



**Agenda
City of Vernon
Joint Special Meeting
Business and Industry Commission and
Green Vernon Commission
Tuesday, November 09, 2021, 03:30 PM
Remote Location via Zoom**

BUSINESS AND INDUSTRY COMMISSION

Jimmy Andreoli II
John Baca
Jack Cline
Thomas Condon
Crystal Larios
Duncan Sachdeva
Douglas Williams

GREEN VERNON COMMISSION

Daniel Alley
Catherine Browne
Ron Daerr
Alan Franz
Hector Morfin
Martin Perez
Stan Stosel

SPECIAL REMOTE PROTOCOLS

Assembly Bill 361 (AB 361) authorizes public meetings to take place via teleconference because State and Local officials are recommending measures to promote social distancing. This meeting will be conducted entirely by remote participation via Zoom Webinar.

The public is encouraged to view the meeting at <https://www.cityofvernon.org/webinar-special> or by calling (408) 638-0968, Meeting ID 839-7856-8878#. You may address the Commissions via Zoom or submit comments to PublicComment@ci.vernon.ca.us with the meeting date and item number in the subject line.

CALL TO ORDER

FLAG SALUTE

ROLL CALL

APPROVAL OF THE AGENDA

PUBLIC COMMENT

At this time the public is encouraged to address the Commissions on any matter that is within the subject matter jurisdiction of the Commissions. The public will also be given a chance to comment on matters which are on the posted agenda during deliberation on those specific matters.

NEW BUSINESS

1. Health and Environmental Control Department

[Mandatory Organic Waste Disposal Reduction Ordinance](#)

Recommendation:

Discuss Senate Bill 1383 (SB 1383) requirements and the City's Solid Waste Management Program, in consideration of comments and feedback received from the Business and Industry Commission and Green Vernon Commission SB 1383 Waste Hauler Temporary Ad Hoc Committees; and recommend that the City Council adopt a Mandatory Organic Waste Disposal Reduction Ordinance.

[1. Mandatory Organic Waste Disposal Reduction Ordinance](#)

[2. Mandatory Organic Waste Disposal Reduction Ordinance Highlights](#)

ORAL REPORTS

Brief reports, announcements, or directives to staff.

ADJOURNMENT

I hereby certify under penalty of perjury under the laws of the State of California, that the foregoing agenda was posted in accordance with the applicable legal requirements. Regular and Adjourned Regular meeting agendas may be amended up to 72 hours and Special meeting agendas may be amended up to 24 hours in advance of the meeting.

Dated this 4th day of November, 2021.

By: _____/s/_____
Lisa Pope, City Clerk

Joint Special Business and Industry Commission and Green Vernon Commission Agenda Item Report

Agenda Item No. COV-850-2021
Submitted by: Veronica Petrosyan

Submitting Department: Health and Environmental Control Department
Meeting Date: November 9, 2021

SUBJECT

Mandatory Organic Waste Disposal Reduction Ordinance

Recommendation:

Discuss Senate Bill 1383 (SB 1383) requirements and the City's Solid Waste Management Program, in consideration of comments and feedback received from the Business and Industry Commission and Green Vernon Commission SB 1383 Waste Hauler Temporary Ad Hoc Committees; and recommend that the City Council adopt a Mandatory Organic Waste Disposal Reduction Ordinance.

Background:

Senate Bill 1383 (SB 1383) establishes methane emissions reduction targets in a statewide effort to reduce emissions of short-lived climate pollutants in various sectors of California's economy. Actions to reduce short-lived climate pollutants are essential to address the many impacts of climate change on human health, and on the environment. Targets to achieve a 50 percent reduction in level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025 are components of SB 1383. The California Department of Resources Recycling and Recovery (CalRecycle) has been tasked with managing the organic waste disposal reduction targets, and establishes an additional target that not less than 20 percent of currently disposed edible food is recovered for human consumption by 2025. SB 1383 will further support California's efforts to achieve the statewide 75 percent recycling goal by 2020 (established by Assembly Bill 341), and strengthen the implementation of mandatory commercial organics recycling (established by Assembly Bill 1826).

SB 1383 requires all jurisdictions (including the City of Vernon) to adopt an enforceable ordinance to implement the Short-Lived Climate Pollutants: Organics Waste Reduction regulations set forth by CalRecycle as well as a food recovery program. The legislation requires all California jurisdictions to implement mandatory organic recycling programs aimed at single-family residential, multi-family residential, and commercial solid waste generators. The law grants CalRecycle the regulatory authority to oversee the implementation of local programs, the ability to monitor performance, and to levy penalties against the jurisdiction for non-compliance.

On June 16, 2021, at a Joint Special Meeting of the Business and Industry Commission (BIC) and Green Vernon Commission (GVC), the Commissions established a BIC SB 1383 Waste Hauler Temporary Ad Hoc Committee and a GVC SB 1383 Waste Hauler Temporary Ad Hoc Committee for the purpose of facilitating discussion with City staff on the limited matter of the City's SB 1383 Solid Waste Management Program and the consolidation of waste hauling enterprises in Vernon. In an effort to obtain feedback from the Ad Hoc Committees, the Health and Environmental Control Department (HECD) provided the respective members a draft Mandatory Organic Waste Disposal Reduction Ordinance (Mandatory OWDR Ordinance) (Attachment 1) and ordinance highlights (Attachment 2) for review. The draft ordinance reviewed by the Ad Hoc Committee members is CalRecycle's model ordinance, and is being utilized to ensure that all applicable mandatory recycling laws are addressed.

The resulting findings of the Ad Hoc Committees' review will be presented at the Special Joint BIC and GVC meeting scheduled for November 9, 2021. Following feedback from the BIC and GVC and any additional analysis/review required from staff, a Mandatory OWDR Ordinance for the City will, ultimately, be presented to City Council for their review and adoption. Once adopted, the ordinance will enforce SB 1383 requirements for collecting and recycling of food waste and green waste by residents and businesses.

City Staff Recommendation

Staff is recommending a two-container collection method. This recommendation is based on maximizing space at multi-tenant businesses to comply with requirements. Additionally, the method is expected to achieve a higher rate of compliance among generators due to the ease of the two-bin system, and the likelihood generators will place waste in the correct bins.

The proposed recycling program closely resembles that to which Vernon residents and businesses are currently accustomed, and provides less disruption for current operations among businesses and franchised haulers.

GVC and BIC Ad Hoc Committees' Feedback

The proposed ordinance was shared with the BIC and GVC Ad Hoc Committees for review and comments. The general feedback received from the Ad Hoc Committees is as follows:

- Include an exemption in the ordinance for small businesses based on SB 1383 waiver criteria.
- Provide compliance deadlines for all section requirements.
- Include an additional tier of violations to account for businesses of all sizes.
- Include language to distinguish materials identified for rendering.
- Concerns about remote monitoring program.

Additionally, Ad Hoc Committee Members requested clarification on certain elements and definitions contained within the ordinance. Included in the City's SB 1383 implementation plan is an educational component which will aid the community in their efforts to comply with new recycling mandates.

City staff recommends that the BIC and GVC deliberate on matters proposed in the draft Mandatory OWDR Ordinance and offer feedback. Staff will ultimately present the City's Mandatory OWDR Ordinance to the Vernon City Council at an upcoming meeting for review and adoption.

It should be noted that the HECD presented information on SB 1383 to the GVC at its December 16, 2020 and June 16, 2021 meetings. In addition, staff provided presentations to the City Council and the BIC, and hosted two town hall meetings to share information on the City's SB 1383 implementation plan including recommendations from the Department to align the City with the targets set forth by SB 1383.

Also, after further consideration, City staff has determined that a consolidation of waste hauler enterprises in the City is not necessary at this time. The City's proposed ordinance to implement SB 1383 requirements in Vernon is separate from the waste hauler discussion.

Fiscal Impact:

There is no fiscal impact associated with this report.

