

**RODEO SANITARY DISTRICT  
ORDINANCE NO. 2022-100**

**AMENDING ARTICLES I, II, III, AND V OF, AND ADDING ARTICLES VI AND VII  
TO, ORDINANCE NO. 99-102 IN ORDER TO IMPLEMENT THE PROVISIONS OF  
THE MANDATORY ORGANICS REDUCTION LAW, SB 1383.**

WHEREAS, Senate Bill 1383, the Short-lived Climate Pollutant Reduction Act of 2016 (SB 1383), requires local governments to adopt ordinances implementing the provisions of SB 1383 and its accompanying regulations located in Chapter 12 of Division 7 of Title 14 of the California Code of Regulations (14 CCR § 18981.1 *et seq.*); and

WHEREAS, SB 1383 and its implementing regulations place requirements on local jurisdictions, residential households, Commercial Businesses (including Multi-Family Residential Dwellings), Commercial Edible Food Generators, Self-Haulers, Food Recovery Organizations, and Food Recovery Services to support achievement of Statewide Organic Waste disposal reduction targets; and

WHEREAS, the Board has determined that it is in the best interests of the District to have uniform regulation enforcing SB 1383 requirements.

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of the Rodeo Sanitary District, that Ordinance No. 99-102 shall be amended as follows:

**Section 1 of ARTICLE I of Ordinance No. 99-102 is hereby amended to include the following definitions:**

- r. "Act" means the California Integrated Waste Management Act of 1989 (sometimes referred to as "AB 939"), Public Resources Code § 40000 and following as it may be amended, including but not limited to AB 341, SB 1016, AB 1826, and SB 1383, including implementing regulations adopted by *CalRecycle*.
- s. "Bin" means a watertight 1 through 7 cubic-yard waste container that has been provided by the District's Franchised Collector.
- t. "Bulky wastes" means solid waste items which by their large size or weight are precluded from normal storage and collection. Bulky wastes include stoves, refrigerators, water heaters, furniture, beds, etc., that require special arrangements for collection.
- u. "*CalRecycle*" means California's Department of Resources Recycling and Recovery, which is the State Agency charged with responsibility for developing, implementing, and enforcing the provisions of SB 1383.
- v. "CCR" means the State of California Code of Regulations. CCR references in this ordinance are preceded with a number that refers to the relevant Title of the CCR (e.g., "14 CCR" refers to Title 14 of CCR).
- w. "Collection" means the act of collecting solid waste from the place of generation by the contractor.
- x. "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

Multi-Family Residential Dwelling/Complex or as otherwise defined in 14 CCR Section 18982(a)(6).

y. "Commercial Edible Food Generator" includes a Tier One or a Tier Two Commercial Edible Food Generator as defined herein or as otherwise defined in 14 CCR Section 18982(a)(73) and (a)(74). For the purposes of this definition, Food Recovery Organizations and Food Recovery Services are not Commercial Edible Food Generators pursuant to 14 CCR Section 18982(a)(7).

z. "Compost" means the product resulting from the controlled biological decomposition of organic wastes, in which wastes are source separated from municipal solid waste or are separated at a centralized facility. Compost includes the product resulting from the controlled biological decomposition of green waste.

aa. "Composting" means the controlled microbial degradation of organic wastes yielding a safe and nuisance-free product.

ab. "Contractor" means Richmond Sanitary Service, Inc., the District's franchisee holding the contract with the District for the collection of solid waste.

ac. "Edible Food" means food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this ordinance or as otherwise defined in 14 CCR Section 18982(a)(18), "Edible Food" is not Solid Waste if it is recovered and not discarded. Nothing in this ordinance or in 14 CCR, Division 7, Chapter 12 requires or authorizes the Recovery of Edible Food that does not meet the food safety requirements of the California Retail Food Code, as codified in the Health and Safety Code Section 113700, et seq.

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

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

af. "Food Facility" has the same meaning as in Section 113789 of the Health and Safety Code.

