper, magazines and catalogs, phone books and directories.

[See Question 10 under General for definition of food-soiled paper.](#)

**12. Is street sweeping waste included in the definition of organics?**

Street sweeping waste is not specifically listed in the statute. A local government that collects street sweepings can divert the organic fraction.

**13. Is material collected from storm drains, debris basin clean outs, etc. included in the definition of organics?**

Since material collected through these outlets typically contains a high portion of organic material, the jurisdiction may look to divert the organic portion at its discretion. ; CalRecycle understands that due to contamination, particularly hazardous components, and/or the quality of collected material, diversion of this material may not be possible.

**14. Are multifamily dwellings of five units or more that meet the threshold for organic material (see question 1 under General for thresholds) required to recycle their food waste?**

No, multifamily dwellings of five units or more that generate the required threshold of

organics or solid waste are not required to arrange for organic recycling services for food waste, including food-soiled paper. However, a local jurisdiction's requirements may be more stringent. If the local jurisdiction requires multifamily dwellings to arrange for organic recycling services that include green waste and food waste, then the multifamily dwelling would need to comply.

Refer to the local jurisdiction's guidance on what is acceptable for green waste as it can vary depending on local programs. For example, some local jurisdictions may allow for green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper. Some jurisdictions may exclude food-soiled paper from being placed in the green waste bin. [See Question 10 under General for definition of food-soiled paper.](#)

**15. Does the multifamily food waste exemption apply to food-soiled paper that is mixed in with food waste?**

Yes, food-soiled paper will be treated the same as food waste for multifamily dwellings. [See Question 10 under General for definition of food-soiled paper.](#)

**16. During the years 2016-2019, the requirement that businesses arrange for organic waste recycling depends on the amount of organic waste the business generates per week. Is the food waste generated at a multifamily dwelling counted toward the dwelling's weekly organic waste threshold, even though multifamily dwellings are not required to recycle food waste?**

No, food waste, including food-soiled paper, does not count toward a multifamily dwelling's weekly generation from April 1, 2016, to December 31, 2018. However, in 2019 multifamily dwellings will need to arrange for organic recycling services to divert their green waste, landscape and pruning waste, and nonhazardous wood waste if they generate more than 4 cubic yards of any type of solid waste per week. A sample scenario:

*The Jurisdiction has identified a multifamily dwelling of 80 units, generating 12 cubic yards of solid waste per week. Eight cubic yards of the multifamily dwelling's weekly waste are organic, and the other 4 cubic yards are mixed solid waste. Of the 8 cubic yards of organic waste, 6 cubic yards are food waste, including food-soiled paper, and 2 cubic yards are a mix of green waste and wood waste. Under AB 1826 the complex would not need to arrange for any organic*



*waste recycling service until January 1, 2019. The implementation and compliance schedule for this multifamily dwelling would be:*

**April 1, 2016:** Multifamily dwellings generating 8 cubic yards of non-food organic waste shall arrange for organic waste recycling. This multifamily dwelling only generates 2 cubic yards of non-food organic waste and is therefore exempt from the requirement to arrange for organic recycling services.

**January 1, 2017:** Multifamily dwellings generating 4 cubic yards of non-food organic waste shall arrange for organic waste recycling. This multifamily dwelling only generates 2 cubic yards of non-food organic waste and is therefore exempt from the requirement to arrange for organic recycling services.

**January 1, 2019:** Multifamily dwellings generating 4 cubic yards of solid waste per week shall arrange for organic waste recycling services to divert their green waste, landscape and pruning waste, nonhazardous wood waste. This multifamily dwelling generates 6 cubic yards of solid waste (4 cubic yards of solid waste and 2 cubic yards of green and wood waste) per week and therefore shall arrange for organic waste recycling services. Another multifamily dwelling has been identified by the jurisdiction that generates 5 cubic yards total of solid waste (3 cubic yards of solid waste and 2 cubic yards of green and wood waste) per week. Through its annual monitoring efforts, the jurisdiction determined that while the green and wood waste portion of the this multifamily dwelling's weekly waste stream is being collected separately by a landscaping company, the material collected by that company is currently being disposed. As the dwelling generates more than 4 cubic yards of solid waste per week total, the dwelling would need to arrange for organic waste recycling services for its green and wood waste as of January 1, 2019. [See question number 46 under Business](#) for more information about requiring landscapers to manage organic waste collected in compliance with the law. Through follow up with the dwelling, it was determined that the green waste and wood waste from this location is now being sent to a composting facility. The jurisdiction would still consider the dwelling subject to the law, and include it as part of its annual monitoring and reporting. The organic waste recycling services that these multifamily dwellings subscribe to do not need to include food waste collection.

At [CalRecycle's Sept. 15, 2020, public meeting](#), Ken DaRosa, Acting Director, signed the Request for Approval immediately initiating the two cubic yard threshold into effect. Therefore, businesses that generate 2 cubic yards or more of commercial solid waste (total trash, recyclables, and organics) per week shall arrange for organic waste recycling services. Additionally, the exemption under 42649.82 (e)(3)(E) related to businesses that generate one cubic yard or less of organic waste is no longer in effect ([see question #51 under B. Business to review the exemptions that remain in effect](#)). Furthermore, CalRecycle determined the relative impact by rural jurisdictions on statewide disposal is approximately one percent of the statewide organic waste disposal, which is not



significant. Therefore, CalRecycle has extended the current AB 1826 rural exemption until December 31, 2026.

- 17. A multifamily complex generates 5 cubic yards of solid waste (3 cubic yards of refuse service, and 2 cubic yards of green waste and wood waste) per week, and the property's landscaping service has been hauling the 2 cubic yards of green and wood waste to a recycling facility since 2014. As of 2019, is this complex subject to AB 1826 requirements, and should it be monitored as part of the jurisdiction's mandatory commercial organics recycling program?**

Yes, since this complex generates a total of 5 cubic yards of commercial solid waste then the complex will be subject to AB 1826 requirements as of January 2019, when multifamily complexes that generate 4 or more cubic yards of solid waste would be subject to the law. A complex meeting this threshold would need to arrange to have its green waste, tree trimmings, and nonhazardous wood waste recycled. Although the complex in this example may currently be compliant in terms of using a recycling option for the green waste and wood waste portion of its waste, the complex would need to continue to be monitored annually to ensure the covered materials continued to be diverted.

- 18. How do we determine the number of businesses/multi-family subject to the law according to the 2019 threshold? Is it the same group as our Mandatory Commercial Recycling (MCR) subject businesses/multi-family complexes?**

For 2019, the law specifies that businesses generating 4 cubic yards or more of commercial solid waste per week shall arrange for organic waste recycling services. The definition of commercial solid waste was further clarified through AB 1398 to include 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 that falls under the definition of a covered business (PRC Section 42649.1). Additionally, PRC Section 40191 further defines solid waste to include all putrescible and nonputrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semisolid wastes, and other discarded solid and semisolid wastes, except hazardous, radioactive or medical waste. . Thus, for the 2019 threshold commercial solid waste includes the total amount of trash, recycling, and organics. (Note: There is an exception for including foodwaste/food soiled paper in the threshold amount for multifamily [see question number 16 under A. General.](#))

Regarding the question of whether the MORE regulated businesses are in the same group as the MCR regulated businesses, the answer is that it depends on whether the particular business meets the threshold requirements of both statutes. Because there is no answer that is correct for all possible scenarios, it is more helpful for the jurisdiction to review the total subscription service level for each commercial generator (i.e. trash,

recycling, organics) to identify any businesses that may not have been identified as part of the jurisdiction's MCR program, but may be subject to MORE. For example, there may have been a business that did not meet the threshold for MCR (4 cubic yards/week or more of trash), yet already had separate organics recycling collection in place with the hauler. In this example, this business would need to be included as a "covered" business under MORE, and identified as being in compliance with MORE. Keep in mind that a jurisdiction should continue to target all businesses that has previously identified as being subject to MORE using the 2016 and 2017 thresholds. Also, a jurisdiction should continue to consider all businesses identified as subject to MCR as covered businesses subject to the law, even if those businesses start recycling and their refuse service decreases below 4 cubic yards.

At [CalRecycle's Sept. 15, 2020, public meeting](#), Ken DaRosa, Acting Director, signed the Request for Approval immediately initiating the two cubic yard threshold into effect. Therefore, businesses that generate 2 cubic yards or more of commercial solid waste (total trash, recyclables, and organics) per week shall arrange for organic waste recycling services. Additionally, the exemption under 42649.82 (e)(3)(E) related to businesses that generate one cubic yard or less of organic waste is no longer in effect (see [question #51 under B. Business to review the exemptions that remain in effect](#)). Furthermore, CalRecycle determined the relative impact by rural jurisdictions on statewide disposal is approximately one percent of the statewide organic waste disposal, which is not significant. Therefore, CalRecycle has extended the current AB 1826 rural exemption until December 31, 2026.

Finally, each jurisdiction should be prepared to provide an explanation in the Electronic Annual Report as to how the businesses and multi-family complexes targeted as part of its MORE program were identified each year. If jurisdictions have questions, they should consult their [LAMD representative](#) for assistance.

**19. Who (hauler, city, etc.) is going to be responsible for determining how much organic waste is produced at all of the businesses in the City?**

The jurisdiction shall implement an organic waste recycling program, including identifying regulated generators. The jurisdiction staff may do this or the jurisdiction may have its hauler conduct these activities or utilize other resources.

CalRecycle developed the [Generator ID tool](#) to assist in identifying businesses that meet the minimum waste generation threshold. CalRecycle used data from the [2014 waste characterization study](#) and other data sources to help a jurisdiction determine the types of businesses that would typically generate an amount of organic waste that requires them to subscribe to organic recycling services under the law. This tool will provide the number of employees in each business group that would potentially generate a given threshold amount. With this information, jurisdictions need to cross check the information with the existing business data for their community to determine which specific businesses are covered under the requirement.

The jurisdiction (or its haulers) will be notifying covered businesses of the requirements starting January 1, 2016, as part of its requirements under the law. However, the [Generator ID tool](#) is accessible to everybody, thus allowing businesses to self-determine if they meet any of the thresholds and thus implement their organic recycling program by the specified time ( [see question 1 under General for thresholds](#)). As the requirement to recycle organic material is the responsibility of the business, the business can begin its organic recycling program before receiving notification from the jurisdiction.

For the 2019 threshold of 4 cubic yards/week of solid waste (and onward), the waste hauler should be able to provide the volume of waste service the business receives on a weekly basis, if not known by the business. The waste hauler and/or host jurisdiction may have additional tools and resources that can be used to determine if a business is subject to the law.

Jurisdictions could also do the outreach/education/monitoring to all businesses and multifamily complexes or those that meet the [Mandatory Commercial Recycling requirements](#) regardless of the actual organic generation. It may be more cost-effective in the long-run to do outreach and education to a broader group rather than those that fall in the 2016 and 2017 threshold, and jurisdictions may want to consider the economies of scale of providing services to more than the year 1 and 2 (2016 and 2017, respectively) regulated entities. The law allows for a more stringent approach.

**20. Will implementation of the mandatory organic recycling law increase costs for jurisdictions?**

Regarding education, outreach and monitoring, the law is designed to allow jurisdictions flexibility to utilize their existing tools and solid waste management infrastructure to inform businesses of the state requirement and to follow up with businesses that are not recycling their organic waste. Most jurisdictions have some type of education, outreach, and monitoring programs for Mandatory Commercial Recycling to build upon. For example, jurisdictions can modify existing print material to include information for businesses about the requirement to recycle organic waste, and how the businesses can recycle organics in their jurisdiction. Also, jurisdictions can use their own websites or request updates to franchised or permitted haulers' websites that provide this information.

Providing additional commercial organics recycling services would increase costs, depending upon whether new or expanded commercial organics recycling services are necessary to meet the needs of businesses.

There will be increased costs due to identifying generators that meet the organics thresholds ([see question 1 under General for thresholds](#)) as the information about how much organics is generated by an individual business is not readily available. CalRecycle

has developed the Generator ID tool for stakeholders to use in identifying businesses that generate the specified amounts of organic materials. For the 2019 threshold of 4 cubic yards/week of solid waste and, with the implementation of the 2 cubic yards or more of solid waste (total trash, recyclables, and organics) per week threshold [as of September 15, 2020](#), jurisdictions should be able to use the same data sources utilized to identify covered parties under Mandatory Commercial Recycling (MCR) requirements, for example hauler reports..

**21. Will the fees levied be subject to Prop 26 and/or Prop 218?**

Proposition 218 would only be potentially applicable if the fee is charged as “an incident of property ownership” (i.e., if it is charged on a property tax bill). Even so, the voting requirement does not apply to refuse collection services. The Proposition 26 requirement for a 2/3 vote would only apply if the fee were not reasonably related to a “privilege granted,” a “benefit conferred,” a “government service provided to the fee payer,” or “reasonable regulatory costs.” You should check with your City Attorney or County Counsel for specific advice.

**22. What if we adopt a fee to pay for our organics program that is overturned in court due to prop 218?**

[According to the California Legislative Analyst’s Office](#), in general, the intent of Proposition 218 is to ensure that all taxes and most charges on property owners are subject to voter approval. In addition, Proposition 218 seeks to curb some perceived abuses in the use of assessments and property-related fees, specifically the use of these revenue-raising tools to pay for general governmental services rather than property-related services.

Fees for refuse collection and other services related to solid waste and recycling, may or may not be covered under Proposition 218’s procedural requirements, and is unsettled amongst attorneys as there is no definitive legal guidance or court decision. Should you experience Proposition 218 challenges to funding your commercial organics programs, please be sure to communicate this to your LAMD representative so they are apprised of the issue.

To learn more about this subject and see what other jurisdictions have done when presented with these challenges, please see the Institute for Local Government (ILG) and CalRecycle’s siting and funding webinar [“Financing Recycling Programs: Applying Existing California Law”](#) which features a case story of how the City of Chula Vista implemented Proposition 218’s Protest Process, or the [Financing Recycling Programs and Facilities: Understanding Options and Resources](#) document produced by ILG under contract with CalRecycle. The League of California Cities has published an extensive [Proposition 218 Implementation Guide](#) that provides general information only and is not offered or intended as legal advice. Always seek the advice of your local counsel on these issue before taking any action.

23. **With the anticipated cost that will be associated with implementation of an organic waste recycling program in my jurisdiction, will there be grants available to support diversion? Will there be support for community development, for example the creation of jobs related to diverting food waste for the underemployed?**

CalRecycle currently does not have grant funds available to directly subsidize program implementation costs; however, infrastructure grants funded by the Greenhouse Gas (GHG) Reduction Fund are available. In November 2014 CalRecycle announced the awarding of \$15 million in grants to businesses developing new or expanded organic recycling facilities. In awarding grants, the most important scoring criteria were: greenhouse gas reductions, tons of organic material diverted, benefits to disadvantaged communities, and project readiness. CalRecycle will award another \$5 million in loans for the same purpose in fiscal year 2014-15, and will issue another round of grant awards and loans in fiscal year 2015-16 pending approval of GHG monies for this purpose. [The Greenhouse Gas Reduction Grant and Loan program](#), and future grant programs aimed at reducing greenhouse gases through organics recycling will seek to dedicate a portion of funding to disadvantaged communities.

24. **Under section 42649.8.(g) the law states “If separate organic waste collection and recycling services are not offered through a local ordinance or local jurisdiction’s franchise agreement, a business generating organic waste may arrange for separate organic waste collection and recycling services, until the local ordinance or local jurisdiction’s franchise agreement includes organic waste recycling services.” However, the AB 1826 website has a notation that states a franchise granted or extended by a city, county, city and county, or other local governmental agency shall not be modified, limited, or abrogated in any manner by this law. This appears to contradict the above language under 42649.8.(g). Can you explain?**

The reference on the AB 1826 website stems from [section 42649.84 \(b\)](#) of the law, which states, “This chapter does not modify, limit, or abrogate in any manner any of the following: ( 1) A franchise granted or extended by a city, county, city and county, or other local governmental agency.”

The law itself does not alter franchise agreements as written. However, a jurisdiction may choose to amend an agreement and/or consider an ordinance within its authority specified through the law. This provision simply allows for this possibility and alerts the business that until that occurs, the business would need to recycle its organics.>

25. **Is there a requirement in the Health and Safety Code or Public Resources Code that all trash be collected once a week? Is it reasonable to have a recycling bin and an organics bin and then not require weekly trash collection?**

There is no state requirement requiring jurisdictions to provide for trash collection at any specified interval. [Public Resources Code \(PRC\) section 40059\(a\)\(1\)](#) provides that the frequency, means, and other aspects of solid waste handling are matters of local concern to be decided by the jurisdiction.

[Title 14 California Code of Regulations \(CCR\) section 17331](#) requires owners and tenants of residential and business properties to remove all trash every seven days except under certain prescribed conditions. This regulation does not apply to jurisdictions, although many jurisdictions provide weekly trash collection which allows owners and tenants to comply with this requirement.

Therefore, whether it is reasonable for jurisdictions to change their frequency of trash collection or have a recycling bin and organics bin is a local decision dependent upon local conditions such as whether the suggested frequency would cause health and safety problems or violate other local regulatory requirements. CalRecycle recommends that any decision in this regard include a discussion with the jurisdiction's Local Enforcement Authority (LEA) and any solid waste facilities that might be impacted if not prepared to handle solid waste collected at longer service intervals.

Many jurisdictions considering a move to biweekly collection of waste have incorporated pilot programs to assist in making that decision. Although CalRecycle is not involved in the approval of such pilots, the Department strongly suggests that project proponents work closely with the LEA, monitor and collect data on problems that may arise from the project, and be prepared to modify the project, or if necessary, stop the project to address such issues.

[An example of such a pilot](#) conducted by the King County Department of Public Health can be found on the website.

**26. Does the law prescribe where compostable organics have to be taken?**

The statute does not prescribe where compostable organics have to be taken. Food waste is compostable, even if it is taken for uses such as anaerobic digestion or used for animal feed.

**27. Are there examples of innovative local options for food waste diversion?**

CalRecycle's [Food Scraps Management site](#) includes multiple examples of programs that businesses and jurisdictions across the state are implementing. Please also see the recently added case studies on the [SB 1383 Education and Outreach Resources page](#). LAMD staff are available to peer match and work with jurisdictions on innovative programs.

**28. Is there any ability to do a statewide PSA? We have a community that is staunchly opposed to siting new facilities, public education could help with that.**

CalRecycle has developed customizable PSAs, a promotional kit, and a brochure that local jurisdictions can utilize. Additional sample resources have been provided by jurisdictions such as Alameda County, San Francisco, Sacramento, and Los Angeles County--some of which can be directly customized and used directly from the website. See our [Education/Outreach Toolkit](#).

**29. How can CalRecycle and jurisdictions be contacted?**

Contact individual [CalRecycle Local Assistance and Market Development \(LAMD\) staff](#) assigned a particular jurisdiction that work with waste related matters. Staff can be reached either via phone or email.

**30. Is there a listserv to subscribe to for updates to ensure businesses are up to date with new and local information?**

Yes, there is an [AB 1826 listserv](#).

**31. What is an “organic waste recycling facility?”**

An “organic waste recycling facility” shall include compostable materials handling operations, as defined in [paragraph \(12\) of subdivision \(a\) of Section 17852 of Title 14 of the California Code of Regulations](#), and may include other facilities that recycle organic waste.

**32. Does a business that is required to recycle organic waste also have to recycle cannabis waste?**

Yes. The cannabis regulations define cannabis waste as “organic waste” if it is not combined with any hazardous or toxic material. Cannabis licensees must manage waste in accordance with all applicable laws. The law considers organic waste a type of solid waste, and a solid waste facility may handle and manage it in accordance with Title 14 and Title 27. [More information regarding cannabis waste](#).

**33. What is AB 827 and why was it passed?**

California’s Legislature, through AB 827 (McCarty, 2019), amended two existing laws - the Mandatory Commercial Recycling law, PRC Section 42649-42649.7, commonly referred to as MCR, and the Mandatory Commercial Recycling Organics Recycling law, PRC Section 42649.8-42649.87, commonly referred to as MORE.

AB 827 is intended to educate and involve consumers in achieving the state’s recycling goals by requiring businesses subject to MCR and/or MORE to make recycling and/or organic recycling bins available to customers.

**34. When will the two cubic yard threshold be in effect?**

At CalRecycle’s Sept. 15, 2020, public meeting, Ken DaRosa, Acting Director, signed the Request for Approval immediately placed the two cubic yard threshold into effect. After the meeting, a notification will be sent to all of the jurisdictions. Additionally, LAMD staff will contact each jurisdiction to determine if they need additional time beyond Dec. 31, 2020, for implementation of the lower threshold, and if so, will work with jurisdictions to modify existing informal or formal plans developed to address MORE program gaps, or create a new plan if there is not one.

**35. When does the two cubic yard threshold need to be implemented by?**

Local Assistance and Market Development (LAMD) staff will work with each affected



jurisdiction to determine a plan for implementing the lowered threshold by December 31, 2020. LAMD staff will also be available to support jurisdictions in preparing for the implementation of the SB 1383 regulatory requirements, which will include providing mandatory collection services for all organic waste generators. This preparation would be useful in easing the jurisdiction's transition to this more stringent threshold requirement as well as the other organic waste requirements of the SB 1383.

While the due date for implementation is still the end of 2020, if jurisdictions require additional time to inform the regulated businesses and provide collection service, then CalRecycle will utilize the "At Any Time" process. This process has been in place since 2018 and is utilized when jurisdictions need additional time to fulfill their statutory requirements.

- If a Jurisdiction already has an informal or formal plan in place, they should coordinate with their Local Assistance and Market Development liaison to update the dates and tasks in the plan.
- If a jurisdiction does not have a plan, they should coordinate with their Local Assistance and Market Development liaison to get an informal plan in place.

**36. How was it determined that the 2020 threshold needed to be reduced to two cubic yards?**

Several data sources were evaluated to make this determination. First, it should be noted that 2014 is the baseline used to evaluate changes in organic disposal. In 2014, the total organic waste disposal tonnage was 10,404,250 tons. To meet the goal of AB 1826, the State would have needed to decrease this amount by 50% by the year 2020. In other words, statewide disposal of organic waste needed to be reduced by 5,202,125 tons. The organic waste disposal tonnage in 2019 was approximately 12,175,869 tons. Based upon this data, it was determined that the statewide disposal of organic waste has not been reduced by 50% of the 2014 level of disposal, and in fact increased since 2014, which resulted in the recommendation to reduce the threshold to two cubic yards.

**37. Are the exemptions provided in the law still in effect once the threshold is reduced to 2 cubic yards?**

The exemption under PRC Section 42649.82 (e)(3)(E), providing for an exemption for businesses that generate one cubic yard or less of organic waste, will no longer be allowed once the Department makes the determination at the Sept. 15, 2020, monthly meeting regarding the two cubic yard threshold. Other exemptions outlined under [question #51](#) under B. Business would still be allowed.



**38. How do the exemptions under AB 1826 relate to those proposed under the draft regulations for SB 1383?**

The exemptions under AB 1826 are in effect until Jan. 1, 2022, with one exception. The exemption under 42649.82 (e)(3)(E) related to businesses that generate one cubic yard or less of organic waste will no longer be allowed when the Department makes the determination at the Sept. 15, 2020, monthly meeting regarding the two cubic yard threshold. After Jan. 1, 2022, the de minimis threshold and physical space waivers in Section 18984.11 under the SB 1383 regulations would be in place and the exemptions under AB 1826 would no longer apply, unless the regulated business is located in a jurisdiction that has a low population, elevation or rural waiver ([see Section 18984.12 of the SB 1383 draft regulations](#) for more information about low population, elevation and rural waivers). Note -- If the regulated business is located in a low population or rural area that has a waiver, then the existing exemptions under AB 1826 can still be applied with the exception of PRC Section 42649.82 (e)(3)(E) that will end as noted above.

**39. Does the rural exemption also end with the determination to move the threshold down to two cubic yards?**

No. Staff has determined the relative impact by rural jurisdictions on statewide disposal is approximately one percent of the statewide organic waste disposal, which is not significant. Therefore, CalRecycle will extend the current AB 1826 rural exemption until December 31, 2026. This extension also aligns with the provisions regarding rural exemptions contained in Section 18984.12(c) of the proposed SB 1383 regulations.

**40. We will have a lot of additional businesses to address with the implementation of the new two cubic yard threshold, and we cannot get to all of them by the end of 2020. What do we need to do?**

Local Assistance and Market Development (LAMD) staff will work with each affected jurisdiction to determine a plan for implementing the lowered threshold by December 31, 2020. LAMD staff will also be available at this time to support jurisdictions in preparing for the implementation of the SB 1383 regulatory requirements which mandates jurisdictions to provide collection services for all organic waste generators by January 1, 2022. This preparation would be useful in easing the jurisdiction's transition to this more stringent threshold requirement as well as the other organic waste requirements of the SB 1383 regulations.

While the due date for implementation is still the end of 2020, if jurisdictions require additional time to inform the regulated businesses and provide collection service, then CalRecycle will utilize the "At Any Time" process. This process has been in place since 2018 and is utilized when jurisdictions need additional time to fulfill their statutory requirements. Jurisdictions would submit a plan to CalRecycle providing the jurisdiction's plans/timeline to implement the lower threshold. · If a Jurisdiction already has an informal or formal plan in place, they should coordinate with their Local Assistance and Market Development liaison to update the dates and tasks in the plan. · If a jurisdiction does not have a plan, they should coordinate with their liaison to get an

informal  
plan in place.

For both situations, CalRecycle will review the plan and determine if it is reasonable. Please [contact your LAMD representative](#).

**41. When jurisdictions are completing their 2020 Electronic Annual Reports (EARs) in 2021, will they report monitoring information based on the 2 cubic yard threshold or the 4 cubic yard threshold? Or will either be acceptable?**

It will depend on when the jurisdiction is implementing the 2 cubic yard threshold.

- Jurisdictions have until the end of 2020 to make the change to address businesses generating 2 cubic yards or more of waste, so in that case if they have the data they could report on the 2 cubic yard threshold.
- If jurisdictions need additional time to implement the lower threshold, they are to communicate with their LAMD representative how much time they need in 2021 to implement the 2 cubic yard threshold. In that case, jurisdictions would report on their implementation of the 4 cubic yard threshold for 2020, as they will not have implemented the new threshold in 2020.
- The key is that the jurisdiction reports in the 2020 EAR the threshold that they are providing data for, so please make sure to use the explanation box next to those fields to state what exactly is being reported for the year.

## B. Business

**1. What is the definition of a business, and which businesses are required to comply with the new law?**

The law defines a business as 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, strip mall (e.g., property complex containing two or more commercial entities), industrial facility, school, school district, California State University, community college, University of California, special district or a federal, state, local, regional agency or facility, or a multifamily residential dwelling. A multifamily dwelling that consists of fewer than five units is not considered a business and is exempt from all provisions of the law. Please [see question 14 under General for guidance on multifamily dwellings](#). A business is required to comply with the new law if it generates a certain amount of waste after a specified date ( [See question 1 under General for thresholds and compliance schedule](#)).

**2. Are industrial facilities/sites and waste generated at industrial facilities/sites subject to the law?**

Yes, if an industrial facility or site generates an amount of organic waste or commercial solid waste (for example paper, plastic, metals, cardboard, etc.) that meets or exceeds the minimum threshold allowed for on that date ([See question 1 under General for](#)

[thresholds and compliance schedule](#)), then the facility is required to arrange for organic waste recycling services. However, industrial waste as defined in section 17225.35 of Title 14 of the California Code of Regulations is not subject to the waste generation threshold. An industrial facility does not need to count its industrial waste toward its weekly generation of commercial solid waste. Please note that some businesses may serve the industrial/manufacturing sector, but are not themselves industrial/manufacturing based operations. Examples may include packing and shipping companies that package products from manufacturers without further manufacturing, farms, or growers that produce food for processing at a plant. The waste produced by businesses serving the industrial/manufacturing sector would not be considered industrial waste.

**3. Does AB 3036 exempt agricultural and industrial manufacturers from using the jurisdiction's exclusive hauler to haul byproducts generated during the manufacturing process?**

AB 3036 ([PRC section 40059.4](#)) exempts agricultural and certain specified "industrial sources" from using a jurisdiction's exclusive hauler to transport byproducts that meet all of the requirements of PRC section 40059.4(b)(1) through (4). Those industrial sources are: (1) food processors required to be registered pursuant to [Health and Safety Code section 110460](#); (2) beer manufacturers, as defined by [section 23012 of the Business and Professions Code \(BPC\)](#), and (3) distilled spirits manufacturers as defined by [BPC section 23015](#). Byproducts from agricultural and these specified industrial sources are only exempted from using the jurisdiction's exclusive hauler if they meet all of the following requirements: must not be discarded; must be source separated and used as animal feed and cannot include animal or fish processing byproducts. Agricultural and industrial sources are still required to use the jurisdiction's exclusive hauler for byproducts that do not satisfy all of these requirements.

**4. Are state facilities subject to the law?**

Yes, the definition of business includes public entities such as federal, state, and local facilities. State agencies would be required to divert the material types identified in question A. General 4 and according to the thresholds outlined in [question 1 under General](#). State agencies can comply with the new requirements by taking one or any combination of the following actions:

- Source-separate organic waste from other waste and subscribe to an organic waste recycling service that specifically includes collection and recycling of organic waste.
- Recycle organic waste on-site, or self-haul for organics recycling. Subscribe to an organic waste recycling service that includes mixed-waste processing that specifically recycles organic waste.
- Subscribe to an organic waste recycling service that includes mixed-waste processing that specifically recycles organic waste.
- Sell or donate the generated organic waste.

- Recycle the material on-site through such means as composting, anaerobic digestion, and/or vermicomposting.

State agency representatives can contact their [CalRecycle liaison](#) for additional information about the law and resources to help the agency develop its program. State agencies should report programs in their annual [State Agency Waste Management Report](#) due May 1 each year.

5. **Many large generators subject to the law are state facilities, such as colleges, prisons, Caltrans, and school districts. Local government has no authority over these large generators. For example, state facilities contract separately for garbage service. Will CalRecycle be responsible for ensuring that these generators comply with AB 1826?**

CalRecycle recognizes that jurisdictions cannot require state agencies to recycle organics. However, jurisdictions should implement an organics recycling program to meet the needs of these businesses and, just as with [Mandatory Commercial Recycling](#) requirements, jurisdictions are to provide annual education and outreach in the form of electronic and print communication as well as direct contact. If any businesses, including state facilities, do not recycle, the jurisdiction is required to conduct annual monitoring and inform these entities annually about the law and how to recycle. [Local Assistance and Market Development staff](#) can assist with state facilities, including contacting them to inform them of the law and how they can recycle, setting up a meeting to discuss options for recycling, etc. If CalRecycle finds that a state agency or facility that falls under the AB 1826 requirements is not implementing an organics recycling program, the department would identify those agencies in a list that it releases every two years in a public meeting summarizing state agency compliance with AB 75. Also, CalRecycle would be following up and addressing it in the appropriate context, including identifying agencies/facilities that are not in compliance with a State law on its website, etc.

