

Central Services  
**Joan Araujo**, Director

Engineering Services  
**Christopher Cooper**, Director

Roads & Transportation  
**Christopher Kurgan**, Director

Water & Sanitation  
**Joseph Pope**, Director

Watershed Protection  
**Glenn Shephard**, Director

December 7, 2021

Board of Supervisors  
County of Ventura  
800 South Victoria Avenue  
Ventura, CA 93009

**Subject:**     **Second Public Hearing Regarding Adoption of Proposed Ordinance Repealing and Reenacting Division 4, Chapter 7, Article 3 of the Ventura County Ordinance Code Pertaining to Solid Waste Collection and Disposal, Waste Reduction and Waste Diversion Programs for Unincorporated Areas (Ordinance); Find that the Ordinance is Exempt from the California Environmental Quality Act; All Supervisorial Districts.**

**Recommendations:**

1. Receive public testimony and adopt the attached proposed Ordinance repealing and reenacting Division 4, Chapter 7, Article 3 of the Ventura County Ordinance Code pertaining to Solid Waste Collection and Disposal, Waste Reduction and Waste Diversion Programs for Unincorporated Areas (Ordinance), to become effective thirty days from the date of adoption and operative on January 1, 2022.
2. Find that the Ordinance is exempt from the California Environmental Quality Act (CEQA) under State CEQA Guidelines sections 15061(b)(3) and 15308.
3. Direct the Clerk of the Board to publish the summary of the Ordinance in accordance with subdivision (b) of section 25124 of the Government Code.

**Fiscal/Mandates Impact:**

There is no fiscal impact associated with this board item.

**Discussion:**

In September 2016, Governor Brown signed Senate Bill 1383 (SB 1383), also known as the Short-Lived Climate Pollutants bill, into law. SB 1383, effective January 1, 2022, added sections 39730.5, 39730.6, 39730.7 and 39730.8 to the Health and Safety Code



and added Chapter 13.1, commencing with section 42652, to the Public Resources Code. SB 1383 targets short-lived climate pollutants by focusing on reducing greenhouse gas emissions emitted from landfills, requires the state to reduce its 2014 levels of landfill disposal of organic waste (i.e., food waste, green waste, paper products, etc.) by 75 percent by 2025 and requires the state to increase edible food recovery by 20 percent by 2025.

The California Department of Resources Recycling and Recovery (CalRecycle) adopted regulations in November 2020 with significant policy and legal implications for cities and counties. Under SB 1383, each jurisdiction must adopt an ordinance by January 1, 2022, mandating businesses and residents to divert organic waste from landfills or face financial penalties.

The SB 1383-compliant ordinance must include requirements for residents, businesses, institutions, solid waste companies and food recovery organizations relating to edible food recovery, outreach and education, inspection and enforcement, and reporting. Further, fines may be levied by the state against any jurisdiction failing to enforce the SB 1383-compliant ordinance. Thus, in order to ensure compliance with SB 1383, Public Works Agency, Water and Sanitation proposes repealing and reenacting Division 4, Chapter 7, Article 3 of the Ventura County Ordinance Code pertaining to Solid Waste Collection and Disposal, Waste Reduction and Waste Diversion Programs for Unincorporated Areas (Ordinance). Clean and legislative versions of the proposed Ordinance are attached as Exhibits 1 and 2, respectively.

In addition to fulfilling SB 1383 requirements, the proposed Ordinance would also ensure that the County is compliant with the California Green Building Standards Code (CALGreen) as well as state construction and demolition debris recycling laws.

County staff have evaluated the proposed Ordinance under CEQA, and have determined that the proposed ordinance is exempt from CEQA pursuant to State CEQA Guidelines sections 15061(b)(3) and 15308 on the grounds that it can be seen with certainty that the enhanced solid waste regulations, as provided for in the proposed Ordinance, will not have a significant effect on the environment, and that the new requirements, which strengthen requirements for the handling of solid waste, represent actions by a regulatory agency (the County) for the protection of the environment.

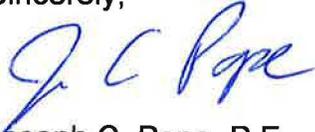
The proposed Ordinance, if approved, would become operative on January 1, 2022 and effective 30 days from adoption.

This item has been reviewed by the County Executive Office, the Auditor-Controller's Office, the Resource Management Agency, General Services Agency, and County



Counsel. If you have any questions concerning this item, please contact the undersigned at (805) 378-3005.

Sincerely,



Joseph C. Pope, P.E.  
Director, Water and Sanitation

Attachment:

Exhibit 1 – Ordinance (Clean Version)

Exhibit 2 – Ordinance (Legislative Version)



ORDINANCE NO. 4590

Division 4. - Public Health  
Chapter 7. - Regulation of Solid Waste Storage, Collection, Disposal, Transfer, Resource Recovery, and  
Environmental Health Permits and Fees  
Article 3. Solid Waste Programs for Unincorporated Areas

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**AN ORDINANCE OF THE VENTURA COUNTY BOARD OF SUPERVISORS  
REPEALING AND REENACTING DIVISION 4, CHAPTER 7, ARTICLE 3 TO THE  
VENTURA COUNTY ORDINANCE CODE PERTAINING TO SOLID WASTE  
COLLECTION AND DISPOSAL, WASTE REDUCTION AND WASTE DIVERSION  
PROGRAMS FOR UNINCORPORATED AREAS**

The Board of Supervisors of the County of Ventura ordains as follows:

**SECTION 1:** Division 4, Chapter 7, Article 3 of the Ventura County Ordinance Code is hereby repealed and reenacted to read as follows:

***Article 3. Solid Waste Programs for Unincorporated Areas***

**4740 Solid waste programs generally.**

This Article provides for the regulation of Solid Waste Collection, processing, and Disposal in the unincorporated area of Ventura County; for planning and implementation of programs for attainment of Solid Waste Diversion goals established by the Act for the establishment of fees for the recovery of program costs; and for other requirements the County may determine necessary, related to Solid Waste, Solid Waste Collection and Solid Waste Facilities, that are not encompassed within the regulatory powers of the local enforcement agency under Sections 4700-4730 of this Chapter.

**4740-1 Authorization.**

This Article is enacted as authorized by the Act, and specifically to Sections 40057, 40058, 40059, and 41900-41903. This Article is also enacted as authorized by Article 11, Section 7 of the California Constitution that provides for the police powers reserved to the County.

**4740-2 Administration.**

The Agency enforces and administers the provisions of this Article 3. Where the Director is invested with discretion pursuant to this Article 3, decisions made in the exercise of such discretion may be appealed in accordance with Section 4786 of this Article.

**4740-3 Application of article and effect on other remedies.**

This Article shall apply to all unincorporated areas of Ventura County. This Article shall not limit, preclude, or supersede any other criminal or civil liability or remedy provided in any other law or regulation applicable to Solid Waste, Solid Waste Collection and Solid Waste Facilities nor shall this Article preclude any other Person from enforcing laws or regulations affecting Solid Waste to the extent permitted by law.

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**4741 Definition of terms.**

Unless the context provides otherwise, this Article and its terms shall be construed in accordance with the following definitions and, where terms are not defined in this Article shall be construed in accordance with the usage and definition of terms provided in the Act and regulations promulgated thereunder.

**4741-1 Accounting standards.**

"Accounting Standards" means the methods and procedures established by the Financial Accounting Standards Board, known generally as Generally Accepted Accounting Principles, and referred to hereinafter as "GAAP."

**4741-2 Act.**

"Act" collectively means the California Integrated Waste Management Act of 1989 (commencing with Section 40000 of the Public Resources Code), as well as implementing regulations promulgated thereunder adopted by the state, as may be amended from time to time. Citations in this Article to the Act or its implementing regulations shall be deemed to incorporate by reference any subsequent amendment to the cited provisions.

**4741-3 Agency.**

"Agency" means the Public Works Agency of the County.

**4741-4 Applicant.**

"Applicant" means any individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever who applies to the County for any applicable Permits, as defined in this Section 4741, to undertake any Construction, Demolition, remodel or renovation Project within the County.

**4741-5 Board.**

"Board" means the Board of Supervisors of the County.

**4741-6 Business of Collection of Solid Waste.**

"Business of Collection of Solid Waste" means a business enterprise in any form that obtains or receives Solid Waste from a Commercial or Residential Generator for the primary purpose of removal or hauling such material for ultimate Disposal or Recycling, and includes, without limitation, Solid Waste Collection Services. For purposes of this Article, Business of Collection of Solid Waste is also referred to as "Solid Waste Collection Service."

**4741-7 C&D.**

"C&D" means Construction and Demolition.

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**4741-8 C&D Debris Recycling Compliance Official.**

"C&D Debris Recycling Compliance Official" means the Director of the Water and Sanitation Department or representatives designated by the Department Director or successors.

**4741-9 C&D Debris Recycling Plan.**

"C&D Debris Recycling Plan" means a plan for Recycling and/or reuse of Project C&D Debris prepared and submitted by a Permit Applicant pursuant to Section 4773-5 in a form approved by the Department Director for the purpose of reviewing Project compliance with this Section. This Recycling Plan is submitted prior to Permit issuance.

**4741-10 C&D Debris Recycling Report.**

"C&D Debris Recycling Report" means a completed form approved by the Department Director for the purpose of reviewing Project compliance with this Section submitted by a Permit Applicant pursuant to Section 4773-7.1 for any Covered Project approved by the County for the purpose of compliance with this Section. This form is submitted after Completion of a Project.

**4741-11 Collection.**

"Collection" or "Collect" means to take physical possession of Solid Waste at, and remove from, the place of generation.

**4741-12 Collection Service.**

"Collection Service" means Solid Waste Collection Services provided by a Collector to Residential and/or Commercial Customers for Solid Waste Collection.

**4741-13 Collector, Contract Collector.**

"Collector" means any Person engaging in the Business of Collection of Solid Waste generated at, or from, any property, whether commercial or residential, located in the unincorporated area of Ventura County. For purposes hereof, "Collector" shall include the owner or owners of, and the Person in the control of, such business. "Contract Collector" shall mean any Collector that has entered into a contract or franchise with the County to Collect Solid Waste in any portion of the unincorporated area of Ventura County.

**4741-14 Commercial Customer.**

"Commercial Customer" means a Commercial Generator that receives Solid Waste hauling services from any Collector with respect to such Solid Waste.

**4741-15 Commercial Generator.**

"Commercial Generator" means any Person generating Solid Waste within the unincorporated area of Ventura County that is not a Residential Generator as defined in

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Section 4741-68, including but not limited to any Person generating Solid Waste on a parcel that is greater than 5 acres, and has a County zoning designation of Agricultural Exclusive, Coastal Agricultural, Rural Agricultural, Coastal Rural, Rural Exclusive, Coastal Rural Exclusive, Open Space or Coastal Open Space and contains either zero, one or multiple Single-Family Dwellings. For purposes of this Article, Commercial Generator shall also include Multi-Family Dwelling with five (5) or more units, regardless of either the amount of commercial Solid Waste generated or the level of Solid Waste Collection Service.

**4741-16 Completion.**

"Completion" means the earliest of the following dates: the date a certificate of occupancy is issued by the County for a Covered Project; the completion date of a Covered Project per final County inspection and approval; or, if no final approval is required, 30 calendar days following the date the work authorized by the Permit(s) is completed, as determined by the Department Director, or the date on which the Project ceases to generate C&D Debris, provided on-site C&D Debris from previous activity has already been Recycled, disposed at a permitted Solid Waste Disposal facility, reused onsite, Salvaged for off-site reuse, or stored for planned future reuse.

**4741-17 Composting.**

"Composting" or "Compost" means the process of controlled biological decomposition of organic Solid Waste.

**4741-18 Commercial Edible Food Generator.**

"Commercial Edible Food Generator" consists of a Tier One or a Tier Two Commercial Edible Food Generator as defined in 14 CCR Section 18982(a)(73) and (a)(74).

**4741-19 Community Composting.**

"Community Composting" means any activity that Composts green material, agricultural material, food material, and vegetative food material, alone or in combination, and the total amount of feedstock and Compost on-site at any one time does not exceed either a volume of 100 cubic yards or 750 square feet of surface area, as specified in 14 CCR Section 17855(a)(4); or, as otherwise defined by 14 CCR Section 18982(a)(8).

**4741-20 Construction.**

"Construction" means the building, remodeling or enlargement of any structure, or any portion thereof, and includes, without limitation, alterations or improvements to an existing structure.

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**4741-21 Construction and Demolition Debris, C&D Debris.**

"Construction and Demolition Debris" or "C&D Debris" means the excess or discarded materials removed from a site or stored on site for reuse or Salvage during, or after, the Construction, Demolition, repair, remodeling or renovation of any pavement, house, commercial building, fence, wall or other structure.

**4741-22 Conversion Rate.**

"Conversion Rate" means the rate set forth in the standardized Conversion Rate table for use in estimating the volume or weight of C&D Debris, approved by the California Department of Resources Recycling and Recovery (CalRecycle).

**4741-23 County.**

"County" means the body politic and corporate having that designation and all other governmental entities where board is comprised of those members who are also members of the Board of Supervisors of the County of Ventura.

**4741-24 Covered Project.**

"Covered Project" means any Project meeting any one or more of the thresholds as defined in the California Green Building Standards Code or other applicable laws or regulations, as may be amended.

**4741-25 Deconstruct, Deconstruction.**

"Deconstruct" and "Deconstruction" mean the careful and systematic dismantling of a structure in order to Salvage materials for Diversion.

**4741-26 Demolition.**

"Demolition" means the razing, tearing down or wrecking of any structure, wall, fence or Paving, whether in whole or in part, whether interior or exterior.

**4741-27 Designated Recyclable and Reusable Materials.**

"Designated Recyclable and Reusable Materials" means all C&D Debris described within any of the following categories:

- (a) Masonry building materials, including all products generally used in Construction including, but not limited to, asphalt, concrete, rock, stone and brick.
- (b) Wood materials including any and all dimensional lumber, fencing or construction wood not chemically treated, contaminated with preservatives making it unsuitable for Recycling or otherwise contaminated or painted with lead paint.
- (c) Vegetation material including trees, tree parts, shrubs, logs, brush, grass, stumps or any other type of plants (i.e., "green waste"), excluding palm fronds

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and trunks, succulents, yucca and ivy, cleared from a site for Construction or other use.

- (d) Metals including all ferrous and nonferrous metal scrap such as, but not limited to, pipes, siding, window frames, door frames, hardware and fences.
- (e) Salvageable materials include all salvageable materials and structures including, but not limited to, wallboard, doors, windows, hardware, fixtures, toilets, sinks, bathtubs and appliances.
- (f) Any other non-hazardous C&D Debris for which Recycling or reuse markets exist.

**4741-28 Department Director.**

"Department Director" means the Director of the Water and Sanitation Department of the Public Works Agency of the County or successors.

**4741-29 Director.**

"Director" means the Director of the Agency or such other County official as the Director may designate in writing.

**4741-30 Disposal.**

"Disposal" means the final disposition of Solid Waste at a Solid Waste Facility permitted for Disposal.

**4741-31 Diversion.**

"Diversion", "Diverted" and "Divert" means activities reducing or eliminating the amount of Solid Waste from Solid Waste Disposal and which return these materials to use in the form of raw materials for new, reused, or reconstituted products, which meet the quality standards necessary for commercial use, or for other purposes of reuse.

**4741-32 Diversion Requirement.**

"Diversion Requirement" means the current required Diversion amount prescribed in the California Green Building Standards Code or other applicable laws or regulations, as may be amended and whichever is higher of the total C&D Debris generated by a Covered Project.

**4741-33 Dwelling Unit.**

"Dwelling Unit" means one (1) or more residential rooms with internal access between all rooms, which provide complete independent living facilities for at least one (1) family, including provisions for living, sleeping, eating, cooking, bathing, and sanitary facilities.

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**4741-34 Edible Food.**

“Edible Food” means food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this Article or as otherwise defined in 14 CCR Section 18982(a)(18), “Edible Food” is not Solid Waste if it is recovered and not discarded. Nothing in this Chapter or in 14 CCR, Division 7, Chapter 12 requires or authorizes the Recovery of Edible Food that does not meet the food safety requirements of the California Retail Food Code.

**4741-35 Enforcement Officer.**

“Enforcement Officer” means the Person designated by the Director to conduct enforcement of this Article in accordance with Section 4785.

**4741-36 Exempt Waste.**

“Exempt Waste” means biohazardous or biomedical waste, hazardous waste, medical waste, regulated radioactive waste, waste that is volatile, corrosive, or infectious, waste treatment or processing sludge, contaminated soil and dirt, contaminated concrete, contaminated asphalt, automobiles, automobile parts, boats, boat parts, boat trailers, internal combustion engines, lead-acid batteries, any matter or materials which are not acceptable for Disposal at a Solid Waste landfill as defined in the Act, and those wastes under the control of the Nuclear Regulatory Commission.

**4741-37 Food Distributor.**

“Food Distributor” means a company that distributes food to entities including, but not limited to, supermarkets and grocery stores.

**4741-38 Food Recovery Organization.**

“Food Recovery Organization” means an entity that engages in the Collection or receipt of Edible Food from Commercial Edible Food Generators and distributes that Edible Food to the public for food recovery either directly or through other entities or as otherwise defined in 14 CCR Section 18982(a)(25), including, but not limited to:

- (a) A food bank as defined in Section 113783 of the Health and Safety Code;
- (b) A nonprofit charitable organization as defined in Section 113841 of the Health and Safety Code; and,
- (c) A nonprofit charitable temporary food facility as defined in Section 113842 of the Health and Safety Code.

**4741-39 Food Recovery Service.**

“Food Recovery Service” means a Person or entity that Collects and transports Edible Food from a Commercial Edible Food Generator to a Food Recovery Organization or other entities for purposes of food recovery, or as otherwise defined in 14 CCR Section 18982(a)(26).

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**4741-40 Food Service Provider.**

“Food Service Provider” means a Person primarily engaged in providing food services to institutional, governmental, commercial, or industrial locations of other entities based on contractual arrangements with these types of entities, or as otherwise defined in 14 CCR Section 18982(a)(27).

**4741-41 Food Waste.**

“Food Waste” mean food scraps and trimmings and other putrescible waste that result from food production, preparation, cooking, storage, consumption or handling. Food Waste includes but is not limited to: meat, fish and dairy waste, fruit and vegetable waste and grain waste. Food Waste does not include Exempt Waste.

**4741-42 Gardening or Landscaping Services.**

“Gardening or Landscaping Services” means the provision of gardening or landscaping services to residences or businesses for which the Collection and transport of Solid Waste is limited to trimmings and other landscape-related material generated by, and through, the provision of these services.

**4741-43 Grading.**

“Grading” means altering a land surface by cutting, filling and/or smoothing to meet a designated form and function.

**4741-44 Green Materials.**

“Green Materials” means Solid Waste consisting of discarded vegetative or organic materials such as, without limitation, grass clippings, leaves, twigs, weeds, brush, bushes, shrub and tree prunings, holiday trees, and garden trimmings. Green Materials do not include Food Waste or Refuse, or manure, and may also exclude certain discarded Organic Waste which, because of their size or other properties, are determined by the Director to be uneconomical to Recycle.

**4741-45 Hearing Officer.**

“Hearing Officer” means the Person selected to conduct hearings in accordance with Section 4785 of this Article.

**4741-46 High Diversion Organic Waste Processing Facility.**

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

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**4741-47 Inert waste.**

"Inert Waste" means Solid Waste containing no hazardous waste or soluble pollutants at concentrations exceeding applicable water quality objectives. For purposes of this Article, Inert Waste does not include any decomposable waste, or Solid Waste which, under the Act, is required to be disposed of in a Class 1, 2, or 3 Solid Waste Facility unless such material is included incidentally or inadvertently with Inert Waste and constitutes less than five percent (5%) by volume of the Inert Waste. Inert Waste shall include, without limitation, concrete, asphalt, sand, gravel, rock, soil or brick that otherwise meets this definition.

**4741-48 Land Clearing Services.**

"Land Clearing Services" means the periodic cleanup of Green Materials or Inert Waste from land parcels for which the Collection and transport of Solid Waste is limited to the materials cleared and removed from the subject parcel. For purposes of this Article, Land Clearing Services shall not include the Collection and transport of Solid Waste from Construction sites, demolished structures, or the removal of Solid Waste from an unpermitted dump site.

**4741-49 Large Event.**

"Large Event" means an event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local public agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event.

**4741-50 Large Venue.**

"Large Venue" means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. For the purposes of this Chapter, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. For the purposes of this Chapter, a site under common ownership or control that includes more than one Large Venue that is contiguous with other Large Venues in the site, is a single Large Venue.

**4741-51 Liquid Waste.**

"Liquid waste" means any waste materials that are not spadeable.

**4741-52 Multi-Family Dwelling.**

"Multi-Family Dwelling" or "Multi-Family" means of, from, or pertaining to residential premises with five or more Dwelling Units. Multi-Family premises are

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considered a distinct type of Commercial Generator for the purposes of implementing this Article. Consistent with 14 CCR Section 18982(6), residential premises that consist of fewer than five units are not “Multi-Family” and instead are “Single-Family” for the purposes of implementing this Article. Multi-Family premises do not include hotels, motels, or other transient occupancy facilities.

**4741-53 Operator.**

“Operator” means any Person that is a Contract Collector or that establishes or operates a Solid Waste Facility.

**4741-54 Organic Waste.**

“Organic Waste” and “Organics” means Solid Wastes containing material originated from living organisms and their metabolic waste products, including but not limited to food, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, paper products, manure, biosolids, digestate, and sludges or as otherwise defined in 14 CCR Section 18982(a)(46). Biosolids and digestate have the meaning as defined by 14 CCR Section 18982(a).

**4741-55 Organic Waste Generator.**

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

**4741-56 Organic Waste Processing Facility.**

“Organic Waste Processing Facility” means any facility selected by the Contract Collector that is designed, approved by the County, or specifically designated by the County, operated and legally permitted for the purpose of receiving and processing Organic Waste.

**4741-57 Paving.**

“Paving” means driveways, walkways, parking areas, streets and sidewalks.

**4741-58 Permit.**

“Permit” means any building, Grading, Paving, encroachment or Demolition permit.

**4741-59 Person.**

“Person” means any individual, group of individuals, firm, sole proprietorship, partnership, corporation, committee, association, public agency or entity, or any other organization or group, public or private.

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**4741-60 Prohibited Container Contaminants.**

"Prohibited Container Contaminants" means (i) discarded materials placed in the designated Recyclables container that are not identified as acceptable Source Separated Recyclables for the County's designated Recyclables container, (ii) discarded materials placed in the designated Organic Waste container that are not identified as acceptable Source Separated Organic Waste for the County's designated Organic Waste container, and (iii) discarded materials placed in the Refuse container that are acceptable Source Separated Recyclables and/or Source Separated Organic Wastes to be placed in County's designated Organic Waste container and/or designated Recyclables container.

**4741-61 Project.**

"Project" means any proposal for Grading, new Construction or changed use, remodel, alteration, Demolition, Deconstruction or enlargement of any structure, requiring a Permit from the County.

**4741-62 Records.**

"Records" means accounting and such other Records as deemed necessary by the County for the evaluation of service rates, Operator service delivery, program performance, and verification of Revenues and fees.

**4741-63 Recyclables or Recyclable Materials.**

"Recyclables" or "Recyclable Materials" means Solid Waste consisting of any material which retains useful properties and can be reclaimed after the production or consumption process and as identified in accordance with programs determined by the Director or the Board.

**4741-64 Recycle, Recycled or Recycling.**

"Recycle", "Recycled" or "Recycling" means the process of Collecting, sorting, cleansing, treating and/or reconstituting or Recyclable Materials which would otherwise become Refuse and returning them for use in the form of raw materials for new, used or reconstituted products meeting the quality standard necessary for commercial use, or for other purposes of reuse. Recycling does not include burning, incinerating, or thermally destroying Solid Waste.