Attachments:

1. [Mandatory Organic Waste Disposal Reduction Ordinance](#)
2. [Mandatory Organic Waste Disposal Reduction Ordinance Highlights](#)

MANDATORY ORGANIC WASTE DISPOSAL REDUCTION ORDINANCE

(STANDARD BASED APPROACH – TWO CONTAINER – BLUE/GRAY)

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1 **MODEL MANDATORY ORGANIC WASTE**
2 **DISPOSAL REDUCTION ORDINANCE**

3 **SECTION 1. PURPOSE AND FINDINGS**

4 The City of Vernon finds and declares:

- 5 (a) State recycling law, Assembly Bill 939 of 1989, the California Integrated Waste
6 Management Act of 1989 (California Public Resources Code Section 40000, et
7 seq., as amended, supplemented, superseded, and replaced from time to time),
8 requires cities and counties to reduce, reuse, and recycle (including composting)
9 Solid Waste generated in the City of Vernon to the maximum extent feasible before
10 any incineration or landfill disposal of waste, to conserve water, energy, and other
11 natural resources, and to protect the environment.
- 12 (b) State recycling law, Assembly Bill 341 of 2011 (approved by the Governor of the
13 State of California on October 5, 2011, which amended Sections 41730, 41731,
14 41734, 41735, 41736, 41800, 42926, 44004, and 50001 of, and added Sections
15 40004, 41734.5, and 41780.01 and Chapter 12.8 (commencing with Section
16 42649) to Part 3 of Division 30 of, and added and repealed Section 41780.02 of,
17 the Public Resources Code, as amended, supplemented, superseded and
18 replaced from time to time), places requirements on businesses and Multi-Family
19 property owners that generate a specified threshold amount of Solid Waste to
20 arrange for recycling services and requires City of Vernon to implement a
21 Mandatory Commercial Recycling program.
- 22 (c) State organics recycling law, Assembly Bill 1826 of 2014 (approved by the
23 Governor of the State of California on September 28, 2014, which added Chapter
24 12.9 (commencing with Section 42649.8) to Part 3 of Division 30 of the Public
25 Resources Code, relating to Solid Waste, as amended, supplemented,
26 superseded, and replaced from time to time), requires businesses and Multi-Family
27 property owners that generate a specified threshold amount of Solid Waste,
28 Recycling, and Organic Waste per week to arrange for recycling services for that
29 waste, requires City of Vernon to implement a recycling program to divert Organic
30 Waste from businesses subject to the law, and requires City of Vernon to to
31 implement a Mandatory Commercial Organics Recycling program.
- 32 (d) SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires
33 CalRecycle to develop regulations to reduce organics in landfills as a source of
34 methane. The regulations place requirements on multiple entities including City of
35 Vernon, residential households, Commercial Businesses and business owners,
36 Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery
37 Organizations, and Food Recovery Services to support achievement of Statewide
38 Organic Waste disposal reduction targets.

- 39 (e) SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires City of
40 Vernon to adopt and enforce an ordinance or enforceable mechanism to
41 implement relevant provisions of SB 1383 Regulations. This ordinance will also
42 help reduce food insecurity by requiring Commercial Edible Food Generators to
43 arrange to have the maximum amount of their Edible Food, that would otherwise
44 be disposed, be recovered for human consumption.
- 45 (f) Requirements in this ordinance are consistent with other adopted goals and
46 policies of the City of Vernon.

47 **SECTION 2. MANDATORY ORGANIC WASTE DISPOSAL REDUCTION** 48 **ORDINANCE**

49 This chapter shall be entitled “Mandatory Organic Waste Disposal Reduction Ordinance”.

50 **SECTION 3. DEFINITIONS**

- 51 (a) “Blue Container” has the same meaning as in 14 CCR Section 18982.2(a)(5) and
52 shall be used for the purpose of storage and collection of Source Separated
53 Recyclable Materials or Source Separated Blue Container Organic Waste.
- 54 (b) “CalRecycle” means California's Department of Resources Recycling and
55 Recovery, which is the Department designated with responsibility for developing,
56 implementing, and enforcing SB 1383 Regulations on City of Vernon.
- 57 (c) “California Code of Regulations” or “CCR” means the State of California Code of
58 Regulations. CCR references in this ordinance are preceded with a number that
59 refers to the relevant Title of the CCR (e.g., “14 CCR” refers to Title 14 of CCR).
- 60 (d) “Commercial Business” or “Commercial” means a firm, partnership, proprietorship,
61 joint-stock company, corporation, or association, whether for-profit or nonprofit,
62 strip mall, industrial facility, or a multifamily residential dwelling, or as otherwise
63 defined in 14 CCR Section 18982(a)(6). A Multi-Family Residential Dwelling that
64 consists of fewer than five (5) units is not a Commercial Business for purposes of
65 implementing this ordinance.
- 66 (e) “Commercial Edible Food Generator” includes a Tier One or a Tier Two
67 Commercial Edible Food Generator as defined in Sections 3(rrr) and 3(sss) of this
68 ordinance or as otherwise defined in 14 CCR Section 18982(a)(73) and (a)(74).
69 For the purposes of this definition, Food Recovery Organizations and Food
70 Recovery Services are not Commercial Edible Food Generators pursuant to 14
71 CCR Section 18982(a)(7).
- 72 (f) “Compliance Review” means a review of records by a City of Vernon to determine
73 compliance with this ordinance.

- 74 (g) “Community Composting” means any activity that composts green material,
75 agricultural material, food material, and vegetative food material, alone or in
76 combination, and the total amount of feedstock and Compost on-site at any one
77 time does not exceed 100 cubic yards and 750 square feet, as specified in 14 CCR
78 Section 17855(a)(4); or, as otherwise defined by 14 CCR Section 18982(a)(8).
- 79 (h) “Compost” has the same meaning as in 14 CCR Section 17896.2(a)(4), which
80 stated, as of the effective date of this ordinance, that “Compost” means the product
81 resulting from the controlled biological decomposition of organic Solid Wastes that
82 are Source Separated from the municipal Solid Waste stream, or which are
83 separated at a centralized facility.
- 84 (i) “Compostable Plastics” or “Compostable Plastic” means plastic materials that
85 meet the ASTM D6400 standard for compostability, or as otherwise described in
86 14 CCR Section 18984.1(a)(1)(A) or 18984.2(a)(1)(C).
- 87 (j) “Container Contamination” or “Contaminated Container” means a container,
88 regardless of color, that contains Prohibited Container Contaminants, or as
89 otherwise defined in 14 CCR Section 18982(a)(55).
- 90 (k) “C&D” means construction and demolition debris.
- 91 (l) “Designated Source Separated Organic Waste Facility”, as defined in 14 CCR
92 Section 18982(14.5), means a Solid Waste facility that accepts a Source
93 Separated Organic Waste collection stream as defined in 14 CCR Section
94 17402(a)(26.6) and complies with one of the following:
- 95 (1) The facility is a “transfer/processor,” as defined in 14 CCR Section
96 18815.2(a)(62), that is in compliance with the reporting requirements of 14
97 CCR Section 18815.5(d), and meets or exceeds an annual average Source
98 Separated organic content Recovery rate of 50 percent between January 1,
99 2022 and December 31, 2024 and 75 percent on and after January 1, 2025
100 as calculated pursuant to 14 CCR Section 18815.5(f) for Organic Waste
101 received from the Source Separated Organic Waste collection stream.
- 102 (A) If a transfer/processor has an annual average Source Separated
103 organic content Recovery rate lower than the rate required in
104 Paragraph 1 of this definition for two (2) consecutive reporting
105 periods, or three (3) reporting periods within three (3) years, the
106 facility shall not qualify as a “Designated Source Separated Organic
107 Waste Facility”.
- 108 (2) The facility is a “composting operation” or “composting facility” as defined in
109 14 CCR Section 18815.2(a)(13), that pursuant to the reports submitted
110 under 14 CCR Section 18815.7 demonstrates that the percent of the
111 material removed for landfill disposal that is Organic Waste is less than the
112 percent specified in 14 CCR Section 17409.5.8(c)(2) or 17409.5.8(c)(3),

113 whichever is applicable, and, if applicable, complies with the digestate
114 handling requirements specified in 14 CCR Section 17896.5.

115 (A) If the percent of the material removed for landfill disposal that is
116 Organic Waste is more than the percent specified in 14 CCR Section
117 17409.5.8(c)(2) or 17409.5.8(c)(3), for two (2) consecutive reporting
118 periods, or three (3) reporting periods within three (3) years, the
119 facility shall not qualify as a “Designated Source Separated Organic
120 Waste Facility.” For the purposes of this ordinance, the reporting
121 periods shall be consistent with those defined in 14 CCR Section
122 18815.2(a)(49).

123 (m) “Edible Food” means food intended for human consumption, or as otherwise
124 defined in 14 CCR Section 18982(a)(18). For the purposes of this ordinance or as
125 otherwise defined in 14 CCR Section 18982(a)(18), “Edible Food” is not Solid
126 Waste if it is recovered and not discarded. Nothing in this ordinance or in 14 CCR,
127 Division 7, Chapter 12 requires or authorizes the Recovery of Edible Food that
128 does not meet the food safety requirements of the California Retail Food Code.

129 (n) “Enforcement Action” means an action of the City of Vernon to address non-
130 compliance with this ordinance including, but not limited to, issuing administrative
131 citations, fines, penalties, or using other remedies.

