

REQUEST FOR APPROVAL

To: Howard Levenson
Deputy Director

From: Cara Morgan
Branch Chief

Request Date: March 11, 2013

Decision Subject: 2007-2011 Jurisdiction Review Findings For The Source Reduction And Recycle Element And Household Hazardous Waste Element For Mono County: Town of Mammoth Lakes

Action By: April 16, 2013

Summary of Request:

A key component in maintaining the success of AB 939, the Integrated Waste Management Act of 1989, is CalRecycle's role in overseeing how well cities and counties are implementing the diversion programs that they each have selected as a part of their Source Reduction and Recycling Element (SRRE) and Household Hazardous Waste Element (HHWE). This Request for Approval addresses the Town of Mammoth Lakes' Jurisdiction Review for 2007-2011. In 2011, Local Assistance and Market Development (LAMD) staff reviewed the Town's programs and found significant diversion program gaps in the areas of residential and multi-family recycling programs, C&D diversion, commercial recycling programs, and government sector programs. As a result of this finding, in 2011 the Town was forwarded to CalRecycle's Jurisdiction and Product Compliance Unit (JPCU) for further investigation. LAMD staff informed the Town at that time of the program gaps, that it was to be reviewed independently by JPCU, and that the Town could avoid a Compliance Order if the program gaps were addressed. During the time of JPCU's review, the Town demonstrated that it was able to address the program gaps by expanding and implementing new diversion programs.

Recommendation:

Because the Town has addressed its diversion program gaps, staff has determined that the Town of Mammoth Lakes has made all reasonable and feasible efforts to implement diversion programs, and recommends approval of its compliance with AB 939 requirements for implementation of its SRRE and HHWE programs, as required by Public Resources Code Sections 41780 and 41825, respectively.

Deputy Director Action:

On the basis of the information and analysis in this Request for Action and the findings set out above, I hereby approve the Jurisdiction Review findings for 2007-2011 for the Town of Mammoth Lakes.

Dated: _____

Howard Levenson, Deputy Director
Materials Management and Local Assistance Division

Attachments: The attachments to this Request for Approval contain summaries of the information that staff used for the evaluation:

- 1a. Jurisdiction Disposal Rate Trend -- provides a five year trend of the 50% equivalent per capita disposal target and annual per capita rate.
- 1b. Jurisdiction Program Summary Report -- contains a SRRE and HHWE diversion program listing.

Background Information

A key component in maintaining the success of AB 939, the Integrated Waste Management Act of 1989, is CalRecycle's role in overseeing how well cities and counties are implementing the diversion programs that they each have selected as part of their Source Reduction and Recycling Element (SRRE) and Household Hazardous Waste Element (HHWE). Public Resources Code (PRC) Section 41825 specifies that CalRecycle periodically and independently review each jurisdiction's progress in implementing its programs and in meeting the AB 939 diversion requirement and that CalRecycle make a finding of whether each jurisdiction was in compliance with PRC Section 41780 during the review period.

As a result of its review, CalRecycle may find that a jurisdiction:

- 1) Has adequately implemented its diversion programs and has achieved the diversion requirement;
- 2) Has not achieved the diversion requirement, but has made a good faith effort to implement diversion programs; or,
- 3) 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.

Senate Bill 1016 (Statutes of 2008, Chapter 343) amended the PRC Sections 41825 and 41850. As a result of this legislation, the 50 percent diversion requirement is now measured in terms of per-capita disposal expressed as pounds per person per day. SB 1016's new per capita disposal and goal measurement system codified how the previous California Integrated Waste Management Board and now CalRecycle utilize the number as an indicator of program performance along with its evaluation of program implementation, instead of using estimated diversion rates or per capita disposal as the determinative factor for compliance.

Staff's analysis of program implementation is based upon the Countywide Integrated Waste Management Plan Enforcement Policy Part II, originally adopted (by CalRecycle's predecessor, the California Integrated Waste Management Board) in August 2001 and revised, pursuant to SB 1016, in June 2010. Staff utilizes the criteria delineated in the Enforcement Policy to determine the extent to which a jurisdiction has implemented, or has shown a good faith effort to implement, its selected diversion programs. For those jurisdictions that did not meet their per-capita disposal requirement, staff evaluates their program implementation to determine if they have made a good faith effort to implement the programs selected in their SRRE. The scenarios in the Enforcement Policy Part II provide illustrative criteria to serve as examples of the issues that staff utilizes in examining local jurisdiction program implementation.