**4741-65 Recycling Facility.**

"Recycling Facility" means a facility collecting specific types of C&D Debris for reuse or Recycling for which an applicable Solid Waste handling permit is required.

**4741-66 Refuse.**

"Refuse" means Solid Waste designated for Disposal by the Collector and does not include Recyclable Materials, Organic Waste, or "hazardous waste", as defined in California Public Resources Code Section 40141.

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**4741-67 Residential Customer.**

“Residential Customer” means a Residential Generator that receives Solid Waste hauling services from any Collector with respect to such Solid Waste.

**4741-68 Residential Generator.**

"Residential Generator" means any Person generating Solid Waste from any Single-Family Dwelling and from onsite domestic uses accessory to these Dwelling Units, in the unincorporated area of Ventura County, except that a Residential Generator shall not include any Person generating Solid Waste on a parcel that is greater than five (5) acres, and has a County zoning designation Agricultural Exclusive, Coastal Agricultural, Rural Agricultural, Coastal Rural, Rural Exclusive, Coastal Rural Exclusive, Open Space or Coastal Open Space and contains either zero, one (1) or multiple Single-Family Dwellings.

**4741-69 Responsible Party.**

“Responsible Party” means the Person responsible for the management of Solid Waste and/or Recyclable Materials generated by a Commercial or Residential Generator.

**4741-70 Revenues.**

"Revenues" means actual, or expected, gross income from the Business of Collection of Solid Waste in the unincorporated area of Ventura County or to Operators of Organic Waste Processing Facilities under contract with the County, including all forms of consideration such as, but not limited to, monthly service charges, one-time service charges, special Collection charges, inclusive of all amounts related to regulatory fees, tipping fees, and all other fees, costs and expenses that Contract Collector receives from its customers as part of Contract Collector's charges. This definition of Revenues shall be applicable to the calculation of Contract Collector fees due to County or Organic Waste Processing Facility fees due to the County, and for all other purposes Revenues shall be defined in accordance with GAAP.

**4741-71 Salvage.**

“Salvage” means the controlled removal items from a Permitted building or Demolition site for Reuse.

**4741-72 Self-Hauler.**

"Self-Hauler" means any Person, including but not limited to any Commercial Generator or Residential Generator, who is not a Collector and who transports Solid Waste or Recyclables generated at and from the property where the Solid Waste or Recyclables are generated.

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**4741-73 Self-hauling.**

"Self-Hauling" means a process by which a Residential or Commercial Generator or Responsible Party transports their own Solid Waste and/or Recyclables rather than using a Contract Collector for such service.

**4741-74 Single-Family Dwelling.**

"Single-Family Dwelling" means a residential building or a mobile home with fewer than five (5) principal Dwelling Units.

**4741-75 Solid Waste.**

"Solid Waste" has the same meaning as defined in Public Resources Code Section 40191, which defines Solid Waste as all putrescible and nonputrescible solid, semisolid, and Liquid Wastes, including garbage, trash, Refuse, paper, rubbish, ashes, industrial wastes, Construction and Demolition wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semisolid Wastes, with the exception that Solid Waste does not include any of the following wastes:

- (a) Hazardous waste, as defined in the State Public Resources Code Section 40141.
- (b) Radioactive waste regulated pursuant to the State Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the State Health and Safety Code).
- (c) Medical waste regulated pursuant to the State Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the State Health and Safety Code). Untreated medical waste shall not be disposed of in a Solid Waste landfill, as defined in State Public Resources Code Section 40195.1. Medical waste that has been treated and deemed to be Solid Waste shall be regulated pursuant to Division 30 of the State Public Resources Code.

**4741-76 Solid Waste Facility.**

"Solid Waste Facility" means any facility for which a Solid Waste Facility permit is required by the Act and/or by any regulation promulgated by the State of California, either of which is operating with all required governmental permits and approvals. For purposes of this Article, Solid Waste Facility shall also mean any facility engaging in the commercial Composting, chipping, grinding or other processing of Organic Waste and the sale of products derived from these operations, and which is operating with all required governmental permits and approvals. "Solid Waste Facility" shall not include publicly owned sewage treatment plants or any facility for which the processing of Organic Waste is undertaken principally for said facility's on-site horticultural or agricultural use.

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**4741-77 Source Separate.**

“Source Separate” means the process of sorting Recyclable Materials and Organic Waste from Solid Waste at the place of generation, prior to Collection, and placing such materials into separate containers designated for Recyclables.

**4741-78 Tier One Commercial Edible Food Generator.**

“Tier One Commercial Edible Food Generator” means a Commercial Edible Food Generator that is one of the following:

- (a) Supermarket with gross annual sales of \$2,000,000 or more.
- (b) Grocery store with a total facility size equal to or greater than 10,000 square feet.
- (c) Food Service Provider.
- (d) Wholesale Food Vendor.
- (e) Food Distributor.

**4741-79 Tier Two Commercial Edible Food Generator.**

“Tier Two Commercial Edible Food Generator” means a Commercial Edible Food Generator that is one of the following:

- (a) Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.
- (b) Hotel with an on-site food facility and 200 or more rooms.
- (c) Health facility as defined in Section 1250 of the Health and Safety Code with an on-site food facility and 100 or more beds including but not limited to hospitals, skilled nursing facilities, and hospice facilities.
- (d) Large Venue.
- (e) Large Event.
- (f) A state agency with a cafeteria with 250 or more seats or total cafeteria facility size equal to or greater than 5,000 square feet.
- (g) A local education agency including a school district, charter school, or County office of education that is not subject to the control of County regulations related to Solid Waste with an on-site food facility.

**4741-80 Wholesale Food Vendor.**

“Wholesale Food Vendor” means a business or establishment engaged in the commercial wholesale distribution of food, where the food (including fruits and vegetables) is received, shipped, stored, and prepared for distribution to a retailer, warehouse, distributor, or other destination.

**4750 Contract or franchise for operation of business of collection of solid waste.**

The purpose of Section 4750 is to regulate matters of Solid Waste Collection, processing, Diversion and Disposal within the unincorporated areas of Ventura County including, without limitation, frequency of Collection, means of Collection and transportation, level of services, charges and fees, and the nature, location and extent

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of providing Solid Waste Collection Services; to facilitate the implementation of waste reduction and Diversion programs; and to establish fees which shall be used to pay costs associated with regulating the Collection, processing, Diversion and Disposal of Solid Waste in the unincorporated areas of Ventura County.

**4750-1 Solid waste collection contract or franchise required.**

Except as set forth in Section 4750-7, no Person shall establish, operate or carry on the Business of Collection of Solid Waste in the unincorporated area of Ventura County without first obtaining, at the County's option, a contract or franchise approved by the Board allowing the provision of Solid Waste Collection Services. At the County's option, said contract or franchise may be granted with or without competitive bidding; on an exclusive, partially exclusive or nonexclusive basis; and shall include such terms and conditions as approved by the Board. Persons providing Collection Service shall be required to obtain a contract or franchise for Solid Waste Collection Service, and shall provide the full range of Solid Waste Collection Services, as specified by the Director, to Residential and/or Commercial Customers.

**4750-2 Contract or franchise provisions.**

A contract or franchise for Solid Waste Collection Service may include, but may not necessarily be limited to, provisions that govern the following: term; service area boundaries; service type; service levels; service rates; days and hours of Collection; routes and schedules; Collection equipment; destination facilities; Diversion Requirements; environmental campaigns and programs; customer service; accounting and reporting requirements; compliance with laws; County regulatory fees and charges; financial assurance; performance surety; default and remedies; and assignment.

**4750-3 Approval of contract collector applications and assignments.**

The County's approval of contracts or franchises for Solid Waste Collection Service, and of any assignments of such franchises or contracts, shall be at the discretion of the Board, and shall be based upon an assessment of the applicant's or assignee's qualifications including, without limitation: organizational and fiscal administration; Solid Waste management experience; environmental practices; compliance with laws; and service performance Record.

**4750-4 Limitation on the number of regular service contract collectors for commercial customers.**

No new contract or franchise to provide Solid Waste Collection Service to Commercial Customers in the unincorporated area of Ventura County shall be approved unless the Board, by resolution, first determines there is a need for the additional Collection Service. When making this determination, the Board may consider all factors relevant to maintenance of the public health, safety, and welfare including, without limitation: the nature and geographical distribution of existing services; the competitiveness of existing service rates; the success of County waste Diversion programs implemented by existing Contract Collectors for compliance with State

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mandates; the potential for adverse environmental or other impacts which the granting of additional Collection contracts or franchises might create; the interests of affected Commercial Customers and existing Contract Collectors; and whether a public demand exists for additional commercial Collection services which are neither being adequately supplied, nor capable of being adequately supplied by existing Contract Collectors.

**4750-5 Parking of collection vehicles and trailers.**

Parking vehicles and trailers used in the Business of Collection of Solid Waste in, on or about the public streets or highways of the unincorporated area is prohibited when not in service. Each Contract Collector shall maintain a permitted site for such vehicles and trailers in compliance with the County's applicable zoning ordinance. Further, each Contract Collector shall not otherwise be in violation of sections of the Ventura County Ordinance Code related to the parking of commercial and oversize vehicles.

**4750-6 Collector Fee.**

Each Contract Collector shall pay a Collector Fee to the County based on the Revenues from its Business of the Collection of Solid Waste in the unincorporated area. Payment shall be made in accordance with Section 4780-4 of this Article and the Collector Fee adopted by Board resolution. This fee shall be in addition to all other fees, taxes, charges and costs payable by the Contract Collector to the County and/or other federal, state and local governmental agencies.

**4750-7 Exclusions from the requirements of Section 4750.**

The following activities and Persons are excluded from the requirements of Section 4750:

- (a) Inert or Liquid Waste - The Collection of Inert Waste or Liquid Waste where such wastes, in accordance with applicable law, are taken to any location other than a Solid Waste Facility.
- (b) Onsite Waste Facilities - The Collection of Solid Waste which, in accordance with applicable law, is taken to any onsite Solid Waste Facility within the same parcel of land or within the same land use authorization boundary as where the Solid Waste originated.
- (c) Special Districts - The Collection of Solid Waste where such Collection is statutorily regulated by the governing body of a Special District for areas within that district's boundaries if the County determines said district's regulations meet the purposes and intent of the Act insofar as such performance within said district boundaries is concerned.
- (d) Gardening or Landscaping Services - The provision of Gardening or Landscaping Services subject to Self-Haul requirements in Section 4770-6 of this Article.
- (e) Land Clearing Services - The provision of Land Clearing Services subject to Self-Haul requirements in Section 4770-6 of this Article.

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- (f) Self-Hauling – Self-Haulers subject to the additional Self-Haul requirements in Section 4770-6 of this Article.

**4750-8 Enforcement of exclusive contracts or franchises.**

Any Contract Collector who has entered into an exclusive contract or franchise with the County in accordance with Section 4750 may bring an action in the Ventura County Superior Court for injunctive relief and/or damages against any Person engaging in the Business of Collection of Solid Waste which, by virtue of such business, is infringing upon the exclusive service area granted by the said contract or franchise to the said Contract Collector and who, in violation of Section 4750, has no contract or franchise with the County authorizing such activity. Prior to bringing such action, the Contract Collector shall notify the Director of its intention to file an action. In its discretion, the County may join in such action as a plaintiff, may bring an independent action to enforce Section 4750 or any pertinent contract or franchise or may take no action. Any action filed by the Contract Collector shall be pursued solely at the Contract Collector's expense, and the Contract Collector shall include in its claim any costs incurred by the County as a result of this action if assigned by the County and shall reimburse the County for such costs if collected in the action.

**4760 Contract or franchise for operation of solid waste facilities.**

The purpose of Section 4760 is to regulate matters of Solid Waste processing and Disposal in the unincorporated area of Ventura County including, without limitation, the nature, location, and extent of providing Solid Waste Facility services; the level of services, charges and fees; the establishment of financial assurance and indemnification; and the implementation of waste processing and Diversion programs.

**4760-1 Solid waste facility contract or franchise required.**

No Person shall establish or operate a Solid Waste Facility in the unincorporated area of Ventura County without first obtaining, at the County's option, either a contract or franchise approved by the Board allowing the establishment or operation of the Solid Waste Facility. At the County's option, said contract or franchise may be granted with or without competitive bidding; on an exclusive, partially exclusive or nonexclusive basis; and shall include such terms and conditions as approved by the Board.

**4760-2 Solid waste facility contract or franchise provisions.**

Each Solid Waste Facility contract or franchise may include, but may not necessarily be limited to, provisions that govern the following activities: facility administration and Record- keeping; tonnage tracking and reporting; rate regulation; Solid Waste Diversion programs; County regulatory fees and charges; environmental and permit compliance; financial assurance, performance surety, default and remedies; and assignment.

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## **4770 Compliance with the Act.**

The purpose of Section 4770 is to provide for the implementation of residential and commercial Diversion programs to allow the County to achieve and comply with the Act's Solid Waste Diversion Requirements. All Single-Family Dwelling premises, Multi-Family Dwelling premises, Commercial Generators, Contract Collectors, Collectors, and all other Persons subject to the requirements of the Act shall fully comply with the Act and all other applicable law or be subject to any applicable penalties.

### **4770-1 Residential and Commercial Generator Diversion Requirements.**

#### **4770-1.1 Director's List of Residential and Commercial Recyclables.**

The Director shall develop, maintain, publish, and update as appropriate, in consultation with Contract Collectors and other Diversion industry representatives, a list of Recyclables generated by Residential and Commercial Generators ("Director's List of Residential and Commercial Recyclables") that shall be subject to the requirements of Section 4770. In determining which types of Solid Waste shall be included on the Director's List of Residential and Commercial Recyclables, the Director shall periodically consider and evaluate processing capability and capacity, market availability, and economic feasibility, and state law. At a minimum, to comply with newly created Chapter 12 of Title 14, Division 7 of California Code of Regulations (CCR) and several amended portions of regulations of Title 14 of CCR and Title 27 of CCR specified Organic Waste must be included in the Recyclables container and Organic Waste Collection container. Clean writing and printing paper, mixed paper, and cardboard shall be required to go in the Recyclables container and Food Waste, food soiled paper, and Green Waste shall be required to be accepted in the Organic Waste container. Except as provided in Section 4770-3, each Contract Collector providing services to Residential and Commercial Customers shall provide for Collection of all materials on the Director's List of Residential Recyclables. Nothing in this Section is intended to limit, or preclude, the separate Collection and Diversion of materials not listed on the Director's List of Residential Recyclables.

#### **4770-1.2 Pricing Incentives for Residential Waste Diversion.**

Each Contract Collector providing Collection Service to Residential Customers shall offer multiple levels of service and pricing incentives to encourage the separation of Recyclables from Refuse and to discourage Disposal. These levels of service and associated pricing, which may include variable container rates, shall be designated and approved in advance by the Director. The Director may exempt a Contract Collector from some, or all, of the requirements of this Section if the Director determines that offering multiple levels of service is not economically feasible.

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### **4770-1.3 Pricing Incentives for Commercial Waste Diversion.**

Each Contract Collector providing Collection Service to Commercial Customers shall offer multiple levels of service and pricing incentives to encourage the separation of commercial Recyclables and Organic Waste from Refuse and to discourage Disposal. These levels of service, and associated pricing, shall be designated and approved in advance by the Director pursuant to the process stated in the Contract Collector's contract or franchise with the County. The Director may exempt a Contract Collector from some, or all, of the requirements of this Section if the Director determines offering multiple levels of service is not economically feasible.

### **4770-2 Obligation of Solid Waste Collection Service.**

Organic Waste Generators, Collectors, and all other Persons subject to the requirements of the Short-Lived Climate Pollutants: Organic Waste Reduction regulations developed by CalRecycle and adopted in 2020 that created Chapter 12 of Title 14, Division 7 of CCR and amended several portions of regulations of Title 14 of CCR and Title 27 of CCR shall fully comply with all applicable requirements, including those summarized below, or be subject to fines for an infraction and subsequent infractions according to the schedule set forth in Ventura County Ordinance Code Chapter 1, General Provisions, Section 13-2, as determined by the Director and/or his or her designee.

### **4770-3 Single-Family Dwelling Organic Waste Generators.**

Single-Family Dwelling Organic Waste Generators shall subscribe to a level of Solid Waste Collection service with a Contract Collector as stated below that is sufficient to handle the volume of Refuse, Recyclable Material, and Organic Waste generated or accumulated on the premises and comply with requirements of those collection services, except for Single-Family Dwelling Organic Waste Generators that are Self-Haulers and meet the requirements of Section 4770-6 of this Article:

- (a) Subscribe to Collection Service for all Organic Waste and Recyclable Materials generated as described in subsections (b) and (c) below. The County shall have the right to review the number and size of a generator's containers to evaluate adequacy of capacity provided for each type of Collection Service for proper separation of materials and containment of materials; Single-Family Generators shall have the service level adjusted by the Collection Service as required by the County. Generators may additionally manage their Organic Waste by preventing or reducing their Organic Waste, managing Organic Waste on site, and/or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).
- (b) Participate in Collection Service for Organic Waste and Recyclable Materials by placing designated materials in designated containers as described in subsection (c) and shall not place Prohibited Container Contaminants in Collection containers.

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- (c) Place Organic Waste, including Food Waste, in the designated Organic Waste container; Recyclable Materials in the designated Recycling container; and Refuse in the designated Refuse container. Generators shall not place materials designated for the Refuse container into the Organic Waste container or Recycling container, unless Organic Waste, Recyclable Materials and Refuse are processed at a High Diversion Processing Facility as defined in Section 4741-46 of this Article.

**4770-4 Commercial and Residential Organic Waste Generator Requirements.**

- (a) Commercial Generators, including Multi-Family Dwellings, shall:
1. Subscribe to a level of service with a Contract Collector that is sufficient to handle the volume of Refuse, Recyclable Materials and Organic Waste generated or accumulated on the premises and comply with requirements of those services, except Commercial Generators that meet the Self-Hauler requirements in Section 4770-6 of this Article. The County shall have the right to review the number and size of a Commercial Generator's containers and frequency of Collection to evaluate adequacy of capacity provided for each type of Collection Service for proper separation of materials and containment of materials; Commercial Generator shall adjust their service level for their Collection Services as required by the County.
  2. Except for Commercial Generators that meet the Self-Hauler requirements in Section 4770-6 of this Article, participate in Collection Service for Organic Waste and Recyclable Materials by placing designated materials in designated containers. Generator shall place Organic Waste, including Food Waste, in the designated Organic Waste container; Recyclable Materials in the designated Recycling container; and Refuse in the designated Refuse container. Generators shall not place materials designated for the Refuse container into the Organic Waste container or Recycling container.
  3. Supply and allow access to adequate number, size and location of Collection containers with sufficient labels or colors (conforming with requirements described below) for employees, contractors, tenants, and customers, consistent with the Collection Service or, if Self-Hauling, pursuant to the Commercial Generator's instructions to support its compliance with its Self-Haul program in accordance with Section 4770-6 of this Article.
  4. Annually provide information to employees, contractors, tenants, and customers about Organic Waste Recovery requirements and about proper sorting of Source Separated Organic Waste and Source Separated Recyclable Materials.
  5. Provide or arrange access for the County or its representative to their properties during all inspections conducted in accordance with Section

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4772 of this Article to confirm compliance with the requirements of this Article.

6. Accommodate and cooperate with the Collector's remote monitoring program for Inspection of the contents of containers for Prohibited Container Contaminants, to evaluate generator's compliance.

(b) Commercial Generators, including Multi-Family Dwellings, shall:

1. Provide containers for the Collection of Organic Waste and Recyclable Materials in all indoor and outdoor areas where Disposal containers are provided for customers, for materials generated by that business. Such containers do not need to be provided in restrooms. If a Commercial Generator does not generate any of the materials that would be collected in one type of container, then the Commercial Generator does not have to provide that particular container in all areas where Disposal containers are provided for customers. Pursuant to 14 CCR Section 18984.9(b), the containers provided by the Commercial Generator shall have either:

- i. A body or lid that conforms with the container colors provided through the Collection Service provided by the Contract Collector, with either lids conforming to the color requirements or bodies conforming to the color requirements or both lids and bodies conforming to color requirements. A Commercial Generator is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the requirements of this subsection (b)(1) prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first.
- ii. Container labels that include language or graphic images, or both, indicating the primary material accepted and the primary materials prohibited in that container, or containers with imprinted text or graphic images that indicate the primary materials accepted and primary materials prohibited in the container. Pursuant to 14 CCR Section 18984.8, the container labeling requirements are required on new containers commencing January 1, 2022.

2. To the extent practical through education, training, inspection, and/or other measures, prohibit employees from placing materials in a container not designated for those materials per the Collection service or, if Self-Hauling, pursuant to the Commercial Generator's instructions to support its compliance with its Self-Haul program, in accordance with Section 4770-6 of this Article.
3. Periodically inspect Organic Waste, Recycling, and Refuse containers for contamination and inform employees if containers are contaminated

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and of the requirements to keep contaminants out of those containers pursuant to 14 CCR Section 18984.9(b)(3).

4. If a Commercial Generator wants to Self-Haul, meet the Self-Hauler requirements in Section 4770-6 of this Article.
  5. A Commercial Generator that is a Commercial Edible Food Generator shall comply with Food Recovery requirements, pursuant to Section 4770-7 of this Article.
- (c) Responsible Party for a Multi-Family Dwellings shall:
1. Provide education information before or within fourteen (14) days of occupation of the premises to new tenants that describes requirements to keep Source Separated Organic Waste and Source Separated Recyclable Materials separate from Refuse (when applicable) and the location of containers and the rules governing their use at each property.
- (d) Nothing in this Section prohibits a generator from preventing or reducing waste generation, managing Organic Waste on site, or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).

#### **4770-5 Waivers for Commercial Generators.**

- (a) Commercial Generators may apply for a physical space waiver. Waivers may be approved through the following process:
1. Submit an application form specifying the type(s) of Collection services for which they are requesting a physical space waiver.
  2. Provide documentation with the application establishing that the premises lack adequate space for blue containers and/or green containers including documentation from its Contract Collector, licensed architect, or licensed engineer.
- (b) Commercial Generators may apply for a de minimis waiver. Waivers may be approved through the following process:
1. Submit an application form specifying the services that they are requesting a waiver from and provide documentation demonstrating that either:
    - i. The Commercial Generator's total Solid Waste Collection service is two cubic yards or more per week and Organic Waste subject to Collection in a Recyclable Materials container or Organic Waste container comprises less than 20 gallons per week per applicable container of the Commercial Generator's total waste; or,
    - ii. The Commercial Generators' total Solid Waste Collection service is less than two cubic yards per week and Organic

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Waste subject to Collection in a Recyclable Materials container or Organic Waste comprises less than 10 gallons per week per applicable container of the Commercial Generators' total waste.

- (c) Waivers shall apply for up to, but no longer than five (5) years, for a specific duration as determined by the Director and/or his or her designee.
- (d) Commercial Generators that receive a waiver pursuant to subsection (b)(1) above must notify the County if circumstances change such that Commercial Generator's Organic Waste exceeds threshold required for waiver, in which case waiver shall be rescinded.
- (e) Should the County apply for and receive a low population waiver for census tracts that have a population density of less than 75 people per square mile, Organic Waste Generators in those census tracts would be covered by that waiver and notified accordingly.

