



Pursuant to Government Code Section 54953(e), members of the Board of Directors and staff will participate in this meeting via a teleconference. Members of the public can comment when prompted by unmuting their microphone, and allowing access to their webcam is optional.

CAYUCOS SANITARY DISTRICT

200 Ash Avenue
PO Box 333
Cayucos, California 93430-0333
805-995-3290

GOVERNING BOARD

R. Enns, President
D. Chivens, Vice-President
S. Lyon, Director
R. Frank, Director
H. Miller, Director

BOARD OF DIRECTORS REGULAR MEETING AGENDA THURSDAY, NOVEMBER 18, 2021 AT 5:00PM 200 ASH AVENUE, CAYUCOS, CALIFORNIA 93430

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1. ESTABLISH QUORUM AND CALL TO ORDER

2. PUBLIC COMMENT:

This is the time the public may address the Board on items other than those scheduled on the agenda. By conditions of the Brown Act the Board may not discuss issues not posted on the agenda, but may set items for future agendas. Those persons wishing to speak on any item scheduled on the agenda will be given an opportunity to do so at the time that agenda item is being considered. When recognized by the Board President, please stand up and state your name and address for the record (though not required). While the Board encourages public comment, in the interest of time and to facilitate orderly conduct of the meeting, the Board reserves the right to limit individual comments to three minutes.

3. CONSENT CALENDAR: Recommended to Approve

Consent Calendar items are considered routine and therefore do not require separate discussion, however, any item may be removed from the Consent Calendar by a member of the Board of Directors for separate consideration. Individual items on the Consent Calendar are approved by the same vote that approves the Consent Calendar, unless an item is pulled for separate consideration.

A. Regular Meeting Minutes

1. Approval of minutes for the October 21, 2021 Board of Directors Regular Meeting **(Pg. 1)**

B. Financial Reports: October 2021

1. Check Register – Mechanics Bank (General Checking Account) **(Pg. 5)**
 - a. Check Register – Wells Fargo (CIP/CSWP Checking Account) **(Pg. 7)**
 - b. Check Register – Wells Fargo (CSWP Construction Account) **(Pg. 8)**
2. Cash, Savings, and Investment Report **(Pg. 9)**
3. Budget vs. Actual Status Report **FY 2021-2022 (Pg. 10)**
4. Capital Improvement Projects Report **(Pg. 11)**

Pursuant to Government Code Section 54953(e), members of the Board of Directors and staff will participate in this meeting via a teleconference. Members of the public can comment when prompted by unmuting their microphone, and allowing access to their webcam is optional.

- 4. STAFF COMMUNICATIONS AND INFORMATIONAL ITEMS: No Action Required**
 - A. District Manager's Report: October 2021 (Pg. 12)**
 - B. Monthly Customer Satisfaction Survey Submissions:**
None
 - C. New Will-Serves:**
 - 147 Ash Ave. / Mission Acquisitions LLC / 064-113-007 / 5 SFR New
 - Extended Will-Serves:**
 - 48 12th St. / Kaus / 064-222-014 / SFR New
 - 55 Del Mar Ave. / Sullivan / 064-415-012 / SFR Remodel
 - 194 6th St. / Miller / 064-133-034 / 2 SFR New
 - Finalized Will-Serves:**
 - 33 12th St. / Williams / 064-221-003 / SFR New
 - Continue-to-Serves (No Will-Serve Required):**
None
 - Grants Of License:**
None
- 5. PRESENTATION FROM THE CAYUCOS-MORRO BAY CEMETERY DISTRICT (Pg .14 & 15)**
- 6. DISCUSSION AND CONSIDERATION TO ADOPT RESOLUTION 2021-07 TO AUTHORIZE REMOTE TELECONFERENCING MEETINGS IN ACCORDANCE WITH NEWLY ADOPTED GOVERNMENT CODE SECTION 54953(e) (AB 361) (Pg. 16)**
- 7. PUBLIC HEARING FOR ORDINANCE #30 ESTABLISHING AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE CAYUCOS SANITARY DISTRICT ADOPTING MANDATORY ORGANIC WASTE DISPOSAL REDUCTION REGULATIONS TO COMPLY WITH THE REQUIREMENTS OF SENATE BILL 1383 (Pg. 18)**
 - A. OPEN PUBLIC HEARING**
 - B. CLOSED PUBLIC HEARING**
 - C. CONSIDERATION TO ADOPT ORDINANCE #30 ESTABLISHING AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE CAYUCOS SANITARY DISTRICT ADOPTING MANDATORY ORGANIC WASTE DISPOSAL REDUCTION REGULATIONS TO COMPLY WITH THE REQUIREMENTS OF SB 1383**
- 8. DISCUSSION AND CONSIDERATION OF INCREASING THE CONNECTION AND INSPECTION FEE (Pg. 56)**
- 9. DISCUSSION AND CONSIDERATION TO APPROVE AN UPDATED MISSION STATEMENT FOR CAYUCOS SANITARY DISTRICT (Pg. 61)**
- 10. BOARD MEMBER COMMENTS**

This item provides the opportunity for Board members to make brief announcements and/or briefly report on their own activities related to District business.
- 11. FUTURE SCHEDULED MEETINGS**
 - December 16, 2021 – Regular Board Meeting
 - January 20, 2022 – Regular Board Meeting
 - February 17, 2022 – Regular Board Meeting

Pursuant to Government Code Section 54953(e), members of the Board of Directors and staff will participate in this meeting via a teleconference. Members of the public can comment when prompted by unmuting their microphone, and allowing access to their webcam is optional.

12. ADJOURNMENT

This agenda was prepared and posted pursuant to Government Code Section 54954.2. The agenda, staff reports or other documentation relating to each item of business referred to on the agenda can be accessed and downloaded from the District's website at <https://www.cayucossd.org/board-of-directors-meetings>

All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the District's office and are available for public inspection and reproduction at cost. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by the Americans with Disability Act. To make a request for disability-related modification or accommodation, contact the District at 805-995-3290 as soon as possible and at least 48 hours prior to the meeting date.



CAYUCOS SANITARY DISTRICT

200 Ash Avenue
PO Box 333
Cayucos, CA 93430-0333
805-995-3290

AGENDA ITEM: 3.A.1

DATE: November 18, 2021

ACTION: _____

GOVERNING BOARD

R. B. Enns, President
D. Chivens, Vice-President
S. Lyon, Director
H. Miller, Director
R. Frank, Director

BOARD OF DIRECTORS

REGULAR MEETING MINUTES

THURSDAY, OCTOBER 21, 2021 AT 5:00 P.M.

200 ASH AVENUE, CAYUCOS, CA 93430

1. ESTABLISH QUORUM AND CALL TO ORDER

President Enns called the meeting to order at 5:00 p.m.

Board members present via GoToMeeting: President Robert Enns, Vice-President Dan Chivens, Director Robert Frank, Director Shirley Lyon and Director Hannah Miller

Staff present via GoToMeeting: District Manager Rick Koon and Admin. Services Manager Amy Lessi

2. PUBLIC COMMENT

President Enns opened the meeting to Public Comment.

Hearing no comment, President Enns closed Public Comment.

3. CONSENT CALENDAR: Recommended to Approve

Consent Calendar items are considered routine and therefore do not require separate discussion, however, any item may be removed from the Consent Calendar by a member of the Board of Directors for separate consideration. Individual items on the Consent Calendar are approved by the same vote that approves the Consent Calendar, unless an item is pulled for separate consideration.

A. Regular Meeting Minutes

1. Approval of minutes for the September 16, 2021 Board of Directors Regular Meeting
2. Approval of minutes for the September 29, 2021 Board of Directors Special Meeting

B. Financial Reports: September 2021

1. Check Register – Mechanics Bank (General Checking Account)
 - a. Check Register – Wells Fargo (CIP/CSWP Checking Account)
 - b. Check Register – Wells Fargo (CSWP Construction Account)
2. Cash, Savings, and Investment Report
3. Budget vs. Actual Status Report FY **2021-2022**
4. Capital Improvement Projects Report

President Enns opened the meeting to Public Comment.

Hearing no comment, President Enns closed Public Comment.

MOTION: 1st by Frank, to approve items on the consent calendar as prepared. Motion was seconded by Lyon.

ROLLCALL VOTE: Frank-yes, Lyon-yes, Miller-yes, Chivens-yes, Enns-yes

VOTE 5-0 Motion passed

4. STAFF COMMUNICATIONS AND INFORMATION ITEMS: No Action Required

A. District Manager's Report: September 2021

B. Monthly Customer Satisfaction Survey Submissions:

None

C. New Will Serves:

- 159 H St. / Brindley / 064-126-007 / SFR Remodel

- 147 Ash Ave. / Mission Acquisitions LLC, C/O: Toman / 064-113-007 / (5) SFR New

Extended Will-Serves:

- 3444 Studio Dr. / Lojacono / 064-449-035 / SFR Remodel

Finald Will-Serves: June & July 2021

None

Continue to Serves (No Will-Serve Required):

None

Grants of License:

None

Manager Koon gave a summary of the previous month's activities and added that he attended LAFCO's monthly meeting earlier in the day, where annexation of the Water Resource Recovery Facility property into the District's Sphere of Influence and boundary was unanimously approved. An added benefit to the annexation is that the District will not be required to pay property taxes on the land or on any improvements.

Director Frank requested clarification on the required resolution associated with AB 361 and Manager Koon elaborated.

President Enns opened the meeting to Public Comment.

Hearing no comment, President Enns closed Public Comment.

Items 4 A through C were received and accepted.

5. DISCUSSION AND CONSIDERATION TO NOMINATE A SPECIAL DISTRICT ALTERNATE TO THE INTEGRATED WASTE MANAGEMENT AUTHORITY (IWMA)

The two nominees' statements were reviewed and it was determined that the Board favored Daniel Burgess for the position.

President Enns opened the meeting to Public Comment.

John Curti asked if this process will replace someone or fill a vacancy.

Hearing no further comment, President Enns closed Public Comment.

President Enns answered that there has never been an alternate to the IWMA Board and this a new position that will be utilized on a back-up basis only.

MOTION: 1st by Chivens, to nominate Daniel Burgess as a Special District Alternative to the IWMA. Motion was seconded by Frank.

ROLLCALL VOTE: Chivens-yes, Frank-yes, Miller-yes, Lyon-yes, Enns-yes

VOTE 5-0 Motion passed

6. DISCUSSION AND CONSIDERATION TO REVISE THE APPROVAL LIMITS FOR THE FINANCIAL POLICY 4150.5

The proposed revisions to the Financial Policy were presented to the Board.

President Enns opened the meeting to Public Comment.

John Curti asked for confirmation that the District Manager has the authority to implement a transfer of funds for investment purposes *after* getting direction from the Board.

Hearing no further comment, President Enns closed Public Comment.

Manager Koon confirmed that before any transfer of funds for investment purposes he would meet with the Finance Committee and together they would come to the Board with a recommendation.

President Enns opened the meeting to Public Comment.

Hearing no comment, President Enns closed Public Comment.

MOTION: 1st by Lyon, to revise the approval limits for the Financial Policy 4150.5. Motion was seconded by Miller.

ROLLCALL VOTE: Lyon-yes, Miller-yes, Frank-yes, Chivens-yes, Enns-yes

VOTE 5-0 Motion passed

7. DISCUSSION AND CONSIDERATION TO APPROVE A PROCUREMENT POLICY

Manager Koon explained the necessity for implementing a Procurement Policy. The Board expressed approval.

President Enns opened the meeting to Public Comment.

Hearing no comment, President Enns closed Public Comment.

MOTION: 1st by Miller, to approve a Procurement Policy. Motion was seconded by Frank.

ROLLCALL VOTE: Miller-yes, Frank-yes, Lyon-yes, Chivens-yes, Enns-yes

VOTE 5-0 Motion passed

8. DISCUSSION AND CONSIDERATION TO RECERTIFY THE CAYUCOS SANITARY DISTRICT'S 2021 SEWER SYSTEM MANAGEMENT PLAN (SSMP)

Manager Koon presented the 2021 SSMP to the Board. Directors Lyon and Miller commended the efforts that went into the production of the document.

President Enns opened the meeting to Public Comment.

John Curti questioned if the SSMP gets submitted to a higher authority, and if so, wondered if it ever gets returned with suggested revisions.

Hearing no further comment, President Enns closed Public Comment.

Manager Koon answered that while it is strictly an internal document, in the event an accident occurs, the District will have to provide its SSMP and demonstrate that its protocols and procedures were being followed.

MOTION: 1st by Lyon, to recertify The Cayucos Sanitary District's 2021 SSMP. Motion was seconded by Chivens.

ROLLCALL VOTE: Lyon-yes, Chivens-yes, Miller-yes, Frank-yes, Enns-yes

VOTE 5-0 Motion passed

9. BOARD MEMBER COMMENTS

This item provides the opportunity for Board members to make brief announcements and/or briefly report on their own activities related to District business.

Manager Koon and the Board discussed the recent meeting of District and City of Morro Bay representatives where concerns regarding the old WWTP in Morro Bay were preliminarily reviewed. While the decommission, demolition and restoration of the site are leading concerns for both parties, efforts are currently focused on conceptualization.

President Enns opened the meeting to Public Comment.

John Curti wondered if the City of Morro Bay gave a reason as to why their new plant won't be up and running for another 2-2.5 years, what the final use of the property will be after it's decommissioned, what will happen to the valuable jointly owned items, and also asked if there are there any environmental liabilities/if the land will be rezoned.

Hearing no further comment, President Enns closed Public Comment.

Manager Koon answered that they did not discuss the details of Morro Bay's timeline nor the final use of the property after it's decommissioned. Likewise, they do not yet know what will happen to jointly owned assets and potential environmental liabilities have not yet been assessed. He reiterated the Coastal Commission's sentiment that the first step is decommissioning the plant, and these kinds of details will follow.

Director Frank asked for an update on the solar field. Manager Koon stated that the new estimated completion date is August of 2022 due to delays originated by PG&E.

10. FUTURE SCHEDULED MEETINGS

- November 18, 2021 – Regular Board Meeting
- December 16, 2021 – Regular Board Meeting
- January 20, 2022 – Regular Board Meeting

11. ADJOURNMENT

The meeting adjourned at 5:41 p.m.

Minutes Respectfully Submitted By:

X *Amy Lessi*

Amy Lessi
Administrative Services Manager

**Cayucos Sanitary District
General Checking Account
(Payments Only)
October 2021**

AGENDA ITEM: 3.B.1

DATE: Nov. 18, 2021

Date	Num	Name	Amount
10/01/2021	DD10012101	COLLINS, JONATHAN W	0.00
10/01/2021	DD10012103	GOOD, GAYLE	0.00
10/01/2021	DD10012104	HOOPER, SARAH L	0.00
10/01/2021	DD10012105	KOON, RICHARD L	0.00
10/01/2021	DD10012106	LAKEY, NICK E	0.00
10/01/2021	DD10012107	LESSI, AMY M	0.00
10/01/2021	DD10012108	OWENS, JUSTIN D	0.00
10/01/2021	DD10012109	WINN, CHRISTOPHER M	0.00
10/01/2021	22519	LYON, SHIRLEY A	-136.73
10/01/2021	22518	ENNS, ROBERT	-136.72
10/01/2021	22517	CHIVENS, DAN P	-91.15
10/01/2021	DD10012102	FRANK, ROBERT W	0.00
10/01/2021	EDD10012021	EDD	-1,644.85
10/01/2021	FED10012021	US TREASURY	-6,755.26
10/01/2021	PERS100121	CALPERS (RETIREMENT)	-3,029.03
10/01/2021	DEF100121	CALPERS (RETIREMENT)	-1,375.00
10/01/2021	22524	CAYUCOS SANITARY DISTRICT WELLS FARGO ACT	-1,136.28
10/01/2021	22480	POSTMASTER	-681.73
10/04/2021	B2127719562	ALLIED ADMINISTRATORS FOR DELTA DENTAL	-707.47
10/05/2021	HLTH100521	CALPERS (HEALTH)	-13,233.70
10/05/2021	22533	CAYUCOS BEACH MUTUAL WATER CO. #2	-130.38
10/05/2021	22526	GRAINGER	-1,686.12
10/05/2021	22527	KITZMAN WATER	-54.95
10/05/2021	22528	MISSION UNIFORM SERVICE	-74.80
10/05/2021	22529	PG&E LS#4	-368.88
10/05/2021	22530	PG&E LS#5	-8.21
10/05/2021	22531	QUICK TECH COMPUTERS	-1,480.00
10/05/2021	22532	STREAMLINE	-200.00
10/06/2021	22534	ABALONE COAST ANALYTICAL, INC.	-1,626.00
10/06/2021	22535	ALPHA FIRE & SECURITY ALARM CORP	-105.00
10/06/2021	22536	CAYUCOS BEACH MUTUAL WATER CO. #1	-117.02
10/06/2021	22537	CAYUCOS SANITARY DISTRICT	-294.00
10/06/2021	22538	CHARTER INTERNET	-934.05
10/06/2021	22539	EXXONMOBIL	-554.64
10/06/2021	22540	MISSION UNIFORM SERVICE	-74.80
10/06/2021	22541	MORRO ROCK MUTUAL WATER CO. UTILITY 782	-84.68
10/06/2021	22542	OILFIELD ENVIRONMENTAL & COMPLIANCE, INC.	-556.00
10/06/2021	22543	SLOCTC ASH	-118.48
10/06/2021	22544	STAPLES ADVANTAGE (Gov. Acct)	-53.65
10/06/2021	22545	WELLS FARGO VENDOR FIN SERV	-213.43
10/06/2021	22546	CARMEL & NACCASHA, LLP	-2,373.17
10/07/2021	22547	GRAINGER	-237.05
10/07/2021	22548	PG&E LS#1	-418.94
10/07/2021	22549	STATE WATER RESOURCES CONTROL BOARD	-110.00
10/08/2021	22550	PG&E LS#2	-783.90
10/08/2021	22551	PG&E LS#3	-118.98
10/08/2021	22552	PG&E LS#5 - NEW	-2,072.01
10/08/2021	22553	PG&E OFFICE	-180.57
10/08/2021	22554	PG&E TORO - PLANT	-17,094.39
10/08/2021	22555	PG&E WELL	-11.31
10/11/2021	22556	CALNET3	-421.92
10/11/2021	22557	WATER SYSTEMS CONSULTING, INC.	-27,841.25
10/12/2021		Mechanic's Bank	-316.11
10/13/2021	22563	KATHERINE L. WAKI, CSR	-8,103.00
10/13/2021	22564	HOOPER, SARAH L	-144.79
10/13/2021	22565	CSA 10A SLO CO PW LS#3	-187.59
10/13/2021	22566	CSA 10A SLO CO PW LS#4	-187.59

