

**ORDINANCE NO. 22-01**  
**AN ORDINANCE OF THE SUNSET BEACH SANITARY DISTRICT OF ORANGE**  
**COUNTY, CALIFORNIA REGULATING MANDATORY ORGANIC WASTE**  
**DISPOSAL IN ACCORDANCE WITH SB 1383**

**ARTICLE I**  
**GENERAL PROVISIONS**

**101. Purpose and Findings:**

- (a) The purpose of this policy is to supplement the District's Ordinance No. 19-01, Regulating the Collection of Refuse, in order to comply with the provisions of SB 1383, which was signed into State law in 2016 to combat climate change and reduce landfill methane emissions. The Sunset Beach Sanitary District was notified by CalRecycle on February 7, 2022 that its waiver application was denied.
- (b) SB 1383 requires Jurisdictions to adopt and enforce an ordinance to implement the provisions of SB 1383 Regulations, and requires every jurisdiction to provide organic waste collection services to all residents and businesses, beginning on January 1, 2022.
- (c) As the Sunset Beach Sanitary District (herein referred to as the "District") does not purchase paper or landscaping services, the procurement provisions of SB 1383 do not apply.
- (d) As there are very few yards in the District's beach community, green waste is minimal.

**ARTICLE II**  
**DEFINITIONS**

- 201.** The definitions provided below are in addition to those already provided in the District's Ordinance No. 19-01, as necessary for the implementation of this Ordinance 22-01:
- (a) "Commercial Edible Food Generator" includes a Tier One or a Tier Two Commercial Edible Food Generator. For the purposes of this definition, Food Recovery Organizations and Food Recovery Services are not Commercial Edible Food Generators.
  - (b) "Compliance Review" means a review of records by a Jurisdiction to determine compliance with this ordinance.
  - (c) "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 100 cubic yards and 750 square feet, as specified in 14 CCR Section 18982(a)(8).
  - (d) "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.
  - (e) "Container Contamination" or "Contaminated Container" means a container, regardless of color, that contains Prohibited Container Contaminants, or as otherwise defined in 14 CCR Section 18982(a)(55).
  - (f) "C&D" means construction and demolition debris.

- (g) “Designee” means an entity that the District contracts with or otherwise arranges to carry out any of the District’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.
- (h) “Edible Food” means food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this ordinance 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 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.
- (i) “Enforcement Action” means an action of the District, its agents, and/or City of Huntington Beach to address non-compliance with this ordinance including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies.
- (j) “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 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
- (k) “Food Distributor” means a company that distributes food to entities including, but not limited to, Supermarkets and Grocery Stores, or as otherwise defined in 14 CCR Section 18982(a)(22).
- (l) “Food Facility” has the same meaning as in Section 113789 of the Health and Safety Code.
- (m) “Food Recovery” means actions to collect and distribute food for human consumption that otherwise would be disposed.
- (n) “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.
  - (4) 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.
- (o) “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 ordinance and implementation of 14 CCR, Division 7, Chapter 12.
- (p) “Food Scraps” means all food such as, but not limited to, fruits, vegetables, meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bread, cheese, and eggshells. Food Scraps excludes fats, oils, and grease when such materials are Source Separated from other Food Scraps.