132 (o) “Excluded Waste” means hazardous substance, hazardous waste, infectious
133 waste, designated waste, volatile, corrosive, medical waste, infectious, regulated
134 radioactive waste, and toxic substances or material that facility operator(s), which
135 receive materials from the City of Vernon and its generators, reasonably believe(s)
136 would, as a result of or upon acceptance, transfer, processing, or disposal, be a
137 violation of local, State, or Federal law, regulation, or ordinance, including: land
138 use restrictions or conditions, waste that cannot be disposed of in Class III landfills
139 or accepted at the facility by permit conditions, waste that in City of Vernon, or its
140 Designee’s reasonable opinion would present a significant risk to human health or
141 the environment, cause a nuisance or otherwise create or expose City of Vernon,
142 or its Designee, to potential liability; but not including de minimis volumes or
143 concentrations of waste of a type and amount normally found in Single-Family or
144 Multi-Family Solid Waste after implementation of programs for the safe collection,
145 processing, recycling, treatment, and disposal of batteries and paint in compliance
146 with Sections 41500 and 41802 of the California Public Resources Code. Excluded
147 Waste does not include used motor oil and filters, household batteries, universal
148 wastes, and/or latex paint when such materials are defined as allowable materials
149 for collection through the City of Vernon’s collection programs and the generator
150 or customer has properly placed the materials for collection pursuant to
151 instructions provided by City of Vernon or its Designee for collection services.

152 (p) “Food Distributor” means a company that distributes food to entities including, but
153 not limited to, Supermarkets and Grocery Stores, or as otherwise defined in 14
154 CCR Section 18982(a)(22).

155 (q) "Food Facility" has the same meaning as in Section 113789 of the Health and
156 Safety Code.

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

160 (s) "Food Recovery Organization" means an entity that engages in the collection or
161 receipt of Edible Food from Commercial Edible Food Generators and distributes
162 that Edible Food to the public for Food Recovery either directly or through other
163 entities or as otherwise defined in 14 CCR Section 18982(a)(25), including, but not
164 limited to:

165 (1) A food bank as defined in Section 113783 of the Health and Safety Code;

166 (2) A nonprofit charitable organization as defined in Section 113841 of the
167 Health and Safety code; and,

168 (3) A nonprofit charitable temporary food facility as defined in Section 113842
169 of the Health and Safety Code.

170 A Food Recovery Organization is not a Commercial Edible Food Generator for the
171 purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12
172 pursuant to 14 CCR Section 18982(a)(7).

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

176 (t) "Food Recovery Service" means a person or entity that collects and transports
177 Edible Food from a Commercial Edible Food Generator to a Food Recovery
178 Organization or other entities for Food Recovery, or as otherwise defined in 14
179 CCR Section 18982(a)(26). A Food Recovery Service is not a Commercial Edible
180 Food Generator for the purposes of this ordinance and implementation of 14 CCR,
181 Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).

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

186 (v) "Food Service Provider" means an entity primarily engaged in providing food
187 services to institutional, governmental, Commercial, or industrial locations of
188 others based on contractual arrangements with these types of organizations, or as
189 otherwise defined in 14 CCR Section 18982(a)(27).

- 190 (w) “Food-Soiled Paper” is compostable paper material that has come in contact with
191 food or liquid, such as, but not limited to, compostable paper plates, paper coffee
192 cups, napkins, pizza boxes, and milk cartons.
- 193 (x) “Food Waste” means Food Scraps, Food-Soiled Paper, and Compostable Plastics.
- 194 (y) “Gray Container” has the same meaning as in 14 CCR Section 18982.2(a)(28) and
195 shall be used for the purpose of storage and collection of Mixed Waste.
- 196 (z) “Grocery Store” means a store primarily engaged in the retail sale of canned food;
197 dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area
198 that is not separately owned within the store where the food is prepared and
199 served, including a bakery, deli, and meat and seafood departments, or as
200 otherwise defined in 14 CCR Section 18982(a)(30).
- 201 (aa) “Hauler Route” means the designated itinerary or sequence of stops for each
202 segment of the City of Vernon’s collection service area, or as otherwise defined in
203 14 CCR Section 18982(a)(31.5).
- 204 (bb) “High Diversion Organic Waste Processing Facility” means a facility that is in
205 compliance with the reporting requirements of 14 CCR Section 18815.5(d) and
206 meets or exceeds an annual average Mixed Waste organic content Recovery rate
207 of 50 percent between January 1, 2022 and December 31, 2024, and 75 percent
208 after January 1, 2025, as calculated pursuant to 14 CCR Section 18815.5(e) for
209 Organic Waste received from the “Mixed waste organic collection stream” as
210 defined in 14 CCR Section 17402(a)(11.5); or, as otherwise defined in 14 CCR
211 Section 18982(a)(33).
- 212 (cc) “Inspection” means a site visit where a City of Vernon reviews records, containers,
213 and an entity’s collection, handling, recycling, or landfill disposal of Organic Waste
214 or Edible Food handling to determine if the entity is complying with requirements
215 set forth in this ordinance, or as otherwise defined in 14 CCR Section
216 18982(a)(35).
- 217 (dd) “City of Vernon” means City of Vernon.
- 218 (ee) “City of Vernon Enforcement Official” means the city administrator, or other
219 executive in charge or their authorized Designee(s) who are responsible for
220 enforcing the ordinance.
- 221 (ff) “Large Event” means an event, including, but not limited to, a sporting event or a
222 flea market, that charges an admission price, or is operated by a local agency, and
223 serves an average of more than 2,000 individuals per day of operation of the event,
224 at a location that includes, but is not limited to, a public, nonprofit, or privately
225 owned park, parking lot, golf course, street system, or other open space when
226 being used for an event. If the definition in 14 CCR Section 18982(a)(38) differs
227 from this definition, the definition in 14 CCR Section 18982(a)(38) shall apply to
228 this ordinance.

- 229 (gg) “Large Venue” means a permanent venue facility that annually seats or serves an
230 average of more than 2,000 individuals within the grounds of the facility per day of
231 operation of the venue facility. For purposes of this ordinance and implementation
232 of 14 CCR, Division 7, Chapter 12, a venue facility includes, but is not limited to, a
233 public, nonprofit, or privately owned or operated stadium, amphitheater, arena,
234 hall, amusement park, conference or civic center, zoo, aquarium, airport,
235 racetrack, horse track, performing arts center, fairground, museum, theater, or
236 other public attraction facility. For purposes of this ordinance and implementation
237 of 14 CCR, Division 7, Chapter 12, a site under common ownership or control that
238 includes more than one Large Venue that is contiguous with other Large Venues
239 in the site, is a single Large Venue. If the definition in 14 CCR Section 18982(a)(39)
240 differs from this definition, the definition in 14 CCR Section 18982(a)(39) shall
241 apply to this ordinance.
- 242 (hh) “Local Education Agency” means a school district, charter school, or county office
243 of education that is not subject to the control of city or county regulations related
244 to Solid Waste, or as otherwise defined in 14 CCR Section 18982(a)(40).
- 245 (ii) “Mixed Waste Organic Collection Stream” or “Mixed Waste” means Organic Waste
246 collected in a container that is required by 14 CCR Sections 18984.1, 18984.2 or
247 18984.3 to be taken to a High Diversion Organic Waste Processing Facility or as
248 otherwise defined in 14 CCR Section 17402(a)(11.5).
- 249 (jj) “Multi-Family Residential Dwelling” or “Multi-Family” means of, from, or pertaining
250 to residential premises with five (5) or more dwelling units. Multi-Family premises
251 do not include hotels, motels, or other transient occupancy facilities, which are
252 considered Commercial Businesses.
- 253 (kk) “MWELO” refers to the Model Water Efficient Landscape Ordinance (MWELO), 23
254 CCR, Division 2, Chapter 2.7.
- 255 (ll) “Non-Compostable Paper” includes but is not limited to paper that is coated in a
256 plastic material that will not breakdown in the composting process, or as otherwise
257 defined in 14 CCR Section 18982(a)(41).
- 258 (mm) “Non-Organic Recyclables” means non-putrescible and non-hazardous recyclable
259 wastes including but not limited to bottles, cans, metals, plastics and glass, or as
260 otherwise defined in 14 CCR Section 18982(a)(43).
- 261 (nn) “Notice of Violation (NOV)” means a notice that a violation has occurred that
262 includes a compliance date to avoid an action to seek penalties, or as otherwise
263 defined in 14 CCR Section 18982(a)(45) or further explained in 14 CCR Section
264 18995.4.
- 265 (oo) “Organic Waste” means Solid Wastes containing material originated from living
266 organisms and their metabolic waste products, including but not limited to food,
267 green material, landscape and pruning waste, organic textiles and carpets, lumber,
268 wood, Paper Products, Printing and Writing Paper, manure, biosolids, digestate,

