

Overview of the CalRecycle Review Process for Compliance with AB 341 and AB 1826

February 15, 2018



County of Los Angeles
Department of Public Works

Key topics

- CalRecycle's Statutory Authority
- Summary of the Local Assistance and Market Development (LAMD) Review Process
- Review and Compliance Orders PRC Section 41825
 - Jurisdiction Compliance Unit (JCU)
- Good Faith Effort and Factors Considered
- Compliance Order and Schedule
- Public Hearing Notices on CalRecycle's Website

Statutory Authority

- ❑ AB 341 and AB 1826 authorize CalRecycle to conduct reviews of jurisdictions' mandatory commercial recycling (MCR) programs and mandatory commercial organics recycling programs at any time in addition to the regular two to four year review cycle.
- ❑ In January 2017, the Director of CalRecycle sent a memo to Jurisdiction's Elected Officials and Recycling Coordinators outlining how CalRecycle plans to exercise its statutory authority to review jurisdictions' MCR and mandatory commercial organics recycling programs more frequently as needed.

Jurisdiction Review by Local Assistance and Market Development (LAMD)

LAMD staff conducts a 4 year Jurisdiction Review to determine if the jurisdiction:

- 1) Met reporting requirements because:
 - it has adequately implemented its diversion programs and has achieved the diversion requirement, including MCR; or
 - while it has not achieved the diversion requirement, it has made a good faith effort to implement diversion programs; or
- 2) Failed to implement its Source Reduction and Recycling Element (SRRE) and Household Hazardous Waste Element (HHWE) programs.

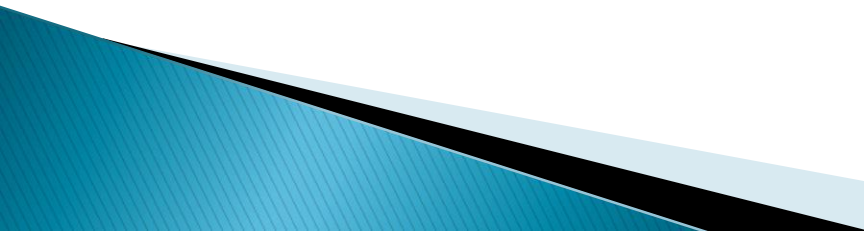
Jurisdiction Review by Local Assistance and Market Development (LAMD)

The sources of information available to CalRecycle for evaluation of a jurisdiction's waste diversion performance include, but are not limited to:

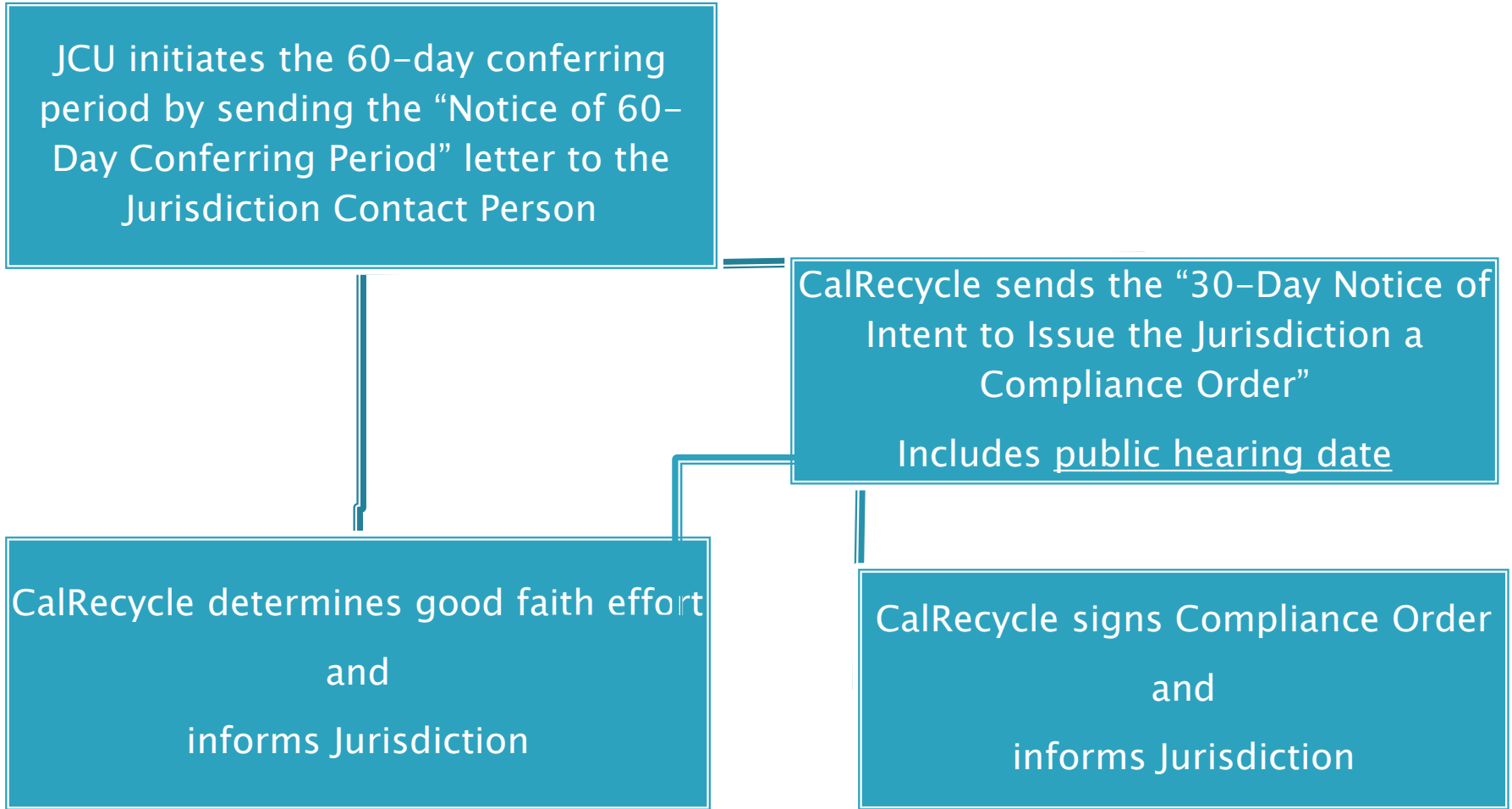
- Annual reports
- Site visits
- Source Reduction Recycling Element and Household Hazardous Waste Element
- Agenda items from previous years
- Disposal reporting information and information from haulers' reports
- Petitions for time extensions or reduced diversion requirements
- CalRecycle correspondence

Jurisdiction Review by Local Assistance and Market Development (LAMD)

LAMD:

- ❑ Determines if responses from the Jurisdiction are adequate.
 - ❑ Refers inadequate responses to the Jurisdiction Compliance Unit (JCU) for consideration of a Compliance Order.
 - ❑ Notifies the Jurisdiction's Annual Report Contact Person that an independent review of the Jurisdiction's commercial waste management program is necessary.
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Review and Compliance Orders PRC Section 41825



Jurisdiction Compliance Unit (JCU)

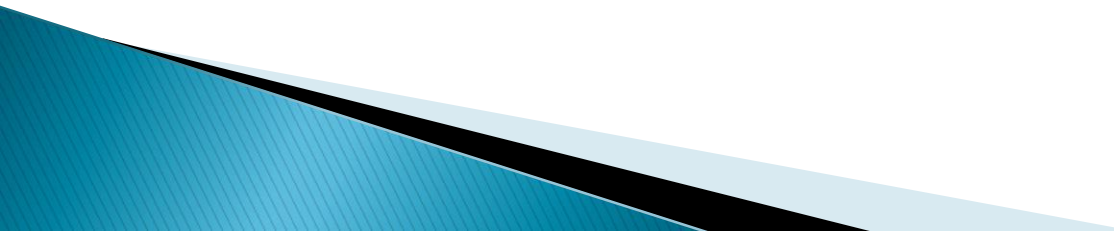
JCU staff:

- ❑ Conducts an independent review (includes site visits).
- ❑ Prepares a staff report which includes an analysis of various factors per PRC section 42649.3.
- ❑ Signs a Request for Action which recommends either the Jurisdiction:
 - ❑ Complied with the MCR law.
 - ❑ Made a good faith effort to comply with the MCR law.
 - ❑ Did not make a “good faith effort” to comply with the MCR law and recommends issuance of a Compliance Order.

