

**Continuance of the Public Hearing to Consider the
Issuance of Compliance Order IWMA BR09-003 for the
Calaveras County Regional Agency**

**State of California
Department of Resources Recycling and Recovery**

August 20, 2013

10:00 AM

**Joe Serna Jr., CalEPA Building
1001 I Street, Byron Sher Auditorium
Sacramento, California 95814**

Department of the Public Health and Safety
Bureau of Compliance Order 1741 / 1741-001 for the
University of Maryland System

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State of Maryland
Department of General Services and Procurement

April 10, 2013
10:00 AM

1001 I Street, Room 2000
Annapolis, Maryland 21401

State of California
Department of Resources Recycling and Recovery

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The Issuance of Compliance Order IWMA BR09-003
For the Calaveras County Regional Agency

August 20, 2013
10:00 am
Byron Sher Auditorium

I. ISSUE

This public hearing is the continuance of the August 21, 2012 Public Hearing to consider the issuance of Compliance Order IWMA BR09-003 for the Calaveras County Regional Agency (County).

The Department of Resources Recycling and Recovery (Department) staff conducted a 2007/08/09 Jurisdiction Review of the Source Reduction and Recycling Element (SRRE) program implementation and diversion rate of the County. Department staff also reviewed additional information submitted by the County. Department staff is bringing forward its findings that the County's key diversion programs have not maximized their effectiveness. The County's inadequate implementation of its diversion programs prevents the County from achieving the 50 percent diversion requirement of Public Resources Code (PRC) Section 41780.

In addition to evaluating the County's programs, Department staff considered the per capita disposal rate for the County. The per capita disposal rate is not determinative of the County's compliance; however, it is used by Department staff as an indicator in evaluating program implementation and how the County is implementing their programs as well as its performance. The County's per capita disposal or 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.

If it is determined that a Compliance Order (CO) should be issued, as part of the CO, the County would be directed to develop a Local Implementation Plan (LIP). The LIP will identify a strategy for program enhancements and local actions necessary to enable the County to achieve the diversion requirements of PRC Section 41780.

II. ITEM HISTORY

On January 18, 2005, the California Integrated Waste Management Board (predecessor of the Department of Resources Recycling and Recovery) approved the Calaveras County Regional Agency formation for the County of Calaveras and the City of Angels Camp.

On August 21, 2012, the Department held a public hearing to consider the issuance of Compliance Order IWMA BR09-003 for the County. Based on the public hearing and the additional information the County provided to the Department, the Department decided to continue the public hearing to a later date.

III. OPTIONS FOR CONSIDERATION

1. Find that the County is not adequately implementing its SRRE, and approve the attached Compliance Order as written.
2. Find that the County is not adequately implementing its SRRE, and approve the attached Compliance Order with alternate or additional conditions.
3. Find that the County is adequately implementing its SRRE, and not issue the attached Compliance Order.

IV. DEPARTMENT STAFF RECOMMENDATION

Department staff recommends Option 1: Find that the County is not adequately implementing its SRRE, and approve the attached Compliance Order as written.

V. ANALYSIS

Legal Background

PRC Section 41821 requires each city, county, and regional agency (jurisdiction) to annually report to the Department on its progress in implementing its SRRE-selected programs, as well as report on progress toward achieving the diversion requirements of PRC Section 41780. PRC Section 41821 also requires the Department to review a jurisdiction's Annual Report and to notify the jurisdiction of any additional information that is required within 120 days of receipt.

PRC Section 41825 requires the Department to review each jurisdiction's SRRE at least once every two or four years, depending on certain specified criteria. The Jurisdiction Review is the Department's independent evaluation of a jurisdiction's progress in implementing the SRRE-selected programs to meet the diversion requirement; this information is reported in a jurisdiction's Annual Report. As a result of this review, the Department may find that a jurisdiction has adequately implemented programs and achieved the diversion requirement; that a jurisdiction has made a "good faith effort" to implement programs but has not achieved the diversion requirement; or, that a Compliance Order should be issued to a jurisdiction that has failed to adequately implement its SRRE and/or failed to achieve the diversion requirement.

In determining whether a jurisdiction has made a good faith effort to implement diversion programs in its SRRE and/or Plan of Correction, the Department shall consider the enforcement criteria included in its enforcement policy that was amended and approved by the California Integrated Waste Management Board in August 2001 (PRC Section 41850). "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 SRRE, or alternative programs or activities that achieve the same or similar results.

PRC Section 41825 requires the Department to confer with a jurisdiction at least 60 days prior to issuing a notice of intent to issue a Compliance Order. PRC Section 41825 also requires the Department to issue a notice of intent to issue a Compliance Order not less than 30 days prior to a hearing to consider issuing the Compliance Order. If a jurisdiction has not implemented all of its SRRE-selected programs and/or has not met the diversion requirements, the Department may still decide not to commence compliance action if it finds that the jurisdiction has made a good faith effort to implement its SRRE.

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).

Existing Jurisdiction Conditions

In January 2005, the Department approved the formation of the Calaveras County Regional Agency (County). The County is comprised of the City of Angels Camp, which is the only incorporated City in Calaveras County, and the unincorporated portion of Calaveras County. The County is a countryside community in the California Gold Country. According to Department of Finance estimates, in 2012 the County had a population of 44,840.

Key Jurisdiction Conditions					
Calculated Disposal Rate (Lbs/person/day)			Waste Stream Data		
<i>50% per Capita Disposal Target (2006)</i>	<i>Reported rate by Year PPD*</i>		<i>Population (2012)</i>	<i>Commercial Waste Stream Percentage</i>	<i>Residential Waste Stream Percentage</i>
4.0	2012	4.0	44,840	26	74
4.0	2011	4.2			
4.0	2010	4.4			
4.0	2009	4.1			
4.0	2008	4.7			
4.0	2007	5.9			

*Pounds per person per day

Review Process

The Local Assistance and Market Development (LAMD) staff's 2007/08/09 review determined that the County may have gaps in program implementation. Based on this determination, LAMD referred the file to the Jurisdiction and Product Compliance Unit

(Department Staff) for an independent review. On February 23, 2011, LAMD notified the County that an independent review of the County's waste management programs was necessary (Attachment 1). On April 21, 2011, Department staff initiated the 60-day conferring process required by PRC Section 41825 (Attachment 2).

In determining compliance with waste diversion mandates, statute directs the Department to consider both a jurisdiction's efforts to implement its SRRE-selected programs and its achievement of the diversion rate.

Department staff independently reviewed the County's program implementation and diversion rates, using available information from the County's annual reports, waste hauler tonnage reports, and Department databases. This review covered both the residential sector (74 percent of the materials stream, per the 1990 base year) and the commercial sector (26 percent of the materials stream, per the 1990 base year). Department staff gathered information through consultations, telephone calls, and visits with County staff, the County's hauler, and the County's facilities.

Department staff also considered and reviewed the County's per capita disposal rate. The per capita disposal rate is not determinative of a jurisdiction's compliance. The Department uses 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. The County's per capita disposal rate was 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.

Summary of County's Materials Flow

To understand the County's overall materials flow, Department staff reviewed both the residential and commercial sectors. Department staff found:

- Disposal occurs at Rock Creek Landfill.
- Beginning March 2013, recyclables are taken to Valley Springs Recycling. Recyclables are transferred to Stockton Recycling on Mondays because Valley Springs Recycling is closed. A small amount of recyclables go to California Redemption Value (CRV) buyback centers.
- Green Waste is collected at Red Hill Wood and Yard Facility, Rock Creek Solid Waste Facility and two private companies within the County. The collected green waste is taken to either Rock Creek Solid Waste Facility where it becomes Alternative Daily Cover (ADC); or is sent to a biomass facility.

Disposal

Department staff determined that approximately 27 percent of the County's occupied households subscribe to curbside services, and the remaining 73 percent self-haul their waste. Note: The participation rates have changed since the August 21, 2012 Public Hearing due to

an increase in subscribers and a decrease in occupied households.

Approximately 80 percent of the County's commercial sector subscribes to waste services and the remaining 20 percent self-haul their waste. Note: The participation rates have changed since the August 21, 2012 Public Hearing due to a slight increase in subscribers and some businesses closing their doors.

The County operates eight permitted solid waste facilities. They include:

- Rock Creek Solid Waste Facility (which includes both Rock Creek Transfer Station and Rock Creek Landfill)
- Avery Transfer Station
- Copperopolis Transfer Station
- Gambi Disposal
- Paloma Transfer Station
- Red Hill Transfer Station (which includes Red Hill Wood and Yard Facility)
- San Andreas Transfer Station
- Wilseyville Transfer Station and Yard

Dependent on what materials are being dropped-off, these facilities charge no gate fee and are supported by the County's annual solid waste parcel fee. The parcel fee varies for residences and businesses, based on land usage. For example, an unstaffed fire station would pay \$75 per year, and a large restaurant would pay \$900 per year. County staff reports that this parcel fee is insufficient to fund diversion programs; and the County has been reporting on efforts being taken to potentially increase the fee related to the parcel fee increase.

There are many steps prior to County approval of a parcel fee increase. The County has reported it is undertaking the necessary measures to conduct a Majority Protest Hearing as required by law. Department staff was not able to obtain an updated timeline as to when the County anticipates moving forward with the Majority Protest Hearing and related solid waste ordinance changes.

Diversion

The County and the Department have been communicating throughout the review. As part of the review, the County has provided additional information regarding their efforts to enhance overall program diversion. Below is a diversion analysis table which includes a summary of the following:

September 5, 2012 County Letter and Status Report

The County voluntarily provided additional information and an explanation of the efforts taken to implement programs. The letter and status report is dated September 5, 2012 (Attachment 3).

January 30, 2013 County Status Report

After considering the information provided by the County at the Department's August 21, 2012 Public Hearing and the County's September 5, 2012 letter, the Department granted the County a continuance on October 15, 2012 (Attachment 4). As part of the continuance the Department asked the County to provide a status report on its diversion efforts by February 1, 2013. The Department requested that at a minimum the status report include:

- The status of the solid waste diversion programs as of the end of January 2013. The report should include, but not be limited to, an update on the status of the programs described in the September 5, 2012 letter.
- The status of the solid waste parcel fee increase, including the Proposition 218 Majority Protest Hearing and solid waste ordinance changes.
- How the total fees (this should include the existing and increase parcel fee) of the solid waste disposal and diversion programs are being allocated, including how the fees will be used for the implementation of the planned and expanded diversion programs.
- A schedule outlining development and implementation of diversion programs for calendar years 2013 and 2014. This should include the diversion programs described in the September 5, 2012 letter and any new programs the County proposes.

On January 30, 2013, the County submitted a status report on efforts to implement programs (Attachment 5). The January 30, 2013 status report did not address everything the Department requested. Staff followed up with the County and learned that without a parcel fee determination, it was very difficult for the County to determine how the total fees for the solid waste disposal and diversion programs will be allocated. Additionally, the County reported difficulties in outlining a schedule for future development and implementation of diversion programs for calendar years 2013 and 2014 not knowing the total funding that would be allocated.

Department Staff's Analysis

As part of Department staff's ongoing analysis of the County's diversion efforts, Department staff conducted an evaluation of the County's diversion efforts through additional site visits on January 22-25, 2013, February 11, 2013, February 15, 2013, and May 31, 2013. Department staff's current observations and findings are presented in the Diversion Analysis Table. Department staff has also prepared a site visit photo report (Attachment 6) which contains visual documentation of many observations detailed below. Additionally, Department staff's observations and findings presented in the August 21, 2012 Public Hearing are included within Attachment 7, Page 9 of 48.

Diversion Analysis Table

Program	September 5, 2012 County Letter and Status Report (Attachment 3)	January 30, 2013 County Status Report (Attachment 5)	Department Staff's Analysis
<p><u>Landfill/Transfer Station Diversion Program</u></p>	<p>The County reported public education at the transfer stations included the distribution of flyers. The flyers inform residents on what can go in the mixed recyclable bins located on site. The status report also stated that transfer station site personnel have been instructed to communicate the importance of diversion to each resident who uses the transfer stations.</p>	<p>The County reported that efforts are being taken to divert recyclables from the commercial loads and self-haulers using the Rock Creek Transfer Station. The materials delivered to the transfer station undergo a floor sort allowing for the diversion of recyclables.</p>	<p>Approximately 73 percent of the County's occupied households and approximately 20 percent of the County's businesses self-haul their materials. Participation rates changed slightly since August 21, 2012 due to an increase in service subscribers and a decrease in occupied households and businesses.</p> <p>Department staff has continued to observe a significant amount of recyclables in the trash compactors at transfer stations. This was further confirmed through observations at the Rock Creek Landfill when the compactor loads were dumped with significant amounts of recyclables.</p> <p>Department staff observed some transfer station site personnel directing residents to recycle, however this was not common. If residents directly asked the transfer station site personnel how to recycle, transfer station personnel would provide assistance.</p> <p>Department staff observed limited flyer availability at the transfer stations. Staff did not observe site personnel handing out the flyers.</p> <p>Department staff continued to observe some program strengths. Recyclables collected had minimal contamination and included: "mixed recyclables" (paper, plastics, cans, and glass), cardboard, scrap metal, appliances, toxics, and tires.</p>

Program	September 5, 2012 County Letter and Status Report (Attachment 3)	January 30, 2013 County Status Report (Attachment 5)	Department Staff's Analysis
<u>Residential Diversion Program</u>	<p>The County reported that their hauler has voiced concerns about not being able to supply adequate recycling containers due to increasing fuel rates. On September 25, 2012, the County planned to request the County Board of Supervisors approve a rate increase for the hauler. If approved, the County intended to discuss a weekly recycling pick-up schedule with the hauler in addition to discussing how the hauler could supply adequate recycling containers.</p>	<p>The County did not provide an update.</p>	<p>Based on recent data from the hauler and from the 2010 Census, Department staff estimates that 25 percent of the County's occupied households subscribe to curbside recycling services. Participation rates changed since August 21, 2012 due to an increase in subscribers and a decrease in occupied households.</p> <p>On February 12, 2013, the hauler rate increase was presented to the County Board of Supervisors, who approved a 4.16% hauler rate increase.</p> <p>Department staff also has been informed there will be a change in hauler effective June 2013. The current hauler sold this territory to California Waste Recovery Systems. Department staff has not been advised of a new recycling schedule or the purchase of new bins for the commercial and residential sectors.</p> <p>Department staff continued to observe some program strengths. Those residents that placed recycling totes on the curb had minimal contamination of recyclables. The recyclables were primarily paper and cardboard, but also included plastic, metals, and glass.</p> <p>Overall, Department staff observed that there continues to be a noticeable amount of recyclables from both the residential curbside trash services and the self-haulers being disposed.</p>
<u>CRV Buyback Centers</u>	<p>The County did not provide an update.</p>	<p>The County did not provide an update.</p>	<p>Department staff continues to observe minimal contamination at CRV Buyback Centers. Refer to Attachment 7, Page 10 of 48 for more details.</p>

Program	September 5, 2012 County Letter and Status Report (Attachment 3)	January 30, 2013 County Status Report (Attachment 5)	Department Staff's Analysis
<u>Commercial Diversion Program</u>	<p>The County reported the development of a load check form for commercial loads heading to the Rock Creek Solid Waste Facility. The County stated that rather than having the loads go directly to the landfill they are diverted to the Rock Creek Transfer Station sorting floor.</p>	<p>The County did not provide an update.</p>	<p>Based on recent data from the hauler, Department staff estimates that 28 percent of the County's businesses now subscribe to recycling service. Participation rates changed slightly since August 21, 2012 due to a slight increase in subscribers and some businesses closing their doors.</p> <p>The hauler continues to report that the subscription rates for recycling services remain low since businesses continue to not subscribe.</p> <p>The County's September 5th status report says each commercial load is being sent to the tipping floor at Rock Creek Transfer Station. During Department staff's site visits commercial loads were going directly to the landfill, not being diverted to the tipping floor. To assist Department staff, the County offered to divert two loads to the sorting floor for observation. Once on the floor, site personal did recover some of the recyclables contained in the loads.</p> <p>Overall, Department staff continues to observe significant recyclables being disposed from the commercial sector.</p>
<u>C&D Diversion Program</u>	<p>The County reported that all C&D loads are being sent to the Rock Creek Transfer Station tipping floor and hand sorted.</p>	<p>The County did not provide an update.</p>	<p>Department staff continues to observe a lack of enforcement of the C&D recycling ordinance with disposal of C&D materials occurring at transfer stations. Refer to Attachment 7, Page 11 of 48 for more details.</p>