Date	Num	Name	Amount
10/13/2021	22567	PRO3 AUTOMATION, INC.	-1,100.00
10/14/2021		QuickBooks Payroll Service	-18,720.02
10/15/2021	DD10152101	COLLINS, JONATHAN W	0.00
10/15/2021	DD10152103	GOOD, GAYLE	0.00
10/15/2021	22561	ENNS, ROBERT	-91.15
10/15/2021	22562	LYON, SHIRLEY A	-91.15
10/15/2021	DD10152104	HOOPER, SARAH L	0.00
10/15/2021	DD10152105	KOON, RICHARD L	0.00
10/15/2021	DD10152106	LAKEY, NICK E	0.00
10/15/2021	DD10152107	LESSI, AMY M	0.00
10/15/2021	DD10152108	OWENS, JUSTIN D	0.00
10/15/2021	DD10152109	WINN, CHRISTOPHER M	0.00
10/15/2021	22560	CHIVENS, DAN P	-91.15
10/15/2021	DD10152102	FRANK, ROBERT W	0.00
10/15/2021	EDD10152021	EDD	-1,646.81
10/15/2021	FED10152021	US TREASURY	-6,782.16
10/15/2021	PERS101521	CALPERS (RETIREMENT)	-3,029.03
10/15/2021	DEF101521	CALPERS (RETIREMENT)	-1,375.00
10/15/2021	22568	OILFIELD ENVIRONMENTAL & COMPLIANCE, INC.	-320.00
10/18/2021	22558	PATHIAN ADMINISTRATORS	-186.15
10/18/2021	22569	ADVANTAGE ANSWERING PLUS	-98.35
10/18/2021	22570	AERZEN USA CORP.	-563.27
10/18/2021	22571	BRENNTAG PACIFIC, INC.	-1,018.05
10/18/2021	22572	CSDA	-7,615.00
10/18/2021	22573	ERNEST PACKAGING SOLUTIONS	-84.75
10/18/2021	22574	FIRSTNET (AT&T)	-371.20
10/18/2021	22575	HACH	-81.70
10/18/2021	22576	SDRMA	-42,520.87
10/20/2021	22577	MINER'S ACE HARDWARE	-303.07
10/25/2021	22578	BUSINESS CARD 4841	-674.30
10/25/2021	22579	BUSINESS CARD 8913	-1,763.22
10/25/2021	22580	EXECUTIVE JANITORIAL	-225.00
10/25/2021	22581	OILFIELD ENVIRONMENTAL & COMPLIANCE, INC.	-303.00
10/25/2021	22582	POLYDYNE INC.	-3,751.88
10/25/2021	22583	STATE WATER RESOURCES CONTROL BOARD	-1,091.50
10/27/2021	22587	COASTAL COPY, INC	-39.80
10/27/2021	22588	COASTAL ROLL OFF SERVICE	-7,409.04
10/27/2021	22589	MISSION UNIFORM SERVICE	-239.60
10/27/2021	22590	SOCAL GAS	-29.18
10/27/2021	22591	WELLS FARGO VENDOR FIN SERV	-174.00
10/28/2021		QuickBooks Payroll Service	-18,823.33
10/29/2021	DD10292101	COLLINS, JONATHAN W	0.00
10/29/2021	DD10292103	GOOD, GAYLE	0.00
10/29/2021	DD10292104	HOOPER, SARAH L	0.00
10/29/2021	DD10292105	KOON, RICHARD L	0.00
10/29/2021	DD10292106	LAKEY, NICK E	0.00
10/29/2021	DD10292107	LESSI, AMY M	0.00
10/29/2021	DD10292109	OWENS, JUSTIN D	0.00
10/29/2021	DD10292110	WINN, CHRISTOPHER M	0.00
10/29/2021	22585	ENNS, ROBERT	-136.73
10/29/2021	22586	LYON, SHIRLEY A	-136.72
10/29/2021	22584	CHIVENS, DAN P	-91.15
10/29/2021	DD10292102	FRANK, ROBERT W	0.00
10/29/2021	DD10292108	MILLER, HANNAH P	0.00
10/29/2021	EDD10292021	EDD	-1,651.99
10/29/2021	FED10292021	US TREASURY	-6,797.88
10/29/2021	PERS102921	CALPERS (RETIREMENT)	-3,029.03
10/29/2021	DEF102921	CALPERS (RETIREMENT)	-1,375.00
10/31/2021	13503727739	COLONIAL LIFE INSURANCE PREMIUMS	-78.87
Total Operating Expenses			-\$232,175.68

**Cayucos Sanitary District
CIP/CSWP Account
(Payments Only)
October 2021**

AGENDA ITEM: <u>3.B.1a</u>
DATE: <u>Nov. 18, 2021</u>

Date	Num	Name	Amount
10/06/2021	11489	CARMEL & NACCASHA, LLP	-1,248.51
10/06/2021	11490	SOUZA CONSTRUCTION, INC.	-69,901.00
10/07/2021	11491	FILIPPIN ENGINEERING, INC.	-2,882.50
10/11/2021	11492	WATER SYSTEMS CONSULTING, INC.	-12,527.80
10/11/2021	11493	WATER SYSTEMS CONSULTING, INC.	-17,815.00
10/12/2021		Wells Fargo Bank	-27.46
10/15/2021	11494	QUINN COMPANY	-77,668.31
10/18/2021	11495	SOUZA CONSTRUCTION, INC.	-638,555.80
Total CIP Expenses			-\$820,626.38

**Cayucos Sanitary District
CSWP Construction Account
(Payments Only)
October 2021**

AGENDA ITEM: 3.B.1b

DATE: Nov. 18, 2021

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Amount</u>
10/13/2021		Wells Fargo Bank	57.35
10/28/2021		Cushman Constructing Corp.	135,850.00
		Total CSWP Construction Expenses	\$135,850.00

Cayucos Sanitary District Cash, Savings and Investment Report October 2021

AGENDA ITEM: 3.B.2
DATE: Nov. 18, 2021

Bank Accounts	Current Balance	
Mechanic's Bank Checking	\$237,634	
Wells Fargo CIP	\$883,355	
Wells Fargo Savings (CFF)	\$205,257	
Mechanic's Bank - USDA	\$338,864	
Petty Cash	\$175	
LAIF	\$8,469	
Total	\$1,673,754	
CSWP Project/Asset Accounts		
WF CSWP Constr. Oper. Acct.	\$25,789	
WF CSWP Constr. Impound Acct.	\$0	
Total	\$25,789	
Investments		
CalTrust	\$1,680,176	
Cetera Cash/MM	\$747,210	
Cetera Treasury/Securities	\$69,808	(Fixed Income)
Total	\$2,497,193	
Grand Total	\$4,196,737	
MCD Rabobank Deposit CD	\$25,000	Franchise Deposit on Hold

**Cayucos Sanitary District
FY 21/22 Financial Report
October 2021**

AGENDA ITEM: 3.B.3

DATE: Nov 18, 2021

	Current Month	YTD Actual Rev/Exp	YTD Budget	Approved Budget 21/22	% of Budget
Ordinary Income/Expense					
Income					
4000 · SEWER INCOME	275,983	1,056,069	1,020,383	3,061,150	34%
4100 · WILL SERVE INCOME	350	25,380	11,733	35,200	72%
4200 · RENTAL INCOME			12,933	38,800	0%
4300 · SOLID WASTE INCOME	2,242	30,565	29,867	89,600	34%
4400 · SLOCO TAX ASSESSMENTS	91,596	113,925	339,467	1,018,400	11%
4500 · SAVINGS INTEREST INCOME	8	21	33	100	21%
4600 · INVESTMENT INTEREST	754	3,023	6,167	18,500	16%
4700 · OTHER INCOME			1,533	4,600	0%
Total Income	<u>370,933</u>	<u>1,228,983</u>	<u>1,422,117</u>	<u>4,266,350</u>	<u>29%</u>
Expense					
5000 · PAYROLL EXPENSES					
5100 · ADMINISTRATIVE PAYROLL	41,232	122,151	116,967	350,900	35%
5200 · COLLECTIONS PAYROLL	16,783	48,815	65,150	195,450	25%
5300 · TREAT PAYROLL	26,978	81,761	66,750	200,250	41%
5400 · DIRECTOR PAYROLL	1,500	2,500	2,667	8,000	31%
5500 · VESTED PAYROLL BENEFITS	429	1,716	1,800	5,400	32%
5600 · ADMIN PAYROLL TAXES & BENEFITS	8,723	53,522	46,233	138,700	39%
5700 · COLL PAYROLL TAXES & BENEFITS	8,593	48,690	37,900	113,700	43%
5800 · TREAT PAYROLL TAXES & BENEFITS	5,720	36,977	24,500	73,500	50%
5900 · DIRECTOR PAYROLL TAXES & BENEFITS	115	191	167	500	38%
Total 5000 · PAYROLL EXPENSES	<u>110,073</u>	<u>396,323</u>	<u>362,133</u>	<u>1,086,400</u>	<u>36%</u>
6000 · OPERATING EXPENSES					
6050 · SPECIAL PROJECTS	-	-	4,333	13,000	0%
6100 · ADMIN OPERATING EXPENSES	23,643	369,214	437,400	1,312,200	28%
6500 · COLLECTIONS OPERATING EXPENSES	4,613	29,309	71,067	213,200	14%
7000 · TREATMENT OPERATING EXPENSES	77,963	240,385	479,433	1,438,300	17%
Total 6000 · OPERATING EXPENSES	<u>106,219</u>	<u>638,909</u>	<u>992,233</u>	<u>2,976,700</u>	<u>21%</u>
Total Expense	<u>216,292</u>	<u>1,035,231</u>	<u>1,354,367</u>	<u>4,063,100</u>	<u>25%</u>
Net Ordinary Income	<u>154,641</u>	<u>193,751</u>	<u>67,750</u>	<u>203,250</u>	
Net Income	<u><u>154,641</u></u>	<u><u>193,751</u></u>	<u><u>67,750</u></u>	<u><u>203,250</u></u>	

**Cayucos Sanitary District
Capital Improvement Projects Report
FY 21/22
October 2021**

AGENDA ITEM: <u>3.B.4</u>
DATE: <u>Nov. 18, 2021</u>

	Current Month	YTD Actual Rev/Exp	Approved Budget 21/22 Amended Aug 19, 2021	Percent Used YTD
CAPITAL IMPROVEMENTS				
1601 - Sewer Main Replacements	0.00	0.00	25,000.00	0%
1601.02 - Chaney to LS #5	0.00	0.00	35,000.00	0%
1615 - Outfall Tie-In	0.00	3,932.50	45,000.00	9%
1616 - RWQCB Recycled Water Program	0.00	0.00	20,000.00	0%
1650 - WRRF Improvements				
1650.1 - Forklift	77,668.31	77,668.31	75,000.00	104%
Total 1600 CAPITAL IMPROVEMENTS	\$77,668.31	\$81,600.81	\$200,000.00	41%



AGENDA ITEM: 4.A

DATE: November 18, 2021

CAYUCOS SANITARY DISTRICT

TO: BOARD OF DIRECTORS

FROM: RICK KOON
DISTRICT MANAGER

SUBJECT: MONTHLY MANAGERS REPORT: OCTOBER 2021

DATE: NOVEMBER 10, 2021

ADMINISTRATIVE:

- The District continues with COVID -19 protection protocols for all employees as required by Cal-OSHA, state and local directives.
- Staff provided information for the Collection Fee Study.
- Staff is continuing to research and identify easement encroachments.
- Collections staff have responded to 3 possible blockages. Only one was within our mainline. We have increased our jetting in preparation for the holidays.
- Legal counsel has provided staff with a memo on how the new California ADU bill affects the District's Connection Fee Schedule and EDUs.
- In order to comply with AB 361 the Board will need to pass another resolution at its December meeting to continue with remote meetings. Additionally, the Board will have to hold a Special Meeting prior to the regularly scheduled January meeting so as not to exceed the 30-day provision of AB 361.

CAPITAL PROJECTS:

- The WRRF continued to function well during the last two rain events.
- We received the Cat 259d skid steer.
- We issued a check for the last portion of Cushman retention.
- Knowles Construction is planning to do the maintenance repair on Hacienda to replace a section of broken pipe within next month, weather permitting.

OPERATIONS AND MAINTENANCE

October 2021

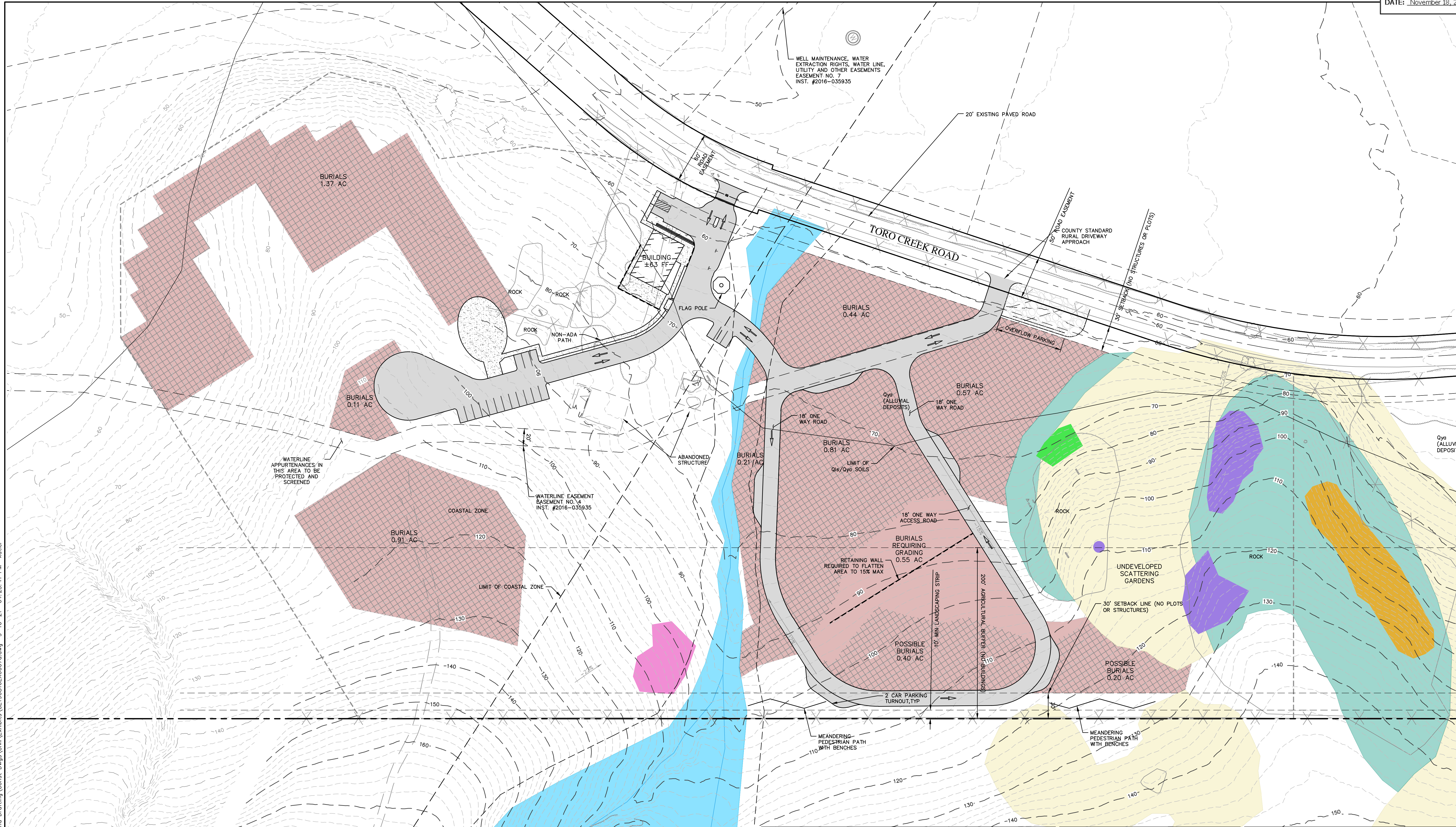
CIP:

Daily Operations of Note:

- Pump down, scrape, and bleach wet wells, test backup generators
- Wash bio basins, clean screw press
- Test all alarms at lift stations
- Exercise generators
- Target Solutions Training for SDRMA
- Respond to 45 Underground Service Alerts
- Jet 3177'
- Clean and polish stainless steel cabinets at lift stations
- Test battery capacities of standby and portable generator
- Locate and mark wye connections for corner lot at Cass / 13th St
- Install eye wash station at Lift Station 5
- Adjust high water floats and start points at Lift Station 5
- Signed up for Confined Space Entry Training
- Receive 259d3 from Quinn CAT
- Begin cleaning up WRRF property and mowing with 259d3
- 45 tons of non-spec road base spread out at WRRF bone yard with 259d3
- Change oil on permeate pump 3 and all RAS pumps
- Fine tune pump and float configurations at Lift Station 5
- Begin planning for winter 21/22 I&I study

Call Outs:

- 10/25/2021 – NL – Lift Station 5 power failure
- 10/31/2021-JC/JO – Water main break reported as a category 1 SSO at 3017 Ocean Blvd.



