

**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

January 8, 2016

Certified Mail: 7014 3490 0001 7726 5839

Mr. Pedro Carrillo, Interim City Manager
4319 East Slauson Avenue
Maywood, CA 90270

RE: City of Maywood – Compliance Order No. CO 015-001 Second Time Extension Request for
Submittal of a Fully Executed Local Implementation Plan (LIP)

Dear Mr. Carrillo:

Mr. Mark de Bie, Deputy Director for the Waste Permitting, Compliance, and Mitigation Division of the Department of Resources Recycling and Recovery (CalRecycle) received your letter dated December 15, 2015, requesting a deadline extension to the City of Maywood's (City) for submittal of a fully executed Local Implementation Plan (LIP). The extension is from December 16, 2015 and moved to February 16, 2016.

CalRecycle recognizes that the City has recently faced some significant management changes and that the requested time extension will allow the new management time to: complete a full assessment of the most recent draft LIP to ensure it reflects all of the efforts necessary to improve; expand and implement new diversion programs to address the program gaps identified; and, present the LIP to the City Council for review, consideration and action at a regularly scheduled City Council meeting. It is important that development of the LIP be done correctly. If an additional month is necessary to get proper approval, let us know as soon as possible.

Mr. de Bie has granted your request; the Deputy Director's approval is attached (Attachment A). Please note that CalRecycle fully intends to enforce the timelines set forth in the Compliance Order. Extensions of those timelines will only be considered for circumstances outside the control of the City and will be based on whether the City has operated in good faith with respect to complying with the order. The Deputy Director has directed staff to continue to make themselves available to assist the City in developing the City's LIP and to continue to support the City's efforts to meet the requirements of the order.

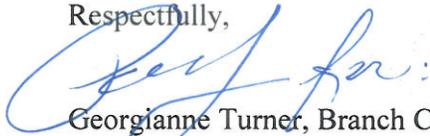
I have directed my staff to contact your office to schedule a conference call to allow us to discuss some of the history related to the issuance of the Compliance Order and CalRecycle's communications with the City to date. For reference, I have attached a summary of communications between the City and CalRecycle since the issuance of the Compliance Order (Attachment B).

The City's Schedule for Compliance reflecting the revised LIP submittal date is attached (Attachment C).



Should you have any questions about the attached decision, please contact Trevor O'Shaughnessy at (916) 341-6203 or at Trevor.OShaughnessy@calrecycle.ca.gov. You can also reach me directly at (916) 341-6429 or at Georgianne.Turner@calrecycle.ca.gov.

Respectfully,



Georgianne Turner, Branch Chief
Waste Evaluation and Enforcement Branch
Waste Permitting, Compliance, and Mitigation Division

cc: Trevor O'Shaughnessy, Manager, Jurisdiction & Product Enforcement Section
Kathleen Marsh, Jurisdiction Compliance Unit
Andre Dupret, Project Manager, City of Maywood
Compliance Order CO 015-001 File

Attachments (3)

Mr. Pedro Carrillo
City of Maywood

January 8, 2016
Attachment

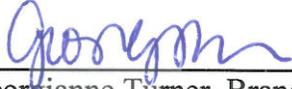
Attachment A

Mr. Pedro Carrillo
City of Maywood

January 8, 2016
Attachment

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 30, 2015

Decision Subject: Consideration of the City of Maywood's Second Request for an Extension to the Due Dates of Compliance Order CO 015-001

Action By: January 8, 2016

Summary of Request:

This is a request that the Deputy Director take action on a proposed Time Extension request to Compliance Order # CO 015-001 (Compliance Order) for the City of Maywood (City). Staff's findings and recommendations are provided relative to the proposed action.

Findings:

On August 18, 2015, Compliance Order CO 015-001 was issued to the City. The Compliance Order includes a "Schedule for Compliance" which provides specific actions and dates that the City must meet.

Paragraph 3.9 of the Compliance Order allows the City to request an extension of time to perform any mandated activity or submit any document, provided that the City submits a written extension request prior to the expiration of the time required by the Compliance Order and that the City provides justification for the delay. On December 15, 2015, the City submitted an official written extension request to extend the deadline of the submittal of the Local Implementation Plan (LIP) from December 16, 2015 to February 16, 2016. The submittal included a justification for the requested delay (Attachment 1).