**4770-6 Self-Hauler Requirements.**

- (a) Self-Haulers shall Source Separate all Recyclable Materials and Organic Waste generated on-site from Solid Waste in a manner consistent with 14 CCR Sections 18984.1 and 18984.2 or shall haul Organic Waste to a High Diversion Organic Waste Processing Facility as specified in 14 CCR Section 18984.3.
- (b) Self-Haulers, including landscapers, shall haul their Recyclable Materials to a Recycling Facility that recovers those materials; and haul their Organic Waste to a Solid Waste Facility, operation, activity, or property that processes or recovers Source Separated Organic Waste. Alternatively, Self-Haulers may haul Organic Waste to a High Diversion Organic Waste Processing Facility. Any Solid Waste for Disposal that remains after Source Separation of Recyclable Materials and Organic Waste must be delivered to a Solid Waste Facility for Disposal.
- (c) Self-Haulers that are Commercial Generators (including Multi-Family Dwelling complexes) shall keep a Record of the amount of Organic Waste delivered to each Solid Waste Facility, operation, activity, or property that processes or recovers Organic Waste; this Record shall be subject to inspection by the County. The Records shall include the following information:
  - 1. Delivery receipts and weight tickets from the entity accepting the waste.
  - 2. The amount of material in cubic yards or tons transported by the Self-Hauler to each entity.
  - 3. If the material is transported to an entity that does not have scales on-site or employs scales incapable of weighing the Self-Hauler's vehicle in a manner that allows it to determine the weight of materials

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received, the Self-Hauler is not required to Record the weight of material but shall keep a Record of the entities that received the waste.

**4770-7 Edible Food Recovery Required.**

- (a) Tier One Commercial Edible Food Generators shall comply with the requirements of 14 CCR Section 18991 commencing January 1, 2022. Tier Two Commercial Edible Food Generators shall comply with the requirements 14 CCR Section 18991.3 commencing January 1, 2024.
- (b) A Large Venue or Large Event operator that does not provide food services, but allows for food to be provided, shall require food facilities operating at the Large Venue or Large Event to comply with the requirements of 14 CCR Section 18991.3 commencing January 1, 2024.
- (c) Commercial Edible Food Generators shall comply with the following requirements:
  - 1. Arrange to recover the maximum amount of Edible Food that would otherwise be disposed.
  - 2. Contract with or enter into a written agreement with Food Recovery Organizations or Food Recovery Services for: (i) the Collection of Edible Food for food recovery; or, (ii) acceptance of the Edible Food that the Commercial Edible Food Generator Self-Hauls to the Food Recovery Organization for food recovery.
  - 3. Shall not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.
  - 4. Allow the County's designated enforcement entity or designated third party enforcement entity to access the premises and review Records pursuant to 14 CCR Section 18991.4.
  - 5. Keep Records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:
    - i. A list of each Food Recovery Service or organization that Collects or receives its Edible Food pursuant to a contract or written agreement established under 14 CCR Section 18991.3(b).
    - ii. A copy of all contracts or written agreements established under 14 CCR Section 18991.3(b).
    - iii. A Record of the following information for each of those Food Recovery Services or Food Recovery Organizations:
      - a. The name, address and contact information of the Food Recovery Service or Food Recovery Organization.

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- b. The types of food that shall be Collected by or Self-Hauled to the Food Recovery Service or Food Recovery Organization.
  - c. The established frequency that food shall be collected or Self-Hauled.
  - d. The quantity of food, measured in pounds recovered per month, Collected or Self-Hauled to a Food Recovery Service or Food Recovery Organization for Food Recovery.
- (d) Nothing in this Article shall be construed to limit or conflict with the protections provided by the California Good Samaritan Food Donation Act of 2017 as described in Sections 114432-114434 of the Health and Safety Code and Section 1714.25 of the Civil Code, the Federal Good Samaritan Act as described in 110 Stat. 3011 , or share table and school food donation guidance set forth in Article 13 [commencing with Section 49580] to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, and to amend Section 114079 of the Health and Safety Code, relating to food safety, as amended, supplemented, superseded and replaced from time to time).

**4770-8 Requirements for Food Recovery Organizations and Services.**

- (a) Food Recovery Services Collecting or receiving Edible Food directly from Commercial Edible Food Generators, pursuant to a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following Records, or as otherwise specified by 14 CCR Section 18991.5(a)(1):
1. The name, address, and contact information for each Commercial Edible Food Generator from which the service collects Edible Food.
  2. The quantity in pounds of Edible Food collected from each Commercial Edible Food Generator per month.
  3. The quantity in pounds of Edible Food transported to each Food Recovery Organization per month.
  4. The name, address, and contact information for each Food Recovery Organization to which the Food Recovery Service transports Edible Food for Food Recovery.
- (b) Food Recovery Organizations Collecting or receiving Edible Food directly from Commercial Edible Food Generators, pursuant to a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following Records, or as otherwise specified by 14 CCR Section 18991.5(a)(2):
1. The name, address, and contact information for each Commercial Edible Food Generator from which the organization receives Edible Food.
  2. The quantity in pounds of Edible Food received from each Commercial Edible Food Generator per month.

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3. The name, address, and contact information for each Food Recovery Service from which the organization receives Edible Food for Food Recovery.
- (c) Food Recovery Organizations and Food Recovery Services that have their primary address physically located in the County and either contract with, or have written agreements with, one or more Commercial Edible Food Generators pursuant to 14 CCR Section 18991.3(b) shall report to the County in which it is located the total pounds of Edible Food recovered in the previous calendar year from the Tier One and Tier Two Commercial Edible Food Generators they have established a contract or written agreement with pursuant to 14 CCR Section 18991.3(b) no later than May 1 of each year.
  - (d) In order to support Edible Food Recovery capacity planning assessments or other studies conducted by the County, Food Recovery Services and Food Recovery Organizations operating in Ventura County, including the unincorporated area and within cities, shall provide information and consultation to the County, upon request, regarding existing, or proposed new or expanded, Food Recovery capacity that could be accessed by the County and its Commercial Edible Food Generators. A Food Recovery Service or Food Recovery Organization contacted by the County shall respond to such request for information within 60 days, unless a shorter timeframe is otherwise specified by the County.

**4770-9 Requirements for Contract Collectors and facility operators.**

- (a) The County's designated Collectors providing residential or commercial Organic Waste Collection services to generators within unincorporated Ventura County shall comply with the following requirements and standards which shall be set forth in a contract, agreement, or other authorization with the County addressing the Collection of Organic Waste:
  1. Through written notice to the County provided annually on or before May 1, identify the facilities to which they will transport Organic Waste including facilities for Source Separated Recyclable Materials and Source Separated Organic Waste.
  2. Transport Source Separated Recyclable Materials and Source Separated Organic Waste to a facility, operation, activity, or property that recovers Organic Waste as defined in 14 CCR, Division 7, Chapter 12, Article 2.
  3. Obtain approval from the County to haul Organic Waste, unless the Collector is transporting Source Separated Organic Waste to a Community Composting Site or lawfully transporting C&D debris in a manner that complies with 14 CCR Section 18989.1.
- (b) Contract Collectors shall comply with education, equipment, signage, container labeling, container color, contamination monitoring, reporting, and other

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requirements contained within its franchise agreement, permit, license, or other agreement entered into with the County.

- (c) Each Contract Collector providing Collection Service to Residential Customers and Commercial Customers shall supply to each of its Residential and Commercial Customers, and each Residential Customer and Commercial Customer shall accept, except to the extent such Residential Customer is determined to be exempt pursuant to Section 4770-5 of this Article, a Collection container designated for the separate deposit of Organic Waste by Residential Customers and Commercial Customers and a Collection container designated for the separate deposit of commingled Recyclables by Residential Customers and Commercial Customers. The Contract Collector's supply of such containers shall be in addition to other containers supplied by the Contractor Collector for Refuse. Where more feasible, the Contract Collector may, upon the advanced written approval of the Director, supply containers for use in common by several Residential Customers or Commercial Customers provided such Residential Customers and Commercial Customers have access to each type of container required by this Section 4770-3 of this Article. As a part of its single Collection Service, each Contract Collector shall Collect Organic Waste and commingled Recyclables from such containers, if any, deposited therein by the Residential Customers and Commercial Customers. The Contract Collector shall keep these materials separate from Refuse, take measures to minimize contamination, and shall ensure that Organic Waste is taken to a Source Separated Organics processing facility or a High Diversion Organic Waste Processing Facility.

**4770-10 Requirements for Facility Operators and Community Composting Operations.**

- (a) Persons owning or operating facilities or conducting operations or activities that recover Organic Waste, including, but not limited to, Compost facilities, in-vessel digestion facilities, and publicly owned treatment works shall, upon County request, provide information regarding available and potential new or expanded capacity at their facilities, operations, and activities, including information about throughput and permitted capacity necessary for planning purposes. Entities contacted by the County shall respond within 60 days.
- (b) Community Composting Operators, upon the County's request, shall provide information to the County to support Organic Waste capacity planning, including, but not limited to, an estimate of the amount of Organic Waste anticipated to be handled at the Community Composting operation. Entities contacted by the County shall respond within 60 days.

**4771 Reporting.**

- (a) To facilitate the County's monitoring of compliance with the Residential and Commercial Diversion Requirements of Section 4770-1 of this Article, each Contract Collector providing Solid Waste Collection Service to a Residential Customers and Commercial Customers including Multi-Family Dwellings over

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five (5) units shall provide, in addition to all other reporting requirements, information to the County on a quarterly basis for each Commercial Customer in a format approved in advance by the Director including:

1. Address of each commercial property where Solid Waste Collection Service is provided;
  2. Name, address and telephone number of the Responsible Party for each Commercial Customer facility;
  3. Number and type (by cubic yard size) of each Collection container provided to each Residential Customer and Commercial Customer;
  4. Frequency of Solid Waste Collection Service for every Collection container at each Residential and Commercial property; and
  5. Information regarding a Residential Customer's and Commercial Customer's potential non-compliance with the Residential and Commercial Diversion Requirements of Section 4770-1.
  6. Residential and Commercial accounts that are subscribed to Refuse container Collection service but that are not subscribed to Recycling Container and/or Organic Waste container Collection service. If a Contract Collector providing Refuse Container Collection service does not offer Recycling container Collection service and/or Organic Waste container Collection service to its Refuse container Collection service customers, then this requirement shall not apply with respect to those customers and the type(s) of service that is not offered. The Director may, in his or her discretion, modify the reporting requirements as necessary and contract collector shall be required to comply with any such modification after receiving reasonable notice of same.
- (b) The Director may, in his or her discretion, modify the reporting requirements as necessary and Contract Collector shall be required to comply with any such modification after receiving reasonable notice of same.

#### **4772 Inspections and Investigations by the County.**

- (a) The County's representatives and/or its designated entity, including designees are authorized to conduct inspections and investigations, at random or otherwise, of any Collection container, Collection vehicle loads, or transfer, processing, or Disposal facility for materials collected from Solid Waste generators, or Source-Separated materials to confirm compliance with this Article by Organic Waste Generators, Commercial Generators (including Multi-Family Dwellings), property owners, Commercial Edible Food Generators, Contract Collectors, Self-Haulers, Food Recovery Services, and Food Recovery Organizations, subject to applicable laws. This Section does not allow the County to enter the interior of a private residential property for inspection. For the purposes of inspecting Commercial Generator containers

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for compliance with this Article, the County may conduct container inspections for Prohibited Container Contaminants.

- (b) Each Responsible Party shall provide, or arrange for, access during all inspections (with the exception of residential property interiors) and shall cooperate with the County's employee or its designated agent during such inspections and investigations. Such inspections and investigations may include confirmation of proper placement of Solid Waste materials in containers, Edible Food Recovery activities, Records, or any other requirement of this Article. Failure to provide or arrange for: (i) access to an entity's premises; (ii) access to Records for any Inspection or investigation is a violation of this Article and may result in penalties described.
- (c) Any Records obtained by the County during its inspections and other reviews shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth in Government Code Section 6250 et seq. County representatives, its designated entity, and/or designee(s) are authorized to conduct any inspections or other investigations as reasonably necessary to further the goals of this Article, subject to applicable laws.
- (d) The County may receive written complaints from Persons regarding any potential violators of 14 CCR, Division 7, Chapter 12, Section 18995.3 regulations, pertaining to receipt of anonymous complaints.

#### **4773 Construction and Demolition Waste Management.**

##### **4773-1 Purpose and Intent.**

The purpose of this Section 4773 is to establish regulations effectively reducing landfill-bound waste from Construction and Demolition (C&D) activity by requiring Permit Applicants undertaking specific Covered Projects to Divert, or Recycle, the current required Diversion amount prescribed in the California Green Building Standards Code or other applicable laws or regulations, as may be amended, in compliance with state regulatory mandates and local statutory goals and policies.

##### **4773-2 Application of Section to Covered Projects.**

- (a) Unless otherwise exempt under Section 4773-4 of this Article, Covered Projects shall meet the Diversion Requirement and shall comply with all provisions of this Section.
- (b) Permit Applicant's acceptance of, and commitment to comply with, the provisions of this Section shall be a condition of approval for all building, Paving, Grading, encroachment or Demolition Permits issued for a Covered Project.

##### **4773-3 Required Diversion Rates.**

The Applicant for a Covered Project shall Divert the current required Diversion amount prescribed in the California Green Building Standards Code or other applicable

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laws or regulations, as may be amended and whichever is higher of the C&D Debris resulting from a Covered Project.

**4773-4 Projects Exempt from this Section.**

The following Projects are exempt from the requirements of this Section 4773:

- (a) Immediate or emergency demolition required to protect the public health, safety or welfare, as determined by the Building Official, Sheriff, or Fire Chief of the County.
- (b) Projects consisting solely of the installation of pre-fabricated structures such as manufactured or modular homes, metal barns, patio enclosures and covers;
- (c) Projects consisting solely of the installation of pre-fabricated accessories such as signs or antennas where no foundation or other structural building modifications are required;
- (d) Projects consisting solely of the installation or onsite reuse of solar panels;
- (e) A Project for which an entitlement Permit or design review approval has been obtained from the County prior to the effective date of this Section;
- (f) A Project for which the Division of Building and Safety of the County, prior to the effective date of this Section, has lawfully issued a valid building Permit;
- (g) A public works contract awarded in accordance with the California Public Contract Code for which the notice inviting bids has been published prior to the effective date of this Section;
- (h) Work for which only a plumbing Permit, an electrical Permit, or a mechanical Permit is required or any combination thereof;
- (i) Seismic tie-down projects;
- (j) Other work a C&D Debris Recycling Compliance Official, Building and Safety Official, or other County employee acting in an official capacity determines will not produce significant levels of reasonably recyclable C&D Debris.

**4773-5 C&D Debris Recycling Plan Requirements.**

Applicants for Covered Project Permits shall complete and submit a C&D Debris Recycling Plan in a form approved by the County to a C&D Debris Recycling Compliance Official as a prerequisite for Permit issuance. The C&D Debris Recycling Plan may include the following information, and shall be attested by the Permit Applicant, under penalty of perjury, as true and correct for all stated facts and as a best estimate based on all information reasonably available about the Project:

- (a) Identification of C&D Debris to be diverted from Disposal by Recycling, reuse on the Project, or Salvage for future use or sale by individual material type;
- (b) Specification of whether materials will be sorted on-site (source-separated) or mixed (single-stream);

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- (c) Identification of the Disposal or Diversion facilities where debris from a Construction and Demolition Project will be taken and identification of the waste management companies, if any, expected to be utilized to haul the Construction and Demolition Debris. Any company utilized to haul Construction and Demolition Debris must have all applicable County approvals; and
  - (d) The estimated dates on which Grading, Paving, Demolition, or Construction is to commence and be completed.

#### **4773-6 Review of C&D Debris Recycling Plan.**

##### **4773-6.1 Time for Review.**

A C&D Debris Recycling Plan shall be approved or denied no later than three (3) full working days after submittal to the C&D Debris Recycling Plan Compliance Official. If no written approval or denial is issued within three (3) full working days after submittal of Plan containing all of the information required by Section 4773-5 of this Article, the Plan shall be deemed approved. Plan approval may be based on imposed conditions reasonably necessary to meet the standards of this Section.

##### **4773-6.2 Approval.**

Notwithstanding any other provision of this Section, no Permit shall be issued for any Covered Project unless and until the C&D Debris Recycling Plan has been approved, based upon the following findings by the C&D Debris Recycling Plan Compliance Official:

- (a) All of the information required by Section 4773-5 of this Article has been provided;
- (b) The plan establishes a method by which the Diversion Requirement set forth in Section 4773-3 of this Article shall be met, or
- (c) A C&D Debris Recycling Plan Compliance Official determines the Diversion Requirement cannot be met and indicates compliance by signing approval on the form of a Recycling Plan not meeting the Diversion Requirement.

##### **4773-6.3 Denial.**

If the C&D Debris Recycling Compliance Official denies the C&D Debris Recycling Plan, the grounds for denial shall be clearly stated, in writing.

#### **4773-7 C&D Debris Recycling Report Compliance with this Section.**

##### **4773-7.1 Final Report.**

Prior to Completion of a Covered Project, the Permit Applicant shall submit a C&D Debris Recycling Report, under penalty of perjury, to a C&D Debris Recycling Compliance Official in a form approved by the County. The report shall include the following information:

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- (a) The dates on which Grading, building, Paving, Demolition and/or Construction actually commenced and were completed;
  - (b) The actual weight of C&D Debris generated by the Project, listed by individual material type;
  - (c) The actual weight of C&D Debris that was Diverted, listed by each material type;
  - (d) A specification of the method used to determine the weights (the CalRecycle-approved Solid Waste weight conversion tables are strongly recommended);
  - (e) Original receipts from all vendors and permitted Recycling Facilities, which collected or received C&D Debris, indicating actual weights and/or volumes. The data should include separate totals by individual material type if the facility to which materials were brought provides such detail;
  - (f) As an alternative to the compliance requirements of Section 4773-5 -7.1 of this Article, Projects may instead document compliance with a waste stream reduction alternative of not exceeding 2 pounds per square foot of building area, pursuant to 24 CCR Part 11 Chapter 4 Sections 4.408.3, 4.408.4, 4.408.4.1, Chapter 5 Sections 5.408.1.2, and 5.408.1.3. Applicants must document this compliance.

#### **4774 Areas and Space for Recycling.**

Newly constructed non-residential buildings, non-residential additions resulting in an increase of 30 percent or more in floor area, and Multi-Family Dwelling housing with 5 or more units should provide readily accessible areas that serve the entire building and are identified for the depositing, storage and Collection of non-hazardous materials for Recycling, including (at minimum) paper, corrugated cardboard, glass, plastics, Organic Waste and metals.

#### **4775 Waste Management Fee.**

Each Contract Collector and any Person who otherwise is a Collector of Solid Waste generated by Residential and/or Commercial Generators located in the unincorporated area of Ventura County shall pay a Waste Management Fee based on gross Revenues from its Business of the Collection of Solid Waste in the unincorporated area. Payment shall be made in accordance with Section 4780-4 of this Article and the Waste Management Fee adopted by resolution of the Board. This fee shall be used to pay costs associated with preparing, adopting, implementing, and administering the County Source Reduction and Recycling Element, Household Hazardous Waste Element, Nondisposal Facility Element, and such other plans and programs as may be required by the Act or by Board for integrated waste management, bioenergy, and pollution prevention policies for the unincorporated area of Ventura County. This fee shall be in addition to any other fees paid, or to be paid, by the Contract Collector. For purposes of this section, each Operator of an Organic Waste Processing Facility in the unincorporated area of Ventura County shall also pay a Waste Management Fee based on facility's gross Revenues.

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## **4780 Financial and information management.**

### **4780-1 Accounting information generally.**

Financial information submitted by Operators to the County shall be prepared and maintained in accordance with GAAP.

### **4780-2 Accounting accrual method.**

Operators may utilize any of the four (4) following accounting methods for recognizing economic performance and earnings, provided that such method is consistent with the standards set forth in GAAP and with the Operator's internal audits or federal income tax returns, and with the statement of Revenues pursuant to Section 4790-4: (1) specific performance, (2) proportional performance, (3) completed performance, or (4) Collection.

### **4780-3 Records.**

Operators shall maintain Records for at least five (5) years following the period to which they pertain. Upon seven (7) days written notice, the County shall have the right to inspect the required Records at any time during official business hours.

### **4780-4 Fee payment and statement of revenues.**

Fees required by Sections 4750-6 shall be paid quarterly by each Contract Collector within 30 days of the close of each calendar quarter, i.e. prior to April 30, July 30, October 30, and January 30 of each calendar year. Accompanying payment of such fees, Contract Collector shall file with the Director a separate statement for each contract service area, verified by the Contract Collector's oath or the oath of the manager or other responsible officer of the Contract Collector, showing total gross Revenues from its Business of the Collection of Solid Waste originating within the contract service area during the preceding quarter. Such statement shall contain, in a format approved by the Director, supporting documentation of gross Revenues received during the preceding quarter by jurisdictional allocation of tonnage Collected and Disposed, waste category or type, generator type, number of customers, and such other factors as may be determined by the Director as necessary for program administration. Simultaneously with the filing of the statement, Contract Collector shall submit to the Director all fees required by this Article and by resolution of the Board which are based upon a percentage of such gross Revenues for the preceding quarter. Fees shall be calculated based upon the Revenues from Contract Collector's Business of the Collection of Solid Waste in each contract service area located in the unincorporated area. Acceptance of any payment from a Contract Collector shall not be construed as a release or as an accord and satisfaction of any claim the County may have for further or additional sums payable under this Article or for the performance of any other obligation under this Article. For purposes of this Section, each Operator of an Organic Waste

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Processing Facility in the unincorporated area of Ventura County shall also comply with all fee payment and statement of Revenues.

**4780-5 Audit.**

The County shall have the right to audit the Records required by Section 4780-3 of this Article and the cost of the audit shall be borne by the Operator when inaccuracies in the Records result in a material difference in the disclosure of the Operator's economic position as it relates to, without limitation, the following: customer charges, fee assessments and payments, County specific service delivery costs, and program performance. For purposes of this Article, material difference shall mean a difference of ten percent (10%) or more.

**4780-6 Penalties.**

Fees required pursuant to Sections 4750-6 of this Article received after the due dates specified in Section 4780-4 of this Article shall include a late charge penalty on the amount due calculated at an annual rate of twelve percent (12%), which shall accrue until paid in full. For the purposes of this Section, the postmark date shall be considered the date of payment when properly endorsed by the United States Postal Service. At his or her sole discretion, Director retains the right to modify method of fee payments.

**4780-7 Disclosure of customer names and addresses.**

- (a) When the County receives for its use the names or addresses of customers of a Contract Collector and such information constitutes a trade secret or is the confidential or proprietary information of such Contract Collector, upon request or as identified by said Contract Collector, the County shall not disclose such information to the public or to any other Contract Collector without a court order compelling such disclosure.
- (b) If any Contract Collector directly or indirectly obtains from the County or any of its Personnel or agents any trade secret or confidential or proprietary information referred to in subsection (a) hereof which such information pertains to another Contract Collector, the Contract Collector that improperly obtained such information shall be liable for any damage caused thereby and shall indemnify the County with respect to any claims made arising therefrom.
- (c) If any Person proposing to become a Contract Collector directly or indirectly obtains from the County or any of its Personnel or agents any trade secret or confidential or proprietary information referred to in subsection (a) hereof which such information pertains to a Contract Collector, such Person shall be barred from becoming a Contract Collector for a period of three years following receipt of such information.
- (d) If, pursuant to the California Public Records Act, commencing with Section 6250 of the Government Code or pursuant to a subpoena, any Person requests from the County the opportunity to examine documents or to receive

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copies of documents that contain information that is protected from disclosure under subsection (a) hereof, the County shall notify all affected Contract Collectors. In the case where a subpoena has been served and where the Person requesting the documents refuses to withdraw the subpoena or to enter into some form of protective order acceptable to the affected Contract Collector, the affected Contract Collector shall file, at the Contract Collector's expense, an application with the court for a protective order or an order to quash such subpoena if the Contract Collector seeks to protect such information. The County shall not oppose such application. In the case where a request is made under the Public Records Act and where the Person making the request refuses to withdraw the request or to agree upon terms of disclosure that are acceptable to the affected Contract Collector, the County shall deny access to such documents on the ground that such information is exempt therefrom unless directed otherwise by the affected Contract Collector. In the event the Person requesting access to such documents files an action or motion with the court to obtain access, the affected Contract Collector shall, at the Contract Collector's expense, appear in the action or motion to oppose such access if the Contract Collector seeks to protect such information.

