RESOLUTION NO. 2022-02

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE
ARMONA COMMUNITY SERVICES DISTRICT
REGARDING ENFORCEMENT OF SB 1383

The Board of Directors of the Armona Community Services District does hereby find:

A. WHEREAS, the Armona Community Services District ("District") is a California community services district existing under the provisions of the California Community Services District Law, set out in California Government Code Sections 61000 through 61226.5, inclusive; and

B. WHEREAS, SB 1383 was enacted in 2016 with the purposes of diverting food waste from landfills to reduce generation of methane and greenhouse gases therefrom; and

C. WHEREAS, in 2020, the California Department of Resources Recycling and Recovery finalized organic waste diversion regulations (CalRecycle Regulations) in accordance with SB 1383; and

D. WHEREAS, local jurisdictions were initially given until January 1, 2022 to comply with the CalRecycle Regulations; and

E. WHEREAS, implementation of CalRecycle's Regulations require local jurisdictions to undertake numerous actions, including the adoption of ordinances or other enforcement mechanisms, arrangement of appropriate collection services, establishment of inspection and enforcement programs, procurement of recovered organic waste projects, provision of education and outreach, development of edible food recovery programs, hiring of staff, and implementation of CalRecycle reporting requirements; and

F. WHEREAS, the COVID-19 pandemic caused the January 1, 2022 deadline to be infeasible for many local jurisdictions including the District; and

G. WHEREAS, SB 619 was adopted due to delays in implementation of the CalRecycle Regulations caused by the COVID-19 pandemic; and

H. WHEREAS, SB 619 prohibits CalRecycle from imposing penalties against a local jurisdiction that has not satisfied the requirements of the CalRecycle Regulations by the January 1, 2022 deadline if the jurisdiction is making a concerted effort toward compliance; and

I. WHEREAS, in accordance with the above Recital, to be compliant with SB 1383, on August 18, 2022, the District held a special meeting at which the Board adopted a new solid waste disposal contract effective November 1, 2022, entitled Municipal Solid Waste Franchise

Agreement (the "New Contract"), which includes rates designed to cover the increased costs required comply with SB 1383; and

J. WHEREAS, the CalRecycle Regulations require that the District adopt an enforcement mechanism to incorporate the requirements of the CalRecycle Regulations; and

K. WHEREAS, the District's solid waste collection and disposal services, requires this Resolution to incorporate the unfunded mandates of the CalRecycle Regulations, including, without limitation, organic waste diversion requirements.

NOW, THEREFORE, BE IT RESOLVED BY the Board of Directors of the Armona Community Services District, as follows:

1. That the Cal Recycle Regulations establish requirements for the District's collection and disposal of solid waste, including, without limitation, provisions involving organic waste diversion as reflected in the attached Exhibit "A," incorporated herein by reference.

2. The Board confirms the rates included in the New Contract go into effect November 1, 2022. See Exhibit "B."

WHEREFORE, this Resolution is passed and adopted by the Board of Directors of the Armona Community Services District on September 13, 2022, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ARMONA COMMUNITY SERVICES DISTRICT

By: _____
VICTOR CHAVARIN, President, Board of Directors

ATTEST:

_____
JAMES MACIEL, SECRETARY

/ / /

CERTIFICATE OF SECRETARY

I, James Maciel, the duly appointed and acting Secretary of the Board of Directors of the Armona Community Services District, declare that the foregoing Resolution is a full, true, and correct copy of a Resolution duly and regularly adopted at a Regular Meeting of the Board of Directors of the Armona Community Services District duly held at Armona, California, on September 13, 2022.

DATED: September ____, 2022.

_____
JAMES MACIEL, SECRETARY

EXHIBIT A
PROVISIONS FOR SB 1383 ENFORCEMENT

SECTIONS:

PURPOSE AND FINDINGS
DEFINITIONS
REQUIREMENTS FOR SINGLE FAMILY GENERATORS
REQUIREMENTS FOR COMMERCIAL BUSINESSES
WAIVERS FOR GENERATORS
REQUIREMENTS FOR COMEMRCIAL EDIBLE FOOD GENERATORS
SELF-HAULER REQUIREMENTS
INSPECTIONS BY JUSRIDICTION
ENFORCEMENT

PURPOSE AND FINDINGS

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. The District is a Jurisdiction for purposes of SB 1383. Any reference to Jurisdiction shall be deemed and is a reference to the District.

