

## SB 1383 ORGANICS RECYCLING REGULATIONS WAIVER REQUEST FORM

### INSTRUCTIONS:

Beginning January 1, 2022, California Senate Bill (SB) 1383 requires all business and multi-family properties to arrange for organic waste recycling services (*i.e.*, food waste and green waste). Certain businesses and multifamily complexes may qualify for a waiver from these mandatory programs; however only those who have requested and received a waiver from the City can avoid mandated participation. If a waiver is not approved by the City, your business or property will be required to participate in mandated services.

To apply for exemption, complete the accompanying SB 1383 Waiver Request Form and provide the required information. Waivers may be requested for each type of exemption you believe applies at your property. There are two types of waiver requests:

1. **Waiver for Businesses/Properties with Minimal Organic Waste (*i.e.*, “De Minimis Waiver”)**

- Businesses/properties that generate a limited amount of organic waste may apply for a low-generated “De Minimis” waive if they have:
  - A) total solid waste collection of two cubic yards or more per week (*i.e.*, equal to at least 12 large or 24 regular trash bags, or about two-thirds of a standard dumpster), and organic waste of less than 20 gallons per week (*i.e.*, about 2 tall kitchen bags);  
or
  - B) total solid waste collection of less than two cubic yards per week and collected organic waste of less than 10 gallons per week.

2. **Space Constraint Waiver**

- Businesses/properties lacking space for separate organics recycling collection containers may request a physical space waiver.
- To qualify, businesses/properties must demonstrate space constraints that cannot be resolved through downsizing containers, using split containers, or other solutions. Businesses/properties must first confer with its hauler to consider all feasible solutions to the space constraint.
- State regulations allow the City to waive compliance only if the City’s own staff, a licensed architect or a licensed engineer confirms the lack of adequate container space.

**Note:** Businesses/properties granted waivers will be exempted for a five-year period from state requirements. To remain exempt, state law requires businesses/properties to submit written verification of eligibility to the City every five years. During each five-year exemption period, state law also requires that businesses/properties notify the City any time the waste generated at your business/property exceeds the qualifying waste-generation amount for any waiver granted or any other relevant changes.

**To apply for a waiver, please complete and submit the SB 1383 Waiver Request Form and any supportive documentation to [Recycling@san-marcos.net](mailto:Recycling@san-marcos.net) or by mail to: City of San Marcos – Waste & Recycling, 1 Civic Center Dr, San Marcos, CA 92069**



Per the San Marcos Municipal Code (sec. 8.68.540 - Waivers for Generators). A full copy of the San Marcos Municipal Code is available on the City's website: [www.san-marcos.net/your-government/municipal-code](http://www.san-marcos.net/your-government/municipal-code)

**APPLICANT INFORMATION**

Service address for waiver application:		
Mailing address (if different from above):		
Type of Property (check one):	<input type="checkbox"/> Commercial	Number of employees _____
	<input type="checkbox"/> Multi-family (5+ dwelling units)	Number of units _____
Type of Business		
Company Name (if applicable):		
Applicant Name:	San Marcos Business License Number:	
Applicant Title (Owner, Operator, etc.):		
Applicant Contact Information:	Email Address	Phone Number

Check the box to specify which exemption waiver type is being requested.

**DE MINIMIS WAIVER (MINIMAL USE)**

- ☐ De Minimis Waiver Type 1:  
Total solid waste for business/location listed above is equal to or greater than 2 cubic yards per week AND property generates less than 20 gallons of organic material per week
- ☐ De Minimis Waiver Type 2:  
Total solid waste for business/location listed above is less than 2 cubic yards per week AND property generates less than 10 gallons of organic material per week.

**PHYSICAL SPACE WAIVER**

- ☐ Property lacks adequate space for the collection containers required for compliance with organic waste collection requirements. Must provide evidence from EDCO, licensed architect or licensed engineer that the premises lacks adequate space for the collection containers required for compliance.

**APPLICATION VERIFICATION**

To be considered for a waiver, the applicant agrees to the following:

1. If granted a waiver, waiver holder shall notify the City if circumstances change such that waiver holder no longer meets the requirements for the waiver granted, in which case the waiver will be rescinded.
  2. Waiver holder must cooperate with City and/or EDCO for compliance inspections and enforcement as stated in Municipal Code Section 8.68.600.
  3. Waivers expire five years after the date of approval. If the need for a waiver persists, a new application must be submitted for approval.
  4. City may revoke a waiver upon determination that any of the circumstances justifying the waiver are no longer applicable.
- I certify under penalty of perjury under the laws of the State of California that the information provided in and with this form pertains to garbage, recyclable materials and organic materials collection within the City of San Marcos, that I have reviewed the accuracy of the information, and that the information is true and correct to the best of my knowledge and belief.

Applicant Printed Name:	Applicant Title:
Applicant Signature:	Date:

**CITY USE ONLY**

**WAIVER APPROVAL (IF CHECKED, WAIVER APPROVED)**

De Minimis <input type="checkbox"/> Type 1 <input type="checkbox"/> Type 2	Waiver Expiration Date: _____
Physical Space Waiver <input type="checkbox"/>	

**WAIVER DENIAL**

<input type="checkbox"/> Application denied for the following reason(s):
Reviewer Name: _____ Reviewer Title: _____
Reviewer Signature: _____ Date: _____