- (e) Upon demand by the County, the affected Contract Collector, at the Contract Collector's expense, shall also defend the County and shall indemnify the County with respect to any award of attorney's fees. In the case of a subpoena or request under the Public Records Act, the County shall comply with whatever order is issued by the court pertaining thereto.

#### **4785 Enforcement.**

##### **4785-1 Enforcement authorization; available remedies.**

Violations of any provision of Articles 3 and 4 of this Chapter 7 of Division 4 of the Ventura County Ordinance Code (hereinafter "violations") are subject to the enforcement provisions set forth in this Section 4785. The Agency and Director are authorized to enforce violations through any available civil or administrative means, and the Director is authorized to act as or designate an Enforcement Officer for this purpose.

- (a) Any Person who commits, causes, permits or maintains a violation is subject to a judicial civil penalty of up to \$2,500 per violation. Each day a violation continues is a separate, additional violation.
- (b) In accordance with the procedures set forth in this Section 4785, the Director or Hearing Officer may administratively levy civil penalties of up to \$1,000 per violation on any Person who commits, causes, permits or maintains a violation. Each day a violation continues is a separate, additional violation.
- (c) In addition to all other potential penalties and remedies, any condition caused or permitted to exist in violation of any provision of Articles 3 or 4 of Chapter 7 of Division 4 of the Ventura County Ordinance Code shall be deemed a public

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nuisance and may be summarily abated as such, and each day that such condition continues shall be regarded as a new and separate public nuisance.

- (d) Any Person who violates any provision of Articles 3 or 4 of this Chapter 7 of Division 4 of the Ventura County Ordinance Code is guilty of a misdemeanor/infraction as specified in Section 13-1 of the Ventura County Ordinance Code, and upon conviction thereof shall be punishable in accordance with Section 13-2 of the Code. Each such Person shall be guilty of a separate offense for each and every day during any portion of which any violation is committed, continued, or permitted by such person and shall be punishable thereof as provided in Section 13-2.

#### **4785-2 Notice of proposed penalties.**

If the Enforcement Officer determines that a violation has occurred or is occurring, the Enforcement Officer may issue a notice of proposed penalties for the violation to the Responsible Party or other Person such as property owner(s), lessee, resident or other Person responsible for the violation. A notice of proposed penalties shall: (1) describe each violation for which penalties are proposed, including citation to the ordinance code provisions violated and summary description of the facts constituting the violation; (2) state the type and amount of penalties proposed to be levied for those violations in accordance with this Section; (3) specify the correction period, if any, for continuing violations, which shall not be less than 30 days unless the Enforcement Officer finds that a shorter correction period or no correction period is appropriate due to an immediate danger to health or safety created by the violation; (4) specify how any continuing violations may be corrected; and (5) give notice of the respondent's right to request a hearing under this Section and instruct the respondent how to request a hearing. A notice of proposed penalties may be combined with an order to abate.

#### **4785-3 Order to abate.**

If the Enforcement Officer determines a nuisance exists or is threatened, the Enforcement Officer may issue an order to abate the nuisance to the Responsible Party or other Person such as property owner(s), lessee, resident, Collector, operator or other Person responsible for the violation. An order to abate shall: (1) describe the nuisance, including the violations and facts that constitute the nuisance; (2) describe how the nuisance may be abated; (3) order abatement of the nuisance, and specify the date by which the respondent must abate the nuisance; (4) give notice that if the respondent fails to abate the nuisance within the time allowed, the County may abate the nuisance and charge the costs of abatement to the respondent; and (5) give notice of the respondent's right to request a hearing under this Section 4785 and instruct the respondent how to request a hearing.

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#### **4785-4 - Service of notice of proposed penalties and order to abate.**

A notice of proposed penalties, order to abate, and/or orders levying penalties and all other orders issued pursuant to this Section 4785 shall be mailed, registered with postage prepaid, to the respondent and, if applicable based upon the nature of the violation, if the respondent is not the owner of record, to the owner (according to the latest secured assessment roll) of the real property that is the subject of the notice or order, and to anyone known to the County to be the Responsible Party or Person in possession of such real property. In addition, an order to abate or combined notice and order shall be posted on the subject real property, if applicable based on the nature of the violation. A notice of proposed penalties, order to abate, or combined notice and order is deemed to have been served on the fifth (5<sup>th</sup>) day after mailing.

#### **4785-5 Right to hearing; procedure.**

No later than ten (10) working days after service, the respondent may request a hearing on the notice of proposed penalties or order to abate or combined notice and order by filing a written request for hearing with the Enforcement Officer. If the respondent fails to timely request a hearing, then the order to abate shall become final and the Enforcement Officer may levy the penalties proposed against the respondent without further notice.

#### **4785-6 Hearing Officer.**

A person appointed or acting pursuant to Government Code sections 27720 – 27728 shall serve as the Hearing Officer, except that for a hearing only on a notice of proposed penalties the Director or designee may serve as the Hearing Officer or appoint another person to serve as the Hearing Officer. The Hearing Officer shall be impartial. Any person who has investigated, prepared or recommended issuance of the notice and order to abate that is the subject of the requested hearing shall not act as the hearing officer. A person is not disqualified from serving as the Hearing Officer merely because that person has personal knowledge of the circumstances of the case or the evidence that may be presented in the proceedings or has participated in a preliminary determination or decision, such as determination of probable cause or authorizing commencement of proceedings under this Section.

#### **4785-7 Conduct of hearing; evidence.**

The Hearing Officer shall give notice of the time and place of the hearing not less than twenty (20) calendar days before the hearing and preside over the proceedings. The Hearing Officer may establish such procedures and make such orders and rulings before and during the hearing as are necessary for the fair and efficient conduct of the hearing. The hearing before the hearing officer need not be conducted according to the technical rules of evidence. Hearsay evidence may be admitted for any purpose but shall not be sufficient in itself to support a finding unless it would be admissible over objections in civil actions. Testimony shall be taken under oath or affirmation. The hearing will be recorded. All parties shall have the opportunity to present testimony and written evidence and to cross-examine witnesses called by other parties and respond to written evidence proffered by other parties.

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#### **4785-8 Hearing Officer's decision and order.**

After the hearing is closed, the Hearing Officer shall issue to the Enforcement Officer and the respondent a written decision and order that: vacates, upholds or modifies the order to abate, the notice of proposed penalties or the combined notice and order, as applicable; orders respondent to abate any nuisance; levies appropriate penalties against the respondent for any violations; and includes a statement of the factual and legal basis therefor. If the Hearing Officer orders abatement, the order shall specify the time in which the respondent must abate the nuisance. If the Hearing Officer levies coercive penalties, the order shall specify how the respondent may correct the ongoing violations. For purposes of this Section 4785, "coercive penalties" means penalties that continue to accrue until the ongoing violation or violations for which they were levied have been corrected. In levying appropriate penalties, the Hearing Officer shall defer to the penalties and penalty amounts proposed by the Director or designee if the proposal reflects a reasonable exercise of discretion under Section 4785-9 of this Article. The Hearing Officer's ruling shall be final upon the date of service of the ruling and, subject to judicial review, shall be binding on the parties. All rulings by the Hearing Officer may be enforced immediately after they become final unless the superior court grants a stay or injunctive relief that prevents or limits enforcement thereof. For purposes of this Section 4785, "coercive penalties" means penalties that continue to accrue until the ongoing violation or violations for which they were levied have been corrected.

#### **4785-9 Penalties.**

(a) General. Penalties may be levied for each violation that has occurred as of the date of an order levying penalties or as coercive penalties, or both. An order levying coercive penalties shall instruct the respondent how to give notice that the ongoing violations have been corrected and request an inspection. Violations shall be conclusively deemed to have continued until the respondent notifies the Agency that the violations have been corrected, as specified in the order, and consents to inspections as necessary to confirm the violations have been corrected. The Enforcement Officer or Hearing Officer shall not levy penalties for continuing violations that were corrected within the correction period specified in the notice of proposed penalties.

(b) Penalty factors. In deciding whether to levy penalties and, if so, the amount of penalties, the Enforcement Officer or Hearing Officer shall consider the following factors:

1. The seriousness of the violation with respect to the harm or risk of harm to people, property or environment posed by the violation and the extent the violation deviated from the requirements of the law and the relative importance of the provision violated;
2. The degree of the respondent's culpability and other circumstances indicating a greater or lesser specific need for deterrence, including state of mind and degree of fault, reasonableness of any efforts to comply, any history of violations, the extent of the respondent's cooperation or lack of cooperation in

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the County's investigation of and attempts to resolve the violations, and the financial benefit from the violations; and

3. Other factors as justice may require, including the respondent's ability to pay the penalty, if the respondent raises the issue and produces reliable documentation of the respondent's financial condition, including the respondent's most recent tax returns and any other documents requested by the enforcement officer or hearing officer.

(c) Collection of penalties; penalty lien. Penalties levied pursuant to this Section 4785 that are not timely paid may be collected by any lawful means including, without limitation, a civil action. In addition, the County shall have a lien against the subject property in the amount of the unpaid penalties, including coercive penalties accrued until the violation is corrected. The lien may be recorded in the Office of the County Recorder by the recording of a certificate of administrative penalty lien together with the order levying the penalties.

#### **4786 Appeal of Director's discretionary decision.**

Any Person aggrieved by a discretionary decision of the Director under this Article 3, other than a violation or violation-related decision, action or matter subject to Section 4785 of this Article, may appeal such decision within ten (10) working days of issuance of the decision. The aggrieved Person shall first appeal to the Director in writing, stating why they believe the decision is in error. The Director shall provide the aggrieved Person with a final written decision containing the reasons on which such decision is based within thirty (30) working days of receipt of the appeal. If the aggrieved Person is not satisfied with the Director's final written decision, he or she may appeal the decision to the Board within ten (10) working days of issuance of the Director's final written decision.

**SECTION 2:** If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the amendments. The Ventura County Board of Supervisors hereby declares that it would have passed and adopted these amendments, and each and all provisions hereof, irrespective of the fact that one or more provisions may be declared invalid.

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**SECTION 3:** This Ordinance shall take effect 30 days after adoption and shall become operative on January 1, 2022.

PASSED AND ADOPTED this 7 day of December 2021, by the following vote:

AYES: Supervisors LaVerc, Long, Huber, Ramirez and Parks

NOES: Supervisors None

ABSENT: Supervisors None

  
CHAIR, BOARD OF SUPERVISORS  
COUNTY OF VENTURA

ATTEST:

MICHAEL POWERS  
Clerk of the Board of Supervisors  
County of Ventura, State of California



By:   
Deputy Clerk of the Board

**AN ORDINANCE OF THE VENTURA COUNTY BOARD OF SUPERVISORS  
REPEALING AND REENACTING DIVISION 4, CHAPTER 7, ARTICLE 3 TO THE  
VENTURA COUNTY ORDINANCE CODE PERTAINING TO SOLID WASTE  
COLLECTION AND DISPOSAL, WASTE REDUCTION AND WASTE DIVERSION  
PROGRAMS FOR UNINCORPORATED AREAS**

The Board of Supervisors of the County of Ventura ordains as follows:

**SECTION 1:** Division 4, Chapter 7, Article 3 of the Ventura County Ordinance Code is hereby repealed and reenacted to read as follows:

***Article 3. Solid Waste Programs for Unincorporated Areas***

**4740 Solid waste programs generally.**

This Article provides for the regulation of ~~solid waste collection~~Solid Waste Collection, processing, and ~~d~~Disposal in the unincorporated area of ~~the~~Ventura County; for planning and implementation of programs for attainment of ~~solid waste diversion~~Solid Waste Diversion goals established by the ~~California Integrated Waste Management Act of 1989 (commencing with Section 40000 of the Public Resources Code), as amended;~~ for the establishment of fees for the recovery of program costs; and for other requirements the County may determine necessary, related to ~~solid waste, solid waste collection and solid waste facilities~~Solid Waste, Solid Waste Collection and Solid Waste Facilities, that are not encompassed within the regulatory powers of the local enforcement agency under Sections 4700—~~4~~730 of this Chapter.

**4740-1 Authorization.**

This Article is enacted as authorized by the ~~California Integrated Waste Management Act of 1989 (commencing with Section 40000 of the Public Resources Code), as amended~~Act, and specifically to Sections 40057, 40058, 40059, and 41900—~~4~~1903. This Article is also enacted as authorized by Article 11, Section 7 of the California Constitution that provides for the police powers reserved to the County ~~of~~ Ventura.

**4740-2 Administration.**

The Agency enforces and administers the provisions of this Article 3. Where the Director is invested with discretion pursuant to this Article 3, decisions made in the exercise of such discretion may be appealed in accordance with Section ~~4789.~~4786 of this Article.

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#### **4740-3 Application of article and effect on other remedies.**

This Article shall apply to all unincorporated areas ~~located within the of~~ Ventura County. This Article shall not limit, preclude, or supersede any other criminal or civil liability or remedy provided in any other law or regulation applicable to ~~solid waste, solid waste collection~~ Solid Waste, Solid Waste Collection and ~~solid waste facilities~~ Solid Waste Facilities nor shall this Article preclude any other ~~p~~Person from enforcing laws or regulations affecting ~~solid waste~~ Solid Waste to the extent permitted by law.

#### **4741 Definition of terms.**

Unless the context provides otherwise, this Article and its terms shall be construed in accordance with the following definitions and, where terms are not defined in this Article shall be construed in accordance with the usage and definition of terms provided in the Act and regulations promulgated thereunder.

#### **4741-1 Accounting standards.**

"Accounting ~~s~~Standards" means the methods and procedures established by the Financial Accounting Standards Board, known generally as Generally Accepted Accounting Principles, and referred to hereinafter as "GAAP."

#### **4741-2 Act.**

"Act" collectively means the California Integrated Waste Management Act of 1989 (commencing with Section 40000 of the Public Resources Code), as ~~amended.~~

well as implementing regulations promulgated thereunder adopted by the state, as may be amended from time to time. Citations in this Article to the Act or its implementing regulations shall be deemed to incorporate by reference any subsequent amendment to the cited provisions.

#### **4741-3 Agency.**

"Agency" means the Public Works Agency of the County.

#### **4741-4 Applicant.**

"Applicant" means any individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever who applies to the County for any applicable Permits, as defined in this Section 4741, to undertake any Construction, Demolition, remodel or renovation Project within the County.

#### **4741-5 Board.**

"Board" means the Board of Supervisors of the County.

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**4741-56 Business of ~~e~~Collection of ~~solid waste~~Solid Waste.**

"Business of ~~e~~Collection of ~~solid waste~~Solid Waste" means a business enterprise in any form that obtains or receives ~~solid waste~~Solid Waste from a Commercial or Residential Generator for the primary purpose of removal, ~~or hauling, or transportation~~ such material for ultimate Disposal or Recycling, and includes, without limitation, ~~solid waste collection services.~~Solid Waste Collection Services. For purposes of this Article, ~~b~~Business of ~~e~~Collection of ~~solid waste~~Solid Waste is also referred to as "~~solid waste collection service~~Solid Waste Collection Service."

**4741-67 C&D.**

"C&D" means Construction and Demolition.

**4741-8 C&D Debris Recycling Compliance Official.**

"C&D Debris Recycling Compliance Official" means the Director of the Water and Sanitation Department or representatives designated by the Department Director or successors.

**4741-9 C&D Debris Recycling Plan.**

"C&D Debris Recycling Plan" means a plan for Recycling and/or reuse of Project C&D Debris prepared and submitted by a Permit Applicant pursuant to Section 4773-5 in a form approved by the Department Director for the purpose of reviewing Project compliance with this Section. This Recycling Plan is submitted prior to Permit issuance.

**4741-10 C&D Debris Recycling Report.**

"C&D Debris Recycling Report" means a completed form approved by the Department Director for the purpose of reviewing Project compliance with this Section submitted by a Permit Applicant pursuant to Section 4773-7.1 for any Covered Project approved by the County for the purpose of compliance with this Section. This form is submitted after Completion of a Project.

**4741-11 Collection.**

"Collection" or "eCollect" means to take physical possession of ~~solid waste or recyclable materials~~Solid Waste at, and remove from, the place of generation.

**4741-7-12 Collection Service.**

**"Collection Service" means Solid Waste Collection Services provided by a Collector.**

" to Residential and/or Commercial Customers for Solid Waste Collection.

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#### **4741-13 Collector, Contract Collector.**

"Collector" means any pPerson engaging in the bBusiness of eCollection of solid wasteSolid Waste generated at, or from, any property, whether commercial or residential, located in the unincorporated area of theVentura County. For purposes hereof, "eCollector" shall include the owner or owners of, and the pPerson in the control of, such business. "Contract eCollector" shall mean any eCollector that has entered into a contract or franchise with the County to ~~collect solid waste and/or recyclables~~Collect Solid Waste in any portion of the unincorporated area of theVentura County.

#### **4741-814 Commercial eCustomer.**

~~"Commercial customer" means a commercial generator receiving solid waste collection services from any collector with respect to such solid waste. Commercial customer may also mean a residential customer, as defined herein, operating a business enterprise, licensed and permitted by the County, on the same parcel on which a dwelling unit is located, and the principal activities of which are physically separate from the dwelling unit and, at that customer's sole option, solid waste and recyclables generated from the subject dwelling unit and the business enterprise are serviced together by a single collector. In the event the commercial customer shares solid waste or recyclable materials containers and/or collection service, commercial customer shall be the same as responsible party.~~

"Commercial Customer" means a Commercial Generator that receives Solid Waste hauling services from any Collector with respect to such Solid Waste.

#### **4741-915 Commercial gGenerator.**

"Commercial gGenerator" means any pPerson generating ~~solid waste~~Solid Waste within the unincorporated area of theVentura County that is not a residential generatorResidential Generator as defined in Section 4741-68, including but not limited to any Person generating Solid Waste on a parcel that is greater than 5 acres, and has a County zoning designation of Agricultural Exclusive, Coastal Agricultural, Rural Agricultural, Coastal Rural, Rural Exclusive, Coastal Rural Exclusive, Open Space or Coastal Open Space and contains either zero, one or multiple Single-Family Dwellings. For purposes of ~~the commercial diversion requirements of Section 4770-2 only,~~ commercial generatorthis Article, Commercial Generator shall also include multi-family dwelling~~of~~Multi-Family Dwelling with five (5) units or more units, regardless of either the amount of commercial ~~solid waste~~Solid Waste generated or the level of ~~solid waste collection service~~Solid Waste Collection Service.

#### **4741-1016 Completion.**

"Completion" means the earliest of the following dates: the date a certificate of occupancy is issued by the County for a Covered Project; the completion date of a Covered Project per final County inspection and approval; or, if no final approval is required, 30 calendar days following the date the work authorized by the Permit(s) is completed, as determined by the Department Director, or the date on which the Project

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ceases to generate C&D Debris, provided on-site C&D Debris from previous activity has already been Recycled, disposed at a permitted Solid Waste Disposal facility, reused onsite, Salvaged for off-site reuse, or stored for planned future reuse.

**4741-17 Composting.**

"Composting" or "Compost" means the process of controlled biological decomposition of organic ~~solid waste~~ Solid Waste.

**4741-1118 Commercial Edible Food Generator.**

"Commercial Edible Food Generator" consists of a Tier One or a Tier Two Commercial Edible Food Generator as defined in 14 CCR Section 18982(a)(73) and (a)(74).

**4741-19 Community Composting.**

"Community Composting" means any activity that Composts green material, agricultural material, food material, and vegetative food material, alone or in combination, and the total amount of feedstock and Compost on-site at any one time does not exceed either a volume of 100 cubic yards or 750 square feet of surface area, as specified in 14 CCR Section 17855(a)(4); or, as otherwise defined by 14 CCR Section 18982(a)(8).

**4741-20 Construction.**

"Construction" means the building, remodeling or enlargement of any structure, or any portion thereof, and includes, without limitation, alterations or improvements to an existing structure.

**4741-21 Construction and Demolition Debris, C&D Debris.**

"Construction and Demolition Debris" or "C&D Debris" means the excess or discarded materials removed from a site or stored on site for reuse or Salvage during, or after, the Construction, Demolition, repair, remodeling or renovation of any pavement, house, commercial building, fence, wall or other structure.

**4741-22 Conversion Rate.**

"Conversion Rate" means the rate set forth in the standardized Conversion Rate table for use in estimating the volume or weight of C&D Debris, approved by the California Department of Resources Recycling and Recovery (CalRecycle).

**4741-23 County.**

"County" means the body politic and corporate having that designation and all other governmental entities where board is comprised of those members who are also members of the Board of Supervisors of the County of Ventura, ~~a political subdivision of the State of California.~~

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#### **4741-1224 Covered Project.**

"Covered Project" means any Project meeting any one or more of the thresholds as defined in the California Green Building Standards Code or other applicable laws or regulations, as may be amended.

#### **4741-25 Deconstruct, Deconstruction.**

"Deconstruct" and "Deconstruction" mean the careful and systematic dismantling of a structure in order to Salvage materials for Diversion.

#### **4741-26 Demolition.**

"Demolition" means the razing, tearing down or wrecking of any structure, wall, fence or Paving, whether in whole or in part, whether interior or exterior.

#### **4741-27 Designated Recyclable and Reusable Materials.**

"Designated Recyclable and Reusable Materials" means all C&D Debris described within any of the following categories:

- (a) Masonry building materials, including all products generally used in Construction including, but not limited to, asphalt, concrete, rock, stone and brick.
- (b) Wood materials including any and all dimensional lumber, fencing or construction wood not chemically treated, contaminated with preservatives making it unsuitable for Recycling or otherwise contaminated or painted with lead paint.
- (c) Vegetation material including trees, tree parts, shrubs, logs, brush, grass, stumps or any other type of plants (i.e., "green waste"), excluding palm fronds and trunks, succulents, yucca and ivy, cleared from a site for Construction or other use.
- (d) Metals including all ferrous and nonferrous metal scrap such as, but not limited to, pipes, siding, window frames, door frames, hardware and fences.
- (e) Salvageable materials include all salvageable materials and structures including, but not limited to, wallboard, doors, windows, hardware, fixtures, toilets, sinks, bathtubs and appliances.
- (f) Any other non-hazardous C&D Debris for which Recycling or reuse markets exist.

#### **4741-28 Department Director.**

"Department Director" means the Director of the Water and Sanitation Department of the Public Works Agency of the County or successors.

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**4741-29 Director.**

"Director" means the Director of the Agency or such other County official as the Director may designate in writing.

**4741-1330 Disposal.**

"Disposal" means the final disposition of ~~solid waste~~Solid Waste at a ~~solid waste facility.~~

Solid Waste Facility permitted for Disposal.

**4741-1431 Diversion.**

"Diversion", "~~d~~"Diverted" and "~~d~~"Divert" means activities reducing or eliminating the amount of ~~solid waste~~Solid Waste from ~~solid waste disposal~~Solid Waste Disposal and which return these materials to ~~commercial~~ use in the form of raw materials for new, reused, or reconstituted products, which meet the quality standards necessary for commercial use, or for other purposes of reuse.

**4741-1532 Diversion Requirement.**

"Diversion Requirement" means the current required Diversion amount prescribed in the California Green Building Standards Code or other applicable laws or regulations, as may be amended and whichever is higher of the total C&D Debris generated by a Covered Project.

**4741-33 Dwelling uUnit.**

"Dwelling uUnit" means one (1) or more residential rooms with internal access between all rooms, which provide complete independent living facilities for at least one (1) family, including provisions for living, sleeping, eating, cooking, bathing, and sanitary facilities.

**4741-1634 Edible Food.**

"Edible Food" means food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this Article or as otherwise defined in 14 CCR Section 18982(a)(18), "Edible Food" is not Solid Waste if it is recovered and not discarded. Nothing in this Chapter or in 14 CCR, Division 7, Chapter 12 requires or authorizes the Recovery of Edible Food that does not meet the food safety requirements of the California Retail Food Code.

