



SB 1383 Enforcement in Alameda County

Else Lebsack

March 28, 2024



About StopWaste



- We work on behalf of 17 member agencies in Alameda County, serving 1.7 million citizens
- Public agency governed by the Alameda County Waste Management Authority, the Alameda County Source Reduction and Recycling Board, and the Energy Council

Organics Collection in Alameda County

- Implemented Mandatory Recycling and Composting Ordinance in 2012
 - Phased-in approach targeted larger & food permitted businesses to start
 - Inspection-based enforcement
 - Issued 2,500 citations
- Organics Reduction & Recycling Ordinance in 2021



Outreach and Education




STOPWASTE At Home At Work At School

🏠 / Organics Reduction and Recycling Ordinance

Organics Reduction and Recycling Ordinance


California State law, SB 1383, aims to keep food and other compostable materials ("organics") out of landfills to reduce emissions that contribute to climate change. In Alameda County, the law is implemented and enforced under the Organics Reduction and Recycling Ordinance. [Read More](#)

Under the law, businesses, nonprofits, institutions, schools, and multi-family properties must comply with the following rules. [Rules for residents are slightly different.](#)




1. HAVE COMPOST AND RECYCLING SERVICE
You must set up adequate collection service (or have an approved waiver on file).

GET SERVICE




2. HAVE THE CORRECT INDOOR BINS
Place color-coded and labeled compost and recycling bins next to all garbage bins.

SET UP INDOOR BINS





3. SORT MATERIALS CORRECTLY
All materials must go into the proper bins: Compost, Recycling, and Garbage.


SORT CORRECTLY



4. DONATE SURPLUS FOOD
In addition, some businesses such as grocery stores, food distributors, and large restaurants must recover and donate their surplus edible food. [Learn more about food donation requirements.](#)

 **Free Help & Materials**

 **Correct a Violation**

 **Contact Us**



www.StopWaste.org/rules

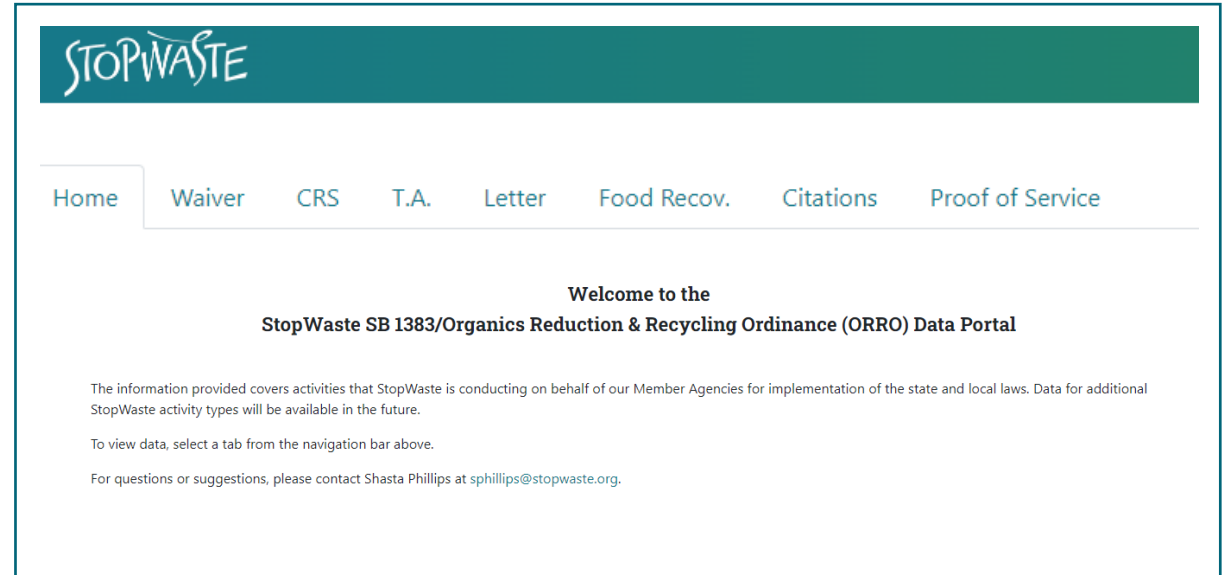
Enforcement Roles

[Enforcement Lead]

| Enforceable Element | StopWaste | Cities & Haulers | ACDEH |
|---|----------------------------|------------------|------------------------|
| Subscribe to compost and recycling service | X | | |
| Sort properly | | X | |
| Recover edible food | X (non-permitted sites) | | X (permitted sites) |
| Single-family residential: subscribe to compost and recycling service | | X | |

