

**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

July 17, 2012

Tom Tryon, Chair
Board of Supervisors
891 Mountain Ranch Road
San Andreas, CA 95249

Jeanne Boyce, County Administrative Officer
Administrative Department
891 Mountain Ranch Road
San Andreas, CA 95249

Subject: 30-Day Notice of Intent to Issue Calaveras County Regional Agency a Compliance Order for Failure to Adequately Implement its Source Reduction and Recycling Element and Meet the Fifty Percent Diversion Requirement

Dear Mr. Tryon and Ms. Boyce:

The purpose of this letter is to formally notify the Calaveras County Regional Agency (Regional Agency) that the Department of Resources Recycling and Recovery (CalRecycle) will be considering issuing the Regional Agency a Compliance Order at a public meeting in August. This action is based on CalRecycle staff's review of the Regional Agency's progress in implementing diversion programs to meet the requirements of Public Resources Code (PRC) Section 41780. Failure to meet the requirements of the Compliance Order may result in civil penalties of up to \$10,000.00 per day.

CalRecycle staff has conducted a 2007/08/09 Jurisdiction Review of the Regional Agency's Source Reduction and Recycling Element (SRRE) program implementation and diversion rate achieved to date. CalRecycle staff is bringing forward its 2007/08/09 Jurisdiction Review findings that the Regional Agency has failed to adequately implement its diversion programs. The programs have significant weaknesses that prevent the Regional Agency from achieving the 50 percent diversion requirement of PRC Section 41780.

The Regional Agency's disposal target is 4.0 pounds per person per day. However, in 2007 the Regional Agency disposed of 5.9 pounds per person per day, in 2008 the Regional Agency disposed of 4.7 pounds per person per day, and in 2009 the Regional Agency disposed of 4.1 pounds per person per day. CalRecycle staff is therefore recommending that the CalRecycle consider issuing the Regional Agency a Compliance Order that will require the Regional Agency to work directly with CalRecycle staff to develop a Local Implementation Plan (LIP) which will



identify a strategy for program enhancements and local actions necessary for the Regional Agency to complete in order to implement its SRRE and achieve diversion requirements.

CalRecycle staff strongly recommends that you or your Regional Agency's representative attend the CalRecycle meeting at which a Compliance Order will be considered. At this meeting, the Regional Agency's representative will have an opportunity to present the Regional Agency's program implementation efforts, diversion rate achievement, and/or any other special circumstances the Regional Agency would like CalRecycle to consider. The representative should also be prepared to answer any questions from CalRecycle. The public hearing details are as follows:

Department of Resources Recycling and Recovery Monthly Public Hearing

Date: August 21, 2012
Time: 10:00 am
Location: Joe Serna Jr., Cal/EPA Building
Byron Sher Auditorium
1001 I Street, 2nd Floor
Sacramento, CA 95814

The full Public Hearing packet outlining the Compliance Order is enclosed.

Should you have any questions about this letter or the upcoming meeting, please contact me at (916) 341-6475 or Kathy.Marsh@calrecycle.ca.gov.

Respectfully,



Kathleen Marsh
Supervisor, Jurisdiction and Product Compliance Unit

Attachment

cc: Cynthia Knapp, Recycling Coordinator, Calaveras County
Michael Chen, CalRecycle
Raffy Kouyoumdjian, CalRecycle
Program File

**State of California
Department of Resources Recycling and Recovery**

**Public Hearing to Consider
The Issuance of Compliance Order IWMA BR09-003
For the Calaveras County Regional Agency**

August 21, 2012
10:00 am
Byron Sher Auditorium

I. ISSUE

The Department of Resources Recycling and Recovery (Department) staff conducted a 2007/08/09 Jurisdiction Review of the Source Reduction and Recycling Element (SRRE) program implementation and diversion rate of the Calaveras County Regional Agency (County). Staff is bringing forward its findings that the County's key diversion programs have not maximized their effectiveness. The County's inadequate implementation of its diversion programs prevents the County from achieving the 50 percent diversion requirement of Public Resources Code (PRC) Section 41780.

In addition to evaluating the County's programs, staff considered the per capita disposal rate for the County. The per capita disposal rate is not determinative of the County's compliance. Staff used the per capita disposal as an indicator in evaluating program implementation and the County's performance. Staff's evaluation was focused on how the County is implementing their programs. The County's per capita disposal or disposal target is 4.0 pounds per person per day. However, in 2007 the County disposed of 5.9 pounds per person per day, in 2008 the County disposed of 4.7 pounds per person per day, and in 2009 the County disposed of 4.1 pounds per person per day. 2010 is outside the jurisdiction review cycle; however the County disposed of 4.4 pounds per person per day in 2010.

Based on staff's review and analysis, staff recommends that a Compliance Order (CO) be considered. As part of the CO the County would be direct to develop a Local Implementation Plan (LIP). The LIP will identify a strategy for program enhancements and local actions necessary to enable the County to achieve the diversion requirements of PRC Section 41780.

II. ITEM HISTORY

On January 18, 2005, the California Integrated Waste Management Board (predecessor of the Department of Resources Recycling and Recovery) approved the Calaveras County Regional Agency formation for the County of Calaveras and the City of Angels Camp.

III. OPTIONS FOR CONSIDERATION

1. Find that the County is not adequately implementing its SRRE, and approve the attached Compliance Order as written.
2. Find that the County is not adequately implementing its SRRE, and approve the attached Compliance Order with alternate or additional conditions.
3. Find that the County is adequately implementing its SRRE, and not issue the attached Compliance Order.

IV. STAFF RECOMMENDATION

Staff recommends Option 1: Find that the County is not adequately implementing its SRRE, and approve the attached Compliance Order.

V. ANALYSIS

Legal Background

PRC Section 41821 requires each city, county, and regional agency (jurisdiction) to annually report to the Department on its progress in implementing its SRRE-selected programs, as well as report on progress toward achieving the diversion requirements of PRC Section 41780. PRC Section 41821 also requires the Department to review a jurisdiction's Annual Report and to notify the jurisdiction of any additional information that is required within 120 days of receipt.

PRC Section 41825 requires the Department to review each jurisdiction's SRRE at least once every two or four years, depending on certain specified criteria. The Jurisdiction Review is the Department's independent evaluation of a jurisdiction's progress in implementing the SRRE-selected programs to meet the diversion requirement; this information is reported in a jurisdiction's Annual Report. As a result of this review, the Department may find that a jurisdiction has adequately implemented programs and achieved the diversion requirement; that a jurisdiction has made a "good faith effort" to implement programs but has not achieved the diversion requirement; or that a Compliance Order should be issued to a jurisdiction that has failed to adequately implement its SRRE and/or failed to achieve the diversion requirement.

In determining whether a jurisdiction has made a good faith effort to implement diversion programs in its SRRE and/or Plan of Correction, the Department shall consider the enforcement criteria included in its enforcement policy that was amended and approved by the California Integrated Waste Management Board (Board) in August 2001 (PRC Section 41850). "Good faith effort" means all reasonable and feasible efforts by a city, county, or regional agency to implement those programs or activities identified in its SRRE, or alternative programs or activities that achieve the same or similar results.