- (q) “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.
- (r) “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, pizza boxes, and milk cartons.
- (s) “Food Waste” means Food Scraps and Food-Soiled Paper.
- (t) “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 Green Container Organic Waste.
- (u) “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).
- (v) “Hauler Route” means the designated itinerary or sequence of stops for each segment of the District’s collection service area.
- (w) “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 50 percent between January 1, 2022 and December 31, 2024, and 75 percent after January 1, 2025, as calculated pursuant to 14 CCR Section 18815.5(e) for Organic Waste received from the “Mixed waste organic collection stream” as defined in 14 CCR Section 17402(a)(11.5); or, as otherwise defined in 14 CCR Section 18982(a)(33).
- (x) “Inspection” means a site visit where a member of the District’s staff and/or agent 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.
- (y) “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 ordinance.
- (z) “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 or as otherwise defined in 14 CCR Section 17402(a)(11.5).
- (aa) “Non-Local Entity” means the following entities that are not subject to the Jurisdiction’s enforcement authority, or as otherwise defined in 14 CCR Section 18982(a)(42):
  - (1) Federal facilities, including the United States Post Office in Sunset Beach, CA 90742 and United States Post Office in Surfside, CA 90743.
  - (2) The beaches and greenbelt areas operated and maintained by the Cities of Huntington Beach and Seal Beach.
- (bb) “Non-Organic Recyclables” means non-putrescible and non-hazardous recyclable wastes including but not limited to bottles, cans, metals, plastics and glass, or as otherwise defined in 14 CCR Section 18982(a)(43).
- (cc) “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.
- (dd) “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 or as otherwise defined in 14 CCR Section 18982(a)(46). Biosolids and digestate are as defined by 14 CCR Section 18982(a).
- (ee) “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).
- (ff) “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 District’s Blue Container; (ii) discarded materials placed in the Green Container that are not identified as acceptable Source Separated Green Material Organic Waste for the District’s Green Container; and, (iii) discarded materials placed in the Brown 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.
- (gg) “Recovered Organic Waste Products” means products made from California, landfill-diverted recovered Organic Waste processed in a permitted or otherwise authorized facility, or as otherwise defined in 14 CCR Section 18982(a)(60).
- (hh) “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).
- (ii) “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).
- (jj) “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).
- (kk) “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.
- (ll) “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.
- (mm) “Solid Waste” has the same meaning as Refuse as defined in the District’s Ordinance 19-02.
- (nn) “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 in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products, which meet the quality standards necessary to be used in the marketplace, or as otherwise defined in 14 CCR Section 17402.5(b)(4). For the purposes of the ordinance, Source Separated shall include separation of materials by the generator, property owner, property owner’s employee, property manager, or property manager’s employee into different containers for the purpose of collection such that Source Separated materials are separated from Brown Container Waste or other Solid Waste for the purposes of collection and processing.
- (1) “Source Separated Green Container Organic Waste” means Source Separated Organic Waste that can be placed in a Green Container that is specifically intended for the separate collection of Organic Waste by the generator, excluding Source Separated Blue Container Waste, carpets, non-compostable paper, and textiles.



- (2) "Source Separated Recyclable Materials" means Source Separated Non-Organic Recyclables and Source Separated Blue Container Organic Waste.
- (oo) "Source Separated Recyclable Materials" means Source Separated Non-Organic Recyclables and Source Separated Blue Container Organic Waste.
- (pp) "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).
- (qq) "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.
- (rr) "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.

### ARTICLE III REQUIREMENTS FOR RESIDENTIAL GENERATORS

- 301.** Residential Organic Waste Generators shall:
- (a) Subscribe to the District's three-container Organic Waste collection services. The District shall have the right to review the number and size and location 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.
- (b) Participate in the District's Organic Waste collection service by placing designated materials in designated containers as described below, and shall not place Prohibited Container Contaminants in collection containers.
- (1) Generator shall place Source Separated Green Container Organic Waste, including Food Waste, in the Green Container; Source Separated Recyclable Materials in the Blue Container; and Brown Container Waste in the Brown Container. Generators shall not place materials designated for the Brown Container into the Green Container or Blue Container.
- (c) Nothing in this Section prohibits a generator from preventing or reducing waste generation, managing Organic Waste on site, and/or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).



**ARTICLE IV**  
**REQUIREMENTS COMMERCIAL BUSINESSES**

- 401.** Generators that are Commercial Businesses shall:
- (a) Subscribe to District's three-container Organic Waste 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.
  - (b) Participate in and comply with the District's Organic Waste collection service(s) by placing designated materials in designated containers as described below.
    - (1) Generator shall place Source Separated Green Container Organic Waste, including Food Waste, in the Green Container; Source Separated Recyclable Materials in the Blue Container; and Brown Container Waste in the Brown Container. Generators shall not place materials designated for the Brown Container into the Green Container or Blue Container.
  - (c) Supply and allow access to adequate number, size and location of collection containers with sufficient labels for employees, contractors, and customers, consistent with District's Blue Container, Green Container, and Brown Container collection.
  - (d) 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) To the extent practical through education, training, inspection, and/or other measures, prohibit employees from placing materials in a container not designated for those materials per the District's Blue Container, Green Container, and Brown Container collection service.



- (f) Periodically inspect Blue Containers, Green Containers, and Brown 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).
- (g) 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.
- (h) Provide or arrange access for District or its agent to their properties during all Inspections conducted in accordance with Section 16 of this ordinance to confirm compliance with the requirements of this ordinance.
- (i) 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).
- (j) Commercial Businesses that are Tier One or Tier Two Commercial Edible Food Generators shall comply with Food Recovery requirements, pursuant to this ordinance.

**ARTICLE V  
WAIVERS FOR COMMERCIAL GENERATORS**

**501.** De Minimis Waivers:

- (a) The District may waive, at its discretion, a Commercial Business' requirement to comply with some or all of the Organic Waste requirements of this ordinance if the Commercial Business provides documentation that the business generates below a certain amount of Organic Waste material. Commercial Businesses requesting a de minimis waiver shall:
  - (1) Submit an application specifying the services that they are requesting a waiver from.
  - (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 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 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 District has approved a de minimis waiver.



