California Environmental Protection Agency

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

1001 I Street, P.O. Box 4025 Sacramento, CA 95812

Rosario Marin, Chair
Rosalie Mulé, Member
Cheryl Peace, Member
Carl Washington, Member

Board Meeting

Tuesday, July 19, 2005 9:30 am
Wednesday, July 20, 2005 9:30 am

Joe Serna Jr., CalEPA Building
Byron Sher Auditorium
1001 I Street, 2nd Floor
Sacramento, CA 95814

AGENDA:

I. CALL TO ORDER

II. ROLL CALL AND DECLARATION OF QUORUM

- Pledge Of Allegiance

III. OPENING REMARKS

IV. REPORTS AND PRESENTATIONS

V. PUBLIC COMMENT

VI. CONSENT AGENDA

VII. CONTINUED BUSINESS AGENDA ITEMS

VIII. NEW BUSINESS AGENDA ITEMS

Permitting And Enforcement

1. Consideration Of A Revised Full Solid Waste Facilities Permit (Transfer/Processing Station) For The Ramona Materials Recovery Facility And Transfer Station, San Diego County (P&E Committee Item B)

2. Consideration Of A New Full Solid Waste Facilities Permit (Transfer/Processing Station) For The Southern California Recycling, Riverside County (P& E Committee Item C)

~~3. Consideration Of A New Full Solid Waste Facilities Permit (Transfer/Processing Station) For The Fremont Recycling And Transfer Station, Alameda County (P&E Committee Item D)~~ *PULLED*

4. Consideration Of A Revised Full Solid Waste Facilities Permit (Transfer/Processing Station) For The Mammoth Recycling Facility And Transfer Station, Madera County (P&E Committee Item E)

5. Consideration Of A Revised Full Solid Waste Facilities Permit (Disposal Facility) For The Fairmead Landfill, Madera County (P&E Committee Item F)

6. Consideration Of A Revised Full Solid Waste Facilities Permit (Disposal Facility) For The Neal Road Landfill, Butte County (P&E Committee Item G)

7. Consideration Of A New Full Solid Waste Facilities Permit (Compostable Materials Handling Facility) For The Jepson Prairie Organic Composting Facility, Solano County (P&E Committee Item H)

Special Waste

8. Consideration Of Adoption Of The Proposed Regulations For Waste And Used Tire Haulers Regarding Retreaders (Special Waste Committee Item B)

9. Consideration Of The Grant Awards For The Household Hazardous Waste Grants (14th Cycle) (FY 2005/2006, Integrated Waste Management Account) (Special Waste Committee Item C)

10. Presentation Of Findings On Phase II Of The Do-It-Yourself Oil Changers Research (FY 2001/2002 Used Oil Recycling Fund Contract C2014) (Special Waste Committee Item D)

Sustainability And Market Development

11. Consideration Of Plastic Trash Bag Manufacturers And Wholesalers Compliance With The Plastic Trash Bag Law For The 2004 Reporting Period (Public Resources Code Section 42997(b)) (Sustainability and Market Development Committee Item B)

12. Update On Progress Toward Achieving Goals Of The Carpet Stewardship Memorandum Of Understanding (Sustainability and Market Development Committee Item C)

13. Consideration Of Revisions To The Recycling Market Development Revolving Loan Program General Loan Criteria (Sustainability and Market Development Committee Item D)

14. Consideration Of The Recycling Market Development Revolving Loan Program Application For Glaum Egg Ranch, L.P. (FY 05/06) (Sustainability and Market Development Committee Item E)

15. Discussion And Request For Direction Regarding An Alternative AB939 Compliance System (Sustainability and Market Development Committee Item G)

16. Consideration Of The Application For A Second SB1066 Time Extension By The City Of San Marino, Los Angeles County (Sustainability and Market Development Committee Item H)

17. Consideration Of The Amended Nondisposal Facility Element For The City Of Oakland, Alameda County (Sustainability and Market Development Committee Item I)

18. Consideration Of A Request To Change The Base Year To 2003 For The Previously Approved Source Reduction And Recycling Element For The City Of Milpitas, Santa Clara County (Sustainability and Market Development Committee Item J)

19. Consideration Of A Request To Change The Base Year To 2003 For The Previously Approved Source Reduction And Recycling Element For The Unincorporated Area Of Orange County (Sustainability and Market Development Committee Item K)

20. Consideration Of The Application For A SB1066 Time Extension By The City Of Buena Park, Orange County (Sustainability and Market Development Committee Item L)

21. Consideration Of A Second SB1066 Time Extension Application By The Following Jurisdictions: The Cities Of Brawley, Calexico, Calipatria And The City Of Imperial, Imperial County (Sustainability and Market Development Committee Item M)

22. Consideration Of A Second SB1066 Time Extension Application By The Following Jurisdictions: City Of Oceanside: San Diego County, City Of Roseville: Placer County, And The San Benito County Integrated Waste Management Regional Agency: San Benito County (Sustainability and Market Development Committee Item N)

23. Consideration Of The Application For A SB1066 Time Extension By The City Of Murrieta, Riverside County (Sustainability and Market Development Committee Item O)

24. Consideration Of A Request To Change The Base Year To 2003 For The Previously Approved Source Reduction And Recycling Element; And Consideration Of The Petition For Sludge Diversion Credit For The City Of Murrieta, Riverside County (Sustainability and Market Development Committee Item P)

25. Public Hearing And Consideration Of The Imposition Of Penalties Against The City Of Fortuna Pursuant To Compliance Order IWMA BR02-01 (Public Resources Code Section 41850) (Sustainability and Market Development Committee Item Q)

Other

26. Consideration Of Scope Of Work And Allocation For The Education And The Environment Initiative Education Consultant (FY 2005/2006 & 2006/2007, Integrated Waste Management Account)

27. Consideration Of Scope Of Work And Allocation For Education And The Environment Initiative Writing Teams (FY 2005/2006, Integrated Waste Management Account)

28. Oral Presentation On Board Action Plans

IX. BOARD MEMBERS COMMENT

X. ADJOURNMENT

NOTES:

- *Agenda items may be taken out of order.*
- *The official California Integrated Waste Management Board agenda's are available via the Internet at:* www.ciwmb.ca.gov/agendas/
- *Persons interested in addressing the Board on any agenda item must fill out a speaker request form and present it to the Board Secretary prior to Board consideration of the item. The Board may limit the time for individual public testimony.*
- *Items may be placed on the consent agenda. The Board will approve these items all at once without discussion. Therefore, if a Board Member or a member of the public wishes to speak to an item on the consent calendar, they must make their request that the item be removed from the consent agenda before the Board considers it.*
- *If written comments are submitted, 20 two-sided copies must be provided in advance of the Board meeting with the following information on the first page of the document: date, addressee, board meeting, agenda item number, and name of person submitting the document.*
- *Any information mailed with this agenda is disseminated as a public service only, and is intended to reduce the volume and costs of separate mailings. This information does not necessarily reflect the opinions, views, or policies of the Board.*
- *To request special accommodations for those persons with disabilities, or to verify if an item will be heard, or would like copies of the agenda items, please contact the Board's Administrative Assistant at (916) 341-6550 or* brdmeet@ciwmb.ca.gov

Notice: The Board may hold a closed session to discuss the following: confidential tax returns, trade secrets, or other confidential or proprietary information of which public disclosure is prohibited by law; the appointment or employment of a public employee; or litigation under authority of Government Code Sections 11126 (a)(1), (c)(3), (15), and (e), respectively.

California Integrated Waste Management Board

Board Meeting

July 19-20, 2005

AGENDA ITEM 1

ITEM

Consideration Of A Revised Full Solid Waste Facilities Permit (Transfer/Processing Station) For The Ramona Materials Recovery Facility And Transfer Station, San Diego County

I. ISSUE/PROBLEM STATEMENT

1. This item requests Board concurrence on the revised Ramona Materials Recovery Facility and Transfer Station solid waste facilities permit.
2. Pursuant to Public Resources Code, Section 44009, the Board has 60 calendar days to concur in or object to the issuance of a full solid waste facilities permit. The proposed permit for this facility was submitted to the Board on May 26, 2005. The date for submittal of a proposed permit that would allow a full 60 days for Board review prior to the July Board meeting was May 21, 2005. The Board has until July 25, 2005 to act on this permit. When the proposed permit package was received, the package contained all of the items required by 27 CCR, Section 21685.

II. ITEM HISTORY

- The Board last concurred with a revised permit for the facility in February 1999.
- Compliance History:
  2001 - No violations
  2002 - One permit violation
  2003 - One permit violation
  2004 - Three permit violations
  2005 - (Jan. to May) No violations

  The five permit violations from 2002 through 2004 are explained on Page 4, in the Consistency with the SMS portion of the agenda item.

III. OPTIONS FOR THE BOARD

The Board may decide to do one of the following:

1. Concur in the issuance of the proposed permit as submitted by the LEA.
2. Object to the issuance of the proposed permit as submitted by the LEA.
3. Take no action on the proposed permit as submitted by the LEA. If the Board chooses this option, the Board shall be deemed to have concurred in the issuance of the proposed permit 60 days after the Board's receipt of the permit.

IV. STAFF RECOMMENDATION

Staff recommends that the Board adopt option one, concurrence in the issuance of the proposed permit.

V. ANALYSIS

A. Key Issues and Findings

Facility Name: Ramona Materials Recovery Facility and Transfer Station
Facility No. 37-AA-0925

Facility Type:	Existing Large Volume Materials Recovery and Transfer/Processing Station
Location:	324 Maple Street, Ramona, California
Setting:	The site is located in a general impact industrial (M-54) zone of the Town of Ramona. The site is immediately surrounded by mixed industrial uses. To the north is rental property; to the south, across a street, are various rental properties, including a towing yard, body shop and fencing company; to the east is a vacant land similarly zoned for industrial use; and to the west is a vacant property and two homes (also zoned M-54), which were occupied before the facility was built.
Operational Status:	Active and operating
Current Traffic Volume:	197 vehicles per day
Proposed Traffic Volume:	220 vehicles per day
Current Permitted Maximum Tonnage:	370 tons per day
Proposed Permitted Maximum Tonnage:	700 tons per day
Operator:	Ms. Victoria Tobiason, Vice President & General Manager Escondido Resources Recovery (ERR)
Land Owner:	Ms. Victoria Tobiason JEMCO
LEA:	Mr. Gary Erbeck, Director County of San Diego Department of Environmental Health

Background

Ramona Materials Recovery Facility and Transfer Station is located in the town of Ramona, an unincorporated area of San Diego County. The facility serves as a refuse collection, recycling & transfer station for residential, commercial and industrial customers in the towns of Ramona, Julian, Santa Ysabel, Warner Springs and other surrounding rural communities, including starting about three years ago, portions of the City of Poway. ERR, d.b.a. Ramona Disposal Service, also collects refuse and recyclable materials from bins located at ten rural transfer stations and operations. The rural transfer stations and operations serve various nearby small towns and Native American communities. At this time the operator

proposes to revise its permit to serve the waste disposal needs of the service area communities with increased efficiency.

Key Issues

The proposed revised permit is to allow the following:

- Increase the traffic volume from 197 vehicles per day to 220 vehicles per day; and
- Increase the permitted maximum tonnage from 370 to 700 tons per day; and
- Revise the Report of Station Information (RSI).

The following LEA certifications and staff analysis are provided

LEA Certification:

- The permit application package is complete and correct;
- The Transfer/Processing Report (TPR) meets the requirements of Title 14, CCR, Section 18221.6; and
- The changes in the proposed permit are supported by a Subsequent Mitigated Negative Declaration (SMND), State Clearinghouse No. 2005011002, which was adopted by the County of San Diego Planning Commission on March 4, 2005.

Staff Analysis:

The following table summarizes Board staff's review and analysis of the proposed permit application package:

37-AA-0925 Summary of Board Findings	Accept-able	Unaccept-able	To Be Deter-mined	Not Applic-able	See Details Below
CIWMP Conformance (PRC 50001)	√				***1***
Consistency With State Minimum Standards	√				***2***
RFI Completeness	√				
California Environmental Quality Act	√				***B***
Preliminary Closure/Post-Closure Maintenance Plan	N/A				
Funding for Closure/Post-Closure Maintenance	N/A				
Operating Liability	N/A				

1. Conformance with County Integrated Waste Management Plan (CIWMP):
   Public Resources Code (PRC) Section 50001 requires that the location of any new or expanded transfer/processing facility be identified and described in the applicable jurisdiction's Nondisposal Facility Element (NDFE). Staff of the Board's Office of Local Assistance (OLA) has determined that the location of Ramona Materials Recovery Facility and Transfer Station is identified in the NDFE for the unincorporated San Diego County area, and therefore, the proposed permit is in conformance with the County Integrated Waste Management Plan.

2. Consistency with State Minimum Standards:
   Board staff conducted a pre-permit inspection of the facility on June 10, 2005 and found that the facility's design and operations were in compliance with the applicable State Minimum Standards. Staff, however, did find one violation of the terms and conditions of the permit. On June 4, 2005, the operator received 626.09 tons and 268

vehicles, exceeding the maximum permitted limits of 370 tons per day and 197 vehicles per day.
The five permit violations from 2002 through 2004 are for situations where the LEA found the operator received solid waste in excess of the permitted maximum daily tonnages twice and for receiving loads of green waste materials outside the tipping building floor. Subsequent LEA inspection reports indicated that the violations were corrected.

B. Environmental Issues

1. California Environmental Quality Act (CEQA)
   State law requires compliance with the California Environmental Quality Act either through the preparation, circulation and adoption/certification of an environmental document and mitigation reporting or monitoring program or by determining that the proposal is categorically or statutorily exempt.

   The County of San Diego, Department of Planning and Land Use, acting as Lead Agency, has prepared the following environmental document for the Ramona Materials Recovery and Transfer Station:

   - A subsequent Mitigated Negative Declaration, State Clearinghouse No 2005011002, was circulated for a thirty day comment period from January 3, 2005 through February 1, 2005. The Mitigated Negative Declaration was certified by the County of San Diego Planning Commission on March 4, 2005. The Mitigated Negative Declaration discussed increasing peak daily tonnage from 370 tons to a peak daily tonnage of 700 tons and increasing the number of vehicles entering the site on a daily basis from 197 vehicles to 220 vehicles. The total permitted area and the area permitted for material recovery, transfer and processing will not change.

   All potentially significant impacts were reduced to less than significant after incorporation of mitigation measures that were agreed to by the applicant. Potential significant impacts were identified for Transportation/Traffic. These potentially significant impacts were mitigated by participation in the cost of intersection improvements/signal enhancements at four intersections with a fair share contribution as agreed by the Department of Public Works.

   The County of San Diego, Department of Environmental Health, has provided a finding that the proposed SWFP is consistent with and supported by the cited environmental document.

   Board staff recommends the Mitigated Negative Declaration information cited above, as adequate for the Board's environmental evaluation of the proposed project for those project activities which are within the Board's expertise and/or powers, or which are required to be carried out or approved by the Board.

2. Staff is not aware of any impacts regarding other state agencies, or cross-media impacts related to this item.

C. Program/Long Term Impacts

Based on available information, staff is not aware of any program impacts related to this item.

D. Stakeholder Impacts

Based on available information, staff is not aware of any stakeholder impacts related to this item.

E. Fiscal Impacts

No fiscal impact to the Board results from this item.

F. Legal Issues

Based on available information, staff is not aware of any legal issues related to this item.

G. Environmental Justice

Community Setting:

The site is located in a general impact industrial (M-54) zone of the Town of Ramona. The site is immediately surrounded by mixed industrial uses. To the north is rental property; to the south, across a street, are various rental properties, including a towing yard, body shop and fencing company; to the east is a vacant land similarly zoned for industrial use; and to the west is a vacant property and two homes (also zoned M-54), which were occupied before the facility was built.

Ramona Materials Recovery Facility and Transfer Station is located in Census Tract 208.06 in the 2000 U.S. Census Bureau Database for San Diego County. According to the 2000 census, the population of Census Tract 198.06 consists of the following:

US Census Bureau Data Census 2000 – Race, Census Tract 208.06 County of San Diego, California	**All Ages**	
	Number	**Percent**
White	5,083	94.0
Black or African American	59	1.1
American Indian and Alaska Native	64	1.2
Asian	52	1.0
Native Hawaiian & Other Pacific Islander	9	0.2
Some other race	12	0.2
Two or more races	130	2.3
Total Population	5,409	100

1,499 people or 27.7% of the population in Census Tract 208.06 identify themselves as Hispanic or Latino. The median household income of the residents in the 2000 census was $38,030 and approximately 11.0% of the families were below the poverty level.

Community Outreach:

Pursuant to the requirements of AB 1497, the LEA on May 6, 2005, held a public hearing at the Ramona Materials Recovery Facility and Transfer Station to receive public comments regarding the application for the permit revision. The hearing was held at 1:00 p.m. Four people attended the hearing; one member of the Ramona Planning Group, the operator and two LEA staff. The LEA provided answers to some general questions related to the hours of operation, the proposed traffic volume, facility acreage, and to a question related to the activities of the County Department of Environmental Health relative to vector control.

Environmental Justice Issues:

Based on available information, staff is not aware of any environmental justice issues related to this project.

H. 2001 Strategic Plan

Staff work on new or revised solid waste facility permits is completed as part of Goal 4: Managing and mitigating the impacts of solid waste on public health and safety and the environment and promoting integrated and consistent permitting, inspection, and enforcement efforts.

VI. FUNDING INFORMATION

This item does not require any Board fiscal action.

VII. ATTACHMENTS

1. Site Location Map
2. Site Plan
3. Proposed Permit Number 37-AA-0925
4. Resolution Number 2005-181

VIII. STAFF RESPONSIBLE FOR ITEM PREPARATION

A. Program Staff: Tadese Gebrehawariat **Phone:** (916) 341-6402
B. Legal Staff: Michael Bledsoe **Phone:** (916) 341-6058
C. Administrative Staff: N/A **Phone:** N/A

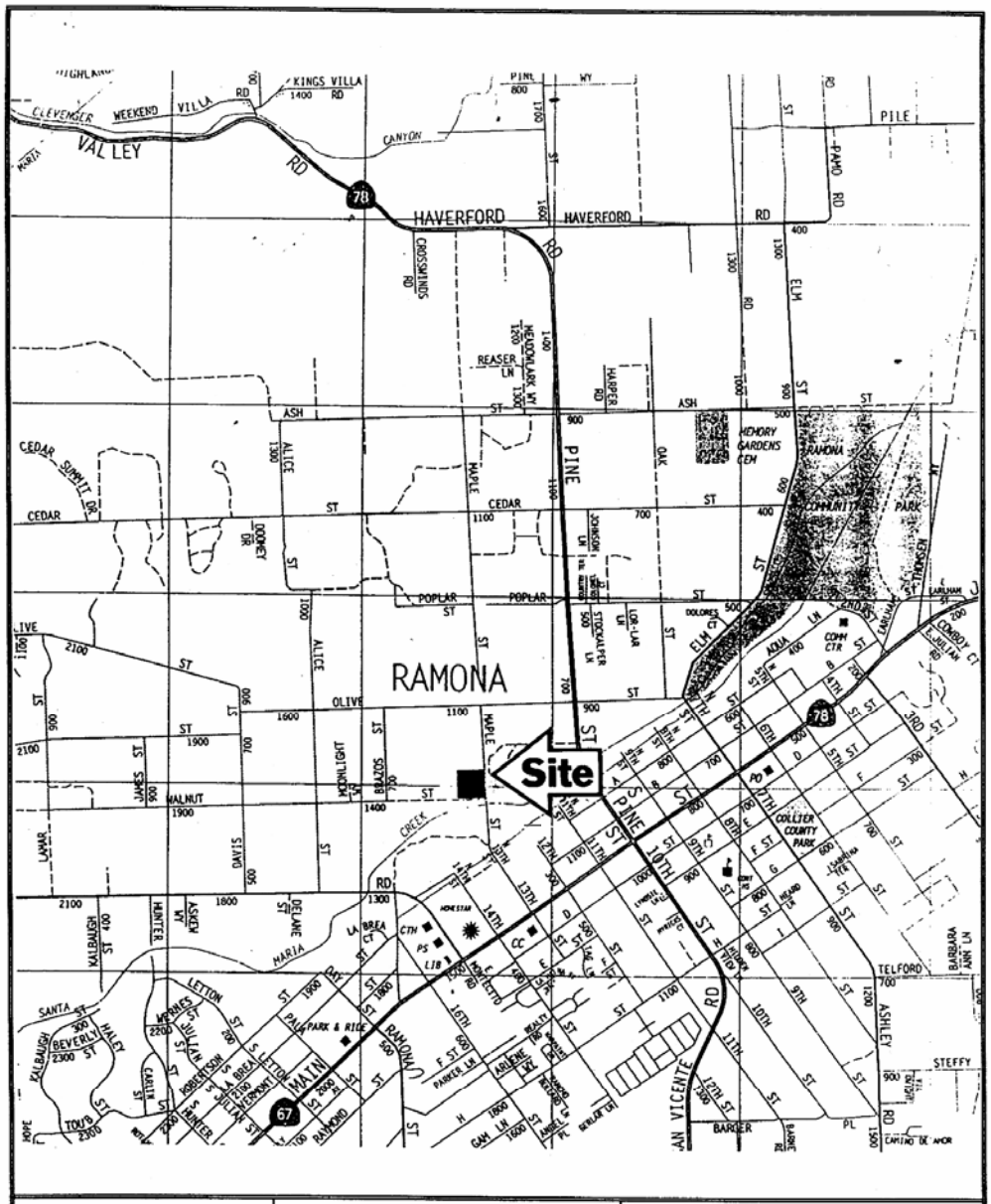
IX. WRITTEN SUPPORT AND/OR OPPOSITION

A. Support

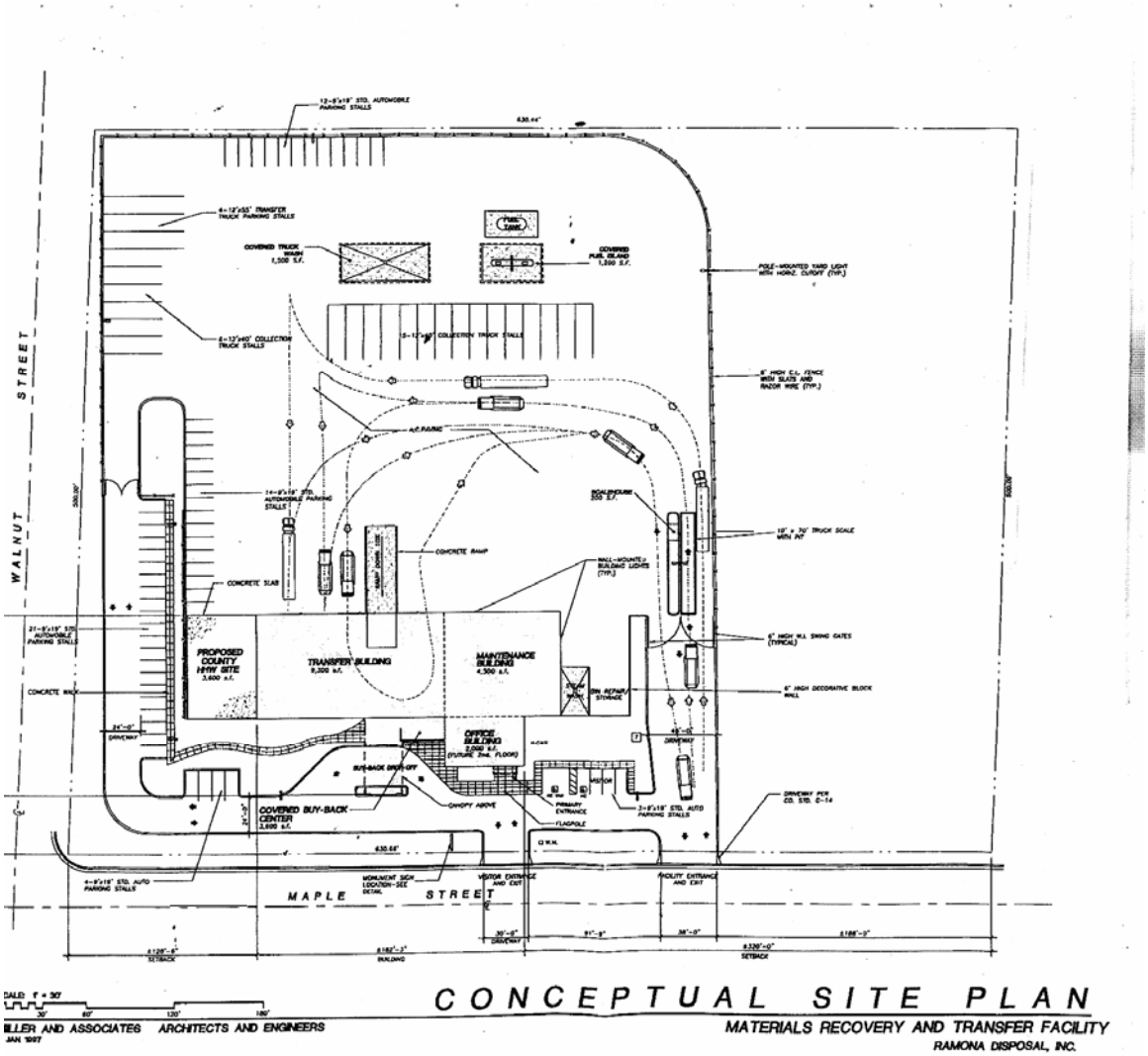
Escondido Resource Recovery, the operator of the facility.

B. Opposition

Staff has not received any written opposition regarding this agenda item.



CLEMENTS Environmental	Figure 1: Site Location Map	RAMONA MRF & TRANSFER STATION


WALNUT STREET
MAPLE STREET
PROPOSED COUNTY HHW SITE
TRANSFER BUILDING
MAINTENANCE BUILDING
OFFICE BUILDING
COVERED BUY-BACK CENTER
CONCEPTUAL SITE PLAN
MATERIALS RECOVERY AND TRANSFER FACILITY
RAMONA DISPOSAL, INC.
ARCHITECTS AND ENGINEERS

SOLID WASTE FACILITY PERMIT		1. Facility/Permit Number: 37-AA-0925
2. Name and Address of Facility: Ramona Materials Recovery Facility and Transfer Station, 324 Maple Street, Ramona, CA 92065	**3. Name and Mailing Address of Operator:** Escondido Resource Recovery, P. O. Box 1818, 1044 W. Washington Avenue, Escondido, CA 92033	**4. Name and Address of Owner:** JEMCO, P. O. Box 1818, 1044 W. Washington Avenue, Escondido, CA 92033

5. Specifications:

a. Permitted Operations:	Materials Recovery and Transfer Station
b. Permitted Hours of Operation: Operations (See Condition 17.B.2)	6:00 AM - 10:00 PM Monday - Saturday
c. Permitted Tonnage: Non-hazardous Municipal Solid Waste (See Condition 17.B.1)	700 tons/day maximum
d. Permitted Traffic Volume: (See Condition 17.B.3)	220 total vehicle trips /day

e. Key Design Parameters:

	Total
Permitted Area	7.24 Acres
Permitted Material Recovery, Transfer and Processing	5.28 Acres
Average Annual Loading (tons per year)	152,952
Tipping Floor Area (square feet)	7,500

This permit is granted solely to the operator named above. The attached permit findings and conditions are integral parts of this permit and supersede the conditions of any previously issued solid waste facility permit.

6. Approval: Approving Officer Signature Gary Erbeck, Director Name/Title	**7. Enforcement Agency Name and Address:** County of San Diego, Department of Environmental Health, Solid Waste Local Enforcement Agency, 9325 Hazard Way, San Diego, CA 92123
8. Received by CIWMB: MAY 26 2005	**9. CIWMB Concurrence Date:**
10. Permit Review Due Date:	**11. Permit Issued Date:**

Ramona MRF/TS SWFP

SOLID WASTE FACILITY PERMIT	1. Facility/Permit Number: 37-AA-0925

12. Legal Description of Facility:

324 Maple Street, Ramona, San Diego County, CA; Assessor Parcel Numbers 281-121-21; and as described on page 1-1 & 1-2 of the Report of Station Information, dated March 2005.

13. Findings:

a) This permit is consistent with standards adopted by the California Integrated Waste Management Board (CIWMB). (Public Resources Code, Section 44010.)

b) This facility is identified in the Non-Disposal Facility Element (NDFE) of the Countywide Integrated Waste Management Plan (approved by the CIWMB October 2003). (Public Resource Code, Section 50001(a).)

c) The Ramona Fire Department has determined that the facility is in conformance with applicable fire standards. (Public Resources Code, Section 44151.)

d) The design and operation of the facility is in compliance with the State Minimum Standards for Solid Waste Handling and Disposal as determined by the LEA, based on a review of the March 2005 Report of Station Information, and monthly site inspections with the most current site inspection conducted on May 5, 2005.

e) In accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 15096(f), the LEA has reviewed and considered the information regarding the environmental effects of this facility as contained in the Subsequent Mitigated Negative Declaration (SMND), SCH # 2005011002, dated January 2005 and adopted by the County of San Diego Planning Commission on March 4, 2005. Prior to issuance of this permit, the LEA shall make the necessary findings and determinations required under CEQA Guidelines Sections 15091(a), 15091(d), 15093(a), 15093(c), 15096(g), and 15096(h), as applicable.

f) Mitigation measures, as applicable, have been made conditions of this permit. The documents and materials that constitute the record upon which the decision to issue this Solid Waste Facility Permit are based are available at the offices of the San Diego County Department of Environmental Health, Community Heath Division, Solid Waste Local Enforcement Agency.

14. Prohibitions:

The permittee is prohibited from accepting the following wastes:

Liquid waste, sludge, non-hazardous waste requiring special treatment or handling, designated waste, hazardous waste, medical waste, radioactive waste, waste containing more than 50% water, friable and non-friable asbestos, large dead animals.

Additionally the facility shall not conduct open burning or public scavenging.

15. The following documents also describe and condition the operation of this facility:

	Date		Date
Report of Station Information	March 2005	Notice of Intent WDID 9 37S012619	October 1996
Environmental Documents Subsequent Mitigated Negative Declaration (SCH # 2005011002)	March 2005	Lease Agreements	August 1996
Land Use Permit MUP #P96-017W[3]	March 2005		

Ramona MRF/TS SWFP

SOLID WASTE FACILITY PERMIT	1. Facility/Permit Number: 37-AA-0925

16. Self Monitoring Requirements:

The owner/operator shall submit the results of all self monitoring programs or maintain results on site as designated by the Local Enforcement Agency as follows:

On a quarterly basis: records for January, February, March–due May 1; records for April, May, June–Due August 1; records for July, August, September–due November 1; and records for October, November, December - due February1.

Program	Report Frequency
Submit these results to the Local Enforcement Agency at the frequency indicated	
a. The owner/operator shall maintain, and keep current, a record of the types and quantities (in tons) of waste, including separated or commingled recyclables, entering the facility per day. These records shall include the final disposition of transferred waste and recycled materials. These records are to be maintained on site for review by the Local Enforcement Agency, at all times.	Quarterly
b. The owner/operator shall maintain, and keep current, a record of the daily traffic volume, including the number and types of vehicles using the facility per day. These records shall also include the number and type of vehicles hauling waste/material to the facility. These records are to be maintained on site for review by the Local Enforcement Agency, at all times.	Quarterly
c. The owner/operator shall maintain, and keep current, a record of the results of the hazardous waste exclusion and load check program, including the quantities and types of hazardous wastes, medical wastes or otherwise prohibited wastes found in the waste stream and the final disposition of these materials. These records are to be maintained on site for review by the Local Enforcement Agency, at all times.	Quarterly
Maintain these results on site at the frequency indicated and submit to the Local Enforcement Agency only upon request	
d. The owner/operator shall maintain, and keep current, a record of all written complaints regarding this facility, and of the owner/operator's actions taken to resolve these complaints. These records are to be maintained on site for review by the Local Enforcement Agency, at all times.	Keep current
e. The owner/operator shall maintain, and keep current, a preventive maintenance program to monitor and promptly repair or correct deteriorated or defective conditions. A copy of this program is to be maintained on site for review by the Local Enforcement Agency, at all times.	Keep current
f. The owner/operator shall conduct periodic and routine visual surveys of the transfer station property. This survey is to include, but not limited to: fencing, exclusion fencing, internal roads, on-site equipment and structures. A copy of this report is to be maintained on site for review by the Local Enforcement Agency, at all times.	Survey at least quarterly. Prepare report quarterly.

Ramona MRF/TS SWFP

SOLID WASTE FACILITY PERMIT	1. Facility/Permit Number: 37-AA-0925

17. Local Enforcement Agency Conditions:

A. Standard Requirements:

1. The owner/operator shall comply with all State Minimum Standards for solid waste handling for Transfer/Processing Station at all times.

2. The owner/operator shall maintain on site at all times up-to-date copies of: 1) this solid waste facility permit; 2) the Report of Station Information; 3) copy of all other permits issued for the operation of this facility; 4) a copy of or access to the most recent version of the State Minimum Standards for Solid Waste Handling and Disposal; 5) all records required by regulation in 14 CCR. These documents shall be maintained on site for review by the Local Enforcement Agency and other authorized regulatory agencies, at all times.

3. Without prior written approval from the Local Enforcement Agency to allow otherwise, this facility may only operate as described in the current version of the Report of Station Information.

4. Except as provided in this permit, no significant change in design or operation of this facility shall be taken without prior application to and approval by the Local Enforcement Agency. (PRC Section 44004).

5. The owner/operator shall comply with the approved Hazardous Waste Exclusion Program and Load Check Program as described in the Report of Station Information to ensure that no prohibited wastes, as described in Section 14 of this SWFP, and as listed in California Code of Regulation Title 22, enter the facility. Any changes in the program must be submitted to and approved by the LEA prior to implementation.

6. The owner/operator shall maintain, and keep current, a daily log of special/unusual occurrences. This log shall include, but is not limited to: any loads refused entry into the facility; fires, earthquake damage, unscheduled shutdowns, or explosions; any incident involving hazardous, unpermitted, radioactive or unusual wastes; tonnage exceedances; significant incidents of personal injury, accidents and/or property damage; all complaints including health or safety, nuisance, or hazard complaints by the public; and regulatory agency inspections.

   Each log entry shall be accompanied by a summary of any actions taken by the owner/operator to mitigate the occurrence. Notification of a significant special/unusual occurrence to the Local Enforcement Agency shall be both verbal and written and shall be transmitted within 48 hours of the occurrence. The log must be filled in daily; days without incidents shall be noted with an appropriate entry such as: "No special occurrences today". The log shall be maintained on site for review by the Local Enforcement Agency and other regulatory agencies, and shall be available to site personnel at all times.

7. Additional information related to compliance with this permit or the design and/or operation at this facility shall be furnished to the Local Enforcement Agency upon request.

8. This permit is subject to review by the Local Enforcement Agency and may be suspended, revoked, or revised at any time for sufficient cause.

9. The Local Enforcement Agency reserves the right to modify or suspend waste receiving, handling and/or processing operations when deemed necessary due to an emergency, a potential public health and safety hazard, or the creation of a public nuisance; or when deemed necessary to rehabilitate or enhance the environment or to mitigate adverse environmental impacts.

10. Any change that would cause the design or operation of the facility not to conform to the terms and conditions of this permit or the description of the facility and its operation in the Report of Station Information is prohibited, unless the Report of Station Information and if necessary this permit are first revised to allow that change. In no case shall the owner/operator implement any potentially significant change in design or operation without first submitting a written notice of the proposed change, in the form of an Report of Station Information amendment, to the Local Enforcement Agency at least 180 days in advance of the proposed change. The Local Enforcement Agency will determine whether a permit revision is also required.

SOLID WASTE FACILITY PERMIT	1. Facility/Permit Number: 37-AA-0925

11. The owner/operator shall notify the Local Enforcement Agency of any plans to encumber, sell, transfer, or convey the ownership or operations to a new owner or operator, at least 45 days prior to the anticipated transfer, by written certification and including information deemed sufficient by the California Integrated Waste Management Board and the Local Enforcement Agency. (PRC Section 44005.).

12. The owner/operator shall provide employee safety facilities as required by CalOSHA regulations and shall comply with all requirements of all applicable laws pertaining to employee's health and safety.

13. The owner/operator shall maintain a written employee injury and illness prevention plan (IIPP) on site that meets all provisions of Title 8 CCR Section 3203. This document shall be made available to all personnel, LEA and other regulatory agencies upon request.

14. The owner/operator shall maintain employee-training records for health and safety, operation and maintenance of the facility. A copy of these records must be kept on site and must be made available to any LEA inspector on request.

15. The owner/operator shall obtain all applicable permits from other regulatory agencies as required by law and operate the facility in compliance with all applicable regulatory agency requirements at all times. These may include but are not limited to the County of San Diego Department of Planning and Land Use, Ramona Fire Department, County of San Diego Air Pollution Control District, County of San Diego Department of Environmental Health Hazardous Material Division, and Regional Water Quality Control Board.

B. Specific Requirements:

1. The daily tonnage received at this transfer station shall not exceed 700 tons per day. All waste and materials accepted at this facility shall be counted toward the daily tonnage limit. This facility is permitted to accept mixed municipal solid waste, commercial waste, industrial waste, green materials and recyclable materials.

2. All activities at this facility must comply with the applicable hours of operations as stated in Condition 5.(b) and shall not exceed those hours of operation.

3. The daily traffic volume shall be based on the criteria in the current Report of Station Information (Section 1.5 Table 3). Any significant change in these trip types and numbers must be reported to the LEA in advance so a determination can be made as to whether changes to the Report of Station Information or the permit are needed, and to determine whether further environmental review is needed. In no case shall total daily traffic volume exceed 220-vehicle trips/day.

4. The owner/operator shall ensure the existing dust control systems are operational and adequate at all times. If the existing dust control system (exhaust fans, misting/fogging system) fails to be adequate for the control of dust in the operations of the facility, the LEA may require additional mitigation measures be installed.

5. The owner/operator shall ensure the existing odor control systems are operational and adequate at all times. If the existing odor control system (exhaust fans, misting/fogging system) fails to be adequate for the control of odors in the operations of the facility, the LEA may require additional mitigation measures be installed.

6. The owner/operator shall ensure that all waste handling activities are conducted within the transfer building.

7. The owner/operator shall ensure a speed limit of 5 miles per hour is enforced for all traffic movement once beyond the fee booth. (Report of Station Information March 2005).

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Resolution 2005-181

Consideration Of A Revised Full Solid Waste Permit (Transfer/ Processing Station) For The Ramona Materials Recovery Facility and Transfer Station, San Diego County

WHEREAS, the County of San Diego Environmental Health Division, as the Local Enforcement Agency (LEA), has submitted to the Board for its review and concurrence with, or objection to, a revised full solid waste facility permit for Ramona Materials Recovery Facility and Transfer Station; and

WHEREAS, the Escondido Resource Recovery, as the facility operator, proposes to make the following changes: increase the permitted maximum daily traffic volume from 197 vehicles per day to 220 vehicles per day; increase the permitted maximum tonnage from 370 tons per day to 700 tons per day, and revise the Report of Station Information for the facility; and

WHEREAS, the County of San Diego Department of Planning and Land Use (DPLU), acting as the Lead Agency, prepared and circulated a subsequent Mitigated Negative Declaration (SMND) (SCH #2005011002) and the County adopted the SMND on March 4, 2005, to meet the requirements of the California Environmental Quality Act (CEQA); and

WHEREAS, a Notice of Determination (NOD) was filed with the Office of Planning and Research on March 14, 2005; and

WHEREAS, the LEA has certified that the application package is complete and correct, and that the CEQA document that was prepared for the project, supports the proposed revised permit for the facility; and

WHEREAS, the Board finds the proposed permit is consistent with the California Environmental Quality Act; and

WHEREAS, Board staff have evaluated the proposed permit for consistency with the standards adopted by the Board; and

WHEREAS, the Board finds that all state and local requirements for the proposed permit have been met, including compliance with CEQA, consistency with Board standards, conformance with the County Integrated Waste Management Plan; and

NOW, THEREFORE, BE IT RESOLVED that the California Integrated Waste Management Board concurs with the issuance of the Solid Waste Facility Permit No. 37-AA-0925.

CERTIFICATION

The undersigned Executive Director, or his designee, of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on July 19-20, 2005.

Dated:

Mark Leary
Executive Director

California Integrated Waste Management Board

Board Meeting

July 19-20, 2005

AGENDA ITEM 2 (Revised)

ITEM

Consideration Of A New Full Solid Waste Facilities Permit (Transfer/Processing Station) For The Southern California Recycling, Riverside County

I. ISSUE/PROBLEM STATEMENT

1. This item requests the Board consider concurrence on the new Southern California Recycling Full Solid Waste Facilities Permit (SWFP).
2. Pursuant to Public Resources Code (PRC), Section 44009, the Board has 60 calendar days to concur in or object to the issuance of a full SWFP. The proposed permit and package for this facility was received on May 23, 2005. The date for submittal of a proposed permit that would allow 60 days for Board review prior to the July Board meeting was May 21, 2005. The board has until July 22, 2005 to act on this permit. When the proposed permit was received, the package contained all the items required in Title 27, CCR, § 21685.

II. ITEM HISTORY

This facility began operating as a recycling operation in 1998.
Compliance History:
2004 – Two state minimum standard (SMS) violations. Five PRC violations.
2005 – Three SMS violations. One PRC violation.

The details of the SMS violations are explained on Page 3, "Consistency with State Minimum Standards" section of the agenda item.

III. OPTIONS FOR THE BOARD

The board may decide to:

1. Concur the issuance of the proposed permit as submitted by the LEA; or
2. Object to the issuance of the proposed permit as submitted to the LEA; or
3. Take no action on the proposed permit as submitted by the LEA. If the Board chooses option three, the Board shall be deemed to have concurred in the issuance of the proposed permit as submitted by the LEA 60 days after the Board's receipt of the permit.

IV. STAFF RECOMMENDATION

~~Staff recommends that the Board adopt option two, object to the issuance of the proposed permit, unless staff determines the Report of Facility Information is in compliance with requirements and state minimum standards violations found at the June 21, 2005 pre-permit inspection are corrected prior to the Board meeting.~~ Staff recommends that the Board adopt option one, concurrence in the issuance of the proposed permit.

V. ANALYSIS

A. Key Issues and Findings

Name:	Southern California Recycling
Facility No. :	33-AA-0297
Facility Type:	Large Volume Transfer/Processing Facility
Location:	29250 Rio Del Sol Road, Thousand Palms
Setting:	Vacant parcels on all sides.
Operational Status:	Active
Hours of Operation:	Receipt of Materials/Gate Hours: Monday – Saturday 7 am to 5 pm; Sunday 8 am to 4 pm. Maintenance Hours: Monday – Saturday 7 am to 5 pm; Sunday 8 am to 4 pm
Proposed Tonnage:	1000 tons per day, not to exceed 166,720 tons per year – Green Material and Wood Waste 2000 tons per day, not to exceed 150,000 tons per year – Inert Material 40 tons per day, not to exceed 10,000 tons per year – Metals and White Goods
Proposed Traffic Volume:	717 vehicles per day
Proposed Acreage:	25 acres of a 40 acre parcel
Operator:	Adams Steel of Inland Empire, LLC Ted Dumas, Jr., General Manager
LEA:	County of Riverside Department of Environmental Health Mr. Gary L. Root, Director

Background

Southern California Recycling commenced operations in 1998 under a local Conditional Use Permit (CUP). At that time it recycled metal/white goods and chipped and ground green material. The business originally operated on six of the 40 acres. Over time the operation expanded to include concrete and asphalt recycling and increased the acreage for the operation. In 1998 this type of operation did not require a solid waste facility permit.

In November of 2001 the Riverside County Planning Department revised the CUP which approved the expansion of the recycling operation from 6 to 25 acres and retroactively authorized concrete and asphalt recycling in addition to the already

authorized chipping and grinding of green material and processing of metal/white goods.

Legal action filed by different parties in 2001 and 2003 prevented final approval of the CUP. As part of the settlement with one of the parties taking legal action, the environmental assessment was re-circulated to the State Clearinghouse

In anticipation of the new Compostable Materials Handling regulations, which became effective in April 2003, as well as the Construction and Demolition and Inert Debris Transfer/Processing regulations, which became effective August 2003, the LEA contacted the CIWMB in January of 2003, seeking guidance in determining a permit tier for Southern California Recycling. Board staff conducted a site visit with the LEA in January of 2003 and recommended the transfer/processing station category.

In August of 2003 the CIWMB provided comments on the recirculated environmental assessment to the Planning Department expressing concerns about traffic/transportation and circulation, the ability of the operation to handle the proposed peak traffic, and that the facility would require a solid waste facility permit.

On October 21, 2003, the Riverside County Board of Supervisors adopted the environmental assessment for the operation. As a result of this decision a second lawsuit was filed and a stay was placed on the CUP permitting process until May 2004 when a settlement agreement was reached.

After accepting an application for a full permit in August 2004, the LEA was informed that the operation was sold to Adams Steel of Inland Empire. This delayed the processing of the solid waste facilities permit.

Also, in August 2004, the Local Enforcement Agency initiated inspections of the operation to enforce state minimum standard requirements (SMS) and to monitor the operation while the new operator completed the permitting process. Prior inspections were completed as an aspect of enforcement of the CUP. In February of 2005 the new operator submitted an application for a new full solid waste facilities permit.

The Compostable Materials Handling regulations and the Construction and Demolition and Inert Debris Transfer/Processing regulations allow a short timeframe for an operator to continue to operate while processing a permit. However, after this timeframe had expired in the case, the LEA did not take any enforcement action to require the operator to cease those activities that required a solid waste facilities permit.

Key Issues

The proposed new issues addressed in this permit include:

- Permitted traffic volume of 717 vehicles per day;
- Peak daily tonnage in conjunction with annual tonnage limits:
  1000 tons per day, not to exceed 166,720 tons per year – Green Material and Wood Waste

2000 tons per day, not to exceed 150,000 tons per year – Inert Material
40 tons per day, not to exceed 10,000 tons per year – Metals and white Goods;

- Indicate a maximum capacity of 60,000 tons of inert material, 17,800 cubic yards of green material and 800 cubic yards of metals
- Permitted hours of operation:
  Receipt of Materials/Gate Hours: Monday – Saturday 7 am to 5 pm; Sunday 8 am to 4 pm.
  Maintenance Hours: Monday – Saturday 7 am to 5 pm; Sunday 8 am to 4 pm.

LEA Findings

The following LEA certification and staff analysis are provided. The LEA accepted the application for a full permit on March 30, 2005 and provided the following determinations:

- Certification that the permit application package was complete and correct;
- Certification that the Transfer/Processing Report (TPR) meets the requirements of Title 14, California Code of Regulations (CCR), §17403.9 and Title 14, CCR §18221.6 and;
- The proposed permit is consistent with and supported by the CEQA analysis, Mitigated Negative Declaration (MND).

Staff Analysis

The following table summarizes Board staff's review and analysis of the proposed permit:

33-AA-0297 Summary of Board Findings	Acceptable	Unaccept-able	To Be Determined	Not Applicable	See Details Below
CIWMP Conformance (PRC 50001)	●				1
Consistency with State Minimum Standards	●	●			3
TPR Completeness	●		●		2
California Environmental Quality Act	●				V.B.

1. CIWMP Conformance: The location of Southern California Recycling is identified in the County of Riverside Nondisposal Facility Element (NDFE). Board staff has determined the proposed permit to be in conformance with the NDFE and meets the requirements of Public Resources Code, Section 50001.

2. Report of Facility Information: ~~At the time this item was prepared, Board staff had not completed their review of the Transfer/Processing Report (TPR). The results of the analysis will be presented at the July Permitting and Enforcement Committee meeting~~. Board staff have reviewed the Transfer Processing Report and determined the document meets the requirements of Title 14, CCR, §18221.6.

3. Consistency with State Minimum Standards: Board staff conducted a pre-permit inspection of the facility on June 21, 2005 and found four violations of State Minimum Standards and one violation of the Public Resources Code. The violations are listed below:

   - T 14 CCR Section 17409.4 – Signs
   - T 14 CCR Section 17407.5 – Dust Control
   - T 14 CCR Section 17408.1 – Litter Control

- T 14 CCR Section 17407.5 (b) – Hazardous, Liquids, and Special Wastes
- PRC 44002 – Operator Authorized By Solid Waste Facilities Permit

~~Details on these violations will be provided at the July, 2005 Permitting and Enforcement Committee along with a report on any efforts made by the operator to come into compliance~~. Board staff have determined that the facility is in compliance with state minimum standards.

The State Minimum Standards violations issued by the LEA in 2004 were for solid waste removal (14 CCR - §17410.1), residual waste was not removed on a weekly basis; and weight records (14 CCR – §17383.5(l)). The weight records violation was corrected the following month. In 2005, the solid waste removal violation was noted in January, February, and April. The six Public Resources Code (PRC) violations noted by the LEA in 2004 and 2005 (PRC - § 44002) were all for operating a solid waste facility without a solid waste facility permit. The LEA did not take any enforcement action to require the operator to cease those activities that required a solid waste facilities permit. In January 2003 and August 2003, the LEA was informed by Board staff of the need for a permit. In April 2005, the LEA was informed by Board staff of the need for appropriate enforcement.

B. Environmental Issues

State law requires compliance with the California Environmental Quality Act either through the preparation, circulation and adoption/certification of an environmental document and mitigation reporting or monitoring program or by determining that the proposal is categorically or statutorily exempt.

The Riverside County Planning Department, acting as Lead Agency, has prepared the following environmental document for the Southern California Recycling:

Three Mitigated Negative Declarations, State Clearinghouse No. 2003041075, were circulated for this proposed project. The first two were deficient in several areas; the third and final Mitigated Negative Declaration was circulated for a thirty day comment period from September 12, 2003 through October 14, 2003. The Mitigated Negative Declaration was adopted on October 21, 2003. The Mitigated Negative Declaration discussed the permitting of an existing un-permitted recycling operation, expanding the site from 6 acres to 25 acres, including a chipping & grinding operation for green and wood waste, expanding an existing outdoor recycling processing facility for metal and white goods and development of two equipment storage/maintenance buildings (5,000 square foot building and a 10,000 square foot building) with an outdoor heavy equipment storage area. The proposed project would be operating 7 days per week, except major holidays, from 7:00 am to 5:00 pm, Sundays, from 8:00 am to 4:00 pm. The proposed project would limit green material to a peak daily tonnage of 1000 tons per day, not to exceed 166,720 tons per year; inert materials to a peak daily tonnage of 2000 tons per day, not to exceed 150,000 tons per year; and metals and white goods to a peak daily tonnage of 40 tons per day, not to exceed 10,000 tons per year. The proposed project would have a peak of 717 vehicle trips per day.

The following resources: Aesthetics, Air Quality, Biological Resources, Hazards & Hazardous Materials, Hydrology/Water Quality, Land Use/Planning, Noise,

Transportation/Traffic, and Utilities/ Service Systems, are resources that had potentially significant impacts. These impacts were reduced to less than significant, after incorporation of mitigation measures.

The Riverside County Department of Environmental Health, has provided a finding that the proposed SWFP is consistent with and supported by the cited environmental document.

Board staff recommends the Mitigated Negative Declaration cited above, as adequate for the Board's environmental evaluation of the proposed project for those project activities which are within the Board's expertise and/or powers, or which are required to be carried out or approved by the Board.

C. Program/Long Term Impacts

Based on available information, staff is not aware of any program or long term impacts related to this item.

D. Stakeholder Impacts

Based on available information, staff is not aware of any stakeholder impacts related this item.

E. Fiscal Impacts

Staff is not aware of specific significant fiscal impacts resulting from issuance of this proposed permit.

F. Legal Issues

Staff is not aware of specific significant legal issues arising out of issuance of this proposed permit.

G. Environmental Justice

Community Setting

The proposed transfer/processing station is located within the Coachella Valley region, in the unincorporated community of Thousand Palms. The parcel zoning designation is M-SC (Manufacturing Service Commercial), and is also identified as light industrial. Parcels immediately to the north and south are also M-SC. The property to the east and southeast is zoned R-A (Residential Agriculture). To the west is property owned by the Agua Caliente Indians, which is zoned W-2 (Controlled Development). To the northeast is a parcel zoned W-2-5 (Controlled Development-5 acre minimum). All parcels surrounding the project site are vacant. The nearest sensitive receptors are a residential neighborhood to the east and southeast, and an elementary school and public park to the southeast. Both areas are approximately one mile from the site.

The following information applies to the population surrounding the proposed Southern California Recycling transfer/processing station.

US Census Bureau Data Census 2000 Summary File – Race County of Riverside	All Ages Census Tract 445.05	
	Number	Percent
White	3,879	75.20%
Black or African American	97	1.88%
American Indian or Alaska Native	0	0%
Asian	48	0.93%
Native Hawaiian and Other Pacific Islander	23	0.45%
Some other race	1,035	20.07%
Two or more races	76	1.47%
Total Population	5158	100%

The 2000 Census indicates that for the total population of Census Tract 445.05, the median household income of the area is $34,344 with 9.3% of the families below the poverty level. Of the total population within this census tract, 42.81% identify themselves as Hispanic or Latino.

Community Outreach

The proposed facility was approved by the County of Riverside Planning Commission on November 14, 2001 and approved by the Board of Supervisors on January 29, 2002. Due to legal action by the Citizens to Enforce CEQA, the environmental assessment was required to be re-circulated with the State Clearinghouse and the Board of Supervisors was required to rescind its prior approval on September 10, 2002. The third and final Mitigated Negative Declaration was circulated for a 30-day comment period from September 12, 2003 through October 14, 2003. The MND was adopted by the Board of Supervisors on October 21, 2003. As this is a new permit, the LEA was not required to conduct a hearing pursuant to AB 1497. According to the LEA, the Citizens to Enforce CEQA is satisfied with the Settlement Agreement.

Environmental Justice Issues

Based on available information, staff is not aware of any environmental justice issues related to this item.

H. 2001 Strategic Plan

1. This item supports Strategic Plan Goal 4: Manage and mitigate the impacts of solid waste on public health and safety and the environment and promote integrated and consistent permitting, inspection, and enforcement efforts by acknowledging through cooperation with the LEA enforcement of a permit consistent with current environmental values and ethics.
2. This item supports Strategic Plan Objective 1: Through consistent and effective enforcement or other appropriate measures, ensure compliance with federal and State waste management laws and regulations by concurring in a permit consistent with current statute and legislation.

VI. FUNDING INFORMATION

This item does not require any Board fiscal action.

VII. ATTACHMENTS

1. Vicinity Map
2. Site Plan
3. Proposed Permit
4. Resolution Number 2005-182

VIII. STAFF RESPONSIBLE FOR ITEM PREPARATION

A. Program Staff: Willy Jenkins **Phone:** (916) 341-6342
B. Legal Staff: Michael Bledsoe **Phone:** (916) 341-6058
C. Administration Staff: N/A **Phone: N/A**

IX. WRITTEN SUPPORT AND/OR OPPOSITION

A. Support

Staff has not received any written support at the time this item was submitted for publication.

B. Opposition

Staff has not received any written opposition at the time this item was submitted for publication.

ATTACHMENT 1

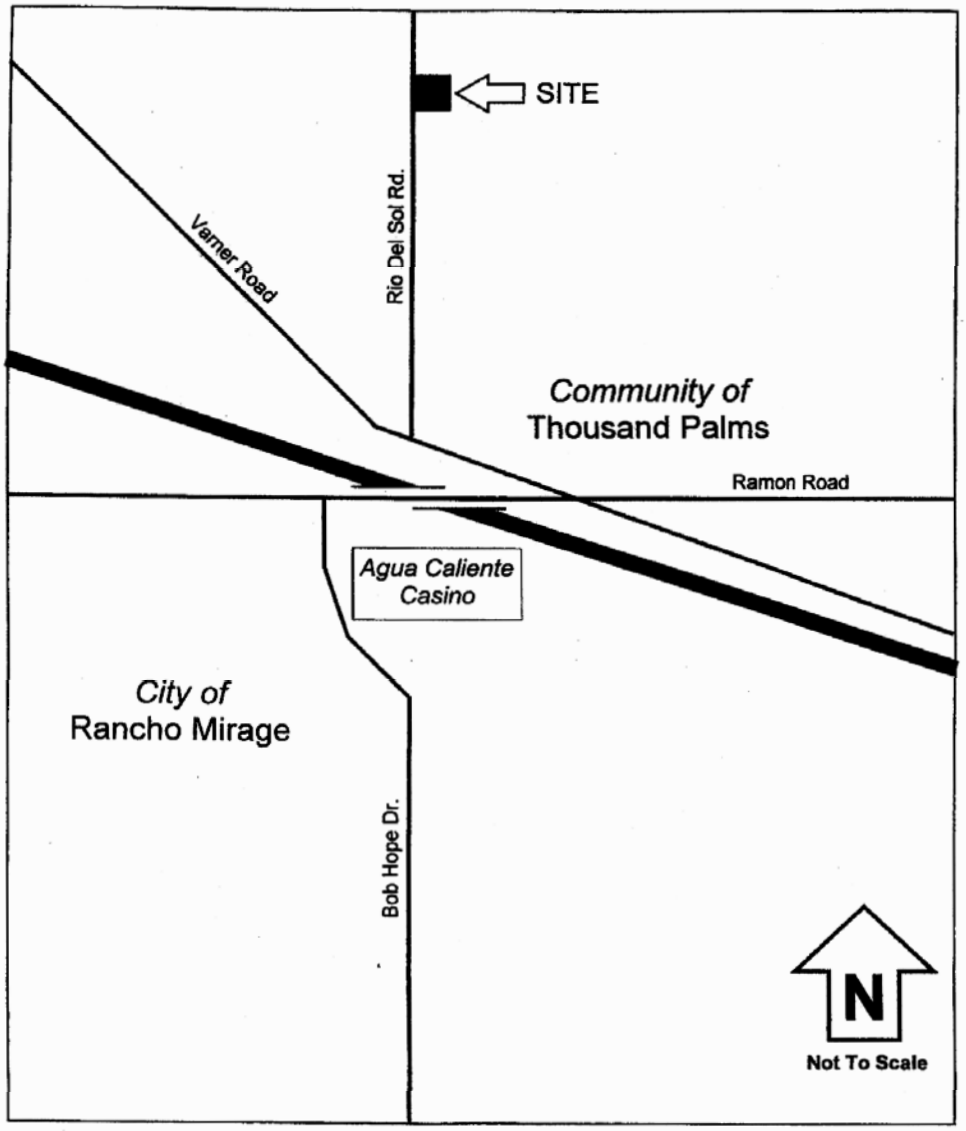
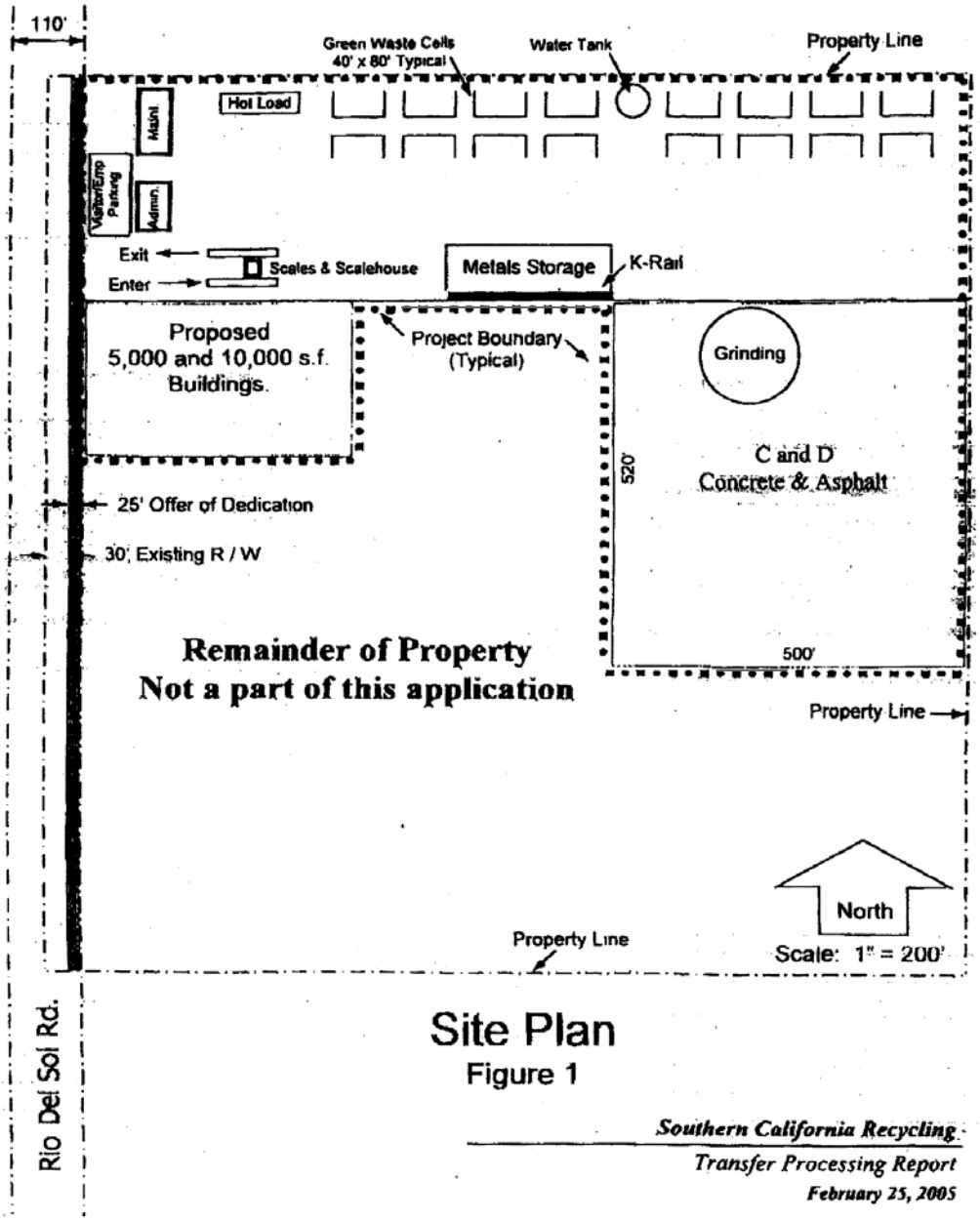


Figure 4
Vicinity Map

ATTACHMENT 2

Southern California Recycling
Modified Transfer Station



Site Plan
Figure 1

Southern California Recycling
Transfer Processing Report
February 25, 2005

SOLID WASTE FACILITY PERMIT

Facility Number: **33-AA-0297**

1. Name and Street Address of Facility:
Southern California Recycling
29250 Rio Del Sol Road
Thousand Palms, CA 92276

2. Name and Mailing Address of Operator:
Adams Steel of Inland Empire, LLC
29250 Rio Del Sol Road
Thousand Palms, CA 92276

3. Name and Mailing Address of Owner:
Adams Steel of Inland Empire, LLC
29250 Rio Del Sol Road
Thousand Palms, CA 92276

4. Specifications:

a. Permitted Operations: ☒ Transfer/Processing Facility

b. Permitted Hours of Operation:
Receipt of Material/Gate Hours: Monday - Saturday 7am to 5 pm; Sunday 8 am to 4 pm
Maintenance Hours: Mon - Sat 7 am - 5 pm; Sun 8 am - 4 pm

c. Permitted Maximum Tonnage:
1000 Tons per Day, 166,720 Tons per year - Green Material and Wood Waste
2000 Tons per Day, 150,000 Tons per year - Inert Material
40 Tons per Day, 10,000 Tons per year- Metals and White Goods

d. Permitted Traffic Volume: 717 Vehicles per Day

e. Key Design Parameters (Detailed parameters are shown on site plans bearing EA and CIWMB validations):

	Total	Disposal	Transfer/Processing	Composting	Transformation
Permitted Area (in acres)	25	n/a	n/a	n/a	n/a
Design Capacity (cubic yds)		n/a	17,800 GM* 125,000 IM* 800 M*	n/a	n/a

* Maximum aggregate amount allowed on-site at any one time.

Upon a significant change in design or operation from that described herein, this permit is subject to revocation or suspension. The attached permit findings and conditions are integral parts of this permit and supersede the conditions of any previously issued solid waste facility permit.

5. Approval:
Gary L. Root, Director
Riverside County Department of Environmental Health

6. Enforcement Agency Name and Address:
Riverside County Department of Environmental Health
4080 Lemon Street, 9th Floor
Riverside, CA. 92502

7. Date Received by CIWMB:
MAY 23 2005

8. CIWMB Concurrence Date:

9. Permit Issued Date:

10. Permit Review Due Date:

11. Owner/Operator Transfer Date:

SOLID WASTE FACILITY PERMIT

Facility Number:
33-AA-0297

12. Legal Description of Facility:

The legal description of this facility is contained in section 1.7 of the Transfer/Processing Report dated February 25, 2005.

13. Findings:

a. This permit is consistent with the Riverside County Integrated Waste Management Plan, which was approved by the CIWMB and amended on August 4, 2004. The location of the facility is identified in the Nondisposal Facility Element, pursuant to Public Resources Code (PRC), Section 50001(a).

b. This permit is consistent with the standards adopted by the CIWMB, pursuant to PRC 44010.

c. The design and operation of the facility is consistent with the State Minimum Standards for Solid Waste Handling and Disposal as determined by the Enforcement Agency pursuant to PRC 44009.

d. The Riverside County Fire Department has determined that the facility is in conformance with applicable fire standards, pursuant to PRC, 44151.

e. A Mitigated Negative Declaration was filed with the State Clearinghouse (SCH #2003041075) and certified by the Riverside County Board of Supervisors on October 21, 2003. The MND describes and supports the design and operation which will be authorized by the issuance of this permit. A Notice of Determination was filed with the State Clearinghouse on Oct. 27, 2003.

14. Prohibitions:

The permittee is prohibited from accepting the following wastes:
Hazardous, radioactive, medical (as defined in Chapter 6.1, Division 20 of the Health and Safety Code), liquid, designated, or other wastes requiring special treatment or handling.
Municipal Solid Waste.

15. The following documents describe and/or restrict the operation of this facility:

	Date		Date
Transfer/Processing Report	2/25/05	Non-Disposal Facility Element Amendment	8/4/04
Conditional Use Permit #0325R2	10/27/03		
SCAQMD Permit to Operate	7/26/04		
EA # 38947	10/21/03		
Operating Bond	2/16/05		
County Integrated Waste Management Plan	9/23/98		

SOLID WASTE FACILITY PERMIT

Facility Number:
33-AA-0297

16. Self Monitoring:

The owner/operator shall submit the results of all self monitoring programs to the Enforcement Agency within 30 days of the end of the reporting period

	Program	Reporting Frequency
a.	The types and quantities (in tons) of materials entering the facility per day.	Quarterly
b.	The types and quantities (in tons) of materials leaving the facility per day.	Quarterly
c.	The number and types of vehicles using the facility per day.	Quarterly
d.	Results of the hazardous waste load checking program, including the quantities and types of hazardous wastes, medical wastes or otherwise prohibited wastes found in the waste stream and the disposition of these materials.	Quarterly
e.	Copies of all written complaints regarding this facility and the operator's actions taken to resolve these complaints.	Quarterly
f.	Results of Temperature Log for green materials.	Monthly

SOLID WASTE FACILITY PERMIT

Facility Number:
33-AA-0297

17. Enforcement Agency (EA) Conditions:

a. The operator shall comply with all State Minimum Standards for solid waste handling and disposal as specified in Title 14, California Code of Regulations.

b. The operator shall maintain a log of special/unusual occurrences. This log shall include, but is not limited to, fires, explosions, the discharge and disposition of hazardous or unpermitted wastes, and significant injuries, accidents or property damage. Each log entry shall be accompanied by a summary of any actions taken by the operator to mitigate the occurrence. The log shall be available to site personnel and the EA at all times.

c. Additional information concerning the design and operation of the facility shall be furnished upon request and within the time frame specified by the EA.

d. The maximum permitted daily tonnage for this facility is 1000 tons per day green material and wood waste, 2000 tons per day inert material, 40 tons per day metals and white goods. The facility shall not receive more than this amount without a revision of this permit and no material may be accepted after design capacity reached.

e. This permit is subject to review by the EA and may be suspended, revoked, or revised at any time for sufficient cause.

f. The EA reserves the right to suspend or modify receiving and handling operations when deemed necessary due to an emergency, a potential health hazard, or the creation of a public nuisance.

g. Any change that would cause the design or operation of the facility not to conform to the terms and conditions of this permit is prohibited. Such a change may be considered a significant change, requiring a permit revision. In no case shall the operator implement any change without first submitting a written notice of the proposed change, in the form of an RFI amendment, to the EA at least 150 days in advance of the change.

h. A copy of this permit shall be maintained at the facility.

i. No material may be stored outside the area approved for that type of material.

j. Processed inerts shall be stored on-site no longer than 1 year.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Resolution 2005-182

Consideration Of A New Full Solid Waste Facilities Permit (Transfer/Processing Station) For The Southern California Recycling, Riverside County

WHEREAS, the County of Riverside, Department of Environmental Health, acting as the Local Enforcement Agency (LEA), has submitted to the Board for its review and concurrence with, or objection to, a new full Solid Waste Facilities Permit (SWFP) for Southern California Recycling transfer/processing station; and

WHEREAS, the proposed permit is to allow the development and operation of the new Southern California Recycling transfer/processing station; and

WHEREAS, the County of Riverside Planning Department, acting as lead agency for the California Environmental Quality Act (CEQA), prepared in 2003 and adopted by the Board of Supervisors on October 21, 2003, a Mitigated Negative Declaration; and

WHEREAS, the LEA has concluded that the proposed permit is consistent with and supported by the existing CEQA documentation; and

WHEREAS, the LEA certified the application package was complete and correct; and

WHEREAS, the Board finds that the proposed permit is in compliance with CEQA; and

WHEREAS, the Board finds the proposed permit is in conformance with the County of Riverside Nondisposal Facility Element and in conformance with the intent of the County's Integrated Waste Management Plan; and

WHEREAS, the Board finds the proposed permit **[is] [is not**] consistent with the standards adopted by the Board.

NOW, THEREFORE, BE IT RESOLVED, that the California Integrated Waste Management Board **[concur] [object]** with the issuance of Solid Waste Facilities Permit No. 33-AA-0297.

CERTIFICATION

The undersigned Executive Director, or his designee, of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on July 19-20, 2005.

Dated:

Mark Leary
Executive Director

California Integrated Waste Management Board

Board Meeting

July 19-20, 2005
AGENDA ITEM 3 (Revised)

ITEM
Consideration Of A New Solid Waste Facilities Permit (Transfer/Processing Facility) For The Fremont Recycling and Transfer Station, Alameda County

I. ISSUE/PROBLEM STATEMENT

1. This item requests Board concurrence on the issuance of a new Solid Waste Facilities Permit (SWFP) for the Fremont Recycling and Transfer Station.
2. Pursuant to Public Resources Code, Section 44009, the Board has 60 calendar days to concur or object to the issuance of a full solid waste facilities permit. The date for submittal of a proposed permit that would allow 60 days for Board review prior to the July Board meeting was May 21, 2005. The most recent versions of the proposed permit and application package were received on June 10, 2005. The Board has until July 30, 2005 to act on this permit. When the proposed permit package was received, the package contained all the items required in Title 27, California Code of Regulations (CCR), Section 21685.

II. ITEM HISTORY

None.

III. OPTIONS FOR THE BOARD

The Board may decide to do one of the following:

1. Adopt the CEQA Findings and Statement of Overriding Considerations adopted by the Lead Agency and concur with the issuance of the proposed permit as submitted by the LEA;
2. Adopt the CEQA Findings adopted by the Lead Agency and prepare and adopt its own a new Statement of Overriding Considerations and concur in the issuance of the proposed permit as submitted by the LEA.
3. Object to the issuance of the proposed permit as submitted by the LEA;
4. Take no action on the proposed permit as submitted by the LEA. If the Board chooses option three, the Board shall be deemed to have concurred in the issuance of the proposed permit 60 days after the Board's receipt of the permit.

IV. STAFF RECOMMENDATION

Because the Lead Agency has determined that this project has significant environmental impacts (air quality) that cannot be avoided or substantially lessened, Board staff recommends that the Board consider and adopt as its own the Statement of Overriding Considerations adopted by the Lead Agency (Attachment 4).

Therefore, staff recommends that the Board adopt Option 1, Board concurrence with the issuance of the proposed permit as submitted by the LEA. if the Board adopts the Lead Agency's Statement of Overriding Considerations as its own.

V. ANALYSIS

A. Key Issues and Findings

Facility Name:	Fremont Recycling and Transfer Station
Facility No.	01-AA-0297
Facility Type:	New Materials Recovery Facility and Transfer Station
Location:	41149 Boyce Road, Fremont
Facility Size:	13.27 acres
Setting:	The surrounding land use is heavy industry and open space. The closest residence is in Newark, approximately one-third mile north by northeast of the project.
Operational Status:	Proposed
Waste Types:	Municipal solid waste, inerts, food waste, yard waste, construction/demolition debris
Proposed Hours of Operation:	Open 24 hours - 7 days/week for waste processing and transfer; Monday-Saturday, 5 a.m. to 6 p.m. commercial waste receipt; Monday-Saturday, 8 a.m. to 5 p.m. public waste receipt
Proposed Maximum Tonnage:	2,400 tons per day
Proposed Maximum Traffic:	1,398 vehicles per day
Owner/Operator:	BLT Enterprises of Fremont, Inc.
LEA:	Ms. Mee Ling Tung, Director County of Alameda Dept. of Environmental Health Office of Solid And Medical Waste

Background

The Fremont Recycling and Transfer Station is a proposed municipal solid waste transfer and material recovery facility and has not yet been constructed. It is anticipated that construction will commence in 2006. The transfer facility will provide a waste handler in the East Bay area in anticipation of the planned closure of the Tri-Cities Landfill in Fremont. The site will transfer wastes to the Altamont Landfill.

The proposed permit is to allow the following:

- waste transfer operations;
- a large material recovery facility (MRF) building;
- food waste transfer;
- green waste transfer;
- construction and demolition debris processing;
- 2400 tons per day beginning when the site opens;
- 1398 vehicles per day beginning when the site opens.

Findings

The following LEA certification and staff analysis are provided:

LEA Certification:

- The permit application package is complete and correct;
- The Transfer/Processing Report (TPR) meets the requirements of Title 14, CCR, Section 18221.6; and
- The proposed new solid waste facility permit is consistent with and supported by the California Environmental Quality Act (CEQA).

Staff Analysis

The following table summarizes Board staff's review and analysis of the proposed permit application package:

01-AA-0297 **Summary of Board Findings**	Accept-able	Unaccept-able	To Be Deter-mined	Not Applic-able	See Details in Agenda Item
CIWMP Conformance (PRC 50001)	X				1.
Consistency With State Minimum Standards	X				2.
California Environmental Quality Act	X				B.1
RFI Completeness	X				

1. Conformance with County Integrated Waste Management Plan (CIWMP):
   Public Resources Code (PRC) Section 50001 requires that the location of any new or expanded non-disposal facility be identified in the applicable jurisdiction's Non-disposal Facility Element (NDFE).

   Staff of the Board's Office of Local Assistance (OLA) determined that the location of the Fremont Recycling and Transfer Station is identified in the City of Fremont's NDFE and therefore, the proposed permit is in conformance with the CIWMP.

2. Consistency with State Minimum Standards:
   Staff have reviewed the Transfer/Processing Report and determined that if the site is constructed and operated as proposed it will comply with state minimum standards.

B. Environmental Issues

1. California Environmental Quality Act (CEQA)
State law requires compliance with the California Environmental Quality Act through the preparation, circulation and adoption/certification of an environmental document and mitigation reporting or monitoring program or, by determining that the proposal is categorically or statutorily exempt.

The City of Fremont Development Services Department, acting as Lead Agency, has prepared and circulated the following environmental document for the Fremont Recycling and Transfer Facility:

- Environmental Impact Report State Clearinghouse No. 2002122106 was circulated via the State Clearinghouse for a review period from December 23, 2002 to January 1, 2003, and was certified by the City of Fremont on December 16, 2003. The document describes a maximum daily peak load of 2,400 tons per day and peak traffic at 1,398 vehicles per day by 2020.

Significant Environmental Impacts

The EIR identified significant environmental impacts in the following areas that with mitigation would be reduced to a level of less than significant:

Air Quality

Geology

Soils

Significant and Unavoidable Environmental Impacts

The EIR also identified Significant and Unavoidable Environmental Impacts to Air Quality requiring a Statement of Overriding Considerations. The environmental air quality effects that cannot be mitigated or substantially lessened and remain significant and unavoidable are the following:

Regional Air Quality: The Final EIR identifies five approved but not yet built development projects near the transfer station/MRF site. While the project includes mitigation to reduce its own impacts to a level that is below the threshold of significance identified for nitrogen oxides emissions by the Bay Area Air Quality Management District, the impacts on regional air quality from this proposed project considered in combination with the air quality impacts of the five reasonably foreseeable projects identified in the Final EIR, would exceed that threshold in the near term.

CEQA Findings Regarding Unavoidable Significant Effects

The City of Fremont, as Lead Agency, has concluded that the unavoidable significant effect is acceptable due to the overriding considerations described below:

1) The project will provide for efficient and cost-effective municipal solid waste disposal.

2) The project will allow for increased diversion of recyclable materials.

3) The project will contribute to the funding of various programs that may have beneficial environmental and community impacts.

4) The project will generate new employment opportunities and new property tax revenues.

A Notice of Determination was filed with the Office of Planning and Research on December 18, 2003. The Notice of Determination indicated that this project would have a significant effect on the environment and that a Statement of Overriding Considerations (Attachment 4) was adopted for this project.

Board staff recommends the environmental document, the Lead Agency findings, and the Statement of Overriding Considerations, cited above as adequate for the Board's environmental evaluation of the proposed project for those project activities which are within the Board's expertise and/or powers, or which are required to be carried out or approved by the Board.

2. Cross Media
Staff is not aware of any impacts regarding other state agencies or cross media impacts to this item.

C. Program/Long Term Impacts
Based on available information, staff is not aware of any program or long-term impacts related to this item.

D. Stakeholder Impacts
Based on available information, staff is not aware of any stakeholder impacts related to this item.

E. Fiscal Impacts
No fiscal impact to the Board results from this item.

F. Legal Issues
Based on available information, staff is not aware of any legal issues related to this item.

G. Environmental Justice
Community Setting:
Surrounding land uses are heavily industrial. The nearest residence is 1,750 feet to the northeast of the facility.

According to the 2000 census, the population of the city of Fremont consists of the following:

US Census Bureau Data	All Ages	
Census 2000 – Fremont, Alameda County	Number	Percent
White	96,968	47.7
Black or African American	6,310	3.1
American Indian or Alaska Native	1,048	0.5
Asian	75, 165	37.0
Native Hawaiian and Other Pacific Islander	819	0.4
Some other race	11,230	5.5
Two or more races	11,873	5.8
Total Population	203,014	100.0

The 2000 census indicates that of the total City of Fremont population, 13.5% identify themselves as Hispanic or Latino. The median household income of the area is $76, 579 with 3.6% of the families below the poverty level.

Community Outreach
The City of Fremont Planning Commission held a public hearing on October 9, 2003 to consider certifying the EIR and issuing the CUP. As this is a new solid waste facilities permit the AB 1497 requirements for the LEA to notice and conduct a hearing in do not apply.

Environmental Justice Issues
Based on available information, staff is not aware of any environmental justice issues related to this item.

H. 2001 Strategic Plan

Staff work on new or revised solid waste facility permits is completed as part of Goal 4: Managing and mitigating the impacts of solid waste on public health and safety and the environment and promoting integrated and consistent permitting, inspection, and enforcement efforts.

This item supports Strategic Plan Objective 1: Through consistent and effective enforcement or other appropriate measures, ensure compliance with federal and state waste management laws and regulations by concurring in a permit consistent with current statute and legislation.

VI. FUNDING INFORMATION

N/A

VII. ATTACHMENTS

1. Location Map
2. Site Map
3. Proposed Permit Number 01-AA-0297
4. Statement of Overriding Considerations
~~4.~~5 Resolution Number 2005-183

VIII. STAFF RESPONSIBLE FOR ITEM PREPARATION

A. Program Staff: Reinhard Hohlwein **Phone:** (916) 341-6344
B. Legal Staff: Michael Bledsoe **Phone:** (916) 341-6058
C. Administration Staff: N/A **Phone:** N/A

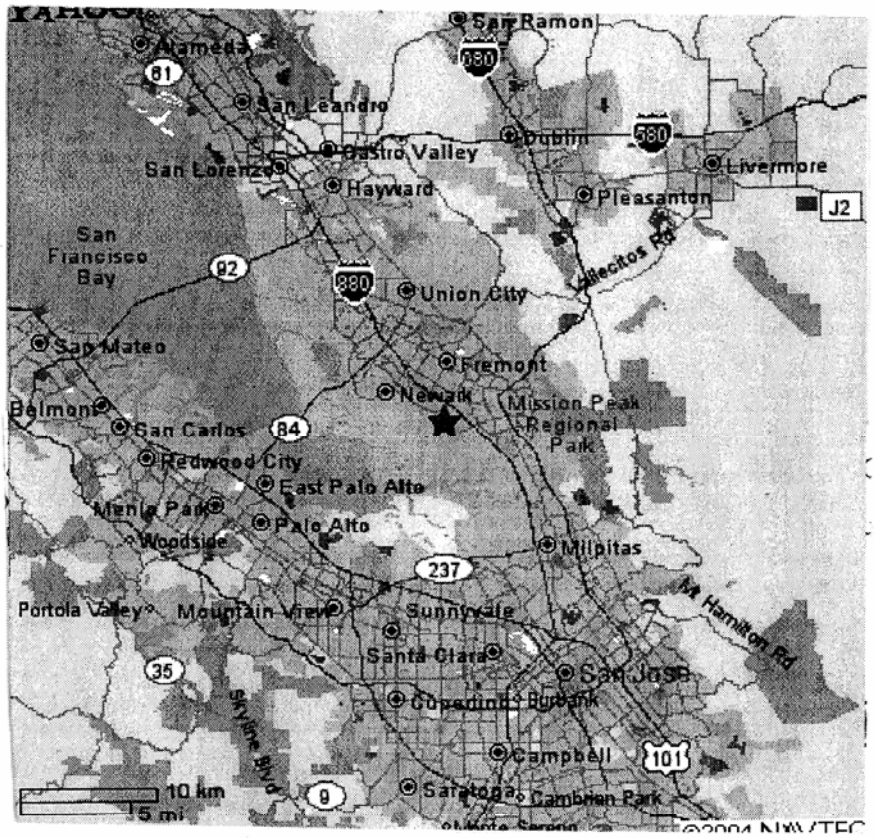
IX. WRITTEN SUPPORT AND/OR OPPOSITION

A. Support

Staff has not received any written support relating to this item.

B. Opposition

Staff has not received any written opposition relating to this item.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San Leandro
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Castro Valley
San Lorenzo
Livermore
Hayward
Pleasanton
J2
San Francisco Bay
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880
Union City
Calaveras Rd
San Mateo
Fremont
Newark
Mission Peak Regional Park
Belmont
San Carlos
84
Redwood City
East Palo Alto
Menlo Park
Palo Alto
Woodside
Milpitas
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Portola Valley
Mountain View
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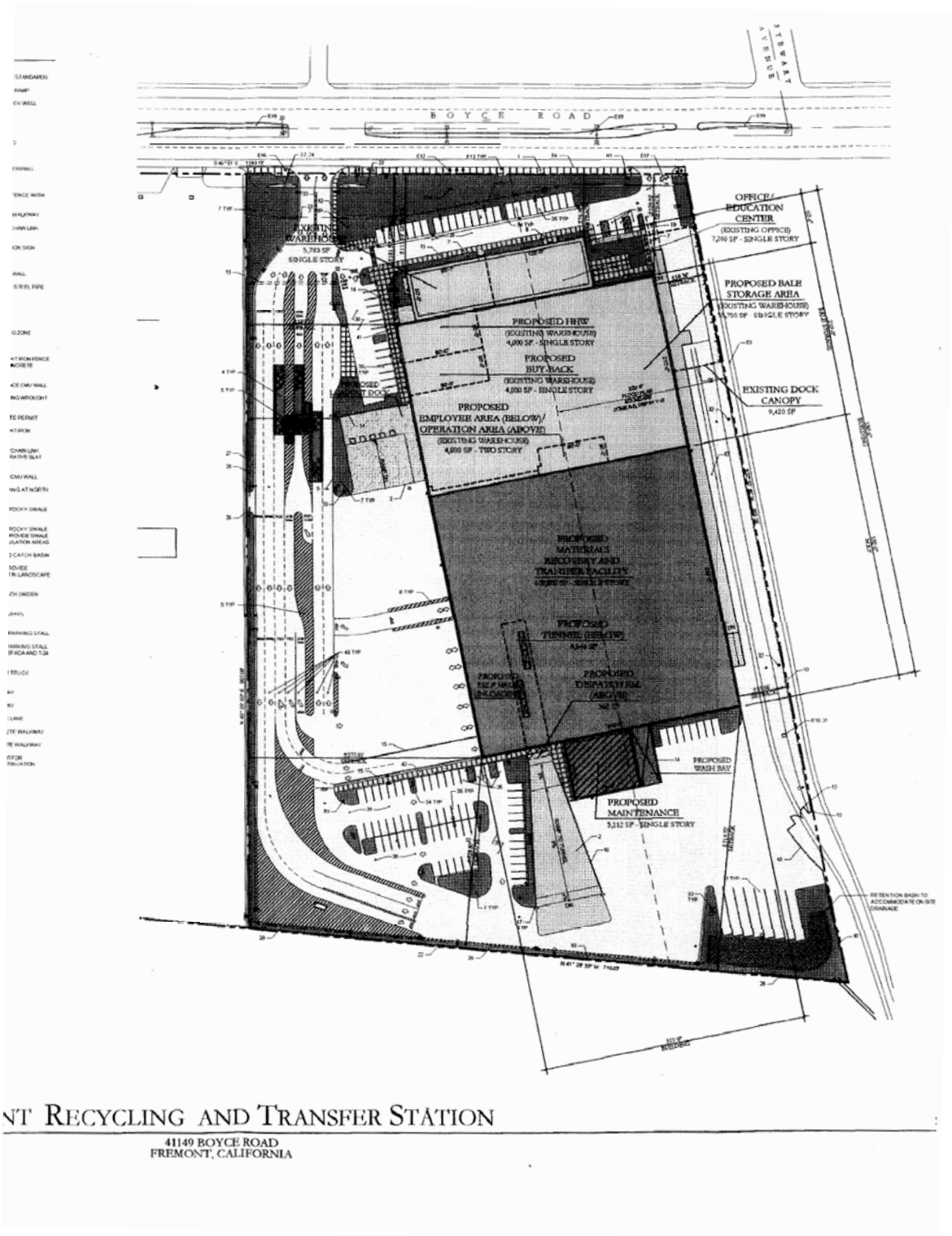


NT RECYCLING AND TRANSFER STATION

41149 BOYCE ROAD
FREMONT, CALIFORNIA

SOLID WASTE FACILITY PERMIT

Facility Number: **01-AA-0297**

1. Name and Street Address of Facility:	2. Name and Mailing Address of Operator:	3. Name and Mailing Address of Owner:
Fremont Recycling and Transfer Station 41149 Boyce Road Fremont, CA 94538	Fremont Recycling and Transfer Station 41149 Boyce Road Fremont, CA 94538	BLT Enterprises of Fremont, LLC 501 Spectrum Circle Oxnard, CA 93030

4. Specifications:

a. Permitted Operations:

- ☐ Solid Waste Disposal Site
- ☒ Transfer/Processing Facility (MRF)
- ☐ Composting Facility (Green Material)
- ☐ Transformation Facility
- ☐ Other: _____

b. Permitted and Posted Hours of Operation:	Permitted Hrs. Authorized by Land Entitlement	Posted Hours of Operation
Closed Sundays, Labor day, Thanksgiving, Christmas day & New Years Day.	Waste Receiving: Commercial: 5a.m. – 6p.m. Mon. – Sat. Public: 5a.m. – 6p.m. Mon. – Sat. Buyback & HHW: 8a.m. – 5p.m. Mon. – Sat Waste Processing: 24 hrs. a day, 7 days/week Waste Transfer: 24 hrs. day, 7 days/week Visitors Center: By appointment, 7 days/week	Commercial: 5a.m. – 6p.m., Mon. – Sat. Public: 8a.m. – 5p.m., Mon.– Sat. 8a.m. – 5p.m. Mon. – Sat. 24 hrs. a day, 7 days/week 24 hrs. a day, 7 days/week By appointment, 7 day/week

c. Permitted Maximum Tonnage:	***2400**	Tons per Day *See Section 17d EA Conditions
d. Permitted Traffic Volume:	***1398**	Vehicles per Day *See Section 17n EA Conditions

e. Key Design Parameters (Detailed parameters are shown on site plans bearing LEA and CIWMB validations):

	Total	Disposal	Transfer/Processing	Composting	Transformation
Permitted Area (in acres)	13.27acres		13.27 acres		
Design Capacity (tons)	4,000 tons (24 hrs.)				
Max. Elevation (Ft. MSL)	[redacted]				
Max. Depth (Ft. MSL)					
Estimated Closure Year					

Upon a significant change in design or operation from that described herein, this permit is subject to revocation or suspension. The attached permit findings and conditions are integral parts of this permit and supersede the conditions of any previously issued solid waste facility permit.

5. Approval:

_____
Approving Officer Signature

Mee Ling Tung, Director of Environmental Health

6. Enforcement Agency Name and Address:

Alameda County Environmental Health Department
Office of Solid and Medical Waste Management
1131 Harbor Bay Parkway
Alameda, CA 94502
Ph. (510) 567-6790 Fax: (510) 337-9234

7. Date Received by CIWMB: 6/10/05

8. CIWMB Concurrence Date:

9. Permit Issued Date:	10. Permit Review Due Date:	11. Owner/Operator Transfer Date:

SOLID WASTE FACILITY PERMIT

Facility Number:
01-AA-0297

12. Legal Description of Facility:

The legal description of this facility: latitude 37N 30' 34" and longitude 121 W 59' 22" Section 8, Township 5 South, Range 1 West, Mt. Diablo Baseline and Meridian APN 531-0165-045

13. Findings:

a. This permit is consistent with the Alameda County Integrated Waste Management Plan, which was approved by the CIWMB on April 24, 1996. The location of the facility is identified in the Nondisposal Facility Element, pursuant to Public Resources Code (PRC), Section 50001(a). A finding of conformance was determined by the Alameda County Waste Management Authority on December 15, 2004.

b. This permit is consistent with the standards adopted by the CIWMB, pursuant to PRC 44010.

c. The design and operation of the facility is consistent with the State Minimum Standards for Solid Waste Handling and Disposal as determined by the enforcement agency, pursuant to PRC 44009.

d. A CEQA document was filed with the State Clearinghouse (SCH #2001122003) and certified by the City of Fremont on December 16, 2003. The CEQA document describes and supports the design and operation which is authorized by the issuance of this permit. A Notice of Determination was filed with the State Clearinghouse on December 19, 2003.

e. The City of Fremont has determined that the facility is compatible with the surrounding land use through approval of the Conditional Use Permit PLN2002-00270, December 16, 2003.

14. Prohibitions:

The permittee is prohibited from accepting the following wastes:

Hazardous, radioactive, medical (as defined in Chapter 6.1, Division 20 of the Health and Safety Code), liquid, designated, or other wastes requiring special treatment or handling, except as identified in the Transfer/Processing Report and approved amendments thereto and as approved by the enforcement agency and other federal, state, and local agencies.

15. The following documents describe and/or restrict the operation of this facility:

	Date		Date
Transfer/Processing Report Amendments	March 3, 2005	Preliminary Closure and Postclosure Maintenance Plan	n/a
Waste Discharge Requirements Order No.	n/a	Closure Financial Assurance Documentation	n/a
APCD Permit to Operate #		Operating Liability Certification	n/a
CEQA document (SCH #2001122003)	Dec. 16, 2003	Land Use and/or Conditional Use Permit PLN2002-00150 PLN2002-00272 PLN2003-00270	Dec. 16. 2003
City of Fremont Fire Department Permits			

SOLID WASTE FACILITY PERMIT

Facility Number:
01-AA-0297

16. Self Monitoring:

The owner/operator shall submit the results of all self monitoring programs to the Enforcement Agency within 30 days of the end of the reporting period (*for example, 1st quarter = January – March, the report is due by April 30, etc.. Information required on an annual basis shall be submitted with the 4th quarter monitoring report, unless otherwise stated.)*

	Program	Reporting Frequency
a.	The types and quantities (in tons) of waste, including separated or commingled recyclables, entering the facility per day.	Quarterly
b.	The number and types of vehicles using the facility per day.	Quarterly
c.	Results of the hazardous waste load checking program, including the quantities and types of hazardous wastes, medical wastes or otherwise prohibited wastes found in the waste stream and the disposition of these materials.	Recorded in Operating Records
d.	Copies of all written complaints regarding this facility and the operator's actions taken to resolve these complaints.	Notify LEA within 24 hrs. Written Report Quarterly
e.	Log of Special Occurrences, which includes records of fires, explosion, injury and property damage accidents, flooding, incidence of unlawful disposal, of prohibited material and other unusual events, such as facility closure with brief description of the response to and resolution of occurrence. Include visits by regulatory agencies.	Daily (Maintain log availability for LEA Inspection)
f.	The type and quantities (in tons) of material, including waste, recovered recyclables, etc., that are transferred from the facility per day.	Quarterly
g.	Documentation for all self-monitoring programs that are described in the facility Transfer and Processing Report.	Provide upon request by the LEA

SOLID WASTE FACILITY PERMIT	Facility Number: 01-AA-0297

17. Enforcement Agency (EA) Conditions:

a. The operator shall comply with all State Minimum Standards for solid waste handling and disposal as specified in Title 14, California Code of Regulations.

b. The operator shall maintain a log of special/unusual occurrences. This log shall include, but is not limited to, fires, explosions, the discharge and disposition of hazardous or unpermitted wastes, and significant injuries, accidents or property damage. Each log entry shall be accompanied by a summary of any actions taken by the operator to mitigate the occurrence. The log shall be available to site personnel and the Local Enforcement Agency (LEA) at all times.

c. Additional information concerning the design and operation of the facility shall be furnished upon request and within the time frame specified by the LEA.

d. The maximum permitted daily tonnage for this facility is 2400 tons per day, and shall not receive more than this amount without a revision of this permit. This permit is subject to review by the LEA and may be suspended, revoked, or revised at any time for sufficient cause. The Environmental Impact Report (EIR) SCH # 2001122003 page 16 allows 1800 tons per day in 2004-2005 with a gradual increase to a peak of 2400 tons per day by year 2020.

e. The LEA reserves the right to suspend or modify waste receiving and handling operations when deemed necessary due to an emergency, a potential health hazard, or the creation of a public nuisance.

f. Any change that would cause the design or operation of the facility not to conform to the terms and conditions of this permit is prohibited. Such a change may be considered a significant change, requiring a permit revision. In no case shall the operator implement any change without first submitting a written notice of the proposed change, in the form of an RFI amendment, to the LEA at least 180 days in advance of the change.

g. A copy of this permit shall be maintained at the facility.

h. Stored recyclables shall neither interfere with facility operations nor cause a public health nuisance. The LEA reserves the authority to reduce the maximum storage time of recyclables as necessary to protect public health and minimize odors, litter, vectors and other nuisances

i. All boxes, bins, pits, tipping floors or other waste containers shall be cleaned on a regular schedule to prevent a public health hazard or nuisance caused by litter, odors or vectors.

j. Green waste material and Food waste material shall not be stored on site for longer than 48 hours and shall be transported to a facility in compliant with Title 14 and/or Title 27.

k. Prohibited waste that is inadvertently received at the facility shall be managed in accordance with procedures that are outlined in the Transfer/Processing Report and in compliance with all applicable laws and regulations.

l. The applicant, BLT shall secure all required permits and approvals from other regional, state and local agencies prior to the commencement of operations. Copies of permits and approvals shall be provided to the LEA upon issuance.

m. The household hazardous waste facility shall comply with all state minimum standards for handling household hazardous waste and e-waste as specified in State Statutes and Regulations.

n. The maximum permitted vehicle trips per day for this facility is 1398, and shall not exceed this amount without a revision of this permit. The EIR SCH # 2001122003 page 81 allows for 602 vehicle trips per day in 2004-2005 with a gradual increase to a peak of 1398 vehicle trips per day in the year 2020.

Enclosure D

FINDINGS IN SUPPORT OF CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT FOR REVISIONS TO THE CITY OF FREMONT WASTE MANAGEMENT SYSTEM

AND

STATEMENT OF OVERRIDING CONSIDERATIONS FOR APPROVAL OF THE SAME PROJECT

PROJECT DESCRIPTION: The overall project consists of modifications to the City's management of its municipal solid waste. Individual elements of the project include Transfer Station/Materials Recovery Facility at 41149 Boyce Road, a General Plan amendment to reflect the current status of the City's waste management system and the location of the Transfer Station/Materials Recovery Facility at 41149 Boyce Road, and an agreement with Altamont Sanitary Landfill for disposal of the City's municipal solid waste.

The *Revisions to the City of Fremont Waste Management System Final Environmental Impact Report* identified significant impacts and significant cumulative impacts associated with the implementation of the project. Approval of a project with significant impacts requires that findings be made by the City of Fremont, the lead agency, pursuant to CEQA. The significant impacts of the project would be mitigated to a less than significant level with mitigation measures identified in the Final Environmental Impact Report. In addition, the Final EIR found certain impacts to be less than significant, based in whole or in part on the inclusion in the proposed project of certain avoidance measures identified in the Final EIR and included as a condition of project approval. The significant cumulative impact on regional air quality would be unavoidably significant, thus requiring a Statement of Overriding Considerations.

I. EFFECTS THAT CAN BE MITIGATED TO A LESS-THAN-SIGNIFICANT LEVEL WITH MITIGATION MEASURES IDENTIFIED AS PART OF THE FINAL ENVIRONMENTAL IMPACT REPORT

The following significant impacts would be mitigated to a less than significant level with mitigation measures identified in the Final Environmental Impact Report, and included below as part of this Statement of Findings document.

Regional Air Quality Impacts

The proposed project would result in significant emissions of nitrogen oxides, which is a precursor of ozone. The most substantial source of these emissions will be the transfer in diesel transfer trucks of municipal solid waste from the Transfer Station/Materials Recovery Facility to the Altamont Landfill. Without mitigation, the project would have a significant near term impact on regional air quality in the San Francisco Bay air basin.

The City of Fremont finds that, as to the significant effect identified above:

Changes or alterations have been required in, or incorporated into, the project, which mitigates or avoids the significant effects on the environment of the project as identified in the Final EIR.

This finding is based on the fact that the City of Fremont shall require the operators of the Transfer Station/Materials Recovery Facility to implement the following mitigation measures:

Mitigation for Regional Air Quality Impacts

The following will be required as a condition of approval of the conditional use permit:

Prior to starting operation of the Transfer Station/Materials Recovery Facility and every two years following, the facility operator will provide a plan to the City of Fremont demonstrating that the heavy-duty diesel trucks being operated by the facility operator, including owned, leased and subcontractor vehicles, will achieve a project wide fleet-average reduction in nitrogen oxides emissions, such that calculated daily emissions in the San Francisco air basin do not exceed BAAQMD thresholds of significance. The emission calculations should utilize the latest emissions model developed by the California Air Resources Board. The plan could utilize all or some combination of the following strategies to reduce emissions:

- Vehicles shall be maintained at a level at least equal to the manufacturer's minimum recommended maintenance requirements.
- Any motor vehicle pollution control devices installed on the engine when originally built shall be in place and kept in good working order.
- The engine fuel system shall be set to, and maintained at, the manufacturer's recommended fuel supply settings.
- Retrofit existing vehicles to latest emission standards. [This could be accomplished in part by participation in the Carl Moyers program, which provides financial incentives for up-grading vehicles to higher emission standards at the time of engine re-build.]
- Replace older vehicles with vehicles initially meeting the 2004 standards for heavy-duty diesels, and vehicles meeting the 2007 standards in later years. Trucks meeting the 2004 standards would generate roughly 50 percent less than current-year models and 66 percent less nitrogen oxides than a 1990 model diesel truck. Vehicles meeting the model year 2007 standards would generate 90 percent less nitrogen oxides than those meeting the 2004 standards.
- Purchase and use alternatively fueled vehicles.
- Increase waste diversion in order to reduce trips necessary to haul municipal solid waste to the landfill.

Construction Air Quality Impacts

Dust could affect local air quality during construction of the project. The dry, windy climate of the area during the summer months creates a high potential for dust generation when underlying soils are exposed to the atmosphere. The effects of construction activities would be increased dustfall and locally elevated levels of particulate matter downwind of construction activity. Construction dust has the potential for creating a significant effect on nearby properties.

The City of Fremont finds that, as to the significant effect identified above:

Changes or alterations have been required in, or incorporated into, the project, which mitigate or avoid the significant effects on the environment of the project as identified in the Final EIR.
This finding is based on the fact that the City of Fremont shall require the operators of the Transfer Station/Materials Recovery Facility to implement the following mitigation measures:

Mitigation for Construction Air Quality Impacts

The City of Fremont shall require as a condition of approval of the conditional use permit that, in accordance with the BAAQMD *CEQA Guidelines*, the construction contractor shall implement the following dust control measures as applicable during all project construction activities:

- Water all active construction areas at least twice daily.
- Water or cover stockpiles of debris, soil, sand or other materials that can be blown by the wind.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved areas at the construction site.
- Sweep daily (preferably with water sweepers) all paved access road, parking areas and staging areas at construction site.
- Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.

Geology and Soils Impacts

The project site is located in a seismically active region and is within an area with a moderate to high liquefaction potential. Improvements on the site would be subject to significant impacts in the event of an earthquake.

The City of Fremont finds that, as to the significant effect identified above:

Changes or alterations have been required in, or incorporated into, the project, which mitigate or avoid the significant effects on the environment of the project as identified in the Final EIR.

This finding is based on the fact that the City of Fremont shall require the operators of the Transfer Station/Materials Recovery Facility to implement the following mitigation measures:

Mitigation for Geology and Soils Impacts

- All proposed buildings and modifications proposed to the existing structure on Boyce Road will be constructed in accordance with Uniform Building Code requirements for seismic risk Level 4. A level 4 criterion allows structures to resist minor earthquakes without damage, moderate earthquakes with some nonstructural damage, and major earthquakes without collapse.

- Sub-surface soils will be tested and evaluated for potential liquefaction during seismic shaking prior to final design of the TS/MRF facility to determine the need for special foundations or other design restrictions. These tests and the appropriate analyses and evaluations can and will be performed in conjunction with the site-specific foundation studies recommended under Soils mitigations below.

- All foundation systems for the TS/MRF will be designed to resist soil expansion and/or local subsidence due to soil desiccation or seismically induced settlement, based upon soil sampling and testing programs prepared for each building area within

the site. Specific foundation design criteria would reflect soil properties, site grading, and building characteristics.

- Conventional foundation systems would provide footings below the zone of seasonal moisture change. These foundation systems will also be continuous and tied together in such a manner that they respond to ground shaking as a unit.

II. EFFECTS THAT WOULD BE LESS THAN SIGNIFICANT FOR WHICH AVOIDANCE MEASURES ARE IDENTIFIED IN THE FINAL ENVIRONMENTAL IMPACT REPORT

The following impacts were found to be less than significant, based in whole or in part on the inclusion in the proposed project of certain avoidance measures identified in the Final Environmental Impact Report.

Land Use Impact – Litter and Dust

Over time, increases in waste generated could increase the number of vehicles hauling waste and recyclables along Stevenson Boulevard and Cherry Street. Any increase in the number of vehicles could result in incremental increases in litter and/or dust. This may result in some level of annoyance for residents near those streets. The incremental increases in litter and/or dust over time would not result in a significant adverse land use impact.

The City of Fremont finds that, as to the effect identified above:

The project includes means of avoiding or reducing this effect, as identified in the Final EIR.

This finding is based on the fact that the project as proposed includes, and the City of Fremont shall require the operators of the Transfer Station/Materials Recovery Facility to implement, the following avoidance measure:

Avoidance of Land Use/Litter and Dust Impact

The City of Fremont proposes to minimize the generation of air-borne dust and litter by ensuring that the following measures are incorporated into the proposed project as conditions of approval of the conditional use permit:

- interior operations will include misters to reduce air-borne dust, and use of a ventilation and exhaust system to maintain negative pressure inside the Transfer Station/Materials Recovery Facility building to minimize litter escaping through open doorways;
- air from the building, which may contain dust or other particles, will be discharged through a filtration system to the outside;
- all transfer trucks will be tightly covered before leaving the loading tunnel under the tipping floor;
- all loads delivered to the Transfer Station/Materials Recovery Facility are to be brought in covered vehicles. This is already a requirement of state law, and signs at the facility will remind users of the requirement;
- the current practice at the TCRDF is to levy a surcharge on uncovered loads. That practice will be continued at the proposed Transfer Station/Materials Recovery Facility, to minimize

undesirable impacts associated with the transport of uncovered loads on public streets;

- litter will be collected on-site on at least a daily basis;
- the on-site paved areas will be swept daily;
- employees of the Transfer Station/Materials Recovery Facility will make regular litter pick-up "sweeps" of Boyce Road between Stevenson Boulevard and Auto Mall Parkway, of Stevenson Boulevard between Boyce Road and I-880, and on Auto Mall Parkway between Boyce Road and I-880, as needed;
- to ensure that quantities of litter do not increase above existing conditions, photo documentation will be prepared of existing conditions on Stevenson Boulevard and Cherry Avenue.

Land Use Impact – Odors

The source of potential odor impacts associated with the proposed TS/MRF on Boyce Road would be the putrescible waste component of the MSW that will be hauled to the site in collection vehicles, and from there will be hauled in transfer trucks to the landfill.

The routes currently followed by collection vehicles carrying putrescible garbage will be the same routes followed after implementation of the proposed project. Those collection trucks that currently drive to TCRDF along Cherry and Stevenson, will continue to do so. As population increases in the Tri-Cities, the total number of garbage collection trucks will increase slightly. The only noticeable difference in the movement of putrescible waste will occur as a result of the transfer trucks hauling MSW (including putrescible waste) to the landfill. Those trucks will drive south on Boyce Road, east on Auto Mall Parkway to I-680, and will then take freeways to Alameda County. The transfer trucks will be covered, and the outgoing trips will occur over a 24-hour period.

Movement of waste in collection vehicles on public streets, including all residential streets, is normal activity in California and is not considered a land use impact. Since the same collection trucks will generally follow the same routes they do now, this project will not cause any odor impacts to impact sensitive receptors associated with the collection routes.

Since the prevailing winds in Fremont are most often from the northwest, odor impacts from the project site would primarily occur downwind, to the south and east. Land uses south and east of the project site are industrial, commercial and open space for over a mile. The nearest sensitive receptors to the proposed TS/MRF are residential developments in Newark, approximately one-third mile (1,750± feet) north by northeast of the project site, counter to the prevailing wind direction. Undeveloped land designated for future low density residential development is located west and northwest, also counter to the prevailing winds.

Odor impacts are unlikely to occur unless the facility is poorly maintained, or if waste is kept on-site for too long. These conditions would also be in violation of health codes and typical permit conditions for a facility of this type. There is, in the permitting and inspection authorities already in place, a mechanism for correcting such conditions. In addition to local and county regulations, the California Code of Regulations includes operating standards for TS/MRFs (CCR §17406.2 though 17410.4 and 17415.1 through 17419.2).

The City of Fremont finds that, as to the effect identified above:

The project includes means of avoiding or reducing this effect, as identified in the Final EIR.

This finding is based on the fact that the project as proposed includes, and the City of Fremont shall require the operators of the Transfer Station/Materials Recovery Facility to implement, the following avoidance measure:

Avoidance of Land Use/Odor Impacts:

The proposed TS/MRF operations include the following elements, which will minimize odor impacts:

- All unloading and processing of MSW will be done inside the TS/MRF building–no waste will be unloaded, handled, or stored for any period of time outside the building.
- All MSW brought to the site will be shipped off-site within 24 hours except under unusual circumstances, when the waste may be retained on site for up to 48 hours.
- The tipping floor inside the TS/MRF building will be cleaned using dry absorbent as needed.
- The building will include equipment designed to maintain negative air pressure to minimize air movement through the doors. All air from inside the building will be vented through filters.
- Interior operations will include misters to reduce air-borne dust, and use of a ventilation and exhaust system to maintain negative pressure to minimize air movement through the doors. All air from inside the building will be vented through filters.
- All transfer trucks will be tightly covered before leaving the loading tunnel under the tipping floor.
- An odor minimization plan shall be compiled and submitted to the City of Fremont and the Alameda County Local Enforcement Agency (LEA) for review. This plan shall reflect techniques reflected in the other conditions of approval listed above and shall identify specific procedures for reducing odors during an emergency.

To summarize the discussion above, the project includes a number of design and operational elements to avoid possible odor impacts affecting either nearby businesses or residents in Newark during normal operations. Based on the project design, and considering the absence of odor problems associated with the BLT facility in Sacramento, the proposed facility can be reliably expected to not cause odor impacts to residents or others along the route. In addition, an odor minimization plan will be compiled and reviewed by the City of Fremont and the LEA that reflects all of the techniques discussed in this analysis, and identifies specific procedures for reducing odors during an emergency.

Land Use/Vector Impact

A traditional source of concern with solid waste management facilities, including transfer stations and material recovery facilities, is the attraction the waste may have for insects, rodents, and other potential scavengers that could also be a source of nuisance and/or disease. Accumulation of vectors on-site is unlikely to occur unless the facility is poorly maintained, or if waste is kept on-site for too long. These conditions would also be in violation of health codes and typical permit conditions for a

facility of this type. There is therefore, in the permitting and inspection authorities already in place, a mechanism for correcting such conditions.

The City of Fremont finds that, as to the effect identified above:

The project includes means of avoiding or reducing this effect, as identified in the Final EIR.

This finding is based on the fact that the project as proposed includes, and the City of Fremont shall require the operators of the Transfer Station/Materials Recovery Facility to implement, the following avoidance measure:

Avoidance of Land Use/Vector Impact

The proposed operating program and facility design of the TS/MRF will minimize the potential for vermin to accumulate on-site or cause off-site impacts.

Many of the measures described in the previous findings for minimizing other sources of annoyance or impact, including litter control, cleanliness, and the building air filtration system, will also reduce potential accumulation or breeding of vermin. Specific pest control programs will be maintained on site to avoid any incidental build-up of rodent populations. A Vector Control Plan will be prepared and reviewed by the City and the County Health Department prior to approval of the conditional use permit. The grassy swales proposed to minimize or avoid water quality impacts will be designed to minimize standing water. The most effective means of avoiding the introduction of vector populations onto the site and into the area will be the limited time the MSW will spend at the facility. The waste will be loaded onto the transfer trucks within hours of delivery to the TS/MRF, and it will normally leave the site within 24 hours.

Traffic Impact

Trucks delivering recycled materials to processors in the Oakland area might use Stevenson Boulevard to reach I-880. This would not cause the amount of traffic to exceed the capacity of the roadway. As identified in the previous statement of impact, increased truck traffic on Stevenson Boulevard could cause annoyance to the nearby residents. The operator of the Transfer Station/Materials Recovery Facility is proposing that all trips made by either their employees or their contractors will use Boyce Road to Auto Mall Parkway, not Stevenson Boulevard, to reach both I-880 and I-280.

The City of Fremont finds that, as to the effect identified above:

The project includes means of avoiding or reducing this effect, as identified in the Final EIR.

This finding is based on the fact that the project as proposed includes, and the City of Fremont shall require the operators of the Transfer Station/Materials Recovery Facility to implement, the following avoidance measure:

Avoidance of Traffic Impact

The City of Fremont will require as a condition of approval of the conditional use permit for the Transfer Station/Materials Recovery Facility that all operator and contractor trucks traveling to and from the Transfer Station/Materials Recovery Facility, including transfer trucks delivering municipal

solid waste to landfills and trucks hauling recyclables, must travel on Auto Mall Parkway to I-880 and I-280, rather than using Stevenson Boulevard.

Water Quality Impact

The proposed Transfer Station/Materials Recovery Facility will result in improvements to the quality of stormwater runoff from this site, compared to the existing condition, and will not result in adverse impacts to water quality.

The City of Fremont finds that, as to the effect identified above:

The project includes means of avoiding or reducing this potentially effect, as identified in the Final EIR.

This finding is based on the fact that the project as proposed includes, and the City of Fremont shall require the operators of the Transfer Station/Materials Recovery Facility to implement, the following avoidance measure:

Avoidance of Water Quality Impact

The City of Fremont proposes to avoid adverse impacts to stormwater quality and improve the condition of stormwater runoff from the existing site by ensuring that the following measures are incorporated into the proposed project as conditions of approval of the conditional use permit:

- The project will comply with the NPDES General Construction Activity Storm Water Permit administered by the Regional Water Quality Control Board. Prior to construction grading for the proposed land uses, the applicant may be required to file a "Notice of Intent" (NOI) to comply with the General Permit and to prepare a Storm Water Pollution Prevention Plan (SWPPP) which addresses measures that would be included in the project to minimize and control construction and post-construction runoff. The following measures would be included in the SWPPP:

  - Preclude non-storm water discharges to the storm water system.
  - Effective, site-specific Best Management Practices for erosion and sediment control during the construction and post-construction periods.
  - Cover soil, equipment, and supplies that could contribute non-visible pollution prior to rainfall events or perform monitoring of runoff.
  - Monitor discharges to the storm water system.

- The project will submit a copy of the draft SWPPP to the City of Fremont Division of Environmental Services for review and approval prior to construction of the project. The certified SWPPP will be posted at the project site and will be updated to reflect current site conditions.

- When the construction phase is complete, a Notice of Termination (NOT) for the General Permit for Construction will be filed with the Regional Water Quality Control Board and the City of Fremont Division of Environmental Services. The NOT will document that all elements of the SWPPP have been executed, construction materials

and waste have been properly disposed of, and a post-construction storm water management plan is in place as described in the SWPPP for the site.

- The project will comply with the City of Fremont Grading Ordinance, including erosion- and dust-control during site preparation and with the City of Fremont zoning ordinance requirement for keeping adjacent streets free of dirt and mud during construction. The following specific measures would be implemented to prevent storm water pollution and minimize potential sedimentation during construction:

  - restricting grading to the dry season or meet City requirements for grading during the rainy season;
  - using Best Management Practices to retain sediment on the project site;
  - providing temporary cover of disturbed surfaces to help control erosion during construction;
  - providing permanent ground cover to stabilize the disturbed surfaces after construction has been completed.

- The project design would include features to minimize nonpoint source pollutants from entering the storm drain system. Such features will include placement of effective, sediment control features, such as fiber rolls, along the edge of the riparian corridor or project boundary nearest the corridor during construction. Post construction runoff will be controlled by rock-filled swales and/or inlet filters.

- As part of the mitigation for post-construction runoff impacts addressed in the SWPPP, the project will implement regular maintenance activities (i.e., sweeping, maintaining swales, cleaning storm water inlet filters, litter control) at the site to prevent soil, grease, and litter from accumulating on the project site and contaminating surface runoff. Storm water catch basins will be stenciled to discourage illegal dumping.

Hazardous Materials Impacts

The proposed project does not include use or storage of substantial quantities of hazardous materials other than used motor oil collected for recycling. The used oil will initially be stored in an aboveground drum or tank, depending on the quantities received. Other hazardous materials that may be used on the site in small quantities could include oil or solvents for minor vehicular maintenance, cleaning supplies, and fertilizers and pesticides for maintaining the landscaping. Occasionally, hazardous materials may be found on the tipping floor of the TS/MRF. The spotters working in the TS/MRF will be trained to recognize hazardous materials, and to deal with them appropriately. Such materials will be segregated in bins kept on or near the tipping floor for that purpose. They will be kept in locked storage and recorded on a manifest until they can be removed from the site by a licensed hauler. Depending on the quantities and types of materials found, materials found on the tipping floor may be stored in the Household Hazardous Waste facility until removed.

Most of the material brought to the Household Hazardous Waste facility will be paint, batteries, used oil and oil filters, and aerosol cans, plus smaller quantities of pesticides, herbicides, solvents, antifreeze and similar materials. The facility will not accept explosives, radioactive materials, or medical waste. The materials will be stored temporarily inside the designated Household Hazardous Waste building, in segregated containers that separate incompatible substances. All household hazardous waste will be removed at regular intervals by licensed haulers and taken to facilities for

recycling (for oil, paint, and some solvents) or disposal. The acceptance and temporary storage of Household Hazardous Waste received from residents and small businesses in the area would not create a significant source of potential risk for off-site effects that would adversely impact nearby land uses.

The City of Fremont finds that, as to the effect identified above:

The project includes means of avoiding or reducing this potentially effect, as identified in the Final EIR.

This finding is based on the fact that the project as proposed includes, and the City of Fremont shall require the operators of the Transfer Station/Materials Recovery Facility to implement, the following avoidance measure:

Avoidance of Hazardous Materials Impact:

The proposed project will conform to all relevant laws and regulations which will ensure that impacts associated with hazardous materials will be less than significant. This includes:

- The TS/MRF facility operator will obtain permits from and submit to inspections by the Fremont Fire Department for both the main TS/MRF building and operation of the household hazardous waste turn-in facility to ensure compliance with relevant local, state and federal regulations regarding industrial operations, as well as the management of hazardous materials.
- The proposed TS/MRF includes a system for training workers and providing them with informational reminders on the most appropriate ways of avoiding risk and injury from on-site activities.

III. EFFECTS THAT CANNOT BE MITIGATED TO A LESS THAN SIGNIFICANT LEVEL

The following significant cumulative impact would not be mitigated to a less than significant level, even with the implementation of the identified mitigation measures that are set forth below. In addition to the specific findings noted below, the City of Fremont has determined that specific economic, legal, social, technological, or other considerations make infeasible the project alternatives identified in the Final EIR. A discussion of project alternatives is provided in Section IV of this document.

The City of Fremont has determined the impact identified below is acceptable because of overriding economic, social or other considerations, as described in the Statement of Overriding Considerations. As required by CEQA, the Statement of Overriding Considerations is presented in Section V of these Findings.

Cumulative Regional Air Quality Impact

A project's contribution to cumulative impacts is considered significant when that contribution would create a cumulatively considerable addition to the overall impacts from past, current and probable future projects. The Final EIR identifies five approved but not yet built development projects near the Transfer Station/Materials Recovery Facility site. While the project includes

mitigation to reduce its own impacts to a level that is below the threshold of significance identified for nitrogen oxides emissions by the BAAQMD *CEQA Guidelines*, the impacts on regional air quality from this proposed project considered in combination with the air quality impacts of the five reasonably foreseeable projects identified in the Final EIR, would exceed that threshold in the near term. This would be a significant cumulative impact on regional air quality.

The City of Fremont finds that as to such significant effects identified above:

The project includes mitigation measures which would lessen the project's contribution to significant cumulative environmental effects, as identified in the Final EIR, but such effects would continue to be significant.

Mitigation or Avoidance of Cumulative Regional Air Quality Impact

As discussed in Section I above, the project includes an aggressive program for reducing its own near term air quality impacts, including the incorporation of new technology to reduce project-specific impacts. In the far term (2020), the air quality analysis found that the project's individual air quality impacts will be reduced to a less than significant level as new technology, developed in conformance with current regulatory requirements, is implemented by this and other developments. The regional Clean Air Plan also found that the region would conform to state and federal standards by 2020, through implementation of the adopted Clean Air Plan.

The CEQA Guidelines advise that an EIR needs to examine "reasonable, feasible options for mitigating or avoiding the project's contribution" to any significant cumulative effects [§15130(b)(3)]. The Guidelines also state that the only feasible mitigation for cumulative impacts "may involve the adoption of ordinances or regulations rather than the imposition of conditions on a project-by-project basis" [§15130(c)]. Based on the discussion in the Final EIR, it is concluded that ongoing conformance with current and proposed regulatory programs will ultimately reduce regional air pollution in the Bay Area air basin to acceptable levels. Even with the project mitigation to reduce project-specific impacts to below the level of significance, the cumulative impact of foreseeable future projects will be significant until implementation of future technological improvements reduces the impacts from all of these sources. The cumulative impact will remain significant and unavoidable in the near term.

The City of Fremont also finds that as to such significant effects identified above:

Specific economic, legal, social, technological or other considerations make infeasible the project alternatives identified in the EIR.

IV. FEASIBILITY AND EFFECTIVENESS OF ALTERNATIVES

The City of Fremont considered nine alternatives in the proposed project in the Final EIR. In addition the proposed project itself evaluated the impacts of using two possible landfills. Alternatives to the proposed project evaluated in the Final EIR included: (1) an alternative location for the Transfer Station/Materials Recovery Facility on Boscell Road; (2) an alternative location for the Transfer Station/Materials Recovery Facility at the Tri-Cities Recycling and Disposal Facility site; (3) an alternative landfill location at the Tri-Cities Recycling and Disposal Facility site; (4) an alternative landfill location at Vasco Road Sanitary Landfill; (5) an alternative in which both the Transfer Station/Materials Recovery Facility and the landfill would be located at Newby Island; (6) an alternative in which the existing Transfer Station/Materials Recovery Facility on Davis Street in

San Leandro and the Altamont Sanitary Landfill would be utilized; (7) an alternative in which the municipal solid waste transferred from the Transfer Station/Materials Recovery Facility would be hauled in railroad cars; (8) an alternative in which the municipal solid waste transferred from the Transfer Station/Materials Recovery Facility would be hauled in a pod system; and (9) a No Project alternative.

The two project alternatives evaluated equally in the Final EIR were the use of the Forward Sanitary Landfill in San Joaquin County, and the use of the Altamont Sanitary Landfill in Alameda County. A summary of the two project alternatives evaluated in the Final EIR follows.

The characteristics, impacts, and feasibility of each of the nine alternatives to the proposed project that were evaluated in detail in the Final EIR are discussed below. .

A. Two Project Alternatives

The Final EIR evaluated two project alternatives. Both alternatives included a Transfer Station/Materials Recovery Facility at 41149 Boyce Road in Fremont. In one alternative, waste would be transferred from the Boyce Road facility to the existing Forward Sanitary Landfill in San Joaquin County; in the other alternative, waste would be transferred from the Boyce Road facility to the existing Altamont Sanitary Landfill in Alameda County.

Both landfills are fully permitted and have sufficient capacity under their existing permits to accept all of the municipal solid waste that could be transferred to them under the proposed project.

The Final EIR found that delivery of municipal solid waste to the Forward Landfill would require more vehicle miles traveled by transfer trucks, would use more diesel fuel, and would generate more air pollution in two air basins than would the delivery of the same amount of municipal solid waste to the Altamont Landfill. The use of the Altamont Landfill would, therefore, be more consistent with the identified project objective to manage the City's municipal solid waste in an efficient and cost effective manner consistent with the state requirement that the City make adequate provision for solid waste handling. The use of either landfill would be equally consistent with all other project goals and objectives identified in the Final EIR.

B. Alternatives to the Proposed Project

Alternative 1: Boscell Road Alternative Location for the Transfer Station/Materials Recovery Facility

Description of Alternative 1:

Under this alternative the Transfer Station/Materials Recovery Facility proposed by the project to be located on Boyce Road would instead be located on the southwesterly side of Boscell Road, approximately 2,000 feet southeast of the proposed Transfer Station/Materials Recovery Facility location. This was one of the alternative Transfer Station/Materials Recovery Facility locations evaluated by the City of Fremont in the previously prepared EIR and was originally selected as the project site for the Transfer Station/Materials Recovery Facility.

All other aspects of the project other than the location of the Transfer Station/Materials Recovery Facility, including the on-site uses and the quantities of materials handled and the traffic generated, would be the same as for the proposed project.

Impacts/Feasibility of Alternative 1:

The Boscell Road site and the groundwater beneath the site has been contaminated with hazardous materials. The site would have to be cleaned up before it could be used for the proposed project. The use of the alternative site would therefore be more costly and more time consuming.

All other impacts of this alternative, including the impacts associated with landfilling the municipal solid waste at the Altamont landfill, would be the same or comparable with those from the proposed project.
Although the location of the proposed transfer station/materials recovery facility at this site could entail significantly higher costs and delay in commencing operations, it is potentially feasible.

Reasons for Rejecting this Alternative:

The additional cost and time delay associated with this alternative would not be consistent with the following project objectives:

To manage the City's municipal solid waste in an efficient and cost-effective manner consistent with the state requirement that the City make adequate provision for solid waste handling.

To site a Transfer Station Materials Recovery Facility that is operational as close as possible to the closure date of the Tri–City Recycling and Disposal Facility (landfill) to avoid disruption in the City's municipal solid waste collection and disposal system.

Alternative 2: TCRDF Alternative Location for the Transfer Station/Materials Recovery Facility
Description of Alternative 2:

This alternative would place the Transfer Station/Materials Recovery Facility on some portion of the existing TCRDF property. One possible location on the TCRDF property is the area currently used for processing and recycling of concrete and asphalt. The TCRDF property is at the westerly terminus of Auto Mall Parkway. The possible Transfer Station/Materials Recovery Facility location could include approximately 17 acres behind the existing maintenance facility near the landfill entrance. This site is approximately 5,000 feet from the proposed Transfer Station/Materials Recovery Facility site.

All other aspects of the project other than the location of the Transfer Station/Materials Recovery Facility, including the on-site uses and the quantities of materials handled and the traffic generated, would be the same as for the proposed project.

Impacts/Feasibility of Alternative 2:

Impacts of landfilling the material would be similar to those from the proposed project.

Land directly adjacent to the TCRDF property to the north, in the City of Newark, is designated for future residential development. Land adjacent to the TCRDF property to the west and south are part of the Don Edwards National Wildlife Refuge. Planned nearby land uses include a trail, a transit station, and an expansion of the Refuge. Land use impacts from operating the Transfer Station/Materials Recovery Facility at this location could be more significant than from the proposed project. There is an increased likelihood that impacts from noise, dust, litter, and light spillover

could adversely impact planned and approved land uses in the vicinity, and could significantly impact special status species and/or habitats on the site and in the vicinity.

The City does not have sufficient information to determine whether or not the geology and soils on this alternative site are suitable for the structure that would be required for the Transfer Station/Materials Recovery Facility. The TCRDF property is within a 100-year flood zone, which could mean that floodwaters would be more likely to impact a facility and the reliability of access to a facility on this site. The presence of a landfill on the property means that ongoing measures for controlling methane and other landfill gases will be required on the site, and could also require special design measures for any structure built on the property.

All of these identified circumstances (weak soils, flood zone, landfill gases), could require special building design to mitigate or avoid significant impacts, but are unlikely to result in significant unavoidable impacts.

The City's zoning would allow siting a Transfer Station/Materials Recovery Facility on this site with a Conditional Use Permit. The General Plan specifically allows for locating a Transfer Station/Materials Recovery Facility near the TCRDF landfill site. In addition to the permits required for a Transfer Station/Materials Recovery Facility, this site may also require revision of the landfill's RDSI and Closure Plan.

The U.S. Army Corps of Engineers and the California Regional Water Quality Control Board, San Francisco Bay Region, are among the public agencies which have permit authority over any proposed expansion or additional use of the TCRDF. In its written comments on the prior EIR, the Army Corps stated that expansion of the TCRDF, or construction of a Transfer Station/Materials Recovery Facility on existing diked baylands at the TCRDF, would impact portions of jurisdictional waters of the United States, and that a permit would be required and would only be granted upon a demonstration that the proposed fill was necessary because there are no practical alternatives. Based upon the information in that previous EIR regarding the existence of other viable alternatives that do not propose fill in any jurisdictional waters of the United Sates and have less impact on special aquatic sites, the Army Corps indicated that it could not issue a permit for expansion of the TCRDF because it is not the least environmentally damaging practicable alternative.

Likewise, the Regional Board indicated in its letter that expansion of the TCRDF, or construction of a Transfer Station/Materials Recovery Facility on existing diked baylands at the TCRDF, would not be permissible to the Regional Board because, among other things, it is located on diked baylands that are historic water bodies and are subject to jurisdiction as "waters of the State." Such an expansion would be subject to the San Francisco Bay Water Quality Control Plan (Basin Plan), which specifically states that the Regional Board will not approve further expansion of Bayfront landfills into wetlands, and prohibits all discharges of fill material into jurisdictional waters unless a proposed discharge constitutes the least environmentally damaging practicable alternative that will achieve the basic project purpose. Additionally, such an expansion would be prohibited by statewide landfill siting regulations, which were developed after the construction of the TCRDF in 1967.

In light of these agencies' written comments that they would not permit expansion of the TCRDF as a landfill or construction of a Transfer Station/Materials Recovery Facility at the TCRDF site, there is significant uncertainty as to whether those agencies would permit a Transfer Station/Materials Recovery Facility to be located on the same site, and reason to believe that the necessary permit application and review processes are likely to be complex and time-consuming. There is, therefore,

significant uncertainty that the process could be completed and the site permitted within the timeframe necessary to meet the City's current needs.

The identified constraints on the site (soils and geology, landfill gas, flood zone, proximity to special status species) are also likely to require special design of any facility at this location, which would further extend the time and costs of proposing and implementing a facility and program at this location.

Reasons for Rejecting this Alternative:

This alternative would not be environmentally superior to the proposed project and is subject to uncertainty as to whether it could be implemented at all. If this alternative could be implemented, it is likely to require substantially more time than the proposed project. Based on information that is presently available to the City of Fremont, this alternative would be inconsistent with the following project objectives:

To site a Transfer Station Materials Recovery Facility that is operational as close as possible to the closure date of the Tri-City Recycling and Disposal Facility (landfill) to avoid disruption in the City's municipal solid waste collection and disposal system.

To provide a state of the art facility that minimizes visual, odor, noise and litter impacts.

This alternative may not be feasible.

Alternative 3: TCRDF Alternative Landfill Location
Description of Alternative 3:

This alternative would involve expanding the existing sanitary landfill operation at TCRDF to the areas of the site designated as Areas 2 and 3 under the original conditional use permit. All of the waste would be hauled to TCRDF, which would not require the operation of a transfer station. A materials recovery facility for increasing recycling would still be included in this alternative.

In order for TCRDF to continue to operate as a sanitary landfill, permits allowing for an expansion would be required. It is not known what form of CEQA documentation would be required by the State agencies (Regional Board, LEA, and CIWMB). Prior to implementation, this alternative would, at least, require that detailed design plans for a landfill that conforms to current local, State and federal requirements be prepared, and appropriate permits would need to be considered and approved by the Regional Board, the CIWMB, and the LEA before the landfill could or would be permitted to expand. Once all of the entitlements are granted, should they be approved, site preparation would then be necessary before the new landfill expansion area could begin accepting waste for disposal.

Since TCRDF is a local facility, landfilling waste at this location would not require operation of a transfer station. The City's objectives for this project include the provision of a convenient HHW turn-in facility and creation of a system that can sort commercial waste and other designated loads to achieve the additional increment of waste diversion assumed in the materials recovery function of the proposed project. It is, therefore, assumed that the City would still need to pursue siting a materials recovery facility to increase diversion of its solid waste, either on the TCRDF site as described under Alternative 2 above, elsewhere on the TCRDF site, or on a different site.

Impacts/Feasibility of Alternative 3:

A substantial expansion of the existing TCRDF landfill would result in a significant loss of approximately 72 acres of open space, and would create a substantially greater obstruction to nearby scenic views. Litter and dust associated with expanded landfill operations could adversely impact the nearby Refuge and other sensitive uses planned or approved in the vicinity. The noise associated with operating an expanded landfill at this location could also impacts birds and their breeding habitat in the nearby Refuge. Expansion of the landfill might impact jurisdictional wetlands or other sensitive habitat on the site or nearby.

This alternative would result in a substantial reduction in truck traffic, less use of diesel fuel, and a reduction in air quality impacts because the transfer of municipal solid waste to an out-of-town landfill would not be required with this alternative.

The expansion of the existing landfill at TCRDF must meet current federal landfill design standards. The design, preparation of plans, permit approval process, site preparation, and implementation for an expansion of the TCRDF landfill is not known to the City of Fremont to have begun at this point in time.

The U.S. Army Corps of Engineers and the California Regional Water Quality Control Board, San Francisco Bay Region, are among the public agencies which have permit authority over any proposed expansion or additional use of the TCRDF. In its written comments on the prior EIR, the Army Corps stated that expansion of the TCRDF would impact portions of jurisdictional waters of the United State, and that a permit would be required and would only be granted upon a demonstration that the proposed fill was necessary because there are no practical alternatives. Based upon the information in that previous EIR regarding the existence of other viable alternatives that do not propose fill in any jurisdictional waters of the United States and have the least impact on special aquatic sites, the Army Corps indicated that it could not issue a permit for expansion of the TCRDF because it is not the least environmentally damaging practicable alternative.

Likewise, the Regional Board indicated in its letter commenting on the City's previously prepared EIR that expansion of the TCRDF would not be permissible to the Regional Board because, among other things, it is located on diked baylands that are historic water bodies and are subject to jurisdiction as "waters of the State". Such an expansion would be subject to the San Francisco Bay Water Quality Control Plan (Basin Plan), which specifically states that the Regional Board will not approve further expansion of Bayfront landfills into wetlands, and prohibits all discharges of fill material into jurisdictional waters unless a proposed discharge constitutes the least environmentally damaging practicable alternative that will achieve the basic project purpose. Additionally, such an expansion would be prohibited by statewide landfill siting regulations, which were developed after the construction of the TCRDF in 1967.

In light of these agencies' written comments that they would not permit expansion of the TCRDF as a landfill, there is significant uncertainty about the expansion of the TCRDF landfill, including: (1) whether and under what circumstances the Corps of Engineers and/or the Regional Board would permit the landfill to expand, (2) the necessary permit application and review processes are likely to be complex and time-consuming, and (3) it is unlikely that the process could be completed and the site permitted within the timeframe necessary to meet the City's current needs.

Given the current status of permitting landfill expansion, it could take several years to complete the technical studies, design development, and permitting processes before the site could accept waste.

This means TCRDF would not be in a position to accept additional waste for several years after closing the current landfill. This is not consistent with the project objective that the facility be operational as close as possible to the closure date of the current Tri–City Recycling and Disposal Facility landfill to avoid disruption in the City's municipal solid waste collection and disposal system.

Reasons for Rejecting this Alternative:

Although this alternative would result in a reduction in truck traffic, less use of diesel fuel, and less air quality impacts, it would result in greater land use and biotics impacts. This alternative would not be environmentally superior to the proposed project and is subject to uncertainty as to whether it could be implemented at all. If this alternative could be implemented, it is likely to require substantially more time than the proposed project. Based on information that is presently available to the City of Fremont, this alternative would be inconsistent with the following project objectives:

To site a Transfer Station Materials Recovery Facility that is operational as close as possible to the closure date of the Tri–City Recycling and Disposal Facility (landfill) to avoid disruption in the City's municipal solid waste collection and disposal system.

To provide a minimum 20 year waste disposal capacity and/or service to the City of Fremont, and possibly to the Cities of Newark, and Union City.

To provide a state of the art facility that minimizes visual, odor, noise and litter impacts.

This alternative may not be feasible.

Alternative 4: Vasco Road Alternative Landfill Location
Description of Alternative 4:

The Vasco Road landfill is an existing sanitary landfill owned and operated by Republic Industries. The landfill is approximately 30 miles from the proposed Transfer Station/Materials Recovery Facility site. The current permitted gate capacity of the landfill is 2,518 TPD, and it is presently receiving approximately 1,500 tons per day. There is not currently sufficient capacity at this landfill for all of the waste that would be transferred from the Transfer Station/Materials Recovery Facility under the proposed project.

This alternative includes the proposed Transfer Station/Materials Recovery Facility on Boyce Road. For this alternative, the Transfer Station/Materials Recovery Facility is assumed to function as proposed, but in the near-term, two-thirds of the transfer vehicles hauling waste would take the material to Vasco Road Landfill for landfilling and one-third would haul waste to Forward Landfill. In the far term, approximately half of the vehicles would take material to Vasco Road and the remainder would continue to Forward Landfill.

All other aspects of the project pertaining to the operation of the Transfer Station/Materials Recovery Facility, including the on-site uses and the quantities of materials handled and the traffic generated, would be the same as for the proposed project.

Impacts/Feasibility of Alternative 4:

This alternative would result in more vehicle miles traveled, more use of diesel fuel, and more air pollution, than the proposed use of the Altamont landfill and fewer impacts than transfer of the waste to Forward landfill.

Because this alternative would include use of two existing, permitted landfills, it would result in more impacts at those landfills than are currently occurring. It would not, however, cause the permitted capacity of either landfill to be exceeded and would not result in impacts at either landfill that are different or more significant than the impacts addressed in the EIRs prepared for each landfill.

The use of two facilities for disposal of solid waste could potentially be inconsistent with the objective of managing the City's municipal solid waste in an efficient manner.

Reasons for Rejecting this Alternative:

Because the Vasco Road landfill does not have sufficient capacity to dispose of all of the waste that would be transferred from the Transfer Station/Materials Recovery Facility, and dividing the waste stream between two landfills likely would be logistically more complex and more expensive than the proposed project, this alternative is potentially inconsistent with the following project objective:

To manage the City's municipal solid waste in an efficient and cost-effective manner consistent with the state requirement that the City make adequate provision for solid waste handling.

In addition, this alternative would have significantly greater environmental impacts than the proposed project due to the larger number of vehicle miles driven and consequent greater consumption of diesel fuel and generation of air pollution.

Alternative 5: Alternative Transfer Station/Materials Recovery Facility and Landfill Location at Newby Island

Description of Alternative 5:

This alternative would include hauling all of the waste and recyclables from the Tri-Cities to the Newby Island Recyclery and Sanitary Landfill, in San José. Newby Island is approximately six miles from the proposed Transfer Station/Materials Recovery Facility site. Newby Island presently has sufficient gate capacity in the short term only for the City of Fremont's franchise waste, although it may have capacity in the long term for all three of the Tri-Cities' waste, depending on changes in contracts or gate capacity.

For this alternative, it is assumed that all of the waste and recyclables would be hauled directly in their collection vehicles to Newby Island. Source separated recyclables would be processed at the Recyclery at Newby Island.

Impacts/Feasibility of Alternative 5:

This alternative would avoid all impacts associated with siting and operating a new Transfer Station/Materials Recovery Facility at the proposed location. Impacts of having the waste and recycling collection vehicles drive to Newby Island would result in greater traffic impacts, more use of diesel fuel, and greater air quality impacts than the proposed project.

Because this alternative would include use of an existing landfill and materials recovery facility, it would result in more impacts at those facilities than are currently occurring. It would not, however, cause the permitted capacity of either the landfill or the materials recovery facility to be exceeded and would not result in impacts that are different or more significant than the impacts that would result from full utilization of that permitted capacity without the project.

This alternative would not support the project objective of minimizing haul distances for local collection trucks, nor would it provide a convenient location for Fremont residents to turn in household hazardous and electronic waste, nor does it provide a 20-year waste disposal capacity for the Tri-Cities. This alternative also does not have the capacity needed to accommodate a minimum of 20 years capacity for the Tri-Cities and, therefore, does not meet the project objectives.

Reasons for Rejecting this Alternative:

This alternative does not appear to have the capacity needed to accommodate a minimum of 20 years capacity for all of the Tri Cities and, therefore, does not meet the project objectives.

This alternative is not environmentally superior to the proposed project. Based on information currently available to the City of Fremont, this alternative would not be consistent with the following project objectives:

To provide a minimum 20 year waste disposal capacity and/or service to the City of Fremont, and possibly to the Cities of Newark, and Union City.

To provide additional recycling processing capability to ensure Fremont's continued compliance with the state mandated 50 percent diversion goal and assist the City in meeting the City and County adopted goal of 75 percent diversion by 2010.

To minimize haul distances for local collection trucks.

To provide a convenient location for turning in household hazardous, including electronic waste.

Alternative 6: Davis Street Alternative Transfer Station/Materials Recovery Facility Location
Description of Alternative 6:

Under this alternative, all waste and recyclables would be transported in the collection vehicles to the existing Transfer Station/Materials Recovery Facility owned and operated by Waste Management, Inc., located at 2615 Davis Street in San Leandro. This site is approximately 18 miles from the proposed Transfer Station/Materials Recovery Facility location. The facility is a permitted transfer station that takes in and transfers municipal solid waste to Altamont Landfill in eastern Alameda County. The facility is also a permitted materials recovery facility that accepts source separated recyclables and mixed waste loads and processes the recyclables for off-site shipment. At the current time, the Davis Street Transfer Station is permitted to accept up to 5,600 tons per day of material for processing, and is receiving approximately 2,825 tons per day.

The Davis Street Transfer Station includes a buy-back center for recyclables and a turn-in center for used oil.

Under this alternative, all of the collection vehicles and self-haul vehicles originating in Fremont and the Tri-Cities area would travel to the Davis Street site and deposit waste and recyclables. The

Municipal solid waste would be transferred to transfer trucks and hauled to the Altamont Landfill. The recyclables would be separated out in a fashion similar to the proposed project.

Impacts/Feasibility of Alternative 6:

Impacts of landfilling the material at Altamont Sanitary Landfill for this alternative would be similar to those from the proposed project.

Collection vehicles and vehicles hauling material to the TCRDF landfill site that presently travel on streets in Fremont and Newark that are proximate to the TCRDF site would be diverted to different routes. Having local collection vehicles travel the distance to the Davis Street facility would result in a substantial increase in vehicle miles traveled, would have greater traffic impacts on different streets than those impacted by the proposed project, and would utilize more diesel fuel and have substantially greater air quality impacts than the proposed project.

This alternative would not be consistent with the project objective of minimizing haul distances for local collection trucks. Because of the travel distance collection vehicles would need to travel to Davis Street, collection vehicles would spend substantially more unproductive time while in transit to Davis Street than either using the Transfer Station/Materials Recovery Facility on Boyce Road and transferring the material to the Altamont Landfill. As a result, the total number of collection vehicles would need to be increased substantially (at a significant cost) in order to meet the City's waste collection needs. This alternative would therefore be substantially more expensive than the proposed project.

This alternative would not, therefore, meet the project objectives of (1) minimizing haul distances for local collection trucks, or (2) managing the City's municipal solid waste in an efficient and cost effective manner, or (3) providing a convenient location for turning in household hazardous waste.

Reasons for Rejecting this Alternative:

Based on information currently available, this alternative appears to be feasible. This alternative is not environmentally superior to the proposed project. This alternative would not be consistent with the following project objectives:

To manage the City's municipal solid waste in an efficient and cost-effective manner consistent with the state requirement that the City make adequate provision for solid waste handling.

To process commercial and industrial waste that is currently landfilled and divert approximately 12 percent of incoming material.

To minimize haul distances for local collection trucks.

To provide a convenient location for turning in household hazardous, including electronic waste.

This alternative would also be more expensive, although the additional increment of expense that would be required to modify the existing collection agreements is not known.

Alternative 7: Rail Haul Alternative
Description of Alternative 7:

Under this alternative, municipal solid waste and/or recycled materials would be loaded onto rail cars and hauled to a landfill and/or secondary materials processing facilities. There is a spur rail line adjacent to the proposed Transfer Station/Materials Recovery Facility site's southerly boundary. The proposed project currently includes baling and shipping recycled paper and cardboard via rail where a market with rail access can be identified. This alternative to the project would consist of hauling municipal solid waste and additional recycled materials (other than paper and cardboard) to processing facilities.

Although the Transfer Station/Materials Recovery Facility site and the existing building both already have rail access, changes to the site would be required to accommodate rail haul of municipal solid waste. These include: provision of sufficient interior space within the Transfer Station/Materials Recovery Facility to store sufficient amounts of all of the commodities to be shipped by rail, and construction of a crane or a removable ramp adjacent to the rail spur. The waste could be loaded into containers as proposed (in a below grade tunnel), or alternatively by using a mechanical compactor to increase the density of the waste, or by other means. It is not known whether there is sufficient room on the Boyce Road site for the improvements required for a rail haul alternative, or whether there is sufficient capacity along the spur rail line for the railcars needed for a rail haul option.

Impacts/Feasibility of Alternative 7:

Hauling waste to the landfill in trains would reduce the impacts of driving trucks on local and regional roadways, and would reduce the impacts from consumption of diesel fuel and air quality impacts.

This alternative would require construction of various improvements to the Transfer Station/Materials Recovery Facility to accommodate a rail haul option. This alternative could require that some municipal solid waste be retained on site for a longer period than the 24-hour turn-around time called for in the current project description. There would be visual impacts from the increased number of rail cars stored at the Transfer Station/Materials Recovery Facility. Most rail haul projects have taken five to seven years to bring on line.

This alternative would not be consistent with the project objective to manage the City's municipal sold waste in an efficient and cost effective manner. Rail haul of short distances is much more expensive than truck haul. Additional costs associated with rail hauling may be as high as $16 to $26 per ton, which would cost the City $7.5 million to $16.5 million per year.

The settlement agreed to by the Altamont Landfill operators after a lawsuit challenged the EIR prepared for the landfill expansion, stipulates that the Altamont Landfill cannot utilize rail haul for municipal solid waste delivered to the landfill. This alternative would therefore not be feasible for the proposed project.

Reasons for Rejecting this Alternative:

Although rail haul would environmentally superior to transferring waste by transfer truck, hauling waste to the Altamont Landfill would not be feasible. This alternative would be inconsistent with the following project objectives:

To manage the City's municipal solid waste in an efficient and cost-effective manner consistent with the state requirement that the City make adequate provision for solid waste handling.

To site a Transfer Station Materials Recovery Facility that is operational as close as possible to the closure date of the Tri–City Recycling and Disposal Facility (landfill) to avoid disruption in the City's municipal solid waste collection and disposal system.

Alternative 8: Pod System Alternative
Description of Alternative 8:

In this alternative, the City would change the collection vehicles used to pick up waste. Pod system collection vehicles require a removable body that compacts waste as it is collected, and then the body is detached from the truck bed and is left at a collection point. These "pods" are then collected onto transfer trailers and hauled (two to three at a time) to a disposal site. This alternative would avoid the need for a transfer station for the municipal solid waste collected by franchised collection vehicles, but would not substitute for a materials recovery facility that would separate recyclables from commercial and self-haul loads. This alternative cannot be used for open debris box (roll off) waste or for self-haul loads. It also provides no opportunity for household hazardous waste collection.

Because this alternative cannot handle all of the City's entire waste stream, it would still require a scaled down Transfer Station/Materials Recovery Facility which could be located on the same property as the proposed project. The proposed Boyce Road site could still be used, but less of the existing building would be utilized for the transfer of garbage into transfer trucks. Instead, an outdoor area would need to be utilized as storage for empty pods, a drop-off for filled pods, and a pick-up site for long haul vehicles that would transport the filled pods to the landfill.

Impacts/Feasibility of Alternative 8:

Since the pod units are heavier than the transfer trucks used to haul waste to a landfill, this system may transfer incrementally less waste per trip than the proposed transfer trucks in order to maintain a legal weight on California roads. This alternative could, therefore, generate more truck traffic and associated air pollution.

This alternative would not reduce or avoid any of the impacts of the proposed project.

This alternative would not meet the project's objective of managing the City's municipal solid waste in an efficient and cost effective manner consistent with the state requirement that the City make adequate provision for solid waste handling because this alternative would require the City's existing franchise waste hauler, BFI, to replace its current fleet of collection vehicles. Since the City's existing contract with BFI does not mandate that BFI pay the costs of changing its vehicles, this cost would have to be absorbed by the City. This alternative may also not be fully consistent with the objective of processing commercial and industrial waste that is currently landfilled, thereby diverting at least 12 percent of incoming material.

The need to renegotiate the collection contract with BFI in order to change the collection equipment might result in delays that would be inconsistent with the objective of having a facility operational as close as possible to the closure date for the TCRDF landfill.

Reasons for Rejecting this Alternative:

This alternative would not be environmentally superior to the proposed project, and based on information presently available to the City of Fremont, would be inconsistent with the following project objectives:

To manage the City's municipal solid waste in an efficient and cost effective manner consistent with the state requirement that the City make adequate provision for solid waste handling.

To provide additional recycling processing capability to ensure Fremont's continued compliance with the state mandated 50 percent diversion goal and assist the City in meeting the City and County adopted goal of 75 percent diversion by 2010.

To process commercial and industrial waste that is currently landfilled and divert approximately 12 percent of incoming material.

Because this alternative would require the City's collection contractor to replace all collection vehicles, it would be substantially more expensive than the proposed project.

Alternative 9: No Project
Description of Alternative 9:

If the City does not approve the proposed Transfer Station/Materials Recovery Facility and takes no action to create a new transfer facility or landfill, the City's solid waste must, under State law, still continue to be collected and it will still need to be disposed at a landfill. The two options that would require minimal discretionary action and the fewest long term changes in the existing physical environment are having the City's municipal solid waste direct hauled in the collection vehicles to either the Newby Island landfill/materials recovery facility or to the Davis Street transfer station. The No Project Alternative would, therefore, be the same as either Alternatives 5 or 6 or, above.

Impacts/Feasibility of Alternative 9:

Alternative 5 may not be feasible because the Newby Island Landfill does not have sufficient permitted gate capacity to accept all of the municipal solid waste from the three Tri-Cities that would need to be landfilled. If the scope of the project is reduced to include only the City of Fremont's franchise municipal solid waste, the waste can be hauled to Newby Island. If the Newby Island Alternative is downsized to only include the franchise municipal solid waste generated within the City of Fremont, the hauling of that municipal solid waste directly to Newby Island would result in fewer adverse air quality and other environmental impacts than the proposed project. However, that downsized alternative would not provide the additional recycling capacity, nor a convenient household hazardous waste and electronic waste turn-in facility, both of which the City of Fremont considers essential for this project. The absence of these essential environmental programs makes this alternative environmentally inferior.

Alternative 6 would have greater impacts than the proposed project and is not consistent with the project objectives of minimizing haul distances for local collection trucks, or of providing a convenient location for turning in household hazardous and electronic waste.

Reasons for Rejecting this Alternative:

Since solid waste and recycling must be managed, with or without a new transfer station, this alternative is not clearly environmentally superior. Additionally, this alternative is not consistent with the following project objectives:

To manage the City's municipal solid waste in an efficient and cost effective manner consistent with the state requirement that the City make adequate provision for solid waste handling.

To provide a minimum 20 year waste disposal capacity and/or service to the City of Fremont, and possibly to the Cities of Newark, and Union City.

To provide additional recycling processing capability to ensure Fremont's continued compliance with the state mandated 50 percent diversion goal and assist the City in meeting the City and County adopted goal of 75 percent diversion by 2010.

To process commercial and industrial waste that is currently landfilled and divert approximately 12 percent of incoming material.

To minimize haul distances for local collection trucks.

To provide a convenient location for turning in household hazardous, including electronic waste.

V. STATEMENT OF OVERRIDING CONSIDERATIONS

The Final EIR identifies a significant unavoidable cumulative impact from the project that cannot be mitigated to a less than significant level. The City Council of the City of Fremont finds that there are specific overriding economic, legal, social, technological or other benefits of the project, as set forth below, which outweigh the significant effects on the environment.

STATEMENT OF FACTS SUPPORTING STATEMENT OF OVERRIDING CONSIDERATIONS

The City of Fremont has concluded that the project consisting of revisions to its waste management system, as proposed and with identified mitigation measures, is the most capable of meeting the City's objectives with the least environmental impact. Pursuant to Section 21081 of the Public Resources Code, prior to approving a project that has identified unavoidable significant impacts, the City Council is required to find that there are specific overriding economic, legal, social, technological or other benefits of the project which outweigh the significant effects on the environment. The unavoidable significant effect on the environment is set forth in Section III above. The findings supporting a determination that there are overriding considerations for moving forward with the project despite that significant effect follow.

Specific Overriding Benefits:

Significant Effect: Cumulative Regional Air Quality Impact.

Benefits and Findings of Fact: All feasible mitigation measures, as listed in detail above in Sections I and II, have been identified and required as part of the Final EIR and Mitigation Monitoring and Reporting Plan. As noted in Section III, all feasible mitigation measures were adopted.

By approving this project, the City of Fremont will ensure that municipal solid waste disposal, a service which is essential to the public health and welfare of its citizens, will continue to be provided in an efficient and cost-effective manner over the long term; will avoid disruption in existing solid waste collection and disposal services caused by the closure of the Tri-City Recycling and Disposal Facility; and will continue to increase the City's rate of diversion of recyclable materials from its waste stream, in compliance with state law and City and County adopted goals. The project will accomplish these objectives with less expense and delay and with less environmental impacts than other alternatives considered by and available to the City. In addition, the project will generate surcharges and other fees on waste disposed of at the Altamont Landfill that will support municipal recycling and waste reduction programs, wildlife habitat and open space acquisition, education and other programs, which will have beneficial environmental and community impacts.

Efficient and Cost-Effective Municipal Solid Waste Disposal.

The City has an interest in continuing to provide its residents with efficient and cost-effective municipal solid waste collection and disposal services, which is essential to the public health and welfare of its citizens. It also has an interest in avoiding any disruption in existing solid waste collection and disposal services that may be caused when the Tri-City Recycling and Disposal Facility reaches capacity in approximately December 2004. The proposed project would further those interests with less expense, delay and uncertainty and with less or equivalent environmental impacts as any of the project alternatives considered in the Final EIR. As set forth in the Final EIR and staff reports, selecting Altamont Landfill will save the City approximately $14 to $15 million (net present value $8 to $8.5 million) over the 20-year contract term compared to Forward Landfill, with a lower net initial cost per ton and a lower contract cost for the term, and at rates that will be less affected by inflation. At the same time, the project will require transfer trucks to travel a shorter distance to the selected landfill, resulting in less serious environmental impacts on air quality, highway traffic, and fuel consumption. Other alternatives considered by the City are uncertain or speculative, would not further key project objectives, or would be more expensive or have greater environmental impacts.

Increased Diversion of Recyclable Materials.

The City also has an interest in continuing to increase its diversion of recyclable materials from its waste stream, as required by state law and by City and County adopted local goals. The project will assist the City in continuing to increase its diversion rate and to meet its goal of diverting 75 percent by weight of all municipal solid waste by 2010. Other alternatives considered by the City are less likely to achieve this key project objective.

Beneficial Environmental Impacts And Other Economic Benefits.

The City's approval of the project will also contribute to the funding of various programs that may have beneficial environmental and community impacts. In particular, as discussed in more detail in the EIR, the City's approval of a project including disposal at the Altamont Landfill will generate surcharges under Measure D that will be disbursed in part to the City of Fremont to support the

continuation and expansion of municipal recycling programs, and in part will support various grant and other countywide waste reduction programs administered by the Alameda County Source Reduction and Recycling Board. In addition, under the settlement agreement governing the Altamont Landfill, solid waste disposed of by the City at that landfill also will be subject to surcharges that will fund open space and wildlife habitat acquisition, recycling and diversion education programs and job training programs, and various other programs. These programs are expected to have beneficial environmental and community impacts that would not occur, or would not be funded at the same levels, if the City chose one of the other project alternatives discussed in the EIR.

Finally, the project will also generate new employment opportunities and property tax revenues. The transfer station and materials recovery facility will provide approximately 115 new jobs. In addition, once the improvements to the existing vacant building on the transfer station site have been completed, the facility is expected to generate approximately $15,000 in increased annual property tax revenues to the City.

Conclusion.

To the extent that any environmental impacts attributable to the project remain unmitigated, the City of Fremont has determined that such significant impacts are acceptable in light of the overriding social, economic and other benefits set forth here, in the EIR and in the administrative record.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Resolution 2005-183 (Revised)

Consideration Of A New Solid Waste Facilities Permit (Transfer/Processing Facility) For The Fremont Transfer And Recycling Station, Alameda County

WHEREAS, BLT Enterprises of Fremont, Inc. proposes to operate a transfer station and materials recovery facility and a food diversion facility; and

WHEREAS, the Alameda County Division of Environmental Health, Department of Environmental Health, Office of Solid and Medical Waste, acting as the Local Enforcement Agency (LEA), has submitted to the Board for its review and concurrence with, or objection to, a new Solid Waste Facilities Permit for the Fremont Recycling and Transfer Station; and

WHEREAS, the City of Fremont Planning Department, Lead Agency for California Environmental Quality Act (CEQA), prepared and ~~certified~~ an Environmental Impact Report State Clearinghouse (SCH) # 20011220003 for the facility; and

WHEREAS, a Final EIR was certified and a Statement of Overriding Considerations (SOC) was adopted by the City of Fremont on December 16, 2003; and

WHEREAS, a Notice of Determination (NOD) was filed with the Office of Planning and Research on December 18, 2003; the NOD indicated that this project would have a significant effect on the environment and that a SOC was adopted for the project; and

WHEREAS, the Board has considered the environmental effects of the project as presented in the EIR and finds that there are no feasible alternatives or feasible mitigation measures within the Board's authority that would substantially lessen or avoid any significant effect the project will have on the environment, and finds further that the proposed permit is consistent with the California Environmental Quality Act; and

WHEREAS, the Lead Agency adopted Findings for each significant environmental effect of the project, which Findings the Board has considered and hereby adopts as its own, and which Findings demonstrate that for each significant environmental effect of the project: i) changes or alterations were required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR; ii) that such changes or alterations are not within the Lead Agency's jurisdiction but, instead, are in the jurisdiction of another public agency and have been or can and should be imposed by that agency; or iii) that specific considerations make infeasible the mitigation measures or alternatives identified in the final EIR, and

WHEREAS, the Lead Agency adopted a SOC which states that although the project will cause significant unavoidable and irreversible air quality environmental impacts that will remain even after the adoption of feasible mitigation measures, the proposed project will provide for efficient and cost effective municipal solid waste disposal and will provide economic and social benefits that are sufficient to outweigh the project's adverse impacts as more fully described in the SOC; and

(Over)

WHEREAS, the Board has considered the SOC and for the reasons stated therein and on the basis of evidence before the Board, including, among other things, the EIR, the staff report for this agenda item and testimony and other evidence submitted at the meeting of the Board's Permitting and Enforcement Committee on July ll, 2005, and to this Board at its July 19-20, 2005 meeting, the Board hereby adopts the SOC as its own Statement of Overriding Considerations; and

WHEREAS, the LEA has certified that the application package is complete and correct, and that the proposed permit is consistent with the CEQA documents that were prepared for the project; and

WHEREAS, Board staff have evaluated the proposed permit for consistency with the standards adopted by the Board; and

WHEREAS, the Board finds the proposed permit is consistent with CEQA; and

WHEREAS, the Board finds that the proposed permit is in conformance with the Countywide Integrated Waste Management Plan;

NOW, THEREFORE, BE IT RESOLVED that the California Integrated Waste Management Board concurs with the issuance of the Solid Waste Facility Permit No. 01-AA-0297.

CERTIFICATION

The undersigned Executive Director, or his designee, of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on July 19-20, 2005.

Dated:

Mark Leary
Executive Director

California Integrated Waste Management Board

Board Meeting

July 19-20, 2005

AGENDA ITEM 4 (Revised)

ITEM

Consideration Of A Revised Full Solid Waste Facilities Permit (Transfer/Processing Station) For The Mammoth Recycling Facility And Transfer Station, Madera County

I. ISSUE/PROBLEM STATEMENT

1. This item requests Board concurrence on the revision of the Mammoth Recycling Facility and Transfer Station solid waste facilities permit.
2. Pursuant to Public Resources Code, Section 44009, the Board has 60 calendar days to concur in or object to the issuance of a full solid waste facilities permit. A draft proposed permit for this facility was received on June 1, 2005; the final proposed permit was received on June 9, 2005. The date for submittal of a proposed permit that would allow a full 60 days for Board staff review prior to the July Board meeting was May 21, 2005. The Board has until August 8, 2005 to act on this permit. When the proposed permit package was received, the package contained all of the items required in Title 27, California Code of Regulations, Section 21685.

II. ITEM HISTORY

1. The current permit for the Mammoth Recycling Facility and Transfer Station was last concurred with by the Board on February 22, 1995.
2. Compliance History:
   2000 – No State Minimum Standard (SMS) violations and no permit violations.
   2001 – No SMS violations and two permit violations.
   2002 – No SMS violations and six permit violations.
   2003 – One SMS violation and eleven permit violations.
   2004 – One SMS violation and six permit violations.
   2005 – No SMS violations and no permit violations. (January through March)

   Details concerning the above list of violations are included in the "Consistent with State Minimum Standards," Section V.A., "Staff Analysis," item 2 of this item.

III. OPTIONS FOR THE BOARD

The Board may decide to do one of the following:

1. Concur in the issuance of the proposed permit as submitted by the Local Enforcement Agency (LEA).
2. Object to the issuance of the proposed permit as submitted by the LEA.
3. Take no action on the proposed permit as submitted by the LEA. If the Board chooses this option, the Board shall be deemed to have concurred in the issuance of the proposed permit 60 days after the Board's receipt of the permit.

IV. STAFF RECOMMENDATION

Staff recommends that the Board adopt option one, concurrence in the issuance of the proposed permit, as submitted by the LEA. ~~if staff finds the transfer station is consistent with State Minimum Standards and the Transfer/Processing Report meets the requirements of Title 14, California Code of Regulations (CCR), Section 18221.6.~~

V. ANALYSIS

A. Key Issues and Findings

Facility Name:	Mammoth Recycling Facility and Transfer Station Facility Number 20-AA-00~~02~~ 31
Facility Type:	Existing transfer/processing facility
Location:	21739 Road 19, Chowchilla, Madera County
Operational Status:	Permitted, active
Setting:	Agriculture – Rural, Agriculture - Exclusive, and, Open Space,
Permitted Acreage:	3.99 total acres
Permitted Tonnage:	500 tons per day – 400 tons per day general and 100 tons per day separated or commingled recyclables
Proposed Permitted Tonnage:	500 tons per day of municipal solid waste and recyclables
Permitted Traffic Volume:	155 vehicles per day
Proposed Permitted Traffic Volume:	220 vehicles per day
Permitted Hours:	8:00 a.m. to 4:30 p.m., Monday through Friday; 9:00 a.m. to 4:30 p.m., Saturday and Sunday
Proposed Permitted Hours:	Public Receipt of Waste and Recyclable Materials - 6:00 a.m. to 8:00 p.m., 7-days per week Household Hazardous Waste Collection Facility - 8:00 a.m. to 4:30 p.m., Monday through Saturday
Owner:	County of Madera Department of Engineering & General Services
Operator:	Madera Disposal Systems, Inc. A Subsidiary of Waste Connections
LEA:	Madera County Resource Management Agency Environmental Health

Background

The Facility is located at 21739 Road 19, about five miles southeast of the City of Chowchilla and one mile south of the community of Fairmead. The facility is located

in the unincorporated area of the County on property owned by Madera County in an agricultural area where the nearest residence is approximately 150 feet from the property boundary.

The facility was initially permitted in March 1995. Currently, wastes that are not recycled are baled and transported to the adjacent Fairmead Landfill, which is permitted separately.

Key Issues
Changes identified in the proposed revised solid waste facilities permit include:

1. Change the permitted hours from 8:00 a.m. – 4:30 p.m., Monday through Friday, 9:00 a.m. - 4:30 p.m. Saturday and Sunday to 6:00 a.m. - 8:00 p.m., 7 days per week for the receipt of waste and recyclable materials, and 8:00 a.m. - 4:30 p.m., Monday through Saturday for the Household Hazardous Waste Collection Facility.

2. Change the tonnage from 500 tons per day (tpd) (i.e., 400 tpd general, and 100 tpd separated or commingled recyclables) to 500 tons per day (of municipal solid waste and commingled recyclables).

3. Increase the permitted traffic volume from 155 vehicles per day (vpd) (i.e., 132 incoming vpd, 18 vpd outgoing for disposal, and 5 vpd outgoing for reuse) to 220 vehicles per day.

4. The operation of a Household Hazardous Waste Collection Facility and a Certified Used Oil Collection Center.

Findings
LEA Certification
The LEA has certified the following:
1. The permit application package is complete and correct;
2. The Transfer/Processing Report meets the requirements of Title 14, California Code of Regulations, Section 18221.6; and
3. The proposed revised solid waste facilities permit is consistent with and is supported by the existing CEQA analysis.

Staff Analysis
The following table summarizes Board staff's review and analysis of the proposed revised solid waste facilities permit package:

Summary of Board Findings for Facility #20-AA-0031	**Adequate**	**Inadequate**	**To Be Determined**	**Not Applicable**	**See Details in Section**
CIWMP Conformance	X				1.
Consistency with State Minimum Standards	X		~~X~~		2.
California Environmental Quality Act	X				V.B.
Transfer/Processing Report	X		~~X~~		3.

1. County Integrated Waste Management Plan (CIWMP).

   Public Resources Code Section 50001 requires the location of any new or

expanded nondisposal facility to be identified in the applicable jurisdiction's Nondisposal Facility Element (NDFE) for the proposed permit for that facility to be found to be in conformance with the NDFE.

The Mammoth Recycling Facility and Transfer Station is identified in the City of Chowchilla's recently amended NDFE. Office of Local Assistance staff therefore finds the proposed permit to be in conformance with the City's NDFE.

2. Consistency with State Minimum Standards (SMS). ~~At the time this item was prepared, Board staff had not conducted a pre-permit inspection of the facility. Results of the inspection will be provided at the July Permitting and Enforcement Committee meeting.~~ On July 6, 2005 Board staff in conjunction with the LEA conducted an unannounced inspection of the transfer station. No violations were noted during the inspection.

   Below are the details of the facility's SMS compliance history and permit compliance history based on the LEA's monthly inspection reports for the period of January 2000 through March 2005.

   Calendar Year 2000. No SMS or permit violations.

   Calendar Year 2001. Two permit violations for non-compliance with the terms and conditions of the permit, one for the improper storage of hazardous waste (pulled from the waste stream) and one for exceeding the permitted tonnage.

   Calendar Year 2002. Six permit violations for non-compliance with the terms and conditions of the permit for exceeding the permitted tonnage.

   Calendar Year 2003. One SMS violation for solid waste removal. Eleven permit violations for non-compliance with the terms and conditions of the permit for exceeding the permitted tonnage.

   Calendar Year 2004. One SMS violation for sanitary facilities. Six permit violations for non-compliance with the terms and conditions of the permit for exceeding the permitted tonnage.

   Calendar Year 2005 (January – March). No SMS or permit violations.
   In 2002, Board staff discussed with the LEA staff the need for enforcement action relative to the tonnage violations. The LEA indicated that the landfill exceeded the permit limits infrequently and also indicated that the operator was working on an Environmental Impact Report (EIR) that addressed an increase in tonnage and that they anticipated that the revision of the permit would occur soon. Therefore, the LEA chose not to take any enforcement action. Board staff did not sanction the LEA's inaction but did not pursue the issue directly. Board staff instead focused available resources on assisting the operator and LEA with the CEQA and permit process. With the "triggers" process now in place, Board staff should have also provided additional resources in assisting the LEA with taking appropriate enforcement actions.

   The LEA and operator have both had staffing changes (2003 and 2004), which has added delays to the permit process as the new staff required time to adjust and come up to speed on the ongoing permit revision process and the compliance issues at the site. Because of the changes in the LEA staff, a mistaken understanding was made that

resulted in potential tonnage violations not being noted by the LEA as the permit application was being processed. Board staff has worked with the LEA to correct this mistake and the LEA will again note any tonnage violations that may occur. The LEA staff recently determined that the tonnage records for Mammoth Recycling and Transfer Station were combined with the Fairmead Landfill, which may have contributed to previous notations of exceeding the permitted tonnage limit.

The LEA is currently working with the operator to develop an accurate record keeping system for the tonnages received at the transfer station. Board staff will review the past and proposed record keeping during the pre-permit inspection to assist the LEA and operator in the development of an accurate record keeping system for the transfer station, and to determine the current compliance status of the facility relative to permit limits.

During the inspection on July 6, 2005, Board staff along with the LEA and operator reviewed tonnage records for the period of July 2004 through June 2005. Board staff confirmed that the tonnages for the transfer station and the landfill are maintained jointly, thereby creating confusion as to the actual tonnages for each facility. However, Board staff was able to review the method to calculate the tonnages for each facility with the operator and LEA. In reviewing peak tonnages for the transfer station, it was found that daily tonnage is well below the current and proposed permitted tonnage.

The operator is currently working on a record keeping system to separate the tonnages of each facility. Board staff will follow-up with the LEA to ensure this record keeping system is adequate to determine future compliance at the transfer station.

3. Transfer/Processing Report (TPR). ~~At the time this item was prepared, Board staff had not completed their review of the TPR. An update will be provided at the July Permitting and Enforcement Committee meeting.~~ Board staff have reviewed the Transfer/Processing Report, dated February 2005, and found that it meets the requirements of Title 14, CCR, Section 18221.6.

B. Environmental Issues

State law requires compliance with the California Environmental Quality Act either through the preparation, circulation and adoption/certification of an environmental document and mitigation reporting or monitoring program or by determining that the proposal is categorically or statutorily exempt.

The Madera County Planning Department, acting as Lead Agency, has prepared and circulated the following environmental document for the Fairmead Landfill and the Mammoth Recycling Facility & Transfer Station.

An Environmental Impact Report (EIR), State Clearinghouse Number 2001031048 was circulated for a forty-five day comment period from March 7, 2003 through April 21, 2003. The EIR included the analysis for Fairmead Landfill located on the same property, as both facilities are owned by Madera County and operated by Madera Disposal Systems, Inc. However, the facilities are permitted separately.

The EIR analyzed the Mammoth Recycling Facility & Transfer Station and Fairmead Landfill separately, except for the traffic analysis. The traffic volume is divided

between the facilities and allows for future increase. Therefore, the analyzed traffic volume appears much greater than what is proposed in the permit for the transfer station. The EIR analyzed for the combined traffic as follows:

- An increase in peak traffic up to 930 vehicles per day, with a traffic volume of 118 vehicle trips during peak hour by 2030.

For the Mammoth Recycling Facility & Transfer Station the EIR analyzed for:

- An expansion of the permitted boundary from 3.99 acres to 5.69 acres;
- Expanding the hours of operation from 8:00 a.m. to 4:30 p.m., Monday through Friday; and 9:00 a.m. to 4:30 p.m., on Saturday to 6:00 a.m. to 8:00 p.m., 7 days per week;
- Increasing in peak permitted tonnages from 500 to 1,200 TPD;
- Doubling the MRF building size and if necessary, adding one or two additional processing lines; and
- Receiving, storing, processing, and reusing Household Hazardous Waste (HHW), conditionally exempt small quantity generator waste, electronic waste and universal waste at a Permanent HHW Collection Facility. No special wastes (e.g., liquid wastes) or hazardous wastes will be accepted at the site.

The EIR also analyzed alternative locations at the Fairmead Landfill or the Mammoth Recycling Facility & Transfer Station for the C&D processing area, green waste processing area, and a future composting facility to provide the flexibility to receive mixed municipal solid waste, C&D debris, or the green material at either the Fairmead Landfill or the Mammoth Recycling Facility & Transfer Station. Possible changes included: expanding the chipping and grinding of green materials for use as ADC, mulch, or compost feedstock and expanding the C&D material processing facility. However, these are not being proposed in this permit revision. Instead, they are being proposed as part of the landfill's permit revision (see Agenda Item 5).

The Madera County Board of Supervisors certified the EIR on July 6, 2004. A Notice of Determination was filed by the lead agency with the State Clearinghouse on August 16, 2004.

The Local Enforcement Agency, Madera County Resource Management Agency, provided a finding that the proposed Solid Waste Facilities Permit is consistent with and supported by the cited environmental document.

Board staff recommends the Environmental Impact Report as cited above is adequate for the Board's environmental evaluation of the proposed project for those project activities which are within the Board's expertise and/or powers, or which are required to be carried out or approved by the Board.

C. Program/Long Term Impacts

Based on available information, staff is not aware of any program impacts related to this item.

D. Stakeholder Impacts

Based on available information, staff is not aware of any stakeholder impacts related to this item.

E. Fiscal Impacts

No fiscal impact to the Board results from this item.

F. Legal Issues

Based on available information, staff is not aware of any legal issues related to this item.

G. Environmental Justice

Community Setting. The zoning designations surrounding the facility include the following:

- North – Open Space Districts and Agricultural – Rural 5-acre Districts, which provides for agricultural use and one single family dwelling on a 5-acre lot size. Immediately to the north is the landfill.
- South – Agricultural, Rural, Exclusive – 40-acre Districts, which provide for a variety of agricultural uses and an additional house with a zoning permit. Currently, to the south the land use is orchards.
- East – Open Space and Agricultural – Rural 5-acres Districts. Immediately to the east is the landfill.
- West – Agricultural, Rural 5-acres and Agricultural, Rural, Exclusive – 40-acres Districts. Currently, the land use to the west includes vineyards, open space, and residences. There are two residences within 1,000 feet of the facility.

According to the 2000 Census, the population of the Chowchilla area (Madera County) consists of the following:

US Census Bureau Data Census 2000 – Race Chowchilla, Madera County	**All Ages**	
	Number	**Percent**
White	5,419	47.8
Black or African American	2,287	20.2
American Indian or Alaska Native	338	3.0
Asian	188	1.7
Native Hawaiian and Other Pacific Islander	42	0.4
Some other race	2,203	19.4
Two or more races	857	7.6
Total Population	11,334	100

Of the total population in the census tract a total of 33.7 percent identify themselves as having Hispanic or Latino origin. The 1999 Census Tract indicates that the median household income of the area is $33,289 with 23.8 percent of the families below the poverty level.