**4741-35 Enforcement Officer.**

"Enforcement Officer" means the Person designated by the Director to conduct enforcement of this Article in accordance with Section 4785.

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#### **4741-36 Exempt Waste.**

“Exempt Waste” means biohazardous or biomedical waste, hazardous waste, medical waste, regulated radioactive waste, waste that is volatile, corrosive, or infectious, waste treatment or processing sludge, contaminated soil and dirt, contaminated concrete, contaminated asphalt, automobiles, automobile parts, boats, boat parts, boat trailers, internal combustion engines, lead-acid batteries, any matter or materials which are not acceptable for Disposal at a Solid Waste landfill as defined in the Act, and those wastes under the control of the Nuclear Regulatory Commission.

#### **4741-37 Food Distributor.**

“Food Distributor” means a company that distributes food to entities including, but not limited to, supermarkets and grocery stores.

#### **4741-38 Food Recovery Organization.**

“Food Recovery Organization” means an entity that engages in the Collection or receipt of Edible Food from Commercial Edible Food Generators and distributes that Edible Food to the public for food recovery either directly or through other entities or as otherwise defined in 14 CCR Section 18982(a)(25), including, but not limited to:

- (a) A food bank as defined in Section 113783 of the Health and Safety Code;
- (b) A nonprofit charitable organization as defined in Section 113841 of the Health and Safety Code; and,
- (c) A nonprofit charitable temporary food facility as defined in Section 113842 of the Health and Safety Code.

#### **4741-39 Food Recovery Service.**

“Food Recovery Service” means a Person or entity that Collects and transports Edible Food from a Commercial Edible Food Generator to a Food Recovery Organization or other entities for purposes of food recovery, or as otherwise defined in 14 CCR Section 18982(a)(26).

#### **4741-40 Food Service Provider.**

“Food Service Provider” means a Person primarily engaged in providing food services to institutional, governmental, commercial, or industrial locations of other entities based on contractual arrangements with these types of entities, or as otherwise defined in 14 CCR Section 18982(a)(27).

#### **4741-41 Food Waste.**

“Food Waste” mean food scraps and trimmings and other putrescible waste that result from food production, preparation, cooking, storage, consumption or handling. Food Waste includes but is not limited to: meat, fish and dairy waste, fruit and vegetable waste and grain waste. Food Waste does not include Exempt Waste.

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**4741-42 Gardening or ~~landscaping services~~Landscaping Services.**

"Gardening or ~~landscaping services~~Landscaping Services" means the provision of gardening or landscaping services to residences or businesses for which the ~~€~~Collection and transport of ~~solid waste~~Solid Waste is limited to trimmings and other landscape-related material generated by, and through, the provision of these services.

**4741-~~1743~~ Grading.**

"Grading" means altering a land surface by cutting, filling and/or smoothing to meet a designated form and function.

**4741-44 Green ~~m~~Materials.**

"Green ~~m~~Materials" means ~~all solid waste~~Solid Waste consisting of discarded vegetative or organic materials such as, without limitation, grass clippings, leaves, twigs, weeds, brush, bushes, shrub and tree prunings, holiday trees, and garden trimmings. Green ~~m~~Materials do not include ~~food scraps~~Food Waste or ~~refuse~~Refuse, or manure, and may also exclude certain discarded ~~organic materials~~Organic Waste which, because of their size or other properties, are determined by the Director to be uneconomical to ~~r~~Recycle.

**4741-~~1845~~ Hearing Officer.**

"Hearing Officer" means the ~~person designated by the Director~~Person selected to conduct hearings in accordance with Section 4785 ~~et seq.~~The Hearing Officer may include any employee of of this Article.

**4741-46 High Diversion Organic Waste Processing Facility.**

"High Diversion Organic Waste Processing Facility" means an Organic Waste Processing Facility that is in compliance with the reporting requirements of 14 CCR Section 18815.5(d) and meets or exceeds an annual average mixed waste organic content recovery rate of 50 percent between January 1, 2022 and December 31, 2024, and 75 percent after January 1, 2025, as calculated pursuant to 14 CCR Section 18815.5(e) for Organic Waste received from the County other than the investigating officer involved in the particular proceeding or such officer's supervisor. "mixed waste organic Collection stream" as defined in 14 CCR Section 17402(a)(11.5); or, as otherwise defined in 14 CCR Section 18982(a)(33).

**4741-~~1947~~ Inert waste.**

"Inert ~~w~~Waste" means ~~solid waste~~Solid Waste containing no hazardous waste or soluble pollutants at concentrations ~~in excess of~~exceeding applicable water quality objectives. For purposes of this Article, ~~inert waste~~Inert Waste does not include any decomposable waste, or ~~solid waste~~Solid Waste which, under the Act, is required to be disposed of in a Class 1, 2, or 3 ~~solid waste facility~~Solid Waste Facility unless such material is included incidentally or inadvertently with ~~inert waste~~Inert Waste and constitutes less than five ~~(5)-~~percent (5%) by volume of the ~~inert waste~~. Inert

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~~waste~~Waste. Inert Waste shall include, without limitation, concrete, asphalt, sand, gravel, rock, soil or brick that otherwise meets this definition.

**4741-~~2048~~ Land ~~clearing services~~Clearing Services.**

"Land ~~clearing services~~Clearing Services" means the periodic cleanup ~~and removal of organic~~Green Materials or ~~inert waste~~Inert Waste from land parcels for which the ~~e~~Collection and transport of ~~solid waste~~Solid Waste is limited to the materials cleared and removed from the subject parcel. For purposes of this Article, ~~land clearing services~~Land Clearing Services shall not include the ~~e~~Collection and transport of ~~solid waste~~Solid Waste from ~~e~~Construction sites, demolished structures, or the removal of ~~solid waste~~Solid Waste from an unpermitted dump site.

**4741-~~2149~~ Large Event.**

"Large Event" means an event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local public agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event.

**4741-50 Large Venue.**

"Large Venue" means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. For the purposes of this Chapter, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. For the purposes of this Chapter, a site under common ownership or control that includes more than one Large Venue that is contiguous with other Large Venues in the site, is a single Large Venue.

**4741-51 Liquid ~~w~~Waste.**

"Liquid waste" means any waste materials that are not spadeable.

**4741-~~2252~~ Multi-~~family dwelling~~Family Dwelling.**

~~"Multi-family dwelling" means a building, or portion of a building, containing two (2) or more dwelling units.~~

"Multi-Family Dwelling" or "Multi-Family" means of, from, or pertaining to residential premises with five or more Dwelling Units. Multi-Family premises are considered a distinct type of Commercial Generator for the purposes of implementing this Article. Consistent with 14 CCR Section 18982(6), residential premises that consist of fewer than five units are not "Multi-Family" and instead are "Single-Family" for the purposes of implementing this Article. Multi-Family premises do not include hotels, motels, or other transient occupancy facilities.

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**4741-2353 Operator.**

"Operator" means any ~~p~~Person that is a ~~contract collector or any person~~Contract Collector or that establishes or operates a ~~solid~~Solid Waste Facility.

**4741-54 Organic Waste.**

"Organic Waste" and "Organics" means Solid Wastes containing material originated from living organisms and their metabolic waste products, including but not limited to food, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, paper products, manure, biosolids, digestate, and sludges or as otherwise defined in 14 CCR Section 18982(a)(46). Biosolids and digestate have the meaning as defined by 14 CCR Section 18982(a).

**4741-55 Organic Waste Generator.**

"Organic Waste Generator" means a Person or entity that is responsible for the initial creation of Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(48).

**4741-56 Organic Waste Processing Facility.**

"Organic Waste Processing Facility" means any facility selected by the Contract Collector that is designed, approved by the County, or specifically designated by the County, operated and legally permitted for the purpose of receiving and processing Organic Waste.

**4741-2457 Paving.**

"Paving" means driveways, walkways, parking areas, streets and sidewalks.

**4741-58 Permit.**

"Permit" means any building, Grading, Paving, encroachment or Demolition permit.

**4741-59 Person.**

"Person" means any individual, group of individuals, firm, sole proprietorship, partnership, corporation, committee, association, public agency or entity, or any other organization or group, public or private.

**4741-2560 Prohibited Container Contaminants.**

"Prohibited Container Contaminants" means (i) discarded materials placed in the designated Recyclables container that are not identified as acceptable Source Separated Recyclables for the County's designated Recyclables container, (ii) discarded materials placed in the designated Organic Waste container that are not identified as acceptable Source Separated Organic Waste for the County's designated Organic Waste container, and (iii) discarded materials placed in the Refuse container

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that are acceptable Source Separated Recyclables and/or Source Separated Organic Wastes to be placed in County's designated Organic Waste container and/or designated Recyclables container.

**4741-61 Project.**

"Project" means any proposal for Grading, new Construction or changed use, remodel, alteration, Demolition, Deconstruction or enlargement of any structure, requiring a Permit from the County.

**4741-62 Records.**

"Records" means accounting and such other ~~r~~Records as deemed necessary by the County for the evaluation of service rates, ~~e~~Operator service delivery, program performance, and verification of ~~r~~Revenues and fees.

**4741-~~2663~~ Recyclables or ~~recyclable materials~~Recyclable Materials.**

"Recyclables" or "~~recyclable materials~~Recyclable Materials" means ~~all solid waste~~Solid Waste consisting of any material which retains useful properties and can be reclaimed after the production or consumption process and as identified for diversion in accordance with programs determined by the Director or the Board.

**4741-~~2764~~ Recycle, ~~r~~Recycled or ~~r~~Recycling.**

~~"Recycle", "Recycled" or "Recycling"~~ means the process of ~~e~~Collecting, sorting, cleansing, treating and/or reconstituting or ~~composting materials~~Recyclable Materials which would otherwise become ~~r~~Refuse and returning them for ~~commercial~~ use in the form of raw materials for new, used or reconstituted products meeting the quality standard necessary for commercial use, or for other purposes of reuse. Recycling does not include burning, incinerating, or thermally destroying ~~solid waste.~~Solid Waste.

**4741-~~2865~~ Recycling Facility.**

"Recycling Facility" means a facility collecting specific types of C&D Debris for reuse or Recycling for which an applicable Solid Waste handling permit is required.

**4741-66 Refuse.**

~~"Refuse"~~ means ~~solid waste~~Solid Waste designated for ~~d~~Disposal by the ~~e~~Collector and does not include ~~recyclable materials or~~Recyclable Materials, Organic Waste, or "hazardous waste," as defined in California ~~Health and Safety~~Public Resources Code Section 40141.

~~Sections 25117 and 25141.~~

**4741-~~29~~ Regular collection service.**

~~"Regular collection service" means solid waste collection services provided by a contract collector to residential and/or commercial customers for solid waste and/or~~

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~~recyclables collection on a scheduled basis, for which the contract collector has established a regular billing cycle.~~

**4741-~~3067~~ Residential eCustomer.**

~~“Residential eCustomer”~~ means a ~~residential generator receiving solid waste collection~~Residential Generator that receives Solid Waste hauling services from a contract collector. any Collector with respect to such Solid Waste.

**4741-~~31~~ Residential generator.**

**"~~68~~ Residential generator~~Generator~~."**

~~"Residential Generator"~~ means any ~~pPerson~~Person generating ~~solid waste~~Solid Waste from any ~~single family dwelling or multi family dwelling~~Single-Family Dwelling and from onsite domestic uses accessory to these ~~dwelling~~Dwelling Units, in the unincorporated area of ~~the County.~~

Ventura County, except that a Residential Generator shall not include any Person generating Solid Waste on a parcel that is greater than five (5) acres, and has a County zoning designation Agricultural Exclusive, Coastal Agricultural, Rural Agricultural, Coastal Rural, Rural Exclusive, Coastal Rural Exclusive, Open Space or Coastal Open Space and contains either zero, one (1) or multiple Single-Family Dwellings.

**4741-~~3269~~ Responsible pParty.**

~~“Responsible pParty”~~ means the ~~individual or entity~~Person responsible for the management of ~~solid waste~~Solid Waste and/or ~~recyclable materials~~Recyclable Materials generated by a ~~commercial generator.~~

Commercial or Residential Generator.

**4741-~~3370~~ Revenues.**

"Revenues" means actual, or expected, ~~cash inflows~~gross income from the ~~business of collection~~Business of solid wasteCollection of Solid Waste in the unincorporated area of Ventura County or to Operators of Organic Waste Processing Facilities under contract with the County, including all forms of consideration such as, but not limited to, monthly service charges, one-time service charges, special ~~eCollection~~ charges, ~~or any inclusive of all amounts related to regulatory fees, tipping fees, and all other revenue arising~~fees, costs and expenses that Contract Collector receives from the use, operation, or delivery of solid waste collection services. its customers as part of Contract Collector's charges. This definition of ~~rRevenues~~ shall be applicable ~~only~~ to the calculation of ~~contract collector~~Contract Collector fees due to County or Organic Waste Processing Facility fees due to the County, and for all other purposes ~~rRevenues~~ shall be defined in accordance with GAAP.

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**4741-3471 Salvage.**

"Salvage" means the controlled removal items from a Permitted building or Demolition site for Reuse.

**4741-72 Self-Hauler.**

"Self-Hauler" means any Person, including but not limited to any Commercial Generator or Residential Generator, who is not a Collector and who transports Solid Waste or Recyclables generated at and from the property where the Solid Waste or Recyclables are generated.

**4741-73 Self-hauling.**

"Self-hauling" means a process by which a ~~generator~~ Residential or Commercial Generator or Responsible Party transports ~~its~~their own solid waste Solid Waste and/or ~~Recyclables~~ rather than using a ~~contract collector~~ Contract Collector for such service.

**4741-3574 Single-family dwelling Family Dwelling.**

"Single-family dwelling Family Dwelling" means a residential building or a mobile home ~~containing one~~with fewer than five (5) principal ~~dwelling unit.~~Dwelling Units.

**4741-3675 Solid wWaste.**

~~"Solid waste" means those discarded wastes defined as such in the Act, whether or not these wastes are, or may be, designated for diversion. For purposes of this definition, the term "discarded" shall have the meaning used for that term in the Act as interpreted by the courts of California.~~

**4741-37 Solid waste facility.**

~~"Solid waste facility" means any facility for which a solid waste facility~~"Solid Waste" has the same meaning as defined in Public Resources Code Section 40191, which defines Solid Waste as all putrescible and nonputrescible solid, semisolid, and Liquid Wastes, including garbage, trash, Refuse, paper, rubbish, ashes, industrial wastes, Construction and Demolition wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semisolid Wastes, with the exception that Solid Waste does not include any of the following wastes:

- (a) Hazardous waste, as defined in the State Public Resources Code Section 40141.
- (b) Radioactive waste regulated pursuant to the State Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the State Health and Safety Code).

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

**4741-76 Solid Waste Facility.**

"Solid Waste Facility" means any facility for which a Solid Waste Facility permit is required by the Act and/or by any regulation promulgated by the State of California, and either of which is operating with all required governmental permits and approvals. For purposes of this Article, solid waste facility Solid Waste Facility shall also mean any facility engaging in the commercial eComposting, chipping, grinding or other processing of green materials Organic Waste and the sale of products derived from these operations, and which is operating with all required governmental permits and approvals. "Solid waste facility Waste Facility" shall not include publicly owned sewage treatment plants or any facility for which the processing of green materials Organic Waste is undertaken principally for said facility's on-site horticultural or agricultural use.

**4741-3877 Source sSeparate.**

"Source sSeparate" means the process of removing recyclable materials sorting Recyclable Materials and Organic Waste from solid waste Solid Waste at the place of generation, prior to eCollection, and placing such materials into separate containers designated for rRecyclables.

**4741-39 Temporary collection service.**

"Temporary collection service" means solid waste collection services provided by a contract collector on a one-time or limited term basis, for which the contract collector has temporarily placed containers, or has otherwise provided for the removal of solid waste and/or recyclables from a job or work site. Temporary collection service either to a commercial or residential customer shall be for a maximum of thirty (30) consecutive days, and not more than sixty (60) total days in any calendar year.

**4741-78 Tier One Commercial Edible Food Generator.**

"Tier One Commercial Edible Food Generator" means a Commercial Edible Food Generator that is one of the following:

- (a) Supermarket with gross annual sales of \$2,000,000 or more.
- (b) Grocery store with a total facility size equal to or greater than 10,000 square feet.
- (c) Food Service Provider.
- (d) Wholesale Food Vendor.
- (e) Food Distributor.

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#### **4741-79 Tier Two Commercial Edible Food Generator.**

“Tier Two Commercial Edible Food Generator” means a Commercial Edible Food Generator that is one of the following:

- (a) Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.
- (b) Hotel with an on-site food facility and 200 or more rooms.
- (c) Health facility as defined in Section 1250 of the Health and Safety Code with an on-site food facility and 100 or more beds including but not limited to hospitals, skilled nursing facilities, and hospice facilities.
- (d) Large Venue.
- (e) Large Event.
- (f) A state agency with a cafeteria with 250 or more seats or total cafeteria facility size equal to or greater than 5,000 square feet.
- (g) A local education agency including a school district, charter school, or County office of education that is not subject to the control of County regulations related to Solid Waste with an on-site food facility.

#### **4741-80 Wholesale Food Vendor.**

“Wholesale Food Vendor” means a business or establishment engaged in the commercial wholesale distribution of food, where the food (including fruits and vegetables) is received, shipped, stored, and prepared for distribution to a retailer, warehouse, distributor, or other destination.

#### **4750 Contract or franchise for operation of business of collection of solid waste.**

The purpose of Section 4750 is to regulate matters of ~~solid waste collection~~Solid Waste Collection, processing, ~~d~~Diversion and ~~d~~Disposal within the unincorporated areas of ~~the county~~Ventura County including, without limitation, frequency of ~~e~~Collection, means of ~~e~~Collection and transportation, level of services, charges and fees, and the nature, location and extent of providing ~~solid waste collection services~~Solid Waste Collection Services; to facilitate the implementation of waste reduction and ~~d~~Diversion programs; and to establish fees which shall be used to pay costs associated with regulating the ~~e~~Collection, processing, ~~d~~Diversion and ~~d~~Disposal of ~~solid waste~~Solid Waste in the unincorporated areas of Ventura County.

#### **4750-1 Solid waste collection contract or franchise required.**

Except as set forth in Section 4750-7 ~~herein~~, no ~~p~~Person shall establish, operate or carry on the ~~b~~Business of ~~e~~Collection of ~~solid waste~~Solid Waste in the unincorporated area of ~~the~~Ventura County without first obtaining, at the County's option, a contract or franchise approved by the Board allowing the provision of ~~solid waste collection services~~Solid Waste Collection Services. At the County's option, said contract or franchise may be granted with or without competitive bidding; on an exclusive, partially exclusive or nonexclusive basis; and shall include such terms and conditions as approved by the Board. ~~The type of contract or franchise required shall be determined by the type of services provided as follows:~~

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#### **4750-1.1 ~~Regular service collection contract or franchise.~~**

Persons providing ~~regular collection service~~Collection Service shall be required to obtain a contract or franchise for ~~regular collection service~~Solid Waste Collection Service, and shall provide the full range of ~~solid waste collection services~~Solid Waste Collection Services, as specified by the Director, to ~~r~~Residential and/or Commercial Customers.

~~commercial customers, including the collection of both solid waste and recyclables. Persons holding a valid contract or franchise authorizing regular collection service may also provide temporary collection service pursuant to the terms of said contract or franchise.~~

#### **4750-1.2 ~~Temporary service collection contract or franchise.~~**

~~Persons providing temporary collection service only shall be required to obtain a contract or franchise allowing for temporary collection service. Persons holding such a contract or franchise are limited to providing temporary collection service and are not authorized to provide regular collection service.~~

#### **4750-2 Contract or franchise provisions.**

~~Each~~A contract or franchise for ~~regular and temporary collection service~~Solid Waste Collection Service may include, but may not necessarily be limited to, provisions that govern the following: term; service area boundaries; service type; service levels; service rates; days and hours of ~~e~~Collection; routes and schedules; ~~e~~Collection equipment; destination facilities; ~~diversion requirements~~Diversion Requirements; environmental campaigns and programs; customer service; accounting and reporting requirements; compliance with laws; County regulatory fees and charges; financial assurance; performance surety; default and remedies; and assignment.

#### **4750-3 Approval of contract collector ~~contract~~ applications and assignments.**

The County's approval of contracts or franchises for ~~regular collection service and temporary collection service~~Solid Waste Collection Service, and of any assignments of such franchises or contracts, shall be at the discretion of the Board, and shall be based upon an assessment of the applicant's or assignee's qualifications including, without limitation: organizational and fiscal administration; ~~solid waste~~Solid Waste management experience; environmental practices; compliance with laws; and service performance ~~r~~Record.

#### **4750-4 Limitation on the number of regular service contract collectors for commercial ~~generators~~customers.**

No new contract or franchise to provide ~~regular collection service~~Solid Waste Collection Service to ~~commercial generators~~Commercial Customers in the unincorporated area of ~~the~~Ventura County shall be approved unless the Board, by resolution, first ~~makes a determination~~determines there is a need for the additional ~~regular collection service~~Collection Service. When making this determination, the Board

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may consider all factors relevant to maintenance of the public health, safety, and welfare including, without limitation: the nature and geographical distribution of existing services; the competitiveness of existing service rates; the success of County waste ~~d~~Diversion programs implemented by existing ~~contract collectors~~Contract Collectors for compliance with State mandates; the potential for adverse environmental or other impacts which the granting of additional ~~e~~Collection contracts or franchises might create; the interests of affected ~~commercial generators~~Commercial Customers and existing ~~contract collectors~~Contract Collectors; and whether a public demand exists for additional commercial ~~e~~Collection services which are neither being adequately supplied, nor capable of being adequately supplied by existing ~~contract collectors~~Contract Collectors.

#### **4750-5 Parking of collection vehicles and trailers.**

~~The parking of~~Parking vehicles and trailers used in the ~~business~~Business of Collection of ~~collection of solid waste~~Solid Waste in, on or about the public streets or highways of the unincorporated area is prohibited ~~when not in service~~. Each ~~contract collector~~Contract Collector shall maintain a permitted site for such vehicles and trailers, in compliance with the ~~Ventura County Zoning Ordinance~~County's applicable zoning ordinance. Further, each ~~contract collector~~Contract Collector shall not otherwise be in violation of sections of the Ventura County Ordinance Code related to the parking of commercial and oversize vehicles.

#### **4750-6 Collector ~~f~~Fee.**

Each ~~contract collector~~Contract Collector shall pay a ~~collector fee~~Collector Fee to the County based on the ~~r~~Revenues from its ~~b~~Business of the ~~e~~Collection of ~~solid waste~~Solid Waste in the unincorporated area. Payment shall be made in accordance with Section 4780-4 of this Article and the ~~collector fee~~Collector Fee adopted by Board resolution. This fee shall be in addition to all other fees, taxes, charges and costs payable by the ~~contract collector~~Contract Collector to the County and/or other federal, state and local governmental agencies.

#### **4750-7 Exclusions from the requirements of Section 4750.**

The following activities and ~~p~~Persons are excluded from the requirements of Section 4750:

- (a) Inert or ~~liquid waste~~Liquid Waste - The ~~e~~Collection of ~~inert waste~~Inert Waste or ~~liquid waste~~Liquid Waste where such wastes, in accordance with applicable law, are taken to any location other than a ~~solid waste facility~~Solid Waste Facility.
- (b) Onsite ~~waste facilities~~Waste Facilities - The ~~e~~Collection of ~~solid waste~~Solid Waste which, in accordance with applicable law, is taken to any onsite ~~solid waste facility~~Solid Waste Facility within the same parcel of land or within the same land use authorization boundary as where the ~~solid waste~~Solid Waste originated; ~~or~~.

