

SOLID WASTE & RECYCLING COMMITTEE MEETING AGENDA

February 16, 2023 – 4:30 P.M.
Phelan Community Center
4128 Warbler Road, Phelan, CA 92371
& Via Conference Call (see below)

THIS MEETING WILL BE CONDUCTED PURSUANT TO THE PROVISIONS OF AB361, WHICH EFFECTIVE OCTOBER 1, 2021, MODIFIED CERTAIN REQUIREMENTS OF THE RALPH M. BROWN ACT WITH RESPECT TO REMOTE TELECONFERENCE BOARD MEETINGS DURING PERIODS OF STATE-DECLARED EMERGENCIES.

Pursuant to AB361, and as a precaution to our Board of Directors, District staff, and general public as a result of the ongoing COVID-19 pandemic, the Phelan Piñon Hills Community Services District will hold this meeting of its Board of Directors both in-person at the above location and via teleconference or video conference. Members of the public may watch and participate in the meeting by physical attendance or by Zoom or telephone conference via the remote instructions below.

REMOTE PARTICIPATION INFORMATION:

Dial-in

(669) 444-9171
Meeting ID: 810 7896 9969
Passcode: 693969

Zoom

<https://us06web.zoom.us/j/81078969969?pwd=ZWlHdEpEOVozRm1HbVNIcjF6VmtlUT09>
Meeting ID: 810 7896 9969
Passcode: 693969

One-Tap Mobile

+16694449171,,81078969969#

Comment Procedure:

- You will be muted until you are called on during the public comment period.
- You will be recognized by the last 4 digits of your phone number or Zoom ID and asked if you have a comment.
 - If you do not have a comment, state “no comment.”
 - If you do have a comment, please state your name, where you live, and limit your comment to 5 minutes. After 5 minutes you may be muted so that others can comment.
- You may also email your public comment to the Board Secretary at ksevy@pphcsd.org by the meeting start time listed on this agenda. Your comment will be read into the record by the Board Secretary.

Please check the District website for updates on this meeting. We encourage you to sign up for our email notifications by emailing ksevy@pphcsd.org or by visiting our website and completing the signup form at www.pphcsd.org under the “Agendas and Minutes” tab.



Mission Statement:

The Mission of the Phelan Piñon Hills Community Services District is to efficiently provide authorized services and maximize resources for the benefit of the community.

Authorized Services:

- Water
- Parks & Recreation
- Street Lighting
- Solid Waste & Recycling

SOLID WASTE & RECYCLING COMMITTEE MEETING – 4:30 P.M.

Call to Order – Pledge of Allegiance

Roll Call1) **Approval of Agenda**

2) **Public Comment** – Under this item, any member of the public wishing to directly address the Board on any item of interest that may or may not be within the subject matter jurisdiction of the Board, but not listed on the agenda, may do so at this time. However, the Board is prohibited by law from taking any action on any item not appearing on the agenda unless the action is otherwise authorized by the Brown Act. Any member of the public wishing to directly address the Board on any item listed on the agenda may do so when the item is being considered by the Board. *If you wish to address the Board, please do so by the method listed on this agenda.* Speakers are requested to be brief in their remarks. The Chair may limit each speaker to a comment period of five (5) minutes.

3) **Approval of Minutes**4) **Review of Annual Report**5) **Review of Solid Waste Events**6) **Review of Proposed Rates**7) **SBI383 & Recycling Requirements**

- Compliance Order
- Ordinance Revision
- Timeline
- Outreach

8) **Staff Reports**9) **Review of Action Items**

- a) **Prior Meeting**
- b) **Current Meeting**

10) **Set Agenda for Next Meeting** – March 16, 202311) **Adjournment**

Pursuant to Government Code Section 54954.2(a), any request for a disability-related modification or accommodation, including auxiliary aids or services, that is sought in order to participate in the above-agendized public meeting should be directed to the District's General Manager at (760) 868-1212 at least 24 hours prior to said meeting.

Agenda materials can be viewed online at www.pphcsd.org

SPECIAL SOLID WASTE & RECYCLING COMMITTEE MEETING MINUTES

January 26, 2023 – 4:30 p.m.
Phelan Community Center
4128 Warbler Road, Phelan, CA 92371
& Remotely Via Zoom or Conference Call

Board Members Present: Kathy Hoffman, Chair
Rebecca Kujawa, President

Board Members Absent: None

Staff Present: Kim Sevy, HR & Solid Waste Manager/District Clerk
Aimee Williams, Asst. Board Clerk/Administrative Specialist

CR&R Staff Present: Brent Speers, General Manager
Brandon McGill, Operations Manager

Call to Order

Director Hoffman called the meeting to order at 4:38 p.m.

Roll Call

All Committee Members were present at Roll Call.

1) **Approval of Agenda**

Director Hoffman moved to approve the Agenda. President Kujawa seconded the motion. Motion passed unanimously.

