

187711
ORDINANCE NO. _____

An ordinance to implement the state-mandated organics program by amending Sections 66.00, 66.00.1, 66.03, 66.32.1, and 66.33.6 of Article 6, Chapter VI of the Los Angeles Municipal Code (LAMC); adding Sections 66.04, 66.05, 66.06, and 66.07 to Article 6, Chapter VI of the LAMC; amending Section 66.48 of Article 6.1, Chapter VI of the LAMC; and amending Sections 10.32.1, 10.32.2, 10.32.5, and 10.32.9 of Article 6, Chapter 1, Division 10 of the Los Angeles Administrative Code.

WHEREAS, in 2019 the Mayor adopted Los Angeles's Green New Deal, which set an ambitious goal to achieve zero waste with the following targets: increase the landfill diversion rate to 90% by 2025, 95% by 2035, and 100% by 2050; reduce municipal solid waste generation per capita by at least 15% by 2030, including phasing out single-use plastics by 2028; eliminate organic waste sent to landfill by 2028; increase the proportion of waste products and recyclables productively reused and/or repurposed within Los Angeles County to at least 25% by 2025 and 50% by 2035;

WHEREAS, Assembly Bill 939 of 1989, the California Integrated Waste Management Act, requires cities and counties to reduce, reuse, and recycle solid waste generated in their jurisdictions to the maximum extent feasible before any incineration or landfill disposal of waste; to conserve water, energy, and other natural resources; and to protect the environment;

WHEREAS, Assembly Bill 341 of 2011 requires businesses and owners of multifamily properties of five or more dwelling units that generate a threshold amount of solid waste to arrange for recycling services, and requires jurisdictions to implement a mandatory commercial recycling program;

WHEREAS, Assembly Bill 1826 of 2014 requires businesses and owners of multifamily properties of five or more dwelling units that generate a threshold weekly amount of solid waste, recycling, and organic waste to arrange for recycling services for that waste; and requires jurisdictions to implement a Mandatory Commercial Organics Recycling program to divert organic waste from designated businesses;

WHEREAS, Senate Bill 1383 (SB 1383), the Short-Lived Climate Pollutants Reduction Act of 2016, requires the California Department of Resources Recycling and Recovery (CalRecycle), a branch of the California Environmental Protection Agency, to develop regulations to reduce organics in landfills as a source of methane. To help meet statewide organic waste disposal reduction targets, CalRecycle's SB 1383 regulations place requirements on multiple entities, including: jurisdictions such as cities and counties, residential households, commercial establishments, commercial edible food generators, haulers, self-haulers, food recovery organizations, and food recovery services;

WHEREAS, SB 1383 regulations require jurisdictions, including the City, to adopt and enforce an ordinance or other mechanism to implement relevant regulations and requirements;

WHEREAS, this ordinance will also help reduce food insecurity by requiring commercial edible food generators to recover the maximum amount of their food that would otherwise be discarded, to be used for human consumption;

WHEREAS, it is the policy of the City that all departments incorporate environmental considerations into purchasing practices and procurement, including the purchase of products with recycled-content and the use of recovered organic waste products;

WHEREAS, on August 8, 2009, the City adopted the Environmentally Preferable Products Purchasing Program, Ordinance 180751, to reduce the environmental impact of the City's purchasing decisions by buying goods and services from manufacturers and distributors who share the City's commitment to the environment. The City will ensure fiscal responsibility, while promoting practices that improve public health and safety, reduce pollution, conserve natural resources, lessen the need for landfills, and utilize suppliers that reduce the adverse environmental impact of their production and distribution systems, by including environmental considerations in the City's purchasing decisions, along with the traditional criteria of price, performance, and availability;

WHEREAS, SB 1383 requires jurisdictions to procure recovered organic waste products and recycled content paper products to support organic waste disposal reduction targets as well as markets for products made from recycled and recovered organic waste materials;

WHEREAS, the City will annually procure or give away a quantity of recovered organic waste products that meets its annual recovered organic waste product procurement target, through the implementation of this ordinance and other City policies and procurement strategies; and

WHEREAS, the City will procure recycled-content paper products and printing and writing paper consistent with the requirements of Sections 22150 through 22154 of the Public Contract Code, through the implementation of this ordinance and other City policies and procurement strategies.

NOW, THEREFORE,

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Section 66.00 of Article 6, Chapter VI of the Los Angeles Municipal Code is amended in its entirety as follows:

SEC. 66.00. DEFINITIONS.

For the purpose of this article, the following words and phrases are defined and shall be construed as set out here, unless it is apparent from the context that they have a different meaning:

1. **“Board”** means the City of Los Angeles Board of Public Works.
2. **“Bureau”** means the Bureau of Sanitation of the City or its duly authorized representative.
3. **“California Code of Regulations”** or **“CCR”** means the California Code of Regulations. CCR references are preceded with a number that refers to the relevant Title of the CCR (e.g., “14 CCR” refers to Title 14 of the CCR).
4. **“City”** means the City of Los Angeles.
5. **“Collection Services”** means the collection, transportation, and delivery for processing or disposal of Solid Waste from Commercial Establishments and Multifamily Dwellings.
6. **“Commercial Edible Food Generator”** means a Tier One or a Tier Two Commercial Edible Food Generator. Food Recovery Organizations and Food Recovery Services are not Commercial Edible Food Generators pursuant to 14 CCR Section 18982(a)(7).
7. **“Commercial Establishment”** means all real property in the City, except Residential Premises and premises that receive Solid Waste disposal service from the City, where for-profit or not-for-profit activity is conducted, including, but not limited to, manufacturing, transportation, retail sales, wholesale operations, hotel or motel operations, education, or other commercial services, business, or institutional activity.
8. **“Commingled Recyclables”** means Recyclables that have been separated or kept separate from other Solid Waste at the point of generation for additional sorting or processing before being recycled or reused. Commingled Recyclables are distinct from Source-Separated Recyclable Material in that they

have not been sorted by material type. Commingled Recyclables shall not consist of Construction and Demolition Waste.