DEFINITIONS

(a) "Blue Container" has the same meaning as in 14 CCR Section 18982.2(a)(5) and shall be used for the purpose of storage and collection of Source Separated Recyclable Materials.

(b) "CalRecycle" means California's Department of Resources Recycling and Recovery.

(c) "California Code of Regulations" or "CCR" means the State of California Code of Regulations. CCR references in this Resolution are preceded with a number that refers to the relevant Title of the CCR (e.g., "14 CCR" refers to Title 14 of CCR).

(d) "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, or as otherwise defined in 14 CCR Section 18982(a)(6). A Multi-Family Residential Dwelling that

consists of fewer than five (5) units is not a Commercial Business for purposes of implementing this Resolution.

(e) "Commercial Edible Food Generator" includes a Tier One or a Tier Two Commercial Edible Food Generator as defined in Sections 3(rrr) and 3(sss) of this Resolution or as otherwise defined in 14 CCR Section 18982(a)(73) and (a)(74). 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).

(j) "Container Contamination" or "Contaminated Container" means a container, regardless of color, that contains Prohibited Container Contaminants.

(k) "C&D" means construction and demolition debris.

(m) "Designee" means an entity that the District contracts with or otherwise arranges to carry out any of the District's responsibilities of this Resolution 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.

(n) "Edible Food" means food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this Resolution or as otherwise defined in 14 CCR Section 18982(a)(18), "Edible Food" is not Solid Waste if it is recovered and not discarded. Nothing in this Resolution 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.

(o) "Enforcement Action" means an action of the District to address non-compliance with this Resolution including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies.

(p) "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 facility operator(s), which receive materials from the District and its generators, reasonably believe(s) would, as a result of or upon acceptance, transfer, processing, or disposal, be a violation of local, State, or Federal law, regulation, or ordinance, including: land use restrictions or conditions, waste that cannot be disposed of in Class III landfills or accepted at the facility by permit conditions, waste that in the District's, or its Designee's reasonable opinion would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose the District, or its Designee, to potential liability; but not including de minimis volumes or concentrations of waste of a type and amount normally found in Single-Family or Multi-Family Solid Waste after implementation of programs for the safe collection,

processing, recycling, treatment, and disposal of batteries and paint in compliance with Sections 41500 and 41802 of the California Public Resources Code.

(s) "Food Recovery" means actions to collect and distribute food for human consumption that otherwise would be disposed, or as otherwise defined in 14 CCR Section 18982(a)(24).

(t) "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 or as otherwise defined in 14 CCR Section 18982(a)(25), 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 Resolution and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).

If the definition in 14 CCR Section 18982(a)(25) for Food Recovery Organization differs from this definition, the definition in 14 CCR Section 18982(a)(25) shall apply to this Resolution.

(u) "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, or as otherwise defined in 14 CCR Section 18982(a)(26). A Food Recovery Service is not a Commercial Edible Food Generator for the purposes of this Resolution and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).

(v) "Food Scraps" means all food such as, but not limited to, fruits, vegetables, meat, poultry, seafood, shellfish, rice, beans, pasta, bread, cheese, and eggshells. Food Scraps excludes fats, oils, and grease when such materials are Source Separated from other Food Scraps.

(w) "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, or as otherwise defined in 14 CCR Section 18982(a)(27).

(x) “Food-Soiled Paper” is compostable paper material that has come in contact with food or liquid, such as, but not limited to, compostable paper plates, paper coffee cups, napkins, and pizza boxes.

(y) “Food Waste” means Food Scraps and Food-Soiled Paper.

"Green waste" means leaves, grass clippings, brush, branches and other forms of organic matter generated from landscapes and gardens, separated from other forms of solid waste.

(z) “Gray Container” has the same meaning as in 14 CCR Section 18982.2(a)(28) and shall be used for the purpose of storage and collection of Gray Container Waste.

(aa) “Gray Container Waste” means Solid Waste that is collected in a Gray Container that is not acceptable for placement in a Blue or Green Container as part of a three-container collection service.

(bb) “Green Container” has the same meaning as in 14 CCR Section 18982.2(a)(29) and shall be used for the purpose of storage and collection of Source Separated Green Container Organic Waste.