2) **Public Comment**

Public comment was given by Peter Barnes.

3) **Approval of Minutes**

President Kujawa moved to approve the Minutes. Director Hoffman seconded the motion. Motion passed unanimously.

4) **Review of Quarterly Report**

Ms. Sevy reviewed the quarterly report.

5) **Review of Solid Waste Events**

Ms. Sevy reviewed the programs and events.

6) **SB 1383 & Recycling Requirements**

Ms. Sevy gave an update on SB 1383 & recycling requirements.

Public comment was given by:

- Peter Barnes
- Cheryl Rhoden
- Debbie McAfee
- Meredith Hergenrader
- Unidentified Members of the Public

7) **Review of Committee Roles & Responsibilities**

A written report was in the packet.

8) **Review of Strategic Plan – Solid Waste Component**

The Solid Waste section of the Strategic Plan was reviewed; one item will be updated.

9) **Review of 2023/2024 Solid Waste CIP & Program Budget**

The Committee reviewed the CIP and Program Budget. Staff will investigate the cost of compost bins as a possible addition to the budget.

10) **Staff Reports**

A written report was included in the packet.

11) **Review of Action Items**

- a) **Prior Meeting** – None
- b) **Current Meeting** –
 - Research cost of compost bins
 - Update Strategic Plan
 - Update CIP

12) **Set Agenda for Next Meeting** – February 16, 2023

13) **Adjournment**

With no further business before the Committee, the meeting adjourned at 5:26 p.m.

Agenda materials can be viewed online at www.pphcsd.org

COMMUNITY CLEANUP & FREE TIRE DAY

March 11, 2023

8 AM - 12 PM
Drop Off Location:
9828 Buckwheat Rd
Phelan, CA



**District residents only. Must show proof of residency. Limit of 9 tires per residence. Must be off rim. NO COMMERCIAL.*

- ✓ Free Residential Trash & Yard Waste Collection
- ✓ Free Tire Collection
- ✓ Free Recyclable Materials Collection
- ✗ No Hazardous Waste or E-waste
- ✗ No Commercial Waste or Commercial Tires

Questions? Call 760-868-1212

CR&R
INCORPORATED
environmental services

CalRecycle



**PHELAN PIÑON HILLS CSD
SOLID WASTE
SERVICES**



Sent via Certified Mail

February 7, 2023

Kimberly Ward
HR Manager/Executive Secretary
P.O. Box 29409
Phelan, CA 92329

Subject: Approval of Corrective Action Plan (CAP) for Phelan Pinion Hills Community Service District

Dear Kimberly Ward:

Thank you for working with the Department of Resources Recycling and Recovery (CalRecycle) to develop your jurisdiction's organic diversion Corrective Action Plan (CAP). This is to notify you that CalRecycle has approved the CAP and you can continue to take steps to implement the CAP.

CalRecycle staff will be in contact with you to schedule the first bimonthly meeting outlined in the CAP. This first meeting will be to go over the process for submitting the required bimonthly reports to CalRecycle, and to answer any lingering questions.

If you have any questions regarding the CAP prior to the meeting, please feel free to contact Wendy Dunlap at wendy.dunlap@calrecycle.ca.gov or (562) 981-5614. If you need any assistance on your program implementation, please contact your Local Assistance and Market Development representative Benjamin Johnson at benjamin.johnson@calrecycle.ca.gov or (916) 323-1785.

Regards,

Ashlee M. Yee
Branch Chief
Jurisdiction and Agency Compliance and Enforcement Branch

cc: Joseph Rasmussen, LAMD Manager, CalRecycle
Melissa Vargas, LAMD Supervisor, CalRecycle
Benjamin Johnson, LAMD Integrated Waste Management Specialist, CalRecycle

1001 I Street, Sacramento, CA 95814 O P.O. Box 4025, Sacramento, CA 95812
www.CalRecycle.ca.gov O (916) 322-4027

Wendy Dunlap, JACE Environmental Scientist, CalRecycle
JACE Inbox

Attachment: Signed CAP

Signature: *Ashlee M. Yee*

Email: Ashlee.Yee@calrecycle.ca.gov



A. 4176 Warbler Road
 P.O. Box 294049
 Phelan, CA 92329
 P. (760) 868-1212
 F. (760) 868-2323
 W. www.pphcsd.org

MANAGEMENT REPORT

DATE: February 8, 2023
PREPARED BY: Kim Sevy, HR & Solid Waste Manager
SUBJECT: January 2023 Manager's Report

SOLID WASTE & RECYCLING

Customer Data:

<u>COMMERCIAL ACCOUNTS</u>	<u>NO.</u>	<u>CITATIONS ISSUED</u>	<u>NO.</u>
Trash	121	Commercial	0
Recycling	120	Residential	0
Organics	N/A		
		<u>PERMITS ACTIVE</u>	<u>NO.</u>
<u>RESIDENTIAL ACCOUNTS</u>	<u>NO.</u>	Self-Haul - Commercial Recycling	1
Trash	5,118	Self-Haul - Commercial Organics	0
Recycling	134	Self-Haul - Residential Recycling	N/A
Organics	N/A	Self-Haul - Residential Organics	N/A

