

A collage of various plastic bottles and a metal can, representing recycling materials. The background is a light blue gradient with a white curved line separating the top image from the text below. The top image shows a blue can with a pull tab, a clear plastic bottle, a green plastic bottle, and a blue plastic bottle, all with their caps removed. The text is overlaid on the bottom half of the image.

# **Recycling Program Enforcement Branch – Quarterly Update**

**April 15, 2014**



# AGENDA

- Objectives
- Probationary Reviews
- Inspections
- Investigations
- Accusations
- DOJ Investigation
- Regulations Update



## OBJECTIVES

- To provide a level of transparency for compliance assurance & enforcement activities
- To provide performance metrics associated with major functional areas for CY 2012 & 2013
- To highlight successful compliance assurance and/or enforcement activities by CalRecycle and our interagency partners



# PROBATIONARY REVIEWS

## CY 2012:

Total Cases Generated – 641

- RCs Visited - 250
  - Passed - 125
  - Extended - 124
  - Recommended for Revocation - 0
  - Decertified during/as a result of visit - 1
  - Assessments - \$392,072

## CY 2013:

Total Cases Generated – 646

- RCs Visited - 221
  - Passed - 80
  - Extended - 133
  - Recommended for Revocation - 4
  - Decertified during/as a result of visit - 4
  - Assessments - \$448,090



# PROBATIONARY REVIEWS

## **CY 2012:**

### RCs Not Visited - 391

- Passed - 68
- Extended - 220
- Recommended for Revocation - 0
- Not RCs - 66
- Decert./Abandoned - 37

## **CY 2013:**

### RCs Not Visited - 425

- Passed - 24
- Extended - 299
- Recommended for Revocation - 0
- Not RCs - 71
- Decert./Abandoned - 31



# INSPECTIONS

## **CY 2012:**

### RC Inspections – 3,613

- NONCs Issued - 930
- NOVs Issued - 283
- Civil Penalty Assessment - \$55,300

## **CY 2013:**

### RC Inspections\* – 3,462

- NONCs Issued\* – 1,050
- NOVs Issued\* - 303
- Civil Penalty Assessment\* – \$72,100

\* Includes targeted RC inspections conducted in CY 2013 as part of Segregated Only Project



# INSPECTIONS

## **CY 2012:**

### Dealer Inspections – 1,100

- NONCs Issued - 161
- NOVs Issued - 53
- Civil Penalty Assessment - \$7,750

## **CY 2013:**

### Dealer Inspections – 154

- NONCs Issued – 56
- NOVs Issued - 11
- Civil Penalty Assessment – \$1,100



# INSPECTIONS

## **CY 2012:**

### Other Activities:

- Complaints Resolved - 397
- CTP - 26
- Affidavits Served - 5
- 250 LB. Aluminum Site Visits - 145

## **CY 2013:**

### Other Activities

- Complaints Resolved - 332
- CTP - 48
- Affidavits Served - 38
- CZ / HF Support - 15



# INVESTIGATIONS

## **CY 2012:**

### Functions & Activities:

- Investigations Initiated - 97
- Investigations Closed - 49
- Application Denial  
Recommendations - 24
- Revocation  
Recommendations -23
- DOJ Referrals - 14

## **CY 2013:**

### Functions & Activities:

- Investigations Initiated - 117
- Investigations Closed - 73
- Application Denial  
Recommendations - 19
- Revocation  
Recommendations -54
- DOJ Referrals - 14



# INVESTIGATIONS

## ➤ Segregated-Only Project - Overview

- Pursuant to SB96, effective November 1, 2013, RCs may only pay CRV on loads of 100% CRV beverage containers.
- Time Period: November 1, 2013 thru January 31, 2014
- RPEB initiated variety of field activities to ensure compliance:
  - Processor site visits
  - Inspections of loads delivered to PRs
  - Recycling Center site visits
  - Recycling Center inspections / test sales



# INVESTIGATIONS

## ➤ Segregated-Only Project - Outcomes

- Processor site visits conducted - 45
- Loads inspected delivered to Processors - 1,791
- Recycling Center site visits - 157
  - NONCs issued - 34
  - NOVs issued - 6
  - CP Assessment - \$600



# INSPECTIONS

## ➤ Segregated-Only Project – Outcomes (cont’)

- Recycling Center inspections / test sales – 1,129
  - NONCs issued – 439
  - NOVs issued – 81
  - CP Assessment - \$9,150



# ACCUSATIONS

Unresolved accusations as of March 31, 2014 ~ filed before 2014:

PARTICIPANT NAME	DATE FILED	AMOUNT ASSESSED
Welch Foods, Inc. dba Welch's	10/23/08	\$ 472,137.41
Piccadilly Imports, Inc.	12/22/08	\$ 10,990.87
Mission Fibers/Burbank Recycling	01/30/09	\$ 75,000,000.00
Villanueva Recycling	04/30/10	\$ 149,434.94
Daws Recycling	01/10/13	\$ 82,487.73
J & S Recycling	02/07/13	\$ 206,258.61
USA Recycling	04/04 & 04/24/13	\$ 790,786.56
JL Recycling	07/08/13	\$ 34,368.64
Alco Iron & Metal	07/19 & 09/19/13	\$ 7,422,339.97
		\$ 84,168,804.73



# ACCUSATIONS

## Accusations filed October 2013 – March 2014:

(Disbursement Participants Only)

Participant Name	Date Filed	Amount Assessed
Capital City Recycling	01/31/14	\$ 311,446.99
	TOTAL:	\$ 311,446.99

# ACCUSATIONS

**Accusations filed before CY 2014 and resolved  
October 2013 – March 2014:** (Disbursement Participants Only)

Participant Name	Date Filed	Amount Assessed	Amended Filed	Amended Assessment*	Date Finalized	Resolution
Pinos Recycling	08/24/11	\$118,000.00			12/17/13	\$93,000.00
Bullseye Recycling	04/04/13	\$412,672.30	04/22/13	\$412,680.80	03/03/14	\$235,000.00
	<b>TOTAL:</b>	<b>\$530,672.30</b>		<b>\$530,680.80</b>	<b>TOTAL:</b>	<b>\$328,000.00</b>

\* If no amendment, amount assessed on original filing is included in the total.



# DOJ INVESTIGATIONS

## ➤ CY 2012:

	CY 2012 Statistics		
<u>Team</u>	Open Investigations	Closed Investigations	Arrests
Northern Recycling Fraud Team	26	6	6
Southern Recycling Fraud Team	12	13	29
<u>Total</u>	38	19	35



# DOJ INVESTIGATIONS

## ➤ CY 2013:

	CY 2013 Statistics		
<u>Team</u>	Open Investigations	Closed Investigations	Arrests
Northern Recycling Fraud Team	3	4	10
Southern Recycling Fraud Team	11	8	9
<u>Total</u>	14	12	19



# REGULATORY UPDATES

## ➤ Daily Load Limits

- Effective January 1, 2014

## ➤ Imported Material Reporting & Inspection – Emergency Regulations

- Effective January 13, 2014
- Implemented Statewide on February 18, 2014



# REGULATORY UPDATES

## ➤ Segregated Only / Recordkeeping & Reporting Requirements

- Two informal public workshop held (January & March 2014)
- Final informal public workshop tentatively scheduled for May 15, 2014
- Webinar & WebCast