

Alameda County Solid Waste Collection And Organics Waste Reduction REGULATIONS

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Part A General

Section 1 – Authority for Regulations

These Regulations have been created and act as an enforceable mechanism as required by the Short-lived Climate Pollutants: Organic Waste Reductions Regulations (SLCP Regulations) that were promulgated by CalRecycle pursuant to SB1383, located in Title 14 of the California Code of Regulations.

These Regulations were developed under the authority of the Alameda County General Ordinance Code, Chapter 6.40, the Alameda County Solid Waste Collection And Organics Waste Reduction Ordinance (the “Ordinance”) and Alameda County Administrative Code Section 4.12.160 to provide clarification and direction for its implementation.

Section 2 – Appendixes

The following appendixes are part of the Regulations, as they are updated from time to time:

Appendix A, Waste Program Jurisdiction (map)

Appendix B, Authorized Haulers

Appendix C, Curbside Collection – Single Family Generators

Appendix D, Authorized Hauler Areas (map)

Appendix E, Curbside Collection- Commercial Business Generators

Appendix F, Commercial Business Container Requirements

Appendix G, Self- Hauling Requirements

Appendix H, Authorized Hauler Reporting

Appendix I, County Collection Services Zones

Appendix J, Edible Food Recovery

Appendix K, Key Contact Information

Section 3 – Applicability and Geographic Area

- 1) **Jurisdiction.** Unless specified otherwise, the Ordinance and these Regulations apply to the unincorporated area of Alameda County that are not included in the Castro Valley Sanitary District and Oro Loma Sanitary District.
- 2) **Exclusions: Cities within the County of Alameda.** Each incorporated city in the County is responsible for compliance with its city limits.¹
- 3) **Exclusions: Sanitary Districts.** Castro Valley Sanitary District and Oro Loma Sanitary District are each special districts that provide solid waste collection services and which each include portions of unincorporated Alameda County within their district boundaries. These special districts are required to meet the requirements of the SLCP Regulations with their own ordinance or similarly enforceable mechanism to implement requirements of the SLCP Regulations, and therefore, unless otherwise noted the Ordinance and these Regulations apply only to those areas of unincorporated Alameda County not within one of these special districts.
- 4) **Exclusions: Non-Local Entities.** The following entities located within the Waste Program Jurisdiction are considered Non-Local Entities that are not subject to the County's enforcement authority for the OWR.
 - a) Special district(s) including the East Bay Regional Parks District, the East Bay Municipal Utility District, the Livermore Area Recreation and Park District, the San Francisco Public Utilities Commission, and the Contra Costa Water District.
 - b) Federal facilities, including military installations, such as the Livermore Division of the Veterans Affairs Palo Alto Health Care System and Western Area Power Administration substations operated by the U.S. Department of Energy.
 - c) Facilities owned or operated by the California Department of Parks and Recreation, the California State Water Project, or other State agencies, including the Carnegie State Vehicular Recreational Area, Lake Del Valle State Recreation Area, and Bethany Reservoir State Recreation Area.
 - d) Any other Non-Local Entity consistent with the SLCP Regulations.
- 5) **Exclusions: Local Education Agencies².** The following entities located within the Waste Program Jurisdiction are considered Local Education Agencies that are not

¹ 14 CCR § 18982 (a)(36)

² 14 CCR § 18982 (42); 14 CCR14 CCR § 18986.2 (Local Education Agencies Requirements)

subject to the County's enforcement authority for the OWR:

- a) School Districts
 - b) Charter Schools
 - c) County Offices of Education
 - d) Any other Local Education Agency consistent with the SLCP Regulations
- 6) **Map.** Attached as Appendix A, *Waste Program Jurisdiction*, is a map that identifies the Waste Program Jurisdiction, and the portions of the unincorporated area that are within the Castro Valley Sanitary District and Oro Loma Sanitary District.

Section 4 – Responsible County Agency

This primary responsible agency for administration of the OWR is CDA. However, certain tasks, programs and responsibilities are the responsibility of different County agencies and departments. Each part of these Regulations includes the identification of the responsible County agency or department. In addition, the Alameda County Waste Management Agency (WMA) may also perform certain functions and tasks, working cooperatively with the County agencies and departments. Nothing in these Regulations, including identification of a responsible County agency or department prohibits the County from designating another Person to assist with administration and enforcement of the OWR.

Section 5 – Definitions and Acronyms

The following are common acronyms used throughout these Regulations:

- a) **ACDEH** means the Alameda County Department of Environmental Health.
- b) **CDA** means the Alameda County Community Development Agency.
- c) **CEFG** means a Commercial Edible Food Generator that has an ACDEH issued Retail Food Facility permit.
- d) **ORRO** means the Organics Reduction and Recycling Ordinance adopted by the Alameda County Waste Management Authority.

- e) **OWR** means the Organic Waste Requirements which are the Ordinance, these Regulations and the SLCP Regulations collectively.
- f) **WMA** means the Alameda County Waste Management Authority, also known as “StopWaste”.

The following definitions shall apply to these Regulations. The definitions in this section are derived primarily from 14 CCR section 18982 et. seq. If any of those definitions change such that they conflict with the definitions in these Regulations, the definition in 14 CCR section 18982, et seq. shall apply.

- (1) **Authorized Hauler** means a Person that has applied to and been approved by the County to haul Solid and /or Organic Waste.
- (2) **Back-Haul** means generating and transporting Organic Waste to a destination owned and operated by a generator using the generator’s own employees and equipment, or as otherwise defined in 14 CCR Section 18982(a)(66)(A).
- (3) **CalRecycle**³ means California's Department of Resources Recycling and Recovery, which is the state agency designated with responsibility for developing, implementing, and enforcing the SLCP Regulations.
- (4) **California Code of Regulations or CCR** means the State of California Code of Regulations. CCR references in this Ordinance are preceded with a number that refers to the relevant Title of the CCR (e.g., “14 CCR” refers to Title 14 of CCR).
- (5) **CDA Director** means the director of the Community Development Agency or their designee.
- (6) **Certification of Recycling Service Form** means documentation that is required by WMA to certify that a Commercial Business does not subscribe to collection services for Compost Containers and/or Recycling Containers because the Commercial Business has arranged for collection of its Source Separated Compost Container Organic Waste and/or Source Separated Recyclable Materials by self-hauling, Back-Haul, contracting with a third party hauler, or shares service with another Commercial Business.
- (7) **Collection Service**⁴ means the pickup and removal of solid waste, organic waste, recyclable materials or compostable materials and transportation of

³ Ordinance § 6.40.040 (1)

⁴ Ordinance § 6.40.040 (3)

such materials to a disposal site, transfer station, composting site, processing or other appropriate facility for disposal, recycling or composting.

- (8) **Commercial Business or Commercial**⁵ means a firm, partnership, proprietorship, joint-stock company, corporation, institution or association (whether incorporated or unincorporated or for-profit or nonprofit), strip mall, industrial facility, or a Multi-Family Residential Dwelling, or as otherwise defined in 14 CCR Section 18982(a)(6).
- (9) **Commercial Edible Food Generator**⁶ includes a Tier One or a Tier Two Commercial Edible Food Generator as defined below. For the purposes of this definition, Food Recovery Organizations and Food Recovery Services are not Commercial Edible Food Generators pursuant to 14 CCR Section 18982(a)(7).
- (10) **Community Composting**⁷ as defined in the SB1383 Regulations [Section 18982. Definitions (a)(8)] means any activity that composts green material, agricultural material, food material, and vegetative food material, alone or in combination, and the total amount of feedstock and compost on-site at any one time does not exceed 100 cubic yards and 750 square feet [as specified in Section 17855(a)(4)].
- (11) **Compliance Review** means a review of records by the County or its designee to evaluate compliance with this Ordinance.
- (12) **Compost**⁸ has the same meaning as in 14 CCR Section 17896.2(a)(4), which stated, as of the effective date of this Ordinance, that “Compost” means the product resulting from the controlled biological decomposition of organic Solid Waste that is Source Separated from the municipal Solid Waste stream, or which is separated at a centralized facility.
- (13) **Compost Container** has the same meaning as “Green Container” in 14 CCR Section 18982(a)(29) and shall be used for the purpose of storage and collection of Source Separated Compost Container Organic Waste.
- (14) **Compostable Plastics or Compostable Plastic** means plastic materials that meet the ASTM D6400 and D6868 standards for compostability and are certified by the Biodegradable Products Institute (BPI) or similar third-party approved by the WMA, and are approved by

⁵ Ordinance § 6.40.040 (4)

⁶ 14 CCR § 18982(a)(7)

⁷ Ordinance § 6.40.040 (5)

⁸ Ordinance § 6.40.040 (6)

the Authorized Hauler for placement in the Compost Container.

- (15) **Container Contamination** or **Contaminated Container**⁹ means a container, regardless of type, that contains Prohibited Container Contaminants.
- (16) **County Collection Service Zone**¹⁰ means a service zone within the unincorporated area of the county established by the board of supervisors pursuant to Section 6.40.280.
- (17) **Designee** means an entity that the County contracts with or otherwise arranges to carry out or assist with any of its responsibilities for compliance with the OWR and their administration. A Designee may be a government entity, a private entity, or a combination of those entities.
- (18) **Edible Food**¹¹ means food intended for human consumption for the purposes of this Ordinance. Edible Food is not Solid Waste if it is recovered and not discarded. Nothing in the OWR requires or authorizes the Recovery of Edible Food that does not meet the food safety requirements of the California Retail Food Code¹² (Health and Safety Code Section 113700, et seq).
- (19) **Enforcement Action**¹³ means an action by the County or its Designee, to address non-compliance with the OWR including, but not limited to, issuing Notices of Violation, administrative citations, fines, penalties, or using other remedies.
- (20) **Excluded Waste**¹⁴ means hazardous substances, hazardous waste, infectious waste, designated waste, volatile, corrosive, medical waste, infectious, regulated radioactive waste, and toxic substances or material that facility operator(s), which receive materials from a Authorized Hauler and its generators, reasonably believe(s) would, as a result of or upon acceptance, transfer, processing, or disposal, be a violation of local, State, or Federal law, regulation, or ordinance, including: land use restrictions or conditions, waste that cannot be disposed of in Class III landfills or accepted at the facility by permit conditions, waste that in the reasonable opinion of the County, WMA or an Authorized Hauler would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose the County or an Authorized

⁹ 14 CCR §18982(a)(55)

¹⁰ Ordinance § 6.40.040 (8)

¹¹ Ordinance § 6.40.040 (11); 14 CCR § 18982(a)(18)

¹² 14 CCR § 18982(a)(18)

¹³ 14 CCR § 18982(a)(19)

¹⁴ ORRO, Section 3 (s)

Hauler to potential liability; but not including de minimis volumes or concentrations of waste of a type and amount normally found in Single-Family or Multi-Family Solid Waste after implementation of programs for the safe collection, processing, recycling, treatment, and disposal of batteries and paint in compliance with Sections 41500 and 41802 of the Public Resources Code. Excluded Waste does not include used motor oil and filters, household batteries, universal wastes, and/or latex paint when such materials are defined as allowable materials for collection through the Authorized Hauler's collection programs and the generator or customer has properly placed the materials for collection pursuant to instructions provided by the County or the Authorized Hauler providing service to the generator.

- (21) **Food Scraps**¹⁵ means all edible or inedible food such as, but not limited to, fruits, vegetables, meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bread, cheese, coffee grounds, and eggshells. Food Scraps excludes fats, oils, and grease when such materials are Source Separated from other Food Scraps.
- (22) **Food Facility** has the same meaning as in Section 113789 of the Health and Safety Code.
- (23) **Food Recovery**¹⁶ means actions to collect and distribute food for human consumption that otherwise would be disposed, or as otherwise defined in 14 CCR Section 18982(a)(24).
- (24) **Food Recovery Organization**¹⁷ means an entity that engages in the collection or receipt of Edible Food from Commercial Edible Food Generators and distributes that Edible Food to the public for Food Recovery either directly or through other entities or as otherwise defined in 14 CCR Section 18982(a)(25), including, but not limited to:
 - a) A food bank as defined in Section 113783 of the Health and Safety Code;
 - b) A nonprofit charitable organization as defined in Section 113841 of the Health and Safety code; and,
 - c) A nonprofit charitable temporary food facility as defined in Section 113842 of the Health and Safety Code.

¹⁵ ORRO, Section 3 (y)

¹⁶ Ordinance § 6.40.040 (11)

¹⁷ Ordinance § 6.40.040 (12)

A Food Recovery Organization is not a Commercial Edible Food Generator for the purposes of these Regulations and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7). If the definition in 14 CCR Section 18982(a)(25) for Food Recovery Organization differs from this definition, the definition in 14 CCR Section 18982(a)(25) shall apply to this Ordinance.

- (25) **Food Recovery Service**¹⁸ means a person or entity that collects and transports Edible Food from a Commercial Edible Food Generator to a Food Recovery Organization or other entities for Food Recovery, or as otherwise defined in 14 CCR Section 18982(a)(26). A Food Recovery Service is not a Commercial Edible Food Generator for the purposes of this Ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).
- (26) **Food-Soiled Paper**¹⁹ is compostable paper material that has come in contact with food or liquid, such as, but not limited to, compostable paper plates, napkins, and pizza boxes, and is approved by the applicable the Authorized Hauler for placement in the Compost Container.
- (27) **Hauler** means a Person who collects material from a generator and delivers it to a reporting entity, end user, or other destination. "Hauler" includes public contract haulers, private contract haulers, food waste self-haulers, and self-haulers. Haulers shall not include the exceptions stated in 14 CCR section 18815.2(a)(32).
- (28) **High Diversion Organic Waste Processing Facility**²⁰ means a facility that is in compliance with the reporting requirements of 14 CCR Section 18815.5(d) and meets or exceeds an annual average mixed waste organic content Recovery rate of 50 percent between January 1, 2022 and December 31, 2024, and 75 percent after January 1, 2025, as calculated pursuant to 14 CCR Section 18815.5(e) for Organic Waste received from the "Mixed waste organic collection stream" as defined in 14 CCR Section 17402(a)(11.5).
- (29) **Landfill Container Waste**²¹ means Solid Waste that is collected in a Landfill Container that is part of a three-container or three-plus container collection service that prohibits the placement of Organic Waste in the Landfill Container as specified in 14 CCR Sections 18984.1(a) and (b), or as otherwise defined in 14 CCR Section 17402(a)(6.5). (Three-container

¹⁸ Ordinance § 6.40.040 (13)

¹⁹ ORRO, Section 3 (aa)

²⁰ 14 CCR § 18982 (a) (33)

²¹ ORRO, Section 3 (jj)

collection service refers to service collecting materials in Landfill Containers, Organics Containers, and Recycling Containers.)