9. **“Construction and Demolition Waste”** means Solid Waste that results directly from construction, remodeling, repair, demolition, or deconstruction of buildings and other structures, does not contain Hazardous Waste, and contains no more than 1% putrescible wastes by volume, calculated on a monthly basis. Construction and Demolition Waste includes, but is not limited to, asphalt, concrete, Portland cement, brick, lumber, wallboard, roofing material, ceramic tile, pipe, glass, carpet, and associated packing.

10. **“Director”** means the Director of the Bureau.

11. **“Dwelling Unit”** means a unit for residential occupancy with one or more rooms, one of which is a kitchen.

12. **“Edible Food”** means food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this article or as otherwise defined in 14 CCR Section 18982(a)(18), Edible Food is not Solid Waste if it is recovered and not discarded.

13. **“Enforcement Action”** means an action of the City to address non-compliance with this article, including, but not limited to, issuing administrative citations, fines, or penalties, or pursuing other remedies.

14. **“Enforcement Agency”** means the Bureau.

15. **“Food Facility”** means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption at the retail level, or as otherwise defined in Section 113789 of the California Health and Safety Code.

16. **“Food Material”** means material that was acquired for animal or human consumption and source-separated from the municipal Solid Waste stream. Food Material includes, but is not limited to, fruits, vegetables, dairy, meats and fish (including bones), coffee grinds, and tea bags. Food Material also includes Food-Soiled Paper Products.

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

18. **“Food Recovery Organization”** means an entity that engages in the collection or receipt of Edible Food from Commercial Edible Food Generators and distributes that Edible Food to the public for Food Recovery either directly or

through other entities, or as otherwise defined in 14 CCR Section 18982(a)(25), including, but not limited to:

(i) A food bank as defined in Section 113783 of the Health and Safety Code;

(ii) A nonprofit charitable organization as defined in Section 113841 of the Health and Safety Code; and

(iii) A nonprofit charitable temporary Food Facility as defined in Section 113842 of the Health and Safety Code.

A Food Recovery Organization is not a Commercial Edible Food Generator for the purposes of this article and implementation of 14 CCR, Division 7, Chapter 12, pursuant to 14 CCR Section 18982(a)(7). To the extent this definition comes into conflict with 14 CCR Section 18982(a)(25) in the future, Section 14 CCR Section 18982(a)(25), or any successor provision, shall govern.

19. **“Food Recovery Service”** means a Person who collects and transports Edible Food from a Commercial Edible Food Generator to a Food Recovery Organization or other entity for Food Recovery, or as otherwise defined in 14 CCR Section 18982(a)(26). A Food Recovery Service is not a Commercial Edible Food Generator.

20. **“Food Service Provider”** means an entity primarily engaged in providing food services to others in institutional, governmental, commercial, or industrial locations based on contractual arrangements, or as otherwise defined in 14 CCR Section 18982(a)(27).

21. **“Food-Soiled Paper Products”** means paper that has come into contact with food or liquid where the paper is neither coated nor lined, including, but not limited to, napkins, newspaper, paper plates, paper towels, paper egg cartons, paper bags, pizza boxes, and milk cartons.

22. **“Gross Receipts”** means those receipts defined as Gross Receipts in Los Angeles Municipal Code Section 21.00(a) generated by the collection of Solid Waste, including, but not limited to, receipts from the collection, disposal, and processing of Solid Waste, and from the rental of Solid Waste containers. For purposes of Sections 66.32.1 through 66.32.5, Gross Receipts shall not include receipts generated by the collection and sale of Source-Separated Recyclable Material or Commingled Recyclables.

23. **“Hazardous Waste”** means any waste as defined in California Health and Safety Code Section 25117.

24. **“Inspection”** means a site visit where the City or its designee may review an entity’s records and containers, as well as its handling of Edible Food, and its collection, handling, recycling, and landfill disposal of Organic Waste to determine if the entity is complying with the requirements set forth in this article.

25. **“Large Event”** means an event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per event day at a location, such as a park, parking lot, golf course, street system, or other open space when being used for an event. If the definition in 14 CCR Section 18982(a)(38) differs from this definition, the definition in 14 CCR Section 18982(a)(38) shall govern.

26. **“Large Venue”** means a permanent venue facility annually seating or serving an average of more than 2,000 individuals within the grounds of the facility per day of operation. A Large Venue includes, but is not limited to, a stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. A site under common ownership or control that includes more than one Large Venue that is contiguous with other Large Venues in the site is a single Large Venue. To the extent this definition comes into conflict with 14 CCR Section 18982(a)(39) in the future, Section 14 CCR Section 18982(a)(39), or any successor provision, shall govern.

27. **“Multifamily Dwelling”** means any building, structure, unit, or location designed for residential occupancy, exclusive of Single Family Dwelling.

28. **“Non-Compostable Paper”** means paper that will not break down in the composting process and includes, but is not limited to, paper that is coated in a plastic material.