PRC Section 41825 requires the Department to confer with a jurisdiction at least 60 days prior to issuing a notice of intent to issue a Compliance Order. PRC Section 41825 also requires the Department to issue a notice of intent to issue a Compliance Order not less than 30 days prior to a hearing to consider issuing the Compliance Order. If a jurisdiction has not implemented all of its

SRRE-selected programs and/or has not met the diversion requirements, the Department may still decide not to commence compliance action if it finds that the jurisdiction has made a good faith effort to implement its SRRE.

Fines of up to \$10,000 per day may be levied if the provisions of the Compliance Order and schedule are not met (PRC Section 41850).

Existing Jurisdiction Conditions

In January 2005, the Department approved the formation of the Calaveras County Regional Agency (County). The County is comprised of the City of Angels Camp, which is the only incorporated City in Calaveras County, and the unincorporated portion of Calaveras County. The County is a countryside community in the California Gold Country. According to Department of Finance estimates, in 2010 the County had a population of 45,602.

Key Jurisdiction Conditions					
Calculated Disposal Rate (Lbs/person/day)			Waste Stream Data		
50% per Capita Disposal Target (2006)	Reported rate by Year PPD*		Population (2010)	Non- Residential Waste Stream Percentage	Residential Waste Stream Percentage
	4.0	2010			
4.0	2009	4.1			
4.0	2008	4.7			
4.0	2007	5.9			

*Pounds per person per day

Review Process

The Local Assistance and Market Development (LAMD) staff's 2007/08/09 review determined that the County may have gaps in program implementation. Based on this determination LAMD referred the file to the Jurisdiction and Product Compliance Unit (JPCU) for an independent review. On February 23, 2011 LAMD notified the County that an independent review of the County's waste management programs was necessary (Attachment 1). On April 21, 2011 JPCU initiated the 60 day conferring process required by PRC Section 41825 (Attachment 2).

In determining compliance with waste diversion mandates, statute directs the Department to consider both a jurisdiction's efforts to implement its SRRE-selected programs and its achievement of the diversion rate.

JPCU staff independently reviewed the County's program implementation and diversion rates, using available information from the County's annual reports, waste hauler tonnage reports, and Department databases. This review covered both the residential sector (74 percent of the materials stream, per the 1990 base year) and the non-residential sector (26 percent of the materials stream, per the 1990 base year). Staff gathered information through consultations, telephone calls, and visits with County staff, the County's hauler, and the County's facilities.

Staff also considered and reviewed the County's per capita disposal rate. The per capita disposal rate is not determinative of a jurisdiction's compliance. The Department uses the per capita disposal as an indicator in evaluating program implementation and performance.

The County's disposal target is 4.0 pounds per person per day. The County's per capita disposal rate for 2010 is 4.4 pounds per person per day

Summary of County's Materials Flow

To understand the County's overall materials flow, staff reviewed both the residential and commercial sectors. Staff found:

- Disposal occurs at Rock Creek Landfill.
- Recyclables are transferred to Stockton Recycling. A small amount of recyclables go to the California Redemption Value (CRV) buyback centers.
- Greenwaste is taken to Rock Creek Solid Waste Facility. It becomes alternative daily cover (ADC).

Disposal

Staff determined that approximately 25 percent of the County's occupied households subscribe to curbside services. The County reports that the remaining 75 percent self-haul their waste.

Approximately 75 percent of the County's commercial sector subscribes to waste services. The County reports that the remaining 25 percent self-haul their waste.

The self-haul waste goes to seven facilities:

- Rock Creek Solid Waste Facility (which includes both Rock Creek Transfer Station and Rock Creek Landfill)
- Avery Transfer Station
- Copperopolis Transfer Station
- Paloma Transfer Station
- Red Hill Transfer Station and Yard
- San Andreas Transfer Station
- Wilseyville Transfer Station and Yard

These facilities charge no gate fee and are supported by the County's annual solid waste parcel fee. This parcel fee varies for residences and businesses, based on land usage. For example, an unstaffed fire station would pay \$75 per year, and a large restaurant would pay \$900 per year. County staff reports that this parcel fee is insufficient to fund diversion programs and that in July 2012, County staff intends to request that the County Board of Supervisors increase the fee beginning fiscal year 2014. As of the date this staff report was prepared, the County had not decided the fee issue.

Diversion

The following are JPCU’s observations and findings of the City’s diversion efforts. Staff’s site visit photo report (Attachment 3) contains visual documentation of many observations detailed below.

<p><u>Landfill/Transfer Station Diversion Program</u></p>	<p>Approximately 75 percent of the County’s occupied households and approximately 25 percent of the County’s businesses self-haul their materials.</p> <p>The County has set up seven transfer stations to receive these materials. During staff’s site visits, most transfer station patrons were diverting little or no materials in the transfer stations’ recycling roll-off bins, resulting in disposal of a significant amount of recyclables. At the Rock Creek Landfill, staff observed several transfer station loads with significant amounts of recyclables and residents disposing of notable amounts of high-value recyclables.</p> <p>Staff generally did not witness transfer station workers directing residents to recycle. Transfer station workers told staff they occasionally encourage residents to recycle. However, few verbal outreach attempts were observed. Even when residents directly asked transfer station workers if they should recycle certain materials, a typical response was “You can recycle it, but you don’t have to.” During staff’s field visits, staff observed one transfer station worker who pointed out recyclables that residents were throwing away and who encouraged residents not to dispose of them in the future. Staff also observed one transfer station worker proactively offering assistance by carrying recyclables to the collection bins.</p> <p>An additional area of concern is the County’s residency verification at the transfer stations. The County reports that it checks transfer station users for identification to prevent non-residents from using them, but staff did not observe any checking. As a result, some non-residents may be using the County’s services without paying for them.</p> <p>Staff observed some program strengths. Recyclables collected had minimal contamination. The recycling opportunities included: “mixed recyclables” (paper, plastics, cans, and glass), cardboard, scrap metal, appliances, toxics, and tires. Although staff observed most transfer station users disposing of materials and not recycling them, approximately 75 percent of the Avery Transfer Station’s patrons engaged in some kind of recycling.</p>
<p><u>Residential Diversion Program</u></p>	<p>Based on data from the hauler and from the 2010 Census, staff estimates that overall, 25 percent of the County’s occupied households subscribe to curbside recycling services. However, the recycling container set-out rates vary widely. Staff found that Valley Springs had the highest set-out rates at approximately 50 percent. Conversely, one portion of Arnold had the lowest set-out rates at approximately 3 percent. In fact, the low set-out rates made it difficult to visually determine if any given day was a pick-up day.</p>

