

**BOLINAS COMMUNITY PUBLIC UTILITY DISTRICT
ORDINANCE NO. 40**

**AN ORDINANCE OF THE BOLINAS COMMUNITY PUBLIC UTILITY DISTRICT
REPEALING AND REPLACING ORDINANCE NUMBERS 2, 23 AND 24 RELATED TO
SOLID WASTE COLLECTION**

WHEREAS, the Bolinas Community Public Utility District ("District") Board of Directors ("Board") adopted Ordinance Numbers 2, 23 and 24 in 1968, 1988 and 1990 respectively and these Ordinances collectively set forth the regulations and standards for solid waste collection and processing; and

WHEREAS, Senate Bill 1383, the Short-lived Climate Pollutant Reduction Act (which added Sections 39730.5, 39730.6, and 39730.8 to the Health and Safety Code, and added Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30 of the Public Resources Code, as amended, supplemented, superseded, and replaced from time to time) ("SB 1383"), sets statewide organic waste disposal reduction targets of 50 percent by 2020 and 75 percent by 2025, based on the 2014 organics waste disposal baseline, set forth in Section 39730.6 of the Health and Safety Code, and requires California Department of Resources Recycling and Recovery ("CalRecycle") to develop regulations to reduce organics in landfills as a source of methane; and

WHEREAS, CalRecycle adopted the SB 1383 Regulations at new Chapter 12 (Short-lived Climate Pollutants) of Division 7 of Title 14 of the California Code of Regulations and amended portions of regulations of Title 14 CCR and Title 27 CCR ("SB 1383 Regulations"). The SB 1383 Regulations impose requirements on jurisdictions, residential households, commercial businesses including multi-family residential dwellings, commercial edible food generators, haulers, self-haulers, food recovery organizations, and food recovery services to support achievement of statewide organic waste disposal reduction targets; and

WHEREAS, the SB 1383 Regulations require applicable jurisdictions to adopt and enforce mechanisms to implement relevant provisions of the SB 1383 Regulations concerning regulation of organic waste collection services, generators of organic waste, waste haulers, and generators, and processors of edible food, together with enforcement mechanisms for violations of local regulations; and

WHEREAS, the SB 1383 Regulations allow qualifying jurisdictions to seek a low population waiver pursuant to 14 CCR 18984.12(a) which, if granted by CalRecycle, would exempt it from the requirements of SB 1383 ("Low Population Waiver"); and

WHEREAS, the District has evaluated the eligibility criteria for a Low Population Waiver and determined that it qualifies. Although CalRecycle denied the District's request for a Low Population Waiver, the District maintains it is eligible for such; and

WHEREAS, notwithstanding the District's position that it is eligible for a Low Population Waiver, it now desires repeal and replace its regulations for solid waste collection to integrate SB 1383 Regulation requirements in an effort to contribute to the goals of SB 1383; and

NOW, THEREFORE, the Board of Directors of the Bolinas Community Public Utility District ordains as follows:

- Section 1.** Ordinance Numbers 2, 23 and 24 are repealed and replaced with this Ordinance Number 40 and its **Exhibit A (“Discarded Materials”)**.
- Section 2.** **CEQA.** This project is exempt from CEQA pursuant to Section 15308, Class 8 of the CEQA Guidelines of as an action that will not have a significant impact on the environment and as an action taken by a regulatory agency for the protection of the environment, specifically, for the protection of the climate. There are no unusual circumstances that would cause this Ordinance to have a significant effect on the environment
- Section 3.** **Effective Date.** This Ordinance shall take effect thirty (30) days after adoption.
- Section 4.** **Publication.** At least five days prior to adoption, a summary of this Ordinance was published. A certified copy of the full text was made available to the public upon request by the Secretary of the Board, and the full text was of the Ordinance was posted on the District website. Within 15 days after its final passage, the Secretary of the Board shall cause a summary of this Ordinance with the names of the members of the Board of Directors voting for and against to be published, and the Ordinance posted on the District website and made available upon request to the public, in accordance with California Government Code Section 25124.
- Section 5.** **Severability.** If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

[Continued on the next page]

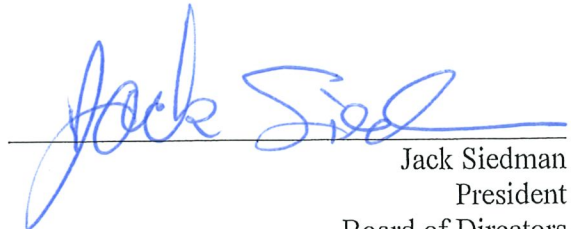
PASSED AND ADOPTED this 16th day of March, 2022, by the following vote of the Board of Directors of the Bolinas Community Public Utility District, to wit:

AYES: COMSTOCK, GODINO, SIEDMAN, SMITH, WALKER

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE



Jack Siedman
President
Board of Directors
Bolinas Community Public Utility District
County of Marin, State of California

ATTEST:

District Clerk
Bolinas Community Public Utility District
County of Marin, State of California

By: 

5057905.1

DISCARDED MATERIALS

Section 1 - DEFINITIONS.

“Blue Container” shall have the same meaning as in 14 CCR 18982(a)(5).

“Board of Directors” shall mean the Board of Directors of the Bolinas Community Public Utility District.

“Collection” means the Collection and transport of Discarded Materials.

“Commercial Business” or ***“Commercial”*** means a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a Multi-Family Residential dwelling, or as otherwise defined in 14 CCR 18982(a)(6).

