

ORDINANCE NO. 2021 – 621

**ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WOODSIDE
ADOPTING WOODSIDE MUNICIPAL CODE CHAPTER 56: ORGANIC
WASTE DISPOSAL REDUCTION**

IT IS HEREBY ORDAINED by the Town Council of the Town of Woodside to amend the Woodside Municipal Code as follows:

SECTION ONE: Chapter 56, Organic Waste Disposal Reduction, attached hereto as Exhibit A, is hereby adopted as part of Title V, Public Works, of the Woodside Municipal Code.

SECTION TWO: In the event that any provision of this ordinance is in conflict with any other ordinances of the Town of Woodside or the Woodside Municipal Code, the provisions of this ordinance shall prevail.

SECTION THREE: If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional or invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of the Ordinance or any part thereof. The Town Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective.


SECTION FOUR: Pursuant to Section 36937 of the Government Code of the State of California, the Ordinance shall take effect and be in full force and effect thirty (30) days after its final passage.

SECTION FIVE: The Town Clerk shall cause this Ordinance to be published in accordance with the requirements of Section 36933 of the Government Code of the State of California.

* * * * *

I, the undersigned, hereby certify that the foregoing Ordinance is a full, true and correct copy of Ordinance No. 2021-621 of the Town of Woodside entitled as above; that it was introduced on the 16th of November, 2021, and was passed and adopted by the Town Council on the 14th of December, 2021, by the following vote:

AYES, COUNCILMEMBERS: Carvell, Dombkowski, Fluet, Shaw, Wall, and Mayor Brown
NOES, COUNCILMEMBERS:
ABSENT, COUNCILMEMBERS: Scott
ABSTAIN, COUNCIL MEMBERS:


Clerk of the Town of Woodside

APPROVED:


Mayor of the Town of Woodside

1 **CHAPTER 56: ORGANIC WASTE DISPOSAL REDUCTION**

2 **ARTICLE I. PURPOSE AND FINDINGS**

3 The Town of Woodside finds and declares:

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

38 (E) SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires
39 Jurisdictions to adopt and enforce an ordinance or enforceable mechanism to
40 implement relevant provisions of SB 1383 Regulations. This ordinance will also
41 help reduce food insecurity by requiring Commercial Edible Food Generators to
42 arrange to have the maximum amount of their Edible Food, that would otherwise
43 be disposed, be recovered for human consumption.

44 **ARTICLE II. MANDATORY ORGANIC WASTE DISPOSAL REDUCTION**
45 **ORDINANCE.**

46 This chapter shall be entitled "Mandatory Organic Waste Disposal Reduction Ordinance".

47 **ARTICLE III. DEFINITIONS**

48 (A) "Blue Container" has the same meaning as in 14 CCR Section 18982.2(a)(5) and
49 shall be used for the purpose of storage and collection of Source Separated
50 Recyclable Materials or Source Separated Blue Container Organic Waste.

51 (1) "Recyclable Materials" means those materials designated in EXHIBIT D of
52 the Woodside and Green Waste Garbage franchise Agreement that have been
53 separated by the Service Recipient from other discards including Garbage and
54 Yard Trimmings or Mixed Compostable Materials and set-out for collection as
55 Recyclable Materials. Recyclable Materials may be either a mixed stream of
56 commingled Acceptable Recyclable Materials, or a stream consisting of a single
57 type of acceptable Recyclable Materials (such as cardboard). Recyclable
58 Materials includes small dry-cell batteries and compact fluorescent light bulbs in
59 sealed (e.g., Ziploc®) plastic bags, but no more than one bulb may be placed in
60 each bag, and excludes fluorescent lamp tubes, and Service Recipients shall
61 place these items on top of (not inside) their Recyclable Materials Container.
62 Recyclable Materials does not include Mixed Compostable Materials, Yard
63 Trimmings, Manure or Hazardous Materials.

64 (B) "CalRecycle" means California's Department of Resources Recycling and
65 Recovery, which is the Department designated with responsibility for developing,
66 implementing, and enforcing SB 1383 Regulations on Jurisdictions (and others).

67 (C) "California Code of Regulations" or "CCR" means the State of California Code of
68 Regulations. CCR references in this ordinance are preceded with a number that
69 refers to the relevant Title of the CCR (e.g., "14 CCR" refers to Title 14 of CCR).

70 (D) "Commercial Business" or "Commercial" means a firm, partnership, proprietorship,
71 joint-stock company, corporation, or association, whether for-profit or nonprofit,
72 strip mall, industrial facility, or a multifamily residential dwelling, or as otherwise
73 defined in 14 CCR Section 18982(a)(6). A Multi-Family Residential Dwelling that
74 consists of fewer than five (5) units is not a Commercial Business for purposes of

75 implementing this Ordinance. Commercial Businesses that are Tier One or Tier
76 Two Commercial Edible Food Generators shall comply with Edible Food Recovery
77 requirements contained in the Requirements for Tier One and Tier Two
78 Commercial Edible Food Generators section of this Ordinance, including the self-
79 hauling provisions.

80 (E) "Commercial Edible Food Generator" includes a Tier One or a Tier Two
81 Commercial Edible Food Generator as defined in this Ordinance. For the purposes
82 of this definition, Food Recovery Organizations and Food Recovery Services are
83 not Commercial Edible Food Generators.

84 (F) "Compliance Review" means a review of records by a Jurisdiction to determine
85 compliance with this ordinance.

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

91 (H) "Compost" has the same meaning as in 14 CCR Section 17896.2(a)(4), which
92 stated, as of the effective date of this ordinance, that "Compost" means the product
93 resulting from the controlled biological decomposition of organic Solid Wastes that
94 are Source Separated from the municipal Solid Waste stream, or which are
95 separated at a centralized facility.

96 (I) "Compostable Plastics" or "Compostable Plastic" means plastic materials that
97 meet the ASTM D6400 standard for compostability, or as otherwise described in
98 14 CCR Section 18984.1(a)(1)(A) or 18984.2(a)(1)(C).

99 (J) "Container Contamination" or "Contaminated Container" means a container,
100 regardless of color, that contains Prohibited Container Contaminants, or as
101 otherwise defined in 14 CCR Section 18982(a)(55).

102 (K) "C&D" means construction and demolition debris.

103 (L) "Designee for Edible Food Recovery" means the County of San Mateo's Office of
104 Sustainability with which the Town has a Memorandum of Understanding for the
105 purposes of Edible Food Recovery including, but not limited to, inspection,
106 investigation, and enforcement of the Edible Food Recovery provisions of this
107 Ordinance. Contact information for the Designee for Edible Food Recovery can be
108 found on the County of San Mateo Office of Sustainability website.

109 (M) "Edible Food" means food intended for and fit for human consumption and
110 collected or received from a Tier One or Tier Two Commercial Edible Food
111 Generator. For the purposes of this Ordinance, "Edible Food" is not Solid Waste if
112 it is recovered and not discarded. Nothing in this Ordinance or in 14 CCR, Division

- 113 7, Chapter 12 requires or authorizes the recovery of Edible Food that does not
114 meet the food safety requirements of the California Retail Food Code.
- 115 (N) “Edible Food Recovery” means actions to collect, receive, and/or re-distribute
116 Edible Food for human consumption from Tier One and Tier Two Commercial
117 Edible Food Generators that otherwise would be disposed.
- 118 (O) “Enforcement Action” means an action of the Town to address non-compliance
119 with this ordinance including, but not limited to, issuing administrative citations,
120 fines, penalties, or using other remedies.
- 121 (P) “Excluded Waste” means hazardous material, hazardous waste, infectious waste,
122 designated waste, volatile, corrosive, medical waste, infectious, regulated
123 radioactive waste, and toxic substances or material that facility operator(s), which
124 receive materials from the Town and its generators, reasonably believe(s) would,
125 as a result of or upon acceptance, transfer, processing, or disposal, be a violation
126 of local, State, or Federal law, regulation, or ordinance, including: land use
127 restrictions or conditions, waste that cannot be disposed of in Class III landfills or
128 accepted at the facility by permit conditions, waste that in Jurisdictions, or its
129 Designee’s reasonable opinion would present a significant risk to human health or
130 the environment, cause a nuisance or otherwise create or expose Jurisdiction, or
131 its Designee, to potential liability; but not including de minimis volumes or
132 concentrations of waste of a type and amount normally found in Single-Family or
133 Multi-Family Solid Waste after implementation of programs for the safe collection,
134 processing, recycling, treatment, and disposal of batteries and paint in compliance
135 with Sections 41500 and 41802 of the California Public Resources Code.
- 136 (Q) “Food Distributor” means a company that distributes food to entities including, but
137 not limited to, Supermarkets and Grocery Stores.
- 138 (R) “Food Facility” has the same meaning as in Section 113789 of the Health and
139 Safety Code.
- 140 (S) “Food Recovery Organization” means an entity that engages in the collection or
141 receipt of Edible Food from Tier One or Tier Two Commercial Edible Food
142 Generators and distributes that Edible Food either directly or through other entities,
143 including, but not limited to:
- 144 (1) A food bank as defined in Section 113783 of the Health and Safety Code;
- 145 (2) A nonprofit charitable organization as defined in Section 113841 of the
146 Health and Safety code; and,
- 147 (3) A nonprofit charitable temporary food facility as defined in Section 113842
148 of the Health and Safety Code.