Program	September 5, 2012 County Letter and Status Report (Attachment 3)	January 30, 2013 County Status Report (Attachment 5)	Department Staff's Analysis
<p><u>Schools Diversion Program</u></p>	<p>The County reported that historically all the schools in the County participated in a beverage container campaign. The campaign was funded with the City/County payment program. During the campaign, the schools generated over \$10,000 in beverage containers annually. Recently, the County purchased "Terry the Trashman" books with the City/County payment program funding instead of funding the beverage container recycling campaign. These books explain the importance of recycling to younger children. The County plans to pass these books out to elementary schools throughout the County, but only after permission is granted by the District Office of Education.</p> <p>The County also reported that County staff will be developing presentations regarding proper used oil management and some specific recycling options available to residents; they plan to start presentations at one school in the County. Once these presentations are complete, the County plans on presenting similar presentations to other schools in the County.</p> <p>The County also mentions the scheduling of school site meetings to present school diversion opportunities. Following the meetings the County will work with the hauler and every school in the County to ensure adequate recycling bins are provided.</p>	<p>The County reemphasized the coordination efforts being taken with the elementary schools within the County to provide the "Terry the Trashman" books.</p>	<p>To date, Department staff has not received any further information from the County about meeting with the schools or giving any presentations.</p> <p>Department staff continues to observe limited recycling at schools and recyclables in trash containers. Refer to Attachment 7, Page 12 of 48 for more details.</p>

Program	September 5, 2012 County Letter and Status Report (Attachment 3)	January 30, 2013 County Status Report (Attachment 5)	Department Staff's Analysis
<p><u>Green Waste Diversion Program</u></p>	<p>The County reported that in 2010 it started charging a small gate fee for wood and yard waste.</p> <p>The County also stated there are two private companies on the Highway 4 corridor that accept green waste from residents in that area, which is more economical than having curbside collection countywide.</p>	<p>The County did not provide an update.</p>	<p>Department staff continues to observe a limited green waste program. Refer to Attachment 7, Page 11 of 48 for more details.</p>
<p><u>Government Diversion Program</u></p>	<p>The County reported that the City of Angels Camp is a curbside customer and has a mixed recycling bin onsite at City Hall. The County further reported on the distribution of recycling bins on Main Street in Angels Camp.</p>	<p>The County did not provide an update.</p>	<p>Department staff continues to observe recycling at County government buildings. With regards to the Angels Camp City Hall, staff has observed recycling collection bins on-site; however, usage was not determined. Department staff has observed recycling bins on Main Street in Angels Camp. Refer to Attachment 7, Page 13 of 48 for more details.</p>
<p><u>Outreach and Education</u></p>	<p>The County reported their plans to create an outreach program for all businesses in the County, not just the ones that fall under the Mandatory Commercial Recycling law (Chapter 476, Statutes of 2011 [Chesbro, AB 341]). The outreach program includes: site visits to the businesses to inform them of recycling opportunities, as well as, asking the hauler for monthly hauler updates on commercial recycling participation and tonnage reports for cardboard and mixed recycling.</p>	<p>The County did not provide an update.</p>	<p>The County reported on the development of an outreach plan to increase participation in the commercial recycling program. As of the development of the agenda item, Department staff had not received a copy of the plan or any other information related to the effort. In regards to the monthly hauler updates, Department staff contacted the hauler to check if they are currently sending monthly updates and tonnages to the County and the hauler said they are not.</p>

Program	September 5, 2012 County Letter and Status Report (Attachment 3)	January 30, 2013 County Status Report (Attachment 5)	Department Staff's Analysis
Additional Program Activities Reported by the County			
<u>Carpet Recycling</u>	The County reported it would start participating in a Rural County Carpet Recycling Pilot Program in February 2012. The County also mentioned the participants consist of mostly residential customers, since the County does not have a large amount of carpet installers.	The County did not provide an update.	While Department staff saw carpet being diverted, Department staff also observed carpet being disposed. This program was not fully evaluated to determine its effectiveness.
<u>Relocation of San Andreas Transfer Station</u>	Left blank intentionally	The County reported a long-term goal to relocate the San Andreas Transfer Station located in San Andreas. The County reported that this relocation will allow for the acceptance of all material types and for a larger working area to accommodate more residents.	Additional information is needed prior to Department staff conducting any additional analysis.
<u>Development of Full Service Recycling Center within the County</u>	Left blank intentionally	The County reported working with Valley Springs Recycling in Valley Springs, CA to become a full service recycling center. This effort will eliminate the drive out of the County to Stockton Recycling, saving the hauler commute money and time. The County reports that this will allow it to be more effective, efficient, and profitable in regards to their recyclables. The County anticipated Valley Springs Recycling to be fully operational by March 2013.	In March 2013, Department staff received an email from the County stating Valley Springs Recycling received the first loads of mixed recyclables. In April 2013, the hauler verified that all loads go to Valley Springs, except for Monday loads when Valley Springs Recycling is closed. The material collected on Mondays continues to be transported to Stockton Recycling. During Department staff's site visit in May 2013, Department staff observed Valley Springs Recycling. Valley Springs Recycling is a full service recycling center. Recyclables received at Valley Springs Recycling were clean with little to no contamination.

Program	September 5, 2012 County Letter and Status Report (Attachment 3)	January 30, 2013 County Status Report (Attachment 5)	Department Staff's Analysis
<p><u>Red Hill Wood and Yard Facility Improvements</u></p>	<p>Left blank intentionally</p>	<p>Beginning January 28, 2013, the County planned on upgrading the Red Hill Wood and Yard Facility with a 50 foot by 50 foot concrete slab to provide residents a more convenient and clean area to drop-off special waste materials. The special waste materials include: appliances, tires, electronics, fluorescent lights, household batteries, latex paint, oil, oil filters, and antifreeze.</p>	<p>When Department staff visited the Red Hill Wood and Yard Facility on February 11, 2013, construction just started on the first of two concrete slabs measuring 25 foot by 40 foot. In addition to the two concrete slabs, a graveled unloading area was installed for the waste tire and scrap metal recycling. Prior to this upgrade, the unloading area was dirt, which became muddy and almost inaccessible after it rained.</p>

County's Annual Solid Waste Parcel Fee

At the August 21, 2012 Public Hearing, the County stated that it is pursuing an annual solid waste parcel fee increase to support the diversion programs. The County stated they made a special presentation before the County Board of Supervisors which authorized County staff to move forward with a Majority Protest Hearing and placement of the fee increase on a ballot. The implementation goal for the parcel fee increase would be in the first quarter of 2013.

The County reported that without the parcel fee increase there would be drastic impacts on the existing diversion programs including the transfer stations throughout the County. If the parcel fee increase is approved, the County has indicated plans to expand diversion programs. Thus, the County asked the Department to defer any action on the Compliance Order until the first quarter of 2013 because of the anticipated fee increase. The County stated that the deferral would provide the necessary time to complete a nexus study, pass the parcel fee increase through a Majority Protest Hearing and finalize related solid waste ordinance changes. The County expected to complete this by December 2012. (For additional information and comments received at the Department's public hearing refer to the Department's official August 21, 2012 Public Hearing transcript located on the Department's Public Notices website, specifically the "Public Hearing to Consider the Issuance of Compliance Order IWMA BR09-003 for the Calaveras County Regional Agency." (<http://www.calrecycle.ca.gov/Actions/PublicNoticeDetail.aspx?id=742&aiid=695>))

In the January 30, 2013 County Status Report, the County reported that the schedule for the parcel fee increase has seen some challenges and a new nexus study is needed. The first nexus study did not have enough information regarding the current parcel fee and waste generation. The County reported they released a Request for Proposal (RFP) to complete another nexus study.

Department Staff's Analysis of Parcel Fee

Department staff searched the County Board of Supervisors' website and found that on the August 14, 2012, there was a "Study Session" and County staff provided a presentation regarding the landfill, transfer stations, and lack of revenue for diversion programs. Within the minutes of the meeting, there was no mention that the parcel fee increase would be implemented by the first quarter of 2013. There was a discussion about placing a parcel fee increase on the ballot for possible implementation in the 2014 tax year. A resolution was not adopted; but the County Board of Supervisors concurred that an increase in the parcel fee was warranted and that the County residents needed to be kept informed.

(<http://bos.calaverasgov.us/BoardMeetings/DocumentArchives/tabid/835/FolderID/1159/Default.aspx>)

As of the development of this agenda item, staff understands that the RFP for the new nexus study has not been finalized. The County anticipates the contract being finalized soon and within 45 days of that, the new nexus study would be completed. Staff was not able to obtain an updated timeline as to when the County anticipates moving forward with the Majority Protest Hearing and solid waste ordinance changes related to the solid waste parcel fee.

Communication and Notification History

On February 23, 2011, LAMD notified the County that an independent review of the County's waste management programs was necessary (Attachment 1).

On April 21, 2011, Department staff initiated the 60-day conferring process required by PRC Section 41825 (Attachment 2).

On July 17, 2012, the Department mailed a 30-Day Notice letter to the Chair of Calaveras County's Board of Supervisors and the County Administrative Officer, informing the County of the date, time, and location of the first public hearing to consider issuing a Compliance Order (Attachment 8).

On June 14, 2013, the Department mailed a 30-Day Notice letter to the Chair of Calaveras County's Board of Supervisors and the County Administrative Officer, informing the County of the date, time, and location that the Department will hold a continuance public hearing to consider issuing a Compliance Order (Attachment 9).

On July 15, 2013, the Department mailed an Approval of Request to Postpone Compliance Order Hearing and 30-Day Notice letter to the Chair of Calaveras County's Board of Supervisors and the County Administrative Officer, informing the County of the date, time, and location that the Department will hold a continuance public hearing to consider issuing a Compliance Order (Attachment 10).

Findings

Department staff found that several of the County's key diversion programs have not maximized their effectiveness. These include the landfill/transfer station diversion program, residential diversion program, commercial diversion program, C&D diversion program, green waste diversion program, and the schools diversion program.

Department staff also reviewed the County's per capita disposal rate. Department staff used the per capita disposal as an indicator in evaluating program implementation and performance. The County's per capita disposal or disposal target is 4.0 pounds per person per day. 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, Department staff has considered these per capita disposal rates. They include a disposal rate 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.

Department staff believes the County has not demonstrated that it has adequately implemented its SRRE to achieve the diversion requirements of PRC Section 41780. Therefore, Department staff recommends that the Department find Calaveras County Regional Agency has not adequately

implemented its SRRE, and approve the attached Compliance Order as written.

The proposed Compliance Order IWMA BR09-003 (Attachment 11) includes the following conditions and implementation schedule:

- The County shall work with Department staff to determine gaps in program areas and develop a Local Implementation Plan (LIP) to improve, expand, or implement new diversion programs.
- The County shall develop and submit to the Department a fully executed LIP by December 31, 2013.
- The County will fully implement the programs in the LIP by December 31, 2015.
- A monitoring (oversight) period of one year (January 1, 2016 through January 1, 2017). The Department uses this time to ensure the County's continued implementation of the programs identified in the LIP.
- The County will submit quarterly status reports based on the calendar year. These status reports shall use the Department's electronic, quarterly reporting format. The County will also attach any required reports necessary to support their efforts to implement the LIP and Compliance Order.

The Compliance Order requires the Department to hold a public hearing following the term of the compliance schedule, to determine whether or not the County has complied with all of the conditions of the Compliance Order.

The Compliance Order specifies that failure by the County (Calaveras County Regional Agency) to comply with any part of the Compliance Order at any time may result in an earlier public hearing and fines of up to \$10,000 per day. Likewise, a public hearing could be scheduled earlier if the County complies with the Compliance Order ahead of schedule.

VII. ATTACHMENTS

1. February 23, 2011 Notification that an Independent Review of the Calaveras County Regional Agency's Waste Management Programs was Necessary
2. April 21, 2011 Notification Initiating the 60-Day Conferring Process Required by PRC Section 41825(c)
3. September 5, 2012 Letter from the Calaveras County Regional Agency
4. October 15, 2012 Issuance of a Continuance for the Consideration of Compliance Order IWMA BR09-003 for Calaveras County Regional Agency
5. January 30, 2013 Update Letter from the Calaveras County Regional Agency
6. Photo Report – Calaveras County Regional Agency 1/22/2013-1/25/2013, 2/11/2013, 2/15/2013, 5/31/2013
7. August 21, 2012 Public Hearing Binder
8. July 17, 2012 30-Day Notice of Intent to Issue Calaveras County Regional Agency a Compliance Order
9. June 14, 2013 30-Day Notice of Intent to Issue Calaveras County Regional Agency a Compliance Order

10. July 15, 2013 Approval of Request to Postpone Compliance Order Hearing and 30-Day Notice of Intent to Issue Calaveras County Regional Agency a Compliance Order
11. Proposed Compliance Order IWMA BR09-003
12. Request for Action for Consideration of the Issuance of Compliance Order IWMA BR09-003 to Calaveras County Regional Agency

VIII. DEPARTMENT STAFF RESPONSIBLE FOR ITEM PREPARATION

Program Staff: Ashlee Yee
Program Staff: Kathy Marsh
Legal Staff: Tamar Dyson

Phone: (916) 327-8824
Phone: (916) 341-6475
Phone: (916) 341-6083



DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

801 K STREET, MS 19-01, SACRAMENTO, CALIFORNIA 95814 • (916) 322-4027 • WWW.CALRECYCLE.CA.GOV

February 23, 2011

Cynthia Knapp
Calaveras County Regional Agency
Recycling Program Coordinator
891 Mountain Ranch Road
Calaveras, CA 95249-9713

Dear Cynthia Knapp,

We are writing regarding the status of CalRecycle's review of whether the Calaveras County Regional Agency ("RA") is in compliance with meeting AB 939 requirements. Public Resources Code (PRC) Section 41825 specifies a schedule for this review and requires CalRecycle to make a finding of whether each jurisdiction was in compliance with PRC Section 41780 during the review period. The 2007/08/09 Jurisdiction Review, which is now being finalized, is CalRecycle's independent evaluation of each jurisdiction's progress in implementing its Source Reduction and Recycling Element (SRRE) and Household Hazardous Waste Element (HHWE) programs and in meeting the AB 939 diversion requirement. As a result of this review, CalRecycle may find that:

- 1) a jurisdiction is meeting the requirements of AB 939 because:
 - a. it has adequately implemented its diversion programs and has achieved the diversion requirement; or
 - b. while it has not achieved the diversion requirement, it has made a good faith effort to implement diversion programs; or
- 2) a jurisdiction has failed to adequately implement its SRRE and/or HHWE and the process should commence to consider whether issuance of a compliance order would be appropriate. Jurisdictions that fail to satisfy the conditions of a compliance order may be subject to a fine of up to \$10,000 per day.

As a result of the 2007/08/09 Jurisdiction Review, CalRecycle has determined that an independent review of the RA's waste management programs is necessary. This independent review will be led by CalRecycle's Jurisdiction & Product Compliance Unit ("JPCU"). Areas of review will include, but not limited to, the following:

1. Recovery rates of materials deposited at various transfer stations.
2. Non contractual agreements with the hauler, Waste Connections, that do not include specific requirements for sufficient or consistent data reporting, outreach and education, program design and other performance benchmarks.
3. Participation of residential curbside collection.



4. Lack of verifiable data on commercial recycling.
5. Recovery rate of construction and demolition debris.

JPCU will conduct an independent assessment and may determine that there are additional programs that need further evaluation. JPCU will then determine whether to recommend that CalRecycle issue the RA an Order of Compliance, as provided by Public Resources Code Section 41825.

If you have any concerns or wish to discuss the letter further, please do not hesitate to contact Ms. Daisy Kong at (916) 341- 6528. Staff from JPCU will be contacting you directly regarding their program review process. Please direct all future communications and questions regarding the JPCU review to Ms. Kathy Marsh, JPCU Supervisor, at (916) 341- 6475.

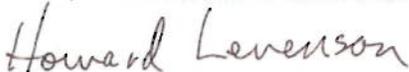
Sincerely,



Kenneth Yee
Manager, North Section



Cara Morgan
Chief, Local Assistance and Market Development Branch



Howard Levenson
Deputy Director, Materials Management and Local Assistance Division
Department of Resources Recycling and Recovery

cc: Tom Garcia, Director
Calaveras County Public Works

Public Hearing
August 20, 2013

Calaveras County Regional Agency
Attachment 2

Natural Resources Agency

COPY

FEDEX
Mailed Out VIA U.S.P.S. To All
Addressees On 4-21-11

Edmund G. Brown, Jr., Governor



DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

801 K STREET, MS 19-01, SACRAMENTO, CALIFORNIA 95814 • (916) 322-4027 • WWW.CALRECYCLE.CA.GOV

April 21, 2011

Tom Tryon, Chair
Board of Supervisors
891 Mountain Ranch Road
San Andreas, CA 95249

Jeanne Boyce, County Administrative Officer
Administrative Department
891 Mountain Ranch Road
San Andreas, CA 95249

Subject: Calaveras County Regional Agency's Notice of 60-Day Conferring Period for Potential Compliance Enforcement

Dear Mr. Tryon and Ms. Boyce:

On February 23, 2011, the Department of Resources Recycling and Recovery (CalRecycle) sent a letter (see attached) to your designated Recycling Coordinator, Ms. Cynthia Knapp, stating that the 2007/08/09 Jurisdiction Review had determined that an independent review of the waste diversion programs of the Calaveras County Regional Agency (Regional Agency) is necessary. This letter listed specific areas of concern relating to the waste diversion programs of the Regional Agency. The letter also explained that this independent review will be conducted by CalRecycle's Jurisdiction and Product Compliance Unit (JPCU) in the Compliance and Enforcement Division.

