

SECTION VII. recycLA FACILITY CERTIFICATION PROGRAM (FCP) TERMS AND CONDITIONS

Any facility that participates in the recycLA FCP must meet all federal, state, and local requirements as well as the requirements detailed in the Facility Certification Plan approved by the Board of Public Works on October 30, 2019 and the recycLA FCP Terms and Conditions set forth below.

Initial Inspection or Audit: In order to receive certification, LASAN will perform initial on-site audit inspections, which will consist, in part, of detailed facility-wide site inspections and review of facility's providing available records, which may include, but are not limited to: Injury and Illness Prevention Program (IIPP), special occurrences, complaint logs, Notices of Violation (NOVs) from regulatory agencies, permits, training records, available inspection reports, load check records, as well as incoming/outgoing tonnages and final destinations. Any deficiencies noted must be correct prior to LASAN's certification approval.

Routine and Annual Inspections: LASAN staff shall have the right to conduct an unannounced inspection and records review on a routine or as needed basis. LASAN staff must also be allowed to inspect the facility during and/or after a special occurrence such as a serious injury, death, accident or fire at the facility.

CalRecycle Tiered Permit or Processor Certificate: The facility shall maintain a solid waste permit based on the tier determined by CalRecycle, or maintain a certified processor certificate as a recycling center.

Regulatory Compliance: Facility Certification from LASAN does not relieve the operator/facility from obtaining all required permits, licenses, or other clearances and complying with the requirements of other regulatory agencies. LASAN staff reserve the rights to report or make referrals to appropriate regulatory agencies, as it deems necessary.

Facility Enclosure: All waste transferring, organics pre-processing and processing, Municipal Solid Waste (MSW) material recovery facility (MRF) (black-bin) activities, Commingled recyclable facility (blue-bin) activities, and any facility within 500 feet of a sensitive receptor such as a school, park, or residence are required to be enclosed in accordance with the recycLA FCP and as defined in the facility certification application. A facility that is transferring and/or processing black bin material that does not meet the Facility Enclosure requirements at the time of submitting a facility certification application must submit an Enclosure Implementation Plan (EIP) with its submittal of the certification application form for LASAN review and approval. A facility that is transferring and processing blue bin material or any facility within 500 feet of a sensitive receptor must submit an EIP within one calendar year after certification is issued or by December 2020, whichever occurs first. LASAN reserves the right to revoke certification of a facility that does not demonstrate satisfactory progress towards meeting the enclosure requirements. These enclosure requirements are independent of any other

permit or agency requirements regarding full enclosure, such as those associated with a Conditional Use Permit (CUP) or implemented by the local building department.

Health & Safety: Facility health and safety training for permanent and agency/temporary employees is to include, but not be limited to, provision and documentation of such programs, preparation and implementation of an Injury and Illness Prevention Program (IIPP), as well as submittal of annual health and safety audit reports by a reputable safety audit firm.

Digital Truck Weight Scales: A facility is required to have onsite electronic or digital truck weight scales capable of generating real-time daily, monthly and/or annual reports.

Mitigation Plans: A facility shall implement and maintain drainage, dust, odor, vector, litter, noise and nuisance control mitigation plans and make the plans available to LASAN for review.

Special Occurrence Reporting/Recording: A facility is required to report any special occurrence requiring emergency response measures within 24 hours to LASAN, record such occurrences and any corrective action in the facility special occurrence logbook and make the log available to LASAN for review.

Complaint and Corrective Action Logs: A facility is required to maintain a complaint and corrective action log at the facility and make it available to LASAN for review.

Records maintenance: Permits, reports, training, violations, and compliance records, such as inspection reports, must be kept and available for review during the period of certification, during any potential lapse in certification, and as required by applicable regulatory agencies.

Process Line Certification: If the facility performs more than one solid waste process (i.e., material recovery, waste transfer, and/or organics processing) under the recycLA program, the material type (black, blue or green bin) must be stated on the application for each process or line type. Each process or line type will be evaluated and certified separately. The facility may be certified for one process line, but not another.

Facility Location: A facility is not required to be located inside the City of Los Angeles to obtain certification.

Material Acceptance: A facility can only accept recycLA material for the certification processes for which they are issued. This does not restrict a facility from accepting material from non-recycLA sources/haulers.

Annual Audit: LASAN will perform a comprehensive audit of the facility on an annual basis. The facility must review and submit a renewal application, one calendar year after certification is issued, and all applicable documents requested by LASAN as part of the annual audit and permit review.