- 149 A Food Recovery Organization is not a Commercial Edible Food Generator for the
 150 purposes of this Ordinance and implementation of 14 CCR, Division 7, Chapter 12
 151 pursuant to 14 CCR Section 18982(a)(7).
- 152 (T) "Food Recovery Service" means a person or entity that collects and transports
 153 Edible Food from a Tier One or Tier Two Commercial Edible Food Generator to a
 154 Food Recovery Organization or other entities for Edible Food Recovery. A Food
 155 Recovery Service is not a Commercial Edible Food Generator for the purposes of
 156 this Ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to
 157 14 CCR Section 18982(a)(7).
- 158 (U) "Food Service Provider" means an entity primarily engaged in providing food
 159 services to institutional, governmental, commercial, or industrial locations of others
 160 based on contractual arrangements with these types of organizations.
- 161 (V) "Food-Soiled Paper" is compostable paper material that has come in contact with
 162 food or liquid, such as, but not limited to, compostable paper plates, paper coffee
 163 cups, napkins, pizza boxes, and milk cartons.
- 164 (W) "Garbage" means putrescible wastes including kitchen and table food wastes; food
 165 soiled paper, animal or vegetable wastes resulting from storage, preparation,
 166 cooking, processing, or handling of food or food stuffs; non-putrescible wastes that
 167 are mixed in the same container with or are contaminated by putrescible wastes;
 168 infectious wastes, such as used tissues, which are normally produced at residential
 169 premises; small dead animals not exceeding ten (10) pounds in weight; and any
 170 putrefactive or easily decomposable waste material which is likely to attract flies,
 171 vermin , birds or rodents. Garbage does not include Recyclable Materials, Yard
 172 Trimmings, Manure, or Hazardous Material.
- 173 (X) "Gray Container" has the same meaning as in 14 CCR Section 18982.2(a)(28) and
 174 shall be used for the purpose of storage and collection of Gray Container Waste.
- 175 (Y) "Gray Container Waste" means Solid Waste that is collected in a Gray Container
 176 that is part of a three-container Organic Waste collection service that prohibits the
 177 placement of Organic Waste in the Gray Container as specified in 14 CCR
 178 Sections 18984.1(a) and (b), or as otherwise defined in 14 CCR Section
 179 17402(a)(6.5).
- 180 (Z) "Greenhouse gas (GHG)" means carbon dioxide (CO₂), methane (CH₄), nitrous
 181 oxide (N₂O), sulfur hexafluoride (SF₆), hydrofluorocarbons (HFC),
 182 perfluorocarbons (PFC), and other fluorinated greenhouse gases as defined in this
 183 section.
- 184 (AA) "Greenhouse gas emission reduction" or "greenhouse gas reduction" means
 185 actions designed to achieve a calculated decrease in greenhouse gas emissions
 186 over time.

- 187 (BB) "Green Container" has the same meaning as in 14 CCR Section 18982.2(a)(29)
 188 and shall be used for the purpose of storage and collection of Source Separated
 189 Green Container Organic Waste.
- 190 (CC) "Grocery Store" means a store primarily engaged in the retail sale of canned food;
 191 dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area
 192 that is not separately owned within the store where the food is prepared and
 193 served, including a bakery, deli, and meat and seafood departments, or as
 194 otherwise defined in 14 CCR Section 18982(a)(30).
- 195 (DD) "Hauler Route" means the designated itinerary or sequence of stops for each
 196 segment of the Town's collection service area, or as otherwise defined in 14 CCR
 197 Section 18982(a)(31.5).
- 198 (EE) "Hazardous Material" means any material or combination of materials which
 199 because of its quantity, concentration, or physical, chemical or infectious
 200 characteristics may either: (a) cause or significantly contribute to an increase in
 201 mortality or an increase in serious irreversible, or incapacitating reversible illness ;
 202 or (b) pose a substantial present or potential hazard to human health or
 203 environment when improperly treated, stored, transported or disposed of or
 204 otherwise managed. Hazardous Material include, but are not limited to, hazardous
 205 wastes as defined under California or United States law or any regulations
 206 promulgated pursuant to such law, as such law or regulations may from time to
 207 time be amended.
- 208 (FF) "High Diversion Organic Waste Processing Facility" means a facility that is in
 209 compliance with the reporting requirements of 14 CCR Section 18815.5(d) and
 210 meets or exceeds an annual average Mixed Waste organic content Recovery rate
 211 of 50 percent between January 1, 2022 and December 31, 2024, and 75 percent
 212 after January 1, 2025, as calculated pursuant to 14 CCR Section 18815.5(e) for
 213 Organic Waste received from the "Mixed waste organic collection stream" as
 214 defined in 14 CCR Section 17402(a)(11.5); or, as otherwise defined in 14 CCR
 215 Section 18982(a)(33).
- 216 (GG) "Inspection" means a site visit where the Town reviews records, containers, and
 217 an entity's collection, handling, recycling, or landfill disposal of Organic Waste or
 218 Edible Food handling to determine if the entity is complying with requirements set
 219 forth in this ordinance, or as otherwise defined in 14 CCR Section 18982(a)(35);
 220 For the purposes of Edible Food Recovery, "Inspection" means actions to review
 221 contracts and other records related to the recovery of Edible Food, and may occur
 222 off-site via email and other forms of electronic communication, as well as the on-
 223 site review of an entity's records and collection, handling, and other procedures for
 224 the recovery of Edible Food to determine if the entity is complying with the
 225 requirements of this Ordinance.

- 226 (HH) "Jurisdiction Enforcement Official" means the Town Manager or his/her authorized
 227 Designee(s) who is/are partially or wholly responsible for enforcing the ordinance.
 228 See also "Regional or County Agency Enforcement Official".
- 229 (II) [Intentionally omitted.]
- 230 (JJ) [Intentionally omitted.]
- 231 (KK) "Local Education Agency" means a school district, charter school, or county office
 232 of education that is not subject to the control of city or county regulations related
 233 to Solid Waste, or as otherwise defined in 14 CCR Section 18982(a)(40).
- 234 (LL) "Mixed Waste Organic Collection Stream" or "Mixed Waste" means Organic Waste
 235 collected in a container that is required by 14 CCR Sections 18984.1, 18984.2 or
 236 18984.3 to be taken to a High Diversion Organic Waste Processing Facility or as
 237 otherwise defined in 14 CCR Section 17402(a)(11.5).
- 238 (MM) "Multi-Family Residential Dwelling" or "Multi-Family" means of, from, or pertaining
 239 to residential premises with five (5) or more dwelling units. Multi-Family premises
 240 do not include hotels, motels, or other transient occupancy facilities, which are
 241 considered Commercial Businesses.
- 242 (NN) "MWELo" refers to the Model Water Efficient Landscape Ordinance (MWELo), 23
 243 CCR, Division 2, Chapter 2.7.
- 244 (OO) "Non-Compostable Paper" includes but is not limited to paper that is coated in a
 245 plastic material that will not breakdown in the composting process, or as otherwise
 246 defined in 14 CCR Section 18982(a)(41).
- 247 (PP) "Non-Local Entity" means the following entities that are not subject to the
 248 Jurisdiction's enforcement authority, or as otherwise defined in 14 CCR Section
 249 18982(a)(42):
- 250 (1) Special district(s) located within the boundaries of the Jurisdiction, including
 251 the Woodside Fire Protection District.
 - 252 (2) Public universities (including community colleges) located within the
 253 boundaries of the Jurisdiction, including Canada College.
 - 254 (3) State agencies located within the boundaries of the Jurisdiction, including
 255 the Department of Transportation.
- 256 (QQ) "Non-Organic Recyclables" means non-putrescible and non-hazardous recyclable
 257 wastes including but not limited to bottles, cans, metals, plastics and glass, or as
 258 otherwise defined in 14 CCR Section 18982(a)(43).
- 259 (RR) "Notice of Violation (NOV)" means a notice that a violation has occurred that
 260 includes a compliance date to avoid an action to seek penalties, or as otherwise

261 defined in 14 CCR Section 18982(a)(45) or further explained in 14 CCR Section
262 18995.4.