The purpose of JPCU's independent review is to determine whether the Regional Agency has complied with the diversion requirements of Public Resources Code (PRC) Section 41780. If JPCU finds that the Regional Agency has not satisfied these requirements, CalRecycle will begin the process of considering whether issuance of a compliance order would be appropriate. Jurisdictions that fail to satisfy the conditions of a compliance order could be subject to a fine of up to \$10,000 per day.

This letter initiates the 60-day conferring period required by PRC Section 41825(c). The 60-day conferring period allows both the Regional Agency and JPCU an opportunity to discuss all waste diversion efforts taking place. Through the conferring period a review of all of the Regional Agency's efforts to implement waste diversion programs in addition to a review of the materials being disposed will be conducted. This review will include field evaluations of all diversion programs and the facilities processing both recyclables and disposed waste. The conferring

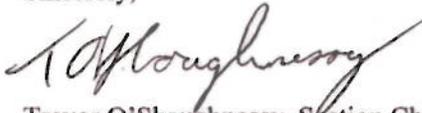
COPY

Calaveras County Regional Agency
60-Day Conferring Letter

period may last longer than 60 days; however, it must be completed prior to beginning the process to consider the issuance of a compliance order.

A member of JPCU will be contacting Ms. Cynthia Knapp, to arrange for an initial meeting. If you have any questions, please do not hesitate to contact me directly at (916) 341-6203.

Sincerely,



Trevor O'Shaughnessy, Section Chief
Jurisdiction, Product and Tire Enforcement Section
Department of Resources Recycling and Recovery

Attachment: February 23, 2011, letter to Ms. Cynthia Knapp

cc: Cynthia Knapp, Recycling Program Coordinator



September 5, 2012

Caroll Mortensen
Director, CalRecycle
1001 I Street
Sacramento, CA 95814

SUBJECT: Calaveras County Regional Agency Proposed Compliance Order

Dear Ms. Mortensen:

Thank you for the opportunity to request that the Department of Resources Recycling and Recovery (CalRecycle) delay the determination of whether the issuance of a Compliance Order to the Calaveras County Regional Agency (County) is necessary.

Calaveras County appreciates CalRecycle's staff acknowledgement of some of our efforts to achieve compliance and we also acknowledge issues raised by staff in the Public Hearing packet. Mr. Leary's comments at the Public Hearing indicated that CalRecycle staff and Calaveras County have similar ideas on the next steps. We also understand CalRecycle's intent of issuing a Compliance Order is to assist with formal discussions to achieve compliance.

During CalRecycle staff testimony, Mr. Chen indicated several areas needing additional information. Calaveras County would like to submit the attached additional information and explanation of our more recent program activities. We believe it is a demonstration of our commitment to meeting our disposal reduction goal as evidenced by the downward trend in the per capita disposal in recent years.

The County has concerns with issuance of a Compliance Order at this time. First, as indicated in the attached information, since the 2011 investigation the County has evaluated and is working to improve diversion program activities. However, more importantly, is the public perception and potential backlash of a State issued Compliance Order immediately after the Board of Supervisors approved proceeding with a significant parcel fee increase devoted solely to funding diversion programs. Rather than an incentive, a Compliance Order



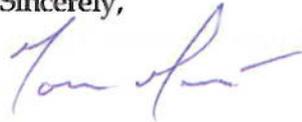
Subject: Calaveras County Regional Agency Proposed Compliance Order

Page 2

could send the message to the public that approving the measure to proceed with this difficult and controversial fee increase will not be enough to satisfy the State requirements. We are concerned that it would have a negative impact on our ability to persuade the residents to vote in favor of the fee increase, and subsequently jeopardize the County's collection and landfill responsibilities.

Calaveras County respectfully requests that CalRecycle delay imposition of the decision to issue a Compliance Order and allow us to meet and work with your staff on a formal agreement of an implementation and monitoring plan to address the concerns raised by CalRecycle staff. Thank you for consideration of this request.

Sincerely,



Tom Garcia, Director

Attachment

cc: Mark Leary, Chief Deputy Director
Howard Levenson, Deputy Director
Mark de Bie, Deputy Director
Cara Morgan, Branch Chief
Lorraine Van Kekerix, Branch Chief
Trevor O'Shaughnessy, Manager
Kathy Marsh, Supervisor
Mary Pitto, Program Manager, Rural County's ESJPA

CALAVERAS COUNTY REGIONAL AGENCY

SOURCE REDUCTION AND RECYCLING ELEMENT PROGRAM STATUS

CalRecycle staff indicates Calaveras County has implemented its Source Reduction and Recycling Element (SRRE) programs, but the programs are not achieving sufficient reductions in disposal to enable Calaveras County to reach State mandated diversion requirements. The County has made significant improvements in its diversion programs even though there has been a substantial decrease in the number of staff in the Integrated Waste Management Division. The program improvements have demonstrated that Calaveras is on its way to achieve compliance with its established goal of 4.0 pounds/person/day.

DISPOSAL HISTORY

Year	Rate (pounds/person/day)
2006	36% (Good Faith Effort)
2007	5.9
2008	4.7
2009	4.1
2010	4.4
2011	4.2
(Jan-Jun) 2012	3.79

REDUCTIONS IN STAFF

Year	Personnel
11.5	Deputy Director of Public Works (Operations)
	Public Works Analyst III (Recycling Manager)
	Landfill Operations Foremen
2010	4 extra hire maintenance workers
2011	Truck Driver
	3 Landfill Operators

These staffing reductions have impacted some program implementation and Calaveras is taking steps to address those program issues. Calaveras realizes that a number of program activities indicated in the CalRecycle staff report need to be addressed. Hence, Calaveras is taking action on these program components and is not focusing efforts solely on the parcel fee increase or any other single program, although passage of the parcel fee increase is critical to the continued operation of the County's Integrated Waste Management programs.

Currently the Department is making the following efforts to maintain our diversion goals:

Landfill/Transfer Station Diversion Program

The County is working with Gambi Disposal and their transfer station attendants on the importance of recycling and public outreach. In late 2011, the County was notified from the facility that accepts recycling that we could start accepting plastics 1-7 in mixed recycling bins and Styrofoam. Prior to 2011, County residents and businesses were only authorized to put plastics 1 and 2 in their bin. The County has been working with County staff and Gambi's staff on how to get the word out to County residents and businesses on the new program. County staff has provided Gambi with outreach materials for residents and businesses that use the transfer stations. The outreach material shows residents and businesses everything that can now go in the mixed recycle bin at each station. Since Gambi staff began passing out flyers in June 2012, Gambi has reported that recycle bins at the busiest transfer station, Avery, have been filling up twice as fast as they had been despite the nightly raid on the recycle bins for CRV containers. Tonnage increases have not yet been reported.

Gambi Disposal's staff has been instructed to communicate the importance of diversion to each customer that visits the transfer stations. Staff has also been informed that County staff will be monitoring diversion numbers on a monthly basis. County staff will also be meeting with Gambi staff on a regular basis to get updates from staff on how participation is growing or to see if they are having any issues with outreach. County staff will also visit the six transfer stations on a regular basis to assist with public outreach.

Residential Diversion Programs

SEI Solid Waste recently voiced their concern regarding not being able to supply adequate recycling containers to their customers due to increasing fuel rates. The County and the curbside hauler changed to single stream recycling in 2008, but the hauler has not been able to update all large residential recycle bins. When the County switched to single stream recycling every curbside customer received an updated recycling guide and a new recycle bin. Customer participation has increased since 2008 to the point where the hauler has begun to run out of bins due to customers asking for multiple bins for their residence. On September 25, 2012, the County is going before the Board of Supervisors to request a rate increase for the hauler; this will be the first increase they have received in four years.

During the Calaveras County fair in May 2012, Integrated Waste Management staff and members of the Solid Waste Task Force focused outreach on expansion of material types that can now be placed in the mixed recycle bin. Residents that visited the "Recycling Booth" were very excited about the changes that were being made. County staff has provided the curbside hauler with the same flyer that was handed out to residents at the fair and that is currently being handed out at the Rock Creek solid waste facility and the transfer stations. The curbside recycling rate almost doubled between 2007 and 2011, going from 898 tons recycled in 2007, to 1,632 tons of material recycled in 2011. The County has not yet received 2012 curbside diversion tonnage from the hauler.

Currently residential curbside recycling is only picked up every other week by the hauler. During agreement negotiation's which will take place after the fee increase issue, the County will discuss weekly recycling pickups rather than a bi-weekly basis.

Commercial Diversion Program

CalRecycle's observation of the commercial recycling program was done prior to implementation of AB 341. Calaveras County and SEI Solid Waste have created a commercial recycling program. The County has created a load check form specifically for commercial loads and sends each load to the tipping floor for diversion. In addition to current efforts being made, County staff will be creating an outreach plan for all businesses in the County, not only to those that fall under AB 341. This plan will include site visits to businesses throughout the County to inform them of recycling opportunities available to them. The County will ask for monthly updates from the hauler on commercial recycling participation and tonnages for cardboard and mixed recycling.

Greenwaste Diversion Program

In 2010 the County started charging a small gate fee (\$4 cubic yard) for wood and yard waste/greenwaste. The County has exempted the hauler from this charge in order to not jeopardize their curbside program. There are two private companies on the Highway 4 corridor that accept greenwaste from residents in that area, which is more economical than curbside greenwaste service in their area. The collected greenwaste is used as fuel for a biomass energy plant in neighboring Tuolumne County. The County continues to provide outreach to all communities on their greenwaste recycling options with the goal of limiting the amount of greenwaste that is burned by residents instead of collected/transported to the County's greenwaste sites. The County also works with UC Extension Master Gardener's program to provide outreach on back yard composting, which is popular in Calaveras County. Currently greenwaste that has been processed through our chipper is being stock piled in anticipation for our contract to go through with Buena Vista Biomass Power in Lone, California. Processed greenwaste that does not meet the biomass facility standards is currently being used as alternative daily cover on the Rock Creek landfill. Alternative daily cover (ADC) is important to the Rock Creek landfill. The landfill cells are constructed in a canyon; therefore there is not a lot of soil removed to build each cell and there is not a lot of native soil elsewhere onsite. The staff along with help from a local CDF crew recently used a large amount of processed greenwaste as landscaping material around the Rock Creek solid waste facility as part of a beautification plan.

Calaveras County is part of the "Mountain County Air Basin" which allows residential burning. Materials that can be burned during residential burning include vegetation and untreated wood. Residential burning is allowed only on property which has one or two dwelling units and material must originate from the property on which it will be burned. Burning is only allowed on permissive burn days. The Calaveras County Air Pollution

Control District encourages residents to consider alternatives to burning, such as composting, chipping, mulching, and/or recycling through the local waste management sites.

Though Calaveras County has never proposed a composting facility, the County will be analyzing the feasibility of a composting facility in the near future if funding is available, as land is available at the Rock Creek solid waste facility. If the parcel fee increase passes as expected, operation funds will be freed up to find alternative ways to acquire dirt or ADC.

Carpet Recycling

In February 2012, Calaveras County began participating in Rural County Carpet Recycling Pilot Program. Since the program started in February 2012, one 28 yard van trailer has been filled and the second van trailer that was delivered is now approximately 55% full. Program participants consist of mostly residential customers, as Calaveras County does not have a large amount of carpet installers within the County.

Construction and Demolition (C&D)

As noted in the CalRecycle staff report, Calaveras County has expanded their C&D diversion program within the last few months. All C & D loads are now sent to the tipping floor at the Rock Creek solid waste facility and hand sorted by County staff. Diversion from this program has increased every month since this change was initiated. The first month the program started (May 2012) County staff diverted 62 tons of waste, and it is estimated in the month of September County staff will have diverted over 200 tons of material from the tipping floor.

School Diversion Programs

County staff historically ran a beverage container recycling campaign with all the schools in the two school districts in the County to promote beverage container recycling. The campaign was funded with City/County payment program. Staff named the campaign "Cash for Schools." During that campaign Calaveras County Schools recycled over \$10,000 in beverage containers each year the campaign ran. The department recently purchased "Terry the Trashman" books with City/County payment program and OPP1 funds. The books will be distributed to elementary schools throughout the County with permission from District Office of Education.

County staff will also be setting up appointments with each school in the County to go over diversion options that will fit right in each school, as elementary schools and high schools have different diversion needs. One County staff member visited Toyon Middle School, one of the three middle schools in the County, and noticed staff and/or students had placed two five gallon buckets next to each trash can to capture recyclables instead of allowing them to be mixed in with trash. County staff will work with both the hauler and the every school in the County to make sure schools have adequate recycling bins.

County staff has recently coordinated with one of the local schools to conduct a series of presentations to high school students. Included in these presentations will be information with regard to proper used oil management and some of the specific recycling options available to residents. In addition, a case study will be presented that focuses on the Rock Creek facility. After the first series of presentations are completed staff will work with other schools in the County to schedule similar presentations.

Government Division Program

The City of Angles Camp is a curbside customer and currently has mixed recycling bins onsite at City Hall. City Hall's service includes 30 gallons of waste picked up weekly and 72 gallons of mixed recyclables picked up bi-weekly. The City of Angles Camp also has recycling bins on Main Street in Angles Camp that were purchased by the County with grant funds. The hauler currently services the bins at no extra charge to the County or City.

Parcel Fee Increase

In May 2007, the Calaveras County Public Works Department forwarded a report to the Calaveras County Board of Supervisors stating: "Based on long-term cash flow projections, which were last updated in 2006, the existing parcel fee appears sufficient to meet anticipated cash flow needs through FY 2012/13. While they continue to show positive balances through the near-term future, full funding for the next cell (scheduled for construction in 2015) cannot clearly be demonstrated." Through our diversion efforts the County has been able to delay the opening of a new landfill cell until 2017, however if funds are not generated to continue our diversion programs, the County may need to take drastic measures to keep our diversion programs in place.

The parcel fee has not been raised since 1991 for either inflation or for the added expense of diversion programs that have expanded over time. In 1999, the Calaveras County Board of Supervisors passed a resolution that directed \$10.00 of every \$150 Residential Equivalents (RE) collected would be used to fund "waste reduction, waste diversion, recycling, and household hazardous waste programs in compliance with AB939 funding element requirements." This funding level for diversion programs currently designates approximately \$266,500. However, the State mandated diversion programs are currently costing the County well over one million dollars. As the annual operating budgets for diversion programs have been increasing, the monies necessary to fund these increases have been taken from the capital projects fund. An increase in the parcel fee dedicated to fund the diversion programs will prevent capital project funds from being used to fund these programs and allow for continued operation of the Rock Creek landfill.

On August 14, 2012 the Department of Public Works provided the Board of Supervisors a staff report indicating the need for the fee increase and also provided the Board with an increase amount. The Board gave the Department direction to go forward with the protest hearing process, but strongly encouraged a public outreach campaign. As part of the outreach campaign staff will be including the importance of recycling, not just the importance

of the fee increase. It should be noted that those members of the public and the representative from the local Taxpayers Association that were present at the Board meeting supported the measure to increase the parcel fee to cover the increased costs of diversion programs. In addition, two staff members recently made a presentation to a local rotary club on the importance of recycling, saving landfill space, and why the County is in need of a fee increase. This presentation was well attended and also well received by the audience.

Calaveras County Department of Public Works is currently finalizing a Nexus Study with R3 Consulting in preparation of a Proposition 218 Majority Protest Hearing for an increase to the solid waste parcel fee. In October 2012, the Department will bring a resolution before the Board opening up the hearing process. Not less than 45 days after protest ballots are mailed out a protest hearing will be held. Staff has already begun making changes to the Solid Waste Ordinance in order to keep the long process of a Prop 218 hearing going without delays. Changes to the ordinance will include the new mandatory commercial recycling program and will also include a section that states all County residents and businesses will make best efforts to divert the State mandated goal. When the Department goes before the Board to certify the election results, expected in December 2012, staff will also introduce the changes to the Solid Waste Ordinance. The ordinance will then go through a 30 day review process and if adopted will be recorded 10-days after the adoption. If the fee increase is passed, residents will see the increase on their December 2013 tax bill. The President of the Calaveras County Tax Association, Al Segalla, stated at the Board of Supervisor's meeting that he does not foresee tax payers having an issue with the fee increase due to there not being an increase in the fee since 1991.

Even though a Prop 218 protest hearing is a long process, the County is making every effort to reach their State mandated diversion goal. The County is currently borrowing funds from the landfill capital improvement fund to cover the costs of diversion programs and will continue to do so until a budgetary or other fix is found.

Alternatives to an increase in the parcel fee include closing each of the six transfer stations, which would be a cost savings of one million dollars. However, with 75% of the waste in Calaveras County being self-hauled, closing the transfer stations will require homeowners to find alternative transportation of waste to the single remaining facility at Rock Creek. An undesirable consequence will be illegal dumping of waste throughout the County. Another alternative would be closing the Rock Creek solid waste landfill and transporting trash out of County. Neither of these options is desired.

The County is also looking at alternative funding sources for its Integrated Waste Management programs, including leasing the land that surrounds the landfill for solar and/or wind farms.