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

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

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

ai. "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.

aj. "Food-Soiled Paper" is compostable paper material that has come in contact with food or liquid, such as, but not limited to, uncoated paper plates, uncoated paper cups, napkins, paper towels, and



pizza boxes.

ak. "Food Waste" means Food Scraps, Food-Soiled Paper.

f. "Green waste" means recyclables that are plant wastes. The term "green waste" includes but is not limited to tree, shrub, or bush trimmings, grass cuttings, yard clippings, plants, wood, leaves, branches, tree pieces, and putrescible solid and semisolid plant based material.

al. "Multi-family dwelling" means a complex of dwelling units consisting of three (3) units or more used for residential purposes. For purposes of compliance with SB 1383 requirements, a multi-family premises 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.

am. "Nuisance" means that which is injurious or potentially injurious to health or is indecent or offensive to the senses, or is an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property.

an. "Organic Waste" means waste containing material originated from living organisms and their metabolic waste products, and may include, but is not limited to kitchen or table food waste, animal and vegetable wastes, green material, landscape and pruning waste, untreated/unpainted lumber and wood, food soiled paper, manure, biosolids, digestate, and sludges or as otherwise defined in 14 CCR Section 18982(a)(46). Organic Waste does not include Compostable Plastics.

ao. "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).

ap. "Receptacle" means a watertight garbage can or container the type of which has been provided or approved by the franchised collector for manual, semi-automated or automated collection. Each receptacle should have suitable bails or handles with a tight-fitting cover and shall have a capacity of not less than ten (10) gallons and not nor greater than ninety-six(96) gallons for solid wastes and recyclable materials and no greater than sixty-five (65) gallons for food scraps

aq. "Recyclables" mean those materials which are subject to being collected, sorted, cleansed, treated, processed, and reconstituted so that what would otherwise become solid waste is capable of becoming material which is returned to the economic system as a resource in a form of raw material for new, reused, or reconstituted products. Recyclables include but are not limited to newspaper and magazines, paper and cardboard, tin and aluminum cans, glass, plastics recyclable in the District, demolition and construction wastes, and green waste.

m. "Recycle"/"recycling" means the process of collecting, sorting, cleansing, treating, and reconstituting recyclables which would otherwise be disposed of in a landfill and returning them to the economy in the form of raw materials suitable for new, reused, reconstituted products or in the form of reusable goods suitable for resale or donation, consistent with the requirements of the District for recycled materials.

ar. "Recycling center" means a facility established for the purpose of lawful acceptance for first phase sorting and processing of recyclables including, but not limited to, buy-back centers or drop-off locations.

as. "Resource recovery" means the process by which all, or any part of solid waste is reused, recycled or converted to energy.

at. "Rubbish" means non-putrescible solid wastes such as ashes, nutrition depleted wood, glass,

bedding, crockery, plastics, rubber byproducts or litter.

au. "Self-Hauler" means a generator that collects Organic waste at their premises or place of business for the purpose of hauling those Organic materials in its own vehicles and using its own employees to load and deliver the loads to a permitted Solid Waste Facility in strict compliance the provisions of the collection service franchise agreement between the District and its authorized franchisee, Richmond Sanitary Service, Inc., and with the applicable requirements of this Ordinance. Self-Hauler does not include any hauling arrangement (1) for materials other than Organic waste, or (2) by which the Commercial Business or Multi Family Residential Dwelling/ Complex pays any compensation to a third party for such hauling of Organic waste, including any transaction or arrangement involving discounted fees for services.

p. "Solid Waste" has the same meaning as defined in Public Resources Code Section 40191, which defines Solid Waste as all putrescible and non-putrescible 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 Public Resources Code Section 40141.
- (2) Radioactive waste regulated pursuant to the State Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the Health and Safety Code).
- (3) Medical waste regulated pursuant to the State Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the Health and Safety Code). Untreated medical waste shall not be disposed of in a Solid Waste landfill, as defined in 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 Public Resources Code.

av. "Tier One Commercial Edible Food Generator" means a Commercial Edible Food Generator that is one of the following:

- (1) Supermarket with gross annual sales of \$2,000,000 or more.
- (2) Grocery Store with a total facility size equal to or greater than 10,000 square feet.
- (3) Food Service Provider as defined in 14 CCR 18982(a)(27).
- (4) Food Distributor.
- (5) Wholesale Food Vendor.

aw. "Tier Two Commercial Edible Food Generator" means a Commercial Edible Food Generator that is one of the following:

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



ax. "Large Venue Facility" means, 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 ordinance 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 Venue facilities located in the site, is a single Large Venue.

**Section 3 is hereby added to Article II of Ordinance No. 99-102 as follows:**

Section 3. Mandatory Organics Collection Requirements.

