

**DELEGATION ORDER
DELEGATION OF AUTHORITY**

I, Scott Smithline, am the Director of the Department of Resources Recycling and Recovery (CalRecycle). As Director of CalRecycle, I am empowered to take and approve a number of actions.

As further detailed below, I hereby delegate the identified decisions to the staff holding the specified CalRecycle positions.

The Chief Deputy Director may take any actions that I am authorized to take.

With regard to **Procurement, Contracts, Grants, Payment Programs and Loans**, the Deputy Director for the Administration, Finance & Information Technology Services Division may take action on the following:

- Execute all necessary agreements.

The Assistant Directors and the Deputy Directors for the appropriate Department Offices and Divisions may take action on the following, in consultation with the Legal Office:

- Scope of Work (SOW) and Contract Approval
- Reallocations of Contract Funding Within the Division or Office
- Grant Criteria/Scoring process
- Appeals of Criteria
- Grant Policy Decisions
- Grant Audit Appeals

The Branch Chief of the Branch administering a particular Contract may take the following action:

- At his or her sole discretion, refuse to provide funds to pay for unapproved work or costs, for any Contract which provides that if the contractor fails to obtain prior written approval for any changes or modifications to the Work Plan, approved project or the Budget prior to performing the changed work or incurring the changed cost

The Branch Chief of the Financial Resources Management Branch may take the following action:

- At his or her sole discretion, refuse to provide funds to pay for unapproved work or costs, for any Grant Agreement which provides that if the grantee fails to obtain prior written approval for any changes or modifications to the Work Plan, approved project or the Budget prior to performing the changed work or incurring the changed cost
- Appeals for Grant Eligibility Disqualification

With regard to **Solid Waste and Waste Tire Permitting and Registration and Local Enforcement Agency Support (LEA or EA)**, the Deputy Director for the Waste Permitting, Compliance & Mitigation Division may take action on the following:

- Issuance of a Waste Tire Hauler Registration

The Branch Chief for the Permitting & Assistance Branch may take action on the following:

- New and Revised Solid Waste Facilities Permits
- Temporary Permits
- CEQA adoption or Certification, CEQA findings as lead and responsible agency for new and revised Solid Waste Facility Permits
- EA new, revised and standardized permits

The Branch Chief for the Permitting & Assistance Branch may take action on the following:

- Modified Solid Waste Facilities Permits
- CEQA adoption or Certification, CEQA findings as lead and responsible agency for Waste Tire Facility Permits and Modified Solid waste Facility Permits
- EA Registration permit
- EA Modified permit
- Issuance or Denial of Minor and Major Waste Tire Facility Permits
- Rejection of Minor and Major Waste Tire Facility Permit Applications
- Local Enforcement Agency (LEA) Asbestos Program Authorizations
- Research Demonstration & Development (RD&D) Permits
- Review all EA emergency waiver of standards approvals
- Condition, Limit, Suspend, or Terminate Emergency Waiver of Standards Due to Public Health and Safety, or Environment
- Condition, Limit, Suspend, or Terminate Emergency Waiver of Standards Due to Non-use of Identified Waste Diversion Programs
- Report on emergency waiver of standards
- Closure and PostClosure Maintenance Plans (including postclosure land uses) for active sites
- Closure Certification Reports for active sites
- Corrective Action Plans and cost estimates for active sites
- Landfill Gas Plans
- Landfill Gas Plan Extensions
- Subtitle D Regulation of Closure Alternatives
- Less than 20 tons/day Municipal Solid Waste Landfill alternatives (including cover and gas)
- Alternative Daily Cover Demonstration Projects and Final Report Approvals
- Approve Disposal of Waste Tires at Solid Waste Facilities pursuant to 14 CCR 17355
- Determinations under 14 CCR 17346(f) regarding beneficial use of tires

With regard to **Financial Assurances**, the Branch Chief for the Permitting & Assistance Branch may take action on the following:

- Financial Assurance and Operating Liability Mechanisms Approvals, Release Approvals, and Disbursement Approvals

With regard to **Waste Evaluation and Enforcement**, the Deputy Director for the Waste Permitting, Compliance & Mitigation Division may take action on the following:

- Place jurisdiction on compliance order
- Modifications to jurisdiction compliance order
- Jurisdiction penalty hearing
- State agency non-compliance notification
- Rigid plastic packaging container penalties
- Stipulated agreements on tire cases, rigid plastic packaging containers
- Hearing on LEA failure to take enforcement action at a site
- LEA decertification for failure to perform
- Compliance with PRC 50001
- Condition, Limit, Suspend, or Terminate Stipulated Agreement Orders Due to Public Health and Safety, or Environment