Summary

The Department of Public Works will continue to work with the curbside hauler and the transfer station contractor on an extensive outreach program. Though funding is currently an issue in Calaveras County, staff will continue to work towards our diversion goals by maintaining and increasing programs. Though it is the County's goal to stop diverting funds from the landfill's capital improvement fund to cover the costs of the diversion programs, the County will not put diversion programs in jeopardy.

August 20, 2013

Attachment 4

California Environmental Protection Agency

Edmund G. Brown, Jr., Governor

**DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY**

1001 I STREET, SACRAMENTO, CALIFORNIA 95814 • WWW.CALRECYCLE.CA.GOV • (916) 322-4027

P.O. BOX 4025, SACRAMENTO, CALIFORNIA 95812

October 15, 2012

FEDEX - (sent) 10-15-12
7991 9484 1996

Mr. Tom Garcia, Director
Department of Public Works
891 Mountain Ranch Road
San Andreas, CA 95249

**SUBJECT: CONTINUANCE FOR THE CONSIDERATION OF THE ISSUANCE OF
COMPLIANCE ORDER IWMA BR09-003 FOR CALAVERAS COUNTY REGIONAL
AGENCY**

Dear Mr. Garcia:

On behalf of Director Carol Mortensen, I am informing you that the Department of Resources Recycling and Recovery (CalRecycle) is continuing the hearing for Compliance Order IWMA BR09-003 for Calaveras County Regional Agency (County) until February 2013. This decision is based on the August 21, 2012, Public Hearing, along with the additional information you provided in your letter dated September 5, 2012. Your letter outlines the new programs and planned expansion of the County's multiple diversion programs. The letter also outlines the County's efforts of preparing for a Proposition 218 majority Protest Hearing and updating of the County's ordinances related to solid waste management. This continuance will provide time to complete the majority hearing process and adoption of the County's ordinance changes.

Director Mortensen requests the County submit a detailed status report on or before February 1, 2013. The status report will assist her to determine whether the County has made a good faith effort, or whether the public hearing should be re-heard as part of CalRecycle's regular public meeting tentatively scheduled on Tuesday, February 19, 2013.

The requested status report should provide an update on the County's diversion efforts including, at a minimum:

- The status of the solid waste diversion programs as of the end of January 2013. The report should include, but not be limited to, an update on the status of the programs described in your letter dated September 5, 2012.
- The status of the solid waste parcel fee increase, including the Proposition 218 Majority Protest Hearing and solid waste ordinance changes.
- How the total fees (this should include the existing and increased parcel fee) of the solid waste disposal and diversion programs are being allocated, including how the fees will be used for the implementation of the planned and expanded diversion programs
- A schedule outlining ongoing development and implementation of diversion programs for calendar years 2013 and 2014. This should include the diversion programs described in your September 5, 2012, letter and any new programs the County proposes.

COPY

The status report should be sent to:

**Kathleen Marsh, Unit Supervisor
Jurisdiction and Product Compliance Unit
Department of Resources Recycling and Recovery
PO Box 4025 (MS 10A-17)
Sacramento, California 95812**

If you have any questions, please contact either Trevor O'Shaughnessy at (916) 341-6203 (Trevor.os@CalRecycle.ca.gov) or Kathleen Marsh at (916) 341-6475 (Kathy.Marsh@CalRecycle.ca.gov).

Sincerely,



**Mark de Bic
Deputy Director
Waste Permitting, Compliance and Mitigation Division**

PUBLIC WORKS CALAVERAS COUNTY



SERVICES
Transit
Land Division
Roads and Bridges
Transportation Planning
Integrated Waste Management
Grading, Drainage and Erosion Control

Tom Garcia, P.E., Director

January 30, 2013

Caroll Mortensen
Director, CalRecycle
1001 I Street - Mail Stop 25A
Sacramento, CA 95814

Subject: Calaveras County Regional Agency Source Reduction and
Recycling Element Program Status

This letter is an update on the County's efforts to address concerns brought forward by CalRecycle staff regarding the County's Solid Waste and Recycling Program. We appreciate CalRecycle's decision to postpone action on the proposed Compliance Order while the County works on various program and fee updates. The County has made significant progress in several areas, and we would like to provide CalRecycle an update on the County's current programs and proposed Solid Waste Parcel Fee increase.

As presented to CalRecycle in the Public Hearing on August 21, 2012, the County is pursuing a fee increase for Diversion Programs. Currently the County finances its solid waste and recycling programs through a Parcel Fee, which allows residents to use the Rock Creek Landfill/Diversion facility as well as six MRF's at various locations throughout the County. Non-residents are precluded from using County facilities. The Parcel Fee is based on a \$150/Residential Equivalent (RE), which was established in 1991 and has not been increased since it was implemented. Staff worked with the community and Board of Supervisors to develop a fee that would cover the programs that have been put into place through mandates as well as those expressed by the public and Board since the fee's implementation.

The schedule for the Solid Waste Parcel Fee increase has presented some unforeseen challenges due to the nature of the existing fee and compliance with Propositions 218 and 26. In early December, Public Works received what was anticipated to be a final nexus study for the Solid Waste Parcel Fee increase. After numerous meetings with County Counsel, it was determined that there was not enough data on our current parcel fee and waste generation to support a Proposition 218 protest hearing. The item was pulled from both the December 11, 2013 and January 22, 2013 Board of Supervisor's meetings in order for staff and our consultants to update the nexus study for the existing fee.

891 Mountain Ranch Road ♦ San Andreas ♦ CA ♦ 95249-9709
Customer Service (209) 754-6401 ♦ Fax (209) 754-6664 ♦ Email: pubworks@co.calaveras.ca.us
Web: http://www.co.calaveras.ca.us/departments/public_works.asp



Subject: Reduction and Recycling Element Program Status

Page 2 of 4

The County has released a Request for Proposal (RFP) to complete a nexus study that will support the existing fee as well as an increase of the existing solid waste property related fee. The study will also analyze and provide an overview of the countywide integrated waste management recycling programs and the existing property related fee.

The RFP directs the consultant to determine long-term Integrated Waste Management funding needs, estimate waste generation associated with and define what the current "Residential Equivalent," (RE) is, and to develop an RE factor for various land use classifications and occupancies to allow ready application to all existing non-residential land uses in the County. The RFP for the Parcel Fee Nexus Study is attached. The County has also made the RFP available for viewing on the Calaveras County Department of Public Works website <http://www.co.calaveras.ca.us/cc/Departments/PublicWorks.aspx>.

The County continues to track expenditures for both disposal and recycling programs. In doing this we are capturing a better picture of our funding needs and what funds are actually being spent on current recycling programs. Our biggest expense continues to be hauling and personnel cost to run diversion programs.

With the increased parcel fee the Department of Public Works will continue to fund current recycling programs and expanding or relocate some of the transfer stations in order to maximize diversion activities.

One of the transfer stations that will be relocated is the San Andreas Transfer Station located on Hwy. 49 in San Andreas, California. The County is currently using Gambi Disposal's property to collect E-Waste and other special waste types, including scrap metal, tires, oil, and appliances. The County would like to have one location for all material types in the San Andreas community. The transfer station also gets crowded on busy weekends; relocating the transfer station will allow for a larger working area, which will accommodate more residents and will provide more space for recycling activities. Relocation of the San Andreas Transfer Station is a long term goal for the County. Gambi Disposal and the County will continue working together for recycling and diversion needs until long-term goals can be met.

Additionally, the County is working with Valley Springs Recycling to become a full service recycling center. Valley Spring Recycling intends to accept all mixed recyclables generated in the County and collected at the six County transfer stations, the Rock Creek Solid Waste Facility, recyclables collected by the curbside hauler, as well as directly from residents. Valley Springs Recycling is in the beginning construction phase now and anticipates being fully operational with the ability to accept all recyclables generated in the County by March 2013.

Beginning January 28, 2013, the County will be upgrading the Red Hill wood and yard waste facility, a Recycle Only waste facility which provides County residents with a drop off

Subject: Reduction and Recycling Element Program Status

Page 3 of 4

location for scrap metal, paint, oil, batteries, tires, appliances and universal and electronic wastes. Improvements will include a 50 X 50 concrete slab that will provide County residents with a more convenient and clean area to drop off special waste types.

As previously reported, County staff has been sorting loads that come onto the "tipping floor" at the Rock Creek Solid Waste Facility. The floor sorting program has been very successful, diverting 829 tons since April 2012. We continue to strive to improve the diversion rate with this program. Staff has noticed a lot more public loads coming in to Rock Creek Solid Waste Facility and the transfer stations presorted.

The County's Recycling Program Coordinator is currently working on new campaigns to increase the diversion and is working with schools, government agencies, and businesses to help increase and meet recycling and diversion goals. A presentation is being set up with the elementary schools, and the Terry the Trashman book will be used as a tool during this recycling presentation. Continuous contact is also made with the haulers to ensure they are providing adequate recycling services to local businesses and residents. The County has requested a hauler rate increase that will go before the Board of Supervisors in February 2013.

Calaveras County is taking serious efforts to increase solid waste diversion in the County. The total tonnage of waste disposed of at the Rock Creek Solid Waste Facility in 2012 was 31,100 tons, which calculates to 3.8 pounds per person per day buried. This further highlights the continued downward trend in tonnage buried, as shown below:

DISPOSAL HISTORY

Year	Rate (pounds/person/day)
2006	36% (Good Faith Effort)
2007	5.9
2008	4.7
2009	4.1
2010	4.4
2011	4.2
2012	3.8

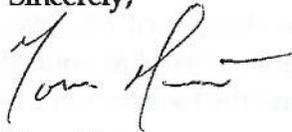
Based on the progress in our programs that continue to increase diversion and reduce tonnage buried, as well as the steps being taken to increase the County Parcel Fee to fund increased diversion programs, Calaveras County would like to request that the Compliance Order determination currently scheduled to be presented on February 19, 2013 be deferred until the Solid Waste Parcel Fee Nexus Study and protest hearing is complete. The County is scheduled to award the contract for the Nexus Study in April 2013, and will provide regular updates to CalRecycle on our progress.

Subject: Reduction and Recycling Element Program Status

Page 4 of 4

Thank you for your support of Calaveras County's Diversion programs and consideration of this request to postpone action on the Compliance Order. If you have any additional questions or concerns on this request or the information provided, please contact Cynthia Knapp at (209) 754-2819.

Sincerely,



Tom Garcia
Director

TG/CK/tw

Attachment: Request for Proposals - Parcel Fee Nexus Study Integrated
Waste Management Program

CC: Mark Leary, Chief Deputy Director
Howard Levenson, Deputy Director
Mark de Bie, Deputy Director
Cara Morgan, Branch Chief
Lorraine Van Kekerix, Branch Chief
Trevor O'Shaughnessy, Manager
Kathy Marsh, Supervisor
Mary Pitto, Program Manager, Rural County's ESJPA

Photo Report
Calaveras County Regional Agency
1/22/2013-1/25/2013, 2/11/2013, 2/15/2013, 5/31/2013

A) Residential Curbside Program

While approximately 73% of Calaveras County Regional Agency (County) residents self-haul, the remainder subscribe to curbside service. The County's curbside services includes trash and recycling. While a majority choose to only use the curbside trash services, others choose to use both. For those that subscribe to recycling services, the recycling totes provided by the County vary in size. Staff found that the varying toter sizes impact the overall effectiveness of this program.



The above represent households that have both trash and larger recycling toter service. The upper photo shows clean recyclables with the lower photo showing minimal recyclables in the trash toter.

A) Residential Curbside Subscribers (cont'd)



The picture above represents households that do not have properly sized recycling containers. This results in the recycling containers filling and the “overflow” recyclables going into the trash toter.



For those accounts that only have trash services, a significant recyclables end in the trash toter.

B) Commercial Program

Approximately 80% of the County's businesses are serviced by the County's franchise hauler for trash services. Approximately 28% of the County's businesses subscribe to the franchise hauler recycling services. Staff continued to observe a significant amount of recyclables being disposed. Staff observed a few instances where recycling containers were made available, however they were not effectively used.



Staff found several businesses that did not have properly sized recycling bins. This resulted in recyclables being placed within the trash bins.

B) Commercial Program (cont'd)



For those businesses that choose not to participate in the recycling program, staff continues to observe a significant amount of recyclables within the trash bins throughout the County.

C) Transfer Stations

Approximately 73% of the County self-hauls their trash and recyclables to the transfer stations and/or the County's only landfill, Rock Creek.



The transfer stations' collection bins for cardboard and mixed recyclables continued to be relatively clean.

C) Transfer Stations (cont'd)



However, most transfer station users are continuing to not separate recyclables from trash. This results in the continual disposal of a significant amount of recyclables.



C) Transfer Stations (cont'd)



Supporting staff's observations at the transfer stations, staff continued to see transfer station trash compactors, delivered to the landfill, with significant recyclables.

D) Rock Creek Solid Waste Facility



This is a typical load of commercial trash disposed at the landfill. Staff continues to observe significant recyclables within loads.

Staff estimates that 30% of this load could have been diverted to recycling.

D) Rock Creek Solid Waste Facility (cont'd)



This represented commercial and residential trash delivered by the franchise hauler. Staff estimated that 60% of this load could have been diverted to recycling.

E) Valley Springs Recycling

The County recently began to send the collected recyclables to Valley Springs Recycling. The franchise hauler's commercial and residential recyclable loads continue to be clean with low contamination.



**Public Hearing to Consider
The Issuance of Compliance Order IWMA BR09-003
For the Calaveras County Regional Agency**

**State of California
Department of Resources Recycling and Recovery**

**10:00 am
August 21, 2012**

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

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DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

1001 J STREET, SACRAMENTO, CALIFORNIA 95814 • WWW.CALRECYCLE.CA.GOV • (916) 322-4027

P.O. BOX 4025, SACRAMENTO, CALIFORNIA 95812

July 17, 2012

Tom Tryon, Chair
Board of Supervisors
891 Mountain Ranch Road
San Andreas, CA 95249

Jeanne Boyce, County Administrative Officer
Administrative Department
891 Mountain Ranch Road
San Andreas, CA 95249

Subject: 30-Day Notice of Intent to Issue Calaveras County Regional Agency a Compliance Order for Failure to Adequately Implement its Source Reduction and Recycling Element and Meet the Fifty Percent Diversion Requirement

Dear Mr. Tryon and Ms. Boyce:

The purpose of this letter is to formally notify the Calaveras County Regional Agency (Regional Agency) that the Department of Resources Recycling and Recovery (CalRecycle) will be considering issuing the Regional Agency a Compliance Order at a public meeting in August. This action is based on CalRecycle staff's review of the Regional Agency's progress in implementing diversion programs to meet the requirements of Public Resources Code (PRC) Section 41780. Failure to meet the requirements of the Compliance Order may result in civil penalties of up to \$10,000.00 per day.

CalRecycle staff has conducted a 2007/08/09 Jurisdiction Review of the Regional Agency's Source Reduction and Recycling Element (SRRE) program implementation and diversion rate achieved to date. CalRecycle staff is bringing forward its 2007/08/09 Jurisdiction Review findings that the Regional Agency has failed to adequately implement its diversion programs. The programs have significant weaknesses that prevent the Regional Agency from achieving the 50 percent diversion requirement of PRC Section 41780.

The Regional Agency's disposal target is 4.0 pounds per person per day. However, in 2007 the Regional Agency disposed of 5.9 pounds per person per day, in 2008 the Regional Agency disposed of 4.7 pounds per person per day, and in 2009 the Regional Agency disposed of 4.1 pounds per person per day. CalRecycle staff is therefore recommending that the CalRecycle consider issuing the Regional Agency a Compliance Order that will require the Regional Agency to work directly with CalRecycle staff to develop a Local Implementation Plan (LIP) which will

identify a strategy for program enhancements and local actions necessary for the Regional Agency to complete in order to implement its SRRE and achieve diversion requirements.

CalRecycle staff strongly recommends that you or your Regional Agency's representative attend the CalRecycle meeting at which a Compliance Order will be considered. At this meeting, the Regional Agency's representative will have an opportunity to present the Regional Agency's program implementation efforts, diversion rate achievement, and/or any other special circumstances the Regional Agency would like CalRecycle to consider. The representative should also be prepared to answer any questions from CalRecycle. The public hearing details are as follows:

Department of Resources Recycling and Recovery Monthly Public Hearing

Date: August 21, 2012
Time: 10:00 am
Location: Joe Serna Jr., Cal/EPA Building
Byron Sher Auditorium
1001 I Street, 2nd Floor
Sacramento, CA 95814

The full Public Hearing packet outlining the Compliance Order is enclosed.

Should you have any questions about this letter or the upcoming meeting, please contact me at (916) 341-6475 or Kathy.Marsh@calrecycle.ca.gov.