A. General Requirements

1. Organic waste generators subject to the requirements of SB 1383 shall fully comply with all applicable SB 1383 regulatory requirements or be subject to enforcement action, as determined by the District's General Manager or his or her designee.
2. Commingling of Organic waste with other forms of solid waste is prohibited; no person may place or cause to be placed for collection Organic waste in any container designated for the collection of any other form of solid waste.
3. Each Commercial premises and Multi-Family Residential property owner shall be responsible for ensuring and demonstrating its compliance with the following requirements:
  - a. Provide containers for recyclable materials in Multi-Family residential complex rental units and in maintenance and work areas where recyclable materials may be collected and/or stored.
  - b. Prominently post and maintain one or more signs where recyclable materials and/or organic waste are collected and/or stored that set forth what materials are required to be source separated in addition to collection procedures for such materials.
  - c. Notify and instruct employees and tenants of applicable source separation requirements, including a list of recyclable materials and/or organic waste that are required to be source separated for recycling. A copy of such instructions shall be provided to the District's General Manager, or his or her designee upon request.
  - d. Ensure that recyclable materials and/or organic waste generated at their site will be taken only to a recycling facility and not to a landfill for disposal by complying with all requirements under this Ordinance.
4. The Self-Haul form or other documents shall be available for inspection by the District's General Manager, or his or her designee, at the principal location of the covered generator during normal business hours.
5. The District's Franchisee shall not be held liable for the failure of a customer to comply with these requirements.
6. No Organic waste generator shall be liable for the failure of the District's Franchisee to deliver designated recyclable materials or designated organic waste to a recycling or processing facility.

7. It shall be the responsibility of the business or Multi-Family Residential property owner whose garbage was not removed because it contained recyclable materials or organic waste to properly separate recyclable materials or organic waste from the uncollected garbage for proper recycling. Allowing such unseparated garbage to accumulate will be considered a violation of this chapter.

B. Mandatory Statutory Non-Compliance Penalties

1. The SB 1383 regulations (14 CCR Section 18997.2) require assessment of penalties with minimum penalty levels consistent with the applicable requirements prescribed in Government Code Sections 53069.4, 25132, and 36900. Specific penalty levels in regards to SB 1383 are described below:
  - a. For a first violation, the amount of the base penalty shall be \$50 to \$100 per violation.
  - b. For a second violation, the amount of the base penalty shall be \$100 to \$200 per violation.
  - c. For a third or subsequent violation, the amount of the base penalty shall be \$250 to \$500 per violation.
2. The following factors shall be used to determine the amount of the penalty for each violation within the appropriate penalty amount range:
  - a. The nature, circumstances, and severity of the violation(s).
  - b. The violator's ability to pay.
  - c. The willfulness of the violator's misconduct.
  - d. Whether the violator took measures to avoid or mitigate violations of this chapter.
  - e. Evidence of any economic benefit resulting from the violation(s).
  - f. The deterrent effect of the penalty on the violator.
  - g. Whether the violation(s) were due to conditions outside the control of the violator.
3. Beginning January 1, 2024, if the District 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 the provisions of this Ordinance, the District shall issue a notice of violation, and take enforcement action pursuant, as needed. Beginning January 1, 2022 and through December 31, 2023, if the District determines that Organic Waste Generator, Self-Hauler, hauler, Tier One Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance, the District shall provide educational materials to the entity describing its obligations under this Ordinance and a notice that compliance is required by January 1, 2022, and that violations may be subject to administrative civil penalties starting on January 1, 2024.
4. The District may extend the compliance deadlines set forth in a Notice of Violation if it



finds that there are extenuating circumstances beyond the control of the responding party that make compliance within the deadlines impracticable, including the following:

- a. Acts of God, earthquakes, wildfires, flooding, epidemics, pandemics and other emergencies or natural disasters;
- b. Governmental actions or restrictions, including quarantines, emergency orders, shelter in place orders, rationing orders;
- c. Delays in obtaining discretionary permits or other government agency approvals; or
- d. Deficiencies in Organic Waste recycling infrastructure or Edible Food Recovery capacity and the Jurisdiction is under a corrective action plan with CalRecycle pursuant to 14 CCR Section 18996.2 due to those deficiencies.

