

REQUEST FOR ACTION

To: Mark De Bie, Deputy Director
Waste Program Compliance and Mitigation Division
Department of Resources Recycling and Recovery

From: 
Lorraine Van Kekerix, Branch Chief
Waste Evaluation and Enforcement Branch
Department of Resources Recycling and Recovery

Hearing Date: August 20, 2013

Decision Subject: Consideration of the Issuance of Compliance Order IWMA BR09-003 to Calaveras County Regional Agency, County of Calaveras

Action By: August 24, 2013

Summary of Request:

The Department of Resources Recycling and Recovery (CalRecycle) staff conducted a 2007/08/09 Jurisdiction Review of the Source Reduction and Recycling Element (SRRE) program implementation and diversion rate of the Calaveras County Regional Agency (County). Originally, staff presented its findings at an August 21, 2012 Public Hearing. CalRecycle granted a continuance to the County, in order for the County to pass a parcel fee increase. The public hearing was completed on August 20, 2013. Staff presented its findings that the County has failed to adequately implement its diversion programs. The County's programs have significant weaknesses that prevent the County from achieving the 50 percent diversion requirement of Public Resources Code (PRC) Section 41780.

Staff found that the County has not made all reasonable and feasible efforts to implement key diversion programs. The key programs reviewed include the landfill/transfer station diversion program, the residential diversion program, the commercial diversion program, the C&D diversion program, the green waste diversion program, and the schools diversion program.

Staff also considered and reviewed the County's per capita disposal rate. Staff used the per capita disposal as an indicator in evaluating program implementation and performance. The County's disposal target is 4.0 pounds per person per day. However, in 2007, the County disposed of 5.9 pounds per person per day; in 2008, the County disposed of 4.7 pounds per

person per day; and, in 2009, the County disposed of 4.1 pounds per person per day. Even though 2010, 2011, and 2012 are outside the jurisdiction review cycle, the County disposed of 4.4 pounds per person per day in 2010, 4.2 pounds per person per day in 2011, and 4.0 pounds per person per day in 2012.

Staff therefore recommends that CalRecycle consider issuing the County a Compliance Order that will require the County to work directly with staff to develop a Local Implementation Plan (LIP). This LIP will identify a strategy for program enhancements and local actions necessary to enable the County to achieve the diversion requirements.

The law requires CalRecycle to hold a public hearing to determine if the County is adequately implementing its SRRE before issuing a Compliance Order. CalRecycle considered all of the testimony of witnesses, all documents and other matters related to the August 20, 2013 public hearing when making the determination as to whether to issue a Compliance Order.

Recommendation:

Based on staff's review of the County's program implementation and diversion rates, staff recommends finding that the County is not adequately implementing its SRRE, and the approval of Compliance Order IWMA BR09-003 as written.

Deputy Director Action:

On the basis of the information, analysis and findings presented in both the Public Hearing and the Public Hearing package, I hereby find that the County is not adequately implementing its SRRE, and approve Compliance Order IWMA BR09-003 as written.

Dated: 8/23/2013



Mark De Bie, Deputy Director
Waste Program Compliance and Mitigation Division
Department of Resources Recycling and Recovery