“Commercial Edible Food Generator” includes a Tier One or a Tier Two Commercial Edible Food Generator as defined herein or as otherwise defined in 14 CCR 18982(a)(73) and (a)(74). For the purposes of this definition, Food Recovery Organizations and Food Recovery Services are not Commercial Edible Food Generators pursuant to 14 CCR 18982(a)(7).

“Compost” has the same meaning as in 14 CCR 17896.2(a)(4) and means the product resulting from the controlled biological decomposition of Organic Discarded Materials that is Source Separated from District Discarded Materials stream, or which is separated at a centralized facility.

“Container(s)” means a receptacle for temporary storage of Discarded Materials. Containers may include bins, carts, roll-off boxes, compactors, cans, buckets, or other storage instruments to the extent such Containers are permitted by District for use for Collection services pursuant to this Ordinance.

“Container Contamination” or ***“Contaminated Container”*** means a Container, regardless of type, that contains Prohibited Container Contaminants, or as otherwise defined in 14 CCR 18982(a)(55).

“County” means the County of Marin, except those areas within any incorporated city.

“Discarded Materials” means a form of Discarded Materials, and shall be regulated as such. For purposes of this Ordinance, material is deemed to have been discarded, without regard to whether it is destined for Recycling or Disposal, and whether or not it has been separated from other Discarded Materials, in all cases where a fee or other compensation, in any form or amount, is directly or indirectly solicited from, or, levied, charged, or otherwise imposed on, or paid by, the Generator in exchange for handling services. As used herein, handling services include, without limitation, the Collection, removal, transportation, delivery, and processing and/or Disposal of the material. Discarded Materials do not include Edible Food that is recovered for human consumption and is not discarded. For the purposes of this Ordinance, Discarded Materials include Recyclable Materials, Organic Waste and Gray Container waste once the materials have been placed in Containers for Collection.

“Disposal” means the final disposition of Solid Waste Discarded Materials at a Solid Waste facility.

“District” means the Bolinas Community Public Utility District.

“Edible Food” means food intended for human consumption, or as otherwise defined in 14 CCR 18982(a)(18). For the purposes of this Ordinance or as otherwise defined in 14 CCR 18982(a)(18), Edible Food is not Solid Waste if it is recovered and not discarded. Nothing in this Ordinance or in 14 CCR, Division 7, Ordinance 12 requires or authorizes the recovery of Edible Food that does not meet the food safety requirements of the California Retail Food Code, as codified in the Health and Safety Code Section 113700, *et seq.*

“Enforcement Action” means an action of the relevant Enforcement Agency to address non-compliance with this Ordinance including, but not limited to, issuing fines, penalties, or using other remedies.

“Enforcement Agency” means an entity with the authority to enforce part or all of this Ordinance as specified herein. The District and Franchisee are each an Enforcement Agency. The District may choose to additionally delegate enforcement responsibility for certain SB 1383 obligations to other public entities, including the Marin Hazardous and Solid Waste Joint Powers Authority (Zero Waste Marin) and the County. If such delegation occurs, those entities shall be designated an Enforcement Agency pursuant to this definition as well.

“Excluded Waste” means waste that is non Discarded Materials which Franchisee reasonably believe(s) would, as a result of or upon acceptance, transfer, processing, or Disposal, be a violation of local, State, or Federal law, regulation, or ordinance, including: land use restrictions or conditions, waste that cannot be disposed of in Class III landfills or accepted at Disposal facility by permit conditions, waste that in Franchisee’s reasonable opinion would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose Franchisee or District to potential liability; but not including de minimis volumes or concentrations of waste of a type and amount normally found in Single-Family or Multi-Family Discarded Materials after implementation of programs for the safe Collection, processing, Recycling, treatment, and Disposal of batteries and paint in compliance with Sections 41500 and 41802 of the California Public Resources Code. Excluded Waste does not include used motor oil and filters, household batteries, and/or latex paint when such materials are defined as allowable materials for Collection by District and the Generator has properly placed the materials for Collection pursuant to instructions provided by District or Franchisee.

“Food Recovery” means actions to collect and distribute food for human consumption that otherwise would be disposed, or as otherwise defined in 14 CCR18982(a)(24).

“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 18982(a)(25), including, but not limited to:

- (1) A food bank as defined in Section 113783 of the Health and Safety Code;

(2) A nonprofit charitable organization as defined in Section 113841 of the Health and Safety code; and,

(3) A nonprofit charitable temporary food facility as defined in Section 113842 of the Health and Safety Code.

A Food Recovery Organization is not a Commercial Edible Food Generator for the purposes of this Ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR 18982(a)(7).

If the definition in 14 CCR 18982(a)(25) for Food Recovery Organization differs from this definition, the definition in 14 CCR 18982(a)(25) shall apply to this Ordinance.

“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 Food Recovery, or as otherwise defined in 14 CCR 18982(a)(26). A Food Recovery Service is not a Commercial Edible Food Generator for the purposes of this Ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR 18982(a)(7).

“Franchisee” means any Person collecting or transporting Discarded Materials pursuant to a franchise or contract authorized by the District Board of Directors.

“General Manager” means the General Manager of the Bolinas Community Public Utility District.

“Generator” means a Person or entity whose act first causes Discarded Materials to become subject to regulation under federal, State, or District regulations.

“Gray Container” shall have the same meaning as defined in 14 CCR 18982(a)(28).

“Gray Container Waste” means Discarded Materials that are collected in a Gray Container that is part of a three-Container Collection service that prohibits the placement of Organic Waste in the Gray Container as specified in 14 CCR 18984.1(a) and (b) or as otherwise defined in 14 CCR 17402(a)(6.5). For the purposes of this Ordinance, Gray Container Waste includes carpet and textile.