6. **If a jurisdiction has a state agency that meets the definition of a large generator, and that jurisdiction has submitted the required documentation to be exempted from the law, is the state agency still required to recycle its organics, or is it included within the exemption?**

[PRC section 42649.81\(5\)](#) provides for an exemption from the requirements of this law to extend to a business that is located in a rural jurisdiction that has submitted a resolution to CalRecycle for an exemption pursuant to [PRC section 42649.82\(2\)\(a\)](#). However, since this question is about a state agency, it should also be noted that state agencies are subject to other requirements in statute, including [PRC sections 42649.2](#) and [42920-42921.5](#). More information about the waste diversion requirements for state agencies can be found on the [Waste Management for State Agencies web page](#).

7. **Are State Agencies in a building managed by DGS property management or other property management services required to recycle organic materials?**

The requirement to recycle in AB 1826 is on the state agency that is in the building owned by DGS. The law requires the business, in this case the state agency, to recycle the organics. However, the agency would need to interact with whoever manages the solid waste collection services for the building, and a new organics recycling collection service would need to be established. We assume that it would be the building owner, in this case DGS, that manages the solid waste collection services for the building. Thus, DGS plays a role in helping to make this happen for the state agency that is located in the building. The law also states that a building owner can require tenants to source-separate organics—this applies to DGS as the building owner. The [State Administrative Manual \(SAM\)](#) states that each state entity that is responsible for the facility-- in this case DGS--shall provide adequate areas for collecting, storing, and loading of recyclables, which includes organics. For state-owned and state-leased facilities, each respective state entity responsible for the planning and development of facilities to house state operations shall consider providing adequate, accessible, and convenient areas for collecting, storing, and loading recyclable materials. Also, DGS likely could get a better deal on service costs if they leverage their buildings together when hiring a service provider. DGS might also engage the [Department of Rehabilitation \(DOR\)](#) to collect the material and take it to the building's loading dock for collection by the service provider.

**8. For a venue that hosts events, such as fairgrounds, convention centers, or parks, is the venue or the event responsible for recycling organic material?**

Under AB 1826, the responsibility to recycle organics is the venue's. In addition, there may be specific local requirements for venues to recycle organics at large events.

**9. Are public housing complexes operated by local Public Housing Authorities subject to the law?**

Yes, public housing complexes operated by local Public Housing Authorities are considered multifamily complexes. Complexes of 5 units or more that generate an amount of organic or commercial solid waste that meets or exceeds the minimum threshold allowed for on that date ([See question 1 under General for thresholds and compliance schedule](#)) are subject to the new law. [Please see question 14 under General for guidance on recycling organics for multifamily dwellings.](#)

**10. Are mobile home and RV parks subject to the law?**

Sometimes. If mobile homes and RV parks and townhomes are considered single family residences by the jurisdiction, then they may not be subject to the requirements. However, jurisdictions are allowed to implement more stringent requirements. For example, for mobile home parks a jurisdiction may consider current service type and zoning to make the determination if mobile home parks should be subject to the law. If a mobile home park is serviced by the residential collection program, the jurisdiction may consider a mobile home park of this type is not subject to the law. However, if the mobile home park receives commercial service or has commercial zoning, the jurisdiction should work with its Attorney or Counsel to make the determination if the

mobile home park is a covered entity and/or if an exemption can be granted. For RV parks that operate on a rental basis and serve more of a recreational use, the jurisdiction might consider this a commercial business, and apply the waste disposal threshold to determine if the park is subject to the law.

**11. Are hotels considered multifamily housing units? Specifically, are they able to claim exemption from food waste recycling?**

While not specifically defined in AB 1826, hotels are distinguished from multi-family rental dwellings in the Department of Housing and Community Development statutes. Since there is nothing expressly defining them as a multi-family housing unit for the purposes of this exemption, hotels do not qualify for the exemption from food waste recycling.

**12. Are senior citizen residences (nursing homes, etc.) considered a multifamily complex or a business?**

While not specifically defined in AB 1826, senior citizen residences such as nursing homes, assisted living, or adult special needs facilities are distinguished from multifamily rental dwellings in the Department of Housing and Community Development statutes. Also, these types of facilities provide more than housing; some level of service is also provided and they are required by the Health and Safety Code to be licensed. Since there is nothing expressly defining them as a multi-family housing unit for the purposes of this exemption, these types of facilities do not qualify for the exemption from food waste recycling. A multifamily dwelling that has a minimum age requirement, such as an Adult 55 and older complex, but does not have meal services nor does it hold a license as a senior citizen residence could still, however, be considered a multifamily dwelling, and thus not be required to recover food waste. The jurisdiction should consult with its attorney or counsel for specific advice.

**13. Are school districts and municipal entities required to recycle?**

Yes, public entities include schools and school districts and municipal entities, and, similar to private businesses that generate an amount of waste that meets or exceeds the minimum threshold allowed for on that date ([see question 1 under General for thresholds and compliance schedule](#)), are required to arrange for organics recycling. The host jurisdiction [Recycling Coordinator](#) can be a resource to identify local organic recycling services. Also, schools and school districts may have the ability to contract for organic recycling services outside of the local franchise. [LAMD staff](#) can provide assistance to the jurisdiction in working with school districts and other government agencies.

**14. We have a boarding school and/or dormitory. Would this be considered multifamily and thus not required to recycle food waste?**

While not specifically defined in AB 1826, boarding schools or dormitories are distinguished from multifamily rental dwellings in the Department of Housing and Community Development Statutes. They are also required by the Health and Safety

Code to be licensed. Since there is nothing expressly defining them as a multi-family housing unit for the purposes of this exemption, these types of facilities do not qualify for the exemption from food waste recycling.

**15. Will airports be included in the law, and how will air carriers be affected by the rule?**

The statutory definition means any commercial entity and includes airports. Therefore, airports would be required to recycle organic waste generated on the airport's premises using one or more of the methods outlined in the statute. In addition, airports can require airlines to handle the waste that is removed from the aircraft in California in a prescribed manner. The airlines would be required to comply with the airport's requirements, provided there is no conflict with federal requirements for solid waste handling (e.g., the [USDA requirement](#) that food waste from international flights be incinerated or sterilized). In cases of conflict, federal law preempts state, local or private law.

**16. Will cruise ships be affected by the law?**

The guidance on air carriers also applies to cruise ships (see previous question).

**17. Is packaged food (wrapped meat in the tray, salad in the bag, single-serve lunch, etc.) considered to be food waste? In other words, does a business have to unwrap them individually per 42649.81 (b) (1)?**

Yes, the law requires businesses to recycle the food waste they generate; however, as mentioned above, the law allows for a variety of methods to meet the recycling requirements. Each businesses' situation will be unique. The business should refer to its local jurisdiction's or hauler's requirements for separating packaging. For example, in some jurisdictions businesses will have the option of subscribing to an organic waste recycling service that processes mixed waste. In this case the business's waste hauler may collect recyclables, food waste with packaging, and other solid waste in a single bin and then sort the material at a facility that recycles each material type, including the organic portion of the waste. Businesses interested in this option should check with their waste hauler to see if it is available in their jurisdiction.

**18. Are we allowed to throw away any food material? Or are we only responsible for diverting the amount that put us in the category of being considered a covered business (i.e. 8 cubic yards of material starting April 1, 2016)?**

A covered business ([see question 1 under General for thresholds and compliance schedule](#)) shall recycle all of the organic waste that it generates. A business that is required to recycle organic waste will not be in compliance with the law if it only arranges for organic waste recycling for a portion of the organic waste it generates.

**19. If a restaurant is generating eight cubic yards of fats, oils and grease (FOG) in 2016, but it also generates other food waste, does the other food waste need to be recycled or does the recycling of FOG suffice if that amount meets the threshold limit?**

A covered business ([see question 1 under General for thresholds and compliance](#)



[schedule](#)) will not be in compliance with the law if it only arranges for organic waste recycling for a portion of the organic waste it generates, e.g., in this case for only its FOG.

20. **In addition to food sales, our location also has an employee break room and an on-site café. There is some landscaping outside of the building handled by a landscaper who is contracted by our lessor, and our store has a garden section. Would organic material from all of these sources need to be recycled?**

Yes, the organic material from all of these sources would need to be recycled. A covered business ([see question 1 under General for thresholds and compliance schedule](#)) must recycle all of the organic waste that it generates. If a business generates both food and green waste, then it is required to divert both material types from all sources at the location. A business that is required to recycle organic waste will not be in compliance with the law if it only arranges for organic waste recycling for some of the organic waste it generates. For example, a store with commercial green waste recycling would not be in compliance if it disposed of its food waste and other types of organic waste.

21. **We are a large retailer/agency with multiple locations throughout the state. Must all locations have an organic recycling program in place by April 1, 2016?**

Every individual location that meets the definition of a business ([see question 1 under Business for definition of a business](#)) and falls within the covered threshold for that year is required to implement an organics recycling program ([see question 1 under General for thresholds and compliance schedule](#)). The organic waste recycling program that will be implemented at each location will depend on the options available. Some jurisdictions may not yet have an organic waste recycling program in place. If separate organic waste collection and recycling services are not yet offered through a local ordinance or a local jurisdiction's franchise agreement, a business generating organic waste may arrange for separate organic waste collection and recycling services until the local ordinance or local jurisdiction's franchise agreement includes such services. Outside of collection services offered by a waste hauler, other opportunities for organic waste diversion may exist, such as food donation or animal feed options for food material, landscaping service providers for green waste and landscape and pruning waste, and salvage companies for nonhazardous wood waste. If these types of services are also not available in the jurisdiction, the store site may need to wait until the local infrastructure is developed to address the needs of covered businesses. The jurisdiction will be required to provide education and outreach to covered businesses annually regarding its organic waste recycling program and other organic waste recycling opportunities.

22. **Does the threshold of 8 cubic yards of organic waste per week apply as a total from our entire state agency, or from our individual sites?**

The thresholds apply to individual sites.



**23. Will stores be contacted directly by agencies?**

Individual stores will be receiving education and outreach directly from the jurisdiction. Likewise, the jurisdiction or waste hauler will be requesting information from the stores individually to determine what organic waste recycling efforts are taking place.

**24. Would we be able to develop companywide guidance that would apply to all of our covered stores throughout the State?**

Individual jurisdictions may have different collection systems and/or specified requirements that may make it difficult to provide uniform guidance regarding how to set up organic recycling in all jurisdictions. However, the company can certainly assist in the effort to provide education and outreach regarding the law, and general guidance as to how to work with the lessor or directly with the waste hauler as deemed appropriate to implement the law. The company could also provide guidance to employees regarding material management practices to ensure effective implementation of the organic recycling program.

**25. Should information about organics recycling from our individual stores be sent to our corporate headquarters?**

If information was sent from the individual stores and compiled by a business's headquarters, it may be possible to share with the jurisdiction contacts, but the law does not stipulate that a compilation of this type is required, nor would it ensure that the same jurisdictions would not have follow up with individual stores to obtain additional information specific to their monitoring program.

**26. What options can businesses utilize to comply with the recycling requirements?**

Businesses that are required to recycle their organic waste shall implement at least one, or a combination, of the following actions:

1. Source separate organic waste from other waste and subscribe to a basic level of organic waste recycling service that includes collection and recycling of organic waste.
2. Recycle its own organic waste onsite or self-haul for recycling.
3. Subscribe to an organic waste recycling service that may include mixed waste processing that specifically recycles organic waste.
4. Sell or donate its recyclable organic waste.

Note: A business generating organic waste shall arrange for the recycling of covered materials in a manner that is consistent with state and local laws and requirements, including a local ordinance or local jurisdiction's franchise agreement, applicable to the collection, handling, or recycling of solid and organic waste. However, separate organic waste collection and recycling services might not be offered through a local ordinance or local jurisdiction's franchise agreement. In that case, a business generating organic

waste may arrange for separate organic waste collection and recycling services, until the local ordinance or local jurisdiction's franchise agreement includes organic waste recycling services. This would also apply to food rescue on-site collection service. For example, if the jurisdiction's franchise hauler does not provide food rescue on-site collection service, then a business can pay another service provider for this service, until that service is provided under the local ordinance or local jurisdiction's franchise agreement. If the service is provided under the franchise agreement or local ordinance, then the business would have to use the franchise hauler for the food rescue on-site collection service, unless the local jurisdiction opts to amend its ordinance or franchise agreement.

- 27. We want to send our food waste for animal feed, and the farmer who will be accepting the material indicated there is a low tolerance for items such as food soiled paper. Since food waste is the bulk of the organic material generated on-site, and will not be going for composting, what are our options for handling the relatively small amount of food soiled paper generated on-site?**

Please note that material collected for animal feed may be subject to [California Department of Food and Agriculture guidelines related to swine garbage feeding](#). The business should work with the local jurisdiction to determine if there are any additional collection opportunities for covered materials not suitable for, in this scenario, animal feed or the recycling bin. If a feasible alternative cannot be identified, the jurisdiction may feel an exemption may be warranted. One exemption noted in the law ([See question 48 under Business for exemptions outlined in the law](#)) is for current implementation by a business of actions that result in the recycling of a significant portion of its organic waste. The business and the jurisdiction would need to evaluate the portion of soiled paper being disposed compared to the amount of other covered materials being diverted by the business to determine if this or any other exemption could be applied. [See Question 10 under General for definition of food-soiled paper](#).

- 28. Will the use of mixed waste processing be allowed as an acceptable way to process any of the organic materials defined in the law? Will there be any additional performance standards applied if a jurisdiction uses mixed waste processing as a method to divert organic material?**

The law provides mixed waste processing as both a method for businesses to be in compliance, by subscribing to an organic waste processing service that includes mixed processing specifically to recycle organic waste, and as an option for jurisdictions to impose as a requirement for covered organic waste generators. Namely, the jurisdiction can require that organic waste go through a source separated or mixed processing system that diverts material from disposal. The law does not specify performance standards for the use of mixed waste processing as a way to divert organic material. It is an ongoing effort on the part of CalRecycle to provide guidance and direction on the topic of Material Recovery Facility (MRF) performance standards. Note that regardless of the type of material recovery facility, the statute allows CalRecycle to request the

recovery rate of the organic waste from the material recovery facilities that are utilized by the businesses, all information, methods, and calculations, and any additional performance data. This information may be requested to determine a jurisdiction's good-faith effort.

**29. Local jurisdictions may have franchise agreements that do not require organic recycling, but include a voluntary organic recycling program. Under the law, would businesses in that jurisdiction be required to subscribe to the recycling service?**

Generally the law provides flexibility and allows businesses to recycle organic waste in one or any combination of the methods described below. However, the options available to a business may depend on the specific aspects of a franchise agreement that exists in the jurisdiction. The law allows businesses to take any of the following actions to comply:

0. Source separate organic waste from other waste and subscribe to a basic level of organic waste recycling service that includes collection and recycling of organic waste.
1. Recycle its own organic waste onsite or self-haul for recycling.
2. Subscribe to an organic waste recycling service that may include mixed waste processing that specifically recycles organic waste.
3. Sell or donate its recyclable organic waste.

If separate organic waste collection and recycling services are not offered through a local ordinance or local jurisdiction's franchise agreement, a business generating organic waste may arrange for separate organic waste collection and recycling services until the local ordinance or local jurisdiction's franchise agreement includes organic waste recycling services.

**30. Is there an exact minimum amount of recycling that is required of a business or complex with shared services? For example, if a complex just needs to recycle organics, would the smallest recycling container offered by a jurisdiction be adequate for the entire complex? Would the complex be compliant by recycling only yard waste while disposing all other materials?**

No, there is not a minimum compliance threshold for a business or complex with shared services. Businesses and groups of businesses that generate an amount of waste that requires them to recycle organic waste ([See question 1 under General for thresholds and compliance schedule](#)) are required to arrange for services that collect all of the organic waste generated by the business or businesses. Businesses need to determine which services are capable of handling all of their organic waste. For example, if green waste is the only organic waste the business generates, it could comply with the requirements of the law by arranging for just green waste recycling services.

**31. What percentage of a business's organic waste needs to be recycled in order to be in compliance?**

A business that meets the waste generation threshold shall subscribe to an organic waste recycling service for all of the organic waste it generates.

- 32. There is a provision in the law that allows exemptions for businesses that generate less than one-half a cubic yard of organic waste per week. When does this provision take effect, and how will it be applied? What is the difference between this provision and the one that allows exemptions for businesses that do not generate as much as 1 cubic yard of organic waste per week?**

The exemptions could be granted at any time but would most likely be applicable after 2019, when volume of solid waste generated as opposed to volume of organic waste generated is used to determine which businesses need to recycle organic waste. The law allows jurisdictions to grant an exemption for businesses that do not generate at least one-half cubic yard of organic waste per week. Additionally, a jurisdiction could, on a case-by-case basis, increase the exemption threshold to extend to a business that generates as much as 1 cubic yard of organic waste per week.

However, as of Sept. 2020, the exemption under 42649.82 (e)(3)(E) related to businesses that generate one cubic yard or less of organic waste is no longer in effect ([question #51 under B. Business to review the exemptions that remain in effect](#)).

Lastly, the evaluation of any exemptions granted by the jurisdiction is one of the factors considered by CalRecycle in the determination of a “good faith effort” (see [Updated Countywide Integrated Waste Management Plan \(CIWMP\) Enforcement Policy, Part II](#)).

- 33. Currently, businesses that meet certain disposal amount thresholds must have two containers—one for trash and one for recycling. With AB 1826, would businesses that meet disposal and waste generation threshold need to have three containers—one for trash, one for recycling, and one for organics? Three 3-yard bins could be cumbersome, especially for businesses with space constraints. Can a business shift to two containers—one for trash and one for organics? There may be some businesses that are meeting MCR requirements by having two containers—one for trash and one for green waste. Do they have to make any changes for AB 1826?**

In this scenario, the business is generating both recyclable materials and organic materials. Pursuant to [PRC section 42649.2](#), a covered business [meeting Mandatory Commercial Recycling requirements](#) shall recycle. A covered business under AB 1826 would also need to arrange for organics recycling services. The business may select an organics recycling option that makes the most sense for that business. The law does not specifically require businesses to have separate container for organic waste and other recyclable materials. The on-site collection systems used will depend on the services offered in that jurisdiction, the needs of the business, and other considerations to address barriers to implement the program (i.e., what works at one location may not work at another). The jurisdiction’s recycling coordinator and waste hauler, in conjunction with the [LAMD staff representative](#) assigned to that jurisdiction, may have additional ideas for the business to consider in implementing an organic waste recycling

program at their location. If an alternative cannot be identified and/or implemented, one exemption that can be determined by the jurisdiction on a case-by-case basis is to address a lack of sufficient space at businesses to provide additional organic material recycling bins. The law requires that the jurisdiction demonstrate the need for the exemption to the department in writing. This should be done via the Electronic Annual Report.

**34. What material is considered included in the law (i.e. food waste, green waste, etc.)? Is it going to be required that a business recycle both food waste and green waste, or would recycling of one of the materials put the business in compliance?**

The following are the types of organic waste identified in the law: food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste. A covered business ( [see question 1 under General for thresholds and compliance schedule](#)) shall recycle all of the organic waste that it generates. A business may or may not generate all of the five covered material types; however, for example, if it generates both food and green waste, then it is required to divert both. Also, a business that is required to recycle organic waste will not be in compliance with the law if it only arranges for organic waste recycling for some of the organic waste it generates. For example, a restaurant with commercial green waste recycling would not be in compliance if it disposed of its food waste and other types of organic waste. \*Note that multifamily dwellings are not required to recycle food waste, including food-soiled paper; [please see the answer to question 14 under General for guidance](#).

**35. If a business generates an amount of waste that requires them to recycle their organic waste, does the service they arrange for need to recycle all five types of organic material identified in the law? What if the business does not generate all five types of material? If my business does not generate wood waste do I need to contract for an organic recycling service for wood waste?**

Businesses are only expected to recycle the material they generate. Organic recycling programs and the needs of individual businesses will vary greatly. CalRecycle understands that each jurisdiction has its own unique set of circumstances, including different types of organic waste generators, and is in a better position to determine what programs will work best to recycle organic material. For example, food processors that produce large amounts of food scraps (orange peels, corn husks, etc.) may be able to recycle all of their food waste by subscribing to a food waste collection service, or by recycling their food waste onsite. However, if the food processor also produces other types of organic waste, such as pruning waste, then the business would need to make arrangements for the pruning waste to be recycled as well, either as a part of its food waste collection service, on-site management, or through a separate recycling service. Businesses should consult with their waste hauler and local jurisdiction to learn about organic recycling options in their area. In most cases a waste hauler that collects organic material will take the material to a facility or facilities that are capable of recycling all

types of organic material.

**36. If a business has a certain amount of organics, does all of the organic material have to go to the same place, by the same collection service, for processing?**

The amount of organics recycling service may not be the same as the amount of material that the business generates. For example, a business may generate 8 cubic yards of organic material. Of that, 2 cubic yards of green waste may already be being collected by a landscaper. Thus, the business would need only 6 cubic yards of organics recycling service. In this example, the organic material would be collected by two service providers—the landscaper and the franchise hauler—and the material might be processed and recycled at different locations.

**37. Can a business donate or sell its organics and still be in compliance?**

Yes, it is an existing right of businesses to donate or sell their organic material.

**38. Are composting, anaerobic digestion, and animal feed acceptable options?**

Yes.

**39. If the business location currently has a single collection container for all materials, and the waste is sorted at a facility to recover recyclables and organics, what are the requirements for signage under AB 827? Does the sign need to include pictures of what can go in the container, or could it just give information that the material is sorted to recover recyclable and compostable items?**

AB 827 makes it clear that a business subject to the MCR or MORE requirements only needs to provide a recycling container adjacent to bins or containers that contain trash other than recyclable commercial solid waste, (See PRC Section 42649.2(c)(1)(A) and PRC Section 42649.81(d)(1)(A).) Therefore, if the bin or container contains trash mixed with recyclable commercial waste (as in mixed waste processing programs) then the business would not need to provide separate container(s) or signage. Accordingly, if the business has subscribed to a mixed waste processing program that places all materials generated (trash and recyclables) into the same container for collection for sorting later at a solid waste facility there would not be a need for additional container(s), and thus signage would also not be needed. However, a business could choose to post signage for customers that the recyclables and organics are being recovered at a material recovery facility.

**40. If a business establishes separate organic service, can that business limit the types of materials they collect based on the service provided? A specific example is if a business sets up service to have their organics used for pig feed – can they set-up their organics container accessible to customers under AB 827 to only accept specific food-waste? Or would they need to have two different services to accept the food-waste not being used for pig feed?**

Under AB 1826, a business that is required to recycle organic waste will not be in

compliance with the law if it only arranges for organic waste recycling for a portion of the organic waste it generates. Therefore, to address the scenario above, the business may need to have different collection services for each type of the organic waste it generates. For example, if a portion of the food waste generated, perhaps by its employees or customers, does not meet the same standards as the food waste being collected for use specifically for pig feed then different containers with the appropriate signage would be required. The same would be true if the business is generating greenwaste as well as the food waste being used for pig feed.

**41. What is meant by “immediate consumption?” under AB 827? Does the consumption need to take place at the business location? Most of our food sales are immediately taken from the store site, and not consumed on the premises.**

The statute does not define what is meant by “immediate consumption.”

However, if all of the recyclable and/or organic waste is taken offsite and there is no trash container on site for use by customers because material is not consumed on site, then separate containers are not necessary. However, if items are consumed on site and there is a trash container on site for customers to use, then the business must provide the appropriate recycling and/or organics recycling container(s) with the proper signage adjacent to the trash container.

**42. My business uses an on-site food waste liquefier, and the effluent is discharged into the sewer system. Would use of this system put my business in compliance? If not, would there be an option for managing the effluent that would put my business in compliance with the law?**

One option for businesses to comply with the law is to recycle their own organic waste on site. While some products may be advertised as “in compliance with AB 1826,” there are a number of considerations based on the type of technology, business location, and proposed end use for material generated. For more information, please refer to the [CalRecycle liquefier guidance](#).

**43. My business uses an on-site food waste dehydrator. Would use of this system put my business in compliance? If not, would there be an option for managing the dehydrated food material that would put my business in compliance with the law?**

One option for businesses to comply with the law is to recycle their own organic waste on site. While some products may be advertised as “in compliance with AB 1826,” there are a number of considerations based on the type of technology, business location, and proposed end use for material generated. For more information, please refer to the [CalRecycle dehydrator guidance](#).

**44. Is pyrolysis considered a form of recycling under the law?**

No. Statute [PRC Section 40192\(b\)](#) and [Section 40201](#) defines pyrolysis as a form of transformation. Transformation is a form of solid waste disposal, and as such is not considered a form of recycling.

**45. Is biomass conversion considered a form of recycling under the law?**

Biomass conversion is not a form of disposal, and therefore can be considered an acceptable process for recycling organic waste. The Public Resources Code [ [PRC Section 40106 \(a\)-\(c\)](#)] limits biomass feedstock to the following materials:

0. Agricultural crop residues.
1. Bark, lawn, yard, and garden clippings.
2. Leaves, silvicultural residue, and tree and brush pruning.
3. Wood, wood chips, and wood waste.
4. Nonrecyclable pulp or nonrecyclable paper materials.

To the extent the organic material a business generates can be categorized as one or more of the five materials a biomass facility can accept, sending the material to a biomass conversion facility would be considered a form of recycling.

**46. Would producing biogas from organic materials through an Anaerobic Digestion (AD) process meet the requirements of AB 1826 if it is not also possible to utilize the digestate (solid and/or liquid) in a manner that qualifies for diversion? In other words, if the digestate contains contaminants that require the material be sent to a landfill or transformation facility, have we still met the requirements of AB 1826?**

It is likely acceptable if the digestate contains contaminants that require some of the material to be sent to a landfill or transformation facility. However, consult with the local jurisdiction regarding what is acceptable.

**47. What small scale composting exemptions are allowed under revised composting regulations? This could help in relation to schools interested in on-site composting.**

The current [adopted regulations related to compostable materials transfer/processing](#), operative January 1, 2016, include an exclusion that would allow the composting of green material, food material, and vegetative food material if the total amount of feedstock and compost on-site at any one time does not exceed 100 cubic yards and 500 square feet. Per the Initial Statement of Reasons accompanying the proposed regulations, the proposed exclusion is designed to allow schools, community gardens, businesses, and other similar entities to compost food material without having to generate the material on-site, and does not limit the amount of material that can be sold or given away. Local jurisdictions can still, however, regulate these activities more stringently if deemed appropriate.

**48. In the case of a commercial or multifamily complex that has a landscaped area, will there be some sort of methodology or calculator that will convert the square footage of landscaped areas into the volume of organic waste generation so we can match that volume with the prescribed threshold levels for mandatory participation?**

CalRecycle developed the [Generator ID tool](#) to assist in identifying businesses that meet the minimum waste generation threshold. CalRecycle used data from the [2014 waste characterization study](#) and other data sources to help a jurisdiction determine the types



of businesses that would typically generate an amount of organic waste that requires them to subscribe to organic recycling services under the law. The tool provides the number of employees in each business group that would potentially generate a given threshold amount. With this information, jurisdictions need to cross check the information with the existing business data for their community to determine which businesses are covered under the requirement. In addition, the [Service-Level tool](#) has also been developed to assist jurisdictions in identifying covered generators based on solid waste collection service levels. Additional tools that may assist in determining the amount of green material generated from turf areas include "[Grasscycling in California](#)" (Harivandi, M. A., et al. California Turfgrass Culture, Vol. 46, Nos. 1 and 2, 1996) and "[Reusing Turfgrass Clippings To Improve Turfgrass Health and Performance](#)" (Hartin, Janet, and J. Michael Henry. University of California Cooperative Extension). For multifamily complexes, CalRecycle acknowledges that it is difficult to determine which complexes are generating 8 or 4 cubic yards per week of organic waste (excluding food waste) without conducting on-site waste assessments. Therefore, CalRecycle suggests that jurisdictions conduct organics recycling outreach, education, and monitoring for all multifamily complexes with five or more units that generate organic waste. Jurisdictions may also be able to phase in monitoring efforts if needed. For the 2019 threshold of 4 cubic yards per week of solid waste (and onward), the waste hauler should be able to provide the volume of waste service the business receives on a weekly basis, if not known by the business.

49. **If a landscaper that services a multifamily dwelling is taking the dwelling's green waste to a landfill for ADC now, the multifamily dwelling currently would be in compliance with AB 1826 because ADC is considered diversion. After the year 2020, pursuant to AB 1594 when ADC is no longer considered as diversion, would the landscaper have to take the green waste to a facility (e.g., composting/AD) other than the landfill?**

Correct, using green waste as ADC is statutorily classified as disposal starting in 2020. Commencing in 2020, per Assembly Bill (AB) 1594 (Williams, Chapter 719, Statutes of 2014), if the landscaper takes the green waste to a landfill for use as ADC or any other facility that would then take the material to a landfill, the multifamily dwelling will not be recycling the green waste as required. AB 1826 also requires covered businesses that contract for green waste services to stipulate in the landscaping contract that the landscaper will recycle the green waste it collects from the business/multifamily complex. The contract is required to stipulate that the green waste will be recycled, so the landscaper would be breaching the contract if it takes the green waste to instead be used as ADC in the year 2020 onward. If the landscaper is taking the material to a transfer station which then takes the green waste to a landfill for ADC, the landscaper would need to take the material to a different facility that recycles the green waste in the year 2020 onward.

50. **Who is responsible for providing outreach, education, and monitoring regarding the law to individual tenants of an apartment complex?**

It is the jurisdiction's responsibility to provide education and outreach to the apartment owners and to monitor the recycling activities at each complex that is required to recycle organic waste as a result of its weekly waste generation ( [see question 1 under General for thresholds](#) ). The property owner, management company, hauler, or jurisdiction can prepare and provide information about the organics recycling program to the tenants, for example including a flyer as part of the welcome package, so that tenants know the opportunity is available. The jurisdiction can assess if the information the property owner or management company provides, for example signage, lease language, welcome package flyer, etc. is sufficient to inform residents about the program. The jurisdiction and/or hauler can provide property owners and/or management companies with sample outreach materials that may assist in getting the word out to tenants of a multifamily complex.

**51. Can businesses apply for an exemption from the requirements of the bill?**

Maybe. Jurisdictions can exempt businesses and multifamily complexes on a case-by-case basis from the requirements of the law if the business or multifamily complex meets any of the following criteria:

0. Lack of sufficient space at a multifamily complex or business to provide additional organic material recycling bins.
1. The current implementation of actions (such as food donation) that result in the recycling of a significant portion of organic waste.
2. Limited-term exemptions for extraordinary and unforeseen events.
3. The business or group of businesses does not generate at least one-half of a cubic yard of organic waste per week.

The jurisdiction would make the determination regarding whether or not an exemption is allowed. A business cannot "self-exempt."

At [CalRecycle's Sept. 15, 2020, public meeting](#), Ken DaRosa, Acting Director, signed the Request for Approval immediately initiating the two cubic yard threshold into effect. Therefore, businesses that generate 2 cubic yards or more of commercial solid waste (total trash, recyclables, and organics) per week shall arrange for organic waste recycling services. Additionally, the exemption under 42649.82 (e)(3)(E) related to businesses that generate one cubic yard or less of organic waste is no longer in effect (see [question #51 under B. Business to review the exemptions that remain in effect](#)). Furthermore, CalRecycle determined the relative impact by rural jurisdictions on statewide disposal is approximately one percent of the statewide organic waste disposal, which is not significant. Therefore, CalRecycle has extended the current AB 1826 rural exemption until December 31, 2026.

