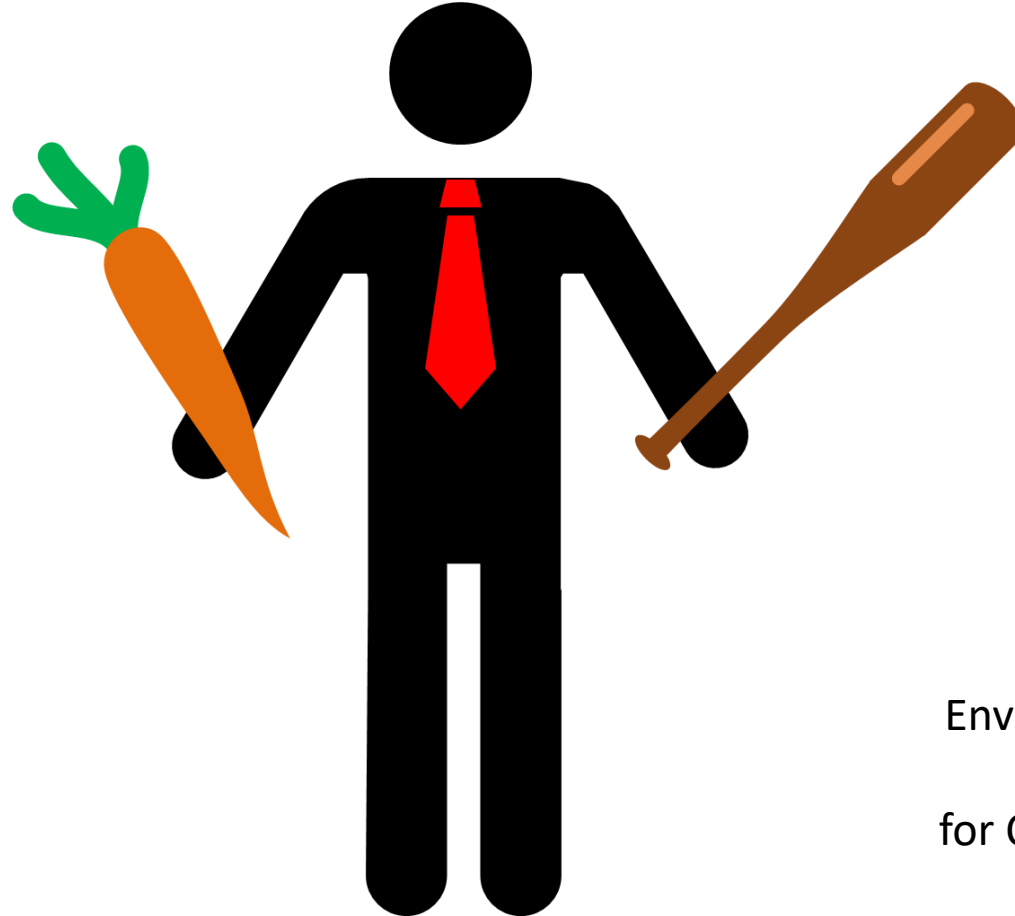


# **SB 1383 Enforcement ~ A Municipal Perspective**



Presented by Konya Vivanti  
Environmental Programs Manager  
City of Lakewood  
for CRRRA LATC 2024 Speaker Series  
March 28, 2024

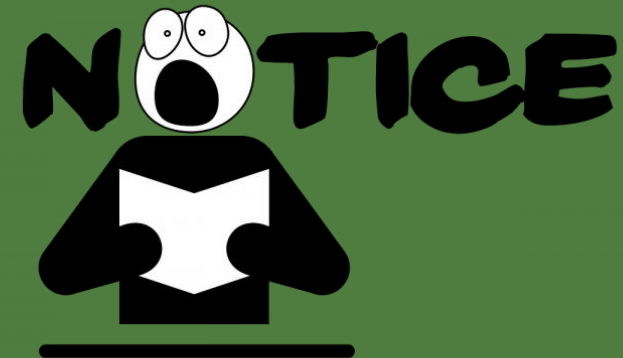
# SB 1383 Key Jurisdiction Dates



2024



Starting January 1, 2024  
Jurisdictions must take  
action against non  
compliant entities