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

269 (TT) "Organic Waste Generator" means a person or entity that is responsible for the
270 initial creation of Organic Waste, or as otherwise defined in 14 CCR Section
271 18982(a)(48).

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

275 (VV) "Printing and Writing Papers" include, but are not limited to, copy, xerographic,
276 watermark, cotton fiber, offset, forms, computer printout paper, white wove
277 envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint,
278 and other uncoated writing papers, posters, index cards, calendars, brochures,
279 reports, magazines, and publications, or as otherwise defined in 14 CCR Section
280 18982(a)(54).

281 (WW) "Prohibited Container Contaminants"

282 (1) Three-container or three-plus-container collection service (Blue Container,
283 Green Container, and Gray Containers): "Prohibited Container
284 Contaminants" means the following: (i) discarded materials placed in the
285 Blue Container that are not identified as acceptable Source Separated
286 Recyclable Materials for the Jurisdiction's Blue Container; (ii) discarded
287 materials placed in the Green Container that are not identified as acceptable
288 Source Separated Green Container Organic Waste for the Jurisdiction's
289 Green Container; (iii) discarded materials placed in the Gray Container that
290 are acceptable Source Separated Recyclable Materials and/or Source
291 Separated Green Container Organic Wastes to be placed in Jurisdiction's
292 Green Container and/or Blue Container; and, (iv) Excluded Waste placed in
293 any container.

294 (2) Two-container (blue/gray) collection service for Source Separated
295 Recyclable Materials and mixed materials): "Prohibited Container
296 Contaminants" means the following: (i) discarded materials placed in a Blue
297 Container that are not identified as acceptable Source Separated
298 Recyclable Materials for Jurisdiction's Blue Container; (ii) discarded
299 materials placed in the Gray Container that are identified as acceptable
300 Source Separated Recyclable Materials, which are to be separately

- 301 collected in Jurisdiction’s Blue Container; and, (iii) Excluded Waste placed
302 in any container.
- 303 (XX) “Recovered Organic Waste Products” means products made from California,
304 landfill-diverted recovered Organic Waste processed in a permitted or otherwise
305 authorized facility, or as otherwise defined in 14 CCR Section 18982(a)(60).
- 306 (YY) “Recovery” means any activity or process described in 14 CCR Section
307 18983.1(b), or as otherwise defined in 14 CCR Section 18982(a)(49).
- 308 (ZZ) “Recycled-Content Paper” means Paper Products and Printing and Writing Paper
309 that consists of at least 30 percent, by fiber weight, postconsumer fiber, or as
310 otherwise defined in 14 CCR Section 18982(a)(61).
- 311 (AAA) “Regional Agency” means regional agency as defined in Public Resources Code
312 Section 40181.
- 313 (BBB) “Regional or County Agency Enforcement Official” means a regional or county
314 agency enforcement official, designated by the Town with responsibility for
315 enforcing the ordinance in conjunction or consultation with Jurisdiction
316 Enforcement Official.
- 317 (CCC) “Remote Monitoring” means the use of the internet of things (IoT) and/or wireless
318 electronic devices to visualize the contents of Blue Containers, Green Containers,
319 and Gray Containers for purposes of identifying the quantity of materials in
320 containers (level of fill) and/or presence of Prohibited Container Contaminants.
- 321 (DDD) “Renewable Gas” means gas derived from Organic Waste that has been diverted
322 from a California landfill and processed at an in-vessel digestion facility that is
323 permitted or otherwise authorized by 14 CCR to recycle Organic Waste, or as
324 otherwise defined in 14 CCR Section 18982(a)(62).
- 325 (EEE) “Restaurant” means an establishment primarily engaged in the retail sale of food
326 and drinks for on-premises or immediate consumption, or as otherwise defined in
327 14 CCR Section 18982(a)(64).
- 328 (FFF) “Route Review” means a visual Inspection of containers along a Hauler Route for
329 the purpose of determining Container Contamination, and may include mechanical
330 Inspection methods such as the use of cameras, or as otherwise defined in 14
331 CCR Section 18982(a)(65).
- 332 (GGG) “SB 1383” means Senate Bill 1383 of 2016 approved by the Governor on
333 September 19, 2016, which added Sections 39730.5, 39730.6, 39730.7, and
334 39730.8 to the Health and Safety Code, and added Chapter 13.1 (commencing
335 with Section 42652) to Part 3 of Division 30 of the Public Resources Code,
336 establishing methane emissions reduction targets in a Statewide effort to reduce
337 emissions of short-lived climate pollutants as amended, supplemented,
338 superseded, and replaced from time to time.

- 339 (HHH) “SB 1383 Regulations” or “SB 1383 Regulatory” means or refers to, for the
 340 purposes of this ordinance, the Short-Lived Climate Pollutants: Organic Waste
 341 Reduction regulations developed by CalRecycle and adopted in 2020 that created
 342 14 CCR, Division 7, Chapter 12 and amended portions of regulations of 14 CCR
 343 and 27 CCR.
- 344 (III) “Self-Hauler” means a person, who hauls to another person, Solid Waste, Organic
 345 Waste or recyclable material he or she has generated. Self-hauler also includes a
 346 person who back-hauls waste, or as otherwise defined in 14 CCR Section
 347 18982(a)(66). Back-haul means generating and transporting Organic Waste to a
 348 destination owned and operated by the generator using the generator’s own
 349 employees and equipment, or as otherwise defined in 14 CCR Section
 350 18982(a)(66)(A). For the purposes of Edible Food Recovery, “Self-Hauler” means
 351 a Commercial Edible Food Generator which holds a contract with and hauls Edible
 352 Food to a Food Recovery Organization or other site for redistribution according to
 353 the requirements of this Ordinance.
- 354 (JJJ) “Single-Family” means of, from, or pertaining to any residential premises with fewer
 355 than five (5) units.
- 356 (KKK) “Solid Waste” has the same meaning as defined in State Public Resources Code
 357 Section 40191, which defines Solid Waste as all putrescible and nonputrescible
 358 solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper,
 359 rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned
 360 vehicles and parts thereof, discarded home and industrial appliances, dewatered,
 361 treated, or chemically fixed sewage sludge which is not hazardous waste, manure,
 362 vegetable or animal solid and semi-solid wastes, and other discarded solid and
 363 semisolid wastes, with the exception that Solid Waste does not include any of the
 364 following wastes:
- 365 (1) Hazardous waste, as defined in the State Public Resources Code Section
 366 40141.
- 367 (2) Radioactive waste regulated pursuant to the State Radiation Control Law
 368 (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of
 369 the State Health and Safety Code).
- 370 (3) Medical waste regulated pursuant to the State Medical Waste Management
 371 Act (Part 14 (commencing with Section 117600) of Division 104 of the State
 372 Health and Safety Code). Untreated medical waste shall not be disposed of
 373 in a Solid Waste landfill, as defined in State Public Resources Code Section
 374 40195.1. Medical waste that has been treated and deemed to be Solid
 375 Waste shall be regulated pursuant to Division 30 of the State Public
 376 Resources Code.
- 377 (LLL) “Source Separated” means materials, including commingled recyclable materials,
 378 that have been separated or kept separate from the Solid Waste stream, at the

379 point of generation, for the purpose of additional sorting or processing those
380 materials for recycling or reuse in order to return them to the economic mainstream
381 in the form of raw material for new, reused, or reconstituted products, which meet
382 the quality standards necessary to be used in the marketplace, or as otherwise
383 defined in 14 CCR Section 17402.5(b)(4). For the purposes of the ordinance,
384 Source Separated shall include separation of materials by the generator, property
385 owner, property owner's employee, property manager, or property manager's
386 employee into different containers for the purpose of collection such that Source
387 Separated materials are separated from Mixed Waste or other Solid Waste for the
388 purposes of collection and processing.

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

393 (NNN) "Source Separated Green Container Organic Waste" means Source Separated
394 Organic Waste that can be placed in a Green Container that is specifically intended
395 for the separate collection of Organic Waste by the generator, excluding Source
396 Separated Blue Container Organic Waste, carpets, Non-Compostable Paper, and
397 textiles.