Respectfully,



Kathleen Marsh
Supervisor, Jurisdiction and Product Compliance Unit

Attachment

cc: Cynthia Knapp, Recycling Coordinator, Calaveras County
Michael Chen, CalRecycle
Raffy Kouyoumdjian, CalRecycle
Program File

**State of California
Department of Resources Recycling and Recovery**

**Public Hearing to Consider
The Issuance of Compliance Order IWMA BR09-003
For the Calaveras County Regional Agency**

August 21, 2012
10:00 am
Byron Sher Auditorium

I. ISSUE

The Department of Resources Recycling and Recovery (Department) 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). Staff is bringing forward its findings that the County's key diversion programs have not maximized their effectiveness. The County's inadequate implementation of its diversion programs prevents the County from achieving the 50 percent diversion requirement of Public Resources Code (PRC) Section 41780.

In addition to evaluating the County's programs, staff considered the per capita disposal rate for the County. The per capita disposal rate is not determinative of the County's compliance. Staff used the per capita disposal as an indicator in evaluating program implementation and the County's performance. Staff's evaluation was focused on how the County is implementing their programs. The County's per capita disposal or 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. 2010 is outside the jurisdiction review cycle; however the County disposed of 4.4 pounds per person per day in 2010.

Based on staff's review and analysis, staff recommends that a Compliance Order (CO) be considered. As part of the CO the County would be direct to develop a Local Implementation Plan (LIP). The LIP will identify a strategy for program enhancements and local actions necessary to enable the County to achieve the diversion requirements of PRC Section 41780.

II. ITEM HISTORY

On January 18, 2005, the California Integrated Waste Management Board (predecessor of the Department of Resources Recycling and Recovery) approved the Calaveras County Regional Agency formation for the County of Calaveras and the City of Angels Camp.

III. OPTIONS FOR CONSIDERATION

1. Find that the County is not adequately implementing its SRRE, and approve the attached Compliance Order as written.
2. Find that the County is not adequately implementing its SRRE, and approve the attached Compliance Order with alternate or additional conditions.
3. Find that the County is adequately implementing its SRRE, and not issue the attached Compliance Order.

IV. STAFF RECOMMENDATION

Staff recommends Option 1: Find that the County is not adequately implementing its SRRE, and approve the attached Compliance Order.

V. ANALYSIS

Legal Background

PRC Section 41821 requires each city, county, and regional agency (jurisdiction) to annually report to the Department on its progress in implementing its SRRE-selected programs, as well as report on progress toward achieving the diversion requirements of PRC Section 41780. PRC Section 41821 also requires the Department to review a jurisdiction's Annual Report and to notify the jurisdiction of any additional information that is required within 120 days of receipt.

PRC Section 41825 requires the Department to review each jurisdiction's SRRE at least once every two or four years, depending on certain specified criteria. The Jurisdiction Review is the Department's independent evaluation of a jurisdiction's progress in implementing the SRRE-selected programs to meet the diversion requirement; this information is reported in a jurisdiction's Annual Report. As a result of this review, the Department may find that a jurisdiction has adequately implemented programs and achieved the diversion requirement; that a jurisdiction has made a "good faith effort" to implement programs but has not achieved the diversion requirement; or that a Compliance Order should be issued to a jurisdiction that has failed to adequately implement its SRRE and/or failed to achieve the diversion requirement.

In determining whether a jurisdiction has made a good faith effort to implement diversion programs in its SRRE and/or Plan of Correction, the Department shall consider the enforcement criteria included in its enforcement policy that was amended and approved by the California Integrated Waste Management Board (Board) in August 2001 (PRC Section 41850). "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 SRRE, or alternative programs or activities that achieve the same or similar results.

PRC Section 41825 requires the Department to confer with a jurisdiction at least 60 days prior to issuing a notice of intent to issue a Compliance Order. PRC Section 41825 also requires the Department to issue a notice of intent to issue a Compliance Order not less than 30 days prior to a hearing to consider issuing the Compliance Order. If a jurisdiction has not implemented all of its

SRRE-selected programs and/or has not met the diversion requirements, the Department may still decide not to commence compliance action if it finds that the jurisdiction has made a good faith effort to implement its SRRE.

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).

Existing Jurisdiction Conditions

In January 2005, the Department approved the formation of the Calaveras County Regional Agency (County). The County is comprised of the City of Angels Camp, which is the only incorporated City in Calaveras County, and the unincorporated portion of Calaveras County. The County is a countryside community in the California Gold Country. According to Department of Finance estimates, in 2010 the County had a population of 45,602.

Key Jurisdiction Conditions					
Calculated Disposal Rate (Lbs/person/day)			Waste Stream Data		
50% per Capita Disposal Target (2006)	Reported rate by Year PPD*		Population (2010)	Non- Residential Waste Stream Percentage	Residential Waste Stream Percentage
	2010	PPD*			
4.0	2010	4.4	45,602	26	74
4.0	2009	4.1			
4.0	2008	4.7			
4.0	2007	5.9			

*Pounds per person per day

Review Process

The Local Assistance and Market Development (LAMD) staff's 2007/08/09 review determined that the County may have gaps in program implementation. Based on this determination LAMD referred the file to the Jurisdiction and Product Compliance Unit (JPCU) for an independent review. On February 23, 2011 LAMD notified the County that an independent review of the County's waste management programs was necessary (Attachment 1). On April 21, 2011 JPCU initiated the 60 day conferring process required by PRC Section 41825 (Attachment 2).

In determining compliance with waste diversion mandates, statute directs the Department to consider both a jurisdiction's efforts to implement its SRRE-selected programs and its achievement of the diversion rate.

JPCU staff independently reviewed the County's program implementation and diversion rates, using available information from the County's annual reports, waste hauler tonnage reports, and Department databases. This review covered both the residential sector (74 percent of the materials stream, per the 1990 base year) and the non-residential sector (26 percent of the materials stream, per the 1990 base year). Staff gathered information through consultations, telephone calls, and visits with County staff, the County's hauler, and the County's facilities.

Staff also considered and reviewed the County's per capita disposal rate. The per capita disposal rate is not determinative of a jurisdiction's compliance. The Department uses 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. The County's per capita disposal rate for 2010 is 4.4 pounds per person per day

Summary of County's Materials Flow

To understand the County's overall materials flow, staff reviewed both the residential and commercial sectors. Staff found:

- Disposal occurs at Rock Creek Landfill.
- Recyclables are transferred to Stockton Recycling. A small amount of recyclables go to the California Redemption Value (CRV) buyback centers.
- Greenwaste is taken to Rock Creek Solid Waste Facility. It becomes alternative daily cover (ADC).

Disposal

Staff determined that approximately 25 percent of the County's occupied households subscribe to curbside services. The County reports that the remaining 75 percent self-haul their waste.

Approximately 75 percent of the County's commercial sector subscribes to waste services. The County reports that the remaining 25 percent self-haul their waste.

The self-haul waste goes to seven facilities:

- Rock Creek Solid Waste Facility (which includes both Rock Creek Transfer Station and Rock Creek Landfill)
- Avery Transfer Station
- Copperopolis Transfer Station
- Paloma Transfer Station
- Red Hill Transfer Station and Yard
- San Andreas Transfer Station
- Wilseyville Transfer Station and Yard

These facilities charge no gate fee and are supported by the County's annual solid waste parcel fee. This parcel fee varies for residences and businesses, based on land usage. For example, an unstaffed fire station would pay \$75 per year, and a large restaurant would pay \$900 per year. County staff reports that this parcel fee is insufficient to fund diversion programs and that in July 2012, County staff intends to request that the County Board of Supervisors increase the fee beginning fiscal year 2014. As of the date this staff report was prepared, the County had not decided the fee issue.

Diversions

The following are JPCU's observations and findings of the City's diversion efforts. Staff's site visit photo report (Attachment 3) contains visual documentation of many observations detailed below.

<p><u>Landfill/Transfer Station Diversion Program</u></p>	<p>Approximately 75 percent of the County's occupied households and approximately 25 percent of the County's businesses self-haul their materials.</p> <p>The County has set up seven transfer stations to receive these materials. During staff's site visits, most transfer station patrons were diverting little or no materials in the transfer stations' recycling roll-off bins, resulting in disposal of a significant amount of recyclables. At the Rock Creek Landfill, staff observed several transfer station loads with significant amounts of recyclables and residents disposing of notable amounts of high-value recyclables.</p> <p>Staff generally did not witness transfer station workers directing residents to recycle. Transfer station workers told staff they occasionally encourage residents to recycle. However, few verbal outreach attempts were observed. Even when residents directly asked transfer station workers if they should recycle certain materials, a typical response was "You can recycle it, but you don't have to." During staff's field visits, staff observed one transfer station worker who pointed out recyclables that residents were throwing away and who encouraged residents not to dispose of them in the future. Staff also observed one transfer station worker proactively offering assistance by carrying recyclables to the collection bins.</p> <p>An additional area of concern is the County's residency verification at the transfer stations. The County reports that it checks transfer station users for identification to prevent non-residents from using them, but staff did not observe any checking. As a result, some non-residents may be using the County's services without paying for them.</p> <p>Staff observed some program strengths. Recyclables collected had minimal contamination. The recycling opportunities included: "mixed recyclables" (paper, plastics, cans, and glass), cardboard, scrap metal, appliances, toxics, and tires. Although staff observed most transfer station users disposing of materials and not recycling them, approximately 75 percent of the Avery Transfer Station's patrons engaged in some kind of recycling.</p>
<p><u>Residential Diversion Program</u></p>	<p>Based on data from the hauler and from the 2010 Census, staff estimates that overall, 25 percent of the County's occupied households subscribe to curbside recycling services. However, the recycling container set-out rates vary widely. Staff found that Valley Springs had the highest set-out rates at approximately 50 percent. Conversely, one portion of Arnold had the lowest set-out rates at approximately 3 percent. In fact, the low set-out rates made it difficult to visually determine if any given day was a pick-up day.</p>

	<p>The sizes and colors of recycling containers were not uniform throughout the County, but this did not seem to diminish diversion. On the west side, staff observed blue, 32- and 96-gallon cans and carts, and on the east side, staff observed 18-gallon yellow, green, and/or blue bins labeled for "containers," "paper," and "mixed recyclables," respectively. Although these bins were labeled for different materials types, staff observed that most users had filled them with mixed recyclables. The hauler, when collecting the recyclables, comingled all recyclables and transported them to the MRF for processing. Staff did not observe this practice significantly decreasing potential diversion.</p> <p>Several residential waste containers had significant levels of recyclables during staff's site visits. When staff observed residential curbside waste loads at Rock Creek Landfill, many of these loads had significant recyclables.</p> <p>With regards to the collected recyclables, minimal contamination was observed. The recyclables were primarily paper and cardboard but also included plastic, metals, and glass.</p>
<p><u>CRV Buyback Centers</u></p>	<p>The County has four California Redemption Value (CRV) buyback centers. Staff observed that the collected CRV recyclables had minimal contamination. The Department's Market Information Section reports that residents took 629 tons of CRV materials to these buyback centers in 2010. Staff estimates that this comprised 2 percent of the County's total generation in 2010.</p>
<p><u>Commercial Diversion Program</u></p>	<p>Based on data from the hauler and from the 2010 Census, staff estimates that only 25 percent of the County's businesses subscribe to recycling service, though approximately 75 percent of the County's businesses subscribe to waste collection service. The hauler reports that the disparity between these subscription rates arises from businesses specifically choosing not to subscribe to recycling services.</p> <p>Overall, approximately 25 percent of the County's businesses subscribe to recycling service, but the recycling participation rate varied from area to area during staff's site visits. For example, almost all of the businesses that staff observed in the newer parts of Copperopolis had recycling service, and approximately 66 percent of the businesses observed in San Andreas had recycling services. Staff estimated that 25 percent of Arnold's businesses had recycling service. Most of the recycling containers that staff observed throughout the County were 96-gallon carts. Many of these carts were not filled to capacity.</p> <p>Reflecting the commercial diversion program's weaknesses, commercial waste bins had significant levels of recyclables during staff's site visits. When staff observed commercial waste loads at Rock Creek Landfill, many of these loads had significant amounts of recyclables. The drivers of these loads indicated that many businesses had recycling bins but they did not use them effectively.</p>

	<p>Staff observed minimal contamination in the commercial diversion program's collected recyclables. The recyclables were primarily cardboard but also included paper, plastic, metals, and glass.</p>
<p><u>Construction and Demolition (C&D) Diversion Program</u></p>	<p>The County does not have a C&D diversion ordinance. Instead, in 2003, it adopted a resolution requiring that "Effective March 15, 2003, building contractors shall be prohibited from using the County transfer stations for disposal of commercially-generated construction and demolition debris."</p> <p>During staff's site visits, the County was not enforcing this resolution as written; staff observed multiple loads of C&D debris unloaded at Rock Creek Transfer Station.</p> <p>The C&D diversion program was not effective during staff's initial site visits. Staff observed significant amounts of mixed C&D waste being disposed of in Rock Creek Landfill and Rock Creek Transfer Station, and facility staff reported that mixed C&D waste was being disposed of because the facility did not have enough manpower to sort through mixed C&D waste.</p> <p>During staff's site visit on April 30, 2012, staff verified that the County had hired someone to floor sort all C&D loads delivered to the Rock Creek Transfer Station. The County also reported that the gatehouse now checks all loads to prevent mixed C&D from being misrepresented as waste and being disposed of.</p> <p>Staff's site visits throughout the County revealed two nuisance dumping sites and one illegal disposal site containing C&D waste. The two nuisance dumping sites appeared to be from smaller projects, but in April 2012, staff discovered a large illegal disposal site near Gold Strike High School in San Andreas. Google Maps images show illegal disposal of C&D waste at this site in September 2007, but the Local Enforcement Agency (LEA) reports that this material has been at its current location for approximately 10 or more years (Attachment 4). To address this issue, the Permitting and Assistance Branch is working with the LEA to either conduct a cleanup and abatement or permit action.</p>
<p><u>Greenwaste Diversion Program</u></p>	<p>The County offers four (4) greenwaste drop-off locations throughout the County. Rock Creek Solid Waste Facility directs greenwaste based on the load makeup. Pine needles and leaves go to the landfill to be used as ADC, and lumber and brush go to a wood pile to be ground into ADC. The County reports that all of the greenwaste from the three transfer stations is used as ADC for Rock Creek Solid Waste Facility. However, staff occasionally observed landfill staff mixing greenwaste with landfill waste.</p> <p>The County's hauler reports that overall, approximately 8 percent of the entire County's occupied households subscribe to curbside greenwaste services. During staff's site visits, the actual greenwaste set-out rate varied</p>

	<p>by region. The west side of Valley Springs had a greenwaste set-out rate of approximately 20 percent; this was the highest greenwaste set-out rate observed. In contrast, other areas had set-out rates under 10 percent. Although these set-out rates were low, residents were setting out full bins. The curbside greenwaste carts were not uniform in color, and sometimes they were waste carts repurposed with greenwaste stickers. Nevertheless, staff never observed waste carts being collected in greenwaste loads or greenwaste carts being collected in waste loads. The hauler takes material to Rock Creek Landfill for alternative daily cover (ADC).</p> <p>On the east side of the County, it is unclear how residents handle their greenwaste; this should be investigated further. The County reports that approximately 92 percent of occupied households self-haul their greenwaste, but staff also observed some eastern County residents burning greenwaste on permissible burn days. Staff was unable to determine how widespread burning is in the County. However, Calaveras County Air Pollution Control District is one of seven air districts in the Mountain Counties Air Basin, and a 1997 United States Environmental Protection Agency report shows that 1/4 of the people in this air basin burn waste.</p> <p>For the material that was collected, staff observed minimal contamination in the greenwaste collected through the curbside carts, the transfer stations, the Rock Creek Solid Waste Facility's wood pile, and the landfill programs.</p>
<p><u>Schools Diversion Program</u></p>	<p>The County's Office of Education lists multiple school districts, with a total of 10 elementary schools, 2 middle schools, and 6 high schools. Staff observed 15 of these 18 schools.</p> <p>Although the County reports that all schools have diversion programs, Staff could not find recycling containers at three schools, not including schools with locked or inaccessible containers. Several of the schools had notable amounts of recyclables in their waste containers, even if the schools had recycling containers. At the time of the site visits, most schools' recycling containers were relatively empty.</p> <p>Two of the six high schools are main high schools, and four are continuation high schools. The County reports that both of its main high schools have student-run recycling programs. Staff was unable to observe the recycling program of one of these schools because its bins were locked and inaccessible. When staff observed the other high school, staff found a significant amount of cardboard in the school's waste bins. A janitor reported that the school has recycling containers throughout the schools' hallways but that the students use these as waste cans. He also reported that the Earth Club used to sort through these recycling containers to retrieve recyclables but that this sorting has waned.</p> <p>Three of the 15 schools staff visited were effectively recovering cardboard and paper.</p>

<p><u>Government Diversion Program</u></p>	<p>At the County Government Building, recycling carts and large recycling bins surround the building, collecting cardboard, drink containers, and paper. Inside the building, waist-high bins collect paper and drink containers. Each employee's desk has a small recycling bin for paper and drink containers. All of the recycling containers that staff observed were clean and well-sorted, and staff observed few recyclables in the trash containers.</p> <p>Staff made multiple attempts to observe the recycling program at Angels Camp City Hall, but the building was closed. Because of this, staff was only able to observe the waste can and the two 18-gallon recycling bins outside the building. The recycling bins and the waste can were completely empty during staff's site visits.</p>
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Communication and Notification History

On February 23, 2011 LAMD notified the County that an independent review of the County's waste management programs was necessary (Attachment 1). On April 21, 2011 JPCU initiated the 60 day conferring process required by PRC Section 41825 (Attachment 2). On July 20, 2012, the Department mailed a 30-Day Notice letter to the Chair of Calaveras County's Board of Supervisors and the County Administrative Officer, informing the County of the date, time and location that the Department will hold a public hearing to consider issuing a Compliance Order (Attachment 5).