- (30) **Large Event** means an event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event.²² For the purposes of this definition of Large Event, “local agency” means all public agencies except those that are not subject to the regulatory authority of the County.
- (31) **Large Venue** means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation. For purposes of the OWR, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. For purposes of the OWR a site under common ownership or control that includes more than one Large Venue that is contiguous with other Large Venues in the site, is a single Large Venue²³.
- (32) **LSI Service Area** is County Collection Service Zone 1, which is served by LSI through an agreement with the County for curbside collection in the Waste Program Jurisdiction.
- (33) **Multi-Family Residential Dwelling or Multi-Family**²⁴ mean of, from, or pertaining to residential premises with five or more dwelling units. Multi-Family premises are considered a distinct type of Commercial Business for the purposes of implementing the OWR. Consistent with the SLCP Regulations, residential premises that consist of fewer than five units are not “Multi-Family” and instead are “Single-Family” for the purposes of implementing the OWR. Multi-Family premises do not include hotels, motels, or other transient occupancy facilities, which are considered other types of Commercial Businesses.
- (34) **Non-Organic Recyclables** means non-putrescible and non-hazardous recyclable wastes including but not limited to bottles, cans, metals, plastics and glass²⁵.

²² 14 CCR § 18982(a)(38)

²³ 14 CCR § 18982(a)(39)

²⁴ Ordinance § 6.40.040 (14)

²⁵ 14 CCR § 18982(a)(43); 14 CCR Section 18995.4.

- a) In Alameda County materials include, but are not limited to, recyclable food and beverage glass containers, metal (aluminum and steel) food and beverage cans, HDPE (high density polyethylene) bottles and PET (polyethylene terephthalate) bottles.
- (35) **Notice of Violation** means a notice that a violation has occurred that includes a compliance date to avoid an action to seek penalties.²⁶
- (36) **Ordinance** means the Alameda County General Ordinance Code, Chapter 6.40, the Alameda County Solid Waste Collection And Organics Waste Reduction Ordinance.
- (37) **Organic Waste** means solid waste containing material originated from living organisms and their metabolic waste products, including but not limited to food, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, paper products²⁷, Printing and Writing Paper, manure, biosolids, digestate, and sludges²⁸.
- a) Biosolids and digestate are defined in 14 CCR Section 18982(a).
 - b) Not all Organic Waste is Compostable.
 - c) Not all Organic Waste may be placed in the green/organic waste container for curbside collection.
- (38) **Organic Waste Generator** or **Generator** means a person or entity that is responsible for the initial creation of Organic Waste.²⁹
- (39) **Organic Waste Requirements or OWR** means the collection of the following documents:
- a) the County of Alameda Solid Waste Collection and Organics Waste Reduction Ordinance;
 - b) these Regulations; and,
 - c) the Short-lived Climate Pollutants: Organic Waste Reductions Regulations (SLCP Regulations) that were promulgated by CalRecycle pursuant to SB1383, located in Title 14 of the California Code of Regulations.

²⁶ 14 CCR § 18982(a)(45)

²⁷ See 14 CCR § 18982(51)

²⁸ 14 CCR § 18982(a)(46); § 6.40.040 (15)

²⁹ 14 CCR §18982(a)(48)

- (40) **Outside of a County Collection Service Zone** means a geographic area where Authorized Hauler service is unavailable due to geographic limitations such as topography, road conditions, and other factors. Areas *Outside of a County Collection Service Zone* are designated by the CDA Director and identified and contained in Appendix I.
- (41) **Permitted CEFG** means a Commercial Edible Food Generator that has an ACDEH-issued Retail Food Facility permit.
- (42) **Person** includes an individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.
- (43) **Prohibited Container Contaminants** includes all of the following: (i) materials placed in the Recycling Container that are not identified as acceptable Source Separated Recyclable Materials by the Authorized Hauler for curbside collection services; (ii) materials placed in the Compost Container that are not identified as acceptable Source Separated Compost Container Organic Waste for the Authorized Hauler 's Compost Container; (iii) materials placed in the Landfill Container that are acceptable Source Separated Recyclable Materials and/or acceptable Source Separated Compost Container Organic Waste that can be placed in the Authorized Hauler's Compost Container and/or Recycling Container; and, (iv) Excluded Waste placed in any container
- (44) **Recovery**³⁰ means any activity or process described in 14 CCR Section 18983.1(b).
- (45) **Recycling Container**³¹ has the same meaning as "Blue Container" in 14 CCR Section 18982(a)(5) and shall be used for the purpose of storage and collection of Source Separated Recyclable Materials and Source Separated Recycling Container Organic Waste.
- (46) **Recyclable materials** means nonhazardous residential, commercial, or industrial materials or by-products which are set aside, handled, packaged, or offered for collection in a manner different than solid waste, and which are capable of and suitable for recycling. Recyclable materials may include, but are not limited to, newspaper, mixed paper, glass containers, metal and aluminum cans, plastic bottles, corrugated cardboard, and used motor oil.
- (47) **Remote Monitoring**³² means the use of mechanical or electronic devices

³⁰ 14 CCR §18982(a)(49).

³¹ ORRO, Section 3 (zz)

³² ORRO, Section 3, (bbb)

to identify the types of materials in Recycling Containers, Compost Containers, and/or Landfill Containers for purposes of identifying the quantity of materials in containers (level of fill) and/or presence of Prohibited Container Contaminants.

- (48) **Restaurant** means an establishment primarily engaged in the retail sale of food and drinks for on-premises or immediate consumption.³³
- (49) **Route Review**³⁴ means a visual inspection of containers along a Hauler Route for the purpose of determining Container Contamination, and may include mechanical or electronic inspection methods such as the use of cameras.
- (50) **Self-Hauler** means a Person, who hauls Solid Waste, Organic Waste or recyclable material they have generated to another Person for disposition in accordance with the OWR and all applicable laws.
- (51) **Single-Family** means, of, from, or pertaining to any residential premises with fewer than five units.
- (52) **Solid Waste** has the same meaning as defined in Public Resources Code Section 40191, which defines Solid Waste as 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 semi-solid wastes, and other discarded solid and semisolid wastes, with the exception that Solid Waste does not include any of the following wastes:
- a) Hazardous waste, as defined in the Public Resources Code Section 40141.
 - b) Radioactive waste regulated pursuant to the State Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the Health and Safety Code).
 - c) Medical waste regulated pursuant to the State Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the Health and Safety Code). Untreated medical waste shall not be disposed of in a Solid Waste landfill, as defined

³³ 14 CCR § 18982(a)(64).

³⁴ 14 CCR § 18982(a)(65)

in Public Resources Code Section 40195.1. Medical waste that has been treated and deemed to be Solid Waste shall be regulated pursuant to Division 30 of the Public Resources Code.

- (53) **Source Separated**³⁵ means materials, including commingled recyclable materials, that have been separated or kept separate from the Solid Waste stream, at the point of generation, for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products, which meet the quality standards necessary to be used in the marketplace, or as otherwise defined in 14 CCR Section 17402.5(b)(4). For the purposes of the OWR, Source Separated shall include separation of materials by the generator, property owner, property owner's employee, property manager, or property manager's employee into different containers for the purpose of collection such that Source Separated materials are separated from Landfill Container Waste or other Solid Waste for the purposes of collection and processing.

- (54) **Source Separated Compost Container Organic Waste**³⁶ means Source Separated Organic Waste that can be placed in a Compost Container that is specifically intended for the separate collection of Organic Waste by the generator, excluding Source Separated Recycling Container Organic Waste, carpets, Non- Compostable Paper, and textiles.

- (55) **Source Separated Recyclable Materials**³⁷ means Source Separated Non-Organic Recyclables and Source Separated Recycling Container Organic Waste.

- (56) **Source Separated Recycling Container Organic Waste**³⁸ means Source Separated Organic Wastes that can be placed in a Recycling Container that is limited to the collection of those Organic Wastes and Non-Organic Recyclables, as defined herein or as otherwise defined in Sections 18982(a)(43) and 18982(a)(46). Source Separated Recycling Container Organic Waste shall include materials as determined by the Authorized Hauler and includes unsoiled paper products and printing and writing paper.

- (57) **Tier One Commercial Edible Food Generator** means a Commercial

³⁵ ORRO, Section 3 (jjj); 14 CCR 18982(a) (69) and (70)

³⁶ ORRO, Section 3(kkk)

³⁷ ORRO, Section 3 (lll)

³⁸ ORRO, Section 3 (mmm)

Edible Food Generator that is one of the following:

- a) Supermarket. [**Supermarket** means a full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items.^{39]}
- b) Grocery Store with a total facility size equal to or greater than 10,000 square feet. [**Grocery Store** means a store primarily engaged in the retail sale of canned food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area that is not separately owned within the store where the food is prepared and served, including a bakery, deli, and meat and seafood departments.^{40]}
- c) Food Service Provider. [**Food Service Provider** which means an entity primarily engaged in providing food services to institutional, governmental, commercial, or industrial locations of others based on contractual arrangements with these types of organizations.^{41]}
- d) Wholesale Food Vendor. [**Wholesale Food Vendor** means a business or establishment engaged in the merchant wholesale distribution of food, where food (including fruits and vegetables) is received, shipped, stored, prepared for distribution to a retailer, warehouse, distributor, or other destination.^{42]}

(58) **Tier Two Commercial Edible Food Generator** means a Commercial Edible Food Generator that is one of the following:

- a) Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.
- b) Hotel with an on-site Food Facility and 200 or more rooms. [**Hotel** has the same meaning as in Section 17210 of the Business and Professions Code.^{43]}
- c) Food Distributor. [**Food Distributor** means a company that distributes food to entities including, but not limited to, supermarkets and grocery stores.^{44]}

³⁹ 14 CCR § 18982(a)(71)

⁴⁰ 14 CCR § 18982(a)(30)

⁴¹ 14 CCR § 18982(a)(22)

⁴² 14 CCR § 18982(a)(76)

⁴³ 14 CCR § 18982(a)(34)

⁴⁴ 14 CCR § 18982(a)(22)

d) Health facility with an on-site Food Facility and 100 or more beds.
[**Health Facility** has the same meaning as in Section 1250 of the Health and Safety Code⁴⁵.]

e) Large Venue.

f) Large Event.

(59) **Waste Program Jurisdiction** means, unless specified otherwise, the unincorporated areas of Alameda County that are not included in the Castro Valley Sanitary District and Oro Loma Sanitary District.

⁴⁵ 14 CCR § 18982(a)(32)

Part B

Solid Waste Collection and Organic Waste Recycling

Section 1 – Requirements For Single-Family Generators

- 1) **Mandatory Service Compliance.** To comply with mandatory service requirements⁴⁶ all Single-Family Generators, unless a waiver or exemption has been granted, shall contract directly with an Authorized Hauler to provide curbside solid waste collection services for Compost Containers, Recycling Containers, and Landfill Containers. The owner of the property shall be primarily responsible for compliance with the mandatory service requirements, however, may require a tenant or other person on the property to contract directly with the Authorized Hauler. Notwithstanding primary responsibility, the County may take enforcement action against any Generator that is not in compliance with any OWR requirement.
 - a) Single-Family Generators shall subscribe to weekly curbside collection services⁴⁷ for Solid Waste, Recyclable Materials, and Organic Waste Collection services provided by an Authorized Hauler.
 - b) Authorized Haulers are approved by the County and placed on an Authorized Hauler list, which is regularly updated. See Appendix B, *Authorized Haulers*.

- 2) **Curbside Collection.** All Single-Family Generators shall participate in the curbside collection by placing materials in designated containers, and by not placing Prohibited Container Contaminants in collection containers.
 - a) The specific details and requirements for curbside collection containers vary between Authorized Haulers. Details and requirements for each Authorized Hauler providing curbside collection services are attached in Appendix C, *Curbside Collection – Single Family Generators*.
 - b) Single Family Generators shall adjust the service level, such as container sizes, for its collection services as requested by the County in order to meet the standards set forth in the OWR.

⁴⁶ Ordinance § 6.40.050 and 14 CCR § 18984.9

⁴⁷ Ordinance § 6.40.050

3) **Primary County Agency:** CDA

Section 2 – Requirements for Commercial Business Generators Including Multi-Family Residential Dwellings with 5 or more units

- 1) **Mandatory Service Compliance.** To comply with mandatory service requirements, all Commercial Business Organic Waste Generators, including Multi-Family Residential Dwellings with 5 or more units, shall contract directly with an Authorized Hauler to provide curbside solid waste collection services for Compost Containers, Recycling Containers, and Landfill Containers.
 - a) Authorized Haulers are identified on a list which is updated if there are changes, the list as Appendix B, *Authorized Haulers*.
 - b) Authorized Haulers may be authorized to collect in a single or in multiple parts of the unincorporated area. A map identifying the Authorized Hauler (s) for an area is attached Appendix D, *Authorized Hauler Areas (map)*.
- 2) **Curbside Collection.** All Commercial Business Organic Waste Generators, including Multi-Family Residential Dwellings must participating in the curbside collection by placing materials in designated containers, and by not placing Prohibited Container Contaminants in collection containers.
 - a) The specific details and requirements for curbside collection containers vary between Authorized Haulers. Details and requirements for each Authorized Hauler providing curbside collection services are attached in Appendix E, *Curbside Collection- Commercial Business Generators*.
 - b) Commercial Business Organic Waste Generators, including Multi-Family Residential Dwellings must adjust the service level, such as container sizes, for its collection services as requested by the County in order to meet the standards set forth in the OWR.
- 3) **Collection Container Compliance.** All Commercial Business Organic Waste Generators, including Multi-Family Residential Dwellings with 5 or more units, must:
 - a) Supply and allow access to adequate number, size and location of collection containers with sufficient labels or colors for employees, contractors, tenants, and customers, consistent with the Recycling Container, Compost Container, and Landfill Container collection service.

- b) Commercial businesses (excluding Multi-Family Residential Dwellings), shall provide compliant containers for the collection of Source Separated Compost Container Organic Waste and Source Separated Recyclable Materials generated by that business in all areas where the Commercial Business provides disposal containers for employees, contractors, tenants, customers and other users of the premises in compliance with the OWR.
 - c) Details for collection containers including container labels are located in Appendix F, *Commercial Business Container Requirements*.
- 4) **Education and Monitoring.** All Commercial Business Organic Waste Generators, including Multi-Family Residential Dwellings with five (5) or more units, must:
- a) Prohibit employees from placing materials in a container not designated for those materials per the Recycling Container, Compost Container, and Landfill Container collection service or, if self-hauling, per the Commercial Businesses' instructions to support its compliance with its self-haul program, in accordance with the OWR.⁴⁸
 - b) Periodically inspect Recycling Containers, Compost Containers, and Landfill Containers for contamination and inform employees if containers are contaminated and of the requirements to keep contaminants and of requirements for use of each container⁴⁹.
 - c) Annually provide information to employees, contractors, tenants, building residents, and customers about Organic Waste Recovery requirements and about proper sorting of Source Separated Compost Container Organic Waste and Source Separated Recyclable Materials.⁵⁰
 - d) Provide information before or within fourteen days of new occupation of the premises to new tenants and no less than fourteen days before tenants move out of the premises, unless a tenant does not provide fourteen or more days' notice to before moving out, that describes requirements to keep Source Separated Compost Container Organic Waste and Source Separated Recyclable Materials separate from each other and from Landfill Container Waste and the location of containers and the rules governing their use at the property.⁵¹

⁴⁸ 14 CCR § 18984.9 (b)(2); ORRO, Section 5 (e)

⁴⁹ 14 CCR §18984.9(b)(3).