	<p>The sizes and colors of recycling containers were not uniform throughout the County, but this did not seem to diminish diversion. On the west side, staff observed blue, 32- and 96-gallon cans and carts, and on the east side, staff observed 18-gallon yellow, green, and/or blue bins labeled for “containers,” “paper,” and “mixed recyclables,” respectively. Although these bins were labeled for different materials types, staff observed that most users had filled them with mixed recyclables. The hauler, when collecting the recyclables, comingled all recyclables and transported them to the MRF for processing. Staff did not observe this practice significantly decreasing potential diversion.</p> <p>Several residential waste containers had significant levels of recyclables during staff’s site visits. When staff observed residential curbside waste loads at Rock Creek Landfill, many of these loads had significant recyclables.</p> <p>With regards to the collected recyclables, minimal contamination was observed. The recyclables were primarily paper and cardboard but also included plastic, metals, and glass.</p>
<p><u>CRV Buyback Centers</u></p>	<p>The County has four California Redemption Value (CRV) buyback centers. Staff observed that the collected CRV recyclables had minimal contamination. The Department’s Market Information Section reports that residents took 629 tons of CRV materials to these buyback centers in 2010. Staff estimates that this comprised 2 percent of the County’s total generation in 2010.</p>
<p><u>Commercial Diversion Program</u></p>	<p>Based on data from the hauler and from the 2010 Census, staff estimates that only 25 percent of the County’s businesses subscribe to recycling service, though approximately 75 percent of the County’s businesses subscribe to waste collection service. The hauler reports that the disparity between these subscription rates arises from businesses specifically choosing not to subscribe to recycling services.</p> <p>Overall, approximately 25 percent of the County’s businesses subscribe to recycling service, but the recycling participation rate varied from area to area during staff’s site visits. For example, almost all of the businesses that staff observed in the newer parts of Copperopolis had recycling service, and approximately 66 percent of the businesses observed in San Andreas had recycling services. Staff estimated that 25 percent of Arnold’s businesses had recycling service. Most of the recycling containers that staff observed throughout the County were 96-gallon carts. Many of these carts were not filled to capacity.</p> <p>Reflecting the commercial diversion program’s weaknesses, commercial waste bins had significant levels of recyclables during staff’s site visits. When staff observed commercial waste loads at Rock Creek Landfill, many of these loads had significant amounts of recyclables. The drivers of these loads indicated that many businesses had recycling bins but they did not use them effectively.</p>

	<p>Staff observed minimal contamination in the commercial diversion program's collected recyclables. The recyclables were primarily cardboard but also included paper, plastic, metals, and glass.</p>
<p><u>Construction and Demolition (C&D) Diversion Program</u></p>	<p>The County does not have a C&D diversion ordinance. Instead, in 2003, it adopted a resolution requiring that "Effective March 15, 2003, building contractors shall be prohibited from using the County transfer stations for disposal of commercially-generated construction and demolition debris."</p> <p>During staff's site visits, the County was not enforcing this resolution as written; staff observed multiple loads of C&D debris unloaded at Rock Creek Transfer Station.</p> <p>The C&D diversion program was not effective during staff's initial site visits. Staff observed significant amounts of mixed C&D waste being disposed of in Rock Creek Landfill and Rock Creek Transfer Station, and facility staff reported that mixed C&D waste was being disposed of because the facility did not have enough manpower to sort through mixed C&D waste.</p> <p>During staff's site visit on April 30, 2012, staff verified that the County had hired someone to floor sort all C&D loads delivered to the Rock Creek Transfer Station. The County also reported that the gatehouse now checks all loads to prevent mixed C&D from being misrepresented as waste and being disposed of.</p> <p>Staff's site visits throughout the County revealed two nuisance dumping sites and one illegal disposal site containing C&D waste. The two nuisance dumping sites appeared to be from smaller projects, but in April 2012, staff discovered a large illegal disposal site near Gold Strike High School in San Andreas. Google Maps images show illegal disposal of C&D waste at this site in September 2007, but the Local Enforcement Agency (LEA) reports that this material has been at its current location for approximately 10 or more years (Attachment 4). To address this issue, the Permitting and Assistance Branch is working with the LEA to either conduct a cleanup and abatement or permit action.</p>
<p><u>Greenwaste Diversion Program</u></p>	<p>The County offers four (4) greenwaste drop-off locations throughout the County. Rock Creek Solid Waste Facility directs greenwaste based on the load makeup. Pine needles and leaves go to the landfill to be used as ADC, and lumber and brush go to a wood pile to be ground into ADC. The County reports that all of the greenwaste from the three transfer stations is used as ADC for Rock Creek Solid Waste Facility. However, staff occasionally observed landfill staff mixing greenwaste with landfill waste.</p> <p>The County's hauler reports that overall, approximately 8 percent of the entire County's occupied households subscribe to curbside greenwaste services. During staff's site visits, the actual greenwaste set-out rate varied</p>

	<p>by region. The west side of Valley Springs had a greenwaste set-out rate of approximately 20 percent; this was the highest greenwaste set-out rate observed. In contrast, other areas had set-out rates under 10 percent. Although these set-out rates were low, residents were setting out full bins. The curbside greenwaste carts were not uniform in color, and sometimes they were waste carts repurposed with greenwaste stickers. Nevertheless, staff never observed waste carts being collected in greenwaste loads or greenwaste carts being collected in waste loads. The hauler takes material to Rock Creek Landfill for alternative daily cover (ADC).</p> <p>On the east side of the County, it is unclear how residents handle their greenwaste; this should be investigated further. The County reports that approximately 92 percent of occupied households self-haul their greenwaste, but staff also observed some eastern County residents burning greenwaste on permissible burn days. Staff was unable to determine how widespread burning is in the County. However, Calaveras County Air Pollution Control District is one of seven air districts in the Mountain Counties Air Basin, and a 1997 United States Environmental Protection Agency report shows that ¼ of the people in this air basin burn waste.</p> <p>For the material that was collected, staff observed minimal contamination in the greenwaste collected through the curbside carts, the transfer stations, the Rock Creek Solid Waste Facility's wood pile, and the landfill programs.</p>
<p><u>Schools Diversion Program</u></p>	<p>The County's Office of Education lists multiple school districts, with a total of 10 elementary schools, 2 middle schools, and 6 high schools. Staff observed 15 of these 18 schools.</p> <p>Although the County reports that all schools have diversion programs, Staff could not find recycling containers at three schools, not including schools with locked or inaccessible containers. Several of the schools had notable amounts of recyclables in their waste containers, even if the schools had recycling containers. At the time of the site visits, most schools' recycling containers were relatively empty.</p> <p>Two of the six high schools are main high schools, and four are continuation high schools. The County reports that both of its main high schools have student-run recycling programs. Staff was unable to observe the recycling program of one of these schools because its bins were locked and inaccessible. When staff observed the other high school, staff found a significant amount of cardboard in the school's waste bins. A janitor reported that the school has recycling containers throughout the schools' hallways but that the students use these as waste cans. He also reported that the Earth Club used to sort through these recycling containers to retrieve recyclables but that this sorting has waned.</p> <p>Three of the 15 schools staff visited were effectively recovering cardboard and paper.</p>

<p><u>Government Diversion Program</u></p>	<p>At the County Government Building, recycling carts and large recycling bins surround the building, collecting cardboard, drink containers, and paper. Inside the building, waist-high bins collect paper and drink containers. Each employee's desk has a small recycling bin for paper and drink containers. All of the recycling containers that staff observed were clean and well-sorted, and staff observed few recyclables in the trash containers.</p> <p>Staff made multiple attempts to observe the recycling program at Angels Camp City Hall, but the building was closed. Because of this, staff was only able to observe the waste can and the two 18-gallon recycling bins outside the building. The recycling bins and the waste can were completely empty during staff's site visits.</p>
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Communication and Notification History

On February 23, 2011 LAMD notified the County that an independent review of the County's waste management programs was necessary (Attachment 1). On April 21, 2011 JPCU initiated the 60 day conferring process required by PRC Section 41825 (Attachment 2). On July 20, 2012, the Department mailed a 30-Day Notice letter to the Chair of Calaveras County's Board of Supervisors and the County Administrative Officer, informing the County of the date, time and location that the Department will hold a public hearing to consider issuing a Compliance Order (Attachment 5).