The City is supporting their request, in part, on the following:

- Significant changes in the City Council and Executive staffing
 - The November 2015 election appointed a new City Council member.
 - With the seating of the new City Council, the City Mayor and Mayor Pro Tem were appointed.
 - New Interim City Manager: the City appointed a new Interim City Manager effective December 10, 2015,
- New City Administrative Staff
 - The following are additional staffing changes that have an impact on the City's finalization of the LIP:
 - City Clerk
 - City Treasurer
 - Legal Counsel

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

Staff and the City have identified the program gaps in which diversion efforts are not maximized. The additional time requested will provide the City the time to: complete a full assessment of the most recent draft LIP to ensure it reflects all of the efforts necessary to improve, expand and implement new diversion programs to address the program gaps identified; and present the LIP to the City Council for review, consideration and action at a regularly scheduled City Council meeting.

Recommendation:

Based on staff's analysis of the available information and the City's submitted request, staff recommends the Deputy Director approve the City's Second Time Extension request for submittal of the LIP. Approval of the Time Extension will extend the date for submission of the LIP from December 16, 2015 to February 16, 2016. Staff has prepared a revised "Schedule for Compliance" reflecting the change to the LIP due date (Attachment 2). The dates for the other mandated activities remain unchanged.

Deputy Director Action:

On the basis of the information, analysis and findings presented in this RFA, I hereby, approve the City's Time Extension request and extend the deadline for submittal of the fully executed LIP, as outlined in the "Schedule for Compliance" (Attachment 2), from December 16, 2015, to February 16, 2016. I am also directing staff to continue to make themselves available to assist the City in developing the City's LIP and to continue to support the City's implementation of the Compliance Order.

Dated: January 8, 2016



Mark de Bie, Deputy Director
Waste Permitting, Compliance and Mitigation Division
Department of Resources Recycling and Recovery

Attachment 1: Letter from City of Maywood dated December 15, 2015: Request for an Extension Regarding Compliance Order No. CO 015-001,

Attachment 2: Revised Schedule for Compliance



City of Maywood

4319 East Slauson Avenue • Maywood, California 90270
Tel: (323) 562-5700 • Fax (323) 773-2806



Delivery Via Electronic Mail and United States Postal Service

December 15, 2015

Mark De Bie, Deputy Director
Waste Permitting, Compliance and Mitigation Division
Department of Resources Recycling and Recovery
1001 I Street
Sacramento, CA 95814

SUBJECT: REQUEST FOR AN EXTENSION REGARDING COMPLIANCE ORDER NO. CO 015-001

Mr. De Bie:

My name is Pedro Carrillo. I am the newly appointed interim City Manager for the City of Maywood. My predecessor, Lilian Myers, is no longer employed as the City Manager. I am at the very beginning of my responsibilities of directing the City through this transitional period which, for me, began December 10, 2015. As you can imagine, this is an extremely demanding time for me and my staff with many orders of business to prioritize. One of those priorities is the submittal of the City's Local Implementation Plan (LIP). I have been informed by my staff that the due date is December 16, 2015. This morning was the first opportunity I had to conduct an in-depth assessment of the LIP project and to hold a conference call with Andrew Parrish of your compliance division, and Andre Dupret of my staff. The purpose for the conference call was to introduce myself and to advise CalRecycle of the significant changes that have taken place here at the City, as well as to discuss alternatives to tomorrow's deadline for submittal of the LIP.

Because of the current dynamics involving the City Manager's office, and given the fact that there is now a new City Council and leadership in office, meeting tomorrow's deadline for submittal of a fully executed LIP (reviewed and approved by the new City Council via a resolution) is not possible. Therefore, I would like to propose the following course of action in the hope that you will approve the plan as presented. First, in order to meet the deadline, the City will submit the attached draft LIP as a place holder until the City Council has an opportunity to review and approve the final document at the regularly scheduled Council meeting on January 13, 2016.

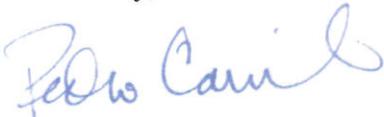
Secondly, I am requesting an extension of up to sixty (60) days within which to prepare and submit the final LIP document to CalRecycle. It is my understanding that you had previously given the City a thirty (30) day extension, which the City is grateful for, but, given the recent changes as described previously, is insufficient time to thoroughly accomplish the task at hand. Therefore, on behalf of the City of Maywood, and in accordance with Section 3.9 of Compliance Order No. CO 015-001, I am requesting an extension of up to sixty (60) days of the due date for submittal of the City's Local Implementation Plan ("LIP"). The current due date for submittal of the LIP is December 16, 2015. In summary, the City is requesting the additional time for the following reasons:

Request for Extension
LIP – CalRecycle
December 15, 2015
Page 2

1. New City administration staff needs additional time to further confer with current staff and to complete a full assessment of the most recent draft LIP; and
2. Additional time is also needed to circulate the draft document for internal review, particularly by the new legal counsel of the City; and
3. Given the staff and Council changes that have occurred, and the pending closure of City Hall in observance of the Christmas and New Year holidays, the earliest the final LIP can be reviewed for consideration and action by the City Council at a regular meeting is January 13, 2016.