⁵⁰ 14 CCR § 189894.10 (b); ORRO, Section 5 (g)

⁵¹ 14 CCR § 18984.10 (b)(1); ORRO, Section 5 (h)

- e) Provide or arrange access for the County, and/or its designee, to their properties during all inspections conducted in connection with the OWR and timely provide documents requested by County to confirm compliance with the requirements thereof.⁵²
 - f) Accommodate and cooperate with any Remote Monitoring program established by Commercial Business's Authorized Hauler, the County, or its designees for inspection of the types of materials placed in containers for Prohibited Container Contaminants to evaluate generator's compliance with the OWR.
 - g) At Commercial Business's option and subject to approval by the County, implement its own Remote Monitoring program for self-inspection of the types of materials placed in Recycling Containers, Compost Containers, and Landfill Containers for the purpose of monitoring the contents of containers to determine appropriate levels of service and to identify Prohibited Container Contaminants. Purchase and maintenance of the Remote Monitoring program shall be the responsibility of the Commercial Business.
- 5) **WMA Assistance.** Enforcement related to certain recycling materials is primarily handled by WMA authority through their ORRO, sections of which have been opted into by the County through these Regulations. WMA will take the lead on enforcement for the provision of recycling and organics collection service for commercial and multifamily accounts, de minimis and physical space waiver processing, documentation of "alternative" recycling (self-haul, back-haul, shared service, and independent third-party recycler collection) through a Certification of Recycling Service application/approval process.
- 6) **Primary County Agency:** CDA. WMA is providing assistance with educational materials, enforcement and non-compliance letters for recycling and organics collection service for commercial and multifamily generators.

Section 3 – Mandatory Service; Exemptions and Waivers

- 1) **Limitations.** Waiver of any requirement for Single Family and Commercial Business, including a Multi-Family Residential Dwelling, generators are only provided consistent with and allowed by the OWR.
- 2) **Mandatory Collection Service.** Waiver of any requirement for Single Family and Commercial Business, including a Multi-Family Residential Dwelling, generators to

⁵² 14 CCR § 18984.11 (c)

subscribe to curbside collection service must meet the requirements in the SLCP and the following:

- a) **Waivers for Single Family Generators.** Any application for a waiver for a Single-Family Generator must be submitted directly to the County and include documentation for the basis of the waiver request. There are limited reasons that will support a waiver, and one or more of the following must be demonstrated:
 - i) **Inaccessible Property:** The property is inaccessible due to road conditions that render access to the property by an Authorized Hauler truck unsafe, severely impractical, or impossible, in the judgement of both the Owner or Occupant of the Premises and the Authorized Hauler for the area. The property and Generator will be registered as an approved Self-Hauler and must meet all Self-Hauling Requirements as set forth in the OWR. [See Appendix G, Self-Hauling Requirements.]
- b) **Waivers and certifications for Commercial Business Generators.** Any application for a waiver or certification for a Commercial Business Generator must be submitted to WMA (StopWaste) to be processed on the County's behalf:
 - i) **Physical Space Waivers**⁵³. The County may waive a Commercial Business' (including a Multi-Family Residential Dwelling's) obligation to comply with some or all of the recyclable materials and/or Organic Waste collection service requirements of the OWR if it is demonstrated that the premises lacks adequate space for the required collection containers. Physical Space Waivers are not available to single family generators.

Commercial Business waivers are processed by StopWaste. A Commercial Business requesting a Physical Space Waiver shall:

- (1) Submit an online application to WMA (StopWaste) specifying the service or requirements for which it is requesting a waiver at the following url: <https://portal.stopwaste.org/waiver>.
- (2) Provide documentation with the application that the property lacks adequate space for Recycling Containers and/or Compost Containers, which shall include documentation from its Authorized Hauler, licensed architect, licensed engineer, or other Person authorized by the County and WMA.

⁵³ 14 CCR § 18987.11(2)

- (3) If the waiver is granted, notify WMA and the County if the Commercial Business' physical space configurations or amounts of Solid Waste generation change, in which case the waiver may be rescinded.
 - (4) If the waiver is granted, provide written verification of continued eligibility for Physical Space Waiver to WMA and the County every 5 years.
- ii) **De Minimis Waiver.**⁵⁴ The County may waive a Commercial Business' (except for Multi-Family Residential Dwellings) obligation to comply with some or all of the Organic Waste collection service requirements of the OWR if the Commercial Business provides documentation demonstrating that the business generates below a certain amount of Organic Waste material, pursuant to the OWR. De Minimis waivers are not available for Single Family Generators or Multi-Family Generators.

Commercial Business waivers are processed by StopWaste. A Commercial Business requesting a De Minimis waiver shall:

- (1) Submit an online application to WMA (StopWaste) specifying the service or requirements for which it is requesting a waiver at the following url: <https://portal.stopwaste.org/waiver>.
- (2) Provide documentation with the application that either:
 - (a) The Commercial Business' total Solid Waste collection service is two cubic yards or more per week and Organic Waste subject to collection in a Recycling Container or Compost Container comprises less than 20 gallons per week per applicable container of the business' total waste; or,
 - (b) The Commercial Business' total Solid Waste collection service is less than two cubic yards per week and Organic Waste subject to collection in a Recycling Container or Compost Container comprises less than 10 gallons per week per applicable container of the business' total waste.
 - (c) For the purposes of subsections (a) and (b) above, total Solid Waste shall be the sum of weekly Landfill Container Waste, Source Separated Recyclable Materials, and Source Separated Compost Container Organic Waste measured in cubic yards.
- (3) If the waiver is granted, notify WMA and the County if circumstances change such that Commercial Business's Organic Waste exceeds

⁵⁴ 14 CCR § 18984.11(1)

threshold required for waiver, in which case the waiver will be rescinded. If the waiver is granted, provide written verification of continued eligibility for De Minimis waiver to WMA and the County every 5 years.

- c) **Collection Frequency Waiver.** The County at its discretion and in accordance with 14 CCR Section 18984.11(a)(3), may allow curbside collection of some or all of the curbside collection containers once every fourteen days, rather than once per week.

- d) **Parcels With No Waste Generators:** CDA shall create, maintain, and verify a list of properties that are presently undeveloped or vacant, such that no discarded Solid Waste or Organic Waste is generated thereon. *Parcels With No Waste Generators* are not subject to the SLCP Regulations. Formal waiver applications are not required unless a property has been mis-identified as a Generator and is seeking re-classification.
 - i) Any application to be re-classified and added to the County's list of *Parcels With No Waste Generators* must be submitted directly to the County and include documentation for the basis of the waiver request.
 - ii) Properties approved under this subsection will be added to a County-maintained list of *Parcels with No Waste Generators*.
 - iii) If there are any changes to a property on the County's *Parcels With No Waste Generators* list, such as the property is developed, the County must be notified within 30 days of the change.

- e) **CDA Director Exemption.** The CDA Director, after consideration of information related to a geographic area of the Waste Program Jurisdiction, including availability of haulers, topography, and other factors, may designate an area as **Outside of a County Collection Service Zone**. This determination shall be in writing with the area clearly identified. The determination must include a determination if Generators in the area must comply with any or all regulations for Self Haulers. After the exemption is granted the area shall be identified and included in Appendix I.

3) **Waiver Requests.**

- a) Any request for waiver must:
 - i) Be in writing.
 - ii) Identify the specific basis for the waiver, including the allowance of such a waiver in the SLCP Regulations and, if applicable, the ORRO.
 - iii) Include written documentation supporting the waiver, including but not limited to meeting each requirement of the waiver contained in the SLCP Regulations.

- b) WMA will take the lead on review and recommendations to grant **de minimis** and **physical space waivers** for Commercial Businesses.
 - i) WMA will consider the waiver application, materials submitted, the OWR and ORRO requirements and any other relevant information and provide a recommendation to grant or deny the waiver to the County.
 - ii) The County will review the WMA recommendation and issue a final determination on the waiver request within 20 days of receipt of the recommendation from WMA.

- c) For any waiver for which WMA is the lead, a waiver request must be submitted via the StopWaste website:

<https://portal.stopwaste.org/waiver>

With a copy to the County at:

wasteprogram@acgov.org

OR

Community Development Agency Planning Department
Attn: Waste Program
224 W Winton Ave, Suite 111
Hayward, CA 94544

- d) All other waiver requests, including all waivers for Single Family Generators, must be sent to:

wasteprogram@acgov.org

OR

Community Development Agency Planning Department
Attn: Waste Program
224 W Winton Ave, Suite 111
Hayward, CA 94544

- e) A waiver is not effective unless and until CDA responds with a letter that specifically grants the waiver, with an effective date, the specific location and type of waiver identified.

4) **Waiver Conditions.**

- a) For any waiver that is granted the following conditions must be met:

- i) Provide written verification to the County of continued eligibility for a physical space waiver every five years.
- ii) Immediately notify the County if there any changes to the basis for which the waiver is granted

b) Any Waiver may be rescinded in the sole discretion of the County.⁵⁵

5) Low Population Waivers granted by CalRecycle⁵⁶.

- a) The County has applied to CalRecycle and received a waiver from some or all of the requirements of the OWR for census tracts that have a population density of less than 75 people per square mile that are served by the jurisdiction and are located in unincorporated portions of a county. The waiver became effective on February 7, 2022 for a period of five (5) years.
- b) Properties located in census tracts that have received Low-Population Waivers from CalRecycle are exempted from the requirements of the OWR, including the Mandatory Service requirement, for the period of the waiver. Properties in approved Low-Population Waiver census tracts are not required to register with the County as self-haulers for the period of the waiver.
- c) The area granted a Low Population Waiver by CalRecycle is included in Appendix A.
- d) Low Population Waivers issued by CalRecycle are good for a period of up to five 5 years⁵⁷ and are subject to approval by CalRecycle as follows:
- e) The County may apply to renew a Low Population Waivers waiver issued pursuant any time up to 180 days prior to the expiration of an existing waiver.
- f) If an additional Low Population Waiver is requested, the County shall submit the following information to CalRecycle:
 - i) The number of generators that will be included in the waiver.
 - ii) The requested length of the waiver.
- g) If the request for a waiver is submitted by the County seeking to waive unincorporated census tracts, the jurisdiction shall identify each census tract that will be waived.

⁵⁵ 14 CCR § 18984.11 (a).

⁵⁶ 14 CCR § 18984.12(a)

⁵⁷ 14 CCR § 18984.12(a)

- 6) **Rural Exemptions granted by CalRecycle.**⁵⁸ The Waste Program Jurisdiction does not qualify for a rural exemption as it is not “a jurisdiction that is located entirely within one or more rural counties [counties with a total population of less than 70k persons], or a regional agency comprised of jurisdictions that are located within on or more rural counties.”⁵⁹
- 7) **Elevation Waivers granted by CalRecycle.**⁶⁰ The Waste Program Jurisdiction does not qualify for an elevation waiver as none of the Waste Program Jurisdiction is located at or above 4,500 feet.
- 8) **Primary County Agency:** CDA. WMA is providing assistance with waiver processing and documentation of “alternative recycling” such as back-haul/self-haul/shared service.

Section 4 –Authorized Haulers for Curbside Collection

- 1) **Curbside Collection.** To best meet the needs of the unincorporated area subject to the OWR, curbside collection services have been arranged with multiple Authorized Haulers. Authorized Haulers may be authorized to collect in a single or in multiple parts of the unincorporated area. A map identifying the Authorized Hauler (s) for each area is attached Appendix D, *Authorized Hauler Areas (map)*.
- 2) **No Prohibition.** Nothing in the OWR prohibits a generator from preventing or reducing waste generation, managing organic waste on site, or using a Community Composting site.⁶¹
- 3) **Primary County Agency:** CDA

⁵⁸ 14 CCR § 18984.12(c)

⁵⁹ PRC § 42649.8

⁶⁰ 14 CCR 18984.12(d)

⁶¹ 14 CCR § 18984.9 (c)

Section 5 – Self-Haulers

1) Self-haulers – General Provisions for all Self-Haul Generators.

- a) Any generator that desires to self-haul must register, be approved by the County, and meet all requirements as set forth in the OWR⁶².
- b) Self-Hauling in place of subscribing to curbside collection is permitted only in limited circumstances. See Section 3 – Mandatory Service; Exemptions and Waivers
- c) Certain areas of the Waste Program Jurisdiction may be designated as *Outside of a County Collection Service Zone* where, for geographic reasons, no Authorized Hauler service is available. Except where Low Population Waivers apply, Generators located in areas designated as *Outside of a County Collection Service Zone* are required to register with the County as Self-Haulers and meet all requirements as set forth in the OWR. Areas designated as *Outside of a County Collection Service Zone* are identified and included in Appendix I.
- d) Self-Haulers who are Single Family Residences must register with the County as follows:
 - i) [RESERVED for registration process.]
- e) Self-Haulers shall source separate all recyclable materials and Organic Waste in accordance with Appendix G, *Self-Hauling Requirements*.⁶³
- f) Self-Haulers shall haul their Source Separated Recyclable Materials to a facility that recovers those materials; and haul their Source Separated Compost Container Organic Waste to a Solid Waste facility, operation, activity, or property that processes or recovers Source Separated Organic Waste. Alternatively, Self-Haulers may haul Organic Waste to a High Diversion Organic Waste Processing Facility. Self-Haulers may Back-haul to a destination owned and operated by the generator using the generator’s own employees and equipment and then haul those consolidated materials to facilities meeting the relevant OWR and WMA requirements
- g) Self-Haulers shall notify the County if they subscribe to separate collection service for Compost Containers and/or Recycling Containers by an Authorized Hauler, such that they are no longer Self-Haulers.

⁶² 14 CCR section 18988.3

⁶³ 14 CCR § 18984.1 and § 18984.2; 4 CCR § 18984.3.

h) A Single-Family Organic Waste Generator that is approved to self haul Organic Waste is not required to record or report information as required in subdivision 2 below.

