

ORDINANCE NO. 5370

AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, ADDING CHAPTER 10.45 TO THE MONTEREY COUNTY CODE RELATING TO ORGANIC WASTE DISPOSAL REDUCTION

County Counsel Summary

This ordinance adds Chapter 10.45 to Title 10 of the Monterey County Code to establish regulations for disposal of food waste as mandated by California's Department of Resources Recycling and Recovery ("Ca/Recycle") in compliance with state laws aimed at reducing short-lived climate pollutants such as methane, which is a byproduct of food decomposition. The ordinance requires residential premises and commercial businesses to separate food waste and place in the appropriate bin, and for waste haulers to bring such waste to appropriate facilities. The ordinance also requires food recovery organizations to assess capacity and develop plans in conjunction with Monterey County for expansion to capture more edible food for distribution within the unincorporated areas of the County. The ordinance also requires County compliance inspections and the preparation of annual reports to be submitted to CalRecycle. The ordinance requires certain entities and businesses to maintain records of organic waste disposal. Lastly, this ordinance establishes enforcement procedures, including fines, for violations of the regulations.

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1. Findings and Declarations.

- A. Pursuant to Article XI, section 7 of the California Constitution, the County of Monterey may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens.
- B. Assembly Bill 939 of 1989, the California Integrated Waste Management Act of 1989 (California Public Resources Code Section 40000, *et seq.*, as amended, supplemented, superseded, and replaced from time to time), requires cities and counties to reduce, reuse, and recycle (including composting) solid waste to the maximum extent feasible before any incineration or landfill disposal of waste, in order to conserve water, energy, and other natural resources and to protect the environment.
- C. Assembly Bill 341 of 2011 (amending sections of the California Public Resources Code related to solid waste disposal), places requirements on businesses and multi-family property owners that generate a specified threshold amount of solid waste to arrange for recycling services and requires local jurisdictions to implement a mandatory commercial recycling program.
- D. Assembly Bill 1826 of 2014 (added Chapter 12.9 (commencing with Section 42649.8) to Part 3 of Division 30 of the Public Resources Code, as amended, supplemented,

superseded, and replaced from time to time), requires businesses and multi-family property owners that generate a specified threshold amount of solid waste, recycling, and organic waste per week to arrange for recycling services for that waste, requires local jurisdictions to implement a recycling program to divert organic waste from businesses subject to the law, and requires local jurisdictions to implement a mandatory commercial organics recycling program.

E. Senate Bill 1383 of 2016, the Short-lived Climate Pollutant Reduction Act (“Act”), requires the California Department of Resources Recycling and Recovery (“CalRecycle”) to develop regulations to reduce organics in landfills as a source of methane. The regulations place requirements on multiple entities including local jurisdictions, residential households, commercial businesses and business owners, commercial edible food generators, haulers, self-haulers, food recovery organizations, and food recovery services to support achievement of the statewide organic waste disposal reduction targets.

F. The Act requires local jurisdictions to adopt and enforce an ordinance or enforceable mechanism to implement relevant provisions of SB 1383 and associated regulations. This ordinance will also help reduce food insecurity by requiring commercial edible food generators to arrange to have the maximum amount of their edible food, that would otherwise be disposed, be recovered for human consumption.

G. This ordinance is being adopted pursuant to CalRecycle’s SB 1383 regulations. The SB 1383 regulations were the subject of a program environmental impact report (“EIR”) prepared by CalRecycle, and the activities to be carried out under this ordinance are entirely within the scope of the SB 1383 regulations and that EIR. No mitigation measures identified in the EIR are applicable to the County’s enactment of this ordinance. Moreover, none of the conditions requiring a subsequent or supplemental EIR, as described in Public Resources Code section 21166 and California Environmental Quality Act (“CEQA”) Guidelines Sections 15162 and 15163, have occurred. The EIR therefore adequately analyzes any potential environmental effects of the ordinance and no additional environmental review is required. On a separate and independent basis, this ordinance is exempt from CEQA pursuant to Section 15308, Class 8 of the CEQA Guidelines as an action that will not have a significant impact on the environment and as an action taken by a regulatory agency for the protection of the environment, specifically, for the protection of the climate. There are no unusual circumstances that would cause this ordinance to have a significant effect on the environment.

SECTION 2. Chapter 10.45 is added to the Monterey County Code to read as follows:

CHAPTER 10.45
ORGANIC WASTE DISPOSAL REDUCTION

Sections:

- 10.45.010 Purpose.
- 10.45.020 Applicability.
- 10.45.030 Definitions.
- 10.45.040 Requirements for Single Family Generators.

- 10.45.050 Requirements for Commercial Businesses.
- 10.45.060 Waivers for Generators.
- 10.45.070 Requirements for Commercial Edible Food Generators.
- 10.45.080 Requirements for Food Recovery Organizations and Services, Jurisdictions, and Regional Agencies.
- 10.45.090 Requirements for Haulers and Facility Operators.
- 10.45.100 Self-Hauler Requirements.
- 10.45.110 Inspections and Investigations.
- 10.45.120 Enforcement.