- 52. Our agency has several work sites that do not typically generate enough waste to fall under the organic recycling requirements. However, the sites periodically have special events, for example construction projects, that would generate enough waste in a given week to meet the minimum thresholds outlined in the bill. Are these sites subject to the law?**

During the time period that a site generates an amount of waste that exceeds the minimum threshold ([See question 1 under General for thresholds and compliance schedule](#)), the business will need to arrange for organics recycling services. In addition, if each site has individual waste collection, then each site operated by a business or agency would be considered separately in determining whether the law is applicable. (See the next question regarding temporary waste-generating activities).

- 53. Are there any exemptions for temporary waste-generating activities such as filming locations, special events, seasonal store sites, etc.?**

No. Businesses and Agencies engaged in temporary activities such as these should contact the local jurisdiction to determine how best to proceed with recycling organic material. Temporary waste-generating activities may already be tracked by the jurisdiction. Special event licenses and filming permits, for example, may be required for operations of this type. Temporary retail sites may also be tracked through the jurisdiction's business license or tax collection office. The jurisdiction contact(s) tasked with implementing identification, education, outreach, and monitoring efforts in relation to the mandatory commercial recycling program can work with other departments to determine the best way to provide education and outreach to temporary commercial waste generators, including identifying recycling opportunities and monitoring the results of these efforts. It should be noted that some temporary uses, such as filming locations, may have contracts to handle their recyclable organic material through the permanent studio site. Additional guidance regarding recycling at special events and location film shooting can be found on the [Venues and Events Waste Reduction page](#). (Please also see the previous question regarding temporary sites.)

- 54. I own a business that usually generates 3 cubic yards of refuse per week, but occasionally uses a 6-cubic yard container to collect its own street sweepings. Would my business be expected to recycle this material?**

It depends on the date ([see answer to question 1 under General for thresholds and compliance schedule](#)). If this situation occurs after 2019, then the business would exceed the 4 cubic yards per week solid waste threshold and need to arrange for organic waste recycling services for the time that it generates the excess waste. If this situation occurs prior to 2019, it would depend on the amount of organic waste the business generates. (See previous two questions regarding recycling of organic material on a temporary basis).

- 55. When a property management company pays for waste services at a strip center or large building, how does one determine which business is accountable when it is sharing bins with other businesses?**

If a group of businesses arranges for waste services together, or has its waste services provided by a property management company, the cumulative total of the waste generated by the businesses will determine whether the group is subject to the organic recycling requirements, or eligible for exemptions. Businesses should contact their local recycling coordinator. A few sample scenarios are outlined below for guidance:

**Scenario 1.** If, after January 1, 2017, a group of businesses with shared refuse containers (e.g., located in a strip mall or business park) collectively generates 9 cubic yard of solid waste per week, of which 4 cubic yards is organic waste, the group would need to arrange for organic recycling services for its organic waste. The threshold requirement for January 1, 2017, is 4 cubic yards of organic material per week and this group is generating 4 cubic yards per week of organic material.

**Scenario 2.** If, after September 15, 2020, a group of businesses with shared refuse containers (e.g., located in a strip mall or business park) collectively generates and/or subscribes to waste services for 5 cubic yards of solid waste (total trash, recyclables, and organics) per week, the group would need to arrange for organic recycling services for its organic waste. The threshold requirement after September 15, 2020, is 2 cubic yards or more of solid waste (total trash, recyclables, and organics) per week.

**Scenario 3.** If, after September 15, 2020, a group of businesses with shared refuse containers (e.g., located in a strip mall or business park) collectively generates 3 cubic yards of waste (total trash, recyclables, and organics) per week, the group would need to arrange for organic recycling services. The threshold requirement after September 15 1, 2020, is 2 cubic yards or more of solid waste (total trash, recyclables, and organics) per week.

**Scenario 4.** After September 15, 2020, a building owner provides waste collection services to all of the commercial tenants in his/her building as a part of their leases and they all share the same collection bin(s). The businesses in the building generate a total of 10 cubic yards of solid waste (total trash, recyclables, and organics) per week. Even though each business may not generate 2 cubic yards of solid waste per week (total trash, recyclables, and organics), the businesses and building owner are not eligible for an exemption based on waste generation because the cumulative generation exceeds the minimum generation requirements for an exemption.

**56. If there is a business that has an extensive organics recycling program located in a strip mall, would that business be held liable if the other tenants in the strip mall that generate organics are not recycling their organics?**

No, the business would not be held liable if the other tenants in the strip mall are not recycling organics. However, as part of its monitoring program, the local jurisdiction may

notify the businesses in the strip mall that are not recycling organics of the state requirement to recycle and how they can recycle organics.

**57. What information will businesses need to provide and who will it be provided to in order to demonstrate compliance?**

AB 1826 does not require businesses to keep numerical data about recycled organic materials, but local jurisdictions may choose to enact more stringent requirements to track organic recycling activities. Thus, independent of this law, information about organic recycling efforts may be requested by the jurisdiction, or by haulers or other agencies assigned to work with businesses on behalf of the jurisdiction. The information requested will assist the jurisdiction in determining the effectiveness of its education, outreach, and monitoring efforts. The jurisdiction may want to know more about what types of materials the business generates and the materials that are being recycled or otherwise diverted from disposal.

**58. Once we implement our organic waste recycling program, who will tell us if our efforts meet the requirements of the law? Will there be an audit?**

The law does not stipulate that audits must be conducted in order to determine compliance. A covered business is responsible for arranging for organic waste recycling services by taking at least one of the following actions:

0. Source-separate organic waste from other waste and subscribe to a basic level of organic waste recycling service that includes collection and recycling of organic waste.
1. Recycle its organic waste onsite or self-haul its own organic waste for recycling.
2. Subscribe to an organic waste recycling service that may include mixed-waste processing that specifically recycles organic waste.
3. Sell or donate its recyclable organic waste.

The host jurisdiction will help identify covered businesses and determine if they are recycling, and if not, inform them of the law and how to recycle and provide education and outreach regarding options to implement the law. A jurisdiction may implement more stringent requirements than outlined in the law regarding how a business's organic waste recycling program is implemented and/or monitored.

**59. What support will be provided to businesses (e.g. processing facility locations, toolkits)?**

Materials are posted on the [Mandatory Commercial Organics Recycling webpage](#). CalRecycle staff have been meeting with industry groups to answer questions about the law and to partner with them to disseminate information to businesses. Business can use the [Where to Recycle](#) map for identifying locations to recycle. Local jurisdictions will

be developing and sharing additional resources with affected businesses.

**60. Is there information to promote food waste reduction options to businesses?**

CalRecycle provides [information about food waste prevention](#) such as food banks, renderers, and commercial generators handling food waste. Another great resource for food waste reduction and prevention information is [US EPA's website](#). CalRecycle also provides information about how schools can reduce food waste by using an offer vs. serve strategy.

**61. Our jurisdiction has a "mixed use" property with four commercial tenants as well as six multi-family units. The property is considered as a single commercial account by the hauler, and the residential and commercial tenants currently share the same refuse and recycling containers on site. The property as a whole meets the 4 cubic yard commercial solid waste threshold, based on overall service level, and the jurisdiction is considering the property subject to the law as of 2019. Would the multi-family residents need to recycle their food waste? Would the jurisdiction report the entire property as a "business" subject to the law, or break out the business and multi-family components separately for reporting purposes?**

Multifamily dwellings of five units or more that generate the required threshold of solid waste are not required to arrange for organic recycling services for food waste, including food-soiled paper. Therefore, the multi-family residents do not need to recycle their food waste. However, the jurisdiction is allowed to implement more stringent requirements, and/or the tenants may request permission to participate in the program if there are food waste collection containers accessible to them.

In terms of reporting, the jurisdiction may choose how it would report on this property, as long as the jurisdiction explains in the Electronic Annual Report (EAR) The jurisdiction needs to utilize the same methodology to report on this and similar mixed-use accounts in coming years. For example, the jurisdiction could report this as a covered commercial customer and provide more detail in the EAR about the property's multi-family tenants. Conversely, the jurisdiction could count this as a covered commercial business as well as a covered multi-family complex, breaking out the uses into their individual components for EAR reporting purposes.

**62. Which businesses are subject to AB 827?**

AB 827 (McCarty, Chapter 441, Statutes of 2019) amended existing statute, namely the Mandatory Commercial Recycling (MCR) and Mandatory Commercial Recycling Organics (MORe) laws. Effective July 1, 2020, MORe-covered businesses must provide organics recycling containers to collect products purchased and consumed by customers on the premises. These containers must be placed adjacent to trash containers and be visible, easily accessible, and clearly marked. This law targets businesses that sell products meant for immediate consumption. If a business does not sell any of the organic materials for immediate consumption on the premises, then the business does not have to provide an organics container in all areas where disposal containers are provided for

customers.

**63. What are the requirements for businesses subject to AB 827?**

On or before July 1, 2020, businesses that are subject to the requirements of MCR and/or MORE mandates are required to: Provide customers with solid waste recycling and/or organics collection bins or containers to collect material generated from products purchased on the premises. The bins or containers must be visible and easily accessible to customers. The bins or containers must be clearly marked with labeling indicating which materials are appropriate for each container. Placement of the bins or containers must be adjacent to each trash can (restroom waste bins are excluded).

**64. Which businesses are exempt from AB 827?**

A full-service restaurant would be exempted from providing containers for customers if it has implemented a program that provides employees with properly labeled, visible, and readily accessible recycling and organics waste recycling containers wherever trash containers are located, and it requires its employees to collect recyclable materials generated from customers and deposit this recyclable material into the appropriate solid waste recycling and/or organics bins or containers.

**65. What is the legal definition of a full-service restaurant as defined in AB 827?**

A “full-service” restaurant is defined as one where an employee takes all of the following actions: Escorts or assigns the customer to an assigned eating area; Takes the food and beverage orders after the customer has been seated at the assigned seating area; Directly delivers the food and beverage orders to the customer and collects the trash, recyclables, and organic waste materials from the customer; Brings to the customers any of the requested items associated with the customers food or beverage order; and Delivers the check directly to the customer at the assigned seating area. See previous question for requirements.

**66. Are businesses required under AB 827 to install an organic waste collection container accessible to customers if the businesses does not sell any food items at our location?**

No, but if a businesses is subject to MCR, depending on the products sold on site, the business may still need to locate recycling containers accessible to customers.

**67. Is there a minimum number of recycling bins/containers or organic waste recycling bins/containers that need to be placed at the business under AB 827?**

No, the law does not require a minimum number of bins or containers, but it does require recycling and organics recycling bins or containers to be placed next to each trash container.

Note: The placement of recycling and organics recycling bins or containers is to be consistent with the recycling and/or organics waste collection system utilized by the business. Additionally, the business is not required to provide these recycling bins or

containers in restrooms.

**68. Does CalRecycle offer any assistance to businesses subject to AB 827?**

A business should confer with its local jurisdiction or waste hauler to confirm what is allowed or not allowed in the recycling or organics waste recycling program. Also, the local jurisdiction or waste hauler may have signage that a business can use that is specific to the jurisdiction's recycling and organic waste recycling collection service. The law requires CalRecycle to develop model signage by July 1, 2020, that businesses can utilize in implementing their program. CalRecycle had previously developed customizable signage for businesses to utilize, and these tools are currently available to businesses. The materials can be accessed on CalRecycle's [Education/Outreach Toolkit webpage](#)

Note: CalRecycle's signage is a model. Businesses may need customized signage based upon the requirements of its collection service.

**69. Purchasing additional collection containers for customer use will cost our business a significant amount of money, as we have dozens of trash containers available to customers at our location. Is there funding to implement AB 827?**

At this time, no funding is available from CalRecycle specific to implementing this law. However, businesses may add signage to utilize their existing containers. Businesses should contact their local jurisdiction or waste and recycling hauler regarding information about containers or signage that businesses can place on existing containers. In addition, the local jurisdiction representative may have additional information about resources available.

**70. Our businesses has a significant food waste back-haul program. The food waste is taken back to our distribution center for processing. Although there is food served to customers on-site for immediate consumption, the quantity of food waste generated by customers is much less than the amount our employees are currently recovering as part of the back-haul program. We are concerned that the food waste collected from customer accessible containers would not be limited to food waste, and will contaminate the food material already collected by employees as part of the back-haul program. Do we still need to provide customer accessible containers under AB 827?**

Under MORE, a business that is required to recycle organic waste is not in compliance with the law if it only arranges for organic waste recycling for a portion of the organic waste it generates.

AB 827 requires businesses to provide customers with recycling and/or organics recycling collection bins or containers to collect recyclable material generated from products purchased on the premises.

Continued education and developing signage specific to materials consumed on the



premises may assist the business in capturing cleaner customer generated food waste. Another option is to determine if hauler provided organics services should be utilized to address the customer generated organic material in conjunction with the existing back-haul program.

**71. Does AB 827 provide any exemptions to businesses with space limitations in its customer accessible areas where new containers would be placed?**

The law does not provide any exemptions to businesses with space limitations in its customer accessible areas. However, a business should evaluate whether it will need the same size and type of refuse container for customer use once the recycling and/or organic material has been separated out. The total material being collected may be the same, but perhaps a smaller refuse container would allow for the co-location of recycling and/or organics containers for use by customers.

**72. Our business subscribes to mixed waste processing service through our waste hauler, by which the hauler sorts recyclables from the trash. Therefore, our business only utilizes two containers for collection (trash and organics). Does our business still need to provide accessible separate recycling bin/container(s) to customers under AB 827?**

If the business's collection system is a two-container system (trash and organics), then the business will need to provide accessible organics bin(s)/container(s) to customers. CalRecycle recommends businesses confer with their waste hauler or local jurisdiction representative about whether a separate recycling container for customer use is necessary.

**73. I am a tenant in a commercial complex and the current trash containers accessible to customers are placed by the property management company. In the case of shared collection service between multiple tenants, which entity is responsible for implementing AB 827, the property owner or the tenant?**

Both property owner and the tenant have shared responsibility for recycling waste and organics. The property owner must ensure that recycling service has been established, applicable recycling and organics recycling containers are placed, and require the tenant to participate in the collection program. If the property owner is not involved and the tenant or lessee arranges for collection service, then the tenant/lessee would be responsible for complying with the law.

**74. We have a privately operated prison located in our jurisdiction. Is this facility required to implement State recycling requirements related to MCR, MORe, and or SB 1383, and container placement requirements under AB 827?**

The definition of a "business" under the laws referenced include public entities such as federal, state, and local facilities. Therefore, the jurisdiction is required to provide education and outreach about these laws to a privately operated prison, including how to recycle in that jurisdiction, and, as part of the jurisdiction's monitoring program, annually obtain information from the prison about the recycling and organics recycling programs that the prison has in place and follow up with federal prisons that are not

recycling. However, the federal prison is not subject to the jurisdiction's authority regarding franchise agreements and is not required to use the jurisdiction's hauler or subscribe the jurisdiction's collection program. This is true, even if a private entity is actually operating the prison and is responsible for managing solid waste, because the prison retains its status as a federal facility.

- 75. If the business location currently has a single collection container for all materials, and the waste is sorted at a facility to recover recyclables and organics, what are the requirements for signage under AB 827? Does the sign need to include pictures of what can go in the container, or could it just give information that the material is sorted to recover recyclable and compostable items?**

AB 827 makes it clear that a business subject to the MCR or MORE requirements only needs to provide a recycling container adjacent to bins or containers that contain trash other than recyclable commercial solid waste, (See PRC Section 42649.2(c)(1)(A) and PRC Section 42649.81(d)(1)(A).) Therefore, if the bin or container contains trash mixed with recyclable commercial waste (as in mixed waste processing programs) then the business would not need to provide separate container(s) or signage. Accordingly, if the business has subscribed to a mixed waste processing program that places all materials generated (trash and recyclables) into the same container for collection for sorting later at a solid waste facility there would not be a need for additional container(s), and thus signage would also not be needed. However, a business could choose to post signage for customers that the recyclables and organics are being recovered at a material recovery facility.

- 76. If a business establishes separate organic service, can that business limit the types of materials they collect based on the service provided? A specific example is if a business sets up service to have their organics used for pig feed – can they set-up their organics container accessible to customers under AB 827 to only accept specific food-waste? Or would they need to have two different services to accept the food-waste not being used for pig feed?**

Under AB 1826, a business that is required to recycle organic waste will not be in compliance with the law if it only arranges for organic waste recycling for a portion of the organic waste it generates. Therefore, to address the scenario above, the business may need to have different collection services for each type of the organic waste it generates. For example, if a portion of the food waste generated, perhaps by its employees or customers, does not meet the same standards as the food waste being collected for use specifically for pig feed then different containers with the appropriate signage would be required. The same would be true if the business is generating greenwaste as well as the food waste being used for pig feed.

- 77. What is meant by “immediate consumption?” under AB 827? Does the consumption need to take place at the business location? Most of our food sales are immediately taken from the store site, and not consumed on the premises.**

The statute does not define what is meant by “immediate consumption.”

However, if all of the recyclable and/or organic waste is taken offsite and there is no trash container on site for use by customers because material is not consumed on site, then separate containers are not necessary. However, if items are consumed on site and there is a trash container on site for customers to use, then the business must provide the appropriate recycling and/or organics recycling container(s) with the proper signage adjacent to the trash container.

- 78. If a business sells both recyclables and organics to be purchased and consumed by a customer, the business is required to make containers for both materials available to customers. If the business makes only one container available (e.g. just a recycling container, but no organics container), is that business not compliant with AB 827, or perhaps "partially compliant"?**

This law targets businesses that sell products meant for immediate consumption. If both material types are being sold, the applicable collection containers should be provided to customers. Conversely, if only one type is sold, e.g. only recyclables or only organic waste, then only that specific container is required. For example, if only beverage containers in plastic or glass are sold and consumed by customers on site, and no organics, such as sandwiches, are sold and consumed, then only the recycling container is required to be provided for customers. When jurisdictions identify regulated businesses that are not recycling, jurisdictions are required to inform them about PRC Sections 42649 et seq. and 42649.8 et. seq., including these additional requirements to provide visible, easily accessible, and clearly marked recycling and organics waste containers.

- 79. How does compliance with AB 827 relate to compliance with AB 341 and/or AB 1826?**  
AB 827 requirements were added to existing AB 341 and AB 1826 requirements. This new law, passed in 2019, is incorporated into the existing requirements under these two laws.

- 80. Does AB 827 apply to Food trucks? What about food trucks that do not typically provide refuse bins (i.e., serve on the side of a public park with existing containers)?**  
Existing law already requires a mobile food facility, such as a food truck, to manage its refuse, which includes properly disposing of trash in and around the truck, and providing a clearly visible trash receptacle with signage instructions directing customers to use it. If the food truck falls within the definition of "business" for purposes of MORE, i.e., generates two or more cubic yards of commercial solid waste (total trash, recycling, and organics) per week, then the food truck is also subject to the requirements of PRC Sections 42649 and 42649.8 et. seq. Because food trucks tend to change locations, the responsibility for complying with these laws will depend upon the entity that is responsible for providing the trash containers at the venue where the food truck is located. Therefore, if the food truck is responsible for providing trash containers for patrons, then the food truck is required to provide the recycling and organics containers as well. If the venue is owned by a private entity that is responsible for providing the

trash containers for patrons, then it is the responsibility of the venue owner to provide the recycling and organics containers. And, if the venue is public and operated by the jurisdiction, then the jurisdiction is required to ensure that the appropriate containers are provided. If there are additional questions about this situation, the jurisdiction should contact its [Local Assistance and Market Development liaison](#) for guidance.

## C. Jurisdiction

1. **Are jurisdictions required to get their City Council or County Board of Supervisors to approve their organic waste recycling plan in the form of an ordinance or City resolution?**

No, getting approval for an organic waste recycling plan is not required. However, if the jurisdiction does not currently have a commercial organics recycling program, then approval by the City Council or Board of Supervisors may be necessary to address new or expanded services to businesses. Additionally, jurisdictions are required to implement an organic waste recycling program on and after January 1, 2016, and that program may include an ordinance that addresses organic waste recycling, if the jurisdiction determines that an ordinance is appropriate.

LAMD staff will be available to address whether the jurisdiction's proposed activities for education, outreach, identification and monitoring will be acceptable to CalRecycle. LAMD staff will also be available to discuss with each jurisdiction ideas on how it might utilize existing [Mandatory Commercial Recycling](#) education, outreach, identification, and monitoring activities. Please contact your [LAMD representative](#) for assistance.

2. **Could a jurisdiction implement an ordinance that requires self-haulers to use a specific materials recovery facility?**

The jurisdiction should consult with its attorney or counsel to address this matter.

3. **Do jurisdictions need to have a franchise agreement for organic recycling collection services to comply with the law?**

No, the statute does not require a jurisdiction to have a franchise agreement for organics recycling collection services. The requirement is that a jurisdiction implement an organic waste recycling program appropriate for that jurisdiction that is designed specifically to divert commercial organic waste.

4. **Will existing franchises need to be amended to comply with this law?**

It will be up to the local jurisdiction to make such a determination. For example, jurisdictions may find that the identification, education, outreach, and/or monitoring programs in their current contracts can meet their needs. In such instances, jurisdictions may not need to amend the franchise agreement. Conversely, a jurisdiction may find that organics recycling services are needed and thus may need to amend the franchise

agreement.

5. **My franchise agreement already requires organic recycling service be provided to any business that requests it, but my hauler has indicated that it will need a significant rate increase to comply with the law. What additional requirements will be placed on the hauler that would result in cost increases?**

The law is not directed towards haulers. Businesses are required to recycle, and jurisdictions are required to provide education, outreach, and monitoring to the businesses. Jurisdictions will determine how best to implement their education, outreach, and monitoring programs and whether they would need to place additional requirements upon the haulers and/or businesses in order to comply with the law. The law provides flexibility and does not dictate how a jurisdiction shall implement a program.

6. **How would a jurisdiction determine if certain generators are meeting or exceeding the threshold level(s) if those generator(s) are subscribing to mixed garbage service? For example if the tenants in a strip center are producing 20 cubic yards of mixed garbage per week, how would a jurisdiction determine if they meet the threshold level of 8 cubic yards or more of organic waste generated by April 1, 2016?**

The jurisdiction will need to assist in determining what services are needed to meet the needs of the businesses in the strip mall. Please see [Question 52 under B. Business](#) for different scenarios that may be encountered.

7. **What if some of the generation is food waste but some is green waste, and the green waste is hauled away by a contracted service (such as a strip center that generates 20 cubic yards of materials by April 1, 2016)? How would a jurisdiction determine if 4 cubic yards of the 20 yards is food waste and 4 cubic yards is green waste if the green waste is placed in a dumpster or hauled away by a commercial gardening service?**

CalRecycle developed the [Generator ID tool](#) to assist in identifying businesses that meet the minimum waste generation threshold. CalRecycle used data from the [2014 waste characterization study](#) and other data sources to help a jurisdiction determine the types of businesses that would typically generate an amount of organic waste that requires them to subscribe to organic recycling services under the law. The tool provides the number of employees in each business group that would potentially generate a given threshold amount. The [Service-Level tool](#) uses business type and solid waste service level to determine the service level that would most likely be generating 8 cubic yards or 4 cubic yards of material. In the example above, using these tools should give the jurisdiction a sense of the likelihood that the business is generating a combined total of organic waste in excess of the applicable threshold. However, additional verification, through the jurisdiction's monitoring process, may be needed to determine what the businesses are already diverting, e.g., in this scenario green waste, and what services they need to divert the food waste. While using the tools would not give a full picture of the diversion that may already be taking place, it is one way to narrow the list of

potential businesses to target through the jurisdiction's organic waste recycling program.

- 8. Since the identification of businesses may be based on estimates of organic waste generated, and the covered materials may be handled by multiple sources (landscapers, rendering, waste haulers, etc.) who do not report to the jurisdiction, how do we identify covered entities and monitor the program if actual data cannot be obtained?**

Information about the CalRecycle generator identification tool can be found in [question 17 under General](#). Additional resources were shared at the [April 2015 workshops](#) to assist jurisdictions in identifying covered entities.

Jurisdictions could also do the outreach/education/monitoring to all businesses and multifamily complexes or those that meet the [Mandatory Commercial Recycling](#) thresholds, regardless of the actual organic generation. It may be more cost-effective in the long-run to do outreach and education to a broader group rather than those that fall in the 2016 and 2017 threshold, and jurisdictions may want to consider the economies of scale of providing services to more than the year 1 and 2 (2016 and 2017, respectively) regulated entities. The law allows for a more stringent approach.

Once potential covered businesses are identified, using the CalRecycle [Generator ID tool](#), [Service-Level tool](#), or other resources identified by the jurisdiction, the jurisdiction's monitoring efforts will verify if the businesses are in fact covered under the law and determine if organic waste recycling is in place at these locations. It is important to note that some jurisdictions may not have any generators that meet the initial organics generation-based thresholds. Methods to verify if a business generates covered materials in sufficient quantity to classify it as a covered entity could be through organic waste recyclers that may already be serving the businesses, the solid waste hauler (which may have information about materials being disposed), or directly from the business itself. These sources may be able to provide information about materials that are being recycled and those that are still being thrown away. For materials being thrown away, the jurisdiction may be able to provide follow-up assistance to the business to identify additional diversion opportunities.

For covered businesses and multifamily complexes that are found to not be recycling organic materials, the jurisdiction would include as part of its monitoring program targeted efforts to reach out to these businesses to notify them about the law and how to comply. Some examples may include sending a letter, contacting the business via phone, or setting up an on-site meeting with the business. If the jurisdiction has an enforcement program for noncompliant businesses, the additional efforts the jurisdiction took that year to enforce its policy/ordinance would be part of monitoring.

- 9. Does the law allow businesses, such as restaurants, to arrange for their own recycling services for organic waste, outside of a jurisdiction's franchise agreement? If so, when**

**would this take effect?**

The law requires a business generating organic waste to recycle its organic waste in a manner that is consistent with state and local law, including local franchise agreements. However, if a jurisdiction's franchise agreement does not include organic waste recycling services, a local business that generates organic waste may arrange for separate organic waste collection. The local business would still be required to comply with other waste collection services that are included in the franchise agreement. State law does not require any business to arrange for organic recycling services prior to April 1, 2016.

It is important to verify the latest local requirements, as a jurisdiction could have updated its franchise agreement to include organic waste recycling.

**10. Will my city/county need to adopt a mandatory commercial organic recycling ordinance?**

Maybe. At this time, jurisdictions that have a high non-compliance level do need to address the situation and may take a variety of approaches. Some communities may choose to adopt a mandatory commercial organic recycling ordinance, or provide collection service automatically. Approaches to enforcement might include:

1. Requiring businesses to participate in organic recycling services that are already available in the city or county.
2. Requiring businesses to use a mixed waste processing facility.
3. Implementing a mandatory organic recycling program by amending a franchise agreement or adopting an ordinance.

However, when the SB 1383 regulations go into effect on January 1, 2022, jurisdictions are required to adopt an ordinance or other enforceable mechanism and to provide service automatically.

**11. If my jurisdiction already has an ordinance in place requiring organic recycling for commercial and/or multifamily customers, but the thresholds are higher than those specified in legislation and the supporting law, will we need to modify our ordinance?**

Jurisdictions are responsible for ensuring that, at a minimum, businesses subject to the thresholds established in state law are recycling their organic material, regardless of any ordinance the jurisdiction previously adopted.

The law does not require jurisdictions to amend their local ordinance to reflect the thresholds established by AB 1826, but jurisdictions shall ensure the businesses subject

to the law are recycling their organic material. If the jurisdiction's thresholds are less stringent than the law, then they will at a minimum need to educate and inform the businesses about the difference; in such case the jurisdiction may also decide to revise its ordinance to reflect statute.

Nothing in the law prevents a jurisdiction from adopting and implementing a policy that is more stringent than state statute.

**12. Is there a rural exemption in the law?**

Yes, the law allows certain rural counties, and/or cities and regional agencies that are located entirely within a rural county/counties, to be exempt from the law under the following conditions:

1. The total population of the county is less than 70,000 persons.
2. The County or City adopts a resolution citing a need for the exemption and submits the resolution to CalRecycle by June 2015.

For a list of counties with a population of less than 70,000 and a sample resolution please visit the [Mandatory Commercial Organics Recycling Local Government page](#).

At [CalRecycle's Sept. 15, 2020, public meeting](#), Ken DaRosa, Acting Director, signed the Request for Approval immediately initiating the two cubic yard threshold into effect. Therefore, businesses that generate 2 cubic yards or more of commercial solid waste (total trash, recyclables, and organics) per week shall arrange for organic waste recycling services. Furthermore, CalRecycle determined the relative impact by rural jurisdictions on statewide disposal is approximately one percent of the statewide organic waste disposal, which is not significant. Therefore, CalRecycle has extended the current AB 1826 rural exemption until December 31, 2026.

**13. Are regional agencies that serve multiple counties eligible for a rural exemption?**

It depends. If each individual county the regional agency serves has a population of less than 70,000, the regional agency can adopt and submit a resolution to CalRecycle for an exemption. If a regional agency operates in multiple counties, and one of the counties has a population of more than 70,000 persons, the regional agency is not eligible for an exemption.

**14. What if the population of the area the regional agency serves is less than 70,000? Could that regional agency be eligible for a rural exemption?**

Only if the individual population of each county served by the regional agency is less than 70,000 persons. Thus, if the regional agency serves a portion of the county, and the population of the area served by the regional agency is less than 70,000, but the county



as a whole is more than 70,000, the regional agency could not apply for an exemption.

**15. Can an individual jurisdiction in a rural county apply for an exemption even if the rural county it operates in has opted not to apply for an exemption?**

Yes, if a jurisdiction is a city located in a rural county, the city council may adopt a resolution to exempt itself from the law, regardless of the county's decision to adopt such a resolution.

**16. Many restaurant patrons enjoy their food and beverages at work, home, and other locations other than the point of purchase. We have found residential and commercial recycling programs can be incongruent. Does the law provide any guidance related to residential organic recycling?**

Jurisdictions may want to consider current programs in place that serve residents and interface with commercial waste programs. There is a nexus between the material generated at business locations (for example food products, product packaging, carryout bags and take-out boxes) that may become waste at another business location (such as a workplace) or at the customer's residence. An opportunity may exist in the development of education and outreach methodologies, depending on existing infrastructure and resources, to assist customers in making better decisions about managing materials that leave a business location.

**17. Please clarify what is meant by authorizing a local agency to charge and collect a fee from an organic waste generator to recover the local agency's costs incurred in complying with the commercial solid waste recycling program requirements.**

AB 1826's fee provision is separate from authorization for jurisdictions to charge a fee for implementing its recycling programs under the Integrated Waste Management Act of 1989 ([Chapter 1095, Statutes of 1989 \[Sher, AB 939\]](#)). AB 1826 provides that if a jurisdiction already has an organic recycling program in place that meets the requirements, it is not necessary to implement an additional program. If, however, the jurisdiction needs to implement a new program in order to comply with AB 1826, then it is authorized to charge a new program fee to cover the costs of the new program. Similarly, if a jurisdiction has to make additions to an existing organic waste recycling program in order to comply with the mandatory recycling laws, it is authorized to charge a program fee for the costs of implementing the additional program features. In such an instance, depending on the nature and extent of the additional features, it may be advisable for a jurisdiction to create a new program and charge a fee for the implementation costs.

