



**MEMORANDUM
PUBLIC WORKS
ENVIRONMENTAL ENGINEERING DIVISION**
County of Placer

TO: Honorable Board of Supervisors **DATE:** February 22, 2022
FROM: Ken Grehm, Director of Public Works
BY: Sadie Caldas, Environmental Resources Specialist
SUBJECT: Organic Waste Disposal Reduction Ordinance

ACTION REQUESTED

Introduce and waive oral reading of a new ordinance, adding Article 8.32 to Placer County Code for reducing organic waste disposal.

BACKGROUND

In September 2016, the California Legislature passed Senate Bill (SB) 1383, which set methane emissions reduction targets for California in a statewide effort to reduce emissions of short-lived climate pollutants from the decomposition of organic waste. The main organic waste materials include food waste, green/wood waste, paper, and cardboard. The targets include reduction of statewide organic waste disposal by 75% by 2025, and recovery of at least 20% of currently disposed surplus edible food in the State by 2025. In November 2020, CalRecycle adopted regulations to implement SB 1383. Among other things, jurisdictions are required to adopt an enforceable ordinance to require organic waste generators and other entities to comply with the requirements in the State regulations. County staff from Public Works and Health and Human Services (HHS) have been working to create an ordinance and further develop programs to comply with SB 1383. The main impacts from the proposed ordinance are discussed below.

Single-Family Generators

Improvements being made at the Western Placer Waste Management Authority (WPWMA) Materials Recovery Facility (MRF) are expected to meet organic waste diversion rates required by CalRecycle to be considered a high diversion organic waste processing facility by removing 75% of the organic waste from the mixed-waste stream. Western County residents will be able to comply by using the One Big Bin program, which is Placer County's one-container, mixed-waste collection system, without having a separate container for food waste/organic waste collection. Residents will also have the option to self-haul material where it will be recovered (transfer stations or materials recovery facilities), or to reduce or recycle organic waste in other ways (composting, animal feed, etc.). The County will continue to provide separate green waste collection in the more urban areas.

SB 1383 allows high elevation and low population waivers that exempt generators from some or all organic waste collection requirements. Staff are currently working on an alternate compliance approach that would allow eastern County residents in areas that do not qualify for waivers, to continue to use the One Big Bin program for organic waste collection.

Commercial Businesses

Due to the same reasons discussed for western and eastern County single-family generators, it is also anticipated that there will be no required changes to commercial collection programs.

There are already existing programs in place for larger food waste generators to separate and recycle food waste, which are expected to continue. The ordinance will require these larger generators to provide adequate containers, educate employees and tenants on proper separation of materials, to periodically inspect their own containers for contamination, and to participate in organic waste collection through current programs. Commercial generators also have the option to self-haul material or reduce or recycle waste in other ways (composting, animal feed, etc.).

Commercial Edible Food Generators and Food Recovery Organizations/Services

The proposed ordinance has requirements for larger commercial edible food generators to participate in an edible food recovery program and enter into agreements with food recovery organizations (e.g., food banks). There are two tiers of generators that are subject to these requirements. Tier one generators (supermarkets, grocery stores, food service providers or distributors, and wholesale food vendors) must start recovering edible food in 2022. Tier two generators (restaurants, hotels, health facilities, large venues and events, state agencies, and local education agencies) that meet certain size requirements with on-site food facilities, are required to start recovering edible food in 2024. Education and outreach are underway, which will inform tier one generators of new requirements and will allow tier two generators time to prepare for the program.

Capacity Planning Requirements for Food Recovery Organizations and Facility Operators

The proposed ordinance would require facility operators (e.g., compost facilities) and food recovery organizations to respond to the County's request for capacity information. Jurisdictions are required to verify that there is sufficient capacity at organic waste recycling facilities to be able to accept the amount of organic waste material being produced in the County. Likewise, jurisdictions have to conduct capacity planning to ensure food recovery organizations have enough capacity for edible food being recovered.

Haulers

The proposed ordinance includes SB 1383 requirements for haulers to identify facilities where they will transport waste, transport material to a facility that recovers organic waste, and to obtain approval from the County to haul organic waste. These requirements are expected to be efficiently captured in contracts, agreements, and other coordination with the County's two waste haulers.

Inspections

Residential and commercial generators would be required to allow inspections for container contamination in any source separated containers (green waste, food waste, etc.). Commercial generators would also be subject to inspections for accurate record keeping and compliance for self-hauling material, for qualification of waivers, for investigation of complaints of alleged violations, and other inspections necessary for determining compliance with SB 1383. Public Works staff currently work with the County waste haulers to provide education/assistance to generators and conduct audits for container contamination. The proposed ordinance would expand these inspection programs.