10.45.010 Purpose.

A. Senate Bill 1383 of 2016, the Short-lived Climate Pollutant Reduction Act, requires Jurisdictions, as defined in Section 10.45.030, to adopt and enforce an ordinance or enforceable mechanism to implement relevant provisions of the California Department of Resources Recycling and Recovery or CalRecycle’s implementing regulations. The following provisions are based on the model ordinance published by CalRecycle and shall be interpreted in a manner that is consistent with CalRecycle’s regulations.

B. For the purpose of this Chapter any reference to a statute, law, rule, or regulation of the State of California shall also include any amendment to such statute, law, rule, or regulation.

10.45.020 Applicability.

This Chapter applies in the unincorporated area of the County of Monterey.

10.45.030 Definitions.

Unless otherwise expressly stated, whenever used in this Chapter, the following terms shall have the meaning set forth below.

A. “Blue Container” has the same meaning as in 14 CCR Section 18982(a)(5) and shall be used for the purpose of storage and collection of Source Separated Recyclable Materials or Source Separated Blue Container Organic Waste.

B. “CalRecycle” means California’s Department of Resources Recycling and Recovery, which is the Department designated with responsibility for developing, implementing, and enforcing SB 1383 Regulations on Jurisdictions and others.

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

D. “Commercial Business” or “Commercial” means a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit,

strip mall, industrial facility, or a multifamily residential dwelling of five (5) or more units, or as otherwise defined in 14 CCR Section 18982(a)(6).

E. “Commercial Edible Food Generator” includes a Tier One or a Tier Two Commercial Edible Food Generator as defined in this Section or as otherwise defined in 14 CCR Section 18982(a)(73) and (a)(74). For the purposes of this definition, Food Recovery Organizations and Food Recovery Services are not Commercial Edible Food Generators.

F. “Community Composting” means any activity that composts green material, agricultural material, food material, and vegetative food material, alone or in combination, and the total amount of feedstock and Compost on-site at any one time does not exceed one hundred (100) cubic yards and seven hundred fifty (750) square feet, as specified in 14 CCR Section 17855(a)(4); or as otherwise defined by 14 CCR Section 18982(a)(8).

G. “Compost” has the same meaning as in 14 CCR Section 17896.2(a)(4), which stated, as of the effective date of this Chapter, that “Compost” means the product resulting from the controlled biological decomposition of organic Solid Wastes that are Source Separated from the municipal Solid Waste stream, or which are separated at a centralized facility.

H. “Container Contamination” or “Contaminated Container” means a container, regardless of color, that contains Prohibited Container Contaminants, or as otherwise defined in 14 CCR Section 18982(a)(55).

I. “County” means the County of Monterey.

J. “County Enforcement Official” means the Director of Monterey County Environmental Health Bureau or their designee as the appropriate authority responsible for enforcing this Chapter.

K. “C&D” means construction and demolition debris.

L. “Designated Source Separated Organic Waste Facility”, as defined in 14 CCR Section 18982(a)(14.5), means a Solid Waste facility that accepts a Source Separated Organic Waste collection stream as defined in 14 CCR Section 17402(a)(26.6) and complies with one of the following:

1. The facility is a “transfer/processor,” as defined in 14 CCR Section 18815.2(a)(62), that is in compliance with the reporting requirements of 14 CCR Section 18815.5(d) and meets or exceeds an annual average Source Separated organic content Recovery rate of fifty percent (50%) between January 1, 2022 and December 31, 2024, and seventy-five percent (75%) on and after January 1, 2025 as calculated pursuant to 14 CCR Section 18815.5(f) for Organic Waste received from the Source Separated Organic Waste collection stream.

a. If a transfer/processor has an annual average Source Separated organic content Recovery rate lower than the rate required in Subsection 1 of this definition for two (2) consecutive reporting periods, or three (3) reporting periods

within three (3) years, the facility shall not qualify as a “Designated Source Separated Organic Waste Facility”.

2. The facility is a “composting operation” or “composting facility” as defined in 14 CCR Section 18815.2(a)(13), if pursuant to the reports submitted under 14 CCR Section 18815.7 it demonstrates that the percent of the material removed for landfill disposal that is Organic Waste is less than the percent specified in 14 CCR Section 17409.5.8(c)(2) or 17409.5.8(c)(3), whichever is applicable, and, if applicable, complies with the digestate handling requirements specified in 14 CCR Section 17896.5.

M. “Designee” means an entity that the County contracts with or otherwise arranges to carry out any of the County’s responsibilities of this Chapter as authorized in 14 CCR Section 18981.2. A Designee may be a government entity, a hauler, a private entity, or a combination of those entities.

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

O. “Enforcement Action” means an action of the County to address non-compliance with this Chapter including, but not limited to, issuing administrative citations, notice of violations, fines, penalties, or other remedies.

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

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

R. “Food Facility” has the same meaning as in Section 113789 of the California Health and Safety Code.

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

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

1. A food bank as defined in Section 113783 of the California Health and Safety Code;
2. A nonprofit charitable organization as defined in Section 113841 of the California Health and Safety code; and
3. A nonprofit charitable temporary food facility as defined in Section 113842 of the California Health and Safety Code.