- 269 and sludges or as otherwise defined in 14 CCR Section 18982(a)(46). Biosolids
270 and digestate are as defined by 14 CCR Section 18982(a).
- 271 (pp) “Organic Waste Generator” means a person or entity that is responsible for the
272 initial creation of Organic Waste, or as otherwise defined in 14 CCR Section
273 18982(a)(48).
- 274 (qq) “Paper Products” include, but are not limited to, paper janitorial supplies, cartons,
275 wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and
276 toweling, or as otherwise defined in 14 CCR Section 18982(a)(51).
- 277 (rr) “Printing and Writing Papers” include, but are not limited to, copy, xerographic,
278 watermark, cotton fiber, offset, forms, computer printout paper, white wove
279 envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint,
280 and other uncoated writing papers, posters, index cards, calendars, brochures,
281 reports, magazines, and publications, or as otherwise defined in 14 CCR Section
282 18982(a)(54).
- 283 (ss) “Prohibited Container Contaminants”
- 284 (1) Two-container (blue/gray) collection service for Source Separated
285 Recyclable Materials and mixed materials): “Prohibited Container
286 Contaminants” means the following: (i) discarded materials placed in a Blue
287 Container that are not identified as acceptable Source Separated
288 Recyclable Materials for City of Vernon’s Blue Container; (ii) discarded
289 materials placed in the Gray Container that are identified as acceptable
290 Source Separated Recyclable Materials, which are to be separately
291 collected in City of Vernon’s Blue Container; and, (iii) Excluded Waste
292 placed in any container.
- 293 (tt) “Recovered Organic Waste Products” means products made from California,
294 landfill-diverted recovered Organic Waste processed in a permitted or otherwise
295 authorized facility, or as otherwise defined in 14 CCR Section 18982(a)(60).
- 296 (uu) “Recovery” means any activity or process described in 14 CCR Section
297 18983.1(b), or as otherwise defined in 14 CCR Section 18982(a)(49).
- 298 (vv) “Recycled-Content Paper” means Paper Products and Printing and Writing Paper
299 that consists of at least 30 percent, by fiber weight, postconsumer fiber, or as
300 otherwise defined in 14 CCR Section 18982(a)(61).
- 301 (ww) “Regional Agency” means regional agency as defined in Public Resources Code
302 Section 40181.
- 303 (xx) “Remote Monitoring” means the use of the internet of things (IoT) and/or wireless
304 electronic devices to visualize the contents of Blue Containers and Gray
305 Containers for purposes of identifying the quantity of materials in containers (level
306 of fill) and/or presence of Prohibited Container Contaminants.

- 307 (yy) “Renewable Gas” means gas derived from Organic Waste that has been diverted
 308 from a California landfill and processed at an in-vessel digestion facility that is
 309 permitted or otherwise authorized by 14 CCR to recycle Organic Waste, or as
 310 otherwise defined in 14 CCR Section 18982(a)(62).
- 311 (zz) “Restaurant” means an establishment primarily engaged in the retail sale of food
 312 and drinks for on-premises or immediate consumption, or as otherwise defined in
 313 14 CCR Section 18982(a)(64).
- 314 (aaa) “Route Review” means a visual Inspection of containers along a Hauler Route for
 315 the purpose of determining Container Contamination, and may include mechanical
 316 Inspection methods such as the use of cameras, or as otherwise defined in 14
 317 CCR Section 18982(a)(65).
- 318 (bbb) “SB 1383” means Senate Bill 1383 of 2016 approved by the Governor on
 319 September 19, 2016, which added Sections 39730.5, 39730.6, 39730.7, and
 320 39730.8 to the Health and Safety Code, and added Chapter 13.1 (commencing
 321 with Section 42652) to Part 3 of Division 30 of the Public Resources Code,
 322 establishing methane emissions reduction targets in a Statewide effort to reduce
 323 emissions of short-lived climate pollutants as amended, supplemented,
 324 superseded, and replaced from time to time.
- 325 (ccc) “SB 1383 Regulations” or “SB 1383 Regulatory” means or refers to, for the
 326 purposes of this ordinance, the Short-Lived Climate Pollutants: Organic Waste
 327 Reduction regulations developed by CalRecycle and adopted in 2020 that created
 328 14 CCR, Division 7, Chapter 12 and amended portions of regulations of 14 CCR
 329 and 27 CCR.
- 330 (ddd) “Self-Hauler” means a person, who hauls Solid Waste, Organic Waste or
 331 recyclable material he or she has generated to another person. Self-hauler also
 332 includes a person who back-hauls waste, or as otherwise defined in 14 CCR
 333 Section 18982(a)(66). Back-haul means generating and transporting Organic
 334 Waste to a destination owned and operated by the generator using the generator’s
 335 own employees and equipment, or as otherwise defined in 14 CCR Section
 336 18982(a)(66)(A).
- 337 (eee) “Single-Family” means of, from, or pertaining to any residential premises with fewer
 338 than five (5) units.
- 339 (fff) “Solid Waste” has the same meaning as defined in State Public Resources Code
 340 Section 40191, which defines Solid Waste as all putrescible and nonputrescible
 341 solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper,
 342 rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned
 343 vehicles and parts thereof, discarded home and industrial appliances, dewatered,
 344 treated, or chemically fixed sewage sludge which is not hazardous waste, manure,
 345 vegetable or animal solid and semi-solid wastes, and other discarded solid and

346 semisolid wastes, with the exception that Solid Waste does not include any of the
347 following wastes:

348 (1) Hazardous waste, as defined in the State Public Resources Code Section
349 40141.

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

353 (3) Medical waste regulated pursuant to the State Medical Waste Management
354 Act (Part 14 (commencing with Section 117600) of Division 104 of the State
355 Health and Safety Code). Untreated medical waste shall not be disposed of
356 in a Solid Waste landfill, as defined in State Public Resources Code Section
357 40195.1. Medical waste that has been treated and deemed to be Solid
358 Waste shall be regulated pursuant to Division 30 of the State Public
359 Resources Code.

360 (ggg) "Source Separated" means materials, including commingled recyclable materials,
361 that have been separated or kept separate from the Solid Waste stream, at the
362 point of generation, for the purpose of additional sorting or processing those
363 materials for recycling or reuse in order to return them to the economic mainstream
364 in the form of raw material for new, reused, or reconstituted products, which meet
365 the quality standards necessary to be used in the marketplace, or as otherwise
366 defined in 14 CCR Section 17402.5(b)(4). For the purposes of the ordinance,
367 Source Separated shall include separation of materials by the generator, property
368 owner, property owner's employee, property manager, or property manager's
369 employee into different containers for the purpose of collection such that Source
370 Separated materials are separated from Mixed Waste or other Solid Waste for the
371 purposes of collection and processing.

372 (hhh) "Source Separated Blue Container Organic Waste" means Source Separated
373 Organic Wastes that can be placed in a Blue Container that is limited to the
374 collection of those Organic Wastes and Non-Organic Recyclables as defined in
375 Section 18982(a)(43), or as otherwise defined by Section 17402(a)(18.7).

376 (iii) "Source Separated Recyclable Materials" means Source Separated Non-Organic
377 Recyclables and Source Separated Blue Container Organic Waste.

378 (jjj) "State" means the State of California.

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

383 (III) "Tier One Commercial Edible Food Generator" means a Commercial Edible Food
384 Generator that is one of the following:

- 385 (1) Supermarket.
- 386 (2) Grocery Store with a total facility size equal to or greater than 10,000 square
387 feet.
- 388 (3) Food Service Provider.
- 389 (4) Food Distributor.
- 390 (5) Wholesale Food Vendor.
- 391 If the definition in 14 CCR Section 18982(a)(73) of Tier One Commercial Edible
392 Food Generator differs from this definition, the definition in 14 CCR Section
393 18982(a)(73) shall apply to this ordinance.
- 394 (mmm) "Tier Two Commercial Edible Food Generator" means a Commercial Edible
395 Food Generator that is one of the following:
- 396 (1) Restaurant with 250 or more seats, or a total facility size equal to or greater
397 than 5,000 square feet.
- 398 (2) Hotel with an on-site Food Facility and 200 or more rooms.
- 399 (3) Health facility with an on-site Food Facility and 100 or more beds.
- 400 (4) Large Venue.
- 401 (5) Large Event.
- 402 (6) A State agency with a cafeteria with 250 or more seats or total cafeteria
403 facility size equal to or greater than 5,000 square feet.
- 404 (7) A Local Education Agency facility with an on-site Food Facility.
- 405 If the definition in 14 CCR Section 18982(a)(74) of Tier Two Commercial Edible
406 Food Generator differs from this definition, the definition in 14 CCR Section
407 18982(a)(74) shall apply to this ordinance.
- 408 (nnn) "Uncontainerized Green Waste and Yard Waste Collection Service" or
409 "Uncontainerized Service" means a collection service that collects green waste
410 and yard waste that is placed in a pile or bagged for collection on the street in front
411 of a generator's house or place of business for collection and transport to a facility
412 that recovers Source Separated Organic Waste, or as otherwise defined in 14 CCR
413 Section 189852(a)(75).
- 414 (ooo) "Wholesale Food Vendor" means a business or establishment engaged in the
415 merchant wholesale distribution of food, where food (including fruits and
416 vegetables) is received, shipped, stored, prepared for distribution to a retailer,

417 warehouse, distributor, or other destination, or as otherwise defined in 14 CCR
418 Section 189852(a)(76).

