

## **Staff Report and Analysis of the County of Calaveras' Request for a Time Extension of Local Implementation Plan**

December 2, 2015

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### **History and Overview**

On August 23, 2013, the California Department of Resources Recycling and Recovery issued Compliance Order IWMA BR09-003 (Compliance Order) to the County of Calaveras Regional Agency (County). This Compliance Order required that the County fully implement its Local Implementation Plan (LIP) by December 31, 2015.

In accordance with the Compliance Order, the County has submitted the required quarterly reports on time and submitted the required Electronic Annual Report.

On September 9, 2015, the Butte Fire erupted in the area. Governor Brown declared a state emergency for the County and neighboring Amador County on September 11, 2015. The County's governing body, the Board of Supervisors, declared a local state of emergency on September 12, 2015. The Butte Fire burned for over a month destroying 475 residences, 343 outbuildings, and damaging 45 structures as reported by Cal-Fire.

The County and the franchise hauler then turned their attention away from the tasks of the LIP and focused on providing relief to victims of the fire and proper disposal of potentially hazardous waste. On October 26, 2015, the County submitted a request for an extension of time (Time Extension) of full implementation of their LIP from December 31, 2015 to June 30, 2016. After meeting with the Jurisdiction Compliance Unit (staff) of CalRecycle, the County submitted an amended request on November 9, 2015, extending the requested deadline to December 31, 2016.

Staff has prepared an independent evaluation of the County's request and the County's LIP implementation efforts to date. This evaluation includes reviews of data submitted from the County through quarterly reports, correspondence via emails and phone calls, and field visits to the County, including a field visit on October 11 to October 15, 2015.

### **Overview of the County's waste stream**

As discussed at public hearing, the County charges residents a \$150 "solid waste parcel fee" for each household. Payment of the solid waste parcel fee allows residents of the household to dispose of permitted waste at any of the six transfer stations or at Rock Creek Solid Waste Facility (Rock Creek) without additional "gate fee." The fees constitute the solid waste fund which is used to maintain Rock Creek, fund educational programs about diversion, and pay a contracted waste hauler who operates the County's six transfer stations (transfer station operator). Certain wastes which require handling, such as appliances or green waste, are charged a minimal fee. The solid waste parcel fee was established by the Board of Supervisors in 1997 through County Ordinance 2510. The fee has not been increased despite inflation of fuel costs and salaries, as well as

increased environmental regulations. Residents and businesses can voluntarily subscribe to curbside pick-up with the County's exclusive franchise waste hauler, a company independent of the transfer station operator. Trash and recycling curbside services are available throughout the County and some residential areas also have green waste collection. Curbside trash and self-hauled trash from the transfer stations is disposed at Rock Creek Landfill. Recyclables collected at the transfer stations are sorted at a private business within the County, whereas curbside recyclables and green waste leave the County for processing at the franchise hauler's materials recovery facility (MRF) in Galt.

## **Program Implementation Summary**

The following is a summary of the County's LIP implementation efforts to date:

### *Transfer Stations and Landfill Self-Haul*

As required by the LIP, the County continues to attend the transfer station operator's quarterly safety meetings. Since the beginning of the Compliance Order, the transfer station operator has held six of the anticipated seven quarterly meetings. Staff receive the sign-in sheet for the meetings and outlines of the topics discussed. Meeting topics have included outreach about recycling and updates to the County's integrated waste program.

Photographs of loads from transfer stations indicate a decrease in the amount of recyclables in trash since the beginning on the Compliance Order. Despite this, during staff's most recent site visit, transfer station operators have admitted to having some confusion over what is an acceptable material to recycle at transfer stations and when to direct residents to Rock Creek Solid Waste Facility. Staff has observed some residents discarding recyclables such as rigid plastics, mixed paper, and beverage containers into the trash hopper at the transfer stations.