Commercial edible food generators that are required to participate in the edible food recovery program, and food recovery organizations and services (e.g., food banks) that enter into agreements with generators, are required to keep records and allow inspections. The proposed ordinance would allow a fee to be collected for the cost of this program. Health and Human

Services Environmental Health Division (EHD) would conduct these inspections during routine retail food facility inspections, and the proposed fee will also be presented to your Board.

Enforcement

Existing State law has included mandatory requirements for recycling programs but has not previously required local jurisdictions to take enforcement action on constituents. SB 1383 regulations require jurisdictions to take enforcement action for violations, with the specified process in the proposed ordinance. Jurisdictions that do not adopt an enforceable ordinance, or that fail to enforce these requirements, are subject to direct enforcement action by the State, with penalties that range from \$500-\$10,000 per violation per day, depending on the severity. Not having an enforceable ordinance is considered a major violation with fines that range from \$7,500-\$10,000 per day.

The proposed ordinance would allow the County to have an education period from 2022 through January 1, 2024, to inform constituents of requirements. As required by SB 1383, the proposed ordinance would give the County authority to take enforcement action in 2024, with the lowest penalty amount allowed by the regulations. The County is required to monitor compliance and follow these steps for violations:

- Issue a notice of violation requiring compliance within sixty (60) days
- Impose penalties if the violation still exists
 - First violation is a fifty-dollar (\$50) penalty
 - Second violation is a \$100 penalty
 - Third or subsequent violations are a \$250 penalty

Staff are not anticipating frequent violations that would require enforcement action, but the main violations that would be subject to enforcement include:

- Commercial generators not keeping records for self-hauling material, and not providing containers for tenants, employees, customers, etc.; and
- Commercial edible food generators not participating in edible food recovery programs, not having written agreements with food recovery organizations, and not keeping records of agreements and edible food donations.

SB 1383 regulations allow violations for container contamination to be excluded from penalties in the ordinance. Due to waivers and the organics diversion capabilities at WPWMA, programs for food waste collection are also not required to have penalties imposed. The proposed ordinance would allow an appeals process for penalties issued, by submitting a written appeal to the Director of Public Works, and it would allow the County to recover costs for unpaid fines and collection costs.

Placer County's one-container system (One Big Bin) ensures that a majority of customers are already participating in organic waste collection service with just having their regular trash service, and it will prevent the County from having to issue penalties in many circumstances that other California residents and business owners will be subject to. In addition to diverting 75% of organic waste, the One Big Bin program with sorting at WPWMA is also anticipated to produce 2 to 3 times less garbage going into the landfill when compared to a 3-cart program. Placer County has also had a high success rate for participation in existing recycling programs that are required for commercial customers, such as food waste collection for larger generators, with a

94-98% compliance rate. Due to the County's one-container system and success with recycling programs, staff are not anticipating that penalties will be frequently imposed, once the requirement for penalties commences in 2024.

ENVIRONMENTAL IMPACT

In adopting the SB 1383 Regulations, CalRecycle certified a program Environmental Impact Report (EIR). The activities to be carried out under this ordinance are entirely within the scope of SB 1383, the SB 1383 Regulations the EIR certified by CalRecycle, and existing statutes. No mitigation measures identified in the EIR are applicable to the County's enactment of this ordinance. Moreover, none of the conditions requiring a subsequent or supplemental EIR, as described in Public Resources Code Section 21166 and California Environmental Quality Act (CEQA) Guidelines, Sections 15162 and 15163, have occurred. Any future projects associated with organic waste reduction, will have a separate environmental review that would be conducted at that time. The EIR therefore adequately analyzes any potential environmental effects of the ordinance, and no additional environmental review is required. On a separate and independent basis, this requested action is exempt from CEQA, pursuant to CEQA Guidelines § 15061(b)(3) because it does not have the potential for causing a significant effect on the environment. In addition, the requested action is exempt pursuant to CEQA Guidelines § 15308 because it will further protect the environment by reducing organic waste disposal and greenhouse gas emissions.

FISCAL IMPACT

The proposed ordinance includes that a fee may be collected for the administration, implementation, investigation, and enforcement of the edible food program requirements, which will be proposed to your Board separately by Health and Human Services Environmental Health Division at this meeting. Public Works staff time to implement SB 1383 requirements, including the requirements in the proposed ordinance, has already been included in the FY 2021-22 budget. Any proposed changes to garbage collection fees, will be presented to your Board as a separate item.

