

**STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

In the Matter of:)	Tracking No: IWMA BR99-97
)	
City Of Chowchilla,)	
Madera County)	COMPLIANCE ORDER
)	
)	
Jurisdiction)	Public Resources Code Section 41825

INTRODUCTION

- 1.1 **Parties:** The California Integrated Waste Management Board (Board) issues this Compliance Order (Order) to the City of Chowchilla (Jurisdiction).

- 1.2 **Authority:** Section 41825 of the Public Resources Code (PRC) requires the Board to review implementation of each jurisdiction's Source Reduction and Recycling Element (SRRE) and Household Hazardous Waste Element (HHWE), at least once every two years; this biennial review is the Board'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), the Board 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 Board staff conducted a Biennial Review of the City of Chowchilla's HHWE. After considering the results of this review and the adoption of this Order at a public hearing on November 15 -17, 1999 the Board determined:
- 2.2 The Jurisdiction appears not to be making adequate progress in implementing its hazardous waste diversion programs as described in the HHWE.
- 2.3 The Jurisdiction failed to provide sufficient information to demonstrate that it made a good faith effort in implementing its HHWE to the level required by PRC Section 41850(b).

SCHEDULE FOR COMPLIANCE

- 3.1 Based on the foregoing determination of compliance deficiency, it is hereby ordered that:
- 3.2 The City of Chowchilla shall:
 - a. Work with the Office of Local Assistance (OLA) to determine gaps in program areas and make recommendations on improving, expanding, or implementing new HHWE programs. OLA staff will conduct a needs assessment meeting with the jurisdiction and outline the scope of a local assistance plan the jurisdiction will agree to implement to achieve compliance with this order by March 31, 2000.
 - b. Implement all of the programs selected in the HHWE (or suitable alternate programs) by December 31, 2000 in accordance with a revised schedule for implementing HHWE-selected programs, developed by the jurisdiction in consultation with OLA staff, by March 31, 2000.

- c. Document its progress in implementing selected HHWE programs and meeting requirements in a report to the Board. This report shall be submitted by the following date: June 1, 2000.
- 3.3 Penalties: At the end of the compliance order (December 31, 2000), the Board shall hold a public hearing to determine whether or not the jurisdiction has complied with Section 3.1 of this Order. Failure to comply with any part 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). A public hearing may be scheduled earlier if the Board determines that the Jurisdiction has complied with the conditions of the Order ahead of schedule.
- 3.4 Submittals: All documents required to be submitted by the Jurisdiction as noted above shall be sent to:

Eric Bissinger
Office of Local Assistance, MS 8
California Integrated Waste Management Board
8800 Cal Center Drive
Sacramento, CA 95826
Attn: Compliance Order Correspondence

- 3.5 Communications: All approvals and decisions of the Board made regarding the adequacy of submittals will be communicated to the Jurisdiction in writing by the Board or its designee. No informal advice, guidance, suggestions, or comments by the Board staff regarding reports, plans, schedules, or any other documents submitted by the jurisdiction shall be considered to be Board approvals.
- 3.6 Board Review and Approval: If the Board determines that any report, plan, schedule, or other document submitted for approval pursuant to this Order fails to comply with the Order or fails to achieve successful implementation of the HHWE, the Board or its designee may:

- a. Serve a notice that the Board will hold a public hearing to consider the imposition of penalties in accordance with PRC Section 41850, or
- b. Order the jurisdiction to change the document (if there are major changes) as deemed necessary and approve the document as changed, or
- c. Return the document to the jurisdiction with recommended changes (if there are minor changes) and a date by which the Jurisdiction must submit to the Board the document incorporating the recommended changes.

3.7 Compliance with Applicable Laws: The jurisdiction shall carry out this Order in compliance with all Local, State, and Federal requirements, including but not limited to requirements to obtain necessary permits.

3.8 Liability: Nothing in this 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 Jurisdiction.

3.9 Government Liabilities: The State of California and the Board shall not be liable for injuries or damages to persons or property resulting from acts or omissions in carrying out activities pursuant to this Order, nor shall the State of California be held as a party to any contract entered into by the Jurisdiction or its agents in carrying out activities pursuant to the Order. The jurisdiction 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 Order.

3.10 Extension Request: If the Jurisdiction is unable to perform any activity or submit any document within the time required under this Order, the Jurisdiction may, prior to

expiration of the time, request an extension of time in writing. The extension request shall include a justification for the delay.

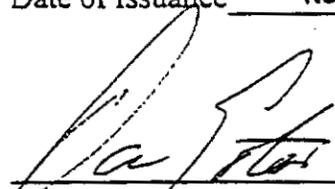
3.11 Extension Approvals: If the Board or its designee determines that good cause exists for an extension, it will grant the request and specify in writing a new compliance schedule.

3.12 Parties Bound: This Order shall apply to and be binding upon the Jurisdiction and upon the Board and any successor agency (regional agency etc.) that may have responsibility for and the jurisdiction over the subject matter of this Order.

EFFECTIVE DATE

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

Date of Issuance NOV 15 1999



Dan Eaton, Chairman
California Integrated Waste Management Board