County staff are completing random spot checks at transfer stations as outlined in the LIP. Since the beginning of the Compliance Order the County has trained several County staff to perform random spot checks at transfer stations. As a result of spot checks, County staff is aware of the persistence of the public's miseducation regarding what the solid waste parcel fee funds and the importance of recycling. The County has hired a transfer station operator/floater who performs outreach about recycling in a "Face-to-face" program, rotating between different transfer stations. To further support these efforts, the County and the San Joaquin Conservation Corps have recently begun discussions of working at the transfer stations. Efforts may include having corps members talk to residents about recycling, how to recycle, and potentially completing load checks.

The County's recycling website has been improved to match the layout and format of the County's main website. Recent news regarding the integrated waste program in the County, such as closures, emergencies, and Butte Fire information is presented on the front page and links to additional information are clearly labelled. The website is accessible to mobile devices as well. The website has been kept up to date since the beginning of the Compliance Order.

The County has implemented a strict ID check program at the transfer stations and at Rock Creek which verifies the resident's address before allowing them to deposit trash to deter misuse and illegally accepting trash from neighboring Counties. In accordance with the LIP, the transfer station operator continues to provide to the County reports of the number of vehicles disallowed from depositing trash at the transfer stations. Based on available data, the County has reported that throughout the County approximately 58 vehicles per quarter are being turned away through the ID check program.

In accordance with the LIP, layout of transfer stations have been adjusted to encourage increased recycling. The County has reported that signage is being updated but at the time of this report new signs had yet to be implemented.

Rock Creek Solid Waste Facility has a self-haul area with roll-offs for trash, mixed recycling, scrap metal, and a compactor for cardboard. While the public is depositing trash and recyclables, the County uses the floor for sorting of some loads. County staff has improved the layout the self-haul area by replacing one the trash roll-offs with a recycling roll-off. However, during site visits, staff observed clean, bagged recyclables inside the trash roll-offs. To address these issues, signage at Rock Creek is being updated.

#### Curbside Residential Recycling Program

In accordance with the LIP, the County has reported the distribution of new recycling carts, and provided copies of billing inserts and billing footnotes. Print outreach items have included information regarding acceptable waste and recyclable materials, schedules for recycling or green waste pick-up, and waste amnesty events. In late May of 2015, the County began meetings with the franchise hauler to discuss an incentivized rate structure, but discussions were put on hold due to the Butte fire.

During site visits, staff has found approximately 25% of the households in the County are participating in the voluntary curbside program, consistent with the County's reports. During the most recent site visit in October 2015, staff observed 100% of households which set out trash carts also set out their recycling carts. In site visits since the beginning of 2015 staff observed at the MRF curbside recycling loads have minimal contamination (5-10%) and curbside trash loads at Rock Creek have minimal amounts of recyclables (less than 10%).

#### Commercial Sector and Mandatory Commercial Recycling

The County's six transfer stations are available to businesses operating within the County. One subtask in the County's LIP has County staff performing load checks for commercial self-haul waste at the transfer stations. The County is reporting that most businesses subscribe to commercial on-site pick up with the franchise waste hauler. However, during staff's site visits of transfer stations, small businesses have been observed self-hauling waste. The businesses which are choosing to self-haul and not subscribe to on-site pick up services are not being monitored by the County or the franchise waste hauler. Since the first quarterly report in 2014, load checks of self-hauled commercial waste have not been occurring. Staff continue to work with the County on development and implementation of this subtask.

The County has reported increasing the number of businesses subscribed to curbside recycling, after providing waste assessments and outreach. Businesses which subscribe to curbside services receive information on Mandatory Commercial Recycling (MCR) as billing inserts. As of the third quarter of 2015, 62% of the commercial curbside customers (businesses and multifamily dwellings) are subscribed to curbside recycling.

During site visits, staff met with management of a few larger businesses and confirmed proper use of curbside trash and recycling services as well as additional methods to divert recyclables. The County has reported that after an incentivized rate structure has been approved, additional efforts can be made in the commercial sector, such as developing an MCR plan and sending a MCR non-compliance letter to customers.

