

Notification of Intent to Comply

Please clearly print or type responses. Attach additional pages as necessary.

Jurisdiction Name: County of San Mateo

County: San Mateo

Person Completing the Form:

First Name: Gordon

Last Name: Tong

Title: Sustainability Program Manager

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1. Select using the check boxes below or write in the continuing violations for each applicable regulatory section. For each selection, please describe the specific violations related to the regulatory section.

Example:

- (B) 14 CCR section 18984.1 Three-Container Organic Waste Collection Services
- i. Not implementing mandatory residential foodwaste collection for all residents. Note: City already provides mandatory greenwaste collection to all residents*
 - ii. Not implementing mandatory commercial organics collection for all businesses under 2 cubic yards. Note: City already provides mandatory commercial organics collection to all businesses 2 cubic yard or more.*

Disclaimer: The list of possible continuing violations below is not inclusive of all potential violations of the regulations.

(A) 14 CCR section 18984 Combined Organic Waste Collection Services. *This requirement is not included since the requirements are further specified in sections 18984.1-18984.11.*

- (B) 14 CCR section 18984.1 Three-Container Organic Waste Collection Services
- i. The County will be unable to require haulers in the unincorporated, unfranchised areas to meet the collection requirements until a Non-Exclusive Franchise Agreement program has been established.*
- (C) 14 CCR section 18984.2 Two-Container Organic Waste Collection Services
- i. The County will be unable to require haulers in the unincorporated, unfranchised areas to meet the collection requirements until a Non-Exclusive Franchise Agreement program has been established.*
- (D) 14 CCR section 18984.3 Unsegregated Single Container Collection Services
- i. The County will be unable to require haulers in the unincorporated, unfranchised areas to meet the collection requirements until a Non-Exclusive Franchise Agreement program has been established.*
- (E) 14 CCR section 18984.4 Recordkeeping Requirements for Compliance with Organic Waste Collection Services
- (F) 14 CCR section 18984.5 Container Contamination Minimization
- (G) 14 CCR section 18984.6 Recordkeeping Requirements for Container Contamination Minimization
- (H) 14 CCR section 18984.7 Container Color Requirements
- (I) 14 CCR section 18984.8 Container Labeling Requirements

- (J) 14 CCR section 18984.11 Waivers Granted by a Jurisdiction
- (K) 14 CCR section 18985.1. Organic Waste Recovery Education and Outreach.
- (L) 14 CCR section 18985.2. Edible Food Recovery Education and Outreach
- (M) 14 CCR section 18985.3. Recordkeeping Requirements for a Jurisdiction's Compliance with Education and Outreach Requirements
- (N) 14 CCR section 18988.1. Jurisdiction Approval of Haulers and Self-Haulers
- i. The County will not be able to provide approval for haulers and self-haulers until the Non-Exclusive Franchise Agreement program has been established for the unincorporated, unfranchised areas.
- (O) 14 CCR section 18988.3. Self-haulers of Organic Waste
- (P) 14 CCR section 18988.4. Recordkeeping Requirements for Compliance with Jurisdiction Hauler Program
- i. The County will not be able to collect records for compliance in the unincorporated, unfranchised areas until Non-Exclusive Franchise Agreements have been signed with local haulers.
- (Q) 14 CCR section 18989.1. CALGreen Building Codes
- (R) 14 CCR section 18989.2 Model Water Efficient Landscape Ordinance
- (S) 14 CCR section 18991.1. Jurisdiction Edible Food Recovery Program
- (T) 14 CCR section 18991.2. Recordkeeping Requirements for Jurisdiction Edible Food Recovery Program
- (U) 14 CCR section 18992.1. Organic Waste Recycling Capacity Planning
- (V) 14 CCR section 18992.2. Edible Food Recovery Capacity
- (W) 14 CCR section 18993.1. Recovered Organic Waste Product Procurement Target
- i. The County will not procure a quantity of recovered organic waste products equal to or greater than the County's recovered organic waste product procurement target.
- (X) 14 CCR section 18993.2. Recordkeeping Requirements for Recovered Organic Waste Procurement Target
- (Y) 14 CCR section 18993.3. Recycled Content Paper Procurement Requirements
- i. The County will not procure all of the recycled content paper products required until contracts are renewed.
- (Z) 14 CCR section 18993.4. Recordkeeping Requirements for Recycled Content Paper Procurement
- i. The County will be unable to collect all paper product procurement records in the implementation record until contracts are renewed.
- (AA) 14 CCR section 18994.2. Jurisdiction Annual Reporting**
Note: This requirement is not included since jurisdictions are still expected to report to CalRecycle.
- (BB) 14 CCR section 18995.1. Jurisdiction Inspection Requirements
Note: Section 18995.1(a)(1) should not be included because a jurisdiction should already be completing this action due to the requirements of PRC Chapter 12.9 (commencing with Section 42649.8)
- i. Inspections for the unincorporated, unfranchised areas will not be conducted until the enforcement program is further developed.
- (CC) 14 CCR section 18995.2. Implementation Record and Recordkeeping Requirements
- i. Records for the unincorporated, unfranchised areas will not be kept until Non-Exclusive Franchise Agreements have been established.
- (DD) 14 CCR section 18995.3. Jurisdiction Investigation of Complaints of Alleged Violations**
Note: This requirement is not included since jurisdictions are still expected to investigate complaints.
- (EE) 14 CCR section 18995.4. Enforcement by a Jurisdiction