ATTACHMENTS

Ordinance

Before the Board of Supervisors County of Placer, State of California

In the matter of:

An ordinance amending Placer
County Code Chapter 8, Health
and Sanitation, by adding Article
8.32 Organic Waste Disposal Reduction

Ordinance No.: _____

Introduced: _____

The following Ordinance was duly passed by the Board of Supervisors of the County
of Placer at a regular meeting held on _____ by the following vote:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Chair, Board of Supervisors

Attest:

Clerk of said Board

WHEREAS, Assembly Bill 1826 of 2014 requires businesses and multi-family property owners that generate a specified threshold amount of solid waste, recycling, and organic waste per week to arrange for recycling services for that waste, requires the County to implement a recycling program to divert organic waste from businesses subject to the law, and requires the County to implement a mandatory commercial organics recycling program; and

WHEREAS, Senate Bill 1383, the Short-lived Climate Pollutant Reduction Act of 2016, set methane emissions reduction targets for California in a statewide effort to reduce emissions of short-lived climate pollutants, with targets that include reduction of statewide

organic waste disposal by 75% by 2025, and recovery of at least 20% of currently disposed surplus edible food in the State by 2025; and

WHEREAS, in an effort to achieve its policy goals, SB 1383 requires CalRecycle to develop regulations to reduce organic waste in landfills; and

WHEREAS, SB 1383 requires jurisdictions to adopt an ordinance or similarly enforceable mechanism to implement relevant portions of SB 1383, including sections requiring organic waste recycling for single-family, multi-family, and commercial generators, sections requiring edible food recovery for commercial edible food generators, sections requiring written agreements and record keeping for commercial edible food generators and food recovery organizations and services, sections requiring facility operators and food recovery organizations and services to provide information for capacity planning, sections with requirements for haulers to transport waste to facilities that recover organic waste and obtain approval from the County, sections authorizing inspections by the County, and sections establishing enforcement mechanisms for non-compliance; and

WHEREAS, SB 1383 went into effect January 1, 2022, and CalRecycle is authorized to take enforcement actions against non-compliant jurisdictions as of that date; and

WHEREAS, for consistency and to develop a comprehensive ordinance for organic waste reduction in the County, this ordinance implements requirements from AB 1826 and SB 1383.

NOW THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER, ORDAINS AS FOLLOWS:

SECTION 1. Placer County Code Chapter 8, Health and Sanitation is hereby amended to add Article 8.32, as set forth in Exhibit A, which is attached hereto and incorporated herein by reference.

SECTION 2. This ordinance shall take effect and be in full force thirty (30) days after the date of its passage. The Clerk is directed to publish this ordinance, or a summary thereof, within fifteen (15) days in accordance with Government Code section 25124.

EXHIBIT A

Placer County Code, Chapter 8, Article 8.32, Organic Waste Disposal Reduction

Article 8.32 ORGANIC WASTE DISPOSAL REDUCTION

8.32.010 Purpose and intent.

State organics recycling law, Assembly Bill 1826 of 2014 (approved by the Governor of the State of California on September 28, 2014, which added Chapter 12.9 (commencing with Section 42649.8) to Part 3 of Division 30 of the Public Resources Code (“PRC”), relating to solid waste, as amended, supplemented, superseded, and replaced from time to time), requires businesses and multi-family property owners that generate a specified threshold amount of solid waste, recycling, and organic waste per week to arrange for recycling services for that waste, requires jurisdictions to implement a recycling program to divert organic waste from businesses subject to the law, and requires jurisdictions to implement a mandatory commercial organics recycling program.

SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires CalRecycle to develop regulations to reduce organics in landfills as a source of methane. The regulations place requirements on multiple entities including jurisdictions, residential households, commercial businesses and business owners, commercial edible food generators, haulers, self-haulers, food recovery organizations, and food recovery services to support achievement of statewide organic waste disposal reduction targets.

SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires jurisdictions to adopt and enforce an ordinance or enforceable mechanism to implement relevant provisions of SB 1383 regulations. This ordinance will also help reduce food insecurity by requiring commercial edible food generators to arrange to have the maximum amount of their edible food, that would otherwise be disposed, be recovered for human consumption.

8.32.020 Title.

The ordinance codified in this article shall be known as the “Placer County Organic Waste Disposal Reduction Ordinance” and may be so cited.

8.32.030 Definitions.

The following words, phrases and terms as used in this article shall have the following meanings:

“Back-haul” means generating and transporting organic waste to a destination owned and operated by the generator using the generator’s own employees and equipment.