29. **“Organic Waste”** or **“Organics”** means Solid Waste containing material originated from living organisms and their metabolic waste products, including, but not limited to, food, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, paper products, printing and writing paper, manure, biosolids, digestate, and sludges.

30. **“Organic Waste Generator”** means a Person who is responsible for the initial creation of Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(48).

31. **“Organic Waste Self-Hauler”** means a Person who generates and hauls Organic Waste to another Person, for transfer, processing, composting, anaerobic or aerobic digestion, or other Organic Waste recovery activity. Organic Waste Self-Hauler also includes a Person who generates and transports Organic Waste to a destination owned and operated by the Organic Waste

Generator, using the Organic Waste Generator's own employees and equipment. An Organic Waste Self-Hauler is also known as a "back-hauler."

32. **"Person"** means a natural person, business, contractor, joint venture, joint stock company, firm, partnership, association, club, company, corporation, business trust, or organization; or the manager, employer, agent, servant, officer, or employee of any of them. Person shall not mean the City or any of its constituent entities, departments, boards, employees, or officers.

33. **"Recovered Organic Waste Product"** means a product made from landfill-diverted recovered Organic Waste processed in a permitted or otherwise authorized facility, or as otherwise defined in 14 CCR Section 18982(a)(60).

34. **"Recyclables"** means Solid Waste that is capable of being recycled or reused in the marketplace, whether Source-Separated or commingled with other Solid Waste.

35. **"Residential Premises"** means Single Family Dwellings and Multifamily Dwellings.

36. **"Self-Hauler"** means a Person who is not primarily engaged in the business of collection, removal, or transportation of Solid Waste, but who in the course of performing the Person's primary business function incidentally transports Solid Waste. Examples include, but are not limited to, gardeners, landscapers, and household cleanup service firms. A Person who collects, removes, or transports Construction and Demolition Waste is not a Self-Hauler, but is a Solid Waste Hauler.

37. **"Single Family Dwelling"** means a building designed for residential occupancy and containing one or two Dwelling Units.

38. **"Solid Waste"** means all putrescible and nonputrescible solid, semisolid, and liquid wastes, including: garbage; trash; refuse; paper; rubbish; ashes; industrial wastes; Construction and Demolition Waste; abandoned vehicles and parts thereof; discarded home and industrial appliances; dewatered, treated, or chemically fixed sewage sludge that is not Hazardous Waste; manure; vegetable or animal solid and semisolid wastes; and other discarded solid and semisolid wastes. Solid Waste does not include any of the following:

(i) Hazardous Waste;

(ii) Radioactive waste regulated pursuant to Part 9 of Division 104 of the California Health and Safety Code;

(iii) Medical waste regulated pursuant to Part 14 of Division 104 of the California Health and Safety Code; or

(iv) Pharmaceutical waste as defined in California Health and Safety Code Section 117748.

39. **“Solid Waste Disposal Facility”** means a facility permitted under applicable local, state, and federal laws and regulations to accept and dispose of Solid Waste.

40. **“Solid Waste Hauler”** means a Person engaged in the business of providing for the collection, removal, or transportation of Solid Waste.

41. **“Source-Separate”** means to segregate different waste materials, such as Recyclables or Organics, at the point of generation, to be kept apart from Solid Waste or other materials at the waste stream for the purpose of collection and/or recycling.

42. **“Source-Separated”** means segregation of different waste materials, such as Recyclables or Organics, at the point of generation, to be kept apart from Solid Waste or other materials at the waste stream for the purpose of collection and/or recycling.

43. **“Source-Separated Recyclable Material”** means Recyclables that have been separated or kept separate from other Solid Waste at the point of generation and sorted by material type, such as wood, metal, glass, concrete, or Organics, without being commingled with other Solid Waste, including Recyclables. To qualify as Source-Separated Recyclable Material, each type of material must be transferred in a separate container to a recycling center.

44. **“Source-Separated Organic Waste”** means Organic Waste that can be placed in a green container specifically intended for the separate collection of Organic Waste by the generator, including Food Material, wood waste, brush, grass clippings, plant and tree trimmings, leaves, Christmas trees, and other organic material; and excluding organic material containing inorganic material, carpets, Non-Compostable Paper, and textiles, as defined by the Director and approved by the Board.

45. **“Tier One Commercial Edible Food Generator”** means a supermarket or grocery store with a total facility size equal to or greater than 10,000 square feet, Food Service Provider, food distributor, Wholesale Food Vendor, or as otherwise defined in 14 CCR Section 18982(a)(73).

46. **“Tier Two Commercial Edible Food Generator”** means a restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet; a hotel with an on-site Food Facility and 200 or more rooms; a

health facility with an on-site Food Facility and 100 or more beds; a Large Venue; a Large Event; or as otherwise defined in 14 CCR Section 18982(a)(74).

47. **“Wholesale Food Vendor”** means a Person who sells food to other organizations (rather than to individual consumers), usually in large amounts; or a Person who receives, stores, and prepares food before shipping it to distributors, retailers, or other locations.

Sec. 2. Subdivision 3 is added to Section 66.00.1(a) of Article 6, Chapter VI of the Los Angeles Municipal Code to read as follows:

3. The collection by the Bureau employing a three-container system of a blue container for Source-Separated Recyclables and/or Commingled Recyclables, a green container for Source-Separated Organic Waste, and a black container for Solid Waste.

Sec. 3. Section 66.03 of Article 6, Chapter VI of the Los Angeles Municipal Code is amended in its entirety to read as follows:

SEC. 66.03. SOLID WASTE SERVICE REQUIRED.