2) **Self-Haulers – Commercial Business Organic Waste Generators, including Multi-Family Residential Dwellings.**

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

- i) Delivery receipts and weight tickets from the entity accepting the material.
- ii) The amount of material in cubic yards or tons transported by the generator to each entity.
- iii) If the material is transported to an entity that does not have scales on-site, or employs scales incapable of weighing the Self-Hauler's vehicle in a manner that allows it to determine the weight of materials received, the Self-Hauler is not required to record the weight of material but shall keep a record of the entities that received the Organic Waste.

b) Self-Haulers that are Commercial Businesses (including Multi-Family Residential Dwellings) shall submit a Certification of Recycling Service Form to WMA (StopWaste) with a copy to the County for review for compliance. Applications will be considered for approval to the extent permitted by other applicable laws.

c) Self-Haulers that are Commercial Businesses (including Multi-Family Residential Dwellings) shall submit a new Certification of Recycling Service Form to the WMA with a copy to the County for compliance review every five years.

d) Self-Haulers that are Commercial Businesses (including Multi-Family Residential Dwellings) shall provide information, upon request, collected in this section to the WMA and the County. The requested information shall be provided within 60 days.

e) Any request for approval to self-haul must be completed as follows:

- i) WMA: Submit a request to WMA(StopWaste), by going to <https://portal.stopwaste.org/crs> and completing the Certification of Recycling Service form.
- ii) County: Provide a copy of the completed form to:

Community Development Agency Planning Department
Attn: Waste Program
224 W Winton Ave, Suite 111
Hayward, CA 94544

OR by email to:

wasteprogram@acgov.org

- 3) **Occasional Special Trips.** Nothing in the Ordinance or these Regulations shall be interpreted to prevent any Generator from occasionally self-hauling generated Solid Waste as needed above and beyond the capacity of curbside services provided by the Generator's Authorized haulers, and in accordance with the OWR
- 4) **Primary County Agency:** CDA. WMA is providing assistance with approval and documentation of self-haulers.

Section 6 –Authorized Haulers

1) **Authorized Haulers.**

- a) Any Person desiring to haul Organic Waste with the Waste Program Jurisdiction must apply to the County and be approved as an Authorized Hauler prior to picking up or hauling any Organic Waste.⁶⁴
- b) As a condition of authorization, an Authorized Hauler providing Single-Family, Commercial, or industrial Organic and Solid Waste collection service to generators within the Waste Program Jurisdiction shall meet the requirements and standards in the OWR, including the following:
 - i) Authorized Haulers shall identify the facilities to which they will transport organic waste.⁶⁵
 - ii) Authorized Haulers providing an organic waste collection service shall comply with the applicable requirements of SLCP Regulations, including Chapter 12 Article 3, Organic Waste Collection Services [14 CCR 18984 - 18984.14].⁶⁶

⁶⁴ 14 CCR § 18988.1

⁶⁵ 14 CCR § 18988.1(a)(1)

⁶⁶ 14 CCR § 18988.1(a)(2)

- c) Any Authorized Hauler authorized to provide regular/subscription curbside collection services must provide Recycling, Compost and Landfill Container collection services to every subscribed generator in compliance with the OWR.

2) **Application.** The application process to become an Authorized Hauler is:

- a) Complete the Authorized Hauler application, including all required information and documentation. Required information includes:
 - i) Identify the facilities to which they will transport organic waste.
 - ii) Statement confirming that haulers will adhere to all OWR standards regarding organic waste collection.⁶⁷

- b) Submit the application and the application fee to:

Community Development Agency Planning Department
Attn: Waste Program
224 W Winton Ave, Suite 111
Hayward, CA 94544

- c) The County will review the application and provide a response that the application has been approved, the application has been denied or additional information is needed to complete review of the application.
- d) An Authorized Hauler may only pick up Organic Waste within the Waste Program Jurisdiction in the geographic area authorized by the County, which may be the entire Waste Program Jurisdiction or select areas within the Waste Program Jurisdiction.
- e) An Authorized Hauler wishing to operate (or provide subscription-based Curbside Collection Services in) a County Collection Service Zone must specifically apply and be authorized by the County to do so.
- f) This process to become an Authorized Hauler is in addition to any applications, permits and conditions required by the Public Resource Code, including requirements and regulation by the Solid Waste Local Enforcement Agency (LEA).

3) **Renewal.** Authorized Hauler approval is valid for 5 year(s). An Authorized Hauler must submit a renewal application with the application fee to:

⁶⁷ 14 CCR § 18988.1 (a)(1)-(2)

Community Development Agency Planning Department
Attn: Waste Program
224 W Winton Ave, Suite 111
Hayward, CA 94544

To allow time for processing the renewal, it is highly recommended that the renewal application be submitted at least 6 months prior to expiration of a renewal. A person may not pick up or haul any Organic Waste in the Waste Program Jurisdiction if their authorization has expired, even if a renewal application is pending.

4) **Requirements.** Authorized Haulers must:

- a) Authorized Haulers must comply with all reporting and other requirements as contained in the OWR, their approval documents and any contract or agreement with the County related to curbside side collection.
 - i) The County may provide reporting templates or instructions for electronic reporting at a later time and Appendix H, *Authorized Hauler Reporting* is reserved for this purpose
 - ii) [RESERVED for reporting processes]
- b) Comply with business license requirements.
- c) Identify the facilities to which they will transport organic waste as a condition of approval.⁶⁸
- d) Adhere to the standards regarding Organic Waste collection in the OWR⁶⁹.
- e) Authorized Haulers providing curbside collection services must meet all contract requirements for compliance with the OWR, including but not limited to colored collection containers, educational materials, employee training and Container Contamination minimization efforts.

5) **Exemptions.** Any Person that meets exemption contained the SLCP Regulations, Article 7, Regulation of Haulers [14 CCR 18988.1-18988.4] are not required to meet the Authorized Hauler requirements, however, must comply with all applicable laws and regulations, including the OWR and WMA requirements.

6) **Primary County Agency:** CDA, with the County Business Licensing Office

⁶⁸ 14 CCR § 18988.1 (a)(1)

⁶⁹ 14 CCR § 18988.1 (a)(2)

Section 7 –Facility Operators

- 1) **Requirements for Facility Operators and Community Composting Operations.**
 - a) Owners of facilities, operations, and activities that recover Organic Waste, including, but not limited to, compost facilities, in-vessel digestion facilities, and publicly-owned treatment works shall, upon request from the County or WMA, provide within 60 days information regarding available and potential new or expanded capacity at their facilities, operations, and activities, including information about throughput and permitted capacity necessary for planning purposes.
 - b) Community Composting operators shall, upon request from the County or WMA, provide within 60 days information to support Organic Waste capacity planning, including, but not limited to, an estimate of the amount of Organic Waste anticipated to be handled at the Community Composting operation.
- 2) **General Compliance Requirement.** Owners of facilities, operations, and activities that recover Organic Waste, including, but not limited to, compost facilities, community composting operators and in-vessel digestion facilities shall meet the requirements and standards contained in the OWR, ORRO and all other applicable laws and regulations.
- 3) **Primary County Agency:** CDA, however, WMA has accepted and is designated by the County to collect this information and create and provide reports to the County for compliance with the SLCP Regulations.

Part C

County Collection Service Zones⁷⁰

- 1) **Designation of County Collection Services Zones.** The board of supervisors has established county collection service zones for the purpose of the collection of solid waste, compostable materials, or recyclable materials. See Appendix I, *County Collection Services Zones*.
- 2) **Authorization and requirements for collection within County Collection Service Zones.**
 - a) No person shall establish, operate or carry on the business of collecting solid waste, compostable materials, or recyclable materials within a county collection service zone, unless authorized by the County⁷¹.
 - b) No person shall permit or allow the collection and removal of solid waste, compostable materials, or recyclable materials by a person that has not been authorized by the County to provide such services.
- 3) **Exemptions.** The following persons are exempted and not required to obtain authorization pursuant to for the collection of solid waste, compostable materials, or recyclable materials within a County Collection Service Zone⁷²:
 - a) Persons that collect or accept donated recyclable materials, or pay for the collection of recyclable materials and compostable materials;
 - b) A gardening, landscaping or tree-trimming contractor removing compostable materials from a premises as an incidental part of total service offered by that contractor for no additional or separate fee;
 - i) Such contractors must transport the compostable materials to a facility that that accepts and processes compostable materials in compliance with the OWR, including but not limited to Community Composting.
 - c) Persons that have contracted for the collection of solid waste, compostable materials, or recyclable materials generated by a public school, county facilities, or federal facilities;

⁷⁰ Ordinance § 6.40.280- §6.40.300

⁷¹ Ordinance § 6.40.2909 (B)

⁷² Ordinance § 6.40.300.

- d) Persons collecting, removing or disposing the following:
 - i) Animal waste and remains from slaughterhouse or butcher shops, grease, or used cooking oil;
 - ii) By-products of sewage treatment, including slush, sludge ash, grit and screenings;
 - iii) Hazardous or dangerous materials; liquid and dry caustics; acids; biohazardous, flammable and explosive materials; insecticides; and similar substances;
 - iv) Infectious medical waste (as defined in California Health and Safety Code Section 25117.5.).

4) **Compliance with OWR.** Persons exempt from having to obtain authorization for the collection of solid waste, compostable materials, or recyclable materials within a County Collection Service Zone must still comply with all other OWR.

5) **Primary County Agency:** CDA.

Part D

Edible Food Recovery

Section 1 –Food Recovery Program⁷³

The County’s Edible Food recovery program includes the following:

- 1) Working with WMA to educate Commercial Edible Food Generators including the distribution of written materials and consultations by ACDEH.
- 2) Making an effort to increase Commercial Edible Food Generator access to food recovery organizations and food recovery services by working with WMA to create a list of recovery organizations in Alameda County and providing easy access to the list to Commercial Edible Food Generators.
- 3) Monitoring Commercial Edible Food Generator compliance through inspections by ACDEH.
- 4) Working with WMA to increase edible food recovery capacity as required by the SLCP Regulations.⁷⁴

Section 2 –Food Recovery – Generators

1) Food Recovery.

- a) Commercial Edible Food Generators must:
 - i) Arrange to recover the maximum amount of Edible Food that would otherwise be disposed.
 - ii) Have a contract or written agreement with any or all of the following⁷⁵:
 - (1) Food Recovery Organizations or Services that will collect their Edible Food for food recovery.
 - (2) Food Recovery Organizations that will accept the Edible Food that the Commercial Edible Food Generator self-hauls to the Food Recovery Organization for food recovery.
 - iii) Use best efforts to follow all requirements and guidance on how Edible Food should be prepared, packaged, labeled, handled, stored, distributed or transported to a Food Recovery Organization or Service.
 - iv) Not intentionally donate food that has not been prepared, packaged,

⁷³ 14 CCR § 18991.1-18991.5

⁷⁴ 14 CCR § 18992.2

⁷⁵ 14 CCR § 18991.3

handled, stored and/or transported in accordance with the safety requirements of the California Retail Food Code.

- v) Not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.
- vi) Allow the County and its designee to access the premises and review records.

- b) A Large Venue or Large Event operator that does not provide food services, but allows for food to be provided, shall require food facilities operating at the Large Venue or Large Event to comply with these requirements.⁷⁶

2) **Record Keeping.** A Commercial Edible Food Generator shall keep the following records⁷⁷ and provide them to the County upon request:

- a) A list of each food recovery service or organization that collects or receives its edible food pursuant to a contract or written agreement.
- b) A copy of contracts or written agreements between the Commercial Edible Food Generator and a Food Recovery Service or Food Recovery Organization.
- c) A record for each Food Recovery Service or Food Recovery Organization that the commercial edible food generator has a contract or written agreement with pursuant including:
 - i) The name, address and contact information of the service or organization.
 - ii) The types of food that will be collected by or self-hauled to the service or organization.
 - iii) The established frequency that food will be collected or self-hauled.
 - iv) The quantity of food collected or self-hauled to a service or organization for food recovery. The quantity shall be measured in pounds recovered per month

3) **Compliance Date.**

- a) Tier One Commercial Edible Food Generators must comply with the OWR commencing January 1, 2022.
- b) Tier Two Commercial Edible Food Generators must comply commencing January 1, 2024, or such later deadline established by State law or regulations.

⁷⁶ 14 CCR § 1189.3(c)

⁷⁷ 14 CCR § 18991.4

4) **No Conflict.**

- a) Nothing in the Ordinance or these Regulations shall be construed to limit or conflict with (1) the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance pursuant to Senate Bill 557 of 2017 commencing with Section 49580 of the Education Code, and Section 114079 of the Health and Safety Code, relating to food safety, as amended, supplemented, superseded and replaced from time to time); or (2) otherwise applicable food safety and handling laws and regulations.
- b) Nothing in the Ordinance or these Regulations prohibits a Commercial Edible Food Generator from donating Edible Food directly to end recipients for consumption, pursuant to Health and Safety Code Section 114432(a).

5) **Primary County Agency:**

- a) For inspections and Education – ACDEH.
- b) For maintaining and providing access to lists of Food Recovery Organizations, and for development of educational materials – WMA.
- c) For enforcement – CDA with assistance by ACDEH by providing documentation and attendance at any appeal hearings.

Section 3 – Inspections of Permitted Commercial Edible Food Generators and Education

The following will apply for all Permitted CEFG in the Waste Program Jurisdiction:

- 1) **Inspections.** ACDEH has been designated to perform SB 1383 Edible Food Recovery inspections and related services at Permitted CEFG facilities within the Waste Program Jurisdiction.
- 2) **SB 1383 Edible Food Recovery Inspection Report.** ACDEH has created a template SB 1383 Edible Food Recovery Inspection Report form (SB 1383 EFR Report, see Appendix J), which will be used to document the inspection of a Permitted CEFG in the Waste Program Jurisdiction.
- 3) **Inspections, Education and Documentation.**

- a) **Inspections.** During ACDEH routine inspections conducted at a Permitted CEFG in the Waste Program Jurisdiction, ACDEH shall also conduct an inspection for compliance with the SLCP Regulations. ACDEH staff will document their observations using the SB 1383 EFR Inspection Report form.
 - b) **Recordkeeping.** ACDEH will document observations and forward the SB 1383 EFR Inspection Reports to CDA for recordkeeping and assessing penalties pursuant to 14 CCR 18997.2.
 - c) **Distribution of Education Materials and Technical Assistance.** During routine inspections of a Permitted CEFG, ACDEH will:
 - i) Starting in year 2022, provide Education Materials to the Permitted CEFG.
 - ii) Starting in year 2023, provide Education Materials related to requirements for which, in the reasonable judgment of ACDEH staff, the Permitted CEFG does not appear to be in compliance with the SLCP Regulations. These may include Educational Materials prepared by the WMA and/or by providing the Permitted CEFG with a copy of the SB 1383 EFR Inspection Report as determined by ACDEH staff.
 - iii) During the routine inspections of Permitted CEFG, ACDEH staff will provide technical assistance to the Permitted CEFG related to the SLCP regulations, including standard food handling and operating procedures related to commercial edible food generators on safe food handling for food recovery and donations. ACDEH may also provide Educational Materials during any routine inspection.
 - d) **Documentation for the County and WMA**
 - i) ACDEH Staff will document the inspection on the SB 1383 EFR Inspection Report. The report will include the date and listing of Education Materials provided to the Permitted CEFG.
 - ii) If there is any mass distribution of Education Materials through emailing, or other format such as general food permit correspondence, a notice will be provided to WMA and CDA. The notice will include a listing, or copy, of what was provided, the date it was provided, the manner it was distributed, and the list of recipients provided with the Education Materials.
 - iii) The SB 1383 EFR Inspection Reports from each Permitted CEFG will be provided to WMA and CDA by email in an electronic format. The Inspection Reports will be sent in batches and provided no less frequently than once a month.
- 4) **Notices of Violation.** Starting in January 2024, ACDEH will issue Notices of Violations to a Permitted CEFG, pursuant to Section 18995.4 (a)(1). The procedures for Notices of Violations will be:

- a) A Notice of Violation shall be issued by ACDEH.
 - b) ACDEH shall conduct follow up with the Permitted CEFG to verify compliance required by the Notice of Violation. The follow up may be conducted in person or virtually, through submission of pictures, documentation or other materials or methods.
 - c) ACDEH shall document compliance with the NOV or report that there has been failure to comply and provide relevant documentation to CDA and WMA but is not responsible for any further enforcement actions.
- 5) **Testimony.** If requested, ACDEH Staff will be available for testimony in any enforcement action brought by County and any appeal proceedings.
- a) CDA will conduct at least one preparation meeting with any ACDEH staff that is needed to testify which, by mutual agreement, may be done in person, virtually or by telephone.
- 6) **Responsibility.** Other than the assistance identified above, CDA has the responsibility for enforcement actions, including: issuing notices of violation, accusations, assessments of penalties, or seeking other remedies.
- 7) **Primary County Agency:** ACDEH with reports to CDA and WMA.