NOTES
 1. AGRICULTURAL BUFFER DISTANCE PER MAY 11, 2020 PRE APPLICATION MEETING. DISTANCE COULD VARY, 50-600'.

LEGEND
 EXISTING CONTOURS PER AERIAL SURVEY, 2' & 10' INTERVALS
 PROJECT LIMITS
 SETBACK
 PROPERTY LINE
 CENTERLINE
 RIGHT-OF-WAY
 FENCE
 TREE

LEGEND
 BURIAL AREA
 5.0 ACRE TOTAL
 (LESS THAN 15% SLOPE)
 TOTAL BUILTOUT BURIAL AREA
 5.6 ACRE TOTAL
 (LESS THAN 20% SLOPE)

Common Name, CRPR
 Cambria morning glory, 4.2
 Club haired mariposa lily, 4.3
 Palmer's spinneflower, 4.2
 San Luis Obispo owl's-clover, 1B.2

Habitat Type
 Ephemeral drainage
 Nodding needlegrass grassland (Sensitive Natural Community by CDFW)
 Serpentine outcrop (Sensitive Natural Community by CDFW)

REV. NO	DATE	REVISED	DESTROY ALL PRINTS BEARING EARLIER DATE	REV. BY	CKD. BY	APRD BY

1050 Southwood Drive
 San Luis Obispo, CA 93401
 P 805.544.7407 F 805.544.3863

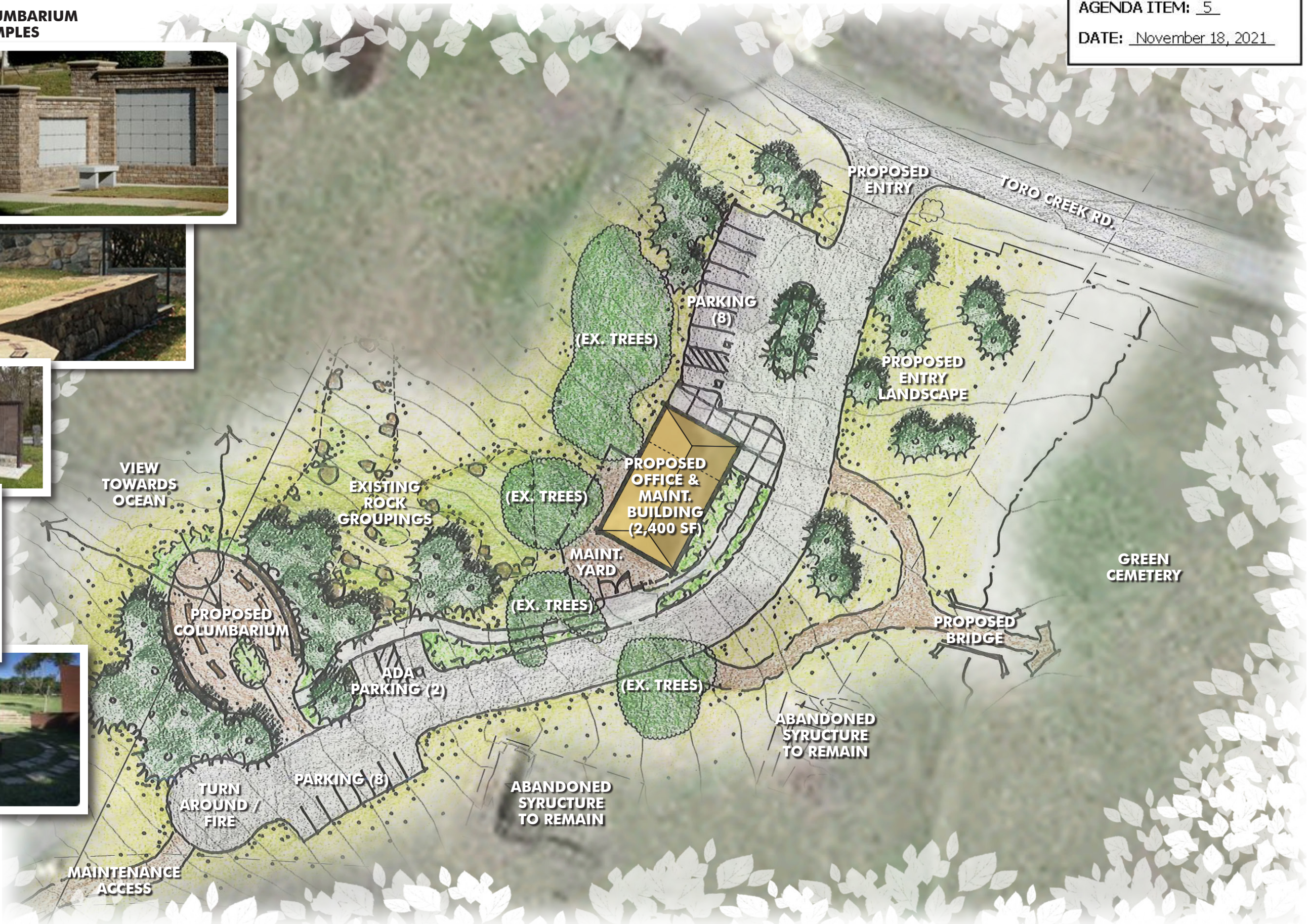
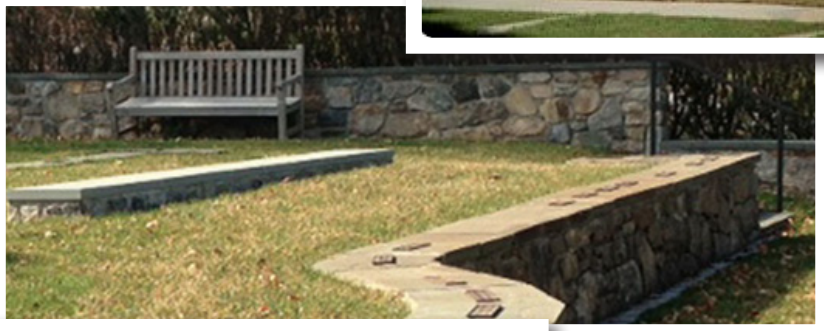
THESE DRAWINGS ARE INSTRUMENTS OF SERVICE AND ARE THE PROPERTY OF CANNON. ALL DESIGNS AND INFORMATION ON THESE DRAWINGS ARE FOR USE OF THE SPECIFIED PROJECT AND SHALL NOT BE USED OTHERWISE OR REPRODUCED WITHOUT THE EXPRESSED WRITTEN PERMISSION OF CANNON.

**CAYUCOS MORRO BAY CEMETERY DISTRICT
 SITE EXPANSION
 SITE PLAN V2
 COUNTY OF SAN LUIS OBISPO**

DRAWN BY SEM	DATE 9/16/2021	CA JOB NO. 190816
CHECKED BY	SCALE 1" = 50'	SHEET 1 OF 1

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**COLUMBARIUM
EXAMPLES**



RESOLUTION 2021-07

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE CAYUCOS SANITARY DISTRICT MAKING
FINDINGS IN ACCORDANCE WITH AB 361 AND GOVERNMENT
CODE SECTION 54953(e), AUTHORIZING REMOTE TELECONFERENCE MEETINGS
OF THE LEGISLATIVE BODIES OF THE CAYUCOS SANITARY DISTRICT**

WHEREAS, on March 4, 2020 Governor Newsom declared a State of Emergency in the State of California pursuant to Government Code Section 8625 as a result of the threat of the Coronavirus (COVID-19) pandemic; and

WHEREAS, subsequently, in March 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Orders N-25-20 and N-29-20. These orders suspended certain elements of the Brown Act and specifically allowed for legislative bodies as defined by the Brown Act to hold their meetings entirely electronically with no physical meeting place. On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which provided that the provisions in Executive Order N-29-20 suspending certain elements of the Brown Act would continue to apply through September 30, 2021; and

WHEREAS, on September 16, 2021 Governor Newsom signed AB 361, which added subsection (e) to Government Code section 54953 of the Brown Act, and makes provision for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition of AB 361 is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the State caused by conditions as described in Government Code section 8558; and

WHEREAS, there has been a significant increase in COVID-19 cases in San Luis Obispo County due primarily to the Delta variant of SARS-CoV-2, the virus that causes COVID-19. Emerging evidence indicates that the Delta variant is far more transmissible than prior variants of the virus, may cause more severe illness, and that even fully vaccinated individuals can spread the virus to others; and

WHEREAS, the Board of Directors now desires to adopt a Resolution finding that the requisite conditions exist for the legislative bodies of the Cayucos Sanitary District, as defined in the Brown Act, to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Cayucos Sanitary District as follows:

1. The above recitals are true, correct and are incorporated herein by this reference.

2. The Board of Directors of the Cayucos Sanitary District hereby determines that as a result of the proclaimed State of Emergency in California due to the COVID-19 pandemic, and its continued spread in San Luis Obispo County and Cayucos through the Delta variant of SARS-CoV-2, which is far more transmissible than prior variants of the virus, may cause more severe illness, and that even fully vaccinated individuals can spread the virus to others, holding meetings in person would present imminent risks to the health or safety of attendees.

3. The District Manager and legislative bodies of the Cayucos Sanitary District are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, continuing to conduct open and public remote teleconferencing meetings in accordance with the requirements of Government Code section 54953(e) and other applicable provisions of the Brown Act.

4. This Resolution shall take effect immediately upon its adoption and shall be effective for thirty (30) days after its adoption, subject to being extended for an additional 30 day period by the Board of Directors adoption of a subsequent resolution in accordance with Government Code section 54953(e)(3) to further extend the time during which the legislative bodies of the Cambria Community Services District may continue to teleconference without compliance with paragraph (3) of subdivision (b) of Government Code section 54953.

PASSED AND ADOPTED this 18th day of November, 2021.

Ayes:
 Nays:
 Absent:
 Abstain:

Robert Enns, President
 Board of Directors

ATTEST:

APPROVED AS TO FORM:

Rick Koon
 District Manager

Timothy J. Carmel
 District Counsel



AGENDA ITEM: 7

DATE: November 18, 2021

CAYUCOS SANITARY DISTRICT

TO: BOARD OF DIRECTORS

FROM: RICK KOON, DISTRICT MANAGER

DATE: NOVEMBER 12, 2021

SUBJECT: PUBLIC HEARING FOR ORDINANCE #30 ESTABLISHING AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE CAYUCOS SANITARY DISTRICT ADOPTING MANDATORY ORGANIC WASTE DISPOSAL REDUCTION REGULATIONS TO COMPLY WITH THE REQUIREMENTS OF SENATE BILL 1383

- A. OPEN PUBLIC HEARING
- B. CLOSED PUBLIC HEARING
- C. CONSIDERATION TO ADOPT ORDINANCE #30 ESTABLISHING AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE CAYUCOS SANITARY DISTRICT ADOPTING MANDATORY ORGANIC WASTE DISPOSAL REDUCTION REGULATIONS TO COMPLY WITH THE REQUIREMENTS OF SB 1383

DISCUSSION:

SB 1383, the Short-Lived Climate Pollutant Reduction Act of 2016, requires CalRecycle to develop regulations to reduce organic waste as a source of methane in landfills. The regulations place requirements on multiple entities including jurisdictions, residential households, multi-family premises, commercial businesses, commercial edible food generators, haulers, self-haulers, food recovery organizations, and food recovery services to support achievement of the SB 1383 Statewide Organic Waste Disposal Reduction Targets.

SB 1383 also requires jurisdictions to adopt and enforce an ordinance or enforceable mechanism to implement relevant provisions of SB 1383 regulations. This ordinance will also help reduce food insecurity by requiring commercial edible food generators to arrange to have their edible food (that would otherwise be disposed of) recovered for human consumption.

Although all agencies are required to adopt SB 1383 by January 1, 2022, SB 619 was recently signed by the governor and allows some relief by delaying penalties for jurisdictions that are out-of-compliance after January 1, 2022.

CalRecycle will require additional information from each out-of-compliance jurisdiction to prove “substantial effort” was made toward meeting SB 1383. They define substantial effort as when a jurisdiction has done everything within its authority and ability to comply. Substantial effort does not include circumstances where a decision-making body of a jurisdiction fails to take the necessary steps to comply and:

- Fails to provide adequate staff resources to meet its obligations, or
- Fails to provide sufficient funding to meet its obligations, or
- Fails to adopt the ordinances(s) or similarly enforceable mechanisms.

SB 1383 contains two types of waivers:

The first is for jurisdictions with less than 75 persons per square mile (Cayucos does not qualify).

The second is for jurisdictions that did not produce and deliver over 5,000 tons to their local landfill per year. In 2014, Cayucos only delivered 2,100 tons, but the IWMA only reported to CalRecycle the aggregate 2014 total tonnage for all jurisdictions within the County, and CalRecycle says that Cayucos does not qualify for a waiver. Regardless of this oversight, staff feels it is important to proceed with the waiver and have on record a denial from CalRecycle to be able to distribute to our rate payers.

Staff is also reviewing the proposed rate increase from Mission Country Disposal (MCD). In order to comply with the additional waste generated because of SB 1383, MCD is proposing a rate increase of 45.6% for Cayucos.

RECOMMENDATION:

Staff recommends that the Board of Directors discuss and consider adoption of Ordinance #30 Establishing an Ordinance of the Board of Directors of the Cayucos Sanitary District Adopting Mandatory Organic Waste Disposal Reduction Regulations to Comply with the Requirements of Senate Bill 1383.

ORDINANCE NO. 30

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE
CAYUCOS SANITARY DISTRICT ADOPTING
MANDATORY ORGANIC WASTE DISPOSAL REDUCTION
REGULATIONS TO COMPLY WITH THE REQUIREMENTS
OF SB 1383**

WHEREAS, the Cayucos Sanitary District (the “District”) is duly formed under Health and Safety Code Section 6400 et seq. and is authorized to provide garbage collection and disposal services (solid waste) to its residents within its boundaries, and Health and Safety Code Section 6521 expressly empowers the District to may make and enforce all necessary and proper regulations for the removal of garbage; and

WHEREAS, State recycling law, Assembly Bill 939 of 1989, the California Integrated Waste Management Act of 1989 (California Public Resources Code Section 40000, et seq., as amended, supplemented, superseded, and replaced from time to time), requires cities, counties and districts to reduce, reuse, and recycle (including composting) Solid Waste generated in their jurisdiction to the maximum extent feasible before any incineration or landfill disposal of waste, to conserve water, energy, and other natural resources, and to protect the environment; and

WHEREAS, State recycling law, Assembly Bill 341 of 2011 (approved by the Governor of the State of California on October 5, 2011, which amended Sections 41730, 41731, 41734, 41735, 41736, 41800, 42926, 44004, and 50001 of, and added Sections 40004, 41734.5, and 41780.01 and Chapter 12.8 (commencing with Section 42649) to Part 3 of Division 30 of, and added and repealed Section 41780.02 of, the Public Resources Code, as amended, supplemented, superseded and replaced from time to time), places requirements on Commercial Businesses and Multi-Family Premises that generate a specified threshold amount of Solid Waste to arrange for recycling services and requires jurisdictions to implement a mandatory Commercial recycling program; and

WHEREAS, State Organics Materials recycling law, Assembly Bill 1826 of 2014 (approved by the Governor of the State of California on September 28, 2014, which added Chapter 12.9 (commencing with Section 42649.8) to Part 3 of Division 30 of the Public Resources Code, relating to Solid Waste, as amended, supplemented, superseded, and replaced from time to time), requires Commercial Businesses and Multi-Family Premises that generate a specified threshold amount of Solid Waste, Recyclable Materials, and Organic Materials per week to arrange for recycling services for that waste, requires jurisdictions to implement a recycling program to divert Organic Materials from Commercial Businesses and Multi-Family Premises subject to the law, and requires jurisdictions to implement a mandatory Commercial Organic Materials recycling program; and

WHEREAS, SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires CalRecycle to develop regulations to reduce Organic Waste in landfills as a source of

methane. The regulations place requirements on multiple entities including jurisdictions, residential households, Multi-Family Premises, Commercial Businesses, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Organizations, and Food Recovery Services to support achievement of the SB 1383 statewide Organic Waste disposal reduction targets; and

WHEREAS, SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires jurisdictions to adopt and enforce an ordinance or enforceable mechanism to implement relevant provisions of SB 1383 Regulations. This ordinance will also help reduce food insecurity by requiring Commercial Edible Food Generators to arrange to have the maximum amount of their Edible Food, that would otherwise be disposed, be recovered for human consumption; and

WHEREAS, requirements in the attached regulations are consistent with other adopted goals and policies of the Cayucos Sanitary District; and

WHEREAS, the Board of Directors of the Cayucos Sanitary District now desires to adopt Mandatory Organic Waste Disposal Reduction Regulations to provide for the implementation of SB 1383.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE CAYUCOS SANITARY DISTRICT DOES ORDAIN AS FOLLOWS:

Section 1. The above recitals are true, correct, and are hereby incorporated herein by this reference.

