

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

**Public Hearing to Consider
the Issuance of Compliance Order Number: CO 015-001
for the City of Maywood**

August 18, 2015
10:00 am
Byron Sher Auditorium

I. ISSUE

The Department of Resources Recycling and Recovery (Department) staff conducted a 2007-2011 Jurisdiction Review of the Source Reduction and Recycling Element (SRRE) program implementation and diversion rate of the City of Maywood (City). Department staff is bringing forward its findings that the City is not adequately implementing its SRRE. The City's inadequate implementation of its diversion programs prevents the City from achieving the 50 percent diversion mandate of Public Resources Code (PRC) Section 41780.

In addition to evaluating the City's programs, Department staff considered the per capita disposal rate for the City. The per capita disposal rate is not determinative of the City's compliance. Department staff used the per capita disposal as an indicator in evaluating program implementation and the City's performance. Staff's evaluation was focused on how the City is implementing their programs.

The City's per capita disposal or disposal target is 3.4 pounds per person per day. From 2007 to 2014, the City's per capita disposal ranged from 3.0 pounds per person per day to 3.6 pounds per person per day. For a more detailed breakdown of the City's per capita disposal from 2007 to 2014 refer to Table 1.

In regard to the City's diversion program implementation, the Jurisdiction Compliance Unit (Department staff) could not fully review the diversion programs due to a lack of communication from the City. However, the information and observations that Department staff was able to collect demonstrate gaps or weaknesses in the City's diversion programs, including, but not limited to:

- Residential Curbside Recycling program
- Mandatory Commercial Recycling program
- Commercial diversion (including the multi-family diversion efforts)
- Construction and Demolition Debris Diversion program
- Government diversion

Table 2 and Table 3 in the Diversion section of the report, contains an evaluation of the City's diversion program efforts.

Based on Department staff's review and analysis, staff recommends that a Compliance Order (CO) be considered. As part of the CO, the City 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 City to achieve the diversion requirements of PRC Section 41780.

II. ITEM HISTORY

PRC Section 41820 allows a jurisdiction that has not achieved the diversion requirement of PRC Section 41780 to petition for one or more time extensions for meeting the 50 percent diversion requirement for a maximum of five years; no extension may be effective beyond January 1, 2006.

On July 23, 2002, the City was granted its first time extension. This time extension was to allow the City more time to fully implement procurement, outreach and education, and incentive programs. The City was also going to develop a construction and demolition debris recycling ordinance.

On November 9, 2004, the City filed for its second time extension. The second time extension was to allow more time for the City to adopt a construction and demolition (C&D) ordinance.

On December 31, 2005, the program modifications identified in the second time extension were fully implemented.

III. OPTIONS FOR CONSIDERATION

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

IV. DEPARTMENT STAFF RECOMMENDATION

Department staff recommends Option 1: Find that the City 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 by the jurisdiction (PRC Section 41850).

Existing Jurisdiction Conditions

The City is a suburban community in Los Angeles County. According to the 2010 U.S. Census Bureau, the City encompasses approximately 1.18 square miles. According to the State of California's Department of Finance, the City's population in 2014 was 27,758. Within the City's approved Source Reduction and Recycling Plan (dated 1990) 50 percent of the total waste generated is from the residential waste stream and 50 percent is from the non-residential waste stream

Table 1 shows the City's disposal rate from 2007-2014, when the Department conducted an independent jurisdiction review.

Table 1

Calculated Disposal Rate (Lbs./person/day)		
<i>50% per Capita Disposal Target (2007)</i>	<i>Reported Rate by Year PPD*</i>	
3.4	2014	3.1
3.4	2013	3.0
3.4	2012	3.2
3.4	2011	3.6
3.4	2010	3.6
3.4	2009	3.5
3.4	2008	3.2
3.4	2007	3.4

*Pounds per person per day

The City reports use of transformation. Table 2 shows the overall diversion for the City, the percentage of diversion that is associated with transformation, and the percentage of diversion that is associated with recycling and diversion programs. As reported by the City, the City's total diversion, without transformation, is not trending upwards as transformation rates increase.