**Section 4 is hereby added to Article II of Ordinance No. 99-102 as follows:**

Section 4. SB 1383 Self-Haul Requirements for Organic Waste

The provisions of this Section 4 shall be read together with the requirements of the District's collection service Franchise Agreement to harmonize the respective provisions in order to effectuate the provisions of the Franchise Agreement while achieving compliance with SB 1383 requirements. The following provisions shall apply:

- (a) Self-Haulers shall source separate Organic Waste (materials that the District otherwise requires generators to separate for collection) generated on-site from solid waste in a manner consistent with the District's collection Franchise Agreement and 14 CCR Sections 18984.1 and 18984.2.
- (b) Self-Haulers shall only haul their source separated Organic Waste to a fully permitted Solid Waste facility that processes or recovers source separated Organic Waste.
- (c) Self-Haulers that are Commercial Businesses or Multi-Family Residential Dwellings/Complexes 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 District. The records shall include the following information:
  1. Delivery receipts and weight tickets from the entity accepting the Organic Waste.
  2. The amount of material in cubic yards or tons transported by the generator to each processing entity.
- (d) If the material is transported to a permitted processing 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 processing entities that received the Organic Waste.
- (e) Self-Haulers may only collect Organic Waste at their premises or place of business for hauling those materials in their own vehicles and using their own employees to

load the materials and drive the vehicle to a permitted Solid Waste Facility in compliance the provisions of the collection service Franchise Agreement between District and its authorized franchisee, Richmond Sanitary Service, Inc., and with the applicable requirements of this Ordinance. Self-Hauler does not include any contract, payment for services or hauling arrangement by which the Commercial Business or Multi Family Residential Dwelling/Complex pays any compensation to a third party for such hauling, including any transaction or arrangement involving discounted fees for services.

(f) Nothing herein is intended to abrogate or alter rights granted to the District's franchised collector under the District's collection Franchise Agreement.

**Section 4 of Article III of Ordinance No. 99-102 is hereby amended as follows:**

Section 4. Exemption from Required Collection and Disposal Services; Waivers from Organics Requirements.

(a) Any person subject to the requirements of this Ordinance may request a hearing before the District Board to show cause why such person should not be required to subscribe for the collection and disposal of Solid Waste, Recyclable Materials and Green Waste. Any such request for a hearing shall be in writing and shall state the reasons for the request. When a hearing is requested under Section 4, the hearing shall be held before the District Manager. A hearing shall be held at a time and place fixed by the District Manager within thirty (30) days from receipt of the request, or as soon thereafter as possible under the circumstances. The District Manager may exempt from the requirements to subscribe for Solid Waste, Recyclable Materials and Green Waste collection services for any Owner who demonstrates that the premises involved are unoccupied or are not generating any Solid Waste or other waste products. The District may revoke an exemption when the District Board determines that the premises, based on a change in use or otherwise, does not qualify for an exemption.

(b) Waivers from Organics Requirements.

(1) **De Minimis Waiver.** The District may, in its discretion, waive a Commercial Business's (including Multi-Family Residential) obligation to comply with some or all of the Organic Waste collection service requirements of this Ordinance 99-102 if the Commercial Business provides documentation demonstrating that the business generates below a certain amount of Organic Waste material as described below. A Commercial Business requesting a de minimis waiver shall:

(A) Submit an application specifying the service or requirements for which it is requesting a waiver.

(B) Provide documentation that either:

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

ii. The Commercial Business's total Solid Waste collection service is less



than two cubic yards per week and Organic Waste subject to collection in a Blue Container or Green Container comprises less than 10 gallons per week per applicable container of the business's total waste.

- (2) **Physical Space Waiver.** The District may also waive a Commercial Business's (including Multi-Family Residential Dwelling) obligation to comply with some or all of the Organic Waste collection service requirements of this ordinance if the Commercial Business provides clear documentation demonstrating that the premises lacks adequate space for the collection containers required for compliance with the Organic Waste collection requirements. A Commercial Business requesting a physical space waiver shall:
- (A) Submit an application specifying the service or requirements for which it is requesting a waiver.
  - (B) Provide documentation that the premises lack adequate space for required Containers, which may include documentation from the District's Franchisee, a licensed architect, or a licensed engineer.
  - (C) Provide written verification of eligibility for physical space waiver to the District every five (5) years.

**Section 6(a) and Section 6(g) of Article III of Ordinance No. 99-102 are hereby amended as follows:**

Section 6. Solid Waste Diversion Program Subscription Charge and Requirements.

a. To meet the State of California mandated waste reduction and diversion goals the District has established a District-wide Recyclable Materials and Organics/Green Waste collection service program. As part of this program, the District may enter into an agreement or agreements with any person or persons granting to such persons the exclusive right and privilege of collecting, processing, and marketing of any Solid Waste, including the materials there which may be recycled. The District shall further have the authority to determine in what manner the recycling services are to be provided and to establish appropriate fees to cover the reasonable costs of providing said services. Where Recyclable Materials or Green Wastes are collected independent from other Solid Wastes, the subscription rate for collection service shall include a reasonable, distributed cost to cover the reasonable costs of such service.

g. The notice provisions in Article III shall apply to subscription requirements for separate Recycling Materials and Organics/Green Waste collection programs

**Section 8(10) of Article III of Ordinance No. 99-102 is hereby amended as follows:**

- (10) Materials removed by owners from their own Residential premises and transported by them to landfills, waste transfer, recycling centers, green waste processing facilities or other appropriate disposal facilities. Owners must maintain weight tags and receipts for self-hauled materials for a period of one (1) year from the date of the delivery to an appropriate permitted facility.

