



# NOTICE OF VIOLATION

## Mandatory Recycling and Plant Debris Disposal Ban Ordinances

BUSINESS NAME

00 STREET ADDRESS  
CITY, CA ZIP CODE

**Second Notice:** Sent Via Certified Return Receipt U.S.P.S.

**This Notice of Violation serves as an OFFICIAL WARNING to correct violation(s) before being subject to an Administrative Citation and fine. Failure to take the corrective action(s) described herein, or if future violation(s) of any type of the Mandatory Recycling Ordinance (ACWMA Ord. 2012-01) and/or Plant Debris Disposal Ban (ACWMA Ord. 2008-01) are discovered, you may be issued an Administrative Citation and fined.**

**Date Warning Issued:** 4/11/2018

**Inspector:** Jane Smith

**Inspection Date:** 4/11/2018

**Address/Location of Violation(s):** 00 STREET ADDRESS, CITY CA ZIP CODE

**Party/Parties Warned:** Property Owner or Business located at "Address/Location of Violation(s)"

Witness: On or about the date of this Notice, I did witness evidence at the Address/Location of Violation(s) which constitutes one or more violations of ACWMA Ord. 2012-01 and/or 2008-01. The condition(s) constituting the violation(s), necessary actions to correct the violation, and compliance due date are listed below.

Violation	Violation(s) Observed	Section
	Disposal of Covered Materials <sup>1</sup> – Plant Debris	2008-01.4(a)
X	Disposal of Covered Materials <sup>1</sup> – Recyclables	2012-01.4(a)
X	Disposal of Covered Materials <sup>1</sup> – Organics	2012-01.4(a)
	Garbage in Recyclables containers	2012-01.4(b)
	Garbage in Organics container	2012-01.4(b)
X	Failure to provide containers and/or collection service <sup>2</sup> for Recyclables	2012-01.5(a)&(b)
X	Failure to provide containers and/or collection service <sup>2</sup> for Organics	2012-01.5(a)&(b)
	Insufficient number and/or size of containers for Covered Materials – Recyclables	2012-01.5(a)(1)
	Insufficient number and/or size of containers for Covered Materials – Organics	2012-01.5(a)(1)

<sup>1</sup> ACWMA Ord. 2012-01 and 2008-01 prohibit the disposal of "Covered Materials". "Covered Materials" that **must** be recycled under the Ordinances are cardboard, newspaper, white paper, mixed recyclable paper, recyclable glass food and beverage containers, metal (aluminum and steel) food and beverage containers, PET (#1) and HDPE (#2) plastic bottles, discarded food and compostable paper, and plant debris.

<sup>2</sup> Failure to provide containers and/or collection service for Covered Materials was determined on the day of inspection and by a review of the service records available. This determination may be in error due to recent or unreported changes in service by yourself or the service provider; please see reverse for instructions.

Violation	Actions Required to Correct Violation(s)	Fine(s) if Not Corrected	Time period to Correct
	Do not dispose of Covered Materials (Plant Debris) <sup>1</sup> in garbage containers		Immediately
x	Do not dispose of Covered Materials (Recyclables) <sup>1</sup> in garbage containers	\$100.00	Immediately
x	Do not dispose of Covered Materials (Organics) <sup>1</sup> in garbage containers	\$100.00	Immediately
	Do not dispose of garbage in containers designated for recycling <sup>1</sup>		Immediately
	Do not dispose of garbage in containers designated for organics <sup>1</sup>		Immediately
x	Provide containers and/or collection service for Covered Materials – Recyclables <sup>2</sup>	\$600.00	60 days
x	Provide containers and/or collection service for Covered Materials – Organics <sup>2</sup>	\$600.00	60 days
	Provide sufficient number or size of containers for Covered Materials – Recyclables <sup>2</sup>		60 days
	Provide sufficient number or size of containers for Covered Materials – Organics <sup>2</sup>		60 days
x	Provide signage on or near containers for Solid Waste and Covered Materials describing proper segregation of Covered Materials from garbage	\$0.00	Immediately
x	Provide information at least annually to tenants, employees, and contractors of their obligation to keep Covered Materials from garbage	\$300.00	30 days
<b>If not corrected before next inspection, the fine that may be imposed is:</b>		\$1,700.00	

<sup>1</sup> A fine of \$100/violation may be assessed for each type of Covered Material disposed as evidenced on the date of inspection.

