

**CONTRACTING**

# Contractually addressing contamination

Contamination and education are getting more attention in collection and processing agreements between municipalities and haulers in California.

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California is known for having some of, if not the most, assertive sustainability and solid waste requirements in the country. The state serves as a case study of legislative changes that affect how government agencies, solid waste service providers, businesses and residents must handle their waste.

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The implementation of China's National Sword policy in 2018 has driven up demand for cleaner recycling streams for end markets, with the burden ultimately falling on generators and haulers. With this policy as well as the implementation of state bills A.B. 341 (mandating mandatory commercial and multifamily recycling), A.B. 1826 (mandating commercial and multifamily organics recycling) and S.B. 1383 (mandating the statewide reduction of organic waste in landfills to curb methane emissions), many California cities have adopted municipal recycling contracts with new haulers or updated their previous agreements to account for these changes. For example, the cities of Whittier and Clovis adopted new agreements with [Athens Services](#) and [Mid Valley Disposal](#), respectively, in 2025, that included new contracts and stricter guidelines for customers and haulers alike.

## Contractually policing contamination

To manage rising costs and meet quality demands for end markets, contracts focus on "policing" contamination, with some introducing penalties for high rates and incentives for clean streams.

Clovis and Whittier both implemented contracts with their new haulers that included sections on compliance monitoring and enforcement. To directly target consumers in these cities, contracts include route reviews as a form of direct monitoring and enforcement. For example, the city of Whittier's contract with Athens Services includes specifications requiring route reviews to inspect at least 1 percent of containers, or 25 containers, whichever is higher. It can issue fines after the third offense.

The city of Clovis uses similar language and specifies fines for noncompliance that are imposed after the issuance of three courtesy pickup notices or if the contractor observes 20 percent or more contamination. During route reviews, inspectors leave tags or notices on the appropriate bins to indicate any contamination and best steps. Allowing recipients of contamination notices multiple opportunities to correct their noncompliance boosts trust in the program, educates customers on proper sorting and ensures that fees are not used to generate additional revenue.

all customers with contaminated bins after a three-month grace period, as well as subsequent warnings to address the added costs of further processing and disposing of the contaminated materials. To further reduce contamination, meet quality requirements and ensure the highest possible market value for materials, the processor has slowed its processing lines, increased the number of sorting line employees and invested millions of dollars in highly technical, automated sorting equipment.



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## Educational responsibilities

Newly enforced contracts also highlight the need for effective education and outreach to further reduce contamination. All the above-mentioned contracts include sections on education and outreach, with contractors (haulers) responsible for these needs.

For example, the Whittier contract includes a section where the contractor “acknowledges and agrees that public education and outreach is a critical, key and essential element of any effort to achieve the diversion requirements mandated by the state of California, including [the California Integrated Waste Management Act], A.B. 341, A.B. 1826, S.B. 1383 and other applicable laws.”

related to city programs, pilot studies, education and outreach campaigns, technical assistance to customers, reporting, compliance, capacity planning, provision of special containers or other activities.

Cities understand that without proper education and resources, efforts to curb contamination remain idle. The sample contracts highlight various education and outreach techniques, including direct mail, posters, social media, online promotion and hosting special events. Notably, the responsibility for these efforts is assigned solely to contractors, not to the cities in which they serve.

All three of those contracts also highlight the consequences of failing to reduce contamination properly. Because all three cities were compliant with mandated diversion goals before their new contracts, their agreements place responsibility and potential penalties on their contractors if state and local contamination and diversion goals are not met.

Cities in California have begun to revise their contracts and business practices to accommodate growing legislation and market demands. To meet all requirements for the state and end markets, haulers are implementing additional steps for education, training and enforcement, all with the goals of cleaner end materials and more informed residents.

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