Table 2

<i>Year</i>	<i>Overall Diversion (%)</i>	<i>Transformation (%)**</i>	<i>Diversion Without Transformation (%)**</i>
2014*	21	13	9
2013	22	11	11
2012	21	10	12
2011	22	11	11
2010	22	12	10
2009	19	9	10
2008	21	8	13

*Does not include December data

** Data in table above based off hauler tonnage reports. Due to number rounding *Transformation* added to *Diversion Without Transformation* may not equal overall diversion.

Transformation has been a contributing factor to getting the City under their per capita disposal target for 2007, 2008, 2012, 2013, and 2014. In 2009, 2010, and 2011 the City was unable to meet its per capita disposal target. It is also noteworthy that the transformation rate

has been maximized to the allowable statutory limit of 10 percent in 2012, 2013, and 2014.

The per capita disposal rate and the above diversion table are not determinative of the City's compliance. Department staff used the per capita disposal and reported diversion as indicators in evaluating program implementation and the City's performance.

Review Process

The Local Assistance and Market Development (LAMD) staff's 2010-2011 review determined that the City may have gaps in program implementation. Based on this determination, LAMD referred the file to Department Staff for an independent review. On March 15, 2013, LAMD notified the City that an independent review of the City's waste management programs was necessary (Attachment 1). On April 3, 2013, 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 City's program implementation and diversion rates, using available information from the City's annual reports, waste hauler tonnage reports, and Department databases. This review covered both the residential sector and the non-residential sector. Department staff gathered information through consultations, and telephone calls; as well as visits with City staff, the City's hauler, and the City's facilities.

Summary of City's Materials Flow

In 1999, the City and Consolidated Disposal Services (CDS) (Parent company: Republic Services) entered into an exclusive franchise agreement with an evergreen clause. The evergreen clause gives the franchise agreement an indefinite extension to the original contract. In late 2011, the City issued a five (5) year notice to end the evergreen clause. At the time this analysis was finalized, it was unclear if all elements of the franchise agreement were being implemented by the City.

To understand the City's overall materials flow, Department staff reviewed both the residential and non-residential sectors. Department staff found:

- Both residential and non-residential waste is taken to either Innovative Waste Control, in Vernon, or Bel-Art, in Long Beach, both transfer stations, operated by Republic Services, loaded in transfer trucks, with a majority of the waste being disposed at Sunshine Canyon Landfill, in Sylmar. Waste is also taken to either the Commerce Refuse-to-Energy Facility, located in Commerce or Southeast Resource Recovery Facility, located in Long Beach, for transformation.
- Recyclables are taken to City Fibers, a Material Recover Facility (MRF), in Los Angeles or the Bel-Art Transfer Station, where recyclables are loaded in transfer trucks and taken to CVT Regional MRF, in Anaheim, owned by Republic Services.
- Green waste is taken to the Bel-Art Transfer Station, loaded in transfer trucks and taken to Falcon Refuse Center, in Wilmington, operated by Republic Services.

- There are two (2) California Redemption Value (CRV) buyback centers within the City.

Disposal

Waste in all sectors (residential, non-residential, and multi-family) is collected by CDS. The City is reporting 100 percent participation in the mandatory waste collection services. Waste is picked up once per week, residentially, and multiple times per week commercially, depending on customer needs.

Diversion

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

Note: The following analysis is limited due to a lack of data and documentation received from the City.

<p><u>Residential Diversion Program</u></p>	<p>Based on data from the City, 100 percent of residents subscribe to curbside recycling services. A 64-gallon cart is provided to each resident. Collection of recyclables is weekly. Through field observations, an average set-out rate for recycle carts was 50 percent.</p> <p>Department staff's analysis of both the City's and hauler's recent newsletters found no information regarding acceptable recyclables. Department staff was not able to clearly discern what recyclables are accepted; and, there is no clear documentation on what is and is not acceptable. However, observations of the carts and loads point towards the City offering a commingled collection program.</p> <p>The City's website was inaccessible. Working with the Department's Information Technology Services (ITS) Branch, Support Services Section, it was learned that the City's website has been compromised. Due to the security risk, Department staff was unable to assess the City's website to determine whether information on acceptable recyclables was provided. As of July 24, 2015, when viewing the City's website, under solid waste and recycling, contact information for the hauler is listed. There is no information for residents regarding what materials are recyclable. The hauler's website does have information regarding recycling; however, the site did not have recycling information exclusively directed towards residents of the City.</p> <p>Table 3 shows the annual residential diversion, provided by the hauler, from 2008 – November 2014. As presented, residential diversion (recycling and green waste) has fluctuated between 14 to 19 percent.</p>
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Table 3