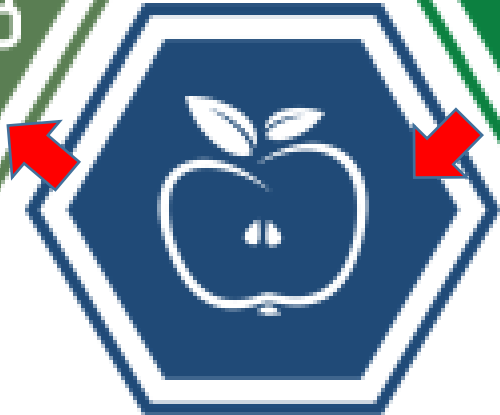


# Jurisdiction Responsibilities

**Provide Organics  
Collection Services to All  
Residents and Businesses**



**Establish Edible Food  
Recovery Program**



**Conduct Education and  
Outreach to Community**



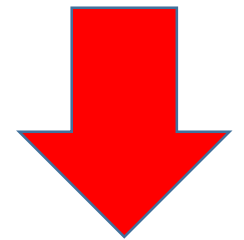
**Procure Recyclable and  
Recovered Organic  
Products**



**Secure Access to  
Recycling and Edible  
Food Recovery Capacity**



**Monitor Compliance  
and Conduct  
Enforcement**



# City is Required to Monitor Compliance and Conduct Enforcement



## Ordinance 2022

- Adopt an Ordinance (Including Enforcement)
- Ordinance was Adopted by Lakewood City Council on 10/26/21



## Compliance Monitoring & Education 2022-2024

- Annual Compliance Reviews
- Route Reviews
- Inspections
- Educate Those Not in Compliance



## Compliance Monitoring & Enforcement 2024

- Annual Compliance Reviews
- Route Reviews
- Inspections
- Notice of Violations
- Penalties for Non-Compliance
- Hired Environmental Services Officer

# Lakewood's Enforcement Mechanisms

## Organic Waste Collection Ordinance No. 2021-5

- Approved on 10/26/21 to comply with SB1383 requirements

## Waste Hauler Enforcement Ordinance No. 2023-6

- Approved on 9/12/23 as a result of fraudulent weight receipts

## Lakewood's Incremental Approach to Enforcement

- **Warning and Education**
- **“Fix-it Ticket” – Notice to Comply (NOC)**
- **Hauler charge contamination fee**
- **Fines or penalties for violations - NOV**



# California PC 832 Power to Arrest

- **Encompasses training in: California Penal Code, search and seizure, cursory and in custody search, use of force, defense tactics, use of wrist constraints (handcuffing techniques)**
- **Does not make you law enforcement!**
- **A California PC 832- Power to Arrest POST Certificate is valid for 3 years, unless you are active law enforcement.**
- **Allows Lakewood staff to write Administrative Citations**





# Organic Waste Collection Ordinance No. 2021-5

## Process for Enforcement

- i. The City Enforcement Official and/or his or her Designee will monitor compliance with this Part randomly through complaints, route reviews, and an Inspection Program.
- ii. The City may issue an official notification to notify generators of its obligations under this Part.
- iii. For incidences of Prohibited Container Contaminants found in containers, the City will issue a Notice of Violation to any Generator found to have Prohibited Container Contaminants in a container. Such notice will be provided via a cart tag, a tag at the premises' door or gate, or other written or electronic communication immediately upon identification of the Prohibited Container Contaminants or within three days after determining that a violation has occurred. If the City observes Prohibited Container Contaminants in the generator's containers on more than one (1) occasion(s), within every calendar year starting January 1, the City may assess an administrative fine or penalty, contamination processing fees or contamination penalties on the generator pursuant to Section 5359(E)(i). In addition to the City-assessed penalties, the City's solid waste hauler may assess a contamination processing fee for each instance of Prohibited Container Contaminants pursuant to the City's solid waste hauler agreement.
- iv. With the exception of violations of generator contamination of container contents addressed under Section 5359(D)(1), the City shall issue a Notice of Violation requiring compliance within 30 days of issuance of the notice.
- v. Absent compliance by the respondent within the deadline set forth in the Notice of Violation, the City shall commence an action to impose penalties.

