


		<b>Policy #</b> 2022-01
<b>Subject:</b> Policy Regarding Ineligible Businesses for De Minimis Organic Waivers		
<b>Responsible Department:</b> Waste Management & Recycling		
<b>Effective Date:</b> March 1, 2022		<b>Revision Date:</b> NA
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## 1. Authority

This policy is promulgated according to the following sections of the Sacramento County Code (SCC) chapter 6.20:

- Section 6.20.035 authorizes the Director to promulgate and enforce rules and regulations governing the effective administration of SCC chapter 6.20.
- Section 6.20.460 authorizes the Director to approve exemptions from participation in mandatory commercial generator recycling and/or organic material recycling programs, the requirements for which are generally set forth in section 6.20.405.
- Section 6.20.755 outlines the administrative appeals process for haulers and generators.

## 2. Policy

This policy establishes a list of business types within the unincorporated County for which the DWMR Director has determined, given the nature of their operations, are ineligible to obtain a De Minimis Organic Waiver, such as the 10-Gallon and 20-Gallon or Less Organic Waivers. As used in this policy, a De Minimis Organic Waiver is defined as a waiver issued by

DWMMR to a commercial business if said business provides documentation satisfactory to the DWMMR Director, or if the jurisdiction has evidence, demonstrating one of the following:

1. Its total solid waste collection is less than two cubic yards per week and organic waste is less than 10 gallons per week; or
2. Its total solid waste collection is two cubic yards or more per week and organic waste is less than 20 gallons per week.

Senate Bill (SB) 1383 establishes statewide targets to reduce the amount of organic waste disposed of in landfills (50% reduction by 2020 and 75% by 2025). Organic waste includes food scraps, food-soiled paper, and green/landscaping waste. While the County must achieve compliance with SB 1383 regulations by implementing mandatory organic recycling laws with generators within the unincorporated areas of Sacramento County, it also is authorized to waive a commercial business' obligation to comply with some or all of the organic waste requirements of SB 1383 provided they meet certain criteria.

DWMMR staff have utilized tools, such as CalRecycle's developed Generator ID tool and field experience, to assist in identifying business types that exceed the minimum organic generation amount for De Minimis Organic Waivers due to the nature of their operations. CalRecycle used data from the 2014 waste characterization study and other data sources to help jurisdictions determine the types of businesses that would typically generate an amount of organic waste that requires them to subscribe to organic recycling services under the law.

The listed ineligible business types were determined to exceed the De Minimis Organic Waiver limits. These business types either are required to obtain a permit from Sacramento County Environmental Management Department (EMD) under their Retail Food Protection Program indicating they sell/serve food, or are businesses who sell plants/vegetation, therefore generating over the organic generation limits of 10 or 20 gallons of organic waste per week. The list also includes multifamily properties with any number of units, because all residents, regardless of whether they reside in single-family or multi-family units, are required to recycle their organic material under SB 1383.

The following business types are ineligible for a De Minimis Organic Waiver (10-Gallon or Less or 20-Gallon or Less):

**A. All businesses that require a permit from Sacramento County EMD under their Retail Food Protection Program**

**B. Businesses that make/sell food**

- Restaurant
- Food service business (caterer, food pantry/closet, or any business that sells or serves food)
- Food manufacturer
- Wholesale food vendor
- Grocery store
- Supermarket
- Market / mini mart serving coffee and/or selling food

**C. Businesses that serve food**

- Gas station serving coffee and/or selling food
- School (Public schools are regulated by CalRecycle, State of California, therefore do not fall under this policy)
- Office campus with cafe on-site
- Hotel / motel providing food service
- Cinema
- Theater
- Child care facility
- Senior care facility
- Hospital
- Event venue
- Convention center
- Arena
- Community center
- Training facility

**D. Other businesses**

- Plant business (nurseries, landscapers, florists, cannabis)
- Multifamily property with any number of units

**3. Appeals**

In the event an ineligible commercial business generator can submit written documentation, satisfactory to the DWMR Director, that its business or property meets the De Minimis Organic Waiver thresholds stated above, the generator must submit a written appeal in accordance with Section 6.20.755 to the County at [commercialwaste@saccounty.gov](mailto:commercialwaste@saccounty.gov). At minimum, the appeal shall include the following information:

- The business name and site address;
- The nature of the business;
- The current size and frequency of the business' waste and recycling services;

- A description of methods used by the business to eliminate organics disposal;
- Photo and written documentation of evidence the business separated from their garbage all of its organic material (food waste, food-soiled paper, green waste/landscaping trimmings and "clean wood" (no paint, no stain, etc.) into a measurable bucket(s) for one or more representative week(s) and found they generated less than the waiver threshold amount; and,
- Any other supporting documentation to substantiate the claim that this policy should not be applied to the business or property.

Appeals found to be incomplete will be rejected. DWMR staff will review the appeal and may conduct an on-site audit. A written determination by the DWMR Director will be provided within 30 days of receipt of an appeal that has been deemed complete by DWMR staff.

The DWMR Director's determination on the appeal shall be final, and there shall be no further appeal to a Hearing Officer, as defined in SCC section 6.20.030, or to the County Board of Supervisors.