“Green Container” shall have the same meaning as defined in 14 CCR 18982(a)(29), shall be used for the purpose of storage and Collection of Organic Waste.

“Hauler Route” means the designated itinerary or sequence of stops for each segment of District’s Collection service area, or as otherwise defined in 14 CCR 18982(a)(31.5).

“Household Hazardous Waste” means hazardous waste generated at a Residential location within the District boundaries and includes, but is not limited to, batteries, antifreeze, soaps, cleaners, glues, paints, pesticides, pharmaceuticals and petroleum products. These products, when discarded, may become Household Hazardous Waste if not properly discarded.

“Inspection” means an Enforcement Agency’s electronic or on-site review of records, Containers, and an entity’s Collection, handling, Recycling, or landfill Disposal of Organic Waste or Edible Food handling to determine if the entity is complying with requirements set forth in this Ordinance, or as otherwise defined in 14 CCR 18982(a)(35).

“Multi-family Residential 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 Commerical Business for the purposes of implementing this Ordinance. Residential premises that consist of fewer than five units are not “Multi-Family” and instead are “Single-Family” for the purposes of implementing this Ordinance. Multi-Family premises do not include hotels, motels, or other transient occupancy facilities, which are considered other types of Commercial Businesses.

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

“Organic Waste” means Solid Waste 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, printing and writing paper, manure, biosolids, digestate, and sludges or as otherwise defined in 14 CCR 18982(a)(46). Biosolids and digestate are as defined by 14 CCR 18982(a).

“Person” includes an individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever, or as otherwise defined in Public Resources Code Section 40170.

“Prohibited Container Contaminants” means the following: (i) Discarded Materials placed in the Blue Container that are not identified as acceptable Source Separated Recyclable materials for the Blue Container; (ii) Discarded Materials placed in the Green Container that are not identified as acceptable Source Separated Organic Waste for the Green Container; (iii) Discarded Materials placed in the Gray Container that are acceptable Source Separated Recyclable materials and/or Organic Waste to be placed in Green and/or Blue Container; and, (iv) Excluded Waste placed in any Container.

“Property Owner” shall mean any Person owning property within the boundaries of the District.

“Recyclables” means Recyclable Materials.

“Recyclable Materials” means domestic, Commercial or industrial byproducts which may have an economic value if recycled, which may be Source Separated, set aside, handled, packaged or offered for Collection by the residence/business. Recyclables include, but are not limited to, glass, newspaper, plastics, metal, bi-metal, aluminum and other materials.

“Recycling” means the process of collecting, sorting, cleansing, treating, reconstituting and/or marketing Recyclable Materials which would otherwise be Disposed of in a landfill. The

Collection, transport or Disposal of Discarded Materials which is not intended for, or capable of, being reused, shall not be construed to be Recycling.

“Remote Monitoring” means the use of mechanical or electronic devices to identify the types of materials in Commercial Businesses’ Blue, Green or Grey Containers for purposes of identifying the quantity of materials in Containers (level of fill) and/or presence of Prohibited Container Contaminants.

“Resident” shall mean any Person residing within the boundaries of the District.

“Route Review” means a visual Inspection of Containers along a Hauler Route for the purpose of determining Container Contamination, and may include mechanical or electronic Inspection methods such as the use of cameras, or as otherwise defined in 14 CCR 18982(a)(65).

“SB 1383” means Senate Bill 1383 of 2016, the Short-lived Climate Pollutant Reduction Act of 2016.

“SB 1383 Regulations” means or refers to, for the purposes of this Ordinance, the Short-Lived Climate Pollutants: Organic Waste Reduction regulations developed by CalRecycle and adopted in 2020 that created 14 CCR, Division 7, Ordinance 12 and amended portions of regulations of 14 CCR and 27 CCR.

“Self-Hauler” means a Person, who hauls Solid Waste, Organic Waste or Recyclable Materials they have generated to another Person. Self-Hauler also includes a Person who back-hauls such materials, and as otherwise defined in 14 CCR18982(a)(66). Back-haul means generating and transporting Organic Waste to a destination owned and operated by the Generator using the Generator’s own employees and equipment, or as otherwise defined in 14 CCR 18982(a)(66)(A).

“Single-Family” means of, from, or pertaining to any Residential premises with fewer than five units.

“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, Demolition and Construction 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:

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

- (3) Medical Waste regulated pursuant to the State Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the Health and Safety Code). Untreated Medical Waste shall not be Disposed of in a Solid Waste landfill, as defined in 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 Public Resources Code.

“Source Separated” means materials, including commingled Recyclable Materials, that have been separated or kept separate from the Solid Waste stream, at the point of generation, for the purpose of additional sorting or processing those materials for Recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products, which meet the quality standards necessary to be used in the marketplace, or as otherwise defined in 14 CCR 17402.5(b)(4). For the purposes of this Ordinance, Source Separated shall include separation of materials by the Generator into different Containers for the purpose of Collection such that Source Separated materials are separated from Grey Container Waste or other Solid Waste for the purposes of Collection and processing.

Section 2 - APPLICATION OF ORDINANCE.

The provisions of this Ordinance shall apply to all Residents and Property Owners in the District, all Generators within the District, and any Person or entity collecting Discarded Materials, within the District.

Unless otherwise provided in this Ordinance, no Person or entity shall collect or remove Discarded Materials from any property within the boundaries of the District unless pursuant to valid franchise agreement entered into with the District and pursuant to the provisions of this Ordinance.

Section 3 - REQUIREMENT TO SUBSCRIBE TO DISCARDED MATERIALS COLLECTION SERVICES.