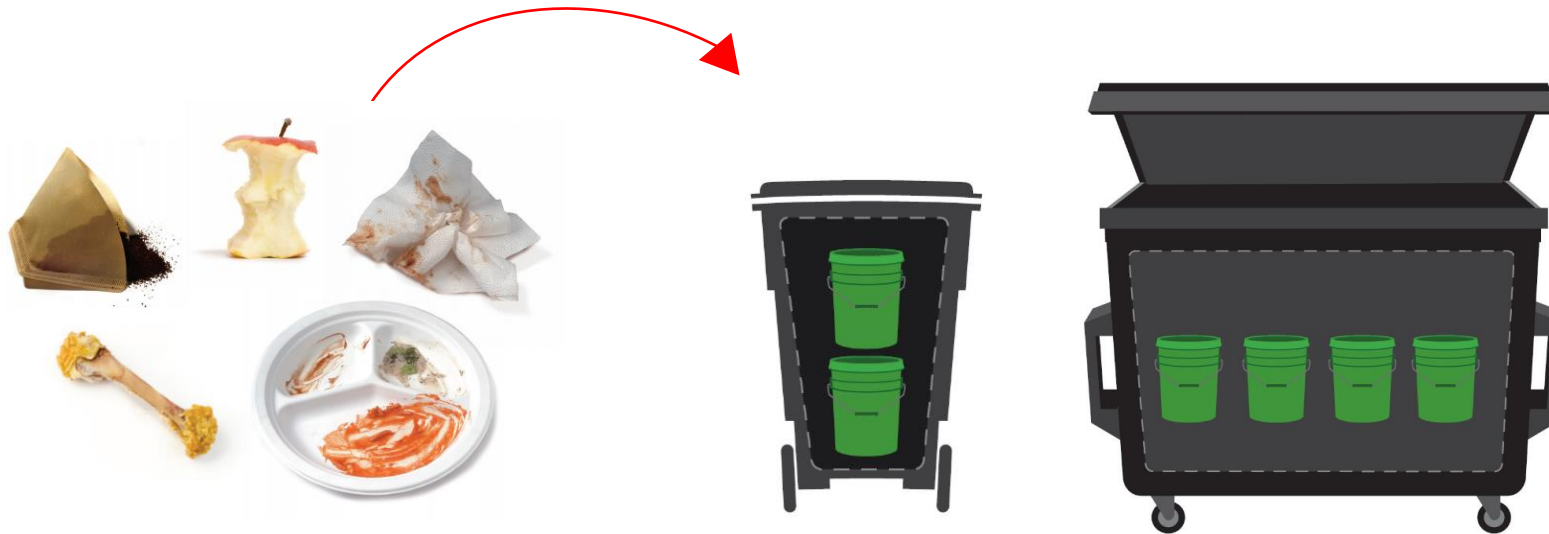
Service Level Data

- 17 jurisdictions with:
 - 8 franchised/primary haulers
 - 4 secondary haulers
 - 1 city with open market recycling
- 20,000+ commercial accounts
- 7,500 multi-family accounts
- 750+ non-local entities and local education agencies
- CRM database with read-only access for jurisdiction and hauler staff