(cc) “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, or as otherwise defined in 14 CCR Section 18982(a)(30).

(ff) “Inspection” means a site visit where a Jurisdiction 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 Resolution, or as otherwise defined in 14 CCR Section 18982(a)(35).

(ii) “Large Event” means an event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event. If the definition in 14 CCR Section 18982(a)(38) differs from this definition, the definition in 14 CCR Section 18982(a)(38) shall apply to this Resolution.

(jj) "Large Venue" means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. For purposes of this Resolution 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 Resolution 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. If the definition in 14 CCR Section 18982(a)(39) differs from this definition, the definition in 14 CCR Section 18982(a)(39) shall apply to this Resolution.

(kk) "Local Education Agency" means a school district, charter school, or county office of education that is not subject to the control of city or county regulations related to Solid Waste, or as otherwise defined in 14 CCR Section 18982(a)(40).

(mm) "Multi-Family Residential Dwelling" or "Multi-Family" means of, from, or pertaining to residential premises with five (5) or more dwelling units. Multi-Family premises do not include hotels, motels, or other transient occupancy facilities, which are considered Commercial Businesses.

(oo) "Non-Compostable Paper" includes but is not limited to paper that is coated in a plastic material that will not breakdown in the composting process, or as otherwise defined in 14 CCR Section 18982(a)(41).

(rr) "Notice of Violation (NOV)" means a notice that a violation has occurred that includes a compliance date to avoid an action to seek penalties, or as otherwise defined in 14 CCR Section 18982(a)(45) or further explained in 14 CCR Section 18995.4.

(ss) "Organic Waste" includes Green Waste and Food Waste

(tt) "Organic Waste Generator" means a person or entity that is responsible for the initial creation of Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(48).

(ww) "Prohibited Container Contaminants" means the following: (i) discarded materials placed in the Blue Container that are not identified as acceptable Source Separated Recyclable Materials for the District's Blue Container; (ii) discarded materials placed in the Green Container that are not identified as acceptable Source Separated Green Container Organic Waste for the District's Green Container; (iii) discarded materials placed in the Gray Container that are

acceptable Source Separated Recyclable Materials and/or Source Separated Green Container Organic Wastes to be placed in District's Green Container and/or Blue Container; and, (iv) Excluded Waste placed in any container.

(yy) "Recovery" means any activity or process described in 14 CCR Section 18983.1(b), or as otherwise defined in 14 CCR Section 18982(a)(49).

(zz) "Recyclables" means those materials that by way of collecting, sorting, cleansing, treating, and reconstituting materials would otherwise become solid waste, and by processing can be returned to the economic main stream in the form of raw materials for new, reused, or reconstituted products. Recyclables include, but are not limited to, newsprint, mixed paper, aluminum, plastics, glass, metal, cardboard, chip board, junk mail, magazines, newspaper, books, computer paper, and the like.

(ccc) "Remote Monitoring" means the use of the internet of things (IoT) and/or wireless electronic devices to visualize the contents of Blue Containers, Green Containers, and Gray Containers for purposes of identifying the quantity of materials in containers (level of fill) and/or presence of Prohibited Container Contaminants.

(eee) "Restaurant" means an establishment primarily engaged in the retail sale of food and drinks for on-premises or immediate consumption, or as otherwise defined in 14 CCR Section 18982(a)(64).

(fff) "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, or as otherwise defined in 14 CCR Section 18982(a)(65).

(ggg) "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.

(hhh) "SB 1383 Regulations" or "SB 1383 Regulatory" means or refers to, for the purposes of this Resolution, 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.

(iii) “Self-Hauler” means a person, who hauls Solid Waste, he or she has generated using the generator’s own equipment.

(kkk) “Solid Waste” has the same meaning as defined in State Public Resources Code Section 40191, which defines Solid Waste as all putrescible and nonputrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semisolid wastes, with the exception that Solid Waste does not include any of the following wastes:

(1) Hazardous waste, as defined in the State Public Resources Code Section 40141.

(2) Radioactive waste regulated pursuant to the State Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the State Health and Safety Code).

(3) Medical waste regulated pursuant to the State Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the State Health and Safety Code). Untreated medical waste shall not be disposed of in a Solid Waste landfill, as defined in State Public Resources Code Section 40195.1. Medical waste that has been treated and deemed to be Solid Waste shall be regulated pursuant to Division 30 of the State Public Resources Code.

