

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Resolution 98-37

IMPOSITION OF AN ADMINISTRATIVE CIVIL PENALTY ON THE COUNTY OF MARIPOSA FOR FAILURE TO FILE AN ADEQUATE SOURCE REDUCTION AND RECYCLING ELEMENT (PUBLIC RESOURCES CODE SECTION 41813)

WHEREAS, Public Resources Code (PRC) section 41791.5(a)(3) provides that jurisdictions within Counties which had 15 or more years of remaining disposal site capacity in 1990 were required to submit their Source Reduction and Recycling Elements (SRRE) to the California Integrated Waste Management Board (CIWMB) by December 31, 1994; and,

WHEREAS, the county of Mariposa had 15 or more years of remaining disposal site capacity in 1990 but failed to submit its final and complete SRRE to the CIWMB by that date; and,

WHEREAS, the county submitted a compliance schedule to the CIWMB which provided that it would submit a final and complete SRRE by July 1, 1997, but the county failed to do so; and,

WHEREAS, PRC 41812 provides that if the Board determines that a jurisdiction has failed to submit an adequate element, the Board shall conduct a public hearing for the purposes of hearing testimony on the element and the deficiencies identified by the Board; and the CIWMB held such a public hearing on January 29, 1998; and,

WHEREAS, PRC 41813(a) provides that after conducting a public hearing pursuant to Section 41812, the board may impose administrative civil penalties of not more than ten thousand dollars (\$10,000) per day on any city or county, or, pursuant to Section 40974, on any city or county as a member of a regional agency, which fails to submit an adequate element or plan in accordance with the requirements of this Chapter; and,

WHEREAS, the County of Mariposa submitted a complete and final SRRE and NDFE to the Board for review and approval, as of January 28, 1998.

NOW, THEREFORE, BE IT RESOLVED that after consideration of all of the information presented at the public hearing, the CIWMB has determined that it would be appropriate to impose an administrative civil penalty on the county of Mariposa for its failure to file an adequate and complete SRRE in a timely manner. Based upon Board staff analysis, that penalty is to be in the amount of 21,000. However, due to the fact that Mariposa County has submitted a complete SRRE as of January 28, 1998, the Board has decided to forgive \$18,500 of the penalty, leaving a penalty to be paid of \$2,500.

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 January 29, 1998.

Dated:

Ralph E. Chandler

Executive Director