398 (OOO) "Source Separated Recyclable Materials" means Source Separated Non-Organic
399 Recyclables and Source Separated Blue Container Organic Waste.

400 (PPP) "State" means the State of California.

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

405 (RRR) "Tier One Commercial Edible Food Generator" means a Commercial Edible Food
406 Generator that is one of the following:

407 (1) Supermarket.

408 (2) Grocery Store with a total facility size equal to or greater than 10,000 square
409 feet.

410 (3) Food Service Provider.

411 (4) Food Distributor.

412 (5) Wholesale Food Vendor.

413 If the definition in 14 CCR Section 18982(a)(73) of Tier One Commercial Edible
414 Food Generator differs from this definition, the definition in 14 CCR Section
415 18982(a)(73) shall apply to this Ordinance.

416 (SSS) "Tier Two Commercial Edible Food Generator" means a Commercial Edible Food
417 Generator that is one of the following:

418 (1) Restaurant with 250 or more seats, or a total facility size equal to or greater
419 than 5,000 square feet.

420 (2) Hotel with an on-site Food Facility and 200 or more rooms.

421 (3) Health facility with an on-site Food Facility and 100 or more beds.

422 (4) A State agency with a cafeteria with 250 or more seats or total cafeteria
423 facility size equal to or greater than 5,000 square feet.

424 (5) A Local Education Agency facility with an on-site Food Facility.

425 If the definition in 14 CCR Section 18982(a)(74) of Tier Two Commercial Edible
426 Food Generator differs from this definition, the definition in 14 CCR Section
427 18982(a)(74) shall apply to this Ordinance.

428 (TTT) "Town" means the Town of Woodside.

429 (UUU) "Uncontainerized Green Waste and Yard Waste Collection Service" or
430 "Uncontainerized Service" means a collection service that collects green waste
431 and yard waste that is placed in a pile or bagged for collection on the street in front
432 of a generator's house or place of business for collection and transport to a facility
433 that recovers Source Separated Organic Waste, or as otherwise defined in 14 CCR
434 Section 189852(a)(75).

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

440 **ARTICLE IV. REQUIREMENTS FOR SINGLE-FAMILY GENERATORS**

441 Single-Family Organic Waste Generators shall comply with the following requirements
442 except Single-Family generators that meet the Self-Hauler requirements in Section 10 of
443 this ordinance:

444 (A) Shall subscribe to the Town's Organic Waste collection services for all Organic
445 Waste generated as described below in Section 4(b). The Town shall have the
446 right to review the number and size of a generator's containers to evaluate

447 adequacy of capacity provided for each type of collection service for proper
448 separation of materials and containment of materials; and, Single-Family
449 generators shall adjust its service level for its collection services as requested by
450 the Town. Generators may additionally manage their Organic Waste by preventing
451 or reducing their Organic Waste, managing Organic Waste on site, and/or using a
452 Community Composting site pursuant to 14 CCR Section 18984.9(c).

453 (B) Shall participate in the Town's Organic Waste collection service(s) by placing
454 designated materials in designated containers as described below, and shall not
455 place Prohibited Container Contaminants in collection containers.

456 (1) For a three- and three-plus-container collection service (Blue Container,
457 Green Container, and Gray Container), generator shall place Source
458 Separated Green Container Organic Waste, except Food Waste, in the
459 Green Container; Source Separated Recyclable Materials in the Blue
460 Container; and Mixed Waste, including Food Waste, in the Gray Container.
461 Generator shall not place materials designated for the Green Containers or
462 Blue Containers in the Gray Containers.

463 (2) For a two-container collection service (Blue Container/Gray Container
464 system), generator shall place only Source Separated Recyclable Materials
465 in a Blue Container. Generator shall place all other materials (Mixed Waste)
466 in a Gray Container.

467 **ARTICLE V. REQUIREMENTS FOR COMMERCIAL BUSINESSES**

468 Generators that are Commercial Businesses, including Multi-Family Residential
469 Dwellings, shall:

470 (A) Subscribe to the Town's three-, three-plus, or two-container collection services and
471 comply with requirements of those services as described below in Section 6(b),
472 except Commercial Businesses that meet the Self-Hauler requirements in Section
473 10 of this ordinance. The Town shall have the right to review the number and size
474 of a generator's containers and frequency of collection to evaluate adequacy of
475 capacity provided for each type of collection service for proper separation of
476 materials and containment of materials; and, Commercial Businesses shall adjust
477 their service level for their collection services as requested by the Town.

478 (B) Except Commercial Businesses that meet the Self-Hauler requirements in Section
479 10 of this ordinance, participate in the Town's Organic Waste collection service(s)
480 by placing designated materials in designated containers as described below.

481 (1) For a three- and three-plus-container collection service (Blue Container,
482 Green Container, and Gray Container), generator shall place Source
483 Separated Green Container Organic Waste, except Food Waste, in the
484 Green Container; Source Separated Recyclable Materials in the Blue

485 Container; and Mixed Waste, including Food Waste, in the Gray Container.
486 Generator shall not place materials designated for the Green Containers or
487 Blue Containers in the Gray Containers.

488 (2) For a two-container collection service (Blue Container/Gray Container
489 system), generator shall place only Source Separated Recyclable Materials
490 in a Blue Container. Generator shall place all other materials (Mixed Waste)
491 in a Gray Container.

492 (C) Supply and allow access to adequate number, size and location of collection
493 containers with sufficient labels or colors (conforming with Sections 6(d)(1) and
494 6(d)(2) below) for employees, contractors, tenants, and customers, consistent with
495 the Town's Blue Container, Green Container, and Gray Container collection
496 service or, if self-hauling, per the Commercial Businesses' instructions to support
497 its compliance with its self-haul program, in accordance with Section 10.

498 (D) Excluding Multi-Family Residential Dwellings, provide containers for the collection
499 of Source Separated Green Container Organic Waste and Source Separated
500 Recyclable Materials in all indoor and outdoor areas where disposal containers are
501 provided for customers, for materials generated by that business. Such containers
502 do not need to be provided in restrooms. If a Commercial Business does not
503 generate any of the materials that would be collected in one type of container, then
504 the business does not have to provide that particular container in all areas where
505 disposal containers are provided for customers. Pursuant to 14 CCR Section
506 18984.9(b), the containers provided by the business shall have either:

507 (1) A body or lid that conforms with the container colors provided through the
508 collection service provided by the Town, with either lids conforming to the
509 color requirements or bodies conforming to the color requirements or both
510 lids and bodies conforming to color requirements. A Commercial Business
511 is not required to replace functional containers, including containers
512 purchased prior to January 1, 2022, that do not comply with the
513 requirements of the subsection prior to the end of the useful life of those
514 containers, or prior to January 1, 2036, whichever comes first.

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

521 (E) Multi-Family Residential Dwellings are not required to comply with container
522 placement requirements or labeling requirement in Section 6(d) pursuant to 14
523 CCR Section 18984.9(b).

- 524 (F) To the extent practical through education, training, inspection, and/or other
525 measures, excluding Multi-Family Residential Dwellings, prohibit employees from
526 placing materials in a container not designated for those materials per the Town's
527 Blue Container, Green Container, and Gray Container collection service or, if self-
528 hauling, per the Commercial Businesses' instructions to support its compliance
529 with its self-haul program, in accordance with Section 12.
- 530 (G) Excluding Multi-Family Residential Dwellings, periodically inspect Blue Containers,
531 Green Containers, and Gray Containers for contamination and inform employees
532 if containers are contaminated and of the requirements to keep contaminants out
533 of those containers pursuant to 14 CCR Section 18984.9(b)(3).
- 534 (H) Annually provide information to employees, contractors, tenants, and customers
535 about Organic Waste Recovery requirements and about proper sorting of Source
536 Separated Green Container Organic Waste and Source Separated Recyclable
537 Materials.
- 538 (I) Provide education information before or within fourteen (14) days of occupation of
539 the premises to new tenants that describes requirements to keep Source
540 Separated Green Container Organic Waste and Source Separated Recyclable
541 Materials separate from Gray Container Waste (when applicable) and the location
542 of containers and the rules governing their use at each property.
- 543 (J) Provide or arrange access for the Town or its agent to their properties during all
544 inspections conducted in accordance with Section 12 of this ordinance to confirm
545 compliance with the requirements of this ordinance.
- 546 (K) Accommodate and cooperate with the Town's Remote Monitoring program for
547 inspection of the contents of containers for Prohibited Container Contaminants,
548 which may be implemented at a later date, to evaluate generator's compliance with
549 Section 6(b). The Remote Monitoring program shall involve installation of Remote
550 Monitoring equipment on or in the Blue Containers, Green Containers, and Gray
551 Containers.
- 552 (L) At Commercial Business's option and subject to any approval required from the
553 Town, implement a Remote Monitoring program for inspection of the contents of
554 its Blue Containers, Green Containers, and Gray Containers for the purpose of
555 monitoring the contents of containers to determine appropriate levels of service
556 and to identify Prohibited Container Contaminants. Generators may install Remote
557 Monitoring devices on or in the Blue Containers, Green Containers, and Gray
558 Containers subject to written notification to or approval by the Town or its
559 Designee.
- 560 (M) If a Commercial Business wants to self haul, meet the Self-Hauler requirements in
561 Section 10 of this ordinance.