Community Outreach. On March 24, 2005 at 6:00 p.m. at the adjacent Fairmead Landfill, the LEA held a public hearing, according to the requirements of AB 1497. The Notice of Public Hearing was published in the both English and Spanish in the Madera Tribune and the Chowchilla News. The Notice of Public Hearing jointly addressed the proposed changes at the Mammoth Recycling Facility and Transfer Station and the landfill. Therefore, the notice was mailed to all the residences surrounding the landfill, and notice was also mailed to all residences within a half mile radius of the facilities.

The hearing was attended by approximately 6-8 citizens, representatives of the owner, operator, LEA and Board staff. The concerns and discussion lead by the citizens that were present mostly focused on the landfill. The LEA received written comments from two individuals. The following is Board staff's summary of the citizens' written comments that pertain to the transfer station:

- Alice Vidal, who lives in Chowchilla within the half mile radius of the facility, was present at the public hearing, but followed up with written comments that were received by the LEA on April 4, 2005. Ms. Vidal expressed concern about the deterioration of the (surrounding) roads.

  At the hearing, the LEA indicated that the concerns regarding the deterioration of the roads needed to be directed to the Madera County Department of Engineering and General Services. Names and telephone numbers were provided at the meeting. Additionally, the LEA provided their name and telephone numbers as a contact for future concerns at the facility.

- Jessie Abams-Hall, who lives in Elk Grove (Sacramento County), but owns property ~~(vacant land)~~ with two homes in Chowchilla near the half mile radius, expressed concern about the hours of operation. Ms. Abams-Hall also contacted the LEA via telephone. The LEA has attempted to follow-up with Ms. Abams-Hall via telephone.

Environmental Justice Issues. Based on available information, staff is not aware of any environmental justice issues related to this item.

H. 2001 Strategic Plan

This item supports Strategic Plan Goal 4: Managing and mitigating the impacts of solid waste on public health and safety and the environment and promoting integrated and consistent permitting, inspection, and enforcement efforts by acknowledging through cooperation with the LEA enforcement of a permit consistent with current environmental values and ethics.

This item supports Strategic Plan Objective 1: Through consistent and effective enforcement or other appropriate measures, ensure compliance with federal and state waste management laws and regulations by concurring in a permit consistent with current statute and legislation.

VI. FUNDING INFORMATION

This item does not require any Board fiscal action.

VII. ATTACHMENTS

1. Vicinity Map
2. Site Map
3. Proposed Permit Number 20-AA-0031
4. Resolution Number 2005-185

VIII. STAFF RESPONSIBLE FOR ITEM PREPARATION

A. Program Staff: Virginia Rosales **Phone:** (916) 341-6409
B. Legal Staff: Michael Bledsoe **Phone:** (916) 341-6058
C. Administration Staff: N/A **Phone:** N/A

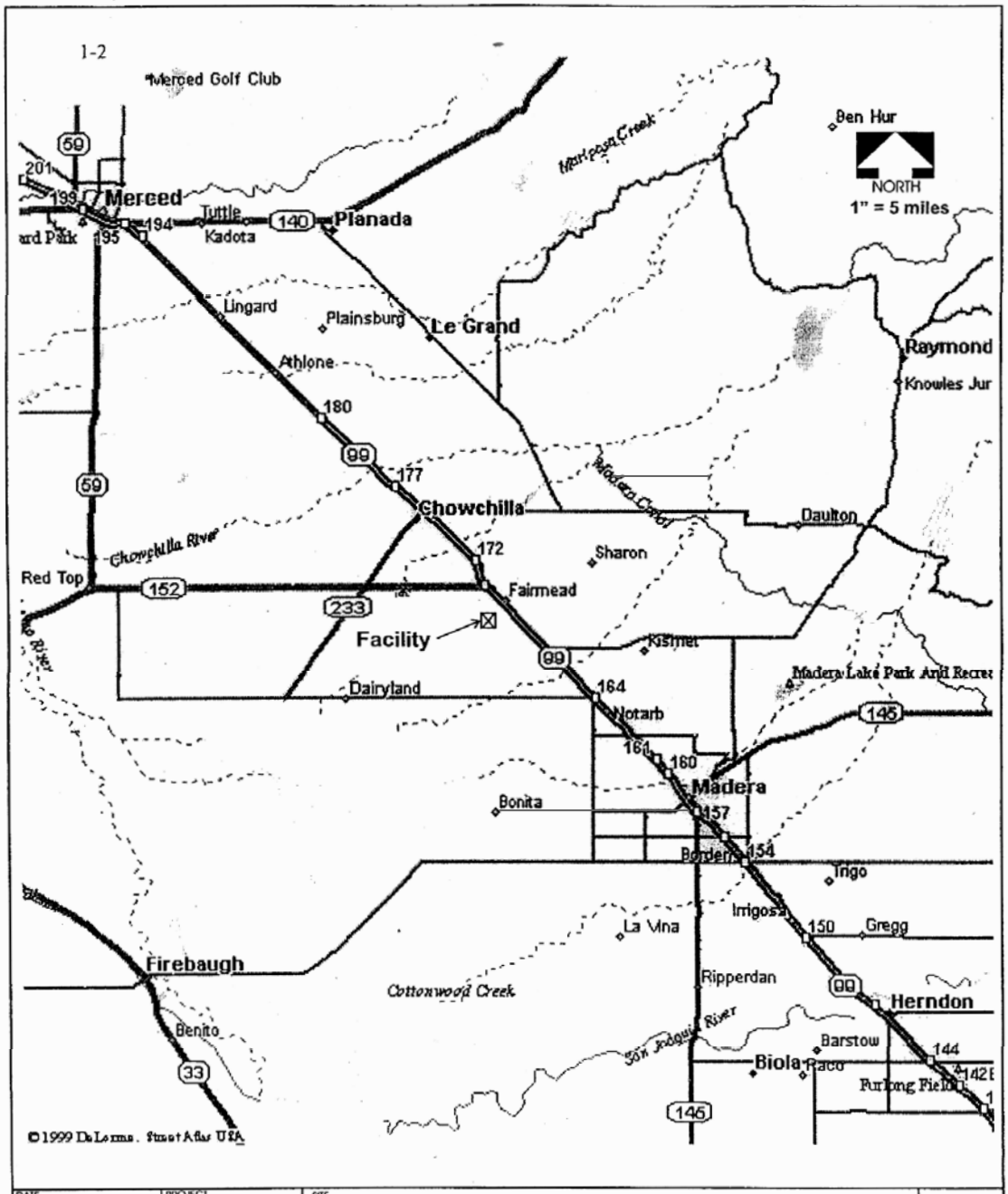
IX. WRITTEN SUPPORT AND/OR OPPOSITION

A. Support

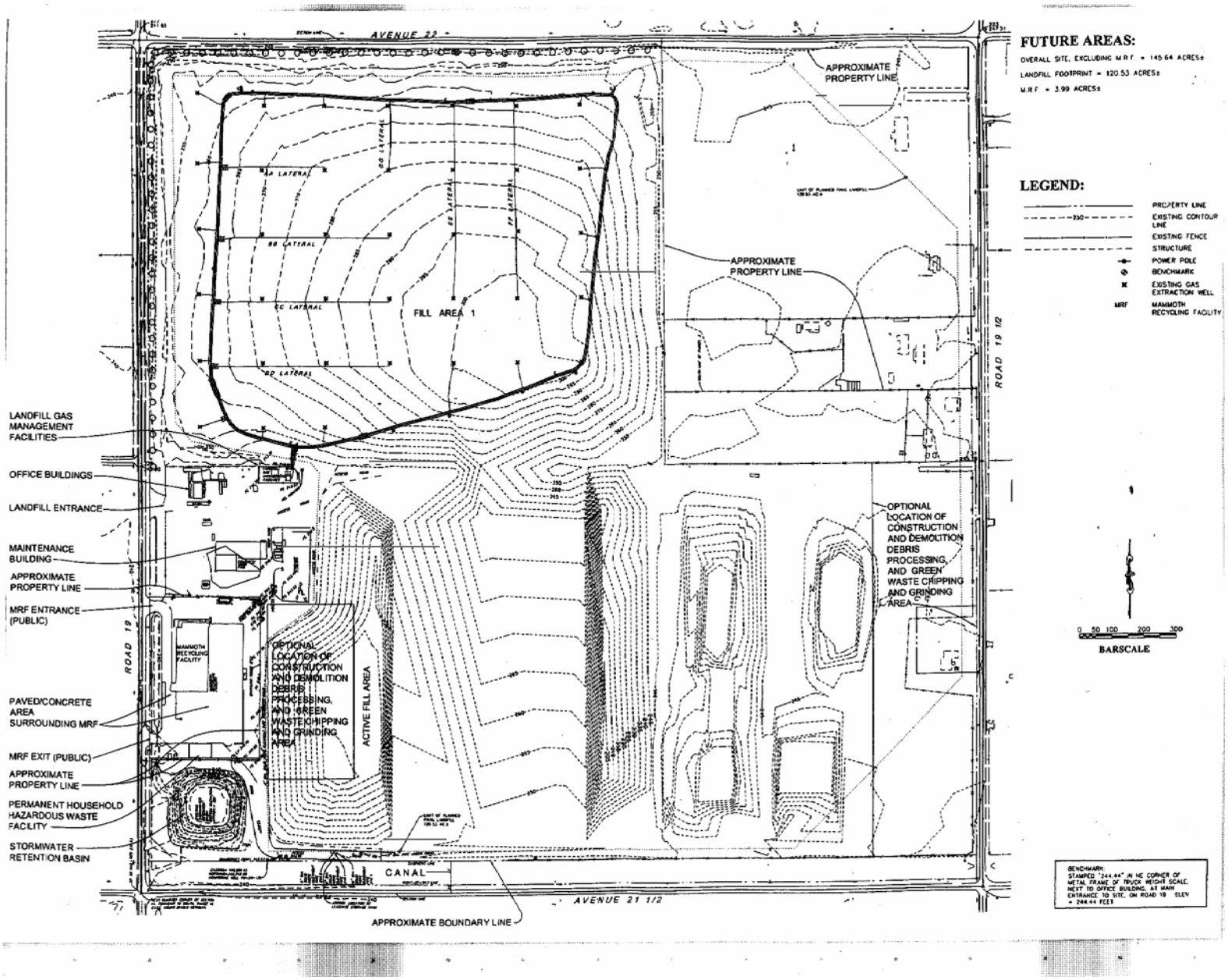
Board staff is unaware of any specific written support for this item.

B. Opposition

The LEA received public comments from Jessie Abams-Hall in Elk Grove, Sacramento County, who owns property near the half mile radius of the facility. Ms. Abams-Hall objects "to the change in operations to 8:00 p.m. Monday through Friday." Board staff will notify Mr. Abams-Hall of the proposed permit to be heard at the July 11th Permitting and Enforcement Committee.



DATE	PROJECT	SITE	
Mau 2--2	22419-014	Madera County Integrated Waste Management Facility	Figure 1
BROWN AND CALDWELL		TITLE: Regional Location Map	


AVENUE 22
AVENUE 21 1/2
ROAD 19
ROAD 19 1/2
FUTURE AREAS:
OVERALL SITE, EXCLUDING M.R.F. = 145.64 ACRES±
LANDFILL FOOTPRINT = 120.53 ACRES±
M.R.F. = 3.99 ACRES±
LEGEND:
PROPERTY LINE
EXISTING CONTOUR LINE
EXISTING FENCE
STRUCTURE
POWER POLE
BENCHMARK
EXISTING GAS EXTRACTION WELL
MRF MAMMOTH RECYCLING FACILITY
BARSCALE
0 50 100 200 300
BENCHMARK:
STAMPED "244.44" IN NE CORNER OF METAL FRAME OF TRUCK WEIGHT SCALE, NEXT TO OFFICE BUILDING, AT MAIN ENTRANCE TO SITE, ON ROAD 19 ELEV = 244.44 FEET
APPROXIMATE PROPERTY LINE
APPROXIMATE PROPERTY LINE
FILL AREA 1
AA LATERAL
BB LATERAL
CC LATERAL
DD LATERAL
EE LATERAL
FF LATERAL
GG LATERAL
LANDFILL GAS MANAGEMENT FACILITIES
OFFICE BUILDINGS
LANDFILL ENTRANCE
MAINTENANCE BUILDING
APPROXIMATE PROPERTY LINE
MRF ENTRANCE (PUBLIC)
MAMMOTH RECYCLING FACILITY
OPTIONAL LOCATION OF CONSTRUCTION AND DEMOLITION DEBRIS PROCESSING, AND GREEN WASTE CHIPPING AND GRINDING AREA
ACTIVE FILL AREA
PAVED/CONCRETE AREA SURROUNDING MRF
MRF EXIT (PUBLIC)
APPROXIMATE PROPERTY LINE
PERMANENT HOUSEHOLD HAZARDOUS WASTE FACILITY
STORMWATER RETENTION BASIN
CANAL
APPROXIMATE BOUNDARY LINE
OPTIONAL LOCATION OF CONSTRUCTION AND DEMOLITION DEBRIS PROCESSING, AND GREEN WASTE CHIPPING AND GRINDING AREA

SOLID WASTE FACILITY PERMIT

Facility Number: **20-AA-0031**

1. Name and Street Address of Facility:

Mammoth Recycling Facility and Transfer Station
21739 Road 19
Chowchilla, CA. 93610

2. Name and Mailing Address of Operator:

Madera Disposal Systems, Inc. (MDSI)
PO Box 414
Madera, CA. 93639

3. Name and Mailing Address of Owner:

County of Madera
Dept. of Engineering & General Services
2037 W. Cleveland
Madera, CA. 93637

4. Specifications:

a. Permitted Operations:

- ☐ Solid Waste Disposal Site
- ☒ Transfer/Processing Facility (MRF)
- ☐ Composting Facility (Green Material)
- ☐ Transformation Facility
- ☐ Other: ____

b. Permitted Hours of Operation: Receipt of Refuse/Waste and Recyclable Materials, 6:00 a.m. to 8:00 p.m., 7 days per week. Household Hazardous Waste Collection Facility, Monday through Saturday, 8:00 a.m. to 4:30 p.m.

c. Permitted Maximum Tonnage: 500 Tons per Day

d. Permitted Traffic Volume: 220 Vehicles per Day

e. Key Design Parameters (Detailed parameters are shown on site plans bearing EA and CIWMB validations):

	Total	Disposal	Transfer/Processing	Composting	Transformation
Permitted Area (in acres)	3.99	N/A	3.99	N/A	N/A
Design Capacity (cubic yds.)		N/A	N/A	N/A	N/A
Max. Elevation (Ft. MSL)		N/A			
Max. Depth (Ft. MSL)		N/A			
Estimated Closure Year		N/A			

Upon a significant change in design or operation from that described herein, this permit is subject to revocation or suspension. The attached permit findings and conditions are integral parts of this permit and supersede the conditions of any previously issued solid waste facility permit.

5. Approval:

Approving Officer Signature
Jill Nishi, Director, Madera County Environmental Health Dept.

6. Enforcement Agency Name and Address:

Madera County Resource Management Agency
Environmental Health
2037 W Cleveland Ave.
Madera, Ca. 93637

7. Date Received by CIWMB: June 9, 2005

8. CIWMB Concurrence Date:

9. Permit Issued Date:

10. Permit Review Due Date:

11. Owner/Operator Transfer Date:

SOLID WASTE FACILITY PERMIT

Facility Number:
20-AA-0031

12. Legal Description of Facility:

The legal description of this facility is contained in page 2 of the Transfer/Processing Report dated 2/17/05.

13. Findings:

a. This permit is consistent with the Madera County County Integrated Waste Management Plan, which was approved by the CIWMB on 11/15/99. The location of the facility is identified in the Nondisposal Facility Element, pursuant to Public Resources Code (PRC), Section 50001(a).

b. This permit is consistent with the standards adopted by the CIWMB, pursuant to PRC 44010.

c. The design and operation of the facility is consistent with the State Minimum Standards for Solid Waste Handling and Disposal as determined by the enforcement agency, pursuant to PRC 44009.

d. The Madera County Fire Department, California Department of Forestry has determined that the facility is in conformance with applicable fire standards, pursuant to PRC, 44151.

e. A Environmental Impact Report was filed with the State Clearinghouse (SCH #2001031048) and certified by the Madera County Board of Supervisors on 7/6/04. The Environmental Impact Report describes and supports the design and operation which will be authorized by the issuance of this permit. A Notice of Determination was filed with the State Clearinghouse on 8/12/04.

14. Prohibitions:

The permittee is prohibited from accepting the following wastes:

Hazardous, radioactive, medical (as defined in Chapter 6.1, Division 20 of the Health and Safety Code), liquid, designated, asbestos, sludge, cannery waste or other wastes requiring special treatment or handling, except as identified in the Report of Facility Information and approved amendments thereto and as approved by the enforcement agency and other federal, state, and local agencies.

15. The following documents describe and/or restrict the operation of this facility:

	Date		Date
Transfer/Processing Report Amendments	2/17/05	Preliminary Closure and Postclosure Maintenance Plan	N/A
Waste Discharge Requirements Order No. N/A	N/A	Closure Financial Assurance Documentation	N/A
APCD Permit to Operate #N/A	N/A	Operating Liability Certification	3/18/05
Environmental Impact Report (SCH #2001031048)	7/6/04	Land Use and/or Conditional Use Permit	7/6/04.
Notice of Determination	8/12/04	Owner/Operator Contract Agreements	11/9/93

SOLID WASTE FACILITY PERMIT

Facility Number:
20-AA-0031

16. Self Monitoring:

The owner/operator shall submit the results of all self monitoring programs to the Enforcement Agency within 30 days of the end of the reporting period *(for example, 1st quarter = January – March, the report is due by April 30, etc.. Information required on an annual basis shall be submitted with the 4th quarter monitoring report, unless otherwise stated.)*

	Program	Reporting Frequency
a.	The types and quantities (in tons) of waste, including separated or commingled recyclables, entering the facility per day.	Quarterly
b.	The number and types of vehicles using the facility per day.	Quarterly
c.	Results of the hazardous waste load checking program, including the quantities and types of hazardous wastes, medical wastes or otherwise prohibited wastes found in the waste stream and the disposition of these materials.	Quarterly
d.	Training procedures including individual personnel training records.	Annually
e.	Cleaning schedule records including logs to show that cleaning duties were performed.	Annually
f.	Storage records indicating storage times of salvageable materials and household hazardous wastes (HHW).	Annually
g.	Station and equipment maintenance records indicating routine inspections and repairs.	Annually
i.	Household hazardous wastes records indicating final destination of the HHW.	Annually

SOLID WASTE FACILITY PERMIT

Facility Number:
20-AA-0031

17. Enforcement Agency (EA) Conditions:

a. The operator shall comply with all State Minimum Standards for solid waste handling and disposal as specified in Title 14 and Title 27, California Code of Regulations and Division 30 of the Public Resource Code.

b. The operator shall maintain a log of special/unusual occurrences. This log shall include, but is not limited to, fires, explosions, the discharge and disposition of hazardous or unpermitted wastes, and significant injuries, accidents or property damage. Each log entry shall be accompanied by a summary of any actions taken by the operator to mitigate the occurrence. The log shall be available to site personnel and the EA at all times.

c. Additional information concerning the design and operation of the facility shall be furnished upon request and within the time frame specified by the EA.

d. The maximum permitted daily tonnage for this facility is 500 tons per day, and shall not receive more than this amount without a revision of this permit.

e. This permit is subject to review by the EA and may be suspended, revoked, or revised at any time for sufficient cause.

f. The EA reserves the right to suspend or modify waste receiving and handling operations when deemed necessary due to an emergency, a potential health hazard, or the creation of a public nuisance.

g. Any change that would cause the design or operation of the facility not to conform to the terms and conditions of this permit is prohibited. Such a change may be considered a significant change, requiring a permit revision. In no case shall the operator implement any change without first submitting a written notice of the proposed change, in the form of an RFI amendment, to the EA at least 180 days in advance of the change.

h. During hours of operation, an attendant shall be present at all times to supervise the unloading wastes and recyclable materials.

i. The LEA reserves the right to suspend receiving operations when deemed necessary due to an emergency, potential health hazard, or the creation of a nuisance.

j. Storage of salvaged or recyclable materials shall not exceed 30 days. The LEA reserves the right to reduce this time and/or require the material(s) be removed from the facility if such storage presents a potential for a significant health hazard or public nuisance.

k. Storage of hazardous waste on site shall be done to prevent a hazard and shall not exceed 90 days. All storage containers must be properly labeled and dated.

l. The operator shall utilize the best available control measures to mitigate potential impacts due to dust, noise, odors vectors and fire hazards.

m. All complaints received by the operator regarding this facility must be forwarded to the LEA within business one day.

n. A Site Circulation Analysis that addresses operations, traffic flow and circulation must be completed within this five year permit cycle before July 2010. The goal of the Analysis is to balance operational efficiency and safety of the facility.

o. This facility shall be in compliance with the State Model Noise Ordinance at all times. The LEA reserves the right to require noise monitoring of the operations to determine if additional noise reduction measures are necessary based on the health and safety of the public.

p. The operator shall maintain a copy of this permit with the Transfer/Process Station Report of Information, dated February 2005 at the facility at all times.

q. Any additional information concerning the design and operation of this facility must be furnished upon request of the LEA and/or the CIWMB.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Resolution 2005-185 (Revised)

Consideration Of A Revised Full Solid Waste Facilities Permit (Transfer/Processing Station) For The Mammoth Recycling Facility And Transfer Station, Madera County

WHEREAS, the County of Madera Department of Engineering & General Services is the owner and Madera Disposal Systems, Inc., a subsidiary of Waste Connections, operates the Mammoth Recycling Facility and Transfer Station located at 21739 Road 19, Chowchilla, California; and

WHEREAS, the Madera County Resource Management Agency, Environmental Health, acting as the Local Enforcement Agency (LEA), has submitted to the Board for its review and concurrence with, or objection to, a revised Solid Waste Facilities Permit for the Mammoth Recycling Facility and Transfer Station; and

WHEREAS, the proposed permit is to allow for an increase in the permitted traffic volume from a total of 155 vehicles per day (vpd) (132 vpd incoming, 18 vpd outgoing for disposal, 5 vpd for recovered materials) to 220 vpd; change the tonnage from 500 tons per day (tpd) (i.e., 400 tpd general and 100 tpd separated or commingled recyclables) to 500 tpd; change the hours of operation; and add a Household Hazardous Waste Collection Facility and a Certified Used Oil Collection Center; and

WHEREAS, the Madera County Planning Department, acting as the Lead Agency, prepared an Environmental Impact Report (EIR), State Clearinghouse No. 2001031048, that was circulated for a 45-day review period from March 7, 2003 through April 21, 2003; and

WHEREAS, the Madera County Board of Supervisors certified the EIR on July 6, 2004, and a Notice of Determination was filed by the lead agency with the State Clearinghouse on August 16, 2004; and

WHEREAS, the LEA has certified that the application is complete and correct, and that the proposed permit is supported by the EIR that was prepared for the project; and

WHEREAS, Board staff have evaluated the proposed permit and application package for consistency with standards adopted by the Board; and

WHEREAS, the Board finds the proposed permit is consistent with the California Environmental Quality Act; and

(over)

WHEREAS, the Board finds that all State and local requirements for the proposed permit **[have~~/have not~~]** been met; and

NOW, THEREFORE, BE IT RESOLVED that the California Integrated Waste Management Waste Board **[concurs with~~/objects to~~]** the issuance of Solid Waste Facilities Permit No. 20-AA-0031.

CERTIFICATION

The undersigned Executive Director, or his designee, of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on July 19-20, 2005.

Dated:

Mark Leary
Executive Director

California Integrated Waste Management Board

Board Meeting

July 19-20, 2005

AGENDA ITEM 5 (Revision 2)

ITEM

Consideration Of A Revised Full Solid Waste Facilities Permit (Disposal Facility) For The Fairmead Landfill, Madera County

I. ISSUE/PROBLEM STATEMENT

1. This item requests Board concurrence on the revision of the Fairmead Landfill solid waste facilities permit.
2. Pursuant to Public Resources Code, Section 44009, the Board has 60 calendar days to concur in or object to the issuance of a full solid waste facilities permit. A draft proposed permit for the landfill was received on June 1, 2005; the final proposed permit was received on June 9, 2005. The date for submittal of a proposed permit that would allow a full 60 days for Board staff review prior to the July Board meeting was May 21, 2005. <u>On July 14, 2005 a revised proposed permit was received. Details concerning the revisions to the proposed permit are included in Section V.A., of this item. Changes relative to this second revision of this agenda item are identified by double underline and double strikeout.</u> The Board has until August 8, 2005 to act on this permit. When the proposed permit package was received, the package contained all of the items required in Title 27, California Code of Regulations, Section 21685.

II. ITEM HISTORY

1. The current permit for the Fairmead Landfill was last concurred with by the Board on April 24, 1996.
2. Compliance History:
   2000 – Four State Minimum Standard (SMS) violations and no permit violations.
   2001 – Three SMS violations and two permit violations.
   2002 – Three SMS violations and eight permit violations.
   2003 – No SMS violations and twelve permit violations.
   2004 – No SMS violations and eight permit violations.
   2005 – No SMS violations and no permit violations. (January through March)

   Details concerning the above list of violations are included in the "Consistent with State Minimum Standards," Section V.A., "Staff Analysis," item 2 of this item.

III. OPTIONS FOR THE BOARD

The Board may decide to do one of the following:

1. Concur in the issuance of the proposed permit as submitted by the Local Enforcement Agency (LEA).
2. Object to the issuance of the proposed permit as submitted by the LEA.
3. Take no action on the proposed permit as submitted by the LEA. If the Board chooses this option, the Board shall be deemed to have concurred in the issuance of the proposed permit 60 days after the Board's receipt of the permit.

IV. STAFF RECOMMENDATION

Staff recommends that the Board adopt option one, concurrence in the issuance of the proposed permit, as submitted by the LEA. ~~if staff finds the landfill is consistent with State Minimum Standards, and the Joint Technical Document meets the requirements of Title 27, California Code of Regulations (CCR), Section 21600.~~

V. ANALYSIS

A. Key Issues and Findings

Facility Name:	Fairmead Landfill Facility Number 20-AA-0002
Facility Type:	Existing municipal solid waste landfill
Location:	21739 Road 19, Chowchilla, Madera County
Operational Status:	Permitted, active
Setting:	Agriculture – Rural, Agriculture - Exclusive, and Open Space,
Permitted Acreage:	116.22 total acres, 77 disposal acres
Proposed Permitted Acreage:	121.17 total acres, 77 disposal acres
Permitted Tonnage:	395 peak tons per day
Proposed Permitted Tonnage:	1,100 tons per day
Permitted Traffic Volume:	30 vehicles per day
Proposed Permitted Traffic Volume:	440 vehicles per day
Permitted Maximum Elevation:	310 feet above mean sea level
Proposed Permitted Maximum Elevation:	330 feet above mean sea level
Permitted Maximum Depth:	46 feet mean sea level
Proposed Maximum Depth:	65 feet mean sea level

Permitted Hours:	Public Receipt of Refuse - 8:00 a.m. to 4:30 p.m., Monday through Friday; 9:00 a.m. to 4:30 p.m., Saturday and Sunday Operator – 7:00 a.m. to 7:00 p.m. Monday through Friday; 8:00 a.m. to 6:00 p.m. Saturday and Sunday State Prison Facilities Receipt of Refuse – 5:00 a.m., Monday through Saturday
Permitted Design Capacity:	3,204,349 cubic yards
Proposed Design Capacity:	9,400,000 cubic yards
Estimated Closure Date:	2013
Proposed Estimated Closure Date:	20~~38~~ 33
Owner:	County of Madera Department of Engineering & General Services
Operator:	Madera Disposal Systems, Inc. A Subsidiary of Waste Connections
LEA:	Madera County Resource Management Agency Environmental Health

Background

The landfill is located at 21739 Road 19, about five miles southeast of the City of Chowchilla and one mile south of the community of Fairmead. The landfill is located in the unincorporated area of the County on property owned by Madera County. The landfill is located in an agricultural area where the nearest residence is located approximately 150 feet from the property boundary.

The landfill began operations in the 1950's as a "burn and bury" site. The landfill is comprised of three waste management units (WMU). WMU-1 is an unlined Class III unit which ceased accepting waste on December 31, 1995. As part of the partial final closure of WMU-1 a landfill gas extraction system and flare were installed, and the final cover was constructed. WMU-2 is the current active area, and WMU-3 is planned fill area. The landfill is the only landfill in the County.

Currently, the landfill operations are a combination of conventional place and cover, and balefill. In the future, the operator may modify the landfill operations to employ only the conventional place and cover operation.

Key Issues

Changes identified in the proposed revised solid waste facilities permit include:

1. Expand the total permitted area from 116.2 acres to 121.17 acres.
2. Increase the tonnage from 395 tons per day (tpd) to 1,100 tpd.
3. Increase the elevation from 310 feet mean sea level (msl) to 330 feet msl.
4. Increase the total remaining refuse capacity from 3,204,349 cubic yards (cy) to 9,400,000 cy.
5. Increase the permitted traffic volume from 30 vehicles per day to 440 vehicles per day.
6. Change the estimated closure year from 2013 to 20~~28~~ 33.
7. Add a Construction and Demolition Processing Facility and a Green Waste Chipping & Grinding Operation.
8. Change the maximum depth from 46 feet mean sea level (MSL) to 65 feet MSL.

Findings

LEA Certification

The LEA has certified the following:

1. The permit application package is complete and correct;
2. The Joint Technical Document meets the requirements of Title 27, California Code of Regulations, Section 21600; and
3. The proposed revised solid waste facilities permit is consistent with and is supported by the existing CEQA analysis.

Staff Analysis

The following table summarizes Board staff's review and analysis of the proposed revised solid waste facilities permit package:

Summary of Board Findings for Facility #20-AA-0002	Adequate	Inadequate	To Be Determined	Not Applicable	See Details in Section
CIWMP Conformance	X				1.
Consistency with State Minimum Standards	X		~~X~~		2.
California Environmental Quality Act	X				V.B.
Closure Plan Completeness Determination	X				3.
Funding for Closure and Post-closure Maintenance	X				4.
Operating Liability	X				4.
Report of Disposal Site Information	X		~~X~~		5.

1. County Integrated Waste Management Plan (CIWMP).

   Public Resources Code Section 50001 requires the location of any new or expanded solid waste disposal facility to be identified in the applicable county's Countywide Siting Element (CSE) for the proposed permit for that facility to be found to be in conformance with the CSE.

   The location of the Fairmead Landfill and the proposed expansion of boundaries are identified in the County's CSE. The Office of Local Assistance staff therefore finds the proposed permit to be in conformance with the County's CSE.

2. Consistency with State Minimum Standards (SMS). ~~At the time this item was prepared, Board staff had not conducted a pre-permit inspection of the landfill. Results of the inspection will be provided at the July P&E Committee meeting.~~ On July 6, 2005, Board staff in conjunction with the LEA conducted an unannounced inspection of the landfill. There were no SMS violations, but one permit violation was noted for non-compliance with the terms and conditions of the permit for exceeding the permitted tonnage. Issuance of the proposed permit will correct this violation.

   Below are the details of the landfill's SMS compliance history and permit compliance history based on the LEA's monthly inspection reports for the period of January 2000 through March 2005.

   Calendar Year 2000. Four SMS violations for daily cover.

   Calendar Year 2001. Three SMS violations, one for daily cover, one for alternative daily cover, and one for drainage/erosion control. Two violations for non-compliance with the terms and conditions of the permit, one for not submitting the winterization plan in the specified time frame and one for not processing/handling the wood waste for alternative daily cover.

   Calendar Year 2002. Three SMS violations, one for daily cover, and two for alternative daily cover. Eight permit violations for non-compliance with the terms and conditions of the permit for exceeding the permitted tonnage limit.

   Calendar Year 2003. Twelve permit violations for non-compliance with the terms and conditions of permit for exceeding the permitted tonnage limit.

   Calendar Year 2004. Eight permit violations for non-compliance with the terms and conditions of the permit for exceeding the permitted tonnage limit.

   Calendar Year 2005 (January – March). No SMS or permit violations.

   In 2002, Board staff discussed with the LEA staff the need for enforcement action relative to the tonnage violations. The LEA indicated that the landfill exceeded the permit limits infrequently and also indicated that the operator was working on an Environmental Impact Report (EIR) that addressed an increase in tonnage and that they anticipated that the revision of the permit would occur soon. Therefore, the LEA did not take any enforcement action. Board staff did not sanction the LEA's inaction but did not pursue the issue directly. Board staff instead focused available resources on assisting the operator and LEA with the CEQA and permit process. With the "triggers" process now in place, Board staff should have also provided additional resources in assisting the LEA with taking appropriate enforcement actions.

   The LEA and operator have both had staffing changes (2003 and 2004), which has added delays to the permit process as the new staff required time to adjust and come up to speed on the ongoing permit revision process and the compliance issues at the site. Because of the changes in the LEA staff, a mistaken understanding was made that resulted in potential tonnage violations not being noted by the LEA as the permit application was being processed. Board staff have worked with the LEA to correct this mistake and the LEA will again note any tonnage violations that may occur.

During the inspection on July 6, 2005, Board staff along with the LEA and operator reviewed tonnage records for the period of July 2004 through June 2005. Board staff confirmed that the tonnages for the landfill and the transfer station are maintained jointly, thereby creating confusion as to the actual tonnages for each facility. Board staff was able to review the method to calculate the tonnages for each facility with the operator and LEA. In reviewing peak daily tonnages it was found that daily tonnages exceeded the current permitted tonnage of 500 tpd.

The operator is currently working on a record keeping system that will provide separate tonnage records for each facility. Board staff will follow-up with the LEA to ensure this record keeping system is adequate to determine future compliance at the landfill.

3. Closure Plan Completeness. Staff of the Board's Remediation, Closure & Technical Services Branch have determined that the Preliminary Closure/Post-closure Maintenance Plan is complete and consistent with SMS per 27 CCR, Section 21685(b)(5).

4. Funding for Closure and Post-closure Maintenance and Operating Liability. Board staff of the Financial Assurance Section has completed a review of the financial assurance mechanisms for Fairmead Landfill.

   The Enterprise Fund for Closure and Postclosure Maintenance meets the requirements in Title 27, California Code of Regulations (CCR), Division 2, Subdivision 1, Chapter 6, Section 22241. The County has established a Pledge of Revenue Agreement for the landfill's postclosure maintenance costs that meets the requirements of 27 CCR Sections 22245 and 22211.

   The Certificate of Liability Insurance meets the requirements of 27 CCR Section 22251, and the amount coverage meets the requirements of Section 22216.

5. Joint Technical Document (JTD). ~~At the time this item was prepared, Board staff had not completed their review of the JTD. An update will be provided at the July P&E Committee meeting~~. Board staff reviewed the JTD, dated 2004, with the final and third revision dated March 2005, and the latest revision of July 14, 2005, and found that it meets the requirements of Title 27, CCR, Section 21600.

B. Environmental Issues

State law requires compliance with the California Environmental Quality Act either through the preparation, circulation and adoption/certification of an environmental document and mitigation reporting or monitoring program or by determining that the proposal is categorically or statutorily exempt.

The Madera County Planning Department, acting as Lead Agency, has prepared and circulated the following environmental document for the Fairmead Landfill and the Mammoth Recycling Facility & Transfer Station.

An Environmental Impact Report (EIR), State Clearinghouse Number 2001031048 was circulated for a forty-five day comment period from March 7, 2003 through April 21, 2003. The EIR included the analysis for Fairmead Landfill located on the same

property. Both facilities are owned by Madera County and operated by Madera Disposal Systems, Inc. However, the facilities are permitted separately.

The EIR analyzed the Mammoth Recycling Facility & Transfer Station and Fairmead Landfill separately, except for the traffic analysis. The traffic volume is divided between the facilities and allows for future increase. Therefore, the analyzed traffic volume appears much greater than what is proposed in the permit for the landfill. The EIR analyzed for the combined traffic as follows:

- An increase in peak traffic up to 930 vehicles per day, with a traffic volume of 118 vehicle trips during peak hour by 2030.

For the Fairmead Landfill the EIR analyzed for:

- An expansion of the permitted landfill boundary from 116.22 acres to 121.17 acres;
- The installation of a prescriptive composite clay liner system, or engineered alternative, with a liner and a Leachate Collection and Removal System (LCRS) in all new cells;
- An increase in peak permitted tonnages from 395 to 1,200 TPD, which includes 100 TPD for a proposed future compost facility;
- An increase in total airspace to 9.4 million cubic yards in total airspace;
- An increase in refuse capacity to 6,829,175 cubic yards;
- An increase in site closure date from the current 2013 to 2038 or sooner, depending on recycling efficiencies;
- A modified soil excavation and fill sequencing plan;
- A modified final grading plan with an increased maximum height from 310 feet to 330 feet Mean Sea Level (MSL), or about 90 feet above the adjacent grade;
- The construction of two storm water retention basins;
- The use of micro-turbines to generate electricity from landfill gas;
- The installation of environmental control systems and operational measures;
- The incorporation of environmental monitoring features into the Project design that would be used to evaluate the performance of the landfill so that adjustments can be made if necessary; and
- A Preliminary Closure and Post Closure Maintenance Plan.

<u>Relative to Waste Management Unit 3, the EIR states, "Soil excavation to a depth of 65 feet below the natural grade will be required."</u>

The EIR analyzed landfill hours of operation as follows:

<u>Public Hours</u>: 8:00 a.m. and 4:30 p.m., Monday through Friday; 9:00 a.m. to 4:30 p.m., Saturday and Sunday.
<u>Operator Hours</u>: 7:00 a.m. and 7:00 p.m., Monday through Friday; 8:00 a.m. to 6:00 p.m., Saturday and Sunday.
<u>Other Hours</u>: 5:00 a.m. loads from State Correctional Facility only.

The EIR also analyzed alternative locations at the Fairmead Landfill and the Mammoth Recycling Facility & Transfer Station as a combined Facility for the C&D

processing area, green waste processing area, and future composting facility to provide the flexibility to receive mixed municipal solid waste, C&D debris, or the green material at either the Fairmead Landfill or the Mammoth Recycling Facility & Transfer Station. Possible changes to the landfill also analyzed included: expanding the chipping and grinding of green materials for use as ADC, mulch, or compost feedstock, and expanding the C&D material processing facility.

The Madera County Board of Supervisors certified the EIR on July 6, 2004. A Notice of Determination was filed by the lead agency with the State Clearinghouse on August 16, 2004.

The Local Enforcement Agency, Madera County Resource Management Agency, provided a finding that the proposed Solid Waste Facilities Permit is consistent with and supported by the cited environmental document.

Board staff recommends the Environmental Impact Report as cited above is adequate for the Board's environmental evaluation of the proposed project for those project activities which are within the Board's expertise and/or powers, or which are required to be carried out or approved by the Board.

C. Program/Long Term Impacts

Based on available information, staff is not aware of any program impacts related to this item.

D. Stakeholder Impacts

Based on available information, staff is not aware of any stakeholder impacts related to this item.

E. Fiscal Impacts

No fiscal impact to the Board results from this item.

F. Legal Issues

Based on available information, staff is not aware of any legal issues related to this item.

G. Environmental Justice

Community Setting. The zoning designations surrounding the facility include the following:

- North – Open Space, which is currently used for orchards and open space/grazing; Agricultural – Rural 5-Acre, which provides for agricultural use and one single family dwelling on a 5-acre lot size; and Commercial, Rural Highway.
- South – Agricultural, Rural, Exclusive – 40-acre Districts, which provide for a variety of agricultural uses and an additional house with a zoning permit. Currently, to the south the land use is orchards.
- East – Agricultural – Rural 5-Acre, which provides for agricultural use and one single family dwelling on a 5-acre lot size. Currently, there are four residences to the east and there is open space/grazing.
- West – Agricultural – Rural 5-Acre, which provides for agricultural use and one single family dwelling on a 5-acre lot size. Currently, the land use to the west includes vineyards, open space/grazing, and residences.

According to the 2000 Census, the population of the Chowchilla area (Madera County) consists of the following:

US Census Bureau Data Census 2000 – Race Chowchilla, Madera County	**All Ages**	
	Number	**Percent**
White	5,419	47.8
Black or African American	2,287	20.2
American Indian or Alaska Native	338	3.0
Asian	188	1.7
Native Hawaiian and Other Pacific Islander	42	0.4
Some other race	2,203	19.4
Two or more races	857	7.6
Total Population	11,334	100

Of the total population in the census tract a total of 33.7 percent identify themselves as having Hispanic or Latino origin. The 1999 Census Tract indicates that the median household income of the area is $33,289 with 23.8 percent of the families below the poverty level.

Community Outreach. On March 24, 2005 at 6:00 p.m. at the Fairmead Landfill, the LEA held a public hearing, according to the requirements of AB 1497. The Notice of Public Hearing was published in the both English and Spanish in the Madera Tribune and the Chowchilla News. In addition, notice was mailed to all the residences surrounding the landfill. Notice was also mailed to all residences within a half mile radius of the facility.

The hearing was attended by about 8 citizens, representatives of the owner, operator, LEA and Board staff. The LEA received written comments from two individuals. The following is Board staff's summary of the citizens' written comments that pertain to the landfill:

- Alice Vidal, who lives in Chowchilla within the half mile radius of the facility, was present at the public hearing, but followed up with written comments that were received by the LEA on April 4, 2005. Ms. Vidal expressed concerns about the safety of the ground water, the increase in the tonnage, and the deterioration of the (surrounding) roads.

  At the hearing, the LEA indicated that the concerns regarding the safety of the ground water should be addressed by the Regional Water Quality Control Board and the Madera County Department of Engineering and General Services. The LEA explained that the increase in tonnage would occur over time; and the LEA indicated that the issue of the deterioration of the roads needed to be directed to the Madera County Department of Engineering and General Services. Names and telephone numbers were provided at the meeting. Additionally, the LEA provided their name and telephone numbers as a contact for future concerns at the facility.

- Jessie Abams-Hall, who lives in Elk Grove (Sacramento County), but owns property ~~(vacant land)~~ with two homes in Chowchilla near the half mile radius, did not attend the hearing but provided written comments. Ms. Abams-Hall expressed concern about the hours of operation; however, the hours she cited were the transfer station hours and not those of the landfill. Ms. Abams-Hall also

contacted the LEA via telephone. The LEA has attempted to follow-up with Ms. Abams-Hall via telephone.

Environmental Justice Issues. Based on available information, staff is not aware of any environmental justice issues related to this item.

H. 2001 Strategic Plan

This item supports Strategic Plan Goal 4: Managing and mitigating the impacts of solid waste on public health and safety and the environment and promoting integrated and consistent permitting, inspection, and enforcement efforts by acknowledging through cooperation with the LEA enforcement of a permit consistent with current environmental values and ethics.

This item supports Strategic Plan Objective 1: Through consistent and effective enforcement or other appropriate measures, ensure compliance with federal and state waste management laws and regulations by concurring in a permit consistent with current statute and legislation.

VI. FUNDING INFORMATION

This item does not require any Board fiscal action.

VII. ATTACHMENTS

1. Vicinity Map
2. Site Map
3. Proposed Permit Number 20-AA-0002 (Revised 7/14/05)
4. Resolution Number 2005-186

VIII. STAFF RESPONSIBLE FOR ITEM PREPARATION

A. Program Staff: Virginia Rosales **Phone:** (916) 341-6409
B. Legal Staff: Michael Bledsoe **Phone:** (916) 341-6058
C. Administration Staff: N/A **Phone:** N/A

IX. WRITTEN SUPPORT AND/OR OPPOSITION

A. Support

Board staff is unaware of any specific written support for this item.

B. Opposition

The LEA received public comments from Jessie Abams-Hall in Elk Grove, Sacramento County, who owns property near the half mile radius of the facility. Mr. Abams-Hall objects “to the change in operations to 8:00 p.m. Monday through Friday,” which appear to be more directed at the Mammoth Recycling and Transfer Station. However, Board staff will notify Mr. Abams-Hall of the proposed permit to be heard at the July 11th Permitting and Enforcement Committee.

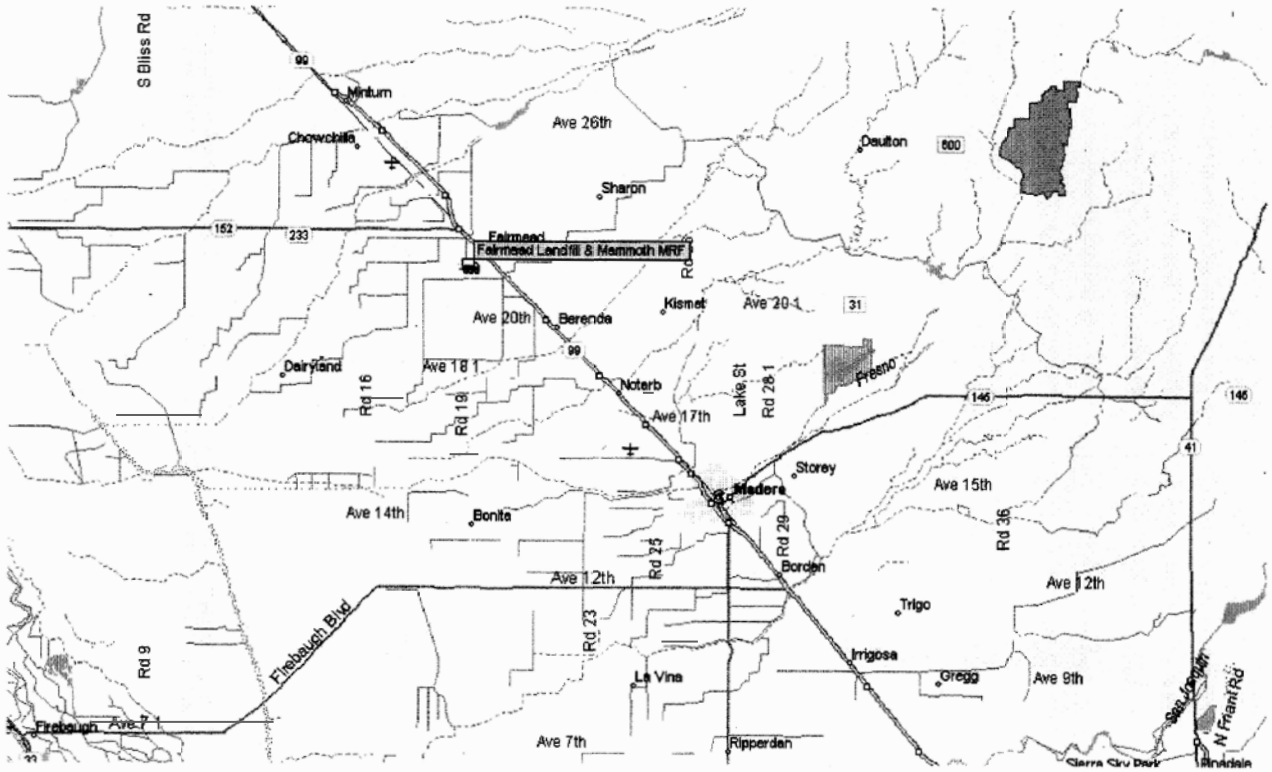
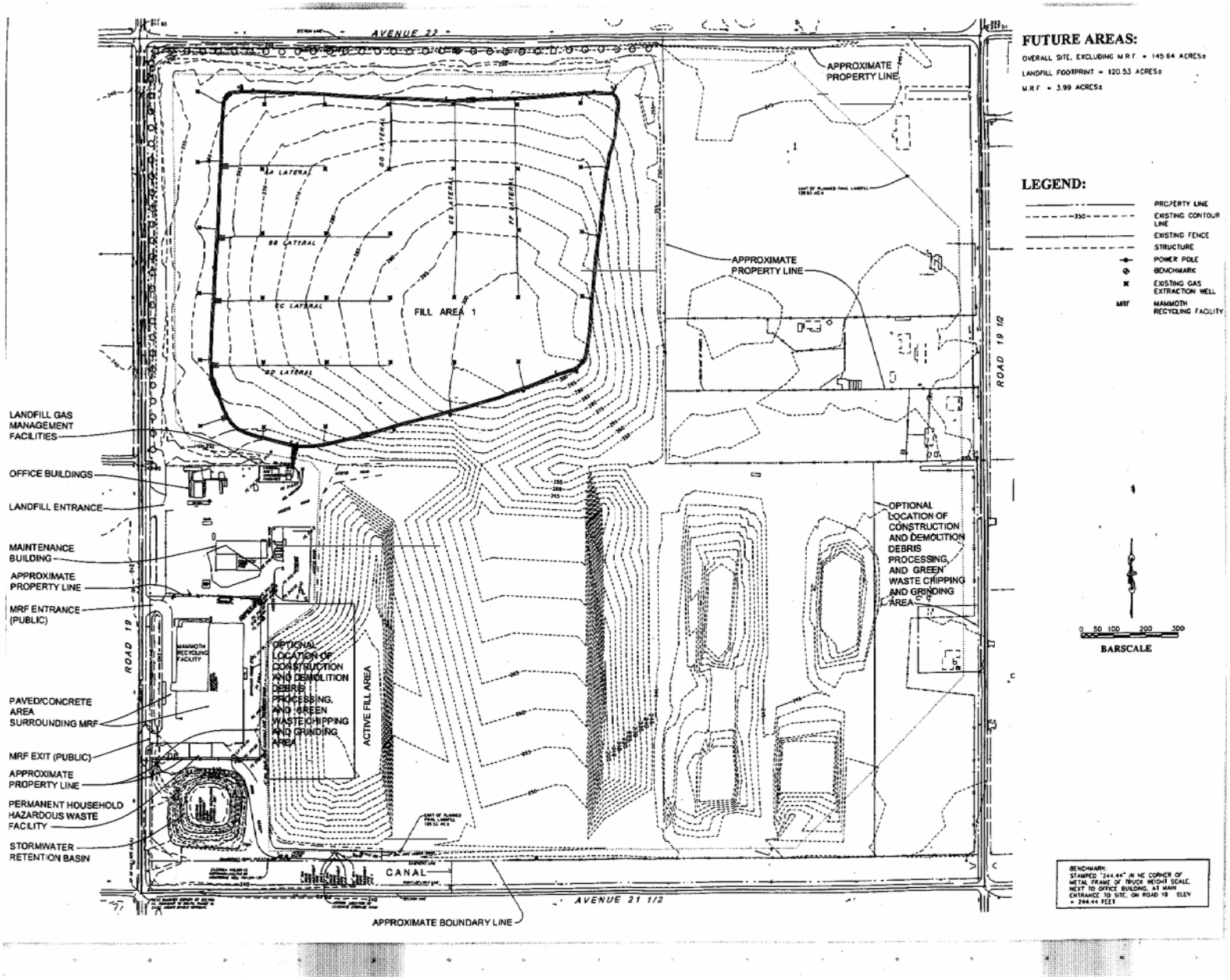


Figure 1.2

Vicinity Map for Fairmead Landfill & Mammoth MRF.

March 1, 2004

EDGAR & ASSOCIATES, INC.


AVENUE 22
AVENUE 21 1/2
ROAD 19
ROAD 19 1/2
FUTURE AREAS:
OVERALL SITE, EXCLUDING M.R.F. = 145.64 ACRES±
LANDFILL FOOTPRINT = 120.53 ACRES±
M.R.F. = 3.99 ACRES±
LEGEND:
PROPERTY LINE
EXISTING CONTOUR LINE
EXISTING FENCE
STRUCTURE
POWER POLE
BENCHMARK
EXISTING GAS EXTRACTION WELL
MRF MAMMOTH RECYCLING FACILITY
BARSCALE
0 50 100 200 300
BENCHMARK:
STAMPED "244.44" IN NE CORNER OF METAL FRAME OF TRUCK WEIGHT SCALE, NEXT TO OFFICE BUILDING, AT MAIN ENTRANCE TO SITE, ON ROAD 19 ELEV = 244.44 FEET
APPROXIMATE PROPERTY LINE
APPROXIMATE PROPERTY LINE
FILL AREA 1
AA LATERAL
BB LATERAL
CC LATERAL
DD LATERAL
EE LATERAL
FF LATERAL
GG LATERAL
LANDFILL GAS MANAGEMENT FACILITIES
OFFICE BUILDINGS
LANDFILL ENTRANCE
MAINTENANCE BUILDING
APPROXIMATE PROPERTY LINE
MRF ENTRANCE (PUBLIC)
MAMMOTH RECYCLING FACILITY
OPTIONAL LOCATION OF CONSTRUCTION AND DEMOLITION DEBRIS PROCESSING, AND GREEN WASTE CHIPPING AND GRINDING AREA
ACTIVE FILL AREA
PAVED/CONCRETE AREA SURROUNDING MRF
MRF EXIT (PUBLIC)
APPROXIMATE PROPERTY LINE
PERMANENT HOUSEHOLD HAZARDOUS WASTE FACILITY
STORMWATER RETENTION BASIN
CANAL
APPROXIMATE BOUNDARY LINE
OPTIONAL LOCATION OF CONSTRUCTION AND DEMOLITION DEBRIS PROCESSING, AND GREEN WASTE CHIPPING AND GRINDING AREA

SOLID WASTE FACILITY PERMIT

Facility Number: **20-AA-0002**

1. Name and Street Address of Facility:
Fairmead Landfill
21739 Road 19
Chowchilla, CA. 93610

2. Name and Mailing Address of Operator:
Madera Disposal Systems, Inc. (MDSI)
PO Box 414
Madera, CA. 93639

3. Name and Mailing Address of Owner:
County of Madera
Dept. of Engineering & General Services
2037 W. Cleveland
Madera, CA. 93637

4. Specifications:

a. Permitted Operations:
- ☒ Solid Waste Disposal Site
- ☐ Transfer/Processing Facility (MRF)
- ☐ Composting Facility (Green Material)
- ☐ Transformation Facility
- ☐ Other: ____

b. Permitted Hours of Operation: Public Receipt of Refuse/Waste: M-F 8:00 a.m. to 4:30 p.m., Sat. & Sun. 9:00 a.m. to 4:30 p.m.
Operator: M-F 7:00 a.m. to 7:00 p.m., Sat. & Sun. 8:00 a.m. to 6:00 p.m.
State Prison Facilities Receipt of Refuse/Waste: Mon.- Sat. 5:00 a.m.

c. Permitted Maximum Tonnage: 1,100 Tons per Day

d. Permitted Traffic Volume: 440 Vehicles per Day

e. Key Design Parameters (Detailed parameters are shown on site plans bearing EA and CIWMB validations):

	Total	Disposal	Transfer/Processing	Composting	Transformation
Permitted Area (in acres)	121.17	77	N/A	N/A	N/A
Design Capacity (cubic yds)		9,400,000	N/A	N/A	N/A
Max. Elevation (Ft. MSL)		325			
Max. Depth (Ft. MSL)		65 ft.			
Estimated Closure Year		2033			

Upon a significant change in design or operation from that described herein, this permit is subject to revocation or suspension. The attached permit findings and conditions are integral parts of this permit and supersede the conditions of any previously issued solid waste facility permit.

5. Approval:
Approving Officer Signature
Jill Nishi, Director, Madera County Environmental Health Dept.

6. Enforcement Agency Name and Address:
Madera County Resource Management Agency
Environmental Health
2037 W Cleveland Ave.
Madera, Ca. 93637

7. Date Received by CIWMB: JUL 14 2005

8. CIWMB Concurrence Date:

9. Permit Issued Date:

10. Permit Review Due Date:

11. Owner/Operator Transfer Date:

SOLID WASTE FACILITY PERMIT

Facility Number:
20-AA-0002

12. Legal Description of Facility:

The legal description of this facility is contained in page 3-2 of the Report of Disposal Site Information dated 2/21/05.

13. Findings:

a. This permit is consistent with the Madera County County Integrated Waste Management Plan, which was approved by the CIWMB on 11/15/99. The location of the facility is identified in the Countywide Siting Element, pursuant to Public Resources Code (PRC), Section 50001(a).

b. This permit is consistent with the standards adopted by the CIWMB, pursuant to PRC 44010.

c. The design and operation of the facility is consistent with the State Minimum Standards for Solid Waste Handling and Disposal as determined by the enforcement agency, pursuant to PRC 44009.

d. The Madera County Fire Department, California Department of Forestry has determined that the facility is in conformance with applicable fire standards, pursuant to PRC, 44151.

e. A Environmental Impact Report was filed with the State Clearinghouse (SCH #2001031048) and certified by the Madera County Board of Supervisors on 7/6/04. The Environmental Impact Reportdescribes and supports the design and operation which will be authorized by the issuance of this permit. A Notice of Determination was filed with the State Clearinghouse on 8/12/04.

14. Prohibitions:

The permittee is prohibited from accepting the following wastes:

Hazardous, radioactive, medical (as defined in Chapter 6.1, Division 20 of the Health and Safety Code), liquid, designated, friable asbestos, or other wastes requiring special treatment or handling, except as identified in the Report of Facility Information and approved amendments thereto and as approved by the enforcement agency and other federal, state, and local agencies.

15. The following documents describe and/or restrict the operation of this facility:

	Date		Date
Report of Disposal Site Information Amendments	May 2001 Rev.1-04/2004 Rev.2-02/2005 Rev.3-03/2005	Preliminary Closure and Postclosure Maintenance Plan	3/30/04
Waste Discharge Requirements Order No. R5-2004-0161	11/15/04	Closure Financial Assurance Documentation	3/17/05
APCD Permit to Operate #C-2913-1-2	Exp. 3/31/09	Operating Liability Certification	3/18/05
Environmental Impact Report (SCH #2001031048)	7/6/04	Land Use and/or Conditional Use Permit	7/6/04.
Notice of Determination	8/12/04	Owner/Operator Contract Agreements	6/28/94

SOLID WASTE FACILITY PERMIT

Facility Number:
20-AA-0002

16. Self Monitoring:

The owner/operator shall submit the results of all self monitoring programs to the Enforcement Agency within 30 days of the end of the reporting period *(for example, 1st quarter = January – March, the report is due by April 30, etc.. Information required on an annual basis shall be submitted with the 4th quarter monitoring report, unless otherwise stated.)*

	Program	Reporting Frequency
a.	The types and quantities (in tons) of waste entering the facility per day.	Quarterly
b.	The number and types of vehicles using the facility per day.	Quarterly
c.	Results of the hazardous waste load checking program, including the quantities and types of hazardous wastes, medical wastes or otherwise prohibited wastes found in the waste stream and the disposition of these materials.	Quarterly
d.	Training procedures including individual personnel training records.	Annually
e.	Noise measurements at the direction of the LEA.	Annually
f.	Landfill equipment maintenance records indicating routine inspections and repairs.	Annually
g.	Landfill Leachate, Vadose Zone and Groundwater Monitoring results.	Annually
h.	Landfill Gas Monitoring results.	Quarterly
i.	Water Potability Tests results.	Monthly
j.	Hazardous Materials Business Plan.	Annually

SOLID WASTE FACILITY PERMIT

Facility Number:
20-AA-0002

17. Enforcement Agency (EA) Conditions:

a. The operator shall comply with all State Minimum Standards for solid waste handling and disposal as specified inTitle 14 and Title 27, California Code of Regulations and Division 30 for the Public Resource Code.

b. The operator shall maintain a log of special/unusual occurrences. This log shall include, but is not limited to, fires, explosions, the discharge and disposition of hazardous or unpermitted wastes, and significant injuries, accidents or property damage. Each log entry shall be accompanied by a summary of any actions taken by the operator to mitigate the occurrence. The log shall be available to site personnel and the LEA at all times.

c. Additional information concerning the design and operation of the facility shall be furnished upon request and within the time frame specified by the LEA.

d. The maximum permitted daily tonnage for this facility is 1,100 tons per day, and shall not receive more than this amount without a revision of this permit.

e. This permit is subject to review by the LEA and may be suspended, revoked, or revised at any time for sufficient cause.

f. The LEA reserves the right to suspend or modify waste receiving and handling operations when deemed necessary due to an emergency, a potential health hazard, or the creation of a public nuisance.

g. Any change that would cause the design or operation of the facility not to conform to the terms and conditions of this permit is prohibited. Such a change may be considered a significant change, requiring a permit revision. In no case shall the operator implement any change without first submitting a written notice of the proposed change, in the form of an RFI amendment, to the EA at least 180 days in advance of the change.

h. The operator shall maintain a copy of this permit with the Report of Disposal Site Information, dated March 2005 at the facility at all times.

i. During hours of operation, an attendant shall be present at all times to supervise the unloading of refuse.

j. Use of an Alternative Daily Cover (ADC) using shredded green material and/or geosynthetic blanket in lieu of soil cover shall be in accordance with all applicable statutes, regulations, and LEA Advisories. The LEA reserves the right to withdraw the approval of the use of the specified ADC materials if it is determined that the ADC is not performing in compliance with State Minimum Standards or where a potential public health and safety hazard exists.

k. All complaints received by the operator regarding this facility must be forwarded to the LEA within business one day.

l. This facility shall be operated in compliance with the State Model Noise Ordinance. The LEA reserves the right to require noise monitoring to determine if additional noise reduction measures are necessary based on the health and safety of the public.

m. The operator shall utilize the best available control measures to mitigate potential impacts due to dust, noise, odors vectors and fire hazards.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Resolution 2005-186 (Revision 2)

Consideration Of A Revised Full Solid Waste Facilities Permit (Disposal Facility) For The Fairmead Landfill, Madera County

WHEREAS, the County of Madera Department of Engineering & General Services is the owner and Madera Disposal Systems, Inc., a subsidiary of Waste Connections, operates the Fairmead Landfill located at 21739 Road 19, Chowchilla, California; and

WHEREAS, the Madera County Resource Management Agency, Environmental Health, acting as the Local Enforcement Agency (LEA), has submitted to the Board for its review and concurrence with, or objection to, a revised Solid Waste Facilities Permit for the Fairmead Landfill; and

WHEREAS, the proposed permit is to allow for: (1) the expansion the total permitted area from 116.2 acres to 121.17 acres; (2) an increase in the tonnage from 395 tons per day (tpd) to 1,100 tpd; (3) an increase in the elevation from 310 feet mean sea level (msl) to 330 feet msl; (4) an increase in the total remaining refuse capacity from 3,204,349 cubic yards (cy) to 9,400,000 cy; (5) an increase in the permitted traffic volume from 30 vehicles per day to 440 vehicles per day; (6) a change in the estimated closure year from 2013 to 20~~38~~ 33; (7) ~~and~~ the addition of a Construction and Demolition Processing Facility and a Green Waste Chipping & Grinding Operation; and (8) change the maximum depth from 46 feet mean sea level; and

WHEREAS, the Madera County Planning Department, acting as the Lead Agency, prepared an Environmental Impact Report (EIR), State Clearinghouse No. 2001031048, that was circulated for a 45-day review period from March 7, 2003 through April 21, 2003; and

WHEREAS, the Madera County Board of Supervisors certified the EIR on July 6, 2004, and a Notice of Determination was filed by the lead agency with the State Clearinghouse on August 16, 2004; and

WHEREAS, the LEA has certified that the application is complete and correct, and that the proposed permit is supported by the EIR that was prepared for the project; and

WHEREAS, Board staff have evaluated the proposed permit and application package for consistency with standards adopted by the Board; and

WHEREAS, the Board finds the proposed permit is consistent with the California Environmental Quality Act; and

(over)

WHEREAS, the Board finds that all State and local requirements for the proposed permit ~~**[have/have not]**~~ been met; and

NOW, THEREFORE, BE IT RESOLVED that the California Integrated Waste Management Waste Board ~~**[concurs/objects]**~~ with the issuance of Solid Waste Facilities Permit No 20-AA-0002.

CERTIFICATION

The undersigned Executive Director, or his designee, of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on July 19-20, 2005.

Dated:

Mark Leary
Executive Director

California Integrated Waste Management Board

Board Meeting

July 19-20, 2005

AGENDA ITEM 6

ITEM

Consideration Of A Revised Full Solid Waste Facilities Permit (Disposal Facility) For The Neal Road Landfill, Butte County

I. ISSUE/PROBLEM STATEMENT

1. This item requests the Board consider concurrence on the revision of the Neal Road Landfill Solid Waste Facilities Permit.
2. Pursuant to Public Resources Code, Section 44009, the Board has 60 calendar days to concur with or object to the issuance of a full Solid Waste Facilities Permit. The proposed permit for this facility was received on May 27, 2005. Revisions to the proposed permit were received on June 20, and June 23, 2005. The date for submittal of a proposed permit that would allow 60 days for Board review was May 21, 2005. The Board has until August 22, 2005 to act on the proposed permit. When this proposed permit package was received the package contained all the items required in Title 27, California Code of Regulations, Section 21685.

II. ITEM HISTORY

The Board last concurred in the issuance of a revised Solid Waste Facilities Permit for this facility on January 27, 1999.

Compliance History:

2000 – 8 violations of SMS (State Minimum Standards) SMS
2001 – 0 violations of SMS
2002 – 0 violations of SMS
2003 – 1 violation of SMS
2004 – 7 violations of SMS, 6 violations of permit terms and conditions for traffic
2005 (Jan - May) – 6 SMS violations, 1 violation of terms and conditions for traffic

Details on the violations are included in the Consistency with State Minimum Standards section of this item.

III. OPTIONS FOR THE BOARD

The Board may decide to:
1. Concur with the issuance of the proposed permit as submitted by the LEA; or
2. Object to the issuance of the proposed permit as submitted by the LEA; or
3. Take no action on the proposed permit as submitted by the LEA. If the Board chooses this option, the Board shall be deemed to have concurred in the issuance of the proposed permit as submitted by the LEA 60 days after the Board's receipt of the permit.

IV. STAFF RECOMMENDATION

Staff recommends option 1, concurrence in the issuance of the permit.

V. ANALYSIS

A. Key Issues and Findings

Facility Name:	Neal Road Landfill; Facility No. 04-AA-0002
Facility Type:	Class III Sanitary Landfill
Location:	1023 Neal Road, Chico, CA
Setting:	The Neal Road Landfill is located 7 miles southeast of Chico, and one mile east of Highway 99 in the unincorporated area of Butte County. The site is located on assessors parcel number (APN) 040-600-082-000. The current zoning for the landfill property is P-Q (Public, Quasi-Public). The surrounding land is zoned "grazing and open land". There are no structures within 1,000 feet of the landfill boundary. The nearest residence is located 1.75 miles west of the facility property boundary.
Operational Status:	Active, Permitted
Permitted Hours of Operation:	Receipt of waste: 7:00 a.m. to 4:00 p.m., 7-days per week (Ancillary/Cover/Maintenance Operations: 6 am – 5:30 pm)
Permitted Area:	165 acres
Proposed Permitted Facility Boundary:	189 acres
Permitted Disposal Footprint:	101 acres
Proposed Disposal Footprint:	140 acres
Site Capacity:	Not specified in 1999 permit
Proposed Site Capacity:	25,271,900 cubic yards
Permitted Maximum Tonnage:	1,200 tons per day for disposal
Proposed Maximum Tonnage:	1,500 tons per day (counts everything through the gate accept clean non-waste construction material and septage delivered to holding ponds)
Permitted Maximum Traffic:	360 vehicle trips per day

Proposed Maximum Traffic:	600 vehicle trips per day
Current Estimated Closure Date:	2018
Proposed Estimated Closure Date:	2033
Owner/Operator:	Mike Crump, Director Butte County Department of Public Works
LEA:	Mr. Vance Severin, Director Butte County Health Department

Key Issues

The proposed changes to the facility include:

- A 39-acre lateral expansion of the landfill disposal footprint.
- An increase in the maximum elevation of the landfill from 495 feet to 500 feet.
- An increase in the permitted peak disposal tonnage limit from 1200 TPD to 1500 TPD to accommodate future growth in Butte County and to account for materials handled on-site including materials that are recycled and/or beneficially reused.
- An increase in the permitted peak traffic volume from 360 vehicle trips per day to 600 vehicle trips per day to accommodate projected growth in Butte County.
- A change in the estimated closure date from 2018 to 2033.
- An increase in the permitted facility boundary from 165 acres to 189 acres to reflect a correction in past calculations of total acreage and the inclusion of the 24 acre parcel containing the Class II septage holding ponds, which will be relocated to accommodate the planned expansion of the disposal footprint.
- The relocation of existing leachate, septage, and storm water sedimentation ponds.
- The eventual relocation of the scale house and scales, administrative buildings, waste oil facilities, and other ancillary activities.
- The reconfiguration of landfill slopes and final closure of Modules 1, 2, and 3. The operator implemented partial final closure of Modules 1, 2, and 3 in 2004 before moving into the recently constructed Module 4. Module 3 is being utilized again during dry weather months until final grade is reached in 2006.
- The installation of landfill liner systems, leachate monitoring and recovery systems, and landfill gas collection, control, and monitoring systems.

Findings

The following LEA certification and staff analysis are provided:

LEA Certification:

- The permit application package is complete and correct;
- The Joint Technical Document (JTD) meets the requirements of Title 27, CCR, Section 21600; and
- The proposed revised solid waste facility permit is consistent with, and is supported by, the Environmental Impact Report (EIR) that was certified by the Butte County Board of Supervisors during a public meeting on February 12, 2002.

Staff Analysis:

The following table summarizes Board staff's review and analysis of the proposed permit application package:

04-AA-0002 Summary of Board Findings	Accept-able	Unaccept-able	To Be Deter-mined	Not Applic-able	See Details Below
CIWMP Conformance (PRC 50001)	√				***1***
Consistency With State Minimum Standards			√		***2***
RFI Completeness	√				
California Environmental Quality Act	√				***B***
Preliminary Closure/Post-Closure Maintenance Plan	√				
Funding for Closure/Post-Closure Maintenance	√				
Operating Liability	√				

1. Conformance with County Integrated Waste Management Plan (CIWMP):
   Public Resources Code (PRC) Section 50001 requires that the location of any new or expanded disposal facility be identified in the countywide siting element or amendment thereto. At the time this item was written, staff of the Board's Office of Local Assistance (OLA) had not completed their review of compliance with the Countywide Siting Element.

   The location of the Neal Road Landfill is identified in the County's CSE. Office of Local Assistance staff therefore has found the proposed permit to be in conformance with the County's CSE.

2. Consistency with State Minimum Standards:
   Compliance History:
   2000 – 8 violations of SMS (State Minimum Standards) for grading, daily cover, intermediate cover, signs, records, maintenance, drainage, and erosion.
   2001 – 0 violations of SMS
   2002 – 0 violations of SMS
   2003 – 1 violation of SMS for hazardous waste load check records.
   2004 – 7 violations of SMS , 1 for signs, 1 for training records, 2 for daily cover, 1 for gas control, and 2 for RDSI. There were also 4 violations of permit terms and conditions for traffic.
   2005 (Jan - May) – 6 SMS violations, 5 for gas control and 1 for RDSI. There was also 1 violation of terms and conditions for traffic.

Board and LEA staff conducted a pre-permit inspection of the facility on May 17, 2005 and noted a violation of the Terms and Conditions of the governing permit. The landfill's traffic records for the first 4½ months of 2005 indicated that the facility had exceeded the permitted maximum traffic limit on 7 occasions. The peak traffic noted was 435 vehicles during one day. This is a violation of the Public Resources Code, Section 44014(b) – Operator Compliance with the Terms and Conditions of Permit. The current operating permit allows a peak of 360 vehicles per day. The proposed permit will allow up to 600 vehicles per day.

The operator has implemented improvements to the site entrance to ensure that the facility can safely accommodate anticipated peak traffic days. The operator has not, however, implemented measures to avoid going over the permitted vehicle count. During most moths of the year, the facility does not exceed permitted traffic counts. Since the operator is not in violation of this condition on a continuous basis, the LEA has required a revision to the permit as part of the 5-year permit review process rather than through an enforcement order.

During the May 17, 2005 pre-permit inspection, Board and LEA staff also noted a violation of Title 27, Section 20919.5 – Landfill Gas Control.

Seven landfill gas monitoring probes were installed during the summer of 2004, concurrent with installation of the landfill gas collection and control system and flare, which was installed as part of the partial final closure of Modules 1, 2, and 3. Board staff first noted a violation of this standard during the 18-month State inspection on August 17, 2004 when Probes SP-7 and SP-2 were sampled prior to completion of the collection and flare system. In September 2004, the operator confirmed that levels of landfill gas were above the LEL at the facility boundary. The gas collection and flare system was fully operational by December 2004.

The LEA received 4th-quarter 2004 monitoring results in January 2005 which indicated exceedance of limits at the facility property boundary and immediately issued a notice of violation. To comply with Title 27 Section 20919.5, the operator needed to immediately take all necessary steps to ensure protection of human health and was required to implement a remediation plan. The operator also increased monitoring for landfill gas from quarterly to monthly.

The operator submitted a Landfill Gas Remediation plan on February 28, 2005 to comply with Title 27 Section 20919.5. Since perimeter landfill gas was initially detected during installation of the gas collection and control system, the plan included continued operation and "fine tuning" of the collection system and flare. In addition, the remaining portions of Modules 1, 2, and 3 will be closed in 2006, adding another 20 gas extraction wells to the current 26 well system.

On April 28, 2005, the operator's gas monitoring results indicated levels of landfill gas above the lower explosive limit in Probes SP-1, SP-2, SP-3, SP-4, SP-5, SP-6, and SP-7. The highest level was in SP-5 and was found to be 80% methane by volume in air at a depth of between 24 to 57 feet BGS on the north boundary of Module 3.

As noted below, the LEA issued a Notice and Order addressing this gas violation on May 11, 2005. Also, this facility will be listed on the Inventory of Solid Waste Facilities Violating State Minimum Standards if the gas problem is not corrected by July 14, 2005.

Long Term Gas Violation Procedure

Current Board procedure allows for Board concurrence in permits with "long term" landfill gas violations if certain findings can be made by the Board (this procedure is currently subject of a Board rulemaking; until such time as the new regulations, adopted by the Board on June 14, 2005, become effective, the Board directed staff to rely on the existing procedure). Under this procedure, in order for the Board to concur in the proposed permit, staff must be able make four findings before recommending concurrence in the issuance of the permit regarding the potential threat to the public health and safety or the environment, as specified below:

1. There is no immediate threat to public health and safety, or the environment.
2. The LEA has prepared an enforcement order identifying the elements to be completed in order to achieve compliance by a specified date.
3. The operator has submitted an interim gas control plan that details the problem and how the problem/violation will be corrected.
4. The operator/owner is making a "good-faith" effort in line with the enforcement order and/or the LEA/Board staff approved gas control plan.

Finding 1) *There is no immediate threat to public health and safety, or the environment.*

Status: LEA and Board staff find there is no immediate threat to public health, safety or the environment. The landfill is surrounded on all sides by open range and grazing lands. There are no receptors or structures within 1000 feet of the site. The nearest residence is located 1.75 miles from the facility property boundary. A landfill gas collection and extraction system was installed during partial final closure of Modules 1, 2, and 3 in the summer of 2004. The system became fully operational in December 2004 and is expected to reduce methane levels below the lower explosive level at the boundary within one year. The LEA has required the operator to increase the frequency of gas monitoring from quarterly to monthly. No landfill gas has been detected within on-site structures. The operator has provided health and safety training for facility personnel.

Finding 2) *The LEA has prepared an enforcement order identifying the elements to be completed in order to achieve compliance by a specified date.*

Status: The LEA issued a Notice and Order on May 11, 2005. The Notice and Order requires compliance with all requirements in Title 27, Section 20919.5 by May 11, 2006 and requires the operator to submit a contingency plan to the LEA by October 31, 2005 in the event that the existing system does not reduce landfill gas levels at expected rates.

Finding 3) *The operator has submitted an interim gas control plan that details the problem and how the problem/violation will be corrected.*

Status: The implemented gas control plan and compliance schedule describes the gas collection and control system. The plan requires continued operation, monitoring and "fine tuning" of the gas collection/control system and flare. In addition, the remaining portions of Modules 1, 2, and 3 will be closed in 2006 adding another 20 gas extraction wells to the current 26 well system.

Finding 4) *The operator /owner is making a "good-faith" effort in line with the enforcement order and/or the LEA/Board staff approved gas control plan.*

Status: The operator is in full compliance with the requirements in the Notice and Order.

The Board directed staff to initiate a rulemaking to codify and clarify the Long Term Violation Procedure when a gas violation exists. (See Agenda Item 21 of the January 2001 Board meeting.) The draft regulations were approved to go forward for the 45-day public comment period at the April 2004 Board meeting. The Board adopted the regulations during the June 14-15, 2005 Board meeting. The regulations are scheduled to be submitted to the Office of Administrative Law in the next few months for final approval. The facility is consistent with the board adopted regulations.

B. Environmental Issues

1. California Environmental Quality Act (CEQA)

   The Butte County Department of Public Works, carrying out the project proposal and acting as lead agency, prepared and circulated an Environmental Impact Report (EIR), State Clearinghouse (SCH) No. 2001062067. The environmental document describes and analyzes for the proposed changes in the facility design and operation (footprint and facility expansion) as well as for the issuance of a revised Solid Waste Facility Permit (SWFP) No. 04-AA-0002 for the Neal Road Landfill.

   The draft EIR dated October 31, 2001, was circulated by the State Clearinghouse for review and comment. The final EIR was certified by the Butte County Board of Supervisors on February 12, 2002. A Notice of Determination (NOD) was filed with the Butte County Clerk on February 15, 2002.

   The Butte County Health Department, the Local Enforcement Agency for the project, made findings in Section 13.e. of revised SWFP No. 04-AA-0002 that "The EIR describes and supports the design and operation, which will be authorized by the issuance of this permit."

   The EIR analyzed and supports revisions of SWFP No. 04-AA-0002 in order to implement changes in design and operation that will include the following components:

   - Horizontal and Vertical Expansion. Vertical expansion from the existing 495 feet above mean sea level to approximately 500 feet above mean sea level and a horizontal or lateral expansion of approximately 74-acres.
   - Increase in landfill refuse footprint from 101-acres to 140-acres.
   - Increase in total landfill airspace capacity to 25.6 million cubic yards.

- Increase in the fill capacity to approximately 20.5 million cubic yards (13.3 million tons).
- Creating small "pocket" cells between Modules 1 through 3. These modules will be lined and used to utilize unused footprint areas.
- Installation of landfill liner system, leachate monitoring and recovery system and landfill gas monitoring and recovery system in compliance with Title 27 California Code of Regulations (27CCR), and EPA Subtitle D requirements.
- Increase in permitted maximum tonnage to 1500 tons per day and increase in permitted traffic volume to 600 peak traffic vehicles per day.
- Increase in the landfill's estimated closure date to 2034 (based on an anticipated average of 435 tons per day).
- Future relocation of one existing leachate pond to the southwest corner of the landfill; two other existing septage ponds would be moved outside the expanded landfill area but within the boundaries of the property owned by the county.
- As the landfill expands the scale house and scale, administrative office and employee break room, equipment office and maintenance building, waste oil tank, agricultural oil facility, and above-ground diesel fuel storage tank will be relocated to an adjacent parcel to the south of the landfill.
- Reconfiguration of the landfill side slopes to an average gradient of 3:1 with 20-foot horizontal benches at 50-foot intervals.

P&I Branch staff reviewed and commented on the draft EIR in a letter dated December 11, 2001. The lead agency provided staff with adequate responses to comments on the draft EIR in the final EIR dated January 2002, and received by the Board on February 1, 2002. P&I Branch staff have determined that the proposal and analysis in the EIR is consistent with, and supported by, the project proposal and the consideration of the issuance of revised SWFP No. 04-AA-0002.

In light of the whole of the record provided to the Board, P&I Branch staff recommends that the environmental document cited above is adequate for the Board's environmental evaluation of the proposed project (concurrence on the issuance of revised SWFP No. 04-AA-0002) for those project activities which are within the Board's expertise and/or powers, or which are required to be carried out or approved by the Board.

2. Cross Media Impacts

The Regional Water Quality Control Board adopted new Waste Discharge Requirements (WDRs) on July 19, 2002. The detection of waste constituents in the groundwater required the implementation of a Corrective Action Plan (CAP). The CAP approved in the WDRs includes final closure of Modules 1, 2, and 3 by 2006, and a gas control system employed to remove gas and moisture created by decomposing waste.

C. Program/Long Term Impacts

Based on available information, staff is not aware of any program impacts related to this item. Based on available information, staff is not aware of any long term impacts related to this item.

D. Stakeholder Impacts

Based on available information, staff is not aware of any stakeholder impacts related to this item.

E. Fiscal Impacts

No fiscal impact to the Board results from this item.

F. Legal Issues

Based on available information, staff is not aware of any legal issues related to this item.

G. Environmental Justice

Community Setting

The land surrounding the landfill is zoned "grazing and open land". The nearest residence is located 1.75 miles from the facility property boundary. The nearest structures are associated with a nearby vermicomposting operation located approximately 2000 feet from the facility property boundary.

US Census Bureau Data **Census 2000 - Race** **Block Group 4, Census Tract 22, Butte County, California**	**All Ages**	
	Number	**Percent**
White	4,805	92
Black or African American	8	0.2
American Indian or Alaska Native	61	1.2
Asian	72	1.4
Native Hawaiian and Other Pacific Islander	8	0.2
Some other race	85	1.6
Two or more races	152	2.9
Total Population	5,191	100

Of the total population in the census tract, a total of 222 or 4.3 percent identify themselves as having Hispanic or Latino origin. The median household income is $32,716 and 6.6 percent of the families are below the poverty level.

Community Outreach

The changes proposed at the site were discussed at public meetings conducted by the Lead Agency in compliance with the CEQA public participation requirements.
The LEA held a public hearing on March 29, 2005, according to the requirements of AB 1497 after the appropriate noticing. No one from the public attended the meeting. One adjacent property owner submitted written comments to the LEA regarding boundary set-backs mitigations incorporated into the final EIR. At the time this staff report was prepared, the LEA had received no further correspondence from anyone on this project.

Environmental Justice Issues

Based on available information, staff is not aware of any environmental justice issues related to this project.

H. 2001 Strategic Plan

1. This item supports Strategic Plan Goal 4: Manage and mitigate the impacts of solid waste on public health and safety and the environment and promote integrated and consistent permitting, inspection, and enforcement efforts by acknowledging through cooperation with the LEA enforcement of a permit consistent with current environmental values and ethics.
2. This item supports Strategic Plan Objective 1: Through consistent and effective enforcement or other appropriate measures, ensure compliance with Federal and State waste management laws and regulations by concurring in a permit consistent with current statute and legislation.

VI. FUNDING INFORMATION

This item does not require any Board fiscal action.

VII. ATTACHMENTS

1. Site Location Map
2. Site Plot Plan
3. Proposed Permit Number 04-AA-0002
4. Resolution Number 2005-187

VIII. STAFF RESPONSIBLE FOR ITEM PREPARATION

A. Program Staff: Jon Whitehill **Phone:** (916) 341-6403
B. Legal Staff: Michael Bledsoe **Phone:** (916) 341-6058
C. Administration Staff: None **Phone:** N/A

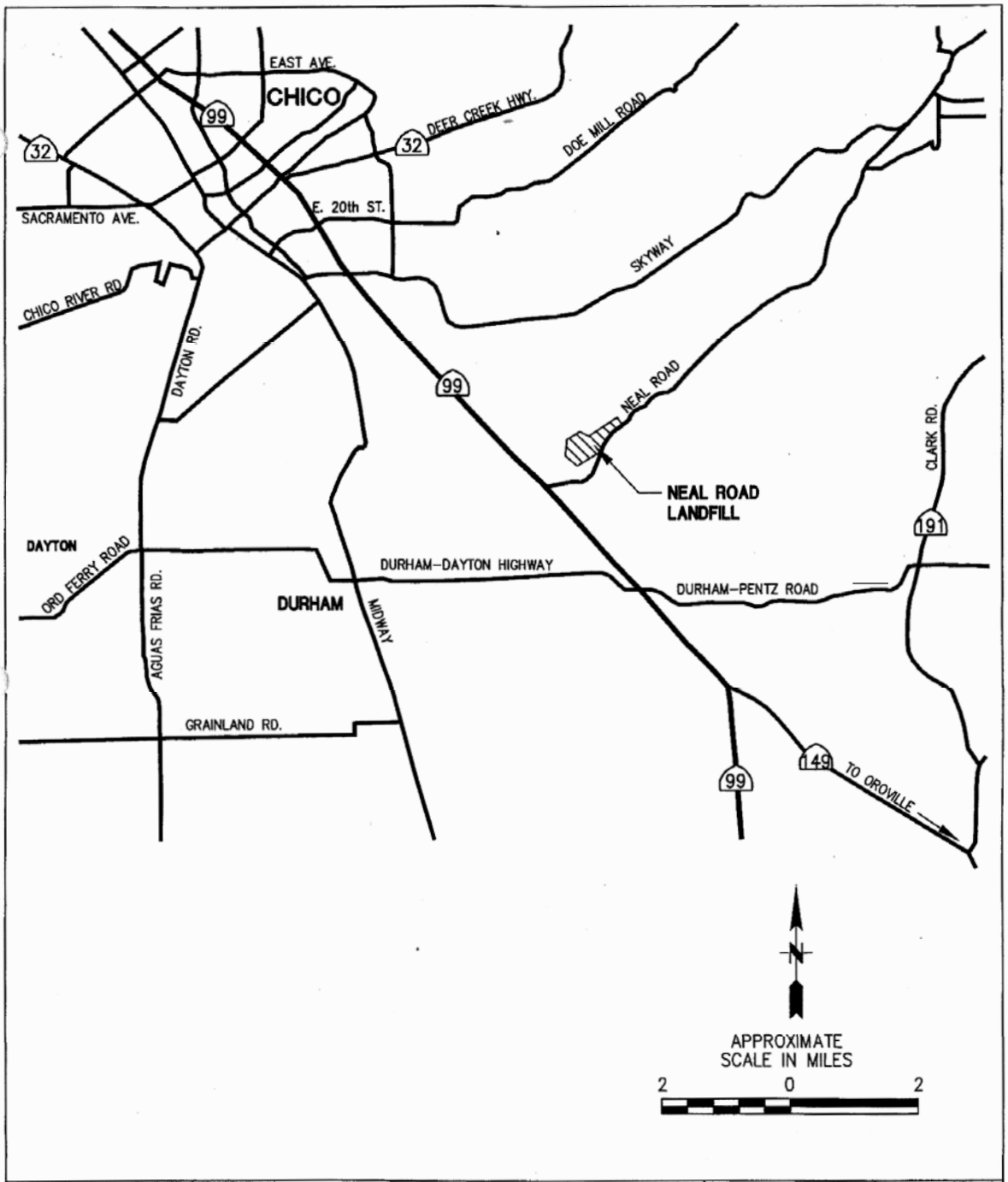
IX. WRITTEN SUPPORT AND/OR OPPOSITION

A. Support

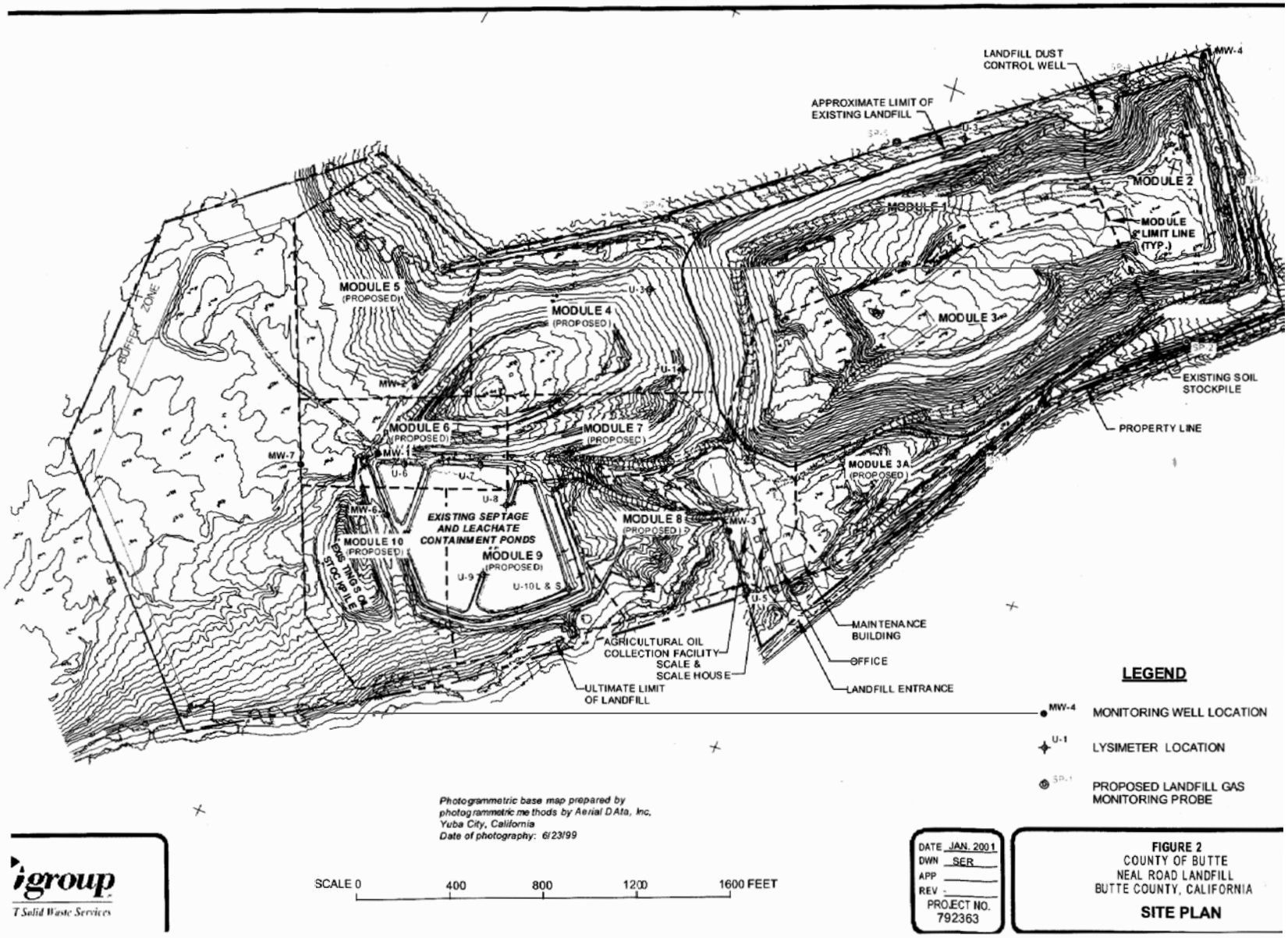
Staff had not received any written support at the time this item was submitted for publication.

B. Opposition

Staff had not received any written opposition at the time this item was submitted for publication.



SCS ENGINEERS ENVIRONMENTAL CONSULTANTS 3050 Fite Circle, Suite 101 Sacramento, California 95827 PHONE: (916) 361-1297 FAX.: (916) 361-1299	**SITE LOCATION MAP** **PARTIAL FINAL CLOSURE PLAN** **NEAL ROAD LANDFILL** **BUTTE COUNTY, CALIFORNIA**	SCALE: AS SHOWN PROJECT NO. 01202186.00 DATE: 01/31/03	FIGURE NO. **1**


LANDFILL DUST CONTROL WELL
MW-4
APPROXIMATE LIMIT OF EXISTING LANDFILL
U-3
MODULE 2
MODULE 1
MODULE LIMIT LINE (TYP.)
MODULE 5 (PROPOSED)
MODULE 4 (PROPOSED)
MODULE 3
BUFFER ZONE
MW-2
U-1
EXISTING SOIL STOCKPILE
MODULE 6 (PROPOSED)
MODULE 7 (PROPOSED)
PROPERTY LINE
MW-7
MW-1
U-6
U-7
U-8
MODULE 3A (PROPOSED)
MW-6
EXISTING SEPTAGE AND LEACHATE CONTAINMENT PONDS
MODULE 8 (PROPOSED)
MW-3
MODULE 10 (PROPOSED)
MODULE 9 (PROPOSED)
U-9
U-10L & S
U-5
MAINTENANCE BUILDING
AGRICULTURAL OIL COLLECTION FACILITY
SCALE & SCALE HOUSE
OFFICE
ULTIMATE LIMIT OF LANDFILL
LANDFILL ENTRANCE
LEGEND
MW-4 MONITORING WELL LOCATION
U-1 LYSIMETER LOCATION
PROPOSED LANDFILL GAS MONITORING PROBE
Photogrammetric base map prepared by photogrammetric methods by Aerial DAta, Inc, Yuba City, California
Date of photography: 6/23/99
SCALE 0 400 800 1200 1600 FEET
DATE JAN. 2001
DWN SER
APP
REV
PROJECT NO. 792363
FIGURE 2
COUNTY OF BUTTE
NEAL ROAD LANDFILL
BUTTE COUNTY, CALIFORNIA
SITE PLAN
igroup
T Solid Waste Services

SOLID WASTE FACILITY PERMIT

Facility Number: 04-AA-0002

1. Name and Street Address of Facility:
Neal Road Landfill
1023 Neal Road
Chico, CA 95928

2. Name and Mailing Address of Operator:
Butte County Public Works Department
7 County Center Drive
Oroville, CA 95965

3. Name and Mailing Address of Owner:
Butte County Publuc Works Dept
7 County Center Drive
Oroville, CA 95965

4. Specifications:

a. Permitted Operations:
- ☒ Solid Waste Disposal Site
- ☐ Transfer/Processing Facility (MRF)
- ☐ Composting Facility (Green Material)
- ☐ Transformation Facility
- ☐ Other: ____

b. Permitted Hours of Operation: (Receipt of Refuse/Waste) 7 AM to 4 PM
(Ancillary Operations/Facility Operating Hours) 6:00 AM to 5:30 PM

c. Permitted Maximum Tonnage: 1500 Peak Tons per day

d. Permitted Traffic Volume: 600 Peak Traffic Volume per day

e. Key Design Parameters (Detailed parameters are shown on site plans bearing EA and CIWMB validations):

	Total	Disposal	Transfer/Processing	Composting	Transformation
Permitted Area (in acres)	189.8	140	N/A	N/A	N/A
Design Capacity (cu. yds)		25,271,900 cy	---	---	---
Max. Elevation (Ft. MSL)		500			
Max. Depth (Ft. MSL)		150			
Estimated Closure Year		2033			

Upon a significant change in design or operation from that described herein, this permit is subject to revocation or suspension. The attached permit findings and conditions are integral parts of this permit and supersede the conditions of any previously issued solid waste facility permit.

5. Approval:

Approving Officer Signature

6. Enforcement Agency Name and Address:
Butte County Department of Public Health
Division of Environmental Health
P O Box 5364
Chico, CA 95927-5264

7. Date Received by CIWMB: JUN 23 2005

8. CIWMB Concurrence Date:

9. Permit Issued Date:

10. Permit Review Due Date:

11. Owner/Operator Transfer Date: April 7, 2003

SOLID WASTE FACILITY PERMIT

Facility Number: **04-AA-0002**

12. Legal Description of Facility:

The legal description of this facility is contained in section 3.1, page 11, of the Joint Technical Document dated January, 2005.

13. Findings:

a. This permit is consistent with the (Butte) County Integrated Waste Management Plan, which was approved by the CIWMB on March 25, 1998. The location of the facility is identified in the Countywide Siting Element, pursuant to Public Resources Code (PRC), Section 50001(a).

b. This permit is consistent with the standards adopted by the CIWMB, pursuant to PRC 44010.

c. The design and operation of the facility is consistent with the State Minimum Standards for Solid Waste Handling and Disposal as determined by the enforcement agency, pursuant to PRC 44009.

d. The Butte County (CDF) Fire Department has determined that the facility is in conformance with applicable fire standards, pursuant to PRC, 44151.

e. An Environmental Impact Report (EIR) was filed with the State Clearinghouse (SCH #2001062067) and certified by the Butte County Board of Supervisors on February 12, 2002. The EIR describes and supports the design and operation, which will be authorized by the issuance of this permit. A Notice of Determination was filed with the State Clearinghouse on February 15, 2002.

14. Prohibitions:

The permittee is prohibited from accepting the following wastes:

Hazardous, radioactive, medical (as defined in Chapter 6.1, Division 20 of the Health and Safety Code), liquid, designated, or other wastes requiring special treatment or handling, except as identified in the Report of Facility Information and approved amendments thereto and as approved by the enforcement agency and other federal, state, and local agencies.
Liquid waste that is less than 50% solid by weight is prohibited in the unlined portion of the landfill (modules 1,2 &3).
Friable asbestos containing waste is prohibited without an aproved asbestos containing waste program authorization.

15. The following documents describe and/or restrict the operation of this facility:

	Date		Date
Report of Disposal Site Information Amendments	January 2005 May 2005	Preliminary Closure and Postclosure Maintenance Plan	April 2002
Waste Discharge Requirements Order No. R5-2002-0145	July 2002	Closure Financial Assurance Documentation	December 8, 2004
APCD Permit to Operate # NRL0101			
Environmental Impact Report (EIR) (SCH # 2001062067)	January 2002	Land Use and/or Conditional Use Permit	March 26, 1998

SOLID WASTE FACILITY PERMIT

Facility Number:
04-AA-0002

16. Self Monitoring:

The owner/operator shall submit the results of all self monitoring programs to the Enforcement Agency within 30 days of the end of the reporting period *(for example, 1st quarter = January – March, the report is due by April 30, etc.. Information required on an annual basis shall be submitted with the 4th quarter monitoring report, unless otherwise stated.)*

Program	Reporting Frequency
a. The types and quantities (in tons) of waste, including separated or commingled recyclables, entering the facility per day.	Monthly
b. The number and types of vehicles using the facility per day.	Monthly
c. Results of the hazardous waste load checking program, including the quantities and types of hazardous wastes, medical wastes or otherwise prohibited wastes found in the waste stream and the disposition of these materials.	Quarterly
d. Copies of all written complaints regarding this facility and the operator's actions taken to resolve these complaints.	Notify LEA within 24 hours
e. Results of the landfill gas monitoring program.	monthly until N/O revised or suspended
f. Records of unusual occurrences	Monthly
g. All employee and customer injuries.	Notify LEA ASAP
h. Remaining site capacity.	Annually
i. Quantities and types of salvaged material when transported off site	Quarterly
j Landfill fires	Notify LEA within 24 hours
k. Hazardous materials spills or incidents	Notify LEA within 24 hours

SOLID WASTE FACILITY PERMIT

Facility Number:
04-AA-0002

17. Enforcement Agency (EA) Conditions:

a. The operator shall comply with all State Minimum Standards for solid waste handling and disposal as specified in Title 27, California Code of Regulations.

b. The operator shall maintain a log of special/unusual occurrences. This log shall include, but is not limited to, fires, explosions, the discharge and disposition of hazardous or unpermitted wastes, and significant injuries, accidents or property damage. Each log entry shall be accompanied by a summary of any actions taken by the operator to mitigate the occurrence. The log shall be available to site personnel and the EA at all times.

c. Additional information concerning the design and operation of the facility shall be furnished upon request and within the time frame specified by the EA.

d. The maximum permitted daily tonnage for this facility is 1500 tons per day and shall not receive more than this amount without a revision of this permit. Permitted tonnage does not include clean non-waste construction material for use at the landfill or septage delivered to holding ponds.

e. This permit is subject to review by the EA and may be suspended, revoked, or revised at any time for sufficient cause.

f. The EA reserves the right to suspend or modify waste receiving and handling operations when deemed necessary due to an emergency, a potential health hazard, or the creation of a public nuisance.

g. Any change that would cause the design or operation of the facility not to conform to the terms and conditions of this permit is prohibited. Such a change may be considered a significant change, requiring a permit revision. In no case shall the operator implement any change without first submitting a written notice of the proposed change, in the form of an RFI amendment, to the EA at least 180 days in advance of the change.

h. Cover shall be applied over all exposed waste at the close of each working day in layers of six (6) inches of cover soil, except where an alternative daily cover has been approved.

i. Prior to the use of any material as ADC, the operator must obtain approval pursuant to sec. 20690, Title 27 CCR.

j. Storage and disposal of waste tire must be in accordance with all applicable laws, regulations, local ordinances, and Waste Tire Storage and Disposal Standards pursuant to Title 14, Chapter 3, Article 5.5 of the California Code of Regulations.

k. The size of the working face shall not exceed an area of one acre, nor measure more than 200 feet in width with a maximum slope of 3:1.

l. Neither white goods (appliances, etc) nor other metal objects weighing more than 10 pounds or being more than 2 cubic feet in size shall be disposed of in the landfill.

m. Appliances accepted as waste must be stripped of their hazardous waste (including those classified as universal or recyclable such as freon, cathode ray tubes and mercury switches) prior to removal from facility by a recycler. The stripped hazardous waste must be stored, shipped and disposed as per requirements in Chapter 6.5 California Health and Safety Code.

n. A stockpile of no less than 3 days coversoil shall be available at all times.

o. A hazardous waste/prohibited waste load checking program shall be maintained by the permit holder.

p. An explosive gas monitoring program shall be maintained by the permit holder.

q. The operator shall maintain a copy of this permit at the facility at all times.

r. This facility shall be operated as documented in the current Report of Disposal Site Information (RDSI)/JTD.

s. Operator must minimize noise before 7 a.m. No firing of cannon (bird control) and restrict excessive equipment operation and subsequent sounding of back-up warning bells between 6 and 7 am.

t. Prior to the removal of the existing leachate and septage ponds shown as parts of Modules 6, 9, and 10 in the Preliminary Closure and Post-Closure Maintenance Plan (approved September 4, 2003), the operator may be required to provide additional environmental documentation analyzing potential impacts resulting from the removal of the ponds and any subsequent contamination found in underlying soil or material.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Resolution 2005-187

Consideration Of A Revised Full Solid Waste Facilities Permit (Disposal Facility) For The Neal Road Landfill, Butte County

WHEREAS, the Butte County Health Department, as the Local Enforcement Agency (LEA), has submitted to the Board for its review and concurrence with, or objection to, a revised full solid waste facility permit for Neal Road Landfill; and

WHEREAS, the Butte County Public Works Department, as the owner/operator, proposes to make the following changes: Vertical expansion from the existing 495 feet above mean sea level to approximately 500 feet above mean sea level; Lateral expansion of the disposal footprint by approximately 39 acres to 140 acres; Increase in total landfill airspace capacity to 25.6 million cubic yards; Increase in the fill capacity to approximately 20.5 million cubic yards (13.3 million tons); Installation of landfill liner system, leachate monitoring and recovery system and landfill gas monitoring and recovery; Increase in the landfill's estimated closure date to 2034; Relocation of the existing leachate pond and two existing septage ponds; and

WHEREAS, the Butte County Public Works Department, acting as the Lead Agency, in 2001 circulated a Draft Environmental Impact Report (DEIR) (SCH #2001062067) and the Butte County Board of Supervisors approved the Final EIR on February 12, 2002; and

WHEREAS, the LEA has certified that the application package is complete and correct, and the CEQA documents that were prepared for the project, as well as facility site records, support the changes proposed in the revised full solid waste facility permit; and

WHEREAS, the LEA held a public hearing on March 29, 2005 to allow the public to comment on the proposed permit; and

WHEREAS, the Board finds the proposed permit is consistent with the California Environmental Quality Act; and

WHEREAS, Board staff have evaluated the proposed permit for consistency with the standards adopted by the Board; and

WHEREAS, Board staff have made the four findings of the Long Term Gas Violation Procedure; and

(over)

WHEREAS, the Board finds that all state and local requirements for the proposed permit have been met; and

NOW, THEREFORE, BE IT RESOLVED that the California Integrated Waste Management Board concurs with the issuance of the Solid Waste Facility Permit No. 04-AA-0002.

CERTIFICATION

The undersigned Executive Director, or his designee, of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on July 19-20, 2005.

Dated:

Mark Leary
Executive Director

California Integrated Waste Management Board

Board Meeting

July 19-20, 2005

AGENDA ITEM 7

ITEM

Consideration Of A New Full Solid Waste Facilities Permit (Compostable Materials Handling Facility) For The Jepson Prairie Organics Composting Facility, Solano County

I. ISSUE/PROBLEM STATEMENT

1. This item requests Board concurrence on the issuance of a new Compostable Materials Handling Facility Permit for the Jepson Prairie Organics Composting Facility.
2. Pursuant to Public Resources Code, Section 44009, the Board has 60 calendar days to concur in or object to the issuance of a full solid waste facilities permit. The proposed permit for this facility was received May 20, 2005 and amended proposed permits were received on June 14, 2005 and June 21, 2005. The date for submittal of a proposed permit that would allow 60 days for Board review prior to the July Board meeting was May 21, 2005. The Board has until August 13, 2005 to act on this permit. When the proposed permit was received the package contained all of the items required in Title 27, CCR, Section 21685.

II. ITEM HISTORY

1. The current Standardized permit for the Jepson Prairie Organics Composting Facility (aka B & J Drop Box Landfill Composting Facility) was last concurred on by the Board on July 28, 1998.
2. Compliance History:
   2000 – Two violations of SMS, no permit violations
   2001 – No Violations of SMS, no permit violations
   2002 – Two violations of SMS, no permit violations
   2004 – No SMS violations, Eight violations of the permit
   2005 – No violations of SMS (January-May), no permit violations

   Details concerning the above list of violations are included in Section V.B. "Consistency with State Minimum Standards".

III. OPTIONS FOR THE BOARD

The Board may decide to do one of the following:

1. Concur in the issuance of the proposed permit as submitted by the Local Enforcement Agency (LEA).
2. Object to the issuance of the proposed permit as submitted by the LEA.
3. Take no action on the proposed permit as submitted by the LEA. If the Board chooses this option, the Board shall be deemed to have concurred in the issuance of the proposed permit 60 days after the Board's receipt of the permit.

IV. STAFF RECOMMENDATION

Board staff recommends Option #1; concur in the issuance of the proposed permit, if staff can make the findings that the facility is in compliance with State Minimum Standards and CEQA.

V. ANALYSIS

A. Key Issues and Findings

Facility Name:	Jepson Prairie Organics Composting Facility Facility Number 48-AA-0083
Facility Type:	Existing Compostable Materials Handling Facility
Location:	6426 Hay Rd. Vacaville
Permitted Acreage:	15
Proposed Permitted Acreage:	54
Setting:	Agriculture/grazing/preserved wetlands
Operational Status:	Permitted, active
Permitted Tonnage:	300 tons per day
Proposed Permitted Tonnage:	750 tons per day peak, 600 TPD averaged over 7 days
Current Hours:	8:00 a.m. to 4:00 p.m., 7 days per week, 361 days per year
Proposed Hours:	24 hrs. per day/7 days per week/361 days per year for operations Public hours are not proposed to change from the current hours above
Current Traffic	500 vehicles per day averaged over 7 days Peak of 650 vehicles per day
Proposed Traffic	Same
Permitted Design Capacity:	35,000 cubic yards active composting materials only
Proposed Permitted Design Capacity:	225,000 cubic yards includes all materials on site
Owner/Operator:	Jepson Prairie Organics Composting Facility (a subsidiary of NorCal Inc.)
LEA:	Solano County LEA, Resource Management Department

Background

Jepson Prairie Organics Compost Facility (JPOCF) currently operates under a Standardized Composting Solid Waste Facility Permit issued on August 6, 1998. With the adoption of the current Compostable Materials Handling Operations and Facilities regulatory requirements effective April 2003, facilities that compost green materials and food materials, or that have more than 12,500 cubic yards of materials on site, now require full permits. The feedstock at JPOCF includes source-separated green waste

materials, agricultural materials and source-separated food material. The green and agricultural materials are yard trimmings, plant materials, manure, prunings, crop residues, untreated wood wastes, paper products, and natural fiber products. The food materials sources include the food manufacturing and processing industry, restaurants, food distributors, and residential accounts. The food-containing portion of the waste stream is combined with some of the green and agricultural material and composted within vessel via the Ag-bag™ process. The portion of green material that is kept separate from the food material will be windrowed on-site. The location of both the Ag-bag™ and windrowed materials are restricted to approximately 22 acres of impermeable surface. The process at JPOCF involves additional storage time for the composted food material to undergo additional decomposition after it has been removed from the Ag-bag™. This material will be piled and windrowed for a period not longer than 6 months, on the remaining 32 acres being added with this proposed permit.

Key Issues

Changes identified in the proposed new full solid waste facilities permit:

1. Increases in permitted tonnage from 300 to 600 tons per day averaged over 7 days and allowing up to 750 tpd peak, and allowing up to 225,000 cubic yards of material on-site.
2. Increase in facility acreage from 15 to 54 acres.
3. Increase in operating hours from 8 a.m. – 4:00 p.m. to 24 hours/day 361 days/year. The hours the site is open to the public will not change.

Staff Analysis

The following table summarizes Board staff's review and analysis of the proposed revised solid waste facilities permit package:

Summary of Board Findings for Facility #48-AA-0083	Adequate	Inadequate	To Be Determined	Not Applicable	See Details in Section
CIWMP Conformance	X				1.
Consistency with State Minimum Standards			X		2.
California Environmental Quality Act			X		V.B.
Report of Composting Site Information	X				3.

1. <u>County Integrated Waste Management Plan (CIWMP)</u>.
   Public Resources Code Section 50001 requires the location of any new or expanded solid waste disposal facility to be identified in the applicable county's Countywide Siting Element (CSE) for the proposed permit for that facility to be found to be in conformance with the CSE.

   The Jepson Prairie Organics Composting Facility was formally known as the B&J Drop Box Landfill Composting Facility and is identified as such in the County's NDFE. The Office of Local Assistance staff therefore finds the proposed permit to be in conformance with the County's NDFE.

2. <u>Consistency with State Minimum Standards (SMS)</u>. Board staff will conduct a pre-permit inspection at the facility and will report the findings at the Permitting & Enforcement Committee meeting on July 11, 2005.

Below are the details of the facility's SMS compliance history and permit compliance history based on the LEA's monthly inspection reports for the period of January 2000 through June 2005.

Calendar Year 2000 – Two violations were issued for Vectors/Odors/Litter/Nuisance.

Calendar Year 2002 – In 2002 one violation each was issued for Vectors/Odors/Litter/Nuisance and Random Load Checks.

Calendar Year 2003 – One violation was issued for not operating according to the Report of Composting Site Information, and one violation for Vectors/Odors/Litter/Nuisance.

Calendar Year 2004 - Eight violations of the Public Resources Code were documented in 2004. Seven were for violations of the terms and conditions of the permit for maintaining compostable materials on acreage outside of the JPOCF permitted acreage, and for having more material on-site than allowed by the permit.

Board staff met with the LEA on-site on February 23, 2004 to evaluate the issues and the LEA issued a Notice of Violation on March 15, 2004. In May 2004, the LEA processed a Report of Facility Information Amendment to the Report of Disposal Site Information for the Hay Road Landfill to allow compostable material handling as an aspect of the Hay Road Landfill operations. This change resulted in an LEA finding that the JPOCF was in compliance with it permit. This permit revision will expand the permit boundary of the JPOCF to include this area and remove it from the landfill permitted area.

One violation was for significant change for operating an unapproved research project. The operator submitted the required notification documents for a Research Composting Operation, which was processed by the LEA in May 2004. This permit revision will include the research operation under the JPOCF permit.

Calendar Year 2005 – No violations have been issued this year to date (January-May).

3. Report of Composting Site Information - Board staff reviewed the Report of Composting Site Information, dated May 2005, and found that it meets the requirements of Title 14, CCR, Section 17863.

B. Environmental Issues

State law requires compliance with the California Environmental Quality Act either through the preparation, circulation and adoption/certification of an environmental document and mitigation reporting or monitoring program or by determining that the proposal is categorically or statutorily exempt.

The Solano County Department of Resource Management, Planning Division, acting as lead agency, prepared and circulated a draft Subsequent Environmental Impact Report (Subsequent EIR), State Clearinghouse No. 2004032138. This environmental document describes and analyzes the proposed expansion of the Jepson Prairie Organics Composting Facility (JPOCF) as well as the future expansion of the Hay Road Landfill (HRLF). The JPOCF is located at the HRLF (48-AA-0002).

The Subsequent EIR proposed and analyzed for the expansion of the facility's *Permitted Area in Acres* from 15.2 acres to 54 acres. This includes the incorporation of an additional 6.8 acres of impermeable surface area [located immediately west of the existing (2005) 15.2 acre 'footprint'] plus the annexation of a 31.9 acre permeable area [located immediately east and south of the existing (15.2 acre impermeable surface area) and the proposed 6.8 acre impermeable surface area]. The annexation of the 31.9 acre area was not analyzed specifically in the Subsequent EIR as it is currently (2005) regulated under the HRLF Solid Waste Facilities Permit (#48-AA-0002).

The 31.9 acre area is to be used for the "curing/staging" of compost that may exceed 122 degrees Fahrenheit when transferred from the impermeable surfaces; an on-site *Permitted Capacity* of 225,000 cubic yards; an increase in the *Permitted Tons per Operating Day* from 300 tons per day (tpd) to a peak throughput of 750 tpd; a peak *Permitted Traffic Volume* of 583 vehicles per day (a subset counted against the HRLF Solid Waste Facilities Permit *Permitted Traffic Volume* of 650 vehicles per day); the addition of composting material feedstock consisting of food and green waste from San Francisco in addition to the existing green waste and agricultural material feedstock; and, an increase in the JPOCF hours of operation to correspond with the currently permitted landfill hours which are 24 hours per day, seven days per week, 361 days per year.

The Solano County Planning Commission certified the Subsequent EIR and approved the issuance of a Conditional Use Permit (CUP) on April 21, 2005. These actions by the Planning Commission were appealed by a neighbor who lives near the facility, on the basis of odor problems and other issues. The appeal was heard by the Solano County Board of Supervisors on May 24, 2005. The Board of Supervisors conditioned the approval to further mitigate potential impacts due to odors that may emanate from the facility and then certified the final Subsequent EIR and issued CUP U-91-28, Revision No. 3.

As specified in Title 27 CCR, Section 21650(f) (7), the Solano County Department of Resource Management as the Local Enforcement Agency, has determined that the proposed project is consistent with, and is supported by, the existing CEQA analysis in the final Subsequent EIR.

P&I Branch staff reviewed and commented on the draft Subsequent EIR in a letter dated November 19, 2004. The lead agency provided staff with adequate responses to these comments in the final Subsequent EIR dated March 2005. Staff has determined that the description and analysis in the Subsequent EIR is consistent with, and supported by, the project proposal.

To date, however, P&I Branch staff has not received a revised site map (cited in proposed JPOCF permit No. 48-AA-0083, Section 17.B.2.) that clearly differentiates the operational areas and acreages for each compost-related activity. As a result, staff can not make a final recommendation as to whether the proposed JPOCF permit reflects, and is supported by, the project analyzed in the Subsequent EIR.

If the site map is received prior to the Board meeting and is found to be consistent with the referenced Subsequent EIR, P&I Branch staff will recommend that the environmental document cited above is adequate for the Board's environmental

evaluation of the proposed project (concurrence on revised SWFP No. 48-AA-0083) for those project activities which are within the Board's expertise and/or powers, or which are required to be carried out or approved by the Board.

C. Program/Long Term Impacts

Based on available information, staff is not aware of any program, or long-term impacts related to this item.

D. Stakeholder Impacts

At the Planning Commission hearing on the project April 21, 2005, and the Board of Supervisors meeting on May 24, 2005, some neighbors spoke in opposition to the proposed expansion of the facility and raised issues relative to odors. Organic farmers and nursery operators who use the compost product spoke in favor of the project, citing the quality of the product and the completion of the cycle of returning the food waste as a crop enhancement to grow food again. The Board of Supervisors approved the project at their June 7, 2005, meeting.

E. Fiscal Impacts

No fiscal impacts to the Board results from this item.

F. Legal Issues

Based on available information, staff is not aware of any legal issues related to this item.

G. Environmental Justice

Community Setting. The zoning designations surrounding the facility include the following:

- North – Agricultural land with minimum parcel sizes of 80 and 160 acres.
- South, West, and East – Landfill activities associated with the Hay Road Landfill.

There are no residential structures within 1,000 feet of the permitted facility boundaries.

According to the 2000 Census, the population of Census Tract 2529 consists of the following:

US Census Bureau Data Census 2000 Census Tract 2529.04 -Race	**All Ages**	
	Number	**Percent**
White	63,909	72.1
Black or African American	8,880	10
American Indian or Alaska Native	856	1
Asian	3,706	4.2
Native Hawaiian and Other Pacific Islander	403	.5
Some other race	5,970	6.7
Two or more race	4,901	5.5
Total Population	88,625	100

Of the total population in census tract 2529, 17.9 percent identify themselves as having Hispanic or Latino origin. The median household income is $57,667 and

4.3 percent of the families are below the poverty level.

Community Outreach. The LEA did not receive any comments on the permit application. This is a new permit so the LEA was not required to conduct a public hearing pursuant to AB 1497. The project was subject to hearings by the Solano County Planning Commission and the Board of Supervisors.

Environmental Justice Issues. Based on available information, staff is not aware of any environmental justice issues related to this item.

H. 2001 Strategic Plan

This item supports Strategic Plan Goal 4: Managing and mitigating the impacts of solid waste on public health and safety and the environment and promoting integrated and consistent permitting, inspection, and enforcement efforts by acknowledging through cooperation with the LEA enforcement of a permit consistent with current environmental principles.

This item supports Strategic Plan Objective 1: Through consistent and effective enforcement or other appropriate measures, ensure compliance with federal and state waste management laws and regulations by concurring in a permit consistent with current statute and legislation.

VI. FUNDING INFORMATION

This item does not require any Board fiscal action.

VII. ATTACHMENTS

1. Vicinity Map
2. Site Map
3. Proposed Permit Number 48-AA-0083
4. Resolution Number 2005-188

VIII. STAFF RESPONSIBLE FOR ITEM PREPARATION

A. Program Staff: Christine Karl **Phone:** (916) 341-6405
B. Legal Staff: Michael Bledsoe **Phone:** (916) 341-6058
C. Administration Staff: N/A **Phone:** N/A

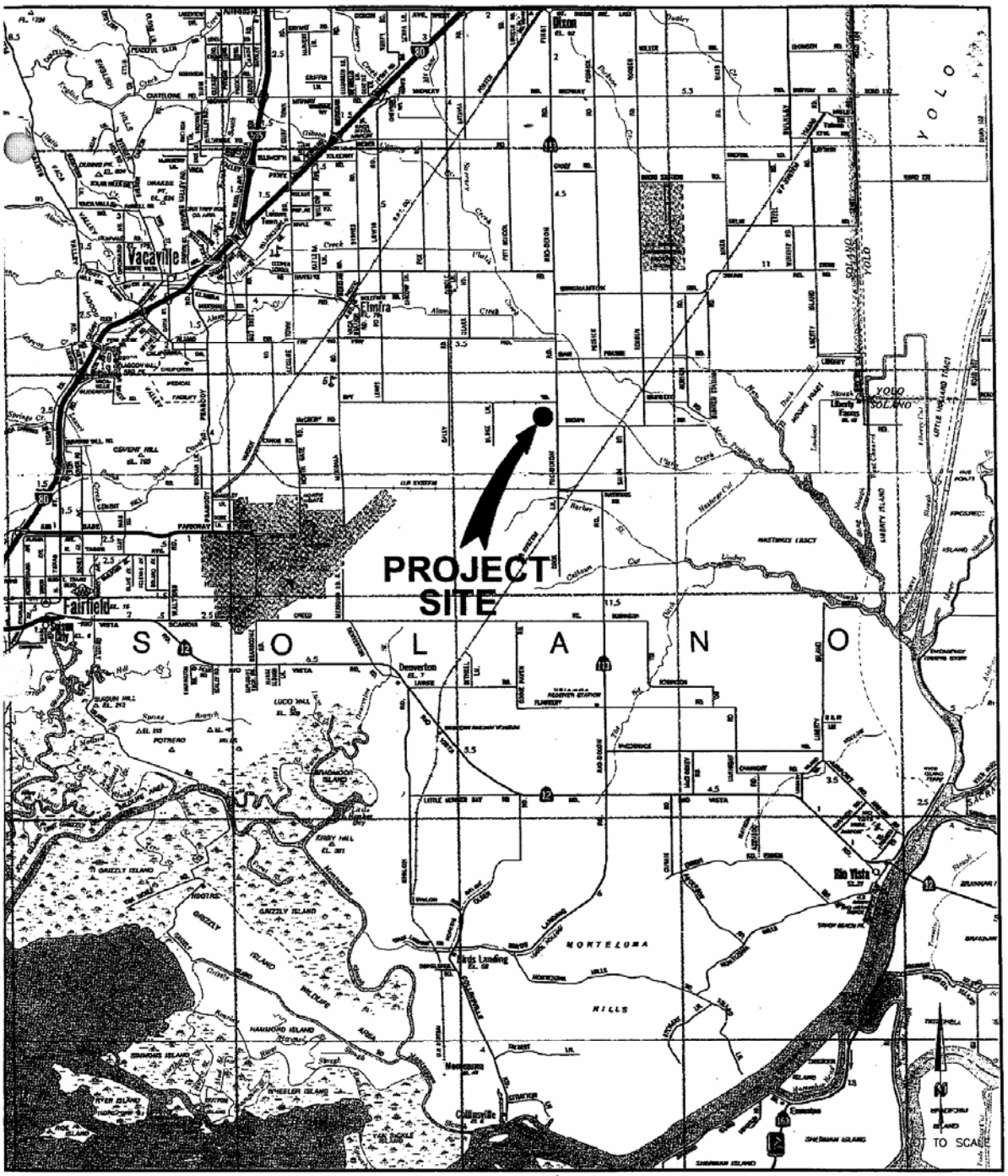
IX. WRITTEN SUPPORT AND/OR OPPOSITION

A. Support

Board staff is unaware of any specific written support for this item.

B. Opposition

Board staff is unaware of any specific written opposition for this item.



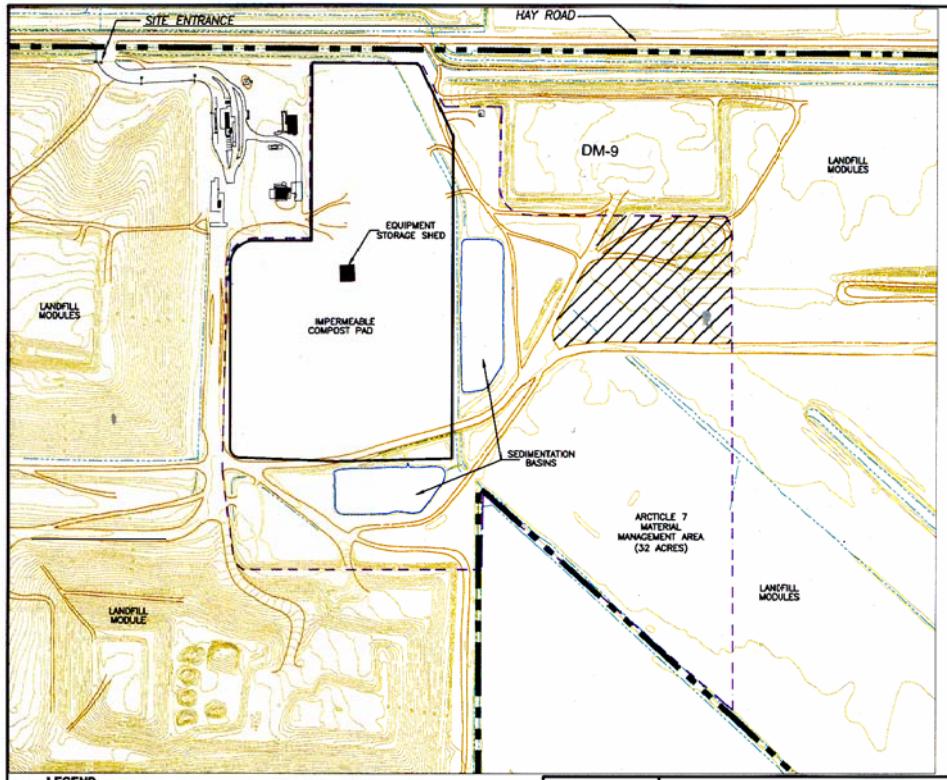
EBA

SITE VICINITY MAP

JEPSON PRAIRIE ORGANICS COMPOSTING FACILITY
SOLANO COUNTY, CALIFORNIA

FIGURE
1

JANUARY 2002
0:\01-888
SITE PLAN JPOCF.DWG



OPERATION	APPROXIMATE SPATIAL DESIGNATIONS
IMPERMEABLE COMPOST PAD	UP TO 22 ACRES AVAILABLE
FEEDSTOCK RECEIPT AND PROCESSING	2 ACRES
WINDROW/BAG PROCESSING	19 ACRES
MATERIAL SCREENING AND REMOVAL	1 ACRE
ARTICLE 7 MATERIAL MANAGEMENT AREA	32 ACRES AVAILABLE (AVAILABLE AFTER CLOSURE OF LTU)
STAGING	24.6 ACRES (LIMITED UNTIL CLOSURE OF LTU; THEN 30 ACRES)
MATERIAL SCREENING AND REMOVAL	2 ACRES
LAND TREATMENT UNIT	5.4 ACRES (UNTIL OCTOBER 2006)

300 0 300

SCALE : 1" = 300'

(IF DRAWING IS NOT PRINTED AT 11"x17" DRAWING SCALE WILL NOT BE CORRECT)

LEGEND

COMPOSTING FACILITY MAXIMUM PERMITTED OPERATIONS LIMIT

LANDFILL PERMITTED BOUNDARY

LAND TREATMENT UNIT

EBA

COMPOST FACILITY SCHEMATIC

JEPSON PRAIRIE ORGANICS COMPOSTING FACILITY
SOLANO COUNTY, CALIFORNIA

FIGURE
4

JULY 2005
01-888

Q:\01-888\site plan schematic facility.dwg, SCHEMATIC FIG 4, 07/15/2005 09:47:40 AM

COMPOSTABLE MATERIALS HANDLING FACILITY PERMIT

1. Facility/Permit Number: **48-AA-0083**

2. Name and Street Address of Facility:
JEPSON PRAIRIE ORGANICS COMPOSTING FACILITY
6426 Hay Road
Vacaville, California 95687

3. Name & Mailing Address of Operator:
JEPSON PRAIRIE ORGANICS COMPOSTING FACILITY
6426 Hay Road
Vacaville, CA 95687
Contact: Mr. Greg Pryor

4. Name and Mailing Address of Owner:
JEPSON PRAIRIE ORGANICS COMPOSTING FACILITY
6426 Hay Road
Vacaville, CA 95687

5. Specification: a. Permitted Operations:

[X] **Composting Facility**
[ ] Transfer Station
[ ] Landfill Disposal Site
[ ] Material Recovery Facility
[ ] Processing Facility
[ ] Transformation Facility
[ ] Other:

b. Permitted Hours of Operations:

7 days/week, 24 hours/day. The composting operation will be open to the public from 8:00 AM to 4:00 PM, 7 days/week, 361 days per year (closed on 4 holidays: New Year's Day, Easter, Thanksgiving, Christmas Day). Arrangements are made with commercial haulers to bring feedstock in earlier or later than general hours of 8:00 AM to 4:00 PM.

c. Permitted Tons per Operating Day:

Permitted tonnages will be up to 600 tons per day averaged over 7 day week with a peak of 750 tons per day, provided that the Facility is in full compliance with Section 17.B.

d. Permitted Traffic Volume:

500 Vehicles/Day Total combined traffic for both Jepson Prairie Organics Composting and Hay Road Landfill
650 Vehicles/Day Daily Peak traffic including Jepson Prairie Organics Composting and Hay Road Landfill

e. Key Design Parameters (Detailed parameters are shown on site plans bearing LEA and CIWMB validations):

	Total	Disposal footprint	Transfer Station	MRF	Composting	Transformation
Permitted Area (in acres)	* 54	Separate Permit	N/A	N/A	* 54	N/A
Permitted Capacity	[redacted]	[redacted]	N/A	N/A	225, 000 yd^3	N/A
Max. Elevation (Ft. MSL)	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
Max. Depth (Ft. MSL)	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
Estimated Closure Date	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

* Please refer to the May 2005 RCSI, page 7. Section C, Facility Layout and Figure 4 (Q:\01-888) for the description of the Land Treatment Unit (LTU) operated by Norcal Waste Systems Hay Road Landfill within the composting permit boundary.

The permit is granted solely to the operator named above, and is not transferable. Upon a change of operator, this permit is no longer valid. Further, upon a significant change in design or operation from the described herein, this permit is subject to revocation or suspension. The attached permit findings and conditions are integral parts of this permit and supersede the conditions of any previous issued solid waste facility permits.

6. Approval:

Birgitta Corsello, Director
Solano County Environmental Management Department

Approving Officer Signature

7. Enforcement Agency Name & Address:
Solano County LEA
Resource Management Department
675 Texas Street, Suite 5500
Fairfield, CA 94533

8. Received by CIWMB: JUL 15 2005

9. CIWMB Concurrence Date:

10. Permit Review Due Date:

11. Permit issued Date:

COMPOSTABLE MATERIALS HANDLING FACILITY PERMIT	Facility/Permit Number: 48-AA-0083

12. Legal Description of Facility (attach map with RCSI):

The Facility occupies **54 acres of land** within the Norcal Waste Systems Hay Road Landfill. The landfill is located in Township 5N, Range 1E, Mount Diablo Basin & Meridian; Solano County Assessor's Parcel Nos. 042-02-060 & 042-02-280.

13. Findings:

a. This permit is consistent with the latest Solano County Integrated Waste Management Plan, revised November 1995, amended and approved by the CIWMB.

b. The location of the facility is identified in the Solano Countywide Siting Element or Non-disposal Facility Element, pursuant to Public Resources Code (PRC), Section 50001(a).

c. This permit is consistent with the standards adopted by the CIWMB, pursuant to PRC 44010.

d. The design and operation of the facility is consistent with the State Minimum Standards for Composting as determined by the Enforcement Agency, pursuant to PRC 44009.

e. Environmental Determination: The following documents have been prepared, processed and certified pursuant to the California Environmental Quality Act of 1970, as amended:

i) Environmental Assessment for an Amended Use Permit for the B&J Drop Box Landfill, Nichols and Berman, Environmental Planning and Resource Management, April 1983. Adopted by Solano County Planning Commission.

ii) Solano County Department of Environmental Management, Mitigated Negative Declaration for the B&J Drop Box Sanitary Landfill Project, August 13, 1991, State Clearinghouse Number 91083038. Adopted by Solano County Planning Commission.

iii) B&J Landfill Master Development Plan, Final Environmental Impact Report and Response Document, Brown and Caldwell, April 1993, State Clearinghouse Number 92063112. Adopted by Solano County Planning Commission.

iv) Solano County Department of Environmental Management B&J Landfill Modified Master Development Plan, Initial Study and Negative Declaration, 6 September 1995, State Clearinghouse Number 95093048. Adopted by Solano County Planning Commission.

v) Mitigated Negative Declaration, filed with the State Clearinghouse (SCH # 2001032035) on March 06, 2001, and adopted by the Solano County Department of Environmental Management on April 16, 2001.

vi) Final Subsequent Environmental Impact Report for the Norcal Waste Systems, Inc. Hay Road Landfill Project, March 2005. SCH No. 2004 032 138. Certified by the Solano County Board of Supervisors, June 07, 2005.

f. This facility is designated as a solid waste site in the Land Use and Circulation Element of the Solano County General Plan and the site and surrounding land use is compatible with the facility operation (PRC Section 50000.5(a) & (b). The Land Use and Circulation Element was adopted on 19 December 1990 with subsequent amendments.

g. The operator has made proper notification to, and received a written response of approval from, Travis Air Force Base and the Federal Aviation Administration in conformance with 27 CCR Sections 20270 and 21600(b)(3)(A).

h. The permitted area of the Facility includes 5.4 acres allocated for the drying of biosolids from July 2005 until October 15, 2008.

14. Prohibitions:

a. The following activities are prohibited:
   (1) Scavenging
   (2) Salvaging
   (3) Off site migration of litter
   (4) Discharge of waste off-site
   (5) Standing water on feedstock, windrows areas
   (6) Vector propagation or harborage

b. New operations may not begin without prior submittal of amendments to the RCSI, appropriate permit revision and modifications, and written approvals are received from the LEA, CIWMB, RWQCB Central Valley Region, Yolo-Solano Air Quality Management District, Dixon Fire Department, or other appropriate agencies.

c. The permittee is prohibited from accepting or bringing onto site any arsenic pressure treated wood or wood treated with lead based paint for use in composting.

d. The use of amendments and/or additives for composting shall be allowed only if these materials do not render the finished compost product as hazardous.

e. The operator shall not exceed the approved composting footprint of **54 acres** and the design capacity of **225,000 yd³** for materials undergoing the composting process.

f. The Facility footprint is 54 acres as described in Figure 4 (Q:\01-888) of the May 2005 RCSI. No changes and/or expansions to the approved composting footprint will be made without the revision of the permit.

g. As specified in Title 14 CCR, Chapter 3.1, Article 7, Section 17868.1, no compost products shall leave the premises without meeting the maximum acceptable metal concentration limits specified in Section 17868.2, and pathogen reduction requirements specified in Section 17868.3.

h. Unless specifically permitted or allowed under Title 14, Division 7, Chapter 3.1 of the California Code of Regulations, the facility shall not accept the following materials:
   (1) Designated wastes as defined in Title 23, Chapter 15, Section 2522 of the California Code of Regulations
   (2) Municipal Solid Wastes
   (3) Hot Ashes/Burning materials
   (4) Medical wastes as defined in Section 25023.2 of the Health & Safety Code
   (5) Hazardous wastes as defined in Section 25117 of the Health & Safety Code, including household hazardous waste

COMPOSTABLE MATERIALS HANDLING FACILITY PERMIT

Facility/Permit Number:
48-AA-0083

15. **The following documents describe and/or restrict the operation of this facility:**

Document	Date	Document	Date
Report of Composting Site Information for the Jepson Prairie Organic Composting Facility Odor Impact Minimization Plan Fire Safety Plan	May 2005	Solano County Department of Environmental Management, B&J Landfill Modified Master Development Plan, Initial Study and Negative Declaration, State Clearing House Number 95093048. Adopted by Solano County Planning Commission.	September 1995
Waste Discharge Requirements Order No. R-5-2003-0118	July 2003	Solano County Department of Environmental Management, B&J Landfill Initial Study and Mitigated Negative Declaration, State Clearing House Number SCH # 2001032035, and MMRP. Adopted by Solano County Department of Environmental Management.	April 2001
APCD Composting Operation Pending Permit # C-05-90	May 18, 2005	Hazardous Materials Management Plan and Emergency Response Plan. EPA-ID CAD982042475	July 2004 Revision
Solano County Board of Supervisors, General Plan, Land Use and Circulation Element. Adopted on 19 December 1980.	1983 Revision 1992 Amendment	Solano County Conditional Use Permit No U-91-28 Revision No 3	June 07, 2005
Sedimentation, Drainage and Erosion Control Plan for the B&J Drop Box Sanitary Landfill, Solano County, California. Norcal Solid Waste Systems.	September 1991	Solano County Reclamation Plan No. RP-9104, granted by the Solano County Planning Commission.	May 1993
Solano County Planning Division letter to Environmental Health – Administrative Record for the 54 acres composting footprint	May 20, 2005		

COMPOSTABLE MATERIALS HANDLING FACILITY PERMIT

Facility/Permit Number:
48-AA-0083

16. Self Monitoring:

Results of all self-monitoring programs as described in the Report of Composting Site Information, will be reported as follows:

Program	Reporting Frequency	Agency Reported To
1) Calculate the types and quantities (in tons) of all feedstock entering the facility per day (including conversion factors used for any materials not weighed); the average tonnage per week (calculated over a 7 day period); and the quantity of finished compost (or other material) shipped off site per week including compost overs (in cubic yards) transferred to the adjacent landfill.	Monthly*	LEA **
2) The type, quantity and description of use of all amendments, additives, and bulking agents used in the composting operation.	Monthly *	LEA **
3) Log nuisances complaints including the time, source (name of company if commercial source) type of feedstock, nuisance condition (i.e. odorous, litter or municipal solid waste, other); final disposition of load (i.e. landfilled if odorous, rejected, incorporated within 24 hours if food waste feedstock)	Monthly *	LEA *
4) Log of special or unusual occurrences, i.e. accidents, injury, fires, explosions, hazardous waste incidents, unexpected shutdowns, etc and the operator's response to correct the problem.	Quarterly *	LEA **
5) Results of the hazardous waste load checking program, including quantities and types of hazardous wastes, medical wastes or otherwise prohibited wastes found in the waste stream and the disposition of these materials.	Quarterly *	LEA **
6) Report all complaints regarding the facility and the operator's actions taken in response to the complaint. Notify the LEA within one day of the action taken. Copies of all written complaints and each operator generated report for a verbal complaint regarding the Facility, and a summary of the operator's actions taken to resolve each complaint.	Within 24 hours or receipt *	LEA, CIWMB **
7) Report the number of vehicles entering the Facility per day of operation.	Quarterly*	LEA ** Public Works **
8) Analytical laboratory results of required metal concentrations and pathogen reduction monitoring program: Each report form shall clearly display the official name of the facility, the date the sample was taken, the date the analysis was completed, where the sample was collected (ID the windrow or Ag-Bag pile), and results of analysis.	Available on site	LEA **
9) Inventory of all compostable materials on site (in cubic yards) broken down by category submitted by January 25 and July 25 of each year, including: feedstock by type (i.e. food waste, green waste, other); amendment, additives and bulking agents; active Ag-Bags, windrows, Article 7 Materials and finished product.	Semi-Annual*	LEA *
10) Daily monitoring of weather data: temperature, wind speed and direction, weather conditions. Temperature monitoring and turning records for all windrows, Ag-Bags, active and stored compost.	Available on-site	LEA **
11) An employee training log with dates of training, course descriptions, etc, shall be maintained and kept current.	Available on site (* = Reporting due by the 25th of the month following the end of the reporting period, OR else when due as specified by the controlling regulatory authority, submitted as monthly operations report.)	LEA ** (** = Plus reporting to all other local, state and federal regulatory authority with jurisdiction at the facility as required by said agency.)

COMPOSTABLE MATERIALS HANDLING FACILITY PERMIT	Facility/Permit Number: 48-AA-0083

17. LEA Conditions:

(NOTE: LEA conditions listed here shall be **in addition** to conditions of other documents controlling operation of this facility, and do not take place of, or absolve from, compliance with such regulations or conditions)

A. Requirements:

1. The operator shall comply with all State Minimum Standards of Solid Waste Handling set forth in Title 14, Division 7, Chapter 3.1 (commencing with Section 17850) of the California Code of Regulations. The operator shall not operate this facility without possession of all required permit/regulatory approvals. The operator shall inspect the site at least once each day of operation to ensure compliance with all applicable standards/conditions/mitigation/permits/regulations.

2. The operator shall comply with all federal, state and local requirements and enactments including all mitigation and monitoring measures developed in accordance with any certified environmental document filed pursuant to Public Resources Code Section (PRC) 21081.6, and all administrative/enforcement orders of all regulatory agencies with jurisdiction at this facility. Those requirements include but are not limited to the Yolo-Solano Air Quality Air Management District, California Integrated Waste Management Board, Central Valley Regional Water Quality Control Board, Dixon Fire Department.

B. Provisions:

1. The operator shall maintain a copy of this Compostable Handling Materials Facility Permit, the Report of Composting Site Information, Odor Impact Minimization Plan, and other governing documents at the facility to be available during working hours to facility, enforcement agency, or board personnel. The operator shall maintain and make available for inspection by the enforcement agency and board all correspondence and reports provided to other regulatory agencies that have jurisdiction over the facility.

2. The Facility footprint shall consist of 54 acres to support the composting operations, as described in Figure 4 (Q:\01-888) of the May 2005 RCSI. No changes and/or expansions to the approved footprint will be made without the revision of the permit.

3. The composting operations are allowed 7 days/week, 24 hours/day. The composting facility will be open to the public and to commercial haulers from 8:00 AM to 4:00 PM, 7 days a week, 361 days per year (closed on 4 holidays). Arrangements are made with commercial haulers to bring feedstock in earlier or later than general hours of 8:00 AM to 4:00 PM.

4. JPO must comply with Yolo-Solano Air Quality Management District issued requirements. Until Yolo-Solano Air Quality Management District authorization is issued, the facility shall be limited to receiving a maximum of 300 tons per day averaged over seven days per week. At no point shall the facility accept greater than 600 tons per day averaged over a seven day week with a peak of 750 tons per day, and all activities shall comply with facility Conditional Use Permit conditions.

5. Composting operations conducted at the Facility shall be maintained in compliance with the approved Dixon Fire Department Fire Safety Plan, pursuant to Public Resources Code Section 44151.

6. Operations on all areas of the facility used for the receipt, processing, storage, staging and production of compostable materials shall comply with the requirements of the Central Valley Regional Water Quality Control Board.

7. A legible sign shall be posted at the main entrance of the facility that indicates the name of the facility, the address, the name of the Contact person, and the phone number where the operator or designee can be reached in case of an emergency or to file a complaint about any nuisance condition originated at the site.

8. The number or vehicles that access the composting facility per day plus the number of vehicles that enter the adjacent landfill shall not exceed the permitted vehicles per day authorized in the current Hay Road Landfill's Solid Waste Facility Permit. **500 vpd**: Total vehicles per day (averaged over 7-day week) and a daily peak of **650** vehicles/day.

9. The operator shall be responsible for identifying the types of feedstock accepted for processing which includes green, agricultural and food materials consistent with Title 14 CCR, 17852.

10. The operator shall maintain a copy of each written complaint and each operator-generated report for a verbal complaint regarding this facility, and a summary of the operator's actions taken to resolve each complaint. All regulatory notices from other entities requiring corrective action shall be considered written complaints.

11. Additional clarifying information concerning the design and operation of the composting facility shall be furnished upon written request of the enforcement agency, or the CIWMB.

12. The operator shall maintain a log of special/unusual occurrences. This log shall include, but is not limited to, fires, explosions, the discharge and disposition of hazardous or unpermitted wastes, and significant injuries, accidents or property damage. Each log entry shall be accompanied by a summary of any actions taken by the operator to mitigate the occurrence. The log shall be available to site personnel and the EA during working hours.

13. Compost windrows and Ag Bags shall be constructed and handled in such a manner that limits the attraction of animals, birds and vectors to the site. On-site litter shall not be allowed to accumulate so as to create nuisance condition. Compostable materials shall be handled in such a manner that does not create impacts to sensitive receptors. Odor complaints received shall be reported to the LEA in accordance to the current Odor Impact Minimization Plan.

14. The operator shall properly equip and maintain noise attenuation and spark arrestor devices (such as mufflers) on all combustion engines utilized at this facility. All equipment components shall be maintained in good mechanical condition and properly operated to prevent excessive noise levels and circumstances capable of starting accidental fires.

COMPOSTABLE MATERIALS HANDLING FACILITY PERMIT	Facility/Permit Number: 48-AA-0083

17. LEA Conditions:

Provisions (Continued)

15. Feedstock having biological, chemical or other physical properties which could cause health and safety or operational problems without special handling; construction/demolition/municipal solid waste; infectious waste; dead animals; full or empty pesticide containers; are prohibited from being accepted at this facility. The LEA maintains the right to restrict or prohibit any material which by the result of moisture or any other characteristic prevents or inhibits proper handling of the material. Proper handling includes, but is not limited to the handling/processing of the compostable material to limit or prevent offsite odor impacts.

16. Food waste feedstock shall be incorporated into the Ag Bags within 24 hours. Source treatment of food waste feedstock will be conducted prior to arrival to the facility as specified in the latest approved OIMP and RCSI. Additional material shall not be accepted into facility until such time as backlogged material is removed or placed into Ag Bags and windrows.

17. All incoming feedstock shall be tipped and stored only on a pad of impervious surface.

18. The operator shall maintain a current list of available back-up equipment in the event of equipment failure.

19. All odor controlling devices shall be maintained in working order, as specified in the most current Odor Impact Minimization Plan.

20. Grinding and screening operations shall not occur during high wind conditions and be conducted in a manner that will not create off-site impacts.

21. Only non-hazardous odor neutralizers shall be used for odor control, as specified in the most current Odor Impact Minimization Plan. A copy of the current Material Safety Data Sheet (MSDS) shall be made available for review.

22. Odor Complaint response shall be initiated as depicted in the approved "Odor Impact Minimization Plan."

23. All piles of compostable material that are stored on site shall be clearly identified and labeled.

24. The operations shall include the following onsite activities:

    (a) Maintaining windrows in an aerobic condition
    (b) Maintaining the appropriate windrow moisture content
    (c) Maintaining adequate windrow temperatures throughout pathogen reduction period
    (d) Controlling dust through routine application of water
    (e) Providing personal protection equipment to personnel in close contact with composting materials

27. The permitted operator of the NWSHRLF shall be responsible for compliance with the State Minimum Standards related to the 5.4 acre Land Treatment Unit within the compost permitted boundary.

28. This permit supersedes the solid waste facility permit (Standardized) 48-AA-0083 issued 08-98.

C. Specifications:

1. The LEA reserves the right to suspend and/or modify the receipt of feedstock materials and handling operations at this facility when deemed necessary due to any emergency, potential health hazard, and/or public nuisance.

2. The facility shall not be operated so as to cause public nuisance as determined by the EA.

3. *A Compliance Officer (CO) shall be designated as specified in Conditional Use Permit (CUP) No 70 to oversee the facility materials tracking* system from inbound feedstock through final product stages to prevent or eliminate any nuisance conditions including but not limited to odors, litter, dust, fires, vectors, etc. The CO or designee shall monitor the load checking of inbound feedstock, the processing and the storage of all feedstock and compost, monitor and record wind and weather conditions throughout the hours of operation, noting times of day conditions, changes and modifications to site operations to prevent nuisance conditions, the status of all verbal and written complaints, oversee and be responsible for keeping the EA informed of any new techniques, products used or changes in operation to prevent or eliminate nuisance conditions, and be responsible for providing and maintaining all records required by the EA to help identify any nuisance conditions at the site.

4. The LEA reserves the right to require additional measures as needed to adequately control nuisances resulting from composting operations.

5. This facility shall comply with the Solano County Countywide Integrated Waste Management Plan and any future amendments or revisions to this plan.

6. No expansion of the facility's operation shall commence until additional environmental review is conducted and all required permits are obtained.

7. This permit is subject to review by the LEA and may be suspended, revoked or modified at any time for sufficient cause after hearing by the LEA Hearing Panel.

COMPOSTABLE MATERIALS HANDLING FACILITY PERMIT	Facility/Permit Number: 48-AA-0083

8. The operator shall submit an application for revision to this Compostable Handling Materials Facility Permit for any proposed significant change in design or operation at least 180 days prior to the expected implementation of the design or operation as required by PRC Section 44004(b).

9. Under no circumstances shall the operator make changes in operations without written approval of Solano County LEA. Any significant change as determined by the LEA will require a revision of this permit with concurrence by the CIWMB.

10. All design and operational features in the RCSI shall be considered EA conditions under this section of the permit, unless otherwise contradicted by this permit document or indicated by the EA in a written document provided to the operator.

11. This facility is allow to use up to 5.4 acres of the compost footprint located immediately south of DM-9 for the drying of biosolids (April 15 to October 15) in a Land Treatment Unit (LTU), from the date of this permit is issued until October 15 of 2008. At the end of this period, the drying area shall be tested for constituents of concern and clean closed as specified in WDR No R-5-2003-0118. Article 7 materials will be staged in this area pending accepted analytical results of the testing.

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CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Resolution 2005-188 (Revised)

Consideration Of A New Full Solid Waste Facilities Permit (Compostable Materials Handling Facility) For The Jepson Prairie Organics Composting Facility, Solano County

WHEREAS, the Solano County Department of Resource Management, acting as the local enforcement agency, has submitted to the Board for its review and concurrence with, or objection to, a proposed full solid waste facilities permit for Jepson Prairie Organics Composting Facility; and

WHEREAS, the proposed permit will revise the current permit by increasing permitted tonnage from 300 to 750 tons per day and allowing up to 225,000 cubic yards of material on-site; increasing facility acreage from 15 to 54 acres and; increasing in operating hours to 24 hours/day 361 days/year; and

WHEREAS, the Solano County Planning Department, acting as the lead agency, prepared and certified on April 21, 2005 a Final Subsequent Environmental Impact Report, State Clearinghouse Number 2004032138; and

WHEREAS, the LEA has certified that the application package is complete and correct and that the proposed revised permit is supported by the CEQA document that was prepared for the project; and

WHEREAS, Board staff have evaluated the proposed permit and application package for consistency with standards adopted by the Board; and

WHEREAS, the Board finds the proposed permit is consistent with the California Environmental Quality Act; and

WHEREAS, the Board finds that all state and local requirements for the proposed permit have been met; and

WHEREAS, Board staff finds the facility is in compliance with state minimum standards; and

NOW, THEREFORE, BE IT RESOLVED that the California Integrated Waste Management Board concurs in the issuance of Solid Waste Facilities Number 48-AA-0083.

CERTIFICATION

The undersigned Executive Director, or his designee, of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on July 19-20, 2005.

Dated:

ORIGINAL SIGNED BY DESIGNEE

Mark Leary
Executive Director

California Integrated Waste Management Board

Board Meeting

July 19-20, 2005

AGENDA ITEM 8

ITEM

Consideration Of Adoption Of The Proposed Regulations For Waste And Used Tire Haulers Regarding Retreaders

I. ISSUE/PROBLEM STATEMENT

The purpose of this item is to continue the formal process of making the current emergency Waste Tire Hauler Registration and Manifesting regulations regarding retreaders (Retreader Trip Log Regulations) permanent.

At the June 8, 2005 Special Waste Committee Meeting, the Committee directed staff to make additional changes to the proposed Retreader Trip Log Regulations, which include a sunset provision for the Retreader Trip Log (Sec. 18449(c)). The Committee also directed staff to notice the proposed changes for an additional 15-day comment period. At the time this item was published, the 15-day comment period had not ended. At the Board Meeting, staff will provide an update on any comments that were received during the 15-day comment period.

Of special interest is the fact that emergency regulations enacting the Comprehensive Trip Log (CTL) were filed by the Office of Administrative Law with the Secretary of State on June 13, 2005. Under the sunset provision in proposed Section 18449(c), the Retreader Trip Log will be phased out and replaced by the CTL.

If there are no further recommended changes to this rulemaking, staff will recommend that the Board adopt the proposed Retreader Trip Log Regulations.

II. ITEM HISTORY

The history for this item was presented in Agenda Item 27 for the June 2004 Board Meeting (Attachment 1). Briefly, beginning in 1996 with the Waste Tire Hauler Registration and Manifesting Regulations, the Retread Industry invoiced individual tire casings for retread, recapping, or regrooving on their own receipt forms, and was allowed to attach a copy of that invoice to a single manifest form for that day's route. With the implementation of the California Uniform Waste and Used Tire Manifest System in July 2003, the Retread Industry has been required to manifest every transaction with a separate manifest form. Additionally, a Tire Trip Log had to be completed. The Retread Industry felt that this process was unduly burdensome. They contended that tire casings are still under the property ownership of their customer and will be returned to them, unlike the other types of used or waste tire businesses where the waste or used tires pass through various ownerships.

The Retread Industry asked for an accommodation which would apply to all retreaders. For this reason, the Board adopted the emergency Retreader Trip Log Regulations in 2004 (Attachment 1), to be followed up with permanent regulations. Under the emergency regulations, a retreader would become self-certified with the CIWMB.

The self-certified retreader would then complete the Retreader Trip Log for each casing pickup. A customer invoice could then be substituted for a Manifest Form.

The emergency Retreader Trip Log Regulations became effective on August 20, 2004. The proposed non-emergency regulations were sent out for public comment on February 25, 2005. A public hearing for the proposed regulations was held on April 25, 2005. No comments were received during the comment period or at the public hearing. At the June 2005 Special Waste Committee Meeting, the Committee directed staff to notice additional proposed changes for a 15-day comment period.

Concurrently, at the April 2005 Board Meeting, the Board approved emergency regulations that revise the current Waste and Used Tire Hauler Registration and Manifesting regulations by implementing a new CTL form while phasing out the current Waste Tire Manifest Form and Tire Trip Log. The emergency CTL Regulations became effective on June 13, 2005, when the Office of Administrative Law filed the regulations with the Secretary of State's Office. Detailed information regarding the Comprehensive Trip Log can be found in Attachment 2.

III. OPTIONS FOR THE BOARD

1. Adopt the proposed non-emergency regulations with no further changes; find the proposed regulations exempt from the California Environmental Quality Act (CEQA) process requirements, and direct staff to complete the rulemaking process with the Office of Administrative Law, and adopt Resolution Number 2005-193.
2. Recommend changes to the proposed non-emergency regulations and direct staff to notice the changes for a 15-day comment period.
3. Not adopt the proposed non-emergency regulations, and allow the emergency regulations for retreaders to expire.

IV. STAFF RECOMMENDATION

Board staff recommends Option 1: Approve the proposed regulations for adoption with no further changes; find the proposed regulations exempt from the CEQA process requirements, and direct staff to complete the rulemaking process with the Office of Administrative Law, and adopt Resolution Number 2005-193.

V. ANALYSIS

A. Key Issues and Findings

An analysis of the current proposed regulatory changes to the Waste Tire Hauler Registration and Manifesting Regulations regarding retreaders may be found in Attachment 1. The only significant change between the emergency and proposed non-emergency Retreader Trip Log Regulations is the addition of proposed Section 18449(c). Paragraph (c) sunsets the Retreader Trip Log when the non-emergency

CTL provisions become effective. This means that retreaders will be able to continue using the Retreader Trip Log as long as the emergency CTL regulations are in place. As noted earlier, the emergency regulations enacting the CTL were filed by the Office of Administrative Law with the Secretary of State on June 13, 2005.

Both the Retreader Trip Log and the CTL simplify the manifesting process. However, the CTL was not available a year ago when the Retread Industry approached the Board seeking relief from the California Uniform Waste and Uniform Manifest System. A year ago, the Board responded to the Retread Industry's need by adopting emergency regulations that implemented the Retreader Trip Log. However, only about thirty of the sixty retreaders in California have been using the Retreader Trip Log, and the number is dropping as more retreaders convert to Electronic Reporting.

The CTL, on the other hand, is intended to apply to all waste tire haulers. When the CTL was presented to the Board in April 2005, it received widespread support from stakeholders, including the Retread Industry.

Attachments 3a, 3b and 3c, present the proposed Retreader Trip Log Regulations being considered by the Board for adoption. The underline and strikeout are used to designate the proposed changes. The CTL provisions are included with no underline or strikeout, because the emergency CTL Regulations are in now in effect.

B. Environmental Issues

Compliance with the CEQA for this Rulemaking:

Title 14, California Code of Regulations, Division 6, Chapter 3, Article 19, Section 15308 - Actions by Regulatory Agencies for Protection of the Environment, is the appropriate categorical exemption supporting the proposed amendments' exemption from CEQA.

> "Class 8 consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment."

If the Board determines the regulatory amendments are exempt from CEQA pursuant to the above noted exemption, staff will file a Notice of Exemption with the State Office of Planning and Research.

C. Program/Long Term Impacts

As it happened, the Board adopted the emergency Retreader Trip Log Regulations approximately a year ahead of the CTL Regulations. About thirty of the sixty retreaders in California are using the Retreader Trip Log. This number will continue to drop as more retreaders convert to Electronic Reporting. By phasing out the Retreader Trip Log, the Board will no longer have to print and process this form, and the retreaders will continue to benefit from the reduction in paperwork by using the new CTL. The Manifest Program will be less confusing, and there will be less staff resources needed.

D. Stakeholder Impacts

See above discussion under Paragraph C.

E. Fiscal Impacts

The expense of modifying computer software and hardware and developing and printing forms has already been incurred under the emergency Retreader regulations enacted this time last year. By eliminating the Retreader Trip Log, the Board will experience a cost savings by not having to continue printing and processing this form. This change will make the Manifest Program more cost effective.

F. Legal Issues

None.

G. Environmental Justice

The "California Uniform Waste and Used Tire Manifest System" is equally and uniformly applied to all applicable parties throughout the State of California regardless of income, population density, race, or ethnic origin.

H. 2001 Strategic Plan

This item supports the Strategic Plan:

Goal 4, Objective 1: "Through consistent and effective enforcement or other appropriate measures, ensure compliance with federal and State waste management laws and regulations."

VI. FUNDING INFORMATION

This item does not require any Board fiscal action.

VII. ATTACHMENTS

1. Agenda Item 27, CIWMB June 2004 Board Meeting
2. Agenda Item 23, CIWMB April 2005 Board Meeting
3.
    a. Proposed Non-Emergency Regulatory Text
    b. Retreader Self-Certification
    c. CA Retreader Trip Log Form
4. Resolution Number 2005-193

VIII. STAFF RESPONSIBLE FOR ITEM PREPARATION

A. Program Staff: Tom Micka **Phone:** (916) 341-6420

B. Legal Staff: Wendy Breckon **Phone:** (916) 341-6068

C. Administration Staff: N/A **Phone:** N/A

IX. WRITTEN SUPPORT AND/OR OPPOSITION

A. Support

Staff had not received any written support at the time this item was submitted for publication.

B. Opposition

Staff had not received any written opposition at the time this item was submitted for publication.

California Integrated Waste Management Board

Board Meeting

June 15-16, 2004

AGENDA ITEM 27

ITEM

Consideration Of Adoption Of Emergency Regulations And Request For Rulemaking Direction To Formally Notice Amendments To Waste Tire Hauler Registration And Manifesting Regulations Regarding Retreaders For The 45-Day Comment Period

I. ISSUE/PROBLEM STATEMENT

In February 2004, in recognition of the unique circumstances attributable to the transportation of retreader tire casings, the California Integrated Waste Management Board (Board) directed staff to work with the Tire Retread Industry to draft regulations that modify the manifesting procedures while still capturing information on casings and to do so without compromising the overall integrity of the "California Uniform Waste and Used Tire Manifest System." To that end, staff, in consultation with the Retread Industry, developed proposed regulatory changes to the "California Uniform Waste and Used Tire Manifest System".

Staff are now proposing that the Board adopt as Emergency Regulations the underlined and struck out changes to the current regulations that appear in Attachment 1. In addition, staff is requesting that the Board approve commencement of the final rulemaking by authorizing staff to notice the proposed regulations for a 45-day public comment period.

II. ITEM HISTORY

Since 1991, the Board has been regulating the storage, disposal, and hauling of waste tires. Senate Bill (SB) 876 expanded the Board's authority to oversee the management of used and waste tires. The Board has been charged with implementing a new and more comprehensive "California Uniform Waste and Used Tire Manifest System." This new manifesting system has been implemented through previous regulation packages approved by the Board, and impacts tire generators, haulers, and end-use facilities that generate, haul and/or accept used or waste tires. The intent of SB 876 was to "close the loop" on accountability by requiring copies of manifests from each party (generator, hauler, and end user) to be submitted to CIWMB for monitoring and tracking tire loads and movement within California. The current regulations for the "California Uniform Waste and Used Tire Manifest System" are found in Title 14, California Code of Regulations, Chapter 6, Article 8.5.

Prior to the changes implemented by SB 876 (1995-2003), the Retread Industry was allowed to prepare an invoice for their customers and attach a copy of that invoice to a single manifest form for the day's route. With the implementation of the California Uniform Waste and Used Tire Manifest System in July 2003, the Retread Industry has been required to manifest each and every transaction of retreadable casings along with the required trip log. This is because the Public Resources Code includes casings that may be reused within the definition of waste tires (PRC Sections 42805.5 and 42807).

The Retread Industry feels that because tire casings are owned by their clients and do not become the property of the retreaders and because they are being transported by the Retreader only for inspection, re-treading, re-casing, or re-capping; and not disposal, that they should not be required to manifest the pick-up and delivery of each load of casings. The Retread Industry is looking for some relief from what, they believe, are burdensome requirements.

The Public Resources Code provides that any person generating waste or used tires for transportation shall complete a manifest as required by the Board [PRC Section 42961.5 (b)]. In addition, any waste and used tire hauler shall complete a manifest as required by the Board [PRC Section 42961.5(c)(2)]. Finally, end-use facilities that receive waste or used tires that were transported with manifests must submit the manifests on a quarterly basis. It is up to the Board to decide the method of manifesting to be used by generators, haulers, and end-use facilities. The Board determined the method of manifesting when it promulgated its manifesting regulations (see 14 CCR Section 18459 et. seq.). It is within the Board's authority to authorize a different method of manifesting for retreaders in the regulations.

III. OPTIONS FOR THE BOARD

Board Members may decide to:

1. Adopt the proposed emergency regulations and direct staff to submit the proposed regulation package to the Office of Administrative Law (OAL) for initiation of a 45-day public comment period.
2. Adopt the proposed emergency regulations with specified changes and direct staff to submit the proposed regulation package to the Office of Administrative Law (OAL) for initiation of a 45-day comment period.
3. Direct staff to do additional research and return to the Board at a later date.

IV. STAFF RECOMMENDATION

Staff recommends that the Board adopt the proposed emergency regulations and direct staff to submit the proposed regulation package to the Office of Administrative Law (OAL) for initiation of a 45-day comment period as presented in Option Number 1.

V. ANALYSIS

A. Key Issues and Findings

Starting in 1996 with the Waste Tire Hauler Registration and Manifesting Regulations, the Retread Industry invoiced individual tire casings for retread, recapping, or regrooving on their own receipt forms and was allowed to attach a copy of that invoice to a single manifest form for that day's route. With the implementation of the California Uniform Waste and Used Tire Manifest System in July 2003, the Retread Industry has been required to manifest every transaction with a separate manifest form. Additionally, a Tire Trip Log had to be completed. However, the Retread Industry feels this process is unduly burdensome. They contend that these tire casings are still under the property ownership of their customer and will be returned to them, unlike the other types of used or waste tire businesses where the waste or used tires pass through various ownerships.

The Retread Industry has asked for a quick solution which would apply to all retreaders. For this reason, staff has been directed by the Board to develop emergency regulations, to be followed up with permanent regulations.

Staff is recommending that the Board adopt these procedures as emergency regulations to provide appropriate enforcement actions against manifest violations by retreaders. The proposed retreader regulations can be adopted as emergency regulations if the Board determines that the current manifest requirements are not feasible for retreaders to implement. If this determination is made, then it is recommended that the Board immediately adopt regulations that provide for an alternative method for retreaders to manifest and be in compliance with Public Resources Code Section 42961.5.

The following is a list summarizing the more significant proposed changes to the existing regulations that accommodate the retreaders:

1. A registered Waste Tire Hauler that is a Retreader shall complete a Retreader Self-Certification Form in order to be a CIWMB certified Retreader.
2. The Board shall issue decals and a Retreader registration card to the self-certified Retreader.
3. Regulations have been added entitled "Retreader Self-Certification Denial, Suspension, and Revocation" and "Request for Hearing of Denial, Suspension, or Revocation of Retreader Self-Certification" which are similar to the requirements for Registered Waste Tire Haulers.
4. A customer invoice may be substituted for a Manifest Form.
5. For each shipment of casings, the self-certified Retreader should have in his/her possession a Retreader Trip Log and customer invoices/Manifest Forms, in lieu of the Manifest Form and Tire Trip Log required for the Registered Waste Tire Hauler.

Staff estimates that up to $150,000 will be needed to accommodate changes in the existing forms and computer programs.

The primary difference between the current manifest system and what is being proposed for retreaders is that there is no longer a "closed loop system" on accountability by requiring copies of manifests from each party to be submitted to CIWMB for monitoring tire loads and movement within California. The Retreader will only be submitting to the CIWMB the Retreader Trip Log. The Retreader will be required to keep copies of the customer invoices for a period of three years. If the CIWMB wants to check the invoices against the Retreader Trip Log, the CIWMB will have to audit the Retreader.

B. Environmental Issues

Compliance with the California Environmental Quality Act for this Rulemaking:

Title 14, California Code of Regulations, Division 6, Chapter 3, Article 19, Section 15308 - Actions by Regulatory Agencies for Protection of the Environment, is the appropriate categorical exemption supporting the proposed amendments' exemption from CEQA.

"Class 8 consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment."

If the Board determines the regulatory amendments are exempt from CEQA pursuant to the above noted exemption, staff will file a Notice of Exemption with the State Office of Planning and Research.

C. Program/Long Term Impacts

Since the implementation of the California Uniform Waste and Used Tire Manifest System, the Retread Industry has felt that there has been an undue financial burden placed on them as they document most of the information collected under the current manifest system already on their invoices. The Retread Industry is requesting that the Board modify the current requirements but still allow for them to submit the needed documentation on quantities of casings being reused or discarded.

The objective would be to ease the financial burden placed upon the Retread Industry without sacrificing the information that is needed to track the flow of casings and waste tires.

D. Stakeholder Impacts

Currently, the Retread Industry is under the same requirements as all other waste tire haulers transporting waste or used tires. New regulations to reduce the amount of forms necessary to complete would benefit the Retread Industry. If the manifesting requirements are modified for the Retread Industry, there may be other tire hauling groups requesting special consideration for their manifesting requirements. Staff believes that the situation with the retreaders is unique and that the manifesting requirements could be altered for them without significally affecting the intent of the legislation.

E. Fiscal Impacts

There are fiscal considerations in pursuing this activity. Staff will utilize up to $150,000 from within the existing Board approved Five-Year plan hauler manifest budget to make modifications to existing forms and to develop the necessary changes to the computer programs.

F. Legal Issues

See Item History for legal authority.

G. Environmental Justice

The "California Uniform Waste and Used Tire Manifest System." is equally and uniformly applied to all applicable parties throughout the state of California regardless of income, population density, race, or ethnic origin.

H. 2001 Strategic Plan

This item supports Strategic Plan.

Goal 4,

Objective 1: “Through consistent and effective enforcement or other appropriate measures, ensure compliance with federal and State waste management laws and regulations.”

VI. FUNDING INFORMATION

The $1.11 million allocated in Table 10 of the Waste and Used Tire Hauler Program and Manifest System Budget of the Board-approved Five-Year plan is adequate to accommodate the proposed manifest program modifications for the Retread Industry, including new forms, computer program modifications and development of regulations.

VII. ATTACHMENTS

1. Proposed Regulatory Text
2. Retreader Self-Certification, Form CIWMB 173 (Rev. 4/04)
3. CA Retreader Trip Log, Form CIWMB 180 (New 03/04)
4. Resolution Number 2004-157

VIII. STAFF RESPONSIBLE FOR ITEM PREPARATION

A. Program Staff: Tom Micka **Phone:** (916) 341-6425
B. Legal Staff: Wendy Breckon **Phone:** (916) 341-6068
C. Administration Staff: N/A **Phone:**

IX. WRITTEN SUPPORT AND/OR OPPOSITION

A. Support
This item has received support from the Retreaders.

B. Opposition
Staff has not received any opposition to this item.

California Integrated Waste Management Board

Board Meeting

April 19-20, 2005

AGENDA ITEM 23

ITEM

Consideration Of Adoption Of Proposed Emergency Regulations And Request For Direction To Formally Notice Amendments To The California Uniform Waste And Used Tire Manifest System

I. ISSUE/PROBLEM STATEMENT

At the February 15, 2005 Board Meeting, the California Integrated Waste Management Board (Board) approved revisions to the Waste Tire Manifest System (WTMS) described in Option 2, Comprehensive Trip Log, in Agenda Item 22 (Attachment 1). The Board also directed staff to prepare emergency regulations for approval as needed to implement the Option 2 revisions to the WTMS.

Option 2 entailed developing a Comprehensive Trip Log (CTL) form that would be completed and submitted by the hauler on behalf of the generator and the end-use facility, in place of the current manifest form and trip log. This option is based on a new form to be completed by haulers who are not participating in electronic data submittal. The form would provide trip log "receipts" which are given to the generator and the end use facility. The information required on the CTL could be submitted electronically, or via paper format for data input, based on the hauler's invoice.

Pursuant to the Board's direction, staff has prepared proposed emergency regulations (Attachment 2) that revise the current Waste and Used Tire Hauler Registration and Manifesting regulations to phase in the new CTL to replace the current Waste Tire Manifest Form and Tire Trip Log.

II. ITEM HISTORY

Board staff have summarized the lengthy history of the Board's efforts in the area of waste tire manifests in the November 2004 Agenda Item, which is referred to in the February 2005 Agenda Item (Attachment 1). More recently, Board action included:

- On August 19 and September 8, 2004, workshops were held in Sacramento and Diamond Bar to obtain stakeholder input on ways to improve the efficiency and simplify the process used in the Waste and Used Tire Manifest System. Remedies such as a simpler manifesting document and further expanding the use of Electronic Data Transfer and/or a Web-Based Data Entry for haulers to input their manifest information and minimize their reporting requirements were discussed.

- On January 24, 2005, another workshop was held in Sacramento to obtain input from stakeholders concerning the "Comprehensive Trip Log" and the "Quarterly Summary Report," and to demonstrate the ease of using the Web Based Data Entry option for haulers interested in using their own forms and submitting electronic reports to the Board. Both the CTL and Web Based Data Entry were well received by these stakeholders.
- At the February 15, 2005 Board Meeting, the Board approved revisions to the WTMS described in Option 2, CTL, in Agenda Item 22 (Attachment 1). The Board also directed staff to prepare emergency regulations for approval as needed to implement the Option 2 revisions to the WTMS.

III. OPTIONS FOR THE BOARD

Board members may decide to:

1. Approve the proposed emergency regulations for adoption with no change; find the proposed emergency regulations exempt from the California Environmental Quality Act (CEQA) process requirements, and direct staff to complete the rulemaking process with the Office of Administrative Law, and adopt Resolution Number 2005-101.
2. Approve the proposed emergency regulations for adoption with changes and direct staff to proceed as in Option No. 1.
3. Direct staff to take other actions consistent with the Board's direction.

IV. STAFF RECOMMENDATION

Staff recommends that the Board adopt the proposed emergency regulations and direct staff to submit the proposed regulation package to the Office of Administrative Law as presented in Option 1.

V. ANALYSIS

A. Key Issues and Findings

Attachment 1, the February 2005 Board Agenda Item on the WTMS provides a detailed discussion of the background, history, and critical issues considered during analysis of proposed changes to the WTMS, including the CTL alternative for which the Board directed staff to prepare emergency regulations. Attachment 1 also refers to the November 2004 Board Agenda Item on the WTMS, which provides a more thorough analysis of the CTL.

B. Environmental Issues

Compliance with the CEQA for this Rulemaking:

Title 14, California Code of Regulations, Division 6, Chapter 3, Article 19, Section 15308 - Actions by Regulatory Agencies for Protection of the Environment, is the appropriate categorical exemption supporting the proposed amendments' exemption from CEQA.

"Class 8 consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment."

If the Board determines the regulatory amendments are exempt from CEQA pursuant to the above noted exemption, staff will file a Notice of Exemption with the State Office of Planning and Research.

C. Program/Long Term Impacts

Please see the response to this heading in Agenda Item No. 22 (Attachment 1)

D. Stakeholder Impacts

The proposed CTL aligns the paper manifest process with the "only the hauler reports "EDT and Web-based data entry approaches. It provides for the collection and reporting of pertinent information on the pick up and delivery of tires. It identifies the generator, hauler and/or end user to each transaction. And while it does not provide "reconciliation" to each Hauler trip, it does provide specific information on the date, time, name and address, trucks and tire load amounts for the tracking and enforcement of waste tire haulers, generator and end users. The form as introduced to the stakeholders in the workshops both in Sacramento and Diamond Bar appeared to be acceptable to the community, as they liked its format and simplicity. The CTL form option will still provide an adequate enforcement and tracking ability while reducing the paper volume for stakeholders by up to 60 percent.

The CTL strikes a common sense compromise between the existing manifest system and tracking program needs for basic tire enforcement. It reduces business overhead for the hauler, generator, and end-use facility. For the Board, it reduces paper form printing, handling and processing.

It provides a common and uniform approach to Waste Tire data gathering by having both paper and electronic data processes whereby the hauler is the responsible reporting party, regardless of reporting options. And finally, it meets the intent of Senate Bill 876 for accountability of all parties in the tire transaction, while providing the information necessary for auditing enforcement of the State's growing tire problem.

E. Fiscal Impacts

Funding will be required to reconfigure the existing WTMS database and for the development of the CTL. Developmental costs to expand the use of WTMS to incorporate the CTL will include development of the form, and printing and processing costs. These costs are expected to be moderate, as the CTL process will be built upon the existing WTMS, and those developmental costs have already been incurred. The additional funds can be allocated from the current Tire Fund.

F. Legal Issues

See Item History for the legal authority to enact these regulations.

G. Environmental Justice

The "California Uniform Waste and Used Tire Manifest System" is equally and uniformly applied to all applicable parties throughout the State of California regardless of income, population density, race, or ethnic origin.

H. 2001 Strategic Plan

With the implementation of the CTL, this item directly relates to the following goals and objectives of the Board's 2001 Strategic Plan:

- **Goal 1**—Increase participation in resource conservation, integrated waste management, waste prevention, and product stewardship to reduce waste and create a sustainable infrastructure:

  Objective 1: Promote environmentally sound and financially viable waste prevention and materials management practices among all actors in the life cycle of products and services.

- **Goal 3**—Educate the public to better understand and participate in resource conservation and integrated waste management strategies.

  Objective 1: Increase the level of environmental education and technical assistance support provided to all Californians about resource conservation and integrated waste management strategies.

- **Goal 5**—Improve the efficiency and effectiveness of the California Integrated Waste Management Board in pursuit of its mission.

  Objective 3: Improve the exchange of and access to information internally and externally.

- **Goal 7**—Promote a "zero-waste California" where the public, industry, and government strive to reduce, reuse, or recycle all municipal solid waste materials back into nature or the marketplace in a manner that protects human health and the environment and honors the principles of California's Integrated Waste Management Act.