The Branch Chief for the Waste Evaluation & Enforcement Branch may take action on the following:

- Completion of jurisdiction compliance order
- Plastic trash bag recycled content exemption requests
- Plastic trash bag compliant and noncompliant lists
- To impose penalties for Newsprint certification violations
- Waste Tire Enforcement streamlined penalties
- LEA certification and designation
- Approval of extension of LEA-issued compliance schedule final compliance date beyond two years
- Authorize, sign and issue Administrative Notices and Orders, Corrective Action, or Other Compliance and Enforcement Actions
- To revoke or suspend a waste tire permit
- To temporarily suspend a waste tire permit
- To deny an application for waste tire hauler registration

With regard to activities performed in jurisdictions where **CalRecycle is acting as the Enforcement Agency**, the Deputy Director for the Waste Permitting, Compliance & Mitigation Division may take action on the following:

- Clean Closures for inactive sites

- Closure and Post-Closure Maintenance Plans (including postclosure land uses) Landfill Gas Plans for inactive sites
- Landfill Gas Plan Extensions
- Subtitle D Regulation of Closure Alternatives
- Authorize, sign and issue Administrative Notices and Orders, Corrective Action, or Other Compliance and Enforcement Actions
- Alternative Daily Cover Demonstration Projects and Final Report Approvals

For closing and closed sites, with regard to reviewing engineering documents, transmitting Engineering Services Branch's finding/determinations for engineering document reviews, and updated permits to reflect closure, the Branch Chief of the Engineering Services Branch may take action on the following, except for those jurisdictions where CalRecycle is serving as the enforcement agency:

- Closure and Post-Closure Maintenance Plans (including postclosure land uses)
- Closure Certification Reports
- Corrective Action Plans and Cost Estimates

With regard to **Disaster Response and Emergency Management**, the Deputy Director for the Waste Permitting, Compliance & Mitigation Division may take action on the following:

- Enter into agreements with federal, state, or local entities for the obligation of funds, the allocation of staff resources, and related activities in response to proclaimed emergencies, in consultation with the Administration, Finance & Information Technology Services Division.

With regard to **Clean-up and Closure**, the Deputy Director for the Waste Permitting, Compliance & Mitigation Division may take action on the following:

- CEQA Compliance for Solid Waste and Tire Cleanup Program's Department-managed Projects
- Solid Waste and Tire Cleanup Program's Department-managed Project Approval
- Solid Waste and Tire Cleanup Program's Grant and Loan Project Approval
- Solid Waste and Tire Cleanup Program's Grant Extensions
- Authorize, Sign and Issue Administrative Notices and Orders, Corrective Action, Other Enforcement and Compliance Actions

With regard to **Beverage Container Recycling**, the Deputy Director for the Division of Recycling may take action on the following:

- New and renewed recycling processing, dropoff and collection programs certification [Processor (PR), Recycling Center (RC), Curbside (CS), Drop-off and Collection Program (CP) and Community Service Program (SP)]
- Termination of probationary certification of PR, RC, CS, CP and SP
- Revocation of a permanent certification of PR, RC, CS, CP and SP
- Issuance of Requirement to Submit Net Cost Reports

The Branch Manager for the Recycling Program Certification Branch may take action on the following:

- Notice to Beverage Manufacturer and Distributor (BM/DS) of California Redemption Value (CRV) and Processing Fee (PF) rate changes and updates
- Approval or denial of BM/DS to report and pay CRV and or PF annually instead of monthly

The Branch Chief for the Recycling Program Enforcement Branch may take action on the following:

- To deny payment of Quality Incentive Payments to recyclers based upon past history of noncompliance and/or enforcement action
- Approve submission of recommendations to the CalRecycle Legal Office and/or Beverage Container Recycling Certification & Registration Branch for revocation, termination and suspension of program certification/registration, based upon documented past history of noncompliance, prior enforcement and/or administrative action.
- Authorize, sign and issue notices to program participants regarding enforcement and compliance actions, including:
 - Approve submission of recommendations to the Beverage Container Recycling Program Certification & Registration Branch for extension of probationary status of program Certification/Registration which is further delegated to Recycling Program Enforcement Branch Supervisors.
 - Findings/demand letters for civil penalties or restitution which is further delegated to the Investigations Manager and Recycling Program Enforcement Branch Supervisors.
 - Notices of Noncompliance and Notices of Violations (fines) for violations found during/as a result of investigations and/or inspection which is further delegated to the responsible Recycling Program Enforcement Branch Supervisor.
 - Approval or denial of Authorizations to Cancel which is further delegated to the Investigations Supervisor.
 - Notice to participants of Prepayment Controls Status which is further delegated to the Investigations Supervisor.