Waivers for Collection Service

- a) Minimal amounts of materials
- b) Physical space constraints



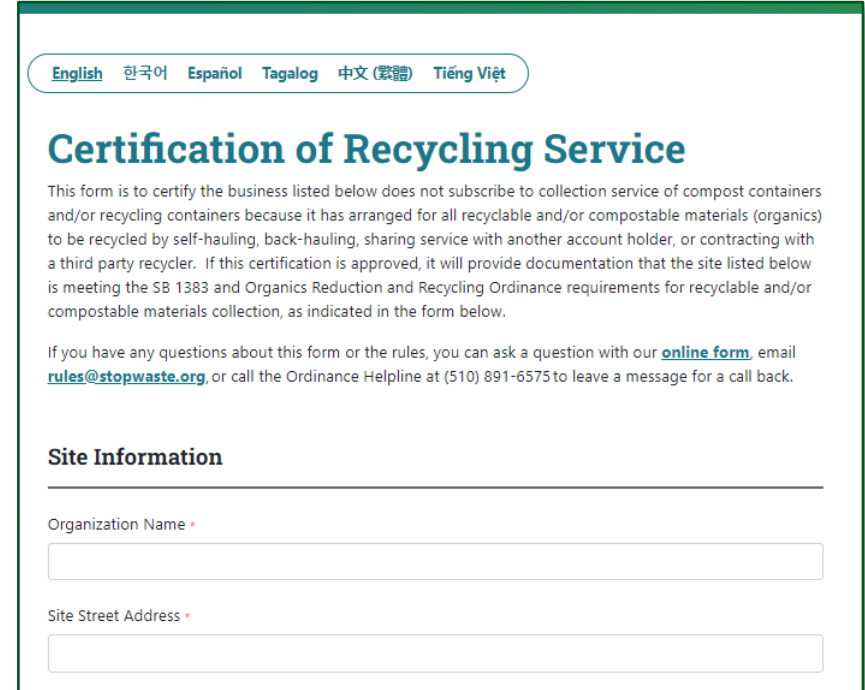
(For 10 gallons, think two 5 gal buckets; for 20 gallons, think four 5 gal buckets)

www.StopWaste.org/rules-waivers

Certification of “Alternative” Service

Examples:

- Self-haul
 - Back-haul
 - Shared service
 - 3rd party collection (as allowed)
-
- Must keep records
 - Must proactively request Certification of (Compost &) Recycling Service (CRS)



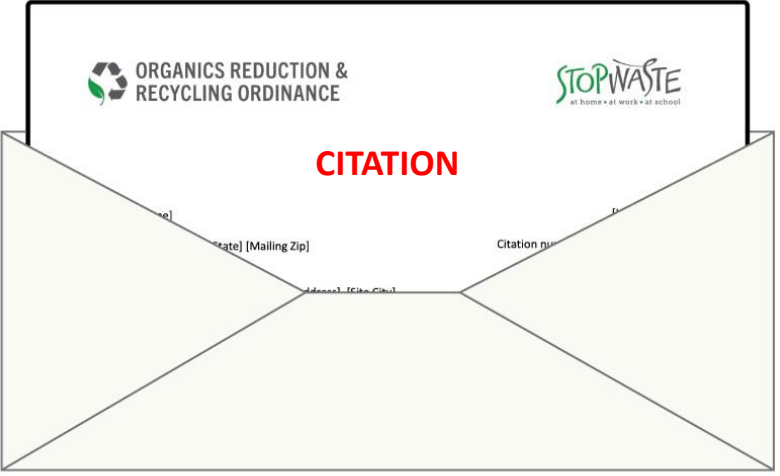
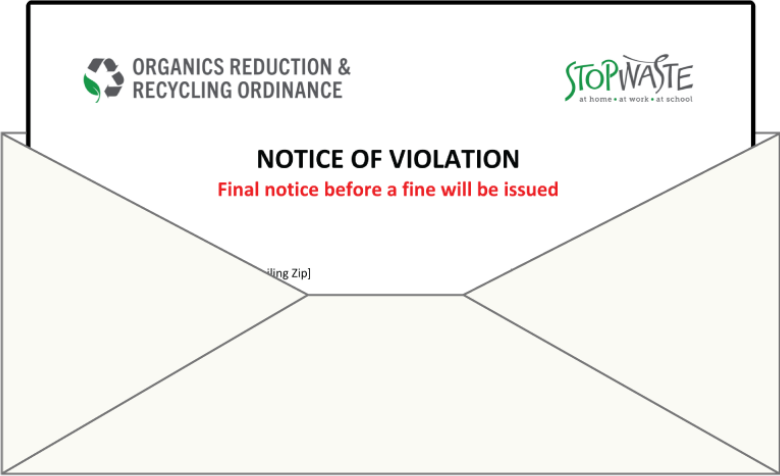
The screenshot shows a web form titled "Certification of Recycling Service". At the top, there is a language selection menu with options: English, 한국어, Español, Tagalog, 中文 (繁體), and Tiếng Việt. The main heading is "Certification of Recycling Service". Below the heading is a paragraph explaining the form's purpose: "This form is to certify the business listed below does not subscribe to collection service of compost containers and/or recycling containers because it has arranged for all recyclable and/or compostable materials (organics) to be recycled by self-hauling, back-hauling, sharing service with another account holder, or contracting with a third party recycler. If this certification is approved, it will provide documentation that the site listed below is meeting the SB 1383 and Organics Reduction and Recycling Ordinance requirements for recyclable and/or compostable materials collection, as indicated in the form below." Below this paragraph is another paragraph: "If you have any questions about this form or the rules, you can ask a question with our [online form](#), email rules@stopwaste.org, or call the Ordinance Helpline at (510) 891-6575 to leave a message for a call back." Underneath is a section titled "Site Information" with a horizontal line separator. There are two input fields: "Organization Name" and "Site Street Address", both with red asterisks indicating they are required fields.