  Objective 1: Promote source reduction to minimize the amount of waste generated.

VI. FUNDING INFORMATION

The $1.1 million allocated in Table 10 of the Waste and Used Tire Hauler Program and Manifest System Budget of the Board-approved Five-Year Plan is adequate to accommodate the proposed program modifications to the WTMS.

VII. ATTACHMENTS

1. February 15-16, 2005 Board Agenda Item 22
2. Proposed Emergency Regulations
3. Resolution Number 2005-101

VIII. STAFF RESPONSIBLE FOR ITEM PREPARATION

A. Program Staff:	Tom Micka	**Phone:**	(916) 341-6420
	Keith Cambridge	**Phone:**	(916) 341-6422
B. Legal Staff:	Wendy Breckon	**Phone:**	(916) 341-6068
C. Administration Staff:	N/A	**Phone:**	N/A

IX. WRITTEN SUPPORT AND/OR OPPOSITION

A. Support

Staff had not received any written support at the time this item was submitted for publication.

B. Opposition

Staff had not received any written opposition at the time this item was submitted for publication.

Chapter 6. Permitting of Waste Tire Facilities and Waste Tire Hauler Registration and Tire Manifests

Article 8.5. Waste Tire Hauler Registration and Manifesting Requirements for Used and Waste Tire Haulers, Retreaders, Used and Waste Tire Generators, and Used and Waste Tire End-Use Facilities

Note to Reader: Text shown in single underline and strikeout depicts changes for the initial 45-day comment period. Text double underlined and the two attached retreader forms represent changes made for the 15-day comment period. State law only requires the Board to respond to comments related to the most recently proposed changes to the regulations (double underlined and two attached forms).

18449. Scope.
(a) This Article specifies the procedures for waste tire hauler registration and tire manifest system requirements for waste tire haulers, retreaders, waste tire generators, and end-use facilities, including reporting and documentation requirements.
(b) In addition to the regulations in this article, statutory provisions contained in Sections 42950 through 42967 of the Public Resources Code govern the Waste Tire Hauler Registration Program.
(c) This article contains different reporting provisions for retreaders than for other waste tire haulers. However, the Board's new Comprehensive Trip Log reporting system will apply the same provisions to retreaders as to other waste tire haulers. In order to provide a transition period for retreaders, the existing provisions will continue to apply to retreaders during the period of time that emergency Comprehensive Trip Log provisions are in effect. However, upon the effective date of non-emergency Comprehensive Trip Log provisions in this Article, the Retreader Trip Log shall no longer be a valid CIWMB form and retreaders shall not be required to comply with sections 18450(a)(12), (19), and (20), 18456.2.1, 18459.2.1(b), 18460.2.1, and 18461(a)(1). The three year record retention provision in sections 18459.3(b)(1) and 18462(b)(1) shall continue to apply to retreaders.

Note:

Authority cited:
Sections 40502, 42966, and 43020, Public Resources Code.
Reference:
Section 42950 et seq., Public Resources Code.

18450. Definitions.
(a) For the purposes of this Article, the definitions found in: Public Resources Code

Sections 42950-42967; and Chapter 3, Article 4.1, of this Division (commencing with Section 17225.701); and the following shall apply:

(1) "Board" means the California Integrated Waste Management Board.

(2) "Bond" means a surety bond issued by a California admitted insurance carrier.

(3) "Business Name" means the name of the operation registered with the local government of the State of California; the business license name.

(4) "Calendar Year" means January 1 through December 31 of any year.

(5) “CIWMB” means the California Integrated Waste Management Board.

(6) "Civil Penalty" means a fine assessed as a result of a violation of an applicable provision.

(7) "Collection Center" See Facility.

(8) "Commingled" means inextricably mixed together, in that the waste components cannot be economically or practically separated.

(9) “Comprehensive Trip Log” means the California Uniform Waste and Used Tire Manifest System form developed by the Board pursuant to Public Resources Code, section 42961.5. The Comprehensive Trip Log is attached hereto as Appendix A (CIWMB_203, 03/05) and incorporated by reference herein.

(10)”Electronic report” means electronic submittal of manifest information to the CIWMB by means of Electronic Data Transfer or Web-based data entry in accordance with the requirements set forth in §18459.1.2.

(11) “EDT Form” means a paper reporting form, approved by the Board, that is used by the hauler or responsible party for reporting manifest information in lieu of the required Comprehensive Trip Log. The EDT Form will contain the information required on the Comprehensive Trip Log.

(12)“End-Use Facility” means the facility where used or waste tires are unloaded.

(13) "Facility" means a waste tire facility, as defined in Public Resources Code Section 42808, a landfill authorized pursuant to Public Resources Code Section 42866, a facility authorized to accept used or waste tires pursuant to a state or local agency permit, or a facility which lawfully accepts used or waste tires as authorized under Title 14, Section 18420.

(14) "Incidental Revenue" means 10% or less of total annual revenue for purposes of Public Resources Code Section 42954 (a)(7).

<u>(15) Invoice means a document provided by a Retreader that contains the date of the transaction, the name of the customer and address, the Tire Program Identification Number of the generator or end use facility, the name of the retreader and address, the quantity of tire casings shipped.</u>

(16) “Load” means a single transaction (a pick up or delivery) of used or waste tires between the hauler and generator or the hauler and end-use facility. There may be one or more loads on a trip.

(17) "Local Government" means a county, city, city and county, special district, joint powers agency or other political subdivision of the state.

(18) "Manifest Form" means the California Uniform Waste and Used Tire Manifest Form developed by the Board that shall be completed by the waste tire hauler, waste tire generator, or facility, which shall accompany each shipment of used or waste tires. The Manifest Form is attached hereto as Appendix A (Form #647, 01/03) and incorporated by reference herein.

(19) New Tire Adjustment means return or replacement of a new tire that is defective or damaged.

(20) "Person" includes an individual, sole proprietorship, co-partnership, Limited Liability Company, corporation, political subdivision, government agency, or municipality.

(21) "Place of Business" means the actual physical location where waste or used tires are picked up from, delivered to, or stored.

(22) "Registered Vehicle Owner" means the person in whom title is vested and/or to whom the vehicle is registered with the Department of Motor Vehicles for any jurisdiction, domestic and foreign, in which the vehicle is registered.

(23) “Retreader” means a business, person, entity, individual, sole proprietorship, co-partnership, Limited Liability Company, corporation, who is in the business of retreading or recapping tire casings for reuse. The Retreader shall have a Manufacturer 3-Digit Identification issued by the United States Department of Transportation pursuant to Title 49, Code of Federal Regulations, § 574.5. A completed original form CIWMB 173 (4/04) "Retreader Self-Certification" which is attached hereto as Appendix A (CIWMB 173, 4/04) and incorporated by reference herein shall be completed by the Registered Waste Tire Hauler before being deemed by CIWMB to be a self-certified retreader. Notwithstanding provisions of the manifesting requirements, the Retreader is a registered waste tire hauler and shall comply with all waste tire hauler requirements.

(24) “Retreader Trip Log” means the California Retreader Trip Log developed by the Board that shall be completed by the Retreader and shall accompany the tire casings during shipment for inspection, retreading or recapping. For the purposes of the Retreader Trip Log, this form shall only be used during the shipment of tire casings from the generator to the Retreading facility and on the return trip back to the generator, and the ownership of the tire casing(s) shall not change during either shipment. The Retreader Trip log meets the intent of Public Resources Code, section 42961.5 and is attached hereto as Appendix A (CIWMB 180, 03/04) and incorporated by reference herein.

(25) "Revenue" is annual net income earned.

(26) Tire casing is the carcass of a reusable tire that after inspection can be retreadedor recapped by a Retreader.

(27) “Tire Trip Log” means the California Uniform Waste and Used Tire Trip Log developed by the Board that shall be completed by the waste tire hauler and shall accompany the waste tire hauler for each shipment of used or waste tires. The Tire Trip log is attached hereto as Appendix A (Form #648, 01/03) and incorporated by reference herein.

(28) “Trip” means the hauling of waste or used tires that begins with a waste tire hauler’s first pick-up of used or waste tires from a generator and ends with the hauler’s last delivery of used or waste tires to an end-use facility, but in no case shall a trip exceed five (5) consecutive days.

(29) “Unregistered Hauler & Comprehensive Trip Log Substitution Form” is the form to be completed by the generator and end use facility pursuant to the requirements set forth in §§ 18461 (b) and 18462 (c). The Unregistered Hauler &

Comprehensive Trip Log Substitution Form is attached hereto as Appendix A (CIWMB 204, 03/05) and incorporated by reference herein.

(30) “Used and Waste Tire Generator” means any person who provides used or waste tires to a waste tire hauler; including, but not limited to auto dismantlers and automotive fleet service centers.

(31) "Vehicle Description" includes the year, the model, the make of the vehicle, Vehicle Identification Number as defined in California Vehicle Code Section 671, and Vehicle License Plate Number, including state of issuance, as defined in California Vehicle Code Section 4850(a).

(32) "Waste Tire Hauler Decal" is a decal issued by the Board, printed on specially prepared paper with a unique number, for affixing to the lower right hand corner of the windshield.

(33) "Waste Tire Hauler Registration" means the documents, including the decal and registration form, issued by the Board, which authorizes the holder of the documents to legally haul waste tires within California for the period of issuance.

(34) "Waste Tire Manifest System" means the California Uniform Waste and Used Tire Manifest System which includes the Comprehensive Trip Log, Retreader Trip Log, Manifest, and Tire Trip Log forms developed by the Board and all procedures and regulations applicable to the transportation of the used or waste tires from point of origin to final destination of the used or waste tires.

Note:

Authority cited:
Sections 40502, 42966, and 43020, Public Resources Code.
Reference:
Sections 42950, 42951, 42952, 42954, 42955, 42956, 42958, and 42961.5, Public Resources Code.

18451. Applicability of these Regulations.

(a) Waste tire haulers, retreaders, waste tire generators, and end-use facilities shall comply with these regulations, unless exempted by Section 42954 of the Public Resources Code and applicable procedures set forth in Sections 18453-18453.2.

(b) The return of new tire adjustments to the wholesale distributor or manufacturer under "warranty consideration" is not considered used or waste tire hauling for the purposes, implementation, and enforcement of this Article. The person transporting the tires must have in the vehicle documentation substantiating that the tires are being returned for "warranty consideration." Lack of documentation or false information will subject the transporter to enforcement and penalties under this Article.

(c) “Tire Derived Product” being transported from the processing facility to the end-use facility is not considered used or waste tire hauling for the purposes, implementation, and enforcement of this Chapter. The hauler shall have a copy of the letter issued by the Board to the processing facility stating that the material is “Tire Derived Product” and a bill of lading accompanying the load. The letter and bill of lading shall be carried in the vehicle while transporting the “Tire Derived Product” from the processing facility to the

end-use facility. Lack of documentation or false information will subject the transporter to enforcement and penalties under this Chapter.

Note:

Authority cited:
Sections 40502, 42966, and 43020, Public Resources Code.
Reference:
Sections 42951, 42952, 42953, and 42954, Public Resources Code.

18456. Waste Tire Hauler Registration Application and Retreader Self-Certification Form

(a) Copies of form CIWMB 60 and 61 and form CIWMB ~~180~~ 173 can be obtained by contacting the California Integrated Waste Management Board, Special Waste Division, Waste Tire Hauler Program, P.O. Box 4025, Sacramento, CA 95812 or accessing the California Integrated Waste Management Board website located at www.ciwmb.ca.gov/Tires.

Note:

Authority cited:
Sections 40502, 42966, and 43020, Public Resources Code.
Reference:
Sections 42951, 42952, 42954, 42955, 42956, and 42958, Public Resources Code.

18456.2.1 Retreader Self-Certification Process.

(a) The Board shall inform the applicant for retreader self-certification in writing within 30 days from date of receipt of the Retreader Self-Certification form of the following:

(1) Whether the Self-Certification Form is complete;

(2) If the Board determines that the Self-Certification Form is incomplete, the Board shall inform the applicant what specific information is required to complete the Certification Form.

(b) Upon a Board determination that the Retreader Self-Certification is valid and complete, the Board will provide proof of Retreader Self-Certification in the form of decals and specifically designed Retreader registration cards to the Retreader for those vehicles either owned or leased by the retreader. The Board will issue a specifically designed Retreader registration card and decal for each vehicle identified by the Retreader. The Retreader registration card shall be carried in the corresponding vehicle. The decal shall be permanently affixed to the lower right hand corner of the windshield.

(c) Registration cards and decals are not transferable from vehicle to vehicle. They shall be present in the vehicle to which they were issued.

(d) If the Board determines at any time that the information in the Self-Certification Form is false, then the Board will deem the Self-Certification Form to be invalid, and will notify the applicant. In addition, the Board will determine whether an enforcement action is necessary.

(e) Upon invalidation of the Retreader self-certification, the Retreader shall immediately return all unused Retreader Trip Logs and Retreader registration card(s) for each vehicle registered under the Retreader's Registration to the Board.

(f) If the Retreader Self-Certification is invalidated, the Retreader shall not transport any tire casings unless in possession of a Comprehensive Trip Log (CIWMB 203) or tire trip log (CIWMB 648) and accompanying manifest (CIWMB 647) in accordance with Section 18459 requirements set forth for the waste tire hauler.

(g) If the Self-Certification is deemed invalid, any hauling of tire casings not in accordance with Subsection (f) will be a cause for denial, suspension, or revocation of the Waste Tire Hauler Registration.

Note:

Authority cited:
Sections 40502, 42966, and 43020, Public Resources Code.
Reference:
Sections 42951, 42952, 42955, 42958, 42960, and 42961, Public Resources Code.

18459. Waste Tire Manifest System Requirements.

(a) The Board will provide blank forms: CIWMB 203, CIWMB 647, CIWMB 648, and CIWMB 180 at the time of initial or renewed waste tire hauler registration. These forms will be provided at no cost. CIWMB 180 shall only be completed by a Retreader. It shall be unlawful for a waste tire hauler, who is not a Retreader determined by the Board, to use a Retreader Trip Log.

(1)The Manifest Form (CIWMB 647) and Tire Trip Log (CIWMB 648) may be used in lieu of the Comprehensive Trip Log; however, the Manifest Form and Tire Trip Log shall not be used after December 31, 2005.

(2) In lieu of (a)(1), if approved on an individual basis by the Board pursuant to Public Resources Code Section 42961.5, any person that is subject to the Comprehensive Trip Log, Retreader Trip Log, or Manifest and Tire Trip Log requirements of this section, may substitute a functionally equivalent form, once approved by the Board, in lieu of the Board required form and submit an electronic report within ninety (90) days of the load shipment to the Board. The hauler shall provide a copy of their Board approved form to the generator or end-use facility for every waste or used tire transaction.

(3) Additional forms may be obtained from the Board by request.

(b) The Comprehensive Trip Log, Manifest Form, ~~and~~ Tire Trip Log, and Retreader Trip Log shall be completed and signed under penalty of perjury by the appropriate representative, and accompany each shipment of used or waste tires from the point of origin to the facility.

(c) The following persons and entities shall comply with the Waste Tire Manifest System:

(1) waste and used tire hauler
(2) used or waste tire generator

(3) Federal, State, and local governments
(4) person hauling used or waste tires for agricultural purposes
(5) exempted commercial carrier
(6) a facility
(7) any person not included in Section 18459 (c)(1) through (6) who gives, contracts, or arranges to have used or waste tires transported
(8) any person not included in Section 18459 (c)(1) through (6) who accepts used or waste tires
(9) Retreader

(d) For purposes of this section, "waste and used tire hauler" means any person engaged in the transportation of used or waste tires, including haulers that the Board approved as exempt from registration pursuant to Public Resources Section 42954.

Note:

Authority cited:
Sections 40502, 42966, and 43020, Public Resources Code.
Reference:
Sections 42950, 42951, 42952, 42953, 42961.5, and 42962, Public Resources Code.

18459.1. Tire Program Identification Number.
(a) On or after July 1, 2003, every waste tire generator shall apply for and obtain a CIWMB assigned Tire Program Identification Number for each location from which used or waste tires are generated and transported from. Each location shall be assigned a unique site specific Tire Program Identification Number.
(b) On or after July 1, 2003, every end-use facility shall apply for and obtain a CIWMB issued Tire Program Identification Number for each location where used or waste tires are accepted. Each location shall be assigned a unique site specific Tire Program Identification Number.
(c) Every waste tire hauler shall be assigned a CIWMB issued Tire Program Identification Number, if not already assigned, at the time of registration.
(d) Only one Tire Program Identification Number shall be assigned to any one business location. The Board shall issue a certificate with the Tire Program Identification Number for each location, which shall be posted by the operator in a conspicuous place.
(e) Every waste tire generator, waste tire hauler, or waste tire end-use facility shall submit written notification to the CIWMB upon any change of business operator or owner, business name, or business address within 10 days of the change.

Note:

Authority cited:
Sections 40502, 42966, and 43020, Public Resources Code.
Reference:
Sections 42950, 42951, 42952, 42953, 42961.5, 42962, Public Resources Code.

18459.2.1. Submittal of the Comprehensive Trip Log, Manifest Form~~, and~~ Tire Trip Log, Retreader Trip Log, and Electronic Reporting to the Board.

As provided in this section, the Comprehensive Trip Log, or Manifest Form and Tire Trip Log, or Retreader Trip Log shall be submitted to the CIWMB by the waste tire generator, waste tire hauler or Retreader as specified in (a), (b), (c), or (d).

(a)(1) If the waste tire hauler chooses to use the Manifest form, the waste tire generator shall submit the completed original Manifest Form to the Board within ninety (90) days of the load shipment. The Manifest Form and Tire Trip Log shall be in the waste tire hauler's possession while transporting used or waste tires. The Manifest Form and the Tire Trip Log shall be shown upon demand to any representative of the Board, any officer of the California Highway Patrol, any peace officer, as defined in Section 830.1 or 830.2 of the California Penal Code, or any local public officer designated by the Board.

(2) If the waste tire hauler chooses to use the Tire Trip Log, the waste tire hauler shall submit the completed original Tire Trip Log to the Board within ninety (90) days of the load shipment.

(3)The Manifest Form and Tire Trip Log shall not be used after December 31, 2005.

(b) On or before January 1, 2006, the waste tire hauler shall submit a copy of the completed Comprehensive Trip Log to the Board within ninety (90) days of the load shipment. The Comprehensive Trip Log shall be in the waste tire hauler's possession while transporting used or waste tires. The Comprehensive Trip Log shall be shown upon demand to any representative of the Board, any officer of the California Highway Patrol, any peace officer, as defined in Section 830.1 or 830.2 of the California Penal Code, or any local public officer designated by the Board.

(c) If the waste or used tire is a tire casing being shipped for inspection, retreading, ~~recasing,~~ or recapping and is being transported by a Retreader, the waste tire generator ~~or tire dealer~~ may substitute an invoice for the required manifest form provided by the Retreader. The invoice shall contain the date of the transaction, the name of the customer and address, the Tire Program Identification Number of the generator or end use facility, the name of the retreader and address, the quantity of tire casings shipped. A copy of the invoice and Retreader Trip Log shall be in the Retreader's possession while transporting the tire casings. The copy of the invoice and Retreader Trip Log shall be shown upon demand to any representative of the Board, any officer of the California Highway Patrol, any peace officer, as defined in Section 830.1 or 830.2 of the California Penal Code, or any local public officer designated by the Board.

(1) The Retreader shall submit the completed Retreader Trip Log to the Board within ninety (90) days of the load shipment.

(d) If approved by the Board pursuant to Public Resources Code Section 42961.5, any person that is subject to the requirements set forth in above (a), (b), or (c) may substitute a functionally equivalent form, once approved by the Board, in lieu of the Board required form and submit an electronic report within ninety (90) days of the load shipment to the Board, in lieu of submitting the required form. The electronic report shall include all information required to be on the Comprehensive Trip Log, Retreader Trip Log, or Manifest and Tire Trip Log forms.

Note:

Authority cited:
Sections 40502, 42966, and 43020, Public Resources Code.
Reference:
Sections 42950, 42951, 42952, 42953, 42961.5, and 42962, Public Resources Code.

18459.3. Maintenance of Comprehensive Trip Logs, Retreader Trip Logs, Manifest Forms and Tire Trip Logs.

(a) The waste tire generator, and end-use facility shall retain a copy of the completed Manifest Form, receipt from the Comprehensive Trip Log, or Board approved EDT form at their place of business for a period of three (3) years. These records shall be made available to any authorized representative of the Board upon request.

(1) If the waste or used tire is a tire casing being shipped to or from a generator, ~~tire dealer,~~ or end use facility for inspection, retreading, ~~recasing,~~ or recapping by a Retreader, an invoice as required pursuant to 18459.2.1~~(b)~~(c) may be substituted for the Manifest form or receipt from the Comprehensive Trip Log. This invoice shall be retained at the place of business for a period of three (3) years and be made available to any authorized representative of the Board upon request.

(b) The waste tire hauler shall retain a copy of the completed Board approved EDT form, Comprehensive Trip Log, or the Manifest Form and Tire Trip Log at their place of business for a period of three (3) years. These records shall be made available to any authorized representative of the Board upon request.

(1) The Retreader shall retain a copy of the completed Retreader Trip Log and corresponding invoices at their place of business for a period of three (3) years. These records shall be made available to any authorized representative of the Board upon request.

(c) Any person using Electronic reporting, including used and waste tire generators and end-users, must retain a copy of the Board approved EDT form from the waste tire hauler or Retreader at their place of business for a period of three (3) years and be made available to any authorized representative of the Board upon request.

Note:

Authority cited:
Sections 40502, 42966, and 43020, Public Resources Code.
Reference:
Sections 42950, 42951, 42952, 42953, 42961.5, and 42962, Public Resources Code.

18460.2.1 Waste Tire Manifest System Requirements for Retreaders.

(a) A registered waste tire hauler meeting the requirements set forth in §18450(a)(19) shall complete, sign under penalty of perjury, and submit the Retreader Self-Certification Form (CIWMB 173) to the Board before the Board deems that registered waste tire hauler to be a Retreader.

(b)The Retreader shall show the ~~tire dealer or~~ waste tire generator the Retreader registration card for the vehicle being used to transport the tire casings.
(c) The Retreader shall complete an invoice in accordance with §§18459.2.1~~(b)~~(c) and 18461(a)(1) for each pick-up or delivery of tire casings. Notwithstanding §18459(d), each pick-up or delivery of tire casings shall also be entered on the Retreader Trip Log in accordance with the directions on the form. The Retreader shall not transport any tire casings without having a copy of the invoice and Retreader Trip Log in the vehicle transporting the tire casings.
(d) A vehicle may contain tire casings from different ~~tire dealers or~~ waste tire generators. Tire casings from each generator shall be accompanied by their own invoice form from point of origin.
(e) The Retreader shall leave one copy of the invoice form with the ~~tire dealer,~~ waste tire generator, or end-use facility after the invoice form has been completed
(f) The Retreader shall keep one copy of the fully completed invoice form.
(g) The Retreader shall not haul tire casings to an end-use facility not legally authorized to accept used or waste tires.
(h) The Retreader shall not transport the tire casings without a properly completed invoice form and Retreader Trip Log.

Note:

Authority cited:
Sections 40502, 42966, and 43020, Public Resources Code.
Reference:
Sections 42950, 42951, 42952, 42953, 42961.5, and 42962, Public Resources Code.

18461. Manifest System Requirements for Waste Tire End-Use Facilities.
The Waste Tire Manifest System requires specific actions on the part of end-use facilities including, but not limited to, the following:
(a) As provided in §18459.3.(a), an end-use facility shall retain a copy of the Manifest Form, Board approved EDT form, or the completed receipt from the Comprehensive Trip Log provided by the registered hauler.

(1) If a tire casing is being shipped to an end use facility for inspection, retreading, ~~recasing,~~ or recapping by a Retreader, an invoice as required pursuant to 18459.2.1~~(b)~~(c) may be substituted for the Manifest form.

(b) The waste tire end-use facility may accept the used or waste tires from waste tire hauler(s) who are not registered with the Board and/or has no manifest as provided below:
(1) If waste or used tires are received from a registered hauler that does not have a Comprehensive Trip Log, the end use facility shall complete the Unregistered Hauler & Comprehensive Trip Log Substitution Form (CIWMB 204) within 48 hours of the tire delivery and submit the form to the CIWMB within 90 days.
(2) The end-use facility shall complete the Unregistered Hauler & Comprehensive Trip Log Substitution Form (CIWMB 204) and submit it to the Board within 30 days of the acceptance of 10 or more waste or used tires from a person who is not registered as a waste tire hauler unless that person has written authorization by the Local Enforcement

Agency for purposes of an Amnesty Day Event or a One Time Exemption and is transporting no more than 20 waste or used tires to the end-use facility.
(3) If the person is hauling 20 or more waste or used tires under the written authorization of a Local Enforcement Agency for purposes of an Amnesty Day Event or a One Time Exemption, the end-use facility shall report this information on the Unregistered Hauler & Comprehensive Trip Log Substitution Form (CIWMB 204) and submit the form to the Board within 30 days of the acceptance of waste or used tires from that person.
(c) End-use facility operators shall make available for review by the waste tire hauler any Board issued permit, exemption from waste tire facility permitting requirements, or any local permit or license allowing the storage of used or waste tires on the site.

Note:

Authority cited:
Sections 40502, 42966, and 43020, Public Resources Code.
Reference:
Sections 42951 and 42961.5, Public Resources Code.

18462. Manifest System Requirements for Waste Tire Generators.
(a) A waste tire generator shall not give, contract, or arrange with another person to transport used or waste tires unless that person is a registered waste tire hauler or is exempt under Public Resources Code Section 42954.

(1) If a tire casing is being shipped from a generator for inspection, retreading, or recapping by a Retreader, an invoice as required pursuant to 18459.2.1(c) may be substituted for the Manifest form. This invoice shall be retained at the place of business for a period of three (3) years and be made available to any authorized representative of the Board upon request.

(b) As provided in §18459.3.(a), a waste tire generator shall retain a Board approved EDT form, completed receipt from the Comprehensive Trip Log provided by the hauler, or , retain a copy, and forward the original Manifest Form to the Board.

~~(1) If a tire casing is being shipped from a generator or tire dealer for inspection, retreading, recasing, or recapping by a Retreader, an invoice as required pursuant to 18459.2.1(b) may be substituted for the Manifest form. This invoice shall be retained at the place of business for a period of three (3) years and be made available to any authorized representative of the Board upon request.~~

(c) If waste or used tires are removed from the generator's location by a registered waste tire hauler and a completed receipt from the Comprehensive Trip Log is not provided, the generator shall complete a Unregistered Hauler & Comprehensive Trip Log Substitution Form (CIWMB 204) within 48 hours of the tire removal and submit the form to the CIWMB within 90 days.

Note:
Authority cited:
Sections 40502, 42966, and 43020, Public Resources Code.

Reference:
Sections 42950, 42951, 42952, 42953, 42961.5, and 42962, Public Resources Code.

State of California
CIWMB 173 (New 05/04)

California Integrated Waste Management Board

Retreader Self-Certification

In accordance with the California Code of Regulations (CCR), §18460.2.1, **Waste Tire Manifest System Requirements for Retreaders**, the Retreader identified below transports tire casings for the sole purpose of inspection, retreading, recasing, or recapping. The transportation of any used or waste tire not meeting these aforementioned specifications shall be manifested in accordance with CCR, §18460.2. By completing this form, the Retreader agrees to complete an invoice in accordance with CCR, §18459.2.1(b) for each pick-up or delivery of tire casings. Each pick-up or delivery of tire casings shall also be entered on the Retreader Trip Log (CIWMB 180) in accordance with the directions on the form.

The Retreader shall not transport any tire casings without having a copy of the invoice form and Retreader Trip Log in the vehicle transporting the tire casings. The invoice form and Retreader Trip Log shall be shown upon demand to any representative of the Board, any officer of the California Highway Patrol, any peace officer, as defined in Section 830.1 or 830.2 of the California Penal Code, or any local public officer designated by the Board. The Retreader shall retain a copy of the completed invoice forms and Retreader Trip Logs at their place of business for a period of three (3) years. These records shall be made available to any authorized representative as stated above.

Please complete the following information:

Retreader Business Name:					Phone: ( )	
D.B.A.s, *if any*:						
TPID #:	U.S. DOT 3- Digit Identification:	**R**				
Name of Contact Person:						
Business Address *(Physical Location)*:						
City:		State:		ZIP Code:		
Mailing Address, *if different*:						
City:		State:		ZIP Code:		
Number of CIWMB Registered Vehicles Hauling Tire Casings:						

I certify under penalty of perjury under the laws of the State of California that: 1) I operate a Retreading business within the State of California pursuant to California Code of Regulations, §18450(a)(19); and 2) the information provided above is true and correct. In addition, I am aware that falsification of this information may result in suspension, revocation, or denial of renewal of the waste tire hauler registration pursuant to Public Resources Code, section 42960 and may result in civil penalties up to $25,000 per violation, per day or administrative penalties up to $5,000 per violation, per day as described in Public Resources Code, section 42962.

_____	_____	_____
(Printed Name)	(Signature)	(Date)

Submit form to **C.I.W.M.B.**
P.O. Box 4025, MS-22
Sacramento, CA 95812
Attention: Waste Tire Hauler Registration & Manifest Program

CA Retreader Trip Log

EXAMPLE 123

Blue or Black Ink Pen

California Integrated Waste Management Board
PO Box 4025, Sacramento, CA 95812-1259

State of California
CIWMB-180 (New 03/04)

INSTRUCTIONS ON BACK **DO NOT TAPE, STAPLE OR DUPLICATE**

Retread Log Number

R9 - 1234567

Tire Program ID **Site Suffix**

Phone Number (include area code)

( ) -

Retreader Business Name

Address

City, State, Zip

Decal Number -

License Plate Number

DOT R/

Load Date (MM/DD/YY) / /

Tire Program ID - Site Suffix	Business Name / Address	Pickup Count	Delivery Count
- Invoice Number			
- Invoice Number			
- Invoice Number			
- Invoice Number			
- Invoice Number			
- Invoice Number			
Totals:		,	,

I certify under penalty of perjury under the laws of the State of California that the information provided above is true and correct. In addition, I am aware that falsification of this information may result in suspension, revocation, or denial of renewal of the Waste Tire Hauler Registration pursuant to Public Resources Code section 42960 and may result in civil penalties up to $25,000 per day, per violation or administrative penalties up to $5,000 per violation per day as described in Public Resources Code section 42962.

Driver's Name (print) **Driver's Signature** **Date**

Toll Free 1-866-896-0600 / www.ciwmb.ca.gov/Tires/

White: CIWMB Copy Yellow: Retreader Copy

Draft

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Resolution 2005-193

Consideration Of Adoption Of The Proposed Regulations For Waste And Used Tire Haulers Regarding Retreaders

WHEREAS, Public Resources Code Section 40502 authorizes the California Integrated Waste Management Board (Board) to adopt and revise regulations, as necessary; and

WHEREAS, commencing with Section 42950, the Board is vested with responsibility for the administration of waste tire hauler and manifesting programs. Specifically, the Board must protect public health, safety, and the environment, by establishing technical standards and a registration program for waste tire haulers and technical standards for manifesting waste and used tires for the waste tire generator, tire dealer, waste tire hauler, and end use facility; and

WHEREAS, the Board adopted final Waste Tire Hauler Registration regulations, which became effective May 9, 1996, amending Title 14, California Code of Regulations, Division 7, Chapter 6, Articles 8.5; and

WHEREAS, the Board adopted revisions to Waste Tire Hauler Registration and Manifesting regulations, which became effective July 1, 2003, amending Title 14, California Code of Regulations, Division 7, Chapter 6, Articles 8.5; and

WHEREAS, the Board has considered the proposed regulations amending Title 14, California Code of Regulations, Division 7, Chapter 6, Articles 8.5; and

WHEREAS, the Board provided public notice of the proposed regulations, and received no comments regarding the proposed regulations in accordance with Government Code Section 11340 et. Seq., and Title 1, California Code of Regulations, Sections 1 et. Seq.; and

WHEREAS, the Board has fulfilled all the requirements of Governments Code Sections 11340 et. Seq., and Title 1, California Code of Regulations, Section 1 et. Seq.; and

WHEREAS, the Board has determined that the proposed regulatory changes will not have a significant effect on the environment and Title 14, California Code of Regulations, Division 6, Chapter 3, Article 19, Section 15308 – Actions by Regulatory Agencies for Protection of the Environment, is applicable and therefore the appropriate categorical exemption.

(over)

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts revised amendments to Title 14, California Code of Regulations, Division 7, Chapter 6, Articles 8.5, and directs staff to submit the regulations to the Office of Administrative Law for review and approval.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board finds these regulatory amendments to be exempt from the California Environmental Quality Act as identified in Title 14, California Code of Regulations, Division 6, Chapter 3, Article 19, Section 15308 – Actions by Regulatory Agencies for Protection of the Environment.

CERTIFICATION

The undersigned Executive Director, or his designee, of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on July 19-20, 2005.

Dated:

Mark Leary
Executive Director

California Integrated Waste Management Board

Board Meeting

July 19-20, 2005

AGENDA ITEM 9 (Revised)

ITEM

Consideration Of The Grant Awards For The Household Hazardous Waste Grants (14th Cycle) (FY 2005/2006, Integrated Waste Management Account)

I. ISSUE/PROBLEM STATEMENT

This Agenda Item presents staff recommendations to award grants for the Household Hazardous Waste (HHW) Grant Program (14th Cycle) Fiscal Year (FY) 2005/2006 (HD14). In accordance with the California Integrated Waste Management Board's (Board) Grant Award Process, staff makes recommendations for funding grant applications based upon the Scoring Criteria and Evaluation Process established by the Board.

Staff bases its funding recommendations on the following:

- Board-approved Scoring Criteria (Attachment 1); and
- Board-approved Evaluation Process.

HHW Grants are competitive grants designed to support local governmental agencies' efforts to reduce the amount of HHW disposed of at solid waste landfills. This cycle continued to focus on the development of local infrastructure for the collection of HHW, particularly in rural areas, whether through the construction of permanent facilities, expansion of facilities to accommodate emerging waste streams, mobile or temporary collection events, and curbside/door-to-door collection. Targeted Universal-Waste (U-waste) pilot programs were a particular focus for the cycle given the impending change in regulations. A unique aspect of this cycle is funding for the development of a recycled paint certification system in collaboration with a national effort spearheaded by the Product Stewardship Institute (PSI) Paint Dialogue.

The Board received 26 qualified applications requesting approximately $6.1 million in funding. Of the 26 applications, 21 received passing scores; the total amount recommended by staff for funding is ~~$4.5~~ approximately $4.49 million.

Staff requests approval to enter into Grant Agreements with these applicants in order of ranking (Attachment 2).

II. ITEM HISTORY

- The Board has taken no previous action on the proposed awards for the HD14 Grant.
- The Board approved the Scoring Criteria and Evaluation Process for the HD14 at its January 18-19, 2005 Meeting.

III. OPTIONS FOR THE BOARD

1. Approve the proposed awards, directing staff to enter into Grant Agreements with applicants in order of ranking (Attachment 2) until FY 2005/2006 allocated funds are exhausted, and adopt Resolution Number 2005-192.

2. Disapprove the proposed awards and Resolution Number 2005-192 and direct staff as to further action.

IV. STAFF RECOMMENDATION

Staff recommends Board approval of Option 1, and adoption of Resolution Number 2005-192.

V. ANALYSIS

A. Key Issues and Findings

1. Background

Assembly Bill (AB) 2448 (Eastin, Chapter 1319, Statutes of 1987), established the HHW Grant Program and authorized the Board to award up to $3 million annually in grants to cities, counties, and local agencies for programs that reduce the amount of HHW disposed at solid waste landfills. The appropriation was increased to $4.5 million as the result of a Budget Change Proposal for FY 2003/2004. The FY 2005/2006 California State Budget authorized $4.5 million for HD14.

AB 3348 (Eastin, Chapter 1218, Statutes of 1992), (Public Resources Code 47200) amended the HHW Grant Program to focus funding priorities toward:

- New programs for rural areas, underserved areas, and small cities;
- Expansion of existing programs to provide for collection of additional waste types, innovative or more cost-effective collection methods, or expanded public education services; and
- Regional HHW programs (multi-jurisdictional programs). Program staff acknowledges the economies of scale gained in multi-jurisdictional programs as part of a regional program.

These priorities were reflected in the scoring criteria adopted by the Board in January 2005. At that time, the Board also focused HD14 in three additional areas:

- New or expanded HHW programs for the building of permanent infrastructure; or
- HHW facility expansion to accommodate Electronic Waste (E-Waste), Universal Waste Electronic Devices (UWED) & Universal Waste U-waste; or
- Targeted U-waste Programs.

The Board also approved for the first time in this program, a “set-aside project” for a project of national significance: development of a recycled paint certification system, or “seal of approval” for recycled paint’s performance and content. The project is one of 11 national priority projects important to California because leftover paint alone costs local governments about $9 million a year to manage, and it is the largest single waste stream for HHW programs. Former Secretary Terry Tamminen signed the Memorandum of Understanding developed collaboratively through the PSI Paint Dialogue in order to ensure that industry will move to the next step of discussing sustainable financing of a national paint management system. However, industry has indicated they will not move forward until the 11 priority projects are completed and evaluated for their potential to reduce leftover paint, and addresses strategies to manage and market that paint. Industry will fund approximately $400,000 of the $1.2 million total cost of all considered projects.

2. Application Evaluation Process

- Grants Administration Unit (GAU) entered the applications submitted into the Grants Management System (GMS).
- GAU conducted an initial completeness review of each application.
- Cycle Leads for the HD14 Grant Programs performed verification checks of data relevant for awarding General Program Criteria points (e.g. receipt of previous grant for same community), and reviewed budget figures/calculations for accuracy on all applications.
- The Cycle Lead convened three, three-member review panels consisting of Used Oil/HHW, E-Waste and GAU staff and selected two applications for the benchmark review.
- GAU randomly divided the applications into three groups (a fourth group scored Paint Project) consisting of eight applications each (with one group having nine) and transferred all the applications to the Cycle Lead.
- The Cycle Lead distributed an informational memo and the two benchmark applications to reviewers for scoring prior to the Benchmark Training Meeting.
- The Cycle Lead convened the Benchmark Training Meeting to meet with all panel members to explain the Scoring Criteria, Evaluation Process, and the Detailed Scoring Structure. During this training, panel members discussed their scores from the two applications chosen by the Cycle Lead as a benchmark using the process approved by the Board in January 2005. This benchmark process ensures that all panel members have a clear understanding of the application, scoring instructions, and scoring criteria.
- The Cycle Lead distributed assigned applications to each panel.
- Each panel member reviewed and scored each grant application individually. Applications that scored the minimum of 64 points (80% of General Criteria points) were eligible to receive Program Priority points. Recommendations for budget adjustments were also made by the panel members.
- Panel Chairs averaged the final scores for each application.
- For the HD14 Grant applications, meetings of the two panels were convened after it was shown that an individual score varied from the average score by more than five points. Areas of discrepancy were reviewed, not the whole application.

3. Scoring Results

After all review panels completed their evaluation and scores were ranked, the Cycle Lead listed all evaluated applications in descending order according to the total number of points received. There was a maximum of 100 points, including both General and Priority Program criteria points.

Of the 26 HD14 applications, 21 received a passing score of at least 70 points and requested approximately $5.2 million in FY 2005/2006 funding.

The ranking of the passing grant applications, project descriptions and funding recommendations are shown in Attachment 2.

4. Funding Recommendations

Staff recommends fully funding HD14 applications based on their passing scores and rankings (Attachments 2). In addition, some of the awarded applications underwent

budget adjustments. This will ensure that the maximum amount of the current allocation of $4.5 million from FY 2005/2006 funds will be utilized in the most efficient and cost effective manner.

5. Project Descriptions and Unique Activities

Approximately 80 percent of the recommended grants meet the statutory priority to provide preference for rural areas, underserved areas, and small cities, as well as multi jurisdictional projects. The majority of the recommended grantees will be augmenting their existing services and programs for which they have received some grant funding over the last three cycles. However, City of Ontario has yet to receive funding for HHW Programs, and three rural counties (Mono, Tulare or Tehama) have not received funding for HHW facilities since the early years of the HHW Grant Program.

About 85 percent of the recommended projects plan to expand their permanent HHW collection facilities or build new facilities with grant funds. Bringing facilities "up to date" such that local governments can effectively manage new waste streams, is a key goal of the grant program, as most local facilities were constructed during a different era, when the space demands for collection of HHW were different. Now, facilities must be sized to accommodate the more bulky E-Waste, U-Waste and UWED. In those locations where permanent facilities may not be the most effective means of collecting HHW, grant funding will support one-day collection events in five recommended grants, and curbside collection or door-to-door collection for three recommended grants.

Approximately two thirds of the recommended projects, either completely or partially, address the collection of U-waste. With the exemptions from hazardous waste management and disposal requirements for household generated U-waste expiring on February 9, 2006, local programs need additional resources to expand their facilities to accommodate the increasing space needed for these waste streams, as well as the legacy waste. Supplemental resources will greatly increase their ability to be responsive to their communities once the exemptions expire. In addition, many U-wastes require targeting of services to communicate changes in local disposal options and special handling to facilitate collection in a safe and cost effective manner. As an example, the grant recommended for Yuba-Sutter will target Punjabi and Hmong speakers.

A variety of new approaches are needed to provide models for statewide replication. Previous grant cycles have resulted in successful demonstrations of public-private partnerships, such as mercury thermometer exchange for digital replacements or latex paint re-packaging. Board staff have been able to "get the word out" through workshops and the Annual Conference about these successful strategies, and they have been adapted by other communities. Five grants recommended include mercury thermometer exchanges for digital thermometers.

E-Waste collection projects continued during this cycle with one-third of the recommended projects focusing on that along with U-waste. The decrease in the number of projects focused on E-Waste compared to the last cycle is likely a response to the availability of payments through the Senate Bill (SB) 20/50 program

[Electronic Waste Recycling Act of 2003, (SB 20, [Sher] Chapter 526, Statutes of 2003, as amended)].

In summary, recommended projects can be characterized by their primary strategy for collection of HHW:

1. Expansion and construction of new facilities (12 projects)
2. Conduct one-day or temporary collection events for HHW (5 projects)
3. Conduct a Pilot door-to door or curbside collection program for underserved clients, including disabled and elderly (3 projects)

6. Recycled Paint Certification System Project

One application was submitted for the partnership project with PSI to develop the recycled paint certification system. That applicant, San Joaquin County, received a passing score and is recommended for funding. Specifically, the Certification System devised will develop a "seal of approval" of the recycled paint's performance and content. The Department of General Services has indicated its biggest barrier to purchasing recycled paint is the lack of any guarantee of the recycled paint's quality. This project involves developing guidelines and performance specifications for recycled paint, a system for certifying specific recycled paint products, a summary of options for testing and reducing market barriers, determining certifications that can be achieved, establishing testing protocols, arranging and executing tests, and attending meetings of certifying organization(s). Project deliverables will include final certification standards and approvals. The consultant will also meet with recycled paint manufacturers to educate them on the process and encourage voluntary use of the certification system. Such actions will help assure potential buyers and others involved with paint procurement of the quality and safety of recycled paint.

B. Environmental Issues

- **California Environmental Quality Act (CEQA):** The purpose of the HHW Grant is to decrease the adverse environmental impacts created by HHW. The HHW Grant Agreement contains various provisions intended to ensure that implementation of the HHW programs is in compliance with environmental laws and regulations.

- **Cross Media:** The Department of Toxic Substances Control (DTSC) issues permits and regulates the operation of HHW facilities and temporary or mobile collection events that include used oil. Awarding a grant to a jurisdiction or entity may require new or revised permits required from DTSC. Non-compliance with permit requirements has the potential to create a cross-media impact.

C. Program/Long Term Impacts

- **Other Board programs:** The Office of Local Assistance manages the local government solid and hazardous waste planning components via review and approval of Source Reduction Recycling and HHW Elements. HHW Grants facilitate the implementation of local government HHW programs.
- **Long-term potential impacts:** A goal of the HHW Grant Program is to divert all HHW generated in California from landfill disposal or illegal dumping, and to encourage recycling or proper disposal while protecting residents' health and safety and the environment. Providing grants to local governments and agencies responsible for solid waste management has a direct impact on diverting HHW. Grants encourage the recycling and/or proper disposal of HHW.

D. Stakeholder Impacts

- **Industry:** A review of previous HHW Grant expenditures suggests that there is a financial benefit to businesses that operate HHW collection facilities, conduct temporary collection events, or haul hazardous waste to recycling or disposal locations. Private businesses have not expressed any opposition to the HHW Grant Program.

- **Local government:** Based on the success of the previous HHW Grant cycles, staff is aware that the impact on local government from previously awarded grants has been overwhelmingly positive. By reducing the financial burden of local governments, the grant program has provided for new or expanded HHW collection programs throughout the state.

- **Public:** Based on survey data in progress reports from previous grantees, the public desires convenient HHW collection locations, and generally favors the expansion of HHW collection opportunities. In some locations, members of the public have expressed opposition to the establishment of hazardous waste collection or recycling-based businesses in their neighborhoods. Staff is unaware of any specific opposition to HHW collection activities that have been funded through Board grants.

E. Fiscal Impacts

- **Legislative:** Public Resources Code (PRC) Section 47200 (as added by AB 1220 [Eastin], Statutes of 1993, Chapter 656) authorizes funding of HHW Grants
- **Fund:** Integrated Waste Management Account.
- **Amount Proposed:** Pending approval of the FY 2005/2006 State Budget, ~~$4,500,000~~ $4,499,642 is proposed for the FY 2005/2006 HHW Grants.

F. Legal Issues

Based on available information, staff is not aware of any legal issues related to this item.

G. Environmental Justice

- **Community setting**
  The HHW Grant Program is a statewide competitive grant program, available to all eligible communities.

- **Environmental justice issues**
  The Grant Application and Grant Agreement require compliance with the principles of Environmental Justice as defined in PRC Section 71111. In addition, grant criteria gave preference to underserved communities.

- **Outreach efforts**
  The Notice Of Funds Available was distributed to more than 500 potential applicants (local governments and agencies responsible for solid waste management) as well as published on the Board's Web site.

  Agenda Items, funding notices, and application materials were published on the Board's Web site.

  The Special Waste Committee and the Board meetings were publicly noticed.

  Used Oil and HHW staff promotes the Board's HHW programs through bimonthly Household Hazardous Waste Information Exchange meetings, the Board's Used Oil Forums, and conferences throughout the State.

H. 2001 Strategic Plan

Goal 1: Increase participation in resource conservation, integrated waste management, waste prevention, and product stewardship to reduce waste and create a sustainable infrastructure.

> **Objective 1:** Promote environmentally sound and financially viable waste prevention and materials management practices among all actors in the life cycle of products and services.
>
> > **Strategy D:** Identify, develop, and maintain partnerships to reduce waste and promote resource conservation and product stewardship, including participating in national efforts on materials such as carpet, electronics, and paint.
> >
> > **Strategy F:** Educate the public, the private sector, and government about product stewardship and responsible consumerism.

HHW Grants assist local governments construct permanent and temporary collection facilities and support public education programs.

Goal 2: Assist in the creation and expansion of sustainable markets to support diversion efforts and ensure that diverted materials return to the economic mainstream.

Objective 2: Encourage the use of materials diverted from California landfills and the use of environmentally preferable practices, products, and technologies.

Strategy B: Provide financial incentives, including grants, contracts, loans, tax credits, etc.

The HHW Grant Program supports the collection of recyclable or re-usable materials including paint, antifreeze, batteries, used oil, TVs and computer monitors, etc.

Strategy D: Require recipients of grants, contracts, loans, and other financial incentives to meet Board criteria such as purchasing environmentally preferable products, constructing sustainable buildings, and practicing sustainable landscaping.

Objective 3: Support local jurisdictions' ability to reach and maintain California's waste diversion mandates.

Strategy E: Provide assistance and education to local governments, businesses, schools, and State facilities to implement and assess programs.

HHW Grants support local government recycling programs and promote consumption of recycled content products.

Goal 3: Educate the public to better understand and participate in resource conservation and integrated waste management strategies.

Objective 3: Coordinate the integration of education efforts and programs within the Board and throughout Cal/EPA and its boards, departments, and office.

Strategy E: Provide grants to local governments, non-governmental organizations and Native American tribes to develop educational programs for children and adults in California regarding the proper use and disposal of household chemical products and any safe alternatives that may be available.

HHW Grants provide public education funds to increase public awareness and interest in recycling.

VI. FUNDING INFORMATION

1. Fund Source	2. Amount Available	3. Amount to Fund Item	4. Amount Remaining	5. Line Item
IWMA	$4,500,000	~~$4,500,000~~ $4,499,642	~~$0~~ $358	Local Assistance

VII. ATTACHMENTS

1. Scoring Criteria: Household Hazardous Waste Grant (14th Cycle) FY 2005/2006
2. Ranking Order of Passing Applications for Household Hazardous Waste Grant (14th Cycle) FY 2005/2006
3. Resolution Number 2005-192

VIII. STAFF RESPONSIBLE FOR ITEM PREPARATION

A. Program Staff: Ashraf Batavia **Phone:** (916) 341-6442
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IX. WRITTEN SUPPORT AND/OR OPPOSITION

A. Support

Staff had not received any written support at the time this item was submitted for publication.

B. Opposition

Staff had not received any written opposition at the time this item was submitted for publication.

SCORING CRITERIA: HOUSEHOLD HAZARDOUS WASTE GRANT (14th Cycle) FY 2005/2006

Applicants must score 80% (64 points) of the General Review Criteria, in order to be eligible to receive points in the Program Criteria section. Applicants must score at least 70% (70 points) of the total possible 100 points to be considered for funding.

GENERAL REVIEW CRITERIA

Points	Description – Points per bulleted item are in parentheses
20	**1. NEED =** Grant proposal clearly and convincingly describes and demonstrates why the project should be funded (e.g., benefits, end products, problems to be resolved, etc.). • (6) Convincingly describes gaps in existing programs to properly manage HHW in the proposed service area and documents gaps with local population statistics, surveys, other research or data. • (4) Defines the target population or geographic area to be served by this project and convincingly presents the rationale for serving this population compared to others. • (5) Narrative and data presented supports the focus and scope of this proposed project for HHW management in the proposed service area. • (5) Convincingly describes barriers in existing programs that prevent targeted population from properly managing HHW and documents those barriers with survey and/or other research data.
8	**2. GOALS AND OBJECTIVES =** Describe what you wish to accomplish by completing this grant project. Describe measurable target(s) that must be met on the way to attaining your goal. • (4) Measurable outcome goals relative to baseline information are reasonable, realistic and achievable. • (4) Measurable process and outcome goals effectively overcome identified barriers, fill gaps in services and/or address identified problems.
16	**3. WORK PLAN =** Specific list of all grant eligible activities and tasks that will be undertaken to achieve your goals and complete your project. (Exhibit and narrative) • (4) Proposed activities effectively overcome identified barriers, fill gaps in services and/or address identified problems. • (4) Activities and tasks delineated in the Work Plan are well thought through as well as achievable within the time frame of the grant and available resources. • (4) Project activities build upon lessons learned through previous pilot projects or programs (local, regional, statewide or other). • (4) Strategy to fund and/or continue the project after the grant term is well thought through and attainable.
8	**4. EVALUATION =** Measures the outcome of the applicant's project. • (4) Methods, including statistical tests or questionnaires, for process and outcome evaluation effectively measure goal achievement and address HHW waste stream data collection. • (4) Methods for evaluating and modifying project during implementation and responsibility for that task are thoroughly outlined in Work Plan.

11	**5. BUDGET =** Discuss the costs (dollar figure) associated with activities necessary to complete the project. (Exhibit) • (5) Reasonableness and completeness of costs associated with activities/tasks are clearly outlined in the narrative and Work Plan. • (4) Describes cost-effectiveness of project in relation to quantity, location, source, and type of waste to be collected. Keeps budget items for managerial, contingency or miscellaneous costs to a minimum. • (2) Includes any cost savings derived from volunteers, in-kind services, recycling options, use of existing promotional materials, etc
7	**6. APPLICATION COMPLETENESS, LETTERS OF SUPPORT, EXPERIENCE, ETC**. • (3) Required forms, documentation and Exhibits (Map, Facility Profile, Work Plan, Budget & Cost Estimates, Resolution, Environmental Justice Certification, etc.) are included. • (2) Letters of support for the project demonstrate need for project and/or active involvement of cooperating businesses or organizations. • (2) Applicant (including its contractors) and cooperating organizations have sufficient staff resources, technical expertise, and experience to successfully complete project.
10	**7. EVIDENCE OF A RECYCLED-CONTENT PURCHASING POLICY OR DIRECTIVE.** Applicant provides evidence that a of recycled content policy is in place or evidence to show that a policy will be adopted during the application period which requires the grantee to purchase recycled-content products, recycled or reused products, such as re-refined oil, recycled-content paper, or use of compost and mulch, and other "green" products or materials, or engages in other waste reduction activities where appropriate and feasible. Applicant will be awarded points if: • (3) Policy is in place or has been adopted during the application period by the applicant, or its governing body. • (3) Applicant, or its governing body, can provide evidence of sustainable recycled-content product (RCP) purchasing practices within the past year. • (2) Applicant, or its governing body, can provide evidence of sustainable business practices within the past year. • (2) Applicant, or its governing body, proposes to evaluate their RCP purchasing policy annually. Evaluation should address the positive and negative features, including a plan to increase the percentage of RCP.
80	**TOTAL POSSIBLE GENERAL REVIEW CRITERIA POINTS**

PROGRAM CRITERIA

Applicants will either score Program Criteria points in the 1) Statutory Requirements and Discretionary Criteria sections or 2) Recycled Paint Certification Project section; NOT both.

Points	Description
	Statutory Requirements: As authorized by Public Resources Code (PRC) Section 47200
3	**8.** Establish or expand HHW program(s) for: • **Rural areas** (county having a population of 200,000 or less); or • **Small Cities** (population of less than 35,000).
3	**9.** Establish or expand targeted program for **underserved populations/areas** (those having less access to HHW collection opportunities compared to other populations/areas with comparable density and socio-economic status in the service area).
4	**10.** Demonstrate or pilot innovative or more cost effective collection methods.
2	**11.** Establish a **multi-jurisdictional** HHW program that addresses regional needs.
	Discretionary Criteria
8	A. Establish a permanent and sustainable HHW collection facility(ies). **OR** B. Expand permanent HHW collection facility(ies) to accommodate electronic waste, universal waste electronic devices (UWED), and other universal wastes. **OR** C. Demonstrate or pilot targeted universal waste programs.
20	**TOTAL POSSIBLE PROGRAM CRITERIA POINTS**
20	**Recycled Paint Certification Project**
100	**TOTAL POSSIBLE SCORE** **(Total of General Review Criteria and Program Criteria Points)**

Ranking Order of Passing Applications for Hazardous Waste Grant (14th Cycle) FY 2005/2006

Serial No.	Applicant Name	Funds Requested	Running Total/Prior to Cut	Recommended Funding	Running Total
6	Amador County	$138,193.00	$138,193.00	$138,193.00	$138,193.00
Upgrade facility and provide temporary events in the rural underserved areas of the county.					
9	Yolo County	$300,000.00	$438,193.00	$300,000.00	$438,193.00
Complete Construction of PHHWF (began in HD13): Since that time, building and construction costs have increased dramatically.					
1	San Joaquin County	$200,000.00	$638,193.00	$200,000.00	$638,193.00
RECYCLED PAINT CERTIFICATION PROJECT: Establish a certification system and an industry-wide standard for recycled latex paint that ensures performance equal to virgin paint with respect to product quality, as well as environmental integrity. The long-term effect of the Project will be to increase the purchase of Recycled Content Paint by government agencies, painting contractors and homeowners throughout the Nation.					
25	Regional Waste Management Authority	$300,000.00	$938,193.00	$300,000.00	$938,193.00
Expand Yuba-Sutter HHW Facility to provide cost-free and permanent collection for E-Waste and UWED. Target East Indian, Hmong and Hispanic groups to increase participation rates.					
21	Mono County	$300,000.00	$1,238,193.00	$300,000.00	$1,238,193.00
Construct a PHHWF, including capacity for U-waste, to serve as the regional consolidation point for unincorporated Mono Co. and Mammoth Lakes. **Add** temporary HHW, U-waste, E-waste **storage capacity** at County transfer stations.					
20	City of Ontario	$200,000.00	$1,438,193.00	$200,000.00	$1,438,193.00
Upgrade PHHWF to improve accessibility and collection of additional materials including E-waste (SB20 and non SB20), U-waste, and a material exchange/reuse center.					
2	Santa Barbara County	$183,999.00	$1,622,192.00	$183,999.00	$1,622,192.00
Expand the electronic storage area to accommodate the stockpiled E-waste, particularly targeting the Spanish speaking community.					
13	West Contra Costa IWMA	$245,047.88	$1,867,239.88	$148,775.00	$1,770,967.00
Develop **door-to-door collection** tailored to seniors and disabled residents. Collection of U-waste and E- waste will be included.					
22	Tulare County	$322,313.00	$2,189,552.88	$294,000.00	$2,064,967.00
Establish U-waste management system, by purchasing a carbon filtration unit to enable crushing bulky aerosol cans onsite.					

Ranking Order of Passing Applications for Hazardous Waste Grant (14th Cycle) FY 2005/2006

Serial No.	Applicant Name	Funds Requested	Running Total/Prior to Cut	Recommended Funding	Running Total
18	City and County of San Francisco	$200,000.00	$2,389,552.88	$200,000.00	$2,264,967.00
Expansion and improvements (including lab and canopy) to its existing PHHWF due to increased volumes of universal and hazardous waste,					
23	Tehama County Sanitary Landfill Agency	$272,289.00	$2,661,841.88	$261,289.00	$2,526,256.00
Establish **additional facilities** in Corning and Cottonwood as well as **upgrade** its existing PHHWF.					
14	City of Chula Vista *	$300,000.00	$2,961,841.88	$158,958.00	$2,685,214.00
1) Multi-jurisdictional **door-to-door collection** for disabled and seniors, 2) expansion of existing PHHW to accommodate u-waste and 3) pilot u-waste program including thermometer exchange.					
24	Kings Waste and Recycling Authority	$300,000.00	$3,261,841.88	$252,500.00	$2,937,714.00
1) New HHW **mobile collection events** for underserved populations in remote areas; 2) Expand permanent HHW program to collect E-waste at city, county and public locations and 3) Add sharps collection and mercury thermometer exchange.					
8	Ventura County *	$297,341.00	$3,559,182.88	$260,301.00	$3,198,015.00
1) Establish **curbside collection** and enhance Community Beautification Events for HHW and E-Waste collection in up to 10 underserved rural communities outside a 10 mile driving distance from a PHHWF targeting, non-English speaking residents and 2) Install an E-Waste storage locker for the Fillmore WHAT??????? (HD-11 grant-built facility).					
10	San Bernardino County	$200,000.00	$3,759,182.88	$200,000.00	$3,398,015.00
Capital improvements including electrical systems and equipment to maximize efficiencies in its latex paint management and repacking process.					
11	City of La Mesa *	$300,000.00	$4,059,182.88	$190,697.00	$3,588,712.00
1) Target Hispanic, senior, and multi-family residents to achieve **increased HHW participation** within these underserved segments of the SD community, 2) Hold **collection events** on rancherias & reservations 3) pilot U-waste program including mercury thermometer exchange and 4) Make facility improvements and equipment upgrades.					
12	Rural Counties ESJPA	$214,592.00	$4,273,774.88	$194,049.00	$3,782,761.00
1) Conduct **U-Waste collection events** in four rural counties and 2) Install needed infrastructure for U-waste collection at local solid waste facilities.					

Ranking Order of Passing Applications for Hazardous Waste Grant (14th Cycle) FY 2005/2006

Serial No.	Applicant Name	Funds Requested	Running Total/Prior to Cut	Recommended Funding	Running Total
26	**City of Encinitas ***	**$298,737.00**	**$4,572,511.88**	**$135,000.00**	**$3,917,761.00**
1) **Improve regional HHW collection rates** by targeting seniors, multi-family residents, small business and Hispanics, 2) Upgrade HHW facility 3) Hold U-waste and E-waste **collection events** 4) pilot U-waste program including mercury thermometer exchange.					
16	**Modoc County**	**$125,000.00**	**$4,697,511.88**	**$125,000.00**	**$4,042,761.00**
Expand facilities to provide proper battery storage at all of the outlying sites and support removal of HHW & U-waste.					
19	**Shasta County**	**$297,627.00**	**$4,995,138.88**	**$291,137.00**	**$4,333,898.00**
Conduct 11 one-day HHW **collection events** during 2006 and 2007.					
4	**City of Palm Desert**	**$199,542.00**	**$5,194,680.88**	**$166,102.00**	**$4,500,000.00**
Expand facility to include new materials, including materials from small quantity generators (businesses) and target the underserved population in Palm Desert to increase HHW collection rates.					
	Total				**$4,500,000.00**

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Resolution 2005-192 (Revised)

Consideration Of The Grant Awards For The Household Hazardous Waste Grants (14th Cycle) For Fiscal Year 2005/2006

WHEREAS, Public Resources Code Section 47200 authorizes the California Integrated Waste Management Board (Board) to issue grants to local governments with responsibility for waste management for local programs that help prevent the disposal of hazardous waste, including household hazardous waste (HHW) at solid waste facilities; and

WHEREAS, on January 18-19, 2005 the Board approved the scoring criteria and evaluation process for the Household Hazardous Waste Grants (14th Cycle) for Fiscal Year (FY) 2005/2006; and

WHEREAS, Board staff solicited applications for the Household Hazardous Waste Grants (14th Cycle) for FY 2005/2006 from January 20 to April 15, 2005; and

WHEREAS, a total of twenty-six (26) applications were received by the final filing date of April 15, 2005; and

WHEREAS, Board staff reviewed and evaluated all grant proposals based on the aforementioned criteria resulting in twenty-one (21) passing applications;

NOW, THEREFORE, BE IT RESOLVED that the Board directs staff to develop and enter into Grant Agreements with the proposed grantees as set forth below; and

BE IT FURTHER RESOLVED that the award of each Grant is conditioned upon the return by the proposed Grantee of a complete and executed Grant Agreement within ninety (90) days of the date of the mailing of the agreement package by the Board; and

BE IT FURTHER RESOLVED that the award of each Grant is further conditioned upon full payment within ninety (90) days of today's date of any outstanding debt owed by the proposed Grantee to the Board.

BE IT FURTHER RESOLVED that the Board hereby approves the award of the Household Hazardous Waste Grants (14th Cycle) for FY 2005/2006 for a total of four million ~~five hundred~~ four-hundred ninety nine thousand, six hundred forty two dollars ~~($4,500,000)~~ ($4,499,642) from allocated FY 2005/2006 funds to the applicants and in the amounts indicated:

(over)

Funding Recommendations At Current Allocation Levels

Applicant	**Recommended Award**	
Amador County	$138,193	
Yolo County	$300,000	
San Joaquin County	$200,000	
Regional Waste Management Authority	$300,000	
Mono County	$300,000	
City of Ontario	$200,000	
Santa Barbara County	$183,999	
West Contra Costa Integrated Waste Management Authority	$171,779	
Tulare County	$270,996	
City of San Francisco and County	$200,000	
Tehama County Sanitary Landfill Agency	$261,289	
City of Chula Vista	$158,958	
Kings Waste Recycling Authority	$252,500	
Ventura County	$260,301	
San Bernardino County	$200,000	
City of La Mesa	$190,697	
Rural Counties ESJPA	$194,049	
City of Encinitas	~~$135,000~~	$134,642
Modoc County	$125,000	
Shasta County	$291,137	
City of Palm Desert	$166,102	
TOTAL	**~~$4,500,000~~**	**$4,499,642**

CERTIFICATION

The undersigned Executive Director, or his designee, of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on July 19-20, 2005.

Dated:

Mark Leary
Executive Director

California Integrated Waste Management Board

Board Meeting

July 19-20, 2005

AGENDA ITEM 10

ITEM

Presentation Of Findings On Phase II Of The Do-It-Yourself Oil Changers Research (FY 2001/2002 Used Oil Recycling Fund Contract C2014)

I. ISSUE/PROBLEM STATEMENT

This item presents the findings of the Phase II data analysis regarding the oil disposal behavior, attitudes, media use, and message receptivity of California residents who change their own automotive oil. New findings include disposal rates of "shade tree mechanics" (residents who change automotive oil for others as a side business) and the effectiveness of curbside oil collection. The recommendations are intended to guide internal planning for the Used Oil Program and assist local programs in the development of more effective strategies to increase used oil recycling rates.

II. ITEM HISTORY

The California Integrated Waste Management Board (Board) approved Contract Concept Number 46 from the Used Oil Recycling Fund at the November 13-14, 2001 Board Meeting to conduct further research on Californians who change their own automotive oil. In May 2002, the Board entered into an Interagency Agreement with the Public Research Institute (PRI) of San Francisco State University (SF State). This presentation is the conclusion of the research.

III. OPTIONS FOR THE BOARD

No action needs to be taken by the Board at this time, as this is an information item.

IV. STAFF RECOMMENDATION

No recommendations are proposed since there is no action by the Board at this time.

V. ANALYSIS

A. Key Issues and Findings

Background: The Used Oil Recycling Program (Program) began in 1992 after the California State Legislature passed the California Oil Recycling Enhancement Act of 1991, to address the threat to California's environment and public health from illegally dumped used motor oil. In order to design a more effective program, the Board contracted with Deen and Black Public Relations to conduct a survey regarding used oil disposal practices. That research focused on automotive do-it-yourselfers (DIYers) who change their own motor oil as they are largely responsible for illegal disposal of used oil in California and are thus the focus of the Program's efforts. It is important to note that there are two groups of DIYers: at-home mechanics who work on their own vehicles, and "shade-tree mechanics" (STMs) who change oil for others as well as their own household. More than two million Californians were identified as DIYers which is about 23% of total households.

A second survey and research project was conducted by the PRI /SF State in 2000/2001 to update and improve on the 1994 data collected by Deen and Black. The

new survey was intended to further define and understand the DIYers as well as suggest more effective outreach tools and messages to encourage behavioral change. The PRI/SF State *Initial Results* study characterized DIYers as largely males who lived in the highly populated areas, such as the Bay Area or Southern California Coastal regions. Rates of DIYers are higher in rural counties, but total *numbers* are concentrated in cities within urban counties. Recent immigrants (those who have lived in the U.S. less than five years) are more likely to improperly dispose of used oil. Spanish speakers were slightly more likely to change their own oil. Additionally, the *percent* of DIYers in California declined from 23% in 1994 to 19%, although the *total number* of households remained at a similar level.

This Phase II study, also conducted by PRI/SF State, focused on a more in-depth analysis of that survey and focus group data with particular emphasis on findings related to immigrants, STMs, county-specific data, and curbside collection of used oil. From this work, a report was presented to the Board and is now available on the Board's Web site.

Differences between Phase II and the Initial Results: The Phase II report, like the *Initial Results*, is based on statewide survey data collected in the summer of 2001. However, it differs in important ways. The Phase II Report:

- Contains hundreds of findings that are not in the *Initial Results*, including estimates of amounts of oil disposed in various ways and many county-level estimates;
- Produces more reliable findings that have been thoroughly tested against competing claims; and
- Combines statewide survey data with the collection data from Used Oil Block Grant annual reports to obtain more accurate estimates of improper disposal.

Findings

1. Collection of Used Oil: There are about 2.06 million DIY households in California. Their used oil is collected through two main methods:
    - Certified and non-certified collection centers; and
    - Curbside collection.

    Used oil collection at certified and non-certified collection centers has been more widely implemented, and is responsible for much more oil in total—but curbside collection is much more effective at reducing improper disposal. Curbside collection, however, is not an option in many communities, and is particularly unavailable for multi-family dwellings. Used oil filters, which contain large volumes of residual oil, were improperly disposed in 2000-2001 largely due to the lack of filter collection infrastructure statewide.

2. STMs: Approximately 340,000 Californians are STMs, and they disposed of more than half of DIY used oil in 2000-2001. Younger U.S.-born STMs are by far the highest priority target group for oil collection programs statewide. They are highest on three main criteria: rate of improper disposal, average volume of oil improperly disposed, and total oil improperly disposed.

3. Recent Immigrants: They are more likely to dispose of oil improperly than other groups, a finding which has not changed.

4. County Snapshots: Estimates for disposal rates of used oil and filters were developed based on the number of used oil/filters generated per the average number of vehicles per household, and the rate of DIY and STM working in a locality. In addition, data are provided on the percentage of used oil and filters collected by county.

Action Steps Taken: The *Initial Results* and *Phase II Study* have played a critical role in the strategic development of the Program. Increased understanding of the DIYers has led to more effective targeting of program services as well as the development of more effective outreach tools, and messages to encourage behavioral change. General examples of how the research findings are currently influencing program development are provided below.

Priority Program Criteria for Non-Profit (UNP), Research, Testing and Demonstration (URD) and Opportunity Grants (UOG): Priority Program Criteria were selected primarily in response to preliminary findings in Phase II and the *Initial Results*. All projects funded through the UNP 6th Cycle included outreach in Spanish; four projects focused on recycling used oil and used oil filters in immigrant communities; and one project category emphasized partnerships with certified collection centers to collect used oil filters. The URD 4th Cycle included a project targeting STMs, a partnership with Kragen (manager of the largest number of certified collection centers in the state), and two projects targeting immigrant communities.

Contract to Identify Businesses that could become Certified Collection Centers within neighborhoods likely to have high concentrations of DIYers. (Final Report Expected in December 2006.)

Survey of Jurisdictions likely to be able to expand curbside collection programs to include used oil and used oil filters. (Preliminary results being evaluated by staff.)

Development of Performance-Based Metrics for used oil recycling rates for all Used Oil Block Grants based on DIY population as opposed to per capita information. (Presented at April 2005 Board Meeting: Agenda Item 19.)

Training Seminars targeted to “low performers” or new grantees whose performance does not meet the state average. A self-assessment tool was developed to assist grantees in identifying high-priority program activities, such as used oil filter exchange programs, non-English outreach to new immigrants, STM programs, curbside used oil collection and certified collection center partnerships. Used Oil Program Grant Managers follow-up and provide technical assistance to these grantees. (April 2005 *Block Grant 101* workshop.)

Conferences, Web-Based Materials, and Information Exchanges to demonstrate how communities are applying the lessons from the PRI/SF State work on DIYers to improve their program performance. (On-going.)

B. Environmental Issues

A decrease in the amount of improperly disposed used oil could result from implementing various used oil collection methods according to population demographics and available local government resources. In turn, it would decrease the amount of improperly disposed used oil, which can impact the environment and cause environmental harm.

C. Program/Long Term Impacts

By enacting Phase II recommendations, greater efficiencies and effectiveness in program implementation have resulted, and will continue to improve overall program performance. Performance measures have been developed to identify local government programs requiring additional assistance, and in identifying successful local programs that can be used as models for programs in other jurisdictions.

D. Stakeholder Impacts

Not applicable.

E. Fiscal Impacts

Not applicable.

F. Legal Issues

Staff is not aware of legal issues resulting from this item.

G. Environmental Justice

The Contractor performed this Contract in a manner consistent with the principals of Environmental Justice as defined in Public Resources Code Section 7200.

H. 2001 Strategic Plan

Not applicable.

VI. FUNDING INFORMATION

Not applicable.

VII. ATTACHMENTS

None.

VIII. STAFF RESPONSIBLE FOR ITEM PREPARATION

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B. Legal Staff: Holly Armstrong **Phone:** (916) 341-6060
C. Administration Staff: N/A **Phone:** N/A

IX. WRITTEN SUPPORT AND/OR OPPOSITION

A. Support

Not applicable – informational item.

B. Opposition

Not applicable – informational item.

California Integrated Waste Management Board

Board Meeting

July 19-20, 2005

AGENDA ITEM 11 (Revision 2)

ITEM
Consideration Of Plastic Trash Bag Manufacturers And Wholesalers Compliance With The Plastic Trash Bag Law For The 2004 Reporting Period (public Resources Code Section 42997 (b))

I. ISSUE/PROBLEM STATEMENT

Public Resources Code (PRC) section 42290 et seq and accompanying regulations require all manufacturers and wholesalers of plastic trash bags sold in California to annually submit a certification to the California Integrated Waste Management Board (Board).

Manufacturers of *regulated (thickness of 0.7 mil or greater)* plastic trash bags must do one of the following: (1) certify that their regulated trash bags were manufactured with 10 percent or more post consumer material; (2) certify that they used 30 percent post consumer material in all of their plastic products not subject to compliance with the Rigid Plastic Packaging Container or other minimum content law; or (3) demonstrate that there was an insufficient quality and/or quantity of post-consumer materials to satisfy either the 10 or 30 percent standard. Plastic trash bag wholesalers are required to annually certify to the Board names and locations of manufacturers from whom they have purchased regulated bags for resale in California.

Public Resources Code section 42297 requires the Board to publish a list of any suppliers, manufacturers, or wholesalers who have failed to comply with the law. Section 42297 also prohibits non-compliant manufacturers or wholesalers from contracting with any agency of the State of California. The Department of General Services has in the past utilized the Board's published list to confirm that a wholesaler or manufacturer is eligible for award of a contract by the State.

To eliminate any potential confusion regarding the Board-published lists, staff is recommending modifications to the list format this year. Specifically, one combined list of non-compliant manufacturers and wholesalers would be published, to comply with PRC section 42297 and another list of manufacturers, who certified with the Board they demonstrated compliance with the post consumer minimum content requirement, would be provided on the Board's Website. Any State entity would be able to access both lists for procurement purposes. The non-compliant list would inform State entities of companies with whom they are prohibited from contracting with. The list of manufacturers certifying that they met post consumer content requirements of the law would identify for State entities companies from whom they could buy plastic trash bags from to help them meet their recycled content purchasing requirements under the State Agency Buy Recycled law.

II. ITEM HISTORY

At its October 26-27, 1999 meeting, the Board adopted a policy that it would publish lists of compliant and non-compliant manufacturers and wholesalers based on staff determination of compliance.

III. OPTIONS FOR THE BOARD

The following lists are for the Board's consideration:

1. **Compliant Manufacturers (including Board adopted Exemption Requests):** A list of manufacturers that certified to the Board that they met the minimum post consumer material content requirements of the law, or manufacturers that demonstrated they made reasonable efforts to obtain postconsumer material and were granted an exemption to the minimum content requirements by the Board.

2. **Compliant Wholesalers:** A list of wholesalers that certified the names of suppliers from whom they purchased regulated trash bags, and the locations from which they shipped trash bags into California.

3. **Non-Compliant Manufacturers:** A list of manufacturers which are non-compliant because they did not respond to the Board's certification requirement, or did not meet the minimum post consumer content requirements of the law.

4. **Non-Compliant Wholesalers:** A list of wholesalers which are non-compliant because they did not respond to the Board's certification requirement.

5. **Combined Non-Compliant Manufacturer and Non-compliant Wholesalers:** This is a combined list of non-compliant manufacturers and wholesalers.

6. **Manufacturers That Met the Minimum Post Consumer Content Requirements:** This list would contain only the manufacturers meeting the minimum post consumer content requirements of the Trash Bag Law.

Option 1: Adopt and publish the following two new lists:
(5) Combined Non-Compliant Manufacturers and Non-Compliant Wholesalers
(6) Manufacturers That Met the Minimum Post Consumer Content Requirements

Option 2: Adopt and publish the same four lists as in the 2003 certification:
(1) Compliant Manufacturers (including Board adopted Exemption Requests),
(2) Compliant Wholesalers,
(3) Non-Compliant Manufacturers,
(4) Non-Compliant Wholesalers

Option 3: Adopt and publish the only the non-compliant list as required by statue:
(5) Combined Non-Compliant Manufacturers and Wholesalers

Option 4: Do not adopt any of the lists and direct staff to take some other action. Under this option the Board would not approve any of the proposed lists and would direct staff to take some other action, or return at a future meeting with additional information.

IV. STAFF RECOMMENDATION

Staff recommends that the Board approve Option 1 and adopt Resolution 2005-189, and direct staff to adopt and publish: (1) The combined list of non-compliant manufacturers and non-compliant wholesalers, and (2) The list of manufacturers that certified that they met the minimum post consumer content requirements of the law. Direct staff to post the lists on the Board's Web site, and to notify the Department of General Services and state agency procurement officials through the State Agency Buy Recycled Campaign contact list, that the 2004 Plastic Trash Bag Manufacturer and Wholesaler lists have been published.

V. ANALYSIS

A. Key Issues and Findings

Background:

The Board is required to annually adopt and publish a list of non-compliant trash bag manufacturers and wholesalers. The Board adopted the last lists on June 15, 2004 for the 2003 reporting period, including compliant lists of plastic trash bag manufacturers and wholesalers. The Board determined that 28 manufacturers and 77 wholesalers had demonstrated compliance for the 2003 period. Eleven manufacturers and wholesalers were determined to be non-compliant with the recycled content requirement for plastic trash bag manufacturers and wholesalers, and were posted to the Board's web site: ciwmb.ca.gov/BuyRecycled/TrashBags/.

Non-compliant manufacturers and wholesalers are ineligible to contract with the State (PRC Section 42297(c)) for the delivery of goods and services. For the 2004 certification, the non-compliant list would include:

- Manufacturers that did not return certification forms, but for whom staff have evidence that they are offering trash bags for sale in California (either because they were reported as a supplier by a wholesaler, or their product was found on store shelves);
- Manufacturers that did not meet the post consumer requirements and did not request and receive an exemption to post consumer material requirements from the Board;
- Wholesalers that did not return certification forms but whom staff believes offer trash bags for sale in California (either because they were reported as a supplier by another wholesaler or their product was found on store shelves).

In the past, the Board has adopted a list of compliant wholesalers, but staff believes there is no public benefit to publishing this list. Wholesalers demonstrate compliance by simply reporting to the Board whom they purchased bags from, and the location from which they shipped those bags. Wholesaler certifications do not address whether they purchase or sell recycled content trash bags. Specifically, a wholesaler could be selling bags that do not meet the post consumer material requirements of the law, yet still meets its certification requirements. By only publishing the names of non-compliant wholesalers the Board will have met its legal requirements regarding wholesaler certifications.

However, there is a need for procurement purposes for identifying manufacturers that have post consumer material in their bags. By publishing a list of manufacturers that

certified they met the post consumer material content requirements the Board will provide information to other state agencies and the general public regarding which companies offer for sale in California recycled content plastic trash bags.

Statutory Mandates:
Manufacturers:
Public Resources Code section 42291 requires all manufacturers of plastic trash bags, offered for sale in California, with a thickness of 0.7 mil or greater to certify to the Board that the plastic trash bags contain at least 10 percent post consumer material, or that 30 percent of the weight of all plastic products intended for sale in California is from post consumer material. The law permits manufacturers who cannot satisfy the post consumer material mandates to comply through a demonstration that there was a lack of post consumer material that met the Board-adopted quality standards.

Wholesalers:
Public Resources Code section 42294 requires all wholesalers of trash bags with a thickness of 0.75 mil or greater to certify to the Board the name of each manufacturer from whom the wholesaler purchased trash bags, and the locations from which they shipped plastic trash bags.

Board Certification Process:
The Public Resources Code directs the Board to annually publish the names of the manufacturers and wholesalers who did not comply with the law during the previous year (i.e., reporting period). Beginning in January 2005, staff sent via certified mail the certification materials to approximately 87 manufacturers and 278 wholesalers. In May 2005, Staff made telephone calls to non-respondent manufacturers and wholesalers who had received a certification via certified mailing, and who had been identified by other companies as suppliers of "regulated" trash bags.

Compliance Determination, Manufacturers:
Compliance for manufacturers is based on the amount of post consumer material used in regulated trash bags produced by the manufacturer. This data is supported by information from the supplier of the recycled material.

As of July 14, 2005, ~~June 3, 2005,~~ forty-four (44) ~~forty-three (43)~~ manufacturers had submitted certification forms to the Board. Thirty-two (32) manufacturers demonstrated compliance with the 10 percent post consumer resin requirement. These manufacturers certified as using between 10.0 and 60.1 percent post consumer material in their regulated trash bags. Twelve (12) ~~Eleven (11)~~ manufacturers certified that they neither manufactured nor sold "regulated" trash bags in California. Another five (5) manufacturers were either no longer operating businesses, or had already received a certification under another business name or address. Three (3) ~~Four (4)~~ manufacturers were non-compliant. One (1) manufacturer failed to meet the 10 percent post consumer requirement, and two (2) ~~three~~ manufacturers, who staff determined (store surveys; cross checking with wholesaler reports) sold trash bags in California during 2004, failed to return certification forms.

Five (5) manufacturers submitted certifications requesting an exemption from the minimum content standard due to unavailability of sufficient quantities of post consumer materials meeting specified quality standards. The Board will consider

these exemption requests for the under a separate item at its August 9, 2005 Sustainability and Market Development Committee meeting, and August 16-17, 2005, Board meeting, if further deliberation is necessary. Board staff will contact these companies to ensure that they have a representative at the August Committee and Board (if necessary) meetings to present their case that they made reasonable attempts to obtain post consumer material, and that based on those efforts the Board should grant them an exemption pursuant to California Code of Regulations (CCR), Section 17982(f).

Twenty-five (26) manufacturing companies did not return a certification form. Nearly all of these non-respondents were manufacturers of film plastics that were added for the 2003 certification process based on staff research that indicated that some or all of these companies sold trash bags in California. Specifically, most of the companies were added as a result of staff's review of published lists of film plastic manufacturers. However, based on the results of the certification, staff now believes that it is likely that most of these companies do not manufacture regulated trash bags.

Manufacturer Certification Summary
~~(June 3, 2005)~~ (July 14, 2005)
83 Certifications

- Met 10% PCR requirement: 32 Manufacturers
- Exemption Requests: 5 Manufacturers (addressed under a separate agenda item for the Board's August, 2005, meeting)
- Not In Compliance with certification requirements: 3 ~~4~~ Manufacturers
- Out of Business: 5 Manufacturers
- Do not sell regulated bags into California: ~~11~~ 12 Manufacturers
- Did Not Respond – Regulatory Status to Be Determined: 26 Manufacturers

Compliance Determination, Wholesalers:
A wholesaler demonstrates compliance by certifying the amount of plastic trash bags they sold; identifying the manufacturers and wholesalers whom they purchased trash bags from; and by identifying the locations from which they shipped trash bags.

The majority of the wholesaler group was added for the 2002, 2003 and 2004 certification processes through market surveys, or from a list of companies that bid on contracts with the Department of General Services (DGS). Staff used this information in an effort to provide a more complete list of non-compliant wholesalers to DGS in order to ensure that DGS did not contract with ineligible suppliers.

Staff mailed certification forms to 278 potential wholesalers. Eighty-three (83)~~Sixty two (62)~~ wholesalers submitted completed certification forms. Fifty-nine (59)~~Fifty-seven (57)~~ wholesalers certified that did not sell regulated plastic trash bags into California. One (1) wholesaler was determined to be out of compliance. There were an additional thirty-five (35)~~thirty-four (34)~~ companies that were sent certifications that were not deliverable or were returned because they were either out of business. And finally, there were 100 ~~125~~ wholesalers who failed to return a certification sent to them through certified mail.

Wholesaler Certification Summary
~~(June 3, 2005)~~ (July 14, 2005)
278 Certifications

- Met Certification Requirements/In Compliance: ~~62~~ 83 Wholesalers
- Did Not Sell Regulated bags into California: ~~57~~ 59 Wholesalers
- Out of Business: ~~34~~ 35 Wholesalers
- Did Not Respond - Regulatory Status to Be Determined:~~125~~ 100 Wholesalers
- Out of Compliance: 1 Wholesaler

Non-Responding Manufacturers and Wholesalers:
Despite sending each company a certified mailing and attempting to conduct "follow-up" phone calls, staff still did not receive a certification form or other documentation from about fifty percent of manufacturers and wholesalers. In the 2003 certification process, there was also a fifty percent non-response rate, whereas, 2002 had a twenty percent non-response rate, but that was with a smaller, incomplete list that staff has been attempting to augment. Out of the non-responder group, staff identified ~~33~~ twenty-nine 29 manufacturers and wholesalers that were sent a 2004 certification based on previous wholesaler filings which identified them as selling regulated trash bags into California.

~~Staff then followed up with these companies to request that they submit their 2004 certification. Seventeen companies subsequently submitted certification forms. Thirteen demonstrated compliance, but four were found to be in non-compliance. Staff will research the remaining 16 companies to attempt to determine their regulatory status.~~

Staff then followed up with these twenty nine (29) companies by sending a letter via certified mail, and staff also called each company to inform them they had one last chance to return their certification forms to the Board no later than July 8, 2005. Subsequently, twenty-one (21) companies submitted certification forms and demonstrated compliance. One (1) company was determined to be out of business, three (3) were not regulated, and four (4) were found to be non-compliant. Staff will research the remaining one hundred (100) wholesalers in an attempt to determine their regulatory status.

It should be noted that during the follow up process, one major national manufacturer of plastic packaging stated that it was probably better to not respond than to admit non-compliance. Because the company did not sell to the state government, the company felt that there was no real incentive to even report let alone comply with the minimum content provision. As a result, staff is recommending (see Option 1) that the Board list non-responding manufacturers and wholesalers that sell trash bags into California as non-compliant. For companies which staff has no evidence that they shipped regulated trash bags into California, staff has left them off the published lists entirely.

Post-Consumer Material (PCM) Utilization:

Year	California PCM	Non-California PCR	Total PCM Usage	Tons of Regulated Trash Bags Reported Shipped to CA
2001	2,756	10,897	13, 653	Unknown
2002	5,300	3,613	8,913	69,267
2003	4,771	3,612	8,383	91,536
2004	4,569	3,285	7,854	98,012

The sale of regulated trash bags into California increased by approximately 9 percent between 2003 and 2004. The actual number of trash bags sold into California increased from 2,200,413,303 bags in 2003, to 2,413,607,031 bags in 2004, about a ten percent increase. By weight, the tonnage of trash bags reported sold into the State increased from 91,536 tons in 2003, to 98,012 tons in 2004, about a 7 percent increase.

Regarding post consumer material usage, manufacturers reported using 4,569 tons of California post consumer resin in 2004, as compared to 4,771 tons used in 2003. A four percent decrease. Purchases of post-consumer material from outside of California totaled 3,285 tons in 2004, as compared to 3,612 tons in 2003. A nine percent decrease. Total use of post consumer material decreased from 8,383 tons in 2003 to 7,854 tons in 2004, a decline of 6 percent. However, since 2001 PCM use has now decreased by 42 percent!

The data indicates a historic and significant reduction of the amount of post consumer material being used in regulated bags sold in California. Some of this can be attributed to the improvements in production techniques and the ability to manufacture lighter, yet stronger, trash bags. These decreases are seen in both the California and national market places. A number of manufacturers and suppliers assert that continuing lack of availability of post-consumer material is due to increased competition for that post consumer material from plastic lumber manufacturers and other similar recycled content plastic lumber products, and increased demand for exporting recovered plastic materials. Nevertheless, the trend of increasing sales and tonnage of regulated plastic trash bags sold into California, and decreasing post consumer material usage, is concerning because of its potential impact on sustainable markets for PCM in California.

B. Environmental Issues

The Board's 2004 Waste Characterization Study found plastics made up to 9.5 percent of the disposal waste stream, or 3,809,699 tons out of a total of 40,235,328 tons of material disposed by weight.

	Plastics Percent of Total Materials	Film Plastics Percent	Film Plastic Disposal in Tons	Total Plastic Disposal in Tons
1999	8.9%	3.9%	1,453,588	3,336,503
2004	9.5%	4.4%	1,747,659	3,809,699

Since the Board's 1999 Waste Characterization Study plastics were found to make up 8.9 percent of the disposed waste stream, or 3,336,503 tons out of a total of 37,500,000 tons of material disposed. This is an increase of approximately 473,000 tons of plastic disposed annually. Film plastics, specifically, composed 4.4% by

weight of disposed materials, but increased by 16% in tons disposed annually.

What the 2004 and 1999 numbers show is that plastic materials are lagging far behind other material types in regard to recovery and recycling. The overall recycling rate for plastics remains at about 5 percent nationally. Other material types (glass; paper; construction and demolition debris; and organics) are recycled at rates 15-50 percent. Therefore, more focus will be needed on plastic recovery, recycling, and market development. And since film plastic represents over 46 percent of plastic material disposed of in California, special emphasis needs to be placed on market development for film. The Board is currently in the process of conducting another Waste Characterization Study, focused on the commercial waste stream. Staff believes that since other materials continue to be diverted in increasing amounts, and that the trend of plastics comprising an increasingly larger part of the disposed waste stream is likely to continue for 2004.

C. Program/Long Term Impacts

The Department of General Services (DGS) and other state agencies rely on the Board's published lists to determine which companies are compliant and not compliant with the Plastic Trash Bag Law so that they can determine if they can contract with a particular company, or if a particular company offers recycled content trash bags.

Publication of the names of non-compliant manufacturers and wholesalers provides an incentive for companies to comply with the plastic trash bag law. One of the purposes of the law is to expand the markets for secondary materials recovered within the state. The minimum recycled content requirements of the law support this purpose.

The Board and the Department of General Services are cooperatively implementing the State Agency Buy Recycled Campaign (SABRC), which seeks to increase the purchase of products manufactured with recycled or post-consumer materials. One of the specific product categories is plastic products. The Board will work with the departmental SABRC coordinators to increase the purchase of trash bags and other plastic products made with recycled materials.

D. Stakeholder Impacts

A number of manufacturers continue to express concern about the lack of availability of post-consumer material that meets their quality standards. However, post consumer material suppliers and environmental stakeholders continue to express support for the Board's process to document that companies requesting an exemption met the regulatory requirements for obtaining one, and working with suppliers to obtain material that meets specified quality standards. Trash bag manufacturers continue to express their support for suspending and eventually repealing the existing law in favor of a more comprehensive approach to managing film plastic in California. This may impact their desire and level of effort to comply with the law should future certifications be necessary.

E. Fiscal Impacts

There are no direct fiscal impacts due to this item.

F. Legal Issues

Public Resources Code section 42297(b) requires the Board to annually publish a list of any manufacturers or wholesalers who failed to comply with the trash bag law. Subsection (c) (1) states that any supplier, manufacturer or wholesaler, and any of its divisions, subsidiaries, or successors, who fails to comply with the trash bag statute, shall be ineligible for the award of any State of California contract or subcontract, or for the renewal, extension, or modification of an existing contract or subcontract, until the Board determines that it is in compliance with the trash bag statute. Subsection (c) (2) further states that no State agency shall solicit offers from, award contracts to, or renew, extend or modify a current contract or subcontract with, any supplier, manufacturer, or wholesaler, or any of its divisions, subsidiaries, or successors, who fails to comply with the trash bag statute until the Board determines that it is in compliance with the statute.

G. Environmental Justice

Based on available information, staff is unaware of any environmental justice issue regarding this agenda item.

H. 2001 Strategic Plan

This Agenda Item is consistent with the Board's current Strategic Plan (Goal 2, Objective 2) to encourage the use of material diverted from landfills and the use of environmentally preferable practices, products and technologies.

VI. FUNDING INFORMATION

N/A

VII. ATTACHMENTS

1. Non-compliant Manufacturer and Non-compliant Wholesalers
2. Manufacturers That Met the Minimum Post Consumer Content Requirements
3. Resolution Number 2005-189

VIII. STAFF RESPONSIBLE FOR ITEM PREPARATION

A. Program Staff: Sue Ingle **Phone:** (916) 341-6518

B. Legal Staff: Deborah Borzelleri **Phone:** (916) 341-6056

C. Administration Staff: N/A **Phone:**

IX. WRITTEN SUPPORT AND/OR OPPOSITION

A. Support

Staff has not received any written documentation of support for this Item.

B. Opposition

Staff has not received any correspondence in opposition to this Item.

Non-Compliant Trash Bag Manufacturers and Wholesalers
2004 Reporting Period

	Company Name	City	State
~~1~~	~~A to Z Products, Inc.~~	~~Palmdale~~	~~CA~~
~~2~~	~~All Fresh Prod Inc~~	~~San Diego~~	~~CA~~
~~3~~	~~Allied Capital Group Inc~~	~~La Verne~~	~~CA~~
4	Allstate Plastics, Inc.	San Leandro	CA
~~5~~	~~American Transit Supply~~	~~Oakland~~	~~CA~~
~~6~~	~~Associated Sales & Bag Company~~	~~Milwaukee~~	~~WI~~
~~7~~	~~Costco Wholesale Co.~~	~~Issaquah~~	~~WA~~
~~8~~	~~El Dorado Paper CO/Express~~	~~Shigle Springs~~	~~CA~~
~~9~~	~~Fishman Supply Company~~	~~Petaluma~~	~~CA~~
10	FlexSol Packaging Corp	Pompano Beach	FL
~~11~~	~~Homer T Haywood Lumber Company~~	~~Monterey~~	~~CA~~
12	Interplast Group, dba Integrated Bagging Systems(IBS)	Lolita	TX
~~13~~	~~Interstate Plastics~~	~~Sacramento~~	~~CA~~
~~14~~	~~Kmart Corporation~~	~~Troy~~	~~MI~~
~~15~~	~~Lowe's Home Improvement Warehouse.~~	~~Mooresville~~	~~NC~~
~~16~~	~~Merit Janitorial Supply, Inc.~~	~~Stockton~~	~~CA~~
~~17~~	~~Modesto Janitorial Supply~~	~~Modesto~~	~~CA~~
~~18~~	~~Office Max, Inc~~	~~Shaker Heights~~	~~OH~~
~~19~~	~~Partners In Purchasing.com, Inc.~~	~~Bakersfield~~	~~CA~~
~~20~~	~~Playtex Diaper Genie~~	~~Westport~~	~~CT~~
21	Prime Vendor	Wilmington	NC
~~22~~	~~Professional Hospital Supply~~	~~Temecula~~	~~CA~~
~~23~~	~~Ragold Corporation~~	~~Newport Beach~~	~~CA~~
~~24~~	~~Rolling Hills Plastics Corp.~~	~~Rancho Palos Verdes~~	~~CA~~
~~25~~	~~Sac-Val Janitorial Sales & Service, Inc.~~	~~Sacramento~~	~~CA~~
~~26~~	~~Staples, Inc~~	~~Farmingham~~	~~MA~~
~~27~~	~~TRM Manufacturing~~	~~La Mirada~~	~~CA~~
~~28~~	~~VWR International~~	~~Brisbane~~	~~CA~~
~~29~~	~~Xpedx Division of International Paper~~	~~City of Industry~~	~~CA~~

Noncompliant Trash Bag Manufacturers and Wholesalers
2004 Reporting Period

	Company Name	City	State
1	A to Z Products, Inc.	Palmdale	CA
2	All Fresh Prod Inc	San Diego	CA
3	Allied Capital Group Inc	La Verne	CA
4	Allstate Plastics, Inc.	San Leandro	CA
5	American Transit Supply	Oakland	CA
6	Associated Sales & Bag Company	Milwaukee	WI
7	Costco Wholesale Co.	Issaquah	WA
8	El Dorado Paper CO/Express	Shigle Springs	CA
9	Fishman Supply Company	Petaluma	CA
10	FlexSol Packaging Corp	Pompano Beach	FL
11	Homer T Haywood Lumber Company	Monterey	CA
12	Interplast Group, dba Integrated Bagging Systems(IBS)	Lolita	TX
13	Interstate Plastics	Sacramento	CA
14	Kmart Corporation	Troy	MI
15	Lowe's Home Improvement Warehouse.	Mooresville	NC
16	Merit Janitorial Supply, Inc.	Stockton	CA
17	Modesto Janitorial Supply	Modesto	CA
18	Office Max, Inc	Shaker Heights	OH
19	Partners In Purchasing.com, Inc.	Bakersfield	CA
20	Playtex Diaper Genie	Westport	CT
21	Prime Vendor	Wilmington	NC
22	Professional Hospital Supply	Temecula	CA
23	Ragold Corporation	Newport Beach	CA
24	Rolling Hills Plastics Corp.	Rancho Palos Verdes	CA
25	Sac-Val Janitorial Sales & Service, Inc.	Sacramento	CA
26	Staples, Inc	Farmingham	MA
27	TRM Manufacturing	La Mirada	CA
28	VWR International	Brisbane	CA
29	Xpedx Division of International Paper	City of Industry	CA

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Resolution 2005-189 (Revised)

Consideration Of Plastic Trash Bag Manufacturers And Wholesalers Compliance With The Plastic Trash Bag Law For The 2004 Reporting Period (public Resources Code Section 42997 (b))

WHEREAS, Public Resources Code Section 42997 (b) requires manufacturers of regulated (thickness of 0.7 mil or greater) plastic trash bags sold in California to annually do one of the following: (1) certify their regulated trash bags were manufactured with 10 percent or more post-consumer material; (2) certify that they used 30 percent post-consumer material in all of their plastic products; or (3) demonstrate that there was an insufficient supply of post-consumer materials to satisfy the 10 or 30 percent standards; and

WHEREAS, all manufacturers and wholesalers of regulated trash bags sold in California are required to submit annual certifications to the Board; and

WHEREAS, the Board must annually publish a listing of manufacturers and wholesalers who do not demonstrate compliance with the plastic trash bag law; and

WHEREAS, Public Resources Code section 42297 prohibits any contract between non-compliant manufacturers or wholesalers and any agency of the State of California, and the Department of General Services utilizes the Board's published list to confirm that a wholesaler or manufacturer is eligible to bid on or be awarded a state contract.

NOW, THEREFORE, BE IT RESOLVED, the Board adopts for publication pursuant to Public Resources Code section 42997 (b) the lists of manufacturers and wholesalers shown in Attachments 1 and 2, ~~and 3~~ of this item; and

BE IT FURTHER RESOLVED, the Board directs staff to post the adopted lists 1 and 2, ~~and 3~~ on the Board's Web site and to notify state agencies procurement officials.

CERTIFICATION

The undersigned Executive Director, or his designee, of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on July 19-20, 2005.

Dated:

Mark Leary
Executive Director

California Integrated Waste Management Board

Board Meeting

July 19-20, 2005

AGENDA ITEM 12

ITEM

Update On Progress Toward Achieving Goals Of The Carpet Stewardship Memorandum Of Understanding

I. ISSUE/PROBLEM STATEMENT

According to the Board's December 2004 Statewide Waste Characterization Study, it is estimated that California disposes roughly 840,000 tons of carpet per year, representing two-percent of the State's overall waste stream. Currently, most of the waste carpet generated in California goes to landfills and virtually all the carpet recycled in California is being processed by one or two businesses.

Cal/EPA is party to the Carpet Stewardship Memorandum of Understanding, an agreement between government and the carpet industry to address the problems associated with the large quantity of carpet being disposed in the US. Are the signatories to the MOU fulfilling their obligations under the MOU and are we on track to achieve the goals of the MOU?

II. ITEM HISTORY

Waste Prevention and Market Development staff brought this issue to the Board at the August 14, 2001, meeting. The Board directed staff to pursue California's participation in the Memorandum of Understanding for Carpet Stewardship (Carpet Stewardship MOU). In January 2002, Cal/EPA Secretary Winston Hickox, joined with representatives of several other states' environmental agencies, the US EPA, non-governmental environmental organizations, and the carpet industry in signing the Carpet Stewardship MOU. When the Board gave its support for the Carpet Stewardship MOU, it directed staff to report back two years from the date the agreement was signed and report on progress and provide recommendations regarding continuing support.

Waste Prevention and Market Development staff presented an update on this topic at the January 2004 Board meeting. The Board expressed concerns about industry's progress toward meeting the goals of the MOU but voted to continue participation in the MOU. The Board directed staff to continue to monitor industry's efforts and report back this year.

III. OPTIONS FOR THE BOARD

This is an informational item only.

IV. STAFF RECOMMENDATION

N/A

V. ANALYSIS

A. Key Issues and Findings

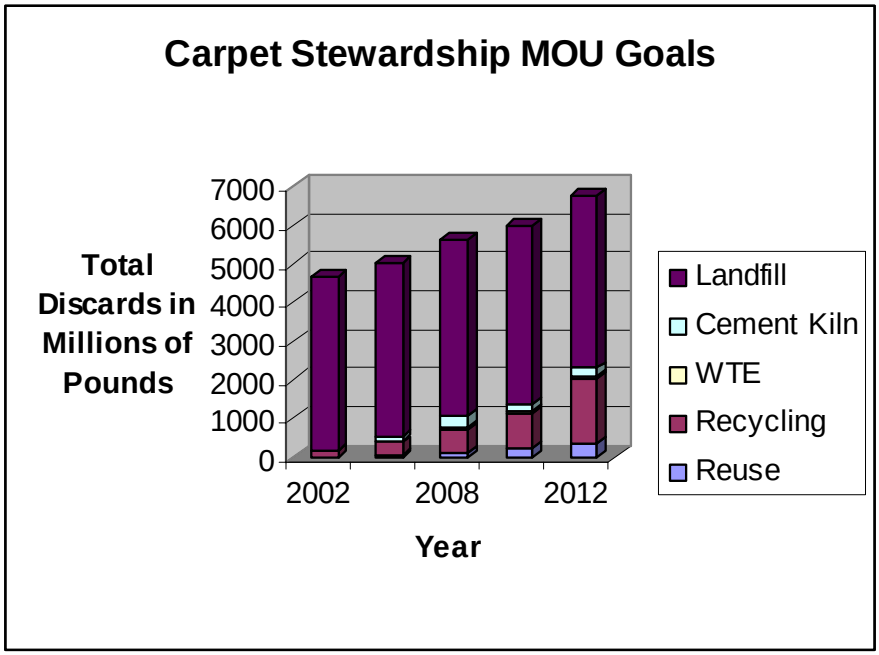
Background

In 2000, stakeholders from the carpet industry and various state governments, then known as The Midwestern Workgroup on Carpet Recycling, joined to form a

voluntary agreement to increase carpet recycling and reduce its disposal in landfills. In 2001, upon invitation by the Minnesota Office of Environmental Protection, Board staff joined in the negotiations. On August, 14th, 2001, the Board directed staff to seek then Cal/EPA Secretary Winston Hickox's support for having California as a signatory member in the resulting agreement.

In January 2002, California joined with several other states, the USEPA, Carpet and Rug Institute (CRI), several carpet manufacturers, fiber manufacturers and environmental groups in signing the *Carpet Stewardship Memorandum of Understanding*.

This landmark, nationwide agreement, the result of a two-year negotiation process, established voluntary goals for reducing the disposal of carpet and increasing reuse and recycling of post-consumer carpet. The ten-year goal of the MOU is to establish an industry led 3rd party organization that will work to divert 40-percent of the post-consumer carpet waste generated. An estimated schedule for the achievement of this goal is summarized in the graph below.



National discards estimates provided by the *Carpet and Rug Institute*.

This agenda item has been prepared to provide continued follow-up on the progress toward achievement of the Carpet Stewardship MOU's objectives and to provide an update on the status of post-consumer carpet diversion efforts.

To implement this MOU, the carpet industry, under the leadership of the Carpet and Rug Institute (CRI), formed a non-profit 3rd party organization named the Carpet America Recovery Effort (CARE). To date, CARE has been funded by contributions from several of the industry members and the state of North Carolina. This past year, Dr. Robert Peoples was appointed by the CARE board as executive director.

Annual CARE Conference

For the past three years there has been a national conference for the members of the MOU. The agendas have been built around product development, individual state efforts, industry initiatives, financing opportunities, solving technical issues, and networking.

Each year, the conference has grown in attendance. The first year's conference was attended by MOU members and a couple of recyclers. The next year, there were a couple of manufacturers as well.

This year's CARE conference included *several* product manufacturers using or considering the use of recycled carpet in their products. What was more encouraging was the presence of multiple manufacturers of equipment for the processing of post-consumer and post-industrial carpet fiber. This development of a "support industry" indicates the growth and maturation of the carpet recycling market.

Despite these positive developments, staff remains concerned about the persistence of the industry position that outside businesses will use all the post-consumer carpet waste and that they simply need to facilitate this effort. While there appears to be growing consumption and interest in the use of post-consumer carpet by non-carpet manufacturers, there has been little to no use of this material by carpet manufacturers themselves. In a brochure put out by CRI at the CARE conference, it was noted that "Old carpet is being recycled into composite lumber, tile backer board, roofing shingles, railroad ties, automotive parts, carpet cushion, stepping stones and many more useful products." Unfortunately, very little *old* carpet is being put into *new* carpet.

While the growth in post-consumer carpet consumption by outside entrepreneurs is encouraging, it will not provide the same stability for the market that recycling investment by the carpet manufacturers would help provide. If these outside entrepreneurs find another plastic resin that works better or cheaper, they will cease using carpet.

Reasons for Optimism

This time last year, staff was concerned about the lack of diversion opportunities for carpet, noting that virtually all US carpet recycling was being accomplished by a single Los Angeles area company. In the past year, a Fresno based manufacturer began production of a post-consumer carpet fiber cushion. While it remains to be seen if California can sustain two large competitors, it is a positive development with regard to post-consumer carpet diversion. In terms of overall volume, these two businesses still account for the majority of the nation's approximately 49,000 tons of diversion.

Additionally, while increasing oil prices may put a dent in your holiday driving plans, they have resulted in increased prices for virgin plastics and therefore increasing demand for *all* post-consumer plastics—including nylon, polypropylene and polyester from carpet.

Rapid economic growth in Asia has resulted in increased international demand for thermoplastics and has resulted in upward price pressure on recovered carpet fiber.

At least one buyer representing a large Chinese and Canadian company was actively seeking to negotiate contracts for the purchase of post-consumer carpet at the May 2005 annual CARE conference.

Additionally, the requirements of recent legislation (Chapter 641, Statutes of 2004, (Chan, AB 2587)) may positively impact carpet recycling efforts. This makes it illegal to sell products in California that contain more than 1/10 of one-percent of certain brominated flame retardants after June 1, 2006. As currently formulated, much of the re-bond polyurethane foam pad being sold in California exceeds this threshold. A competing product for this foam pad is synthetic fiber pad—much of which is made from post-consumer recycled carpet. As foam pad is phased out of production, we expect to see greater demand for fiber pad, including that containing post-consumer carpet.

Unfortunately, the phase out of the use of re-bond foam pad is already having a negative impact on the domestic market for post-consumer polyurethane foam. Traditionally, most of the foam carpet pad being sold in the US contained some post-consumer material. It's the pad that looks like it is made of chunks of foam—because it is. The standard mix of ingredients in this product is approximately 1/3 post-industrial, 1/3 domestic post-consumer and 1/3 *imported* scrap. Fortunately, the volume of material is relatively low (around 10,000 tons per year for California) and the market for this should rebound after these fire retardants work their way out of the system.

Reasons for Concern

With the closure of the Augusta, Georgia Evergreen nylon recycling facility in September 2001 and the closure of Germany's PolyAmid 2000 facility in July 2003, the only source of post-consumer nylon suitable for use in carpet face fiber is the small Honeywell facility in Arnprior, Canada. The carpet industry still resists federal government and state efforts to require the use of post-consumer content in their products. While this is in part due to the lack of an adequate supply of post-consumer nylon resin, it is also due to the lack of capital investment by the carpet industry that is needed to bring post-consumer nylon resin to the marketplace.

What is more disturbing to staff is the carpet industry's apparent softening of its commitment to the goals of the MOU. In a January 2005 letter to the CARE board (Attachment 2), CARE Executive Director Dr. Robert Peoples reported on a recent meeting of the Carpet and Rug Institute Board of Directors' meeting, writing: "A specific concern expressed by the CRI Board of Directors was that the 40 percent diversion goal was overly aggressive and not based on any specific benchmark or real world experience."

In its 2004 Annual Report, CARE reports a nationwide diversion rate of 2.4-percent. The MOU goal for 2004 is 7.9-percent. While this represents a significant shortfall, it should be viewed with the following points in mind:

- While 2.4-percent is low, it represents a 15.5-percent increase over the prior year's diversion.

- This figure is for *nationwide diversion* and the greatest quantity of US post-consumer carpet diversion takes place within California.
- The survey on which CARE based its diversion rate is voluntary and had a *seven-percent response rate*. And finally,
- The overall, ten-year diversion goal of 40-percent is unlikely to be achieved in a linear fashion.

On the other hand, the 2.4-percent diversion rate was based on rather conservative disposal estimates. Therefore, the actual diversion rate is probably much lower.

Carpet Disposal

It is important to note that all the goals identified in the MOU were based on industry estimates of disposal. At the time, there was no quality data (based on actual waste sorts) regarding carpet disposal. In December 2004, the Board published the first statewide disposal estimates for carpet, based on comprehensive waste sorts. According to the Board's *December 2004 Statewide Waste Characterization Study*, it is estimated that California disposes roughly 840,000 tons of carpet per year. This is approximately three times the quantity that would be expected based on the industry's nationwide disposal estimate. Based on this California disposal data, staff believes nationwide disposal may be significantly greater than earlier estimates.

The question of whether the 2003 California disposal data reflects an on-going situation or an anomaly will be difficult to answer until completion of the next statewide waste characterization study.

Procurement

At the April 2005 Board meeting, staff presented the *Green Procurement Action Plan*. Consistent with the priorities of this plan, Board and other Cal/EPA staff, along with staff of the Department of General Services, including the Division of the State Architect, a few other states and local governments, CRI, Scientific Certification Systems (SCS) and Market Transformation to Sustainability (MTS) worked to develop a nationwide standard for environmentally preferable carpet procurement. (See http://mts.sustainableproducts.com/Approved_Unified_Standard_2.0/ for details.)

Based on this nationwide standard, staff of DGS and Cal/EPA are recommending the use of certain minimum requirements for California carpet purchase, calling it the *California Gold EPP Carpet Standard* (See worksheet: Attachment 3.). The *California Gold EPP Carpet Standard* would, among other things, require 10-percent post-consumer content, minimal chemical emissions and product reclamation.

On May 26, 2005, DGS and Board staff presented the requirements of the *California Gold EPP Carpet Standard* to representatives of the carpet industry and other interested parties in a public meeting. We are currently soliciting comments on the proposed carpet procurement requirements and will host another meeting in July based on the comments received.

Unfortunately, on May 27th, 2005, carpet industry representatives announced their decision to cease relations with MTS and find another non-profit environmental organization to administer the nation-wide standard that is incorporated by reference in the California standard. Staff is hopeful that this is simply a bump in the road and does not represent a significant barrier to adoption of the procurement standard in the near term.

B. Environmental Issues

Carpet is a durable product mostly derived from petroleum—a non-renewable resource. According to the Board's *December 2004 Statewide Waste Characterization Study*, it is estimated that California disposes roughly 840,000 tons per year, making it approximately two-percent of the waste stream. Carpet recycling is benefited by the fact that sorting carpet from the waste stream is made easier by the typically large pieces and the fact that the majority of waste carpet is generated by a limited number of businesses—namely carpet retailers and installers.

Research studies have demonstrated that carpet, like so many other materials, does not noticeably degrade in landfills, even after periods of up to 20 years. In the conditions of a modern landfill, natural fiber carpets and jute backed carpet showed no more degradation than did their synthetic counterparts.

Additionally, carpet poses special handling problems for landfill operators. Carpet is difficult to compact and may move from where it is placed (float) in the landfill, leading to increased handling costs.

C. Program/Long Term Impacts

As part of the overall work on construction and demolition waste management efforts, staff would likely continue working on the problem of post-consumer carpet diversion regardless of California's participation in this particular MOU. However, it is staff's opinion that progress in managing this waste material will only be possible with industry's cooperation. Maintaining participation in the MOU should assist in keeping industry productively engaged in the process. Even if industry moves slower than the Board would like with regard to the goals of the MOU, our continued participation in the MOU allows staff the opportunity to address carpet industry leaders on an on-going basis and to encourage them to increase their efforts toward waste minimization.

D. Stakeholder Impacts

This issue has minimal impact on carpet industry—particularly in light of the fact the agreement is voluntary. Industry failure in this effort would have a negative impact on local government diversion efforts. Growth in carpet recycling efforts would have positive economic impacts on recycling and related businesses.

E. Fiscal Impacts

N/A

F. Legal Issues

N/A

G. Environmental Justice

Based on available information, staff is unaware of any environmental justice issue regarding this agenda item.

H. 2001 Strategic Plan

This Agenda Item is consistent with the Board's current Strategic Plan (Goal 2, Objective 2) to encourage the use of material diverted from landfills and the use of environmentally preferable practices, products and technologies.

Additionally, carpet is proposed to be one of five Environmentally Preferable Product (EPP) purchase specifications to be developed as part of the Green Procurement Action Plan the Board adopted at its April 2005 meeting.

VI. FUNDING INFORMATION

N/A

VII. ATTACHMENTS

1. CARE 2004 Annual Report
2. January 2005 letter to CARE Board
3. Draft *California Gold EPP Carpet Scorecard*

VIII. STAFF RESPONSIBLE FOR ITEM PREPARATION

A. Program Staff: John Blue **Phone:** (916) 341-6484
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C. Administration Staff: N/A **Phone:** N/A

IX. WRITTEN SUPPORT AND/OR OPPOSITION

A. Support

N/A

B. Opposition

N/A

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Appendix A-1

Message from Frank Hurd, Board Chairman

CARE's third year has not been a spectacular year in terms of increasing the diversion of carpet from land fills but rather, a year where we have laid significant ground work for the future. We continue to learn every day and continue to appreciate how hard this task is. Several things contributed to a slow down in our growth; most importantly we are still feeling the after effects of the Polyamid 2000 closing which has led to lower than hoped for improvements in diversion of Post Consumer Carpet (PCC) from landfills. Most encouraging has been how the entrepreneurs reacted to this unexpected loss of business. They have been remarkable in rebuilding their businesses and are on the verge of real and dramatic growth.
We are seeing signs that this year will be much better than last year. Oil prices make post consumer carpet more attractive. As industry continues to find ways to reduce post industrial waste, less is available making PCC waste a necessity. We also took a look at our expectations for growth and realized we may have been overly optimistic with our expectation of dramatic growth early on. In the Market Development section of this report there is a discussion of a more realistic growth model that will still get us to our goals.

Our second annual meeting last year in Pensacola, FL was outstanding and I am looking forward to the third meeting being even better. Last year we gave out $106,000 in grants to facilitate the work of entrepreneurs looking for ways to divert carpet from landfills. We will highlight a CARE Person of the Year and a Recycler of the Year. I can't say enough about this year's sponsors. They continue to make it possible for CARE to operate. The annual conference sponsors have been equally generous. A special thanks to all of them.
This upcoming year we want to use our scarce resources to find ways to directly help entrepreneurs market their products. We want to find the best vehicles to engage state procurement officers in the CARE process. This is something we have not been very successful with thus far,but it is an area we feel will generate huge returns if we are successful. Again this is not a short term undertaking. Bob Peoples, our Executive Director, continues to be an outstanding addition to the CARE team. His efforts have been instrumental in moving CARE forward towards its goals. I would be remiss if I didn't make a special mention of Linda Harrington whose administrative skills have been invaluable to CARE. Also I would like to thank James Beach who has been a tremendous help in getting out the CARE newsletters.

As always, I can't thank my fellow board members enough for their tireless efforts. Without their dedication finding market-based solutions to land fill diversion of post consumer carpet would not be possible.
I am excited for the future. I think the foundation laid this, and previous years, will poise us for dramatic growth. I ask those who read this report to read it with this understanding. It is too early to judge if we are, or are not, making the kind of progress necessary to achieve our goals. (I think we are.) Many exciting things are taking place and once we see these activities start to mature, I think the growth of PCC landfill diversion will explode. I am looking forward to seeing where year four of CARE will take us.

Frank K. Hurd, Chairman, Board of Directors, CARE

Message from Robert Peoples PhD, Executive Director

When I look back at the past three years, it is hard to believe how far we have come yet at the same time, recognize we have barely begun this journey. Like any young organization that struggles with financing and plays only a facilitation role, it has been a challenging year for CARE. However, we completed a major potential diversion analysis using an independent academic approach with Dr. Matthew Realff of Georgia Tech. A key observation out of this study was realization that landfill diversion of old carpet is set to follow a classic S Curve for growth. The practical implication of this analysis is an altered expectation that the early years will not follow the linear ramp up prescribed by the MOU signed on January 8, 2002. What is more important is making sure we do all we can to support, facilitate, communicate, and enable the growth of new products containing post-consumer carpet identified in the analysis. The bottom line is, we have no shortage of good ideas and many projects are already underway. This gives me cause for great excitement as a path forward is apparent. Please see the report for more details to get the full story.

Another observation that bears directly on our future chances of success is engagement. In recent months, several factors have aligned which favor success. Crude oil prices continue to climb and there is no expectation of a return to "normal" levels. In fact, the peak price for a barrel of oil has now been revised to $107. Exports of post industrial and post consumer plastics continue to grow and prices continue to rise. The Asian continent cannot build basic petrochemical facilities fast enough to meet the growing demand for raw materials. This is driving a surge in demand for imported raw materials from the United States. This supply/demand situation will help us "get the economics right" when it comes to recycling. If the number of phone calls, emails and meetings is any indication of expanding and intense interest in the use of old carpet as a new feedstock, we are certainly on the right track. This "chatter" is up dramatically. I have spoken with many companies on a confidential basis that have strategic plans to ramp up recycling activity and use of post consumer carpet as a key raw material. As I said last year, I believe the key to success will be creating demand for products (both carpet and non-carpet) that contain post-consumer recycled content derived from carpet. Our project to engage the state and federal procurement processes is another step in creating that demand.

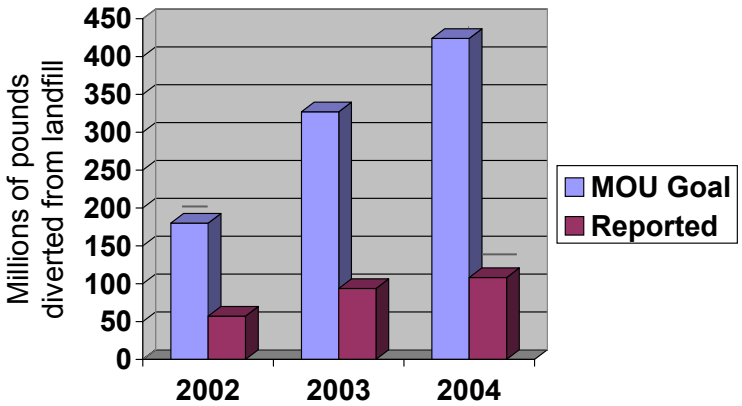
I would like to extend my personal thanks to all the entrepreneurs who are dedicated to business efforts in recycling of old carpet. Also, thanks to the CRI staff and especially to our Board of Directors. We are tackling tough challenges with a true spirit of cooperation that can only mean one thing – we will achieve our goal! I remain highly encouraged by the potential we command and anticipate exceeding our goals by 2012.

Robert Peoples, Ph.D., Executive Director, CARE

Executive Summary

In 2004 reported recycling of post-consumer carpet continued to increase, although at a slower pace than the increase from 2002 to 2003. A total of 108.2 million pounds of post-consumer carpet was reported to be diverted from landfills in 2004, with 98.4 million pounds being recycled. Compared to 2003, this represents a 15.5 percent increase in diversion and a 13.6 percent increase in recycling. As with 2003, this estimate of the level of carpet recycling is based upon data provided by a small percentage of the companies that are believed to be actually recycling carpet, meaning it is likely a significant underestimation of the level of carpet recycling. The progress in level of diversion from 2002 to 2004, along with the goals established in the Memorandum of Understanding (MOU) that established the Carpet America Recovery Effort are shown in the figure below. Response rate to the 2004 survey was only 7%, consistent with last year. Using another approach to model diversion pounds, it is estimated that undercounting may be as high as 60%. We also know 2004 was a year of recovery and rebuilding due to the 2003 shutdown of the Polyamid2000 facility in Germany.

An independent analysis of future diversion potential was completed in the fall of 2004. Many lessons have been learned in the past three years and it is now obvious that CARE will not achieve the linear ramp up defined in the original MOU. However, based on this independent analysis, lessons we have learned and from studying history, CARE has a very good chance of meeting or exceeding our goal by 2012.



Detailed Report

Diversion Progress versus MOU Goals

Data derived from the survey of companies that recycle post-consumer carpet was used to develop a detailed sense of the flow of materials from the point of generation to their ultimate disposition. This information should prove to be useful in improving the effectiveness of market development activities, as well as in targeting future data gathering. This is particularly important in light of the fact that gathering quantitative information from companies involved in carpet recycling continues to be a challenge, despite all attempts to ensure confidentiality and to make the effort required to respond to the survey as minimal as possible.

Market development continues to be a significant challenge for the carpet recycling industry. Several companies that participated in the 2004 survey indicated that market development should be a priority for

CARE. The survey of federal and state agencies revealed that there was relatively little activity in these agencies focused on carpet recycling in general, although there was some limited grant activity reported.

Evaluation of Progress Toward National Goals for Carpet Recovery

The MOU that established the CARE initiative included an escalating target for diversion of post-consumer carpet from landfill, with the ultimate goal of diverting 40 percent of the post-consumer carpet generated. In addition, the MOU included estimates of the different types of diversion that might be employed to achieve the overall goal of 40 percent. When this information is coupled with projections of the amount of used carpet that will be discarded, it results in specific quantitative targets for diversion of post-consumer carpet. These are shown in Table 1 on a weight and percentage basis, respectively.

Table 1: MOU Goals for Post-Consumer Carpet Recovery

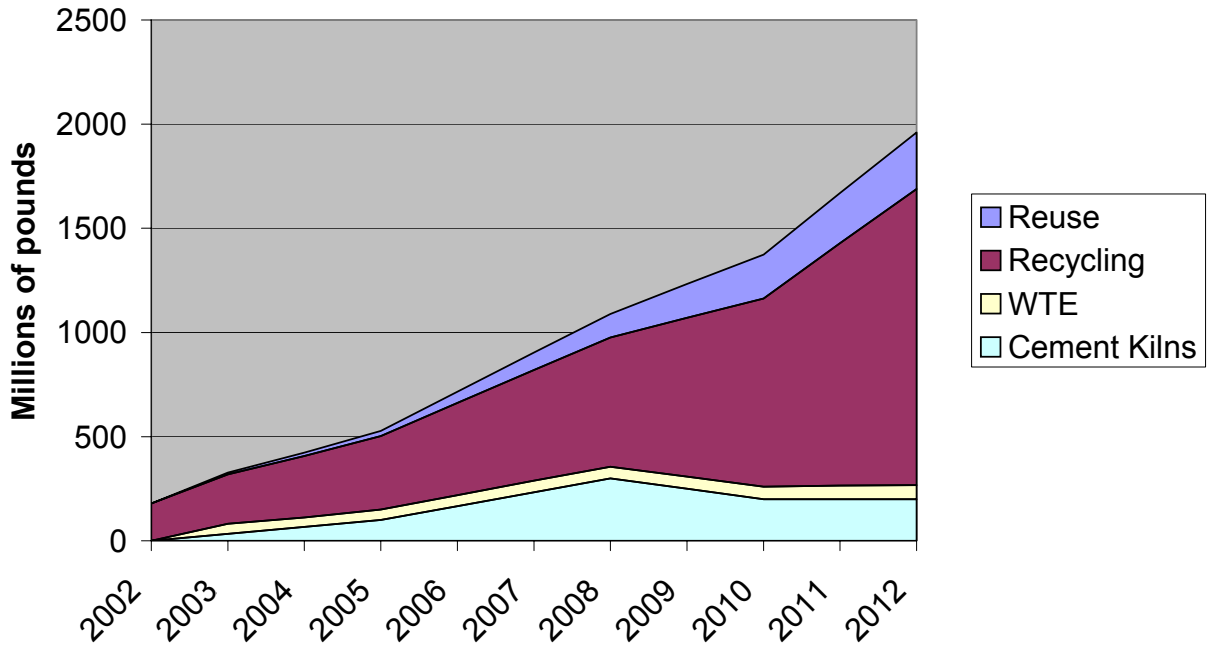
(Data expressed in millions of pounds)

	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Total Discards	4,678	4,828	4,537	5,038	5,261	5,590	5,642	5,887	6,020	6,605	6,772
Reuse				25			113		211		203-339
Recycling	180			180			620		903		1,354-1,693
Waste-to-Energy		48	45	50	53	56	56	59	60	66	68
Cement Kilns				100			300		200		200
Landfill	4,498			4,510			4,552		4,646		4,812
Recycling Rate	3.8%			7%			11%		15%		20 – 25%
Landfill Diversion Rate	3.8%			10%			19%		23%		27 – 34%

The diversion goals contained within the MOU are also shown graphically in Figure 1.

1 Estimates of carpet discards provided by The Carpet and Rug Institute and incorporated into the MOU.
2 The percentage goals in the MOUS do not add up to 40% and are expressed as a range to allow flexibility in achieving and potentially exceeding the 40% diversion goal.

Figure 1: MOU Diversion Goals



Note: WTE = Waste to Energy

To update the progress towards meeting those goals as reported in the CARE Annual Report 2003, an independent survey process and analysis was conducted by Weston Solutions, Inc. (WESTON) to assess the current status of diversion of post-consumer carpet from landfills. The results of that surveying process, as well as a description of the survey methodology, are contained in the remainder of this section of the Annual Report.

It should also be noted that the MOU includes goals for government agencies to participate in and promote market development activities for post-consumer carpet, and it is important that this Annual Report include an update on the status of those activities. Therefore, WESTON conducted a separate survey of state and federal agencies, and the results of that analysis are discussed later in this Report.

Key Quantitative Results from the Carpet Recovery Survey

In reviewing the results from the survey of carpet recycling, it is important to put them into context, both in terms of results from previous years and the overall goals established in the MOU. Therefore, in this discussion of survey results, basic recycling and diversion data will be presented and compared with results from 2002 and 2003 and the goals of the MOU. Then, more detailed analysis of the 2004 survey results will be presented.

Table 2 shows a comparison of the quantity of post-consumer carpet recycled and diverted from landfill in 2002 through 2004, on a weight and percentage basis.

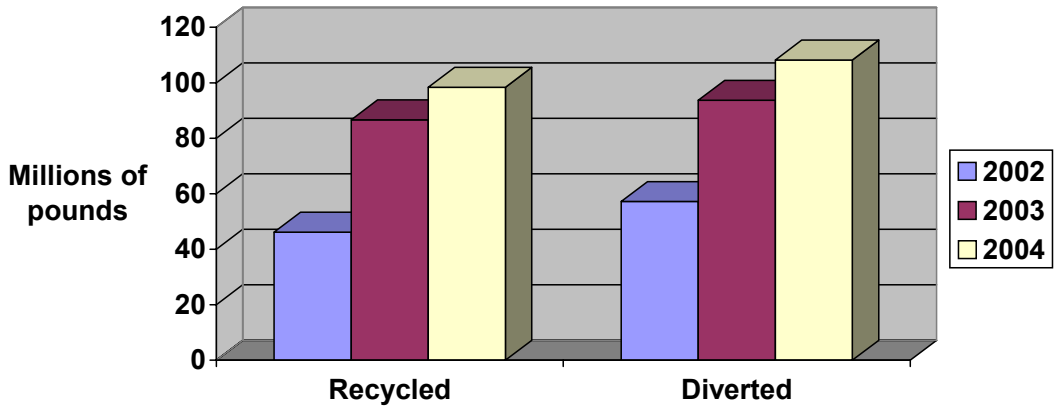
Table 2
Post-Consumer Carpet Recycling and Diversion, 2002 - 2004

	Millions of Pounds			Percent of Total Discards		
	2002	2003	2004	2002	2003	2004
Total Discards	4,678	4,828	4,537	-	-	-
Recycled	46.2	86.6	98.4	0.99%	1.79%	2.17%
Diverted	57.2	93.7	108.2	1.22%	1.94%	2.38 %

It should be noted that in this report, material recycled is considered all material recovered and recycled by being remanufactured into the same or different products or by being used as a feedstock in a manufacturing process. Material diverted is all material diverted from landfill, including all recycled material, as well material sent to waste-to-energy facilities or cement kilns.

The data in Table 2 show that the quantity of post-consumer carpet reported to be recycled increased from 86.6 to 98.4 million pounds from 2003 to 2004, an increase of 13.6 percent, and total diversion from landfill increased from 93.7 to 108.2 million pounds, an increase of 15.5 percent. When compared with 2002, recycling has increased 130 percent and diversion has increased by 89 percent. These increases can be seen graphically in Figure 2.

Figure 2
Post-Consumer Carpet Recycling and Diversion, 2002 - 2004



In looking at the comparison between these different years of data, it is important to recognize that these are comparisons of results from survey processes, and therefore it is difficult to assess how much of the increase is a result of actual increases in recycling and diversion versus an increase in the effectiveness of the survey process. This is particularly true since the surveys conducted are believed to capture only a fraction of the actual carpet recycling and diversion occurring in the field (see later sections of this Report for an assessment of the survey process). Nonetheless, these results show increases in the amount of material reported to be diverted from landfill and recycled from 2002 to 2004. By using an alternative mass-balance approach to calculate diversion rate, it is estimated that undercounting could reach as high as 60 percent.

It is also important to review the results in the context of the goals established in the MOU. Since specific recycling and diversion rate targets for each year were not explicitly established within the MOU, it is necessary to interpolate between the 2002 and 2005 targets. The result in a recycling rate target of 5.9 percent for 2004 and a total diversion target of 7.9 percent for 2004. When applied to the 4,537 million pounds of carpet projected to be discarded in 2004, these targets can be converted to 267 million pounds recycled and 358 million pounds diverted. Table 3 compares these targets with the results from the carpet recovery survey, and also includes 2002 and 2003 data for additional comparisons.

Table 3
Comparison of Post-Consumer Recycling and Diversion with MOU Goals
(All data except percentages expressed in millions of pounds)

	2002			2003			2004		
	Reported	Goal	Difference	Reported	Goal	Difference	Reported	Goal	Difference
Total Discards	4,678			4,828			4,537		
Qty. Recycled	46.2	178	-132	86.6	235	-148	98.4	267	-169
% Recycled	1.0%	3.8%	2.8%	1.8%	4.9%	-3.1%	2.2%	5.9%	-3.7%
Qty. Diverted	57.2	178	-121	93.7	283	-189	108.2	358	-250
% Diverted	1.2%	3.8%	-2.6%	1.9%	5.9%	-4.0%	2.4%	7.9%	-5.5%

The data in Table 3 show that despite the fact that the level of recycling and diversion reported has increased significantly from 2002 to 2004, the projected increases in discards of used carpet and the percentage goals for diversion and recycling established in the MOU outstrip the increase in reported diversion and recycling. The projected increase in discards and the increasing percentage goals for diversion and recycling mean that the "bar" to reach the MOU goals is set higher each year, and the reported increases in recycling and diversion were insufficient to meet the higher bar. Thus, despite the reported increases in recycling and diversion, the gap between the MOU goals and reported performance continues to grow. See Product and Market Development section for an alternative view of the path forward and progress actually being made.

These results, however, must be considered within the context of the overall response rate for the survey. For each year from 2002 to 2004, the response rate for the survey used to establish these figures was so low, that it is likely that actual recycling rates are significantly higher than documented herein. Since only approximately 7 percent of the companies surveyed responded each year, it is reasonable to assume that there is a substantial amount of carpet recycling that has gone undocumented. For the 2004 data, we know that there is at least some level of additional recycling that is undocumented, since some of the companies contacted acknowledged their involvement in recycling of post-consumer carpet, but were unable or unwilling to provide quantitative estimates of material recycled. When this information is combined with the low response rate, it is reasonable to state that significant quantities of carpet recycling continue to go undocumented. Estimated undercounting could be as high as 60 percent.

With those basic comparisons complete, the results of the 2004 survey can be examined in greater detail. Table 4 presents the 2004 survey results, showing the breakdown by type of diversion from landfill.

Table 4
Breakdown of 2004 Diversion of Post-Consumer Carpet
(Figures may not add up due to rounding)

	Millions of pounds	As % of Total Diversion	As % of Total Discards
Reuse	0.3	0.3%	0.0%
Recycling	98.4	90.9%	2.2%
Waste-to-Energy	8.6	8.0%	0.2%
Cement Kilns	0.9	0.8%	0.0%
TOTAL DIVERSION	108.2	100%	2.4%

The data in Table 4 show that for 2004, all of the quantitative results for diversion came primarily from two types of activities: recycling and waste-to-energy, with the vast majority of the diversion occurring through recycling. In 2004 there were small amounts of diversion reported through reuse and cement kilns – while these quantities are not significant, it is important to note that we had no diversion reported through these methods in 2003.

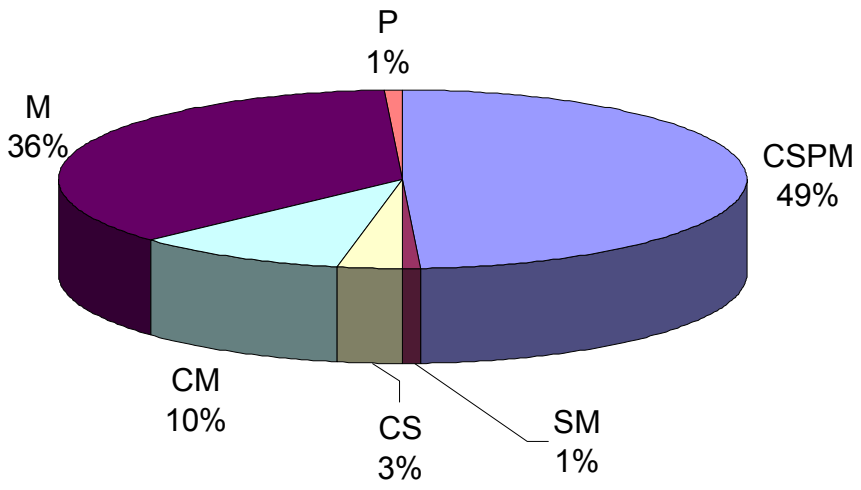
Another type of data gathered during the surveying process was information regarding the flow of used carpet through different types of companies. This information can help future market development efforts, and as a result, the surveying process was designed to extract as much information as possible regarding the flow of material through different types of entities. To accomplish this goal, survey respondents were asked to characterize the nature of their business into one or more of the following categories:

- Collector – A company that collects used carpet from the point of generation and transports it to a processing or waste management facility.
- Sorting Facility – A facility that separates waste materials (including used carpet) from a mixed waste stream. The end result of this process is used carpet that is separated from other materials.
- Processor – A company or facility that takes used carpet (whether handled by a sorting facility or brought directly by a collector) and processes it for use as a feedstock in a manufacturing facility.
- Manufacturer – A company or facility that utilizes processed carpet materials and transforms them into other products, or uses them as raw materials in a manufacturing process.

Since material tends to aggregate into fewer, larger facilities as it proceeds from collection through manufacturing, a conscious effort was made to focus the surveying effort on manufacturers – each manufacturer responding to the survey is likely to account for a larger fraction of the total material recycled than each collector, sorting facility, or processor (see later sections of this Report for a description of the survey methodology). Thus, it is not surprising that 92 percent of the diversion determined through this surveying process came from companies that include "manufacturer" in their description of the functions their company provides related to carpet recycling.

While the high percentage of diversion attributed to companies that include manufacturing as part of their functions is similar to 2003, there was greater diversity in the overall range of types of companies reporting in 2004. Companies reported a number of different combinations of services in defining their role in carpet recycling, and there were also companies that were dedicated to a single function, which is different than the results from 2003. The breakdown of diversion by different types of companies is shown in Figure 3.

Figure 3
Types of Companies Contributing to Post-Consumer Diversion



C=Collector, P=Processor, S=Sorter, M=Manufacturer
(Percentages reflect percent of total post-consumer diversion)

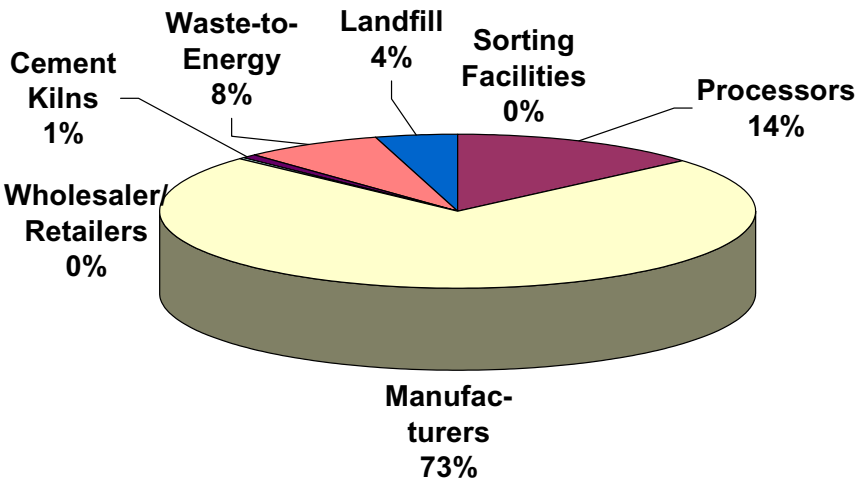
It can be seen from Figure 3 that the vast majority of diversion was performed by two categories of company types: those that perform collection, sorting, processing and manufacturing and those that just perform manufacturing. Companies that perform collection and manufacturing are the next largest contributor to diversion. The other types of companies (including some that are so minor they do not even show up on the graph) contributed, in total, only five percent of total diversion. This reinforces the fact that companies that perform manufacturing as one of their functions continue to dominate post-consumer carpet diversion.

Another component of the surveying process that was geared towards increasing an understanding of the flow of recycled material was to ask survey respondents the type of companies to which they pass used carpet material after they are done with it. Survey respondents were asked what percentage of the post-consumer used carpet they handle is passed on to sorting facilities, processors, manufacturers, waste-to-energy facilities or landfills. The results from this portion of the survey are summarized in Table 5 and shown graphically in Figure 4

Table 5
Destination of Post-Consumer Carpet Handled by 2004 Survey Respondents
(Totals may not agree due to rounding)

	Sorting Facilities	Processors	Manu-facturers	Whole-saler/ Retailer	Cement Kilns	Waste-to-Energy	Land-Fill	TOTALS
Millions of Pounds	0.0	15.4	83.0	0.3	0.9	8.6	5.0	113.2
Percent of Total Handled	0%	14%	73%	0.3	1%	8%	4%	100.0%

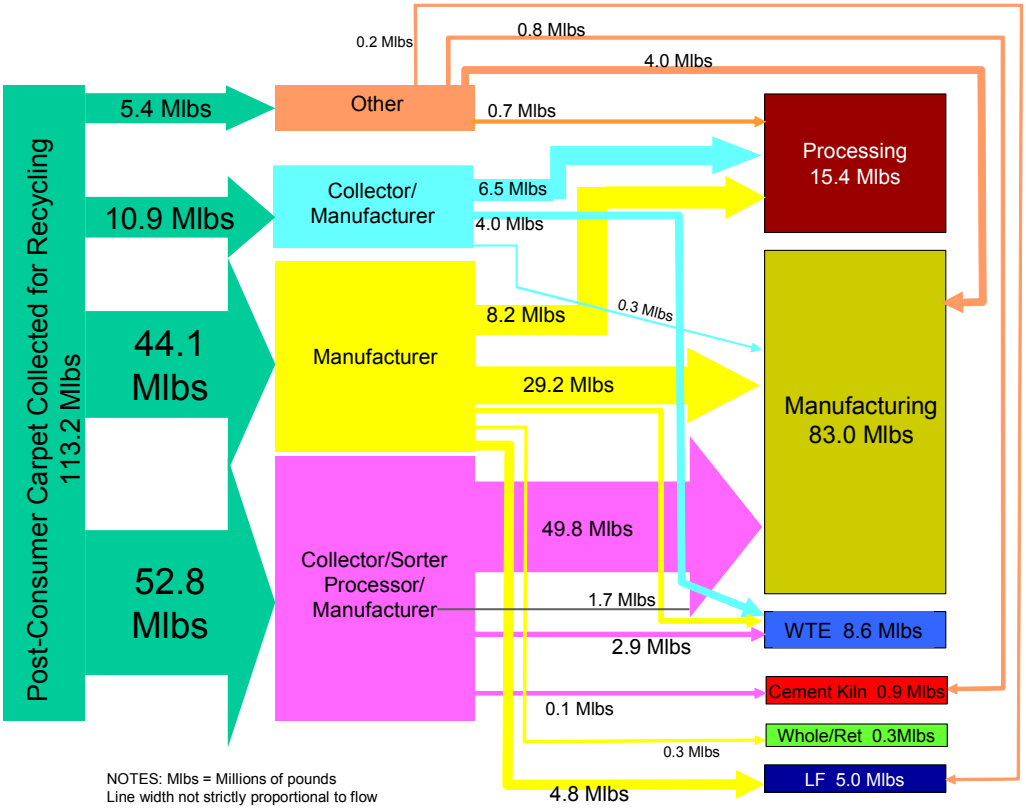
Figure 4
Destination of Post-Consumer Carpet Handled by 2004 Survey Respondents



It can be seen that roughly three-quarters of the material handled by survey respondents was sent to manufacturers. This is consistent with the fact that virtually all of the respondents characterized themselves as including manufacturing capabilities, and most of those types of facilities send their end-products to another manufacturer for use as a feedstock. This also explains the relatively low percentages sent to waste-to-energy and landfill, since most of these types of facilities would only send material that they could not process to waste-to-energy or landfill.

With the information described above regarding the types of companies that handle post-consumer carpet for recycling and the types of companies that they pass that material on to, a flow of carpet recycling can be developed. While the relatively low response rate for the survey prevents one from characterizing this flow as being completely representative of the overall carpet recycling industry, it does provide an interesting insight into how post-consumer carpet gets recycled, at least for the companies that participated in the survey. This flow is illustrated in Figure 5

Figure 5
Flow of Post-Consumer Carpet Recovery Reported in 2004



While the flows in this diagram can appear quite complex, a great deal of information can be derived from review of this diagram. First, it is possible to see the split of "inputs" into the recycling process into the three categories of companies that reported recycling post-consumer carpet. Second, one can get a sense of the split of the ultimate disposition of material at the end of the recycling process (at least the end as far as this surveying project goes). In addition, the diagram is useful in showing what types of companies send material to different types of end-users.

Qualitative Feedback from Carpet Recovery Survey

In addition to the quantitative data gathering that was performed during surveying, survey respondents were also asked what they thought CARE could be doing to assist their business in recycling carpet. Responses ranged from very general to very specific, and were not always directly related to the question of how CARE could provide additional assistance. Nonetheless, the responses provide useful insight into the current status of thinking of companies active in carpet recycling. Some of the most relevant comments are summarized below:

- One company suggested that CARE provide grants to promote emerging markets for used carpet.
- There were a number of comments that related to the general topic of CARE's support for market development.
- One company suggested that CARE promote education to ensure that everyone knows about carpet recycling.
- There were two comments related to CARE's promotion of end-users to purchase products with post-consumer content, including the suggestion that CARE work with federal and state government to create a preferred purchasing requirement for carpet with recycled content.

Survey Methodology

In developing a survey methodology to establish quantitative estimates of recycling of a particular waste-stream, two key factors must be taken into account: 1) participation; and 2) double-counting. Participation is essential in any surveying process, but more so for this type of survey, where there is no logical or reliable way to extrapolate results from respondents to the general population. This means that whatever results are derived from the respondents to the survey are the complete and total results. Thus, every effort must be made to maximize participation.

However, with increasing participation comes another potential problem: double-counting. Since a given pound of used carpet may pass through several different entities on its way from the point of generation to its ultimate disposition (reuse, recycling or disposal), and since all of these different types of entities (collectors, sorting facilities, processors and manufacturers) are all included in the survey, there is the chance that the same pound of carpet could be counted more than once. As participation increases, the likelihood of double-counting increases, since there is a greater chance that more than one company may be reporting on handling the same material.

A number of features were built into the surveying process to address these two key issues:

- Confidentiality of data is often the key to participation, and all aspects of the survey were designed to preserve confidentiality. In particular, a web-based surveying tool was used to allow respondents to provide data completely anonymously, if they desired. There is no need to e-mail the survey back, so if no contact information is provided, the results cannot be traced back to a particular source. In addition, all written and verbal communication with potential survey respondents stressed the confidentiality of data.

- Simplicity and ease of response is also a key to participation rates. The survey questions were streamlined to the maximum extent possible so that only the most critical data requirements were included, based upon the philosophy that it is much better to have the basic data from a lot of respondents than detailed information on a few (particularly since there is no basis for extrapolation).
- An incentive can often help to boost participation rates, so the survey was distributed with an offer that the first 50 participants would receive $20 gift certificates. While it is difficult to assess if this had an impact on participation rates, we do believe it contributed to respondents providing contact information in their web-based responses.
- Participation rates can also be boosted through the use of multiple means of contact (as well as repeated contacts). Thus, e-mail, regular mail and telephone were all used as means to contact potential survey respondents.
- To maximize the value of those survey responses received, and to minimize chances of double-counting, it was determined that it would be best to focus surveying resources on large-scale manufacturers that recycle used carpet. While all types and sizes of companies involved in carpet recycling were contacted initially with a request to respond to the survey, resources for telephone follow-up were prioritized to focus more heavily on those entities judged to be large-scale manufacturers handling used carpet. Since most recyclables tend to aggregate as they go through various stages of the recycling process (going from a large number of collectors, to a smaller number of sorting facilities, to a smaller number of processor and finally to a smaller number of manufacturers), one can get more "bang for the buck" in devoting resources to gathering data from a manufacturer than from other types of companies.
- To reduce the chances of double-counting, survey respondents were asked to identify the geographic sources of their materials; to the extent they were known. The notion behind this is that if the nature of the survey responses is such that there is a sense that information from two or more companies might reflect handling of the same material, the geographic sources of these companies could be reviewed to determine if that was likely.
- In another attempt to reduce the chances for double-counting, survey respondents were asked about the type of companies that receive the material that their company ships out after they are done handling it. This information not only allows for identification of possible double-count ing, but also serves to provide a more complete picture of the overall flow of used carpet through the collection and recycling process.

With those basic principles in mind, the surveying process was implemented, using the steps outlined below, which are described in generally chronological order:

1. The survey form used in the 2003 survey was updated to reflect the need to recover data for 2004. The survey form is shown in Appendix 1 to this Report.
2. The survey form was converted to a web-based survey and posted on the internet. The survey is accessed by going to a specific URL address that houses the survey, and results are submitted via the internet, without the need for e-mail or paper-based responses. The results are only available to WESTON, as they are password protected, to preserve confidentiality.
3. Using lists of companies involved in carpet recycling provided by CARE, those companies for which a specific e-mail address was known were notified via e-mail about the survey and provided the URL so that they could respond electronically. A total of 59 individuals from 54 different companies were sent

e-mail notifications of the survey (more than one individual was contacted from an individual firm in several instances). The e-mail notification stressed the confidentiality of the information they provide, as well as the opportunity to receive a gift certificate as a "thank you" for their response.

4. All companies within the lists provided by CARE (including those with and without e-mail addresses) were notified of the survey via regular mail. The same basic information contained in the e-mail was transmitted via regular mail. Mail notifications were sent to approximately 370 separate addresses, which represent 318 distinct companies (many companies had multiple addresses and/or contacts). The companies that were included in the survey are listed in Appendix 1.
5. Approximately 10 days after the e-mail notifications were sent out, a second e-mail was sent out to those companies that had not responded, reminding them of the opportunity to receive a gift certificate in exchange for their response.
6. Approximately 10 days after the mail notifications were sent out, telephone follow-up was initiated. This telephone follow-up used the prioritization scheme described earlier, where those companies that were believed to be relatively large-scale manufacturers handling used carpet were targeted first for follow-up. When contact was made via telephone, the survey questions were asked and answered verbally, although in several cases, participants decided to enter their information through the electronic survey after being contacted by telephone.
7. All survey responses, whether by telephone or electronically over the internet, were entered into a spread sheet-based database. This database contains all of the quantitative responses, as well as summaries of any descriptive information provided by the companies.
8. The data in the database was compiled and analyzed to produce the results described herein. Follow-up calls or e-mails were used to clarify responses that were unclear. Data was reviewed to ensure that it was internally consistent (for instance, to determine that the percentages of material sent to different types of companies added up to 100 percent) and that there were no anomalies (data off by one or two orders of magnitude from what would be expected based upon knowledge of the type and size of company).

There were two unique aspects of the survey implementation in 2004. The first is that in a few instances, information was provided through intermediaries and not by the companies themselves. This was done only in those instances in which the intermediary was known to be a reliable source of information and in which the rationale for using the intermediary was known. The two reasons for using intermediaries were to help compile data on behalf of a company or to provide an even higher level of confidentiality than was offered through this survey methodology.

The second unique aspect of the data collection in 2004 was that the data from one company had to be adjusted to avoid double-counting. As indicated previously, the low participation rate diminishes the chance of double-counting, so it has not generally been an issue of significant concern. However, with regards to data from one company, it was known that some of the material received by that company came from other companies who had responded to the survey. Thus, if we were to count all of the recycling performed by this company and well as that from the other companies providing material to that company, we would be double-counting at least some material.

It was also known that some sources of material for the company in question were outside of those that had responded to the survey. This meant that if we did not count any of the material recycled by this company we would be knowingly underestimating the level of recycling. Ideally, the percentage split between how much

had already been counted versus not would be determined, but there was no way to do that without violating confidentiality of data. As a result, it was determined that 50 percent of the recycling reported by this company would be included in the totals for 2004. This represents a compromise between knowingly double-counting if 100 percent of this company's recycling was included and knowingly under-counting in none of this company's recycling was included.

Assessment of Survey Approach and Results

As with the survey performed in 2004 (to gather 2003 data), low participation rate continues to be a problem in gathering data about the status of carpet recycling: 20 firms, or approximately 6 percent of all the firms targeted in the survey responded, a slightly lower percentage than last year. However, it should be noted that the philosophy of focusing on larger manufacturers in the data-gathering process did seem to pay off in that a higher quantity of recycling was identified for 2004 than for 2003, even though the response rate was slightly lower – and based upon the anecdotal evidence gathered during surveying this appears to be more the result of targeting bigger companies than a significant increase in recycling by survey respondents in the period from 2003 to 2004.

In addition, it is important to note that it took a great deal of effort to get even the low response rate achieved for the survey. About half of the survey responses came about through response to sending an e-mail regarding the electronic survey. The rest of the results required significant follow-up via telephone to extract the desired information, or to remind the person to fill out the electronic survey. Much of that effort, however, is caused by having relatively few e-mail addresses and even fewer up-to-date e-mail addresses. Thus, an area to focus on in future surveying efforts is to gather more e-mail contacts for companies involved in carpet recycling.

The combination of low response rate and focusing on larger manufacturers resulted in very low chances for double-counting. However, as noted above, there was one company's response that had to be adjusted to reduce double-counting. If response rates improve in future years, this may prove to be a more significant issue, and require even greater focus on manufacturers and exclusion of data from collectors, sorting facilities and processors to avoid the risk of double-counting.

Results from Survey of State and Federal Agencies

As was done for 2002 and 2003, the U.S. Environmental Protection Agency (EPA) and state environmental regulatory agencies were surveyed regarding their efforts to promote carpet recycling. A separate web-based survey tool was created for these agencies, which were contacted via e-mail (more than once in most instances), and via telephone follow-up for those agencies that did not respond. Of the 11 EPA offices contacted, two responded, and of the 50 state agencies, three responded. Based upon the results from those that did respond, and feedback received through follow-up calling, it appears that lack of funding has resulted in a relatively low level of activity in this arena, and as a result, many of the agencies contacted likely felt that they had nothing to report, and so did not respond.

The specific questions posed to these agencies, and a summary of their responses is provided below.

What efforts were made in 2004 to publicize carpet collection/recycling options (e.g. web-sites, pamphlets, press releases, etc.)?

- One EPA region indicated that they did not perform any activities to promote carpet recycling and one EPA region indicated it did so through its web site.
- Two state agencies reported that they did not do any promotion of carpet recycling in their state, and one state agency indicated that it provided promotion through conferences/seminars.

Have any attempts been made to quantify the level of carpet recycling in your state/region? If so, can you either summarize the results or provide information about how to obtain these results.

- Neither of the EPA regions indicated that they had made any attempts to quantify carpet recycling.
- None of the states indicated that any quantitative data had been collected on carpet recycling.

Are you aware of any dedicated carpet collection efforts within your state/region (e.g. designated collection days for setting out used carpet)? If so, is there any data on the quantity of material collected and/or recycled?

- Neither of the EPA regions indicated an awareness of designated carpet collection efforts.
- One state indicated an awareness of dedicated carpet collection or recycling efforts, but had no quantitative data.

What efforts were made in 2004 to promote business development related to carpet recycling (e.g. grants, training, education, etc.)? Does this include efforts to promote small business development in this field?

- The two EPA regions indicated that they did not make any efforts in 2004 to promote business develop ment related to carpet recycling.
- One state indicated that it provided grants and "other" support for business development related to carpet recycling.

Were any actions taken in 2004 to promote or facilitate waste-to-energy as an alternative to landfilling of carpet? If so, please describe.

- The two EPA regions responded that no actions were taken in this regard.
- None of the states indicated that any actions were taken to promote waste-to-energy as a management method for used carpeting.

Are there standards for recycled content of carpet procured by your agency? If so, do they include minimum post-consumer recycled content requirements?

- Two EPA regions indicated that they have recycled content standards for purchase of carpet, with one of the two noting that it has a post-consumer content standard.
- Two states indicated that there are procurement requirements for purchase of carpet with recycled content.

How much money (if any) did your agency spend in 2004 on promotion of carpet recycling?

- The two EPA regions and two states indicated that no money was spent on promotion of carpet recycling.
- One state noted that it had provided a grant of $100,000 related to carpet recycling.

Does your agency receive inquiries regarding carpet recycling? If so, please characterize the nature of these inquiries and the type of response provided.

- One EPA region indicated that inquiries were rare (characterized as several a year) and the other indicated that inquiries were occasional (characterized as about one per month).
- One state indicated no questions had been received, one state indicated that inquiries are rare and one indicated that inquiries are occasional.

Please describe any other initiatives undertaken by your agency in 2003 to help promote carpet recycling.

- One EPA region indicated that it is working to set up collection points for carpeting.
- The three states did not have other initiatives to describe.

Product and Market Development Activities

Despite the shut down and closure of Polyamid 2000 in June of 2003, the total pounds of post consumer carpet diverted from landfills this year increased dramatically over 2003. It is a solid increase of 16+%. Coming off the problems we saw in 2003, this increase represents solid growth. Why, because we have learned a lot in the past three years. One thing we know for certain, this is not an easy challenge.

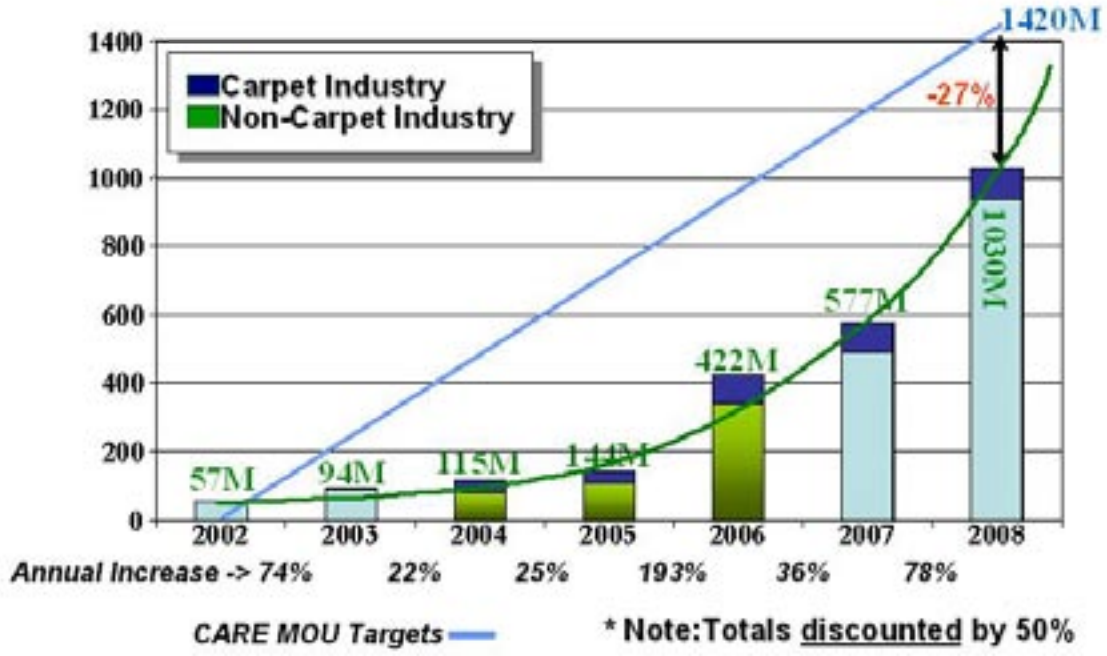
When one looks historically at the development of new technology and products, it is a well know phenomena that growth follows an S-curve trajectory, as opposed to a linear ramp up. We have all heard of hockey stick forecasts and know they never happen. While the interim goals of the MOU signed in January of 2002 were based on a linear ramp up, we now know this was unrealistic.

In order to examine the true potential for landfill diversion of post consumer carpet, we conducted an independent study with the help of Dr. Matthew Realff of The Georgia Institute of Technology. Operating under confidentiality agreements, Dr. Realff conducted a survey of all the major carpet industry companies to ascertain the potential for future diversion based on both public and proprietary programs under active development today. Industry members have made it clear, they will not discuss such proprietary programs for competitive reasons and this is reasonable in our opinion. At the same time industry players were being polled, we also contacted the entrepreneur community to solicit their thinking on future volumes.

Our approach to data collection took the form of "realistic forecasts" going forward from 2004 through 2008. We asked for conservative, expected and best case estimates. The diversion pathway results were broken down into four basic areas: carpet industry potential contributions, entrepreneur contribution potential,

use by cement kilns and power generation. A plot of the potential contribution for industry vs. non-industry potential diversion pounds looks like a classic S-curve for growth. The following diagram shows the results of this analysis after discounting the expected pounds reported by 50% to be conservative. This analysis was completed in the fall of 2004 prior to the latest survey results. The result of this year's data collection and analysis tracks extremely well with the analysis conducted by Dr. Matthew Realff. He predicted modest gains for 2004 and 2005 with the major gains starting in 2006. As you read further you will see rationale that supports this expectation.

Figure 6
Projected Diversion* vs. CARE Goals



The blue line on this graph shows the original linear ramp up targets for CARE. What is more striking is the projected intersection of the linear goal and the S-curve growth curve. The conclusion from this graph is that we should expect to achieve or exceed our goal by 2012. This is not an insignificant observation.

What are the probabilities of achieving this outcome? While none of us have a crystal ball, there are some factors that favor such a projection.

1. Crude oil prices are at historic levels. No one expects us to return to oil at $25 a barrel. Recent forecasts peg top prices as high as $107 per barrel. While not favorable for those of us buying gasoline for our vehicles, it definitely helps with the economics of recycling.

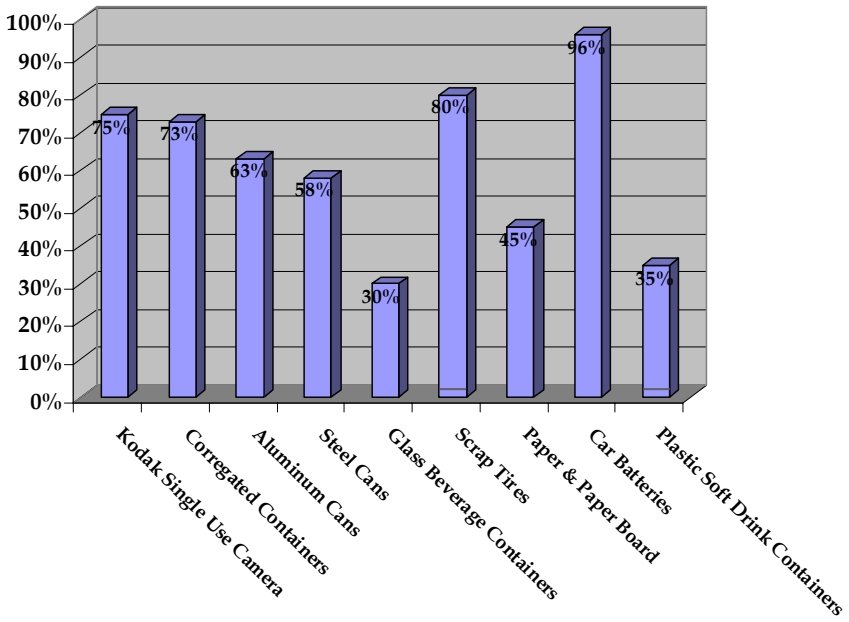
2. Post industrial sources of plastic materials, especially from carpet manufacturing, are decreasing. This means less of the cleaner, easier to handle PI stream available for recovery. These reductions are driven by good manufacturing practices, 6 Sigma programs, etc.
3. As a result of item 2, the supply/demand balance for PI materials has resulted in dramatic price increases for this material stream.
4. Asian manufacturers are vacuuming the United States for cheap thermoplastic raw materials. The result – increasing pressure on supply/demand resulting in escalating prices for PI materials.
5. China cannot build petrochemical plants fast enough to meet their increasing appetite for both energy and basic raw materials. The result is pricing pressure due to supply/demand.
6. Factors 1-5 are not expected to abate but rather increase pressure on raw material sources.

The result of this shifting dynamic scenario is recognition that old carpet is an abundant and potentially inexpensive source of key building blocks – primarily nylon and polypropylene. There has been a dramatic increase in interest by equipment vendors, manufacturers and recyclers in post consumer carpet. While no one can be certain, the next few years look very promising for major investment in new technologies for both the recovery and processing of post consumer carpet as well as new products which incorporate these materials.

CARE is in a unique position to dialog with key players both inside and outside the carpet industry. It is readily apparent, as a result of such conversations, that there are significant investments being made by many players in both the basic infrastructure of collection and processing as well as engineering technologies for the use of this raw material feed stream. As manufacturers become more confident in the reliability of a secure, consistent quality of supply, demand will grow dramatically in the next several years. This gives us great hope of climbing the S-curve.

We believe it is also important to put this effort into perspective by looking at other recycling initiatives. The following chart shows a variety of recycle programs for a wide array of materials. Most have been in place for many years and have only recently been able to achieve significant levels of recycle. Most have gone through cycles where recycle rates actually drop. Polyester bottles are one such example.

Figure 7
Benchmark Recycle Rates



In summary, we know the single most important requirement for driving the diversion of post consumer carpet is the creation of demand for products that contain post consumer carpet as a key ingredient. The way to make this happen is to get our economics right. This is where CARE is spending a significant effort in terms of facilitating information exchange and developing economic models based on honest and frank dialog.

CARE Accomplishments in 2004

All organizations go through cycles and 2004 was a year of growing pains for CARE. Issues of how to take CARE funding to the next level were discussed but no obvious path forward was realized. CARE will continue to operate at its current level of voluntary funding for the next year.

After two years of grants totaling almost $200,000, it is not apparent that significant additional pounds of carpet have been diverted. We know at least one grant recipient is making excellent progress toward the development and use of technology for post consumer carpet. However, actual pounds of diversion are still a few years off.

Through the efforts of our Board Chairman, Frank Hurd, CARE secured a $274,000 DOE grant to study the use of post consumer carpet as an alternate derived fuel in cement kilns. Preliminary work under the direction of Dr. Matthew Realff of Georgia Tech. showed promise and a full-scale trial burn was made in the fall of 2004 at Lehigh Cement in Pennsylvania in collaboration with Paul Lemieux of EPA's Raleigh, NC research facility. The effort was facilitated by support from the American Society of Mechanical Engineers (ASME), Sean Ragiel of CarpetCycle which supplied the carpet and Republic Machines who supplied the chopping equipment.

CARE held a very productive annual meeting on Pensacola Beach, FL in May 2004. The keynote speaker was Paul Hawken. A number of states and the EPA were present along with entrepreneurs, equipment vendors, the carpet industry and the press. Speaker slides and information may be found on the CARE web site. CARE's Recycler of the Year Award went to Nylon Board Manufacturing located in Medford, MN and now known as NYCORE. CARE's Person of the Year was Matthew Ewadinger. Matt is Program manager for the North Carolina Recycling Business Assistance Center. Mr. Ewadinger serves as a member of CARE's Board of Directors and is cochair of the organization's Business Development Subcommittee.

Marcia Deegler describes purchasing programs for the state of Massachusetts at 2004 Annual meeting.

The 2003 CARE Recycler of the Year award when to Nylon Board Manufacturing of Medford, MN. In 2004 NYCORE, INC. acquired substantially all the assets of Nylon Board Manufacturing and is planning an aggressive nationwide expansion in 2005.

Matthew Ewadinger (center) receiving the 2003 CARE Person of the Year award from CARE Board Chairman Frank Hurd (left) and Robert Peoples, CARE Executive Director.

CARE also initiated a quarterly newsletter in the fall of 2004. The goal of this communication tool will be to share the latest development with all CARE stakeholders. If you would like to have your name added to the distribution list please contact CARE directly via the web site. Past editions are available on the web site as well.

Following the CARE Annual meeting, CARE hosted an invitation only entrepreneur forum in Orlando, FL in September, 2005. The purpose of the meeting was to connect entrepreneurs, discuss common barriers and develop suggests to over those barriers. The Southern Waste Information Exchange served as a generous sponsor for this meeting and helped enable participation by several of the entrepreneurs. Response was overwhelmingly positive and the entrepreneurial community has asked for another session in 2005.

CARE has on on-going search to look for large volume products that are capable of consuming significant quantities of carpet. Rail ties continue to garner our attention. The key stumbling block seems to be economics. Recently a new approach to composite rail ties has been developed which offers a way to bridge the economic gap. Active discussions are underway, an extruder has been ordered and hundreds of ties are being tested in the laboratory and in the field. We hope to have big news in the fourth quarter of 2005.

Conigliaro Industries located outside Boston, MA is developing a new product called Plas-Crete Wall Blocks. Each block measures 24"x24"x48" and weighs 1,850 lb. These blocks have the potential to contain a large quantity of undifferentiated post consumer carpet.

A number of efforts are underway to recover nylon polymer in a form that can be re-spun into carpet face fiber. Most of these efforts are proprietary programs. One such academic program is underway at Auburn University. Auburn is seeking a licensee (exclusive or non-exclusive) or development partner for an invention that separates nylon from post-industrial or post-consumer carpet waste and makes it available for recycling.

Conigliaro Plas-Crete Wall Blocks

In the process, the nylon is selectively dissolved into formic acid. The solvent and polymer solution is then mixed with a compressed anti-solvent (supercritical CO2) in which the polymer is insoluble. The nylon precipitates from the solution and can then be recovered. Both the solvent and anti-solvent are recycled in a continuous process. The technology is protected under United States Patent Number 5,994,417.

The advantages of this new technology include the following attributes:

- Recovered nylon nearly identical to virgin nylon
- Economic analysis indicates that an 18 MM lb/yr plant could operate economically with a payback of less than three years
- Use of formic acid and CO2 eliminate the need for more hazardous solvents
- Solvents are recycled in a closed-loop process, reducing waste and cost
- The process is highly scalable

SmartTieTM Wall System

A novel retainer wall system has been developed using old carpet by Vortex Composites out of Chicago. Designed to look like brick, different colors and styles are available. You can now have the professional look of a high-end brick, stone or concrete retaining wall or raised planting wall. These materials are highly durable and 40% lighter than concrete. The company has been in development for some time but the product is commercially available and major expansion plans are underway.

Industry Products and Programs

C&A / Tandus beginning in the early ninety's, C&A, a Tandus Group company, developed patented technology to "close-loop" recycle post consumer carpet and manufacturing waste into recycled content backing for new floor coverings. The company's ER3 tile and ER3 six-foot cushion products contain a minimum of 31% overall recycled content and are 100% recyclable today. ER3 secondary backing is made from post consumer vinyl carpet and manufacturing waste. In 2004, C&A introduced the ethos™ cushion 100 product line. The overall recycled content in the product line ranges from 30 to 52% and includes a minimum 30% post consumer content in every style. The ethos secondary backing, the first of its kind, is made from plastic film recovered from discarded auto windshields and safety glass. ethos™ is also 100% recyclable back into carpet using C&A's existing recycling processes and facilities.

Honeywell - 6ix Again® Carpet Recycling Programs

Zeftron® was the first commercial fiber brand to launch a nationwide carpet recycling program for commercial carpets. This program, known as 6ix Again®, was introduced in 1994 and based on a patented closed-loop carpet recycling technology. Complimenting our commitment to Sustainable Development, 6ix Again® was specifically intended to offer end-users of branded nylon 6 products an environmentally responsible alternative to landfill disposal of used carpets.

Today, the 6ix Again® program has evolved to meet the increasingly challenging demands of environmentally sensitive requirements that include not only the products we manufacture but also those manufactured by others. Detailed below are the different opportunities we provide not only for our products but also for those of our competitors.

- Nylon to nylon closed-loop recycling
- Recovered face fiber is guaranteed not to be landfilled or incinerated
- No recycling fee
- Available through all flooring contractors
- Environmental Achievement certificate
- All fiber types and backing systems are eligible
- Recovered face fiber is guaranteed not to be landfilled
- We assume responsibility to locate qualified recycling center and coordinate all activities

The 6ix Again® Service Center provides participant assistance to facilitate environmentally responsible disposal.

INVISTA™, makers of Antron® carpet fiber, opened their reclamation center for business in 1991. Since then, the INVISTA Reclamation Program has diverted more than 100 million pounds of used carpet resulting in more than 400,000 cubic yards of conserved landfill space. The INVISTA Reclamation Program is certified by an independent third party, Scientific Certification Systems (SCS) as a carpet reclamation and processing facility.

INVISTA's nationwide carpet reclamation program is now open to all dealers and end-users. The facility, based in Calhoun, Ga., will provide containers for collection and trailers for transport, if needed, or customers can deliver post-consumer carpet directly to the facility.

End-users, architects, designers and commercial dealers have told us they want to recycle, so Invista has made their program more flexible and less restrictive in hopes that more people can take advantage of this environmentally-responsible option. Dealers and end-users interested in recycling should contact Invista fiber consultants for more information.

The program will collect and reclaim any used carpet and installation scraps- ALL fiber types, ALL carpet construction types, from ANY manufacturer. And NO carpet will be sent to the landfill. The INVISTA Reclamation Program has the unique capability to track carpet throughout the process, and will provide, upon request, chain of custody documentation. Recycled material from the program may be used in new carpet, carpet cushion, filtration devices, automotive parts, packaging materials and furniture.

To obtain CSI-formatted reclamation specifications or to get started on reclaiming used carpet from your project, go on-line to antron.invista.com, or call 1-877-5-ANTRON.

Antron® carpet fibers are third-party certified by Scientific Certification Systems as Environmentally Preferable Products (EPP). Environmentally Preferable Products are defined by Executive Order 13101 as products that have a lesser or reduced effect on human health and the environment when compared to other products that serve the same purpose.

Interface diverted 17.2 million pounds of material from landfills in 2004 through its ReEntry® carpet reclamation program, a 34.5% increase from 2003. Seventy-two percent of the material diverted was post consumer and 28% was post industrial.
ReEntry® uses three basic landfill diversion options, recycle, repurpose (reuse), and energy capture and conversion. Interface recycled 60% of the total pounds reclaimed in 2004. We repurposed 3% percent and 37% was used for energy capture and conversion. . Today, Interface is reclaiming vinyl backed tile products as feedstock for the manufacture of new GlasBac® RE vinyl backed tile products. A number of GlasBac® RE products have received third party environmentally preferable product (EPP) certification from Scientific Certification Systems, and those same products have also received third party total recycled content certification from SCS

J&J / Invision is committed to environmental responsibility. We work continually to reduce our waste, to reuse whatever possible and to recycle at every opportunity. EnAct®, our environmental action initiative, is not a marketing program; it is a philosophy that pervades every aspect of our company. Through our EnAct® Program we strive to find the highest value end-use for your reclaimed carpet, and guarantee that it won't end up in a landfill. We will even coordinate pick-up and transportation to the recycling center.

Encore® SD Ultima®, the nylon-6 fiber that we extrude at J&J / Invision, contains a minimum of 25% recycled nylon content. Over half of our total carpet styles are made from this solution dyed nylon which qualifies our products for LEED-NC Materials & Resources Credit 4.1. Invision's Karakul contains a total of 44% recycled content. J&J / Invision has the only SBR latex backing that contains recycled content. Carpets made from Encore® SD Ultima® and which have SBR latex backing, are recyclable in the Honeywell 6ix Again® Program.

J&J / Invision participates in Solutia's Partners for Renewal® recycling program and the Invista Carpet Reclamation Program. We are also working quietly behind the scenes to identify and enable other recycle opportunities that could result in post-consumer carpet being incorporated into cement, decking boards, marine pilings or plastic "plywood." J&J / Invision also offers performance backings that contain post-industrial, post-consumer, and rapidly renewable content.

Mannington has provided recycled content in their carpet and VCT products for several years. Efforts continue to increase those levels while being fully committed to assuring optimum performance and durability. More recently, Mannington introduced Artcraft, a unique modular carpet product that has a fiber face made entirely of post-production yarns that previously were down-cycled. Now, combining recycling technologies from both soft and hard surface operations, Mannington has released Relay, the flooring industry's very first hard surface sheet product made of 40% recycled content, and that recycled material is ground carpet. Mannington offers two different carpet take-back recycling programs for customers attempting to keep carpet out of landfills.