Notable Activity:

- Continuing to promote CR&R residential service to increase voluntary participation.
 - Monthly mailers in customer bills
 - Information in new customer packets
 - Information in District office

Upcoming/Current Events:

- Community Clean-up & Free Tire Disposal Day
 - March 11, 2023 – 8am - noon
 - CR&R Yard
- Community Information Meeting #2
 - March 16, 2023 – 7:00pm
 - Phelan Community Center & Zoom

Recent Events:

- Community Information Meeting
 - January 26, 2023 – 10:00am
 - Phelan Community Center & Zoom
 - Facilitated by MSW Consulting

HUMAN RESOURCES

Statistical Data:

- Full Time Employees: 27
 - Engineering: 3
 - Water (Field): 10.5
 - Parks & Rec: 2.5
 - Administration: 11
- Part Time Employees: 0

- Temporary Employees: 0
- Open Positions: 0

MISCELLANEOUS

Upcoming District Events:

(for Park & Rec events, see Park Operations Supervisor’s Report)

- Community Coffee w/ Congressman Obernolte & Sheriff Dicus
 - February 25, 2023 – 11:30am – 12:30pm
 - Phelan Community Center

Website Data (for January 2023)

PAGE	Unique Views	Total Views
My Account	1,793	4,177
Main Page	2,299	4,000
Water Department	415	627
Solid Waste & Recycling	298	491
Services	321	424
Meetings	127	368
Community Information Meeting	153	282
Contact Us	187	258
Apply for Service	111	232
Residential Solid Waste	144	228
Events	105	153
Employment	101	141
Calendar	79	136
Parks & Recreation	75	136
Rates & Fees	94	135
New Connections	65	106
Board of Directors	33	106
Board Members	50	102
Board of Directors Meeting	43	96
FAQ – Solid Waste	72	94

Grants

- **SB 1383 Local Compliance Grant**
 - Submitted in January 2022. The District was awarded \$20,000.
- **Small Scale Water Efficiency Grant**
 - \$75,000 to be disbursed when meters for Phase 3a are purchased.
- **Community Project Funding Request**
 - Staff submitted a Community Project Funding Request (“Request”) in the amount of \$2 million to help fund a portion of the Civic Center Project which will house the Community/Board Room that also will serve as the area’s Community Emergency



Operations Center. The \$2 million request was funded in the FY2023 Omnibus appropriations bill which the Senate and House passed at the end of December.

- Staff will be submitting a new request for FY2024 to increase the District's water storage capacity. The total expected request will be \$1.75 million.
- **County American Rescue Program Act (ARPA) Funds**
 - Staff worked with KTUA and submitted a request to the county. The county has preliminarily approved \$457,194 in ARPA funds for construction of certain parks elements. The contract is being prepared and will go for legal review, and then will go to the District's Board followed by the Board of Supervisors for ratification. These funds require a District match.
- **Land and Water Conservation Grant**
 - Staff is working with KTUA on a project submittal for this year. Submittals are due in June.


Phelan Pinion Hills CSD CAP Cover Letter


Final Audit Report


2023-02-07

Created:	2023-02-07
By:	Ashlee Yee (Ashlee.Yee@calrecycle.ca.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAsrBWtrI5YBZZUrEyNqsRI00rNvixTSfi

"Phelan Pinion Hills CSD CAP Cover Letter" History

 Document created by Ashlee Yee (Ashlee.Yee@calrecycle.ca.gov)
2023-02-07 - 10:40:22 PM GMT

 Document e-signed by Ashlee Yee (Ashlee.Yee@calrecycle.ca.gov)
Signature Date: 2023-02-07 - 10:40:55 PM GMT - Time Source: server

 Agreement completed.
2023-02-07 - 10:40:55 PM GMT

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

CORRECTIVE ACTION PLAN AND COMPLAINT FOR PENALTY
1699.SLCP.CAP.2023.2

Before: The State of California
 Department of Resources Recycling and Recovery
 1001 I Street
 Sacramento, CA 95814

In the Matter of: Phelan Pinon Hills Community Services District
 P.O. Box 294049
 Phelan, CA 92329