**Section 6 of Article V of Ordinance No. 99-102 is hereby amended as follows:**

**ARTICLE V: GENERAL PROVISIONS**

Section 6. Repeal and Supersession

This Ordinance shall repeal and/or supersede: those portions of Ordinance No. 99-102, as amended May 21, 2002; and those portions of Ordinance No. 99-102, as amended and restated September 10, 2013; or other existing District Ordinances, resolutions, orders, or policies, which are in conflict with the contents of this Ordinance. All other provisions of said Ordinances, resolutions, orders, or policies, not in conflict with the contents of this Ordinance, shall continue in full force and effect.

**Article VI is hereby added to Ordinance No. 99-102 as follows:**

**ARTICLE VI: COMMERCIAL EDIBLE FOOD GENERATOR REQUIREMENTS**

- (a) Tier One Commercial Edible Food Generators must comply with the requirements of this Article VI commencing January 1, 2022, and Tier Two Commercial Edible Food Generators must comply commencing January 1, 2024, pursuant to 14 CCR Section 18991.3.
- (b) Large Venue or Large Event operators not providing food services, but allowing for food to be provided by others, shall require Food Facilities operating at the Large Venue or Large Event to comply with the requirements of this Section, commencing January 1, 2024.
- (c) Commercial Edible Food Generators shall comply with the following requirements:
  - (1) Arrange to recover for human consumption the maximum amount of Edible Food that would otherwise be disposed.
  - (2) Contract with or enter into a written agreement with Food Recovery Organizations or Food Recovery Services for: (i) the collection of Edible Food for Food Recovery; or, (ii) acceptance of the Edible Food that the Commercial Edible Food Generator self-hauls to the Food Recovery Organization for Food Recovery.
  - (3) Not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.
  - (4) Allow the District 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 Food Recovery 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) Tier One Commercial Edible Food Generators and Tier Two Commercial Edible Food Generators shall provide, upon request, a Food Recovery report to the District that includes the information specified in Section (c)(5)(C) above. Entities shall respond to such request for information within 60 days.
- (d) Nothing in this Ordinance shall be construed to limit or conflict with the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance pursuant to Senate Bill 557 of 2017 (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).

**Article VII is hereby added to Ordinance No. 99-102 as follows:**

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

- (a) Food Recovery Services collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(1):
- (1) The name, address, and contact information for each Commercial Edible Food Generator from which the service collects Edible Food.
  - (2) The quantity in pounds of Edible Food collected from each Commercial Edible Food Generator per month.
  - (3) The quantity in pounds of Edible Food transported to each Food Recovery Organization per month.
  - (4) The name, address, and contact information for each Food Recovery Organization that the Food Recovery Service transports Edible Food to for Food Recovery.
- (b) Food Recovery Organizations collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14

CCR Section 18991.5(a)(2):

- (1) The name, address, and contact information for each Commercial Edible
  - (2) Food Generator from which the organization receives Edible Food.
  - (3) The quantity in pounds of Edible Food received from each Commercial Edible Food Generator per month.
  - (4) The name, address, and contact information for each Food Recovery Service that the organization receives Edible Food from for Food Recovery.
- (c) Food Recovery Organizations and Food Recovery Services that have their primary address physically located within the District 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 District no later than each January 31 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).
- (d) Food Recovery Capacity Planning. In order to support Edible Food Recovery capacity planning assessments and similar studies, Food Recovery Services and Food Recovery Organizations operating within the District shall provide, upon request, information and consultation to the District regarding existing, or proposed new or expanded, Food Recovery capacity that could be accessed by the District or its Commercial Edible Food Generators. Entities shall respond to such request for information within 60 days.

PASSED AND ADOPTED by the Board of Directors of Rodeo Sanitary District this 11th day of January, 2022, by the following vote:

AYES: 4  
NOES: 0  
ABSENT: 1  
ABSTAIN: 0



Connie Batchelder, President

Rodeo Sanitary District