www.StopWaste.org/rules-CRS

Fine Structure

| Violations (Each violation constitutes its own fine) | Fine Level Category | 1st Citation | 2nd Citation | 3rd and Subsequent Citations |
|--|---|---------------------|---------------------|-------------------------------------|
| <ul style="list-style-type: none"> Lack of compost service Lack of recycling service Unavailable collection containers with sufficient labels | Less than 2 cubic yards per week | \$50 | \$100 | \$250 |
| | 2 or more cubic yards per week | \$100 | \$200 | \$500 |
| <ul style="list-style-type: none"> Lack of written agreement with FRO/FRS Lack of food donation records Failure to recover maximum amount of edible food | Tier 1 Commercial Edible Food Generator | \$100 | \$200 | \$500 |
| | Tier 2 Commercial Edible Food Generator | \$50 | \$100 | \$250 |
| Lack of reporting by FRO/FRS | All FROs and FRSs | \$50 | \$100 | \$250 |

Enforcement Letters



Notice of Violation

- Began October 2022
- Initially prioritized large garbage generators and food-related accounts
- Now issuing to smaller or new accounts
- 60 days to comply

>> **Get service & submit documentation**

OR

>> **Submit a CRS or Waiver request**




5,500+ issued since October 2022


www.StopWaste.org/rules-nov

Citations

- Citations can be sent after 60 days from NOV or previous Citation
- Sites with *pending or approved* waivers, CRS forms, or proof of service do not receive Citations
- Annual fines range from \$3000 - \$6000



ORGANICS REDUCTION &
RECYCLING ORDINANCE



STOPWASTE
at home • at work • at school

CITATION

[Business Name] [Citation Date]
[Mailing Address]
[Mailing City], [Mailing State] [Mailing Zip] Citation number: [Insert unique ID]

Cited Party: [Regarding Business Name], [Site Address], [Site City].


Our records indicate that the site listed above has not subscribed to the required [compost (organics)/recycling] collection service and is therefore out of compliance with State law SB 1383 and the Alameda County Organics Reduction & Recycling Ordinance 2021-02 section5(a)(1). A warning (Notice of Violation) was issued to the Cited Party on [NOV letter date]. A fine is now being issued.

| Violation | Fine | Action Required | Due Date |
|---|---------------|---|------------|
| X Failure to have [compost (organics)/recycling] collection service | [Insert Fine] | <ol style="list-style-type: none">1. Pay total fine of [total fine]. See payment instructions below. To avoid additional fines in the future:2. Contact [Hauler Name] at [Hauler Phone] to subscribe to [compost/recycling] collection service.3. Provide proof of service at www.StopWaste.org/rules-submit-proof. | [Due date] |

[In addition to the current fine being issued, this site has a **past due** fine balance of [total past due] [Citation #].]

