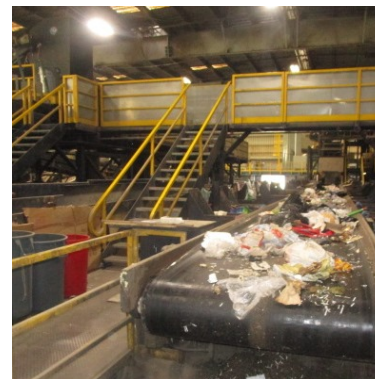
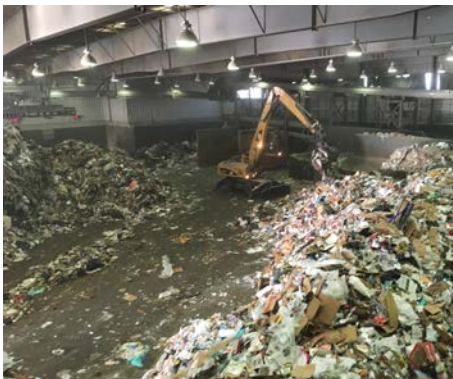


recycLA FACILITY CERTIFICATION PLAN AN INITIATIVE OF LASAN



Enrique C. Zaldivar, P.E.
Director and General Manager
LA Sanitation and Environment
City of Los Angeles

Solid Resources Commercial Franchise Division
1149 S Broadway Street, 5th Floor
Los Angeles, CA 90015



ACKNOWLEDGEMENTS

CITY OF LOS ANGELES RecycLA Franchise and Multi-Family Solid Resources Collection and Handling Facility Certification Program Plan

Mayor

Eric Garcetti

City Council Members

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LA Sanitation

Enrique C. Zaldivar, Director and General Manager
Traci J. Minamide, Chief Operating Officer
Lisa B. Mowery, Chief Financial Officer

Alexander E. Helou, Assistant Director
Jose Garcia, Assistant Director
Mas Dojiri, Assistant Director
Timeyin Dafeta, Hyperion Executive Plant Manager

Solid Resources Commercial Franchise Division

Daniel Meyers, Division Manager

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A. City of Los Angeles Ordinance 182986

List of Acronyms, Abbreviations and Definitions

AB 341	Assembly Bill 341 (Chapter 476, Statutes of 2011 [Chesbro, AB 341]) directed CalRecycle, among other actions to: 1) develop and adopt regulations for mandatory commercial recycling, with compliance beginning July 1, 2012; and 2) submit a report to the Legislature with a plan for reaching 75% diversion Statewide by 2020.
AB 939	Assembly Bill 939 (Chapter 1095, Statutes of 1989) is also known as the Integrated Waste Management Act . The Integrated Waste Management Act created the California Integrated Waste Management Board, now known as CalRecycle, and also required each jurisdiction in the state to submit detailed solid waste planning documents for CalRecycle approval, set diversion requirements of 25 percent in 1995 and 50 percent in 2000, established a comprehensive statewide system of permitting, inspections, enforcement, and maintenance for solid waste facilities, and authorized local jurisdictions to impose fees based on the types or amounts of solid waste generated. A more detailed description of the Integrated Waste Management Act is found at CalRecycle's Website (http://www.calrecycle.ca.gov/Laws/Legislation/CalHist/1985to1989.htm).
Air Quality Management Districts (AQMD)	Local districts responsible for enforcing air quality standards applicable within their jurisdiction; the adoption of control regulations for stationary sources; and the implementation of indirect source and transportation control measures.
Black Bin	Black containers of any size used for the collection of solid waste.
Blue Bin	Blue containers of any size used for the collection of commingled recyclables.
Board	The City of Los Angeles Board of Public Works or its designee.
Brown Bin	Brown containers of any size used for the collection of horse manure.
Cal/OSHA	California Division of Occupational Safety and Health.

CalRecycle	The Department of Resources Recycling and Recovery of the State of California. CalRecycle is the State agency which regulates solid resources management activities.
Certification	recycLA Facility Certification is issued by LASAN to Solid Resources Facilities. Certification is issued by line and/or process type and a Facility may be issued more than one Certification. Facility Certification can either be full or provisional.
Certified Facility	A Facility utilized under the recycLA Program that receives a Facility Certification issued by LASAN for at least one line or process type. A Certified Facility refers to a Facility that is issued one or multiple Facility Certifications by LASAN dependent on the Facility's operations.
City	The City of Los Angeles, Board of Public Works or its subordinate Bureaus. Depending on the context in which it is used, the term City may also refer to the geographic area known as the City of Los Angeles, the City Council, other Departments of the City of Los Angeles, or any person employed by the City of Los Angeles who is authorized to represent the City of Los Angeles in manners concerning this document.
City Council	Los Angeles City Council.
Commercial Waste	Solid Resources generated at sources such as commercial businesses, large multi-family properties, industrial and some institutional sites.
Commingled Recyclables	Material that has been source-separated or kept separate from other waste streams at the point of generation, for the purpose of processing and sorting the material before recycling or reuse, which enables the return of the material to the economic mainstream in the form of raw material for new, reused, or reconstituted products that meet the quality standards necessary to be used in the marketplace.
Compliance Action	An action taken by LASAN towards a Facility that is not in compliance with the requirements in the Facility Certification Plan and/or the terms and conditions of Facility Certification.
Contamination	Contamination includes non-recyclable and/or non-compostable materials left over after processing source-separated recyclables, organics, or solid waste. This material is typically disposed in a landfill.

Disposal	Solid waste that has been accepted for disposal at a Class III landfill.
Diversion	The combined efforts of waste prevention, reuse, and recycling practices allowable under the recycLA Program.
Enclosed Facility	A type of facility that may include a material recovery facility or transfer station structure which complies with specific enclosure, ventilation, enclosure opening timeframe and critical distance requirements.
Exclusive Franchise Zones	11 Geographic Zones throughout the City of Los Angeles under which the RSPs (RSP) will provide Solid Resources collection and management services under a franchise agreement.
Facility	A location which accepts Solid Resources for processing, transfer, or disposal. This definition also includes the owner or designee of the Facility.
Food Waste	All animal and vegetable Solid Resources generated by food facilities (as defined in California Health and Safety Code Section 27521) or from residences that result from the storage, preparation, cooking, and/or handling of food.
Green Bin	Green containers of any size used for the collection of organics, which may include yard trimmings, food waste, and other compostable materials.
Green Waste	Landscape waste generally consisting of leaves, grass clippings, weeds, yard trimmings, wood waste, branches and stumps, and home garden residues.
LASAN	The City of Los Angeles Bureau of Sanitation.
LEA	Solid Waste management enforcement agency under CalRecycle, which performs permitting, inspection, and enforcement duties for Solid Waste handling, and permitted, closed, abandoned, exempt, illegal, and inactive facilities.
Marketable	Materials that can be recovered from the Solid Waste stream and sold to market for profit.
Material Recovery Facility or MRF	Under recycLA, a Facility which processes Solid Resources materials, primarily from recycLA Blue Bin material or Black Bin material.

Organics	Compostable materials that are separated from other waste streams and placed in a container for collection. May include, but are not limited to, grass, leaves, tree branches, clean wood free of any paint, nails or any treatment, food scraps, food soiled boxes and paper.
Permitted Hauler	Any person or entity permitted by the City to provide collection, removal or transportation of Solid Resources generated within the City.
Process/Line	A physical method in which Solid Resources are received, sorted, baled, or otherwise recovered for reuse, or in which commingled solid waste and source-separated recyclable materials, including organics, are sold to other processors or manufacturers.
Recoverable	A material that has the potential to be recycled, that is managed through recycling facilities and operations, and includes intermediately recycled materials. Recoverable may also include the reclamation or salvage of wastes for reuse, conversion to energy or recycling.
Recovery Efficiency Rate	A calculated measurement used to determine the tonnage and composition of materials, per certified process line, diverted from landfill disposal using Seasonal Waste Characterization studies and a Certified Facility's materials mass balance.
Recyclable	Materials that are capable of being recycled and that may be mechanically or hand separated/segregated from other waste material for collection and recycling.
recycLA Service Provider (RSP)	A permitted hauler that has been awarded a contract by the City for the recycLA Program.
recycLA Program	Citywide Program of an exclusive franchise for the collection and handling of Solid Resources from commercial businesses, industrial, some institutional, and larger multi-family dwellings, as approved by City Ordinance No. 182986.
Refuse-Derived Fuel (RDF)	Processing municipal, industrial and bulky waste, construction refuse and surplus production with high calorific value into homogenous or secondary fuels for cement kilns or power stations.

RWQCB	Regional Water Quality Control Board.
Residual Solid Waste	Solid Waste destined for disposal, further transfer/processing, or transformation which remains after processing has taken place.
SB 1383	SB 1383 establishes methane emissions reduction targets in a statewide effort to reduce emissions of short-lived climate pollutants (SLCP). SB 1383 establishes targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020, and a 75 percent reduction by 2025. The law grants CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets and establishes an additional target that not less than 20 percent of currently disposed edible food is recovered for human consumption by 2025.
SCAQMD (AQMD)	South Coast Air Quality Management District is the air pollution control agency for all of Orange County and the urban portions of Los Angeles, Riverside and San Bernardino counties.
Sensitive Receptor	Residence, park or school that a facility whose quality of air, water, or other environmental media may be potentially impacted by solid resources operations from a facility within 500 feet.
Solid Resources	Materials generated from commercial and/or multifamily establishments, which includes commingled recyclables (Blue Bin), organics (Green Bin), and Solid Waste (Black Bin) materials, horse manure (Brown Bin) as well as other Source-Separated material in the City of Los Angeles.
Source-Separated	Material that has been segregated into separate containers at the point of generation
Solid Waste	Black Bin or Residual Waste that CalRecycle has deemed acceptable for disposal at a Class III Landfill.
Waste Characterization	A method used to quantify how much of a material type (i.e. paper, glass, food waste, etc.) is in a waste stream.
Zero Waste	The practice of maximizing Diversion from landfills and reducing waste at the source, with the ultimate goal of striving for more sustainable Solid Resources management practices. The City goal is 90% Solid Resources Diversion by 2025.

1. Introduction

1.1 recyclA Facility Certification Program

The recyclA Program has roughly 65,000 customers which range in size from a small nail salon to large institutions such as Loyola Marymount University. Millions of tons of material are handled each year by recyclA Service Providers (RSPs) under contract to the City, collecting Black, Blue, Green and sometimes Brown Bin materials. The material in the recyclA Program must be managed under the terms and conditions both in the RSPs contracts, and through this Facility Certification Program and its requirements. The recyclA Facility Certification Program is a voluntary program for facilities, focusing on protecting worker safety, public health, community involvement and the environment; ensuring safe and proper operations; and optimizing material handling and processing to divert materials from landfills.

recyclA Facility Certification is not a regulatory program and does not intend to enforce or interfere with current or future regulatory requirements or permit conditions.

The Facility Certification Program will certify over forty (40) Solid Resources facilities located within and outside of the City of Los Angeles' (City) boundaries. A Facility may be issued one or more certifications based on the process(es) and/or lines utilized at the Facility. Once a specific line and/or process at a Facility is issued a Certification, the Facility is referred to as a Certified Facility. RSPs will then be able to use the Facility for the transfer, pre-processing, processing, and/or disposal of Solid Resources collected in the City of Los Angeles.