- (c) ~~Special dDistricts~~ - The ~~eCollection~~ of ~~solid waste~~Solid Waste where such ~~eCollection~~ is statutorily regulated by the governing body of a ~~special district~~Special District for areas within that district's boundaries if the County determines said district's regulations meet the purposes and intent of the Act insofar as such performance within said district boundaries is concerned; ~~or~~
- (d) Gardening or ~~landscaping services~~Landscaping Services - The provision of ~~gGardening or landscaping services~~Landscaping Services subject to Self-Haul requirements in Section 4770-6 of this Article.
- (e) Land ~~clearing services~~Clearing Services - The provision of ~~land clearing services~~Land Clearing Services subject to Self-Haul requirements in Section 4770-6 of this Article.
- (f) Self-Hauling – Self-Haulers subject to the additional Self-Haul requirements in Section 4770-6 of this Article.

**4750-8 Enforcement of exclusive contracts or franchises.**

Any ~~contract collector~~Contract Collector who has entered into an exclusive contract or franchise with the County in accordance with Section 4750 may bring an action in the Ventura County Superior Court for injunctive relief and/or damages against any ~~pPerson~~ engaging in the ~~bBusiness~~ of ~~eCollection~~ of ~~solid waste~~Solid Waste which, by virtue of such business, is infringing upon the exclusive service area granted by the said contract or franchise to the said ~~contract collector~~Contract Collector and who, in violation of Section 4750, has no contract or franchise with the County authorizing such activity. Prior to bringing such action, the ~~contract collector~~Contract Collector shall notify the Director of its intention to file an action. In its discretion, the County may join in such action as a plaintiff, may bring an independent action to enforce Section 4750 or any pertinent contract or franchise or may take no action. Any action filed by the ~~contract collector~~Contract Collector shall be pursued solely at the ~~contract collector's~~Contract Collector's expense, and the ~~contract collector~~Contract Collector shall include in its claim any costs incurred by the County as a result of this action if assigned by the County; and shall reimburse the County for such costs if collected in the action.

**4760 Contract or franchise for operation of solid waste facilities.**

The purpose of Section 4760 is to regulate matters of ~~solid waste~~Solid Waste processing and ~~dDisposal~~ in the unincorporated area of ~~the~~Ventura County including, without limitation, the nature, location, and extent of providing ~~solid waste facility~~Solid Waste Facility services; the level of services, charges and fees; the establishment of financial assurance and indemnification; and the implementation of waste processing and ~~dDiversion~~ programs.

**4760-1 Solid waste facility contract or franchise required.**

No ~~pPerson~~ shall establish or operate a ~~solid waste facility~~Solid Waste Facility in the unincorporated area of ~~the~~Ventura County without first obtaining, at the County's

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option, either a contract or franchise approved by the Board allowing the establishment or operation of the ~~solid waste facility~~Solid Waste Facility. At the County's option, said contract or franchise may be granted with or without competitive bidding; on an exclusive, partially exclusive or nonexclusive basis; and shall include such terms and conditions as approved by the Board.

#### **4760-2 Solid waste facility contract or franchise provisions.**

Each ~~solid waste facility~~Solid Waste Facility contract or franchise may include, but may not necessarily be limited to, provisions that govern the following activities: facility administration and ~~r~~Record- keeping; tonnage tracking and reporting; rate regulation; ~~solid waste diversion~~Solid Waste Diversion programs; County regulatory fees and charges; environmental and permit compliance; financial assurance, performance surety, default and remedies; and assignment.

#### **~~4770 Waste diversion requirements.~~**

#### **4770 Compliance with the Act.**

The purpose of Section 4770 is to provide for the implementation of residential and commercial ~~d~~Diversion programs to allow the County to achieve and comply with the ~~Act's solid waste diversion requirements.~~Act's Solid Waste Diversion Requirements. All Single-Family Dwelling premises, Multi-Family Dwelling premises, Commercial Generators, Contract Collectors, Collectors, and all other Persons subject to the requirements of the Act shall fully comply with the Act and all other applicable law or be subject to any applicable penalties.

#### **4770-1 Residential ~~customer diversion requirements~~and Commercial Generator Diversion Requirements.**

#### **4770-1.1 Director's ~~list of residential recyclables~~List of Residential and Commercial Recyclables.**

The Director shall develop, maintain, publish, and update as appropriate, in consultation with ~~contract collectors~~Contract Collectors and other ~~d~~Diversion industry representatives, a list of ~~r~~Recyclables generated by ~~residential customers~~Residential and Commercial Generators ("Director's List of Residential and Commercial Recyclables") that shall be subject to the requirements of Section 4770-~~1.2~~. In determining which types of ~~solid waste~~Solid Waste shall be included on the Director's List of Residential and Commercial Recyclables, the Director shall periodically consider and evaluate processing capability and capacity, market availability, and economic feasibility. ~~Except as provided in Section 4770-1.4 below, each contract collector providing services to residential customers shall provide for collection, and state law. At a minimum, to comply with newly created Chapter 12 of Title 14, Division 7 of California Code of Regulations (CCR) and several amended portions of regulations of Title 14 of CCR and Title 27 of CCR specified Organic Waste must be included in the Recyclables container and Organic Waste Collection container. Clean writing and printing paper,~~

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mixed paper, and cardboard shall be required to go in the Recyclables container and Food Waste, food soiled paper, and Green Waste shall be required to be accepted in the Organic Waste container. Except as provided in Section 4770-3, each Contract Collector providing services to Residential and Commercial Customers shall provide for Collection of all materials on the Director's List of Residential Recyclables. Nothing in this Section 4770-1 is intended to limit, or preclude, the separate eCollection and dDiversion of materials not listed on the Director's List of Residential Recyclables.

**4770-1.2 Supply and use of separate containersPricing Incentives for residential recyclablesResidential Waste Diversion.**

~~Each contract collector providing regular collection service to residential customers shall supply to each of its residential customers, and each residential customer shall accept, except to the extent such residential customer is determined to be exempt pursuant to Section 4770-1.4, a collection container designated for the separate deposit of green materials by the residential customer and a collection container designated for the separate deposit of commingled recyclables by the residential customer. The contract collector's supply of such containers shall be in addition to other containers supplied by the contractor collector for refuse. Where it would be more feasible, the contract collector may, upon the advanced written approval of the Director, supply containers for use in common by several residential customers provided such residential customers have access to each type of container required by this Section 4770-1.2. As a part of its regular collection service, each contract collector shall collect green materials and commingled recyclables from such containers, if any, deposited therein by the residential customer. The contract collector shall keep these materials separate from refuse, take measures to minimize contamination, and shall handle these materials in a manner ensuring they are recycled or otherwise diverted from disposal.~~

**4770-1.3 Pricing incentives for residential waste diversion.**

~~Each contract collector providing regular collection service to residential customers shall offer multiple levels of service and pricing incentives to encourage the separation of recyclables from refuse and to discourage disposal.~~Each Contract Collector providing Collection Service to Residential Customers shall offer multiple levels of service and pricing incentives to encourage the separation of Recyclables from Refuse and to discourage Disposal. These levels of service and associated pricing, which may include variable container rates, shall be designated and approved in advance by the Director. The Director may exempt a ~~contract collector~~Contract Collector from some, or all, of the requirements of this ~~s~~sSection if the Director determines that offering multiple levels of service is not economically feasible.

**4770-1.4 Exemptions from residential diversion requirements.**

~~The Director may exempt a contract collector from some or all of the requirements of Section 4770-1.2 if the Director determines that supplying separate containers<sup>3</sup> Pricing Incentives for commingled recyclables is not economically feasible, or if the materials designated on the Director's List of Residential Recyclables can be otherwise separated and effectively diverted from disposal. In addition, there shall be an~~

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~~exemption available for green materials containers as provided in this section. If such exemption is granted in accordance with this section, the contract collector shall not be required to supply a separate green materials container to the exempt residential customer and the exempt residential customer shall not be charged the additional fee applicable to that container that would otherwise be allowed. Any residential customer may apply for an exemption with respect to the green materials container by submitting an application for such exemption to the Director. A form for application of the exemption shall be prepared by the Director and supplied to anyone requesting such application. The Director may require that such application be signed under penalty of perjury by the person applying for the exemption. Based upon such application and, if requested by the Director, an inspection of the premises affected, the Director may exempt such residential customer if the Director finds that either of the following is true: (a) that the residential customer does not generate any green materials; or (b) that the residential customer is composting or causing to be composted, or is otherwise ensuring that other persons compost or divert, whatever green materials are generated by the residential customer. If the applicant refuses to allow an inspection, the Director may deny the application. As a further condition of granting such exemption, the Director may require that the residential customer consent to continuing inspection of the affected premises at any reasonable time; that the residential customer remain in compliance with the requirements of the exemption as provided in this section; and that the residential customer comply with all state and local laws and regulations governing composting. The Director may revoke any exemption that has been granted at any time the Director determines that the residential customer is no longer qualified for the exemption or is not complying with the terms and conditions of the exemption. Any exemption issued by the Director, and any denial or revocation of the same, shall be in writing. The Director shall mail or deliver a copy of any exemption, or denial or revocation, to the residential customer and to the contract collector from whom such residential customer obtains services.~~

## **~~4770-2 Commercial waste diversion requirements~~Waste Diversion.**

### **~~4770-2.1 Applicability.~~**

~~The commercial diversion requirements of Section 4770-2 shall apply to the following, except to the extent exempt pursuant to section 4770-2.7: (a) Contract collectors as specified herein; (b) Commercial generators generating four (4) cubic yards or more of solid waste per week; and (c) Multi-family dwellings of five (5) or more regardless of the volume of solid waste generated, which multi-family dwellings are defined and referred to as "commercial generators" for purposes of Section 4770-2.~~

### **~~4770-2.2 Director's list of commercial recyclables.~~**

~~The Director may develop, maintain, publish, and update as appropriate, in consultation with contract collectors and other diversion industry representatives, a list of recyclables generated by commercial customers ("Director's List of Commercial Recyclables") which shall be subject to the commercial diversion requirements of Section 4770-2. In determining which types of solid waste shall be included on the Director's List of Commercial Recyclables, the Director shall consider and evaluate~~

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~~processing capability and capacity, market availability, and economic feasibility. Each contract collector providing regular, or temporary, collection service to commercial customers shall separate, or cause to be separated, and arrange for the diversion of, all materials on the Director's List of Commercial Recyclables from any collected solid waste. Compliance with the diversion requirements of this section is mandatory for contract collectors providing regular collection service and temporary collection service. Nothing in this Section 4770-2 is intended to limit, or preclude, the separate collection and diversion of materials not listed on the Director's List of Commercial Recyclables.~~

**~~4770-2.3 Regular collection service: Supply and use of separate recyclables containers for commercial customers.~~**

~~Each contract collector providing regular collection service shall supply to each of its commercial customers and each commercial customer shall accept and utilize, one or more collection containers, as appropriate, designated for the separate deposit of materials on the Director's List of Commercial Recyclables by the commercial customer. The contract collector's supply of such containers shall be in addition to other containers supplied by contract collector for refuse. Where it would be more feasible, contract collector may, upon the written approval of the Director, supply containers for use in common by several commercial customers provided such commercial customers have access to the type and number of containers sufficient to fulfill the requirements of this section. As a part of its regular collection service, each contract collector shall collect green materials and other recyclables on the Director's list established pursuant to Section 4770-2.2, if any, deposited therein by the commercial customer. The contract collector shall keep these materials separate from collected refuse, take measures to minimize contamination, and shall ensure such materials are recycled or otherwise diverted from disposal.~~

**~~4770-2.4 Commercial diversion requirements.~~**

~~Effective July 1, 2012, each commercial generator shall ensure the diversion of its commercial recyclables in at least one of the following ways:~~

- ~~(1) Source separate commercial recyclables from solid waste; enter into a solid waste collection service contract with a contract collector; and subscribe to a basic level of collection service which includes, at a minimum, the collection of commercial recyclable materials; or~~
- ~~(2) Enter into a solid waste collection service contract with a contract collector; and subscribe to a level of service which includes, at a minimum, collection of the commercial generator's commercial recyclables which may be commingled with other solid waste, including refuse, and then diverted at a solid waste facility, including an ability to provide written verification of such from collector and solid waste facility upon request of the County; or~~
- ~~(3) Upon request of director, provide evidence, such as original receipts or weight tickets, of self-hauling solid waste to a solid waste facility or recycling facility at which recyclable materials will be diverted from solid waste in accordance with all required governmental permits and approvals.~~

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Nothing in this section shall preclude a commercial generator from donating, selling, or exchanging at fair market value, for reuse or recycling, source-separated recyclable materials.

**4770-2.5 Pricing incentives for commercial waste diversion.**

~~Each collector providing regular collection service to commercial customers~~Each Contract Collector providing Collection Service to Commercial Customers shall offer multiple levels of service and pricing incentives to encourage the separation of commercial ~~recyclables~~Recyclables and Organic Waste from ~~r~~Refuse and to discourage ~~d~~Disposal. These levels of service, and associated pricing, shall be designated and approved in advance by the Director pursuant to the process stated in the ~~contract collector's~~Contract Collector's contract or franchise with the County ~~and may include, without limitation: variable container rates for refuse; small bin or barrel service for commercial recyclables collection; rates for recycling which are set below rates charged for refuse containers of comparable size; and additional charges for containers containing mixed or contaminated loads requiring separation of commercial recyclables at a solid waste facility.~~ The Director may exempt a ~~contract collector~~Contract Collector from some, or all, of the requirements of this ~~s~~Section if the Director determines offering multiple levels of service is not economically feasible.

**4770-2.6 Temporary Obligation of Solid Waste Collection Service.**

Organic Waste Generators, Collectors, and all other Persons subject to the requirements of the Short-Lived Climate Pollutants: Organic Waste Reduction regulations developed by CalRecycle and adopted in 2020 that created Chapter 12 of Title 14, Division 7 of CCR and amended several portions of regulations of Title 14 of CCR and Title 27 of CCR shall fully comply with all applicable requirements, including those summarized below, or be subject to fines for an infraction and subsequent infractions according to the schedule set forth in Ventura County Ordinance Code Chapter 1, General Provisions, Section 13-2, as determined by the Director and/or his or her designee.

**4770-3 Single-Family Dwelling Organic Waste Generators.**

Single-Family Dwelling Organic Waste Generators shall subscribe to a level of Solid Waste Collection service with a Contract Collector as stated below that is sufficient to handle the volume of Refuse, Recyclable Material, and Organic Waste generated or accumulated on the premises and comply with requirements of those collection service: Collector services, except for Single-Family Dwelling Organic Waste Generators that are Self-Haulers and meet the requirements of Section 4770-6 of this Article:

- (a) Subscribe to Collection Service for all Organic Waste and Recyclable Materials generated as described in subsections (b) and (c) below. The County shall have the right to review the number and size of a generator's containers to evaluate adequacy of capacity provided for each type of Collection Service for proper separation of ~~recyclables~~ generated by

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commercial materials and containment of materials; Single-Family Generators shall have the service level adjusted by the Collection Service as required by the County. Generators may additionally manage their Organic Waste by preventing or reducing their Organic Waste, managing Organic Waste on site, and/or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).

- (b) Participate in Collection Service for Organic Waste and Recyclable Materials by placing designated materials in designated containers as described in subsection (c) and shall not place Prohibited Container Contaminants in Collection containers.
- (c) Place Organic Waste, including Food Waste, in the designated Organic Waste container; Recyclable Materials in the designated Recycling container; and Refuse in the designated Refuse container. Generators shall not place materials designated for the Refuse container into the Organic Waste container or Recycling container, unless Organic Waste, Recyclable Materials and Refuse are processed at a High Diversion Processing Facility as defined in Section 4741-46 of this Article.

#### **4770-4 Commercial and Residential Organic Waste Generator Requirements.**

- (a) Commercial Generators, including Multi-Family Dwellings, shall:
  - 1. Subscribe to a level of service with a Contract Collector that is sufficient to handle the volume of Refuse, Recyclable Materials and Organic Waste generated or accumulated on the premises and comply with requirements of those services, except Commercial Generators that meet the Self-Hauler requirements in Section 4770-6 of this Article. The County shall have the right to review the number and size of a Commercial Generator's containers and frequency of Collection to evaluate adequacy of capacity provided for each type of Collection Service for proper separation of materials and containment of materials; Commercial Generator shall adjust their service level for their Collection Services as required by the County.
  - 2. Except for Commercial Generators that meet the Self-Hauler requirements in Section 4770-6 of this Article, participate in Collection Service for Organic Waste and Recyclable Materials by placing designated materials in designated containers. Generator shall place Organic Waste, including Food Waste, in the designated Organic Waste container; Recyclable Materials in the designated Recycling container; and Refuse in the designated Refuse container. Generators shall not place materials designated for the Refuse container into the Organic Waste container or Recycling container.
  - 3. Supply and allow access to adequate number, size and location of Collection containers with sufficient labels or colors (conforming with requirements described below) for employees, contractors, tenants,

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and customers, consistent with the Collection Service or, if Self-Hauling, pursuant to the Commercial Generator's instructions to support its compliance with its Self-Haul program in accordance with Section 4770-6 of this Article.

3. Each Annually provide information to employees, contractors, tenants, and customers about Organic Waste Recovery requirements and about proper sorting of Source Separated Organic Waste and Source Separated Recyclable Materials.
4. Provide or arrange access for the County or its representative to their properties during all inspections conducted in accordance with Section 4772 of this Article to confirm compliance with the requirements of this Article.
5. Accommodate and cooperate with the Collector's remote monitoring program for Inspection of the contents of containers for Prohibited Container Contaminants, to evaluate generator's compliance.

(b) Commercial Generators, including Multi-Family Dwellings, shall:

1. Provide containers for the Collection of Organic Waste and Recyclable Materials in all indoor and outdoor areas where Disposal containers are provided for customers, for materials generated by that business. Such containers do not need to be provided in restrooms. If a Commercial Generator does not generate any of the materials that would be collected in one type of container, then the Commercial Generator does not have to provide that particular container in all areas where Disposal containers are provided for customers. Pursuant to 14 CCR Section 18984.9(b), the containers provided by the Commercial Generator shall have either:
  - i. A body or lid that conforms with the container colors provided through the Collection Service provided by the Contract Collector, with either lids conforming to the color requirements or bodies conforming to the color requirements or both lids and bodies conforming to color requirements. A Commercial Generator is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the requirements of this subsection (b)(1) prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first.
  - ii. Container labels that include language or graphic images, or both, indicating the primary material accepted and the primary materials prohibited in that container, or containers with imprinted text or graphic images that indicate the primary materials accepted and primary materials prohibited in the container. Pursuant to 14 CCR Section 18984.8, the container

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labeling requirements are required on new containers commencing January 1, 2022.

2. To the extent practical through education, training, inspection, and/or other measures, prohibit employees from placing materials in a container not designated for those materials per the Collection service or, if Self-Hauling, pursuant to the Commercial Generator's instructions to support its compliance with its Self-Haul program, in accordance with Section 4770-6 of this Article.
3. Periodically inspect Organic Waste, Recycling, and Refuse containers for contamination and inform employees if containers are contaminated and of the requirements to keep contaminants out of those containers pursuant to 14 CCR Section 18984.9(b)(3).
4. If a Commercial Generator wants to Self-Haul, meet the Self-Hauler requirements in Section 4770-6 of this Article.
5. A Commercial Generator that is a Commercial Edible Food Generator shall comply with Food Recovery requirements, pursuant to Section 4770-7 of this Article.

(c) Responsible Party for a Multi-Family Dwellings shall:

1. Provide education information before or within fourteen (14) days of occupation of the premises to new tenants that describes requirements to keep Source Separated Organic Waste and Source Separated Recyclable Materials separate from Refuse (when applicable) and the location of containers and the rules governing their use at each property.

(d) Nothing in this Section prohibits a generator from preventing or reducing waste generation, managing Organic Waste on site, or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).

#### **4770-5 Waivers for Commercial Generators.**

(a) Commercial Generators may apply for a physical space waiver. Waivers may be approved through the following process:

1. Submit an application form specifying the type(s) of Collection services for which they are requesting a physical space waiver.
2. Provide documentation with the application establishing that the premises lack adequate space for blue containers and/or green containers including documentation from its Contract Collector, licensed architect, or licensed engineer.

(b) Commercial Generators may apply for a de minimis waiver. Waivers may be approved through the following process:

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1. Submit an application form specifying the services that they are requesting a waiver from and provide documentation demonstrating that either:
    - i. The Commercial Generator's total Solid Waste Collection service is two cubic yards or more per week and Organic Waste subject to Collection in a Recyclable Materials container or Organic Waste container comprises less than 20 gallons per week per applicable container of the Commercial Generator's total waste; or,
    - ii. The Commercial Generators' total Solid Waste Collection service is less than two cubic yards per week and Organic Waste subject to Collection in a Recyclable Materials container or Organic Waste comprises less than 10 gallons per week per applicable container of the Commercial Generators' total waste.
  - (c) Waivers shall apply for up to, but no longer than five (5) years, for a specific duration as determined by the Director and/or his or her designee.
  - (d) Commercial Generators that receive a waiver pursuant to subsection (b)(1) above must notify the County if circumstances change such that Commercial Generator's Organic Waste exceeds threshold required for waiver, in which case waiver shall be rescinded.
  - (e) Should the County apply for and receive a low population waiver for census tracts that have a population density of less than 75 people per square mile, Organic Waste Generators in those census tracts would be covered by that waiver and notified accordingly.

#### **4770-6 Self-Hauler Requirements.**

- (a) Self-Haulers shall Source Separate all Recyclable Materials and Organic Waste generated on-site from Solid Waste in a manner consistent with 14 CCR Sections 18984.1 and 18984.2 or shall haul Organic Waste to a High Diversion Organic Waste Processing Facility as specified in 14 CCR Section 18984.3.
- (b) Self-Haulers, including landscapers, shall haul their Recyclable Materials to a Recycling Facility that recovers those materials; and haul their Organic Waste to a Solid Waste Facility, operation, activity, or property that processes or recovers Source Separated Organic Waste. Alternatively, Self-Haulers may haul Organic Waste to a High Diversion Organic Waste Processing Facility. Any Solid Waste for Disposal that remains after Source Separation of Recyclable Materials and Organic Waste must be delivered to a Solid Waste Facility for Disposal.
- (c) Self-Haulers that are Commercial Generators (including Multi-Family Dwelling complexes) shall keep a Record of the amount of Organic Waste delivered to each Solid Waste Facility, operation, activity, or property that

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processes or recovers Organic Waste; this Record shall be subject to inspection by the County. The Records shall include the following information:

1. Delivery receipts and weight tickets from the entity accepting the waste.
2. The amount of material in cubic yards or tons transported by the Self-Hauler to each entity.
3. If the material is transported to an entity that does not have scales on-site or employs scales incapable of weighing the Self-Hauler's vehicle in a manner that allows it to determine the weight of materials received, the Self-Hauler is not required to Record the weight of material but shall keep a Record of the entities that received the waste.

**4770-7 Edible Food Recovery Required.**

(a) Tier One Commercial Edible Food Generators shall comply with the requirements of 14 CCR Section 18991 commencing January 1, 2022. Tier Two Commercial Edible Food Generators shall comply with the requirements 14 CCR Section 18991.3 commencing January 1, 2024.

(b) A Large Venue or Large Event operator that does not provide food services, but allows for food to be provided, shall require food facilities operating at the Large Venue or Large Event to comply with the requirements of 14 CCR Section 18991.3 commencing January 1, 2024.