Section 4 –Commercial Edible Food Generators Not Permitted by ADCEH.

- 1) **WMA Assistance.** WMA monitor, including inspections and provision of educational materials any commercial edible food generators that is not permitted by ACDEH (i.e. don't have a retail food facility permit such as most food distributors and wholesalers). This will include taking enforcement actions and the assessment of penalties on all non-compliant starting in 2024.
- 2) **Notices of Violation.** Starting in January 2024, WMA will issue Notices of Violations, pursuant to OWR and ORRO, to commercial edible food generators that are not permitted by ACDEH.

Section 5 –Food Recovery - Collection

- 1) **Requirements.** Food Recovery Services collecting or receiving Edible Food directly from Commercial Edible Food Generators shall follow:
 - a) Food safety requirements of the California Retail Food Code (Health and Safety Code Section 113700, et seq.).
 - b) All requirements in the OWR.
 - c) All other applicable laws and regulations.
- 2) **Recordkeeping – Food Recovery Organizations:** Food Recovery Organizations collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement shall maintain the following records:
 - a) The name, address, and contact information for each Commercial Edible Food Generator from which the organization receives Edible Food.
 - b) The quantity in pounds of Edible Food received from each Commercial Edible Food Generator per month. This may also include the total quantity in pounds of food collected that was spoiled when received from a Commercial Edible Food Generator or otherwise not able to be used to feed people.
 - c) The name, address, and contact information for each Food Recovery Service that the organization receives Edible Food from for Food Recovery.
 - d) The name, address, and contact information for anyone transporting Edible Food.
- 3) **Recordkeeping – Food Recovery Services.** Food Recovery Services collecting or receiving Edible Food directly from Commercial Edible Food Generators, shall have a contract or written agreement⁷⁸ and maintain the following records:⁷⁹
 - a) The name, address, and contact information for each Commercial Edible Food Generator from which the service collects Edible Food.
 - b) The quantity in pounds of Edible Food collected from each Commercial Edible Food Generator per month.
 - c) The quantity in pounds of Edible Food transported to each Food Recovery Organization per month.

⁷⁸ 14 CCR § Section 18991.3(b)

⁷⁹ 14 CCR § Section 18991.5(a)(1):

- d) The name, address, and contact information for each Food Recovery Organization that the Food Recovery Service transports Edible Food to for Food Recovery.
- 4) **Reporting Requirements.** Food Recovery Organizations and Food Recovery Services that have their primary address physically located in the County and contract with or have written agreements with one or more Commercial Edible Food Generators pursuant to 14 CCR Section 18991.3(b) shall report to the WMA the total pounds of Edible Food recovered from the Tier One and Tier Two Commercial Edible Food Generators they have established a contract or written agreement with pursuant to 14 CCR Section 18991.3(b) according to the following schedule:
- a) No later than August 15, 2022, submit an initial report covering the period of January 1, 2022 to June 30, 2022; and
- b) No later than March 31, 2023, and no later than every March 31 thereafter, submit a report covering the period of January 1 to December 31 of the previous calendar year.
- 5) **Additional Information.** In order to support Edible Food Recovery capacity planning assessments and similar studies, Food Recovery Services and Food Recovery Organizations operating in the County shall provide, upon request, information and consultation to the County regarding existing, or proposed new or expanded, Food Recovery capacity in a form that can be provided to or that can be accessed by the WMA, and Commercial Edible Food Generators in Alameda County.
- 6) **Information Sharing.** In order to support Edible Food Recovery capacity planning assessments and similar studies, Food Recovery Services and Food Recovery Organizations operating in the Waste Program Jurisdiction shall provide, upon request, information and consultation to the County and WMA regarding existing, or proposed new or expanded, Food Recovery capacity. Any information requested shall be in a form that can be provided to or accessed by the WMA and Commercial Edible Food Generators in Alameda County.
- a) A Food Recovery Service or Food Recovery Organization contacted by the County respond to any such request for information within 60 days, unless a shorter timeframe is otherwise specified by the County.
- 7) **Refusal of Edible Food.** Nothing in the Ordinance or these Regulations prohibits a Food Recovery Service or Food Recovery Organization from refusing to accept edible food from a Commercial Edible Food Generator, in accordance with 14 CCR Section 18990.2(d).

- 8) **Primary County Agency:** CDA, working with ACDEH and WMA.

Section 6 – Food Recovery Educational Material

- 1) **Creation.** WMA in its agreement with ACDEH will create and publish Food Recovery Education Materials. WMA will provide printed copies of the Education Materials to ACDEH for distribution to Permitted CEFGs.
- 2) **WMA Webpage.** WMA in its agreement with ACDEH will create and maintain a webpage with information about SLCP Regulations, Edible Food Recovery, and a list of Food Recovery Organizations and Services (FRO&S) operating in Alameda County. The WMA webpage is located at: <https://www.stopwaste.org/rules>.
- 3) **Posting Education Materials.** ACDEH will, if electronic copies of education materials are provided to ACDEH by WMA, upload the Education Materials to the ACDEH Food Program webpage for public access. The ACDEH webpage is located at: [RESERVED FOR WEB ADDRESS]
- 4) **Webpage Links.** ACDEH will provide a link to the WMA webpage on the ACDEH Food Program webpage.
- 5) **Primary County Agency:** ACDEH working with WMA.

Section 7 – Food Recovery Capacity Planning

- 1) **Food Recovery Services and Food Recovery Organizations.**
 - a) Food Recovery Services and Food Recovery Organizations operating in the County, including in each city and sanitary district, shall:
 - i) Support Edible Food Recovery capacity planning assessments and similar studies.
 - ii) Shall provide, upon request, information and consultation to the County regarding existing, or proposed new or expanded, Food Recovery capacity.
 - iii) Provide such all information in a form that can be provided to or that can be accessed by the WMA, and Commercial Edible Food Generators in Alameda County.
 - iv) Shall respond to any request by WMA and/or the County or its designee for information within 60 days unless a shorter timeframe is otherwise specified in the request.⁸⁰

⁸⁰ 14 CCR § 18992.2

- 2) **Jurisdictions and Regional Agencies.** The County will work together with WMA and all of its member agencies for Edible Food Recovery capacity planning. The member agencies are the individual parties to the WMA JPA. Current member agencies are the County of Alameda; the Cities of Alameda, Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Newark, Oakland, Piedmont, Pleasanton, San Leandro, and Union City; and the Castro Valley and Oro Loma Sanitary Districts.

Part E

Inspections and Investigations

- 1) **Inspections.** The County is authorized to conduct any Inspections, Remote Monitoring, or other investigations as reasonably necessary to further the goals of the OWR subject to applicable laws.
 - a) The County and its designees are authorized to conduct inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from generators, or Source Separated materials to confirm compliance with the provisions of the OWR for which it has enforcement authority by Organic Waste Generators, Commercial Businesses (including Multi-Family Residential Dwellings), Commercial Edible Food Generators, Authorized Haulers, Self-Haulers, Food Recovery Services, and Food Recovery Organizations, subject to applicable laws.
 - b) This Section does not allow entry in a private residential dwelling unit for Inspection.
 - c) The County and its designees may conduct container Inspections for Prohibited Container Contaminants using Remote Monitoring, and Commercial Businesses shall accommodate and cooperate with the Remote Monitoring.
- 2) **Cooperation.**
 - a) All Persons subject to the OWR shall provide or arrange for access during all Inspections (with the exception of a private residential dwelling unit) and shall cooperate during such Inspections and investigations. Such Inspections and investigations may include:
 - i) Confirmation of proper placement of materials in containers;
 - ii) Inspection of Edible Food Recovery activities;
 - iii) Review of required records; and
 - iv) Review or other verification or Inspection to confirm compliance with any OWR.
 - b) Failure to provide or arrange for: (i) access to the premises; (ii) installation and operation of Remote Monitoring equipment, if a Remote Monitoring program is adopted; or (iii) access to records for any Inspection or investigation is a

violation of the ordinance 6.40.120 as it is a failure to cooperate with an inspection or investigation.

- c) Failure to cooperate with any inspection or investigation is a violation of the OWR and may result in a Notice of Violation and/or imposition of penalties.
- 3) **Records.** Any records obtained by the County through its implementation and enforcement of the requirements of the OWR are subject to the requirements and exemptions of the California Public Records Act as set forth in Government Code Section 6250 et seq.⁸¹
- 4) **Primary County Agency :**
- a) For Edible Food – ACDEH.
 - b) For all other items – CDA.
 - c) WMA is or may assist both ACDEH and CDA.

⁸¹ 14 CCR § 18995.1(f)

Part F

Complaints

- 1) **Complaints.** The County shall receive and address written complaints related to OWR in accordance with these Regulations.
- 2) **Complaint Requirements:**
 - a) Complaints shall be made to:

Community Development Agency Planning Department
Attn: Waste Program
224 W Winton Ave, Suite 111
Hayward, CA 94544

OR by email to:

wasteprogram@acgov.org
 - b) Complaints must be made in writing and include the following information⁸²:
 - i) If the complaint is not anonymous, the name and contact information of the complainant.
 - ii) The identity of the alleged violator, if known.
 - iii) A description of the alleged violation including location(s) and all other relevant facts known to the complainant.
 - iv) Any relevant photographic or documentary evidence to support the allegations in the complaint
 - v) The identity of any witnesses, if known.
 - c) If the complainant wants to be notified of the determination on the complaint, an address where the determination of the complaint can be sent, preferably an email address, must be identified.
- 3) **Investigation.** The County will commence an investigation within 90 days of receiving a complaint that meets the complaint requirements contained above. The County may decline to investigate a complaint if, in its judgment, investigation is unwarranted because the allegations are contrary to facts known to the County.
- 4) **Determination.** If the County determines that the allegations, if true, would constitute a violation of the OWR the County may issue a Notice of Violation or take

⁸² 14 CCR § 18995.3

other actions. The County shall notify a complainant of the results of their complaint if the identity and contact information of the complainant are known.

5) **Records.** The County shall maintain records of all complaints and responses pursuant to OWR in the Implementation Record set forth in 14 CCR Section 18995.2. The records shall include the complaint as received and the County's determination and any Notice of Violations issued.

6) **Primary County Agency:**

a) CDA is the primary agency.

b) Edible Food complaints will be assigned to ACDEH, who will report the determinations to CDA.

Part G

Enforcement

1) Commencement of Enforcement Actions:

- a) While all OWR must be complied with starting January 1, 2022, enforcement will be conducted in accordance with the OWR. This includes:
 - i) The following provisions of the Ordinance may be enforced beginning on January 1, 2022: including Requirements for Commercial Business Generators, Waivers for Commercial Business Generators, Requirements for Haulers and Facility Operators, Requirements for Self-Haulers, and Inspections related to compliance with those sections.
 - ii) The following provisions of the Ordinance may be enforced beginning on January 1, 2024: Requirements for Single Family Generators Requirements for Commercial Edible Food Generators, and Requirements for Food Recovery Organizations and Services, and Inspections related to compliance with those sections.
- b) For items subject to enforcement starting January 1, 2024, the County may prior to that date, conduct inspections, monitoring, evaluations, and Compliance Reviews, depending upon the type of regulated entity, to determine compliance. Prior to January 1, 2024 if the County determines that Organic Waste Generator, Self-Hauler, Authorized Hauler, Tier One Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other Person is not in compliance, it will provide educational materials on the OWR and notice that compliance is required and that violations may be subject to Notices of Violations, administrative citations, penalties, or other remedies starting on January 1, 2024.

2) Monitoring.

- a) **Compliance.** The County will monitor compliance with the OWR through Compliance Reviews, Route Reviews, investigation of complaints, and an Inspection program (that may include Remote Monitoring). The County may designate compliance to Authorized Haulers providing curbside collection services or to other designees.
- b) [RESERVED]

3) **Enforcement Actions:**

- a) **Notices of Violation (NOV).** When there is a violation of any provision of the OWR the County, or its Designee, may issue a Notice of Violation identifying the violation that has occurred and a compliance date by which correction of the violation must occur to avoid an action to seek penalties. Violation of any provision of the OWR shall constitute grounds for issuance of a Notice of Violation and assessment of a fine by the County.
 - i) Typically the NOV will require compliance within 60 days after issuance of the notice to correct the violation, however, a shorter or longer time may be identified in the NOV.
 - ii) If there is not compliance with the deadline set forth in the Notice of Violation, the County⁸³ may commence an action to impose penalties, via an administrative citation and fine.
 - b) **Administrative Citation.** Violation of any provision of the OWR shall also constitute grounds for issuance of an administrative citation and assessment of a fine.
 - c) **Penalty Assessment.** A penalty assessment if there is not compliance may be identified on the NOV or be made at the time the Administrative Citation is issued.
 - d) **Court Actions.** Other remedies allowed by law may be used, including civil action or prosecution as a misdemeanor or infraction. The County may pursue civil actions in the California courts to seek recovery of unpaid administrative citations, and fines.
 - i) The County may choose to delay court action until such time as a sufficiently large number of violations, or cumulative size of violations exist such that court action is a reasonable use of County staff and resources.
- 4) **Compliance Deadline Extension Considerations.** The County may extend the compliance deadlines in a Notice of Violation if it finds that there are extenuating circumstances beyond the control of the Person issued the Notice of Violation that makes compliance within the deadlines impracticable, including the following:

⁸³ 14 CCR 18981.2 (d)

- a) Acts of nature such as earthquakes, wildfires, flooding, and other emergencies or natural disasters;
- b) Delays not within the control of the Person issued the Notice of Violation or their agents in obtaining discretionary permits or other government agency approvals; or,
- c) Deficiencies in organic waste recycling capacity infrastructure or edible food recovery capacity, and the relevant jurisdiction is under a Corrective Action Plan pursuant to Title 14 California Code of Regulations Section 18996.2 due to those deficiencies.