I would like to thank you in advance for your consideration. Please let me know if you wish to discuss any portion of this correspondence. I can be reached at (323) 562-5714.

Sincerely,



Pedro Carrillo
Interim City Manager

Attachment: Draft LIP

Copy: Kathleen Marsh, Jurisdiction Compliance Unit
David Garcia, City Attorney
Andre Dupret, Project Manager
File

SCHEDULE FOR COMPLIANCE

- 3.1 Based on the determination of compliance deficiencies, it is hereby ordered that:
- a. The City 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 City to achieve compliance and improve, expand, or implement new diversion programs.
 - b. The City shall develop and submit to CalRecycle a fully executed LIP by February 16, 2016. **(revised)**
 - c. The City will fully implement the programs identified in the LIP by December 31, 2016.
 - d. CalRecycle staff will monitor the City's continued implementation of the programs identified in the LIP for one year from January 1, 2017, through January 1, 2018 ("the oversight period").
 - e. The City 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 City 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 City will explain the reason(s) for the delay/incompletion. The City 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 City 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 City of up to \$10,000 per day.

Attachment B

Summary of Communication Regarding LIP Development

August 18, 2015	Compliance Order (CO) signed and put into effect.
August 21, 2015	Copy of CO sent to the City.
August 27, 2015	CalRecycle staff reached out to City. Asked if there were questions about CO. Mentioned wanting to meet to discuss Local Implementation Plan (LIP).
September 3, 2015	CalRecycle staff reached out to City, after not hearing from City. Set-up conference call for September 8, 2015.
September 8, 2015	Initial contact with City regarding LIP. Discussed what it entails, CalRecycle's role, development/format, and due date.
September 9, 2015	As a follow-up to Sept. 8 th call, contacted City and agreed upon Sept. 24 th to meet and discuss LIP. City and staff agreed that CalRecycle would develop a discussion draft and forward onto City.
September 23, 2015	Provided draft of LIP to City.
September 24, 2015	Met in person with City to present and discuss draft LIP. Due to City resource limitations, staff agreed to incorporate edits and forward to City for review.
September 30, 2015	Staff provided draft 2 of LIP to City via e-mail. Follow-up with a phone call to review edits and address additional questions.
September 30, 2015	Provided draft 3 of LIP to City via e-mail.
September 30, 2015	Received acknowledgement from City that draft 3 of LIP was received.
October 7, 2015	Staff reached out to City to follow-up on status of LIP review.
October 7, 2015	E-mail received from City noting that LIP was received. City noted they would reaching out to contact us.
October 12, 2015	Staff reached out to City to request an update. Was only able to leave a message. Learned later City was closed for Columbus Day Holiday.
October 14, 2015	Staff e-mailed City to follow up on message left. Received reply that contact had been out a few days and would be contacting CalRecycle.
October 15, 2015	City's contact informed staff that LIP extension was needed. Requested assistance to understand how to submit request.
October 16, 2015	Staff e-mailed City to request a conference call to seek clarification regarding the LIP extension request.
October 20, 2015	Staff was able to coordinate an on-site meeting with the City for October 22, 2015.
October 22, 2015	Met with City to discuss development of the LIP and the City's time extension request. While on-site, staff learned that City did not review latest draft LIP with City management prior to meeting.
October 23, 2015	Staff received LIP extension request.
November 9, 2015	Electronic copy of LIP time extension request approval sent to City.
November 13, 2015- December 10, 2015	Multiple emails to check on status of LIP and to offer assistance to the City in the development of the LIP.
December 14, 2015	The City called to request another copy of the most recent example draft LIP.
December 16, 2015	First time extension LIP due date. City submitted a request for a second time extension.
January 8, 2016	Electronic copy of second LIP time extension request approval sent to City.

Attachment C

SCHEDULE FOR COMPLIANCE

- 3.1 Based on the determination of compliance deficiencies, it is hereby ordered that:
- a. The City 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 City to achieve compliance and improve, expand, or implement new diversion programs.
 - b. The City shall develop and submit to CalRecycle a fully executed LIP by February 16, 2016. (revised)
 - c. The City will fully implement the programs identified in the LIP by December 31, 2016.
 - d. CalRecycle staff will monitor the City's continued implementation of the programs identified in the LIP for one year from January 1, 2017, through January 1, 2018 ("the oversight period").
 - e. The City 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 City 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 City will explain the reason(s) for the delay/incompletion. The City 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 City 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 City of up to \$10,000 per day.

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