Findings

Staff found that several of the County's key diversion programs have not maximized their effectiveness. These programs include the landfill/transfer station diversion program, the residential diversion program, the commercial diversion program, the C&D diversion program, and the schools diversion program. The greenwaste diversion program merits further investigation to determine the greenwaste practices of the entire County.

Staff also considered and reviewed the County's per capita disposal rate. Staff used the per capita disposal as an indicator in evaluating program implementation and performance. The County's per capita disposal rate, in 2010, is 4.4 pounds per person per day. This is higher than its target of 4.0 pounds per person per day.

Staff also analyzed the County's reported tonnages for total disposal and recycling. Staff used the Department's Disposal Reporting System to obtain the total tons disposed in 2010. Staff worked with several sources to obtain recycling/diversion data for 2010. The sources included the County's hauler, a metal recycler, and the Division of Recycling's Market Information Section. (Note: the diversion data does not include all diversion sources, including grocery/big box stores' backhauling.) Based on this data, in 2010 the County disposed of 36,447 tons and diverted approximately 6,000 tons.

Staff believes the County has not demonstrated that it has adequately implemented its SRRE to achieve the diversion requirements of PRC Section 41780. Although the County is implementing all SRRE-selected programs, the programs are not achieving sufficient reduction in disposal to

enable the County to reach the diversion requirements. Staff therefore recommends that the Department find Calaveras County Regional Agency has not adequately implemented its SRRE, and approve the attached Compliance Order as written.

The proposed Compliance Order IWMA BR09-003 (Attachment 6) includes the following conditions and implementation schedule:

- The County shall work with staff to determine gaps in program areas and develop a Local Implementation Plan (LIP) to improve, expand, or implement new diversion programs.
- The County shall develop and submit to the Department a fully executed LIP by December 31, 2012.
- The County will fully implement the programs in the LIP by December 31, 2014.
- A monitoring/ "oversight" period of one year (December 31, 2014, through December 31, 2015). The Department uses this time to ensure the County's continued implementation of the programs identified in the LIP.
- The County will submit quarterly status reports based on the calendar year. These reports shall use the Department's electronic, quarterly reporting format. The County will also attach any required reports necessary for the report.

The Compliance Order requires the Department to hold a public hearing following the term of the compliance schedule, to determine whether or not the County has complied with all of the conditions of the Compliance Order.

The compliance Order specifies that failure by the County (Calaveras County Regional Agency) to comply with any part of the Compliance Order at any time may result in an earlier public hearing and fines of up to \$10,000 per day. Likewise, a public hearing could be scheduled earlier if the County complies with the Compliance Order ahead of schedule.

VII. ATTACHMENTS

1. February 23, 2011 Notification that an Independent Review of the County's Waste Management Programs was Necessary
2. April 21, 2011 Notification Initiating the 60 Day Conferring Process Required by PRC Section 41825
3. Photo Report- Calaveras County Regional Agency 9/28-30/11, 11/1-3/11, 1/30-31/12, 4/25-27/12, 4/30/12-5/1/12
4. Google Earth and Google Map images of Illegal Disposal of C&D Waste
5. 30-Day Notice of Intent to Issue Calaveras County Regional Agency a Compliance Order
6. Proposed Compliance Order IWMA BR09-003
7. Request for Action for Consideration of the Issuance of Compliance Order IWMA BR09-003 to Calaveras County Regional Agency

VIII. STAFF RESPONSIBLE FOR ITEM PREPARATION

Program Staff: Michael Chen
Program Staff: Kathy Marsh
Legal Staff: Tamar Dyson

Phone: (916) 327-8824
Phone: (916) 341-6475
Phone: (916) 341-6083



DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

801 K STREET, MS 19-01, SACRAMENTO, CALIFORNIA 95814 • (916) 322-4027 • WWW.CALRECYCLE.CA.GOV

February 23, 2011

Cynthia Knapp
Calaveras County Regional Agency
Recycling Program Coordinator
891 Mountain Ranch Road
Calaveras, CA 95249-9713

Dear Cynthia Knapp,

We are writing regarding the status of CalRecycle's review of whether the Calaveras County Regional Agency ("RA") is in compliance with meeting AB 939 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 2007/08/09 Jurisdiction Review, which is now 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 2007/08/09 Jurisdiction Review, CalRecycle has determined that an independent review of the RA's waste management programs is necessary. This independent review will be led by CalRecycle's Jurisdiction & Product Compliance Unit ("JPCU"). Areas of review will include, but not limited to, the following:

1. Recovery rates of materials deposited at various transfer stations.
2. Non contractual agreements with the hauler, Waste Connections, that do not include specific requirements for sufficient or consistent data reporting, outreach and education, program design and other performance benchmarks.
3. Participation of residential curbside collection.



4. Lack of verifiable data on commercial recycling.
5. Recovery rate of construction and demolition debris.

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 RA an Order of Compliance, as provided by Public Resources Code Section 41825.

If you have any concerns or wish to discuss the letter further, please do not hesitate to contact Ms. Daisy Kong at (916) 341- 6528. Staff from JPCU will be contacting you directly regarding their program review process. Please direct all future communications and questions regarding the JPCU review to Ms. Kathy Marsh, JPCU Supervisor, at (916) 341- 6475.

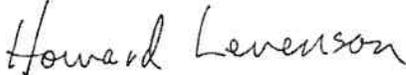
Sincerely,



Kenneth Yee
Manager, North Section



Cara Morgan
Chief, Local Assistance and Market Development Branch



Howard Levenson
Deputy Director, Materials Management and Local Assistance Division
Department of Resources Recycling and Recovery

cc: Tom Garcia, Director
Calaveras County Public Works

Public Hearing
August 21, 2012

Calaveras County Regional Agency
Attachment 2

Natural Resources Agency

COPY

FEDEX
Mailed Out VIA U.S.P.S. To All
Addressees On 4-21-11

Edmund G. Brown, Jr., Governor



DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

801 K STREET, MS 19-01, SACRAMENTO, CALIFORNIA 95814 • (916) 322-4027 • WWW.CALRECYCLE.CA.GOV

April 21, 2011

Tom Tryon, Chair
Board of Supervisors
891 Mountain Ranch Road
San Andreas, CA 95249

Jeanne Boyce, County Administrative Officer
Administrative Department
891 Mountain Ranch Road
San Andreas, CA 95249

Subject: Calaveras County Regional Agency's Notice of 60-Day Conferring Period for Potential Compliance Enforcement

Dear Mr. Tryon and Ms. Boyce:

On February 23, 2011, the Department of Resources Recycling and Recovery (CalRecycle) sent a letter (see attached) to your designated Recycling Coordinator, Ms. Cynthia Knapp, stating that the 2007/08/09 Jurisdiction Review had determined that an independent review of the waste diversion programs of the Calaveras County Regional Agency (Regional Agency) is necessary. This letter listed specific areas of concern relating to the waste diversion programs of the Regional Agency. The letter also explained that this independent review will be conducted by CalRecycle's Jurisdiction and Product Compliance Unit (JPCU) in the Compliance and Enforcement Division.