Unless otherwise provided in this Ordinance, the owner, occupant or owner-occupant, as the case may be, of every developed property within the boundaries of the District shall subscribe for Discarded Materials Collection services from a Franchisee subject to a valid franchise agreement entered into with the District.

Section 4 - DEPOSITING OR BURYING DISCARDED MATERIALS.

Unless otherwise provided in this Ordinance, no Person shall throw, drop, leave, dump, bury, place or otherwise dispose of any Discarded Materials upon any property within the boundaries of the District, whether with or without intent to remove the same from such property; or upon any street, way, sidewalk, gutter, stream or creek or the banks thereof or any public place or public property within the boundaries of the District, except as otherwise approved by the General Manager at a permitted Disposal area approved for such use or in an approved Discarded Materials Collection Container.

No Person shall throw Discarded Materials in the Container of another Generator without that Generator's permission. Discarded Materials transported for Disposal outside of the

boundaries of the District shall be disposed of in a location approved by the General Manager and at a facility designated by the County.

Section 5 - STORAGE OF DISCARDED MATERIALS.

Every Person who owns or occupies any building, lot, or premises within the District shall keep the same in a clean and sanitary condition, and shall not cause, suffer, or permit any Discarded Materials to accumulate on such premises or property for a period in excess of one (1) calendar week.

All Discarded Materials shall be stored in a Container approved by the General Manager. The Container shall be stored with the lid closed and in a location that is not visible from the street, providing however that this provision shall not be construed to prohibit:

- (a) Any Person from keeping building materials at such location on the property as may be deemed to be convenient and necessary by the owner during the period of active construction, reconstruction, or repair of building or structure thereon under a current valid building permit for a period not to exceed two (2) months after which time such storage may continue only pursuant to a permit issued by the General Manager for such period of time as may seem appropriate in the sole discretion of the General Manager upon demonstration that the work of construction, reconstruction or repair has been and will be diligently pursued. Demolition debris from such construction, reconstruction or repair activities, if kept on the property, shall be kept in a watertight industry standard hopper or debris box or other Discarded Materials Collection Container approved by the General Manager;
- (b) Any Person from the keeping of wood neatly piled, upon such premises for household use in a location which is not visible from the street;
- (c) Any Person from the Composting Organic Waste, provided such Composting is not visible from the street and does not emit an odor detectable beyond the property boundaries where the Composting is occurring; or
- (d) Any Person from the placing of leaves in the streets of the District pursuant to regulations approved by the General Manager.

Section 6 - LOCATION OF CONTAINERS.

Containers shall not be placed or allowed to remain in or on any street right-of-way except as otherwise authorized by the General Manager, and shall be placed in such location on Collection day as will be specified pursuant to regulations approved by the General Manager. The Generator shall store the Container in a location consistent with the provisions of this Ordinance no later than midnight of the day that Collection occurs.

Section 7- REQUIREMENTS FOR SINGLE-FAMILY GENERATORS.

Except Single-Family Organic Waste Generators that meet the Self-Hauler requirements in Section 16 of this Ordinance, Single-Family Generators shall:

- (a) Be subscribed to Collection services for Blue, Green and Grey Container Collection services. The Enforcement Agency shall have the right to review the number and size of a Generator's Containers to evaluate the adequacy of capacity provided for each type of Collection service and to review the separation of materials and containment of materials. A Single-Family Generator shall adjust its service level for its Collection services as requested by the Enforcement Agency in order to meet the standards set forth in this Ordinance. Generators may 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 18984.9(c).
- (b) Participate in Discarded Materials Collection service(s) by placing designated materials in designated Containers as described herein, and not placing Prohibited Container Contaminants in Containers. Generator shall place Source Separated Organic Waste in the Green Container; Source Separated Recyclable Materials in the Blue Container; and Grey Container Waste in the Grey Container. Generators shall not place materials designated for the Grey Container into the Blue or Green Containers.

Section 8 - COMMERCIAL BUSINESS REQUIREMENTS.

Commerical Business Generators, including Multi-Family Residential dwellings, shall:

(a) Except Commercial Businesses that meet the Self-Hauler requirements in Section 16 of this Ordinance, or that have been granted a waiver pursuant to Section 15 of this Ordinance:

(1) Be subscribed to Collection services for Green, Blue and Grey Container Collection service and comply with requirements of those services as described below. The Enforcement Agency shall have the right to review the number and size of a 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 and Commercial Businesses shall adjust their service level for their Collection services as requested by the Enforcement Agency.

(2) Participate in Discarded Materials Collection service(s) by placing designated materials in designated Containers as described herein. Generator shall place Source Separated Organic Waste in the Green Container; Source Separated Recyclable Materials in the Blue Container; and Grey Container Waste in the Grey Container. Generator shall not place materials designated for the Grey Container into the Blue or Green Containers.

(b) Supply and allow access to adequate number, size and location of Collection Containers for employees, contractors, tenants, and Generators, consistent with the Blue, Green and Grey Container Collection service or, if Self-Hauling, per the Commercial Businesses' instructions to support its compliance with its Self-Haul program, in accordance with Section 16.

(c) Excluding Multi-Family Residential Dwellings, provide Containers for the Collection of Source Separated Organic Waste and Recyclable Materials in all indoor and outdoor areas where Disposal Containers are provided for Generators, for materials generated by that business. Such Containers do not need to be provided in restrooms. If a Commercial Business does not generate any of the materials that would be collected in one type of Container, then the Business does not have to provide that particular Container in all areas where Disposal Containers are provided for Generators.