1.2 Background for recyclA Facility Certification

The City, when contemplating the creation of the recyclA Program, extensively discussed and examined Facility management and employee working conditions at current Solid Waste Facilities. In the approved 2013 Franchise Implementation Plan, the City adopted 10 goals for the development of recyclA, including Goal 3: Improve Health and Safety for Solid Waste Workers.

In 2014, Ordinance #182986 was adopted by the City. The ordinance codified the requirement for Franchise Waste Haulers to use City Certified Facilities. Los Angeles Municipal Code (LAMC) states:

A Franchisee shall deliver all recyclables and organics collected from commercial establishments and multifamily dwellings exclusively to facilities certified by the City pursuant to Section 66.33.8. Section 66.33.8 specifies the right of the City to grant a facility certification to those accepting materials under recyclA, under criteria established by the Bureau of Sanitation (LASAN), and after inspection by the City. The Ordinance gives authority to LASAN to suspend or revoke certification if the Facility fails to comply with the requirements of the Certification.

In response to feedback and comments from potential proposers, an addendum to the recycLA Request for Proposal (RFP) was issued in 2014 with clarification of the general requirements and conditions of the pending Facility Certification Program.

In 2015, in response to a motion (Martinez-Krekorian) directing LASAN to consult with the Sun Valley Working Group, LASAN received comments and incorporated them into the Facility Certification Plan. The staff report submitted to committee also discussed the need for regular inspection of facilities. Facility Certification staff will have the ability to note, track, and report potential non-compliance of permit conditions issued by other agencies; the enforcement of those permit conditions must remain the authority of the issuing agencies.

The Facility Certification Program is intended to comply with the requirements of the recycLA Program. Recognizing that notices of violation and areas of concern are commonly used by regulatory agencies, the LASAN Facility Certification Program will use Compliance Action, including Notice to Comply, submitted in writing, when documenting areas of concern during facility inspection, or if reports are not submitted as required.

The Facility Certification Program does not have minimum diversion requirements, and LASAN expects that the recovery of materials from Facilities will vary over time due to changes in markets, equipment, and processes.

1.3 General Description of Solid Resources Facilities

Processing and handling of Solid Resources materials collected in the recycLA Program requires an infrastructure network including, but not limited to, Source-Separated Material Recovery Facilities (MRFs), mixed solid waste MRFs, mixed organics and green waste transfer, pre-processing, and/or processing facilities, transfer stations, landfills, composting facilities, recycling centers that process single stream such as metal or glass. The description of these Facility types is not meant to mirror existing descriptions included in regulatory permits, nor are the descriptions exhaustive. It is expected that new types of processes and equipment will be used to manage Solid Resources collected under the recycLA Program, and the intent of the general description is to create a basis for defining Facility Certification and materials handling requirements.

Solid Waste collected in Black Bins is hauled either directly or indirectly via transfer stations to landfill facilities, waste-to-energy Facilities, or potentially to MRFs for processing to sort and recover recyclables.

Organic and green waste materials collected in the Green Bins may be taken to pre-processing and/or processing facilities for activities such as contamination removal, sizing, and sorting. Pre-processed organics can be used as a feedstock at facilities such as, but not limited to, composting anaerobic digestion (AD), or other beneficial use.

Commingled Recyclables collected in Blue Bins are delivered for processing at Source-Separated MRFs to sort and recover recyclables for beneficial reuse. The remaining Residual Solid Waste generally is delivered to a landfill for disposal.

Mixed Solid Waste MRFs

The primary source of landfill reduction will be source-separated Blue, Green, and Brown Bin material; however, in order to reach City Zero Waste goals, Black Bin material may need to be processed to recover remaining recyclables.

Mixed Waste MRFs (Black Bin MRFs) are facilities that sort recyclable materials from Solid Waste. Black Bin MRFs use various technologies and methods to sort, bale, and ship material by commodity type to market. Black Bin MRFs typically recover marketable recyclable materials that are accepted in the City's recycling program, such as newspaper (ONP), corrugated cardboard (OCC), mixed paper, aluminum, bi-metal cans, ferrous metal, Polyethylene Terephthalate (PET, plastic #1), High-Density Polyethylene (HDPE, plastic #2), Polypropylene (PP, plastic #5), polystyrene (PS, plastic #6), mixed plastics, and glass containers (flint, amber, and green).

Black Bin MRFs will only be certified if facility processing units are primarily automated; "hand sorting" by solid waste workers will not be allowed, except as required for quality control. Residual waste that cannot be processed further is typically shipped to disposal sites.

Transfer Stations

Transfer stations are facilities where Solid Resources or other materials are transferred from route trucks or self-haul vehicles to larger trucks for long-distance transport to processing or disposal facilities. Transfer facilities are not intended as a destination for pre-processing or processing of recyclable Solid Resources.

Organics Pre-Processing and Processing Facilities

The recent state mandate (AB 1826) which requires businesses to recycle residential and commercial organic fractions (green waste and food waste) created a number of challenges, in part due to the fact that the collected organic fraction contains varying degrees of non-compostable wastes and contamination. Pre-processing includes the physical separation of contaminants from the feedstock, and may include grinding or sizing of the material depending on the ultimate processing destination. For the purposes of the recyclable Program, Organics Pre-Processing and Organics Processing are separated for Facility Certification.

The collected organics fraction may need to be pre-processed to remove contaminants and create a clean feedstock for processing. Contaminants can have a negative impact on the quality and marketability of the finished product, and their removal prepares the materials for further processing.

Organics pre-processing technologies may include, but are not limited to: depackaging, screening, magnetic separation, eddy current separation, air classification, wet separation, shredding and various technologies. A depackaging system removes food waste packaging, as packaging is considered contamination. Screening systems (trommels) separate large items (large wood pieces, plastics, cardboard, etc.) from

small items. Magnetic separation removes ferrous metal contaminants. Shredding is the mechanical process of creating uniform size components for easier processing. Once contaminants are removed and any further pre-processing has been performed, the organic material is processed.

Composting and Anaerobic Digestion Facilities

Organic waste can be converted into beneficial products through conversion processes such as, but not limited to, composting and anaerobic digestion.

Composting is a controlled biological degradation process that rapidly decomposes organic material into stabilized organic matter, water, minerals, and carbon dioxide. Composting can be carried out in open pile windrows, or closed containers (also known as in-vessel) using bags or rotating steel drums, for example. The organic material is usually green waste, food waste, contaminated paper, and/or animal manure. The remaining stabilized organic material is a valuable product called compost, which is used as a soil amendment, for erosion control and bio-filtration systems.

Anaerobic digestion is the biological conversion of organic material into a biogas primarily consisting of methane and carbon dioxide. Biogas can be used as an alternative energy source similar to natural gas, condensed to compressed natural gas (CNG) as a transportation fuel, or converted into electricity. The bioconversion occurs in closed systems under anaerobic conditions, i.e., without oxygen. Proper moisture content and nutrients are required to maintain healthy microorganisms, i.e., bacteria to carry out the process. At the end of the digestion process, the residual solids or digestate can be further processed into compost.

Source-Separated or Clean MRFs

Source-Separated or Clean MRFs (Blue Bin MRFs) receive and process Source-Separated recyclables, often referred to as Commingled Recyclables, from Blue Bins. Blue Bin MRFs use various technologies and methods to sort, bale, and ship material by commodity type to market. Blue Bin MRFs typically recover marketable recyclable materials that are accepted in the City's Blue Bin program, such as newspaper (ONP), corrugated cardboard (OCC), mixed paper, aluminum, bi-metal cans, ferrous metal, Polyethylene Terephthalate (PET, plastic #1), High-Density Polyethylene (HDPE, plastic #2), Polypropylene (PP, plastic #5), polystyrene (PS, plastic #6), mixed plastics, and glass containers (flint, amber, and green).

Disposal-Landfills

Landfills designated as Class III are only permitted to accept non-hazardous Solid Waste. Class III landfills must meet the requirements of the Federal Resource Conservation and Recovery Act, Subtitle D; CCR, Title 27, Sections 20005 et seq.; and other regional and local rules and regulations. Current regulations require all Class III landfills to include, at a minimum, environmental control systems such as sub-drain systems, leachate collection and removal systems, landfill gas control and removal systems, surface water drainage systems, and other environmental control systems.

These control systems and a number of strict monitoring requirements are formulated to ensure the quality of surface and ground water and other environmental resources while protecting public health and safety.

Solid Waste Transformation Facilities

Refuse-Derived Fuel (RDF) Facilities, as an example, may separate, shred, and/or dry Residual Waste to produce a homogeneous fuel. The processed material may be densified or pelletized into fuel pellets and transported and combusted as a supplementary fuel in utility boilers or Waste-To-Energy Facilities.

Waste-To-Energy Facilities

Waste-To-Energy Facility (WTE) feedstocks, including Solid Waste collected in Black Bins, Residual Waste from other Solid Resources Facilities, and/or processed waste known as Refuse-Derived-Fuel (RDF), are processed to generate energy. In one process, the burning fuel heats water into steam that drives a turbine to create electricity.

2. Facility Requirements

In accordance with City Ordinance #182986 and to address community concerns, LASAN has developed the Facility Certification Program (FCP). The FCP establishes a set of requirements that must be met by all the facilities utilized in the recycLA Program to ensure worker safety, public health, and protect the environment. These requirements must be adhered to by all RSPs and Certified Facilities, irrespective of the jurisdiction in which they are located. The requirements include but are not limited to:

- Records audits and detailed facility inspections.
- Compliance and documentation of compliance with the tiered regulatory structure adopted by CalRecycle for all Solid Waste Facilities and handling operations or the requirements for Beverage Container Certified Processors.
- Full Enclosure as described in Section 2.6.
- Facility beautification as described in Section 2.7
- Safety and training programs for employees.
- Onsite truck digital weight scale with real-time recording.
- Dust, odor, litter, and noise control mitigation measures.
- Compliance with all permit requirements issued by regulatory agencies.
- Compliance with laws, regulations, and standards.
- Material tracking including weights of material entering and exiting facilities and destination names of secondary processors, landfills, transformation and biomass facilities. Certified Construction and Demonlition (C&D) facilities require additional material destination information.
- Sampling and waste characterization requirements.
- Records of all complaints with corrective actions.

- Reporting and recordkeeping of permits, reports, training, violations, compliance records such as inspection reports, and permits for a minimum of three years.

LASAN reserves the right to modify or waive these requirements for certain end use destinations, such as anaerobic digestion at wastewater treatment plants.

2.1 Records Audit and Facility Inspection

Certified Facilities will undergo audits and inspections to ensure compliance with the requirements of the Facility Certification Program and adequate protection of workers, public health, and the environment. Frequent Facility inspections will be conducted, announced or unannounced, on a monthly or as-needed basis to:

- Assess the Facility's overall compliance with the FC;
- Confirm and verify application information submitted by the Facility;
- Review and audit tonnage records;
- Review safety and training records;
- Observe sampling and waste characterization protocols;
- Inspect processing procedures to support City-assigned diversion rates;
- Review all permits issued by federal, state, and local agencies to verify regulatory agency compliance;
- Confirm and verify compliance with safety training programs; and
- Observe and report compliance with all operational permits issued by federal, state, and local agencies.

In addition, LASAN will perform audits to verify the accuracy of the reports submitted to the City by the RSPs and Certified Facilities related to Solid Resources tonnages collected and managed by the Certified Facility.

