

# De Minimis Waiver Application

## BACKGROUND INFORMATION

Effective January 1, 2022, California Senate Bill (SB) 1383 requires all commercial businesses to arrange for organic waste recycling service (i.e., **for food waste, green waste such as landscape and pruning waste, and food-soiled paper products**). As required by the State of California, these regulations were codified in the Carlsbad Municipal Code to allow for local enforcement by the City of Carlsbad.

Certain businesses and multifamily complexes with five or more units may qualify for a “De Minimis Waiver” from these mandatory programs; however, only those who have requested and received a waiver from the city may be exempted. If a waiver is not approved by the city, your business will be required to subscribe to mandated services.

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

Businesses/properties may apply for a “De Minimis Waiver” from mandatory organics waste recycling service if they generate an amount of organic waste below a certain threshold, as described below:

### TYPE 1

The applicant’s total solid waste collection service\* is equal to or greater than 2 cubic yards per week, and the property generates less than 20 gallons of organic waste per week; **OR**

### TYPE 2

The applicant’s total solid waste collection service\* is less than 2 cubic yards per week and the property generates less than 10 gallons of organic waste per week.

\*Solid waste collection service includes the total volume of landfill, recycling and organic waste bins provided by Republic Services for the property.

## INSTRUCTIONS

To apply for a waiver from the requirement to subscribe to organic waste recycling service, the owner or operator must:

1. Fill out the information in the form below and provide any supporting documentation.
2. Submit a completed and signed form, along with any supporting documentation, to [SustainableMaterialsManagement@carlsbadca.gov](mailto:SustainableMaterialsManagement@carlsbadca.gov) or via the mailing address listed at the end of this form.
3. Complete an on-site inspection to verify waiver eligibility.
4. Receive a confirmation email and/or letter from the city that the waiver has been approved or denied. The email or letter will be provided to the contact listed on this form.

SECTION 1: APPLICANT INFORMATION

BUSINESS OR MULTI-FAMILY COMPLEX (5 UNITS OR MORE) NAME

REPUBLIC SERVICES ACCOUNT #

Commercial Business

Multi-Family Complex - # of units:

SERVICE ADDRESS

CITY

STATE

ZIP CODE

MAILING ADDRESS (if different than above)

CITY

STATE

ZIP CODE

APPLICANT FULL NAME

APPLICANT TITLE (e.g., owner/operator)

E-MAIL ADDRESS

PHONE NUMBER

SECTION 2: ORGANIC WASTE GENERATION

Please select the **applicable** "De Minimis" amounts below:

≥ 2 cubic yards of total solid waste service and < 20 gallons of organic waste produced per week; **OR**

< 2 cubic yards of total solid waste service and < 10 gallons of organic waste produced per week

Please provide contracted landscaper service information, or check this box if not applicable

LANDSCAPER NAME

BUSINESS LICENSE #:

PERMITTED HAULER # (if available):

PHONE NUMBER

Provide a description of why the business may qualify for a "De Minimis Waiver," including types of materials generally disposed of and/or why the business does not produce a significant quantity of organic waste material. (i.e., food waste, green waste such as landscape and pruning waste, and food-soiled paper products) Additional pages and/or photos may be attached.

### SECTION 3: ACKNOWLEDGEMENT

Businesses/properties granted waivers will be exempted for three years from State of California requirements related to the type of exemption requested. To remain exempt, you must submit written verification of eligibility to the city every three years. During each three-year exemption period, the business/property granted approval must notify the city any time the waste generated at the business exceeds the qualifying waste-generation amount for any waiver granted, or of any other relevant changes, and cooperate with the city and Republic Services for compliance inspections and enforcement. The city will rescind the waiver if at any time the city determines the waiver was improperly granted, the business is no longer eligible for the waiver, or the customer fails to responsibly manage discarded materials generated at the premises.

By signing this form, you are attesting that you have a full understanding of your business/property's obligations to provide information, report to, and otherwise fully cooperate with the city, as detailed in the instructions herein which accompany this form.

APPLICANT NAME (PRINTED)

APPLICANT SIGNATURE

DATE

CITY USE ONLY – WAIVER REVIEW

SMM Division Staff Name:

SMM Division Staff Signature:

Date:

DE MINIMIS WAIVER – STATUS

Application **Approved**

Application **Denied**

Application **Withdrawn**

If denied, reasoning:

Environmental Sustainability Director Name:

Environmental Sustainability Director Signature:

Date:

If you have any questions, please contact the Sustainable Materials Management Division at **442-339-2646** or **[SustainableMaterialsManagement@carlsbadca.gov](mailto:SustainableMaterialsManagement@carlsbadca.gov)**.

**Sustainable Materials Management Division**

1635 Faraday Avenue, Carlsbad, CA 92008

442-339-2646

[www.carlsbadca.gov](http://www.carlsbadca.gov)