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

565 (O) Commercial Businesses that are Tier One or Tier Two Commercial Edible Food
566 Generators shall comply with Food Recovery requirements, pursuant to Section 9.

567 **ARTICLE VI. WAIVERS FOR GENERATORS**

568 (A) De Minimis Waivers. The Town may waive a Commercial Business' obligation
569 (including Multi-Family Residential Dwellings) to comply with some or all of the
570 Organic Waste requirements of this ordinance if the Commercial Business
571 provides documentation that the business generates below a certain amount of
572 Organic Waste material as described in Section 6(a)(2) below. Commercial
573 Businesses requesting a de minimis waiver shall:

574 (1) Submit an application specifying the services that they are requesting a
575 waiver from and provide documentation as noted in Section 8(a)(2) below.

576 (2) Provide documentation that either:

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

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

587 (3) Notify the Town if circumstances change such that Commercial Business's
588 Organic Waste exceeds threshold required for waiver, in which case waiver
589 will be rescinded.

590 (4) Provide written verification of eligibility for de minimis waiver every 5 years,
591 if the Town has approved de minimis waiver.

592 (B) Physical Space Waivers. The Town may waive a Commercial Business' or
593 property owner's obligations (including Multi-Family Residential Dwellings) to
594 comply with some or all of the recyclable materials and/or Organic Waste collection
595 service requirements if the Town has evidence from its own staff, a hauler, licensed
596 architect, or licensed engineer demonstrating that the premises lacks adequate
597 space for the collection containers required for compliance with the Organic Waste
598 collection requirements of Section 5.

- 599 A Commercial Business or property owner may request a physical space waiver
600 through the following process:
- 601 (1) Submit an application form specifying the type(s) of collection services for
602 which they are requesting a compliance waiver.
- 603 (2) Provide documentation that the premises lacks adequate space for Blue
604 Containers and/or Green Containers including documentation from its
605 hauler, licensed architect, or licensed engineer.
- 606 (3) Provide written verification to the Town that it is still eligible for physical
607 space waiver every five years, if the Town has approved application for a
608 physical space waiver.
- 609 (C) Collection Frequency Waiver. The Town, at its discretion and in accordance with
610 14 CCR Section 18984.11(a)(3), may allow the owner or tenant of any residence,
611 premises, business establishment or industry that subscribes to the Town's three-
612 , three-plus, or two-container Organic Waste collection service to arrange for the
613 collection of their Blue Container, Gray Container, or both once every fourteen
614 days, rather than once per week.
- 615 (D) Review and Approval of Waivers by the Town shall be conducted by the Town
616 Manager or his or her designee.

617 **ARTICLE VII. REQUIREMENTS FOR TIER ONE AND TIER TWO**
618 **COMMERCIAL EDIBLE FOOD GENERATORS**

- 619 (A) Tier One Commercial Edible Food Generators must comply with the requirements
620 of this Section commencing January 1, 2022, and Tier Two Commercial Edible
621 Food Generators must comply commencing January 1, 2024, pursuant to 14 CCR
622 Section 18991.3.
- 623 (B) Large Venue or Large Event operators not providing food services, but allowing
624 for food to be provided by others, shall require Food Facilities operating at the
625 Large Venue or Large Event to comply with the requirements of this Section,
626 commencing January 1, 2024.
- 627 (C) Tier One and Tier Two Commercial Edible Food Generators shall comply with the
628 following requirements:
- 629 (1) Arrange to recover the maximum amount of Edible Food that would
630 otherwise be disposed.
- 631 (2) Use the CalRecycle Model Food Recovery Agreement or the contractual
632 elements contained in the Requirements for Food Recovery Organizations
633 and Food Recovery Services section of this Ordinance to contract with, or

- 634 otherwise enter into a written agreement with Food Recovery Organizations
635 or Food Recovery Services for:
- 636 (a) The collection of Edible Food for Edible Food Recovery from the Tier
637 One or Tier Two Commercial Edible Food Generator's premises; or,
- 638 (b) the acceptance of Edible Food that the Tier One or Tier Two
639 Commercial Edible Food Generator self-hauls to the Food Recovery
640 Organization.
- 641 (3) Contract with Food Recovery Organizations and Food Recovery Services
642 able to demonstrate a positive reduction in green house gas emissions from
643 their Edible Food Recovery activity. A list of Food Recovery Organizations
644 and Food Recovery Services is available on the County of San Mateo Office
645 of Sustainability website.
- 646 (4) Shall not intentionally spoil Edible Food that is capable of being recovered
647 by a Food Recovery Organization or a Food Recovery Service.
- 648 (5) Allow the Town's enforcement entity or their Designee for Edible Food
649 Recovery to access the premises and inspect procedures and review
650 records related to Edible Food Recovery and/or provide them electronically
651 if requested by the Town or the Designee for Edible Food Recovery.
- 652 (6) Keep records that include the following information:
- 653 (a) A list of each Food Recovery Organization or a Food Recovery
654 Service that collects or receives Edible Food from the Tier One or
655 Tier Two Commercial Edible Food Generator pursuant to a contract
656 or written agreement as required by this Ordinance.
- 657 (b) A copy of all contracts or written agreements established under the
658 provisions of this Ordinance.
- 659 (c) A record of the following information for each of those Food Recovery
660 Services or Food Recovery Organizations:
- 661 (i) The name, address and contact information of the Food
662 Recovery Service or Food Recovery Organization.
- 663 (ii) The types of food that will be collected by or self-hauled to the
664 Food Recovery Service or Food Recovery Organization.
- 665 (iii) The established schedule or frequency that food will be
666 collected or self-hauled.

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

670 (7) No later than June 30th of each year commencing no later than July 1, 2022
671 for Tier One Commercial Edible Food Generators and July 1, 2024 for Tier
672 Two Commercial Edible Food Generators, they shall provide an annual
673 Edible Food Recovery report to the Designee for Edible Food Recovery that
674 includes, but is not limited to, the following information: a list of all contracts
675 with Food Recovery Organizations and Food Recovery Services, the
676 amount and type of Edible Food donated to Food Recovery Organizations
677 and Food Recovery Services, the schedule of Edible Food pickup by Food
678 Recovery Organizations and Food Recovery Services, a list of all types of
679 Edible Food categories they generate, such as "baked goods," that are not
680 accepted by the Food Recovery Organizations and Food Recovery
681 Services with whom they contract, the contact information for the manager
682 and all staff responsible for Edible Food Recovery, and certification that all
683 staff responsible for Edible Food Recovery have obtained a food handler
684 card through an American National Standards Institute (ANSI) accredited
685 training provider that meets ASTM International E2659-09 Standard
686 Practice for Certificate Programs, such as ServSafe. With the exception of
687 the food safety and handling training certification, Tier One and Teir Two
688 Commercial Edible Food Generators may coordinate with their Edible Food
689 Recovery contractors to supply this information. The Designee for Edible
690 Food Recovery will assist in the preparation of these reports by providing
691 guidance and a template located on the County of San Mateo Office of
692 Sustainability website.

693 (8) Mandate their Edible Food Recovery staff learn and follow the donation
694 guidelines and attend trainings conducted by Food Recovery Organizations
695 or Food Recovery Services with which they contract regarding best
696 practices and requirements for the timely identification, selection,
697 preparation, and storage of Edible Food to ensure the maximum amount of
698 Edible Food is recovered and to avoid supplying food for collection that is
699 moldy, has been improperly stored, or is otherwise unfit for human
700 consumption.

