

# TEHAMA COUNTY SOLID WASTE MANAGEMENT AGENCY

## **SB 1383 INSPECTION AND ENFORCEMENT PROGRAM AND POLICY**

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### **PURPOSE**

The purpose of the Tehama County Solid Waste Management Agency (Agency) SB 1383 Inspection and Enforcement Program and Policy (Policy) is to comply with the requirements of Senate Bill 1383 Short-lived Climate Pollutants (SLCP): Organic Waste Reductions and local ordinances adopted by jurisdictions in Tehama County.

### **AGENCY MISSION STATEMENT**

As approved by the Board of Directors, the Agency's mission statement is as follows:

*The mission of the Tehama County Solid Waste Management Agency is to protect public health and the environment in the County of Tehama through integrated, cost effective, and environmentally sound solid waste management. The Agency strives to conserve natural resources, sustain the environment, and reduce solid waste being landfilled through innovative leadership and effective grant and outreach programs that foster a sense of responsibility and inspire action by Tehama County residents.*

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#### ***General Information***

Nothing in this policy requires generators, jurisdictions, or other entities subject to these regulations to manage and recover organic waste that federal law explicitly requires to be managed in a manner that constitutes landfill disposal as defined in Title 14, Division 7, Chapter 12.

For more information contact the Tehama County Solid Waste Management Agency at (530) 528-1103.

#### ***Waste Hauler Responsibilities***

1. Beginning January 1, 2037, a hauler providing residential, commercial, or industrial organic waste collection services will comply with all local ordinances and agreements.
2. Beginning January 1, 2037, and annually thereafter, the hauler will keep a record of the documentation of its approval by the jurisdiction pursuant to local ordinances, agreements, and relative SB 1383 regulations.
3. This section is not applicable to:
  - a. A hauler that is transporting source separated organic waste to a community composting site; or

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- b. A hauler that is lawfully transporting construction and demolition debris in compliance with the California Green Building Standards Code.
4. Annually, by March 15<sup>th</sup>, the hauler must provide to the Agency documentation verifying that the hauler has met the above requirements. If the hauler has not met the above requirements, the Agency will follow the enforcement measures outlined below.

### ***Organic Waste Generator Responsibilities***

1. Beginning January 1, 2037, residential generators of organic waste shall comply with all local ordinances, including subscription to organic waste collection services, compliance with self-haul requirements, and container contamination requirements.
2. Beginning January 1, 2037, commercial generators of organic waste shall comply with all local ordinances, including subscription to organic waste collection services, compliance with self-haul requirements, education requirements, and arranging for access to their properties during inspections, as allowable.
3. Tier 1 and Tier 2 commercial edible food generators shall comply with all local ordinances by January 1, 2022 and January 1, 2024, respectively, including arranging to recover the maximum volume of edible food, record keeping and providing access for inspections.
4. Beginning January 1, 2022, food recovery services and food recovery organizations that have established a contract or written agreement to collect or receive edible food directly from commercial edible food generators shall maintain records as specified in local ordinances.

### ***Waivers Granted by a Jurisdiction***

1. Before January 1, 2037, the Agency will modify this policy to provide a procedure for acceptance of waivers. Waivers that may be issued include de minimis waivers, physical space waivers, and collection frequency waivers, as defined in local ordinances.

### ***Agency Responsibilities***

1. **COLLECTION** Beginning January 1, 2037, and annually thereafter, the Agency will conduct the following:
  - a. Review all solid waste collection accounts for commercial businesses that are subject to its authority and that generate two cubic yards or more per

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week of solid waste, including organic waste, for compliance with mandatory recycling programs. This shall be completed as follows:

- i. Request list of commercial accounts from all waste haulers operating in Tehama County.
  - ii. Sort through lists to ensure only generators of two cubic yards or more are included and disregard lower amounts.
  - iii. Review lists to ensure all generators are compliant.
- b. Review all commercial businesses and residential generators to ensure subscription to organic waste collection. This shall be completed as follows:
- i. Request list of all customers from all waste haulers operating in Tehama County.
  - ii. Compare list to database of all residential and commercial developed parcels.
  - iii. Review list to ensure all customers are subscribed to organic waste collection service.
- c. Determine compliance with:
- i. Organic waste generator requirements.
  - ii. Self-haul requirements listed above, including whether a business is complying through back-hauling organic waste. This shall be completed as follows:
    1. Using the same list from 1b, contact any customers that do not have organic waste collection service to determine if they are complying through self-hauling or back-hauling organic waste.
- d. Beginning January 1, 2037, the Agency will:
- i. Conduct annual route reviews of commercial businesses and residential generators for compliance with organic waste generator requirements and container contamination requirements listed above. This shall be completed as follows:
    1. Contact all waste haulers operating in Tehama County in November of each year to schedule route reviews for the following year.
    2. Containers will be randomly selected along the hauler route, and all hauler routes must be reviewed each year. If a hauler route is not reviewed using this protocol, then the route must be reviewed pursuant to the protocols for waste evaluations listed below.