(d) For Multi-Family Residential Dwellings, provide Containers for the Collection of Source Separated Organic Waste and Recyclable Materials in all common areas where Disposal Containers are provided for tenants, including areas for internal consolidation of materials that are later deposited in Blue, Green and Grey Containers for Collection by Franchisee. Such Containers do not need to be provided in restrooms accessible from common areas of the Multi-Family Dwelling.

(e) 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 Blue, Green and Grey Container Collection service or, if Self-Hauling, per the Commercial Businesses' instructions to support its compliance with its Self-Haul program, in accordance with Section 16.

(f) Periodically inspect 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 18984.9(b)(3).

(g) Annually provide information to employees, contractors, tenants, and Generators about Organic Waste recovery requirements and about proper sorting of Source Separated Organic Waste and Recyclable Materials.

(h) Provide education information within fourteen (14) days of new occupation of the premises to new tenants that describes requirements to keep Source Separated Organic Waste and Recyclable Materials separate each other and from Grey Container Waste, the location of Containers and the rules governing their use at the property.

(i) Provide or arrange access for the Enforcement Agency to their properties during all Inspections conducted in connection with this Ordinance to confirm compliance with the requirements of it.

(j) Accommodate and cooperate with any Remote Monitoring program for Inspection of the types of materials placed in Containers for Prohibited Container Contaminants to evaluate Generator's compliance with subsection (a)(1).

(k) At Commercial Business's option and subject to approval by the Enforcement Agency, implement a Remote Monitoring program for self-inspection of the types of materials placed in Containers for the purpose of monitoring the contents of Containers to determine appropriate levels of service and to identify Prohibited Container Contaminants.

(l) 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 18984.9(c) to the extent permitted by other applicable laws.

Section 9 - REQUIREMENTS FOR COMMERCIAL EDIBLE FOOD GENERATORS

(a) Tier One Commercial Edible Food Generators must comply with the requirements of this Section 9 upon the effective date of this Ordinance, and Tier Two Commercial Edible Food Generators must comply commencing January 1, 2024, pursuant to 14 CCR 18991.3.

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

(1) Arrange to safely recover for human consumption the maximum amount of Edible Food that would otherwise be disposed.

(2) Enter into a contract or 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) Abide by all contractual or written agreement requirements specified by the Food Recovery Organization or Food Recovery Service on how Edible Food should be prepared, packaged, labeled, handled, stored, distributed or transported to the Food Recovery Organization or Service.

(4) Not intentionally donate food that has not been prepared, packaged, handled, stored and/or transported in accordance with the safety requirements of the California Retail Food Code.

(5) Not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.

(6) Allow the Enforcement Agency to review records upon request, including by providing electronic copies or allowing access to the premises, pursuant to 14 CCR 18991.4.

(7) Keep records that include the following information, or as otherwise specified in 14 CCR 18991.4:

(i) A list of each Food Recovery Service or Food Recovery Organization that collects or receives its Edible Food pursuant to a contract or written agreement established under 14 CCR 18991.3(b).

(ii) A copy of all contracts or written agreements established under 14 CCR 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 will be collected by or Self-Hauled to the Food Recovery Service or Food Recovery Organization.

(C) The established frequency that food will 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.

(8) Tier One Commercial Edible Food Generators and Tier Two Commercial Edible Food Generators shall provide, upon request, a Food Recovery report to the Enforcement Agency that includes the information in Section 9(b)(7)(iii). Entities shall respond to such request for information within 60 days.

(d) Nothing in this Ordinance shall be construed to limit or conflict with (1) the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance pursuant to Senate Bill 557 of 2017 (approved by the Governor of the State of California on September 25, 2017, which added 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); or (2) otherwise applicable food safety and handling laws and regulations.

Section 10 - REQUIREMENTS FOR FOOD RECOVERY ORGANIZATIONS AND SERVICES

(a) Food Recovery Services collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR 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) As applicable, the total quantity in pounds of food collected from all Commercial Edible Food Generators each calendar year that was spoiled when received from a Commercial Edible Food Generator or otherwise not able to be used to feed people.

(4) The quantity in pounds of Edible Food transported to each Food Recovery Organization per month.

- (5) The name, address, and contact information for each Food Recovery Organization that the Food Recovery Service transports Edible Food to for Food Recovery.
- (b) Food Recovery Organizations collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR 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) As applicable, the total quantity in pounds of food collected from all Commercial Edible Food Generators each calendar year that was spoiled when received from a Commercial Edible Food Generator or otherwise not able to be used to feed people.
- (4) The name, address, and contact information for each Food Recovery Service that the organization receives Edible Food from for Food Recovery.
- (c) Food Recovery Organizations and Food Recovery Services that have their primary address physically located in Marin County and contract with or have written agreements with one or more Commercial Edible Food Generators pursuant to 14 CCR 18991.3(b) shall report to the Enforcement Agency 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 18991.3(b) no later than each March 31.
- (d) Food Recovery Organizations and Food Recovery Services shall not include a non-compete clause in their contracts or agreements with Commercial Edible Food Generators.
- (e) Food Recovery Capacity Planning. In order to support Edible Food Recovery capacity planning assessments or similar studies, Food Recovery Services and Food Recovery Organizations operating in Marin County shall provide, upon request, information and consultation to the applicable Enforcement Agency regarding existing, or proposed new or expanded, Food Recovery capacity that can be accessed by the Commercial Edible Food Generators in the District. A Food Recovery Service or Food Recovery Organization contacted by the Enforcement Agency shall respond to such request for information within 60 days, unless a shorter timeframe is otherwise specified by the Enforcement Agency.