<i>Residential Diversion by Year</i>	<i>Approximate Recovery Percentage (%)</i>
2008	14
2009	15
2010	18
2011	17
2012	19
2013	19
2014*	15

*2014 data does not include entire calendar year

Department staff observed recycling carts on the curb being underutilized approximately 50 percent of the time and observed approximately a 35-40 percent contamination rate. Contaminates included textiles, green waste, and household waste.

Department staff's observations of recycle loads at the MRF and transfer station had a contamination rate of approximately 25-30 percent.

Staff's observations are supported by waste characterizations provided by City Fibers, Inc. showing an average of 28 percent contamination in recycle loads from the City.

The hauler reported that they tag residential carts which contain high levels of contamination. However, Department staff did not observe any cart tagging. The hauler stated that they do tag carts, but no carts were tagged in 2014.

Department staff observed residential curbside waste loads at Innovative Waste Control containing up to 30 percent recyclables and green waste.

Commercial Diversion Program

Mandatory Commercial Recycling (MCR)

According to the City, the hauler is servicing 262 commercial accounts that fall under the MCR law. The City's hauler reported a total of 16 of the 262 commercial accounts subscribe to recycling services. The level of service varies upon an account's needs but two (2) to four (4) cubic yard waste bins were observed.

The City did not provide additional information supporting implementation of MCR, including education, outreach, identification, and monitoring, and if applicable, enforcement efforts. For example, the City cited third party recyclers being responsible for the diversion of materials, but does not report the amount to CalRecycle nor provide documentation of these efforts.

Commercial Recycling

With regards to the commercial sector that does not fall under the MCR law, the hauler is servicing 431 commercial accounts. The level of service varies upon an account's needs. Department staff observed two (2) to four (4) cubic yard waste bins. The City's hauler reported a total of three (3) of the 431 non-MCR commercial accounts subscribe to recycling services.

Department staff observed approximately a 30 percent contamination rate of recycle loads at the MRF and transfer station.

Department staff observed commercial waste loads at Innovative Waste Control containing up to 20 percent recyclables.

Department staff did observe third-party recyclers providing commercial cardboard recycling throughout the City. Based on observations, businesses are stacking cardboard to the side of waste bins which are then picked up by the third-party recycler. No additional information regarding the effectiveness and reliability of this program was found during Department staff's review.

Table 4 presents the approximate annual commercial diversion (recycling and green waste), reported by the hauler, from 2008 – November 2014.

Table 4

<i>Commercial Diversion by Year</i>	<i>Approximate Recovery Percentage (%)</i>
2014	0.44
2013	0.23
2012	0.05
2011	0.02
2010	0.04
2009	0.02
2008	0

Note: The City reports commercial diversion as a combination of transformation and collected recyclables. The above table only presents the diversion achieved through the collection of recyclables.

Multi-Family Diversion Efforts

According to the 2010 U.S. Census, the City's housing units in multi-unit structures is 32.1 percent, compared to the State average of 30.9 percent.

Based on data from the City, multi-family complexes are provided the option to participate in the recycling program. Department staff was not able to clearly discern what recyclables are acceptable; however, it appears that they are offering a commingled collection program.