- (b) Physical Space Waivers: The District, at its discretion, may waive a Commercial Business' or commercial property owner's obligations 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 ordinance. A Commercial Business or commercial property owner may request a physical space waiver through the following process:
- (1) Submit an application 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 and/or Green Containers including documentation from its hauler, licensed architect, or licensed engineer.
  - (3) Provide written verification to District that it is still eligible for physical space waiver every five years, if District has approved application for a physical space waiver.

**ARTICLE VI**  
**REQUIREMENTS FOR COMMERCIAL EDIBLE GENERATORS**

**601.** Requirements for Commercial Edible Generators:

- (a) Tier One Commercial Edible Food Generators must comply with the requirements of this ordinance 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 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.
- (6) No later than January 31 of each year, commencing no later than January 31, 2023 for Tier One Commercial Edible Food Generators and January 31, 2024 for Tier Two Commercial Edible Food Generators, provide an annual Food Recovery report to the District that includes records of their written agreements and Food Recovery activities.
- (d) 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.

**ARTICLE VII**  
**REQUIREMENTS FOR FOOD RECOVERY SERVICES AND ORGANIZATIONS**

- 701.** Requirements for Food Recovery Services and Organizations:
- (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) Food Recovery Capacity Planning: In order to support Edible Food Recovery capacity planning assessments or other studies conducted by the District, its County, or City, Food Recovery Services and Food Recovery Organizations operating in the District shall provide information and consultation to the District, upon request, regarding existing, or proposed new or expanded, Food Recovery capacity that could be accessed by the District and its Commercial Edible Food Generators. A Food Recovery Service or Food Recovery Organization contacted by the District shall respond to such request for information within 60 days, unless a shorter timeframe is otherwise specified by the District.

## ARTICLE VIII REQUIREMENTS FOR HAULERS AND FACILITY OPERATORS

### 801. Haulers and Facility Operators Requirements:

(a) Requirements for Haulers:

- (1) The franchise hauler providing residential or commercial waste collection services to generators within the District's boundaries shall meet the following requirements and standards as a condition of approval of a contract, agreement, or other authorization with the District to collect Organic Waste:
- (A) Through written notice to the Jurisdiction annually on or before January 1<sup>st</sup>, identify the facilities to which they will transport Organic Waste including facilities for Source Separated Recyclable Materials and Source Separated Green Container Organic Waste, as applicable.
  - (B) Transport Source Separated Recyclable Materials, Source Separated Organic Waste to a facility, operation, activity, or property that recovers Organic Waste as defined in 14 CCR, Division 7, Chapter 12, Article 2.
  - (C) Obtain approval from the District 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 14 CCR Section 18989.1.
  - (D) The franchise hauler shall comply with education, equipment, signage, container labeling and container color, contamination monitoring, reporting, and other requirements contained within its franchise agreement entered into with the District.

(b) Requirements for Facility Operators and Community Composting Operations:

- (1) 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 District'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 District shall respond within 60 days.
- (2) Community Composting operators, upon the District's request, shall provide information to the District 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 District shall respond within 60 days.

**ARTICLE IX  
INSPECTIONS AND INVESTIGATIONS**

**901.** Inspections and Investigations by the District

- (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 ordinance by Organic Waste Generators, Commercial Businesses, property owners, Commercial Edible Food Generators, haulers, Food Recovery Services, and Food Recovery Organizations, subject to applicable laws.
- (b) Regulated entity shall provide or arrange for access during all Inspections 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 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 the District during its 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) District 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 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.