Notices shall be sent to "owner" at the official address of the owner maintained by the tax collector for the City or if no such address is available, to the owner at the address of the dwelling or Commercial property or to the party responsible for paying for the collection services,



Public Works Department  
5050 Clark Avenue, Lakewood, CA 90712  
(562) 866-9771

## Final Notice of Violation

### Mandatory Recycling and Organic Waste Collection Ordinance

BUSINESS NAME  
STREET ADDRESS  
CITY, STATE ZIP CODE

Date:

Re: Final notice – Compliance with Mandatory Recycling Ordinance at Property Address: STREET ADDRESS, LAKEWOOD, CA ZIP

Dear OWNER,

This is the **final notice** before a fine will be issued for failure to separating the waste materials properly service at: ADDRESS

Records received from EDCO indicate that this address received a contamination notice on [DATE]. With a follow up inspection, contamination was still found which violates the Lakewood Municipal Code (LMC) Section 5.

On DATE, our inspection found the following violation(s):

Ordinance Section	Violation(s) Observed	Correction Date
LMC Section 5359	Violation: Large amounts of plastic bags were found in the recycle bin, which contaminates the load. Correction: Practice not placing plastic bags into the recycling bin.	[Date]

The violation(s) shall be corrected on or before the correction date otherwise subsequent enforcement actions shall commence per LMC Section 5359. A follow-up inspection shall be conducted to ensure your compliance and failure to correct the violation(s) could result in administrative charges or other legal actions.

If you have any questions or concerns regarding this notice, please contact the Environmental Service Officer via phone at (562) 866- 9771 Ext. 2519 or via email at [kallen@lakewoodcity.org](mailto:kallen@lakewoodcity.org) between 7:30 a.m. and 5:30 p.m. Monday through Friday. City Hall is closed on alternating Fridays.

Sincerely,

Konya Vivanti  
Environmental Programs Manager  
City of Lakewood

# NOC and NOV Examples

February 28, 2024

Property Name  
Street Address  
City, State, ZIP

## NOTICE: State Mandatory Enrollment for Organic Waste and Recycling Collection Services

Effective January 1 2022, all residents – including those residing in multi-family properties – were required to separate recyclable and organic waste from the trash and recycle it in a separate recycle or organics collection bin and/or cart per State requirements (SB 1383) to divert all recyclable and organic material from the landfill.

- **Recyclable waste** includes all plastics (#1 - #7), cardboard, paper, cans, bottles, metal (steel/aluminum/tin), cartons and mixed paper.
- **Organic waste** includes both **food** (meat, fish, poultry, dairy products, fruit, vegetables, bread, pasta, rice, grains, plate scrapings, spoiled food, food-soiled cardboard and paper and non-waxy coated paper products) and **green waste** (yard trimmings, lawn clippings and landscape waste).

A recent audit revealed that your property located at [service address name] is not subscribed to source-separated recycling and organics collection service as required by SB 1383 and the Lakewood Municipal Code (LMC) Section 5352. To achieve full compliance, the State requires you to sign up for organic waste collection with your City's waste hauler, which is EDCO. All organic waste collected by EDCO will be transported to a local facility for recycling where it will be made into compost.