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

V. “Food Recovery Service” means a person or entity that collects and transports Edible Food from a Commercial Edible Food Generator to a Food Recovery Organization or other entities for Food Recovery, or as otherwise defined in 14 CCR Section 18982(a)(26). A Food Recovery Service is not a Commercial Edible Food Generator for the purposes of this Chapter and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).

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

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

Y. “Food Waste” means Food Scraps and compostable paper material that has come in contact with food or liquid, such as, but not limited to, compostable paper plates, paper coffee cups, napkins, pizza boxes, and milk cartons.

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

AA. “Gray Container Waste” means Solid Waste that is collected in a Gray Container that is part of a three-container Organic Waste collection service that prohibits the placement of Organic Waste in the Gray Container as specified in 14 CCR Section 18984.1(a) and (b), or as otherwise defined in 14 CCR Section 17402(a)(6.5).

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

CC. “Grocery Store” means a store primarily engaged in the retail sale of canned food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area that is not separately owned within the store where the food is prepared and served, including a bakery, deli, and meat and seafood departments, or as otherwise defined in 14 CCR Section 18982(a)(30).

DD. “Hauler Route” means the designated itinerary or sequence of stops for each segment of the County’s collection service area, or as otherwise defined in 14 CCR Section 18982(a)(31.5).

EE. “High Diversion Organic Waste Processing Facility” means a facility that is in compliance with the reporting requirements of 14 CCR Section 18815.5(d) and meets or exceeds an annual average Mixed Waste organic content Recovery rate of fifty percent (50%) between January 1, 2022 and December 31, 2024, and seventy-five percent (75%) after January 1, 2025, as calculated pursuant to 14 CCR Section 18815.5(e) for Organic Waste received from the “Mixed waste organic collection stream” as defined in 14 CCR Section 17402(a)(11.5); or as otherwise defined in 14 CCR Section 18982(a)(33).

FF. “Inspection” means a site visit where the County reviews records, containers, and an entity’s collection, handling, recycling, or landfill disposal of Organic Waste or Edible Food handling to determine if the entity is complying with requirements set forth in this Chapter, or as otherwise defined in 14 CCR Section 18982(a)(35).

GG. “Jurisdiction” or “Jurisdictions” refers to cities and counties of California.

HH. “Large Event” means an event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local agency, and serves an average of more than two thousand (2,000) individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event. If the

definition in 14 CCR Section 18982(a)(38) differs from this definition, the definition in 14 CCR Section 18982(a)(38) shall apply to this Chapter.

II. “Large Venue” means a permanent venue facility that annually seats or serves an average of more than two thousand (2,000) individuals within the grounds of the facility per day of operation of the venue facility. For purposes of this Chapter and implementation of 14 CCR, Division 7, Chapter 12, a venue facility includes, but is not limited to: a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. For purposes of this Chapter and implementation of 14 CCR, Division 7, Chapter 12, a site under common ownership or control that includes more than one Large Venue that is contiguous with other Large Venues in the site, is a single Large Venue. If the definition in 14 CCR Section 18982(a)(39) differs from this definition, the definition in 14 CCR Section 18982(a)(39) shall apply to this Chapter.

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

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

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

MM. “Non-Organic Recyclables” means non-putrescible and non-hazardous recyclable wastes including but not limited to bottles, cans, metals, plastics and glass, or as otherwise defined in 14 CCR Section 18982(a)(43).

NN. “Organic Waste” means Solid Wastes containing material originated from living organisms and their metabolic waste products, including but not limited to food, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, Paper Products, Printing and Writing Paper, manure, biosolids, digestate, and sludges or as otherwise defined in 14 CCR Section 18982(a)(46). Biosolids and digestate are as defined by 14 CCR Section 18982(a).

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

PP. “Paper Products” include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling, or as otherwise defined in 14 CCR Section 18982(a)(51).

QQ. “Printing and Writing Papers” include, but are not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and other uncoated writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications, or as otherwise defined in 14 CCR Section 18982(a)(54).

RR. “Prohibited Container Contaminants” means the following:

1. Discarded materials placed in the Blue Container that are not identified as acceptable Source Separated Recyclable Materials for the County’s Blue Container;
2. Discarded materials placed in the Green Container that are not identified as acceptable Source Separated Green Container Organic Waste for the County’s Green Container;
3. Discarded materials placed in the Gray Container that are acceptable Source Separated Recyclable Materials and/or Source Separated Green Container Organic Wastes to be placed in County’s Green Container and/or Blue Container; and
4. Excluded Waste placed in any container.

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

TT. “Regional Agency” means regional agency as defined in California Public Resources Code Section 40181.

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

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

WW. “SB 1383” means Senate Bill 1383 of 2016 approved by the Governor on September 19, 2016, which added Sections 39730.5, 39730.6, 39730.7, and 39730.8 to the California Health and Safety Code, and added Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30 of the California Public Resources Code, establishing methane emissions reduction targets in a Statewide effort to reduce emissions of short-lived climate pollutants as amended, supplemented, superseded, and replaced from time to time.

XX. “SB 1383 Regulations” or “SB 1383 Regulatory” means or refers to, for the purposes of this Chapter, the Short-Lived Climate Pollutants: Organic Waste Reduction regulations developed by CalRecycle and adopted in 2020 that created 14 CCR, Division 7, Chapter 12 and amended portions of regulations of 14 CCR and 27 CCR.

