

FAQ responses reserved from web publishing to obtain stakeholder input as part of April workshops. Thank you for providing feedback either in writing or in person at the following two Mandatory Commercial Organics Recycling (AB 1826) Stakeholder Workshops:

- April 16, 2015, Sacramento (CalEPA Headquarters Building) 9:00 am to 3:30 pm
- April 28, 2015, Southern California (AQMD, Diamond Bar) 9:00 am to 3:30 pm
 - Submit written comments to LAMD@Calrecycle.ca.gov mailbox by May 15, 2015.

1) How effective does a jurisdiction's program to divert organic material need to be in order to avoid being put on a compliance order? What if businesses are not diverting organic material, and/or options for diverting organic material cannot be identified?

Proposed Answer: During its review, CalRecycle shall determine whether the jurisdiction has made a good faith effort to implement its selected organic waste recycling program. "Good faith effort" means that the jurisdiction has made all reasonable and feasible efforts to implement its organic waste recycling program, particularly with respect to identifying covered businesses, conducting education, outreach, and monitoring, and ensuring that organic recycling services are available to all businesses. This is not the same as ensuring all businesses are meeting their specified requirement to recycle organic waste generated.

The review of each jurisdiction's compliance with AB 1826 will be conducted with the review of all of its AB 939 diversion programs, e.g., each jurisdiction is reviewed during a two or four-year cycle. This is the same process for review of mandatory commercial recycling programs. During its review of each jurisdiction, the department may include, but is not limited to, consideration of the following factors in its evaluation of a jurisdiction's good faith effort:

- The extent to which businesses have complied with the law, including information on the amount of disposal that is being diverted from the businesses, if available, and on the number of businesses that are complying with the law;
- The recovery rate of the organic waste from the material recovery facilities that are utilized by the businesses, which includes all information, methods, and calculations, and any additional performance data, as requested by CalRecycle from the material recovery facilities;
- The extent to which the jurisdiction is conducting education and outreach to businesses;
- The extent to which the jurisdiction is monitoring businesses and notifying those businesses that are not in compliance;
- The appropriateness of exemptions allowed by the jurisdiction;
- The availability of markets for collected organic waste recyclables;
- Budgetary constraints;
- In the case of a rural jurisdiction, the effects of small geographic size, low population density, or distance to markets;
- The availability, or lack thereof, of sufficient organic waste processing infrastructure, organic waste recycling facilities, and other nondisposal opportunities and markets;
- The extent to which the jurisdiction has taken steps that are under its control to remove barriers to siting and expanding organic waste recycling facilities.

The determination of a good faith effort will continue to be made on a case-by-case basis using the review factors outlined above. If a jurisdiction requires technical assistance to implement any aspects of its organics program, please contact your [LAMD representative](#).

If the jurisdiction identifies that there is a lack of options available for managing organic material, this information will be included in the Annual Report to assist in determining a jurisdiction's good faith effort. The jurisdiction will be required to provide information about the lack of organic waste processing infrastructure, organic waste recycling facilities, other non-disposal options for organic material, and/or lack of markets for processed organic material in its Annual Report starting with the 2016 report, due August 1, 2017. In addition to noting the lack of infrastructure to process material and/or markets for processed material, the jurisdiction will also provide information related to its own efforts to remove barriers to siting or expanding organic waste recycling facilities.

- 2) **My jurisdiction currently has a green waste drop off program that is available to all businesses, as well as residents. Will this program be sufficient to meet the requirements of the law and, if not, what additional programs will the jurisdiction need to provide?**

Proposed answer: Materials that are included in the definition of organic waste include food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food soiled paper waste that is mixed in with food waste. In the scenario presented, it appears that businesses and multifamily dwellings would have the option to haul one material type, green waste, to the drop off facility.

Jurisdictions are required under the law to provide annual education and outreach to inform covered businesses about the law and how to recycle organic material in the jurisdiction. The drop off location described would be one opportunity for businesses and multifamily dwellings to utilize. It would be important for the jurisdiction know whether the drop off location accepts other organic materials (e.g., landscaping and pruning waste). If it doesn't accept all organic materials including food waste, then the jurisdiction would have need to provide education and outreach to covered businesses regarding other known opportunities to recycle organic material, including self-haul and donation, if available, as well as provide resources to address all covered material types that local businesses may be generating.

If the jurisdiction's organics recycling program does not provide adequate options for businesses to divert the organic material that they generate, then the jurisdiction will need to address the barriers and specify a plan to address those barriers that are within the jurisdiction's control. For example, if the businesses generate food waste, then the jurisdiction will need to address a plan as to how it will meet the needs of those businesses. This information would be provided to CalRecycle in the annual report commencing on and after August 1, 2017.