BACKGROUND AND PURPOSE

1. The California Department of Resources Recycling and Recovery is hereinafter referred to as "CalRecycle."
- 1.1 CalRecycle, in consultation with the California Air Resources Board, adopted regulatory requirements, consistent with the mandate of Senate Bill 1383 (Lara, Chapter 395, Statutes of 2016), that are designed to achieve the organic waste reduction goals established in section 39730.6 of the Health and Safety Code through a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2025. The purpose of these reductions is to further the statewide effort to reduce emissions of short-lived climate pollutants (SLCP), including methane. These SLCP regulations are referred to hereinafter as the "Regulations" and can be found at Title 14 California Code of Regulations (CCR) sections 18981.1 through 18998.4. Cities, counties, and special districts are responsible for implementing these Regulations in their communities starting January 1, 2022.
- 1.2 The Phelan Pinon Hills Community Services District is hereinafter referred to as "Jurisdiction." Jurisdiction is required to comply with the Regulations.
- 1.3 Jurisdiction is or expects to be facing continuing violations of the Regulations commencing during the 2022 calendar year, which could result in significant administrative civil penalties under the Regulations.
- 1.4 Senate Bill 619 (Laird, Chapter 508, Statutes of 2021), through amendments to section 42652.5 of the Public Resources Code (PRC), created a mechanism called

a Notification of Intent to Comply through which a local jurisdiction may secure administrative civil penalty relief from any continuing violations of the Regulations for the 2022 calendar year and may be eligible for a broader and longer-term regulatory compliance path, including suspended administrative civil penalties, through a Corrective Action Plan.

- 1.5 Under PRC section 42652.5(e), the Notification of Intent to Comply must include a description of proposed actions to remedy the violations, as well as a proposed schedule for those actions, that the Jurisdiction commits to undertake to remedy the violations.
- 1.6 The Notification of Intent to Comply is hereinafter referred to as "Notification."
- 1.7 For violations taking more than 180 days to correct, PRC section 42652.2 allows CalRecycle to determine, in its sole discretion, that violations identified in a Notification may be addressed through a Corrective Action Plan issued pursuant to 14 CCR section 18996.2.
- 1.8 The Corrective Action Plan is hereinafter referred to as "CAP."
- 1.9 For violations disclosed in the Notification approved by CalRecycle as meeting the requirements of PRC section 42652.5(e), CalRecycle shall waive administrative civil penalties during the 2022 calendar year if the Jurisdiction implements the proposed actions according to the approved Notification's schedule of actions and, as applicable, approved CAP schedule of actions.
- 1.10 For violations disclosed in the Notification that commence during the 2022 calendar year and continue into the 2023 calendar year, administrative civil penalties may begin accruing as of January 1, 2023. SB 619 provides administrative civil penalties accruing on and after January 1, 2023, shall be waived upon complete compliance with an approved CAP schedule of action.

DETERMINATION OF VIOLATIONS

2. As authorized by PRC section 42652.5(c), the Jurisdiction notified CalRecycle of its ongoing or anticipated violations of the Regulations and the PRC through a Notification submitted February 28, 2022.
- 2.1 CalRecycle reviewed the Jurisdiction's Notification, its description of the Jurisdiction's disclosed violations of the Regulations, and proposed actions and schedule for those actions to remedy those violations for compliance with PRC section 42652.5(e). CalRecycle approved the Notification's proposed actions and schedule of actions, as modified by this CAP.

2.2 The Jurisdiction's Notification identified the following violations of the Regulations as follows:

- 2.2.1 The Jurisdiction is and has been in violation of 14 CCR section 18984.1 in that since January 1, 2022, the Jurisdiction has not provided three-container organic waste collection service to all residential and commercial generators and/or has not included food scrap collection service in the three-container collection system provided to all residential and commercial generators.**
- 2.2.2 The Jurisdiction is and has been in violation of 14 CCR section 18984.4 in that since January 1, 2022, the Jurisdiction has not met recordkeeping requirements for compliance with Organic Waste Collection Services.**
- 2.2.3 The Jurisdiction is and has been in violation of 14 CCR section 18984.7 in that since January 1, 2022, the Jurisdiction has not distributed new containers meeting the container color requirements.**
- 2.2.4 The Jurisdiction is and has been in violation of 14 CCR section 18984.8 in that since January 1, 2022, the Jurisdiction has not distributed new containers with proper container labeling.**
- 2.2.5 The Jurisdiction is and has been in violation of Title 14 CCR section 18991.1 in that since January 1, 2022, the Jurisdiction has not implemented an edible food recovery program that includes action to accomplish the following:**
 - a. Educate commercial edible food generators as set forth in section 18985.2.**
 - b. Increase commercial edible food generator access to food recovery organizations and food recovery services.**
 - c. Monitor commercial edible food generator compliance as required in Article 14 of the Regulations.**
 - d. Increase edible food recovery capacity if the analysis required by section 18992.2 indicates that the jurisdiction does not have sufficient capacity to meet its edible food recovery needs.**
- 2.2.6 The Jurisdiction is and has been in violation of 14 CCR section 18993.4 in that since January 1, 2022, the Jurisdiction has not included all documents supporting its compliance with Article 12 of the Regulations in the implementation record required by section 18995.2.**

2.3 CalRecycle accepted the Jurisdiction's self-reported Notification and characterization of its violations therein. CalRecycle has not undertaken a compliance review of Jurisdiction, and thus CalRecycle's approval of the Notification or this CAP should not be taken as an indication that Jurisdiction is in full compliance with Regulations in other respects. CalRecycle will be undertaking a compliance review of all jurisdictions in the future.