Section 11 - REQUIREMENTS FOR FRANCHISEE

A Franchisee shall meet the following requirements and standards:

- (a) Through written notice to the District annually on or before March 31, identify the facilities to which it will transport Discarded Materials including facilities for Source Separated Recyclable Materials and Source Separated Organic Waste.
- (b) Transport Source Separated Recyclable Materials to a facility that Recycles those materials and transport 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.

- (c) Obtain approval from the District to haul Organic Waste, unless it is transporting Source Separated Organic Waste to a Community Composting site in a manner that complies with 14 CCR 18989.1.
- (d) Provide quarterly reports to the District on Commercial and Multi-Family account information and service levels and technical assistance described in subsection (j) below in a form to be specified by the District.
- (e) Disseminate SB 1383 educational materials to Generators.
- (f) Train customer service representatives and account managers/recycling coordinators on SB 1383 Generator requirements and resources available at least annually and during new staff on-boarding.
- (g) Require that Single-Family and Commercial accounts that are subscribed to Grey Container Waste Collection services also be subscribed to Recycling and Organic Waste Collection services.
- (h) Conduct or comply with Container Contamination minimization efforts such as Route Reviews or waste evaluations. Provide feedback to Generators when Container Contamination is observed by Hauler.
- (i) Process, investigate and recommend approval or denial to the District of requests for waivers by Commercial Businesses.
- (j) Provide Commercial accounts with technical assistance such as staff trainings when new Recycling or Organic Waste Collection service is added or upon request.

Section 12 - EXPLOSIVES OR HAZARDOUS MATERIALS.

No Person shall deposit in any Container used for Discarded Materials any explosive, highly flammable, radioactive or otherwise hazardous material or substance. Household Hazardous Waste shall not be included with other Discarded Materials in Containers or buried in any lot or land or poured down sewers or storm drains. Household Hazardous Waste shall be held at the property where it is generated or used until these items can be disposed in an authorized manner. It shall be a violation of this Ordinance for any Person to improperly dispose of Household Hazardous Waste.

Section 13 - BURNING PROHIBITED IN THE OPEN AIR.

No Discarded Materials or other combustible substance shall be burned in the open air within the boundaries of the District.

Section 14 - SPILLAGE OF DISCARDED MATERIALS.

All Discarded Materials hauled by any Person over public streets within the boundaries of the District shall be secured during the hauling thereof so as to prevent spillage or blowing.

Section 15 - WAIVERS FOR COMMERCIAL BUSINESS GENERATORS.

The District may waive a Multi-Family, Commercial Business, or Property Owner's obligation to comply with some or all of the Source Separated Organic Waste requirements set forth in this Ordinance and SB 1383 Regulations pursuant to 14 CCR 18984.11, or other requirements specified by the District.

(a) De Minimis Waivers. District may waive a Multi-Family, Commercial Business, or Property Owner's obligation to comply with some or all of the Source Separated Organic Waste requirements set forth in this Ordinance and SB 1383 Regulations if the Multi-Family, Commercial Business, or its Property Owner provides documentation or District has evidence demonstrating one of the following de minimis conditions:

(1) The Multi-Family or Commercial Business's total Solid Waste Collection service is two (2) cubic yards or more per week, and Source Separated Organic Waste or Recyclable Materials subject to Collection in a Blue or Green Container comprises less than twenty (20) gallons per week, per applicable Container, of the Multi-Family or Commercial Business's total waste; or,

(2) The Multi-Family or Commercial Business's total Solid Waste Collection service is less than two (2) cubic yards per week, and Source Separated Organic Waste or Recyclable Materials subject to Collection in a Blue or Green Container comprises less than ten (10) gallons per week, per applicable Container, of the Multi-Family's or Commercial Business' total waste.

(b) Physical Space Waivers. The District may waive an existing Multi-Family, Commercial Business, or its Property Owner's obligation to comply with some or all of the Source Separated Recyclable Materials or Organic Waste Collection service requirements set forth in this Ordinance, SB 1383 Regulations, if the existing Multi-Family, Commercial Business, or its Property Owner provides documentation, or the District has evidence from its staff, the Franchisee, licensed architect, or licensed engineer demonstrating that the premises lacks adequate space for Blue and/or Green Containers.

(c) Collection Frequency Waivers. District may allow the Franchisee to provide Collection of Blue Containers, Gray Containers, or both once every fourteen (14) days, rather than once per week, for Generators that have been granted a Collection frequency waiver from District.

(d) Franchisee Waiver Request on Behalf of Generator. Where a Generator seeks a waiver from District pursuant to this Section, Franchisee shall process and investigate such request pursuant to this Section. If after such investigation, Franchisee maintains a reasonable belief that a Generator may qualify for a de minimis, physical space, or Collection frequency waiver, the Franchisee shall submit a request to District to grant a waiver to the Generator, provided that adequate evidence of the de minimis, physical space, or Collection frequency waiver requirements specified in 14 CCR 18984.11 is included with the request.

District shall review and approve or deny the waiver request. Franchisee's request for consideration of a waiver shall include the Generator's name and address, type of Commercial Business or number of Multi-Family units if the Generator is a Multi-Family premises, reasons Generator may be eligible for the waiver, and evidence such as, but not limited to: service level data, photo documentation, weight records, and technical assistance assessment results.

Section 16 – 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 18984.1 and 18984.2, or shall haul Organic Waste to a High Diversion Organic Waste Processing Facility as specified in 14 CCR 18984.3.