According to the City, the hauler is servicing 473 total multi-family accounts of which 369 accounts fall outside of the MCR program. The level of service varies upon an account's needs. Curbside carts and two (2) to four (4) cubic yard waste bins were observed. The City's hauler reported a total of seven (7),

	<p>of the 473 multi-family accounts subscribe to recycling services.</p> <p><u>Residential Curbside Collection</u> At multi-family complexes that utilize curbside cart service, a 64-gallon cart is available. The ratio of waste carts to recycle carts observed was approximately 3:1. Recycle carts were observed to have significant contamination (25-30 percent). Waste carts contained both recyclables and green waste.</p> <p>Department staff observed waste loads at Innovative Waste Control to contain significant recyclables.</p> <p><i>Note: Due to the mixing of multi-family and residential loads, staff was unable to determine the total amount of recyclables directly associated with multi-family.</i></p> <p><u>Commercial Collection</u> At multi-family complexes that have commercial waste services, Department staff did not observe recycle bins or carts. Data provided by the City supports this finding. According to the City, there are 104 multi-family accounts subject to MCR, with zero (0) subscribing to recycling services.</p> <p>Commercial multi-family waste containers had significant levels of recyclables during staff site visits. Department staff observed up to 25 percent divertible materials in waste bins.</p> <p>When Department staff observed waste loads at Innovative Waste Control, 15-20 percent recyclables were observed.</p> <p><i>Note: Due to the mixing of multi-family and commercial loads, staff was unable to determine the total amount of recyclables directly associated with multi-family.</i></p>
<p><u>Construction and Demolition (C&D) Debris Diversion Program</u></p>	<p>The City passed a C&D ordinance (number 03-505) in 2007. Prior to issuance of a building permit, the ordinance requires applicants to submit a Waste Management Plan (WMP) to the City. The WMP requires a list of the C&D debris material types and the vendor or facility that will receive the materials in order to meet a 50 percent diversion requirement.</p> <p>Through Department staff's analysis, it was learned that the City does not provide any C&D debris diversion information to contractors that are applying for building permits. Additionally, the City does not have a sample/example WMP packet to hand out to contractors. Department staff requested examples of submitted, approved and/or completed WMPs; however, as of preparation of this report, they have not been received.</p> <p>The City's Planning Department reported that they are not collecting the WMP</p>

	<p>as part of the permit application packet, nor are they receiving the final report(s) required to verify achievement of the 50 percent diversion requirement.</p> <p>Through staff's investigation, it was learned that the Los Angeles Unified School District (LAUSD) has a major C&D project within the City. LAUSD utilizes Republic Services for disposal of C&D debris. Republic Services takes all C&D debris material to Falcon Refuse Center where recyclable materials are diverted from disposal. LAUSD's contractor has reported that they estimate a 95 percent diversion rate from the demolition that has occurred to date. There is no active demolition taking place, so no recent documentation of diversion is available; however, the contractor has stated that if information from past diversion were needed it could be provided.</p>
<p><u>Green Waste Diversion Program</u></p>	<p>A green waste program is reported in the Electronic Annual Report (EAR); however, Department staff was not able to determine if participation is mandatory or voluntary.</p> <p><u>Residential Collection</u> Staff observed this program; however, when asked, the City did not provide data to clarify the level of participation.</p> <p>Department staff learned that in some instances the hauler provided collection carts; however, the majority of residents have purchased and use their own 32-gallon cans. Green waste is collected weekly. Through field observations, average set-out rate for green waste was approximately 30 percent.</p> <p>Department staff was not able to clearly discern what materials are accepted, due to the lack of information from the City; however, based on observations and talking with drivers and facility operators, materials that appear to be accepted are grass, leaves, and small branches. Green waste loads observed had 5-10 percent contamination.</p> <p>Department staff observed green waste being disposed within waste carts. Additionally, approximately 10-15 percent green waste was observed in waste loads at the Bel-Art transfer station. Department staff also observed overflowing green waste cans that were set out for curbside collection.</p> <p><u>Commercial Collection</u> Staff was unable to discern the level of implementation for the City's commercial green waste program. When asked, the City did not provide data or documentation to clarify the level of participation or implementation.</p> <p>Department staff did observe some commercial collection bins throughout the City; however, staff was not able to clearly discern what materials are accepted. Based on what was observed and talking with drivers and facility operators, materials that appear to be accepted are grass, leaves, and small branches. Green waste loads observed had approximately 10 percent contamination.</p>