Good Faith Effort

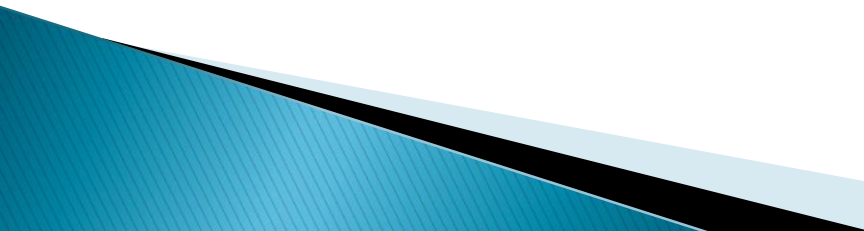
- ❑ Generally, “good faith effort” means all reasonable and feasible efforts by a jurisdiction to implement its MCR program.
- ❑ The evaluation of good faith includes, but is not limited to, the factors found in PRC section 42649.3

Evaluation Factors

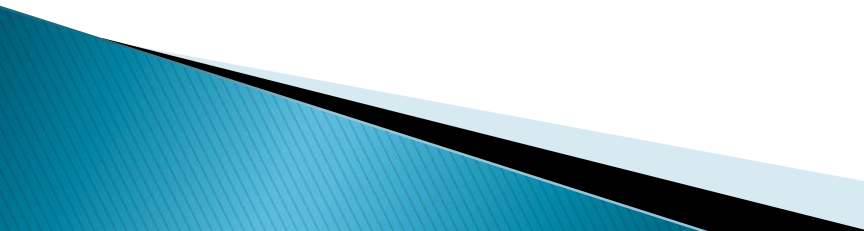
- ❑ Extent to which businesses have complied with reporting information on amount of disposal being diverted and the number of businesses that are subscribing to service.
 - ❑ The extent to which the jurisdiction is conducting education and outreach.
 - ❑ The extent to which the jurisdiction is monitoring businesses, and notifying those businesses that are out of compliance.
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Examples

The Jurisdiction:

- ❑ Has a low commercial recycling rate.
 - ❑ Did not implement procedures to ensure the haulers are reporting required information on an annual basis.
 - ❑ Did not adequately demonstrate monitoring and educational outreach activities during the review period.
 - ❑ Did not receive responses from all of its haulers to provide MCR numeric information or information reported was inconsistent.
 - ❑ Failed to provide documentation that they informed businesses not recycling what the law is and how they can recycle.
 - ❑ Did not track or ask their haulers to report on their follow up efforts to have non-compliant businesses recycle.
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Compliance Order and Schedule

- ❑ The Compliance Order includes specific steps for the local agency or regional agency to complete, including program changes and new programs.
 - ❑ The JCU and LAMD staff work with the jurisdiction to develop a Local Implementation Plan (LIP).
 - ❑ The LIP identifies the specific programs and timelines for implementing the specified programs.
 - ❑ A jurisdiction which fails to comply with a CalRecycle Compliance Order may be **fined up to \$10,000** per day until it implements its SRRE and HHWE and complies with the Act.
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Jurisdictions Reviewed

Jurisdiction	1st notice	60-Day	30-Day	Public Hearing	Signed Compliance Order	Memorandum - finding of good faith effort		
City of Commerce	March 22, 2017	March 30, 2017			December 28, 2017			
City of Colton	March 24, 2017				October 13, 2017	November 16, 2017		January 18, 2018
City of Ripon	March 30, 2017						November 22, 2017	
City of Oakdale	March 24, 2017				<i>Pending</i>			
Unicorp. County of Merced	March 30, 2017			November 8, 2017	December 11, 2017			
						December 12, 2017		

Questions?