The purpose of JPCU's independent review is to determine whether the Regional Agency has complied with the diversion requirements of Public Resources Code (PRC) Section 41780. If JPCU finds that the Regional Agency 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 Regional Agency and JPCU an opportunity to discuss all waste diversion efforts taking place. Through the conferring period a review of all of the Regional Agency'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

Public Hearing
August 21, 2012

Calaveras County Regional Agency
Attachment 2

Y900

Calaveras County Regional Agency
60-Day Conferring Letter

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.

A member of JPCU will be contacting Ms. Cynthia Knapp, to arrange for an initial meeting. If you have any questions, please do not hesitate to contact me directly at (916) 341-6203.

Sincerely,



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

Attachment: February 23, 2011, letter to Ms. Cynthia Knapp

cc: Cynthia Knapp, Recycling Program Coordinator

Photo Report
Calaveras County Regional Agency
9/28-30/11, 11/1-3/11, 1/30-31/12, 4/25-27/12,
4/30/12 - 5/1/12

A) Landfill/Transfer Station Program

Approximately 75 percent of occupied households in Calaveras County Regional Agency (County), self-haul their waste and recyclables to one of seven local facilities: Rock Creek Solid Waste Facility (which includes both Rock Creek Transfer Station and Rock Creek Landfill), Avery Transfer Station, Copperopolis Transfer Station, San Andreas Transfer Station, Paloma Transfer Station, Red Hill Transfer Station and Yard, and Wilseyville Transfer Station and Yard.

The County takes these transfer stations' waste to Rock Creek Landfill, and it takes these transfer stations' recyclables to Stockton Recycling.

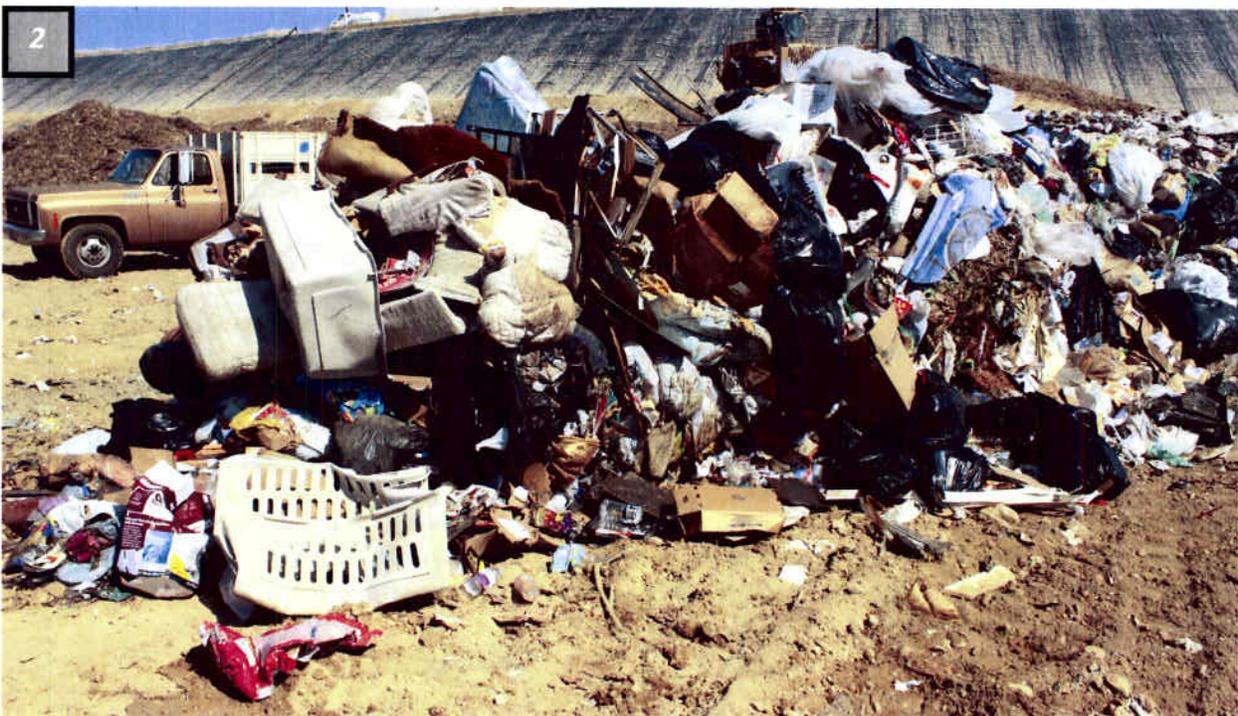


Like almost all of the County's transfer stations, Copperopolis Transfer Station is relatively small and consists of a few bins with a fence around them (**Photo 1**; 11/3/11). On the left, residents can deposit cardboard; on the right, residents can deposit solid waste, greenwaste, and scrap metal; and in the middle, residents can deposit mixed recyclables.

A) Landfill/Transfer Station Program (cont'd)



Most transfer station users did not separate recyclables from waste (*Photo 1; 1/30/12*). Similarly, at Rock Creek Landfill, staff observed several transfer station loads with significant amounts of recyclables (*Photo 2; 9/30/11*). The driver reported that this load was typical for him.



A) Landfill/Transfer Station Program (cont'd)



The transfer stations' bins for mixed recyclables (paper, plastic, cans, and glass) were relatively clean (**Photo 1**; 1/31/12). Similarly, when the transfer stations' mixed recyclables were unloaded at Stockton Recycling, these materials had low contamination (**Photo 2**; 1/31/12).



A) Landfill/Transfer Station Program (cont'd)



Transfer stations collected more than just waste and mixed recyclables.



Some transfer stations, like Avery Transfer Station, collected clean scrap metal (*Photo 1; 1/31/12*).

All of the transfer stations that staff observed were collecting clean cardboard (*Photo 2; 1/30/12*), and cardboard unloaded at Stockton Recycling was generally uncontaminated (*Photo 3; 1/31/12*).



A) Landfill/Transfer Station Program (cont'd)



Residents often self-hauled loads directly to Rock Creek Landfill, and these loads often contained significant amounts of recyclables such as cardboard (*Photo 1; 9/28/11*).

Rock Creek Solid Waste Facility had a roll-off bin near its wood and concrete drop-off piles (*Photo 2; 9/29/11*). This bin appeared to be full of recyclables but was a disposal bin.



B) Residential Program

While most of the County's occupied households self-haul their materials, about 25 percent of the County's occupied households subscribe to waste/recycling collection services.

All of the waste goes to Rock Creek Landfill, and the recyclables go to Stockton Recycling.



The residential set-out rate varied widely. The Valley Springs set-out rate was among the highest that staff observed, with an approximate 50 percent set-out rate for both recycling and waste collection (*Photo 1; 5/1/12*). Conversely, one portion of Arnold had a set-out rate of approximately 3 percent for both recycling and waste (*Photo 2; 5/1/12*). Despite the low set-out rates, the recyclables staff observed had minimal contamination.

Throughout the County, staff observed waste containers with elevated levels of recyclables, as in this cart in San Andreas (*Photo 3; 4/27/12*).

B) Residential Program (cont'd)



At Rock Creek Solid Waste Facility, staff observed residential waste loads with significant amounts of recyclables. In the pictured Copperopolis load, staff saw cardboard, paper, cans, and bottles (*Photo 1; 9/29/11*). The driver reported that the load came primarily from the residential sector and that it was a representative load.

At Stockton Recycling, staff observed clean curbside recycling loads from the County, including the pictured load from Valley Springs (*Photo 2; 11/1/11*).