SCHEDULE FOR COMPLIANCE

3. Based on the foregoing DETERMINATION OF VIOLATIONS, CalRecycle finds that:
- a. The Jurisdiction worked with CalRecycle to develop this CAP, which includes schedule of actions necessary for the Jurisdiction to achieve address the violations disclosed in the Notification and described in Section 2 (Determination of Violations) above.
 - b. CalRecycle hereby approves and issues this CAP pursuant to PRC section 42652.5(c)-(e) and Title 14 CCR section 18996.2.
 - c. The Jurisdiction will fully implement the programs identified in this CAP by the dates provided in the Section 3.2 below.
 - d. CalRecycle will monitor the Jurisdiction's continued implementation of the programs identified in the CAP from February 7, 2023 through April 30, 2024 ("the oversight period") to assure implementation is complete and timely. The oversight period may be extended at the discretion of CalRecycle if any extensions to the Schedule are granted as described below in Sections 4.4 and 4.5.
 - e. During the oversight period, the Jurisdiction will submit status reports to CalRecycle and attend status meetings with CalRecycle to demonstrate the ongoing progress the Jurisdiction is making on remedying the violations described above.
 - f. During the oversight period, the Jurisdiction will provide bimonthly status reports to CalRecycle:

Report Cycle

Report 1: April 30, 2023, covering February 1, 2023 – March 31, 2023

Report 2: June 30, 2023, covering April 1, 2023 – May 31, 2023

Report 3: August 31, 2023, covering June 1, 2023 – July 31, 2023

Report 4: October 31, 2023, covering August 1, 2023 – September 30, 2023

Report 5: December 31, 2023, covering October 1, 2023 – November 30, 2023

Report 6: February 29, 2024, covering December 1, 2023 – January 31, 2024

Report 7: April 30, 2024, covering February 1, 2024 – March 1, 2024

- g. The status reports are to be used to document the status and work completed for each of the identified tasks in the CAP. For each task in the CAP, the Jurisdiction will explain the status of the task, specifying what actions have been taken to complete the task.
- h. If the work has been delayed or has not been completed, the Jurisdiction will explain the reason(s) for the delay/incompletion. The Jurisdiction will also attach any previously submitted extension requests made pursuant to section 4.4 of this CAP and any extensions granted pursuant to section 4.5 of this CAP, using additional sheets as necessary for the report. CalRecycle may

consider the explanation in deciding whether to allow the Jurisdiction to continue to operate under the Notification and CAP or to revoke approval of the Notification and CAP pursuant to PRC section 42652.5(d).

- i. During the oversight period, the Jurisdiction will meet with CalRecycle telephonically or via other remote electronic means (such as Teams or Zoom) bimonthly to provide interim progress updates on the following schedule:

Meeting Cycle

- Meeting 1: During March 2023
- Meeting 2: During May 2023
- Meeting 3: During July 2023
- Meeting 4: During September 2023
- Meeting 5: During November 2023
- Meeting 6: During January 2024
- Meeting 7: During March 2024

- j. The status meetings are to be used to discuss the most recent status report and to discuss interim progress made by the Jurisdiction on each of the identified tasks in the CAP.
- k. Prior to the close of the oversight period, CalRecycle may undertake a compliance review or field visit to supplement other status reporting.
- l. At any time prior to the conclusion of the oversight period, if CalRecycle determines the Jurisdiction has failed to implement the programs identified in the Notification and CAP, has failed to participate in status reporting during the oversight period, has substantially misrepresented its progress in status reporting, or has substantially failed to make interim progress on Tasks set out in Section 3.2 for four consecutive reporting periods, CalRecycle may immediately issue a notice revoking its approval of the Notification and CAP and indicating its intent to impose penalties as provided in PRC section 42652.5. Title 14 CCR sections 18997.3, 18997.5, and 18997.6 and PRC section 42652.5 governs the process and considerations CalRecycle will utilize in calculating and assessing administrative civil penalties against the Jurisdiction, which may be up to \$10,000 per day per violation.

3.1 Based on the foregoing DETERMINATION OF VIOLATIONS, it is hereby ordered that the Jurisdiction will implement the actions described below in accordance with the compliance deadlines contained in the schedule of actions to remedy violations as set forth in Section 3.2 below.

3.2 Schedule and Program of Actions

Section 18984.1 Three-Container Organic Waste Collection Services

The Jurisdiction will provide three-container collection service to all residences.