2.2 Solid Waste Facility Permit Types

Depending on the category of the Facility, as well as the type and quantity of waste handled, there are different permits issued and various permit requirements mandated by the State of California, local municipalities, and local agencies. Solid Resources handling, processing and disposal activities, including landfill operations, transfer and MRFs, organic pre-processing Facilities, and Waste-To-Energy Facilities, are regulated by CalRecycle. These Facilities operate under a tiered permit system, where permits range from a simple notification permit to the most stringent full Solid Waste Facility Permit (SWFP). In addition, some facilities fall under the Beverage Container Recycling Program and require a certification from CalRecycle to operate as a Certified Recycling Center.

A SWFP in the appropriate tier, issued by the Local Enforcement Agency (LEA) and concurred by the California Department of Resources Recycling and Recovery

(CalRecycle), is required for all Facilities operating under the recycLA Program to ensure their operations meet the State's most stringent standards for Solid Resources handling and disposal.

If applicable, a full SWFP allows the LEA to perform monthly inspections of Facilities for their compliance with State standards. These standards include: adequate facility design, dedicated hours of operation, facility limits on capacities by material type in tons per day, specified material types received, limits on traffic volume, required personnel health and safety programs, mandated cleaning of facility grounds and unit processes, storm water drainage control, dust control program, litter control program, noise control program, and nuisance control program for the facility.

2.3 Regulatory Compliance for Facility Operation

Facilities must observe and comply with all applicable federal, state, and local laws, permit conditions, and other regulatory requirements to ensure safe and proper operations. Certified Facilities are required to maintain compliance records from other regulatory and permitting agencies and make these records available to LASAN staff.

Certified Facilities may have permits or operating conditions issued or required by other governing agencies including, but not limited to, CalRecycle, LEA, Air Quality Management District (AQMD), Regional Water Quality Control Board (RWQCB), LASAN, and local planning departments. The number and type of permits are unique to each Facility.

Facility Certification staff will have the ability to note, track, and report significant potential violations of permit conditions issued by other agencies.

All potential permit violations discovered by LASAN staff will be documented and may be reported immediately to the appropriate agency and the Certified Facility for corrective action. Revocation or suspension of a required federal, state, or local permit will be grounds for revocation of recycLA Facility Certification.

2.4 Health and Safety Requirements

Certified Facilities will be required to maintain an Injury and Illness Prevention Program (IIPP) and maintain safety and training programs in compliance with applicable State (Cal/OSHA) requirements.

Facility operators are required to provide a safe workplace to protect workers from injuries, accidents, and fatalities. A safety program such as an IIPP under Cal/OSHA must be established at each Certified Facility. The IIPP shall be a written plan that includes procedures and practices at the site. The IIPP will help employers to identify and fix workplace hazards before employees are hurt, resulting in fewer injuries and fatalities and improving regulatory compliance. Failure to maintain an IIPP will lead to a Notice to Comply and may lead to the suspension and revocation of Certification, in accordance with Section 7, Facility Certification Revocation Procedures.

The City will require Facilities to submit annual health and safety audit reports from a reputable safety audit firm. The report shall include conditions that present safety and health hazards for workers. The report shall also include how safety and health hazards have been addressed and corrected if problems are identified. As necessary, recommendations should be provided to the Facility to enhance current Facility practices. If the audit did not find any safety and health hazards or violations, the report shall state as such. Health and safety audit reports and recommendations shall be made available to LASAN staff during the annual Facility review or at any time as necessary.

Should compliance violations be identified during a third-party health and safety inspection, such violations may be referred by the Facility Certification team to the applicable regulatory agency for investigation and/or enforcement.

Employees at Certified Facilities must be adequately trained in safety subjects pertinent to site Solid Resource operations, and a record of such training history shall be maintained and made available for review by LASAN staff. At a minimum, each Facility shall have a training program in place for its workers that may include, as appropriate:

- General Safety
- Alcohol and Drug Free Workplace
- Confined Space Program
- Contingency Plan
- Controlled Substance Use
- Emergency Action Plan
- Fall Protection
- Fire Safety and Prevention
- Hazard Communication
- Hazardous Energy Control (Lock Out Tag Out)
- Hazardous Material Handling
- Heat Illness and Prevention
- Illness and Injury Prevention Program (IIPP)
- Safety Data Sheets (SDS) / Product Safety Data Sheets (PSDS)
- Protection from Blood-borne Pathogens
- Personal Protection Equipment (PPE)
- Eye and Face Protection
- Footwear Protection
- Head Protection
- Hearing Conservation
- Respiratory Protection
- Seatbelt Policy
- Driver Training
- Vehicle Pre- and Post- Inspections
- Driver Safety, Vehicle Operations, and Accident Prevention
- Collection Safety
- Post Collection and Facility Training
- Forklift Operation
- Reporting and Recordkeeping Policy

- Unsafe Working Condition Reporting
- Work Area and Traffic Control Safety
- Workplace Sexual Harassment
- Workplace Violence

In addition to an IIPP and safety training, employers are required to post, at a prominent location within the workplace, the Cal/OSHA poster informing employees of their rights and responsibilities. If an employee has a concern regarding the health and safety of their workplace, they are encouraged to call the free worker information helpline at (866) 924-9757.

2.5 Operational Controls

Drainage, dust, odor, litter, noise, and other issues arising from the operation of Certified Facilities must be controlled to prevent health and safety hazards and nuisance to nearby communities. Certified Facilities are required to have control measures in place to minimize the creation or accumulation of these problems. Appropriate control measures may include, but are not limited to, water misting systems for dust suppression, negative air pressure for odor elimination, periodic sweeping for litter removal, and enclosure for noise reduction and odor control.

Drainage Control

A Certified Facility must store all stormwater and reuse it for dust and particulate control onsite, or discharge it to the sanitary sewer or as otherwise directed by Waste Discharge Requirements (WDR)/NPDES permit. If required, off-site discharge of collected stormwater from a Facility may be allowed under the Industrial General Permit, which is a statewide general National Pollutant Discharge Elimination System (NPDES) permit that regulates the discharge of stormwater associated with industrial activity as defined by the US Environmental Protection Agency (EPA).

Dust Control

A Certified Facility shall take measures to minimize the creation, emission, or accumulation of excessive dust and particulates, and prevent other safety hazards to the public caused by obscured visibility. A Facility must utilize dust and odor control measures required by the appropriate Air Quality Management District or Air Pollution Control District. Measures to control dust may include, but are not limited to: misting systems in the various processing areas; a misting system on the perimeter fencing; fencing/netting; buffer zones; baghouse equipment in the processing areas; and periodic sweeping and cleaning.

When the average wind speed reaches 25 miles per hour or greater (averaged over 15 minutes), as measured by a wind speed indicator, the following additional dust and odor mitigation practices must be implemented:

- Increase the litter sweeping frequency to control off-site litter;
- Process already-tipped loads to minimize tipping floor storage of unprocessed solid waste and unprocessed source-separated materials; and

- Incoming loads identified as dusty or odorous (or otherwise problematic under increased wind conditions) to be tipped in an area to be immediately fed into the processing line or loaded into a transfer trailer.

Nuisance Control

A Certified Facility must perform the unloading, processing, and loading of Solid Resources in a manner minimizing nuisances. All sorted and baled commodities and Residual Waste must be stored within designated areas of the Facility and kept in a neat and orderly manner in order to avoid odor problems, nuisances and harboring vectors.

A Certified Facility must include provisions to control vectors, such as contracting with pest-control services regularly (at least monthly), and eliminating standing water to control mosquitos.

Odor Control

A Certified Facility must remove Solid Waste and Organics from the Facility in a timely manner. All Residual Waste, food waste, and green waste must be removed within 48 hours of receipt. The facility must spray a water mist on a continuous basis during operating hours when material is present. An odor control agent must be added to these sprayers on an as-needed basis. Sprayers must be located where the equipment is situated. Sprayers must operate on a continuous basis while equipment is in operation. When necessary, workers shall utilize backpack sprayers to apply odor control agents directly to any highly-odorous load. In addition, operators will implement additional measures on an as-needed basis, such as the use of additional manned spray hoses, the enhancement of odor control misting systems, or momentary reductions in processing volume.

Litter Control

A Certified Facility must have a program to control litter. Activities to be performed as part of a litter control program include:

- Litter must be picked up in the yard/general access area (including entrances/exits), from fences and building walls periodically during operating hours, and at the end of each working day.
- Processing equipment (sorting platforms, conveyors, trommels, etc.) must be cleaned of litter weekly.
- All loads entering and exiting the Facility must be fully covered and contained to control litter. All top-loaded transfer trailers must be fully tarped within 15 minutes of loading. Any vehicles entering the Facility that are not in compliance with tarping requirements will be in non-compliance of the Facility Certification Program.
- Facility-adjacent surrounding streets must be monitored daily and litter picked up between the hours 6:00 A.M. and 4:00 P.M. during days of

operation. The adjacent surrounding streets are also to be cleaned twice daily with a street sweeper vehicle.

- Additional litter control measures must be implemented when the average wind speed reaches 25 miles per hour or greater (average over 15 minutes), as measured by the wind speed indicator, refer to the Subsection above - Dust Control.

Noise Control

A Certified Facility must have a noise control program to prevent hearing and other health hazards to workers. Proper hearing protection must be provided to employees and visitors, where necessary. All employees who work on the respective sort lines or operate equipment must be trained in the use and need for ear and hearing protective equipment. Warning signs should be posted that recommend or require hearing protection. Mobile equipment, front-end loaders, and street legal automobiles/trucks should be equipped with mufflers to reduce the noise level. To monitor noise conditions at the facility, noise readings should be taken on a monthly basis around the perimeter of the facility and recorded in a log book.

24-Hour Hotline

A Certified Facility must maintain a 24-hour hotline to address and respond to odor, dust, or other complaints from the neighboring community within 24 hours. The hotline telephone must be posted on signs at all site entrances. A Certified Facility must have an assigned liaison contact available to meet with community groups, business organizations, and educational agencies on a regular basis to discuss any issues including updates, neighborhood impacts, mitigation measures, community events, and support projects. The liaison shall provide technical information and data when questions arise.

Material Handling at Mixed Waste MRFs

It is the City's intent to maximize disposal reduction through source reduction, reuse, food rescue, and processing of Blue Bin and Green Bin materials. LASAN may certify processes/lines at a Facility that processes Solid Waste or Residual Waste. In addition to the other Certification requirements for Facilities that handle Solid Waste, processes/lines certified to process Solid Waste are required to process Solid Waste through primarily automated processes, "hand sorting" by Solid Resource workers is not allowed, except as required for quality control. LASAN will determine compliance with this requirement upon initial and regular Certification site inspections.

2.6 Facility Enclosure

Facility types that require full enclosure for the recycLA Program include, but are not limited to, transfer stations, clean MRFs, secondary processors that process and handle recycLA materials and any facility within 500 feet of a sensitive receptor such as a residence, park, or school. Other Facility types may trigger enclosure requirements due to processing or bin type handling changes. Each scenario will need to be reviewed and determined by LASAN on a case-by-case basis to evaluate whether the recycLA Facility

Certification Program enclosure requirement is applicable. Facility types that do not require full enclosure for recycLA Facility Certification include landfills and composting facilities.