C) California Redemption Value Buyback Centers



Some residents bring recyclables to the County's four California Redemption Value (CRV) buyback centers, and during staff's observations, the collected CRV recyclables had minimal contamination (**Photo 1**; 5/1/12).

C) Commercial Program

Approximately 75 percent of the County's businesses subscribe to waste collection service, and approximately 25 percent of the County's businesses subscribe to recycling service.

All of the waste goes to Rock Creek Landfill, and the recyclables go to Stockton Recycling.



Many commercial waste bins contain significant amounts of recyclables (**Photo 1**; 11/2/11).

At the landfill, staff observed several commercial loads with significant amounts of recyclables, including an Angels Camp load (**Photo 2**; 9/29/11) and one Angels Camp business' roll-off load (**Photo 3**; 9/28/11). The drivers reported that the load makeup was typical.



C) Commercial Program (cont'd)

During staff's site visits, many businesses did not have recycling containers, and those that Staff observed were often recycling carts, not larger recycling bins. Many of these carts were not filled to capacity, but they contained clean, dry recyclables (**Photo 1; 11/3/11**).



At Stockton Recycling, staff observed clean commercial recycling loads (**Photo 2; 1/30/12**).



D) Construction and Demolition (C&D) Program



Rock Creek Transfer Station collects clean concrete and rubble in a large pile (*Photo 1; 9/29/11*).



During previous site visits, Rock Creek Solid Waste Facility had been disposing of several mixed C&D loads without sorting them (*Photo 2; 11/1/11*). However, during staff's most recent site visit, this facility was sending all C&D loads to Rock Creek Transfer Station, where one employee was floor sorting these loads (*Photo 3; 5/1/12*).



D) Construction and Demolition (C&D) Program (cont'd)



Staff discovered an illegal disposal site containing construction and demolition waste. The San Andreas site above, located between Gold Strike Road and Calaveras High School, contained large quantities of concrete and rubble (**Photo 1; 4/26/12**). The Permitting and Assistance Branch is working with the Local Enforcement Agency (LEA) to either conduct a cleanup and abatement or permit action.

E) Greenwaste Program



The hauler services greenwaste on the County's west side. Although the County's greenwaste set-out rate was low, its carts were full of clean greenwaste (*Photo 1; 4/26/12*).



The hauler delivers the curbside greenwaste directly to the landfill face (*Photo 2; 4/27/12*). The landfill uses this greenwaste as alternative daily cover (ADC).

E) Greenwaste Program (cont'd)



Staff observed some residents on the County's east side burning their greenwaste (*Photo 1; 5/1/12*).



Some residents bring leaves and grass to Rock Creek Landfill, where the County uses this material as ADC (*Photo 2; 9/30/11*).



Three transfer stations accept greenwaste to convert it to ADC. Staff observed self-haulers bringing clean greenwaste to these transfer stations (*Photo 3; 4/27/12*).

E) Greenwaste Program (cont'd)



Rock Creek Solid Waste Facility had large piles of clean wood and branches (*Photo 1; 9/29/11*) that were being converted into ADC (*Photo 2; 5/1/12*).



F) Schools Program

School diversion programs varied in their success. Some schools recovered clean recyclables (*Photo 1; 4/25/12*), and other schools failed to recover clean recyclables. Calaveras High School had the least effective diversion program that staff observed. Students were using the recycling cans for waste (*Photo 2; 4/25/12*). This school's waste bins reflected the school's recycling program; both waste bins contained significant amounts of recyclables (*Photo 3; 4/25/12*).



G) Government Diversion Program



Staff found that the County Government Building had recycling bins outside the building (*Photo 1*; 4/26/12), throughout its hallways (*Photo 2*; 4/26/12), and at each employee's desk (*Photo 3*; 5/1/12). These recycling bins are clean and well-sorted.



Historical Imagery, Gold Strike Illegal Disposal Site, Calaveras County. All images courtesy of Google.

2012

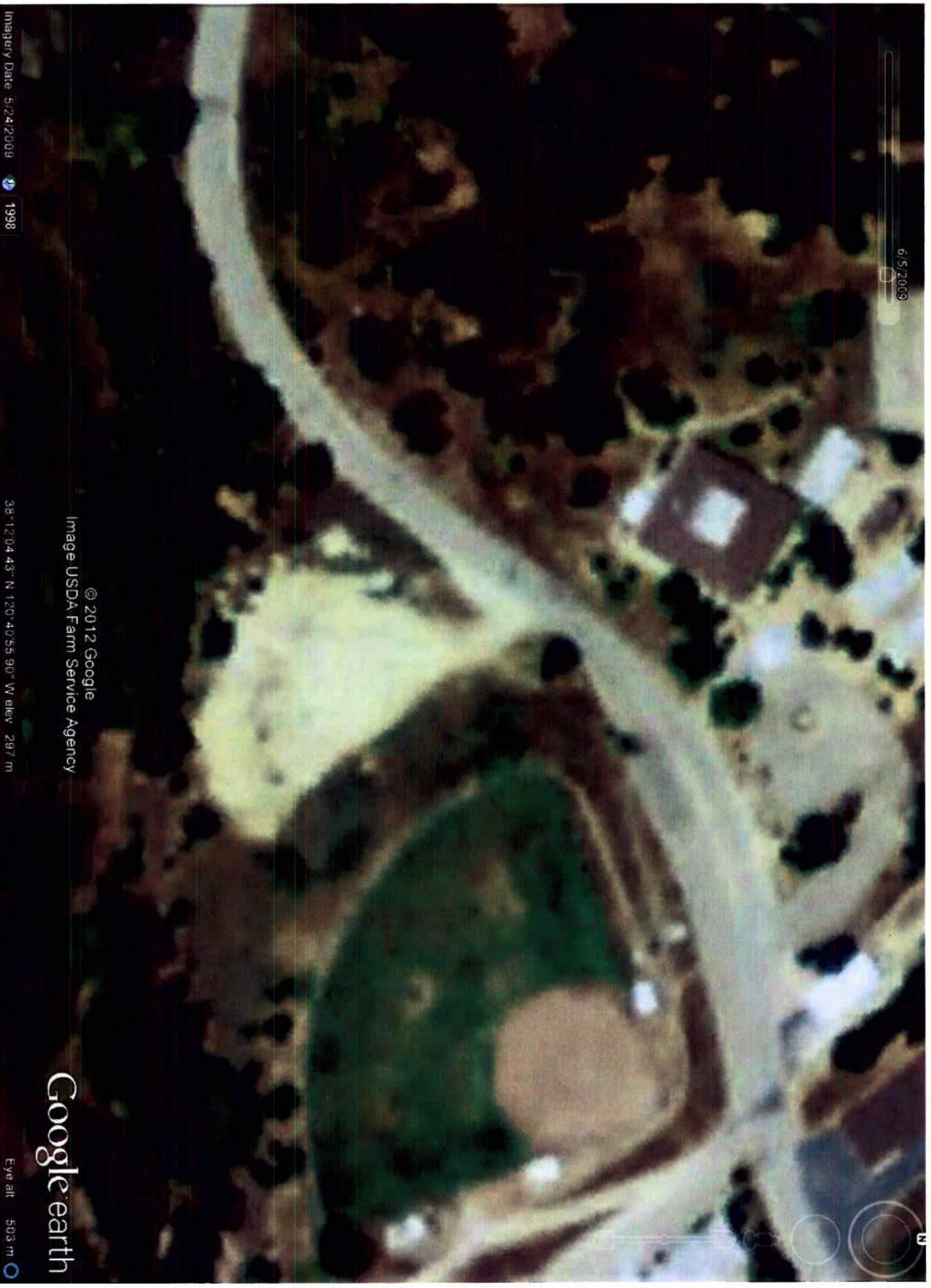


Public Hearing
August 21, 2012

Calaveras County Regional Agency
Attachment 4

Historical Imagery, Gold Strike Illegal Disposal Site, Calaveras County. All images courtesy of Google.

