



DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

1001 I STREET, SACRAMENTO, CALIFORNIA 95814 • WWW.CALRECYCLE.CA.GOV • (916) 322-4027

P.O. BOX 4025, SACRAMENTO, CALIFORNIA 95812

April 15, 2013

Confirmation Number 7012 2920 0000 1719 5228

The Honorable Fred West, Jr.
Mayor
City of Wasco
746 8th Street
Wasco, CA 93280

Subject: City of Wasco's Notice of 60-Day Conferring Period for Potential Compliance Enforcement

Dear Mayor West:

On April 11, 2013, the Department of Resources Recycling and Recovery (CalRecycle) sent a letter (see attached) to the Public Works Director, Paul Paris, stating that the 2007-2011 Jurisdiction Review had determined that an independent review of the waste diversion programs of the City of Wasco (City) is necessary. This letter listed specific areas of concern relating to the waste diversion programs of the City. The letter also explained that this independent review will be conducted by CalRecycle's Jurisdiction and Product Compliance Unit (JPCU) in the Waste Permitting, Compliance & Mitigation Division.

The purpose of JPCU's independent review is to determine whether the City has complied with the diversion requirements of Public Resources Code (PRC) Section 41780. If JPCU finds that the City has not satisfied these requirements, CalRecycle will begin the process of considering whether issuance of a compliance order would be appropriate. Jurisdictions that fail to satisfy the conditions of a compliance order could be subject to a fine of up to \$10,000 per day.

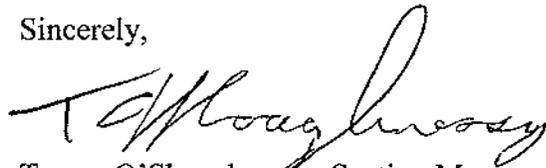
This letter initiates the 60-day conferring period required by PRC Section 41825(c). The 60-day conferring period allows both the City and JPCU an opportunity to discuss all waste diversion efforts taking place. Through the conferring period a review of all of the City's efforts to implement waste diversion programs in addition to a review of the materials being disposed will be conducted. This review will include field evaluations of all diversion programs and the facilities processing both recyclables and disposed waste. The conferring period may last longer than 60 days; however, it must be completed prior to beginning the process to consider the issuance of a compliance order.



Mayor West
City of Wasco
60-Day Conferring Letter

A member of JPCU will be contacting Mr. Paris, to arrange for an initial meeting. If you have any questions, please do not hesitate to contact Kathleen Marsh, JPCU Supervisor, at (916) 341-6475.

Sincerely,

A handwritten signature in black ink, appearing to read "T O'Shaughnessy". The signature is fluid and cursive, with a large initial "T" and "O".

Trevor O'Shaughnessy, Section Manager
Jurisdiction, Product and Tire Enforcement Section
Department of Resources Recycling and Recovery

Attachment: April 11, 2013, letter to Mr. Paul Paris

cc: Paul Paris, Public Works Director

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April 11, 2013

Paul Paris
Public Works Director
764 E. Street
Wasco, CA 93280

Dear Mr. Paris:

We are writing regarding the status of the Department of Resources Recycling and Recovery's (CalRecycle) review of whether the City of Wasco (City) is in compliance with meeting the California Integrated Waste Management Act of 1989 (AB 939, Sher) requirements. Public Resources Code (PRC) Section 41825 specifies a schedule for this review and requires CalRecycle to make a finding of whether each jurisdiction was in compliance with PRC Section 41780 during the review period. The 2007-2011 Jurisdiction Review, which is being finalized, is CalRecycle's independent evaluation of each jurisdiction's progress in implementing its Source Reduction and Recycling Element (SRRE) and Household Hazardous Waste Element (HHWE) programs and in meeting the AB 939 diversion requirement. As a result of this review, CalRecycle may find that:

- 1) A jurisdiction is meeting the requirements of AB 939 because:
 - a. It has adequately implemented its diversion programs and has achieved the diversion requirement; or
 - b. While it has not achieved the diversion requirement, it has made a good faith effort to implement diversion programs; or
- 2) A jurisdiction has failed to adequately implement its SRRE and/or HHWE and the process should commence to consider whether issuance of a compliance order would be appropriate. Jurisdictions that fail to satisfy the conditions of a compliance order may be subject to a fine of up to \$10,000 per day.

As a result of the 2007-2011 Jurisdiction Review, CalRecycle management has determined that an independent review of the City's programs is necessary. While the City is meeting its disposal rate target, CalRecycle management identified areas where programs may not be fully implemented and determined that an independent review is necessary. This independent review will be led by CalRecycle's Jurisdiction & Product Compliance Unit (JPCU). As identified in the Jurisdiction Review and most recent site visit (August 1, 2012), the following programs have been identified for further review:

- **Residential Curbside (recycling):** The City's voluntary residential curbside recycling rate is approximately 1 percent whereas typical mandatory residential recycling programs can yield



The City of Wasco

upwards of 95 percent. Also, currently residents have no incentives to participate in the City's recycling programs.

- **Commercial On-Site Pickup (recycling):** The City's commercial participation rate is only at 5 percent whereas typical mandatory commercial recycling programs can yield upwards of 95 percent. Also, businesses have no incentives to participate in the City's recycling programs. Furthermore, the existing commercial recycling program and existing franchise agreement relies upon voluntary participation and appears to be resulting in the very low participation rate.
- **Residential Curbside and Commercial On-Site Greenwaste Collection:** The material is currently being landfilled instead of diverted. This program has been specifically identified in the City's Source Reduction Recycling Element and the City's Electronic Annual Report as "ongoing and selected", which is not accurate.
- **Construction & Demolition Program (C & D):** The City does not appear to have a C&D program, e.g., it does not have a C & D Policy and is not promoting CALGreen.
- **Procurement:** There does not appear to be a program to purchase recycled-content products, e.g., there is no procurement policy that promotes the purchase of recycled-content products.
- **Mandatory Commercial Recycling Program (MCR):** Although the City has posted its MCR plan on its website, there is little evidence of any other types of education and outreach. Also, it is unclear how many multi-family complexes with five (5) or more units have recycling programs or what the City is doing to inform them of the law and how to recycle or the number of businesses which are required to have recycling bins as per MCR and out of those businesses which ones are complying.
- **Education and Outreach:** There is a lack of evidence that the City is providing information to residents and business owners on proper recycling, collecting green waste, and implementing C&D and CALGreen programs.

JPCU will conduct an independent assessment and may determine that there are additional programs that need further evaluation. JPCU will then determine whether to recommend that CalRecycle issue the City an Order of Compliance, as provided by PRC Section 41825.

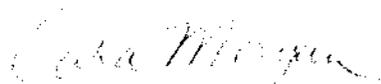
Staff from JPCU will be contacting you directly regarding their program review process. Please direct future communications and any questions or concerns regarding this letter or the JPCU review to Ms. Kathleen Marsh, JPCU Supervisor, at (916) 341-6475 or Kathy.marsh@calrecycle.ca.gov.

Sincerely,

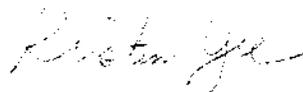
Howard Levenson

The City of Wasco

Deputy Director



Branch Chief



Supervising Integrated Waste Management Specialist II

cc: Kathleen Marsh, Supervisor, Jurisdiction and Product Compliance Unit
Dan Allen, City Manager
Bob Wren, Deputy Director of Public Works

