REQUEST FOR APPROVAL

To:	Howard Levenson Deputy Director
From:	Cara Morgan Branch Chief
Request Date:	April 19, 2015
Decision Subject:	Approval of 2007-11 and 2012-13 Jurisdiction Review Findings For The Source Reduction And Recycling Element And Household Hazardous Waste Element For Sacramento County: Rancho Cordova
Action By:	May 19, 2015

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 they each have selected as part of their Source Reduction and Recycling Element (SRRE) and Household Hazardous Waste Element (HHWE). This emphasis on program implementation was further codified by Senate Bill 1016 (Chapter 343, Statutes of 2008). Public Resources Code (PRC) Section 41825 requires CalRecycle to review each City, County and Regional Agency SRRE and HHWE at least once every four years, and in some cases once every two years. (For ease of writing and reading, staff uses the term "jurisdiction" in the remainder of this item to refer to cities, counties, and Regional Agencies.) The Jurisdiction Review is CalRecycle's independent evaluation of each jurisdiction's progress in implementing its SRRE and HHWE programs and in meeting the AB939 diversion requirement. Additionally, this is the first formal review for the implementation of Mandatory Commercial Recycling (MCR) pursuant to Public Resources Code Section 42649.

As a result of the two and four year Reviews, CalRecycle may find that: 1) a jurisdiction has adequately implemented its diversion programs and has achieved the 50 percent equivalent per-capita disposal requirement; 2) a jurisdiction has made a good faith effort to implement diversion programs, but has not achieved the 50 percent equivalent per-capita disposal requirement; or 3) a jurisdiction has failed to adequately implement its SRRE and the process to consider issuance of a compliance order should commence. Jurisdictions that fail to satisfy the conditions of a subsequent compliance order may be subject to a fine of up to $10,000 per day.

This Request for Approval addresses the City of Rancho Cordova's (city) Jurisdiction Reviews for both 2007-11 and 2012-13. In 2011, Local Assistance and Market Development (LAMD) staff reviewed the City's programs and found significant program gaps.

As a result of this finding, the City was forwarded to CalRecycle's jurisdiction and Compliance Unit (JCU) for further investigation. LAMD staff informed the City of its program gaps, that it was to be reviewed independently by JCU, and the City could avoid a Compliance Order if the program gaps were addressed.

After a thorough JCU compliance investigation, the City has taken action to address the above program gaps by implementing new or expanded diversion programs. These programs have been verified by staff over the course of the City's 2012-13 review cycle and are described herein.

The City has also been reminded as the economy rebounds, businesses will likely produce more, consumers will buy more, and construction could increase resulting in more solid waste generation and disposal. As a result, continuing the City's diversion programs is critical to ensuring continued compliance with AB 939, as well as implementing the requirements of the mandatory Commercial Recycling and Mandatory Commercial Organics Recycling laws.

Subsequent to approval of this request, staff will continue (as mandated in SB 1016) to visit Rancho Cordova annually to ensure programs are being fully implemented and to ensure there are not gaps preventing the jurisdiction from meeting its 50 percent equivalent per capita disposal target. Staff will also provide assistance, as needed.

Recommendation:
Because the City has addressed the diversion program gaps identified by LAMD staff and has committed to continue improvements to program implementation, staff has determined to City of Rancho Cordova has made all reasonable and feasible efforts to implement diversion programs and recommends approval of its compliance with AB 939 requirements for implementation of its SRREE and HHWE programs, as required by Public Resources Code Sections 41780 and 41825 and 42649, 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 these Jurisdiction Review Findings for the City of Rancho Cordova.

Dated: 5/20/15

Howard Levenson

Howard Levenson, Deputy Director
Materials Management and Local Assistance Division

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

1. a. Jurisdiction Disposal Rate Trend-provides a summary of each jurisdiction's 50% equivalent per capita disposal target and annual per capita rate.
   b. Diversion Programs Implementation Summary-contains a SRRE and HHWE diversion program listing for each jurisdiction.

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 an independently review each jurisdiction's progress in implementing its programs and in meeting the AB 939 diversion requirement and that CalReycle 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 may be subject to a fine up to $10,000 per day.

Senate Bill 1016 (Statutes of 2008, Chapter 343) amended the PRC Section 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. SB 1016's per capita disposal and goal measurement system codified how the previous California Integrated Waste Management Board and now CalRecycle utilize the number as an indicator of program performance along with its evaluation of program implementation, instead of using estimated diversion rates or per capita disposal as the determinative factor for compliance.

Staff's analysis of program implementation is based upon the Countywide Integrated Waste Management Plan Enforcement Policy Part II, originally adopted (by CalRecycle's predecessor, the California Integrated Waste Management Board) in August 2001 and revised, pursuant to SB 1016, in June 2010. Staff utilized the criteria delineated in the Enforcement Policy to determine the extent to which a jurisdiction has implemented, or has shown a good faith effort to implement, its selected diversion programs. For those jurisdictions that did not meet their per-capita disposal requirement, staff evaluates their program implementation to determine if they have made a good faith effort to implement the programs selected in their SRRE and HHWE.

The scenarios in the Enforcement Policy Part II provide illustrative criteria to serve as examples of the issues that staff utilizes in examining local jurisdiction program implementations.

If the Local Assistance and Market Development (LAMD) staff recommends a finding that a jurisdiction is not implementing its SRRE and/or HHWE programs, then that jurisdiction is referred to CalRecycle's JPCU for a second independent evaluation. If the jurisdiction addresses the program deficiencies during the JPCU investigation, then they can be recommended as being in compliance and avoid being placed on Compliance Order. If warranted, the JPCU then submits a separate Request for Approval recommending that the jurisdiction be placed on a Compliance Order.