Please contact EDCO at (562) 531-3054 no later than March 8, 2024 to set up organic recycling service in order to obtain compliance. If organic service is not established at this property by March 8, 2024, then the City will direct EDCO to deliver bins and/or carts and begin billing for organic service to this site in late March. Compliance is mandatory per state law and the property may be subject to fines per LMC Section 5359.

If you have a landscaping contractor that removes green waste from your property, you may be able to obtain a self-haul waiver. Please click on the following link for details. <https://www.lakewoodcity.org/Business/Trash-and-Recycling-for-Businesses/Edible-Food-Recovery-for-Businesses/Waivers-for-Businesses-on-SB-1383>

The City is available to guide you through the process and provide educational materials to ensure full participation and a successful program at your property. If you have any questions or concerns about recycling, please email the City's Environmental Services Officer, Kaitlyn Allen, at [kallen@lakewoodcity.org](mailto:kallen@lakewoodcity.org).

For more information on about SB 1383, please visit [www.calrecycle.ca.gov/recycle](http://www.calrecycle.ca.gov/recycle). Thank you in advance for your prompt attention to this new state law.

Sincerely,

Konya Vivanti  
Environmental Programs Manager  
City of Lakewood



Public Works Department

5050 Clark Avenue, Lakewood, CA 90712  
(562) 866-9771

## Final Notice of Violation

### Mandatory Recycling and Organic Waste Collection Ordinance

BUSINESS NAME  
STREET ADDRESS  
CITY, STATE ZIP CODE

Date:

Re: Final notice – Compliance with Mandatory Recycling Ordinance at Property Address: STREET ADDRESS, LAKEWOOD, CA ZIP

Dear OWNER,

This is the **final notice** before a fine will be issued for failure to have **[organics/recycling]** service at:

Records received from EDCO indicate that the site listed above has not subscribed to the required **[organics/recycling]** collection service and is therefore out of compliance with State Law SB 1383 and the Lakewood Municipal Code (LMC) Section 5.

On DATE, our inspection found the following violation(s):

Ordinance Section	Violation(s) Observed and Required Correction	Correction Date
LMC Section 5352	Violation: Failure to have [organics/recycling] collection service  Correction: 1. Contact EDCO at (562) 531-3054 to subscribe to [organics/recycling] collection service. 2. Provide proof of service to the City of Lakewood by emailing the Environmental Services Officer via email at <a href="mailto:kallen@lakewoodcity.org">kallen@lakewoodcity.org</a>	[Date]

The violation(s) shall be corrected on or before the correction date otherwise subsequent enforcement actions shall commence per LMC Section 5359. A follow-up inspection shall be conducted to ensure your compliance and failure to correct the violation(s) could result in administrative charges or other legal actions.

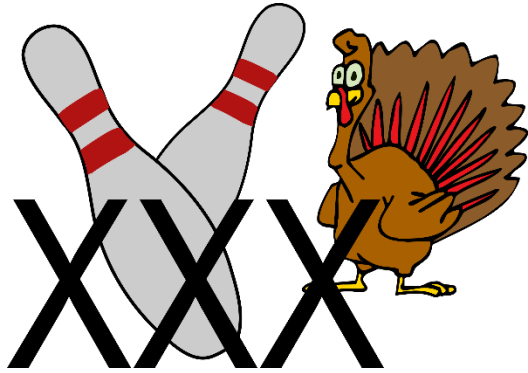
If you have any questions or concerns regarding this notice, please contact the Environmental Service Officer via phone at (562) 866- 9771 Ext. 2519 or via email at [kallen@lakewoodcity.org](mailto:kallen@lakewoodcity.org) between 7:30 a.m. and 5:30 p.m. Monday through Friday. City Hall is closed on alternating Fridays.