**ARTICLE X  
ENFORCEMENT**

**1001.** Enforcement:

- (a) Violation of any provision of this ordinance shall constitute grounds for issuance of a Notice of Violation and assessment of a fine by the District's Superintendent, representative, or other Responsible Entity for Enforcement. Enforcement Actions under this ordinance 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 ordinance and any rule or regulation adopted pursuant to this ordinance, except as otherwise indicated in this ordinance.
- (b) Other remedies allowed by law may be used, including civil action or prosecution as misdemeanor or infraction. District may pursue civil actions in the California courts to seek recovery of unpaid administrative citations. 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 Entities for Enforcement:
- (1) Enforcement pursuant to this ordinance may be undertaken by the District Superintendent, District Staff, applicable City Code Enforcement Department (City of Huntington Beach for Sunset Beach generators; City of Seal Beach for Surfside generators), a designated entity/representative, legal counsel, or combination thereof.
- (d) Process for Enforcement:
- (1) District Superintendent, District Staff, applicable City Code Enforcement Department (City of Huntington Beach for Sunset Beach generators; City of Seal Beach for Surfside generators), a designated entity/representative, or combination thereof will monitor compliance with the ordinance randomly and through Compliance Reviews, Route Reviews, investigation of complaints, and an inspection program. Section 901 establishes District's right to conduct Inspections and Investigations.
  - (2) District Superintendent, District Staff, applicable City Code Enforcement Department, a designated entity/representative, or combination thereof may issue an official notification to notify regulated entities of its obligations under the ordinance.
  - (3) For incidences of Prohibited Container Contaminants found in containers, District Superintendent, District Staff, applicable City Code Enforcement Department, a designated entity/representative, or combination thereof 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 ten days after determining that a violation has occurred. If District Superintendent, District Staff, applicable City Code Enforcement, designated entity/representative observes Prohibited Container Contaminants in a generator's containers on three consecutive occasions within a six-month time period, the District or applicable City Code Enforcement Department may assess contamination processing fees or contamination penalties on the generator.
  - (4) Notices of Violation shall be issued requiring compliance within 30 days of issuance of the notice.
  - (5) Absent compliance by the respondent within the deadline set forth in the Notice of Violation, the District or applicable City Code Enforcement Office shall commence an action to impose penalties, via an administrative citation and fine.
  - (6) Notices of Violation shall be sent to "owner" at the official address of the owner maintained by the tax collector for the District, 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:
  - (1) For a first violation, the amount of the base penalty shall be \$100.
  - (2) For a second violation, the amount of the base penalty shall be \$200 per violation.
  - (3) For a third or subsequent violation, the amount of the base penalty shall be \$500 per violation.
  
- (f) Compliance Deadline Extension Considerations: The Jurisdiction may extend the compliance deadlines set forth in a Notice of Violation issued in accordance with Section 1001 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 Jurisdiction is under a corrective action plan with CalRecycle pursuant to 14 CCR Section 18996.2 due to those deficiencies.
  
- (g) 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 at the District's regular General Board meeting only if it is requested within the time prescribed and consistent with the District's procedures for appeals of administrative citations. Evidence may be presented at the hearing. The Board of Directors will issue a final determination.
  
- (h) Education Period for Non-Compliance: Beginning January 1, 2022 and through December 31, 2023, Jurisdiction will conduct Inspections, Route Reviews or waste evaluations, and Compliance Reviews, depending upon the type of regulated entity, to determine compliance, and if District determines that Organic Waste Generator, 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 by January 1, 2022, and that violations may be subject to administrative civil penalties starting on January 1, 2024.
  
- (i) Civil Penalties for Non-Compliance: Beginning January 1, 2024, if the District determines that an Organic Waste Generator, 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 ordinance.

## ARTICLE XI CEQA

- 1101.** CEQA. The District finds that this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Sections 15061( b)( 3) and 15308 on the grounds that it can be seen with certainty that the enhanced solid waste regulations, as provided for in this ordinance will not have a significant effect on the environment and that the new requirements, which strengthen requirements for the handling of solid waste, represent actions by a regulatory agency (the District) for the protection of the environment.



**ARTICLE XII  
SEVERABILITY**

1201. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance for any reason is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The District hereby declares that it would have adopted this ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

**ARTICLE XIII  
EFFECTIVE DATE**

1301. This ordinance shall take effect and be in force thirty (30) days after its passage.

**ARTICLE XIV  
PUBLICATION**

1401. Publication. The District Clerk shall certify to the publication of Notice of Public Hearing to discuss adoption of this ordinance and shall post or publish its adoption or a summary as required by law.

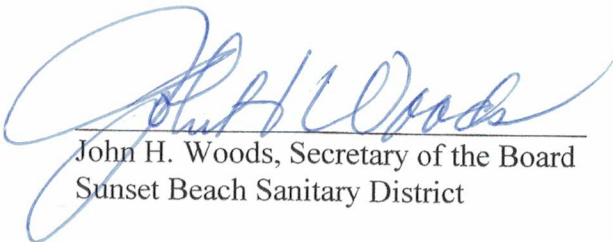
**SECRETARY CERTIFICATION**

I, John H. Woods, Secretary of the Board of the Sunset Beach Sanitary District, do hereby certify that the foregoing Ordinance was introduced, published, and passed by the District at a regular meeting by the following vote:

Ayes: 5

Noes: 0

Absent: 0

  
\_\_\_\_\_  
John H. Woods, Secretary of the Board  
Sunset Beach Sanitary District