YY. “Self-Hauler” means a person who hauls Solid Waste, Organic Waste or recyclable material he or she has generated to another person. Self-hauler also includes a person who back-hauls waste, or as otherwise defined in 14 CCR Section 18982(a)(66). Back-haul means generating and transporting Organic Waste to a destination owned and operated by the generator using the generator’s own employees and equipment, or as otherwise defined in 14 CCR Section 18982(a)(66)(A).

ZZ. “Single-Family” means of, from, or pertaining to any residential premises with fewer than five (5) units.

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

1. Hazardous waste, as defined in the California Public Resources Code Section 40141.
2. Radioactive waste regulated pursuant to the California Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the California Health and Safety Code).
3. Medical waste regulated pursuant to the California Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the California Health and Safety Code). Untreated medical waste shall not be disposed of in a Solid Waste landfill, as defined in California Public Resources Code Section 40195.1. Medical waste that has been treated and deemed to be Solid Waste shall be regulated pursuant to Division 30 of the California Public Resources Code.

BBB. “Source Separated” means materials, including commingled recyclable materials, that have been separated or kept separate from the Solid Waste stream, at the point of generation, for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products, which meet the quality standards necessary to be used in the marketplace, or as otherwise defined in 14 CCR Section 17402.5(b)(4). For the purposes of this Chapter, Source Separated shall include separation of materials by the generator, property owner, property owner’s employee, property manager, or property manager’s employee into different containers for the purpose of collection such that Source Separated materials are separated from Gray Container Waste/Mixed Waste or other Solid Waste for the purposes of collection and processing.

CCC. “Source Separated Blue Container Organic Waste” means Source Separated Organic Wastes that can be placed in a Blue Container that is limited to the collection of those

Organic Wastes and Non-Organic Recyclables as defined in 14 CCR Section 18982(a)(43), or as otherwise defined by 14 CCR Section 17402(a)(18.7).

DDD. “Source Separated Green Container Organic Waste” means Source Separated Organic Waste that can be placed in a Green Container that is specifically intended for the separate collection of Organic Waste by the generator, excluding Source Separated Blue Container Organic Waste, carpets, Non-Compostable Paper, and textiles.

EEE. “Source Separated Recyclable Materials” means Source Separated Non-Organic Recyclables and Source Separated Blue Container Organic Waste.

FFF. “State” means the State of California.

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

HHH. “Tier One Commercial Edible Food Generator” means a Commercial Edible Food Generator that is one of the following:

1. Supermarket.
2. Grocery Store with a total facility size equal to or greater than ten thousand (10,000) square feet.
3. Food Service Provider.
4. Food Distributor.
5. Wholesale Food Vendor.

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

III. “Tier Two Commercial Edible Food Generator” means a Commercial Edible Food Generator that is one of the following:

1. Restaurant with two hundred fifty (250) or more seats, or a total facility size equal to or greater than five thousand (5,000) square feet.
2. Hotel with an on-site Food Facility and two hundred (200) or more rooms.
3. Health facility with an on-site Food Facility and one hundred (100) or more beds.
4. Large Venue.

5. Large Event.

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

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

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

JJJ. “Wholesale Food Vendor” means a business or establishment engaged in the merchant wholesale distribution of food, where food (including fruits and vegetables) is received, shipped, stored, prepared for distribution to a retailer, warehouse, distributor, or other destination, or as otherwise defined in 14 CCR Section 189852(a)(76).

10.45.040 Requirements for Single-Family Generators.

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

A. Subscribe to the County’s Organic Waste collection services for all Organic Waste generated as described below in Subsection (B). The County shall have the right to review the number and size of a generator’s containers to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials. Single-Family generators shall adjust their service level for their collection services as requested by the County. Generators may additionally manage their Organic Waste by preventing or reducing their Organic Waste, managing Organic Waste on-site, and/or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).

B. Participate in the County’s Organic Waste collection service(s) by placing designated materials in designated containers. Generator shall not place Prohibited Container Contaminants in collection containers. Generator shall place Source Separated Green Container Organic Waste, including Food Scraps, in the Green Container; Source Separated Recyclable Materials in the Blue Container; and Gray Container Waste in the Gray Container. Generators shall not place materials designated for the Gray Container into the Green Container or Blue Container.

10.45.050 Requirements for Commercial Businesses.

Generators that are Commercial Businesses, including Multi-Family Residential Dwellings of five (5) units or more, shall:

A. Subscribe to the County’s three-container collection services and comply with requirements of those services as described below in Subsection (C), except Commercial Businesses that meet the Self-Hauler requirements in Section 10.45.100. The County shall have the right to review the number and size of a generator’s containers and frequency of collection to evaluate adequacy of capacity provided for each type of collection service for proper separation

of materials and containment of materials. Commercial Businesses shall adjust their service level for their collection services as requested by the County.