- Authorize and sign legal accusations which are supported by investigation, inspection, and probationary review cases developed in the Recycling Program Enforcement Branch. The legal accusations are prepared by Staff Counsels in the CalRecycle Legal Office, under the direction of the Supervising Staff Counsel.

With regard to **Used Oil**, the Deputy Director for the Materials Management & Local Assistance Division may take action on the following:

- Cancel used oil center certification
- Deny used oil center certification
- Hear appeal of used oil incentive claim denial
- Impose penalty for used oil center reporting or fraud violation

With regard to the **RMDZ program**, the Deputy Director for the Materials Management & Local Assistance Division may take action on the following:

- RMDZ Zone Expansions
- Appoint and Reappoint members of the Department's RMDZ Loan Committee

With regard to the **Loans Unit**, the Deputy Director for the Materials Management & Local Assistance Division may take action on the following:

- Loan Program Eligibility Criteria/Scoring Process
- Loan Awards

The Branch Chief for the Financial Resources Management Branch may take action on the following:

- Loan Settlement Agreements, as long as the amount of payment is \$1,000,000 or less and the amount of reduction in the payment is \$1,000,000 or less
- Loan modifications (complicated ones with lower interest rate or terms longer than 15 years)
- Disposition of Collateral for Defaulted Loans

The Senior Supervisor for the Financial Resources Management Branch Loans Unit may take action on the following

- Loan modifications (less complicated)
- Loan extension of commitment period for new loans
- Appoint and reappoint members of the Department's Loan Committee
- Loan documentation
- Loan Notice of Loan Default
- Loan Commitment Letters
- Loan Credit Presentations and Amendments
- Loan Appeal Response Letters
- Loan collateral documents: Substitution of Trustee and Deed of Reconveyance, Subordination Agreement, Bill of Sale, and similar documents

The Supervisor for the Financial Resources Management Branch Loans Underwriting Group may take action on the following:

- Loan decline Letters
- Loan funding disbursement from escrow to vendors

The Branch Chief for the Local Assistance & Market Development Branch may take action on the following:

- Zone Designation and Re-Designation Cycle (including Initiation and Approval of Cycles, Approval of Individual Designations/Re-Designations)

With regard to **Jurisdiction and State Agency Program/Plan Reviews**, the Deputy Director for the Materials Management & Local Assistance Division may take action on the following:

- Regional Agency Formations/Additions/Removals
- State Agency Biennial Review
- Biennial Reviews for Source Reduction and Recycling Elements (SRREs) and Household Hazardous Waste Elements (HHWEs)
- To approve a new petition, revise or revoke a Petition for Reduction in diversion requirements (18794.5), handled in conjunction with Biennial or Quadrennial reviews
- To revise or revoke Petition for Reduction in diversion requirements

The Branch Chief for the Local Assistance & Market Development Branch may take action on the following:

- New Base Year and Waste Gen Studies
- Extensions for Newly Incorporated Cities
- NDFE, SRRE, HHWE Amendments
- 5-Year Reviews
- Countywide Integrated Waste Management Plans
- Countywide Siting Element Amendments
- Planning Document approvals for new cities or cities leaving a regional agency

With regard to the **E-Waste Program**, the Branch Manager for the E-Waste Branch may take action on the following:

- Negotiation and authorization of stipulated/settlement agreements with various program participants regarding appeals of denied or adjusted recycling payment claims as long as the amount of payment is less than \$1,000,000
- Approve recovery and recycling claims, whether for full or adjusted claims, that have been examined for completeness and regulatory compliance and which are undisputed
- Request Annual Net Cost Reports from Collectors and Recyclers

With regard to **Audits of payers or recipients of monies received or distributed** pursuant to any provision of law administered by CalRecycle, the Chief Deputy Director or the Chief of the Office of Audits may take action on the following:

- Develop and approve audit plans, including goals documentation, risk management strategies and policies, and out-of-state audits (not including necessary out-of-state travel approvals)
- Approve audit findings and demand letters
- Approve penalty and interest calculations
- Approve or deny payment plan proposals
- Authorize and sign legal accusations associated with findings developed by the Audits Division and submitted to CalRecycle Legal Office for review/approval

With regard to **Rate Calculations and Statistical Reporting**, the Assistant Director for Policy Development and Analysis Office may take action on the following:

- Approve calculation results for any of the various rates and calculations performed by, or under contract for, CalRecycle's Office of Audits
- Approve transmittal/communication to the public of any rates, calculations, or projections prepared by CalRecycle's Office of Audits, subject to applicable CalRecycle policies for Public Affairs Office review and approval