Sincerely,

Konva Vivanti



# Progressive Enforcement for Self-Haulers



F. Self-Haulers, including those hauling construction demolition, must obtain a permit from the City prior to undertaking any self-hauling activities. Any applicant issued a Self-Hauler permit for Source Separated Recycle Materials, Construction Demolition, and/or Organic Waste found to be in violation of this ordinance, upon issuance of a first Notice of Violation, at the discretion of the Public Works Director or their designee, will have the Self-Haul permit revoked and will be required to subscribe to solid waste and recycling services from the City's waste hauler within five (5) days of the issuance of the Notice of Violation. Failure to subscribe to solid waste and recycling services will result in penalties prescribed in the ENFORCEMENT Section of this Part.

SECTION 10. Section 5359.A. of the Lakewood Municipal Code, regarding Waste Regulation Enforcement procedures is hereby amended to read as follows:

A. In response to violations of this Code, the City may avail itself of any legal remedy, including Administrative Citation (Sections 4900, et seq.), infraction or misdemeanor prosecution, or civil action. Regardless of the remedy utilized, the amounts of the fines or assessments for such

violations shall be the greater of 1) the maximum amounts allowed by applicable State law and regulations for such specific violations and as such amounts are increased by state law from time to time, or 2) the maximum amounts allowed by State law for infractions; with such amounts to include enhancements for multiple violations within the same calendar year.

Penalties shall increase for multiple violations within a one-year period, and additional enforcement actions may be imposed, including revocation of building permits and business licenses. Such rates are based on Government Code Sections 53069.4, 25132 and 36900, and the rates shall be automatically adjusted to the maximum allowed in each category as the Government Code is modified from time to time in the future. However, in no event shall the fines be less than the following within any twelve (12) month period:

- **First violation:** Fine shall be *\$100 per violation*.  
In addition, the Public Works Director or designee shall ban the contractor and any subcontractor associated with the violation from ever again being authorized to self-haul. This ban shall include any other legal business entities that are currently or may be created in the future by the same contractor and/or subcontractor that are violators and who are the owner or partial owner of such an entity.
- **Second violation:** Fine shall be *\$200 per violation*.  
In addition to the above, the contractor and/or subcontractor involved in the original violation shall be banned from being issued building permits within the city for a period of six months.
- **Third or subsequent violation:** Fine shall be *\$500 per violation*.  
In addition to all the above, any such contractor and/or subcontractor that participated in the original violation shall have their current business license revoked, and they shall not be allowed to renew their business license for a period of one year.

The Notice of Violation ("Notice") shall be delivered by at least one of the following methods: in person, by depositing the notice into U.S. Postal Service mail system, or by transmitting the Notice by electronic mail sent by city staff to the contractor or subcontractor identified as violating the required hauling procedures. The date such a notice is deposited into the mail or is transmitted electronically by email or is posted on the site shall constitute the date of delivery.

In the event that the violations as described in this subsection are committed by multiple contractor businesses who operate in whole or in part with the same individual holding the applicable State contractor's license under which each such business operates, then all such violations shall count in determining the number of violations for purposes of enhanced fines and penalties, irrespective of the business name or business license holder. Any fines, permit or license revocations or suspensions applicable to one of such contractors shall be applicable to all such contractor businesses.



# Construction and Demolition (C&D)

2. From: Elena Ramos, Administrative Clerk, Lakewood, CA

01/29/24

**Message:** Hi Ali, I'm contacting you regarding your weight ticket, you have not uploaded it to green halo to completed city process. We show your permits were finalized back in June of 2023. You must upload weight ticket to avoid penalties.

**\*\*\*NEW WASTE REGULATION ENFORCEMENT SYSTEM\*\*\*** As of October 12, 2023, a new Waste Regulation Enforcement system was approved by Ordinance (Ord. 2023-6, Section 10-11) for Construction and Demolition (C&D) projects that violate the City of Lakewood requirements. **Financial penalties may be imposed for any of the following:** Weight tickets that do not show the debris origin city as **Lakewood** Weight tickets that have not been uploaded within 10 days after the project has received final inspection Switching the Transporter Method from using EDCO Disposal to Self-Haul without notifying the City of Lakewood Public Works Department; Alteration of data/information on weight ticket(s) by anyone other than facility accepting the debris; and hauling debris to an unapproved City of Lakewood Green Halo facility **Fines range from \$100-500 and increase with the number of violations that occur. Additional penalties also include suspension of the City of Lakewood Business License and prohibition to conduct work in the City of Lakewood for an extended period of time.**