	<p>Department staff observed green waste being disposed within commercial bins but was unable to determine the source of generation that disposed of it. Approximately 10-15 percent green waste was observed in waste loads at the transfer station.</p> <p>Department staff attempted to evaluate the recycle efforts being taken by commercial landscapers. Based on information provided by the City and hauler, the closest transfer station, Innovative Waste Control, does not have a separate area for the diversion of self-hauled green waste. Despite Department staff's efforts, diversion and/or disposal of green waste by self-haulers was not evaluated.</p>
<p><u>Schools Diversion Program</u></p>	<p>Schools in the City are within the LAUSD and serviced by Republic Services. Based on data supplied by Republic Services, all classrooms have recycle cans. Department staff's observations of the centralized consolidation of recycle bins found high-value recyclables with little to no contamination. Observations of the waste bins found no significant levels of recyclables.</p>
<p><u>Government Diversion Program</u></p>	<p>Department staff observed recycling cans throughout the City offices; however, no centralized recycling bin could be found outside. City staff was unable to provide any information on how recyclables are handled other than directing Department staff to the janitorial service (JJ Properties). When Department staff contacted JJ Properties, it was discovered that they collect and dispose of the recyclable materials in the waste bin. JJ Properties also stated that if City Hall did have a recycle bin that JJ Properties staffers would be willing to place the proper materials in the appropriate bins.</p> <p>On subsequent field visits, Department staff observed an unmarked 3-yard bin which is similar in color to commercial recycle bins observed throughout the city; however, waste and recyclables were comingled by the janitorial service in this and all collection bins on-site. Staff also observed green waste in both bins at City Hall.</p> <p>The City contracts out tree trimming services with West Coast Arborists. Documentation provided by the contractor shows that tree trimmings from the City are diverted.</p> <p>The City reports that all major street repair projects are contracted out to Willdan Engineering. When Department staff contacted Willdan Engineering, documentation was provided that outlines the requirement to recycle materials from street repair projects. In summary, the contractor is required to:</p> <ul style="list-style-type: none"> • Prior to a project beginning, a "Construction and Demolition Waste Reduction and Recycling Plan" must be submitted to the City. • Willdan Engineering must verify that materials (asphalt, concrete, and

	<p>green waste) are recycled.</p> <ul style="list-style-type: none"> • When a project is completed, a final report must be provided to the City. The report must include all supporting documentation (e.g., weight tickets, etc.). <p>Department staff requested a copy of a report from a recently completed project. As of the preparation of this report, the documentation was not received.</p>
<p><u>Government Procurement</u></p>	<p>The City did supply a procurement policy, but the policy does not require or prescribe a preference for buying recycled content products.</p> <p>The City did not demonstrate to Department staff that products containing recycled content are part of the City's preferred purchasing practices.</p>
<p><u>Outreach and Education</u></p>	<p>Both the City and City's hauler produce and distribute newsletters. Both the City and hauler's newsletters are written and distributed in both Spanish and English.</p> <p><u>City of Maywood's Newsletter</u> The City has a bi-monthly newsletter called "Maywood Today." Based on discussions with City staff and reviews of the newsletter, it was learned that seasonal recycling and diversion topics are presented. Topics include: mandatory commercial recycling, household hazardous waste, e-waste, and Christmas tree recycling. In many instances, the topics are only included once a year.</p> <p>Staff's review of the newsletter found that the City is not providing any information addressing the residential recycling program. No information or pictures were provided to explain what materials are acceptable and unacceptable, nor was there information on the proper cart(s) to place materials in.</p> <p><u>Consolidated Disposal Services (CDS) Newsletter</u> The hauler distributes a quarterly newsletter to both the residential and commercial sectors. The residential newsletter includes information relating to bulky waste pickups, household hazardous waste, special event recycling (Christmas trees), and interesting stories related to waste and recycling. Based on the documentation supplied, Department staff was not able to identify any information provided to the public on materials that are acceptable within the corresponding carts for recyclables and green waste. According to documentation supplied by the City and hauler, the information is the same for both residential and commercial accounts.</p> <p>In September 2014, the hauler distributed a letter targeted to all commercial and</p>

multi-family accounts that fall under MCR. The letter provided information on California's MCR law and efforts the City of Maywood was taking to implement the law. The letter urged business owners and owners/managers of multi-family complexes to contact CDS to comply with the law and implement a recycling program at their place of business.