With regard to **Informal Administrative Hearings**, the following Assistant and Deputy Directors and Branch Chiefs: Ken DaRosa, Howard Levenson, Tom Estes, John Halligan, Mark De Bie, Michelle Martin, Brenda Smyth, Cara Morgan, George Donkor, Mike Miller, Georgianne Turner, and all Staff Counsel employed by CalRecycle are granted concurrent authority to act on and issue final decisions for the following:

- Hear appeals taken from certification decisions
- To determine probable cause that a supermarket site has engaged in unfair and predatory pricing and to conduct informal hearings
- To conduct informal hearings regarding appeals of Enforcement Agency actions where the CalRecycle is the Enforcement Agency
- To conduct informal hearings to place a jurisdiction on a Compliance Order for failure to comply with the Diversion Requirements and to impose penalties on a jurisdiction for failure to implement a Compliance Order
- To conduct informal hearings to impose penalties for failure to comply with the Rigid Plastic Packaging Container Law
- To conduct informal hearings to impose penalties for failure to comply with the Newsprint Certification Law
- To conduct informal hearings to fully or partially decertify Local Enforcement Agencies
- To conduct informal hearings regarding Waste Tire Facilities and Waste Tire Haulers
- To conduct informal hearings to approve, revise or revoke a Petition for Reduction in Diversion Requirements
- To conduct informal hearings to approve or disapprove Countywide Integrated Waste Management Plans

- To conduct informal hearings on Biennial Reviews of Source Reduction and Recycling Elements and Household Hazardous Waste Elements
- To conduct informal hearings to Electronic Waste Appeals of Claim Adjustments and Revocations
- To conduct hearings for appeals pursuant to Public Resources Code section 45030
- To conduct hearings on LEA Decertifications

With regard to **Final Decisions made after Administrative Hearings conducted before the Office of Administrative Hearings**, authority is granted as follows:

- The Deputy Directors may adopt the final decision for hearings concerning requirements within the responsibilities of their respective Divisions, except that the final decision on following matters shall be adopted by the Director:
 - Matters involving monetary claims of more than \$1,000,000;
 - Matters involving significant and/or controversial interpretations or applications of the Department's statutes, regulations or policies; and,
 - Matters involving penalties of more than \$1,000,000.

With regard to **Issuance of Subpoenas** pursuant to Government Code sections 11181 and 11182, all staff counsel employed by CalRecycle, who are licensed to practice law, are authorized to issue subpoenas for the attendance of witnesses and the production of documents relating to any investigation, hearing or other inquiry with the jurisdiction of CalRecycle.

With regard to **Regulations**, the Chief Counsel and the Assistant and Deputy Directors for the appropriate Department Offices and Divisions may:

- Sign the Form 400 for submission of proposed regulations for approval

The Chief Counsel and the Deputy Director for the Administration, Finance & Information Technology Services Division may:

- Sign the Form 399 for the Economic Analysis of proposed regulations
- Sign the Standardized Regulatory Impact Assessment (SRIA) for major regulations

With regard to **Administrative and Civil Litigation Settlements**, the Assistant and Deputy Directors for the appropriate Department Offices and Divisions may negotiate and authorize stipulated/settlement agreements with various program participants for payment of restitution, civil penalties, and/or interest associated with Investigation or Inspection, as long as the amount of the payment is \$1,000,000 or less, and the amount of reduction in the payment for the purposes of settlement is \$1,000,000 or less.

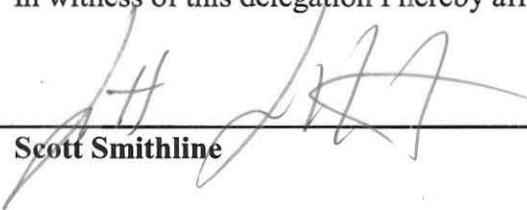
With regard to **Offers In Compromise** from an entity that is no longer in business pursuant to Gov Code 11415.60 and the discharge of accountability may be approved based on the balance of the accounts receivable as follows:

- \$0-\$250 by the Cash Management Unit Supervisor
- \$251-\$5,000 by the Accounting Section Manager
- \$5,000-500,000 by the Branch Chief of Fiscal Services

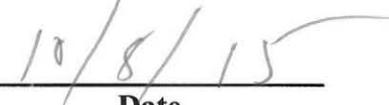
- \$500,000-\$1,000,000 by the Deputy Director for the Administration, Finance & Information Technology Services Division

This delegation shall be effective until revoked in writing and supersedes any previous delegations for CalRecycle.

In witness of this delegation I hereby affix my signature to this delegation order.



Scott Smithline



Date