“Biosolids” means solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Biosolids includes, but is not limited to, treated domestic septage and scum or solids removed in primary, secondary, or advanced wastewater treatment processes. Biosolids includes the residue solids resulting from the co-digestion of anaerobically digestible material with sewage sludge. Biosolids does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screenings generated during the preliminary treatment of domestic sewage in a treatment works.

“CalRecycle” means California's Department of Resources Recycling and Recovery, which is the department designated with responsibility for developing, implementing, and enforcing SB 1383 regulations on jurisdictions (and others).

“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).

“Commercial business” or “commercial” means a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a multifamily residential dwelling. A multi-family residential dwelling that consists of fewer than five units is not a commercial business for purposes of implementing this ordinance.

“Commercial edible food generator” includes a tier one or a tier two commercial edible food generator as defined in this ordinance. 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).

“Compliance review” means a review of records by the county to determine compliance with this ordinance.

“Community composting” 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 one hundred (100) cubic yards and seven hundred fifty (750) square feet, as specified in 14 CCR Section 17855(a)(4).

“Compost” means the product resulting from the controlled biological decomposition of organic solid wastes that are source separated from the municipal solid waste stream, or which are separated at a centralized facility.

“Container contamination” or “contaminated container” means a container, regardless of color, that contains prohibited container contaminants.

“C&D” means construction and demolition debris.

“Designee” means an entity that the county contracts with or otherwise arranges to carry out any of the county’s responsibilities of this ordinance as authorized in 14 CCR Section 18981.2. A designee may be a government entity, a hauler, a private entity, or a combination of those entities.

“Digestate” means the solid and/or liquid material remaining after organic material has been processed in an in-vessel digester.

“Edible food” 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 this ordinance or in 14 CCR, Division 7, Chapter 12 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 the county to address non-compliance with this ordinance including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies.

“Excluded waste” means hazardous substance, hazardous waste, infectious waste, designated waste, volatile, corrosive, medical waste, infectious, regulated radioactive waste, and toxic substances or material that would be a violation of local, state, or federal law, regulation, or ordinance. 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 separate collection.

“Food distributor” means a company that distributes food to entities including, but not limited to, supermarkets and grocery stores.

“Food facility” has the same meaning as in Section 113789 of the Health and Safety Code.

“Food recovery” means actions to collect and distribute food for human consumption that 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:

- (1) A food bank as defined in Section 113783 of the Health and Safety Code;
 - (2) A nonprofit charitable organization as defined in Section 113841 of the Health and Safety Code;
- and,
- (3) A nonprofit charitable temporary food facility as defined in Section 113842 of the Health and Safety Code.

A food recovery organization 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).

“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. 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).

“Food service provider” 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.

“Grasscycling” is the natural recycling of grass by leaving clippings on the lawn when mowing.

“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.

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

“High diversion organic waste processing facility” 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 fifty (50) percent between January 1, 2022, and December 31, 2024, and seventy five (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.

“Inspection” means a site visit where the county reviews records, containers, and an entity’s collection, handling, recycling, or landfill disposal of organic waste or edible food handling to determine if the entity is complying with requirements set forth in this ordinance.

“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 two thousand (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.

“Large venue” means a permanent venue facility that annually seats or serves an average of more than two thousand (2,000) individuals within the grounds of the facility per day of operation of the venue facility. For purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12, 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 this ordinance and implementation of 14 CCR, Division 7, Chapter 12, 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 venue.

“Mixed waste organic collection stream” or “mixed waste” means organic waste collected in a container that is required by 14 CCR Sections 18984.1, 18984.2 or 18984.3 to be taken to a high diversion organic waste processing facility.

“Multi-family residential dwelling” or “multi-family” means of, from, or pertaining to residential premises with five or more dwelling units. Multi-family premises do not include hotels, motels, or other transient occupancy facilities, which are considered commercial businesses.

“Notice of violation (NOV)” means a notice that a violation has occurred that includes a compliance date to avoid an action to seek penalties.

“Organic waste” means solid wastes 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 products, printing and writing paper, manure, biosolids, digestate, and sludges.

“Organic waste generator” means a person or entity that is responsible for the initial creation of organic waste.

“Prohibited container contaminants” means (1) discarded materials placed in a recycling container that are not identified as acceptable source separated recyclable materials for that container, if applicable; (2) discarded materials placed in an organic waste container that are not identified as acceptable source separated organic waste materials for that container, if applicable; (3) discarded materials placed in the garbage container that are acceptable source separated materials for collection in an organic waste container or recycling container, and if organic waste or recycling service is provided and applicable; organic waste collected in a mixed waste container that is transported to a high diversion organic waste processing facility may be excluded; and, (4) excluded waste not acceptable in any container.