Milliken – Reclamation: With an environmental policy in effect for more than four decades Milliken Carpet initiated regenerative efforts to ensure zero waste and no carpet or components to landfill in the early 1990s. Since 1999 Milliken has achieved Zero Waste to Landfill. The No Carpet to Landfill Pledge is now standard.

All Milliken carpet products are 100% recyclable and old carpet is evaluated at the end of its useful life to determine the highest environmental value recovery possible. Rejuvenating modular carpet through the unique Earth Square® process is the first and highest level of consideration, adding another life cycle with cleaning and updated design. A partnership for donations with Reuse Development Organization (ReDO), a national non-profit promoting reuse on every level, offers another alternative to landfill.

When renewal or reuse options are exhausted, closed-loop recycling that recycles components into new carpet is employed as the third line of response.

Products: Milliken Carpet seeks high performance products with a negative environmental footprint. Comfort Plus cushion backing extends carpet life up to 50% by absorbing wear, protecting the carpet face and ensuring better appearance and longer performance. It reduces fatigue and improves thermal insulation, cutting energy costs. All Comfort Plus backed modular carpet is available with ES (engineered for sustainability) backing, which contains up to 35% recycled content based on total product weight. Recycled content is 89% Post-Industrial, 10% Post-Consumer, and 1% rapidly renewable resources.

Mohawk Industries is actively engaged in a variety of reclamation initiatives from post industrial to post consumer reclamation. In Mohawk's quest to achieve sustainable practices, one of the key elements is the reclamation of every waste stream that is possible to reclaim. The company employs a variety of technologies to reclaim millions of pounds of internal and external post industrial materials in order to lessen the landfill burden of the United States.

Mohawk Industries is developing technologies for future applications in order to reclaim larger percentages of waste streams as well as divert those waste streams to higher value products. One such product is *Colorstrand Infinity Nylon* which is used in the commercial sector and is extruded using 25% Post Consumer and 25% Post Industrial content. The company's Summerville, Georgia facility recycles billions of plastic soda bottles into 100% Post Consumer carpet yarns for the residential market. Mohawk also reclaims internal post industrial streams of nylon and extrudes them into new solution dyed nylon fibers called Colorstrand. In an effort to recycle other waste streams, the company has developed proprietary processes to manufacture valuable products that can be reclaimed in a closed loop process.

Royalty, a west coast operation, is currently reclaiming 200,000 gallons of water per day for use in dyeing operations. They have installed energy efficient lighting in their dyehouse and finishing plant which saves 150 kwh/hour. Royalty recycles 100% of it's hard and soft waste equaling 524 tons per year of hard carpet waste and 460 tons per year of soft carpet waste.

Shaw Industries continues to expand its sustainable products line. EcoWorx® is a 100% non-PVC sustainable backing system. EcoWorx® has won the EPA Presidential Green Chemistry Award as an Environmentally Preferable Product. EcoSolution Q® is made from 25% reclaimed nylon 6 fiber and, at the end of its useful life, can be recycled back into fiber over and over again. That's the essence of cradle-to-cradle design. Now, the combination of EcoSolution Q® and EcoWorx® offers a 100% recyclable carpet; backing to backing and fiber to fiber. A system designed from the ground up to be sustainable.

Solutia supplies Ultron® Renew fiber in SDN containing an SCS certified minimum of 80% post-industrial content. Ultron® Renew is also available in staple form with up to 100% post industrial content. In addition,

Solutia Ultron® was recently certified by MBDC as a Cradle to Cradle certified material after a lengthy chemical analysis of all of the inputs. Solutia also sponsors their Partners for Renewal program to foster collaboration with entrepreneurs to help facilitate their success.

Synthetic Industries Corporation has been a proud member of CARE for the last two years. The company understands the importance of an industry wide effort to recycle, reduce waste, and decrease tonnage to landfills.

With a 99% efficiency rate in raw material usage, SI has made great strides in its goal of reducing waste. Scrap that is produced during the manufacturing process is repelletized into a usable product by a state-of-the-art Erema manufacturing line. Most of SI's repelletized scrap is consumed in house and a small portion is sold to other businesses for their processes.

Beginning in 2002, SI completely revamped its manufacturing floor to become more efficient by reducing waste in every aspect of operation. By implementing a philosophy called Lean Manufacturing, over the last 36 months, SI has generated 50% less process waste than before. The areas of targeted waste reduction are as follows: overproduction, excess inventory, defects, over-processing, unnecessary motion, waiting time, transportation, and human injuries.

The International Standards Organization's coveted ISO 14001 designation is the seal for environmental responsibility. Since 1997, when SI was the first manufacturing facility in North America to achieve ISO 14001 certification, the continual process of updating and revising environmentally sound manufacturing practices has enabled the company to renew its certification every year.

Apart from its environmentally conscious manufacturing practices, SI and Shaw Industries have recently co-developed Ecologix™, a 90% post consumer recycled material product. This high performance carpet cushioning system represents just one of the company's new products containing post consumer recycled material. The research and development team at SI spends countless hours finding ways to produce new products that not only contain recycled material but also outperform existing products on the market. Ecologix™ is a perfect example of this effort.

CONCLUSION

The lessons of the past three years are now becoming apparent and more importantly, understood. Despite a significant amount of good work and many accomplishments, including a 15 percent increase in the documented level of diversion from landfill from 2003 to 2004, CARE did not hit our target. However, based on the analysis by Dr. Realff of future diversion potential by both the carpet industry and entranprenural community, it appears we have a viable path forward. While details are held close for competitive reasons, the identified routes will not only allow us to grow this new industry but at the same time portends a reasonable chance of hitting our targets as the growth curve turns upward in 2006 and 2007.

Clearly this is a complex mission and it will take the collective wisdom and commitment of all those who have supported CARE in the past. A hearty thanks to all those who serve and support CARE and handle post consumer carpet!

CARE SPONSORSHIP PROGRAM

CARE successfully implemented the sponsorship program levels of participation as follows:

Table 6
CARE Sponsorship Participation

Sponsorship	Contribution Amount	Sponsoring Companies
Sustainability Leadership	200% of the Corporate Sponsor level	• Interface Flooring Systems
Green	150% of the Corporate Sponsor level	• Honeywell Nylon • J&J Commercial
Corporate	Companies >$3B in carpet sales $30,000 Companies $1B-$3B in carpet sales $20,000 Companies $250-$1B in carpet sales $10,000 Companies with <$250M in carpet sales $5,000 State Government $2,000 Nongovernment organizations (NGOs) $1,000 Equipment Suppliers $15,000 Materials Suppliers $10,000 Entrepreneurs in kind All others $5,000	• Antron® Carpet Fiber • Cycle-Tex • ERCS • LA Fibers • Mannington • Mohawk • Propex • Royalty • Shaw • SI Flooring Systems • Solutia • SWIX

APPENDIX 1
LISTING OF COMPANIES INCLUDED IN SURVEY

NOTE: Some companies had multiple facilities and contacts in the database of contacts used for the survey, however, for simplicity each company is only listed once in the following list.

1st Choice Carpets International
A & D Carpets
A. West and Company
ACF
Admiralty Mills Inc.
ADVAC
Advanced Textile Recycling
Advance Tufting
American National Carpet Mills, Inc.
American Recycling Co., Inc.
American Rug Craftsmen, Inc.
American Tufted Carpet
Apache Mills, Inc.
Artisans, Inc.
Aston Mills, Inc.
Astro Putt, Inc.
AstroTurf® Industries, Inc.
Atlas Carpet Mills Inc
Auto Custom Carpet, Inc.
Avanti Corporation
B & L Tufters
B & V Sales
Badger Industries, Inc.
Barrett Carpet Mills
BASF
Beaulieu Group LLC
Beaulieu of America
Bennytex Carpet Mills, Inc.
Bentley Mills, Interface Inc.
BFI
Bloomsburg Carpet Industries, Inc.
Blue Ridge Carpet
Blue Ridge Commercial Carpet
Blue Ridge Recycling
bp Amoco Fabrics & Fibers
BRIGHTEX USA INC
Brintons US Axminster In
Brumlow Mills, Inc.
Buckner Industries, Inc.
Bulloch Candler Service Center
Burlington House Area Rugs
Burlington Industries, Inc.
Burtco Enterprises Inc
Burtco Tufting
C'Board USA, Inc
C & E Contract Tufting
C & L Industries, Inc.
Camelot Carpet Mills, Inc.
Capel, Inc.
Caravelle Contract Tufters
Carousel Carpet Mills, Inc.
Carpet Crafts, Inc.
Carpet Cushion Council
Carpet Cycle LLC
Carpet Solutions
Carpeton Mills, Inc.
Carriage Industries, Inc.
Carroll Mills Inc.
Carter Carpets, Inc.
Cascade Carpet Mills, Inc.
Catalina Carpet Mills Inc
Catalina Rug Company
CDC Commercial Carpet, Inc.
Centennial Carpet Mills
Challenger Carpet Mills
Challenger Industries, Inc.
Challenger Manufacturing
Champion Polymer
Cherokee Carpet Industries
Chroma Systems
Clearwater Carpet Mills, Inc.
CNP
Collins & Aikman Floorcovering, Inc.
Colonial Braided Rug Company

Colonial Carpet Mills, Inc.
Colonial Mills, Inc.
Colony Crafts, Inc.
Columbia Recycling Corp.
Commercial Carpet Concepts
Concord/Aldon Industries, Inc.
Contract Color Works, Inc.
Contrax, Ltd.
Convanta Secure Services
Couristan, Inc.
Creative Accents
Creative Carpets Inc
Creston Carpet Mills LLC
Creston Carpet Mills, Inc.
Cross Plains Tufters
Custom Graphics
Cycle-Tex Inc.
Da-Co Industries, Inc.
Dalton Carpet & Cushion, Inc.
Daltonian Flooring Inc
DC Tufters
Dellinger, Inc.
Dixie Group, The
Domestic & Export Carpet, Inc.
Double S Carpet, Inc.
DOW Chemical
E & S Carpets
Easton Carpet Mills
Eddi Wowler
Edward Fields Inc
Embassy Industries, Inc.
Emerald Carpets, Inc.
EMM Carpet Tufting
Environmental Recycling Alt.
EnvironX
EPA-States
ERCS
Evergreen Nylon Recycling
Excel Carpet Mills, Inc.
Exclusive Industries
F. Schumacher & Co.
Fabrica International
Fantastic Tufters, Inc.
Fibertex Carpets
Fibre Processing Co.
FiberVisions Inc.
Fieldcrest Cannon, Pillowtex
Fieldturf & Carpets, Inc.
Filipe Braided Rugs
Flagship Carpets, Inc.
Floor Visions, Inc.
Florentine Carpets
Foamex International, Inc.
Fortune Contract Inc
G & F Carpet Mill
Georgia Composite
Georgia Tufters, L.L.C.
Glen Eden Wool Carpets, Inc.
Glenoit Mills, Inc.
Glenwood Tufters, Inc.
Gold Label Carpet Mills
Golden Star, Inc.
Graphic Tufting Center, Inc.
Graphictec, Inc.
Grass-Tex, Inc.
Gulistan Carpet, Inc.
H & B Tufters
Hagaman Carpet Industries, Inc.
Hamilton Carpet Industries
Hammontree Tufters
Healthier Choice Carpet and Cushions, Inc.
Hokanson, Inc
Holly Craft Carpets, Inc.
Hollytex Carpet Mills, Inc.
Honeywell
Ideal Tufters
Impact Carpets, Inc.
Interface Americas Floorcoverings Products Group
Interface, Inc.
Invista Reclamation (Dupont)
J & B Tufting
J & J Industries, Inc.
J & J/Invision
J. L. Benson Company
JaSue Carpet
JCH International
JMG Carpets, Inc.
Jostes Carpet, Inc.
Joy Carpets,Inc.
JRC Industries

K & J Carpet
K & K Tufters
Karastan
Lacey Mills Inc.
Lacey-Champion Carpets
Lady Madison Industries, Inc.
Langhorne Carpet Company
Lanier Carpets
LaSan Tufting, Inc.
Lear Corporation
Lees Carpets/Burlington Ind. Inc.
Len-Dal Carpets
Len-Dal Carpets, Inc.
Lexmark Carpet Mills, Inc.
Log Cabin Company Inc.
Los Angeles Fibers
Lowe's Carpet Corporation
Ludlow Composites Corporation
Lyle Industries, Inc.
Madison Industries, Inc.
Magee Reiter Automotive Systems
Mainline Exhibitor Carpet
Manhattan Carpets, Inc.
Mannington Commercial Carpets, Inc.
Mannington Mills, Inc.
Maples Industries, Inc.
Marquis Industries, Inc.
Mar-Thac Custom Carpets
Martin Color-Fi, Inc.
Mary Ann Industries
Masland Industries
Master Touch Carpets, Inc.
Mastercraft Carpet Mills, Inc.
Masterweave Commercial Carpet
Matrix Tufters
Mats, Inc.
Mattel Carpet
Merida Meridian Inc
Merit Hospitality
Michaelian & Kohlberg, Inc.
Milliken & Company
Modern Carpet Industries
Mohawk Industries, Inc.
Monticello Carpet Mills
Monticello Carpet Mills
Mountain Rug Mills, Inc.
Mountville Mills Inc.
New River Artisans
North American Carpet Mills
North Georgia Textile Recycling
Northwest Carpets, Inc.
NyloBoard
Nylon Board –MN
Options
Options Tai Ping Carpets Inc
Orian Rugs, Inc.
Oriental Weavers of America
P & P Tufters
PacifiCrest Mills
Paragon Mills, Inc. dba Beacon Carpets
Passport Carpets, Inc.
Pavilion Industries, Inc.
Peeler Rug & Printing
Pike Companies
Pilgrim House Rugs
Pillowtex Corporation
Pinion Rug Company
Playfield International, Inc.
Polytec
Preferred Tufting, Inc.
Prestige Mills, Inc.
Product Concepts Residential
Product Concepts Residential, LLC
Professional Contract Sales, Inc.
Proffitt Textile Company, Inc.
ProGroup, Inc.
Pyramid Industries, Inc.
Quality Mat
R & N Industries
R & R Textile
R. D. Stallion, Inc.
Rainbow Carpet Mills, Inc.
Rainbow Rug, Inc.
Recycled Materials, Inc.
Redrock Custom Carpets
Regal Carpets, Inc.
Regal Rugs, Inc.
Remington Industries, Inc.
Rhody Rugs
River Associates, L.L.C.

Robin Rug, Inc.
Rodeo Carpet Mills, Inc.
Rosewood Rug Inc.
Royalty Carpet Mills Inc
Rugmaker/D.R.C. Company
S & S Mills, Inc.
S.E.T. Enterprises, Inc.
SaveWood, LLC
Savnik & Company
SB Latex Council
Scott Carpet Mills
Selectech Inc.
Shaheen Carpet Mills, Inc.
Shaw Industries, Inc. Plant 20
Sherwin-Williams Company
Signal Textiles, Inc.
Solutia
Southeast Whitfield Carpet
Southern Carpet Mills
Southwest Recreational Industries
Spinning Wheel Rugs
Springs Industries, Inc.
Springs Regal Inc.-Ellijay
Stanton/Royal Dutch Carpet Corp.
Star International, Ltd.
Stevenson Carpets, Inc.
Structured Backing, Inc.
Sunrise Studio
Superior Manufacturing Group
Supreme Carpet, Inc.
Sutherlin Carpet Mills
Syntec Industries, Inc.
Tai Ping Carpets and Rugs
Talisman Mills
Textile Concepts, Inc.
Textraw Synthetic Pine Straw
Thorndike Mills, Inc.
TieTek
TKO Polymers
Tribute Carpets
Troy Mills, Inc.
Tufted Graphics, Inc.
U. S. Axminster, Inc.
United Technical Products, Inc.
USA Berbers
Value Carpets, Inc.
Variations Carpet Mills
Varsity Rug Co. Inc.
Vogue Enterprises, Inc.
W & H Mfg., dba Preferred Carpets, Ltd.
Waste Management
Weavetex Mills, Inc.
Weave-Tuft Carpet Corp.
Wellman, Inc.
Woolshire Carpet Mills, Inc.
Worldwide Enterprises

CARPETAMERICARECOVERYEFFORT℠
Developing market-based solutions for the recycling and reuse of post-consumer carpet

January 10, 2005

Dear CARE Board Member:

This letter is designed to update the Board on the recent CRI Board discussions and decisions on CARE funding and strategic direction. In an effort to make this clear and easy to follow, I will list this information in a bullet format for easy reference.

1. The CRI Board acknowledged and supported the strategic importance of the MOU. The industry intends to honor the commitments embodied in the MOU. The Sustainability Issues Management Team (SIMT) conducted a thorough analysis of the options and implications for various funding scenarios (bullets #2, #3) but none were found to be revenue positive in the foreseeable future.

2. A specific concern expressed by the CRI Board of Directors was that the 40% diversion goal was overly aggressive and not based on any specific benchmark or real world experience. The linear ramp up is inconsistent with historical market dynamics. The current trend and projections are consistent with the classical S curve associated with the implementation of new technology in the marketplace and the attached graph (see below) clearly supports this.

3. To frame the industry and non-industry efforts a confidential analysis was conducted with Dr. Matthew Realff of Georgia Tech. He looked at all programs and estimated the potential diversion of PC carpet. He examined the proprietary programs of the carpet industry, the non-industry potential (entrepreneur's) and power options (kilns, and a unique power option). The analysis shows us the following salient points:

a) The carpet industry is spending considerable money that has not been credited to the support of the MOU objectives. Dr. Realff estimates the industry will contribute to ca. 20-25% of the total diversion over the next 4 years based on the proprietary projects currently underway. Such projects can not be disclosed for competitive reasons.

b) CARE is on a traditional S curve ramp up rather than the linear ramp up defined by the MOU. When one projects diversion rates based on Dr. Realff's analysis, CARE will be at the targeted 2008 diversion rate by ca. 2008 or 2009 assuming we continue to make the kind of progress we have to date and the industry efforts come to fruition.

c) Given a and b above, it is premature to judge the success or lack of success of CARE or to make the statement that the industry is failing to step up to its obligations. In fact, things look to be on track when one applies the learnings of the past 20 years for the development of new technology and introduction of new products to the marketplace.

4. We believe CARE and its stakeholders should not focus solely on initial achievements that have not met some early expectations that in retrospect may have been unrealistic, but rather focus on the continuous improvement shown in the process, the increases in pounds being diverted and understand there are considerable efforts that can not be discussed but are underway.

5. We believe that it would be helpful for the CARE organization to expand its vision of sustainability and take an integrated approach to solving the challenges of landfill diversion by looking at the total environmental footprint. The carpet industry has been and continues to be the leading industry in the United States when it comes to visionary action. The accomplishments began more than a decade ago and are documented in the most recent 2003 Sustainability report issued by the CRI. The essence of these accomplishments are embodied in the "spider diagram" contained in the report which may be downloaded from the CRI web site: www.carpet-rug.com

6. It is essential to recognize we have learned a tremendous amount of practical information in the last 3 years. In addition, we have three major experiments on carpet recycle from which a lot of the learnings have <u>not</u> been fully shared (Polyamid2000, Evergreen Nylon Recycling, GUT exercise) along with numerous entrepreneur activities and experiences. While our goal may be achievable, the timeframe may not be realistic. We were setting noble targets but without the essential data required to be realistic in our expectations.

7. The CRI Board of Directors approved the following strategic elements for CARE going forward:

<u>CARE Strategic Elements:</u>

- **Create realistic expectations among all stakeholders based on three years of experience since original MOU was signed.**
- **Refocus CARE to support the reduction of total environmental footprint.**
    - **Carpet industry gets credit for recycle of post-consumer polyester bottles into carpet**
    - **Recognize proprietary and public Industry efforts (Shaw and Mohawk energy recovery, Interface and Milliken methane capture, plans for methane recovery in Dalton, etc.)**
- **Fund CARE at current level for the present time based on voluntary individual company contributions directly to CARE.**
- **States, in cooperation with CRI, create procurement guidelines that mandate purchase of environmentally preferable products- both carpet and non-carpet products.**

- **Most-favored vendor status for CARE members**
- **Recycling fee schedules for state renovations**

- **Focus on cost-neutral and high volume applications:**
  - **Understand the economics and political realities of each opportunity.**
  - **Investigate coal fired electric generators that have a major mercury emission challenge.**
  - **Make certain that Lehigh understands that the carpet industry will not subsidize their industry.**
- **Continue to promote and track carpet industry efforts to re-valuate post-consumer carpet.**
- **Complete effort to create final National Carpet Standard which supports CARE goals.**
- **Engage Wachovia to provide low interest loans, loan reviews and approval process.**
- **Carpet Industry will support and strongly recommend the use of post-consumer synthetic fiber pad.**
  - **Solutia will donate research on post consumer carpet fiber pad performance evaluation:**

    - **Determine whether consumer can distinguish or shows preference among post industrial fiber pad, post consumer fiber pad, foam pad, or no pad under Berber and other carpet types in Walker test.**

    - **Determine appearance retention using hexapod on four systems above.**

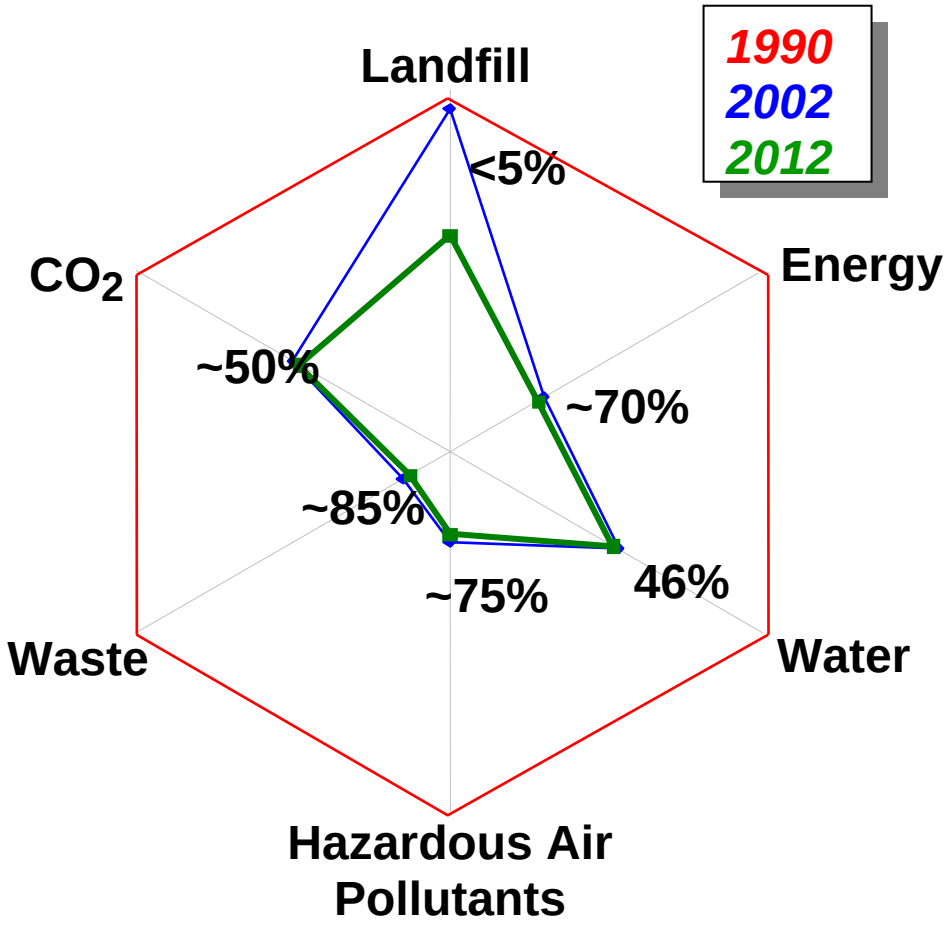
While I know that several members of the CARE Board of Directors would like to see a much greater commitment of resources to CARE, it is not realistic or prudent to expect an increase at this time. The industry is committed to the MOU and accepts it responsibilities but wants to see the market place (including consumers) dictate the success of the efforts. This is consistent with our strategy. The industry is committed to the goals of CARE and is expending considerable resources outside of CARE. If the MOU signatories will honor their MOU commitments by acting on the specific items articulated above, diversion can be significantly accelerated and CARE will be an ongoing success.

Respectfully submitted,

P. Robert Peoples, Ph.D.

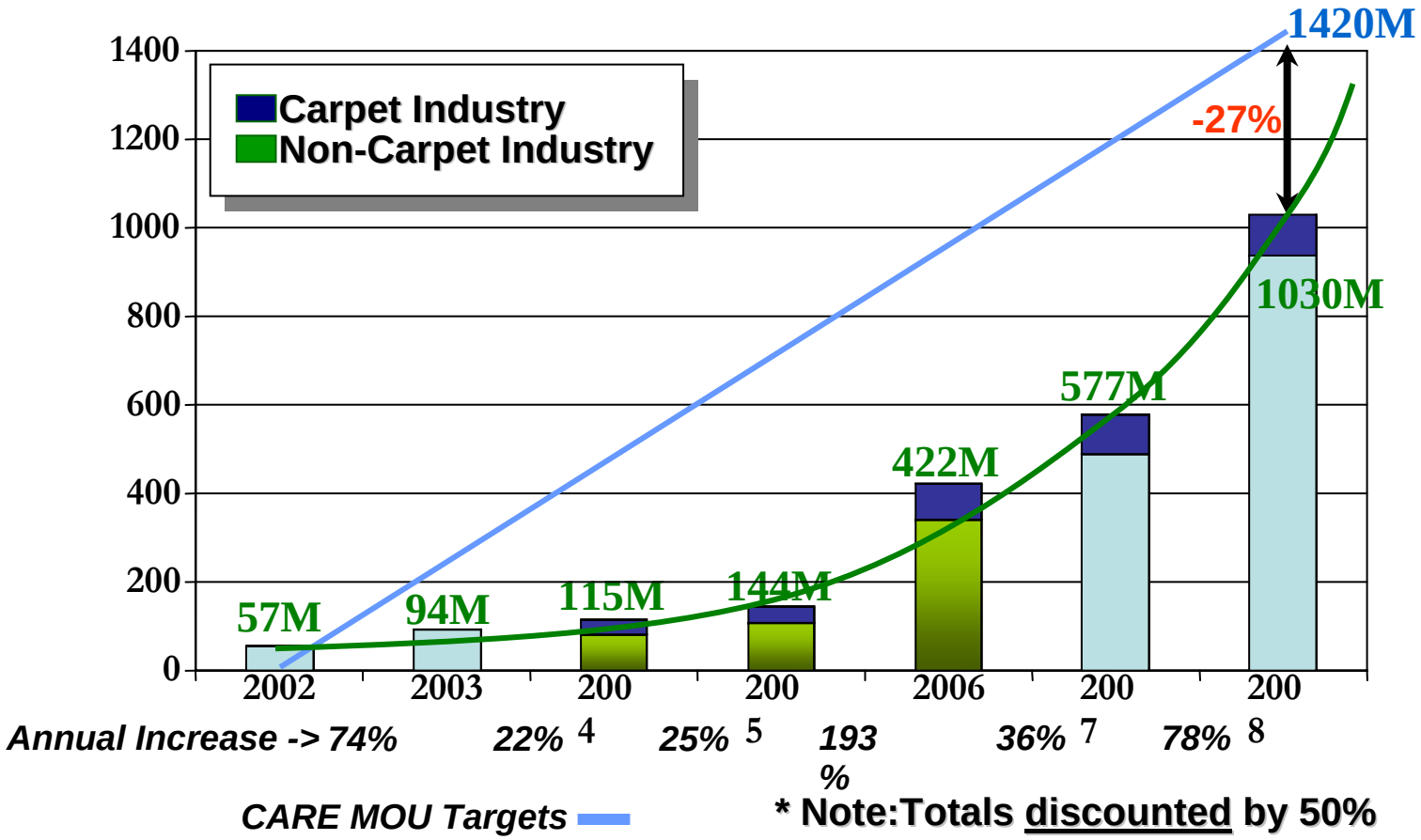
CARE Executive Director

Carpet Industry Spider Diagram



The overall environmental footprint of the carpet industry has been reduced approximately 80% since 1990. These reductions occurred while industry production increased by 47%. The carpet industry would exceed Kyoto targets for carbon dioxide reduction based on this information. The green curve represents the reduction that would occur if our CARE target is accomplished..

Projected Diversion* vs. CARE Goals



* Note:Totals discounted by 50%

California Gold EPP Carpet Scorecard

The State of California's Proposed Application of Unified Sustainable Textile Standard© 2.0

Yes	?	No		Safe for Public Health & Environment (PHE)	31 Points
1			PHE 1-1	Feedstock Inventory Documentation	Required
1			PHE 1-2	Input Stockholm Chemicals **(Consider lower threshold)**	Required
1			PHE 3-2	Minimize Indoor Air VOC's	Required
1			PHE 3-3	Minimize Indoor Air Carcinogenic VOC's	Required
1			PHE 4-2	Minimize Indoor Formaldehyde Emissions	Required
1			PHE 4-3	No PBDE	Required
			PHE 2-1	Inventory human health and ecological chemical emissions	2
			PHE 2-2	Inventory Air, Water & Waste Pollutants	2
			PHE 2-3	Output Stockholm Chemicals	1
			PHE 2-4	Reductions Beyond Compliance	8
			PHE 3-1	10-25% Reduction in Toxic & Media Pollutants	2
			PHE 4-1	26-50% Reduction in Toxic & Media Pollutants	2
			PHE 5-1	51-75% Reduction in Toxic & Media Pollutants	2
			PHE 5-2	Supply Chain inventory and limit on Stockholm Chemicals	3
			PHE 6-1	No or De Minimis Toxic & Media Pollutants	3

Yes	?	No		Renewable Energy & Energy Efficiency (RE)	19 Points
				Manufacturing Facility Only:	
1			RE 1-1	Energy Inventory	Required
2			RE 2-1	1% Renewable Energy	Required
			RE 2-2	Cleaner & Greener Certification Level 2	1
			RE 3-1	2% Renewable Energy	1
			RE 3-2	5% Renewable Energy	1
			RE 3-3	8% Renewable Energy	1
			RE 3-4	Climate Change Emission Reductions	1
			RE 4-1	11% Renewable Energy	1
			RE 4-2	15% Renewable Energy	1
			RE 4-3	20% Renewable Energy	1
			RE 5-1	26% Renewable Energy	1
			RE 5-2	35% Renewable	1
				Upstream Stages:	
			RE 4-4	1-25% Renewable Energy	2
			RE 5-3	26-50% Renewable Energy	2
			RE 6-1	51% Renewable Energy	1
			RE 6-2	75% Renewable Energy	1

Color Code For Required Credits

# of points	MTS Unified Sustainable Textile Standard© 2.0 Required Credits
# of points	Additional California Gold Required Credits

Yes	?	No			
			Biobased or Recycled (MATLS)		**23 Points**
2			MATLS 1-1	Inventory Biobased and Recycled Content Materials	Required
1			MATLS 2-1	5% biobased or recycled content	Required
1			MATLS 2-2	10% **(post-consumer content minimum)**	Required
			MATLS 2-3	15% biobased or recycled content	1
			MATLS 2-4	20% biobased or recycled content	1
			MATLS 3-1	25% biobased or recycled content	1
			MATLS 3-2	30% biobased or recycled content	1
			MATLS 3-3	35% biobased or recycled content	1
			MATLS 3-4	40% biobased or recycled content	1
			MATLS 4-2	45% biobased or recycled content	1
			MATLS 4-3	50% biobased or recycled content	1
			MATLS 4-4	55% biobased or recycled content	1
			MATLS 4-5	60% biobased or recycled content	1
			MATLS 5-1	65% biobased or recycled content	1
			MATLS 5-2	70% biobased or recycled content	1
			MATLS 5-3	75% biobased or recycled content	1
			MATLS 5-4	80% biobased or recycled content	1
			MATLS 6-1	85% biobased or recycled content	1
			MATLS 6-2	88% biobased or recycled content	1
			MATLS 6-3	91% biobased or recycled content	1
			MATLS 6-4	94% biobased or recycled content	1
			MATLS 6-5	97% biobased or recycled content	1

Yes	?	No			
			Facility or Company Based (MFG)		**18 Points**
1			MFG 1-1	EMS Environmental Policy & Targets	Required
1			MFG 1-2	Social Equity Reports	Required
4			MFG 2-2	LCA Process	Required
			MFG 2-1	Social Equity Reports	1
			MFG 3-1	Transparent Materials Reclamation Systems	5
			MFG 4-1	Identify Adopted Design for Environment Process	2
			MFG 5-1	Environmental Management System Certification	2
			MFG 6-1	Sustainable/EPP Textile Transaction Disclosures	2

Yes	?	No			
			Reclamation, Sustainable Reuse, & End of Life Management (EOL)		**23 points**
1			EOL 1-1	Operational Reclamation Program [1 pt]	Required
1			EOL 1-2	Performance Durability [1 pt]	Required
2			EOL 2-1	Extended Product Life of System [2 pts]	Required
2			EOL 2-2 -- 2-3	4% Product Reclamation **(Meet CARE Reqm't)**	Required
			EOL 2-4	6% Product Reclamation	1
			EOL 3-1 -- 3-3	7-12% Product Reclamation [1 pt every 2%]	3
			EOL 4-1 -- 4-4	13- 20% Product Reclamation [1 pt every 2%]	4
			EOL 5-1 -- 5-5	21- 30% Product Reclamation [1 pt every 2%]	5
			EOL 6-1 -- 6-4	30% or More Product Reclamation [1 pt for 2% until 38%]	4
			EOL 6-5	1pt [39-40%] Product Reclamation **(Innovation)**	1 (bonus)
			EOL 6-6 -- 6-11	1pt for 10% more Reclamation [41-100%] **(Innovation)**	6 (bonus)

Yes	?	No			
			Innovation (Bonus Points)		**8 Points**
			Innovation 2	Dematerialization (less material by % weight)	5
			Innovation 3	Energy Efficiency (by sq. yard of product or facility)	3

Yes	?	No	
25			**Subtotal California Gold Required Credits**
			Product Total

MTS Sustainable 28-36 pts **MTS Silver** 37-51 pts **California Gold** 52-70 pts **California Platinum** 71-114

California Integrated Waste Management Board

Board Meeting

July 19-20, 2005

AGENDA ITEM 13

ITEM
Consideration Of Revisions To The Recycling Market Development Revolving Loan Program General Loan Criteria

I. ISSUE/PROBLEM STATEMENT

Periodically the Board reviews and revises the Recycling Market Development Revolving Loan Program's ("Loan Program") General Loan Criteria that contains the primary requirements of approving and funding a loan. Two reasons have prompted this Agenda Item: 1) Staff was directed to notify the Board when the Loan Program interest rate reaches 5.50%, and 2) The special request of the California Association of Recycling Market Development Zone Administrators (CARMDZ) to have this agenda item consider before interest rates increase in July 2005. The interest rate is adjusted semi-annually in January and July.

This agenda item considers the following revisions to the Loan Program General Loan Criteria:

- Capping RMDZ Interest Rate.
- Allowing more than one loan on the same or different project.
- Eliminating the cap on the amount of loan funds that can be used for the purchase of real estate.
- Allowing a borrower's primary residence as collateral.

II. ITEM HISTORY

- On August 12-13, 2003, the Board approved Agenda Item # 10 and resolved to increase the basis upon which the interest rate is calculated and continued the disallowance of a primary residence as loan collateral.
- On September 19, 2000, the Board approved Agenda Item #7 and resolved to limit the amount of loan funds that could be used to purchase real estate at $500,000.
- On October 20, 1999, the Board approved Agenda Item #33 and resolved to discontinue allowing a borrower's primary residence as collateral.

III. OPTIONS FOR THE BOARD

- **Approve the General Loan Criteria without revisions.**

1A	No Change: RMDZ interest rate = Prime Rate
2A	No change: Continue to disallow subsequent loans for business expansion where there is no change in the type of feedstock, manufacturing process, or a new product.
3A	No change: Maximum of $500,000 of loan funds can be used for the purchase of commercial real estate.
4A	No change: Continue to disallow a borrower's primary residence as collateral.

- **Approve the General Loan Criteria with revisions.**

1B	Cap The RMDZ Rate At 5.00%, except when the state's Surplus Money

	Investment Fund interest rate exceeds the national Prime Rate (the minimal interest rate described in statute).
2B	Allow subsequent loans for business expansion that result in additional diversion using the same or different type of feedstock, manufacturing process, or end product, but no more than $2,000,000 total principal outstanding on all RMDZ loans to borrower and related entities at any one time.
2C	Allow subsequent loans for business expansion that result in additional diversion using the same or different type of feedstock, manufacturing process, or end product, but no more than $4,000,000 total principal outstanding on all RMDZ loans to borrower and related entities at any one time.
3B	No cap on the amount of loan funds that can be used for the purchase of real estate.
4B	Resume allowing a borrower's primary residence as collateral, only when the borrower and owners of the residence are willing to or not.

- **Take no action.**

IV. STAFF RECOMMENDATION

Staff recommends that the Board approve the General Loan Criteria *with specific revisions 1B, 2C, and 3B* and adopt Resolution # 2005-191.

V. ANALYSIS

A. Key Issues and Findings

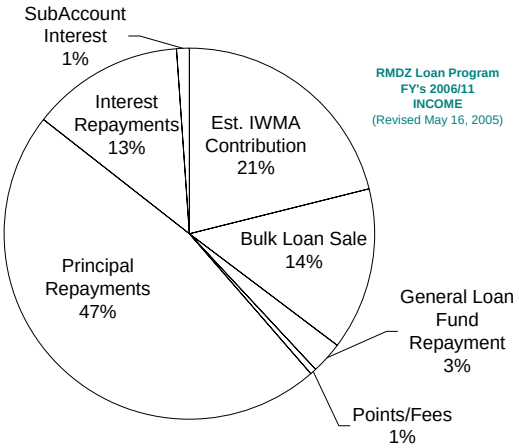
1. Loan Interest Rate

- From Fiscal Year 2000 through 2004, interest earnings were sufficient to cover program costs, excluding costs of budget change proposals.
- From inception of the program in 1993 to August 2003 the RMDZ loan interest rate was equal to the Surplus Money Investment Fund (SMIF) rate.
- From Fiscal Year 1993 through 1999, interest earnings were insufficient to cover program costs.
- During the past 12 years, the average interest rate was 4.88%, with a low of 1.90% in FY 2004 and a high of 6.00% in FY 1996.
- The rate had declined to 1.9% and the interest earnings no longer covered the costs to administer the RMDZ loan program. At the August 12, 2003 Board meeting, the Board approved increasing the basis under which the RMDZ loan interest rate was calculated to a rate equal to the prime lending rate (then at 4.0%). The transcripts of that Board meeting reflect that staff was to inform the Board Members when the interest rate reached or approached 5.50%, to discuss possible actions. This condition was in response to a request by the CARMDZ to place a limit on the interest rate.
- In Fiscal Year 2005, interest earnings will be insufficient to cover program costs because of the bulk sale of 52 loans.
- In January, 2005, the RMDZ interest rate was revised to equal the prime rate at that time of 5.25%. Under the current general eligibility criterion, the RMDZ rate will automatically increase to the prime rate in effect on July 19, 2005 (estimated to be at 6.00% or higher). With the prime interest rate exceeding 5.50%, staff is now required to bring this issue back to the Board.

- In Fiscal Years 2006 through 2011, interest earnings at 5.25% are projected to almost pay most of the costs to administer the loan program, assuming all available funds are fully disbursed each fiscal year. If the rate decreases, then a portion of the loan principal repayment would be used to cover the program costs, which makes the program more dependent on IWMA appropriations.

Income Projections - Estimated

The pie chart and table below shows the estimated income amounts and percentages for the loan program projected over the next six fiscal years, from FY 04-05 through FY 06-11.

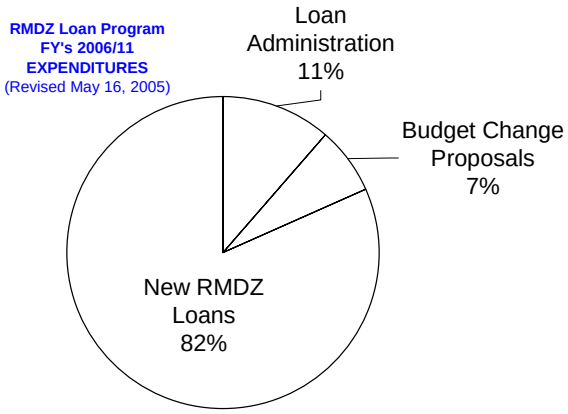


Estimated Program Resources(FY's 06-11)	Dollar	Percentage
Principal Repayments	$33,226,999	47%
Est. IWMA Contributions	$15,000,000	21%
Bulk Loan Sale Final Installment	$10,011,879	14%
Interest Repayments	$9,467,246	13%
General Fund Loan Repayment	$1,853,000	3%
SMIF Earnings On Sub-Account	$731,521	1%
New Loan Points & Application Fee	$367,850	1%
TOTAL	$70,658,494	100%

Estimated Interest Earnings (FY's 06-11)				
Projected Fiscal Year	**SMIF 2.37%**	**Option #1B RMDZ 5.00%**	**Current RMDZ 5.25%**	**Option #1A Prime 6.00%**
Six-year Total Int. Earn:	$4,194,435	$9,388,285	$9,467,247	$10,872,159
Difference from 5.25%	($5,272,812)	($78,962)	Base	+$1,404,912

Expense Projections - Estimated

The pie chart and table below shows the estimated expense amounts and percentages for the loan program projected over the next six fiscal years, from FY 04-05 through FY 06-11.



Estimated Expense (FY's 06-11)	Dollar	Percentage
Funds For New Loans	$69,250,000	82%
Loan Administration	$9,580,000	11%
Budget Change Proposals (Project Recycle Program, State Agency Buy Recycled Campaign, Circuit Prosecutor)	$6,048,000	7%
TOTAL	$69,250,000	100%

Options For The Board On The Interest Rate

Option #1A: No Change - RMDZ rate equal to the Prime Rate that will result in the RMDZ interest rate increasing from 5.25% to the current prime rate (was 6.00% on June 24, 2005).

Pros:

- The new interest rate may provide an additional $1.4 million of income during the next six years to fund new loans.
- Even with the increased Prime Rate, the RMDZ loan rate is still approximately 2% to 4% below the typical bank loan interest rate.
- Bulk loan sale purchasers have more desire to buy loans at reasonable interest rates, which are not significantly below market rates that banks charge.

Option #1B: Cap the RMDZ Rate At 5.00%, but no less than the State's Surplus Money Investment Fund.

Pros:

- A lower interest rate will make it easier for a business to qualify for a loan and more feasible to start-up or expand its operations.
- A 5.00% interest rate will almost cover the Loan Program costs if all available funds are lent out for each fiscal year.

2. Multiple Loans

- Related to multiple loans there are two issues.
  - First, should loans fund the expansion of a business or require a different type of feedstock, manufacturing process, or end product? From inception of the RMDZ, the protocol was to disallow multiple loans that merely allowed a business to expand, even if such multiple loans would result in increased diversion. Subsequent loans required a different feedstock, manufacturing process, or end product.
  - Second, should there be a limit on how many RMDZ loans, or the total value of RMDZ loans, a business or related entity can obtain, even if the loans are for projects involving different feedstocks, manufacturing processes, or end products?
- Since program inception the Board has funded 132 projects to 109 businesses.
- Of 109 businesses that received loans, 22 obtained two loans and one obtained three loans.
- Of $80 million loaned, $27 million, representing 34% of the total, is to borrowers with more than one loan.

Option #2A: No Change – Continue to disallow subsequent loans for business expansion where there is no change in the type feedstock, manufacturing process, or a new product.

Pros:

- Bankable businesses should be able to obtain traditional bank loans for expansion.
- The successful recycling businesses can continually obtain RMDZ loans for when there is a change in the type of feedstock, manufacturing process, or a new end product.

Option #2B: Allow subsequent loans for business expansion that result in additional diversion using the same or different type of feedstock, manufacturing process, or end product, but no more than $2,000,000 total principal outstanding on all RMDZ loans to a borrower and related entities at any one time.

Pros:

- A cap of $2,000,000 will reduce the future risk of the loan portfolio by disallowing some businesses from continuously obtaining low interest rate RMDZ loans.
- The current process does not allow an existing borrower to use RMDZ loan proceeds to purchase additional equipment to increase diversion of materials stated in the original project.

Option #2C: Allow subsequent loans for business expansion that result in additional diversion using the same or different type of feedstock, manufacturing process, or end product, but no more than $4,000,000 cap on the total principal outstanding on all RMDZ loans to a borrower and related entities at any one time.

Pros:

- A cap of $4,000,000 will allow larger more successful businesses to further expand.
- Would allow existing borrowers to obtain RMDZ financing for expansion of the business.
- May result in more loan applications and loans funded. Will provide more opportunities for our dollars to be at work earning interest and resulting in more diversion and more jobs.
- There are significant dollars available for new loans at this time. This supports our Economic Gardening concept to grow our existing businesses.

3. Cap On The Purchase Of Real Estate

- In August 2003, the Board expressed its desire that a $500,000 limit be placed on the amount of RMDZ loan funds that could be used for the purchase of real estate, due to the combination of a large number of bankable businesses that wanted the advance of the unusually low interest rate for real estate and the relatively limited availability of loan funds.
- In October 2004, prior to the bulk loan sale, 18 loans were secured by a deed of trust on commercial real estate. However, 12 of these loans were sold in the recent bulk loan sale.
- Presently, four loans of the Board's remaining loan portfolio are secured by commercial real estate.
- The cost of real estate has increased significantly since August 2003 and staff has had discussions with several businesses where the larger real estate loan would make the project more viable.
- Real estate is better collateral than equipment.

Option 3A: No Change –The maximum amount of loan funds that can be used for the purchase of real estate Is $500,000.

Pro:

- Avoid a run on the money for borrowers seeking commercial real estate loans at a below market fixed interest rate.

Option #3B: No cap on the amount of loan funds that can be used for the purchase of real estate.

Pros:

- Makes the business more stable than locating on leased property.
- Rural businesses are more likely to purchase real estate because of limited facility choices.
- Provides better loan collateral than other business assets.

4. Primary Residential Property Collateral

- At the October 20, 1999 Board Meeting, Board expressed its desire that loans not be secured by a borrower's personal primary residence. There was one particular loan in default that promoted this change.
- At the August 13, 2003 Board Meeting, when the General Loan Criteria was presented, the Board reaffirmed this preference.
- In October 1999, 13 of 54 loans, or 24%, were secured by a deed of trust on a residential property.
- Shortly thereafter, Board staff asked those 13 borrowers if they wanted there homes to be released. Two borrowers were interested but were unwilling to obtain an appraisal on the remaining collateral to confirm that the remaining business collateral had sufficient value to cover the outstanding principal loan balance.

Option #4A: No Change – Continue to disallow a borrower's primary residence as collateral.

Pros:

- The Board may not want to be in a position to have to take someone's home away from them in order to pay back a loan.
- Homeowners can apply for equity loans or lines of credit for business activities for matching funds.

Option #4B: Resume allowing a borrower's primary residence as collateral at borrower and loan staff discretion.

Pros:

- Banks, other lenders, and the Federal Small Business Administration often take a borrower's primary residence as loan collateral.
- The home equity can be used as collateral to support use of loan funds for business working capital.
- Some businesses may want to use the equity in their residence for business purposes.

B. Environmental Issues

Based on available information, staff is not aware of any environmental issues related to this item.

C. Program/Long Term Impacts

The proposed revisions to the RMDZ General Loan Criteria are anticipated to make the program easier to market and to provide greater access for eligible recycling business.

D. Stakeholder Impacts

The stakeholders are the recycling businesses located in Recycling Market Development Zones (RMDZ's), and the 39 Recycling Market Development Zone Administrators and their CARMDZ.

Public Input

- A public workshop held on May 17, 2005, that was attended by three CARMDZ Board Members and one member of the public.
- A two week open comment period for ZA's was available beginning May 17, 2005 and ending June 9, 2005. Staff received two e-mails from ZA's.
- On June 17, 2005, the General Loan Criteria was briefly discussed at primary stakeholders Zone Works Training. The ZA verbal thoughts recommended to cap the interest rate at 5.00%, allow more than one loan on the same project with unlimited loans to a borrower and related entities, unlimited amount of loan funds that can be used for the purchase of real estate, and resume allowing a borrowers primary residence as loan collateral. However, as of June 24, 2005, the ZA's and their Board had not reached a majority consensus to support or oppose the possible revisions to the RMDZ General Loan Criteria stated in this agenda item.

Impacts

- The impact on eligible recycling businesses will be positive if there are fewer restrictions on the general loan criteria.
- The impact on Zone Administrators will be positive if there are fewer restrictions on the general loan criteria.
- See below Section IX: Written Support And/Or Opposition.

E. Fiscal Impacts

- This is an administrative agenda item that specifically addresses the RMDZ General Loan Criteria and is not requesting new or additional funding from the IWMA account, thus no fiscal impact to the Board is expected.
- The interest rate will impact the amount of funds for new loans, because it represents 13% of the anticipated income for the loan program during the next six Fiscal Years (2006/11).

F. Legal Issues

Option #1: Interest Rate

- Public Resources Code, Section 42023.1(g) "The Board shall establish and collect fees on applications for loans authorized by this section. The application fee shall be set at a level that is sufficient to fund the Board's cost of processing applications for loans. In addition, the Board shall establish a schedule of fees, or points, for loans which are entered into by the Board, to fund the Board's administration of the revolving loan program."
- Public Resources Code, Section 42023.4 states "Any recipient of a loan that the Board approves shall repay the principal amount, plus interest on the basis of the rate of return for money in the surplus Money Investment Fund at the time of the loan commitment."
- Regulations: Title 14, Division 7, Chapter 4, Article 1, Sections 17934.5 states "The interest rate for loans is determined by the Board and is based on the SMIF rate. The Board will adjust the interest rate semi-annually, effective January 1 and July 1, based on the monthly SMIF rate in effect one month prior to those dates.

Options #2, 3, and 4 Multiple Loans And Collateral

- Public Resources Code, Section 42023.4 (a)(3) "The Board shall only approve those loan applications that demonstrate the applicant's ability to repay the loan."

- Public Resources Code, Section 42023.4 (a) (4) "The Board shall finance not more than three-fourths (3/4) of the cost of each project, or not more than two-million ($2,000,000) for each project, whichever is less.
- Regulations: Title 14, Division 7, Chapter 4, Article 1, Sections 17935.4 states "Board staff shall prepare an analysis for each application. Applications which meet the following criteria shall be recommended to the RMDZ Loan Committee: (1) The applicant is found creditworthy, and (2) The collateral and the source of repayment are appropriate for the requested loan amount; and (3) The applicant has adequately demonstrated the appropriateness of the loan for use in the project.
- Regulations: Title 14, Division 7, Chapter 4, Article 1, Sections 17931(r) definition of a project: "Project means the activity for which a loan is requested."

G. Environmental Justice

Based on available information, staff is not aware of any environmental justice issues related to this item.

H. 2001 Strategic Plan

This item supports the Board's 2001 Strategic Plan goals 2, 3, 6, and 7.

VI. FUNDING INFORMATION

N/A

VII. ATTACHMENTS

1. Draft General Loan Criteria July 2005, with tracked changes.
2. Resolution Number 2005-191.

VIII. STAFF RESPONSIBLE FOR ITEM PREPARATION

A. Program Staff:	Jim La Tanner	**Phone:** (916) 341-6534
B. Legal Staff:	Michael Bledsoe	**Phone:** (916) 341-6058
C. Administration Staff:	Tom Estes	**Phone:** (916) 341-6090

IX. WRITTEN SUPPORT AND/OR OPPOSITION

A. Support

As of June 24, 2005, staff received written support comments four of the 39 Zone Administrators (ZA's), as follows:

- **Option #1B Interest Rate**: Two ZA's support capping the interest rate.
- **Option #2B&C Multiple Loans**: Two ZA's support allowing multiple loans on the same project and recommend that a limit be established on the quantity or dollar amount of loans a borrower and related entities.
- **Option #3B Cap On The Purchase Of Real Estate**: Two ZA's support increasing or eliminating the cap on the use of loan funds for the purchase commercial real estate.
- **Option #4A Primary Residence As Collateral**: One ZA supports continuing the disallowance of a borrower's primary residence as loan collateral.

B. Opposition

As of June 24, 2005, staff received written opposition comments from the same four ZA's, as follows:

- **Option #1A Interest Rate**: Two ZA's oppose that the interest rate be capped and recommend that the interest rate remain equal to the national Prime Rate.
- **Option #2A Multiple Loans**: Two ZA's support completely unlimited loans on any project or to any borrower.
- **Option #3A Cap On The Purchase Of Real Estate**: Two ZA's oppose the increase or elimination of the amount of loan funds that can be used for the purchase of real estate.
- **Option #4A Primary Residence As Collateral**: One ZA opposes resuming the use of a borrower's primary residence as loan collateral.

Recycling Market Development Revolving Loan Program
General Loan Criteria
~~Draft Revised~~ Final July 2005

Introduction
The Recycling Market Development Revolving Loan Program (RMDZ) provides low-interest loans to private businesses and not-for-profit organizations to increase diversion of non-hazardous solid waste from California landfills and to promote market demand for secondary and postconsumer materials.

The purpose of this document is to provide information on the Recycling Market Development Revolving Loan Program general eligibility. The information contained herein is not intended to be all inclusive of the criteria used to evaluate loan applications.

Applications are evaluated on an individual basis based upon the purpose, goals, and requirements of the Recycling Market Development Revolving Loan Program as set forth by law and regulation. The evaluations must also be based on the recommendations of the Board's Environmental Justice Program, once it is approved. For information regarding the RMDZ loan program, please contact the California Integrated Waste Management Board (Board)'s loan program staff.

General Eligibility
This general eligibility criteria applies to all RMDZ loans, regardless of the type of project.

Where must the project be located?
The project, or if a mobile operation, the primary business location must be located within a Recycling Market Development Zone (RMDZ).

~~How much can this program lend?~~ What is the maximum loan amount?
The program can fund a maximum of 75% of costs directly attributed to an eligible project up to a maximum of $2 million whichever is less.

Can a borrower or related entity obtain more than one RMDZ loan?
A borrower may apply for subsequent loans for business expansion that result in additional diversion using the same or different type of feedstock, manufacturing process, or end product, but may not have more than $3,000,000 total principal outstanding on all RMDZ loans to a borrower and related entities at any one time.

Who can apply?
Eligible applicants can include businesses and not-for-profit organizations.

Eligible Projects
Eligible projects must result in the diversion of solid waste from California landfills. See separate document titled "Project Eligibility Criteria."

What can the funds be used for?
Businesses and non-profit organizations can use the funds[(a)] for

- Machinery and equipment,
- Working capital,
- Real estate purchase [(b)] ~~)~~, (maximum of $1,000,000)
- Real estate ~~Leasehold~~ improvements [(b)], and
- Refinancing of onerous debt that results in increased diversion, and
- Funds can also be used for financing loan-closing points.

(a) RMDZ loan recipients will be required to report the amount of loan proceeds used to purchase any of the 13 State Agency Buy Recycle Campaign (SABRC) product categories. Board staff will assist the loan recipients with identifying and locating recycled content products and provides them the forms necessary to track and report the products purchased or materials used with RMDZ loan funds.

(b) Loans made to finance the purchase of commercial real estate and/or to make necessary real-estate improvements will require the application of sustainable building practices. At least 25% of the loan funds approved for improvements to property would have to be applied toward those costs involving sustainable building products and services. This would apply only to the portion of the loan funds used for improvements. Examples include the use of recycled paints, carpets, cubicles, and rubberized asphalt. The installation of energy efficient lighting, heating and cooling systems, water conserving and shade producing landscape would be applicable. Borrowers are required to provide invoices showing the amount that 25% was purchased and the types of products and services purchased.

Can residential real estate be used as collateral?
Effective October 20, 1999, residential real estate is not to be taken as collateral for an RMDZ loan.

What is the cost of loan closing points?
The cost of loan closing points shall be ½ percent, collected at the time loan funds are disbursed into escrow. RMDZ loan proceeds may be used to pay the points.

What is the loan application fee?
The loan application fee is $300, due and payable upon the Board's receipt of an RMDZ loan application.

What is the interest rate? (Effective beginning July ~~19~~ 12, 2005)
The interest rate is Surplus Money Index Fund (SMIF) + X = National Prime Rate, where X equals the difference between SMIF and the Prime Rate~~, with a minimum floor of SMIF~~. The rate will be fixed for the term of each loan. The Board will announce the interest rates semiannually in January and July. The maximum RMDZ loan interest rate shall be capped at 5.00%. The minimum interest rate ~~, but~~ shall be 4.00%, but no less than the State's Surplus Money Investment Fund which is the minimal rate required in statue.

~~***Can a borrower or related entity obtain more than one RMDZ loan?***~~
~~*A borrower may apply for subsequent loans for business expansion that result in additional diversion using the same or different type of feedstock, manufacturing process, or end product, but may not have no more than $4,000,000 $2,000,000 total principal outstanding on all RMDZ loans to a borrower and related entities at any one time.*~~

Public Infrastructure and Capital Improvements
Should a local jurisdiction need financing, Board staff will refer them to other state programs and provide some assistance in applying for those funds.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Resolution 2005-191

Consideration Of Revisions To The Recycling Market Development Revolving Loan Program General Loan Criteria

WHEREAS, the California Integrated Waste Management Board (Board) is authorized under Public Resources (PRC) Section 42023.1(f) to expend money in the Sub-account to make Recycling Market Development Revolving Loan Program (Loan Program) loans to local governing bodies, private businesses, and non-profit entities within Recycling Market Development Zones (RMDZ), to assist local jurisdictions in meeting the waste diversion mandates established by AB 939; and

WHEREAS, the Board is authorized to adopt statewide recycling market development objectives for the Loan Program, pursuant to Title 14 of the California Code of Regulations, Section 17933; and

WHEREAS, the interest rate for loan is determined by the Board, pursuant to Title 14 of the California Code of Regulations, Section 17934.9; and

WHEREAS, the existing General Eligibility Criteria, adopted by the Board in August 2003 needed to be revised by the Board to reflect current Board priorities.

NOW, THEREFORE, BE IT RESOLVED the Board hereby adopt the following revisions to the General Eligibility Criteria as shown in Attachment 1.

CERTIFICATION

The undersigned Executive Director, or his designee, of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on July 19-20, 2005.

Dated:

Mark Leary
Executive Director

California Integrated Waste Management Board

Board Meeting

July 19-20, 2005

AGENDA ITEM 14

ITEM

Consideration Of The Recycling Market Development Revolving Loan Program Application For Glaum Egg Ranch, L.P. (FY 05/06)

I. ISSUE/PROBLEM STATEMENT

This agenda item presents for consideration the Glaum Egg Ranch, L.P. application to the Recycling Market Development Revolving Loan Program (RMDZ Loan). Glaum Egg Ranch, L.P. is requesting a $257,000 loan to finance the purchase of equipment. The project is projected to divert an additional 600 tons per year of post-industrial chicken manure, sawdust, and post-consumer paper pulp and cardboard from the landfill. The project is located in Aptos, California within the Central Coast Recycling Market Development Zone.

II. ITEM HISTORY

None

III. OPTIONS FOR THE BOARD

1. Approve the RMDZ Loan application for Glaum Egg Ranch, L.P.
2. Approve with revisions the RMDZ Loan application for Glaum Egg Ranch, L.P.
3. Take no action and provide staff with further direction.

IV. STAFF RECOMMENDATION

Staff recommends that the Board approve Option Number 1 and adopt Resolution Number 2005-190 to approve a RMDZ Loan to Glaum Egg Ranch, L.P. in the amount of $257,000.

V. ANALYSIS

A. Key Issues and Findings

<u>Company Background</u>

- Glaum Egg Ranch is located in Aptos, California and is operated by the third generation of the Glaum Family. They are a producer, processor, and distributor of chicken eggs. They are also a distributor of other foods such as butter, cheese, and salsa. They are very active in producing an organic composted fertilizer made from chicken manure, sawdust, paper pulp, and cardboard. This product is sold to organic farmers and nurseries.

Board Approved Eligibility Criteria – August 2003

- Glaum Egg Ranch, L.P. qualifies under Board approved eligibility criteria as a recycling project using post-consumer and post-industrial materials diverted from landfills to produce a natural organic composted fertilizer.

Feedstock Sources

- Chicken manure is from the Glaum Egg Ranch. Sawdust is obtained from Beaver Lumber Company of Hollister, California. Most of the paper pulp and cardboard comes from Coast Packaging in Modesto, California.

Value-Added Product

- Glaums 100 percent natural organic composted fertilizer is an alternative to the traditional synthetic chemical fertilizers, and raw manures. Compost is one of the best sources of organic matter available and when it is added to soils, water and nutrient holding capacity is increased providing plants with superior growing conditions. As the organic matter of compost decomposes, nutrients are slowly released. Unlike chemical fertilizers, it does not burn plants and the beneficial effects last for several years.

End Users

- The organic fertilizer is distributed as a bagged product throughout California by various distributors and also sold in bulk locally to individuals and farms.
- Major customers include Kellogg Garden Products, Humus Co. and organic farmers.

Diversion & Jobs:

Diversion	**Current**	**Projected Increase**	**Total**
Tons Per Year	2,000	600	2,600
Jobs	7	3	10

Proposed RMDZ Loan Request

- Glaum Egg Ranch, L.P. is requesting a loan of $257,000 to purchase equipment that will allow a more efficient processing of the chicken manure which is the main ingredient in the composting process. The balance of the project costs will come from owner's capital.

Interdivisional Reviews

- Staff from the Board's Permitting and Enforcement Division (P&E) has reviewed the project and reports that no solid waste permit is required. Glaum Egg Ranch, L.P. (SWIS # 44-AA-0011) currently operates as an Agricultural Material Composting Operation Pursuant to 14CCR 17856. The operation falls under the EA Notification tier (14CCR Section 18103.1) relative to the Compostable Materials Handling Operations and Facilities Regulations. The operation is inspected by the EA once annually. The last inspection was performed on November 15, 2004. At that time, the operation was found to be in compliance with State Minimum Standards and no Areas of Concern or Violations were noted during the inspection.
- Staff from the Diversion, Planning and Local Assistance Division (DPLA) has reviewed the project and determined that the materials used are normally disposed in a landfill. Based on information in the jurisdiction's Source Reduction and

Recycling Element (SRRE), chicken manure, sawdust, paper pulp, and cardboard that will be used as feedstock for this project are normally disposed of in landfills.

- Glaum Egg Ranch, L.P. has certified that the project complies with all local and federal laws, regulations, requirements and rules, including the California Environmental Quality Act.

Loan Committee

- The Loan Committee will meet on July 7, 2005 to consider staff's analysis of Glaum Egg Ranch, L.P.'s loan application and the applicant's ability to repay and collateralize the loan.
- The results will be presented at the Sustainability and Market Development Committee.

B. Environmental Issues

- A conditional use permit is not required because the property is zoned Commercial/Agricultural under the Williamson Act.
- The project site is 3100 Valencia Road, Aptos, California.
- Staff is not aware of any cross-media issues directly related to this project.

C. Program/Long Term Impacts

- The impact of this loan on other Board programs is that it directly results in diversion of waste in the greater Santa Cruz Unincorporated area.
- The long term impact of this loan is that it assists in achieving the goal of the program, to make loans to recycling businesses on a more feasible basis than traditional bank financing.

D. Stakeholder Impacts

The stakeholders impacted by this item are the borrower, the RMDZ, and the Santa Cruz County.

- Borrower impact is the receipt of funds to purchase additional equipment at favorable loan terms and rates.
- RMDZ Zone Administrator (Santa Cruz County Local Economic Development Agency) impact is a success story of another company utilizing local waste in the production of their product, thus helping increase diversion.
- The impact on Santa Cruz County is additional diversion from its landfills, and an increase in jobs.

E. Fiscal Impacts

- The authority to fund the loan is contained in Public Resources Code, Section 42023.1.
- The fund source will be RMDZ sub-account.
- The amount of funds allocated for new loans during the 2005/06 fiscal year is $10 million.
- The impact of this loan is shown below in section VI Funding Information.

F. Legal Issues

- Based on information available, staff is not aware of any legal issues related to this project.

G. Environmental Justice

The U.S. Census Bureau 2000 depicts the following for Census Tract 1222.01, Santa Cruz County, California where the project is located:

- Demographics

82.1%	White
10.8%	Hispanic or Latino
0.7%	Black or African American
0.7%	American Indian & Alaska Native
2.1%	Asian
0.2%	Native Hawaiian and Other Pacific Islander
3.4%	Two or more races

- Economic Profile

$66,956	Median household income
$34,265	Per capita income
6.0%	Persons living below poverty

Project Site Information

- Site location is 3100 Valencia Road, Aptos, California.
- The area is predominantly agricultural and is zoned Commercial/Agricultural. This zoning allows for a variety of agricultural and commercial uses and the current usage conforms to the zoning requirements.
- According to the Borrower, the nearest ranch residence is at least 1/8 mile away from Glaum Egg Ranch, L.P.'s facilities.
- Based on available information, staff is not aware of any Environmental Justice issues.

H. 2001 Strategic Plan

This item supports the Board's 2001 Strategic Plan as follows:

- Goal 2, Objective 2, Strategy B: Process low interest loans for companies that either convert non-hazardous solid waste into a recycled raw material or use a recycled raw material to ultimately produce a recycled-content product.
- Goal 3, Objective 2, Strategy A: Promotes economic development in underserved areas.
- Goal 6, Objective 1, Strategy B: Promotes the Board's environmental justice policies into program eligibility.

VI. FUNDING INFORMATION

1. Fund Source	2. Amount Available	3. Amount to Fund Item	4. Amount Remaining	5. Line Item
RMDZ Loan Sub Account	$9,441,000	$257,000	$9,184,000	Direct Loan

VII. ATTACHMENTS

1. Resolution Number 2005-190

VIII. STAFF RESPONSIBLE FOR ITEM PREPARATION

A. Program Staff: Don Tsukimura **Phone:** (916) 341-6536
B. Legal Staff: Michael Bledsoe **Phone:** (916) 341-6058
C. Administration Staff: Cecilia Frederick **Phone:** (916) 341-6095

IX. WRITTEN SUPPORT AND/OR OPPOSITION

A. Support

The Zone Administrator for the Central Coast Recycling Market Development Zone has provided input and support for this project.

B. Opposition

Staff has not received any written opposition at the time this item was submitted for publication.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Resolution 2005-190

Consideration Of The Recycling Market Development Revolving Loan Program Application For Glaum Egg Ranch, L.P. (FY 05/06)

WHEREAS, the California Integrated Waste Management Board (Board) is authorized to make loans to recycling businesses located in designated Recycling Market Development Zones that use post consumer or secondary waste materials from its Recycling Market Development Revolving Loan Account; and

WHEREAS, Board staff has received a complete loan application which is ready for consideration; and

WHEREAS, Board staff has determined that the application is eligible for consideration of loan funding and has recommended to the Loan Committee the approval and authorization of the loan to the eligible applicant; and

WHEREAS, the Loan Committee has considered the credit-worthiness of the eligible applicant and has recommended to the Board the approval and authorization of the loan to the eligible applicant; and

WHEREAS, the Board staff and Loan Committee have considered the extent to which the eligible applicant meets the goals of the Recycling Market Development Revolving Loan Program and have recommended to the Board the approval and authorization of the loan to the eligible applicant; and

WHEREAS, Section 17935.6 of Title 14 of the California Code of Regulations allows the extension of a loan commitment beyond 180 days if agreed to by both the Board and the Applicant.

NOW, THEREFORE, BE IT RESOLVED that in accordance with the recommendations of the Board staff and the Loan Committee, the Board hereby approves the funding of the following loan in the following original principal amount as set forth next to the Borrower's name, subject to all terms and conditions contained in the loan agreement to be prepared by Board staff for this loan in accordance with applicable regulations, and on such other terms and conditions as the Board or its duly authorized staff representative in its or their sole discretion deems necessary or advisable:

BORROWER	**AMOUNT**
Glaum Egg Ranch, L.P.	$257,000

RESOLVED FURTHER, that the Board, the Executive Director, or their authorized representative(s), be and each hereby is, authorized to do and perform any and all such acts, including, but not limited to, execution of the loan agreement, to be prepared by Board staff, and all other documents or certificates as the Board, the Executive Director, or their authorized representative(s), in its or their sole discretion, deem necessary or advisable to carry out the purposes of this Resolution.

RESOLVED FURTHER, that any actions of the Board, the Executive Director, or their authorized representative(s), taken prior to the date of the adoption of this Resolution, which are within the scope of authority conferred by this Resolution, are hereby ratified, confirmed and approved as the acts and deeds of the Board.

CERTIFICATION

The undersigned Executive Director, or his designee, of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on July 19-20, 2005.

Dated:

Mark Leary
Executive Director

California Integrated Waste Management Board

Board Meeting

July 19-20, 2005

AGENDA ITEM 15

ITEM

Discussion And Request For Direction Regarding An Alternative AB939 Compliance System

I. ISSUE/PROBLEM STATEMENT

The original AB 939 statute has contributed greatly to establishing a vast diversion program infrastructure, the most extensive in the country. Each jurisdiction plans, selects and implements a variety of diversion programs to achieve 50 percent diversion. Every two years the Board reviews each jurisdiction's progress in implementing diversion programs and achieving the diversion requirement. While marked successes have been experienced with the current program many concerns have also arisen regarding the existing diversion measurement system. As a result of concerns about accuracy of original base-years, use of adjustment factors and the disposal reporting system, the Board has embarked on a process to reevaluate and potentially recommend changes in statute or regulations to improve the accuracy and simplify the existing diversion measurement system.

The purpose of this agenda item is to provide an overview of the workshops Board staff has convened to solicit stakeholder feedback on modifying the existing diversion compliance system. In addition, based on input received from workshop participants, Board staff is presenting a proposed concept for an alternative compliance system that includes both diversion program implementation and a simplified measurement system. The focus of proposed changes to the current diversion measurement system is to move from a more complex system of estimating diversion rates using mathematical formulas to a simpler and a more timely system. Additionally, the new system would consist of a more appropriate indicator of diversion program success, disposal reduction, which is also consistent with the intent of statute, that of reducing our current reliance on landfills.

Specific details on the proposed concept are provided in Section V.D.1-4 of this agenda item.

II. ITEM HISTORY

This item expands on issues raised during the Board's review of the diversion rate measurement system as required by SB 2202 (Stats. 2000, c. 740). The Board approved the SB 2202 report to the Legislature at its November 11, 2001, Board meeting.

III. OPTIONS FOR THE BOARD

1. The Board may approve staff's proposed concept and direct staff to conduct a workshop to solicit stakeholder feedback and bring back to the Board in October 2005 a final concept.
2. The Board may direct staff to modify the proposed concept and direct staff to conduct a workshop to solicit stakeholder feedback and bring back to the Board in October 2005 a final concept.
3. The Board may direct staff to take no further action.

IV. STAFF RECOMMENDATION

V. ANALYSIS

A. Key Issues and Findings

Overall implementation of AB 939 has been extremely successful, with an estimated statewide diversion rate increase from about 10% in 1990 to a current level just under 50%. Along with this significant overall increase of diversion has been the reduction of well over 200 million tons of disposal that would have otherwise gone to landfills. Additionally, the original statute contributed greatly to establishing a vast diversion program infrastructure, the most extensive in the country.

A summary of the current system follows:

- The current measurement system relies on a combination of diversion rates and program implementation evaluation.
- The number of programs implemented by jurisdictions more than doubled between 1990 and 2002. There were about 4100 diversion programs implemented in 1990 and about 9000 diversion programs implemented in 2002.
- Recently there have been significant increases in construction and demolition related waste as construction activity statewide is very active and expected to remain high for the next several years. In response, the Board and jurisdictions have significantly increased efforts to divert construction materials to achieve higher diversion rates by diverting heavier materials. Historically, there has been limited infrastructure available for diverting these materials.
- While current program implementation efforts may be evaluated in a timely manner, numeric data is over 18 months in arrears which makes program assessment and planning difficult.
- Over 200 hundred jurisdictions' base year numbers are over 10 years old and may no longer reflect the waste generated in jurisdictions, thus creating questionable generation estimates used for estimating diversion rates.
- Adjustment factors used in estimating diversion rates are not received in a timely manner from control agencies and may not be representative of particular jurisdiction conditions.
- Under the current system, jurisdictions are focused on increasing their numerical diversion rates, sometimes at the expense of reducing the amount of disposal. This anomaly exists as a result of use of adjustment factors and overemphasis on source reduction claims as part of the method for determining the overall diversion rate.
- Current method may artificially overstate the amount of generation that exists to account for source reduction efforts which then becomes exaggerated through use of adjustment factors when completing the diversion rate calculation.
- As a result, this methodology may show that the diversion rate increased while the amount of disposal also increased. This method ignores the real focus of what needs to be accomplished, that of disposal reduction.
- Success of any improved measurement method is predicated upon implementation of updated disposal reporting regulations that are currently underway. These regulations are important to any measurement system.

B. Stakeholder Workshops

Given the issues identified above, Board staff solicited feedback on reevaluating the diversion compliance system at three stakeholder workshops. The workshops were conducted to elicit suggestions for improving the existing diversion compliance system. Attachment 1 is a summary of the information provided by stakeholders and Board staff's preliminary analyses of this information.

The first workshop was held on October 5, 2004, in Sacramento. The workshop was organized as a group exercise anchored with a panel of representative interested parties. Each member of the panel was initially asked two questions. The first question focused on describing the strengths and weaknesses of the existing compliance system and the second asked if "building the optimal compliance system what would the characteristics be?" After panel members presented their comments, the entire audience was presented with an opportunity to convey their thoughts on these questions. Finally, the entire audience and panel members were asked to participate in prioritizing optimal compliance characteristics, in order of importance. Results are shown on the right hand side of Table 1, below.

Table 1

Goals Identified at 11/30/2004 and 12/2/2004 Workshops	Characteristics Identified at 10/5/2004 Workshop
1. Timely	1. More timely
2. Flexible	2. Flexible
3. Accountability	3. Accountability
4. Simple	4. Simplify calculations
5. Cost effective	5. Cost effective
6. Indicators	6. Numbers as indicators
	7. Reflect jurisdiction differences
7. Maximize Diversion	
8. Equitable/fairness	

The format of the November 30, 2004, workshop in Sacramento and December 2, 2004, workshop in Long Beach was different. To facilitate discussion and allow extensive input from participants, these two workshops were structured with small discussion groups. At these two workshops, there were a total of 11 small discussion groups and each was comprised of 8-11 members representing diverse interests. Each group's charge was to define their overall goal in determining an alternative compliance system and then put together the framework for what the alternative system would look like. The groups were limited to about three hours to develop their goal and put together their framework. A representative from each group then presented an oral report and answered clarifying questions regarding their proposed alternative system framework.

The most common themes expressed are included in the column on the left in Table 1. It is interesting to note that findings to date indicate overall consistency with what the goal of an alternative compliance system should be with the major characteristics of that system.

All the groups felt that diversion program implementation was important. Overwhelmingly, the groups stated that they wanted to continue having the ability to voluntarily select programs with guidance and support from the Board. Many of the groups recommended that Board approval of the program selection would be

required. The groups for the most part still felt that the types of information that they currently provide in their Annual Reports to document their performance would still be necessary. There was a variety of responses about providing additional types of diversion program information. Resoundingly, the groups felt that program changes could continue to be updated through the Annual Report.

There was quite a diversity of opinion amongst the 11 groups on potential alternative measurement compliance systems. Of the 11 groups:

- One group could not reach agreement on whether there should be a measurement system
- One group selected diversion programs only with no measurement system
- One group selected measuring disposal to determine overall program effectiveness
- Two groups selected modifying the existing diversion rate measurement system
- Three groups selected modifying the existing diversion rate measurement system and requiring periodic waste generation studies
- Three groups selected requiring periodic waste generation studies.

As you can see above in Table 1, there is significant consistency of response regarding goals and characteristics of the optimal measurement system. There is a departure in consistency, however between the goals and characteristics of many groups' compliance system frameworks.

While the goals and characteristics of an alternative measurement system identified at the three workshops appear to be reasonably consistent, results of system frameworks were very disparate and in many cases not consistent with the goals expressed by the individual groups. For instance, a group may have stated that they wanted a simplified system with a higher diversion goal; however, the system design selected required more complex reporting than currently required without the ability to measure diversion progress.

Part of the reason for the inconsistency was most likely the limited time available for participants; as previously mentioned only three hours were available. Also there was little time for participants to reflect on their collective work. As mentioned earlier, there does appear to be significant consistency with the overall stated goals and characteristics of a proposed alternative compliance system. How to develop a specific compliance system that is agreed upon by most interested parties appears to may be the challenge.

Board staff prepared a summary of the workshops (see Atachment1). This information was then sent out to stakeholders on January 24, 2005, and requested any comments. The summary and additional comments were used to prepare this agenda item.

C. Further Input From Stakeholders

Staff developed options for changing the system based on characteristics identified by stakeholders as important during the three public workshops in late 2004 and the public comment period on the workshop summary in early 2005. Staff analyzed information received from stakeholders and developed a concept proposal for an alternative compliance system. To solicit feedback on the concept, staff shared the concept with the League of California Cities and the Regional Council of Rural Counties at a meeting held in Sacramento on March 11, 2005. As a result of all of the feedback received from the jurisdictions, haulers, consultants, and other interested parties, staff has prepared several options for proposed alternative compliance concept for discussion by the Board.

D. Description of the Proposed Alternative Measurement System

The focus of the options is on changing the current measurement system for determining a jurisdiction's compliance with the diversion requirements of AB 939 to a simpler and more accurate system. Existing statute states that jurisdictions must meet and maintain 50% diversion by the year 2000 and thereafter. To simplify how this is determined, the options set the basis for future measurement on disposal reduction amounts, and not diversion calculations. The program implementation requirements would remain. Jurisdictions would continue to select and implement their choice of diversion programs based on their discreet waste stream.

The following is a a description and overview of options for an alternative measurement system, including: 1) options for measurement system goals; 2) jurisdiction biennial review reporting; 3) compliance process; and 4) technical assistance tools and outreach.

1. Options for Measurement System Goals

Board staff has identified four options for potential measurement system goals that are described below. Additional stakeholder feedback will be needed to assess each goal option.

A. Measurement Goal Based Upon Maintaining Disposal at 2006 Baseline Levels:

- Proposed system for compliance purposes would be similar to the existing system. The goal would be based on program implementation and a simplified disposal based measurement system using countywide disposal numbers. Jurisdictions will continue to have the ability to voluntarily select programs with guidance and support from the Board. Goal measurement would only include tons disposed by all jurisdictions in a county. "Countywide" and "County" includes both the unincorporated area and all of the incorporated cities.
- This concept is based upon the assumption that jurisdictions will have either met the 50 percent requirement or been deemed Good Faith Effort and have met the requirements so all jurisdictions will be in compliance by 2006.
- For purposes of goal achievement calendar year 2006 would be considered the "base" disposal year. Numeric goal achievement would be based on the change in disposal from 2006 year disposal amounts. Adjustment factors would no longer be used to estimate diversion rates.
- Counties' requirements would be based on a two tiered system. These include:
    1. Small, rural Counties with disposed tons less than 100,000 per year would be evaluated primarily based upon program implementation efforts, and county disposal numbers would be considered an indicator of performance.
    2. All other Counties would be evaluated five years after the legislation change becomes effective to verify that they have met and maintained the 2006 level of disposal.
- Jurisdictions may still perform new generation studies or measure diversion at a frequency of their choosing. Results could be used for: evaluating overall diversion rates, measuring relative success of various ongoing programs and economic efficiency of those programs.
- Regional agencies would still be allowed within this proposed framework. Continuing advantages of regional agencies would include such activities as

regional diversion program development; economies of scale in program implementation and promotion; and regional waste flow analysis.

B. Measurement Goal Based Upon Allowing for Managed Growth:

- Proposed system for compliance purposes would be similar to the existing system. The goal would be based on program implementation and a simplified disposal based measurement system using countywide disposal numbers. Jurisdictions will continue to have the ability to voluntarily select programs with guidance and support from the Board. Goal measurement would only include tons disposed by all jurisdictions in a county with an allowance for growth. "Countywide" and "County" includes both the unincorporated area and all of the incorporated cities.
- For purposes of goal achievement calendar year 2006 would be considered the "base" disposal year. Numeric goal achievement would be based on the change in disposal from 2006 year disposal amounts with a growth allowance. Adjustment factors would no longer be used to estimate diversion rates.
- Counties' requirements would be based on a two tiered system. These include:
    1. Small, rural counties with disposed tons less than 100,000 per year would be evaluated primarily based upon program implementation efforts, and county disposal numbers would be considered an indicator of performance.
    2. All other counties would be evaluated five years after the legislation change becomes effective to verify that they have met and maintained the 2006 level of disposal with a growth allowance in disposal based upon Department of Finance population projections.
- A growth allowance in disposal would be developed. The growth allowance in disposal would be based upon Department of Finance population projections. The growth allowance factor will be timely and not delay the process.
- Jurisdictions may still perform new generation studies or measure diversion at a frequency of their choosing. Results could be used for: evaluating overall diversion rates, measuring relative success of various ongoing programs and economic efficiency of those programs.
- Regional agencies would still be allowed within this proposed framework. Continuing advantages of regional agencies would include such activities as regional diversion program development; economies of scale in program implementation and promotion; and regional waste flow analysis.

C. Countywide Generation Based Disposal Goal

Determine disposal goal based upon a one-time countywide generation study. This option would be developed in more detail for future workshops.

D. Maintain Existing AB 939 Compliance System with Periodic Generation Studies

The existing system would be maintained; however, periodic generation studies would be required by each county to increase the accuracy of the measurement system. The purpose for requiring periodic generation studies is that the adjustment method provides a more accurate diversion rate estimate for most jurisdictions with an up-to-date base year number.

2. Jurisdiction Biennial Reporting:

Jurisdictions would be required to submit a biennial progress report to the Board every two years commencing July 1, 2008. Reports would be due every other July 1st, thereafter. The level of program reporting would remain consistent with the existing reporting requirements. Jurisdictions would be encouraged to maintain internal status reports of their program at least annually; however, this would not be a requirement.

- Individual jurisdiction and/or Regional Agency program reporting with countywide disposal numbers would be reported to the Board July 1, of every even year.
- Information that jurisdictions currently provide in their Annual Reports to document their performance would still be required; however, jurisdictions would submit this information biennually instead of annually. Data to be reported would include updated program implementation efforts, and disposal goal information.
- Disposal reporting process would be based upon newly proposed or amended regulations.
- Board will provide each jurisdiction with countywide disposal numbers and jurisdiction-specific disposal data. Jurisdiction-specific disposal numbers would be made available for jurisdictions to assess their own waste stream for program implementation and other purposes.

3. Compliance Process:

The following is an overview of the Biennial Review schedule and review process.

Biennial Review Schedule:

a. Upon completion of the 2005/2006 Biennial Review under the existing compliance system, the Board would review jurisdictions' program implementation biennially. The Biennial Review for program implementation and numeric compliance would commence depending upon which goal option is selected and when the legislation is approved.

Biennial Review Process:

Compliance would continue to rely on CIWMP (Countywide Integrated Waste Management Plan) Enforcement Part 2 modified for the selected option. Existing CIWMP Enforcement Part 2 consists of four tiers that include:

1. Meeting disposal reduction goal and fully implementing programs.
2. Not meeting disposal reduction goal and fully implementing programs.
3. Meeting disposal reduction goal and not fully implementing programs.
4. Not meeting disposal reduction goal and not implementing programs.

If measurement goal options A, B, or C is selected that change to countywide numeric measurement :

- If the countywide disposal reduction goal is met, then jurisdictions within the county would require a streamlined review of program implementation efforts.
- If the countywide disposal reduction is not met, then all of the jurisdictions in the county would be scrutinized regarding their program implementation efforts.
- If jurisdictions are implementing programs they would be considered to have substantially met the diversion goal based on their good faith

effort, as is currently the practice.

If measurement goal option D is selected that maintains the existing system of measurement with periodic waste generation studies, then the existing CIWMP Enforcement Part 2 process described above would remain in effect.

4. Enhanced Technical Assistance Tools and Outreach:

With a more simplified reporting and compliance system, Board staff would have additional time to devote more resources to assist jurisdictions in meeting their disposal reduction goals. This assistance would include staff performing a more detailed assessment to target specific jurisdiction needs. Additionally, staff would re-evaluate on a continual basis the types of assistance and programs needed by jurisdictions. Examples of expanded Board technical assistance would include:

- Enhancing DRS analyses tools.
- Conducting a targeted statewide waste characterization study every two years. This information would be shared with jurisdictions upon completion of the Board's effort. The Board would also conduct periodic recycled materials market assessments on a regional basis.
- Providing optional tools so that jurisdictions can continue to calculate their own diversion rate, if so choosing.
- Enhancing outreach to jurisdictions regarding program implementation, including developing case studies, peer matching, workshops and other activities.
- Disseminating information on different examples of successful programs that reflect varying types of communities, including cost effectiveness, how-to steps, and public education examples.
- Providing targeted implementation assistance for jurisdictions most in need.

In conclusion, based upon stakeholder feedback there are several options for a disposal based system that appear to address the stakeholders' objectives with modifying the existing measurement system from a more complex system of estimating diversion rates using mathematical formulas to a simpler and a more timely system. As mentioned previously, modifying the existing measurement system would create more accuracy while simplifying the current measurement system. Additionally, a system that focuses on disposal would consist of a more appropriate indicator of diversion program success, disposal reduction, which is also more direct with the intent of statute, that of reducing our current reliance on landfills.

B. Environmental Issues

Based on available information, staff is not aware of any environmental issues related to this item.

C. Program/Long Term Impacts

Modifying the existing system will require revising regulations, modifying online reporting tools, etc.

D. Stakeholder Impacts

Modifying the existing compliance measurement system for jurisdictions will allow them to continue to implement and maintain diversion programs while simplifying the measurement system.

E. Fiscal Impacts

No fiscal impact to the Board results from this item.

F. Legal Issues

No additional legal issues at this time other than those discussed above (need to modify statute, etc.).

G. Environmental Justice

Based on available information, staff is not aware of any environmental justice issues related to this item.

H. 2001 Strategic Plan

This item supports Strategic Plan Goal 2, Objective 3 (Support local jurisdictions' ability to reach and maintain California's waste diversion mandates), strategy (D) (Assess and assist local governments' efforts to implement programs and reduce disposal, taking corrective action as needed), by assessing the jurisdictions' efforts to implement programs and reduce disposal and thereby achieve the diversion requirement of PRC Section 41780.

VI. FUNDING INFORMATION

This item does not require any Board fiscal action.

VII. ATTACHMENTS

1. Analysis and Summary of Information Provided by Northern and Southern California Workshop Participants.

VIII. STAFF RESPONSIBLE FOR ITEM PREPARATION

A. Program Staff: Pat Schiavo **Phone:** 341-6253
B. Legal Staff: Elliot Block **Phone:** 341-6080
C. Administration Staff: N/A **Phone:** N/A

IX. WRITTEN SUPPORT AND/OR OPPOSITION

A. Support

N/A

B. Opposition

N/A

This item presents the initial steps of a future proposal and staff anticipates receiving feedback from stakeholders at future workshops and Board meetings.

ALTERNATIVE COMPLIANCE SYSTEM CONCEPTS

OVERVIEW

As you were first notified, several months ago, the Board is undergoing a process to investigate alternative compliance system concepts. Interested parties provided information through workshops conducted on October 5, November 30, and December 2, 2004 Board staff has compiled and summarized the information provided by interested parties and performed preliminary analyses that are presented in this document.

You are also being given an opportunity to convey to the Board any comments/responses you may have regarding the information presented in this document or an alternative compliance system. A response form for you to e-mail to the Board is provided for you on in a separate attachment. All the information based upon staff analyses and your subsequent responses will then be compiled and presented to the Board, most likely at the April, 2005 Sustainability and Market Development Committee meeting.

Background

The workshop conducted October 5, 2004 in Sacramento, was organized as a group exercise anchored with a panel of representative interested parties. Each member of the panel was initially asked two questions. The first question focused on describing the strengths and weaknesses of the existing compliance system and the second asked if "building the optimal compliance system what would the characteristics be?" After panel members presented their comments, the entire audience was presented with an opportunity to convey their thoughts on these questions. Finally, the entire audience and panel members were asked to participate in prioritizing optimal compliance characteristics, in order of importance.

The format of the November 30, 2004 workshop in Sacramento and December 2, 2004 workshop in Long Beach was different. To facilitate discussion and allow extensive input from participants, these two workshops were structured with small discussion groups. At these two workshops, there were a total of 11 small discussion groups and each was comprised of 8-11 diverse members. Each group's charge was to define their overall goal in determining an alternative compliance system and then put together the framework for what the alternative system would look like. The groups were limited to about three hours to develop their goal and put together their framework. A representative from each group then presented an oral report and answered clarifying questions regarding their proposed alternative system framework.

SUMMARY OF WORKSHOPS

A brief summary of the workshops is presented below. More detailed summary information can be found below.

At the October 5, 2004 workshop all participants were to identify what they thought the most important characteristics of an alternative compliance system should be. Results are shown on the right hand side of Table 1, below. At the November 30, and December 2, 2004 workshops, each of the groups developed an overall goal of an alternative compliance system. The most common themes expressed are included in the column on the left. It is interesting to note that findings to date indicate consistency in what the goal of an alternative compliance system should be with the major characteristics of that system.

Table 1

Goals Identified at 11/30/2004 and 12/2/2004 Workshops	Characteristics Identified at 10/5/2004 Workshop
1. Timely	1. More timely
2. Flexible	2. Flexible
3. Accountability	3. Accountability
4. Simple	4. Simplify calculations
5. Cost effective	5. Cost effective
6. Indicators	6. Numbers as indicators
	7. Reflect jurisdiction differences
7. Maximize Diversion	
8. Equitable/fairness	

All the groups felt that diversion program implementation was important. Overwhelmingly, the groups stated that they wanted to continue having the ability to voluntarily select programs with guidance and support from the Board. Many of the groups recommended that Board approval of the program selection would be required. The groups for the most part still felt that the types of information that they currently provide in their Annual Reports to document their performance would still be necessary. There was a variety of responses about providing additional types of diversion program information. Resoundingly, the groups felt that program changes could continue to be updated through the Annual Report.

There was quite a diversity of opinion on potential alternative measurement compliance systems. Of the 11 groups:

- One group could not reach agreement on whether there should be a measurement system
- One group selected diversion programs only with no measurement system
- One group selected measuring disposal to determine overall program effectiveness
- Two groups selected modifying the existing diversion rate measurement system
- Three groups selected modifying the existing diversion rate measurement system and requiring periodic waste generation studies
- Three groups selected requiring periodic waste generation studies.

As you can see above in Table 1, there is significant consistency of response regarding goals and characteristics of the optimal measurement system. There is a departure in consistency, however between the goals and characteristics and many groups compliance system frameworks.

As earlier mentioned there were a total of 11 groups comprised of anywhere from 8-11 members of mostly diverse backgrounds that participated. While the goals and characteristics identified at the three workshops appear to be reasonably consistent, results of system frameworks were very disparate and in many cases not consistent with the goals expressed by the individual groups. For instance a group may have stated that they wanted a simplified system with a higher diversion goal, however the system design selected required more complex reporting than currently required without the ability to measure diversion progress.
Part of the reason for the inconsistency was most likely the limited time available for participants, as previously mentioned only three hours were available. Also there was little time for participants to reflect on their collective work. As mentioned earlier, there does appear to be significant consistency with the overall stated goals and characteristics of a proposed alternative compliance system. How to develop a specific compliance system that is agreed upon by most interested parties appears to be the challenge.

SOLICITATION OF COMMENTS AND FUTURE WORK

A series of questions have been raised by Board staff as a result of the workshops. **Board staff would appreciate your response to questions raised by Board staff, in addition to your submittal of any additional comments or suggestions by February 24, 2005.** The response document is provided as a separate attachment.

Information from these first workshops and your subsequent comments received will then be used to present to the Board as a full agenda item with staff analysis. Depending on Board direction we will then continue with the process of developing an optimal system. Again, thank you for your support and participation with this effort.

Goals Developed During Discussions of Alternative Compliance Measurement

To facilitate discussion and get the maximum input from participants, the November 30 and December 2 workshops were structured with small discussion groups. The size of the group was limited to a maximum of 11 participants. A total of 11 discussion groups worked on the development of a new compliance system. Of the 11 groups, only one was unable to develop a goal statement.

When reviewing the goal statements developed by the groups and the identified goals, the majority of the groups concluded that a compliance system should be cost effective, encourage maximum diversion, and be equitable and fair. But along with those goals, a number of groups also felt that the system should be simple and flexible. Table 2 identifies the "Goals" and the number of groups at the workshop that highlight those goals as important parts of their goal statement.

Table 2

Goals Identified at 11/30/2004 and 12/2/2004 Workshops	Number of Groups Selecting Each Goal
Timely	2
Flexible	3
Accountability	1
Simple	2
Cost Effective	6
Indicators	2
Maximum Diversion	6
Equitable/fairness	4

When you compare the "Goals" identified in the goal statements developed by the individual groups to the options selected for diversion program implementation and diversion measurement (see below), you find that many are mutually exclusive. To have a system that is simple, yet requires numerical indicators along with accountability, flexibility and, maximum diversion, may not meet the test of cost effectiveness.

Diversion Program Implementation and Alternative Compliance System Concepts

Participants at the November 30 and December 2, 2004 workshops were asked to construct the diversion program implementation components of an alternative compliance system. The components included: 1) identifying the program types; 2) determining the process for program element selection; 3) detailing the program performance documentation that would be reported by the jurisdiction in their annual report; and 3) identifying the method for modifying programs. An overview of the results from the 11 groups' selections is shown at the end of this attachment.

1) Program Types

Overwhelmingly, the groups stated that they wanted to continue having the ability to voluntarily select programs with guidance and support from the Board. Variations to the theme included allowing jurisdictions to select from a suite of programs, or recommending the Board establish a set number of minimum mandatory and additional elective programs that jurisdictions would select from. In both cases, the jurisdictions conveyed that the Board would advise jurisdictions on their selections and then would approve the selections.

2) Program Element Selection

As stated previously, many of the groups recommended that Board approval of the program selection would be required. Group members felt that this would provide necessary feedback up front in the process that the Board approves of the jurisdiction's selections. Although the majority of groups thought Board approval should be required, a few groups felt Board approval of the program selection should not be required for jurisdictions that are meeting the goals. Only if a jurisdiction is not meeting a goal, then would the Board step in and require prescriptive programs. A few of the groups also recommended that the Board could establish a menu of programs that jurisdictions could select from and with the Board's technical assistance, the jurisdictions would make their selection. Also with respect to Board approval some of the groups stated that they would like to see Board approval delegated to Office of Local Assistance staff.

The groups' responses were mixed regarding the types of information that could be used for program selection. Some of the groups felt that there should be an appropriate mix of source reduction, recycling, and composting programs. Variations to the determination of what is an appropriate mix included that Board could predetermine the mix of programs, or the jurisdictions could make the determination. The groups identified other types of information that jurisdictions should use for determining program selection, such as rural versus urban characteristics, comparison of the residential and non-residential splits, and jurisdiction's waste stream. It should be noted that the majority of the groups felt that a jurisdiction's waste stream is critical information; however, they wanted to make it clear that this concept would not require new waste characterization studies to be performed by the jurisdictions. Some of the groups felt that it would be helpful if the Board continued their efforts to conduct regional and statewide waste characterizations, so the jurisdictions could utilize this data in their program selections.

3) Program Performance Documentation Reported by the Jurisdictions in the Annual Report

The groups for the most part still felt that the types of information that they currently provide in their Annual Reports to document their performance would still be necessary. For example, reporting on the program implementation status and number of programs implemented. Also, they recommended providing a detailed description of the programs, including materials targeted, population sectors affected, and status of implementation efforts. Additionally, recommended for inclusion is jurisdiction reporting on recent or anticipated changes and/or barriers that necessitate the jurisdiction making program adjustments or implementing new programs.

Some of the groups selected quantitative performance documentation as well. Quantitative data recommended included, diversion tonnage for programs owned and operated by the jurisdiction, diversion tonnage for programs that lend themselves to measurement, number of entities served by the program, and the participation rate by program. The groups noted that this data should be provided in the Annual Report if it is available.

A few of the groups had variations to the types of documentation that could be provided. One variation included setting up a point system for program implementation. The point system would be based upon establishing performance measurements for each associated program type. Additionally, rather than the Board establishing the performance measurements, each jurisdiction would decide what the measurement for each of their program types would be. The group members stated that they want to know in advance how many points make a pass or fail. Thus, if a jurisdiction implemented programs to a certain level, they would be given a certain number of compliance points, regardless of their diversion rate level. Since their original plan would have been approved by the Board, and if the jurisdiction did all of the things they said they would do in their plan, then they would be in compliance.

Another variation included having the Board conduct a review of program effectiveness every five years. As a result of the review, if the jurisdiction has not met the goals, then the Board could require that more diversion information be provided by the jurisdiction to measure their performance.

A number of groups addressed that reporting on public education efforts would be important. However, for education programs, they weren't sure if there was a way to create performance measures for these types of programs.

There was one group that selected programs only, with no disposal measurement system. There was also one group that was split on whether to use some type of disposal measurement system. Because this group was split they did not complete the measurement system section. Overall, these two group's program performance focused solely on qualitative documentation of their performance. Neither group selected any type of diversion tonnage reporting. There is a separate overview of the types of documentation these two groups recommended at the end of this attachment.

4. Program Modifications

Resoundingly, the groups felt that program changes could continue to be updated through the Annual Report. Also, there were numerous ideas on how to handle significant program changes. One option would be that the jurisdiction would need Board approval for significant program changes, and would provide this review every other year. Another option recommended that the Office of Local Assistance staff would review the program changes and provide approval.

Overview of Program Implementation Results

The following worksheet was given to each of the 11 groups at the November 30 and December 2, 2004 workshops. Each group selected the options they preferred. This overview lists the number of groups that selected each option.

Overview of Nine Groups That Selected an Alternative Compliance System With Both Diversion Program Implementation and Diversion Measurement

1. **Program Types:** the number of groups that selected each program type is listed below:
   a) __5_ Jurisdictions voluntarily select programs--programs may be different than in original SRRE
   b) __5_ Jurisdictions select from suite of programs, including additional elective programs, and Board approves selection; Board provides advice on program selection.
   c) __1_ Other: Jurisdictions recommend CIWMB provide advice on program selection. Board sets minimum types of programs, then jurisdiction selects a set number of minimum mandatory and additional elective programs; programs may be different than in SRRE; Board approves selection or jurisdiction proves they are at 50% with a generation study.

2. **Program Element Selection:** the number of groups that selected each program element is listed below:
   a) __6_ Certain number (or select from a mix) of source reduction, recycling, and composting programs must be selected. (Variation: no specific number of programs required, but jurisdictions select an appropriate split of programs).
   b) __5_ Rural or Urban jurisdiction
   c) __5_ Jurisdiction's Residential/non-residential split
   d) __9_ Jurisdiction's waste stream (Note: would not require new waste characterization)
   e) __7_ Board approval of program selection would be required
   f) __2_ Board approval of program selection would not be required (Variation: Approval, through the Annual Report process, would be performance based; if jurisdiction is meeting goals, then jurisdiction is okay; if jurisdiction is not meeting the goals, then prescriptive programs would be required).
   g) __3_ Other: CIWMB provides technical assistance on program selection. CIWMB would create a menu of programs that jurisdictions could select from.

3. **Program Performance Documentation Reported By Jurisdictions in the Annual Report:** the number of groups that selected each type of documentation is listed below:
   a) __6_ Number of programs implemented (list of programs that have been implemented)
   b) __8_ Program description (detailed description could include materials targeted and population sectors affected, e.g. residential/commercial, and status of implementation efforts)
   c) __9_ Program implementation status: planned, implemented, continuing, or dropped
   d) __4_ Participation rate by program, as available
   e) __2_ Relationship of program(s) to other diversion or support program(s), e.g., greenwaste is collected and processed at a composting facility
   f) __3_Number of entities served by program out of total number of entities in the target population
   g) __6_ Recent or anticipated changes and/or barriers that will necessitate new programs or program adjustments, including program details, financing, approvals and timing of implementation
   h) __5_ Diversion tonnage for programs owned and operated by the jurisdiction
   i) __1_ Projection of amount of annual diversion tonnage by program and diversion tonnage reported for that year by program (similar to how in SB 1066s the diversion is projected)
   j) __4_ Diversion tonnage by program for annual reporting period, except for programs that don't lend themselves to measurement

k) __3_ Programs must equate to a point value total—depending upon program type there would be different performance measurements associated; each jurisdiction would decide what the performance measurement is for each program type

l) __5_ Other:Credit for education programs should be given, but not sure how they could be measured; Conduct a review of program effectiveness every five years; If the jurisdiction doesn't meet the goals, then the Board could require that more diversion information be provided by the jurisdiction to measure their performance; Create appropriate jurisdiction performance indicators.

4. **Program Modifications:** the number of groups that selected the type of program modification is listed below:
   a) _10_ Update program changes in Annual Report (Variation: If significant changes, which would need to be defined, then jurisdiction would need Board approval; Program changes would need OLA review and approval; Board would review and comment on jurisdiction programs every other year)
   b) __1_ Program changes need local jurisdiction approval

Overview of Two Groups That Selected an Alternative Compliance System With Only Diversion Program Implementation

There was one group that selected programs only, with no disposal measurement system. There was also one group that was split on whether to use some type of disposal measurement system. Because this group was split they did not complete the measurement system section. Overall, these two group's program performance focused solely on qualitative documentation of their performance. Neither group selected any type of diversion tonnage reporting.

1. **Program Types:** the number of groups that selected each program type is listed below:
   a. __1_ Jurisdictions select from suite of programs, including additional elective programs, and Board approves selection; Board provides advice on program selection.
   b. __1_ Other: Jurisdictions recommend CIWMB provide advice on program selection. Board sets minimum types of programs, then jurisdiction selects a set number of minimum mandatory and additional elective programs; programs may be different than in SRRE; Board approves selection or jurisdiction proves they are at 50% with a generation study.

2. **Program Element Selection:** the number of groups that selected each program element is listed below:
   a. __2_ Certain number (or select from a mix) of source reduction, recycling, and composting programs must be selected. (Variation: no specific number of programs required, but jurisdictions select an appropriate split of programs).
   b. __1_ Rural or Urban jurisdiction
   c. __2_ Jurisdiction's waste stream (Note: would not require new waste characterization)
   d. __2_ Board approval of program selection would be required

3. **Program Performance Documentation Reported By Jurisdictions in the Annual Report:** the number of groups that selected each type of documentation is listed below:
   a. __2_ Number of programs implemented (list of programs that have been implemented)
   b. __2_ Program description (detailed description could include materials targeted and population sectors affected, e.g. residential/commercial, and status of implementation efforts)
   c. __2_ Program implementation status: planned, implemented, continuing, or dropped
   d. __1_ Participation rate by program, as available
   e. __1_ Recent or anticipated changes and/or barriers that will necessitate new programs or program adjustments, including program details, financing, approvals and timing of implementation

f. __2_ Other: Credit for education programs should be given, but not sure how they could be measured; Conduct a review of program effectiveness every five years; If the jurisdiction doesn't meet the goals, then the Board could require that more diversion information be provided by the jurisdiction to measure their performance; Create appropriate jurisdiction performance indicators.

4. Program Modifications: the number of groups that selected the type of program modification is listed below:
_2_ Update program changes in Annual Report (Variation: If significant changes, which would need to be defined, then jurisdiction would need Board approval; Program changes would need OLA review and approval; Board would review and comment on jurisdiction programs every other year)

Diversion Measurement and Alternative Compliance System Concepts
There was quite a diversity of opinion on potential alternative compliance systems at the November 30 and December 2, 2004 workshops. Of the 11 groups:

- ☐ One group could not reach agreement on whether there should be a measurement system
- ☐ One group selected diversion programs only with no measurement system
- ☐ One group selected measuring disposal to determine overall program effectiveness
- ☐ Two groups selected modifying the existing diversion rate measurement system
- ☐ Three groups selected modifying the existing diversion rate measurement system and requiring periodic waste generation studies
- ☐ Three groups selected requiring periodic waste generation studies.

Measurement Goal
About half the groups selected the existing 50 percent diversion goal while two groups selected increasing the goal to 75 percent or zero waste. The other third selected basing the measurement goal on jurisdiction characteristics.

All the groups selected having flexibility in the measurement goal that recognizes differences in jurisdictions. Almost all selected recognizing differences based on jurisdiction characteristics which could include population density and the proportion of residential / commercial waste. About half the groups favored a rural exemption from the measurement goal because of the variability in disposal and diversion for small jurisdictions.

Disposal Data Collection and Measurement Level
All the groups that selected a measurement system also selected continuing to collect disposal data using the DRS. The disposal data could be used for a variety of purposes by local governments as well as the state. All but one group wanted to continue collecting disposal data by jurisdiction and one group wanted to collect disposal data by county.

There was, however, less agreement on the level at which the measurement for compliance should be made. One group wanted county level disposal/diversion measurement, but not to be used for enforcement purposes. About half of the groups wanted disposal/diversion measured at the jurisdiction level, one third of groups wanted disposal/diversion measured at the county level and one group wanted disposal/diversion measured at the region level.

What Counts
What counts as disposal or diversion has always been a controversial topic and the same held true at the workshops. Many participants indicated that they relied on the on-line calculator to determine their diversion rates and they would like additional information on how the existing system works to determine whether they wanted

changes in what counts. Many of the groups were not able to agree and did not select options related to various counting issues.

All the groups that selected a measurement system said that disposal at landfills should count as disposal. One group said that alternative daily cover should be changed to count as disposal.

Under the existing statute, starting in the year 2000 tonnage transformed (incinerated) at three Board-permitted facilities counts as diversion if it is no more than 10% of the jurisdiction's waste generation tonnage, the facility meets various permit conditions, and the jurisdiction does not claim biomass diversion credit. About half of the groups selected having some percent count as diversion, one group selected keeping the current system, and two groups selected eliminating the 10% cap and having all transformation count as diversion.

Under the existing statute, starting in the year 2000 tonnage sent to biomass facilities may count as diversion if it is no more than 10% of the jurisdiction's waste generation tonnage, the facility meets various operating conditions and the jurisdiction does not claim transformation diversion credit. One half of the groups selected having all biomass count as diversion and one third of the groups selected having some percent of biomass count as conversion.

Under the existing statute, tonnage sent to conversion technology facilities counts as disposal. About half of the groups selected having all tons sent to conversion technology facilities count as diversion.

Under regulations that went into effect in early 2004, construction and demolition waste and inerts disposed at facilities that are required to have Board permits count as disposal tons, while these types of waste that are placed at facilities that are not required to have Board permits do not count as disposal tons. About two-thirds of the group selected the existing regulatory system.

Under current Board policy, designated waste sent to Class II cells/facilities is allowed to be subtracted from disposal tonnage if a local control agency (e.g. regional water quality control board) requires the designated waste to be disposed. Currently, only a small portion of the facilities with Class II cells track Class II waste by jurisdiction, so a limited number of jurisdictions can subtract Class II tonnage. About half the groups selected the existing policy.

Under existing statute, base-year claims for diversion of inert solids, white goods (major appliances), agricultural wastes and scrap metal can only be accepted if the jurisdiction can demonstrate that, prior to 1990, these types of materials were disposed in the quantity claimed as diversion. It can be difficult to obtain records of various types of materials disposed and/or diverted prior to 1990 when establishing a new base year. About half the groups asked for additional information on this topic.

Periodic Generation Studies

About half the groups selected preparation and submission of a periodic generation study (measuring both disposal and diversion) to determine overall program effectiveness and goal achievement. There was a wide variety in suggested intervals for preparing a generation study ranging from "as needed" to every 10 years. Several groups also suggested that the state should fund generation studies.

California Integrated Waste Management Board

Board Meeting

July 19-20, 2005

AGENDA ITEM 16

ITEM

Consideration Of A Second SB1066 Time Extension Application By The City Of San Marino, Los Angeles County.

I. ISSUE/PROBLEM STATEMENT

The jurisdiction listed in this item has submitted a second Senate Bill (SB) 1066 Time Extension application to the California Integrated Waste Management Board (Board). Public Resources Code (PRC) Section 41820 allows a jurisdiction that has not achieved the diversion requirement of PRC Section 41780 to petition for one or more time extensions to meeting the 50 percent diversion requirement for a maximum of five years; no extensions may be effective beyond January 1, 2006.

This jurisdiction's first SB1066 Time Extensions has ended, and despite their efforts to meet the timelines in their respective first Plan of Correction, they will need additional time to implement programs proposed in their first SB1066 Time Extension request, and/or additional programs. Staff's analysis of this second SB1066 Time Extension request is that it is reasonable given the barriers the jurisdiction has faced, as explained in Attachment 1.

II. ITEM HISTORY

The Board approved this jurisdiction's first SB1066 Time Extension request at the June 18-19, 2002 Board Meeting.

III. OPTIONS FOR THE BOARD

1. The Board may approve the jurisdiction's application as submitted for a second extension to the 50 percent diversion requirement on the basis of good faith efforts to-date to implement their first Plan of Correction and plans for future implementation.
2. The Board may approve the jurisdiction's application as may be modified by the jurisdiction at the Board meeting.
3. The Board may approve the jurisdiction's application as submitted but also make recommendations to implement alternative programs that it believes should be added to the new Plan of Correction for it to be successful.
4. The Board may make recommendations for the implementation of alternative programs that it believes the jurisdiction should add for their new Plan of Correction to be successful, and continue the item to the next Board meeting to allow the jurisdiction time to revise their application.
5. The Board may disapprove the jurisdiction's application and allow the jurisdiction to revise and resubmit the application based on the Board's specified reasons for disapproval.
6. The Board may disapprove the jurisdiction's application and direct staff to commence the process to issue a compliance order because the Board's specified reasons for disapproval cannot be addressed by a revised application.

IV. STAFF RECOMMENDATION

Staff recommends the Board adopt option No. 1: approve the jurisdiction's second SB1066 time extension request as submitted on the basis of good faith efforts to-date to implement their first Plan of Correction and their plans for future program implementation.

V. ANALYSIS

A. Key Issues and Findings

1. Background

Public Resources Code (PRC) Section 41820 allows a jurisdiction that has not achieved the diversion requirement of PRC Section 41780 to petition for one or more time extensions to meeting the 50 percent diversion requirement for a maximum of five years; no extensions may be effective beyond January 1, 2006 (PRC Section 41820).

PRC Section 41820(b) further provides that:
"(1) When considering a request for an extension, the board may make specific recommendations for the implementation of alternative programs.
(2) Nothing in this section shall preclude the board from disapproving any request for an extension.
(3) If the board disapproves a request for an extension, the board shall specify its reasons for the disapproval."

The jurisdictions listed in this item have submitted a second SB1066 Time Extension application requesting more time to either:

- implement additional programs,
- overcome the barriers encountered during the first TE that kept them from implementing certain programs, or
- expand or fully implement programs in their first Plan of Correction.

The second SB1066 Time Extension applications address all of the requirements of a SB 1066 application and each includes a discussion as to why the jurisdiction needs additional time to implement the diversion programs listed in their second Plan of Correction.

2. Basis for staff's analysis

Staff's analysis is based upon the information below.

Existing Jurisdiction Conditions:

	Preliminary Diversion Rates* (Percent)					**Key Jurisdiction Conditions**			
						Report Year Waste Stream Data			
Jurisdiction	Base Year	2000	2001	2002	2003	Pounds waste generated per person per day (ppd)	Population (2002)	Non-Residential Waste Stream Percentage (%)	Residential Waste Stream Percentage (%)
San Marino	1995	29	38	32	30	12.66	13,250	36	64

* These are preliminary diversion rates.

Jurisdiction	**Program Review Site Visit by Board Staff**	**Reporting Frequency**	**Proposed % Diversion Increase**	**Extension End Date**	**Is Time Request Appropriate?** (yes/no)
San Marino	2002	Final Report w/Annual Report	20%	December 31,2005	Yes

Staff Analysis of Second SB 1066 Application:
Attachment 1 provides an overview of the following:

- The barriers faced by the jurisdiction to meeting the 50% diversion requirement within the first time extension, and the jurisdiction's explanation as to why additional time is necessary for meeting the diversion requirement;
- Staff's analysis of the reasonableness of the request;
- Diversion programs the jurisdiction is proposing to expand or newly implement in the second Plan of Correction (Section IV-A of the SB1066 Time Extension application), and their relationship to programs proposed for the first extension;
- Staff's analysis of whether the programs to be expanded or newly proposed are appropriate, given the barriers confronted in the first Time Extension period, and the jurisdiction's waste stream.

Plan of Correction:
A jurisdiction's SB1066 time extension request must include a Plan of Correction that:
a. demonstrates meeting 50 percent before the time extension expires;
b. includes source reduction, recycling, and composting programs the City will implement/existing programs it will modify and/or new programs it will implement;
c. identifies the date when 50 percent will be achieved;
d. identifies funding necessary for new and/or expanded programs.

The jurisdiction's second Plan of Correction meets the above requirements. Board staff has also conducted an assessment of the jurisdiction's current program implementation, including a program review site visit. Based on Board staff's understanding of the relevant circumstances in the jurisdiction that contributed to their need for a second extension, Board staff believes the jurisdiction's proposed new Plan of Correction to be reasonable. The jurisdiction's requests and staff's analyses are explained in Attachment 1.

In addition, PRC Section 41820(d) directs Board staff to provide technical assistance to a jurisdiction that requests assistance in meeting the diversion requirements, such as identifying model policies and programs implemented by other jurisdictions of similar size, geography, and demographic mix. Lastly, a jurisdiction with a Board-approved time extension is required to include a summary of its progress in complying with its Plan of Correction in each annual report that is due prior to the end of the time extension [per PRC Section 41821(b)(5)]. Staff recommends that this jurisdiction also be required to submit a final report at the end of their extension with their Annual Report.

3. Findings

Staff has determined that the Board may grant the requested second Time Extension because the request meets the requirements of PRC Section 41820; specifically:

- The jurisdiction has submitted all required planning elements.
- The jurisdiction is making a good faith effort to implement the programs identified in its SRRE and those proposed in its first Plan of Correction.
- The jurisdiction has submitted a second Plan of Correction demonstrating that it will meet the diversion requirements by the time the extension expires, including: the programs that it will expand or start implementing, the dates of implementation, and the means of funding.

A comprehensive list of the jurisdiction's SRRE-selected and implemented diversion programs is provided in Attachment 2.. Because of the jurisdiction's efforts to-date and their plans for expanding those efforts to reach the 50 percent diversion requirement as outlined in their respective second Plan of Correction, staff is recommending approval of this second SB1066 time extension application.

B. Environmental Issues

Based on available information, staff is not aware of any environmental issues related to this item.

C. Program/Long Term Impacts

Allowing this jurisdiction more time to implement diversion programs will help to increase waste diversion, both locally and statewide.

D. Stakeholder Impacts

Allowing this jurisdiction more time to implement new and expand existing diversion programs and to measure the impact these newly implemented and expanded programs have had on diversion will assist the jurisdiction in achieving the diversion requirements of PRC Section 41780.

E. Fiscal Impacts

No fiscal impact to the Board results from this item.

F. Legal Issues

As discussed above, this item represents the process for implementing PRC Section 41820 that allows jurisdictions to petition for more time to implement additional diversion programs to achieve the 50 percent diversion requirement for 2000, and allows the Board the discretion to grant these time extensions.

G. Environmental Justice
Community Setting.

2000 Census Data – Demographics							
Jurisdiction	**% White**	**% Hispanic**	**% Black**	**%Native American**	**% Asian**	**%Pacific Islander**	**%Other**
San Marino	44.6	4.4	0.2	0.0	48.4	0.1	0.2

2000 Census Data – Economic Data			
Jurisdiction	**Median annual income***	**Mean (average) income***	**% individuals below poverty level**
San Marino	117,267	178,836	5.0

* Per household

- **Environmental Justice Issues**. According to the jurisdictional representative, there are no environmental justice issues related to this item.
- **Efforts at Environmental Justice Outreach.** To increase participation in the new/expanded programs, the City disseminates a variety of printed materials to residents and businesses on the availability of the new/expanded programs.
- **Project Benefits.** The expansion of the existing, and implementation of the additional programs listed in this item will help to increase the jurisdiction's diversion rates.

H. 2001 Strategic Plan

This item supports Strategic Plan goal 2, objective 3 (Support local jurisdictions' ability to reach and maintain California's waste diversion mandates), strategy (D)

(Assess and assist local governments' efforts to implement programs and reduce disposal, taking corrective action as needed) by assessing the jurisdictions' efforts to implement programs and reduce disposal.

This item also supports Strategic Plan goal 7, objective 1 (Promote source reduction to minimize the amount of waste generated, strategy (B) (Continue to work with jurisdictions to ensure they meet and/or exceed existing waste diversion mandates) by demonstrating staff's continual efforts to work with jurisdictions to ensure they meet and/or exceed the waste diversion mandates.

VI. FUNDING INFORMATION

This item does not require any Board fiscal action.

VII. ATTACHMENTS

1. Time Extension Matrix for City of San Marino
2. Program Listing for City of San Marino
3. City of San Marino's Second 1066 Time Extension Application
4. Resolution Number 2005-194

VIII. STAFF RESPONSIBLE FOR ITEM PREPARATION

A. Program Staff: Steve Uselton/Jennifer Wallin/ **Phone:** (562) 981-9095
B. Legal Staff: Elliot Block **Phone:** (916) 341-6080
C. Administrative Staff: N/A **Phone:** N/A

IX. WRITTEN SUPPORT AND/OR OPPOSITION

A. Support

City of San Marino

B. Opposition

Staff had not received any written opposition at the time this item was submitted for publication.

City of San Marino Second Time Extension Application Matrix

Barriers/Reason for Second Time Extension	Staff's Analysis
Barriers Construction & Demolition Debris Diversion programs: • Delay in establishing Non-Exclusive Agreements • City Council did not support including roll-off service in Non-Exclusive Agreements to maintain competition. **Reasons for Second Time Extension:** • City will implement contingency plan to develop and implement a Construction & Demolition (C&D) ordinance with a provision for 50% diversion of materials collected. • An alternate contingency plan under the first time extension request was to provide outreach to contractors regarding C&D diversion, and encourage 50% diversion. Under the second Time Extension request, the City opted for an ordinance that requires 50% diversion of the actual tonnage of material collected from covered projects.	**Construction & Demolition Debris Diversion:** • C&D ordinance will allow for multiple haulers to collect materials, but all haulers will be responsible for diverting 50% of the waste collected. • The City will require records indicating 50% diversion of materials collected.
Barriers in Mandatory Residential Recycling and Green Waste Ordinances: • The City Council did not concur with City staff's rationale for a mandatory recycling ordinance. **Reasons for Second Time Extension:** • The mandatory residential recycling ordinance will not be implemented. Through meetings with the City Council, the compromise was to allow two haulers to operate in the City that provide two types of recycling collection. Residents can opt for a commingled collection system, where they separate recyclables from other trash, or place all material in one container to be sorted later at a Materials Recovery Facility. • The modified residential recycling collection programs were implemented October 1, 2003. The effectiveness of these programs will continue to be monitored during the second time extension period.	**Mandatory Ordinances:** • The residential curbside recycling program consists of two options for residents: a commingled collection program, or placing all material in one container for sorting at a Materials Recovery Facility (MRF). Residents can opt for either hauler and type of collection program. • To ensure participation in one or the other program, however, residents are no longer able to obtain exemptions from participating in the recycling program. Previously, residents could opt to not participate in the program for a reduced refuse bill. Now, if a resident indicates that they do not want to participate in the commingled recycling program, they would be directed to the hauler that provides MRF processing. Therefore, all residents participate in the curbside (backyard) recycling program. For reference, the hauler that provides MRF processing services 78% of the residential accounts, and the hauler that provides commingled recycling collection services 22% of the residential accounts. • All residents are currently participating in the City's modified curbside recycling program. The residents do, however, have a choice as to *how* they participate in the program, which may not have been possible with a mandatory recycling ordinance.

Plan of Correction	Staff's Analysis	Estimated Percent Diversion
4060-SP-CAR Concrete, Asphalt Rubble Adopt and implement a construction and demolition debris ordinance that will require the diversion of 50% of materials from covered projects and by covered haulers.	The City opted for a C&D ordinance and mandatory diversion requirement rather than make the two non-exclusive haulers responsible for collecting and diverting all roll-off waste. This is a contingency plan to that outlined in the original Time Extension request. City will provide information about ordinance to roll-off service providers, and have a reporting requirement. Diversion rate indicates percent diversion anticipated with full implementation of programs from the first Time Extension request, and new program described.	20% (**CIWMB staff note:** Through review of 2004 hauler data, the City experienced an increase in diversion of at least 5%. Using this anticipated increase, and the portion of the City's waste stream that is C&D material and can feasibly be diverted, the estimated percent diversion increase from the C&D program on its own will be 15%)
Total Estimated Diversion Percent From New and/or Expanded Programs		20%
Current Diversion Rate Percent From 2003 Annual Report		30%
Total Planned Diversion Percent Estimated		50%

Support Programs	
(from first Time Extension) 2000-RC-CRB Residential Curbside; 8000-TR-WTE Waste-to-Energy	Although the City did not list these additional programs in the second Time Extension request, it is important to note that programs implemented during the first Time Extension request were implemented late 2003. Therefore, the impact was not realized until 2004. Through review of the hauler reports for 2004, it is evident that the new programs implemented had a significant impact on the City's diversion rate for 2004. These programs in conjunction with the C&D program described in the second Time Extension request should assist the City in obtaining the 50 percent diversion goal.

Office of Local Assistance

Program Listing for San Marino

Date Printed
May 3,2005

Program Code	Existed	Slcted?	Pre 1995 Start	------ 1995 ------ Status	------ 1996 ------ Status	------ 1997 ------ Status	------ 1998 ------ Status	------1999 ------ Status	------ 2000 ------ Status	------ 2001 ------ Status	------ 2002 ------ Status
1000-SR-XGC Xeriscaping/Grasscycling	Y	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO
1010-SR-BCM Backyard and On-Site Composting/Mulching	Y	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO
1020-SR-BWR Business Waste Reduction Program	Y	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO
1030-SR-PMT Procurement	Y	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO
1040-SR-SCH School Source Reduction Programs	N	Y	1994	SO	SO	SO	SO	SO	SO	SO	SO
1050-SR-GOV Government Source Reduction Programs	N	Y	1992	SO	SO	SO	SO	SO	SO	SO	SO
1060-SR-MTE Material Exchange, Thrift Shops	Y	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO
2000-RC-CRB Residential Curbside	Y	Y	1989	SO	SO	SO	SO	SO	SO	SO	SO
2010-RC-DRP Residential Drop-Off	Y	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO
2020-RC-BYB Residential Buy-Back	Y	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO

Status Code Legend

SO = Selected Ongoing
AO = Alternative Ongoing
SI = Selected Implemented
AI = Alternative Implemented
M = Regional Agency did not exist or city was not incorporated or city
D = Dropped
DE = Dropped in Earlier Year
NI = Selected and Not Implemented
PF = Planned Future
NA = Program did not exist

Reason Code

1 = Delays in bringing diversion facilities online.
2 = Unavoidable regulatory delays.
3 = Existing contractual or legal problems.
4 = Insufficient funding.
5 = Insufficient staffing.
6 = Lack of cooperation from other entities.
7 = Sufficient diversion without selected program.
8 = Lack of markets necessary to support

Application: PARIS

Office of Local Assistance

Program Listing for San Marino

Date Printed
May 3,2005

Program Code	Existed	Slcted?	Pre 1995 Start	------ 1995 ------ Status	------ 1996 ------ Status	------ 1997 ------ Status	------ 1998 ------ Status	------ 1999 ------ Status	------ 2000 ------ Status	------ 2001 ------ Status	------ 2002 ------ Status
2030-RC-OSP Commercial On-Site Pickup	Y	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO
2050-RC-SCH School Recycling Programs	Y	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO
2060-RC-GOV Government Recycling Programs	Y	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO
2070-RC-SNL Special Collection Seasonal (regular)	N	N	1993	AO	AO	AO	AO	AO	AO	AO	AO
3000-CM-RCG Residential Curbside Greenwaste Collection	N	Y	1995	SI	SO	SO	SO	SO	SO	SO	SO
3030-CM-CSG Commercial Self-Haul Greenwaste	Y	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO
4020-SP-TRS Tires	Y	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO
4030-SP-WHG White Goods	Y	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO
4040-SP-SCM Scrap Metal	N	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO
4060-SP-CAR Concrete/Asphalt/Rubble	N	Y	1994	SO	SO	SO	SO	SO	SO	SO	SO

Status Code Legend

SO = Selected Ongoing
AO = Alternative Ongoing
SI = Selected Implemented
AI = Alternative Implemented
M = Regional Agency did not exist or city was not incorporated or city
D = Dropped
DE = Dropped in Earlier Year
NI = Selected and Not Implemented
PF = Planned Future
NA = Program did not exist

Reason Code

1 = Delays in bringing diversion facilities online.
2 = Unavoidable regulatory delays.
3 = Existing contractual or legal problems.
4 = Insufficient funding.
5 = Insufficient staffing.
6 = Lack of cooperation from other entities.
7 = Sufficient diversion without selected program.
8 = Lack of markets necessary to support

Application: PARIS

Office of Local Assistance

Program Listing for San Marino

Date Printed
May 3,2005

Program Code	Existed	Slcted?	Pre 1995 Start	1995 Status	1996 Status	1997 Status	1998 Status	1999 Status	2000 Status	2001 Status	2002 Status
5000-ED-ELC Electronic (radio ,TV, web, hotlines)	N	Y	1994	SO	SO	SO	SO	SO	SO	SO	SO
5010-ED-PRN Print (brochures, flyers, guides, news articles)	Y	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO
5020-ED-OUT Outreach (tech assistance, presentations, awards, fairs, field trips)	N	Y	1994	SO	SO	SO	SO	SO	SO	SO	SO
5030-ED-SCH Schools (education and curriculum)	N	Y	1995	SI	SO	SO	SO	SO	SO	SO	SO
6010-PI-EIN Economic Incentives	N	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO
6020-PI-ORD Ordinances	N	Y	NA	PF	PF	PF	PF	PF	PF	PF	PF
7000-FR-MRF MRF	N	N	1990	AO	AO	AO	AO	AO	AO	AO	AO
7040-FR-ADC Alternative Daily Cover	Y	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO
9000-HH-PMF Permanent Facility	Y	Y	1991	SO	SO	SO	SO	SO	SO	SO	SO
9010-HH-MPC Mobile or Periodic Collection	Y	Y	1992	SO	SO	SO	SO	SO	SO	SO	SO

Status Code Legend

SO = Selected Ongoing
AO = Alternative Ongoing
SI = Selected Implemented
AI = Alternative Implemented
M = Regional Agency did not exist or city was not incorporated or city
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Application: PARIS

Office of Local Assistance

Program Listing for San Marino

Date Printed
May 3,2005

Program Code	Existed	Slcted?	Pre 1995 Start	------ 1995 ------ Status	------ 1996 ------ Status	------ 1997 ------ Status	------ 1998 ------ Status	------ 1999 ------ Status	------ 2000 ------ Status	------ 2001 ------ Status	------ 2002 ------ Status
9040-HH-EDP Education Programs	Y	Y	1992	SO	SO	SO	SO	SO	SO	SO	SO
9050-HH-OTH Other HHW	N	N	2002	NA	NA	NA	NA	NA	NA	NA	AI

Add any additional programs below

Status Code Legend

SO = Selected Ongoing
AO = Alternative Ongoing
SI = Selected Implemented
AI = Alternative Implemented
M = Regional Agency did not exist or city was not incorporated or city
D = Dropped
DE = Dropped in Earlier Year
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Reason Code

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3 = Existing contractual or legal problems.
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7 = Sufficient diversion without selected program.
8 = Lack of markets necessary to support

Application: PARIS

(Revised 7/24/2002)

Board Meeting
July 19-20, 2005

Agenda Item 16
Attachment 3

To request a Time Extension (TE) or Alternative Diversion Requirement (ADR), please complete and sign this request sheet and return it to your Office of Local Assistance (OLA) representative at the address below, along with any additional information requested by OLA staff. When all documentation has been received, your OLA representative will work with you to prepare for your appearance before the Board. If you have any questions about this process, please call (916) 341-6199 to be connected to your OLA representative.

Mail completed documents to:

California Integrated Waste Management Board
Office of Local Assistance, (MS 25)
1001 I Street
PO Box 4025
Sacramento CA 95812-4025

General Instructions:

For a Time Extension complete Sections I, II, III-A, IV-A, and V.

For an Alternative Diversion Requirement complete Sections I, II, III-B, IV-B and V.

Section I: Jurisdiction Information and Certification

All respondents must complete this section.

I certify under penalty of perjury that the information in this document is true and correct to the best of my knowledge, and that I am authorized to make this certification on behalf of:

Jurisdiction Name	County
City of San Marino	Los Angeles County

Authorized Signature	Title
[signature]	City Manager

Type/Print Name of Person Signing	Date	Phone
Robert Wishner	1/31/05	(626) 300-0700

Person Completing This Form (please print or type)	Title
Alyson Burleigh, Aurora Environmental, Inc.	President

Phone	E-mail Address	Fax
(801)474-2166	auroraenc@utah-inter.net	(801)474-2167

Mailing Address	City	State	ZIP Code
1100 E. Harrison Avenue	Salt Lake City	UT	84105

Section II: Cover Sheet

This cover sheet is to be completed for each Time Extension (TE) or Alternative Diversion Requirement (ADR) requested.

1. Eligibility

Has your jurisdiction filed its Source Reduction and Recycling Element, Household Hazardous Waste Element, and Nondisposal Facility Element with the Board (must have been filed by July 1, 1998 if you are requesting an ADR)?

☐ No. If no, stop: not eligible for a TE or ADR.

☒ Yes. If yes, then eligible for a TE or ADR.

2. Specific Request and Length of Request

Please specify the request desired.

☒ **Time Extension Request**

Specific years requested _ 2004 and 2005_____

Is this a second request? ☐ No ☒ Yes Specific years requested. _2004 and 2005_____

(**Note:** Requests for an additional extension will need to address why the jurisdiction's efforts to meet the 50% goal by the end of the first extension were not successful.)

☐ **Alternative Diversion Requirement Request (*Not allowed for Regional Agencies*).**

Specific ADR requested _____%, for the years_ _ ____.

Is this a second ADR request? ☐ No ☐ Yes Specific ADR requested _ ____%, for the years _ _____

(**Note:** Requests for an additional ADR will need to address why the jurisdiction's efforts to meet 50% by the end of the first ADR period were not successful.)

Note: Extensions may be requested anytime by a jurisdiction, but will only be effective in the years from January 1, 2000 to January 1, 2006. An original request for a TE/ADR may be granted for any period up to three years and subsequent requests for TE/ADR may extend the original request or be based on new circumstances but the total number of years for all requests cannot total more than five years or extend beyond January 1, 2006.

Section IIIA—TIME EXTENSION

Within this section, discuss your jurisdiction's progress in implementing diversion programs that were planned to achieve 50%. Provide any additional information that demonstrates "good faith effort." The CIWMB shall determine your jurisdiction's progress in demonstrating "good faith effort" towards complying with AB 939. Note: The answers to each question should be comprehensive and provide specific details regarding the jurisdiction's situation.

Attach additional sheets if necessary—please reference each response to the appropriate cell number (e.g., IIIA-1).

1. **Why does your jurisdiction need more time to meet the 50% goal? Describe why SRRE selected programs did not achieve 50% diversion. Identify barriers to meeting the 50% goal and briefly indicate how they will be overcome.**

   At the time that the first Time Extension Request was submitted, City staff anticipated that the Non-Exclusive Refuse Removal Franchise Agreement with one of the haulers serving the City would be terminated soon thereafter. On September 11, 2002, the San Marino City Council voted to allow that hauler to complete the term of the existing Agreement, which was to expire on June 30, 2003, or as soon as proposals could be received and new Agreements became effective.

   Staff distributed the Request for Proposals (RFP) on April 28, 2003, rather than in March 2003, which was the distribution date originally planned. When the RFP was distributed, July 1, 2003 was the effective date planned for the new Agreements. The delay in distributing the RFP; a lengthy evaluation process related to the receipt of eight proposals; development of a more comprehensive contract with improved reporting requirements and enforcement provisions; and, contract negotiations related to rates and acceptance of the comprehensive contract resulted in the final selection of two hauling contractors by the City Council on September 10, 2003, approximately one year after the date originally anticipated in the first Time Extension Request. The two new Non-Exclusive Agreements for Solid Waste and Recyclables Collection became effective on October 1, 2003. These new agreements and related programs have already resulted in increasing the amount of waste diverted through the curbside recycling program and through the MRF processing program.

   The original intent was to include roll-off bin service in the two non-exclusive agreements. This provision would have become effective following a five-year notice period to existing, permitted roll-off service providers. When the City Council approved the new agreements on September 10, 2003, there was no support for including roll-off service in the non-exclusive agreements because the Council wanted to maintain competitive roll-off services. City staff then began implementing a contingency plan to develop a construction and demolition debris ordinance requiring the diversion of 50% of materials generated/collected, rather than only providing building permit applicants with recycling information and a 50% diversion goal. The ordinance is anticipated to be adopted in early 2005, and will become effective shortly thereafter. As a result, the impact of this construction and demolition debris ordinance on the City's diversion rate will not be realized until the end of 2005.

2. **Why does your jurisdiction need the amount of time requested? Describe any relevant circumstances in the jurisdiction that contribute to the need for a Time Extension.**

   The City is requesting an extension for compliance years 2004 and 2005 because, as discussed above, the impact of the construction and demolition debris ordinance on the City's diversion rate will not be realized until the end of 2005.

3. **Describe your jurisdiction's Good Faith Efforts to implement the programs in its SRRE.**

The City's calculated diversion rate for 2003 is 30%. The City has had a backyard recycling collection program prior to 1990 and implemented a yard waste collection program in 1995. The City also recycles yard waste and inerts from its maintenance operations. Additional amounts of inert materials are diverted/salvaged at local landfills. Beginning October 2003, a portion of the waste stream is now being processed at a MRF and some of the residual materials are transferred to a waste-to-energy facility. Please refer to the PARIS printout for additional diversion programs operating in the City of San Marino.

4. Provide any additional relevant information that supports the request.

No additional information to be provided.

Section IIIB—ALTERNATIVE DIVERSION REQUIREMENT

Within this section, discuss your jurisdiction's progress in implementing diversion programs that were planned to achieve 50%. Provide any additional information that demonstrates "good faith effort." The CIWMB shall determine your jurisdiction's efforts in demonstrating "good faith effort" towards complying with AB 939. Note: The answers to each question should be comprehensive and provide specific details regarding the jurisdiction's situation.
Attach additional sheets if necessary—please reference each response to the appropriate cell number (e.g., IIIB-1.).

1. Why does your jurisdiction need and Alternative Diversion Requirement? Describe why SRRE selected programs did not achieve 50% diversion. Identify barriers to meeting the 50% goal and briefly indicate how they will be overcome.

2. Why is your jurisdiction requesting an Alternative Diversion Requirement in lieu of a Time Extension?

3. Describe your jurisdiction's Good Faith Efforts to implement the programs in its SRRE.

4. Describe any relevant circumstances in the jurisdiction that contribute to the need for an ADR. Provide any relevant information that supports the request.

Section IV A—PLAN OF CORRECTION

A Plan of Correction is required by PRC Section 41820(a)(6)(B). The plan is fundamentally a description of the actions the jurisdiction will take to meet the 50% goal by the expiration of the Time Extension.

Attach additional sheets if necessary.

Residential %	64%	Non-residential %	36%

PROGRAM TYPE Please use the Board's Program Types. The Program Glossary is online at: www.ciwmb.ca.gov/LGCentral/PARIS/Codes/Reduce.htm	NEW or EXPAND	DESCRIPTION OF PROGRAM	FUNDING SOURCE	DATE FULLY COMPLETED	ESTIMATED PERCENT DIVERSION
4060-SP-CAR	New	Adopt and implement a construction and demolotion debris ordinance that will require the diversion of 50% of materials from covered projects and by covered haulers.	Rate Structure	December 2005	20%
		Total Estimated Diversion Percent From New and/or Expanded Programs			20%
		Current Diversion Rate Percent From Latest Annual Report			30%
		Total Planned Diversion Percent Estimated			50%

PROGRAMS SUPPORTING DIVERSION ACTIVITIES

PROGRAM TYPE	NEW or EXPANDED	DESCRIPTION OF PROGRAM	DATE FULLY COMPLETED

Section V – PARIS

Office of Local Assistance staff will be reviewing your Jurisdiction's Planning Annual Report Information System (PARIS) database printout as part of the evaluation of your request. Should the Jurisdiction have updates or revisions to the program implementation from the latest Annual Report submitted to the Board, please attach to the application the Jurisdiction's PARIS database printout showing updates or revisions.

Contact your Office of Local Assistance Representative at (916) 341-6199 for a copy of PARIS, or go to the Board's website at **www.ciwmb.ca.gov/LGCentral/PARIS/**.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Resolution 2005-194 (Revised)

Consideration Of A Second SB1066 Time Extension Application By The City Of San Marino, Los Angeles County

WHEREAS, Senate Bill (SB) 1066 modified Public Resources Code (PRC) Sections 41820 and 41785 for multiple year and multiple requests from jurisdictions for Time Extensions or Alternative Diversion Requirements in meeting the 50 percent diversion requirement; and

WHEREAS, the Board has previously approved the above-listed jurisdiction's first SB1066 Time Extension Application; and

WHEREAS, the jurisdiction has subsequently found that they need additional time to either implement, fully implement, or expand those programs described in their second SB1066 Time Extension request; and

~~**WHEREAS,** based on staff's review of the jurisdiction's progress to-date in implementing the programs described in their first Plan of Correction, Board staff believes that the jurisdiction has made a good faith effort to implement those programs, but needs additional time to either implement, fully implement, or expand the programs described in its second Plan of Correction; and~~

WHEREAS, the jurisdiction has submitted the necessary information and documentation required in a completed SB1066 Time Extension application;

WHEREAS, the Sustainability and Market Development Committee considered the City's application and testimony from the City on July 12, 2005;

WHEREAS, the Committee is concerned with the City's lack of progress with improving its diversion rate during the period of the first time extension, and the City's schedule for implementing the Construction and Demolition Ordinance described in the Plan of Correction submitted with the second application;

~~**NOW, THEREFORE, BE IT RESOLVED** that the Board hereby accepts these jurisdiction's second SB 1066 Time Extension application for a second extension through December 31, 2005, to implement their SRRE and to meet the 50 percent diversion requirement.~~

~~**NOW, THEREFORE, BE IT RESOLVED** that the Board directs the jurisdiction to report on their progress in implementing their Plan of Correction by submitting a final report at the end of the extension in conjunction with the annual report.~~

NOW, THEREFORE, BE IT RESOLVED that the Board in consideration of written information and testimony provided at public meetings of the Sustainability and Market Development Committee and the full Board hereby disapproves jurisdiction's second SB 1066 Time Extension application for a second extension through December 31, 2005, to implement their SRRE and to meet the 50 percent diversion requirement.

(over)

NOW, THEREFORE, BE IT RESOLVED that the Board directs Board staff to commence the process to issue a compliance order as the Board finds that its concerns with the City's lack of progress cannot be addressed with a revised Time Extension Application.

CERTIFICATION

The undersigned Executive Director, or his designee, of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on July 19-20, 2005.

Dated: July 19, 2005

Mark Leary
Executive Director

California Integrated Waste Management Board

Board Meeting

July 19-20, 2005

AGENDA ITEM 17

ITEM
Consideration Of The Amended Nondisposal Facility Element For The City Of Oakland, Alameda County

I. ISSUE/PROBLEM STATEMENT

The City of Oakland (City) has amended its Nondisposal Facility Element (NDFE) by identifying and describing Capitol Recycling, a new facility. The City also is making amendments to reflect changes in facilities already identified in the City's NDFE.

The Permits and Enforcement Division will be presenting an agenda item to the Board for the proposed permit for the new facility in the future.

II. ITEM HISTORY

The Board previously approved the City's NDFE in April, 1995.

III. OPTIONS FOR THE BOARD

The Board may:

1. Approve the City's amended NDFE.
2. Disapprove the City's amended NDFE.

IV. STAFF RECOMMENDATION

Board staff recommends the Board adopt option 1: Approve the City's amended NDFE.

V. ANALYSIS

A. Key Issues and Findings

1. Background

The City has amended its NDFE by adding one new nondisposal facility, as noted below.

Facility type/location: The Capitol Recycling Facility is a construction and demolition (C&D) recycling facility located at 440 High Street, Oakland, California. Capitol Recycling is proposing to be permitted as a C&D Inert Facility under the C&D tiered permitting regulations. The facility will receive C&D debris, green and wood waste, inerts including concrete, asphalt, roofing shingles, and brick. Materials will be sorted and transferred to appropriate recycling and/or disposal facilities.

Facility capacity: The facility is expected to have a capacity of 175 tons per day for C&D and inert debris. The facility also expects approximately 200 cubic-yards daily of organic materials.

Anticipated diversion rate: The facility expects to have a diversion rate of approximately 90 percent.

Participating jurisdictions: The facility will serve the City of Oakland and jurisdictions located in Alameda and Contra Costa counties.

The City has also amended its NDFE to reflect changes in operations since 1994 at

the following non-disposal facilities. The changes identified in the amended NDFE are noted below.

- Davis Street Transfer Station – In July 2002, a 308-ton per day Material Recovery Facility (MRF) was added to the Davis Street Transfer Station increasing its processing capacity from 5,000 to 5,308 tons per day. The MRF replaced the initial mini-ton per day MRF, thus increasing diversion rates by approximately 22 percent.
- Pacific Rim Recycling – In June 1997 Karl's Pacific Rim Recycling Service contract expired and ceased to collect and process recyclables generated by the City of Oakland.
- Bay City Recycling – Smurfit-Stone Recycling relocated its recycling operations to 800-77th Avenue. This site was previously occupied and identified in the NDFE as Bay City Recycling.
- California Waste Solutions – California Waste Solution now operates at two locations 1820-10th Street and 3300 Wood Street. Each facility is permitted for receipt, processing, and short term storage of recyclables materials. The 10th Street site is permitted for 400 tons per day and the Wood Street site is permitted for 300 tons per day.

2. Findings

The City has adequately addressed all requirements for amending a NDFE by submitting the information noted below:

(City Name)	**Yes**	**No**
Local Task Force comments	x	
3-day public notice	x	
Resolution adopting amendment	x	
Amendment includes required information for facility type	x	

B. Environmental Issues

Staff is not aware of any environmental issues related to the amended NDFE. Specific environmental issues would be addressed during the permitting process of the facilities, and thus would be discussed in any associated items presented to the Board from the Permits Division.

C. Program/Long Term Impacts

Staff does not anticipate any program or long term impacts as a result of this item.

D. Stakeholder Impacts

Approving the City's amended NDFE will facilitate any future conformance findings made by the Board as part of the permitting process, as the facilities will then be identified in the NDFE, as required.

E. Fiscal Impacts

No fiscal impact to the Board results from this item.

F. Legal Issues

This item represents the process for implementing PRC Section 41800 that describes the Board's approval process of a jurisdiction's planning elements, including the NDFE.

G. Environmental Justice

2000 Census Data – Demographics for City of Oakland						
% White	**% Hispanic**	**% Black**	**%Native American**	**%Asian**	**%Pacific Islander**	**%Other**
23.5	21.9	35.1	0.4	15.1	0.5	0.3

2000 Census Data – Economic Data for City of Oakland		
Median annual income*	**Mean (average) income***	**% individuals below poverty level**
40,055	57,267	19.4

* Per household

- **Environmental Justice Issues.** According to the jurisdictional representative, there are no environmental justice issues in this community related to this item. The City of Oakland conducts its programs and policies, including the NDFE amendments, to protect the health and provide a safe environment to all its residents. In Oakland, recycling companies are normally sited in light industrial areas and sometimes in neighborhood zoned for multi-uses. No environmental justice issues were raised by Oakland Council or staff, or members of the community, during the Public Hearing or at any other time, related to this NDFE amendment.
- **Efforts at Environmental Justice Outreach.** In May 2001, the City of Oakland became the first city in the nation to pass an Equal Access to services Ordinance (EAO) with the purpose of removing language barriers that limited-English speakers may have in accessing City services including waste management programs. The City Administrator's Equal Access Office's Bilingual Volunteer program covers language interpretation needs in Cantonese, Mandarin, Spanish and Vietnamese.

  Additionally, the City's residential recycling service contractors are required to provide public education materials in multiple languages including Spanish, Chinese, and Vietnamese. The City's residential recycling service contractors are California Waste Solutions (CWS), a minority owned company, and Waste Management of Alameda County (WMAC), both identified in the amended NDFE. CWS and WMAC retain bilingual staff to facilitate the participation of monolingual Oakland residents in the recycling program.
  Recent major modifications to the City's residential recycling program featured the production information and outreach materials in the four languages required by the Equal Access program, and included transit shelter and bus bench ads, a video PSA, and recycling guide.
- **Project Benefits.**
  Updating the City's NDFE to include descriptions of new or modified nondisposal facilities will allow City residents to have a more complete picture of the nondisposal facilities the City will be using to achieve and maintain its diversion requirements.

H. 2001 Strategic Plan

This item supports Strategic Plan goal 2, objective 3 (Support local jurisdictions' ability to reach and maintain California's waste diversion mandates), strategy (D)

(Assess and assist local governments' efforts to implement programs and reduce disposal, taking corrective action as needed) by approving the City's locally adopted amended NDFE.

VI. FUNDING INFORMATION

This item does not require any Board fiscal action.

VII. ATTACHMENTS

1. Resolution Number 2005-170

VIII. STAFF RESPONSIBLE FOR ITEM PREPARATION

A. Program Staff: Eric Bissinger **Phone:** (916)341-6266
B. Legal Staff: Elliot Block **Phone:** (916)341-6080
C. Administration Staff: N/A **Phone:** N/A

IX. WRITTEN SUPPORT AND/OR OPPOSITION

A. Support

City of Oakland

B. Opposition

Staff had not received any written opposition at the time this item was submitted for publication.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Resolution 2005-170

Consideration Of The Amended Nondisposal Facility Element For The City Of Oakland, Alameda County

WHEREAS, Public Resources Code (PRC) Sections 40900 et seq., describe the requirements to be met by Cities and Counties when developing and implementing integrated waste management plans; and

WHEREAS, PRC Sections 41730 et seq. require that each City and County prepare and adopt a Nondisposal Facility Element (NDFE) which includes a description of existing and new solid waste facilities, and the expansion of existing solid waste facilities, which will be needed to implement a jurisdiction's Source Reduction and Recycling Element (SRRE), to enable it to meet the requirements of PRC Section 41780; and

WHEREAS, the City of Oakland has amended its Board-approved NDFE to reflect additions and changes to the described facilities and has submitted the amended NDFE to the Board; and

WHEREAS, based on review of the amended NDFE, Board staff found that all of the foregoing requirements have been satisfied and that the amended NDFE substantially complies with PRC Sections 41730, et seq., and recommends approval; and

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the amended Nondisposal Facility Element for the City of Oakland.

CERTIFICATION

The undersigned Executive Director, or his designee, of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on July 19-20, 2005.

Dated:

Mark Leary
Executive Director

California Integrated Waste Management Board

Board Meeting

July 19-20, 2005
AGENDA ITEM 18 (Revision 2)

ITEM
Consideration Of A Request To Change The Base Year To 2003 For The Previously Approved Source Reduction And Recycling Element For The City Of Milpitas, Santa Clara County

I. ISSUE/PROBLEM STATEMENT

The City of Milpitas (City) has requested to change its base year to 2003. ~~The request includes the City's petition for sludge diversion credit~~. The City has requested a 53 percent diversion rate for the 2003 new base year. With the California Integrated Waste Management Board (Board) staff-recommended new base year, the City's diversion rate would be 53 percent for 2003. In addition, the City has submitted documentation showing it meets the statutory conditions for claiming biomass diversion credit in ~~2002~~ (2003). With the aforementioned staff-recommended new base year and the staff recommended biomass diversion, the City's 2003 diversion rate would 54 percent, of which one percent is from biomass diversion. A complete listing of the City's implemented programs is provided in Attachment 1 of this agenda item.

II. ITEM HISTORY

This is the first time a new base year request is coming before the Board.

III. OPTIONS FOR THE BOARD

The Board may:

1. Approve the City's base-year change as originally submitted as well as its biomass diversion claim.
2. Approve the City's base-year change as originally submitted but disapprove its biomass diversion claim.
3. Approve the City's base-year change with staff's and/or Board-suggested modifications as well as its biomass diversion claim.
4. Approve the City's base-year change with staff's and/or Board-suggested modifications but disapprove its biomass diversion claim
5. Disapprove the City's base-year change.

IV. STAFF RECOMMENDATION

Board staff has determined that the method used to establish the new base-year with the recommended modifications has been adequately documented, and is generally consistent with previous Board standards for accuracy. Additionally, Board staff has determined that the City demonstrated compliance with the statutory conditions for biomass diversion credit. Board staff therefore recommends the Board adopt Option 3, which would approve the City's new base-year with staff recommendations as well as its biomass diversion claim.

V. ANALYSIS

A. Key Issues and Findings

1. Background

Public Resources Code (PRC) Sections 41031 (cities) and 41331 (counties) require information submitted by jurisdictions on the quantities of solid waste generated, diverted, and disposed of, to include data that are as accurate as possible. At its March 1997 meeting, the Board approved methods for jurisdictions to use for improving the accuracy of their base-year generation data. One of the approved methods allows a jurisdiction to establish a more current base year.

2. Basis for staff's analysis

Staff's analysis is based upon the information below.

Existing Jurisdiction Conditions:

Diversion Rate Data (Percent)						Key Jurisdiction Conditions			
						Waste Stream Data			
Base Year	**1999**	**2000**	**2001**	**2002**	**2003**	**Pounds waste generated per person per day (ppd)**	**Population**	**Non-Residential Waste Stream Percentage**	**Residential Waste Stream Percentage**
2003	**ND**	**ND**	**ND**	**ND**	**53%**	**12.01**	**64,700**	**78%**	**22%**

* This value is based on the City's proposed (2003) base year change, discussed in the "Base Year Change" section below.

The City of Milpitas is an urban city located in the Central California Bay Area region.

Base-Year Change

The City has requested to change its base year from 1990 to 2003. The City considers the 2003 data to be more accurate, and the best available data. There was no extrapolation of diversion data.

To estimate the waste generation in 2003, the City used disposal data from the Board's Disposal Reporting and collected diversion information from the activities listed below. Board staff conducted a site visit in April, 2005 to verify these activities.

Program Name/Type	Staff Comments
Residential Programs:	
Backyard and On-Site Composting/Mulching	The City conducts composting workshops to provide composting and vermicomposting techniques. Public Works crews use mulch and compost for public parks and playgrounds. City practices grasscycling in city Parks. Some residents use mulching mowers promoted as part of the Countywide composting education program.
Residential Curbside Recycling	The City has residential curbside programs servicing multi family, single family, duplexes, and town homes. Material types collected include cardboard, mixed paper, newspaper, plastics, glass, tin cans, PET, motor oil, HDPE, and aluminum cans. The City uses a 3-bin system.
Residential Curbside	Curbside greenwaste is collected curbside weekly. The franchise hauler utilizes 96-gallon toters.

Program Name/Type	Staff Comments
Material exchange	The City has businesses operating as thrift, salvage, or repair shops. Items handled include electronics, appliances, tools, furniture, toys, clothing, and books. Harvest Food Bank receives food donations and the City promotes CALMAX.
Residential Buy-back	Buy back centers are located throughout Milpitas. The Recyclery, located at the landfill, is certified under AB 2020 where residents may get paid for dropping off their recyclables.
Commercial Programs:	
Commercial On-Site Pickup/Recycling	The commercial recycling program includes plastics 3-7, Styrofoam (formed, no peanuts), and all processed containers (triple rinsed) such as plastic bottles containing chemicals. The Commercial Recycling Program accepts materials in a front load bin with large amounts of CRV containers collected in transparent bags. One waste hauler representative is dedicated to Milpitas businesses to assist in recycling program activities.
School Recycling	The Public Outreach Specialist provides recycling program/education information to schools. Working with science teachers to incorporate recycling and composting programs in schools, $3,500 is made available per semester for schools to implement programs. The City uses Dept. of Conservation, Division of Recycling (AB2020) funding for project maintenance & expansion to middle schools.
Government Recycling	The City recycles in government buildings. Collection includes mixed paper, cans, plastics 1&2, cardboard, magazines, newspaper and glass beverage containers.
Wood Waste	City offers resources such as "The Builder`s Reuse and Recycling Guide" with tips on how to minimize waste at the job site and also provides a directory of recycling firms accepting construction and demolition. Wood waste is chipped and mulched. The landfill also has a yard waste composting and wood fuel operation.
Materials Recovery Facility	The MRF operates in San Jose. Materials recovered include, curbside collections, greenwaste, C&D, cardboard, paper, metals, wood, etc.
Supporting Programs:	
Outreach: Print, electronic, technical assistance, presentations, awards, fairs, etc.	The City provides an e-waste listing for e-waste drop off points. (E-waste is also accepted at the landfill for a fee.) The City conducts advertising on radio and cable TV promoting HHW events and recycling events. The City uses its website to promote recycling program information. Materials include brochures and articles that target residential and non-residential customers. The City provides the "Recycling Review" for Commercial Recycling Programs. The City publishes composting and recycling Ads in the "Milpitas Post". The City also provides a publication called "Milpitas Recycling Scene", door hangers, brochures, inserts and miscellaneous handouts at the City kiosk. The City provided coordination and ongoing distribution of County`s Builders Recycling Guide.
Ordinances	City contracts require grinding and reuse of asphalt/concrete in road projects. C&D guidelines include solid waste provisions for recycling and are distributed when contractors apply for construction permits. In 2002, the City revised recycling special conditions for all commercial demolition projects to require reporting and documentation of diverted tonnage.
Procurement	On February 5, 2002, the City Council approved an Environmentally Preferable Procurement Policy and gave support for efforts to work with manufacturers to take responsibility for their products' end uses.

Originally the jurisdiction claimed a diversion rate of 53 percent for 2003. Attachment 2a is the City's Base Year Modification Request Certification. As a result of Board staff's verification (desk review and on-site verification visits) of the City's claimed diversion, Board staff is recommending acceptance of the revised 2003 diversion rate of

53 percent.

The City appears to have programs that support the proposed diversion rate. Attachment 2b is the Base Year Modification Request Certification prepared by Board staff that provides additional details to support the Board staff's recommendations for the new base year.

Certification Changes
Based on staff's analysis of the jurisdiction's proposed new base year, as well as a site verification of the survey results conducted in April, 2005 Board staff recommends several deductions, as well as additions. Board staff has discussed the proposed changes with City representatives. The City representatives agree with Board staff's recommendations for the proposed changes.

Attachment 3 is a summary of the changes showing what was originally claimed, Board staff findings, and the basis for the deductions/additions. With these changes, Board staff recommends the request for a new base year be approved.

Base Year Analysis

City of Milpitas	Disposal	Diversion	Generation
Old Base Year Tons (1990)	86,829	4,667	91,496
Jurisdiction New Base-Year Tons (2003)	66,646	76,251	142,896
Board Staff Recommended New (2003) Base-Year Tons	66,646	75,203	141,849

2003 Diversion Rate using 1990 Base Year	Jurisdiction Claimed Diversion Rate for 2003	Board Staff Recommended Diversion Rate for 2003
39%	53%	53%

In addition to any deductions already made by the City and Board staff, the Board has authority to make additional deductions to the diversion tonnage. Public Resources Code Sections 41031, 41033, 41331, and 41333 provide that jurisdictions' waste characterization components (which contain the waste generation studies) shall include data that are as accurate as possible. These statutes provide the basis for allowing jurisdictions to request, and for the Board to approve, new base years. Consequently, in considering new base-year requests, the standard used by the Board is whether the new base year is as accurate as possible. To the extent that the Board determines that a portion of the new base year is not accurate, the Board may approve the remainder of the new base year, with the inaccurate portion removed.

Biomass Diversion Credit Claim:
The City included in its 2003 new base year generation study a biomass diversion credit claim for 1,385 tons of material sent to 5 different biomass facilities (554 tons to Madera Power LLC; 376 tons to Rio Bravo Rocklin; 139 tons to Soledad Energy LLC; 316 tons to AES Mendota). Starting in 2000, PRC Section 41783.1 allows jurisdictions to include not more than 10 percent diversion through biomass conversion if the Board determines at a public hearing, based upon substantial evidence in the record, that certain conditions are met. The table below identifies those conditions, and how the City has met them.

Biomass Diversion Credit for the City of Milpitas

Conditions for Counting Biomass Diversion	How Conditions Were Met
1. Jurisdiction is not also claiming diversion from transformation in the same reporting year	1. The City's new base year generation study did not include information regarding transformation activity or tonnage for 2002.
2. Jurisdiction is, and will continue, to effectively implement all feasible source reduction, recycling, and composting measures.	2. The City is adequately implementing diversion programs, as shown in Attachment 1.
3. The material sent to a biomass facility was normally disposed by the jurisdiction (PRC Section 41781).	3. The material sent by the City to the biomass facilities mentioned above in 2003 was normally disposed by the City as indicated in its SRRE.
4. The biomass facility exclusively processes biomass (defined in PRC Section 40106).	4. The biomass facilities listed above do not process any material not specified in statute, which includes agricultural crop residues; bark, lawn, yard and garden clippings; leaves, silviculture residue, tree and brush pruning; wood, wood chips, and wood waste; or non-recyclable pulp or non-recyclable paper materials.
5. The biomass facility is in compliance with all applicable air quality laws, rules, and regulations.	5. The biomass facilities listed above met all applicable air quality laws, rules, and regulations as shown in documentation from their respective Air Pollution Control Districts.
6. The ash or other residue from the facility is regularly tested to determine if it is hazardous waste; and, if it is determined to be hazardous, the ash or other residue is sent to a Class I hazardous waste disposal facility.	6. In 2003, the ash was tested regularly tested and was determined not to be hazardous.

Approving the City's biomass diversion claim of 1,385 tons results in a diversion rate increase of 1 percent, or from 53 percent to 54 percent. Because the City and the biomass facilities listed above meet the criteria for claiming biomass diversion credit, Board staff recommends the Board approve the City's biomass diversion claim for 2003.

3. Findings

Board staff believes the City has adequately documented its request for a 2003 base-year change and has demonstrated it has met the statutory conditions for claiming biomass diversion credit. Therefore, staff is recommending approval of the staff-recommended base-year change request documented in Attachment 2b, including approval of its claim for biomass diversion credit.

B. Environmental Issues

Based on available information, staff is not aware of any environmental issues related to this item.

C. Program/Long Term Impacts

Improving the accuracy of a jurisdiction's base year will lead to a more accurate statewide measurement.

D. Stakeholder Impacts

Approving the City's new base year will enable the City to more accurately measure the success of its diversion programs and therefore to more accurately report its progress to the Board.

E. Fiscal Impacts

N/A

F. Legal Issues

As discussed above, this item represents the process for implementing PRC Section 41331 that requires a City to submit data on quantities of waste generated, diverted and disposed that are as accurate as possible.

G. Environmental Justice

Community Setting.

2000 Census Data – Demographics for City of Milpitas						
% White	**% Hispanic**	% Black	**% Native American**	**% Asian**	**% Pacific Islander**	**% Other**
23.8	16.6	3.5	0.4	51.5	0.6	0.2

2000 Census Data – Economic Data for City of Milpitas		
Median annual income	**Mean (average) income**	**% Individuals below poverty level**
84,429	97,427	5.0

*Per Household

- **Environmental Justice Issues.** There are no environmental justice issues associated with this item.
- **Efforts at Environmental Justice Outreach.** Public outreach, school education and technical assistance are conducted by the City and/or appropriate partners and uses all appropriate media including: newspaper ads, direct mail flyers, utility bill inserts, City websites, PSA's, T.V., and radio. Outreach is done in multiple languages, including Spanish, Vietnamese, Chinese, and Korean.
- **Project Benefits.** Improving the accuracy of jurisdiction's base year will lead to a more accurate statewide measurement.

H. 2001 Strategic Plan

The County's new base year coincides with:

- Goal 2, Objective 3 (D)
- Goal 7, Objective 1 (B)

VI. FUNDING INFORMATION

N/A

VII. ATTACHMENTS

1. Program Listing for City of Milpitas
2a. Base Year Modification Request Certification for City of Milpitas
2b. Board staff Recommended Base-Year Modification Request Certification
3. Table A: Site Visit Verification Findings for City of Milpitas
4. Resolution Number 2005-171

VIII. STAFF RESPONSIBLE FOR ITEM PREPARATION

A. Program Staff: Kathy Davis **Phone:** (916) 341-6263
B. Legal Staff: Elliot Block **Phone:** (916) 341- 6080
C. Administration Staff: NA **Phone:** NA

IX. WRITTEN SUPPORT AND/OR OPPOSITION

A. Support
1. City of Milpitas

B. Opposition
1. No known opposition

Office of Local Assistance

Program Listing for Milpitas

Date Printed
June 3,2005

Program Code	Existed	Slcted?	Pre 1995 Start	------ 1995 ------ Status	------ 1996 ------ Status	------ 1997 ------ Status	------ 1998 ------ Status	------ 1999 ------ Status	------ 2000 ------ Status	------ 2001 ------ Status	------ 2002 ------ Status
1000-SR-XGC Xeriscaping/Grasscycling	N	N	2000	PF	PF	PF	PF	PF	AI	AO	AO
1010-SR-BCM Backyard and On-Site Composting/Mulching	N	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO
1020-SR-BWR Business Waste Reduction Program	Y	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO
1030-SR-PMT Procurement	Y	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO
1050-SR-GOV Government Source Reduction Programs	Y	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO
1060-SR-MTE Material Exchange, Thrift Shops	Y	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO
2000-RC-CRB Residential Curbside	Y	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO
2010-RC-DRP Residential Drop-Off	Y	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO
2020-RC-BYB Residential Buy-Back	Y	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO
2030-RC-OSP Commercial On-Site Pickup	Y	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO

Status Code Legend

SO = Selected Ongoing
AO = Alternative Ongoing
SI = Selected Implemented
AI = Alternative Implemented
M = Regional Agency did not exist or city was not incorporated or city
D = Dropped
DE = Dropped in Earlier Year
NI = Selected and Not Implemented
PF = Planned Future
NA = Program did not exist

Reason Code

1 = Delays in bringing diversion facilities online.
2 = Unavoidable regulatory delays.
3 = Existing contractual or legal problems.
4 = Insufficient funding.
5 = Insufficient staffing.
6 = Lack of cooperation from other entities.
7 = Sufficient diversion without selected program.
8 = Lack of markets necessary to support

Application: PARIS

Office of Local Assistance

Program Listing for Milpitas

Date Printed
June 3,2005

Program Code	Existed	Slcted?	Pre 1995 Start	------ 1995 ------ Status	------ 1996 ------ Status	------ 1997 ------ Status	------ 1998 ------ Status	------ 1999 ------ Status	------ 2000 ------ Status	------ 2001 ------ Status	------ 2002 ------ Status
2050-RC-SCH School Recycling Programs	N	Y	2000	PF	PF	PF	PF	PF	AI	AO	AO
2060-RC-GOV Government Recycling Programs	Y	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO
2070-RC-SNL Special Collection Seasonal (regular)	Y	Y	1991	SO	SO	SO	SO	SO	SO	SO	SO
2080-RC-SPE Special Collection Events	N	Y	1995	SI	SO	SO	SO	SO	SO	SO	SO
3000-CM-RCG Residential Curbside Greenwaste Collection	N	Y	1995	SI	SO	SO	SO	SO	SO	SO	SO
3010-CM-RSG Residential Self-haul Greenwaste	N	Y	1995	SI	SO	SO	SO	SO	SO	SO	SO
3040-CM-FWC Food Waste Composting	N	Y	2002	PF	PF	PF	PF	PF	PF	PF	SI
4020-SP-TRS Tires	N	Y	1995	SI	SO	SO	SO	SO	SO	SO	SO
4030-SP-WHG White Goods	Y	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO
4040-SP-SCM Scrap Metal	Y	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO

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Application: PARIS

Office of Local Assistance

Program Listing for Milpitas

Date Printed
June 3,2005

Program Code	Existed	Slcted?	Pre 1995 Start	------ 1995 ------ Status	------ 1996 ------ Status	------ 1997 ------ Status	------ 1998 ------ Status	------ 1999 ------ Status	------ 2000 ------ Status	------ 2001 ------ Status	------ 2002 ------ Status
4050-SP-WDW Wood Waste	Y	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO
4060-SP-CAR Concrete/Asphalt/Rubble	N	Y	1993	SO	SO	SO	SO	SO	SO	SO	SO
4090-SP-RND Rendering	Y	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO
5000-ED-ELC Electronic (radio ,TV, web, hotlines)	Y	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO
5010-ED-PRN Print (brochures, flyers, guides, news articles)	Y	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO
5020-ED-OUT Outreach (tech assistance, presentations, awards, fairs, field trips)	Y	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO
5030-ED-SCH Schools (education and curriculum)	Y	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO
6000-PI-PLB Product and Landfill Bans	N	Y	1995	SI	SO	SO	SO	SO	SO	SO	SO
6010-PI-EIN Economic Incentives	Y	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO
6020-PI-ORD Ordinances	N	Y	1995	SI	SO	SO	SO	SO	SO	SO	SO

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Application: PARIS

Office of Local Assistance

Program Listing for Milpitas

Date Printed
June 3,2005

Program Code	Existed	Slcted?	Pre 1995 Start	------ 1995 ------ Status	------ 1996 ------ Status	------ 1997 ------ Status	------ 1998 ------ Status	------ 1999 ------ Status	------ 2000 ------ Status	------ 2001 ------ Status	------ 2002 ------ Status
7000-FR-MRF MRF	N	Y	1995	SI	SO	SO	SO	SO	SO	SO	SO
7030-FR-CMF Composting Facility	N	Y	1997	PF	PF	SI	SO	SO	SO	SO	SO
9000-HH-PMF Permanent Facility	N	Y	1999	PF	PF	PF	PF	SI	SO	SO	SO
9010-HH-MPC Mobile or Periodic Collection	Y	Y	1995	SO	SO	SO	SO	SO	SO	SO	SO
9020-HH-CSC Curbside Collection	Y	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO
9040-HH-EDP Education Programs	Y	Y	1995	SI	SO	SO	SO	SO	SO	SO	SO
9050-HH-OTH Other HHW	N	Y	2003								

Add any additional programs below

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SO = Selected Ongoing
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Application: PARIS

Base Year Modification Request Certification
Part 1: Generation Study - No Extrapolation Diversion Data

To request a substitution for a previously approved base year used in calculating the diversion rate report year generation study for your jurisdiction, please complete and sign this form and return it to your Office of Local Assistance (OLA) representative at the address below, along with any additional information requested by OLA staff. When all documentation has been received, your OLA representative will work with you to prepare for your appearance before the Board. If you have any questions about this process, please call (916) 341-6199 to be connected to your OLA representative.

Mail completed documents to:

California Integrated Waste Management Board
Office of Local Assistance
1001 I Street, (MS-25)
PO Box 4025
Sacramento, CA 95812-4025

General Instructions:
Please select the **ONE** choice below that best explains your request to the Board.
☐ 1. Use a recent generation-based study to calculate our current reporting year generation amount, but not officially change our existing Board-approved base year.
☑ 2. Use a recent generation-based study to officially change our existing Board-approved base year to a new base year.

The shaded cells on these sheets are protected. If you have problems using these sheets, please contact your Office of Local Assistance representative by calling (916) 341-6199.

Section I: Jurisdiction Information and Certification
All respondents must complete this section.

I certify under penalty of perjury that the information in this document is true and correct to the best of my knowledge, and that I am authorized to make this certification on behalf of:

Jurisdiction Name: City of Milpitas		County: Santa Clara County	
Authorized Signature		Title: Utility Engineer	
Type/Print Name of Person Signing: Darryl Wong		Date: 8/10/05	Phone ( ) Include Area Code: (408) 586-3345
Person Completing This Form (please print or type): Elizabeth Koo		Title	
Affiliation: City of Milpitas			
Mailing Address: 455 E. Calaveras Blvd.	City: Milpitas	State: CA	ZIP Code: 95035
E-Mail Address: ekoo@ci.milpitas.ca.gov			

Section II: Information for New Generation-Based Study for Existing or New Base Year

Attach additional sheets if necessary—reference each response to the appropriate cell number (e.g.,"4").

Note: New base years must be representative of a jurisdiction's disposal and diversion.

1. Current Board-approved existing base year:	**2.** Proposed new generation-based study year:
1990	**2003**

3. Explain how the proposed generation study year is representative of average annual jurisdiction disposal and diversion:

The proposed generation study year include additional recycle/diversion programs that were not accounted for in the base year.

4. Enter diversion rate information below.

Diversion rate calculated using existing base year	**a. 39 %**	**Diversion rate calculated using new generation-based study**	**b. 53%**
Existing base year pounds/person/day based on generation		**New generation based study pounds/person/day based on generation**	
Existing base year:		**New generation based study:**	
Residential generation	**%**	**Residential generation**	**8 %**
Non-Residential generation	**%**	**Non-Residential generation**	**92 %**
Population existing generation-based study		**Population new generation-based study**	

5. Please explain how the new diversion rate is consistent with your current diversion implementation efforts and also explain the specific reasons for the difference.

The 2002 diversion rate of 39% does not reflect current diversion implementation efforts. It would be more appropriate to use numbers that provide a better representation.

6. If the proposed new generation tonnage results in an increase in your pounds per day, please explain how this is consistent with your current diversion implementaion efforts and provide examples (e.g., change in jurisdiction's demographics). In addition, If your pounds per person is over the state average of 11.2 pounds, please explain why.

Diversion calculation numbers reflect changes in the commercial sector.

Section III - Disposal and Diversion Information

1. Disposal Tonnage (enter values):	15462	**51184**	**66646**
	Residential	Non-Residential	**Total**

Please select the **ONE** choice below that best explains your **disposal** data and complete the required tables.

☐ a. All tons claimed are from the Board's Disposal Reporting System (No explanation required. Go to Number 2.)

☑ b. All tons claimed are from a 100 percent audit of hauler and self-haul tonnage. (Please complete Reporting Year Tonnage Request and Modification Certification sheet found at www.ciwmb.ca.gov/LGCentral/Forms/rytnmdrq.doc and submit with

☐ c. Some Disposal Reporting System data were corrected. (Please complete Reporting Year Tonnage Modification Request and Certification sheet found at www.ciwmb.ca.gov/LGCentral/Forms/rytnmdrq.doc and submit with the new bas year

2. In the table below, list the summarized diversion activities, tonnages,material types, actual or conversion factors, and diversion data records that support your claim and are available for Board verification **Note**: *The Board expects the jurisdiction to be able to provide all back-up documentation, if requested.* Include type of record and location—for example, weight tickets from transfer stations. This section should capture all diversion tonnage (form will perform all addition and percentage calculations). If any diversion is from restricted wastes, agricultural wastes,inert solids [e.g., concrete, asphalt, dirt, white goods, and scrap metal,] you must identify those programs and waste types and complete Section VI. Survey forms for the top ten businesses must be included as an attachment with the generation study year and should be identified as Attachment IVa.
(Note: The Board has indicated that total source reduction amounts greater than five percent will be scrutinized. Please be prepared to substantiate the amounts.)

