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

In the Matter of:	)	Tracking No: CO 015-001
	)	
	)	
City of Maywood County of Los Angeles	)	**COMPLIANCE ORDER**
	)	
	)	
	)	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 City of Maywood (City), County of Los Angeles.

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 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 City's SRRE. After considering the results of this review and the adoption of this Order at a public hearing commencing on August 18, 2015, CalRecycle determines that:

2.2 The City failed to comply with PRC Section 41825 in that it failed to adequately implement programs or activities listed in its SRRE that target significant portions of the City's waste stream. In addition, the City failed to comply with PRC Section 41780 in that it did not maintain the solid waste requirement of 50 percent diversion, and did not make all reasonable and feasible efforts to implement diversion programs or activities. The City's disposal target is 3.4 pounds per person per day. In 2007, the City disposed of 3.4 pounds per person per day, and in 2008, the City disposed of 3.2 pounds per person per day. However, in 2009 the City disposed of 3.5 pounds per person per day, in 2010 the City disposed of 3.6 pounds per person per day, and in 2011 the City disposed of 3.6 pounds per person per day.

2.3 The City failed to demonstrate that it made a good faith effort in implementing its SRRE in accordance with PRC Section 41825. The City 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 City by mail on April 3, 2013, in order to confer with the City regarding this Compliance Order because CalRecycle staff's 2007/08/09/10/11 Jurisdiction Review indicated that the City's diversion rate is less than 50 percent, and the City did not implement all reasonable and feasible diversion programs or activities that are necessary to meet the

requirements of PRC Section 41780. In addition, a 30-Day Notice of Intent to issue a Compliance Order was mailed to the City on July 17, 2015, 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 City shall work with CalRecycle staff to determine gaps in program areas and develop a Local Implementation Plan (LIP) which includes those conditions necessary for the City to achieve compliance and improve, expand, or implement new diversion programs.

b. The City shall develop and submit to CalRecycle a fully executed LIP by November 16, 2015.

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

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

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

f. At any time prior to the conclusion of the oversight period, if CalRecycle staff determines that the City has failed to make a good faith effort to implement the programs identified in the LIP, CalRecycle may immediately notice a public hearing pursuant to

PRC Section 41850, to determine whether or not to impose administrative civil penalties against the City of up to $10,000 per day.

3.2 Penalties: At the end of the oversight period, CalRecycle staff will meet with the City to assess the City's implementation efforts relating to its LIP; then CalRecycle shall hold a public hearing to determine whether or not the City 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 City 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 Compliance Unit will consider requests to submit hard copies if notified in writing of why the City 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 Compliance Unit
Department of Resources Recycling and Recovery
1001 I Street
P.O. Box 4025Sacramento, CA 95812
Mail Stop: 10A-16
Attn: Compliance Order Correspondence
Tracking No: CO 015-001

3.4 Communications: CalRecycle or its designee will communicate all approvals and decisions of CalRecycle made regarding the adequacy of submittals to the City in writing. No informal advice, guidance, suggestions, or comments by CalRecycle's staff regarding reports, plans, schedules, or any other documents submitted by the City 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 City with recommended changes and a date by which the City 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 City 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 City.

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 City or its agents in carrying out activities pursuant to the Compliance Order. The City 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 City determines that it will be unable to perform any activity or submit any document within the time required under this Compliance Order, the City 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 City 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_____

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