**18. Will CalRecycle help jurisdictions figure out which businesses fall under each threshold?**

CalRecycle developed the [Generator ID tool](#) to assist in identifying businesses that meet the minimum waste generation threshold. CalRecycle used data from the [2014 waste characterization study](#) and other data sources to help a jurisdiction determine the types of businesses that would typically generate an amount of organic waste that requires

them to subscribe to organic recycling services under the law. A [Service-Level tool](#) has also been developed to utilize existing account information to determine if a business would be subject to the law. Jurisdictions could also do the outreach/education/monitoring to all businesses and multifamily complexes or those that meet the [Mandatory Commercial Recycling thresholds](#), regardless of the actual organic generation. It may be more cost-effective in the long-run to do outreach and education to a broader group rather than those that fall in the 2016 and 2017 threshold, and jurisdictions may want to consider the economies of scale of providing services to more than the year 1 and 2 (2016 and 2017, respectively) regulated entities. The law allows for a more stringent approach.

At [CalRecycle's Sept. 15, 2020, public meeting](#), Ken DaRosa, Acting Director, signed the Request for Approval immediately initiating the two cubic yard threshold into effect. Therefore, businesses that generate 2 cubic yards or more of commercial solid waste (total trash, recyclables, and organics) per week shall arrange for organic waste recycling services. Additionally, the exemption under 42649.82 (e)(3)(E) related to businesses that generate one cubic yard or less of organic waste is no longer in effect (see [question #51 under B. Business to review the exemptions that remain in effect](#)). Furthermore, CalRecycle determined the relative impact by rural jurisdictions on statewide disposal is approximately one percent of the statewide organic waste disposal, which is not significant. Therefore, CalRecycle has extended the current AB 1826 rural exemption until December 31, 2026.

**19. In rural or semi-rural jurisdictions where identification of generators is easier, do we need a formal approach for identification? We know who they are now. Can we just provide CalRecycle the list?**

Yes, if the jurisdiction already knows which businesses are regulated the jurisdiction can provide that information to CalRecycle, and it does not need to do another formal approach to identify businesses.

**20. The law states that my jurisdiction shall implement a program in place on and after January 1, 2016. Does this mean that my program must be fully implemented by January 1, 2016?**

Jurisdictions will be able to phase in some aspects of their program, but the jurisdictions should communicate and explain their rationale for phasing in aspects of their program in their annual report to CalRecycle.

Due to the amount of organics generated by the commercial sector, the jurisdiction may be able to phase in organics recycling services. For example, some jurisdictions may not have any businesses that generate 8 cubic yards per week of organics, but have businesses that generate 4 cubic yards per week of organics. These jurisdictions may not need to implement organics recycling services until 2017. For jurisdictions that do not have businesses that generate 4 cubic yards per week of organics and have businesses that generate 4 cubic yards per week of trash, they may not need to implement organics

recycling services until 2019.

Jurisdictions may also need to phase in implementation of other aspects of their organic waste recycling program, including organics recycling services, identifying covered businesses, providing education and outreach, and monitoring the implementation of the law, due to issues such as a large number of businesses, lack of infrastructure, and/or limited staffing or funds. Jurisdictions should communicate to their [LAMD representative](#) if there are aspects of their program that need to be phased in, to ensure that the approach will be acceptable. During the jurisdiction review (every 2 or 4 years depending on the jurisdiction), CalRecycle will consider the challenges and barriers that prevented a jurisdiction from fully implementing the organic waste recycling program in its determination of a "good faith effort" finding (see [Updated Countywide Integrated Waste Management Plan \(CIWMP\) Enforcement Policy, Part II](#)). In addition, the jurisdiction's [LAMD representative](#) may be able to provide additional tools and resources to help the jurisdiction address the barriers affecting the implementation of the organic recycling program.

- 21. Would a jurisdiction be able to implement education, outreach, identification, and monitoring to different generator types, areas of the jurisdiction, etc., using a phased-in approach, or do jurisdictions need to ensure that education, outreach, identification, and monitoring efforts to address all businesses in the jurisdiction are in place by January 1, 2016?**

Jurisdictions can phase in their education, outreach, and monitoring efforts in a way that mirrors the law's implementation schedule and threshold (see [question 1 under General for thresholds and compliance schedule](#)). For example, in 2016, a jurisdiction can choose to focus its efforts exclusively on large businesses that generate 8 cubic yards of organic waste per week. Jurisdictions should be prepared to expand their efforts as additional generators are required to recycle organics in subsequent years. Jurisdictions should communicate to their [LAMD representative](#) if there are aspects of their program that need to be phased in, to ensure that the approach will be acceptable.

- 22. Is a web page with information about the mandatory organic recycling requirement enough?**

The jurisdiction should demonstrate a real effort to develop and implement an effective outreach program. Utilizing one form of electronic media may not be sufficient; other forms of education, such as print and direct contact, will likely be necessary to effectively communicate to businesses. Regarding websites, information should be placed on the jurisdiction's website (and the franchise hauler's website, if applicable) that informs businesses of the state requirement to recycle and explains how businesses can recycle organic waste in the jurisdiction. For example, information placed on the website might include contact information for the franchise hauler for service information, locations to recyclers that will accept organic materials, information about mixed waste processing options versus source-separated recycling options, etc.

In addition to a web page, the jurisdiction may consider sending emails to businesses. Some jurisdictions are using Twitter, Facebook, and other social media outlets to communicate with businesses. A jurisdiction might also collaborate with local business organizations to help send out emails to their members or place information in their newsletters or on their websites.

For any type of outreach methodology, the jurisdiction will need to assess the tool(s) needed to convey the message to businesses and reach the businesses in their communities. As part of the jurisdiction's formal review, CalRecycle will be looking to make sure the education, outreach, identification, and monitoring programs are being implemented, but will also be taking into account the jurisdiction's specific circumstances.

**23. Will there be a template for outreach material (i.e. flyers, letters) that we will be able to customize and send to businesses and multifamily complexes, similar to what the Institute for Local Government did for AB 341?**

CalRecycle has developed a [template brochure](#) that jurisdictions and haulers can customize to use with businesses and multifamily complexes. [Additional outreach materials](#), including PSA messages and sample materials from jurisdictions have been posted as part of an education and outreach toolkit. If any other templates are needed, please email [LAMD@calrecycle.ca.gov](mailto:LAMD@calrecycle.ca.gov).

**24. I have been unsuccessful in the past in making contact with the commercial sector. Are there any recommendations for making contact with businesses?**

Direct contact with the business community will ensure that the businesses are informed of the requirement to recycle organics. CalRecycle encourages jurisdictions to include information about the state requirement to recycle organics as part of any activities in which the jurisdiction, hauler(s), and/or community organizations make direct contact with businesses.

Examples of direct contact include presenting at business forums, such as the area chamber of commerce, having the hauler talk to the business, and/or providing technical assistance through waste assessments to explain the state requirement and how businesses can recycle organics in the jurisdiction.

Always provide a contact person that businesses can call to ask follow-up questions. Community groups frequently engage in outreach to small businesses. They might be able to contact businesses in a particular area and meet one on one with businesses to explain how they can recycle organics in the community and inform the businesses of the state requirement to recycle organics.

The jurisdiction's hauler or haulers may already contact businesses directly through their sales staff or staff that conduct waste assessments for businesses. The hauler can also assist to inform the businesses that are not currently recycling about the state

requirement to recycle organics and explain how they can recycle organics. The hauler can then report back to the jurisdiction on those businesses that are not currently recycling organics. In some jurisdictions, the hauler may already be providing this type of information to the jurisdiction.

Another approach is to determine whether the jurisdiction's staff that is already working with businesses can provide information on the organics recycling requirement. For example, some communities may have their health and/or building inspectors inform businesses as they are working with them, or the local recycling coordinator may conduct waste assessments and can include information about the state requirement to recycle organics.

**25. What are some suggestions on how a jurisdiction should handle businesses that are recalcitrant in providing information on self-hauling and other recycling activities not provided by the jurisdiction's franchised/permitted hauler?**

If a jurisdiction is having difficulty collecting information from businesses that self-haul, the jurisdiction could develop requirements such as requiring those businesses to complete and retain a form certifying that they are recycling organic material. Some businesses already track this information to demonstrate compliance with internal environmental procedures or as part of other state programs.

**26. What if there are no organic material diversion facilities or service providers in the region?**

The jurisdiction should identify barriers to siting new or expanded compostable materials handling operations, as defined in paragraph (12) of subdivision (a) of Section 17852 of Title 14 of the California Code of Regulations, and specify a plan to overcome those barriers that are within the control of the local jurisdiction. This information should be provided annually to CalRecycle beginning with the annual report submitted August 1, 2017.

**27. There is only one option for food waste composting within a reasonable distance of our jurisdiction. We have historically had a difficult time negotiating an agreement with this facility. What are our options?**

The jurisdiction should explain to CalRecycle in the [Electronic Annual Report](#) (starting with the 2016 annual report, due August 1, 2017) what the barriers or challenges are and what it is doing to try to address them. For example, the jurisdiction may be working with the existing composting facility to ensure the facility can process a sufficient volume of material to meet the needs of its users, and providing education and outreach to organic waste generators to reduce contamination and ensure better quality feedstock. Additionally, the jurisdiction may be collaborating with other nearby jurisdictions that are siting or expanding diversion facilities, such as anaerobic digestion or composting, or the jurisdiction may be trying to site another facility in the county. When and if these facilities are available, the jurisdiction would have other options for processing food waste and could expect pilot programs to be fully implemented at a

later date. Additionally, the jurisdiction may phase in the program to address the barriers. For example, if the jurisdiction does not have any businesses that have 8 cubic yards of covered organic material per week, but it does have some that generate 4 cubic yards of organic material, then it may not need to implement food waste programs until 2017.

**28. Can a jurisdiction with a successful program for green waste recycling be exempted from the other requirements of the law due to lack of infrastructure to recycle other organic material?**

The law states that a jurisdiction shall implement a program designed specifically to divert organic waste, which includes “food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste.”

Even if a jurisdiction successfully diverts green waste, the jurisdiction is still responsible for implementing an organics recycling program that meets the needs of its businesses, performing education, outreach, and monitoring, and ensuring that appropriate services are available for businesses required to comply with AB 1826. CalRecycle developed the [Generator ID tool](#) to assist in identifying businesses that meet the minimum waste generation threshold. CalRecycle used data from the [2014 waste characterization study](#) and other data sources to help a jurisdiction determine the types of businesses that would typically generate an amount of organic waste that requires them to subscribe to organic recycling services under the law. This tool could be used to help a jurisdiction assess the extent of the current organic waste recycling program and determine if additional organic recycling services are needed.

Options that may be available to address the covered material types outside of collection by a waste hauler might include food donation or animal feed options for food material, landscaping service providers for green waste and landscape and pruning waste, and salvage companies for nonhazardous wood waste. The jurisdiction should continue to develop its organic waste recycling program to meet the needs of covered businesses, which may include efforts to seek out additional opportunities for organic waste handling and providing updated resources to businesses.

If a jurisdiction experiences challenges in implementing any aspect of its organic waste recycling program, it should include information about those challenges and its plan to address them in its annual report. CalRecycle considers barriers to program implementation such as small geographic size, low population density, distance to markets, and/or lack of markets in its review of the jurisdiction’s efforts to implement the law. In evaluating the impact of barriers to implementation, CalRecycle can also consider the efficacy of a jurisdiction’s plan to address those barriers when determining whether the jurisdiction made a “good faith effort” to comply with the law (see [Updated Countywide Integrated Waste Management Plan \(CIWMP\) Enforcement Policy, Part II](#)).

**29. My jurisdiction currently has a green waste drop off program that is available to all businesses, as well as residents. Will this program be sufficient to meet the requirements of the law and, if not, what additional programs will the jurisdiction need to provide?**

Materials that are included in the definition of organic waste include food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food soiled paper waste that is mixed in with food waste ([see Question 10 under General for definition of food-soiled paper](#)). In the scenario presented, it appears that businesses and multifamily dwellings would have the option to haul one material type, green waste, to the drop off facility.

Jurisdictions are required under the law to provide annual education and outreach to inform covered businesses about the law and how to recycle organic material in the jurisdiction. The drop off location described would be one opportunity for businesses and multifamily dwellings to utilize. It would be important for the jurisdiction know whether the drop off location accepts other organic materials (e.g., landscaping and pruning waste). If it doesn't accept all organic materials including food waste, then the jurisdiction would have need to provide education and outreach to covered businesses regarding other known opportunities to recycle organic material, including self-haul and donation, if available, as well as provide resources to address all covered material types that local businesses may be generating.

If the jurisdiction's organics recycling program does not provide adequate options for businesses to divert the organic material that they generate, then the jurisdiction will need to address the barriers and specify a plan to address those barriers that are within the jurisdiction's control. This information would be provided to CalRecycle in the annual report commencing on and after August 1, 2017.

**30. It might be useful to list somewhere on your website, "foodwaste ready facilities" facilities that are permitted and in compliance with all permitting requirements so jurisdictions can know where to look.**

To find a compost facility that is permitted to receive food material, visit this location on the CalRecycle website: [Find a Composter Near You](#). Make sure to check the food waste box when searching by feedstocks. The CalRecycle website also has a list of [Local Assistance and Market Development Representatives](#) in your jurisdiction (city, county, or regional agency).

**31. The issue of space constraints has come up a lot in our City what can we do?**

Here are two examples of how jurisdictions have addressed space constraints in their communities:

- Orange County, [Laguna Beach](#). The City and the contract waste service provider, Waste Management Inc., developed a food waste pilot collection program in the



commercial sector, using yellow bags to collect and separate food waste. This program does not require any additional outside equipment or containers as restaurant staff collect food waste in heavy duty yellow bags, tie up the bags, and place them in recycling carts. The bags are retrieved and sorted at the material recovery facility in Irvine. The food material is used in an anaerobic digestion system in the production of biogas, located in Orange County.

- Los Angeles County, [Manhattan Beach](#). The City and its hauler, Waste Management Inc., developed a food waste program using yellow bags, for businesses and residents with space constraints. The yellow bags with food waste are placed inside the green waste container, then they are separated at the transfer station. Commercial businesses may use a dedicated food waste cart (64 gal) or the yellow bags. The food material is used in an anaerobic digestion system in the production of biogas located in Carson.

These and additional local government food waste program case studies are on our [Food Scraps Management Case Studies](#) page.

### **32. What is the jurisdiction's responsibility in implementing AB 827?**

Existing requirements under AB 341 and AB 1826 specify that a jurisdiction is required to provide education and outreach to businesses about recycling and organics recycling programs available in the jurisdiction. In addition, this law requires that the jurisdiction provide information about AB 827 requirements and include in its education and outreach materials any local resources that can assist businesses in implementing the law. The educational tools could also provide a link to CalRecycle developed signage tools. Also, when jurisdictions identify regulated businesses that are not recycling, jurisdictions are required to inform them about PRC Sections 42649 et seq. and 42649.8 et. seq., including these additional requirements to provide visible, easily accessible, and clearly marked recycling and organic waste recycling containers.

## **D. Reporting**

### **1. Will businesses and/or jurisdictions need to report diverted tonnages of organic waste?**

Starting with the 2016 [Electronic Annual Report](#) that is due on August 1, 2017, each jurisdiction will provide CalRecycle with information on the number of regulated businesses that generate organic waste and the number that are recycling organic waste. Although not required to do so, a jurisdiction may also provide the amount of disposal that is being diverted by the businesses as part of the Electronic Annual Report.



2. **Does a jurisdiction need to report on its organics program implementation, including education, outreach, identification, and monitoring efforts, if it is meeting its per capita disposal target?**

Nothing in statute relieves a jurisdiction of its obligations once it is meeting its per capita disposal target. The jurisdiction is still required to implement an organics recycling program and report in its [Electronic Annual Report](#) in addition to its obligation to report on other AB 939 programs.

3. **How should I report multifamily organics recycling for complexes that are subject to the law? Is anything required for complexes that are serviced under the residential program?**

The law does not apply to multifamily dwellings with less than five units. For those dwellings of five or more units that meet the threshold, the law provides an exemption for organic waste recycling services specific to food waste and food-soiled paper. The jurisdiction would still need to report on covered complexes in relation to their efforts to divert green waste, landscape and pruning waste, and nonhazardous wood waste if those materials collectively are generated by the complex in the amounts specified in Public Resources Code section 42649.81(a). It should be noted that PRC section 42649.81(e) requires that a business subject to the law, which would include multifamily, with a gardening or landscaping service shall require through contract that organic waste handled by the service is recycled in compliance with the law. A covered multifamily residential dwelling may also need to recycle other types of wood waste, such as lumber, if they are generated at the complex in addition to landscaping materials.

4. **When will jurisdictions need to start reporting on their implementation efforts, and what will need to be reported?**

Beginning with the 2016 [Electronic Annual Report](#) (due on August 1, 2017) that jurisdictions submit to CalRecycle, jurisdictions will be required to report on progress on the implementation of their organic waste recycling program. Each jurisdiction's annual report shall include the following information in the 2017 and subsequent EARs:

1. Information on the current market conditions and expansion opportunities for organic recycling facilities, e.g., existing or proposed new/expanded facilities, permitting requirements, capacity, other non-disposal recycling options such as food rescue and on-site management, and incentives available in the jurisdiction's boundaries. Information on known barriers to siting or expanding organic waste recycling facilities in the area just also be included. If there are identified barriers that are in the jurisdiction's control, provide a summary of the jurisdiction's plan to overcome the barriers that are under its control. Note: Organic recycling facilities include compost, anaerobic digestion, and chip and

grind facilities. The jurisdiction may also report on other facilities that recycle organic waste.

2. Data on the number of commercial organic waste generators that are businesses and those that are multifamily complexes that meet the threshold requirements, how many of those businesses and multifamily complexes are recycling their organic waste, if available, the tonnage diverted by the covered businesses, if available.
3. Activities related to identifying affected businesses and multifamily complexes, education, outreach, and monitoring.
4. If applicable, enforcement efforts undertaken and the rationale for any exemptions the jurisdiction approved.

Guidance about what information jurisdictions should provide in the Electronic Annual Report was provided as part of the [AB 1826 workshops](#) and will be provided again prior to the release of the [2016 annual report cycle](#).

5. **Could a jurisdiction rely on responses from generator questionnaires instead of utilizing a Generator ID Tool? For example, if a jurisdiction mailed out questionnaires to multi-family communities and one of the questions pertained to the amount square footage of turf, could the jurisdiction use the data from the questionnaire as the means for determining whether that generator was included under the law?**

LAMD staff will be available to address whether the jurisdiction's proposed activities for identification of covered businesses and multi-family complexes will be acceptable to CalRecycle. Although surveys have been used by jurisdictions to identify recycling efforts under [Mandatory Commercial Recycling](#), for example, the survey approach can be limited by the effectiveness of the questions asked as well as limited returns. Jurisdictions may find that it is more effective to provide education and outreach to a larger population initially, and then narrow down to address the businesses or complexes covered by the law through the jurisdiction's monitoring program. Please contact your [LAMD representative](#) for assistance in determining an identification approach that is appropriate for your jurisdiction.

6. **The generator identification process used by CalRecycle seems based on the exact amount produced, not the service level. For AB 341 we use the "service level," why wouldn't we do the same thing here? For example, CalRecycle has identified in the [Generator ID tool](#) that food and beverage stores would have 57 employees in order to reach the 8 cubic yard threshold of organic waste generated to meet the first covered threshold. However, it might be that a food store that has 50 employees also is generating 8 cubic yards of organic material based on current practices, and that could perhaps be determined through viewing the solid waste service at store sites with fewer employees.**

CalRecycle staff worked with stakeholders to develop a service-level based approach to identify generators, as it was understood that information about service levels for businesses would be more readily accessible due to efforts by jurisdictions to identify businesses under Mandatory Commercial Recycling. CalRecycle staff worked with stakeholders and applied information from the 2014 Generator-Based Waste Characterization Study to determine the best way service level information could be applied to assist in identifying businesses particularly in the earlier thresholds whereby organic waste is a portion of the total waste generated. For monitoring, a jurisdiction may still need to use a hybrid approach (service level and employee numbers) to filter the covered generators. The [Service-Level tool](#), and example of Generator ID methods guidance document has been added to the [Local Government Requirements and Resources page](#).

- 7. In the EAR what information will be acceptable regarding infrastructure information for facility capacity, e.g., is permitted capacity acceptable, is it actual capacity, does the jurisdiction need to speak with the facility to determine if capacity is available to take the material?**

Per the law, a jurisdiction shall identify existing recycling facilities that can process organic material within a reasonable vicinity and the capacities available for materials to be accepted at each facility.

- 8. Will any information need to be reported by the jurisdiction in its Electronic Annual Report (EAR) specific to AB 827?**

Yes. The requirements are part of the existing MCR and MORE mandates. Within the EAR implementation efforts specific to this law and/or barriers encountered in implementing the law should be reported through existing reporting sections related to the commercial programs in the EAR.

## E. Compliance

- 1. Will CalRecycle issue a compliance order if my jurisdiction cannot demonstrate compliance with the mandatory organic recycling requirements?**

AB 1826 requires that jurisdictions implement an organics recycling program. Determining what constitutes an “organics recycling program” will vary depending on the types of organics recycling services available, which will depend on many factors, such as infrastructure for processing organic materials, on-site collection options, etc. The organics waste recycling services would need to be appropriate for the jurisdiction and meet the needs of its businesses. Jurisdictions will also be required to implement outreach, education, identification, and monitoring to support the organics recycling program implemented. CalRecycle will review each jurisdiction’s compliance as part of its program review under AB 939 pursuant to [Public Resources Code section 41825](#). As

part of that AB 939 review, a good-faith effort determination can be reached based on the parameters identified in [Public Resources Code Sections 41850 and 42649.3 \(i\)](#), namely that all reasonable and feasible efforts have been made to implement its commercial organic recycling program. In addition, the following factors are outlined in the law specific to the finding of a good-faith effort in relation to the review of a jurisdiction's organic waste recycling program:

1. The extent to which businesses have complied with the law, including information on the amount of disposal that is being diverted from the businesses, if available, and on the number of businesses that are complying with the law;
2. The recovery rate of the organic waste from the material recovery facilities that are utilized by the businesses, which includes all information, methods, and calculations, and any additional performance data, as requested by CalRecycle from the material recovery facilities. Note: CalRecycle would request this information from the facilities and distribute to the appropriate jurisdictions;
3. The extent to which the jurisdiction is conducting education and outreach to businesses;
4. The extent to which the jurisdiction is monitoring businesses and notifying those businesses that are not in compliance;
5. The appropriateness of exemptions allowed by the jurisdiction;
6. The availability of markets for collected organic waste recyclables;
7. Budgetary constraints;
8. In the case of a rural jurisdiction, the effects of small geographic size, low population density, or distance to markets;
9. The availability, or lack thereof, of sufficient organic waste processing infrastructure, organic waste recycling facilities, and other non-disposal opportunities and markets;
10. The extent to which the jurisdiction has taken steps that are under its control to remove barriers to siting and expanding organic waste recycling facilities.

If CalRecycle finds that a jurisdiction has failed to make a good-faith effort to implement a commercial organic recycling program, CalRecycle would initiate the compliance order process, just as is currently done as a part of the AB 939 review. CalRecycle would evaluate the jurisdiction's implementation of its organic recycling program, as well as its outreach, education, identification, and monitoring efforts during the AB 939 review of the jurisdiction's Source Reduction and Recycling Element and Household Hazardous Waste Element. If the jurisdiction fails to adequately meet the conditions of the compliance order, then CalRecycle could consider a penalty hearing, etc. Please also see the [Updated Countywide Integrated Waste Management Plan \(CIWMP\) Enforcement Policy, Part II](#) for more information.

2. **How effective does a jurisdiction’s program to divert organic material need to be in order to avoid being put on a compliance order? What if businesses are not diverting organic material, and/or options for diverting organic material cannot be identified?**

During its review, CalRecycle shall determine whether the jurisdiction has made a good faith effort to implement its selected organic waste recycling program. “Good faith effort” means that the jurisdiction has made all reasonable and feasible efforts to implement its organic waste recycling program, particularly with respect to identifying covered businesses, conducting education, outreach, and monitoring, and ensuring that organic recycling services are available to all businesses. This is not the same as ensuring all businesses are meeting their specified requirement to recycle organic waste generated.

The review of each jurisdiction’s compliance with AB 1826 will be conducted with the review of all of its AB 939 diversion programs, e.g., each jurisdiction is reviewed during a two or four-year cycle. This is the same process for review of [Mandatory Commercial Recycling](#) programs. During its review of each jurisdiction, the department may include, but is not limited to, consideration of the following factors in its evaluation of a jurisdiction’s good faith effort:

- The extent to which businesses have complied with the law, including information on the amount of disposal that is being diverted from the businesses, if available, and on the number of businesses that are complying with the law;
- The recovery rate of the organic waste from the material recovery facilities that are utilized by the businesses, which includes all information, methods, and calculations, and any additional performance data, as requested by CalRecycle from the material recovery facilities. Note: CalRecycle would request this information from the facilities and distribute to the appropriate jurisdictions;
- The extent to which the jurisdiction is conducting education and outreach to businesses;
- The extent to which the jurisdiction is monitoring businesses and notifying those businesses that are not in compliance;
- The appropriateness of exemptions allowed by the jurisdiction;
- The availability of markets for collected organic waste recyclables;
- Budgetary constraints;
- In the case of a rural jurisdiction, the effects of small geographic size, low population density, or distance to markets;
- The availability, or lack thereof, of sufficient organic waste processing infrastructure, organic waste recycling facilities, and other nondisposal opportunities and markets;
- The extent to which the jurisdiction has taken steps that are under its control to remove barriers to siting and expanding organic waste recycling facilities.

The determination of a good faith effort will continue to be made on a case-by-case basis using the review factors outlined above and the [Updated Countywide Integrated Waste Management Plan \(CIWMP\) Enforcement Policy, Part II](#). If a jurisdiction requires technical assistance to implement any aspects of its organics program, please contact your [LAMD representative](#).

If the jurisdiction identifies that there is a lack of options available for managing organic material, this information will be included in the [Electronic Annual Report](#) to assist in determining a jurisdiction's good faith effort. The jurisdiction will be required to provide information about the lack of organic waste processing infrastructure, organic waste recycling facilities, other non-disposal options for organic material, and/or lack of markets for processed organic material in its [Electronic Annual Report](#) starting with the 2016 report, due August 1, 2017. In addition to noting the lack of infrastructure to process material and/or markets for processed material, the jurisdiction will also provide information related to its own efforts to remove barriers to siting or expanding organic waste recycling facilities.

**3. What if no food waste diversion opportunities are currently available within a reasonable vicinity? Are there any exemptions for the jurisdiction if a food waste collection program cannot be developed during the time frame specified in the law?**

No, there is no exemption. However, in the development of the jurisdiction's organic waste recycling program, the jurisdiction is required to identify the following information and report it to CalRecycle beginning with the Annual Report due August 1, 2017:

- Existing organic waste recycling facilities within a reasonable vicinity and the capacities available for materials to be accepted at each facility.
- Existing solid waste and organic waste recycling facilities within the jurisdiction that may be suitable for potential expansion or colocation of organic waste processing or recycling facilities.
- Efforts of which the jurisdiction is aware that are underway to develop new private or public regional organic waste recycling facilities that may serve some or all of the organic waste recycling needs of the commercial waste generators within the jurisdiction subject to this chapter, and the anticipated timeframe for completion of those facilities.
- Closed or abandoned sites that might be available for new organic waste recycling facilities.
- Other nondisposal opportunities and markets.
- Appropriate zoning and permit requirements for the location of new organic waste recycling facilities.

- Incentives available, if any, for developing new organic waste recycling facilities within the jurisdiction.

If the jurisdiction's organics recycling program does not provide adequate options for businesses to divert the organic material that they generate, then the jurisdiction will need to address the barriers and specify a plan to address those barriers that are within the jurisdiction's control. This information will be requested as part of the [Electronic Annual Report](#) commencing on and after August 1, 2017.

The availability, or lack thereof, of sufficient organic waste processing infrastructure, organic waste recycling facilities, and other nondisposal opportunities and markets, as well as the extent to which the jurisdiction has taken steps that are under its control to remove barriers to siting and expanding organic waste recycling facilities will be factors that CalRecycle will consider during its review and in the determination of a jurisdiction's good faith effort (please also refer to the [Updated Countywide Integrated Waste Management Plan \(CIWMP\) Enforcement Policy, Part II](#)).

**4. How will CalRecycle determine compliance with the Mandatory Organic Recycling law? What will a jurisdiction need to do to show a Good Faith Effort to implement its selected organic waste recycling program?**

During its review, CalRecycle shall determine whether the jurisdiction has made a good faith effort to implement its selected organic waste recycling program. During its review of compliance with AB 1826, the department may include, but is not limited to, consideration of the following factors in its evaluation of a jurisdiction's good faith effort:

0. The extent to which businesses have complied with the law, including information on the amount of disposal that is being diverted from the businesses, if available, and on the number of businesses that are complying with the law;
1. The recovery rate of the organic waste from the material recovery facilities that are utilized by the businesses, which includes all information, methods, and calculations, and any additional performance data, as requested by CalRecycle from the material recovery facilities; The extent to which the jurisdiction is conducting education and outreach to businesses;
2. The extent to which the jurisdiction is monitoring businesses and notifying those businesses that are not in compliance;
3. The appropriateness of exemptions allowed by the jurisdiction;
4. The availability of markets for collected organic waste recyclables;
5. Budgetary constraints;



6. In the case of a rural jurisdiction, the effects of small geographic size, low population density, or distance to markets;
7. The availability, or lack thereof, of sufficient organic waste processing infrastructure, organic waste recycling facilities, and other nondisposal opportunities and markets;
8. The extent to which the jurisdiction has taken steps that are under its control to remove barriers to siting and expanding organic waste recycling facilities.

The determination of a good faith effort will continue to be made on a case-by-case basis using the review factors outlined above and the [Updated Countywide Integrated Waste Management Plan \(CIWMP\) Enforcement Policy, Part II](#). If a jurisdiction requires technical assistance to implement any aspects of its organics program, please contact your [LAMD representative](#).

5. **Is there anything in the law that includes a stipulation that the jurisdiction would be required to provide a curbside program? What are the specific requirements on jurisdictions to comply with the law?**

No, a curbside program is not required. The law requires jurisdictions to have an organics recycling program and to provide education, outreach, and monitoring to affected businesses to inform them of the state requirement to recycle and to tell businesses how they can recycle in the jurisdiction.

Regarding informing and educating businesses about recycling opportunities in the jurisdiction, the types and combinations of commercial recycling programs vary by jurisdiction and can include curbside collection, drop-offs, and utilizing mixed waste processing. Additionally, businesses may choose to self-haul material to a drop-off or recycling center, arrange for the pick-up of organics, etc.