Note: Detailed Non-Residential waste audit information for the top ten businesses surveyed must be included in Section IV.

http://www.ciwmb.ca.gov/LGCentral/PARIS/Codes/Reduce.htm

Diversion Activity Please use the Board's program types. The program type glossary is online at: www.ciwmb.ca.gov/LGCentral/Paris/Codes/Reduce.htm	Total Tons (A)	Percent of Total Generation (A/Total Generation)	Specific Material Type(s) (List diversion program activity w/multiple materials in one box)	Indicate whether Actual Tons or Specific Conversion Factor and Source of Factor	Type of Record (include copy with submittal)
Residential Source Reduction Activities					
Backyard composting	0	0%	Residential yard clippings and food waste.	Calculated (543 lbs x 71 bins x 25% participation / 2000 =) County was unable to provide attrition calculation of composters.	Home composting in Alameda County progress report recommendations.
Grasscycling					
Other Residential Source Reduction (list each program separately)					
Enter program name					
Enter program name					
Enter program name					
Enter program name					
Enter program name					
Subtotal, Residential Source Reduction	**0**	**0%**			
Residential Recycling Activities					
Curbside Recycling	3930	3%	Glass, PET, HDPE, aluminum, tin, mixed paper and OCC.	Actual	Franchise hauler records.
Buyback Centers	224	0%	Aluminum, glass, PETE, HDPE, Bimetal, other	Actual	DOC
Drop-off Centers					

Diversion Activity Please use the Board's program types. The program type glossary is online at: www.ciwmb.ca.gov/LGCentral/Paris/Codes/Reduce.htm	Total Tons (A)	Percent of Total Generation (A/Total Generation)	Specific Material Type(s) (List diversion program activity w/multiple materials in one box)	Indicate whether Actual Tons or Specific Conversion Factor and Source of Factor	Type of Record (include copy with submittal)
Other Residential Recycling (list each program separately)					
Enter program name					
Enter program name					
Enter program name					
Enter program name					
Enter program name					
Subtotal, Residential Recycling	**4154**	**3%**			
Residential Composting Activities					
Green Waste Drop-off					
Curbside Green Waste	5710	4%	Residential yard clippings	Actual	Franchise hauler records.
Christmas Tree Program	22	0%	Per BFI: All christmas trees in 2003 were colorized and not used for bio-mass.	Actual	Franchise hauler records.
Other Residential Composting (list each program separately)					
Enter program name					
Enter program name					
Enter program name					
Enter program name					
Enter program name					
Subtotal, Residential Composting	**5732**	**4%**			
Subtotal, Residential Diversion	**9886**	**7%**			
Non-Residential Source Reduction Activities:					
Non-Residential Waste Audits	**0**	0%	**Detailed information must be included in Section V**	**Detailed information must be included in Section V**	**Detailed information must be included in Section V**
Other Non-Residential Source Reduction (list each program separately)					
Grasscycling	2246	2%	Grass clippings	295.5 acres (125.3 acres City properties; 87 acres MUSD; 28.7 acres County park; 54.5 acres golf course) @ 7.6 tons per acre per year	Acreages confirmed within City.
Enter Program name					
Enter program name					
Enter program name					
Enter program name					
Subtotal, Non-Residential Source Reduction	**2246**	**2%**			

Diversion Activity Please use the Board's program types. The program type glossary is online at: www.ciwmb.ca.gov/LGCentral/Paris/Codes/Reduce.htm	Total Tons (A)	Percent of Total Generation (A/Total Generation)	Specific Material Type(s) (List diversion program activity w/multiple materials in one box)	Indicate whether Actual Tons or Specific Conversion Factor and Source of Factor	Type of Record (include copy with submittal)
Non-Residential Recycling Activities:					
Non-Residential Waste Audits	**0**	0%	**Detailed information must be included in Section V**	**Detailed information must be included in Section V**	**Detailed information must be included in Section V**
Other Non-Residential Recycling (list each program separately)					
Commercial Self-Haul	21253	15%	Asphalt, concrete, dirt.	Actual	Franchise hauler records.
City Programs (Public Works)	2201	2%	Asphalt	Actual	Contractor invoices - weight tags.
City Programs (Parks & Streets)			Wood chips (100 cubic yards)	Yardage conversion is 15 yards per load to the Community Garden 4 X per year = 60 yards 15 yards per load to park and landscape areas 3 X per year = 45 yards	
Commercial Curbside	9663	7%	Wood, cardboard, paper, glass, plastics	Actual	Franchise hauler records.
Material Handlers	356	0%	Tallow	Calculations	Hauler records.
Subtotal Non-Residential Recycling	**33473**	**23%**			
Non-Residential Composting Activities					
Non-Residential Waste Audits	**0**	0%	**Detailed information must be included in Section V**	**Detailed information must be included in Section V**	**Detailed information must be included in Section V**
Other Non-Residential Composting (list each program separately)					
Commerical Self-Haul	19781	14%	Yard waste, brush, landscaping and biomass		
Enter program name					
Enter program name					
Enter program name					
Enter program name					
Subtotal Non-Residential Composting	**19781**	**14%**			
Subtotal Non-Residential Diversion	**55500**	**39%**			
Other Diversion Activities **(Note: If you are unable to provide the actual residential/non-residential split, please provide your best estimates of the split in each program type or put all the diversion under non-residental.**					
Residential					
ADC					
Sludge (must submit sludge cert form)					
Scrap Metal					
Construction and Demolition					
Landfill Salvage					
Other (e.g., ag waste)					
Subtotal Residential Waste	**0**	**0%**			

Diversion Activity Please use the Board's program types. The program type glossary is online at: www.ciwmb.ca.gov/LGCentral/Paris/Codes/Reduce.htm	Total Tons (A)	Percent of Total Generation (A/Total Generation)	Specific Material Type(s) (List diversion program activity w/multiple materials in one box)	Indicate whether Actual Tons or Specific Conversion Factor and Source of Factor	Type of Record (include copy with submittal)
Non-Residential					
ADC	2970	2%	C&D, greenwaste,	Actual	double count.)
Sludge (must submit sludge cert form)					
Scrap Metal					
Construction and Demolition	3114	2%	Woody debris, concrete, sheetrock, carpet, asphalt.	Actual	waste).
Landfill Salvage	4780	3%	Woody debris, concrete, sheetrock, roofing.	Actual	Landfill records (deducted .65 tons restricted waste).
Other (e.g., ag waste)					
Subtotal Non-Residential Waste	**10865**	**8%**			
Subtotal Residential/ Non-Residential Other Diversion	**10865**	**8%**			
Total Residential/Non-Residential Source Reduction Tons	**2246**	**2%**			
Total Diversion Tons	**76251**	**53%**			
Total Disposal Tons from Number 1	**66646**	**47%**			
Total Generation Tons (Div+Dis)	**142896**				
NEW GENERATION STUDY DIVERSION RATE	**53%**				
Additional Information for Report Year Calculations - Biomass and Transformation Activities (Note: you cannot claim both biomass and transformation.)					
Biomass (must submit biomass cert form and must be 10% or less of generation--use the calculator to calculate)					
Transformation					
Report Year Diversion Rate with Biomass or Transformation Credit					

Section IV - Specific Non-Residential Sector Waste Audits

Top 10 Non-Residential Generators

Please complete this table for the top ten non-residential businesses that were surveyed. **Use the business type in lieu of the specific business name** (e.g., grocery store vs. Bestway Grocery Store) List each non-residential business separately from largest to smallest, based on total diversion tons. Audit reference number should be the same number used to identify businesses on the survey/audit sheets, and must be identical to the data in the Section V spreadsheet.

Audit Reference Numbe	Type of Non-Residential Generator	Include Material Type (e.g., paper, grasscycling). (List materials on one line)	Source Reduction Tons	Recycling Tons	Composting Tons	Total Diversion Tons	Percent of Total Generation (Total Diversion Tons/Total Generation in Section III)	Survey Method Phone (P) Mail (M) On-site (O) Other ___
Totals								

Section V - Non-Residential Generator Audit Diversion Spreadsheet

Use the type of business and audit reference number in lieu of the specific business name. For each business include the diversion activity and material type and associated tonnage for each diversion activity/material type, and applicable conversion factors and sources. Copies of the audit survey form(s) for each of the top ten businesses should be included as an attachment. Click on the Section Button to add a section for another generator (ten rows and a subtotal row added to the table for each new generator). If you have any questions, please contact your OLA Representative at (916) 341-6199.

Add Section

Non-Residential Generator Audit Diversion

Non-Residential Generator Survey or Audit Identification Number	Generator Type (Example - grocery store, retail, manufacturer)	Material Type (Example - cardboard, glass, plastic, etc.)	Specific Conversion Factor and Source or Actual Weight	Source Reduction (Tons)	Recycling (Tons)	Composting (Tons)	Total Tons
Subtotal -				0	0	0	
Subtotal -				0	0	0	
Subtotal -				0	0	0	

Non-Residential Generator Survey or Audit Identification Number	Generator Type (Example - grocery store, retail, manufacturer)	Material Type (Example - cardboard, glass, plastic, etc.)	Specific Conversion Factor and Source or Actual Weight	Source Reduction (Tons)	Recycling (Tons)	Composting (Tons)	Total Tons
Subtotal -				0	0	0	
Subtotal -				0	0	0	
Subtotal -				0	0	0	
Grand Total				0	0	0	0

Section VI - Restricted Waste

For each restricted waste type (i.e., agricultural waste, inert solids, [e.g. concrete, asphalt, dirt, etc.] scrap metals and white goods [PRC section 41781.2]) and associated program or generator, please provide the following information:

Insert 1

1. If the diversion program started on or after January 1, 1990, complete the following table.
Note: *Specific Program Name refers to one specific diversion program for that waste type (e.g., "Diversion conducted by city public waste dept."). Please input the complete program name with business type if appropriate. If you need to add additional programs, insert a row by clicking on the button for that section.*

Restricted Waste Type	Audit Reference Number	Specific Program Name	Year Started	Generation Study Diversion Tonnage
Inert Solids	2003-01	Commercial Self Haul	Unknown	21253
White Goods	2003-02	White Goods	Unknown	16
Inert Solids	2003-03	Asphalt	Unknown	2201
Pull Down for Waste Types				
Pull Down for Waste Types				

2. If the diversion program started before January 1, 1990 - and if documentation on the program and waste type has not been approved by the Board, on a separate sheet marked "Attachment Section VI. 2", provide the documentation that indicates:

- How the diversion was the result of a local action taken by the jurisdiction, which specifically resulted in the diversion (PRC sec. 41781.2 [c] [1]).

- That the amount of that waste type diverted from the jurisdiction in 1990 was less than or equal to the amount of that waste type disposed at a permitted disposal facility by the jurisdiction in any year before 1990. (**Note**: this criterion is applicable to individual programs (PRc sec 41781.2(c)(2). Please include documentation.
- The jurisdiction is implementing, and will continue to implement, the diversion programs in its Source Reduction and Recycling Element.

Note: *If documentation for a waste type and program has already been approved by the Board, you do not have to provide an "Attachment Section VI.2" for that waste type and program.*

Instead please provide date of Board approval of previously submitted information. _____ (Date)

If documentation is not available, go to Number 4.

Insert 3

3. If the diversion program started before January 1, 1990, and the documentation requested in Section VI.2" is available (but not yet approved by the Board), complete the table below for each program claimed:

Restricted Waste Type	Audit Reference Number	Specific Program Name	Generation Study Diversion Tonnage
Pull Down for Waste Types			
Pull Down for Waste Types			
Pull Down for Waste Types			
Pull Down for Waste Types			
Pull Down for Waste Types			

4. If the diversion program started before January 1, 1990, and the documentation requested in Section VI.2 is not available, complete the table below for each program claimed:

Ins 4

Restricted Waste Type	Audit Reference Number	Specific Program Name	Specific Program Generation Study Diversion Tonnage	1990 Diversion Tonnage	Difference
Pull Down for Waste Types					
Pull Down for Waste Types					
Pull Down for Waste Types					
Pull Down for Waste Types					
Pull Down for Waste Types					

Base Year Modification Request Certification
Part 1: Generation Study - No Extrapolation Diversion Data

To request a substitution for a previously approved base year used in calculating the diversion rate report year generation study for your jurisdiction, please complete and sign this form and return it to your Office of Local Assistance (OLA) representative at the address below, along with any additional information requested by OLA staff. When all documentation has been received, your OLA representative will work with you to prepare for your appearance before the Board. If you have any questions about this process, please call (916) 341-6199 to be connected to your OLA representative.

Mail completed documents to:

California Integrated Waste Management Board
Office of Local Assistance
1001 I Street, (MS-25)
PO Box 4025
Sacramento, CA 95812-4025

General Instructions:
Please select the **ONE** choice below that best explains your request to the Board.
☐ 1. Use a recent generation-based study to calculate our current reporting year generation amount, but not officially change our existing Board-approved base year.
☑ 2. Use a recent generation-based study to officially change our existing Board-approved base year to a new base year.

The shaded cells on these sheets are protected. If you have problems using these sheets, please contact your Office of Local Assistance representative by calling (916) 341-6199.

Section I: Jurisdiction Information and Certification
All respondents must complete this section.

I certify under penalty of perjury that the information in this document is true and correct to the best of my knowledge, and that I am authorized to make this certification on behalf of:

Jurisdiction Name City of Milpitas		County Santa Clara County	
Authorized Signature		Title	
Type/Print Name of Person Signing		Date	Phone ( ) Include Area Code
Person Completing This Form (please print or type)		Title	
Affiliation:			
Mailing Address	City	State	ZIP Code
E-Mail Address			

Section II: Information for New Generation-Based Study for Existing or New Base Year

Attach additional sheets if necessary—reference each response to the appropriate cell number (e.g.,"4").

Note: New base years must be representative of a jurisdiction's disposal and diversion.

1. Current Board-approved existing base year:	**2.** Proposed new generation-based study year:
1990	**2003**

3. Explain how the proposed generation study year is representative of average annual jurisdiction disposal and diversion:

The proposed generation study year include additional recycle/diversion programs that were not accounted for in the base year.

4. Enter diversion rate information below.

Diversion rate calculated using existing base year	**a. 39 %**	**Diversion rate calculated using new generation-based study**	**b. 53%**
Existing base year pounds/person/day based on generation	**11.88**	**New generation based study pounds/person/day based on generation**	**12.01**
Existing base year:		**New generation based study:**	
Residential generation 22 %	**Non-Residential generation 78 %**	**Residential generation 8 %**	**Non-Residential generation 92 %**
Population existing generation-based study	50690	**Population new generation-based study**	64700

5. Please explain how the new diversion rate is consistent with your current diversion implementation efforts and also explain the specific reasons for the difference.

The 2002 diversion rate of 39% does not reflect current diversion implementation efforts. It would be more appropriate to use numbers that provide a better representation.

6. If the proposed new generation tonnage results in an increase in your pounds per day, please explain how this is consistent with your current diversion implementaion efforts and provide examples (e.g., change in jurisdiction's demographics). In addition, If your pounds per person is over the state average of 11.2 pounds, please explain why.

Diversion calculation numbers reflect changes in the commercial sector.

Section III - Disposal and Diversion Information

1. Disposal Tonnage (enter values):	15462	**51184**	**66646**
	Residential	Non-Residential	**Total**

Please select the **ONE** choice below that best explains your **disposal** data and complete the required tables.

☐ a. All tons claimed are from the Board's Disposal Reporting System (No explanation required. Go to Number 2.)

☑ b. All tons claimed are from a 100 percent audit of hauler and self-haul tonnage. (Please complete Reporting Year Tonnage Request and Modification Certification sheet found at www.ciwmb.ca.gov/LGCentral/Forms/rytnmdrq.doc and submit with

☐ c. Some Disposal Reporting System data were corrected. (Please complete Reporting Year Tonnage Modification Request and Certification sheet found at www.ciwmb.ca.gov/LGCentral/Forms/rytnmdrq.doc and submit with the new bas year

2. In the table below, list the summarized diversion activities, tonnages,material types, actual or conversion factors, and diversion data records that support your claim and are available for Board verification **Note**: *The Board expects the jurisdiction to be able to provide all back-up documentation, if requested.* Include type of record and location—for example, weight tickets from transfer stations. This section should capture all diversion tonnage (form will perform all addition and percentage calculations). If any diversion is from restricted wastes, agricultural wastes,inert solids [e.g., concrete, asphalt, dirt, white goods, and scrap metal,] you must identify those programs and waste types and complete Section VI. Survey forms for the top ten businesses must be included as an attachment with the generation study year and should be identified as Attachment IVa.
(Note: The Board has indicated that total source reduction amounts greater than five percent will be scrutinized. Please be prepared to substantiate the amounts.)

Note: Detailed Non-Residential waste audit information for the top ten businesses surveyed must be included in Section IV.

http://www.ciwmb.ca.gov/LGCentral/PARIS/Codes/Reduce.htm

Diversion Activity Please use the Board's program types. The program type glossary is online at: www.ciwmb.ca.gov/LGCentral/Paris/Codes/Reduce.htm	Total Tons (A)	Percent of Total Generation (A/Total Generation)	Specific Material Type(s) (List diversion program activity w/multiple materials in one box)	Indicate whether Actual Tons or Specific Conversion Factor and Source of Factor	Type of Record (include copy with submittal)
Residential Source Reduction Activities					
Backyard composting	5	0%	Residential yard clippings and food waste.	Calculated (543 lbs x 71 bins x 25% participation / 2000 = 4.8. (71 bins sold from 1998 through 2003). Home Composting in Alameda County progress report recommendations	Home Composting in Alameda County Progress Report. CIWMB added tonnage after reviewing Alameda Report/receiving # of bins sold to Milpitas residents.
Grasscycling					
Other Residential Source Reduction (list each program separately)					
Enter program name					
Enter program name					
Enter program name					
Enter program name					
Enter program name					
Subtotal, Residential Source Reduction	**5**	**0%**			
Residential Recycling Activities					
Curbside Recycling	4236	3%	Glass, PET, HDPE, aluminum, tin, mixed paper and OCC.	Actual	Franchise hauler records. CIWMB staff added 306 tons identified as Mulfi-family collection the City inadvertently overlooked from the franchise hauler records.
Buyback Centers	224	0%	Aluminum, glass, PETE, HDPE, Bimetal, other	Actual	DOC
Drop-off Centers					

Diversion Activity Please use the Board's program types. The program type glossary is online at: www.ciwmb.ca.gov/LGCentral/Paris/Codes/Reduce.htm	Total Tons (A)	Percent of Total Generation (A/Total Generation)	Specific Material Type(s) (List diversion program activity w/multiple materials in one box)	Indicate whether Actual Tons or Specific Conversion Factor and Source of Factor	Type of Record (include copy with submittal)
Other Residential Recycling (list each program separately)					
Enter program name					
Enter program name					
Enter program name					
Enter program name					
Enter program name					
Subtotal, Residential Recycling	**4460**	**3%**			
Residential Composting Activities					
Green Waste Drop-off					
Curbside Green Waste	5710	4%	Residential yard clippings	Actual	Franchise hauler records.
Christmas Tree Program	22	0%	Per BFI: All christmas trees in 2003 were colorized and not used for bio-mass.	Actual	Franchise hauler records.
Other Residential Composting (list each program separately)					
Enter program name					
Enter program name					
Enter program name					
Enter program name					
Enter program name					
Subtotal, Residential Composting	**5732**	**4%**			
Subtotal, Residential Diversion	**10197**	**7%**			
Non-Residential Source Reduction Activities:					
Non-Residential Waste Audits	**0**	0%	**Detailed information must be included in Section V**	**Detailed information must be included in Section V**	**Detailed information must be included in Section V**
Other Non-Residential Source Reduction (list each program separately)					
Grasscycling	2246	2%	Grass clippings	295.5 acres (125.3 acres City properties; 87 acres MUSD; 28.7 acres County park; 54.5 acres golf course) @ 7.6 tons per acre per year	Acreages confirmed within City.
Enter Program name					
Enter program name					
Enter program name					
Enter program name					
Subtotal, Non-Residential Source Reduction	**2246**	**2%**			

Diversion Activity Please use the Board's program types. The program type glossary is online at: www.ciwmb.ca.gov/LGCentral/Paris/Codes/Reduce.htm	Total Tons (A)	Percent of Total Generation (A/Total Generation)	Specific Material Type(s) (List diversion program activity w/multiple materials in one box)	Indicate whether Actual Tons or Specific Conversion Factor and Source of Factor	Type of Record (include copy with submittal)
Non-Residential Recycling Activities:					
Non-Residential Waste Audits	**0**	0%	**Detailed information must be included in Section V**	**Detailed information must be included in Section V**	**Detailed information must be included in Section V**
Other Non-Residential Recycling (list each program separately)					
Commercial Self-Haul	21253	15%	Asphalt, concrete, dirt. NOTE:In 1994, ILandfill began a program to screen dirt from loads that previously were landfilled.	Actual	Franchise hauler records.
City Programs (Public Works)	2201	2%	Asphalt	Actual	Contractor invoices - weight tags.
City Programs (Parks & Streets)	26	0%	Wood chips (100 cubic yards)	Yardage conversion is 15 yards per load to the Community Garden 4 X per year = 60 yards 15 yards per load to park and landscape areas 3 X per year = 45 yards. Total of 105 yards at 500 lbs/yd = 26.25 tons. (U.S. EPA)	
Commercial Curbside	9663	7%	Wood, cardboard, paper, glass, plastics	Actual	Franchise hauler records.
Material Handlers	356	0%	Tallow	Calculations	Hauler records.
Subtotal Non-Residential Recycling	**33499**	**24%**			
Non-Residential Composting Activities					
Non-Residential Waste Audits	**0**	0%	**Detailed information must be included in Section V**	**Detailed information must be included in Section V**	**Detailed information must be included in Section V**
Other Non-Residential Composting (list each program separately)					
Commerical Self-Haul	18396	13%	Yard waste, brush, landscaping and biomass	Actual	Franchise hauler records. CIWMB staff deducted 1384.67 tons that went as biomass.
Enter program name					
Enter program name					
Enter program name					
Enter program name					
Subtotal Non-Residential Composting	**18396**	**13%**			
Subtotal Non-Residential Diversion	**54142**	**38%**			
Other Diversion Activities					
Residential					
ADC					
Sludge (must submit sludge cert form)					
Scrap Metal					
Construction and Demolition					
Landfill Salvage					
Other (e.g., ag waste)					
Subtotal Residential Waste	**0**	**0%**			

Diversion Activity Please use the Board's program types. The program type glossary is online at: www.ciwmb.ca.gov/LGCentral/Paris/Codes/Reduce.htm	Total Tons (A)	Percent of Total Generation (A/Total Generation)	Specific Material Type(s) (List diversion program activity w/multiple materials in one box)	Indicate whether Actual Tons or Specific Conversion Factor and Source of Factor	Type of Record (include copy with submittal)
Non-Residential					
ADC	2970	2%	C&D, greenwaste,	Actual	DRS (3045 tons - 74.57 tons from Newby Island as double count.)
Sludge (must submit sludge cert form)					
Scrap Metal					
Construction and Demolition	3114	2%	Woody debris, concrete, sheetrock, carpet, asphalt.	Actual	C&D facility records (deducted 11.58 tons restricted waste).
Landfill Salvage	4780	3%	Woody debris, concrete, sheetrock, roofing.	Actual	Landfill records (deducted .65 tons restricted waste).
Other (e.g., ag waste)					
Subtotal Non-Residential Waste	**10865**	**8%**			
Subtotal Residential/ Non-Residential Other Diversion	**10865**	**8%**			
Total Residential/Non-Residential Source Reduction Tons	**2251**	**2%**			
Total Diversion Tons	**75203**	**53%**			
Total Disposal Tons from Number 1	**66646**	**47%**			
Total Generation Tons (Div+Dis)	**141849**				
NEW GENERATION STUDY DIVERSION RATE	**53%**				
Additional Information for Report Year Calculations - Biomass and Transformation Activities (Note: you cannot claim both biomass and transformation.)					
Biomass (must submit biomass cert form and must be 10% or less of generation--use the calculator to calculate)					
Transformation					
Report Year Diversion Rate with Biomass or Transformation Credit					

Section IV - Specific Non-Residential Sector Waste Audits

Top 10 Non-Residential Generators

Please complete this table for the top ten non-residential businesses that were surveyed. **Use the business type in lieu of the specific business name** (e.g., grocery store vs. Bestway Grocery Store) List each non-residential business separately from largest to smallest, based on total diversion tons. Audit reference number should be the same number used to identify businesses on the survey/audit sheets, and must be identical to the data in the Section V spreadsheet.

Audit Reference Numbe	Type of Non-Residential Generator	Include Material Type (e.g., paper, grasscycling). (List materials on one line)	Source Reduction Tons	Recycling Tons	Composting Tons	Total Diversion Tons	Percent of Total Generation (Total Diversion Tons/Total Generation in Section III)	Survey Method Phone (P) Mail (M) On-site (O) Other ___
Totals								

Section V - Non-Residential Generator Audit Diversion Spreadsheet

Use the type of business and audit reference number in lieu of the specific business name. For each business include the diversion activity and material type and associated tonnage for each diversion activity/material type, and applicable conversion factors and sources. Copies of the audit survey form(s) for each of the top ten businesses should be included as an attachment.
Click on the Section Button to add a section for another generator (ten rows and a subtotal row added to the table for each new generator). If you have any questions, please contact your OLA Representative at (916) 341-6199.

Add Section

Non-Residential Generator Audit Diversion

Non-Residential Generator Survey or Audit Identification Number	Generator Type (Example - grocery store, retail, manufacturer)	Material Type (Example - cardboard, glass, plastic, etc.)	Specific Conversion Factor and Source or Actual Weight	Source Reduction (Tons)	Recycling (Tons)	Composting (Tons)	Total Tons
Subtotal -				0	0	0	
Subtotal -				0	0	0	
Subtotal -				0	0	0	

Non-Residential Generator Survey or Audit Identification Number	Generator Type (Example - grocery store, retail, manufacturer)	Material Type (Example - cardboard, glass, plastic, etc.)	Specific Conversion Factor and Source or Actual Weight	Source Reduction (Tons)	Recycling (Tons)	Composting (Tons)	Total Tons
Subtotal -				**0**	**0**	**0**	
Subtotal -				**0**	**0**	**0**	
Subtotal -				**0**	**0**	**0**	
Subtotal -				**0**	**0**	**0**	

Non-Residential Generator Survey or Audit Identification Number	Generator Type (Example - grocery store, retail, manufacturer)	Material Type (Example - cardboard, glass, plastic, etc.)	Specific Conversion Factor and Source or Actual Weight	Source Reduction (Tons)	Recycling (Tons)	Composting (Tons)	Total Tons
Subtotal -				0	0	0	
Subtotal -				0	0	0	
Subtotal -				0	0	0	
Grand Total				0	0	0	0

Section VI - Restricted Waste

For each restricted waste type (i.e., agricultural waste, inert solids, [e.g. concrete, asphalt, dirt, etc.] scrap metals and white goods [PRC section 41781.2]) and associated program or generator, please provide the following information:

Insert 1

1. **If the diversion program started on or after January 1, 1990**, complete the following table.
Note: *Specific Program Name refers to one specific diversion program for that waste type (e.g., "Diversion conducted by city public waste dept."). Please input the complete program name with business type if appropriate. If you need to add additional programs, insert a row by clicking on the button for that section.*

Restricted Waste Type	Audit Reference Number	Specific Program Name	Year Started	Generation Study Diversion Tonnage
Inert Solids	2003-01	Landfill Diversion	1994	21253
White Goods	2003-02	White Goods	1996	16
Inert Solids	2003-03	City Program	1992	2201
Pull Down for Waste Types				
Pull Down for Waste Types				

2. If the diversion program started before January 1, 1990 - and if documentation on the program and waste type has not been approved by the Board, on a separate sheet marked "Attachment Section VI. 2", provide the documentation that indicates:

- How the diversion was the result of a local action taken by the jurisdiction, which specifically resulted in the diversion (PRC sec. 41781.2 [c] [1]).

- That the amount of that waste type diverted from the jurisdiction in 1990 was less than or equal to the amount of that waste type disposed at a permitted disposal facility by the jurisdiction in any year before 1990. (**Note**: this criterion is applicable to individual programs (PRc sec 41781.2(c)(2). Please include documentation.
- The jurisdiction is implementing, and will continue to implement, the diversion programs in its Source Reduction and Recycling Element.

Note: *If documentation for a waste type and program has already been approved by the Board, you do not have to provide an "Attachment Section VI.2" for that waste type and program.*

Instead please provide date of Board approval of previously submitted information. _____ (Date)

If documentation is not available, go to Number 4.

Insert 3

3. If the diversion program started before January 1, 1990, and the documentation requested in Section VI.2" is available (but not yet approved by the Board), complete the table below for each program claimed:

Restricted Waste Type	Audit Reference Number	Specific Program Name	Generation Study Diversion Tonnage
Pull Down for Waste Types			
Pull Down for Waste Types			
Pull Down for Waste Types			
Pull Down for Waste Types			
Pull Down for Waste Types			

4. If the diversion program started before January 1, 1990, and the documentation requested in Section VI.2 is not available, complete the table below for each program claimed:

Ins 4

Restricted Waste Type	Audit Reference Number	Specific Program Name	Specific Program Generation Study Diversion Tonnage	1990 Diversion Tonnage	Difference
Pull Down for Waste Types					
Pull Down for Waste Types					
Pull Down for Waste Types					
Pull Down for Waste Types					
Pull Down for Waste Types					

Table A: Site Visit Verification Findings, Diversion Tonnage and Deductions for the City of Milpitas

Miscellaneous Changes (e.g., certification form changes, report year modification, curbside, buybacks, etc.)							
Type of Change	**Material Type**			**Tons Claimed in Study**		**Revised Tons**	**Reason for Change**
Certification Form - Curbside collection Multi-family	Plastics, glass, aluminum, cans	Curbside		3,930.00		4,236.00	The City forgot to include multi-family curbside collection tons from the franchise hauler report.
Certification Form - Self-Haul Greenwaste	Greenwaste	Self-haul		19,780.99		18,396.22	A deduction of 1384.67 tons was made for biomass that was included in greenwaste.
Backyard Composting	Greenwaste and foodwaste	Composting		0.00		5.00	Staff added five tons after reviewing the Alameda Report (Survey) that included Milpitas information on the composting program and the number of bins sold to Milpitas residents.
City Programs	Wood Chips	Recycling		0.00	Yardage conversion is 15 yards per load to the Community Garden 4 X per year = 60 yards 15 yards per load to park and landscape areas 3 X per year = 45 yards. Total of 105 yards at 500 lbs/yd = 26.25 tons. (U.S. EPA)	26.25	The City provided verification from Parks on wood chips recycling. Staff calculated tonnages using U.S. EPA conversion factors.
Subtotal -				**23,710.99**		**22,663.47**	
Grand Total - Miscellaneous				**23,710.99**		**22,663.47**	

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Resolution 2005-171

Consideration Of A Request To Change The Base Year To 2003 For The Previously Approved Source Reduction And Recycling Element For The City Of Milpitas, Santa Clara County

WHEREAS, Public Resources Code Sections 41031 (Cities) and 41331 (Counties) requires that information submitted by a jurisdiction on the quantities of solid waste it has generated, diverted and disposed, shall include data as accurate as possible to enable the Integrated Waste Management Board (Board) to accurately measure the jurisdiction's achievement of the diversion requirement pursuant to PRC Section 41780; and

WHEREAS, the City of Milpitas submitted documentation requesting to change its base year to 2003, which it claims is as accurate as possible; and

WHEREAS, a portion of the diversion tonnage originally claimed by the City has been modified as a result of staff verification, and is reflected in the staff-revised certification; and

WHEREAS, PRC Section 41783.1 allows a jurisdiction to claim no more than 10 percent diversion credit for materials sent to a biomass conversion facility if the Board determines at a public hearing, based upon substantial evidence in the record, that all of the conditions in that section are met; and

WHEREAS, the City/County has claimed one percent of biomass diversion credit for 2003, and has submitted documentation demonstrating it has met the conditions specified in PRC Section 41783.1 for claiming that biomass diversion credit, and

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the base-year change to 2003, as revised, for the City of Milpitas and the City has met the conditions for claiming biomass diversion credit for 2003.

CERTIFICATION

The undersigned Executive Director, or his designee, of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on July 19-20, 2005.

Dated:

Mark Leary
Executive Director

California Integrated Waste Management Board

Board Meeting

July 19-20, 2005

AGENDA ITEM 19

ITEM

Consideration Of A Request To Change The Base Year To 2003 For The Previously Approved Source Reduction And Recycling Element For The Unincorporated Area Of Orange County

I. ISSUE/PROBLEM STATEMENT

The unincorporated area of Orange County (County) has requested to change its base year to 2003. The County has requested a 39 percent diversion rate for the 2003 new base year. With the California Integrated Waste Management Board (Board) staff-recommended new base year, the County's diversion rate would be 33 percent for 2003. A complete listing of the County's implemented programs is provided in Attachment 1 of this agenda item.

II. ITEM HISTORY

This is the first time this item is coming before the Board.

III. OPTIONS FOR THE BOARD

The Board may:

1. Approve the County's base-year change as originally submitted.
2. Approve the County's base-year change with staff's and/or Board-suggested modifications.
3. Disapprove the County's base-year change.

IV. STAFF RECOMMENDATION

Board staff has determined that the method used to establish the new base-year with the recommended modifications has been adequately documented, and is generally consistent with previous Board standards for accuracy. Board staff therefore recommends the Board adopt Option 2: approve the County's new base-year with staff's and/or Board-suggested recommendations.

V. ANALYSIS

A. Key Issues and Findings

1. Background

   Public Resources Code (PRC) Sections 41031 (cities) and 41331 (counties) require information submitted by jurisdictions on the quantities of solid waste generated, diverted, and disposed of, to include data that are as accurate as possible. At its March 1997 meeting, the Board approved methods for jurisdictions to use for improving the accuracy of their base-year generation data. One of the approved methods allows a jurisdiction to establish a more current base year.

2. Basis for staff's analysis

   Staff's analysis is based upon the information below.

Existing Jurisdiction Conditions:

Diversion Rate Data (Percent)						Key Jurisdiction Conditions			
						Waste Stream Data			
Base Year	1999	2000	2001	2002	2003*	Pounds waste generated per person per day (ppd)	Population	Non-Residential Waste Stream Percentage	Residential Waste Stream Percentage
2003	**ND**	**ND**	**ND**	**ND**	**33**	**11.18**	**109,800**	**69**	**31**

* This value is based on the County's proposed 2003 base year change, discussed in the "Base Year Change" section below.

County's geographic location: Orange County is located on the coast of Southern California. The Unincorporated Areas of Orange County is mostly rural and mountainous in nature with jurisdictional islands, surrounded by incorporated cities.

Base-Year Change

The County has requested to change its base year from 1990 to 2003. The County considers the 2003 data to be more accurate, and the best available data. There was no extrapolation of diversion data.

To estimate the waste generation in 2003, the County used disposal data from the Board's Disposal Reporting System and collected diversion information from the activities listed below. Board staff conducted a site visit in December 2004 to verify these activities.

Program Name/Type	Staff Comments
Residential Programs:	
Grasscycling	The county actively grasscycles all county maintained turf, and area schools grasscycle, as well. They have conducted extensive educational campaigns and participated in mower rebate programs and the Landscape Management Outreach Program.
Composting/Mulching	The County participates in composting workshops and demonstrations. The County operates a jail facility with a large area dedicated to composting of tree trimmings, food waste and grass clippings. The County developed and distributes green waste processing facility brochures at public outreach events.
Material Exchange and Thrift Shops	There are several thrift shops throughout the County and the County actively supports the Board's waste exchange (CalMax) program.
Curbside Recycling	County unincorporated residents are provided curbside recycling of mixed recyclables through contractual arrangements with three haulers. Residents are able to recycle #1 & #2 plastic containers, aluminum cans, glass, mixed paper, newspaper, cardboard and tin cans.
Residential Buybacks	The County has several buyback centers that accept materials dropped off by residents including CRV container material types and numerous other materials including various paper grades and metals.
Curbside Greenwaste	County franchise agreements modified in 1999 provide for curbside greenwaste pick-up for residential areas in the county. In 2001, the major hauler for the unincorporated area increased recyclable pick-up from every other week to every week.
Commercial Programs:	
Business Waste Reduction	The County offers business assistance in waste reduction and recycling programs. This includes on-site waste reduction and recycling program audits providing business-specific program development plans.
Procurement	The County actively purchases recycled content products to stimulate and maintain markets for recyclable materials. They focus their efforts in office products and instituted a formalized policy and procedure in 2001.

Program Name/Type	Staff Comments
Government Source Reduction and Recycling.	The County encourages all departments to implement source reduction programs; uses the internet for all job application, RFP and RFB submittals, etc. Departments reuse and exchange surplus property and use double-sided copying, on-line system communications, and such activities as road sign refurbishment and reuse. County facilities are involved in recycling programs for beverage containers and various paper grades. The County also recycles metals, law books, grease and bones, as well as batteries.
School Recycling and Education	County contract haulers provide recycling services for schools in the unincorporated areas. In addition, the County provides "teacher packets" to teachers containing information from the CIWMB and the County regarding programs and the virtues of recycling and other resource management.
Special Collections	Waste hauler contracts provide for the collection and recycling of Christmas trees and phone books. The contract also provides for residential bulky items pick-up twice a year. The first special collection event was held in 1989.
Commercial Self-haul Greenwaste	Landscape contractors and businesses self-haul greenwaste material to landfill sites for drop-off. The county offers fee exemptions for these materials delivered to the landfill sites to be used as ADC and erosion control.
White Goods and Scrap Metals	Landfill operations include the salvage and recycling of white goods and various scrap metals. Other recyclers and scrap dealers are available for residential and non-residential drop-off.
Concrete/Asphalt/Rubble	The County has provided information on private recyclers of these materials since compiling and printing this information starting in 1998. In addition, the landfills accept materials with fee exemptions for use as roadway and winter pads.
MRFs	The County decided not to develop its own MRF due to the development of a number of private MRF facilities that sort and separate recyclable materials for processing. The County first started MRFing the residential waste in 1994.
ADC and Compost Facilities	The County provides economic incentives for the delivery of greenwaste materials to its landfills for use as ADC and erosion control. Composting activities are occurring in the County but the County decided against developing its own compost facilities when it could not permit its pilot program due to Southcoast AQMD requirements and the determination that sufficient private options were available. At present, greenwaste collected through curbside recycling programs is being processed into mulch and compost by private greenwaste processors located in Orange County. The County developed and distributes greenwaste processing facility brochures at public outreach events and as requested by residents and businesses.
Supporting Programs:	
Public Education Programs: Electronic, Print, and Outreach	The County has developed website information on a number of topics regarding waste management and recycling. The site provides a wide variety of information including locations and times of operations for landfill and HHW facilities; specific information on source reduction, recycling and reuse; and a link to the CIWMB and the CalEPA site. The County distributes brochures, flyers and news articles on a regular basis announcing a broad scope of information and activities. The County has been involved in workshops, fairs, Earth Day events, County Fair and various speaking engagements to provide information and support of its varied programs.
Economic Incentives	The County provides fee exemptions for greenwaste, asphalt, concrete and dirt at all landfills.

Originally the jurisdiction claimed a diversion rate of 39 percent for 2003. Attachment 2a is the County's Base Year Modification Request Certification. As a result of Board staff's verification (desk review and on-site verification visits) of the County's claimed diversion, Board staff is recommending acceptance of the revised 2003 diversion rate of 33 percent.

The County appears to have programs that support the proposed diversion rate. Attachment 2b is the Base Year Modification Request Certification prepared by Board staff that provides additional details to support the Board staff's recommendations for the new base year.

Certification Changes

The City appears to have programs that support the proposed diversion rate. Attachment 3 is the certification prepared by Board staff that provides additional details to support the Board staff's recommendations for the new base year. Attachment 3 is a summary of the changes showing what was originally claimed, Board staff's findings, and the basis for the deductions and additions. With these changes Board staff recommends the request for a new base year be approved.

Base Year Analysis:

County of Orange	**Disposal**	**Diversion**	**Generation**
Old Base Year Tons 1990	209,049	13,731	222,780
Jurisdiction New Base Year Tons 2003	150,747	98,236	248,983
Board Staff Recommended New 2003 Base Year Tons	150,747	73,234	223,981

2003 Diversion Rate using 1990 Base Year	**Jurisdiction Claimed 2003 Diversion Rate for New Base Year**	**Board Staff-Recommended 2003 Diversion Rate for New Base Year**
3	39	33

In addition to any deductions already made by the County and Board staff, the Board has authority to make additional deductions to the diversion tonnage. Public Resources Code Sections 41031, 41033, 41331, and 41333 provide that jurisdictions' waste characterization components (which contain the waste generation studies) shall include data that are as accurate as possible. These statutes provide the basis for allowing jurisdictions to request, and for the Board to approve, new base years. Consequently, in considering new base-year requests, the standard used by the Board is whether the new base year is as accurate as possible. To the extent that the Board determines that a portion of the new base year is not accurate, the Board may approve the remainder of the new base year, with the inaccurate portion removed.

3. Findings

Board staff believes the County has adequately documented its request for a 2003 base-year change. Therefore, staff is recommending approval of the staff-recommended base-year change request documented in Attachment 2b.

B. Environmental Issues

Based on available information, staff is not aware of any environmental issues related to this item.

C. Program/Long Term Impacts

Improving the accuracy of a jurisdiction's base year will lead to a more accurate statewide measurement.

D. Stakeholder Impacts

Approving the County's new base year will enable the County to more accurately measure the success of its diversion programs and therefore to more accurately report its progress to the Board.

E. Fiscal Impacts

No fiscal impact to the Board results from this item.

F. Legal Issues

As discussed above, this item represents the process for implementing PRC Section 41031 (cities) or 41331 (counties) that require jurisdictions to submit data on quantities of waste generated, diverted and disposed that are as accurate as possible.

G. Environmental Justice
Community Setting.

2000 Census Data – Demographics for the County of Orange						
% White	**% Hispanic**	**% Black**	**% Native American**	**% Asian**	**% Pacific Islander**	**% Other**
68.8	16.4	1.3	0.3	10.1	0.2	0.2

2000 Census Data – Economic Data for the County of Orange *		
Median annual income**	**Mean (average) income****	**% Individuals below poverty level**
$58,820	$77,543	10.3

*Countywide
**Per Household

- **Environmental Justice Issues.** According to the jurisdictional representative, there are no environmental justice issues related to the new base year study in this community.
- **Efforts at Environmental Justice Outreach.** The County has a website with many topics regarding recycling. The County also distributes brochures, flyers, and news articles on recycling activities and opportunities on a regular basis.
- **Project Benefits.** Improving the accuracy of this jurisdiction's base year will lead to a more accurate statewide measurement.

H. 2001 Strategic Plan

This item supports Strategic Plan Goal 2, Objective 3 (Support local jurisdictions' ability to reach and maintain California's waste diversion mandates), strategy (D) (Assess and assist local governments' efforts to implement programs and reduce disposal, taking corrective action as needed), by assessing the jurisdictions' efforts to implement programs and reduce disposal and thereby achieve the diversion requirement of PRC Section 41780.

VI. FUNDING INFORMATION

This item does not require any Board fiscal action.

VII. ATTACHMENTS

1. Program Listing for Unincorporated Area of Orange County
2a. Base Year Modification Request Certification for Unincorporated Area of Orange County
2b. Board staff Recommended Base-Year Modification Request Certification
3. Site Visit Verification Findings for Unincorporated Area of Orange County
4. Resolution Number 2005-172

VIII. STAFF RESPONSIBLE FOR ITEM PREPARATION

A. Program Staff: Maria Kakutani **Phone:** (916) 341- 6201
B. Legal Staff: Elliot Block **Phone:** (916) 341- 6080
C. Administration Staff: N/A **Phone:** N/A

IX. WRITTEN SUPPORT AND/OR OPPOSITION

A. Support
1. Unincorporated Area of Orange County

B. Opposition
1. No known opposition.

Office of Local Assistance

Program Listing for Orange-Unincorporated

Date Printed
March 2,2005

Program Code	Existed	Slcted?	Pre 1995 Start	------ 1995 ------ Status	------ 1996 ------ Status	------ 1997 ------ Status	------ 1998 ------ Status	------ 1999 ------ Status	------ 2000 ------ Status	------ 2001 ------ Status	------ 2002 ------ Status
1000-SR-XGC Xeriscaping/Grasscycling	N	Y	1995	SI	SO	SO	SO	SO	SO	SO	SO
1010-SR-BCM Backyard and On-Site Composting/Mulching	N	Y	1994	SO	SO	SO	SO	SO	SO	SO	SO
1020-SR-BWR Business Waste Reduction Program	Y	Y	1992	SO	SO	SO	SO	SO	SO	SO	SO
1030-SR-PMT Procurement	Y	Y	1993	SO	SO	SO	SO	SO	SO	SO	SO
1050-SR-GOV Government Source Reduction Programs	Y	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO
1060-SR-MTE Material Exchange, Thrift Shops	N	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO
2000-RC-CRB Residential Curbside	Y	Y	1991	SO	SO	SO	SO	SO	SO	SO	SO
2020-RC-BYB Residential Buy-Back	Y	Y	1991	SO	SO	SO	SO	SO	SO	SO	SO
2050-RC-SCH School Recycling Programs	N	N	2000	PF	PF	PF	PF	PF	AI	AO	AO
2070-RC-SNL Special Collection Seasonal (regular)	Y	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO

Status Code Legend

SO = Selected Ongoing
AO = Alternative Ongoing
SI = Selected Implemented
AI = Alternative Implemented
M = Regional Agency did not exist
or
city was not incorporated or
city

D = Dropped
DE = Dropped in Earlier Year
NI = Selected and Not Implemented
PF = Planned Future
NA = Program did not exist

Reason Code

1 = Delays in bringing diversion facilities online.
2 = Unavoidable regulatory delays.
3 = Existing contractual or legal problems.
4 = Insufficient funding.
5 = Insufficient staffing.
6 = Lack of cooperation from other entities.
7 = Sufficient diversion without selected program.
8 = Lack of markets necessary to support

Application: PARIS

Office of Local Assistance

Program Listing for Orange-Unincorporated

Date Printed
March 2,2005

Program Code	Existed	Slcted?	Pre 1995 Start	------ 1995 ------ Status	------ 1996 ------ Status	------ 1997 ------ Status	------ 1998 ------ Status	------ 1999 ------ Status	------ 2000 ------ Status	------ 2001 ------ Status	------ 2002 ------ Status
2080-RC-SPE Special Collection Events	Y	Y	1989	SO	SO	SO	SO	SO	SO	SO	SO
2090-RC-OTH Other Recycling	N	N	2001	NA	NA	NA	NA	NA	NA	AI	AO
3000-CM-RCG Residential Curbside Greenwaste Collection	N	Y	1999	NI 99	NI 99	NI 99	NI 99	SI	SO	SO	SO
3030-CM-CSG Commercial Self-Haul Greenwaste	N	N	2000	PF	PF	PF	PF	PF	AI	AO	AO
3040-CM-FWC Food Waste Composting	N	N	1994	AO	AO	AO	AO	AO	AO	AO	AO
4030-SP-WHG White Goods	Y	Y	1980	SO	SO	SO	SO	SO	SO	SO	SO
4040-SP-SCM Scrap Metal	Y	Y	1980	SO	SO	SO	SO	SO	SO	SO	SO
4060-SP-CAR Concrete/Asphalt/Rubble	Y	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO
5000-ED-ELC Electronic (radio ,TV, web, hotlines)	N	Y	1992	SO	SO	SO	SO	SO	SO	SO	SO
5010-ED-PRN Print (brochures, flyers, guides, news articles)	N	Y	1989	SO	SO	SO	SO	SO	SO	SO	SO

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Application: PARIS

Office of Local Assistance

Program Listing for Orange-Unincorporated

Date Printed
March 2,2005

Program Code	Existed	Slcted?	Pre 1995 Start	------ 1995 ------ Status	------ 1996 ------ Status	------ 1997 ------ Status	------ 1998 ------ Status	------ 1999 ------ Status	------ 2000 ------ Status	------ 2001 ------ Status	------ 2002 ------ Status
5020-ED-OUT Outreach (tech assistance, presentations, awards, fairs, field trips)	N	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO
5030-ED-SCH Schools (education and curriculum)	N	Y	1993	SO	SO	SO	SO	SO	SO	SO	SO
6010-PI-EIN Economic Incentives	N	Y	1996	PF	SI	SO	SO	SO	SO	SO	SO
7000-FR-MRF MRF	N	Y	1993	SO	SO	SO	SO	SO	SO	SO	SO
7010-FR-LAN Landfill	Y	Y	1983	SO	SO	SO	SO	SO	SO	SO	SO
7030-FR-CMF Composting Facility	N	N	1993	AO	AO	AO	AO	AO	AO	AO	AO
7040-FR-ADC Alternative Daily Cover	N	Y	1992	SO	SO	SO	SO	SO	SO	SO	SO
8020-TR-TRS Tires	Y	Y	1991	SO	SO	SO	SO	SO	SO	SO	SO
9000-HH-PMF Permanent Facility	N	Y	1991	SO	SO	SO	SO	SO	SO	SO	SO
9010-HH-MPC Mobile or Periodic Collection	N	N	2002	NA	NA	NA	NA	NA	NA	NA	AI

Status Code Legend

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Application: PARIS

Office of Local Assistance

Program Listing for Orange-Unincorporated

Date Printed
March 2,2005

Program Code	Existed	Slcted?	Pre 1995 Start	------ 1995 ------ Status	------ 1996 ------ Status	------ 1997 ------ Status	------ 1998 ------ Status	------ 1999 ------ Status	------ 2000 ------ Status	------ 2001 ------ Status	------ 2002 ------ Status
9030-HH-WSE Waste Exchange	N	Y	1992	SO	SO	SO	SO	SO	SO	SO	SO
9040-HH-EDP Education Programs	Y	Y	1994	SO	SO	SO	SO	SO	SO	SO	SO
9050-HH-OTH Other HHW	N	N	2002	NA	NA	NA	NA	NA	NA	NA	AI

Add any additional programs below

Status Code Legend

SO = Selected Ongoing
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Reason Code

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8 = Lack of markets necessary to support

Application: PARIS

State of California
Revised June 18, 2004

California Integrated Waste Management Board

Base Year Modification Request Certification
Part 1: Generation Study - No Extrapolation Diversion Data

To request a substitution for a previously approved base year used in calculating the diversion rate report year generation study for your jurisdiction, please complete and sign this form and return it to your Office of Local Assistance (OLA) representative at the address below, along with any additional information requested by OLA staff. When all documentation has been received, your OLA representative will work with you to prepare for your appearance before the Board. If you have any questions about this process, please call (916) 341-6199 to be connected to your OLA representative.

Mail completed documents to:

California Integrated Waste Management Board
Office of Local Assistance
1001 I Street, (MS-25)
PO Box 4025
Sacramento, CA 95812-4025

General Instructions:
Please select the ONE choice below that best explains your request to the Board.
☐ 1. Use a recent generation-based study to calculate our current reporting year generation amount, but not officially change our existing Board-approved base year.
☑ 2. Use a recent generation-based study to officially change our existing Board-approved base year to a new base year.

The shaded cells on these sheets are protected. If you have problems using these sheets, please contact your Office of Local Assistance representative by calling (916) 341-6199.

Section I: Jurisdiction Information and Certification			
All respondents must complete this section.			
I certify under penalty of perjury that the information in this document is true and correct to the best of my knowledge, and that I am authorized to make this certification on behalf of:			
Jurisdiction Name: County of Orange	County: Orange		
Authorized Signature: Sue Gordon	Title: Manager, Govt & Community Relations		
Type/Print Name of Person Signing: Ms. Sue Gordon	Date: 10-11-04	Phone ( ) Include Area Code: (714) 834-4118	
Person Completing This Form (Please print or type): Michelle Nichols	Title: Consultant		
Affiliation: SCS Engineers			
Mailing Address: 320 North Flower Street, Suite 400	City: Santa Ana	State: CA	ZIP Code: 92703
E-Mail Address: sue.gordon@iwmd.ocgov.com			

Section II: Information for New Generation-Based Study for Existing or New Base Year

Attach additional sheets if necessary—reference each response to the appropriate cell number (e.g.,"4").

Note: New base years must be representative of a jurisdiction's disposal and diversion.

1. Current Board-approved existing base year:	**2.** Proposed new generation-based study year:
1990	**2003**

3. Explain how the proposed generation study year is representative of average annual jurisdiction disposal and diversion:

The new generation study is for 2003, which was a typical year for the County. Disposal and diversion in 2003 were neither particularly high or low compared to other years.

4. Enter diversion rate information below.

Diversion rate calculated using existing base year	**a. 14 %**	**Diversion rate calculated using new generation-based study**	**b. 39%**
For existing base year pounds/person/day based on generation	**7.34**	**For new generation based study pounds/person/day based on generation**	**12.43**
Existing base year:		**New generation based study:**	
Residential generation 36 %	**Non-Residential generation 64 %**	**Residential generation 23 %**	**Non-Residential generation 77 %**
Population existing generation-based study	116400	**Population new generation-based study**	109800

5. Please explain how the new diversion rate is consistent with your current diversion implementation efforts and also explain the specific reasons for the difference.

The diversion rate reflects the considerable efforts of the County to reduce waste and the many programs the County has implemented to reduce waste. The data from 1990 isn't comparable with the data from 2003, because so much new development has occurred in the County, and previously developed areas have been incorporated or annexed into other jurisdictions.

6. If the proposed new generation tonnage results in an increase in your pounds per day, please explain how this is consistent with your current diversion implementaion efforts and provide examples (e.g., change in jurisdiction's demographics). In addition, If your pounds per person is over the state average of 11.2 pounds, please explain why.

The increase in pounds per person per day and the slightly higher than average pounds per person per day are both due to large amounts of construction and development waste and recycling. Furthermore, the County is responsible for a great deal of roads maintenance, and this contributes to higher than average disposal and diversion amounts.

Section III - Disposal and Diversion Information

1. Disposal Tonnage (enter values):	39477	**111311**	**150787**
	Residential	Non-Residential	**Total**

Please select the **ONE** choice below that best explains your **disposal** data and complete the required tables.

☑ a. All tons claimed are from the Board's Disposal Reporting System (No explanation required. Go to Number 2.)

☐ b. All tons claimed are from a 100 percent audit of hauler and self-haul tonnage. (Please complete Reporting Year Tonnage Request and Modification Certification sheet found at www.ciwmb.ca.gov/LGCentral/Forms/rytnmdrq.doc and submit with the new base year study.)

☐ c. Some Disposal Reporting System data were corrected. (Please complete Reporting Year Tonnage Modification Request and Certification sheet found at www.ciwmb.ca.gov/LGCentral/Forms/rytnmdrq.doc and submit with the new bas year study.)

2. In the table below, list the summarized diversion activities, and diversion data records that support your claim and are available for Board audit **Note**: *The Board expects the jurisdictions to be able to provide all back-up documentation, if requested.* Include type of record and location—for example, weight tickets from transfer stations. This section should capture all diversion tonnage (form will perform all addition and percentage calculations). If any diversion is from restricted wastes, agricultural wastes,inert solids [e.g., concrete, asphalt, dirt, white goods, and scrap metal,] you must identify those programs and waste types and complete Section VI. Survey forms for the top ten businesses must be included as an attachment with the generation study year and should be identified as Attachment 4a.
(Note: The Board has indicated that total source reduction amounts greater than five percent will be scrutinized. Please be prepared to substantiate the amounts.)

Note: Detailed Non-Residential waste audit information for the top ten businesses surveyed must be included in Section IV.

Please use the Board's program types from the online glossary at:
http://www.ciwmb.ca.gov/LGCentral/PARIS/Codes/Reduce.htm

Diversion Activity Please use the Board's program types. The program type glossary is online at: www.ciwmb.ca.gov/LGCentral/Paris/Codes/Reduce.htm	Actual tons (A)	Percent of Total Generation (A/Total Generation)	Specific Material Type(s) (List program w/multiple materials in one box)	Indicate whether Actual Tons or Specific Conversion Factor and Source of Factor	Type of Record (include copy with submittal)
Residential Source Reduction Activities					
Backyard composting					
Grasscycling					
Other Residential Source Reduction (list each program separately)					
N/A					
N/A					
N/A					
N/A					
N/A					
Subtotal, Residential Source Reduction	**0**	**0%**			
Residential Recycling Activities					
Curbside Recycling	10531	4%	Newspaper, OCC, mixed paper, PET, HDPE, aluminum cans, tin/metal cans, glass, other	Actual Tons	Hauler Reports (see Attachment 1)
Buyback Centers	124	0%	CRV containers	Actual Tons	Letter from DOC; see Appendix B
Drop-off Centers	0	0%			

Diversion Activity Please use the Board's program types. The program type glossary is online at: www.ciwmb.ca.gov/LGCentral/Paris/Codes/Reduce.htm	Actual tons (A)	Percent of Total Generation (A/Total Generation)	Specific Material Type(s) (List program w/multiple materials in one box)	Indicate whether Actual Tons or Specific Conversion Factor and Source of Factor	Type of Record (include copy with submittal)
Other Residential Recycling (list each program separately)					
N/A					
N/A					
N/A					
N/A					
N/A					
Subtotal, Residential Recycling	**10655**	**4%**			
Residential Composting Activities					
Green Waste Drop-off					
Curbside Green Waste	1769	1%	Residential green waste	Actual Tons	Hauler Reports (see Attachment 1)
Christmas Tree Program					
Other Residential Composting (list each program separately)					
N/A					
N/A					
N/A					
N/A					
N/A					
Subtotal, Residential Composting	**1769**	**1%**			
Subtotal, Residential Diversion	**12423**	**5%**			
Non-Residential Source Reduction Activities:					
Non-Residential Waste Audits	3287	1%	**Detailed information must be included in Section V**	**Detailed information must be included in Section V**	**Detailed information must be included in Section V**
Other Non-Residential Source Reduction (list each program separately)					
County Surplus Items Reused	124	0%	Computers, office equipment, furniture	Actual Tons	See Appendix I
Food Bank Diversion	214	0%	Food waste	Actual Tons	See Appendix H
Enter program name					
Enter program name					
Enter program name					
Subtotal, Non-Residential Source Reduction	**3625**	**1%**			

Diversion Activity Please use the Board's program types. The program type glossary is online at: www.ciwmb.ca.gov/LGCentral/Paris/Codes/Reduce.htm	Actual tons (A)	Percent of Total Generation (A/Total Generation)	Specific Material Type(s) (List program w/multiple materials in one box)	Indicate whether Actual Tons or Specific Conversion Factor and Source of Factor	Type of Record (include copy with submittal)
Non-Residential Recycling Activities:					
Non-Residential Waste Audits	354	0%	**Detailed information must be included in Section V**	**Detailed information must be included in Section V**	**Detailed information must be included in Section V**
Other Non-Residential Recycling (list each program separately)					
Recyclables from facilities	4383	2%	OCC, newspaper, ledger, magazines, other paper, CRV, aluminum cans, #1 CRV, #2-#7 containers, CPO, mixed paper, tin cans, glass, PET, HDPE, mixed plastic, film	Actual Tons	Facility Surveys (see attachments 2 and 3)
Recyclables reported by haulers	11	0%	Newspaper, OCC, mixed paper, other	Actual Tons	Hauler Reports (see Attachment 1)
Enter program name					
Enter program name					
Enter program name					
Subtotal Non-Residential Recycling	**4749**	**2%**			
Non-Residential Composting Activities					
Non-Residential Waste Audits	462	0%	**Detailed information must be included in Section V**	**Detailed information must be included in Section V**	**Detailed information must be included in Section V**
Other Non-Residential Composting (list each program separately)					
Greenwaste from facilities	18111	7%	Compost	Actual Tons	Facility Surveys (see attachments 2 and 3)
Greenwaste reported by haulers	424	0%	Green waste	Actual Tons	Hauler Reports (see Attachment 1)
Enter program name					
Enter program name					
Enter program name					
Subtotal Non-Residential Composting	**18997**	**8%**			
Subtotal Non-Residential Diversion	**27370**	**11%**			
Other Waste Material Activities **(Note: If you are unable to provide the actual residential/non-residential split, please provide your best estimates of the split in each program type or put all the diversion under non-residental.**					
Residential					
ADC	9635	4%	Green waste, other.	Actual Tons	Disposal Reporting System
Sludge (must submit sludge cert form)					
Scrap Metal					
Construction and Demolition	721	0%	Concrete, asphalt, wood	Actual Tons	Hauler Surveys (see Attachment 1)
Landfill Salvage					
Other (e.g., ag waste)					
Subtotal Residential Waste	**10356**	**4%**			
Non-Residential					
ADC					
Sludge (must submit sludge cert form)					
Scrap Metal	304	0%	Ferrous and non-ferrous metals	Actual Tons	Hauler and Facility Surveys (see attachments 1 - 4)
Construction and Demolition	44364	18%	lumber, engineered wood, pallets and crates, clean	Actual Tons	Hauler and Facility Surveys (see attachments 1 - 4)
Landfill Salvage	3379	1%	Landfill salvage excluding dirt	Actual Tons	Disposal Reporting System
Other (e.g., ag waste)					
Subtotal Non-Residential Waste	**48046**	**19%**			

Diversion Activity	Actual tons	Percent of Total Generation	Specific Material Type(s) (List program w/multiple materials in one box)	Indicate whether Actual Tons or Specific Conversion Factor and Source of Factor	Type of Record (include copy with submittal)
Please use the Board's program types. The program type glossary is online at: www.ciwmb.ca.gov/LGCentral/Paris/Codes/Reduce.htm	(A)	(A/Total Generation)			
Subtotal Residential/ Non-Residential Other Waste	**58402**	**23%**			
Total Residential/Non-Residential Source Reduction Tons	**3625**	**1%**			
Total Diversion Tons	**98236**	**39%**			
Total Disposal Tons from Number 1	**150747**	**61%**			
Total Generation Tons (Div+Dis)	**248983**				
NEW GENERATION STUDY DIVERSION RATE	**39%**				
Additional Information for Report Year Calculations - Biomass and Transformation Activities (Note: you cannot claim both biomass and transformation.)					
Biomass (must submit biomass cert form and must be 10% or less-- use the calculator to calculate)					
Transformation	40.24	**0%**			
Report Year Diversion Rate with Biomass or Transformation Credit	**39%**				

Section IV - Specific Non-Residential Sector Waste Audits

1. Top 10 Non-Residential Generators

Please complete this table for the top ten non-residential businesses that were surveyed. **Use the business type in lieu of the specific business name**.(e.g., grocery store vs. Safeway) List each non-residential business separately from largest to smallest, based on total diversion tons. Audit reference number should be the same number used to identify businesses on the survey/audit sheets, and must correlate to the Section V spreadsheet.

Type of Non-Residential Generator	Audit Reference Number	Specific/Major Diversion Activities Include Material Type (e.g., paper recycling, grasscycling). (List activities on one line)	Source Reduction Tons	Recycling Tons	Composting Tons	Total Diversion Tons	Percent of Total Generation (Total Diversion Tons/Total Generation in Section III)	Survey Method Phone (P) Mail (M) On-site (O) Other ___
Country Club	29	Grasscycling	910			910	0.4%	M
Country Club	15	Grasscycling, composting, CRV, Aluminum cans	769	1.8		770.8	0.3%	M
Park	72	Grasscycling, greenwaste used onsite	650.27			650.27	0.3%	M
Airport	33	Grasscycling, office paper	635	6		640.59	0.3%	P
Jail	75	Grasscycling, inkjet and laser cartridges, greenwaste used onsite, ledger paper	33	0.82	347	380.54	0.2%	M
School	99	Grasscycling, OCC, newspaper, mixed paper, tin cans	26	85		110.67	0.0%	M
Park	88	Grasscycling, composting, manure, mixed paper, CRV cont.	9	0	92	101.98	0.0%	O
Retail	16	OCC, d/s copying, email	0	79		79.05	0.0%	O
Grocery Store	18	OCC, email, grocery bags		73.14		73.14	0.0%	M
School	76	Grasscycling, OCC, mixed paper	43	24		66.98	0.0%	M
Totals			**3075.13**	**269.53**	**439.36**	**3784.02**	1.5%	

Also complete Section V which includes all of the businesses surveyed. Use the type of business and audit reference number in lieu of the specific business name. For each business include the diversion activity and material type and associated tonnage for each diversion activity/material type, and applicable conversion factors and sources. Copies of the audit survey form(s) for each of the top ten businesses **must** be included as an attachment.

Section V - Non-Residential Generator Audit Diversion Spreadsheet

Worksheet is unlocked to allow modification (e.g., , adding ten rows and a subtotal row to the table for each generator). If you have any questions, please contact your OLA Representative at (916 341-6199.

Non-Residential Generator Audit Diversion

Non residential Generator Survey/Audit Identification Number	Generator Type (Example - grocery store, retail, manufacturer)	Material Type (Example - cardboard, glass, plastic, etc.)	Specific Conversion Factor and Source or Actual Weight	Source Reduction (Tons)	Recycling (Tons)	Composting (Tons)	Total Tons
1	Restaurant						
2	Auto Sales						
3	Auto Service	Paper	No data provided				
4	Auto Storage						
5	Airplane Service						
6	Auto Rental	Paper	No data provided				
7	Gas Station						
8	Auto Rental						
9	Restaurant						
10	Auto Rental						
11	Duplicate with #8						
12	Duplicate with #8						
13	Airplane Service						
14	Airplane Service	Paper (document destruction)	96 rms per yr; 5 lbs per ream		0.24		0.24
15	Country Club	Grasscycling	110 acres X 6.5 tons	715.00			715.00
		Composting	Actual tonnage reported by business	54.00			54.00
		CRV Containers	Weight reported by business (200 lbs/month)		1.20		1.20
		Aluminum cans	Weight reported by business (100 lbs/month)		0.60		0.60
Subtotal -15				**769.00**	**1.80**	**0.00**	770.80
16	Retail	OCC	Estimate provided by corporate office		79.00		79.00
		Double sided copying	200 pgs per wk; 5 lbs per ream	0.05			0.05
Subtotal -16				**0.05**	**79.00**	**0.00**	79.05
17	Retail	OCC	350 bxs per wk; 2.2 lbs per box		20.20		20.20
Subtotal -17				**0.00**	**20.20**	**0.00**	20.20
18	Grocery Store	OCC	Weight reported by bus. (400 lbs/day)		73.00		73.00
		Plastic-grocery bags	100 per day; .77 lbs per 100		0.14		0.14
Subtotal -18				**0.00**	**73.14**	**0.00**	73.14
19	Gas Station/Store						
Subtotal - 19				**0.00**	**0.00**	**0.00**	
20	Gas Station						
21	Nursery						
22	Laboratory	Paper	Waiting for tonnage				
		OCC	Waiting for tonnage				
Subtotal - 22				**0.00**	**0.00**	**0.00**	
23	Nursery						
24	Auto Sales						

Non residential Generator Survey/Audit Identification Number	Generator Type (Example - grocery store, retail, manufacturer)	Material Type (Example - cardboard, glass, plastic, etc.)	Specific Conversion Factor and Source or Actual Weight	Source Reduction (Tons)	Recycling (Tons)	Composting (Tons)	Total Tons
25	Gas Station						
26	School						
27	Property Mgmt						
28	Country Club						
29	Country Club	Grasscycling	140 acres X 6.5 tons	910.00			910.00
30	Gov't office						
31	Restaurant						
32	Retail						
33	Airport	Grasscycling	97.67 acres X 6.5 tons	634.87			634.87
		Office paper	Weight provided by airport personnel		5.72		5.72
Subtotal - 33				**634.87**	**5.72**	**0.00**	640.59
34	Retail		Included in recycling facility tonnage				
35	Restaurant		Included in recycling facility tonnage				
36	Restaurant		Included in recycling facility tonnage				
37	Restaurant						
38	Retail	OCC	Weight provided by corporate office		21.00		21.00
39	Restaurant	Coffee Grounds	Weight provided by business			1.56	1.56
40	Restaurant						
41	Retail						
42	Bank		Waiting for tonnage				
43	Retail	OCC	5.5 boxes every other wk; 1.1 lbs per box	0.08			0.08
44	Retail						
45	Retail						
46	Business office						
47	Medical/Dental						
48	Service						
49	Airline						
50	Airline						
51	Airline						
52	Airline						
53	Airline						
54	Airline						
55	Airline						
56	Airline						
57	Airline						
58	Airline						
59	Property Mgmt						
60	Retail						
61	Retail						
62	Gas station						
63	Retail						
64	Restaurant						
65	Grocery Store						

Non residential Generator Survey/Audit Identification Number	Generator Type (Example - grocery store, retail, manufacturer)	Material Type (Example - cardboard, glass, plastic, etc.)	Specific Conversion Factor and Source or Actual Weight	Source Reduction (Tons)	Recycling (Tons)	Composting (Tons)	Total Tons
66	Restaurant						
67	Restaurant						
68	Restaurant						
69	Retail						
70	Bank						
71	Restaurant						
72	Park	Grasscycling	100 acres X 6.5 tons	650.00			650.00
		Greenwaste used onsite	5 cy per year; 108 lbs per cy	0.27			0.27
Subtotal -72				**650.27**	**0.00**	**0.00**	650.27
73	Elementary School	Grasscycling	2 acres X 6.5 tons	13.00			13.00
		Composting	Weight provided by facility			3.00	3.00
		Inkjet cartridges	20 cartridges per mo (9 mos); .5 lbs per inkjet cartridge		0.05		0.05
		Laserjet cartridges	20 cartridges per mo (9 mos); 2.5 lbs per laserjet cartridge		0.23		0.23
		Cardboard	Included in hauler tonnage				
		Newspaper	Included in hauler tonnage				
		CRV containers	10 lbs per week X 4 weeks X 9 months/ 2000 (weight provided by facility)		0.18		0.18
		Aluminum cans	10 lbs per week X 4 weeks X 9 months/ 2000 (weight provided by facility)		0.18		0.18
Subtotal -73				**13.00**	**0.63**	**3.00**	16.63
74	Zoo	Laserjet cartridges	1 cartridges per month; 2.5 lbs per laserjet cartridge		0.02		0.02
		Mixed/office paper	33 gal per week; .77 lbs per gallon		0.66		0.66
		CRV containers	55 gal per week; 218 lbs per 55 gallon		5.67		5.67
Subtotal -74				**0.00**	**6.35**	**0.00**	6.35
75	Jail	Grasscycling	5 acres X 6.5 tons	32.50			32.50
		Inkjet cartridges	2 per week; .5 lbs per inkjet cartridge		0.03		0.03
		Laserjet cartridges	3 per week; 2.5 lbs per laserjet cartridge		0.20		0.20
		Greenwaste composted and used onsite	Weight provided by facility			347.22	347.22
		Ledger paper	Weight provided by facility		0.60		0.60
Subtotal -75				**32.50**	**0.82**	**347.22**	380.54
76	High School	Grasscycling	6.6116 acres X 6.5 tons	42.98			42.98
		OCC	Weight provided by facility		18.00		18.00
		Mixed/office paper	Weight provided by facility		6.00		6.00
Subtotal -76				**42.98**	**24.00**	**0.00**	66.98
77	High School	Grasscycling	1.3223 acres X 6.5 tons	8.60			8.60
78	Elementary School	Grasscycling	1.5 acres X 6.5 tons	9.75			9.75
		Clothing-donated	900 gal per yr (174 gal per cy yard; 225 lbs per cy)	0.58			0.58
		Inkjet cartridges	150 per year; .5 lbs per inkjet cartridge		0.04		0.04
		Laserjet cartridges	150 per year; 2.5 lbs per laserjet cartridge		0.19		0.19

Non residential Generator Survey/Audit Identification Number	Generator Type (Example - grocery store, retail, manufacturer)	Material Type (Example - cardboard, glass, plastic, etc.)	Specific Conversion Factor and Source or Actual Weight	Source Reduction (Tons)	Recycling (Tons)	Composting (Tons)	Total Tons
		Cell phones	200 per year; .55 lbs per phone		0.06		0.06
		OCC	Amount not recorded; not included in hauler tonnage				
		Newspaper	Amount not recorded; not included in hauler tonnage				
		Ledger paper	Amount not recorded; not included in hauler tonnage				
		Mixed/office paper	Amount not recorded; not included in hauler tonnage				
Subtotal -78				**10.33**	**0.28**	**0.00**	10.61
79	Elementary School	Grasscycling	1.9835 acres X 6.5 tons	12.89			12.89
		Clothing-donated	30 gal per yr (174 gal per cy yard; 225 lbs per cy)	0.02			0.02
		Laserjet cartridges	200 per year; 2.5 lbs per laserjet cartridge		0.25		0.25
		Aluminum cans	4.5 30 gal bags per month (5.1 lbs per 30 gal bag)		0.14		0.14
Subtotal -79				**12.91**	**0.39**	**0.00**	13.30
80	Elementary School	Grasscycling	1.9835 acres X 6.5 tons	12.89			12.89
81	Elementary School	Grasscycling	3.9669 acres X 6.5 tons	25.78			25.78
		Ledger paper	4 reams per year (5 lbs per ream)		0.01		0.01
Subtotal -81				**25.78**	**0.01**	**0.00**	25.79
82	Elementary School	Grasscycling	1.5 acres X 6.5 tons	9.75			9.75
83	Elementary School	Grasscycling	2.6446 acres X 6.5 tons	17.19			17.19
84	Elementary School	Grasscycling	3 acres X 6.5 tons	19.50			19.50
		Clothing-donated	30 gal per month (174 gal per cy yard; 225 lbs per cy)	0.23			0.23
		Mixed/office paper	55 gal per week (.77 lbs per gallon)		1.10		1.10
Subtotal -84				**19.73**	**1.10**	**0.00**	20.83
85	Elementary School	Grasscycling	2.6446 acres X 6.5 tons	17.19			17.19
		Clothing-donated	2 30 gal bags, 4 times per year (174 gal per cy yard; 225 lbs per cy)	0.16			0.16
Subtotal -85				**17.35**	**0.00**	**0.00**	17.35
86	Elementary School	Grasscycling	3.3058 acres X 6.5	21.49			21.49
		Clothing-donated	15 30 gal bags per year (174 gal per cy yard; 225 lbs per cy)	0.29			0.29
		OCC	Amount not recorded; not included in hauler tonnage				
		Newspaper	Amount not recorded; not included in hauler tonnage				
		Ledger paper	Amount not recorded; not included in hauler tonnage				
		Mixed/office paper	Amount not recorded; not included in hauler tonnage				

Non residential Generator Survey/Audit Identification Number	Generator Type (Example - grocery store, retail, manufacturer)	Material Type (Example - cardboard, glass, plastic, etc.)	Specific Conversion Factor and Source or Actual Weight	Source Reduction (Tons)	Recycling (Tons)	Composting (Tons)	Total Tons
Subtotal -86				**21.78**	**0.00**	**0.00**	21.78
87	Ecological Preserve	OCC	Included in RF6		0.00		
		Newspaper	Included in RF6		0.00		
		Mixed/office paper	Included in RF6		0.00		
		CRV containers	132 lbs X 8.6 (every 6 wks)/2000		0.57		0.57
		Other glass	132 lbs X 8.6 (every 6 wks)/2000		0.57		0.57
		Aluminum cans	5.61 lbs X 8.6 (every 6 wks)/2000		0.02		0.02
Subtotal -87				**0.00**	**1.16**	**0.00**	1.16
88	Park	Grasscycling	.4391 acres X 6.5 tons	2.98			2.98
		Composting	120 cy per year (108 lbs per cubic yd)	6.48			6.48
		Manure	Weight provided by facility			92.14	92.14
		Mixed/office paper	96 rms per yr; 5 lbs per ream		0.24		0.24
		#1 CRV Containers	3.79 liters per gallon X 33 gallons X .09 lbs per liter X 2 time per month/2000		0.14		0.14
Subtotal -88				**9.46**	**0.38**	**92.14**	101.98
89	Fire Station	Composting	320 cubic yards (108 lbs per cy)			17.28	17.28
		CRV containers	14 33 gallon cont. per year @ 132 lbs per container		0.92		0.92
Subtotal -89				**0.00**	**0.92**	**17.28**	18.20
90	Fire Station	Laserjet cartridges	24 per year (2.5 lbs per laserjet cartridge)		0.03		0.03
		Ledger paper	55 gal per month; .77 lbs per gallon		0.25		0.25
		CRV containers	55 gal per month; 218 lbs per 55 gallon		1.31		1.31
Subtotal -90				**0.00**	**1.59**	**0.00**	1.59
91	Fire Station	Laserjet cartridges	4 per year (2.5 lbs per laserjet cartridge)		0.01		0.01
		Mixed/office paper	30 gal per week (.77 lbs per gallon)		0.60		0.60
Subtotal -91				**0.00**	**0.61**	**0.00**	0.61
92	Fire Station	Grasscycling	1 acre X 6.5 tons	6.50			6.50
93	Fire Station	Grasscycling	.1022 acres X 6.5 tons	0.66			0.66
		Composting - paper	Estimate provided by facility personnel			0.79	0.79
		Composting	1.78 cy per year (108 lbs per cy)	0.96			0.96
		Newspaper	365 per year (26 12" stacks @ 35 lbs per stack)		0.46		0.46
Subtotal -93				**1.63**	**0.46**	**0.79**	2.87
94	Fire Station	Inkjet cartridges	4 per year (.5 lbs per inkjet cartridge)		0.00		0.00
		Newspaper	Included in hauler tonnage		0.00		
		Mixed/office paper	30 lbs per year		0.02		0.02
		CRV containers	20 gallon cont.; once per month		0.48		0.48
Subtotal -94				**0.00**	**0.50**	**0.00**	0.50
95	Post Office	Grasscycling	.0023 acres X 6.5	0.01			0.01
		Mixed/office paper	3,500 lbs per month		21.00		21.00
Subtotal -95				**0.01**	**21.00**	**0.00**	21.01
96	Post Office	Mixed/office paper	96 cy per year; 133.98 lbs. per cy		6.43		6.43

Non residential Generator Survey/Audit Identification Number	Generator Type (Example - grocery store, retail, manufacturer)	Material Type (Example - cardboard, glass, plastic, etc.)	Specific Conversion Factor and Source or Actual Weight	Source Reduction (Tons)	Recycling (Tons)	Composting (Tons)	Total Tons
97	Middle School	Grasscycling	.00206 acres X 6.5 tons	0.01			0.01
		Aluminum cans	5 lbs per week		0.13		0.13
Subtotal -97				**0.01**	**0.13**	**0.00**	0.14
98	Bird Sanctuary	Grasscycling	5 acres X 6.5 tons	32.50			32.50
		Composting	30 cy per year (108 lbs per cy)	1.62			1.62
		Composting - paper	Estimate provided by facility personnel			0.33	0.33
		OCC	Included in hauler tonnage				
		Newspaper	Included in hauler tonnage				
		Ledger paper	Included in hauler tonnage				
		Mixed/office paper	Included in hauler tonnage				
		CRV containers	9 55 gallon containers twice per year		1.98		1.98
Subtotal -98				**34.12**	**1.98**	**0.33**	36.43
99	Elementary School	Grasscycling	4 acres X 6.5 tons	26.00			26.00
		OCC	6 cy per week (50.08 lbs. per cy)		7.80		7.80
		Newspaper	6 cy per week (400 lbs. per cy)		62.40		62.40
		Mixed/office paper	6 cy per week (363.5 lbs per cy)		14.47		14.47
		Tin cans	Included in hauler tonnage				
Subtotal - 99				**26.00**	**84.67**	**0.00**	110.67
Grand Total				**3287**	**354**	**462**	**4103.61**

Section VI - Restricted Waste

For each restricted waste type (i.e., agricultural waste, inert solids, [e.g. concrete, asphalt, dirt, etc.] scrap metals and white goods [PRC section 41781.2]) and associated program or generator, please provide the following information:

1. **If the diversion program started on or after January 1, 1990**, complete the following table.
Note: *Specific Program Name refers to one specific diversion program for that waste type (e.g., "Diversion conducted by city public waste dept.".) Please input the complete program name with business type if appropriate.*

Restricted Waste Type	Audit Reference Number	Specific Program Name	Year Started	Tonnage
Inert Solids				
Scrap Metal				
Pull Down for Waste Types				
Pull Down for Waste Types				
Pull Down for Waste Types				
Pull Down for Waste Types				

2. If the diversion program started before January 1, 1990 - and if documentation on the program and waste type has not been approved by the Board, on a separate sheet marked "Attachment Section VI. 2", provide the documentation that indicates:

- How the diversion was the result of a local action taken by the jurisdiction, which specifically resulted in the diversion (PRC sec. 41781.2 [c] [1]).
- That the amount of that waste type diverted from the jurisdiction in 1990 was less than or equal to the amount of that waste type disposed at a permitted disposal facility by the jurisdiction in any year before 1990. (**Note**: this criterion is applicable to the entire jurisdiction, not to individual programs (PRC sec. 41781.2 [c] [2]). Please include documentation.
- The jurisdiction is implementing, and will continue to implement, the diversion programs in its source reduction and recycling element.

Note: *If documentation for a waste type and program has already been approved by the Board, you do not have to provide an "Attachment Section VI.2" for that waste type and program.*
Instead please provide date of Board approval of previously submitted information. _____ (Date)
If documentation is not available, go to Number 4.

3. If the diversion program started before January 1, 1990, and the documentation requested in Section VI.2" is available (but not yet approved by the Board), complete the table below for each program claimed:

Restricted Waste Type	Audit Reference Number	Specific Program Name	New Base Year or Reporting Year Diversion Tonnage
Pull Down for Waste Types			
Pull Down for Waste Types			
Pull Down for Waste Types			
Pull Down for Waste Types			
Pull Down for Waste Types			
Pull Down for Waste Types			

4. If the diversion program **started before January 1, 1990, and the documentation requested in Sect.VI.2 is not available**, please complete the table below for each program claimed. ***Note****: Only the difference between the new base year/reporting year and 1990 can be counted in the diversion rate calculation.The1990 tonnage must be subtantiated.*

Restricted Waste Type	Audit Reference Number	Specific Program Name	New Base Year or Reporting Year Tonnage	1990 Diversion Tonnage	Difference
Pull Down for Waste Types					
Pull Down for Waste Types					
Pull Down for Waste Types					
Pull Down for Waste Types					
Pull Down for Waste Types					
Pull Down for Waste Types					

Summary of Hauler Diversion Surveys

Line #	Hauler	Material	Destination Facility	Hauler Residential Diversion	Residential			Hauler Commercial Diversion	Commercial			Scrap Metal	Included in Facility		
					Recyclables	C&D	GW		Recyclables	C&D	GW		RF3	RF5	GW4
1	H1	Newspaper	CR Transfer	120.06	120.06										
2	H1	OCC	CR Transfer	87.43	87.43										
3	H1	Mixed Paper	CR Transfer	79.36	79.36										
4	H1	Pet	CR Transfer	23.37	23.37										
5	H1	HDPE	CR Transfer	2.42	2.42										
6	H1	Aluminum Cans	CR Transfer	4.83	4.83										
7	H1	Tin/Metal Cans	CR Transfer	91.09	91.09										
8	H1	Yardwaste	CR Transfer	1768.58			1768.58								
9	H1	Other (Concrete/Asphalt/Wood)	CR Transfer	720.98		720.98									
10	H1	C&D (Ladera Ranch)	CR Transfer					663.61		663.61					
11	H1	Greenwaste (Ladera Ranch)	CR Transfer					423.51			423.51				
12	H2	Newspaper	RF3		0.00								348.89		
13	H2	OCC	RF3		0.00								283.27		
14	H2	Mixed Paper	RF3		0.00								698.96		
15	H2	ADC	RF3										0.00		
16	H2	Glass	RF3		0.00								85.93		
17	H2	Aluminum Cans	RF3		0.00								22.19		
18	H2	Tin Cans	RF3		0.00								42.34		
19	H2	Pet	RF3		0.00								23.23		
20	H2	HDPE	RF3		0.00								33.35		
21	H2	Yardwaste (ADC)	CR Transfer, RF5				0.00								
22	H2	Scrap Metal	RF3		0.00								215.41		
23	H2	Concrete/Asphalt	RF3			0.00									305.05
24	H2	Other Materials	RF3		0.00								878.90		
25	H3	All materials	RF2	0.00											
26	H4	Newspaper		4225.43	4225.43			0.05	0.05						
27	H4	OCC		1166.09	1166.09			2.45	2.45						
28	H4	Mixed Paper		1852.64	1852.64			0.68	0.68						
29	H4	Glass		841.47	841.47			0.00							
30	H4	Aluminum Cans		48.72	48.72			0.00							
31	H4	Tin Cans		127.94	127.94			0.00							
32	H4	PET		131.98	131.98			0.00							
33	H4	HDPE		166.82	166.82			0.00							
34	H4	Yardwaste	RF5	0.00			0.00	0.00						9488.83	
35	H4	Other		1561.01	1561.01			8.31	8.31						
36	H4	Scrap Metal			0.00			0.08				0.08			
37	H4	Concrete/Dirt				0.00		273.73		273.73					
38	H4	Wood				0.00		0.19		0.19					
39	**Total Hauler Diversion to be Reported**			**13,020.22**	**10,530.66**	**720.98**	**1,768.58**	**1,372.61**	**11.49**	**937.53**	**423.51**	**0.08**			
40	**Included in Facility Surveys**												2632.47	9488.83	305.05
41															
42	Residential Recyclables Tonnage		(to CIWMB Forms Section III)	10,530.66											
43	C&D Tonnage		(to CIWMB Forms Section III)	720.98											
44	Residential Greenwaste		(to CIWMB Forms Section III)	1,768.58											
45	Commercial Recyclables Tonnage		(to CIWMB Forms Section III)	11.49											
46	Commercial C&D Tonnage		(to CIWMB Forms Section III)	937.53											
47	Commercial Yardwaste Tonnage		(to CIWMB Forms Section III)	423.51											
48	Scrap Metal			0.08											
49	**TOTAL**			**14,392.83**											

Summary of Recycling Facility Diversion Surveys

Line #	Recycling Facility	Material	Destination Facility	Recycling Facility Reported	Recycling	Green Waste	C&D	Scrap Metal	Comment
1	RF1	OCC	CR Transfer	480.00	480.00				Began after 1990.
2	RF1	Newspaper	Dalton	360.00	360.00				Began after 1990.
3	RF1	Ledger	Paper Depot	300.00	300.00				Began after 1990.
4	RF1	Magazines		80.00	80.00				Began after 1990.
5	RF1	Other Paper		50.00	50.00				Began after 1990.
6	RF1	CRV Containers	CR Transfer	360.00	360.00				Began after 1990.
7	RF1	Aluminum Cans	DBW Anaheim	110.00	110.00				Began after 1990.
8	RF1	Nonferrous	DBW Anaheim	120.00				60.00	Began before 1990; intake double from 1990.
9	RF1	#1 CRV Containers		60.00	60.00				Began after 1990.
10	RF1	#2-#7 Containers		9.00	9.00				Began after 1990.
11	RF2	ADC	Olinda Landfill	0.00	0.00				Reported on DRS
12	RF2	CPO		43.10	43.10				
13	RF2	Newspaper		430.03	430.03				
14	RF2	Mixed Paper		339.91	339.91				
15	RF2	Aluminum Cans		25.24	25.24				
16	RF2	Tin Cans		18.75	18.75				
17	RF2	Glass		42.51	42.51				
18	RF2	PET		5.39	5.39				
19	RF2	HDPE		17.72	17.72				
20	RF2	Mixed Plastic		2.67	2.67				
21	RF2	C&D		51.08			51.08	0.00	
22	RF3	OCC		283.27	283.27				
23	RF3	Newspaper		348.95	348.95				
24	RF3	Ledger		698.96	698.96				
25	RF3	CRV Containers		90.98	90.98				
26	RF3	Aluminum Cans		18.66	18.66				
27	RF3	Tin Cans		42.39	42.39				
28	RF3	Ferrous		233.94				233.94	
29	RF3	Nonferrous		3.54				3.54	
30	RF3	Greenwaste	CR Transfer, RF5, ADC	0.00		0.00			
31	RF3	#1 CRV Containers		22.88	22.88				
32	RF3	#2-#7 Containers		33.35	33.35				
33	RF3	Blank			0.00				
34	RF4	OCC No Unincorp Portion		0.00	0.00				
35	RF4	Newspaper No Unincorp Portion		0.00	0.00				
36	RF4	Ledger No Unincorp Portion		0.00	0.00				
37	RF4	Greenwaste No Unincorp Portion		0.00		0.00			
38	RF4	#2-#7 Containers No Unincorp Portion		0.00	0.00				
39	RF4	Film No Unincorp Portion		0.00	0.00				
40	RF5	Compost	Sold	17,370.00		17,370.00			
41	**Total Recycling Facility Diversion to be Reported**			22,052.32	4,273.76	17,370.00	51.08	297.48	
42	Recyclables Tonnage		(to CIWMB Forms Section III)	4,273.76					
43	C&D Tonnage		(to CIWMB Forms Section III)	51.08					
44	Greenwaste		(to CIWMB Forms Section III)	17,370.00					
45	Scrap Metal (Ferrous and Nonferrous)		(to CIWMB Forms Section III)	297.48					
46	**TOTAL**			21,992.32					

Summary of CDI Greenwaste Facility Diversion Surveys

Line #	CDI and Greenwaste Facility	Material	Destination Facility	CDI and GW Facility Reported	Inerts/ Concrete/ Asphalt	Greenwaste	Scrap Metal	Other Materials	Comment
1	GW1	Leaves and Grass	Brea Green	222.00		222.00			
2	GW1	Prunings	Brea Green	393.00		393.00			
3	GW1	Stumps	Brea Green	104.00		104.00			
4	GW1	Manure		22.00		22.00			
5	GW1	Carpet	LA Fiber	45.80				45.80	
6	GW1	Carpet Padding	LA Fiber	63.00				63.00	
7	GW1	Concrete	RJ Noble, Ewles	452.46	452.46				
8	GW1	Asphalt	RJ Noble	124.25	124.25				
9	GW1	Roofing Materials	RJ Noble	165.00	165.00				
10	GW1	Dimension Lumber	CRT	138.76	138.76				
11	GW1	Engineered Wood	CRT	102.00	102.00				
12	GW1	Pallets and Crates	CRT	149.00	149.00				
13	GW1	Other Wood	CRT	266.08	266.08				
14	GW1	Clean Gypsum	Blue Ribbon	212.00	212.00				
15	GW1	Rocks and Soil	RJ Noble, Ewles	804.92	804.92				
16	GW1	Other Demo	Adams/DBW	200.62	200.62				
17	GW2	Concrete	GW4	0.00	0.00				No tonnage reported
18	GW2	Asphalt Paving	GW4	0.00	0.00				No tonnage reported
19	GW3	Leaves and Grass	RF5	0.00		0.00			
20	GW3	Rocks and Soil	Nu-way	0.00	0.00				Do not count as diversion
21	GW4	Concrete	Final Destination	7,500.00	7,500.00				
22	GW4	Asphalt	Final Destination	5,000.00	5,000.00				
23	GW5	Concrete	Final Destination	2,324.00	2,324.00				
24	**Total CDI and Greenwaste Facility Diversion to be Reported**			**18,288.89**	**17,439.09**	**741.00**	**0.00**	**108.80**	
25	C&D Tonnage		(to CIWMB Forms Section III)	17,439.09					
26	Greenwaste Tonnage		(to CIWMB Forms Section III)	741.00					
27	Scrap Metal		(to CIWMB Forms Section III)	0.00					
28	Other Materials		(to CIWMB Forms Section III)	108.80					
29	**TOTAL**			**18,288.89**					

Summary of Contractor, and Roll-Off and Temporary Bin Provider Diversion Surveys

Line #	Roll-off/Temp Bin Provider	Material	Destination Facility	R/O Temp Bin Provider Reported	Inerts/ Concrete/ Asphalt	Greenwaste	Scrap Metal	Other Materials	Comment
1	RO1	Concrete	Ewles	40.00	40.00				
2	RO2	Greenwaste	RF5	0.00		0.00			
3	RO2	Concrete	Ewles	100.00	100.00				
4	RO2	Asphalt	Ewles	100.00	100.00				
5	RO2	Other Wood	RF5	0.00	0.00				
6	RO3	Concrete	Ewles	100.00	100.00				
7	RO4	No data provided			0.00				
8	RO5	Concrete	Ewles	35.00	35.00				
9	RO5	Aggregates/Inerts	RJ Noble	35.00	35.00				
10	RO6	Concrete		24.00	24.00				
11	RO7	Concrete	Ewles	6.00	6.00				
12	RO8	Concrete	GW5	0.00	0.00				Reported on GW5
13	RO8	Lumber	Olinda Landfill	0.00	0.00				Reported on DRS
14	RO8	Gypsum	Olinda Landfill	0.00	0.00				Reported on DRS
15	RO9	Concrete		1.00	1.00				
16	RO9	Asphalt		1.00	1.00				
17	RO9	Other Wood		2.00	2.00				
18	RO9	Gypsum		2.00	2.00				
19	RO10	Greenwaste	RF5	0.00					Reported on RF5
20	RO10	Stumps	RF5	0.00					Reported on RF5
21	RO10	Concrete	Ewles	50.00	50.00				
22	RO11	Ferrous	Hugo-Neu	5.00			5.00		
23	RO11	Non-ferrous	Proler	1.00			1.00		
24	RO11	Concrete	Ewles, RJ Noble	200.00	200.00				
25	RO11	Asphalt	Ewles, RJ Noble	200.00	200.00				
26	RO12	Lumber	Ewles, GW3	2.50	2.50				Tonnage not broken out
27	RO12	Gypsum	Ewles, GW3, El Toro Base	2.50	2.50				Tonnage not broken out
28	RO13	Roofing	FRB Landfill	32.00	32.00				
29	RO14	Concrete	Ewles	2.00	2.00				
30	RO15	Concrete	Ewles	1.00	1.00				
31	RO16	ADC	Brea Olinda	0.00		0.00			
32	RO16	Concrete	Ewles, Copp	15,000.00	15,000.00				
33	RO16	Asphalt Paving	Hanson, ARP	10,000.00	10,000.00				
34	**Total R/O Temp Bin Diversion to be Reported**			**25,942.00**	**25,936.00**	**0.00**	**6.00**	**0.00**	
35	C&D Tonnage		(to CIWMB Forms Section III)	25,936.00					
36	Greenwaste Tonnage		(to CIWMB Forms Section III)	0.00					
37	Scrap Metal		(to CIWMB Forms Section III)	6.00					
38	Other Materials		(to CIWMB Forms Section III)	0.00					
39	**TOTAL**			**25,942.00**					

Base Year Modification Request Certification
Part 1: Generation Study - No Extrapolation Diversion Data

To request a substitution for a previously approved base year used in calculating the diversion rate report year generation study for your jurisdiction, please complete and sign this form and return it to your Office of Local Assistance (OLA) representative at the address below, along with any additional information requested by OLA staff. When all documentation has been received, your OLA representative will work with you to prepare for your appearance before the Board. If you have any questions about this process, please call (916) 341-6199 to be connected to your OLA representative.

Mail completed documents to:

California Integrated Waste Management Board
Office of Local Assistance
1001 I Street, (MS-25)
PO Box 4025
Sacramento, CA 95812-4025

General Instructions:
Please select the **ONE** choice below that best explains your request to the Board.
☐ 1. Use a recent generation-based study to calculate our current reporting year generation amount, but not officially change our existing Board-approved base year.
☑ 2. Use a recent generation-based study to officially change our existing Board-approved base year to a new base year.

The shaded cells on these sheets are protected. If you have problems using these sheets, please contact your Office of Local Assistance representative by calling (916) 341-6199.

Section I: Jurisdiction Information and Certification
All respondents must complete this section.

I certify under penalty of perjury that the information in this document is true and correct to the best of my knowledge, and that I am authorized to make this certification on behalf of:

Jurisdiction Name County of Orange	County Orange	
Authorized Signature	Title	
Type/Print Name of Person Signing	Date	Phone ( ) Include Area Code
Person Completing This Form (please print or type)	Title Consultant	
Affiliation:		

Mailing Address	City	State	ZIP Code
E-Mail Address			

Section II: Information for New Generation-Based Study for Existing or New Base Year

Attach additional sheets if necessary—reference each response to the appropriate cell number (e.g.,"4").

Note: New base years must be representative of a jurisdiction's disposal and diversion.

1. Current Board-approved existing base year:	**2.** Proposed new generation-based study year:
1990	**2003**

3. Explain how the proposed generation study year is representative of average annual jurisdiction disposal and diversion:

The new generation study is for 2003, which was a typical year for the County. Disposal and diversion in 2003 were neither particularly high or low compared to other years.

4. Enter diversion rate information below.

Diversion rate calculated using existing base year	**a. 14 %**	**Diversion rate calculated using new generation-based study**	**b. 33%**
For existing base year pounds/person/day based on generation	**7.34**	**For new generation based study pounds/person/day based on generation**	**11.17**
Existing base year:		**New generation based study:**	
Residential generation 36 %	**Non-Residential generation 64 %**	**Residential generation 23 %**	**Non-Residential generation 77 %**
Population existing generation-based study	116400	**Population new generation-based study**	109800

5. Please explain how the new diversion rate is consistent with your current diversion implementation efforts and also explain the specific reasons for the difference.

The diversion rate reflects the considerable efforts of the County to reduce waste and the many programs the County has implemented to reduce waste. The data from 1990 isn't comparable with the data from 2003, because so much new development has occurred in the County, and previously developed areas have been incorporated or annexed into other jurisdictions.

6. If the proposed new generation tonnage results in an increase in your pounds per day, please explain how this is consistent with your current diversion implementaion efforts and provide examples (e.g., change in jurisdiction's demographics). In addition, If your pounds per person is over the state average of 11.2 pounds, please explain why.

The increase in pounds per person per day and the slightly higher than average pounds per person per day are both due to large amounts of construction and development waste and recycling. Furthermore, the County is responsible for a great deal of roads maintenance, and this contributes to higher than average disposal and diversion amounts.

Section III - Disposal and Diversion Information

1. Disposal Tonnage (enter values):	39477	111311	150787
	Residential	Non-Residential	**Total**

Please select the **ONE** choice below that best explains your **disposal** data and complete the required tables.

☑ a. All tons claimed are from the Board's Disposal Reporting System (No explanation required. Go to Number 2.)

☐ b. All tons claimed are from a 100 percent audit of hauler and self-haul tonnage. (Please complete Reporting Year Tonnage Request and Modification Certification sheet found at www.ciwmb.ca.gov/LGCentral/Forms/rytnmdrq.doc and submit with the new base year study.)

☐ c. Some Disposal Reporting System data were corrected. (Please complete Reporting Year Tonnage Modification Request and Certification sheet found at www.ciwmb.ca.gov/LGCentral/Forms/rytnmdrq.doc and submit with the new bas year study.)

2. In the table below, list the summarized diversion activities, and diversion data records that support your claim and are available for Board audit **Note**: *The Board expects the jurisdictions to be able to provide all back-up documentation, if requested.* Include type of record and location—for example, weight tickets from transfer stations. This section should capture all diversion tonnage (form will perform all addition and percentage calculations). If any diversion is from restricted wastes, agricultural wastes,inert solids [e.g., concrete, asphalt, dirt, white goods, and scrap metal,] you must identify those programs and waste types and complete Section VI. Survey forms for the top ten businesses must be included as an attachment with the generation study year and should be identified as Attachment 4a.
(Note: The Board has indicated that total source reduction amounts greater than five percent will be scrutinized. Please be prepared to substantiate the amounts.)

Note: Detailed Non-Residential waste audit information for the top ten businesses surveyed must be included in Section IV.

Please use the Board's program types from the online glossary at:
http://www.ciwmb.ca.gov/LGCentral/PARIS/Codes/Reduce.htm

Diversion Activity Please use the Board's program types. The program type glossary is online at: www.ciwmb.ca.gov/LGCentral/Paris/Codes/Reduce.htm	Actual tons (A)	Percent of Total Generation (A/Total Generation)	Specific Material Type(s) (List program w/multiple materials in one box)	Indicate whether Actual Tons or Specific Conversion Factor and Source of Factor	Type of Record (include copy with submittal)
Residential Source Reduction Activities					
Backyard composting					
Grasscycling					
Other Residential Source Reduction (list each program separately)					
N/A					
N/A					
N/A					
N/A					
N/A					
Subtotal, Residential Source Reduction	**0**	**0%**			
Residential Recycling Activities					
Curbside Recycling	10531	5%	Newspaper, OCC, mixed paper, PET, HDPE, aluminum cans, tin/metal cans, glass, other	Actual Tons	Hauler Reports (see Attachment 1)
Buyback Centers	124	0%	CRV containers	Actual Tons	Letter from DOC; see Appendix B
Drop-off Centers	0	0%			

Diversion Activity Please use the Board's program types. The program type glossary is online at: www.ciwmb.ca.gov/LGCentral/Paris/Codes/Reduce.htm	Actual tons (A)	Percent of Total Generation (A/Total Generation)	Specific Material Type(s) (List program w/multiple materials in one box)	Indicate whether Actual Tons or Specific Conversion Factor and Source of Factor	Type of Record (include copy with submittal)
Other Residential Recycling (list each program separately)					
N/A					
N/A					
N/A					
N/A					
N/A					
Subtotal, Residential Recycling	**10655**	**5%**			
Residential Composting Activities					
Green Waste Drop-off					
Curbside Green Waste	1769	1%	Residential green waste	Actual Tons	Hauler Reports (see Attachment 1)
Christmas Tree Program					
Other Residential Composting (list each program separately)					
N/A					
N/A					
N/A					
N/A					
N/A					
Subtotal, Residential Composting	**1769**	**1%**			
Subtotal, Residential Diversion	**12423**	**6%**			
Non-Residential Source Reduction Activities:					
Non-Residential Waste Audits	3287	1%	**Detailed information must be included in Section V**	**Detailed information must be included in Section V**	**Detailed information must be included in Section V**
Other Non-Residential Source Reduction (list each program separately)					
County Surplus Items Reused	121	0%	Computers, office equipment, furniture	Actual Tons	See Appendix I
Food Bank Diversion	214	0%	Food waste	Actual Tons	See Appendix H
Enter program name					
Enter program name					
Enter program name					
Subtotal, Non-Residential Source Reduction	**3622**	**2%**			

Diversion Activity Please use the Board's program types. The program type glossary is online at: www.ciwmb.ca.gov/LGCentral/Paris/Codes/Reduce.htm	Actual tons (A)	Percent of Total Generation (A/Total Generation)	Specific Material Type(s) (List program w/multiple materials in one box)	Indicate whether Actual Tons or Specific Conversion Factor and Source of Factor	Type of Record (include copy with submittal)
Non-Residential Recycling Activities:					
Non-Residential Waste Audits	342	0%	**Detailed information must be included in Section V**	**Detailed information must be included in Section V**	**Detailed information must be included in Section V**
Other Non-Residential Recycling (list each program separately)					
Recyclables from facilities	4383	2%	OCC, newspaper, ledger, magazines, other paper, CRV, aluminum cans, #1 CRV, #2-#7 containers, CPO, mixed paper, tin cans, glass, PET, HDPE, mixed plastic, film	Actual Tons	Facility Surveys (see attachments 2 and 3)
Recyclables reported by haulers	11	0%	Newspaper, OCC, mixed paper, other	Actual Tons	Hauler Reports (see Attachment 1)
Enter program name					
Enter program name					
Enter program name					
Subtotal Non-Residential Recycling	**4736**	**2%**			
Non-Residential Composting Activities					
Non-Residential Waste Audits	462	0%	**Detailed information must be included in Section V**	**Detailed information must be included in Section V**	**Detailed information must be included in Section V**
Other Non-Residential Composting (list each program separately)					
Greenwaste from facilities	18111	8%	Compost	Actual Tons	Facility Surveys (see attachments 2 and 3)
Greenwaste reported by haulers	424	0%	Green waste	Actual Tons	Hauler Reports (see Attachment 1)
Enter program name					
Enter program name					
Enter program name					
Subtotal Non-Residential Composting	**18997**	**8%**			
Subtotal Non-Residential Diversion	**27355**	**12%**			
Other Waste Material Activities **(Note: If you are unable to provide the actual residential/non-residential split, please provide your best estimates of the split in each program type or put all the diversion under non-residental.**					
Residential					
ADC	9635	4%	Green waste, other.	Actual Tons	Disposal Reporting System
Sludge (must submit sludge cert form)					
Scrap Metal	0	0%			
Construction and Demolition	721	0%	Concrete, asphalt, wood	Actual Tons	Hauler Surveys (see Attachment 1)
Landfill Salvage					
Other (e.g., ag waste)					
Subtotal Residential Waste	**10356**	**5%**			
Non-Residential					
ADC					
Sludge (must submit sludge cert form)					
Scrap Metal	237	0%	Ferrous and non-ferrous metals	Actual Tons	Hauler and Facility Surveys (see attachments 1 - 4)
Construction and Demolition	19364	9%	lumber, engineered wood, pallets and crates, clean	Actual Tons	Hauler and Facility Surveys (see attachments 1 - 4)
Landfill Salvage	3379	2%	Landfill salvage excluding dirt	Actual Tons	Disposal Reporting System
Other (e.g., ag waste)					
Subtotal Non-Residential Waste	**22980**	**10%**			

Diversion Activity	Actual tons	Percent of Total Generation	Specific Material Type(s) (List program w/multiple materials in one box)	Indicate whether Actual Tons or Specific Conversion Factor and Source of Factor	Type of Record (include copy with submittal)
Please use the Board's program types. The program type glossary is online at: www.ciwmb.ca.gov/LGCentral/Paris/Codes/Reduce.htm	(A)	(A/Total Generation)			
Subtotal Residential/ Non-Residential Other Waste	**33336**	**15%**			
Total Residential/Non-Residential Source Reduction Tons	**3622**	**2%**			
Total Diversion Tons	**73155**	**33%**			
Total Disposal Tons from Number 1	**150747**	**67%**			
Total Generation Tons (Div+Dis)	**223902**				
NEW GENERATION STUDY DIVERSION RATE	**33%**				
Additional Information for Report Year Calculations - Biomass and Transformation Activities (Note: you cannot claim both biomass and transformation.)					
Biomass (must submit biomass cert form and must be 10% or less-- use the calculator to calculate)					
Transformation	40.24	**0%**			
Report Year Diversion Rate with Biomass or Transformation Credit	**33%**				

Section IV - Specific Non-Residential Sector Waste Audits

1. Top 10 Non-Residential Generators

Please complete this table for the top ten non-residential businesses that were surveyed. **Use the business type in lieu of the specific business name**.(e.g., grocery store vs. Safeway) List each non-residential business separately from largest to smallest, based on total diversion tons. Audit reference number should be the same number used to identify businesses on the survey/audit sheets, and must correlate to the Section V spreadsheet.

Type of Non-Residential Generator	Audit Reference Number	Specific/Major Diversion Activities Include Material Type (e.g., paper recycling, grasscycling). (List activities on one line)	Source Reduction Tons	Recycling Tons	Composting Tons	Total Diversion Tons	Percent of Total Generation (Total Diversion Tons/Total Generation in Section III)	Survey Method Phone (P) Mail (M) On-site (O) Other ___
Country Club	29	Grasscycling	910			910	0.4%	**M**
Country Club	15	Grasscycling, composting, CRV, Aluminum cans	769	1.8		770.8	0.3%	**M**
Park	72	Grasscycling, greenwaste used onsite	650.27			650.27	0.3%	**M**
Airport	33	Grasscycling, office paper	635	6		640.59	0.3%	**P**
Jail	75	Grasscycling, inkjet and laser cartridges, greenwaste used onsite, ledger paper	33	0.82	347	380.54	0.2%	**M**
School	99	Grasscycling, OCC, newspaper, mixed paper, tin cans	26	85		110.67	0.0%	**M**
Park	88	Grasscycling, composting, manure, mixed paper, CRV cont.	9	0	92	101.98	0.0%	**O**
Retail	16	OCC, d/s copying, email	0	79		79.05	0.0%	**O**
Grocery Store	18	OCC, email, grocery bags		73.14		73.14	0.0%	**M**
School	76	Grasscycling, OCC, mixed paper	43	24		66.98	0.0%	**M**
Totals			**3075.13**	**269.53**	**439.36**	**3784.02**	1.7%	

Also complete Section V which includes all of the businesses surveyed. Use the type of business and audit reference number in lieu of the specific business name. For each business include the diversion activity and material type and associated tonnage for each diversion activity/material type, and applicable conversion factors and sources. Copies of the audit survey form(s) for each of the top ten businesses **must** be included as an attachment.

Grass Clippings - Businesses 29, 15, 72, 33, 75, 99, 88, and 76
Business 29 reported that they grasscycle 140 acres using a conversion rate of 6.5 tons per acre.
Business 15 reported that they grasscycle 110 acres using a conversion rate of 6.5 tons per acre.
Business 72 reported that they grasscycle 100 acres using a conversion rate of 6.5 tons per acre.
Business 33 reported that they grasscycle 97.67 acres using a conversion rate of 6.5 tons per acre.
Business 75 reported that they grasscycle 5 acres using a conversion rate of 6.5 tons per acre.

Business 99 reported that they grasscycle 4 acres using a conversion rate of 6.5 tons per acre.

Business 88 reported that they grasscycle .4391 acres using a conversion rate of 6.5 tons per acre.
Business 76 reported that they grasscycle 6.6116 acres using a conversion rate of 6.5 tons per acre.

Greenwaste - Businesses 15, 72, 75, and 88
Business 15 reported that they composted a total of 54 tons. The business used actual weight.
Business 72 reported that they composted a total of 5 cubic yards per year at 108 pounds per cubic yard.
Business 75 reported that they composted a total of 347.22 tons. The business used actual weight.
Business 88 reported that they composted a total of 120 cubic yards per year at 108 pounds per cubic yard.

CRV - Businesses 15 and 88
Business 15 reported that they recycled 33 gallons at .09 pounds per liter twice a month.
Business 88 reported that they recycled 200 pounds of CRV per month.

Aluminum Cans - Business 15
Business 15 reported that they recycled 200 pounds a month.

Paper - Businesses 33, 75, 99, 88, and 76
Business 33 reported that they recycled 5.72 tons of office paper. The business provided the weight information.
Business 75 reported that they recycled 6 tons of paper. The business provided the weight information.
Business 99 reported that they recycled 6 cubic yards of newspaper at 400 pounds per cubic yards and 6 cubic yards of office paper at 363.5 pounds per cubic yards.
Business 88 reported that they recycled 96 reems of paper at 5 pounds per reem.
Business 76 reported that they recycled 6 tons of mixed/office paper. The business provided the weight information.

Inkjet and Laser Cartridges - Business 75
Business 75 reported that they recycled 2 inkets per week at .5 pounds each and 3 laser cartridges at 2.5 pounds each.

Cardboard - Businesses 99, 16, 18 and 76
Business 99 reported that they recycled 6 cubic yards of cardboard at 50.08 pounds per cubic yards each.
Business 16 reported that they recycled 79 tons of cardboard. Weight was provided by the corporate office.
Business 18 reported that they recycled 73 tons of cardboard. The weight information was provided by the business.
Business 76 reported that they recycled 18 tons of cardboard. The weight information was provided by the business.

Tin Cans - Business 99
Business 99 tonnage is included in the hauler's tonnage.

Manure - Business 88
Business 88 reported that they composted 92.14 tons of manure. The weight information was provided by the business.

Grocery Bags - Business 18
Business 18 reported that they recycled 100 grocery bags per day weighing .77 pounds per 100.

Section V - Non-Residential Generator Audit Diversion Spreadsheet

Worksheet is unlocked to allow modification (e.g., , adding ten rows and a subtotal row to the table for each generator). If you have any questions, please contact your OLA Representative at (916 341-6199.

Non-Residential Generator Audit Diversion

Non residential Generator Survey/Audit Identification Number	Generator Type (Example - grocery store, retail, manufacturer)	Material Type (Example - cardboard, glass, plastic, etc.)	Specific Conversion Factor and Source or Actual Weight	Source Reduction (Tons)	Recycling (Tons)	Composting (Tons)	Total Tons
1	Restaurant						
2	Auto Sales						
3	Auto Service	Paper	No data provided				
4	Auto Storage						
5	Airplane Service						
6	Auto Rental	Paper	No data provided				
7	Gas Station						
8	Auto Rental						
9	Restaurant						
10	Auto Rental						
11	Duplicate with #8						
12	Duplicate with #8						
13	Airplane Service						
14	Airplane Service	Paper (document destruction)	96 rms per yr; 5 lbs per ream		0.24		0.24
15	Country Club	Grasscycling	110 acres X 6.5 tons	715.00			715.00
		Composting	Actual tonnage reported by business	54.00			54.00
		CRV Containers	Weight reported by business (200 lbs/month)		0.00		
		Aluminum cans	Weight reported by business (100 lbs/month)		0.60		0.60
Subtotal -15				**769.00**	**0.60**	**0.00**	769.60
16	Retail	OCC	Estimate provided by corporate office		79.00		79.00
		Double sided copying	200 pgs per wk; 5 lbs per ream	0.05			0.05
Subtotal -16				**0.05**	**79.00**	**0.00**	79.05
17	Retail	OCC	350 bxs per wk; 2.2 lbs per box		20.20		20.20
Subtotal -17				**0.00**	**20.20**	**0.00**	20.20
18	Grocery Store	OCC	Weight reported by bus. (400 lbs/day)		73.00		73.00
		Plastic-grocery bags	100 per day; .77 lbs per 100		0.14		0.14
Subtotal -18				**0.00**	**73.14**	**0.00**	73.14
19	Gas Station/Store						
Subtotal - 19				**0.00**	**0.00**	**0.00**	
20	Gas Station						
21	Nursery						
22	Laboratory	Paper	Waiting for tonnage				
		OCC	Waiting for tonnage				
Subtotal - 22				**0.00**	**0.00**	**0.00**	
23	Nursery						
24	Auto Sales						

Non residential Generator Survey/Audit Identification Number	Generator Type (Example - grocery store, retail, manufacturer)	Material Type (Example - cardboard, glass, plastic, etc.)	Specific Conversion Factor and Source or Actual Weight	Source Reduction (Tons)	Recycling (Tons)	Composting (Tons)	Total Tons
25	Gas Station						
26	School						
27	Property Mgmt						
28	Country Club						
29	Country Club	Grasscycling	140 acres X 6.5 tons	910.00			910.00
30	Gov't office						
31	Restaurant						
32	Retail						
33	Airport	Grasscycling	97.67 acres X 6.5 tons	634.87			634.87
		Office paper	Weight provided by airport personnel		5.72		5.72
Subtotal - 33				**634.87**	**5.72**	**0.00**	640.59
34	Retail		Included in recycling facility tonnage				
35	Restaurant		Included in recycling facility tonnage				
36	Restaurant		Included in recycling facility tonnage				
37	Restaurant						
38	Retail	OCC	Weight provided by corporate office		21.00		21.00
39	Restaurant	Coffee Grounds	Weight provided by business			1.56	1.56
40	Restaurant						
41	Retail						
42	Bank		Waiting for tonnage				
43	Retail	OCC	5.5 boxes every other wk; 1.1 lbs per box	0.08			0.08
44	Retail						
45	Retail						
46	Business office						
47	Medical/Dental						
48	Service						
49	Airline						
50	Airline						
51	Airline						
52	Airline						
53	Airline						
54	Airline						
55	Airline						
56	Airline						
57	Airline						
58	Airline						
59	Property Mgmt						
60	Retail						
61	Retail						
62	Gas station						
63	Retail						
64	Restaurant						
65	Grocery Store						

Non residential Generator Survey/Audit Identification Number	Generator Type (Example - grocery store, retail, manufacturer)	Material Type (Example - cardboard, glass, plastic, etc.)	Specific Conversion Factor and Source or Actual Weight	Source Reduction (Tons)	Recycling (Tons)	Composting (Tons)	Total Tons
66	Restaurant						
67	Restaurant						
68	Restaurant						
69	Retail						
70	Bank						
71	Restaurant						
72	Park	Grasscycling	100 acres X 6.5 tons	650.00			650.00
		Greenwaste used onsite	5 cy per year; 108 lbs per cy	0.27			0.27
Subtotal -72				**650.27**	**0.00**	**0.00**	650.27
73	Elementary School	Grasscycling	2 acres X 6.5 tons	13.00			13.00
		Composting	Weight provided by facility			3.00	3.00
		Inkjet cartridges	20 cartridges per mo (9 mos); .5 lbs per inkjet cartridge		0.05		0.05
		Laserjet cartridges	20 cartridges per mo (9 mos); 2.5 lbs per laserjet cartridge		0.23		0.23
		Cardboard	Included in hauler tonnage				
		Newspaper	Included in hauler tonnage				
		CRV containers	10 lbs per week X 4 weeks X 9 months/ 2000 (weight provided by facility)		0.00		
		Aluminum cans	10 lbs per week X 4 weeks X 9 months/ 2000 (weight provided by facility)		0.18		0.18
Subtotal -73				**13.00**	**0.45**	**3.00**	16.45
74	Zoo	Laserjet cartridges	1 cartridges per month; 2.5 lbs per laserjet cartridge		0.02		0.02
		Mixed/office paper	33 gal per week; .77 lbs per gallon		0.66		0.66
		CRV containers	55 gal per week; 218 lbs per 55 gallon		0.00		
Subtotal -74				**0.00**	**0.68**	**0.00**	0.68
75	Jail	Grasscycling	5 acres X 6.5 tons	32.50			32.50
		Inkjet cartridges	2 per week; .5 lbs per inkjet cartridge		0.03		0.03
		Laserjet cartridges	3 per week; 2.5 lbs per laserjet cartridge		0.20		0.20
		Greenwaste composted and used onsite	Weight provided by facility			347.22	347.22
		Ledger paper	Weight provided by facility		0.60		0.60
Subtotal -75				**32.50**	**0.82**	**347.22**	380.54
76	High School	Grasscycling	6.6116 acres X 6.5 tons	42.98			42.98
		OCC	Weight provided by facility		18.00		18.00
		Mixed/office paper	Weight provided by facility		6.00		6.00
Subtotal -76				**42.98**	**24.00**	**0.00**	66.98
77	High School	Grasscycling	1.3223 acres X 6.5 tons	8.60			8.60
78	Elementary School	Grasscycling	1.5 acres X 6.5 tons	9.75			9.75
		Clothing-donated	900 gal per yr (174 gal per cy yard; 225 lbs per cy)	0.58			0.58
		Inkjet cartridges	150 per year; .5 lbs per inkjet cartridge		0.04		0.04
		Laserjet cartridges	150 per year; 2.5 lbs per laserjet cartridge		0.19		0.19

Non residential Generator Survey/Audit Identification Number	Generator Type (Example - grocery store, retail, manufacturer)	Material Type (Example - cardboard, glass, plastic, etc.)	Specific Conversion Factor and Source or Actual Weight	Source Reduction (Tons)	Recycling (Tons)	Composting (Tons)	Total Tons
		Cell phones	200 per year; .55 lbs per phone		0.06		0.06
		OCC	Amount not recorded; not included in hauler tonnage				
		Newspaper	Amount not recorded; not included in hauler tonnage				
		Ledger paper	Amount not recorded; not included in hauler tonnage				
		Mixed/office paper	Amount not recorded; not included in hauler tonnage				
Subtotal -78				**10.33**	**0.28**	**0.00**	10.61
79	Elementary School	Grasscycling	1.9835 acres X 6.5 tons	12.89			12.89
		Clothing-donated	30 gal per yr (174 gal per cy yard; 225 lbs per cy)	0.02			0.02
		Laserjet cartridges	200 per year; 2.5 lbs per laserjet cartridge		0.25		0.25
		Aluminum cans	4.5 30 gal bags per month (5.1 lbs per 30 gal bag)		0.14		0.14
Subtotal -79				**12.91**	**0.39**	**0.00**	13.30
80	Elementary School	Grasscycling	1.9835 acres X 6.5 tons	12.89			12.89
81	Elementary School	Grasscycling	3.9669 acres X 6.5 tons	25.78			25.78
		Ledger paper	4 reams per year (5 lbs per ream)		0.01		0.01
Subtotal -81				**25.78**	**0.01**	**0.00**	25.79
82	Elementary School	Grasscycling	1.5 acres X 6.5 tons	9.75			9.75
83	Elementary School	Grasscycling	2.6446 acres X 6.5 tons	17.19			17.19
84	Elementary School	Grasscycling	3 acres X 6.5 tons	19.50			19.50
		Clothing-donated	30 gal per month (174 gal per cy yard; 225 lbs per cy)	0.23			0.23
		Mixed/office paper	55 gal per week (.77 lbs per gallon)		1.10		1.10
Subtotal -84				**19.73**	**1.10**	**0.00**	20.83
85	Elementary School	Grasscycling	2.6446 acres X 6.5 tons	17.19			17.19
		Clothing-donated	2 30 gal bags, 4 times per year (174 gal per cy yard; 225 lbs per cy)	0.16			0.16
Subtotal -85				**17.35**	**0.00**	**0.00**	17.35
86	Elementary School	Grasscycling	3.3058 acres X 6.5	21.49			21.49
		Clothing-donated	15 30 gal bags per year (174 gal per cy yard; 225 lbs per cy)	0.29			0.29
		OCC	Amount not recorded; not included in hauler tonnage				
		Newspaper	Amount not recorded; not included in hauler tonnage				
		Ledger paper	Amount not recorded; not included in hauler tonnage				
		Mixed/office paper	Amount not recorded; not included in hauler tonnage				

Non residential Generator Survey/Audit Identification Number	Generator Type (Example - grocery store, retail, manufacturer)	Material Type (Example - cardboard, glass, plastic, etc.)	Specific Conversion Factor and Source or Actual Weight	Source Reduction (Tons)	Recycling (Tons)	Composting (Tons)	Total Tons
Subtotal -86				**21.78**	**0.00**	**0.00**	21.78
87	Ecological Preserve	OCC	Included in RF6		0.00		
		Newspaper	Included in RF6		0.00		
		Mixed/office paper	Included in RF6		0.00		
		CRV containers	132 lbs X 8.6 (every 6 wks)/2000		0.00		
		Other glass	132 lbs X 8.6 (every 6 wks)/2000		0.57		0.57
		Aluminum cans	5.61 lbs X 8.6 (every 6 wks)/2000		0.02		0.02
Subtotal -87				**0.00**	**0.59**	**0.00**	0.59
88	Park	Grasscycling	.4391 acres X 6.5 tons	2.98			2.98
		Composting	120 cy per year (108 lbs per cubic yd)	6.48			6.48
		Manure	Weight provided by facility			92.14	92.14
		Mixed/office paper	96 rms per yr; 5 lbs per ream		0.24		0.24
		#1 CRV Containers	3.79 liters per gallon X 33 gallons X .09 lbs per liter X 2 time per month/2000		0.00		
Subtotal -88				**9.46**	**0.24**	**92.14**	101.84
89	Fire Station	Composting	320 cubic yards (108 lbs per cy)			17.28	17.28
		CRV containers	14 33 gallon cont. per year @ 132 lbs per container		0.00		
Subtotal -89				**0.00**	**0.00**	**17.28**	17.28
90	Fire Station	Laserjet cartridges	24 per year (2.5 lbs per laserjet cartridge)		0.03		0.03
		Ledger paper	55 gal per month; .77 lbs per gallon		0.25		0.25
		CRV containers	55 gal per month; 218 lbs per 55 gallon		0.00		
Subtotal -90				**0.00**	**0.28**	**0.00**	0.28
91	Fire Station	Laserjet cartridges	4 per year (2.5 lbs per laserjet cartridge)		0.01		0.01
		Mixed/office paper	30 gal per week (.77 lbs per gallon)		0.60		0.60
Subtotal -91				**0.00**	**0.61**	**0.00**	0.61
92	Fire Station	Grasscycling	1 acre X 6.5 tons	6.50			6.50
93	Fire Station	Grasscycling	.1022 acres X 6.5 tons	0.66			0.66
		Composting - paper	Estimate provided by facility personnel			0.79	0.79
		Composting	1.78 cy per year (108 lbs per cy)	0.96			0.96
		Newspaper	365 per year (26 12" stacks @ 35 lbs per stack)		0.46		0.46
Subtotal -93				**1.63**	**0.46**	**0.79**	2.87
94	Fire Station	Inkjet cartridges	4 per year (.5 lbs per inkjet cartridge)		0.00		0.00
		Newspaper	Included in hauler tonnage		0.00		
		Mixed/office paper	30 lbs per year		0.02		0.02
		CRV containers	20 gallon cont.; once per month		0.00		
Subtotal -94				**0.00**	**0.02**	**0.00**	0.02
95	Post Office	Grasscycling	.0023 acres X 6.5	0.01			0.01
		Mixed/office paper	3,500 lbs per month		21.00		21.00
Subtotal -95				**0.01**	**21.00**	**0.00**	21.01
96	Post Office	Mixed/office paper	96 cy per year; 133.98 lbs. per cy		6.43		6.43

Non residential Generator Survey/Audit Identification Number	Generator Type (Example - grocery store, retail, manufacturer)	Material Type (Example - cardboard, glass, plastic, etc.)	Specific Conversion Factor and Source or Actual Weight	Source Reduction (Tons)	Recycling (Tons)	Composting (Tons)	Total Tons
97	Middle School	Grasscycling	.00206 acres X 6.5 tons	0.01			0.01
		Aluminum cans	5 lbs per week		0.13		0.13
Subtotal -97				**0.01**	**0.13**	**0.00**	0.14
98	Bird Sanctuary	Grasscycling	5 acres X 6.5 tons	32.50			32.50
		Composting	30 cy per year (108 lbs per cy)	1.62			1.62
		Composting - paper	Estimate provided by facility personnel			0.33	0.33
		OCC	Included in hauler tonnage				
		Newspaper	Included in hauler tonnage				
		Ledger paper	Included in hauler tonnage				
		Mixed/office paper	Included in hauler tonnage				
		CRV containers	9 55 gallon containers twice per year		0.00		
Subtotal -98				**34.12**	**0.00**	**0.33**	34.45
99	Elementary School	Grasscycling	4 acres X 6.5 tons	26.00			26.00
		OCC	6 cy per week (50.08 lbs. per cy)		7.80		7.80
		Newspaper	6 cy per week (400 lbs. per cy)		62.40		62.40
		Mixed/office paper	6 cy per week (363.5 lbs per cy)		14.47		14.47
		Tin cans	Included in hauler tonnage				
Subtotal - 99				**26.00**	**84.67**	**0.00**	110.67
Grand Total				**3287**	**342**	**462**	**4091.16**

Section VI - Restricted Waste

For each restricted waste type (i.e., agricultural waste, inert solids, [e.g. concrete, asphalt, dirt, etc.] scrap metals and white goods [PRC section 41781.2]) and associated program or generator, please provide the following information:

1. **If the diversion program started on or after January 1, 1990**, complete the following table.
Note: *Specific Program Name refers to one specific diversion program for that waste type (e.g., "Diversion conducted by city public waste dept.".) Please input*

Restricted Waste Type	Audit Reference Number	Specific Program Name	Year Started	Tonnage
Inert Solids	H1	Transfer Station	1990	1,384.59
Inert Solids	H4	Material Recovery Facility	1990	273.73
Inert Solids	RF2	Material Recovery Facility/Transfer Station	1990	51.08
Inert Solids	GW1	CDI Debris Facility	2002	1,582.25
Inert Solids				
Inert Solids	GW5	CDI Debris Facility	2002	2,324.00
Inert Solids	RO1	Contractor voluntary CDI reporting program	1998	40.00
Inert Solids	RO2	Contractor voluntary CDI reporting program	1998	200.00
Inert Solids	RO3	Contractor voluntary CDI reporting program	1998	100.00
Inert Solids	RO5	Contractor voluntary CDI reporting program	1998	70.00
Inert Solids	RO6	Contractor voluntary CDI reporting program	1998	24.00
Inert Solids	RO7	Contractor voluntary CDI reporting program	1998	6.00
Inert Solids	RO9	Contractor voluntary CDI reporting program	1998	2.00
Inert Solids	RO10	Contractor voluntary CDI reporting program	1998	50.00
Inert Solids	RO11	Contractor voluntary CDI reporting program	1998	400.00
Inert Solids	RO14	Contractor voluntary CDI reporting program	1998	2.00
Inert Solids	RO15	Contractor voluntary CDI reporting program	1998	1.00
Inert Solids	GW4	CDI Debris Facility	2002	12,500.00
Scrap Metal	H4	Material Recovery Facility	1990	0.08
Pull Down for Waste Types				
Scrap Metal	RF3	Material Recovery Facility	1990	237.48
Scrap Metal	RO11	Contractor voluntary CDI reporting program	1998	6.00

2. If the diversion program started before January 1, 1990 - and if documentation on the program and waste type has not been approved by the Board, on a separate sheet marked "Attachment Section VI. 2", provide the documentation that indicates:

- How the diversion was the result of a local action taken by the jurisdiction, which specifically resulted in the diversion (PRC sec. 41781.2 [c] [1]).

- That the amount of that waste type diverted from the jurisdiction in 1990 was less than or equal to the amount of that waste type disposed at a permitted disposal facility by the jurisdiction in any year before 1990. (**Note**: this criterion is app
- The jurisdiction is implementing, and will continue to implement, the diversion programs in its source reduction and recycling element.

Note: *If documentation for a waste type and program has already been approved by the Board, you do not have to provide an "Attachment Section VI.2" for that waste type and program.*
Instead please provide date of Board approval of previously submitted information. _____ (Date)
If documentation is not available, go to Number 4.

3. If the diversion program started before January 1, 1990, and the documentation requested in Section VI.2" is available (but not yet approved by the Board), complete the table below for each program claimed:

Restricted Waste Type	Audit Reference Number	Specific Program Name	New Base Year or Reporting Year Diversion Tonnage
Pull Down for Waste Types			
Pull Down for Waste Types			
Pull Down for Waste Types			
Pull Down for Waste Types			
Pull Down for Waste Types			
Pull Down for Waste Types			

4. If the diversion program **started before January 1, 1990, and the documentation requested in Sect.VI.2 is not available**, please complete the table below for each program claimed. ***Note****: Only the difference between the new base year/reporting year and 199*

Restricted Waste Type	Audit Reference Number	Specific Program Name	New Base Year or Reporting Year Tonnage	1990 Diversion Tonnage	Difference
Pull Down for Waste Types					
Pull Down for Waste Types					
Pull Down for Waste Types					
Pull Down for Waste Types					
Pull Down for Waste Types					
Pull Down for Waste Types					

Summary of Hauler Diversion Surveys

Line #	Hauler	Material	Destination Facility	Hauler Residential Diversion	Residential			Hauler Commercial Diversion	Commercial			Scrap Metal	Included in Facility		
					Recyclables	C&D	GW		Recyclables	C&D	GW		RF3	RF5	GW4
1	H1	Newspaper	CR Transfer	120.06	120.06										
2	H1	OCC	CR Transfer	87.43	87.43										
3	H1	Mixed Paper	CR Transfer	79.36	79.36										
4	H1	Pet	CR Transfer	23.37	23.37										
5	H1	HDPE	CR Transfer	2.42	2.42										
6	H1	Aluminum Cans	CR Transfer	4.83	4.83										
7	H1	Tin/Metal Cans	CR Transfer	91.09	91.09										
8	H1	Yardwaste	CR Transfer	1768.58			1768.58								
9	H1	Other (Concrete/Asphalt/Wood)	CR Transfer	720.98		720.98									
10	H1	C&D (Ladera Ranch)	CR Transfer					663.61		663.61					
11	H1	Greenwaste (Ladera Ranch)	CR Transfer					423.51			423.51				
12	H2	Newspaper	RF3		0.00								348.89		
13	H2	OCC	RF3		0.00								283.27		
14	H2	Mixed Paper	RF3		0.00								698.96		
15	H2	ADC	RF3										0.00		
16	H2	Glass	RF3		0.00								85.93		
17	H2	Aluminum Cans	RF3		0.00								22.19		
18	H2	Tin Cans	RF3		0.00								42.34		
19	H2	Pet	RF3		0.00								23.23		
20	H2	HDPE	RF3		0.00								33.35		
21	H2	Yardwaste (ADC)	CR Transfer, RF5				0.00								
22	H2	Scrap Metal	RF3		0.00								215.41		
23	H2	Concrete/Asphalt	RF3			0.00									305.05
24	H2	Other Materials	RF3		0.00								878.90		
25	H3	All materials	RF2	0.00											
26	H4	Newspaper		4225.43	4225.43			0.05	0.05						
27	H4	OCC		1166.09	1166.09			2.45	2.45						
28	H4	Mixed Paper		1852.64	1852.64			0.68	0.68						
29	H4	Glass		841.47	841.47			0.00							
30	H4	Aluminum Cans		48.72	48.72			0.00							
31	H4	Tin Cans		127.94	127.94			0.00							
32	H4	PET		131.98	131.98			0.00							
33	H4	HDPE		166.82	166.82			0.00							
34	H4	Yardwaste	RF5	0.00			0.00	0.00						9488.83	
35	H4	Other		1561.01	1561.01			8.31	8.31						
36	H4	Scrap Metal			0.00			0.08				0.08			
37	H4	Concrete/Dirt				0.00		273.73		273.73					
38	H4	Wood				0.00		0.19		0.19					
39	**Total Hauler Diversion to be Reported**			**13,020.22**	**10,530.66**	**720.98**	**1,768.58**	**1,372.61**	**11.49**	**937.53**	**423.51**	**0.08**			
40	**Included in Facility Surveys**												2632.47	9488.83	305.05
41															
42	Residential Recyclables Tonnage		(to CIWMB Forms Section III)	10,530.66											
43	C&D Tonnage		(to CIWMB Forms Section III)	720.98											
44	Residential Greenwaste		(to CIWMB Forms Section III)	1,768.58											
45	Commercial Recyclables Tonnage		(to CIWMB Forms Section III)	11.49											
46	Commercial C&D Tonnage		(to CIWMB Forms Section III)	937.53											
47	Commercial Yardwaste Tonnage		(to CIWMB Forms Section III)	423.51											
48	Scrap Metal			0.08											
49	**TOTAL**			**14,392.83**											

Summary of Recycling Facility Diversion Surveys

Line #	Recycling Facility	Material	Destination Facility	Recycling Facility Reported	Recycling	Green Waste	C&D	Scrap Metal	Comment
1	RF1	OCC	CR Transfer	480.00	480.00				Began after 1990.
2	RF1	Newspaper	Dalton	360.00	360.00				Began after 1990.
3	RF1	Ledger	Paper Depot	300.00	300.00				Began after 1990.
4	RF1	Magazines		80.00	80.00				Began after 1990.
5	RF1	Other Paper		50.00	50.00				Began after 1990.
6	RF1	CRV Containers	CR Transfer	360.00	360.00				Began after 1990.
7	RF1	Aluminum Cans	DBW Anaheim	110.00	110.00				Began after 1990.
8	RF1	Nonferrous	DBW Anaheim	~~120.00~~				~~60.00~~	Began before 1990; intake double from 1990.
9	RF1	#1 CRV Containers		60.00	60.00				Began after 1990.
10	RF1	#2-#7 Containers		9.00	9.00				Began after 1990.
11	RF2	ADC	Olinda Landfill	0.00	0.00				Reported on DRS
12	RF2	CPO		43.10	43.10				
13	RF2	Newspaper		430.03	430.03				
14	RF2	Mixed Paper		339.91	339.91				
15	RF2	Aluminum Cans		25.24	25.24				
16	RF2	Tin Cans		18.75	18.75				
17	RF2	Glass		42.51	42.51				
18	RF2	PET		5.39	5.39				
19	RF2	HDPE		17.72	17.72				
20	RF2	Mixed Plastic		2.67	2.67				
21	RF2	C&D		51.08			51.08	0.00	
22	RF3	OCC		283.27	283.27				
23	RF3	Newspaper		348.95	348.95				
24	RF3	Ledger		698.96	698.96				
25	RF3	CRV Containers		90.98	90.98				
26	RF3	Aluminum Cans		18.66	18.66				
27	RF3	Tin Cans		42.39	42.39				
28	RF3	Ferrous		233.94				233.94	
29	RF3	Nonferrous		3.54				3.54	
30	RF3	Greenwaste	CR Transfer, RF5, ADC	0.00		0.00			
31	RF3	#1 CRV Containers		22.88	22.88				
32	RF3	#2-#7 Containers		33.35	33.35				
33	RF3	Blank			0.00				
34	RF4	OCC No Unincorp Portion		0.00	0.00				
35	RF4	Newspaper No Unincorp Portion		0.00	0.00				
36	RF4	Ledger No Unincorp Portion		0.00	0.00				
37	RF4	Greenwaste No Unincorp Portion		0.00		0.00			
38	RF4	#2-#7 Containers No Unincorp Portion		0.00	0.00				
39	RF4	Film No Unincorp Portion		0.00	0.00				
40	RF5	Compost	Sold	17,370.00		17,370.00			
41	**Total Recycling Facility Diversion to be Reported**			22,052.32	4,273.76	17,370.00	51.08	237.48	
42	Recyclables Tonnage		(to CIWMB Forms Section III)	4,273.76					
43	C&D Tonnage		(to CIWMB Forms Section III)	51.08					
44	Greenwaste		(to CIWMB Forms Section III)	17,370.00					
45	Scrap Metal (Ferrous and Nonferrous)		(to CIWMB Forms Section III)	237.48 ~~297.48~~					
46	**TOTAL**			21,694.84					

Summary of CDI Greenwaste Facility Diversion Surveys

Line #	CDI and Greenwaste Facility	Material	Destination Facility	CDI and GW Facility Reported	Inerts/ Concrete/ Asphalt	Greenwaste	Scrap Metal	Other Materials	Comment
1	GW1	Leaves and Grass	Brea Green	222.00		222.00			
2	GW1	Prunings	Brea Green	393.00		393.00			
3	GW1	Stumps	Brea Green	104.00		104.00			
4	GW1	Manure		22.00		22.00			
5	GW1	Carpet	LA Fiber	45.80				45.80	
6	GW1	Carpet Padding	LA Fiber	63.00				63.00	
7	GW1	Concrete	RJ Noble, Ewles	452.46	452.46				
8	GW1	Asphalt	RJ Noble	124.25	124.25				
9	GW1	Roofing Materials	RJ Noble	165.00	165.00				
10	GW1	Dimension Lumber	CRT	138.76	138.76				
11	GW1	Engineered Wood	CRT	102.00	102.00				
12	GW1	Pallets and Crates	CRT	149.00	149.00				
13	GW1	Other Wood	CRT	266.08	266.08				
14	GW1	Clean Gypsum	Blue Ribbon	212.00	212.00				
15	GW1	Rocks and Soil	RJ Noble, Ewles	804.92	804.92				
16	GW1	Other Demo	Adams/DBW	200.62	200.62				
17	GW2	Concrete	GW4	0.00	0.00				No tonnage reported
18	GW2	Asphalt Paving	GW4	0.00	0.00				No tonnage reported
19	GW3	Leaves and Grass	RF5	0.00		0.00			
20	GW3	Rocks and Soil	Nu-way	0.00	0.00				Do not count as diversion
21	GW4	Concrete	Final Destination	7,500.00	7,500.00				
22	GW4	Asphalt	Final Destination	5,000.00	5,000.00				
23	GW5	Concrete	Final Destination	2,324.00	2,324.00				
24	**Total CDI and Greenwaste Facility Diversion to be Reported**			**18,288.89**	**17,439.09**	**741.00**	**0.00**	**108.80**	
25	C&D Tonnage		(to CIWMB Forms Section III)	17,439.09					
26	Greenwaste Tonnage		(to CIWMB Forms Section III)	741.00					
27	Scrap Metal		(to CIWMB Forms Section III)	0.00					
28	Other Materials		(to CIWMB Forms Section III)	108.80					
29	**TOTAL**			**18,288.89**					

Summary of Contractor, and Roll-Off and Temporary Bin Provider Diversion Surveys

Line #	Roll-off/Temp Bin Provider	Material	Destination Facility	R/O Temp Bin Provider Reported	Inerts/ Concrete/ Asphalt	Greenwaste	Scrap Metal	Other Materials	Comment
1	RO1	Concrete	Ewles	40.00	40.00				
2	RO2	Greenwaste	RF5	0.00		0.00			
3	RO2	Concrete	Ewles	100.00	100.00				
4	RO2	Asphalt	Ewles	100.00	100.00				
5	RO2	Other Wood	RF5	0.00	0.00				
6	RO3	Concrete	Ewles	100.00	100.00				
7	RO4	No data provided			0.00				
8	RO5	Concrete	Ewles	35.00	35.00				
9	RO5	Aggregates/Inerts	RJ Noble	35.00	35.00				
10	RO6	Concrete		24.00	24.00				
11	RO7	Concrete	Ewles	6.00	6.00				
12	RO8	Concrete	GW5	0.00	0.00				Reported on GW5
13	RO8	Lumber	Olinda Landfill	0.00	0.00				Reported on DRS
14	RO8	Gypsum	Olinda Landfill	0.00	0.00				Reported on DRS
15	RO9	Concrete		1.00	1.00				
16	RO9	Asphalt		1.00	1.00				
17	RO9	Other Wood		2.00	2.00				
18	RO9	Gypsum		2.00	2.00				
19	RO10	Greenwaste	RF5	0.00					Reported on RF5
20	RO10	Stumps	RF5	0.00					Reported on RF5
21	RO10	Concrete	Ewles	50.00	50.00				
22	RO11	Ferrous	Hugo-Neu	5.00			5.00		
23	RO11	Non-ferrous	Proler	1.00			1.00		
24	RO11	Concrete	Ewles, RJ Noble	200.00	200.00				
25	RO11	Asphalt	Ewles, RJ Noble	200.00	200.00				
26	RO12	Lumber	Ewles, GW3	2.50	2.50				Tonnage not broken out
27	RO12	Gypsum	Ewles, GW3, El Toro Base	2.50	2.50				Tonnage not broken out
28	RO13	Roofing	FRB Landfill	32.00	32.00				
29	RO14	Concrete	Ewles	2.00	2.00				
30	RO15	Concrete	Ewles	1.00	1.00				
31	RO16	ADC	Brea Olinda	0.00		0.00			
32	RO16	Concrete	Ewles, Copp	15,000.00	0 ~~15,000~~				
33	RO16	Asphalt Paving	Hanson, ARP	10,000.00	0 ~~10,000~~				
34	**Total R/O Temp Bin Diversion to be Reported**			**25,942.00**	**936.00 ~~25,936.00~~**	**0.00**	**6.00**	**0.00**	
35	C&D Tonnage		(to CIWMB Forms Section III)	936.00 ~~25,936.00~~					
36	Greenwaste Tonnage		(to CIWMB Forms Section III)	0.00					
37	Scrap Metal		(to CIWMB Forms Section III)	6.00					
38	Other Materials		(to CIWMB Forms Section III)	0.00					
39	**TOTAL**			**942.00 ~~25,942.00~~**					

Table A: Site Visit Verification Findings, Diversion Tonnage and Deductions for the County of Orange

Identification/Generator	Material Type/Program Activity	NBY Claim (tons)	NBY Methodology	Verification Findings (tons)	Verification Findings/Site Visit Methodology
Processing facility - RF5	green waste	17,370.00	actual weights	17,370.00	The Staff verified the weight tickets, the practice started 1998 therefore it meets the restricted waste criteria.
Greenwaste from Facilities Total -		**17,370.00**		**17,370.00**	
Processing facility - GW4	concrete	7,500.00	average weights of truck type	7,500.00	The staff verified the daily logs of base material sales records, on which the recycled amount was based. Representativeness and restricted waste criteria have been met.
	asphalt	5,000.00	average weights of truck type	5,000.00	The staff verified the daily logs of base material sales records, on which the recycled amount was based. Representativeness and restricted waste criteria have been met.
Sub Total - GW4		**12,500.00**		**12,500.00**	
Processing facility - RO16	concrete	15,000.00	based on estimates	0.00	The contact person could not provide the documentation on which the estimate was based.
	asphalt paving	10,000.00	based on estimates	0.00	The contact person could not provide the documentation on which the estimate was based.
Sub Total - RO16		**25,000.00**		**0.00**	
Processing facility - GW5	concrete	2,324.00	average weights of truck type based on legal weight limits	2,324.00	The company uses a conversion factor for each incoming truck and provided sample weigh tickets for each truck size for verification. Representativeness and restricted waste criteria have been met.
Sub Total - GW5		**2,324.00**		**2,324.00**	
Generator 15, 73, 74, 87, 88, 90, 94, 98	CRV container recycling	12.59	monthly estimate	0.00	The CRV container recycling amount has already been reported by the DOR.
Sub Total- Various		**12.59**		**0.00**	
Total		**39,836.59**		**14,824.00**	
County Surplus	office furniture and equipment, metal desks, monitors	123.83	weight amount provided by the county	121.00	The tonnage for the monitors was removed because it is hazardous waste, and metal was also removed which did not meet restricted waste criteria.
County Surplus Total		**123.83**		**121.00**	

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Resolution 2005-172

Consideration Of A Request To Change The Base Year To 2003 For The Previously Approved Source Reduction And Recycling Element For The Unincorporated Area Of Orange County

WHEREAS, Public Resources Code Sections 41031 (Cities) and 41331 (Counties) requires that information submitted by a jurisdiction on the quantities of solid waste it has generated, diverted and disposed, shall include data as accurate as possible to enable the Integrated Waste Management Board (Board) to accurately measure the jurisdiction's achievement of the diversion requirement pursuant to PRC Section 41780; and

WHEREAS, the Unincorporated Area of Orange County submitted documentation requesting to change its base year to 2003 from its previously approved 1990 base year, which it claims is as accurate as possible; and Board staff concurs and recommends approval; and

WHEREAS, a portion of the diversion tonnage originally claimed by the County has been modified as a result of staff verification, and is reflected in the staff-revised certification; and

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the base-year change to 2003, as revised, for the Unincorporated Area of Orange County.

CERTIFICATION

The undersigned Executive Director, or his designee, of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on July 19-20, 2005.

Dated:

Mark Leary
Executive Director

California Integrated Waste Management Board

Board Meeting

July 19-20, 2005

AGENDA ITEM 20 (Revised)

ITEM

Consideration Of The Application For A SB1066 Time Extension By The City Of Buena Park, Orange County

I. ISSUE/PROBLEM STATEMENT

The City of Buena Park (City) has submitted to the California Integrated Waste Management Board (Board) a completed Senate Bill (SB)1066 Time Extension request for meeting the 50 percent diversion requirement. Staff review indicates that while the City has been implementing the source reduction and recycling programs selected in its Source Reduction and Recycling Element (SRRE), it will need to implement the proposed Plan of Correction to achieve the 50 percent diversion requirement. The City currently has a 48 percent diversion rate for 2001, 47 percent for 2002, and 44 percent for 2003. The City is requesting to extend the due date for achieving 50 percent diversion through December 31, 2005. Staff's analysis of the City's Plan of Correction indicates the plan is reasonable, given the City's waste stream. Staff also recommends and the City concurs that the City will implement a Construction and Demolition Ordinance.

II. ITEM HISTORY

The Board approved the City's 2001/2002 Biennial Review results based on the City's good faith effort on August 17-18, 2004.

III. OPTIONS FOR THE BOARD

1. The Board may approve the City's application as submitted for an extension to the 2000 diversion requirement on the basis of its good faith effort to-date to implement diversion programs and its plans for future implementation.
2. The Board may approve the City's application as may be modified by the jurisdiction at the Board meeting.
3. The Board may approve the City's application as submitted but also make recommendations for the implementation of alternative programs that it believes the jurisdiction should add to its plan for it to be successful.
4. The Board may make recommendations for the implementation of alternative programs that it believes the jurisdiction should add for its plan to be successful and continue the item to the next Board meeting to allow the jurisdiction time to revise its application.
5. The Board may disapprove the City's application and allow the jurisdiction to revise and resubmit the application based upon the Board's specified reasons for disapproval.
6. The Board may disapprove the City's application and direct staff to commence the process to issue a compliance order because the Board's specified reasons for disapproval cannot be addressed by a revised application.

IV. STAFF RECOMMENDATION

7. Staff recommends the Board adopt option No. ~~1: approve the City's application as submitted for an extension to the 2000 diversion requirement on the basis of its good faith effort to-date to implement diversion programs and its plans for future implementation.~~ 3: approve the City's application as submitted but also make recommendations for the implementation of alternative programs that it believes the jurisdiction should add to its plan for it to be successful.

V. ANALYSIS

A. Key Issues and Findings

1. Background

Public Resources Code (PRC) Section 41825 requires the Board to review each City, County, and Regional Agency's (jurisdiction's) SRRE at least once every two years. As a result of this review, the Board may find a jurisdiction has implemented programs and achieved the diversion requirement; that a jurisdiction has made a good faith effort to implement diversion programs, but has not achieved the 50 percent diversion requirement; or that a compliance order should be assigned to a jurisdiction that has failed to adequately implement its SRRE and/or failed to achieve the diversion requirement.

Alternatively, a jurisdiction that has not achieved the diversion requirement may petition for one or more time extensions to meeting the 50 percent diversion requirement for a maximum of five years; no extensions may be effective beyond January 1, 2006 (PRC Section 41820).

PRC Section 41820(b) further provides that:

> *"(1) When considering a request for an extension, the board may make specific recommendations for the implementation of alternative programs.*
> *(2) Nothing in this section shall preclude the board from disapproving any request for an extension.*
> *(3) If the board disapproves a request for an extension, the board shall specify its reasons for the disapproval."*

The Board may initially grant a one, two or three year extension for meeting the diversion requirements if the following conditions are met:

- The jurisdiction has submitted all required planning elements;
- The Board finds that the jurisdiction is making a good faith effort to implement the programs identified in its SRRE;
- The jurisdiction submits a plan of correction demonstrating that it will meet the diversion requirements by the time the extension expires including: the programs that it will expand or start implementing, the dates of implementation, and the means of funding.

2. Basis for staff's analysis
   Staff's analysis is based upon the information below.

Existing Jurisdiction Conditions:

Key Jurisdiction Conditions								
Waste Stream Data								
Base Year	**2000**	**2001**	**2002**	**2003**	**Pounds waste generated per person per day (ppd)**	**Population**	**Non-Residential Waste Stream Percentage**	**Residential Waste Stream Percentage**
1990	52%	48%	47%	44%	11.03	80,200	63%	37%

SB 1066 Data			
Extension End Date	**Program Review Site Visit by Board Staff**	**Reporting Frequency**	**Proposed Diversion Increase**
12/31/2005	2002	Interim Status Report Final Report with the Annual Report	*12%

* Proposed Diversion Increase was changed to reflect 4% for 4060-SP-CAR per a letter from the City of Buena Park dated June 2, 2005.

City's geographic location: Buena Park is an urban city encompassing 11 square miles, located in Orange County. The City experiences heavy tourism throughout the year, but it is especially high during the summer due to Knott's Berry Farm.

Staff Analysis of First SB 1066 Application:

Attachment 1 provides an overview of the following:

- The barriers faced by the jurisdiction to meeting the 50% diversion requirement, and the jurisdiction's explanation as to why additional time is necessary for meeting the diversion requirement;
- Staff's analysis of the reasonableness of the request;
- Diversion programs the jurisdiction is proposing to expand or newly implement in the Plan of Correction (Section IV-A of the SB1066 Time Extension application);
- Staff's analysis of whether the programs to be expanded or newly proposed are appropriate, given the barriers confronted by the jurisdiction, and the jurisdiction's waste stream.

Plan of Correction:

A jurisdiction's SB1066 time extension request must include a Plan of Correction that:

a. demonstrates meeting 50 percent before the time extension expires;
b. includes source reduction, recycling, and composting programs the City will implement the expansion of the existing programs;
c. identifies the date when 50 percent will be achieved;
d. identifies funding necessary for new and/or expanded programs.

The jurisdiction's Plan of Correction meets the above requirements. Board staff has also conducted an assessment of the jurisdiction's current program implementation, including a program review site visit. Based on Board staff's understanding of the relevant circumstances in the jurisdiction that contributed to the need for an extension, Board staff believes the jurisdiction's proposed new Plan of Correction to be reasonable. The jurisdiction's request and staff's analyses are explained in the attachment matrix (Attachment 1) for the jurisdiction.

In addition, PRC Section 41820(d) directs Board staff to provide technical assistance to a jurisdiction that requests assistance in meeting the diversion requirements, such as identifying model policies and programs implemented by other jurisdictions of similar size, geography, and demographic mix. Lastly, a jurisdiction with a Board-approved time extension is required to include a summary of its progress in complying with its Plan of Correction in each annual report that is due prior to the end of the time extension [per PRC Section 41821(b)(5)]. Staff recommends the City be required to submit an interim status report, as well as a final report at the end of the extension with the Annual Report.

3. Findings

Staff has determined that the Board may grant the requested first Time Extension because it meets the requirements of PRC Section 41820; specifically:

- The jurisdiction has submitted all required planning elements.
- The jurisdiction is making a good faith effort to implement the programs identified in its SRRE and those proposed in its first Plan of Correction.
- The jurisdiction has submitted a Plan of Correction demonstrating it will meet the diversion requirements by the time the extension expires including: the programs it will expand or start implementing, the dates of implementation, and the means of funding.

A comprehensive list of the jurisdiction's SRRE-selected and implemented diversion programs is provided in Attachment 2. Because of the jurisdiction's efforts to-date and its plans for expanding those efforts to reach the 50 percent diversion requirement as outlined in its Plan of Correction, staff is recommending approval of the City's first SB1066 time extension application.

B. Environmental Issues

Based on available information, staff is not aware of any environmental issues related to this item.

C. Program/Long Term Impacts

Allowing the City more time to implement diversion programs will help to increase waste diversion, both locally and statewide.

D. Stakeholder Impacts

Allowing the City more time to implement new and expanding diversion programs and to measure the impact these newly expanded programs have had on diversion will assist the City in achieving the diversion requirement of PRC Section 41780.

E. Fiscal Impacts

No fiscal impact to the Board results from this item.

F. Legal Issues

As discussed above, this item represents the process for implementing PRC Section 41820 that allows jurisdictions to petition for more time to implement additional diversion programs to achieve the 50 percent diversion requirement, and allows the Board the discretion to grant that time extension.

G. Environmental Justice

Community Setting.

2000 Census Data – Demographics for City of Buena Park						
% White	**% Hispanic**	**% Black**	**%Native American**	**%Asian**	**%Pacific Islander**	**%Other**
38.2	33.5	3.6	0.4	20.9	0.5	0.2

2000 Census Data – Economic Data for City of Buena Park		
Median annual income*	**Mean (average) income***	**% individuals below poverty level**
50,336	59,516	11.3

* Per household

- **Environmental Justice Issues.** According to the jurisdictional representative, there are no environmental justice issues in this community.
- **Efforts at Environmental Justice Outreach.** The City provides: technical assistance; public awareness programs; commercial waste evaluations; working with community groups, schools, informational booths, earth day fair; Community outreach through Chamber, presentations, and contests. In addition, the City has adopted a new program with the Beautification/Environmental Commission to plant trees, clean the City, and promote earth-friendly activities. A great number of promotional materials have been given out at local community events and displayed at City Hall and the City Library. The City's public information office uses the local newspapers, as well as, direct mailers to educate the public on the city's recycle and waste reduction programs.

- **Project Benefits.** The expansion of the existing, and implementation of the additional programs listed in Attachment 1 will help to increase the City's diversion rates.

H. 2001 Strategic Plan

This item supports Strategic Plan goal 2, objective 3 (Support local jurisdictions' ability to reach and maintain California's waste diversion mandates), strategy (D) (Assess and assist local governments' efforts to implement programs and reduce disposal, taking corrective action as needed) by assessing the City's efforts to implement programs and reduce disposal.

This item also supports Strategic Plan goal 7, objective 1 (Promote source reduction to minimize the amount of waste generated, strategy (B): Continue to work with

jurisdictions to ensure they meet and/or exceed existing waste diversion mandates) by demonstrating staff's continual efforts to work with jurisdictions to ensure they meet and/or exceed the waste diversion mandates.

VI. FUNDING INFORMATION

This item does not require any Board fiscal action.

VII. ATTACHMENTS

1. Time Extension Matrix for the City of Buena Park
2. SB1066 Time Extension Application for the City of Buena Park
3. Program Listing for the City of Buena Park
4. Resolution Number 2005-173

VIII. STAFF RESPONSIBLE FOR ITEM PREPARATION

A. Program Staff: Maria Kakutani **Phone:** (916) 341-6201
B. Legal Staff: Elliot Block **Phone:** (916) 341-6080
C. Administrative Staff: NA Phone: NA

IX. WRITTEN SUPPORT AND/OR OPPOSITION

A. Support

City of Buena Park

B. Opposition

Staff had not received any written opposition at the time this item was submitted for publication.

City of Buena Park First Time Extension Application Matrix

Barriers/Reason for First Time Extension	Staff's Analysis
Barriers in Residential Curbside Collection: • The City had not implemented a separate greenwaste collection and diversion program. • The waste was comingled and taken to a MRF for separation and diversion. **Reasons for First Time Extension:** • This program will be fully implemented by July 31, 2005. The City needs adequate time to measure the effectiveness of this program and to make any adjustments that may be needed. • The city will be providing public education and outreach to residents.	**Residential Curbside Collection:** • The City will implement a new automated curbside collection program for greenwaste. Staff agrees that separating the greenwaste from MSW will yield less contamination and better feedstock. • Staff agrees that the City is addressing the issue by improving outreach to the residents. This program will also include an enhanced public education program to educate residents how to change their purchasing and consumption habits.
Barriers in C&D: • The City has an exclusive franchise hauler but encounters numerous outside commercial haulers who continue to conduct business in the City, especially C&D drop-off containers. These haulers do not participate in the City's recycling program and the City has no control of the processing and disposal of these wastes. **Reasons for First Time Extension:** • The City has identified that more time and assistance is required to fully implement the Residential Curbside Greenwaste Program. • The City also needs time to improve its outreach to the entire commercial sector.	**C&D:** • The City has educated and trained Building Inspectors and Public Works Construction Inspectors to identify non-licensed drop-off bins and to instruct contractors and residents to immediately remove those containers. • Staff agrees with the City should increase the level of its residential outreach through brochures and quarterly newsletters on the status of its residential programs. • Staff agrees that with the requirement of an Encroachment Permit to place temporary drop-off bins in the public right-of-ways and informing the residents that only licensed refuse haulers may provide drop-off bins in the city that this will reduce the number of illegal drop-off bins. The C&D material collected will be taken to the MRF for processing. • The city will provide an incentive for separated inerts to encourage developers to recycle C&D. • The City and franchised hauler plans to institute a regular drive-by inspection program to continue to monitor the effectiveness of this program and will modify it as necessary to prevent non-licensed haulers from conducting business. • Staff agrees that the City is attempting to address the barriers associated with the C&D program. • Staff has recommended that the City consider adopting a C&D ordinance ~~if these measures fall short.~~ <u>and the City concurred.</u>

Plan of Correction	Staff's Analysis	Estimated Percent Diversion
3000- CM-RCG Residential Curbside Greenwaste Collection **3060- CM-GOV Government Composting** A new program featuring separation of greenwaste at the curbside will be implemented during June 2005. This program will include all residential customers, including single-family residences and small multi-family residences that currently receive residential curbside services. Residents will separate all greenwaste and place it into their existing 32-gallon trash cans, or bundle it in neat bundles at the curb for recycling. The City will also contract with their hauler to provide street sweeping services. This will place that entire wastestream within the control of the hauler to be processed at the MRF. Currently, these services are contracted through another company. The waste collected is not processed through the City's MRF. This contract change will occur by July 31, 2005, after which all greenwaste generated in the City will then be processed in a similar manner.	By changing to a separate greenwaste collection rather than a comingled collection, the City expects to significantly increase diversion. The greenwaste will be picked up by dedicated greenwaste collection vehicles and transported to a greenwaste processor. Staff agrees that this will result in additional diversion because the loads will be cleaner. By adding street sweeping, the City expects to increase greenwaste diversion. With street sweeping being provided by the hauler, this will capture the entire wastestream for processing at the MRF.	7 %
6010-PE-EIN Economic Incentives A new program featuring a single 95-gallon container into which all refuse, with the exception of greenwaste, will be placed. If a resident requires additional disposal capacity, they will be provided with a second 95-gallon container at an additional monthly cost of $3.50. This rate structure modification will influence residents to reduce the amount of waste they generate, thus leading to more discretion in the packaging content of articles they purchase. This will ultimately lead to decreased waste generation and disposal at the local landfills.	Staff agrees that this may provide an economic incentive to the residential curbside customers and developers by introducing a source reduction incentive that will cause residents and developers to change habits that will eventually reduce the amount of refuse generated.	1%

4060-SP-CAR Concrete/Asphalt/Rubble In order to encourage developers to recycle construction/demolition waste, the City operates an incentive directed towards inert materials. This incentive provides a decreased disposal rate if the customer separates inerts (concrete and asphalt) into a separate drop-off bin. The inerts are then diverted to an inert recycling company in Buena Park for processing. All other construction/demolition waste is transported to the MRF for processing. The cost to dispose of segregated inerts is $360 for up to ten tons. In contrast, the cost to dispose of mixed C&D waste is $413.05 for up to six tons, and an additional $45.68 per ton for each additional ton up to a total of ten tons. The cost for ten tons would be $595.77. This incentive program is explained to all customers who order a C&D drop-off bin. Printed information is also provided at Park Disposal's office and at the Building Department and Public Works Department public counter. In this manner, our current C&D program effectively includes all waste in a diversion and recycling program. **6030-PI-OTH Other Policy Incentive** In order to enhance the existing C&D program, the City is in the process of developing a new program which will require developers to submit a Recycling Plan for all C&D waste prior to the issuance of a Demolition Permit. The Recycling Plan will require the developer to report the disposition and tonnage of all C&D waste. This will be handled as a Condition of Approval and the Demolition Permit will not be issued until a Recycling Plan is submitted, reviewed and approved by the Public Works Department. This program will implemented by July 31, 2005.	Staff agrees that the City is addressing its C&D issues by instituting a program to discourage unlicensed haulers from doing business in the city as well as instituting an economic incentive for developers to encourage the separation of inert waste. Staff is confident that with the city's aggressive enforcement of the Encroachment Permit and drive-by inspections or worksites and neighborhoods will effectively address the city's barrier to C&D recycling.	4 %
Total Estimated Diversion Percent From New and/or Expanded Programs		12 %
Current Diversion Rate Percent From Latest Annual Report		44%
Total Planned Diversion Percent Estimated		56%

Support Programs	
5000-ED-ELC Electronic (radio, TV, web, hot lines) The City utilizes local government programming with our cable television provider to produce and broadcast educational and informational news videos about various issues. In order to support the new and expanded programs listed in this report, we will produce a video which will educate residents about the new automated disposal program and greenwaste separation program. This video will also educate residents about making wise purchasing decisions to reduce the amount of waste they generate.	The City will ensure a necessary step has been taken to maximize participation. The level of success resulting from the conversion of the greenwaste program will depend heavily on education of the residents about the program's details and how to use the new containers and adapt to the changes in service. Educational materials specifically directed to local businesses will strengthen the technical outreach to the commercial sector and improve program results.
5010-ED-PRN Educational Print The City publishes educational and information news articles in local weekly publications and the City's quarterly newsletter. The Buena Park Today is mailed to all residents in the City. The City will develop additional articles for these publications regarding the new programs listed in this report.	Educational outreach is critical to the success of the City's programs. By educating businesses and residents about the City's diversion programs, the City will ensure a necessary step has been taken to maximize participation. The level of success resulting from the conversion of the greenwaste program will depend heavily on education of the residents about the program's details and how to use the new containers and adapt to the changes in service. Educational materials specifically directed to local businesses will strengthen the technical outreach to the commercial sector and improve program results.
5020-ED-OUT Outreach The City has begun conducting educational outreach activities with all homeowner associations. These activities include attendance at Association meetings in which City staff explains several key environmental programs, including recycling, NPDES Stormwater Regulations, and Fats, Oils and Grease contamination in sewer lines. Each of these programs relies heavily on proper disposal and recycling of waste. Our goal is to attend each Association meeting a minimum of one time per year. In addition, City staff also creates print-ready documents for inclusion in Association newsletters to their residents on these environmental programs.	Staff agrees that outreach will be an important part of successful expansion of the programs listed in the County's time extension request. The County will be utilizing a wide variety of outreach and education programs.

1030-PMT, Procurement The City operates under an administrative policy that encourages the purchasing agent and various City departments to purchase recycled products and to require the use of recycled products in City programs and projects. For example, the City has required since 1993 that all City street resurfacing projects utilize rubberized asphalt made from recycled automobile tires. Only those bid proposals that include rubberized asphalt are considered for these multi-million dollar projects, totaling tens of thousands of tons of rubberized asphalt over the years. As noted in the PARIS, the City currently purchases numerous consumer products made from recycled content, including park benches, park signs, paper products, etc. The City has recently purchased a large quantity of used office cubicles from Caltrans for use in City Hall, rather than purchasing new products. This shows the City's ongoing commitment to reduce, reuse and recycle. In order to formalize these current practices, the City will modify our existing procurement policy to more closely resemble the City of Exeter's, with particular attention paid to the existing practices currently in place at Buena Park.	Staff agrees that it is important for the City to set the example of buying recycled products to create larger markets for recycled goods and support recycling efforts.

To request a Time Extension (TE) or Alternative Diversion Requirement (ADR), please complete and sign this request sheet and return it to your Office of Local Assistance (OLA) representative at the address below, along with any additional information requested by OLA staff. When all documentation has been received, your OLA representative will work with you to prepare for your appearance before the Board. If you have any questions about this process, please call (916) 341-6199 to be connected to your OLA representative.

Mail completed documents to:

California Integrated Waste Management Board
Office of Local Assistance, (MS 25)
1001 I Street
PO Box 4025
Sacramento CA 95812-4025

General Instructions:

For a Time Extension complete Sections I, II, III-A, IV-A, and V.

For an Alternative Diversion Requirement complete Sections I, II, III-B, IV-B and V.

Section I: Jurisdiction Information and Certification
All respondents must complete this section.

I certify under penalty of perjury that the information in this document is true and correct to the best of my knowledge, and that I am authorized to make this certification on behalf of:

Jurisdiction Name	County
City of Buena Park	Orange
Authorized Signature	Title
	Director of Public Works

Type/Print Name of Person Signing	Date	Phone
James A. Biery	May 23, 2005	(714) 562-3670

Person Completing This Form (please print or type)	Title
Douglas Brodowski	Administrative Analyst

Phone	E-mail Address	Fax
(714)562-3652	dbrodowski@buenapark.com	(714)562-3669

Mailing Address	City	State	ZIP Code
6650 Beach Boulevard	Buena Park	California	90620

Section II—Cover Sheet

This cover sheet is to be completed for each Time Extension (TE) or Alternative Diversion Requirement (ADR) requested.

1. Eligibility

Has your jurisdiction filed its Source Reduction and Recycling Element, Household Hazardous Waste Element, and Nondisposal Facility Element with the Board (must have been filed by July 1, 1998 if you are requesting an ADR)?

☐ No. If no, stop; not eligible for a TE or ADR.

☒ Yes. If yes, then eligible for a TE or ADR.

2. Specific Request and Length of Request

Please specify the request desired.

☒ **Time Extension Request**

Specific years requested _2004 and 2005_____

Is this a second request? ☒ No ☐ Yes Specific years requested. _ _____
(**Note:** Requests for an additional extension will need to address why the jurisdiction's efforts to meet the 50% goal by the end of the first extension were not successful.)

☐ **Alternative Diversion Requirement Request (*Not allowed for Regional Agencies*).**

Specific ADR requested _ _____%, for the years_ _____.

Is this a second ADR request? ☒ No ☐ Yes Specific ADR requested _ ____%, for the years _ _____
(**Note:** Requests for an additional ADR will need to address why the jurisdiction's efforts to meet 50% by the end of the first ADR period were not successful.)

Note: Extensions may be requested anytime by a jurisdiction, but will only be effective in the years from January 1, 2000 to January 1, 2006. An original request for a TE/ADR may be granted for any period up to three years and subsequent requests for TE/ADR may extend the original request or be based on new circumstances but the total number of years for all requests cannot total more than five years or extend beyond January 1, 2006.

Section IIIA—TIME EXTENSION

Within this section, discuss your jurisdiction's progress in implementing diversion programs that were planned to achieve 50%. Provide any additional information that demonstrates "good faith effort." The CIWMB shall determine your jurisdiction's progress in demonstrating "good faith effort" towards complying with AB 939. Note: The answers to each question should be comprehensive and provide specific details regarding the jurisdiction's situation.

Attach additional sheets if necessary—please reference each response to the appropriate cell number (e.g., IIIA-1).

1. **Why does your jurisdiction need more time to meet the 50% goal? Describe why SRRE selected programs did not achieve 50% diversion. Identify barriers to meeting the 50% goal and briefly indicate how they will be overcome.**

Final Submittal

The City of Buena Park needs more time to meet the 50% diversion goal because the various programs that have been implemented thus far in the City's SRRE have not been successful in generating the amount of diversion originally anticipated. In 1991 the City implemented a traditional dirty MRF operation in which all waste collected by the franchised hauler is delivered to the CR&R Material Recovery Facility in Stanton.

BARRIERS:

a) The existing residential curbside program allowed residents to provide their own unlimited number of trash containers. All refuse, including recyclables and greenwaste were placed in these containers. In spite of efforts by the City to educate residents to modify their purchasing and consumption habits, this did not provide any incentive to encourage residents to do so.

b) The City has not implemented a widespread greenwaste collection and diversion program. During previous reporting years the City and franchised hauler did implement limited greenwaste diversion programs at various companies in the City when there was a greenwaste processing facility in the nearby area with an attractive price to process that greenwaste. Since the inception of the recycling program, a collection program of greenwaste from residential customers has not been effectively implemented.

c) The City's franchised hauler, Park Disposal, is also the only hauler permitted to service commercial and construction/demolition accounts. Inspite of this, the City has encountered numerous outside commercial haulers who continue to conduct business in the City, especially construction/demolition drop-off containers. These haulers do not operate legally and typically drop off a container one day and disappear the next day, before the City has a chance to observe them and enforce the franchise agreement. These haulers do not participate in the City's recycling program for obvious reasons and the City has no control whatsoever of the processing and disposal of these wastes.

OVERCOMING BARRIERS:

a) The City will implement a new automated collection program for refuse. This program will feature one 95-gallon container that will be provided to each residential account at the standard monthly rate of $13.30. All refuse (except greenwaste) will be placed into that container. If the resident requires additional disposal capacity, they will receive an additional 95-gallon container for an additional fee of $3.50 per month. This will introduce a source reduction incentive that will cause residents to change their purchasing and consumption habits and will eventually reduce the amount of refuse generated within Buena Park and ultimately deposited in the local landfills, which is the primary goal of AB939. This program will also include an enhanced public education program to educate residents how to change their purchasing and consumption habits.

b) The new automated collection program introduces the opportunity to implement a new curbside separation program for greenwaste. This will be accomplished by having residents separate their greenwaste into their existing traditional 32-gallon waste containers. The greenwaste will then be picked up by dedicated greenwaste collection vehicles, after which it will be transported to a greenwaste processor. This will result in diversion of approximately 6,448 tons of greenwaste, which equates to approximately seven percent additional diversion. This tonnage will be in addition to any tonnages that have previously been reported in the PARIS.

c) In order to prevent non-licensed haulers from conducting business in the City, we have educated and trained our Building Inspectors and Public Works Construction Inspectors to identify non-licensed drop-off bins and to instruct contractors and residents to immediately remove those containers and obtain one from Park Disposal. The City requires that all customers obtain an Encroachment Permit to place a temporary drop-off bin in the public right-of-way. The Encroachment Permit includes a statement that informs them that only licensed refuse haulers may provide drop-off bins in Buena Park, and specifically requires them to obtain drop-off bins from Park Disposal, the only licensed hauler in the City. The refuse collected in all drop-off bins is processed through the Material Recovery Facility (MRF). In addition, the franchised hauler conducts regular drive-by inspections throughout the City to identify and report any non-licensed hauler activity to City officials. City staff will continue to monitor the effectiveness of this program and will modify it as necessary to prevent non-licensed haulers from conducting business in the City. We will monitor the effectiveness of these efforts by observing the presence of non-licensed hauler activity in the City. Our efforts will be judged based on the number of illegal operators observed, and any associated increases or decreases. This will occur during drive-by inspections of worksites and neighborhoods. The City will also more aggressively enforce the City Code by issuing citations to the unlicensed haulers to destroy their economic incentive to do business in Buena Park.

Park Disposal transports all waste collected in drop-off bins to the MRF for processing, with the exception of segregated inerts as explained below. In order to encourage developers to recycle construction/demolition waste, the City operates an incentive directed towards inert materials. This incentive provides a decreased disposal rate if the customer separates inerts (concrete and asphalt) into a separate drop-off bin. The inerts are

2. Why does your jurisdiction need the amount of time requested? Describe any relevant circumstances in the jurisdiction that contribute to the need for a Time Extension.

As described above, the City of Buena Park currently operates a traditional curbside collection program in which all refuse is delivered to a dirty MRF where the recyclables are separated. In order to increase the diversion and achieve the 50% mandate, the City will implement a new automated collection program in which all refuse, with the exception of greenwaste, is collected in a 95-gallon container and delivered to the dirty MRF. All greenwaste will be separated by the customer at the curbside into their traditional refuse cans and collected by dedicated greenwaste collection trucks, after which it will be transported to a greenwaste recycling and composting facility. This accomplishes two key program goals. First, this will reduce the level of contamination of the refuse (non-greenwaste) that is being processed at the MRF, which will result in a greater percentage of recyclable commodities being separated and ultimately diverted from the landfill system. Second, it will create a new wastestream of clean greenwaste that can be diverted from the MRF and delivered to a greenwaste processor, and ultimately diverted from the landfills. We anticipate that the amount of greenwaste diverted by this program will total 6,448 tons per year. This amount was arrived at by projecting an average of sixteen (16) pounds of greenwaste per week from each residential customer, which is an accepted industry standard for the demographics of Buena Park. We anticipate that these new programs will result in an increase in diversion from 44% to 51%. This tonnage will be in addition to any greenwaste that is currently being diverted and reported in previous annual reports.

An additional feature of the automated collection program is the opportunity to revise our refuse rate structure in order to introduce a new economic incentive to our residential customers to reduce the amount of refuse they are generating and placing at the curbside for disposal. This will be accomplished by including in the standard monthly rate of $13.30 one single 95-gallon automated refuse container. If a resident generates more refuse than can be deposited into one 95-gallon container, they will be provided an additional 95-gallon container at an additional monthly cost of $3.50. This creates a monetary incentive for the customer to change their buying and consumption habits in order to realize the lower standard rate of $13.30 per month. This type of program was not available to us with our existing traditional collection system. We expect that this program will result in a source reduction of 1% or more over the long term as residents change their purchasing and consumption habits. The City will introduce enhanced public education pieces to educate residents about how they can reduce their purchasing of non-recyclable products and bulk packaging in order to utilize the single 95-gallon container and realize the associated monthly savings in their refuse fee.

An additional component of this program is a change in the way the City provides street sweeping services. As part of the new automation program, the City is requiring the franchised hauler, Park Disposal, to provide street sweeping services. Street sweeping services were previously contracted to a private contractor and the waste stream was not controlled by Park Disposal. This will allow Park Disposal complete control of the waste stream that results from the street sweeping operation, much of which is recyclable paper, plastic and greenwaste. This waste will be delivered to the MRF for processing.