Use the check box(es) below to write in the continuing violations for any regulatory section(s) not reflected above and describe the specific violations related to the regulatory section.

Example:

(1) (Type regulatory section number) (Type regulatory section title)

i. *Describe the specific violations related to the regulatory section*

(1) 14 CCR section 18988.2. Haulers of Organic Waste Requirements

i. The County will be unable to provide approval to haulers pursuant to Section 18988.1 until the Non-Exclusive Franchise Agreement program has been established.

2. A detailed explanation of the reasons why the jurisdiction is unable to comply, supported by documentation, if applicable.

The County initiated a proactive approach to begin SB 1383 planning starting with the implementation of an edible food recovery pilot program in January 2020, prior to the state's November 2020 adoption of the regulations. This Edible Food Recovery (EFR) Program was developed in partnership with the local food bank and other core service agencies, and it includes recovering and redistributing excess food from supermarkets, wholesalers, caterers, and other commercial edible food generators. The County also developed and distributes curriculum, and conducts workshops to educate the public on how to reduce food waste.

**14 CCR Section 18984.1-3 Combined Organic Waste Collection Service,
14 CRR Section 18988.1 Jurisdiction Approval of Hauler and Self Hauler,
14 CCR Section 18988.2 Haulers of Organic Waste Requirements, and
14 CCR Section 18988.4 Recordkeeping Requirements for Compliance with Jurisdiction
Hauler Program:**

The County needs additional time to implement these sections, in order to establish new Non-Exclusive Franchise Agreements with the haulers servicing Unincorporated areas and Memorandum of Understandings (MOUs) with affected jurisdictions managing Unincorporated areas through their existing Franchise Agreements/contracts. Regarding the organic waste collection requirements of SB 1383, the County has passed an ordinance amendment for unincorporated areas to be in compliance with SB 1383 on December 7, 2021. These new agreements/MOU's will include the language from the County ordinance.

The County has been informed by local haulers of supply chain issues for new collection trucks, carts, and bins; this will make it very difficult to roll out new organics collection services. The haulers will be surveyed in the Fall of 2022 to assess the state of the supply chain issues and will notify CalRecycle if the conditions still exist that may impact implementing new collection services to comply with 1383.

County Service Area No. 8 ("CSA-8", or "North Fair Oaks") and the unincorporated franchised area ("County Franchised Area") is in compliance via existing services through the South Bayside Waste Management Authority (SBWMA) service area. These two areas contain the most commercial and residential accounts and the SBWMA has implemented programs to be in compliance with the regulations. Inspections and Enforcement will be part of the planning process for the County Unincorporated areas.

