STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

In the Matter of:	)	Tracking No: IWMA BR99-04
	)	
Yuba/Sutter Regional Waste Management Authority	)	**COMPLIANCE ORDER**
	)	
	)	
	)	Public Resources Code
Jurisdiction	)	Section 41825

INTRODUCTION

1.1. Parties: The California Integrated Waste Management Board (Board) issues this Compliance Order (Order) to the Yuba/Sutter Regional Waste Management Authority (Jurisdiction).

1.2. Authority: Section 41825 of the Public Resources Code (PRC) requires the Board to review implementation of each Jurisdiction's Source Reduction and Recycling Element (SRRE) and Household Hazardous Waste Element (HHWE), at least once every two years; this biennial review is the Board's independent evaluation of a Jurisdiction's progress in implementing the SRRE and HHWE selected programs and reaching the diversion requirements of PRC Section 41780. If a Jurisdiction is not meeting the mandates of the Integrated Waste Management Act (IWMA), the Board may issue a compliance order and

schedule (PRC Section 41825). Fines of up to $10,000 per day may be levied if the provisions of the compliance order and schedule are not met (PRC Section 41850).

DETERMINATION OF COMPLIANCE DEFICIENCIES

2. Board staff conducted a Biennial Review of the Yuba/Sutter Regional Waste Management Authority SRRE. After considering the results of this review and the adoption of this Order at a public hearing on June 22-23, 1999 the Board determined:

2.1. The Jurisdiction failed to comply with PRC Section 41780 in that it did not meet the solid waste diversion requirement of 25 percent by 1995. The Jurisdiction's diversion rate in 1995 was 24 percent and the diversion rate for 1996 was 17 percent.

SCHEDULE FOR COMPLIANCE

3. Based on the foregoing determination of compliance deficiency, it is hereby ordered that:

3.1. The Yuba/Sutter Regional Waste Management Authority shall:

a. Implement all of the programs selected in the SRRE (or suitable alternate programs) by August 1, 2000 in accordance with a revised schedule for implementing SRRE-selected programs to be developed by the Jurisdiction in consultation with Targeted Implementation Assistance (TIA) staff, by September 30, 1999.

b. Document its progress in implementing selected programs and meeting the diversion requirements of 25 percent, as well as demonstrating progress in meeting the 50 percent diversion requirement in 2000, in quarterly reports to the Board. Quarterly reports shall be submitted by the following dates: November 1, 1999; January 31, 2000; May 1, 2000; and August 1, 2000 (in combination with the annual report).

c. Work with TIA of the Office of Local Assistance (OLA) to determine gaps in program areas and make recommendations on improving, expanding, or implementing new diversion programs. By September 30, 1999, OLA staff will conduct a needs assessment meeting with the Jurisdiction and outline the scope of a local assistance plan that the Jurisdiction will agree to implement to achieve compliance with this order.

3.2. Penalties: At the end of the compliance order (August 1, 2000), the Board shall hold a public hearing to determine whether or not the Jurisdiction has complied with Section 3.1 of this Order. Failure to comply with any part of the Compliance Order at any time may result in fines of up to ($10,000) per day in accordance with PRC Section 41850(a). A public hearing may be scheduled earlier if the Board determines that the Jurisdiction has complied with the conditions of the Order ahead of schedule.

3.3. Submittals: All documents required to be submitted by the Jurisdiction as noted above shall be sent to:

Kyle Pogue
California Integrated Waste Management Board
Office of Local Assistance
8800 Cal Center Drive
Sacramento, CA 95826

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 July 15, 1999.

Date of Issuance_____

_____
Dan Eaton, Chairman
California Integrated Waste Management Board

bcc: Office of Local Assistance

Plan Actions

TIA and NOLA staff proposes to provide the following assistance to the Authority:

1) Provide general technical assistance to assist in the implementation of integrated waste management programs by January 1, 2000; with particular focus on planned programs.
2) Provide on-going assistance with annual reports, biennial reviews, and reporting requirements.

The Authority proposes to engage in the following activities in an effort to meet their waste diversion goals for the year 2000.

1) The Authority will implement or expand the following:

   a. Implement Weekly Curbside Yard Waste Program;
   b. Adopt Variable Can Rate Structure;
   c. Add a Construction and Demolition Sorting Line to the MRF or similar program;
   d. Add a Second Corrugated Commercial Cardboard Route;
   e. Conduct Waste Audits at the five (5) Largest Commercial Generators; and
   f. Implement a Procurement Policy.

Assistance Provided to Date

TIA and NOLA staff have provided the following assistance:

1) Sent binders containing US EPA-sponsored variable can rate material.

The Local Assistance Plan does not limit or relieve the Authority from any requirement of the Compliance Order. Development and implementation of the Plan is a requirement of the Compliance Order and upon execution is made part of the Compliance Order. The Office of Local Assistance and the Authority have mutually developed this plan and believe that it provides the acceptable level of assistance and commitment necessary to meet the 25 percent waste diversion goal and demonstrate progress toward the 50 percent waste diversion goal for the year 2000.

Russell Goodall 9/29/99
Targeted Implementation Assistance Date

[signature] 9/29/99
Regional Waste Management Authority Date

Kyle W. Pogue 9/29/99
North Outreach Assistance Date

Yuba/Sutter Regional Waste Management Authority
Workplan

Program & Tasks	Who?	Jun-99	JULY	AUG	SEPT	OCT	NOV	DEC	Jan-00	FEB	MAR	APR	MAY	JUNE	JULY	AUG
Program Evaluation																
1. RWMA proposes program	RWMA	25-Jun														
2. TIA/NOLA staff review proposal	TIA/NOLA		19-Jul													
3. Jurisdictions to revise contracts with YSDI re: greenwaste collection, OCC collection, and C&D	RWMA									29-Feb						
Variable Can Rate																
1. Obtain variable can rate information from CIWMB	RWMA/ TIA/NOLA		19-Jul													
2. Approve variable waste collection rate	RWMA									29-Feb						
3. Implement variable waste collection	RWMA											1-Apr				
4. Report status on program development in quarterly reports to IWMB	RWMA						1-Nov		31-Jan				1-May			1-Aug
Weekly Curbside Yard Waste Program (estimated 29,100 households)																
1. YSDI to distribute containers and educational materials	YSDI											1-Apr				
2. YSDI to implement curbside collection of greenwaste	YSDI											1-Apr				
3. Update on greenwaste program and report in quarterly reports to the IWMB	RWMA						1-Nov		31-Jan				1-May			1-Aug