(c) Commercial Edible Food Generators shall comply with the following requirements:

1. Arrange to recover the maximum amount of Edible Food that would otherwise be disposed.
2. Contract with or enter into a written agreement with Food Recovery Organizations or Food Recovery Services for: (i) the Collection of Edible Food for food recovery; or, (ii) acceptance of the Edible Food that the Commercial Edible Food Generator Self-Hauls to the Food Recovery Organization for food recovery.
3. Shall not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.
4. Allow the County's designated enforcement entity or designated third party enforcement entity to access the premises and review Records pursuant to 14 CCR Section 18991.4.
5. Keep Records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:

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- i. A list of each Food Recovery Service or organization that Collects or receives its Edible Food pursuant to a contract collector or written agreement established under 14 CCR Section 18991.3(b).
  - ii. A copy of all contracts or written agreements established under 14 CCR Section 18991.3(b).
  - iii. A Record of the following information for each of those Food Recovery Services or Food Recovery Organizations:
    - a. The name, address and contact information of the Food Recovery Service or Food Recovery Organization.
    - b. The types of food that shall be Collected by or Self-Hauled to the Food Recovery Service or Food Recovery Organization.
    - c. The established frequency that food shall be collected or Self-Hauled.
    - d. The quantity of food, measured in pounds recovered per month, Collected or Self-Hauled to a Food Recovery Service or Food Recovery Organization for Food Recovery.

(d) Nothing in this Article shall be construed to limit or conflict with the protections provided by the California Good Samaritan Food Donation Act of 2017 as described in Sections 114432-114434 of the Health and Safety Code and Section 1714.25 of the Civil Code, the Federal Good Samaritan Act as described in 110 Stat. 3011 , or share table and school food donation guidance set forth in Article 13 [commencing with Section 49580] to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, and to amend Section 114079 of the Health and Safety Code, relating to food safety, as amended, supplemented, superseded and replaced from time to time).

#### **4770-8 Requirements for Food Recovery Organizations and Services.**

- (a) Food Recovery Services Collecting or receiving Edible Food directly from Commercial Edible Food Generators, pursuant to a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following Records, or as otherwise specified by 14 CCR Section 18991.5(a)(1):
  - 1. The name, address, and contact information for each Commercial Edible Food Generator from which the service collects Edible Food.
  - 2. The quantity in pounds of Edible Food collected from each Commercial Edible Food Generator per month.
  - 3. The quantity in pounds of Edible Food transported to each Food Recovery Organization per month.

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4. The name, address, and contact information for each Food Recovery Organization to which the Food Recovery Service transports Edible Food for Food Recovery.

(b) Food Recovery Organizations Collecting or receiving Edible Food directly from Commercial Edible Food Generators, pursuant to a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following Records, or as otherwise specified by 14 CCR Section 18991.5(a)(2):

1. The name, address, and contact information for each Commercial Edible Food Generator from which the organization receives Edible Food.

2. The quantity in pounds of Edible Food received from each Commercial Edible Food Generator per month.

3. The name, address, and contact information for each Food Recovery Service from which the organization receives Edible Food for Food Recovery.

(c) Food Recovery Organizations and Food Recovery Services that have their primary address physically located in the County and either contract with, or have written agreements with, one or more Commercial Edible Food Generators pursuant to 14 CCR Section 18991.3(b) shall report to the County in which it is located the total pounds of Edible Food recovered in the previous calendar year from the Tier One and Tier Two Commercial Edible Food Generators they have established a contract or written agreement with pursuant to 14 CCR Section 18991.3(b) no later than May 1 of each year.

(d) In order to support Edible Food Recovery capacity planning assessments or other studies conducted by the County, Food Recovery Services and Food Recovery Organizations operating in Ventura County, including the unincorporated area and within cities, shall provide information and consultation to the County, upon request, regarding existing, or proposed new or expanded, Food Recovery capacity that could be accessed by the County and its Commercial Edible Food Generators. A Food Recovery Service or Food Recovery Organization contacted by the County shall respond to such request for information within 60 days, unless a shorter timeframe is otherwise specified by the County.

#### **4770-9 Requirements for Contract Collectors and facility operators.**

(a) The County's designated Collectors providing temporary collection service to residential or commercial Organic Waste Collection services to generators shall separate or cause to be separated from refuse all materials on the Director's List of Commercial Recyclables as follows. within unincorporated Ventura County shall comply with the following requirements and standards which shall be set forth in a contract, agreement, or other authorization with the County addressing the Collection of Organic Waste:

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**4770-2.6.1 Containerized temporary service.**

1. Through written notice to the County provided annually on or before May 1, identify the facilities to which they will transport Organic Waste including facilities for Source Separated Recyclable Materials and Source Separated Organic Waste.
  2. Transport Source Separated Recyclable Materials and Source Separated Organic Waste to a facility, operation, activity, or property that recovers Organic Waste as defined in 14 CCR, Division 7, Chapter 12, Article 2.
  3. Obtain approval from the County to haul Organic Waste, unless the Collector is transporting Source Separated Organic Waste to a Community Composting Site or lawfully transporting C&D debris in a manner that complies with 14 CCR Section 18989.1.
- (b) Contract Collectors shall comply with education, equipment, signage, container labeling, container color, contamination monitoring, reporting, and other requirements contained within its franchise agreement, permit, license, or other agreement entered into with the County.
- (c) Each ~~contract collector~~ Contract Collector providing temporary collection service involving containers Collection Service to Residential Customers and Commercial Customers shall supply to each of its ~~commercial customers and each commercial customer~~ Residential and Commercial Customers, and each Residential Customer and Commercial Customer shall accept, and utilize, one or more collection containers except to the extent such Residential Customer is determined to be exempt pursuant to Section 4770-5 of this Article, a Collection container designated for the separate deposit of materials on the Director's List of Commercial Recyclables. The contract collector's Organic Waste by Residential Customers and Commercial Customers and a Collection container designated for the separate deposit of commingled Recyclables by Residential Customers and Commercial Customers. The Contract Collector's supply of such containers delivered to a commercial customer's property shall ~~shall~~ be in addition to other containers delivered by the contract collector for refuse. supplied by the Contractor Collector for Refuse. Where more feasible, the Contract Collector may, upon the advanced written approval of the Director, supply containers for use in common by several Residential Customers or Commercial Customers provided such Residential Customers and Commercial Customers have access to each type of container required by this Section 4770-3 of this Article. As a part of its temporary collection service, each contract collector shall collect commercial recyclables single Collection Service, each Contract Collector shall Collect Organic Waste and commingled Recyclables from such containers, if any, deposited therein and by the Residential Customers and Commercial Customers. The Contract Collector shall keep these materials separate from refuse. Where it would be more feasible, a contract collector may supply a single container to its commercial customer for the commingling of commercial

~~recyclables and other materials, provided, upon collection, the contract collector delivers such container to a solid waste facility for the separation and diversion of commercial recyclables. Whether placed in separated or commingled containers, the contract collector shall Refuse, take measures to minimize contamination, and shall ensure that Organic Waste is taken to a Source Separated Organics processing capabilities are available, as determined by the Director. facility or a High Diversion Organic Waste Processing Facility.~~

**4770-10 ~~4770-2.8~~ Requirements for Facility Operators and Community Composting Operations.**

- (a) ~~Persons owning o operating facilities or conducting operations or activities that recover Organic Waste, including, but not limited to, Compost facilities, in-vessel digestion facilities, and publicly owned treatment works shall, upon County request, provide information regarding available and potential new or expanded capacity at their facilities, operations, and activities, including information about throughput and permitted capacity necessary for planning purposes. Entities contacted by the County shall respond within 60 days.~~
- (b) ~~Community Composting Operators, upon the County's request, shall provide information to the County to support Organic Waste capacity planning, including, but not limited to, an estimate of the amount of Organic Waste anticipated to be handled at the Community Composting operation. Entities contacted by the County shall respond within 60 days.~~

**4771 Reporting.**

- (a) To facilitate the County's monitoring of compliance with the ~~commercial diversion requirements~~Residential and Commercial Diversion Requirements of Section 4770-21 of this Article, each ~~contract collector~~Contract Collector providing ~~solid waste collection service~~Solid Waste Collection Service to a ~~commercial generator~~Residential Customers and Commercial Customers including Multi-Family Dwellings over five (5) units shall provide, in addition to all other reporting requirements, information to the County ~~peron~~ a quarterly basis for each ~~commercial customer~~Commercial Customer in a format approved in advance by the Director including:
1. ~~(a)~~ Address of each commercial property where ~~regular solid waste collection service~~Solid Waste Collection Service is provided;
  2. ~~(b)~~ Name, address and telephone number of the ~~responsible party~~Responsible Party for each ~~commercial customer~~Commercial Customer facility;
  3. ~~(c)~~ Number and type (by cubic yard size) of each ~~e~~Collection container provided to each ~~commercial customer~~Residential Customer and Commercial Customer;

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4. ~~(d)~~ Frequency of ~~solid waste collection service~~ Solid Waste Collection Service for every ~~e~~Collection container at each ~~commercial~~Residential and Commercial property; and
  5. ~~(e)~~ Information regarding a ~~commercial customer's~~Residential Customer's and Commercial Customer's potential non-compliance with the ~~commercial diversion requirements~~Residential and Commercial Diversion Requirements of Section 4770-2-1.
  6. Residential and Commercial accounts that are subscribed to Refuse container Collection service but that are not subscribed to Recycling Container and/or Organic Waste container Collection service. If a Contract Collector providing Refuse Container Collection service does not offer Recycling container Collection service and/or Organic Waste container Collection service to its Refuse container Collection service customers, then this requirement shall not apply with respect to those customers and the type(s) of service that is not offered. The Director may, in his or her discretion, modify the reporting requirements as necessary and contract collector shall be required to comply with any such modification after receiving reasonable notice of same.

#### **4775 Waste management fee.**

- (b) The Director may, in his or her discretion, modify the reporting requirements as necessary and Contract Collector shall be required to comply with any such modification after receiving reasonable notice of same.

#### **4772 Inspections and Investigations by the County.**

- (a) The County's representatives and/or its designated entity, including designees are authorized to conduct inspections and investigations, at random or otherwise, of any Collection container, Collection vehicle loads, or transfer, processing, or Disposal facility for materials collected from Solid Waste generators, or Source-Separated materials to confirm compliance with this Article by Organic Waste Generators, Commercial Generators (including Multi-Family Dwellings), property owners, Commercial Edible Food Generators, Contract Collectors, Self-Haulers, Food Recovery Services, and Food Recovery Organizations, subject to applicable laws. This Section does not allow the County to enter the interior of a private residential property for inspection. For the purposes of inspecting Commercial Generator containers for compliance with this Article, the County may conduct container inspections for Prohibited Container Contaminants.
- (b) Each Responsible Party shall provide, or arrange for, access during all inspections (with the exception of residential property interiors) and shall cooperate with the County's employee or its designated agent during such inspections and investigations. Such inspections and investigations may include confirmation of proper placement of Solid Waste materials in containers, Edible Food Recovery activities, Records, or any other requirement

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of this Article. Failure to provide or arrange for: (i) access to an entity's premises; (ii) access to Records for any Inspection or investigation is a violation of this Article and may result in penalties described.

(c) Any Records obtained by the County during its inspections and other reviews shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth in Government Code Section 6250 et seq. County representatives, its designated entity, and/or designee(s) are authorized to conduct any inspections or other investigations as reasonably necessary to further the goals of this Article, subject to applicable laws.

(d) The County may receive written complaints from Persons regarding any potential violators of 14 CCR, Division 7, Chapter 12, Section 18995.3 regulations, pertaining to receipt of anonymous complaints.

### **4773 Construction and Demolition Waste Management.**

#### **4773-1 Purpose and Intent.**

The purpose of this Section 4773 is to establish regulations effectively reducing landfill-bound waste from Construction and Demolition (C&D) activity by requiring Permit Applicants undertaking specific Covered Projects to Divert, or Recycle, the current required Diversion amount prescribed in the California Green Building Standards Code or other applicable laws or regulations, as may be amended, in compliance with state regulatory mandates and local statutory goals and policies.

#### **4773-2 Application of Section to Covered Projects.**

(a) Unless otherwise exempt under Section 4773-4 of this Article, Covered Projects shall meet the Diversion Requirement and shall comply with all provisions of this Section.

(b) Permit Applicant's acceptance of, and commitment to comply with, the provisions of this Section shall be a condition of approval for all building, Paving, Grading, encroachment or Demolition Permits issued for a Covered Project.

#### **4773-3 Required Diversion Rates.**

The Applicant for a Covered Project shall Divert the current required Diversion amount prescribed in the California Green Building Standards Code or other applicable laws or regulations, as may be amended and whichever is higher of the C&D Debris resulting from a Covered Project.

#### **4773-4 Projects Exempt from this Section.**

The following Projects are exempt from the requirements of this Section 4773:

(a) Immediate or emergency demolition required to protect the public health, safety or welfare, as determined by the Building Official, Sheriff, or Fire Chief of the County.

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- (b) Projects consisting solely of the installation of pre-fabricated structures such as manufactured or modular homes, metal barns, patio enclosures and covers;
  - (c) Projects consisting solely of the installation of pre-fabricated accessories such as signs or antennas where no foundation or other structural building modifications are required;
  - (d) Projects consisting solely of the installation or onsite reuse of solar panels;
  - (e) A Project for which an entitlement Permit or design review approval has been obtained from the County prior to the effective date of this Section;
  - (f) A Project for which the Division of Building and Safety of the County, prior to the effective date of this Section, has lawfully issued a valid building Permit;
  - (g) A public works ~~contract collector of solid waste~~ awarded in accordance with the California Public Contract Code for which the notice inviting bids has been published prior to the effective date of this Section;
  - (h) Work for which only a plumbing Permit, an electrical Permit, or a mechanical Permit is required or any combination thereof;
  - (i) Seismic tie-down projects;
  - (j) Other work a C&D Debris Recycling Compliance Official, Building and Safety Official, or other County employee acting in an official capacity determines will not produce significant levels of reasonably recyclable C&D Debris.

#### **4773-5 C&D Debris Recycling Plan Requirements.**

Applicants for Covered Project Permits shall complete and submit a C&D Debris Recycling Plan in a form approved by the County to a C&D Debris Recycling Compliance Official as a prerequisite for Permit issuance. The C&D Debris Recycling Plan may include the following information, and shall be attested by the Permit Applicant, under penalty of perjury, as true and correct for all stated facts and as a best estimate based on all information reasonably available about the Project:

- (a) Identification of C&D Debris to be diverted from Disposal by Recycling, reuse on the Project, or Salvage for future use or sale by individual material type;
- (b) Specification of whether materials will be sorted on-site (source-separated) or mixed (single-stream);
- (c) Identification of the Disposal or Diversion facilities where debris from a Construction and Demolition Project will be taken and identification of the waste management companies, if any, expected to be utilized to haul the Construction and Demolition Debris. Any company utilized to haul Construction and Demolition Debris must have all applicable County approvals; and
- (d) The estimated dates on which Grading, Paving, Demolition, or Construction is to commence and be completed.

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## **4773-6 Review of C&D Debris Recycling Plan.**

### **4773-6.1 Time for Review.**

A C&D Debris Recycling Plan shall be approved or denied no later than three (3) full working days after submittal to the C&D Debris Recycling Plan Compliance Official. If no written approval or denial is issued within three (3) full working days after submittal of Plan containing all of the information required by Section 4773-5 of this Article, the Plan shall be deemed approved. Plan approval may be based on imposed conditions reasonably necessary to meet the standards of this Section.

### **4773-6.2 Approval.**

Notwithstanding any other provision of this Section, no Permit shall be issued for any Covered Project unless and until the C&D Debris Recycling Plan has been approved, based upon the following findings by the C&D Debris Recycling Plan Compliance Official:

- (a) All of the information required by Section 4773-5 of this Article has been provided;
- (b) The plan establishes a method by which the Diversion Requirement set forth in Section 4773-3 of this Article shall be met, or
- (c) A C&D Debris Recycling Plan Compliance Official determines the Diversion Requirement cannot be met and indicates compliance by signing approval on the form of a Recycling Plan not meeting the Diversion Requirement.

### **4773-6.3 Denial.**

If the C&D Debris Recycling Compliance Official denies the C&D Debris Recycling Plan, the grounds for denial shall be clearly stated, in writing.

## **4773-7 C&D Debris Recycling Report Compliance with this Section.**

### **4773-7.1 Final Report.**

Prior to Completion of a Covered Project, the Permit Applicant shall submit a C&D Debris Recycling Report, under penalty of perjury, to a C&D Debris Recycling Compliance Official in a form approved by the County. The report shall include the following information:

- (a) The dates on which Grading, building, Paving, Demolition and/or Construction actually commenced and were completed;
- (b) The actual weight of C&D Debris generated by residential and/or commercial customers the Project, listed by individual material type;
- (c) The actual weight of C&D Debris that was Diverted, listed by each material type;

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- (d) A specification of the method used to determine the weights (the CalRecycle-approved Solid Waste weight conversion tables are strongly recommended);
  - (e) Original receipts from all vendors and permitted Recycling Facilities, which collected or received C&D Debris, indicating actual weights and/or volumes. The data should include separate totals by individual material type if the facility to which materials were brought provides such detail;
  - (f) As an alternative to the compliance requirements of Section 4773-5 -7.1 of this Article, Projects may instead document compliance with a waste stream reduction alternative of not exceeding 2 pounds per square foot of building area, pursuant to 24 CCR Part 11 Chapter 4 Sections 4.408.3, 4.408.4, 4.408.4.1, Chapter 5 Sections 5.408.1.2, and 5.408.1.3. Applicants must document this compliance.

#### **4774 Areas and Space for Recycling.**

Newly constructed non-residential buildings, non-residential additions resulting in an increase of 30 percent or more in floor area, and Multi-Family Dwelling housing with 5 or more units should provide readily accessible areas that serve the entire building and are identified for the depositing, storage and Collection of non-hazardous materials for Recycling, including (at minimum) paper, corrugated cardboard, glass, plastics, Organic Waste and metals.

#### **4775 Waste Management Fee.**

Each Contract Collector and any Person who otherwise is a Collector of Solid Waste generated by Residential and/or Commercial Generators located in the unincorporated area of the Ventura County shall pay a ~~waste management fee~~ Waste Management Fee based on ~~the revenues~~ gross Revenues from its ~~b~~Business of the ~~e~~Collection of ~~solid waste~~ Solid Waste in the unincorporated area. Payment shall be made in accordance with Section 4780-4 of this Article and the ~~waste management fee~~ Waste Management Fee adopted by resolution of the Board. This fee shall be used to pay costs associated with preparing, adopting, implementing, and administering the County Source Reduction and Recycling Element, Household Hazardous Waste Element, Nondisposal Facility Element, and such other plans and programs as may be required by the Act or by Board for integrated waste management, bioenergy, and pollution prevention policies for the unincorporated area of the Ventura County. This fee shall be in addition to any other fees paid, or to be paid, by the ~~contract collector~~.

Contract Collector. For purposes of this section, each Operator of an Organic Waste Processing Facility in the unincorporated area of Ventura County shall also pay a Waste Management Fee based on facility's gross Revenues.

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## 4780 Financial and information management.

### 4780-1 Accounting information generally.

Financial information submitted by ~~e~~Operators to the County shall be prepared and maintained in accordance with GAAP.

### 4780-2 Accounting accrual method.

Operators may utilize any of the four (4) following accounting methods for recognizing economic performance and earnings, provided that such method is consistent with the standards set forth in GAAP and with the ~~e~~Operator's internal audits or federal income tax returns, and with the statement of ~~r~~Revenues pursuant to Section 47890-4: (1) specific performance, (2) proportional performance, (3) completed performance, or (4) Collection.

- ~~(1) Specific performance,~~
- ~~(2) Proportional performance,~~
- ~~(3) Completed performance, or~~
- ~~(4) Collection.~~

### 4780-3 Records.

Operators shall maintain ~~r~~Records for at least five (5) years following the period to which they pertain. Upon seven (7) days written notice, the County shall have the right to inspect the required ~~r~~Records at any time during official business hours.

### 4780-4 Fee payment and statement of revenues.

Fees required by Sections 4750-6 ~~and 4775~~ shall be paid quarterly by each ~~contract collector~~Contract Collector within ~~thirty (30)~~ days of the close of each calendar quarter, i.e. prior to April 30, July 30, October 30, and January 30 of each calendar year. Accompanying payment of such fees, ~~contract collector~~Contract Collector shall file with the Director a separate statement for each contract service area, verified by the ~~contract collector's~~Contract Collector's oath or the oath of the manager or other responsible officer of the ~~contract collector~~Contract Collector, showing total ~~revenues~~gross Revenues from its ~~b~~Business of the ~~e~~Collection of ~~solid waste~~Solid Waste originating within the contract service area during the preceding quarter. Such statement shall contain, in a format approved by the Director, supporting documentation of ~~revenues~~gross Revenues received during the preceding quarter by jurisdictional allocation of tonnage ~~e~~Collected and ~~d~~Disposed, waste category or type, generator type, number of customers, and such other factors as may be determined by the Director as necessary for program administration. Simultaneously with the filing of the statement, ~~contract collector~~Contract Collector shall submit to the Director all fees required by this Article and by resolution of the Board which are based upon a percentage of such ~~revenues~~gross Revenues for the preceding quarter. Fees shall be calculated based upon the ~~r~~Revenues from ~~contract collector's business~~Contract Collector's Business of the ~~e~~Collection of ~~solid waste~~Solid Waste in each contract

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service area located in the unincorporated area. Acceptance of any payment from a ~~contract collector~~Contract Collector shall not be construed as a release or as an accord and satisfaction of any claim the County may have for further or additional sums payable under this ~~ordinance~~Article or for the performance of any other obligation under this Article. For purposes of this Section, each Operator of an Organic Waste Processing Facility in the unincorporated area of Ventura County shall also comply with all fee payment and statement of Revenues.

#### **4780-5 Audit.**

The County shall have the right to audit the ~~r~~Records required ~~herein~~by Section 4780-3 of this Article and the cost of the audit shall be borne by the ~~e~~Operator when inaccuracies in the ~~r~~Records result in a material difference in the disclosure of the ~~e~~Operator's economic position as it relates to, without limitation, the following: customer charges, fee assessments and payments, County specific service delivery costs, and program performance. For purposes of this Article, material difference shall mean a difference of ten ~~(10)~~percent (10%) or more.

#### **4780-6 Penalties.**

Fees required pursuant to Sections 4750-6 ~~and 4775~~, of this Article received after the due dates specified in Section 4780-4 of this Article shall include a late charge penalty on the amount due calculated at an annual rate of twelve ~~(12)~~percent, (12%), which shall accrue until paid in full. For the purposes of this ~~s~~Section, the ~~post~~mark date shall be considered the date of payment when properly endorsed by the United States Postal Service. At his or her sole discretion, Director retains the right to modify method of fee payments.

#### **4780-7 Disclosure of customer names and addresses.**

- (a) ~~(a)~~—When the County receives for its use the names or addresses of customers of a ~~contract collector~~Contract Collector and such information constitutes a trade secret or is the confidential or proprietary information of such ~~contract collector~~Contract Collector, upon request or as identified by said ~~contract collector~~Contract Collector, the County shall not disclose such information to the public or to any other Contract Collector without a court order compelling such disclosure.

~~other contract collector without a court order compelling such disclosure.~~

- (b) ~~(b)~~—If any ~~contract collector~~Contract Collector directly or indirectly obtains from the County or any of its ~~p~~Personnel or agents any trade secret or confidential or proprietary information referred to in subsection (a) hereof which such information pertains to another ~~contract collector~~Contract Collector, the ~~contract collector~~Contract Collector that improperly obtained such information shall be liable for any damage caused thereby and shall indemnify the County with respect to any claims made arising therefrom.