The County will establish new Non-Exclusive Franchise Agreements or MOUs to cover Unincorporated areas but there have been delays owing to the County's emergency response to the COVID-19 pandemic, the CZU Lightning Complex Fires, and economic recovery efforts; these emergencies have resulted in the diversion of staffing resources for over 19 months and have impacted the full development of SB 1383 mandated programs.

14 CCR section 18993.1. Recovered Organic Waste Product Procurement Target:

The County is in the process of addressing several structural barriers to compliance with the procurement requirements, including limited access to renewable natural gas and biomass conversion electricity, and plans to meet the SB 1383 organics procurement requirement by purchasing compost and/or mulch. The County, working with organizations like the Resource Conservation District and Zero Foodprint, is in the process of developing a pilot compost procurement and brokering program that matches quantity and quality of the procured compost and mulch to the needs and constraints of our jurisdictions. The pilot programs are in early phases and it is uncertain whether the County will meet the 2022 procurement target. Learnings and data from the pilot will be used for scaling larger programs and partnerships towards future state-mandated targets.

14 CCR section 18993.3. Recycled Content Paper Procurement Requirements:

The County is developing an internal purchasing policy to achieve compliance with the paper product procurement requirements of 14 CCR section 18993.3. This policy will include a provision for County departments to require their contractors and vendors to comply the County's paper product procurement standards and provide the County with the records and certifications required by 14 CCR section 18993.3. However, because procurement in the County is decentralized, it will require additional effort and time for County departments to implement these new contracting requirements. In addition, not all departments will have the ability to amend their contracts or agreements until the terms of these contracts are renewed through a publicly bid competitive procurement process. In these cases, contracts and agreements will not include SB 1383 procurement requirements until they are renewed.

14 CCR section 18993.4. Recordkeeping Requirements for Recycled Content Paper Procurement:

Procurement in the County is largely decentralized across departments, thus some contracts will not include SB 1383 paper product reporting requirements until they are renewed. The County will begin collecting all of the records needed to keep under 14 CCR section 18993.4 in 2022 but will not collect records on all paper product procurement until all County contracts have been amended with new contract language and contract attachment.

14 CCR section 18995.1. Jurisdiction Inspection Requirements:

The County will not be able to conduct annual route reviews of commercial businesses and residential generators for compliance with organic waste generator requirements and container contamination requirements until Non-Exclusive Franchise Agreements or MOUs have been signed. However, the County will be in compliance with the route review requirement for areas serviced by Recology San Mateo County.

14 CCR section 18995.2. Implementation Record and Recordkeeping Requirements:

The County is in compliance with the waiver requirement for the areas serviced by SBWMA. Record and recordkeeping requirements for remaining unincorporated areas will be stipulated within the inspection, enforcement, and waiver program that is currently in development.

3. A description of the impacts of the COVID-19 pandemic on compliance.

Beginning March 16th, 2020, up to 50% of Office of Sustainability Waste Reduction team staff were deployed on the COVID-19 pandemic response, the CZU Lightning Complex Fire Response and Recovery, and the COVID-19 Economic Recovery Initiatives and assignments. The remaining staff were assigned to meet priority operational requirements such as: Pescadero Transfer Station operations, Office of Sustainability hotline, reviewing waste management plans, franchised area issues (e.g. illegal dumping, collection service issues, Transfer Station closures to the public, reuse drop off location closures, bottle and can CRV redemption center closures), and maintaining County facility garbage programs for essential service employees and locations (e.g. setting up garbage and recycling service for the new homeless shelters).

Please see attached documentation on the County-issued Stay-At-Home Order, Public Health Emergency Policy, and CZU Fire Emergency. County employees are disaster service workers (Section 3100-3109 of California Government Code) and are required to perform other duties as assigned during a declared emergency. As mentioned above, the reassignment of staff to emergency duties in 2020 and 2021 reduced overall capacity and contributed to the delay of the State required SB 1383 program implementation.

