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2/24/2015

Andrew Parrish  
CalRecycle Waste Evaluation & Enforcement Branch  
Jurisdiction & Product Compliance Unit  
1001 I Street  
Sacramento, CA 95814

**RE: City of Wasco AB939 Compliance**

Mr. Parrish,

In 2014, CalRecycle informed the City of Wasco of concerns related to implementation of the programs identified in the Electronic Annual Report. The City of Wasco has conducted an internal review of its compliance with AB939 state requirements and is providing CalRecycle its findings and determinations.

**Background**

In 1992, the City of Wasco prepared the Source Reduction and Recycling Element (SRRE) which was adopted by City Council and submitted to California Integrated Waste Management Board as required by AB939. The SRRE described the existing solid waste generation, disposal and diversion quantities, and identified programs to be undertaken by the City to meet the 25% and 50% diversion goals. The SRRE is over 25 years old and some of the information is outdated or obsolete today.

The City of Wasco submits an Electronic Annual Report (EAR) which summarizes its progress with the SRRE including disposal and diversion tonnages, per capita disposal rate, and selected program details. In addition, CalRecycle staff conducts site visits to verify the EAR information submitted by the City.

**Current Status**

The 2013 diversion rate for the City of Wasco is 59.31% which exceeds the state requirement of 50% by the year 2000. In addition, the 2013 per capita disposal rate, which is now being tracked, is 3.91 lbs./person/day which again exceeds the target of 4.8 lbs./person/day.

In reviewing the programs identified in the 2013 EAR, it is not consistent with the programs the City selected in the SRRE (see table). For example, in the Special Waste Component of the EAR, Scrap Metal, Wood Waste and Concrete/Asphalt/Rubble are



being tracked but none of these programs were selected in the SRRE. Conversely, the Source Reduction Component of the SRRE selected Technical Assistance and Resource Center, Legislative Review Board, and Source Reduction Curricula but these are not tracked in the EAR. This inconsistency is likely due to the fact that the SRRE is over 25 years old and many of the programs selected were attempted at one point and later dropped or new programs were implemented but the SRRE was not updated.

In any case, the City has been reporting progress for all programs identified in the 2013 EAR including programs implemented by the County on behalf of all County and City residents and businesses (noted as "Regional" in table).

In 2013, CalRecycle staff verbally informed the City that the residential and commercial curbside greenwaste collection program was of concern because the material was not being diverted after collection due to contamination. In response to this, the City of Wasco entered into a pilot program with the County of Kern whereby curbside greenwaste material is collected, separated and processed through a star screen at the Shafter-Wasco Landfill and Recycling facility. The processed greenwaste material is then diverted for composting or used as cattle feed. The City of Wasco worked closely with County to ensure the success of this pilot program which has been permanently established at the Shafter-Wasco Landfill and Recycling facility and has garnered almost 1,500 tons of additional diversion for the City of Wasco in 2014.

It appears that sometime between 2013 and 2014, CalRecycle Local Assistance staff referred the City of Wasco to the Compliance Unit. In 2014, CalRecycle staff from the Compliance Unit conducted a site visit at the City of Wasco and brought up other issues which the City had never been "officially notified" that were of concern. The City proceeded to address the newly raised issues to demonstrate compliance to CalRecycle, which included circulating a Request for Proposals to provide commercial and residential recycling services, and modifying the City's ordinance to reflect the commitment to implement recycling.

In January 2015, Mr. Parrish from CalRecycle met with City staff for a "casual meeting" to discuss the status of the RFP and indicated that "there were holes in their programs" and that there was not enough "effort" being made by the City. City staff informed Mr. Parrish that only one proposal was received as a result of the RFP but, due to a potential conflict of interest with a current City Council member, the City Attorney had indicated he would provide a recommendation regarding the current RFP and if it would need to be re-circulated. City staff also provided Mr. Parrish a report of the Curbside Greenwaste program results for 2014. City staff also said they had been very responsive to all the requests made by CalRecycle but new issues continued to be raised time after time. County staff was also present at this meeting to address the programs provided



by the County on behalf of the Cities including education and outreach for recycling and disposal services.