2009



Imagery Date: 5/24/2009

1998

38°12'04.43" N 120°40'55.90" W elev: 297 m

© 2012 Google
Image USDA Farm Service Agency
Google earth
Eye alt: 503 m

**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

July 17, 2012

Tom Tryon, Chair
Board of Supervisors
891 Mountain Ranch Road
San Andreas, CA 95249

Jeanne Boyce, County Administrative Officer
Administrative Department
891 Mountain Ranch Road
San Andreas, CA 95249

Subject: 30-Day Notice of Intent to Issue Calaveras County Regional Agency a Compliance Order for Failure to Adequately Implement its Source Reduction and Recycling Element and Meet the Fifty Percent Diversion Requirement

Dear Mr. Tryon and Ms. Boyce:

The purpose of this letter is to formally notify the Calaveras County Regional Agency (Regional Agency) that the Department of Resources Recycling and Recovery (CalRecycle) will be considering issuing the Regional Agency a Compliance Order at a public meeting in August. This action is based on CalRecycle staff's review of the Regional Agency's progress in implementing diversion programs to meet the requirements of Public Resources Code (PRC) Section 41780. Failure to meet the requirements of the Compliance Order may result in civil penalties of up to \$10,000.00 per day.

CalRecycle staff has conducted a 2007/08/09 Jurisdiction Review of the Regional Agency's Source Reduction and Recycling Element (SRRE) program implementation and diversion rate achieved to date. CalRecycle staff is bringing forward its 2007/08/09 Jurisdiction Review findings that the Regional Agency has failed to adequately implement its diversion programs. The programs have significant weaknesses that prevent the Regional Agency from achieving the 50 percent diversion requirement of PRC Section 41780.

The Regional Agency's disposal target is 4.0 pounds per person per day. However, in 2007 the Regional Agency disposed of 5.9 pounds per person per day, in 2008 the Regional Agency disposed of 4.7 pounds per person per day, and in 2009 the Regional Agency disposed of 4.1 pounds per person per day. CalRecycle staff is therefore recommending that the CalRecycle consider issuing the Regional Agency a Compliance Order that will require the Regional Agency to work directly with CalRecycle staff to develop a Local Implementation Plan (LIP) which will



identify a strategy for program enhancements and local actions necessary for the Regional Agency to complete in order to implement its SRRE and achieve diversion requirements.

CalRecycle staff strongly recommends that you or your Regional Agency's representative attend the CalRecycle meeting at which a Compliance Order will be considered. At this meeting, the Regional Agency's representative will have an opportunity to present the Regional Agency's program implementation efforts, diversion rate achievement, and/or any other special circumstances the Regional Agency would like CalRecycle to consider. The representative should also be prepared to answer any questions from CalRecycle. The public hearing details are as follows:

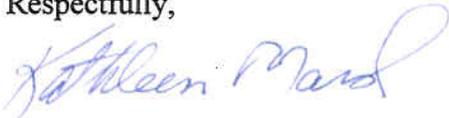
Department of Resources Recycling and Recovery Monthly Public Hearing

Date: August 21, 2012
Time: 10:00 am
Location: Joe Serna Jr., Cal/EPA Building
Byron Sher Auditorium
1001 I Street, 2nd Floor
Sacramento, CA 95814

The full Public Hearing packet outlining the Compliance Order is enclosed.

Should you have any questions about this letter or the upcoming meeting, please contact me at (916) 341-6475 or Kathy.Marsh@calrecycle.ca.gov.

Respectfully,



Kathleen Marsh
Supervisor, Jurisdiction and Product Compliance Unit

Attachment

cc: Cynthia Knapp, Recycling Coordinator, Calaveras County
Michael Chen, CalRecycle
Raffy Kouyoumdjian, CalRecycle
Program File

**STATE OF CALIFORNIA
NATURAL RESOURCES AGENCY
DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY**

In the Matter of:)	Tracking No: IWMA BR09-003
)	
Calaveras County Regional Agency)	COMPLIANCE ORDER
County of Calaveras)	
)	
Jurisdiction)	Public Resources Code Section 41825

INTRODUCTION

- 1.1 **Parties:** The Department of Resources Recycling and Recovery (CalRecycle) issues this Compliance Order (Order) to the Calaveras County Regional Agency (County), County of Calaveras.
- 1.2 **Authority:** Section 41825 of the Public Resources Code (PRC) requires CalRecycle to review implementation of each Jurisdiction’s Source Reduction and Recycling Element (SRRE) and Household Hazardous Waste Element (HHWE), at least once every two or four years, depending on certain specified criteria; this Jurisdiction Review (formerly “Biennial Review”) is CalRecycle's independent evaluation of a Jurisdiction's progress in implementing the SRRE- and HHWE-selected programs and reaching the diversion requirements of PRC Section 41780. If a Jurisdiction is not meeting the mandates of the Integrated Waste Management Act (IWMA), CalRecycle may issue a Compliance Order and schedule (PRC Section 41825). Fines of up to \$10,000 per day may be levied if the provisions of the compliance order and schedule are not met (PRC Section 41850).

DETERMINATION OF COMPLIANCE DEFICIENCIES

- 2.1 CalRecycle staff conducted a Jurisdiction Review of the County's SRRE. After considering the results of this review and the adoption of this Order at a public hearing commencing on August 21, 2012, CalRecycle determines that:
- 2.2 The County failed to comply with PRC Section 41825 in that it failed to adequately implement programs listed in its SRRE that target significant portions of the County's waste stream. In addition, the County failed to comply with PRC Section 41780 in that it did not maintain the solid waste requirement of 50 percent diversion, and programs are not achieving all reasonable and feasible levels of diversion. The County's disposal target is 4.0 pounds per person per day. However, in 2007 the County disposed of 5.9 pounds per person per day, in 2008 the County disposed of 4.7 pounds per person per day, and in 2009 the County disposed of 4.1 pounds per person per day.
- 2.3 The County failed to demonstrate that it made a good faith effort in implementing its SRRE in accordance with PRC Section 41825. The County did not provide adequate information to indicate that it had made all reasonable and feasible efforts to implement its SRRE or to implement alternative programs that achieve the same or similar results.
- 2.4 Staff notified the County by mail on April 21, 2011, in order to confer with the County regarding this Compliance Order because CalRecycle staff's 2007/08/09 Jurisdiction Review indicated that the County's diversion rate is less than 50 percent, and programs were not achieving all reasonable and feasible levels of diversion that are necessary to meet the requirement of PRC Section 41780. In addition, a 30-day Notice of Intent to issue a

Compliance Order was mailed to the County on July 20 , 2012, in accordance with PRC Section 41825.