Payment Instructions: Fine payment is **due by [due date]** and may be made online or by check.

- Online at www.citationprocessingcenter.com (credit/debit)
 - Select "Administrative Citations" and search by "Citation and Date"
 - Enter Citation number and date found at top right of letter
- By check – Include Citation number on check and make payable to:
StopWaste – Citation Processing Center
P.O. Box 7275
Newport Beach, CA 92658-7275



4,000+ issued since March 2023

www.StopWaste.org/rules-citations



**Sites with service prior to Citation date
may request to have Citation dismissed**

- **Service or waiver must have been in place prior to date of Citation**
- **If service was added after date of Citation, fine payment is still due**
>> Adding service at this point will prevent future Citations and fines

Payments and Collections

- Third-party vendor
 - Record management
 - Payment collection
 - Outstanding debt
 - Appeal hearing management
- Payment rate changes
- Revenue

Alameda County Waste Mgmt. Authority
C/O Citation Processing Center
P.O. Box 7275
Newport Beach, CA 92658-7275

OFFICIAL NOTICE OF DELINQUENT ADMINISTRATIVE CITATION(S)

NOTICE DATE: 04/18/2023

Our records indicate that you have 30 days from the DATE PENALTY ADDED TO YOUR FEES to take the following action such as, but not limited to:

- 1) Assessment of late fees equal to 1% per month
- 2) Special assessment and/or penalty
- 3) Other legal action

Payment of fee does NOT constitute payment of the debt. If you do not pay the fee due, go to: www.CitationProcessingCenter.com

| Invoice # | Date Issued |
|------------|-------------|
| [REDACTED] | 03/15/2023 |
| [REDACTED] | 03/15/2023 |

If you are the recipient of this notice and you owe a penalty, please contact the Citation Processing Center at www.CitationProcessingCenter.com for more information.

Notice Date: 04/18/2023

A convenience fee may be applied

Visa Master Card Discover American Express

Number: [REDACTED] Exp: [REDACTED]

Signature: [REDACTED] Phone: [REDACTED]

839253 0710289 \$100.00 801455.6.1
839253 0710289 \$100.00 801455.6.1

Alameda County Waste Mgmt. Authority
C/O Citation Processing Center
P.O. Box 7275
Newport Beach, CA 92658-7275

OFFICIAL TAX OFFSET NOTICE ADMINISTRATIVE CITATION(S)

NOTICE DATE: 07/06/2023
AMOUNT DUE: \$100.00

IMPORTANT

1. Send check or money order. **NO CASH** US funds only.
2. Print invoice number on your payment.
3. To ensure proper credit, return the bottom portion of this notice with your payment.

Our records show that you have a delinquent debt due to The Agency. You have 30 days to voluntarily pay this amount before we submit your account to the Franchise Tax Board (FTB) for interagency intercept collections. FTB operates an intercept program in conjunction with the State Controller's Office, collecting delinquent liabilities individuals owe to state and local agencies and colleges. FTB intercepts tax refunds, unclaimed property (LIFO) claims and lottery winnings owed to individuals.

FTB redirects these funds to pay the individual's debts to the agencies/colleges (California Government Code Sections 12419.2, 12419.7, 12419.8, 12419.9, 12419.10, 12419.11 and 12419.12).

If you have questions or do not believe you owe this debt, contact us within 30 days from the date of this letter. A representative will review your questions or objections. If you do not contact us within that time, or if you do not provide sufficient objections, we will proceed with intercept collections.

If you are the recipient of this notice and you have already made a payment it is possible your payment was received late and you owe a penalty. Please contact the Citation Processing Center at 1-800-969-6158 or via the web at www.CitationProcessingCenter.com for more information.

| Invoice # | Date Issued | Description of Violation | Location | Amount |
|------------|-------------|--|-----------------------------|----------|
| [REDACTED] | 03/27/2023 | 2021.02.5.a.1, Failure to have compost service | 2241 NATIONAL AVE - HAYWARD | \$100.00 |

If you are the recipient of this notice and you have already made a payment it is possible your payment was received late and you owe a penalty. Please contact the Citation Processing Center at 1-800-969-6158 or via the web at www.CitationProcessingCenter.com for more information.