3) **What if no food waste diversion opportunities are currently available within a reasonable vicinity? Are there any exemptions for the jurisdiction if a food waste collection program cannot be developed during the time frame specified in the law?**

Proposed answer: If the jurisdiction has identified that the regulated businesses need to recycle food waste, then it will need to plan for and implement an organics recycling program that addresses food waste. There is no exemption for lack of diversion opportunities available. However, in the development of the jurisdiction's organic waste recycling program, the jurisdiction is required to identify the following information and report it to CalRecycle beginning with the Annual Report due August 1, 2017:

- Existing organic waste recycling facilities within a reasonable vicinity and the capacities available for materials to be accepted at each facility.
- Existing solid waste and organic waste recycling facilities within the jurisdiction that may be suitable for potential expansion or colocation of organic waste processing or recycling facilities.
- Efforts of which the jurisdiction is aware that are underway to develop new private or public regional organic waste recycling facilities that may serve some or all of the organic waste recycling needs of the commercial waste generators within the jurisdiction subject to this chapter, and the anticipated timeframe for completion of those facilities.
- Closed or abandoned sites that might be available for new organic waste recycling facilities.
- Other nondisposal opportunities and markets.
- Appropriate zoning and permit requirements for the location of new organic waste recycling facilities.
- Incentives available, if any, for developing new organic waste recycling facilities within the jurisdiction.
- If the jurisdiction's organics recycling program does not provide adequate options for businesses to divert the organic material that they generate, then the jurisdiction will need to address the barriers and specify a plan to address those barriers that are within the jurisdiction's control.

The availability, or lack thereof, of sufficient organic waste processing infrastructure, organic waste recycling facilities, and other nondisposal opportunities and markets, as well as the extent to which the jurisdiction has taken steps that are under its control to remove barriers to siting and expanding organic waste recycling facilities will be factors that CalRecycle will consider during its review and in the determination of a jurisdiction's good faith effort.

- 4) **How will CalRecycle determine compliance with the Mandatory Organic Recycling law? What will a jurisdiction need to do to show a Good Faith Effort to implement its selected organic waste recycling program?**

Proposed answer: During its review, CalRecycle shall determine whether the jurisdiction has made a good faith effort to implement its selected organic waste recycling program. During its review of compliance with AB 1826, the department may include, but is not limited to, consideration of the following factors in its evaluation of a jurisdiction's good faith effort:

- a) The extent to which businesses have complied with the law, including information on the amount of disposal that is being diverted from the businesses, if available, and on the number of businesses that are complying with the law;
- b) The recovery rate of the organic waste from the material recovery facilities that are utilized by the businesses, which includes all information, methods, and calculations, and any additional performance data, as requested by CalRecycle from the material recovery facilities; The extent to which the jurisdiction is conducting education and outreach to businesses;
- c) The extent to which the jurisdiction is monitoring businesses and notifying those businesses that are not in compliance;
- d) The appropriateness of exemptions allowed by the jurisdiction;
- e) The availability of markets for collected organic waste recyclables;
- f) Budgetary constraints;
- g) In the case of a rural jurisdiction, the effects of small geographic size, low population density, or distance to markets;
- h) The availability, or lack thereof, of sufficient organic waste processing infrastructure, organic waste recycling facilities, and other nondisposal opportunities and markets;
- i) The extent to which the jurisdiction has taken steps that are under its control to remove barriers to siting and expanding organic waste recycling facilities.

The determination of a good faith effort will continue to be made on a case-by-case basis using the review factors outlined above. If a jurisdiction requires technical assistance to implement any aspects of its organics program, please contact your [LAMD representative](#).

- 5) **Is there anything in the law that includes a stipulation that the jurisdiction would be required to provide a curbside program? What are the specific requirements on jurisdictions to comply with the law?**

Proposed Answer: No, a curbside program is not required. The law requires jurisdictions to have an organics recycling program. The jurisdiction needs to assess what types of recycling programs are needed to meet the needs of its businesses. In some jurisdictions providing a curbside organics recycling collection program may be needed to meet the needs of the businesses. Jurisdictions also need to provide education, outreach, and monitoring to affected businesses to inform them of the state requirement to recycle and to tell businesses how they can recycle in the jurisdiction.

Regarding informing and educating businesses about recycling opportunities in the jurisdiction, the types and combinations of commercial recycling programs vary by

jurisdiction and can include curbside collection, drop-offs, and utilizing mixed waste processing. Additionally, businesses may choose to self-haul material to a drop-off or recycling center, arrange for the pick-up of organics, etc.