701 (9) Tier One and Tier Two Commercial Edible Food Generators who self-haul
702 Edible Food shall require those transporting Edible Food for recovery to
703 obtain a food handler card through an American National Standards
704 Institute (ANSI) accredited training provider that meets ASTM International
705 E2659-09 Standard Practice for Certificate Programs, such as ServSafe
706 and follow the best practices and standards for proper temperature control,
707 methods, and procedures for the safe handling and transport of food.

708 (D) Nothing in this Ordinance shall be construed to limit or conflict with the protections
709 provided by the California Good Samaritan Food Donation Act of 2017, the Federal

710 Good Samaritan Act, or share table and school food donation guidance pursuant
711 to Senate Bill 557 of 2017 (approved by the Governor of the State of California on
712 September 25, 2017, which added Article 13 [commencing with Section 49580] to
713 Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, and to amend
714 Section 114079 of the Health and Safety Code, relating to food safety, as
715 amended, supplemented, superseded and replaced from time to time).

716 **ARTICLE VIII. REQUIREMENTS FOR FOOD RECOVERY**
717 **ORGANIZATIONS AND SERVICES**

718 (A) Food Recovery Services operating in the Town and collecting or receiving Edible
719 Food directly from Tier One and/or Tier Two Commercial Edible Food Generators
720 via a contract or written agreement established under the requirements of this
721 Ordinance, shall maintain the following records:

722 (1) The name, address, and contact information for each Tier One and Tier Two
723 Commercial Edible Food Generator from which the service collects Edible
724 Food.

725 (2) The quantity in pounds of Edible Food by type collected from each Tier One
726 and Tier Two Commercial Edible Food Generator per month.

727 (3) The quantity in pounds of Edible Food by type transported to each Food
728 Recovery Organization or redistribution site per month.

729 (4) The name, address, and contact information for each Food Recovery
730 Organization or redistribution site that the Food Recovery Service
731 transports Edible Food to for Edible Food Recovery.

732 (B) Food Recovery Organizations operating in the Town and collecting or receiving
733 Edible Food directly from Tier One and/or Tier Two Commercial Edible Food
734 Generators via a contract or written agreement established under the requirements
735 of this Ordinance, or receiving Edible Food from Food Recovery Services or from
736 other Food Recovery Organizations, shall maintain the following records:

737 (1) The name, address, and contact information for each Tier One and Tier Two
738 Commercial Edible Food Generator, Food Recovery Service, or other Food
739 Recovery Organization from which the organization collects or receives
740 Edible Food.

741 (2) The quantity in pounds of Edible Food by type collected or received from
742 each Tier One or Tier Two Commercial Edible Food Generator, Food
743 Recovery Service, or other Food Recovery Organization per month.

744 (3) The name, address, and contact information for other Food Recovery
745 Organizations or redistribution sites that the Food Recovery Organization
746 transports Edible Food to for Edible Food Recovery.

- 747 (C) Food Recovery Organizations and Food Recovery Services operating in the Town
748 shall inform Tier One and Tier Two Commercial Edible Food Generators from
749 which they collect or receive Edible Food about California and Federal Good
750 Samaritan Food Donation Act protection in written communications, such as in
751 their contract or agreement established as required by this Ordinance.
- 752 (D) Commencing no later than July 1, 2022, Food Recovery Organizations and Food
753 Recovery Services operating in the Town and collecting or receiving Edible Food
754 from Tier One and Tier Two Commercial Edible Food Generators or any other
755 source shall report to the Designee for Edible Food Recovery the following: a
756 detailed Edible Food activity report of the information collected as required under
757 this Ordinance, including weight in pounds by type and source of Edible Food, the
758 schedule/frequency of pickups/drop-offs of Edible Food from/to each Edible Food
759 source or redistribution site, brief analysis of any necessary process
760 improvements or additional infrastructure needed to support Edible Food Recovery
761 efforts, such as training, staffing, refrigeration, vehicles, etc., and an up to date list
762 of Tier One and Tier Two Commercial Edible Food Generators with whom they
763 have contracts or agreements established as required under this Ordinance. The
764 Designee for Edible Food Recovery will assist in the preparation of these reports
765 by providing guidance and a template located on the County of San Mateo Office
766 of Sustainability website. This Edible Food activity report shall be submitted
767 quarterly, or at the discretion of the Designee for Edible Food Recovery, less
768 frequently, and shall cover the activity that occurred since the period of the last
769 submission.
- 770 (E) Food Recovery Organizations and Food Recovery Services operating in the
771 Town shall contact the Designee for Edible Food Recovery to discuss the
772 requirements of this Ordinance before establishing new contracts or agreements
773 with Tier One or Tier Two Commercial Edible Food Generators and in order to
774 maintain existing contracts or agreements for the recovery of Edible Food with
775 Tier One and Tier Two Commercial Edible Food Generators.
- 776 (F) In order to provide the required records to the State, the Town, or the Designee for
777 Edible Food Recovery, and Tier One or Tier Two Commercial Edible Food
778 Generators, contracts between Food Recovery Organizations and Food Recovery
779 Services operating in the Town and Tier One and Tier Two Commercial Edible
780 Food Generators shall either:
- 781 (1) Use the Model Food Recovery Agreement developed by the State of
782 California's Department of Resources Recycling and Recovery
783 (CalRecycle,) and include a clause requiring the Food Recovery
784 Organization or Food Recovery Service to report to the Tier One and Tier
785 Two Commercial Edible Food Generators with whom they have contracts
786 the annual amount of Edible Food recovered and to inform them of the tax
787 benefits available to those who donate Edible Food to non-profits;
- 788 (2) Or include in their contracts the following elements:

- 789 (a) List/description of allowable foods the Food Recovery
790 Organization/Food Recovery Service will receive.
- 791 (b) List/description of foods not accepted by the Food Recovery
792 Organization/Food Recovery Service.
- 793 (c) Conditions for refusal of food.
- 794 (d) Food safety requirements, training, and protocols.
- 795 (e) Transportation and storage requirements and training.
- 796 (f) A protocol for informing the Tier One or Tier Two Commercial
797 Edible Food Generators of a missed or delayed pickup.
- 798 (g) Notice that donation dumping is prohibited.
- 799 (h) Provisions to collect sufficient information to meet the record-
800 keeping requirements of this Ordinance.
- 801 (i) Fees/financial contributions/acknowledgement of terms for
802 the pickup and redistribution of Edible Food.
- 803 (j) Terms and conditions consistent with the CalRecycle Model
804 Food Recovery Agreement.
- 805 (k) Information supplying the Tier One or Tier Two Commercial
806 Edible Food Generators with the annual amount of Edible
807 Food recovered and informing them of the tax benefits that
808 may be available to those who donate Edible Food to non-
809 profits.
- 810 (l) Contact name, address, phone number, and email for both
811 responsible parties, including the current on-site staff
812 responsible for Edible Food Recovery.
- 813 (m) Food Recovery Organizations accepting self-hauling of Edible
814 Food from Tier One and Tier Two Commercial Edible Food
815 Generators must provide a schedule, including days of the
816 week and acceptable times for drop-offs, and information
817 about any limitation on the amount of food accepted, and/or
818 the packaging requirements or other conditions of transport,
819 such as, but not limited to, maintaining proper temperature
820 control, and other requirements for the safe handling and
821 transport of food, the self-hauler must follow for the Edible
822 Food to be accepted.