(a) No Person shall keep any Solid Waste or allow any Solid Waste to remain upon any premises within the City for more than seven days, excluding Organics used for composting or mulch. All Solid Waste shall be placed in containers that meet the requirements of Section 66.02.

(b) A Person from whom the City collects Solid Waste, Recyclables, and/or Organics shall place Source-Separated Organic Waste in the green container, Source-Separated Recyclable Material and/or Commingled Recyclables in the blue container, and Solid Waste in the black container.

(c) Owners of Commercial Establishments and Multifamily Dwellings that do not receive Collection Services from the City, the generator of Solid Waste at such premises, or the agent of such owner or generator shall subscribe to and pay for Collection Services provided by a Solid Waste Hauler authorized to provide such services pursuant to the provisions of this article.

(d) The minimum level of service to which the owner, generator, or agent of non-City-serviced Commercial Establishments and Multifamily Dwellings shall subscribe shall be the number and size of Solid Waste containers suitable for Solid Waste collection, and the frequency of collection necessary for the removal and disposal of all Solid Waste generated at the premises, excluding Commingled Recyclables and Source-Separated Recyclable Material, in a seven-day period. Such minimum level of service shall be determined by the owner, generator, or agent and the Solid Waste

Hauler. In the event the owner, generator, or agent and the Solid Waste Hauler do not agree on the minimum level of necessary service, such determination shall be made by the Director.

(e) All Commercial Establishments and Multifamily Dwellings shall have Collection Services for Source-Separated Recyclables and/or Commingled Recyclables and Source-Separated Organic Waste.

(f) Any Person generating Organic Waste but not receiving Collection Services from the City, and any Commercial Establishments or Multifamily Dwellings generating Organic Waste but not receiving Collection Services from the City, shall comply with requirements adopted pursuant to this article for the collection and recovery of Organic Waste by:

(1) Subscribing to and complying with the requirements of the Organic Waste Collection Services provided consistent with Section 66.33 of this Code;

(2) Self-hauling Organic Waste in a manner that complies with requirements as issued by the Bureau; or

(3) Obtaining a waiver of Organic Waste Collection Services if the Director develops and implements a generator waiver program, in accordance with 14 CCR Section 18984.11. The Director or the Director's designee shall have discretion to grant any such waivers.

(g) A Person generating Organic Waste shall place Source-Separated Organic Waste in the green container, Source-Separated Recyclable Material and/or Commingled Recyclables in the blue container, and Solid Waste in the black container. No Person shall place Solid Waste in the blue container or green container.

(h) Nothing in this article prohibits a Person generating Solid Waste, Recyclables, and/or Organics from preventing or reducing waste generation, managing Organic Waste on-site, or using a community composting site pursuant to 14 CCR Section 18984.9(c).

(i) A Commercial Establishment shall:

(1) Provide containers for the collection of Organic Waste and Recyclables in all areas where disposal containers are provided for the customers of the Commercial Establishment, except for restrooms. The containers provided by the Commercial Establishment shall have either:

(A) A body or lid that conforms with the container colors provided through the Organic Waste Collection Service; or

(B) A container label that complies with the requirements of 14 CCR Section 18984.8.

(2) Prohibit employees from placing Organic Waste in a container not designated to receive Organic Waste as set forth in 14 CCR Sections 18984.1(a)(5) and 18984.2(c).

(3) Periodically inspect Organic Waste containers for contamination and inform employees if containers are contaminated and of the requirement to only use those containers for Organic Waste.

(4) Annually provide written information to their employees, contractors, tenants, and customers about Organic Waste recovery requirements and about proper sorting of Source-Separated Organic Waste and Source-Separated Recyclable Material and/or Commingled Recyclables.

(5) Provide written educational information to new tenants no later than 14 days after their occupation of the premises describing requirements to keep Source-Separated Organic Waste and Source-Separated Recyclable Material and/or Commingled Recyclables separate from the black container (when applicable), and confirming the location of containers and the rules governing their use at each property.

(6) This Subsection (i) does not apply to Multifamily Dwellings.

(j) A Commercial Establishment is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the requirements of this section prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever is earlier.

(k) If a Commercial Establishment does not generate any of the materials that would be collected in one type of container, then the Commercial Establishment need not provide that type of container in all areas where disposal containers are provided for customers.

Sec. 4. Section 66.04 is added to Article 6, Chapter VI of the Los Angeles Municipal Code to read as follows:

SEC. 66.04. REQUIREMENTS FOR COMMERCIAL EDIBLE FOOD GENERATORS.

(a) A Tier One Commercial Edible Food Generator must comply with the requirements of this section beginning January 1, 2022, and a Tier Two Commercial Edible Food Generator must comply beginning January 1, 2024.

(b) A Large Venue or Large Event operator not providing food services, but allowing for food to be provided by others, shall require any Food Facility or Food

Service Provider operating at the Large Venue or Large Event to comply with the requirements of this section, beginning January 1, 2024.

(c) A Commercial Edible Food Generator shall:

(1) Arrange to recover the maximum amount of Edible Food that would otherwise be discarded.

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

(3) Not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.

(4) Keep records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:

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

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

(C) A record of the following information for each Food Recovery Service, Food Recovery Organization, or other entity listed pursuant to Subsection 66.04(c)(4)(A):

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

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

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

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

(5) Submit reports as required by the Enforcement Agency, on provided forms, documenting the quantity of food, measured in pounds, recovered by, collected by, or self-hauled to a Food Recovery Service or Food Recovery Organization for Food Recovery, and including other information as listed on the Enforcement Agency website.

