



CITY OF BREA

SB 1383 WAIVER REQUEST FORM

Effective January 1, 2022, pursuant to Senate Bill 1383 (2016), all commercial businesses in the City of Brea, including multi-family residential dwellings, must comply with the State of California's recycling requirements for non-organic waste and organic waste. Non-organic waste includes aluminum, glass, cardboard & paper products, rigid plastics #1-7, and tin/bi-metal cans. Organic waste includes food scraps/waste, non-waxy paper products, and landscape and pruning waste.

The City's franchise hauler provides non-organic waste and organic waste recycling programs. Certain commercial businesses may qualify for a waiver from participation in the franchise hauler's recycling programs. However, only businesses that have requested and received a waiver from the City may avoid mandatory participation in the franchise hauler's recycling programs. If a waiver is not approved by the City, a commercial business immediately will be required to subscribe to the franchise hauler's recycling programs.

If you wish to apply for a waiver, the Waiver Request Form must be completed in its entirety. State law regulates the City's processing of waiver requests; therefore, approval of waiver applications is subject to review by CalRecycle.

Waivers must be requested for each type of exemption you believe applies to your business. To remain exempt, state law requires your business to provide written verification of eligibility to the City every five years. In addition, during each of your five-year exemption periods, state law requires you to notify the City any time the volume of waste generated at your business increases beyond the qualifying threshold, or when other relevant circumstances change.

On the Waiver Request Form, you must select the type(s) of waiver(s) you are seeking and provide the requested information. **Backup documentation for all waiver types must be provided with this completed form.** There are three types of waivers:

1. DE MINIMIS WAIVER

Commercial businesses may apply for a "de minimis" waiver if they meet the criteria of (A) or (B):

A. The business has 2 cubic yards or more of total solid waste collection service (garbage + recycling + organics) per week, and the business has less than 20 gallons of organic waste subject to collection (in the recycling container or the organic waste recycling container) per week per applicable container of its total waste.

or;

B. The business has less than 2 cubic yards of total solid waste collection service (garbage + recycling + organics) per week, and the business has less than 10 gallons of organic waste subject to collection (in the recycling container or organic waste recycling container) per week per applicable container of its total waste.

2. SPACE CONSTRAINT WAIVER

Commercial businesses and property owners may apply for a "space constraint" waiver if they meet the following criteria:

The business or property owner has premises that lack adequate space for separate recycling and/or organic waste recycling container(s).

To qualify for this exemption, the business or property owner must demonstrate space constraints that cannot be addressed by downsizing containers or other solutions. The business or property owner will have to confer with the City to consider all feasible solutions to the space constraint.

The City must have documentation from the business or property owner, or must have other evidence (from City staff, the franchise hauler, a licensed architect, or a licensed engineer), that the premises lack adequate space for the containers that are otherwise required.

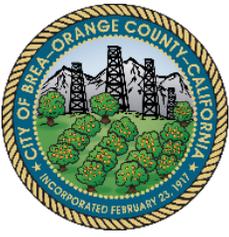
3. THIRD-PARTY/SELF-HAUL RECYCLER WAIVER

Commercial businesses may apply for a "third party/self-haul recycler" waiver if they meet the following criteria:

The business has internal recycling programs that by which it source separates on site and hauls recyclable materials to a diversion or processing facility. Alternatively, the business uses a free recycling program offered by another service provider.

To qualify for this exemption, the business must submit information to verify ongoing programs (e.g., service provider, material type, quantity recycled, and receiving facility.)

If you are eligible and wish to apply for a waiver, please complete the required Waiver Request Form. You may also download this form and email your completed request to recyclebrea@cityofbrea.gov.



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APPLICANT INFORMATION			PROPERTY OWNER		
BUSINESS OR MULTI-FAMILY PROPERTY PHYSICAL ADDRESS			PROPERTY OWNER, MANAGER OR LEASE HOLDER		
BUSINESS OR MULTI-FAMILY PROPERTY NAME			PHONE		
BUSINESS OR MULTI-FAMILY # OF UNITS			EMAIL		
BUSINESS OFFICE MAILING ADDRESS			OWNER ADDRESS		
CITY	STATE	ZIP	CITY	STATE	ZIP
BREA	CA				

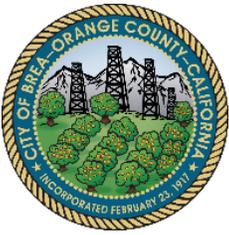
CONTACT INFORMATION		
Provide the designated business representative where waiver approval or rejection notice is to be delivered.		
NAME/TITLE	PHONE	EMAIL

This Request for a Waiver is for the Following: (Please check one)		
<input type="checkbox"/> RECYCLING ONLY	<input type="checkbox"/> ORGANIC WASTE RECYCLING ONLY	<input type="checkbox"/> RECYCLING <u>AND</u> ORGANIC WASTE

Weekly Trash, Recycling, and/or Organic Waste Collection Service Levels are as Follows:			
SERVICE TYPE	BIN TYPES	QUANTITY	COLLECTIONS (PER WEEK)
TRASH	DUMPSTERS		
	CARTS		
RECYCLE	DUMPSTERS		
	CARTS		
ORGANIC	DUMPSTERS		
	CARTS		

WAIVER TYPES
Check the appropriate box(es) and provide answers to ALL questions for the requested waiver type(s).

