

## PUBLIC WORKS & TRANSPORTATION Environmental Programs

# SB 1383 SOLID WASTE & RECYCLING REGULATIONS

Effective January 1, 2022, all commercial businesses in the City of Irvine, including multi-family residential dwellings, must comply with all State of California-mandated (SB 1383) recycling and organic waste recycling provisions. Certain commercial businesses may qualify for waivers from these mandatory program requirements; however, only businesses that have requested and received a waiver from the City can avoid mandated participation in recycling and organic waste recycling programs through a franchise-hauler program. If a waiver is not approved by the City, your business will be required to subscribe to mandated services immediately.

If your business wishes to file for an exemption from SB 1383 requirements, the SB 1383 Waiver Request must be completed in its entirety. All requested information must be filled in for the City to consider your waiver request. Ultimately, the City must follow statutory waiver requirements; therefore, approval of your exemption claim is subject to State of California review.

Businesses granted specified categorical waivers will be exempted for a five-year period from those state requirements related to the type of exemption(s) requested. Waivers must be requested for each type of exemption you believe applies to your business. To remain exempt, state law requires your business provide written verification of eligibility to the City every five years. In addition, during each of your five-year exemption periods, state law requires you notify the City any time the volume of waste generated at your business increases beyond the qualifying waste-generation threshold for any waiver granted, or any other relevant circumstances change.

On the SB 1383 Waiver Request form, businesses applying for an exemption must indicate the type of waiver they are claiming by selecting the appropriate waiver type and providing requested information. There are three types of waiver requests as follows:

#### **1. DE MINIMIS WAIVER**

Commercial businesses that generate a limited amount of organic waste may apply for a "de minimis" waiver, if they either:

- **A.** have total solid waste collection service of two cubic yards or more per week, and of which organic waste subject to collection in a blue container (recycling) or green container (organic waste recycling) comprises less than 20 gallons per week per container of the business's total waste, or;
- **B.** have total solid waste collection service of less than two cubic yards per week and organic waste subject to collection in a blue container or green container comprises less than 10 gallons per week per applicable container of the business's total waste.

#### 2. SPACE CONSTRAINT WAIVER

If your site genuinely lacks adequate space to place separate organics recycling containers, you may apply for a space constraint waiver.

To qualify, businesses and property owners must demonstrate space constraints that cannot be addressed through downsizing containers, using split containers, or other solutions. Businesses or property owners must first confer with the City to consider all feasible solutions to the space constraint.

State regulations allow the City to waive compliance with some or all of the recyclable materials and/or organic waste collection service requirements only if the City has confirmed through evidence from its own staff, a hauler, licensed architect, or licensed engineer that the premises lacks adequate space for the containers otherwise required.

#### 3. THIRD-PARTY RECYCLER WAIVER

Your commercial business may opt out of solid waste collection services provided by the City's franchise hauler and their associated billing charges *only* if it provides sufficient information to the City demonstrating your internal recycling program(s) and/or a program provided by another service provider complies with state recycling laws.

By signing and submitting this application, your business attests that it agrees to submit information on a quarterly or annual basis (as determined by City) to verify ongoing programs (e.g., service provider, material type, quantity recycled, and receiving facility.) Otherwise, the City's hauler is required to provide all mandated programs to your location as a condition of their City franchise. State law requires the City monitor its commercial businesses to ensure 100% compliance with state requirements.

If you are eligible and wish to proceed in applying for one or more of these waivers, please proceed to complete the required SB1383 Waiver Request. You may also download this form and email your completed request to <a href="mailto:waiverrequest@cityofirvine.org">waiverrequest@cityofirvine.org</a>.



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## **SB 1383 WAIVER REQUEST**

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Provide the design			e where waiver	approval or reject	tion notice is to	be delivered	
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## **SB 1383 WAIVER REQUEST**

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	SPACE CONSTRAINT WAIVER
	1. Contracted solid waste collection service provider name:
	2. Have you worked with your solid waste collection service provider to adjust container sizes YES NO to resolve space constraint issues?
	3. Do you have documentation from you hauler that space constraints preclude placement of PES NO required recycling and/or organic waste recycling containers?
	4. Specific program(s) you are requesting a waiver for (e.g. recycling and/or organic waste recycling):
	RECYCLING ONLY ORGANIC WASTE RECYCLING ONLY RECYCLING AND ORGANIC WASTE
$\neg$	THIRD-PARTY RECYCLER or INTERNAL RECYCLING PROGRAM WAIVER
	Complete either section <b>A</b> for THIRD-PARTY RECYCLER WAIVER $\underline{or}$ <b>B</b> for INTERNAL RECYCLING PROGRAM WAIVER: <u>SECTION A</u>
	Contracted third-party recycling service provider name:
	2. Contracted third-party recycling service provider contact/representative:
	3. Contracted landscape service provider name:
	4. Contracted landscape service provider contact/representative:
	5. City business license number of contracted service provider:
	-OR-
	SECTION B
	1. Description of internal recycling efforts:
	Type and quantity of material recycled:
	3. Facility where this material is taken for recycling:
nfo	signing this form, you are attesting that you have a full understanding of your business's obligations to provide rmation, report to, and otherwise fully cooperate with the City, as detailed in the instructions herein which accompany form.
AU <sup>-</sup>	THORIZED BUSINESS REPRESENTATIVE DATE
NA	ME TITLE