Section 2. The Cayucos Sanitary District Mandatory Organic Waste Disposal Reduction Regulations are hereby adopted, as set forth in Exhibit A, which Exhibit is attached hereto and incorporated herein by this reference.

SECTION 3: If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unlawful, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The Board of Directors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unlawful.

SECTION 4: This Ordinance shall become effective thirty (30) days after the date of its adoption, and within fifteen (15) days after its adoption, it shall be posted in accordance with Section 6490 of the Health and Safety Code.

On motion of Director _____, seconded by Director _____,
and on the following roll call vote, to-wit:
AYES:

NOES:
ABSENT:

The foregoing Ordinance is hereby adopted this _____ day of _____, 2021.

CAYUCOS SANITARY DISTRICT

Robert B. Enns, President
Board of Directors

APPROVED AS TO CONTENT:

Rick Koon, District Manager

ATTEST:

, Deputy Clerk

APPROVED AS TO FORM:

Timothy J. Carmel, District Counsel

CAYUCOS SANITARY DISTRICT
MANDATORY ORGANIC WASTE DISPOSAL
REDUCTION REGULATIONS

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1 **Section 1 Purpose, Findings and Conflicting Provisions**

2 The Board of Directors of the Cayucos Sanitary District finds and declares:

- 3 (a) State recycling law, Assembly Bill 939 of 1989, the California Integrated Waste
4 Management Act of 1989 (California Public Resources Code Section 40000, et
5 seq., as amended, supplemented, superseded, and replaced from time to time),
6 requires cities, counties and districts to reduce, reuse, and recycle (including
7 composting) Solid Waste generated in their District to the maximum extent feasible
8 before any incineration or landfill disposal of waste, to conserve water, energy, and
9 other natural resources, and to protect the environment.
- 10 (b) State recycling law, Assembly Bill 341 of 2011 (approved by the Governor of the
11 State of California on October 5, 2011, which amended Sections 41730, 41731,
12 41734, 41735, 41736, 41800, 42926, 44004, and 50001 of, and added Sections
13 40004, 41734.5, and 41780.01 and Chapter 12.8 (commencing with Section
14 42649) to Part 3 of Division 30 of, and added and repealed Section 41780.02 of,
15 the Public Resources Code, as amended, supplemented, superseded and
16 replaced from time to time), places requirements on Commercial Businesses and
17 Multi-Family Premises that generate a specified threshold amount of Solid Waste
18 to arrange for recycling services and requires Districts to implement a mandatory
19 Commercial recycling program.
- 20 (c) State Organics Materials recycling law, Assembly Bill 1826 of 2014 (approved by
21 the Governor of the State of California on September 28, 2014, which added
22 Chapter 12.9 (commencing with Section 42649.8) to Part 3 of Division 30 of the
23 Public Resources Code, relating to Solid Waste, as amended, supplemented,
24 superseded, and replaced from time to time), requires Commercial Businesses
25 and Multi-Family Premises that generate a specified threshold amount of Solid
26 Waste, Recyclable Materials, and Organic Materials per week to arrange for
27 recycling services for that waste, requires Districts to implement a recycling
28 program to divert Organic Materials from Commercial Businesses and Multi-Family
29 Premises subject to the law, and requires Districts to implement a mandatory
30 Commercial Organic Materials recycling program.
- 31 (d) SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires
32 CalRecycle to develop regulations to reduce Organic Waste in landfills as a source
33 of methane. The regulations place requirements on multiple entities including
34 Districts, residential households, Multi-Family Premises, Commercial Businesses,
35 Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery
36 Organizations, and Food Recovery Services to support achievement of the SB
37 1383 statewide Organic Waste disposal reduction targets.
- 38 (e) SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires
39 Districts to adopt and enforce an Regulations or enforceable mechanism to
40 implement relevant provisions of SB 1383 Regulations. These Regulations will also
41 help reduce food insecurity by requiring Commercial Edible Food Generators to

42 arrange to have the maximum amount of their Edible Food, that would otherwise
43 be disposed, be recovered for human consumption.

44 (f) Requirements in these Regulations are consistent with other adopted goals and
45 policies of the Cayucos Sanitary District.

46 (g) Notwithstanding any provision to the contrary in any other code or regulation of the
47 District, the provisions of these Regulations shall control, and to the extent any
48 provision is in conflict with these Regulations, the provision in these Regulations
49 shall supersede any conflicting language and shall prevail.

50 **Section 2. Title of Regulations**

51 These Regulations shall be entitled “Mandatory Organic Waste Disposal Reduction
52 Regulations”.

53 **Section 3. Definitions**

54 (a) “Alternative Daily Cover (ADC)” has the same meaning as in Section 20690 of Title
55 27 of the California Code of Regulations.

56 (b) “Alternative Intermediate Cover (AIC)” has the same meaning as in Section 20700
57 of Title 27 of the California Code of Regulations.

58 (c) “Bulky Item” or “Bulky Waste” means discarded appliances (including
59 refrigerators), furniture, tires, carpets, mattresses, Yard Trimmings and/or wood
60 waste, and similar large items which can be handled by two (2) people, weigh no
61 more than two hundred (200) pounds, and require special collection due to their
62 size or nature, but can be collected without the assistance of special loading
63 equipment (such as forklifts or cranes) and without violating vehicle load limits.
64 Bulky Items must be generated by the customer and at the service address
65 wherein the Bulky Items are collected. Bulky Items do not include abandoned
66 automobiles, large auto parts, trees, construction and demolition debris, or items
67 herein defined as Excluded Waste.

68 (d) “CalRecycle” means California's Department of Resources Recycling and
69 Recovery, which is the Department designated with responsibility for developing,
70 implementing, and enforcing SB 1383 Regulations on Districts (and others).

71 (e) “California Code of Regulations” or “CCR” means the State of California Code of
72 Regulations. CCR references in these Regulations are preceded with a number
73 that refers to the relevant Title of the CCR (e.g., “14 CCR” refers to Title 14 of
74 CCR).

75 (f) “District Enforcement Official” means the District Manager or his or her authorized
76 person(s) who is/are partially or whole responsible for enforcing the Regulations.

- 77 (g) “Commercial Business” or “Commercial” means a firm, partnership, proprietorship,
78 joint-stock company, corporation, or association, whether for-profit or nonprofit,
79 strip mall, or industrial facility.
- 80 (h) “Commercial Edible Food Generator” includes a Tier One or a Tier Two
81 Commercial Edible Food Generator as defined in this Section 3 or as otherwise
82 defined in 14 CCR Section 18982(a)(73) and (a)(74). For the purposes of this
83 definition, Food Recovery Organizations and Food Recovery Services are not
84 Commercial Edible Food Generators pursuant to 14 CCR Section 18982(a)(7).
- 85 (i) “Community Composting” means any activity that Composts green material,
86 agricultural material, food material, and vegetative food material, alone or in
87 combination, and the total amount of feedstock and Compost on-site at any one
88 time does not exceed 100 cubic yards and 750 square feet, as specified in 14 CCR
89 Section 17855(a)(4); or, as otherwise defined by 14 CCR Section 18982(a)(8).
- 90 (j) “Compliance Review” means a review of records by the District to determine
91 compliance with these Regulations.
- 92 (k) “Compost” has the same meaning as in 14 CCR Section 17896.2(a)(4), (or any
93 variation thereof) includes a controlled biological decomposition of Organic
94 Materials yielding a safe and nuisance free Compost product.
- 95 (l) “Contractor” means the entity holding a franchise from the Cayucos Sanitary
96 District and means a person or entity whom the District has granted the privilege
97 of collecting and disposing of refuse, garbage, rubbish and other solid waste
98 produced within the limits of the District under the terms set out in the contractual
99 agreement, as amended. And is organized and operating under the laws of the
100 State and its officers, directors, employees, agents, companies, related-parties,
101 affiliates, subsidiaries, and subcontractors.
- 102 (m) Reserved.
- 103 (n) “Customer” means the Person whom Contractor submits its billing invoice to and
104 collects payment from for Collection services provided to a Premises. The
105 Customer may be either the Occupant or Owner of the Premises.
- 106 (o) “C&D” means construction and demolition debris.
- 107 (p) “Designated Waste” means non-Hazardous Waste which may pose special
108 Disposal problems because of its potential to contaminate the environment, and
109 which may be Disposed of only in Class II Disposal sites or Class III Disposal sites
110 pursuant to a variance issued by the California Department of Health Services.
111 Designated Waste consists of those substances classified as Designated Waste
112 by the State, in California Code of Regulations Title 23, Section 2522 as may be
113 amended from time to time.

- 114 (q) “Designee” means an entity that the District contracts with or otherwise arranges
 115 to carry out any of the District’s responsibilities of these Regulations as authorized
 116 in 14 CCR Section 18981.2. A Designee may be a government entity, a hauler, a
 117 private entity, or a combination of those entities.
- 118 (r) “Discarded Materials” means Recyclable Materials, Organic Materials, and Solid
 119 Waste placed by a Generator in a collection container and/or at a location for the
 120 purposes of collection excluding Excluded Waste.
- 121 (s) “District” means the Cayucos Sanitary District, which is a California Special District,
 122 a form of local government created by a local community to meet a specific need
 123 or needs, and all the territory lying within its boundaries as presently existing or as
 124 such boundaries may be modified from time to time.
- 125 (t) “Edible Food” means food intended for human consumption, or as otherwise
 126 defined in 14 CCR Section 18982(a)(18). For the purposes of these Regulations
 127 or as otherwise defined in 14 CCR Section 18982(a)(18), “Edible Food” is not Solid
 128 Waste if it is recovered and not discarded. Nothing in these Regulations or in 14
 129 CCR, Division 7, Chapter 12 requires or authorizes the Recovery of Edible Food
 130 that does not meet the food safety requirements of the California Health and Safety
 131 Code, including the California Retail Food Code.
- 132 (u) “Enforcement Action” means an action of the District or any other authorized
 133 agency to address non-compliance with these Regulations including, but not
 134 limited to, issuing administrative citations, fines, penalties, or using other remedies.
- 135 (v) “Excluded Waste” means Hazardous Substance, Hazardous Waste, Infectious
 136 Waste, Designated Waste, volatile, corrosive, medical waste, infectious, regulated
 137 radioactive waste, and toxic substances or material that facility operator(s), which
 138 receive materials from the District and its Generators, reasonably believe(s) would,
 139 as a result of or upon acceptance, transfer, processing, or disposal, be a violation
 140 of local, State, or Federal law, regulation, or Regulations, including: land use
 141 restrictions or conditions, waste that cannot be disposed of in Class III landfills or
 142 accepted at the facility by permit conditions, waste that in District, or its Designee’s
 143 reasonable opinion would present a significant risk to human health or the
 144 environment, cause a nuisance or otherwise create or expose District, or its
 145 Designee, to potential liability; but not including de minimis volumes or
 146 concentrations of waste of a type and amount normally found in Single-Family or
 147 Multi-Family Solid Waste after implementation of programs for the safe collection,
 148 processing, recycling, treatment, and disposal of batteries and paint in compliance
 149 with Sections 41500 and 41802 of the California Public Resources Code.
- 150 (w) “Food Distributor” means a company that distributes food to entities including, but
 151 not limited to, Supermarkets and Grocery Stores, or as otherwise defined in 14
 152 CCR Section 18982(a)(22).

- 153 (x) “Food Facility” has the same meaning as in Section 113789 of the Health and
154 Safety Code.
- 155 (y) “Food Recovery” means actions to collect and distribute food for human
156 consumption that otherwise would be disposed, or as otherwise defined in 14 CCR
157 Section 18982(a)(24).
- 158 (z) “Food Recovery Organization” means an entity that engages in the collection or
159 receipt of Edible Food from Commercial Edible Food Generators and distributes
160 that Edible Food to the public for Food Recovery either directly or through other
161 entities or as otherwise defined in 14 CCR Section 18982(a)(25), including, but not
162 limited to:
- 163 (1) A food bank as defined in Section 113783 of the Health and Safety Code;
- 164 (2) A nonprofit charitable organization as defined in Section 113841 of the
165 Health and Safety code; and,
- 166 (3) A nonprofit charitable temporary Food Facility as defined in Section 113842
167 of the Health and Safety Code.
- 168 A Food Recovery Organization is not a Commercial Edible Food Generator for the
169 purposes of these Regulations and implementation of 14 CCR, Division 7, Chapter
170 12 pursuant to 14 CCR Section 18982(a)(7).
- 171 If the definition in 14 CCR Section 18982(a)(25) for Food Recovery Organization
172 differs from this definition, the definition in 14 CCR Section 18982(a)(25) shall
173 apply to these Regulations.
- 174 (aa) “Food Recovery Service” means a person or entity that collects and transports
175 Edible Food from a Commercial Edible Food Generator to a Food Recovery
176 Organization or other entities for Food Recovery, or as otherwise defined in 14
177 CCR Section 18982(a)(26). A Food Recovery Service is not a Commercial Edible
178 Food Generator for the purposes of these Regulations and implementation of 14
179 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).
- 180 (bb) “Food Scraps” means those Discarded Materials that will decompose and/or
181 putrefy including: (i) all kitchen and table Food Waste; (ii) animal or vegetable
182 waste that is generated during or results from the storage, preparation, cooking or
183 handling of food stuffs; (iii) fruit waste, grain waste, dairy waste, meat, and fish
184 waste; and, (iv) vegetable trimmings, houseplant trimmings and other
185 Compostable Organic Waste common to the occupancy of Residential dwellings.
186 Food Scraps are a subset of Food Waste. Food Scraps excludes fats, oils, and
187 grease when such materials are Source Separated from other Food Scraps.
- 188 (cc) “Food Service Provider” means an entity primarily engaged in providing food
189 services to institutional, governmental, Commercial, or industrial locations of

- 190 others based on contractual arrangements with these types of organizations, or as
191 otherwise defined in 14 CCR Section 18982(a)(27).
- 192 (dd) "Food-Soiled Paper" is compostable paper material that has come in contact with
193 Food Scraps or liquid, such as, but not limited to, compostable paper plates,
194 napkins, and pizza boxes.
- 195 (ee) "Food Waste" means Source Separated Food Scraps and Food-Soiled Paper.
- 196 (ff) "Food Waste Self-Hauler" means a Self-Hauler who generates and hauls, utilizing
197 their own employees and equipment, an average of one cubic yard or more per
198 week, or 6,500 pounds or more per quarter of their own Food Waste to a location
199 or facility that is not owned and operated by that Self-Hauler. Food Waste Self-
200 Haulers are a subset of Self-Haulers.
- 201 (gg) "Generator" means a person or entity that is responsible for the initial creation of
202 one or more types of Discarded Materials.
- 203 (hh) "Grocery Store" means a store primarily engaged in the retail sale of canned food;
204 dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area
205 that is not separately owned within the store where the food is prepared and
206 served, including a bakery, deli, and meat and seafood departments, or as
207 otherwise defined in 14 CCR Section 18982(a)(30).
- 208 (ii) "Hauler Route" means the designated itinerary or sequence of stops for each
209 segment of the District's collection service area, or as otherwise defined in 14 CCR
210 Section 18982(a)(31.5).
- 211 (jj) "Hazardous Substance" means any of the following: (a) any substances defined,
212 regulated or listed (directly or by reference) as "Hazardous Substances",
213 "hazardous materials", "Hazardous Wastes", "toxic waste", "pollutant", or "toxic
214 substances", or similarly identified as hazardous to human health or the
215 environment, in or pursuant to: (i) the Comprehensive Environmental Response,
216 Compensation and Liability Act (CERCLA) of 1980, 42 USC §9601 et seq.
217 (CERCLA); (ii) the Hazardous Materials Transportation Act, 49 USC §1802, et
218 seq.; (iii) the Resource Conservation and Recovery Act, 42 USC §6901 et seq.;
219 (iv) the Clean Water Act, 33 USC §1251 et seq.; (v) California Health and Safety
220 Code §§25115-25117, 25249.8, 25281, and 25316; (vi) the Clean Air Act, 42 USC
221 §7901 et seq.; and, (vii) California Water Code §13050; (b) any amendments, rules
222 or regulations promulgated thereunder to such enumerated statutes or acts
223 currently existing or hereafter enacted; and, (c) any other hazardous or toxic
224 substance, material, chemical, waste or pollutant identified as hazardous or toxic
225 or regulated under any other Applicable Law currently existing or hereinafter
226 enacted, including, without limitation, friable asbestos, polychlorinated biphenyl's
227 (PCBs), petroleum, natural gas, and synthetic fuel products, and by-products.
- 228 (kk) "Hazardous Waste" means all substances defined as Hazardous Waste, acutely
229 Hazardous Waste, or extremely Hazardous Waste by the State in Health and

230 Safety Code §25110.02, §25115, and §25117 or in the future amendments to or
231 recodifications of such statutes or identified and listed as solar panels from
232 residential premises, and Hazardous Waste by the U.S. Environmental Protection
233 Agency (EPA), pursuant to the Federal Resource Conservation and Recovery Act
234 (42 USC §6901 et seq.), all future amendments thereto, and all rules and
235 regulations promulgated thereunder.