1. From: Konya Vivanti, Environmental Programs Manager, Lakewood, CA

06/16/23

**Message:** Good afternoon, Can you please explain why have an unauthorized hauler lowboy at this address? You choose EDCO Disposal as your transporter method. You need to call the unauthorized hauler immediately and have the container removed tomorrow. Please obtain a weight receipt from this unauthorized hauler and make sure they take the debris to an authorized facility (please call our office if you are unsure of approved facilities).

The City does not allow any outside roll-off bins in Lakewood. This requirement is clearly stated in the Green Halo System requirements. If you need a roll-off, you **must** call EDCO Disposal at (562) 531-3054. The city will be follow up tomorrow to ensure the unauthorized bin has been removed or a "stop notice" could be placed on this project by the Building and Safety Inspector. Thank you in advanced for your cooperation.

1. From: Kaitlyn Allen, Environmental Services Officer, Lakewood, CA

04/20/23

**Message:** The self-haul requirements have not been met. In order to self-haul debris, please upload the following documents to the Project Files section: 1) A photo of the entire front of the contractor's vehicle which includes the license plate. 2) The contractor's current insurance for the vehicle which includes the VIN on the document and names of insured driver(s). 3) The contractor's current registration for the vehicle. Please send a message once this has been completed.

2. From: Elena Ramos, Administrative Clerk, Lakewood, CA

02/22/24

**Message:** Good morning Victor, Please go to the City webpage and search "Business License" to obtain a license to conduct business in Lakewood or <https://lakewood.hdlgov.com/> Also your self-haul requirements have not been met. In order to self-haul debris, please upload the following documents to the Project Files section: 1) A photo of the entire front of the contractor's vehicle which includes the license plate. 2) The contractor's current insurance for the vehicle which includes the VIN on the document and names of insured driver(s). 3) The contractor's current registration for the vehicle. Please make sure to uploaded these documents, your application will not be approved until they are uploaded.

3. From: Elena Ramos, Administrative Clerk, Lakewood, CA

02/28/24

**Message:** Hi Victor, Thank you for uploading documents but we are still missing proof of insurance.





# NOC and NOV Examples



Public Works Department  
5050 Clark Avenue, Lakewood, CA 90712  
(562) 866-9771

## Notice of Violation

### Waste Hauler Enforcement Ordinance

BUSINESS NAME  
STREET ADDRESS  
CITY, STATE ZIP CODE

Date:

Re: **First notice** – Waste Hauler Enforcement Ordinance at Property Address: STREET ADDRESS, LAKEWOOD, CA ZIP

Dear OWNER,

This is the **first notice** before a fine will be issued for failure to follow the C&D process for the project at: ADDRESS

Records from Green Halo indicate that the property listed above has not followed the correct process to finalize their project and is therefore in violation of the Lakewood Municipal Code (LMC) and Ordinance 2023-8 Section 10-11.

On DATE, the following violation(s) were found:

Ordinance Section	Violation(s) Observed and Required Correction	Correction Date
LMC Section 5359.A.	Violation: Weight tickets that have not been uploaded within 10 days after the project has received final inspection Correction: Uploaded the weight tickets for this project by the correction date.	[Date]
LMC Section 5359.A.	Violation: Weight tickets that do not show the debris origin city as <b>Lakewood</b> Correction: Contact the facility used to see if they can change the origin to Lakewood	[Date]
LMC Section 5359.A.	Violation: Switching the Transporter Method from using EDCO Disposal to Self-Haul without notifying the City of Lakewood Public Works Department Correction: Give an explanation on why an EDCO bin was not used for this project.	[Date]
LMC Section 5359.A.	Violation: Alteration of data/information on weight ticket(s) by anyone other than facility accepting the debris Correction: Upload the correct weigh tickets	[Date]
LMC Section 5359.A.	Violation: Hauling debris to an unapproved City of Lakewood Green Halo facility Correction: Give an explanation why the material was taken to an unapproved facility.	[Date]