The recycLA Facility Certification Program will adopt very specific enclosure, ventilation, and enclosure opening timeframe requirements. recycLA Facility Certification requires that tipping, sorting and transfer operations be conducted within the confines of an enclosed area, and that any openings in the enclosure be less than 5% of the total wall, floor and roof surface area. An installed ventilation system will have an inward face velocity of no more than 200 feet per minute. Building windows and doors may not be open for more than 30 minutes during a standard 8-hour workday. Generally, roll-up doors shall be closed at night, during times of low activity and when not being used for immediate ingress and egress. These enclosure requirements are based on the AQMD's Rule 410 for enclosure of new solid waste facilities.

Certified Facilities will be required to operate in accordance with applicable facility Conditional Use Permit (CUP) and appropriate findings established for the facility. CUPs may require amendments in order to accommodate these additional recycLA requirements. Additionally, facilities may be required to amend CEQA documentation, as necessary, in consideration of these requirements.

Facilities that are Required to be Fully Enclosed

- Solid Waste Transfer/Dirty MRF (Mixed-waste processing facility) – A facility that accepts and transfers, pre-processes and/or processes mixed solid waste materials (recycLA Black Bin materials) will require enclosure by December 2023.
- Organic/Green Waste Transfer/Pre-processing – A facility that accepts and transfers, and/or pre-processes mixed organics (food and green waste), food waste, and/or green waste materials (recycLA Green Bin materials) will require enclosure by December 2023.
- Commingled recycling (blue bin MRFs), source-separated, or Clean MRF – A facility that accepts and transfers, and/or processes commingled recyclable materials (recycLA Blue Bin materials) will require enclosure by December 2026.
- Any facility not listed above that is within 500 feet of a sensitive receptor such as a residence, park, or school will require enclosure by December 2026.

Facility Enclosure Timeline

Table 1: Enclosure Timeline Requirements

	2019	2020	2021	2022	2023	2024	2025	2026
<u>Black Bin – Transfer/Processing</u> *Facilities must be fully enclosed by December 31, 2023	Financing, Design and			Construction				
<u>Green Bin – Preprocessing</u> *Facilities must be fully enclosed by December 31, 2023	Financing, Design and			Construction				
<u>Blue Bin Processing & All Facilities within 500 feet of a school, park or residence</u> *Facilities must be fully enclosed by December 31, 2026	Pre-planning,		Design and Permitting				Construction	

Facilities are required to outline detailed milestones and provide LASAN with an enclosure schedule that should include, but not be limited to the following items:

I Preparing Design and Permitting Documents for Enclosure:

- Secure Financing
- Complete Design Documents
- CalRecycle permit submission (if applicable)
- Regulatory permit submission (AQMD, RWQCB, others as necessary)
- Submit to city planning/building department for review
- Conduct EIR and/or prepare required CEQA documentation as well as obtain applicable CEQA approval(s)
- Receive permits (December 2021 - Black and Green)

II. Construction

- Construction
- Equipment Installation

- Testing and optimization
- Start-up Operations

Meeting the recycLA requirement for enclosure may require significant improvements and new construction. In recognition of that fact and at its sole discretion, LASAN may certify a Facility provisionally to allow the Facility time to comply with the recycLA enclosure requirements; however, the Facility shall provide sufficient evidence, as determined by LASAN, towards compliance with the recycLA enclosure requirement (i.e., building permits, regulatory permits, and construction plans), and must provide detailed schedules and milestones for facility construction, start-up, and operation. If a Facility fails to meet the approved schedule and milestones, LASAN may revoke the provisional certification at any time.

Facilities required to be enclosed due to proximity of a sensitive receptor such as a residence, park or school may request an exemption from the Director and General Manager of LASAN. To request an exemption, the Facility must file a written request. Upon review of the request, LASAN Director and General Manager will notify the Facility of the exemption determination. If the facility owner/operator disagrees with the Director's decision, they can appeal the determination, within thirty (30) calendar days, with a written request for a hearing before the Board of Public Works. The Board will set the matter on one of its regular agenda as soon as the Board deems practical. The decision is by the Board is final and cannot be appealed.

Facility operators may contact LASAN certification staff for further clarification of enclosure requirements.

3. Facility Beautification

Communities surrounding facilities have been impacted by traffic, pollution, noise, and overall unattractiveness of these facilities. Each facility must provide a facility landscape improvement plan. The goal of this plan is to improve the overall aesthetics of the facility. The plan may include, but is not limited to, landscaping, providing additional foliage, painting or enhanced fencing to improve the aesthetics of the facility.

These improvements are not intended to replace existing permit requirements. Facilities must be in compliance with landscaping requirements identified in their CUPs, as applicable. If a facility is unable to improve its property, it may propose alternative neighborhood beautification projects.

The beautification plan must be submitted, for approval, within 120 days of certification. The plan must be approved by the Director and General Manager of LASAN. Facilities that have already implemented beautification/improvement projects around their facility can submit an exemption request to LASAN Director and General Manager.

4. Community Involvement

LASAN will set up Facility working groups with communities that have certified facilities within or adjacent to them. Community members can assist LASAN with community oversight. LASAN will support this interaction in several ways:

- LASAN will provide a phone number where the community can inform LASAN about issues in real time.
- LASAN will have a public portal on the recycLA website where the community can report any issues.
- LASAN will provide additional transparency by listing facilities which fail inspections on the recycLA website. Notices to Comply, Notices of Suspension and Notice of Revocation will be posted on the recycLA website, and thereby be available to the public.
- LASAN will meet with a community group to discuss any changes in facilities, including improvements.

Solid Resources Commercial Franchise Division (SRCFD), Facility Certification Section, and facilities, with prior approval, may allow designated members of the community limited right of entry to accompany SRCFD Facility Certification Section staff on facility inspections if they agreed 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; and regarding transportation to and from the facility. Visiting community member(s) will also indemnify, hold harmless and release the City from any claims, demands, actions and damages.

LASAN will develop specific guidelines, protocols, policies and procedures for designated visiting community members to accompany SRCFD staff on facility inspections.

5. City-Assigned Waste Reduction

Disposal Reduction

To meet the City's Zero Waste goals, City staff will verify the amount of Residual Waste which is sent to landfills, and the amount which is diverted from landfills (disposal reduction) for each Certified Facility. The City will calculate recovery of recyclables by Bin type (Black, Blue, Green and Brown), material type, RSPs, and by Franchise Zone. Certified Facilities will be required to:

- Perform waste characterizations of incoming and outgoing material as detailed by LASAN;
- Allow LASAN staff to oversee and/or perform onsite waste characterizations;
- Weigh all incoming and outgoing material;

- Track and report monthly all incoming solid resources tonnage material by source or zone, bin type, processing line, and number of truck loads received, in a format provided by LASAN; and
- Other reporting data as needed to comply with recycLA and the City's AB939 permit system;
- Provide the destination name for all outgoing Solid Resources delivered to landfills, transfer stations, and secondary processors. C&D Certified Facilities have additional requirements for destination reporting. Blue Bin and Green Bin processors may report destination of recycled materials; and
- Allow LASAN to perform detailed audits and inspections of material processing and handling Facilities.

LASAN staff will track and calculate disposal reduction for each Certified Facility by process Line, and Bin type. Recovery efficiency rates will be calculated by LASAN staff based on seasonal waste characterization studies and a mass balance of incoming and outgoing materials for Certified Facilities. Facilities that process multiple waste streams on a single line at separate times must be able to differentiate the incoming feedstocks and outgoing materials. Facilities must notify the City of any changes in process operations.

LASAN staff will monitor scheduled waste characterization studies, track tonnages, and conduct facility inspections. LASAN will adjust recovery efficiency rates for any changes in material handling or processing.

Waste Characterization Requirements for Processing Facilities

Each Certified Facility shall perform sampling of incoming materials and residue for each process line and Bin type at an interval determined by LASAN necessary to calculate recovery efficiency rates.

Material Reporting

Each Certified Facility shall provide a monthly written report on the tonnage of all material processed in accordance with Table 2. This reporting shall comply with the formats and templates provided by LASAN.

6. Recordkeeping and Reporting

Certified Facilities shall cooperate with the City and provide every reasonable opportunity for ascertaining and verifying that the duties and responsibilities of the Facilities required by the Facility Certification Program are being performed. The Certified Facility shall reasonably provide any information within the requested timeframe, whether or not the information is required by the Certification Program. The City shall have the right to inspect, copy, and audit all Certified Facility records pertaining to the Certification Program. The City shall also have the right to inspect and

copy all of the additional Certified Facility's books and records concerning Certified Facility operations.

6.1 Records Retention

Records shall be retained for a period of no less than three (3) years following the expiration date of Certification. These records shall be subject to examination and audit by authorized City personnel or by the City's representative during normal business hours during certification, and within the three (3) years following Certification expiration or revocation. Facilities are required to maintain compliance records, such as inspection reports and permits from, but not limited to, Cal/OSHA, LEA, AQMD, LASAN, and RWQCB. In addition, all Certified Facilities need to maintain, at a minimum, backup documentation of recycLA reports submitted under the Facility Certification Program. This may include, but is not limited to, weight tickets and origin surveys of recycLA loads, training and safety information, waste composition data and original sample sheets.

6.2 Reporting

Certified Facilities shall submit certain reports to LASAN. Facility reports required and requested shall be submitted in an electronic format approved by LASAN. The format and content of the reports are subject to change and LASAN's approval. At a minimum, the Certified Facility shall prepare and submit the data and reporting requirements listed in Table 2. The reports must also be compatible with and be able to interface with software and technology used by LASAN.

Table 2 Reporting Requirements

Required Data	Associated Elements	Format	Transmittal Frequency
Facility Tonnage	<ul style="list-style-type: none"> Incoming solid resources tonnage material by hauler, zone , Bin type, material category, and number of loads from RSPs for City-generated Solid Resources; Incoming solid resources tonnage material by hauler and Bin type, from non-RSPs for City-generated Solid Resources; Incoming solid resources tonnage material by Bin type, from non-City generated Solid Resources; Tonnage of all outgoing Solid Resources by Bin type and destination; Destination of all outgoing Solid Resources delivered to landfills, transfer stations, and secondary processors or to market; C&D Certified Facilities – destination of processed material including source- separated inerts; and Mass balance summary table showing incoming and outgoing amounts for each Bin type. 	Electronic format to be specified by LASAN.	Monthly, by the twentieth (20 th) of the following month, and available upon request.
Waste Characterization	<ul style="list-style-type: none"> Waste Characterization Sampling Plan/Schedule. Sampling of material and residue for each Bin type processed. 	<p>Electronic format to be specified by LASAN.</p> <p>Electronic format to be specified by LASAN.</p>	<p>Sixty (60) calendar days prior to start of the sampling period.</p> <p>Waste Characterization study must be done every six (6) months and results must be provided within two (2) weeks after the completion of the last sample.</p>
Safety Training and Meetings	<ul style="list-style-type: none"> Trainings held. Safety meetings held. Subject of each safety meeting or training. Number of attendees at each safety meeting or training. 	Data maintained by CONTRACTOR.	Within twenty (20) calendar days of LASAN request.
Injury and Illness Prevention Program Plan	<ul style="list-style-type: none"> Updates to IIPP Plan. 	Electronic format to be specified by LASAN.	Within thirty (30) calendar days whenever any changes are made to the IIPP plan.
Special Occurrence Reporting	<ul style="list-style-type: none"> Report any special occurrence requiring emergency response measures. Record such occurrences and any corrective action in the facility's special occurrence logbook and make the log available to LASAN for review. 	Electronic format to be specified by LASAN.	Within twenty four (24) hours and available upon request.