236 (ll) “High Diversion Organic Waste Processing Facility” means a facility that is in
237 compliance with the reporting requirements of 14 CCR Section 18815.5(d) and
238 meets or exceeds an annual average Mixed Waste organic content Recovery rate
239 of 50 percent between January 1, 2022 and December 31, 2024, and 75 percent
240 after January 1, 2025, as calculated pursuant to 14 CCR Section 18815.5(e) for
241 Organic Waste received from the “Mixed waste organic collection stream” as
242 defined in 14 CCR Section 17402(a)(11.5); or, as otherwise defined in 14 CCR
243 Section 18982(a)(33).

244 (mm) “Infectious Waste” means (a) equipment, instruments, utensils and other fomites
245 of a disposable nature from the rooms of patients who are suspected to have or
246 have been diagnosed as having a communicable disease and must, therefore, be
247 isolated as required by public health agencies; (b) laboratory wastes, including
248 pathological specimens (i.e., all tissues, specimens of blood elements, excreta and
249 secretions obtained from patients or laboratory animals) and disposable fomites
250 (any substance that may harbor or transmit pathogenic organisms) attendant
251 thereto; and/or (c) surgical operating room pathologic specimens - including
252 recognizable anatomical parts, human tissue, anatomical human remains and
253 disposable materials from hospitals, clinics, outpatient areas and emergency
254 rooms, as defined in 14 CCR Section 17225.36. .

255 (nn) “Inspection” means a site visit where a District reviews records, containers, and an
256 entity’s collection, handling, recycling, or landfill disposal of Recyclable Materials,
257 Organic Waste, Solid Waste or Edible Food handling to determine if the entity is
258 complying with requirements set forth in these Regulations, or as otherwise
259 defined in 14 CCR Section 18982(a)(35).

260 (oo) “Large Event” means an event, including, but not limited to, a sporting event or a
261 flea market, that charges an admission price, or is operated by a local agency, and
262 serves an average of more than 2,000 individuals per day of operation of the event,
263 at a location that includes, but is not limited to, a public, nonprofit, or privately
264 owned park, parking lot, golf course, street system, or other open space when
265 being used for an event. If the definition in 14 CCR Section 18982(a)(38) differs
266 from this definition, the definition in 14 CCR Section 18982(a)(38) shall apply to
267 these Regulations.

268 (pp) “Large Venue” means a permanent venue facility that annually seats or serves an
269 average of more than 2,000 individuals within the grounds of the facility per day of
270 operation of the venue facility. For purposes of these Regulations and
271 implementation of 14 CCR, Division 7, Chapter 12, a venue facility includes, but is

272 not limited to, a public, nonprofit, or privately owned or operated stadium,
273 amphitheater, arena, hall, amusement park, conference or civic center, zoo,
274 aquarium, airport, racetrack, horse track, performing arts center, fairground,
275 museum, theater, or other public attraction facility. For purposes of these
276 Regulations and implementation of 14 CCR, Division 7, Chapter 12, a site under
277 common ownership or control that includes more than one Large Venue that is
278 contiguous with other Large Venues in the site, is a single Large Venue. If the
279 definition in 14 CCR Section 18982(a)(39) differs from this definition, the definition
280 in 14 CCR Section 18982(a)(39) shall apply to these Regulations.

281 (qq) “Local Education Agency” means a school district, charter school, or county office
282 of education that is not subject to the control of District or county regulations related
283 to Solid Waste, or as otherwise defined in 14 CCR Section 18982(a)(40).

284 (rr) Reserved

285 (ss) “Multi-Family Residential Dwelling” or “Multi-Family” or “MFD” means of, from, or
286 pertaining to residential Premises with five (5) or more dwelling units including such
287 Premises when combined in the same building with Commercial establishments,
288 that receive centralized, shared, Collection service for all units on the Premises
289 which are billed to one (1) Customer at one (1) address. Customers residing in
290 Townhouses, mobile homes, condominiums, or other structures with five (5) or
291 more dwelling units who receive individual service and are billed separately shall
292 not be considered Multi-Family. Multi-Family Premises do not include hotels,
293 motels, or other transient occupancy facilities, which are considered Commercial
294 Businesses.

295 (tt) “Notice of Violation (NOV)” means a notice that a violation has occurred that
296 includes a compliance date to avoid an action to seek penalties, or as otherwise
297 defined in 14 CCR Section 18982(a)(45) or further explained in 14 CCR Section
298 18995.4.

299 (uu) “Occupant” means the Person who occupies a Premises.

300 (vv) “Organic Materials” means Yard Trimmings and Food Waste, individually or
301 collectively that are set aside, handled, packaged, or offered for collection in a
302 manner different from Solid Waste for the purpose of processing. No Discarded
303 Material shall be considered to be Organic Materials, however, unless it is
304 separated from Recyclable Material and Solid Waste. Organic Materials are a
305 subset of Organic Waste.

306 (ww) “Organic Materials Container” shall be used for the purpose of storage and
307 collection of Source Separated Organic Materials.

308 (xx) “Organic Waste” means wastes containing material originated from living
309 organisms and their metabolic waste products, including but not limited to food,
310 green material, landscape and pruning waste, organic textiles and carpets, lumber,
311 wood, Paper Products, Printing and Writing Paper, manure, biosolids, digestate,

312 and sludges or as otherwise defined in 14 CCR Section 18982(a)(46). Biosolids
313 and digestate are as defined by 14 CCR Section 18982(a).

314 (yy) "Owner" means the Person(s) holding legal title to real property and/or any
315 improvements thereon and shall include the Person(s) listed on the latest
316 equalized assessment roll of the County Assessor.

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

320 (aaa) "Printing and Writing Papers" include, but are not limited to, copy, xerographic,
321 watermark, cotton fiber, offset, forms, computer printout paper, white wove
322 envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint,
323 and other uncoated writing papers, posters, index cards, calendars, brochures,
324 reports, magazines, and publications, or as otherwise defined in 14 CCR Section
325 18982(a)(54).

326 (bbb) "Premises" means and includes any land, building and/or structure, or portion
327 thereof, in the District where Discarded Materials are produced, generated, or
328 accumulated. All structures on the same legal parcel, which are owned by the
329 same person shall be considered as one Premises.

330 (ccc) "Prohibited Container Contaminants" means the following: (i) Discarded Materials
331 placed in the Recyclable Materials Container that are not identified as acceptable
332 Source Separated Recyclable Materials for the District's Recyclable Materials
333 Container; (ii) Discarded Materials placed in the Organic Materials Container that
334 are not identified as acceptable Source Separated Organic Materials for the
335 District's Organic Materials Container; (iii) Discarded Materials placed in the Solid
336 Waste Container that are acceptable Source Separated Recyclable Materials
337 and/or Source Separated Organic Materials to be placed in District's Organic
338 Materials Container and/or Recyclable Materials Container; and, (iv) Excluded
339 Waste placed in any container.

340 (ddd) "Recovery" means any activity or process described in 14 CCR Section
341 18983.1(b), or as otherwise defined in 14 CCR Section 18982(a)(49).

342 (eee) "Recyclable Materials" means those Discarded Materials that the Generators set
343 out in Recyclables Containers for Collection for the purpose of Recycling by the
344 Service Provider and that exclude Excluded Waste. No Discarded Materials shall
345 be considered For the purpose of collection of Recyclable Materials through
346 contractor's collection services, recyclable materials shall be limited to those
347 materials identified by the collection contractor as acceptable recyclable materials.

348 (fff) "Recyclable Materials Container" shall be used for the purpose of storage and
349 collection of Source Separated Recyclable Materials.

- 350 (ggg) “Recycled-Content Paper” means Paper Products and Printing and Writing Paper
 351 that consists of at least 30 percent, by fiber weight, postconsumer fiber, or as
 352 otherwise defined in 14 CCR Section 18982(a)(61).
- 353 (hhh) “Residential” shall mean of, from, or pertaining to a Single-Family Premises or
 354 Multi-Family Premises including Single-Family homes, apartments,
 355 condominiums, Townhouse complexes, mobile home parks, and cooperative
 356 apartments.
- 357 (iii) “Responsible Party” means the Owner, property manager, tenant, lessee,
 358 Occupant, or other designee that subscribes to and pays for Recyclable Materials,
 359 Organic Materials, and/or Solid Waste collection services for a Premises in the
 360 District, or, if there is no such subscriber, the Owner or property manager of a
 361 Single-Family Premises, Multi-Family Premises, or Commercial Premises. In
 362 instances of dispute or uncertainty regarding who is the Responsible Party for a
 363 Premises, Responsible Party shall mean the Owner of a Single-Family Premises,
 364 Multi-Family Premises, or Commercial Premises.
- 365 (jjj) “Restaurant” means an establishment primarily engaged in the retail sale of food
 366 and drinks for on-Premises or immediate consumption, or as otherwise defined in
 367 14 CCR Section 18982(a)(64).
- 368 (kkk) “Route Review” means a visual Inspection of containers along a Hauler Route for
 369 the purpose of determining Container Contamination and may include mechanical
 370 Inspection methods such as the use of cameras, or as otherwise defined in 14
 371 CCR Section 18982(a)(65).
- 372 (III) “SB 1383” means Senate Bill 1383 of 2016 approved by the Governor on
 373 September 19, 2016, which added Sections 39730.5, 39730.6, 39730.7, and
 374 39730.8 to the Health and Safety Code, and added Chapter 13.1 (commencing
 375 with Section 42652) to Part 3 of Division 30 of the Public Resources Code,
 376 establishing methane emissions reduction targets in a Statewide effort to reduce
 377 emissions of short-lived climate pollutants as amended, supplemented,
 378 superseded, and replaced from time to time.
- 379 (mmm) “SB 1383 Regulations” or “SB 1383 Regulatory” means or refers to, for the
 380 purposes of these Regulations, the Short-Lived Climate Pollutants: Organic Waste
 381 Reduction regulations developed by CalRecycle and adopted in 2020 that created
 382 14 CCR, Division 7, Chapter 12 and amended portions of regulations of 14 CCR
 383 and 27 CCR.
- 384 (nnn) “Self-Haul” means to act as a Self-Hauler.
- 385 (ooo) “Self-Hauler” means a person, who hauls Solid Waste, Organic Waste or
 386 Recyclable Material they have generated to another person. Self-hauler also
 387 includes a landscaper, or a person who back-hauls waste. Back-haul means
 388 generating and transporting Recyclable Materials or Organic Waste to a

389 destination owned and operated by the Generator or Responsible Party using the
390 Generator's or Responsible Party's own employees and equipment.

391 (ppp) "Service Level" refers to the size of a Customer's Container and the frequency of
392 Collection service.

393 (qqq) "Single-Family" or "SFD" refers to any detached or attached house or residence
394 of four (4) units or less designed or used for occupancy by one (1) family, provided
395 that Collection service feasibly can be provided to such Premises as an
396 independent unit, and the Owner or Occupant of such independent unit is billed
397 directly for the Collection service. Single-Family includes Townhouses, and each
398 independent unit of duplex, tri-plex, or four-plex Residential structures, regardless
399 of whether each unit is separately billed for their specific Service Level.

400 (rrr) "Solid Waste" has the same meaning as defined in State Public Resources Code
401 Section 40191, which defines Solid Waste as all putrescible and non-putrescible
402 solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper,
403 rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned
404 vehicles and parts thereof, discarded home and industrial appliances, dewatered,
405 treated, or chemically fixed sewage sludge which is not hazardous waste, manure,
406 vegetable or animal solid and semi-solid wastes, and other discarded solid and
407 semisolid wastes, with the exception that Solid Waste does not include any of the
408 following wastes:

409 (1) Hazardous waste, as defined in the State Public Resources Code Section
410 40141.

411 (2) Radioactive waste regulated pursuant to the State Radiation Control Law
412 (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of
413 the State Health and Safety Code).

414 (3) Medical waste regulated pursuant to the State Medical Waste Management
415 Act (Part 14 (commencing with Section 117600) of Division 104 of the State
416 Health and Safety Code). Untreated medical waste shall not be disposed of
417 in a Solid Waste landfill, as defined in State Public Resources Code Section
418 40195.1. Medical waste that has been treated and deemed to be Solid
419 Waste shall be regulated pursuant to Division 30 of the State Public
420 Resources Code.

421 (4) Recyclable Materials, Organic Materials, and Construction and Demolition
422 Debris when such materials are Source Separated.

423 Notwithstanding any provision to the contrary, Solid Waste may include de minimis
424 volumes or concentrations of waste of a type and amount normally found in
425 Residential Solid Waste after implementation of programs for the safe Collection,
426 Recycling, treatment, and Disposal of household hazardous waste in compliance
427 with Section 41500 and 41802 of the California Public Resources Code as may be
428 amended from time to time. Solid Waste includes salvageable materials only when

- 429 such materials are included for Collection in a Solid Waste Container not Source
430 Separated from Solid Waste at the site of generation.
- 431 (sss) “Solid Waste Container” shall be used for the purpose of storage and collection of
432 Solid Waste.
- 433 (ttt) “Source Separated” or “Source-Separated (materials)” means materials, including
434 commingled Recyclable Materials and Organic Materials, that have been
435 separated or kept separate from the Solid Waste stream, at the point of generation,
436 for the purpose of additional sorting or processing those materials for recycling or
437 reuse in order to return them to the economic mainstream in the form of raw
438 material for new, reused, or reconstituted products, which meet the quality
439 standards necessary to be used in the marketplace, or as otherwise defined in 14
440 CCR Section 17402.5(b)(4). For the purposes of the Regulations, Source
441 Separated shall include separation of materials by the Generator, Responsible
442 Party, or Responsible Party’s employee, into different containers for the purpose
443 of collection such that Source-Separated materials are separated from Solid Waste
444 for the purposes of collection and processing.
- 445 (uuu) “Source Separated Organic Materials” means Organic Materials that are Source
446 Separated and placed in an Organic Materials Container.
- 447 (vvv) “Source Separated Recyclable Materials” means Recyclable Materials that are
448 Source Separated and placed in a Recyclable Materials Container.
- 449 (www) “State” means the State of California.
- 450 (xxx) “Supermarket” means a full-line, self-service retail store with gross annual sales of
451 two million dollars (\$2,000,000), or more, and which sells a line of dry grocery,
452 canned goods, or nonfood items and some perishable items, or as otherwise
453 defined in 14 CCR Section 18982(a)(71).
- 454 (yyy) “Tier One Commercial Edible Food Generator” means a Commercial Edible Food
455 Generator that is one of the following:
- 456 (1) Supermarket.
 - 457 (2) Grocery Store with a total facility size equal to or greater than 10,000 square
458 feet.
 - 459 (3) Food Service Provider.
 - 460 (4) Food Distributor.
 - 461 (5) Wholesale Food Vendor.

462 If the definition in 14 CCR Section 18982(a)(73) of Tier One Commercial Edible
463 Food Generator differs from this definition, the definition in 14 CCR Section
464 18982(a)(73) shall apply to these Regulations.

465 (zzz) “Tier Two Commercial Edible Food Generator” means a Commercial Edible Food
466 Generator that is one of the following:

467 (1) Restaurant with 250 or more seats, or a total facility size equal to or greater
468 than 5,000 square feet.

469 (2) Hotel with an on-site Food Facility and 200 or more rooms.

470 (3) Health facility with an on-site Food Facility and 100 or more beds.

471 (4) Large Venue.

472 (5) Large Event.

473 (6) A State agency with a cafeteria with 250 or more seats or total cafeteria
474 facility size equal to or greater than 5,000 square feet.

475 (7) A Local Education Agency facility with an on-site Food Facility.

476 If the definition in 14 CCR Section 18982(a)(74) of Tier Two Commercial Edible
477 Food Generator differs from this definition, the definition in 14 CCR Section
478 18982(a)(74) shall apply to these Regulations.

479 (aaaa) “Ton” or “Tonnage” means a unit of measure for weight equivalent to two thousand
480 (2,000) standard pounds where each pound contains sixteen (16) ounces.

481 (bbbb) “Wholesale Food Vendor” means a business or establishment engaged in the
482 merchant wholesale distribution of food, where food (including fruits and
483 vegetables) is received, shipped, stored, prepared for distribution to a retailer,
484 warehouse, distributor, or other destination, or as otherwise defined in 14 CCR
485 Section 189852(a)(76).