4. Provide a description of the proposed actions the jurisdiction will take to remedy the violations with a proposed schedule for completing each action. The proposed actions shall be tailored to remedy the violations in a timely manner. See optional format below.

See tables below.

I hereby certify under penalty of perjury that the information provided herein is true and correct to the best of my knowledge.

-----	Gordon Tong	Sustainability Program Manager	2/3/22
Signature	Printed Name	Title	Date

4. Description of the proposed actions with proposed schedules the jurisdiction will take to remedy the violations. The proposed actions shall be tailored to remedy the violations in a timely manner.

<p>Regulatory Requirement 14 CCR section 18984.1-3 Combined Organic Waste Collection Service, 14 CCR section 18988.1 Jurisdiction Approval of Hauler and Self Hauler, 14 CCR section 18988.2 Haulers of Organic Waste Requirements, and 14 CCR section 18988.4 Recordkeeping Requirements for Compliance with Jurisdiction Hauler Program,</p> <p>Description: The County passed a SB 1383 ordinance for organics collection and is currently in the process of setting up agreements requiring haulers in the unfranchised areas to provide residential, commercial, or industrial organic waste collection services to generators within its boundaries. Until these agreements are finalized, not all haulers in the county will be able to obtain applicable approval pursuant to Section 18988.1 by 1/1/2022, nor will all associated documents be compiled into the implementation record.</p> <p>Note: The County is in compliance with this requirement for areas that are currently franchised by the County including County Service Area 8 and the County Franchised Area (e.g., Recology San Mateo County).</p>	
Action	Proposed Schedule
TASK 1: Develop new contract language agreements for the following collection companies, to match the amended County Solid Waste Collection, Transport, Storage, and Disposal ordinance for Non-Exclusive Franchise Agreements: GreenWaste, South San Francisco Scavenger, Kunz Valley Trash, Republic Services, and Recology of the Coast. These agreements are for the unincorporated areas that are currently not covered by a contract or a franchise agreement.	Date to be completed: 8/1/2022
TASK 2: Hold a Non-Exclusive Franchise Agreement meeting with all the haulers affected. Negotiate the Non-Exclusive Franchise Agreements with the affected haulers.	Date to be completed: 9/31/2022
TASK 3: Obtain Board of Supervisors approval of the Non-Exclusive Franchise Agreement(s).	Date to be completed: 11/30/2022
TASK 4: Due to supply chain issues for garbage and recycling trucks, bins and carts, the County will survey haulers for equipment and assets in October. If supply chain issues have been resolved, the County will require carts and bins in the Non-Exclusive Franchise agreements to be distributed to customers by February 2023. If supply chain issues have not been resolved, the County will meet with CalRecycle on program implementation.	Date to be completed: 10/31/2022

Regulatory Requirement: 14 CCR section 18993.1. Recovered Organic Waste Product Procurement Target

Description: The County is taking significant steps to meet the recovered organic waste procurement target including working with consultants to identify clean sources of compost and implementing pilot compost broker projects but does not expect to meet the full target in 2022.

Action	Proposed Schedule
TASK 1: Design and host trainings to educate County staff making procurement decisions about the County's new SB 1383 compost procurement policy and procurement requirements.	Date to be completed: 5/1/22
TASK 2: Coordinate with departments to identify opportunities to increase recovered organic waste product use.	Date to be completed: 11/1/22
TASK 3: Develop a compost broker program in which compost and mulch is procured and applied on the County's behalf	Date to be completed: 7/1/22
TASK 4: Work with partners and consultants to procure SB 1383 eligible compost and apply this compost on farm and rangeland across the state on behalf of the County.	Date to be completed: 7/1/22
TASK 5: Assess potential to incorporate direct service provider agreements into the County's Model Water Efficient Landscaping Ordinance permitting process.	Date to be completed: 12/1/22
TASK 6: Continue exploration with external compost organizations to identify sources and applications of clean compost for the 2023 calendar year.	Date to be completed: 12/1/22