(lll) “Source Separated” means the segregation, by the generator, of materials designated for separate collection for some form of recycling, processing, recovery, or reuse.

(ppp) “State” means the State of California.

(qqq) “Supermarket” means a full-line, self-service retail store with gross annual sales of two million dollars ($2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items, or as otherwise defined in 14 CCR Section 18982(a)(71).

(rrr) “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.

If the definition in 14 CCR Section 18982(a)(73) of Tier One Commercial Edible Food Generator differs from this definition, the definition in 14 CCR Section 18982(a)(73) shall apply to this Resolution.

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

(1) Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.

(2) Hotel with an on-site Food Facility and 200 or more rooms.

(3) Health facility with an on-site Food Facility and 100 or more beds.

(4) Large Venue.

(5) Large Event.

(6) A State agency with a cafeteria with 250 or more seats or total cafeteria facility size equal to or greater than 5,000 square feet.

(7) A Local Education Agency facility with an on-site Food Facility.

If the definition in 14 CCR Section 18982(a)(74) of Tier Two Commercial Edible Food Generator differs from this definition, the definition in 14 CCR Section 18982(a)(74) shall apply to this Resolution.

REQUIREMENTS FOR SINGLE-FAMILY GENERATORS

Every person owning or occupying a residence or commercial establishment shall subscribe to solid waste, organic waste, and segregated recyclable collection. The District shall have the right to review the number and size of a generator's containers to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, Single-Family generators shall adjust its service level for its collection services as requested by the District.

Requirements for Source Separating Solid Waste.

A. All residential and commercial generators of Solid Waste shall be required to source separate materials into Grey, Blue, and Green containers.

B. Generators shall place Source Separated Organic Waste, including Food Waste, in the Green Container; Segregated Recyclable Materials in the Blue Container; and Gray Container Waste in the Gray Container. Generators shall not place materials designated for the Gray Container into the Green Container or Blue Container.

C. Generators shall not place Prohibited Container Contaminants in any container. City and City's authorized recycling agent reserve the right to inspect containers to determine if Prohibited Container Contaminants are present and issue a warning or assess penalties and fines under this chapter

REQUIREMENTS FOR COMMERCIAL BUSINESSES

Generators that are Commercial Businesses, including Multi-Family Residential Dwellings, shall:

(a) Subscribe to the District's three-container collection services. The District shall have the right to review the number and size of a generator's containers and frequency of collection to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, Commercial Businesses shall adjust their service level for their collection services as requested by the District.

(c) Supply and allow access to adequate number, size and location of collection containers with sufficient labels or colors for employees, contractors, tenants, and customers, consistent with the District's Blue Container, Green Container, and Gray Container collection service.

(d) Excluding Multi-Family Residential Dwellings, provide containers for the collection of Source Separated Green Container Organic Waste and Source Separated Recyclable Materials in all indoor and outdoor areas where disposal containers are provided for customers, for materials generated by that business. Such containers do not need to be provided in restrooms. If a Commercial Business does not generate any of the materials that would be collected in one type of container, then the business does not have to provide that particular container in all areas where

disposal containers are provided for customers. Pursuant to 14 CCR Section 18984.9(b), the containers provided by the business shall have either:

(1) A body or lid that conforms with the container colors provided through the collection service provided by the District, with either lids conforming to the color requirements or bodies conforming to the color requirements or both lids and bodies conforming to color requirements. A Commercial Business is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the requirements of the subsection prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first.

(2) Container labels that include language or graphic images, or both, indicating the primary material accepted and the primary materials prohibited in that container, or containers with imprinted text or graphic images that indicate the primary materials accepted and primary materials prohibited in the container. Pursuant 14 CCR Section 18984.8, the container labeling requirements are required on new containers commencing January 1, 2022.

(e) Multi-Family Residential Dwellings are not required to comply with container placement requirements or labeling requirement pursuant to 14 CCR Section 18984.9(b).

(f) 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 per the District's Blue Container, Green Container, and Gray Container collection service.

(g) Excluding Multi-Family Residential Dwellings, periodically inspect Blue Containers, Green Containers, and Gray 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).