“Restaurant” means an establishment primarily engaged in the retail sale of food and drinks for on-premises or immediate consumption.

“Route review” means a visual inspection of containers along a hauler route for the purpose of determining container contamination, and may include mechanical inspection methods such as the use of cameras.

“SB 1383” means Senate Bill 1383 of 2016 approved by the Governor on September 19, 2016, which added Sections 39730.5, 39730.6, 39730.7, and 39730.8 to the Health and Safety Code, and added Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30 of the Public Resources Code, establishing methane emissions reduction targets in a statewide effort to reduce emissions of short-lived climate pollutants as amended, supplemented, superseded, and replaced from time to time.

“SB 1383 Regulations” or “SB 1383 Regulatory” means or refers to, for the purposes of this ordinance, the Short-Lived Climate Pollutants: Organic Waste Reduction regulations developed by CalRecycle and adopted in 2020 that created 14 CCR, Division 7, Chapter 12 and amended portions of regulations of 14 CCR and 27 CCR.

“Self-hauler” means a person, who hauls solid waste, organic waste or recyclable material he or she has generated to another person. Self-hauler also includes a person who back-hauls waste.

“Single-family” means of, from, or pertaining to any residential premises with fewer than five units.

“Source separated” 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.

“Source separated organic waste” means organic waste that is placed in a container that is specifically intended for the separate collection of organic waste by the generator.

“State” means the state of California.

“Supermarket” means a full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000.00), or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items.

“Tier one commercial edible food generator” means a commercial edible food generator that is one of the following:

- (1) Supermarket.
- (2) Grocery store with a total facility size equal to or greater than 10,000 square feet.
- (3) Food service provider.
- (4) Food distributor.
- (5) Wholesale food vendor.

“Tier two commercial edible food generator” means a commercial edible food generator that is one of the following:

- (1) Restaurant with two hundred fifty (250) or more seats, or a total facility size equal to or greater than five thousand (5,000) square feet.
- (2) Hotel with an on-site food facility and two hundred (200) or more rooms.
- (3) Health facility with an on-site food facility and one hundred (100) or more beds.
- (4) Large venue.
- (5) Large event.
- (6) A state agency with a cafeteria with two hundred fifty (250) or more seats or total cafeteria facility size equal to or greater than five thousand (5,000) square feet.
- (7) A local education agency facility with an on-site food facility.

“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.

8.32.040 Requirements for single-family generators.

Single-family organic waste generators shall comply with the following requirements:

- A. Unless the generator has been exempted by the county, or a waiver has been issued or obtained, subscribe to the organic waste collection service provided in the generator's service area by an authorized county franchisee, or self-haul organic waste in a manner that complies with the requirements of Section 8.32.070.
- B. Participate in the county's organic waste collection program by placing designated materials in designated containers, and shall not place prohibited container contaminants in collection containers. If prohibited container contaminants are inadvertently placed in collection containers, the generator may not be subject to penalties described in Section 8.32.130.
- C. Nothing in this section prohibits a generator from preventing or reducing waste generation, managing organic waste on site, or using a community composting site pursuant to 14 CCR Section 18984.9(c). Organic waste can be managed onsite by composting, grasscycling, using material for animal feed, and other methods that allow material to be recycled or used onsite.
- D. Nothing in this section exempts generators from mandatory refuse collection required by Section 8.16.220.

8.32.050 Requirements for commercial businesses.

Generators that are commercial businesses, including multi-family residential dwellings, shall comply with the following requirements:

- A. Unless the generator has been exempted by the county, or a waiver has been issued or obtained, subscribe to the organic waste collection service provided in the generator's service area by an authorized county franchisee, or self-haul organic waste in a manner that complies with the requirements of Section 8.32.070.
- B. Except commercial businesses that are exempt from this section, generators shall participate in the county's organic waste collection program by placing designated materials in designated containers, and shall not place prohibited container contaminants in collection containers. If prohibited container contaminants are inadvertently placed in collection containers, the generator may not be subject to penalties described in Section 8.32.130.
- C. Supply and allow access to an adequate number, size and location of collection containers for employees, contractors, tenants, and customers.
- D. Unless the generator has been exempted by the county, or a waiver has been issued or obtained, generators must meet the applicable customer container requirements for the collection of organic waste, pursuant to 14 CCR Section 18984.9(b) and PRC Section 42649.81(d). Multi-family residential dwellings are excluded from this requirement.
- E. To the extent practical through education, training, inspection, and/or other measures, excluding multi-family residential dwellings, prohibit employees from placing materials in a container not designated for those materials.
- F. Where a separate recycling or organic container is provided by the hauler, periodically inspect containers for contamination and inform employees if containers are contaminated, and of the requirements to keep contaminants out of those containers pursuant to 14 CCR Section 18984.9(b)(3). Multi-family residential dwellings are excluded from this requirement.
- G. Annually provide information to employees, contractors, tenants, and customers about organic waste recovery requirements and about proper sorting of materials, if applicable.
- H. Provide education information before or within fourteen (14) days of occupation of the premises to new tenants that describes requirements to separate materials from mixed waste (when applicable) and the location of containers and the rules governing their use (where required) at each property.
- I. Provide or arrange access for the county or its agent to their properties during all inspections conducted in accordance with Section 8.32.120 of this ordinance to confirm compliance with the requirements of this ordinance.
- J. Commercial businesses that are tier one or tier two commercial edible food generators shall comply with food recovery requirements, pursuant to Section 8.32.080.
- K. Nothing in this section prohibits a generator from preventing or reducing waste generation, managing organic waste on site, or using a community composting site pursuant to 14 CCR Section 18984.9(c). Organic waste can be managed onsite by composting, grasscycling, using material for animal feed, and other methods that allow material to be recycled or used onsite.