5) Penalty Amounts for Violations.

- a) The penalty levels are as follows⁸⁴:
 - i) For a first violation, the amount of the base penalty shall be \$50-\$100 per violation.
 - ii) For a second violation, the amount of the base penalty shall be \$100-\$200 per violation.
 - iii) For a third or subsequent violation, the amount of the base penalty shall be \$250-\$500 per violation.
- b) Base penalty amounts may be calculated by considering each day a separate violation.

6) Appeals.

- a) Persons receiving any penalty whether in an Administrative Citation or NOV may request a hearing to appeal. Any appeal must:
 - i) Be in writing.
 - ii) Sent to: Community Development Agency Planning Department
 Attn: Waste Program
 224 W Winton Ave, Suite 111
 Hayward, CA 94544

 OR by email to:

 wasteprogram@acgov.org
- iii) Received by CDA no later than 10 days after the penalty is issued.
- b) [RESERVED FOR HEARING BODY INFORMATION]

⁸⁴ 14 CCR § 18997.2

7) **Non- Exclusive.** Nothing in this section shall be construed as preventing the County or any other entity from revoking, suspending, or denying a permit, registration, license, or other authorization consistent with requirements outside the scope of this chapter in addition to the imposition of penalties authorized by the OWR.

8) **Primary County Agency:**

a) CDA is the primary agency.

b) ACDEH will document Edible Food violations and assist CDA with enforcement by providing documentation and attendance at any appeal hearings.

Part H

Procurement of Recovered Organic Waste Products

- 1) **Procurement.** The County Purchasing Agent shall take actions necessary to ensure the County's compliance with Title 14 of the California Code of Regulations, Division 7, Chapter 12, Article 12. Notwithstanding Part A, Section 3, the County Purchasing Agent's authority under Part H shall be without respect to any geographic limitations.
- 2) **Mulch.** Mulch procured by the County, a direct service provider, or a designee to comply with this article shall meet or exceed the physical contamination, maximum metal concentration, and pathogen density standards for land application specified in Section 17852(a)(24.5)(A)1. through 3. of Division 7 of Title 14 of the California Code of Regulations.
- 3) **Records.** The County shall maintain records of all documents supporting its compliance as described in 14 CCR Section 18993.2 and 18993.4.
- 4) **Primary County Agency**
 - a. GSA is the primary agency coordinating compliance and documentation efforts.
 - b. CDA will maintain centralize implementation record and submit necessary compliance reporting.

Part I

CALGreen Building Codes and Model Water Efficient Landscape Ordinance

Section 1 – Overview

- 1) This section Part E, CALGreen Building Standards and Model Water Efficient Landscape Ordinance (WELO), applies to **all** unincorporated areas of the County.

Section 2 – CALGreen Building Codes

- 1) **Requirements.** The County requires compliance with following provisions of the California Green Building 27 Standards Code, California Code of Regulations, Title 24, Part 11 as amended July 1, 28 2019 and effective January 1, 2020⁸⁵:
 - a) Recycling by Occupants Residential (Section 4.410.2).
 - b) Recycling by Occupants Non-residential (Section 5.410.1 30).
 - c) Organic waste commingled with construction and demolition debris for Construction Waste Management Residential (Section 4.408.1)
 - d) Organic waste commingled with construction and demolition debris for and Construction Waste Management non-residential (Section 5.408.1.)
- 2) **Location.** On November 26, 2019, the County adopted the 2019 California Green Building Standards Code (CCR Title 24, Part 11), as part of the County Building Code, during the triennial code cycle, under County of Alameda Ordinance No. 2019-59,⁸⁶ effective January 1, 2020. The next triennial adoption is 2022.
- 3) **Annual Reporting.** The following information shall be gathered by the Director of Public Works and provided to CDA to comply with the annual reporting requirements of the SLCP Regulations⁸⁷:
 - a) Number of construction and demolition debris removal activities conducted in compliance with CALGreen.

⁸⁵ 14 CCR § 18989.1

⁸⁶ https://library.municode.com/ca/alameda_county/ordinances/code_of_ordinances?nodeId=992337

⁸⁷ 14 CCR § 18989.1

Section 3 – Water Efficient Landscape Ordinance

- 1) **Requirements.** The County must require compliance with Sections 492.6(a)(3)(B) (C), (D), and (G) of the Model Water Efficient Landscape Ordinance, Title 23, Division 2, Chapter 2.7 of the California Code of Regulations as amended September 15, 2015⁸⁸.
- 2) **Location.** These requirements are contained in Alameda County Ordinance Chapter 17.64 - WATER EFFICIENT LANDSCAPE ORDINANCE.
- 3) **Annual Reporting.** The following information shall be gathered and reported by CDA to comply with the annual reporting requirements of the SLCP Regulations⁸⁹:
 - a) Number of projects subject to Section 3, WELO.⁹⁰

Section 4 – Responsibilities

- 1) The County agencies with primary responsibility for enforcement and oversight are of this section are as follows:
 - a) CALGreen Building Standards: Alameda County Public Works Agency (PWA)
 - b) Model Water Efficient Landscape Ordinance (WELO): CDA
 - c) Annual Reporting: CDA with input from PWA

⁸⁸ 14 CCR § 18989.2

⁸⁹ 14 CCR § 18989.1 and 14 CCR § 18994.2(g)

⁹⁰ 14 CCR § 18989.2

Part J

County Compliance Requirements

Section 1 – Implementation Record and Recordkeeping Requirements

- 1) All records shall be maintained in the Implementation Record⁹¹.
- 2) The Implementation Record shall be stored in one central location which may be physical or electronic and that can be readily accessed by CalRecycle.
 - a) Upon request by the CalRecycle, the County shall provide access to the Implementation Record within ten business days.
- 3) All records and information shall be included in the Implementation Record within 60 days of the creation of the record or information.
- 4) All records shall be retained by the County for five years.
- 5) At a minimum, the following records shall be included in the Implementation Record⁹²:
 - a) A copy of all ordinances or other similarly enforceable mechanisms, contracts, and agreements, as required by the OWR.
 - b) A written description of the jurisdiction's inspection and enforcement program that it uses to comply with 14 CCR Sections 18995.1 and 18995.4.
 - c) All organic waste collection service records required by 14 CCR Section 18984.4.
 - d) All contamination minimization records required by 14 CCR Section 18984.6.
 - e) All waiver and exemption records required by 14 CCR Section 18984.14.
 - f) All education and outreach records required by 14 CCR Section 18985.3.
 - g) All hauler program records required by 14 CCR Section 18988.4.
 - h) All jurisdiction edible food recovery program records required by 14 CCR Section 18991.2
 - i) All recovered organic waste procurement target records required by 14 CCR

⁹¹ 14 CCR § 18995.2.

⁹² 14 CCR § 18995.2

Section 18993.2.

- j) All recycled content paper procurement records required by 14 CCR Section 18993.4.
 - k) All inspection, route review, and compliance review documents generated pursuant to the requirements of 14 CCR Section 18995.1(d).
 - l) All records of enforcement actions.
 - m) All complaints and investigations of complaints and the determination on the complaint.⁹³
 - n) Compliance with the County's inspection and enforcement requirements.⁹⁴
 - o) All records required by 14 CCR Section 18998.4 if the County implements a performance-based source separated organic waste collection service under 14 CCR Chapter 12 Article 17.
- 6) All records maintained in the Implementation Record are subject to the Public Records Act, including any applicable exemptions

Section 2 – Reporting Requirements

- 1) **Reporting Requirements for Organic Waste Generators.** Organic Waste Generators shall submit reportable information as required by the OWR. Organic Waste Generators shall
 - a) [RESERVED]
- 2) **County Submission of Information to CalRecycle.** The County shall report information as required by the OWR to CalRecycle.
 - a) [RESERVED]

Section 3 – Initial Compliance Report

Pursuant to 14 CCR 18994.1, the County is required to report to the CalRecycle on its implementation and compliance with the requirements of the SLCP Regulations. The County must report to CalRecycle by April 1, 2022 the following information:

- 1) **A copy of ordinances or other enforceable mechanisms adopted pursuant to SB1383.**

⁹³ 14 CCR § 18995.3

⁹⁴ 14 CCR § 18995.1

2) The reporting items identified in 14 CCR Section 18994.2(b), relative to implementation of the organic waste collection requirements:

- a) The type of organic waste collection service(s) provided by the County to its generators in the Waste Program Jurisdiction.
- b) The total number of generators that receive each type of organic waste collection service provided by the County in the Waste Program Jurisdiction.
- c) If the County is implementing an organic waste collection service that requires transport of the contents of containers to a High Diversion Organic Waste Processing Facility, the County shall identify the Recycling and Disposal Reporting System number of each facility that receives organic waste from the Waste Program Jurisdiction.
- d) If the County allows placement of compostable plastics in containers in the Waste Program Jurisdiction pursuant to 14 CCR Section 18984.1 or 18984.2, the County shall identify each facility that has notified the County that it accepts and recovers that material.
- e) If the County allows organic waste to be collected in plastic bags and placed in containers in the Waste Program Jurisdiction pursuant to 14 CCR Section 18984.1 or 18984.2 the County shall identify each facility that has notified the County that it can accept and remove plastic bags when it recovers source separated organic waste.

3) County contact information for 1383 communications and enforcement:

- a) The name, mailing address, phone number, and email address of the employee of the County that the County has designated as the primary contact person for the purposes of receiving communications regarding compliance with the SLCP Regulations.
- b) The name and address of the agent designated by the County for the receipt of service of process from CalRecycle for the purposes of enforcement of the SLCP Regulations, if different from (a) above.

Section 4 – Annual Reporting

- 1) **Report Time Frames.** The County⁹⁵ must provide annual reports to CalRecycle according to the following schedule:
 - a) **First Annual Report.** On or before October 1, 2022, the County must report for the period of January 1, 2022 through June 30, 2022.
 - b) **Subsequent Annual Reports.** On or before August 1, 2023, and on or before August 1 each year thereafter, the County must report for the period covering the entire previous calendar year.

- 2) **Required Information.** The following information must be reported, unless otherwise noted, for the Waste Program Jurisdiction:
 - a) **Organic waste collection⁹⁶:**
 - i) The type of organic waste collection service(s) provided by the County in the Waste Program Jurisdiction to its generators.
 - ii) The total number of generators that receive each type of organic waste collection service provided in the Waste Program Jurisdiction.
 - iii) If any Authorized Hauler is implementing an organic waste collection service that requires transport of the contents of containers to a High Diversion Organic Waste Processing Facility, identification of the Recycling and Disposal Reporting System number of each facility that receives organic waste from the Waste Program Jurisdiction.
 - iv) If any Authorized Hauler allows placement of compostable plastics in containers pursuant to 14 CCR Section 18984.1 or 18984.2, identification of each facility that it accepts and recovers that material.
 - v) If any Authorized Hauler allows organic waste to be collected in plastic bags and placed in containers pursuant to 14 CCR Section 18984.1 or 18984.2 the identification of each facility that can accept and remove plastic bags when it recovers source separated organic waste.

 - b) **Contamination monitoring⁹⁷:**
 - i) The number of route reviews conducted for prohibited container contaminants.
 - ii) The number of times notices, violations, or targeted education materials were issued to generators for prohibited container contaminants.

⁹⁵ 14 CCR § 18994.2

⁹⁶ 14 CCR § 18994.2(b)

⁹⁷ 14 CCR § 18994.2(c)

iii) The results of waste evaluations performed to meet the container contamination minimization requirements and the number of resulting targeted route reviews.

b) Waivers⁹⁸:

- i) The number of days an emergency circumstances waiver, as allowed in 14 CCR Section 18984.13, was in effect and the type of waiver issued.
- ii) The tons of organic waste that were disposed as a result of waivers identified in Subsection (i), except disaster and emergency waivers granted in 14 CCR Section 18984.13(b).
- iii) The number of generators issued a de-minimis waiver.
- iv) The number of generators issued a physical space waiver.
- v) A jurisdiction that receives a waiver from CalRecycle pursuant to 14 CCR Section 18984.12 shall report the following information for each year the waiver is in effect:
 - (1) The number of generators waived from the requirement to subscribe to an organic waste collection service.

2) Education and outreach⁹⁹:

- a) The number of organic waste generators and edible food generators in the Waste Program Jurisdiction that received information and the type of education and outreach used.

3) Hauler oversight¹⁰⁰:

- a) The number of Authorized Haulers approved to collect organic waste in the Waste Program Jurisdiction.
- b) The Recycling and Disposal Reporting System number of each facility that is receiving organic waste from Authorized Haulers.
- c) The number of haulers that have had their approval revoked or denied.

4) CALGreen and Model Water Efficient Landscape Ordinance¹⁰¹:

- a) The following is to be reported for all of the unincorporated County:
 - i) The number of construction and demolition debris removal activities conducted in compliance with 14 CCR Section 18989.1 (CALGreen).

⁹⁸ 14 CCR § 18994.2(d)

⁹⁹ 14 CCR § 18994.2(e)

¹⁰⁰ 14 CCR § 18994.2(f)

¹⁰¹ 14 CCR § 18994.2(g)

ii) The number of projects subject to 14 CCR Section 18989.2 (WELO).

5) **Edible food recovery**¹⁰²:

- a) The number of commercial edible food generators located within the Waste Program Jurisdiction.
- b) The number of food recovery services and organizations located and operating within the Waste Program Jurisdiction that contract with or have written agreements with commercial edible food generators for food recovery.
- c) The total pounds of edible food recovered by food recovery organizations and services

6) **Capacity Planning**¹⁰³:

- a) WMA is conducting capacity planning. Information must be obtained from WMA and the County shall report for Alameda County, not just within the Waste Program Jurisdiction, the following regarding implementation of SLCP Regulations:
 - i) The tons estimated to be generated for landfill disposal.
 - ii) The amount of capacity verifiably available to the county and cities within the county.
 - iii) The amount of new capacity needed.
 - iv) The locations identified for new or expanded facilities.
 - v) The jurisdictions that are required to submit implementation schedules.
 - vi) The jurisdictions that did not provide information required by the SLCP Regulations WMA or the County within 120 days.
- b) The information required shall be reported on the schedule specified in 14 CCR §18992.3.

7) **Procurement**¹⁰⁴:

- a) The amount of each recovered organic waste product procured directly by the County, or through direct service providers, or both during the prior calendar year.
- b) If the County is implementing the procurement requirements of 14 CCR Section 18993.1 through an adjusted recovered organic waste product procurement

¹⁰² 14 CCR § 18994.2(h)

¹⁰³ 14 CCR § 18994.2(i)

¹⁰⁴ 14 CCR § 18994.2(j)

target pursuant to 14 CCR Section 18993.1(j), the total amount of transportation fuel, electricity, and gas for heating applications procured during the calendar year prior to the applicable reporting period.