486 (cccc) “Yard Trimmings” or “Green Waste” means those Discarded Materials that will
487 decompose and/or putrefy, including, but not limited to, green trimmings, grass,
488 weeds, leaves, prunings, branches, dead plants, brush, tree trimmings, dead trees,
489 small pieces of unpainted and untreated wood. Yard Trimmings does not include
490 items herein defined as Excluded Waste. Yard Trimmings are a subset of Organic
491 Materials. Acceptable Yard Trimmings may be added to or removed from this list
492 from time to time by mutual consent or at the sole discretion of the District.

493 **Section 4. Requirements for Single-Family Premises**

494 (a) Except Responsible Parties of Single-Family Premises that meet the Self-Hauler
495 requirements in Section 11 of these Regulations, Responsible Parties of Single-
496 Family Premises shall comply with the following requirements:

- 497 (1) Subscribe to and pay for District's three-container collection services for
 498 weekly collection of Recyclable Materials, Organic Materials, and Solid
 499 Waste generated by the Single-Family Premises and comply with
 500 requirements of those services as described below in Section 4(a)(2).
 501 District and its Designee(s) shall have the right to review the number and
 502 size of a Generator's containers to evaluate adequacy of capacity provided
 503 for each type of collection service for proper separation of materials and
 504 containment of materials. The Responsible Parties for Single-Family
 505 Premises shall adjust their Service Level for their collection services as
 506 requested by the District.
- 507 (2) Participate in the District's three-container collection service(s) in the
 508 manner described below.
- 509 (A) Place, or, if Responsible Party is not an occupant of the Single-
 510 Family Premises, direct its Generators to place, Source Separated
 511 Organic Materials, including Food Waste, in the Organic Materials
 512 Container; Source Separated Recyclable Materials in the Recyclable
 513 Materials Container; and Solid Waste in the Solid Waste Container.
- 514 (B) Not place, or, if Responsible Party is not an occupant of the Single-
 515 Family Premises, direct its Generators to not place Prohibited
 516 Container Contaminants in collection containers and not place
 517 materials designated for the Organic Materials Containers or
 518 Recyclable Materials Containers in the Solid Waste Containers.
- 519 (b) Nothing in this Section prohibits a Responsible Party or Generator of a Single-
 520 Family Premises from preventing or reducing Discarded Materials generation,
 521 managing Organic Waste on site, and/or using a Community Composting site
 522 pursuant to 14 CCR Section 18984.9(c).

523 **Section 5. Requirements for Multi-Family Residential Dwellings**

- 524 (a) Responsible Parties of Multi-Family Premises shall provide or arrange for
 525 Recyclable Materials, Organic Materials, and Solid Waste collection services
 526 consistent with these Regulations and for employees, contractors, and tenants.
 527 Responsible Parties of Multi-Family Premises may receive waivers pursuant to
 528 Section 7 for some requirements of this Section.
- 529 (b) Except for Responsible Parties of Multi-Family Premises that meet the Self-Hauler
 530 requirements in Section 11 of these Regulations, including hauling services
 531 arranged through a landscaper, Responsible Parties of Multi-Family Premises
 532 shall:
- 533 (1) Subscribe to and pay for District's three or more-container collection
 534 services and comply with requirements of those services for all Recyclable
 535 Materials, Organic Materials, and Solid Waste generated at the Multi-Family
 536 Premises as further described below in this Section. District and its

- 537 Designee(s) shall have the right to review the number and size of the Multi-
538 Family Premises' collection containers and frequency of collection to
539 evaluate adequacy of capacity provided for each type of collection service
540 for proper separation of materials and containment of materials. The
541 Responsible Party of a Multi-Family Premises shall adjust their Service
542 Level for their collection services as requested by the District or its
543 Designee.
- 544 (2) Participate in the District's three or more-container collection service(s) for
545 at least weekly collection of Recyclable Materials, Organic Materials, and
546 Solid Waste in the manner described below.
- 547 (A) Place and/or direct its Generators to place Source Separated
548 Organic Materials, including Food Waste, in the Organic Materials
549 Container; Source Separated Recyclable Materials in the Recyclable
550 Materials Container; and Solid Waste in the Solid Waste Container.
- 551 (B) Not place and/or direct its Generators to not place Prohibited
552 Container Contaminants in collection containers and to not place
553 materials designated for the Organic Materials Containers or
554 Recyclable Materials Containers in the Solid Waste Containers.
- 555 (3) Supply and allow access to adequate number, size and location of collection
556 containers with sufficient labels or colors for employees, contractors,
557 tenants, and customers, consistent with District's Recyclable Materials
558 Container, Organic Materials Container, and Solid Waste Container
559 collection service or, if Self-Hauling, consistent with the Multi-Family
560 Premises' approach to complying with Self-Hauler requirements in Section
561 11 of these Regulations.
- 562 (4) Annually provide information to employees, contractors, tenants, and
563 customers about Recyclable Materials and Organic Waste Recovery
564 requirements and about proper sorting of Recyclable Materials, Organic
565 Materials, and Solid Waste.
- 566 (5) Provide education information before or within fourteen (14) days of
567 occupation of the Premises to new tenants that describes requirements to
568 Source Separate Recyclable Materials and Organic Materials and to keep
569 Source Separated Organic Materials and Source Separated Recyclable
570 Materials separate from each other and from Solid Waste (when applicable)
571 and the location of containers and the rules governing their use at each
572 property.
- 573 (6) Provide or arrange access for District and/or its Designee(s) to their
574 properties during all Inspections conducted in accordance with these
575 Regulations to confirm compliance with the requirements of these
576 Regulations.

577 (c) If the Responsible Party of a Multi-Family Premises wants to Self-Haul, meet the
578 Self-Hauler requirements in Section 11 of these Regulations.

579 (d) Multi-family Premises that generate two (2) cubic yards or more of total Solid
580 Waste, Recyclable Materials, and Organic Materials per week (or other threshold
581 defined by the State) that arrange for gardening or landscaping services shall
582 require that the contract or work agreement between the Owner, Occupant, or
583 operator of a Multi-Family Premises and a gardening or landscaping service
584 specifies that the designated organic materials generated by those services be
585 managed in compliance with these Regulations.

586 (e) Nothing in this Section prohibits a Responsible Party or Generator of a Multi-Family
587 Premises from preventing or reducing Discarded Materials generation, managing
588 Organic Waste on site, or using a Community Composting site pursuant to 14 CCR
589 Section 18984.9(c).

590 **Section 6. Requirements for Commercial Businesses**

591 (a) Responsible Parties of Commercial Businesses shall provide or arrange for
592 Recyclable Materials, Organic Materials, and Solid Waste collection services
593 consistent with these Regulations and for employees, contractors, tenants, and
594 customers. Responsible Parties of Commercial Premises may receive waivers
595 pursuant to Section 7 for some requirements of this Section.

596 (b) Except Responsible Parties of Commercial Businesses that meet the Self-Hauler
597 requirements in Section 11 of these Regulations, including hauling services
598 arranged through a landscaper, Responsible Parties of Commercial Premises
599 shall:

600 (1) Subscribe to and pay for District's three or more-container collection
601 services and comply with requirements of those services for all Recyclable
602 Materials, Organic Materials, and Solid Waste generated at the Commercial
603 Premises as further described below in this Section. District and its
604 Designee(s) shall have the right to review the number and size of a
605 Commercial Premises' containers and frequency of collection to evaluate
606 adequacy of capacity provided for each type of collection service for proper
607 separation of materials and containment of materials. The Responsible
608 Party of the Commercial Business shall adjust their Service Level for their
609 collection services as requested by the District or its Designee.

610 (2) Participate in the District's three or more-container collection service(s) for
611 at least weekly collection of Recyclable Materials, Organic Materials, and
612 Solid Waste in the manner described below.

613 (A) Place and/or direct its Generators to place Source Separated
614 Organic Materials, including Food Waste, in the Organic Materials
615 Container; Source Separated Recyclable Materials in the Recyclable
616 Materials Container; and Solid Waste in the Solid Waste Container.

- 617 (B) Not place and/or direct its Generators to not place Prohibited
618 Container Contaminants in collection containers and to not place
619 materials designated for the Organic Materials Containers or
620 Recyclable Materials Containers in the Solid Waste Containers.
- 621 (3) Supply and allow access to adequate number, size and location of collection
622 containers with sufficient labels or colors (conforming with Sections
623 6(b)(4)(A)) and 6(b)(4)(B) below) for employees, contractors, tenants, and
624 customers, consistent with District's Recyclable Materials Container,
625 Organic Materials Container, and Solid Waste Container collection service
626 or, if Self-Hauling, consistent with the Commercial Premises' approach to
627 complying with Self-Hauler requirements in Section 11 of these
628 Regulations.
- 629 (4) Provide containers for customers for the collection of Source Separated
630 Recyclable Materials and Source Separated Organic Materials in all indoor
631 and outdoor areas where Solid Waste containers are provided for
632 customers, for materials generated by that Commercial Business. Such
633 containers shall be visible and easily accessible. Such containers do not
634 need to be provided in restrooms. If a Commercial Business does not
635 generate any of the materials that would be collected in one type of
636 container, as demonstrated through an approved de minimis waiver per
637 Section 7(a), then the Responsible Party of the Commercial Business does
638 not have to provide that particular container in all areas where Solid Waste
639 containers are provided for customers. Pursuant to 14 CCR Section
640 18984.9(b), the containers provided by the Responsible Party of the
641 Commercial Business shall have either:
- 642 (A) A body or lid that conforms with the container colors provided through
643 the collection service provided by District, with either lids conforming
644 to the color requirements or bodies conforming to the color
645 requirements or both lids and bodies conforming to color
646 requirements. The Responsible Party of the Commercial Business is
647 not required to replace functional containers that do not comply with
648 the requirements of this subsection prior to whichever of the following
649 comes first: (i) the end of the useful life of those containers, or (ii)
650 January 1, 2036.
- 651 (B) Container labels that include language or graphic images, or both,
652 indicating the primary material accepted and the primary materials
653 prohibited in that container, or containers with imprinted text or
654 graphic images that indicate the primary materials accepted and
655 primary materials prohibited in the container. Pursuant 14 CCR
656 Section 18984.8, the container labeling requirements are required on
657 new containers commencing January 1, 2022.

- 658 (5) To the extent practical through education, training, Inspection, and/or other
659 measures, prohibit employees from placing materials in a container not
660 designated for those materials per the District's Recyclable Materials
661 Container, Organic Materials Container, and Solid Waste collection service
662 or, if Self-Hauling, per the instructions of the Commercial Business's
663 Responsible Party to support its compliance with Self-Hauler requirements
664 in Section 11 of these Regulations.
- 665 (6) Periodically inspect Recyclable Materials Containers, Organic Materials
666 Containers, and Solid Waste Containers for contamination and inform
667 employees if containers are contaminated and of the requirements to keep
668 contaminants out of those containers pursuant to 14 CCR Section
669 18984.9(b)(3).
- 670 (7) Annually provide information to employees, contractors, tenants, and
671 customers about Recyclable Materials and Organic Waste Recovery
672 requirements and about proper sorting of Recyclable Materials, Organic
673 Materials, and Solid Waste.
- 674 (8) Provide education information before or within fourteen (14) days of
675 occupation of the Premises to new tenants that describes requirements to
676 Source Separate Recyclable Materials and Organic Materials and to keep
677 Source Separated Organic Materials and Source Separated Recyclable
678 Materials separate from each other and from other Solid Waste (when
679 applicable) and the location of containers and the rules governing their use
680 at each property.
- 681 (9) Provide or arrange access for District or its Designee to their properties
682 during all Inspections conducted in accordance with these Regulations to
683 confirm compliance with the requirements of these Regulations.
- 684 (c) If the Responsible Party of a Commercial Business wants to Self-Haul, meet the
685 Self-Hauler requirements in Section 11 of these Regulations.
- 686 (d) Nothing in this Section prohibits a Responsible Party or a Generator of a
687 Commercial Business from preventing or reducing Discarded Materials
688 generation, managing Organic Waste on site, or using a Community Composting
689 site pursuant to 14 CCR Section 18984.9(c).
- 690 (e) Responsible Parties of Commercial Businesses that are Tier One or Tier Two
691 Commercial Edible Food Generators shall comply with Food Recovery
692 requirements, pursuant to Section 8 of these Regulations.

693 **Section 7. Waivers for Multi-Family Premises and Commercial Premises**

- 694 (a) De Minimis Waivers for Multi-Family Premises and Commercial Premises. The
695 District's Designee, or the District if there is no Designee, may waive a Responsible
696 Party's obligation to comply with some or all Recyclable Materials and Organic

697 Waste requirements of these Regulations if the Responsible Party of the
698 Commercial Business or Multi-Family Premises provides documentation that the
699 Commercial Business or Multi-Family Premises meets one of the criteria in
700 subsections (1) and (2) below. For the purposes of subsections (1) and (2), the
701 total Solid Waste shall be the sum of weekly container capacity measured in cubic
702 yards for Solid Waste, Recyclable Materials, and Organic Materials collection
703 service. Hauling through paper shredding service providers or other incidental
704 services may be considered in granting a de minimis waiver.

705 (1) The Commercial Business's or Multi-Family Premises' total Solid Waste
706 collection service is two (2) cubic yards or more per week and Recyclable
707 Materials and Organic Materials subject to collection in Recyclable
708 Materials Container(s) or Organic Materials Container(s) comprises less
709 than twenty (20) gallons per week per applicable material stream of the
710 Multi-family Premises' or Commercial Business's total waste (i.e.,
711 Recyclable Materials in the Recyclable Materials stream are less than
712 twenty (20) gallons per week or Organic Materials in the Organic Materials
713 stream are less than twenty (20) gallons per week); or,

714 (2) The Commercial Business's or Multi-Family Premises' total Solid Waste
715 collection service is less than two (2) cubic yards per week and Recyclable
716 Materials and Organic Materials subject to collection in a Recyclable
717 Materials Container(s) or Organic Materials Container(s) comprises less
718 than ten (10) gallons per week per applicable material stream of the Multi-
719 family Premises' or Commercial Business's total waste (i.e., Recyclable
720 Materials in the Recyclable Materials stream are less than ten (10) gallons
721 per week or Organic Materials in the Organic Materials stream are less than
722 ten (10) gallons per week).

723 (b) Physical Space Waivers. The District's Designee, or the District if there is no
724 Designee, may waive a Commercial Business's or Multi-Family Premises'
725 obligation to comply with some or all of the Recyclable Materials and/or Organic
726 Waste collection service requirements if the District or its Designee has evidence
727 from its own staff, a hauler, licensed architect, or licensed engineer demonstrating
728 that the Premises lacks adequate space for Recyclable Materials Containers
729 and/or Organic Materials Containers required for compliance with the Recyclable
730 Materials and Organic Materials collection requirements of Section 5 or 6 as
731 applicable.

732 (c) Review and Approval of Waivers. Waivers shall be granted to Responsible Parties
733 by the District's Designee, or the District if there is no Designee, according to the
734 following process:

735 (1) Responsible Parties of Premises seeking waivers shall submit a completed
736 application form to the District's Designee, or the District if there is no
737 Designee, for a waiver specifying the waiver type requested, type(s) of

- 738 collection services for which they are requesting a waiver, the reason(s) for
739 such waiver, and documentation supporting such request.
- 740 (2) Upon waiver approval, the District’s Designee, or the District if there is no
741 Designee, shall specify that the waiver is valid for the following duration:
- 742 (i) For Commercial Premises, five (5) years, or if property ownership
743 changes, or if occupancy changes, whichever occurs first.
- 744 (ii) For Multi-Family Premises, five (5) years, or if property ownership
745 changes, or if the property manager changes, whichever occurs first.
- 746 (3) Waiver holder shall notify District’s Designee, or the District if there is no
747 Designee, if circumstances change such that Commercial Business’s or
748 Multi-Family Premises’ may no longer qualify for the waiver granted, in
749 which case waiver will be rescinded.
- 750 (4) Any waiver holder must cooperate with the District and/or its Designee for
751 any on-site assessment of the appropriateness of the waiver.
- 752 (5) Waiver holder shall reapply to the District’s Designee, or the District if there
753 is no Designee, for a waiver upon the expiration of the waiver period and
754 shall submit any required documentation, and/or fees/payments as required
755 by the District and/or its Designee. Failure to submit a completed application
756 shall equate to an automatic denial of said application.
- 757 (6) The District’s Designee, or the District if there is no Designee, may revoke
758 a waiver upon a determination that any of the circumstances justifying a
759 waiver are no longer applicable.
- 760 (7) If the District’s Designee does not approve a waiver application or revokes
761 a waiver, the District may appeal the decision for additional review by the
762 Designee. The District may also, after meeting and conferring with the
763 Designee, direct the Designee to approve the waiver application and/or
764 repeal the revocation of the waiver.