419 **SECTION 4. REQUIREMENTS FOR SINGLE-FAMILY GENERATORS**

420 Single-Family Organic Waste Generators shall comply with the following requirements:

421 (a) Shall subscribe to City of Vernon’s Organic Waste collection services for all
422 Organic Waste generated as described below in Section 4(b). City of Vernon shall
423 have the right to review the number and size of a generator’s containers to evaluate
424 adequacy of capacity provided for each type of collection service for proper
425 separation of materials and containment of materials; and, Single-Family
426 generators shall adjust its service level for its collection services as requested by
427 the City of Vernon. Generators may additionally manage their Organic Waste by
428 preventing or reducing their Organic Waste, managing Organic Waste on site,
429 and/or using a Community Composting site pursuant to 14 CCR Section
430 18984.9(c).

431 (b) Shall participate in the City of Vernon’s Organic Waste collection service by placing
432 designated materials in designated containers as described below, and shall not
433 place Prohibited Container Contaminants in collection containers.

434 (1) Two-container collection service (Blue Container/Gray Container system)

435 (a) Blue Container/Gray Container: Generator shall place only Source
436 Separated Recyclable Materials in a Blue Container. Generator shall
437 place all other materials (Mixed Waste) in a Gray Container.

438 **SECTION 5. REQUIREMENTS FOR COMMERCIAL BUSINESSES**

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

441 (a) Subscribe to City of Vernon’s two-container collection services and comply with
442 requirements of those services as described below. City of Vernon shall have the
443 right to review the number and size of a generator’s containers and frequency of
444 collection to evaluate adequacy of capacity provided for each type of collection
445 service for proper separation of materials and containment of materials; and,
446 Commercial Businesses shall adjust their service level for their collection services
447 as requested by the City of Vernon.

448 (b) Participate in the City of Vernon’s Organic Waste collection service by placing
449 designated materials in designated containers as described below.

450 (1) Two-container collection service (Blue Container/Gray Container system)

- 451 (A) Blue Container/Gray Containers: Generator shall place only Source
452 Separated Recyclable Materials in a Blue Container. Generator shall
453 place all other materials (Mixed Waste) in a Gray Container.
- 454 (c) Supply and allow access to adequate number, size and location of collection
455 containers with sufficient labels or colors (conforming with Sections 5(d)(1) and
456 5(d)(2) below) for employees, contractors, tenants, and customers, consistent with
457 City of Vernon's Blue Container, and Gray Container collection service.
- 458 (d) Excluding Multi-Family Residential Dwellings, provide containers for the collection
459 of Source Separated Recyclable Materials in all indoor and outdoor areas where
460 disposal containers are provided for customers, for materials generated by that
461 business. Such containers do not need to be provided in restrooms. If a
462 Commercial Business does not generate any of the materials that would be
463 collected in one type of container, then the business does not have to provide that
464 particular container in all areas where disposal containers are provided for
465 customers. Pursuant to 14 CCR Section 18984.9(b), the containers provided by
466 the business shall have either:
- 467 (1) A body or lid that conforms with the container colors provided through the
468 collection service provided by City of Vernon, with either lids conforming to
469 the color requirements or bodies conforming to the color requirements or
470 both lids and bodies conforming to color requirements. A Commercial
471 Business is not required to replace functional containers, including
472 containers purchased prior to January 1, 2022, that do not comply with the
473 requirements of the subsection prior to the end of the useful life of those
474 containers, or prior to January 1, 2036, whichever comes first.
- 475 (2) Container labels that include language or graphic images, or both, indicating
476 the primary material accepted and the primary materials prohibited in that
477 container, or containers with imprinted text or graphic images that indicate
478 the primary materials accepted and primary materials prohibited in the
479 container. Pursuant 14 CCR Section 18984.8, the container labeling
480 requirements are required on new containers commencing January 1, 2022.
- 481 (e) Multi-Family Residential Dwellings are not required to comply with container
482 placement requirements or labeling requirement in Section 5(d) pursuant to 14
483 CCR Section 18984.9(b).
- 484 (f) To the extent practical through education, training, Inspection, and/or other
485 measures, excluding Multi-Family Residential Dwellings, prohibit employees from
486 placing materials in a container not designated for those materials per the City of
487 Vernon's Blue Container, and Gray Container collection service.
- 488 (g) Excluding Multi-Family Residential Dwellings, monthly inspect Blue Containers,
489 and Gray Containers for contamination and inform employees if containers are

490 contaminated and of the requirements to keep contaminants out of those
491 containers pursuant to 14 CCR Section 18984.9(b)(3).

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

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

499 (j) Provide or arrange access for City of Vernon or its agent to their properties during
500 all Inspections conducted in accordance with Section 12 of this ordinance to
501 confirm compliance with the requirements of this ordinance.

502 (k) Accommodate and cooperate with City of Vernon's Remote Monitoring program
503 for Inspection of the contents of containers for Prohibited Container Contaminants,
504 which may be implemented at a later date, to evaluate generator's compliance with
505 Section 5(b). The Remote Monitoring program shall involve installation of Remote
506 Monitoring equipment on or in the Blue Containers, and Gray Containers.

507 (l) At Commercial Business's option and subject to any approval required from the
508 City of Vernon, implement a Remote Monitoring program for Inspection of the
509 contents of its Blue Containers, and Gray Containers for the purpose of monitoring
510 the contents of containers to determine appropriate levels of service and to identify
511 Prohibited Container Contaminants. Generators may install Remote Monitoring
512 devices on or in the Blue Containers, and Gray Containers subject to written
513 notification to or approval by the City of Vernon.

514 (m) Nothing in this Section prohibits a generator from preventing or reducing waste
515 generation, managing Organic Waste on site, or using a Community Composting
516 site pursuant to 14 CCR Section 18984.9(c).

517 (n) Commercial Businesses that are Tier One or Tier Two Commercial Edible Food
518 Generators shall comply with Food Recovery requirements, pursuant to Section 6.

519 **SECTION 6. REQUIREMENTS FOR COMMERCIAL EDIBLE FOOD**
520 **GENERATORS**

521 (a) Tier One Commercial Edible Food Generators must comply with the requirements
522 of this Section 6 commencing January 1, 2022, and Tier Two Commercial Edible
523 Food Generators must comply commencing January 1, 2024, pursuant to 14 CCR
524 Section 18991.3.

525 (b) Large Venue or Large Event operators not providing food services, but allowing
526 for food to be provided by others, shall require Food Facilities operating at the

527 Large Venue or Large Event to comply with the requirements of this Section,
528 commencing January 1, 2024.

529 (c) Commercial Edible Food Generators shall comply with the following requirements:

530 (1) Arrange to recover the maximum amount of Edible Food that would
531 otherwise be disposed.

532 (2) Contract with, or enter into a written agreement with Food Recovery
533 Organizations or Food Recovery Services for: (i) the collection of Edible
534 Food for Food Recovery; or, (ii) acceptance of the Edible Food that the
535 Commercial Edible Food Generator self-hauls to the Food Recovery
536 Organization for Food Recovery.

537 (3) Shall not intentionally spoil Edible Food that is capable of being recovered
538 by a Food Recovery Organization or a Food Recovery Service.

539 (4) Allow City of Vernon's designated enforcement entity to access the
540 premises and review records pursuant to 14 CCR Section 18991.4.

541 (5) Keep records that include the following information, or as otherwise
542 specified in 14 CCR Section 18991.4:

543 (A) A list of each Food Recovery Service or organization that collects or
544 receives its Edible Food pursuant to a contract or written agreement
545 established under 14 CCR Section 18991.3(b).

