

REQUEST FOR APPROVAL

To: Howard Levenson, Deputy Director
Materials Management and Local Assistance Division

From: Cara Morgan, Branch Chief
Local Assistance and Market Development

Request Date: July 18, 2012

Decision Subject: 2007/2008/2009 Jurisdiction Review Findings for the Source Reduction and Recycle Element, Household Hazardous Waste Element for the Following Jurisdiction: Fresno County; City of Mendota.

Action By: August 21, 2012

Summary of Request:

A key component in maintaining the success of AB 939, the Integrated Waste Management Act of 1989, is CalRecycle's role in overseeing how well cities and counties are implementing the diversion programs that they each have selected as a part of their Source Reduction and Recycling Element (SRRE) and Household Hazardous Waste Element (HHWE).

This Request for Approval addresses the City of Mendota's Jurisdiction Review for 2007/2008/2009. Local Assistance and Market Development (LAMD) staff reviewed the City's programs in 2010, as part of the review of 58 jurisdictions for that cycle, and found that the City was not meeting the diversion requirement and had significant program gaps. The program gaps included improving residential recycling by increasing education, implementing commercial, multifamily, and school recycling, and ensuring government recycling programs were in place.

As a result of LAMD staff's review the City was forwarded to the Jurisdiction and Product Compliance Unit (JPCU) for further investigation. Additionally, LAMD staff informed the City of the program gaps, that it was to be reviewed independently by JPCU, and that the City could avoid a Compliance Order if the program gaps were addressed. During the time of JPCU's review, the City was able to address the program gaps by expanding and implementing new diversion programs.

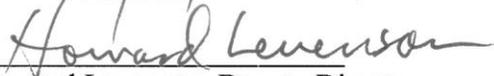
Recommendation: While the City did not meet its 50 percent equivalent per capita disposal target in 2009 it has since addressed the program gaps. Therefore, LAMD and JPCU have determined that the City of Mendota has made all reasonable and feasible efforts to implement diversion programs, and should be determined as having made a good faith effort to implement its SRRE and HHWE programs, as required by Public Resources Code Sections 41780 and 41825, respectively.

Deputy Director Action:

On the basis of the information and analysis in this Request for Action and the findings set out

above, I hereby approve the Jurisdiction Review findings for 2007/2008/2009 for the jurisdiction noted above.

Dated: 8/21/12


Howard Levenson, Deputy Director
Materials Management and Local Assistance

Attachments: The attachments to this Request for Approval contain summaries of the information that staff used for the evaluation:

1. Staff Jurisdiction Analysis Summary City of Mendota, Fresno County, 2007-09 CalRecycle Jurisdiction Review Cycle
- 2a. Jurisdiction Disposal Rate Trend -- provides a summary of the jurisdiction's 50% equivalent per capita disposal target and annual per capita rate.
- 2b. Jurisdiction Program Summary Report -- contains a SRRE and HHWE diversion program listing.

Background Information

A key component in maintaining the success of AB 939, the Integrated Waste Management Act of 1989, is CalRecycle's role in overseeing how well cities and counties are implementing the diversion programs that they each have selected as part of their Source Reduction and Recycling Element (SRRE) and Household Hazardous Waste Element (HHWE). Public Resources Code (PRC) Section 41825 specifies that CalRecycle periodically and independently review each jurisdiction's progress in implementing its programs and in meeting the AB 939 diversion requirement and that CalRecycle make a finding of whether each jurisdiction was in compliance with PRC Section 41780 during the review period.

As a result of its review, CalRecycle may find that a jurisdiction:

- 1) Has adequately implemented its diversion programs and has achieved the diversion requirement;
 - 2) Has not achieved the diversion requirement, but has made a good faith effort to implement diversion programs; or,
 - 3) 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.

Senate Bill 1016 (Statutes of 2008, Chapter 343) amended the PRC Sections 41825 and 41850. As a result of this legislation, the 50 percent diversion requirement is now measured in terms of per-capita disposal expressed as pounds per person per day. The new per capita disposal and goal measurement system moves the emphasis from an estimated diversion measurement number to using an actual disposal measurement number as a factor, along with evaluating program implementation efforts. These two factors are used by staff to help determine each jurisdiction's