(h) Annually provide information to employees, contractors, tenants, and customers about Organic Waste Recovery requirements and about proper sorting of Source Separated Green Container Organic Waste and Source Separated Recyclable Materials.

(i) Provide education information before or within fourteen (14) days of occupation of the premises to new tenants that describes requirements to keep Source Separated Green Container Organic Waste and Source Separated Recyclable Materials separate from Gray Container Waste (when applicable) and the location of containers and the rules governing their use at each property.

(j) Provide or arrange access for the District or its agent to their properties during all Inspections conducted in accordance with this Resolution to confirm compliance with the requirements of this Resolution.

(k) Accommodate and cooperate with the District's Remote Monitoring program for Inspection of the contents of containers for Prohibited Container Contaminants, which may be implemented at a later date, to evaluate generator's compliance with this Resolution.

(n) 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).

(o) Commercial Businesses that are Tier One or Tier Two Commercial Edible Food Generators shall comply with Food Recovery requirements in this Resolution.

WAIVERS FOR GENERATORS

(a) De Minimus Waiver: The District may waive a Commercial Business' obligation (including Multi-Family Residential Dwellings) to comply with some or all of the Organic Waste requirements of this Resolution if the Commercial Business provides documentation that the business generates below a certain amount of Organic Waste material as described below. Commercial Businesses requesting a de minimis waiver shall:

(1) Submit an application specifying the services that they are requesting a waiver from and provide documentation as noted in Section (a)(2) below.

(2) Provide documentation that either:

(A) The Commercial Business' total Solid Waste collection service is two cubic yards or more per week and Organic Waste subject to collection in a Blue Container or Green Container comprises less than 20 gallons per week per applicable container of the business' total waste; or,

(B) The Commercial Business' total Solid Waste collection service is less than two cubic yards per week and Organic Waste subject to collection in a Blue Container or Green Container comprises less than 10 gallons per week per applicable container of the business' total waste.

(3) Notify the District if circumstances change such that Commercial Business's Organic Waste exceeds threshold required for waiver, in which case waiver will be rescinded.

(4) Provide written verification of eligibility for de minimis waiver every 5 years, if the District has approved de minimis waiver.

Physical Space Waiver: the District may waive a Commercial Business' or property owner's obligations (including Multi-Family Residential Dwellings) to comply with some or all of the recyclable materials and/or Organic Waste collection service requirements if the District has evidence from its own staff, a hauler, licensed architect, or licensed engineer demonstrating that the premises lacks adequate space for the collection containers required for compliance with the Organic Waste collection requirements of this Resolution.

A Commercial Business or property owner may request a physical space waiver through the following process:

(1) Submit an application form specifying the type(s) of collection services for which they are requesting a compliance waiver.

(2) Provide documentation that the premises lacks adequate space for Blue Containers and/or Green Containers including documentation from its hauler, licensed architect, or licensed engineer.

(3) Provide written verification to the District that it is still eligible for physical space waiver every five years, if the District has approved application for a physical space waiver.

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 District's designated enforcement entity or designated third party enforcement 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:

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

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

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

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

(d) Nothing in this Resolution 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).

SELF-HAULER REQUIREMENTS

(a) Self-Haulers shall source separate all recyclable materials and Organic Waste (materials that the District otherwise requires generators to separate for collection in the District's organics and recycling collection program) generated on-site from Solid Waste in a manner consistent with 14 CCR Sections 18984.1 and 18984.2.

(c) Self-Haulers that are Commercial Businesses (including Multi-Family Residential Dwellings) shall keep a record of the amount of Solid 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 District. 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) Self-Haulers that are Commercial Businesses (including Multi-Family Self-Haulers) shall provide information collected in Section 12(c) to the District if requested.

(e) A residential Organic Waste Generator that self hauls Organic Waste is not required to record or report information in Section 12(c) and (d).

INSPECTIONS AND INVESTIGATIONS BY JURISDICTION

(a) District 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 Resolution 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 the District 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 District'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 Resolution described herein. Failure to provide or arrange for: (i) access to an entity's premises; (ii) installation and operation of Remote Monitoring equipment (optional); or (ii) access to records for any Inspection or investigation is a violation of this Resolution and may result in penalties described.

(c) Any records obtained by the District during its Inspections, Remote Monitoring, 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) The District's representatives, its designated entity, and/or Designee are authorized to conduct any Inspections, Remote Monitoring, or other investigations as reasonably necessary to further the goals of this Resolution, subject to applicable laws.