546 (B) A copy of all contracts or written agreements established under 14
547 CCR Section 18991.3(b).

548 (C) A record of the following information for each of those Food Recovery
549 Services or Food Recovery Organizations:

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

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

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

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

559 (6) No later than _____ of each year (City of Vernon to insert date)
560 commencing no later than _____ for Tier One Commercial Edible Food

561 Generators and _____ for Tier Two Commercial Edible Food
562 Generators (City of Vernon to insert dates), provide an annual Food
563 Recovery report to the City of Vernon that includes the following information:

564 (A) Records as specified in Section 6(c)(5) of this ordinance or as
565 otherwise specified in 14 CCR Section 18991.4.

566 (B) Amount and type of Edible Food that was not accepted by Food
567 Recovery Organizations or services for donation.

568 (d) Nothing in this ordinance shall be construed to limit or conflict with the protections
569 provided by the California Good Samaritan Food Donation Act of 2017, the Federal
570 Good Samaritan Act, or share table and school food donation guidance pursuant
571 to Senate Bill 557 of 2017 (approved by the Governor of the State of California on
572 September 25, 2017, which added Article 13 [commencing with Section 49580] to
573 Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, and to amend
574 Section 114079 of the Health and Safety Code, relating to food safety, as
575 amended, supplemented, superseded and replaced from time to time).

576 **SECTION 7. REQUIREMENTS FOR FOOD RECOVERY**
577 **ORGANIZATIONS AND SERVICES**

578 (a) Food Recovery Services collecting or receiving Edible Food directly from
579 Commercial Edible Food Generators, via a contract or written agreement
580 established under 14 CCR Section 18991.3(b), shall maintain the following
581 records, or as otherwise specified by 14 CCR Section 18991.5(a)(1):

582 (1) The name, address, and contact information for each Commercial Edible
583 Food Generator from which the service collects Edible Food.

584 (2) The quantity in pounds of Edible Food collected from each Commercial
585 Edible Food Generator per month.

586 (3) The quantity in pounds of Edible Food transported to each Food Recovery
587 Organization per month.

588 (4) The name, address, and contact information for each Food Recovery
589 Organization that the Food Recovery Service transports Edible Food to for
590 Food Recovery.

591 (b) Food Recovery Organizations collecting or receiving Edible Food directly from
592 Commercial Edible Food Generators, via a contract or written agreement
593 established under 14 CCR Section 18991.3(b), shall maintain the following
594 records, or as otherwise specified by 14 CCR Section 18991.5(a)(2):

595 (1) The name, address, and contact information for each Commercial Edible
596 Food Generator from which the organization receives Edible Food.

- 597 (2) The quantity in pounds of Edible Food received from each Commercial
598 Edible Food Generator per month.
- 599 (3) The name, address, and contact information for each Food Recovery
600 Service that the organization receives Edible Food from for Food Recovery.
- 601 (c) Food Recovery Organizations and Food Recovery Services shall inform
602 generators about California and Federal Good Samaritan Food Donation Act
603 protection in written communications, such as in their contract or agreement
604 established under 14 CCR Section 18991.3(b).
- 605 (d) Food Recovery Organizations and Food Recovery Services that have their primary
606 address physically located in the City of Vernon and contract with or have written
607 agreements with one or more Commercial Edible Food Generators pursuant to 14
608 CCR Section 18991.3(b) shall report to the City of Vernon it is located in the total
609 pounds of Edible Food recovered in the previous calendar year from the Tier One
610 and Tier Two Commercial Edible Food Generators they have established a
611 contract or written agreement with pursuant to 14 CCR Section 18991.3(b) no later
612 than _____ (City of Vernon to insert date).

613 **SECTION 8. REQUIREMENTS FOR HAULERS AND FACILITY**
614 **OPERATORS**

- 615 (a) Requirements for Haulers
- 616 (1) Non-exclusive franchised haulers, Permitted haulers, or Licensed haulers
617 providing residential, Commercial, or industrial Organic Waste collection
618 services to generators within the City of Vernon's boundaries shall meet the
619 following requirements and standards as a condition of approval of a
620 contract, agreement, or other authorization with the City of Vernon to collect
621 Organic Waste:
- 622 (A) Through written notice to the City of Vernon annually on or before
623 _____ (City of Vernon to insert date), identify the facilities to which
624 they will transport Organic Waste including facilities for Source
625 Separated Recyclable Materials, and Mixed Waste.
- 626 (B) Transport Source Separated Recyclable Materials, and Mixed Waste
627 to a facility, operation, activity, or property that recovers Organic
628 Waste as defined in 14 CCR, Division 7, Chapter 12, Article 2.
- 629 (C) Obtain approval from the City of Vernon to haul Organic Waste,
630 unless it is transporting Source Separated Organic Waste to a
631 Community Composting site or lawfully transporting C&D in a
632 manner that complies with 14 CCR Section 18989.1, Section 9 of this
633 ordinance, and City of Vernon's C&D ordinance.

634 (2) Non-exclusive franchised haulers, Permitted haulers, or Licensed haulers
635 authorized to collect Organic Waste shall comply with education,
636 equipment, signage, container labeling, container color, contamination
637 monitoring, reporting, and other requirements contained within its franchise
638 agreement, contract, or other agreement entered into with City of Vernon.

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

640 (1) Owners of facilities, operations, and activities that recover Organic Waste,
641 including, but not limited to, Compost facilities, in-vessel digestion facilities,
642 and publicly-owned treatment works shall, upon City of Vernon request,
643 provide information regarding available and potential new or expanded
644 capacity at their facilities, operations, and activities, including information
645 about throughput and permitted capacity necessary for planning purposes.
646 Entities contacted by the City of Vernon shall respond within 60 days.

647 (2) Community Composting operators, upon City of Vernon request, shall
648 provide information to the City of Vernon to support Organic Waste capacity
649 planning, including, but not limited to, an estimate of the amount of Organic
650 Waste anticipated to be handled at the Community Composting operation.
651 Entities contacted by the City of Vernon shall respond within 60 days.

652 **SECTION 9. COMPLIANCE WITH CALGREEN RECYCLING**
653 **REQUIREMENTS**

654 (a) Persons applying for a permit from the City of Vernon for new construction and
655 building additions and alternations shall comply with the requirements of this
656 Section and all required components of the California Green Building Standards
657 Code, 24 CCR, Part 11, known as CALGreen, as amended, if its project is covered
658 by the scope of CALGreen or more stringent requirements of the City of Vernon. If
659 the requirements of CALGreen are more stringent then the requirements of this
660 Section, the CALGreen requirements shall apply.

661 Project applicants shall refer to City of Vernon's building and/or planning code for
662 complete CALGreen requirements.

663 (b) For projects covered by CALGreen or more stringent requirements of the City of
664 Vernon, the applicants must, as a condition of the City of Vernon's permit approval,
665 comply with the following:

666 (1) Where five (5) or more Multi-Family dwelling units are constructed on a
667 building site, provide readily accessible areas that serve occupants of all
668 buildings on the site and are identified for the storage and collection of Blue
669 Container materials, consistent with the two- container collection program
670 offered by the City of Vernon, or comply with provision of adequate space
671 for recycling for Multi-Family and Commercial premises pursuant to

672 Sections 4.408.1, 4.410.2, 5.408.1, and 5.410.1 of the California Green
673 Building Standards Code, 24 CCR, Part 11 as amended provided amended
674 requirements are more stringent than the CALGreen requirements for
675 adequate recycling space effective January 1, 2020. .

676 (2) New Commercial construction or additions resulting in more than 30% of
677 the floor area shall provide readily accessible areas identified for the storage
678 and collection of Blue Container materials, consistent with the two -
679 container collection program offered by the City of Vernon, or shall comply
680 with provision of adequate space for recycling for Multi-Family and
681 Commercial premises pursuant to Sections 4.408.1, 4.410.2, 5.408.1, and
682 5.410.1 of the California Green Building Standards Code, 24 CCR, Part 11
683 as amended provided amended requirements are more stringent than the
684 CALGreen requirements for adequate recycling space effective January 1,
685 2020.

686 (3) Comply with CALGreen requirements and applicable law related to
687 management of C&D, including diversion of Organic Waste in C&D from
688 disposal. Comply with City of Vernon's C&D ordinance, and all written and
689 published City of Vernon policies and/or administrative guidelines regarding
690 the collection, recycling, diversion, tracking, and/or reporting of C&D.