6. **We have two large casino/hotels on tribal land in our County. While it is clear that they are exempt from MORE, will getting them to comply with the program be noted for compliance or a GFE?**

The jurisdiction's efforts to develop its program, for covered businesses and those not covered by the law, would be considered as part of CalRecycle's Jurisdiction Review. Implementing organic waste recycling at some locations does not exempt the jurisdiction from implementing the requirements of the law.

7. **I have been told by the city where my business is located that there is an exclusive hauler for waste collection. Yet, this hauler does not provide separate collection of food waste. We generate enough food material to be covered by the law starting January 1, 2017. What are our options for having the food material collected at that time?**



If the exclusive hauler does not provide food or any other covered organic waste collection services, a business is allowed to arrange for services with another hauler until such time that the agreement with the hauler includes organic waste recycling services or the jurisdiction implements additional requirements via ordinance. It is possible that the current hauler may provide organic waste collection if requested by the business. It would be important to evaluate the services offered by the exclusive hauler or any new requirements implemented by the city, and to refer to resources provided by the city related to options for recycling organic material, closer to the implementation date.

8. **According to the law, a business may arrange for separate organic waste and recycling services until a local ordinance or the jurisdiction’s franchise agreement includes organic waste recycling services. What if the jurisdiction’s franchised hauler provides commercial green waste collection, but not food waste collection?**

Organic waste is defined by the law to mean food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste. To that end, if a jurisdiction’s franchised hauler is currently providing collection for one of the listed materials, for example landscape and pruning waste, but is not specified to provide for the collection of food waste for the purposes of recycling, the business could arrange for collection of food waste until such time that this material is addressed through local ordinance or specified by the franchise agreement, etc.

The law indicates that covered businesses shall arrange for recycling services for organic waste, which is defined as stated in the previous paragraph. The organic materials specified in the law will be used to determine if a business meets the determined thresholds and is therefore subject to the law. As a result, the business would need to recycle or otherwise divert all of the covered materials it generates in order to be in compliance with the law. One exception noted in the law is that while multifamily dwellings of five or more units are considered “businesses” for purposes of the law, they would not be required to arrange for collection of food waste and food-soiled paper in order to be in compliance with the law ( [see Question 10 under General for definition of food-soiled paper](#)). Green waste, landscape and pruning waste, and nonhazardous wood waste generated at these sites would still be subject to the law.

9. **Can a business claim it is meeting the requirements of the law by simply recycling some of its organic waste? Specifically, can a business claim that it is in compliance with the organic recycling requirements because it has its landscaper recycling green waste?**

Not necessarily. The law indicates that covered businesses shall arrange for recycling services for organic waste, which is defined as food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper that is mixed in with food waste. As a result, the business would need to recycle or otherwise divert all of the covered materials it generates in order to be in compliance with the law. If green waste was the only covered material type generated by this business and, when arranging for

gardening or landscaping services the business required the landscaping service to recycle or divert material in accordance with the law, this business would be meeting the requirements of the law.

If the business in question was a multifamily dwelling that fell under the law's threshold, it would not be required to arrange for collection of food waste in order to be in compliance with the law. If the complex was generating green waste, landscape and pruning waste, and/or nonhazardous wood waste and the materials were being recycled through either the landscaping service or other methods prescribed through the law, the multifamily complex would most likely be meeting the requirements of the law. Regarding the jurisdiction's responsibility, a jurisdiction is required to have an organics recycling program and provide education and outreach to covered businesses informing them of the organics waste recycling opportunities that are available. In addition, if a jurisdiction discovers that a covered business is not in compliance, the jurisdiction shall notify the business that it is not in compliance and inform it of the organics waste recycling opportunities that are available.

**10. What is the threshold of compliance for a business if they are recycling all of their preconsumer foodwaste and do not want to recycle post-consumer waste?**

A covered business ([see question 1 under General for thresholds and compliance schedule](#)) shall recycle all of the organic waste that it generates. A business that is required to recycle organic waste will not be in compliance with the law if it only arranges for organic waste recycling for a portion of the organic waste it generates.

**11. Can you confirm if a commercial or multifamily development grasscycled their clippings, would they still be required to recycle their other green waste materials? (i.e. leaves, prunings, etc.)**

A covered multifamily complex ([see question 1 under General for thresholds and compliance schedule](#)) shall recycle all of the organic waste that it generates with the exception of food and food soiled paper ([see Question 10 under General for definition of food-soiled paper](#)). A multifamily complex that is required to recycle organic waste will not be in compliance with the law if it only addresses a portion of the covered organic waste it generates.

**12. If my jurisdiction already offers organic recycling to commercial and multifamily customers at no additional charge and we monitor participation rates, are we in compliance?**

If a jurisdiction already has a commercial on-site organic recycling program that targets all commercial customers and addresses the organic materials, and also conducts the education, outreach, identification, and monitoring components of the law, the jurisdiction would not be required to implement a new or expanded program. Jurisdictions could do the outreach/education/monitoring to all businesses and multifamily complexes or those that meet the [Mandatory Commercial Recycling thresholds](#), regardless of the actual organic generation. It may be more cost-effective in

the long-run to do outreach and education to a broader group rather than those that fall in the 2016 and 2017 threshold, and jurisdictions may want to consider the economies of scale of providing services to more than the year 1 and 2 regulated entities. The law allows for a more stringent approach.

However, most jurisdictions will need to ensure that their program identifies covered businesses and provides education, outreach, and monitoring to determine whether organics recycling is taking place. In addition, depending on the program that the jurisdiction has for monitoring participation rates, the jurisdiction may need to add a component of informing those covered entities that are not recycling organics of the state requirement and how they can recycle organics in the jurisdiction. Additionally, some jurisdictions may need to implement new or expanded organics recycling services.

- 13. Some jurisdictions have mandatory commercial recycling for all sites within their borders in response to AB 341. In such cases, annual identification, education, and monitoring of the smaller subset that will be subject to AB 1826 seems unnecessary given that the total business population is mandated to recycle in our jurisdiction. Will CalRecycle accept such jurisdiction-wide mandatory recycling programs as a valid approach to identifying and monitoring requirements?**

This would be a valid approach to provide the entire total number of businesses that are being regulated instead of identifying the subset of businesses that meet the mandated threshold. This is an example of a case in which the jurisdiction has implemented a more stringent requirement.

- 14. Will a generation study be required to demonstrate compliance?**

No. Resources have been developed to help jurisdictions identify affected businesses that generate covered material types. The two primary tools that can assist in estimating the amount of organic waste generated, and thus which businesses are likely subject to the law, include the [Generator ID tool](#) and the [Service-Level tool](#).

- 15. What will be done to ensure program compliance by businesses?**

This will mainly depend on how local jurisdictions have structured their monitoring program and any additional requirements for businesses that they have chosen to implement. At a minimum, jurisdictions will determine if the stores meet that year's threshold, if covered organic waste materials are being diverted, and if available, the tonnage that was diverted.

- 16. What is the business inspection process?**

Inspections are not stipulated in the law. A jurisdiction may want to meet with a business to provide information about the law and determine what organic waste recycling efforts are taking place. During the jurisdiction's annual visit from CalRecycle, jurisdiction representatives may take LAMD representatives to a business location to showcase as an example of how the jurisdiction's programs are being implemented. This type of visit is typically intended to learn more about the business's experience

implementing the law and/or provide additional tools the business could use to further develop its programs. The goal is assistance oriented, not enforcement related. Again, though, individual jurisdictions may implement more stringent measures.

**17. How should jurisdictions collect information from businesses to determine compliance?**

Through the implementation of [Mandatory Commercial Recycling requirements](#), jurisdictions typically used hauler account information to determine if a business was recycling or not. Other tools, such as surveys, were also used to monitor recycling efforts. In developing a jurisdiction's organics recycling program according to the mandatory commercial organics recycling law, additional [tools and resources for local jurisdictions](#) such as the CalRecycle-developed [Generator ID tool](#) may be needed to identify covered businesses. Jurisdictions also have the ability to place additional requirements on businesses.

Jurisdictions will want to discuss approaches with their [Local Assistance and Market Development \(LAMD\) contact](#) in advance and report in the [Electronic Annual Report](#) their efforts at monitoring. It is important to note that the jurisdiction is not held accountable if a business chooses not to recycle, although the jurisdiction still needs to have an organics recycling program that includes outreach, education, identification, and monitoring efforts in place. The monitoring of businesses that are and are not recycling organic material is not intended to be onerous for the jurisdiction. However, LAMD staff will want to know if there are businesses that are not recycling covered material types so that they can assist the jurisdictions. Through the jurisdiction's monitoring efforts, LAMD staff can more readily identify if issues related to participation are a result of education and outreach efforts, difficulty identifying covered businesses, or lack of markets or infrastructure. This information will help CalRecycle staff target assistance efforts. Discuss your ideas with your [LAMD representative](#) to get additional feedback and consider coordinating with any other neighboring jurisdictions for consistency.

**18. The jurisdiction has a number of privately owned and operated transfer stations where self-haulers deliver commercial waste, including organic waste. Is it the responsibility of the facility owner/operator to ensure compliance with the law? Or does the jurisdiction need to establish an ordinance or landfill ban?**

The requirement is on businesses to ensure that they are complying with the law. Jurisdictions shall implement a program that includes adequate organics recycling services as well as education, outreach, identification, and monitoring for targeted businesses. Jurisdictions also have discretion to implement fines and penalties, certification requirements for self-haulers, ordinances, landfill bans, or other means to regulate commercial organic recycling consistent with their legal authority.

**19. How will jurisdictions and CalRecycle be able to evaluate the effectiveness of a program if the jurisdiction is unable to provide certain types of data?**

Through use of the [Generator ID tool](#) and [other tools and resources](#) compiled to assist jurisdictions in identifying covered businesses, jurisdictions should have some information to provide to CalRecycle to demonstrate that they have conducted education, outreach, identification, and monitoring activities. The jurisdiction should also be able to determine or estimate the businesses that are meeting the thresholds outlined in the law. The jurisdiction should also be able to report on how many businesses received outreach and education, and provide information regarding the infrastructure in place to develop its organics recycling program. The jurisdiction would also be able to report on any exemptions made, and any enforcement actions taken, if applicable.

However, if the jurisdiction is not able to gather relevant data, then the jurisdiction should communicate with its [LAMD representative](#) to address the data gaps well in advance of a jurisdiction's formal review. Regarding the jurisdiction's compliance with the law, CalRecycle will take into consideration the reasons that a jurisdiction cannot provide certain types of data.

Just as is required in the AB 939 formal review regarding implementing the Source Reduction and Recycling Element and Household Hazardous Waste Element programs, whether or not a jurisdiction has made a good-faith effort in complying with the commercial organics recycling requirement will be determined on a case-by-case basis.

**20. All waste materials generated by the commercial sector in my jurisdiction are sent to a mixed waste processing facility (aka "dirty MRF"), whereupon materials are separated from general garbage for recycling. Is that system alone sufficient to comply with the law?**

No, because the jurisdiction is still responsible for conducting education, outreach, identification, and monitoring. Education and outreach ensures that businesses know about the state requirement to recycle organics and how they can recycle in the jurisdiction. Through identification of covered businesses, the jurisdiction can target its education and outreach effort if necessary and determine which businesses may need to be contacted if their organics recycling efforts are unknown.

Monitoring efforts could include verification as to how the material is being processed at the material recovery facility. The mixed waste processing system used would need to specifically recycle the organic waste recovered. The recovery rate of the organic waste from the material recovery facilities is a factor that can be used in determining a jurisdiction's good-faith effort in complying with the law.

Jurisdictions that use mixed waste processing for the commercial sector would need to educate businesses about the state requirement to recycle organics and how they can recycle covered materials in the jurisdiction, e.g. using source-separated collection, mixed waste processing, or a combination of both. Additional options that may be available to businesses based on the jurisdiction include use of third-party recyclers,

self-haul, back-haul, and/or donation of organics. In addition, the jurisdiction would provide information to covered businesses that in arranging for gardening or landscaping services, the contract or work agreement between the business and the service provider shall require that the organic waste generated by those services be recycled.

**21. Do we need to send commercial organic and/or multifamily waste to a mixed waste processing facility prior to landfilling to comply with the law?**

CalRecycle understands that each jurisdiction has its own unique set of circumstances and generators and is in a better position to determine what will work best to divert organic material generated by the commercial sector. The law provides flexibility and does not dictate how a jurisdiction shall implement a program, or that the material shall be sent to a mixed waste processing facility prior to being landfilled. However, the organics material shall be processed in some manner prior to any non-recyclable residuals being landfilled.

**22. Will CalRecycle consider availability of composting facilities and markets in its review?**

The availability, or lack thereof, of sufficient organic waste processing infrastructure, organic waste recycling facilities, and other non-disposal opportunities and markets are some of the factors explicitly outlined in the law for CalRecycle to consider as part of its review of a jurisdiction's good faith effort (see [Updated these notification requirements. Countywide Integrated Waste Management Plan \(CIWMP\) Enforcement](#)) to implement its organic waste recycling program.

**23. What if the jurisdiction identifies businesses not complying with AB 827, as they are not placing needed recycling and/or organics recycling bins/containers that are accessible to customers? Will the jurisdiction be subject to compliance review?**

If the business meets the definition in MCR and/or MORE, the jurisdiction needs to implement its education and outreach efforts to inform the business of the new additional requirements to provide visible, easily accessible, and clearly marked recycling and organic waste recycling containers. Additionally, the jurisdiction is to inform the business of its noncompliance consistent with the MCR and MORE laws. During Jurisdiction Reviews, jurisdictions will be required to demonstrate compliance with these notification requirements.

**24. If a covered business is recycling but not providing recycling/organics containers to customers under AB 827, are they considered not compliant per the AB 341 and/or AB 1826 laws?**

Even if the business is recycling itself, e.g., the business has containers for employees to recycle, if the business is selling recyclables and/or organics and customers are purchasing and consuming those materials on site, then the business is required to provide the containers for customer use. The business would not be in compliance with Public Resources Code (PRC) Sections 42649.2 and/or 42649.81, respectively, if the appropriate containers are not provided for customer use. Since AB 827 was added to

these two PRC Sections, it is more useful to reference the PRC sections rather than the previous bill numbers. The jurisdiction should report on the implementation of AB 827 and/or barriers encountered in implementing the law through the existing reporting sections in the Electronic Annual Report (EAR).

**25. If a business is Exempt under AB 1826 does it have to provide an organics container for their customers under AB 827?**

If a business is exempt from AB 1826, then it is not required to comply with providing an organics container for customers. A business that has an exemption, such as being in a rural exempted area, etc., is not required to recycle its organic waste, so it would not be expected for the business to collect organics from customers.

## F. Enforcement

**1. Is there going to be an enforcement mechanism to ensure compliance by the businesses?**

The law provides that jurisdictions may implement enforcement provisions and other oversight methods that may assist in developing the jurisdiction's organic waste recycling program. A jurisdiction's organic waste recycling program may include any one or more of the following:

1. Enforcement provisions that are consistent with the jurisdiction's authority, including a structure for fines and penalties
2. Certification requirements for self-haulers
3. Exemptions on a case-by-case basis

Jurisdictions can choose to implement a local mandatory organic recycling commercial recycling program to enforce business compliance. Approaches might include:

4. Implementing a mandatory commercial organic waste recycling policy or ordinance that addresses organic waste recycling,
5. Requiring a mandatory commercial organic waste recycling program through a franchise contract or agreement, or
6. Requiring that organic waste go through a source-separated or mixed waste processing system that diverts material from disposal etc.



**2. Is there a requirement for local jurisdictions to enforce the law?**

No, the law does not require jurisdiction enforcement upon businesses. However, the law does allow for enforcement provisions and other oversight methods. If a jurisdiction has high levels of non-compliance, then CalRecycle may direct the jurisdiction to address the situation through a variety of approaches including implementing an ordinance, providing collection service to regulated businesses automatically, etc. ([see previous question](#)).

Approaches might include:

1. Implementing a mandatory commercial organic waste recycling policy or ordinance that addresses organic waste recycling
2. Requiring a mandatory commercial organic waste recycling program through a franchise contract or agreement
3. Requiring organic waste go through a source-separated or mixed waste processing system that diverts material from disposal

In terms of overall policy and program design, mandatory organic commercial recycling programs can vary substantially. For example, the types and sizes of businesses and industry can vary, as can the amount and types of material generated per week, etc. Those regulated may include the hauler, business generators, or both. The methods for monitoring and determining compliance and enforcing the ordinance can differ greatly depending upon a jurisdiction's resources, hauler arrangement, etc.

**3. Is there an enforcement component for any entity in the law?**

Yes, CalRecycle will evaluate the jurisdiction's implementation of its organic waste recycling program during the AB 939 review of the jurisdiction's Source Reduction and Recycling Element and Household Hazardous Waste Element. If the jurisdiction is found to not have made a good faith effort (see [Updated Countywide Integrated Waste Management Plan \(CIWMP\) Enforcement Policy, Part II](#)) in implementing its organics waste recycling program, CalRecycle can place the jurisdiction on a compliance order. In January 2017, [a memo from CalRecycle Director, Scott Smithline](#), was sent to [all Jurisdiction and Annual Report Contacts](#) outlining at any time [Jurisdiction Reviews of Mandatory Commercial Recycling and Commercial Organics Recycling Programs](#).

**4. What measurement methods are acceptable for identifying how much organic material a business generates for 2016 and 2017? How can these acceptable methods be enforced without regulations? For example, we have several businesses that**



**generate 12 or more cubic yards of waste per week. How would we determine if 8 or more cubic yards of the waste generated weekly is organic waste?**

Jurisdictions are required to provide CalRecycle with information on the number of regulated businesses that generate and are recycling organic waste. However, the law does not specify how covered businesses will be identified. To that end, there are various sources that could be used to identify businesses meeting each of the stated thresholds.

The first two thresholds require determining how much organic waste a business generates. This data may not be readily known by the business, jurisdiction, or hauler. Using the California 2014 Statewide Waste Characterization Study data, CalRecycle staff developed the Generator ID tool, which can assist in identifying businesses subject to the law in 2016 and 2017. It may be possible to overlay waste characterization data with other online resources, as well as hauler-provided information, to help jurisdictions determine businesses meeting each threshold.

Other approaches used to identify covered businesses under MCR included the use of surveys and on-site waste assessments. This approach could be used to identify whether businesses generate 4 or 8 cubic yards of organic waste per week or 4 cubic yards of solid waste per week.

The Service-Level tool has been developed to assist with identifying businesses subject to the first two thresholds for which organic waste may be a portion of total waste generated by a business. Hauler account information can be used to identify businesses that meet the 2019 threshold of 4 cubic yards/week of solid waste and those that meet the 2 cubic yards/week of solid waste after September 15, 2020. At [CalRecycle's Sept. 15, 2020, public meeting](#), Ken DaRosa, Acting Director, signed the Request for Approval immediately initiating the two cubic yard threshold into effect. Therefore, businesses that generate 2 cubic yards or more of commercial solid waste (total trash, recyclables, and organics) per week shall arrange for organic waste recycling services.

**5. The law states certain exemptions can be provided for lack of space for the placement of bins, carts etc. Will there be certain criteria for determining this, or will it be left up to the judgment of the jurisdiction?**

Under the law, jurisdictions can consider exemptions for individual businesses and or multifamily complexes. The jurisdiction should work with its attorney or counsel to determine potential exemptions.

If it is determined that an exemption can be made, the jurisdiction would include information on the rationale in its annual report to CalRecycle as part of the organics recycling program update. Reasons for an exemption might include: lack of sufficient

space in multifamily complexes or businesses to provide additional organic recycling bins; current actions by a business that result in the recycling of a significant portion of its organic waste; the business or a group of businesses sharing service do not generate at least one-half of a cubic yard of organic waste per week; or limited-term exemptions for extraordinary or unforeseen events.

If you need additional assistance determining the type of information that would need to be included with the annual report to support an exemption, please contact your [LAMD representative](#).

- 6. If a business or school generates more than the minimum waste threshold and refuses to subscribe to an organic recycling service, do we need to take some enforcement action against the business (e.g., fine, notice of violation, etc.) to maintain the jurisdiction's compliance with the law?**

The law does not require enforcement. Jurisdictions are required to inform the business of the state requirement to recycle organics and how to recycle covered organic materials in the jurisdiction. However, a jurisdiction may choose to implement an enforcement program. Enforcement options that would be consistent with a jurisdiction's authority include, but are not limited to, a penalty or fine structure.

- 7. Regarding enforcement, we are identifying a lot of multifamily dwellings and businesses that we think generate 8 CY + of organics, but they will not share their waste generation information with us. Do you have examples of other enforcement actions jurisdictions take to require businesses to provide this information? If they refuse to provide that information, then I don't know how to get that information.**

LAMD staff will continue to look for examples of enforcement actions specific to requiring businesses to provide information, and will post as a resource on the [Mandatory Commercial Organics Recycling](#) webpage.

- 8. Have you met with or spoken with trade associations, e.g., CA Restaurant Association, etc. yet? Our City is piloting a food waste program; however, the large restaurant chains would not allow us to pilot a food waste program. How can you help us deal with these businesses that will not let us require them to set up a food waste program?**

In this situation, please contact your [LAMD representative](#) with information, including corporate contact information. CalRecycle will contact corporate to inform them of the law. CalRecycle has drafted [a letter that you can provide to regulated entities](#) that may be helpful.

- 9. If haulers are not subject to the statute, how can jurisdictions and businesses be held accountable if the haulers are not required to provide services and/or report out to the jurisdictions?**

The legislation was developed to place the requirement on businesses to use any combination of recycling options, including subscribing to a recycling service, recycling

its own organic waste on-site, self-hauling recyclables, and/or using a mixed waste processing facility. Additionally, jurisdictions may establish their own requirements on haulers. Finally, as each jurisdiction's situation is unique, the assigned [LAMD representative](#) will work with jurisdictions to assess their particular situation.

**10. If my jurisdiction offers organic recycling through a franchised hauler and a strip mall property owner subscribes to the service, but the tenants do not participate in it, does the tenant, property owner, or jurisdiction receive the enforcement action?**

In order to answer this question, it is important to distinguish between different types of enforcement. Under AB 1826, it is up to jurisdictions to have a commercial recycling program. CalRecycle will evaluate each jurisdiction's program using the factors outlined in Section 42649.82(h). CalRecycle will not be enforcing directly on businesses, so how the situation described above will be handled will depend upon the program that the jurisdiction has in place. For example, if the jurisdiction requires property owner participation, then it would be taking enforcement action against the property owner and be leaving it up to the property owner to deal with the tenant—most likely through a tenant rate increase agreement provision.

The jurisdiction's [LAMD representative](#) can assist the jurisdiction in developing effective education and outreach tools to maximize compliance by covered entities. Additional tools and resources can be found on the [Mandatory Commercial Organics Recycling web page](#).

**11. What are consequences for noncompliance for a business?**

Enforcement measures specific to businesses found to not be complying with AB 1826 are not specified in the law. However, a jurisdiction is authorized through the law to implement enforcement provisions. Please see [Question 1 \(and response\) under F. Enforcement](#) for a description of the enforcement and oversight measures that can be implemented by the jurisdiction.

**12. Will local jurisdictions be required to fine customers for not participating in the commercial organic recycling program?**

No. Enforcement, including fines, is not a requirement. However, jurisdictions may choose, at their discretion and consistent with their legal authority, to use fines or other enforcement mechanisms.

**13. Can the Jurisdiction take enforcement action on a business for not implementing AB 827?**

AB 827 does not specify or require the jurisdiction to conduct enforcement for container requirements against businesses. However, existing provisions of AB 341 and AB 1826 allow the jurisdiction discretion to implement enforcement provisions and other oversight methods that are consistent with its legal authority as part of its commercial recycling and/or organic waste recycling programs.



# SB 1383





**CA SB 1383 is vast and complex. We've attempted to share relevant information direct from the source, CalRecycle. SB 1383's over-riding goal, affect climate change by drastically reducing organic material going to landfill, plays out over 6 primary areas.**

- **Provide organics collections services to all residents and businesses**
- **Establish edible food recovery programs**
- **Conduct community education and outreach**
- **Procure recyclable and recovered organic products**
- **Secure infrastructure access to organic recycling capability**
- **Monitor and enforce compliance**

**Within each bullet point lies a labyrinth of regulations, roles and responsibilities for local governments and service providers. Hard choices and dedicating resources are inevitable facts of life with CA SB 1383.**





# SB 1383

## Reducing Short-Lived Climate Pollutants in California

### An Overview of SB 1383's Organic Waste Reduction Requirements



*Note to presenter: This slide presentation was developed for local jurisdiction staff by CalRecycle staff to educate city council members city board members, city and county staff, decision-makers, and other impacted colleagues. The slides include suggested talking points. We have also provided a handful of slides with artwork, images, and icons that you can use to build new content if needed. Please view this presentation in slideshow mode before presenting to familiarize yourself with the animations. If you have any questions, you can contact Christina Files in the CalRecycle Office of Public Affairs: [christina.files@calrecycle.ca.gov](mailto:christina.files@calrecycle.ca.gov).*

### Presentation Introduction

- SB 1383 (Lara, Chapter 395, Statutes of 2016) is the most significant waste reduction mandate to be adopted in California in the last 30 years.
- SB 1383 requires the state to reduce organic waste [food waste, green waste, paper products, etc.] disposal by 75% by 2025. In other words, the state must reduce organic waste disposal by more than 20 million tons annually by 2025.
- The law also requires the state to increase edible food recovery by 20 percent by 2025.
- This has significant policy and legal implications for the state and local governments.
  1. SB 1383 establishes a statewide target and not a jurisdiction organic waste recycling target.
  2. Given that it is a statewide target and there are not jurisdiction targets, the regulation requires a more prescriptive approach (this is different than AB 939).
    - A. CalRecycle must adopt regulations that impose requirements necessary to achieve the statewide targets.
    - B. This makes the regulation more similar to other environmental quality regulations where regulated entities, i.e., jurisdictions, are required to implement specific actions, rather than achieve unique targets.
      - a. For example AB 32 established GHG reduction targets for the state, and the implementing Cap-and-Trade regulations require businesses to take specific actions.
        - i. The individual businesses are not required to achieve a specific target.
        - ii. They are required to take actions prescribed by the date.



## **Overview of Presentation**

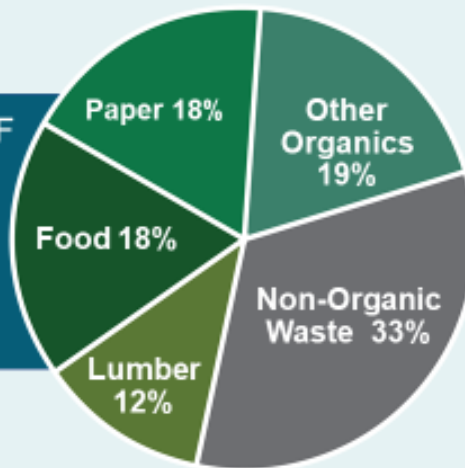
- Background and Context of SB 1383: Why California passed this law
- SB 1383 Requirements: A big picture look at the law's requirements and objectives
- Jurisdiction Responsibilities: What SB 1383 requires of local governments
  - Provide organic waste collection to all residents and businesses
  - Establish an edible food recovery program that recovers edible food from the waste stream
  - Conduct outreach and education to all affected parties, including generators, haulers, facilities, edible food recovery organizations, and city/county departments
  - Capacity Planning: Evaluating your jurisdiction's readiness to implement SB 1383
  - Procure recycled organic waste products like compost, mulch, and renewable natural gas (RNG)
  - Inspect and enforce compliance with SB 1383
  - Maintain accurate and timely records of SB 1383 compliance
- CalRecycle Oversight Responsibilities
- SB 1383 Key Implementation Dates
- SB 1383 Key Jurisdiction Dates

## **Additional Resources**

- CalRecycle's Short-Lived Climate Pollutants (SLCP): Organic Waste Methane Emissions Reductions webpage has more information: <https://www.calrecycle.ca.gov/Climate/SLCP/>
- CalRecycle's SB 1383 Rulemaking webpage as more information about the status of 1383 regulations: <https://www.calrecycle.ca.gov/laws/rulemaking/slcp>

# Organic Waste Is the Largest Waste Stream in California

CALIFORNIA DISPOSED OF APPROXIMATELY **27 MILLION TONS** OF ORGANIC WASTE IN 2017



California's Waste Stream

IN CALIFORNIA, MILLIONS ARE  
**FOOD INSECURE**

1 IN 8 CALIFORNIANS  
1 IN 5 CHILDREN



CALIFORNIA THROWS AWAY  
**MORE THAN 6 MILLION TONS**  
OF FOOD WASTE EVERY YEAR!

CalRecycle

- When we are talking about organic waste for the purposes of SB 1383 we are talking about green waste, wood waste, food waste, but also fibers, such as paper and cardboard.
- Organic waste comprises two-thirds of our waste stream.
- Food waste alone is the largest waste stream in California.
  - According to CalRecycle's last waste characterization study in 2014, food waste comprised 18 percent of what we disposed.
- SB 1383 also requires California to recover 20 percent of currently disposed edible food.
  - We currently don't know how much of the food waste stream is edible.
  - CalRecycle is conducting a new waste characterization study in 2018/19 that is taking a closer look at our food waste stream.
  - The results of this study will help determine how much edible food waste is landfilled on average throughout the state.
- Here's what we do know:
  - 1 in 5 children go hungry every night in California – redirecting perfectly edible food that is currently being disposed to feed those in need can help alleviate this.
  - For every 2 ½ tons of food rescued, that's the equivalent of taking 1 car off the road for a year. (<https://www.epa.gov/energy/greenhouse-gas-equivalencies-calculator>)

# CLIMATE CHANGE NEGATIVELY IMPACTS CALIFORNIA

Landfilled Organic Waste Emits

## Methane Gas— A Super Pollutant

More Powerful than CO<sub>2</sub>

Methane Gas Contributes to  
Climate Change in California



CALIFORNIA  
is already experiencing  
the impacts of  
CLIMATE CHANGE

IN 2015 THE DROUGHT COST THE  
AGRICULTURE INDUSTRY IN THE  
CENTRAL VALLEY AN ESTIMATED  
\$2.7 BILLION & 20,000 JOBS

CalRecycle

- Landfilling organic waste leads to the anaerobic breakdown of that material, which creates methane.
- Landfills are responsible for 21% of the state's methane emissions. **Landfills are the third largest producer of methane.**
- Methane is 72 times more potent than Carbon Dioxide (CO<sub>2</sub>) over a 20-year horizon.
- Climate change may seem like a distant problem, but there are other more localized environmental impacts associated with landfill disposal of organic waste that **have immediate negative impacts on our community now.**
  - Landfilling organic waste is a significant source of local air quality pollutants (NOX and PM<sub>2.5</sub>).
  - These pollutants have an immediate negative impact on the air our community and it can cause respiratory issues and hospitalizations.
  - Diverting organic waste to recycling can significantly reduce these local air quality emissions and the associated negative impacts.


We are starting to see the effects of climate change in cities and counties throughout California.