B. Except Commercial Businesses that meet the Self-Hauler requirements in Section 10.45.100, participate in the County's Organic Waste collection service(s) by placing designated materials in designated containers. Generator shall place Source Separated Green Container Organic Waste, including Food Scraps, in the Green Container; Source Separated Recyclable Materials in the Blue Container; and Gray Container Waste in the Gray Container. Generator shall not place materials designated for the Gray Container into the Green Container or Blue Container.

C. Supply and allow access to adequate number, size and location of collection containers with sufficient labels or colors (conforming with Subsections (D)(1) and (D)(2) of this Section) for employees, contractors, tenants, and customers, consistent with the County's Blue Container, Green Container, and Gray Container collection service or, if self-hauling, per the Commercial Businesses' instructions to support its compliance with its self-haul program, in accordance with Section 10.45.100.

D. Excluding Multi-Family Residential Dwellings, provide containers for the collection of Source Separated Green Container Organic Waste and Source Separated Recyclable Materials in all indoor and outdoor areas where disposal containers are provided for customers, for materials generated by that business. Such containers do not need to be provided in restrooms. If a Commercial Business does not generate any of the materials that would be collected in one type of container, then the business does not have to provide that particular container in all areas where disposal containers are provided for customers. Pursuant to 14 CCR Section 18984.9(b), the containers provided by the business shall have either:

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

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

E. To the extent practical through education, training, Inspection, and/or other measures, excluding Multi-Family Residential Dwellings, prohibit employees from placing materials in a container not designated for those materials.

F. Excluding Multi-Family Residential Dwellings, periodically inspect all containers for contamination and inform employees if containers are contaminated and of the requirements to keep contaminants out of those containers pursuant to 14 CCR Section 18984.9(b)(3).

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

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

I. Provide or arrange access for the County or its agent to their properties during all inspections conducted in accordance with Section 10.45.110 to confirm compliance with the requirements of this Chapter.

J. Accommodate and cooperate with the County's Remote Monitoring program for inspection of the contents of containers for Prohibited Container Contaminants, if one is implemented at a later date, to evaluate generator's compliance with Subsection (B) of this Section. The Remote Monitoring program could involve installation of Remote Monitoring equipment on or in the Blue Containers, Green Containers, and Gray Containers.

K. If a Commercial Business wants to self-haul, it must meet the Self-Hauler requirements in Section 10.45.100.

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

M. Commercial Businesses that are Tier One or Tier Two Commercial Edible Food Generators shall comply with Food Recovery requirements, pursuant to Section 10.45.070.

10.45.060 Waivers for Generators.

A. De Minimis Waivers: the County may waive a Commercial Business' obligation (including Multi-Family Residential Dwellings) to comply with some or all of the Organic Waste requirements of this Chapter, if the Commercial Business provides documentation that the business generates below a certain amount of Organic Waste material as described in Subsection (A)(2) below. Commercial Businesses requesting a de minimis waiver shall do all of the following:

1. Submit an application to the County Enforcement Official specifying the services that they are requesting a waiver from and provide documentation that either:

a. The Commercial Business' total Solid Waste collection service is two (2) cubic yards or more per week and Organic Waste subject to collection in a Blue Container or Green Container comprises less than twenty (20) gallons per week per applicable container of the business' total waste; or

b. The Commercial Business' total Solid Waste collection service is less than two (2) cubic yards per week and Organic Waste subject to collection in a Blue Container or Green Container comprises less than ten (10) gallons per week per applicable container of the business' total waste.

2. Notify the County Enforcement Official if circumstances change such that Commercial Business's Organic Waste exceeds threshold required for waiver, in which case waiver will be rescinded.

3. Provide written verification of eligibility for de minimis waiver to the County Enforcement Official every five (5) years if the County Enforcement Official has approved de minimis waiver.

B. Physical Space Waivers: the County Enforcement Official may waive a Commercial Business' or property owner's obligations (including Multi-Family Residential Dwellings) to comply with some or all of the recyclable materials and/or Organic Waste collection service requirements if there is evidence from County staff, a hauler, licensed architect, or licensed engineer demonstrating that the premises lacks adequate space for the collection containers required for compliance with the Organic Waste collection requirements of Sections 10.45.040 or 10.45.050.

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

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

b. Provide documentation that the premises lack adequate space for Blue Containers and/or Green Containers including documentation from its hauler, licensed architect, or licensed engineer.

c. Provide written verification to the County Enforcement Official that it is still eligible for physical space waiver every five (5) years, if the County Enforcement Official has approved application for a physical space waiver.

C. Collection Frequency Waiver: the County Enforcement Official, at their discretion and in accordance with 14 CCR Section 18984.11(a)(3), may allow the owner or tenant of any residence, premises, business establishment or industry that subscribes to the County's three-container Organic Waste collection service to arrange for the collection of their Blue Container, Gray Container, or both once every fourteen (14) days, rather than once per week.

D. Review of properties with Waivers: the County Enforcement Official shall make periodic inspections of such premises and if it is found that organic waste is present or that the property no longer qualifies for an exemption, the regular organic waste collection shall be resumed promptly at the expense of the Commercial Business or property owner.

10.45.070 Requirements for Commercial Edible Food Generators.

A. Tier One Commercial Edible Food Generators must comply with the requirements of this Section commencing January 1, 2022, and Tier Two Commercial Edible Food Generators must comply commencing January 1, 2024, pursuant to 14 CCR Section 18991.3.