Findings

Staff found that several of the County's key diversion programs have not maximized their effectiveness. These programs include the landfill/transfer station diversion program, the residential diversion program, the commercial diversion program, the C&D diversion program, and the schools diversion program. The greenwaste diversion program merits further investigation to determine the greenwaste practices of the entire County.

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 per capita disposal rate, in 2010, is 4.4 pounds per person per day. This is higher than its target of 4.0 pounds per person per day.

Staff also analyzed the County's reported tonnages for total disposal and recycling. Staff used the Department's Disposal Reporting System to obtain the total tons disposed in 2010. Staff worked with several sources to obtain recycling/diversion data for 2010. The sources included the County's hauler, a metal recycler, and the Division of Recycling's Market Information Section. (Note: the diversion data does not include all diversion sources, including grocery/big box stores' backhauling.) Based on this data, in 2010 the County disposed of 36,447 tons and diverted approximately 6,000 tons.

Staff believes the County has not demonstrated that it has adequately implemented its SRRE to achieve the diversion requirements of PRC Section 41780. Although the County is implementing all SRRE-selected programs, the programs are not achieving sufficient reduction in disposal to

enable the County to reach the diversion requirements. Staff therefore recommends that the Department find Calaveras County Regional Agency has not adequately implemented its SRRE, and approve the attached Compliance Order as written.

The proposed Compliance Order IWMA BR09-003 (Attachment 6) includes the following conditions and implementation schedule:

- The County shall work with staff to determine gaps in program areas and develop a Local Implementation Plan (LIP) to improve, expand, or implement new diversion programs.
- The County shall develop and submit to the Department a fully executed LIP by December 31, 2012.
- The County will fully implement the programs in the LIP by December 31, 2014.
- A monitoring/ "oversight" period of one year (December 31, 2014, through December 31, 2015). The Department uses this time to ensure the County's continued implementation of the programs identified in the LIP.
- The County will submit quarterly status reports based on the calendar year. These reports shall use the Department's electronic, quarterly reporting format. The County will also attach any required reports necessary for the report.

The Compliance Order requires the Department to hold a public hearing following the term of the compliance schedule, to determine whether or not the County has complied with all of the conditions of the Compliance Order.

The compliance Order specifies that failure by the County (Calaveras County Regional Agency) to comply with any part of the Compliance Order at any time may result in an earlier public hearing and fines of up to \$10,000 per day. Likewise, a public hearing could be scheduled earlier if the County complies with the Compliance Order ahead of schedule.

VII. ATTACHMENTS

1. February 23, 2011 Notification that an Independent Review of the County's Waste Management Programs was Necessary
2. April 21, 2011 Notification Initiating the 60 Day Conferring Process Required by PRC Section 41825
3. Photo Report- Calaveras County Regional Agency 9/28-30/11, 11/1-3/11, 1/30-31/12, 4/25-27/12, 4/30/12-5/1/12
4. Google Earth and Google Map images of Illegal Disposal of C&D Waste
5. 30-Day Notice of Intent to Issue Calaveras County Regional Agency a Compliance Order
6. Proposed Compliance Order IWMA BR09-003
7. Request for Action for Consideration of the Issuance of Compliance Order IWMA BR09-003 to Calaveras County Regional Agency

VIII. STAFF RESPONSIBLE FOR ITEM PREPARATION

Program Staff: Michael Chen
Program Staff: Kathy Marsh
Legal Staff: Tamar Dyson

Phone: (916) 327-8824
Phone: (916) 341-6475
Phone: (916) 341-6083



DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

801 K STREET, MS 19-01, SACRAMENTO, CALIFORNIA 95814 • (916) 322-4027 • WWW.CALRECYCLE.CA.GOV

February 23, 2011

Cynthia Knapp
Calaveras County Regional Agency
Recycling Program Coordinator
891 Mountain Ranch Road
Calaveras, CA 95249-9713

Dear Cynthia Knapp,

We are writing regarding the status of CalRecycle's review of whether the Calaveras County Regional Agency ("RA") is in compliance with meeting AB 939 requirements. Public Resources Code (PRC) Section 41825 specifies a schedule for this review and requires CalRecycle to make a finding of whether each jurisdiction was in compliance with PRC Section 41780 during the review period. The 2007/08/09 Jurisdiction Review, which is now being finalized, is CalRecycle's independent evaluation of each jurisdiction's progress in implementing its Source Reduction and Recycling Element (SRRE) and Household Hazardous Waste Element (HHWE) programs and in meeting the AB 939 diversion requirement. As a result of this review, CalRecycle may find that:

- 1) a jurisdiction is meeting the requirements of AB 939 because:
 - a. it has adequately implemented its diversion programs and has achieved the diversion requirement; or
 - b. while it has not achieved the diversion requirement, it has made a good faith effort to implement diversion programs; or
- 2) a jurisdiction has failed to adequately implement its SRRE and/or HHWE and the process should commence to consider whether issuance of a compliance order would be appropriate. Jurisdictions that fail to satisfy the conditions of a compliance order may be subject to a fine of up to \$10,000 per day.

As a result of the 2007/08/09 Jurisdiction Review, CalRecycle has determined that an independent review of the RA's waste management programs is necessary. This independent review will be led by CalRecycle's Jurisdiction & Product Compliance Unit ("JPCU"). Areas of review will include, but not limited to, the following:

1. Recovery rates of materials deposited at various transfer stations.
2. Non contractual agreements with the hauler, Waste Connections, that do not include specific requirements for sufficient or consistent data reporting, outreach and education, program design and other performance benchmarks.
3. Participation of residential curbside collection.

4. Lack of verifiable data on commercial recycling.
5. Recovery rate of construction and demolition debris.

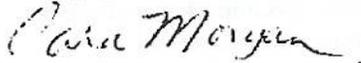
JPCU will conduct an independent assessment and may determine that there are additional programs that need further evaluation. JPCU will then determine whether to recommend that CalRecycle issue the RA an Order of Compliance, as provided by Public Resources Code Section 41825.

If you have any concerns or wish to discuss the letter further, please do not hesitate to contact Ms. Daisy Kong at (916) 341- 6528. Staff from JPCU will be contacting you directly regarding their program review process. Please direct all future communications and questions regarding the JPCU review to Ms. Kathy Marsh, JPCU Supervisor, at (916) 341- 6475.

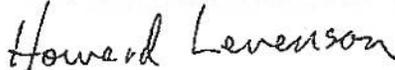
Sincerely,



Kenneth Yee
Manager, North Section



Cara Morgan
Chief, Local Assistance and Market Development Branch



Howard Levenson
Deputy Director, Materials Management and Local Assistance Division
Department of Resources Recycling and Recovery

cc: Tom Garcia, Director
Calaveras County Public Works

Public Hearing
August 20, 2013
Public Hearing
August 21, 2012

Calaveras County Regional Agency
Attachment 7
Calaveras County Regional Agency
Attachment 2

Natural Resources Agency

COPY

FEDEX
Mailed Out VIA U.S.P.S. To All
Addresses On 4-21-11

Edmund G. Brown, Jr., Governor



DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

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April 21, 2011

Tom Tryon, Chair

Board of Supervisors
891 Mountain Ranch Road
San Andreas, CA 95249

Jeanne Boyce, County Administrative Officer
Administrative Department
891 Mountain Ranch Road
San Andreas, CA 95249

Subject: Calaveras County Regional Agency's Notice of 60-Day Conferring Period for Potential Compliance Enforcement

Dear Mr. Tryon and Ms. Boyce:

On February 23, 2011, the Department of Resources Recycling and Recovery (CalRecycle) sent a letter (see attached) to your designated Recycling Coordinator, Ms. Cynthia Knapp, stating that the 2007/08/09 Jurisdiction Review had determined that an independent review of the waste diversion programs of the Calaveras County Regional Agency (Regional Agency) is necessary. This letter listed specific areas of concern relating to the waste diversion programs of the Regional Agency. The letter also explained that this independent review will be conducted by CalRecycle's Jurisdiction and Product Compliance Unit (JPCU) in the Compliance and Enforcement Division.

The purpose of JPCU's independent review is to determine whether the Regional Agency has complied with the diversion requirements of Public Resources Code (PRC) Section 41780. If JPCU finds that the Regional Agency has not satisfied these requirements, CalRecycle will begin the process of considering whether issuance of a compliance order would be appropriate. Jurisdictions that fail to satisfy the conditions of a compliance order could be subject to a fine of up to \$10,000 per day.

This letter initiates the 60-day conferring period required by PRC Section 41825(c). The 60-day conferring period allows both the Regional Agency and JPCU an opportunity to discuss all waste diversion efforts taking place. Through the conferring period a review of all of the Regional Agency's efforts to implement waste diversion programs in addition to a review of the materials being disposed will be conducted. This review will include field evaluations of all diversion programs and the facilities processing both recyclables and disposed waste. The conferring

Public Hearing
August 20, 2013
Public Hearing
August 21, 2012

Calaveras County Regional Agency
Attachment 7
Calaveras County Regional Agency
Attachment 2

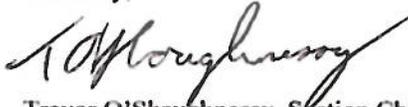
COPY

Calaveras County Regional Agency
60-Day Conferring Letter

period may last longer than 60 days; however, it must be completed prior to beginning the process to consider the issuance of a compliance order.

A member of JPCU will be contacting Ms. Cynthia Knapp, to arrange for an initial meeting. If you have any questions, please do not hesitate to contact me directly at (916) 341-6203.

Sincerely,



Trevor O'Shaughnessy, Section Chief
Jurisdiction, Product and Tire Enforcement Section
Department of Resources Recycling and Recovery

Attachment: February 23, 2011, letter to Ms. Cynthia Knapp

cc: Cynthia Knapp, Recycling Program Coordinator

Photo Report
Calaveras County Regional Agency
9/28-30/11, 11/1-3/11, 1/30-31/12, 4/25-27/12,
4/30/12 - 5/1/12

A) Landfill/Transfer Station Program

Approximately 75 percent of occupied households in Calaveras County Regional Agency (County), self-haul their waste and recyclables to one of seven local facilities: Rock Creek Solid Waste Facility (which includes both Rock Creek Transfer Station and Rock Creek Landfill), Avery Transfer Station, Copperopolis Transfer Station, San Andreas Transfer Station, Paloma Transfer Station, Red Hill Transfer Station and Yard, and Wilseyville Transfer Station and Yard.

The County takes these transfer stations' waste to Rock Creek Landfill, and it takes these transfer stations' recyclables to Stockton Recycling.



Like almost all of the County's transfer stations, Copperopolis Transfer Station is relatively small and consists of a few bins with a fence around them (*Photo 1; 11/3/11*). On the left, residents can deposit cardboard; on the right, residents can deposit solid waste, greenwaste, and scrap metal; and in the middle, residents can deposit mixed recyclables.

A) Landfill/Transfer Station Program (cont'd)



Most transfer station users did not separate recyclables from waste (*Photo 1; 1/30/12*). Similarly, at Rock Creek Landfill, staff observed several transfer station loads with significant amounts of recyclables (*Photo 2; 9/30/11*). The driver reported that this load was typical for him.



A) Landfill/Transfer Station Program (cont'd)



The transfer stations' bins for mixed recyclables (paper, plastic, cans, and glass) were relatively clean (*Photo 1; 1/31/12*). Similarly, when the transfer stations' mixed recyclables were unloaded at Stockton Recycling, these materials had low contamination (*Photo 2; 1/31/12*).

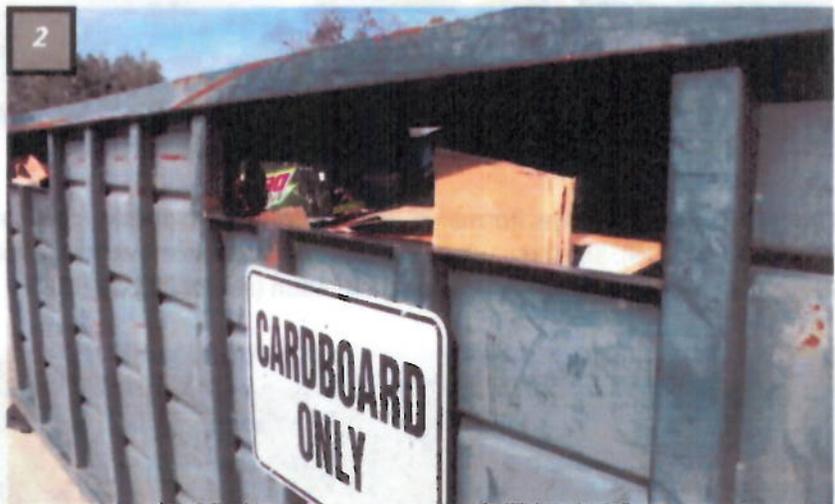


A) Landfill/Transfer Station Program (cont'd)

Transfer stations collected more than just waste and mixed recyclables.

Some transfer stations, like Avery Transfer Station, collected clean scrap metal (*Photo 1; 1/31/12*).

All of the transfer stations that staff observed were collecting clean cardboard (*Photo 2; 1/30/12*), and cardboard unloaded at Stockton Recycling was generally uncontaminated (*Photo 3; 1/31/12*).



A) Landfill/Transfer Station Program (cont'd)



Residents often self-hauled loads directly to Rock Creek Landfill, and these loads often contained significant amounts of recyclables such as cardboard (*Photo 1; 9/28/11*).

Rock Creek Solid Waste Facility had a roll-off bin near its wood and concrete drop-off piles (*Photo 2; 9/29/11*). This bin appeared to be full of recyclables but was a disposal bin.



B) Residential Program

While most of the County's occupied households self-haul their materials, about 25 percent of the County's occupied households subscribe to waste/recycling collection services.

All of the waste goes to Rock Creek Landfill, and the recyclables go to Stockton Recycling.



The residential set-out rate varied widely. The Valley Springs set-out rate was among the highest that staff observed, with an approximate 50 percent set-out rate for both recycling and waste collection (*Photo 1; 5/1/12*). Conversely, one portion of Arnold had a set-out rate of approximately 3 percent for both recycling and waste (*Photo 2; 5/1/12*). Despite the low set-out rates, the recyclables staff observed had minimal contamination.

Throughout the County, staff observed waste containers with elevated levels of recyclables, as in this cart in San Andreas (*Photo 3; 4/27/12*).

B) Residential Program (cont'd)



At Rock Creek Solid Waste Facility, staff observed residential waste loads with significant amounts of recyclables. In the pictured Copperopolis load, staff saw cardboard, paper, cans, and bottles (*Photo 1; 9/29/11*). The driver reported that the load came primarily from the residential sector and that it was a representative load.

At Stockton Recycling, staff observed clean curbside recycling loads from the County, including the pictured load from Valley Springs (*Photo 2; 11/1/11*).



C) California Redemption Value Buyback Centers



Some residents bring recyclables to the County's four California Redemption Value (CRV) buyback centers, and during staff's observations, the collected CRV recyclables had minimal contamination (*Photo 1; 5/1/12*).

C) Commercial Program

Approximately 75 percent of the County's businesses subscribe to waste collection service, and approximately 25 percent of the County's businesses subscribe to recycling service.

All of the waste goes to Rock Creek Landfill, and the recyclables go to Stockton Recycling.



Many commercial waste bins contain significant amounts of recyclables (*Photo 1; 11/2/11*).

At the landfill, staff observed several commercial loads with significant amounts of recyclables, including an Angels Camp load (*Photo 2; 9/29/11*) and one Angels Camp business' roll-off load (*Photo 3; 9/28/11*). The drivers reported that the load makeup was typical.



C) Commercial Program (cont'd)

During staff's site visits, many businesses did not have recycling containers, and those that Staff observed were often recycling carts, not larger recycling bins. Many of these carts were not filled to capacity, but they contained clean, dry recyclables (*Photo 1; 11/3/11*).



At Stockton Recycling, staff observed clean commercial recycling loads (*Photo 2; 1/30/12*).



D) Construction and Demolition (C&D) Program



Rock Creek Transfer Station collects clean concrete and rubble in a large pile (*Photo 1; 9/29/11*).



During previous site visits, Rock Creek Solid Waste Facility had been disposing of several mixed C&D loads without sorting them (*Photo 2; 11/1/11*). However, during staff's most recent site visit, this facility was sending all C&D loads to Rock Creek Transfer Station, where one employee was floor sorting these loads (*Photo 3; 5/1/12*).