L. Nothing in this section exempts generators from mandatory refuse collection required by Placer County Code Section 8.16.220.

8.32.060 Waivers/exemptions for generators.

A. The county may issue waivers pursuant to 14 CCR Section 18984.11, obtain waivers from CalRecycle pursuant to 14 CCR Section 18984.12, or grant exemptions pursuant to PRC section 42649.82(e)(3), for residential or commercial generators to comply with some or all organic waste requirements. The county may review generator's qualifications for waivers and exemptions, and will rescind the waivers or exemptions if the generator no longer qualifies.

B. The county may take action pursuant to 14 CCR Section 18984.13 to obtain waivers or grant exemptions from some or all requirements of this ordinance for emergency circumstances, abatement, quarantined materials, and federally regulated waste. Conditions eligible for waivers or exemptions may include temporary equipment or operational failure, disasters, sediment debris from flood control infrastructure, homeless encampments or illegal disposal sites as part of an abatement activity, quarantined material, federally regulated waste, or for other circumstances pursuant to 14 CCR Section 18984.13.

8.32.070 Self-hauler requirements.

A. Self-haulers shall source separate all organic waste generated on-site from solid waste in a manner consistent with 14 CCR Sections 18984.1 and 18984.2, or shall haul organic waste to a high diversion organic waste processing facility or to a transfer station that transports waste to a high diversion organic waste processing facility, as specified in 14 CCR Section 18984.3.

B. Self-haulers shall haul their source separated 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.

C. 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 or designee. The records shall include the following information:

1. Delivery receipts and weight tickets from the entity accepting the waste.
2. The amount of material in cubic yards or tons transported by the generator to each entity.
3. 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.

D. A generator that is located in an area that received a waiver by CalRecycle under 14 CCR Section 18984.12 and is not a business subject to the requirements of PRC Section 42649.81 is not required to comply with the requirements of this section.

E. Nothing in this section exempts generators from mandatory refuse collection required by Placer County Code Section 8.16.220.

8.32.080 Requirements for commercial edible food generators.

A. Tier one commercial edible food generators must comply with the requirements of this section commencing January 1, 2022, and tier two commercial edible food generators must comply commencing January 1, 2024, pursuant to 14 CCR Section 18991.3.

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.

- C. Commercial edible food generators shall comply with the following requirements:
1. Arrange to recover the maximum amount of edible food that would otherwise be disposed.
 2. Contract with, or enter into a written agreement with food recovery organizations or food recovery services for: (i) the collection of edible food for food recovery; or, (ii) acceptance of the edible food that the commercial edible food generator self-hauls to the food recovery organization for food recovery.
 3. Shall not intentionally spoil edible food that is capable of being recovered by a food recovery organization or a food recovery service.
 4. Allow the county or its designated entity to access the premises and review records pursuant to 14 CCR Section 18991.4.
 5. 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 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 or written agreements established under 14 CCR Section 18991.3(b).
 - c. A record of the following information for each of those food recovery services or food recovery organizations:
 1. The name, address and contact information of the food recovery service or food recovery organization.
 2. The types of food that will be collected by or self-hauled to the food recovery service or food recovery organization.
 3. The established frequency that food will be collected or self-hauled.
 4. 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. The county or the county's designated entity may collect a fee in an amount not to exceed the reasonable cost of administration, implementation, investigation, and enforcement of this section.
- E. Nothing in this ordinance shall be construed to limit or conflict with 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).