SCHEDULE FOR COMPLIANCE

- 3.1 Based on the foregoing determination of compliance deficiencies, it is hereby ordered that:
- a. The County shall work with CalRecycle staff to determine gaps in program areas and develop a Local Implementation Plan (LIP) which includes those conditions necessary for the County to achieve compliance and improve, expand, or implement new diversion programs.
 - b. The County shall develop and submit to CalRecycle a fully executed LIP by December 31, 2012.
 - c. The County will fully implement the programs identified in the LIP by December 31, 2013.
 - d. CalRecycle staff will monitor the County's continued implementation of the programs identified in the LIP for one year from December 31, 2013, through December 31, 2014 ("the oversight period").
 - e. The County will submit quarterly status reports based on the calendar year. These reports shall use CalRecycle's electronic, quarterly reporting format. The quarterly status reports are to be used to document the status and work completed for each of the identified tasks in the LIP. For each task in the LIP, the County will explain the status of the task, specifying what actions have been taken to complete the task. If the work has fallen behind schedule or has not been completed, the County will explain the reason(s) for the delay/incompletion. The County will also attach any required reports, using additional sheets as necessary for the report.
 - f. At any time prior to the conclusion of the oversight period, if CalRecycle staff determines that the County has failed to make a good faith effort to implement the programs identified in the LIP, CalRecycle may immediately notice a public hearing

pursuant to PRC Section 41850, to determine whether or not to impose administrative civil penalties against the County of up to \$10,000 per day.

- 3.2 Penalties: At the end of the oversight period, CalRecycle staff will meet with the County to assess the County's implementation efforts relating to its LIP; then CalRecycle shall hold a public hearing to determine whether or not the County has complied with all sections of this Compliance Order. Failure to implement programs and/or comply with all sections of the Compliance Order at any time may result in fines of up to (\$10,000) per day in accordance with PRC Section 41850(a). In addition, CalRecycle has discretion to notice a hearing at any time upon staff's recommendation that the County has completed the conditions of the Compliance Order.
- 3.3 Submittals: Quarterly status reports and annual report documents are required to be submitted electronically (via e-mail/e-filing). However, the Jurisdiction and Product Compliance Unit will consider requests to submit hard copies if notified in writing of why the County is unable to submit all or some documents electronically. Excluding the quarterly status reports and the annual report documents, all other documents may be submitted electronically or via hard copy. All hard copy mail shall be sent to the following:

Jurisdiction and Product Compliance Unit
Department of Resources Recycling and Recovery
1001 I Street
P.O. Box 4025
Sacramento, CA 95812
Attn: Compliance Order Correspondence
Tracking No: IWMA BR12-01

- 3.4 Communications: CalRecycle or its designee will communicate all approvals and decisions of CalRecycle made regarding the adequacy of submittals to the County in writing. No informal advice, guidance, suggestions, or comments by CalRecycle's staff regarding reports, plans, schedules, or any other documents submitted by the County shall be considered to be CalRecycle approvals.

- 3.5 CalRecycle Review and Approval: If CalRecycle determines that any report, plan, schedule, or other document submitted for approval pursuant to this Compliance Order fails to comply with the Compliance Order or fails to achieve successful implementation of the SRRE, CalRecycle or its designee may:
- a. Return the document to the County with recommended changes and a date by which the County must submit to CalRecycle the document incorporating the recommended changes, or
 - b. Serve a notice that CalRecycle will hold a public hearing to consider the imposition of penalties in accordance with PRC Section 41850.
- 3.6 Compliance with Applicable Laws: The County shall carry out this Compliance Order in compliance with all Local, State, and Federal requirements, including but not limited to requirements to obtain necessary permits.
- 3.7 Liability: Nothing in this Compliance Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of the County.
- 3.8 Government Liabilities: The State of California and CalRecycle shall not be liable for injuries or damages to persons or property resulting from acts or omissions in carrying out activities pursuant to this Compliance Order, nor shall the State of California be held as a party to any contract entered into by the County or its agents in carrying out activities pursuant to the Compliance Order. The County shall indemnify, defend and save harmless the State, its officers, agents, and employees from any and all claims and losses accruing or resulting in connection with the performance of this Compliance Order.

- 3.9 Extension Request: If the County determines that it will be unable to perform any activity or submit any document within the time required under this Compliance Order, the County may, as far in advance of the due date as possible, request an extension of time in writing. The extension request shall include a justification for the delay.
- 3.10 Extension Approvals: If CalRecycle or its designee determines that good cause exists for an extension, it will grant the request and specify in writing a new compliance schedule.
- 3.11 Parties Bound: This Order shall apply to and be binding upon the County and upon CalRecycle and any successor agency (regional agency, etc.) that may have responsibility for, and the authority over, the subject matter of this Compliance Order.

EFFECTIVE DATE

- 4.1 This Compliance Order is final and effective from the date of issuance.

Date of Issuance _____

Caroll Mortensen, Director
Department of Resources Recycling and Recovery

REQUEST FOR ACTION

To: Caroll Mortensen, Director
Department of Resources Recycling and Recovery

From: 
Mark De Bie, Deputy Director
Waste Program Compliance and Mitigation Division
Department of Resources Recycling and Recovery

Hearing Date: August 21, 2012

Decision Subject: Consideration of the Issuance of Compliance Order IWMA BR09-003 to Calaveras County Regional Agency, County of Calaveras

Action By: August 21, 2012

Summary of Request:

The Department of Resources Recycling and Recovery (CalRecycle) staff conducted a 2007/08/09 Jurisdiction Review of the Source Reduction and Recycling Element (SRRE) program implementation and diversion rate of the Calaveras County Regional Agency (County). Staff will present its findings that the County has failed to adequately implement its diversion programs. The County's programs have significant weaknesses that prevent the County from achieving the 50 percent diversion requirement of Public Resources Code (PRC) Section 41780.

Staff found that several of the County's key diversion programs have not maximized their effectiveness. These programs include the landfill/transfer station diversion program, the residential diversion program, the commercial diversion program, the C&D diversion program, and the schools diversion program. The greenwaste diversion program merits further investigation to determine the greenwaste practices of the entire County.

Staff also considered and reviewed the County's per capita disposal rate. Staff used the per capita disposal as an indicator in evaluating program implementation and performance. The County's disposal target is 4.0 pounds per person per day. However, in 2007 the County disposed of 5.9 pounds per person per day, in 2008 the County disposed of 4.7 pounds per person per day, and in 2009 the County disposed of 4.1 pounds per person per day. 2010 is outside the jurisdiction review cycle; however the County disposed of 4.4 pounds per person per day in 2010.

Staff therefore recommends that CalRecycle consider issuing the County a Compliance Order that will require the County to work directly with staff to develop a Local Implementation Plan (LIP).

This LIP will identify a strategy for program enhancements and local actions necessary to enable the County to achieve the diversion requirements.

The law requires CalRecycle to hold a public hearing to determine if the County is adequately implementing its SRRE before issuing a Compliance Order.

Recommendation:

Based on staff's review of the County's program implementation and diversion rates, staff recommends finding that the County is not adequately implementing its SRRE, and the approval of Compliance Order IWMA BR09-003 as written.

Deputy Director Action:

On the basis of the information, analysis and findings presented in both the Public Hearing and the Public Hearing package, I hereby find that the County is not adequately implementing its SRRE, and approve Compliance Order IWMA BR09-003 as written.

Dated:

Caroll Mortensen, Director
Department of Resources Recycling and Recovery