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- (c) ~~(c)~~—If any pPerson proposing to become a ~~contract collector~~Contract Collector directly or indirectly obtains from the County or any of its pPersonnel or agents any trade secret or confidential or proprietary information referred to in subsection (a) hereof which such information pertains to a ~~contract collector~~Contract Collector, such pPerson shall be barred from becoming a ~~contract collector~~Contract Collector for a period of three years following receipt of such information.
- (d) ~~(d)~~—If, pursuant to the California Public Records Act, commencing with Section 6250 of the Government Code or pursuant to a subpoena, any pPerson requests from the County the opportunity to examine documents or to receive copies of documents that contain information that is protected from disclosure under subsection (a) hereof, the County shall notify all affected ~~contract collectors~~Contract Collectors. In the case where a subpoena has been served and where the pPerson requesting the documents refuses to withdraw the subpoena or to enter into some form of protective order acceptable to the affected ~~contract collector~~Contract Collector, the affected ~~contract collector~~Contract Collector shall file, at the ~~contract collector's~~Contract Collector's expense, an application with the court for a protective order or an order to quash such subpoena if the ~~contract collector~~Contract Collector seeks to protect such information. The County shall not oppose such application. In the case where a request is made under the Public Records Act and where the pPerson making the request refuses to withdraw the request or to agree upon terms of disclosure that are acceptable to the affected ~~contract collector~~Contract Collector, the County shall deny access to such documents on the ground that such information is exempt therefrom unless directed otherwise by the affected ~~contract collector~~Contract Collector. In the event the pPerson requesting access to such documents files an action or motion with the court to obtain access, the affected ~~contract collector~~Contract Collector shall, at the ~~contract collector's~~Contract Collector's expense, appear in the action or motion to oppose such access if the ~~contract collector~~Contract Collector seeks to protect such information.

Upon demand by the County, the affected ~~contract collector~~Contract Collector, at the ~~collector's~~Contract Collector's expense, shall also defend the County and shall indemnify the County with respect to any award of attorney's fees. In the case of a subpoena or request under the Public Records Act, the County shall comply with whatever order is issued by the court pertaining thereto.

**~~4785 Civil administration and enforcement.~~**

~~(e) The Agency and its Director are hereby authorized to administer and enforce Article 3 and Article 4 of~~

**4785 Enforcement.**

**4785-1 Enforcement authorization; available remedies.**

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Violations of any provision of Articles 3 and 4 of this Chapter 7 of Division 4 (commencing with Section 4740 of the Ventura County Ordinance Code), (hereinafter "violations") are subject to the enforcement provisions set forth in this Section 4785. The Agency and Director are authorized to enforce violations through any available civil or administrative means, and the Director is authorized to act as amended or designate an Enforcement Officer for this purpose.

**4786 Criminal sanctions.**

- (a) Any person Person who commits, causes, permits or maintains a violation is subject to a judicial civil penalty of up to \$2,500 per violation. Each day a violation continues is a separate, additional violation.
- (b) In accordance with the procedures set forth in this Section 4785, the Director or Hearing Officer may administratively levy civil penalties of up to \$1,000 per violation on any Person who commits, causes, permits or maintains a violation. Each day a violation continues is a separate, additional violation.
- (c) In addition to all other potential penalties and remedies, any condition caused or permitted to exist in violation of any provision of Articles 3 or 4 of Chapter 7 of Division 4 of the Ventura County Ordinance Code shall be deemed a public nuisance and may be summarily abated as such, and each day that such condition continues shall be regarded as a new and separate public nuisance.
- (d) Any Person who violates any **Section of Article 3, or any provision thereof** provision of Articles 3 or 4 of this Chapter 7 of Division 4 of the Ventura County Ordinance Code is guilty of a misdemeanor/infraction as specified in Section 13-1 of the Ventura County Ordinance Code, and upon conviction thereof shall be punishable in accordance with Section 13-2 of the **Ventura County Ordinance** Code. Each such ~~p~~Person shall be guilty of a separate offense for each and every day during any portion of which any violation **of Article 3** is committed, continued, or permitted by such person and shall be punishable thereof as provided in Section 13-2 **of the Ventura County Ordinance Code**.

**47874785-2 Notice of proposed penalties.**

If the Enforcement Officer determines that a violation has occurred or is occurring, the Enforcement Officer may issue a notice of proposed penalties for the violation to the Responsible Party or other Person such as property owner(s), lessee, resident or other Person responsible for the violation. A notice of proposed penalties shall: (1) describe each violation for which penalties are proposed, including citation to the ordinance code provisions violated and summary description of the facts constituting the violation; (2) state the type and amount of penalties proposed to be levied for those violations in accordance with this Section; (3) specify the correction period, if any, for continuing violations, which shall not be less than 30 days unless the Enforcement Officer finds

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that a shorter correction period or no correction period is appropriate due to an immediate danger to health or safety created by the violation; (4) specify how any continuing violations may be corrected; and (5) give notice of the respondent's right to request a hearing under this Section and instruct the respondent how to request a hearing. A notice of proposed penalties may be combined with an order to abate.

~~In addition to any other remedies, the agency may issue a notice of violation to any person who is violating any provision of this Article. A notice of violation shall identify the person, if known, committing the wrongful actions or failure to act; describe the time, place and nature of the pertinent activities; state the ordinance, applicable law or order that has been violated; and, identify the owner and, if known, the person in possession of the property, if any, where the violation is occurring or has occurred. The Agency may issue a notice of violation by service of the notice on the persons identified in the notice. A notice of violation may contain a specified time for corrective action. If corrective action is not taken within the specified time then the Director may provide for whatever remedy the Director deems appropriate. Any contest of a notice of violation may be heard in accordance with the hearing procedures in Section 4788 et seq.~~

~~4788-~~

**4785-3 Order to abate.**

If the Enforcement Officer determines a nuisance exists or is threatened, the Enforcement Officer may issue an order to abate the nuisance to the Responsible Party or other Person such as property owner(s), lessee, resident, Collector, operator or other Person responsible for the violation. An order to abate shall: (1) describe the nuisance, including the violations and facts that constitute the nuisance; (2) describe how the nuisance may be abated; (3) order abatement of the nuisance, and specify the date by which the respondent must abate the nuisance; (4) give notice that if the respondent fails to abate the nuisance within the time allowed, the County may abate the nuisance and charge the costs of abatement to the respondent; and (5) give notice of the respondent's right to request a hearing under this Section 4785 and instruct the respondent how to request a hearing.

**4785-4 - Service of notice of proposed penalties and order to abate.**

A notice of proposed penalties, order to abate, and/or orders levying penalties and all other orders issued pursuant to this Section 4785 shall be mailed, registered with postage prepaid, to the respondent and, if applicable based upon the nature of the violation, if the respondent is not the owner of record, to the owner (according to the latest secured assessment roll) of the real property that is the subject of the notice or order, and to anyone known to the County to be the Responsible Party or Person in possession of such real property. In addition, an order to abate or combined notice and order shall be posted on the subject real property, if applicable based on the nature of the violation. A notice of proposed penalties, order to abate, or combined notice and order is deemed to have been served on the fifth (5<sup>th</sup>) day after mailing.

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**4785-5 Right to hearing; procedure.**

No later than ten (10) working days after service, the respondent may request a hearing on the notice of proposed penalties or order to abate or combined notice and order by filing a written request for hearing with the Enforcement Officer. If the respondent fails to timely request a hearing, then the order to abate shall become final and the Enforcement Officer may levy the penalties proposed against the respondent without further notice.

**4785-6 Hearing Officer Authority and hearing procedure.**~~Officer.~~

~~Any hearing conducted before the Hearing Officer pursuant to this Article shall be conducted in accordance with this Section and its subsections.~~

**4788-1 Scope of Hearing Officer Authority.**

~~The Hearing Officer shall have the authority to hear and determine any appeal of a notice of violation. The hearing officer may provide whatever remedy the Hearing Officer deems appropriate, including without limitation to affirm actions of the Agency or the Director, modify such actions or reverse such actions.~~

**4788-2 Petition for hearing.**

~~Any person who is entitled to a hearing under this Article and who seeks to appeal shall request a hearing by service of a petition for hearing on the Agency within the time required by the pertinent section of this Article. The Agency shall prepare a form for such petition and shall make such form available to anyone on request. The petition shall state the name and address of petitioner and shall further state the name and address of any other person whose rights will be or may be affected by the proceedings, including without limitation the owner and operator of any solid waste facility, collector, solid waste chipping and grinding operation or property affected thereby. The petition shall briefly state the material facts at issue the remedy sought and shall have attached any notice of noncompliance, abatement order, remedial cost claim or any other notification by the Agency that is at issue.~~

**4788-3 Notice of hearing.**

~~After a timely petition for hearing is served, the Agency shall serve notice of the hearing which shall be scheduled to commence no later than one hundred twenty (120) days after service of the petition for hearing on the Agency. The notice of hearing shall state: (a) the nature of the proceeding; (b) the date, time and place of the hearing; and, (c) the name of the hearing officer.~~

**4788-4 Service of notice of hearing.**

~~The Agency shall serve notice of the hearing, a copy of the petition for hearing, and a copy of this Section on all persons named in the petition that are affected thereby, on any person that requests such notice, and on any other person whose rights the Agency believes may be affected thereby, including without limitation any person who is owner of record of any facility or property affected by the proceedings. The Agency shall complete such service of notice upon all such persons no later than thirty (30) days prior~~

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~~to the date scheduled for commencement of the hearing. The Agency shall also cause the notice of the hearing to be published in a newspaper of general circulation at least one time not less than twenty (20) days before commencement of the hearing. The published notice shall state that copies of the petition for hearing and this Section are available for public review at the Agency. Attendance at the hearing by any person shall constitute a waiver of any defective notice with respect to such person. Failure of any person who was properly served with notice to appear at the hearing shall constitute a waiver of such person's right to be heard.~~

**~~4788-5 Hearing generally.~~**

~~The hearing shall be public and shall be held before the Hearing Officer at the date, time and place stated in the notice of hearing or at such other date, time and place as may be ordered by the Hearing Officer at the time of the hearing. The Hearing Officer may continue any hearing as may be reasonably necessary for the convenience of the Hearing Officer, witnesses, the Agency or any other person entitled to receive notice of the hearing. Any new time and place for the hearing shall be publicly announced at the time and place of the noticed hearing. No further notice need be published or served upon anyone as to such continuances. Any person affected by the proceedings may be heard and be represented by counsel. The Hearing Officer may consolidate several petitions for a hearing into one hearing if the petitions relate to the same factual issues, the same collector, the same solid waste facility, the same solid waste chipping and grinding operation or the same property.~~

**~~4788-6 Evidence.~~**

~~The Hearing Officer shall require that all live testimony at the hearing be taken under oath if requested by the Agency or any affected person. The Hearing Officer shall have the power to administer oaths or affirmations and to certify official acts. The Hearing Officer may permit testimony by affidavit or declaration if the person providing such testimony is made available by subpoena or otherwise for cross examination where requested by any affected person. The Hearing Officer may allow any testimony to be given in informal narrative style. The Agency and any affected person shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine witnesses on any relevant issue, even though such matter was not covered on direct examination, and to impeach any witness, regardless of whether that person first called the witness to testify. Any relevant evidence shall be admissible if it is the sort of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule, which would make improper the admission of such evidence in a civil action. Hearsay evidence, including without limitation any report by the Agency, shall be admissible for any purpose but shall not be sufficient itself to support a finding on a material issue if there is conflicting evidence unless, in light of that evidence, the Hearing Officer determines that the hearsay evidence is trustworthy. Either before or after submission of the case for decision, the Hearing Officer may take official notice of any generally accepted technical or scientific matter and of any fact which may be judicially noticed by the courts of this state. The Agency and any affected person at the hearing shall be~~

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informed of any matters to be officially noticed. Upon request, the Agency and any affected person at the hearing shall be given reasonable opportunity on request to refute any officially noticed matters.

**~~4788-7 Subpoena power.~~**

~~At the request of the Agency or any affected person, the Hearing Officer shall issue subpoenas and subpoenas duces tecum for attendance of witnesses and production of documents at the hearing. Compliance with the provisions of Section 1985 of the Code of Civil Procedure shall be a condition precedent to the issuance of a subpoena duces tecum. Either before or after the hearing has commenced, the Hearing Officer may also issue subpoenas and subpoenas duces tecum as the Hearing Officer deems appropriate.~~

**~~4788-8 Contempt.~~**

~~If any person disobeys or refuses to respond to a subpoena or subpoena duces tecum, or refuses to take the oath or affirmation of a witness, or thereafter refuses to be examined, or is guilty of misconduct during the hearing, the Hearing Officer may certify the facts to the superior court for a contempt proceeding. The court shall thereupon issue an order directing the person to appear before the court and show cause why he should not be punished for contempt. The order and a copy of the certified statement shall be personally served on the person against whom contempt has been charged. The same proceeding shall be held, the same penalties may be imposed and the person charged may purge himself of the contempt in the same way as in the case of a person who has committed contempt in a trial of a civil action before the superior court.~~

**~~4788-9 Record.~~**

~~The Agency shall record the hearing either on a recording device or by use of a certified court reporter and shall make the recording or transcript available to any person upon request. The Agency shall provide a certified copy of the transcript or recording, or a transcript prepared therefrom, to any person who requests it and who pays to the Agency the cost of making and certifying copy and, in addition, the cost of preparing and certifying the transcript, if the transcript has not already been prepared.~~

**~~4788-10 Ruling.~~**

~~At the conclusion of the hearing or within a reasonable time thereafter, the Hearing Officer shall issue a written ruling on the factual and legal issues presented. The ruling shall be supported by the weight of the evidence presented at the hearing. The Hearing Officer may decide the issues based upon the Agency's written report standing alone if the person that petitioned for a hearing fails to appear at the time of the hearing and no other affected person appears to present evidence. The ruling shall include the remedy, if any, that is ordered by the Hearing Officer.~~

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#### **4788-11 Service of ruling.**

~~The Agency shall promptly serve the Hearing Officer's ruling on each person who was entitled to be served with notice of the hearing and any person requesting a copy in writing. Said findings and ruling need not be published.~~

#### **4788-12 Finality of ruling.**

~~A person appointed or acting pursuant to Government Code sections 27720 – 27728 shall serve as the Hearing Officer, except that for a hearing only on a notice of proposed penalties the Director or designee may serve as the Hearing Officer or appoint another person to serve as the Hearing Officer. The Hearing Officer shall be impartial. Any person who has investigated, prepared or recommended issuance of the notice and order to abate that is the subject of the requested hearing shall not act as the hearing officer. A person is not disqualified from serving as the Hearing Officer merely because that person has personal knowledge of the circumstances of the case or the evidence that may be presented in the proceedings or has participated in a preliminary determination or decision, such as determination of probable cause or authorizing commencement of proceedings under this Section.~~

#### **4785-7 Conduct of hearing; evidence.**

~~The Hearing Officer shall give notice of the time and place of the hearing not less than twenty (20) calendar days before the hearing and preside over the proceedings. The Hearing Officer may establish such procedures and make such orders and rulings before and during the hearing as are necessary for the fair and efficient conduct of the hearing. The hearing before the hearing officer need not be conducted according to the technical rules of evidence. Hearsay evidence may be admitted for any purpose but shall not be sufficient in itself to support a finding unless it would be admissible over objections in civil actions. Testimony shall be taken under oath or affirmation. The hearing will be recorded. All parties shall have the opportunity to present testimony and written evidence and to cross-examine witnesses called by other parties and respond to written evidence proffered by other parties.~~

#### **4785-8 Hearing Officer's decision and order.**

~~After the hearing is closed, the Hearing Officer shall issue to the Enforcement Officer and the respondent a written decision and order that: vacates, upholds or modifies the order to abate, the notice of proposed penalties or the combined notice and order, as applicable; orders respondent to abate any nuisance; levies appropriate penalties against the respondent for any violations; and includes a statement of the factual and legal basis therefor. If the Hearing Officer orders abatement, the order shall specify the time in which the respondent must abate the nuisance. If the Hearing Officer levies coercive penalties, the order shall specify how the respondent may correct the ongoing violations. For purposes of this Section 4785, "coercive penalties" means penalties that continue to accrue until the ongoing violation or violations for which they were levied have been corrected. In levying appropriate penalties, the Hearing Officer shall defer to the penalties and penalty amounts proposed by the Director or designee if the proposal reflects a reasonable exercise of discretion under Section 4785-9 of this~~

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Article. The Hearing Officer's ruling shall be final upon the date of service of the ruling and, subject to judicial review, shall be binding on the parties. All rulings by the Hearing Officer may be enforced immediately after they become final unless the superior court grants a stay or injunctive relief that prevents or limits enforcement thereof.

4789For purposes of this Section 4785, “coercive penalties” means penalties that continue to accrue until the ongoing violation or violations for which they were levied have been corrected.

### **4785-9 Penalties.**

(a) General. Penalties may be levied for each violation that has occurred as of the date of an order levying penalties or as coercive penalties, or both. An order levying coercive penalties shall instruct the respondent how to give notice that the ongoing violations have been corrected and request an inspection. Violations shall be conclusively deemed to have continued until the respondent notifies the Agency that the violations have been corrected, as specified in the order, and consents to inspections as necessary to confirm the violations have been corrected. The Enforcement Officer or Hearing Officer shall not levy penalties for continuing violations that were corrected within the correction period specified in the notice of proposed penalties.

(b) Penalty factors. In deciding whether to levy penalties and, if so, the amount of penalties, the Enforcement Officer or Hearing Officer shall consider the following factors:

1. The seriousness of the violation with respect to the harm or risk of harm to people, property or environment posed by the violation and the extent the violation deviated from the requirements of the law and the relative importance of the provision violated;
2. The degree of the respondent’s culpability and other circumstances indicating a greater or lesser specific need for deterrence, including state of mind and degree of fault, reasonableness of any efforts to comply, any history of violations, the extent of the respondent’s cooperation or lack of cooperation in the County’s investigation of and attempts to resolve the violations, and the financial benefit from the violations; and
3. Other factors as justice may require, including the respondent’s ability to pay the penalty, if the respondent raises the issue and produces reliable documentation of the respondent’s financial condition, including the respondent’s most recent tax returns and any other documents requested by the enforcement officer or hearing officer.

(c) Collection of penalties; penalty lien. Penalties levied pursuant to this Section 4785 that are not timely paid may be collected by any lawful means including, without limitation, a civil action. In addition, the County shall have a lien against the subject property in the amount of the unpaid penalties, including coercive penalties accrued until the violation is corrected. The lien may be recorded in the Office of the County

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Recorder by the recording of a certificate if administrative penalty lien together with the order levying the penalties.

**4786 Appeal.**

**4789-1 Appeal of Director's discretionary decision ~~of Director.~~**

Any ~~p~~Person aggrieved by a discretionary decision of the Director under this Article 3, other than a violation or violation-related decision, action or matter subject to Section 4785 of this Article, may appeal such decision within ten (10) working days of issuance of the decision. The aggrieved ~~p~~Person shall first appeal to the Director in writing, stating why ~~he or she believe~~they believe the decision is in error. The Director shall provide the aggrieved ~~p~~Person with a final written decision containing the reasons on which such decision is based within thirty (30) working days of receipt of the appeal. If the aggrieved ~~p~~Person is not satisfied with the Director's final written decision, he or she may ~~request a hearing pursuant to Section 4788 herein.~~

**4789-2 Appeal of ruling of Hearing Officer.**

~~Any person subject to a final ruling of a Hearing Officer and not satisfied with the Hearing Officer's ruling may appeal such ruling directly~~the decision to the Board in writing. ~~The appeal to the Board shall contain a copy of the Hearing Officer's final ruling and state clearly and concisely why the person is aggrieved by the Hearing Officer's ruling. Any such appeal shall be filed with the Clerk of the Board within ten (10) working days of such ruling. The Clerk of the Board shall promptly set the matter for hearing at a regular meeting of the Board and shall notify the aggrieved person and the Hearing Officer of the setting. The aggrieved person and any interested parties may present oral or written testimony at the hearing. After the close of the hearing, the Board shall sustain or deny the appeal, or may modify the Hearing Officer's decision. The decision of the Board is final.~~issuance of the Director's final written decision.

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**SECTION 2:** If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the amendments. The Ventura County Board of Supervisors hereby declares that it would have passed and adopted these amendments, and each and all provisions hereof, irrespective of the fact that one or more provisions may be declared invalid.

**SECTION 3:** This Ordinance shall take effect 30 days after adoption and shall become operative on January 1, 2022.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2021, by the following vote:

AYES: \_\_\_\_\_

\_\_\_\_\_

NOES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

\_\_\_\_\_

CHAIR, BOARD OF SUPERVISORS

ATTEST:

Michael Powers  
Clerk of the Board of Supervisors,  
County of Ventura,  
State of California.

By: \_\_\_\_\_  
Deputy Clerk of the Board

VENTURA COUNTY  
**STAR**  
PART OF THE USA TODAY NETWORK

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State of California)  
))  
County of Ventura)

I hereby certify that the Ventura County Star Newspaper has been adjudged a newspaper of general circulation by the Superior Court of California, County of Ventura within the provisions of the Government Code of the State of California, printed in the City of Camarillo, for circulation in the County of Ventura, State of California; that I am a clerk of the printer of said paper; that the annexed clipping is a true printed copy and publishing in said newspaper on the following editions dates to wit:

12/01/2021

I certify under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Dated this December 1, 2021; in Green Bay, Wisconsin,  
County of Brown

  
Legal Clerk

Ad No: 0005011485  
Customer No: 305616  
PO #: 3531662

# of Affidavits 1



**NOTICE OF PUBLIC HEARING AND SUMMARY OF PROPOSED ORDINANCE REPEALING AND REENACTING DIVISION 4, CHAPTER 7, ARTICLE 3 TO THE VENTURA COUNTY ORDINANCE CODE PERTAINING TO SOLID WASTE COLLECTION AND DISPOSAL, WASTE REDUCTION AND WASTE DIVERSION PROGRAMS FOR UNINCORPORATED AREAS**

Notice is hereby given that a public hearing will be held on Tuesday, December 7, 2021 at 10:30 a.m. by the Ventura County Board of Supervisors to consider adoption of an ordinance repealing and reenacting Division 4, Chapter 7, Article 3 of the Ventura County Municipal Ordinance Code pertaining to Solid Waste Collection and Disposal, Waste Reduction and Waste Diversion Programs for Unincorporated Areas (Ordinance).

PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 54953(e)(1)(A), AND IN LIGHT OF THE STATE OF EMERGENCY DUE TO THE NOVEL CORONAVIRUS AND RELATED LOCAL HEALTH OFFICER RECOMMENDATION REGARDING SOCIAL DISTANCING, ALL MEETINGS OF THE BOARD OF SUPERVISORS ARE BEING CONDUCTED ELECTRONICALLY. TO FIND OUT HOW YOU MAY ELECTRONICALLY ATTEND THE PUBLIC HEARING AND PROVIDE PUBLIC COMMENT, PLEASE GO TO [WWW.VENTURA.ORG/BOSCOMMENT](http://WWW.VENTURA.ORG/BOSCOMMENT) FOR ADDITIONAL INFORMATION.

The purpose of the Ordinance is to establish new organic waste diversion requirements, as mandated by Senate Bill 1383, also known as the Short-Lived Climate Pollution Reduction Act of 2016 (adding sections 39730.5, 39730.6, 39730.7 and 39730.8 to the Health and Safety Code and adding Chapter 13.1, commencing with section 42652, to the Public Resources Code). These new requirements are applicable to franchised solid waste collectors, certain businesses, residential households, commercial edible food generators, self-haulers, and food recovery organizations operating and/or located in the unincorporated areas of Ventura County. The Ordinance would also require certain commercial and residential construction and demolition projects located in the unincorporated areas of Ventura County to meet specific recycling thresholds in compliance with the California Green Building Code Standards Code. The Ordinance would also update the County's existing enforcement provisions. The Board of Supervisors may amend, adopt, or reject the proposed Ordinance as a result of the public meeting.

The Clerk of the Board of Supervisors has posted a certified copy of the pro-

posed Ordinance of the  
Government Center, Hall of  
Administration, Fourth  
Floor, 800 South  
Victoria Avenue, Ventura,  
California for review by in-  
terested persons. The pro-  
posed Ordinance is also  
available on the County's  
website at <https://www.ventura.org/government/meetings-and-broadcasts/>.  
Clerk of the Board of Super-  
visors,  
County of Ventura, State of  
California,  
By /s/ Lori Key  
Deputy Clerk of the Board  
12/1/21  
CNS-3531662#  
**VENTURA COUNTY STAR**  
Pub: December 1, 2021  
#5011485