<input type="checkbox"/> DE MINIMUS WAIVER
SELECT ONE: ___ Food Waste Only ___ Yard Waste Only ___ BOTH (Food Waste & Yard Waste)
1. Average number of employees onsite: _____



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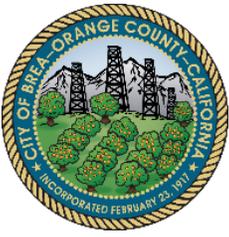
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2. Average number of employees that eat meals/snacks onsite:	
3. Is edible food (food intended for human consumption) produced, distributed, or consumed at your site?	_____ Yes _____ No
4. Does your business have a breakroom, kitchen, and/or cafeteria for employees?	_____ Yes _____ No
5. Does your business have a contracted landscape service provider (<i>3rd Party Hauler</i>)?	_____ Yes _____ No
6. If Yes to #5, provide contracted landscape service provider name:	
7. If Yes to #5, provide landscape service provider contact/representative (Business name, phone number, & email):	
8. If Yes to #5, provide landscape service provider's Brea business license number:	
9. If Yes to #5, provide the facility(ies) where landscaper hauls debris from your site to: <i>Note: Must be a City-Approved facility and not landfilled.</i>	
10. If Yes to #5, provide estimated quantity of yard waste debris generated from your site.	_____ gallons OR _____ cubic yards

<input type="checkbox"/> SPACE CONSTRAINT WAIVER	
1. Have you ever worked with the City's waste collection service provider to adjust container sizes to resolve space constraint issues? (i.e. requested smaller bin sizes or other solutions to resolve space constraints)	_____ Yes _____ No
2. Do you have documentation from the City's waste collection service provider or a licensed engineer/architect showing that space constraints preclude placement of required recycling and/or organic waste recycling containers? (<i>This must be provided in order to receive an approval for this waiver</i>)	_____ Yes _____ No

<input type="checkbox"/> THIRD-PARTY RECYCLER OR INTERNAL RECYCLING PROGRAM WAIVER <i>Note: A Self-Haul Permit Application must be submitted in addition to this form.</i>	
Complete either section A for THIRD-PARTY RECYCLER WAIVER or B for INTERNAL RECYCLING PROGRAM WAIVER:	

SECTION A	
1. Contracted third-party recycling service provider name:	
2. Contracted third-party recycling service provider contact/representative:	
3. Contracted third-party recycling service provider phone number/e-mail:	
4. City business license number of contracted service provider:	
5. Type(s) of material recycled:	



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6. Estimated quantity of material recycled per week:	_____ gallons OR _____ cubic yards
7. Facility where this material is taken for recycling:	

OR

SECTION B	
1. Description of internal recycling efforts:	
2. Type(s) of material recycled:	
3. Estimated quantity of material recycled per week:	_____ gallons OR _____ cubic yards
4. Facility where this material is taken for recycling:	

All third-party recyclers and landscape service providers must have a Brea Business License, be authorized by the City to self-haul, and must agree to report tonnages and disposal/recycling information to the City periodically as required by State law. Please contact the City of Brea if your site involves self-hauling, back-hauling, or 3rd party hauling as a self-haul application will need to be filled out and submitted.

NOTE: Businesses/properties granted waivers will be exempted for a five-year period from state requirements related to the type of exemption(s) requested. To remain exempt, State law requires you to submit written verification of eligibility to the City every five years. During each five-year exemption period, State law also requires that you notify the City any time the waste generated at your business exceeds the qualifying waste-generation amount for any waiver granted or of any other relevant changes. I understand that I may be subject to periodic random inspections and spot checks to confirm the facts provided on this waiver request are accurate. If significant amounts of recyclables and/or organic waste is found in the trash, the approved waiver will be revoked and the account will need to subscribe to the City's franchise waste hauler program to comply with all requirements. Waiver request(s) are not transferable and can be revoked at any time by the City or the State.

By signing this form, you are certifying all information entered is true and accurate and that you have full understanding of your businesses' obligations to provide information, report to, and otherwise fully cooperate with the City, as detailed in the instructions herein which accompany this form.

AUTHORIZED BUSINESS REPRESENTATIVE

DATE

NAME

TITLE

PLEASE MAIL THIS COMPLETED FORM TO:

EMAIL TO:

City of Brea
1 Civic Center Cir
Brea, CA 92821
Attn: Public Works – Recycle Brea

OR

recyclebrea@cityofbrea.gov