Task #	Description	Target Completion Date
TASK 1	The Jurisdiction will adopt an enforcement ordinance, referred to as the Uniform Residential Collection Ordinance, requiring compliance with organic waste collection service.	4/7/2022 (Task completion to be verified)
TASK 2	The Jurisdiction will develop revised Cost of Service Rates.	3/31/2023
TASK 3	The Jurisdiction will amend the Uniform Residential Collection Ordinance to allow for self-haul.	3/31/2023
TASK 4	The Jurisdiction, through its Board, will finalize and implement rate adjustments with the franchised waste hauler.	4/30/2023
TASK 5	The Jurisdiction will provide Proposition 218 Noticing and hold Public Hearing(s).	4/30/2023
TASK 6	The Jurisdiction will require and verify the hauler will purchase additional collection vehicles.	6/30/2023
TASK 7	The Jurisdiction will require and verify the hauler will purchase additional organic waste collection containers for residential collection.	6/30/2023
TASK 8	The Jurisdiction will work with the hauler to modify collection routes.	6/30/2023
TASK 9	The Jurisdiction will require and verify the hauler will distribute organics recycling collection containers to all eligible residential customers.	6/30/2023
TASK 10	The Jurisdiction will provide three-container waste collection service to all residential customers that are not subject to an exemption or waiver from such service under 14 CCR sections 18984.11, 18984.12, or other provision of the Regulations, or are not an authorized self-hauler subject to the Jurisdiction's ordinance requiring compliance with the requirements of section 18988.3. In implementing this container system, the Jurisdiction will ensure materials are sorted into the containers properly by generators.	7/1/2023

The Jurisdiction will provide three-container collection service to all commercial generators.

Task #	Description	Target Completion Date
TASK 11	The Jurisdiction will adopt an enforcement ordinance, referred to as the Uniform Commercial Collection Ordinance, requiring compliance with organic waste collection service.	4/7/2022 (Task completion to be verified)
TASK 12	The Jurisdiction, through its Board, will finalize and implement rate adjustments with the franchised waste hauler.	4/30/2023
TASK 13	The Jurisdiction will provide Proposition 218 Noticing and hold Public Hearing(s).	4/30/2023
TASK 14	The Jurisdiction will require and verify the hauler will distribute organics recycling collection containers to all commercial generators. <ul style="list-style-type: none"> The exact number of containers to be distributed will be determined after the downtown area is assessed for space constraints, shared containers, and de minimis waivers. 	6/30/2023
TASK 15	The Jurisdiction will provide three-container waste collection service to all commercial customers that are not subject to an exemption or waiver from such service under 14 CCR sections 18984.11, 18984.12, or other provision of the Regulations, or are not an authorized self-hauler subject to the Jurisdiction's ordinance requiring compliance with the requirements of section 18988.3. In implementing this container system, the Jurisdiction will ensure materials are sorted into the containers properly by generators.	7/1/2023

Section 18984.4 Recordkeeping Requirements for Compliance with Organic Waste Collection Services

The Jurisdiction will document or keep records for compliance with Organic Waste Collection Services.

Task #	Description	Target Completion Date
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<p>TASK 16</p>	<p>The Jurisdiction will establish a system for documenting organic waste collection services for recordkeeping and reporting.</p> <p>The Jurisdiction will include the following information and documents in the Implementation Record:</p> <ol style="list-style-type: none"> 1. A description of which collection method(s) it will use to comply. 2. The geographical area for each collection method. 3. If allowing compostable plastics to be placed in the green container, a copy of written notification received from each facility serving the jurisdiction indicating that the facility recovers that material. 4. If allowing organic waste to be collected in plastic bags, a copy of written notification received from each facility serving the jurisdiction indicating that the facility can process and remove plastic bags when it recovers source separated organic waste. 	<p>7/1/2023</p>
<p>TASK 17</p>	<p>The Jurisdiction will perform site visits or phone calls monthly to verify and evaluate whether businesses opting to self-haul organics are doing so.</p> <ul style="list-style-type: none"> • The Jurisdiction will document implementation. 	<p>7/1/2023</p>
<p>TASK 18</p>	<p>The Jurisdiction will compile a complete list of covered generators annually.</p> <ul style="list-style-type: none"> • The Jurisdiction will obtain lists from the hauler based on the hauler's waste and recycling service records. 	<p>7/1/2023</p>

Section 18984.7 Container Color Requirements

The Jurisdiction will distribute new containers meeting the container color requirements.

NOTE: A jurisdiction is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the color requirements prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first.

Task #	Description	Target Completion Date
<p>TASK 19</p>	<p>If purchasing new containers, the Jurisdiction will require and verify the hauler will provide collection services to generators that comply with the container color requirements specified in Article 3 of the Regulations.</p>	<p>3/1/2024</p>

Section 18984.8 Container Labeling Requirements

The Jurisdiction will develop labeling or use model labeling provided by CalRecycle for use on older containers.