7. Certification Process

Facility Certification is an important step toward ensuring all recycLA Facilities provide workplace safety and are operated in a manner that protects public health and the environment. Only a Certified Facility may accept, transfer, or process Solid Resources from the recycLA Program, and it must demonstrate that all applicable Certification requirements are met. In order to process an application for Facility Certification, LASAN must: review and approve the application; review all of the Facility's operating permits, regulatory permits, health and safety permits; and perform a detailed onsite Facility inspection in order for a Facility to be Certified. Once LASAN completes the Certification process and the Facility is in compliance with all the recycLA Facility Certification requirements, LASAN will issue a letter notifying the facility of which lines and/or processes have been certified. Thereafter, the Certified Facility is able to accept Solid Resources material from the recycLA Program as designated in their Certification(s) issued by LASAN. The Facility Certification process includes, but is not limited to, the steps listed in this section.

7.1 Submission of Application

All facilities must complete and submit a detailed Facility Certification Application. In the event a Facility will perform more than one process (i.e., material recovery facility, transfer station, and organics processing systems) or handle material from multiple Bins (i.e., Black, Blue, Brown, and/or Green) under the recycLA Program, it must clearly indicate as such on the application. Only one application will need to be completed per Facility regardless of the number of processes/lines for which the Facility is seeking Certification. The completed application form must be accompanied by supporting information and documentation including, but not limited to: Facility address, type of Facility, map, contact phone number, owner information, status and copies of operating and regulatory permits, health and safety training records, and the signed terms and conditions of recycLA Facility Certification.

7.2 Approval Process

Upon receipt of an application, LASAN will review the application package for completeness. If the application package is complete, LASAN will accept it and once approved, LASAN will notify the Facility and schedule an on-site Facility inspection.

If the application received is incomplete, LASAN will not accept the application. LASAN will inform the Facility via email, telephone, or written correspondence of the reason(s) for not accepting the application. The Facility must then complete and resubmit the application with all the required information and documents prior to being considered complete.

After an application is completed and reviewed, LASAN will conduct an on-site Facility inspection. The inspection will be performed by LASAN staff to confirm the information and conditions described in the application and to ensure that the Facility is meeting all certification requirements. At its discretion, LASAN may perform its own, or observe waste characterizations to verify the types and amounts of materials received, recovered and disposed from material streams.

A Facility that fails to meet any of the on-site inspection requirements will not be Certified. The Facility will be notified by LASAN of the reason(s) the Facility was deemed non-compliant with the certification requirements. The Facility will be given an opportunity to address the non-compliant conditions. Once the non-compliant conditions are corrected, the Facility must notify LASAN for a follow-up inspection.

When non-compliant conditions are found, the Certification process will stop until the Facility addresses the issues of non-compliance. If the Facility fails to meet the terms and conditions of the Certification requirements or fails to provide required information, LASAN will deny Certification until all requirements are met. LASAN may deny a Certification for any of the following reasons:

- The application is incorrect or incomplete;
- The Facility has not complied with the requirements of Facility Certification;
- The Facility does not maintain the necessary operating permits;
- The Facility has failed to demonstrate that the Facility meets all regulatory standards;
- The application contains false or misleading information or significant misrepresentations;
- Conditions at the Facility do not meet the information and conditions described in the application;
- Conditions at the Facility do not comply with the Certification requirements;
- The proposed Facility operator has, during the previous three (3) years, been convicted of or been issued a final order for one or more violations of the terms and conditions of the Solid Waste Facilities Permit, and the violation meets both of the following criteria:
 - (1) The violation(s) demonstrate(s) a chronic recurring pattern of non-compliance that has posed, or may pose, a significant risk to the environment, sensitive receptors, public and/or worker health and safety; and
 - (2) The violation(s) has/have not been corrected or no reasonable progress toward correction has been shown.

The Facility may reapply for Certification after the issues of non-compliance have been corrected.

7.3 Issuance of Certification

LASAN will determine if a Facility will be issued or denied Certification based on the Certification requirements. LASAN will only issue a Certification letter to a Facility meeting all of the Certification requirements. Certification will be granted based on the review of the application, all applicable documents, and the Facility inspection. Once the

Facility is Certified, it can begin accepting recycLA Solid Resources for the process(es)/line(s) for which it is Certified.

Certifications are issued by process/line type. Full Certification may be valid for up to five years and is subject to a detailed annual review by LASAN. Examples of Certifications include but are not limited to: solid waste disposal site, transfer of municipal solid waste, transfer of commingled recyclables, transfer of green waste, transfer of food waste, transfer of mixed organics (food and green waste), transfer of manure, pre-processing of green waste, pre-processing of food waste, pre-processing of mixed organics, processing of commingled recyclables, composting of green waste, composting of food waste, and composting of mixed organics to name a few. If a Facility is issued recycLA Facility Certifications for processing of commingled recyclables and transfer of green waste they are eligible to receive recycLA Blue Bin and recycLA Green Bin materials from a RSP but are not to accept recycLA Black Bin materials from a RSP.

When certification is granted, LASAN will provide a letter stating the Certification(s) granted and the expiration date(s) of the Certification(s).

7.4 Alternative Facility Certification Requirement

LASAN recognizes that unique circumstance may exist in which all certification requirements may not be practical. For example, source-separated food waste collected by an RSP can be taken directly to a destination for animal feed. In such a case, it is not practical that the destination have an on-site scale. In these limited cases, LASAN Director and General Manager, may waive certain certification requirements, such as an on-site scale. However, at a minimum, these destinations must provide reports that include RSP Name, Zone, Material Types, Tonnages, and Final Destinations (Domestic or International).

7.5 Provisional Facility Certification

LASAN may grant a Facility provisional Certification. For instance, the City requires that Certified Facilities (excluding composting Facilities, landfills, recycling centers, and end use destinations) must be fully enclosed. Per Table 1: Enclosure Timeline Requirements, it may take a Facility an extended amount of time to meet the Enclosed Facility requirement, in which case the Facility may be granted provisional Certification until all requirements are met for Facility Certification.

As indicated above, LASAN may grant a Facility provisional Certification based on special conditions. Each Facility will be reviewed, evaluated, and approved on a case-by-case basis by the Director of LASAN or his/her designee. During the provisional period, the Facility shall comply with all requirements of the Facility Certification Program, including any special conditions required as part of a provisional Certification.

When provisional Certification is granted, LASAN will provide a letter stating the conditions on which the provisional Certification is granted and the expiration date of the provisional Certification. LASAN, at its discretion and at any time, may suspend or revoke a granted provisional Certification if the Facility fails to demonstrate that it is able to meet the Facility requirements and provisional conditions. A Facility that has a

provisional Certification that has been revoked will not have the right to appeal the revocation to the LASAN Director and General Manager or the Board. If the Facility would like to become part of the Certification Program once again, then the Facility must reapply for Certification. The applying Facility must come into compliance with all the requirements of the Facility Certification Program in order to be granted Certification.

8. Inspection Procedure

8.1 Inspection Objectives

Inspection of Certified Facilities is essential in ensuring compliance with all the terms and conditions of the Facility Certification Program and with the recycLA service contracts awarded in the recycLA Program. Onsite Facility inspections will allow LASAN to assess compliance with regulatory and operating permits, thereby fully protecting the environment, public health and public safety.

Inspections are conducted to:

- Verify overall Facility compliance with terms and conditions of the Facility Certification Program;
- Verify Solid Resources are being processed consistently to ensure disposal calculations are accurate;
- Confirm information regarding current Facility operations;
- Confirm information submitted by Certified Facilities; and
- Address and correct deficiencies found during inspection.

8.2 Inspection Frequency

LASAN will conduct inspections of Certified Facilities, announced or unannounced, on a minimum monthly or “as-needed” basis to verify Facility compliance with all requirements of the Facility Certification Program. Facility inspections may be conducted on the overall Facility Operations and/or by process/line type. Inspections may be conducted for a number of reasons including, but not limited to:

- Initial site visit;
- Routine inspection;
- Receipt of a complaint;
- Special occurrence;
- Emergency event; or
- Confirm correction of previous Notices within a specified timeframe.

9. Facility Non-Compliance Procedures

9.1 Facility Non-Compliance

A Certified Facility is subject to a Compliance Action when it does not comply with the requirements of the Facility Certification Program or its signed terms and conditions. In order to note non-compliance issues with the Facility Certification Program, Facility Certification staff may initiate a Compliance Action to a Certified Facility at any time the Facility is found non-compliant.

Non-Compliance may be due to many issues including, but not limited to, potential health, safety, and environmental issues which are a direct result of Facility operations affecting local communities and employees; non-issuance, suspension or revocation of any operating permits from a regulatory agency; or deviating from the requirements of the Facility Certification Program.

9.2 Non-Compliance Notice

When non-compliance issues are identified, LASAN will first issue a verbal correction to Facility personnel and document the correction in the LASAN Facility inspection report. Depending on the severity of the non-compliance, there may not be a hardcopy notice issued. Depending on the issue and its severity, LASAN may inform the appropriate regulatory agency of the issues.

For repeated or uncorrected issues that have been identified, a Notice to Comply will be issued to enforce the requirements of the Facility Certification Program and Certification terms and conditions. A Notice to Comply requires the Certified Facility to come into compliance with the Facility Certification Program. The intent is for the Certified Facility to take steps necessary to achieve compliance with the Facility Certification Program. LASAN may notify the appropriate regulatory agency of its findings.

A notice may be issued after Facility inspections. LASAN will confer with and refer areas of concern to the appropriate regulatory agency for enforcement if necessary. A Facility must take measures to address and correct the non-compliance of Certification listed on its notice. LASAN will work closely with the Certified Facility to bring the Facility into compliance. At the end of the correction timeframe, LASAN will then re-inspect the Facility to verify corrective actions and compliance.

9.3 Consideration for Failure to meet Deadlines

Facility operators are solely responsible for compliance with the requirements of the Facility Certification Program at all times. If a Facility is unable to meet a compliance deadline, the Facility operator must immediately notify LASAN and provide documentation supporting the inability to meet the deadline in case the delay is caused by circumstances beyond the Facility operator's control and not due to a lack of good faith or diligence on the Facility operator's part.

When a Certified Facility is found to be non-compliant, LASAN will allow a reasonable amount of time for the Facility to correct any area(s) of non-compliance. Critical compliance issues require immediate attention and must be corrected immediately. LASAN may consider extending the compliance deadline for curing a Notice to Comply when the Facility operator has made timely notification and provided sufficient, legitimate supporting documentation.

9.4 Facility Suspension Process

The Notice of Suspension is the first level of an advanced Compliance Action. Facility Certification is still valid; however, the Facility CANNOT accept, dispose, transfer, pre-process or process recycLA Solid Resources on the line(s)/process(es) for which the Certification(s) are granted. A Facility must receive, in writing from LASAN, the termination of the Notice of Suspension to resume accepting, transferring, pre-processing, processing, or disposal of Solid Resources material from the recycLA Program.

Repeated Notices to Comply for the same non-compliance issues may result in a Notice of Suspension or Notice of Revocation, as this demonstrates a chronic recurring pattern of non-compliance that has posed, or may pose, a significant risk to sensitive receptors, the public, worker health and safety, or the environment. In the event the Certified Facility is not able to meet the time schedule due date, and does not notify LASAN in writing, LASAN may escalate the Compliance Action and initiate a Notice of Suspension.