8) Compliance, monitoring, and enforcement¹⁰⁵:

The following information shall be provided for the Waste Program Jurisdiction:

- a) The number of commercial businesses that were included in a compliance review performed by the jurisdiction pursuant to 14 CCR Section 18995.1(a)(1). As well as the number of violations found and corrected through compliance reviews if different from the amount reported in Subdivision (k)(5).
- b) The number of route reviews conducted.
- c) The number of inspections conducted by type for commercial edible food generators, food recovery organizations, and commercial businesses.
- d) The number of complaints pursuant to 14 CCR Section 18995.3 that were received and investigated, and the number of Notices of Violation issued based on investigation of those complaints.
- e) The number of Notices of Violation issued, categorized by type of entity subject to his chapter.
- f) The number of penalty orders issued, categorized by type of entity subject to this chapter.
- g) The number of enforcement actions that were resolved, categorized by type of regulated entity.

9) Ordinance and Regulation Changes. Report any changes to and the Ordinance or these Regulations, and any changes to primary contact information¹⁰⁶.

¹⁰⁵ 14 CCR § 18994.2(k)

¹⁰⁶ 14 CCR § 18994.2(l)

Part K

General Provisions

- 1) **Lead Agency.** The lead agency for administration of the OWR is CDA. The lead agency may change in the future, in which case these Regulations will be amended.
- 2) **Regulation Amendments.** These Regulations may be revised from time to time by CDA, as the lead agency, with approval as to form by County Counsel. To amend the Regulations, with the exception of Appendix updates, the following steps must be taken:
 - a) Electronic posting of the proposed revisions on the CDA web page for at least 7 calendar days.
 - b) The posting shall include an address for the public to written submit comments with a clear deadline for submission of written comments.
 - c) CDA shall consider any public comments received and may make revisions based on the public comments and for clerical corrections. The final revisions will include revising the date on the footer of the Regulations with the date the final amendments were adopted.
 - d) The revised Regulations are adopted and effective upon signature of the CDA Director.
 - e) Electronic posting of the final revisions, including the signature of the CDA Director or their designee, on the CDA web page for at least 15 days.
- 3) **Appendix Amendments.** Each Appendix may be revised as information changes or needs to be updated. Appendix revisions may be completed by submitting a copy of the proposed revisions to the Planning Director for approval. Once the Appendix revisions are approved by the Planning Director, the following shall be completed:
 - a) Inserting the date of the revision on the footer of the revised Appendix.
 - b) Replacing the current Appendix with the revised Appendix.
 - c) Updating any electronic posting of the Regulations with the revised Appendix.

- 4) **Contact Information.** Contact information for the CalRecycle and responsible County departments and agencies is included in Appendix K, *Key Contact Information*.

- 5) **Severability.** If any part or provision of these Regulations, or the application thereof to any person or circumstances, is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such invalidity shall not affect the remaining provisions or application of the remaining provisions of these Regulations which can be given effect without the invalid provisions or application or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of these Regulations are severable.

These amended Regulations are hereby adopted on this 31st day of March 2022.

Elizabeth
McElligott for

DocuSigned by:

56C8F533417F144C...
 Sandra Rivera, Acting Agency Director
 Community Development Agency

Approved as to Form:
 Donna R Ziegler, County Counsel

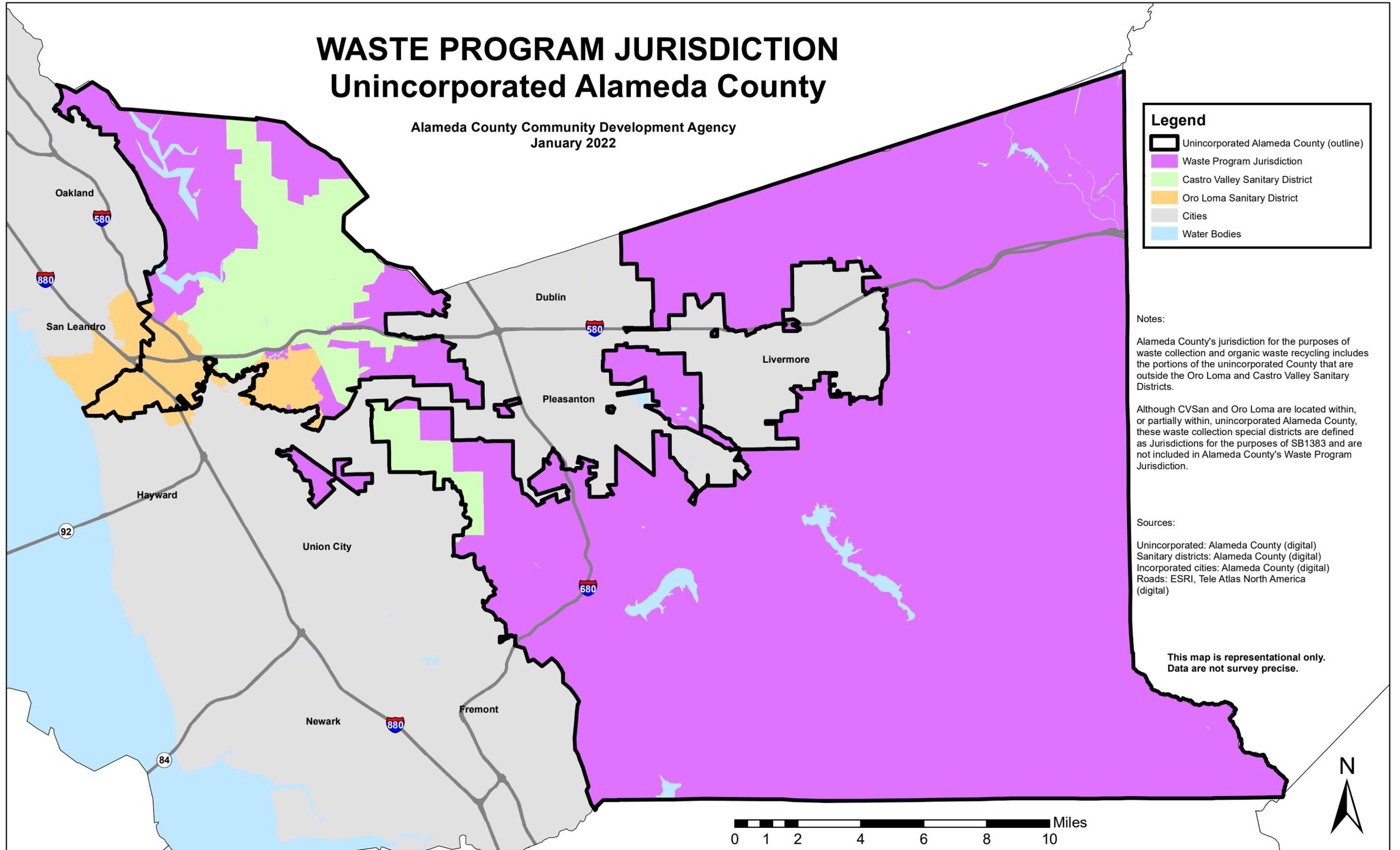
By: 
SZDC00217B8F4BB
 K. Pacheco, Senior Deputy County Counsel

Appendix A

Waste Program Jurisdiction (maps)

WASTE PROGRAM JURISDICTION Unincorporated Alameda County

Alameda County Community Development Agency
January 2022



Legend

- Unincorporated Alameda County (outline)
- Waste Program Jurisdiction
- Castro Valley Sanitary District
- Oro Loma Sanitary District
- Cities
- Water Bodies

Notes:

Alameda County's jurisdiction for the purposes of waste collection and organic waste recycling includes the portions of the unincorporated County that are outside the Oro Loma and Castro Valley Sanitary Districts.

Although CVSan and Oro Loma are located within, or partially within, unincorporated Alameda County, these waste collection special districts are defined as Jurisdictions for the purposes of SB1383 and are not included in Alameda County's Waste Program Jurisdiction.

Sources:

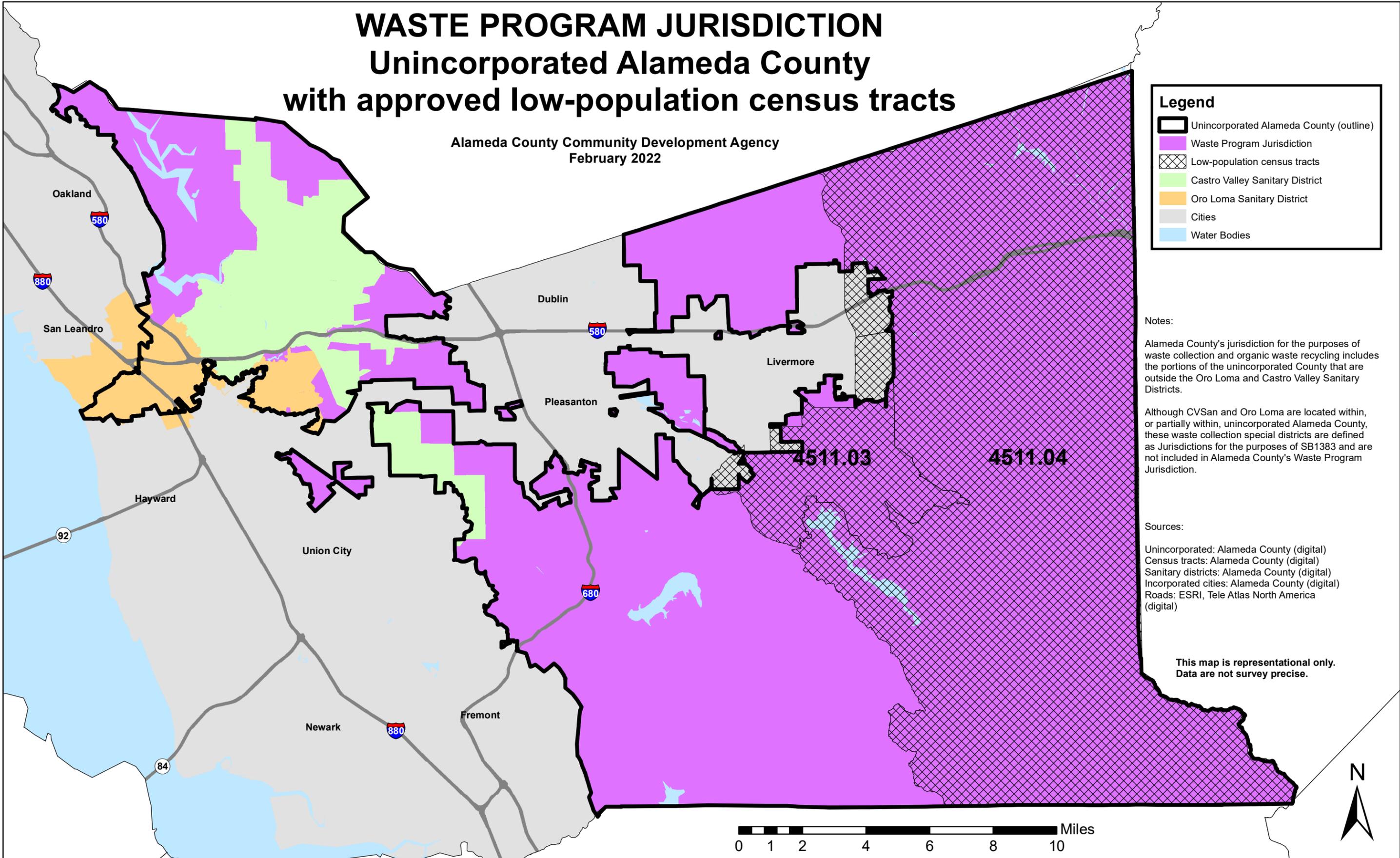
Unincorporated: Alameda County (digital)
Sanitary districts: Alameda County (digital)
Incorporated cities: Alameda County (digital)
Roads: ESRI, Tele Atlas North America (digital)

**This map is representational only.
Data are not survey precise.**

WASTE PROGRAM JURISDICTION

Unincorporated Alameda County with approved low-population census tracts

Alameda County Community Development Agency
February 2022



Legend

-  Unincorporated Alameda County (outline)
-  Waste Program Jurisdiction
-  Low-population census tracts
-  Castro Valley Sanitary District
-  Oro Loma Sanitary District
-  Cities
-  Water Bodies

Notes:

Alameda County's jurisdiction for the purposes of waste collection and organic waste recycling includes the portions of the unincorporated County that are outside the Oro Loma and Castro Valley Sanitary Districts.

Although CVSan and Oro Loma are located within, or partially within, unincorporated Alameda County, these waste collection special districts are defined as Jurisdictions for the purposes of SB1383 and are not included in Alameda County's Waste Program Jurisdiction.

Sources:

Unincorporated: Alameda County (digital)
 Census tracts: Alameda County (digital)
 Sanitary districts: Alameda County (digital)
 Incorporated cities: Alameda County (digital)
 Roads: ESRI, Tele Atlas North America (digital)

**This map is representational only.
Data are not survey precise.**



Appendix B

Authorized Haulers

[This Appendix is not yet available]

Appendix C

Curbside Collection – Single Family Generators

[This Appendix is not yet available]

Appendix D

Authorized Hauler Areas (map)

[This Appendix is not yet available]

Appendix E

Curbside Collection-
Commercial Business Generators
[This Appendix is not yet available]

Appendix F

Commercial Business Container Requirements

[This Appendix is not yet available]

Appendix G

Self-Hauling Requirements

[This Appendix is not yet available]