These new programs will be fully implemented by July 31, 2005. A time extension until December 31, 2005 will provide adequate time to measure the effectiveness of these programs in helping the City to achieve the 50% landfill reduction mandate. We need this additional time to see the results of these programs and to make any adjustments that may be needed to reach the desired diversion..

3. Describe your jurisdiction's Good Faith Efforts to implement the programs in its SRRE.

The City of Buena Park has in the past and continues to put forth a "Good Faith Effort" in implementing and expanding programs in its SRRE to meet the 50% diversion requirement. The following is a partial list of the programs that have been implemented by the City: A full listing of current programs is included in the PARIS Report.

1. Material Recovery Facility: The City entered into an agreement in 1991 to transport all refuse to the CR&R Material Recovery Facility in Stanton. Since that time, several hundred thousands of tons of refuse have been recycled and diverted from local landfills. The new programs being introduced in this application are designed to supplement our existing relationship with the MRF.

2. Special Collection Events: The City continues to conduct a Spring and Fall Cleanup that allows residents to deliver large and bulky items to a designated location for disposal. This program is extremely popular among our residents. During these events we include drop off of used motor oil, used filters, old auto batteries, etc. We also distribute substantial amounts of educational material as residents are required to wait in line to drop off their material. During the week of the special collection events, the City's hauler also conducts a special curbside pickup of large and bulky items for seniors and handicapped individuals.

3. Procurement of recycled content products: The City's policy regarding buying recycled encourages each City department to purchase recycled products

4. Tires: The City requires the use of recycled rubber content in street resurfacing projects.

5. Residential buy-back: There are five residential buy-back facilities located in the City.

6. Commercial on-site pickup: The City offers free recycling services to businesses and multi-family complexes through its waste hauler.

7. Government recycling: The City's waste hauler continues to provide free trash and recycling services at all facilities owned or operated by the City of Buena Park.

8. Commercial onsite greenwaste collection: The City through its hauler offers commercial greenwaste pickup from larger generators.

9. White goods recycling: During the special collection events all of the white goods that are collected are recycled.

10. Wood waste recycling: The City's tree trimming contractor, West Coast Arborist (WCA), continues to recycle wood waste from Buena Park trees. WCA has its own wood mill and uses wood waste for a variety of purposes.

11. Electronic media for public information: Electronic methods continue to be used to educate the community about the importance of recycling. The City has a government access channel and produces educational and information content to air on it. This channel is also used to air public service announcements about recycling.

12. ADC: Greenwaste materials diverted through the material recovery facility continue to be used at the county landfills as alternative daily cover (ADC).

4. Provide any additional relevant information that supports the request.

No additional relevant information.

Section IIIB—ALTERNATIVE DIVERSION REQUIREMENT

Within this section, discuss your jurisdiction's progress in implementing diversion programs that were planned to achieve 50%. Provide any additional information that demonstrates "good faith effort." The CIWMB shall determine your jurisdiction's efforts in demonstrating "good faith effort" towards complying with AB 939. Note: The answers to each question should be comprehensive and provide specific details regarding the jurisdiction's situation.
Attach additional sheets if necessary—please reference each response to the appropriate cell number (e.g., IIIB-1.).

1. Why does your jurisdiction need and Alternative Diversion Requirement? Describe why SRRE selected programs did not achieve 50% diversion. Identify barriers to meeting the 50% goal and briefly indicate how they will be overcome.

2. Why is your jurisdiction requesting an Alternative Diversion Requirement in lieu of a Time Extension?

3. Describe your jurisdiction's Good Faith Efforts to implement the programs in its SRRE.

4. Describe any relevant circumstances in the jurisdiction that contribute to the need for an ADR. Provide any relevant information that supports the request.

Section IV A—PLAN OF CORRECTION

A Plan of Correction is required by PRC Section 41820(a)(6)(B). The plan is fundamentally a description of the actions the jurisdiction will take to meet the 50% goal by the expiration of the Time Extension.

Attach additional sheets if necessary.

Residential %	37	Non-residential %	63

PROGRAM TYPE **Please use the Board's Program Types. The Program Glossary is online at:** www.ciwmb.ca.gov/LGCentral/PARIS/Codes/Reduce.htm	NEW or EXPAND	DESCRIPTION OF PROGRAM	FUNDING SOURCE	DATE FULLY COMPLETED	ESTIMATED PERCENT DIVERSION
3000-CM-RCG	New	Green Waste Recycling - A new program featuring separation of greenwaste at the curbside will be implemented during June 2005. This program will include all residential customers, including single-family residences and small multi-family residences that currently receive residential curbside services. Residents will separate all greenwaste and place it into their existing 32-gallon trash cans, or bundle it in neat bundles at the curb. The City will also contract with Park Disposal to provide street sweeping services. This will place that entire waste stream within the control of Park Disposal and it will then be processed through the MRF. Currently, these services are contracted through Nationwide Environmental Services. The waste collected is not processed through the City's MRF. This contract change will occur by July 31, 2005, after which all greenwaste generated in the City will then be processed in a similar manner.	Refuse Rates	July 31, 2005	7%
6010-PE-EIN	New	Automated Curbside Pickup - A new program featuring a single 95-gallon container into which all refuse (with the exception of greenwaste) will be placed. If a resident requires additional disposal capacity, they will be provided with a second 95-gallon container at an additional monthly cost of $3.50. This rate structure modification will influence residents to reduce the amount of waste they generate, thus leading to more discretion in the packaging content of articles they purchase. This will ultimately lead to decreased waste generation and disposal at the local landfills.	Refuse Rates	December 31, 2005	1%

4060-SP-CAR	Expand	In order to encourage developers to recycle construction/demolition waste, the City operates an incentive directed towards inert materials. This incentive provides a decreased disposal rate if the customer separates inerts (concrete and asphalt) into a separate drop-off bin. The inerts are then diverted to an inert recycling company in Buena Park for processing. All other construction/demolition waste is transported to the MRF for processing. The cost to dispose of segregated inerts is $360 for up to ten tons. In contrast, the cost to dispose of mixed C&D waste is $413.05 for up to six tons, and an additional $45.68 per ton for each additional ton up to a total of ten tons. The cost for ten tons would be $595.77. This incentive program is explained to all customers who order a C&D drop-off bin. Printed information is also provided at Park Disposal's office and at the Building Department and Public Works Department public counter. (Note: we do have tonnage and load figures to demonstrate how many customers participated in this program during the past year.) All C&D waste (except inerts) is transported by Park Disposal to the MRF for processing. In this manner, our current C&D program effectively includes all waste in a diversion and recycling program. In order to enhance the existing C&D program, the City is in the process of developing a new program which will require developers to submit a Recycling Plan for all C&D waste prior to the issuance of a Demolition Permit. The Recycling Plan will require the developer to report the disposition and tonnage of all C&D waste. This will be handled as a Condition of Approval and the Demolition Permit will not be issued until a Recycling Plan is submitted, reviewed and approved by the Public Works Department. This program will implemented by July 31, 2005.	Refuse Rates	July 31, 2005	1%
		Total Estimated Diversion Percent From New and/or Expanded Programs			9%
		Current Diversion Rate Percent From Latest Annual Report			44%
		Total Planned Diversion Percent Estimated			53%

PROGRAMS SUPPORTING DIVERSION ACTIVITIES

PROGRAM TYPE	NEW or EXPANDED	DESCRIPTION OF PROGRAM	DATE FULLY COMPLETED
5000-ED-ELC	Expanded	The City utilizes local government programming with our cable television provider to produce and broadcast educational and informational news videos about various issues. In order to support the new and expanded programs listed in this report, we will produce a video which will educate residents about the new automated disposal program and greenwaste separation program. This video will also educate residents about making wise purchasing decisions to reduce the amount of waste they generate.	December 31, 2005

5010-ED-PRN	Expanded	The City publishes educational and information news articles in local weekly publications and the City's quarterly newsletter, The Buena Park Today, which is mailed to all residents in the City. The City will develop additional articles for these publications regarding the new programs listed in this report.	December 31, 2005
5020-ED-OUT	Expanded	The City has begun conducting educational outreach activities with all homeowner associations. These activities include attendande at Association meetings in which City staff explains several key environmental programs, including recycling, NPDES Stormwater Regulations, and Fats, Oils and Grease contamination in sewer lines. Each of these programs relies heavily on proper disposal and recycling of waste. Our goal is to attend each Association meeting a minimum of one time per year. In addition, City staff also creates print-ready documents for inclusion in Association newsletters to their residents on these environmental programs.	December 31, 2005
1030-SR-PMT	Expanded	The City operates under an administrative policy that encourages the purchasing agent and various City departments to purchase recycled products and to require the use of recycled products in City programs and projects. For example, the City has required since 1993 that all City street resurfacing projects utilize rubberized asphalt made from recycled automobile tires. Only those bid proposals that include rubberized asphalt are considered for these multi-million dollar projects, totaling tens of thousands of tons of rubberized asphalt over the years. As noted in the PARIS, the City currently purchases numerous consumer products made from recycled content, including park benches, park signs, paper products, etc. The City has recently purchased a large quantity of used office cubicles from Caltrans for use in City Hall, rather than purchasing new products. This shows the City's ongoing commitment to reduce, reuse and recycle. In order to formalize these current practices, the City will modify our existing procurement policy to more closely resemble the City of Exeter's, with particular attention paid to the existing practices currently in place at Buena Park.	July 31, 2005

Section IV B—GOAL ACHIEVEMENT

Goal Achievement describes the activities the jurisdiction will use to achieve the ADR.
Attach additional sheets if necessary..

Residential %		Non-residential %	

PROGRAM TYPE Please use the Board's Program Types. The Program Glossary is online at: www.ciwmb.ca.gov/LGCentral/PARIS/Codes/Reduce.htm	NEW or EXPAND	DESCRIPTION OF PROGRAM	FUNDING SOURCE	DATE FULLY COMPLETED	ESTIMATED PERCENT DIVERSION
		Total Estimated Diversion Percent From New and/or Expanded Programs			
		Current Diversion Rate Percent From Latest Annual Report			
		Total Planned Diversion Percent Estimated			

PROGRAMS SUPPORTING DIVERSION ACTIVITIES

PROGRAM TYPE	NEW or EXPAND	DESCRIPTION OF PROGRAM	DATE FULLY COMPLETED

Section V – PARIS

Office of Local Assistance staff will be reviewing your Jurisdiction's Planning Annual Report Information System (PARIS) database printout as part of the evaluation of your request. Should the Jurisdiction have updates or revisions to the program implementation from the latest Annual Report submitted to the Board, please attach to the application the Jurisdiction's PARIS database printout showing updates or revisions.

Contact your Office of Local Assistance Representative at (916) 341-6199 for a copy of PARIS, or go to the Board's website at **www.ciwmb.ca.gov/LGCentral/PARIS/**.

CITY OF BUENA PARK

Department of Public Works
James A. Biery, Director

June 2, 2005

Maria Kakutani
Office of Local Assistance
California Integrated Waste Management Board
1001 I Street
Sacramento, CA 95812-4025

Dear Maria:

I submitted incorrect information with our SB1066 Application. Please make the following change to Section IV-A-Plan of Correction. The Estimated Percent Diversion for Program 4060-SP-CAR should be 4%. Thank you for your assistance.

Sincerely,

Doug Brodowski

Douglas Brodowski
Administrative Analyst

6650 Beach Boulevard, P.O. Box 5009, Buena Park, California, 90622-5009
(714) 562-3670 Fax (714) 562-3677
www.buenapark.com

Office of Local Assistance

Program Listing for Buena Park

Date Printed
May 17,2005

Program Code	Existed	Slcted?	Pre 1995 Start	------ 1995 ------ Status	------ 1996 ------ Status	------ 1997 ------ Status	------ 1998 ------ Status	------ 1999 ------ Status	------ 2000 ------ Status	------ 2001 ------ Status	------ 2002 ------ Status
1000-SR-XGC Xeriscaping/Grasscycling	N	Y	1998	NI 99	NI 99	NI 99	SI	SO	SO	SO	SO
1010-SR-BCM Backyard and On-Site Composting/Mulching	N	Y	1993	SO	SO	SO	SO	SO	SO	SO	SO
1020-SR-BWR Business Waste Reduction Program	N	Y	1991	SO	SO	SO	SO	SO	SO	SO	SO
1030-SR-PMT Procurement	N	Y	1992	SO	SO	SO	SO	SO	SO	SO	SO
1040-SR-SCH School Source Reduction Programs	N	Y	1993	SO	SO	SO	SO	SO	SO	SO	SO
1050-SR-GOV Government Source Reduction Programs	N	Y	1995	SI	SO	SO	SO	SO	SO	SO	SO
1060-SR-MTE Material Exchange, Thrift Shops	Y	Y	1992	SO	SO	SO	SO	SO	SO	SO	SO
2010-RC-DRP Residential Drop-Off	N	Y	1991	SO	SO	SO	SO	SO	SO	SO	SO
2020-RC-BYB Residential Buy-Back	Y	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO
2030-RC-OSP Commercial On-Site Pickup	N	Y	1993	SO	SO	SO	SO	SO	SO	SO	SO

Status Code Legend

SO = Selected Ongoing
AO = Alternative Ongoing
SI = Selected Implemented
AI = Alternative Implemented
M = Regional Agency did not exist or city was not incorporated or city
D = Dropped
DE = Dropped in Earlier Year
NI = Selected and Not Implemented
PF = Planned Future
NA = Program did not exist

Reason Code

1 = Delays in bringing diversion facilities online.
2 = Unavoidable regulatory delays.
3 = Existing contractual or legal problems.
4 = Insufficient funding.
5 = Insufficient staffing.
6 = Lack of cooperation from other entities.
7 = Sufficient diversion without selected program.
8 = Lack of markets necessary to support

Application: PARIS

Office of Local Assistance

Program Listing for Buena Park

Date Printed
May 17,2005

Program Code	Existed	Slcted?	Pre 1995 Start	------ 1995 ------ Status	------ 1996 ------ Status	------ 1997 ------ Status	------ 1998 ------ Status	------ 1999 ------ Status	------ 2000 ------ Status	------ 2001 ------ Status	------ 2002 ------ Status
2050-RC-SCH School Recycling Programs	Y	Y	1991	SO	SO	SO	SO	SO	SO	SO	SO
2060-RC-GOV Government Recycling Programs	Y	Y	1991	SO	SO	SO	SO	SO	SO	SO	SO
2070-RC-SNL Special Collection Seasonal (regular)	N	N	1992	AO	AO	AO	AO	AO	AO	AO	AO
2080-RC-SPE Special Collection Events	N	Y	1995	SI	SO	SO	SO	SO	SO	SO	SO
3000-CM-RCG Residential Curbside Greenwaste Collection	N	Y	1992	SO	SO	SO	SO	SO	SO	SO	SO
3040-CM-FWC Food Waste Composting	N	N	1996	NA	AI	AO	AO	AO	AO	AO	AO
4020-SP-TRS Tires	Y	Y	1993	SO	SO	SO	SO	SO	SO	SO	SO
4030-SP-WHG White Goods	Y	Y	1991	SO	SO	SO	SO	SO	SO	SO	SO
4040-SP-SCM Scrap Metal	Y	Y	1991	SO	SO	SO	SO	SO	SO	SO	SO
4050-SP-WDW Wood Waste	Y	Y	1991	SO	SO	SO	SO	SO	SO	SO	SO

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Application: PARIS

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Program Listing for Buena Park

Date Printed
May 17,2005

Program Code	Existed	Slcted?	Pre 1995 Start	------ 1995 ------ Status	------ 1996 ------ Status	------ 1997 ------ Status	------ 1998 ------ Status	------ 1999 ------ Status	------ 2000 ------ Status	------ 2001 ------ Status	------ 2002 ------ Status
4060-SP-CAR Concrete/Asphalt/Rubble	Y	Y	1992	SO	SO	SO	SO	SO	SO	SO	SO
5000-ED-ELC Electronic (radio ,TV, web, hotlines)	Y	Y	1992	SO	SO	SO	SO	SO	SO	SO	SO
5010-ED-PRN Print (brochures, flyers, guides, news articles)	Y	Y	1992	SO	SO	SO	SO	SO	SO	SO	SO
5020-ED-OUT Outreach (tech assistance, presentations, awards, fairs, field trips)	Y	Y	1992	SO	SO	SO	SO	SO	SO	SO	SO
6010-PI-EIN Economic Incentives	N	N	1992	AO	AO	AO	AO	AO	AO	AO	AO
6020-PI-ORD Ordinances	N	Y	1994	SO	SO	SO	SO	SO	SO	SO	SO
7000-FR-MRF MRF	Y	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO
7030-FR-CMF Composting Facility	N	Y	1991	SO	SO	SO	SO	SO	SO	SO	SO
7040-FR-ADC Alternative Daily Cover	Y	Y	1991	SO	SO	SO	SO	SO	SO	SO	SO
8020-TR-TRS Tires	N	Y	1991	SO	SO	SO	SO	SO	SO	SO	SO

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Application: PARIS

Office of Local Assistance

Program Listing for Buena Park

Date Printed
May 17,2005

Program Code	Existed	Slcted?	Pre 1995 Start	------ 1995 ------ Status	------ 1996 ------ Status	------ 1997 ------ Status	------ 1998 ------ Status	------ 1999 ------ Status	------ 2000 ------ Status	------ 2001 ------ Status	------ 2002 ------ Status
9000-HH-PMF Permanent Facility	Y	Y	1995	SI	SO	SO	SO	SO	SO	SO	SO
9030-HH-WSE Waste Exchange	N	Y	1998	NI 3	NI 3	NI 3	SI	SO	SO	SO	SO
9040-HH-EDP Education Programs	Y	Y	1991	SO	SO	SO	SO	SO	SO	SO	SO

Add any additional programs below

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Application: PARIS

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Resolution 2005-173 (Revision 2)

Consideration Of The Application For A SB1066 Time Extension By The City Of Buena Park, Orange County

WHEREAS, Public Resources Code (PRC) Section 41825 requires the Board to review each City, County, and Regional Agency's (jurisdiction) Source Reduction and Recycling Element (SRRE) at least once every two years; and

WHEREAS, by conducting the Biennial Review in accordance with Title 14 California Code of Regulations Section 18772, the Board will determine if a jurisdiction has implemented its SRRE programs, and if a jurisdiction is meeting the diversion requirements as specified under PRC Section 41780; and

WHEREAS, in 1997, Senate Bill (SB) 1066 modified PRC Section 41820 and Section 41785 for multiple year and multiple requests from jurisdictions for Time Extensions or Alternative Diversion Requirements in meeting the 50 percent diversion requirement; and

WHEREAS, the Board developed an application intended to provide guidance on the information and documentation that is needed to meet the requirements identified in PRC Sections 41820 and 41785, and approved the application on May 23, 2000; and

WHEREAS, based on the staff review of the SRRE for the City of Buena Park (City), Board staff found that the City has been implementing diversion programs but needs more time to achieve the 50 percent diversion requirement; and

WHEREAS, the City has submitted the necessary information and documentation required in a completed SB1066 Time Extension application; and

WHEREAS, the Board staff recommends and the City concurs to implement a ~~an alternative program~~ construction and demolition ordinance and procurement policy in addition to the selected programs in the application;

NOW, THEREFORE, BE IT RESOLVED that the Board hereby accepts the City of Buena Park's SB 1066 application for a time extension as well as including construction and demolition ordinance and procurement policy in addition to the selected programs in the application through December 31, 2005, to implement its SRRE and to meet the 50 percent diversion requirement.

(over)

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board directs the City of Buena Park to report on its progress in implementing its Plan of Correction by submitting an interim status report and a final report at the end of the extension with the Annual Report.

CERTIFICATION

The undersigned Executive Director, or his designee, of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on July 19-20, 2005.

Dated:

Mark Leary
Executive Director

California Integrated Waste Management Board

Board Meeting

July 19-20, 2005

AGENDA ITEM 21

ITEM
Consideration Of A Second SB1066 Time Extension Application By The Following Jurisdictions: The Cities Of Brawley, Calexico, Calipatria And The City Of Imperial, Imperial County.

I. ISSUE/PROBLEM STATEMENT

The jurisdictions listed in this item have submitted a second Senate Bill (SB)1066 Time Extension application to the California Integrated Waste Management Board (Board). Public Resources Code (PRC) Section 41820 allows a jurisdiction that has not achieved the diversion requirement of PRC Section 41780 to petition for one or more time extensions to meeting the 50 percent diversion requirement for a maximum of five years; no extensions may be effective beyond January 1, 2006.

These jurisdictions' first SB1066 Alternative Diversion Requirements have ended, and despite their efforts to meet the timelines in their respective first Goal Achievement Plans, they will need additional time to implement programs proposed in their first SB1066 Alternative Diversion Requirement request, and/or additional programs. Staff's analysis of these second SB1066 Time Extension requests is that they are reasonable given the barriers the jurisdictions have faced, as explained in Attachments 1 through 4 of this item.

II. ITEM HISTORY

The Board approved these jurisdictions' first SB1066 Alternative Diversion Requirement requests at the March 18, 2003 Board meeting.

III. OPTIONS FOR THE BOARD

1. The Board may approve the jurisdictions' applications as submitted for a second extension to the 50 percent diversion requirement on the basis of their good faith efforts to-date to implement their first Goal Achievement Plans and plans for future implementation.
2. The Board may approve the jurisdictions' applications as may be modified by the jurisdictions at the Board meeting.
3. The Board may approve the jurisdictions' applications as submitted but also make recommendations for one or more jurisdictions to implement alternative programs that it believes should be added to the new Plan of Correction for it to be successful.
4. The Board may make recommendations for the implementation of alternative programs that it believes one or more jurisdictions should add for their new Plan of Correction to be successful, and continue the item to the next Board meeting to allow the jurisdiction(s) time to revise its/their application.
5. The Board may disapprove one or more jurisdictions' application and allow the jurisdiction(s) to revise and resubmit the application based on the Board's specified reasons for disapproval.

6. The Board may disapprove one or more jurisdictions' application and direct staff to commence the process to issue a compliance order because the Board's specified reasons for disapproval cannot be addressed by a revised application.

IV. STAFF RECOMMENDATION

Staff recommends the Board adopt option No. 1: approve each jurisdiction's second SB1066 time extension request as submitted on the basis of their good faith efforts to-date to implement their first Plan of Correction and their plans for future program implementation.

V. ANALYSIS

A. Key Issues and Findings

1. Background

Public Resources Code (PRC) Section 41820 allows a jurisdiction that has not achieved the diversion requirement of PRC Section 41780 to petition for one or more time extensions to meeting the 50 percent diversion requirement for a maximum of five years; no extensions may be effective beyond January 1, 2006 (PRC Section 41820).

PRC Section 41820(b) further provides that:

"(1) When considering a request for an extension, the board may make specific recommendations for the implementation of alternative programs.
(2) Nothing in this section shall preclude the board from disapproving any request for an extension.
(3) If the board disapproves a request for an extension, the board shall specify its reasons for the disapproval."

The jurisdictions listed in this item have submitted a second SB1066 Time Extension application requesting more time to either:

- implement additional programs,
- overcome the barriers encountered during the first TE that kept them from implementing certain programs, or
- expand or fully implement programs in their first Plan of Correction.

The second SB1066 Time Extension applications address all of the requirements of a SB 1066 application and each includes a discussion as to why the jurisdiction needs additional time to implement the diversion programs listed in their second Plan of Correction.

2. Basis for staff's analysis

Staff's analysis is based upon the information below.

Existing Jurisdiction Conditions:

	Preliminary Diversion Rates (Percent)						Key Jurisdiction Conditions			
							Report Year Waste Stream Data			
Jurisdiction	Base Year	1999	2000	2001	2002	2003	Pounds waste generated per person per day (ppd)	Population (2002)	Non-Residential Waste Stream Percentage	Residential Waste Stream Percentage
Brawley	1999	40	40	39	42	43	10.78	22,900	75	25
Calexico	2000	ND	40	41	40	34	8.13	30,300	75	25
Calipatria	2000	ND	30	49	47	49	6.07	7,675	87	13
Imperial	2000	ND	37	36	24	34	9.21	8,250	74	26

Jurisdiction	**Program Review Site Visit by Board Staff**	**Reporting Frequency**	**Proposed % Diversion Increase**	**Extension End Date**	**Is Time Request Appropriate?** (yes/no)
Brawley	4/2005	Interim.	7%	Dec. 31, 2005	Yes
Calexico	4/2005	Interim	16%	Dec. 31, 2005	Yes
Calipatria	4/2005	Interim	1%	Dec. 31, 2005	Yes
Imperial	4/2005	Interim	16%	Dec. 31, 2005	Yes

Staff Analysis of Second SB 1066 Applications:

Attachments 1 through 4 provide an overview of the following:

- The barriers faced by each jurisdiction to meeting the 50% diversion requirement within the *first* time extension/alternative diversion requirement, and the jurisdiction's explanation as to why additional time is necessary for meeting the diversion requirement;
- Staff's analysis of the reasonableness of the request;
- Diversion programs the jurisdictions are proposing to expand or newly implement in the second Plan of Correction (Section IV-A of the SB1066 Time Extension application), and their relationship to programs proposed for the first extension;
- Staff's analysis of whether the programs to be expanded or newly proposed are appropriate, given the barriers confronted in the first Time Extension/ Alternative Diversion Requirement period, and the jurisdictions' waste stream.

Plan of Correction:

A jurisdiction's SB1066 time extension request must include a Plan of Correction that:

a. demonstrates meeting 50 percent before the time extension expires;
b. includes source reduction, recycling, and composting programs a jurisdiction will modify and new programs they will implement;
c. identifies the date when 50 percent will be achieved;
d. identifies funding necessary for new and/or expanded programs.

Each jurisdiction's second Plan of Correction meets the above requirements. Board staff has also conducted an assessment of each jurisdiction's current program implementation, including a program review site visit. Based on Board staff's understanding of the relevant circumstances in the jurisdictions that contributed to their need for a second

extension, Board staff believes the jurisdictions' proposed new Plans of Correction to be reasonable. The jurisdictions' requests and staff's analyses are explained in the attachment matrix (Attachments 1 through 4) for each jurisdiction.

In addition, PRC Section 41820(d) directs Board staff to provide technical assistance to a jurisdiction that requests assistance in meeting the diversion requirements, such as identifying model policies and programs implemented by other jurisdictions of similar size, geography, and demographic mix. Lastly, a jurisdiction with a Board-approved time extension is required to include a summary of its progress in complying with its Plan of Correction in each annual report that is due prior to the end of the time extension [per PRC Section 41821(b)(5)]. In addition to reporting their progress in their Annual Reports, staff recommends that these jurisdictions also be required to submit interim progress reports as well as a final report at the end of their extensions.

3. Findings

Staff has determined that the Board may grant the requested second Time Extensions because they meet the requirements of PRC Section 41820; specifically:

- Each jurisdiction has submitted all required planning elements.
- Each jurisdiction is making a good faith effort to implement the programs identified in its SRRE and those proposed in its first Plan of Correction.
- Each jurisdiction has submitted a second Plan of Correction demonstrating that it will meet the diversion requirements by the time the extension expires including: the programs that it will expand or start implementing, the dates of implementation, and the means of funding.

A comprehensive list of each jurisdiction's SRRE-selected and implemented diversion programs is provided in Attachments 9 through 12. Because of the jurisdictions' efforts to-date and their plans for expanding those efforts to reach the 50 percent diversion requirement as outlined in their respective second Plan of Correction, staff is recommending approval of their second SB1066 time extension applications.

B. Environmental Issues

Based on available information, staff is not aware of any environmental issues related to this item.

C. Program/Long Term Impacts

Allowing these jurisdictions more time to implement diversion programs will help to increase waste diversion, both locally and statewide.

D. Stakeholder Impacts

Allowing these jurisdictions more time to implement new and expand existing diversion programs and to measure the impact these newly implemented and expanded programs have had on diversion will assist the jurisdictions to achieve the diversion requirements of PRC Section 41780.

E. Fiscal Impacts

No fiscal impact to the Board results from this item.

F. Legal Issues

As discussed above, this item represents the process for implementing PRC Section 41820 that allows jurisdictions to petition for more time to implement additional diversion programs to achieve the 50 percent diversion requirement for 2000, and allows the Board the discretion to grant these time extensions.

G. Environmental Justice

Community Setting.

2000 Census Data – Demographics							
Jurisdiction	**% White**	**% Hispanic**	**% Black**	**%Native American**	**% Asian**	**%Pacific Islander**	**%Other**
Brawley	21.7	73.8	2.1	0.4	1.0	0.1	0.0
Calexico	2.4	95.3	0.1	0.2	1.7	0.0	0.0
Calipatria	19.9	57.3	21.0	0.5	0.5	0.0	0.0
Imperial	32.4	61.1	2.4	0.5	2.3	0.1	0.0

2000 Census Data – Economic Data			
Jurisdiction	**Median annual income***	**Mean (average) income***	**% individuals below poverty level**
Brawley	31,277	42,495	26.6
Calexico	28,929	39,586	25.7
Calipatria	30,962	36,719	24.2
Imperial	49,451	52,407	11.6

* Per household

- **Environmental Justice Issues**. According to the jurisdictional representatives, there are no environmental justice issues related to this item in these communities.

- **Efforts at Environmental Justice Outreach.**
  Each of the four Imperial Valley cities provides bilingual printed and electronic outreach materials in both Spanish and English, and translate printed information as necessary.

- **Project Benefits.** The expansion of the existing, and implementation of the additional programs listed in this item will help to increase the jurisdictions' diversion rates.

H. 2001 Strategic Plan

This item supports Strategic Plan goal 2, objective 3 (Support local jurisdictions' ability to reach and maintain California's waste diversion mandates), strategy (D) (Assess and assist local governments' efforts to implement programs and reduce disposal, taking corrective action as needed) by assessing the jurisdictions' efforts to implement programs and reduce disposal.

This item also supports Strategic Plan goal 7, objective 1 (Promote source reduction to minimize the amount of waste generated, strategy (B) (Continue to work with

jurisdictions to ensure they meet and/or exceed existing waste diversion mandates) by demonstrating staff's continual efforts to work with jurisdictions to ensure they meet and/or exceed the waste diversion mandates.

VI. FUNDING INFORMATION

This item does not require any Board fiscal action.

VII. ATTACHMENTS

1. Time Extension Matrix for the City of Brawley
2. Time Extension Matrix for the City of Calexico
3. Time Extension Matrix for the City of Calipatria
4. Time Extension Matrix for the City of Imperial
5. City of Brawley Second 1066 Time Extension Application
6. City of Calexico Second 1066 Time Extension Application
7. City of Calipatria Second 1066 Time Extension Application
8. City of Imperial Second 1066 Time Extension Application
9. Program Listing for the City of Brawley
10. Program Listing for the City of Calexico
11. Program Listing for the City of Calipatria
12. Program Listing for the City of Imperial
13. Resolution Number 2005-174

VIII. STAFF RESPONSIBLE FOR ITEM PREPARATION

A. Program Staff: Tara Gauthier **Phone:** (916) 341-6277
B. Legal Staff: Elliot Block **Phone:** (916) 341-6080
C. Administrative Staff: N/A **Phone:** N/A

IX. WRITTEN SUPPORT AND/OR OPPOSITION

A. Support

The cities of Brawley, Calexico, Calipatria and Imperial

B. Opposition

Staff had not received any written opposition at the time this item was submitted for publication.

City of Brawley Second Time Extension Application Matrix

Barriers/Reason for Second Time Extension	Staff's Analysis
Barriers in residential curbside recycling program: • The City of Brawley is studying the feasibility of privatizing the solid waste division in order to be able to provide a 3-can system to every resident, including single family homes as well as multifamily homes. The plan to expand the pilot area curbside recycling program has remained on hold until the City sends out a Statement of Qualifications (SOQ) along with the City of El Centro for solid waste services. • The City has found out that Valley Enviromental Services (VES) has discontinued the recycling of mixed paper at its Materials Recovery Facility (MRF). It is unknown why VES has stopped. The City has been hauling its pilot area residential curbside recyclables to the VES MRF. • Funding has been the greatest barrier to expansion of the curbside program. **Reasons for Second Time Extension:** • The City needs more time to analyze costs of privatization vs. expanding the existing City owned solid waste services. • If the City does privatize, after the City completes an RFQ, and analyzes and compares the costs of the two programs, the City needs time to allow the contracted hauler to implement service and provide the 3 can system to all the residents in the City of Brawley. • If the City does not privatize, then the City would require more time to purchase new equipment and containers to expand the curbside program pilot areas.	**Residential curbside recycling:** • The City implemented a pilot 2-can system with commingled recycling in 2003-4, and achieved the lowest curbside contamination rate in the Imperial Valley. Expansion of the same program to the other neighborhoods would require that the City invest more money in staff and infrastructure. Prior to the investment in staff and infrastructure, it is prudent of the City to analyze these costs vs. the costs of the program with a private contractor. • Currently in the pilot recycling area the City collects cardboard, aluminum, glass, plastic and other recyclables including mixed paper. The pilot area includes about 400 homes. The city-owned program would be expanded to about double the number of homes, and it would add green waste to all areas collected. • The City plans to send out a SOQ along with the City of El Centro, since El Centro is a larger city, and together they have more chance of improving costs of processing their existing curbside recyclables and might include a requirement for recycling mixed paper. • Staff agrees that the City is adequately addressing the barriers associated with the residential curbside recycling program.
Barriers in residential drop-off: • The City has found out that Valley Environmental Services as discontinued the recycling of mixed paper at its Materials Recovery Facility (MRF). **Reasons for Second Time Extension:** • The City will expand its present drop-off area to include tire recycling instead of mixed paper. • The City needs more time to explore other recycling options if and when they become available.	**Residential drop-off:** • Per its last 1066 request, the City had planned to expand its drop-off recycling area to include mixed paper. Because mixed paper recycling was dropped at the MRF the City is using, the City has decided to expand the drop-off area to include tire recycling instead of mixed paper recycling. • As new facilities open for business in the area, they could expand recycling options. • Staff agrees the City is adequately addressing the barrier encountered at its recycling drop-off facility.
Barriers in C&D (Special Waste) recycling program: • Implementation of the C&D ordinance in the second	**C&D (Special Waste) diversion:** • The City of Brawley composed the first C&D

half of 2005 requires the hiring of new staff, who would be a p/t building inspector and a p/t compliance person. • The new fiscal budget for 2005-2006 has been approved to provide funding for this staff person. Hiring cannot be accomplished prior to the new fiscal year (July, 2005) for this position. **Reasons for Second Time Extension:** • The City requests more time to describe and write qualifications and duties, advertise, and then hire someone for the purpose of implementing the C&D ordinance. • The City needs more time to implement and monitor the C&D Ordinance. • The City plans to support the C&D ordinance with print and outreach (described below).	ordinance language in the Imperial Valley, and worked with other jurisdictions there in order to write similar requirements for all development in the Imperial Valley. The JPA and local jurisdictions goal has been to develop a C&D diversion program that can function across all 8 Imperial jurisdictions. Now that the ordinance is in place, the City needs to monitor and enforce it. • In order to monitor compliance with the C&D ordinance, staff agrees that the City can benefit from hiring new staff to fulfill this function. Without additional staff, the City may not be able to fully and fairly implement the ordinance. Although the City has not yet fully implemented its C&D ordinance, some diversion has been taking place already. The City requires diversion in all City capital improvement projects, and related weight tickets, and crushes and reuses asphalt for roads, dust suppression, and other local projects. Additionally, permit applicants are instructed by City staff to take concrete and asphalt to a local facility that processes the material to be reused as road base. When citizens of Brawley call requesting information on the disposal of mixed C&D material, City staff directs them to a facility that is able to separate the mixed C&D materials. • Staff agrees that the City is adequately addressing the barriers to implementing its C&D ordinance.
Barriers in green waste: • Funds were allocated for a new solid waste vehicle in April 2005, but greenwaste containers were denied funding by the City Council, so the City would be unable to expand the curbside recycling pilot area to include greenwaste at this time. • Because the City of Brawley is considering privatization of its solid waste services, the plan to purchase containers remains on hold until the City sends out an SOQ along with the City of El Centro for solid waste services. **Reasons for Second Time Extension:** • The City needs more time to analyze costs of privatization vs City own solid waste services. • If the City does privitize the hauler would need more time to provide the 3 can system, expanding existing service to include green waste collection to all the residents in the City of Brawley. • If the City decides not to privatize its curbside service, then the City needs more time to purchase and distribute containers to expand existing City-owned service to include greenwaste collection. • In the meantime, the City plans to have a greenwaste drop off area that is open to the public on Saturdays. The green waste will be chipped by	**Green waste:** • In its current pilot curbside recycling area, the City collects no green waste. In its previous 1066 request, the City had planned to expand its existing pilot curbside program to include green waste collection, when it ran into funding difficulties from the City Council. • Brawley is the only city in the Imperial Valley that offers city-owned solid waste services. Other jurisdictions in the Valley utilize the franchised services from a private contractor. Sending a SOQ with the larger jurisdiction of El Centro may increase response and lead to more waste diversion options for the City. • The SOQ process could take a good deal of time to complete, and the analysis to compare the cost of City-owned vs. private services would add more time to this process. • Because green waste collection is not presently available to residents at curbside, the most immediate way to mitigate this program gap is to offer drop-off of green waste to residents. • Staff agrees that the City is adequately addressing the barriers to implementing its green waste diversion program.

City staff and then transported to the Allied Landfill to be utilized as ADC.	

Plan of Correction	Staff's Analysis	Estimated Percent Diversion
2000 RC-CRB (Curbside Recycling) The City will expand the existing pilot curbside program, either through a contracted hauler or through the City owned solid waste division. This will occur after the City completes an RFQ, and analyzes and compares the costs of the two programs.	Expansion of the curbside program through either the City owned solid waste division or through a contract hauler could greatly increase the amount of recyclables being collected. New routes could include providing a 3-can system to every resident, including single family homes as well as multifamily homes.	1.5%
2010-RC-DRP (Residential Drop-off) The City plans expansion of its existing drop-off yard to include residential tires. Tires will be delivered to a recycling facility to be converted into crumb rubber.	The City has been diverting tires through regional tire collection events. The drop off area for tires should make tire disposal more convenient for residents, and possibly increase the diversion for the City.	.5%
4060-SP-CAR (Concrete, Asphalt, Rubble) The City will implement its C&D Ordinance, which will require adding a part time compliance / part time building inspector to City staff. The recycling ordinance applies to all construction projects valued at or greater than $50,000 and all demolition projects having over 1,000 square feet. The compliance / building inspector will monitor project for compliance before a required deposit is returned to the applicant.	The C&D Ordinance will increase diversion from only City projects, which were already required to divert materials, to all commercial and residential construction over the required threshold. This should greatly increase waste diversion since the amount of C&D planned for the City is substantial. The amount of time requested seems reasonable due to required hiring practices and training the new staff person.	3%
7040-FR-ADC (Alternative Daily Cover) The City also plans to expand the drop-off yard to accept clean source-separated green waste, that City crews will chip and send to the Allied Landfill for use as ADC. This would include Christmas trees, residential, and non-residential green waste. City crews previously collected tree branches from City allies and brought them to the City yard to chip. The City of Brawley has more greenery than other cities in the arid Imperial Valley area, and plans to eventually expand its curbside green waste collection program. Not all alleys in the City are wide enough to allow large curbside collection trucks, however, so the City is exploring its options through the RFQ for curbside recycling expansion to a 3-can system.	The possibilities of diversion for this item vary, depending upon the ultimate program chosen. The initial program of utilizing a drop-off system for green waste would, most likely, provide less diversion than curbside expansion to a 3-can system for all residents. However, a drop-off system is a reasonable beginning for this program. Having drop-off available all year could potentially increase diversion to this amount, if it is adequately supported by public outreach. The amount of time requested seems reasonable since the City must follow necessary steps in the RFQ process and in its analysis.	2%
Total Estimated Diversion Percent From New and/or Expanded Programs		7 %
Current Diversion Rate Percent From Latest Annual Report		43 %

Total Planned Diversion Percent Estimated	50 %

Support Programs	
1030-SR-PMT (Procurement) The City will implement a procurement policy for all City offices to purchase recycled content products. The City will continue to utilize rubberized asphalt on City streets. It has already paved 30 streets within the City utilizing rubberized asphalt. This program also supports the tire recycling program.	Passing a formal policy for the practice of purchasing recycled content products should increase the amount of recycled content products purchased by the City. It closes the loop for the City's recycling programs, and creates a positive model for the public.
5010-ED-PRN (Print) The City will send out flyers twice a year to City residents to advise them of where to take recyclables, how to handle greenwaste, and to advise them of spring cleanup as well as the C&D ordinance that is going to be implemented this summer.	Printed material sent out to residents twice a year appears to adequately support the recycling programs available to the public.
5020-ED-OUT (Education – Outreach) City staff is trained on how to answer citizens' questions on recycling, greenwaste, construction & demolition (C&D), City drop-off recycling area, and spring cleanup event.	Answering citizens' questions directly is an effective way to support and promote programs.
The City will consider doing a new base year study to improve the accuracy of its diversion rate.	A generation based study is the most accurate way to measure diversion rate, and will update the existing 1998 study.

City of Calexico Second Time Extension Application Matrix

Barriers/Reason for Second Time Extension	Staff's Analysis
Barriers in residential curbside recycling program: • Although the City implemented a 3-can automated system with commingled recycling in 2000, contamination of recyclables and participation rate remains an ongoing problem. • Residential curbside programs did not achieve the desired diversion level due in part to the lack of participation and/or education. • One barrier is the need for more culturally sensitive outreach to the community addressing the importance of recycling. • Lack of staff and funding for staff has been a barrier to implementation of programs. **Reasons for Second Time Extension:** • The City needs more time to set up a pilot curbside contamination campaign. Using temporary staff or a service group, the City will concentrate its efforts in one section of the City and go door to door with recycling information. • Residential curbside contamination will also be addressed by distributing educational materials printed in both English and Spanish through the City and the Imperial Valley Waste Management Task Force (IVWMTF). • The City will write press releases to the local newspapers in both English and Spanish about the issues of waste diversion facing the City. • The City needs more time to consider establishing nonparticipation and/or contamination penalties.	**Residential curbside recycling:** • The local recycling MRF was re-permitted as a dirty MRF, but despite this modification, the ultimate problem appears to be lack of education programs or incentives to prevent contamination of curbside recycling and green waste. Contamination of recycling for Calexico by weight in 2003 was an average of 49% in 2003 and 45% in 2004. This rate is similar to other Imperial Valley cities. • The program to reduce curbside contamination is likely to lead to increased diversion of recyclables. • Competing tasks, such as upgrades to the City's infrastructure (sewer, roads, etc.), are responsibilities of the present Public Works Manager, who also serves as the Board's AB 939 contact. Staff agrees that the assistance of temporary staff or a service group to assist the Public Works Director in implementing curbside contamination related programs would be beneficial. • The local Imperial Valley Waste Management Task Force (IVWMTF) is sharing results of a study to uncover reasons for the high contamination rate so that it can be addressed regionally as well as in this City. It appears from the study so far that the MRF that is owned by the hauler has recently decided, without consent of the City or other jurisdictions, to discontinue or reduce the recycling of mixed paper collected from its curbside residential accounts, which adds mixed paper to curbside contamination. This City, along with the other jurisdictions in Imperial County that utilize the MRF, will work through the IVWMTF to see if they can singly or jointly overcome this hurdle and also address the issue of contamination through appropriate bilingual printed materials. • Staff agrees that educational materials printed in both Spanish and English will support the curbside contamination campaign, and that support by City management through articles in the local newspaper should reinforce the campaign against curbside contamination. • If the City chooses to impose penalties for contamination of curbside recyclables, as mentioned in its support program (6010-PI-EIN), in addition to public education efforts, each program would support the other, providing an effective means of improving the problem and increasing positive participation in the program. • Staff agrees that the City is adequately addressing

	the barriers associated with residential curbside recycling program.
Barriers in commercial on-site pickup program (both businesses and multifamily units): • A barrier to downtown business area recycling is the restricted space available for commercial recycling and disposal containers. • The hauler has not promoted recycling collection service to multifamily units. **Reasons for Second Time Extension:** • This barrier will be addressed by working with the hauler to determine how the City can accommodate recycling containers for business. The hauler is to continue working with local businesses to set up recycling. • The City will begin a recycling program for multifamily units, and the IVWMTF will support this program by making presentations to multifamily units. • If the above efforts do not meet expectations, the City will consider a commercial recycling mandate.	**Commercial on-site pickup (businesses and multifamily):** • Approximately 40% of the households in the City of Calexico are multifamily units. Therefore, the potential amount of waste diversion from this sector is considerable. Staff agrees that outreach such as presentations to multifamily units are essential to the success of such a program. • Staff agrees that more time is needed for the City to work with its hauler and the IVWMTF to provide outreach to the commercial sector, including multifamily units, to improve recycling participation. • Staff agrees that a commercial recycling mandate could be an effective option for the City to increase the number of businesses participating in the program, making it more cost effective for the hauler to provide the service, as well. • Staff agrees that the City is adequately addressing the barriers associated with the commercial on-site pickup program.
Barriers in School Recycling: • The City found that after evaluating the completion of its first alternative diversion requirement that ended in December 2004, and the effectiveness of the programs, that additional efforts were necessary to encourage the school district to recycle paper and beverage containers. • Although the local schools are now all grasscycling, the City found that they are disposing of tree trimmings. • The local MRF is allowing large amounts of mixed paper to be discarded rather than recycled, per the findings of the IVWMTF investigation into the causes of curbside contamination. The local hauler promotes cardboard recycling to businesses, but does not include mixed paper recycling, as well, which is of great importance to waste diversion in City offices and local schools. • The City Council has recently shown interest in expanding recycling to all schools in the local district. **Reasons for Second Time Extension:** • The City needs more time to work with the hauler and local school district to implement school recycling of mixed paper and beverage containers from their waste streams, as well as cardboard. The City will assist schools to start source separation in the classrooms, including paper and beverage containers.	**School Recycling:** • Staff agrees that the City needs more time to work with its hauler, the IVWMTF, and with the schools to expand recycling in its school district and to encourage the district to divert its tree trimmings.

• The City will assist and encourage the school district to start shredding all tree trimmings for use as ADC.	
Barriers in C&D (Other Special Waste) recycling program: • The overarching barrier for the City has been lack of staff and funding for staff. Although the City passed a C&D (construction and demolition) ordinance, it has not been able to implement recycling primarily due to lack of staffing. The Director of Development Services position is vacant at this time, and this is the department that would implement the C&D program. **Reasons for Second Time Extension:** • The City needs additional time to implement its C&D Ordinance. The City is to address the issue of lack of staff to implement the C&D ordinance by hiring a Director of Development Services position person by July 2005.	**C&D diversion:** • City of Calexico departments have been suffering from ongoing lack of funding. This has resulted in seriously understaffed City departments. • The City passed a C&D Recycling Ordinance in 2004, and began informing developers of the ordinance. However, the Director of Development Services position became vacant, and this is the department that would be in charge of implementing the ordinance, including monitoring its success and suggesting modifications, if necessary. Staff agrees Department Head leadership is necessary to coordinate and direct City staff in implementing and monitoring its C&D Ordinance. • Staff agrees that the City needs more time to both implement and monitor the success of its C&D ordinance.

Plan of Correction	Staff's Analysis	Estimated Percent Diversion
2000 RC-CRB (Curbside Recycling) A campaign will be implemented by the City and the hauler to increase residential participation in the program and to reduce contamination of recycling and green waste curbside containers.	A full year of efforts to reduce contamination, combined with other public education efforts, should increase public participation in the curbside program and increase the amount of marketable recyclable material. This program also includes expansion of multifamily recycling, which is described in the commercial on site pickup section below.	1%
2030-RC-OSP (Commercial On-Site Pickup) City staff will work in conjunction with the hauler to encourage businesses to subscribe to cardboard recycling service for businesses, and monitor the program for participation and success. The hauler will also make recycling service available to multifamily dwellings.	There are many smaller businesses in this City that could subscribe to recycling services. Multifamily makes up a large part of the residential sector, but is included in commercial collection. The multifamily service will be supported by presentations to the residents by the IVWMTF on how to recycle. If the above efforts do not meet expectations, the City will consider a commercial recycling mandate.	6%
2050-RC-SCH (School Recycling) The City staff will assist the school district in setting up recycling service, and to shred all tree trimmings for use as ADC at the landfill.	This appears to be a reasonable approach to increasing school district waste diversion. Amount of diversion accomplished depends upon whether or not the hauler will divert mixed paper.	4%

6020-PI-ORD (Ordinance – C&D) The City will fully implement the new C&D Ordinance with all new construction development and demolition within the City. The City anticipates a large increase in development of residential communities soon. City Staff will monitor the success of the program.	Diversion from this program might be greater if it could be accomplished earlier in the year. However, it is necessary for the City to first hire additional staff to implement the program, beginning in the new fiscal year. The City's plan is to implement the ordinance through informing developers when they first contact the City, and having the new staff person visit construction sites to confirm bins for recycling are being used.	5%
Total Estimated Diversion Percent From New and/or Expanded Programs		16 %
Current Diversion Rate Percent From Latest Annual Report		34 %
Total Planned Diversion Percent Estimated		50 %

Support Programs	
5010-ED-PRN Provide welcome packets for new home owners and/or residents. Provide educational material and goodies for City recreational programs and senior citizen activities.	Staff agrees that providing welcome packets for new home owners and/or residents is an effective method to introduce the new home owner or multifamily resident to recycling services available. Additionally, it is a way to address the issue of the high turnover of residents which is normal in multifamily dwellings.
5020-ED-OUT (Outreach) Assist schools to start source separation in the classrooms, including paper and beverage containers. Assist and encourage school district to start shredding all tree trimmings for use as ADC. Continue visits by hauler representative and City staff to determine cost savings incentives to all small businesses within the City to help further implement recycling service in the business district. Conduct campaign to reduce curbside recycling and green waste contamination. Make presentations to multifamily units on how to recycle. Promote commercial and residential programs through news articles, highlighting good examples. Provide recognition to outstanding example(s).	Staff agrees that outreach and education to classrooms is needed to support the planned recycling and tree trimming diversion program expansion in the school district. The hauler representative has worked with the City to increase the number of businesses subscribed to recycling service. It may be necessary for the hauler to promote alternatives to the larger commercial bins for small businesses, such as offering residential size containers, in order to provide an economic incentive to recycle. Staff agrees that the issue of curbside contamination must be addressed, and if outreach does not succeed, then monetary penalties should be imposed, as suggested by the City in the next section. Additionally, staff would suggest that the City work with its hauler to encourage them to again divert mixed paper, which they recently dropped, without informing the City or its residents.
6010-PI-EIN The City is to consider penalties for nonparticipation or contamination in residential containers. The City will consider a commercial recycling mandate if commercial recycling does not meet expectations.	Staff agrees that the issue of curbside contamination must be addressed, and if outreach does not succeed, then monetary penalties should be imposed. Staff agrees that the City should consider a commercial recycling mandate if commercial recycling does not meet expectations. It would also assist the hauler in providing the many levels of service that might be necessary for various sizes of businesses and for multifamily units.

6030-PI-OTH (Other Policy Incentive) Complete the process of forming a Regional Agency.	Staff has worked with the Imperial Valley jurisdictions over the years to assist them in Regional Agency formation for reporting and outreach purposes, and continues to encourage them to do so. Regional reporting of disposal and diversion should assist all the jurisdictions of meeting their waste diversion goals.

City of Calipatria Second Time Extension Application Matrix

Barriers/Reason for Second Time Extension	Staff's Analysis
Barriers in Commercial Onsite Collection programs: • Coordinating efforts with local businesses, schools, and the Calipatria State Prison has been a challenge for the City. The City has a limited amount of staff and resources to implement programs. • In the past, the City has depended largely on IVWMTF (Imperial Valley Waste Management Task Force) staff and now realizes that local effort is needed to achieve the goal. • Providing a financial incentive for the small businesses of Calipatria to recycle has been a challenge with the present hauler contract and rate structure. **Reasons for Second Time Extension:** • City needs to convince local businesses to recycle by providing a financial incentive (addressed in *Financial Incentive* category below). • The City needs more time to discuss with the State prison if it would be feasible to have them collect cardboard generated by local business into their existing program. • The City needs more time to work with its hauler, local businesses, schools and the Calipatria State Prison, and coordinate efforts to extend recycling to its small businesses.	**Commercial Onsite Collection:** • Board staff agrees that financial incentives will support the City in convincing local businesses to recycle. • Board staff agrees that the City should explore options with the local prison to assist in the diversion of cardboard generated by local businesses. • Board staff agrees that the City's best chances of providing the service necessary to its commercial generators is to work together and coordinate with the largest generators and its hauler to agree to appropriate service requirements.
Barriers in Other Special Waste – C&D program: • Up to 300 houses are planned to be built in the City of Calipatria in future years. • The C&D ordinance has not been adopted due to enforcement issues. • Enforcement is not possible at this time due to lack of City staff. • The County presently reviews all building plans and does not require recycling in their review. **Reasons for Second Time Extension:** • Prior to these homes being built, the City will consider the financial feasibility of hiring enforcement staff that could enforce a recycling ordinance for C&D. • The City will continue to work with builders requesting that they reduce the amount of waste landfilled from C&D projects. • All City sponsored projects will require recycling of their contractors.	**Other Special Waste – C&D:** • There has been little significant development within the City of Calipatria in recent years. When development did occur in the last two years, the City asked contractors to recycle or reuse all demolition and construction materials even though it has not adopted the C&D ordinance. The City was able to assist the local school construction project, for example, to divert demolition material. • A significant development such as the 300 homes might produce enough income for the City to hire staff to monitor the ordinance. • Staff agrees that a good option for the City is to continue to work with its builders to request diversion of C&D materials, and to require recycling in all City sponsored projects, since at this time funding is not available to support the hiring of an individual to enforce a C&D ordinance. • Staff agrees that if the amount of development within the City increases, the City should consider hiring enforcement staff and passing a C&D ordinance.

Plan of Correction	Staff's Analysis	Estimated Percent Diversion
2060-RC-GOV (Government Recycling) The library, SOS Program, schools and Police Department will be provided with containers for recycling and greenwaste.	**Government Recycling** Providing recycling service to these government offices is important because, besides the prison, they generate a considerable portion of the business waste.	0.5%
4060-SP-CAR (C&D) The City will continue to work with builders requesting that they reduce the amount of waste landfilled from C&D projects. All City sponsored projects will require recycling of their contractors. The City will continue to discuss options for reviewing building plans to require recycling in their review.	**C&D** More options for diverting C&D waste are now available in the Imperial Valley area than there were before, which may allow for more waste diversion from Calipatria C&D. Since the County presently reviews building plans on contract with the City, it would be a feasible option to have the County assist the City in implementing the ordinance at some point in their review process. Board staff agrees that the best available option at this time is for the City to continue working with builders in an informal manner to divert waste generated from non-City C&D projects, and to continue requiring recycling of contractors working on City projects.	0.5%
Total Estimated Diversion Percent From New and/or Expanded Programs		1.0 %
Current Diversion Rate Percent From Latest Annual Report		49 %
Total Planned Diversion Percent Estimated		50 %

Support Programs	

5020-ED-OUT (Outreach) The City is to conduct an educational program to promote recycling to local residents, and to reduce contamination rates. As part of this program, the City will work with its hauler to make the recycling containers throughout its City uniform in color so that individuals can distinguish it from the can for disposal. Staff will meet with school officials to encourage that the school district adopts a procurement policy. The City will also meet with the school regarding maintenance and operations methods to make recycling feasible throughout K – 12 schools.	**Outreach** Staff agrees that outreach is critical to the success of the City's collection programs. By educating businesses and the residential sector about the City's recycling program the City will take one necessary step to maximize participation and minimize contamination of its residential curbside recycling. Replacing the commingled curbside recycling containers with a uniform color toter will assist the public in distinguishing the purpose of the container. Staff agrees that the school officials need additional encouragement and assistance to both make recycling feasible at the elementary, middle, and high school located in the City, and to purchase recycled content.
6010-PI-EIN (Economic Incentives) Staff will meet with individual businesses to encourage the use of recycling containers by providing financial incentives. The City will discuss with the State prison if it would be feasible to have them collect cardboard generated by local business into their existing program. Staff will discuss or meet with the owners and managers of apartment complexes in the City to encourage the use of recycling containers by providing financial incentives.	**Economic Incentives** Until now, several of the businesses utilized the free collection of cardboard by a local charity, but it recently stopped its cardboard collection service. The City has had difficulty convincing its local businesses to recycle because its contract terms and rates for commercial containers did not provide sufficient incentive to business to recycle. The City has an opportunity now to renegotiate its terms since the present contract is expiring. By itself, however, the City service area is so small that it is difficult to get its hauler to commit to the service necessary to divert the commercial recyclables. Adding multifamily service and exploring other options, such as working with the local State prison, could present some solutions for this City. Board staff agrees that the City needs to make time to work with its hauler to provide financial incentives to its businesses to recycle.
2050-RC-SCH **1030-SR-PMT (School District Recycling and Procurement)** City staff will meet with school officials to encourage that the school district adopt a procurement policy. The City will also meet with the school regarding maintenance and operations methods to make recycling feasible throughout K-12 schools.	**School District Recycling and Procurement** Ongoing encouragement and communication with the school district may provide both the support and the information that the school needs in order to implement these changes in policy and operation.

City of Imperial Second Time Extension Application Matrix

Barriers/Reason for Second Time Extension	Staff's Analysis
Barriers in residential curbside recycling program for multifamily units: • While residential curbside has been fully completed for single family homes, multi-family recycling is only 65% completed. • Tracking ownership to reach owners of multi-family units has been a barrier to completing multi-family recycling. • The City is still training its compliance officer, who is to enforce the curbside contamination prevention program as well as assist in the multifamily program. Residents in both single- and multi-family units require additional education about how to recycle utilizing curbside containers. • Bringing the proper compliance staff on board took longer than staff anticipated, due to the steps necessary for approval of this position. **Reasons for Second Time Extension:** • The City needs more time to implement its ordinance mandating commercial (including multi-family) recycling . • More time is needed to track ownership of multi-family units so that they can be contacted and informed of the ordinance. • Staff needs 60 days to visit multi-family accounts to verify that they are in compliance with the ordinance, after all the owners have been informed of the ordinance. • More thorough education of residents is needed to improve their participation in curbside recycling and green waste collection programs. The City needs more time to continue training its Code Enforcement Officer, to do onsite visits and distribute as necessary labels and other printed material to inform single family unit residents if their curbside recycling is contaminated.	**Residential curbside recycling for multifamily units:** • Staff agrees that personal contact with owners, managers, and residents, supported by printed labels, door hangers, brochures, and the ordinance, is an effective way to implement multi-family recycling. • Apartment owners need to be aware of the ordinance in order for their managers to assist in compliance with the ordinance. • Monitoring for compliance is necessary in order to assure participation and increase diversion. • Thorough education of residents will increase participation in curbside recycling programs. This education and information campaign is to include personal visits by staff to residents, and "lid flipping" to determine the extent of curbside contamination by various residents. • Staff agrees that the City is adequately addressing the barriers associated with the residential and multifamily curbside recycling program.
Barriers in commercial on-site pickup program: • The City is expanding the program to date to include field inspections to verify recycling, meet business owners in person, and inform them of the ordinance. • The City is also still training its Code Enforcement Officer to educate business owners and assure compliance from the commercial sector. • Because the City passed an ordinance to mandate recycling at all businesses and multi-family, the	**Commercial on-site pickup:** • Personal visits by City staff are a good way to monitor participation in commercial recycling and to be sure that business owners are aware of the commercial recycling ordinance. • Proper training of the code enforcement officer is necessary so that participants in the program will be properly informed. • Before the City passed its ordinance mandating commercial recycling, the hauler kept no records of

City was able to negotiate the exclusive route with its hauler, which is to start in 2005. **Reasons for Second Time Extension:** • In addition to multifamily, staff needs to visit all commercial accounts within the next 60 days to verify that they are in compliance with the ordinance. • The City needs more time to train its Code Enforcement Officer and to do onsite visits and distribute as necessary labels and other printed material to inform business owners and managers of the commercial recycling ordinance. • The City needs more time to work with its hauler to establish an exclusive route for the City to support this program.	the amount of commercial recycling originating individual Cities, due to commercial recycling being collected in various jurisdictions by the same truck. The hauler only agreed to the exclusive route when the City passed its commercial recycling ordinance. The exclusive route was necessary in order for the City to accurately monitor the overall success of the program. • Staff agrees that the City is adequately addressing the barriers associated with the commercial on-site pickup program.
Barriers in special waste, other, C&D program: • In order to implement the C&D ordinance, the community needs outreach from the City to understand the C&D ordinance, and how to divert C&D materials. • Before 2005, the City lacked the staff to monitor the C&D ordinance. **Reasons for Second Time Extension:** • To support this program, the City needs time to continue to work community developers to understand and implement the C & D Ordinance. • The City will also monitor commercial development in meeting their goals to comply with the C&D ordinance.	**Special waste, other, C&D program:** • The City plans to utilize the new code enforcement officer to monitor developers in meeting their C&D waste diversion goals. Staff agrees that the City's plan to implement the C&D ordinance through informing and monitoring developers in meeting their goals to comply is adequately addressing the barrier of the community's need for outreach in this area.

Plan of Correction	Staff's Analysis	Estimated Percent Diversion
2000 RC-CRB (Curbside Recycling) Increase curbside recycling participation through a campaign to reduce contamination of residential recycling and green waste bins.	A full year of efforts of the compliance officer informing residents how to reduce recycling contamination, combined with printed public education materials, should increase public participation in the curbside program and increase the amount of marketable recyclable material.	1%
2030-RC-OSP (Commercial On-Site Pickup) Implement ordinance requiring recycling at all businesses in the City, including multi-family.	Proper sizing of recycling bins for smaller accounts, as well requiring recycling of multi-family units and all other businesses, should maximize commercial recycling in this small community.	10%

4060-SP-CAR (C&D) Implement the C&D Ordinance.	Because there are plans for residential development within the City, and because local infrastructure now exists to divert C&D material, a high amount of diversion is possible from this program.	5%
Total Estimated Diversion Percent From New and/or Expanded Programs		16 %
Current Diversion Rate Percent From Latest Annual Report		34 %
Total Planned Diversion Percent Estimated		50 %

Support Programs	
5020-ED-OUT (Outreach) City Code Enforcement Officer will be inspecting residential containers for contamination. The curbside contamination reduction program is supported by the Compliance Officer making onsite visits and distributing as necessary labels and other printed material to inform residents of contamination in their recycling containers.	The City's plan for code enforcement outreach provides positive support to the curbside contamination program which should also increase the amount of recyclables collected.
6020-PI-ORD (Ordinance) Work with hauler to establish an exclusive commercial recycling route for our City. Because the City passed an ordinance to mandate recycling at all businesses and multi-family, the City was able to negotiate the exclusive route with its hauler. The City will continue to work with community developers to understand and implement the C & D Ordinance. The City will now begin to monitor commercial development in meeting their goals to comply with the C & D Ordinance.	The City's ordinance requiring commercial recycling should support the City's aggressive diversion goal of 10% increase in total waste diversion. Monitoring compliance with the C&D ordinance over the requested time period should support the City's goal for diversion from this sector.

To request a Time Extension (TE) or Alternative Diversion Requirement (ADR), please complete and sign this request sheet and return it to your Office of Local Assistance (OLA) representative at the address below, along with any additional information requested by OLA staff. When all documentation has been received, your OLA representative will work with you to prepare for your appearance before the Board. If you have any questions about this process, please call (916) 341-6199 to be connected to your OLA representative.

Mail completed documents to:

California Integrated Waste Management Board
Office of Local Assistance, (MS 25)
1001 I Street
PO Box 4025
Sacramento CA 95812-4025

General Instructions:

For a Time Extension complete Sections I, II, III-A, IV-A, and V.

For an Alternative Diversion Requirement complete Sections I, II, III-B, IV-B and V.

Section I: Jurisdiction Information and Certification

All respondents must complete this section.

I certify under penalty of perjury that the information in this document is true and correct to the best of my knowledge, and that I am authorized to make this certification on behalf of:

Jurisdiction Name City of Brawley	County Imperial
Authorized Signature	Title Public Works Director

Type/Print Name of Person Signing Yazmin Arellano	Date 4/25/05	Phone (760) 344-5800 Ext 19

Person Completing This Form (please print or type) Alan Chan	Title Engineering Technician II

Phone (760)344-5800 Ext 18	E-mail Address alan.chan@cityofbrawley.com	Fax (760)344-5612

Mailing Address 180 S. Western Ave.	City Brawley	State CA	ZIP Code 92227

Section II—Cover Sheet

This cover sheet is to be completed for each Time Extension (TE) or Alternative Diversion Requirement (ADR) requested.

1. Eligibility

Has your jurisdiction filed its Source Reduction and Recycling Element, Household Hazardous Waste Element, and Nondisposal Facility Element with the Board (must have been filed by July 1, 1998 if you are requesting an ADR)?

☐ No. If no, stop; not eligible for a TE or ADR.

☒ Yes. If yes, then eligible for a TE or ADR.

2. Specific Request and Length of Request

Please specify the request desired.

☒ **Time Extension Request**

Specific years requested _2005_____

Is this a second request? ☐ No ☒ Yes Specific years requested. _2003 -2004 (ADR)_____

(**Note:** Requests for an additional extension will need to address why the jurisdiction's efforts to meet the 50% goal by the end of the first extension were not successful.)

☐ **Alternative Diversion Requirement Request (*Not allowed for Regional Agencies*).**

Specific ADR requested _ _____%, for the years_ _____.

Is this a second ADR request? ☐ No ☐ Yes Specific ADR requested _ ____%, for the years _ _____

(**Note:** Requests for an additional ADR will need to address why the jurisdiction's efforts to meet 50% by the end of the first ADR period were not successful.)

Note: Extensions may be requested anytime by a jurisdiction, but will only be effective in the years from January 1, 2000 to January 1, 2006. An original request for a TE/ADR may be granted for any period up to three years and subsequent requests for TE/ADR may extend the original request or be based on new circumstances but the total number of years for all requests cannot total more than five years or extend beyond January 1, 2006.

Section IIIA—TIME EXTENSION

Within this section, discuss your jurisdiction's progress in implementing diversion programs that were planned to achieve 50%. Provide any additional information that demonstrates "good faith effort." The CIWMB shall determine your jurisdiction's progress in demonstrating "good faith effort" towards complying with AB 939. Note: The answers to each question should be comprehensive and provide specific details regarding the jurisdiction's situation.

Attach additional sheets if necessary—please reference each response to the appropriate cell number (e.g., IIIA-1).

1. **Why does your jurisdiction need more time to meet the 50% goal? Describe why SRRE selected programs did not achieve 50% diversion. Identify barriers to meeting the 50% goal and briefly indicate how they will be overcome.**

City of Brawley requests more time to comply with AB 939's 50% Diversion requirement. The City of Brawley needs more time to expand and implement the following items:

A. The City of Brawley is considering privatizing its solid waste division. The City is considering developing a Statement of Qualifications (SOQ) with the City of El Centro to hire a solid waste services contractor by December of 2005. The City will then perform analysis of the cost of privatization vs city's own solid waste services.

B. The City was unable to expand its first pilot recycling area to include greenwaste, due to funds not being available to purchase a new solid waste vehicle and containers for the expansion of greenwaste to the pilot area. Currently in the pilot recycling area the City collects cardboard, aluminum, glass, plastic and other recyclables. The funds were allocated for the new solid waste vehicle in April, 2005, but the greenwaste containers were denied funding by the City Council. So the City would be unable to expand the pilot area to include greenwaste at this time. Because the City of Brawley is considering privatization of its solid waste division, the plan remains on hold until the City sends out an SOQ along with the City of El Centro for soild waste services. The City then will analyze costs of privatization vs City own solid waste services. If the City does privitize the hauler would provide the 3 can system to all the residents in the City of Brawley. However the City is considering having a greenwaste drop off area that is open to the public on Saturday's, the greenwaste will then be sent to VES to be utilized as ADC.

C. The City will need time to implement a procurement policy to purchase recycled content products. The City has a draft but it needs to be circulated and approved by all departments. This policy would be implemented and in effect by December, 2005.

D. The City of Brawley has lead the Imperial Valley Jurisdictions in the writing of the Construction and Demolition (C&D) Ordinance. The City adopted the C&D ordinance on July 20, 2004, implementation of the C&D ordinance requires the hiring of new staff, who would be a p/t building inspector and a p/t compliance person. The hiring has not been accomplished to this date because of insufficient funding for this position, currently the new fiscal budget for 2005-2006 has been approved to provide funding for this staff person. The City has received copies of other jurisdictions job descriptions for the compliance officer, but the job descriptions do not have a building inspector included into the description. The hiring of the C&D compliance person would be accomplished by October, 2005 or earlier. The City requests more time to assemble, advertise and hire the new C&D position. Currently when citizens of Brawley call requesting information on the disposal and reuse of C&D, City staff directs them to utilize Mission Disposal. Mission disposal performs separation of useable materials at their facility.

E. The City has implemented the Imperial Valley's most sucessful recycling pilot program with the lowest contamination rate in the valley. The City has found out that Valley Enviromental Services (VES) has discontinued the recycling of mixed paper at its Materials Recovery Facility (MRF), it is unknown why VES has stopped. The City has been hauling it's residential curbside recyclables to the VES MRF. The City of Brawley will look into other options for curbside residential recycling when they become available. This date is unknown, however.

2. Why does your jurisdiction need the amount of time requested? Describe any relevant circumstances in the jurisdiction that contribute to the need for a Time Extension.

The City of Brawley requests a one year time extension to implement the beforementioned projects, due primarily to insufficent funding for fiscal year 2004-2005.

3. Describe your jurisdiction's Good Faith Efforts to implement the programs in its SRRE.

A. The City, along with the Imperial Valley Waste Management Task Force (IVWMTF) has provided public education for the entire city on recycling and composting with television ads, brochure stations at public facilities.

B. The City implemented a one-year (and still ongoing) successful recycling pilot program with the lowest contamination rate in the Imperial Valley. The City collects cardboard, aluminum cans, glass, plastic and other recycleables from it's residential recycling pilot area. The pilot area consists of homes that were constructed approximatly 10 years ago, the names of the subdivisons where the pilot recycling area are Citrus View and Ventana Ranch.

C. A Construction and Demolition (C&D) ordinance has been adopted by the City of Brawley on July 20, 2004. Currently City staff directs calls requesting c&d containers to Mission Disposal, and the IVWMTF has recycling brochures in the City of Brawley offices for the public.

D. The City paved 30 streets within the City of Brawley with rubberized asphalt.

E. The City conducted a composting workshop for all the City of Brawley Employees and was open to City of Brawley residents to attend as well.

F. The City of Brawley picks up tree trimmings from the citizens of Brawley. The City is chipping the tree trimmings from the citizens and providing the chipped material to Valley Enviromental Services (VES) to be utilized as Alternative Daily Cover (ADC).

G. The City requires all contractors hired on ALL Public Works Department jobs to recycle and provide weight tickets to the Public Works Department, Engineering Division. The City monitors the construction process from start to finish through in house construction supervision and management to assure job quality, including recycling.

H. The City has advertised it's spring clean up held during the month of May on the City of Brawley website, local radio and television station's community calenders.

I. The City currently collects cardboard from businesses and schools at no cost to them.

4. Provide any additional relevant information that supports the request.

The City of Brawley is contemplating privatizing the solid waste division in order to be able to provide a 3-can system to every resident, including single family homes as well as multifamily homes.

Section IIIB—ALTERNATIVE DIVERSION REQUIREMENT

Within this section, discuss your jurisdiction's progress in implementing diversion programs that were planned to achieve 50%. Provide any additional information that demonstrates "good faith effort." The CIWMB shall determine your jurisdiction's efforts in demonstrating "good faith effort" towards complying with AB 939. Note: The answers to each question should be comprehensive and provide specific details regarding the jurisdiction's situation.
Attach additional sheets if necessary—please reference each response to the appropriate cell number (e.g., IIIB-1.).

1. Why does your jurisdiction need and Alternative Diversion Requirement? Describe why SRRE selected programs did not achieve 50% diversion. Identify barriers to meeting the 50% goal and briefly indicate how they will be overcome.

2. Why is your jurisdiction requesting an Alternative Diversion Requirement in lieu of a Time Extension?

3. Describe your jurisdiction's Good Faith Efforts to implement the programs in its SRRE.

4. Describe any relevant circumstances in the jurisdiction that contribute to the need for an ADR. Provide any relevant information that supports the request.

Section IV A—PLAN OF CORRECTION

A Plan of Correction is required by PRC Section 41820(a)(6)(B). The plan is fundamentally a description of the actions the jurisdiction will take to meet the 50% goal by the expiration of the Time Extension.

Attach additional sheets if necessary.

Residential %	25%	Non-residential %	75%

PROGRAM TYPE Please use the Board's Program Types. The Program Glossary is online at: www.ciwmb.ca.gov/LGCentral/PARIS/Codes/Reduce.htm	NEW or EXPAND	DESCRIPTION OF PROGRAM	FUNDING SOURCE	DATE FULLY COMPLETED	ESTIMATED PERCENT DIVERSION
2000-RC-CRB	EXPAND	EXPANSION OF EXISTING PILOT CURBSIDE COLLECTION PROGRAM. THE CITY WILL BE ANALYSING THE COST OF PRIVATIZATION VS CITY OWNED SOLID WASTE DIVISION.	CITY	12/05	1.5%
2010-RC-DRP	EXPAND	EXPAND TO INCLUDE TIRE COLLECTION WITHIN THE EXISITING CITY DROP OFF AREA.	CITY	6/2005	.5%
4060-SP-CAR	NEW	IMPLEMENT C&D ORDINANCE. THE ORDINANCE WAS PASSED BY THE CITY IN JULY,2004 AND REQUIRES HIRING OF P/TCOMPLIANCE/ P/T BUILDING INSPECTOR STAFF. IT APPLIES TO ALL RESIDENTIAL AND COMMERCIAL PROJECTS IN THE CITY AS SPECIFIED PER VALUE AND PER SQ FT.	CITY	10/05	3%
7040-FR-ADC	EXPAND	GREENWASTE DROP OFF FACILITY. PROVIDE AN AREA FOR THE GENERAL PUBLIC TO DROP OFF SOURCE SEPARATED AND CLEAN GREEN WASTE. THE CITY CREW WILL CHIP THE GREEN WASTE AT THE SAME LOCATION AND DELIVER IT TO VES FOR USE AS ADC.	CITY	12/2005	2%
		Total Estimated Diversion Percent From New and/or Expanded Programs			7%
		Current Diversion Rate Percent From Latest Annual Report			43%
		Total Planned Diversion Percent Estimated			50%

PROGRAMS SUPPORTING DIVERSION ACTIVITIES			
PROGRAM TYPE	**NEW or EXPANDED**	**DESCRIPTION OF PROGRAM**	**DATE FULLY COMPLETED**
1030-SR-PMT	NEW	PROCUREMENT PROGRAM. THE CITY WILL IMPLEMENT A PROCUREMENT POLICY TO PURCHASE RECYCLED CONTENT PRODUCTS TO ALL CITY OFFICES.	10/05
	EXPAND	THE CITY HAS UTILIZED RUBBERIZED ASPHALT ON 30 CITY STREETS. THE CITY IS GOING TO UTILIZE MORE RUBBERIZED ASPHALT ON MORE STREETS BY DECEMBER, 2005.	12/05
5020-ED-OUT	EXPAND	CITY STAFF IS TRAINED ON, HOW TO ANSWER THE CITIZENS QUESTIONS ON RECYCLING, GREENWASTE, CONSTRUCTION & DEMOLITION (C&D), CITY DROP OFF RECYCLING AREA, AND SPRING CLEAN UP EVENT.	1/05
	NEW	THE CITY WILL CONSIDER DOING A NEW BASE YEAR STUDY TO IMPROVE THE ACCURACY OF ITS DIVERSION RATE.	12/05
5010-ED-PRN	EXPAND	SEND OUT FLYERS TWICE A YEAR TO THE CITY OF BRAWLEY RESIDENTS ADVISING THEM OF WHAT'S GOING ON WITH SOLID WASTE IN THE CITY. THE FLYERS ARE PRINTED FRONT AND BACK IN BOTH ENGLISH AND SPANISH AND MAILED OUT TO THE RESIDENTS. THE FLYERS TELL THE RESIDENTS WHERE THEY CAN TAKE THEIR RECYCLABLES TO, HOW TO HANDLE THEIR GREENWASTE, TELL THEM ABOUT SPRING CLEANUP, AS WELL AS THE C&D ORDINANCE THAT IS GOING TO BE IMPLEMENTED THIS SUMMER.	10/05

Section IV B—GOAL ACHIEVEMENT

Goal Achievement describes the activities the jurisdiction will use to achieve the ADR.
Attach additional sheets if necessary..

Residential %		Non-residential %	

PROGRAM TYPE Please use the Board's Program Types. The Program Glossary is online at: www.ciwmb.ca.gov/LGCentral/PARIS/Codes/Reduce.htm	NEW or EXPAND	DESCRIPTION OF PROGRAM	FUNDING SOURCE	DATE FULLY COMPLETED	ESTIMATED PERCENT DIVERSION
		Total Estimated Diversion Percent From New and/or Expanded Programs			
		Current Diversion Rate Percent From Latest Annual Report			
		Total Planned Diversion Percent Estimated			

PROGRAMS SUPPORTING DIVERSION ACTIVITIES

PROGRAM TYPE	NEW or EXPAND	DESCRIPTION OF PROGRAM	DATE FULLY COMPLETED

Section V – PARIS

Office of Local Assistance staff will be reviewing your Jurisdiction's Planning Annual Report Information System (PARIS) database printout as part of the evaluation of your request. Should the Jurisdiction have updates or revisions to the program implementation from the latest Annual Report submitted to the Board, please attach to the application the Jurisdiction's PARIS database printout showing updates or revisions.

Contact your Office of Local Assistance Representative at (916) 341-6199 for a copy of PARIS, or go to the Board's website at **www.ciwmb.ca.gov/LGCentral/PARIS/**.

To request a Time Extension (TE) or Alternative Diversion Requirement (ADR), please complete and sign this request sheet and return it to your Office of Local Assistance (OLA) representative at the address below, along with any additional information requested by OLA staff. When all documentation has been received, your OLA representative will work with you to prepare for your appearance before the Board. If you have any questions about this process, please call (916) 341-6199 to be connected to your OLA representative.

Mail completed documents to:

California Integrated Waste Management Board
Office of Local Assistance, (MS 25)
1001 I Street
PO Box 4025
Sacramento CA 95812-4025

General Instructions:

For a Time Extension complete Sections I, II, III-A, IV-A, and V.

For an Alternative Diversion Requirement complete Sections I, II, III-B, IV-B and V.

Section I: Jurisdiction Information and Certification

All respondents must complete this section.

I certify under penalty of perjury that the information in this document is true and correct to the best of my knowledge, and that I am authorized to make this certification on behalf of:

Jurisdiction Name City of Calexico	County Imperial
Authorized Signature	Title Director of Public Facilities

Type/Print Name of Person Signing Nick Fenley	Date March 1, 2005	Phone (760) 768-2160

Person Completing This Form (please print or type) Nick Fenley	Title Director of Public Facilities

Phone (760)768-2160	E-mail Address nfenley@calexico.ca.gov	Fax (760)768-0992

Mailing Address 608 Heber Avenue	City Calexico	State CA	ZIP Code 92231

Section II—Cover Sheet

This cover sheet is to be completed for each Time Extension (TE) or Alternative Diversion Requirement (ADR) requested.

1. Eligibility

Has your jurisdiction filed its Source Reduction and Recycling Element, Household Hazardous Waste Element, and Nondisposal Facility Element with the Board (must have been filed by July 1, 1998 if you are requesting an ADR)?

☐ No. If no, stop; not eligible for a TE or ADR.

☒ Yes. If yes, then eligible for a TE or ADR.

2. Specific Request and Length of Request

Please specify the request desired.

☒ **Time Extension Request**

Specific years requested _2003-2004_____

Is this a second request? ☐ No ☒ Yes Specific years requested. _2005_____
(**Note:** Requests for an additional extension will need to address why the jurisdiction's efforts to meet the 50% goal by the end of the first extension were not successful.)

☐ **Alternative Diversion Requirement Request (*Not allowed for Regional Agencies*).**

Specific ADR requested _ _____%, for the years_ _____.

Is this a second ADR request? ☐ No ☐ Yes Specific ADR requested _ ____%, for the years _ _____
(**Note:** Requests for an additional ADR will need to address why the jurisdiction's efforts to meet 50% by the end of the first ADR period were not successful.)

Note: Extensions may be requested anytime by a jurisdiction, but will only be effective in the years from January 1, 2000 to January 1, 2006. An original request for a TE/ADR may be granted for any period up to three years and subsequent requests for TE/ADR may extend the original request or be based on new circumstances but the total number of years for all requests cannot total more than five years or extend beyond January 1, 2006.

Section IIIA—TIME EXTENSION

Within this section, discuss your jurisdiction's progress in implementing diversion programs that were planned to achieve 50%. Provide any additional information that demonstrates "good faith effort." The CIWMB shall determine your jurisdiction's progress in demonstrating "good faith effort" towards complying with AB 939. Note: The answers to each question should be comprehensive and provide specific details regarding the jurisdiction's situation.

Attach additional sheets if necessary—please reference each response to the appropriate cell number (e.g., IIIA-1).

1. Why does your jurisdiction need more time to meet the 50% goal? Describe why SRRE selected programs did not achieve 50% diversion. Identify barriers to meeting the 50% goal and briefly indicate how they will be overcome.

The City of Calexico requires additional time in order to focus its efforts on additional diversion tactics and to be able to implement our Construction and Demolition (C&D) Material Recycling Program.The City also needs more time to address residential curbside contamination.

The overarching barrier for the City has been lack of staff and funding for staff. The Director of Development Services postion is vacant at this time, and this is the department that would implement the C&D program. The City is to address this by hiring a new person within 90 days.

Some selected programs did not help achieve the 50% diversion due in part to the lack of level of participation and/or education. One barrier is the ethnic make up of our community, with residents not understanding the importance of recycling. This barrier will be addressed by having additional educational materials printed in both English and Spanish, as they normally are. The City will write press releases to the local newspapers in both English and Spanish about the various issues of waste diversion facing the City.

The second barrier is the demographics of the downtown business area restriction of available space for containers. This barrier will be addressed by working with our hauler to determine how we can accommodate recycling containers for these business. The hauler is to continue working with local businesses to set up recycling. If this effort does not meet expectations, the City will consider a commercial recycling mandate.

2. Why does your jurisdiction need the amount of time requested? Describe any relevant circumstances in the jurisdiction that contribute to the need for a Time Extension.

The City of Calexico requires this extension of time to conduct additional education and information campaigns and to consider establishing nonparticipant and/or contamination penalties.

The City needs more time to work with its school district to fully establish a recycling program in all of the classrooms within our school district.

The City needs more time to set up a pilot curbside contamination campaign. The City will concentrate its efforts in one section of the City and go door to door with recycling information using temporary staff or a service group.

3. Describe your jurisdiction's Good Faith Efforts to implement the programs in its SRRE.

The City implemented a three-can commingled curbside recycling and green waste program in October 2000, but the hauler did not divert the green waste to ADC till 2002.

Starting January 2005, the City changed its terms with the hauler to collect residential curbside waste only once a week, instead of twice, to encourage curbside recycling.

The City has worked with the hauler to encourage businesses to recycle and has increased the number of businesses participating since the program began.

The City Council has been active in encouraging the school district to recycle district wide. The JPA provides portable event recycling trailers to the high school to use for collecting recyclables during games.

The Imperial Valley Waste Management Task Force (IVWMTF) dedicates most of its budget and staff time to providing curriculum and recycling outreach to schools.

The City of Calexico has adopted and begun the implementation of our City Procurement Policy

The City has held meetings with contractors to inform them of the Construction and Demolition Recyling Ordinance.

City and school district mowing equipment are outfitted with mulching blades.

The city has distributed education materials through its membership with Imperial Valley Waste Management Task Force, as well as informational inserts in our utility billings and printed material in various City offices.

The majority of the city's street resurfacing projects are done with a rubberized asphalt product and the surface grindings materials are reused as surface covering on unpaved residential alleys.

The JPA has made a presentation to housing authority apartments about how to recycle.

4. Provide any additional relevant information that supports the request.

Section IIIB—ALTERNATIVE DIVERSION REQUIREMENT

Within this section, discuss your jurisdiction's progress in implementing diversion programs that were planned to achieve 50%. Provide any additional information that demonstrates "good faith effort." The CIWMB shall determine your jurisdiction's efforts in demonstrating "good faith effort" towards complying with AB 939. Note: The answers to each question should be comprehensive and provide specific details regarding the jurisdiction's situation.
Attach additional sheets if necessary—please reference each response to the appropriate cell number (e.g., IIIB-1.).

1. Why does your jurisdiction need and Alternative Diversion Requirement? Describe why SRRE selected programs did not achieve 50% diversion. Identify barriers to meeting the 50% goal and briefly indicate how they will be overcome.

2. Why is your jurisdiction requesting an Alternative Diversion Requirement in lieu of a Time Extension?

3. Describe your jurisdiction's Good Faith Efforts to implement the programs in its SRRE.

4. Describe any relevant circumstances in the jurisdiction that contribute to the need for an ADR. Provide any relevant information that supports the request.

Section IV A—PLAN OF CORRECTION

A Plan of Correction is required by PRC Section 41820(a)(6)(B). The plan is fundamentally a description of the actions the jurisdiction will take to meet the 50% goal by the expiration of the Time Extension.

Attach additional sheets if necessary.

Residential %	25	Non-residential %	75

PROGRAM TYPE Please use the Board's Program Types. The Program Glossary is online at: www.ciwmb.ca.gov/LGCentral/PARIS/Codes/Reduce.htm	NEW or EXPAND	DESCRIPTION OF PROGRAM	FUNDING SOURCE	DATE FULLY COMPLETED	ESTIMATED PERCENT DIVERSION
2000-RC-CRB	EXP	Increase residential curbside recycling by increasing participation while reducing contamination.	City, Hauler & IVWMTF	Dec. 2005	1%
2030-RC-CSP	EXP	Further implement recycling service in our business district. Commence recycling program for Multi-Family Residents and make presentations for apartment complexes.	City & Hauler	Dec. 2005 Aug. 2005	3% 3%
2050-RC-SCH	EXP	School District is to shred all tree trimmings to be used as ADC at the landfill. Further implement recycling service in the school district	City & Other	Sept. 2005 Dec. 2005	1% 3%
4100-SP-OTH (Other Special Waste)	EXP	Implement C&D Ordinance	City & Other	Dec. 2005	5%
		Total Estimated Diversion Percent From New and/or Expanded Programs			16%
		Current Diversion Rate Percent From Latest Annual Report			34%
		Total Planned Diversion Percent Estimated			50%

PROGRAMS SUPPORTING DIVERSION ACTIVITIES

PROGRAM TYPE	NEW or EXPANDED	DESCRIPTION OF PROGRAM	DATE FULLY COMPLETED
5010-ED-PRN	EXP	Provide welcome packets for new home owners and/or residents. Provide educational material and goodies for city recreational programs and senior citizen activities.	Dec. 2005
6030-PI-OTH (Other Policy Incentive)	NEW	Complete the process of forming a Regional Agency	Dec. 2005

5020-ED-OUT	EXP	Assist schools to start source separation in the classrooms, including paper and beverage containers. Assist and encourage school district to start shredding all tree trimmings for use as ADC. Continue visits by hauler rep. and city staff to determine cost savings incentives to all small businesses within the city to help further implement recycling service in our business district. Conduct campaign to reduce curbside recycling and green waste contamination. Make presentations to multifamily units on how to recycle.	Dec. 2005
6010-PI-EIN	NEW	The City is to consider penalties for nonparticipation or contamination in residential curbside recycling. The City will consider a commercial recycling mandate.	

Section IV B—GOAL ACHIEVEMENT

Goal Achievement describes the activities the jurisdiction will use to achieve the ADR.
Attach additional sheets if necessary..

Residential %		Non-residential %	

PROGRAM TYPE Please use the Board's Program Types. The Program Glossary is online at: www.ciwmb.ca.gov/LGCentral/PARIS/Codes/Reduce.htm	NEW or EXPAND	DESCRIPTION OF PROGRAM	FUNDING SOURCE	DATE FULLY COMPLETED	ESTIMATED PERCENT DIVERSION
		Total Estimated Diversion Percent From New and/or Expanded Programs			
		Current Diversion Rate Percent From Latest Annual Report			
		Total Planned Diversion Percent Estimated			

PROGRAMS SUPPORTING DIVERSION ACTIVITIES

PROGRAM TYPE	NEW or EXPAND	DESCRIPTION OF PROGRAM	DATE FULLY COMPLETED

Section V – PARIS

Office of Local Assistance staff will be reviewing your Jurisdiction's Planning Annual Report Information System (PARIS) database printout as part of the evaluation of your request. Should the Jurisdiction have updates or revisions to the program implementation from the latest Annual Report submitted to the Board, please attach to the application the Jurisdiction's PARIS database printout showing updates or revisions.

Contact your Office of Local Assistance Representative at (916) 341-6199 for a copy of PARIS, or go to the Board's website at **www.ciwmb.ca.gov/LGCentral/PARIS/**.

To request a Time Extension (TE) or Alternative Diversion Requirement (ADR), please complete and sign this request sheet and return it to your Office of Local Assistance (OLA) representative at the address below, along with any additional information requested by OLA staff. When all documentation has been received, your OLA representative will work with you to prepare for your appearance before the Board. If you have any questions about this process, please call (916) 341-6199 to be connected to your OLA representative.
Mail completed documents to:

California Integrated Waste Management Board
Office of Local Assistance, (MS 25)
1001 I Street
PO Box 4025
Sacramento CA 95812-4025

General Instructions:

For a Time Extension complete Sections I, II, III-A, IV-A, and V.

For an Alternative Diversion Requirement complete Sections I, II, III-B, IV-B and V.

Section I: Jurisdiction Information and Certification

All respondents must complete this section.

I certify under penalty of perjury that the information in this document is true and correct to the best of my knowledge, and that I am authorized to make this certification on behalf of:

Jurisdiction Name City of Calipatria	County Imperial
Authorized Signature	Title City Manager

Type/Print Name of Person Signing Romualdo Medina	Date 1 March 2005	Phone 760 348-4141

Person Completing This Form (please print or type) Jesse Soriano	Title City Planner/Public Works Director

Phone (760) 348-4141	E-mail-Address jsorianopublicworksplanner@calipatria.com	Fax 760 348-4141

Mailing Address 125 North Park Avenue	City Calipatria	State CA	ZIP Code 92233

Section II—Cover Sheet

This cover sheet is to be completed for each Time Extension (TE) or Alternative Diversion Requirement (ADR) requested.

1. Eligibility

Has your jurisdiction filed its Source Reduction and Recycling Element, Household Hazardous Waste Element, and Nondisposal Facility Element with the Board (must have been filed by July 1, 1998 if you are requesting an ADR)? Yes

No. If no, stop; not eligible for a TE or ADR.

Yes. If yes, then eligible for a TE or ADR.

2. Specific Request and Length of Request

Please specify the request desired.

Time Extension Request

Specific years requested 2005

Is this a second request? No **X** Yes Specific years requested. _2003-4 _____
(**Note:** Requests for an additional extension will need to address why the jurisdiction's efforts to meet the 50% goal by the end of the first extension were not successful.)

Alternative Diversion Requirement Request (*Not allowed for Regional Agencies*).

Specific ADR requested _ _____%, for the years_ _____.

Is this a second ADR request? No Yes Specific ADR requested _ ____%, for the years _ _____
(**Note:** Requests for an additional ADR will need to address why the jurisdiction's efforts to meet 50% by the end of the first ADR period were not successful.)

Note: Extensions may be requested anytime by a jurisdiction, but will only be effective in the years from January 1, 2000 to January 1, 2006. An original request for a TE/ADR may be granted for any period up to three years and subsequent requests for TE/ADR may extend the original request or be based on new circumstances but the total number of years for all requests cannot total more than five years or extend beyond January 1, 2006.

Section IIIA—TIME EXTENSION

Within this section, discuss your jurisdiction's progress in implementing diversion programs that were planned to achieve 50%. Provide any additional information that demonstrates "good faith effort." The CIWMB shall determine your jurisdiction's progress in demonstrating "good faith effort" towards complying with AB 939. Note: The answers to each question should be comprehensive and provide specific details regarding the jurisdiction's situation.

Attach additional sheets if necessary—please reference each response to the appropriate cell number (e.g., IIIA-1).

1. **Why does your jurisdiction need more time to meet the 50% goal? Describe why SRRE selected programs did not achieve 50% diversion. Identify barriers to meeting the 50% goal and briefly indicate how they will be overcome.**

The City needs additional time to meet the 50% goal in order to coordinate efforts with local businesses, schools, and the Calipatria State Prison. The City intends to conduct an educational program to promote recycling to local residents, implement a program to reduce contamination rates, meet with school officials to encourage them to recycle paper products, discuss with the State prison if it would be feasible to have them collect cardboard generated by local business into their existing program. The City is presently diverting 49% and we feel that with additional time to conduct the above described activities the City will achieve and perhaps surpass the 50% requirement. City needs to convince local businesses to recycle by providing a financial incentive.

2. **Why does your jurisdiction need the amount of time requested? Describe any relevant circumstances in the jurisdiction that contribute to the need for a Time Extension.**

The City has a limited amount of staff and resources to implement programs. Our goal to achieve or surpass a 50% diversion rate is one that we feel is achievable with additional time to reactivate our efforts. In the past, the City has depended largely on IVWMTF staff and now realizes that local effort is needed to achieve the goal. City staff has recently discussed potential methods/programs to increase local diversion rates with CIWMB staff and we are confident that additional effort will yield desired results.

3. **Describe your jurisdiction's Good Faith Efforts to implement the programs in its SRRE.**

Although a procurement ordinance was not adopted by the City until February 2005, staff has been purchasing recycled office products for at least the past two years. Staff has participated in IVWMTF events including used tire collections. The City has asked contractors to recycle or reuse all demolition and construction materials for the last two years even though it has not adopted the C&D ordinance. The ordinance has not been adopted due to enforcement issues. Enforcement is not possible at this time due to lack of City staff. The County presently reviews all building plans and does not require recycling in their review. The City is presently discussing with the County building department the feasibility of enforcing a C&D ordinance under revised terms of its existing contract for plan check and building inspections. City crews have been mulching grass clippings for the last 10 years and chipping all tree limbs for use as mulch in parks and landscape medians. The City intends to establish a used oil collection center at its Public Works maintenance yard or possibly at the Fire Department. Up to 300 houses are planned to be built in the City of Calipatria in future years. Prior to these homes being built, the City will consider the financial feasibility of hiring enforcement staff that could enforce a recycling ordinance for C&D. Within the past three years, all major street construction projects undertaken in the City have diverted several thousand tons of used asphalt and concrete rubble from landfills that have been used to fill potholes, improve unpaved alleys and as rip-rap to prevent soil erosion along the New River.

4. **Provide any additional relevant information that supports the request.**

City staff are committed to doing what it takes to achieve a 50% diversion rate and because we are so close to achieving this goal, we feel that our request for a time extension is legitimate and not just an excuse to buy more time.

Section IIIB—ALTERNATIVE DIVERSION REQUIREMENT

Within this section, discuss your jurisdiction's progress in implementing diversion programs that were planned to achieve 50%. Provide any additional information that demonstrates "good faith effort." The CIWMB shall determine your jurisdiction's efforts in demonstrating "good faith effort" towards complying with AB 939. Note: The answers to each question should be comprehensive and provide specific details regarding the jurisdiction's situation.

Attach additional sheets if necessary—please reference each response to the appropriate cell number (e.g., IIIB-1.).

1. Why does your jurisdiction need and Alternative Diversion Requirement? Describe why SRRE selected programs did not achieve 50% diversion. Identify barriers to meeting the 50% goal and briefly indicate how they will be overcome.

2. Why is your jurisdiction requesting an Alternative Diversion Requirement in lieu of a Time Extension?

3. Describe your jurisdiction's Good Faith Efforts to implement the programs in its SRRE.

4. Describe any relevant circumstances in the jurisdiction that contribute to the need for an ADR. Provide any relevant information that supports the request.

Section IV A—PLAN OF CORRECTION

A Plan of Correction is required by PRC Section 41820(a)(6)(B). The plan is fundamentally a description of the actions the jurisdiction will take to meet the 50% goal by the expiration of the Time Extension.
Attach additional sheets if necessary.

Residential %	13%	Non-residential %	87%

PROGRAM TYPE **Please use the Board's Program Types. The Program Glossary is online at:** www.ciwmb.ca.gov/LGCentral/PARIS/Codes/Reduce.htm	NEW or EXPAND	DESCRIPTION OF PROGRAM	FUNDING SOURCE	DATE FULLY COMPLETED	ESTIMATED PERCENT DIVERSION
2060-RC-GOV	Expand	Government Recycling Programs / Commercial Onsite Collection: The library, SOS Program, schools and Police Department will be provided with containers for recycling and greenwaste.	Franchise hauler fees; private	June 1, 2005	.5%
4100-SP-OTH (Other Special Waste: C&D)	Expand	The City will continue to work with builders requesting that they reduce the amount of waste landfilled from C&D projects. All City sponsored projects will require recycling of their contractors.		December 31, 2005	.5%
		Total Estimated Diversion Percent From New and/or Expanded Programs			1%
		Current Diversion Rate Percent From Latest Annual Report			50%
		Total Planned Diversion Percent Estimated			50%

PROGRAMS SUPPORTING DIVERSION ACTIVITIES

PROGRAM TYPE	NEW or EXPANDED	DESCRIPTION OF PROGRAM	DATE FULLY COMPLETED
5020-ED-OUT	Expand	Outreach, curbside recycling: The City intends to conduct an educational program to promote recycling to local residents, and to reduce contamination rates. As part of this program, the City will work with its hauler to make the recycling containers throughout its City uniform in color so that individuals can distinguish it from the can for disposal.	June 1, 2005
6010-PI-EIN	Expand	Economic Incentives: Staff will meet with individual businesses to encourage the use of recycling containers by providing financial incentives. The City will discuss with the State prison if it would be feasible to have them collect cardboard generated by local business into their existing program. Staff will discuss or meet with the owners and managers of apartment complexes in the city to encourage the use of recycling containers by providing financial incentives.	July 1, 2005

2050-RC-SCH 1030-SR-PMT	Expand	School District Recycling and Procurement: Staff will meet with school officials to encourage that the school district adopt a procurement policy. City will also meet with the school regarding maintenance and operations methods to make recycling feasible throughout K – 12 schools.	August 1, 2005

Section IV B—GOAL ACHIEVEMENT

Goal Achievement describes the activities the jurisdiction will use to achieve the ADR.
Attach additional sheets if necessary..

Residential %		Non-residential %	

PROGRAM TYPE Please use the Board's Program Types. The Program Glossary is online at: www.ciwmb.ca.gov/LGCentral/PARIS/Codes/Reduce.htm	NEW or EXPAND	DESCRIPTION OF PROGRAM	FUNDING SOURCE	DATE FULLY COMPLETED	ESTIMATED PERCENT DIVERSION
		Total Estimated Diversion Percent From New and/or Expanded Programs			
		Current Diversion Rate Percent From Latest Annual Report			
		Total Planned Diversion Percent Estimated			

PROGRAMS SUPPORTING DIVERSION ACTIVITIES

PROGRAM TYPE	NEW or EXPAND	DESCRIPTION OF PROGRAM	DATE FULLY COMPLETED

Section V – PARIS

Office of Local Assistance staff will be reviewing your Jurisdiction's Planning Annual Report Information System (PARIS) database printout as part of the evaluation of your request. Should the Jurisdiction have updates or revisions to the program implementation from the latest Annual Report submitted to the Board, please attach to the application the Jurisdiction's PARIS database printout showing updates or revisions.

Contact your Office of Local Assistance Representative at (916) 341-6199 for a copy of PARIS, or go to the Board's website at **www.ciwmb.ca.gov/LGCentral/PARIS/**.

To request a Time Extension (TE) or Alternative Diversion Requirement (ADR), please complete and sign this request sheet and return it to your Office of Local Assistance (OLA) representative at the address below, along with any additional information requested by OLA staff. When all documentation has been received, your OLA representative will work with you to prepare for your appearance before the Board. If you have any questions about this process, please call (916) 341-6199 to be connected to your OLA representative.

Mail completed documents to:

California Integrated Waste Management Board
Office of Local Assistance, (MS 25)
1001 I Street
PO Box 4025
Sacramento CA 95812-4025

General Instructions:

For a Time Extension complete Sections I, II, III-A, IV-A, and V.

For an Alternative Diversion Requirement complete Sections I, II, III-B, IV-B and V.

Section I: Jurisdiction Information and Certification

All respondents must complete this section.

I certify under penalty of perjury that the information in this document is true and correct to the best of my knowledge, and that I am authorized to make this certification on behalf of:

Jurisdiction Name	County
CITY OF IMPERIAL	IMPERIAL
Authorized Signature JACKIE LOPER	Title COMMUNITY DEVELOPMENT DIRECTOR

Type/Print Name of Person Signing	Date	Phone
JACKIE LOPER	02/28/05	(760) 355-3336

Person Completing This Form (please print or type)	Title
LAURA GUTIERREZ	FINANCE OFFICER

Phone	E-mail Address	Fax
(760)355-4372	FINANCE-LAURA@CITYOFIMPERIAL.ORG	(760)355-4718

Mailing Address	City	State	ZIP Code
420 SOUTH IMPERIAL AVENUE	IMPERIAL	CA	92251

Section II—Cover Sheet

This cover sheet is to be completed for each Time Extension (TE) or Alternative Diversion Requirement (ADR) requested.

1. Eligibility

Has your jurisdiction filed its Source Reduction and Recycling Element, Household Hazardous Waste Element, and Nondisposal Facility Element with the Board (must have been filed by July 1, 1998 if you are requesting an ADR)?

☐ No. If no, stop; not eligible for a TE or ADR.

☒ Yes. If yes, then eligible for a TE or ADR.

2. Specific Request and Length of Request

Please specify the request desired.

☒ **Time Extension Request**

Specific years requested _2005_____

Is this a second request? ☐ No ☒ Yes Specific years requested. _2003, 2004
ADR_____

(**Note:** Requests for an additional extension will need to address why the jurisdiction's efforts to meet the 50% goal by the end of the first extension were not successful.)

☐ **Alternative Diversion Requirement Request (*Not allowed for Regional Agencies*).**

Specific ADR requested _ _____%, for the years_ _____.

Is this a second ADR request? ☐ No ☐ Yes Specific ADR requested _ ____%, for the years _ _____

(**Note:** Requests for an additional ADR will need to address why the jurisdiction's efforts to meet 50% by the end of the first ADR period were not successful.)

Note: Extensions may be requested anytime by a jurisdiction, but will only be effective in the years from January 1, 2000 to January 1, 2006. An original request for a TE/ADR may be granted for any period up to three years and subsequent requests for TE/ADR may extend the original request or be based on new circumstances but the total number of years for all requests cannot total more than five years or extend beyond January 1, 2006.

Section IIIA—TIME EXTENSION

Within this section, discuss your jurisdiction's progress in implementing diversion programs that were planned to achieve 50%. Provide any additional information that demonstrates "good faith effort." The CIWMB shall determine your jurisdiction's progress in demonstrating "good faith effort" towards complying with AB 939. Note: The answers to each question should be comprehensive and provide specific details regarding the jurisdiction's situation.

Attach additional sheets if necessary—please reference each response to the appropriate cell number (e.g., IIIA-1).

1. Why does your jurisdiction need more time to meet the 50% goal? Describe why SRRE selected programs did not achieve 50% diversion. Identify barriers to meeting the 50% goal and briefly indicate how they will be overcome.

Residential curbside has been fully completed for single family homes. Multi-family is 65% completed. Tracking ownership to reach owners of multi-family units has been a barrier to completing multi-family recycling. Also, the City is still training its compliance officer. Bringing the proper compliance staff on board took longer than staff anticipated, due to the steps necessary for approval of this position. The City already passed an ordinance mandating commercial recycling which includes mulit-family. Four workshops for multi-family and commercial recycling were held. More time is needed to complete this program.

2. Why does your jurisdiction need the amount of time requested? Describe any relevant circumstances in the jurisdiction that contribute to the need for a Time Extension.

In addition to the above, staff will visit commercial and multi-family accounts within the next 60 days to verify that they are in compliance with the ordinance. The City needs more time to track ownership to reach owners of multi-family. The City is expanding the program to date to include field inspections to verify recycling, meet owners in person, and inform them of the ordinance. The City is also still training its Code Enforcement Officer to do onsite visits and distribute as necessary labels and other printed material to inform residents of contamination in their recycling containers.

The City already passed an ordinance requiring recycling at all businesses in the City. The City needs more time to work with its hauler to establish an exclusive route for our City to support this program. Because the City passed an ordinance to mandate recycling at all businesses and multi-family, the City was able to negotiate the exclusive route with its hauler.

3. Describe your jurisdiction's Good Faith Efforts to implement the programs in its SRRE.

The City has made good faith efforts with the passing of the ordinance mandating all commercial / multi-family to recycle as well as the C & D ordinance. The City negotiated an exclusive route with its hauler in order to monitor its commercial recycling program. Also, the City staff passed out information at the Christmas in a small town and the City's 100 year anniversary. Staff has worked with the larger businesses such as Imperial Irrigation District, the Imperial Unified School District, General Dynamics, etc. to implement recycling programs at their facilities. Information on how to purchase recycled content has been requested for all parks, and staff attended the EPP & REP trade show in Ontario. The City of Imperial has progressed so far to fully implement procurement, school recycling, special collection seasonal, special collection events, curriculum outreach to schools, and economic incentives. The entire Imperial Unified School District is recycling in every classroom, cafeteria, and kitchen as well as the private schools. Also included in the IUSD is a school that is located in the County of Imperial jurisdiction that is recycling.

Residential curbside has been fully completed for single family homes. Multi-family is 65% completed. The City passed an ordinance mandating commercial recycling which includes multi-family. Four workshops for multi-family and commercial recycling were held. Major accomplishments have been made to save businesses and schools monies by recycling. Hand outs are now available at the Chamber of Commerce, City Hall, and Library with complete information about where to recycle, what to recycle and where to purchase recycle materials.

Staff was new to this project (AB 939) and has been working on implementing programs for less than one year.

4. Provide any additional relevant information that supports the request.

The City will consider revising its base year once all programs are established to more accurately measure waste diversion.

Section IIIB—ALTERNATIVE DIVERSION REQUIREMENT

Within this section, discuss your jurisdiction's progress in implementing diversion programs that were planned to achieve 50%. Provide any additional information that demonstrates "good faith effort." The CIWMB shall determine your jurisdiction's efforts in demonstrating "good faith effort" towards complying with AB 939. Note: The answers to each question should be comprehensive and provide specific details regarding the jurisdiction's situation.
Attach additional sheets if necessary—please reference each response to the appropriate cell number (e.g., IIIB-1.).

1. Why does your jurisdiction need and Alternative Diversion Requirement? Describe why SRRE selected programs did not achieve 50% diversion. Identify barriers to meeting the 50% goal and briefly indicate how they will be overcome.

2. Why is your jurisdiction requesting an Alternative Diversion Requirement in lieu of a Time Extension?

3. Describe your jurisdiction's Good Faith Efforts to implement the programs in its SRRE.

4. Describe any relevant circumstances in the jurisdiction that contribute to the need for an ADR. Provide any relevant information that supports the request.

Section IV A—PLAN OF CORRECTION

A Plan of Correction is required by PRC Section 41820(a)(6)(B). The plan is fundamentally a description of the actions the jurisdiction will take to meet the 50% goal by the expiration of the Time Extension.

Attach additional sheets if necessary.

Residential %	26	Non-residential %	74

PROGRAM TYPE Please use the Board's Program Types. The Program Glossary is online at: www.ciwmb.ca.gov/LGCentral/PARIS/Codes/Reduce.htm	NEW or EXPAND	DESCRIPTION OF PROGRAM	FUNDING SOURCE	DATE FULLY COMPLETED	ESTIMATED PERCENT DIVERSION
2000-RC-CRB	NEW	Increase curbside recycling participation through a curbside contamination campaign to reduce contamination of residential recycling and green waste bins. This program is supported by the Compliance Officer making onsite visits and distributing as necessary labels and other printed material to inform residents of contamination in their recycling containers.	GENERAL	12/31/05	1%
2030-RC-OSP	NEW	Implement ordinance requiring recycling at all businesses in the City. The City is also working with its hauler to establish an exclusive route for our City to support this program. Because the City passed an ordinance to mandate recycling at all businesses and multi-family, the City was able to negotiate the exclusive route with its hauler.	GENERAL	12/31/05	10%
4100-SP-OTH - C&D	NEW	Implement the C&D Ordinance. To support this program, the City has been working with community developers to understand and implement the C & D Ordinance. The City will also support it by monitoring commercial development in meeting their goals to comply with the C & D Ordinance.	GENERAL	12/31/05	5%
		Total Estimated Diversion Percent From New and/or Expanded Programs			16%
		Current Diversion Rate Percent From Latest Annual Report			34%
		Total Planned Diversion Percent Estimated			50%

PROGRAMS SUPPORTING DIVERSION ACTIVITIES

PROGRAM TYPE	NEW or EXPANDED	DESCRIPTION OF PROGRAM	DATE FULLY COMPLETED
5020-ED-OUT	NEW	The Officer making onsite visits and distribute as necessary labels and other printed material to inform residents of contamination in their recycling containers.	12/31/05
6020-PI-ORD	NEW	City Code Enforcement Officer will be inspecting residential containers for contamination. The Officer making onsite visits and distribute as necessary labels and other printed material to inform residents of contamination in their recycling containers.	12/31/05
		Work with hauler to establish an exclusive route for our City. Because the City passed an ordinance to mandate recycling at all businesses and multi-family, the City was able to negotiate the exclusive route with its hauler.	12/31/05
		The City will continue to work with community developers to understand and implement the C & D Ordinance. The City will now begin to monitor commercial development in meeting their goals to comply with the C & D Ordinance.	12/31/05

Section IV B—GOAL ACHIEVEMENT

Goal Achievement describes the activities the jurisdiction will use to achieve the ADR.
Attach additional sheets if necessary..

Residential %		Non-residential %	

PROGRAM TYPE Please use the Board's Program Types. The Program Glossary is online at: www.ciwmb.ca.gov/LGCentral/PARIS/Codes/Reduce.htm	NEW or EXPAND	DESCRIPTION OF PROGRAM	FUNDING SOURCE	DATE FULLY COMPLETED	ESTIMATED PERCENT DIVERSION
		Total Estimated Diversion Percent From New and/or Expanded Programs			
		Current Diversion Rate Percent From Latest Annual Report			
		Total Planned Diversion Percent Estimated			

PROGRAMS SUPPORTING DIVERSION ACTIVITIES

PROGRAM TYPE	NEW or EXPAND	DESCRIPTION OF PROGRAM	DATE FULLY COMPLETED

Section V – PARIS

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Office of Local Assistance

Program Listing for Brawley

Date Printed
June 8,2005

Program Code	Existed?	Slcted?	Pre 1995 Start Date	1995 Status	1995 Reason	1996 Status	1996 Reason	1997 Status	1997 Reason	1998 Status	1998 Reason	1999 Status	1999 Reason	2000 Status	2000 Reason	2001 Status	2001 Reason	2002 Status	2002 Reason
1000-SR-XGC Xeriscaping/Grasscycling	N	Y	1998	PF		PF		PF		SI		SO		SO		SO		SO	
1010-SR-BCM Backyard and On-Site Composting/Mulching	N	Y	NA	NI	5	NI	5	NI	5	NI	5	NI	5	NI	5	NI	5	SI	
1020-SR-BWR Business Waste Reduction Program	Y	Y	1990	SO		SO		SO		SO		SO		SO		SO		SO	
1030-SR-PMT Procurement	N	Y	NA	NI	99	NI	99	NI	99	NI	99	NI	99	NI	99	NI	99	SI	
1050-SR-GOV Government Source Reduction Programs	N	Y	NA	NI	99	NI	99	NI	99	NI	99	NI	99	NI	99	NI	99	SI	
1060-SR-MTE Material Exchange, Thrift Shops	N	N	NA	AI		AO		AO		AO		AO		AO		AO		AO	
2000-RC-CRB Residential Curbside	N	Y	NA	NI	99	NI	99	NI	99	NI	99	NI	99	PF		PF		PF	
2010-RC-DRP Residential Drop-Off	N	Y	1991	SO		SO		SO		SO		SO		SO		SO		SO	
2020-RC-BYB Residential Buy-Back	Y	Y	1991	SO		SO		SO		SO		SO		SO		SO		SO	
2030-RC-OSP Commercial On-Site Pickup	Y	Y	1993	SO		SO		SO		SO		SO		SO		SO		SO	

Status Code Legend

SO = Selected Ongoing
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PF = Planned Future
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Reason Code Legend

1 = Delays in bringing diversion facilities online.
2 = Unavoidable regulatory delays.
3 = Existing contractual or legal problems.
4 = Insufficient funding.
5 = Insufficient staffing.
6 = Lack of cooperation from other entities.
7 = Sufficient diversion without selected program.
8 = Lack of markets necessary to support program.
9 = Other

Application: PARIS

Office of Local Assistance

Program Listing for Brawley

Date Printed
June 8,2005

Program Code	Existed?	Slcted?	Pre 1995 Start Date	------ 1995 ------ Status	Reason	------ 1996 ------ Status	Reason	------ 1997 ------ Status	Reason	------ 1998 ------ Status	Reason	------ 1999 ------ Status	Reason	------ 2000 ------ Status	Reason	------ 2001 ------ Status	Reason	------ 2002 ------ Status	Reason
2050-RC-SCH School Recycling Programs	N	N	NA	NA		NA		NA		NA		NA		AI		AO		AO	
2070-RC-SNL Special Collection Seasonal (regular)	N	Y	2001	NI	99	NI	99	NI	99	NI	99	NI	99	NI	99	NI	99	SI	
2080-RC-SPE Special Collection Events	N	N	1993	AO		AO		AO		AO		AO		AO		AO		AO	
3000-CM-RCG Residential Curbside Greenwaste Collection	N	Y	NA	PF		PF		PF		PF		PF		PF		PF		PF	
3050-CM-SCH School Composting Programs	N	N	2001	NA		NA		NA		NA		NA		NA		NA		AI	
3070-CM-OTH Other Composting	N	Y	NA	NI	99	NI	99	NI	99	NI	99	NI	99	NI	99	NI	99	NI	99
4020-SP-TRS Tires	N	Y	1998	NI	6	NI	6	NI	6	SI		SO		SO		SO		SO	
4030-SP-WHG White Goods	Y	Y	1990	SO		SO		SO		SO		SO		SO		SO		SO	
4040-SP-SCM Scrap Metal	Y	Y	1990	SO		SO		SO		SO		SO		SO		SO		SO	
4050-SP-WDW Wood Waste	N	Y	NA	PF		PF		PF		PF		PF		PF		PF		PF	

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Application: PARIS

Office of Local Assistance

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Program Code	Existed?	Slcted?	Pre 1995 Start Date	1995 Status	1995 Reason	1996 Status	1996 Reason	1997 Status	1997 Reason	1998 Status	1998 Reason	1999 Status	1999 Reason	2000 Status	2000 Reason	2001 Status	2001 Reason	2002 Status	2002 Reason
4060-SP-CAR Concrete/Asphalt/Rubble	N	Y	1992	SO		SO		SO		SO		SO		SO		SO		SO	
4090-SP-RND Rendering	N	N	1990	AO		AO		AO		AO		AO		AO		AO		AO	
5000-ED-ELC Electronic (radio ,TV, web, hotlines)	Y	Y	1990	SO		SO		SO		D	5	DE	5	DE	5	DE	5	SI	5
5010-ED-PRN Print (brochures, flyers, guides, news articles)	N	Y	1992	SO		SO		SO		D	5	DE	5	SI		SO		SO	
5020-ED-OUT Outreach (tech assistance, presentations, awards, fairs, field trips)	N	Y	NA	NI	5	NI	5	NI	5	NI	5	NI	5	SI		SO		SO	
5030-ED-SCH Schools (education and curriculum)	N	Y	1990	PF		PF		PF		PF		PF		SI		SO		SO	
6000-PI-PLB Product and Landfill Bans	N	Y	NA	NI	99	NI	99	NI	99	NI	99	NI	99	NI	99	NI	99	NI	99
6010-PI-EIN Economic Incentives	N	Y	NA	PF		AI		AO		AO		AO		AO		AO		AO	
6020-PI-ORD Ordinances	N	N	NA	NA		NA		NA		NA		NA		NA		NA		PF	
6030-PI-OTH Other Policy Incentive	N	Y	NA	NI	99	NI	99	NI	99	NI	99	NI	99	NI	99	NI	99	NI	99

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7000-FR-MRF MRF	N	Y	NA	NI	99	NI	99	NI	99	NI	99	NI	99	NI	99	NI	99	NI	99
7010-FR-LAN Landfill	Y	Y	1991	SO		SO		SO		SO		SO		SO		SO		SO	
9000-HH-PMF Permanent Facility	N	Y	NA	PF		PF		PF		PF		PF		PF		SI		SO	
9010-HH-MPC Mobile or Periodic Collection	N	Y	1996	PF		SI		SO		D	4	DE	4	SI		SO		SO	
9020-HH-CSC Curbside Collection	N	N	2002	NA		NA		NA		NA		NA		NA		NA		AI	
9030-HH-WSE Waste Exchange	N	Y	NA	PF		PF		PF		PF		PF		PF		PF		PF	
9040-HH-EDP Education Programs	N	Y	1995	SI		SO		SO		SO		SO		SO		SO		SO	

Add any additional programs below

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Application: PARIS

Office of Local Assistance

Program Listing for Calexico

Date Printed
June 7,2005

Program Code	Existed?	Slcted?	Pre 1995 Start Date	1995 Status	1995 Reason	1996 Status	1996 Reason	1997 Status	1997 Reason	1998 Status	1998 Reason	1999 Status	1999 Reason	2000 Status	2000 Reason	2001 Status	2001 Reason	2002 Status	2002 Reason
1000-SR-XGC Xeriscaping/Grasscycling	N	Y	NA	NI	99	NI	99	NI	99	NI	99	NI	99	NI	99	SI		SO	
1010-SR-BCM Backyard and On-Site Composting/Mulching	N	Y	1995	NI	5	NI	5	NI	5	NI	5	NI	5	SI		SO		SO	
1020-SR-BWR Business Waste Reduction Program	Y	Y	1990	D	5	DE	5	DE	5	DE	5	DE	5	DE		DE	5	SI	
1030-SR-PMT Procurement	Y	Y	1994	SO		SO		SO		SO		SO		SO		SO		SO	
1050-SR-GOV Government Source Reduction Programs	Y	Y	1993	SO		SO		SO		SO		SO		SO		SO		SO	
1060-SR-MTE Material Exchange, Thrift Shops	N	Y	1992	SO		SO		SO		SO		SO		SO		SO		SO	
2000-RC-CRB Residential Curbside	N	Y	NA	PF		PF		PF		PF		PF		SI		SO		SO	
2010-RC-DRP Residential Drop-Off	N	Y	1997	D	4, 5, 6	DE	4, 5, 6	SI		SO		SO		SO		SO		SO	
2020-RC-BYB Residential Buy-Back	N	Y	1992	SO		SO		SO		SO		SO		SO		SO		SO	
2030-RC-OSP Commercial On-Site Pickup	N	Y	1994	SO		SO		SO		SO		SO		SO		SO		SO	

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Office of Local Assistance

Program Listing for Calexico

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2050-RC-SCH School Recycling Programs	N	Y	NA	NI	99	NI	99	NI	99	NI	99	NI	99	SI		SO		SO	
2060-RC-GOV Government Recycling Programs	N	N	2002	NA		NA		NA		NA		NA		NA		NA		AI	
2070-RC-SNL Special Collection Seasonal (regular)	N	Y	1995	PF		PF		PF		PF		PF		PF		PF		SI	
2080-RC-SPE Special Collection Events	N	Y	NA	SO		SO		SO		SO		SO		SO		SO		SO	
3000-CM-RCG Residential Curbside Greenwaste Collection	N	Y	NA	PF		PF		PF		PF		PF		SI		SO		SO	
3050-CM-SCH School Composting Programs	N	N	2002	NA		NA		NA		NA		NA		NA		NA		AI	
3070-CM-OTH Other Composting	N	Y	NA	NI	99	NI	99	NI	99	NI	99	NI	99	NI	99	NI	99	NI	99
4020-SP-TRS Tires	N	Y	1998	D	4, 6	DE	4, 6	DE	4, 6	SI		D	4	SI		SO		SO	
4030-SP-WHG White Goods	Y	Y	1991	SO		SO		SO		SO		SO		SO		SO		SO	
4040-SP-SCM Scrap Metal	Y	Y	1991	SO		SO		SO		SO		SO		SO		SO		SO	

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Program Code	Existed?	Slcted?	Pre 1995 Start Date	1995 Status	1995 Reason	1996 Status	1996 Reason	1997 Status	1997 Reason	1998 Status	1998 Reason	1999 Status	1999 Reason	2000 Status	2000 Reason	2001 Status	2001 Reason	2002 Status	2002 Reason
4050-SP-WDW Wood Waste	N	Y	NA	NI	99	NI	99	NI	99	NI	99	NI	99	NI	99	NI	99	NI	99
4060-SP-CAR Concrete/Asphalt/Rubble	N	Y	1992	SO		SO		SO		SO		SO		SO		SO		SO	
4090-SP-RND Rendering	N	N	1990	AO		AO		AO		AO		AO		AO		AO		AO	
5000-ED-ELC Electronic (radio ,TV, web, hotlines)	N	Y	NA	NI	4	NI	4	NI	4	NI	5	NI	5	NI	5	NI		SI	
5010-ED-PRN Print (brochures, flyers, guides, news articles)	N	Y	1999	SO		SO		SO		D	5	SI		SO		SO		SO	
5020-ED-OUT Outreach (tech assistance, presentations, awards, fairs, field trips)	N	Y	1995	SI		SO		SO		D	5	DE	5	SI		SO		SO	
5030-ED-SCH Schools (education and curriculum)	N	Y	1997	PF	4	PF	4	PF		PF		PF		SI		SO		SO	
6000-PI-PLB Product and Landfill Bans	N	Y	NA	NI	99	NI	99	NI	99	NI	99	NI	99	NI	99	NI	99	NI	99
6010-PI-EIN Economic Incentives	N	Y	NA	PF	4, 5, 6	PF	4, 5, 6	PF	4, 5, 6	PF	5	PF	5	PF	5	PF	5	PF	5
6020-PI-ORD Ordinances	N	N	NA	NA		NA		NA		NA		NA		NA		NA		PF	

Status Code Legend

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Reason Code Legend

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Application: PARIS

Office of Local Assistance

Program Listing for Calexico

Date Printed
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Program Code	Existed?	Slcted?	Pre 1995 Start Date	1995 Status	1995 Reason	1996 Status	1996 Reason	1997 Status	1997 Reason	1998 Status	1998 Reason	1999 Status	1999 Reason	2000 Status	2000 Reason	2001 Status	2001 Reason	2002 Status	2002 Reason
6030-PI-OTH Other Policy Incentive	N	Y	NA	DE		DE		DE		DE		DE		DE		DE		DE	
7000-FR-MRF MRF	N	Y	NA	PF		PF		PF		PF	1	PF	1	SI		SO		SO	
7010-FR-LAN Landfill	Y	Y	1994	SO		SO		SO		SO		SO		SO		SO		SO	
7040-FR-ADC Alternative Daily Cover	N	N	NA	NA		NA		NA		NA		NA		PF		PF		SI	
9000-HH-PMF Permanent Facility	N	Y	NA	PF		PF		PF		PF		PF		PF	1	SI		SO	
9010-HH-MPC Mobile or Periodic Collection	N	Y	1995	SI		SO		SO		SO		SO		SO		SO		SO	
9020-HH-CSC Curbside Collection	N	N	2003	NA		NA		NA		NA		NA		NA		NA		AI	
9030-HH-WSE Waste Exchange	N	Y	NA	PF		PF		PF		PF		PF		PF		PF		PF	
9040-HH-EDP Education Programs	N	Y	1995	SI		SO		SO		D	5	DE	5	DE	5	SI		SO	

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Office of Local Assistance

Program Listing for Calipatria

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1000-SR-XGC Xeriscaping/Grasscycling	N	Y	1994	SO		SO		SO		SO		SO		SO		SO		SO	
1010-SR-BCM Backyard and On-Site Composting/Mulching	N	Y	1999	SI		SO		SO		D	5	SI		SO		SO		SO	
1020-SR-BWR Business Waste Reduction Program	N	Y	NA	NI	5	NI	5	NI	5	NI	5	NI	5	SI		SO		SO	
1030-SR-PMT Procurement	N	Y	1993	SO		SO		SO		SO		SO		SO		SO		SO	
1050-SR-GOV Government Source Reduction Programs	N	Y	NA	SO		SO		SO		SO		SO		SO		SO		SO	
1060-SR-MTE Material Exchange, Thrift Shops	N	Y	NA	NI	99	NI	99	NI	99	NI	99	NI	99	SI		SO		SO	
2000-RC-CRB Residential Curbside	N	Y	NA	PF		PF		PF		PF	1	PF	1	PF		SI		SO	
2010-RC-DRP Residential Drop-Off	N	Y	1991	SO		SO		SO		SO		SO		SO		SO		SO	
2020-RC-BYB Residential Buy-Back	Y	Y	1991	SO		SO		SO		SO		D	99	SI		SO		SO	
2030-RC-OSP Commercial On-Site Pickup	Y	Y	1994	SO		SO		SO		SO		SO		SO		SO		SO	

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Office of Local Assistance

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Program Code	Existed?	Slcted?	Pre 1995 Start Date	------ 1995 ------ Status	Reason	------ 1996 ------ Status	Reason	------ 1997 ------ Status	Reason	------ 1998 ------ Status	Reason	------ 1999 ------ Status	Reason	------ 2000 ------ Status	Reason	------ 2001 ------ Status	Reason	------ 2002 ------ Status	Reason
2050-RC-SCH School Recycling Programs	N	Y	NA	NI	99	NI	99	NI	99	NI	99	NI	99	SI		SO		SO	
2060-RC-GOV Government Recycling Programs	N	Y	NA	NI	99	NI	99	NI	99	SI		SO		SO		SO		SO	
2070-RC-SNL Special Collection Seasonal (regular)	N	Y	NA	PF		PF		PF		PF		PF		PF		PF		SI	
2080-RC-SPE Special Collection Events	N	Y	1993	SO		SO		SO		SO		SO		SO		SO		SO	
3000-CM-RCG Residential Curbside Greenwaste Collection	N	Y	NA	PF		PF		PF		PF	1	PF	1	PF		SI		SO	
3050-CM-SCH School Composting Programs	N	N	2001	NA		NA		NA		NA		NA		NA		NA		AI	
3070-CM-OTH Other Composting	N	Y	NA	DE	99	DE	99	DE	99	DE	4	DE	4	DE	4	DE	4	DE	4
4020-SP-TRS Tires	Y	Y	1992	DE	6	DE	6	DE	6	DE	4	DE	4	SI		SO		SO	
4030-SP-WHG White Goods	Y	Y	1991	SO		SO		SO		SO		SO		SO		SO		SO	
4040-SP-SCM Scrap Metal	Y	Y	1991	SO		SO		SO		SO		SO		SO		SO		SO	

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4050-SP-WDW Wood Waste	N	Y	NA	NI	99	NI	99	NI	99	NI	99	NI	99	NI	99	NI	99	NI	99
4060-SP-CAR Concrete/Asphalt/Rubble	N	Y	1992	SO		SO		SO		SO		SO		SO		SO		SO	
4090-SP-RND Rendering	N	N	2001	NA		NA		NA		NA		NA		AI		AO		AO	
5000-ED-ELC Electronic (radio ,TV, web, hotlines)	N	Y	2001	NI	99	NI	99	NI	99	NI	99	NI	99	NI	99	SI		SO	
5010-ED-PRN Print (brochures, flyers, guides, news articles)	N	Y	1998	PF		PF		PF		SI		SO		SO		SO		SO	
5020-ED-OUT Outreach (tech assistance, presentations, awards, fairs, field trips)	N	Y	NA	PF		PF		PF		PF	5	PF	5	SI		SO		SO	
5030-ED-SCH Schools (education and curriculum)	Y	Y	1990	DE	4	DE	4	DE	4	DE	5	DE	5	SI		SO		SO	
6000-PI-PLB Product and Landfill Bans	N	Y	NA	NI	99	NI	99	NI	99	NI	99	NI	99	NI	99	NI	99	NI	99
6010-PI-EIN Economic Incentives	N	Y	NA	PF		PF		PF		PF		PF		PF		PF		PF	
6020-PI-ORD Ordinances	N	N	NA	NA		NA		NA		NA		NA		NA		NA		PF	

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6030-PI-OTH Other Policy Incentive	N	Y	NA	DE		DE		DE		DE		DE		DE		DE		DE	
7000-FR-MRF MRF	N	N	NA	PF		PF		PF		PF	1	PF	1	PF		SI		SO	
7010-FR-LAN Landfill	Y	Y	1991	SO		SO		SO		D	99	DE	99	SI		SO		SO	
7040-FR-ADC Alternative Daily Cover	N	N	NA	NA		NA		NA		NA		NA		NA		PF		SI	
9000-HH-PMF Permanent Facility	N	Y	NA	PF		PF		PF		PF		PF	4	PF		SI		SO	
9010-HH-MPC Mobile or Periodic Collection	N	Y	1996	PF		SI		SO		D	5	SI		SO		SO		SO	
9020-HH-CSC Curbside Collection	N	Y	NA	PF		PF		PF		PF		PF		PF		PF		PF	
9030-HH-WSE Waste Exchange	N	Y	NA	PF		PF		PF		PF		PF		PF		PF		PF	
9040-HH-EDP Education Programs	N	Y	NA	PF		PF		PF		PF		PF		SI		SO		SO	

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Application: PARIS

Office of Local Assistance

Program Listing for Imperial

Date Printed
June 8,2005

Program Code	Existed?	Slcted?	Pre 1995 Start Date	1995 Status	1995 Reason	1996 Status	1996 Reason	1997 Status	1997 Reason	1998 Status	1998 Reason	1999 Status	1999 Reason	2000 Status	2000 Reason	2001 Status	2001 Reason	2002 Status	2002 Reason
1000-SR-XGC Xeriscaping/Grasscycling	N	Y	NA	PF		PF		PF		PF		PF		SI		SO		SO	
1010-SR-BCM Backyard and On-Site Composting/Mulching	N	Y	1999	SI		SO		SO		SO		SO		SO		SO		SO	
1020-SR-BWR Business Waste Reduction Program	Y	Y	1991	SO		SO		SO		D	5	DE		SI		SO		SO	
1030-SR-PMT Procurement	Y	Y	1993	SO		SO		SO		SO		SO		SO		SO		SO	
1050-SR-GOV Government Source Reduction Programs	Y	Y	1991	SO		SO		SO		SO		SO		SO		SO		SO	
1060-SR-MTE Material Exchange, Thrift Shops	N	Y	1991	SO		SO		SO		SO		SO		SO		SO		SO	
2000-RC-CRB Residential Curbside	N	Y	NA	PF		PF		PF		PF		PF		PF		SI		SO	
2010-RC-DRP Residential Drop-Off	N	Y	1991	SO		SO		SO		SO		SO		SO		SO		SO	
2020-RC-BYB Residential Buy-Back	Y	Y	1991	SO		SO		SO		SO		SO		SO		SO		SO	
2030-RC-OSP Commercial On-Site Pickup	Y	Y	1994	SO		SO		SO		SO		SO		SO		SO		SO	

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2050-RC-SCH School Recycling Programs	N	Y	NA	NI	99	NI	99	NI	99	NI	99	NI	99	SI		SO		SO	
2060-RC-GOV Government Recycling Programs	N	Y	1999	NI	99	NI	99	NI	99	NI	99	NI	99	SI		SO		SO	
2070-RC-SNL Special Collection Seasonal (regular)	N	N	1993	AO		AO		AO		AO		AO		AO		AO		AO	
2080-RC-SPE Special Collection Events	N	N	1993	AO		AO		AO		AO		AO		AO		AO		AO	
3000-CM-RCG Residential Curbside Greenwaste Collection	N	Y	NA	PF		PF		PF		PF	4	PF		PF		SI		SO	
3050-CM-SCH School Composting Programs	N	N	2000	NA		NA		NA		NA		NA		AI		AO		AO	
3070-CM-OTH Other Composting	N	Y	NA	DE	99	DE	99	DE	99	DE	3	DE		DE	99	DE	99	DE	99
4020-SP-TRS Tires	N	Y	1998	DE	6	DE	6	DE	6	SI		D	99	SI		SO		SO	
4030-SP-WHG White Goods	Y	Y	1991	SO		SO		SO		SO		SO		SO		SO		SO	
4040-SP-SCM Scrap Metal	Y	Y	1991	SO		SO		SO		SO		SO		SO		SO		SO	

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4050-SP-WDW Wood Waste	N	Y	NA	NI	99	NI	99	NI	99	NI	99	NI	99	SI		SO	99	SO	99
4060-SP-CAR Concrete/Asphalt/Rubble	N	Y	1992	SO		SO		SO		SO		SO		SO		SO		SO	
4090-SP-RND Rendering	N	N	1993	AO		AO		AO		AO		AO		AO		AO		AO	
5000-ED-ELC Electronic (radio ,TV, web, hotlines)	N	Y	2000	PF		PF		PF		PF		PF		SI		SO		SO	
5010-ED-PRN Print (brochures, flyers, guides, news articles)	N	Y	1999	PF		PF		PF		PF	5	SI		SO		SO		SO	
5020-ED-OUT Outreach (tech assistance, presentations, awards, fairs, field trips)	N	Y	1999	PF		PF		PF		PF	5	SI		SO		SO		SO	
5030-ED-SCH Schools (education and curriculum)	Y	Y	1991	SO		SO		SO		SO		SO		SO		SO		SO	
6000-PI-PLB Product and Landfill Bans	N	Y	NA	NI	99	NI	99	NI	99	NI	99	NI	99	NI	99	NI	99	SI	
6010-PI-EIN Economic Incentives	N	Y	NA	PF		PF		PF		PF		PF		PF		PF		PF	
6020-PI-ORD Ordinances	N	N	NA	NA		NA		NA		NA		NA		NA		NA		NA	

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7000-FR-MRF MRF	N	N	NA	PF		PF		PF		PF	1	PF	1	PF		PF		PF	
7010-FR-LAN Landfill	Y	Y	1991	SO		SO		SO		SO		D	99	SI		SO		SO	
7040-FR-ADC Alternative Daily Cover	N	N	NA	NA		NA		NA		NA		NA		NA		PF		PF	
9000-HH-PMF Permanent Facility	N	Y	NA	PF		PF		PF		PF		PF		PF		SI		SO	
9010-HH-MPC Mobile or Periodic Collection	N	Y	1996	PF		SI		SO		SO		SO		SO		SO		SO	
9020-HH-CSC Curbside Collection	N	Y	NA	PF		PF		PF		NI	3	NI	1, 3	NI	1, 3	NI	1, 3	NI	1, 3
9030-HH-WSE Waste Exchange	N	Y	1991	SO		SO		SO		D	5	DE		DE	99	DE	99	DE	99
9040-HH-EDP Education Programs	N	Y	NA	SI		SO		SO		SO		SO		SO		SO		SO	

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Program Listing for Imperial

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Application: PARIS

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Resolution 2005-174 (Revised)

Revised Resolution Consideration Of A Second SB1066 Time Extension Application By The Following Jurisdictions: The Cities Of Brawley, Calexico, Calipatria, And City Of Imperial, Imperial County

WHEREAS, Senate Bill (SB) 1066 modified Public Resources Code (PRC) Sections 41820 and 41785 for multiple year and multiple requests from jurisdictions for Time Extensions or Alternative Diversion Requirements in meeting the 50 percent diversion requirement; and

WHEREAS, the Board has previously approved each of the above-listed jurisdictions'first SB1066 Time Extension Application; and

WHEREAS, the jurisdictions have subsequently found that they need additional time to either implement, fully implement, or expand those programs described in their respective second SB1066 Time Extension requests; and

WHEREAS, based on staff's review of the jurisdictions' progress to-date in implementing the programs described in their respective first Alternative Diversion Requirement, Board staff believes that each jurisdiction has made a good faith effort to implement those programs, but needs additional time to either implement, fully implement, or expand the programs described in its second Plan of Correction; and

WHEREAS, the jurisdictions have submitted the necessary information and documentation required in a completed SB1066 Time Extension application; and

WHEREAS, the Board staff recommends, and the City of Calexico concurs, to continue to fully implement its procurement policy in addition to the selected programs in its application;

NOW, THEREFORE, BE IT RESOLVED that the Board hereby accepts these jurisdictions' second SB 1066 Time Extension applications for a second extension and also recommends the City of Calexico continue to fully implement their procurement policy in addition to the selected programs in the applications through December 31, 2005, to implement their respective SRREs and to meet the 50 percent diversion requirement.

(over)

NOW, THEREFORE, BE IT RESOLVED that the Board directs these jurisdictions to report on their progress in implementing their Plans of Correction by submitting an interim report at the end of the extension in conjunction with the annual report.

CERTIFICATION

The undersigned Executive Director, or his designee, of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on July 19-20, 2005.

Dated:

Mark Leary
Executive Director

California Integrated Waste Management Board

Board Meeting

July 19-20, 2005

AGENDA ITEM 22 (Revised)

ITEM
Consideration Of A Second SB1066 Time Extension Application By The Following Jurisdictions: ~~City Of Oceanside:~~ San Diego County, City Of Roseville: Placer County, And The San Benito County Integrated Waste Management Regional Agency: San Benito County

I. ISSUE/PROBLEM STATEMENT

The jurisdictions listed in this item have submitted a second Senate Bill (SB)1066 Time Extension application to the California Integrated Waste Management Board (Board). Public Resources Code (PRC) Section 41820 allows a jurisdiction that has not achieved the diversion requirement of PRC Section 41780 to petition for one or more time extensions to meeting the 50 percent diversion requirement for a maximum of five years; no extensions may be effective beyond January 1, 2006.

These jurisdictions' first SB1066 Time Extensions have ended, and despite their efforts to meet the timelines in their respective first Plan of Correction, they will need additional time to implement programs proposed in their first SB1066 Time Extension request, and/or additional programs. Staff's analysis of these second SB1066 Time Extension requests is that they are reasonable given the barriers the jurisdictions have faced, as explained in Attachments 1 through 3 of this item.

II. ITEM HISTORY

The Board approved these jurisdictions' first SB1066 Time Extension requests at various Board meetings.

III. OPTIONS FOR THE BOARD

1. The Board may approve the jurisdictions' applications as submitted for a second extension to the 50 percent diversion requirement on the basis of their good faith efforts to-date to implement their first Plan of Correction and plans for future implementation.
2. The Board may approve the jurisdictions' applications as may be modified by the jurisdictions at the Board meeting.
3. The Board may approve the jurisdictions' applications as submitted but also make recommendations for one or more jurisdictions to implement alternative programs that it believes should be added to the new Plan of Correction for it to be successful.
4. The Board may make recommendations for the implementation of alternative programs that it believes one or more jurisdictions should add for their new Plan of Correction to be successful, and continue the item to the next Board meeting to allow the jurisdiction(s) time to revise its/their application.
5. The Board may disapprove one or more jurisdiction's application and allow the jurisdiction(s) to revise and resubmit the application based on the Board's specified reasons for disapproval.
6. The Board may disapprove one or more jurisdiction's application and direct staff to

commence the process to issue a compliance order because the Board's specified reasons for disapproval cannot be addressed by a revised application.

IV. STAFF RECOMMENDATION

Staff recommends the Board adopt option No. 1: approve each jurisdiction's second SB1066 time extension request as submitted on the basis of their good faith efforts to-date to implement their first Plan of Correction and their plans for future program implementation.

V. ANALYSIS

A. Key Issues and Findings

1. Background

Public Resources Code (PRC) Section 41820 allows a jurisdiction that has not achieved the diversion requirement of PRC Section 41780 to petition for one or more time extensions to meeting the 50 percent diversion requirement for a maximum of five years; no extensions may be effective beyond January 1, 2006 (PRC Section 41820).

PRC Section 41820(b) further provides that:

"(1) When considering a request for an extension, the board may make specific recommendations for the implementation of alternative programs.
(2) Nothing in this section shall preclude the board from disapproving any request for an extension.
(3) If the board disapproves a request for an extension, the board shall specify its reasons for the disapproval."

The jurisdictions listed in this item have submitted a second SB1066 Time Extension application requesting more time to either:

- implement additional programs,
- overcome the barriers encountered during the first TE that kept them from implementing certain programs, or
- expand or fully implement programs in their first Plan of Correction.

The second SB1066 Time Extension applications address all of the requirements of a SB 1066 application and each includes a discussion as to why the jurisdiction needs additional time to implement the diversion programs listed in their second Plan of Correction.

2. Basis for staff's analysis

Staff's analysis is based upon the information below.

Existing Jurisdiction Conditions:

	Preliminary Diversion Rates (Percent)					Key Jurisdiction Conditions			
						Report Year Waste Stream Data			
Jurisdiction	Base Year	1999	2000	2001	2002	Pounds waste generated per person per day (ppd)	Population (2002)	Non-Residential Waste Stream Percentage	Residential Waste Stream Percentage
Oceanside	1990	47%	46%	45%	41%	8.54	166,600	54%	46%
Roseville	1990	42%	45%	43%	42%	12.10	85,800	59%	41%
San Benito RA	1999	24%	33%	36%	43%	9.66	55,640	84%*	16%*

* The figures in the Regional Agency's application are typo.

Jurisdiction	**Program Review Site Visit by Board Staff**	**Reporting Frequency**	**Proposed % Diversion Increase**	**Extension End Date**	**Is Time Request Appropriate?** (yes/no)
Oceanside	2003	Interim Report Final Report	10.5% - 15.5%	12/31/2005	Yes
Roseville	2004	Interim Report Final Report	17.5%	12/31/2005	Yes
San Benito RA	2003	Interim Report Final Report	9.0%	12/31/05	Yes

Staff Analysis of Second SB 1066 Applications:
Attachments 1 through 3 provide an overview of the following:

- The barriers faced by each jurisdiction to meeting the 50% diversion requirement within the *first* time extension, and the jurisdiction's explanation as to why additional time is necessary for meeting the diversion requirement;
- Staff's analysis of the reasonableness of the request;
- Diversion programs the jurisdictions are proposing to expand or newly implement in the second Plan of Correction (Section IV-A of the SB1066 Time Extension application), and their relationship to programs proposed for the first extension;
- Staff's analysis of whether the programs to be expanded or newly proposed are appropriate, given the barriers confronted in the first Time Extension period, and the jurisdiction's waste stream.

Plan of Correction:
A jurisdiction's SB1066 time extension request must include a Plan of Correction that:

a. demonstrates meeting 50 percent before the time extension expires;
b. includes existing source reduction, recycling, and composting programs the City will implement or new programs it will implement;
c. identifies the date when 50 percent will be achieved;
d. identifies funding necessary for new and/or expanded programs.

Each jurisdiction's second Plan of Correction meets the above requirements. Board staff has also conducted an assessment of each jurisdiction's current program implementation, including a program review site visit. Based on Board staff's understanding of the relevant circumstances in the jurisdictions that contributed to their need for a second extension, Board staff believes the jurisdictions' proposed new Plans of Correction to be reasonable. The jurisdictions' requests and staff's analyses are explained in the attachment matrix (Attachments 1 through 3) for each jurisdiction.

In addition, PRC Section 41820(d) directs Board staff to provide technical assistance to a jurisdiction that requests assistance in meeting the diversion requirements, such as identifying model policies and programs implemented by other jurisdictions of similar size, geography, and demographic mix. Lastly, a jurisdiction with a Board-approved time extension is required to include a summary of its progress in complying with its Plan of Correction in each annual report that is due prior to the end of the time extension [per PRC Section 41821(b)(5)]. Staff recommends that these jurisdictions be required to submit an interim status report as well as a final report at the end of their extensions in their Annual Reports.

3. Findings

Staff has determined that the Board may grant the requested second Time Extensions because they meet the requirements of PRC Section 41820; specifically:

- Each jurisdiction has submitted all required planning elements.
- Each jurisdiction is making a good faith effort to implement the programs identified in its SRRE and those proposed in its first Plan of Correction.
- Each jurisdiction has submitted a second Plan of Correction demonstrating that it will meet the diversion requirements by the time the extension expires including: the programs that it will expand or start implementing, the dates of implementation, and the means of funding.

A comprehensive list of each jurisdiction's SRRE-selected and implemented diversion programs is provided in Attachments 7 through 9. Because of the jurisdictions' efforts to-date and their plans for expanding those efforts to reach the 50 percent diversion requirement as outlined in their respective second Plan of Correction, staff is recommending approval of their second SB1066 time extension applications.

B. Environmental Issues

Based on available information, staff is not aware of any environmental issues related to this item.

C. Program/Long Term Impacts

Allowing these jurisdictions more time to implement diversion programs will help to increase waste diversion, both locally and statewide.

D. Stakeholder Impacts

Allowing these jurisdictions more time to implement new and expand existing diversion programs and to measure the impact these newly implemented and expanded programs have had on diversion will assist the jurisdictions to achieve the diversion requirements of PRC Section 41780.

E. Fiscal Impacts

No fiscal impact to the Board results from this item.

F. Legal Issues

As discussed above, this item represents the process for implementing PRC Section 41820 that allows jurisdictions to petition for more time to implement additional diversion programs to achieve the 50 percent diversion requirement for 2000, and allows the Board the discretion to grant these time extensions.

G. Environmental Justice

Community Setting

2000 Census Data – Demographics							
Jurisdiction	**% White**	**% Hispanic**	**% Black**	**%Native American**	**% Asian**	**%Pacific Islander**	**%Other**
Oceanside	53.6	30.2	5.9	0.4	5.4	1.2	0.1
Roseville	79.8	11.6	1.2	0.5	4.2	0.2	0.1
San Benito RA	61.2	33.8	0.4	0.7	1.4	0.1	0.1

2000 Census Data – Economic Data			
Jurisdiction	**Median annual income***	**Mean (average) income***	**% individuals below poverty level**
Oceanside	43,301	56,809	11.6
Roseville	57,367	69,631	4.9
San Benito RA	57,469	68,841	10.0

* Per household

- **Environmental Justice Issues.** According to the jurisdictional representatives, there are no environmental justice issues related to this item in these communities.
- **Efforts at Environmental Justice Outreach.** San Benito RA: Contract haulers within the Regional Agency provide quarterly newsletters with waste reduction and recycling messages. Haulers also insert promotional messages for used oil and oil filter recycling as well as backyard composting in their billing. The Regional Agency published and distributed a "Where to Recycle and Reuse Guide" to all residents. This guide is updated yearly. The Regional Agency also works with Monterey, Santa Cruz in a Tri-County media campaign, “The Recycling Media Coalition” for recycling messages. Messages are broadcast over radio and television in English and Spanish**.** Oceanside The City of Oceanside produces educational materials in both English and Spanish. Roseville The City of Roseville provides print outreach materials in both Spanish and English languages. For example, the City is rolling out additional curbside green waste containers and is promoting that program through bilingual publications. Additionally, the City's Recycling and Waste customer service center will provide Spanish speaking operators when needed.
- **Project Benefits.** The expansion of the existing, and implementation of the additional programs listed in this item will help to increase the jurisdictions’ diversion rates.

H. 2001 Strategic Plan

This item supports Strategic Plan goal 2, objective 3 (Support local jurisdictions’ ability to reach and maintain California’s waste diversion mandates), strategy (D) (Assess and assist local governments’ efforts to implement programs and reduce disposal, taking corrective action as needed) by assessing the jurisdictions’ efforts to implement programs and reduce disposal.

This item also supports Strategic Plan goal 7, objective 1 (Promote source reduction to minimize the amount of waste generated, strategy (B) (Continue to work with jurisdictions to ensure they meet and/or exceed existing waste diversion mandates) by demonstrating staff's continual efforts to work with jurisdictions to ensure they meet and/or exceed the waste diversion mandates.

VI. FUNDING INFORMATION

This item does not require any Board fiscal action.

VII. ATTACHMENTS

1. ~~City of Oceanside's Second Time Extension Application Matrix~~
2. City of Roseville's Second Time Extension Application Matrix
3. San Benito County Integrated Waste Management Regional Agency's Second Time Extension Application Matrix
4. ~~City of Oceanside's Second 1066 Time Extension Application~~
5. City of Roseville's Second 1066 Time Extension Application
6. The San Benito County Integrated Waste Management Regional Agency's Second 1066 Time Extension Application
7. ~~Program Listing for the City of Oceanside~~
8. Program Listing for the City of Roseville
9. Program Listing for the San Benito County Integrated Waste Management Regional Agency
10. Resolution Number 2005-175

VIII. STAFF RESPONSIBLE FOR ITEM PREPARATION

A. Program Staff: Zane Poulson **Phone:** (916) 341-6265
B. Legal Staff: Elliot Block **Phone:** (916) 341-6080
C. Administrative Staff: N/A **Phone:** N/A

IX. WRITTEN SUPPORT AND/OR OPPOSITION

A. Support

The cities of Oceanside and Roseville. San Benito County Integrated Waste Management Regional Agency.

B. Opposition

Staff had not received any written opposition at the time this item was submitted for publication.

City of Oceanside's Second Time Extension Application Matrix

Barriers/Reason for Second Time Extension	Staff's Analysis
Barriers in Residential Curbside (Single-family) programs: • In the past four years the population of Oceanside has grown by over 12,278 residents (over 7.5%). • The Marine Corps base at Camp Pendleton has a fluid population of over 50,000 personal, which affects the turnover in both single and multi-family residents. • The single-family curbside diversion program requires consistent educational attention to assure effectiveness. • The City currently has no proactive enforcement regarding City codes requiring waste separation and recycling. **Reasons for Second Time Extension:** • The City will expand their education and outreach efforts to reach new residents to increase participation in the City's single-family curbside recycling program. • The City will expand outreach to insure that all new residents have the proper recycling carts. • The City will work with their hauler to increase their monitoring of the residential recycling collection to insure residents are properly participating in the diversion program.	**Residential Curbside (Single Family):** • Oceanside is one of many fast growing City's in Northern San Diego County. The problems with growth are compounded with the turnover from the local military base and the large amount of tourism. • The City will need to coordinate a simple but effective education program to make new residents aware of the City's single-family recycling program and opportunities. • A proactive enforcement program in conjunction with an effective education program could have a large impact on the effectiveness of the City's single-family recycling program. • Coordination with the City's hauler will help assure that residents are receiving the proper service and assistance in participating in the City's single-family on-site collection program.
Barriers in Residential Curbside (Multi-family) program: • The City has experienced large amounts of growth over the past few years (over 7.5% in the past four year.) • The City is adjacent to Camp Pendleton and experiences a large amount of turnover in the tenants. • The multi-family property ownership and management have experienced change, which makes consistency in the programs at those complexes difficult. • There is no proactive enforcement in the City's recycling codes, which require recycling programs at multi-family complexes. **Reasons for Second Time Extension:** • The City will conduct on-site waste audits and enforce the City codes, which require multi-family units to recycle. • The City and hauler will work with multi-family complexes to set up recycling programs.	**Residential Curbside (Multi-family):** • The City is one of the fast growing cities in Northern San Diego County. • The City has a large number of multi-family units that experience a lot of turnover due to the local military base. • Cooperation with owners and managers is an important part of a successful multi-family recycling program. • Ongoing education and outreach efforts need to be actively pursued to insure that residents participate in the recycling opportunities.

Barriers in Construction and Demolition Diversion: • The adoption of a C&D ordinance has become a protracted process that will require additional time to coordinate cooperation from the City's planning, engineering, and building departments. • The City believes that a C&D ordinance will be more effective with the siting of a mixed C&D processing facility in the area. The City is working to cooperate with the waste haulers to consider the feasibility of siting a facility in the area. **Reasons for Second Time Extension:** • The City will increase C&D diversion through a C&D diversion ordinance. • The City is working with 17 other cities in San Diego County to establish a mix use C&D diversion facility. • The City will work to promote C&D diversion opportunities through educational brochures.	**Construction and Demolition Diversion:** • The cities in San Diego County have worked together to develop a local model C&D ordinance. • Many of the jurisdictions in San Diego County are working toward adopting a C&D ordinance. However, to date none of the jurisdictions in the County have yet adopted a C&D ordinance. • While there are several diversion opportunities for source separated C&D materials, such as concrete, wood, and scrap metal, there are currently no facilities for sorting and diverting mixed loads of C&D waste. • Staff agrees that providing education and outreach to builders and residents that apply for building permits is an important part of promoting the success of a C&D diversion program.
Barriers in Commercial On-site Collection: • The City is experiencing a large amount of growth in the commercial sector, which requires large amounts of staff time to insure that recycling programs are properly set up at new businesses. • Businesses moving their locations often make it difficult to continue proper recycling services **Reasons for Second Time Extension:** • The City will conduct business waste diversion audits as a part of a new base year study. • Technical assistance will be provided at all businesses surveyed to expand recycling activities and services. • The City will also apply the same monitoring program as the multi-family program to the commercial program. The City will monitor recycling activities and enforce the City's code requiring businesses to participate in recycling programs.	**Commercial On-site Collection:** • Staff agrees that the City needs to address incoming and changing businesses to insure that they are provided information and outreach on available diversion options and to assure that recycling programs are properly established. • Waste diversion audits provide an excellent opportunity to assess the success of current diversion efforts and to promote available opportunities as well as assist businesses in setting up diversion programs. • Enforcement of the City code requiring businesses to participate in diversion programs can result in a significant increase in the number of businesses participating in the City's commercial on-site collection program.

Plan of Correction	Staff's Analysis	Estimated Percent Diversion
2000-RC-CRB, Residential Curbside (single-family) The City will expand the City's single-family curbside recycling program through outreach and education to existing customers and all new residential developments. Making sure that all residents are provided the proper recycling crates and the hauler will provide monitoring of all residential recycling collection in the City.	This program is an important part of the City's residential waste diversion efforts. With the City's high growth rate and high turnover rates it is imperative that the City develop an effective way to provide education and outreach to new residents.	1% - 1.5%

2000-RC-CRB, Residential Curbside (multi-family) The City will continue on-site waste audits and enforcement of the City codes that require recycling. The City will review violations in a joint effort with the franchise hauler via a camera enforcement program. The program monitors violation locations. After the review the City and hauler work with the facility to set up recycling programs. The program is also currently being applied to commercial locations.	In 1999 approximately 31 percent of the City's housing units were multi-family dwellings. Effective diversion programs at the larger apartment complexes will have a very positive affect on the City's diversion efforts.	1.5% - 2%
4060-SP-CAR, Concrete/Asphalt/Rubble (C&D diversion) The City will increase the diversion of construction and demolition (C&D) waste through a C&D diversion ordinance and the City will work with 17 other cities in San Diego County to establish a mix use facility and provide educational brochures.	Several facilities exist that can recycle source separated C&D materials, especially concrete and asphalt. However, there are no facilities available at this time for contractors and residents to send mixed C&D debris for sorting and recycling. A draft C&D recycling ordinance has been developed and approval by the City council is pending.	3% - 4%
2030-RC-OSP, Commercial On-site Pickup The City will conduct business waste diversion audits as a part of a new base year study. The City and consultant will provide technical assistance to businesses surveyed and assist in expanding diversion programs where possible at all surveyed businesses.	The City is in the process of conducting a new base year study. Commercial waste audits provide a great opportunity to not only determine the level of participation by the businesses in waste diversion activities, but also to set up waste diversion programs and increase participation and effectiveness of existing programs.	5% - 8%
Total Estimated Diversion Percent From New and/or Expanded Programs		10.5% - 15.5%
Current Diversion Rate Percent From Latest Annual Report		40%
Total Planned Diversion Percent Estimated		50.5% - 55.5%

Support Programs	
6020-PI-ORD, Ordinances The City will continue work on establishment of a C&D ordinance or policy. The ordinance or policy will support the City's C&D diversion expansion listed above and C&D education efforts.	The jurisdictions in San Diego County have been working on a model C&D ordinance for the past couple of years. A draft has been developed based on successful models implemented by jurisdictions around the State. To date no jurisdictions in San Diego County have adopted a C&D ordinance.

5000-ED-ELC, Electronic Education & 5010-ED-PRN, Print Education The City produces bi-lingual brochures for single-family and multi-family education. Wall posters are given to multi-unit locations identifying recycling programs and stencils are given to owners for bin enclosures. The City's web site contains information regarding City-wide programs and a newly established City hot line (760-345-5015) for solid waste and recycling services is available. The City will expand their efforts to distribute educational materials to single and multi-family residents and property managers. In addition, the City will provide written information to businesses regarding the solid waste and recycling requirements that businesses in the City's must comply with. When the City adopts their new C&D ordinance information regarding the new C&D recycling requirements will be distributed to contractors and residents seeking to obtain building permits.	Successful ongoing education programs and activities are essential to the success of the City's proposed residential program expansions. The City plans to distribute materials regarding the new single and multi-family recycling efforts and to promote the commercial recycling requirements that are in affect for all businesses. Educational efforts will also be an important part of the expansion to the City's C&D recycling efforts as the City works to adopt and enforce a new C&D recycling ordinance.
5020-ED-OUT, Outreach The City is conducting on-site audits setting up recycling programs as a result of the camera enforcement program. The audits impact multi-unit, residential, and commercial projects that do not divert or recycle primarily cardboard and mixed paper or greenwaste. The City has a hot line, which is published via brochures and the City's web page.	Ongoing assistance to businesses to set up and maintain successful recycling programs will be important to the success of the City's commercial diversion program. Outreach efforts should also include contractors that operate in the City of Oceanside to ensure that they are aware on diversion requirements and C&D recycling opportunities.

City of Roseville's Second Time Extension Application Matrix

Barriers/Reason for Second Time Extension	Staff's Analysis
Barriers to the Bio-solid diversion program: • The City selected a sludge diversion program during its first time extension. That program had to be discontinued when the City received odor complaints regarding their sludge drying operations. The material would have been diverted for use as alternative daily cover. **Reasons For Second Time Extension:** • The City recently signed a five year contract with Synagro to use the sludge for land applications purposes. Diversion of this sludge will commence in September of 2005 with the construction of a system to load the material into transport vehicles.	**Bio-solid Diversion:** • Staff commends the City of Roseville for their on-going efforts to divert sludge from their regional wastewater treatment plant. With the recent signing of a 5 year contract with Synagro, the City has ensured that this diversion will be occurring into the future.
Barriers to the Green Waste Program: • The City selected this program as a contingency program in the first Time Extension document if additional diversion was still needed at the conclusion of that extension time frame. The City decided before the end of the first 1066 that it needed additional diversion and curbside green waste collection was a logical candidate for program expansion. **Reasons for Second Time Extension:** • The City selected this program for full implementation in a phased approach. Currently, half of the residents in the City have curbside green waste service. The City will utilize the additional time under a second extension to complete the next phase of container distribution and material collection.	**Green Waste Program:** • The City needs this program to divert residential green waste from a growing community. This source separated collection system will complement the use of a mixed waste materials recovery facility utilized for the separation of recyclable commodities. Although the City will not achieve full implementation of this program until after the conclusion of 2005, this program is needed to allow the City to accomplish diversion goals into the future.
Barriers to the MRF Diversion Program: • The MRF program's diversion of materials was challenged by the increased demands emanating from rapid jurisdictional growth and increases in waste generation. **Reasons for Second Time Extension:** • The City fully implemented an increased diversion requirement for its contracted mixed waste materials recovery facility. A new contract has been awarded to the MRF operator that will require an additional 7% diversion through enhancements to this facility.	**MRF Diversion Program:** • These enhancements are necessary to increase diversion through the mixed waste materials recovery facility. Increased efficiency at this facility is necessary because Placer County and its incorporated cities, for the most part, have experienced rapid growth and increased waste generation. This enhancement to MRF diversion programs is necessary considering the City relies heavily on this facility for waste diversion.

Plan of Correction	Staff's Analysis	Estimated Percent Diversion
3000-CM-RCG Residential Curbside Greenwaste The City currently serves 50% of the residents with 90 gallon curbside green waste containers. The City is committing to provide this service to all residents in a phased approach. All of this organic material will be sent for composting.	This is a program area that the City needed to address. The City did discuss this as a contingency program in their first time extension, but chose to implement it prior to completion of that timeframe. The City is encouraged to complete the roll-out of this program as quickly as is feasible.	8%
4010-SP-SLG The City recently entered into a contract with Synagro to divert sludge generated by the City's regional waste water treatment plant for land application purposes.	This program became necessary when the sludge drying process, chose by the City in their first time extension, had odor problems. The City had planned to dry the material and use it for ADC, but is now developing a contract with Synagro to divert the material. This is a diversion solution for a difficult waste stream. The diversion rate for this program is projected at 2.5% for the four months it will be operational in 2005, but could result in a diversion rate increase of up to ten percent once fully implemented throughout 2006.	2.5%
7000-FR-MRF Materials Recovery Facility Roseville has historically utilized a mixed waste materials recovery facility for the bulk of its diversion. This facility sorts recyclables from mixed municipal solid waste delivered by many Placer County jurisdictions. A new MRF contract was just signed that requires the operator to increase diversion at that facility by 7 percent. This will be accomplished through increased efficiencies in the sorting facility, as well as other program enhancements associated with the facility.	This facility is essential to diversion success for the City, as well as many other Placer County jurisdictions. Enhancements to this facility include increased paper sorting capabilities that will capture more fiber material while human sorters will remove contaminants.	7%
Total Estimated Diversion Percent From New and/or Expanded Programs		17.5%
Current Diversion Rate Percent From Latest Annual Report		45%
Total Planned Diversion Percent Estimated		62.5%

Support Programs	Staff's Analysis
5000/5010/5020-Outreach and Promotion The City has conducted an outreach effort regarding the curbside green waste program. These efforts include print promotion at the time the carts are delivered to residents, and through local cable public access channel. Additionally, the program has been introduced at Public Utilities Commission meetings and at City Council Meetings.	Staff has been notified that contamination rates in this program are very low. This is largely due to the promotion and outreach offered to residents. The City should continue to pursue these outreach efforts as this program is completely rolled-out to all residents.

Contract Development The City recently adopted a contract with Synagro to divert sludge from the City's regional waste water treatment facility. This five year contract is the foundation supporting this sludge diversion effort.	This five year contract is the foundation supporting sludge diversion efforts for the City.
New Base Year The City is currently working to finalize a new base year using 2004.	This new base year is needed to update the 1990 base year that they currently are utilizing. This will help the City more accurately assess all of the diversion programs occurring within the City to help better focus diversion efforts. Board staff will be reviewing this study for accuracy once it is submitted.

San Benito County Integrated Waste Management Regional Agency's Second Time Extension Application Matrix

Barriers/Reason for Second Time Extension	Staff's Analysis
Barriers in Economic Incentive Program: • There were contractual and political delays that prevented this program from being implemented by the due date, however, these obstacles were overcome and the program was implemented on August 1, 2004. **Reasons For Second Time Extension:** • Additional time is needed for full diversion potential to be realized from this program.	**Commercial Recycling:** • Staff commends the Regional Agency for overcoming these obstacles and seeing the implementation of this program in August 2004. Staff also agrees that the extra time, if granted, will allow them to see full diversion potential from this program.
Barriers in C&D Ordinance Program: • Due to a building moratorium, the C&D Ordinance program has been placed on hold. The moratorium is in place because of sewer capacity issues and will remain in effect until 2006/2007. **Reasons For Second Time Extension** • In spite of the moratorium, the Regional Agency will work with all the member cities to finish developing and ultimately, adopt a C&D Ordinance. The Regional Agency will need additional time to develop and adopt a C&D Ordinance that will immediately apply to all areas not affected by the C&D moratorium. And when the moratorium is lifted, the C&D Ordinance will go into effect for the entire area.	**C&D Ordinance:** • The Regional Agency's barrier to this program is understandable. Board staff will work with the City to develop and adopt a C&D Ordinance. Board staff will specifically work with the Regional Agency to investigate whether there is a need for C&D ordinance/policy related to remodels and/or areas that are currently not under a building moratorium (i.e., the unincorporated area of the County). Staff agrees that this program is beneficial to the County and will provide them with additional diversion opportunities.
Barriers in Schools Recycling Program: Although this was not in the Regional Agency's first time extension, this is an area where there is additional diversion potential. This program was not included in the first time extension because there were other diversion opportunities that were feasible and reasonable for the Regional Agency to target. At the time, there was very little support from the Schools, so the Regional Agency looked at other diversion opportunities. **Reasons For Second Time Extension:** The Regional Agency has implemented all nearly all of the programs in their last time extension and would like the additional time to address the more challenging areas of potential diversion. In the second time extension request, the Regional Agency and Board staff will work together to open discussions with the school district on implementing a schools recycling program at area schools. Regional Agency will purchase and provide recycling containers using DOC grant money.	**Schools Recycling:** This is one area that left for the Regional Agency to target, and is one of the most challenging areas for the Regional Agency to gain support for. One promising note is that when the School District learned that the Regional Agency had filed a second time extension request, and named schools diversion as an area to target, they have since opened communications with Board staff and the Regional Agency. It has been difficult for the Regional Agency to get cooperation from area schools, so it is hoped that with Board staff assistance, the Regional Agency will be gain support from the school district and provide them with opportunities to recycle at area schools.

Plan of Correction	Staff's Analysis	Estimated Percent Diversion
2050-RC-SCH Schools Recycling The Regional Agency and Board staff will work together to open discussions with the school district on implementing a schools recycling program at area schools. Regional Agency will purchase and provide recycling containers using DOC grant money.	It has been difficult for the Regional Agency to get cooperation from area schools, so it is hoped that with Board staff assistance, the Regional Agency will be gain support from the school district and provide them with opportunities to recycle at area schools.	1%
3050-CM-SCH The Regional Agency and Board staff will work together to open discussions with the school district on implementing a composting program at area schools. Regional Agency will provide compost bins.	With Board staff assistance, the Regional Agency will be gain support from the school district and provide them with information and assist them in identifying composting opportunities at area schools.	1%
6010-PI-EIN Economic Incentives (for Green and Wood Waste) This program was implemented in August 2004. The Regional Agency will need the second time extension to realize full diversion of this program Economic incentive implemented to promote clean wood and green waste diversion targeted to the construction industry.	Board staff concur that this program has not yet fully developed, and that the time granted would allow them to realize full diversion from this program.	6%
2070-RC-SNL Special Collection Seasonal (regular) Expansion of community clean-up /bulky item collection events from annually to quarterly.	The Regional Agency is requesting additional time to realize full diversion potential from this program.	1%
Total Estimated Diversion Percent From New and/or Expanded Programs		9.0%
Current Diversion Rate Percent From Latest Annual Report		43.0 %
Total Planned Diversion Percent Estimated		52%

Support Programs	
5030-ED-SCH Schools (Education and Curriculum) The Regional Agency and Board staff will work together to provide environmental education and curriculum to area schools. County will assist by distributing the "Closing the Loop" curriculum.	In addition to implementing source reduction and recycling programs, the. Regional Agency and Board will provide area schools with environmental education and curriculum.
6020-PI-ORD Ordinances The Regional Agency will recommence work on the C&D ordinance ordinance.	Board staff plan to assist the Regional Agency in the development phase of the C&D Ordinance. The Regional Agency currently has the infrastructure in place to accept C&D materials for recycling, but the addition of a C&D ordinance will have a combined effect to further increase the amount of C&D waste that is being diverted from the landfill.

1040-SR-SCH School Source Reduction The Regional Agency and Board staff will work together to encourage schools to implement a source reduction program. Regional Agency will work with schools to deliver source reduction literature.	The Regional Agency has implemented most of their programs in the last time extension. This area is the only area left for the Regional Agency to target. It has been difficult for the Regional Agency to get cooperation from area schools, so it is hoped that with Board staff assistance, the Regional Agency will be able to provide the area schools with school source reduction information, and that many of the schools will join in the effort to reduce waste at their sites.
2030-RC-OSP Commercial On-Site Pick-up Work on creating better incentives for commercial businesses to utilize recycling. Expansion of community clean-up /bulky item collection events from annually to quarterly.	This program was implemented in the Regional Agency's first time extension request. In addition to the implementation of new programs, they are also requesting additional time to realize full diversion potential from this program.

To request a Time Extension (TE) or Alternative Diversion Requirement (ADR), please complete and sign this request sheet and return it to your Office of Local Assistance (OLA) representative at the address below, along with any additional information requested by OLA staff. When all documentation has been received, your OLA representative will work with you to prepare for your appearance before the Board. If you have any questions about this process, please call (916) 341-6199 to be connected to your OLA representative.

Mail completed documents to:

California Integrated Waste Management Board
Office of Local Assistance, (MS 25)
1001 I Street
PO Box 4025
Sacramento CA 95812-4025

General Instructions:

For a Time Extension complete Sections I, II, III-A, IV-A, and V.

For an Alternative Diversion Requirement complete Sections I, II, III-B, IV-B and V.

Section I: Jurisdiction Information and Certification

All respondents must complete this section.

I certify under penalty of perjury that the information in this document is true and correct to the best of my knowledge, and that I am authorized to make this certification on behalf of:

Jurisdiction Name	County
Oceanside	San Diego

Authorized Signature	Title
[signature]	PUBLIC WORKS DIRECTOR

Type/Print Name of Person Signing	Date	Phone
	4/28/05	( )

Person Completing This Form (please print or type)	Title
Ester Beatty	Senior Management Analyst

Phone	E-mail Address	Fax
(760)435-5021	ebeatty@ci.oceanside.ca.us	( )

Mailing Address	City	State	ZIP Code
300 North Coast Highway	Oceanside	CA	92054

Section II—Cover Sheet

This cover sheet is to be completed for each Time Extension (TE) or Alternative Diversion Requirement (ADR) requested.

1. Eligibility

Has your jurisdiction filed its Source Reduction and Recycling Element, Household Hazardous Waste Element, and Nondisposal Facility Element with the Board (must have been filed by July 1, 1998 if you are requesting an ADR)?

☐ No. If no, stop; not eligible for a TE or ADR.

☒ Yes. If yes, then eligible for a TE or ADR.

2. Specific Request and Length of Request

Please specify the request desired.

☒ **Time Extension Request**

Specific years requested _Through December 31, 2005_____

Is this a second request? ☐ No ☒ Yes Specific years requested. _2005_____
(**Note:** Requests for an additional extension will need to address why the jurisdiction's efforts to meet the 50% goal by the end of the first extension were not successful.)

☐ **Alternative Diversion Requirement Request (*Not allowed for Regional Agencies*).**

Specific ADR requested _ _____%, for the years_ _____.

Is this a second ADR request? ☐ No ☐ Yes Specific ADR requested _ ____%, for the years _ _____
(**Note:** Requests for an additional ADR will need to address why the jurisdiction's efforts to meet 50% by the end of the first ADR period were not successful.)

Note: Extensions may be requested anytime by a jurisdiction, but will only be effective in the years from January 1, 2000 to January 1, 2006. An original request for a TE/ADR may be granted for any period up to three years and subsequent requests for TE/ADR may extend the original request or be based on new circumstances but the total number of years for all requests cannot total more than five years or extend beyond January 1, 2006.

Section IIIA—TIME EXTENSION

Within this section, discuss your jurisdiction's progress in implementing diversion programs that were planned to achieve 50%. Provide any additional information that demonstrates "good faith effort." The CIWMB shall determine your jurisdiction's progress in demonstrating "good faith effort" towards complying with AB 939. Note: The answers to each question should be comprehensive and provide specific details regarding the jurisdiction's situation.

Attach additional sheets if necessary—please reference each response to the appropriate cell number (e.g., IIIA-1).

1. **Why does your jurisdiction need more time to meet the 50% goal? Describe why SRRE selected programs did not achieve 50% diversion. Identify barriers to meeting the 50% goal and briefly indicate how they will be overcome.**

The City's first SB1066 extension identified Single-family and Multi-family residential solid waste and recycling enhancement and set-up activities. Oceanside is re-establishing programs, creating new solid waste rate codes for multi-family and commercial accounts. Expanding curbside collection to include mixed paper and cardboard. Increased in mixed paper from January 2003 to January 2005 went from 31,752 lbs to 1,223,848 lbs and increase of 1,192,096 lbs or 97%. Enhancement of the City's greenwaste curbside collection program resulted in a decrease in the number of exemptions for greenwaste from 7,036 residents to 6,286 residents or a decrease of 750 residents who are exempt from participating in the City's curbside greenwaste program.

The public venue review has been established. Space Allocation for waste mater and recycling is now provided for all new and renovated projects. The City approved the process of conducting a new base year study to update SRRE programs and include numerous programs that will accurately reflect diversion tonnage.

The single family program requires consistent educational attention, for field service level audits, adequate solid waste, green waste recycling, and curbside recycling. The population in four years has grown over 12,278 residents. There are approximately 40,000 single family units in Oceanside. The transient population impacts the collection programs. The Marine Corps base at Camp Pendleton has a fluid population of over 50,000 personal, which affects the turnover in both single and multi-family units, requiring constant service audits. Currently there is no proactive enforcement in the single family sector regarding City codes requiring waste separation and recycling.