D) Construction and Demolition (C&D) Program (cont'd)



Staff discovered an illegal disposal site containing construction and demolition waste. The San Andreas site above, located between Gold Strike Road and Calaveras High School, contained large quantities of concrete and rubble (**Photo 1; 4/26/12**). The Permitting and Assistance Branch is working with the Local Enforcement Agency (LEA) to either conduct a cleanup and abatement or permit action.

E) Greenwaste Program



The hauler services greenwaste on the County's west side. Although the County's greenwaste set-out rate was low, its carts were full of clean greenwaste (*Photo 1; 4/26/12*).



The hauler delivers the curbside greenwaste directly to the landfill face (*Photo 2; 4/27/12*). The landfill uses this greenwaste as alternative daily cover (ADC).

E) Greenwaste Program (cont'd)



Staff observed some residents on the County's east side burning their greenwaste (*Photo 1; 5/1/12*).



Some residents bring leaves and grass to Rock Creek Landfill, where the County uses this material as ADC (*Photo 2; 9/30/11*).



Three transfer stations accept greenwaste to convert it to ADC. Staff observed self-haulers bringing clean greenwaste to these transfer stations (*Photo 3; 4/27/12*).

E) Greenwaste Program (cont'd)



Rock Creek Solid Waste Facility had large piles of clean wood and branches (*Photo 1; 9/29/11*) that were being converted into ADC (*Photo 2; 5/1/12*).



F) Schools Program

School diversion programs varied in their success. Some schools recovered clean recyclables (*Photo 1; 4/25/12*), and other schools failed to recover clean recyclables. Calaveras High School had the least effective diversion program that staff observed. Students were using the recycling cans for waste (*Photo 2; 4/25/12*). This school's waste bins reflected the school's recycling program; both waste bins contained significant amounts of recyclables (*Photo 3; 4/25/12*).



G) Government Diversion Program



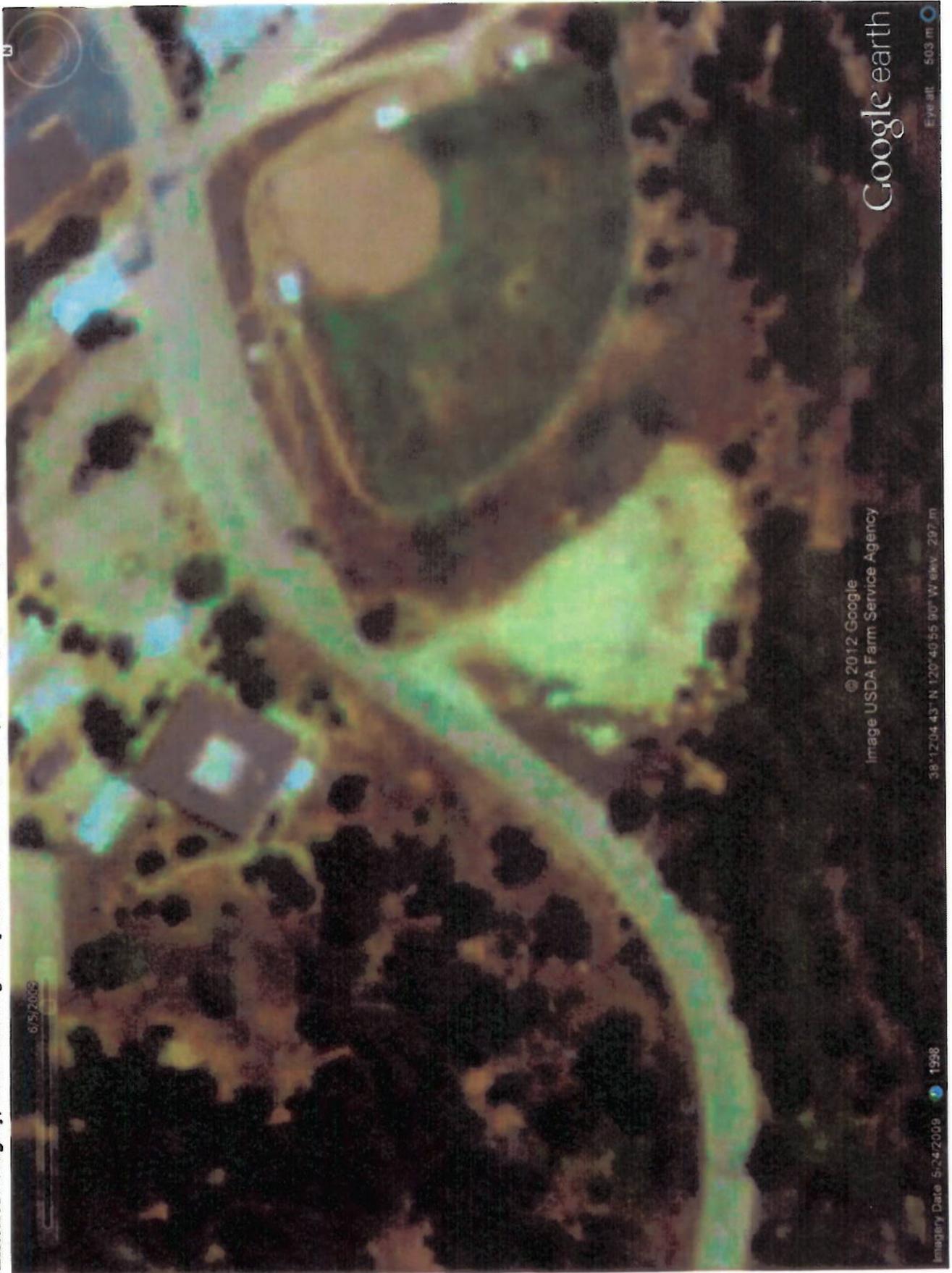
Staff found that the County Government Building had recycling bins outside the building (*Photo 1; 4/26/12*), throughout its hallways (*Photo 2; 4/26/12*), and at each employee's desk (*Photo 3; 5/1/12*). These recycling bins are clean and well-sorted.



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Historical Imagery, Gold Strike Illegal Disposal Site, Calaveras County. All images courtesy of Google.

2009







DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

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P.O. BOX 4026, SACRAMENTO, CALIFORNIA 95812

July 17, 2012

Tom Tryon, Chair
Board of Supervisors
891 Mountain Ranch Road
San Andreas, CA 95249

Jeanne Boyce, County Administrative Officer
Administrative Department
891 Mountain Ranch Road
San Andreas, CA 95249

Subject: 30-Day Notice of Intent to Issue Calaveras County Regional Agency a Compliance Order for Failure to Adequately Implement its Source Reduction and Recycling Element and Meet the Fifty Percent Diversion Requirement

Dear Mr. Tryon and Ms. Boyce:

The purpose of this letter is to formally notify the Calaveras County Regional Agency (Regional Agency) that the Department of Resources Recycling and Recovery (CalRecycle) will be considering issuing the Regional Agency a Compliance Order at a public meeting in August. This action is based on CalRecycle staff's review of the Regional Agency's progress in implementing diversion programs to meet the requirements of Public Resources Code (PRC) Section 41780. Failure to meet the requirements of the Compliance Order may result in civil penalties of up to \$10,000.00 per day.

CalRecycle staff has conducted a 2007/08/09 Jurisdiction Review of the Regional Agency's Source Reduction and Recycling Element (SRRE) program implementation and diversion rate achieved to date. CalRecycle staff is bringing forward its 2007/08/09 Jurisdiction Review findings that the Regional Agency has failed to adequately implement its diversion programs. The programs have significant weaknesses that prevent the Regional Agency from achieving the 50 percent diversion requirement of PRC Section 41780.

The Regional Agency's disposal target is 4.0 pounds per person per day. However, in 2007 the Regional Agency disposed of 5.9 pounds per person per day, in 2008 the Regional Agency disposed of 4.7 pounds per person per day, and in 2009 the Regional Agency disposed of 4.1 pounds per person per day. CalRecycle staff is therefore recommending that the CalRecycle consider issuing the Regional Agency a Compliance Order that will require the Regional Agency to work directly with CalRecycle staff to develop a Local Implementation Plan (LIP) which will

identify a strategy for program enhancements and local actions necessary for the Regional Agency to complete in order to implement its SRRE and achieve diversion requirements.

CalRecycle staff strongly recommends that you or your Regional Agency's representative attend the CalRecycle meeting at which a Compliance Order will be considered. At this meeting, the Regional Agency's representative will have an opportunity to present the Regional Agency's program implementation efforts, diversion rate achievement, and/or any other special circumstances the Regional Agency would like CalRecycle to consider. The representative should also be prepared to answer any questions from CalRecycle. The public hearing details are as follows:

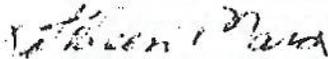
Department of Resources Recycling and Recovery Monthly Public Hearing

Date: August 21, 2012
Time: 10:00 am
Location: Joe Serna Jr., Cal/EPA Building
Byron Sher Auditorium
1001 I Street, 2nd Floor
Sacramento, CA 95814

The full Public Hearing packet outlining the Compliance Order is enclosed.

Should you have any questions about this letter or the upcoming meeting, please contact me at (916) 341-6475 or Kathy.Marsh@calrecycle.ca.gov.

Respectfully,



Kathleen Marsh
Supervisor, Jurisdiction and Product Compliance Unit

Attachment

cc: Cynthia Knapp, Recycling Coordinator, Calaveras County
Michael Chen, CalRecycle
Raffy Kouyoumdjian, CalRecycle
Program File

STATE OF CALIFORNIA
NATURAL RESOURCES AGENCY
DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

In the Matter of:)	Tracking No: IWMA BR09-003
)	
)	
Calaveras County Regional Agency)	COMPLIANCE ORDER
County of Calaveras)	
)	
)	Public Resources Code
Jurisdiction)	Section 41825

INTRODUCTION

- 1.1 **Parties:** The Department of Resources Recycling and Recovery (CalRecycle) issues this Compliance Order (Order) to the Calaveras County Regional Agency (County), County of Calaveras.
- 1.2 **Authority:** Section 41825 of the Public Resources Code (PRC) requires CalRecycle to review implementation of each Jurisdiction's Source Reduction and Recycling Element (SRRE) and Household Hazardous Waste Element (HHWE), at least once every two or four years, depending on certain specified criteria; this Jurisdiction Review (formerly "Biennial Review") is CalRecycle'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), CalRecycle 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

- 2.1 CalRecycle staff conducted a Jurisdiction Review of the County's SRRE. After considering the results of this review and the adoption of this Order at a public hearing commencing on August 21, 2012, CalRecycle determines that:
- 2.2 The County 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 County's waste stream. In addition, the County failed to comply with PRC Section 41780 in that it did not maintain the solid waste requirement of 50 percent diversion, and programs are not achieving all reasonable and feasible levels of diversion. 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.
- 2.3 The County failed to demonstrate that it made a good faith effort in implementing its SRRE in accordance with PRC Section 41825. The County did not provide adequate information to indicate that it had made all reasonable and feasible efforts to implement its SRRE or to implement alternative programs that achieve the same or similar results.
- 2.4 Staff notified the County by mail on April 21, 2011, in order to confer with the County regarding this Compliance Order because CalRecycle staff's 2007/08/09 Jurisdiction Review indicated that the County's diversion rate is less than 50 percent, and programs were not achieving all reasonable and feasible levels of diversion that are necessary to meet the requirement of PRC Section 41780. In addition, a 30-day Notice of Intent to issue a

Compliance Order was mailed to the County on July 20 , 2012, in accordance with PRC Section 41825.

SCHEDULE FOR COMPLIANCE

- 3.1 Based on the foregoing determination of compliance deficiencies, it is hereby ordered that:
- a. The County 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 County to achieve compliance and improve, expand, or implement new diversion programs.
 - b. The County shall develop and submit to CalRecycle a fully executed LIP by December 31, 2012.
 - c. The County will fully implement the programs identified in the LIP by December 31, 2013.
 - d. CalRecycle staff will monitor the County's continued implementation of the programs identified in the LIP for one year from December 31, 2013, through December 31, 2014 ("the oversight period").
 - e. The County 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 County 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 County will explain the reason(s) for the delay/incompletion. The County 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 County 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 County of up to \$10,000 per day.

- 3.2 **Penalties:** At the end of the oversight period, CalRecycle staff will meet with the County to assess the County's implementation efforts relating to its LIP; then CalRecycle shall hold a public hearing to determine whether or not the County has complied with all sections of this Compliance Order. Failure to implement programs and/or comply with all sections 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). In addition, CalRecycle has discretion to notice a hearing at any time upon staff's recommendation that the County has completed the conditions of the Compliance Order.
- 3.3 **Submittals:** Quarterly status reports and annual report documents are required to be submitted electronically (via e-mail/e-filing). However, the Jurisdiction and Product Compliance Unit will consider requests to submit hard copies if notified in writing of why the County is unable to submit all or some documents electronically. Excluding the quarterly status reports and the annual report documents, all other documents may be submitted electronically or via hard copy. All hard copy mail shall be sent to the following:

Jurisdiction and Product Compliance Unit
Department of Resources Recycling and Recovery
1001 I Street
P.O. Box 4025
Sacramento, CA 95812
Attn: Compliance Order Correspondence
Tracking No: IWMA BR12-01

- 3.4 **Communications:** CalRecycle or its designee will communicate all approvals and decisions of CalRecycle made regarding the adequacy of submittals to the County in writing. No informal advice, guidance, suggestions, or comments by CalRecycle's staff regarding reports, plans, schedules, or any other documents submitted by the County shall be considered to be CalRecycle approvals.

- 3.5 CalRecycle Review and Approval: If CalRecycle determines that any report, plan, schedule, or other document submitted for approval pursuant to this Compliance Order fails to comply with the Compliance Order or fails to achieve successful implementation of the SRRE, CalRecycle or its designee may:
- a. Return the document to the County with recommended changes and a date by which the County must submit to CalRecycle the document incorporating the recommended changes, or
 - b. Serve a notice that CalRecycle will hold a public hearing to consider the imposition of penalties in accordance with PRC Section 41850.
- 3.6 Compliance with Applicable Laws: The County shall carry out this Compliance 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 Compliance 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 County.
- 3.8 Government Liabilities: The State of California and CalRecycle shall not be liable for injuries or damages to persons or property resulting from acts or omissions in carrying out activities pursuant to this Compliance Order, nor shall the State of California be held as a party to any contract entered into by the County or its agents in carrying out activities pursuant to the Compliance Order. The County 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 Compliance Order.

- 3.9 Extension Request: If the County determines that it will be unable to perform any activity or submit any document within the time required under this Compliance Order, the County may, as far in advance of the due date as possible, request an extension of time in writing. The extension request shall include a justification for the delay.
- 3.10 Extension Approvals: If CalRecycle 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 County and upon CalRecycle and any successor agency (regional agency, etc.) that may have responsibility for, and the authority over, the subject matter of this Compliance Order.

EFFECTIVE DATE

- 4.1. This Compliance Order is final and effective from the date of issuance.

Date of Issuance _____

Caroll Mortensen, Director
Department of Resources Recycling and Recovery

Public Hearing
August 20, 2013

Public Hearing
August 21, 2012

Calaveras County Regional Agency
Attachment 7

Calaveras County Regional Agency
Attachment 7

REQUEST FOR ACTION

To: Carol Mortensen, Director
Department of Resources Recycling and Recovery

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

Hearing Date: August 21, 2012

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

Action By: August 21, 2012

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). Staff will present 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 several of the County's key diversion programs have not maximized their effectiveness. These programs include the landfill/transfer station diversion program, the residential diversion program, the commercial diversion program, the C&D diversion program, and the schools diversion program. The greenwaste diversion program merits further investigation to determine the greenwaste practices of the entire County.

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. 2010 is outside the jurisdiction review cycle; however the County disposed of 4.4 pounds per person per day in 2010.

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).

Public Hearing
August 21, 2012

Calaveras County Regional Agency
Attachment 7

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.

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:

Caroll Mortensen, Director
Department of Resources Recycling and Recovery



DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

1001 J STREET, SACRAMENTO, CALIFORNIA 95814 • WWW.CALRECYCLE.CA.GOV • (916) 322-4027

P.O. BOX 4025, SACRAMENTO, CALIFORNIA 95812

July 17, 2012

Tom Tryon, Chair
Board of Supervisors
891 Mountain Ranch Road
San Andreas, CA 95249

Jeanne Boyce, County Administrative Officer
Administrative Department
891 Mountain Ranch Road
San Andreas, CA 95249

Subject: 30-Day Notice of Intent to Issue Calaveras County Regional Agency a Compliance Order for Failure to Adequately Implement its Source Reduction and Recycling Element and Meet the Fifty Percent Diversion Requirement

Dear Mr. Tryon and Ms. Boyce:

The purpose of this letter is to formally notify the Calaveras County Regional Agency (Regional Agency) that the Department of Resources Recycling and Recovery (CalRecycle) will be considering issuing the Regional Agency a Compliance Order at a public meeting in August. This action is based on CalRecycle staff's review of the Regional Agency's progress in implementing diversion programs to meet the requirements of Public Resources Code (PRC) Section 41780. Failure to meet the requirements of the Compliance Order may result in civil penalties of up to \$10,000.00 per day.