(b) Self-Haulers shall haul their Source Separated Recyclable Materials to a facility that recovers those materials; and haul their Source Separated 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 as specified in 14 CCR 18984.3. Self-Haulers may back-haul to a destination owned and operated by the Generator using the Generator's own employees and equipment and then haul those consolidated materials to facilities meeting the requirements of this subsection (b).

(c) Self-Haulers that are Commercial Businesses, including Multi-Family Residential Dwellings, 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 Enforcement Agency. The records shall include the following information:

(1) Delivery receipts and weight tickets from the entity accepting the material.

(2) The amount of material in cubic yards or tons transported by the Generator 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 Organic Waste.

(d) Self-Haulers shall submit a certification of Recycling service to the Enforcement Agency for approval if they do not also have separate Recycling and Organics Collection service by a Franchisee.

(e) Self-Haulers shall submit a new certification of Recycling service to the Enforcement Agency for approval every five (5) years, if they do not also have separate Recycling and Organics Collection service by a Franchisee.

(f) Self-Haulers shall notify the Enforcement Agency if they subscribe to separate Recycling and Organics Collection service by a Franchisee, such that they are no longer Self-Haulers.

(g) Self-Haulers that are Commercial Businesses including Multi-Family Self-Haulers shall provide information, upon request, collected in subsection (c) to the Enforcement Agency. Entities shall respond to such request for information within 60 days.

(h) A Single-Family Organic Waste Generator that Self-Hauls Organic Waste is not required to record or report information in subsections (c) through (g).

Section 17 - SCHEDULE FOR COLLECTION.

Collection of Discarded Materials, shall be on a schedule to be approved by the General Manager.

Section 18 - COMMUNITY CLEAN-UP EVENTS.

Notwithstanding the provisions of this Ordinance, the General Manager may authorize one (1) or more community clean up events. The General Manager may designate the day and time of the events, material and items to be collected, method of Collection, how and whether such materials may be separated, how the material shall be boxed, bundled, bagged or otherwise contained, the location where such material may be deposited, who may do the Collection and where the material may be disposed.

Section 19 – INSPECTIONS AND INVESTIGATIONS

(a) The Enforcement Agency is authorized to conduct Inspections and investigations, at random or otherwise, of any Container, Collection vehicle loads, or transfer, processing, or Disposal facility for materials collected from Generators, or Source Separated materials to confirm compliance with this Ordinance by Organic Waste Generators, Commercial Businesses including Multi-Family Residential Dwellings, regulated haulers, Self-Haulers, Commercial Edible Food Generators, Food Recovery Services, and Food Recovery Organizations as those capitalized terms are defined in 14 CCR 18982, subject to applicable laws. This Section does not allow entry in the interior of a private Residential property for Inspection. For the purposes of inspecting Commercial Business Containers for compliance with this Ordinance, the Enforcement Agency may conduct Container Inspections for Prohibited Container Contaminants using Remote Monitoring, and Commercial Businesses shall accommodate and cooperate with the Remote Monitoring pursuant to this Ordinance.

(b) A Person subject to the requirements of this Ordinance shall provide or arrange for access during all Inspections with the exception of the interior of a residential property and shall cooperate with the Enforcement Agency during such Inspections and investigations. Such Inspections and investigations may include confirmation of proper

placement of materials in Containers, Inspection of Edible Food Recovery activities, review of required records, or other verification or Inspection to confirm compliance with any other requirement of this Ordinance. Failure to provide or arrange for: (i) access to the premises; (ii) installation and operation of Remote Monitoring equipment, if a Remote Monitoring program is adopted; or (iii) access to records for any Inspection or investigation is a violation of this Ordinance and may result in penalties.

(c) Any records obtained by the Enforcement Agency during Inspections, Remote Monitoring, 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.*

(d) The Enforcement Agency is authorized to conduct any Inspections, Remote Monitoring, or other investigations as reasonably necessary to further the goals of this Ordinance, subject to applicable laws.

(e) The Enforcement Agency shall accept written complaints from Persons regarding an entity that may be potentially non-compliant with this Ordinance.

Section 20 - CONTAINERS PROHIBITED WITHOUT THE ISSUANCE OF A PERMIT.

No Person, other than a Franchisee, shall place, locate, establish, maintain, erect, leave or otherwise make available any Container within the boundaries of the District. The General Manager is authorized to issue such permits, pursuant to rules and regulations established by the General Manager, for Containers sponsored by and located on a site owned by a bona fide nonprofit organization, or religious organization, or public agency.

Section 21 - LIABILITY FOR CHARGES.

Each Generator receiving Discarded Materials, Collection service by a Franchisee shall be liable for the rates, charges and fees for that service as established by the District Board of Directors.

It shall be and is hereby made the duty of each Generator to ascertain from the District the amount and due date of any rates, charges and fees for which the Generator is liable. It shall also be, and is hereby made, the duty of each Generator liable for the rates, charges and fees to inform the District immediately of all circumstances, and of any change(s) in any circumstances, which will in any way affect the applicability or the amount of any rates, charges and fees to premises where Discarded Materials Collection service is being received.

Section 22 - REQUIREMENT FOR ADDITIONAL SERVICES.

The General Manager may cause to be accomplished any extra Discarded Materials Collection service that the General Manager deems reasonably necessary to ensure Discarded Materials are not accumulated or stored on a property in violation of any provisions of this Ordinance. The Franchisee may cause the cost thereof to be added to the regular billing for such

Discarded Materials Collection service in the same manner as other charges, rates or fees are collected.

Section 23 - STORAGE OF VEHICLE OR EQUIPMENT USED FOR DISCARDED MATERIALS COLLECTION OR RELATED ACTIVITIES.