Appendix H

Authorized Hauler Reporting

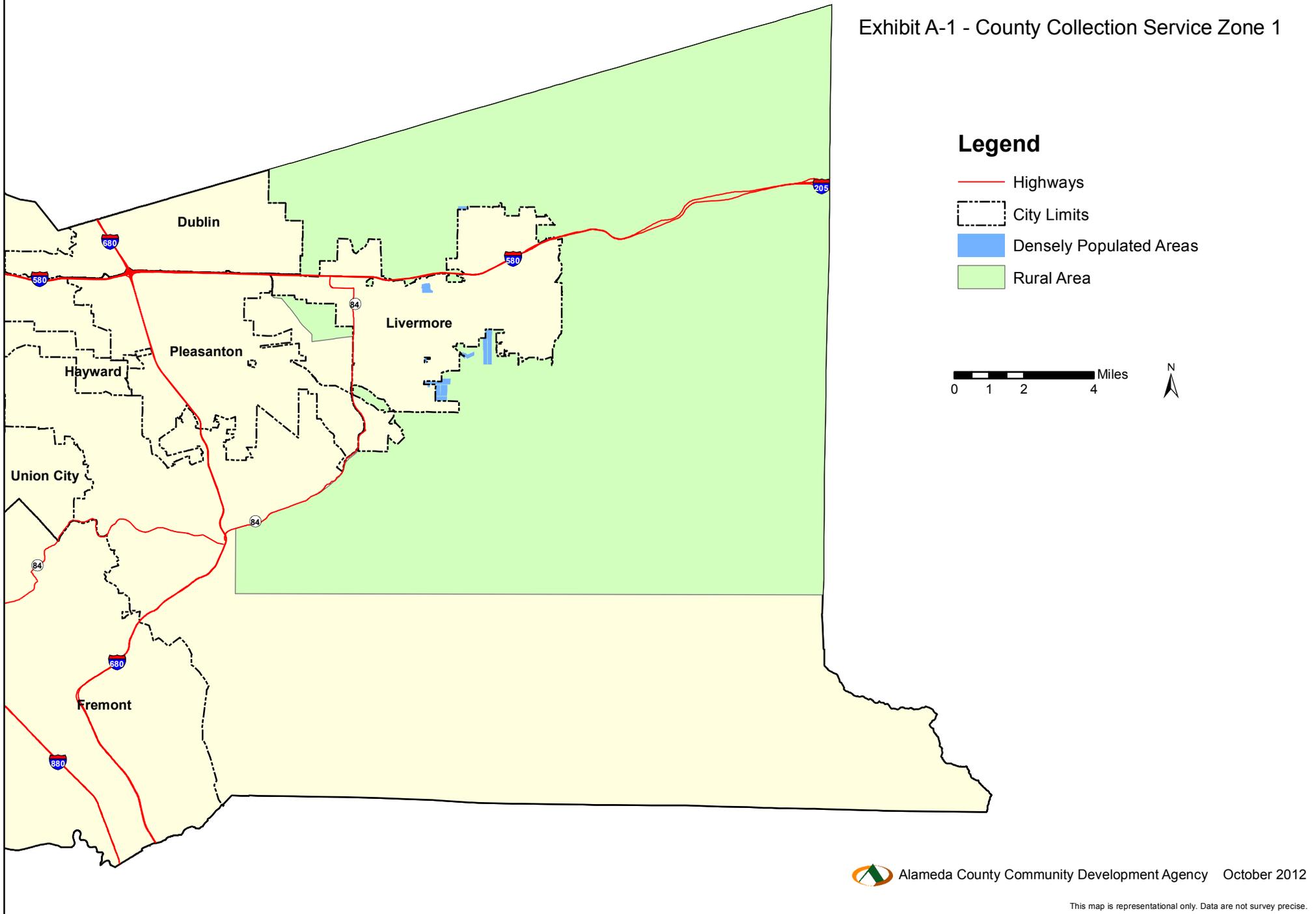
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Appendix I

County Collection Services Zones

Memorandum of Understanding Between the City of Livermore, Alameda County and Livermore Sanitation, Inc. Regarding Solid Waste and Recycling Services

Exhibit A-1 - County Collection Service Zone 1



Appendix J

Edible Food Recovery

County of Alameda
 Department of Environmental Health
 1131 Harbor Bay Parkway, Suite 200
 Alameda, CA 94502-6577
 510-567-6700 <http://www.acgov.org/aceh>

SB 1383 EDIBLE FOOD RECOVERY INSPECTION REPORT

Date: _____
 Time In: _____
 Time Out: _____
 Page 1 of _____

Facility Name: _____ Address: _____ City: _____ CT: _____

FA#: _____ TIER: _____ INSPECTION TYPE: _____
 SB 1383 CONTACT: _____ FACILITY SQ FT: _____ # of SEATS: _____ # of BEDS: _____

VIOLATIONS OF SB 1383 MUST BE CORRECTED AND DOCUMENTED NOV

| COMPLIANCE FACTORS | IN | OUT | INSPECTION COMMENTS |
|--|--------------------------|--------------------------|---------------------|
| <u>KNOWLEDGE</u> | | | |
| 1 SB 1383 Educational Materials for Facility Staff Training 14 CCR 1895.82 | <input type="checkbox"/> | <input type="checkbox"/> | |
| 2 Food Safety Donation Training Staff Records Maintained* 14 CCR 18991.2 | <input type="checkbox"/> | <input type="checkbox"/> | |
| <u>FACILITY</u> | | | |
| 3 Labeled Indoor Bins in Public Areas for Organics/Compost & Recycling | <input type="checkbox"/> | <input type="checkbox"/> | |
| 4 Outdoor Collection Bins/Carts for Organics/Compost & Recycling | <input type="checkbox"/> | <input type="checkbox"/> | |
| <u>DONATIONS & DOCUMENTATION</u> | | | |
| 5 No Intentional Spoiling of Edible Foods 14 CCR 18991.3 | <input type="checkbox"/> | <input type="checkbox"/> | |
| 6 Food Waste Prevention Practices (No Edible Food Generated for Donation) 14 CCR 18991.3 | <input type="checkbox"/> | <input type="checkbox"/> | |
| 7 Records of Edible Foods Donated Directly to End Recipients (to whom, date/frequency) 14 CCR 18991.2 | <input type="checkbox"/> | <input type="checkbox"/> | |
| 8 Written Contract or Agreement with Food Recovery Organizations and/or Services (FROS)* 14 CCR 18991.2 | <input type="checkbox"/> | <input type="checkbox"/> | |
| 9 Documentation of FRO&S with Contracts, FRO&S Contacts, Types of Foods Donated & Monthly lbs. of Food Donated * | <input type="checkbox"/> | <input type="checkbox"/> | |

Received by: _____

ENVIRONMENTAL HEALTH SPECIALIST: _____

OFFICE USE ONLY:

SUMMARY OF EXCERPTS FROM CORRESPONDING LAWS AND REGULATIONS FOR THE REQUIREMENTS LISTED ON THE FRONT SIDE OF THIS FORM. THE DEPARTMENT MAY CITE ADDITIONAL SECTIONS AS APPLICABLE.

ORGANICS REDUCTION AND RECYCLING ORDINANCE (ORRO)

SECTION 7. REQUIREMENTS FOR COMMERCIAL EDIBLE FOOD GENERATORS

(a) Tier One Commercial Edible Food Generators must comply with the requirements of this Section 7 commencing January 1, 2022, and Tier Two Commercial Edible Food Generators must comply commencing January 1, 2024, pursuant to 14 CCR Section 18991.3 or such later deadline established by State law or regulations.

(b) Large Venue or Large Event operators not providing food services, but allowing for food to be provided by others, shall require Food Facilities operating at the Large Venue or Large Event to comply with the requirements of this Section, commencing January 1, 2024 or such later deadline established by State law or regulations.

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

(1) Arrange to safely recover for human consumption the maximum amount of Edible Food that would otherwise be disposed.

(2) Enter into a contract or other written agreement with Food Recovery Organizations or Food Recovery Services for: (i) the collection for Food Recovery of Edible Food that would otherwise be disposed; or, (ii) acceptance of Edible Food that would otherwise be disposed that the Commercial Edible Food Generator self-hauls to the Food Recovery Organization for Food Recovery.

(3) Use best efforts to abide by all contractual or written agreement requirements specified by the Food Recovery Organization or Food Recovery Service on how Edible Food should be prepared, packaged, labeled, handled, stored, distributed or transported to the Food Recovery Organization or Service.

(4) Not intentionally donate food that has not been prepared, packaged, handled, stored and/or transported in accordance with the safety requirements of the California Retail Food Code.

(5) Not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.

(6) Allow the Enforcement Agency to review records upon request, including by providing electronic copies or allowing access to the premises, pursuant to 14 CCR Section 18991.4.

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

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

(B) A copy of all contracts and written agreements established under 14 CCR Section 18991.3(b) and/or this Ordinance.

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

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

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

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

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

(D) If it has not entered into a contract or written agreement with Food Recovery Organizations or Food Recovery Services pursuant to Section 7(c)(2), a record that describes

(i) its direct donation of Edible Food to end recipients (including employees) and/or

(ii) its food waste prevention practices that result in it generating no surplus Edible Food that it can donate.

(8) Tier One Commercial Edible Food Generators and Tier Two Commercial Edible Food Generators shall provide, upon request, a Food Recovery report to the Enforcement Agency that includes the information in Section 7(c)(7). Entities shall provide the requested information within 60 days of the request.

(d) Nothing in this Ordinance shall be construed to limit or conflict with (1) the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance pursuant to Senate Bill 557 of 2017 (approved by the Governor of the State of California on September 25, 2017, which added Article 13 commencing with Section 49580 to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, and to amend Section 114079 of the Health and Safety Code, relating to food safety, as amended, supplemented, superseded and replaced from time to time); or (2) otherwise applicable food safety and handling laws and regulations.

(e) Nothing in this Ordinance prohibits a Commercial Edible Food Generator from donating Edible Food directly to end recipients for consumption, pursuant to Health and Safety Code Section 114432(a).

(f) The Enforcement Agency for the provisions of this Section 7 is the Member Agency and, if authorized by the applicable Member Agency, the WMA, and any other Designee of the Member Agency.

County of Alameda
Department of Environmental Health
1131 Harbor Bay Parkway, Suite 200
Alameda, CA 94502-6577
510-567-6700 <http://www.acgov.org/aceh>

SB 1383 EDIBLE FOOD RECOVERY INSPECTION REPORT

Date: _____
Time In: _____
Time Out: _____
Page 2 of _____

Facility Name:

Address:

City:

FA#

***TECHNICAL ASSISTANCE PROVIDED:**

1. _____
2. _____
3. _____

***SB 1383 EDUCATIONAL MATERIALS PROVIDED:**

CHOOSE A HANDOUT 1

CHOOSE A HANDOUT 2

***EDIBLE FOODS DIRECTLY DONATED TO RECIPIENTS:**

ENTITY #1 - _____
DATE/FREQUENCY - _____

ENTITY #2 - _____
DATE/FREQUENCY - _____

***WRITTEN FOOD RECOVERY ORGANIZATION CONTRACT/AGREEMENT (if applicable):**

NEW FRO&S Contact Name - _____
CONTACT PHONE # - _____
TYPES OF FOOD - _____
FREQUENCY OF COLLECTION - _____

CHOOSE A FRO&S

CONTACT NAME - _____
CONTACT PHONE # - _____
TYPES OF FOOD - _____
FREQUENCY OF COLLECTION OR SELF-HAUL - _____

CHOOSE A FRO&S

CONTACT NAME - _____
CONTACT PHONE # - _____
TYPES OF FOOD - _____
FREQUENCY OF COLLECTION OR SELF-HAUL - _____

CHOOSE A FRO&S

CONTACT NAME - _____
CONTACT PHONE # - _____
TYPES OF FOOD - _____
FREQUENCY OF COLLECTION OR SELF-HAUL - _____

SUMMARY OF EXCERPTS FROM CORRESPONDING LAWS AND REGULATIONS FOR THE REQUIREMENTS LISTED ON THE FRONT SIDE OF THIS FORM. THE DEPARTMENT MAY CITE ADDITIONAL SECTIONS AS APPLICABLE.

Health & Safety Code § 39730.6

(a) Consistent with **Section 39730.5**, methane emissions reduction goals shall include the following targets to reduce the landfill disposal of organics:

(1) A 50-percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020.

(2) A 75-percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2025.

(b) Except as provided in this section and **Section 42652.5 of the Public Resources Code**, the state board shall not adopt, prior to January 1, 2025, requirements to control methane emissions associated with the disposal of organic waste in landfills other than through landfill methane emissions control regulations.

California Code of Regulations Title 14 § 18991.3

(a) Tier One commercial edible food generators shall comply with the requirements of this section commencing January 1, 2022.

Tier two commercial edible food generators shall comply with the requirements of this section commencing January 1, 2024.

(b) Commercial edible food generators shall arrange to recover the maximum amount of edible food that would otherwise be disposed. A commercial edible food generator shall comply with the requirements of this section through a contract or written agreement with any or all of the following:

(1) Food recovery organizations or services that will collect their edible food for food recovery.

(2) Food recovery organizations that will accept the edible food that the commercial edible food generator self-hauls to the food recovery organization for food recovery.

(c) A large venue or large event operator that does not provide food services, but allows for food to be provided, shall require food facilities operating at the large venue or large event to comply with the requirements of this section.

(d) A commercial edible food generator shall comply with the requirements of this section unless the commercial edible food generator demonstrates the existence of extraordinary circumstances beyond its control that make such compliance impracticable.

If an enforcement action is commenced against a commercial edible food generator for noncompliance, the burden of proof shall be upon the commercial edible food generator to demonstrate extraordinary circumstances. For the purposes of this section extraordinary circumstances are:

(1) A failure by the jurisdiction to increase edible food recovery capacity as required in Section 18991.1.

(2) Acts of God such as earthquakes, wildfires, flooding, and other emergencies or natural disasters.

(e) An edible food generator shall not intentionally spoil edible food that is capable of being recovered by a food recovery organization or service.

California Code of Regulations. Title 14 § 18982

Definitions:

"Commercial edible food generator" includes a Tier One or a Tier Two commercial edible food generator as defined and for the purposes of this chapter, food recovery organizations and food recovery services are not commercial edible food generators.

- "Container contamination" or "contaminated container" means a container, regardless of color, that contains prohibited container contaminants as defined.
- "Edible food" means food intended for human consumption.
 - (A) For the purposes of this chapter, "edible food" is not solid waste if it is recovered and not discarded.
 - (B) Nothing in this chapter requires or authorizes the recovery of edible food that does not meet the food safety requirements of the California Retail Food Code.
- "Enforcement action" means an action of a jurisdiction or the Department to ensure compliance with this chapter, including, but not limited to, issuing notices of violation, accusations, or other remedies.
- "Facility that recovers source separated organic waste" means a facility that handles source separated organic waste separately from any other wastes as required.
- "Food recovery" means actions to collect and distribute food for human consumption which otherwise would be disposed.
- "Food recovery organization" means an entity that engages in the collection or receipt of edible food from commercial edible food generators and distributes that edible food to the public for food recovery either directly or through other entities including, but not limited to:
 - (A) A food bank as defined in Section 113783 of the Health and Safety Code;
 - (B) A nonprofit charitable organization as defined in Section 113841 of the Health and Safety code; and
 - (C) A nonprofit charitable temporary food facility as defined in Section 113842 of the Health and Safety Code.
- "Food recovery service" means a person or entity that collects and transports edible food from a commercial edible food generator to a food recovery organization or other entities for food recovery.
- "Notice of Violation (NOV)" means a notice that a violation has occurred that includes a compliance date to avoid an action to seek penalties.

Appendix K

Key Contact Information

1) **Primary contact person for SB1383 communications and enforcement:**

Alison Abbors, Planner III
510-670-5400
wasteprogram@acgov.org
alison.abbors@acgov.org
<https://www.acgov.org/wasteprogram/>

Mailing Address:

Community Development Agency Planning Department
Attn: Alison Abbors, Waste Program
224 W Winton Ave, Suite 111
Hayward, CA 94544

2) **Other contacts are:**

Alameda County General Services Agency
Karen Cook, Sustainability Project Manager, LEED AP
510-208-9531
<https://www.acgov.org/sustain/who/contactus.htm>
www.acsustain.org

Alameda County Department of Environmental Health
Ron Browder, Director of Environmental Health
510-567-6700
<https://deh.acgov.org/contact.page>
<https://deh.acgov.org/>

Alameda County Waste Management Authority (StopWaste)
Rachel Balsley, Senior Program Manager
510-891-6524
rbalsley@stopwaste.org
www.StopWaste.org/Rules