Notice Date: 07/06/2023 Notice Number: TW1237052069

TOTAL DUE NOW: \$100.00

A convenience fee may be applied

Visa Master Card Discover American Express

Number: [REDACTED] Exp: [REDACTED] Zip Code: [REDACTED]

Signature: [REDACTED] Phone: [REDACTED]

839253 0710289 \$100.00 801455.6.1
839253 0710289 \$100.00 801455.6.1

Appeals and Contesting Violations

- Appeal language on Citations
- Must be requested within 30 days of Citation
- Fine amount as bond
- Third party hearing officer
- Contesting after 30 days

Right to Appeal

If your site already has compost and recycling collection service or an approved waiver* on file, please go to www.StopWaste.org/rules-submit-proof to upload proof that the service or waiver was in place prior to the date of the Citation. You may also contact us at rules@stopwaste.org or leave a message for a call back at (510) 891-6575.

If you believe this Citation is in error, you have a right to appeal within thirty (30) calendar days from the date of the Citation. An appeal must be submitted in writing and mailed to "StopWaste – Citation Processing Center" at P.O. Box 7275, Newport Beach, CA, 92658-7275. An appeal form is available at www.StopWaste.org/rules-citations. You must include an appeal fee in the amount of the Fine amount shown on page 1. If your appeal is granted, the fine amount will be reimbursed.

**Sites that generate a minimal amount of compostable/organic waste (food scraps, compostable paper, and plant material) or recyclable materials, or sites that do not have the physical space to accommodate the necessary collection containers may qualify for a waiver. If your site qualifies, the approved waiver would prevent future violations and fines for a five year period. The current citation and fine will not be waived. For more information, visit www.StopWaste.org/rules-waivers.*

How Fines are Assessed

Fines are assessed at an amount not to exceed \$100 for the first violation, \$200 for the second violation, and \$500 for each subsequent violation. Fines will continue to be assessed every 60 days until a site becomes compliant and may be assessed if a site becomes noncompliant in the future. Fine amounts do not reset.

SB 1383 and the Organics Reduction & Recycling Ordinance

Background

When food and plant material break down in a landfill, they release methane, a harmful greenhouse gas and leading cause of climate change. To respond to the climate crisis, California passed Senate Bill 1383 to reduce the amount of food scraps and other compostable materials sent to landfills by requiring everybody in the state to compost and recycle.

In Alameda County, the state law is being implemented and enforced under the local Organics Reduction and Recycling Ordinance which was passed by local government agency StopWaste. StopWaste partners with the cities of Alameda County, their solid waste service providers, and environmental health departments to help sites comply and enforce the law when needed.

Overview of the Rules

Businesses (including nonprofits and institutions) and multifamily properties (5+ units) must:

1. Subscribe to compost (organics) and recycling collection services.
2. Place color-coded and labeled recycling and compost bins next to all garbage bins (not required in restrooms).
3. Sort materials into the proper bins.
4. Educate employees, contractors, and tenants about the law at least annually and check bins periodically.

In addition to the steps above, some businesses that generate surplus edible food—such as grocery stores, food distributors, and large restaurants—must donate their surplus edible food to feed people.

Free Resources & Assistance



If you would like assistance adding compost or recycling collection service, applying for a waiver, or if you have questions about this letter, go to www.StopWaste.org/request-help or call 510-891-6575 to leave a message for a call back. Our field team is also available to help set up indoor bins, train staff, and help sites start food donation programs.

Free stickers to label bins, indoor green bins, training videos, a sign maker tool, and more are available at www.StopWaste.org/rules-resources.

中文 (Chinese), 한국어 (Korean), Español (Spanish), and Tiếng Việt (Vietnamese): www.StopWaste.org/rules-languages

Results and Key Points

- Significant increase in compliant accounts
- Documentation and tracking is necessary
- Consistency, transparency (and compassion)



Thank you!

Elese Lebsack
elebsack@stopwaste.org



www.StopWaste.org/rules