Task #	Description	Target Completion Date
<p>TASK 20</p>	<p>The Jurisdiction will develop labeling for use on containers.</p> <ol style="list-style-type: none"> 1. Labels on containers must include language or graphic images or both indicating the primary materials accepted and the primary materials prohibited in that container, OR 2. Containers must include imprinted text or graphic images indicating the primary materials accepted and the primary materials prohibited in that container. 	<p>7/1/2023</p>
<p>TASK 21</p>	<p>The Jurisdiction will require and verify the hauler will label each new container or lid provided to generators.</p> <ul style="list-style-type: none"> • Labels will be consistent with the applicable container collection requirements specifying what materials are allowed to be placed in each container. 	<p>7/1/2023</p>

Section 18991.1 Jurisdiction Edible Food Recovery Program

The Jurisdiction will implement all aspects of its Edible Food Recovery Program.

Task #	Description	Target Completion Date
<p>TASK 22</p>	<p>The Jurisdiction will educate commercial edible food generators.</p> <ul style="list-style-type: none"> • Develop a list of food recovery and food recovery services operating within the jurisdiction and maintain the list on the jurisdiction’s website. The list will be updated annually and include, at a minimum, the following information about each food recovery organization and each food recovery service: <ul style="list-style-type: none"> ○ Name and physical address. ○ Contact information. ○ Collection service area. <p>An indication of types of food the food recovery service or organization can accept for food recovery.</p>	<p>12/31/2022 (Task completion to be verified)</p>

TASK 23	The Jurisdiction will monitor commercial edible food generator compliance and enforce the commercial edible food generator requirements.	12/31/2022 (Task completion to be verified)
TASK 24	The Jurisdiction will increase commercial edible food generator access to food recovery organizations and food recovery services.	3/1/2023
TASK 25	<p>If needed, the Jurisdiction will increase edible food recovery capacity through the following examples which may include, but not be limited to:</p> <ul style="list-style-type: none"> • purchasing refrigeration equipment and vehicles • purchasing new kitchen equipment • using food donation matching software • leveraging partnerships with other food recovery organizations • hiring staff, hiring drivers, • training more volunteers, and • using education and outreach to recruit new volunteers. 	3/1/2023

Section 18993.4. Recordkeeping Requirements for Recycled Content Paper Procurement

The Jurisdiction will establish recordkeeping related to recycled content paper procurement.

Task #	Description	Target Completion Date
TASK 26	The Jurisdiction will develop and adopt a procurement policy.	9/30/2022 (Task completion to be verified)
TASK 27	The Jurisdiction will establish a system for tracking purchases for recordkeeping and reporting.	9/30/2022 (Task completion to be verified)
TASK 28	<p>The Jurisdiction will begin tracking and compiling documentation, including but not limited to the following:</p> <ol style="list-style-type: none"> 1. Copies of invoices, receipts or other proof of purchase that describe the procurement of paper products by volume and type for all paper purchases. 	9/30/2022 (Task completion to be verified)

	2. Copies of all certifications or other verification required.	
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COMPLIANCE REVIEW, ENFORCEMENT, AND RELEASE

4. Communications. All approvals and decisions of CalRecycle regarding notifications will be communicated to the Jurisdiction in writing by the Branch Chief, Jurisdiction and Agency Compliance and Enforcement Branch, Waste Permitting, Compliance and Mitigation Division, or the Branch Chief's designee. No formal advice, guidance, suggestions, or comments by CalRecycle regarding reports, plans, specifications, schedules, or any other writings by Jurisdiction shall be construed to relieve the Jurisdiction of the obligation to obtain such formal approvals as may be required.

4.1 Submittal. All reporting from the Jurisdiction described in Section 3 (Schedule for Compliance), paragraph 3.f, shall be submitted through an online portal or compliance module developed by CalRecycle with instructions provided to Jurisdiction. All other communications from the Jurisdiction according to this CAP shall be sent in writing electronically to:

Wendy Dunlap
wendy.dunlap@calrecycle.ca.gov

4.2 Compliance Review. At the end of the oversight period or at any time deemed appropriate by CalRecycle, CalRecycle will meet with the Jurisdiction to assess the Jurisdiction's CAP implementation efforts and to determine whether or not the Jurisdiction has timely complied with all commitments in all sections of this CAP. If requested by the Jurisdiction, CalRecycle has discretion to issue notice of a hearing at any time upon its staff's recommendation that the Jurisdiction has completed the conditions of the CAP. In accordance with PRC section 42652.5, failure to implement programs and or comply with all sections of the CAP at any time may result in CalRecycle's revocation of its approval of the Notification and CAP and imposition of administrative civil penalties retroactively to the date of violation in 2022, for administrative civil penalties accruing in 2023, and for administrative civil penalties accruing during any other additional time covered by the Notification and CAP. These potentially applicable penalties are described in Section 5.0 of this CAP.