Where a Certified Facility is issued a Notice of Suspension, in accordance with this Facility Certification Plan, and the Certified Facility believes that the suspension was issued in error, the Facility may appeal the Notice of Suspension; see section 7.2 for the process and procedure.

10. Facility Certification Revocation Process

10.1 Revocation Process

Notice of Revocation is the second and final level of advanced Compliance Action. If issued a Notice of Revocation the Facility may no longer accept, dispose, transfer, pre-process or process recycLA Solid Resources; and RSPs will be notified that the Facility may no longer accept recycLA solid resources, and RSPs must cease immediately from sending or bringing any solid resources material from the recycLA program to the Facility.

Facility Certification and renewal may be conducted at the end of Certification term with reviews conducted annually; however, Certification can be revoked by LASAN at any time for cause, including but not limited to, the following:

- Failure to correct a Notice to Comply within the timeframe provided on the written notice;
- Certification obtained by misrepresenting or failing to disclose all relevant facts;
- Repeated and chronic issues of non-compliance of similar or the same requirements;
- Failing to meet requirements set forth in Suspension; or
- Chronic misreporting of materials or failure to conduct and provide waste characterization of materials as required.
- The event of a serious incident that may pose a significant risk or harm to sensitive receptors, the public, worker health or safety, or the environment.

If it has been determined that a Facility has failed to meet the requirements of maintaining Certification, as detailed herein, LASAN will provide written notice of pending revocation. LASAN will conduct a meeting within seven (7) calendar days to provide the Certified Facility being considered for revocation an opportunity to demonstrate why Certification should not be revoked. A Facility may bring any supporting documentation or evidence to the meeting to aid their request to remain Certified. LASAN will review all supporting documentation provided, including LASAN Facility Inspection Reports and regulatory enforcement notices and inspection reports, in making its determination to revoke Facility Certification.

If a Facility fails to resolve to the conditions outlined by LASAN, LASAN will issue a Notice of Revocation that will state that the Facility's Certification will be revoked in thirty (30) calendar days and explain the appeals process and timeframe. Copies of all notices will be sent to the Board.

RSPs that continue to bring recyclA Solid Resources to a Facility whose certification is revoked are subject to Liquidated Damage of \$1,000 per occurrence in accordance with the recyclA contracts.

10.2 Appeals Process for Suspension or Revocation

Where a Certified Facility is issued a Notice of Suspension or Notice of Revocation, in accordance with this Facility Certification Plan, the Certified Facility has the right to appeal the Compliance Action in accordance to LAMC Sec. 66.32.3 (d) which states the following:

(d) Appeals of Notice of Penalty Assessment, Notice of Suspension and Notice of Revocation.

(1) Right to Appeal. Where a Person is issued a Notice of Penalty Assessment, Notice of Suspension or Notice of Revocation pursuant to the provisions of Subsections (b) or (c) of this Section, and the Person believes that the Notice was issued in error or that the penalty assessed was excessive or in error, the Person may appeal by filing, within thirty (30) days of when the Bureau of Sanitation mailed the Notice of Penalty Assessment, Notice of Suspension or Notice of Revocation, a written request for a

hearing before the Board. If the Board does not receive the written request for a hearing within thirty (30) days of when the Bureau of Sanitation mailed the Notice of Penalty Assessment, Notice of Suspension or Notice of Revocation, the penalty assessment, suspension, or revocation, whichever is applicable, shall be deemed final and no further administrative relief can be obtained.

(2) If an Appellant timely files a written request for a hearing pursuant to the provisions of Subdivision (1) of this Subsection, the penalty assessment, suspension or revocation that is the subject of the request shall be stayed pending a hearing before the Board.

(3) After receipt of a written request for a hearing filed pursuant to and in compliance with the provisions of Subdivision (1) of this Subsection, the Board will set the matter on one of its regular agendas as soon thereafter the Board deems practical. At the Board hearing, the Board shall hear the testimony of the Appellant, Bureau of Sanitation staff, and other testimony it deems relevant. Appellant shall have the burden of proof, and shall present substantial 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 Notice of Suspension or Notice of Revocation or rescind it, and may affirm the penalty assessment, decrease it, or cancel it. If the Board affirms a Notice of Suspension or Notice of Revocation, the suspension or revocation shall be effective on the date of the Board's decision, unless the Board decides otherwise, if the Board affirms a penalty assessment, 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 no further administrative relief is provided by the City.

10.3 Re-Certification Process

When the Board revokes a Facility's Certification, the Facility can no longer accept Solid Resources from the recycLA Program. In order for a Facility to accept Solid Resources from the recycLA Program, the Facility needs to be re-certified. Facilities can submit a new application for re-certification after demonstrating they have successfully complied with all requirements and terms and conditions of Certification.

11. Severability

Should any portion of this 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.

12. Appendices

A. City of Los Angeles Ordinance 182986

Appendix A – City of Los Angeles Ordinance 182986

ORDINANCE NO. 182986

An ordinance retitling Chapter VI, Article 6; adding new Sections 66.03 and 66.33 to 66.33.11 of the Los Angeles Municipal Code relating to the collection of solid waste from commercial establishments and multifamily dwellings; amending Sections 66.00, 66.00.1, 66.01, 66.02, 66.08.1, 66.08.3 through 66.08.6, 66.17.1, 66.23 through 66.25, 66.27 through 66.30, and 66.32; and repealing Sections 66.01.1, 66.04, 66.06, 66.07, 66.08.2, 66.09, 66.10, 66.18 through 66.22; and 66.26.

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

Section 1. Article 6 of Chapter VI of the Los Angeles Municipal Code is retitled to read as follows:

ARTICLE 6

SOLID WASTE COLLECTION

Sec. 2. Section 66.00 of the Los Angeles Municipal Code is amended to read 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** shall mean the City of Los Angeles Board of Public Works.
2. **Bureau** shall mean the Bureau of Sanitation of the City of Los Angeles or its duly authorized representative.
3. **City** shall mean the City of Los Angeles.
4. **Collection Services** shall mean the collection, transportation and delivery for processing or disposal of solid waste from commercial establishments and multifamily dwellings.
5. **Commingled Recyclables** shall mean recyclables that have been separated or kept separate from other solid waste at the point of generation for the purpose of additional sorting or processing for recycling or reuse in order to return the material to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace. Commingled recyclables shall not consist of construction and demolition waste.

6. **Commercial Establishment** shall mean all real property in the City, except residential premises and premises that receive solid waste disposal service from the City, upon which for-profit or not for-profit activity is conducted, including but not limited to manufacturing, transportation, retail sales, wholesale operations, services, hotel or motel operations, education, or other businesses or institutional activity.

7. **Construction and Demolition Waste** shall mean 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 one percent (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 or associated packing.

8. **Director** shall mean the Director of the bureau of Sanitation of the city of Los Angeles.

9. **Dwelling Unit** shall mean one or more rooms, one of which is a kitchen, designed for occupancy by one family for living and sleeping purposes.

10. **Gross Receipts** shall mean 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, service, container rental, disposal and processing charges. For purposes of Sections 66.32.1 through 66.32.5, gross receipts shall not be applicable to receipts generated by the collection and sale of source-separated materials or commingled recyclables.

11. **Hazardous Waste** shall mean any waste as defined in California Health and Safety Code Section 25117.

12. **Multifamily Dwelling** shall mean any building, structure, unit or location designed for residential occupancy, exclusive of "Single Family Dwelling" and dwelling units that receive solid waste disposal service from the City.

13. **Organics** shall mean compostable solid waste that is source separated and placed in a container for collection. Organics include, but are not limited to, grass, leaves, tree branches, clean wood free of paint, nails or any treatment, food scraps, food soiled boxes and paper.

14. **Person** shall mean 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 of

Los Angeles, or any of its constituent entities, departments, boards, employees or officers.

15. **Recyclables** shall mean solid waste that is capable of being recycled or re-used in the marketplace, whether source separated or commingled with other solid waste.

16. **Residential Premises** shall mean single family dwellings and multifamily dwellings.

17. **Self-Hauler** shall mean a person who is not primarily engaged in the business of collection, removal or transportation of solid waste but in the course of performing the person's primary business function incidentally transports solid waste. Examples of self-haulers 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 under any circumstance, but rather a solid waste hauler subject to all of the requirements applicable to solid waste haulers.

18. **Single Family Dwelling** shall mean a building designed for residential occupancy, and containing one or two dwelling units.

19. **Solid Waste** shall mean 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 which 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 wastes:

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

20. **Solid Waste Disposal Facility** shall mean a facility fully permitted under applicable local, state, and federal laws and regulations to accept and dispose of solid waste.

21. **Solid Waste Hauler** shall mean any person engaged in the business of providing for the collection, removal or transportation of solid waste.

22. **Source-Separated Material** shall mean 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 material, each type of material must be transferred in a separate container to a recycling center.

Sec. 3. Section 66.00.1 of the Los Angeles Municipal Code is retitled to read as follows:

SEC. 66.00.1. SOLID WASTE SERVICES.

Sec. 4. Section 66.00.1(a)(1) of the Los Angeles Municipal Code is amended to read as follows:

1. The collection of household solid waste combined in one or more containers by a single pickup except when more than one pickup is required by the Board and approved by Council resolution, on a regularly scheduled basis, but not to provide for the collection of commercial solid waste.

Sec. 5. Section 66.00.1(b) of the Los Angeles Municipal Code is amended to read as follows:

(b) It is the policy of the City of Los Angeles to dispose of solid waste collected by the City, including metals, in land reclamation sites owned and operated or otherwise controlled by the City or in City-owned incinerators when economically feasible, or by contractual arrangement where appropriate. Contractual arrangements involving consideration in excess of \$5,000 shall be approved by the Council by ordinance or resolution, except in the case of an emergency as determined by the Director.

Sec. 6. Section 66.00.1(e) of the Los Angeles Municipal Code is amended to read as follows:

(e) The Board shall adopt rules and regulations, not inconsistent with this Article, to effectuate the purposes and intent of this Section and the further provisions of this Article. Any such rule or regulation pertaining to solid waste collection shall be approved by the Council.

Sec. 7. Section 66.00.1(f) of the Los Angeles Municipal Code is amended to read as follows:

(f) The Board, subject to the approval of the Council in each instance by resolution, may from time to time institute and conduct one or more pilot programs within an area or areas of the City designated by the Board for the separate collection and disposal of solid waste on a regularly scheduled basis, for the purpose of studying costs to the City and other factors of such program or programs compared with the policies set forth in Subsection (a) of this Section.

Sec. 8. Section 66.01 of the Los Angeles Municipal Code is retitled and amended to read as follows:

SEC. 66.01. SOLID WASTE COLLECTION.

No person shall remove or convey any solid waste upon or along any street in this City, provided, however, that the provisions of this section shall not apply to any person in the employ of this City who shall be assigned by the Board to the work of solid waste disposal or to any person with whom this City has entered into, or may hereafter enter into, a contract for the collection, removal and disposal of solid waste or to any employee of such contractor during the time his contract shall be in force, and provided further that solid waste collection and disposal contractors serving neighboring municipalities, County sanitation districts, State or Federal institutions, or any person in the employ of any such governmental agency may haul garbage over the streets of this City after having first obtained a permit therefor pursuant to Section 66.32, *et seq.*

Sec. 9. Section 66.01.1 of the Los Angeles Municipal Code is hereby repealed.

Sec. 10. Section 66.02 of the Los Angeles Municipal Code is retitled and amended to read as follows:

SEC. 66.02. SOLID WASTE CONTAINER SPECIFICATIONS.