<sup>2</sup> Violations of sections 2012-01.5(a) & (b) are assessed as multiple violations, one violation for each day not corrected and fined at \$5/day for either no containers or no collection service, or both. These violations are typically linked and corrected by subscribing to service with a provider who supplies both containers and collection service. Future violations could be assessed at a higher fine rate as per the Ordinance.

**A fine is not being assessed at this time. Your business or multi-family property must meet the requirements of the ordinances. Any future violation, of any type, of either ordinance, will result in an Administrative Citation and fine(s). Please take the appropriate actions to correct the violations listed in this notice and prevent future violations from occurring. Routine inspections are conducted to coincide with the regular garbage collection service. Re-inspection of your account could occur within 7-90 days of the date of this notice.**

If this Notice of Violation is for “Failure to provide containers and/or collection service for Recyclables (or Organics),” it is possible our records may be out of date or in error. **This is your opportunity to provide information which will demonstrate compliance with the Ordinance:** Submit documentation of recycling service to the Authority via the online Submit Documentation form at [www.RecyclingRulesAC.org/submit-documentation](http://www.RecyclingRulesAC.org/submit-documentation) or by fax to (510) 893-2308 or mail to: ACWMA, Attention: Enforcement Officer, 1537 Webster Street, Oakland, CA 94612. Documentation can be an invoice from the service provider showing recycling services were being provided at the “Address/Location of Violations” on or before the date of the inspection, as shown on the front side of this letter.

Documentation that demonstrates educational materials have been provided to tenants, employees and contractors does not need to be submitted at this time, but should be kept on file for possible future inspection; include the actual or an electronic version of the materials, the date(s) distributed, and to whom (e.g. tenants, janitorial and maintenance staff or contractors, etc). The enclosed flyer contains additional information regarding resources and assistance available to help you comply with ACWMA Ordinances. For more information regarding this letter or to request assistance, please leave a message at the Mandatory Recycling Ordinance information line at (510) 891-6575 or visit [www.RecyclingRulesAC.org](http://www.RecyclingRulesAC.org).

**Issuing Officer:** *Rachel Balsley* (electronic signature)

**Rachel Balsley, Senior Program Manager, Enforcement Official**

**Note: This is NOT an Administrative Citation and no fine is being assessed. Regardless:** all fines and/or penalties shall be payable to the Alameda County Waste Management Authority. Fine must be deposited prior to any requested hearing. The failure of any person to pay the civil penalties assessed by an Administrative Citation within the time specified on the citation may result in additional fines and charges including but not limited to attorney fees, interest, recovery fees. The Enforcement Official may refer the matter to the court, notification of the Interagency Intercept Program to attach any state tax returns, attach liens or other means available under the law in pursuit of collection of fines. The Authority may recover costs and attorneys’ fees incurred in connection with successful enforcement of this Ordinance. The Enforcement Official may pursue any other legal remedy to collect the administrative fines.

Under sections 11(b), 11(d), 11(e) of Ordinance 2012-01 and 9(b), 9(c), 9(d) of Ordinance 2008-01, the administrative fine for violation(s) is not to exceed \$100 (first violation) \$200 (second violation of same provision within one-year) \$500 (each additional violation of same provision within one year). Each violation of Ordinance 2012-01 and/or 2008-01 shall constitute a separate violation for each day on which a violation of the requirement occurs and is considered an ongoing violation until the violation is cured or the citation dismissed. The Authority may recover costs and attorneys’ fees incurred in connection with successful enforcement of this Ordinance. A separate Administrative Citation and fine may be imposed for each requirement of this Ordinance violated for each day on which a violation occurs.