4.3 CalRecycle Review and Approval: If CalRecycle determines that any report, plan, schedule, or other document submitted for approval pursuant to this CAP fails to comply with the Notification as amended by this CAP or fails to achieve successful implementation of the Regulations, CalRecycle may:

- a. Amend the CAP as appropriate to remedy the violations of the Regulations expeditiously, and/or

- b. Serve a notice that CalRecycle will revoke approval of the Notification and consider the imposition of penalties in accordance with Title 14 CCR sections 18997.3, 18997.5, and 18997.6.

- 4.4 **Extension Request and Other Task Modification Requests:** If the Jurisdiction determines that it will be unable to perform any activity or submit any document within the time required under this CAP, the Jurisdiction may, as far in advance of the due date as possible, request an extension of time in writing. The extension request shall include a justification for the delay. If the Jurisdiction finds that a task required by this CAP in Section 3.1 is not feasible, despite the Jurisdiction's best and substantial efforts, the Jurisdiction may propose an alternative task that is substantially similar or equally effective to the original task, subject to the approval of CalRecycle. The modification request shall include an explanation of the infeasibility, an explanation of how the alternative task is substantially similar or equally effective, and a justification for any extension of time associated with the change.
- 4.5 **Extension and Other Task Modification Approvals:** If CalRecycle determines that good cause exists for an extension, considering the factors set out in Title 14 CCR section 18996.2(a)(2), it will grant an extension as appropriate and specify in writing a new compliance schedule. If CalRecycle determines that good cause exists for the change in task because the original task is infeasible and the alternative task is substantially similar or equally effective, it will grant an approval and extension as appropriate and specify in writing the new task; additionally, if CalRecycle determines that good cause exists for any extension associated with the change in task, considering the factors set out in Title 14 CCR section 18996.2(a)(2), it will grant an extension as appropriate and specify in writing a new compliance schedule.
- 4.6 **Compliance with Applicable Laws:** The Jurisdiction shall carry out this CAP in compliance with all Local, State, and Federal requirements, including but not limited to requirements to obtain necessary permits.
- 4.7 **Liability:** Nothing in this CAP shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of the Jurisdiction, including for violations of the Regulations that were not disclosed in the Notification and any violations of the Regulations that the Jurisdiction fails to remedy notwithstanding commitments in the Notification and this CAP.
- 4.8 **Government Liabilities:** The State of California and CalRecycle shall not be liable for injuries or damages to persons or property resulting from acts or omissions in carrying out activities pursuant to this CAP, nor shall the State of California be held as a party to any contract entered into by the Jurisdiction or its agents in carrying out activities pursuant to the CAP. The Jurisdiction shall indemnify, defend, and

save harmless the State, its officers, agents, and employees from any and all claims and losses accruing or resulting in connection with the performance of this CAP.

- 4.9 Parties Bound: This CAP shall apply to and be binding upon the Jurisdiction and upon CalRecycle and any successor agency (regional agency, etc.) that may have responsibility for, and the authority over, the subject matter of this CAP.

PENALTY

5. Penalties, if any, shall be assessed and calculated in accordance with the provisions of PRC 42652.5 and Title 14 CCR sections 18997.3, 18997.5, and 18997.6. Penalties shall be calculated based on the factors set out in section 18997.3 and may be as much as \$10,000 per day per violation for the duration of the violation(s).
- 5.1 Penalty Procedures. Penalty, if any, shall be imposed in accordance with the procedures and methodology set out in PRC section 42652.5 and Title 14 CCR sections 18997.3, 18997.5, and 18997.6. Regulatory violations that are considered "minor," meaning they involve violations constituting minimal deviation from regulations, shall be subject to penalties of no less than five hundred dollars (\$500) per violation and no more than four thousand dollars (\$4,000) per violation per day; "moderate" violations are subject to no less than four thousand dollars (\$4,000) per violation and shall be no more than seven thousand five hundred dollars (\$7,500) per violation per day; and "major" violations, are subject to penalties no less than seven thousand five hundred dollars (\$7,500) per violation per day and no more than ten thousand dollars (\$10,000) per violation per day. The following types of deviations are deemed to be "major" under the regulations for the purposes of assessing penalties:
- a. Failure to have any ordinance or similarly enforceable mechanism for organic waste disposal reduction and edible food recovery.
 - b. Failure to have a provision in a contract, agreement, or other authorization that requires a hauler to comply with the requirements the Regulations.
 - c. Failure to have an edible food recovery program.
 - d. Failure to have any Implementation Record.
 - e. Implementation or enforcement of an ordinance, policy, procedure, condition, or initiative that is prohibited under Title 14 CCR sections 18990.1 or 18990.2.
 - f. Failure to submit the reports required in Title 14 CCR sections 18994.1 and 18994.2.

EFFECTIVE DATE

6. Issuance. This Corrective Action Plan is final and effective from the date of issuance.

6.1 Date of Issuance February 7, 2023

Mark deBie Digitally signed by Mark deBie
Date: 2023.02.07 13:55:52
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Mark de Bie, Deputy Director
Waste Permitting, Compliance and Mitigation Division
Department of Resources Recycling and Recovery