

REQUEST FOR ACTION

To: Mark de Bie, Deputy Director
Waste Permitting, Compliance and Mitigation Division

From: 

Georgianne Turner, Branch Chief
Waste Evaluation and Enforcement Branch

Request Date: December 21, 2015

Decision Subject: Consideration of the County of Calaveras' Request for an Extension to the Due Dates of Compliance Order IWMA BR09-003

Action By: December 24, 2015

Summary of Request:

This is a request that the Deputy Director take action on a proposed Time Extension request to Compliance Order IWMA BR09-003 (Compliance Order) for the County of Calaveras (County). Staff's findings and recommendations are provided below and in the attached staff analysis of the County's request and the County's LIP implementation efforts to date (Attachment 1).

Findings:

On August 23, 2013, Compliance Order IWMA BR09-003 was issued to the County. The Compliance Order includes a Schedule for Compliance which provides deadlines that the County must meet.

Paragraph 3.9 of the Compliance Order allows the County to request an extension of time (Time Extension request) to perform any mandated activity provided that the County submits the request prior to deadlines of the Compliance Order and that the County gives justification for the delay. On October 26, 2015, the County submitted Time Extension request to extend the deadline for full implementation of the Local Implementation Plan (LIP) for six months (Attachment 2). On November 16, 2015 staff received an amended Time Extension request to extend the deadline for full implementation of the LIP for one year (Attachment 3).

Paragraph 3.10 of the Compliance Order requires a finding of good cause by the Department of Resources Recycling and Recovery (CalRecycle) before the County's extension request can be granted. CalRecycle is to respond to the request in writing, and if approved specify in writing a revised Schedule for Compliance.

On September 9, 2015, the Butte Fire erupted and burned in the County for over a month. On September 11, 2015 Governor Brown issued a proclamation declaring a State of Emergency for Amador and Calaveras counties. Additionally, the County Board of Supervisors declared

a local state of emergency. In response to the local declaration, the County's Public Works Department directed the franchise waste hauler away from some tasks in the LIP and towards providing safe clean-up and debris removal from areas of the County affected by the fire.

Staff has completed an analysis of the County's request and the County's LIP implementation efforts to date. The analysis includes a review of data and information submitted by the County and staff field visits.

Recommendation:

Based on staff's analysis of the available information and the County's submitted request, staff recommends the Deputy Director approve the County's Time Extension request. Approval of the Time Extension will extend the date for full implementation of the LIP from December 31, 2015 to December 31, 2016. Additionally, staff recommends that "the oversight period" that follows the LIP implementation be extended one-year to January 1, 2018.

Deputy Director Action:

On the basis of the information, analysis and findings presented in this Request for Action and staff recommendation, I hereby approve the County's Time Extension request and extend the date for full implementation of the LIP, as outlined in the revised Schedule of Compliance (Attachment 4), from December 31, 2015 to December 31, 2016. The approval would also extend the one-year oversight period that will follow the LIP implementation to January 1, 2018.

Dated: December 23, 2015



Mark de Bie, Deputy Director

Waste Permitting Compliance and Mitigation Division
Department of Resources Recycling and Recovery

- Attachments 1: Staff Report and Analysis of the County of Calaveras' Request for a Time Extension of the Local Implement Plan
2: October 26, 2015 Extension Request Letter
3: November 9, 2015 Amended Extension Request Letter
4: Revised Schedule of Compliance