765 **Section 8. Requirements for Commercial Edible Food Generators**

- 766 (a) Tier One Commercial Edible Food Generators must comply with the requirements
767 of this Section commencing January 1, 2022, and Tier Two Commercial Edible
768 Food Generators must comply commencing January 1, 2024, pursuant to 14 CCR
769 Section 18991.3
- 770 (b) Large Venue or Large Event operators not providing food services, but allowing
771 for food to be provided by others, shall require Food Facilities operating at the
772 Large Venue or Large Event to comply with the requirements of this Section,
773 commencing January 1, 2024.

- 774 (c) Commercial Edible Food Generators shall comply with the following requirements:
- 775 (1) Arrange to recover the maximum amount of Edible Food that would
776 otherwise be disposed. Food that is donated shall be free from adulteration,
777 spoilage, and meet the food safety standards of the California Health and
778 Safety Code. Food cannot be donated if it is not in compliance with the food
779 safety standards of the California Health and Safety Code, including food
780 that is returned by a customer, has been served or sold and in the
781 possession of a consumer, or is the subject of a recall.
- 782 (2) Contract with or enter into a written agreement with Food Recovery
783 Organizations or Food Recovery Services for: (i) the collection of Edible
784 Food for Food Recovery; or, (ii) acceptance of the Edible Food that the
785 Commercial Edible Food Generator Self-Hauls to the Food Recovery
786 Organization for Food Recovery.
- 787 (3) Not intentionally spoil Edible Food that is capable of being recovered by a
788 Food Recovery Organization or a Food Recovery Service.
- 789 (4) Allow District's designated enforcement entity or designated third party
790 enforcement entity to access the Premises and review records pursuant to
791 14 CCR Section 18991.4.
- 792 (5) Keep records that include the following information, or as otherwise
793 specified in 14 CCR Section 18991.4:
- 794 (A) A list of each Food Recovery Service or organization that collects or
795 receives its Edible Food pursuant to a contract or written agreement
796 established under 14 CCR Section 18991.3(b).
- 797 (B) A copy of all contracts or written agreements established under 14
798 CCR Section 18991.3(b).
- 799 (C) A record of the following information for each of those Food Recovery
800 Services or Food Recovery Organizations:
- 801 (i) The name, address and contact information of the Food
802 Recovery Service or Food Recovery Organization.
- 803 (ii) The types of food that will be collected by or Self-Hauled to
804 the Food Recovery Service or Food Recovery Organization.
- 805 (iii) The established frequency that food will be collected or Self-
806 Hauled.
- 807 (iv) The quantity of food, measured in pounds recovered per
808 month, collected or Self-Hauled to a Food Recovery Service
809 or Food Recovery Organization for Food Recovery.

- 810 (6) Maintain records required by this section for five (5) years.
- 811 (7) No later than January 31 of each year commencing no later than January
812 31, 2023 for Tier One Commercial Edible Food Generators and January 31,
813 2025 for Tier Two Commercial Edible Food Generators, provide an annual
814 Food Recovery report to the District or its Designee that includes the
815 following information:
- 816 (i) The amount, in pounds, of edible food donated to a Food Recovery Service
817 or Food Recovery Organization annually; and,
- 818 (ii) The amount, in pounds of edible food rejected by a Food
819 Recovery Service or Food Recovery Organization annually.
- 820 (iii) Any additional information required by the District Manager
821 or their Designee.
- 822 (d) Nothing in these Regulations shall be construed to limit or conflict with the
823 protections provided by the California Good Samaritan Food Donation Act of 2017,
824 the Federal Good Samaritan Act, or share table and school food donation guidance
825 pursuant to Senate Bill 557 of 2017 (approved by the Governor of the State of
826 California on September 25, 2017, which added Article 13 [commencing with
827 Section 49580] to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education
828 Code, and to amend Section 114079 of the Health and Safety Code, relating to
829 food safety, as amended, supplemented, superseded and replaced from time to
830 time).

831 **Section 9. Requirements for Food Recovery Organizations and Services**

- 832 (a) Food Recovery Services collecting or receiving Edible Food directly from
833 Commercial Edible Food Generators, via a contract or written agreement
834 established under 14 CCR Section 18991.3(b), shall maintain the following
835 records, or as otherwise specified by 14 CCR Section 18991.5(a)(1):
- 836 (1) The name, address, and contact information for each Commercial Edible
837 Food Generator from which the service collects Edible Food.
- 838 (2) The quantity in pounds of Edible Food collected from each Commercial
839 Edible Food Generator per month.
- 840 (3) The quantity in pounds of Edible Food transported to each Food Recovery
841 Organization per month.
- 842 (4) The name, address, and contact information for each Food Recovery
843 Organization that the Food Recovery Service transports Edible Food to for
844 Food Recovery.

- 845 (b) Food Recovery Organizations collecting or receiving Edible Food directly from
846 Commercial Edible Food Generators, via a contract or written agreement
847 established under 14 CCR Section 18991.3(b), shall maintain the following
848 records, or as otherwise specified by 14 CCR Section 18991.5(a)(2):
- 849 (1) The name, address, and contact information for each Commercial Edible
850 Food Generator from which the organization receives Edible Food.
- 851 (2) The quantity in pounds of Edible Food received from each Commercial
852 Edible Food Generator per month.
- 853 (3) The name, address, and contact information for each Food Recovery
854 Service that the organization receives Edible Food from for Food Recovery.
- 855 (c) Maintain records required by this section for five years.
- 856 (d) Food Recovery Organizations and Food Recovery Services that have their primary
857 address physically located in the District and contract with or have written
858 agreements with one or more Commercial Edible Food Generators pursuant to 14
859 CCR Section 18991.3(b) shall report to the District it is located in and the District's
860 Designee, if applicable, the total pounds of Edible Food recovered in the previous
861 calendar year from the Tier One and Tier Two Commercial Edible Food Generators
862 they have established a contract or written agreement with pursuant to 14 CCR
863 Section 18991.3(b). The annual report shall be submitted to the District and the
864 District's Designee, if applicable, no later than January 31 of each year.
- 865 (e) In order to support Edible Food Recovery capacity planning assessments or other
866 studies conducted by the District that provides Solid Waste collection services, or
867 its designated entity, Food Recovery Services and Food Recovery Organizations
868 operating in the District shall provide information and consultation to the District
869 and District's Designee, if applicable, upon request, regarding existing, or
870 proposed new or expanded, Food Recovery capacity that could be accessed by
871 the District and its Commercial Edible Food Generators. A Food Recovery Service
872 or Food Recovery Organization contacted by the District and/or its Designee shall
873 respond to such request for information within 60 days, unless a shorter timeframe
874 is otherwise specified by the District.
- 875 (f) Food Recovery Organizations and Food Recovery Services that have their
876 primary address physically located in the District and contract with or have written
877 agreements with one or more Commercial Edible Food Generators shall include
878 language in all agreements with Tier 1 and Tier 2 edible food generators located
879 in the District identifying and describing the California Good Samaritan Act of 2017.
- 880 (g) Nothing in these Regulations prohibits a Food Recovery Organization or Food
881 Recovery Service from refusing to accept Edible Food from a Commercial Edible
882 Food Generator.

883 **Section 10. Requirements for Haulers and Facility Operators**

884 (a) Requirements for Haulers

885 (1) Franchise hauler(s) providing Recyclable Materials, Organic Waste, and/or
886 Solid Waste collection services to Generators within the District's
887 boundaries shall meet the following requirements and standards as a
888 condition of approval of its contract, agreement, permit, or other
889 authorization with the District to collect Recyclable Materials, Organic
890 Materials, and/or Solid Waste:

891 (A) Through written notice to the District annually on or before January
892 31st of each year, identify the facilities to which they will transport
893 Discarded Materials, including facilities for Source Separated
894 Recyclable Materials, Source Separated Organic Materials, and
895 Solid Waste unless otherwise stated in the franchise agreement,
896 contract, permit, or license, or other authorization with the District.

897 (B) Transport Source Separated Recyclable Materials to a facility that
898 recovers those materials; transport Source Separated Organic
899 Materials to a facility, operation, activity, or property that recovers
900 Organic Waste as defined in 14 CCR, Division 7, Chapter 12, Article
901 2; transport Solid Waste to a disposal facility or transfer facility or
902 operation that processes or disposes of Solid Waste; and transport
903 manure to a facility that manages manure in conformance with 14
904 CCR Article 12 and such that the manure is not landfilled, used as
905 Alternative Daily Cover (ADC), or used as Alternative Intermediate
906 Cover (AIC).

907 (C) Obtain approval from the District to haul Organic Waste, unless it is
908 transporting Source Separated Organic Waste to a Community
909 Composting site or lawfully transporting C&D in a manner that
910 complies with 14 CCR Section 18989.1, and Section 11 of these
911 Regulations.

912 (2) Franchise hauler(s) authorized to collect Recyclable Materials, Organic
913 Materials, and/or Solid Waste shall comply with education, equipment,
914 signage, container labeling, container color, contamination monitoring,
915 reporting, and other requirements contained within its franchise agreement,
916 permit, or other agreement entered into with District.

917 (b) Requirements for Facility Operators and Community Composting Operations

918 (1) Owners of facilities, operations, and activities located in the District's
919 boundaries that recover Organic Waste, including, but not limited to,
920 Compost facilities, in-vessel digestion facilities, and publicly-owned
921 treatment works shall, upon District request, provide information regarding
922 available and potential new or expanded capacity at their facilities,

923 operations, and activities, including information about throughput and
924 permitted capacity necessary for planning purposes. Entities contacted by
925 the District shall respond within 60 days.

926 (2) Community Composting operators with operations located in the District's
927 boundaries, upon District request, shall provide information to the District to
928 support Organic Waste capacity planning, including, but not limited to, an
929 estimate of the amount of Organic Waste anticipated to be handled at the
930 Community Composting operation. Entities contacted by the District shall
931 respond within 60 days.

932 (3) Owners of facilities, operations, and activities located in the District's
933 boundaries that receive Recyclable Materials, Organic Materials, and/or
934 Solid Waste shall provide to the District on a quarterly basis copies of all
935 .reports they are required to report to CalRecycle under 14 CCR.

936 **Section 11. Self-Hauler Requirements**

937 (a) Every Self-Hauler shall Source Separate its Recyclable Materials and Organic
938 Materials (materials that District otherwise requires Generators or Responsible
939 Parties to separate for collection in the District's Recyclable Materials and Organic
940 Materials collection program) generated on-site from Solid Waste in a manner
941 consistent with 14 CCR Section 18984.1 and the District's collection program. Self-
942 Haulers shall deliver their materials to facilities described in subsection (b) below.
943 Alternatively, Self-Haulers may or choose not to Source Separate Recyclable
944 Materials and Organic Materials and shall haul its Solid Waste (that includes
945 Recyclable Materials and Organic Materials) to a High Diversion Organic Waste
946 Processing Facility subject to advance written approval by the District.

947 (b) Self-Haulers that Source Separate their Recyclable Materials and Organic
948 Materials shall haul their Source Separated Recyclable Materials to a facility that
949 recovers those materials; haul their Source Separated Organic Waste to a facility,
950 operation, activity, or property that processes or recovers Source Separated
951 Organic Waste; and, haul their Solid Waste to a disposal facility or transfer facility
952 or operation that processes or disposes of Solid Waste.

953 (c) Self-Haulers that are Responsible Parties of Commercial Businesses or Multi-
954 Family Premises shall keep records of the amount of Recyclable Materials,
955 Organic Waste, and Solid Waste delivered to each facility, operation, activity, or
956 property that processes or recovers Recyclable Materials and Organic Waste and
957 processes or disposes of Solid Waste or shall keep records of Solid Waste
958 delivered to High Diversion Organic Waste Processing Facilities. These records
959 shall be subject to review by the District and/or its Designee(s). The records shall
960 include the following information:

961 (1) Delivery receipts and weight tickets from the entity accepting the Recyclable
962 Materials, Organic Materials, and Solid Waste.

- 963 (2) The amount of material in cubic yards or Tons transported by the Generator
964 or Responsible Party to each entity.
- 965 (3) If the material is transported to an entity that does not have scales on-site
966 or employs scales incapable of weighing the Self-Hauler's vehicle in a
967 manner that allows it to determine the weight of materials received, the Self-
968 Hauler is not required to record the weight of material but shall keep a record
969 of the entities that received the Recyclable Materials, Organic Materials,
970 and Solid Waste.
- 971 (d) Self-Haulers shall retain all records and data required to be maintained by this
972 Section for no less than five (5) years after the Recyclable Materials, Organic
973 Materials, and/or Solid Waste was first delivered to the facility accepting the
974 material.
- 975 (e) Self-Haulers that are Commercial Businesses or Multi-Family Premises shall
976 provide copies of records required by this Section to District if requested by the
977 District Manager and shall provide the records at the frequency requested by the
978 District Manager.
- 979 (e) A Single-Family Generator or Single-Family Responsible Party that Self-Hauls
980 Recyclable Materials, Organic Waste, or Solid Waste is not required to record or
981 report information in Section 11(c) and (d).
- 982 (f) Pursuant to 14 CCR Section 18815.9, Food Waste Self-Haulers are required to
983 maintain records and report to CalRecycle information on the Tons of Food Waste
984 Self-Hauled and the facilities or each use of such material. Food Waste Self-
985 Haulers shall provide to the District on a quarterly basis copies of all reports they
986 are required to report to CalRecycle.

987 **Section 12. Inspections and Investigations**

- 988 (a) District representatives or its Designee(s) are authorized to conduct Inspections
989 and investigations, at random or otherwise, of any collection container, collection
990 vehicle loads, or transfer, processing, or disposal facility for materials collected
991 from Generators, or Source Separated materials to confirm compliance with these
992 Regulations by Generators, Responsible Parties of Single-Family Premises,
993 Responsible Parties of Commercial Businesses, Responsible Parties of Multi-
994 Family Premises, Commercial Edible Food Generators, haulers, Self-Haulers,
995 Food Recovery Services, and Food Recovery Organizations, subject to applicable
996 laws. This Section does not allow District or its Designee to enter the interior of a
997 private residential property for Inspection.
- 998 (b) Entities regulated by these Regulations shall provide or arrange for access during
999 all Inspections (with the exception of residential property interiors) and shall
1000 cooperate with the District's representative or its Designee during such Inspections
1001 and investigations. Such Inspections and investigations may include confirmation
1002 of proper placement of materials in containers, inspection of Edible Food Recovery

1003 activities, review of required records, or other verification or Inspection to confirm
1004 compliance with any other requirement of these Regulations. Failure of a
1005 Responsible Party to provide or arrange for: (i) access to an entity's Premises; or
1006 (ii) access to records for any Inspection or investigation is a violation of these
1007 Regulations and may result in penalties described in Section 13.

1008 (c) Any records obtained by a District or its Designee during its Inspections, and other
1009 reviews shall be subject to the requirements and applicable disclosure exemptions
1010 of the Public Records Act as set forth in Government Code Section 6250 et seq.

1011 (d) District representatives or their Designee are authorized to conduct any
1012 Inspections, or other investigations as reasonably necessary to further the goals
1013 of these Regulations, subject to applicable laws.

1014 (e) District or its Designee shall receive written complaints from persons regarding an
1015 entity that may be potentially non-compliant with SB 1383 Regulations, including
1016 receipt of anonymous complaints.

1017 (f) District representatives and/or their Designee are authorized to provide
1018 informational notices to entities regulated by these Regulations regarding
1019 compliance with these Regulations.

1020 **Section 13. Enforcement**

1021 (a) Violation of any provision of these Regulations shall constitute grounds for
1022 issuance of a Notice of Violation and assessment of a fine by a District
1023 Enforcement Official or representative. Enforcement Actions under these
1024 Regulations are issuance of an administrative citation and assessment of a fine.
1025 The District shall adopt procedures on imposition of administrative fines which shall
1026 govern the imposition, enforcement, collection, and review of administrative
1027 citations issued to enforce these Regulations and any rule or regulation adopted
1028 pursuant to these Regulations, except as otherwise indicated in these Regulations.

1029 (b) Other remedies allowed by law may be used, including civil action or prosecution
1030 as misdemeanor or infraction. District may pursue civil actions in the California
1031 courts to seek recovery of unpaid administrative citations. District may choose to
1032 delay court action until such time as a sufficiently large number of violations, or
1033 cumulative size of violations exist such that court action is a reasonable use of
1034 District staff and resources.

1035 (c) Responsible Entity for Enforcement

1036 (1) Enforcement pursuant to these Regulations may be undertaken by the
1037 District Enforcement Official, which may be the District Manager or his or
1038 her designated entity, legal counsel, or combination thereof.

1039 (2) District Enforcement Official(s) may issue Notices of Violation(s).