- Longer droughts and warmer temperatures are drying our forest and contributing to the ever increasing number of wildfires in CA (which also impact air quality).
- Cyclical droughts
- Bigger storms
- Coastal erosion due to rising sea levels
- We should not underestimate the cost of these climate change impacts.
  - The state and communities are spending billions fighting wildfires, removing debris and rebuilding homes.
  - That means we are paying for the effects of climate change today.
  - The financial and public health impacts are here and **we need to take action to mitigate climate change now**
- That is why the state enacted SB 1383, which is designed to reduce the global warming gasses like methane, which are the most potent and are “short-lived”

- Reducing this gas now, through actions like organic waste recycling will significantly reduce emissions, and will reduce the impacts of climate change in our life time.

# SB 1383 Requirements

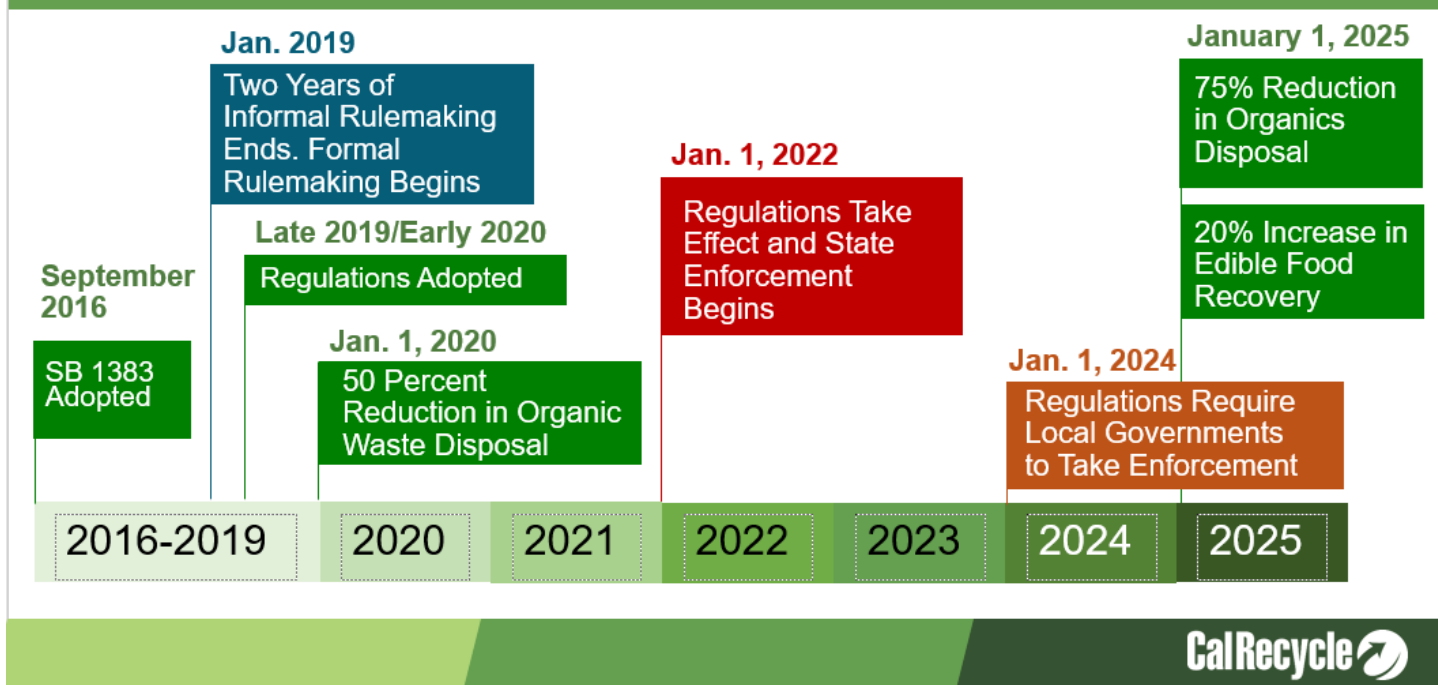
2020	50 PERCENT REDUCTION IN LANDFILLED ORGANIC WASTE (11.5 Million Tons Allowed Organic Waste Disposal)
2022	REGULATIONS TAKE EFFECT
2025	75 PERCENT REDUCTION IN LANDFILLED ORGANIC WASTE (5.7 Million Tons Allowed Organic Waste Disposal)
2025	20 PERCENT INCREASE IN RECOVERY OF CURRENTLY DISPOSED EDIBLE FOOD



## Overview of SB 1383:

- SB 1383 establishes aggressive organic waste reduction targets.
- SB 1383 also builds upon Mandatory Commercial Organics Recycling law. Our jurisdiction has been implementing this law since 2016.
- SB 1383 requires Californians to reduce organic waste disposal by 50% by 2020 and 75% by 2025.
  - These targets use the 2014 Waste Characterization Study measurements when 23 million tons of organic waste were disposed.
  - These disposal reductions will reduce at least 4 million metric tons of greenhouse gas emissions annually by 2030.
- Additionally as a part of the disposal reduction targets the Legislature directed CalRecycle to increase edible food recovery by 20 percent by 2025.
  - The food recovery goal is unique.

# SB 1383 Key Implementation Dates



Highlighted here on the slide are the key dates for SB 1383 implementation and milestones.

1. This law, the targets, and the requirements for CalRecycle to adopt regulations were adopted in September 2016
2. CalRecycle conducted two years of informal hearings with local governments and stakeholders to develop regulatory concepts.

## Formal Rulemaking

1. CalRecycle started the formal regulation rulemaking January 18, 2019, this is expected to conclude by the end of 2019.

## Regulations Take Effect

1. The regulations will become enforceable in 2022.
  - a. **Jurisdictions must have their programs in place on January 1, 2022.**

## Jurisdictions Must Initiate Enforcement

1. **In 2024 Jurisdictions will be required to take enforcement against noncompliant entities.**
2. Finally, in 2025 the state must achieve the 75 percent reduction and 20 food recovery targets.
3. To meet the deadline of January 1, 2022, **CalRecycle expects that jurisdictions will be planning and making programmatic and budgetary decisions regarding the requirements in advance of the deadline.**
4. CalRecycle can begin enforcement actions on jurisdictions and other entities starting on Jan. 1, 2022.
5. **The enforcement process on jurisdictions is different than under AB 939:**
  - a. Like many solid waste and recycling regulations, a regulated entity (such as a city or county) can be issued a violation and be subject to enforcement for failure to comply with any individual aspect of the regulation. This is different from the unique AB 939 enforcement structure where a jurisdiction's overall efforts to achieve specific target are reviewed in arrears
  - b. Like most regulatory enforcement programs, the enforcing agency (CalRecycle) will have discretion to determine the level of penalty necessary to remedy any given violation. E.g. A reporting violation may be considered less severe than a failure to provide collection services to all generators.

- c. CalRecycle will consider certain mitigating factors which are specifically enumerated in the regulation. This is not the same as good faith effort but includes similar considerations. The specific nuances regarding requirements for state and local enforcement will be discussed in the later slides.
- **These timelines mean that we need to start planning now.**

# SB 1383 Key Jurisdiction Dates

## 2022



Provide Organics Collection Service to All Residents and Businesses



Establish Edible Food Recovery Program



Conduct Education and Outreach



Procurement



Capacity Planning

## 2024



Starting January 1, 2024 Jurisdictions must take action against non-compliant entities

CalRecycle 

1. To meet the deadline of January 1, 2022, **CalRecycle expects that jurisdictions will be planning and making programmatic and budgetary decisions regarding the requirements in advance of the deadline.**
  - a. CalRecycle can begin enforcement actions on jurisdictions and other entities starting on Jan. 1, 2022.
2. This slide outlines the major programmatic activities for jurisdictions and the following slides will cover more details.
3. In 2024 Jurisdictions will be required to take enforcement against noncompliant entities.
  - a. There are additional details in the draft regulations regarding the enforcement requirements
4. CalRecycle has some funding through competitive grant programs, as well as a loan program, for establishing the infrastructure for recycling organic waste and recovering edible food. However, for the programmatic activities, such as enforcement, inspections, education, collection we will need to plan for budgetary changes to address these.
  - a. In early 2020 CalRecycle will have a number of tools that we can begin utilizing, such as a model enforcement ordinance, franchise agreement models, and education materials. Using the 2018 and 2020 Statewide Waste Characterization Studies, jurisdictions will have data needed to conduct some of the capacity planning requirements.
  - b. Although the regulations are not finalized the major components are not expected to change.
  - c. We need to **start planning now** to have the programmatic and budgetary changes in place by January 1, 2022.



# JURISDICTION RESPONSIBILITIES

**Provide Organics  
Collection Services to All  
Residents and Businesses**



**Conduct Education  
and Outreach to  
Community**



**Secure Access to  
Recycling and Edible  
Food Recovery Capacity**



**Establish Edible  
Food Recovery  
Program**



**Procure Recyclable  
and Recovered  
Organic Products**



**Monitor Compliance  
and Conduct  
Enforcement**

**CalRecycle** 

Jurisdictions will be required to adequately resource these programs:

- 1. Provide organic waste collection services to all residents and businesses.**
  - A. This means for all organic waste, including green waste, wood waste, food waste, manure, fibers, etc.
  - B. Containers have prescribed colors (any shade of grey or black for trash, green for organic waste and blue containers for traditional recyclables)
  - C. There are container labeling and contamination monitoring requirements
  - D. We need to assess our current collection programs and determine what may need to be, expanded, or changed
- 2. Establish edible food recovery program for all Tier 1 and 2 commercial edible food generators**
  - A. This means ensuring that there are edible food recovery organizations that have enough capacity
  - B. This may entail providing funding to ensure there is adequate capacity and collection services
- 3. Conduct education and outreach to all generators**
  - A. This will require education to be provided to all generators, and when applicable education may need to be provided in Spanish and other languages.
- 4. Our jurisdiction will be required to procure certain levels of compost, renewable gas used for transportation fuels, electricity, heating applications, or pipeline injection, or electricity from biomass conversion produced from organic waste.**
- 5. Plan and secure access for recycling and edible food recovery capacity.**
- 6. We will be required to monitor compliance and conduct enforcement**
  - A. **Monitoring and education must begin in 2022**
  - B. **Enforcement actions must start Jan 1, 2024**
- 7. We will need to adopt an ordinance, or similarly enforceable mechanism that is consistent with these regulatory requirements prior to 2022.**
- 8. Planning in 2019 will be critical to meet the deadline.**

## SB 1383 IN ACTION

### LOCAL GOVERNMENT ROLES AND RESPONSIBILITIES

SB 1383 doesn't just apply to waste management and recycling departments.

Every local department plays a role in SB 1383 implementation.



CalRecycle 

1. Jurisdictions should start planning now to get ready for SB 1383 implementation.
2. This **law extends beyond directing waste management and recycling operations and staff.**
  - a. **Each department will need to understand how SB 1383 impacts their work.**
  - b. **Recordkeeping and reporting requirements extend to all of these departments,** and jurisdiction leaders will play a vital role in ensuring compliance with SB 1383.
- **City Councils and Boards of Supervisors** will need to pass local enforcement ordinances to require all residents and businesses to subscribe to these services.
- **City Managers and Chief Administrative Officers** will be involved in capacity planning, directing procurement of recycled organic products like compost and renewable natural gas, and establishing edible food recovery programs.
- **Finance and Legal staff** will be involved in local enforcement ordinances, new collection fees, and ensuring programs are adequately resourced.
- **Purchasing staff** will be central to procuring recycled organic products, including paper.
  - Procure does not necessarily mean purchase, but this department is likely aware of current compost, mulch, RNG, and paper product purchases for the jurisdiction.
- **Public Works staff** are involved with hauler agreements, local waste management processing facilities, and organic waste recycling facilities (like compost and anaerobic digestion facilities). They may also be involved in civil engineering activities where compost may be utilized (as in erosion control along city streets and embankments).
- **Public Parks staff** may be involved with assessing the need for local compost application to parks and city landscaped areas.
- **Environmental Health staff** may be tasked with enforcement duties, including inspecting commercial food generators for compliance with edible food recovery requirements.
- **Public Transportation and Fleet departments** could be involved in procuring renewable natural gas for city and county owned vehicles.

## SB 1383 IN ACTION

### JURISDICTION REQUIREMENTS



Provide organics collection service to all residents and businesses

## Organic Waste Collection Services



### Three-Container “source separated” Collection Service

- Organics prohibited from black container
- All organic waste segregated for collection and recycling



### Two-Container Collection Service

- One container for collection of segregated organic waste
- One container for collection of mixed waste (subject to 75% organic content recovery standard)



### One-Container Collection Service

- One container for collection of mixed waste (subject to 75% organic content recovery standard)

- Minimum contamination monitoring and reduction requirements
- Collection waivers authorized for certain documented circumstances

CalRecycle 

*(Note to presenter: You might customize this slide to reflect the collection system for residential and commercial recycling programs. Remember this law/regulation is about all organic waste so that means the fibers, foodwaste, greenwaste, manure, etc.)*

- The most basic element of the regulation is that jurisdictions are **required to provide an organic waste collection service to each of their residents and businesses.**
- The regulations also **require all residents and businesses to use an organic waste recycling service that meets the regulatory requirements.**
- Jurisdictions must have enforceable requirements on its haulers that collect organic waste in the jurisdiction, and also for commercial and residential generators and self-haulers.
- There is a lot of detail regarding the types of allowable collection programs (several pages of regulatory text dedicated just to this). These are the high level requirements.
  - **Each resident and business**, must subscribe to an organic waste collection service that either “source-separates” the waste (e.g. separate bins), or transports all unsegregated waste to a facility that recovers 75 percent of the organic content collected from the system.
  - The regulations allow for a menu of collection options.
    - A one-can system – you’ll be responsible for ensuring that all contents are transported to a facility that recovers 75% of organic content
    - A two-can system – at least one of the containers (whichever includes organic waste and garbage) must be transported to a facility that recovers 75% of organic content
    - A three-can system – organic waste is required to be source separated (paper in blue, food and yard in green). No recovery rate
    - The three-can option also allows additional separation at the hauler/generators discretion... For example some jurisdictions provided separate containers for yard (green) and food (brown) waste so they can be managed separately

- The same rules will apply to entities not subject to local control, and CalRecycle will oversee State Agencies, UCs, CSUs, Community Colleges, K-12 schools and other entities not subject to local oversight.





*(Note to presenter: You may want to customize the speaking points depending on how much your community is already doing to implement edible food recovery programs)*

SB 1383 requires that we strengthen our existing infrastructure for edible food recovery and food distribution.

**Jurisdictions** – are responsible to implement Edible Food Recovery Programs in their communities. Even in communities where existing infrastructure already exists, there are new recordkeeping and inspection tasks that will need to be implemented.

- **Assess Capacity of Existing Food Recovery**
- **Establish Food Recovery Program (And Expand Existing Infrastructure if necessary)**
- **Inspect Commercial Generators for Compliance**
- **Education and Outreach**

Jurisdictions should get a **head start on 1383 implementation by assessing the infrastructure that currently exists within your community**. Jurisdictions need to assess the following:

- How many commercial generators do you have? How much edible food could they donate?
- How many food recovery organizations exist, and what is their capacity to receive this available food?
- What gaps do we have in our current infrastructure and what do we need to do to close them?
- How can we fund the expansion of edible food recovery organizations? (Grants, partnerships, sponsorships, etc.)
- What partnerships currently exist and what new partnerships need to be established?
  - CalRecycle will be developing some tools to assist jurisdictions with this assessment.

## SB 1383 IN ACTION

### EDUCATION REQUIREMENTS



Conduct Education and  
Outreach to Community

## JURISDICTION REQUIREMENTS

Annually educate all organic waste generators, commercial edible food generators, and self-haulers about relevant requirements

Jurisdictions must provide print or electronic communication.



Jurisdictions May Supplement with Direct Communication.



Appropriate educational material must be provided to linguistically isolated households

CalRecycle 

Jurisdictions must conduct education and outreach to:

1. **All businesses and residents** regarding collection service requirements, contamination standards, self-haul requirements, and overall compliance with 1383
2. **Commercial edible food generators** regarding edible food donation requirements, and available edible food recovery organizations

Educational material must be linguistically accessible to our non-English speaking residents.

## SB 1383 IN ACTION

### PROCUREMENT REQUIREMENTS



Procure Recycled and Recovered Organic Products

## JURISDICTION REQUIREMENTS

### COMPOST, RNG & ELECTRICITY

- Minimum Procurement

### PAPER PROCUREMENT REQUIREMENTS

- Recycled Content
- Recyclability



CalRecycle

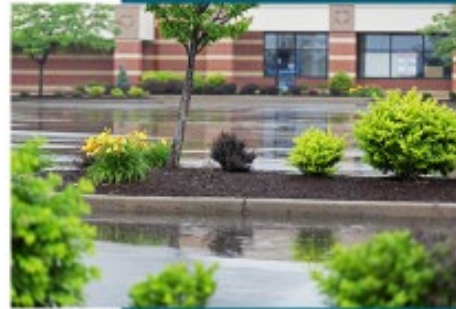
- Each jurisdiction will have a minimum procurement target that is linked to its population. CalRecycle will notify jurisdictions of their target Prior to January 1, 2022
  - The jurisdiction can decide what mix of compost, mulch, biomass derived electricity, or renewable gas they want to use to meet their target.
  - CalRecycle will provide a calculator with the conversion factors for compost/renewable gas/electricity from biomass conversion made from organic waste for a jurisdiction to use to calculate progress towards meeting their target.
- **Procurement doesn't necessarily mean purchase.**
  - A jurisdiction that produces its own compost, mulch, renewable gas, or electricity from biomass conversion can use that toward the procurement target. Same goes for the jurisdiction's direct service providers (for example, its haulers).
    - A jurisdiction can use compost or mulch for erosion control, soil amendment, soil cover, parks/open spaces, giveaways.
    - A jurisdiction can use renewable gas to fuel their fleets, or a jurisdiction's waste hauler could use renewable gas to fuel their trucks. Renewable gas can be used for transportation fuels, electricity, or heating applications.
- SB 1383 also **requires that jurisdictions procure recycled-content paper when it is available at the same price or less than virgin material.**
- Finally procured paper products must meet FTC recyclability guidelines (essentially products we purchase must be recyclable).

# Construction & Landscaping Requirements



Recycling organic waste commingled with C&D debris, to meet CalGreen 65% requirement for C&D recycling in both residential and non-residential projects

Model Water Efficient Landscape Ordinance (MWELo) requirements for compost and mulch application.



CalRecycle 

*(Note to presenter: If your Jurisdiction already enforces CalGreen and MWELo, then you would address that this would not be a new requirement, or this slide could be eliminated.)*

**Jurisdictions will have to adopt an ordinance or other enforceable requirement that requires compliance with CalGreen and Water Efficient Landscape Ordinance requirements (California Code of Regulations Title 24, Part 11):**

- Providing readily accessible areas for recycling containers in commercial and multi-family units
- Recycling organic waste commingled with C&D debris, to meet CalGreen 65% requirement for C&D recycling in both residential and non-residential projects
- Require new construction and landscaping projects to meet Water Efficient Landscape requirements for compost and mulch application.



# ORGANIC WASTE RECYCLING INFRASTRUCTURE



SB 1383 Requires 50-100  
New or Expanded  
Organic Waste Recycling Facilities



*(Note to presenter: You might customize this slide if you have already secured adequate capacity for your organic recyclables.)*

In California today we have about 180 compost facilities with 34 of them accepting food waste.

- We have 14 AD facilities accepting solid waste.
- There is also a significant number of Waste Water Treatment Plants that could be leveraged to use for co-digestion of food waste.
- It will take a significant number of new facilities to recycle an additional 20-25 million tons of organic waste annually. CalRecycle estimates we will need 50-100 new or expanded facilities (depending on the size of each new facility this number could fluctuate).

## SB 1383 IN ACTION

### CAPACITY PLANNING



Evaluating Current  
Infrastructure and Planning  
New Compost and AD Facilities  
and Edible Food Recovery



CalRecycle 

#### Key Points:

1. **Each jurisdiction must plan for adequate capacity for recycling organic waste and for edible food recovery**
  - A. For edible food recovery capacity each jurisdiction must plan to recover 20 percent of the edible food for human consumption, must identify Tier 1 and 2 commercial edible food generators, and funding for edible food recovery infrastructure
2. Each county will lead this effort by coordinating with the cities in the county to estimate existing, new and/or expanded capacity.
3. Counties and cities must demonstrate that they have access to recycling capacity through existing contracts, franchise agreements, or other documented arrangements.
4. There are requirements for each jurisdiction to consult with specified entities to determine organic waste recycling capacity, such as the Local Enforcement Agency, Local Task Force, owners/operators of facilities, community composting operations, and from citizens, such as disadvantaged communities, i.e., to discuss the benefits and impacts associated with expansions/new facilities.
5. For edible food recovery the county and city must contact edible food recovery organizations that serve the jurisdiction to determine how much existing, new and/or planned capacity if available.
6. If capacity cannot be guaranteed, then each jurisdiction within the county that lacks capacity must submit an implementation schedule to CalRecycle that includes specified timelines and milestones, including funding for the necessary recycling or edible food recovery facilities.
7. The County must collect data from the cities on a specified schedule and report to CalRecycle. Cities are required to provide the required data to the County within 120 days.
  - A. **Start year for planning and reporting is 2022 – that report must cover 2022-2025.**
  - B. Subsequent reports will be due every 5 years, and will plan for a 10-year horizon



- **By January 1, 2022**, Jurisdictions are required to have:
  - An enforcement mechanism or ordinance in place, yet they are not required to enforce until 2024.
- **Between Jan 2022 and Dec 2023**, jurisdictions need to:
  - Identify businesses in violation and provide educational material to those generators
    - **The focus during the first 2 years is on educating generators.**
    - **The goal is to make sure every generator has an opportunity to comply before mandatory jurisdiction enforcement comes into effect in 2024.**
    - **The regulations allow 2 years for education and compliance.**
- **After January 2024**, jurisdictions shall take progressive enforcement against organic waste generators that are not in compliance.
  - The progressive approach allows for notification to the generator and provides ample time for the generator to comply before penalties are required to be issued by the jurisdiction.
  - CalRecycle sets a maximum timeframe that a jurisdiction has to issue a Notice of Violation and issue penalties to a generator.
  - The jurisdiction has the flexibility to develop its own enforcement process within these parameters.
    - When a Jurisdiction determines a violation occurred the jurisdiction is required to, at a minimum:

- Issue a Notice of Violation within 60 days of determining a violation.
- If the generator still has not complied within 150 days from the issuance of the Notice of Violation, then the jurisdiction is responsible to issue penalties
  - The 150 days, between the Notice and Violation and the penalty phase, allows the jurisdiction to use other methods to achieve compliance prior to being required to issue penalties. Therefore, only the most recalcitrant violators will need to be fined.
  - The regulations allow a generator to be out of compliance for a total 210 days, before penalties must be issued.
- The regulations set a minimum penalty amount of at least \$50 for the first offense within one year and can go up to \$500 a day for multiple offenses occurring within one year.
- **An early robust education program will minimize the amount of future enforcement action needed**

## JURISDICTION ENFORCEMENT REQUIREMENTS



## Must Have Enforcement and Inspection Program that Includes:

- **Annual Compliance Review**
  - Commercial Businesses that Generate  $\geq 2$  Cubic Yards/week
  - Verify Businesses are:
    - Subscribed to Service or Self-hauling
- **2 or 3 Container Collection Service: Route Reviews of Commercial/Residential Areas to Verify Service and Inspect for Contamination**
- **Single Unsegregated Collection Service: Verify Businesses are subscribed to a service that is Transporting Contents to a High Diversion Organic Waste Processing Facility**

Requirements Harmonize with AB 1826 and Don't Establish a Minimum Quantity of Physical Inspections

CalRecycle 

*(Note to Presenter: If needed, customize the next couple of slides to fit the type of collection service that your City has/will have for residential and commercial. You may have residential on 3-container, multifamily on single or 2-container and businesses having all three depending on the business.)*

- If a Jurisdiction is using a 3- or 2-bin organic waste collection service they are required to do:
  - **Annual compliance review of commercial businesses just as we should be doing now with AB 1826 Mandatory Commercial Recycling**
    - Commercial businesses that generate 2 CY or more per week of solid waste (trash, recycling, organics),
      - Note: commercial businesses include multi-family dwellings of five units or more
    - This can be a desk audit to review reports from our haulers to verify that service is provided or that they are complying through self-hauling or backhauling
  - **2- or 3-Collection Service:**
    - **Route reviews:** We are supposed to conduct route reviews of commercial businesses and residential areas. The route reviews check for:
      - Verifying subscription (validating the desk review)
        - This entails seeing that the business has the appropriate external containers.
        - If a business does not use the hauler's service, then verifying the business is self-hauling would be necessary.

As noted earlier this is same type of action that AB 1826 already requires

- Note: This random inspection of routes does not require going inside a business to verify that the business has appropriate containers/labels inside of the business.

- **Monitoring for contamination on**

- Randomly selected containers, and ensuring all collection routes are reviewed annually and that contamination is being monitored in the collection containers and education is provided if there is an issue

OR

- A jurisdiction has the option of conducting waste composition studies every six months to identify if there are prohibited container contaminants. If there is more than 25 percent prohibited container contaminants, then additional education must be provided

- The Route Reviews can be done by our hauler(s)

- **Single Unsegregated Collection Service:** Same as the 2- or 3-bin service except:

- We will need to verify with our hauler(s) that the contents are transported to a high diversion organic waste processing facility and that the facility is meeting the requirements of the organic content recovery rate
  - Note: The department will be identifying in the future what facilities are high diversion organic waste processing facilities as the facilities will be reporting to CalRecycle.
- There are no route reviews required



## JURISDICTION ENFORCEMENT REQUIREMENTS ON COMMERCIAL FOOD GENERATORS



## Must Have Enforcement and Inspection Program that Includes:

- Inspections to verify:
  - Edible food Recovery arrangements
- Tier 1 Commercial Edible Food Generators by 2022
- Tier 2 Commercial Edible Food Generators by 2024

Commercial Edible Food Generator Inspections Can Be Combined with Existing Mandatory Inspections

CalRecycle 

*(Note to Presenter: If your jurisdiction is already implementing an edible food recovery program and conducting inspections, such as through the Health Department you will want to revise the talking points.)*

### Edible Food Recovery Program

- These types of inspections will be new for our jurisdiction.
- We will need to plan resources to conduct these inspections.
  - We might consider partnering with Health Inspectors that are already visiting food generators.
- Inspections on Tier One edible food generators in 2022 and Tier Two in 2024
  - Verify they have arrangements with a food recovery organization
  - Verify that the food generators are not intentionally spoiling food that can be recovered



## SB 1383 IN ACTION JURISDICTION REQUIREMENTS



Maintain Records and Report to CalRecycle

### Recordkeeping Requirements:



Organic Collection Services



Hauler Program



Contamination Minimization



Waivers



Education & Outreach



Edible Food Recovery Program



Recycled Organic Waste Procurement



Recycled Paper Procurement



Commercial Edible Food Generators



Jurisdiction Inspection & Enforcement

CalRecycle 

- Our jurisdiction will have to maintain all information in an Implementation Record.
  - Many sections require a minimum level of recordkeeping such as “ordinances, contracts, and franchise agreements”.
  - This graphic is a snapshot of items to be kept in the Implementation Record.
  - CalRecycle staff may review the implementation record as part of an audit of our program.
- The Implementation Record needs to be stored in one central location
  - It can be kept as a physical or electronic record
  - It needs to be accessible to CalRecycle staff within ten business days
  - It needs to be retained for five years

**CALRECYCLE OVERSIGHT (BEGINS IN 2022)**

**STATE ENFORCEMENT**

- Authorize Waivers
  - Low Population
  - Rural Areas
- Emergency Circumstances
- **Oversee and Monitor**
  - State Agencies and Facilities
  - Local Education Agencies

**Oversee and Monitor for Compliance**

- **Jurisdiction Review**
  - Conduct joint inspections with jurisdictions
  - Review Implementation Record

**If Violations**

- Issue Notices of Violation
- May Authorize Corrective Action Plan
- Allows up to 24 months to address barriers outside of a jurisdiction's control

**CalRecycle**

Enforcement – CalRecycle will authorize low population and rural area waivers. In the case of entities such as public universities, which may be exempt from local solid waste oversight, CalRecycle will be directly responsible for ensuring compliance. This will be monitored through CalRecycle’s existing state agency monitoring process.

**CalRecycle will be evaluating a Jurisdiction’s Compliance.**

For example:

- Verifying that all organic waste generators have service
- Jurisdictions are providing education
- Issuing Notices of Violation within the correct timeline

**SB 1383 is a Statewide target and not a jurisdiction organic waste diversion target.** Unlike with AB 939 where there was a specified target for each jurisdiction, SB 1383 prohibits a jurisdiction target. Due to this structure:

- The regulations require a more prescriptive approach, and establishes state minimum standards.
- Jurisdictions will have to demonstrate compliance with each of the prescriptive standards **rather than the determination of a Good Faith Effort**, which uses a suite of indicators to determine if a jurisdiction is actively trying to implement programs and achieve targets

**Under the SB 1383 regulations** if CalRecycle determines a jurisdiction is violating one or more of the requirements,

- A jurisdiction will be noticed and will have 90 days to correct.
- Most violations should be able to be corrected in this timeframe. For cases where the jurisdiction may need a little additional time, the timeframe can be expanded to 180 days
- **For violations that are due to barriers outside the jurisdictions control and which may take more time to correct, the regulations allow for the jurisdiction to be placed on a Corrective Action Plan (CAP), allowing up to 24 months to comply.** In these cases, it must be apparent that the jurisdiction has

taken substantial effort to comply but cannot due to extenuating circumstances (such as a lack of capacity, disaster).

- An initial corrective action plan issued due to inadequate capacity of organic waste recovery facilities may be extended for a period of up to 12 months if the jurisdiction meets the requirements and timelines of its CAP and has demonstrated substantial effort to CalRecycle.

The Corrective Action Plan [or CAP] is modeled off of the Notice and Order Process that is used for noncompliance at solid waste facilities, where a number of steps or milestones must be taken by the solid waste facility operator prior to being able to fully comply.

Regarding eligibility for a CAP failure of a governing body to adopt an ordinance, or adequately fund/resource a program IS NOT *considered substantial effort or an Extenuating Circumstance* and will not allow a violation to be subject to a Corrective Action Plan.



<https://www2.calrecycle.ca.gov/Listservs/Subscribe/152>



<https://www.calrecycle.ca.gov/organics/slcp>



Presenter's  
Contact Info



*(Note to presenter: If you have been participating in the regulatory workshops you might customize this slide. If you haven't been participating you might consider using this slide to discuss next steps with your elected officials and executive management.)*

**Jurisdictions are encouraged to participate in the 1383 regulatory process.**

# Frequently Asked Questions About SB 1383

## Collections

**Q: Where in the regulations does it say a jurisdiction must automatically enroll generators in services? What does providing automatic service look like?**

The phrase “automatically enroll” does not appear in the regulations. Jurisdictions, however, are specifically required to provide service per Article 3, Sections 18984 – 18984.3. The word provide was specifically chosen as the operative word as it differs from AB 1826, which only requires that they offer service. Just as jurisdictions must provide services such as water or garbage collection, they now need to provide recycling.