A fine is not being assessed at this time. However, failure to correct the violation(s) identified above and/or and subsequent violation of the Ordinance could result in enforcement action and fines. The Environmental Services Officer will review your Green Halo project after the correction date to verify that all the listed violations are resolved. Your timely cooperation and compliance on this matter are much appreciated.

If you have any questions or concerns regarding this notice, please contact the Environmental Service Officer via phone at (562) 866- 9771 Ext. 2519 or via email at [kallen@lakewoodcity.org](mailto:kallen@lakewoodcity.org) between 7:30 a.m. and 5:30 p.m. Monday through Friday. City Hall is closed on alternating Fridays.

Sincerely,

Konya Vivanti  
Environmental Programs Manager  
City of Lakewood



Public Works Department  
5050 Clark Avenue, Lakewood, CA 90712  
(562) 866-9771

## Final Notice of Violation

### Waste Hauler Enforcement Ordinance

BUSINESS NAME  
STREET ADDRESS  
CITY, STATE ZIP CODE

Date:

Re: **Final notice** – Waste Hauler Enforcement Ordinance at Property Address: STREET ADDRESS, LAKEWOOD, CA ZIP

Dear OWNER,

This is the **final notice** before a fine will be issued for failure to follow the C&D process for the project at: ADDRESS

Records from Green Halo indicate that the property listed above has not followed the correct process to finalize their project and is therefore in violation of the Lakewood Municipal Code (LMC) and Ordinance 2023-6 Section 10-11.

On DATE, the following violation(s) were found:

Ordinance Section	Violation(s) Observed and Required Correction	Correction Date
LMC Section 5359.A.	Violation: Weight tickets that have not been uploaded within 10 days after the project has received final inspection Correction: Uploaded the weight tickets for this project by the correction date.	[Date]
LMC Section 5359.A.	Violation: Weight tickets that do not show the debris origin city as <b>Lakewood</b> Correction: Contact the facility used to see if they can change the origin to Lakewood	[Date]
LMC Section 5359.A.	Violation: Switching the Transporter Method from using EDCO Disposal to Self-Haul without notifying the City of Lakewood Public Works Department Correction: Give an explanation on why an EDCO bin was not used for this project.	[Date]
LMC Section 5359.A.	Violation: Alteration of data/information on weight ticket(s) by anyone other than facility accepting the debris Correction: Upload the correct weigh tickets	[Date]
LMC Section 5359.A.	Violation: Hauling debris to an unapproved City of Lakewood Green Halo facility Correction: Give an explanation why the material was taken to an unapproved facility.	[Date]

The violation(s) shall be corrected on or before the correction date otherwise subsequent enforcement actions shall commence per LMC Section 5359.C.vi. A follow-up inspection shall be conducted to ensure your compliance and failure to correct the violation(s) could result in administrative charges or other legal actions.

If you have any questions or concerns regarding this notice, please contact the Environmental Service Officer via phone at (562) 866- 9771 Ext. 2519 or via email at [kallen@lakewoodcity.org](mailto:kallen@lakewoodcity.org) between 7:30 a.m. and 5:30 p.m. Monday through Friday. City Hall is closed on alternating Fridays.

Sincerely,

Konya Vivanti  
Environmental Programs Manager  
City of Lakewood

# QUESTIONS?



**THANK  
You!**



**Konya Vivanti, Environmental Programs  
Manager  
City of Lakewood – Public Works**



**[kvivanti@lakewoodcity.org](mailto:kvivanti@lakewoodcity.org)**



**(562) 866-9771 ext. 2507**