The same growth issues listed above under barriers for single family apply the multi-family recycling programs. The constant turnover of residents is difficult; with property ownership and property management firms changing results in dilution of the programs. New owners and managers resist added recycling programs so ongoing education and onsite waste and recycling audits are mandatory. There are over 16,747 multi-family units in Oceanside, with over 3,324 manufactured/mobile homes and over 900 boat slips in Oceanside harbor. Staffing is not adequate to keep up with the constant turnover of multi-family units or responsible owners or property managers. There is no proactive enforcement of City recycling codes. The waste hauler is a critical component in service levels. Rote codes have been added to identify recycling services, but only when Public Works reviews violations will such service go through a newly established process to expand recycling services.

Establishing a C&D ordinance with the cooperation of the City planning, engineering and building department will be a protracted process. The County is reviewing a draft C&D ordinance, mix use facilities must be sited with the cooperation of the waste haulers. The building industry must comply with a workable ordinance and enforcement will be required if the ordinance is enacted.

As new businesses apply for licenses or exiting businesses renew their licenses, or process to a new location, the business license application process provides written information regarding solid waste and recycling requirements. The problem of setting up new recycling services is compounded with constant growth and old businesses ending or moving to new locations. Coordinating on-site solid waste audits is most effective but very time consuming.

The barriers listed above in the four areas or service will require an ongoing scheduled review process. City staff will on a weekly basis review single family recycling programs and continue outreach and education programs. Multi-family residential and commercial will be handled in the same process while also utilizing a camera enforcement program using code enforcement and the contractor. The process for the C&D ordinance will proceed and business license reviews and audits will follow the start up process used at the City utility billing office.

2. Why does your jurisdiction need the amount of time requested? Describe any relevant circumstances in the jurisdiction that contribute to the need for a Time Extension.

Oceanside in 1996 lost the one field staff person in Public Works that enforced the Solid Waste and Recycling ordinances. With the transfer of the position an exemption process was set up due to contamination issues, recycling toters and bins were removed from multi-unit complexes and commercial properties. During 2003-2004 multi-unit and commercial cardboard recycling has gone from zero to 334 new recycling service locations. Public Works is not re-auditing and re-establishing recycling and diversion programs throughout the City.

3. Describe your jurisdiction's Good Faith Efforts to implement the programs in its SRRE.

The El Corazon Green Waste and Composting facility in Oceanside diverted 49,109.93 tons of material in 2003. In addition, there were a total of 3,524.5 tons of biosolids and of total of 181,600 tons of asphalt and concrete diverted in 2003. Once a new base year study is completed accurate tonnage diversion will be identified and programs established after the original base year will be included.

The City utilizes a wide variety of diversion programs to divert waste generated within the City. Programs include source separated curbside recycling, residential curbside collection of white goods for recycling, seasonal Christmas tree collection for composting, residential greenwaste collection, drop-off bins located throughout the City to collect CRV material and mixed paper, several CRV buy-back centers located in and near the City, commercial on-site collection, which mainly collects cardboard and mixed paper, commercial on-site greenwaste collection and greenwaste drop-off options at local composting facilities, and school recycling and composting collection for mixed paper, cardboard, and greenwaste as well as "Cash for Cans" programs at several of the schools located within the City. All City facilities including City offices, library, police station, resource centers, Clerk's office and waste treatment facilities participate in recycling mixed paper, cardboard, glass, plastic, CRV, and green waste. The City has found outlets for sludge generated at the local waste water treatment facility through composting or land application programs. The City has a procurement policy for purchasing recycled paper. In addition, the City purchases compost from the local composting facilities and encourages residents to purchase compost for the local facilities. The City also purchases recycled concrete for use as road base and recycles asphalt and concrete waste generated from City road projects. The City promotes its recycling efforts to its residents and businesses through the City's web site and cable TV ads and through brochures, flyers, magazine ads, mailers, and booths at public events.

4. Provide any additional relevant information that supports the request.

Section IIIB—ALTERNATIVE DIVERSION REQUIREMENT

Within this section, discuss your jurisdiction's progress in implementing diversion programs that were planned to achieve 50%. Provide any additional information that demonstrates "good faith effort." The CIWMB shall determine your jurisdiction's efforts in demonstrating "good faith effort" towards complying with AB 939. Note: The answers to each question should be comprehensive and provide specific details regarding the jurisdiction's situation.

Attach additional sheets if necessary—please reference each response to the appropriate cell number (e.g., IIIB-1.).

1. Why does your jurisdiction need and Alternative Diversion Requirement? Describe why SRRE selected programs did not achieve 50% diversion. Identify barriers to meeting the 50% goal and briefly indicate how they will be overcome.

2. Why is your jurisdiction requesting an Alternative Diversion Requirement in lieu of a Time Extension?

3. Describe your jurisdiction's Good Faith Efforts to implement the programs in its SRRE.

4. Describe any relevant circumstances in the jurisdiction that contribute to the need for an ADR. Provide any relevant information that supports the request.

Section IV A—PLAN OF CORRECTION

A Plan of Correction is required by PRC Section 41820(a)(6)(B). The plan is fundamentally a description of the actions the jurisdiction will take to meet the 50% goal by the expiration of the Time Extension.

Attach additional sheets if necessary.

Residential %	46%	Non-residential %	54%

PROGRAM TYPE **Please use the Board's Program Types. The Program Glossary is online at:** www.ciwmb.ca.gov/LGCentral/PARIS/Codes/Reduce.htm	NEW or EXPAND	DESCRIPTION OF PROGRAM	FUNDING SOURCE	DATE FULLY COMPLETED	ESTIMATED PERCENT DIVERSION
2000-RC-CRB Residential Curbside (Single-family)	Expand	Expansion of the City's single-family curbside recycling program through outreach and education to existing costumers and all new residential developments. Making sure that all residents are provided the proper recycling crates and the hauler will provide monitoring of all residential recycling collection in the City.	Solid Waste Fee	12/31/2005	1% - 1.5%
2000-RC-CRB Residential Curbside (Multi-family)	Expand	The City will continue on-site waste audits and enforcement of the City codes (requiring recycling). The City will review violations in a joint effort with franchise hauler via a camera enforcement program. The program monitors violation locations. After the review the City and hauler work with the facility to set up recycling programs. This program is also currently being applied to commercial locations.	Solid Waste Fee	12/31/2005	1.5% - 2%
4060-SP-CAR Concrete/ Asphalt/Rubble (Construction and Demolition Waste)	Expand	The City will increase the diversion of construction and demolition (C&D) waste through a C&D diversion ordinance and the City will work with 17 other cities in San Diego County to establish a mix use facility and provide educational brochures.	Solid Waste Fee	12/31/2005	3% - 4%
2030-RC-OSP Commercial On-site Collection	Expand	The City will conduct business waste diversion audits as a part of a new base year study. The City and consultant will provide technical assistance to businesses surveyed and assist in expanding diversion programs where possible at all surveyed businesses.	Solid Waste Fee and inspection application fee	12/31/2005	5% - 8%
		Total Estimated Diversion Percent From New and/or Expanded Programs			10.5 – 15.5%
		Current Diversion Rate Percent From Latest Annual Report			40%
		Total Planned Diversion Percent Estimated			50.5 -55.5%

PROGRAMS SUPPORTING DIVERSION ACTIVITIES			DATE FULLY COMPLETED
PROGRAM TYPE	**NEW or EXPANDED**	**DESCRIPTION OF PROGRAM**	12/31/2005
6020-PI-ORD Ordinances (C&D Ordinance)	Expand	The City will continue work on the establishment of a C&D ordinance or policy. The ordinance or policy will support the City's C&D diversion expansion listed above and C&D education efforts.	12/31/2005
5000-ED-ELC & 5010-ED-PRN Electronic and Print Education	Expand	The City produces bi-lingual brochures for single-family and multi-family education. Wall posters are given to multi-unit locations identifying recycling programs and stencils are given to owners for bin enclosures, the City's web site contains information regarding City-wide programs and a newly established City hot line (760-345-5015) for solid waste and recycling services is available.	12/31/2005
5020-ED-OUT Outreach	Expand	The City is conducting on-site audits setting up recycling programs as a result of the camera enforcement program. The audits impact multi-unit residential and commercial projects that do not divert or recycle primarily cardboard and mixed paper or greenwaste. The City has a hot line, which is published via brochures and the City's web page	12/31/2005

Section IV B—GOAL ACHIEVEMENT

Goal Achievement describes the activities the jurisdiction will use to achieve the ADR.
Attach additional sheets if necessary..

Residential %		Non-residential %	

PROGRAM TYPE Please use the Board's Program Types. The Program Glossary is online at: www.ciwmb.ca.gov/LGCentral/PARIS/Codes/Reduce.htm	NEW or EXPAND	DESCRIPTION OF PROGRAM	FUNDING SOURCE	DATE FULLY COMPLETED	ESTIMATED PERCENT DIVERSION

	Total Estimated Diversion Percent From New and/or Expanded Programs	
	Current Diversion Rate Percent From Latest Annual Report	
	Total Planned Diversion Percent Estimated	

PROGRAMS SUPPORTING DIVERSION ACTIVITIES

PROGRAM TYPE	NEW or EXPAND	DESCRIPTION OF PROGRAM	DATE FULLY COMPLETED

Section V – PARIS

Office of Local Assistance staff will be reviewing your Jurisdiction's Planning Annual Report Information System (PARIS) database printout as part of the evaluation of your request. Should the Jurisdiction have updates or revisions to the program implementation from the latest Annual Report submitted to the Board, please attach to the application the Jurisdiction's PARIS database printout showing updates or revisions.

Contact your Office of Local Assistance Representative at (916) 341-6199 for a copy of PARIS, or go to the Board's website at **www.ciwmb.ca.gov/LGCentral/PARIS/**.

To request a Time Extension (TE) or Alternative Diversion Requirement (ADR), please complete and sign this request sheet and return it to your Office of Local Assistance (OLA) representative at the address below, along with any additional information requested by OLA staff. When all documentation has been received, your OLA representative will work with you to prepare for your appearance before the Board. If you have any questions about this process, please call (916) 341-6199 to be connected to your OLA representative.

Mail completed documents to:

California Integrated Waste Management Board
Office of Local Assistance, (MS 25)
1001 I Street
PO Box 4025
Sacramento CA 95812-4025

General Instructions:

For a Time Extension complete Sections I, II, III-A, IV-A, and V.

For an Alternative Diversion Requirement complete Sections I, II, III-B, IV-B and V.

Section I: Jurisdiction Information and Certification

All respondents must complete this section.

I certify under penalty of perjury that the information in this document is true and correct to the best of my knowledge, and that I am authorized to make this certification on behalf of:

Jurisdiction Name	County
City of Roseville	Placer
Authorized Signature	Title
	Administrative Analyst

Type/Print Name of Person Signing	Date	Phone
Michael Tilley	4-4-2005	(916) 746-1709

Person Completing This Form (please print or type)	Title
Michael Tilley	Administrative Analyst

Phone	E-mail Address	Fax
(916)746-1709	mtilley@roseville.ca.us	(916)774-5798

Mailing Address	City	State	ZIP Code
2005 Hilltop Cir.	Roseville	CA	95747

Section II—Cover Sheet

This cover sheet is to be completed for each Time Extension (TE) or Alternative Diversion Requirement (ADR) requested.

1. Eligibility

Has your jurisdiction filed its Source Reduction and Recycling Element, Household Hazardous Waste Element, and Nondisposal Facility Element with the Board (must have been filed by July 1, 1998 if you are requesting an ADR)?

☐ No. If no, stop; not eligible for a TE or ADR.

☒ Yes. If yes, then eligible for a TE or ADR.

2. Specific Request and Length of Request

Please specify the request desired.

☒ **Time Extension Request**

Specific years requested _Through December 31, 2005_____

Is this a second request? ☐ No ☒ Yes Specific years requested. _2005_____
(**Note:** Requests for an additional extension will need to address why the jurisdiction's efforts to meet the 50% goal by the end of the first extension were not successful.)

☐ **Alternative Diversion Requirement Request (*Not allowed for Regional Agencies*).**

Specific ADR requested _ _____%, for the years_ _____.

Is this a second ADR request? ☐ No ☐ Yes Specific ADR requested _ ____%, for the years _ _____
(**Note:** Requests for an additional ADR will need to address why the jurisdiction's efforts to meet 50% by the end of the first ADR period were not successful.)

Note: Extensions may be requested anytime by a jurisdiction, but will only be effective in the years from January 1, 2000 to January 1, 2006. An original request for a TE/ADR may be granted for any period up to three years and subsequent requests for TE/ADR may extend the original request or be based on new circumstances but the total number of years for all requests cannot total more than five years or extend beyond January 1, 2006.

Section IIIA—TIME EXTENSION

Within this section, discuss your jurisdiction's progress in implementing diversion programs that were planned to achieve 50%. Provide any additional information that demonstrates "good faith effort." The CIWMB shall determine your jurisdiction's progress in demonstrating "good faith effort" towards complying with AB 939. Note: The answers to each question should be comprehensive and provide specific details regarding the jurisdiction's situation.

Attach additional sheets if necessary—please reference each response to the appropriate cell number (e.g., IIIA-1).

1. **Why does your jurisdiction need more time to meet the 50% goal? Describe why SRRE selected programs did not achieve 50% diversion. Identify barriers to meeting the 50% goal and briefly indicate how they will be overcome.**

The City planned to meet the 50% diversion goal by 2004; however, the City shows a diversion of 45% for 2003. The City implemented programs identified in its SRRE and those programs have resulted in a 45% diversion rate. The City has implemented programs, which divert materials from the residential and commercial sectors, and is looking to further enhance and develop programs to meet the 50% goal. These programs include the expansion of MRF diversion, residential curbside green waste collection and the diversion of sewage sludge.

Originally, sewage sludge was not counted as part of Roseville's waste stream (from the Regional Dry Creek Wastewater Treatment Plant) and was added into Roseville base year waste stream in 1999. By adding bio-solid sludge back into Roseville's waste stream, an additional 16,000 tons was credited to Roseville's waste stream and that program had not been planned for (approximately 10% of Roseville's total waste stream). A pilot program was started in 1999 to dry sludge on a pad at the WWTP to reduce the amount of tonnage as well as saving in disposal fees. In 2002, an additional pad was added so that a maximum effort could be put into drying during a typical drying season (from April/May to September/October). The dried sludge is then taken to the Western Regional Sanitary Landfill and used for ADC. An additional 5% diversion would have been attained through the seasonal drying of sludge and use as ADC. Unfortunately due to odor complaints from close neighbors this program did not work. Roseville is now pursuing a contract with Synagrow to a use the sludge for land application. After a year of contract issues, Roseville and Synagrow are close to signing an agreement. After some construction and set-up that Synagrow needs to complete, Roseville will then benefit from the diversion of the sludge. The estimation at this time for the diversion is 10 %. This program should be up and running somewhere between Jan. 2006 and June 2006.

In addition, a new contract has been awarded to the current operator of the Materials Recovery Facility. The new contract will require the operator to achieve additional diversion of 7% effective July 1, 2005.

2. **Why does your jurisdiction need the amount of time requested? Describe any relevant circumstances in the jurisdiction that contribute to the need for a Time Extension.**

There are several reasons Roseville needs the additional time requested. 1) The time needed to continue the implementation of the green waste program to the residents of Roseville. Although at this time there is only 50 % participation, Roseville will still achieve an estimated 8 % diversion. The green waste program will continue to be phased in over the course of the next two fiscal years to bring participation to 100 %. The diversion is expected to be at least 10 % at that time. 2) The additional requirements of the contractor at the Materials Recovery Facility. The new contract has been awarded that will require the contractor to achieve an additional 7% diversion for member jurisdictions effective July 1, 2005. The contractor will introduce proven technological equipment to the MRF. The contractor expects to accomplish this by adding screens that will mechanically separate paper products to such a degree that human sorters will only need to remove small quantities of contaminants. The contractor will also add an eddy current separator to increase aluminum can recovery. 3) The potential contract with Synagro to divert bio-solid sludge generated by the Dry Creek Regional Facility. Synagro is a company that uses sludge for land application. This contract negotiation is close to completion and now is within reach because all parties have come close to an agreement over the specifics of the contract. Once there is a signed contract, Synagro has some construction to complete which will simplify the loading process. Once construction is completed, Roseville will benefit from the diversion. The sludge diversion program provides an opportunity to use the sludge for purposes other than land filling. The estimated time of completion of this project will be September 2005. Once Synagro begins to haul the sludge, the anticipated diversion percentage will be 10 %. 4) The time to finalize Roseville's request for a new base year for 2004. All information gathered by both staff and the consultant should be compiled and submitted by December 2005.

3. Describe your jurisdiction's Good Faith Efforts to implement the programs in its SRRE.

The original SRRE identified programs that Roseville would follow (programs include partnership through the Western Placer Waste Management Authority in the design, construction and operation of a Regional Materials Recovery Facility, a newspaper drop-off program, cardboard drop-off program, public outreach and education on recycling, commercial cardboard collection, etc.) which have been implemented. Expansion of existing commercial cardboard and CRV collection is currently in process, which will generate an additional 2-3%diversion. In all cases, Roseville has demonstrated good faith effort in our SRRE programs.

During 2001, a backyard composting program was started which supplies composting bins to residents of Roseville free of charge along with educational material to instruct the resident on how to properly use their compost bins. The initial response of the first advertisements and public notices resulted in the delivery of over 200 bins during the first month of the program.

In February 2004, Roseville began implementing a green waste collection program, which consisted of a pilot program of 7000 homes. The program was such a success that the phasing in of the complete program began in February 2005. Currently the City of Roseville is at 50% participation. Roseville will continue to phase in the program until 100% participation is achieved over the next two years.

4. Provide any additional relevant information that supports the request.

None

Section IIIB—ALTERNATIVE DIVERSION REQUIREMENT

Within this section, discuss your jurisdiction's progress in implementing diversion programs that were planned to achieve 50%. Provide any additional information that demonstrates "good faith effort." The CIWMB shall determine your jurisdiction's efforts in demonstrating "good faith effort" towards complying with AB 939. Note: The answers to each question should be comprehensive and provide specific details regarding the jurisdiction's situation.
Attach additional sheets if necessary—please reference each response to the appropriate cell number (e.g., IIIB-1.).

1. Why does your jurisdiction need and Alternative Diversion Requirement? Describe why SRRE selected programs did not achieve 50% diversion. Identify barriers to meeting the 50% goal and briefly indicate how they will be overcome.

2. Why is your jurisdiction requesting an Alternative Diversion Requirement in lieu of a Time Extension?

3. Describe your jurisdiction's Good Faith Efforts to implement the programs in its SRRE.

4. Describe any relevant circumstances in the jurisdiction that contribute to the need for an ADR. Provide any relevant information that supports the request.

Section IV A—PLAN OF CORRECTION

A Plan of Correction is required by PRC Section 41820(a)(6)(B). The plan is fundamentally a description of the actions the jurisdiction will take to meet the 50% goal by the expiration of the Time Extension.

Attach additional sheets if necessary.

Residential %	41%	Non-residential %	59 %

PROGRAM TYPE Please use the Board's Program Types. The Program Glossary is online at: www.ciwmb.ca.gov/LGCentral/PARIS/Codes/Reduce.htm	NEW or EXPAND	DESCRIPTION OF PROGRAM	FUNDING SOURCE	DATE FULLY COMPLETED	ESTIMATED PERCENT DIVERSION
3000	EXPAND	Residential Curbside Green Waste - If other programs fail to meet the 50% diversion rate by December 31, 2004, then Roseville will implement a greenwaste collection program for the residential areas of the City by issuing 90-gallon automated containers for strictly greenwaste. Estimated diversion: 10.0% fully implemented (by 12/31/05). Starting Fiscal Year 03/04, a pilot green waste program was budgeted for 7000 homes, which is 20% of the residential customer base. During 2003, purchase orders were issued for 7000 green waste containers and an automated refuse collection vehicle. In Feb. 2004, the 7000 cans were issued to customers along with information as to what materials that are acceptable to place into the containers. This takes Roseville's residential customer base to a 20 % implementation status. Fiscal Year 04/05, the green waste program was budgeted to expand by an additional 10,000 containers, which brings Roseville to 50% implementation. The expansion of the 10,000 containers was completed in Feb. 2005. Projections of an 8% diversion with this program for fiscal year 05/06 is based on trends associated with the pilot program in the City of Roseville. Unfortunately, the original plan for full implementation by December 2005 cannot be met because of the costs associated with start-up of this program. Although, Roseville did proceed ahead of schedule realizing that this was a viable solution to meeting the AB 939 requirement. The plan now for full implementation is a phasing in program. The phasing program must be done because of budget constraints. The phasing process will consist of 7,000 more homes in fiscal year 06/07 and the final 10,000 homes in fiscal year 07/08. Upon full implementation, Roseville then will benefit by a full 10% diversion of the waste stream. The green waste program up to this point has been well received and supported by the public because of the minimal contamination in which all loads are passed straight to the composting facility at the MRF, requiring no separation.	Enterprise Fund	12/31/2005 (and Beyond)	8 %

4010	NEW	Bio-Solid Sludge – A contract has been signed with Synagro to divert the sludge generated by the Dry Creek Regional Facility. Synagro is a company that uses sludge for land application. Synagro has some construction to do which will simplify the loading process. The sludge diversion program will be a great program because of the opportunity to use the sludge for other purposes instead filling up the landfills. September 2005 is the estimated time for the first load to be hauled from the Dry Creek Regional Facility. The anticipated diversion percentage for a complete year is 10 %. The estimation of 2.5 % is due to only four months of sludge diversion within this period of this extension request.	Enterprise Fund	9/1/2005	2.5 %
7000	NEW	MRF - A new contract has been awarded that will require the contractor to implement an additional 7% diversion for member jurisdictions effective July 1, 2005. The new contractor proposes to introduce limited, but proven technological equipment to the MRF. The contractor expects to accomplish this by adding screens that will mechanically separate paper products to such a degree that human sorters will only need to remove small quantities of contaminants. The contractor will also add an eddy current separator to increase aluminum can recovery.	Tipping Fees	7/1/2005	7 %
		Total Estimated Diversion Percent From New and/or Expanded Programs			17.5 %
		Current Diversion Rate Percent From Latest Annual Report			45 %
		Total Planned Diversion Percent Estimated			62.5 %

PROGRAMS SUPPORTING DIVERSION ACTIVITIES

PROGRAM TYPE	NEW or EXPANDED	DESCRIPTION OF PROGRAM	DATE FULLY COMPLETED
7000	NEW	New MRF contract awarded to existing contractor (operator) with a higher diversion rate expected. The new contract begins on 7/1/2005.	7/01/2005
5000/5010/5020	EXPAND	Outreach – The outreach program has been outstanding in regards to the green waste program. The residents have been notified by several ways as to what is green waste and the negative results of contamination. Flyers have been distributed to residents at the time the 90 - gallon green waste containers are delivered. The local government channel has been advertising the do's and don'ts of the green waste program to residents. The program has been outlined and presented to the Public Utilities Commission and City Council in which the public is invited to attend. All these sources of outreach seem to be successful because the minimal contamination to the loads. The green waste is diverted directly to the compost facility, which keeps it from the waste stream saving time and money for the City of Roseville.	Ongoing

	NEW	New Base Year – The City of Roseville is requesting a new base year study for the year 2004 which will show that Roseville is now above the 50 % diversion requirement. Roseville has been gathering information in detail to provide an accurate report to the California Integrated Waste Management Board (CIWMB). Preliminary findings of 2003 numbers estimates that Roseville is at a 62.4 % diversion. The reason for waiting till 2004 to request a new base year is because some contacts that we requested information for 2003 was a little short and insufficent. Since contacts were established early the numbers for 2004 are complete and we feel are very accurate.	12/31/2005

PROGRAMS SUPPORTING DIVERSION ACVTIVITIES

Bio-Solid Sludge – On May 18, 2005 a contract was signed with Synagro to divert the sludge generated by the Dry Creek Regional Facility. Synagro is a company that uses sludge for land application. Since the contract has been signed, Synagro has some construction to do which will simplify the loading process. Once construction is completed then Roseville will then benefit from this diversion. The sludge diversion program will be a great program because of the opportunity to use the sludge for other purposes instead filling up the landfills. The estimated time of completion of this project is 9/2005. Once completion of construction and Synagro begins to haul the sludge, the anticipated diversion percentage is 10 %.

Section IV B—GOAL ACHIEVEMENT

Goal Achievement describes the activities the jurisdiction will use to achieve the ADR.
Attach additional sheets if necessary..

Residential %		Non-residential %	

PROGRAM TYPE Please use the Board's Program Types. The Program Glossary is online at: www.ciwmb.ca.gov/LGCentral/PARIS/Codes/Reduce.htm	NEW or EXPAND	DESCRIPTION OF PROGRAM	FUNDING SOURCE	DATE FULLY COMPLETED	ESTIMATED PERCENT DIVERSION
		Total Estimated Diversion Percent From New and/or Expanded Programs			
		Current Diversion Rate Percent From Latest Annual Report			
		Total Planned Diversion Percent Estimated			

PROGRAMS SUPPORTING DIVERSION ACTIVITIES

PROGRAM TYPE	NEW or EXPAND	DESCRIPTION OF PROGRAM	DATE FULLY COMPLETED

Section V – PARIS

Office of Local Assistance staff will be reviewing your Jurisdiction's Planning Annual Report Information System (PARIS) database printout as part of the evaluation of your request. Should the Jurisdiction have updates or revisions to the program implementation from the latest Annual Report submitted to the Board, please attach to the application the Jurisdiction's PARIS database printout showing updates or revisions.

Contact your Office of Local Assistance Representative at (916) 341-6199 for a copy of PARIS, or go to the Board's website at **www.ciwmb.ca.gov/LGCentral/PARIS/**.

To request a Time Extension (TE) or Alternative Diversion Requirement (ADR), please complete and sign this request sheet and return it to your Office of Local Assistance (OLA) representative at the address below, along with any additional information requested by OLA staff. When all documentation has been received, your OLA representative will work with you to prepare for your appearance before the Board. If you have any questions about this process, please call (916) 341-6199 to be connected to your OLA representative.

Mail completed documents to:

California Integrated Waste Management Board
Office of Local Assistance, (MS 25)
1001 I Street
PO Box 4025
Sacramento CA 95812-4025

General Instructions:

For a Time Extension complete Sections I, II, III-A, IV-A, and V.

For an Alternative Diversion Requirement complete Sections I, II, III-B, IV-B and V.

Section I: Jurisdiction Information and Certification *All respondents must complete this section.*			
I certify under penalty of perjury that the information in this document is true and correct to the best of my knowledge, and that I am authorized to make this certification on behalf of:			
Jurisdiction Name San Benito County Integrated Waste Management Regional Agency		County San Benito	
Authorized Signature Normandy A Rose		Title Director, Integrated Waste Management	
Type/Print Name of Person Signing Normandy A. Rose	Date 1/31/2005		Phone (831) 636-4110
Person Completing This Form (please print or type) Normandy A. Rose		Title Director, Integrated Waste Management	
Phone (831)636-4110	E-mail Address sbciwm@hollinet.com		Fax (831)636-4176
Mailing Address 3220 Southside Road	City Hollister	State CA	ZIP Code 95023

Section II—Cover Sheet

This cover sheet is to be completed for each Time Extension (TE) or Alternative Diversion Requirement (ADR) requested.

1. Eligibility

Has your jurisdiction filed its Source Reduction and Recycling Element, Household Hazardous Waste Element, and Nondisposal Facility Element with the Board (must have been filed by July 1, 1998 if you are requesting an ADR)?

☐ No. If no, stop; not eligible for a TE or ADR.

☒ Yes. If yes, then eligible for a TE or ADR.

2. Specific Request and Length of Request

Please specify the request desired.

☒ **Time Extension Request**

Specific years requested _ _____

Is this a second request? ☐ No ☒ Yes Specific years requested. _7/1/2004-12/31/2005_____

(**Note:** Requests for an additional extension will need to address why the jurisdiction's efforts to meet the 50% goal by the end of the first extension were not successful.)

☐ **Alternative Diversion Requirement Request (*Not allowed for Regional Agencies*).**

Specific ADR requested _ _____%, for the years_ _____.

Is this a second ADR request? ☐ No ☐ Yes Specific ADR requested _ ____%, for the years _ _____

(**Note:** Requests for an additional ADR will need to address why the jurisdiction's efforts to meet 50% by the end of the first ADR period were not successful.)

Note: Extensions may be requested anytime by a jurisdiction, but will only be effective in the years from January 1, 2000 to January 1, 2006. An original request for a TE/ADR may be granted for any period up to three years and subsequent requests for TE/ADR may extend the original request or be based on new circumstances but the total number of years for all requests cannot total more than five years or extend beyond January 1, 2006.

Section IIIA—TIME EXTENSION

Within this section, discuss your jurisdiction's progress in implementing diversion programs that were planned to achieve 50%. Provide any additional information that demonstrates "good faith effort." The CIWMB shall determine your jurisdiction's progress in demonstrating "good faith effort" towards complying with AB 939. Note: The answers to each question should be comprehensive and provide specific details regarding the jurisdiction's situation.

Attach additional sheets if necessary—please reference each response to the appropriate cell number (e.g., IIIA-1).

1. **Why does your jurisdiction need more time to meet the 50% goal? Describe why SRRE selected programs did not achieve 50% diversion. Identify barriers to meeting the 50% goal and briefly indicate how they will be overcome.**

The San Benito County Integrated Waste Management Regional Agency (SBCIWMRA) is requesting a second Time Extension to allow more time for the Plan of Correction (POC) programs to display their effectiveness.

The SBCIWMRA has implemented all contemplated POC programs (*one exception:see below) but the main program anticipated to produce the greatest diversion, which is the economic incentive at our County owned landfill, did not go into effect until August 1, 2004. There were contractual and political delays in implementing this particular program. The SBCIWMRA will need additional time to realize full diversion potential from this program.

The CIWMB had the foresight in processing our first Time Extension request to modify our time period to a shorter timeframe in the event we did not reach the 50% goal by the end of its term, we had this option of requesting more time. In addition, as the CIWMB is aware, there is a substantial, as in over one year, wait for annual report numbers to become available which hampers a jurisdictions efforts to accurately determine their actual diversion rate. The SBCIWMRA believes it is at 45% for the 2003 reporting year. While we are confident that the 2004 annual report will exhibit continued progress, perhaps even reaching the 50% goal, we remain concerned that a five month time period is not adequate enough implementation time for the economic incentive at the landfill to fully confirm its predicted results.

And finally, the SBCIWMRA has been unable to break into local schools to work on diversion programs. As an agency of the State, schools enjoy an arms length relationship with local government and do not feel compelled to follow the state waste diversion mandate despite SB 373. Direct intervention by the CIWMB is needed in our jurisdiction to achieve any progress in this arena. In the past, the SBCIWMRA has telephoned the County Office of Education and Superintendent of Schools, as well as Principals to try to set up meetings to discuss recycling and other diversion programs. In addition, the CIWMB provided 'School Site Assessment Surveys' that were mailed to all schools in our jurisdiction. We had called ahead to find out who the survey should be directed to. Of the approximately 20 surveys mailed, we received 6 back. We did do follow up telephone calls but were unsuccessful in obtaining a higher survey return. The franchise hauler in both the Cities and the unincorporated County also have contacted the schools without much success. An independent hauler/recycler now handles all of the school accounts and picks up refuse and OCC. The SBCIWMRA would be able to provide a complimentary service to the CIWMB staff, who we are hoping can meet with the various School Boards and offer mandated direction regarding implementation of recycling and composting programs and we can assist by obtaining recycling containers (DOC grant) and offering local guidance once programs are initiated.

*A C & D ordinance was not implemented as the City of Hollister is in and will remain in a building moratorium until 2006/2007 due to sewer capacity issues. The moratorium does not apply to remodels unless additional square footage inclusive of more plumbing fixtures are involved. In addition, during the last Time Extension period the County of San Benito was in the process of promulgating its implementation regulations for its 1% growth cap and very few homes were built. The City of San Juan Bautista was under moratorium as well for the first year of the time extension. Of greater significance was the landfill rate charged for C & D material during this period. There was a special waste rate, which was approximately 50% higher on C & D materials, which encouraged source separation and diversion. The current political climate may not allow for further regulation of construction materials beyond the economic incentive programs currently in place (August 2004) at the landfill.

Further consideration of mandatory business recycling again would not appear politically feasible in this economic climate. Business waste audits have been performed annually. However, as noted for C & D materials, the economic incentive at the landfill appears to be accomplishing the same goal which translates to all local businesses.

As all hauling contracts have been negotiated, implementing a wet/dry system at this time is not possible. However, all of the present haulers have been asked, even encouraged to initiate a food waste diversion program. Thus far, the SBCIWMRA has been unsuccessful in moving any of our haulers in that direction. The County of San Benito recently changed landfill operators (waste Connections Inc) and is hoping that they may take up the challenge to provide this service.

2. Why does your jurisdiction need the amount of time requested? Describe any relevant circumstances in the jurisdiction that contribute to the need for a Time Extension.

The SBCIWMRA is seeking the remaining time available under law to ensure that all of the POC programs implemented in the first time extension have ample opportunity to demonstrate their effectiveness, as well as to address schools diversion as requested in this proposed second time extension.

3. Describe your jurisdiction's Good Faith Efforts to implement the programs in its SRRE.

The SBCIWMRA has implemented all of its SRRE programs.

All residential refuse and recycling programs are PAYT. Commerical recycling is available to all businesses. Every business has been offered and the majority have had a waste audit. A cycle of going to businesses for waste audits has been repeated at least twice over the last two years.

The bulky item recycle days events at the landfill have increased from one week annually to once a quarter or 4 times annually.

The permanent HHW facility is being moved to the landfill to compliment operations there.

Metal, tires, wood and green waste are source separated and salvaged by the operator at the landfill to increase diversion of these materials. CRT's and other electronics are collected for recycling at the landfill.

A St. Vincent de Paul trailer is available on call at the landfill for reuse items.

Public education messages continue through a three county media coalition, as well as hauler newsletters and he annual printing of the Recycling Directory.

4. Provide any additional relevant information that supports the request.

The SBCIWMRA requests the CIWMB's consideration of our small staff and recognition that our jurisdiction has brought itself from a new base year in 1999 of 23% to the 45% in 2003. We are confident we will complete the distance and meet or exceed the 50% goal.

Section IIIB—ALTERNATIVE DIVERSION REQUIREMENT

Within this section, discuss your jurisdiction's progress in implementing diversion programs that were planned to achieve 50%. Provide any additional information that demonstrates "good faith effort." The CIWMB shall determine your jurisdiction's efforts in demonstrating "good faith effort" towards complying with AB 939. Note: The answers to each question should be comprehensive and provide specific details regarding the jurisdiction's situation.
Attach additional sheets if necessary—please reference each response to the appropriate cell number (e.g., IIIB-1.).

1. Why does your jurisdiction need and Alternative Diversion Requirement? Describe why SRRE selected programs did not achieve 50% diversion. Identify barriers to meeting the 50% goal and briefly indicate how they will be overcome.

2. Why is your jurisdiction requesting an Alternative Diversion Requirement in lieu of a Time Extension?

3. Describe your jurisdiction's Good Faith Efforts to implement the programs in its SRRE.

4. Describe any relevant circumstances in the jurisdiction that contribute to the need for an ADR. Provide any relevant information that supports the request.

Section IV A—PLAN OF CORRECTION

A Plan of Correction is required by PRC Section 41820(a)(6)(B). The plan is fundamentally a description of the actions the jurisdiction will take to meet the 50% goal by the expiration of the Time Extension.

Attach additional sheets if necessary.

Residential %	30%	Non-residential %	70%

PROGRAM TYPE **Please use the Board's Program Types. The Program Glossary is online at:** www.ciwmb.ca.gov/LGCentral/PARIS/Codes/Reduce.htm	NEW or EXPAND	DESCRIPTION OF PROGRAM	FUNDING SOURCE	DATE FULLY COMPLETED	ESTIMATED PERCENT DIVERSION
2050-RC-SCH	NEW	County will provide recycling containers (DOC grant) to schools and with the assistance of Board staff, will work to increase recycling and recognition in schools .	Regional Agency	12/31/2005	1%
3050-CM-SCH	NEW	County will provide composting bins to schools and with the assistance of Board staff will, will work with schools to increase school composting.	Regional Agency	12/31/2005	1%
2070-RC-SNL Special Collection/Seasonal	EXPAND	Expansion of community clean-up /bulky item collection events from annually to quarterly. First Time Extension program: Implemented as part of first time extension but will need additional time to realize full diversion potential.	Regional Agency	12/31/2005	1% (Estimated remaining diversion)
6010- Economic Incentives	EXPAND	Green Waste: Economic incentive implemented to promote clean green waste diversion targeted to gardners. First Time Extension program: Implemented as part of first time extension but will need additional time to realize full diversion potential.	Landfill Operator and County	12/31/2005	3% (Estimated remaining diversion)
	EXPAND	Wood Waste: Economic incentive implemented to promote clean wood waste diversion targeted to the construction industry. First Time Extension program: Implemented as part of first time extension but will need additional time to realize full diversion potential.	Landfill Operator and County	12/31/2005	3% (Estimated remaining diversion)
		Total Estimated Diversion Percent From New and/or Expanded Programs			9%
		Current Diversion Rate Percent From Latest Annual Report (2002)			43%
		Total Planned Diversion Percent Estimated			52%

PROGRAMS SUPPORTING DIVERSION ACTIVITIES

PROGRAM TYPE	NEW or EXPANDED	DESCRIPTION OF PROGRAM	DATE FULLY COMPLETED
5030-ED-SCH	NEW	Schools (education and curriculum)-requires the direct intervention by CIWMB to work with schools. County will assist by distributing the "Closing the Loop" curriculum.	12/31/2005

6020-PI-ORD	NEW/Not yet implemented	Implement a C & D Ordinance	12/31/2005
1040-SR-SCH	NEW	County will work, with the assistance of Board staff, to deliver SR literature to schools and increase awareness/participation in SR programs.	12/31/05
2030-RC-OSP Commercial on-site p/u recycling	EXPAND	Work on creating better incentives for commercial businesses to utilize recycling. (First Time Extension program)	12/31/05

Section IV B—GOAL ACHIEVEMENT

Goal Achievement describes the activities the jurisdiction will use to achieve the ADR.
Attach additional sheets if necessary..

Residential %		**Non-residential %**	

PROGRAM TYPE Please use the Board's Program Types. The Program Glossary is online at: www.ciwmb.ca.gov/LGCentral/PARIS/Codes/Reduce.htm	NEW or EXPAND	DESCRIPTION OF PROGRAM	FUNDING SOURCE	DATE FULLY COMPLETED	ESTIMATED PERCENT DIVERSION
		Total Estimated Diversion Percent From New and/or Expanded Programs			
		Current Diversion Rate Percent From Latest Annual Report			
		Total Planned Diversion Percent Estimated			

PROGRAMS SUPPORTING DIVERSION ACTIVITIES

PROGRAM TYPE	NEW or EXPAND	DESCRIPTION OF PROGRAM	DATE FULLY COMPLETED

Section V – PARIS

Office of Local Assistance staff will be reviewing your Jurisdiction's Planning Annual Report Information System (PARIS) database printout as part of the evaluation of your request. Should the Jurisdiction have updates or revisions to the program implementation from the latest Annual Report submitted to the Board, please attach to the application the Jurisdiction's PARIS database printout showing updates or revisions.

Contact your Office of Local Assistance Representative at (916) 341-6199 for a copy of PARIS, or go to the Board's website at **www.ciwmb.ca.gov/LGCentral/PARIS/**.

Office of Local Assistance

Program Listing for Oceanside

Date Printed
May 19,2005

Program Code	Existed	Slcted?	Pre 1995 Start	------ 1995 ------ Status	------ 1996 ------ Status	------ 1997 ------ Status	------ 1998 ------ Status	------ 1999 ------ Status	------ 2000 ------ Status	------ 2001 ------ Status	------ 2002 ------ Status
1000-SR-XGC Xeriscaping/Grasscycling	N	Y	1992	SO	SO	SO	SO	SO	SO	SO	SO
1010-SR-BCM Backyard and On-Site Composting/Mulching	N	Y	1992	SO	SO	SO	SO	SO	SO	SO	SO
1020-SR-BWR Business Waste Reduction Program	Y	Y	1992	SO	SO	SO	SO	SO	SO	SO	SO
1030-SR-PMT Procurement	N	Y	1994	SO	SO	SO	SO	SO	SO	SO	SO
1040-SR-SCH School Source Reduction Programs	N	N	1992	AO	AO	AO	AO	AO	AO	AO	AO
1050-SR-GOV Government Source Reduction Programs	N	Y	1993	SO	SO	SO	SO	SO	SO	SO	SO
1060-SR-MTE Material Exchange, Thrift Shops	N	Y	1993	SO	SO	SO	SO	SO	SO	SO	SO
1070-SR-OTH Other Source Reduction	N	N	1995	AI	AO	AO	AO	AO	AO	AO	AO
2000-RC-CRB Residential Curbside	Y	Y	1985	SO	SO	SO	SO	SO	SO	SO	SO
2010-RC-DRP Residential Drop-Off	N	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO

Status Code Legend

SO = Selected Ongoing
AO = Alternative Ongoing
SI = Selected Implemented
AI = Alternative Implemented
M = Regional Agency did not exist or city was not incorporated or city
D = Dropped
DE = Dropped in Earlier Year
NI = Selected and Not Implemented
PF = Planned Future
NA = Program did not exist

Reason Code

1 = Delays in bringing diversion facilities online.
2 = Unavoidable regulatory delays.
3 = Existing contractual or legal problems.
4 = Insufficient funding.
5 = Insufficient staffing.
6 = Lack of cooperation from other entities.
7 = Sufficient diversion without selected program.
8 = Lack of markets necessary to support

Application: PARIS

Office of Local Assistance

Program Listing for Oceanside

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Program Code	Existed	Slcted?	Pre 1995 Start	------ 1995 ------ Status	------ 1996 ------ Status	------ 1997 ------ Status	------ 1998 ------ Status	------ 1999 ------ Status	------ 2000 ------ Status	------ 2001 ------ Status	------ 2002 ------ Status
2020-RC-BYB Residential Buy-Back	Y	Y	1992	SO	SO	SO	SO	SO	SO	SO	SO
2030-RC-OSP Commercial On-Site Pickup	N	Y	1992	SO	SO	SO	SO	SO	SO	SO	SO
2050-RC-SCH School Recycling Programs	N	Y	1995	SI	SO	SO	SO	SO	SO	SO	SO
2060-RC-GOV Government Recycling Programs	N	Y	1995	SI	SO	SO	SO	SO	SO	SO	SO
2070-RC-SNL Special Collection Seasonal (regular)	Y	Y	1991	SO	SO	SO	SO	SO	SO	SO	SO
2080-RC-SPE Special Collection Events	N	N	1994	AO	AO	AO	AO	AO	AO	AO	AO
3000-CM-RCG Residential Curbside Greenwaste Collection	N	Y	1991	SO	SO	SO	SO	SO	SO	SO	SO
3010-CM-RSG Residential Self-haul Greenwaste	N	Y	1994	SO	SO	SO	SO	SO	SO	SO	SO
3020-CM-COG Commercial On-Site Greenwaste Pick-up	Y	Y	1992	SO	SO	SO	SO	SO	SO	SO	SO
3030-CM-CSG Commercial Self-Haul Greenwaste	N	Y	1994	SO	SO	SO	SO	SO	SO	SO	SO

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Application: PARIS

Office of Local Assistance

Program Listing for Oceanside

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Program Code	Existed	Slcted?	Pre 1995 Start	------ 1995 ------ Status	------ 1996 ------ Status	------ 1997 ------ Status	------ 1998 ------ Status	------ 1999 ------ Status	------ 2000 ------ Status	------ 2001 ------ Status	------ 2002 ------ Status
3050-CM-SCH School Composting Programs	Y	Y	1992	SO	SO	SO	SO	SO	SO	D 99	DE 99
3060-CM-GOV Government Composting Programs	Y	Y	1994	SO	SO	SO	SO	SO	SO	SO	SO
4010-SP-SLG Sludge (sewage/industrial)	N	Y	1995	SI	SO	SO	SO	SO	SO	SO	SO
4020-SP-TRS Tires	Y	Y	1992	SO	SO	SO	SO	SO	SO	SO	SO
4030-SP-WHG White Goods	Y	Y	1991	SO	SO	SO	SO	SO	SO	SO	SO
4040-SP-SCM Scrap Metal	Y	Y	1994	SO	SO	SO	SO	SO	SO	SO	SO
4050-SP-WDW Wood Waste	Y	Y	1994	SO	SO	SO	SO	SO	SO	SO	SO
4060-SP-CAR Concrete/Asphalt/Rubble	N	Y	1995	SI	SO	SO	SO	SO	SO	SO	SO
4090-SP-RND Rendering	Y	Y	1991	SO	SO	SO	SO	SO	SO	SO	SO
5000-ED-ELC Electronic (radio ,TV, web, hotlines)	Y	Y	1993	SO	SO	SO	SO	SO	SO	SO	SO

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Application: PARIS

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5010-ED-PRN Print (brochures, flyers, guides, news articles)	Y	Y	1991	SO	SO	SO	SO	SO	SO	SO	SO
5020-ED-OUT Outreach (tech assistance, presentations, awards, fairs, field trips)	Y	Y	1992	SO	SO	SO	SO	SO	SO	SO	SO
5030-ED-SCH Schools (education and curriculum)	N	Y	1992	SO	SO	SO	SO	SO	SO	SO	SO
6000-PI-PLB Product and Landfill Bans	N	N	1993	AO	AO	AO	AO	AO	AO	AO	AO
6010-PI-EIN Economic Incentives	N	Y	1994	SO	SO	SO	SO	SO	SO	SO	SO
6020-PI-ORD Ordinances	N	Y	1994	SO	SO	SO	SO	SO	SO	SO	SO
7000-FR-MRF MRF	N	Y	1992	SO	SO	SO	SO	SO	SO	D 99	SI
7030-FR-CMF Composting Facility	N	Y	1994	SO	SO	SO	SO	SO	SO	SO	SO
9000-HH-PMF Permanent Facility	N	Y	1985	SO	SO	SO	SO	SO	SO	SO	SO
9010-HH-MPC Mobile or Periodic Collection	Y	Y	1995	SI	SO	SO	SO	SO	D 99	DE 99	DE 99

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9020-HH-CSC Curbside Collection	Y	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO
9040-HH-EDP Education Programs	Y	Y	1991	SO	SO	SO	SO	SO	SO	SO	SO
9050-HH-OTH Other HHW	Y	Y	1991	SO	SO	SO	SO	SO	SO	SO	SO

Add any additional programs below

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Application: PARIS

Office of Local Assistance

Program Listing for Roseville

Date Printed
May 19,2005

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1000-SR-XGC Xeriscaping/Grasscycling	N	Y	1993	SO	SO	SO	SO	SO	SO	SO	SO
1010-SR-BCM Backyard and On-Site Composting/Mulching	Y	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO
1020-SR-BWR Business Waste Reduction Program	Y	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO
1030-SR-PMT Procurement	N	Y	NA	NI 99	NI 99	NI 99	NI 99	NI 99	NI 99	SI	SO
1050-SR-GOV Government Source Reduction Programs	N	Y	1991	SO	SO	SO	SO	SO	SO	SO	SO
1060-SR-MTE Material Exchange, Thrift Shops	Y	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO
2000-RC-CRB Residential Curbside	N	Y	NA	PF 1	SI	SO	SO	SO	SO	SO	SO
2010-RC-DRP Residential Drop-Off	Y	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO
2020-RC-BYB Residential Buy-Back	Y	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO
2030-RC-OSP Commercial On-Site Pickup	Y	Y	1991	SO	SO	SO	SO	SO	SO	SO	SO

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2060-RC-GOV Government Recycling Programs	Y	Y	1988	SO	SO	SO	SO	SO	SO	SO	SO
2070-RC-SNL Special Collection Seasonal (regular)	N	N	1991	AO	AO	AO	AO	AO	AO	AO	AO
2080-RC-SPE Special Collection Events	N	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO
3000-CM-RCG Residential Curbside Greenwaste Collection	N	Y	NA	NI 99	NI 99	NI 99	NI 99	NI 99	NI 99	NI 99	NI 99
3020-CM-COG Commercial On-Site Greenwaste Pick-up	N	Y	NA	NI 99	NI 99	NI 99	NI 99	NI 99	NI 99	SI	SO
4010-SP-SLG Sludge (sewage/industrial)	N	N	NA	NA	NA	NA	NA	AI	AO	AO	AO
4020-SP-TRS Tires	N	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO
4030-SP-WHG White Goods	Y	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO
4040-SP-SCM Scrap Metal	Y	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO
4050-SP-WDW Wood Waste	Y	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO

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Program Code	Existed	Slcted?	Pre 1995 Start	------ 1995 ------ Status	------ 1996 ------ Status	------ 1997 ------ Status	------ 1998 ------ Status	------ 1999 ------ Status	------ 2000 ------ Status	------ 2001 ------ Status	------ 2002 ------ Status
4060-SP-CAR Concrete/Asphalt/Rubble	N	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO
4090-SP-RND Rendering	Y	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO
5000-ED-ELC Electronic (radio ,TV, web, hotlines)	N	Y	NA	SI	SO	SO	SO	SO	SO	SO	SO
5010-ED-PRN Print (brochures, flyers, guides, news articles)	N	Y	NA	SI	SO	SO	SO	SO	SO	SO	SO
5020-ED-OUT Outreach (tech assistance, presentations, awards, fairs, field trips)	N	Y	1994	SO	SO	SO	SO	SO	SO	SO	SO
5030-ED-SCH Schools (education and curriculum)	N	Y	1993	SO	SO	SO	SO	SO	SO	SO	SO
6010-PI-EIN Economic Incentives	N	Y	NA	NI 4	NI 4	SI	SO	SO	SO	SO	SO
6020-PI-ORD Ordinances	N	Y	1992	SO	SO	SO	SO	SO	SO	SO	SO
7000-FR-MRF MRF	N	Y	NA	SI	SO	SO	SO	SO	SO	SO	SO
7030-FR-CMF Composting Facility	N	Y	NA	NI 1	SI	SO	SO	SO	SO	SO	SO

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8010-TR-BIO Biomass	Y	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO
8020-TR-TRS Tires	Y	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO
9000-HH-PMF Permanent Facility	Y	Y	1992	SO	SO	SO	SO	SO	SO	SO	SO
9010-HH-MPC Mobile or Periodic Collection	Y	Y	1991	SO	D 7	DE 7	DE 7	DE 7	DE 7	DE 7	DE 7
9020-HH-CSC Curbside Collection	N	Y	1992	DE 4	DE 4	DE 4	DE 4	DE 4	DE 4	DE 4	DE 4
9040-HH-EDP Education Programs	N	Y	1991	SO	SO	SO	SO	SO	SO	SO	SO

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Program Listing for
San Benito County Integrated Waste Management Regional Agency

Date Printed
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Program Code	Existed	Slcted?	Pre 1995 Start	------ 1995 ------ Status	------ 1996 ------ Status	------ 1997 ------ Status	------ 1998 ------ Status	------ 1999 ------ Status	------ 2000 ------ Status	------ 2001 ------ Status	------ 2002 ------ Status
1010-SR-BCM Backyard and On-Site Composting/Mulching	Y	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO
1020-SR-BWR Business Waste Reduction Program	N	Y	2000	PF	PF	PF	PF	PF	PF	SI	SO
1040-SR-SCH School Source Reduction Programs	N	N	1999	NA	NA	NA	NA	NA	NA	NA	PF
1050-SR-GOV Government Source Reduction Programs	N	Y	2000	PF	PF	PF	PF	PF	SI	SO	SO
1060-SR-MTE Material Exchange, Thrift Shops	Y	Y	1991	SO	SO	SO	SO	SO	SO	SO	SO
2000-RC-CRB Residential Curbside	N	Y	1992	SO	SO	SO	SO	SO	SO	SO	SO
2010-RC-DRP Residential Drop-Off	Y	Y	1991	SO	SO	SO	SO	SO	SO	SO	SO
2020-RC-BYB Residential Buy-Back	Y	Y	1991	SO	SO	SO	SO	SO	SO	SO	SO
2030-RC-OSP Commercial On-Site Pickup	N	Y	1991	SO	SO 99	SO	SO	SO	SO	SO	SO
2040-RC-SFH Commercial Self-Haul	Y	Y	1991	SO	SO	SO	SO	SO	SO	SO	SO

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2050-RC-SCH School Recycling Programs	N	N	1990	AO	AO	AO	AO	AO	AO	AO	AO
2060-RC-GOV Government Recycling Programs	N	N	1989	AO	AO	AO	AO	AO	AO	AO	AO
2070-RC-SNL Special Collection Seasonal (regular)	N	N	1994	AO	AO	AO	AO	AO	AO	AO	AO
2080-RC-SPE Special Collection Events	N	N	2002	NA	NA	NA	NA	NA	NA	NA	PF
3000-CM-RCG Residential Curbside Greenwaste Collection	N	Y	1993	SO	SO	SO	SO	SO	SO	SO	SO
3010-CM-RSG Residential Self-haul Greenwaste	N	Y	2000	PF	PF	PF	PF	PF	SI	SO	SO
3030-CM-CSG Commercial Self-Haul Greenwaste	N	Y	2000	PF	PF	PF	PF	PF	SI	SO	SO
3040-CM-FWC Food Waste Composting	Y	Y	1991	SO	SO	SO	SO	SO	SO	SO	SO
3050-CM-SCH School Composting Programs	N	N	1995	AI	AO	AO	AO	AO	AO	AO	AO
4020-SP-TRS Tires	Y	Y	1991	SO	SO	SO	SO	SO	SO	SO	SO

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4030-SP-WHG White Goods	Y	Y	1991	SO	SO	SO	SO	SO	SO	SO	SO
4040-SP-SCM Scrap Metal	Y	Y	1991	SO	SO	SO	SO	SO	SO	SO	SO
4050-SP-WDW Wood Waste	Y	Y	2001	D 99	DE	DE	DE	DE	DE	SI	SO
4060-SP-CAR Concrete/Asphalt/Rubble	N	N	1996	PF	AI	AO	AO	AO	AO	AO	AO
5000-ED-ELC Electronic (radio ,TV, web, hotlines)	N	N	2000	PF	PF	PF	PF	PF	SI	SO	SO
5010-ED-PRN Print (brochures, flyers, guides, news articles)	N	Y	1992	SO	SO	SO	SO	SO	SO	SO	SO
5020-ED-OUT Outreach (tech assistance, presentations, awards, fairs, field trips)	N	Y	1996	PF	SI	SO	SO	SO	SO	SO	SO
5030-ED-SCH Schools (education and curriculum)	N	N	NA	NA	NA	NA	NA	NA	NA	NA	PF
6010-PI-EIN Economic Incentives	N	Y	1992	SO	SO	SO	SO	SO	SO	SO	SO
6020-PI-ORD Ordinances	N	N	1990	AO	AO	AO	AO	AO	AO	AO	AO

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7000-FR-MRF MRF	N	N	2000	NA	NA	NA	NA	NA	AI	AO	AO
7010-FR-LAN Landfill	Y	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO
7030-FR-CMF Composting Facility	N	Y	1996	PF	SI	SO	SO	SO	SO	SO	SO
7040-FR-ADC Alternative Daily Cover	N	N	1998	PF	PF	PF	AI	AO	AO	AO	AO
9000-HH-PMF Permanent Facility	Y	Y	1991	SO	SO	SO	SO	SO	SO	SO	SO
9010-HH-MPC Mobile or Periodic Collection	Y	Y	1991	SO	SO	SO	SO	SO	D	SI	D
9020-HH-CSC Curbside Collection	N	N	1996	PF	AI	AO	AO	AO	AO	AO	AO
9040-HH-EDP Education Programs	Y	Y	1991	SO	SO	SO	SO	SO	SO	SO	SO

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CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Resolution 2005-175 (Revision 2)

Consideration Of A Second SB1066 Time Extension Application By The Following Jurisdictions: ~~City of Oceanside: San Diego County,~~ City Of Roseville: Placer County, And The San Benito County Integrated Waste Management Regional Agency: San Benito County

WHEREAS, Senate Bill (SB) 1066 modified Public Resources Code (PRC) Sections 41820 and 41785 for multiple year and multiple requests from jurisdictions for Time Extensions or Alternative Diversion Requirements in meeting the 50 percent diversion requirement; and

WHEREAS, the Board has previously approved each of the above-listed jurisdictions'first SB1066 Time Extension Application; and

WHEREAS, the jurisdictions have subsequently found that they need additional time to either implement, fully implement, or expand those programs described in their respective second SB1066 Time Extension requests; and

WHEREAS, based on staff's review of the jurisdictions' progress to-date in implementing the programs described in their respective first Plan of Correction, Board staff believes that each jurisdiction has made a good faith effort to implement those programs, but needs additional time to either implement, fully implement, or expand the programs described in its second Plan of Correction; and

WHEREAS, the jurisdictions have submitted the necessary information and documentation required in a completed SB1066 Time Extension application; and

WHEREAS, the Board staff recommends, and the City of Roseville concurs, to implement a construction and demolition ordinance and procurement policy in addition to the selected programs in the application;

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby accepts the City of Roseville's SB 1066 application for a time extension as well as including construction and demolition ordinance and procurement policy in addition to the selected programs in the application through December 31, 2005, to implement its SRRE and to meet the 50 percent diversion requirement.

(over)

NOW, THEREFORE, BE IT RESOLVED that the Board hereby accepts these jurisdictions' second SB 1066 Time Extension applications for a second extension through December 31, 2005 to implement their respective SRREs and to meet the 50 percent diversion requirement.

NOW, THEREFORE, BE IT RESOLVED that the Board directs these jurisdictions to report on their progress in implementing their Plan of Correction by submitting an interim status report, and a final report at the end of the extension in conjunction with the annual report.

CERTIFICATION

The undersigned Executive Director, or his designee, of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on July 19-20, 2005.

Dated:

Mark Leary
Executive Director

California Integrated Waste Management Board

Board Meeting

July 19-20, 2005

AGENDA ITEM 23

ITEM
Consideration Of The Application For A SB1066 Time Extension By The City Of Murrieta, Riverside County

I. ISSUE/PROBLEM STATEMENT

The City of Murrieta has submitted to the California Integrated Waste Management Board (Board) a completed Senate Bill (SB)1066 Time Extension request for meeting the 50 percent diversion requirement. Staff review indicates that while the City has been implementing the source reduction and recycling programs selected in its Source Reduction and Recycling Element (SRRE), it will need to implement the proposed Plan of Correction to achieve the 50 percent diversion requirement. The City currently has a 49 percent diversion rate for 2001, 47 percent for 2002, and 44 percent for 2003. The City is requesting to extend the due date for achieving 50 percent diversion through December 31, 2005. Staff's analysis of the City's Plan of Correction indicates the plan is reasonable, given the City's waste stream.

II. ITEM HISTORY

The Board approved the City's 1999/2000 Biennial Review results on July 23-24, 2003 on the basis of the City's good faith effort.

III. OPTIONS FOR THE BOARD

1. The Board may approve the City's application as submitted for an extension to the 2000 diversion requirement on the basis of its good faith effort to-date to implement diversion programs and its plans for future implementation.
2. The Board may approve the City's application as may be modified by the jurisdiction at the Board meeting.
3. The Board may approve the City's application as submitted but also make recommendations for the implementation of alternative programs that it believes the jurisdiction should add to its plan for it to be successful.
4. The Board may make recommendations for the implementation of alternative programs that it believes the jurisdiction should add for its plan to be successful and continue the item to the next Board meeting to allow the jurisdiction time to revise its application.
5. The Board may disapprove the City's application and allow the jurisdiction to revise and resubmit the application based upon the Board's specified reasons for disapproval.
6. The Board may disapprove the City's application and direct staff to commence the process to issue a compliance order because the Board's specified reasons for disapproval cannot be addressed by a revised application.

IV. STAFF RECOMMENDATION

Staff recommends the Board adopt option No. 1: approve the City's application as submitted for an extension to the 2000 diversion requirement on the basis of its good faith effort to-date to implement diversion programs and its plans for future implementation.

V. ANALYSIS

A. Key Issues and Findings

1. Background

Public Resources Code (PRC) Section 41825 requires the Board to review each City, County, and Regional Agency's (jurisdiction's) SRRE at least once every two years. As a result of this review, the Board may find a jurisdiction has implemented programs and achieved the diversion requirement; that a jurisdiction has made a good faith effort to implement diversion programs, but has not achieved the 50 percent diversion requirement; or that a compliance order should be assigned to a jurisdiction that has failed to adequately implement its SRRE and/or failed to achieve the diversion requirement.

Alternatively, a jurisdiction that has not achieved the diversion requirement may petition for one or more time extensions to meeting the 50 percent diversion requirement for a maximum of five years; no extensions may be effective beyond January 1, 2006 (PRC Section 41820).

PRC Section 41820(b) further provides that:

> *"(1) When considering a request for an extension, the board may make specific recommendations for the implementation of alternative programs.*
> *(2) Nothing in this section shall preclude the board from disapproving any request for an extension.*
> *(3) If the board disapproves a request for an extension, the board shall specify its reasons for the disapproval."*

The Board may initially grant a one, two or three year extension for meeting the diversion requirements if the following conditions are met:

- The jurisdiction has submitted all required planning elements;
- The Board finds that the jurisdiction is making a good faith effort to implement the programs identified in its SRRE;
- The jurisdiction submits a plan of correction demonstrating that it will meet the diversion requirements by the time the extension expires including: the programs that it will expand or start implementing, the dates of implementation, and the means of funding.

2. Basis for staff's analysis

Staff's analysis is based upon the information below.

Existing Jurisdiction Conditions:

Key Jurisdiction Conditions								
Waste Stream Data								
Base Year	**1999**	**2000**	**2001**	**2002**	**Pounds waste generated per person per day (ppd)**	**Population**	**Non-Residential Waste Stream Percentage**	**Residential Waste Stream Percentage**
2003	39	45	49	44*	8.04	77,700	77	23

* Although the City put 46% in their application, the 2003 new base year review was not completed; therefore the based on the latest 2003 base year study, the diversion rate was determined to be 44%.

SB 1066 Data			
Extension End Date	**Program Review Site Visit by Board Staff**	**Reporting Frequency**	**Proposed Diversion Increase**
12/31/2005	2005	Interim Report Final Report	7-13%

City's geographic location: The City is located in Western Riverside County, bordered by the Cities of Temecula, Lake Elsinore and Riverside County.

Staff Analysis of First SB 1066 Application:

Attachments 1 provides an overview of the following:

- The barriers faced by the jurisdiction to meeting the 50% diversion requirement, and the jurisdiction's explanation as to why additional time is necessary for meeting the diversion requirement;
- Staff's analysis of the reasonableness of the request;
- Diversion programs the jurisdiction is proposing to expand or newly implement in the Plan of Correction (Section IV-A of the SB1066 Time Extension application);
- Staff's analysis of whether the programs to be expanded or newly proposed are appropriate, given the barriers confronted by the jurisdiction, and the jurisdiction's waste stream.

Plan of Correction:

A jurisdiction's SB1066 time extension request must include a Plan of Correction that:

a. demonstrates meeting 50 percent before the time extension expires;

b. includes source reduction, recycling, and composting programs the City will modify existing programs and add a new program for implementation ;

c. identifies the date when 50 percent will be achieved;

d. identifies funding necessary for new and/or expanded programs.

The jurisdiction's Plan of Correction meets the above requirements. Board staff has also conducted an assessment of the jurisdiction's current program implementation, including a program review site visit. Based on Board staff's understanding of the relevant circumstances in the jurisdiction that contributed to the need for an extension, Board staff believes the jurisdiction's proposed new Plan of Correction to be reasonable. The jurisdiction's request and staff's analyses are explained in the attachment matrix (Attachment 1) for the jurisdiction.

In addition, PRC Section 41820(d) directs Board staff to provide technical assistance to a jurisdiction that requests assistance in meeting the diversion requirements, such as identifying model policies and programs implemented by other jurisdictions of similar size, geography, and demographic mix. Lastly, a jurisdiction with a Board-approved time extension is required to include a summary of its progress in complying with its Plan of Correction in each annual report that is due prior to the end of the time extension [per PRC Section 41821(b)(5)]. Staff recommends the City be required to submit an interim status report, as well as a final report at the end of the extension with the Annual Report.

3. Findings

Staff has determined that the Board may grant the requested first Time Extension because it meets the requirements of PRC Section 41820; specifically:

- The jurisdiction has submitted all required planning elements.
- The jurisdiction is making a good faith effort to implement the programs identified in its SRRE and those proposed in its first Plan of Correction.
- The jurisdiction has submitted a Plan of Correction demonstrating it will meet the diversion requirements by the time the extension expires including: the programs it will expand or start implementing, the dates of implementation, and the means of funding.

A comprehensive list of the jurisdiction's SRRE-selected and implemented diversion programs is provided in Attachment 2. Because of the jurisdiction's efforts to-date and its plans for expanding those efforts to reach the 50 percent diversion requirement as outlined in its Plan of Correction, staff is recommending approval of the City's first SB1066 time extension application.

B. Environmental Issues

Based on available information, staff is not aware of any environmental issues related to this item.

C. Program/Long Term Impacts

Allowing the City more time to implement diversion programs will help to increase waste diversion, both locally and statewide.

D. Stakeholder Impacts

Allowing the City more time to implement new and expanding diversion programs and to measure the impact these newly expanded programs have had on diversion will assist the City in achieving the diversion requirement of PRC Section 41780.

E. Fiscal Impacts

No fiscal impact to the Board results from this item.

F. Legal Issues

As discussed above, this item represents the process for implementing PRC Section 41820 that allows jurisdictions to petition for more time to implement additional diversion programs to achieve the 50 percent diversion requirement, and allows the

Board the discretion to grant that time extension.

G. Environmental Justice Community Setting.

2000 Census Data – Demographics for City of Murrieta						
% White	**% Hispanic**	**% Black**	**%Native American**	**%Asian**	**%Pacific Islander**	**%Other**
71.8	17.5	3.2	0.4	3.9	0.2	0.2

2000 Census Data – Economic Data for City of Murrieta		
Median annual income*	**Mean (average) income***	**% individuals below poverty level**
60,911	71,966	4.3

* Per household

- **Environmental Justice Issues.** According to the jurisdictional representative, there are no environmental justice issues related to this item in the community.
- **Efforts at Environmental Justice Outreach.** The City uses brochures, newsletters, and give-aways to promote recycling to all residential and commercial sectors. To increase participation, the City will expand the dissemination of information to residents and businesses on the new construction and demolition program at the MRF.
- **Project Benefits.** Expansion of the existing, and implementation of the additional programs and facilities listed in Attachment 1 will help to increase the City's diversion rates.

H. 2001 Strategic Plan

This item supports Strategic Plan goal 2, objective 3 (Support local jurisdictions' ability to reach and maintain California's waste diversion mandates), strategy (D) (Assess and assist local governments' efforts to implement programs and reduce disposal, taking corrective action as needed) by assessing the City's efforts to implement programs and reduce disposal.

This item also supports Strategic Plan goal 7, objective 1 (Promote source reduction to minimize the amount of waste generated, strategy (B): Continue to work with jurisdictions to ensure they meet and/or exceed existing waste diversion mandates) by demonstrating staff's continual efforts to work with jurisdictions to ensure they meet and/or exceed the waste diversion mandates.

VI. FUNDING INFORMATION

This item does not require any Board fiscal action.

VII. ATTACHMENTS

1. Time Extension Matrix for the City of Murrieta
2. SB1066 Time Extension Application for the City of Murrieta
3. Program Listing for the City of Murrieta
4. Resolution Number 2005-176

VIII. STAFF RESPONSIBLE FOR ITEM PREPARATION

A. Program Staff: Melissa Vargas **Phone:** (916) 341-6243
B. Legal Staff: Elliot Block **Phone:** (916) 341-6080
C. Administrative Staff: NA Phone: NA

IX. WRITTEN SUPPORT AND/OR OPPOSITION

A. Support

Staff had not received any written support at the time this item was submitted for publication.

B. Opposition

Staff had not received any written opposition at the time this item was submitted for publication.

City of Murrieta First Time Extension Application Matrix

Barriers/Reason for First Time Extension	Staff's Analysis
Barriers in Commercial programs: • With the completion of the City's new base year, the City was able to identify businesses that were not participating in the City's recycling programs. **Reasons for First Time Extension:** • The City needs additional time to outreach to the commercial sector. Time is needed to target the largest waste generators with on site visits.	**Commercial program:** • Staff concurs that with the City's newly completed base year, the City will now have the opportunity to contact those businesses who currently do not have recycling plans in place. • By targeting the City's largest generators first, the City will ensure that commercial diversion activities are being maximized.
Barriers in Construction and Demolition program: • Another major barrier for the City, as well as other cities in the State, is the lack of enforcement for developers and contractors to utilize the City's franchise hauler. This has resulted in a lack of accountability of tonnage generated from construction and demolition projects. • The lack of permitted construction and demolition facilities where material generated from construction can be diverted. • Lack of a sorting facility at the MRF to effectively sort and divert construction and demolition material. • The lack of facilities that can accept and reuse material generated form construction and demolition projects. **Reasons for First Time Extension:** • The City needs the additional time to implement requirements from the City's Planning and Building Department that will place conditions of approval on all new construction and demolition projects that will require the use of the City's franchise hauler for the diversion of all the debris. • The City's hauler will set up a on-site separation program for contractors and a sorting capability through a materials recovery facility. • The City has permitted a new concrete and asphalt crushing facility and has another facility who will handle the crushing of concrete generated from construction and demolition projects. • Additional time is also needed to provide the necessary outreach to educate the contractors about the new requirements and to also monitor the participation and effectiveness of the program.	**Construction and Demolition (C&D) program:** • Staff agrees with the City's steps to expand their construction and demolition program by dedicating a code enforcement officer to ensure compliance will assist the City with ensuring C&D materials are being diverted to the proper recycling facilities. • Conditions of approval for permits requiring contractors to use the City franchise hauler for the removal of all debris is an essential part of the City's C&D program. • Staff agrees that the City needs sorting capabilities at the MRF. Requiring the hauler to separate materials at its processing facility is an important part of the City's C&D program. • Having facilities who can accept construction and demolition materials for eventual reuse is vital for the success of the City's C&D program. Staff agrees with the City's plan to permit two facilities who can accept materials generated from construction and demolition projects as a viable option for diverting this material from the landfill.

Plan of Correction	Staff's Analysis	Estimated Percent Diversion
4060-SP-CAR C&D **7000-FR-MRF** The City plans a C&D program that includes at least four components: forcing construction debris into the waste stream managed by the City, which is not now occurring, establishing and on-site separation program; requiring the hauler to do C&D sorting at a new MRF; and permitting concrete and asphalt recycling facilities.	Staff agrees that by implementing these components to divert construction and demolition materials from the landfill is important. The City's approach with permitting new facilities, MRF sorting capabilities, conditional approval of permits and enforcement are a cohesive way to address diversion of this material.	4-10%
2030-RC-OSP Increase participation from business and industrial sectors though promoting technical outreach.	It is critical to target the commercial and industrial generators to promote and encourage participating more in the recycling program as 69 percent of the waste in the City is generated by the non-residential sector.	3%
Total Estimated Diversion Percent From New and/or Expanded Programs		7-13 %
Current Diversion Rate Percent From Latest Annual Report		44%
Total Planned Diversion Percent Estimated		51-57%

Support Programs	
5010 Print Education The City and hauler have committed to a $50,000 annual special education program that is being designed to extend beyond the usual. It is at this point undefined, but is expected to include targeted advertising and unique promotional and outreach activities. The plan will change each year to focus on areas of need. The hauler is creating a new position on its staff for a recycling representative to call on commercial/industrial accounts to explain recycling opportunities and gain participation in recycling programs.	Education outreach is critical to the success of the City's programs. By educating the business sector about the City's recycling program the City will ensure that one of the necessary steps has been taken to implement this program that is intended to maximize participation.
5020 Outreach The City and hauler have agreed to jointly fund a $50,000 annual education fund to be used for new and beyond-the-usual recycling education and promotion activities. The hauler has created a new position to focus exclusively on direct contact with commercial/industrial accounts to involve them in recycling.	Outreach is a critical component to the success of the City's program implementation. Outreach will ensure that education materials are reaching all potential participants in order to maximize participation. Staff agrees that by customizing the outreach to reach the business/industrial sector will help maximize participation in these sectors.

1030 Procurement The City requires that vendors utilized recycled paper for printing City newsletters, recreation brochures and publications. This is in addition to all City stationary which includes letterhead, envelopes and business cards which are already being printed on recycled paper. The program has been expanded to include in solicitations the requirement that vendors that are retained to print City newsletters, publications and recreation brochures use only recycled paper. This is in addition to the purchase of all City stationary, which the City previously purchased with recycled content.	Staff agrees with the City's approach to extend their requirement to vendors to use recycled content paper for City newsletters, publications and recreation brochures.
6020 Ordinance The hauler has funded a code enforcement officer for the City to enforce the City's Municipal Code requiring all construction debris be processed through the City's franchised waste hauler.	Staff agrees that in order to strengthen the current C&D program the City is implementing by placing conditions of approval on permits through the Planning and Building Department, while also ensuring compliance through the hiring of a code enforcement officer, is important to divert recyclable materials generated from construction and demolition projects from the landfill.

To request a Time Extension (TE) or Alternative Diversion Requirement (ADR), please complete and sign this form and return it to your Office of Local Assistance (OLA) representative at the address below, along with any additional information requested by OLA staff. When all documentation has been received, your OLA representative will work with you to prepare for your appearance before the Board. If you have any questions about this process, please call (916) 341-6199 to be connected to your OLA representative.

Mail completed documents to:

California Integrated Waste Management Board
Office of Local Assistance, (MS 25)
1001 I Street
PO Box 4025
Sacramento CA 95812-4025

General Instructions:

For a Time Extension complete Sections I, II, III-A, IV-A, and V.

For an Alternative Diversion Requirement complete Sections I, II, III-B, IV-B and V.

Section I: Jurisdiction Information and Certification

All respondents must complete this section.

I certify under penalty of perjury that the information in this document is true and correct to the best of my knowledge, and that I am authorized to make this certification on behalf of:

Jurisdiction Name	County
Murrieta	Riverside
Authorized Signature: Lori A. Moss	Title: City Manager

Type/Print Name of Person Signing	Date	Phone
Lori A. Moss	5/16/05	(951) 461-6010

Person Completing This Form (please print or type)	Title
Nancy Driggers	Solid Waste Coordinator

Phone	E-mail Address	Fax
(951)461-6008	ndriggers@murrieta.org	(951)698-4509

Mailing Address	City	State	ZIP Code
26442 Beckman Court	Murrieta	CA	92562

Section II—Cover Sheet

This cover sheet is to be completed for each Time Extension (TE) or Alternative Diversion Requirement (ADR) requested.

1. Eligibility

Has your jurisdiction filed its Source Reduction and Recycling Element, Household Hazardous Waste Element, and Nondisposal Facility Element with the Board (must have been filed by July 1, 1998 if you are requesting an ADR)?

☐ No. If no, stop; not eligible for a TE or ADR.

☒ Yes. If yes, then eligible for a TE or ADR.

2. Specific Request and Length of Request

Please specify the request desired.

☒ **Time Extension Request**

Specific years requested _2005_____

Is this a second request? ☒ No ☐ Yes Specific years requested. _ _____

(**Note:** Requests for an additional extension will need to address why the jurisdiction's efforts to meet the 50% goal by the end of the first extension were not successful.)

☐ **Alternative Diversion Requirement Request (*Not allowed for Regional Agencies*).**

Specific ADR requested _ _____%, for the years_ _____.

Is this a second ADR request? ☐ No ☐ Yes Specific ADR requested _ ____%, for the years _ _____

(**Note:** Requests for an additional ADR will need to address why the jurisdiction's efforts to meet 50% by the end of the first ADR period were not successful.)

Note: Extensions may be requested anytime by a jurisdiction, but will only be effective in the years from January 1, 2000 to January 1, 2006. An original request for a TE/ADR may be granted for any period up to three years and subsequent requests for TE/ADR may extend the original request or be based on new circumstances but the total number of years for all requests cannot total more than five years or extend beyond January 1, 2006.

Section IIIA—TIME EXTENSION

Within this section, discuss your jurisdiction's progress in implementing diversion programs that were planned to achieve 50%. Provide any additional information that demonstrates "good faith effort." The CIWMB shall determine your jurisdiction's progress in demonstrating "good faith effort" towards complying with AB 939. Note: The answers to each question should be comprehensive and provide specific details regarding the jurisdiction's situation.

Attach additional sheets if necessary—please reference each response to the appropriate cell number (e.g., IIIA-1).

1. **Why does your jurisdiction need more time to meet the 50% goal? Describe why SRRE selected programs did not achieve 50% diversion. Identify barriers to meeting the 50% goal and briefly indicate how they will be overcome.**

The City is requesting additional time to reach the goal since implementation of all programs in its SRRE has not resulted in 50% diversion. This has resulted primarily from a lack of a C&D program in the SRRE and a need for a more aggressive educational approach to recycling, particularly on the part of commercial enterprises.

The City plans a C&D program that includes these components:

1. Forcing contractor debris into the city waste stream through conditions on permits and code enforcement. The City's franchised waste hauler has agreed to fund the cost of one dedicated code enforcement officer for three years that will work to gain compliance by contractors with City requirements to send construction debris through the City's franchised hauler. This debris is currently unaccounted for, in large measure. Planning and Building Departments also will condition projects to use the City's hauler (the Municipal Code requires this already, but conditions will make it more obvious), and names of permit holders will be submitted to the hauler for follow-up.

Possible barriers include failure of contractors to comply with these conditions. The City has the authority to cancel the permit if certain conditions are not met by contractors.

2. Requiring the hauler to provide a construction site separation program; requiring the hauler to separate materials at its processing facility. A new contract with the hauler requires greater effort on its part to keep C&D materials its handles out of the landfill. The hauler will set up an on-site separation program for contractors and also is developing a sorting capability through a materials recovery facility planned for this purpose.

Possible barriers include delays in development of the sorting capability. As this is now a contractural requirement, the City has the option of of pursuing the hauler if it fails to implement the program.

3. Crushing and reuse of concrete and asphalt. The City has already permitted one concrete and asphalt crushing facility that is expected to become operational in mid 2005. A second permit is pending for a concrete batch plant that wishes to crush its debris for reuse in road beds.

Possible barriers include delays in the opening of the concrete and asphalt crushing facility. The City will try to assist the operators of this facility to ensure the facility opens within its projected time frame.

4. Since completion of the new base year application, the City has been in the process of identifying specific commercial generators that don't have recycling plans in place. This is expected to be done by June 2005. The City will then target these businesses for implementation of programs by July 2005. Reassessment/follow-up by monitoring disposal records will ensure programs continue to be implemented.

Possible barriers include resistance on the part of the business to implement a recycling program. The City will pursue these businesses to gain cooperation in the recycling program.

2. Why does your jurisdiction need the amount of time requested? Describe any relevant circumstances in the jurisdiction that contribute to the need for a Time Extension.

The City has recently reached a new agreement with its waste hauler that includes several new programs that require time to be put in place. The City recently completed a new base year application that helped identify areas in which improvement could be made. The City believes changes being implemented will result in exceeding the 50% goal.

3. Describe your jurisdiction's Good Faith Efforts to implement the programs in its SRRE.

All programs have been implemented.

4. Provide any additional relevant information that supports the request.

The City has continually suffered from incorporating post 1990 and ending up, as a consequence, with an artificially constructed base year that did not adequately categorize the waste stream and programs appropriate to dealing with it.

Section IIIB—ALTERNATIVE DIVERSION REQUIREMENT

Within this section, discuss your jurisdiction's progress in implementing diversion programs that were planned to achieve 50%. Provide any additional information that demonstrates "good faith effort." The CIWMB shall determine your jurisdiction's efforts in demonstrating "good faith effort" towards complying with AB 939. Note: The answers to each question should be comprehensive and provide specific details regarding the jurisdiction's situation.

Attach additional sheets if necessary—please reference each response to the appropriate cell number (e.g., IIIB-1.).

1. Why does your jurisdiction need and Alternative Diversion Requirement? Describe why SRRE selected programs did not achieve 50% diversion. Identify barriers to meeting the 50% goal and briefly indicate how they will be overcome.

2. Why is your jurisdiction requesting an Alternative Diversion Requirement in lieu of a Time Extension?

3. Describe your jurisdiction's Good Faith Efforts to implement the programs in its SRRE.

4. Describe any relevant circumstances in the jurisdiction that contribute to the need for an ADR. Provide any relevant information that supports the request.

Section IV A—PLAN OF CORRECTION

A Plan of Correction is required by PRC Section 41820(a)(6)(B). The plan is fundamentally a description of the actions the jurisdiction will take to meet the 50% goal by the expiration of the Time Extension.

Attach additional sheets if necessary.

Residential %	31	Non-residential %	69

PROGRAM TYPE **Please use the Board's Program Types. The Program Glossary is online at:** www.ciwmb.ca.gov/LGCentral/PARIS/Codes/Reduce.htm	NEW or EXPAND	DESCRIPTION OF PROGRAM	FUNDING SOURCE	DATE FULLY COMPLETED	ESTIMATED PERCENT DIVERSION
4060-SP-CAR, 7000-FR-MRF	New	The City plans a C&D program that includes at least four components: forcing construction debris into the waste stream managed by the City, which is not now occuring; establishing and on-site separation program; requiring the hauler to do C&D sorting at a new MRF; and permitting concrete and asphalt recycling facilities.	Rate Payor/hauler/City	2005	4-10
2030-RC-OSP	Expand	Increase participation from business and industrial sectors through promoting technical outreach.	Hauler/ City	2005	3
		Total Estimated Diversion Percent From New and/or Expanded Programs			7-13
		Current Diversion Rate Percent From Latest Annual Report			47
		Total Planned Diversion Percent Estimated			54-60

PROGRAMS SUPPORTING DIVERSION ACTIVITIES

PROGRAM TYPE	NEW or EXPANDED	DESCRIPTION OF PROGRAM	DATE FULLY COMPLETED
5010-ED-PRN	Expanded	The City and hauler have committed to a $50,000 annual special education program that is being designed to extend beyond the usual. It is at this point undefined, but is expected to include targeted advertising and unique promotional and outreach activities. The plan will change each year to focus on areas of need. The hauler is creating a new position on its staff for a recycling representative to call on commercial/industrial accounts to explain recycling opportunities and gain participation in recycling programs.	2005
5020-ED-OUT	Expanded	The City and hauler have agreed to jointly fund a $50,000 annual education fund to be used for new and beyond-the-usual recycling education and promotion activities. The hauler has created a new position to focus exclusively on direct contact with commercial/industrial accounts to involve them in recycling.	2005
1030-SR-PMT	Expanded	The City requires that vendors utilized recycled paper for printing City newsletters, recreation brochures, and publications. This is in addition to all City stationary which includes letterhead, envelopes and business cards which are already being printed on recycled paper.	2005
6020-PI-Ord	Expanded	The hauler has funded a code enforcement officer for the City to enforce the City's Municipal Code requiring all construction debris be processed through the City's franchised waste hauler.	2005

Section IV B—GOAL ACHIEVEMENT

Goal Achievement describes the activities the jurisdiction will use to achieve the ADR.
Attach additional sheets if necessary..

Residential %		Non-residential %	

PROGRAM TYPE Please use the Board's Program Types. The Program Glossary is online at: www.ciwmb.ca.gov/LGCentral/PARIS/Codes/Reduce.htm	NEW or EXPAND	DESCRIPTION OF PROGRAM	FUNDING SOURCE	DATE FULLY COMPLETED	ESTIMATED PERCENT DIVERSION
		Total Estimated Diversion Percent From New and/or Expanded Programs			
		Current Diversion Rate Percent From Latest Annual Report			
		Total Planned Diversion Percent Estimated			

PROGRAMS SUPPORTING DIVERSION ACTIVITIES

PROGRAM TYPE	NEW or EXPAND	DESCRIPTION OF PROGRAM	DATE FULLY COMPLETED

Section V – PARIS

Office of Local Assistance staff will be reviewing your Jurisdiction's Planning Annual Report Information System (PARIS) database printout as part of the evaluation of your request. Should the Jurisdiction have updates or revisions to the program implementation from the latest Annual Report submitted to the Board, please attach to the application the Jurisdiction's PARIS database printout showing updates or revisions.

Contact your Office of Local Assistance Representative at (916) 341-6199 for a copy of PARIS, or go to the Board's website at **www.ciwmb.ca.gov/LGCentral/PARIS/**.

CITY OF MURRIETA

May 25, 2005

Melissa Vargas
California Integrated Waste Management Board
Office of Local Assistance (MS 25)
1001 I Street
P.O. Box 4025
Sacramento, CA 95812-4025

RE: Time Extension

Dear Ms. Vargas:

Please add the following language pertaining to the City's procurement program as an addendum to the City's Time Extension application. "The program has been expanded to include in solicitations the requirement that vendors that are retained to print City newsletters, publications and recreation brochures use only recycled paper. This is in addition to the purchase of all City stationary, which the City previously purchased with recycled content."

Should you need any additional information to assist the Board in approval of the City's Time Extension, please do not hesitate to call me at (951) 461-6008.

Very truly yours,

Nancy Driggers
Administrative Analyst

✓cc: Al Vollbrecht, Administrative Services Manager

26442 Beckman Court • Murrieta, California 92562
phone: 951.304.CITY (2489) • fax: 951.698.4509 • web: murrieta.org

Office of Local Assistance

Program Listing for Murrieta

Date Printed
June 3,2005

Program Code	Existed	Slcted?	Pre 1995 Start	------ 1995 ------ Status	------ 1996 ------ Status	------ 1997 ------ Status	------ 1998 ------ Status	------ 1999 ------ Status	------ 2000 ------ Status	------ 2001 ------ Status	------ 2002 ------ Status
1000-SR-XGC Xeriscaping/Grasscycling	N	Y	1999	NI 4, 99	NI 99	NI 99	NI 4	SI	SO	SO	SO
1010-SR-BCM Backyard and On-Site Composting/Mulching	N	Y	1994	SO	SO	SO	SO	SO	SO	SO	SO
1020-SR-BWR Business Waste Reduction Program	Y	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO
1030-SR-PMT Procurement	N	Y	1997	PF	PF	SI	SO	SO	SO	SO	SO
1050-SR-GOV Government Source Reduction Programs	N	Y	1995	SI	SO	SO	SO	SO	SO	SO	SO
1060-SR-MTE Material Exchange, Thrift Shops	Y	Y	1991	SO	SO	SO	SO	SO	SO	SO	SO
2000-RC-CRB Residential Curbside	N	Y	1994	SO	SO	SO	SO	SO	SO	SO	SO
2010-RC-DRP Residential Drop-Off	N	Y	1991	SO	SO	SO	SO	SO	SO	SO	SO
2020-RC-BYB Residential Buy-Back	N	Y	1991	SO	SO	SO	SO	SO	SO	SO	SO
2030-RC-OSP Commercial On-Site Pickup	Y	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO

Status Code Legend

SO = Selected Ongoing
AO = Alternative Ongoing
SI = Selected Implemented
AI = Alternative Implemented
M = Regional Agency did not exist or city was not incorporated or city
D = Dropped
DE = Dropped in Earlier Year
NI = Selected and Not Implemented
PF = Planned Future
NA = Program did not exist

Reason Code

1 = Delays in bringing diversion facilities online.
2 = Unavoidable regulatory delays.
3 = Existing contractual or legal problems.
4 = Insufficient funding.
5 = Insufficient staffing.
6 = Lack of cooperation from other entities.
7 = Sufficient diversion without selected program.
8 = Lack of markets necessary to support

Application: PARIS

Office of Local Assistance

Program Listing for Murrieta

Date Printed
June 3,2005

Program Code	Existed	Slcted?	Pre 1995 Start	------ 1995 ------ Status	------ 1996 ------ Status	------ 1997 ------ Status	------ 1998 ------ Status	------ 1999 ------ Status	------ 2000 ------ Status	------ 2001 ------ Status	------ 2002 ------ Status
2050-RC-SCH School Recycling Programs	N	Y	1999	NI 99	NI 99	NI 99	NI 99	SI	SO	SO	SO
2060-RC-GOV Government Recycling Programs	N	N	1993	AO	AO	AO	AO	AO	AO	AO	AO
2070-RC-SNL Special Collection Seasonal (regular)	Y	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO
2080-RC-SPE Special Collection Events	N	N	1994	AO	AO	AO	AO	AO	AO	AO	AO
3000-CM-RCG Residential Curbside Greenwaste Collection	N	Y	1994	SO	SO	SO	SO	SO	SO	SO	SO
3010-CM-RSG Residential Self-haul Greenwaste	N	N	1994	AO	AO	AO	AO	AO	AO	AO	AO
3020-CM-COG Commercial On-Site Greenwaste Pick-up	N	N	1990	AO	AO	AO	AO	AO	AO	AO	AO
4010-SP-SLG Sludge (sewage/industrial)	N	N	1991	AO	AO	AO	AO	AO	AO	AO	AO
4020-SP-TRS Tires	N	N	1995	AI	AO	AO	AO	AO	AO	AO	AO
4030-SP-WHG White Goods	N	N	1991	AO	AO	AO	AO	AO	AO	AO	AO

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Application: PARIS

Office of Local Assistance

Program Listing for Murrieta

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4040-SP-SCM Scrap Metal	N	Y	1991	SO	SO	SO	SO	SO	SO	SO	SO
4050-SP-WDW Wood Waste	N	Y	1995	SI	SO	SO	SO	SO	SO	SO	SO
4060-SP-CAR Concrete/Asphalt/Rubble	N	N	1995	AI	AO	AO	AO	AO	AO	AO	AO
4090-SP-RND Rendering	N	N	1996	NA	AI	AO	AO	AO	AO	AO	AO
4100-SP-OTH Other Special Waste	N	Y	1991	SO	SO	SO	SO	SO	SO	SO	SO
5000-ED-ELC Electronic (radio ,TV, web, hotlines)	N	Y	1994	SO	SO	SO	SO	SO	SO	SO	SO
5010-ED-PRN Print (brochures, flyers, guides, news articles)	N	Y	1994	SO	SO	SO	SO	SO	SO	SO	SO
5020-ED-OUT Outreach (tech assistance, presentations, awards, fairs, field trips)	N	Y	1994	SO	SO	SO	SO	SO	SO	SO	SO
5030-ED-SCH Schools (education and curriculum)	N	Y	1996	PF	SI	SO	SO	SO	SO	SO	SO
6000-PI-PLB Product and Landfill Bans	N	Y	1995	SI	SO	SO	SO	SO	SO	SO	SO

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6010-PI-EIN Economic Incentives	N	Y	1998	PF	PF	PF	SI	SO	SO	SO	SO
6020-PI-ORD Ordinances	N	Y	1998	PF	PF	PF	SI	SO	SO	SO	SO
7000-FR-MRF MRF	N	Y	1996	PF	SI	SO	SO	SO	SO	SO	SO
7010-FR-LAN Landfill	Y	Y	1991	SO	SO	SO	SO	SO	SO	SO	SO
7020-FR-TST Transfer Station	N	Y	1990	NI 99	NI 99	NI 99	NI 99	NI 99	NI 99	SI	SO
7030-FR-CMF Composting Facility	N	Y	1994	SO	SO	SO	SO	SO	SO	SO	SO
8010-TR-BIO Biomass	N	N	2000	NA	NA	NA	NA	NA	AI	AO	AO
9000-HH-PMF Permanent Facility	N	N	1996	PF	SI	SO	SO	SO	SO	SO	SO
9010-HH-MPC Mobile or Periodic Collection	Y	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO
9020-HH-CSC Curbside Collection	N	Y	1993	SO	SO	SO	SO	SO	SO	SO	SO

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9030-HH-WSE Waste Exchange	N	Y	1993	SO	SO	SO	SO	SO	SO	SO	SO
9040-HH-EDP Education Programs	N	Y	1993	SO	SO	SO	SO	SO	SO	SO	SO

Add any additional programs below

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CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Resolution 2005-176

Consideration Of The Application For A SB1066 Time Extension By The City of Murrieta, Riverside County

WHEREAS, in 1997, Senate Bill (SB) 1066 modified PRC Section 41820 and Section 41785 for multiple year and multiple requests from jurisdictions for Time Extensions or Alternative Diversion Requirements in meeting the 50 percent diversion requirement; and

WHEREAS, the Board developed an application intended to provide guidance on the information and documentation that is needed to meet the requirements identified in PRC Sections 41820 and 41785, and approved the application on May 23, 2000; and

WHEREAS, the City of Montclair (City) has submitted a completed SB1066 Time Extension application with the information and documentation required;

WHEREAS, based on its review of the City's SB 1066 application, Board staff believes the City has been implementing diversion programs selected in its Source Reduction and Recycling Element, and agrees with the City that it nevertheless needs more time to achieve the 50 percent diversion requirement, and agrees with the City's proposed Plan of Correction;

NOW, THEREFORE, BE IT RESOLVED that the Board hereby accepts the City of Murrieta's SB 1066 application for a time extension through December 31, 2005, to implement the programs identified in the Plan of Correction and to meet the 50 percent diversion requirement.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board directs the City to report on its progress in implementing its Plan of Correction, and a final report at the end of the extension in its Annual Report.

CERTIFICATION

The undersigned Executive Director, or his designee, of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on July 19-20, 2005.

Dated:

Mark Leary
Executive Director

California Integrated Waste Management Board

Board Meeting

July 19-20, 2005

AGENDA ITEM 24

ITEM

Consideration Of A Request To Change The Base Year To 2003 For The Previously Approved Source Reduction And Recycling Element; And Consideration Of The Petition For Sludge Diversion Credit For The City Of Murrieta, Riverside County

I. ISSUE/PROBLEM STATEMENT

The City of Murrieta (City) in Riverside County has requested to change its base year to 2003. The City has requested a 43 percent diversion rate for the 2003 new base year. With the California Integrated Waste Management Board (Board) staff-recommended new base year, the City's diversion rate would be 40 percent for 2003. With biomass credit, the diversion rate for 2003 is 44 percent. A complete listing of the City's implemented programs is provided in Attachment 1 of this agenda item.

II. ITEM HISTORY

This is the first time this item is coming before the Board.

III. OPTIONS FOR THE BOARD

The Board may:

1. Approve the City's base-year change as originally submitted.
2. Approve the City's base-year change with staff's and/or Board-suggested modifications.
3. Disapprove the City's base-year change.

IV. STAFF RECOMMENDATION

Board staff has determined that the method used to establish the new base-year with the recommended modifications has been adequately documented, and is generally consistent with previous Board standards for accuracy. Board staff therefore recommends the Board adopt Option 2: approve the City's new base-year with staff's and/or Board-suggested recommendations.

V. ANALYSIS

A. Key Issues and Findings

1. Background

Public Resources Code (PRC) Sections 41031 (cities) and 41331 (counties) require information submitted by jurisdictions on the quantities of solid waste generated, diverted, and disposed of, to include data that are as accurate as possible. At its March 1997 meeting, the Board approved methods for jurisdictions to use for improving the accuracy of their base-year generation data. One of the approved methods allows a jurisdiction to establish a more current base year.

2. Basis for staff's analysis

Staff's analysis is based upon the information below.

Existing Jurisdiction Conditions:

Diversion Rate Data (Percent)						Key Jurisdiction Conditions			
						Waste Stream Data			
Base Year	1999	2000	2001	2002	2003*	Pounds waste generated per person per day (ppd)	Population	Non-Residential Waste Stream Percentage	Residential Waste Stream Percentage
2003	**ND**	**ND**	**ND**	**ND**	**40**	**8.04**	**77,700**	**77%**	**23%**

* This value is based on the County's proposed 2003 base year change, discussed in the "Base Year Change" section below.

Geographic location: Murrieta, CA, population 77,700, is located in California's Riverside county, about 26.5 miles from Oceanside and 26.6 miles from Moreno Valley.

Base-Year Change

The City has requested to change its base year from 1990 to 2003. The City considers the 2003 data to be more accurate, and the best available data. There was no extrapolation of diversion data.

To estimate the waste generation in 2003, the City used disposal data from the Board's Disposal Reporting System and collected diversion information from the activities listed below. Board staff conducted a site visit in October 2004 to verify these activities.

Program	Description
Residential Programs:	
Residential Curbside	Commingled recyclables are collected once a week in an automated container provided by the hauler. All single-family residents in the City are provided with this program, which is promoted at large venue events and residential requests for information. The hauler offers a 64-gallon container for commingled recycling materials and a 64-gallon container for green waste. If needed, a resident can request a 96-gallon container for recycling. There is an additional charge for additional trash and recycling containers. The hauler sends a welcome packet that describes the recycling services offered by the City to new residents signing up for services in the City. This is a commingled program and the following items are accepted: aluminum and steel cans, glass bottles and jars, plastic bottles, plastic containers newspaper and inserts, junk mail, white ledger paper, corrugated cardboard, magazines, colored construction paper, cereal boxes, and telephone books. Additional recycling containers available at a lower rate than additional trash containers. Waste Management promotes this program at large venue events and on their website
Residential Buy-Back	There are three buy back centers in the City that report volume information to the Department of Conservation, Division of Recycling (DOC/DOR).
Special Collection Seasonal (regular)	Christmas trees are collected as a regular part of the residential greenwaste program. Residents are advised to place non-flocked trees curbside on their normal service day. Telephone books are collected as part of the residential recycling program. Residents may call for an additional bulky item pick up at a nominal fee.
Special Collection Evens	Under the franchise agreement, WMI holds two bulky item pick ups per year. WMI picks bulky items up at the curb. Greenwaste and white goods are collected separately. Advertising is done through direct mail and the City's website and newsletter. In addition, the City's Code Enforcement Department assists each year with a local clean up that targets the Santa Margarita Watershed. The City's Code Enforcement also participates in a number of community clean up events in the City.

Program	Description
Residential Curbside Greenwaste Collection	WMI provides 64 gallon automated containers, under a franchise agreement. Greenwaste is collected and transported to the WMI Transfer Station and is then shipped in bulk to BP Johns for composting. Additional greenwaste containers are available at a lower rate than additional trash containers. WMI reports approximately 80-90% participation rate in the voluntary program. The City promotes the program on their website and with brochures at their front counter. WMI also provides information on their website.
Commercial Programs:	
Xeriscaping/Grasscycling	The City, Western Riverside Council of Governments (WRCOG), and the Riverside County Waste Management Department (RCWMD) promote this program at large venue events and on their websites.
Business Waste Reduction Program	The waste hauler (Waste Management Inc. (WMI)) and WRCOG offer businesses in the city waste assessments. Waste reduction is promoted by the City, WRCOG, and WMI at large venue events. This program has been expanded in early 2003 to work closely with the Chambers` of Commerce in the region to promote additional waste reduction activities.
Government Source Reduction Programs	The City continues to educate staff and new employees on waste reduction practices. Employees continue to receive ceramic cups to cut down on the use of stryofoam cups. Employees also continue to use double side copying, use washable dishes, and reuse office supplies.
Commercial On-Site Pickup	WMI continues to provide commercial recycling under a franchise agreement with the City. In May 2002, WMI mailed business brochures to all commercial businesses in the City to promote the recycling program. WMI continues to provide commercial recycling information to new commercial businesses signing up for service. WMI provides commercial trash services to 398 business, and commercial recycling services to 198 businesses. This is a commingled program and the following items continue to be accepted: computer paper, newspaper/inserts, copy machine paper, colored paper, letterhead, fax paper, construction paper, brochures, adding machine paper, catalogs, magazines, junk mail, card stock, envelopes, post-it notes, telephone books, corrugated cardboard, aluminum cans, plastic bottles, glass bottles and jars, and tin and metal food cans. Participation is voluntary; however, trash service is mandatory. Commercial recycling services are offered at a reduced rate from commercial trash services.
School Recycling Programs	A total of 14 schools are participating in the recycling program. WRCOG provided one elementary school assembly in the City. 716 children and teachers were present to learn about beverage container recycling and litter abatement. Flower seed cards were provided to all the children. Recycled content litter bags, pencils, frisbees, and yo-yo`s were provided to the children who answered questions on recycling.
Government Recycling Programs	WMI continues to provide commercial recycling bins to the City at no charge, under a franchise agreement. This is a commingled program and the City continues to recycle the remaining recyclable waste stream. The City provides recycling containers at employee's desks and at key points in City Hall, such as, copy machines and fax machines.
Commercial On-Site Greenwaste Pick-up	WMI offers commercial bins and roll-off containers for the collection of greenwaste. The commercial bin greenwaste materials are commingled with a small manure route and transported to Synagro for composting. The roll-off containers are transported to BP Johns for composting, ADC, chipping/grinding, and mulching
Scrap Metal	The City and Waste Management continue to direct residents to dispose of scrap metal at the local recycling facility. There is a scrap metal yard in the City. This facility accepts CRV materials, copper, scrap iron, brass, and stainless steel.
Wood Waste	WMI diverts woodwaste and concrete from construction and demolition loads. Wood waste is transported to BP Johns for chipping/grinding.
Concrete/Asphalt/Rubble	The City continues to send any street construction projects containing

Program	Description
	asphalt/concrete to a recycling center in Romoland. WMI diverts concrete from construction and demolition loads.
Schools (education and curriculum)	WMI and WRCOG offer school assemblies to promote recycling. WRCOG provided one elementary school assembly. 716 children attended the assembly. As follow up, the CIWMB `Closing the Loop Sampler` is mailed to the schools to promote the State's curriculum. WMI offers a recycled arts show and classroom assemblies with their robot.

Originally the jurisdiction claimed a diversion rate of 43 percent for 2003. Attachment 2a is the City's Base Year Modification Request Certification. As a result of Board staff's verification (desk review and on-site verification visits) of the City's claimed diversion, Board staff is recommending acceptance of the revised 2003 diversion rate of 40 percent.

The City appears to have programs that support the proposed diversion rate. Attachment 2b is the Base Year Modification Request Certification prepared by Board staff that provides additional details to support the Board staff's recommendations for the new base year.

Certification Changes

Based on staff's analysis of the jurisdiction's proposed new base year, as well as a site verification of the survey results conducted in October 2003, Board staff recommends several deductions, as well as additions. Board staff has discussed the proposed changes with City representatives. The City representatives agree with Board staff's recommendations for the proposed changes.

Attachment 3 is a summary of the changes showing what was originally claimed, Board staff findings, and the basis for the deductions and additions. With these changes, Board staff recommends the request for a new base year be approved.

Base Year Analysis

Murrieta	Disposal	Diversion	Generation
Old Base Year Tons (1990)	34,950	8,858	43,808
Jurisdiction New Base-Year Tons (2003)	68,858	52,561	121,419
Board Staff Recommended New (2003) Base-Year Tons	68,858	4,5149	114,007

2003 Diversion Rate using old 1990 Base Year	Jurisdiction Claimed Diversion Rate for New 2003 Base Year	Board Staff Recommended Diversion Rate for New 2003 Base Year
3%	43%	40%

In addition to any deductions already made by the City and Board staff, the Board has City to make additional deductions to the diversion tonnage. Public Resources Code Sections 41031, 41033, 41331, and 41333 provide that jurisdictions' waste characterization components (which contain the waste generation studies) shall include data that are as accurate as possible. These statutes provide the basis for allowing jurisdictions to request, and for the Board to approve, new base years. Consequently, in considering new base-year requests, the standard used by the Board is whether the new base year is as accurate as possible. To the extent that the Board determines that a portion of the new base year is not accurate, the Board may approve the remainder of the new base year, with the inaccurate portion removed.

Biomass Diversion Credit Claim

The City included in its 2003 diversion calculation a biomass diversion claim for 4,571 tons of material sent to Colmac facility located in Riverside County, California. Starting in 2000, PRC Section 41783.1 allows jurisdictions to include not more than 10 percent diversion through biomass conversion if the Board determines at a public hearing, based upon substantial evidence in the record, that certain conditions are met. The table below identifies those conditions, and how the City has met them.

Biomass Diversion Credit for the City of Murrieta	
Conditions for Counting Biomass Diversion	**How Conditions Were Met**
1. Jurisdiction is not also claiming diversion from transformation in the same reporting year	1. The City is not also claiming 2003 diversion credit for transformation.
2. Jurisdiction is, and will continue, to effectively implement all feasible source reduction, recycling, and composting measures.	2. The City is adequately implementing diversion programs, as shown in Attachment 1.
3. The material sent to a biomass facility was normally disposed by the jurisdiction (PRC Section 41781).	3. The material sent by the City to Colmac in 2003 was normally disposed by the City as indicated in its SRRE.
4. The biomass facility exclusively processes biomass (defined in PRC Section 40106).	4. Colmac only processes the following biomass materials: greenwaste, wood chips, wood waste, yard waste.
5. The biomass facility is in compliance with all applicable air quality laws, rules, and regulations.	5. Colmac met all applicable air quality laws, rules, and regulations.
6. The ash or other residue from the facility is regularly tested to determine if it is hazardous waste; and, if it is determined to be hazardous, the ash or other residue is sent to a Class I hazardous waste disposal facility.	6. In 2003 the ash was tested regularly and was determined to be not hazardous.

Approving the City's biomass diversion claim of 4,571 tons increases its 2003 diversion rate 4 percentage points (i.e., from 40 percent to 44 percent). Because the City and Colmac biomass facility meet the criteria for claiming biomass diversion credit, Board staff recommends the Board approve the City's biomass diversion claim for 2003.

Sludge Petition

PRC Section 41781.1 allows the Board to grant base year credit to jurisdictions hosting a sewage processing facility for sewage sludge diversion programs. Additionally, Title 14, California Code of Regulations (CCR), Section 18775.2 outlines the criteria that each jurisdiction must meet to petition the Board for sludge diversion credit. Staff has received and reviewed a petition from the City requesting that their diverted sludge tonnage be allowed to count towards these requirements.

Requirements for Jurisdictions:

Per 14 CCR Section 18775.2 (a) (1), in order to claim sludge diversion credit, a jurisdiction must submit a request that includes:

- A description of the proposed sludge diversion project;
- A description of the monitoring programs that will be established to insure that the sludge reuse project did not pose a threat to public health or the environment; and
- Written certification from the agent(s) responsible for implementing the project that

the proposed sludge reuse meets all applicable requirements of state and federal law.

Additionally, pursuant to PRC Section 41781 (b) and 14 CCR, Sections 18720 (44) and 18722 (m), a jurisdiction must demonstrate that the sludge was:

- A waste type disposed of in a Board-permitted disposal facility in the base year;
- Generated from a facility within the jurisdiction; and
- Normally disposed (comprised at least 0.001 percent of the jurisdiction's total disposed waste during the base year).

Requirements for Board Staff:
Upon receipt of the petition, staff reviews and analyzes the petition to determine whether sufficient information has been included in the request to enable the Board to make a finding. Board staff must notify the jurisdiction in writing within 45 days as to whether the petition is complete, pursuant to the criteria set forth in both PRC Section 41781.1 and 14 CCR Section 18775.2. Staff has reviewed the petition and found that the City has met the requirements of PRC, Sections 41781(b) and 41781.1, and Title 14, CCR Sections, 18775.2, 18720 and 18722.

In addition, PRC Section 41781.1 requires the Board to consult with, and obtain concurrence in the finding from the agencies listed below:
State Water Resources Control Board (SWRCB), and Regional Water Quality Control Boards (RWQCB),

- State Department of Health Services (DHS),
- State Air Resources Board (ARB), and Air Pollution Control Districts (APCD), and Air Quality Management Districts, and
- Department of Toxic Substances Control (DTSC)

Board staff has reviewed the data submitted by the City and accepts that the sludge has been adequately analyzed, that the materials reused as described do not pose a threat to public health or the environment, and are in concurrence with requirements of these agencies.

3. Findings
   Board staff believes the City has adequately documented its request for a 2003 base-year change. Therefore, staff is recommending approval of the staff-recommended base-year change request documented in Attachment 2b.

B. Environmental Issues
Based on available information, staff is not aware of any environmental issues related to this item.

C. Program/Long Term Impacts
Improving the accuracy of a jurisdiction's base year will lead to a more accurate statewide measurement.

D. Stakeholder Impacts
Approving the City's new base year will enable the City to more accurately measure the success of its diversion programs and therefore to more accurately report its progress to the Board.

E. Fiscal Impacts

No fiscal impact to the Board results from this item.

F. Legal Issues

As discussed above, this item represents the process for implementing PRC Section 41031 (cities) or 41331 (counties) that require jurisdictions to submit data on quantities of waste generated, diverted and disposed that are as accurate as possible.

G. Environmental Justice

Community Setting.

2000 Census Data – Demographics for City of Murrieta						
% White	**% Hispanic**	**% Black**	**% Native American**	**% Asian**	**% Pacific Islander**	**% Other**
71.8	17.5	3.2	0.4	3.9	0.2	0.2

2000 Census Data – Economic Data for City of Murrieta		
Median annual income	**Mean (average) income**	**% Individuals below poverty level**
60,911	71,966	4.3

*Per Household

- **Environmental Justice Issues.** According to the jurisdictional representative, there are no environmental justice issues related to the new base year study in this community.
- **Efforts at Environmental Justice Outreach.** The City uses brochures, newsletters, and give-aways to promote recycling to all residential and commercial sectors prepared by The Western Riverside Council of Government.
- **Project Benefits.** Improving the accuracy of this jurisdiction's base year will lead to a more accurate statewide measurement.

H. 2001 Strategic Plan

This item supports Strategic Plan Goal 2, Objective 3 (Support local jurisdictions' ability to reach and maintain California's waste diversion mandates), strategy (D) (Assess and assist local governments' efforts to implement programs and reduce disposal, taking corrective action as needed), by assessing the jurisdictions' efforts to implement programs and reduce disposal and thereby achieve the diversion requirement of PRC Section 41780.

VI. FUNDING INFORMATION

This item does not require any Board fiscal action.

VII. ATTACHMENTS

1. Program Listing for the City of Murrieta
2a. Base Year Modification Request Certification for the City of Murrieta
2b. Board staff Recommended Base-Year Modification Request Certification
3. Table A: Site Visit Verification Findings for the City of Murrieta
4. Resolution Number 2005-177

VIII. STAFF RESPONSIBLE FOR ITEM PREPARATION

A. Program Staff: Kaoru Cruz **Phone:** (916) 341- 6264
B. Legal Staff: Elliot Block **Phone:** (916) 341- 6080
C. Administration Staff: N/A **Phone:** N/A

IX. WRITTEN SUPPORT AND/OR OPPOSITION

A. Support

1. The City of Murrieta

B. Opposition

1. No known opposition.

Office of Local Assistance

Program Listing for Murrieta

Date Printed
June 6,2005

Program Code	Existed	Slcted?	Pre 1995 Start	------ 1995 ------ Status	------ 1996 ------ Status	------ 1997 ------ Status	------ 1998 ------ Status	------ 1999 ------ Status	------ 2000 ------ Status	------ 2001 ------ Status	------ 2002 ------ Status
1000-SR-XGC Xeriscaping/Grasscycling	N	Y	1999	NI 4, 99	NI 99	NI 99	NI 4	SI	SO	SO	SO
1010-SR-BCM Backyard and On-Site Composting/Mulching	N	Y	1994	SO	SO	SO	SO	SO	SO	SO	SO
1020-SR-BWR Business Waste Reduction Program	Y	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO
1030-SR-PMT Procurement	N	Y	1997	PF	PF	SI	SO	SO	SO	SO	SO
1050-SR-GOV Government Source Reduction Programs	N	Y	1995	SI	SO	SO	SO	SO	SO	SO	SO
1060-SR-MTE Material Exchange, Thrift Shops	Y	Y	1991	SO	SO	SO	SO	SO	SO	SO	SO
2000-RC-CRB Residential Curbside	N	Y	1994	SO	SO	SO	SO	SO	SO	SO	SO
2010-RC-DRP Residential Drop-Off	N	Y	1991	SO	SO	SO	SO	SO	SO	SO	SO
2020-RC-BYB Residential Buy-Back	N	Y	1991	SO	SO	SO	SO	SO	SO	SO	SO
2030-RC-OSP Commercial On-Site Pickup	Y	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO

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Application: PARIS

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2050-RC-SCH School Recycling Programs	N	Y	1999	NI 99	NI 99	NI 99	NI 99	SI	SO	SO	SO
2060-RC-GOV Government Recycling Programs	N	N	1993	AO	AO	AO	AO	AO	AO	AO	AO
2070-RC-SNL Special Collection Seasonal (regular)	Y	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO
2080-RC-SPE Special Collection Events	N	N	1994	AO	AO	AO	AO	AO	AO	AO	AO
3000-CM-RCG Residential Curbside Greenwaste Collection	N	Y	1994	SO	SO	SO	SO	SO	SO	SO	SO
3010-CM-RSG Residential Self-haul Greenwaste	N	N	1994	AO	AO	AO	AO	AO	AO	AO	AO
3020-CM-COG Commercial On-Site Greenwaste Pick-up	N	N	1990	AO	AO	AO	AO	AO	AO	AO	AO
4010-SP-SLG Sludge (sewage/industrial)	N	N	1991	AO	AO	AO	AO	AO	AO	AO	AO
4020-SP-TRS Tires	N	N	1995	AI	AO	AO	AO	AO	AO	AO	AO
4030-SP-WHG White Goods	N	N	1991	AO	AO	AO	AO	AO	AO	AO	AO

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4040-SP-SCM Scrap Metal	N	Y	1991	SO	SO	SO	SO	SO	SO	SO	SO
4050-SP-WDW Wood Waste	N	Y	1995	SI	SO	SO	SO	SO	SO	SO	SO
4060-SP-CAR Concrete/Asphalt/Rubble	N	N	1995	AI	AO	AO	AO	AO	AO	AO	AO
4090-SP-RND Rendering	N	N	1996	NA	AI	AO	AO	AO	AO	AO	AO
4100-SP-OTH Other Special Waste	N	Y	1991	SO	SO	SO	SO	SO	SO	SO	SO
5000-ED-ELC Electronic (radio ,TV, web, hotlines)	N	Y	1994	SO	SO	SO	SO	SO	SO	SO	SO
5010-ED-PRN Print (brochures, flyers, guides, news articles)	N	Y	1994	SO	SO	SO	SO	SO	SO	SO	SO
5020-ED-OUT Outreach (tech assistance, presentations, awards, fairs, field trips)	N	Y	1994	SO	SO	SO	SO	SO	SO	SO	SO
5030-ED-SCH Schools (education and curriculum)	N	Y	1996	PF	SI	SO	SO	SO	SO	SO	SO
6000-PI-PLB Product and Landfill Bans	N	Y	1995	SI	SO	SO	SO	SO	SO	SO	SO

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6010-PI-EIN Economic Incentives	N	Y	1998	PF	PF	PF	SI	SO	SO	SO	SO
6020-PI-ORD Ordinances	N	Y	1998	PF	PF	PF	SI	SO	SO	SO	SO
7000-FR-MRF MRF	N	Y	1996	PF	SI	SO	SO	SO	SO	SO	SO
7010-FR-LAN Landfill	Y	Y	1991	SO	SO	SO	SO	SO	SO	SO	SO
7020-FR-TST Transfer Station	N	Y	1990	NI 99	NI 99	NI 99	NI 99	NI 99	NI 99	SI	SO
7030-FR-CMF Composting Facility	N	Y	1994	SO	SO	SO	SO	SO	SO	SO	SO
8010-TR-BIO Biomass	N	N	2000	NA	NA	NA	NA	NA	AI	AO	AO
9000-HH-PMF Permanent Facility	N	N	1996	PF	SI	SO	SO	SO	SO	SO	SO
9010-HH-MPC Mobile or Periodic Collection	Y	Y	1990	SO	SO	SO	SO	SO	SO	SO	SO
9020-HH-CSC Curbside Collection	N	Y	1993	SO	SO	SO	SO	SO	SO	SO	SO

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DE = Dropped in Earlier Year
NI = Selected and Not Implemented
PF = Planned Future
NA = Program did not exist

Reason Code

1 = Delays in bringing diversion facilities online.
2 = Unavoidable regulatory delays.
3 = Existing contractual or legal problems.
4 = Insufficient funding.
5 = Insufficient staffing.
6 = Lack of cooperation from other entities.
7 = Sufficient diversion without selected program.
8 = Lack of markets necessary to support

Base Year Modification Request Certification
Part 1: Generation Study - No Extrapolation Diversion Data

To request a substitution for a previously approved base year used in calculating the diversion rate report year generation study for your jurisdiction, please complete and sign this form and return it to your Office of Local Assistance (OLA) representative at the address below, along with any additional information requested by OLA staff. When all documentation has been received, your OLA representative will work with you to prepare for your appearance before the Board. If you have any questions about this process, please call (916) 341-6199 to be connected to your OLA representative.

Mail completed documents to:

California Integrated Waste Management Board
Office of Local Assistance
1001 I Street, (MS-25)
PO Box 4025
Sacramento, CA 95812-4025

General Instructions:
Please select the **ONE** choice below that best explains your request to the Board.

☐ 1. Use a recent generation-based study to calculate our current reporting year generation amount, but not officially change our existing Board-approved base year.

☑ 2. Use a recent generation-based study to officially change our existing Board-approved base year to a new base year.

The shaded cells on these sheets are protected. If you have problems using these sheets, please contact your Office of Local Assistance representative by calling (916) 341-6199.

Section I: Jurisdiction Information and Certification
All respondents must complete this section.

I certify under penalty of perjury that the information in this document is true and correct to the best of my knowledge, and that I am authorized to make this certification on behalf of:

Jurisdiction Name CITY OF MURRIETA		County RIVERSIDE	
Authorized Signature Lori A. Moss		Title CITY MANAGER	
Type/Print Name of Person Signing LORI MOSS		Date	Phone ( ) Include Area Code 951.461.6003
Person Completing This Form (please print or type) ROB JOHNSON		Title ADMINISTRATIVE ANALYST	
Affiliation: STAFF MEMBER			
Mailing Address	City	State	ZIP Code
26442 BECKMAN COURT	MURRIETA	CA	92562
E-Mail Address AVOLLBRECHT@MURRIETA.ORG			

Section II: Information for New Generation-Based Study for Existing or New Base Year

Attach additional sheets if necessary—reference each response to the appropriate cell number (e.g.,"4").

Note: New base years must be representative of a jurisdiction's disposal and diversion.

1. Current Board-approved existing base year:	**2.** Proposed new generation-based study year:
1990	**2003**

3. Explain how the proposed generation study year is representative of average annual jurisdiction disposal and diversion:

A MINIMUM OF 20 OF THE COMMUNITY'S LARGEST COMMERCIAL ENTERPRISES WERE AUDITED TO MEASURE DIVERSION NOT OTHERWISE BEING ACCOUNTED FOR. THESE AUDITS WERE CONDUCTED BY CITY AND FRANCHISED HAULER STAFF AS WELL AS REPRESENTATIVES OF THE CIWMB AND CONSIDERED REFLECTIVE OF THE JURISDICTION.

4. Enter diversion rate information below.

Diversion rate calculated using existing base year	**a. ? %**	**Diversion rate calculated using new generation-based study**	**b. 43%**
Existing base year pounds/person/day based on generation	**15.96**	**New generation based study pounds/person/day based on generation**	**8.56**
Existing base year: **Residential generation 31 %**	**Non-Residential generation 69 %**	**New generation based study:** **Residential generation 33 %**	**Non-Residential generation 67 %**
Population existing generation-based study		**Population new generation-based study**	77,700

5. Please explain how the new diversion rate is consistent with your current diversion implementation efforts and also explain the specific reasons for the difference.

The city's existing base year is an artificial one, established by the Local Task Force in consultation with CIWMB staff and ultimately approved by the board. Murrieta incorporated in 1991 and was not in a position to create a base year that more accurately reflected the city. This has been compounded by explosive community growth that the standard adjustment method has been unable to comprehend.

The new diversion rate presents a more accurate picture of the effectiveness of the city's diversion programs as spelled out in the SRRE. Those programs are fully implemented, and additional programs have been added. The city intends to enhance its diversion programs to make further progress a reality.

6. If the proposed new generation tonnage results in an increase in your pounds per day, please explain how this is consistent with your current diversion implementaion efforts and provide examples (e.g., change in jurisdiction's demographics). In addition, If your pounds per person is over the state average of 11.2 pounds, please explain why.

The pounds per day rate decreased significantly from the existing base year rate and does not exceed the state average.

Section III - Disposal and Diversion Information

1. Disposal Tonnage (enter values):	24744	44114	68858
	Residential	Non-Residential	Total

Please select the **ONE** choice below that best explains your **disposal** data and complete the required tables.

☑ a. All tons claimed are from the Board's Disposal Reporting System (No explanation required. Go to Number 2.)

☐ b. All tons claimed are from a 100 percent audit of hauler and self-haul tonnage. (Please complete Reporting Year Tonnage Request and Modification Certification sheet found at www.ciwmb.ca.gov/LGCentral/Forms/rytnmdrq.doc and submit with

☐ c. Some Disposal Reporting System data were corrected. (Please complete Reporting Year Tonnage Modification Request and Certification sheet found at www.ciwmb.ca.gov/LGCentral/Forms/rytnmdrq.doc and submit with the new base year

2. In the table below, list the summarized diversion activities, tonnages,material types, actual or conversion factors, and diversion data records that support your claim and are available for Board verification. **Note:** *The Board expects the jurisdiction to be able to provide all back-up documentation, if requested.* Include type of record and location—for example, weight tickets from transfer stations. This section should capture all diversion tonnage (form will perform all addition and percentage calculations). If any diversion is from restricted wastes, agricultural wastes,inert solids [e.g., concrete, asphalt, dirt, white goods, and scrap metal,] you must identify those programs and waste types and complete Section VI. Survey forms for the top ten businesses must be included as an attachment with the generation study year and should be identified as Attachment IVa.
(Note: The Board has indicated that total source reduction amounts greater than five percent will be scrutinized. Please be prepared to substantiate the amounts.)

Note: Detailed Non-Residential waste audit information for the top ten businesses surveyed must be included in Section IV.

Please use the Board's program types from the online glossary at:
http://www.ciwmb.ca.gov/LGCentral/PARIS/Codes/Reduce.htm

Diversion Activity	Total Tons	Percent of Total Generation	Specific Material Type(s) (List diversion program activity w/multiple materials in one box)	Indicate whether Actual Tons or Specific Conversion Factor and Source of Factor	Type of Record (include copy with submittal)
Please use the Board's program types. The program type glossary is online at: www.ciwmb.ca.gov/LGCentral/Paris/Codes/Reduce.htm	(A)	(A/Total Generation)			
Residential Source Reduction Activities					
Backyard composting					
Grasscycling	441	0%	grass clipping	7.6t/acre	Colony Front Yards, Bear Creek Condos
Other Residential Source Reduction (list each program separately)					
Enter program name					
Enter program name					
Enter program name					
Enter program name					
Enter program name					
Subtotal, Residential Source Reduction	**441**	**0%**			
Residential Recycling Activities					
Curbside Recycling	7365	6%	paper, aluminum cans, glass, OCC, plastic	actual weight	hauler's report
Buyback Centers	1738	1%	CRV, plastic, glass, bl	actual weight	state dept. of recycling report, 2003
Drop-off Centers					

Diversion Activity Please use the Board's program types. The program type glossary is online at: www.ciwmb.ca.gov/LGCentral/Paris/Codes/Reduce.htm	Total Tons (A)	Percent of Total Generation (A/Total Generation)	Specific Material Type(s) (List diversion program activity w/multiple materials in one box)	Indicate whether Actual Tons or Specific Conversion Factor and Source of Factor	Type of Record (include copy with submittal)
Other Residential Recycling (list each program separately)					
Bulky Item Collection	15	0%		actual weight	hauler's report
Enter program name					
Enter program name					
Enter program name					
Enter program name					
Subtotal, Residential Recycling	**9118**	**8%**			
Residential Composting Activities					
Green Waste Drop-off					
Curbside Green Waste	9713	8%	greenwaste	actual weight	hauler's report
Christmas Tree Program					
Other Residential Composting (list each program separately)					
Enter program name					
Enter program name					
Enter program name					
Enter program name					
Enter program name					
Subtotal, Residential Composting	**9713**	**8%**			
Subtotal, Residential Diversion	**19272**	**16%**			
Non-Residential Source Reduction Activities:					
Non-Residential Waste Audits	**0**	0%	**Detailed information must be included in Section V**	**Detailed information must be included in Section V**	**Detailed information must be included in Section V**
Other Non-Residential Source Reduction (list each program separately)					
Golf Course Grasscycling	3154	3%	grass clipping	7.6t/acre	Bear Creek, SCGA, Colony, Murrieta Golf Range
City Facility Grasscycling	1300	1%	grass clipping	7.6t/acre	City Parks/Landscaping turf areas
School/College Grasscycling	827	1%	grass clipping	7.6t/acre	MVUSD, Calvary College Conf. Cntr
Cemetary Grasscycling	152	0%	grass clipping	7.6t/acre	Murriety Cemetary
City Weed Abatement	836	1%	grass clipping	7.6t/acre	City Fire Department Administration
Subtotal, Non-Residential Source Reduction	**6269**	**5%**			

Diversion Activity Please use the Board's program types. The program type glossary is online at: www.ciwmb.ca.gov/LGCentral/Paris/Codes/Reduce.htm	Total Tons (A)	Percent of Total Generation (A/Total Generation)	Specific Material Type(s) (List diversion program activity w/multiple materials in one box)	Indicate whether Actual Tons or Specific Conversion Factor and Source of Factor	Type of Record (include copy with submittal)
Non-Residential Recycling Activities:					
Non-Residential Waste Audits	**6027**	**5%**	**Detailed information must be included in Section V**	**Detailed information must be included in Section V**	**Detailed information must be included in Section V**
Other Non-Residential Recycling (list each program separately)					
Commercial On-site Pick Up	725	1%	mixed paper, OCC, plastic, cans	actual weight	hauler's report
Roll Off Collection	2002	2%	waste wood, scrap metal, inert	actual weight	hauler's report
City Computer Auction	0	0%	19 cpu units	26lbs. Ea.	City Finance Department
City Computer Printer Auction	0	0%	4 computer printers	25.33lbs. Ea.	City Finance Department
Enter program name					
Subtotal Non-Residential Recycling	**8754**	**7%**			
Non-Residential Composting Activities					
Non-Residential Waste Audits	**0**	**0%**	**Detailed information must be included in Section V**	**Detailed information must be included in Section V**	**Detailed information must be included in Section V**
Other Non-Residential Composting (list each program separately)					
Commercial Greenwaste Collection	2687	2%	greenwaste	actual weight	hauler's report
Enter program name					
Enter program name					
Enter program name					
Enter program name					
Subtotal Non-Residential Composting	**2687**	**2%**			
Subtotal Non-Residential Diversion	**17710**	**15%**			
Other Diversion Activities **(Note: If you are unable to provide the actual residential/non-residential split, please provide your best estimates of the split in each program type or put all the diversion under non-residental.**					
Residential					
ADC					
Sludge (must submit sludge cert form)	7585	6%	sludge	actual weight	EMWD, RMWD, & EVMWD
Scrap Metal					
Construction and Demolition					
Landfill Salvage					
Other (e.g., ag waste)					
Subtotal Residential Waste	**7585**	**6%**			

Diversion Activity Please use the Board's program types. The program type glossary is online at: www.ciwmb.ca.gov/LGCentral/Paris/Codes/Reduce.htm	Total Tons (A)	Percent of Total Generation (A/Total Generation)	Specific Material Type(s) (List diversion program activity w/multiple materials in one box)	Indicate whether Actual Tons or Specific Conversion Factor and Source of Factor	Type of Record (include copy with submittal)
Non-Residential					
ADC	7444	6%			
Sludge (must submit sludge cert form)					
Scrap Metal	550	0%	scrap metal	actual weight	1st class, faith auto, valley auto, murr col, office solutions
Construction and Demolition					
Landfill Salvage					
Other (e.g., ag waste)					
Subtotal Non-Residential Waste	**7994**	**7%**			
Subtotal Residential/ Non-Residential Other Diversion	**15579**	**13%**			
Total Residential/Non-Residential Source Reduction Tons	**6710**	**6%**			
Total Diversion Tons	**52561**	**43%**			
Total Disposal Tons from Number 1	**68858**	**57%**			
Total Generation Tons (Div+Dis)	**121419**				
NEW GENERATION STUDY DIVERSION RATE	**43%**				
Additional Information for Report Year Calculations - Biomass and Transformation Activities (Note: you cannot claim both biomass and transformation.)					
Biomass (must submit biomass cert form and must be 10% or less of generation--use the calculator to calculate)	4571	4%			
Transformation					
Report Year Diversion Rate with Biomass or Transformation Credit	**47%**				

Section IV - Specific Non-Residential Sector Waste Audits

Top 10 Non-Residential Generators

Please complete this table for the top ten non-residential businesses that were surveyed. **Use the business type in lieu of the specific business name**.(e.g., grocery store vs. Bestway Grocery Store) List each non-residential business separately from largest to smallest, based on total diversion tons. Audit reference number should be the same number used to identify businesses on the survey/audit sheets, and must be identical to the data in the Section V spreadsheet.

Audit Reference Numbe	Type of Non-Residential Generator	Include Material Type (e.g., paper, grasscycling). (List materials on one line)	Source Reduction Tons	Recycling Tons	Composting Tons	Total Diversion Tons	Percent of Total Generation (Total Diversion Tons/Total Generation in Section III)	Survey Method Phone (P) Mail (M) On-site (O) Other ___
8	General Store	OCC Recycling		1314		1314	1.1%	O
16	Grocery Store	OCC, Rendering, Plastic Bags, Donated Goods		951		950.7165	0.8%	O
2	Hardware Store.	OCC Recycling, Pallets		754		754	0.6%	O
15	Specialty Retail	OCC Recycling		548		547.5	0.5%	O
12	General Retail	OCC Recycling, Donated Goods		364		364	0.3%	O
3	Hardware Store	OCC Recycling, Pallets		354		353.6	0.3%	O
13	Grocery Store	OCC, Rendering, Plastic Buckets, Donated Goods		248		247.6355	0.2%	O
14	Grocery Store	OCC, Rendering, Plastic Bags, Donated Goods		187		187.0045	0.2%	O
20	Grocery Store	OCC, Rendering, Plastic Bags, Donated Goods		187		187.0045	0.2%	O
21	Grocery Store	OCC, Rendering, Plastic Bags, Donated Goods		187		187.0045	0.2%	O
Totals				**5092.4655**		**5092.4655**	4.3%	

Section V - Non-Residential Generator Audit Diversion Spreadsheet

Use the type of business and audit reference number in lieu of the specific business name. For each business include the diversion activity and material type and associated tonnage for each diversion activity/material type, and applicable conversion factors and sources. Copies of the audit survey form(s) for each of the top ten businesses should be included as an attachment. Click on the Section Button to add a section for another generator (ten rows and a subtotal row added to the table for each new generator). If you have any questions, please contact your OLA Representative at (916) 341-6199.

Add Section

Non-Residential Generator Audit Diversion

Non-Residential Generator Survey or Audit Identification Number	Generator Type (Example - grocery store, retail, manufacturer)	Material Type (Example - cardboard, glass, plastic, etc.)	Specific Conversion Factor and Source or Actual Weight	Source Reduction (Tons)	Recycling (Tons)	Composting (Tons)	Total Tons
2	Hardware Store	OCC Reycling	1000lbs/bale		286		286
		Pallets	40lbs/pallet		468		468
Subtotal -				0	754	0	754
3	Hardware Store	OCC Reycling	1200lbs/bale		249.6		249.6
		Pallets	40lbs/pallet		104		104
Subtotal -				0	353.6	0	353.6
4	General Store	OCC Reycling	1000lbs/bale		169		169
Subtotal -				0	169	0	169

Non-Residential Generator Survey or Audit Identification Number	Generator Type (Example - grocery store, retail, manufacturer)	Material Type (Example - cardboard, glass, plastic, etc.)	Specific Conversion Factor and Source or Actual Weight	Source Reduction (Tons)	Recycling (Tons)	Composting (Tons)	Total Tons
5	Stationary Store	OCC Reycling	1000lbs/bale		78		78
		Paper Recycling	363.5lbs/cubic yard		9.451		9.451
		Ink Cartridge	2lbs/unit		1.8		1.8
Subtotal -				0	89.251	0	89.251
6	Furniture Store	OCC Reycling	800lbs/bale		124.8		124.8
Subtotal -				0	124.8	0	124.8
7	General Store	OCC Recycling	1000lbs/bale		160		160
Subtotal -				0	160	0	160

Non-Residential Generator Survey or Audit Identification Number	Generator Type (Example - grocery store, retail, manufacturer)	Material Type (Example - cardboard, glass, plastic, etc.)	Specific Conversion Factor and Source or Actual Weight	Source Reduction (Tons)	Recycling (Tons)	Composting (Tons)	Total Tons
8	General Retail	OCC Recycling	1200lbs/bale		1314		1314
Subtotal -				0	1314	0	1314
9	Furniture Store	OCC Recycling	State Staff Estimate		39		39
Subtotal -				0	39	0	39
10	General Retail	OCC Recycling	State Staff Estimate		126		126
Subtotal -				0	126	0	126
11	Manufacturing	OCC Recycling	800lbs/bale		31.2		31.2
		Metal Drum Recycling			7		7
Subtotal -				0	38.2	0	38.2

Non-Residential Generator Survey or Audit Identification Number	Generator Type (Example - grocery store, retail, manufacturer)	Material Type (Example - cardboard, glass, plastic, etc.)	Specific Conversion Factor and Source or Actual Weight	Source Reduction (Tons)	Recycling (Tons)	Composting (Tons)	Total Tons
12	General Retail	OCC Recycling	1000lbs/bale		312		312
		Donated Goods	400lbs/pallet		52		52
Subtotal -				0	364	0	364
13	Grocery Store	OCC Recycling	550lbs/bale		157.3		157.3
		Rendering	412lbs/55gal drum		42.848		42.848
		Plastic Bucket Recycling	2lbs/bucket		2.6		2.6
		Donated Goods (Baked)	75lbs/container		13.6875		13.6875
		Donated Good (Canned)	600lbs/pallet		31.2		31.2
Subtotal -				0	247.6355	0	247.6355
14	Grocery Store	OCC Recycling	500lbs/bale		156		156
		Rendering	412lbs/55 gal drum		10.712		10.712
		Plastic Bag Recycling			0.78		0.78
		Donated Goods (Baked)	25lbs/bag		4.5625		4.5625
		Grease Recycling			14.95		14.95
Subtotal -				0	187.0045	0	187.0045
15	Specialty Retail	OCC Recycling	1200lbs/bale		547.5		547.5
Subtotal -				0	547.5	0	547.5

Non-Residential Generator Survey or Audit Identification Number	Generator Type (Example - grocery store, retail, manufacturer)	Material Type (Example - cardboard, glass, plastic, etc.)	Specific Conversion Factor and Source or Actual Weight	Source Reduction (Tons)	Recycling (Tons)	Composting (Tons)	Total Tons
16	Grocery Store	OCC Recycling	1200lbs/bale		876		876
		Rendering	412lbs/55gal drum		74.984		74.984
		Plastic Bag Recycling			1.17		1.17
		Donated Goods (Baked)	25lbs/basket		4.5625		4.5625
Subtotal -				0	956.7165	0	956.7165
17	General Store	OCC Recycling	1200lbs/bale		62.4		62.4
Subtotal -				0	62.4	0	62.4
18	School District	PC Recycling	26lbs/unit		0.0637		0.0637
		Printer Recycling	25.33lbs/unit		0.291295		0.291295
Subtotal -				0	0.354995	0	0.354995
19	Discount Store	OCC Recycling	650lbs/bale		50.7		50.7
Subtotal -				0	50.7	0	50.7

Non-Residential Generator Survey or Audit Identification Number	Generator Type (Example - grocery store, retail, manufacturer)	Material Type (Example - cardboard, glass, plastic, etc.)	Specific Conversion Factor and Source or Actual Weight	Source Reduction (Tons)	Recycling (Tons)	Composting (Tons)	Total Tons
20	Grocery Store	OCC Recycling	500lbs/bale		156		156
		Rendering	412lbs/55gal drum		10.712		10.712
		Plastic Bag Recycling			0.78		0.78
		Donated Goods (Baked)	25lbs/bag		4.5625		4.5625
		Grease Recycling			14.95		14.95
Subtotal -				0	187.0045	0	187.0045
21	Grocery Store	OCC Recycling	500lbs/bale		156		156
		Rendering	412lbs/55gal drum		10.712		10.712
		Plastic Bag Recycling			0.78		0.78
		Donated Goods (Baked)	25lbs/bag		4.5625		4.5625
		Grease Recycling			14.95		14.95
Subtotal -				0	187.0045	0	187.0045
22	Electronics Store	OCC Recycling	500lbs/bale		65		65
Subtotal -				0	65	0	65
23	Restaurant Grease	Grease Recycling	Darling International Records		3.375		3.375
Subtotal -				0	3.375	0	3.375

Non-Residential Generator Survey or Audit Identification Number	Generator Type (Example - grocery store, retail, manufacturer)	Material Type (Example - cardboard, glass, plastic, etc.)	Specific Conversion Factor and Source or Actual Weight	Source Reduction (Tons)	Recycling (Tons)	Composting (Tons)	Total Tons
Subtotal -				0	0	0	
Subtotal -				0	0	0	
Subtotal -				0	0	0	
Grand Total				0	6,027	0	6,027

Section VI - Restricted Waste

For each restricted waste type (i.e., agricultural waste, inert solids, [e.g. concrete, asphalt, dirt, etc.] scrap metals and white goods [PRC section 41781.2]) and associated program or generator, please provide the following information:

Insert 1

1. If the diversion program started on or after January 1, 1990, complete the following table.
Note: *Specific Program Name refers to one specific diversion program for that waste type (e.g., "Diversion conducted by city public waste dept."). Please input the complete program name with business type if appropriate. If you need to add additional programs, insert a row by clicking on the button for that section.*

Restricted Waste Type	Audit Reference Number	Specific Program Name	Year Started	Tonnage
Inert Solids		Franchise Hauler Commercial Roll-Off	1994	1584
White Goods		Franchise Hauler Residential Collection	1994	15
Scrap Metal		Office Furniture Solutions	2001	172
Scrap Metal		1st Class Collision	2000	26
Scrap Metal		Faith Quality Auto Body	1995	77
Scrap Metal		Murrieta Auto Collision	1996	38
Scrap Metal		Valley collision	1998	35

2. If the diversion program started before January 1, 1990 - and if documentation on the program and waste type has not been approved by the Board, on a separate sheet marked "Attachment Section VI. 2", provide the documentation that indicates:

- How the diversion was the result of a local action taken by the jurisdiction, which specifically resulted in the diversion (PRC sec. 41781.2 [c] [1]).
- That the amount of that waste type diverted from the jurisdiction in 1990 was less than or equal to the amount of that waste type disposed at a permitted disposal facility by the jurisdiction in any year before 1990. (**Note**: this criterion is app
- The jurisdiction is implementing, and will continue to implement, the diversion programs in its source reduction and recycling element.

Note: *If documentation for a waste type and program has already been approved by the Board, you do not have to provide an "Attachment Section VI.2" for that waste type and program.*

Instead please provide date of Board approval of previously submitted information. _____ (Date)

If documentation is not available, go to Number 4.

Insert 3

3. If the diversion program started before January 1, 1990, and the documentation requested in Section VI.2" is available (but not yet approved by the Board), complete the table below for each program claimed:

Restricted Waste Type	Audit Reference Number	Specific Program Name	New Base Year or Reporting Year Diversion Tonnage
Pull Down for Waste Types			
Pull Down for Waste Types			
Pull Down for Waste Types			
Pull Down for Waste Types			
Pull Down for Waste Types			

4. If the diversion program started before January 1, 1990, and the documentation requested in Section VI.2" is available (but not yet approved by the Board), complete the table below for each program claimed: **Ins**

Restricted Waste Type	Audit Reference Number	Specific Program Name	New Base Year or Reporting Year Tonnage	1990 Diversion Tonnage	Difference
Pull Down for Waste Types					
Pull Down for Waste Types					
Pull Down for Waste Types					
Pull Down for Waste Types					
Pull Down for Waste Types					

Base Year Modification Request Certification
Part 1: Generation Study - No Extrapolation Diversion Data

To request a substitution for a previously approved base year used in calculating the diversion rate report year generation study for your jurisdiction, please complete and sign this form and return it to your Office of Local Assistance (OLA) representative at the address below, along with any additional information requested by OLA staff. When all documentation has been received, your OLA representative will work with you to prepare for your appearance before the Board. If you have any questions about this process, please call (916) 341-6199 to be connected to your OLA representative.

Mail completed documents to:

California Integrated Waste Management Board
Office of Local Assistance
1001 I Street, (MS-25)
PO Box 4025
Sacramento, CA 95812-4025

General Instructions:
Please select the **ONE** choice below that best explains your request to the Board.
☐ 1. Use a recent generation-based study to calculate our current reporting year generation amount, but not officially change our existing Board-approved base year.
☑ 2. Use a recent generation-based study to officially change our existing Board-approved base year to a new base year.

The shaded cells on these sheets are protected. If you have problems using these sheets, please contact your Office of Local Assistance representative by calling (916) 341-6199.

Section I: Jurisdiction Information and Certification
All respondents must complete this section.

I certify under penalty of perjury that the information in this document is true and correct to the best of my knowledge, and that I am authorized to make this certification on behalf of:

Jurisdiction Name CITY OF MURRIETA		County RIVERSIDE	
Authorized Signature		Title CITY MANAGER	
Type/Print Name of Person Signing		Date	Phone ( ) Include Area Code
LORI MOSS			951.461.6003
Person Completing This Form (please print or type)		Title ADMINISTRATIVE ANALYST	
ROB JOHNSON			
Affiliation: STAFF MEMBER			
Mailing Address	City	State	ZIP Code
26442 BECKMAN COURT	MURRIETA	CA	92562
E-Mail Address AVOLLBRECHT@MURRIETA.ORG			

Section II: Information for New Generation-Based Study for Existing or New Base Year

Attach additional sheets if necessary—reference each response to the appropriate cell number (e.g.,"4").

Note: New base years must be representative of a jurisdiction's disposal and diversion.

1. Current Board-approved existing base year:	**2.** Proposed new generation-based study year:
1990	**2003**

3. Explain how the proposed generation study year is representative of average annual jurisdiction disposal and diversion:

A MINIMUM OF 20 OF THE COMMUNITY'S LARGEST COMMERCIAL ENTERPRISES WERE AUDITED TO MEASURE DIVERSION NOT OTHERWISE BEING ACCOUNTED FOR. THESE AUDITS WERE CONDUCTED BY CITY AND FRANCHISED HAULER STAFF AS WELL AS REPRESENTATIVES OF THE CIWMB AND ARE CONSIDERED REFLECTIVE OF THE JURISDICTION.

4. Enter diversion rate information below.

Diversion rate calculated using existing base year	**a. 3 %**	**Diversion rate calculated using new generation-based study**	**b. 40%**
Existing base year pounds/person/day based on generation	**15.96**	**New generation based study pounds/person/day based on generation**	**8.04**
Existing base year:		**New generation based study:**	
Residential generation 31 %	**Non-Residential generation 69 %**	**Residential generation 23 %**	**Non-Residential generation 77 %**
Population existing generation-based study		**Population new generation-based study**	77,700

5. Please explain how the new diversion rate is consistent with your current diversion implementation efforts and also explain the specific reasons for the difference.

The city's existing base year is an artificial one, established by the Local Task Force in consultation with CIWMB staff and ultimately approved by the board. Murrieta incorporated in 1991 and was not in a position to create a base year that more accurately reflected the city. This has been compounded by explosive community growth that the standard adjustment method has been unable to comprehend.

The new diversion rate presents a more accurate picture of the effectiveness of the city's diversion programs as spelled out in the SRRE. Those programs are fully implemented, and additional programs have been added. The city intends to enhance its diversion programs to make further progress a reality.

6. If the proposed new generation tonnage results in an increase in your pounds per day, please explain how this is consistent with your current diversion implementaion efforts and provide examples (e.g., change in jurisdiction's demographics). In addition, If your pounds per person is over the state average of 11.2 pounds, please explain why.

The pounds per day rate decreased significantly from the existing base year rate and does not exceed the state average.

Section III - Disposal and Diversion Information

1. Disposal Tonnage (enter values):	24744	**44114**	**68858**
	Residential	Non-Residential	**Total**

Please select the **ONE** choice below that best explains your **disposal** data and complete the required tables.

☑ a. All tons claimed are from the Board's Disposal Reporting System (No explanation required. Go to Number 2.)

☐ b. All tons claimed are from a 100 percent audit of hauler and self-haul tonnage. (Please complete Reporting Year Tonnage Request and Modification Certification sheet found at www.ciwmb.ca.gov/LGCentral/Forms/rytnmdrq.doc and submit with

☐ c. Some Disposal Reporting System data were corrected. (Please complete Reporting Year Tonnage Modification Request and Certification sheet found at www.ciwmb.ca.gov/LGCentral/Forms/rytnmdrq.doc and submit with the new bas year

2. In the table below, list the summarized diversion activities, tonnages,material types, actual or conversion factors, and diversion data records that support your claim and are available for Board verification**Note**: *The Board expects the jurisdiction to be able to provide all back-up documentation, if requested.* Include type of record and location—for example, weight tickets from transfer stations. This section should capture all diversion tonnage (form will perform all addition and percentage calculations). If any diversion is from restricted wastes, agricultural wastes,inert solids [e.g., concrete, asphalt, dirt, white goods, and scrap metal,] you must identify those programs and waste types and complete Section VI. Survey forms for the top ten businesses must be included as an attachment with the generation study year and should be identified as Attachment IVa.
(Note: The Board has indicated that total source reduction amounts greater than five percent will be scrutinized. Please be prepared to substantiate the amounts.)

Note: Detailed Non-Residential waste audit information for the top ten businesses surveyed must be included in Section IV.

Please use the Board's program types from the online glossary at:
http://www.ciwmb.ca.gov/LGCentral/PARIS/Codes/Reduce.htm

Diversion Activity Please use the Board's program types. The program type glossary is online at: www.ciwmb.ca.gov/LGCentral/Paris/Codes/Reduce.htm	Total Tons (A)	Percent of Total Generation (A/Total Generation)	Specific Material Type(s) (List diversion program activity w/multiple materials in one box)	Indicate whether Actual Tons or Specific Conversion Factor and Source of Factor	Type of Record (include copy with submittal)
Residential Source Reduction Activities					
Backyard composting					
Grasscycling	441	0%	grass clipping	7.6t/acre	Colony Front Yards, Bear Creek Condos
Other Residential Source Reduction (list each program separately)					
Enter program name					
Enter program name					
Enter program name					
Enter program name					
Enter program name					
Subtotal, Residential Source Reduction	**441**	**0%**			
Residential Recycling Activities					
Curbside Recycling	7365	6%	paper, aluminum cans, glass, OCC, plastic	actual weight	hauler's report
Buyback Centers	1738	2%	CRV, plastic, glass, bl	actual weight	state dept. of recycling report, 2003
Drop-off Centers					

Diversion Activity Please use the Board's program types. The program type glossary is online at: www.ciwmb.ca.gov/LGCentral/Paris/Codes/Reduce.htm	Total Tons (A)	Percent of Total Generation (A/Total Generation)	Specific Material Type(s) (List diversion program activity w/multiple materials in one box)	Indicate whether Actual Tons or Specific Conversion Factor and Source of Factor	Type of Record (include copy with submittal)
Other Residential Recycling (list each program separately)					
Bulky Item Collection	15	0%	white goods	actual weight	hauler's report
Enter program name					
Enter program name					
Enter program name					
Enter program name					
Subtotal, Residential Recycling	**9118**	**8%**			
Residential Composting Activities					
Green Waste Drop-off					
Curbside Green Waste	9713	9%	greenwaste	actual weight	hauler's report
Christmas Tree Program					
Other Residential Composting (list each program separately)					
Enter program name					
Enter program name					
Enter program name					
Enter program name					
Enter program name					
Subtotal, Residential Composting	**9713**	**9%**			
Subtotal, Residential Diversion	**19272**	**17%**			
Non-Residential Source Reduction Activities:					
Non-Residential Waste Audits	**0**	0%	**Detailed information must be included in Section V**	**Detailed information must be included in Section V**	**Detailed information must be included in Section V**
Other Non-Residential Source Reduction (list each program separately)					
Golf Course Grasscycling	3154	3%	grass clipping	7.6t/acre	Bear Creek, SCGA, Colony, Murrieta Golf Range
City Facility Grasscycling	1300	1%	grass clipping	7.6t/acre	City Parks/Landscaping turf areas
School/College Grasscycling	827	1%	grass clipping	7.6t/acre	MVUSD, Calvary College Conf. Cntr
Cemetary Grasscycling	152	0%	grass clipping	7.6t/acre	Murriety Cemetary
City Weed Abatement	836	1%	grass clipping	7.6t/acre	City Fire Department Administratior
Subtotal, Non-Residential Source Reduction	**6269**	**5%**			

Diversion Activity Please use the Board's program types. The program type glossary is online at: www.ciwmb.ca.gov/LGCentral/Paris/Codes/Reduce.htm	Total Tons (A)	Percent of Total Generation (A/Total Generation)	Specific Material Type(s) (List diversion program activity w/multiple materials in one box)	Indicate whether Actual Tons or Specific Conversion Factor and Source of Factor	Type of Record (include copy with submittal)
Non-Residential Recycling Activities:					
Non-Residential Waste Audits	**5492**	5%	**Detailed information must be included in Section V**	**Detailed information must be included in Section V**	**Detailed information must be included in Section V**
Other Non-Residential Recycling (list each program separately)					
Commercial On-site Pick Up	725	1%	mixed paper, OCC, plastic, cans	actual weight	hauler's report
Roll Off Collection	2002	2%	waste wood, scrap metal, inert	actual weight	hauler's report
City Computer Auction	0	0%	19 cpu units	26lbs. Ea.	City Finance Department
City Computer Printer Auction	0	0%	4 computer printers	25.33lbs. Ea.	City Finance Department
Enter program name					
Subtotal Non-Residential Recycling	**8219**	**7%**			
Non-Residential Composting Activities					
Non-Residential Waste Audits	**426**	0%	**Detailed information must be included in Section V**	**Detailed information must be included in Section V**	**Detailed information must be included in Section V**
Other Non-Residential Composting (list each program separately)					
Commercial Greenwaste Collection	2687	2%	greenwaste	actual weight	hauler's report
Enter program name					
Enter program name					
Enter program name					
Enter program name					
Subtotal Non-Residential Composting	**3113**	**3%**			
Subtotal Non-Residential Diversion	**17601**	**15%**			
Other Diversion Activities **(Note: If you are unable to provide the actual residential/non-residential split, please provide your best estimates of the split in each program type or put all the diversion under non-residental.**					
Residential					
ADC					
Sludge (must submit sludge cert form)	832	1%	biosolid (sludge)	actual weight	EMWD, RMWD, & EVMWD
Scrap Metal					
Construction and Demolition					
Landfill Salvage					
Other (e.g., ag waste)					
Subtotal Residential Waste	**832**	**1%**			

Diversion Activity Please use the Board's program types. The program type glossary is online at: www.ciwmb.ca.gov/LGCentral/Paris/Codes/Reduce.htm	Total Tons (A)	Percent of Total Generation (A/Total Generation)	Specific Material Type(s) (List diversion program activity w/multiple materials in one box)	Indicate whether Actual Tons or Specific Conversion Factor and Source of Factor	Type of Record (include copy with submittal)
Non-Residential					
ADC	7444	7%	greenwaste	actual weight	DRS
Sludge (must submit sludge cert form)					
Scrap Metal	0	0%			
Construction and Demolition					
Landfill Salvage					
Other (e.g., ag waste)					
Subtotal Non-Residential Waste	**7444**	**7%**			
Subtotal Residential/ Non-Residential Other Diversion	**8276**	**7%**			
Total Residential/Non-Residential Source Reduction Tons	**6710**	**6%**			
Total Diversion Tons	**45149**	**40%**			
Total Disposal Tons from Number 1	**68858**	**60%**			
Total Generation Tons (Div+Dis)	**114007**				
NEW GENERATION STUDY DIVERSION RATE	**40%**				
Additional Information for Report Year Calculations - Biomass and Transformation Activities (Note: you cannot claim both biomass and transformation.)					
Biomass (must submit biomass cert form and must be 10% or less of generation--use the calculator to calculate)	4571	**4%**			
Transformation					
Report Year Diversion Rate with Biomass or Transformation Credit	**44%**				

Section IV - Specific Non-Residential Sector Waste Audits

Top 10 Non-Residential Generators

Please complete this table for the top ten non-residential businesses that were surveyed. **Use the business type in lieu of the specific business name** (e.g., grocery store vs. Bestway Grocery Store) List each non-residential business separately from largest to smallest, based on total diversion tons. Audit reference number should be the same number used to identify businesses on the survey/audit sheets, and must be identical to the data in the Section V spreadsheet.

Audit Reference Numbe	Type of Non-Residential Generator	Include Material Type (e.g., paper, grasscycling). (List materials on one line)	Source Reduction Tons	Recycling Tons	Composting Tons	Total Diversion Tons	Percent of Total Generation (Total Diversion Tons/Total Generation in Section III)	Survey Method Phone (P) Mail (M) On-site (O) Other ___
8	General Store	OCC Recycling		1314		1314	1.2%	O
14,20,21	Grocery Store	OCC Recycling, Plastic, Bone& Fat, Organic		732	426	1158	1.0%	O
16	Grocery Store	OCC Recycling, Plastic		957		957	0.8%	O
15	Specialty Retail	OCC Recycling		548		547.5	0.5%	O
12	General Retail	OCC Recycling, Donated Goods		364		364	0.3%	O
2	Hardware store	OCC Recycling		286		286	0.3%	O
3	Grocery Store	OCC Recycling		250		250	0.2%	O
13	Grocery Store	OCC, Rendering, Plastic Buckets, Donated Goods		248		247.6355	0.2%	O
4	General Store	OCC Recycling		169		169	0.1%	O
7	General Store	OCC Recycling		160		160	0.1%	O
Totals				**5027.1355**	**426**	**5453.1355**	4.8%	

Section V - Non-Residential Generator Audit Diversion Spreadsheet

Use the type of business and audit reference number in lieu of the specific business name. For each business include the diversion activity and material type and associated tonnage for each diversion activity/material type, and applicable conversion factors and sources. Copies of the audit survey form(s) for each of the top ten businesses should be included as an attachment. Click on the Section Button to add a section for another generator (ten rows and a subtotal row added to the table for each new generator). If you have any questions, please contact your OLA Representative at (916) 341-6199.

Add Section

Non-Residential Generator Audit Diversion

Non-Residential Generator Survey or Audit Identification Number	Generator Type (Example - grocery store, retail, manufacturer)	Material Type (Example - cardboard, glass, plastic, etc.)	Specific Conversion Factor and Source or Actual Weight	Source Reduction (Tons)	Recycling (Tons)	Composting (Tons)	Total Tons
2	Hardware Store	OCC Reycling	1000lbs/bale		286.00		**286.00**
		Pallets	40lbs/pallet		0 ~~468~~		0 ~~468~~
Subtotal -				**0**	**286 ~~754~~**	**0**	**286 ~~754~~**
3	Hardware Store	OCC Reycling	1200lbs/bale		249.60		**249.60**
		Pallets	40lbs/pallet		0 ~~104~~		0 ~~104~~
Subtotal -				**0**	**249.6 ~~353.6~~**	**0**	**249.6 ~~353.6~~**
4	General Store	OCC Reycling	1000lbs/bale		169.00		**169.00**
Subtotal -				**0**	**169.00**	**0**	**169.00**

Non-Residential Generator Survey or Audit Identification Number	Generator Type (Example - grocery store, retail, manufacturer)	Material Type (Example - cardboard, glass, plastic, etc.)	Specific Conversion Factor and Source or Actual Weight	Source Reduction (Tons)	Recycling (Tons)	Composting (Tons)	Total Tons
5	Stationary Store	OCC Reycling	1000lbs/bale		78.00		**78.00**
		Paper Recycling	363.5lbs/cubic yard		9.45		**9.45**
		Ink Cartridge	2lbs/unit		1.80		**1.80**
Subtotal -				**0**	**89.25**	**0**	**89.25**
6	Furniture Store	OCC Reycling	800lbs/bale		124.80		**124.80**
Subtotal -				**0**	**124.80**	**0**	**124.80**
7	General Store	OCC Recycling	1000lbs/bale		160.00		**160.00**
Subtotal -				**0**	**160.00**	**0**	**160.00**

Non-Residential Generator Survey or Audit Identification Number	Generator Type (Example - grocery store, retail, manufacturer)	Material Type (Example - cardboard, glass, plastic, etc.)	Specific Conversion Factor and Source or Actual Weight	Source Reduction (Tons)	Recycling (Tons)	Composting (Tons)	Total Tons
8	General Retail	OCC Recycling	1200lbs/bale		1314.00		**1314.00**
Subtotal -				**0**	**1314.00**	**0**	**1314.00**
9	Furniture Store	OCC Recycling	State Staff Estimate		39.00		**39.00**
Subtotal -				**0**	**39.00**	**0**	**39.00**
10	General Retail	OCC Recycling	State Staff Estimate		0 ~~126~~		0 ~~126~~
Subtotal -				**0**	**0 ~~126~~**	**0**	**0 ~~126~~**
11	Manufacturing	OCC Recycling	800lbs/bale		31.20		**31.20**
		Metal Drum Recycling			9.4 ~~7~~		9.4 ~~7~~

Non-Residential Generator Survey or Audit Identification Number	Generator Type (Example - grocery store, retail, manufacturer)	Material Type (Example - cardboard, glass, plastic, etc.)	Specific Conversion Factor and Source or Actual Weight	Source Reduction (Tons)	Recycling (Tons)	Composting (Tons)	Total Tons
Subtotal -				**0**	**40.6 ~~38.2~~**	**0**	**40.6 ~~38.2~~**
12	General Retail	OCC Recycling	1000lbs/bale		312.00		**312.00**
		Donated Goods	400lbs/pallet		52.00		**52.00**
Subtotal -				**0**	**364.00**	**0**	**364.00**
13	Grocery Store	OCC Recycling	550lbs/bale		157.30		**157.30**
		Rendering	412lbs/55gal drum		42.85		**42.85**
		Plastic Bucket Recycling	2lbs/bucket		2.60		**2.60**
		Donated Goods (Baked)	75lbs/container		13.69		**13.69**
		Donated Good (Canned)	600lbs/pallet		31.20		**31.20**
Subtotal -				**0**	**247.64**	**0**	**247.64**
14	Grocery Store	OCC Recycling	500lbs/bale		0 ~~156~~		0 ~~156~~
		Rendering	412lbs/55 gal drum		0 ~~10.712~~		0 ~~10.712~~
		Plastic Bag Recycling			0 ~~0.78~~		0 ~~0.78~~
		Donated Goods (Baked)	25lbs/bag		0 ~~4.5625~~		0 ~~4.5625~~
		Grease Recycling			0 ~~14.95~~		0 ~~14.95~~
Subtotal -				**0**	**0 ~~187.0045~~**	**0**	**0 ~~187.0045~~**
15	Specialty Retail	OCC Recycling	1200lbs/bale		547.50		**547.50**

Non-Residential Generator Survey or Audit Identification Number	Generator Type (Example - grocery store, retail, manufacturer)	Material Type (Example - cardboard, glass, plastic, etc.)	Specific Conversion Factor and Source or Actual Weight	Source Reduction (Tons)	Recycling (Tons)	Composting (Tons)	Total Tons
Subtotal -				**0**	**547.50**	**0**	**547.50**
16	Grocery Store	OCC Recycling	1200lbs/bale		876.00		**876.00**
		Rendering	412lbs/55gal drum		74.98		**74.98**
		Plastic Bag Recycling			1.17		**1.17**
		Donated Goods (Baked)	25lbs/basket		4.56		**4.56**
Subtotal -				**0**	**956.72**	**0**	**956.72**
17	General Store	OCC Recycling	1200lbs/bale		62.40		**62.40**
Subtotal -				**0**	**62.40**	**0**	**62.40**
18	School District	PC Recycling	26lbs/unit		0.06		**0.06**
		Printer Recycling	25.33lbs/unit		0.29		**0.29**
Subtotal -				**0**	**0.35**	**0**	**0.35**
19	Discount Store	OCC Recycling	650lbs/bale		50.70		**50.70**

Non-Residential Generator Survey or Audit Identification Number	Generator Type (Example - grocery store, retail, manufacturer)	Material Type (Example - cardboard, glass, plastic, etc.)	Specific Conversion Factor and Source or Actual Weight	Source Reduction (Tons)	Recycling (Tons)	Composting (Tons)	Total Tons
Subtotal -				**0**	**50.70**	**0**	**50.70**
20	Grocery Store	OCC Recycling	500lbs/bale		0 ~~156~~		0 ~~156~~
		Rendering	412lbs/55gal drum		0 ~~10.712~~		0 ~~10.712~~
		Plastic Bag Recycling			0 ~~0.78~~		0 ~~0.78~~
		Donated Goods (Baked)	25lbs/bag		0 ~~4.5625~~		0 ~~4.5625~~
		Grease Recycling			0 ~~14.95~~		0 ~~14.95~~
Subtotal -				**0**	**0 ~~187.0045~~**	**0**	**0 ~~187.0045~~**
21	Grocery Store	OCC Recycling	500lbs/bale		0 ~~156~~		0 ~~156~~
		Rendering	412lbs/55gal drum		0 ~~10.712~~		0 ~~10.712~~
		Plastic Bag Recycling			0 ~~0.78~~		0 ~~0.78~~
		Donated Goods (Baked)	25lbs/bag		0 ~~4.5625~~		0 ~~4.5625~~
		Grease Recycling			0 ~~14.95~~		0 ~~14.95~~
Subtotal -				**0**	**0 ~~187.0045~~**	**0**	**0 ~~187.0045~~**
22	Electronics Store	OCC Recycling	500lbs/bale		65.00		**65.00**
Subtotal -				**0**	**65.00**	**0**	**65.00**
23	Restaurant Grease	Grease Recycling	Darling International Records		3.38		**3.38**

Non-Residential Generator Survey or Audit Identification Number	Generator Type (Example - grocery store, retail, manufacturer)	Material Type (Example - cardboard, glass, plastic, etc.)	Specific Conversion Factor and Source or Actual Weight	Source Reduction (Tons)	Recycling (Tons)	Composting (Tons)	Total Tons
Subtotal -				**0**	**3.38**	**0**	**3.38**
14, 20, 21	Grocery stores	OCC Recycling			634.07		**634.07**
		Plastic Recycling			21.02		**21.02**
		Bone and fat			76.50		**76.50**
		Organics	Composting			425.51	**425.51**
Subtotal -				**0**	**731.59**	**425.51**	**1157.10**
Subtotal -				**0**	**0.00**	**0**	
Subtotal -				**0**	**0.00**	**0**	
Grand Total				**0**	**5492.12**	**426**	**5927.00**

Section VI - Restricted Waste

For each restricted waste type (i.e., agricultural waste, inert solids, [e.g. concrete, asphalt, dirt, etc.] scrap metals and white goods [PRC section 41781.2]) and associated program or generator, please provide the following information:

Insert 1

1. **If the diversion program started on or after January 1, 1990**, complete the following table.
Note: *Specific Program Name refers to one specific diversion program for that waste type (e.g., "Diversion conducted by city public waste dept."). Please input the complete program name with business type if appropriate. If you need to add additional programs, insert a row by clicking on the button for that section.*

Restricted Waste Type	Audit Reference Number	Specific Program Name	Year Started	Tonnage
Inert Solids		**Franchise Hauler Commercial Roll-Off**	1994	1584
White Goods		**Franchise Hauler Residential Collection**	1994	15
Pull Down for Waste Types				
Pull Down for Waste Types				
Pull Down for Waste Types				
Pull Down for Waste Types				
Pull Down for Waste Types				

2. If the diversion program started before January 1, 1990 - and if documentation on the program and waste type has not been approved by the Board, on a separate sheet marked "Attachment Section VI. 2", provide the documentation that indicates:

- How the diversion was the result of a local action taken by the jurisdiction, which specifically resulted in the diversion (PRC sec. 41781.2 [c] [1]).

- That the amount of that waste type diverted from the jurisdiction in 1990 was less than or equal to the amount of that waste type disposed at a permitted disposal facility by the jurisdiction in any year before 1990. (**Note**: this criterion is app
- The jurisdiction is implementing, and will continue to implement, the diversion programs in its source reduction and recycling element.

Note: *If documentation for a waste type and program has already been approved by the Board, you do not have to provide an "Attachment Section VI.2" for that waste type and program.*

Instead please provide date of Board approval of previously submitted information. _____ (Date)

If documentation is not available, go to Number 4.

Insert 3

3. If the diversion program started before January 1, 1990, and the documentation requested in Section VI.2" is available (but not yet approved by the Board), complete the table below for each program claimed:

Restricted Waste Type	Audit Reference Number	Specific Program Name	New Base Year or Reporting Year Diversion Tonnage
Pull Down for Waste Types			
Pull Down for Waste Types			
Pull Down for Waste Types			
Pull Down for Waste Types			
Pull Down for Waste Types			

4. If the diversion program started before January 1, 1990, and the documentation requested in Section VI.2" is available (but not yet approved by the Board), complete the table below for each program claimed:

Ins 4

Restricted Waste Type	Audit Reference Number	Specific Program Name	New Base Year or Reporting Year Tonnage	1990 Diversion Tonnage	Difference
Pull Down for Waste Types					
Pull Down for Waste Types					
Pull Down for Waste Types					
Pull Down for Waste Types					
Pull Down for Waste Types					

Table A: Site Visit Verification Findings, Diversion Tonnage and Deductions for the City of Murietta

Audit/Survey Referenc	Business Type	Material Type	Program Activity	NBY Study Claim (tons)	Conversion Factor	Verification Findings (tons)	Verification Findings Comments and Site Visit Methodology (if different from conversion factor in the study)
2	Hardware store	OCC	Recycling	286.00	1000lbs/bale	286.00	Approx. 11 bales/week are recycled.The amount was verified.
		Pallet	Recycling	468	40lbs/pallet	0.00	The Board staff verified with the business contact that they are required to return the pallets. No net reduction of disposal was found.
Subtotal				754.00		286.00	
3	Hardware Store	OCC	Recycling	249.6	1200lbs/bale	249.60	Approx. 8 bales/week are recycled.The amount was verified.
		Pallet	Recycling	104	40lbs/pallet	0.00	The Board staff verified with the business contact that they are required to return the pallets. No net reduction of disposal was found.
Subtotal				353.60		249.60	
4	General Store	OCC	Recycling	169	1000lbs/bale	169.00	Approx. 6.5 bales/week are recycled. The amount was verified.
Subtotal -				169.00		169.00	
5	Stationary store	OCC	Recycling	78.00	1000lbs/bale	78	Approx. 3 bales/week are recycled. The amount was verified.
		Paper		9.45	363.5lbs/cubic yard	9.45	The store has an office paper recycling program, the amount was verified.
		Ink Cartridge		1.80	2lbs/unit	1.8	The store collects ink cartridges from the customers. The amount was verified.
Subtotal -				89.25		89.25	
12	General Store	OCC	Recycling	286	1000lbs/bale	286.00	Approx. 11 bales/week are recycled.The amount was verified.
Subtotal -				286.00		286.00	
6	Furniture Store	OCC	Recycling	124.8	800lbs/bale	124.8	Approx. 6 bales/day are recycled. The amount was verified.
Subtotal -				124.80		124.80	
7	General Store	OCC	Recycling	160	1000lbs/bale	160.00	During busy holiday season, approx. 10 bales/week are recycled, during the off season, 5 bales/week are recycled. The amount was verified.

Audit/Survey Referenc	Business Type	Material Type	Program Activity	NBY Study Claim (tons)	Conversion Factor	Verification Findings (tons)	Verification Findings Comments and Site Visit Methodology (if different from conversion factor in the study)
Subtotal -				160.00		160.00	
8	General Store	OCC	Recycling	1314	1200lbs/bale	1,314.00	Approx. 6 bales/day are recycled. The amount was verified.
Subtotal -				1,314.00		1,314.00	
11	Manufacturing	OCC	Recycling	28.8	800lbs/bale	28.80	Approx. 18 bales/quarter are recycled. The amount was verified.
		Metal Drum	Recycling	7.00		9.40	The amount has been changed based on the actual weight.
Subtotal -				35.80		38.20	
14	Grocery Store	OCC	Recycling	78	500lbs	0.00	All the diversion tonnage from this store has been moved to "grocery stores 14, 20, 21" column as the headquarter of the grocery stores submitted a report that combined all the stores' diversion amount.
Subtotal -				78.00		0.00	
13	Grocery Store	OCC	Recycling	157.3	550lbs/bale	157.3	The amount was verified.
		Plastic	Recycling	2.60	2lbs/bucket	2.60	The amount was verified.
		Bone and fat	Rendering	42.84	412lbs/55 gal drum	42.84	The amount was verified.
		Baked item	donation	13.68	75lbs/container	13.68	The amount was verified.
		canned item	donation	31.20	600lbs/pallet	31.20	The amount was verified.
Subtotal -				247.62		247.62	
15	Speciality Store	OCC	Recycling	547.5	1200lbs/bale	547.5	Approx. 2.5 bales/day are recycled. The amount was verified.
Subtotal -				547.50		547.50	
16	Grocery store	OCC	Recycling	876	1200lbs/bale	876.00	Approx. 4 bales/day are recycled. The amount was verified.
		Rendering		74.98	412lbs/55 gal drum	74.98	The amount was verified.
Subtotal -				950.98		950.98	
	Golf Course	Grasscycling		988.00	7.6 tons/acre/year	988.00	The acreage was verified.
Subtotal -				988.00		988.00	
	Golf Course	Grasscycling		836.00	7.6 tons/acre/year	836.00	The acreage was verified.
Subtotal -				836.00		836.00	

Audit/Survey Referenc	Business Type	Material Type	Program Activity	NBY Study Claim (tons)	Conversion Factor	Verification Findings (tons)	Verification Findings Comments and Site Visit Methodology (if different from conversion factor in the study)
10	General Retail	OCC	Recycling	126.00	estimate	0.00	The contact informed the staff that the tonnage is included in the hauler's report.
Subtotal -				126.00		0.00	
20	Grocery Store	OCC	Recycling	156	500lbs/bale	0.00	All the diversion tonnage from this store has been moved to "grocery stores 14, 20, 21" colum as the headquater of the grocery stores submitted a report that combined all the stores' diversion amount.
		Rendering		10.712	412lbs/55gal drum	0.00	All the diversion tonnage from this store has been moved to "grocery stores 14, 20, 21" colum as the headquater of the grocery stores submitted a report that combined all the stores' diversion amount.
		Pastic Bag	Recycling	0.78		0.00	All the diversion tonnage from this store has been moved to "grocery stores 14, 20, 21" colum as the headquater of the grocery stores submitted a report that combined all the stores' diversion amount.
		Donated Goods (Baked)	Recycling	4.5625	25lbs/bag	0.00	All the diversion tonnage from this store has been moved to "grocery stores 14, 20, 21" colum as the headquater of the grocery stores submitted a report that combined all the stores' diversion amount.
		Grease	Recycling	14.95		0.00	All the diversion tonnage from this store has been moved to "grocery stores 14, 20, 21" colum as the headquater of the grocery stores submitted a report that combined all the stores' diversion amount.
Subtotal -				187.00		0.00	
21	Grocery Store	OCC	Recycling	156	500lbs/bale	0.00	All the diversion tonnage from this store has been moved to "grocery stores 14, 20, 21" colum as the headquater of the grocery stores submitted a report that combined all the stores' diversion amount.

Audit/Survey Referenc	Business Type	Material Type	Program Activity	NBY Study Claim (tons)	Conversion Factor	Verification Findings (tons)	Verification Findings Comments and Site Visit Methodology (if different from conversion factor in the study)
		Rendering		10.712	412lbs/55gal drum	0.00	All the diversion tonnage from this store has been moved to "grocery stores 14, 20, 21" colum as the headquater of the grocery stores submitted a report that combined all the stores' diversion amount.
		Pastic Bag	Recycling	0.78		0.00	All the diversion tonnage from this store has been moved to "grocery stores 14, 20, 21" colum as the headquater of the grocery stores submitted a report that combined all the stores' diversion amount.
		Donated Goods (Baked)	Recycling	4.5625	25lbs/bag	0.00	All the diversion tonnage from this store has been moved to "grocery stores 14, 20, 21" colum as the headquater of the grocery stores submitted a report that combined all the stores' diversion amount.
		Grease	Recycling	14.95		0.00	All the diversion tonnage from this store has been moved to "grocery stores 14, 20, 21" colum as the headquater of the grocery stores submitted a report that combined all the stores' diversion amount.
Subtotal -				187.00		836.00	
	Grocery Store 14, 20, 21	OCC	Recycling	0.00		634.07	Verified with the reports from the headquarter of the grocery stores. No modification was made.
		Plastic	Recycling	0.00		21.02	Verified with the reports from the headquarter of the grocery stores. No modification was made.
		Bone & Fat	Recycling	0.00		76.50	Verified with the reports from the headquarter of the grocery stores. No modification was made.
		Organics	Composting	0.00		425.51	Verified with the reports from the headquarter of the grocery stores. No modification was made.
Total						2,829.10	
	Sludge	biosolid		7,585.00		832.00	The tonnage was modifed for dry weight and all the requirements were met.
	Scrap metal	Scrap metal	Recycling	550.00		0.00	The City could not provide the documentation to verify the Restricted Waste criteria.