(d) Nothing in this section requires or authorizes the recovery of Edible Food that does not meet the food safety requirements of the California Retail Food Code.

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

Sec. 5. Section 66.05 is added to Article 6, Chapter VI of the Los Angeles Municipal Code to read as follows:

SEC. 66.05. REQUIREMENTS FOR FOOD RECOVERY ORGANIZATIONS AND SERVICES.

(a) A Food Recovery Service collecting or receiving Edible Food directly from a Commercial Edible Food Generator located within the City, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain records specified by 14 CCR Section 18991.5(a)(1).

(b) A Food Recovery Organization collecting or receiving Edible Food directly from a Commercial Edible Food Generator located within the City, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain records as specified by 14 CCR Section 18991.5(a)(2).

(c) A Food Recovery Service or Food Recovery Organization that has its primary address physically located in the City and contracts with or has written agreements with one or more Commercial Edible Food Generators pursuant to 14 CCR Section 18991.3(b) shall report annually, by April 1, to the Enforcement Agency the total pounds of Edible Food recovered in the previous calendar year from any Tier One and Tier Two Commercial Edible Food Generator with which the Food Recovery Organization or Food Recovery Service had established a contract or written agreement pursuant to 14 CCR Section 18991.3(b), on forms provided by the Enforcement Agency.

(d) A Food Recovery Service or Food Recovery Organization operating in the City shall provide information and consultation to the City, upon the City's request, regarding existing, or proposed new or expanded, Food Recovery capacity that could be accessed by the City and its Commercial Edible Food Generators. A Food Recovery

Service or Food Recovery Organization contacted by the City shall respond to such request for information within 60 days.

Sec. 6. Section 66.06 is added to Article 6, Chapter VI of the Los Angeles Municipal Code to read as follows:

SEC. 66.06. INSPECTION AND INVESTIGATION.

(a) A City representative and/or designee is authorized to conduct an Inspection and investigation, at random or otherwise, to confirm compliance with this article by any Organic Waste Generator, Commercial Establishment (including a Multifamily Dwelling), property owner, Commercial Edible Food Generator, hauler, Self-Hauler, Food Recovery Service, and Food Recovery Organization, subject to applicable laws.

(1) The City shall seek consent for an Inspection or investigation from the Person, property owner, facility owner, manager, or other individual at the premises who has, claims to have, or appears to have the authority to grant consent to an Inspection.

(2) A consenting Person, facility, or regulated entity shall provide or arrange for access during an Inspection and shall cooperate with the City's representative or its designee during such Inspection or investigation.

(3) This section does not allow entry inside a private residence for Inspection.

(4) The scope of an Inspection or investigation may include confirmation of proper placement of materials in containers; evaluation of Edible Food Recovery activities; review of written agreements and records; examination of collection vehicle loads; assessment of materials collected from generators during their transfer or processing, or at the disposal facility; review of Source-Separated materials; or Inspection or investigation of compliance with any other requirement of this article.

(5) If the Person, facility, or regulated entity does not consent to an Inspection, then the Person, facility, or regulated entity shall be rebuttably presumed not to be in compliance with the requirements of this article. The Person, facility, or regulated entity can rebut this presumption by proving compliance with this article. Evidence of such compliance may include, for example, confirmation of proper placement of materials in containers, demonstration of Edible Food Recovery activities, furnishing proof of subscription to Organic Waste services, etc.

(b) Failure to demonstrate compliance with the requirements of this article and/or failure to rebut the presumption of noncompliance may result in penalties described in Section 66.07 of this Code.

(c) Any records obtained by the City during its inspection or investigation shall be subject to the requirements and applicable disclosure exemptions of the California Public Records Act as set forth in Government Code Section 6250 et seq.

Sec. 7. Section 66.07 is added to Article 6, Chapter VI of the Los Angeles Municipal Code to read as follows:

SEC. 66.07. ENFORCEMENT.

(a) Violation of any provision of this article shall constitute grounds for issuance of a notice of violation and/or Enforcement Action.

(b) Enforcement pursuant to this article may be undertaken by the Director or designee.

(c) The Person, facility, or regulated entity issued a notice of violation shall comply by the compliance date on the notice of violation, or within 60 calendar days, whichever is earlier.

(d) Absent timely compliance with the deadline set forth in the notice of violation or 60 calendar days, whichever is earlier, by the Person, facility, or regulated entity subject to enforcement, the City shall commence an action to impose civil penalties in accordance with Subsection (e).

(e) Beginning January 1, 2024, if the City determines that an Organic Waste Generator, Commercial Establishment (including a Multifamily Dwelling), property owner, Commercial Edible Food Generator, hauler, Self-Hauler, Food Recovery Service, or Food Recovery Organization is not in compliance with the requirements in this article, the City shall document the noncompliance or violation, issue a notice of violation, and take Enforcement Action as detailed in this section.

(1) Violations of Sections 66.03(a), 66.03(f), 66.03(i), 66.04, 66.05, 66.32.1(c), 66.32.1(e), and 66.32.1(f)(1) of this Code shall be subject to penalties as enumerated in Subdivision (2).

(2) The penalties are as follows:

(A) For a first violation, the penalty shall be \$50.

(B) For a second violation, the penalty shall be \$100.

(C) For a third or subsequent violation, the penalty shall be \$250 per violation.