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3. Upon finding prohibited container contaminants in a container, the Agency will take photos of the violation and notify the generator of the violation in the following manner:
  - a. The notice will include information regarding the generator's requirement to properly separate materials into the appropriate containers and will be left on the generator's container, gate, or door at the time the violation is identified.
  - b. An additional notice with photographic evidence of the violation will be mailed or emailed to the generator, depending on the contact information available from their waste hauler.
  - c. If the contaminants are of a degree as to contaminate the entire hauler load, the Agency will instruct the hauler to dispose of the container's contents.
  - d. Administrative civil penalties will not be issued for violations of prohibited container contaminants.
- ii. Perform waste evaluations consistent with container contamination requirements listed below to verify commercial businesses and residential generators compliance with organic waste generator requirements listed below.
  1. Waste evaluations will be conducted twice per year, in two separate seasons.
  2. The Agency will contact all waste haulers operating in Tehama County at least one month prior to the waste evaluations to coordinate the study and determine how many generators are on each route.
  3. Waste evaluations must include samples of all container types serviced by the waste hauler and include samples taken from different areas in the jurisdiction that are representative of the jurisdiction's waste stream.
    - a. For routes with less than 1,500 generators the study must include at least 25 samples.
    - b. For routes with 1,500-3,999 generators the study must include at least 30 samples.
    - c. For routes with 4,000-6,999 generators the study must include at least 35 samples.
    - d. For routes with 7,000 or more generators the study must include at least 40 samples.

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4. Material collected for sampling will be transported to the Tehama County/Red Bluff Landfill's Waste Sampling area to measure the contaminants of each container type to determine the ratio of prohibited container contaminants present in each container type by weight. The waste evaluations will be conducted in the following manner:
  - a. Take one sample of at least 200 pounds randomly selected from different areas of the pile of material collected from each container stream for sampling.
  - b. Remove any prohibited container contaminants and determine the weight of the prohibited container contaminants.
  - c. Determine the ratio of prohibited container contaminants in the sample by dividing the total weight of the prohibited container contaminants by the total weight of the sample.
  - d. Repeat steps a-c for the required number of samples per container type depending on the amount of generators on each route sampled.
5. If the sampled weight of prohibited container contaminants exceeds 25 percent of the measured sample for any container type, the Agency will notify all generators on the sampled routes of their requirement to properly separate materials into the appropriate containers. The notice will be left on the generator's container, gate, or door and mailed or emailed to the generator depending on the contact information available from the waste hauler.
  - iii. If the Agency is notified by any entity that certain routes, or certain generators on certain routes, are more likely to violate container contaminant requirements, the Agency will conduct a targeted route review of that route pursuant to section (d)(i) above.
2. **EDIBLE FOOD** Beginning January 1, 2022, conduct inspections of Tier One commercial edible food generators and food recovery organizations and services for compliance with local ordinance(s). Beginning January 1, 2024, conduct inspections of Tier Two commercial edible food generators for compliance with local ordinance(s).
  - a. Each month the Agency will contact four (4) randomly selected Tier 1 commercial edible food generators to inform them that Agency staff will be conducting an inspection of their business. Additionally, each month the Agency will contact two (2) Food Recovery Organizations or Services to

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inform them that Agency staff will be conducting an inspection of their organization or service. Beginning January 1, 2024, the Agency will additionally contact five (5) randomly selected Tier 2 commercial edible food generators to inform them that Agency staff will be conducting an inspection of their business.