8.32.090 Requirements for food recovery organizations and services.

- A. Food recovery services collecting or receiving edible food directly from commercial edible food generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(1):
1. The name, address, and contact information for each commercial edible food generator from which the service collects edible food.
 2. The quantity in pounds of edible food collected from each commercial edible food generator per month.
 3. The quantity in pounds of edible food transported to each food recovery organization per month.
 4. The name, address, and contact information for each food recovery organization that the food recovery service transports edible food to for food recovery.

B. Food recovery organizations collecting or receiving edible food directly from commercial edible food generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(2):

1. The name, address, and contact information for each commercial edible food generator from which the organization receives edible food.
2. The quantity in pounds of edible food received from each commercial edible food generator per month.
3. The name, address, and contact information for each food recovery service that the organization receives edible food from for food recovery.

C. The county or the county's designated entity may collect a fee in an amount not to exceed the reasonable cost of administration, implementation, investigation, and enforcement of this section.

D. 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 county the total pounds of edible food recovered in the previous calendar year 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) no later than March 1.

E. Food Recovery Capacity Planning. In order to support edible food recovery capacity planning assessments or other studies conducted by the county or its designated entity, food recovery services and food recovery organizations operating in the county shall provide information and consultation to the county, upon request, regarding existing, or proposed new or expanded, food recovery capacity that could be accessed by the county and its commercial edible food generators. A food recovery service or food recovery organization contacted by the county shall respond to such request for information within sixty (60) days, unless a shorter timeframe is otherwise specified by the county.

8.32.100 Requirements for facility operators.

Facility operators and community compost operations shall comply with the following requirements:

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 the county's request, provide 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. Entities contacted by the county shall respond within sixty (60) days.

B. Community composting operators, upon the county's request, shall provide information to the county 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. Entities contacted by the county shall respond within 60 days.

8.32.110 Requirements for haulers.

Exclusive franchise haulers shall comply with the following requirements:

A. Exclusive franchise haulers providing residential, commercial, or industrial organic waste collection services to generators within the county's boundaries shall meet the following requirements and standards as a condition of approval of a contract, agreement, or other authorization with the county to collect organic waste:

1. Identify the facilities to which they will transport organic waste, including facilities for source separated materials or mixed waste.
2. Transport source separated organic waste and mixed waste to a facility, operation, activity, or property that recovers organic waste as defined in 14 CCR, Division 7, Chapter 12, Article 2.

3. Obtain approval from the county to haul organic waste, unless it is transporting source separated organic waste to a community composting site or lawfully transporting C&D in a manner that complies with California Green Building Standards Code, California Code of Regulations, Title 24, Part 11, as adopted in Placer County Code Section 15.04.660.

8.32.120 Inspections and investigations by the county.

A. County representatives and/or its designated entity, including 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 this ordinance by organic waste generators, commercial businesses (including multi-family residential dwellings), property owners, commercial edible food generators, haulers, self-haulers, food recovery services, and food recovery organizations, subject to applicable laws. This section does not allow county representatives or designees to enter the interior of a private residential property for inspection.

B. Regulated entity shall provide or arrange for access during all inspections (with the exception of residential property interiors) and shall cooperate with the county's employee or its designated entity/designee during such inspections and investigations. Such inspections and investigations may include confirmation of proper placement of materials in containers, edible food recovery activities, records, or any other requirement of this ordinance described herein. Failure to provide or arrange for: (i) access to an entity's premises; or (ii) access to records for any inspection or investigation is a violation of this ordinance and may result in penalties described.

C. Any records obtained by a county representatives or designees during inspections, and other reviews shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth in Government Code Section 6250 et seq.

D. County representatives, its designated entity, and/or designee are authorized to conduct any inspections, or other investigations as reasonably necessary to further the goals of this ordinance, subject to applicable laws.

E. The county shall receive written complaints from persons regarding an entity that may be potentially non-compliant with SB 1383 regulations, including receipt of anonymous complaints.

8.32.130 Enforcement.

A. Enforcement Administration

1. It shall be the duty of the community development resource agency director, the director of public works, and any employee designated by the community development resource agency director, or the director of public works to act as a code compliance and enforcement officer (which person shall hereinafter in this article be referred to as a "county enforcement official") to enforce the provisions of the Placer County Code as specified by this article. A county enforcement official has the following responsibilities and authorities in the enforcement and administration of the provisions of this article:

a. To interpret the ordinance; determine the applicability of waivers, if violation(s) have occurred; implement enforcement actions; determine if compliance standards are met; and issue notices of violations;

b. To review with affected individuals the provisions of the Placer County Code through initiation of appeals and other methods to support voluntary compliance with its provisions;

c. To issue citations for violations of this article;

d. To carry out any other special enforcement programs initiated by ordinance, order or resolution of the board, and any other responsibilities and authorities specified by this article or this code;

e. To recover administrative citation fines and collection costs.

