REQUEST FOR ACTION

To: Mark De Bie, Deputy Director
Waste Permitting, Compliance and Mitigation Division

From: _____
Georgianne Turner, Branch Chief
Waste Evaluation and Enforcement Branch

Request Date: November 6, 2015

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

Action By: November 9, 2015

Summary of Request:

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

Findings:

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

Paragraph 3.9 of the Compliance Order allows the City to request an extension of time to perform any mandated activity or submit any document, provided that the City submits a written extension request prior to the expiration of the time required by the Compliance Order and that the City provides justification for the delay. On October 23, 2015, the City submitted an official written extension request to extend the deadline of the submittal of the Local Implementation Plan (LIP) from November 16, 2015 to December 16, 2015. The submittal included a justification for the requested delay (Attachment 1).

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

Staff and the City have identified the program gaps in which diversion efforts are not maximized. The City is now needing to finalize the LIP to reflect the efforts necessary to improve, expand and implement new diversion programs to address the gaps. The City needs the additional time to finalize the agenda packet for the City Council's December meeting.

Recommendation:

Based on staff's analysis of the available information and the City's submitted request, staff recommends the Deputy Director approve the City's Time Extension request. Approval of the

Time Extension will extend the date for submission of the LIP from November 16, 2015 to December 16, 2015. Staff has prepared a revised "Schedule for Compliance" reflecting the change to the LIP due date (Attachment 2). The dates for the other mandated activities remain unchanged.

Deputy Director Action:

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

Dated: November 6, 2015

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

Attachment 1: Letter from City of Maywood: Request for an Extension Regarding Compliance Order No. CO 015-001 requesting time extension

Attachment 2: Revised Schedule for Compliance

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

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October 23, 2015

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

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

Mr. De Bie:

On behalf of the City of Maywood, and in accordance with Section 3.9 of Compliance Order No. CO 015-001, I am requesting a thirty (30) day extension of the due date for submittal of the City's Local Implementation Plan ("LIP"). The current due date for submittal of the LIP is November 16, 2015. The City would like to request an additional 30 days to submit its formal LIP for the following reasons:

1. The LIP, in its current form, does not reflect the City's current operational or contractual obligation of the City's waste hauler, therefore, additional time will be required to revise the LIP.

2. The LIP will require review and input by the City Attorney once it has been revised.

3. Given the City's limited resources, the earliest the LIP can be agendized for the City Council's consideration is December 9, 2015.

In closing, I would like to add that the City appreciates the level of assistance thus far provided by CalRecycle staff in the development of the draft LIP. Our goal is to produce an LIP that is both feasible and satisfactory to the City and CalRecycle. Thank you in advance for your consideration of this request.

Respectfully,

LMyers

Lilian Myers
City Manager

Copy: Kathleen Marsh, Jurisdiction Compliance Unit
Andre Dupret, Project Manager
Richard Adams, City Attorney
File

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BY: Kathy M.

SCHEDULE FOR COMPLIANCE

3.1 Based on the determination of compliance deficiencies, it is hereby ordered that:

a. The City shall work with CalRecycle staff to determine gaps in program areas and develop a Local Implementation Plan (LIP) which includes those conditions necessary for the City to achieve compliance and improve, expand, or implement new diversion programs.

b. The City shall develop and submit to CalRecycle a fully executed LIP by December 16, 2015. **(revised)**

c. The City will fully implement the programs identified in the LIP by December 31, 2016.

d. CalRecycle staff will monitor the City's continued implementation of the programs identified in the LIP for one year from January 1, 2017, through January 1, 2018 ("the oversight period").

e. The City will submit quarterly status reports based on the calendar year. These reports shall use CalRecycle's electronic, quarterly reporting format. The quarterly status reports are to be used to document the status and work completed for each of the identified tasks in the LIP. For each task in the LIP, the City will explain the status of the task, specifying what actions have been taken to complete the task. If the work has fallen behind schedule or has not been completed, the City will explain the reason(s) for the delay/incompletion. The City will also attach any required reports, using additional sheets as necessary for the report.

f. At any time prior to the conclusion of the oversight period, if CalRecycle staff determines that the City has failed to make a good faith effort to implement the programs identified in the LIP, CalRecycle may immediately notice a public hearing pursuant to PRC Section 41850, to determine whether or not to impose administrative civil penalties against the City of up to $10,000 per day.

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