CalRecycle staff has conducted a 2007/08/09 Jurisdiction Review of the Regional Agency's Source Reduction and Recycling Element (SRRE) program implementation and diversion rate achieved to date. CalRecycle staff is bringing forward its 2007/08/09 Jurisdiction Review findings that the Regional Agency has failed to adequately implement its diversion programs. The programs have significant weaknesses that prevent the Regional Agency from achieving the 50 percent diversion requirement of PRC Section 41780.

The Regional Agency's disposal target is 4.0 pounds per person per day. However, in 2007 the Regional Agency disposed of 5.9 pounds per person per day, in 2008 the Regional Agency disposed of 4.7 pounds per person per day, and in 2009 the Regional Agency disposed of 4.1 pounds per person per day. CalRecycle staff is therefore recommending that the CalRecycle consider issuing the Regional Agency a Compliance Order that will require the Regional Agency to work directly with CalRecycle staff to develop a Local Implementation Plan (LIP) which will

identify a strategy for program enhancements and local actions necessary for the Regional Agency to complete in order to implement its SRRE and achieve diversion requirements.

CalRecycle staff strongly recommends that you or your Regional Agency's representative attend the CalRecycle meeting at which a Compliance Order will be considered. At this meeting, the Regional Agency's representative will have an opportunity to present the Regional Agency's program implementation efforts, diversion rate achievement, and/or any other special circumstances the Regional Agency would like CalRecycle to consider. The representative should also be prepared to answer any questions from CalRecycle. The public hearing details are as follows:

Department of Resources Recycling and Recovery Monthly Public Hearing

Date: August 21, 2012
Time: 10:00 am
Location: Joe Serna Jr., Cal/EPA Building
Byron Sher Auditorium
1001 I Street, 2nd Floor
Sacramento, CA 95814

The full Public Hearing packet outlining the Compliance Order is enclosed.

Should you have any questions about this letter or the upcoming meeting, please contact me at (916) 341-6475 or Kathy.Marsh@calrecycle.ca.gov.

Respectfully,



**Kathleen Marsh
Supervisor, Jurisdiction and Product Compliance Unit**

Attachment

**cc: Cynthia Knapp, Recycling Coordinator, Calaveras County
Michael Chen, CalRecycle
Raffy Kouyoumdjian, CalRecycle
Program File**

**DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY**

1001 I STREET, SACRAMENTO, CALIFORNIA 95814 • WWW.CALRECYCLE.CA.GOV • (916) 322-4027

P.O. BOX 4025, SACRAMENTO, CALIFORNIA 95812

June 14, 2013

Merita Callaway, Chair
Board of Supervisors
891 Mountain Ranch Road
San Andreas, CA 95249

Lori Norton, County Administrative Officer
Administrative Department
891 Mountain Ranch Road
San Andreas, CA 95249

Subject: 30-Day Notice of Intent to Issue Calaveras County Regional Agency a Compliance Order for Failure to Adequately Implement its Source Reduction and Recycling Element and Meet the Fifty Percent Diversion Requirement

Dear Ms. Callaway and Ms. Norton:

The purpose of this letter is to formally notify the Calaveras County Regional Agency (County) that the Department of Resources Recycling and Recovery (Department) will be considering issuing the County a Compliance Order at a public hearing on July 16, 2013. This action is based on Department staff's review of the County's progress in implementing diversion programs to meet the requirements of Public Resources Code (PRC) Section 41780. Failure to meet the requirements of the Compliance Order may result in civil penalties of up to \$10,000.00 per day.

Department staff has conducted a 2007/08/09 Jurisdiction Review of the County's Source Reduction and Recycling Element (SRRE) program implementation and diversion rate achieved to date. Department staff also reviewed additional information submitted by the County. Department staff is bringing forward its findings that the County has failed to adequately implement its diversion programs. The programs have significant weaknesses that prevent the County from achieving the 50 percent diversion requirement of PRC Section 41780.

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 County's 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. Department staff is recommending that the Department consider issuing the County



a Compliance Order that will require the County to work directly with Department staff to develop a Local Implementation Plan (LIP). The LIP will identify a strategy for program enhancements and local actions necessary for the County to complete in order to implement its SRRE and achieve diversion requirements.

Department staff recommends that a County representative attend the Department meeting at which the Compliance Order will be considered. At this meeting, the County will have an opportunity to present the County's program implementation efforts, and/or any other special circumstances the County would like Department to consider. The County should also be prepared to answer any questions from Department. The public hearing details are as follows:

Department of Resources Recycling and Recovery Monthly Public Hearing

Date: July 16, 2013
Time: 10:00 am
Location: Joe Serna Jr., Cal/EPA Building
Byron Sher Auditorium
1001 I Street, 2nd Floor
Sacramento, CA 95814

The full Public Hearing packet outlining the Compliance Order is enclosed.

Should you have any questions about this letter or the upcoming meeting, please contact Kathleen Marsh at (916) 341-6475 or Kathy.Marsh@calrecycle.ca.gov.

Respectfully,



Trevor O'Shaughnessy, Section Manager
Jurisdiction, Product, and Tire Compliance Section

Attachment

cc: Tom Garcia, Public Works Director
Yvonne Van Zee, Recycling Coordinator, Calaveras County
Kathleen Marsh, CalRecycle
Ashlee Yee, CalRecycle
Chron File



DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

1001 I STREET, SACRAMENTO, CALIFORNIA 95814 • WWW.CALRECYCLE.CA.GOV • (916) 322-4027

P.O. BOX 4025, SACRAMENTO, CALIFORNIA 95812

July 15, 2013

Merita Callaway, Chair
Board of Supervisors
891 Mountain Ranch Road
San Andreas, CA 95249

Lori Norton, County Administrative Officer
Administrative Department
891 Mountain Ranch Road
San Andreas, CA 95249

Subject: Approval of Request to Postpone Compliance Order Hearing and 30-Day Notice of Intent to Issue Calaveras County Regional Agency a Compliance Order for Failure to Adequately Implement its Source Reduction and Recycling Element and Meet the Fifty Percent Diversion Requirement

Dear Ms. Callaway and Ms. Norton:

The Department of Resources Recycling and Recovery (Department) is in receipt of the Calaveras County Regional Agency's (County) postponement request to postpone the compliance order hearing dated June 25, 2013 (see attachment). The Department is granting the request and will now be considering the issuance of a Compliance Order to the County at a public hearing on August 20, 2013.

The consideration of issuing the County a Compliance Order is based on Department staff's review of the County's progress in implementing diversion programs to meet the requirements of Public Resources Code (PRC) Section 41780. Failure to meet the requirements of the Compliance Order may result in civil penalties of up to \$10,000.00 per day.

Department staff has conducted a 2007/08/09 Jurisdiction Review of the County's Source Reduction and Recycling Element (SRRE) program implementation and diversion rate achieved to date. Department staff also reviewed additional information submitted by the County. Department staff is bringing forward its findings that the County has failed to adequately implement its diversion programs. The programs have significant weaknesses that prevent the County from achieving the 50 percent diversion requirement of PRC Section 41780.

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.¹ Therefore, Department staff is recommending that the Department consider issuing the County a Compliance Order that will require the County to work directly with Department staff to develop a Local Implementation Plan (LIP). The LIP will identify a strategy for program enhancements and local actions necessary for the County to complete in order to implement its SRRE and achieve diversion requirements.

Department staff recommends that a County representative attend the Department hearing at which the Compliance Order will be considered. At this hearing, the County will have an opportunity to present the County's program implementation efforts, and/or any other special circumstances the County would like the Department to consider. The County should also be prepared to answer any questions from the Department. The public hearing details are as follows:

Department of Resources Recycling and Recovery Monthly Public Hearing

Date: August 20, 2013
Time: 10:00 am
Location: Joe Serna Jr., Cal/EPA Building
Byron Sher Auditorium
1001 I Street, 2nd Floor
Sacramento, CA 95814

The full public hearing packet outlining the Compliance Order is enclosed.

Should you have any questions about this letter or the upcoming hearing, please contact Kathleen Marsh at (916) 341-6475 or Kathy.Marsh@calrecycle.ca.gov.

Respectfully,



Trevor O'Shaughnessy, Section Manager
Jurisdiction, Product, and Tire Compliance Section

Attachment

cc: Tom Garcia, Calaveras County Public Works Director
Yvonne Van Zee, Recycling Coordinator, Calaveras County
Kathleen Marsh, CalRecycle
Ashlee Yee, CalRecycle
Chron File

¹ Even though 2010, 2011, and 2012 are outside the County's 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.

DEPARTMENT OF

PUBLIC WORKS CALAVERAS COUNTY



SERVICES
Transit
Land Division
Roads and Bridges
Transportation Planning
Integrated Waste Management
Grading, Drainage and Erosion Control

Tom Garcia, P.E., Director

June 25, 2013

Ashlee M. Yee
Jurisdiction and Product Compliance Unit
Waste Permitting, Compliance and Mitigation Division
1001 I Street
Sacramento, CA 95814

SUBJECT: Compliance Order IWMA BR09-003 for the Calaveras County Regional Agency

Dear Ms. Yee,

Thank you for the information regarding the scheduling of a Public Hearing for Compliance Order IWMA BR09-003 for the Calaveras County Regional Agency. Per your notification, the Hearing is scheduled for July 16, 2013, at 10:00 a.m. The County appreciates your providing the information and details for the Hearing and would like to respond with the best information available. In order to best respond, the County is requesting a postponement of the Hearing until August. This will make allowance for two issues, the first of which is that the County has a new hauler, and the second is that the Director will be unavailable for the Hearing until the end of July.

As you are aware, SEI, the County's previous hauler, sold their interests in Calaveras County to California Waste Recovery Systems, who transitioned into the contract in June of this year. The County is working with the Hauler to identify current issues with curbside pickup as well as methods to increase diversion rates among those residents that do not self-haul. It would be beneficial for the County and the new waste hauler to have these discussions and some proposals prior to the Hearing, and postponement until August will allow for these discussions to take place.

The second issue is the absence of the Public Works Director until August. I would greatly appreciate being able to address the Director and staff at the Hearing with the progress on our increase to the Integrated Waste Parcel Fee and issues we've overcome in dealing with



Public Hearing
August 20, 2013

Calaveras County Regional Agency
Attachment 10

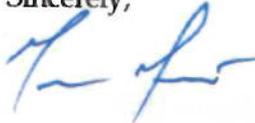
Subject: Compliance Order IWM/A BR09-003

Page 2 of 2

Propositions 218 and 26, and allowing for a postponement until August will allow for my attendance.

I look forward to working with you and your staff on resolving these issues and hope to have the opportunity to present our proposals at a Public Hearing. Thank you for your consideration, and if you have any questions, concerns, or comments on this issue please contact me at your earliest convenience.

Sincerely,



Tom Garcia, P.E.
Director

TG/tw

CC: Merita Callaway, District 3 Board of Supervisors Chair
Lori Norton, County Administrative Officer
Cynthia Knapp, Integrated Waste Manager

**STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY**

In the Matter of:)	Tracking No: IWMA BR09-003
)	
)	
Calaveras County Regional Agency)	COMPLIANCE ORDER
County of Calaveras)	
)	
)	Public Resources Code
Jurisdiction)	Section 41825

INTRODUCTION

- 1.1 **Parties:** The Department of Resources Recycling and Recovery (CalRecycle) issues this Compliance Order (Order) to the Calaveras County Regional Agency (County), County of Calaveras.
- 1.2 **Authority:** Section 41825 of the Public Resources Code (PRC) requires CalRecycle to review implementation of each Jurisdiction’s Source Reduction and Recycling Element (SRRE) and Household Hazardous Waste Element (HHWE), at least once every two or four years, depending on certain specified criteria; this Jurisdiction Review (formerly “Biennial Review”) is CalRecycle'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), CalRecycle 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

- 2.1 CalRecycle staff conducted a Jurisdiction Review of the County's SRRE. After considering the results of this review and the adoption of this Order at a public hearing commencing on August 20, 2013, CalRecycle determines that:
- 2.2 The County 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 County's waste stream. In addition, the County failed to comply with PRC Section 41780 in that it did not maintain the solid waste requirement of 50 percent diversion, and programs are not achieving all reasonable and feasible levels of diversion. 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.
- 2.3 The County failed to demonstrate that it made a good faith effort in implementing its SRRE in accordance with PRC Section 41825. The County did not provide adequate information to indicate that it had made all reasonable and feasible efforts to implement its SRRE or to implement alternative programs that achieve the same or similar results.
- 2.4 Staff notified the County by mail on April 21, 2011, in order to confer with the County regarding this Compliance Order because CalRecycle staff's 2007/08/09 Jurisdiction Review indicated that the County's diversion rate is less than 50 percent, and programs were not achieving all reasonable and feasible levels of diversion that are necessary to meet the requirement of PRC Section 41780. In addition, a 30-Day Notice of Intent to issue a

Compliance Order was mailed to the County on June 14, 2013, in accordance with PRC Section 41825. On July 15, 2013, an Approval of Request to Postpone Compliance Order Hearing and 30-Day Notice of Intent to issue a Compliance Order was mailed to the County, in accordance with PRC 41825.

SCHEDULE FOR COMPLIANCE

- 3.1 Based on the foregoing determination of compliance deficiencies, it is hereby ordered that:
- a. The County 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 County to achieve compliance and improve, expand, or implement new diversion programs.
 - b. The County shall develop and submit to CalRecycle a fully executed LIP by December 31, 2013.
 - c. The County will fully implement the programs identified in the LIP by December 31, 2015.
 - d. CalRecycle staff will monitor the County's continued implementation of the programs identified in the LIP for one year from January 1, 2016, through January 1, 2017 ("the oversight period").
 - e. The County 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 County 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 County will explain the reason(s) for the delay/incompletion. The County 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 County 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 County of up to \$10,000 per day.

- 3.2 **Penalties:** At the end of the oversight period, CalRecycle staff will meet with the County to assess the County's implementation efforts relating to its LIP; then CalRecycle shall hold a public hearing to determine whether or not the County has complied with all sections of this Compliance Order. Failure to implement programs and/or comply with all sections 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). In addition, CalRecycle has discretion to notice a hearing at any time upon staff's recommendation that the County has completed the conditions of the Compliance Order.
- 3.3 **Submittals:** Quarterly status reports and annual report documents are required to be submitted electronically (via e-mail/e-filing). However, the Jurisdiction and Product Compliance Unit will consider requests to submit hard copies if notified in writing of why the County is unable to submit all or some documents electronically. Excluding the quarterly status reports and the annual report documents, all other documents may be submitted electronically or via hard copy. All hard copy mail shall be sent to the following:

**Jurisdiction and Product Compliance Unit
Department of Resources Recycling and Recovery
1001 I Street
P.O. Box 4025
Sacramento, CA 95812
Attn: Compliance Order Correspondence
Tracking No: IWMA BR09-003**

- 3.4 **Communications:** CalRecycle or its designee will communicate all approvals and decisions of CalRecycle made regarding the adequacy of submittals to the County in writing. No informal advice, guidance, suggestions, or comments by CalRecycle's staff regarding reports, plans,

schedules, or any other documents submitted by the County shall be considered to be CalRecycle approvals.

3.5 CalRecycle Review and Approval: If CalRecycle determines that any report, plan, schedule, or other document submitted for approval pursuant to this Compliance Order fails to comply with the Compliance Order or fails to achieve successful implementation of the SRRE, CalRecycle or its designee may:

- a. Return the document to the County with recommended changes and a date by which the County must submit to CalRecycle the document incorporating the recommended changes, or
- b. Serve a notice that CalRecycle will hold a public hearing to consider the imposition of penalties in accordance with PRC Section 41850.

3.6 Compliance with Applicable Laws: The County shall carry out this Compliance 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 Compliance 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 County.

3.8 Government Liabilities: The State of California and CalRecycle shall not be liable for injuries or damages to persons or property resulting from acts or omissions in carrying out activities pursuant to this Compliance Order, nor shall the State of California be held as a party to any contract entered into by the County or its agents in carrying out activities pursuant to the Compliance Order. The County 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 Compliance Order.

- 3.9 Extension Request: If the County determines that it will be unable to perform any activity or submit any document within the time required under this Compliance Order, the County may, as far in advance of the due date as possible, request an extension of time in writing. The extension request shall include a justification for the delay.
- 3.10 Extension Approvals: If CalRecycle 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 County and upon CalRecycle and any successor agency (regional agency, etc.) that may have responsibility for, and the authority over, the subject matter of this Compliance Order.

EFFECTIVE DATE

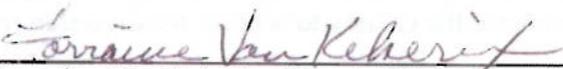
- 4.1. This Compliance Order is final and effective from the date of issuance.

Date of Issuance _____

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

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 20, 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 their parcel fee increase. Staff will present 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 several of the County's key diversion programs have not maximized their effectiveness. These programs 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.

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:

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