B. Notice of Violation. Violation of any provision of this ordinance shall constitute grounds for issuance of a notice of violation and assessment of a fine as set forth in subsection D by a county enforcement official or representative. Enforcement actions under this ordinance are issuance of an administrative citation and assessment

of a fine. The county's procedures on imposition of administrative fines are hereby incorporated in their entirety, as modified from time to time, and shall govern the imposition, enforcement, collection, and review of administrative citations issued to enforce this ordinance and any rule or regulation adopted pursuant to this ordinance, except as otherwise indicated in this ordinance.

C. Process for Enforcement

1. County enforcement officials and/or their designee will monitor compliance with the ordinance randomly and through compliance reviews, route reviews, investigation of complaints, and an inspection program. Section 8.32.120 establishes the county's right to conduct inspections and investigations.

2. The county may issue an official notification to notify regulated entities of its obligations under the ordinance.

3. For violations of this ordinance, the county has the authority to issue a notice of violation requiring compliance within sixty (60) days of issuance of the notice. The county may extend the compliance deadlines set forth in a notice of violation if it finds that extenuating circumstances beyond the control of the respondent exist, making compliance within the deadlines impracticable. For purposes of this section, extenuating circumstances are:

- a. Acts of God such as, earthquakes, wildfires, flooding, and other emergencies or natural disasters;
- b. Delays in obtaining discretionary permits or other government agency approvals; and
- c. Deficiencies in organic waste recycling capacity infrastructure or edible food recovery capacity, and the county is under a corrective action plan with CalRecycle, pursuant to 14 CCR Section 18996.2, due to those deficiencies.

4. Absent compliance by the respondent within the deadline set forth in the notice of violation or if applicable, by the date identified in the extended compliance deadline, the county shall commence an action to impose penalties, via an administrative citation and fine, pursuant to subsection D. Notices shall be sent to the responsible party, or to the "owner" at the official address of the owner maintained by the tax collector for the county, or if no such address is available, to the owner at the address of the dwelling or commercial property, or to the party responsible for paying for the collection services, depending upon available information.

D. Penalty Amounts for Types of Violations. The penalty levels are as follows:

- 1. For a first violation, the amount of the base penalty shall be fifty dollars (\$50.00) per violation.
- 2. For a second violation, the amount of the base penalty shall be one hundred dollars (\$100.00) per violation.
- 3. For a third or subsequent violation, the amount of the base penalty shall be two hundred fifty (\$250.00) per violation.

E. Appeals Process. A property owner or other responsible party may appeal a decision or enforcement action pursuant to this article. Appeals must be in writing, and shall set forth the factual basis for disputing the decision or enforcement action. Appeals must be addressed to the director of public works and must be received within fifteen (15) days of the date appearing on the notice of a decision or on the citation.

F. Recovery of Administration Citation Fines and Collection Costs.

1. The county may collect any past due administrative citation fine and may recover its collection costs. The failure of any cited party to pay a fine assessed by an administrative citation by the due date shall constitute a debt to the county. The county may seek payment of the debt by use of all available legal means, including but not limited to the following:

- a. The county may refer the debt for collection;
- b. The county may file a civil action in the superior court or the small claims court to recover the debt.

2. Collection costs may include any costs for collection, including staff time expended and any additional expenses related to collecting unpaid administrative citation fines.

3. The county may choose to delay civil action until such time as a sufficiently large number of violations, or cumulative size of violations exist such that civil action is a reasonable use of county staff and resources.

G. Education Period for Non-Compliance. Beginning January 1, 2022, and through December 31, 2023, the county or designees will conduct inspections, route reviews or waste evaluations, and compliance reviews, depending upon the type of regulated entity, to determine compliance, and if the county determines that the organic waste generator, self-hauler, hauler, tier one commercial edible food generator, food recovery organization, food recovery service, or other entity is not in compliance, it shall provide educational materials to the entity describing its obligations under this ordinance and a notice that compliance is required as of January 1, 2022, and that violations may be subject to administrative civil penalties starting on January 1, 2024.

H. Civil Penalties for Non-Compliance. Beginning January 1, 2024, if the county determines that an organic waste generator, self-hauler, hauler, tier one or tier two commercial edible food generator, food recovery organization, food recovery service, or other entity is not in compliance with this ordinance, it shall document the noncompliance or violation, issue a notice of violation, and take enforcement action pursuant to this section, as needed.