- 823 (G) Food Recovery Organizations and Food Recovery Services operating in the Town
824 shall demonstrate that all persons, including volunteers and contracted workers
825 using their own vehicle, involved in the handling or transport of Edible Food, have
826 obtained a food handler card through an American National Standards Institute
827 (ANSI) accredited training provider that meets ASTM International E2659-09
828 Standard Practice for Certificate Programs, such as ServSafe.
- 829 (H) Food Recovery Organizations and Food Recovery Services operating in the Town
830 shall use the appropriate temperature control equipment and methods and
831 maintain the required temperatures for the safe handling of Edible Food recovered
832 from Tier One and Tier Two Commercial Edible Food Generators for the duration
833 of the transportation of the Edible Food for redistribution, including Edible Food
834 transported by private vehicles.
- 835 (I) In order to ensure recovered Edible Food is eaten and to prevent donation
836 dumping, Food Recovery Organizations and Food Recovery Services operating in
837 the Town shall provide documentation that all redistribution sites which are not
838 themselves Food Recovery Organizations to which they deliver Edible Food have
839 a feeding or redistribution program in place to distribute, within a reasonable time,
840 all the Edible Food they receive. Such documentation may include a website
841 address which explains the program or pamphlets/brochures prepared by the
842 redistribution site.
- 843 (J) Food Recovery Organizations and Food Recovery Services operating in the Town
844 unable to demonstrate a positive reduction in GHG emissions for their Edible Food
845 Recovery operational model cannot contract with Tier One and Tier Two
846 Commercial Edible Food Generators in the Town for the purpose of recovering
847 Edible Food as defined in this Ordinance. Food Recovery Organizations and Food
848 Recovery Services contracting to recover Edible Food from a Tier One and Tier
849 Two Commercial Edible Food Generator for redistribution shall consult with the
850 Town's Designee for Edible Food Recovery to document that their overall
851 operational model will achieve a greenhouse gas emissions reduction. Such
852 review may analyze route review, miles traveled for pick-up and redistribution,
853 amount of food rescued, and the likelihood of consumption after redistribution.
- 854 (K) Food Recovery Organizations and Food Recovery Services operating in the Town
855 shall visually inspect all Edible Food recovered or received from a Tier One and
856 Tier Two Commercial Edible Food Generator. If significant spoilage is found, or if
857 the food is otherwise found to be unfit for redistribution for human consumption,
858 Food Recovery Organizations and Food Recovery Services shall immediately
859 notify the Designee for Edible Food Recovery using the process found on the
860 County of San Mateo Office of Sustainability's website. The notice shall include:
- 861 (1) The type and amount, in pounds, of spoiled food or food unfit for
862 redistribution for human consumption, or provide a photographic record of
863 the food, or both.

- 864 (2) The date and time such food was identified.
- 865 (3) The name, address and contact information for the Tier One or Tier Two
866 Commercial Edible Food Generator which provided the food.
- 867 (4) The date and time the food was picked up or received.
- 868 (5) A brief explanation of why the food was rejected or refused.
- 869 (L) Contracts between Tier One or Tier Two Commercial Edible Food Generators and
870 Food Recovery Organizations or Food Recovery Services shall not include any
871 language prohibiting Tier One or Tier Two Commercial Edible Food Generators
872 from contracting or holding agreements with multiple Food Recovery
873 Organizations or Food Recovery Services listed on the County of San Mateo Office
874 of Sustainability website.
- 875 (M) Food Recovery Organizations and Food Recovery Services operating in the Town
876 shall conduct trainings and develop educational material such as donation
877 guidelines and handouts to provide instruction and direction to Tier One and Tier
878 Two Commercial Edible Food Generators with whom they contract regarding best
879 practices and requirements for the timely identification, selection, preparation, and
880 storage of Edible Food to ensure the maximum amount of Edible Food is recovered
881 and to avoid the collection of food that is moldy, has been improperly stored, or is
882 otherwise unfit for human consumption.
- 883 (N) Edible Food Recovery Capacity Planning
- 884 (1) Food Recovery Services and Food Recovery Organizations. In order to
885 support Edible Food Recovery capacity planning assessments or other
886 such studies, Food Recovery Services and Food Recovery Organizations
887 operating in the Town shall provide information and consultation to the
888 Town and its Designee for Edible Food Recovery upon request, regarding
889 existing, or proposed new or expanded, Edible Food Recovery capacity that
890 could be accessed by the Town and its Tier One and Tier Two Commercial
891 Edible Food Generators. A Food Recovery Service or Food Recovery
892 Organization contacted by the Town or its Designee for Edible Food
893 Recovery shall respond to such requests for information within 60 days.
- 894 (O) Allow the Town's enforcement entity or their Designee for Edible Food Recovery
895 to access the premises and inspect procedures and review records related to
896 Edible Food Recovery and/or provide them electronically if requested by the Town
897 or the Designee for Edible Food Recovery.

898 **ARTICLE IX. REQUIREMENTS FOR HAULERS AND FACILITY**
899 **OPERATORS**

- 900 (A) Requirements for Haulers

901 (1) Exclusive franchised hauler providing residential, Commercial, or industrial
902 Organic Waste collection services to generators within the Town's
903 boundaries shall meet the following requirements and standards as a
904 condition of approval of a contract, agreement, or other authorization with
905 the Town to collect Organic Waste:

906 (a) Through written notice to the Town annually on or before July 1st,
907 identify the facilities to which they will transport Organic Waste
908 including facilities for Source Separated Recyclable Materials,
909 Source Separated Green Container Organic Waste, and Mixed
910 Waste.

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

915 (c) Obtain approval from the Town to haul Organic Waste, unless it is
916 transporting Source Separated Organic Waste to a Community
917 Composting site or lawfully transporting C&D in a manner that
918 complies with 14 CCR Section 18989.1.

919 (B) Requirements for Facility Operators and Community Composting Operations

920 (1) Owners of facilities, operations, and activities that recover Organic Waste,
921 including, but not limited to, Compost facilities, in-vessel digestion facilities,
922 and publicly-owned treatment works shall, upon Town request, provide
923 information regarding available and potential new or expanded capacity at
924 their facilities, operations, and activities, including information about
925 throughput and permitted capacity necessary for planning purposes.
926 Entities contacted by the Town shall respond within 60 days.

927 (2) Community Composting operators, upon Town request, shall provide
928 information to the Town to support Organic Waste capacity planning,
929 including, but not limited to, an estimate of the amount of Organic Waste
930 anticipated to be handled at the Community Composting operation. Entities
931 contacted by the Town shall respond within 60 days.

932 **ARTICLE X. SELF-HAULER REQUIREMENTS**

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

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

945 (C) Self-Haulers that are Commercial Businesses (including Multi-Family Residential
946 Dwellings) shall keep a record of the amount of Organic Waste delivered to each
947 Solid Waste facility, operation, activity, or property that processes or recovers
948 Organic Waste; this record shall be subject to inspection by the Jurisdiction. The
949 records shall include the following information:

950 (1) Delivery receipts and weight tickets from the entity accepting the waste.

951 (2) The amount of material in cubic yards or tons transported by the generator
952 to each entity.

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

958 (D) Self-Haulers that are Commercial Businesses (including Multi-Family Self-
959 Haulers) shall provide information collected in Section 12(c) to the Town if
960 requested.

961 (E) A residential Organic Waste Generator that self hauls Organic Waste is not
962 required to record or report information in Section 10(c) and (d).

963 **ARTICLE XI. INSPECTIONS AND INVESTIGATIONS BY JURISDICTION**

964 (a) Town representatives and/or its designated entity, including the Designee for
965 Edible Food Recovery are authorized to conduct Inspections and investigations,
966 at random or otherwise, of any collection container, collection vehicle loads, or
967 transfer, processing, or disposal facility for materials collected from generators, or
968 Source Separated materials to confirm compliance with this Ordinance by Organic
969 Waste Generators, Commercial Businesses (including Multi-Family Residential
970 Dwellings), property owners, Tier One and Tier Two Commercial Edible Food
971 Generators, haulers, Self-Haulers, Food Recovery Services, and Food Recovery
972 Organizations, subject to applicable laws. This Section does not allow the Town to
973 enter the interior of a private residential property for inspection. For the purposes
974 of inspecting Commercial Business containers for compliance with Section 6(b) or
975 7(b) of this ordinance, the Town may conduct container inspections for Prohibited
976 Container Contaminants using Remote Monitoring, and Commercial Businesses

977 shall accommodate and cooperate with the Remote Monitoring pursuant to Section
978 6(k) or 7(k) of this ordinance.

979 (b) Regulated entity shall provide or arrange for access during all Inspections (with the
980 exception of residential property interiors) and shall cooperate with the Town's
981 employee or its designated entity/Designee for Edible Food Recovery during such
982 Inspections and investigations. Such Inspections and investigations may include
983 confirmation of proper placement of materials in containers, Edible Food Recovery
984 activities, records, or any other requirement of this Ordinance described herein.
985 Failure to provide or arrange for: (i) access to an entity's premises; (ii) installation
986 and operation of Remote Monitoring equipment; or (iii) access to records for any
987 Inspection or investigation is a violation of this Ordinance and may result in
988 penalties described.

989 (c) Any records obtained by the Town during its Inspections, Remote Monitoring, and
990 other reviews shall be subject to the requirements and applicable disclosure
991 exemptions of the Public Records Act as set forth in Government Code Section
992 6250 et seq.

993 (d) The Town's representatives, its designated entity, and/or Designee for Edible Food
994 Recovery are authorized to conduct any Inspections, Remote Monitoring, or other
995 investigations as reasonably necessary to further the goals of this Ordinance,
996 subject to applicable laws.