### Construction and Demolition Diversion

Construction and demolition (C&D) debris have been banned at the transfer stations by County ordinance. The transfer station operator gives residents with C&D waste a brochure and directs the vehicle to Rock Creek Solid Waste Facility. According to the LIP, the distribution of the brochure and redirection of the resident is to be recorded by the operator. Staff has found that this has not always been done. During site visits, operators have claimed to not have brochures regarding C&D waste when JCU staff requested this information.

In addition to the ordinance ban, the County Public Works Department and Building and Planning Departments have implemented a C&D diversion program utilizing Part 11 of Title 24, California Code of Regulations (CalGreen). When building permits are paid, the contractor is given a C&D brochure and a construction waste management packet. The County developed the packet which contains information regarding CalGreen requirements, pricing options for self-haul, contact info for the franchise hauler, and an example waste management plan.

When a contractor hauls a C&D load to Rock Creek, County staff floor sort the waste for a nominal fee, and certify a diversion percentage statement for each permit's waste management plan. The County has been reporting diversion tonnages from their C&D floor sorting program in each quarterly report.

In addition to the C&D program, the County Board of Supervisors approved a disaster ordinance which requires improvements to homes affected by the Butte fire to come into compliance with all of California Code of Regulations, Title 24.

### Schools Program

The County met Calaveras County Office of Education and developed an education plan to provide a recycling assembly for all second and fourth grade classes. Since the beginning of the LIP, adjustments to trash and recycling services have been made based on assessments of trash and recyclables generated. The County reports that many schools have increased their recycling yardage. Staff observed 3-gallon recycling bins to collect paper and containers in classrooms. Staff observed high schools using clear stream recycling bins in the quad and

gymnasium areas. Both classroom bins and clear stream recycling bins contained minimal contamination (less than 5%) during site visits. The elementary school which prepares lunch for the other K-6 schools has recycling at the kitchen for cans, cardboard, and other recyclables.

### Green Waste Diversion and Organics Diversion

The County's green waste program accepts leaves, grass, and tree trimmings at three transfer stations and at Rock Creek landfill for a fee of \$4 per cubic yard. In addition, the County holds an annual Wood & Yard Waste Amnesty Days event allowing residents to deposit green waste for no charge. The County has provided to staff tonnage reports and advertisements for these events.

The County diverts green waste through Alternative Daily Cover (ADC) use and selling material to Biomass facilities. An agreement with a Biomass facility started in September 2012 but was terminated in the third quarter of 2014. On September 28, 2015 the County entered into a new agreement with a different biomass facility. In the third quarter of 2015, the County reported sending 551.54 tons of green waste under this new agreement and has eliminated their ADC use at this time.

The County owns and maintains a linear grinder which is transported between Rock Creek and one of the transfer stations. During the months of April and May 2015, the transfer station received two notices of violation for collecting yard waste beyond the permitted volume. In response, the County closed the yard waste area on June 9, 2015 to chip and reduce the yard waste pile. The trash and recycling areas at this location remain open. The County has reported the transfer station operator noting some public complaints about the yard waste closure. During site visits staff did not observe an increase in the amount of green waste being disposed.

To strengthen the green waste program, the Board of Supervisors has approved the purchase of a tub grinder. The County has reported plans to keep the tub grinder deployed at Rock Creek to create mulch for areas burned by the Butte Fire.

### **Staff Recommendation**

The County has been implementing its LIP programs to varying degrees. However, after the Butte Fire the County and the franchise hauler turned their attention away from the tasks of the LIP and focused on providing relief to victims of the fire and proper disposal of potentially hazardous waste. Based on this, the County is requesting additional time to fully develop and implement the programs to maximize participation and diversion.

The County has supported its request for a Time Extension to maximize overall diversion within the County's waste stream. The County continues to report their commitment to both implementing programs and increasing total diversion. To maximize their efforts, the County is requesting a Time Extension to avoid potential penalties.

Based on staff's analysis of available information, staff recommends the approval of the Time Extension request. This would extend the date for full implementation of the LIP 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.

This analysis was conducted by Victoria Ngo. If you have any questions regarding the analysis or staff's recommendations, please contact Trevor O'Shaughnessy at (916) 341-6203.

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