It shall be the duty of every owner, manager, or person in possession, charge or control of any commercial establishment, and every person occupying a residential premises within the City to provide, and at all times to keep containers for holding solid waste. Each container shall be constructed to be nonabsorbent, watertight, vector-resistant, durable, easily cleanable, and designed for safe handling. Each such container and its cover shall be made of such materials as may be approved for such use by the Board and by the City Council. The cover shall not be removed except when necessary to place solid waste therein or to remove solid waste therefrom. Each container and its cover shall be kept cleaned on the outside from accumulating grease and decomposing material and shall be of an adequate size and in sufficient numbers to contain, without overflowing, all the solid waste that a household or other establishment generates within the designated removal period. Each such container when filled shall not exceed reasonable lifting weights for an average physically fit individual except where mechanical loading systems are used. Any such vessel, tank or receptacle shall comply with Part 1301 of Title 16 of the Code of Federal Regulations to the extent that such Part is applicable to any such vessel, tank or receptacle.

Sec. 11. Section 66.03 is added to the Los Angeles Municipal Code to read as follows:

SEC. 66.03. SOLID WASTE SERVICE REQUIRED.

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

(b) Owners of commercial establishments and multifamily dwellings or the generator of solid waste at such premises or the agent of the 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.

(c) The minimum level of service to which the owner, generator or agent shall subscribe shall be the number and size of solid waste containers suitable for garbage collection and the frequency of collection which is necessary for the removal and disposal of all solid waste generated at the premises, excluding commingled recyclables and source-separated 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 service necessary, such determination shall be made by the Director.

(d) All commercial establishments shall have collection services for source-separated materials or commingled recyclables.

Sec. 12. Sections 66.04, 66.06 and 66.07 of the Los Angeles Municipal Code are hereby repealed.

Sec. 13. Section 66.08.1 of the Los Angeles Municipal Code is retitled amended to read as follows:

SEC. 66.08.1. SOLID WASTE DISPOSAL FACILITY FRANCHISES OR CONTRACTS.

Should the City at any time award a franchise or contract for the disposal of solid waste, then no person, other than the franchisee or contractor, shall thereafter be permitted to provide services covered by such franchise or contract within the granted franchise or contract area except as otherwise permitted by the Board.

Sec. 14. Section 66.08.2 of the Los Angeles Municipal Code is hereby repealed.

Sec. 15. Section 66.08.3 of the Los Angeles Municipal Code is retitled amended to read as follows:

SEC. 66.08.3. OPERATION OF SOLID WASTE DISPOSAL FACILITIES.

(a) It is unlawful for any person to own, establish, operate or carry on the business of a solid waste disposal facility in the City unless, at the City's sole option, such person has been granted a non-exclusive franchise by the City Council.

(b) Section (a) does not apply to any person who owns or operates a solid waste disposal facility operating as of January 1, 1999, under a valid conditional use permit or other authorizing permit issued by the City, until any one of the following events occurs:

- (1) the conditional use permit or other authorizing permit expires, or
- (2) the conditional use permit or other authorizing permit is renewed, or
- (3) the conditional use permit or other authorizing permit is modified.

Sec. 16. Section 66.08.4 of the Los Angeles Municipal Code is retitled to read as follows:

SEC. 66.08.4. SOLID WASTE DISPOSAL FRANCHISE TERMS AND CONDITIONS.

Sec. 17. Section 66.08.5 of the Los Angeles Municipal Code is retitled and amended to read as follows:

SEC. 66.08.5. SOLID WASTE DISPOSAL FACILITY FRANCHISE FEES.

The City shall impose a franchise fee each year equal to 12 percent of the annual gross receipts from fees and charges collected by the operator of the solid waste disposal facility.

Sec. 18. Section 66.08.6 of the Los Angeles Municipal Code is retitled to read to read as follows:

SEC. 66.08.6. OTHER SOLID WASTE DISPOSAL FACILITY FRANCHISE PROVISIONS.

Sec. 19. Sections 66.09 and 66.10 of the Los Angeles Municipal Code are hereby repealed.

Sec. 20. Section 66.17.1 of the Los Angeles Municipal Code is retitled and amended to read as follows:

SEC. 66.17.1. PROOF OF SOLID WASTE COLLECTION SERVICE.

Irrespective of any other provision of this Code, the manager or person in charge of, or in control of, any solid waste of any residential premises or commercial establishment shall furnish written proof, whether in the form of contracts or receipts, to any appropriate municipal authority on request that said premises maintains collection services that collect solid waste generated from said premises in a manner in keeping with current health regulations and in compliance with the requirements of this Article and other provisions of the Los Angeles Municipal Code.

Sec. 21. Sections 66.18 through 66.22 of the Los Angeles Municipal Code are hereby repealed.

Sec. 22. Section 66.23 of the Los Angeles Municipal Code is retitled and amended to read as follows:

SEC. 66.23. SOLID WASTE VEHICLES – USE OF STREETS.

(a) No person shall permit any vehicle hauling or used for hauling or carrying any solid waste or other nauseous or offensive substance to remain in or upon any street longer than is necessary for loading and hauling such substance to its destination or permit any such vehicle to be in a filthy or offensive condition, or to remain uncovered when in transit upon streets or near public places.

(b) No person shall remove or convey any solid waste or other nauseous or offensive substance along any street, except in watertight vessels, receptacles or carriers.

Sec. 23. Section 66.24 of the Los Angeles Municipal Code is amended to read as follows:

SEC. 66.24. REPLACING FALLEN MATERIAL.

No person removing or conveying any solid waste shall fail, refuse or neglect to replace immediately in any container any solid waste that shall have fallen therefrom, in or upon any street or in or upon any premises.

Sec. 24. Section 66.25 of the Los Angeles Municipal Code is retitled and amended to read as follows:

SEC. 66.25. DEPOSITING SOLID WASTE ON STREETS OR IN THE LOS ANGELES RIVER PROHIBITED.

(a) No person shall deposit or cause to be deposited any solid waste of any kind whatsoever upon or in any street, or upon any premises in this City, or in the Los Angeles River.

(b) Any person whose identifying information is found in or who is otherwise responsible for the deposit of solid waste of any kind whatsoever, upon or in any street, shall be responsible for depositing it on the public right-of-way and shall be subject to administrative penalties as defined in Subsection (c).

(c) The first violation of Subsection (b) in a calendar year is subject to warning or an administrative monetary penalty not to exceed \$500.00. Subsequent violations in the same calendar year will result in a second penalty not to exceed \$750.00 for the second violation after receiving the initial \$500.00 penalty. The penalty for the third administrative violation in a calendar year is \$1000.00. More than three administrative fines in one calendar year shall result in the violation being charged as a misdemeanor in Superior Court and subject to all penalties applicable to criminal violations. The Bureau is authorized to assess a processing fee established by the Board for all citations with an administrative monetary penalty. All noncriminal enforcement actions are subject to the administrative hearing process as mandated in the California Government Code Section 53069.4, as now existing and as may be amended.

Sec. 25. Section 66.26 of the Los Angeles Municipal Code is hereby repealed.

Sec. 26. Section 66.27 of the Los Angeles Municipal Code is amended to read as follows:

SEC. 66.27. RULES AND REGULATIONS – EFFECT OF NON-COMPLIANCE WITH.

The collection of solid waste not prepared and placed for collection in accordance with the rules and regulations adopted by the Board may be rejected by the City.

Sec. 27. Section 66.28 of the Los Angeles Municipal Code is retitled and amended to read as follows:

SEC. 66.28. SOLID WASTE – TAMPERING WITH.

No person, other than the owner thereof, his agents or employees, or an officer or employee of this City or any person holding a contract with this City for the collection, management and/or disposal of solid waste, shall tamper with or remove any solid waste, solid waste container or the contents thereof from any location where the same had been placed by the owner thereof or his agent, whether or not such container conforms to requirements or description set forth in the rules and regulations of the Board.

Sec. 28. Section 66.29 of the Los Angeles Municipal Code is retitled and amended to read as follows:

SEC. 66.29. CITY EMPLOYEES – USE OF SOLID WASTE.

No employee of this City shall remove or dispose of, for said employee's individual use or benefit, any of the contents of any container used for the collection, removal or disposal of solid waste.

Sec. 29. Section 66.30 of the Los Angeles Municipal Code is amended to read as follows:

SEC. 66.30. CONSTRUCTION OF ARTICLE.

Nothing contained in this Article shall be deemed to conflict with any section of this Code regulating the collection, removal or disposal of solid waste, but any such sections of this Code and any law shall each be so construed as to give effect to every provision thereof and each shall be deemed to be independent of the other.

Sec. 30. Section 66.32 of the Los Angeles Municipal Code is retitled amended to read as follows:

SEC. 66.32. PURPOSE.

In order to meet the diversion goals of AB 939 and the City of Los Angeles which is Zero Waste by 2025, solid waste haulers, contractors and recyclers shall register with the City to obtain a permit. As used in this Section and in Sections 66.32.1 through 66.32.5, the following terms shall have the meanings set forth below:

1. **AB 939** shall mean the State of California's Integrated Waste Management Act of 1989, as may be amended from time to time, and as set forth in California Public Resources Code Sections 40050, *et seq.*, and implementing regulations of the Department of Resources Recycling and Recovery (CalRecycle).
2. **AB 939 Compliance Permit** shall mean a permit issued pursuant to the provisions of Subsection (a) of Section 66.32.1.
3. **Appellant** shall mean a person who files a written request for a hearing pursuant to the provisions of Subdivision (1) of Subsection (d) of Section 66.32.3 of this Article.
4. **Certified Construction and Demolition Waste Processing Facility** shall mean a waste processing facility, operating lawfully pursuant to all applicable permits and possessing valid and current certification from the City of Los Angeles, that accepts construction and demolition waste for the purpose of recovering reusable and recyclable materials and disposing of non-recyclable residual materials.

5. **Contractor** shall mean any Person who enters into a contract for any construction or demolition project that requires a permit from the Department of Building and Safety.

6. **Permittee** shall mean a person issued an AB 939 Compliance Permit pursuant to the provisions of Subsection (a) of Section 66.32.1.

Sec. 31. Section 66.33 is added to the Los Angeles Municipal Code to read as follows:

SEC. 66.33. PURPOSE .

Under the City's RENEW LA Plan, the City committed reaching Zero Waste by diverting 70% of the solid waste generated in the City by 2013, diverting 90% by 2025, and becoming a zero waste city by 2030. State law currently requires at least 50% solid waste diversion and establishes a state-wide goal of 75% diversion by 2020. Moreover, state law requires mandatory commercial recycling in all businesses and multifamily complexes and imposes additional reporting requirements on local agencies, including the City. In order to meet these requirements and goals, increasing recycling and diversion in the commercial and multifamily waste sectors is imperative. The commercial and multifamily sectors produce most of the City's solid waste. Currently, a significant amount of commercial and multifamily solid waste generated in the City, including recyclables and organics, is going to landfills, resulting in unnecessary greenhouse gas emissions. The City has a responsibility under state law to ensure effective and efficient waste and recycling service for its businesses and residents. It will most successfully fulfill that responsibility, and also meet its own Zero Waste policy goals, by ensuring that its solid waste, including recyclables and organics, are collected, transported and processed in a manner that reduces environmental and social impacts on the City and the region.