- b. If a Tier 1 or Tier 2 Commercial Edible Food Generator submits a report pursuant to the respective jurisdiction's ordinance indicating zero pounds of food was donated, the Agency will inspect that generator every two (2) years or until a report pursuant to the respective jurisdiction's ordinance is submitted indicating an amount of food donated greater than zero.
  - c. When contacting the generator, or food recovery organization or service, ask to speak to the owner or manager and inform that individual of the date and time the inspection will occur.
  - d. When visiting an entity to conduct an inspection, bring the Agency inspection tablet, educational materials, sections of SB 1383 regulations and local ordinances relevant to the inspection, and an Identification badge.
  - e. If the Agency is unable to get in contact with a commercial edible food generator or food recovery organization or service within ten (10) business days of calling the entity, Agency staff will visit the entity in person and conduct the inspection at that time.
  - f. If a commercial edible food generator or food recovery organization or service does not allow the Agency to access their property(ies) during an inspection, it is considered a violation of the regulations pursuant to Title 14, Division 7, Chapter 12, Article 3, Section 18984.10.(c), and local ordinances.
3. **COMPLAINTS** Beginning January 1, 2022, the Agency will provide for the receipt and investigation of written complaints of alleged violations of local ordinances on its website and on physical complaint forms, if requested. The Agency will allow for the submission of anonymous complaints.
- a. Complaints can be made through this online complaint portal: <https://www.tehama.gov/government/departments/landfill-agency/sb-1383-complaints/>.
  - b. For a physical complaint form, contact the Agency at (530) 528-1103, email [tehamacountyrecycles@tehama.gov](mailto:tehamacountyrecycles@tehama.gov), or visit the Agency Office, 20000 Plymire Road, Red Bluff, CA Monday-Friday (excluding major Holidays) 8AM-4:30PM.
  - c. Complaints must be in writing and include the following information:
    - i. If the complaint is not anonymous, the name and contact information of the complainant.
    - ii. The identity of the alleged violator, if known.

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- iii. A description of the alleged violation including location(s) and all other relevant facts known to the complainant.
    - iv. Any relevant photographic or documentary evidence to support the allegations in the complaint.
    - v. The identity of any witnesses, if known.
  - d. The Agency will commence an investigation within 90 days of receiving a complaint that meets the above requirements if the Agency determines that the allegations, if true, would constitute a violation of local ordinances. The Agency may decline to investigate a complaint if, in its judgement, investigation is unwarranted because the allegations are contrary to the facts known to the Agency.
    - i. Agency staff will review the complaint log on the first Monday of each month. If that falls on a holiday, then the review will be conducted the next business day.
    - ii. Based upon the information provided, the Agency will determine if the complaint is a violation of local ordinances and commence an investigation.
    - iii. The Agency will notify the complainant of the results of their complaint, if the identity and contact information of the complainant are known, in writing within 30 days of the Agency's closing of the investigation.
  - e. The Agency will maintain records of all complaints and responses pursuant to this policy in the Implementation Record. The records will include the complaint as received and the Agency's determination of compliance or notice of violations issued.
- 4. **WAIVERS** A minimum of every five years from the date of issuance, Agency staff will verify through inspection that commercial businesses are meeting de minimis and physical space waivers for compliance consistent with the requirements listed below.
  - a. Agency staff will visit commercial businesses in person to determine if the physical space waiver should still be granted to that commercial business.
    - i. During the inspection Agency staff will inspect the dumpster enclosure and take any photographs to support the Agency's determination of compliance with the waiver.
    - ii. If it is determined that the business no longer meets the requirements of the waiver, that waiver will be rescinded.
    - iii. The Agency will notify the commercial business within 30 days that the waiver has been rescinded, and of their requirement to comply with organic waste collection pursuant to local ordinances.

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- b. Agency staff will conduct waste evaluations of a commercial business to determine if a de minimis waiver still applies.
  - i. For businesses that have a total solid waste collection service of two (2) cubic yards or more per week, Agency staff will verify that organic waste subject to collection in a blue container or a green container comprises less than 20 gallons per week per applicable container of the business' total waste.
  - ii. For businesses that have a total solid waste collection service of less than two (2) cubic yards per week Agency staff will verify that organic waste subject to collection in a blue container or a green container comprises less than 10 gallons per week per applicable container of the business' total waste.
  - iii. Agency staff will contact the business that was issued the waiver and the waste hauler that provides service to the business to coordinate the waste evaluation. The waste evaluation will occur at the business with Agency staff oversight and all contents of the business' containers will be evaluated for compliance.
  - iv. If it is determined that the business no longer meets the requirements of the waiver, that waiver will be rescinded.
  - v. The Agency will notify the commercial business within 30 days that the waiver has been rescinded, and of their requirement to comply with organic waste collection pursuant to local ordinances.
- 5. **INSPECTION FREQUENCY** The Agency will conduct route reviews and inspections of entities described in this policy to adequately determine overall compliance with local ordinance(s). Route reviews and inspections will be conducted pursuant to the protocols listed above. The Agency may prioritize inspections of entities that it determines are more likely to be out of compliance.
- 6. **RECORD KEEPING** The Agency, on behalf of the jurisdiction, will include all relevant documents supporting its compliance with Title 14, Division 7, Chapter 12, Article 7 in the Implementation Record required by Title 14, Division 7, Chapter 12, Article 14. Records maintained include but are not limited to copies of:
  - a. Ordinances, contracts, franchise agreements, policies, procedures, or programs relevant to this section.
  - b. A description of the jurisdiction's hauler program including:
    - i. Type(s) of hauler system(s) the jurisdiction uses.
    - ii. Type(s) and condition(s) of approvals per type of hauler, and criteria for approvals, denials, and revocations.
    - iii. The process for issuing, revoking, and denying written approvals.
    - iv. Any requirement associated with self-hauling and back-hauling.