Certification Effective Dates: recycLA Facility Certification shall be valid from the date of issuance and may be valid up to five years and is subject to a detailed annual review by LASAN.

Provisional Certification: A provisional certification is issued on a case-by-case basis as determined by LASAN. A facility involved in planned construction activities may be provisionally certified as long as the facility documents progress toward completion of the planned construction activities.

Alternative Certification Requirement: LASAN recognizes that unique circumstance may exist in which all certification requirements may not be practical. In limited cases, LASAN may waive certain certification requirements. However, at a minimum, these destinations must provide reports that include RSP Name, Zone, Material Types, Tonnages, and Final Destinations (Domestic or International).

Required Reports: A facility must submit reports to the City as detailed in the FCP and its amendments:

- Monthly tonnage reports and weight tickets of inbound/outbound materials must be submitted to LASAN by the 20th of each month.
- Monthly reports for inbound materials shall include information on all materials entering/exiting the facility, including:
 - City of origin/destination,
 - City of Los Angeles zone and hauler (if applicable),
 - Bin type (black, blue and green), and
 - Associated tonnage.
- Monthly report for outbound materials shall include material type, secondary facility (if applicable) and destination facility.
- Monthly tonnage reports shall include total inbound/outbound materials, including City of LA and non-City of LA material.
- Waste characterization data.

Construction & Demolition (C&D) Processing Facilities Reports: C&D reports require additional material destination information.

Waste Characterization: Waste characterization will be performed in accordance with LASAN's "recycLA Service Provider (RSP) and Certified Facility Waste Composition Guidelines" at a frequency as determined in the waste characterization protocols. This includes performing seasonal biannual waste characterizations of a representative blended sample of the incoming materials (black, blue, green, and brown bins) and a representative sample of the residuals (twice annually) in accordance with provided specifications, and reporting the results to LASAN within 15 days of the completed waste characterization. Please note that a facility that only disposes of and/or transfers material is not required to conduct waste characterizations.

Efficiency Rate: LASAN staff will determine an efficiency rate for each certified facility by material type and franchise zone based on waste characterizations, equipment, operational processes, and the mass balance of incoming and outgoing materials, as applicable. A facility that processes multiple waste streams on a single line at separate times must be able to differentiate, to the satisfaction of the LASAN, the incoming feed stocks and outgoing materials. Certified facilities must notify the City of any changes in process operations that might impact efficiency rates. Failure to notify the City of changes in operation that affect efficiency rates will result in a Notice to Comply and/or a Notice of Suspension.

LASAN will continually assess facility efficiency rates by reviewing ongoing waste characterizations and reports, tracking tonnages and conducting facility inspections. LASAN will immediately adjust efficiency rates for any changes in material handling or processing.

Facility Certification Suspension or Revocation: If the City has determined that a facility has failed to meet the requirement as detailed in the Facility Certification Plan, this application or any stipulated conditions of approval, LASAN will provide written notice of the City's intent to suspend or revoke the facility's certification. If a facility wishes to appeal its suspension or revocation, the party may file within 30 days of the mailed notice, a written request for a hearing before the Board of Public Works (Board). If the written request for hearing is not received within 30 days of the suspension or revocation mailing, the suspension or revocation is final and no further administrative relief is available. If a timely written request is filed, the suspension or revocation may be stayed pending a Board hearing. After the written request for hearing is received, the matter will be set on a regular agenda. The Board will issue a verbal or written decision affirming or rescinding the suspension or revocation. The Board decision is final and no further administrative relief is provided.

Facility Beautification Plan: A facility must submit a facility beautification plan for approval within 120 days of certification issuance, for the LASAN's review and approval.

Community Involvement: LASAN reserves the right and may allow certain community members limited rights to accompany on-site inspections subject to the conditions and requirements subject to the conditions and requirements in the FCP (including, agreement to comply with all facility visitation and safety policies, SRCFD policies and guidelines, wear Personal Protective Equipment as required by a facility during a site visit, and sign a Waiver and General Release Form/Statement releasing the City of Los Angeles, LASAN, and the named facility with regard to any claims of personal injury, illness or death, real or personal property damage etc.).

Severability: Should any portion of the Facility Certification Plan be determined to be void or unenforceable, such shall be severed from the whole and the Facility Certification Plan will continue as modified.