**Q: Do the regulations require single-family residences and multifamily complexes to subscribe to organics collection and recycle both green waste and food waste beginning January 1, 2022?**

Yes, the regulations require jurisdictions to provide organic waste collection services to all single-family and multifamily residences of all sizes and businesses that generate organic waste beginning January 1, 2022.

Yes, single-family and multifamily complexes are required to recycle both green waste and food waste, as well as other organic waste materials, beginning January 1, 2022.

**Q: What is the definition of a "hauler route"?**

“Hauler route” means the designated itinerary or sequence of stops for each segment of the jurisdiction’s collection service area.

The regulations allow the jurisdiction flexibility to determine its hauler routes. The regulations require jurisdictions to minimize contamination of organic waste containers by either conducting route reviews or conducting waste evaluation studies on each hauler route [Article 3, Section 18984.5]. The term hauler route is key to the jurisdiction’s compliance with these requirements, because it describes where the jurisdiction should direct its education and outreach effort to reduce contamination of organic waste.

This is because hauler routes can significantly vary between jurisdictions depending upon the types of generators, facility location of where materials will be hauled to, route efficiencies, and a myriad of other factors. What constitutes a “hauler route” is dependent upon the designated itinerary or geographical configuration of the jurisdiction’s waste collection system. For example, a jurisdiction’s collection system may consist of one continuous itinerary or a series of stops that services both commercial generators and residential generators for garbage, dry recyclables and organics or the system could be divided into two or more itineraries or segments based on each type of generator and/or material type collected.

**Q: Can residents provide their own containers for organics collection?**

Jurisdictions or its designee (like a hauler) must provide containers to the generator. Containers provided by the residents themselves would not comply with the regulations.

Providing a container is an inextricable part of providing a collection service. Requirements for local jurisdictions to collect and recover organic waste from their residential and commercial generators are critical for the state's efforts to keep organic waste out of landfills and reduce greenhouse gas emissions.

Further, jurisdictions are in a position to obtain uniform collection containers with standardized colors from specialized suppliers, whereas individual generators are not. If jurisdictions are not required to provide compliant containers, generators are left to comply with the color requirements on their own and may have a difficult time obtaining standardized containers due to the whims of market availability of properly colored containers through hardware stores, supply stores, or other business that have no obligations to stock compliant container colors. This sets up an untenable, large-scale regulatory noncompliance problem.

The requirement for jurisdictional provision of collection containers is also necessary from an efficient enforcement perspective. Placing the compliance responsibility on generators would create an unnecessarily burdensome enforcement model. Ensuring container color compliance would necessitate inspections of generators by the jurisdiction, potentially involving thousands of homes or businesses. Furthermore, potentially broad numbers of individual generators may be subject to enforcement if compliant containers are not reasonably available for purchase (see preceding paragraph). Instead of this burdensome model, CalRecycle finds that a single point of enforcement with the jurisdiction is more efficient and equitable. Jurisdictions are in a position to obtain uniform collection containers with standardized colors from specialized suppliers where individual generators are not.

The only exception is that generators in high-elevation jurisdictions will be able to continue to use customer provided containers that fit in their locked bear boxes.

**Q: Do the regulations for colors and labels apply to temporary dumpsters and compactors that are provided by the hauler?**

The regulations apply to all containers provided by a hauler, including temporary dumpsters. The regulations specify that all containers provided by a hauler must meet both the container color and container label requirements by 2036. However, the regulations do allow for either the lid or the body to meet the color requirement. With respect to compactors owned by private businesses and not the hauler, the containers may conform with either the container color requirements or the container label requirements.

## Food Recovery

**Q: Can a jurisdiction contract with their local environmental health department to fulfill some or all the jurisdiction edible food recovery program requirements such as educating commercial edible food generators and monitoring commercial edible food generator compliance?**

Yes. Section 18981.2 of the regulations specifies that a jurisdiction may designate a public or private entity, which includes local environmental health departments, to fulfill its regulatory responsibilities. The regulatory text states, *(b) A jurisdiction may designate a public or private entity to fulfill its*

*responsibilities under this chapter. A designation shall be made through any one or more of the following:*

1. *Contracts with haulers or other private entities; or,*
2. *Agreements such as MOUs with other jurisdictions, entities, regional agencies as defined in Public Resources Code Section 40181, or other government entities, including environmental health departments.*

*(c) Notwithstanding Subdivision (b) of this section, a jurisdiction shall remain ultimately responsible for compliance with the requirements of this chapter.”*

Please note however, if a jurisdiction does designate a separate entity to fulfill any requirements, the jurisdiction shall remain ultimately responsible for compliance with the requirements of this chapter.

**Q: Do the SB 1383 regulations allow food recovery organizations to negotiate contracts and charge commercial edible food generators for their recovery costs?**

This question falls outside of CalRecycle’s regulatory purview. Nothing in SB 1383’s regulations would prohibit a food recovery organization or a food recovery service from developing a sustainable funding model to help cover their costs.

**Q: Do the regulations address donation dumping?**

CalRecycle recognizes that donation dumping occurs and included policies in the regulations to help prevent this activity. The regulations require commercial edible food generators to have a contract or written agreement with a food recovery organization or service. If a food recovery organization or service is concerned that donation dumping could occur, then they should include language in their contract or written agreement to protect themselves against donation dumping. If a commercial edible food generator repeatedly donation dumps, there is nothing in SB 1383’s regulations prohibiting a food recovery organization or food recovery service from terminating their relationship with that particular generator.

CalRecycle developed a model food recovery agreement that can be customized and used by food recovery organizations, food recovery services, and commercial edible food generators. The model food recovery agreement does include a section for self-hauled edible food, which also includes designated delivery and drop off days and times to establish as well as language to protect food recovery organizations and services from donation dumping and unexpected donations. The model food recovery agreement is a template and is intended to be customized based on the needs of food recovery entities and commercial edible food generators.

**Q: Do SB 1383’s food recovery requirements differentiate between healthy foods eligible for donation, and "junk" food that do not meet the minimum nutrition standards for many food pantries and food banks?**

SB 1383’s statute requires CalRecycle to adopt regulations that include requirements intended to meet the goal that not less than 20 percent of edible food that is currently disposed is recovered for human consumption by 2025. The statute does not state that 20 percent of healthy or nutritious food must be recovered. As a result, SB 1383’s regulations do not include requirements that differentiate between



healthy and unhealthy food. CalRecycle recognizes that a core value of many food recovery organizations and services is to reduce food insecurity in their communities by rescuing and distributing healthy and nutritious food to help feed people in need, and that some organizations have nutrition standards for the food they are willing to accept. As a result, CalRecycle included language in Section 18990.2 that states, *“(d) Nothing in this chapter prohibits a food recovery service or organization from refusing to accept edible food from a commercial edible food generator.”*

Q: With regard to the requirement for commercial edible food generators to establish contracts and written agreements with food recovery organizations and services, would an arrangement for food recovery that is not a contract or written agreement be acceptable for compliance?

SB 1383’s regulations require commercial edible food generators to establish a contract or written agreement with a food recovery organization or a food recovery service for food recovery. Requiring a contract or written agreement with supporting documentation of the contract or written agreement is critical to ensure that edible food is recovered in a safe, professional, and reliable manner.

Contracts and written agreements add a layer of food safety, professionalism, and reliability into food recovery and can also serve as a mechanism to help protect food recovery organizations and services from donation dumping. CalRecycle developed a model food recovery agreement that can be customized by food recovery organizations, food recovery services, and commercial edible food generators.

Although a contract or written agreement for food recovery must be established, it is at the discretion of food recovery organizations, food recovery services, and commercial edible food generators to determine the exact provisions to include in their contracts or written agreements. For example, some food recovery organizations may include provisions in their contracts to protect their operation from receiving food that they are not able or willing to accept. Other food recovery organizations or food recovery services could include cost-sharing provisions as part of their contracts or written agreements with commercial edible food generators. Nothing in SB 1383’s regulations prohibits a food recovery organization or a food recovery service from negotiating cost sharing as part of their contracts or written agreements with commercial edible food generators.

Contracts and written agreements are also critical for enforcement purposes. Jurisdictions will be able to monitor commercial edible food generator compliance by verifying that a contract or written agreement has been established. To further help jurisdictions monitor compliance, the regulations include recordkeeping requirements for commercial edible food generators and for food recovery organizations and services. A jurisdiction could use the record to verify that a commercial edible food generator has established a contract or written agreement with a food recovery organization or service by requesting to see their records.

## Procurement

Q: What if a jurisdiction already has procurement programs in place? Can that procurement count towards meeting the SB 1383 procurement requirements?

If a jurisdiction is already procuring recovered organic waste products that meet the requirements outlined in 14 CCR Section 18993.1, these can count towards a jurisdiction’s procurement target. A

jurisdiction is not required to prove additional procurement beyond any other mandatory or voluntary procurement programs they already have in place, as long as their target is met.

For example, a city may use mulch in a city landscaping project or give away compost to their residents and these end uses may count towards the city's SB 1383 procurement target, regardless of whether these are already required by existing city programs.

Similarly, a jurisdiction may count eligible renewable gas or electricity products procured from a utility towards their SB 1383 procurement target, regardless of whether that utility has to meet separate renewable energy procurement requirements, such as through the Bioenergy Market Adjusting Tariff (BioMAT) program, or whether the jurisdiction was already procuring eligible renewable energy before the implementation of SB 1383.

**Q: Do recovered organic waste products that a jurisdiction procures need to be sourced from the jurisdiction's generated organic waste, produced in the jurisdiction, or used within the jurisdiction?**

No, jurisdictions are not required to procure recovered organic waste products made from "their" organic waste to satisfy the procurement requirements, nor do the products need to be produced or consumed within their jurisdiction. A jurisdiction may purchase or otherwise acquire products from any entity, or produce it themselves, and use these toward their procurement target, provided the end products meet the 14 CCR Section 18982(60) definition of "recovered organic waste products." The jurisdiction may use the end products in a way that best fits local needs, which may include use or free distribution within their jurisdiction or other jurisdictions.

**Q: How can a jurisdiction meet their procurement target? Are they required to purchase recovered organic waste products? Can the sale of recovered organic waste products count towards a jurisdiction's procurement target?**

Jurisdictions can meet their procurement target through their own direct procurement or through a direct service provider working on the jurisdiction's behalf. Direct procurement involves a jurisdiction's procurement of products for their own use or giveaway. Procurement through a direct service provider requires that the jurisdiction have a written contract or agreement with the direct service provider to procure recovered organic waste product(s) on behalf of that jurisdiction.

These products do not have to be obtained solely through purchasing. A jurisdiction may also produce or otherwise acquire products (e.g., free delivery or free distribution from a hauler or other entity via an agreement) and subsequently use or donate those products to meet their procurement target. However, 14 CCR Section 18993.1(e)(1) limits procurement to "use or giveaway," and does not include the sale of products.

The intent is to encourage the demand and use of recovered organic waste products, as this is where most of the environmental benefits are realized. Procuring compost and then selling it via a third party does not meet the intent of these regulations, which is to build markets for the use of recovered organic waste products.

**Q: Does a jurisdiction have to procure specific products, such as compost and mulch, to meet their procurement target?**

No, the regulations provide flexibility for jurisdictions to choose a combination of the types of recovered organic waste product(s) defined in the regulations that best fit local needs to meet their procurement target. A jurisdiction has the option to meet their procurement target by procuring a sufficient quantity of one product or a mix of products.

**Q: When will jurisdictions be notified of their procurement target, so that they may plan for the procurement of recovered organic waste products?**

CalRecycle will calculate the annual recovered organic waste product procurement target for each jurisdiction and notify each jurisdiction of this target annually, beginning on or before January 1, 2022.

However, for planning purposes, the jurisdiction may choose to make these calculations on their own to derive their procurement target and determine the quantities of recovered organic waste products needed to meet this target.

CalRecycle has created a Procurement Calculator Tool to assist jurisdictions with making these determinations, which will be made available soon, but jurisdictions may also make these calculations on their own by using the formula set forth in the regulations (see FAQ #6 for an example of these calculations).

It is important to note that calculations made now will be preliminary, as official procurement targets will take into account newer population data than is currently available. The jurisdiction procurement targets for the first year of compliance, 2022, will utilize the January 1, 2021 population estimates reported by the California Department of Finance (DOF) ([Population Estimates for Cities, Counties, and the State](#)), which will be released on May 1, 2021. The procurement targets will be recalculated every five years to reflect population changes.

## Solid Waste Facilities

**Q: Is a source separated organics stream required to meet the 75 percent organic waste recovery efficiency described in Section 17409.5.1?**

No. Facilities that receive only source separated organic waste collection streams would not be subject to the organic waste recovery efficiency requirement.

**Q: How should operators consider difficult-to-handle materials such as food-soiled paper or biodegradable or compostable product when calculating the incompatible material measurement? [Sections 17409.5.2 through 17409.5.5, 17409.5.7, and 17409.5.8]**

Incompatible material means any human-made inert material and any waste for which the receiving end-user, facility, operation, property, or activity is not designed, permitted, or authorized to process, as defined in Section 17402(a)(7.5). Therefore, if the receiving facility is not permitted or designed to process that material it would be counted as incompatible material for the facility sending the material.

**Q: What is the definition of a high diversion organic waste processing facility?**

A high diversion organic waste processing facility refers to transfer/processing facilities and operations that meet the 50 percent (by 2022) or 75 percent (by 2025) mixed waste organic recovery rates set forth in Section 18815.5(e).

Q: Can a consolidation site transport waste directly to a landfill for disposal? [Section 17409.5.10]

No. The regulations state that the material be transported only to a transfer/processing facility or operation that comply with the organic waste recovery efficiency requirements found in Section 17409.5.1. However, it can go to an organic waste recovery activity located on a landfill.

Q: What are the measurement requirements for composting facilities and operations?

The measurement requirements are to determine the amount of organic waste sent for disposal. For details on how to perform the measurement protocol see Section 17867(a)(16).

## Enforcement

Q: How can a jurisdiction designate responsibilities to a public or private entity to comply with SB 1383 regulations? (see Title 14, CCR, General Provisions section 18981.2)

A jurisdiction can designate responsibilities through:

- Contracts with haulers or other private entities, or
- Agreements with other jurisdictions, entities, regional agencies (as defined in Public Resource Code section 40181), or other government agencies, including environmental health departments.

For example, a jurisdiction may enter into an agreement with a hauler to perform route reviews for container contamination or an agreement with the environmental health department to inspect edible food generators.

A jurisdiction cannot delegate:

- The authority to issue a waiver to a private entity [see Article 3 Section 18984.11(c)] or
- The authority to impose civil penalties, or to maintain an action to impose civil penalties, to a private entity.

If a jurisdiction delegates responsibilities to a public or private entity it is still ultimately responsible for compliance with the requirements.

Q: Does CalRecycle have further guidance on how many are a “sufficient amount” of route reviews? (see Title 14, CCR, Article 14 section 18995.1)

Beginning on January 1, 2022, a jurisdiction is required to conduct annual route reviews and inspections of regulated entities to determine overall compliance. The regulations do not include a specific number of route reviews and inspections. Therefore, a jurisdiction shall determine an adequate amount based on the characteristics of their jurisdiction, such as, prioritizing inspections on larger organic waste generators and generators that the jurisdiction may suspect to be out of compliance.

A jurisdiction is required to conduct enough route reviews and inspections to adequately determine the overall compliance of the generators under its authority and to ensure its own compliance.

Q: How often does a jurisdiction have to inspect commercial edible food generators?(see Title 14, CCR, Article 14 section 18995.1)

Beginning on January 1, 2022, jurisdictions are required to inspect Tier One commercial edible food generators and verify they are recovering the maximum amount of edible food possible and are not intentionally spoiling edible food that is recoverable. Inspections should be at a level/rate to adequately determine compliance with the requirements. Tier One commercial edible food generators include:

- Supermarkets
- Grocery stores with a total facility size equal to or greater than 10,000 square feet
- Food service providers
- Food distributors
- Wholesale food vendors

On or before January 1, 2024, a jurisdiction is required to inspect Tier One and Tier Two commercial edible food generators for the same requirements. Tier Two commercial edible food generators include:

- Restaurants with 250 or more seats or a total facility size equal to or greater than 5,000 square feet
- Hotels with an on-site food facility and 200 or more rooms
- Health facilities with an on-site food facility and 100 or more beds
- Large venues
- Large events
- State agencies with a cafeteria with 250 or more seats or a total cafeteria facility size equal to or greater than 5,000 square feet
- Local education agencies with an on-site food facility

**Q: Does CalRecycle apply the “Good Faith Effort” when determining compliance with the SB 1383 requirements as it does with AB 939?**

No, SB 1383 mandates organic waste diversion targets on a relatively short timeline. The 75 percent organic waste diversion target will not be achieved by 2025 if using the more lengthy compliance process under the Good Faith Effort standard.

CalRecycle does exercise its enforcement discretion in determining whether to commence the enforcement process as well as allowing consideration of "substantial efforts" made by the jurisdiction and “extenuating circumstances” that would allow the use of extended compliance deadlines in a "Corrective Action Plan" (CAP).

CalRecycle’s focus is on compliance first and will dedicate enforcement efforts to the most egregious offenders.

**Q: Will CalRecycle consider the COVID-19 pandemic as an extenuating circumstance when determining a jurisdiction’s eligibility for a Corrective Action Plan?**

It may, depending on the circumstances. The regulations do allow for flexibility and deadline extensions for instances when there are extenuating circumstances, such as emergencies, that may cause compliance issues despite a jurisdiction's substantial efforts. CalRecycle may consider a Corrective Action Plan with a longer compliance deadline if the facts demonstrate that the jurisdiction has made a substantial effort to comply and that the COVID-19 pandemic has a direct causal link to a lack of compliance. However, CalRecycle will consider the totality of circumstances surrounding a jurisdiction's compliance.

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# Pilot Overview





## **El Dorado Disposal SB 1383 Residential Organics Program**

**With school and community outreach opportunities returning, EDD looks forward to resuming encouragement and support for home composting, home gardening and community gardens. Developing partnerships with the agricultural community, Master Gardeners and active neighborhood groups and schools to make EDCO western slope a beacon for community gardening is a role the Sustainability team at EDD fully embraces.**

**We also recognize the great benefit a large-scale composting facility on the west slope can have for many EDCO sectors. We wish to encourage and assist exploring this critical organics infrastructure opportunity.**

**As leaders deliberate best ways to comply with SB 1383, bear in mind a robust residential organics program also represents an enhanced defensible space opportunity for homes and neighborhoods.**

**In October 2021, El Dorado Disposal will initiate residential organics pilot routes for green-waste/food-waste, utilizing existing EDD green-waste routes in EDCO, Placerville, El Dorado Hills and Cameron Park. Residents will be provided kitchen buckets with helpful instructions for combining food scraps with their green-waste.**

**EDD will run these pilot organics routes weekly and bi-weekly to help determine service requirements, assess compostable material quality, and better determine related costs. Participating residents will be asked to provide program assessments through Survey Monkey.**

**Mandatory service for mandated EDCO and expanded organics service to EDCO areas B and EDCO C must be considered relative to SB 1383. A review and approval of residential customer rates for this mandated service will also need to be considered by jurisdictions. We will have these rate reviews no later than Q1 2022, as full residential organics program implementation will occur July 1, 2022.**

**Known residential organics costing variables include:**

### **1. Trucks and Drivers**

- Weekly, residential service may be required to mitigate the ‘ick factor’ and encourage participation. Current EDD green-waste only routes provide service in EDCO A, Cameron Park, El Dorado Hills, and Placerville every other week (alternating with Recycle).
  - A shift to mandatory service in mandated EDCO and/or weekly service will significantly increase EDD residential routes.
2. Material Disposal Costs
- Current GW disposal to Lopez Ag in Sacramento, \$31.25 per ton (not including freight)
  - Compostable residential green-waste/food-waste to Napa Recycling in Yolo County, \$55.00 per ton (not including freight)
  - Commercial food-waste to UC Davis bio-digester, \$62.00 per ton, currently (not including freight)
3. Administrative, Education and Outreach, Enforcement
- EDD, City of Placerville and EDCO share extensive monitoring and reporting responsibility to CalRecycle, new reporting for all
  - Education and outreach requirements are also a shared responsibility
  - Enforcement ordinances expected on the books in 2022, enforced by EDCO and Placerville by 2024





What is needed to  
compost?



**Browns, greens, air,  
and moisture**

# Where can we compost?



Composting can be set up at your home, community garden, or even at your school with just a few simple steps

# Steps to Setting up a Composting System

- 1<sup>st</sup> – you must choose a bin style
- 2<sup>nd</sup> – you must collect greens and browns.  
(You will collect things such as food scraps, high in nitrogen. As well as things like dried leaves high in carbon)
- 3<sup>rd</sup>- stack your pile and wait for nature's magic.







October 30, 2021

**Attention Valued Customer,**

Congratulations! You have been selected to participate in our all new Organics Pilot program. In your selected service area, we are asking you to place your food waste in your yard waste cart/s. The state of California passed Senate Bill 1383 in 2016; which is required to be fully implemented by 2022. The overall goal of this bill is to reduce greenhouse gasses in the atmosphere. Food waste in America makes up 30% of waste in landfills. Landfills release greenhouse gases. Your food waste and yard waste are nutrient rich natural resources that can be diverted from the landfill. El Dorado Disposal is excited to provide this program in an effort to help reduce greenhouse gases. If you would like more information on this bill, please visit: <https://www.calrecycle.ca.gov/climate/slcp>.

We have provided a compost bucket for conveniently storing food scraps in the kitchen. The bucket makes for easy transport to your yard & food waste cart. You will also find a sticker inside the compost bucket. Please place the sticker on your green lid yard waste bin. The lid should be clean and dry before placing the sticker for best results. **Your first day of service for this new pilot program will be Wednesday, October 27, 2021**. Please follow your normal, bi-weekly yard waste service schedule.

Items that we encourage in the yard & food waste cart include natural vegetation from your yard; grass clippings, leaves, small branches (no larger than 3 inches in diameter), and dried flowers. As well as food waste consisting of all fruit, vegetables, bread, grains, meat and dairy. We suggest the compost bucket be deposited into your yard waste cart every other day, to reduce the “ick” factor in your home.

Prohibited items in the yard & food waste carts include plastic or biodegradable bags, paper, pizza boxes, napkins, plastic utensils, basic trash, recyclable items and liquids. Please do not put any type of bag in yard & food waste carts.

*We need your feedback and would like to know how this program is working for you. We have periodic surveys available at <https://www.surveymonkey.com/r/6G2LZ6L> , or they can be found at the top banner of [www.eldoradodisposal.com](http://www.eldoradodisposal.com) . If you would like a paper copy of the survey please reach out to customer service at (530) 626- 4141.*



# Tips and Tricks for the Yard and Food Waste Pilot

## Placement

Placing the compost bucket in the kitchen that is near where you prep food will stimulate more use. Placing the compost bucket under your sink provides easy access to this bucket. There is also the choice to hang the unit using the wall brackets that are on the buckets.

## Layering

Layering food waste in between dry yard waste layers will reduce odor and presence of pests. Keeping a container strictly for dry yard waste layering will help in the off-season when there is less yard waste debris to layer in your cart. Start with a layer at the base of your green lid yard waste cart, so the food waste does not stick to the base of the cart.

## Taking out the Bucket

We suggest taking out the bucket every other day, if not every day. Just take out your compost bucket as often as you take out your kitchen trash. Rinsing out the compost bucket after placing food waste in the Yard and Food Waste cart will keep the compost bin clean. This program does not allow any bags inside the cart, this includes compostable bags.



## Avoid the “Ick”

Food waste can be gross especially in the heat of the summer. Keeping the Yard & Food Waste cart in the shade will help reduce the smell. Taking this bin out for service every service day even when not full will also subdue with the smell. Freezing food waste and waiting till the day before service to place in the cart will dramatically reduce odor



**We value your feedback and ask that you please take our short survey to let us know what you think of the El Dorado Food Waste Pilot Program you have been selected to participate in.**

- 1) Are the stickers and education packet clear on what should be placed in your green lid Yard Waste Cart?
  - Yes, they are clear.
  - No, they need more information.Additional info:
  
- 2) Are the programs goals made clear in your packet?
  - Yes, they are clear.
  - No, they need more details.Additional info:
  
- 3) Do you think the provided Food Waste Compost Buckets will be useful with separating your food waste from your normal trash?
  - Yes, they seem very useful.
  - No, I don't think they will help.Additional info:
  
- 4) Would you be interested in more information about at home composting?
  - Yes, I would like more information on home composting.
  - No, I am not interested in home composting.Additional info:
  
- 5) Are you excited to be a part of the first ever Food Waste Pilot Program for El Dorado County?
  - Yes, I'm very interested.
  - No, I don't understand the reason.Additional info:



We thank you for your feedback and would like to know how the program is going for you thus far.

1) Are the stickers helping you keep the proper material in the correct bins?

- Yes, they are helpful.
- No, they need more information.

Additional info:

2) Are the compost buckets useful in sorting food waste from your regular trash?

- Yes, they are helpful.
- No, they aren't working.

Additional info:

3) Is your pick up service frequency adequate?

- I am serviced one time a week. Yes, it was like normal service.
- I am serviced one time a week. No, it isn't often enough.
- I am serviced every other week. Yes, it was like normal service.
- I am serviced every other week. No, it wasn't often enough

Additional info:

4) How is your 'lck' factor? Please choose between 1-5 with 1 being normal and 5 being 'odorous'

- 1 normal
- 2
- 3
- 4
- 5 odorous

Additional info:

5) Are you enjoying being part of the first ever El Dorado Food Waste Pilot Program?

- Yes, I'm enjoying being part of the group effort to keep organics out of our landfills.
- No, I don't understand the reason.

Additional info:



**Thank you for participating in the first ever El Dorado Food Waste Pilot Program, please let us know how the program worked for you with this final survey. Please let us know of any opportunities.**

1) Were the compost buckets helpful with separating out your food waste?

- Yes, they are helpful.
- No, they were not.

Additional info:

2) Were the stickers for your compost bucket and your green lid cart clear on what was allowed to go in the cart?

- Yes, they are helpful.
- No, they weren't clear.

Additional info:

3) How did you feel about the Food Waste Pilot Program? Please choose between 1-5, with 1 being excited to participate and 5 being unhappy with the program.

- 1
- 2
- 3
- 4
- 5

Additional Info:

4) Was your pick up service frequency adequate?

- I am serviced one a week. Yes, it was like normal service.
- I am serviced once a week. No, it isn't often enough.
- I am serviced every other week. Yes, it was like normal service.
- I am serviced every other week. No, it wasn't often enough

Additional info:

5) How is your 'Ick' factor? Please choose between 1-5 with 1 being normal and 5 being 'odorous'

- 1 normal
- 2
- 3
- 4
- 5 odorous

Additional info:



# Material Recovery Facility Update







## **El Dorado Disposal MRF Rebuild Update**

**The reconstruction of the Material Recovery Facility marches forward despite lengthy setbacks caused by the pandemic. The exciting news is the new transfer building will be built and operational in November, 2021.**

**We have shared pictures and a comprehensive timeline provided by Unger Construction as well as a letter explaining labor and international metal production constraints have delayed progress. This is important, as EDD and EDCO Environmental will present to the EDCO Board an amendment extending the reconstruction completion timeline.**

**A data sheet specific to the MRFs activities is also provided. A deep dive into the myriad programs and related material volumes illuminates the necessity of a modernized facility. Benefits gained for all communities on the EDCO west slope associated with the MRF rebuild project include:**

- **The project is designed to assist disposal, compost and recycling needs for the next 20 years (AB 939, AB 341, AB 32, AB 1826, SB 1383)**
- **Facility will comply with newly adopted regulations: Construction and Demolition sorting, organics recycling, single stream recycling capability, universal waste, mattress recycling, carpet recycling, storm water regulations**
- **Provide for additional household hazardous waste capacity with greater storage and third day of operation**
- **Expand and improve Construction and Demo processes to comply with CA green building code and expanded C&D ordinance adopted by EDCO through installment of new specialized C&D sorting and processing equipment**
- **Provide a new public education center for outreach to school children and public**
- **Enable convenient, free public drop-off areas for various materials, including E Waste, recyclables, HHW**
- **Self-haulers will have a separate pay station from commercial truck traffic, improving traffic flow and safety**
- **Enhanced traffic flow will improve gate wait times and create efficiencies for commercial trucking operations**

- **Facility and operational improvements enable EDD being nimble with material transfer destinations, reducing costs and maximizing diversion opportunities**

**A given is California mandates and related jurisdictional expectations driven by CalRecycle will only ever grow. As the EDCO population also grows, the need for a modernized MRF as critical infrastructure is abundantly clear.**

## Daily Averages For EDD MRF

Inbound Material Volume	375-425 Avg Tons Daily
Inbound Trucks	150
Inbound Public Vehicles	350
MSW	278 Tons
Commingle	56 Tons
Green Waste	58 Tons
Construction & Demo	18 Tons
Metal	8 Tons
Loaded Trucks Outbound	28 Daily Avg

8 Tons ave per day W.O.  
7 Tons ave per day W.O.

Sort Line Details Commingle	4 Sorters remove trash Cardboard Sorter Glass Breaker End of Line @ Baler Bale Approx 65 Bales Daily
Sort Line Details C&D	4 Sorters remove trash MRF C&D transfer W.O. Shredder grinds material

Head Count By Position	6 Operators 7 Traffic Directors 4 Gate House 2 Yard Maintenance 2 Forklift/Baler Operators 8 Sorters 2 Mechanic/Maint 3 Buy Back Center Attendants 1 Hostler 6 Admin
	Total Employees - 41

Equipment	Water Truck 4 CAT 950s 1 CAT 908 3 CAT Forklifts 1 Yard Goat 4 Lease Trailers HRB 918 Baler C&D Sort Line CAT Material Handler
	Commingle OCC Sort Line HRB 918 Baler Maintenance Truck Sprinter Van Chevy Tahoe Truck Scales Fire Suppression Glass breaker sort C&D Shredder Terminator 6000

## PROGRAMS

MSW
Commingle Recycle
Cardboard
Plastics
Glass
Aluminum
Paper
Construction & Demo
Greenwaste
Organics- Food waste
Carpet
Metal
Appliances
Ewaste
Bike recovery w/ Cam Park Rotary
Mattress
Pressure Treated Wood
Lawnmower
Tires
Christmas trees
3 Buy Back Centers CA Redemption Household Haz Waste*
Paint Products
Oils-Fuels
Various marked items
Batteries
Med Waste-Sharps
Fluorescent tubes



July 28, 2021

El Dorado Disposal  
4100 Throwita Way  
Placerville, Ca 95667

Attn: Tom Reilly

Re: El Dorado Disposal Facility Renovation Project  
Effects of the COVID Pandemic on Current and Future Phases of the Project.

Dear, Tom.

The following is a summary of how the facility renovation project has been, and will continue to be, affected by the COVID 19 pandemic.