B. Large Venue or Large Event operators not providing food services, but allowing for food to be provided by others, shall require Food Facilities operating at the Large Venue or Large Event to comply with the requirements of this Section, commencing January 1, 2024.

C. Commercial Edible Food Generators shall comply with all the following requirements:

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

2. Contract with or enter into a written agreement with Food Recovery Organizations or Food Recovery Services for: the collection of Edible Food for Food Recovery; or the acceptance of the Edible Food that the Commercial Edible Food Generator self-hauls to the Food Recovery Organization for Food Recovery.

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

4. Allow the County or its Designee to access the premises and review records pursuant to 14 CCR Section 18991.4.

5. Keep records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:

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

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

c. A record of the following information for each of those Food Recovery Services or Food Recovery Organizations:

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

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

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

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

6. No later than March 1st annually, Tier One and Tier Two Commercial Edible Food Generators shall provide an annual Food Recovery report to the County Enforcement Official that includes the information listed in Section 10.45.070(C)(5)(e). This provision shall take effect on January 1, 2023 for Tier One Commercial Edible Food Generators and on January 1, 2025 for Tier Two Commercial Edible Food Generators.

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

E. Food Recovery Organizations and Food Recovery Services may inform generators about California and Federal Good Samaritan Food Donation Act protection in written communications, such as in their contract or agreement established under 14 CCR Section 18991.3(b).

10.45.080 Requirements for Food Recovery Organizations and Services, Jurisdictions, and Regional Agencies.

A. Food Recovery Organizations and Food Recovery Services that have their primary address physically located in the County, and contract with or have written agreements with one or more Commercial Edible Food Generators pursuant to 14 CCR Section 18991.3(b), shall report to the County Enforcement Official the total pounds of Edible Food recovered in the previous calendar year from the Tier One and Tier Two Commercial Edible Food Generators they have established a contract or written agreement with pursuant to 14 CCR Section 18991.3(b) no later than March 1, 2023.

B. Food Recovery Capacity Planning.

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

2. Cities and special districts that provide solid waste collection services, and regional agencies located within the County shall conduct Edible Food Recovery capacity planning, in coordination with the County.

a. If the County identifies that new or expanded capacity to recover Edible Food is needed, then each Jurisdiction within the County that lacks capacity shall:

i. Submit an implementation schedule to CalRecycle and the County that demonstrates how it will ensure there is enough new or expanded capacity to recover the Edible Food currently disposed by Commercial Edible Food Generators within its Jurisdiction by the end of the reporting period set forth in 14 CCR Section 18992.3. The implementation schedule shall include the information specified in 14 CCR Section 18992.2(c)(1)(A); and

ii. Consult with Food Recovery Organizations and Food Recovery Services regarding existing or proposed new and expanded capacity that could be accessed by the Jurisdiction and its Commercial Edible Food Generators.

b. If the County finds that new or expanded capacity is needed, the County shall notify the Jurisdiction(s) that lack sufficient capacity.

c. A city or special district that provides solid waste collection services, or regional agency contacted by the County pursuant to this Section shall respond to the County's request for information within one hundred twenty (120) days of receiving the request from the County, unless a shorter timeframe is otherwise specified by the County.

10.45.090 Requirements for Haulers and Facility Operators.

A. Residential, Commercial, or industrial Organic Waste collection services to generators within the County's unincorporated boundaries must meet the following requirements and standards as a condition of approval of a contract, agreement, or other authorization with the County to collect Organic Waste:

1. Through written notice to the County annually on or before January 1st, identify the facilities to which they will transport Organic Waste including facilities for Source Separated Recyclable Materials and Source Separated Green Container Organic Waste.

2. Transport Source Separated Recyclable Materials and Source Separated Green Container Organic Waste to a facility, operation, activity, or property that recovers Organic Waste as defined in 14 CCR, Division 7, Chapter 12, Article 2.

3. Obtain approval from the County to haul Organic Waste, unless it is transporting Source Separated Organic Waste to a Community Composting site or

lawfully transporting C&D in a manner that complies with 14 CCR Section 18989.1 and this Chapter, and any other provision of Monterey County Code which may be applicable.

B. Exclusive franchised haulers and permitted haulers authorized to collect Organic Waste shall comply with education, equipment, signage, container labeling, container color, contamination monitoring, reporting, and other requirements contained within their franchise agreement, permit, license, or other agreement entered into with the County.

C. Owners of facilities, operations, and activities that recover Organic Waste, including, but not limited to, Compost facilities, in-vessel digestion facilities, and publicly owned treatment works shall, upon the County's request, provide information regarding available and potential new or expanded capacity at their facilities, operations, and activities, including information about throughput and permitted capacity necessary for planning purposes. Entities contacted by the County or its Designee shall respond within sixty (60) days.

D. Community Composting operators, upon the County's request, shall provide information to support Organic Waste capacity planning, including, but not limited to, an estimate of the amount of Organic Waste anticipated to be handled at the Community Composting operation. Entities contacted by the County shall respond within sixty (60) days.