An exclusive, competitive franchise system for the collection, transportation and processing of commercial and multifamily solid waste will aid the City in meeting its diversion goals by, among other things: (i) requiring franchisees to meet diversion targets; (ii) increasing the capacity for partnership between the City and solid waste haulers; (iii) allowing the City to establish consistent methods for diversion of recyclables and organics; (iv) increasing the City's ability to track diversion, which will enable required reporting and monitoring of state mandated commercial and multifamily recycling; (v) increasing the City's ability to ensure diversion quality in the processing facilities handling its waste and recyclables; and (vi) increasing the City's capacity to enforce compliance with federal, state, county, and local standards.

An exclusive, competitive franchise system will also have other beneficial effects, including reducing adverse environmental impacts such as unnecessary solid waste truck traffic, emissions and street impacts, protecting ratepayers, ensuring high customer service standards, and increasing solid waste hauler accountability.

While the move to an exclusive franchise system will generate many benefits for the City and its residents, it will also increase the risk that a labor dispute will interfere with collection services. To protect the City's interest in efficient and uninterrupted collection services, the City will require franchisees to produce evidence that they are parties to written, enforceable agreements that prohibit labor organizations and their members from engaging in picketing, work stoppages, boycotts or other economic interference with collection services.

SEC. 66.33.1. DEFINITIONS.

As used herein and in Sections 66.33 to 66.33.17, the following terms shall have the meanings set forth below:

1. **Clean Fuel Vehicles** shall mean those vehicles that meet or exceed the requirements of Southern California Air Quality Management District Rule 1193, as now existing and as may be amended.

2. **Customer** shall mean any individual, firm, partnership, joint venture, association, fraternal organization, corporation, estate trust, business trust, receiver, trustee, executor, administrator, syndicate, the United States, any state, any county, city and county, municipality, district or other political subdivision of any state or of the United States, or any other group or combination acting as a unit.

3. **Franchise Agreement** shall mean a written contract between the Bureau and a franchisee setting forth the terms and conditions under which the franchisee shall perform collection services in the City.

4. **Franchisee** shall mean a solid waste hauler granted an exclusive franchise to provide collection services in a franchise zone.

5. **Franchise Zone** shall mean a geographic area of the City within which a franchisee shall provide collection services pursuant to the terms of a franchise agreement.

6. **Labor Peace Agreement** shall mean an enforceable agreement between a franchisee, or a franchisee's subcontractor, and a labor organization (as defined by 29 U.S.C. §152(5)) that represents or seeks to represent the franchisee's or subcontractor's employees providing collection services and that contains provisions under which the labor organization for itself and its members agrees to refrain from engaging in any picketing, work stoppages, or any other economic interference with the franchisee's performance of collection services.

7. **On-location Filming Waste** shall mean solid waste generated and collected at a commercial film production permitted pursuant to Section 12.22 A.13. of this Code or Section 22.350 of the Los Angeles Administrative Code.

8. **Studio** shall mean one or more adjacent parcels of real property occupied by a motion picture or television production and distribution enterprise and containing sound stages totaling no less than 50,000 square feet in area and 18 feet in height designed for motion picture or television production and utilized by that enterprise specifically for such purpose.

SEC. 66.33.2. EXCLUSIVE FRANCHISE FOR COLLECTION SERVICES.

(a) The City may award contracts for collection services for commercial establishments and multifamily dwellings through an exclusive franchise agreement authorizing and obligating the holder to provide collection services within a franchise zone.

(b) A franchisee's exclusive right to provide collection services shall not include the right to collect the following materials, the collection of which is not prohibited by this Article:

- (1) Solid waste removed from a commercial establishment or multifamily dwelling by a self hauler;
- (2) Construction and demolition waste;
- (3) Solid waste collected by the City;
- (4) On-location filming waste.

(c) Any franchisee may contract with a studio for collection services regardless of the franchise zone where the studio is located.

SEC. 66.33.3. UNLAWFUL ACTIVITIES.

(a) Provision of Collection Services.

Except as provided in Sections 66.33.2(b) through (c) and Section 66.33.3(b), it is unlawful for any person to provide collection services to a commercial establishment or multifamily dwelling within a franchise zone unless a written franchise agreement therefor has been executed between such person and the City, and such agreement is in full force and effect.

(b) Transition Period.

The City, in its sole discretion and consistent with state law, may authorize a solid waste hauler possessing a valid permit issued pursuant to Section 66.32, *et seq.*, to continue providing collection services in a franchise zone to the extent necessary to meet the needs of any customer in that zone until the franchisee is able to perform the collection services.

SEC. 66.33.4. FRANCHISE ZONES.

The Bureau shall divide the territory within the City into eleven (11) franchise zones, the designation of which shall be subject to the approval of the Board and City Council. Three (3) of the franchise zones shall be designed as "single" zones, which shall not be granted in combination with any other franchise zone.

SEC. 66.33.5. FRANCHISE AGREEMENT FEES.

The Bureau shall include in each franchise agreement a negotiated annual franchise fee to be paid to the City by the respective franchisee.

SEC. 66.33.6. MINIMUM FRANCHISE AGREEMENT STANDARDS.

The following minimum standards shall apply to all franchises granted under this part, and shall be made binding terms of all franchise agreements:

(a) Required Collection Services.

During the term of the franchise agreement and subject to its terms and conditions, each franchisee shall collect, transport, and deliver for processing or disposal all solid waste generated at all commercial establishments and multifamily dwellings located within that franchise zone.

(b) Clean Fuel Vehicles.

All vehicles used by a franchisee to provide collection services under a franchise agreement shall at all times be in compliance with all applicable air pollution control laws and regulations, including but not limited to the California Air Resources Board "Diesel Particulate Matter Control Measure for On-Road Heavy Duty Residential and Commercial Solid Waste Collection Vehicle Diesel Engines" and South Coast Air Quality Management District Amended Rule 1193.

(c) Labor Peace Agreement.

As a condition for the grant of a franchise agreement, a condition precedent to any franchisee or subcontractor performing collection services, and as an ongoing, material condition of the franchise agreement, each franchisee shall provide satisfactory evidence that it, and any subcontractor who will provide collection services, are a party to labor peace agreement(s) with any labor organization that represents any group of the franchisee's or subcontractor's employees who are or will be involved in providing collection services, and with any labor organization that seeks to represent any group of a franchisee's or subcontractor's employees who are or will be involved in providing collection services, under the following limitation:

(1) This Subsection does not require an employer to recognize a particular labor organization.

(2) This Subsection does not require an employer to enter into a collective bargaining agreement establishing the substantive terms and conditions of employment.

(3) This Subsection is not intended to, and shall not be interpreted to, enact or express any generally applicable policy regarding labor/management relations, or to regulate those relations in any way.

(4) This Subsection is not intended to provide a preference for any outcome in the determination of employee preference regarding union representation.

(d) Processing and Disposal.

A Franchisee shall deliver all recyclables and organics collected from commercial establishments and multifamily dwellings exclusively to facilities certified by the City pursuant to Section 66.33.8.

(e) Diversion.

(1) Each franchisee shall provide every customer within its franchise zone a container specifically designated for the collection of recyclables.

(2) Each franchisee shall offer every multifamily dwelling within its franchise zone a container specifically designated for the collection of organics.

(3) All franchise agreements shall require franchisees to meet specific landfill disposal reduction requirements.

(f) Compliance with Living Wage and Responsible Contractor Requirements.

Each franchisee shall comply with all requirements of an "Employer" under the City's Living Wage Ordinance, Los Angeles Administrative Code Section 10.37, et. seq. Each franchise agreement is hereby deemed a "contract" for purposes of the City's Responsible Contractor Program, Los Angeles Administrative Code Section 10.40, et seq., and each franchisee shall comply with all requirements of a "Contractor" thereunder.

(g) Whistleblower Protection.

A franchisee shall not retaliate against an employee who, in good faith, has made a protest or raised a complaint against some practice of the franchisee on the basis of a

reasonable belief that the practice is in violation of any provision of this Article or other applicable laws. A franchisee will not retaliate against an employee who discloses or threatens to disclose to a supervisor or to the City or another public body any activity, policy, or practice of the franchisee that the employee reasonably believes is in violation of this Article or other applicable laws.

SEC. 66.33.7. REVENUE FROM SALE OF RECYCLABLES.

The Bureau and franchisees shall negotiate, and all franchise agreements shall include, provisions addressing revenue sharing from the sale of recyclables by franchisees and processing facilities.

SEC. 66.33.8. CERTIFICATION OF PROCESSING FACILITIES.

(a) The Board may certify for a five-year period facilities to accept solid waste collected by franchisee's providing collection services under a franchise agreement under criteria established by the Bureau and approved by the Board. Facilities shall be inspected by the City prior to certification, and each certification shall be conditioned on the facility granting the City the right to inspect the facility during the period of certification to verify compliance with the terms of certification.

(b) The City may suspend or revoke certification of a facility upon 30 days notice by issuance of a notice of suspension or notice of revocation, if the facility fails to comply with any of the terms and conditions specified in the certification or in this Code, under the process set forth in Section 66.32.3(d).

SEC. 66.33.9. PERMIT REQUIREMENT.

Nothing in Sections 66.33 through 66.33.8 relieves any franchisee from the requirement to obtain and maintain a permit pursuant to Sections 66.32 through 66.32.5 of this Article or any other permit or license otherwise required by law for the provision of such services.

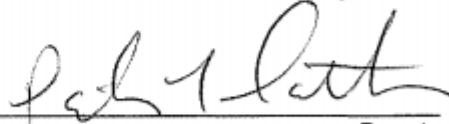
SEC. 66.33.10. SEVERABILITY.

If any part or provision of this Section or the application of this Section to any person or circumstance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remainder of this Section, including the application of such part or provisions to other persons or circumstances, shall not be affected by such holding and shall continue in full force and effect, and to this end, the provisions of this Section are severable.


Sec. 32. 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.

I hereby certify that the foregoing ordinance was introduced at the meeting of the Council of the City of Los Angeles APR 01 2014, and was passed at its meeting of APR 08 2014.

HOLLY L. WOLCOTT, Interim City Clerk


By 
Deputy

Approved 4/15/14


Mayor

Approved as to Form and Legality:

MICHAEL N. FEUER, City Attorney

By 
JOHN A. CARVALHO
Deputy City Attorney

Date 3/14/14

File No. 10-1797-516

DECLARATION OF POSTING ORDINANCE

I, MARIA VIZCARRA, state as follows: I am, and was at all times hereinafter mentioned, a resident of the State of California, over the age of eighteen years, and a Deputy City Clerk of the City of Los Angeles, California.

Ordinance No. 182986 – Citywide Exclusive Franchise System for the Municipal Solid Waste Collection and Handling Program - a copy of which is hereto attached, was finally adopted by the Los Angeles City Council on **April 8, 2014**, and under the direction of said City Council and the City Clerk, pursuant to Section 251 of the Charter of the City of Los Angeles and Ordinance No. 172959, on **April 18, 2014** I posted a true copy of said ordinance at each of the three public places located in the City of Los Angeles, California, as follows: 1) one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; 2) one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; 3) one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Copies of said ordinance were posted conspicuously beginning on **April 18, 2014** and will be continuously posted for ten or more days.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this **18th** day of **April, 2014** at Los Angeles, California.



Maria Vizcarra, Deputy City Clerk

Ordinance Effective Date: May 28, 2014
Rev. (2/21/06)

Council File No. 10-1797-S16