(f) The City may extend the compliance deadlines set forth in the notice of violation if it finds extenuating circumstances beyond the control of the Person, facility, or regulated entity subject to the notice of violation making timely compliance impracticable, including the following:

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

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

(3) Deficiencies in Organic Waste recycling infrastructure or Edible Food Recovery capacity while the City is under a corrective action plan pursuant to 14 CCR Section 18996.2 due to those deficiencies.

(g) Appeals of Penalty.

(1) If a Person, facility, or regulated entity is issued a penalty pursuant to Subsection (e) and believes that the penalty was issued in error or that the penalty was excessive, the Person, facility, or regulated entity may appeal by filing, within 30 days of the mailing of the notice of penalty, a written request for a hearing before the Board. If the Board does not receive a written request for a hearing by this deadline, the penalty shall be deemed final and no administrative relief can be obtained.

(2) If the Person, facility, or regulated entity timely appeals pursuant to the provisions of Subdivision (1) of this subsection, the penalty that is the subject of the appeal shall be stayed pending a hearing before the Board.

(3) After receipt of a written request for a hearing filed in compliance with Subdivision (1) of this subsection, the Board will agendize the matter as soon as the Board deems practicable. At the Board hearing, the Board shall hear testimony of the appellant, if offered, a Bureau representative, and others whose testimony it deems relevant. The appellant shall have the burden of proof and may present evidence on the appellant's behalf. Upon conclusion of the hearing, the Board shall issue a verbal or written decision. The Board may affirm the penalty or cancel it. If the Board affirms the penalty, the amount affirmed shall be owed thirty (30) days after issuance of the Board's decision, unless the Board decides otherwise. Once the Board issues a decision, the matter is final, and the City will provide no further administrative relief.

Sec. 8. Subsections (e) and (f) of Section 66.32.1 are added to Article 6, Chapter VI of the Los Angeles Municipal Code to read as follows:

(e) Organic Waste Self-Hauler Requirements.

(1) Self-Haulers shall Source-Separate all Recyclables and Organic Waste generated on-site from Solid Waste in a manner consistent with 14 CCR Sections 18984.1 and 18984.2, or shall haul Organic Waste to a high diversion Organic Waste processing facility as specified in 14 CCR Section 18984.3.

(2) An Organic Waste Self-Hauler who collects, removes, or transports Organic Waste within the City must deliver their Source-Separated green container Organic Waste to a Solid Waste facility, operation, or property that processes or recovers Source-Separated Organic Waste. Alternatively, Organic Waste Self-Haulers may haul Organic Waste to a high diversion Organic Waste processing facility.

(3) An Organic Waste Self-Hauler that is a commercial establishment (including Multifamily Dwellings) shall keep a record of the amount of Organic Waste delivered to each Solid Waste facility, operation, or property that processes or recovers Organic Waste. Records shall be subject to Inspection in accordance with Section 66.06 of this Code and shall include the following information:

(i) Delivery receipts and weight tickets from the facility accepting the waste.

(ii) The amount of material in cubic yards or tons transported by the Organic Waste Self-Hauler to each facility.

(iii) If the material is transported to a facility that does not have scales on-site, or employs scales incapable of weighing the Organic Waste Self-Hauler's vehicle in a manner that allows determination of the weight of materials received, the Organic Waste Self-Hauler is not required to record the weight of material but shall keep a record of the facilities that received the Organic Waste and the estimated amount of material in cubic yards or tons.

(4) Subdivision (1) of this subsection shall not apply to an owner of a residential property, such as a Single Family Dwelling or Multifamily Dwelling, generating Organic Waste derived exclusively from the performance of landscaping projects at the residential property that the owner transports in the owner's vehicle.

(f) **Transportation of Source-Separated Organic Waste.**

(1) Every Person required to obtain an AB 939 Compliance Permit who collects, removes, or transports Organic Waste within the City must:

(i) Transport Source-Separated Organic Waste to a facility, operation, or property that recovers Organic Waste as defined in 14 CCR, Division 7, Chapter 12, Article 2.

(ii) Identify the facility to which they will transport Organic Waste, including a facility for Source-Separated Organic Waste.

Sec. 9. Subsection (e)(2) of Section 66.33.6 of Article 6, Chapter VI of the Los Angeles Municipal Code is amended to read as follows:

(2) Unless the Bureau issues a waiver to a Customer, each franchisee shall provide every Customer within its franchise zone a container specifically designated for the collection of Organics.

Sec. 10. Subsection A of Section 66.48 of Article 6.1, Chapter VI of the Los Angeles Municipal Code is amended to read as follows:

A. DECLARATION OF POLICY. It is hereby declared, in order for the City of Los Angeles to be prepared to respond to the needs of its citizens for adequate solid waste disposal alternatives in the future, that recognition of the following is necessary: the greater Los Angeles area has limited landfill capacity available for solid waste disposal; new landfills are difficult to site and permit; and the State has imposed recycling and waste reduction requirements in order to reduce the total amount of solid waste going to landfill by 25% and 50% by 1995 and 2000, respectively. Further, the State has imposed a 50% and 75% reduction in the level of the statewide disposal of organic waste from the 2014 level, by 2020 and 2025, respectively. Therefore, the City must establish a clear policy to provide an incentive for residents to reduce and to recycle the quantity of solid waste they generate. To this end, the City has developed a standard allowance for collection and management of refuse, source-separated recyclables and/or commingled recyclables, source-separated organic waste, and horse manure, which the City deems adequate to meet the requirements of the average Dwelling Unit as defined in Section 66.40. The City hereby declares that the standard allowance for a Single Family Dwelling shall be one 60-gallon black container for refuse, one 90-gallon blue container for source-separated recyclables and/or commingled recyclables, and one 90-gallon green container for source-separated organic waste. The standard allowance for a Multiple Dwelling is one 60-gallon black container per Dwelling Unit, one 90-gallon blue container per Dwelling Unit, and one 90-gallon green container for the Multiple Dwelling. Additional capacity above and beyond this standard allowance may be made available for various fees as described in this Code.