10.45.100 Self-Hauler Requirements.

A. Self-Haulers shall source separate all recyclable materials and Organic Waste (materials that the County otherwise requires generators to separate for collection in the County's organics and recycling collection program) generated on-site from Solid Waste in a manner consistent with 14 CCR Sections 18984.1 and 18984.2, or shall haul Organic Waste to a High Diversion Organic Waste Processing Facility as specified in 14 CCR Section 18984.3.

B. Self-Haulers shall haul their Source Separated Recyclable Materials to a facility that recovers those materials; and haul their Source Separated Green Container Organic Waste to a Solid Waste facility, operation, activity, or property that processes or recovers Source Separated Organic Waste. Alternatively, Self-Haulers may haul Organic Waste to a High Diversion Organic Waste Processing Facility.

C. Self-Haulers that are Commercial Businesses (including Multi-Family Residential Dwellings) shall keep a record of the amount of Organic Waste delivered to each Solid Waste facility, operation, activity, or property that processes or recovers Organic Waste. This record shall be subject to Inspection by the County. The records shall include the following information:

1. Delivery receipts and weight tickets from the entity accepting the waste.
2. The amount of material in cubic yards or tons transported by the generator to each entity.

3. If the material is transported to an entity that does not have scales on-site or employs scales incapable of weighing the Self-Hauler's vehicle in a manner that allows it to determine the weight of materials received, the Self-Hauler is not required to record the weight of material but shall keep a record of the entities that received the Organic Waste.

D. Self-Haulers that are Commercial Businesses (including Multi-Family Self-Haulers) shall provide information collected in Subsection (C) of this Section to the County if requested.

E. A residential Organic Waste Generator that self-hauls Organic Waste is not required to record or report information in Subsections (C) and (D) of this Section.

10.45.110 Inspections and Investigations.

A. The County, by or through its staff or Designee, is authorized to conduct Inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from generators, or Source Separated materials to confirm compliance with this Chapter by Organic Waste Generators, Commercial Businesses (including Multi-Family Residential Dwellings), property owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Services, and Food Recovery Organizations, subject to applicable laws. This Section does not allow the County to enter the interior of a private residential property for Inspection. For the purposes of inspecting Commercial Business, containers for compliance with Section 10.45.050(B), the County may conduct container Inspections for Prohibited Container Contaminants using Remote Monitoring, and Commercial Businesses shall accommodate and cooperate with the Remote Monitoring pursuant to Section 10.45.050(K).

B. Regulated entities shall provide or arrange for access during all Inspections (with the exception of residential property interiors) and shall cooperate with the County or Designee during such Inspections and investigations. Such Inspections and investigations may include confirmation of proper placement of materials in containers, Edible Food Recovery activities, records, or any other requirement of this ordinance described herein. Failure to provide or arrange for: access to an entity's premises; installation and operation of any mandated Remote Monitoring equipment; or access to records for any Inspection or investigation is a violation of this Chapter and may result in fines described in Section 10.45.120.

C. Any records obtained by the County during its Inspections, Remote Monitoring, and other reviews shall be subject to the requirements and applicable disclosure exemptions of the California Public Records Act as set forth in Government Code Section 6250, *et seq.*

D. The County is authorized to conduct any Inspections, Remote Monitoring, or other investigations as reasonably necessary to further the goals of this Chapter, subject to applicable laws.

E. The County will accept written complaints from persons regarding an entity that may be potentially non-compliant with SB 1383 Regulations, including receipt of anonymous complaints.

10.45.120 Enforcement.

A. Violation of any provision of this Chapter shall constitute grounds for issuance of a notice of violation and assessment of a fine by a County Enforcement Official. Enforcement Actions under this Chapter are issuance of an administrative citation and assessment of a fine. The County's procedures on imposition of administrative fines in Chapter 1.22 of the Monterey County Code are hereby incorporated in their entirety, as modified from time to time, and shall govern the imposition, enforcement, collection, and review of administrative citations issued to enforce this Chapter and any rule or regulation adopted pursuant to this Chapter. If there is a conflict between this Chapter and Chapter 1.22, this Chapter controls.

B. Other remedies allowed by law may be used, including civil action or prosecution as misdemeanor or infraction. The County may pursue civil actions to seek recovery of unpaid administrative citations.

C. Enforcement pursuant to this Chapter may be undertaken by the County Enforcement Official, their Designee, or a designated regional entity, collectively referred to as Enforcement Officials. Enforcement Officials will have authority to implement Enforcement Actions.

D. Enforcement Officials may monitor compliance with the Chapter randomly and through compliance reviews, investigation of complaints, and an Inspection program (that may include Remote Monitoring). This Chapter establishes the County's right to conduct Inspections and investigations.

E. A notice of violation issued by the Enforcement Official will require compliance within sixty (60) days of issuance of the notice. Absent compliance by the respondent within the deadline set forth in the notice of violation, the County shall commence an action to impose fines pursuant to this Chapter.

F. Notices shall be sent to "owner" at the official address of the owner maintained by the tax collector for the County or if no such address is available, to the owner at the address of the dwelling or Commercial Business or to the party responsible for paying for the collection services, depending upon available information.