997 (e) The Town shall receive written complaints from persons regarding an entity that
998 may be potentially non-compliant with SB 1383 Regulations, including receipt of
999 anonymous complaints.

1000 **ARTICLE XII. ENFORCEMENT**

1001 (A) Violation of any provision of this Ordinance shall constitute grounds for issuance
1002 of a Notice of Violation and assessment of a fine by the Town or the Designee for
1003 Edible Food Recovery. Enforcement Actions under this Ordinance are initiated by
1004 an administrative citation and assessment of a fine. Appeals may be filed to the
1005 Town Council by providing a written request to appeal to the Town Clerk or Town
1006 Manager, along with an appeal fee as set forth in the Town's fee and deposit
1007 schedule, no later than ten (10) days after the issuance of the Notice of Violation.
1008 The Town Council shall thereafter conduct a hearing on the Notice of Violation.

1009 (B) Other remedies allowed by law may be used, including civil action or prosecution
1010 as misdemeanor or infraction. The Town or the Designee for Edible Food Recovery
1011 may pursue civil actions in the California courts to seek recovery of unpaid
1012 administrative citations. The Town or the Designee for Edible Food Recovery may
1013 choose to delay court action until such time as a sufficiently large number of
1014 violations, or cumulative size of violations exist such that court action is a
1015 reasonable use of Town or the Designee for Edible Food Recovery resources.

1016 (C) Responsible Entity for Enforcement

1017 (1) Enforcement pursuant to this Ordinance may be undertaken by the Town
1018 Enforcement Official, which may be the Town Manager or their designee,
1019 or the Designee for Edible Food Recovery, or combination thereof.

1020 (2) Enforcement may also be undertaken by a Regional Agency Enforcement
1021 Official or Designee for Edible Food Recovery designated by the Town, in
1022 consultation with the Town.

1023 (a) The Town Enforcement Official(s) (and Regional Agency or
1024 Designee for Edible Food Recovery, if using) will interpret
1025 Ordinance; determine the applicability of waivers, if violation(s) have
1026 occurred; implement Enforcement Actions; and, determine if
1027 compliance standards are met.

1028 (b) The Town Enforcement Official(s) (and Regional Agency
1029 Enforcement Official, if using, or Designee for Edible Food Recovery)
1030 may issue Notices of Violation(s).

1031 (D) Process for Enforcement

1032 (1) Town or Regional Enforcement Officials and/or their Designee for Edible
1033 Food Recovery will monitor compliance with the Ordinance randomly and
1034 through Compliance Reviews, Route Reviews, investigation of complaints,
1035 and an Inspection program (that may include Remote Monitoring). Section
1036 12 establishes the Town's and Designee for Edible Food Recovery's right
1037 to conduct Inspections and investigations.

1038 (2) The Town or their Designee for Edible Food Recovery may issue an official
1039 notification to notify regulated entities of its obligations under the Ordinance.

1040 (3) For incidences of Prohibited Container Contaminants found in containers,
1041 the Town will issue a Notice of Violation to any generator found to have
1042 Prohibited Container Contaminants in a container. Such notice will be
1043 provided via a cart tag or other communication immediately upon
1044 identification of the Prohibited Container Contaminants or within ten (10)
1045 days after determining that a violation has occurred.

1046 The Town or its Designee for Edible Food Recovery will issue a Notice of
1047 Violation to any Tier One or Tier Two Commercial Edible Food Generator
1048 found to have Edible Food in any waste container or to any Food Recovery
1049 Organization or Food Recovery Service found to have Edible Food
1050 recovered from a Tier One or Tier Two Edible Food Generator in a waste
1051 collection container which has not been documented by a notice of
1052 significant spoilage as required in this Ordinance. Such notice will be
1053 provided by email communication immediately upon identification of the
1054 violation or within three (3) calendar days after determining that a violation

1055 has occurred if the Jurisdiction or its Designee for Edible Food Recovery
1056 observes Edible Food in a Tier One or Tier Two Commercial Edible Food
1057 Generator, or Food Recovery Organization, or Food Recovery Service
1058 waste container on more than two (2) consecutive occasion(s), the
1059 jurisdiction or its Designee for Edible Food Recovery may assess an
1060 administrative citation and fine, pursuant to the Edible Food Recovery
1061 penalties provisions contained in this Ordinance, on the Tier One or Tier
1062 Two Commercial Edible Food Generator, Food Recovery Organization, or
1063 Food Recovery Service.

1064 (4) With the exception of violations of generator contamination of container
1065 contents addressed under Section 17(d)(3), the Town shall issue a Notice
1066 of Violation requiring compliance within sixty (60) days of issuance of the
1067 notice.

1068 (5) Absent compliance by the respondent within the deadline set forth in the
1069 Notice of Violation, the Town shall commence an action to impose
1070 penalties, via an administrative citation and fine.

1071 For the purposes of Edible Food Recovery, the Designee for Edible Food
1072 Recovery shall commence an action to impose penalties, via an
1073 administrative citation and fine, pursuant to the Edible Food Recovery
1074 Penalties provisions contained in this Ordinance.

1075 Notices shall be sent to "owner" at the official address of the owner
1076 maintained by the tax collector for the Town or if no such address is
1077 available, to the owner at the address of the dwelling or Commercial
1078 property or to the party responsible for paying for the collection services,
1079 depending upon available information.

1080 (E) Penalty Amounts for Types of Violations

1081 The penalty levels are as follows:

1082 (1) For a first violation, the amount of the base penalty shall be \$100 per
1083 violation.

1084 (2) For a second violation, the amount of the base penalty shall be \$200 per
1085 violation.

1086 (3) For a third or subsequent violation, the amount of the base penalty shall be
1087 \$500 per violation.

1088 (F) Compliance Deadline Extension Considerations

1089 The Town may extend the compliance deadlines set forth in a Notice of Violation
1090 issued in accordance with Section 12 if it finds that there are extenuating

1091 circumstances beyond the control of the respondent that make compliance within
1092 the deadlines impracticable, including the following:

1093 (1) Acts of God such as earthquakes, wildfires, flooding, and other
1094 emergencies or natural disasters;

1095 (2) Delays in obtaining discretionary permits or other government agency
1096 approvals; or,

1097 (3) Deficiencies in Organic Waste recycling infrastructure or Edible Food
1098 Recovery capacity and the Town is under a corrective action plan with
1099 CalRecycle pursuant to 14 CCR Section 18996.2 due to those deficiencies.

1100 (G) Appeals Process

1101 Persons receiving an administrative citation containing a penalty for an
1102 uncorrected violation may request a hearing to appeal the citation. A hearing will
1103 be held only if it is requested within the time prescribed and consistent with the
1104 Town's or Designee for Edible Food Recovery's procedures in the Town's or the
1105 Designee for Edible Food Recovery's codes for appeals of administrative citations.
1106 Evidence may be presented at the hearing. The Town or Designee for Edible Food
1107 Recovery will appoint a hearing officer who shall conduct the hearing and issue a
1108 final written order.

1109 (H) Education Period for Non-Compliance

1110 Beginning January 1, 2022 and through December 31, 2023, the Town or
1111 Designee for Edible Food Recovery will conduct Inspections, Remote Monitoring,
1112 Route Reviews or waste evaluations, and Compliance Reviews, depending upon
1113 the type of regulated entity, to determine compliance, and if the Town determines
1114 that an Organic Waste Generator, Self-Hauler, hauler, Tier One Commercial
1115 Edible Food Generator, Food Recovery Organization, Food Recovery Service, or
1116 other entity is not in compliance, it shall provide educational materials and/or, for
1117 the purposes of Edible Food Recovery, training to the entity describing its
1118 obligations under this Ordinance and a notice that compliance is required by
1119 January 1, 2022, and that violations may be subject to administrative civil penalties
1120 starting on January 1, 2024.

1121 (I) Civil Penalties for Non-Compliance

1122 Beginning January 1, 2024, if the Town or Designee for Edible Food Recovery
1123 determines that an Organic Waste Generator, Self-Hauler, hauler, Tier One or Tier
1124 Two Commercial Edible Food Generator, Food Recovery Organization, Food
1125 Recovery Service, or other entity is not in compliance with this ordinance, it shall
1126 document the noncompliance or violation, issue a Notice of Violation, and take
1127 Enforcement Action pursuant to Section 12, as needed.

1128 **ARTICLE XIII. EFFECTIVE DATE**

1129 This ordinance shall be effective commencing on January 1, 2022.