Sec. 11. Subsection B(3) of Section 66.48 of Article 6.1, Chapter VI of the Los Angeles Municipal Code is amended to read as follows:

3. A fee of \$2.50 per month will be charged for each 30-gallon increment of extra source-separated organic waste capacity made available to a Single Family Dwelling or a Multiple Dwelling in addition to the standard allowance of a 90-gallon green container by issuing additional 30, 60, or 90-gallon green container(s).

Sec. 12. Subsections (j) and (jj) of Section 10.32.1 of Article 6, Chapter 1, Division 10 of the Los Angeles Administrative Code are amended to read as follows:

(j) **“Compost product”** means an end product which meets all of the following requirements:

1. It is derived from the biological decomposition of a selected blend of organic wastes, including, but not limited to, wood by-products, plant waste, yard refuse, food, organic textiles and carpets, paper products, printing and writing paper, manure, biosolids, digestate, or sewage sludge.

2. It is usable.

3. It is source-separated from the municipal solid waste stream.

4. It is produced at a State or locally approved compostable material handling operation or facility permitted or authorized under 14 California Code of Regulations (CCR) Chapter 3.1 of Division 7, or produced at a large volume in-vessel digestion facility that composts on-site as defined and permitted under 14 CCR Chapter 3.2 of Division 7. Compost shall meet the State’s regulatory requirements for composting operations.

(jj) **“Recycled paper”** means Paper Products and recycled-content Printing and Writing Paper containing Post-consumer material and Secondary waste materials with not less than 50 percent of their total weight consisting of at least 30 percent, by fiber weight, postconsumer fiber, consistent with the requirements of Sections 22150 to 22154 and Sections 12200 and 12209 of the California Public Contract Code.

Sec. 13. Section 10.32.1 of Article 6, Chapter 1, Division 10 of the Los Angeles Administrative Code is amended to add the following definitions in alphabetical order, and to renumber the amended list of definitions, from (a) through (zz):

“Direct Service Provider” means a person, company, agency, district, or other entity that provides a service or services to the City pursuant to a contract or other written agreement.

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

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

“SB 1383 Eligible Mulch” means mulch eligible to meet the Annual Recovered Organic Waste Product Procurement Target, pursuant to 14 CCR Chapter 12 of Division 7. The SB 1383 Eligible Mulch shall meet the following conditions for the duration of the applicable procurement compliance year, as specified by 14 CCR Section 18993.1(f)(4):

1. Be produced at one of the following facilities:
 - i. A compostable material handling operation or facility as defined in 14 CCR Section 17852(a)(12) that is permitted or authorized under 14 CCR Division 7, excluding a chipping and grinding operation or facility as defined in 14 CCR Section 17852(a)(10);
 - ii. A transfer/processing facility or transfer/processing operation as defined in 14 CCR Section 17402, Subsections (a)(30) and (31), respectively, that is permitted or authorized under 14 CCR Division 7; or
 - iii. A Solid Waste landfill as defined in Public Resources Code Section 40195.1 that is permitted under 27 CCR Division 2.
2. Meet or exceed the physical contamination, maximum metal concentration, and pathogen density standards for land application specified in 14 CCR Section 17852(a)(24.5), Subsections (A)(1) through (3).

Sec. 14. Subsections (f) though (i) are added to Section 10.32.2 of Article 6, Chapter 1, Division 10 of the Los Angeles Administrative Code as follows:

(f) Require any City department responsible for establishing contracts for landscaping maintenance, renovation, or construction to require its Direct Service Provider to procure, as necessary, Compost and SB 1383 Eligible Mulch produced from recovered organic waste for landscaping maintenance, renovation, or construction, as practicable, whenever available and capable of meeting specified quality standards and criteria. SB 1383 Eligible Mulch used for land application must meet or exceed the physical contamination, maximum metal concentration, and pathogen density standards specified in 14 CCR Section 17852(a)(24.5), Subsections (A)(1) through (3).

(g) Require the Awarding Authority to procure Compost and SB 1383 Eligible Mulch produced from recovered organic waste for landscaping maintenance, renovation, or construction, as practicable, whenever available and capable of meeting specified quality standards and criteria. SB 1383 Eligible Mulch used for land application must meet the physical contamination, maximum metal concentration, and pathogen density standards specified in 14 CCR Section 17852(a)(24.5), Subsections (A)(1) through (3).

(h) Require the Awarding Authority to procure renewable gas derived from Organic Waste that has been diverted from a landfill and processed at an in-vessel digestion facility that is permitted or otherwise authorized by 14 CCR to recover Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(62), for transportation fuel, electricity, and heating applications to the degree that it is appropriate and available.

(i) Require any vendor providing printing services to the City to use Printing and Writing Paper that consists of at least 30 percent, by fiber weight, Post-consumer material or as amended by California Public Contract Code Section 12209.