If the Local Assistance and Market Development (LAMD) staff recommends a finding that a jurisdiction is not implementing its SRRE and/or HHWE programs, then that jurisdiction is referred to CalRecycle's Jurisdiction and Product Compliance Unit (JPCU) for a second independent evaluation. If warranted,

the JPCU then submits a separate Request for Approval recommending that the jurisdiction be placed on a compliance order. If the jurisdiction addresses the program deficiencies during the JPCU evaluation, then they can be recommended as being in compliance and avoid being placed on a Compliance Order.

In the case of Mammoth Lakes, LAMD staff referred the jurisdiction to JPCU on February 23, 2001. LAMD staff recognized that the Town has waste management challenges to overcome because it is a resort destination (and thus has a large transient population) and over 85 percent of residential waste is self-hauled to disposal facilities. However, LAMD staff identified program gaps in the following areas:

- Residential and Multi-family Recycling Programs: Lack of recycling containers, outreach efforts, and/or lack of data to determine program effectiveness.
- Commercial Recycling Program: Lack of recycling containers, mismatched labeling on containers, lack of data to determine program effectiveness.
- Government Sector Programs: Lack of data to determine program effectiveness.
- Construction and Demolition: Lack of a formal policy or ordinance and no tracking mechanism in place to determine effectiveness.

From February 2011 to February 2012, JPCU staff conducted a compliance investigation that involved a review of data from the Town, the Town's franchise hauler Mammoth Disposal (Parent Company: Waste Connections), and Sierra Conservation Project; and field visits on August 17, 2011, October 2, 2011, and February 5, 2012.

During the time of JPCU's review, the Town demonstrated that it was able to address the program gaps by expanding and implementing new diversion programs. The following is a summary of the improvements that were made during the time of JPCU's review:

- Commercial Recycling: The Town conducted the required activities to implement requirements of the Mandatory Commercial Recycling (MCR) regulations, including outreach and education via flyers and meetings with commercial and multifamily property owners/managers, and the placement of additional recycling bins to provide adequate infrastructure for the commercial recycling program.
- Residential and Multifamily Recycling Program: The Town utilized grant funds for bear proof recycling bins at multifamily complexes.
- Enforcement: Recycling bins that were being used for illegal dumping are now locked to prevent contamination of clean loads of cardboard. This enables select stores that generate large volumes of cardboard to keep their bins free of contamination and add value to the recycling stream.
- Promotion of CALGreen: The Town's recycling coordinator personally educates each contractor that applies for a permit to ensure that they are aware of the recycling requirements pursuant to CALGreen.
- Material Recovery Facility: The Town is progressing with the negotiations for the construction of a material recovery facility (MRF). Even though the Town has faced many challenges (such as financial limitations, staffing changes, implications to the solvency of the Mono County Benton Landfill, and necessity to amend its current franchise agreement to include MRF provisions), the Town continues to move forward with the plans to build a material recovery facility. The material recovery facility will have a C&D and commercial processing line.
- Drop-off Recycling Program: Previously the Town faced challenges with lack of frequent pick-ups at the drop-off recycling container in Town, and this resulted in large amounts of material being left adjacent to the drop-off container. To address this gap, the hauler has increased the number of pick-ups. On recent site visits, CalRecycle staff observed a clean drop-off container

and additional recycling containers throughout Town, as well as more consistent coloring of bins.

- **Government Sector Diversion Programs:** The Town has increased the number of governmental sites that participate in the recycling program. This includes the Town's parks and Federal Parks. Cardboard and paper are collected at these various facilities. The Town's largest park has also added CRV collection. City offices recycle cardboard and ink jet cartridges. The Town also partnered with its recycler and hauler to develop a junk mail recycling program at the US Postal Office. The Town also reuses grindings in its road projects.

While based on these improvements, JPCU staff concluded that the Town is undertaking all reasonable and feasible efforts to comply with state diversion mandates and address the aforementioned program gaps. At the same time, JPCU recommends that the following two programs continue to be monitored:

- 1) **Commercial (including multi-family) Recycling Program:** Continued education and outreach is needed to further enhance commercial recycling. Also, the Town needs to continue to assess if there are sufficient recycling bins. It is possible for this program to become less effective if the Town's plans are not fully implemented.
- 2) **Residential Recycling Program:** This program is currently working through the self-haul recycling and drop-off program. However, as the economy improves and vacant homes are occupied, the amount of recyclables will increase. Relying on residents to self-haul recyclables may prove to be ineffective. It is possible for this program to become less effective if the Town does not continue to monitor and improve this program.

The future of these two programs can have significant impacts on the Town's overall efforts to divert materials from disposal. To ensure that these two programs, as well as all of the City's SRRE programs, including the MRF and MCR outreach and education, are continuing to be implemented, LAMD staff will conduct the required annual site visit, as well as an interim review of the Town's recycling efforts towards the end of 2013.