Analysis work includes reviewing documentation, such as annual reports, hauler data, outreach and education materials, etc. This analysis determines the extent to which a jurisdiction has tried to meet the diversion requirements through its selected diversion programs. Based upon this comprehensive analysis, staff then proposes one of the three findings listed above.

Findings

CalRecycle's Local Assistance and Market Development (LAMD) staff extensively reviewed the City in this review cycle by conducting on-site visits to verify program implementation of its SRRE and HHWE programs. The City's 2007-2011 review cycle resulted in a referral to CalRecycle's JCU for an independent evaluation for the following:

1. Residential: the recycling rate appeared low and its residential contamination rate appeared relatively high.
2. Commercial: a lack of consistent and accurate reporting from haulers inhibited the City's ability to track Mandatory Commercial Recycling (MCR) (business and multi-family recycling) compliance and follow-up with covered generators that were not following the ordinance requirements.
3. Construction and Demolition (C&D): Rancho Cordova staff did not review C&D Recycling Plans or track diversion of C&D materials.

Communication between the City and its hauler has resulted in the resolution of many program gaps in addition to the development of plans to implement new and expanded diversion programs, including expanded education and outreach efforts. The following is an overview of the assessment of the City's core programs:

Residential:

- The City has developed a partnership in which its hauler has made an amendment to the contract to allow residents to have a fourth cart (either commingled recyclables or green waste) at no additional charge to help increase diversion. The level of recycling from multifamily complexes has increased as a result of all multi-family complexes having recycling service. Additionally, the City's website provides information about opportunities for multi-family complexes to increase diversion. Recycling bags have been distributed to residents of multi-family complexes. Other education materials that have been distributed are magnets, posters, door hangers, and placards. Also, an on-line recycling course has been established for property managers and multi-family recycling

coordinator has been hired. To address quality control the hauler targeted key routes where there were contamination or participation concerns. The hauler conducted four waste and recycling characterization studies to identify material improperly placed in the recycling cart or garbage cart. The hauler placed "How to Recycle" cart tags on routes selected for characterization. The hauler also hosted a community outreach event at White Rock Park and facilitated a question and answer session to educate residents on how to properly recycle.

Commercial:

- Rancho Cordova's ordinance requiring recycling in the commercial sector (Ordinance 20-2008) has been pivotal for the City's improvement since it was passed and adopted in 2008. Haulers are required to track and report progress on program implementation on a monthly basis by conducting waste assessments. To ensure accuracy in the haulers' reporting, the City audits the haulers' programs to identify inaccuracies or inefficiencies. The audits conducted by the City on the haulers have improved the accuracy of the reporting, which in turn, has improved the tracking for compliance with the MCR (business and multi-family recycling) ordinance. The City is reporting increased effectiveness by precisely targeting the commercial generators that are noncompliant. In addition to the haulers' outreach and education, the City has been actively involved in getting outreach and education to noncompliant commercial generators. The City also promotes the economic incentives available to businesses to help encourage recycling. In addition to the commingled recycling efforts, the City now offers a food waste diversion program to its commercial customers, although this program is currently limited to only a few participating customers due to the additional cost associated with it. LAMD staff will continue to monitor the implantation of the food diversion program.

MCR:

- Overall, the City is meeting the requirements for MCR. The City is providing information on its website and the haulers are providing print materials to businesses. Although the City had challenges implementing MCR, such as flawed reporting from haulers and a lack of participation in the multi-family sector, these challenges have been addressed by the City and program improvements have been made over the last two years. Nonetheless, there is still more progress to made. In the 2013 Electronic Annual Report, the City reported there are approximately 18% of the covered generators that are on-compliant, and are being contacted via follow-up letters and site visits.

C&D:

- The City adopted a new C&D Ordinance (Ordinance No.9-2013, Chapter 16.92), in July of 2013. New permits after Jul 22, 2013, are required to follow the C&D debris diversion requirements as outlined in the ordinance. The ordinance requires any person applying for a permit to submit a completed Waste Management Plan. The Waste Management Plan includes the following: types of C&D debris to be generated from the project; and the manner in which C&D debris will be managed on site, i.e. in dumpsters, bins, or corrals; manner in which recyclable C&D material will be diverted, by source separation or by delivery to a certified C&D sorting facility, or both. Contractors that do not meet the requirements of the C&D ordinance could have future applications denied in addition to a monetary penalties for non-compliance. The 50 percent C&D debris diversion requirement must then be accounted for in subsequent projects.

Government:

- Rancho Cordova has an extensive recycling program at City Hall. Every work station and break room has a mixed recycling container to collect mixed office paper, OCC, beverage containers and other recyclables. The City also practices composting & mulching of its greenwaste. The City continues to encourage employees to practice source reduction, including double-sided printing and reuse of materials, whenever possible. The City has a purchasing policy and makes recycled content purchases that include paper, steel projects, tire derived products and recycled aggregates.

Both JCU & LAMD staff concur the City has made significant changes and continues to enhance its diversion programs, which should have significant impacts on the City's overall diversion of materials from disposal. To ensure these programs, as well as all of the City's SRRE and HHWE programs (including mandatory commercial recycling outreach and education), continued, LAMD staff will review the status reports provided by the City and will continue to conduct annual site visits.