Any vehicle or equipment used for Discarded Materials Collection or related activities shall not be stored on a public street or other public property within the boundaries of the District. If stored within the boundaries of the District, such vehicles and equipment shall be stored on land with a land use zone designation which permits such storage and within a building or fenced yard. No vehicle shall be parked with a full or partial load of Discarded Materials for more than twenty-four (24) hours, or sixty (60) hours over a weekend.

Section 24 - RIGHTS OF THE DISTRICT.

Nothing in this Ordinance shall be construed to prohibit the General Manager from:

- (a) Issuing a permit for a Person or entity to haul and dispose of septic tank, sand trap and grease trap contents;
- (b) Allowing other entities to carry out any District sponsored weed abatement program;
- (c) Allowing the District or any of its contractors to haul and dispose of Discarded Material from any District tree trimming activities, landscape maintenance, leaf Collection;
- (d) Allowing the District or any other public agency from utilizing its own forces, or any officer or employee, or contractor thereof, to collect, remove and dispose of Discarded Materials from their facilities or property (whether owned, leased, or an easement).

Section 25 - OWNERSHIP OF DISCARDED MATERIALS.

Upon the placement of any Discarded Materials into a Container on the day scheduled for Collection at a site approved by the General Manager or pursuant to regulations approved by the General Manager, the materials contained therein become the property of the Franchisee whose responsibility it is to collect the Discarded Materials pursuant to the conditions of the franchise agreement.

Section 26 – ENFORCEMENT.

- (a) Violation of any provision of this Ordinance shall constitute grounds for issuance of a Notice of Violation and assessment of a fine by the Enforcement Agency. An Enforcement Action under this Ordinance is assessment of a fine.
- (b) Other remedies for violations of this Ordinance allowed by law may also be utilized the Enforcement Agency, including civil action or prosecution as a misdemeanor or infraction. The Enforcement Agency may pursue civil actions in the California courts to

seek recovery of fines. The Enforcement Agency may choose to delay court action until such time as a sufficiently large number of violations, or cumulative size of violations exist such that court action is a reasonable use of staff and resources.

(c) Process for Enforcement

(1) The following provisions of this Ordinance may be enforced beginning on the effective date of this Ordinance: Section 8 concerning Requirements for Commercial Businesses, Section 15 concerning Waivers for Commercial Business Generators, Section 11 concerning Requirements for Franchisee, Section 16 concerning Self-Hauler Requirements, and Inspections related to compliance with those Sections. Enforcement of all other Sections may be enforced beginning January 1, 2024.

(2) The Enforcement Agency will monitor compliance with this Ordinance and through compliance reviews, Route Reviews, investigation of complaints, and an Inspection program that may include Remote Monitoring.

(3) The Enforcement Agency may issue a Notice of Violation requiring compliance within 60 days of issuance of the notice.

(4) Absent compliance by the Person within the deadline set forth in the Notice of Violation, District may commence an action to impose penalties, via a fine, pursuant to its standard procedures.

(d)Penalty Amounts for Ordinance Violations

(1) For a first violation of this Ordinance by a violator, the amount of the base penalty shall be \$50 to \$100 per violation.

(2) For a second violation of this Ordinance by the same violator, the amount of the base penalty shall be \$100 to \$200 per violation.

(3) For a third or subsequent violation of this Ordinance by the same violator, the amount of the base penalty shall be \$250 to \$500 per violation.

(e) Compliance Deadline Extension Considerations

The Enforcement Agency may extend the compliance deadlines set forth in a Notice of Violation if it finds that there are extenuating circumstances beyond the control of the Person that make compliance within the deadlines impracticable, including the following:

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

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

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

(f) Education Period for Non-Compliance

With respect to provisions of this Ordinance subject to enforcement starting January 1, 2024, the Enforcement Agency will, prior to that date, conduct Inspections, Remote Monitoring (if such a program is implemented), Route Reviews, and compliance reviews, depending upon the type of regulated entity, to determine compliance, and if the Enforcement Agency determines that Organic Waste Generator, Self-Hauler, Franchisee, Tier One or Tier Two Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance, it shall provide educational materials to the entity describing its obligations under this Ordinance and a notice that compliance is required and that violations may be subject to fines, penalties, or other remedies starting on January 1, 2024.

(g) Civil Penalties for Non-Compliance

If the Enforcement Agency determines that an Organic Waste Generator, Self-Hauler, Franchisee, Tier One or Tier Two Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance with this Ordinance, it may document the noncompliance or violation, issue a Notice of Violation, and take Enforcement Action pursuant to this Section, as needed and consistent with the enforcement commencement dates set forth in subsection (c)(1), above.

Section 27 - POWERS AND DUTIES OF THE DISTRICT GENERAL MANAGER.

The General Manager is hereby authorized to and may perform all the provisions of this Ordinance and is empowered to make interpretations of this Ordinance whenever a question may arise as to the necessity, manner or method for which Discarded Materials Collection services are provided.

Section 28 - ADDITIONAL REMEDIES; CUMULATIVE.

- (a) The remedies provided herein shall be in addition to all other remedies authorized by law and the enumeration of certain remedies shall not preclude the application of any other remedies not herein enumerated.
- (b) Nonpayment of charges will result in a penalty and interest.
- (c) Any charges and penalties may be collected on the tax roll in the same manner as property taxes.
- (d) The charge imposed by this article shall be a civil debt owing to the District from the Person responsible for its payment, and the District may institute action in any court of competent jurisdiction to collect such debt, together with applicable penalties, interest, costs and other expenses.