Mr. Parrish suggested that a meeting be held with CalRecycle Compliance and Local Assistance staff for a comprehensive discussion of the City's current compliance status. Mr. Parrish indicated that he would be taking all this information back to CalRecycle for further evaluation and recommended the City "bombard" him with any information that demonstrates their compliance efforts.

### **Findings and Determinations**

The City of Wasco conducted an assessment of the programs identified in the EAR and the SRRE and found many inconsistencies between them. In addition, the EAR does not have the appropriate categories to report status of programs such as Mandatory Commercial Recycling and the City is forced to report progress into categories never intended for this purpose. Finally, some responses of the 2013 EAR were prepared and submitted by CalRecycle staff, possibly without the authorization or knowledge of the City.

The City has addressed the issues that were brought up by CalRecycle during the various site visits and meetings including establishing a permanent curbside greenwaste recycling program, adopting an ordinance for mandatory residential and commercial recycling, and circulating an RFP to provide residential and commercial recycling services.

As of 2013, the City of Wasco has maintained a diversion rate of 59.31% and a disposal rate of 3.91 lbs/person/day which exceeds the state requirements. Also, the following programs selected in the SRRE are being implemented by the City or the County:

- Residential Xeriscape Ordinance
- Master Composting
- City Government In-House Source Reduction Program
- Technical Assistance and Resource Center
- Legislative Review Board
- Source Reduction Curricula for Businesses
- Residential Composting
- Commercial Composting
- Septic Tank Pumping/Sewage Sludge
- Tires (Rubberized Asphalt, Derived Fuel Options, Retreaded Tires Public Awareness)
- Bulky Discards Information Mailings & Clean Up Monthly Pick-up
- Directory of Solid Waste Management & Recycling Programs
- Permanent Used Motor Oil & Recycling Facilities
- Periodic Household Hazardous Waste Collection (Round Up)



- Promotion of Source Reduction Activities
- Load Checking at Solid Waste Management Facilities

Additionally, the following programs identified in the 2013 EAR which were not selected in the SRRE are being implemented by the City or the County:

- 1060 Materials Exchange
- 2070 Special Collection Season
- 2080 Special Collection Events
- 404 Scrap Metal
- 4050 Wood Waste
- 4060 Concrete/ Asphalt/Rubble
- 5000 Electronic: Radio, TV, Web, Hotlines
- 5030 Schools: Education Curriculum
- 7040 ADC
- 8020 Tires
- 9030 Household Hazardous Waste Exchange

The City of Wasco has determined that it is necessary to amend the SRRE as it is over 25 years old to reflect current and proposed programs in compliance with AB939. The City proposes to have the SRRE amendment completed by 2017 as this action will require additional resources and budget approvals by City Council.

Finally, the City of Wasco has determined that it is in full compliance with the disposal/diversion rates and programs as required by AB939. Any actions taken by CalRecycle that indicate otherwise will be referred to the City Attorney's Office.

As always, the City of Wasco is a participant in the mission to achieve waste diversion and recycling. With this in mind, please see the attachments which demonstrate our commitment in this endeavor. The file labelled "Total Diversion from Kern County 2014" demonstrates the total amount of greenwaste which has been taken to the County of Kern landfill and is now diverted. This file and its material has already been provided, but the City feels it is important to emphasize the cooperation that exists between the City and the County of Kern. The file also demonstrates the City's desire to design ways in which to comply with the law and develop methods of compliance which satisfy the needs of its citizens. Prior to the implementation of the City/County program, all of this material was delivered to the landfill without any means to divert



the material. The file labelled "City of Wasco AB939 Compliance Profile" is self-explanatory.

Should you have any questions, please do not hesitate to call.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. Paul Paris', with a long, sweeping horizontal stroke extending to the right.

J. Paul Paris  
City Manager

Email attachments (2)