691 **SECTION 10. MODEL WATER EFFICIENT LANDSCAPING**
692 **ORDINANCE REQUIREMENTS**

693 (a) Property owners or their building or landscape designers, including anyone
694 requiring a building or planning permit, plan check, or landscape design review
695 from the City of Vernon, who are constructing a new (Single-Family, Multi-Family,
696 public, institutional, or Commercial) project with a landscape area greater than 500
697 square feet, or rehabilitating an existing landscape with a total landscape area
698 greater than 2,500 square feet, shall comply with Sections 492.6(a)(3)(B) (C), (D),
699 and (G) of the MWELO, including sections related to use of Compost and mulch
700 as delineated in this Section 10.

701 (b) The following Compost and mulch use requirements that are part of the MWELO
702 are now also included as requirements of this ordinance. Other requirements of
703 the MWELO are in effect and can be found in 23 CCR, Division 2, Chapter 2.7.

704 (c) Property owners or their building or landscape designers that meet the threshold
705 for MWELO compliance outlined in Section 10(a) above shall:

706 (1) Comply with Sections 492.6 (a)(3)(B)(C),(D) and (G) of the MWELO, which
707 requires the submittal of a landscape design plan with a soil preparation,
708 mulch, and amendments section to include the following:

709 (A) For landscape installations, Compost at a rate of a minimum of four
710 cubic yards per 1,000 square feet of permeable area shall be
711 incorporated to a depth of six (6) inches into the soil. Soils with
712 greater than six percent (6%) organic matter in the top six (6) inches
713 of soil are exempt from adding Compost and tilling.

714 (B) For landscape installations, a minimum three- (3-) inch layer of mulch
715 shall be applied on all exposed soil surfaces of planting areas except
716 in turf areas, creeping or rooting groundcovers, or direct seeding
717 applications where mulch is contraindicated. To provide habitat for
718 beneficial insects and other wildlife up to five percent (5%) of the
719 landscape area may be left without mulch. Designated insect habitat
720 must be included in the landscape design plan as such.

721 (C) Organic mulch materials made from recycled or post-consumer
722 materials shall take precedence over inorganic materials or virgin
723 forest products unless the recycled post-consumer organic products
724 are not locally available. Organic mulches are not required where
725 prohibited by local fuel modification plan guidelines or other
726 applicable local ordinances.

727 (2) The MWELo compliance items listed in this Section are not an inclusive list
728 of MWELo requirements; therefore, property owners or their building or
729 landscape designers that meet the threshold for MWELo compliance
730 outlined in Section 14(a) shall consult the full MWELo for all requirements.

731 (d) If, after the adoption of this ordinance, the California Department of Water
732 Resources, or its successor agency, amends 23 CCR, Division 2, Chapter 2.7,
733 Sections 492.6(a)(3)(B) (C), (D), and (G) of the MWWELo September 15, 2015
734 requirements in a manner that requires City of Vernon to incorporate the
735 requirements of an updated MWELo in a local ordinance, and the amended
736 requirements include provisions more stringent than those required in this Section,
737 the revised requirements of 23 CCR, Division 2, Chapter 2.7 shall be enforced.

738 **SECTION 11. PROCUREMENT REQUIREMENTS FOR CITY OF**
739 **VERNON DEPARTMENTS, DIRECT SERVICE PROVIDERS, AND**
740 **VENDORS**

741 (a) City of Vernon departments, and direct service providers to the City of Vernon, as
742 applicable, must comply with the City of Vernon’s Recovered Organic Waste
743 Product procurement policy adopted on _____ and Recycled-Content Paper
744 procurement policy adopted on _____.

745 (b) All vendors providing Paper Products and Printing and Writing Paper shall:

- 746 (1) If fitness and quality are equal, provide Recycled-Content Paper Products
747 and Recycled-Content Printing and Writing Paper that consists of at least
748 30 percent, by fiber weight, postconsumer fiber instead of non-recycled
749 products whenever recycled Paper Products and Printing and Writing Paper
750 are available at the same or lesser total cost than non-recycled items or at
751 a total cost of no more than ___% of the total cost for non-recycled items.
- 752 (2) Provide Paper Products and Printing and Writing Paper that meet Federal
753 Trade Commission recyclability standard as defined in 16 Code of Federal
754 Regulations (CFR) Section 260.12.
- 755 (3) Certify in writing, under penalty of perjury, the minimum percentage of
756 postconsumer material in the Paper Products and Printing and Writing
757 Paper offered or sold to the City of Vernon. This certification requirement
758 may be waived if the percentage of postconsumer material in the Paper
759 Products, Printing and Writing Paper, or both can be verified by a product
760 label, catalog, invoice, or a manufacturer or vendor internet website.
- 761 (4) Certify in writing, on invoices or receipts provided, that the Paper Products
762 and Printing and Writing Paper offered or sold to the City of Vernon is
763 eligible to be labeled with an unqualified recyclable label as defined in 16
764 Code of Federal Regulations (CFR) Section 260.12 (2013).
- 765 (5) Provide records to the City of Vernon's Recovered Organic Waste Product
766 procurement recordkeeping Designee, in accordance with the City of
767 Vernon's Recycled-Content Paper procurement policy(ies) of all Paper
768 Products and Printing and Writing Paper purchases within thirty (30) days
769 of the purchase (both recycled-content and non-recycled content, if any is
770 purchased) made by any division or department or employee of the City of
771 Vernon. Records shall include a copy (electronic or paper) of the invoice or
772 other documentation of purchase, written certifications as required in
773 Sections 11(b)(3) and 11(b)(4) of this ordinance for recycled-content
774 purchases, purchaser name, quantity purchased, date purchased, and
775 recycled content (including products that contain none), and if non-recycled
776 content Paper Products or Printing and Writing Papers are provided, include
777 a description of why Recycled-Content Paper Products or Printing and
778 Writing Papers were not provided.

779 **SECTION 12. INSPECTIONS AND INVESTIGATIONS BY CITY OF**
780 **VERNON**

- 781 (a) City of Vernon representatives are authorized to conduct Inspections and
782 investigations, at random or otherwise, of any collection container, collection
783 vehicle loads, or transfer, processing, or disposal facility for materials collected
784 from generators, or Source Separated materials to confirm compliance with this
785 ordinance by Organic Waste Generators, Commercial Businesses (including Multi-

786 Family Residential Dwellings), property owners, Commercial Edible Food
787 Generators, haulers, Food Recovery Services, and Food Recovery Organizations,
788 subject to applicable laws. This Section does not allow City of Vernon to enter the
789 interior of a private residential property for Inspection. For the purposes of
790 inspecting Commercial Business containers for compliance with Section 5(b) of
791 this ordinance, City of Vernon may conduct container Inspections for Prohibited
792 Container Contaminants using Remote Monitoring, and Commercial Businesses
793 shall accommodate and cooperate with the Remote Monitoring pursuant to Section
794 5(k) of this ordinance.

795 (b) Regulated entity shall provide or arrange for access during all Inspections (with the
796 exception of residential property interiors) and shall cooperate with the City of
797 Vernon's employee during such Inspections and investigations. Such Inspections
798 and investigations may include confirmation of proper placement of materials in
799 containers, Edible Food Recovery activities, records, or any other requirement of
800 this ordinance described herein. Failure to provide or arrange for: (i) access to an
801 entity's premises; (ii) installation and operation of Remote Monitoring equipment,
802 if applicable; or (ii) access to records for any Inspection or investigation is a
803 violation of this ordinance and may result in penalties described.

804 (c) Any records obtained by a City of Vernon during its Inspections, Remote
805 Monitoring, and other reviews shall be subject to the requirements and applicable
806 disclosure exemptions of the Public Records Act as set forth in Government Code
807 Section 6250 et seq.

808 (d) City of Vernon representatives are authorized to conduct any Inspections, Remote
809 Monitoring, or other investigations as reasonably necessary to further the goals of
810 this ordinance, subject to applicable laws.

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

814 **SECTION 13. ENFORCEMENT**

815 (a) Violation of any provision of this ordinance shall constitute grounds for issuance of
816 a Notice of Violation and assessment of a fine by a City of Vernon Enforcement
817 Official. Enforcement Actions under this ordinance are issuance of an
818 administrative citation and assessment of a fine. The City of Vernon's procedures
819 on imposition of administrative fines are hereby incorporated in their entirety, as
820 modified from time to time, and shall govern the imposition, enforcement,
821 collection, and review of administrative citations issued to enforce this ordinance
822 and any rule or regulation adopted pursuant to this ordinance, except as otherwise
823 indicated in this ordinance.

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

830 (c) Responsible Entity for Enforcement

831 (1) Enforcement pursuant to this ordinance shall be undertaken by the City of
832 Vernon Enforcement Official, which may be the city administrator or their
833 designated entity, legal counsel, or combination thereof.