1. Project delays due to Engineering office closures.  
In March of 2020, California issued a stay-at-home order due to the COVID 19 pandemic. During March, April, and May, 42 additional states and territories issued mandatory stay-at-home orders, affecting 2,355 (73%) of 3,233 U.S. counties. These orders caused most design firms to close their doors immediately and send their employees home. The design phase for on-going projects came to a halt while technology and workarounds were put into place to allow remote project planning meetings with Owners, remote use of design software by design teams, and remote review and approval of the plans and specifications at each design phase. The design schedule for the multi-phase El Dorado Disposal project was directly affected and experienced a significant delay in completion of the design.
2. Project delays due to manufacturing plant shutdowns.  
Manufacturing plants were initially shut down due to the stay-at-home orders and were not allowed to re-open until each State's department of health finalized safety measures that were required to allow workers to return to work and continue production. Once the safety measures were in place, manufacturers had to deal with employee shortages as not all people returned to work during the pandemic. Lack of employees, a global shortage of materials, a delay in transporting those materials to the manufacturing plants resulted in additional plant closures and a sharp decline in production. The multi-phase El Dorado Disposal project was directly affected and experienced significant delays. Our PEMB (Pre-Engineered Metal Building) manufacturer experienced office and plant shutdowns due to the factors listed above which resulted in a significant delay in receiving engineered drawings in the design phase and building materials for erection during construction.
3. Project delays due to material availability.  
Continued supply chain disruption and global shortages of steel, plastics, glass, and semiconductors have affected the multi-phase El Dorado Disposal project schedule. The current

construction of the new Transfer building has experienced significant delays in delivery of the metal building materials and HVAC units. Both Supply chain disruption and global material shortages are forecasted to continue well into the future, and we expect the remaining phases of the El Dorado Disposal project to be directly affected causing a delay in completing the overall project.

Although it is difficult to forecast, the project team feels the completion of the overall project will be delayed 14 to 18 months from the October 20, 2022 scheduled completion date. Please take this information into consideration as you update your planning documents.

Sincerely,

A handwritten signature in black ink, appearing to read 'KH', followed by a horizontal line extending to the right.

Ken Harrison  
Vice President  
Unger Construction Co.

ID	Task Name	Start	Finish	Remaining Duration	Prod	Successors	Company
1	Transfer Building	Mon 4/12/21	Fri 11/19/21	7.84 wks			
2	Material Fabricate & Deliver	Mon 4/12/21	Thu 10/21/21	3.38 wks			
7	Air Compressor Fab & Deliver	Wed 6/9/21	Thu 10/21/21	38 days	72SS-19 wks	81	LG Ellis
8	Overhead Doors Fab & Deliver	Fri 7/30/21	Mon 10/4/21	10 days	61FF-4 wks	84	Industrial Door Company
6	Man Doors & Hardware Fab & Deliver	Fri 9/2/21	Mon 10/4/21	1 day	586SF		Unger Construction
50	Metal Building	Fri 8/6/21	Thu 10/14/21	3.63 wks			
57	Install Metal Roofing, & Skylight Protection	Mon 9/20/21	Fri 10/8/21	13 days	54	31,00,33,35SS+4 wks, 85S+1 wk	Heath Construction
59	Install Handrails & Hardware	Mon 9/27/21	Fri 10/1/21	5 days	575S+1 wk	88	Unger Construction
58	Install Roof Hatch	Fri 10/8/21	Mon 10/11/21	1 day	57		GLP
60	Install Trim at Windows	Fri 10/8/21	Thu 10/14/21	4 days	57	88	Heath Construction
61	Elect & Fire Riser Rooms	Tue 8/17/21	Mon 10/4/21	1.64 wks	51		

79%

Thu 9/23/21

ID	Task Name	Start	Finish	Remaining Duration	Prod	Successors	Company
66	Install Metal Siding	Wed 9/22/21	Thu 9/23/21	1 day	65	67	Heath Construction
71	Paint	Thu 9/23/21	Mon 9/27/21	1 day	70	72, 10FF-8 wks	GLP
72	Suit and Trimout Electrical & Fire Riser Rooms	Mon 9/27/21	Mon 10/4/21	5 days	71, 10FF	60, 86, 83, 13 wks, 88	Vaako Electric, Cosco
73	MEPS & Finishes	Mon 8/30/21	Fri 11/19/21	9.14 wks			
74	Fire Sprinkler	Mon 8/30/21	Fri 10/1/21	1 day	53FS-4 days	76SS+9 days	Cosco
76	Overhead Plumbing Water and Compressed Air	Mon 9/13/21	Fri 10/8/21	10 days	74SS-9 days	78SS-13 days, 73SS-45 days	L.G. Ellis Plumbing
78	Overhead Electrical	Thu 9/30/21	Wed 10/13/21	10 days	76SS+13 days	79	Vaako Electric
77	Misting System	Mon 10/4/21	Fri 10/15/21	10 days	76SS+15 days	88	NCM Outer Control
84	Overhead Doors	Tue 10/5/21	Mon 11/1/21	20 days	81FF+5 days, 8	88	Industrial Door Company
86	Install Man Doors & Hardware	Mon 10/4/21	Mon 10/11/21	5 days	72	68F	Unger Construction
75	Mechanical Exhaust Fans	Mon 10/11/21	Fri 10/15/21	5 days	58S+11 days, 8, 9, 7SS+3 wks		Air Services

79%

Thu 9/23/21

ID	Task Name	Start	Finish	Remaining Duration	Prod	Successors	Company
79	Electrical & trimout	Thu 10/14/21	Wed 10/20/21	5 days	78	80, 86	Vaako Electric
80	Energize Electrical Devices	Thu 10/21/21	Thu 10/21/21	1 day	79, 72	81	Vaako Electric
85	Plumbing Trimout	Thu 10/21/21	Wed 10/27/21	5 days	79	87	L.G. Ellis Plumbing
81	Energize Mechanical Devices	Fri 10/22/21	Fri 10/22/21	1 day	80, 57, 7, 5	82SS, 84FF+5 days, 84F-4 wks	Vaako Electric
82	Trimout Fire Alarm & Test	Fri 10/22/21	Thu 10/28/21	5 days	81SS	88FS, 8	Vaako Electric
83	Control Joint Cracking	Mon 10/25/21	Wed 10/27/21	3 days	82SS+1 day	88	American River Cracking
87	Chlorinate Water	Thu 10/28/21	Fri 10/29/21	2 days	85	89	L.G. Ellis Plumbing
88	Fire Department Final	Mon 11/08/21	Fri 11/19/21	5 days	82S+6 days, 84, 7, 38, 60	89	
89	County Final	Mon 11/15/21	Fri 11/19/21	5 days	88, 86, 85, 87		

79%

Thu 9/23/21























580 Truck Street, Placerville, CA 95667  
530-295-2800 [www.eldoradodisposal.com](http://www.eldoradodisposal.com)

# Defensible Space Program

With fire season upon us, we are working with local fire safety councils and homeowners' associations, as well as road management groups and other entities, to participate in our community vegetation defensible space program. These groups can request the vegetation only roll-off dumpsters at a reduced rate.

**Interested?  
Call El Dorado  
Disposal  
530-626-4141**

Participation in this program will reduce the billing price by 25% on 6 yard, 20 yard, and 30 yard roll-off bins.

**WILDFIRE IS COMING.  
ARE YOU...**

# READY?

**DEFENSIBLE SPACE AND  
HARDENING YOUR HOME.**



THOUSANDS OF WILDFIRES STRIKE CALIFORNIA EVERY YEAR. IT'S NOT A MATTER OF IF YOUR HOME IS AT RISK, BUT WHEN.

[ReadyForWildfire.org](http://ReadyForWildfire.org)







# “One Person’s Trash...”

Your guide to reducing, reusing and recycling

A Newsletter of  
El Dorado Disposal Service

(530) 626-4141

eldoradodisposal.com

Summer 2021

## Cutting Out Contamination

El Dorado County residents are great at recycling, but did you know contamination can ruin an entire truckload of recycling? When items that don't belong in our recycling bins end up inside collection trucks, they can ruin otherwise recyclable items and damage equipment at the Material Recovery Facility. Whether collecting recycling as a part of a business or from your own home, we all need to do our part to reduce contamination and keep recycling clean.

### Businesses

Tired of finding trash that's not yours around and inside your business's bins? The largest contamination issue for businesses is illegal dumping. If possible, lock your bins in an enclosure to keep illegal dumping out. El Dorado Disposal will fabricate a lock bar for your bin for a monthly fee.



### Residents

After a night of takeout, do you toss plastic food bags and Styrofoam containers in the recycling? Please don't! Most of the contamination in residential carts comes from plastic bags and Styrofoam. While plastic bags can be recycled at stores with drop-off locations, Styrofoam belongs in your trash cart. Plastic should also be kept out of yard waste carts. Instead, use compostable paper bags or no bag at all.



Questions? Call customer service at 530-626-4141 or visit [eldoradodisposal.com](http://eldoradodisposal.com).

## Defensible Space Program

With fire season upon us, we are working with local fire safety councils and homeowners' associations, as well as road management groups and other entities, to participate in our community vegetation defensible space program. These groups can request the vegetation-only roll-off dumpsters at a reduced rate. Interested? Call 530-626-4141.



## Commercial Organic Waste Update

### Is your business affected?

Under Assembly Bill 1826, California businesses and multi-family properties are required to reduce the amount of organics sent to landfills. Organics include both food scraps and yard debris. Changes to the waste threshold last year mean your business likely needs to comply with this bill.

Previously, AB 1826 required organics recycling for businesses generating 4 or more cubic yards of solid waste. **However, that requirement is now 2 or more cubic yards of solid waste** (trash, recyclables, and organics) per week for businesses and multi-family properties with five or more units that generate the same amount of waste. At this time, multi-family properties are only required to recycle yard debris and do not have to recycle food waste.



Credit: iStock / Getty Images Plus

Not sure if your business needs to comply? Need to set up an organics collection program for your business? Interested in free posters, collection buckets, training, and technical assistance? Please email El Dorado Disposal's Education and Outreach Coordinator Kristina Noble at

[Kristinan@wasteconnections.com](mailto:Kristinan@wasteconnections.com). For up-to-date information and requirements about organics recycling, visit [calrecycle.ca.gov/Recycle/Commercial/Organics](http://calrecycle.ca.gov/Recycle/Commercial/Organics).



# El Dorado COVID-19 Updates

We thank you for your patience and understanding as we make changes and adjustments to our services and centers during this time.

With El Dorado Disposal's main office closed to the public, we ask that residents set up online bill pay at [eldoradodisposal.com](http://eldoradodisposal.com), call 530-626-4141 to make payments over the phone, or leave payments in the drop box outside of our office at 580 Truck St., Placerville.

At this time, all centers are open and operating at regular hours:

- HHW Facility: operating regular hours
- Buy Back Centers: operating regular hours. Please note, when the temperature reaches 100 °F, all Buy Back Centers close for the safety of our employees.
- Material Recovery Facility: operating regular hours. We respectfully ask all customers to practice safe distancing when interacting with any of our employees.

For the most current updates, visit our website, [eldoradodisposal.com](http://eldoradodisposal.com), or follow us on Facebook and Instagram @eldoradodisposal.

## Recycling Update

As of January 1, 2021, El Dorado Disposal is unable to accept pressure-treated wood due to changes in state law (Assembly Bill 1353). We hope to accept this wood again in the coming months. Call 530-626-4141 for up-to-date information.

## 5 Tips to Reduce Your Waste

Curious about how to reduce waste throughout your day? Sometimes a simple switch is all it takes! Try one — or all — of our tips below and see how much less you throw away. Have your own tips? Join the conversation on our Facebook page, [facebook.com/ED.Disposal](https://facebook.com/ED.Disposal).

- 1. Use a reusable bag.** When shopping, switching to reusable bags keeps plastic bags out of the landfill.
- 2. Switch to metal or bamboo straws.** Instead of using plastic, single-use straws, choose reusable straws. Some even come in travel sizes so you can bring them with you to restaurants and drive-thru lanes.
- 3. Keep bar soap by the sink.** Liquid soap requires a lot of plastic packaging. Switch to bar soap, preferably in recyclable or compostable packaging. Prefer liquid soap? Reuse your current pump bottle and fill it with refill packets instead of purchasing a new bottle each time.
- 4. Bake with silicon mats.** Instead of single-use foil, wax, or parchment paper, buy silicon mats for your baking sheets. You can also look for parchment paper brands that offer a reusable, compostable version, such as Reynolds.
- 5. Wrap with beeswax.** Instead of plastic wrap, use beeswax food wrappers to keep food fresh. When these wrappers have reached the end of their life, you can compost them, unlike plastic wrap which goes in the trash.





# Our Spring Scrapbook

As we start to move back to in-person events, we were excited to see so many of you this spring at the Share + Be Aware and Kids Expo events! We look forward to seeing you more as health and safety guidelines continue to adjust. Enjoy this “scrapbook” recapping our recent events — with a few to come.

**Thank you to everyone who joined us at the Kids Expo Drive-Thru event in May! This was the first drive-thru Kids Expo, and each vendor offered a take-home activity. El Dorado Disposal gave out DIY Seed Paper Kits, with a native wildflower mix, to attract beneficial pollinators. All supplies were provided in recyclable packaging (paper envelopes), and shredded paper from our office was reused for the fiber needed to produce the seed paper.**



**In March, we attended El Dorado Community Services District's Share + Be Aware trail etiquette and safety awareness event. We handed out water bottles and kept hikers and bikers on the Stephen Harries Park trail hydrated and joined other community organizations to promote trail safety.**



## Concert in the Park Recycling

Are you looking forward to attending El Dorado Hills Community Services District's summer Concert in the Park series during July and August? As you bring food and drinks to the events, make sure to recycle properly. El Dorado Disposal will provide recycling bins for this event. Do your part to keep our communities clean!

**We're excited to bring back our Community Clean-Up Days this year, and already have held three successful events. Residents took advantage of these nearby events to drop off a variety of items. Our first event in El Dorado Hills collected 39 tons of debris, and the second in Pollock Pines removed 62.5 tons of debris, including 10.5 tons of recyclable materials. That's a lot of recovered material! A third event was held in Placerville on June 26.**

**Watch for updates about materials to be accepted and dates of fall events in El Dorado Hills, Cameron Park, Placerville, Camino, and Pollock Pines.**

# Have a Green Thumb? Compost!

This summer you may find yourself in the yard more, tending to plants, cutting the grass, or landscaping. If you have a green thumb, make your yard work even greener by properly disposing of your yard waste.

If you're already in your yard, try composting! Composting is a fun activity that can get the whole family outside to practice science, learn more about your backyard's critters, and create nutrient-rich compost for your plants. El Dorado Disposal offers composting classes upon request. Email Education and Outreach Coordinator Kristina Noble at [Kristinan@wasteconnections.com](mailto:Kristinan@wasteconnections.com) for more information. You can also visit [calrecycle.ca.gov/organics/homecompost](http://calrecycle.ca.gov/organics/homecompost) to learn more about composting.

You can deliver green waste to two drop-off locations. The Material Recovery Facility will accept yard/green waste seven days a week from 8 a.m. to 5 p.m. for a fee. The El Dorado Hills Buy Back center at 4421 Latrobe Road accepts yard waste from El Dorado Hills residents. There is a maximum of 2 cubic yards per day.



Credit: nixoncreative | iStock | Getty Images Plus



**Yes, recycle these!**



**No, don't recycle these!**

Getty Images: scisetiaillo/iStock, CostinT/E+, CaoChunhai/iStock, Joe\_Potato/iStock, Andrii Shablovskiy/iStock, Kovalchuk/iStock, Winal\_Tepsuttinun

## Plastic Recycling 411

With so many types of plastics available, do you know which ones you can recycle? From bottles to jugs to containers to bags, it can be hard to determine whether an item belongs in your recycling bin or not.

All of El Dorado Disposal's programs keep it easy — we accept plastic tubs, cups, bottles, and jugs. El Dorado Disposal does not separate plastic items by the number located in the center of the chasing-arrows symbol found on most products, meaning you don't have to worry about what number an item has as long as it is a bottle, jug, cup, or tub.

We ask that all recyclable items be placed in carts or bins free and loose, without bags. Plastic bags are considered contamination and can get stuck in recycle sorting machinery — do not put them into your recycling container. Please bring these bags to a retail drop-off location, such as Target or Safeway in Placerville.

Have a question about a plastic item? Use our Waste Wizard to determine where it belongs at [eldoradodisposal.com/schedules](http://eldoradodisposal.com/schedules).

## El Dorado County Household Hazardous Waste Collection Events

Household Hazardous Waste (HHW) collection events at Fire Station 86 have been canceled until further notice. Instead, the El Dorado County Environmental Management Department will be holding temporary, monthly HHW collection events at various locations in the county. You must schedule an appointment to participate in one of these HHW events. To make an appointment, email [hhw@edcgov.us](mailto:hhw@edcgov.us) or call 530-621-5300. All normal limits apply (no more than 15 gallons or 125 gallons per household, and no more than 10 fluorescent bulbs per household). Please do not mix wastes together — keep all items in their original, labeled containers. No business waste and no out-of-county waste will be accepted. At the appointment, you must provide proof of county residency.



# SB 1383 Will Bring Expanded Organics Recycling Programs



Senate Bill (SB) 1383 establishes a goal of reducing the volume of organic waste disposed in California landfills by 75% by 2025. The law covers a wide range of organic products, including lawn and landscaping debris, wood and lumber, food, food-soiled paper, and other paper and cardboard products. Currently, two-thirds of this material is landfilled. As these items break down in landfills, they create methane, a powerful greenhouse gas which the state of California has identified as a factor in climate change. By recycling more paper products and turning food scraps and yard waste into compost or renewable natural gas, we can dramatically reduce methane emissions.

In addition, SB 1383 establishes a goal of increasing edible food recovery by 20% by 2025. The regulations specify that certain food-related businesses must donate the maximum amount of edible food they would otherwise dispose to food recovery organizations. Mandated food donors fall into two tiers, with the larger food providers, such as wholesale food vendors and supermarkets, affected first. These Tier 1 food businesses will need to have donation programs in place by January 1, 2022.

El Dorado Disposal is planning for programs that will help residents and businesses meet the goals of SB 1383. Watch for more details this fall. In the meantime, follow these simple tips:

- Recycle all clean, dry paper and cardboard products in your recycling cart or bin.
- Keep lawn and landscaping debris separate from trash and recyclables and place this clean, green material into your green waste cart or drop it off at an El Dorado Disposal facility.
- If you operate a business or manage a multi-family property, ensure that you have both recycling and yard waste collection services in place. (Many businesses are also required to collect food scraps for organics recycling, so you may need a food scraps bin, as well.)
- Donate edible food to food pantries and other food rescue agencies to feed the hungry rather than tossing it into the trash.

## Waste Not, Want Not

As we work together to reduce, reuse, and recycle as much as possible, it's important to reduce the amount of food we waste at home. According to ReFED, food waste makes up roughly 22% of all landfill volume, making it the single largest category of municipal solid waste in America. The EPA found that wasted food is also one of the least recycled waste streams, with an average national recycling rate of 5.3%.

Here are a few tips that can help reduce food waste and keep it out of landfills:

- **Store food properly.** Do you know which fruits go in the refrigerator and which can last on the counter? Are your onions and potatoes stored separately from each other? How you store your food affects how long it lasts, so you want to make sure produce is stored correctly to help extend its life. To learn how to best store any type of food, visit [savethefood.com/storage](http://savethefood.com/storage) and select the food category you want to learn more about.
- **Make meal prep more exciting.** Are you tired of making and eating the same meals? Shop your pantry, fridge, and freezer for items that have been forgotten and then search for new recipes to match what you have on hand. Simply search online for the ingredients plus "recipe" and you may be pleasantly surprised with a new family favorite.
- **Cook with scraps.** Using up all of the food you have stretches your grocery shopping dollars and reduces your food waste. Search online for "cooking with scraps" for creative recipes that use up all of the food you buy.
- **Compost.** Sometimes we don't eat food fast enough. Compost your fruit and vegetable scraps in a backyard compost bin or pile instead of tossing it.



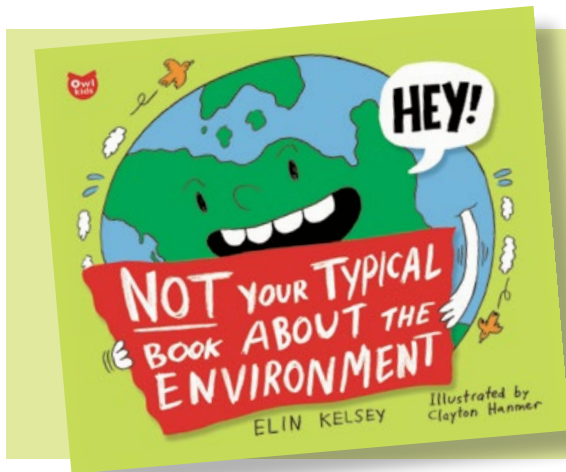
# Good Deeds, Good Deals

Buying and selling used items helps our community, your wallet, and the environment. But how? The sad truth is that Americans make tons of garbage — literally. According to the U.S. Environmental Protection Agency, the average American throws away more than 4½ pounds of trash per day. One way to avoid waste and to save money is to buy and sell used items. It can also be a rewarding and fun way to help the planet!

If you are thinking about selling used items or shopping for them, here are some tips.

- Before shopping for used goods, have a plan. Walking into a thrift store can be overwhelming, even for seasoned thrifters. Focus on what you need and try not to get distracted. You don't save money if you buy items you won't use.
- Have an open mind. Looking in Habitat for Humanity reuse stores, Goodwill stores, Salvation Army stores, local charity thrift stores, and garage sales are all great options. If you feel comfortable with online marketplaces, check out Craigslist, Facebook Marketplace, Nextdoor, Freecycle, eBay, OfferUp, and more. When buying and selling through an online marketplace, please consider ways to stay safe, such as meeting in a public location for the transaction.
- Be realistic. If you have something you don't need and it isn't worth much or might be hard for you to move or dispose of, be a good neighbor and offer it for free. You will save the hassle and expense of transporting and landfilling it and someone might find a use for it.
- Do your homework. Look for reviews of the item you are shopping for ahead of time to spot potential problems. If you have a smartphone, look up the going price for used items. If purchasing something online, look for clear pictures and accurate measurements. Most reuse items are nonreturnable.
- Don't feel like others are watching you and judging you. People don't really care if you are shopping for used goods. If you are worried about seeing someone you know at the thrift store, remember that everyone there, including you, is working to help the Earth and our community.
- Don't try to sell dirty or damaged items at high prices. If you are trying to sell your used goods, thoroughly clean each item, take good pictures, and accurately describe them. Price your used items fairly.

El Dorado Disposal does not offer clothing and textile recycling. If you have items that you don't want to sell, consider donating gently used goods to Goodwill, the Salvation Army, or a local charitable organization. Damaged and unusable items should be disposed in your trash cart.



## Encourage Environmental Enthusiasm

“No matter where you look, you’re bombarded with these hopeless messages about the future of our planet.... All that doom and gloom stuff is only half the story. You are not nature’s bogeyman. You are nature. You’re connected to this great wide world in ways beyond your wildest imagination.... These connections mean that you have power.... The power to choose!” So proclaims Elin Kelsey in the introduction of her book, *Not Your Typical Book About the Environment* (Owl Kids, 64 pages, illustrated by Clayton Hanmer). Although written for children, this engaging book provides an interesting read for adults as well. Even adults who consider themselves well-informed about environmental matters will learn something new here.



# Litter Was a Sad Side Effect of the Pandemic

A sad side effect of the COVID pandemic has been a large increase in littering. Face masks, disposable gloves, and takeout food wrappers have littered our roadways, empty lots, natural areas, and waterways. In our area, we've also seen an increase in the volume of trash left behind in forests and at campsites.

Along our roadways each year, El Dorado County Environmental Management staff removes an average of 1,200 tons of litter and items illegally dumped from along county roads, covering over 2,000 miles of roadside each year. In the South Lake Tahoe area, Clean Tahoe Program staff picks up litter along an additional 350 miles of roadways.

El Dorado National Forest saw a huge influx of litter over the past year, as Californians hit the great outdoors in larger numbers than ever during the pandemic. U.S. Forest Service Park Rangers have created several videos about the "Pack it in — Pack it out" policy in the forest. To learn more about properly disposing of waste in our natural areas, visit [facebook.com/eldoradonf](https://facebook.com/eldoradonf).

"I know from experience that it's disappointing to hike a trail or arrive at a campsite and see it littered with trash or damaged by other people," notes avid hiker Francesca Governali, a member of a litter cleanup group known as the Grounds Keepers. "There are WAY more masks in the litter I pick up — from finding cloth masks in the backcountry to lots of surgical and more disposable masks all over the trails and neighborhoods near where I live."

You can pitch in to prevent and collect litter. So, go and enjoy nature. Take a walk in your neighborhood or a hike in the forest, but be sure not to litter, and do your part to safely clean up litter when you do see it.



**Grounds Keeper and 2019 National Geographic Education Fellow Peg Kleiner uses the hashtag #trackingppe to share litter photos and data with her students. She collected 905 littered face masks, gloves, and cleaning wipes over the course of 18 weeks.**

**Whether you are headed out to camp or just taking a day hike, remember to pack out everything you pack in. Don't litter our beautiful natural areas.**

## Start "Plogging"

The concept of "plogging" comes to us from Sweden. The Swedish term for "pick up litter" is *plocka*, and the word for "jog" is *jogga*. Combined, they become *plogga*, which means to pick up litter while jogging or doing any outdoor exercise. When we adapt the term to English and add an *ing*, we get the word *plogging*.

An estimated 150 million Americans walk, run, or jog outdoors regularly for exercise. If just 10% of them were to start plogging and each one picked up five pieces of trash, we would clear more than 45 million pieces of litter from our sidewalks, trails, and roadsides.

If you and your family start plogging, share your actions on social media using #plogging or #trashtag to encourage others to do the same.



# El Dorado Disposal Material Recovery Facility

## Transfer Station and Material Recovery Facility (MRF)

4100 Throwita Way, Placerville

Open: 8 a.m. to 5 p.m., 7 days a week

Closes at 2 p.m. on: Easter, Memorial Day, July 4th, Labor Day, Thanksgiving, Christmas Eve, and New Year's Eve

Closed: Christmas Day and New Year's Day

### Materials Accepted at the Transfer Station for a Fee:

- Commercial and household waste
- Construction and demolition waste
- White goods, such as refrigerators, freezers, washing machines, stoves, air conditioning units, microwaves, etc.
- Tires (mounted or unmounted on rims)
- Yard waste
- Carpet (no padding)

### Materials Accepted at the MRF for Free:

- Cans and bottles
- Cardboard, office paper, newspaper, and magazines
- Glass food and beverage bottles and jars (unbroken)
- Steel, tin, and aluminum cans

- Plastic food and beverage bottles, jugs, and containers
- Rigid plastic containers, such as laundry jugs and 5-gallon buckets
- Consumer electronics (e-waste), such as televisions, computers, monitors, stereos, VCRs, cell phones, etc.
- Automotive batteries
- Mattresses and box springs – Please keep clean and dry.

## Household Hazardous Waste Collection Facility

4100 Throwita Way, Placerville

Open to Residents: 9 a.m. to 4 p.m., Fridays, Saturdays, and Sundays only

### Materials Accepted from Residents at No Charge:

- Medical sharps (such as needles and lancets) in an approved sharps container or a sealed plastic bottle or jug
- Unwanted over-the-counter and prescription medications (No "controlled substances" — contact your pharmacist to ask whether an old prescription is considered a controlled substance.)

- Household chemicals, such as polishes, oven and drain cleaners, lighter fluid, mercury-containing items, cooking oil, etc.
- Personal care products, such as cosmetics, nail polish, and polish remover
- Garden and landscape products, such as fungicides, insecticides, and pool chemicals
- Garage or workshop chemicals, including paint, paint thinners, wood preservatives, antifreeze and other automotive fluids, used motor oil and filters, etc.
- Rechargeable and alkaline batteries (with clear tape covering the +/- ends)
- Fluorescent light bulbs and tubes (limit of 15)
- Propane tanks (limit of 4)

Limit of 15 gallons or 125 pounds per visit

## Hazardous Waste Disposal for Businesses:

Businesses generating less than 220 pounds or 27 gallons of hazardous waste per month may dispose of hazardous waste at this facility by appointment and for a fee. Appointments are available only on Fridays, from 8 to 9 a.m. Businesses must obtain a Hazardous Waste Generator Permit. For more information or to schedule an appointment, call 530-295-2808.

## Off-Site Recycling and Redemption Centers

### Residential Only

#### Placerville

580 Truck Street

Open: 9 a.m. to 3:30 p.m., Tuesday through Saturday, with ½ hour break at noon

**NOTE:** For the safety of employees, this center closes when the temperature reaches 100 °F.

#### Materials Accepted:

- Buy-back for CRV beverage containers (aluminum, plastic, and glass)

#### Cameron Park

3510 Palmer Drive (behind CVS)

Open: 9 a.m. to 3:30 p.m., Tuesday through Saturday, with ½ hour break at noon

**NOTE:** For the safety of employees, this center closes when the temperature reaches 100 °F.

#### Materials Accepted:

- Buy-back for CRV beverage containers (aluminum, plastic, and glass)
- Cardboard bin for all cardboard, newspaper, and magazines
- E-Waste accepted for free (Limit of 4 TVs)
- Drop-off box for household batteries only (with clear tape covering the +/- ends) – No car, motorcycle, or other large batteries accepted
- Fluorescent light bulbs and tubes accepted for free (up to 4 feet long, 4-tube limit per month)

**NOTE:** No green waste recycling available at this facility. All Cameron Park residents may drop off green waste at the El Dorado Hills facility. Please bring proof of residency.

#### El Dorado Hills

4421 Latrobe Road

Open: 9 a.m. to 3:30 p.m., Tuesday through Saturday, with ½ hour break at noon

**NOTE:** For the safety of employees, this center closes when the temperature reaches 100 °F.

#### Materials Accepted:

- Buy-back for CRV beverage containers (aluminum, plastic, and glass)
- Green waste bin (2 cubic yard maximum per day)
- Cardboard bin for all cardboard, newspaper, and magazines
- E-Waste accepted for free
- Drop-off box for household batteries only (with clear tape covering the +/- ends) – No car, motorcycle, or other large batteries accepted
- Fluorescent light bulbs and tubes accepted for free (up to 4 feet long, 4-tube limit per month)

Visit the CalRecycle website,  
[calrecycle.ca.gov](http://calrecycle.ca.gov),  
for current California Redemption  
Value (CRV) pricing.

## Did You Know?

We accept carpet for recycling!  
For a reduced rate, we take your carpet so it can be shipped off to become new carpet. Please have carpet segregated from the rest of your load when coming into the MRF. Call 530-626-4141 or visit [eldoradodisposal.com](http://eldoradodisposal.com) for more details.

**We want your suggestions,  
questions and comments!**

**El Dorado Disposal Service**  
P.O. Box 1270  
Diamond Springs, CA 95619

**Customer Service:**  
530-626-4141 or 916-985-1162  
[eldoradodisposal.com](http://eldoradodisposal.com)

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Please recycle after reading.