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- c. A record of hauler compliance with local ordinance(s) and the requirements of Title 14, Division 7, Chapter 12, Article 7 including the following information:
  - i. Copies of all reports required from haulers.
  - ii. Copies of all written approvals, denials, and revocations.
- d. All records required by Title 14, Division 7, Chapter 12, Article 7 will include the date of action, the name of the hauler, and the type of action taken by the jurisdiction
- e. The Agency will generate a written or electronic record for each route review conducted pursuant to this policy. Each record will include, at a minimum, the following information:
  - i. Identifying information for the subject or subjects of the inspection, route review or compliance review, such as, but not limited to:
    - 1. The name or account name of each person or entity.
    - 2. A description of the hauler route or addresses covered by a route review.
    - 3. A list of accounts reviewed for each compliance review.
  - ii. The date or dates the route review was conducted.
  - iii. The person or persons who conducted the action.
  - iv. The Agency's findings regarding compliance with local ordinance(s), including referrals for potential Notices of Violation to a jurisdiction or educational materials that were issued.
  - v. Any relevant evidence supporting the findings in Subsection (d) above, such as, but not limited to, photographs and account records.
  - vi. Route review records will also include a description of the locations of the route reviews(s) and the addresses where prohibited container contaminants are found, if any.
- f. Documentation of route reviews, compliance reviews, and inspections, as well as all other records of enforcement conducted pursuant to this policy will be maintained in the Implementation Record and include, but not be limited to:
  - i. Copies of all documentations of route reviews, compliance reviews, and inspections.
  - ii. Copies of all enforcement actions required by this policy, including Notices of Violation and penalty orders issued by the jurisdiction.
  - iii. A list of date(s) that the jurisdiction determined an entity complied with a Notice of Violation and the evidence that supports that compliance determination.

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- iv. Copies of notices and educational material provided as required by this policy.

### ***Special Considerations***

1. A jurisdiction may submit a request for a waiver for the landfill disposal of “disaster debris” as defined in Title 14, Division 7, Chapter 3, Article 3, Section 17210.1(d) that cannot be diverted as defined in Title 14, Division 7, Chapter 3, Article 3, Section 17210.4, and Section 17210.9.
2. A jurisdiction may dispose of sediment debris removed from dams, culverts, reservoirs, channels and other flood control infrastructure if the material is subject to a waste discharge requirement issued by the regional water quality control board that requires the average organic content of the debris to be less than five percent.
3. A jurisdiction is not required to separate or recover organic waste that is removed from homeless encampments and illegal disposal sites as part of an abatement activity to protect public health and safety. If the total amount of solid waste removed for landfill disposal pursuant to this subdivision is expected to exceed 100 tons annually the jurisdiction shall record the amount of material removed.
4. A jurisdiction may dispose of specific types of organic waste that are subject to quarantine and meet the following requirements:
  - a. The organic waste is generated from within the boundaries of an established interior or exterior quarantine area defined by the California Department of Food and Agriculture for that type of organic waste.
  - b. The California Department of Food and Agriculture or the County Agricultural Commissioner determines that the organic waste must be disposed at a solid waste landfill and the organic waste cannot be safely recovered through any of the recovery activities identified in Title 14, Division 7, Chapter 12, Article 2.
  - c. The jurisdiction retains a copy of the California Department of Food and Agriculture approved compliance agreement for each shipment stating that the material must be transported to a solid waste landfill operating under the terms of its own compliance agreement for the pest or disease of concern.

### ***Enforcement Protocols***

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1. Beginning January 1, 2022 and until December 31, 2023, the Agency will provide educational material describing the applicable requirements of local ordinances in response to violations.
2. Beginning January 1, 2024 for edible food generators and edible food organizations, and January 1, 2037 for organic waste generators, alleged violations of this policy, local ordinances or SB 1383 regulatory requirements will be investigated by the Agency, and then referred to the Jurisdiction Enforcement Official for further compliance measures. The Agency will provide the Jurisdiction Enforcement Official a summary of the alleged violation, supporting documentation, and any other material collected by the Agency during its investigation or identification of the alleged violation. At a minimum, the referral for a Notice of Violation will include the following information:
  - a. The name(s), or account name(s) if different, of each person or entity to whom it is directed.
  - b. A factual description of the violations of this policy, including the regulatory section(s) being violated.
  - c. The penalty for not complying within the specified compliance date.