- 1040 (d) Process for Enforcement
- 1041 (1) District Enforcement Officials and/or their Designee will monitor compliance
1042 with the Regulations through Compliance Reviews, Route Reviews,
1043 investigation of complaints, and an Inspection program. District
1044 Enforcement Officials and/or their designee may also monitor compliance
1045 with the Regulations randomly.
- 1046 (2) District may issue an official notification to notify regulated entities of its
1047 obligations under the Regulations.
- 1048 (3) For incidences of Prohibited Container Contaminants found in containers,
1049 District or its designee will issue an informational notice of contamination to
1050 any Generator or Responsible Party found to have Prohibited Container
1051 Contaminants in a container. Such notice will be provided via a cart tag or
1052 other communication immediately upon identification of the Prohibited
1053 Container Contaminants or within 5 days after determining that a violation
1054 has occurred. If the District or its Designee observes Prohibited Container
1055 Contaminants in a Responsible Party's containers on more than two (2)
1056 consecutive occasion(s), the District may assess contamination processing
1057 fees or contamination penalties on the Generator.
- 1058 (4) With the exception of violations of contamination of container contents
1059 addressed under Section 13(k), District shall issue a Notice of Violation
1060 requiring compliance within 60 days of issuance of the notice.
- 1061 (5) Absent compliance by the respondent within the deadline set forth in the
1062 Notice of Violation, District shall commence an action to impose penalties,
1063 via an administrative citation and fine.
- 1064 Notices shall be sent to "owner" at the official address of the owner
1065 maintained by the tax collector for the County Assessor or if no such
1066 address is available, to the owner at the address of the Multi-Family
1067 Premises or Commercial Premises or to the Responsible Party for the
1068 collection services, depending upon available information.
- 1069 (e) Penalty Amounts for Types of Violations
- 1070 The penalty levels are as follows, as prescribed by 14 CCR Section 18997.2 and any
1071 other applicable code or regulation:
- 1072 (1) For a first violation, the amount of the base penalty shall be \$50 to \$100 per
1073 violation.
- 1074 (2) For a second violation, the amount of the base penalty shall be \$100 to
1075 \$200 per violation.

1076 (3) For a third or subsequent violation, the amount of the base penalty shall be
1077 \$250 to \$500 per violation.

1078 (f) Factors Considered in Determining Penalty Amount

1079 The following factors shall be used to determine the amount of the penalty for each
1080 violation within the appropriate penalty amount range:

1081 (1) The nature, circumstances, and severity of the violation(s).

1082 (2) The violator's ability to pay.

1083 (3) The willfulness of the violator's misconduct.

1084 (4) Whether the violator took measures to avoid or mitigate violations of these
1085 Regulations.

1086 (5) Evidence of any economic benefit resulting from the violation(s).

1087 (6) The deterrent effect of the penalty on the violator.

1088 (7) Whether the violation(s) were due to conditions outside the control of the
1089 violator.

1090 (g) Compliance Deadline Extension Considerations

1091 District may extend the compliance deadlines set forth in a Notice of Violation
1092 issued in accordance with this Section if it finds that there are extenuating
1093 circumstances beyond the control of the respondent that make compliance within
1094 the deadlines impracticable, including the following:

1095 (1) Acts of God such as earthquakes, wildfires, flooding, and other
1096 emergencies or natural disasters;

1097 (2) Delays in obtaining discretionary permits or other government agency
1098 approvals; or,

1099 (3) Deficiencies in Organic Waste recycling infrastructure or Edible Food
1100 Recovery capacity and the District is under a corrective action plan with
1101 CalRecycle pursuant to 14 CCR Section 18996.2 due to those deficiencies.

1102 (h) Appeals Process

1103 Persons receiving an administrative citation containing a penalty for an
1104 uncorrected violation may request a hearing to appeal the citation. A hearing will
1105 be held only if it is requested within the time prescribed and consistent with any
1106 applicable procedures for appeals of administrative citations. Evidence may be
1107 presented at the hearing. The District will appoint a hearing officer who shall
1108 conduct the hearing and issue a final written order.

1109 (i) Education Period for Non-Compliance

1110 Beginning January 1, 2022 and through December 31, 2023, District or its
 1111 Designee will conduct Inspections, Route Reviews or waste evaluations, and
 1112 Compliance Reviews, depending upon the type of regulated entity, to determine
 1113 compliance, and if District or its Designee determines that Generator, Responsible
 1114 Party, Self-Hauler, hauler, Tier One Commercial Edible Food Generator, Food
 1115 Recovery Organization, Food Recovery Service, or other entity is not in
 1116 compliance, it shall provide educational materials to the entity describing its
 1117 obligations under these Regulations and a notice that compliance is required by
 1118 January 1, 2022, and that violations may be subject to administrative civil penalties
 1119 starting on January 1, 2024.

1120 (j) Civil Penalties for Non-Compliance

1121 Beginning January 1, 2024, if the District determines that a Generator,
 1122 Responsible Party, Self-Hauler, hauler, Tier One or Tier Two Commercial Edible
 1123 Food Generator, Food Recovery Organization, Food Recovery Service, or other
 1124 entity is not in compliance with these Regulations, it shall document the
 1125 noncompliance or violation, issue a Notice of Violation, and take Enforcement
 1126 Action pursuant to this Section, as needed.

1127 (k) Enforcement Table

1128 **Table 1. List of Violations**

Requirement	Description of Violation
Commercial Business Multi-Family Premises Responsibility Requirement Sections 5 and 6	Responsible Party for a Commercial Business or Multi-Family Premises fails to provide or arrange for Organic Waste collection services consistent with District requirements and as outlined in these Regulations, for employees, contractors, tenants, and customers, including supplying and allowing access to adequate numbers, size, and location of containers and sufficient signage and container color.
Organic Waste Generator or Responsible Party Requirement Sections 4, 5, and 5	Organic Waste Generator or Responsible Party fails to comply with requirements pursuant to these Regulations.
Hauler Requirement Section 10	A hauler providing Single-Family, Multi-Family or Commercial collection service fails to transport Discarded Materials to a facility, operation, activity, or

Requirement	Description of Violation
	property that recovers Organic Waste, as prescribed by these Regulations.
Hauler Requirement Section 10	A hauler providing Single-Family, Multi-Family or Commercial Recyclable Materials, Organic Materials, or Solid Waste collection service fails to obtain applicable approval issued by the District to haul Recyclable Materials, Organic Materials, or Solid Waste as prescribed by these Regulations.
Hauler Requirement Section 10	A hauler fails to keep a record of the applicable documentation of its approval by the District, as prescribed by these Regulations.
Self-Hauler Requirement Section 10	A Generator or Responsible Party who is a Self-Hauler fails to comply with the requirements of these Regulations.
Commercial Edible Food Generator Requirement Section 8	Tier One Commercial Edible Food Generator fails to arrange to recover the maximum amount of its Edible Food that would otherwise be disposed by establishing a contract or written agreement with a Food Recovery Organization or Food Recovery Service and/or fails to comply with other requirement of these Regulations commencing Jan. 1, 2022.
Commercial Edible Food Generator Requirement Section 8	Tier Two Commercial Edible Food Generator fails to arrange to recover the maximum amount of its Edible Food that would otherwise be disposed by establishing a contract or written agreement with a Food Recovery Organization or Food Recovery Service and/or fails to comply with other requirements of these Regulations commencing Jan. 1, 2024.
Commercial Business Responsible Party, Multi- Family Premises Responsible Party, Commercial Edible Food Generator, Food Recovery	Failure to provide or arrange for access to an entity's Premises for any Inspection or investigation.

Requirement	Description of Violation
Organization or Food Recovery Service Sections 5, 6, 8, and 9	
Recordkeeping Requirements for Commercial Edible Food Generator Section 8	Tier One or Tier Two Commercial Edible Food Generator fails to keep records, as prescribed by Section 8 of these Regulations.
Recordkeeping Requirements for Food Recovery Services and Food Recovery Organizations Section 9	A Food Recovery Organization or Food Recovery Service that has established a contract or written agreement to collect or receive Edible Food directly from a Commercial Edible Food Generator pursuant to 14 CCR Section 18991.3(b) fails to keep records, as prescribed by Section 9 of these Regulations.

1129



AGENDA ITEM: 8

DATE: November 18, 2021

CAYUCOS SANITARY DISTRICT

TO: BOARD OF DIRECTORS

FROM: RICK KOON, DISTRICT MANAGER

DATE: NOVEMBER 10, 2021

SUBJECT: DISCUSSION AND CONSIDERATION OF INCREASING THE CONNECTION AND INSPECTION FEE

DISCUSSION:

The completion of the Water Resource Recovery Facility (WRRF) has added \$31,741,725.00 to the Capital Improvements in the District's portfolio. This includes the Feasibility Studies, Design Engineering, construction of the WRRF, the rebuilding of Lift Station 5, the influent and effluent pipelines, and the outfall slip lining and diffuser.

In 2005, the District established a Connection Fee of \$5,000.00 per EDU.

In 2007, a Prop. 218 rate approval process increased the monthly billing rate for one EDU from \$28 to \$52 over a 5-year time frame. This increase was based on the projected cost of \$8.79M for the District's share of the planned upgrades to the Cayucos / Morro Bay Treatment Plant. The Connection Fee increased to \$7,860.00 and an Inspection Fee of \$100.00 was established to account for District time to inspect the construction of a lateral connection to the District's mains.

In April of 2017, a Prop. 218 rate approval process increased the monthly billing rate for one EDU from \$52 to \$98 over a 5-year time frame. This increase was based on the projected cost of \$31M for the new WRRF. Any increase in Connection or Inspection Fees were held until the final costs of the project were known.

Existing residences pay for the debt service and depreciation on the District's Capital Improvements through their monthly billing at the rate of \$98.00 per EDU. Lots that are undergoing development pay for the debt service and depreciation through their Connection Fees.

The District commissioned WSC for a Connection Fee Study as part of their contract for assisting in operations once the WRRF was operational. A draft study is attached for discussion. In summary, since 2007, the \$7,860.00 Connection Fee per EDU was based on a project cost of \$8.79M. Fees collected since 2007 contributed to the overall WRRF cost of \$31.7M, but the project cost increase of \$22.95M necessitates an \$8,237.50 increase to the Connection Fee for a new Connection Fee total of \$16,097.50 per EDU. The Inspection Fee should also be increased to completely reimburse the District based on the employee, equipment used and hours spent to a fee of \$250.00 per inspection.

RECOMMENDATION:

Staff recommends that the Board discuss the draft Connection Fee Study and consider directing staff to finalize the study and return to the Board next month for approval.

AGENDA ITEM: 8

DATE: November 18, 2021

Date: 10/29/2021

To: Rick Koon
Cayucos Sanitary District

Phone: (XXX) XXX-XXXX

Prepared by: Susan Schlangen

Reviewed by: Dylan Wade

Project: Cayucos Sustainable Water Project

SUBJECT: CONNECTION FEE UPDATE CAYUCOS SANITARY DISTRICT

1. Introduction

WSC prepared the most recent Cayucos Sanitary District (CSD, District) Sewer Rate Study in April 2017 which established the monthly sewer service charge for both residential and commercial customers on an Equivalent Dwelling Unit (EDU) basis.

The Cayucos Sanitary District last updated Connection Fees with its 2007 Cayucos Draft Revenue Program Prepared by Carollo Engineers. That revenue program was put in place in anticipation of the upgrades to the combined Morro Bay Cayucos Sanitary District combined facility.

The purpose of this document is to determine a reasonable Connection Fee based upon the completion of the Cayucos Sustainable Water Project in June of 2021.

2. General Information and Background

The Cayucos Sanitary District is located on California's Central Coast approximately 5 miles North of Morro Bay along Highway 1.

The Cayucos Sanitary District has, as its mission statement, to serve the public by operating a well-maintained wastewater collection and conveyance system for the protection of public health and safety, and when doing so, to take the necessary steps to protect the environment. The District is committed to preserving the community's capital investment and to be a good steward of the community's assets.

Historically the Cayucos Sanitary District and the City of Morro Bay shared wastewater treatment infrastructure. When the California Coastal Commission denied the request to upgrade the shared Morro Bay Cayucos Sanitary District Treatment Facility, the Cayucos Sanitary District elected to pursue the development of their own standalone Water Resource Recovery Facility.

Between 2015 and 2021 the Cayucos Sanitary District developed and implemented the Cayucos Sustainable Water Project. The Project consisted of the replacement of Lift Station 5, interconnecting pipelines between Lift Station 5, and the new Water Resource Recovery Facility located approximately $\frac{3}{4}$ of a mile up Toro Creek Road from Highway 1.

2.1. Service Area Population

The community of Cayucos had an estimated population of 2,505 from the 2020 census data. Permanent resident population is variable as a result of the changing proportion of seasonal, vacation use homes or second homes in the community. Table 1-1 summarizes the population and housing data from the 2020 census for the community of Cayucos.

Table 2-1: Population and Housing Unit Summary

Census Field	Value
Historic Population (2000)	2,943
Historic Population (2010)	2,592
Population in 2020¹	2,505
Number of Housing Units	2,482
Number of Households	1,312
Persons per Household	2
Vacant Lots (EDU)	187
¹ 2020 U.S. Census	

3. CSWP Cost Basis

Total Costs for the Cayucos Sustainable Water Project are \$31,741,725 per the attached Cayucos Sustainable Water Project Final Budget – June 2021. This includes both capital and administrative costs of designing and implementing the program.

The completed facility is rated to treat 1.2 million gallons of wastewater on a maximum daily flow basis.

3.1. Classification of Costs

Based on previous work by others and per Resolution 2009-7, the District has elected to use an EDU methodology to classify various customers based on their anticipated wastewater generation compared to that of a single family residence. The District has previously established that one EDU is equal to 4,137 gallons per month. The EDU methodology was determined to be an appropriate standard for classifying wastewater rates and has been implemented through prior rate establishment activities as well as the April 2017 rate study completed by WSC.

For the purposes of this document, WSC did not evaluate actual water usage data and has relied directly on previous work completed by the District and others in establishing EDU values.

The District's service area is primarily single and multi-family residential, as can be observed by Table 4-1 in the next section.

4. District Revenues

4.1. Current Users

The largest secure source of District revenue is sewer fees. In total there are 2692.75 EDUs billed for wastewater service by the Cayucos Sanitary District according to 2021 billing information provided by the District to WSC. The current sewer service charge is \$98.00 per month for each EDU, increased

according to the schedule proposed by the 2017 rate study completed by WSC. The District also charges customers who are owners of vacant lots a standby charge of \$7.50 per month for each vacant buildable parcel.

Table 4-1 summarizes the total EDUs and user types according to 2021 District billing data.

Table 4-1: 2021 EDU User Types

User Type	Total EDUs
Residential	2330.50
Commercial	264.50
Other	97.75
Total	2692.75

Table 2-2 summarizes the District’s current monthly billing rates for FY21 EDUs.

Table 4-2: 2021 EDU Billing Rates

Service	EDUs	Billing Amount	Total Fee
Sewer	2692.75	\$98.00	\$263,889.50
Lot	187	\$7.50	\$1,402.50

4.2. Future Users

There are approximately 187 vacant lots present within the District service area. As part of the 2017 rate study evaluation, the District assumed approximately five (5) lots would be developed and transition into a billable service connection per year, at a rate of one (1) EDU per lot. Due to historically stable population growth, previous rate studies have been conservative in future buildout estimates and applied a factor of safety of 50%. This equates to anticipated total future use consisting of 93.5 EDUs. At ultimate buildout, the total EDUs within the system are assumed to be the sum of current existing EDUs and total potential EDUs from vacant lots for a total of 2,786.25 EDUs.

5. Recommended Connection Fee Updates

Due to the relatively small number of lot to rate payer conversions each year, representing a minor contribution to District revenues, the 2017 study did not provide a recommended update to Connection Fees. This memo will provide that recommendation with regards to final costs associated with the CSWP. Based on the CSWP cost of \$31,741,725 and a total build out population of 2,786.25 EDU’s the cost of the WRRF per EDU is \$11,392.

Resolution 2005-2 established a connection fee of \$5,000 per EDU. Subsequently, the connection fee was raised in 2007 to account for treatment facility upgrades, a total cost of \$8.79M which has since been paid off. This 2007 project cost has been subtracted from the CSWP cost to determine the amount to be paid through connection fees. The per EDU cost in addition to estimated inspection fees forms the recommended connection fee of \$16,331.46. These estimates are provided in Table 5-1.

Table 5-1: Connection Fee Estimate

Revised Connection Fee	
Existing Fee	\$7,860.00
2007 Project Cost	\$8,790,000
CWSP Difference	\$22,951,725
Additional Fee per EDU	\$8,237.50
Inspection Fee	\$233.96
REVISED FEE	\$16,331.46



AGENDA ITEM: 9

DATE: November 18, 2021

CAYUCOS SANITARY DISTRICT

TO: BOARD OF DIRECTORS

FROM: RICK KOON, DISTRICT MANAGER

DATE: NOVEMBER 10, 2021

SUBJECT: DISCUSSION AND CONSIDERATION TO APPROVE AN UPDATED MISSION STATEMENT FOR CAYUCOS SANITARY DISTRICT

DISCUSSION:

Staff has updated the District's Mission Statement to include the WRRF and to fix a slight grammatical error.

The District's Mission Statement appears on our website and is used in our policy handbooks.

RECOMMENDATION:

Staff recommends that the Board of Directors discuss and consider approving the updated Mission Statement for the Cayucos Sanitary District.

Cayucos Sanitary District

POLICY HANDBOOK

Board of Directors

POLICY TITLE: Mission Statement
POLICY NUMBER: 1000
ADOPTION DATE: ~~July 19, 2004~~ November 18, 2021

The Cayucos Sanitary District strives to serve the public by operating a well-maintained wastewater collection and conveyance system in addition to the Water Resource Recovery Facility for the protection of public health and safety, and when doing so, to take the necessary steps to protect the environment. The District is committed to preserving the community's capital investment and to being a good steward of the community's assets.