Sec. 15. Subdivisions 5 and 6 are added to Subsection (b) of Section 10.32.5 of Article 6, Chapter 1, Division 10 of the Los Angeles Administrative Code to read as follows:

5. The Purchasing Agent shall maintain records of all Paper Products and Printing and Writing Paper purchases (including those with both Recycled content and non-Recycled content, if any), as detailed below.

i. The Purchasing Agent shall collect and collate copies of invoices or receipts (paper or electronic) or other proof of purchase that describe the procurement of Paper Products and Printing and Writing Paper, including the volume and type of all paper purchases; and copies of certifications and other required verifications from all departments and/or divisions procuring Paper Products and Printing and Writing Paper (whether or not they contain Recycled Content), and/or from the vendors providing Printing and Writing Paper and Paper Products.

ii. Any City department that purchases Paper Products and Printing and Writing Paper not tracked or monitored by the Purchasing Agent must provide the following records to the Purchasing Agent within 30 days of purchase: a copy of the invoice or other documentation of purchase; written certifications as required by Section 10.32.9(b)(2) and 10.32.9(b)(3) of this Code for Recycled Content purchases; vendor name; purchaser name; quantity purchased; date purchased; and the amount of Recycled Content (including products containing none). If non-Recycled content Paper Products and/or non-Recycled Content Printing and Writing

Paper are purchased, the records shall include a description of why Recycled Content Paper Products and/or Recycled Content Printing and Writing Paper were not purchased instead.

iii. The Purchasing Agent shall retain all records for five years as part of the documentation of the City's compliance with 14 CCR Section 18993.3.

6. The Purchasing Agent shall maintain records of all Compost and SB 1383 Eligible Mulch procured. A City Department that procures Compost and SB 1383 Eligible Mulch not tracked or monitored by the Purchasing Agent must provide records, as detailed below, to the Purchasing Agent within 30 days of procurement. Records shall include: a copy of the invoice or other documentation of procurement; the name, physical location, and contact information for each procurement source; the type of product; and the quantity provided in either tons or cubic yards.

Sec. 16. Section 10.32.9 of Article 6, Chapter 1, Division 10 of the Los Angeles Administrative Code is amended in its entirety as follows:

Sec. 10.32.9. Contractors.

(a) A contractor or vendor shall certify in writing to the Awarding Authority the minimum, if not the exact, percentage of Recycled material, both post-consumer Recycled content and Secondary waste, in products to be provided in the performance of the contract. The contractor also shall certify the extent to which the products have any of the environmentally preferable attributes listed in Section 10.32.2(a). The contractor or vendor shall provide such certification even if the product contains no Recycled material or no other environmentally preferable attributes. Failure to provide such certification shall result in the product being deemed to contain no Recycled material and/or no environmentally preferable attributes.

(b) A contractor or vendor providing Paper Products and/or Printing and Writing Paper shall:

1. Only provide Paper Products and Printing and Writing Paper that meet the Federal Trade Commission recyclability standard as defined in Title 16 Code of Federal Regulations Section 260.12 (2013).

2. Certify in writing, under penalty of perjury, to the minimum percentage of Post-consumer material in the Paper Products and Printing and Writing Paper offered or sold to the City. This certification requirement may be waived if the percentage of Post-consumer material in the Paper Products, Printing and Writing Paper, or both, can be verified by a product label, catalog, invoice, or a manufacturer or vendor internet website.

3. Certify in writing, under penalty of perjury, that the Paper Products and Printing and Writing Paper offered or sold to the City are eligible to be labeled with an unqualified recyclable label as defined in Title 16 Code of Federal Regulations Section 260.12.


4. Provide records of all Paper Products and Printing and Writing Paper purchased from the vendor within 30 days of a purchase (purchases with both Recycled content and non-Recycled content) made by a department or employee of the City. Records shall include a copy of the invoice or other documentation of purchase, written certifications as required in Subdivisions 2 and 3 of this subsection for Recycled content purchases, the purchaser name, the quantity purchased, the date purchased, and the amount of Recycled content (including in products containing none); and if non-Recycled Content Paper Products and/or non-Recycled content Printing and Writing Paper are purchased, a description of why Recycled content Paper Products and/or Recycled content Printing and Writing Paper was not purchased instead.

(c) A Direct Service Provider providing Compost or SB 1383 Eligible Mulch shall keep records of procurement of Products (whether through purchase or acquisition) and shall provide such records to the Awarding Authority upon completion of projects. Such records shall include:

1. A general description of how and where the Product was used;
2. The Source of Product, including the name, physical location, and contact information for each entity, operation, or facility from which the Product was procured;
3. The Type of Product;
4. The quantity of each Product, in either tons or cubic yards; and
5. An invoice or other record documenting the purchase or procurement of the Product.

(d) The requirements in this section shall not apply to contracts funded in whole or in part by a grant or with funds from a grant or loan.

Sec. 17. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

By 
ADENA M. HOPENSTAND
Deputy City Attorney

Date 10/28/22

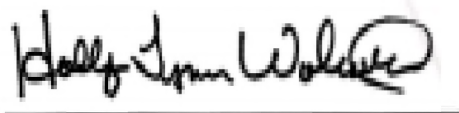
File No. 21-1208

M:\GENERAL COUNSEL DIVISION\ORDINANCES AND REPORTS\ORDINANCES - FINAL YELLOW\AMC - Organics Recycling
Mandated by SB 1383 v.12 10.28.22.docx

The Clerk of the City of Los Angeles
hereby certifies that the foregoing
ordinance was passed by the Council
of the City of Los Angeles.

CITY CLERK

MAYOR





Ordinance Passed November 29, 2022

Approved 12/08/2022

Posted Date: 12/09/2022

Ordinance Effective Date: 01/18/2023