834 (A) City of Vernon Enforcement Official(s) will interpret ordinance;
835 determine if violation(s) have occurred; implement Enforcement
836 Actions; and, determine if compliance standards are met.

837 (B) City of Vernon Enforcement Official(s) may issue Notices of
838 Violation(s).

839 (d) Process for Enforcement

840 (1) City of Vernon Enforcement Officials will monitor compliance with the
841 ordinance randomly and through Compliance Reviews, Route Reviews,
842 investigation of complaints, and an Inspection program. Section 12
843 establishes City of Vernon's right to conduct Inspections and investigations.

844 (2) City of Vernon may issue an official notification to notify regulated entities
845 of its obligations under the ordinance.

846 (3) For incidences of Prohibited Container Contaminants found in containers,
847 City of Vernon will issue a Notice of Violation to any generator found to have
848 Prohibited Container Contaminants in a container. Such notice will be
849 provided via a cart tag or other communication immediately upon
850 identification of the Prohibited Container Contaminants or within ___ days
851 after determining that a violation has occurred. If the City of Vernon
852 observes Prohibited Container Contaminants in a generator's containers on
853 more than ___ () consecutive occasion(s), the City of Vernon may assess
854 contamination processing fees or contamination penalties on the generator.

855 (4) With the exception of violations of generator contamination of container
856 contents addressed under Section 13(d)(3), City of Vernon shall issue a
857 Notice of Violation requiring compliance within 60 days of issuance of the
858 notice.

859 (5) Absent compliance by the respondent within the deadline set forth in the
860 Notice of Violation, City of Vernon shall commence an action to impose
861 penalties, via an administrative citation and fine, pursuant to the City of

862 Vernon's policy/ordinance/guidelines or requirements contained in Section
863 13(k), Table 1, List of Violations.

864 Notices shall be sent to "owner" at the official address of the owner
865 maintained by the tax collector for the City of Vernon or if no such address
866 is available, to the owner at the address of the dwelling or Commercial
867 property or to the party responsible for paying for the collection services,
868 depending upon available information.

869 (e) Penalty Amounts for Types of Violations

870 The penalty levels are as follows:

871 (1) For a first violation, the amount of the base penalty shall be \$100 per
872 violation.

873 (2) For a second violation, the amount of the base penalty shall be \$200 per
874 violation.

875 (3) For a third or subsequent violation, the amount of the base penalty shall be
876 \$500 per violation.

877 (g) Compliance Deadline Extension Considerations

878 The City of Vernon may extend the compliance deadlines set forth in a Notice of
879 Violation issued in accordance with Section 13 if it finds that there are extenuating
880 circumstances beyond the control of the respondent that make compliance within
881 the deadlines impracticable, including the following:

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

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

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

890 (h) Appeals Process

891 Persons receiving an administrative citation containing a penalty for an
892 uncorrected violation may request a hearing to appeal the citation. A hearing will
893 be held only if it is requested within the time prescribed and consistent with City of
894 Vernon's procedures in the City of Vernon's codes for appeals of administrative
895 citations. Evidence may be presented at the hearing. The City of Vernon will

896 appoint a hearing officer who shall conduct the hearing and issue a final written
897 order.

898 (i) Education Period for Non-Compliance

899 Beginning January 1, 2022 and through December 31, 2023, City of Vernon will
900 conduct Inspections, Remote Monitoring, Route Reviews or waste evaluations,
901 and Compliance Reviews, depending upon the type of regulated entity, to
902 determine compliance, and if City of Vernon determines that Organic Waste
903 Generator, hauler, Tier One Commercial Edible Food Generator, Food Recovery
904 Organization, Food Recovery Service, or other entity is not in compliance, it shall
905 provide educational materials to the entity describing its obligations under this
906 ordinance and a notice that compliance is required by January 1, 2022, and that
907 violations may be subject to administrative civil penalties starting on January 1,
908 2024.

909 (j) Civil Penalties for Non-Compliance

910 Beginning January 1, 2024, if the City of Vernon determines that an Organic Waste
911 Generator, Self-Hauler, hauler, Tier One or Tier Two Commercial Edible Food
912 Generator, Food Recovery Organization, Food Recovery Service, or other entity
913 is not in compliance with this ordinance, it shall document the noncompliance or
914 violation, issue a Notice of Violation, and take Enforcement Action pursuant to
915 Section 13, as needed.

916 (k) Enforcement Table

917 **Table 1. List of Violations**

Requirement	Description of Violation
Commercial Business and Commercial Business Owner Responsibility Requirement Sections 5	Commercial Business fails to provide or arrange for Organic Waste collection services consistent with City of Vernon requirements and as outlined in this ordinance, for employees, contractors, tenants, and customers, including supplying and allowing access to adequate numbers, size, and location of containers and sufficient signage and container color.
Organic Waste Generator Requirement Section 4, 5, and 6	Organic Waste Generator fails to comply with requirements adopted pursuant to this ordinance for the collection and Recovery of Organic Waste.
Hauler Requirement Section, Section 8	A hauler providing residential, Commercial or industrial Organic Waste collection service fails to transport Organic Waste to a facility, operation, activity, or property that recovers Organic Waste, as prescribed by this ordinance.

Hauler Requirement Section 8	A hauler providing residential, Commercial, or industrial Organic Waste collection service fails to obtain applicable approval issued by the City of Vernon to haul Organic Waste as prescribed by this ordinance.
Hauler Requirement Section 8	A hauler fails to keep a record of the applicable documentation of its approval by the City of Vernon, as prescribed by this ordinance.
Commercial Edible Food Generator Requirement Section 6	Tier One Commercial Edible Food Generator fails to arrange to recover the maximum amount of its Edible Food that would otherwise be disposed by establishing a contract or written agreement with a Food Recovery Organization or Food Recovery Service and comply with this Section commencing Jan. 1, 2022.
Commercial Edible Food Generator Requirement Section 6	Tier Two Commercial Edible Food Generator fails to arrange to recover the maximum amount of its Edible Food that would otherwise be disposed by establishing a contract or written agreement with a Food Recovery Organization or Food Recovery Service and comply with this Section commencing Jan. 1, 2024.
Commercial Edible Food Generator Requirement Section 6	Tier One or Tier Two Commercial Edible Food Generator intentionally spoils Edible Food that is capable of being recovered by a Food Recovery Organization or Food Recovery Service.
Organic Waste Generator, Commercial Business Owner, Commercial Edible Food Generator, Food Recovery Organization or Food Recovery Service Sections 5, 6 and 7	Failure to provide or arrange for access to an entity's premises for any Inspection or investigation.
Recordkeeping Requirements for Commercial Edible Food Generator Section 6	Tier One or Tier Two Commercial Edible Food Generator fails to keep records, as prescribed by Section 9.
Recordkeeping Requirements for Food Recovery Services and Food Recovery Organizations Section 7	A Food Recovery Organization or Food Recovery Service that has established a contract or written agreement to collect or receive Edible Food directly from a Commercial Edible Food Generator pursuant to 14 CCR Section 18991.3(b) fails to keep records, as prescribed by Section 10.

919 **SECTION 14. EFFECTIVE DATE**

920 This ordinance shall be effective commencing on _____ (City of Vernon
921 to insert date of effectiveness.)

922

DRAFT

Mandatory Organic Waste Disposal Reduction Ordinance Highlights

	STANDARD BASED – Two-Bin Sort System
# OF BINS/ COLORS	TWO – Blue, Gray (Mixed Waste)
CONTENTS OF BINS	<p>BLUE: traditional non-organic recyclables, such as bottles, cans, and organic recyclables such as paper and cardboard.</p> <p>GRAY: Mixed Waste (garbage, organic waste such as food waste and yard waste)</p>
REGULATION OF HAULERS AND REQUIREMENTS	<p>BLUE bin must be sent to a facility, operation, activity, or property that recovers recyclables.</p> <p>GRAY bin must be sent to a High-Diversion Organic Waste Processing Facility*</p>
BIN CONTAMINATION MINIMIZATION	Must monitor contamination on all bins by conducting route reviews or waste evaluations.
INSPECTIONS	Required
CHALLENGES	<p>Must send to high-diversion facility.</p> <p>Spacing requirements, particularly with multi-tenant buildings.</p>
<p>*High-diversion organic waste processing facilities must demonstrate they can separate and recover 50 percent of organic materials in the mixed waste stream by January 1, 2022 and 75 percent by 2025. Additionally, the organic materials that are sent on for further processing should have little contamination by meeting the incompatible materials limit. These options require that GRAY bins to be sent to a high-diversion organic waste processing facility.</p>	