REQUEST FOR ACTION

To: Mark De Bie, Deputy Director
Waste Permitting, Compliance and Mitigation Division
Department of Resources Recycling and Recovery

From: Georgianne Turner, Branch Chief
Waste Evaluation and Enforcement Branch
Department of Resources Recycling and Recovery

Hearing Date: August 18, 2015

Decision Subject: Consideration of the Issuance of Compliance Order CO 015-001 to the City of Maywood, County of Los Angeles

Action By: August 18, 2015

Summary of Request:

The Department of Resources Recycling and Recovery (CalRecycle) staff conducted a 2007-2011 Jurisdiction Review of the Source Reduction and Recycling Element (SRRE) program implementation and diversion rate of the City of Maywood (City). The public hearing was completed on August 18, 2015. Staff presented its findings that the City has not made all reasonable and feasible efforts to implement key diversion programs. The City's programs have significant weaknesses that prevent the City from achieving the 50 percent diversion requirement of Public Resources Code (PRC) Section 41780.

In regard to the City's diversion program implementation, staff could not fully review the diversion programs due to a lack of communication from the City. The information and observations that staff was able to collect demonstrate gaps or weaknesses in the City's diversion programs, including, but not limited to:

- Residential Curbside Recycling program
- Mandatory Commercial Recycling program
- Commercial diversion (including the multi-family diversion efforts)
- Construction and Demolition Debris Diversion program
- Government Procurement
- Education and outreach efforts related to these and all other City programs and efforts

- The City's green waste diversion program merits further investigation to determine the full extent to which the green waste diversion program has been implemented and how green waste is impacting overall diversion within the City.

Staff also considered and reviewed the City's per capita disposal rate. Staff used the per capita disposal rate as an indicator in evaluating program implementation and performance. The City's disposal target is 3.4 pounds per person per day. From 2007 to 2014, the City's per capita disposal ranged from 3.0 pounds per person per day to 3.6 pounds per person per day.

Staff therefore recommends that CalRecycle consider issuing the City a Compliance Order that will require the City to work directly with staff to develop a Local Implementation Plan (LIP). This LIP will identify a strategy for program enhancements and local actions necessary to enable the City to achieve the diversion requirements.

The law requires CalRecycle to hold a public hearing to determine if the City is adequately implementing its SRRE before issuing a Compliance Order. CalRecycle considered all of the testimony of witnesses, all documents and other matters related to the August 18, 2015 public hearing when making the determination as to whether to issue a Compliance Order.

Recommendation:

Based on staff's review of the City's program implementation and diversion rates, staff recommends finding that the City is not adequately implementing its SRRE, and the approval of Compliance Order CO 015-001 as written.

Deputy Director Action:

On the basis of the information, analysis, and findings presented in both the Public Hearing and the Public Hearing package, I hereby find that the City of Maywood, County of Los Angeles is not adequately implementing its SRRE, and approve Compliance Order CO 015-001 as written.

Dated: 8/18/15

Mark De Bie, Deputy Director
Waste Permitting, Compliance and Mitigation Division
Department of Resources Recycling and Recovery