Audit/Survey Referenc	Business Type	Material Type	Program Activity	NBY Study Claim (tons)	Conversion Factor	Verification Findings (tons)	Verification Findings Comments and Site Visit Methodology (if different from conversion factor in the study)
Grand Total -				7,434.56		9,952.05	

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Resolution 2005-177

Consideration Of A Request To Change The Base Year To 2003 For The Previously Approved Source Reduction And Recycling Element; And Consideration Of The Petition For Sludge Diversion Credit For The City Of Murrieta, Riverside County

WHEREAS, Public Resources Code Sections 41031 (Cities) and 41331 (Counties) require that information submitted by a jurisdiction on the quantities of solid waste it has generated, diverted and disposed, shall include data as accurate as possible to enable the Integrated Waste Management Board (Board) to accurately measure the jurisdiction's achievement of the diversion requirement pursuant to PRC Section 41780; and

WHEREAS, City of Murrieta submitted documentation requesting to change its base year to 2003, which it claims is as accurate as possible; and

WHEREAS, a portion of the 2003 new base-year generation tonnage claimed by the City has been modified as a result of staff verification, and is reflected in the staff-revised certification; and

WHEREAS, PRC Section 41781.1 and Title 14 California Code of Regulations (14CCR) Section 18775.2 allow the Board to grant diversion credit for sludge to a qualifying jurisdiction for application toward the waste diversion requirement of PRC Section 41780, providing that certain specified requirements are met; and

WHEREAS, the Board received a Petition for Diversion Credit for Sludge Diversion (Petition) from the City; and

WHEREAS, based on its review of the Petition and consultations with the required Agencies, Board staff found that all of the Petition requirements have been satisfied; and

NOW, THEREFORE, BE IT RESOLVED, that the Board, as required by PRC Section 41781.1, hereby makes a finding at this public meeting that the City's sludge has been adequately analyzed and the material's reuse as described did not pose a threat to public health or the environment, and that the Board therefore approves the City's Petition for sludge diversion credit to be applied toward the diversion requirements of PRC Section 41780.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the base year change to 2003 with the staff-recommended changes as noted in this item for the City of Murrieta, and has met the conditions for claiming biomass diversion credit.

(over)

CERTIFICATION

The undersigned Executive Director, or his designee, of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on July 19-20, 2005.

Dated:

Mark Leary
Executive Director

California Integrated Waste Management Board

Board Meeting

July 19-20, 2005

AGENDA ITEM 25(Revised)

ITEM

Public Hearing And Consideration Of The Imposition Of Penalties Against The City Of Fortuna Pursuant To Compliance Order IWMA BR02-01 (Public Resources Code Section 41850)

I. ISSUE/PROBLEM STATEMENT

As a result of the 1999/2000 Biennial Review, the California Integrated Waste Management Board (Board), at its September 2002 meeting, issued Compliance Order IWMA BR02-01 to the City of Fortuna (City) for not sufficiently implementing the diversion programs identified in its Source Reduction and Recycling Element (SRRE).

One of the requirements of the Compliance Order was for the City to work with Board staff to develop and agree to a Local Assistance Plan (LAP) by December 31, 2002. On December 16, 2002, the Fortuna city council adopted the final LAP workplan. On December 24, 2002, the City submitted the signed agreement between the Board and the City of Fortuna titled "Local Assistance Plan for the City of Fortuna".

However, based on the information provided in the City's quarterly LAP updates, as well as numerous discussions with City staff, Board staff believes the City has failed to demonstrate a good faith effort to implement the specific tasks listed in the LAP by the required due dates. Staff has prepared this item for the Board to consider imposing administrative penalties on the City of Fortuna pursuant to Compliance Order IWMA BR02-01, as the City did not meet specific requirements of the compliance order.

II. ITEM HISTORY

On February 8, 1995, the Board approved the City's SRRE. As a result of the 1999/2000 Biennial Review, the Board, at its September 2002 meeting, issued Compliance Order IWMA BR02-01 to the City of Fortuna for not sufficiently implementing the diversion programs identified in its SRRE. On May 25, 2005, the City was sent a Notice Of Penalty Hearing to consider administrative penalties for failure to implement its SRRE.

III. OPTIONS FOR THE BOARD

The Board may decide to:

1. Impose a one-time penalty amount (for failure to meet the implementation due dates identified in the City's LAP) in accordance with the Board's Countywide Integrated Waste Management Plan Enforcement policy, Part II using the moderate penalty range of $1,000 to $5,000 per day. Based on the Board's evaluation of mitigating factors, recommend per day penalty amount range from $180 to $900 per day and would be based on one of the following time periods:
   A. Beginning from the date the Board issued the compliance order (9/17/02) through the date of the penalty hearing (7/19/05);
   B. Beginning from the date the City failed to meet the final LAP due date (5/31/05) through the date of the penalty hearing (7/19/05);
   C. Beginning from the date of the Penalty Hearing notice (5/25/05) through the date of the penalty hearing (7/19/05);

D. Beginning and ending on the date of the penalty hearing (7/19/05);
E. The Board may also elect to consider an alternative time period or one-time penalty depending on testimony provided at the hearing.

2. Impose an additional daily penalty amount if the City fails to implement its past due LAP tasks by September 13, 2005, in accordance with the Board's Countywide Integrated Waste Management Plan Enforcement policy, Part II using the moderate penalty range of $1,000 to $5,000 per day. Based on the Board's evaluation of mitigating factors, recommend per day penalty amount range from $180 to $900 per day and would be based on one of the following terms:
   A. Beginning from the date of the penalty hearing (7/19/05) through the date that the City and Board staff agree that the tasks due to be implemented in the LAP have been implemented;
   B. Beginning from a future date, determined by the Board, through the date that the City and Board staff agree that the tasks due to be implemented in the LAP have been implemented.
   C. The Board may also elect to consider an alternative term or daily penalty depending on testimony provided at the hearing.
3. Impose a penalty and suspend the fine based upon testimony heard at the Board meeting.

IV. STAFF RECOMMENDATION

Staff recommends the Board select both Options 1 and 2. The Board shall make the final determination of the actual penalty within each Option. Additionally, the Board's final determination should be based on testimony provided at the hearing.

Option 1 describes a one-time penalty to be imposed on the City for failing to meet the task due dates identified in the City's LAP that were due by May 31, 2005. Option 2 describes a daily penalty that could be assessed if the City fails to complete its past due LAP tasks by September 13, 2005, as recommended by Board staff.

V. ANALYSIS

A. Key Issues and Findings

1. Legal Framework For Hearing

Hearing Requirement

Public Resources Code Section 41850 provides, in part, that:

> *If after holding [a] public hearing and issuing an order of compliance pursuant to Section 41825, the Board finds that the [jurisdiction]…has failed to make a good faith effort to implement its Source Reduction and Recycling Element, the Board may impose administrative civil penalties upon the [jurisdiction]… of up to ten thousand dollars ($10,000) per day until the [jurisdiction] implements the element.*

Allocation of Penalties Collected

Public Resources Code Section 41813(d) provides that any penalties imposed and collected as a result of this hearing shall be used, to the extent possible, to assist local governments in meeting the requirements of the Act.

Notice of Hearing

The jurisdiction was served with a Notice of Hearing (Attachment 1). This notice

included the date and time of the hearing, a basic description of its subject matter, and information on how the jurisdiction could participate.

The notice was served upon the Mayor by certified mail, return receipt requested. The notice was sent on May 25, 2005, and staff has confirmed through return receipt and contact with the City that it was received more than 30 days prior to the public hearing.

Structure of Hearing
The hearing will be structured in accordance with the procedures included in the Notice of Hearing. A copy of the procedures is included in Attachment 1. These procedures will be utilized to provide a structure for the hearing that will ensure that the Board has all necessary information to make a decision, and an appropriate administrative record to support its decision.

2. Background and Chronology

Diversion Rate (Percent) Data							Key Jurisdiction Conditions				
							Waste Stream Data				
Base Year	1998	1999	2000	2001	2002	2003	Pounds waste generated per person per day (ppd)	Population	Program Review Site Visit by Board Staff	Non-Residential Waste Stream Percentage	Residential Waste Stream Percentage
1990	33	31	34	43	20	45*	6.77	10,900	2005	67	33

* The City's 2003 diversion rate was based upon a generation study conducted in March 2005 by City staff with assistance from Board staff and the hauler. The data from the generation study enabled City and Board staff to evaluate the program gaps that the City needed to address to meet their mandate.

City's geographic location: Fortuna is located on the North Coast of California. It is the largest city of southern Humboldt County and is located 250 miles north of San Francisco and 445 miles south of Portland, Oregon.

LAP Implementation Status
As a result of the 1999/2000 Biennial Review, at its September 2002 meeting the Board issued Compliance Order IWMA BR02-01 to the City of Fortuna for not sufficiently implementing the diversion programs identified in its SRRE. The Compliance Order included identification of the City's diversion program needs, and inclusion of these programs in the City's LAP. Based on the information provided in the City's LAP updates, multiple site visits, and numerous discussions with City staff, staff believes the City has failed to demonstrate a good faith effort to implement the tasks listed in the LAP.

As detailed in Attachment 3, Board staff has made, and continues to make, all reasonable efforts to work with the City by providing additional technical assistance to implement programs that will overcome gaps in waste diversion. Despite the Board's efforts to assist the City, program implementation necessary to achieve diversion requirements continues to be delayed, and the City is being considered for imposition of administrative penalties for failure to comply with the Board's compliance order.

The following table identifies the LAP programs, agency primarily responsible for

implementation, due dates, and completion status of programs that were to be implemented from January 31, 2003 through December 31, 2004. The table also identifies those tasks that were not completed by December 31, 2004, but that Board staff and City staff agreed would be completed by the revised due date of May 31, 2005, and the status of the program implementation.

City of Fortuna's LAP				
LAP Programs	**Agency Responsible**	**Due Date,**	**Revised Due Date**	**Completion Status/Date**
1. a. Assess Disposal Reporting: Assess disposal reporting inaccuracies and submit corrected information to Board staff.	City	3/31/03		Completed 3/25/04
1. b. Assess Diversion Measurement—New Base Year Study: Conduct generation study and submit results to the Board.	City	6/30/03	5/31/05	Completed 4/05/05
2. Evaluate Curbside Expansion: Assess material types to be added to the program, evaluate current collection schedule and containers, analyze rate structure for implementing a single stream recycling program, and implement program and distribute promotional materials.	City	9/30/03	5/31/05	Not completed.
3. Increase Waste Assessments for Commercial Businesses: Identify commercial businesses, conduct assessments and provide technical assistance.	City	12/31/03		Completed 12/31/04
4. Promote Commercial On-site Pickup: Develop, produce, and disseminate promotional materials.	City	3/31/04		Completed 12/31/04
5. Implement Drop-off Expansion: Determine expanded materials to be collected, equipment needs, and implement and promote the program.	City	03/31/04		Completed 10/18/04
6. Enhance School Recycling Program: Conduct waste assessments, assess program needs, and provide technical assistance.	City	4/30/03	4/30/05	Completed 5/31/05
7. Site Composting Facility: Assess facility needs, site facility, promote program. Note: This task was revised by Board and City staff as it was determined that currently there are adequate processing opportunities for the City's greenwaste and thus siting a new facility is not needed.	N/A	N/A	N/A	N/A
8. Evaluate Feasibility of Curbside Greenwaste Collection: Conduct pilot program, and develop and disseminate promotional materials.	City	12/31/04	05/15/05	Completed 5/04/05
9. Review Existing and Develop Additional General Diversion Program Promotion: Develop focused promotion efforts and implement kick-off and distribution of education and outreach program.	City	12/31/04		Completed 10/18/04

City of Fortuna's LAP				
LAP Programs	**Agency Responsible**	**Due Date,**	**Revised Due Date**	**Completion Status/Date**
10. Approve Full Time or Part Time Recycling Coordinator: Hire recycling coordinator to manage and implement City's diversion programs.	City	7/31/04		Completed 12/01/04
11. C & D Program & Policy Development: Develop and adopt C&D policy with input from City staff and local contractors.	City	5/31/05		Not Complete
12. Environmentally Preferable Purchasing: Develop and adopt EPP policy.	City	5/31/05		~~Not Complete~~ June 20, 2005

Please see Attachment 3 for a chronology, to date, of communications pertaining to program task completion between Board staff and the City from the time the City agreed to, and signed, the LAP. The following is an overview of the implementation status of the City's LAP to date.

- Since the compliance order was first issued, the City has had numerous problems in fulfilling their obligation in completing tasks in a timely manner. This has been a direct result of staffing issues and budget constraints. Initially, the City was without a city manager through the first quarter of the compliance order. In addition, over the first year and a half, the City staff person assigned to oversee waste management tasks changed four times. The hiring of a part-time environmental consultant in June of 2004, and the hiring of a permanent recycling coordinator in December of 2004, has played a critical role in the City finally being able to complete some of the program tasks specified in the LAP.

- In addition, during the course of the compliance order, the City and the hauler have failed to negotiate an agreement pertaining to various diversion programs and program promotion, thus preventing substantial progress of tasks specified in the LAP. On January 28, 2005, Board staff met with the city manager and the hauler to provide an opportunity for both sides to present their perception of the obstacles that had prevented program implementation from taking place by the required due date of December 31, 2004. In the meeting, numerical challenges were also discussed which have had a negative impact on the City's diversion rate. It was discovered that the City did not fully understand the ease of conducting a new base year study which had made them hesitant in committing to conducting a study. The City agreed to work in conjunction with Board staff to conduct a generation study, and use this information also to reevaluate the programs identified in the original workplan.

- On February 28th, Board staff met with City staff to conduct a new generation study and program review to identify program gaps. Recommendations were made by Board staff and agreed to by the City manager. As a result of this site visit, five programs were identified with associated tasks and responsibilities that the City would need to target by a revised due date of

May 31, 2005.

- During the months following the site visit, Board staff were apprised of the City's program progress through periodic e-mails and conference calls. On May 17, 2005, at the City's request, a conference call was conducted with Board staff, the city manager, the environmental consultant and the recycling coordinator. The city manager informed Board staff that the hauler had filed a lawsuit against the City pertaining to the City operated greenwaste pilot program, which had started on May 4, 2005. With the pending lawsuit, related to the greenwaste program and public records request, no further progress had been made regarding contract negotiations pertaining to the single-stream recycling program.

  During the call, Board staff requested that the City submit the most recent proposal that had been sent to the hauler pertaining to the single-stream recycling program which was dated March 11, 2005. Through numerous conversations on May 17th and May 18th with the City and the hauler, Board staff made an attempt to facilitate each party in working out a reasonable agreement predicated on the hauler dropping all litigation if an agreement could be reached. As a result of these discussions, a tentative agreement was reached by both parties. However, before the proposal could be sanctioned, the city manager informed Board staff that he would need to meet with two council members and legal staff. After the meeting regarding the new proposal, the city manager informed Board staff that the City could not negotiate with the hauler regarding the curbside recycling program due to the pending lawsuits regarding the greenwaste program and public records request.

- On May 20, 2005, since it appeared that the pending lawsuits were not a direct impediment to the City negotiating with their hauler to implement the single-stream recycling program, and the City had the ability to implement the other outstanding tasks in the LAP, as well as having ample time to reach an agreement with the hauler, Board staff informed the city manager that they would have to recommend a Board hearing to consider imposition of penalties. On May 25, 2005, a notice of a penalty hearing was sent to the mayor of Fortuna.

- On June 3, 2005, a conference call was conducted with the recycling coordinator and the City manager to assess the status of all of the programs listed in the workplan. It was established that three programs had not been fully implemented: Construction & Demolition Policy Development (C&D), Environmentally Preferable Purchasing (EPP) and Single-Stream Recycling. If there are any changes regarding the program status of the aforementioned uncompleted programs, the City has agreed to update Board staff before the July 19, 2005 Board Meeting. During the conference call, Board staff also described the purpose and the process of the penalty hearing.

3. <u>Analysis of Penalty Criteria</u>

Staff has reviewed penalty criteria described in Public Resources Code 41850, and the Board's Countywide Integrated Waste Management Plan Enforcement Policy,

Part II that was approved by the Board on February 14, 1995, and revised August 14, 2001. Statute requires the Board to consider factors that include:

> Good Faith Effort; Natural Disasters; Budgetary Constraints; Work Stoppages; Failure of Public Agencies to Participate; Alternative Program Implementation Efforts; Diversion Rate; Board Approved Time Extensions or Alternative Diversion Rate; and Impacts and Efforts Related to Construction and Demolition Waste.

Staff has identified the statutory criteria relative to the Board's consideration of penalties for this city is limited to the City's Good Faith Effort, budgetary constraints and diversion rate. These statutory criteria were selected by staff because they appear to include the most relevant information necessary for deciding whether or not to impose a penalty in this case, and, if one is to be imposed, the amount of the penalty. To assist the Board in applying the statutory criteria**,** the following factual information is presented in analyzing the jurisdiction's Good Faith Effort (see Attachment 3 for a detailed chronology of communications, by LAP program task, between Board staff and the City from the time the City signed the LAP to-date):

- The City of Fortuna was issued a compliance order by the Board on September 19, 2002, as the City had failed to adequately implement many of the programs listed in the City's SRRE to achieve the 50 percent diversion requirement.
- The Board's compliance order for the City included development of a Local Assistance Workplan (LAP) that required the City to work with Board staff to determine gaps in program areas and make recommendations in improving, expanding, or implementing new diversion programs (known as a "needs assessment"). The compliance order required the City to agree to, and sign, the LAP by December 31, 2002.
- As part of the LAP workplan development, Board and City staff, as well as the hauler met on November 20, 2002, to review the City's existing programs, identify program gaps and discuss areas of potential program assistance. This visit included a tour of the transfer station, as well as other areas of the City. Board staff developed a draft LAP that reflected the programs and schedule the City would follow for implementation. The LAP was then forwarded to the City for review, comments and signature. The LAP was signed by the City on December 24, 2002.
- Initially, due to staffing issues and budget constraints, the City had difficulty completing tasks in a timely manner. Once the City established a solid team to focus on waste management issues, progress was made in fulfilling some of the tasks listed in the LAP.
- Although many of the programs identified in the City's LAP have been completed, there are three programs that are not yet completed, single-stream recycling, a C&D policy and an environmentally preferable purchasing policy. Since the single-stream recycling program is dependent upon recycling services normally provided by a waste hauler, reaching an agreement with the hauler was critical. The City has had ample time to reach an agreement, but no agreement has been reached to date. Additionally, the other two programs yet to be fully implemented, passing a C&D policy and an EPP policy, still need to be presented to the city council for approval. Ultimately, it is the City's responsibility to ensure that all of the agreed upon programs in their LAP are implemented by the required due dates.

4. <u>Penalty Analysis</u>

Maximum Potential Penalty

The maximum potential penalty that the Board could impose upon the city would be in the amount of $10,000 per day. Based upon information available at the time that this item was prepared, and for the reasons discussed in this agenda item, staff recommends that the Board select the length of the one-time penalty from the list of options in Option 1. If the jurisdiction continues to fail to implement its past due LAP program tasks by September 13, 2005, Board staff recommends that the Board select a length of time for a daily penalty from the list of options in Option 2.

If after considering information presented in this item and at the public hearing, the Board determines a penalty is justified for the City's delay in complying with specific requirements of the compliance order, staff recommends the penalty be assessed in accordance with the Board's Countywide Integrated Waste Management Plan Enforcement Policy, Part II, using the moderate penalty range of $1,000 to $5,000 per day. However, based on mitigating factors that are discussed in detail below, the recommended per day penalty amount should be modified to range from $180 to $900 per day. The term of the penalty will determine the total penalty and ranges from a low of $180 to a maximum of $10,360,000 through the date of the penalty hearing.

Determining Range for Potential Penalties

The Board may impose penalties only after a jurisdiction fails to adhere to the compliance order and schedule requirements. Penalties should be levied according to the cause of failure to adequately implement a SRRE. The Board's enforcement policy provides three ranges for potential penalties:

- Serious – no less than $5,000 per day, up to $10,000 per day for failure to implement without reason or justification.
- Moderate – no less than $1,000 per day, up to $5,000 per day for failure due to mitigating circumstances.
- Minor – up to $1,000 per day for failure to meet requirements to some extent.

Based on the information presented in this item, Board staff recommends that the Board consider City of Fortuna's failure to make a good faith effort to implement its SRRE and to implement the single-stream recycling program listed in the LAP, as required by the City's compliance order, as a moderate violation.

The moderate violation level has been selected because the City failed to implement its SRRE and subsequent LAP due to mitigating circumstances that have no bearing on natural disasters and work stoppages. Also, the City has been given ample time to complete all of the programs listed in their LAP. Furthermore, Board staff have consistently assisted the City, as well as providing the City additional time beyond the original due date to complete all programs.

The penalty range of serious was not selected as the City has made efforts to work with Board staff on the compliance order. Additionally the penalty range of minor was not selected because although the City has implemented most of the programs in its SRRE, to date, implementation has occurred at a level below that needed to achieve the diversion requirements.

Determining Length of Time For Calculating Penalties

Board staff has identified options, under Option 1, for the length of time that the Board may choose from in assessing a one-time penalty if the Board determines a penalty is justified. Board staff has also identified options, under Option 2, for the length of time that the Board may choose from in assessing a daily penalty, which may be assessed if the jurisdiction fails to implement its past due program tasks by September 13, 2005 (60 days from the penalty hearing date). Board staff is making this recommendation which was determined through discussions with the hauler that this amount of time would be reasonable in order to implement the single-stream curbside program. The Board may also identify an alternative length of time. Options are listed in section III of this agenda item.

Board staff recommend that the City commit to September 13, 2005, to implement all past due tasks and provide the Board with a revised implementation schedule for its future tasks. This revised schedule could be used as the basis for which daily fines could be assessed if the City continues to fail to demonstrate a good faith effort to implement the programs identified in its LAP (Option 2).

In determining a length of penalty, the Board should consider how the City's delay in complying with specific requirements of the LAP (see Attachment 3) has required staff to shift staff resources away from other program activities, such as site visits and providing technical assistance to other jurisdictions. Resources were required to prepare a Notice of Penalty Hearing, conduct additional file review, prepare a contact table noting implementation of tasks and program gaps, and prepare the agenda item necessary for the public hearing and related attachments. All of these items were needed to enforce the requirements of the compliance order that the Board approved to allow the City additional time in meeting diversion requirements and to offer additional assistance in identifying program gaps and corrective actions.

Additional Mitigating Factors For Recommending a Penalty Amount

Based on previous penalty actions considered by the Board, staff recommends the Board consider additional factors when determining an actual penalty amount. Staff selected three factors that are related to the impact that the penalty might have on the jurisdiction and also the relative impact of the jurisdiction's waste disposal on statewide disposal reduction. The three factors are population, taxable sales, and waste disposal. More specifically, staff reviewed the relative ranking of the jurisdiction in these three areas in comparison to all other jurisdictions within the State and identified the City's relative rank out of 434 is as follows:

- The City of Fortuna had a 2003 population of 10,900. This ranks 18th in percentile of jurisdictions.
- The City of Fortuna had 2003 taxable sales of $112,222. This ranks 23rd in percentile of jurisdictions.
- The City of Fortuna had 2003 disposal of 8,580.35 tons. This ranks 14th in percentile of jurisdictions.

The average of the percentile ranking of these three factors (18, 23, 14) for the City of Fortuna is 18 percent calculating from lowest to highest among all California

jurisdictions. Staff is recommending that this percentage be applied to the base penalty if the Board determines that a penalty is justified. Thus, if the lower end of the moderate penalty range were used, the penalty would be 18% of $1,000 or $180.00 per day. If the higher end of the moderate penalty range were used, the penalty would be 18% of $5,000 or $900.00 per day.

B. Environmental Issues

Based on available information, staff is not aware of any environmental issues related to this item.

C. Program/Long Term Impacts

Staff does not anticipate any program or long-term impacts related to this item.

D. Stakeholder Impacts

The City is at risk of financial penalties for not complying with the Board approved compliance order.

E. Fiscal Impacts

No fiscal impact to the Board results from this item.

F. Legal Issues

This represents the process for implementing PRC Section 41825 that directs the Board to conduct a biennial review to determine a jurisdiction's progress in implementing its SRRE and HHWE. If a jurisdiction is not meeting the mandates of the Integrated Waste Management Act (IWMA), the Board may issue a compliance order and schedule a public hearing (PRC Section 41825). Penalties 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).

G. Environmental Justice

- **Community Setting**

2003 Census Data – Demographics for City of Fortuna						
% White	**% Hispanic**	**% Black**	**% Native American**	**% Asian**	**% Pacific Islander**	**% Other**
82.9	10.4	0.4	2.5	0.9	0.2	0.2

2003 Census Data – Economic Data for City of Fortuna		
Median annual income*	**Mean (average) income***	**% Individuals below poverty level**
31,129	40,418	17.4

*Per Household

- **Environmental Justice Issues**

  Board staff has received information from the City that ethnic diversity and poverty are issues the City must consider regarding the type and cost of programs that the City will implement.

In the development of the LAP, staff met with the City to discuss the programs that would enable the City to achieve diversion requirements and that could feasibly be implemented. The City is negotiating for services that will include programs as outlined in the LAP and that are within cost parameters acceptable to the City and its stakeholders.

- **Efforts at Environmental Justice**
  The City works collaboratively with other Humboldt jurisdictions on outreach efforts. These efforts consist of recycling brochures, a City and County website promoting recycling opportunities, a 20 page Regional Recycling Guide located in the SBC telephone book and PSA's for regionwide phone book and Christmas tree collections. The recycling coordinator has ordered several brochures in Spanish to target the Hispanic population in Fortuna.

H. 2001 Strategic Plan

This item supports:

Strategic Plan goal 2, objective 3 (Support local jurisdiction's ability to reach and maintain California's waste diversion mandates), strategy (D) Assess and assist local governments' efforts to implement programs and reduce disposal, taking corrective action as needed.

Strategic Plan goal 7, objective 1 (Promote source reduction to minimize the amount of waste generated), strategy (B) Continue to work with jurisdictions to ensure they meet and/or exceed existing waste diversion mandates by demonstrating staff's continual efforts to work with jurisdictions to ensure they meet and/or exceed the waste diversion mandates.

VI. FUNDING INFORMATION

This item does not require any Board fiscal action.

VII. ATTACHMENTS

1. Notice of Hearing
2. Compliance Order IWMA BR02-01
3. LAP Program Implementation Table and Communication Log Between Board and Jurisdiction
4. Resolution Number 2005—178
5. Letters from City and hauler regarding franchise agreement negotiations

VIII. STAFF RESPONSIBLE FOR ITEM PREPARATION

A. Program Staff: Jill Simmons **Phone:** (916) 341-6684
B. Legal Staff: Elliot Block **Phone:** (916) 341-6080
C. Administrative Staff: N/A **Phone:**

IX. WRITTEN SUPPORT AND/OR OPPOSITION

A. Support

None

B. Opposition

None

California Integrated Waste Management Board

Rosario Marin, Chair
1001 I Street • Sacramento, California 95814 • (916) 341-6000
Mailing Address: P. O. Box 4025, Sacramento, CA 95812-4025
www.ciwmb.ca.gov

Alan C. Lloyd, Ph.D.
Secretary for Environmental

Arnold Schwarzenegger

NOTICE OF PUBLIC HEARING TO CONSIDER IMPOSITION OF ADMINISTRATIVE CIVIL PENALTIES

in the matter of

THE CITY OF FORTUNA

The California Integrated Waste Management Board (CIWMB) has scheduled a public hearing, in accordance with Public Resources Code Section 41850 (Attachment 1), in order to determine whether or not to impose administrative civil penalties against the City of Fortuna, for failure to complete a Compliance Order (IWMA BR02-01) issued in accordance with the requirements of the Integrated Waste Management Act (Public Resources Code Section 40000 et sec.) by failing to demonstrate a good faith effort to implement the specific tasks listed in the Local Assistance Plan, as required by the Compliance Order.

The hearing will be held as follows:

Date: July 19-20, 2005
Time: 9:30 am
Place: Byron Sher Auditorium
1001 I Street, 2nd Floor
Sacramento, CA 95814

At the hearing, the Board's staff and the City will be given an opportunity to present evidence concerning this subject matter. The City may, but need not, be represented by counsel. If possible, written information to be presented to the Board at the hearing should be furnished to the CIWMB by July 9, 2005 (10 days before the hearing) in order to allow the Board adequate time for review. Attached is a copy of the procedure to be used for the conduct of this hearing (Attachment 2). Also, attached is a summary of the factors to be considered by the Board in making a penalty determination (Attachment 3).

If there are any questions about the hearing facility, please contact Deborah McKee at (916) 341-6550. Any documents to be submitted should be sent to Ms. McKee's attention at the Board's address.

Mark Leary

May 27, 2005
Date

California Integrated Waste Management Board

Rosario Marin, Chair
1001 I Street • Sacramento, California 95814 • (916) 341-6000
Mailing Address: P. O. Box 4025, Sacramento, CA 95812-4025
www.ciwmb.ca.gov

Alan C. Lloyd, Ph.D.
Secretary for Environmental

Arnold Schwarzenegger

May 25, 2005

Tom Cooke, Mayor
City Hall
P.O. Box 545
Fortuna, CA 95540

Dear Mr. Cooke:

SUBJECT: NOTICE TO THE CITY OF FORTUNA THAT THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD (BOARD) WILL CONDUCT A PUBLIC HEARING ON JULY 19, 2005 TO CONSIDER THE IMPOSITION OF ADMINISTRATIVE CIVIL PENALTIES FOR NON-COMPLIANCE WITH AB 939 (PURSUANT TO PUBLIC RESOURCES CODE SECTION 41825)

The purpose of this letter is to formally notify you of the Board's intent to consider the imposition of administrative civil penalties at its **July 19-20, 2005**, public meeting for failure to implement Compliance Order IWMA BR02-01.

On October 1, 2002, the City of Fortuna (City) was issued Compliance Order IWMA BR02-01. This order required that the City meet and work with Board staff to develop a Local Assistance Plan (LAP) that the City would agree to by December 31, 2002; the City completed this requirement on December 16, 2002. The order also required that the City implement the tasks specified in the LAP by the due dates listed in the LAP. Based on the information provided in the City's LAP updates as well as numerous discussions with City staff, Board staff believes the City has failed to demonstrate a good faith effort to implement all of the specific tasks listed in the LAP by the required due dates.

The Board has scheduled this hearing as part of the scheduled Board Meeting for July 19-20, 2005. Attached is the formal public notice regarding this hearing. A representative of the City of Fortuna is requested to attend to answer any questions from the Board. We appreciate your cooperation on this matter.

Should you have any questions about this letter, or the upcoming hearing, please contact Steve SoRelle at (916) 341-6254 or Jill Simmons at (916) 341-6684.

Respectfully,

Patrick Schiavo, Deputy Director
Diversion Planning and Local Assistance Division

Cc: Duane Rigge, City Manager
P.O. Box 545
Fortuna, CA 95540

Public Resources Code Section 41850

(a) Except as specifically provided in Section 41813, if, after holding the public hearing and issuing an order of compliance pursuant to Section 41825, the board finds that the city, county, or regional agency has failed to make a good faith effort to implement its source reduction and recycling element or its household hazardous waste element, the board may impose administrative civil penalties upon the city or county or, pursuant to Section 40974, upon the city or county as a member of a regional agency, of up to ten thousand dollars ($10,000) per day until the city, county, or regional agency implements the element.

(b) In determining whether or not to impose any penalties, or in determining the amount of any penalties imposed under this section, including any penalties imposed due to the exclusion of solid waste pursuant to Section 41781.2 that results in a reduction in the quantity of solid waste diverted by a city, county, or regional agency, the board shall consider whether the jurisdiction has made a good faith effort to implement its source reduction and recycling element or its household hazardous waste element. In addition, the board shall consider only those relevant circumstances that have prevented a city, county, or regional agency from meeting the requirements of this division, including the diversion requirements of paragraphs (1) and (2) of subdivision (a) of Section 41780, including, but not limited to, all of the following:

(1) Natural disasters.

(2) Budgetary conditions within a city, county, or regional agency that could not be remedied by the imposition or adjustment of solid waste fees.

(3) Work stoppages that directly prevent a city, county, or regional agency from implementing its source reduction and recycling element or household hazardous waste element.

(4) The impact of the failure of federal, state, and other local agencies located within the jurisdiction to implement source reduction and recycling programs in the jurisdiction on the host jurisdiction's ability to meet the requirements of paragraph (2) of subdivision (a) of Section 41780.

(c) In addition to the factors specified in subdivision (b), the board shall consider all of the following:

(1) The extent to which a city, county, or regional agency has implemented additional source reduction, recycling, and composting activities to comply with the diversion requirements of paragraphs (1) and (2) of subdivision (a) of Section 41780.

(2) The extent to which a city, county, or regional agency is meeting the diversion requirements of paragraphs (1) and (2) of subdivision (a) of Section 41780.

(3) Whether the jurisdiction has requested and been granted an extension to the requirements of Section 41780, pursuant to Section 41820, or an alternative requirement to Section 41780, pursuant to Section 41785.

(d) (1) For the purposes of this section, "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 source reduction and recycling element or household hazardous waste element, or alternative programs or activities that achieve the same or similar results.

(2) For purposes of this section "good faith effort" may also include the evaluation by a city, county, or regional agency of improved technology for the handling and management of solid waste that would reduce costs, improve efficiency in the collection, processing, or marketing of recyclable materials or yard waste, and enhance the ability of the city, county, or regional agency to meet the diversion requirements of paragraphs (1) and (2) of subdivision (a) of Section 41780, provided that the city, county, or regional agency has submitted a compliance schedule pursuant to Section 41825, and has made all other reasonable and feasible efforts to implement
the programs identified in its source reduction and recycling element or household hazardous waste element.

(3) In determining whether a jurisdiction has made a good faith effort, the board shall consider the enforcement criteria included in its enforcement policy, as adopted on April 25, 1995, or as subsequently amended.

CIWMB HEARING PROCEDURE
PUBLIC HEARINGS TO BE HELD IN ACCORDANCE WITH PUBLIC RESOURCES CODE SECTION 41850

1. CALL TO ORDER AND ANNOUNCE PURPOSE OF HEARING

2. SWEARING IN OF WITNESSES - OATH

3. BOARD STAFF PRESENTATION REGARDING NON-COMPLIANCE AND RECOMMENDATIONS

A. BOARD LEGAL COUNSEL DESCRIPTION OF LEGAL FRAMEWORK FOR HEARING

RELEVANT STATUTES AND REGULATIONS
REVIEW OF HEARING PROCEDURES
ISSUES TO BE DECIDED

B. DIVERSION PLANNING AND LOCAL ASSISTANCE STAFF PRESENTATION (INCLUDING SUBMISSION OF DOCUMENTS INTO THE ADMINISTRATIVE RECORD)

RELEVANT REQUIREMENTS OF THE COMPLIANCE ORDER
STATUS OF SUBMITTALS, IF ANY
DESCRIPTION OF ALLEGED FAILURE TO COMPLETE THE COMPLIANCE ORDER
ANALYSIS OF CRITERIA AND PENALTY RECOMMENDATION
QUESTIONS BY BOARD MEMBERS

4. PRESENTATION BY JURISDICTION

RESPONSE TO STAFF PRESENTATION
SUBMISSION OF DOCUMENTS, IF ANY
QUESTIONS BY BOARD MEMBERS

5. BOARD DELIBERATIONS IN CLOSED SESSION

6. ANNOUNCEMENT OF BOARD DECISION

7. ISSUANCE OF ORDER WITHIN 30 DAYS

Criteria For Penalties For Failure To Complete A Compliance Order

PRC 41850 identifies the following factors to be considered by the Board in making a penalty determination:

1. Good Faith Effort

- Whether the jurisdiction has made a good faith effort to implement its source reduction and recycling element or its household hazardous waste element. "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 source reduction and recycling element or household hazardous waste element, or alternative programs or activities that achieve the same or similar results.

- "Good faith effort" may also include the evaluation by a city, county, or regional agency of improved technology for the handling and management of solid waste that would reduce costs, improve efficiency in the collection, processing, or marketing of recyclable materials or yard waste, and enhance the ability of the city, county, or regional agency to meet the diversion requirements of paragraphs (1) and (2) of subdivision (a) of Section 41780, provided that the city, county, or regional agency has submitted a compliance schedule pursuant to Section 41825, and has made all other reasonable and feasible efforts to implement the programs identified in its source reduction and recycling element or household hazardous waste element.

- In determining whether a jurisdiction has made a good faith effort, the board shall consider the enforcement criteria included in its enforcement policy, as adopted on April 25, 1995, or as subsequently amended.

2. Natural disasters that have prevented a jurisdiction from meeting the diversion requirements.

3. Budgetary conditions within a city, county, or regional agency that could not be remedied by the imposition or adjustment of solid waste fees that have prevented a jurisdiction from meeting the diversion requirements.

4. Work stoppages that directly prevent a city, county, or regional agency from implementing its source reduction and recycling element or household hazardous waste element.

5. The impact of the failure of federal, state, and other local agencies located within the jurisdiction to implement source reduction and recycling programs in the jurisdiction on the host jurisdiction's ability to meet the requirements of paragraph (2) of subdivision (a) of Section 41780.

6. The extent to which a city, county, or regional agency has implemented additional source reduction, recycling, and composting activities to comply with the diversion requirements of paragraphs (1) and (2) of subdivision (a) of Section 41780.

7. The extent to which a city, county, or regional agency is meeting the diversion requirements of paragraphs (1) and (2) of subdivision (a) of Section 41780.

8. Whether the jurisdiction has requested and been granted an extension to the requirements of Section 41780, pursuant to Section 41820, or an alternative requirement to Section 41780, pursuant to Section 41785.

Factual Criteria - Staff Analysis

In addition to the above, staff will providing information on the following criteria to the Board to assist in applying the statutory criteria. The following factual criteria are designed to provide relevant information for deciding whether or not to impose a penalty, and, if one is to be imposed, the amount of the penalty:

1) Which element was not implemented - Failure to complete a Compliance Order for a SRRE could be considered more significant than failure to complete one for a HHWE since the later is not related to the diversion rate.

2) How much of the Compliance Order was not completed – Failure to implement a large number of new programs, or one very significant program could be considered more significant than the failure to implement one of twenty programs.

3) Reasons for failure to complete Compliance Order – Staff may be aware in advance of the hearing of reasons offered by the jurisdiction which could be relevant for Board consideration.

4) Effect of failure to complete on the achievement of the diversion requirements – This information could be relevant if the jurisdiction has made progress in meeting the diversion requirements although it hasn't completed the Compliance Order.

5) Economic situation of the jurisdiction and effect of penalty on implementation - This criteria could be relevant when determining good faith effort. It might also be relevant for determining the amount of the penalty. A $5,000 a day fine for a small jurisdiction would be more significant than the same fine for a large one.

6) Other information - This would be a "catch-all" criteria which would allow staff flexibility to provide information on any other relevant information that is known.

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

In the Matter of:	)	Tracking No: IWMA BR02-01
	)	
	)	
City of Fortuna	)	**COMPLIANCE ORDER**
County of Humboldt	)	
	)	
	)	Public Resources Code
Jurisdiction	)	Section 41825

INTRODUCTION

1.1 Parties: The California Integrated Waste Management Board (Board) issues this Compliance Order (Order) to the City of Fortuna, County of Humboldt.

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).

1.3 Sections 41033 and 41333 of the PRC, respectively, provide that any waste characterization component prepared by a Jurisdiction pursuant to Sections 41030 or 41330, and any other information submitted by a Jurisdiction to the Board on the quantities of solid waste

generated, diverted, and disposed of, shall include data which is as accurate as possible, on the quantities of solid waste generated, diverted, and disposed of, to enable the Board, to the maximum extent possible, to accurately measure the diversion requirements established under paragraph (1) of subdivision (a) of Section 41780.

DETERMINATION OF COMPLIANCE DEFICIENCIES

2.1 Board staff conducted a Biennial Review of the City of Fortuna's SRRE. After considering the results of this review and the adoption of this Order at a public hearing commencing on September 17-18, 2002, the Board determined:

2.2 The Jurisdiction 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 City's waste stream. In addition, the Jurisdiction failed to comply with PRC Section 41780 in that it did not meet the solid waste diversion requirement of 50 percent by 2000. The Jurisdiction's diversion rate in 2000 was 34 percent.

2.3 The Jurisdiction failed to demonstrate that it made a good faith effort in implementing its SRRE in accordance with PRC Section 41850. The Jurisdiction did not provide information to indicate that it had made all reasonable and feasible efforts to implement its SRRE or alternative programs that achieve the same or similar results.

SCHEDULE FOR COMPLIANCE

3.1 Based on the foregoing determination of compliance deficiencies, it is hereby ordered that the City of Fortuna shall:

a. Work with the Office of Local Assistance staff to determine gaps in program areas and make recommendations in improving, expanding, or implementing new diversion programs. OLA staff will conduct a needs assessment meeting with the City of Fortuna and outline the scope of a local assistance plan. The City of Fortuna will agree to the local assistance plan by December 31, 2002.

3.2 Penalties: At the end of the compliance order, 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.

3.3 Submittals: All documents required to be submitted by the Jurisdiction as noted above shall be sent to:

Jill Simmons
Office of Local Assistance, MS 25
California Integrated Waste Management Board
1001 I Street, P.O. Box 4025
Sacramento, CA 95812

Attn: Compliance Order Correspondence

3.4 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.

3.5 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 SRRE, 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.

3.6 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.

3.7 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.

3.8 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.

3.9 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.

3.10 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.

3.11 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 October 1, 2002

Linda Moulton-Patterson

Linda Moulton-Patterson, Chair
California Integrated Waste Management Board

Local Assistance Plan Program Implementation Table and Communication Log Between Board and Jurisdiction

Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
1. Assess Diversion Measurement and Disposal Reporting				
a. Analyze disposal inconsistencies				
(1.) Meet with franchise hauler to discuss self-haul discrepancies.	City	**LAP Task Due:** 1/31/03 **Status:** Completed on 7-28-03 & Ongoing	**5-30-03:** City was researching historical data regarding the City's disposal discrepancies in preparation to meet with the City's hauler, Eel River Disposal (ERD). **7-01-03:** In researching records from previous City staff, letters from ERD and HWMA were discovered regarding self-haul disposal discrepancies for 2002. These findings were discussed with both ERD and HWMA staff.	**4-24-03:** Board staff met with City and introduced new recycling coordinator to hauler. Meeting notes served as first LAP update. **6-12-03:** Conference call with City staff. Board staff will continue discussions with Board's Waste Analysis Branch (WAB) and the Humboldt Waste Management Authority (HWMA) regarding disposal issues. Discussions will continue regarding the idea of forming a regional agency. **6-23-03**: Conference call was conducted with the HWMA regarding forming a regional agency. **6-26-03**: Regional Agency information from Board's web site was e-mailed to HWMA.
(2.) Determine correct information. (3.) Consult with Board staff regarding application formatting of data.	City (2.) & Board Staff (3.)	**LAP Task Due:** 2/28/03 **Status:** Completed on 7-28-03	**7-28-03:** City submitted letter notifying Board staff of findings pertaining to self-haul misallocation tonnages for 2002. **7-31-03:** City will fill out Disposal Tonnage Modification Request and Certification with corrected information.	**7-31-03:** Board staff responded with a written letter acknowledging findings, as well as including a copy of a Disposal Tonnage Modification Request and Certification. Supporting disposal documentation from Eel River Disposal (ERD) was made available to WAB regarding self-haul misallocation.
(4.) Submit correct information to Board staff on Reporting Year Tonnage Modification Request and Certification.	City	**LAP Task Due:** 3/31/03 **Status:** Completed on 3-25-04	**3-25-04:** The City waited to submit their Disposal Tonnage Modification Request and Certification with their 2002 Annual Report. City staff submitted a signed copy at the meeting with Board staff in Fortuna. **3-28-04:** City plans on continuing to address any future disposal discrepancies.	**3-28-04:** Board staff accepted disposal results for 2002. Diversion rate increased from -8 percent to 22 percent.

Local Assistance Plan Program Implementation Table and Communication Log Between Board and Jurisdiction

Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
(5.) Report progress to Board staff on quarterly basis.	City	**LAP Task Due:** 4/01/03 - 12/31/04 **Status:** Complete & Ongoing	**4-01-03:** City failed to submit first quarterly report. **5-30-03:** Second LAP update was submitted. **02-01-04:** The City shared a waste stream report with Board staff that was conducted by a hired consultant. One of the recommendations was that ERD track waste origin information in an electronic format. **9-1-04:** City requested a conference call with Board staff to discuss conducting waste origin surveys at ERD. **9-21-04:** City requested that WAB staff include ERD in their December Site Surveys. **11-08-04:**- An audit letter was sent to ERD notifying them of the upcoming disposal surveys that would be conducted by the City. **1-7-05**: In collaboration with HWMA, independent disposal surveys were conducted at ERD disposal by the City during the December 8-14 survey week. **2-17-05:** Environmental consultant indicated that the allocation percentage the City established was much lower than previous percentages used by ERD. Route book information was collected as well on 2-16-05. This would seem to indicate that disposal was being misallocated to the City of Fortuna. **3-29-05:** E-mail message from Environmental coordinator indicated that collaboration with Humboldt Waste Management Authority, independent disposal surveys were conducted at ERD disposal by the City during the March 8-14 survey week.	**6-12-03**: Conference call conducted with WAB and HWMA. **2-06-04**: A letter was sent to the City stating that the assessment of current programs and program recommendations found in the report supported the specific programs and tasks specified in the City of Fortuna's Coordination Work Plan. Three conference calls were conducted with various staff from the City, OLA, HWMA and WAB on 9-8-04, 9-16-04 and 9-21-04 to discuss waste audit procedures. **9-21-04:** WAB agreed to the City's request. **10-05-04**: A sample audit letter was provided to the City by Waste Analysis Branch staff. **10-07-04**: Contact information was provided to the City by WAB staff regarding other Cities that had conducted independent waste origin studies. **12-9-04**: As requested, Waste Origin Site Surveys were conducted at ERD by Board staff.

Local Assistance Plan Program Implementation Table and Communication Log Between Board and Jurisdiction

Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
b. Determine feasibility of conducting new base year study				

Local Assistance Plan Program Implementation Table and Communication Log Between Board and Jurisdiction

Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
(1.) Consult with Mayor/City Council regarding findings (If decide yes, then steps 2-6 would be taken.) (2.) Determine who will conduct study. (3.) Contact California Integrated Waste Management Board (Board) staff for consultation. (4.) Explain nuances of study and supply study client list.	City & Board Staff (4)	**LAP Task Due:** 04/30/03 **Revised Due Date:** 5/31/05 **Status:** Completed on 2-03-05	**5-30-03:** Second LAP update indicated that the City had some concerns about conducting a new base year study due to budget constraints for 2003-2004. **6-12-03**: With current discussions regarding the forming of a regional agency, goal attainment would be achievable if regionalizing did come to fruition. Therefore, conducting a base year study may not be needed. The City manager hopes to present the Mayor and City council with some alternatives before the due date 8-31-03. **2-01-04**: The City hired a consultant to conduct a waste stream report to identify types of waste in their wastestream. **3-17-04**: Discussions were taking place with HWMA regarding forming a regional agency and/or conducting a new base year study. **1-24-05**: The City agreed to conduct a NBY study.	**4-24-03:** Board staff met with City and provided information regarding conducting a new base year study. Meeting notes served as first LAP update. **6-12-03**: Board staff conducted a conference call with City to discuss regionalizing and/or the possibility of conducting a new base year study. **1-24-05**: Board staff met with City Manager and hauler. In the meeting, it was agreed upon to revise the due date for this program, since the City did not realize the ease of conducting a NBY study. **2-3-05**: A conference call was conducted to discuss diversion tonnage sources with the City and the hauler for the City's NBY study.
(5.) Conduct study and present data in Base Year Modification Request Certification form.	City	**LAP Task Due:** 06/30/03 **Revised Due Date:** 5/31/05 **Status:** Completed on 3-01-05	**12-04:** In collaboration with Humboldt Waste Management Authority, independent disposal surveys were conducted at Eel River disposal by the City. This was also an opportunity to analyze wastestream. **2-28-05** - City, hauler and Board staff conducted a 2003 generation study and verification review. **3-01-05**: Board staff, City staff and hauler met to discuss results. **3-01-05** - Data collected was entered into the Base Year Modification Request Certification form to determine a preliminary diversion rate.	**2-28-05:** Board staff conducted a verification review.
(6.) Review draft study and provide specific consultation for finalization.	Board Staff	**LAP Task Due:** 08/31/03 **Revised Due Date:** 5/31/05 **Status:**	**4-05-05** - Recycling coordinator returned study with minor changes. City is working with top 10 businesses to develop data tracking system for 2005 NBY study.	**4-04-05 -** Board staff completed study verification and sent Recycling Coordinator an electronic copy. Verification review was conducted on 2-28-05 and 3-01-05. **4-05-05** - Final review is being conducted by Board staff.

Local Assistance Plan Program Implementation Table and Communication Log Between Board and Jurisdiction

Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
		Completed on 4-05-05		
(7.) Report progress to Board staff on quarterly basis.	City	**LAP Task Due:** 4/01/03 - 12/31/04 **Status:** Complete & Ongoing	**4-01-03**: City failed to submit first quarterly report. **5-19-04**: Environmental consultant will be hired to assist City staff in implementing workplan. **5-30-03:** Second LAP update was submitted. **3-17-04**: Third and fourth LAP updates were submitted. **3-25-04**: City manager and new city staff were confident that programs in the workplan would be completed by the end of the compliance order. **4-22-04**: Fifth LAP update submitted. **7-01-04**: Sixth LAP update was submitted. **10-18-04**: City submitted seventh LAP update. **1-07-05**: Eighth LAP update was submitted. **5-31-05**: Ninth LAP update was submitted.	**4-24-03:** Board staff met with City, and meeting notes served as first LAP update. **6-12-03:** Staff reviewed status report and conducted a conference call with City staff to discuss. **3-25-04**: Meeting with new City staff to discuss programs and tasks in workplan and third and fourth LAP updates. **5-19-04**: Conference call to discuss steps in workplan and most recent LAP update. **7-01-04**: Staff reviewed sixth update and met with City staff on 8-18-04 to discuss program progress and gaps. **1-07-05**: Staff review concluded that not all of the programs had been implemented. **5-31-05**: Board staff review concluded that the generation study had been completed by the new due date.

Local Assistance Plan Program Implementation Table and Communication Log Between Board and Jurisdiction

Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
2. Evaluate Curbside Expansion				
(a.) Assess material types currently collected and types to be added. (b.) Evaluate current collection schedule and collection containers.	City & ERD	**LAP Task Due:** 1/31/03 **Revised due date:** 3/31/05 **Status:** Completed on 5-18-05	**5-30-03:** Recycling coordinator met with hauler on 5/15/03. Curbside expansion will include multi-family complexes, as well as automated equipment and sorting line. **6-12-03:** Recycling coordinator informed Board staff that contract negotiations were currently taking place regarding the franchise agreement with ERD. Once the contract is finalized, the City would be able to move forward. **2-01-04:** The City submitted a waste stream report that was conducted by a hired consultant. The current curbside program was evaluated to analyze which neighborhoods were currently participating. Expansion would include 65 gallon toters instead of 5 gallon containers. **3-17-04**: ERD will be implementing sorting equipment to accommodate a single-stream recycling program. ERD is willing to incur equipment expenses if the City agrees to extend the City's franchise agreement which has not yet been negotiated. **4-22-04**: City agreed to the idea of the hauler setting up a pilot program to test single-stream recycling collection in conjunction with the new sorting system. The City and the hauler have been discussing the idea of **7-01-04:** Commingled curbside pilot program was implemented in an area consisting of 25 residents. **8-18-04:** City staff informed Board staff that the hauler discontinued the pilot program prior to the three-month time period. The hauler felt that the City was not yet in a position to support the costs of further expansion of this program.	

Local Assistance Plan Program Implementation Table and Communication Log Between Board and Jurisdiction

Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
(a.) & (b.) Continued			**1-28-05:** City staff were receptive in trying to overcome obstacles pertaining to curbside expansion. **3-01-05:** City agreed to purchase containers for this program. **5-18-05:** Recycling coordinator received three bids for the purchase of recycling toters for curbside expansion.	**8-18-04:** Board staff met with City staff and were informed that the hauler discontinued the pilot program prior to the three-month time period. The hauler felt that the City was not yet in a position to support further expansion of this program. **1-28-05:** Since the hauler and the City had failed to negotiate an agreement pertaining to curbside expansion, Board Staff met with the City and hauler to discuss obstacles. **3-01-05:** Board staff, City staff and hauler met to discuss program implementation and waste assessment. The original task due date was extended to 3/31/05.
(c.) Analyze rate structure.	City & ERD	**LAP Task Due:** 4/30/03 Revised due date: 3/31/05 **Status:** Not Completed	**3-11-05**: City submitted letter to the hauler with proposed rate increases. (See attachment 5 to review letter.) **3-23-05:** ERD responded with a letter that the proposal would be an insufficient amount to pay for the costs of the new program. (See attachment 5 to review letter.)	
(d.) Present recommendations to Mayor/City Council. (If support, then conduct steps e-g.)	City	**LAP Task Due:** 5/31/04 **Revised due date:** 4/15/05 **Status:** Not Completed	**10-29-04**: City sent a copy of their staff report for the ERD Franchise Agreement which will be presented to the City Council on Monday, November 1st. **11-02-04**: City manager reported that the City Council did not take any action regarding the amendments to the contract with ERD. Meeting with hauler is planned for 11-10-04. **3-11-05**: City council was aware of the proposal sent to the hauler per March 11, 2005, letter. (See attachment 5)	
(e.) Develop promotional campaign to expand participation rate (bill inserts, newspaper ads)	City & ERD	**LAP Task Due:** 9/30/03 **Revised due date:** 4/30/05 **Status:** Not Completed	**10-18-04:** In the October water bill, a note will be included reminding residents that if they have garbage service, curbside recycling pickup is free of charge.	**10-18-04**: This effort is an important reminder for residents to utilize the curbside service that is available.

Local Assistance Plan Program Implementation Table and Communication Log Between Board and Jurisdiction

Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
(f.) As needed, provide from other jurisdictions rate structure and promotional information.	Board Staff	**LAP Task Due:** 3/31/03 **Status:** Completed on 4-24-03 & ongoing	**2-01-04:** The City submitted a waste stream report that was conducted by a hired consultant. The study included information regarding the City of Willit's curbside program, and the study made recommendations regarding how the City of Fortuna could use this as a "model" program.	**4-24-03**: Board staff met with the City and provided contact information for the City of Clearlake and Lake County. Both of these jurisdictions have implemented automated curbside programs, and the City contacts said they would be more than happy to provide any information needed to the City of Fortuna to assist them. **1/04** - The City of Lakeport implemented single stream recycling, green waste recycling and universal curbside residential and commercial service. This contact information was provided to the City as a networking opportunity. **10/04** – Board staff conducted a site visit of the City of Willits to observe single-stream recycling program. Contact information was then provided to the City of Fortuna regarding their curbside program and mandatory garbage ordinance.
(g.) Expand/ Implement program and distribute promotional materials.	City & ERD	**LAP Task Due:** 9/30/03 **Revised due date:** 5/31/05 **Status:** Not Complete	**5-18-05:** The City notified Board staff by e-mail that they were unable to negotiate with the hauler due to the pending lawsuit. **10-18-04**: At this juncture, in lieu of the curbside program, the City proposed purchasing a compartmentalized recycling trailer which would be placed in two different centralized locations. **1-07-05**: City reported while negotiations continue, a recycling trailer will be placed at one or more of the local grocery stores to help increase beverage container recycling collection. **1-28-05:** During meeting with City staff, hauler and Board staff, an agreement was made not to implement a centralized collection program as an alternative. Attendees are optimistic that an agreement will be negotiated in the near future resulting in the implementation of a curbside single-stream recycling program.	**5-18-05:** Board staff followed-up by phone with City manager to confirm outcome. **5-20-05:** The City was notified in an e-mail that a 30 day notice would be sent to the Mayor on 5-25-05.

Local Assistance Plan Program Implementation Table and Communication Log Between Board and Jurisdiction

Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
(h.) Report progress to Board staff on quarterly basis.	City	**LAP Task Due:** 4/01/03 - 12/31/04 **Status:** Complete & Ongoing	**4-01-03:** City failed to submit first quarterly report. **4-24-03:** City and hauler are enthusiastic about program expansion. **5-30-03:** Second LAP update was submitted. **6-12-03:** City and hauler are working on amending franchise agreement. **3-17-04**: Third and Fourth LAP updates submitted. **3-25-04:** City manager and new city staff were confident that this program would be completed by the end of the compliance order. **4-22-04:** Fifth LAP update submitted. **5-19-04**: City manager and new city staff were confident that this program would be completed by the end of the compliance order.	**4-24-03:** Board staff met with City. Meeting notes served as first LAP update. **6-12-03:** Board staff conducted a conference call with City staff to discuss second LAP update. **3-25-04:** Meeting with City staff and hauler to discuss programs and tasks in workplan and follow-up e-mail was sent **4-07-04:** It was presented that if the evaluation determines that a curbside option is not feasible, or the best option, Board staff need to know of an alternative that would be equal to or greater in producing the results expected from the original curbside approach. **5-19-04**: Conference call to discuss programs and tasks in the workplan with new City staff. Board staff were enthusiastic about new pilot program.
(h.) Continued			**7-01-04**: Sixth LAP update was submitted. **8-18-04:** The idea of a centralized drop-off location was discussed as an alternative until curbside recycling collection could be expanded. **10-05-04**: Even though the City has not formally requested a time extension, the City is in favor of being granted more time to allow for contract negotiations with hauler. **10-18-04**: Seventh LAP update was submitted. **10-29-04**: City sent a copy of their staff report for the ERD Franchise Agreement which will be presented to the City Council on Monday, November 1st. A meeting is also scheduled with the hauler on November 10th. **11-02-04**: City manager reported that the City Council did not take any action regarding the amendments to the contract with ERD. Meeting with hauler is planned for 11-10-04. **1-07-05:** Eighth LAP update was submitted. Curbside negotiations continue, but have yet to be resolved.	**10-05-04**: After meetings with senior management, it was determined that the City should be able to implement a single-stream recycling program by the LAP due date. With this determination, Board staff informed the City by phone on 10-29-04, 11-02-04 and by letter on 11-5-04 that a time extension would not be recommended.

Local Assistance Plan Program Implementation Table and Communication Log Between Board and Jurisdiction

Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
(h.) Continued			**1-28-05:** City was receptive to this offer. **3-01-05:** City agreed to purchase containers for this program. **5-17-05:** City notified Board staff that the hauler had filed a lawsuit against the City because of the City operated greenwaste pilot program. With the pending lawsuit, no further progress had been made on the curbside recycling program. **5-18-05:** The City met with two of the City Council members and legal staff regarding the new proposal. Unfortunately, their response indicated that they were unable to negotiate with the hauler due to the pending lawsuit related to the greenwaste program.	**1-28-05:** Since the hauler and the City had failed to negotiate an agreement pertaining to curbside expansion, Board staff met with the City and hauler to discuss obstacles. Board staff recommended conducting a NBY study, as well as assisting City in identifying program gaps to target. **3-01-05:** Board staff, City staff and hauler met to discuss program implementation and waste assessment. The task due date was extended to 5/31/05. **5-17-05**: Board staff requested a copy of the most recent proposal the City had submitted to ERD which was dated 3-11-05. Board staff made an attempt to assist each party in working out a reasonable agreement which included the hauler dropping all litigation.
3. Increase Waste Assessments for Commercial Businesses				
(a.) Identify commercial businesses to be contacted.	City & ERD	**LAP Task Due:** 03/31/03 **Status:** Completed on 10-18-04 & Ongoing	**5-30-03:** Second LAP update indicated that the task would focus on promoting awareness rather than measurement. **6-12-03:** City staff described the increased materials recovery efforts taking place by ERD. With the acquisition of new equipment and increased staff, efforts will concentrate on commercial waste collection and sorting in conjunction with the City's efforts. **10-18-04:** A few key businesses, a food establishment, a retail outlet, and the City offices, have been selected as models for this project. **12-15-04**: City had requested from ERD a list of their commercial accounts to help target larger business generators. **1-07-05:** In November a waste reduction article	**4-24-03**: Board staff met with City and introduced new recycling coordinator to hauler, as well as touring transfer station. Meeting notes served as first LAP update. **6-12-03:** Board staff conducted a conference call with City staff. It was discussed that the City would need to conduct waste audits and make recommendations. **10-18-04:** With the identification of businesses to target for waste assessments, Board staff considers this task to be complete and ongoing. **12-15-04**: Spoke by phone with recycling coordinator regarding waste assessments for businesses.

Local Assistance Plan Program Implementation Table and Communication Log Between Board and Jurisdiction

Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
(a.) Continued			was published in the Chamber newsletter promoting free waste audits. With the assistance of Chamber of Commerce, a list of businesses was created and contacts were made. **2-07-05:** E-mail indicated that Recycling Coordinator spoke at monthly Chamber meeting promoting free waste audits, as well as the cost savings that is associated with waste reduction.	
(b.) Develop schedule of waste assessments.	City & ERD	**LAP Task Due:** 4/30/03 **Status:** Completed in 11/04 & ongoing	**1-07-05:** Waste audits were scheduled in November at six businesses, one hospital and City Hall by recycling coordinator. **2-28-05:** The City will continue these efforts.	**2-28-05:** Confirmation of waste audits being conducted was noted during verification review of large businesses.
(c.) Provide Business Waste Assessment resources available through Board, for example, business kits, posters and signs, awards and case studies.	Board staff	**LAP Task Due:** 5-31-03 **Status:** Completed on 4-24-03	**6-19-03:** E-mail from Recycling Coordinator indicated that she was working with Waste Prevention & Market Development Staff to order materials. **10-18-04**: An "intro-card" had been developed to introduce businesses to the City's Solid Waste Program. These cards will be distributed by the intern. Waste audits will be promoted through the Chamber of Commerce newsletter and the Humboldt Beacon.	**4-17-03:** Met with Waste Prevention and Market Development staff to collect **e**xamples of business waste assessment materials, signs and posters, as well as case studies from the Board's web site which were provided to the newly assigned recycling coordinator during a site visit on 4-24-03. **3-25-04**: Board staff provided the third recycling coordinator with business waste reduction materials, as well as a contact from the Board's Waste Prevention and Market Development Division in case additional materials needed to be ordered. **12-15-04:** Spoke by phone with fourth recycling coordinator. Recycling coordinator was able to locate resource materials made available to prior City staff.

Local Assistance Plan Program Implementation Table and Communication Log Between Board and Jurisdiction

Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
(d.) Determine who would conduct assessments	City & ERD	**LAP Task Due:** 4/30/03 **Status:** Completed on 9/04	**4-22-04**: The City is considering the idea of hiring an intern to conduct waste assessments. **5-19-04:** City manager and new city staff were confident that this program would be completed by the end of the compliance order. **7-1-04**: The City will be hiring an intern that has experience with conducting waste assessments. **10-18-04:** A new intern was hired to assist with business and school waste audits. **11-02-04:** City acknowledged they had been negligent in meeting task due dates, but with a strong team in place dedicated to waste management issues, they had made significant progress and would continue to do so. **12-01-04:** Intern will be hired as new recycling coordinator.	**5-19-04**: Conference call to discuss programs and tasks in the workplan with new City staff. **8-18-04**: Meeting with City staff to obtain additional details regarding tasks. **11-02-04:** Conference call with City manager recommending that the City try to make as much progress as possible before February Board meeting. **12-15-04:** Spoke by phone with new recycling coordinator to discuss workplan tasks. Additional waste audits will be conducted.
(e.) Send letter to targeted businesses signed by City Manager	City	**LAP Task Due:** 6/30/03 **Status:** Completed on 10-18-04	**10-18-04**: A letter from the City manager had been sent to twenty specific businesses chosen for waste assessments. New intern will follow-up with businesses one week later if the business has not yet responded. **11-02-04:** City acknowledged they had been negligent in meeting task due dates, but with a strong team in place dedicated to waste management issues, they had made significant progress and would continue to do so.	**11-02-04**: Conference call with City manager recommending that the City try to make as much progress as possible before the end of the compliance order.
(f.) Conduct waste assessments and make diversion recommendations to businesses.	City & ERD	**LAP Task Due:** 12/31/03 **Status:** Completed on 12-31-04 & Ongoing	**02-01-04**: The City submitted a waste stream report that was conducted by a hired consultant. The consultant visited a variety of businesses to assess waste types that could be diverted. The businesses targeted appeared interested in being able to expand their recycling opportunities. **1-07-05:** Waste audits have been conducted at local businesses, one hospital and City Hall by recycling coordinator and diversion recommendations have been made. **3-02-05:** Recycling coordinator sent thank you notes to all NBY participants which included waste reduction suggestions.	**2-06-04**: A letter was sent to the City stating that the assessment of current programs and program recommendations found in the report supported the specific programs and tasks specified in the City of Fortuna's Coordination Work Plan. **2-28-05:** Confirmation of waste audits being conducted was noted during verification review of large businesses.

Local Assistance Plan Program Implementation Table and Communication Log Between Board and Jurisdiction

Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
(g.) Report progress to Board staff on quarterly basis.	City	**LAP Task Due:** 4/01/03 - 12/31/04 **Status:** Complete & Ongoing	**4-01-03:** City failed to submit first quarterly report. **5-30-03:** Second LAP update was submitted. **3-17-04**: Since the waste stream report was conducted, the 3rd and 4th LAP update indicated that no additional work had been done in this area. **3-25-04**: City manager and new city staff were confident that this program would be completed by the end of the compliance order. **4-22-04:** Fifth LAP update submitted. **7-01-04**: Sixth LAP update was submitted. **10-18-04**: Seventh LAP update was submitted. **1-07-05**: Eighth LAP indicated waste audits have been scheduled and/or completed at six businesses, one hospital and City Hall. With the NBY study, this will also provide an opportunity for the new recycling coordinator to interact with the local businesses promoting this program.	**4-24-03:** Board staff met with City, and meeting notes served as first LAP update. **6-12-03:** Staff reviewed status report and conducted a conference call with City staff to discuss second progress report. **3-25-04**: Meeting with new City staff to discuss programs and tasks in workplan and third and fourth LAP updates. **5-19-04**: Conference call to discuss steps in workplan and most recent LAP update. **7-01-04**: Staff reviewed seventh update and met with City staff on 8-18-04 to discuss program progress and gaps. **1-07-05**: Staff review concluded that this program had been completed.

Local Assistance Plan Program Implementation Table and Communication Log Between Board and Jurisdiction

Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
4. Promote Commercial On-site Pickup				
(a.) Determine funding for production of promotional materials.	City & ERD	**LAP Task Due:** 7/31/03 **Status:** Completed on 6-19-03 & ongoing	**5-30-03:** Sample materials were being reviewed, and they would be distributed as soon as possible depending on availability and funding. **6-12-03:** City will work with the Business Resource Efficiency Section to assess materials available, as well as the amount needed to be requested. **6-19-03:** E-mail from Recycling Coordinator indicated that she was working with Waste Prevention & Market Development Staff to order materials.	**4-24-03:** Board staff met with City and new recycling coordinator. Provided recycling coordinator with examples of signs, posters and stickers from the Board's Business Resource Efficiency Section. **6-12-03:** Board staff conducted a conference call with City staff. Contact information for the Board's Business Resource Efficiency Section was provided, so that materials could be requested by the City to assist them with their efforts. It was clarified that many of these materials are available free of charge.

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Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
(b.) Consult with Mayor/City Council and make recommendations.	City	**LAP Task Due:** 8/31/03 **Status:** N/A	**8-18-04:** City staff took advantage of the free materials available through the Board and DOC, so going through the City Council was not necessary. This step was not taken to produce the recycling brochure and "intro-card".	**8-18-04:** Staff concurred that City's revised approach was reasonable.
(c.) Develop and produce promotional/ informational materials and methods.	City	**LAP Task Due:** 11/30/03 **Status:** Completed on 8-18-04 & Ongoing	**07-01-04:** City is developing a Recycling Guide which will include a section for the commercial sector. Tips, free waste assessments and cost savings to businesses will be featured in monthly Chamber of Commerce newsletter. **8-18-04:** The brochure is now ready for distribution. The intern will make recommendations as to which services would be beneficial when conducting waste assessments.	**8-18-04:** Board staff met with City staff, and a copy of the brochure was provided**.**
(d.) Develop distribution plan and timing.	City & ERD	**LAP Task Due:** 2/29/04 **Status:** Completed on 10-18-04	**10-18-04:** Intro-card will be used to introduce local businesses to the recycling opportunities such as paper and cardboard which is picked up free of charge by the hauler. The intern will visit specific businesses and drop-off the card during the last quarter of the workplan. **11-02-04:** City will continue with their efforts.	**11-02-04:** Conference call with City manager recommending that the City try to make as much progress as possible before as the task was past due.

Local Assistance Plan Program Implementation Table and Communication Log Between Board and Jurisdiction

Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
(e.) Distribute materials/information	City & ERD	**LAP Task Due:** 3/31/04 **Status:** Completed on 12-31-04 & ongoing	**8-18-04:** The brochure is now ready for distribution. The intern will make recommendations as to which services would be beneficial when conducting waste assessments. **12-15-04**: Spoke by phone with new recycling coordinator regarding business commercial promotion. **1-07-05:** Recycling coordinator spoke at Chamber luncheon promoting onsite pickup options for cardboard, paper, bottles and aluminum cans. The City reports it will continue the monthly Chamber of Commerce presentations, distributing new recycling brochure, newspaper articles, the intro-card to local businesses, and waste audit letters being sent.	**11-02-04:** Conference call with City manager recommending that the City try to make as much progress as possible as the task was past due. **1-07-05:** This program appears to be complete.
(f.) Report progress to Board staff on quarterly basis.	City	**LAP Task Due:** 4/30/03 - 12/31/04 **Status:** Complete & Ongoing	**4-01-03:** City failed to submit first quarterly report. **4-24-03:** City will work with hauler to promote commercial recycling efforts. **5-30-03:** Second LAP update submitted. **3-17-04:** Third and Fourth LAP submitted. **3-25-04:** City manager and new city staff were confident that programs in the workplan would be completed by the end of the compliance order. **4-22-04:** Fifth LAP update submitted. **5-19-04:** City manager and new city staff were confident that this program would be completed by the end of the compliance order. **07-01-04:** Sixth LAP update submitted. **10-18-04**: Seventh LAP update submitted. **1-07-05**: Eighth LAP update submitted.	**4-24-03:** Board staff met with City, and meeting notes served as first LAP update. **6-12-03:** Staff reviewed status report and conducted a conference call with City staff to discuss second progress report. **3-25-04**: Meeting with new City staff to discuss programs and tasks in workplan and third and fourth LAP updates. **5-19-04**: Conference call to discuss steps in workplan and most recent LAP update. **7-01-04**: Staff reviewed seventh update and met with City staff on 8-18-04 to discuss program progress and gaps. **1-07-05**: Staff review concluded that this program had been completed.

Local Assistance Plan Program Implementation Table and Communication Log Between Board and Jurisdiction

Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
5. Implement Drop-off Expansion				

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Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
(a.) Work with franchise hauler (Eel River Disposal) on program details.	City & ERD	**LAP Task Due:** 3/31/03 **Status:** Completed on 3-17-04	**4-24-03:** Recycling coordinator will continue discussions with hauler. **5-30-03:** Once grant funds are received, funds will be used to purchase new collection bins. ERD has offered to provide recycling bins at youth activity locations. **6-12-03:** The City mentioned that in both of the local parks, drop-off containers currently exist. The City was unsure when funding would be available, and progress would be reported in future updates. **3-17-04:** Procurement of new containers, as well as a special tip trailer that can be towed by the Parks and Recreation Department vehicles has been budgeted for FY2004/05. **3-25-04**: New City staff and Board staff met with hauler to discuss program implementation. The hauler would be willing to provide containers, as well as material collection at sporting events. **1-07-05:** Due to difficulty in working with ERD, the City has relied on the Parks Department to collect and sort materials.	**04-24-03:** Board staff met with City and introduced new recycling coordinator to hauler, as well as touring transfer station. Meeting notes served as first LAP update. **06-12-03:** Board staff conducted a conference call with City staff. **03-25-04**: Meeting with City staff to discuss programs and tasks in workplan. Advised City to work with hauler to set up containers at local sporting events.
(b.) Consult with Mayor and City Council on program. (If support, then conduct steps d&e.)	City	**LAP Task Due:** 4/30/03 **Status:** N/A	Updates did not indicate that this process had occurred.	It appears this task was not necessary to complete this program.

Local Assistance Plan Program Implementation Table and Communication Log Between Board and Jurisdiction

Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
(c.) Determine collection container size(s), placement, material types collected, pick-up schedule and processing.	City	**LAP Task Due:** 7/31/03 **Status:** Completed on 10-18-04	**6-12-03:** City will follow-up with local Parks staff regarding the drop-off containers that exist at the two of the City parks. ERD is willing to provide containers at sporting events to support youth activities. **2-01-04:** The City submitted a waste stream report that was conducted by a hired consultant. Results indicated that many recyclables end up in the trash instead of the drop-off containers located in the two City parks. **3-17-04:** The City identified several locations for container placement. The hauler is willing to provide containers, as well as material collection at sporting events. **8-18-04:** Board staff met with City staff regarding an update pertaining to the bins and trailer that had been ordered. **8-19-04:** E-mail from City Parks Director that funding had been received, and the trailer and bins were due to arrive in time for a special event that would take place on 8-29-04. **10-18-04:** City reported that they received their grant funding to buy a recycling trailer. The Parks department collects materials on a daily basis. Over a dozen recycling containers have been donated by ERD for the summer's large events. In addition, six containers were purchased that are used for special events. The material is collected commingled, and the Parks department sorts materials for recycling.	**2-06-04:** A letter was sent to the City stating that the assessment of current programs and program recommendations found in the report supported the specific programs and tasks specified in the City of Fortuna's Coordination Work Plan. **10-18-04:** Board staff considers this program to be complete.
(d.) Develop promotional materials/ methods, distribution and timing.	City	**LAP Task Due:** 11/30/03 **Status:** Completed on 10-18-04	**7-01-04:** City reported the Soroptimists and the California Conservation Corp will be assisting with refuse recovery stations and educational booths at large events. **8-19-04:** e-mail indicated that the Parks staff are developing a flyer that will be attached to the facility use form required for special events to encourage recycling.	**10-18-04:** Board staff consider this program to be complete. A copy of the promotional flyer encouraging recycling at large events was submitted with update.
(e.) Distribute collection containers and promotional materials.	City & ERD	**LAP Task Due:** 03/31/04 **Status:** Completed on 10-18-04	**See 10-18-04:** Over a dozen recycling containers have been donated by ERD for the summer's large events and placed throughout town. In addition, six containers were purchased that are used for special events. Flyers are ready for distribution encouraging recycling at large events	**10-18-04:** Board staff considers this program to be complete.

Local Assistance Plan Program Implementation Table and Communication Log Between Board and Jurisdiction

Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
(f.) Report progress to Board staff on quarterly basis.	City	**LAP Task Due:** 4/30/03 - 12/31/04 **Status:** Complete & Ongoing	**4-01-03:** City failed to submit first quarterly report. **4-24-03:** City will continue discussions with hauler. **5-30-03:** Second LAP update submitted. **3-17-04:** Third and Fourth LAP updates submitted. **3-25-04:** City manager and new city staff were confident that programs in the workplan would be completed by the end of the compliance order.	**4-24-03:** Board staff met with City. Meeting notes served as first LAP update. **6-12-03:** Board staff conducted a conference call with City staff to discuss workplan progress. **3-25-04:** Meeting with City staff to discuss programs and tasks in workplan.
(f.) Continued			**4-22-04:** Fifth LAP update submitted. **5-19-04**: City manager and new city staff were confident that this program would be completed by the end of the compliance order. **7-01-04:** Sixth LAP update was submitted. **10-18-04:** Seventh LAP update was submitted.	**5-19-04:** Conference call to discuss programs and tasks in the workplan with new City staff. City staff were encouraged to work with the hauler. **10-18-04:** Board staff considers the drop-off program to be complete.
6. School Recycling Enhancement				
(a.) Provide guidance on utilizing Board website pertaining to school waste reduction.	Board Staff	**LAP Task Due:** 02/28/03 **Status:** Completed on 5-21-03	**2-03:** City informed Board staff that interim recycling coordinator was leaving for another position. **4-24-03:** Recycling coordinator and hauler will work together on school education and diversion efforts. **5-21-03:** Recycling coordinator accompanied Board staff on a tour of four Humboldt schools to conduct waste assessments. **5-30-03:** Second LAP update indicated that City incorporated materials provided from Board's website for a recycling awareness event at the City Library geared towards kids. **4-24-05:** Recycling coordinator accompanied Board staff on a tour of three Humboldt schools to conduct post waste assessments.	**2-28-03:** Board staff was not able to provide guidance until new recycling coordinator was hired. **04-24-03**: Board staff met with City and introduced new recycling coordinator to hauler, as well as touring transfer station. Meeting notes served as first LAP update. **5-21-03:** The tour provided an opportunity for the City to observe how waste assessments are conducted, so that future waste assessments could be conducted at Fortuna businesses and schools. Information was provided to recycling coordinator regarding information and materials available on the Board's website.

Local Assistance Plan Program Implementation Table and Communication Log Between Board and Jurisdiction

Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
(b.) Meet with school(s) management to discuss and develop support. (c.) Schedule waste assessments (d.) Add beverage container collection to existing school programs. (e.) Coordinate container placement, pickup and processing with franchise hauler and schools.	City (b&e) & ERD	**LAP Task Due:** 04/30/03 **Revised Due Date:** March 31, 2005 **Status:** Completed on 3-31-05 & Ongoing	**5-30-03: I**nterviews will be set up with teaching staff. **6-12-03:** The recycling coordinator indicated that educational efforts allowed her to gain the schools trust, so they then would be receptive to implementing diversion activities. **07-01-04**: City has partnered with Arcata Community Recycling Center (ACRC) to target education and recycling programs on campus. **8-18-04**: City staff will contact schools to explain ACRC education program "Students talk about Recycling" and that City staff are available to provide waste reduction services such as recycling bins, as well as source reduction tips. So far, ACRC has conducted two assemblies and made nine classroom presentations. **10-18-04:** City signed a contract with ACRC. Steps have been developed for the City and ACRC to follow to implement waste reduction programs combined with education efforts. **5-31-05:** Seven Fortuna schools were sent waste audit letters in early March. Follow-up discussions were conducted by recycling coordinator with school staff from all seven schools. It was determined that the scheduling of four waste assessments would be necessary which was done before the due date. Many of the schools already had existing beverage container recycling programs. Containers were provided per request by the City. ERD pickup information was provided.	**6-12-03:** Board staff conducted a conference call with City staff to discuss second LAP update. Board staff discussed that while they applaud the City's educational efforts, the goal is the implementation of beverage container recycling programs on school campuses. **6-3-05:** Conference call with City confirmed that this program was complete.
(f.) Conduct waste assessments	City	**Revised Due Date:** April 30, 2005 **Status:** Completed on 4-30-05 and Ongoing	**1-07-05:** ACRC has conducted thirteen classroom visits in Fortuna's schools. Vermicomposting and composting have been added to the repertoire of recycling lessons. City staff met with high school teacher to discuss enhancing the school's recycling program. City staff will be applying for a grant from DOC to assist with this project. **5-31-05:** Four schools requested waste audits to be conducted which were completed by the revised due date. For the schools not needing waste audits, the recycling	**6-3-05:** Conference call with City confirmed that this program was complete.

Local Assistance Plan Program Implementation Table and Communication Log Between Board and Jurisdiction

Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
			coordinator was still able to provide technical assistance.	
(g.) Develop promotional materials/ methods, distribution and timing.	City	**LAP Task Due:** 05/31/03 **Revised due date:** April 15, 2005 **Status:** Completed on 4-15-05	**07-01-04:** One of the classes developed recycling pamphlets in which portions of the pamphlets will be used in the City's new recycling guide. **5-31-05:** Promotional materials such as posters and stickers were obtained through DOR and Board.	**8-18-04:** Board staff met with City staff to review workplan progress. Board staff discussed that the City needed to concentrate on the diversion side of this program. **6-3-05:** Conference call with City confirmed that this program was complete.
(h.) Distribute containers and promotional materials	City & ERD	**LAP Task Due:** 05/31/03 **Revised due date:** May 31, 2005 **Status:** Completed on 5-31-05 & Ongoing	**3-25-04:** Hauler reported that recycling containers had been delivered to one of the schools. **07-01-04:** City indicated the school contacts ERD when pick-up is needed. ERD did not have data pertaining to amount of materials diverted. **10-18-04:** An Earth Machine compost bin was donated to one of the classrooms by the City. **12-13-04:** Letter to City from ACRC indicates that laminated signs were distributed at South Fortuna Elementary to help reduce contamination problems, as well as motivational assemblies were conducted to get kids excited about their new recycling system. **5-31-05:** Containers and posters were delivered to four schools for beverage container recycling. Additional materials and information were distributed to additional schools, such as, composting posters, composting brochures, the Counties HHW brochure and computer recycling information.	**05-19-04:** Conference call to reiterate programs and tasks in the workplan with new City staff. Board staff suggested that the City follow-up with the hauler regarding frequency of material pick-up, as well as other program details. Site visit was conducted on February 28, 2005. **6-3-05:** Conference call with City confirmed that this program was complete.

Local Assistance Plan Program Implementation Table and Communication Log Between Board and Jurisdiction

Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
(i.) Report progress to Board staff on quarterly basis.	City	**LAP Task Due:** 4/30/03 - 12/31/04 **Status:** Complete & Ongoing	**4-01-03:** City failed to submit first quarterly report. **5-30-03:** Second LAP update submitted. **3-17-04:** Third and Fourth LAP updates submitted indicated that no new activities had taken place, **3-25-04:** City manager and new city staff were confident that programs in the workplan would be completed by the end of the compliance order. **4-22-04**: Fifth LAP update submitted. **5-19-04**: City manager and new city staff were confident that this program would be completed by the end of the compliance order. **7-01-04**: Sixth LAP update submitted.	**4-24-03:** Board staff met with City. Meeting notes served as first LAP update. **6-12-03:** Staff reviewed second status report and comments were sent to City. **3-25-04:** Meeting with City staff to discuss programs and tasks in workplan and third and fourth updates. **5-19-04:** Conference call to discuss programs and tasks in the workplan and fifth update. **7-01-04**: Staff reviewed sixth update.
(i.) Continued			**10-18-04:** Seventh LAP update submitted. **1-07-05:** Eighth LAP update submitted. **5-31-05:** Ninth LAP update submitted.	**11-02-04:** Conference call with City manager recommending that the City try to make as much progress as possible before February board meeting. **1-07-05**: Staff review indicated that this program was not fully implemented. **6-3-05:** Conference call with City confirmed that this program was complete.
7. Site Composting Facility				
(a.) Finalize permit process. (Estimate 1 year to obtain approval of Use Permit from Humboldt County).	ERD	**LAP Task Due:** 06/30/04 **Status:** N/A Alternative programs were selected	**5-30-03:** Waste hauler is in the process of locating a site, and a permit has not yet been submitted. Regulations have become more stringent, which may create delays. **3-17-04**: City indicated that new compost regulations require a full compost permit which would appear to entail large costs. **3-01-05**: City concurred with staff's evaluation that the City had adequate greenwaste processing opportunities. The City will work with other jurisdictions in the County regarding assessing the need for expanding composting in the future.	**04-24-03:** Board staff met with City and introduced new recycling coordinator to hauler, as well as touring transfer station. Meeting notes served as first LAP update. **5-30-03:** This task is not due for completion until 6-30-04 to allow for the time needed for the approval process. **3-25-04**: Meeting with City staff indicated that it is doubtful that this program will be implemented within the time constraints of the workplan due to new composting regulations that are being strictly enforced by the State. **3-01-05:** During the program review site visit, Board staff concluded that Fortuna residents have sufficient options for

Local Assistance Plan Program Implementation Table and Communication Log Between Board and Jurisdiction

Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
				diversion of greenwaste. These options include: residential backyard composting of food and green waste; self-haul opportunities provided at the transfer station, where greenwaste is chipped for animal bedding or biomass, self-haul opportunities at the local cogen (biomass) facility; and the City corporate yard accepts greenwaste from local businesses where it is chipped and used as mulch.
(b.) Develop location at franchise hauler property.	ERD	**LAP Task Due:** 04/30/04 **Status:** N/A Alternative programs were selected		
(c.) Supply informational materials from Board on development of food scrap composting. (d.) Determine current and future organic materials to be composted.	Board Staff (c) & ERD	**LAP Task Due:** 02/29/04 **Status:** N/A Alternative programs were selected		
(e.) Evaluate increased collection of food waste for vermicomposting. (f.) Determine identity of sources and methods of collection.	City & ERD	**LAP Task Due:** 05/31/04 **Status:** N/A Alternative programs were selected		

Local Assistance Plan Program Implementation Table and Communication Log Between Board and Jurisdiction

Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
(g.) Develop promotional materials/methods, distribution and timing.	City & ERD	**LAP Task Due:** 07/31/04 **Status:** Alternative programs were selected		
(h.) Distribute containers and promotional materials.	City & ERD	**LAP Task Due:** 10/31/04 **Status:** N/A Alternative programs were selected		
(i.) Report progress to Board staff on quarterly basis.	City	**LAP Task Due:** 4/30/03 - 12/31/04 **Status:** Completed & Ongoing	**4-01-03:** City failed to submit first quarterly report. **5-30-03:** Second LAP update submitted. **3-17-04:** Third and Fourth LAP updates submitted. **4-22-04**: Fifth LAP update submitted. **7-01-04**: Sixth LAP update submitted.	**4-24-03:** Board staff met with City. Meeting notes served as first LAP update. **6-12-03:** Staff reviewed second status report and comments were sent to City. **3-25-04:** Meeting with City staff to discuss programs and tasks in workplan and third and fourth updates. **5-19-04:** Conference call to discuss programs and tasks in the workplan and fifth update. **7-01-04**: Staff reviewed sixth update.
(i.) Continued			**10-18-04:** Seventh LAP update submitted. **1-07-05:** Eighth LAP update submitted.	**11-02-04:** Conference call with City manager to discuss seventh update. **3-01-05:** Program review site visit conducted by Board staff concluded that sufficient alternative programs existed.

Local Assistance Plan Program Implementation Table and Communication Log Between Board and Jurisdiction

Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
				6-3-05: Conference call with City confirmed that this program was complete. City will continue to update Board regarding survey and program findings.
8. Evaluate Feasibility of Curbside Greenwaste Collection				
a. Conduct feasibility survey of residents. b. Evaluate franchise hauler's current equipment and equipment needs.	City	**LAP Task Due:** 03/31/04 **Revised due date:** 3-31-05 **Status:** Completed on 4-01-05	**5-30-03:** City indicated that a feasibility study will need to be conducted, but it is planned for 2004. **02-01-04:** The City submitted a waste stream report that was conducted by a hired consultant. Report indicated that if the City agrees to extend ERD franchise agreement, ERD would be willing to make all of the equipment purchases. **4-22-04:** Hauler recently purchased a tub grinder, so he has the capability to grind green and wood waste into animal bedding. **07-01-04**: According to ERD, curbside greenwaste collection is entirely feasible, but they will not pursue implementation unless their contract is renewed. In the interim, the City will promote self-haul greenwaste recycling and backyard composting. **8-18-04:** City staff indicated that they are promoting greenwaste recycling at the transfer station through their new brochures, as well as selling composting bins at a reduced rate to Fortuna's residents. **4-01-05:** The City will conduct a free pilot greenwaste program in the Campton Heights area to begin on 5-04-05. The pilot program will be in effect from 5-04-05 - 10-05-05.	**06-12-03:** This appears reasonable since the task due date is 3-31-04. **2-06-04**: A letter was sent to the City stating that the assessment of current programs and program recommendations found in the report supported the specific programs and tasks specified in the City of Fortuna's Coordination Work Plan. **8-18-04**: Board staff met with City staff and reminded them that if it was not feasible to implement a greenwaste collection program, the objective would be to accomplish a similar or better result by targeting greenwaste diversion at the transfer station. **4-01-05:** Board staff were agreeable to the City's plan. Board staff will be involved in the data evaluation collected to determine if this program should be implemented citywide.
c. Analyze rate restructuring.	City & ERD	**LAP Task Due:** 04/30/04 **Status:** N/A	**4-01-05:** Conference call with the City, since the City opted to conduct a free greenwaste pilot program, this task was not necessary.	**4-01-05:** Board staff were agreeable to the City's plan.
d. Present finding to Mayor, City	City	**LAP Task Due:**	This task was not necessary for the pilot program.	

Local Assistance Plan Program Implementation Table and Communication Log Between Board and Jurisdiction

Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
Council, City Management and Board staff. (If support, conduct steps e&f.)		05/31/04 **Status:** N/A		
e. Develop promotional materials/ methods, containerization, distribution and timing. Mail flyers.	City & ERD	**LAP Task Due:** 09/30/04 **Revised due date:** 4-30-05 **Status:** Completed on 4-25-05	**5-31-05:** City reported that fliers were mailed on 4-25-05. A press release was on the front page of the local paper on 4-28-05. **10-18-04**: City continues to promote self-haul opportunities at the transfer station for a reduced fee, the City will accept greenwaste for free at the corporate yard and backyard composting bins are available at a reduced fee.	**5-31-05:** Board staff considers this program to be complete.
f. Implement pilot program	City	**LAP Task Due:** 12/31/04 **Revised due date:** 5-15-05 **Status:** Completed on 5-04-05	The City reported by e-mail that this program was implemented as planned on **5-04-05.** **5-12-05:** City followed up with picture from the local newspaper of the greenwaste program in action from 5-04-05. **6-03-05:** The pilot program will continue until 10-04-05. The City will share survey results with Board staff to determine if this program should be expanded citywide.	**5-04-05:** This task appears to be on schedule.

Local Assistance Plan Program Implementation Table and Communication Log Between Board and Jurisdiction

Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
g. Report progress to Board staff on quarterly basis.	City	**LAP Task Due:** 4/30/03 - 12/31/04 **Status:** Completed on 5-31-05	**4-01-03:** City failed to submit first quarterly report. **04-24-03:** Hauler was enthusiastic about program implementation and working with new recycling coordinator. **5-30-03:** Second LAP update submitted. **3-17-04**: Third and Fourth LAP updates were submitted. **3-25-04:** Meeting with City staff and hauler to discuss programs and tasks in workplan. City manager and new city staff were confident that this program would be completed by the end of the compliance order. **4-22-04:** Fifth LAP update submitted. **7-01-04**: Sixth LAP update submitted. **10-18-04**: Seventh update submitted. **1-07-05**: Eighth LAP update submitted. **5-31-05:** Ninth LAP update indicated this program had been successfully implemented.	**04-24-03:** Board staff met with City. Meeting notes served as first LAP update. **6-12-03:** Staff reviewed second status report and conducted a conference call with City staff to discuss. **3-25-04**: Meeting with new City staff to programs in workplan and third and fourth LAP updates. **05-19-04:** Conference call to discuss programs and tasks in the workplan and fifth update. **7-01-04**: Staff reviewed sixth update and met with City on 8-18-04 to discuss progress. **10-05-04:** Conference call with City manager to reiterate what was needed in the upcoming LAP update. **11-02-04:** Conference call with City manager to discuss seventh update. **3-01-05:** Board staff, City staff and hauler met to discuss program implementation and waste assessment. The original task due date was extended to 5-31-05. **6-03-05**: Conference call with City confirmed that the agreed upon program tasks have been successfully completed by the **5-31-05** due date.

Local Assistance Plan Program Implementation Table and Communication Log Between Board and Jurisdiction

Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
9. Review Existing and Develop Additional General Diversion Program Promotion				

Local Assistance Plan Program Implementation Table and Communication Log Between Board and Jurisdiction

Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
a. Work with franchise hauler for strategies for focused promotion. b. Coordinate city peer matching to assist in the development of promotional ideas as requested.	City & ERD, Board staff (b)	**LAP Task Due:** 3/31/03 **Status:** Completed on 7-01-04 & Ongoing	**5-15-03**: Recycling coordinator met with hauler to discuss promotional opportunities. **5-30-03:** Second LAP update indicated that the City and the hauler both participated in a special awareness Kick-off event at the Fortuna City Library on May 30, 2003. Hauler distributed children's recycling activity booklets. Recycling coordinator has been attending HWMA meetings in which jurisdictions typically collaborate on promotional efforts. **6-12-03:** The City will continue their efforts. **02-01-04:** The City submitted a waste stream report that was conducted by a hired consultant. Study suggested that ERD could improve their signage at the transfer station to better direct and promote recycling opportunities available. **3-17-04**: The City reported that ERD had initiated some changes in the general circulation patterns and signage at the transfer station. **07-01-04**: The City recently enlisted the services of the recycling coordinator from Humboldt County, on a part-time basis, to assist them with promotional efforts. These efforts will focus on newspaper articles, a recycling brochure and an education booth. City staff continue to attend monthly HWMA meetings in which all of the Humboldt jurisdictions participate and work collaboratively on promotional efforts. **8-18-04**: The City will continue their efforts.	**4-24-03:** Board staff met with City and introduced new recycling coordinator to hauler, as well as touring transfer station. Meeting notes served as first LAP update. Examples of recycling brochures from Trinity, Siskiyou and Eureka were provided. On **5-21-03** Board staff had recycling coordinator participate in waste assessments conducted at a variety of Humboldt schools in which other Humboldt recycling coordinators attended as well. **6-12-03:** Board staff conducted a conference call with City staff. The City appears to be making good progress in this area. **2-06-04:** A letter was sent to the City stating that the assessment of current programs and program recommendations found in the report supported the specific programs and tasks specified in the City of Fortuna's Coordination Work Plan. **8-18-04**: Board staff met with City staff, and even though the City has not been able to work directly with the hauler due to difficulties with contract negotiations, with the addition of the environmental consultant, this effort sufficiently replaces the hauler in this specific task. In addition, since the Spring of 2003, the City has maintained collaborative promotional efforts by attending the HWMA meetings and working with Humboldt jurisdictions.
c. Evaluate appropriate media applications (flyers, City websites, PSA's, newsletters).	City	**LAP Task Due:** 7/31/03 **Status:** Completed on 7-01-04	**4-22-04**: Fifth LAP update indicated that the City was planning on featuring a monthly recycling article, as well as promoting recycling opportunities on their local website. **07-01-04**: Efforts will focus on newspaper articles, a recycling brochure and an education booth.	
d. Research funding sources.	City	**LAP Task Due:** 4/30/03 **Status:** 07-01-04		**8-18-04:** Meeting with City indicated that funding came from general fund for promotional efforts.

Local Assistance Plan Program Implementation Table and Communication Log Between Board and Jurisdiction

Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
e. Present funding and media recommendations to Mayor, City Council, etc. (If support, conduct steps f-h.)	City	**LAP Task Due:** 8/31/03 **Status:** N/A	Funding for promotional activities procured without need for presentation to Mayor and City Council.	
f. Secure funding as needed.	City	**LAP Task Due:** 10/31/03 **Status:** 7-01-04 & Ongoing	**07-01-04:** The City indicated funding had been secured to produce recycling brochure, educational booth, website updates and Regional Recycling guide.	**8-18-04:** Board staff met with City staff, and a copy of the brochure was provided, as well as educational booth was viewed**.**
g. Develop media applications.	City	**LAP Task Due:** 5/31/04 **Status:** Completed on 7-15-04	**07-01-04:** City indicated that the City is developing a Recycling Guide. Recycling articles will be featured in the local paper, as well as the Chamber of Commerce newsletter. The City is in the process of building an educational booth to be used at the local Farmer's Market and large events. The City will continue to update their website information regarding their Solid Waste Program.	**8-18-04:** Board staff met with City staff to discuss promotional applications.
h. Kick-off/Distribution as decided.	City	**LAP Task Due:** 12/31/04 **Status:** Completed on 10-18-04 & Ongoing	**07-01-04:** City indicated that brochures will be distributed at three large events in which each draws over one thousand people, City Hall and the local Farmers market. **8-18-04:** The brochure is now ready for distribution. A copy was provided to Board staff. **10-18-04**: City reported that the educational booth was being used at large events. Recycling articles had been published in the local paper, the Chamber of Commerce news letter, and the Solid Waste Program's website. As part of a regional effort, each jurisdiction has organized and paid for a 20 page Regional Recycling & Waste Reduction Guide which will appear in the upcoming SBC yellow pages. The City continues to promote business waste reduction, backyard composting and recycling education in the schools. **1-07-05:** Eighth LAP update indicated that in November 2004, the SBC phone books were delivered that included	**8-18-04:** Board staff met with City staff. Recycling brochure was reviewed, and the education booth was viewed**.**

Local Assistance Plan Program Implementation Table and Communication Log Between Board and Jurisdiction

Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
			the 20-page Regional Recycling Guide. An ad campaign took place throughout the County promoting phone book and Christmas tree collection programs. Outreach efforts will continue through business waste assessments.	
i. Report progress to Board staff on quarterly basis.	City	**LAP Task Due:** 4/30/03 - 12/31/04 **Status:** Completed on 1-07-05 & Ongoing	**4-01-03:** City failed to submit first quarterly report. **5-30-03:** Second LAP update submitted. **3-17-04**: Third and Fourth LAP updates submitted. **3-25-04:** City manager and new city staff were confident that this program would be completed by the end of the compliance order. **4-22-04**: Fifth LAP update submitted. **5-19-04**: City manager and new city staff were confident that this program would be completed by the end of the compliance order. **07-01-04:** Sixth LAP update submitted. **10-18-04**: Seventh LAP update submitted.	**4-24-03:** Board staff met with City and hauler, and meeting notes served as first LAP update. **6-12-03:** Board staff reviewed second LAP update and conducted a conference call with City staff to discuss update. **3-25-04**: Board staff reviewed third and fourth LAP updates and met with new City staff assigned to waste management tasks and hauler to discuss progress and program gaps. **5-19-04:** Staff reviewed fifth update and conducted a conference call to discuss with new City staff. **8-18-04**: Board staff reviewed fifth update and met with City staff. **7-01-04**: Staff reviewed sixth update and met with City staff on **8-18-04** to discuss program progress. **10-18-04:** Board staff reviewed seventh update, and with the efforts that have been completed as well as ongoing promotional efforts that will be taking place, this program appears to be complete.

Local Assistance Plan Program Implementation Table and Communication Log Between Board and Jurisdiction

Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
10. Approve a Full Time or Part Time City Recycling Coordinator				
Dates dependent on City budget cycle (i.e., if no funds available in current fiscal year, will need to wait until next fiscal year).	City	**LAP Task Due:** 7/31/04 **Status:** Completed on 12-01-04	**2-03:** City informed Board staff that recycling coordinator was leaving for another position; however, an interim contact was provided. **4-1-03**: E-mail was sent by City regarding the hiring of a new full-time recycling coordinator that would start before the end of the month, as well as questions pertaining to format of first LAP update. **5-30-03**: Second LAP update was submitted by new recycling coordinator. **10-01-03**: City staff failed to submit third LAP update. **10-02-03: -** No response from City. **10-09-03**: No response from City. **11-7-03**: E-mail response from City that third update would be submitted by deadline specified in letter. **11-08-03 -** City staff failed to submit LAP update. **11-12-03**: During conference call, City manager indicated that the third LAP update would be submitted by 12-16-03.	**4-24-03:** Board staff met with City staff and new recycling coordinator to review steps in workplan and introduce coordinator to hauler. Meeting notes served as first LAP update. **6-12-03**: Board staff conducted a conference call with City staff to review workplan progress. **10-02-03**: E-mail was sent to City regarding status of third LAP update. **10-09-03**: E-mail was sent regarding status of third LAP update. **10-28-03:** Called city and found out that due to budget cuts, the recycling coordinator was no longer with the City. Followed-up with an e-mail to interim contact person. **11-07-03**: e-mail and letter was sent to interim contact person and City manager. Letter specified that the third progress report must be submitted no later than 30 days from the date of the letter.

Local Assistance Plan Program Implementation Table and Communication Log Between Board and Jurisdiction

Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
			12-16-03: City staff failed to submit LAP update.	**11-12-03**: Template from second LAP update was sent to City Manager, as well as a follow-up call to discuss steps in the workplan. **1-14-04:** E-mail was sent regarding status of third LAP update, with a reminder that fourth LAP update was now due. **2-06-04**: Letter to City manager that third and fourth LAP updates needed to
Continued			**2-17-04:** Redirection of staff have prevented submittal of LAP updates. **3-8-04:** City staff failed to submit LAP update. **3-17-04**: Third and fourth LAP updates were submitted. **3-25-04**: City manager and new city staff were confident that programs in the workplan would be completed by the end of the compliance order. **4-22-04**: Fifth LAP update submitted.	be submitted no later than 3-8-04. Failure to do so could result in penalties. **2-17-04:** Conference call with City manager. **3-5-04**: E-mail reminder to City manager that third and fourth LAP updates are due 3-8-04, as well as scheduled meeting for **3-25-04** to meet newly appointed recycling coordinator. **3-25-04**: Meeting with new City staff to discuss programs and tasks in workplan. **4-07-04**: Follow-up e-mail to reiterate conclusions drawn from meeting, as

Local Assistance Plan Program Implementation Table and Communication Log Between Board and Jurisdiction

Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
Continued			**6-16-04:** Phone call from the recycling coordinator for Humboldt-Uni, who will be working part-time for the City. Environmental consultant is working on a list of goals and priorities to assist City staff in implementing workplan. **7-01-04**: Sixth LAP update was submitted.	well as emphasize that if a time extension and/or program changes were requested, Board staff would need to be able to present that the City had made significant progress towards implementing the programs in their workplan. **5-19-04:** Conference call to discuss steps in workplan and most recent LAP update. **6-16-04**: Workplan goals and strategies were discussed, as well as stalled negotiations with ERD seemed to be preventing the City to move forward in some areas of workplan.
Continued			**9-30-04:** e-mail from recycling coordinator regarding program detail for seventh LAP update. **10-04-04:** Recommendations will be used in seventh LAP update. **10-04-04:** City agreed to 10-18-04 commitment. **10-18-04:** City submitted seventh LAP update. **12-1-04**: With the loss of the full-time recycling coordinator, the City has hired their recycling intern, who has worked for Fortuna's Conservation Corp for many years. Her position will now be a full-time solid waste coordinator. **12-15-04**: Phone call from new recycling coordinator. **12-22-04**: Phone call from Humboldt-uni's recycling coordinator regarding final LAP update. **12-22-04**: City agreed to 1-07-04 commitment. **1-07-05:** Eighth LAP update was submitted.	**10-04-04:** Conference call to lend guidance regarding 7th LAP update which will need to be submitted by 10-18-04. **12-15-04:** Board staff discussed programs in workplan with new recycling coordinator. **12-22-04:** Board staff extended due date for final report. **1-07-05:** Staff reviewed final report, with the hiring of a new recycling coordinator on 12-01-04, this program is considered to be complete by Board staff.

Local Assistance Plan Program Implementation Table and Communication Log Between Board and Jurisdiction

Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
11. C&D Program & Policy Development				
a. C & D Policy development (not an ordinance). Policy to include C&D recycling options, reuse options, diversion measurement and/or tracking system, change in construction permit process, diversion requirements, future ordinance, possible penalties, etc.	City	**LAP Task Due:** 5/15/05 **Status:** Completed on 4-29-05	**5-31-05:** Ninth LAP update indicated that a draft policy was completed at the end of April. A copy of the draft was included in the final report.	**6-03-05:** Confirmed in conference call with the City.

Local Assistance Plan Program Implementation Table and Communication Log Between Board and Jurisdiction

Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
b. Obtain input & feedback from Building & Planning staff	City	**LAP Task Due:** 3/31/05 **Status:** Completed on 3-25-05.	**5-31-05:** Ninth LAP update indicated that the draft policy was shared with Planning Development staff and the City Building inspector in two separate meetings by the required due date. A meeting also took place with the City Planner and the C&D task force.	**6-03-05:** Confirmed in conference call with the City.
c. Obtain input & feedback from local contractors	City	**LAP Task Due:** 5/15/05 **Status:** Not complete	**5-31-05:** Ninth LAP update indicated that a meeting transpired with ERD staff regarding C&D materials accepted. Numerous construction companies were provided with a draft policy. Workshop date to obtain feedback from local contractors is still pending. **6-03-05:** City will update Board staff on the status of this program before July 19, 2005 Board Meeting. **6-07-05**: E-mail from recycling coordinator that workshop is planned for 6-28-05.	**6-03-05:** Confirmed in conference call with the City.
d. Include feedback from b. and c. in revised policy	City	**LAP Task Due:** 5/15/05 **Status:** Not complete	**5-31-05:** Ninth LAP update indicated that after the workshop is held, this step will be completed. **6-03-05:** City will update Board staff on the status of this program before July 19, 2005 Board Meeting.	**6-03-05:** Confirmed in conference call with the City.
e. Adoption of C & D Policy by the City Council	City	**LAP Task Due:** 5/31/05 **Status:** Not complete	**5-31-05:** Ninth LAP update indicated that this task had not been completed. **6-03-05:** City manager is planning to present a C&D ordinance before the City Council. In recent discussions with City Council members, it appears there is support for a C&D ordinance. This is planned for the June 20th meeting. City will update Board staff on the status of this program	**6-03-05:** Confirmed in conference call with the City.

Local Assistance Plan Program Implementation Table and Communication Log Between Board and Jurisdiction

Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
			before July 19, 2005 Board Meeting.	
12. Environmentally Preferable Purchasing				
a. Development of EPP policy	City	**LAP Task Due:** 5/15/05 **Status:** Completed on 3-31-05	**5-31-05:** Ninth LAP update indicated that a draft policy was completed by 3-31-05. A copy was included in the final report.	**6-03-05:** Confirmed in conference call with the City.
b. Adoption of EPP policy by the City Council & City staff	City	**LAP Task Due:** 5/31/05 **Status:** Not Complete	**5-31-05:** Ninth LAP update indicated that this task had not been completed. **6-03-05:** City manager wants to present policy at the same time the budget is approved. This is planned for the July 5, 2005 City Council meeting. City will update Board staff on the status of this program before July 19, 2005 Board Meeting.	**6-03-05:** Confirmed in conference call with the City.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Resolution 2005-178

Public Hearing And Consideration Of The Imposition Of Penalties Against The City Of Fortuna Pursuant To Compliance Order IWMA BR02-01 (Public Resources Code Section 41850)

WHEREAS, Public Resources Code (PRC) Section 41825 requires the California Integrated Waste Management Board (Board) to review each City, County, and Regional Agency's Source Reduction and Recycling Element (SRRE) and Household Hazardous Waste Element (HHWE) at least every two years; and

WHEREAS, PRC Section 41825 provides that if the Board finds that the City, County, or Regional Agency has failed to implement its SRRE or HHWE, the Board shall issue an order of compliance with a specific schedule for achieving compliance that shall include those conditions which the Board determines to be necessary for the jurisdiction to complete in order to implement its SRRE or HHWE; and

WHEREAS, based on the staff review of the jurisdiction's implementation of programs identified in its SRRE, the Board determined that the City of Fortuna had not made a good faith effort to implement the programs as identified in their SRRE and issued Compliance Order IWMA BR02-01 (Order), on September 17-18, 2002; and

WHEREAS, the Order included specific requirements that the City must meet, including working with the Board to develop a Local Assistance Plan (LAP) that the City would agree to by December 31, 2002; and

WHEREAS, as required by the Order, on December 16, 2002, the City did agree to implement the tasks specified in the LAP by the due dates listed in the LAP; and

WHEREAS, if the Board determines that any report, plan, schedule, or other document submitted for approval pursuant to the Order fails to comply with the Order or fails to achieve successful implementation of the SRRE, the Board or its designee may serve a notice that the Board will hold a public hearing to consider the imposition of penalties in accordance with PRC Section 41850; and

WHEREAS, based on the information provided in the City's LAP updates and numerous requests for program task implementation details, staff believes the City has failed to demonstrate a good faith effort to implement some of the specific tasks listed in the LAP.

(over)

NOW, THEREFORE, BE IT RESOLVED that after consideration of all of the information presented in the public hearing, the Board has determined the appropriateness of imposing an administrative civil penalty on the City of Fortuna for its failure to meet conditions of Compliance Order IWMA BR02-01 in a timely manner. Based on the Board's consideration, the Board made a determination of a one time penalty amount and set the amount at $_____. In addition, the Board made a determination that if the City fails to achieve by September 13, 2005, compliance with the Local Assistance Plan, it will be penalized _____.

CERTIFICATION

The undersigned Executive Director, or his designee, of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on July 19-20, 2005.

Dated:

Mark Leary
Executive Director

Fax (707) 725-7610 621 11th Street P.O. Box 545 Fortuna, California 95540

March 11, 2005

Harry Hardin
Eel River Disposal
P.O. Box 266
Fortuna, CA 95540

Subject: Eel River Disposal – Amendment of the Franchise Agreement with the City of Fortuna

Dear Mr. Hardin:

This letter is in response to our last telephone discussion on Wednesday, March 9th.

It is my understanding that you agreed with all the proposed amendments to the Eel River Disposal Solid Waste And Curbside Recycling Franchise Agreement (Agreement) that I sent to you via letter dated March 4th and are restated again in this letter. However, you requested an increase in the rate of $1.50 per customer to offset the loss of revenue due to customers reducing both the size and/or number of cans that they use because they are recycling more materials by using the single stream totes.

Instead of $1.50 increase across the board, we propose the following rate increase, which is intended to provide incentives to customers to use the single stream recycling totes to their maximum potential.

The City proposes the following amendments to the Agreement:

1. Provide a rate increase to offset the loss of revenue due to customers reducing both the size and/or number of cans that they use because they are recycling more materials by using the single stream totes. And increase the Franchise Fee to provide the City additional revenue to offset the costs to administer solid waste and recycling program.

   The proposed changes are as follows:
   - No change for the Bag Service
   - $1.00 increase for curbside recycling only
   - No change for the 20-gallon can service.
   - $2.00 increase for the 32-gallon can service.

   The specific rate changes are shown in the attached Exhibits A, B, and C.

Mr. Harry Hardin
Subject: Eel River Disposal – Proposed Amendment of the Franchise Agreement
March 11, 2005

Section 2.03.11 of the Agreement would be changed to read as follows:

2.03.11 Franchise Fee

CONTRACTOR shall pay to CITY ~~two percent (2%)~~ **Add the following words:** ***[three percent (3%)]*** of the gross amount received hereunder. Payment shall be on a quarterly basis with payment due on the 15th day of the month following the end of the quarter. CONTRACTOR shall pay a late fee at an annual percentage rate of 18% compounded daily, for each day that the franchise fee payment is past due. CONTRACTOR shall submit an annual report signed by a Certified Public Accountant certifying accuracy of gross amounts reported. CONTRACTOR shall keep record of the gross receipts obtained in the exercise of this Agreement. The CITY shall have the right to audit and examine such records. Audits shall be considered normal operational costs of CONTRACTOR's operation and done without additional charge.

2. Remove the requirement for the ownership of ERD (Contractor) to remain in the Hardin family and still allow the Agreement to be extended to December 31, 2018 if there are not uncured defaults.

Section 1.04 of the Agreement would be changed to read as follows:

1.04 Term of this Agreement

The term of this Agreement shall be for a fourteen (14) year period beginning January 1, 1995 and terminating December 31, 2008.

Provided that CONTRACTOR has no uncured defaults for which notice has been given hereunder ~~and the CONTRACTOR is still owned by the Hardin family~~, the Term will be extended for an additional ten (10) years ("Extended Term"), but each party may designate two items to be renegotiated for the Extended Term. At the end of the Extended Term, if this Agreement is extended further, the cost of the construction of the proposed transfer station building will be permanently removed from the disposal cost component of the rates to be charged if the proposed building is approved by the City Council for use as a transfer station. If the building referred to above is not approved for use as a transfer station, construction costs will not be considered in the disposal cost component.

Mr. Harry Hardin
Subject: Eel River Disposal – Proposed Amendment of the Franchise Agreement
March 11, 2005
Page 3 of 4

3. Amend the curbside recycling conditions to change the curbside program to a "single-stream" curbside collection program. The City will purchase and provide the initial two thousand (2000[1]) recycling "totes" for the current recycling customers that are in the boundaries of the City.

Section 2.01.04.05 of the Agreement would be changed to read as follows:

2.01.04.05 Recycling Collection

Recycling collection, processing and marketing consisting of at least weekly collection of curbside-placed recyclable materials: Aluminum cans, glass containers, plastic containers of #1 (PET) and #2 (HDPE natural and pigmented) plastic, newspaper, ~~and~~ cardboard **Add the following words: [*magazines, other plastics, bi-metal cans and other acceptable recyclable materials agreed upon by the City and ERD*]**. *Additionally, CONTRACTOR shall provide public access to CONTRACTOR's facility where the above same materials may be dropped off. Changes in types of materials collected shall be made through agreement between CONTRACTOR and CITY. With mutual consent of both parties, list of items to be picked up for recycling may be changed.*

Add the following words: *[The City shall provide the initial two thousand (2000) single-stream recycling collection "totes" to the Contractor for distribution to the Contractors curb-side collection customers within the boundaries of the City. Thereafter the]* *CONTRACTOR shall provide uniform recycling containers approved by CITY to participating subscribers. Should subscribers need replacement containers, CONTRACTOR may require a ~~two dollar~~* **Add the following words: *[thirty two dollar ($32)]*** *deposit on each replacement container. The deposit shall be refunded to subscriber when containers, are returned to CONTRACTOR.*

Subscribers participating in curbside recycling shall ~~separate~~ **Add the following words: [deposit all recyclable]** *materials to be recycled ~~in such fashion~~* **Add the following words: [into a single "tote" designated for recyclable materials]** *as the CONTRACTOR shall from time to time designate, with approval of the CITY.*

(Section *2.01.04.05* is continued to the next page)

[1] The value of these 2000 recycling "totes" to be provided by the City is estimated at approximately $64,000

Mr. Harry Hardin
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> *CONTRACTOR's marketing effort shall attempt to find markets for all collected recyclables, with due consideration for economics. Materials collected as recyclable shall not be landfilled without prior notice to and approval by CITY. Such approval shall not unreasonably be withheld if there is no readily available economic market for a particular material.*
>
> *Recyclable materials that are set out by a customer, but are sufficiently contaminated with non-recyclable materials so as to render them unmarketable or create a risk of significantly contaminating the existing load of materials, may be rejected by CONTRACTOR without breach of this Agreement if notification is given to customer.*

I suggest we meet early next week and discuss this proposal. I would like to present these proposed amendments to the Agreement to the City Council for approval at the March 21st Council meeting.

Sincerely,

Duane V. Rigge
City Manager

CC: City Council

City of Fortuna

Disposal Rates

EXHIBIT A

59.06 PER TON

Bag Service	**1 Bag**						
Regular	$1.05						
Curbside Recycling							
Monthly Rate							
20-Gallon Can	**1 Can**						
1xWeekly	$2.61						
Extra Can Pickup	$1.00						
Monthly Rate							
32-Gallon Can	**1 Can**	**2 Cans**	**3 Cans**	**4 Cans**			
1xWeekly	$4.18	$8.36	$12.54	$16.71			
2XWeekly	$8.36	$16.71	$24.00	$32.00			
Monthly Rate							
Bins No Rental	**1 Yard**	**1.5 Yard**	**2 Yard**	**3 Yard**	**4 Yard**	**6 Yard**	**8 Yard**
1xWeekly	$26.38	$39.56	$52.75	$79.13	$105.50	$158.26	$211.01
2xWeekly	$52.75	$79.13	$105.50	$158.26	$211.01	$316.51	$422.02
3XWeekly	$79.13	$118.69	$158.26	$237.39	$316.51	$474.77	$633.03

NOTATIONS/PROPOSED CHANGES
11 MARCH 05

City of Fortuna

Collection Service Rate

EXHIBIT B

Bold numbers to be effective 7-1-04
1.022 2.2% inc.

Bag Service	**1 Bag**	
Regular	$3.45	
	$3.53	NO CHANGE
Curbside Recycling	$3.77	
	$3.85	ADD $1.00 FOR NEW TOTAL OF $4.85
Monthly Rate		
20-Gallon Can	**1 Can**	
1xWeekly	$10.75	
	$10.99	NO CHANGE
Extra Can Pickup	$2.76	
	$2.82	

Monthly Rate

32-Gallon Can	**1 Can**	**2 Cans**	**3 Cans**	**4 Cans**
1xWeekly	$11.48	$20.46	$29.41	$38.38
2XWeekly	$20.46	$38.38	$56.12	$74.00
	$11.73	**$20.91**	**$30.06**	**$39.22**
	$20.91	**$39.22**	**$57.35**	**$75.63**

ADD $2.00 TO EACH FOR A NEW TOTAL

$13.73 $22.91 $32.06 $41.22
$22.91 $41.22 $59.35 $77.63

Monthly Rate

Bins No Rental	**1 Yard**	**1.5 Yard**	**2 Yard**	**3 Yard**	**4 Yard**	**6 Yard**	**8 Yard**
1xWeekly	$21.89	$32.06	$42.23	$57.70	$71.09	$115.35	$142.10
2xWeekly	$43.73	$64.14	$84.48	$114.63	$142.17	$230.64	$284.14
3XWeekly	$65.62	$96.18	$126.74	$173.07	$213.24	$345.99	$426.31
	$22.37	**$32.77**	**$43.16**	**$58.97**	**$72.66**	**$117.89**	**$145.23**
	$44.69	**$65.55**	**$86.34**	**$117.15**	**$145.30**	**$235.71**	**$290.39**
	$67.06	**$98.30**	**$129.53**	**$176.88**	**$217.93**	**$353.60**	**$435.69**

Bins With Rental

Monthly Rate	**1 Yard**	**1.5 Yard**	**2 Yard**	**3 Yard**	**4 Yard**	**6 Yard**	**8 Yard**
	$12.64	$14.27	$16.10	$19.64	$23.20	$30.30	$36.59
	$12.92	**$14.58**	**$16.45**	**$20.07**	**$23.71**	**$30.97**	**$37.39**

NOTATIONS / PROPOSED CHANGES
11 MARCH 05

City of Fortuna

Combined Rate

EXHIBIT C

EFFECTIVE 10-1-04

	1 Bag
Bag Service Regular	$4.58
Curbside Recycling	$3.85

NO CHANGE

$4.85

Monthly Rate

20-Gallon Can	1 Can
1xWeekly	$13.60
Extra Can Pickup	$3.82

NO CHANGE

Monthly Rate

32-Gallon Can	1 Can	2 Cans	3 Cans	4 Cans
1xWeekly	$15.91	$29.27	$42.59	$55.94
2XWeekly	$29.27	$56.94	$81.36	$107.63

	1 CAN	2 CANS	3 CANS	4 CANS
1xWeekly	$17.91	$31.27	$44.59	$57.94
2XWeekly	$31.27	$57.94	$83.36	$109.63

Monthly Rate

Bins No Rental	1 Yard	1.5 Yard	2 Yard	3 Yard	4 Yard	6 Yard	8 Yard
1xWeekly	$48.75	$72.33	$95.91	$138.10	$178.16	$276.14	$356.24
2xWeekly	$97.44	$144.68	$191.84	$276.41	$356.31	$552.23	$712.41
3XWeekly	$146.19	$216.99	$287.76	$414.26	$534.44	$828.37	$1,068.72

Bins With Rental

Monthly Rate	1 Yard	1.5 Yard	2 Yard	3 Yard	4 Yard	6 Yard	8 Yard
	$12.92	$14.58	$16.45	$20.07	$23.71	$30.97	$37.39

The Harland Law Firm LLP

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March 23, 2005

Duane Rigge
City Manager - City of Fortuna
P.O. Box 545
Fortuna, California 95540

Re: **Eel River Disposal Proposed Franchise Amendments**
My file No. 0935 bc

Dear Duane:

This is to respond to your letter of March 11, 2005. In considering this response, I request that you again review Pat Stoll's December 15, 2004 letter to you and the financial calculations that he made at your request to determine the new cost of instituting a single stream recycling program.

ERD is a business and if it provides the public with a needed new service it is entitled to be paid at a rate that pays for the service and provides a reasonable profit. The whole point of our discussions has been to raise enough money to pay for this new program. Your proposal would increase the fees for all large cans by $2 and leave the price for the smaller cans unchanged. While it is commendable to take steps to urge recycling, and the pricing that you have proposed will encourage customers to use the totters and get the fee break from the smaller cans, there is little justification for the economic outcome that you have proposed if it causes large numbers of customers to avoid the rate increase by using smaller cans resulting in ERD raising an insufficient amount to pay for this new program.

There is no way to know how many people will avoid the increased fee for the new program by dropping container sizes. This risk is particularly great because the City, very likely and properly, will urge people to take advantage of the new single stream recycling because it offers the opportunity to drop down in can size and obtain substantial savings, including avoiding the new $2 fee.

Assuming that the City is unwilling to guarantee sufficient collections to pay for the new service, a fee structure that increases large cans by $1.50 and the smaller containers by $1.00 would somewhat reduce this risk and would be acceptable to ERD provided: (1) that the Hardin Family restriction is removed from paragraph 1.04

(something that the City has said should be done independent of this process because the imposition of this restriction was unfair) and (2) the extended term under paragraph 1.04 is changed to end on December 31, 2023. In addition, the additional materials to be recycled that you have suggested be added to paragraph 2.01.04.05 is acceptable as a part of this overall agreement.

You have also proposed an increase in the gross revenues franchise fee by 1% which would be passed on to the rate payers as a new rate increase. Since 2000 the City has been imposing a $1.15/ton fee on the rate payers. This fee was for the specific purposes of $.23/ton for solid waste administration, $.20/ton for installing curb, gutter and sidewalk near the transfer station, $.14/ton for litter abatement near the transfer station, $.08/ton for the cost of City solid waste enforcement program and $.50/ton for a City household hazardous waste program. The curb, gutter and sidewalk is in and was paid for by either property owners or some other fund (but not this fee), there is no litter abatement program (nor litter) near the transfer station, there is no solid waste enforcement program and there is no household hazardous waste program.

After a fee is enacted, any member of the public may request an audit to determine, "whether any fee or charge levied by a local agency exceeds the amount reasonably necessary to cover the cost of any product or service provided by the local agency." [Gov Cd 66023]. As a result, ERD would consent to a 1% increase in franchise fees if that is a customer pass through and the 2000 fees are ended. This would have a positive impact on what the rate payers pay and would end the collection of a fee for which the service has not occurred.

Sincerely,

Richard Smith

RAS/ds

California Integrated Waste Management Board

Board Meeting

July 19-20, 2005

AGENDA ITEM 26

ITEM

Consideration Of Scope Of Work And Allocation For The Education And The Environment Initiative Education Consultant (FY 2005/2006 - 2006/2007, Integrated Waste Management Account)

I. ISSUE/PROBLEM STATEMENT

The purpose of this item is to seek the Board's approval of the Scope of Work and fund allocation for the Education and the Environment Initiative Education (EEI) Consultant.

II. ITEM HISTORY

At its March 2004 Meeting, the California Integrated Waste Management Board (CIWMB), approved the Scope of Work (SOW) to fund Consulting and Professional Services contracts (Contract Concept Number Three), associated with EEI allocated from the 2003/2004 Integrated Waste Management Account savings.

At its June 2004 Board Meeting, the Board, approved a grant to the San Luis Obispo County Office of Education for the purpose of providing support, assistance, and expertise on a project that furthered the efforts of Senate Bill (SB) 373 (School Diversion and Environmental Education Law Program, (School DEEL)) and addressed a new law, Assembly Bill (AB) 1548, the Education and The Environment Initiative, (Pavley, Chapter 665, Statutes of 2003), which directly correlated to SB 373.

At its December 2004 Meeting, the CIWMB heard the informational item: Update on the Status of the EEI (AB 1548).

At its June 2005 Meeting, the CIWMB heard the informational item: Update on the Status of the EEI (AB 1548).

At its July 2005 Meeting, the CIWMB will also be considering an associated item for the EEI Writing Teams.

III. OPTIONS FOR THE BOARD

A. Approve~~s~~ the Scope of Work, allocate funding for the hiring of an EEI Education Consultant, and adopt Resolution number 2005-218.

B. Disapprove the Scope of Work for the EEI Education Consultant and allocation of funding for these services.

C. Approve the Scope of Work with specific revisions, allocate funding for the hiring of an EEI Education Consultant and adopt Resolution number 2005-218.

IV. STAFF RECOMMENDATION

The Board staff recommends approval of Option 1 and adoption of Resolution number 2005-218.

V. ANALYSIS

A. Key Issues and Findings

1. Background:
   The Governor signed Assembly Bill (AB) 1548 in October 2003. This law requires the California Environmental Protection Agency (Cal/EPA) and the CIWMB to work in cooperation with the Resources Agency (CRA), California Department of Education (CDE), State Board of Education (SBE), and the Office of the Secretary for Education (COSE) to:
   a. Develop environmental principles and concepts (EP&C) for elementary and secondary schools;
   b. Ensure that the EP&C are aligned to the academic content standards adopted by the SBE and do not duplicate/conflict with those standards;
   c. Incorporate the EP&C into criteria developed for textbook adoption in Science, Mathematics, English/Language Arts, and History/Social Sciences; and
   d. Develop and implement a K-12 unified education strategy with a model curriculum for the State's elementary and secondary schools.

   The EEI Model Curriculum is intended to provide K-12th grade teachers, schools, and districts with standards-based curricular materials, approved by the State Board of Education, which can be used to teach the Environmental Principles and Concepts (EP&C). The Model Curriculum will be used as a scope and sequence for teaching the EP&C through a continuum from kindergarten through twelfth grade with clearly defined learning objectives that are aligned to California's academic content standards and targeted at helping students achieve mastery of those standards at each grade level.

   After it is developed, field-tested and pilot-tested, the model curriculum will be submitted to the Curriculum and Supplemental Materials Development Commission, an advisory body for the State Board of Education. Subsequent to this review, the materials will be revised and submitted to the SBE for approval, as required by AB 1548. The law also requires that the CDE post and maintain the model curriculum on their website.

2. Introduction/Objectives for the Request for Proposals (RFP)
   The goals of this RFP are to complete the implementation of Phase 4 (see Attachment 2a) in the timeline for the development of the model curriculum as set forth in the Education and the Environment Initiative. It is recommended that Principal Consultants be hired through an RFP to accomplish the required tasks.

B. Environmental Issues

Staff is unaware of any environmental issues related to this contract.

C. Program/Long Term Impacts

Implementation of this program will result in:

1. Providing technical assistance to educators to integrate the model curriculum into existing curricula;
2. Advancing academic achievement for California students;
3. Educating students, as well as parents (through their children), about human health-threats from environmental pollution; and
4. Teaching educators about environmental issues and giving them additional resources to teach the EP&C with an emphasis on standards-based classroom instruction.

D. Stakeholder Impacts

Six million students and 1,059 school districts will be impacted by receiving the K-12 model curriculum with its incorporated environmental educational principles and concepts.

E. Fiscal Impacts

Approximately $5.6 million dollars in consulting and professional services will be authorized over two years to complete the model curriculum and begin the training of educators for implementation of this curriculum, pending the signing of Assembly Bill 1721.

F. Legal Issues

This contract is authorized by GC §§ 19130.

G. Environmental Justice

Staff is not aware of any Environmental Justice issues related to this agenda item.

H. 2001 Strategic Plan

The Initiative addressed the following strategic plan goals:

A. Goal 3: Educate the public to better understand and participate in resource conservation and integrated waste management strategies.

B. Objective 2: Strengthen and expand partnerships to better promote environmental education and integrated waste management strategies, and to achieve the maximum potential from funding that is available.

C. Objective 3: Coordinate the integration of education efforts and programs within CIWMB and throughout Cal/EPA and its boards, departments, and office.

D. Strategy B: Develop unified resources and actively promote K-12 environmental education outreach.

VI. FUNDING INFORMATION

These funds will become available upon the chaptering of Assembly Bill AB 1721, an urgency clean-up measure sponsored by the Administration. Pending the signing of this Bill, approximately $5.6 million dollars in Consulting and Professional Services will be authorized over two years to complete the model curriculum and begin the training of educators for implementation of this curriculum.

1. Fund Source	2. Amount Available	3. Amount to Fund Item	4. Amount Remaining	5. Line Item
Integrated Waste Management Account FY 2005/2006	$2,800,000	$250,000	$2,550,000	Consulting & Professional Services
Integrated Waste Management Account FY 2006/2007	$2,800,000	$250,000	$2,550,000	Consulting & Professional Services
Total	$5,600,000	$500,000	$5,100,000	

VII. ATTACHMENTS

A. Scope of Work – Attachment 1
B. Implementation Phase 4 Timeline for Model Curriculum – Attachment 2a
C. Milestones for Development of Model Curriculum – Attachment 2b
D. EEI Responsibilities Matrix – Attachment 3
E. Resolution 2005-218 – Attachment 4

VIII. STAFF RESPONSIBLE FOR ITEM PREPARATION

A. Program Staff: Bonnie Bruce **Phone:** (916) 341-6020
B. Legal Staff: Holly Armstrong **Phone:** (916) 341-6060
C. Administration Staff: Tom Estes **Phone:** (916) 341-6090

IX. WRITTEN SUPPORT AND/OR OPPOSITION

A. Support

The EEI Initiative has the following state agency and associate partners (collectively referred to as the Education Partnership), who actively support Cal/EPA and CIWMB's efforts in implementation.

1. **State Agency Partners:** State Department of Education, State Board of Education, Office of the Secretary for Education, California Assembly Member Pavley, California Resources Agency, and California Senator Torlakson.

2. **Associate Partners:** Council for Environmental and Economic Balance, California Farm Bureau, California Forest Products Commission, California Institute for Biodiversity, California Manufacturers and Technology Association, California School Boards Association, California Science Teachers Association, California State Association of Counties, California State Parent Teacher Association, California State Parks Foundation, California Teachers Association, Coalition for Clean Air, George

Lucas Educational Foundation, Heal the Bay, League of California Cities, Ema, Inc., National Geographic Society, Planning and Conservation League, Scripps Institution of Oceanography, Sierra Club, Society of the Plastics Industry, TreePeople, UC Berkeley—School of Public Health, Universal Studios, USC Sea Grant, Walt Disney Company, Warner Bros. Entertainment, Waste Management Inc., Water Education Foundation, Western States Petroleum Association and Wright Consulting, Inc.

3. **Letters of Support:** The Annenberg Foundation, Aquarium of the Bay (San Francisco), Aquarium of the Pacific, Compton Foundation, Humboldt State University Natural History Museum, The George Lucas Educational Foundation, Marisla Foundation, National Geographic Education Foundation, The Ocean Foundation, The David and Lucile Packard Foundation, The Rose Foundation, The San Diego Foundation, Santa Barbara Zoo, S. Mark Taper Foundation, The Walt Disney Company, Warner Bros., Western States Petroleum Association.

B. Opposition

Staff had not received any written opposition at the time this item was submitted for publication.

California Integrated Waste Management Board

SCOPE OF WORK

Consideration Of Scope Of Work And Allocation For The Education And The Environment Initiative Education Consultant (FY 2005/2006 - 2006/2007, Integrated Waste Management Account)

I. INTRODUCTION/OBJECTIVES

The goals of this scope of work are to complete the implementation of Phase 4 (see Attachment 2a) in the timeline for the development of the model curriculum as set forth in the Education and the Environment Initiative (EEI). The EEI provides specific directives regarding the development and dissemination of the Model Curriculum based on a series of Environmental Principles and Concepts (EP&C) that were developed as part of this Initiative (http://www.calepa.ca.gov/Education/Principles/.) Pending the chaptering of AB 1721, approximately $5.6 million dollars will be authorized over two (2) years to complete the model curriculum and begin the training of educators for implementation of this curriculum. This Scope of Work will include the following:

A. Work with the Cal/EPA and the CIWMB Co-Managers to assemble three technical advisory committees and prepare background materials for technical writers.

B. Utilize the guidebook developed by Phase III for the professional writing teams. Summarize and validate the issues proposed by the technical working groups.

C. Develop templates for units and lessons to be reviewed by three (3) technical committees, California Environmental Education Network (CEEIN), sponsoring agencies, co-managers, and writers.

D. Design planning sessions for professional writing teams to incorporate the EEI adopted principles and concepts.

E. Conduct working sessions in Sacramento to be concluded in ten days.

F. Develop specifications for unit and lesson templates to be used by graphic designers and reviewed by technical committees and sponsoring agencies.

G. Review all units and lessons with co-managers. Develop field testing methodology. (field testing to involve up to 250 teachers statewide.)

H. Assist in identification of locations, recruit teacher, and provide training for field testing.

I. Review and analyze field testing results to determine effectiveness.

J. Develop pilot-testing methodology, help identify locations and provide training. (pilot testing to involve up to 250 teachers statewide.)

K. Review and analyze pilot testing results to determine effectiveness.

L. Finalize Model Curriculum Materials for review by the Curriculum and Supplemental Materials Commission, and Agency Secretaries to obtain approval by State Board of Education.

M. Develop training materials and training for the Office of Education and the Environment (OEE) to implement the Model Curriculum in school districts and County Offices of Education in the State of California.

N. Attend meetings as needed, at a minimum of no less than three (3) meetings per month in Sacramento. Submit monthly status reports to contract manager(s).

O. Provide a process manual describing discrete tasks in this Scope of Work (SOW), including findings and recommendations.

P. Provide consulting services to OEE Staff for all annual and any other reports required by the Legislature, as needed.

II. WORK TO PERFORM

The goals of this SOW are to complete the implementation of Phase 4 (See Attachment 2a) in the timeline for the development of the model curriculum as set forth in the EEI. Pending the chaptering of AB 1721, approximately $5.6 million dollars will be authorized over two years to complete the model curriculum and begin the training of educators for implementation of this curriculum.

III. TASKS IDENTIFIED

The Contractor will provide the following:

A. Work with Co-Managers to assemble technical advisory committees and prepare background materials.
   1. There will be three technical committees formed: Content Experts Committee, Education Advisory Committee, and Professional Development Committee.

B. Utilize the guidebook developed by Phase III for the professional writing teams. Summarize, and validate the issues proposed by the technical working groups.
   1. Planning sessions for the professional writing teams will need to include:
      a. Understanding of history and components of the EEI;
      b. Familiarity with California's academic content standards;
      c. Agreement on meaning of standards-based instruction;

d. Understanding of the Environmental Principles and Concepts;
e. Understanding of EEI learning objectives;
f. Development of grade-level outlines that identify the sequence of units and lessons and group sequencing;
g. Understanding of the planning and lesson templates;
h. A search of the collection of existing materials for relevant unit/lesson plan materials;
i. Direction in the development of the draft materials; and
j. Direction in any revision needed for writers.

C. Develop plans for units and lessons to be reviewed by technical committees, CEEIN, sponsoring agencies, co-managers, and writers.
1. Writers will need to be directed with any revision from comments provided by reviewers.

D. Design planning sessions for professional writing teams and editors.
1. Planning sessions for the professional writing teams will include:
a. Understanding of history and components of EEI;
b. Familiarity with California's academic content standards;
c. Agreement on meaning of standards-based instruction;
d. Understanding of the Environmental Principles and Concepts;
e. Understanding of the EEI learning objectives;
f. Development of grade-level outlines that identify the sequence of units and lessons and group sequencing;
g. Understanding of the planning and lesson templates;
h. A search of the collection of existing materials for relevant unit/lesson plan materials;
i. Consult with staff regarding the development of the draft materials; and
j. Consult with staff regarding any revision needed for writers.

E. Conduct one 5-day working session and 5 additional working sessions with staff and/or writers in Sacramento as needed.

F. Develop specifications for unit and lesson templates to be used by graphic designers and reviewed by technical committees and sponsoring agencies.
1. Design background documents for graphic designers;
2. Direct graphic designers with any revision from comments provided by reviewers; and
3. Work with graphic designers in preparing field-test-ready documents.

G. Review lessons and units with co-managers. Develop field testing methodology. (field testing to involve up to 250 teachers statewide.)
1. Select all materials to be used in field-testing.

H. Assist in identifying field-testing locations, recruit teachers and provide training for field testing..

1. Up to 250 teachers statewide will need to be recruited and trained

I. Review and analyze field testing results to determine effectiveness.

J. Develop pilot-testing methodology, help identify locations, and provide training. (pilot testing to involve up to 250 teachers statewide.)

K. Review and analyze pilot testing results to determine effectiveness.
   1. All material will need to be revised based on pilot testing; and
   2. An Editorial review of all draft materials will need to be conducted.

L. Finalize the Model Curriculum Materials for review by the Curriculum and Supplemental Materials Commission, and Agency Secretaries to obtain approval by the State Board of Education.
   1. Any revisions necessary will need to be made to obtain approval from the State Board of Education.

M. Develop training materials and training for the OEE to implement the Model Curriculum in school districts and county offices of education in the state of education.
   1. All OEE staff members will be trained to implement the Model Curriculum; and
   2. Begin to identify approximately 10 educators per district to be trained by the OEE.

N. Attend meetings as needed, no less than three meetings per month in Sacramento. At minimum, submit monthly status reports to contract manager(s).

O. Provide a process manual describing discrete tasks in this SOW, including findings and recommendations.

P. Provide consulting services to the OEE's staff for all annual and any other reports required by the Legislature, as needed.

IV. CONTRACT/TASK TIME FRAME

A. Changes require Contract Manager's prior approval.

B. This project covers the completion of Phase 4 (See Attachment 2a) (Projected time frame is two (2) years).

The following provisions will be included in the Terms and Conditions or Special Terms and Conditions of the Contract:

V. COPYRIGHT PROVISION

Contractor shall establish for the Board good title in all copyrightable and trademarkable materials developed as a result of this Scope of Work. Such title shall include exclusive copyrights and trademarks in the name of the State of California, California Integrated Waste Management Board.

VI. CALIFORNIA WASTE TIRES

A. Not Applicable to the SOW.

VII. WASTE REDUCTION AND RECYCLED-CONTENT PRODUCT PROCUREMENT

In the performance of this Agreement, Contractor shall use recycled content, used or reusable products, and practice other waste reduction measures where feasible and appropriate.

Recycled Content Products: All products purchased and charged/billed to the CIWMB to fulfill the requirements of this contract shall be Recycled Content Products (RCPs), or used (reused, remanufactured, refurbished) products. All RCPs purchased or charged/billed to the CIWMB to fulfill the requirements of the contract shall have both the total recycled-content (TRC) and the postconsumer content (PC) clearly identified on the products. Specific requirements for the aforementioned purchases and identification are discussed in the Terms and Conditions of the Contractual Agreement under Recycled-Content Product Purchasing and Certification.

The Contractor should, at a minimum, ensure that the following issues are addressed, as applicable to the services provided:

A. WRITTEN DOCUMENT PROVISION

All documents and/or reports drafted for publication by or for the Board in accordance with this contract shall adhere to the Board's *Guidelines For Preparing CIWMB Reports (available upon request)* and shall be reviewed by the Board's Contract Manager in consultation with one of the Board's editors.

In addition, these documents and/or reports shall be printed double-sided on recycled-content paper containing one hundred percent (100%) post-consumer

fiber. Specific pages containing full color photographs or other ink-intensive graphics may be printed on photographic paper. The paper should identify the postconsumer recycled content of the paper (i.e., "printed on 100% postconsumer paper"). When applicable, the Contractor shall provide the Contract Manager with an electronic copy of the document and/or report for the Board's uses.

To the greatest extent possible, soy ink instead of petroleum-based inks should be used to print all documents.

B. CONFERENCING PROVISION

The Contractor shall take any and all steps necessary to make sure that the Event is a model for future recycling, waste prevention, diversion, buy recycled, and waste management events.

Paper Products: All paper products used to fulfill the requirements of this contract (nametags, badges, letters, envelopes, brochures, etc) must contain at least 30% post-consumer recycled content fiber.

Re-usable Cups, Plates & Utensils: To the greatest extent possible, use re-usable/washable utensils, dishes, tableware, etc. rather than single-use disposable products.

Leftover Food/Beverages: All leftover food and/or beverages associated with the event will be donated to an established food donation outlet. Arrangements for the donation must be made prior to the date of the event. CIWMB staff will assist the contractor in identifying these donation outlets, if needed.

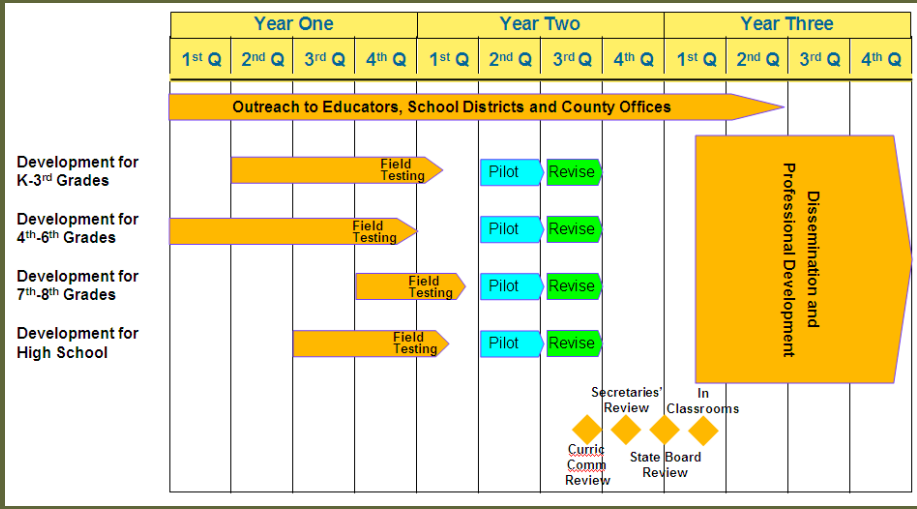
Recycling/Composting: Arrangements must be made with the venue, sponsor, or by contract, to provide adequate collection bins for recyclables, organics (food waste) or biodegradable materials, and trash (non-recyclables). The bins should contain at least 30% post-consumer plastic. In addition, the contractor shall work with the venue and/or sponsors to maximize diversion of the discarded materials.

Soy-based Printing Ink: To the greatest extent possible, soy ink instead of petroleum-based inks should be used to print all documents needed for the event.

Education and the Environment Initiative Program Development Timeline

	PY 2003/04	CY 2004/05	1st Quarter 2005	2nd Quarter 2005	3rd Quarter 2005	4th Quarter 2005	1st Quarter 2006	2nd Quarter 2006	3rd Quarter 2006	4th Quarter 2006	1st Quarter 2007	2nd Quarter 2007	3rd Quarter 2007	4th Quarter 2007	1st Quarter 2008	2nd Quarter 2008	3rd Quarter 2008	4th Quarter 2008	1st Quarter 2009	2nd Quarter 2009
					05-06				06-07				07-08				08-09			
Phase 1: Completed: Environmental Principles and Concepts																				
a. Development of a draft set of Environmental Principles and Concepts working with over 90 representatives of state and Federal agencies, universities, non-governmental organizations, and educators	√																			
b. Public review of the draft Environmental Principles and Concepts through a web-based on-line discussion forum	√																			
c. Review of the draft Environmental Principles and Concepts by the vice chair of the Science Committee of the Curriculum Commission	√																			
d. Developed process of aligning science and history/social science standards to the draft Environmental Principles and Concepts	√																			
e. Reviewed Environmental Principles and Concepts and draft standards alignment with K-12 educators and Environmental Organizations and education providers	√																			
Phase 2: Completed: Alignment of the Environmental Principles and Concepts to the CA Academic Content Standards (Science and History/Social Science)																				
a. Developed the alignment of the Environmental Principles and Concepts to the Academic Content Standards		√																		
b. Review of draft standards alignment maps by K-12 subject-matter experts		√																		
c. Input during the California Science Teachers Association's annual conference in San Jos		√																		
d. Six regional field reviews with K-12 educators (Los Angeles, Orange County, San Diego, Bay Area, Sacramento/Central Valley, and Redding)		√																		
e. On-line discussion forum		√																		
f. Three regional orientation sessions for environmental organizations/education providers (Los Angeles, Bay Area and Central Valley)		√																		
Phase 3: Jan. - April 2005: Planning of Model Curriculum (Science and History/Social Science)																				
a. Establish CEEIN sub-committee to guide self-evaluation existing education materials		√		Jan-July																
b. Develop criteria for assessing existing environmental education materials		√																		
c. Conduct Educator Needs Assessment regarding design elements for Model Curriculum		√																		
d. Develop instructional materials design alternatives		√																		
e. Development of Scope and sequence		√																		
f. Plan for Integrating other environmental instructional materials		√																		
g. Review by CalEPA and CIWMB		√																		
Phase 4: April 2005 - July 2007: Develop Model Curriculum (Science and History/Social Science)																				
a. Assemble writing teams																				
c. Writing																				
d. Preliminary graphic design																				
e. Field testing and revisions																				
f. Review by Curriculum Commission and revision based on their inpu																				
g. Presentation to and Review by State Board of Education																				
h. Pre-press production activities																				
i. Production																				
Phase 5: Jan. 2007 - July 2009: Dissemination and Professional Development																				
a. Establishing dissemination teams																				
• Identifying potential dissemination partners (e.g., K-12 Alliance, CREEC																				
• Selecting and contracting with dissemination partners																				
• Training of dissemination partners																				
b. Recruit educational leaders (average 10 per district)																				
c. Conduct professional development workshops across the state																				
d. Provide technical support to school districts to assist in incorporating Model Curriculun																				
Phase 6: Sept. 2007 - July 2009: Evaluation to Collect Evidence Regarding the Efficacy of the Model Curriculum and Instructional Strategies in Achieving Mastery of Academic Content Standards and Environmental Principles and Concepts; and the Effectiveness of the Dissemination																				
a. Develop evaluation instruments																				
b. Collect evaluation data																				
c. Analyze data and report on results on evaluation																				
Phase 7: Nov. 2003 - July 2009: Operations																				
Andrea Lewis; Bonnie Bruce; Joanne Vorhies; OEE; consultants																				

Milestones for Development of Model Curriculum



DRAFT - Education and the Environment Initiative (EEI) Responsibilities

EEI Manager(s)	Office of Education and the Environment (OEE)	External Consultants
• Point-of-contact for all EEI-related matters, internal & external.	• Report to EEI Manager(s) regularly on all EEI-related matters under scope of responsibility.	• Work with manager(s) to assemble technical advisory committees and prepare background materials for advisory committees.
• Liaison with Governor's Office, Legislature, Cal/EPA, CIWMB Board, and associated state governmental entities.	• Manage any contracts hired through CIWMB processes.	• Develop a guidebook for professional writing teams. • Manage the development of technical work products of writers, editors, and graphic designers.
• Lead in communication with the State Board of Education, Curriculum Commission, Office of the Secretary for Education, and Department of Education.	• Work collaboratively with CREEC regarding professional development materials, training, and reporting processes.	• Summarize/validate issues raised by technical advisory committees re: model curriculum.
• Oversee all policy-related issues.	• Work collaboratively with CREEC regarding development of EEI outreach approach.	• Design and conduct training sessions for professional writing teams, editors, and graphic designers.
• Decision-making authority regarding implementation and policy-related issues.	• Build relationships at the County Office of Education and school districts in California.	• Develop plans and units of model curriculum for committees, CEEIN, sponsoring agencies, manager(s), etc.
• Manage and direct workload of external consultants and coordinate OEE workload.	• General EEI-related outreach (distinct from CREEC).	• Develop model curriculum template for units/lessons for graphic designers.
• Oversee & manage EEI workplan and funds.	• Conduct workshops.	• Review all field testing materials with manager(s).
• Resolve issues/problems.	• Manage teacher stipends.	• Develop field testing methodology, site location(s), and provide training.
• Plan & facilitate Education Partnership meetings.	• Assist with identification of field testing and pilot testing locations.	• Review and analyze field testing results.
• Formulate and coordinate the development of new legislation.	• Provide technical support for integrating model curriculum into instructional plans.	• Develop pilot testing methodology, site location(s), and provide training.
• Fundraising • Outreach – High Level • Government Relations • Textbook Adoption/Frameworks Revision	• Prepare legislative reports as required by law.	• Finalize model curriculum materials. • Develop training materials for OEE staff and training to implement the model curriculum in County Offices of Education and school districts in CA.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Resolution 2005-218

Consideration Of Scope Of Work And Allocation For The Education And The Environment Initiative Education Consultant (FY 2005/2006 - 2006/2007, Integrated Waste Management Account)

WHEREAS, the Education and the Environment Initiative (EEI), Assembly Bill (AB) 1548 (Pavley, Statutes of 2003, Chapter 665) mandates the California Integrated Waste Management Board (CIWMB) (Board), in cooperation with the California Environmental Protection Agency, Resources Agency, California Department of Education, State Board of Education and Office of the Secretary of Education, to develop environmental principles and concepts (EP &C) aligned with the State Board of Education's academic content standards for elementary and secondary schools; and

WHEREAS, AB 1548 further requires that these EP &C be incorporated into Model Curriculum designed to provide kindergarten through 12th grade teachers with standards-based curricular materials in Science, Mathematics, English/Language Arts and History/Social Sciences, that can be used to teach the EP & C; and

WHEREAS, at its March 2004 Meeting, the Board approved the Scope of Work for Consulting and Professional Services contracts (Contract Concept Number Three), for the EEI for development of the EP & C.

WHEREAS, at its June 2004 Meeting, the CIWMB, approved a grant to the San Luis Obispo County Office of Education for the purpose of providing support, assistance, and expertise on a project that will further the current efforts of the EEI.

WHEREAS, this contract will complete the implementation of Phase 4 (See Attachment 2a) in the timeline to provide consultation for the development of the Model Curriculum as set forth in the EEI.

NOW, THEREFORE, BE IT RESOLVED that the Board approves hereby approves the Scope of Work and allocates funds in an amount not to exceed the amount of five hundred thousand dollars for Fiscal Years 2005/2006 and 2006/2007, subject to the passage and chaptering of AB 1721 and subject to funds being allocated to this program.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board authorizes the Executive Director to prepare and execute the contracts and any amendments to implement this Board action, pursuant to Board policies.

CERTIFICATION

The undersigned Executive Director, or his designee, of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on

Dated:

Mark Leary
Executive Director

California Integrated Waste Management Board

Board Meeting

July 19-20, 2005

AGENDA ITEM 27

ITEM

Consideration Of Scope Of Work And Allocation For Education & The Environment Initiative Writing Teams (FY 2005/2006-2006/2007, Integrated Waste Management Account)

I. ISSUE/PROBLEM STATEMENT

The purpose of this item is to seek Board approval of fund allocation and the Scope of Work to hire professional writers to develop the Model Curriculum set forth in the Education and Environment Initiative (EEI).

II. ITEM HISTORY

At its March 2004 Board Meeting, the California Integrated Waste Management Board (CIWMB), approved the allocation of savings from the 2003/2004 Integrated Waste Management Account and the Scope of Work (SOW) to fund Consulting and Professional Services contracts (Contract Concept Number Three), for the Education and the Environment Initiative.

At its June 2004 Board Meeting, the Board, approved a grant to the San Luis Obispo County Office of Education for the purpose of providing support, assistance, and expertise on a project that furthered the efforts of Senate Bill (SB) 373 (School Diversion and Environmental Education Law Program, (School DEEL)) and addressed a new law, Assembly Bill (AB) 1548, the Education and The Environment Initiative (EEI), (Pavley, Chapter 665, Statutes of 2003), which directly correlated to SB 373.

At its December 2004 Board Meeting, the Board heard the informational item: Update on the Status of the EEI (AB 1548).

At its June 2005 Board Meeting, the Board heard the informational item: Update on the Status of the EEI (AB 1548).

III. OPTIONS FOR THE BOARD

A. Approve the SOW to hire professional writers to develop the Model Curriculum, allocate funding for these services, and adopt Resolution Number 2005-219; or

B. Disapprove the SOW to hire professional writers to develop the Model Curriculum and allocation of funding for these services, or

C. Approve the SOW with specific revisions regarding the hiring of professional writers to develop the Model Curriculum, allocate funding for these services, and adopt Resolution Number 2005-219.

IV. STAFF RECOMMENDATION

Staff recommends Board approval of Option 1 and adoption of Resolution Number 2005-219.

V. ANALYSIS

A. Key Issues and Findings

The EEI Model Curriculum is intended to provide K-12th grade teachers, schools, and districts with standards-based curricular materials, approved by the State Board of Education, which can be used to teach the Environmental Principles and Concepts (EP&C). The Model Curriculum will be used as a scope and sequence for teaching the EP&C through a continuum from kindergarten through twelfth grade with clearly defined learning objectives that are aligned to California's academic content standards and targeted at helping students achieve mastery of those standards at each grade level.

The goal of this SOW is to hire up to 30 professional writers to develop the History/Social Science and Science portions of the Model Curriculum set forth in the Education and the Environment Initiative. Pending the chaptering of Assembly Bill 1721, an urgency clean-up measure sponsored by the Administration, approximately $5.6 million dollars will be authorized over two years for the implementation of the EEI. Each professional writer will receive approximately $75,000 out of this amount for their services.

The team of professional writers will be expected to accomplish the following tasks:

1. Work will be conducted in grade-group teams assigned sequentially as each grade-group is addressed. This sequential work will begin with grades 4–6, continues with grades K–3 and 9–12, and concludes with grades 7–8.

2. Each grade-group writing team will be tasked with the development of curriculum outlines, as well as the instructional units and lesson plans. They will work with the EEI consultants to coordinate the integration of individual pieces into a working draft and initially validate the alignment to academic content standards and the Environmental Principles and Concepts (EP&C). Once the grade-group material of the Model Curriculum is ready for field-testing and later, pilot testing, the size of the writing team will be reduced.

3. The writing team will be assisted by an editorial staff, graphic designers, and technicians who will be available to lend assistance with specific research assignments, such as sourcing background material for illustrations.

Timeline for the development of the Model Curriculum: See Attachment 2.

B. Environmental Issues

Based on the available information, staff is not aware of any environmental issues related to this agenda item.

C. Program/Long Term Impacts

Implementation of this program will result in: Support for capacity building by providing technical assistance to educators to ensure seamless integration of the model curriculum with its environmental education principles and concepts with

existing curricula; Advancing academic achievement for California students; Educating students, as well as parents (through their children), about human health-threats from environmental pollution; and teaching educators about environmental issues and giving them additional resources to teach the EP&C with an emphasis on standards-based classroom instruction.

D. Stakeholder Impacts

The Model Curriculum is a major deliverable for the Education and the Environment Initiative. In addition, six million students and 1,059 school districts in California will be impacted by receiving the K-12 model curriculum with its incorporated environmental principles and concepts.

E. Fiscal Impacts

Approximately $5.6 million dollars in consulting and professional services will be authorized over two years to complete the model curriculum and begin the training of educators for implementation of this curriculum, pending the signing of Assembly Bill 1721.

F. Legal Issues

This contract is authorized by GC §§ 19130.

G. Environmental Justice

Staff is not aware of any Environmental Justice issues related to this agenda item.

H. 2001 Strategic Plan

The Initiative addressed the following strategic plan goals:

1. Goal 3: Educate the public to better understand and participate in resource conservation and integrated waste management strategies.
2. Objective 2: Strengthen and expand partnerships to better promote environmental education and integrated waste management strategies, and to achieve the maximum potential from funding that is available.
3. Objective 3: Coordinate the integration of education efforts and programs within CIWMB and throughout Cal/EPA and its boards, departments, and office.
4. Strategy B: Develop unified resources and actively promote K-12 environmental education outreach.

VI. FUNDING INFORMATION

These funds will become available upon the chaptering of Assembly Bill AB 1721, an urgency clean-up measure sponsored by the Administration. Pending the signing of this Bill, approximately $5.6 million dollars in Consulting and Professional Services will be authorized over two years to complete the model curriculum and begin the training of educators for implementation of this curriculum.

1. Fund Source	2. Amount Available*	3. Amount to Fund Item	4. Amount Remaining	5. Line Item
Integrated Waste Management Account FY 2005/2006	**$2,550,000**	**$2,550,000**	**$0**	**Consulting & Professional Services**
Integrated Waste Management Account FY 2006/2007	**$2,550,000**	**$0**	**$2,550,000**	**Consulting & Professional Services**
Total	**$5,100,000**	**$2,550,000**	**$2,550,000**	

* Amount available if Item 26 is approved.

VII. ATTACHMENTS

A. Scope of Work – Attachment 1
B. Implementation of Phase 4 Timeline for Model Curriculum – Attachment 2a
C. Milestones for Development of Model Curriculum – Attachment 2b
D. EEI Responsibilities Matrix – Attachment 3
E. Resolution 2005-219 – Attachment 4

VIII. STAFF RESPONSIBLE FOR ITEM PREPARATION

A. Program Staff: Bonnie Bruce **Phone:** (916) 341-6020
B. Legal Staff: Holly Armstrong **Phone:** (916) 341-6060
C. Administration Staff: Elsie Brenneman **Phone:** (916) 341-6178

IX. WRITTEN SUPPORT AND/OR OPPOSITION

A. Support

The Initiative has the following state agency and associate partners (collectively referred to as the Education Partnership), who actively support Cal/EPA and CIWMB's efforts at implementation.

1. **State Agency Partners:** State Department of Education, State Board of Education, Office of the Secretary for Education, California Assembly Member Pavley, California Resources Agency, and California Senator Torlakson.

2. **Associate Partners:** Council for Environmental and Economic Balance, California Farm Bureau, California Forest Products Commission, California Institute for Biodiversity, California Manufacturers and Technology Association, California School Boards Association, California Science Teachers Association, California State Association of Counties, California State Parent Teacher Association, California State Parks Foundation, California Teachers Association, Coalition for Clean Air, George Lucas Educational Foundation, Heal the Bay, League of California Cities, Ema, Inc., National Geographic Society, Planning and Conservation League, Scripps Institution of Oceanography, Sierra Club,

Society of the Plastics Industry, TreePeople, UC Berkeley—School of Public Health, Universal Studios, USC Sea Grant, Walt Disney Company, Warner Bros. Entertainment, Waste Management Inc., Water Education Foundation, Western States Petroleum Association, and Wright Consulting Inc.

3. **Letters of Support:** The Annenberg Foundation, Aquarium of the Bay (San Francisco), Aquarium of the Pacific, Compton Foundation, Humboldt State University Natural History Museum, The George Lucas Educational Foundation, Marisla Foundation, National Geographic Education Foundation, The Ocean Foundation, The David and Lucile Packard Foundation, The Rose Foundation, The San Diego Foundation, Santa Barbara Zoo, S. Mark Taper Foundation, The Walt Disney Company, Warner Bros., Western States Petroleum Association.

B. Opposition

Staff had not received any written opposition at the time this item was submitted for publication.

California Integrated Waste Management Board

SCOPE OF WORK

Consideration Of Scope Of Work And Allocation For Education & The Environment Initiative Writing Teams (FY 2005/2006, Integrated Waste Management Account)

I. INTRODUCTION/OBJECTIVES

The California Integrated Waste Management Board (CIWMB) is seeking qualified curriculum and/or textbook writers for development of a Model Curriculum based on the California Education and the Environment Initiative (EEI). (http://www.calepa.ca.gov/Education/EEI/.) Pending the passage and chaptering of AB 1721, approximately $5.6 million dollars will be authorized over two years to complete the model curriculum and begin the training of educators for implementation of this curriculum.

The EEI is pursuant to AB 1548, authored by Assembly Member Fran Pavley, sponsored by Heal the Bay and signed into law in October of 2003. The CIWMB together with the California Environmental Protection Agency (Cal/EPA), are working in collaboration with the Resources Agency, Office of the Secretary for Education, State Board of Education, and the Department of Education.

The EEI provides specific directives regarding the development and dissemination of the Model Curriculum based on a series of Environmental Principles and Concepts (EP&C) that were developed as part of this Initiative (http://www.calepa.ca.gov/Education/Principles/.) Specifically, key provisions are as follows:

A. The Model Curriculum is to be developed by the CIWMB, in cooperation with the Resources Agency, State Department of Education, and the State Board of Education;

B. The Model Curriculum is to be aligned with adopted academic content standards in Science, Mathematics, English/Language Arts, and History/Social Sciences;

C. The Model Curriculum is to be reviewed by the Curriculum Development and Supplemental Materials Commission, Secretary for Cal/EPA, and the Secretary of the Resources Agency, and submitted to the State Board of Education for approval.

The EEI Model Curriculum is intended to provide K-12th grade teachers, schools, and districts with standards-based curricular materials, approved by the State Board of Education, which can be used to teach the EP&C. The Model Curriculum will be used as a scope and sequence for teaching the EP&C through a continuum from kindergarten through twelfth grade with clearly defined learning objectives that are aligned to California's academic content standards and targeted at helping students achieve mastery of those standards at each grade level.

II. WORK TO PERFORM

It is recommended that up to 30 professional writers be hired to accomplish the following tasks:

A. Work will be conducted in grade-group teams assigned sequentially as each grade-group is addressed. This sequential work will begin with grades 4–6, continues with grades K–3 and 9–12, and concludes with grades 7–8.

B. Each grade-group writing team will be tasked with the development of curriculum outlines, as well as the instructional units and lesson plans, they will work with the Cal/EPA, CIWMB, and the EEI consultants to coordinate the integration of individual pieces into a working draft and initially validating the alignment to academic content standards and the EP&C. Once the grade-group material of the Model Curriculum is ready for field-testing and later, pilot testing, the size of the writing team will be reduced.

III. TASKS IDENTIFIED

Grade-group teams of writers will develop high quality History/Social Science and Science curriculum units for grades K-3, 4-6, 7-8 and 9-12. Writers will work in writing team(s) to undertake the following tasks:

A. Participate in one five day working session and five additional working sessions with staff and/or consultants in Sacramento, as needed.

B. Work under the direction of the Cal/EPA and the CIWMB co-managers to achieve these tasks within a nine-month period.

C. Develop outlines for units and lessons of the Model Curriculum, beginning with grades 4-6 History/Social Science and Science, followed by grades K–3 and 9–12, and concluding with grades 7–8. These outlines will be based on California's Content Standards http://www.cde.ca.gov/be/st/ss/ and the EP&C; (see Milestone curriculum development timeline, Attachment 2b).

D. Develop standards–based History/Social Science units and lesson plans to achieve the learning objectives for the EEI that are specified in the approved Model Curriculum Plan; beginning with grades 4-6, followed by grades K–3 and 9–12, and concluding with grades 7–8.

E. Conduct background research into content and develop background sections for teachers; beginning with grades 4-6 History/Social Science and Science, followed by grades K–3 and 9–12, and concluding with grades 7–8.

IV. CONTRACT/TASK TIME FRAME

Contract is anticipated to last for nine months.

The following provisions will be included in the Terms and Conditions or Special Terms and Conditions of the Contract:

V. COPYRIGHT PROVISION

The Contractor(s) shall establish for the CIWMB good title in all copyrightable and trademarkable materials developed as a result of this SOW. Such title shall include exclusive copyrights and trademarks in the name of the State of California, CIWMB.

VI. CALIFORNIA WASTE TIRES

Not Applicable to the Scope of Work.

VII. WASTE REDUCTION AND RECYCLED-CONTENT PRODUCT PROCUREMENT

In the performance of this Agreement, Contractor(s) shall use recycled content, used or reusable products, and practice other waste reduction measures where feasible and appropriate.

Recycled Content Products: All products purchased and charged/billed to the CIWMB fulfill the requirements of this contract shall be Recycled Content Products (RCPs), or used (reused, remanufactured, refurbished) products. All RCPs purchased or charged/billed to the CIWMB to fulfill the requirements of the contract shall have both the total recycled–content (TRC) and the post-consumer content (PC) clearly identified on the products. Specific requirements for the aforementioned purchases and identification under Recycled-Content Product Purchasing and Certification.

A. WRITTEN DOCUMENT PROVISION

All documents and/or reports drafted for publication by or for the Board in accordance with this contract shall adhere to the Board's *Guidelines For Preparing CIWMB Reports (available upon request)* and shall be reviewed by the Board's Contract Manager in consultation with one of the Board's editors.

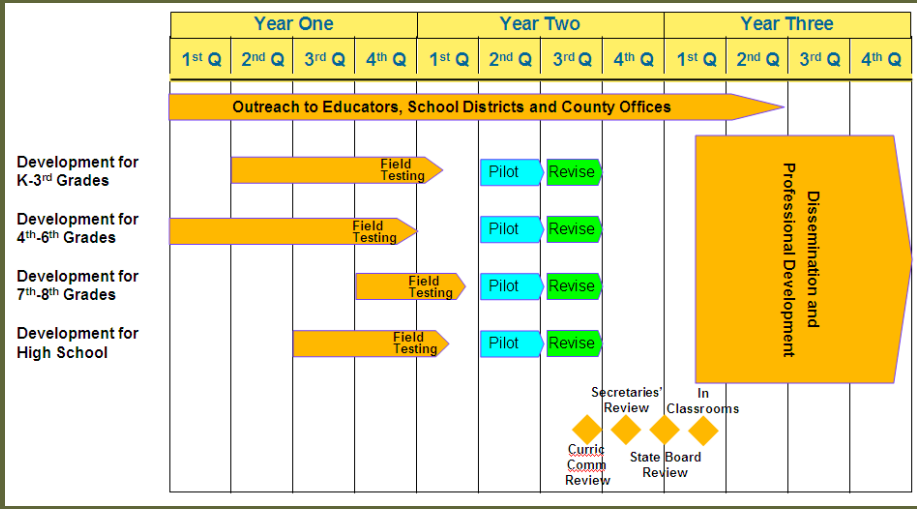
In addition, these documents and/or reports shall be printed double-sided on recycled-content paper containing one hundred percent (100%) post-consumer fiber. Specific pages containing full color photographs or other ink-intensive graphics may be printed on photographic paper. The paper should identify the postconsumer recycled content of the paper (i.e., "printed on 100% postconsumer paper"). When applicable, the Contractor shall provide the Contract Manager with an electronic copy of the document and/or report for the Board's uses.

To the greatest extent possible, soy ink instead of petroleum-based inks should be used to print all documents.

Education and the Environment Initiative Program Development Timeline

	PY 2003/04	CY 2004/05	1st Quarter 2005	2nd Quarter 2005	3rd Quarter 2005	4th Quarter 2005	1st Quarter 2006	2nd Quarter 2006	3rd Quarter 2006	4th Quarter 2006	1st Quarter 2007	2nd Quarter 2007	3rd Quarter 2007	4th Quarter 2007	1st Quarter 2008	2nd Quarter 2008	3rd Quarter 2008	4th Quarter 2008	1st Quarter 2009	2nd Quarter 2009
					05-06				06-07				07-08				08-09			
Phase 1: Completed: Environmental Principles and Concepts																				
a. Development of a draft set of Environmental Principles and Concepts working with over 90 representatives of state and Federal agencies, universities, non-governmental organizations, and educators	√																			
b. Public review of the draft Environmental Principles and Concepts through a web-based on-line discussion forum	√																			
c. Review of the draft Environmental Principles and Concepts by the vice chair of the Science Committee of the Curriculum Commission	√																			
d. Developed process of aligning science and history/social science standards to the draft Environmental Principles and Concepts	√																			
e. Reviewed Environmental Principles and Concepts and draft standards alignment with K-12 educators and Environmental Organizations and education providers	√																			
Phase 2: Completed: Alignment of the Environmental Principles and Concepts to the CA Academic Content Standards (Science and History/Social Science)																				
a. Developed the alignment of the Environmental Principles and Concepts to the Academic Content Standards		√																		
b. Review of draft standards alignment maps by K-12 subject-matter experts		√																		
c. Input during the California Science Teachers Association's annual conference in San Jos		√																		
d. Six regional field reviews with K-12 educators (Los Angeles, Orange County, San Diego, Bay Area, Sacramento/Central Valley, and Redding)		√																		
e. On-line discussion forum		√																		
f. Three regional orientation sessions for environmental organizations/education providers (Los Angeles, Bay Area and Central Valley)		√																		
Phase 3: Jan. - April 2005: Planning of Model Curriculum (Science and History/Social Science)																				
a. Establish CEEIN sub-committee to guide self-evaluation existing education materials		√		Jan-July																
b. Develop criteria for assessing existing environmental education materials		√																		
c. Conduct Educator Needs Assessment regarding design elements for Model Curriculum		√																		
d. Develop instructional materials design alternatives		√																		
e. Development of Scope and sequence		√																		
f. Plan for Integrating other environmental instructional materials		√																		
g. Review by CalEPA and CIWMB		√																		
Phase 4: April 2005 - July 2007: Develop Model Curriculum (Science and History/Social Science)																				
a. Assemble writing teams																				
c. Writing																				
d. Preliminary graphic design																				
e. Field testing and revisions																				
f. Review by Curriculum Commission and revision based on their inpu																				
g. Presentation to and Review by State Board of Education																				
h. Pre-press production activities																				
i. Production																				
Phase 5: Jan. 2007 - July 2009: Dissemination and Professional Development																				
a. Establishing dissemination teams																				
• Identifying potential dissemination partners (e.g., K-12 Alliance, CREEC																				
• Selecting and contracting with dissemination partners																				
• Training of dissemination partners																				
b. Recruit educational leaders (average 10 per district)																				
c. Conduct professional development workshops across the state																				
d. Provide technical support to school districts to assist in incorporating Model Curriculun																				
Phase 6: Sept. 2007 - July 2009: Evaluation to Collect Evidence Regarding the Efficacy of the Model Curriculum and Instructional Strategies in Achieving Mastery of Academic Content Standards and Environmental Principles and Concepts; and the Effectiveness of the Dissemination																				
a. Develop evaluation instruments																				
b. Collect evaluation data																				
c. Analyze data and report on results on evaluation																				
Phase 7: Nov. 2003 - July 2009: Operations																				
Andrea Lewis; Bonnie Bruce; Joanne Vorhies; OEE; consultants																				

Milestones for Development of Model Curriculum



DRAFT - Education and the Environment Initiative (EEI) Responsibilities

EEI Manager(s)	Office of Education and the Environment (OEE)	External Consultants
• Point-of-contact for all EEI-related matters, internal & external.	• Report to EEI Manager(s) regularly on all EEI-related matters under scope of responsibility.	• Work with manager(s) to assemble technical advisory committees and prepare background materials for advisory committees.
• Liaison with Governor's Office, Legislature, Cal/EPA, CIWMB Board, and associated state governmental entities.	• Manage any contracts hired through CIWMB processes.	• Develop a guidebook for professional writing teams. • Manage the development of technical work products of writers, editors, and graphic designers.
• Lead in communication with the State Board of Education, Curriculum Commission, Office of the Secretary for Education, and Department of Education.	• Work collaboratively with CREEC regarding professional development materials, training, and reporting processes.	• Summarize/validate issues raised by technical advisory committees re: model curriculum.
• Oversee all policy-related issues.	• Work collaboratively with CREEC regarding development of EEI outreach approach.	• Design and conduct training sessions for professional writing teams, editors, and graphic designers.
• Decision-making authority regarding implementation and policy-related issues.	• Build relationships at the County Office of Education and school districts in California.	• Develop plans and units of model curriculum for committees, CEEIN, sponsoring agencies, manager(s), etc.
• Manage and direct workload of external consultants and coordinate OEE workload.	• General EEI-related outreach (distinct from CREEC).	• Develop model curriculum template for units/lessons for graphic designers.
• Oversee & manage EEI workplan and funds.	• Conduct workshops.	• Review all field testing materials with manager(s).
• Resolve issues/problems.	• Manage teacher stipends.	• Develop field testing methodology, site location(s), and provide training.
• Plan & facilitate Education Partnership meetings.	• Assist with identification of field testing and pilot testing locations.	• Review and analyze field testing results.
• Formulate and coordinate the development of new legislation.	• Provide technical support for integrating model curriculum into instructional plans.	• Develop pilot testing methodology, site location(s), and provide training.
• Fundraising	• Prepare legislative reports as required by law.	• Finalize model curriculum materials.
• Outreach – High Level		• Develop training materials for OEE staff and training to implement the model curriculum in County Offices of Education and school districts in CA.
• Government Relations		
• Textbook Adoption/Frameworks Revision		

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Resolution 2005-219

Consideration Of Scope Of Work And Allocation For Education And The Environment Initiative Writings Teams (FY 2005/2006, Integrated Waste Management Account)

WHEREAS, the Education and the Environment Initiative (EEI), Assembly Bill (AB) 1548 (Pavley, Statutes of 2003, Chapter 665) mandates the California Integrated Waste Management Board (CIWMB) (Board), in cooperation with the California Environmental Protection Agency, Resources Agency, California Department of Education, State Board of Education and Office of the Secretary of Education, to develop environmental principles and concepts (EP &C) aligned with the State Board of Education's academic content standards for elementary and secondary schools; and

WHEREAS, AB 1548 further requires that these EP &C be incorporated into Model Curriculum designed to provide kindergarten through 12th grade teachers with standards-based curricular materials in Science, Mathematics, English/Language Arts and History/Social Sciences, that can be used to teach the EP & C; and

WHEREAS, at its March 2004 Meeting, the Board approved the Scope of Work for Consulting and Professional Services contracts (Contract Concept Number Three), for the EEI for development of the EP & C.

WHEREAS, at its June 2004 Meeting, the CIWMB, approved a grant to the San Luis Obispo County Office of Education for the purpose of providing support, assistance, and expertise on a project that will further the current efforts of the EEI.

WHEREAS, the CIWMB is seeking qualified curriculum and/or textbook writing teams for the development of a Model Curriculum to comply with the requirements of the EEI.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the Scope of Work and allocates funds in an amount no to exceed two million five hundred fifty thousand dollars ($2,550,000), to hire professional writing teams to develop the Model Curriculum for the Education and the Environment Initiative subject to the passage and chaptering of AB 1721.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board authorizes the Executive Director to prepare and execute the necessary contracts and any amendments to implement this Board action, pursuant to Board policies.

CERTIFICATION

The undersigned Executive Director, or his designee, of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on

Dated:

Mark Leary
Executive Director