(e) The District shall receive written complaints from persons regarding an entity that may be potentially non-compliant with SB 1383 Regulations, including receipt of anonymous complaints.

ENFORCEMENT

(a) Violation of any provision of this Resolution shall constitute grounds for issuance of a Notice of Violation and assessment of a fine by a District Enforcement Official or representative. Enforcement Actions under this Resolution are issuance of an administrative citation and assessment of a fine. The District'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 Resolution and any rule or regulation adopted pursuant to this Resolution, except as otherwise indicated in this Resolution.

(b) Other remedies allowed by law may be used, including civil action or prosecution as misdemeanor or infraction. The District may pursue civil actions in the California courts to seek recovery of unpaid administrative citations. The District may choose to delay court action until such time as a sufficiently large number of violations, or cumulative size of violations exist such that court action is a reasonable use of District staff and resources.

(c) Responsible Entity for Enforcement

(1) Enforcement pursuant to this Resolution may be undertaken by the District's Enforcement Official, which may be the District's general manager or its designated entity, legal counsel, or combination thereof.

(2) Enforcement may also be undertaken by a Regional or County Agency Enforcement Official, designated by the District, in consultation with the District Enforcement Official.

(A) District Enforcement Official(s) (and Regional or County Agency Enforcement Official, if using) will interpret this Resolution; determine the applicability of waivers, if violation(s) have occurred; implement Enforcement Actions; and, determine if compliance standards are met.

(B) District Enforcement Official(s) (and Regional or County Agency Enforcement Official, if using) may issue Notices of Violation(s).

(d) Process for Enforcement

(1) District Enforcement Officials or Regional or County Enforcement Officials and/or their Designee will monitor compliance with the Resolution randomly and through Compliance Reviews, Route Reviews, investigation of complaints, and an Inspection program (that may include Remote Monitoring).

(2) The District may issue an official notification to notify regulated entities of its obligations under the Resolution.

(3) For assessing contamination processing fees/penalties. For incidences of Prohibited Container Contaminants found in containers, the District or its Designee will issue a Notice of Violation to any generator found to have Prohibited Container Contaminants in a container. Such notice will be

provided via a cart tag or other communication immediately upon identification of the Prohibited Container Contaminants or within 3 days after determining that a violation has occurred. If the District observes Prohibited Container Contaminants in a generator's containers on more than three (3) consecutive occasion(s), the District or its designee may assess contamination processing fees or contamination penalties on the generator.

(4) With the exception of violations of generator contamination of container contents addressed under Section 17(d)(3), the District or its Designee shall issue a Notice of Violation requiring compliance within 60 days of issuance of the notice.

(5) Absent compliance by the respondent within the deadline set forth in the Notice of Violation, the District may commence an action to impose penalties, via an administrative citation and fine, pursuant to the District's ordinances, resolutions and rules and regulations.

Notices shall be sent to "owner" at the official address of the owner maintained by the County tax collector 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

(e) 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 $50 to $100 per violation.

(2) For a second violation, the amount of the base penalty shall be $100 to $200 per violation.

(3) For a third or subsequent violation, the amount of the base penalty shall be $250 to $500 per violation.

(f) Factors Considered in Determining Penalty Amount

The following factors shall be used to determine the amount of the penalty for each violation within the appropriate penalty amount range:

(1) The nature, circumstances, and severity of the violation(s).

(2) The violator's ability to pay.

(3) The willfulness of the violator's misconduct.

(4) Whether the violator took measures to avoid or mitigate violations of this chapter.

(5) Evidence of any economic benefit resulting from the violation(s).

(6) The deterrent effect of the penalty on the violator.

(7) Whether the violation(s) were due to conditions outside the control of the violator.

(g) Compliance Deadline Extension Considerations

The District may extend the compliance deadlines set forth in a Notice of Violation issued in accordance with the above provisions if it finds that there are extenuating circumstances beyond the control of the respondent that make compliance within the deadlines impracticable, including the following:

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

(2) Delays in obtaining discretionary permits or other government agency approvals; or,

(3) Deficiencies in Organic Waste recycling infrastructure or Edible Food Recovery capacity and the District is under a corrective action plan with CalRecycle pursuant to 14 CCR Section 18996.2 due to those deficiencies.