G. Fine amounts for types of violations are as follows:

1. For a first violation, the amount of the base fine shall be fifty dollars (\$50) to one hundred dollars (\$100) per violation.

2. For a second violation, the amount of the base fine shall be one hundred dollars (\$100) to two hundred dollars (\$200) per violation.

3. For a third or subsequent violation, the amount of the base fine shall be two hundred fifty dollars (\$250) to five hundred dollars (\$500) per violation.

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

1. The nature, circumstances, and severity of the violation(s).
2. The violator's ability to pay.
3. The willfulness of the violator's misconduct.
4. Whether the violator took measures to avoid or mitigate the violation(s).
5. Evidence of any economic benefit resulting from the violation(s).
6. The deterrent effect of the fine on the violator.
7. Whether the violation(s) were due to conditions outside the control of the violator.

I. The County may extend the compliance deadlines set forth in a notice of violation issued in accordance with this Section if it finds that there are extenuating circumstances beyond the control of the respondent that make compliance within the deadlines impracticable, including the following:

1. Acts of God such as earthquakes, wildfires, flooding, and other emergencies or natural disasters;
2. Delays in obtaining discretionary permits or other government agency approvals; or
3. Deficiencies in Organic Waste recycling infrastructure or Edible Food Recovery capacity and the County is under a corrective action plan with CalRecycle pursuant to 14 CCR Section 18996.2 due to those deficiencies.

J. Persons receiving an administrative citation containing a fine for an uncorrected violation may request a hearing to appeal the citation pursuant to Chapter 1.22 of the Monterey County Code.

K. Beginning January 1, 2022 and through December 31, 2023, the County may conduct Inspections, Remote Monitoring, Route Reviews or waste evaluations, and Compliance Reviews, depending upon the type of regulated entity, to determine compliance, and if the County determines that Organic Waste Generator, Self-Hauler, hauler, Tier One Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance, the County will provide educational materials to the entity describing its obligations under this Chapter, and that violations may be subject to administrative fines starting on January 1, 2024.

L. Beginning January 1, 2024, if the County determines that an Organic Waste Generator, Self-Hauler, hauler, Tier One or Tier Two Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance with this Chapter, it shall document the noncompliance or violation, issue a notice of violation, and take Enforcement Action, as needed.

M. Enforcement Table.

Table 1. List of Violations.

Requirement	Description of Violation
Commercial Business and Commercial Business Owner Responsibility Requirement Section 10.45.050	Commercial Business fails to provide or arrange for Organic Waste collection services consistent with this Chapter, 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 Sections 10.45.040 and 10.45.050	Organic Waste Generator fails to comply with this Chapter for the collection and Recovery of Organic Waste.
Hauler Requirement Section, Section 10.45.090	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 Chapter.
Hauler Requirement Section 10.45.090	A hauler providing residential, Commercial, or industrial Organic Waste collection service fails to obtain applicable approval issued by the County to haul Organic Waste as prescribed by this Chapter.
Hauler Requirement Section 10.45.090	A hauler fails to keep a record of the applicable documentation of its approval by the County, as prescribed by this Chapter.
Self-Hauler Requirement Section 10.45.100	A generator who is a Self-Hauler fails to comply with the requirements of 14 CCR Section 18988.3(b).

Requirement	Description of Violation
<p>Commercial Edible Food Generator Requirement</p> <p>Section 10.45.070</p>	<p>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 Chapter.</p>
<p>Commercial Edible Food Generator Requirement</p> <p>Section 10.45.070</p>	<p>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 Section 10.45.070 commencing January 1, 2024.</p>
<p>Commercial Edible Food Generator Requirement</p> <p>Section 10.45.070</p>	<p>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.</p>
<p>Organic Waste Generator, Commercial Business Owner, Commercial Edible Food Generator, Food Recovery Organization or Food Recovery Service</p> <p>Sections 10.45.050 and 10.45.070</p>	<p>Failure to provide or arrange for access to an entity's premises for any Inspection or investigation.</p>
<p>Recordkeeping Requirements for Commercial Edible Food Generator</p> <p>Section 10.45.070</p>	<p>Tier One or Tier Two Commercial Edible Food Generator fails to keep records, as prescribed by Section 10.45.070.</p>
<p>Recordkeeping Requirements for Food Recovery Services and Food Recovery Organizations</p> <p>Section 10.45.080</p>	<p>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 10.45.080.</p>

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 4. EFFECTIVE DATE. This ordinance shall become effective on the thirty-first day following its adoption.

PASSED AND ADOPTED on this 1st day of March, 2022, by the following vote:

AYES: Supervisors Alejo, Phillips, Lopez, Askew and Adams

NOES: None

ABSENT: None

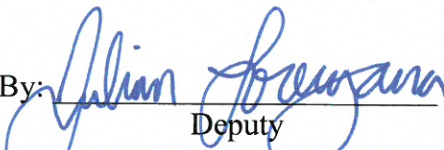
ABSTAIN: None




Mary Adams, Chair
Monterey County Board of Supervisors

A T T E S T

VALERIE RALPH
Clerk of the Board of Supervisors

By: 

Deputy
JULIAN LORENZANA

APPROVED AS TO FORM:


KELLY DONLON
Chief Deputy County Counsel