Los Angeles Unified School District Education Efforts

The LAUSD oversees and implements an extensive outreach and education campaign to the schools within the City. This campaign includes: A robot ("MRFy") that is used at assemblies to promote recycling; in-classroom containers, which lists materials on the recycle cans that are acceptable to be placed in those containers; an End-of-Year Recycling Contest to promote recycling when cleaning out classrooms before summer; and, a recycling game that is used at lunchtime and at parent/teacher workshops which aims to increase awareness to identify materials to recycle and the proper cans for collection. Also, stickers are on all recycling bins to educate and inform janitorial staff what items are acceptable in the recycle bins.

Communication and Notification History

On March 25, 2013, LAMD notified the City that an independent review of the City's waste management programs was necessary (Attachment 1).

On April 3, 2013, Department staff initiated the 60-day conferring process required by PRC Section 41825 (Attachment 2).

On July 17, 2015, the Department mailed a 30-Day Notice letter to the Mayor and City Manager, informing the City of the date, time, and location that the Department will hold a public hearing to consider issuing a Compliance Order (Attachment 4).

Findings

Department staff found that several of the City's key diversion programs have not maximized their effectiveness. Due to a lack of communication from the City, it is unclear how extensive the program gaps are, and what efforts have been made to address low recovery. The information and observations that Department staff was able to collect demonstrate gaps or weaknesses in the City's diversion programs, including, but not limited to:

- Residential Curbside Recycling program
- Mandatory Commercial Recycling program
- Commercial diversion (including the multi-family diversion efforts)
- Construction and Demolition Debris Diversion program
- Government diversion
- Government procurement
- Education and outreach efforts related to these and all other City programs and efforts

The City's green waste diversion program merits further investigation to determine the full extent

to which the green waste diversion program has been implemented and how green waste is impacting overall diversion within the City.

Department staff also reviewed the City's per capita disposal rate. The City's per capita disposal or disposal target is 3.4 pounds per person per day. From 2007 to 2014, the City's per capita disposal ranged from 3.0 pounds per person per day to 3.6 pounds per person per day. For a more detailed breakdown of the City's per capita disposal from 2007 to 2014 refer to Table 1. Department staff used the per capita disposal as an indicator in evaluating program implementation, but staff's evaluation focused on the implementation of the City's diversion programs.

Transformation is part of the City's source reduction and recycling plan and has been a significant factor in the City achieving the per capita disposal target of 3.4 pounds per person per day. According to PRC 41783(2), the transformation project must use front-end methods or programs to remove all recyclable materials from the waste stream prior to transformation to the maximum extent feasible.

Department staff believes the City 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 the City of Maywood has not adequately implemented its SRRE, and approve the attached Compliance Order as written.

The proposed Compliance Order CO 015-001 (Attachment 5) includes the following conditions and implementation schedule:

- The City 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 City shall develop and submit to the Department a fully executed LIP by November 16, 2015.
- The City will fully implement the programs in the LIP by December 31, 2016.
- A monitoring/"oversight" period of one year (January 1, 2017 through January 1, 2018). The Department uses this time to ensure the City's continued implementation of the programs identified in the LIP.
- The City will submit quarterly status reports based on the calendar year. These status reports shall use the Department's electronic, quarterly reporting format. The City 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 City has complied with all of the conditions of the Compliance Order.

The Compliance Order specifies that failure by the City (City of Maywood) 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 City complies with the Compliance Order ahead of schedule.

VI. ATTACHMENTS

1. March 25, 2013 Notification that an Independent Review of the City of Maywood's Waste Management Programs was Necessary
2. April 3, 2013 Notification Initiating the 60-Day Conferring Process Required by PRC Section 41825(c)
3. Photo Report for the City of Maywood
4. July 17, 2015 30-Day Notice of Intent to Issue the City of Maywood a Compliance Order
5. Proposed Compliance Order CO 015-001
6. Request for Action for Consideration of the Issuance of Compliance Order CO 015-001 to the City of Maywood

VII. STAFF RESPONSIBLE FOR ITEM PREPARATION

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