(h) Appeals Process

Persons receiving an administrative citation containing a penalty for an uncorrected violation may request a hearing to appeal the citation. A hearing will be held only if it is requested within the time prescribed and consistent with the District's procedures in the District's codes for appeals of administrative citations. Evidence may be presented at the hearing. The District will appoint a hearing officer who shall conduct the hearing and issue a final written order.

(i) Education Period for Non-Compliance

Beginning January 1, 2022 and through December 31, 2023, the District or its Designee will conduct Inspections, Remote Monitoring, Route Reviews or waste evaluations, and Compliance Reviews, depending upon the type of regulated entity, to determine compliance, and if the District determines that 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 Resolution and a notice that compliance is required by January 1, 2022, and that violations may be subject to administrative civil penalties starting on January 1, 2024.

(j) Civil Penalties for Non-Compliance

Beginning January 1, 2024, if the District or its Designee 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 Resolution, it shall document the noncompliance or violation, issue a Notice of Violation, and take Enforcement Action pursuant to the Enforcement Section above, as needed.

EXHIBIT B

RATES EFFECTIVE NOVEMBER 1, 2022

ARMONA COMMUNITY SERVICES DISTRICT

	Fees Paid to Mid Valley		
Description of Service	**4/1/2020**	**Increase for SB1383**	**7/1/2022**
Residential - 96 Grey Refuse/96 Blue Recycle/96 Green Organics	$16.84	$4.95	$21.79
Residential - Per additional 96 Refuse	$15.42	$2.83	$18.25
Residential - Snr Ctzn - 64 Grey Refuse/96 Blue Recycle/96 Green Organics	$15.89	$3.51	$19.40
Cart Contamination 1st Occurrence	**new**		**$15.00**
Cart Contamination 2nd or more Occurrence	**new**		**$25.00**
Commercial - Cart 1x 96 Grey 1x	**new**		$19.00
Commercial - Cart 1x 96 Grey 2x	**new**		$37.00
Commercial - 2 CU YD 1x	$88.98	$8.02	$97.00
Commercial - 2 CU YD 2x	**new**		$185.00
Commercial - 2 CU YD 3x	**new**		$265.00
Commercial - 3 CU YD 1x	$120.75	$5.25	$126.00
Commercial - 3 CU YD 2x	$222.44	$11.56	$234.00
Commercial - 3 CU YD 3x	$336.85	$8.15	$345.00
Commercial - 4 CU YD 1x	$146.17	$4.83	$151.00
Commercial - 4 CU YD 2x	**new**		$285.00
Commercial - 4 CU YD 3x	**new**		$410.00
Commercial - 6 CU YD 1x	$222.44	$6.56	$229.00
Commercial - 6 CU YD 2x	$406.76	$25.24	$432.00
Commercial - 6 CU YD 3x	$591.07	$29.93	$621.00
Recycling - Com Cart 96 Blue 1x	**new**		$7.00
Recycling - Com Cart 96 Blue 2x	**new**		$13.00
Recycling - Com 2 YD /1X	$55.74	$4.26	$59.00
Recycling - Com 3 YD /1X	$75.64	$4.36	$79.00
Recycling - Com 3 YD /2X	**new**		$120.00
Recycling - Com 6 YD /1X	$139.34	$5.66	$145.00
Recycling - Com 6 YD /2X	**new**		$185.00
Organics 96 Cart 1x	$15.00	$3.00	$18.00
Organics 96 Cart 2x	**new**		$35.00
Organics - Com 1.5 yd /1x	**new**		$78.00
Organics - Com 1.5 yd /2x	**new**		$149.00
Bin Contamination 1st occurrence	**new**		**$25.00**
Bin Contamination 2nd or more occurrence	**new**		**$40.00**
Roll Off - Hauling and exchange, per box	$241.52	$23.48	$265.00
Delivery Fee, per box	**new**		$35.00
Tonnage Fee, per box	**as billed**		as billed
Enclosure Access	**new**		$15.00
Locking Lid Fee	**new**		$25.00
Push/Pull Charge	**new**		$15.00
Extra Pick Up, per Cubic Yard			
Municipal Solid Waste	**new**		$18.00
Recycle	**new**		$12.00
Organics	**new**		$15.00