Regulatory Requirement: 14 CCR section 18993.3. Recycled Content Paper Procurement Requirements

Description: The County will develop a new internal procurement policy to comply with this section; full compliance with this section will be achieved over time as contracts and vendor agreements expire and are renewed under the new policy. Until these agreements are renewed, some paper products, and printing and writing paper procured may not meet the requirements of Sections 22150-22154 of the Public Contract Code and may not be eligible to be labeled with an unqualified recyclable label as defined in 16 Code of Federal Regulations (CFR) Section 260.12 from vendors or contractors. Additionally, some businesses from whom the County purchases paper products and printing and writing paper may not comply with this requirement until their agreements are renewed as part of the phased approach.

Action	Proposed Schedule
TASK 1: Host trainings to educate staff conducting procurement about the County's new SB 1383 paper product procurement policy and implementation steps.	Date to be completed: 6/30/22
TASK 2: Offer outreach and compliance assistance to each County department.	Date to be completed: 11/1/22

TASK 3: Work with Procurement Department and countywide paper product vendor, Office Depot, to determine how Office Depot can support County compliance with SB 1383 within the scope of their current contract with the County.	Date to be completed: 11/1/22
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Regulatory Requirement: 14 CCR section 18993.4. Recordkeeping Requirements for Recycled Content Paper Procurement

Description: The County will develop a new internal procurement policy to comply with this section, but full compliance with this section will be phased in over time as contracts and vendor agreements expire and are renewed.

Action	Proposed Schedule
TASK 1: Host trainings for all County procurement staff to teach about the County's new SB 1383 paper product procurement policy and implementation steps.	Date to be completed: 6/30/22
TASK 2: Offer outreach and compliance assistance to affected County departments.	Date to be completed: 11/1/22
TASK 3: Work with Procurement Department and countywide paper product vendor, Office Depot, to determine how Office Depot can support County compliance with SB 1383 within the scope of their current contract with the County.	Date to be completed: 11/1/22

Regulatory Requirement: 14 CCR section 18995.1. Jurisdiction Inspection Requirements

Description: Non-exclusive franchise agreements or MOUs need to be developed and executed in order to facilitate route reviews and inspection requirements of commercial businesses and residential generators.

Note: The County will establish in the MOU's the enforcement roles and inspection requirement for areas that are managed by another jurisdiction including: unincorporated Colma and Broadmoor (through Republic Services of Daly City), San Francisco International Airport (through South San Francisco Scavenger), and the Stanford Linear Accelerator area (through Stanford/Peninsula Sanitary).

Action	Proposed Schedule
TASK 1: Develop MOUs, and Non-Exclusive Franchise Agreements that contain provisions for route reviews.	Date to be completed: 8/1/2022
TASK 2: Design an inspection and enforcement program. See action plan for 14 CCR section 18995.2 <i>Implementation Record and Recordkeeping Requirements</i> for more details.	Date to be completed: 11/30/2022

Regulatory Requirement: 14 CCR section 18995.2 Implementation Record and Recordkeeping Requirements

Description: Record and recordkeeping requirements for remaining unincorporated areas will be stipulated within the inspection, enforcement, and waiver program that is currently in development.

Note: The County will be in compliance with the waiver requirement for areas serviced by Recology San Mateo County, the SBWMA will be issuing waivers.

Action	Proposed Schedule
TASK 1: Revise the SB 1383 section of the Office of Sustainability website to include the waiver/exemptions forms for areas outside of the SBWMA as defined in the County Solid Waste ordinance.	Date to be completed 5/31/2022
TASK 2: Design a comprehensive inspection, enforcement, and waiver program to implement the provisions in our County ordinance for SB 1383 compliance.	Date to be completed: 11/30/2022
TASK 3: Secure County Manager and Board of Supervisors' approval of inspection and enforcement program.	Date to be completed: 6/1/2023
TASK 4: Inspection and enforcement begins	Date to be completed 1/1/2024